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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—Monday, June 8, 2009

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 8, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

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

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

□ 1400

AFTER RECESS

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

PRAYER

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

Lord God, You are eternal, knowing all our days. Teach us how to discover the best use of our time.

Being here in Congress is a great opportunity to make a difference in the complexity of today's world. Help Members of the House of Representatives to make the very best decisions to strengthen our country and foster lasting stability at the fault-lines among nations.

May all who serve this noble institution by assisting this body of lawmakers seize the tasks at hand and accomplish their work with dedication and Your blessing.

This Nation relies on Your wisdom and love to guide us now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. OLSON led the Pledge of Allegiance as follows:

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

CAP-AND-TRADE TAXES AMERICAN FAMILIES

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

Mr. WILSON of South Carolina. Mr. Speaker, the Democrat leadership continues to push forward with their national energy tax.

Despite the financial pain this would place on American families, despite the

fact that this cap-and-trade scheme would have little or no impact on the global environment, despite the fact that we can achieve a cleaner energy future without taking more money from hardworking American families, our Democrat colleagues are intent on raising gas prices and home utility costs by more than \$3,000 on each family each year.

There is a better way to a clean energy future, and it begins with supporting an all-of-the-above strategy. I am grateful to be part of a bipartisan effort that would allow for the production of American oil and natural gas, invest in alternative sources, and promote conservation. The American Conservation and Clean Energy Independence Act is a plan for a stronger energy future, and it would not raise energy prices, taxes, or cost jobs.

In conclusion, God bless our troops, and we will never forget September the 11th.

IRAN ACCELERATES NUCLEAR PROGRAM

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

Mr. KIRK. Madam Speaker, on Friday, the International Atomic Energy Agency submitted a report on the Iranian nuclear program. After producing low-enriched uranium at a rate of 40 kilograms per month over a 21-month period, Iran has now increased its stockpile by 60 percent in just the last 6 months, doubling its rate to over 80 kilograms per month.

With 5,000 centrifuges now active, Iran is producing enough enriched uranium to produce two nuclear weapons per year, one for them, one for Hezbollah.

The IAEA now reports that Iran has denied inspectors access to the Arak heavy water reactor since August of 2008, where we suspect they will try to produce plutonium.

Mr. Moussavi, the leading candidate for President in Iran, told Der Spiegel,

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

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

I will not suspend uranium enrichment. On April 13 he said to the *Financial Times*, No one will stop suspension.

No matter who wins the Iranian elections on Friday, we know that the production of fissile material useful in this oil-producing country only for nuclear weapons is accelerating.

RECOGNIZING THE WORK OF UNIVERSITY OF ARKANSAS LIBRARIAN TONY STANKUS

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

Mr. BOOZMAN. Madam Speaker, Special Libraries Association members are celebrating the organization's centennial celebration. For 100 years, SLA has made it its mission to organize and connect information professionals and their strategic partners. Today I take great pride in recognizing the University of Arkansas' libraries and the resources that they have provided students, professors and researchers year after year. Behind these libraries are the very knowledgeable information professionals.

In particular, I would like to recognize Tony Stankus, a science librarian at the Mullins Library on the University of Arkansas campus. SLA named Tony and five others as a Fellow of the Special Libraries Association. Due to his reputation as a published librarian, Tony and his team were also chosen for the task of naming the top 100 biology and medical journals that were established in the 100 years of the SLA's existence.

Please join me in congratulating Tony Stankus and his colleagues for this great honor.

HONORING MEDAL OF HONOR RECIPIENT GEORGE E. WAHLEN

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

Mr. CHAFFETZ. Madam Speaker, America lost one of its quiet, humble heroes on Friday, Major George E. Wahlen, Utah's sole surviving World War II Medal of Honor recipient.

Wahlen earned the Medal of Honor as a Navy corpsman at the Battle of Iwo Jima. Despite being injured three times during the battle, he refused to leave the battlefield. He was an angel of mercy, and saved countless lives through his heroic efforts, despite his own injuries. This selfless act typifies the men and women of "The Greatest Generation." Unfortunately, we are losing these heroes.

Wahlen received the Medal of Honor from President Harry Truman in 1945 in recognition of his heroism during the tide-turning battle. He then re-enlisted and served in Korea and Viet-

nam, after which he served other veterans as a 14-year employee of the VA.

In 2004, Congress named the VA medical facility in Utah in his honor. The VA had this to say upon his passing: "This modest hero truly exemplified the meaning of patriotism, commitment to service, and love of country. The people of Utah, this hospital and the veterans he tirelessly served have lost a remarkable man." Indeed, they have. We all have.

HEALTH CARE

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

Mr. BURGESS. Madam Speaker, Congress is currently operating under some of the lowest approval ratings in history, and clearly, the public has lost confidence in its Federal Government. Perhaps that's because the Federal Government is rapidly moving down a path that shows that the government is losing confidence in the American people.

When it comes to health care, should the government help Americans, or should the government actually control everything when it comes to health care?

Our constituents, my constituents certainly, are not asking for more government control, particularly in the arena of health care. Perhaps Congress should listen and have confidence in the American people.

The government should continue to play a role for performance standards and ensuring everyone is treated fairly, but then it should get out of the way and let American hard work and ingenuity do what it does best.

Now, I have spoken to several health care industry experts, from former administration officials, current administration officials to private citizens with innovative ideas that have worked. In a short interview with former Secretary of Health and Human Services Mike Leavitt, he hits the nail on the head when he says, We don't have to turn the health care system over to the Federal Government. We can empower consumers and use the government to organize a system and not to own it.

I encourage people to visit this site and learn more about health care reform as it stands before us today.

NATIONAL ENERGY TAX LEGISLATION

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

Ms. FOXX. Madam Speaker, before leaving for the Memorial Day recess, Democrats in Congress continued to advance national energy tax legisla-

tion that will devastate American families and small businesses.

For weeks, nervous Democrats pleaded with Energy and Commerce Chairman HENRY WAXMAN and Representative ED MARKEY, two lead sponsors of this national energy tax, for changes to their climate change bill. The changes were intended to soften the blow families in their home States would suffer as a result of this new national energy tax. Unfortunately, the bill passed the Energy and Commerce Committee, is moving its way through Congress, and is still just a great big energy tax. The American people deserve better.

Republicans have held energy summits across the country to talk directly to the American people about the Democrats' costly energy plan and to develop real energy solutions that ensure American energy independence.

Congress must reject the Democrats' national energy tax and deliver energy solutions that create a stronger economy and a cleaner environment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

INTERNATIONAL SCIENCE AND TECHNOLOGY COOPERATION ACT OF 2009

Mr. BAIRD. Madam Speaker, I move to suspend the rules and pass the bill, H.R. 1736, to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1736

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Science and Technology Cooperation Act of 2009".

SEC. 2. COORDINATION OF INTERNATIONAL SCIENCE AND TECHNOLOGY PARTNERSHIPS.

(a) *ESTABLISHMENT.*—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to identify and coordinate international science and technology cooperation that can strengthen the United States science and technology enterprise, improve economic and national security, and support United States foreign policy goals.

(b) *COMMITTEE LEADERSHIP.*—The committee established under subsection (a) shall be co-chaired by senior level officials from the Office of Science and Technology Policy and the Department of State.

(c) *RESPONSIBILITIES.*—The committee established under subsection (a) shall—

(1) plan and coordinate interagency international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies and work with other National Science and Technology Council committees to help plan and coordinate the international component of national science and technology priorities;

(2) establish Federal priorities and policies for aligning, as appropriate, international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies with the foreign policy goals of the United States;

(3) identify opportunities for new international science and technology cooperative research and training partnerships that advance both the science and technology and the foreign policy priorities of the United States;

(4) in carrying out paragraph (3), solicit input and recommendations from non-Federal science and technology stakeholders, including universities, scientific and professional societies, industry, and relevant organizations and institutions, through workshops and other appropriate venues;

(5) work with international science and technology counterparts, both non-governmental and governmental (in coordination with the Department of State), to establish and maintain international science and technology cooperative research and training partnerships, as identified under paragraph (3); and

(6) address broad issues that influence the ability of United States scientists and engineers to collaborate with foreign counterparts, including barriers to collaboration and access to scientific information.

(d) *REPORT TO CONGRESS.*—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request containing a description of the priorities and policies established under subsection (c)(2), the ongoing and new partnerships established in the previous fiscal year, and how stakeholder input, as required under subsection (c)(4), was received.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1736, the bill now under consideration.

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

There was no objection.

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

It is fitting that H.R. 1736 is coming to the floor of the House in the same week as the Foreign Relations Authorization Act because science and technology can play a truly unique role in improving our foreign relations.

□ 1415

Science is a universal language built on a foundation of prior discoveries and advancements that have originated from all corners of the globe.

Science diplomacy presents a unique and essential opportunity to develop its sustained friendships and collaborations into the future. International surveys consistently show that the people in other nations admire our scientific and technological achievements and opportunities more than almost any other feature of the United States. What is more, in countless nations, many of the political, economic, and social leaders have at one time or another studied in our Nation or have worked for an American business.

From a diplomatic perspective, the benefit of these connections is valuable beyond measure. The scientists, their students and, of course, the science, itself, all benefit from this scholarly exchange, but so do our national security and economic prosperity. The intellectual input of the foreign scientists helps build that discovery that leads to new technologies and to new intellectual property in the United States, and the exchange of scientists and their students helps to build mutual trust and understanding between people who may otherwise be inclined to avoid or even fear each other.

The science side of scientific diplomacy receives comparable benefits from international collaborations. While the U.S. continues to lead the world overall in scientific and technological achievements, by no means do we have a monopoly on knowledge or talent. Our scientists, students, industry, and academic institutions are all dramatically enhanced by interactions with international peers.

Science diplomacy is also central to meeting shared global challenges and opportunities. Climate change, ocean acidification, drug resistant diseases, economic crises, energy shortages, poverty, food and nutrition, Internet and telecommunications, space exploration, and conflict resolution are all being addressed and advanced thanks to international scientific collaboration.

In an Internet-connected world, everyone is impacted by these challenges. Everyone has a stake in the solutions, and we can only succeed if the brightest minds from around the world work together effectively. Ideally, science diplomacy is not just about U.S. scientists working collaboratively with others; it is about all scientists working together with all scientists regardless of physical location or of national boundaries.

H.R. 1736 would reconstitute a Committee on International Science, Engineering and Technology, CISET, under the National Science and Technology Council, which is the interagency coordinating council managed by the Office of Science and Technology Policy.

A renewed and reinvigorated CISET would strengthen interagency coordination among the technical agencies and between the technical agencies and the Department of State. Its purpose would be to ensure that the richness of S&T resources within our technical agencies are brought to bear on our foreign policy wherever appropriate and that our own domestic agencies are working closely with the State Department to leverage scientific and technical expertise and resources around the world in pursuit of solutions to global challenges and opportunities. I would urge its passage.

I reserve the balance of my time.

Mr. OLSON. I rise in support of H.R. 1736, the International Science and Technology Cooperation Act of 2009, and I yield myself as much time as I may consume.

Madam Speaker, I join my colleague today in supporting H.R. 1736, the International Science and Technology Cooperation Act of 2009.

Our Nation has a long history of engaging with international partners on a variety of scientific issues, and this is an area of great importance to our Nation. H.R. 1736 incorporates many recommendations made by the National Science Board in its report "International Science and Engineering Partnerships: A Priority for U.S. Foreign Policy and our Nation's Innovation Agenda."

The primary purpose of this legislation is simply to build a stronger coordination link between the scientific activities of our Federal agencies and the Department of State in order to strengthen the U.S. science and technology enterprise, to improve U.S. economic and national security, and to support U.S. foreign policy goals as appropriate. This will be achieved through the creation of a committee under the National Science and Technology Council. The Office of Science and Technology Policy and the Department of State will cochair the committee.

International S&T cooperation takes several forms. It provides a researcher's access to other researchers and to research sites around the globe. It enables partnerships to share the burden of the cost of expensive world-class facilities in the U.S. and abroad. It provides the ability to address global issues of importance to the United States, such as nonproliferation and infectious diseases, and it helps foster positive relationships with other nations.

H.R. 1736 will promote these important scientific activities by making sure that the Department of State is working in tandem with OSTP and with other Federal agencies. We will help ensure that our foreign policy goals are not compromised. In fact, more often than not, they may be enhanced by S&T cooperation. For these

reasons, I encourage my colleagues to support H.R. 1736.

I reserve the balance of my time.

Mr. BAIRD. I thank the gentleman for his support and for his comments.

Madam Speaker, this is a bill that has had a number of hearings and on which we have focused a great deal of attention in our committee. Having had the privilege recently to travel internationally and to meet with science leaders around the world, I know personally of the importance.

I also want to acknowledge that President Obama mentioned the importance of scientific exchanges and collaboration in his recent speech in Cairo and in other recent speeches as has his head of OSTP, John Holdren.

Finally, I want to thank Chairman BERMAN, Chairman GORDON, Dr. EHLERS from Michigan, and Mr. CARNAHAN for their work.

I want to, at this point, insert an exchange of letters between Chairman BERMAN and Chairman GORDON into the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, May 21, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 1736, the International Science and Technology Cooperation Act of 2009.

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

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation. I would ask that you place this letter into the Committee Report on H.R. 1736.

I look forward to working with you as we move this important measure through the legislative process.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,

Washington, DC, May 21, 2009.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BERMAN: Thank you for your May 21, 2009 letter regarding H.R. 1736, the International Science and Technology Cooperation Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on For-

eign Affairs. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Foreign Affairs has jurisdiction in H.R. 1736. A copy of our letters will be placed in the legislative report on H.R. 1736 and the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

I would also be remiss if I did not acknowledge the hardworking staff who contributed to this legislation, namely Dahlia Sokolov on the majority staff, Mele Williams on the minority staff, and also my personal staff as well. They have done an outstanding job on this piece of legislation.

H.R. 1736 is a good bill. It doesn't cost anything. It just makes sure we apply our existing activities and resources as wisely as possible to the benefit of our security and prosperity. I urge my colleagues to support H.R. 1736.

I reserve the balance of my time.

Mr. OLSON. Madam Speaker, looking around, I have no further requests for time on my side of the aisle.

I yield back the balance of my time.

Mr. BAIRD. Having no further requests, again, I thank the gentleman, and urge passage of the bill.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 1736, the international Science and Technology Cooperation Act of 2009. This bill would, formally establish a committee on the President's National Science and Technology Council to identify and support opportunities to strengthen U.S. foreign policy through cooperation in the fields of science and technology. The President recently announced new initiatives to promote science and technology partnerships between the United States and Muslim-majority countries. I applaud these efforts, and I would note that an across-the-board commitment to integrating science into our diplomatic portfolio would reap enormous benefits.

We should marshal the scientific and technical capacity and expertise in our federal agencies to contribute more directly to our foreign policy goals. In conversations with experts like Dr. Norm Neureiter of the American Association for the Advancement of Science, I have found strong support for a NSTC committee dedicated to planning and coordinating these kinds of interagency efforts. Such a committee would be a critical component in effectively implementing a broader vision of U.S. engagement in international science and science diplomacy. I look forward to working with my colleagues in Congress and the administration to more fully develop robust and lasting capacity in these areas.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the

rules and pass the bill, H.R. 1736, as amended.

The question was taken.

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

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

STEM EDUCATION COORDINATION ACT OF 2009

Mr. BAIRD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1709) to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1709

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "STEM Education Coordination Act of 2009".

SEC. 2. DEFINITION.

In this Act, the term "STEM" means science, technology, engineering, and mathematics.

SEC. 3. COORDINATION OF FEDERAL STEM EDUCATION.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(b) RESPONSIBILITIES OF THE COMMITTEE.—The committee established under subsection (a) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities; and

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives; and

(3) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by underrepresented minorities in such programs and activities.

(c) RESPONSIBILITIES OF OSTP.—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (b)(2) is developed and executed effectively and that the objectives of the strategic plan are met.

(d) REPORT.—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (b)(2). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(4) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in schools that meet the criteria described in subsection (c)(1) (A) and (B) of section 3175 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381j(c)(1) (A) and (B)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1709, as amended, the bill now under consideration.

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

There was no objection.

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

Madam Speaker, over the past decade, report after report has come out highlighting the importance of science, technology, engineering, and math, so-called STEM education, to our Nation's competitiveness in the rapidly changing 21st century economy.

The National Academy's report "Rising above the Gathering Storm" sent up a red flag that our Nation's standing as a global leader is at risk if we do not improve STEM education in the country. The first and highest priority recommendation of the Gathering Storm report was to "increase America's talent pool by vastly improving K-12 science and mathematics education."

My colleagues and I on the Science and Technology Committee are passionate about this issue. Over the course of the last 2 years, under the leadership of Chairman GORDON, the committee held several hearings with STEM educators and agency representatives to explore what role the Federal Government can play in improving STEM education. A key recommendation that came up time and time again was the need for the interagency coordination of Federal STEM education activities and to improve the dissemination of these activities to practitioners. It will undoubtedly require strong commitment and leadership at the local and State levels to address the shortcomings of our Nation's science and math education system.

The Federal Government also has a role to play because of the richness of the S&T resources in our Federal agencies. There are already many valuable programs being funded through the Federal agencies that could play an important role in sharing knowledge and passion for STEM with students, teachers, and with the general public. Unfortunately, many of the agencies have had difficulty in evaluating their programs and in building an awareness of those programs among teachers.

In order to make the most effective use of our Federal investment in STEM education, it is crucial that the agencies have a forum where they can come together to discuss tools for improved dissemination, to share research findings, and to create common metrics for evaluation.

H.R. 1709 would establish a committee on STEM education under the National Science and Technology Council at the Office of Science and Technology Policy. This committee would be charged with coordinating the STEM education programs and activities being funded through the Federal R&D mission agencies. This bill also requires that the committee establish and maintain a comprehensive inventory of federally sponsored STEM education activities. This will be a valuable database that will help STEM educators across the country learn of the resources the Federal Government has to offer.

This is a strong, bipartisan bill. I want to commend Chairman GORDON, Mr. HALL, Dr. LIPINSKI, and Dr. EHLERS for introducing it and for their continued leadership on this issue. I would also like to thank Chairman MILLER of the Education and Labor Committee

for working with us to bring this bill to the floor.

I would like to insert an exchange of letters between Chairman GORDON and Chairman MILLER at this time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, June 1, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to confirm our mutual understanding regarding H.R. 1709, the STEM Education Coordination Act of 2009. This legislation contains subject matter within the jurisdiction of the Committee on Education and Labor. However, in order to expedite floor consideration of this important legislation, the Committee waives consideration of the bill.

The Committee on Education and Labor takes this action only with the understanding that the committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and would appreciate your support if such a request is made. Finally, I ask that you please include this letter in the Congressional Record during consideration of H.R. 1709 on the House Floor. Thank you for your attention and cooperation.

Sincerely,

GEORGE MILLER,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,

Washington, DC, June 1, 2009.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your June 1, 2009 letter regarding H.R. 1709, the STEM Education Coordination Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Education and Labor. I acknowledge that by waiving rights to further consideration of H.R. 1709, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Education and Labor has jurisdiction in H.R. 1709. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

It is also important to acknowledge the hard work of staff on this bill. I would like to thank Dahlia Sokolov and Bess Caughran on the majority staff and Mele Williams on the minority staff. I would also like to thank the former staff director of the Research and Science Education Subcommittee, Jim Wilson, for his important work on this topic before he retired last year.

H.R. 1709 has the support of many scientific societies, businesses, and education organizations, including the National Science Teachers Association, the Business-Higher Education Forum, the American Chemical Society, and the Triangle Coalition.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. OLSON. I rise in support of H.R. 1709, the STEM Education Coordination Act of 2009, and I yield myself such time as I may consume.

Madam Speaker, I am pleased to join my colleague in supporting H.R. 1709, the Federal STEM Education Coordination Act of 2009. With this bill, Congress is basically elevating a subcommittee within the National Science and Technology Council to a full committee to ensure that STEM education activities within the Federal Government are getting the attention they need.

In addition to coordinating all Federal STEM education programs, this committee will be responsible for developing a strategic plan and for maintaining an inventory of all Federal STEM education programs. I believe this is appropriate and important. It is just as imperative that we will be able to identify those STEM programs in the Federal Government that are effective and that could serve as models for other agencies as it is for us to eliminate those programs that are duplicative and wasteful.

Ranking Member HALL and Dr. EHLERS, the ranking member of the Research and Science Education Subcommittee, are original sponsors of this measure and have worked closely with Chairman GORDON and Mr. LIPINSKI on this legislation. I join them in support of H.R. 1709, and I urge my colleagues to do the same.

With that, I reserve the balance of my time.

Mr. BAIRD. Madam Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a valuable member of the committee who has been particularly concerned about STEM education.

Mr. POLIS. Madam Speaker, today I rise in support of H.R. 1709, the STEM Education Coordination Act of 2009. I would like to thank Chairman GORDON as well as my colleagues on the Committee on Science and Technology for bringing this legislation to the floor, and I urge my colleagues to join me for its passage.

There is no doubt that being a leader in science, technology, engineering, and mathematics, or STEM education, is essential for our Nation to be an economic leader in the 21st century. Our Nation already has the world's premier institutions of higher education, and my district in Colorado is home to some of the most prestigious leaders in research. The climate change research

done at NCAR and at NOAA and the renewable energy research done at the National Renewable Energy Laboratory have been great sources of pride for our community, as well as economic drivers for our State and our Nation.

In order to build upon these achievements, we must ensure that young Americans choose to and are given the tools to build careers in science. It is vital that our young people are exposed to STEM education early on. Early exposure, particularly for underrepresented groups, including women and minorities, will help spark a life-long interest in education in these fields. STEM education, just like the arts and athletics, is critical to a broad-based education that gives students the analytical skills that will ensure that the American labor force, whether one becomes a climatologist, an architect, or even a Member of Congress, is the smartest and most productive in the world.

□ 1430

STEM education makes communities across the Nation more self-reliant in rural and urban America alike. By removing barriers to STEM education, it will help all communities have a reliable, highly skilled workforce. We have the technology and the educators to bring knowledge to every corner of our Nation.

Madam Speaker, what we have lacked is the will. Today, we have the opportunity to vote on a bill that will help every community prepare the next generation of leaders in science, technology, engineering, and mathematics. The long-term economic benefits of this action are clear. But so, too, is the sense of pride when communities raise and graduate their own engineers who will design their own roadways and scientists who ensure that their next crop is healthy.

I would like to once again thank Chairman GORDON and the committee and his staff for bringing this terrific bill to the floor.

Mr. OLSON. Madam Speaker, I ask unanimous consent and yield as much time as he can consume to my colleague from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I'm a scientist, a medical doctor; and I believe wholeheartedly in science education. Whether this bill is a good idea or not remains to be seen. Whether it will pass or not, I think that it probably will.

The thing that concerns me is the education of the American public about not only the money they spent on this—which we don't have—but the money that is going to be spent and taken out of their pockets for what is called cap-and-trade here in this House of Representatives and in the Congress of the United States.

This administration, the leadership in the House and the Senate, are forcing upon the American people a policy that is going to increase taxes on every single household in America over \$3,100 per family—that's rich, poor, and between. The people on limited incomes, the retirees, are going to be hit the hardest because experts agree that they spend more of their income on energy-related sources than any other thing.

It's also going to run up the cost of food, medicine, things that everybody buys. In fact, every good and service in this country is going to go up because of this tax-and-cap, as I call it—or cap-and-tax, cap-and-trade legislation that is being brought to this floor, and it's going to be forced down the throats of the American people.

The President himself said that it was going to increase electricity costs for all Americans. The President also said that it's about revenue. It's not about the environment. He said if this is not passed, then he won't have the money to force the socialized medicine program that he's trying to introduce in this Congress and wants to pass by the August break. The American people need to be educated about how bad this policy is. We've got to stop it.

Republicans have offered many alternatives to a non-stimulus bill. Our alternatives were not heard. To a housing crisis, our alternatives were not heard; to a banking crisis, our alternatives were not heard. Over and over again, Republicans have offered alternatives that the leadership in this House have been obstructionists and not allowed those things to be heard.

The American people need to understand that. We're headed down a road of socialism, of communism, of greater control of people's lives and the loss of the control of your money and your freedom. And the American people need to stand up and say "no." I do believe in science and education, but the American people need to educate themselves to the bad policy that the leadership in this Congress are forcing upon them, shoving down their throats as a steamroller of socialism that's being forced down the throats of the American people that's going to slay the American economy.

It's going to kill jobs. This cap-and-tax legislation is estimated to cost somewhere between 1.7 to 8 million jobs. The President says it's going to create green jobs. Well, in Spain, their cap-and-tax has, for every job created, they've lost 2.2 jobs.

It's wrong for America; it's wrong for the working people; it's wrong for the poor people; it's wrong for the retirees. It's absolutely the wrong thing, and the American people need to be educated about that. Stand up and say "no" to cap-and-trade legislation.

Mr. BAIRD. Madam Speaker, I would just recognize myself for just a brief comment.

The gentleman from Georgia has repeatedly in the Science Committee and on the floor of the House demonstrated the urgent need to improve STEM education in this country, and I thank him for that.

I would reserve the balance of my time.

Mr. OLSON. Madam Speaker, I see no one on my side of the aisle requesting time. So I yield back the balance of my time.

Mr. GINGREY of Georgia. Madam Speaker, I rise in strong support of H.R. 1709—the STEM Education Coordination Act of 2009. As a former Member of the Science Committee, I commend my colleague from Tennessee—Chairman BART GORDON—for his leadership in crafting this thoughtful legislation that was reported to the House on a broad bipartisan basis.

As a graduate of Georgia Tech with a degree in Chemistry, I know how important it will be that there is a continued focus on STEM—science, technology, engineering, and mathematics—education in order for our future workforce to be competitive in a global, technology-based, economy. Unfortunately, we are simply not graduating enough students in these critical fields of science and engineering compared to the rest of the world. According to a recent study, 50% of students in China receive their undergraduate degrees in natural science or engineering; in Singapore, that number is 67%, and 38% of South Korea's graduates fall into these fields. Unfortunately, the United States is lagging behind with a mere 15% of graduates in natural science or engineering.

During the 110th Congress, I was proud to work with my colleagues on the Science Committee to pass the America COMPETES Act, which was signed into law by President Bush on August 9, 2007. This legislation took a good first step in addressing our shortcomings in STEM education, but we still have a large gap to close in this area.

H.R. 1709 would establish a committee at the National Science and Technology Council through the Office of Science and Technology Policy that would coordinate the federal programs that support STEM education across the country. I believe that this legislation will help further the progress and efforts that have been made by the America COMPETES Act. Furthermore, I commend all of my colleagues on the Science Committee for working in a bipartisan manner to move this important legislation forward.

I urge all of my colleagues to support H.R. 1709.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to express my support of H.R. 1709—the STEM Education Coordination Act of 2009.

Science, technology, engineering and mathematics are critical subjects that are related to our national competitiveness.

As a cosponsor of this legislation, I support the work of the Committee on Science and Technology as it developed and refined the bill.

During committee consideration of the bill, I offered several amendments that passed unanimously. One such amendment was designed to strengthen the role of the Office of

Science and Technology Policy in monitoring quantifiable progress of federal STEM education programs across the agencies. The amendment specified that the committee within the National Science & Technology Council shall determine common metrics to assess progress toward achieving the objectives in its STEM education strategic plan.

In addition, the committee accepted an amendment added a responsibility of OSTP: to encourage and monitor the agency efforts to ensure that the strategic plan is executed effectively. Finally, I offered an amendment that required that the annual report submitted by OSTP should include a description of the outcome of any program assessments completed in the previous year.

Better coordination of our federally-funded education programs for STEM is needed. H.R. 1709 aims to achieve that goal, so that good programs can be supported and refined. It is my belief that a more competitive America will come as a result of stronger, better-coordinated STEM education programs. I support this legislation and urge its passage.

Mr. HONDA. Madam Speaker, I am honored and pleased by the action we are taking today on H.R. 1709, the "STEM Education Coordination Act of 2009," to ensure coordination of federal science, technology, engineering and mathematics (STEM) education activities by elevating an existing committee under the National Science and Technology (NSTC).

H.R. 1709 focuses on the coordination of the federal government's STEM education activities. Providing this coordinating mechanism for the federal STEM education programs is critical to ensuring America remains innovative and competitive in the 21st century global economy.

According to the Academic Competitiveness Council's (ACC) report, in 2006 the U.S. sponsored 105 STEM education programs at more than a dozen different Federal Agencies. These programs devote approximately \$3.12 billion to STEM education activities spanning pre-kindergarten through postgraduate education and outreach. The report notes that many of these Agencies do not share information or work collaboratively on similar programs. The ACC found that "coordination among agencies could be improved to avoid, for example, grants to numerous projects that support the same sorts of interventions... there appears to be a lack of communication among the agencies about the work they are funding and the results that are being generated . . . agencies are often uninformed by the results of earlier projects."

H.R. 1709 is similar to the one of the sections of the "Enhancing Science, Technology, Engineering, and Mathematics Education (E-STEM) Act of 2009", H.R. 2710 which I recently reintroduced. The E-STEM Act establishes a comprehensive approach to improving coordination and coherence of STEM education activities and stimulates collaboration at both the federal and state levels throughout the nation. My legislation provides federal agencies and states with the infrastructure required to work collaboratively, establish national STEM education goals, coordinate STEM education initiatives, and to avoid unnecessary duplication among these efforts. In addition the E-STEM Act would require the

NSTC committee to create a coordinated inter-agency STEM education budget and a five year projection of the STEM workforce.

Strengthening STEM education is important for our nation to remain innovative and ensure our future prosperity. During a time of rapid technological and scientific advance, scientific literacy is increasingly important for full participation in our Democracy. I want to thank Chairman GORDON, Representative BAIRD, and Ranking Member EHLERS for bringing this legislation to the floor and I urge my colleagues to join me in supporting this legislation. I would also invite my colleagues to cosponsor the E-STEM Act to encourage similar coordination among States and improve the dissemination of promising practices and STEM education resources.

Ms. WATERS. Madam Speaker, I add my support of House Resolution 1709, providing for the creation of a committee under the National Science and Technology Council to coordinate federal programs in support of science, technology, engineering and mathematics education. This legislation will synchronize programs at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Energy and Education—all organizations with a vested interest in the promotion of STEM (science, technology, engineering and mathematics) education. This committee will provide a forum for our federal agencies to coordinate STEM activities and determine new ways to advertise programs to elementary and secondary students, eliminating two large roadblocks in the promotion of programs already provided by these agencies. I commend my colleague Representative BART GORDON, for bringing this important measure before the House.

As a former teacher and Head Start coordinator, I fully understand the importance of all proposals that extend the reach of education among the youth of our country. In Fiscal Year 2010, I requested funding for the African-American Male Achievers Network to provide students access to year-round technology enrichment activities and opportunities to explore STEM related education and career paths. This funding has the potential to increase academic achievement of inner city students and decrease gang involvement and community violence. Furthermore, innovation is key to our economic competitiveness in the World. Under current trends, by the year 2010, more than 90 percent of engineers and scientists will be living outside of the U.S. and currently more than 50 percent of all engineering doctoral degrees awarded by American engineering colleges are to foreign nationals. We have a pressing need to cultivate the next generation of science and mathematically oriented Americans by providing them access to the vast resources that our federal agencies can provide.

Madam Speaker, this measure is quite important to the future of our great country and I'm pleased to add my voice in support for this legislation. I plan to work with my colleagues to ensure that future American engineers and scientists have the resources have the capability and resources to innovate and create technologies.

Mr. BAIRD. Madam Speaker, with no other speakers, I urge passage of this important legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 1709, as amended.

The question was taken.

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

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

SUPPORTING HIGH-PERFORMANCE BUILDING WEEK

Mr. BAIRD. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 492) supporting the goals and ideals of High-Performance Building Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 492

Whereas the High-Performance Buildings Congressional Caucus Coalition has declared the week of June 15 through June 19, 2009, as "High-Performance Building Week";

Whereas the House of Representatives has recognized the importance of high-performance buildings through the inclusion of a definition of high-performance buildings in the Energy Independence and Security Act of 2007;

Whereas our homes, offices, schools, and other buildings consume 40 percent of the primary energy and 70 percent of the electricity in the United States annually;

Whereas buildings consume about 12 percent of the potable water in this country;

Whereas the construction of buildings and their related infrastructure consume approximately 60 percent of all raw materials used in the United States economy;

Whereas buildings account for 39 percent of United States carbon dioxide emissions a year approximately equaling the combined carbon emissions of Japan, France, and the United Kingdom;

Whereas Americans spend about 90 percent of their time indoors;

Whereas poor indoor environmental quality is detrimental to the health of all Americans, especially our children and elderly;

Whereas high-performance buildings promote higher student achievement by providing better lighting, a more comfortable indoor environment, and improved ventilation and indoor air quality;

Whereas high-performance residential and commercial building design and construction should effectively guard against natural and human caused events and disasters, including fire, water, wind, noise, crime, and terrorism;

Whereas high-performance buildings, which address human, environmental, eco-

nomie, and total societal impact, result from the application of the highest level of design, construction, operation, and maintenance principles—a paradigm change for the built environment; and

Whereas the United States should continue to improve the features of new buildings, and adapt and maintain existing buildings, to changing balances in our needs and responsibilities for health, safety, energy efficiency, and usability by all segments of society: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of High-Performance Building Week;

(2) recognizes and reaffirms our Nation's commitment to High-Performance Buildings by promoting awareness about their benefits and by promoting new education programs, supporting research, and expanding access to information;

(3) recognizes the unique role that the Department of Energy plays through the Office of Energy Efficiency and Renewable Energy's Building Technologies Program, which works closely with the building industry and manufacturers to conduct research and development on technologies and practices for building energy efficiency;

(4) recognizes the important role that the National Institute of Standards and Technology plays in developing the measurement science needed to develop, test, integrate, and demonstrate the new building technologies; and

(5) encourages further research and development of high-performance building standards, research, and development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 492, the resolution now under consideration.

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

There was no objection.

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

I'm pleased the House is considering H. Res. 492, a resolution supporting the goals and ideals of High-Performance Building Week, which is next week, June 15 through June 19. I would like to thank my good friend from Missouri, Congressman RUSS CARNAHAN, and our colleague JUDY BIGGERT from Illinois for their leadership on this important issue and for their outstanding work as the cochairs of the High-Performance Buildings Caucus.

Buildings consume 40 percent of the energy in the United States. This is more energy than any other sector of the economy. Deployment of high-performance buildings can reduce energy consumption and greenhouse gas emissions. As chairman of the Sub-

committee on Energy and Environment of the Science and Technology Committee, I recognize the importance of energy efficiency and sustainability in the building sector.

On April 28 of this year, we held a hearing entitled Pushing the Efficiency Envelope: R&D for High-Performance Buildings. I am happy to report that we are working on legislation to address several important issues identified at this hearing.

H. Res. 492 creates a greater public awareness about high-performance buildings and recognizes the need to continue research and development for innovative energy-efficient technologies.

I urge all Members to support H. Res. 492.

I reserve the balance of my time.

Mr. OLSON. Madam Speaker, I rise in support of House Resolution 492, supporting the goals and ideals of High-Performance Building Week, and I yield myself as much time as I will consume.

Madam Speaker, I rise today in support of H. Res. 492, supporting the goals and ideals of High-Performance Building Week. I would first like to thank the Congressional High-Performance Building Caucus cochairs, RUSS CARNAHAN and JUDY BIGGERT for their work on this important issue and for bringing awareness to the Congress and the public on the importance and benefits of high-performance buildings.

This resolution declares the week of June 15 through June 19, 2009, as High-Performance Building Week. According to the Energy Independence and Security Act of 2007, a high-performance building is defined as a building that integrates and optimizes on a life-cycle basis all major high-performance attributes including energy conservation, environment, safety, security, durability, accessibility, cost-benefit productivity, sustainability, functionality, and operational considerations.

It is important to focus on making our buildings high-performance buildings for many reasons, some of which are that our homes, offices, schools, and other buildings consume 40 percent of the primary energy and 70 percent of the electricity used in the United States annually; that buildings consume about 12 percent of the potable water in this country; and that construction of buildings and the related infrastructure consume approximately 60 percent of all raw materials used in the United States economy. Madam Speaker, I could go on, but I think you get the point.

There are a lot of efficiencies to be gained by focusing on high-performance buildings, and the benefits to our society are great. Again, I commend cochairs CARNAHAN and BIGGERT for

their leadership and hope that my colleagues will see the value that awareness of the benefits of the high-performance buildings will bring and support this resolution.

With that, I reserve the balance of my time.

Mr. BAIRD. I have no speakers at this time. I reserve the balance of my time.

Mr. OLSON. Madam Speaker, I yield 3 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentlewoman for yielding.

Madam Speaker, I rise today in support of H. Res. 492 and urge my colleagues to support its passage.

As a member of the Science and Technology Committee and as cochair of the High-Performance Buildings Caucus, I'm delighted to join my colleague and caucus cochair, Congressman RUSS CARNAHAN, to recognize June 15 through June 19 as High-Performance Building Week.

By definition, a high-performance building is one that utilizes the highest design, construction, operation, and maintenance principles to address human, economic, environmental, and societal needs. Based on section 914 of the Energy Policy Act of 2005, that definition is a result of significant industry and standards collaboration. Building on that coordinated effort, Representative CARNAHAN and I formed the High-Performance Buildings Caucus last year. We wanted to heighten awareness and inform policymakers about the major impact buildings have on our health, safety, and environment. Through monthly briefings, we explore the opportunities to design, construct, and operate high-performance buildings that reflect our concern for these impacts.

As the resolution states, the built environment in our country has a tremendous impact on our lives. Buildings consume 40 percent of the energy in the United States while emitting 39 percent of U.S. carbon dioxide emissions. Perhaps a more surprising statistic is that Americans average 90 percent of their time indoors. With that in mind, new building construction and sustainability of our current building inventory is more important now than ever. As we seek to use energy more efficiently and reduce global emissions, we also have to consider worker productivity in business, enhanced learning environments in schools, and even secure designs to prevent loss of life from catastrophic natural disasters. Research, design, and construction of high-performance buildings include these factors and more. Accessibility, aesthetics, historic integrity and cost-effectiveness must also be considered.

Madam Speaker, we could not honor the goals and ideas of High-Performance Building Week without thanking those groups that have helped us get

here today. Dozens of building and standards organizations make up the High-Performance Buildings Congressional Caucus Coalition. I know that I speak for myself and my fellow caucus cochair when I say "thank you" for their help educating, researching, and advancing the goals of high-performance buildings.

And with that, Madam Speaker, I would submit a list of those organizations to be included in the RECORD.

HIGH PERFORMANCE BUILDING CONGRESSIONAL CAUCUS COALITION

EXECUTIVE COMMITTEE MEMBERS

ASHRAE, The American Society of Heating, Refrigerating and Air-Conditioning Engineers (www.ashrae.org).

ACCA, Air Conditioning Contractors of America (www.acca.org).

AHRI, Air Conditioning, Heating and Refrigeration Institute (www.ahrinet.org).

AIA, The American Institute of Architects (www.aia.org).

ANSI, American National Standards Institute (www.ansi.org).

BOMA, Building Owners & Managers Association International (www.boma.org).

GBI, The Green Building Initiative (www.thegbi.org).

ICC, International Code Council (www.iccsafe.org).

NEMA, National Electrical Mfrs Association (www.nema.org).

NFPA, National Fire Protection Association (www.nfpa.org).

NIBS, National Institute of Building Sciences (www.nibs.org).

SPFA, Spray Polyurethane Foam Alliance (www.sprayfoam.org).

USGBC, U.S. Green Building Council (www.usgbc.org).

COALITION MEMBERS

ACC, American Chemistry Council (www.americanchemistry.com).

AF&PA, American Forest & Paper Association (www.afandpa.org).

AGC, The Associated General Contractors of America (www.constructionenvironment.org).

ACEC, American Council of Engineering Companies (www.acec.org).

APWA, American Public Works Association (www.apwa.net).

Arch 2030, Architecture 2030 (www.architecture2030.org).

ARMA, Asphalt Roofing Manufacturers Association (www.asphaltroofing.org).

ASA, American Supply Association (www.asa.net).

ASCE, American Society of Civil Engineers (www.asce.org).

ASE, Alliance to Save Energy (www.ase.org).

ASERTTI, Association of State Energy Research & Technology Transfer Institutions (www.asertti.org).

ASID, American Society of Interior Designers (www.asid.org).

ASLA, American Society of Landscape Architects (www.asla.org).

ASME, American Society of Mechanical Engineers (www.asme.org).

ASTM International (www.astm.org).

BHMA, Builders Hardware Manufacturers Association (www.buildershardware.com).

CEIR, Center for Environmental Innovation in Roofing (www.Roofingcenter.org).

CLMA, Composite Lumber Manufacturers Association (www.compositelumber.org).

CRI, Carpet and Rug Institute (www.carpet-rug.org).

Ecobuild, EcoBuild America, LLC (www.ecobuildamerica.com).

EESI, Environmental & Energy Study Institute (www.eesi.org).

FAS, Federation of American Scientists (www.fas.org).

GANA, Glass Association of North America (www.glasswebsite.com).

GMC, The Green Mechanical Council (www.greenmech.org).

Green Builder Media (www.greenbuildermedia.com).

Green Standard Green Building in Canada (www.GreenStandard.ca).

HARDI, Heating, Air-conditioning & Refrigeration Distributors International (www.hardinet.org).

IAPMO, International Association of Plumbing and Mechanical Officials (www.iapmo.org).

IALD, International Association of Lighting Designers (www.iald.org).

ICSC, International Council of Shopping Centers (www.icsc.org).

IFMA, International Facility Management Association (www.ifma.org).

InfoComm, InfoComm International (www.infocomm.org).

MCAA, Mechanical Contractors Association of America (www.mcaa.org).

MVMA, Masonry Veneer Manufacturers Association (www.masonryveneer.org).

NAED, National Academy of Environmental Design (www.naedonline.org).

NECA, National Electrical Contractors Association (www.necanet.org).

NFRC, National Fenestration Rating Council (www.nfrc.org).

NRCA, National Roofing Contractors Association (www.nrca.net).

NTHP, National Trust for Historic Preservation (www.nthp.org).

PCA, Portland Cement Association (www.cement.org).

PERSI, Practice, Education and Research for Sustainable Infrastructure (www.persi.us).

PMI, Plumbing Manufacturers Institute (www.pmihome.org).

PHCC, Plumbing-Heating-Cooling Contractors—National Association (www.phccweb.org).

RCMA, Roof Coatings Manufacturers Association (www.roofcoatings.org).

RER, The Real Estate Roundtable (www.rer.org).

SBIC, Sustainable Buildings Industry Council (www.sbicouncil.org).

SMACNA, Sheet Metal and Air Conditioning Contractors' National Association (www.smacna.org).

The Vinyl Institute (www.vinylinfo.org).

Mr. BAIRD. Madam Speaker, I just want to commend Mrs. BIGGERT and Mr. CARNAHAN. It is particularly impressive to me when Members of Congress pick issues that might be under the radar for most people but have tremendous importance. And as the gentlelady's comments and my colleague from Texas observe, the percentage of energy consumed by buildings is phenomenal. It is the largest single energy consumer in this country, and their leadership on recognizing this and moving forward with positive solutions is particularly noteworthy and merits commendation. We argue sometimes here about whether it should be one form of power or another, but we can all agree that saving energy is in the best interest of this country and that

buildings, and high-performance buildings, are one of the best possible and most economically responsible ways to do so. And I would commend the gentlelady and her colleague, Mr. CARNAHAN.

With that, I reserve my time.

Mr. OLSON. Madam Speaker, I want to identify myself with the comments from my colleague over there with the extremely good work that Congressman CARNAHAN and Congresswoman BIGGERT have done on this issue.

I see no further speakers on my side so I urge support of House Resolution 492.

I yield back the balance of my time.

□ 1445

Mr. BAIRD. Having no further speakers, I yield back the balance of my time and urge passage of this valuable legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 492.

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

A motion to reconsider was laid on the table.

SUPPORTING BOY SCOUTS OF AMERICA DAY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 356) expressing support for the designation of February 8, 2010, as "Boy Scouts of America Day", in celebration of the Nation's largest youth scouting organization's 100th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 356

Whereas Boy Scouts of America was incorporated by Chicago publisher, William Boyce, on February 8, 1910, after learning of the Scouting movement during a visit to London;

Whereas, on June 21, 1910, a group of 34 national representatives met, developed organization plans, and opened a temporary national headquarters in New York;

Whereas the purpose of Boy Scouts of America is to teach America's youth patriotism, courage, self-reliance, and kindred values;

Whereas by 1912, Scouts were enrolled in every State;

Whereas in 1916, Congress granted Boy Scouts of America a Federal charter;

Whereas each council will commit each Boy Scout to perform 12 hours of community service yearly, totaling 30,000,000 community service hours each year;

Whereas membership since 1910 totals more than 111,000,000 scouts and is found in 185 countries around the world;

Whereas the organization will present the 2 millionth Eagle Scout award in 2009;

Whereas more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America;

Whereas these men and women often neither receive nor seek the thanks of the public;

Whereas February 8, 2010, would be an appropriate day to designate as "Boy Scouts of America Day" in celebration of the Boy Scouts of America's 100th anniversary; and

Whereas Boy Scouts of America endeavors to develop American citizens who are physically, mentally, and emotionally fit, have a high degree of self-reliance as evidenced in such qualities as initiative, courage, and resourcefulness, have personal values based on religious concepts, have the desire and skills to help others, understand the principles of the American social, economic, and governmental systems, take pride in their American heritage and understand our Nation's role in the world, have a keen respect for the basic rights of all people, and are prepared to participate in and give leadership to American society: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of "Boy Scouts of America Day" in celebration of its 100th anniversary.

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

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present House Resolution 356 for consideration. This legislation expresses our support for the designation of February 8, 2010, as "Boy Scouts of America Day" in recognition of the youth organization's upcoming 100th anniversary.

House Resolution 356 was introduced by my colleague Representative RALPH HALL of Texas, on April 23, 2009, and favorably reported out of the Oversight Committee by unanimous consent on May 6, 2009. Additionally, House Resolution 356 enjoys the support of over 70 Members of Congress.

Madam Speaker, the Boy Scouts of America was incorporated by Chicago publisher William Dixon Boyce on February 8, 1910, with President William Howard Taft named to serve as the organization's first honorary president. Pursuant to its stated purpose, the newly founded Boy Scouts of America sought to educate America's youth in "patriotism, courage, self-reliance, and kindred values" through a variety of

educational, civic, and recreational programs and activities. By the year 1912, every State in America could claim a troop of Scouts. And in 1916, the organization received a Federal charter from the 62nd Congress.

Since its incorporation in 1910, the Boy Scouts of America has now witnessed the enrollment of over 111 million Scouts, with Scouting currently found in 185 countries around the world. Former Scouts and Scout volunteers include a number of prominent Americans, including Presidents John F. Kennedy, George W. Bush, Jimmy Carter, Bill Clinton, and Gerald Ford. President Ford often described the impact of Scouting on his career, stating that, "Without hesitation, because of Scouting principles, I know I was a better athlete, I was a better naval officer, I was a better Congressman, and I was a better-prepared President."

In 2008 alone, the Boy Scouts of America provided educational community service and recreational programs to over 2.8 million young people, with the support of over 1.1 million volunteers and nearly 130,000 community-based organizations. As noted by the Boy Scouts of America's most recent Annual Report to the Nation, two events in 2008 exemplified the promise and the value of Scouting.

Firstly, throughout the course of 5 weeks in the summer of 2008, approximately 3,600 Scouts and volunteers, in coordination with the U.S. Forest Service, participated in Arrow Corps Five, a project designated to benefit our national forests. The program resulted in the completion of more than \$5.6 million worth of national forest improvements.

Additionally, June 11 of 2008 witnessed the destruction of Iowa's Little Sioux Scout Ranch by a devastating tornado which, sadly, resulted in the deaths of four Scouts and injuries to 48 other Scouts and staff. In response, groups of Scouts and volunteers promptly set up a triage system, provided first aid to the injured, and began digging victims from the rubble of the collapsed campsite. Just one day earlier, these brave Scouts, who were attending a weeklong leadership training session at the camp, had taken part in a mock emergency drill.

Notably, February 8 of next year will mark the 100th anniversary of the Boy Scouts of America, and fittingly, House Resolution 356 expresses our support for the designation of that date as "Boy Scouts of America Day."

Madam Speaker, let us commemorate the 100 years of civic and educational service provided by the Boy Scouts of America through the adoption of House Resolution 356 and by expressing our support for the designation of February 8, 2010, as "Boy Scouts of America Day."

I urge my colleagues to join us in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

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

I rise today in support of this resolution designating February 8, 2010, as "Boy Scouts of America Day."

On February 8, 1910, a Chicago publisher, William Boyce, founded the Boy Scouts of America as an organization dedicated to instructing and infusing patriotic values and ethics in America's youth. Within a few years, the organization had spread to every State and in 1916 was granted a Federal charter by the United States Congress.

Since its inception, the Boy Scouts of America has grown to a membership exceeding 111 million Scouts, with over 1 million adult volunteers, and has corresponding organizations in over 85 nations around the globe. Its national and global presence has made it a compelling organization in the growth of our Nation and other countries over the past century.

The Boy Scouts of America has hosted events, such as the National Jamboree in Washington, D.C., since 1935, which attracts thousands of Boy Scouts to the D.C. area.

The youth who participate in Boy Scouts acquire fond memories of leadership training, adventure, camaraderie, and the joys of outdoor activities. Through the varied activities of the Boy Scouts, these young men are provided with a safe, constructive, and educational experience where they can acquire essential life and interpersonal skills.

The impact of the Boy Scouts of America can be seen every day on Capitol Hill. Nearly 60 percent of the current congressional membership have participated in Scouting in one form or another, including roughly 145 Members in the House of Representatives. Between the House and Senate, about 25 individuals have actually achieved Boy Scouting's highest honor, the Eagle Scout.

The Boy Scouts of America have become a mainstay of American tradition. With its powerful influence on America's youth for the past century and the presentation of its 2 millionth Eagle Scout Award this year, it is appropriate that we honor the 100th anniversary of this outstanding American organization.

Madam Speaker, on a personal note, I have to tell you, as a parent, my son Max, who was awarded the Eagle Scout not too long ago, for me and my wife, Julie, to watch the presentation where he got that Eagle pin, where he pinned on his mother the mother's pin, that's a great moment. And so many parents have been so grateful for the great work the Boy Scouts have done. I am personally in debt and gratitude to this organization for the great leadership that it brings upon the youth of America.

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

Mr. LYNCH. Madam Speaker, we have no further speakers, but I will continue to reserve.

Mr. CHAFFETZ. Madam Speaker, I yield as much time as the gentleman may consume to my distinguished colleague from the State of Texas (Mr. HALL).

Mr. HALL of Texas. Madam Speaker, I, of course, rise today in support of H.R. 356, expressing support for the designation of February 8, 2010, as "Boy Scouts of America Day" to honor the Nation's largest Scouting organization's 100th anniversary.

Congressman CHAFFETZ has done a very good job of pointing out the history of the Scouts in America. It dates way back to 1910, when it was first incorporated for the purpose of providing educational programs for boys and young adults to build their character, train them in the responsibilities of being a participating citizen, and developing personal fitness.

By the end of 1912, Scouts were enrolled in every State of the Union, which helped the Scouts obtain their Federal charter from Congress in 1916.

Boy Scouts of America endeavors to develop young men who are physically, mentally, and emotionally fit and who have a high degree of self-reliance. Boy Scouts provides instructions on America's social, economic, and governmental systems and inspires young men to take pride in their American heritage and to understand the Nation's role in the world. Boy Scouts respect the basic rights of all people and are encouraged to participate in and provide leadership for their communities.

I want to recognize John Jarvis from Texarkana, Texas, who is a Scout leader with the Caddo Area Council and a member of Troop 16. John originally brought this resolution to my attention and has worked with me to bring this to the House floor today.

I also recognize Tim Hetchs for his assistance on this bill. And I want to thank my colleagues for cosponsoring the resolution, many of whom were Boy Scouts. Several of our colleagues in Congress have participated in Scouting, including President Ford, as was pointed out by Congressman LYNCH.

I ask my colleagues in the House to join us in support of H. Res. 356, in recognition of the many contributions of the Boy Scouts of America to our Nation.

Mr. LYNCH. Madam Speaker, I ask my colleagues to join with Mr. HALL of Texas in bringing forth this important resolution, and I ask all Members to support unanimously the resolution at hand.

I continue to reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, as an original cosponsor, I would like

to convey my support for H. Res. 356, a resolution expressing support for the designation of February 8, 2010 as "Boy Scouts of America Day" and for this organization that has given so much to the well-being and development of young men for generations. I am humbled to be selected as the Honorary Chairman for the hundredth anniversary of Scouting for the Indian Waters Council of South Carolina.

As the grateful father of four Eagle Scouts, I know firsthand the tremendous opportunities and benefits that come with participation in the Boy Scouts. This is an organization that has been a positive influence in our communities for nearly a century—teaching millions the importance of a strong character and a commitment to citizenship.

I am particularly grateful that the Boy Scouts have always focused on a greater appreciation and understanding of the outdoors. In 1999 and 2003, I served as an adult volunteer with my younger sons Julian and Hunter for backpacking treks at the Philmont Scout Ranch at Cimarron, New Mexico. The 100 and 75 mile hikes were an awesome introduction to me of the beauty of the American West.

Mr. SKELTON. Madam Speaker, earlier this year, my good friend from Texas, Congressman RALPH HALL, asked me to cosponsor H. Res. 356, legislation that supports designating February 8, 2010, as Boy Scouts of America Day in the United States. This recognition would honor the Boy Scouts on its 100th anniversary.

It is appropriate for the Congress and for our country to recognize the Boy Scouts. Since 1910, this organization has helped young men foster lasting friendships, develop leadership skills, and contribute to American society. As an Eagle Scout who has supported scouting into adulthood and throughout my time in Congress, I know firsthand how valuable scouting can be.

I urge the House to approve this resolution.

Mr. GINGREY of Georgia. Madam Speaker, in celebration of the nation's largest youth scouting organization's 100th anniversary, I rise today in strong support of H. Res. 356, a resolution expressing support for the designation of February 8, 2010, as "Boy Scouts of America Day."

The Boy Scouts of America is an outstanding organization that prepares young men to be the future leaders of our Nation. Since 1910, Scouting has helped mold these boys by combining educational activities and lifelong values with fun. The Boy Scouts of America understands that helping youth puts our nation on a path toward a more conscientious, responsible, and productive society. Scouting helps young people develop self-confidence, as well as prepare them with academic, ethical, leadership, and citizenship skills that influence their adult lives.

The Boy Scouts of America builds upon strong traditional family values to complement the education of our young men through its mission of mentoring, lifelong learning, faith traditions, serving others, healthy living, and building character.

While various activities and youth groups teach basic skills and promote teamwork, Scouting goes beyond that and encourages youth to achieve a deeper appreciation for service to others in their communities. Finally,

and perhaps most importantly, Scouting promotes activities that lead to personal responsibility and high self-esteem. As a result, when hard decisions must be made, peer pressure can be resisted and the right choices can be made.

Madam Speaker, from the beginning of the Boy Scout program to the eventual completion and rank of Eagle Scout, Boy Scouts of America has long trained young men in the necessary skills that will enable them to be the future leaders of the United States. I applaud the efforts and the accomplishments of all of our nation's Boy Scouts, and specifically those of the 11th District of Georgia, which is my privilege to represent in Congress. I urge all of my colleagues to continue to support this honorable organization and the excellent young men that it continues to produce.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 356.

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

A motion to reconsider was laid on the table.

CELEBRATING ASIAN/PACIFIC-AMERICAN HERITAGE

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 435) celebrating Asian Pacific American Heritage Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 435

Whereas this year marks first time the United States is led by a President with close Asian ties, including President Obama's childhood in Indonesia and Hawai'i, and the President has made unprecedented outreach efforts to the Asian-American and Pacific Islander community;

Whereas the selection of May as the month for Asian/Pacific-American Heritage Month was significant due to two historical events that occurred in May: first, May 7, 1843, when the first Japanese immigrants arrived in the United States, and second, May 10, 1869, when, with substantial contributions from Chinese immigrants, the first transcontinental railroad was completed;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific-American Heritage Month, and requests the President to issue each year a proclamation calling on the people of the United States to observe Asian/Pacific-American Heritage Month with appropriate programs, ceremonies, and activities;

Whereas according to the Bureau of the Census, an estimated 14,900,000 United States residents identify themselves as Asian alone or in combination with one or more other races, and an estimated 1,000,000 United

States residents identify themselves as Native Hawaiian and other Pacific Islander alone or in combination with one or more other races;

Whereas even though Asian-Americans and Pacific Islanders faced the injustices of racial prejudice as exemplified by the Chinese Exclusion Act, the internment of Japanese Americans and Japanese/Latin-Americans, the Vincent Chin case, and other events, the community has made considerable contributions to the vast cultural, economic, educational, military, and technological advancements of the United States;

Whereas Asian-Americans and Pacific Islanders such as civil rights activist, Yuri Kochiyama, Medal of Honor recipient, Herbert Pihilaau, the first Asian-American Congressman, Dalip Singh Saund, the first Asian-American Congresswoman, Patsy Mink, and others have made significant strides in the political and military realms;

Whereas the Presidential Cabinet includes a record three Asian-Americans: Energy Secretary Steven Chu, Commerce Secretary Gary Locke, and Veterans Affairs Secretary Eric Shinseki; and

Whereas celebrating Asian/Pacific-American Heritage provides the people of the United States with an opportunity to recognize the achievements, contributions, history, and influence concerns of Asian-Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the incredible diversity of different racial and ethnic groups, including Asian-Americans and Pacific Islanders, is a source of strength for the United States; and

(2) celebrates the contributions of Asian-Americans and Pacific Islanders to the United States.

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

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, today I rise in strong support of House Resolution 435, which expresses support for the recognition and celebration of Asian Pacific American heritage. The measure before us was introduced on May 13, 2009, by Congressman MIKE HONDA of California, along with other Members and associate Members of the Congressional Asian Pacific American Caucus. Currently, the measure is supported by over 55 Members of Congress and has been appropriately reviewed and approved by the Committee on Oversight and Government Reform as of June 4, 2009.

Madam Speaker, the Asian American and Pacific Islander community is

composed of over 15 million people who, on a daily basis, are making significant contributions to the betterment of our country. For example, in addition to being one of our country's fastest growing minority groups, the Asian American and Pacific Islander community is also responsible for generating an estimated \$326 billion annually for our economy as entrepreneurs and business owners of over 1.1 million businesses.

While Asian Pacific American heritage is certainly worth recognizing and celebrating year-round, the country and the Asian Pacific American community have traditionally come together in the month of May to celebrate and commemorate Asian and Pacific American heritage. That all began back in 1977 when Representatives Frank Horton and Norman Mineta and Senators DANIEL INOUE and Spark Matsunaga introduced resolutions asking the President to declare the first 10 days of May as Asian Pacific Heritage Week.

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The selection of the month of May stems from the fact that May marks the arrival of the first Japanese immigrants in the U.S. in 1843. In 1978, President Carter made Asian Pacific Heritage Week an annual event, and in 1990, President George H. W. Bush proclaimed the entire month of May to be Asian Pacific American Heritage Month.

Madam Speaker, Asian Americans and Pacific Islanders have also made great strides in the area of civil rights and public policy, led by such notable Americans as Patsy Mink, the first Asian American Congresswoman, not to mention the current members of the President's Cabinet, which includes three Asian Americans: Energy Secretary Steven Chu, Commerce Secretary Gary Locke, and Veterans Affairs Secretary Eric Shinseki.

In closing, let us, as a body, take a moment to recognize the valued contributions of the Asian and Pacific American community and celebrate such a rich cultural heritage by supporting House Resolution 435.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of this important resolution recognizing Asian Pacific American Heritage Month.

Asian Americans and Pacific Islanders have been an integral part of the fabric of American life since the first Japanese immigrants arrived in the United States on May 7, 1843. Asian Americans worked as coal miners, on farms and orchards, and as laborers. It is estimated that 14 million Americans, if not more, can trace their ethnic heritage to Asia or the Pacific Islands.

Establishing May as Asian American Pacific Islander Heritage Month affords educators throughout the country the opportunity to create learning experiences that teach the history of Asian Americans and Pacific Islanders during the school year. Observing Asian American and Pacific Islander contributions highlights their importance in the building of our country, in our fabric.

For example, Chinese immigrants played a significant role in the construction of the first transcontinental railroad, which was completed on May 10, 1869. Asian Americans and Pacific Islanders have significantly contributed to this country through the arts, sciences, math, sports, commerce, and every other aspect of American culture since they first arrived in the 19th century. Whether it is in the arts or government or science or the many other fields of endeavor, they have played a fundamental role in our Nation's technological and economic expansion as well as every other fabric of life that we can think of. Their accomplishments are too numerous to count. Their influence is felt throughout our country.

The month of May once again gives us the opportunity to thank and honor Asian Americans and Pacific Islanders and recognize them for their many contributions now, in the past, and certainly in the future.

Mr. LARSON of Connecticut. Madam Speaker, I rise today to express strong support for H. Res. 435—Celebrating Asian Pacific American Heritage Month. I applaud the leadership and continued efforts of Chairman MIKE HONDA, as well as my colleagues in the Congressional Asian Pacific American Caucus for bringing this Resolution before us today.

Asian Pacific American Heritage Month was established in 1977 by the efforts of Representatives Norman Mineta and Frank Horton, and Senators DANIEL INOUE and Spark Matsunaga who introduced resolutions asking for a Presidential declaration that the first ten days of May honor the rich history and contributions of our nation's Asian Pacific Americans. In 1992 Congress expanded the commemoration to a month, in order to fully recognize the impact that Asian Americans and Pacific Islanders (AAPIs) have on our great nation.

From the early 1800s to today, Asian Americans and Pacific Islanders have played a critical role in the development of this country. This year's theme: "Lighting the Past, Present and Future," is fitting as the world's attention turned to the United States to see the historic inauguration of President Barack Hussein Obama. President Obama's diversity reflects the richness and strength of our nation.

We must reaffirm our commitment to the promise of a future for all Americans by eradicating racial and ethnic health disparities, enacting comprehensive immigration reform, providing educational opportunities for the underserved and creating jobs. I am proud that we ensured full equity for the Filipino veterans who proudly served under the American flag

during World War II when we passed H.R. 1, the American Recovery and Reinvestment Act. I also applaud my colleagues for the recent passage of the Local Law Enforcement Enhancement Hate Crimes Prevention Act, which enables the Department of Justice to assist the efforts of federal, state, and local law enforcement in investigating and prosecuting hate crimes based on race, ethnic background, and religion, and extends protections to more Americans.

From the construction of the transcontinental railroads to the heroic contributions in World War II and beyond, Asian Americans and Pacific Islanders have made lasting contributions in every facet of American society. We must continue to acknowledge the great achievements this vast and diverse community has provided this nation and I urge my colleagues to support to this resolution.

Mr. FALEOMAVAEGA. Madam Speaker, in 1992, Congress passed a joint Congressional Resolution to designate the month of May to give special recognition of the contributions of our Asian-Pacific American community to our nation. Originally, Congress in 1978 designated the first week of May to commemorate the arrival of the first Japanese immigrants and the completion of the transcontinental railroad that was built by the Chinese laborers. Every year since then, the President would issue an Executive proclamation from the White House to honor this month and direct all federal agencies and military installations throughout the country to conduct special events and ceremonies to honor our Asian-Pacific American communities throughout our country.

This year's theme is, "Leadership To Meet The Challenges Of A Changing World," and I will try and elaborate on the achievements and success of Asian-Pacific Americans in both the public and private sector but, more importantly, to demonstrate to the world that the greatness of our nation lies in its diversity and ability of our country to accept peoples from all over world, as they pledge themselves to become as fellow citizens of this great nation.

Americans of Asian and Pacific Islander descent, nearly 16 million strong, are among the fastest growing demographic groups in the United States today, even though they make up only 5 percent of our nation's population. In recent years, the Asian-Pacific Americans have more than doubled and this rapid growth is expected to continue in the years to come.

Time will not permit me to share with you the names and contributions of many of our prominent Asian-Pacific American leaders in the fields of law, business, finance, and too many to mention. One only needs to read today's newspaper or a magazine to document the fact that Asian-Pacific American students—both in secondary schools and universities—are among the brightest minds our nation offers to the world. I fully expect that these students, now and in the future, will contribute their talents and expertise to solve major issues and problems now confronting our nation and the world today.

Many of our prominent business leaders and entrepreneurs are of Asian-Pacific American descent. In fact, many of the popular brands and icons that we know today were created by the brilliant minds of people in our

Asian-Pacific American community. For example, the Bose Corporation specializing in audio equipment, can be found or is used by historical venues and facilities, such as the Sistine Chapel, the Space Shuttle, and the Olympic stadiums, is currently headed by its founder, Amar Bose—an Indian American. Steve Chen, a Chinese American, and Jawed Karim, a Bangladeshi American, were the co-creators of the popular video sharing website, "YouTube." Vera Wang, a Chinese American fashion designer and mogul, established herself as an icon by dressing celebrities and creating one of the most fashionable clothing lines for women in the world.

In the world of sports, Asian-Pacific Americans have come to the forefront. In the recent 2008 Beijing Olympics, Kevin Tan, a Chinese American, was selected as captain of the U.S. men's gymnastics team and earned a bronze medal in team competition. Natasha Kai, an American of Hawaiian, Cambodian, and Chinese descent, won a gold medal with the U.S. women's soccer team. Natasha happens to be alumni of Kahuku High School in Hawaii, where I also graduated from many years ago.

Asian-Pacific Americans are more prevalent in American sports now more than ever before. We have Yao Ming, a Chinese basketball player, playing for the Houston Rockets; Daisuke Matsuzaka, a Japanese baseball player, playing for the Boston Red Sox; Yutaka Fukufuji, the first Japanese to play for the National Hockey League, played for the Los Angeles Kings. And everyone has heard of the Professional Boxer Manny Pacquiao from the Philippines, a world champion in numerous boxing divisions who handily beat Oscar De La Hoya in December and Ricky Hatton two weeks ago in Las Vegas.

I have to mention the accomplishments our young Asian-Pacific Americans in the NFL. In the 2009 NFL draft, nine young men, five Tongans and four Samoans, were selected by six different teams across the nation. These young men are ambassadors of goodwill and represent the Asian-Pacific American members who were once and still apart of the National Football League. From pioneers such as Al Lolotai who played for the Washington Redskins in 1945, Charles Ane and Rockne Freitas of Detroit Lions, to the likes of Junior Seau of the New England Patriots and Troy Polamalu of the Pittsburgh Steelers.

In the field of martial arts, the late Chinese-American kung-fu martial arts expert Bruce Lee captivated the movie audiences all over the world by destroying the common stereotype of the passive, quiet Asian-Pacific American male, and the tradition continues today with Jackie Chan and Jet Li. Now, another sports and movie icon is moving his way through the movie industry—believed to be the heir apparent to Sylvester Stallone and Arnold Schwarzenegger—none other than the former World Wrestling Entertainment champion wrestler, Dwayne Johnson, or commonly known as the Rock. The Rock was featured in movies such as the Scorpion King, Rundown, Get Smart, Grid Iron Gang and recently Race to Witch Mountain.

The thing unique about Dwayne Johnson is that while his father is of African and Native American descent, his mother is Samoan. Now, just about every Samoan alive claims to be related to the Rock, including myself.

Last summer I had the privilege of presenting the Congressional Horizon Award to Chief Seiuli Dwayne “The Rock” Johnson for his contributions and volunteer work in educating, empowering, and enriching the lives of children worldwide. Dwayne Johnson has made numerous contributions not only through The Rock Foundation but also directly to our Asian-Pacific American youth.

Michelle Kwan, a Chinese American figure skater, is another example of a prominent Asian-Pacific American who has transformed her skills in one area to contribute further to our nation. Kwan has won nine U.S. championships, five world championships and two Olympic medals, earning her the title of the most decorated figure skater in U.S. history. Her accomplishments don’t end there. In 2006, Secretary Condoleezza Rice named Kwan the first U.S. public diplomacy ambassador, where she has worked at improving America’s image abroad. As ambassador, Michelle has been promoting cross-cultural dialogue with international youth.

As Americans, and especially our youth, become more engaged in politics and government, I must bring your attention to the growing role and impact that Asian-Pacific Americans are playing in civic engagement. Our fellow colleague and good friend, Congressman ANH “JOSEPH” CAO became the first American of Vietnamese descent to be elected to the House of Representatives. A former Congressman, Louisiana Governor Bobby Jindal, became the first Indian American ever elected as governor in U.S. history, and is currently the youngest amongst all governors in the U.S.

In the recent 2008 national and state elections, the Asian-Pacific American communities played a vital role. An estimated whopping 62% of the voting Asian-Pacific Americans cast their ballot for then Senator Barack Obama, helping him secure his presidential win.

And with the President’s appointments in the administration, there are an unprecedented number of Asian-Pacific Americans in top government positions, and these leaders were not appointed to their positions because of their race and heritage but because they bring vast knowledge, experience and different viewpoints that their Asian-Pacific American backgrounds have contributed to.

For example, President Obama appointed Steven Chu, a Chinese American, to be the Secretary of Energy. Secretary Chu’s extensive work in physics and molecular biology has earned him accolades and achievements throughout the world—most notably he won a Nobel Prize for his physics works in “development of methods to cool and trap atoms with laser light.” Chu’s dedication to physics led him to the academic side of research, as a teacher of physics and molecular and cellular biology at Stanford and UC Berkeley. Concerning global warming, Secretary Chu has been a leading advocate for the research of finding alternative sources of energy, and steering away our dependence on fossil fuels. Secretary Chu is the first person ever appointed to the Cabinet after receiving a Nobel Prize.

Our newest Secretary of Veteran Affairs, my good friend General Eric Shinseki is a Japa-

nese American born in Hawaii and is a decorated veteran who fought in two combat tours in Vietnam. Secretary Shinseki, wounded from his last tour in Vietnam, understands from personal experience the plight of veterans and the support those veterans and their families need. General Shinseki is also the only Japanese American and Asian American to be promoted to the Army’s top position, and was the first four-star general of Asian descent in the history of our U.S. military.

The most recently confirmed cabinet member into Obama’s Administration has exemplified that with hard work the American Dream can come true. Former Governor of the State of Washington, Gary Locke, a Chinese American, grew up in public housing and put himself through Yale University with loans, scholarships and the money he earned working part-time jobs. After earning his law degree from Boston University, Secretary Locke broke many glass ceilings afflicting our Asian-Pacific community. In 1993, Locke became the first Chinese American to be elected as his county’s County Executive, and in 1996, Locke became the first Chinese American to be governor of a state in U.S. history, serving the maximum of two terms.

Secretary Locke’s family history is an important one to emphasize, as it is one of many hardships that our Asian-Pacific American communities have faced. In an interview, Locke mentioned that his grandfather might have claimed he was born in the U.S. and the documents were destroyed. Some of you may know this, and others may not, but in 1882 our government institutionalized racial discrimination against Chinese immigrants where they were banned from entering the United States. The Chinese people living in the U.S. at the time were excluded from becoming American citizens. And because of the restrictions of this law, it was nearly impossible for Chinese families to reunite. This Exclusion Act was repealed only 66 years ago. Locke’s grandfather could have been one of the few Chinese immigrants who managed to get into the United States through ruses of lost documentation, while the immigration of people from all over Europe were unlimited.

As a Vietnam veteran, it would be absurd of me not to say something to honor and respect the hundreds of thousands of Asian-Pacific Americans who served then and now in all branches of the armed services of our nation.

As a former member of the U.S. Army’s Reserve unit, known today as the 100th Battalion and 442nd Infantry Combat group, I would be remiss if I did not share with you the contributions of the tens of thousands of Japanese-American soldiers who volunteered to fight our nation’s enemies in Europe during World War II.

So you probably know, after the surprise attack on Pearl Harbor on December 7, 1941, by the Imperial Armed Services of Japan—there was such an outrage and cry for an all out war against Japan and days afterwards our President and the Congress formally declared war. Out of this retaliation against Japan, hundreds of thousands of Americans were caught in the crossfire. These Americans just happened to be of Japanese ancestry.

Our national government immediately implemented a policy whereby over 100,000 Ameri-

cans of Japanese ancestry were forced to live in what were called relocation camps, but were actually more like prison or concentration camps. Their lands, homes and properties were confiscated by the military without due process of law.

My former colleague and former U.S. Secretary of Transportation, Norman Mineta, and the late Congressman Bob Matsui from Sacramento spent the early years of their lives in these prison camps. Secretary Mineta shared one of the interesting features of these prison camps where there were many machine gun nests posted all around the camps. Everyone in the camps was told that these machine guns were necessary to protect them against rioters or others who wanted to harm them.

But then Secretary Mineta observed, “if these machine guns are posted to guard and protect us, why is it that they are all directed and aimed inside the prison camp compound and not outside?”

It was a time in our nation’s history when there was so much hatred, bigotry and racism placed against our Japanese-American community. Despite all this, the White House, at the time, accepted the request of tens of thousands of the Japanese Americans to volunteer to join the Army, thus leaving their wives, parents, brothers and sisters behind barbed wire fences. As a result of such volunteerism, two combat units were organized. The 100th Battalion and the 442nd Infantry Combat Group were created and immediately were sent to fight in Europe.

In my humble opinion, history speaks for itself in documenting that none have shed their blood more valiantly for our nation than the Japanese American soldiers who served in these two combat units while fighting enemy forces in Europe during World War II. The military records of the 100th Battalion and 442nd Infantry are without equal suffering. These Japanese American units suffered an unprecedented casualty rate of 314%, and received over 18,000 individual decorations, many awarded posthumously, for bravery and courage in the field of battle.

For your information, 53 Distinguished Service Crosses, (the second highest HELV. medal given for heroism in combat), 560 Silver Stars (third highest medal), and 9,486 Purple Hearts, and 7 Presidential Unit Citations, the nation’s top award for combat units, were awarded to the Japanese American soldiers of the 100th Battalion and 442nd Infantry Group. I find it unusual, however, that only one Medal of Honor was awarded at the time. Nonetheless, the 442nd Combat Group emerged as the most decorated combat unit of its size in the history of the United States Army.

President Truman was so moved by their bravery in the field of battle, as well as that of African American soldiers during World War II, that he issued an Executive Order to finally desegregate all branches of the Armed Services.

I am proud to say that we must recognize Senator DANIEL K. INOUE and the late, highly-respected Senator Spark Matsunaga of Hawaii, who distinguished themselves in battle as soldiers with the 100th Battalion and 442nd Infantry.

It was while fighting in Europe that Senator INOUE lost his arm while engaged in his personal battle against two German machine gun

posts. For his heroism, he was awarded the Distinguished Service Cross. As a result of a Congressional mandate that was passed in 1999 to review the military records of these two combat units, President Clinton presented 19 Congressional Medals of Honor to the Japanese Americans who were members of these two combat groups. Senator INOUE was one of those recipients of the Medal of Honor and I was privileged to witness this historical moment at a White House ceremony.

On May 14, 2009, the House unanimously passed H.R. 347 thus granting the Congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese Americans should forever serve as a reminder and testament that this must never be allowed to occur again. When this miscarriage of justice unfolded during World War II, Americans of German and Italian ancestry were not similarly jailed en masse. Some declare the incident as an example of outright racism and bigotry in its ugliest form. I sincerely hope that these forms of legal racial discrimination never again darken the history of our great nation.

To those that say, well, that occurred decades ago, I say we must continue to be vigilant in guarding against such evil today. President Obama's recent election is a consequence of such vigilance in electing him as the first ever President of color. I know that history speaks that he is the first black President, but personally, he represents all races, genders, and ethnicities in becoming the Commander-in-Chief and leader of this great country. Now and more than ever, am I so proud to be called an American. We have elected a person who is literally an African-American, in the sense, where his father is a Kenyan and mother is a girl from Kansas. I jokingly say that this is the first President to know where the Pacific Ocean is on the map. President Obama was born in Hawaii so he's a "local boy" and for your information, he can still throw a good "shaka" sign. We in the Congress look forward to the next four years, and maybe 8, in working together with President Obama in restoring American leadership in the world. As Americans, we emphasize the importance of our ideals and values that guarantee and protect ones freedoms and is reinforced and supported by the greatest volunteer military force in the world.

We should never become complacent with the hand that is dealt to you, with the discrimination that you may see or experience. When I envision America, I don't see a melting pot designed to reduce and remove racial differences. The America I see is a brilliant rainbow, a rainbow of ethnicities, cultures, religions and languages with each person proudly contributing in their own distinctive and unique way for a better America.

Asian-Pacific Americans wish to find a just and equitable place in our society that will allow them—like all Americans—to grow, to succeed, to achieve and to contribute to the advancement of this great nation.

I would like to close my remarks by asking my colleagues—what is America all about? I

can say that through our leadership and sense of volunteerism we can meet the challenges of a fast changing world. Either through personal service, education, civics, or charity, we have a responsibility to each other and must continue to exploit the freedoms that we proudly have today. Everyday the world is shrinking and it is important, as our forefathers have done so, to continue our leadership and become an example of how we admit to our faults and correct them immediately.

I think it could not have been said better than on the steps of the Lincoln Memorial in the summer of 1963 when an African American minister by the name of Martin Luther King, Jr., poured out his heart and soul to every American who could hear his voice, when he uttered these words:

"I have a dream. My dream is that one day my children will be judged not by the color of their skin, but by the content of their character."

We have reaped what he has sowed by celebrating the contributions of Asian-Pacific Americans this month and having the first ever President of color in our great history.

That is what I believe America is all about. Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Res. 435 to celebrate Asian Pacific American Heritage Month and pay tribute to the many achievements of Asian Pacific Americans across our Nation.

The month of May marks several historical events in Asian Pacific American history. On May 7, 1843, the first Japanese immigrants arrived in the United States, paving the way for a great movement of Asian and Pacific peoples to immigrate to the United States. Only 26 years later, on May 10, 1869, the transcontinental railroad was finished, the completion of which is largely credited to Asian Pacific Americans. Due to these events, it is appropriate to celebrate the month of May as Asian Pacific American Heritage Month and honor the sacrifices and contributions of this great community.

Through the years, the Asian Pacific American Communities have made significant contributions to Texas's diverse culture. In Dallas, I am privileged to represent the largest Asian American Chamber in the United States with more than 1,200 members. I believe that we all learn from those who come from different backgrounds, and I can truly say that I have learned a great deal from my Asian Pacific friends and constituents.

I would also like to recognize the one-year anniversary of the devastating earthquake that shook Sichuan Province in China in May of 2008 and send my condolences to the friends and families of the victims.

Today, there are over 14 million Asian Pacific Americans living in the United States, representing 5 percent of the population. The rich history associated with the Asian Pacific American community has left a lasting and important imprint on our country. Madam Speaker, I am proud to support this resolution and the Asian Pacific American communities in North Texas and across the United States.

Ms. RICHARDSON. Madam Speaker, I rise today in strong support of H. Res. 435, celebrating Asian Pacific American Heritage Month. I thank Chairman TOWNS and my Cali-

fornia Delegation colleague, Congressman HONDA for their work in bringing this resolution to the floor today.

This is a very exciting time for the Asian American Pacific Islander (AAPI) community and I am looking forward to working with my colleagues in the Congressional Asian Pacific American Caucus and with the Obama Administration to advance the AAPI objectives.

The 37th Congressional District of California, which I am privileged to represent, is home to one of the largest Asian constituencies in the nation, including large representations of Filipinos, Samoans and Cambodians. My district is home to the largest Cambodian population in the United States, and the second largest Cambodian population outside of Cambodia. Because of the diversity of my district and in our nation, I am a proud member of the Congressional Asian Pacific American Caucus.

This year's theme for Asian Pacific American Heritage Month is "Lighting the Past, Present, and Future." The past is filled with rich cultural, economic, and technological contributions from the Asian community. The month of May was chosen to celebrate Asian Pacific American Heritage for two significant reasons. On May 7, 1843, the first Japanese immigrants arrived to our country and on May 10, 1860, the first transcontinental railroad was completed. The transcontinental railroad transformed our nation and could not have been completed without the inclusion of Chinese immigrants.

Here in Congress, Dalip Singh Saund was the first Asian American elected in 1957 and less than a decade later, Patsy Mink became the first Asian American woman elected to Congress. Both overcame adversity to pave the way for all minorities, including a distinguished American and Medal of Honor winner, Senator DANIEL INOUE, who has served in the other body for nearly a half century. Today, we have seven Members of Congress of Asian descent and 25 Members of Congress, including myself, in the Congressional Asian Pacific American Caucus.

The AAPI theme, the "present" demonstrates the great progress we have made as a country. Despite the challenges and adversity that Asian Pacific Americans have experienced, many have forged ahead and made significant contributions. History was made when this nation elected a President with such significant personal ties to the Asian Pacific community. President Obama spent his childhood in Hawaii and Indonesia. One of President Obama's first guests to the Oval Office was the Prime Minister, Taro Aso of Japan. Further, President Obama appointed three Asian Americans to his cabinet: Secretary of Energy, Dr. Steven Chu; Secretary of Commerce, Gary Locke; and Secretary of Veterans Affairs, Eric Shinseki.

I have much hope for the future because Asian Pacific Americans and all Americans are working together hand in hand with others to ensure equality and advancement not only of their community, but all communities.

Madam Speaker, let me again thank Congressman HONDA, Chair of the Congressional Asian Pacific American Caucus, for his leadership in introducing this resolution. I look forward to celebrating the accomplishments of

Asian Pacific Americans this year and for years to come.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 435, as amended.

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

The title was amended so as to read: "A resolution celebrating Asian/Pacific-American Heritage."

A motion to reconsider was laid on the table.

CELEBRATING FLAG DAY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 420) celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 420

Whereas Flag Day is celebrated annually on June 14, the anniversary of the official adoption of the American flag by the Continental Congress in 1777;

Whereas on June 14, 1777, in order to establish an official flag for the new Nation, the Continental Congress passed the first Flag Act, which stated, "Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation";

Whereas the second Flag Act, signed January 13, 1794, provided for 15 stripes and 15 stars after May 1795;

Whereas the Act of April 4, 1818, which provided for 13 stripes and one star for each State, to be added to the flag on July 4 following the admission of each new State, was signed by President James Monroe;

Whereas in an Executive order dated June 24, 1912, President William Howard Taft established the proportions of the flag and provided for arrangement of the stars in 6 horizontal rows of 8 each, a single point of each star to be upward;

Whereas in an Executive order dated January 3, 1959, President Dwight D. Eisenhower provided for the arrangement of the stars in 9 rows staggered horizontally and 11 rows of stars staggered vertically;

Whereas the first celebration of the American flag is believed to have been introduced by Bernard Cigrand, a Wisconsin school teacher, who arranged for his pupils at Stony Hill School in Waubeka to celebrate June 14 as "Flag Birthday" in 1885;

Whereas on June 14, 1894, the Governor of New York ordered that the American flag be displayed at all public buildings in the State, prompting many State and local governments to begin observing Flag Day;

Whereas President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916;

Whereas in 1947, President Harry S. Truman signed legislation requesting National Flag Day be observed annually;

Whereas the United States flag is a symbol of our great Nation and its ideals;

Whereas in times of national crisis, Americans look to the United States flag as a symbol of hope, courage, and freedom;

Whereas the United States flag is universally honored;

Whereas the United States flag honors the men and women of the Armed Forces who have given their life in the defense of the United States;

Whereas the United States flag serves as a treasured symbol of the loss of loved ones to the countless families of those who died in defense of our Nation; and

Whereas June 14, 2009, is recognized as Flag Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the United States flag and supports the goals and ideals of Flag Day.

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

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, House Resolution 420 celebrates our Nation's most enduring symbol: the American flag. With this resolution, this Chamber expresses its support for the annual recognition of Flag Day.

The gentleman from Ohio, Representative ROBERT LATTA, introduced House Resolution 420 on May 17, 2009, and the Committee on Oversight and Government Reform reported it out on June 4, 2009, by unanimous consent. With 64 co-sponsors, it is a clear demonstration of Congress' appreciation and respect for our Nation's flag.

We celebrate Flag Day on June 14, the anniversary of the Continental Congress' passage of the first Flag Act in 1777. Since then, Americans have looked to the flag as a symbol of their country and its dearest values. The flag represents us and all of our fellow citizens, and I am always heartened to see the parades and events that occur around the country each year in commemoration of Flag Day, especially in one of my favorite towns, the town of Dedham, Massachusetts, which has a wonderful parade each year on Flag Day. And in the town of Dedham around Flag Day, it is hard to find a home without the American flag hanging on the front door.

The flag honors the countless men and women who have died during the defense of the United States in the Armed Forces. In short, the American flag is a lasting symbol of their sacrifice. As public servants, we rightly pledge our allegiance to the flag each day, as do the millions of Americans for whom we represent and serve here in this Chamber. While each day of the year the American flag stands before the entire world as a symbol of our shared values, hopes, aspirations, and ideals, I am glad to see that we set aside the time each June to celebrate the American flag and all that it represents.

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

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

I rise today in support of this legislation, supporting the goals and ideals of Flag Day.

The American flag has been our national symbol for 232 years, and it remains a symbol of freedom wherever it is flown. In 1777, when the Second Continental Congress adopted the stars and stripes and its beautiful red, white, and blue design, our flag has stood for liberty and justice. Flag Day was first celebrated throughout the country in 1885, as one early supporter, Bernard Cigrand, a Wisconsin schoolteacher, wanted June 14 to be known as "Flag Birthday." The idea quickly caught on and many people wanted to participate. In 1894, the Governor of New York asked that all public buildings fly the flag on June 14 to begin observing Flag Day. And in 1916, President Woodrow Wilson proclaimed Flag Day as a national celebration. However, the holiday was not officially recognized until 1949 when President Harry Truman signed the national Flag Day bill.

Since the beginning of our Republic, Americans have flown the flag to show their appreciation and pride for this great Nation. Every day Americans pledge their allegiance to the flag, and our troops carry the flag as they defend the liberties for which it stands and which represent this country, the United States of America.

On Flag Day, we remember the importance of our oldest national symbols and reflect the loss of loved ones who have died in defense of this great Nation.

Let us pledge allegiance to this flag to declare our patriotism and raise its colors high to express our pride and respect for the American way of life. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield such time as he may consume to

my distinguished colleague from the State of Ohio (Mr. LATTA).

Mr. LATTA. I appreciate the gentleman for yielding.

Madam Speaker, I am pleased to stand before you today in support of the resolution I introduced, House Resolution 420. This resolution celebrates the symbol of the United States and supports the goals and ideals of Flag Day.

Flag Day is celebrated on June 14, which is the anniversary of the official adoption of the American flag by the Continental Congress in 1777. This was done by the first Flag Act, which stated, "Resolved, that the flag of the United States be made of 13 stripes, alternating red and white, that the union be 13 stars, white in a blue field, representing a new constellation."

Since 1777, our flag's design has been altered three times under executive orders, rearranging the designs of the stars and stripes each time a State was added.

As the gentleman from Utah has stated, the history of Flag Day traces its roots to the first celebration of the American flag, which is believed to have been introduced by Bernard Cigrand, a Wisconsin schoolteacher who arranged for his students at Stony Hill School to celebrate June 14 as "Flag Birthday" in 1885. President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916, and in 1947, President Harry Truman signed legislation requesting that national Flag Day be observed annually.

Flag Day is an important day of celebration as our flag is the official symbol of our great Nation and its ideals. Our flag serves as a beacon of hope, courage, and freedom during times of crisis and triumph alike. The flag honors the men and women of the Armed Forces who have paid the ultimate sacrifice in defending the United States and serves as a symbol for those families who have lost loved ones while defending our Nation.

Madam Speaker, it is with great honor that I ask for unanimous consent on House Resolution 420 as we celebrate our Nation's flag.

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

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

Mr. LYNCH. Madam Speaker, I again urge our colleagues to join Mr. LATTA, the lead sponsor of this resolution, in affirming our allegiance to our flag and our support for the annual celebration of Flag Day by supporting this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 420.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

IMPROVED FINANCIAL AND COMMODITY MARKETS OVERSIGHT AND ACCOUNTABILITY ACT

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 885) to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 885

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Improved Financial and Commodity Markets Oversight and Accountability Act".

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

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

Sec. 2. *Elevation of certain Inspectors General to appointment pursuant to section 3 of the Inspector General Act of 1978.*

Sec. 3. *Continuation of provisions relating to personnel.*

Sec. 4. *Subpoena authority of certain Inspectors General.*

Sec. 5. *Corrective responses by heads of certain establishments to deficiencies identified by Inspectors General.*

Sec. 6. *Effective date; transition rule.*

SECTION 2. ELEVATION OF CERTAIN INSPECTORS GENERAL TO APPOINTMENT PURSUANT TO SECTION 3 OF THE INSPECTOR GENERAL ACT OF 1978.

(a) *INCLUSION IN CERTAIN DEFINITIONS.*—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;" and inserting "the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; the Chairman of the Board of Governors of the Federal Reserve System; the Chairman of the Commodity Futures Trading Commission; the Chairman of the National Credit Union Administration; the Director of the Pension Benefit Guaranty Corporation; or the Chairman of the Securities and Exchange Commission;"; and

(2) in paragraph (2), by striking "or the Commissions established under section 15301 of title 40, United States Code," and inserting "the Commissions established under section 15301 of title 40, United States Code, the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Na-

tional Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission,".

(b) *EXCLUSION FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.*—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking "the Board of Governors of the Federal Reserve System;";

(2) by striking "the Commodity Futures Trading Commission;";

(3) by striking "the National Credit Union Administration;"; and

(4) by striking "the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission,".

SEC. 3. CONTINUATION OF PROVISIONS RELATING TO PERSONNEL.

(a) *IN GENERAL.*—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8L the following:

"SEC. 8M. SPECIAL PROVISIONS CONCERNING CERTAIN ESTABLISHMENTS.

"(a) *DEFINITION.*—For purposes of this section, the term "covered establishment" means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, and the Securities and Exchange Commission.

"(b) *PROVISIONS RELATING TO ALL COVERED ESTABLISHMENTS.*—

"(1) *PROVISIONS RELATING TO INSPECTORS GENERAL.*—In the case of the Inspector General of a covered establishment, subsections (b) and (c) of section 4 of the Inspector General Reform Act of 2008 (Public Law 110-409) shall apply in the same manner as if such covered establishment were a designated Federal entity under section 8G. An Inspector General who is subject to the preceding sentence shall not be subject to section 3(e).

"(2) *PROVISIONS RELATING TO OTHER PERSONNEL.*—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of a covered establishment may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General of such establishment and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within such establishment.

"(c) *PROVISION RELATING TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.*—The provisions of subsection (a) of section 8D (other than the provisions of subparagraphs (A), (B), (C), and (E) of paragraph (1) of such subsection (a)) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively."

(b) *CONFORMING AMENDMENT.*—Paragraph (3) of section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

SEC. 4. SUBPOENA AUTHORITY OF CERTAIN INSPECTORS GENERAL.

The Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), is authorized to require by subpoena, from any officer or employee of a contractor or grantee of the establishment, any officer or employee of a subcontractor or subgrantee

of such a contractor or grantee, or any person or entity regulated by the establishment, any records and testimony necessary in the performance of functions assigned to the Inspector General under such Act. Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

SEC. 5. CORRECTIVE RESPONSES BY HEADS OF CERTAIN ESTABLISHMENTS TO DEFICIENCIES IDENTIFIED BY INSPECTORS GENERAL.

The Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Commodity Futures Trading Commission, the Chairman of the National Credit Union Administration, the Director of the Pension Benefit Guaranty Corporation, and the Chairman of the Securities and Exchange Commission shall each—

(1) take action to address deficiencies identified by a report or investigation of the Inspector General of the establishment concerned; or

(2) certify to both Houses of Congress that no action is necessary or appropriate in connection with a deficiency described in paragraph (1).

SEC. 6. EFFECTIVE DATE; TRANSITION RULE.

(a) **EFFECTIVE DATE.**—This Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act.

(b) **TRANSITION RULE.**—An individual serving as Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission on the effective date of this Act pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(1) may continue so serving until the President makes an appointment under section 3(a) of such Act with respect to the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, as the case may be, consistent with the amendments made by section 2; and

(2) shall, while serving under paragraph (1), remain subject to the provisions of section 8G of such Act which, immediately before the effective date of this Act, applied with respect to the Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, as the case may be, and suffer no reduction in pay.

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

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 885, the Improved Financial and

Commodity Markets Oversight and Accountability Act. This bill, introduced by my friend Representative JOHN LARSON of Connecticut, would enhance the independence of Inspectors General at key financial regulatory agencies.

Right now we have an inconsistent system where some financial agencies like the FDIC have an Inspector General appointed by the President and confirmed by the Senate, while other large and important agencies like the SEC have an Inspector General who is appointed by and reports to the head of the agency they are supposed to be investigating.

This bill would create a more consistent and independent structure by elevating the Inspectors General at five financial regulatory agencies to be Presidentially appointed and Senate confirmed. This will enhance their independence from the agencies they are overseeing.

This committee has worked on Inspector General reform for the past several years now, and one of our key findings is that the Inspectors General have to be independent from the agency they are supervising if they are going to be effective. The situation at some agencies, where the head of the agency hires and fires the Inspector General and sets the office budget for that Inspector General, does not give these IGs, the Inspectors General, the independence they need.

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Making the Inspector General a Presidential appointee confirmed by the Senate not only gives them independence from their agency management but also gives them more stature to come directly to Congress with any problems that they encounter.

Congresswoman DIANE WATSON, the chairwoman of the Oversight and Government Reform Subcommittee on Government Management, held a hearing on this bill where it had the support of the GAO. At the hearing, the agency Inspectors General made some suggestions on improving the bill, which has been incorporated in an amendment adopted at the committee markup. The amendment specifically clarifies that the Inspector General and the Inspector General staff retain their existing pay and personnel structure. It also clarifies and strengthens the subpoena authority of these Inspectors General, and it requires the heads of the agencies to report to Congress on actions they have taken in response to Inspector General recommendations.

Inspectors General have the unique responsibility of reporting both to the President and to Congress. Congress has to make sure that the Inspectors General have the legal authority and tools they need to continue their roles as nonpartisan, professional, honest brokers; and this bill, I believe, does that.

I urge all Members to support H.R. 885.

I reserve the balance of my time.

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

As we all noted this year, oversight and accountability are vitally important, and the Inspectors General are on the frontline of this effort. This bill will enhance the independence and effectiveness of the IGs at several critical institutions.

Currently the IGs at the Commodity Futures Trading Commission, the National Credit Union Administration, the Securities and Exchange Commission, the Pension Benefit Guaranty Corporation, and the Board of Governors of the Federal Reserve System are appointed and can be removed by the head of the institution. This structure could limit the IG's independence. This bill will make these IGs Presidentially appointed and Senate-confirmed, reducing the risk of undue influence by the heads of these institutions. Although additional Senate-confirmed positions are unnecessary in most cases, it is important that we preserve and enhance their independence within these organizations. I want to thank our colleagues for working with us to improve this bill and making several important changes.

We now ensure that the positions covered by this bill will not suffer a reduction in pay and the individuals will remain on par with similarly situated senior individuals at the institution. More importantly, we also provide IGs with subpoena authority, an important tool for oversight and accountability, as we all know from our work on the Oversight Committee. Finally, the bill requires the regulatory agencies to take some action on the deficiencies identified by the IGs. These agencies cannot simply ignore the findings.

Madam Speaker, given the enormous role these institutions play in our Nation's financial sector, it is important that the IGs have the tools and independence to ensure that these institutions operate above reproach.

I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I want to thank the gentleman from Utah for his hard work on this bill and his ongoing commitment, and it has been that case on much of the legislation that comes before our committee for his bipartisan and willingness to work very hard on these issues. I consider it an honor to work with him.

I would like to submit for the RECORD an exchange of letters between the Honorable COLLIN PETERSON, chairman of the House Committee on Agriculture, and the Honorable EDOLPHUS TOWNS, chairman of our Oversight Committee, with respect to their concerns regarding this bill.

COMMITTEE ON AGRICULTURE,
Washington, DC, June 8, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Govern-
ment Reform, Washington, DC.

DEAR CHAIRMAN TOWNS: I write to you regarding H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act.

H.R. 885 contains provisions that fall within the jurisdiction of the Committee on Agriculture. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Agriculture waiving its jurisdiction over H.R. 885.

Further, the Committee on Agriculture reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

COLLIN C. PETERSON,
Chairman.

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM,
Washington, DC, June 8, 2009.

Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

DEAR CHAIRMAN PETERSON: Thank you for your letter regarding the Committee on Agriculture's jurisdictional interest in H.R. 885, the "Improved Financial and Commodity Markets Oversight and Accountability Act".

I appreciate your willingness to expedite this legislation for House floor consideration, and agree that certain provisions of the bill are of jurisdictional interest to the Committee on Agriculture. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Agriculture has jurisdiction in H.R. 885.

I will submit a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your support of H.R. 885 and your cooperation as we work towards enactment of this important legislation.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

Madam Speaker, I would now like to yield such time as he may consume to the lead sponsor of this measure, a very diligent Member of Congress and a part of our leadership team, Mr. LARSON of Connecticut.

Mr. LARSON of Connecticut. I thank the gentleman from Massachusetts (Mr. LYNCH). Chairman, you have done an outstanding job, along with the gentleman from Utah (Mr. CHAFFETZ), in outlining what this bill does.

Before I begin, because this has been such a nonpartisan effort in so many respects and a commitment, first and foremost, on the part of the Oversight Committee to take a bill, whose genesis evolved out of the last session, and

make it a better bill and perfect it, to those ends, along with Mr. LYNCH and Mr. CHAFFETZ, I would especially like to thank Chairman ED TOWNS. Mr. TOWNS has done such a great job in marshaling this bill forward, along with DIANE WATSON.

I would further like to thank, on their staff, Mike McCarthy, Adam Bordes and Bert Hammond of the Oversight and Government Reform Committee; Austin Burns of the majority leader's staff; and BARNEY FRANK, MEL WATT and DENNIS MOORE for their ongoing efforts to reform the regulation of our markets and financial sectors and for their input into this legislation; my good friend TODD PLATTS, who also assisted in this; and FRANK LOBIONDO, who was a cosponsor of this bill almost 2 years ago. I especially want to single out for their efforts two reform-minded freshmen who have come to Congress, JOHN BOCCIERI of Ohio and GLENN NYE of Virginia, and especially to Amy O'Donnell of my staff and Jackie Sheltry.

We refer to this bill in the short form, just frankly, as providing an independent Inspector General for the financial services industries that are in such desperate need of this oversight, and I think the chairman outlined it well. The genesis of this bill actually took place from conducting a public forum back in my district and listening to former Republican mayor of South Windsor, Connecticut, John Mitchell, and our attorney general of the State of Connecticut, Richard Blumenthal. When we were looking at speculation in the market and what was happening with the CFTC and oil commodities, when we realized that the more and closer we looked at who was regulating these agencies, it was somewhat a case of the foxes guarding the henhouse.

Many have asked when we went home over this break and since the financial collapse on Wall Street, people have been astounded in trying to answer the question of, how could it be that Bernie Madoff was scamming thousands of innocent Americans into giving up their life savings? Where were the regulators? Where were the agencies? Where were they when speculators were wreaking havoc on the oil markets?

I can think of no sector where honesty, independence and transparency are needed more right now than in our financial and commodity markets, yet the regulators of these markets have been allowed to work with no oversight of what they are doing and whether they are fulfilling their mission to protect the American consumer. That's because the Inspectors General, as the chairman outlined, who should be working on behalf of average Americans, were working for the heads of the agencies they should be overseeing. As I said earlier, this is a classic case of the fox watching the henhouse, and it's

having a profound impact on the work of our regulatory agencies.

We have done a review, and this is something that we pointed out at the committee. The review found that offices of the Inspector General, that independent offices where they are appointed by the President and approved by the Senate, completed over 117 investigations in 2008 while their non-independent counterparts completed just 12. That's 117 versus 12. The Inspector General of the Commodity Futures Trading Commission released information, showing that despite the recent economic crisis and the turbulence in the oil market, his office completed just two investigations and updated one from October of last year through March. Simply stated, an independent watchdog ensures better performance from a government agency.

I commend the committee because what they've done is provide greater accountability and transparency. I also commend United States Senator DODD, who will also be taking this bill up on the Senate side as well. Again, I thank everybody on the committee and especially ED TOWNS for his hard work and dedication to make sure this bill got to the floor.

Mr. CHAFFETZ. Madam Speaker, I want to also echo my compliments to Chairman TOWNS for his bringing this forward; Ranking Member ISSA who has a keen interest in this area for his work; and the Chair of the subcommittee, Mr. LYNCH, who is truly a gentleman and a great person to work with.

I also want to put comments in for the good men and women throughout our Federal Government that are working in all of these types of functions. I was excited to participate on the Oversight and Government Reform Committee because of the tremendous workload that they have. There's a great expectation from the American people that we deal with their money fairly and honestly, that we make sure that every dollar is accounted for; and we've seen too many mishaps where dollars have been overspent or overused. Certainly as we look at what is going to be, surely, the single-largest tax increase in the history of the United States with the so-called cap-and-trade, as the Democrats move this bill forward, if it were to pass, literally hundreds of billions of dollars taken out of the pockets of Americans all across the country that will be spent on who knows what, we have got to make sure that every single one of those dollars is accounted for.

Even though I voted "no," this body passed a \$1 trillion stimulus package, again, pulling \$1 trillion dollars out of our economy, pulling \$1 trillion out of Americans' pockets, handing it out to somebody else, bailouts and the rest of it. We need to make sure that the independent auditing, the people who are

involved in oversight and government reform at every agency across the Nation throughout our government are doing their job, paying attention and making sure that every dollar is accounted for.

Having no other speakers, I will yield back the balance of my time.

Mr. LYNCH. Madam Speaker, in closing, we would like to reiterate our strong support for H.R. 885 and its lead sponsor and champion, Mr. LARSON. Again, we appreciate the great work being done by ED TOWNS, the full committee Chair; Mr. ISSA, its ranking member; and the gentleman from Utah, because this will increase the independence of these Inspectors General at financial regulatory agencies at a time when we need these internal watchdogs to be more effective than ever. We do appreciate the work that is being done by our Inspectors General and their staff, investigators and researchers. They work very hard for us. They do work that is not often appreciated, I think, on behalf of the American people; and this will, I think, allow them a greater level of independence to do the job that needs to be done. So I urge my colleagues to join Mr. LARSON and all of us in supporting the passage of this measure.

Mr. MOORE of Kansas. Madam Speaker, I rise today to express my support for H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act. The bill is sponsored by my friend and colleague from Connecticut, Congressman LARSON, and I commend his leadership on strengthening oversight and accountability to our government.

As I have told him personally, I appreciate the hard work Congressman LARSON put into crafting H.R. 885, a bill to reform several Offices of Inspector General in an effort to bring a greater level of independence and transparency to the agencies they oversee. And as the sponsor of the bill knows, I initially raised a few concerns with the bill to make sure we maximize the efforts of these Inspectors General to provide strong and tough oversight.

As a former District Attorney, the focus of any investigation should always be quality over quantity. Inspectors General should not focus on meeting some meaningless quota of closed cases. Instead, we want our Inspectors General to uncover waste, fraud and abuse wherever they find it so the agency they supervise and Congress can promptly address those abuses.

The House Financial Services Committee, under the leadership of Chairman BARNEY FRANK and of which I chair the Oversight and Investigations Subcommittee, will soon be considering a comprehensive regulatory reform package to overhaul our financial regulatory system.

In that effort, I will be working with Members on both sides of the aisle to identify any additional oversight protections we need to implement to ensure our financial system is transparent and protects consumers, investors and taxpayers. For example, I personally would like to see better coordination between Inspec-

tors General on a regular basis to identify waste, fraud and abuse by creating a "Financial Inspectors General Council" where oversight concerns that may have a broader reach can be identified and corrected quickly.

I appreciate Congressman LARSON listening to me and discussing my concerns. We both agree that we need to move quickly on all fronts to strengthen oversight of our financial system, and it is in that spirit that I support this bill that the House is considering now.

I look forward to working closely with Congressman LARSON, Republicans and Democrats to take the necessary, additional steps to make certain we have an improved oversight structure in place so we don't have a repeat of a financial crisis of this magnitude.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 885, as amended.

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

A motion to reconsider was laid on the table.

□ 1530

WOUNDED VETERAN JOB SECURITY ACT

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 466) to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 466

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

SECTION 2. SHORT TITLE.

This Act may be cited as the "Wounded Veteran Job Security Act".

SEC. 3. RIGHTS OF PERSONS WHO RECEIVE TREATMENT FOR ILLNESSES, INJURIES, AND DISABILITIES INCURRED IN OR AGGRAVATED BY SERVICE IN THE UNIFORMED SERVICES.

(a) RIGHTS OF PERSONS WHO RECEIVE TREATMENT.—

(1) IN GENERAL.—Subchapter II of chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 4320. Rights of persons absent from employment for treatment of service-connected disabilities

"(a) RETENTION.—Subject to subsection (e), a person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability is entitled to be retained by the person's employer.

"(b) SENIORITY.—A person who is absent from employment by reason of the receipt of medical treatment for a service-connected

disability and who is entitled to be retained by the person's employer under subsection (a) is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of such treatment plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(c) BENEFITS.—(1) A person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability and who is entitled to be retained by the person's employer under subsection (a) shall be—

"(A) deemed to be on furlough or leave of absence while receiving such treatment; and

"(B) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a contract, agreement, policy, practice, or plan in effect at the commencement of such service or established while such person is so absent.

"(2)(A) Subject to subparagraph (C), a person described in subparagraph (B) is not entitled to rights and benefits under paragraph (1)(B).

"(B) A person described in this subparagraph is a person who—

"(i) is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability; and

"(ii) knowingly provides written notice of intent not to return to a position of employment after receiving such treatment.

"(C) For the purposes of this paragraph, the employer shall have the burden of proving that a person knowingly provided clear written notice of intent not to return to a position of employment after being absent from employment by reason of the receipt of medical treatment and, in doing so, was aware of the specific rights and benefits to be lost under subparagraph (A).

"(3) A person deemed to be on furlough or leave of absence under this subsection while receiving medical treatment for a service-connected disability shall not be entitled under this subsection to any benefits to which the person would not otherwise be entitled if the person had remained continuously employed.

"(4) Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to paragraph (1) to the extent other employees on furlough or leave of absence are so required.

"(5) The entitlement of a person to coverage under a health plan is provided for under section 4317 of this title.

"(d) LEAVE.—Any person who is absent from a position of employment with an employer by reason of the receipt of medical treatment for a service-connected disability shall be permitted, upon request of that person, to use during the period during which the person is so absent, any vacation, annual, medical, or similar leave with pay accrued by the person before the commencement of such period. No employer may require any such person to use vacation, annual, family, medical, or similar leave during such period.

"(e) EXCEPTIONS.—(1) An employer is not required to comply with the requirements of this section if—

"(A) the employer's circumstances have so changed as to make such compliance impossible or unreasonable;

"(B) such compliance would impose an undue hardship on the employer; or

“(C) the employment from which the person is absent by reason of the receipt of medical treatment is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

“(2) In any proceeding involving an issue of whether (A) any compliance referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, (B) such compliance would impose an undue hardship on the employer, or (C) the employment referred to in paragraph (1)(C) is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period, the employer shall have the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4319 the following new item:

“4320. Rights of persons absent from employment for treatment of service-connected disabilities.”.

(b) HEALTH PLAN.—Section 4317 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c) This section shall apply with respect to a person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability (other than a person described in section 4320(c)(2)(B) of this title) on the same basis as a person who is absent from a position of employment by reason of service in the uniformed services. In the case of a person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability (other than a person described in section 4320(c)(2)(B) of this title), the period during which the person is so absent shall be treated as a period of service in the uniformed services for purposes of this section.”.

(c) PROHIBITION OF DISCRIMINATION AND ACTS OF REPRISAL.—Section 4311 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting after “uniformed service” the following: “, or who has an illness, injury, or disability determined by the Secretary of Veterans Affairs to have been incurred in or aggravated by such service”; and

(B) by striking “or obligation” and inserting “obligation, or receipt of treatment for that illness, injury, or disability”; and

(2) in subsection (c)—

(A) by striking “or obligation for service” the first time it appears and inserting “obligation for service, or receipt of treatment for an illness, injury, or disability determined by the Secretary of Veterans Affairs to have been incurred in or aggravated by service”; and

(B) by striking “or obligation for service” the second time it appears and inserting “obligation for service, or receipt of treatment”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical treatment received on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from the great State of California.

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

Madam Speaker, as chairman of the Veterans' Affairs Committee in the House of Representatives, I have been honored to bring bill after bill that says “thank you” to our Nation's veterans, and this is another bill that will in fact do that, to say thank you to those who have served our Nation.

My distinguished colleague from Texas, Mr. DOGGETT, has introduced H.R. 466, the Wounded Veteran Job Security Act. His steadfast commitment to our men and women in uniform and this Nation's veterans is to be commended.

Madam Speaker, I yield such time as he may consume to Mr. DOGGETT to explain the bill.

Mr. DOGGETT. Thank you very much, Chairman FILNER, and thank you Ranking Member BOOZMAN, for the leadership that each of you provides for those who have served our country.

The return of a soldier or sailor to civilian life is a tradition as old as the Republic itself. Just outside this House Chamber in the great rotunda of the Capitol is a portrait of General George Washington resigning his command in the Continental Army at the close of the Revolution.

In his farewell orders to his troops in November of 1783, he praised the brave men, retiring victorious from the field of war to the field of agriculture. He urged his soldiers to participate in “all the blessings which have been obtained,” and asked rhetorically, “In such a Republic, who will exclude them from the rights of Citizens and the fruits of their labor?”

Washington reminded this Congress of its duty to support these new veterans, he said, “so that the officers and soldiers may expect considerable assistance in recommencing the civil occupations.”

Well, today, more than 34,000 of America's troops have been wounded as a result of their brave service in Iraq and in Afghanistan. Of these men and women, about 8,000 have suffered traumatic brain injuries and another 1,200 have undergone amputation of a limb.

Battlefield injuries like this don't end on the battlefield, and as General Washington long ago confirmed, neither should our commitment to these wounded warriors. When it comes to recovery, the road back to civilian life can be long, and it can be difficult. Complications arise from amputations. They can force a veteran to return repeatedly to the Veterans Administration for medical care; or what begins as a migraine may turn out to be a traumatic brain injury requiring a battery of time-consuming tests.

Even those veterans that live near a veterans facility find it difficult balancing their medical requirements

with other demands on their time; and, of course, many veterans live far away and must travel a long distance, like a veteran in Luling, Texas, who must drive back and forth to the VA hospital in Temple in what may take 4 or 5 hours.

But this is not the only long road that some veterans confront. This legislation is the result of problems that some Texas veterans brought to my attention. They said wounded veterans should not be fired after they exhaust their sick and vacation leave to receive care for injuries that a VA doctor says they need that they incurred while defending our country.

I agree. And they said there ought to be a law supporting our veterans, and I felt confident when the Veterans' Affairs Committee and this Congress heard their plea, they would answer, as they have today.

You see, Madam Speaker, some employers have policies limiting the amount of time that an employee can be out on sick leave. An employee that exceeds that limit may be terminated; and as the law is written today, this means an employer can legally terminate a veteran with a service-related disability for receiving the care that he or she so desperately needs.

I stand here today to say that is not good enough. Our veterans should not have to choose between their lives and their livelihoods. No veteran should have to stand in front of their employer after suffering an injury while serving the Red, White and Blue and be told, you have a pink slip. I am sorry, you can't have a job. But the fact is that this has happened, and it has happened to some simple Texas veterans.

In 1994, when the Congress passed and President Clinton signed the Uniformed Services Employment and Reemployment Rights Act to clarify and strengthen the Veterans Reemployment Rights Statute, its first purpose was to encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service.

Now that we are 15 years down the road, it is time to take decisive action to develop policies that evolve with the changing needs of our troops. That is what the Wounded Veteran Job Security Act that we consider today that I authored seeks to accomplish. It amends existing law to establish a right of veterans who receive treatment for illness, injuries and disabilities incurred or aggravated by uniform service to the United States to be retained by their employers.

I appreciate the support of the American Legion, the Veterans of Foreign Wars, the Fleet Reserve Association, and the Disabled American Veterans, important organizations representing our veterans who have endorsed this legislation.

This legislation requires employers to retain a person who is absent from work because they are receiving medical treatment for a service-related injury or disability. It grants the servicemembers the same seniority and other rights and benefits that they had prior to receiving treatment, and it seeks to ensure that these servicemembers receive the same rights and benefits as other employers who are on furlough or leave of absence.

Our service men and women selflessly put aside their civilian lives to step into uniform and serve the cause of freedom and stand up for all of us. Today, it is our responsibility to stand up for them.

I urge my colleagues to support this legislation to ensure no American veteran ever has to choose between getting well and getting paid.

I thank the leadership on the committee.

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

Madam Speaker, I rise in support of the manager's amendment to H.R. 466. This bill would add protections against employment discrimination due to continued treatment for a service-connected disability to the Uniform Service Employment and Reemployment Rights Act, or USERRA; and that is the right thing to do.

Those who are seriously injured serving in the Nation's military should not be disadvantaged in the workplace beyond what their injuries have already put upon them; and allowing a reasonable amount of time off from their jobs for continuing service-connected medical treatment is the least thing that we can do. I believe that including them in USERRA is appropriate because it leaves no doubt as to an employer's obligation to service-disabled employees.

I extend my appreciation to the distinguished chairwoman, Ms. HERSETH SANDLIN, who has worked with us to improve the bill. Together we have clarified issues related to service-connected disability leave as well as other issues such as pension benefits and protections for businesses whose circumstances have changed so significantly that the application of these provisions would impose a serious burden on the employer.

This is a very worthy bill, and we appreciate Mr. DOGGETT bringing it forward. I would urge my colleagues certainly to support it.

I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I have no further speakers.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of veterans and military personnel

in America. As one who believes in the Constitution under the original intent of the writers of that document and one who believes that most of what we do here in this House and in this Congress is unconstitutional, according to that original intent, supporting our veterans and our military personnel is absolutely critical for the national security of America.

We are not doing what we are supposed to do for our veterans. We have broken promises over and over again. The veterans are not getting the benefits that they have been promised; and I think that is immoral and verges on criminal, because we have broken as a Federal Government the promises that we have made to the veterans and military personnel in America. We need to fulfill those promises. We need to do what we have said we would do for them, and that is to take care of them, to take care of their spouses. We need to do so for their lifetime.

On the other hand, what we are doing here is we are going further and further down the road away from the Constitution and the original intent. We are stealing our grandchildren's future by spending more and more money that we don't have.

It is right and good and proper for us to spend money on national defense and supporting our veterans. It is right and good and proper to spend money on military personnel, on the national defense, on homeland security. It is not right and proper for us to continue spending our grandchildren's future.

The American people are going to have to stand up and say no to this robbing their future. They are going to have to contact their Members of Congress and say no to cap-and-trade, no to bailing out Big Business, no to doing all the things that we are doing over and over again here in this Congress. It is up to the American people to stand up and say no.

I say yes to veterans, yes to the military, yes to strong national defense, yes to good policies for the veterans, and no to this steamroll to socialism.

Mr. FILNER. I am not sure whether the previous speaker supported or opposed the bill. I guess he opposes any help for health care for our citizens, any help for job security for our citizens, any help for the environmental protection of our citizens, any help for education for our citizens, any help for housing for our citizens. I still don't know where he stands on this bill.

I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, having no more speakers on the bill, I would like to extend my appreciation once again to Mr. DOGGETT for bringing the bill forward, to Ms. HERSETH SANDLIN, Chairman FILNER and Ranking Member BUYER for their support and everyone working together to improve the Uniform Services Employment and Reemployment Rights Act.

Again, you know where I am at on this bill. I urge all of my colleagues to support H.R. 466, as amended.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 466, as amended.

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

There was no objection.

Mr. FILNER. I urge all of my colleagues to join us in reaffirming our Nation's commitment to care for our servicemembers, veterans and their dependents, unanimously supporting H.R. 466, as amended.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today in strong support of H.R. 466, the "Wounded Veteran Job Security Act." I would like to thank my colleague Representative LLOYD DOGGETT for introducing this important piece of legislation, as well as the co-sponsors.

I stand in support of this legislation because it will prevent employers from discriminating against disabled veterans, who have to take a leave of absence from their jobs to receive medical treatment for illnesses, injuries, and other disabilities that they incurred during their time in the armed services. This bill will also entitle a disabled veteran to use vacation, annual, medical, or similar leave with pay before the beginning of their treatment.

Like all Americans, the 102,261 disabled veterans in the state of Georgia, rely upon the incomes that they earn from their jobs, because receiving disability payments alone is not enough. When veterans receive disability payments, the amount of their compensation is dependent upon the evaluation of the severity of their disabilities and then the severity of the injury is rated in increments of 10, ranging between 10 and 100 percent.

As of the beginning of the 2009 fiscal year, the largest category of veterans was at the 10 percent disability rate. These 782,000 veterans of the 2.9 million in total receiving disability payments are only being paid approximately \$123 per month which totals to \$1,476 a year. Presently, it is impossible to make a living and support a family on this amount of money, especially in Georgia's Fourth Congressional District. In the Georgia Fourth Congressional District the average yearly household income is approximately \$49,000. The termination of a veteran because of their need to obtain medical treatment for an injury or injuries incurred while they were in the armed services of their country is not fair. We owe these individuals a great deal. These veterans have given so much to the United States, and were willing to pay the ultimate sacrifice—their lives for freedom. The least we can do is protect their well being after their service.

Mr. RANGEL. Madam Speaker, I rise today in support of our brave men and women in the Armed Forces who are returning to our nation in increased numbers to find that their employment prospects are limited because they have chosen to fight for our great nation. The detrimental effect of multiple deployments upon

our soldiers has been increasingly seen and documented in an effort to ameliorate the situation. Yet those soldiers who have chosen the route towards getting help whatever their ailment may be, from physical wounds to psychological are now being ostracized.

It is our duty as a nation and government to protect those who have so valiantly fought for our freedoms. Our objectives should be to make sure that they are included in the process of reestablishing our economy in the most vital way possible—employment. Not only should we fight for their inclusion, but we should also help them in providing the tools necessary for them to fairly compete in the job market whether it is psychological counseling for trauma experienced while in combat or job training to bolster the unique skill sets they have acquired during their time in the service.

Our fellow soldiers are part of the fabric that weaves the story of our great nation. They are the seams of the garment that bring us all together despite our backgrounds or cultures. Without them we as a nation will fall apart. It is up to us to reinforce the stitching that keeps us together—we need to do whatever it takes to keep them strong and viable.

This is why I am in support of H.R. 466 which advocates for the end of discrimination towards our soldiers who have left the service with more than they enlisted. Many return to us suffering from the trauma of the wars and others with wounds that only time may be able to heal. I call upon the Members of Congress and the nation to support our men and women in uniform.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 466, as amended.

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

The title was amended so as to read: “A bill to amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities.”.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1736, by the yeas and nays;

H.R. 1709, by the yeas and nays;

H. Res. 420, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

INTERNATIONAL SCIENCE AND TECHNOLOGY COOPERATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1736, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 1736, as amended.

The vote was taken by electronic device, and there were—yeas 341, nays 52, not voting 40, as follows:

[Roll No. 311]

YEAS—341

Abercrombie	Cantor	Edwards (TX)
Ackerman	Cao	Ehlers
Aderholt	Capito	Ellison
Adler (NJ)	Capps	Ellsworth
Alexander	Capuano	Emerson
Altmire	Cardoza	Engel
Andrews	Carnahan	Eshoo
Arcuri	Carney	Etheridge
Austria	Carson (IN)	Fallin
Baca	Cassidy	Farr
Baird	Castle	Fattah
Baldwin	Castor (FL)	Filner
Barrow	Chandler	Fleming
Bartlett	Childers	Forbes
Barton (TX)	Clarke	Fortenberry
Bean	Clay	Foster
Becerra	Clyburn	Frank (MA)
Berkley	Cohen	Frelinghuysen
Berman	Cole	Fudge
Berry	Connolly (VA)	Galleghy
Biggart	Conyers	Gerlach
Bilbray	Cooper	Giffords
Bilirakis	Costa	Goodlatte
Bishop (GA)	Crenshaw	Gordon (TN)
Bishop (NY)	Crowley	Granger
Blackburn	Cuellar	Graves
Blumenauer	Cummings	Grayson
Bocchieri	Dahlkemper	Green, Al
Boehner	Davis (AL)	Green, Gene
Bonner	Davis (CA)	Griffith
Boozman	Davis (IL)	Guthrie
Boren	Davis (KY)	Gutierrez
Boswell	Davis (TN)	Hall (NY)
Boucher	DeFazio	Hall (TX)
Brady (PA)	Delahunt	Halvorson
Brady (TX)	DeLauro	Hare
Braleigh (IA)	Dent	Harman
Bright	Diaz-Balart, L.	Harper
Brown (SC)	Diaz-Balart, M.	Hastings (FL)
Brown, Corrine	Dicks	Heinrich
Brown-Waite,	Dingell	Heller
Ginny	Doggett	Hergert
Buchanan	Donnelly (IN)	Herseth Sandlin
Burton (IN)	Doyle	Higgins
Buser	Dreier	Hill
Calvert	Driehaus	Himes
Camp	Edwards (MD)	Hinchee

Hinojosa	McMorris	Sánchez, Linda
Hirono	Rodgers	T.
Holden	McNerney	Sanchez, Loretta
Holt	Meek (FL)	Sarbanes
Honda	Meeks (NY)	Schakowsky
Hoyer	Melancon	Schauer
Inglis	Mica	Schiff
Inslee	Michaud	Schmidt
Israel	Miller (MI)	Schwartz
Jackson (IL)	Miller (NC)	Scott (GA)
Jackson-Lee	Minnick	Scott (VA)
(TX)	Mitchell	Serrano
Jenkins	Mollohan	Shea-Porter
Johnson (GA)	Moore (KS)	Sherman
Johnson, E. B.	Moore (WI)	Shimkus
Jones	Murphy (CT)	Shuler
Kagen	Murphy (NY)	Simpson
Kanjorski	Murphy, Patrick	Sires
Kaptur	Murphy, Tim	Skelton
Kildee	Murtha	Slaughter
Kilpatrick (MI)	Myrick	Smith (NE)
Kilroy	Nadler (NY)	Smith (NJ)
King (NY)	Napolitano	Smith (TX)
Kirk	Neal (MA)	Smith (WA)
Kirkpatrick (AZ)	Nye	Souder
Kissell	Oberstar	Space
Klein (FL)	Obey	Speier
Kline (MN)	Olson	Spratt
Kosmas	Olver	Stark
Kratovil	Ortiz	Stupak
Kucinich	Pallone	Sutton
Lance	Pascrell	Tanner
Langevin	Pastor (AZ)	Tauscher
Larsen (WA)	Paulsen	Taylor
Larson (CT)	Payne	Teague
Latham	Perlmutter	Terry
LaTourette	Perriello	Thompson (CA)
Latta	Peters	Thompson (MS)
Lee (CA)	Peterson	Thompson (PA)
Lee (NY)	Petri	Thornberry
Levin	Pingree (ME)	Tiberi
Lewis (CA)	Platts	Tierney
Lipinski	Polis (CO)	Titus
LoBiondo	Pomeroy	Tonko
Loebsack	Posey	Towns
Lofgren, Zoe	Price (NC)	Tsongas
Lowey	Quigley	Turner
Lucas	Radanovich	Upton
Luetkemeyer	Rahall	Van Hollen
Luján	Rangel	Velázquez
Lynch	Rehberg	Visclosky
Maffei	Reichert	Walden
Manzullo	Reyes	Walz
Markey (CO)	Richardson	Wasserman
Markey (MA)	Rodriguez	Schultz
Marshall	Roe (TN)	Watson
Massa	Rogers (AL)	Watt
Matheson	Rogers (KY)	Waxman
Matsui	Rogers (MI)	Weiner
McCarthy (CA)	Rooney	Welch
McCaul	Ros-Lehtinen	Wilson (OH)
McCollum	Roskam	Wilson (SC)
McCotter	Ross	Wittman
McDermott	Roybal-Allard	Wolf
McHugh	Rush	Woolsey
McIntyre	Ryan (OH)	Wu
McKeon	Ryan (WI)	Yarmuth
McMahon	Salazar	Young (AK)
		Young (FL)

NAYS—52

Akin	Garrett (NJ)	Miller (FL)
Bachmann	Gingrey (GA)	Moran (KS)
Bachus	Gohmert	Neugebauer
Blunt	Hensarling	Nunes
Boustany	Hunter	Paul
Brown (GA)	Issa	Pence
Burgess	Johnson, Sam	Pitts
Campbell	Jordan (OH)	Poe (TX)
Carter	King (IA)	Price (GA)
Chaffetz	Kingston	Royce
Coble	Lamborn	Scalise
Coffman (CO)	Linder	Sensenbrenner
Conaway	Lummis	Shadegg
Culberson	Lungren, Daniel	Shuster
Duncan	E.	Stearns
Flake	Marchant	Westmoreland
Foxx	McClintock	Whitfield
Franks (AZ)	McHenry	

NOT VOTING—40

Barrett (SC)	Butterfield	Deal (GA)
Bishop (UT)	Cleaver	DeGette
Bono Mack	Costello	Gonzalez
Boyd	Courtney	Grijalva

Hastings (WA) McGovern
Hodes Miller, Gary
Hoekstra Miller, George
Johnson (IL) Moran (VA)
Kennedy Putnam
Kind Rohrabacher
Lewis (GA) Rothman (NJ)
Mack Ruppertsberger
Maloney Schock
McCarthy (NY) Schrader

Sessions
Sestak
Snyder
Sullivan
Tiahrt
Wamp
Waters
Wexler
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell

Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loeb sack
Loftgren, Zoe
Lowe y
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perrilli
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)

Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin

NAYS—39

McClintock
McHenry
Neugebauer
Nunes
Paul
Pence
Poe (TX)
Scalise
Sensenbrenner
Shadegg
Stearns
Thornberry
Westmoreland
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Hensarling
Issa
Jordan (OH)
King (IA)
Kingston
Lamborn
Linder
Lummis
Marchant

NOT VOTING—41

Barrett (SC)
Bishop (UT)
Bono Mack
Boyd
Butterfield
Cleaver
Costello
Courtney
Deal (GA)
DeGette
Gonzalez
Grijalva
Hastings (WA)
Hodes
Hoekstra
Johnson (IL)
Kaptur
Kennedy
Kind
Lewis (GA)
Mack
Maloney
McCarthy (NY)
McGovern
Miller, Gary
Miller, George
Moran (VA)
Putnam
Rohrabacher
Rothman (NJ)
Ruppertsberger
Schock
Schrader
Sessions
Sestak
Snyder
Sullivan
Tierney
Wamp
Waters
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2-minutes remaining in this vote.

□ 1857

Messrs. AKIN, HENSARLING, Ms. FOXX, Messrs. PENCE and COFFMAN of Colorado changed their vote from “yea” to “nay.”

Mr. ROGERS of Michigan changed his vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Madam Speaker, on rollcall No. 311, I was unavoidably detained. Had I been present, I would have voted “yea.”

STEM EDUCATION COORDINATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1709, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 1709, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 353, nays 39, not voting 41, as follows:

[Roll No. 312]

YEAS—353

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bocchieri
Bonner
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1905

Mr. COFFMAN of Colorado changed his vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CELEBRATING FLAG DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 420.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 420.

The question was taken.

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

RECORDED VOTE

Mr. HASTINGS of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 391, noes 0, not voting 42, as follows:

[Roll No. 313]

AYES—391

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin

Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Crenshaw
Crowley
Cuellar
Culberson
Cummins
Dahlkemper
Davis
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinches
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inglis
Inslie
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourrette
Latta

Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel E.
Lynch
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg

Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schalise
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi

Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Barrett (SC)
Bishop (UT)
Bono Mack
Boyd
Butterfield
Cleaver
Costello
Courtney
Deal (GA)
DeGette
Gonzalez
Grijalva
Hastings (WA)
Hodes
Hoekstra
Hunter
Johnson (IL)
Kennedy
Kind
Lewis (GA)
Mack
Maloney
McCarthy (NY)
McGovern
Melancon
Miller, Gary
Miller, George
Moran (VA)
Putnam
Rohrabacher
Rothman (NJ)
Ruppersberger
Schock
Schrader
Sessions
Sestak
Snyder
Speier
Sullivan
Wamp
Waters
Wexler

□ 1915

HONORING THE LIFE OF U.S. ARMY FIRST SERGEANT BLUE C. ROWE OF WHITTIER, CALIFORNIA

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, it is with great sadness that I rise to pay tribute to U.S. Army First Sergeant Blue C. Rowe. Sergeant Rowe, a devoted husband and father, was a constituent of mine from Whittier, California. This brave American was killed in action in Afghanistan on May 26, 2009, on the 15th anniversary of his service in the military.

Sergeant Rowe was killed by an improvised explosive device. The 33-year old Rowe leaves behind his 7-year old son, Andrew, and his wife Cindy. My thoughts and prayers go out to Cindy and Andrew, and I hope that they can find some solace in the gratitude that our Nation owes to Sergeant Rowe for his honorable service to his countrymen.

Sergeant Rowe spent his entire adult life serving our country. He joined the Army in 1994 and served in Operation Iraqi Freedom. Last July he mobilized again for duty in Afghanistan.

He and his family have made the greatest sacrifice that one can make, and we are forever in his debt.

Sergeant Rowe, whose life embodied the meaning of the word “patriot”, will be missed by family, friends and colleagues, but his honorable deeds will not be forgotten.

THE 21ST CZAR OF AMERICA

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1912

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GEORGE MILLER of California. Madam Speaker, on Monday, June 8, 2009, I was unavoidably absent for three rollcall votes. Had I been present, I would have voted for the International Science and Technology Cooperation Act of 2009, the STEM Education Coordination Act of 2009, and H. Res. 420—Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, because of official business in Houston on June 4, 2009, speaking at a graduation in a school district that had suffered great damage during Hurricane Ike, North Forest High School in the North Forest Independent School District, I missed the following votes:

Mr. POE of Texas. Madam Speaker, we have yet another czar appointed by the administration. The Pay Czar will set limits on how much money people can make that took bank bailout money.

The government is establishing a central committee accountable and answerable only to the President. These czars and czarinas avoid scrutiny of Congress. There is no advice and consent by the Senate and little oversight, and no one knows what these czars really do or how they're doing it. There is no authority found anywhere in the Constitution to appoint these czars. They enforce czar rules with no recourse by the citizens. The czars claim they know best how to take care of the masses.

It's appropriate that this administration and past administrations use this Russian term "czar" since the Russians, under the Soviet Union, invented the Politburo. The Soviet Politburo was made up of political party appointees that made all policy decisions and ruled the country through their dictates.

Now we have 21 czars. The newest, the Pay Czar, is moving us ever nearer to a socialist union which leaves us less and less control of the government by the people.

And that's just the way it is.

SUPPLEMENTAL FUNDING FOR IRAQ AND AFGHANISTAN

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

Mr. KUCINICH. Madam Speaker, despite the current focus on disagreements over funding for the International Monetary Fund and closure of the Guantanamo Bay detention facility, the primary intent of the supplemental is to continue funding for the wars in Iraq and Afghanistan. As Members who remain opposed to the bill, we need to make sure and make clear our opposition and work to defeat the bill.

It's notable that attempts to make important changes to the legislation, such as a call for an exit strategy from Afghanistan, or demands for increased transparency or accountability at the IMF, have been rebuffed. Continued funding of the war operations in Iraq ensures a continued occupation, thereby undermining the stated U.S. goal for withdrawal by the end of 2010. Funds for Iraq should be dedicated to bringing all of our troops home, and bringing those contractors home as well.

It's time to end this war. "No" to any more funds for the war in Iraq and the war in Afghanistan. And "no" if they try to put any other kind of legislation and tie it to the war funding.

Defeat the supplemental.

SPECIAL ORDERS

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

THE UNITED STATES SHOULD NOT PICK WINNERS AND LOSERS IN THE MIDDLE EAST

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

Mr. POE of Texas. Madam Speaker, the recent focus on Israel and the Arab-Israeli conflict that continues today is vital and important to our world peace. There are a lot of people out there trying to revise history, however.

The State of Israel was established in 1948 by British mandate after the Holocaust of World War II. The Jewish people lay claim to this area since Biblical times. The establishment of the Jewish State of Israel merely formalized the return of their indigenous homeland by international agreement. Both the United States and the U.N., including the Soviet Union, recognized the State of Israel.

The day after the Jewish state was established in 1948, it was invaded by six surrounding Arab nations. A negotiated cease-fire ended hostility, with Jerusalem being split in the middle between Israel and Jordan.

In 1967 Israel was once again invaded by Syria from the north, Jordan from the east and Egypt from the southwest. During the war, Israel defended itself and expanded its border by including the Golan Heights that was controlled by Syria, the West Bank, controlled by Jordan, and Gaza, controlled by Egypt.

Some would have you believe that the establishment of the State of Israel changed the borders of Arab states in agreements that had existed for centuries. That is simply incorrect. The boundaries of the Middle East countries were fixed by Western powers after Turkey was defeated in World War I. The French took over Syria and Lebanon. The British took over Palestine and Iraq. The areas allotted to Israel had been under the control of the Ottoman Empire from 1517 to 1917. During this 400-year reign of the Turks, the Holy Land was only sparsely populated. The few folks living there were an oppressed Jewish population and mostly revolving Muslim immigrant groups, but also there were small groups of Christians in the area.

The actual boundaries of what became the State of Israel were set by the United Nations in 1947. When formally established in 1948, the attacks on the tiny new state of Israel began immediately by the neighboring Arab states.

Yasser Arafat formed the Palestine Liberation Organization, or the PLO,

in 1964. He formed a state within a state in the Palestinian homeland of Jordan. Arafat many times stated that Jordan is Palestine. It was not until the 1967 war that the Arab nations backed the PLO for the purpose of taking back land that Israel had won in that defensive war of 1967. In 1967 Arab forces massed against Israel, surrounding the tiny nation.

Egyptian President Nasser was allowed to kick the U.N. peacekeepers out of the Sinai Peninsula, which acted as a buffer between Egypt and Israel. The world watched as hundreds of thousands of Arab troops tried to "drive Israel into the sea." The unexpected brilliance of the Israeli military stopped the aggression from all directions, and Israel was secure for a moment.

As a result of that war for survival, Israel fairly won land: The Sinai, the West Bank and Gaza. Everywhere else in the world, territory acquired in self-defense is only returned in the context of a negotiated peace. Israel has never been fully afforded that negotiated peace. Israelis have returned land time and time again when a peaceful settlement was reached. Soon they may run out of land to give away.

In the Camp David accords of 1978, Israel returned the Sinai to Egypt in return for a peace treaty. Jordan and Syria have less formal but similar agreements with Israel.

Now one issue is whether Israeli Jews that have settled into the West Bank should leave or not be allowed to have natural expansion of their own communities. This should be negotiated between the Israeli Government and the Palestinians. The United States should not interfere in and prevent negotiations by picking winners and losers.

This year the United States is picking the loser of Israel. The United States should help broker negotiations and help get all parties to negotiate, but not demand either side take a certain position.

Israel has been a longtime ally of the United States, and our interest should be that the sides involved solve this problem without the United States dictating who wins and who loses.

And that's just the way it is.

PRESIDENT OBAMA'S SPEECH GIVES NEW HOPE TO THE WORLD

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

Ms. WOOLSEY. Madam Speaker, I rise to praise President Obama for his historic speech in Cairo last Thursday. By speaking with respect and honesty to the Muslim world, the President built new bridges, bridges of understanding and peace.

The speech contrasted sharply with the approach taken by the previous administration. There was no arrogance

or fear-mongering in President Obama's speech. He made no threats. He did not talk about an endless war on terrorism.

Instead, the President called for a new beginning between the United States and the Muslim people. He renewed his pledge that America "is not—and never will be—at war with Islam."

He called for cooperation instead of conflict. He courageously acknowledged the mistakes of the past and called for an end to mistrust.

The President marginalized violent extremists by saying, and I quote him, "The enduring faith of over a billion people is so much bigger than the narrow hatred of a few."

He defended Israel's right to live in peace while recognizing the Palestinian people's right to a state of their own.

On Iran, President Obama urged diplomacy and reiterated his call for a nuclear-free world. And he advocated for democracy, for religious freedom, economic opportunity and the rights of women and girls.

Madam Speaker, everyone listening to the speech had to be inspired by the President's eloquence and good will. But the President also acknowledged that the speech was just a start. Now we face the hard work, the work of making peace a reality, especially in Iraq and Afghanistan.

On this issue, I've urged the President to move in a bold new direction. I've called upon him to speed up the timetable for the withdrawal of our troops and military contractors from Iraq, and to leave no residual forces behind, because I believe the sooner we return full sovereignty to Iraq, the better.

I voted against the supplemental appropriations action because it will prolong our occupation of Iraq and sink us deeper into the quagmire of Afghanistan.

We must develop a plan to redeploy our troops out of Afghanistan. Otherwise, we'll face another endless occupation, one that will fuel anti-Americanism and promote instability, which actually is happening in Afghanistan and Pakistan today.

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We need a whole new approach to the region. Instead of sending in more troops and investing in military solutions that won't work, we should be investing in smart, peaceful power that will work. Smart power means helping the people of Afghanistan and Pakistan to build roads, schools, hospitals, and better agricultural systems. It means helping to create jobs and assisting those who have been displaced by the war. This is what the people of Afghanistan and Pakistan really want from the United States. If we provide smart assistance to them, Madam Speaker,

we will defeat the violent extremists. We will bring peace to the region, and we will make America safer. This strategy is at the core of my SMART Security Platform for the 21st Century. This is legislation that is described in House Resolution 363.

Madam Speaker, I encourage all of my colleagues to consider House Resolution 363 and to support it.

REDESIGNATING THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

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

Mr. JONES. Madam Speaker, I want to thank my colleagues in the House from both parties for joining me as cosponsors of H.R. 24, legislation to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. As of today, this legislation has 278 bipartisan cosponsors.

For the past 7 years, the language of this bill has been part of the House version of the National Defense Authorization Act. Each year, the full House of Representatives has supported this change. This year, I am grateful to have the support of Senator PAT ROBERTS, a former marine, who introduced the same bill in the Senate, S. 504. With his help, I am hopeful that this will be the year the Senate supports the House's position and joins in bringing proper respect to the fighting team of the Navy and Marine Corps.

The Navy and Marine Corps have operated as one entity for more than two centuries, and H.R. 24 would allow the name of their Department to illustrate this fact. This legislation is not about changing the responsibilities of the Secretary of the Department, reallocating resources between the Navy and Marine Corps or altering their missions. Redesignating the Department as the Department of the Navy and Marine Corps is a symbolic gesture, but it is important to the team.

Over the years, I have been encouraged by the overwhelming support for this change that I have received from so many members of the United States Armed Forces. Last month, I received a letter from retired Marine Colonel Giles Kyser, who kindly expressed his support for H.R. 24.

He wrote, "As a combat commander of marines and sailors in Iraq, I submit that no one understands the parity of the two services better than the corpsmen and chaplains serving alongside 'their marines.' I dare say, if you asked any one of those sailors to voice an opinion about the proposed change, most would wonder why our country took so long to take this simple action."

The colonel further wrote, "When President Truman considered dis-

banding the Marine Corps after World War II in 1946, then Commandant of the Marine Corps, Medal of Honor recipient Alexander Vandergrift brought the issue before the Congress of the United States. The general merely presented the Marine Corps' combat lineage and let those actions speak for themselves. After hearing the general's remarks, our congressional leaders did the right thing: not only preserving our Corps but ensuring its roles, missions; and even its size became part of the law of the land."

The colonel further stated in his letter, "The stroke of a pen, adding three words 'and Marine Corps,' will complete General Vandergrift's action of some 63 years ago; will ensure our leaders, their staffs and their constituents clearly recognize the coequal status of the Marine Corps; and will ensure once and for all time the equality of our marines in the eyes of the Nation and its people."

Madam Speaker, I submit the full text of Colonel Kyser's letter for the RECORD.

MAY 14, 2009.

Congressman WALTER B. JONES
House of Representatives,

Rayburn Building, Washington, DC.

CONGRESSMAN JONES, Per our discussions on 12 May I wanted to pass on a few suggestions regarding your proposed Bill (H.R. 24) "To redesignate the Department of the Navy as the Department of the Navy and Marine Corps." I believe your initiative comes at a time in the history of our Nation and of our Navy and Marine Corps when permanently establishing the Marine Corps' parity as an equal service with the Army, Navy, and Air Force constitutes an ethical and practical imperative not only from the standpoint of history, but from the standpoint of educating key leaders and their staffs.

Your efforts to-date clearly underscore why according the Marine Corps equal status within the Department of Defense constitutes the "right thing to do." The contributions of our Marines, written in blood across the globe during our current contingency operations merit a change raising the awareness of the Nation and its leaders regarding the role our Marines play in their defense. Moreover, and if only as a supporting argument, how many Americans truly at understand that the sacrifices made since September 11 2001 by our Marines always take place with Sailors at their side on the battlefield? Those Sailors, who while at their side, often provide either the immediate aid that saves their lives, or the special comfort of a comrade during their final moments on this earth. Such is the unshakable bond of the Marines and Sailors who live at the tip of the spear, where the measure of a man or woman's life is defined by actions, and where moments of courage and compassion confer a nobility that clearly compels equal recognition in the eyes of the citizens they defend.

As a combat commander of Marines and Sailors in Iraq, I submit that no one understands the parity of the two services better than the Corpsmen and Chaplains serving alongside "their Marines." I dare say that if you asked any one of those Sailors to voice an opinion about the proposed change that they would support the change with the same degree of commitment they always

show “their Marines” and, most would wonder why our country took so long to take this simple action.

After all is said and done, the substance of the proposed change focuses us on the young men and women who willingly gave the last full measure of devotion to this country. The redesignation honors them and constitutes an ethical imperative. * * * it is the right thing to do and we must do it.

The second imperative revolves around a very practical truth. In an environment where decisions taken find their foundation in understanding the context of the issue, most Americans, even those here in the rarefied air of Washington DC, simply do not realize that the Department of the Navy includes both the Navy and Marine Corps. The practical result of that lack of knowledge finds very concrete expression in the history of deliberation and budgets within the Department of Defense. Many Congressional, White House, and even Department of Defense staffers must constantly be reminded that the Department of the Navy, and its total obligation authority includes both the Navy and the Marine Corps in order to avoid cutting away the muscle of the Corps as it competes for funding. The Marine Corps’ advertising efforts and information campaign within the Capital Region help to overcome the challenge, but why should the Marine Corps and the Department of the Navy have to begin their efforts from a position of informational weakness? Certainly, the stroke of a pen changing the existing designation provides a demonstrable first step in overcoming the positional deficit plaguing the Corps since its inception some two hundred and thirty-four years ago.

Indeed, when President Truman considered disbanding the Marine Corps after World War II in 1946, then Commandant of the Marine Corps, Medal of Honor recipient Alexander Vandergrift brought the issue before the Congress of the United States. The General merely presented the Marine Corps’ combat lineage and let those actions speak for themselves. He refused to, in his words, come on “bended knee” to argue the case for Marines and Sailors who served so bravely and brilliantly in places like Tripoli, Montezuma, Belleau Wood, Tarawa, and Iwo Jima. After hearing the General’s remarks, our Congressional Leaders did the right thing; not only preserving our Corps, but ensuring its roles, missions, and even its size became part of the law of the land.

It is time again for our Congressional Leaders to “do the right thing” in a time when fiscal reality might again place our Marines and the Sailors who serve with them at a disadvantage born not from malice aforethought as was the case in 1946, but born of a lack of education existing for more than two hundred and thirty years. The stroke of a pen, adding three words “and Marine Corps” will complete General Vandergrift’s action of some sixty-three years ago, will ensure our leaders, their staffs, and their constituents clearly recognize the co-equal status of the Marine Corps and, will ensure once and for all time, the equality of our Marines in the eyes of the Nation and its people. This is not a request made from a “bended knee.” It is a request made from the position of attention, facing forward, but not forgetting the sacrifice of those Marines and Sailors of the past. The change constitutes an ethical and practical imperative and is “the right thing to do.”

Very respectfully,

JAMES GILES KYSER IV,
Colonel, U.S. Marine Corps (Retired).

Madam Speaker, the marines who are fighting today deserve this recognition—those living and fighting and those who have given their lives for this country.

I have beside me an actual copy of a letter that was sent to a marine family. This is the way it is today—the Secretary of the Navy with the Navy flag. “Dear Marine Corps family, on behalf of the Department of the Navy, we extend our deepest sympathy in the loss of your loved one.”

Madam Speaker, if H.R. 24 and Senate 504 become the law of the land, it will be the way it should be to a family—to a Marine family who gave a life for this country. It will say the Secretary of the Navy and the Marine Corps, and it will have the Navy flag and the Marine flag. It will say, “Dear Marine Corps family, on behalf of the Department of the Navy and the Marine Corps, please accept my sincere condolences on the loss of your loved one.”

This is all it is about—bringing the team together. It is time that the Marine Corps is recognized as part of the fighting team.

With that, Madam Speaker, before I yield back my time, I will ask God to please bless our men and women in Afghanistan and Iraq. I will ask God to, please, with his loving arms, hold the families who have given children, dying for freedom in Afghanistan and Iraq. I close three times by asking God: God, please, God, please, God, please continue to bless America.

GUANTANAMO BAY DETAINEES

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

Mr. WOLF. Madam Speaker, I rise today to speak about an issue of great importance to our country.

Shortly after I returned from a trip to Algeria in 1998, where thousands had been killed from terror attacks in the wake of the two U.S. Embassy bombings in Africa where 267 people were killed, including one of my constituents from McLean, Virginia, who was serving at the Nairobi Embassy, I authored a bill creating the National Commission on Terrorism.

The commission’s report in June of 2000 provided evidence of the growing threat of international terrorism and the steps needed to combat the threat. A Congressional Research Service report described the main finding of the commission this way: “It calls on the U.S. Government to prepare more actively to prevent and deal with a future mass casualty, catastrophic terrorist attack.”

Regrettably, the commission’s recommendations were not implemented

until after the attacks on 9/11 when 3,000 people were killed, including 30 from my congressional district.

I was disappointed that both the Clinton administration and, later, the Bush administration did not take more seriously the recommendations of the commission. I take seriously the responsibility of congressional oversight, especially in matters with potential national security implications. Profound national security issues were, of course, thrust to the forefront on 9/11.

Following the attacks, Congress granted the President the authority “to use all necessary and appropriate force against those who planned, authorized, committed or aided the terrorist attacks against the United States.”

In the ensuing war on terror, many individuals were captured and transferred to Guantanamo Bay. On January 22, 2009, in an attempt to fulfill his campaign pledge, President Obama issued an Executive order requiring that Guantanamo be closed no later than 1 year from the date of issuance. However, in the weeks and months following, the Justice Department, under the direction of Attorney General Eric Holder, has failed to provide necessary information to Congress regarding their plans for implementing this order.

It is important for the American people to know the full details on all of the detainees currently housed at Guantanamo Bay. They are not simply felons who are serving their time with the future of release; they are hardened terrorists who are bent on killing Americans.

The detainees already released have had a high rate of recidivism. On March 11, The Washington Post detailed how a detainee recently released from Guantanamo Bay is now the operations commander of the Taliban forces that are attacking U.S. and NATO forces in southern Afghanistan. There also have been reports that 61 of the detainees who were processed and released from Guantanamo Bay were recaptured—fighting American forces.

If those individuals were deemed safe to release from custody, yet they returned to terrorist activities, including killing Americans, what does that say about how dangerous the detainees at Guantanamo Bay still must be?

A recent New York Times article indicated that one out of every seven low security prisoners released from Guantanamo Bay was recaptured, fighting American forces on foreign battlefields. What does this say about the threat from the medium and high security risk detainees still being held?

I was also troubled to read that five Guantanamo detainees described themselves as “terrorists to the bone” and stated in a court filing that they describe their roles in the 9/11 attacks as a “badge of honor.” These dangerous

individuals simply cannot be transferred anywhere near large civilian populations.

Khalid Sheikh Mohammed was the architect of the 9/11 attacks, and he took pleasure in beheading Wall Street Journal reporter Daniel Pearl.

Ramzi Binalshibh was identified as one of the planners of 9/11, and he was supposed to be one of the hijackers until he was denied entry into the United States. Walid bin Attash is believed to be the mastermind behind the bombing of the USS Cole in Yemen in the year 2000.

I am also concerned about the danger these individuals would pose were they to be placed in U.S. prisons or jails. These individuals are responsible for planning the deaths of thousands of Americans.

In the case of El Sayyid Nosair, court tapes show that conspirators provided assurances that, in the event some were captured, the others would work to free them. In addition, during the year 2000 trial of Mahmud Salim, one of the terrorists accused of the 1998 bombing of the U.S. Embassy in Kenya, he stabbed New York prison guard Louis Pepe in the eye during a prison escape attempt.

Al Qaeda saw the rights given to its members to meet with counsel as an opportunity to carry out a violent escape attempt. Mr. Salim was one of the original followers of Osama bin Laden, and was the highest ranking al Qaeda member held in the U.S. at the time.

In addition to trying to escape from prison, al Qaeda members have communicated with confederates while in prison. It is my understanding that Nosair was involved in plotting the 1993 World Trade Center bombing while in custody in Attica State Prison. In addition, Osama bin Laden has publicly credited Sheikh Abdel Rahman with issuing the fatwa that approved the 9/11 attacks while he was in Federal prison, despite the high security confinement conditions imposed on him. It also emerged later that, with the assistance of his lawyer, Rahman was continuing to send instructional messages to the Islamic Group, his Egyptian terrorist organization.

In 2004, NBC News reported that, despite their incarceration in maximum security conditions, convicted World Trade Center bombers were communicating by mail with the terrorists in Madrid, Spain. Many, many people died in that attack.

There would certainly be strong reasons to believe that detainees currently held at Guantanamo who are known to have rioted and to have grossly abused prison guards would use their access to counsel and to investigators to convey messages to their allies.

I am also concerned about the extra costs that will be incurred in preparing prisons and courthouses for possible

trials. I understand that the courthouses in which prior terrorism cases were litigated and the prisons where defendants were held had to be "hardened" to accommodate terrorism prosecutions and the attendant threats they entailed for participants and the public.

A recent New York Times article indicated that one out of every seven prisoners released from Guantanamo Bay and determined to be low security risks were recaptured on foreign battlefields, fighting American forces.

What does this say about the danger posed by the medium and high security risk detainees still being held?

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There have been numerous documented accounts of al Qaeda members using violence in prison attempting to escape. *Newsday* and the *Buffalo News* reported that during the 1995 trial in New York of Omar Abdel Rahman, the mastermind of the 1993 World Trade Center bombing, terrorist confederates of Nosair were plotting to break him out of Attica State Prison in New York. An appeals court brief for the trial of Nosair detailed the lengths al Qaeda could go to break out of prison. The appeals court brief states: *Mohammad Saad* later described to *Emad Salem* a plan to break *El Sayyid Nosair* out of jail. He surmised that if he and *Salem* or others could get jobs with a contractor providing Attica Prison for sanitation or food services and if *Nosair* could get a prison job that would physically situate him in the appropriate area, they might be able to snatch *Nosair* and hide him in a nearby apartment until it became safe to move him.

The brief goes on to discuss several conversations *Nosair's* friends had with him while he was in Attica.

Another portion of the brief talks about plans to murder someone who antagonized *Nosair's* supporters during the trial as well as the trial judge. It also discusses *Nosair* getting angry that his friends were not trying to free him: "The four had 5-hour meetings in the visitor's room during which *Nosair* railed at the evils of the United States and upbraided his callers for 'sitting doing nothing' while he sat in jail for having done his part in jihad. When told of *Saad's* jailbreak scheme, *Nosair* recanted that there had only recently been a great escape opportunity when he had been escorted to the prison hospital by two guards armed merely with pistols."

Nosair observed that the group should be targeting "the big heads," including Judge *Alvin Schlesinger*, who had presided over the trial and meted out *Nosair's* sentence and New York City Assemblyman *Doug Hikind*. *Nosair* said the judge should even be kidnapped and held as a bargaining chip to trade for *Nosair's* release or killed.

The same brief goes into detail on the details these operatives had covered in order to help escaped prisoners leave the United States. Two agents detained *Ibrahim el-Gabrowni* and attempted to frisk him explaining that they were there to execute a search warrant and that he should relax. *El-Gabrowni* because increasingly belligerent, ultimately struck both agents and was thus placed under arrest.

On his person, the agents found an envelope containing a stack of documents which included *Nosair's* American passport, an Egyptian airport document bearing *Nosair's* photograph, five passports issued by the government of Nicaragua in July of 1991 depicting *Nosair*, his wife, and three children with false names assigned to each, five fraudulent Nicaraguan birth certificates exhibiting the same false names in which the passports had been issued, a Nicaraguan driver's license issued to *Nosair* and his wife in the same false names.

An indictment filed in Federal court against *Lynne Stewart* in the case of *U.S. v. Sattar* discusses how the blind sheik killed tourists in Egypt in an attempt to force his release from prison. The indictment states: "On or about November 17, 1997, six assassins shot and stabbed a group of tourists visiting an archeological site in Luxor, Egypt. Fifty-eight foreign tourists were killed along with four Egyptians, some of whom were police officers. Before making their exit, the terrorists scattered leaflets espousing their support for the Islamic Group and calling for the release of *Abdel Rahman*. Also the torso of one victim was slit by the terrorists and a leaflet calling for *Abdel Rahman's* release was inserted."

On or about November 18, 1997, a statement issued in the name of the Islamic Group said: "A Gama'a unit tried to take prisoner the largest number of foreign tourists possible with the aim of securing the release of the general emir of the Gama'a al-Islamiyya, *Dr. Abdel-Rahman*." The statement continued: "But the rash behavior and irresponsibility of government security forces with regard to tourist and civilian lives led to the high number of fatalities." The statement also warned that the Islamic Group "will continue its military operations as long as the regime does not respond to our demands." The statement lists the most important demands as "the establishment of God's law, cutting relations with the Zionist entity Israel and the return of our sheik and emir to his land."

On or about October 13, 1999, a statement in the name of Islamic Group leader, *Rifa'i Ahmad Taha Musa*, a.k.a. *Abu Yasir*, who was a co-conspirator not named as a defendant herein, vowed to rescue *Abdel Rahman* and said that the United States' "hostile strategy to the Islamic movement

would drive it to ‘unify its efforts to confront America’s piracy.’”

In or about March of the year 2000, individuals claiming association with the Abu Sayyaf terrorist group kidnaped approximately 29 hostages in the Philippines and demanded the release from prison of Abdel Rahman and two other convicted terrorists in exchange for the release of those hostages and threatened to behead the hostages if their demands were not met. Philippine authorities later found two decomposed, beheaded bodies in an area where the hostages had been held and four hostages were unaccounted for.

On or about September 21, 2000, an Arabic television station, al Jazeera, televised a meeting of Osama bin Laden and Ayman al Zawahir. Sitting under a banner which read, “Convention to Support Honorable Omar Abdel Rahman,” the three terrorist leaders pledged “made to free Abdel Rahman from incarceration in the United States.” During the meeting, Mohamed Abdel Rahman, a.k.a. Asadallah, who is a son of Abdel Rahman, was heard encouraging others to “avenge your sheikh” and “go to the spilling of blood.”

These are extremely dangerous individuals who would require extraordinary precautions were they to be held in a prison where they were on trial. The court documents that I have referenced tonight detailed the lengths these individuals are willing to go to set compatriots free. This list includes kidnapping and mass murder. It is imperative that the American people understand that these individuals will not be sent straight to a supermax facility, but will be held first in a local jail. Not only would this put significant strains on the local prison guard and staff; it would require huge expenditures to “harden” the facilities to the point where they were secure enough to house high-level threats.

People living in northern Virginia during the trial of Zacharias Moussaoui will recall that his trial took 4 years and was only ended when he pled guilty to most of the charges against him. For terrorists like Khalid Sheik Mohammed, a trial and appeals process could take much longer than 4 years. Every day these dangerous individuals are in our prison system, the more danger they pose to everyone with whom they come into contact. Prison guards and officials, judges, jurors, and inmates and families could possibly need extra protection from the threat posed by these individuals.

Some have stated that detainees would be sent directly from Guantanamo Bay to a U.S. supermax prison facility and the public should not be concerned. Yet, if detainees from Guantanamo Bay are transferred for trial in civilian courts, they would have to be held in a facility near that court near

that venue. Often, these are local jails similar to the Alexandria jail that held Zacharias Moussaoui during the 4 years he was in trial in the Eastern District of Virginia.

Such a move could mean that Khalid Sheik Mohammed, the mastermind of the 9/11 attacks and the man who brutally beheaded Wall Street Journal reporter Daniel Pearl, could be housed in Alexandria for the duration of his trial. Similar trials in the past have taken more than 4 years.

Regardless of where these detainees are held, I believe it should be in a location that ensures the safety of both those guarding the detainees and American citizens. My primary concern is that their presence in a large civilian population could invite additional attacks and endanger the citizens.

I take the oversight responsibility of Congress very seriously, and the fact that the Justice Department would take these actions without notifying Members of Congress is incredible. These detainees could pose serious threats to local communities and place an extraordinary burden on the cities where these individuals would be tried.

I believe Congress and the American people have a right to know the history of individuals the administration is intent on bringing onto U.S. soil. The Guantanamo Bay prison facility is closing. Since the President has made that decision, we must know the facts to make informed decisions on the next step. My own view is that any trials or military commissions should be held on a military base far away from civilian population centers.

Madam Speaker, much of the recent debate surrounding the closing of Guantanamo Bay has centered on a group of Uyghur detainees from China who are members of the al Qaeda-affiliated terrorist group, the Eastern Turkistan Islamic Movement, also known as ETIM. Last month, I became aware that Attorney General Eric Holder was planning on allowing these trained terrorists into the United States without informing this Congress or the American people. Newsweek magazine reported that on June 1: “Administration officials were poised in late April to make a bold, stealthy move: they instructed the U.S. Marshals Service to prepare an aircraft and a Special Ops group to fly two Chinese Uyghurs and up to five more on subsequent flights from Gitmo to northern Virginia for resettlement. In a conference call overseen by the National Security Council, Justice and Pentagon officials had been warned that any public statement about Gitmo transfers would inflame congressional Republicans, according to a law-enforcement official who asked not to be named discussing internal deliberations.”

The Newsweek report—also confirmed by Bloomberg News—makes

clear that Attorney General Holder had every intention of releasing these trained terrorists into our communities. I repeat: released into our communities. Not held in our jails, but let free in our neighborhoods and communities.

This administration expects you to take it at its word that these detainees are not a threat. It is unacceptable. Eric Holder should have been prepared to come up and tell the Congress and give the information on these individual cases. But to move these individuals, who were in Guantanamo Bay, on a Friday afternoon when the Congress was gone and the press was not watching, is certainly wrong.

As some of my colleagues may be aware, I have long been an advocate for the Uyghurs, a largely Muslim people in western China. The 8 million Uyghurs have long been the objects of brutal Chinese oppression. And I have advocated for the Uyghurs in China who were being persecuted by the Chinese Government. However, in the 1990s, a small number of Uyghurs began turning to terrorism to target the Chinese Government and innocent civilians. They formed the terrorist organization now known as ETIM. They moved to Afghanistan in 1998 at the invitation of the Taliban.

ETIM is linked to a number of terrorist attacks in China during the mid-1990s, including several bus bombings that killed dozens and injured hundreds of innocent civilians, as well as threats of attacks against the 2008 Olympics in Beijing where people from around the world, including Americans, gathered. Over the past decade, the group has predominantly operated out of Afghanistan and Pakistan and has developed close links with al Qaeda and the Taliban.

On August 19, 2002, then-Deputy Secretary State Richard Armitage designated ETIM as “a terrorist group that committed acts of violence against unarmed citizens.” The group was designated by the State Department under Executive Order 13224, “Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,” which defines terrorist activities as “activity that involves a violent act or act dangerous to human life, property or infrastructure.”

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Later in 2002, the U.S. Embassy in Beijing reported that two members of ETIM were deported from Kyrgyzstan after allegedly plotting to attack the U.S. embassy there.

Following the attempted attacks, the United Nations designated ETIM as a terrorist group under Security Council resolutions 1267 and 1390, which provide for the freezing of the group’s assets. In 2004, the State Department further added ETIM to the Terrorist Exclusion

List under section 411 of the USA PATRIOT Act of 2001, which prohibits members of designated terrorist groups from entering into the United States. Just 2 months ago, on April 20, the Obama administration, to their credit, added the current leader of ETIM, Abdul Haq, to the terrorist lists under Executive Order 13224 following U.N. recognition of Haq as an individual affiliated with Osama bin Laden, al Qaeda, or the Taliban.

According to Stuart Levey, Treasury Undersecretary for Terrorism and Financial Intelligence, Abdul Haq commands a terror group that sought to sow violence and fracture international unity at the 2000 Olympic games in China.

ETIM's relationship with al Qaeda has grown increasingly since it was invited by the Taliban to conduct training in Afghanistan in the late 1990s. In 2005, Abdul Haq was admitted to al Qaeda's Shura Council. Additionally, on November 16, 2008, an al Qaeda spokesman "stated that a Chinese citizen named 'Abdul Haq Turkistani' was appointed by Osama bin Laden as the leader of two organizations, al Qaeda in China and Hizbul Islam Li-Turkistan,"—and also confirmed by Abu Sulieman, a member of al Qaeda.

It is abundantly clear that the Uyghur detainees held at Guantanamo Bay are affiliated with the ETIM and trained under Abdul Haq in 2001. According to the detainees' own sworn statements to U.S. authorities, many acknowledged they had trained at an ETIM training camp in Tora Bora from June to November, 2001, and several confirmed that the camp was run by Abdul Haq.

Following the U.S. invasion of Afghanistan in the fall of 2001, it is clear that cooperation between ETIM and the Taliban increased. It is reported that the ETIM's leader prior to Abdul Haq, Hasan Mahsum, "led his men to support Taliban and fight alongside them against U.S. and the coalition forces. On October 2, 2003, Hasan Mahsum was killed, along with eight other Islamic militants, by a Pakistani Army raid on an al Qaeda hideout in South Waziristan area in Pakistan."

Additionally, in January, 2008, al Qaeda, in an Afghanistan publication entitled, "Martyrs in Time of Alienation," identified 120 martyrs, including five Uyghur ETIM members who trained in Tora Bora, who fought with the Taliban in Afghanistan against U.S. troops. One is reported to have been killed fighting U.S. forces during the invasion in 2001. And Hasan Mahsum confirmed, prior to his death in 2003, that ETIM's members trained and fought with al Qaeda forces in Afghanistan.

In addition to their affiliation with a designated terrorist organization and association with al Qaeda leader Abdul Haq, these detainees fervently believe

in the creation of a Taliban-style Islamic state in northwestern China and do not share American values of respect, tolerance, and religious pluralism. In fact, the L.A. Times recently reported that, "not long after being granted access to TV, some of the Uyghurs were watching a soccer game. When a woman with bare arms was shown on the screen, one of the group grabbed the television and threw it to the ground, according to the officials."

I am certainly no friend of the Chinese Government. I have long been critical of the oppressive treatment of Uyghur Muslims, as documented in the State Department's most recent human rights reports. But we ought to have no tolerance for terrorism in any form.

Further, violent aims of this nature do not know national boundaries. Thousands of Americans, including the President and high-ranking U.S. Government officials and many American citizens, traveled to the 2008 Beijing Olympics, a stated terrorist target for the ETIM. If their affiliation, associations, and recent behavior were not troubling enough, I am also concerned about their potential further radicalization over the past 8 years while held with al Qaeda members at Guantanamo Bay. Without a declassified threat assessment, how can the American people know for sure if the Uyghurs have not been further radicalized since their capture? How can we assess their potential threat once released into the U.S.? Will they attack Chinese targets within the U.S., provide intelligence to al Qaeda abroad, or even stage an attack on Americans at the direction of these terrorist groups?

Reports indicate that the ETIM's philosophy has dramatically evolved as a result of their training and cooperation with al Qaeda and the Taliban over the last several years. According to terrorism expert Rohan Gunaratna, who is an expert on the ETIM, he said, "In the post-9/11 era, ETIM began to believe in the global jihad agenda. Today, the group follows the philosophy of al Qaeda and respects Osama bin Laden. Such groups that believe in the global jihad do not confine their targets to the territories that they seek to control. The ETIM is presenting a threat to the Chinese as well as Western targets worldwide."

Without detailed information about each Uyghur detainee, including a threat assessment, the American people cannot be expected to tolerate trained terrorists being released into their communities. That is not the transparency nor sound judgment that Eric Holder promised he would bring to the Justice Department when he appeared before the House Commerce, Justice, Science Appropriations Subcommittee last month.

If this administration and Eric Holder will not share this information with

the Congress or the American people, how can we be expected to accept assurances that the Uyghur detainees they intend to release into the U.S. are not a threat? Anyone who trains to kill civilians in Tora Bora, whose leader is a member of al Qaeda's Shura Council, does not share our most basic values of tolerance and diversity, and who may have been further radicalized over the last 8 years, is most unequivocally a terrorist and should not be released in the United States. And yet, this Congress and the American people are left in the dark about the administration's plans to release these detainees.

The American people deserve to know and they have a right to know who the Attorney General is asking to place into their communities. Eric Holder's failed attempt to secretly release these Uyghur detainees came in spite of ardent objections from the FBI and the Department of Homeland Security, who were overruled, apparently, by Eric Holder and the White House.

Last month, FBI Director Robert Mueller told the House Judiciary Committee that he was concerned that detainees from Guantanamo could support terrorism or radicalize others, provide intelligence or financial support to terrorist networks, or even take part in terrorist attacks inside the United States. For Eric Holder to do this against the better judgment of the FBI and the Department of Homeland Security and the bipartisan objection from this Congress is unacceptable. This flies in the face of bipartisan congressional opposition to the release of trained terrorists into the U.S., including Republican and Democratic leaderships in the House and the Senate.

Last month, the Senate followed the House lead in removing funding for transferring detainees and demanding that this administration come clean with the American people about their intentions. The Attorney General expects this Congress to sit idly by after it announces it has released 17 Uyghurs held at Guantanamo Bay in the United States. Eric Holder won't allow career FBI agents to even brief Members on this issue. I have asked for briefings from career employees at the FBI, the CIA, the Department of Homeland Security, and have been told by each agency that the Attorney General will not allow them to meet with me.

What is the Attorney General hiding? Let me be clear, these Uyghurs are trained terrorists who were caught in camps affiliated with al Qaeda. Those who would use terror are terrorists, no matter their unintended target.

I have consistently called on the administration to declassify and provide the American people with information regarding the capture, the detention, and a threat assessment of each detainee they intend to release into the

U.S. Regardless of their intended targets of terror, the American people deserve to know whether they have been either further radicalized due to their exposure to al Qaeda leaders, such as Khalid Sheik Mohammed, and see the assessments of the threat they pose today.

I also worry about the impact the Uyghurs' release will have on our national security in the long run. What message does their release into the U.S. send to al Qaeda and other terrorist networks? How can the Attorney General guarantee that the released Uyghurs will not stay in contact with al Qaeda and provide them with intelligence from within the U.S.? If the Attorney General cannot or will not answer these questions, then he should not even consider releasing them into the United States. The administration has a moral obligation to share this information with the American people.

Over the last month, both the House and Senate have stripped all funding for these transfers and inserted language into the fiscal year 2009 emergency supplemental bill that would require the administration to provide the American people with a clear plan before any action was taken. Since March, I have written the President, the Attorney General, and the Secretary of Homeland Security asking for answers to these and other questions, and I still have not received a single response. I repeat, not a single response after 2 months to some of the most basic questions about the administration's plans.

For weeks I have asked the FBI for briefings daily, only to be told that the Attorney General would not allow them to meet with Members on these issues. And although the President delivered a speech on May 21 at the National Archives on the closing of the detention center at Guantanamo Bay and other national security matters, we have had no more information about his plans to close Guantanamo than we did before. We still do not have the answers on which detainees Eric Holder is planning to transfer to the United States, where they will be tried, and how the administration intends to protect the American people.

The Germans, who had tentatively agreed to accept some of the Uyghur detainees, have complained that the administration won't share enough information with them for an independent assessment of the detainees' security risk. According to the Washington Post, "More trouble emerged when Washington stipulated that the Uyghurs would be barred from traveling to the United States." Last week, the Canadian Government refused to accept these same Uyghur detainees, citing serious security concerns.

So as I close where I began, congressional oversight is imperative, no more so than on matters with profound na-

tional security implications, and yet this Congress and the American people remain in the dark about the administration's plans on this pressing issue.

This is no time for vague assurances. This is no time to play fast and loose with critical information. This is no time for political games. The American people deserve more.

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

CONGRESSIONAL BLACK CAUCUS

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

GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I ask for unanimous consent that all Members be given 5 days to revise and extend their remarks.

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

There was no objection.

Ms. FUDGE. Madam Speaker, the Congressional Black Caucus, the CBC, is proud to anchor this hour.

Currently, the CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Congresswoman MARCIA FUDGE, representing the 11th Congressional District of Ohio, and I will anchor this hour.

CBC members are advocates for humanity, nationally and internationally, and have played a significant role as local and regional activists. We work diligently to be the conscience of the Congress. But understand, all politics are local; therefore, we provide dedicated and focused service to the citizens of the congressional districts we serve.

The vision of the founding members of the Congressional Black Caucus—to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens—continues to be a focus for our legislative work and our political activities. Tonight's hour will focus on the unemployment crisis in this country.

Just last week, Madam Speaker, the national unemployment numbers were released and the situation is dire. The Bureau of Labor Statistics reported that nationally another 345,000 people lost their jobs in the month of May. The total unemployment nationally has risen above 9 percent. For African Americans, Madam Speaker, that statistic is much greater. African Americans suffer unemployment at a rate of almost 15 percent.

Over one-quarter of the 14.5 million individuals who are jobless have been unemployed for at least 6 months. Not only are they concerned about finding a job, but they are now fearful their benefits will soon expire.

In my home State of Ohio, the situation is even worse. We have entered double-digit unemployment with a rate of over 10 percent. Not only must we work to help the newly unemployed, but we must assist the chronically unemployed who are many times forgotten.

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On Friday, I heard from economist Dr. Paul Harrington at the Center for Labor Market Studies at Northwestern University. He gave three recommendations to deal with the job crisis: number one, radically expand the job training; number two, establish a connection between schools and jobs; and, number three, engage in direct job training activities.

We need to assist the unemployed by retooling them, preparing them for employment opportunities now and for the future. We must always remember that when we work on health care reform, energy, tax legislation, we too must focus on the economy. Our national attention must remain focused on job creation and saving sustainable jobs for our workforce and to prepare them for new or better employment as opportunities present themselves because it is most important that we say to our people that there is a future.

And that is why the topic today is so very important, Madam Speaker. Nationally, we have a unique opportunity through these difficult times to help our workforce. We must reinvent and reenergize our workforce with new training opportunities in existing and emerging industries. In my district, doing so involves investing time, money, and energy into health care, bioscience, advanced manufacturing, logistics and transportation, advanced energy and information technology.

As of April, the State of Ohio's unemployment rate reached 10.2 percent, up from 6.2 percent the same time last year. There are thousands of unemployed and underemployed individuals who must enhance their skills to become competitive in this knowledge-based economy which has now defined our Nation's economy. A strong public consensus supports enhancing the skills of America's workers especially through high-quality education and training. In today's environment, the demand for workers to fill mid-level jobs is quite high and will likely remain high in key sectors of our economy. These mid-level jobs require more education than a high school diploma or a GED but less education than a 4-year degree. In Ohio, nearly 55 percent of all jobs are mid-level jobs, and many of these jobs receiving the new Federal job creation dollars are in health care, green jobs, infrastructure, and construction. Unfortunately, only 45 percent of workers in Ohio have the skill sets for these jobs.

Alarming, Madam Speaker, the National Commission on Adult Literacy

recently reported that 30 million adults score at “below basic” levels on assessment tests, meaning they can perform no more than the most rudimentary literacy tasks. Another 63 million adults are only able to perform only simple, basic everyday literacy tasks. Consequently, Madam Speaker, we have a mismatch between skills of our Nation’s workforce, and we must have the ability to succeed and the skills our Nation’s workforce actually possesses. What we need to do is match those skills and the people who need jobs.

Years ago, our Nation established a number of workforce development programs to meet this demand by preparing workers for mid-level jobs. Since that time, Federal education and training policies have invested very little in these jobs. Investments in the programs that prepare middle-skilled workers have plummeted. As a result, too many workers struggle to find decent jobs, and too many employers struggle to find skilled employees.

Education and training institutions like community colleges are at the forefront in identifying emerging market demand and training workers to meet 21st century employer needs for professional or career-path opportunities. It is critical that our Federal workforce development policy support the kind of work they are doing.

Cuyahoga Community College, or, as we call it at home, Tri-C, established the Center for Healthcare Solutions, which specializes in fast-track training, allowing displaced workers an opportunity to quickly transition into living wage occupations such as State-tested nursing assistant, dental office assistant, the medical coding specialist that provides stackable credentials and opportunities for rapid career advancement. To meet the needs of a growing health care sector, Tri-C has partnered with the Cleveland/Cuyahoga County Workforce Investment Board to offer State-tested nursing assistant training at the Employment Connection, which is our local one-stop career center. The partnership removes barriers to success for clients by providing wraparound services, which are fundamental skills job training and placement services.

With over 60 hospitals, 30 colleges and universities, strong manufacturing capabilities, and billions of dollars in public and private investment, northeast Ohio is poised to become a biomedical hub. The business development organization BioEnterprise reports that the biomedical industry has grown more than 30 percent in the last 5 years, helping northeast Ohio become home to over 600 biomedical companies. Tri-C offers training for all facets of this growing industry through its one-of-a-kind bioscience laboratory featuring medical device manufacturing, pharmaceutical drug manufacturing, and business startups through

its Key Entrepreneur Center for Sustainability.

In 2007, approximately 1,500 positions were unfilled in the bioscience industry due to the lack of a trained workforce. It is estimated that approximately 900 of the unfilled positions are in the functional areas of manufacturing and quality control. We have to bridge this disconnect, Madam Speaker, and help obtain the skill set for this job and others like it. Tri-C’s Advanced Manufacturing & Engineering Center was honored with Team NEO’s Economic Development Impact Award for developing a remedy for this workforce shortage. The center has more than 12,000 square feet of renovated space and more than \$6 million of modern equipment and tooling simulators.

Although manufacturing jobs have decreased significantly over the last 30 years, the manufacturing sector in and around my district provides nearly 300,000 jobs, which is 15 percent of the total workforce. It also generates \$36 billion in gross regional product, which is 20 percent of the total gross regional product. Many of the low-skilled occupations have left the region, but there is a significant number of high-skilled, high-wage-paying jobs in advanced manufacturing. This increasingly computerized sector requires a new set of skills. Model job training would work hand in hand with employers to develop customized training for state-of-the-art equipment. Locally, we have developed a Ford Manufacturing Technician Program that is offered for Ford workers at the regional plants for college credit.

Transportation and logistics is also an in-demand sector because of our local regional concentration of warehouses and factories. Utilizing labor market intelligence, the Regional Transportation Institute features a truck driving institute and radio frequency identification lab that sits on the cutting edge of logistics and material tracking systems. Cleveland, Madam Speaker, is within 500 miles of 43 percent of the United States population and is ideally situated as a transportation and logistics hub. The occupations are high tech and hands on.

Recognizing the increasing need for construction contractors to interpret green job specifications, the Green Academy and Center for Sustainability was developed in the fall of 2008. The academy offers both professional development training in the areas of sustainable business practices, Leadership and Energy in Environmental Design accreditation and certification along with a multitude of other offerings in the new green economy requested by businesses and the community. Through GACS, the Pathways to Green Jobs programs will transition at-risk populations into green occupations through training opportunities in

deconstruction, weatherization, wind turbine components, manufacturing, and solar panel installation. The first Pathways class, consisting largely of formerly incarcerated individuals and people lacking permanent homes, provide soft skills training along with contextualized hands-on training in a green job.

Federal workforce development programs have faced extremely deep funding cuts over the past 8 years. The Workforce Investment Act, or WIA, and the Wagner-Peyser Employment Services lost more than \$9 billion in funding since 2001, reducing the capacity of our national workforce system to respond even to normal levels of demand for skilled workers, let alone the extraordinary demands for job training and reemployment services we now face.

The American Recovery and Reinvestment Act made nearly \$4 billion in new funding available through the Department of Labor for jobs training programs. Just under \$3 billion of this funding has already gone out to States through formula grants under the Workforce Investment Act. Speaking with the Deputy Director of Workforce Training in Cuyahoga County, I learned that the county will receive nearly \$14 million in training. The money will help dislocated adults and youth workers. Another \$750 million is due to go out in the form of competitive grants to train people in green jobs, health care, and other high-demand sectors.

There are funds from the Recovery Act that are available to agencies to create jobs in the energy efficiency and renewable energy fields, build roads and bridges, create a new broadband infrastructure, address our Nation’s ever-growing health care needs, retrofit public housing and government buildings, and weatherize hundreds of thousands of homes for low-income homeowners. While some of these jobs can be filled by displaced workers already in the affected sectors, many more will be filled by workers dislocated from other sectors like young people entering the labor market for the first time and disadvantaged individuals who previously lacked the skills and opportunities. We cannot expect untrained workers to simply show up at a work site “shovel ready.”

It is essential that institutions and training facilities have the capacity and resources necessary to identify the emerging needs of the region in order to best prepare the workforce for lifelong employability. Tri-C is currently serving as a regional co-coordinator for the Ohio Skills Bank initiative through Governor Strickland’s Turnaround Ohio plan. The Ohio Skills Bank shares Tri-C’s goals of having seamless career pathways and certifications that allow adult workers to earn college credit while increasing

their job skills and, ultimately, their wages. Employers must create and implement these programs. Through the Ohio Skills Bank, northeast Ohio has decided to first focus on the health care, manufacturing, and information technology sectors as key industries that have immediate workforce needs.

My region is poised to leverage funding made available through the American Reinvestment and Recovery Act with an existing and nimble infrastructure focusing on career pathways, industry partnerships, and increased training. To best address emerging industry needs with a new kind of workforce that requires a high level of transferrable skills, it is necessary to adjust funding structures so that training opportunities are accessible and usable. The United States Department of Labor has asked that each State revise their State Workforce Investment Act plans to reflect the strategies they intend to pursue and implement these goals. States have the opportunity to increase training capacity through the reauthorization of the Workforce Investment Act with a few key shifts in how the funding is structured.

□ 2030

To increase training, as prioritized by Congress, funding must directly support educational training facilities. This will allow institutions like Tri-C to increase capacity and provide a more effective, less expensive way of receiving immediate training. A few ways to achieve this would be for Congress to eliminate the mandatory sequence of services that very often hurts individuals seeking job training, thereby slowing down the process by which people access the services they need most. In the majority of cases, strong worker training would be the answer. An increased emphasis on training must be coupled with direct support for the development of additional training at community colleges.

A second way to improve the program is through the authorization of Community-Based Job Training Grants created in 2004. These grants build the capacity of community colleges to train workers and develop the skills necessary for success in high-growth and high-demand industries. Finally, Congress should give local workforce investment groups greater flexibility to utilize training contracts. This is especially helpful with low-tuition training providers. We have the opportunity to think broadly about the most effective ways to deliver Workforce Investment Act funds at the regional and local levels. This would ensure the proper mix between participant access to training and the development of training capacity. The Community-Based Job Training Grants provide a model for examining possible reforms of service delivery under the adult and dislocated worker program.

It appears that we are moving toward a pyramid economy, with a small number of highly skilled jobs at the top, a large number of low-skill, low-paying jobs at the bottom, and relatively few middle-class, mid-level jobs, which actually drove the unprecedented growth of our Nation's economy in the 20th century and made the American Dream a reality for millions of families. But the reality is that mid-level jobs still account for almost half the jobs in this country and will continue to be the largest job segment in the economy for years to come. As we look to reform our workforce development system to meet the demands of the 21st century labor market, we need to make sure we focus on proven strategies that help workers acquire the skills necessary to fill these jobs and ensure that employers have a skilled workforce which is able to compete in today's global economy. Two strategies emerged as best practices at the State level—sector partnerships and career pathways. Both can help us achieve this goal, and we should ensure that a reauthorized WIA supports these strategies.

Sector partnerships work by bringing together multiple stakeholders in a specific industry with the interest in developing and implementing workforce development strategies that can contribute to local and regional growth. These stakeholders include firms, labor organization, education and training providers, community-based organizations, and State and local agencies. Sector approaches draw upon the experience of many partners who improve worker training, retention and advancement by developing cross-firm skill standards, career ladders, job redefinitions, and shared training and support capacities that facilitate the advancement of workers at all skill levels, including the least skilled. An emerging body of research demonstrates that sector strategies can provide significant positive outcomes for workers, including increased wages and greater job security.

Sector strategies have become an integral part of the way some States respond to local and regional workforce needs. For example, as discussed earlier, the Ohio Skills Bank is implementing workforce development efforts across a broad range of industries in each of the State's 12 economic development regions. Another example is Congressman FATTAH's State of Pennsylvania, which has more than 6,000 firms participating in nearly 80 partnerships, and 70,000 workers receiving training services since 2005.

To date, at least 39 States have adopted industry or sector strategies; but for the most part they are doing so in spite of the Workforce Investment Act, not because of it. As written, the Workforce Investment Act does not adequately support the hard work of convening multiple stakeholders and

allowing a local area or a region to develop targeted depth and capacity in high-growth and emerging industries in a way that complements broader workforce development efforts. The SECTORS Act, introduced in the House, of which I am a cosponsor, would establish a separate title under WIA to support industry or sector partnerships and strategies. As a supporter of the legislation, I am working to ensure that the principles set forth in this bill are included in a reauthorized WIA.

Federal workforce development policy also needs to recognize that different workers enter the job market in different ways, from young people entering apprenticeship programs or community colleges, dislocated workers seeking new skills to transition to new careers, to low-income adults enrolling in adult education courses to obtain the basic skills and the literacy needed to pursue an industry-recognized credential. For reasons of both equity and economic necessity, we must work to provide every individual interested in improving their skills with the means and the opportunity to do so while removing barriers they may face along the way.

Career pathways accomplish this goal of easing individuals into the job market by aligning adult education, job training and higher education systems to create seamless transitions for workers at all points of their educational and career trajectories. Successful career path models allow individuals to easily move between institutions and programs to acquire the skills and credentials they need to take advantage of new career opportunities while continuing to work and support their families.

As with sector partnerships, States have tapped into career pathways models as a way to provide economic opportunities for citizens while supplying businesses with new sources of talent. Washington State has had significant success with its own I-Best model, which combines occupational skills training, college-level coursework, and English language and basic skills education to prepare workers for a broad range of occupations. Research indicates that I-Best participants are more likely to continue into credit-bearing coursework and earn occupational credentials than other adult education students. Congressman BOBBY SCOTT's State of Virginia just recently announced the implementation of a statewide strategy to facilitate student transitions between education and employment systems and expand the provision of supportive services to ensure success.

Unfortunately, current law across a number of Federal programs—including WIA, the Higher Education Act and Temporary Assistance For Needy Families—presents significant obstacles to the development of career pathways,

establishing different funding streams for various educational and employment programs and often creating conflicting performance measures between systems.

Even within a single program such as WIA, we often see disconnects in the system. For example, one outcome measure for an individual receiving adult basic education services under WIA title II is the attainment of a GED. However, simply having a GED does not mean that a person has the skills he or she needs to enroll in a job training program funded under WIA title I. Unfortunately, far too often people confronted with such obstacles get frustrated and drop out of the system and never get the skills they need to succeed in the workforce. We must work to reduce the barriers between systems under current Federal law and create incentives for States to better align and connect their workforce development, education and human services systems. WIA authorization is certainly one great place to start.

Madam Speaker, with that, I would now yield to the distinguished Member from California, our Chair, the gentlelady from California, BARBARA LEE.

Ms. LEE of California. Thank you, Congresswoman MARCIA FUDGE, the gentlelady from Ohio, for continuing to, as I say, beat the drum every Monday night on behalf of the Congressional Black Caucus, on behalf of many of our communities, which have been really shut out and marginalized for years and years and years but also on behalf of the American people because we know and we recognize, as members of the Congressional Black Caucus, that what's good for our communities, especially communities of color, the African American community, makes America stronger. It's good for the country. So thank you very much for continuing to lift our voices on behalf of the people.

Tonight you've done a great job talking about really the reason and the rationale that we have to embrace workforce development training, job training. Because so many of our constituents are not only recently unemployed, but they just haven't been employed for many, many years, for many, many historic reasons, many of which are systemic. The opportunities just have not been there. As I was listening to you, I was reminded of the new green industry. It's a trillion-dollar industry, but of course there are many in our country who don't have the requisite skills to be able to even apply for these jobs in this new industry.

I want to just call attention to one organization in my district, in Oakland California, the Oakland Green Job Corps, where young people are learning green technology, are learning to weatherize homes, are learning to put solar panels on roofs. They are learning and developing the skills necessary to

be able to be fully employed in this new industry, and these are young people who may not have had a chance, had it not been for the Cyprus Mandela Training Center, Mayor Ron Dellums, our city of Oakland, and of course the Department of Labor and all of the partners who have helped put that together. Our energy czar from the White House, Ms. Browner came out, and she looked at the Green Job Corps, and we are hoping that this will be seen as a model to replicate throughout the country.

Let me just remind you that the Congressional Black Caucus has historically been known as the conscience of the Congress, and we recognize that the dignity of all human beings is extremely important in our work to close these—some of us call it these moral gaps that exist, these disparities. And tonight of course we're talking about jobs, employment and unemployment.

Well, the good-paying jobs recognize the dignity of all human beings; and when people are unemployed, when they don't have jobs, it's very difficult to take care of their families, take care of themselves. As a person who majored in psychiatric social work, I understand all the psychological effects. We just see that each and every day now, the emotional trauma, the depression. Suicide rates are soaring now as a result of this Bush recession. So we have to remember that when people are unemployed, it's not only that they don't have a job to make money; but it's their self-esteem, their self-worth, it's their dignity that becomes shattered as a result of this, and so we have to work very hard each and every day to make sure that we provide the vehicles and the opportunities for everyone in our country to get a job.

The trigger may have been, of course, the bubble in the housing markets in terms of the unemployment rate; but I tell you, these excesses on Wall Street and the failure of the Bush administration to enforce any securities laws, the deregulation of the financial services industry—and I was on the Financial Services Committee for 8 years, and we kept talking about that with Chairman Greenspan, and there were very few who really wanted to bite the bullet and say, we have to not do this. But we did, unfortunately. So now we have an industry that's just run wild, really. It's run amok. We also have to remember that there was very little oversight of the banks, and this unfortunate situation has spread this crisis to each and every household and business in our country. We've seen 7 million jobs lost since the beginning of the Bush recession, and the unemployment rate has now risen to 9.4 percent nationally—14.9 percent, however, for African Americans and for Latinos.

Now during the Bush administration, 5 million more people fell into poverty. Unfortunately now we have 37 million

Americans living in poverty, 47 million with no health insurance, and that is rising. So we have to tackle this because if we don't tackle this, we will have millions more living in poverty. Actually, last week the Congressional Black Caucus released our agenda as well as our biannual report, and we call it Opportunities for All—Pathways Out of Poverty.

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All members of the CBC put one of their bills on this agenda. We have 42 bills, and if you look at each and every one of the pieces of legislation that is pending that we consider our priority legislation, each one provides a pathway out of poverty and an opportunity for all.

We also, unfortunately, in the last few years have watched company after company cut their benefits, and millions more Americans now, as I said earlier, have lost their health insurance and their retirement plans and pension plans have fallen, unfortunately, off the table.

The last administration has left us and our Nation in shambles, and it is really critical that we come together to begin the work of providing opportunities for all in America and ending this spiral of poverty that is spiraling downward, unfortunately, with millions more people in this situation.

We have got to expand and extend the proven anti-poverty programs that were included in the American Recovery and Reinvestment Act, like expanding access to the Child Tax Credit and the Earned Income Tax Credit. We have to maintain support for the vital extensions of unemployment insurance and COBRA health insurance.

Millions of Americans need these subsidies, while millions of Americans continue to face job loss and extended periods of unemployment. These are stopgap measures, but this has to be seen as necessary just to stop the hemorrhaging and give people some relief so they can survive and sustain themselves until the jobs that we are working so hard to create are created.

We have got to maintain support for and invest in education and job training programs, as Congresswoman FUDGE talked about earlier, and fully support initiatives such as the Affordable Housing Trust Fund and the Neighborhood Stabilization Program, which our colleague Congresswoman MAXINE WATERS, who chairs the Housing and Opportunity Subcommittee of the Financial Services Committee, worked so hard with the Congressional Black Caucus' support to bring some stability to our hardest-hit communities.

But we all know we have to do more. We need to raise and index the minimum wage so that every working person can be assured that they will earn a wage that will lift them up and out of

poverty each and every year without having to rely on legislation to keep up with increases in the cost of living. Yes, we increased the minimum wage several years ago; but I believe, like many of my colleagues believe, that we must support and find ways to provide for a living wage. Raising the minimum wage is not enough.

We also must ensure access to early childhood education, guarantee a quality public education for every American student, and make sure that every working family has access to affordable, quality child care.

Again, why is child care so important? Well, we have millions of women, millions of single moms and single men who want to work, but they can't afford the child care. So we cannot look at creating jobs without understanding we must provide for the job training and child care assistance so that they can really afford to get a job and will not have to worry about their young people.

Also, and oftentimes we forget this, there are millions of men now that we call in my community "formerly incarcerated individuals" who have been released from jail. We know that the recidivism rate is very high, and part of the reason is because there is very little employment for these individuals. So we have to provide support for our reentry initiatives.

I am very proud of the fact that Congressman DANNY DAVIS, a member of the Congressional Black Caucus from Illinois, continues to work on behalf of those who would not have this second chance. We passed the Second Chance Act a couple of years ago, but we must fully fund this so that we can provide for that job training and those jobs for formerly incarcerated individuals.

Also our disconnected youth. We have young people who need jobs. Many families now, because of the fact that mothers and fathers are unemployed, oftentimes young people have to help, and they deserve to be able to get a job too. So we have to fully fund and support summer job programs for our young people, which I am very proud of the fact that President Obama, Speaker PELOSI and all of our leadership here, our majority whip, Mr. CLYBURN, supported with the economic recovery package to make sure we have funding in there for our summer jobs program for youth.

Also access to health care. Some of us believe, and I know many of us in the Congressional Black Caucus believe, that health care should not be a privilege. It is a basic right. It is a basic right, and as we begin health care debate, again we cannot forget that closing health care disparities in communities of color must be part of any health care reform package. Otherwise, those communities, those individuals who have historically been discriminated against in our health care sys-

tem, and really that is what has happened over the years, it has been discrimination, they deserve to have some of these gaps closed. So this has to be part of, again, a comprehensive approach to job creation and employment.

So let me just conclude by saying that during this economic crisis, we think that we have to see this also as an opportunity to make the changes that we seek, some of the systemic changes that we seek, to guarantee access to health care, to guarantee and ensure fair and adequate housing for all, and to provide top-flight education for all of our children and support the growth of the new green living wage economy that will carry America into the 21st century.

We have to support the Employee Free Choice Act, because many of us in the African American community know if it hadn't been for labor unions, many of our families would not have become middle income. So the right to organize, the right to participate and to be in a union is essential, because when we are talking about jobs, we are not just talking about a job; but we are talking about a job with justice, jobs with good pay, with benefits, with a pension, with health care, the type of a job that any American deserves. So this Employee Free Choice Act is an extremely important part of any jobs movement that we have developed here in the Congress.

The Congressional Black Caucus continues to be the conscience of the Congress, and we are going to continue to speak out and work with those who don't have a voice, who have been marginalized, and who could possibly be left behind were it not for members of the Congressional Black Caucus who stand strong, 42 of us, in moving forward an agenda, opportunities for all, pathways out of poverty.

Let me thank Congresswoman MARCIA FUDGE again for stepping up to the plate and for bringing this very critical debate once again on a Monday night to the country.

Ms. FUDGE. Thank you, Madam Chairman.

I would again like to thank our Chair for her leadership. Certainly Congresswoman LEE has kept the focus of the CBC on those who have the least, and that is very, very important. She has kept our focus on job creation and has allowed us to be the voice for the voiceless. With her leadership, we know that we represent more of the poor than any other group of people in this House, and it is just refreshing to know that our focus as a caucus is on poverty and jobs. I thank you again for your leadership.

Ms. LEE of California. If the gentle lady will further yield for a moment, please, let me talk about very quickly one of the aspects of job creation and the issue as it relates to pay equity for women.

As I remember, the numbers are really staggering when you look at women. They make I think it is maybe 70-some cents on the dollar; African American women a lot less, maybe 60-some cents on the dollar; and Latinas even less than that.

I think it is very important as we talk about jobs and job creation, we have to really first applaud the President for signing the Lilly Ledbetter Act, and, secondly, in each and every initiative that we take here in the House, make sure that we look at the bills in terms of the type of equity and justice it brings to women, because women have a long way to go in our society.

We have made tremendous gains, but when you look at these moral gaps in terms of wages, we have to understand that we do need to take, and some don't want to say affirmative action, but I consider affirmative action a very Democratic policy, and so we do need to take affirmative action to make sure that these disparities in wages as they relate to women are closed and closed very quickly as we create these new jobs in the industries of the future.

Ms. FUDGE. Thank you, Madam Chairman. I would say there are so many things we need to be addressing. Certainly what I have found in my home district is that as you look at what is happening with women and children, it is really appalling. Right now, the fastest growing group of children in schools today are homeless children. That means their parents are homeless, and more times than not it is just a mother. So these are people who most of the time don't have jobs and don't have the ability to take care of their children, and we have to do what we have to do as a government. We have to make sure we provide.

So I am really happy that in the Recovery and Reinvestment Act we put significant money in there for shelters, for meals for children, for food stamps, for many things that I think are going to make their lives better. We have done what we think we needed to do to at least get them back moving in the right direction.

So I think you are right. As we look at where women are today, not just in equal pay, not just in benefits, but in how we live as people in this society, I think it is very, very important that we focus on where women are going in this society. I know that because of your leadership, that is one of the things the CBC has been looking at.

So I thank you again for all that you do to make sure that women get equal treatment, that women have the ability to raise their children in a positive and safe place, because if we hadn't done some of the things that we have done with this recovery package, where would they be? Certainly you may be poor, but you still deserve a decent place to live. You still deserve to be

able to feed your children and send your kids to school in a safe environment.

Again, I thank you just for the kind of leadership that you have given to us that makes us really take a look at what is happening in our communities.

Ms. LEE of California. Well, I thank the gentlelady for her comments, and I just want to say, we have to look at what is taking place with everyone in our country during this economic downturn. Many have said, why would we do some of the things we did in the economic recovery package, such as many of the initiatives that you spoke of? How could we not do it? Otherwise we would leave millions behind once again. So that was a mandate that we had to do.

Another area that you helped us so brilliantly on was the involvement of and ensuring the involvement of minority and women-owned businesses in the economic recovery package.

Oftentimes, as difficult as it is when you lose a job and are unemployed, new opportunities open up. Small entrepreneurs now have the opportunity, those with creative ideas, to establish small businesses. We put I believe it was \$35 million in a micro-loan program, so the small entrepreneurs, people who have been unemployed, who want to start a business, who want to start whatever type of a business, can go to the SBA now and apply for a loan without having to go through all of the rigmarole that oftentimes businesses have to go through. Now people who have been recently unemployed can have the opportunity to actually establish a small business so that they can take care of themselves and their families during this very difficult time.

We also made sure that we put some very strong language in terms of the involvement of minority and women-owned businesses in all the Federal funding that was coming through the agencies in our package, for example, the Department of Transportation and the infrastructure money.

Well, I am saying this loud and clear now to everyone in this country in terms of minority and women-owned businesses: that money that will be coming to these States, you have to make sure that you involve your minority and women-owned companies in contracts and subcontracts in this construction money, in this infrastructure money, because it is all well and good to be able to hire people for the jobs, but there are many who have the skills and the businesses who want to participate in the economic vitality of our country through the business route. So it is very important that our small and minority-owned and women-owned businesses are able to create the jobs themselves.

That is a Federal requirement. Hopefully, States are complying with the law. But if they are not, we definitely

have an oversight process that is going to be looking at this.

I happily yield back to my colleague from Ohio.

□ 2100

Ms. FUDGE. Again, Madam Chairman, I think that we have done a lot of work in a very short period of time. And I thank you for your leadership, and certainly I thank our leadership, the leadership of our caucus, as well as the leadership of the administration of our Nation for their vision.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Mr. HOYER) for today on account of family reasons.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of travel.

Mr. MACK (at the request of Mr. BOEHNER) for today, June 9 and 10 on account of attending his daughter's graduation.

Mrs. BONO MACK (at the request of Mr. BOEHNER) for today, June 9 and 10 on account of attending her daughter's graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, June 12.

Mr. BURTON of Indiana, for 5 minutes, today, June 9, 10, 11 and 12.

Mr. POE of Texas, for 5 minutes, June 12 and 15.

Mr. MORAN of Kansas, for 5 minutes, today, June 9, 10, 11, 12 and 15.

Mr. JONES, for 5 minutes, June 12 and 15.

Mr. PAULSEN, for 5 minutes, June 9.

Mr. MCCLINTOCK, for 5 minutes, June 9.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 663. An act to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the

“Yvonne Ingram-Ephraim Post Office Building”.

H.R. 918. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the “Stan Lundine Post Office Building”.

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the “Major Ed W. Freeman Post Office”.

H.R. 1595. An act to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the “Brian K. Schramm Post Office Building”.

ADJOURNMENT

Ms. FUDGE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 9, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2035. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Mushroom Promotion, Research, and Consumer Information Order [Document Number: AMS-FV-09-0019; FV-09-703] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2036. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Order Amending Marketing Order No. 984; Correcting Amendment [Doc. No.: AO-192-A7; AMS-FV-07-0004; FV06-984-1 C] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2037. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearment Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2009-2010 Marketing Year [Doc. No.: AMS-FV-08-0104; FV09-985-1 FR] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2038. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Change in Regulatory Period [Doc. No.: AMS-FV-309-0012; FV09-959-1 IFR] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2039. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Honey Research, Promotion, and Consumer Information Order; Termination [Document Number: AMS-FV-09-0006; FV-09-701] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2040. A letter from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting a letter to report the Antideficiency Act violation, Army case

number 06-07, estimated at \$32,144,000, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

2041. A letter from the Major General, USAF Vice Director, Defense Logistics Agency, transmitting notification that the Section 14 Biennial Requirements Report has been delayed pending completion of the Senate Appropriations Committee (SAC) report to accompany H.R. 3222, the FY 2008 National Defense Appropriations Bill, S. Rep. No. 110-155; to the Committee on Armed Services.

2042. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of the Navy, transmitting a letter notifying Congress of a performance decision by the Department of the Navy to convert the information assurance functions currently being performed by eight (8) military personnel of the Fleet Area Control and Surveillance Facility, located in Virginia Beach, VA; to the Committee on Armed Services.

2043. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Security Clause (RIN: 1991-AB71) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2044. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Organ-Specific Warnings; Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Monograph [(Docket No.: FDA-1977-N-0013] (formerly Docket No.: 1977N-0094L)] (RIN: 0910-AF36) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2045. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Replacement Digital Low Power Television Translator Stations [MB Docket No.: 08-253] received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2046. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2047. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2048. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting letter(s) of Offer and Acceptance for Transmittal No. 09-22, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2049. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting proposed Letter(s) of Offer and Acceptance for Transmittal No. 09-15, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2050. A letter from the Acting Assistant Secretary Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 032-09, pursuant to Public

Law 110-429, section 201; to the Committee on Foreign Affairs.

2051. A letter from the Acting Assistant Secretary Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 036-09, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

2052. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-78, "Transportation Infrastructure Improvements GARVEE Bond Financing Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2053. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2054. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2055. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2056. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2057. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2058. A letter from the Chairman, Railroad Retirement Board, transmitting the semi-annual report on activities of the Office of Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Public Law 95-452, section 5; to the Committee on Oversight and Government Reform.

2059. A letter from the Director, Department of Justice, transmitting the Department's report entitled, "National Prescription Drug Threat Assessment 2009 (NPDTA 2009)"; to the Committee on the Judiciary.

2060. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on Settlements by the United States with Nonmonetary Relief Exceeding Three Years and Settlements Against the United States Exceeding \$2 Million for the Fourth Quarter 2008, pursuant to Public Law 107-273, section 202(a)(1)(c); to the Committee on the Judiciary.

2061. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 (including the MD902 Configuration) Helicopters [Docket No.: FAA-2008-0772; Directorate Identifier 2008-SW-30-AD; Amendment 39-15872; AD 2009-07-13] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2062. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Liberty Aerospace Incorporated

Model XL-2 Airplanes [Docket No.: FAA-2009-0329; Directorate Identifier 2009-CE-020-AD; Amendment 39-15878; AD 2009-08-05] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2063. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model BH.125 Series 600A Airplanes and Model HS.125 Series 700A Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA2271SW [Docket No.: FAA-2008-1240; Directorate Identifier 2008-NM-098-AD; Amendment 39-15877; AD 2009-08-04] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2064. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2008-0412; Directorate Identifier 2007-NM-346-AD; Amendment 39-15870; AD 2009-07-11] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2065. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters [Docket No.: FAA-2009-0301; Directorate Identifier 2008-SW-69-AD; Amendment 39-15876; AD 2009-08-03] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2066. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) JT9D-7 Series Turbofan Engines [Docket No.: FAA-2008-0759; Directorate Identifier 2008-NE-02-AD; Amendment 39-15824; AD 2009-04-18] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2067. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan Engines [Docket No.: FAA-2008-1025; Directorate Identifier 2008-NE-31-AD; Amendment 39-15862; AD 2009-07-03] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2068. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; Model DC-8-70F Series Airplanes [Docket No.: FAA-2008-1324; Directorate Identifier 2008-NM-101-AD; Amendment 39-15875; AD 2009-08-02] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2069. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell Flight Management System (FMSs) Equipped with Honeywell NZ-2000 Navigation Computers and Honeywell IC-800 or IC-800E Integrated Avionics Computers; as Installed on Various Transport Category Airplanes [Docket No.: FAA-

2008-0899; Directorate Identifier 2008-NM-022-AD; Amendment 39-15874; AD 2009-08-01] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2070. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs; Availability of Funds [Docket Number: 0812021539-81544-01] received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2071. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Measurement, Science and Engineering Research Grants Programs; Availability of Funds [Docket No.: 0812021541-81547-01] received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2072. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — IMPORTED DIRECTLY REQUIREMENT UNDER THE UNITED STATES-BAHRAIN FREE TRADE AGREEMENT [Docket No.: USCBP-2009-0015 CBP Dec. 09-17] (RIN: 1505-AC13) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2073. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2009-16) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2074. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 72.—Annuities; certain proceeds of endowment and life insurance contracts (Also Sections 1001, 1011, 1012, 1221, and 1234A) (Rev. Rul. 2009-13) received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2075. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Date for Multiemployer Plans to Elect Relief under Sections 204 and 205 of WRERA [Notice 2009-42] received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2076. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 101.—Certain Death Benefits. (Also Sections 263, 865, 1001, 1011, 1012, and 1221) (Rev. Rul. 2009-14) received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2077. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rule and Regulations. (Also Part I, Sections 25, 103, 143; 1.25-4T, 1.103-1, 6a.103A-2.) (Rev. Proc. 2009-27) received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 4, 2009 the following report was filed on June 5, 2009]

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2454. A bill to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy; with an amendment (Rept. 111-137 Pt. 1). Ordered to be printed.

[Submitted on June 8, 2009]

Mr. CONYERS: Committee on the Judiciary. H.R. 1741. A bill to require the Attorney General to make competitive grants to eligible State, tribal, and local prosecutors to establish and maintain certain protection and witness assistance programs; with amendments (Rept. 111-138). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 2344. A bill to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters (Rept. 111-139). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1687. A bill to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse"; with amendments (Rept. 111-140). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 472. Resolution congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and their dedication to general aviation, safety and the important contribution general aviation provides to the United States; with an amendment (Rept. 111-141). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 410. Resolution recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States (Rept. 111-142). Referred to the House Calendar.

[The following action occurred on June 5, 2009]

Pursuant to clause 2 of rule XII the Committees on Education and Labor and Foreign Affairs discharged from further consideration of H.R. 2454.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

(The following action occurred on June 5, 2009)

H.R. 2454. Referral to the Committees on Financial Services, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, and Ways and Means for a period ending not later than June 19, 2009.

titles were introduced and severally referred, as follows:

By Mr. MAFFEI (for himself, Mr. KRATOVIL, Mr. VAN HOLLEN, Mr. HOYER, Mr. MCMAHON, Ms. SUTTON, Mr. BARTLETT, Mr. HALL of New York, Mr. POSEY, Mr. HEINRICH, Mr. PAULSEN, Ms. SHEA-PORTER, Mr. MANZULLO, Mr. DEFAZIO, and Mr. DAVIS of Alabama):

H.R. 2743. A bill to restore the economic rights of automobile dealers, and for other purposes; to the Committee on Financial Services.

By Ms. RICHARDSON (for herself, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONYERS, Mr. FILNER, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Ms. NOR-TON, Ms. ROYBAL-ALLARD, and Ms. BORDALLO):

H.R. 2744. A bill to prohibit discrimination in Federal assisted health care services and research programs on the basis of sex, race, color, national origin, sexual orientation, gender identity, or disability status; to the Committee on Energy and Commerce.

By Mr. HENSARLING:

H.R. 2745. A bill to amend the Emergency Economic Stabilization Act of 2008 to provide repayment procedures for certain assistance received under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. CARNAHAN (for himself and Ms. MATSUI):

H.R. 2746. A bill to amend title 49, United States Code, to allow for additional transportation assistance grants; to the Committee on Transportation and Infrastructure.

By Mrs. HALVORSON:

H.R. 2747. A bill to amend the Small Business Act to improve outreach and support activities and to increase award recipients from rural areas with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2748. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments by excluding from income a portion of such payments; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. PALLONE, Mr. STUPAK, Ms. DEGETTE, and Ms. SUTTON):

H.R. 2749. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LATOURETTE (for himself, Mr. KUCINICH, Mr. MCCOTTER, Mr. NUNES, Mr. YOUNG of Alaska, Mr. MCKEON, Mr. TIBERI, Mr. YOUNG of Florida, Mr. TURNER, Mr. WHITFIELD, Mr. MCHENRY, and Mr. SIMPSON):

H.R. 2750. A bill to restore the economic rights of automobile dealers, and for other purposes; to the Committee on Financial Services.

By Ms. SUTTON (for herself, Mr. ISRAEL, Mr. DINGELL, Mr. INSLEE, Mr. STUPAK, Mr. WAXMAN, Mr. BARTON of Texas, Mr. MARKEY of Massachusetts,

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

Mr. UPTON, Mrs. MILLER of Michigan, Mr. BRALEY of Iowa, Mr. ROGERS of Michigan, Ms. DEGETTE, Mr. DOYLE, Ms. BALDWIN, Mr. BOCCIERI, Ms. FUDGE, Mr. CARNAHAN, Mr. COURTNEY, Mr. SCHAUER, Mr. ARCURI, Mr. MCCOTTER, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. CAMP, Mr. HARE, Mr. KILDEE, Mr. BLUMENAUER, Mr. LOEBSACK, Mr. HALL of New York, Mr. PETERS, Mr. MICHAUD, Mr. MCNERNEY, Ms. KILROY, Mr. SARBANES, Ms. TITUS, Ms. KILPATRICK of Michigan, Mr. HILL, Mr. CONNOLLY of Virginia, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. DRIEHAUS, Mr. LATOURETTE, Mr. COHEN, Mr. BISHOP of New York, Mr. WATT, Mr. YARMUTH, Mr. KAGEN, Mr. PERLMUTTER, Mr. LEVIN, and Ms. SCHAKOWSKY):

H.R. 2751. A bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CARTER, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GRAVES, Mr. HERGER, Mr. HOEKSTRA, Mr. JORDAN of Ohio, Mr. LAMBORN, Mr. LATTA, Mr. MARCHANT, Mr. MCCOTTER, Mr. MORAN of Kansas, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. TERRY, Mr. TIAHRT, Mr. WAMP, and Mr. WILSON of South Carolina):

H.R. 2752. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. BERRY:

H.R. 2753. A bill to delay the implementation of new Medicare hospital geographic wage reclassification criteria until the Secretary of Health and Human Services issues a proposal to revise the hospital wage index classification system that addresses certain considerations; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. TERRY):

H.R. 2754. A bill to amend the Public Health Service Act to establish the Nurse-Managed Health Clinic Investment program, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Ms. CASTOR of Florida, Mr. GRIJALVA, and Ms. CORRINE BROWN of Florida):

H.R. 2755. A bill to amend the Elementary and Secondary Education Act of 1965 to assist underperforming schools to recruit, support, and retain highly qualified and effective teachers by providing grants for participation in the Targeted High Need Initiative program of the National Board for Professional Teaching Standards; to the Committee on Education and Labor.

By Mrs. DAVIS of California (for herself, Mr. BLUMENAUER, Mr. CALVERT,

Ms. SPEIER, Mr. KIND, Mr. MCNERNEY, Mr. RODRIGUEZ, Mr. BACA, Mr. BILBRAY, and Mr. FILNER):

H.R. 2756. A bill to amend the Internal Revenue Code of 1986 to allow eligible veterans to use qualified veterans mortgage bonds to refinance home loans, and for other purposes; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. REICHERT, Mr. LIPINSKI, and Mr. ING-LIS):

H.R. 2757. A bill to require the return to the American people of all proceeds raised under any Federal climate change legislation; to the Committee on Ways and Means.

By Mr. KIND (for himself and Ms. BALDWIN):

H.R. 2758. A bill to amend part C of title XVIII of the Social Security Act with respect to Medicare special needs plans and the alignment of Medicare and Medicaid for dually eligible individuals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 2759. A bill waiving the cost-share requirement under the Staffing for Adequate Fire and Emergency Response grant program for grants awarded during fiscal year 2008; to the Committee on Science and Technology.

By Ms. WATSON (for herself, Mr. DREIER, Mr. HERGER, Mr. HUNTER, Mr. MCKEON, Mr. MCCARTHY of California, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. RADANOVICH, Mr. STARK, and Mrs. TAUSCHER):

H.R. 2760. A bill to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. WATSON (for herself, Ms. NORTON, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. BUTTERFIELD, Mr. CONYERS, Mr. CLAY, Ms. LEE of California, Mr. TOWNS, Mr. AL GREEN of Texas, and Mr. FATTAH):

H.R. 2761. A bill to sever United States' government relations with the Cherokee Nation of Oklahoma until such time as the Cherokee Nation of Oklahoma restores full tribal citizenship to the Cherokee Freedmen disenfranchised in the March 3, 2007, Cherokee Nation vote and fulfills all its treaty obligations with the Government of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH:

H.R. 2762. A bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services; to the Committee on Ways and Means.

By Ms. WOOLSEY:

H.R. 2764. A bill for the relief of Lilly M. Ledbetter; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Ms. CLARKE, and Mr. MEEKS of New York):

H. Con. Res. 145. Concurrent resolution supporting the goals and ideals of National Caribbean American HIV/AIDS Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. DELAHUNT, Mr. MARKEY of Massachusetts, Mr. SERRANO, Ms. LEE of California, Ms. BORDALLO, Mr. MCGOVERN, Mr. HINCHEY, Mr. TOWNS, Mr. KUCINICH, Mr. FARR, Mr. HONDA, and Mr. OLVER):

H. Con. Res. 146. Concurrent resolution recognizing the 64th anniversary of the United Nations; to the Committee on Foreign Affairs.

By Mr. FRANKS of Arizona:

H. Res. 515. A resolution condemning the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little Rock, Arkansas on June 1, 2009; to the Committee on the Judiciary.

By Mr. MARKEY of Massachusetts (for himself and Mr. SMITH of New Jersey):

H. Res. 516. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease; to the Committee on Oversight and Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. REICHERT, Mr. INSLEE, Mr. BAIRD, Mr. DICKS, Mr. HASTINGS of Washington, Mrs. MCMORRIS RODGERS, Mr. LARSEN of Washington, and Mr. SMITH of Washington):

H. Res. 517. A resolution congratulating the University of Washington women's softball team for winning the 2009 Women's College World Series; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mrs. CAPPS, Ms. BORDALLO, Ms. HIRONO, Mr. EHLERS, Mr. BAIRD, Mr. HOLDEN, and Mr. PALLONE):

H. Res. 518. A resolution honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation; to the Committee on Natural Resources.

By Mr. STUPAK (for himself, Mr. LARSEN of Washington, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. MASSA, Mr. SESTAK, Mr. LEVIN, Mr. DELAHUNT, Ms. WOOLSEY, Mr. HALL of New York, Ms. SLAUGHTER, and Ms. KAPTUR):

H. Res. 519. A resolution expressing appreciation to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States and congratulating Canada as it celebrates "Canada Day"; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

63. The SPEAKER presented a memorial of the State House of Representatives of Michigan, relative to House Resolution No. 12 EXPRESSING SUPPORT FOR THE PEOPLE OF INDIA FOLLOWING THE TERRORIST ATTACKS IN MUMBAI AND TO MEMORIALIZE THE PRESIDENT AND CONGRESS TO WORK WITH INDIAN AUTHORITIES IN BOTH HUMANITARIAN AND STRATEGIC CAPACITIES; to the Committee on Financial Services.

64. Also, a memorial of the State House of Representatives of Michigan, relative to House Resolution No. 47 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO OPPOSE PREEMPTIVE FEDERAL INSURANCE REGULATORY MEASURES; to the Committee on Financial Services.

65. Also, a memorial of the State House of Representatives of Michigan, relative to House Resolution No. 40 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO GIVE FAIR CONSIDERATION TO ALL FACETS OF THE DOMESTIC AUTOMOTIVE INDUSTRY IN THE DISTRIBUTION OF THE \$5 BILLION FEDERAL AUTO SUPPLIER TARP FUNDING, AND TO ENACT AN OVERSIGHT MECHANISM TO ASSURE THAT THE FUNDS ARE FAIRLY DISTRIBUTED; to the Committee on Financial Services.

66. Also, a memorial of the 52nd Legislature of Oklahoma, relative to SENATE RESOLUTION NO. 42 disagreeing with President Obama's Administration's characterization of returning military veterans and other supporters of traditional American values; to the Committee on Homeland Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, as follows:

Mr. CROWLEY introduced a bill (H.R. 2763) for the relief of Llesh Miraj, Enkeleda Miraj, Michaela Miraj, Vanessa Miraj, and Sabrina Miraj; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 22: Mr. KRATOVIL, Mr. CAMP, and Mr. BRADY of Texas.
- H.R. 25: Mr. BARRETT of South Carolina.
- H.R. 49: Mr. SMITH of Texas.
- H.R. 137: Mr. AKIN and Mr. GINGREY of Georgia.
- H.R. 211: Mr. ARCURI and Mr. WILSON of South Carolina.
- H.R. 213: Mr. COHEN and Mr. FORTENBERRY.
- H.R. 235: Mr. KRATOVIL, Mr. LOEBSACK, and Mr. HODES.
- H.R. 303: Mr. GONZALEZ, Mr. DUNCAN, Mr. WITTMAN, Mr. BURGESS, and Mr. SCOTT of Virginia.
- H.R. 327: Mr. CAO and Mr. HARPER.
- H.R. 426: Ms. BERKLEY.
- H.R. 430: Mr. SCHOCK.
- H.R. 450: Mr. WAMP.
- H.R. 503: Mr. PRICE of North Carolina and Mr. CLEAVER.
- H.R. 574: Mr. WEINER.
- H.R. 594: Mr. GRIJALVA.
- H.R. 616: Mr. THOMPSON of Pennsylvania, Mr. KAGEN, Mr. MELANCON, Mr. GERLACH, Mr. HOLDEN, and Mr. BOYD.
- H.R. 621: Mr. OBEY, Mr. BUTTERFIELD, Mr. THOMPSON of Pennsylvania, Mr. ABERCROMBIE, Mr. REYES, Mr. CASTLE, and Mrs. LOWEY.

- H.R. 622: Mrs. DAHLKEMPER.
- H.R. 690: Mr. MAFFEI, Ms. JENKINS, and Mr. MORAN of Kansas.
- H.R. 710: Ms. MOORE of Wisconsin.
- H.R. 745: Mr. BOUCHER.
- H.R. 816: Ms. ROYBAL-ALLARD and Mr. NYE.
- H.R. 840: Mr. NADLER of New York.
- H.R. 853: Mr. KING of New York.
- H.R. 881: Mr. TIAHRT and Mrs. MILLER of Michigan.
- H.R. 913: Mr. PASTOR of Arizona.
- H.R. 988: Mr. PLATTS, Mr. WALDEN, Mr. BRALEY of Iowa, Ms. SCHAKOWSKY, Mr. THOMPSON of Pennsylvania, Mr. LATOURRETTE, Mr. MORAN of Virginia, and Mr. RYAN of Ohio.
- H.R. 997: Mr. DAVIS of Tennessee.
- H.R. 1064: Mr. BILBRAY, Mr. TONKO, Mr. TIM MURPHY of Pennsylvania, and Mr. REYES.
- H.R. 1067: Mr. DEAL of Georgia.
- H.R. 1103: Mr. CONAWAY and Mr. WILSON of South Carolina.
- H.R. 1126: Mr. LYNCH.
- H.R. 1135: Mrs. SCHMIDT.
- H.R. 1142: Mr. BOUCHER.
- H.R. 1165: Mr. PASTOR of Arizona.
- H.R. 1166: Mr. MURTHA.
- H.R. 1173: Mr. MURTHA.
- H.R. 1177: Mr. MILLER of North Carolina, Mr. LAMBORN, Mr. ARCURI, Mr. ORTIZ, Mr. ROONEY, Mr. CONNOLLY of Virginia, and Mr. COLE.
- H.R. 1210: Mr. LUETKEMEYER.
- H.R. 1211: Mr. WALZ and Mr. FORTENBERRY.
- H.R. 1283: Mr. BRALEY of Iowa.
- H.R. 1324: Mr. GONZALEZ, Mr. CARNAHAN, Mr. LYNCH, and Mr. PIERLUISI.
- H.R. 1326: Mrs. MYRICK.
- H.R. 1335: Mr. BRADY of Pennsylvania, Mr. MCGOVERN, and Mr. SESTAK.
- H.R. 1378: Mr. MATHESON, Mr. WEINER, and Mrs. CAPPS.
- H.R. 1395: Mrs. BONO MACK.
- H.R. 1409: Mr. MURPHY of New York.
- H.R. 1423: Mr. NEAL of Massachusetts, Mr. YARMUTH, Mr. SESTAK, Ms. SCHWARTZ, Mr. BLUMENAUER, Mr. SCHAUER, Mr. LEWIS of Georgia, and Mr. PASTOR of Arizona.
- H.R. 1425: Mr. HODES.
- H.R. 1443: Mr. CLEAVER.
- H.R. 1454: Mr. SESTAK and Mr. PAULSEN.
- H.R. 1460: Mr. EDWARDS of Texas.
- H.R. 1470: Mr. MITCHELL.
- H.R. 1478: Mr. FRANK of Massachusetts and Mr. TERRY.
- H.R. 1479: Mr. MCGOVERN and Mr. MASSA.
- H.R. 1505: Mr. WILSON of South Carolina, Mr. EHLERS, Mr. CONNOLLY of Virginia, and Mr. CONYERS.
- H.R. 1521: Mr. BOREN, Mr. AL GREEN of Texas, Mr. DANIEL E. LUNGREN of California, Mr. BRADY of Texas, Mr. JONES, Mr. TIM MURPHY of Pennsylvania, and Mr. LATHAM.
- H.R. 1528: Mrs. CAPPS, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HONDA.
- H.R. 1530: Mrs. CAPPS, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HONDA.
- H.R. 1531: Mrs. CAPPS, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HONDA.
- H.R. 1544: Mr. NYE.
- H.R. 1551: Mr. JOHNSON of Georgia, Mr. MOORE of Kansas, and Mr. MILLER of North Carolina.
- H.R. 1552: Mr. MURPHY of New York.
- H.R. 1557: Mrs. DAHLKEMPER.
- H.R. 1588: Mr. WILSON of South Carolina and Mr. ADERHOLT.
- H.R. 1616: Mr. DAVIS of Alabama.
- H.R. 1670: Mr. THOMPSON of Mississippi.
- H.R. 1682: Mr. SESTAK.
- H.R. 1716: Mr. HALL of New York and Mr. MURPHY of New York.

- H.R. 1721: Mr. FRANK of Massachusetts.
- H.R. 1751: Mr. MARKEY of Massachusetts.
- H.R. 1774: Mr. GRIJALVA.
- H.R. 1775: Mr. GRIJALVA.
- H.R. 1799: Mr. KRATOVIL.
- H.R. 1802: Mr. LAMBORN.
- H.R. 1826: Mr. PERRIELLO.
- H.R. 1827: Ms. LEE of California.
- H.R. 1835: Mr. ALEXANDER and Mr. BACHUS.
- H.R. 1855: Mr. SESTAK.
- H.R. 1910: Mr. SESTAK.
- H.R. 1912: Mrs. MALONEY and Ms. SCHWARTZ.
- H.R. 2017: Mr. BOOZMAN, Mr. YOUNG of Florida, Mr. BOREN, Mr. TERRY, and Mr. MCHENRY.
- H.R. 2035: Mr. HILL and Mr. SNYDER.
- H.R. 2051: Mr. PLATTS.
- H.R. 2060: Mr. MCINTYRE.
- H.R. 2062: Mr. SESTAK and Mr. MICHAUD.
- H.R. 2085: Ms. WOOLSEY.
- H.R. 2135: Mr. LATHAM.
- H.R. 2163: Mr. MINNICK.
- H.R. 2164: Mr. MINNICK.
- H.R. 2193: Mr. WILSON of South Carolina and Mr. CULBERSON.
- H.R. 2196: Mr. FRANKS of Arizona.
- H.R. 2202: Mr. MOORE of Kansas.
- H.R. 2209: Mr. ANDREWS.
- H.R. 2261: Mr. MCINTYRE.
- H.R. 2296: Mr. MARCHANT.
- H.R. 2304: Mr. MCCOTTER.
- H.R. 2321: Mr. NEUGEBAUER.
- H.R. 2329: Mrs. MYRICK, Ms. MARKEY of Colorado, Mr. COFFMAN of Colorado, and Mr. LUETKEMEYER.
- H.R. 2332: Mr. TOWNS.
- H.R. 2339: Mr. HARE and Mr. GRIJALVA.
- H.R. 2350: Mr. MURPHY of Connecticut.
- H.R. 2360: Mr. KRATOVIL and Mr. MURPHY of New York.
- H.R. 2373: Mr. MARSHALL, Mr. KING of New York, Mr. KAGEN, and Ms. CORRINE BROWN of Florida.
- H.R. 2393: Mr. LATHAM and Mr. KLINE of Minnesota.
- H.R. 2414: Mr. MAFFEI, Ms. WOOLSEY, and Mr. MILLER of North Carolina.
- H.R. 2426: Mr. FRANK of Massachusetts.
- H.R. 2497: Mr. GONZALEZ, Ms. HIRONO, and Ms. MATSUI.
- H.R. 2499: Ms. SPEIER, Ms. WOOLSEY, Mr. MARCHANT, Ms. MCCOLLUM, and Mr. SMITH of New Jersey.
- H.R. 2517: Ms. KILROY.
- H.R. 2520: Mr. CAMPBELL and Mr. MARCHANT.
- H.R. 2523: Mr. MINNICK.
- H.R. 2527: Ms. LINDA T. SANCHEZ of California, Mr. RUSH, and Mr. SCHRADER.
- H.R. 2547: Mr. MILLER of Florida and Mr. SPACE.
- H.R. 2597: Mr. CONNOLLY of Virginia and Mr. GRIJALVA.
- H.R. 2609: Mr. MILLER of North Carolina.
- H.R. 2624: Mr. CAPUANO.
- H.R. 2662: Mr. PERLMUTTER and Mr. SESTAK.
- H.R. 2669: Mr. HONDA.
- H.R. 2674: Mr. FORBES.
- H.R. 2690: Ms. WATSON.
- H.R. 2695: Mr. DELAHUNT and Mr. QUIGLEY.
- H.R. 2709: Mrs. MCCARTHY of New York and Mr. MEEKS of New York.
- H.R. 2715: Mr. SHUSTER and Mr. WILSON of South Carolina.
- H.J. Res. 37: Mr. KING of Iowa.
- H.J. Res. 46: Mr. GONZALEZ.
- H. Con. Res. 59: Mr. FORTENBERRY.
- H. Con. Res. 102: Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. GEORGE MILLER of California, and Mr. SCHAUER.
- H. Con. Res. 110: Mr. MCCOTTER.
- H. Con. Res. 131: Mr. DEAL of Georgia, Mr. LAMBORN, Mr. RADANOVICH, Mr. ALEXANDER, and Mr. MANZULLO.

H. Con. Res. 135: Mr. HARPER.
 H. Con. Res. 142: Ms. DELAURO, Mr. SIRES, Mr. FILNER, Mr. TIM MURPHY of Pennsylvania, and Mr. HILL.
 H. Res. 44: Mr. ROONEY.
 H. Res. 55: Mr. FILNER.
 H. Res. 57: Mr. KENNEDY, Ms. MOORE of Wisconsin, and Mr. MARIO DIAZ-BALART of Florida.
 H. Res. 69: Mr. SABLAN and Mr. SESTAK.
 H. Res. 81: Mrs. DAHLKEMPER.
 H. Res. 89: Mr. COHEN.
 H. Res. 90: Mr. COURTNEY.
 H. Res. 191: Mr. SESTAK.
 H. Res. 260: Mr. GENE GREEN of Texas, Mrs. CAPPS, and Mr. CARSON of Indiana.
 H. Res. 271: Mr. SESTAK.
 H. Res. 350: Mr. CUMMINGS, Mr. MACK, Mr. ABERCROMBIE, Mrs. DAVIS of California, Mr. GRAVES, and Mr. STUPAK.
 H. Res. 364: Mr. LIPINSKI.
 H. Res. 366: Mr. VAN HOLLEN and Mr. WU.
 H. Res. 383: Mr. CAPUANO.
 H. Res. 398: Ms. MCCOLLUM.
 H. Res. 408: Mr. FORBES.
 H. Res. 409: Mr. TERRY and Mr. SESTAK.
 H. Res. 410: Mr. PAUL and Mr. PENCE.
 H. Res. 411: Mr. BILBRAY, Mr. ROHR-ABACHER, Mr. DANIEL E. LUNGREN of California, Mr. BOOZMAN, Mr. SCHIFF, Mr. NUNES, Mr. HONDA, Ms. GIFFORDS, Mr. HENSARLING, Mr. CASSIDY, Mr. SESTAK, Mr. CASTLE, Mr. CAMPBELL, Mr. BROUN of Georgia, Mr. SESSIONS, Mr. KLINE of Minnesota, Mr. DREIER, Mr. GUTHRIE, Ms. ZOE LOFGREN of California, Mr. LEE of New York, Mr. SMITH of Nebraska, and Mr. PAULSEN.
 H. Res. 419: Ms. CLARKE and Mr. DAVIS of Illinois.
 H. Res. 420: Mr. KLINE of Minnesota, Mr. SESTAK, Mr. CONNOLLY of Virginia, and Mr. BUYER.
 H. Res. 443: Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. TIM MURPHY of Pennsylvania, and Mr. HALL of New York.
 H. Res. 454: Mr. POMEROY, Mr. PAYNE, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. MCCAUL, Mr. MORAN of Virginia, Mr. SESTAK, Mr. MOORE of Kansas, Mr. ROYCE, Mr. GENE GREEN of Texas, Mr. LATHAM, Mr. KRATOVIL, Mr. VAN HOLLEN, Mr. GARY G. MILLER of California, Mr. GORDON of Tennessee, Mr. REICHERT, Mr. CARDOZA, Mr. MCCOTTER, Mr. CARNEY, and Mr. PAULSEN.
 H. Res. 479: Ms. BORDALLO, Mr. OBERSTAR, Ms. CORRINE BROWN of Florida, Mr. HONDA, Mr. COSTA, Mr. SIRES, Mr. BACA, Mr. MITCHELL, Ms. ROYBAL-ALLARD, Mr. ELLISON, Ms.

LEE of California, Mr. PERLMUTTER, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. CROWLEY, Mr. BOSWELL, Mr. PAYNE, Mr. LOEBACK, Ms. WOOLSEY, Mr. ENGEL, Mr. CARNAHAN, Mr. KLEIN of Florida, Mr. WALZ, Ms. FUDGE, Ms. RICHARDSON, Ms. BALDWIN, Mr. COHEN, Mr. FARR, Ms. WATSON, and Mr. STUPAK.
 H. Res. 483: Ms. ROS-LEHTINEN, Mr. FORTENBERRY, Mr. NYE, Mr. LUETKEMEYER, and Mr. LAMBORN.
 H. Res. 486: Mr. HOLT.
 H. Res. 491: Mr. HALL of New York and Mr. SESTAK.
 H. Res. 492: Mr. SHIMKUS, Mr. WAMP, Mrs. MYRICK, Mr. CASTLE, Mr. LANCE, Mr. EHLERS, Mr. GERLACH, Mr. SCHOCK, Mrs. CAPITO, Mr. DENT, Ms. GINNY BROWN-WAITE of Florida, Mr. KIRK, Ms. SCHWARTZ, Mr. SESTAK, Mr. WU, Mr. QUIGLEY, Mr. McDERMOTT, and Mr. HIMES.
 H. Res. 496: Mr. McMAHON, Mr. LAMBORN, Mr. SMITH of New Jersey, and Mr. CAO.
 H. Res. 498: Mr. KLINE of Minnesota, Mr. GENE GREEN of Texas, Mr. McINTYRE, Mr. ROONEY, Mr. BARTON of Texas, and Mr. CALVERT.
 H. Res. 503: Mr. JOHNSON of Illinois.
 H. Res. 505: Mr. LANGEVIN.
 H. Res. 507: Ms. HIRONO and Mr. WALZ.
 H. Res. 509: Ms. BORDALLO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative BERMAN, or a designee, to H.R. 2140, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

39. The SPEAKER presented a petition of the California Federal of Teachers AFT,

AFL-CIO, relative to 2009 CFT RESOLUTION 6 Support quality preschool and invest in early childhood workers; to the Committee on Education and Labor.

40. Also, a petition of the County of Lancaster, Pennsylvania, relative to RESOLUTION NO. 17 OF 2009 OPPOSING FEDERAL LEGISLATION IMPLEMENTING THE CARD-CHECK PROCESS AND ELIMINATING SECRET BALLOTS; to the Committee on Education and Labor.

41. Also, a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 141-09 calling on the U.S. Department of State to use all diplomatic channels to work with the Iraqi Government to stop the persecution of Iraqi Lesbian Gay Bisexual Transgender (LGBT) citizens and immediately stop the murders of Iraqi LGBT citizens; to the Committee on Foreign Affairs.

42. Also, a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 138-09 declaring April 24, 2009, as Armenian Genocide Commemoration Day in San Francisco; to the Committee on Oversight and Government Reform.

43. Also, a petition of the City of Watsonville, California, relative to RESOLUTION NO. 83-09 OPPOSING EXPANSION OF OFF-SHORE OIL DRILLING AND REQUESTING THAT THE CONGRESS OF THE UNITED STATES REINSTATE THE FEDERAL OFF-SHORE OIL AND GAS LEASING MORATORIUM FOR 2009 AND BEYOND; to the Committee on Natural Resources.

44. Also, a petition of the California Federation of Teachers AFT, AFL-CIO, relative to 2009 CFT RESOLUTION 27 Support justice for Oscar Grant; to the Committee on the Judiciary.

45. Also, a petition of the California Federation of Teachers AFT, AFL-CIO, relative to a resolution urging Congress to not be swayed by corporate lobbying for second-class workers, or racist elements who want to scapegoat Latin American neighbors for the recent economic downturn; to the Committee on the Judiciary.

46. Also, a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 137-09 Urging federal authorities to remove obstacles to United Citizenship for Shirley Tan, and urging the passage of the Uniting American Families Act (UAFA, H.R. 1024, S. 424); to the Committee on the Judiciary.

SENATE—Monday, June 8, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of wonder, majesty and grace, You have promised that wherever two or three or a thousand gather in Your Name, You are in their midst. Come and dwell with us today. Be with our Senators but also with all beyond this Chamber who daily join us in prayer. Lord, raise up an army of praying people, whose love for You and country will bring a new birth of spirituality and patriotism to our land. Today, we claim Your promise that the earnest fervent prayers of righteous people produce powerful results. In response to our prayer, give us wisdom to discern Your will and the power to do it. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business, with Senators allowed to speak therein for up to 10 minutes each. Following that, the Senate will resume consideration of the tobacco legislation. We will immediately proceed to a cloture vote on the Dodd substitute amendment.

The first vote will occur at 5:30 p.m. The filing deadline for first-degree amendments is 3 p.m. today. The filing deadline for second-degree amendments is 4:30 p.m. today.

ORDER OF PROCEDURE

I ask unanimous consent that the time from 5 until 5:30 be equally divided and controlled between Senators DODD and ENZI or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. REID. At 5:30, we are going to have an extremely important vote on whether this body will invoke cloture on the tobacco legislation.

Sunday—yesterday—3,500 children who had never smoked before tried their first cigarette. Today, another 3,500 will do the same and Tuesday it will be the same and Wednesday it will be the same. For some, it will also be their last cigarette but certainly not all.

We all have had our experiences of when we tried our first cigarette. In a little book I wrote about myself, I talk about that experience, and I will relay it here briefly.

My Brother Don is 12 years older than I am. He came home from the Marine Corps smoking Kool cigarettes. He smoked a lot of them. He agreed to take his little brother hunting. There isn't much to hunt in Searchlight, but it was a time to get together with his brother. We had a little .22 rifle, and we were hoping we would see a rabbit or something. Mostly, it was a chance for my big brother to be with his little brother. He was smoking, and he smoked a lot. We were driving down a dirt road, what we called the railroad grade. I kept saying: Don, give me a puff. I kept asking, as a little boy would do; I was maybe 10 or 11 at the time. Finally, he said: OK. Here is what you do. Take it like I do and suck in as hard as you can. I did anything my brother asked me to do, so I did that. I can still feel it. That was the last cigarette I ever smoked or ever wanted to smoke. Even though my entire family smoked, not me; it hurt too bad.

For others not having had the experience that I had, smoking would become

part of their daily lives, as happened with the kids I grew up with in the little town of Searchlight. They all smoked as little kids. If you think 3,500 is a scary number, how about 3.5 million. That is a pretty scary number. That is how many American high school kids smoke—3.5 million. Nearly all of them aren't old enough to buy cigarettes. That means there are at least a half million more students who smoke than there are men, women, and children living in Nevada. It means we have as many boys and girls smoking as are participating in athletics in high schools. We have as many as are playing football, basketball, track and field, and baseball combined. When there are that many students endangering their health as there are staying healthy by playing the four most popular sports in the country—remember, I didn't mention soccer, but it is popular now, so we can include that and still outmatch that by far.

Should we be surprised? Every year, the tobacco industry pours hundreds of millions, if not billions, of dollars into marketing and designing to get more people, including children—because they know what the market is—to start smoking. Nine out of ten regular smokers in America started when they were kids—some of them as young as 8 or 9 years old. The tobacco marketers are very good at their jobs, there is no question. But it is time we do our job.

The bipartisan bill Senator KENNEDY and the HELP Committee delivered does a lot of good. It helps keep American children and their families healthy. It keeps tobacco companies honest about the dangers of using their poisonous products by strengthening the existing warning labels. It will make it harder for them to sell cigarettes, and even smokeless tobacco, to children. It will make it harder for tobacco companies to lure our children in the first place.

When this bill becomes law—and it will; it is only a question of time—it will also help those who smoke overcome their addictions and make tobacco products less toxic for those who cannot or don't want to stop.

I wish to be clear about one thing. Nobody is trying to ban the use of tobacco products. But we are giving the proper authority—the Food and Drug Administration—the tools it needs to help those who smoke and protect those around them.

We will talk a lot in the coming weeks and months about different ways to lift the heavy weight of health insurance costs. Think of tobacco. These crushing costs keep Americans from

getting the care they need to stay healthy or help a loved one stay the same. The overall cost of health care—think about tobacco. Health care costs have driven countless families into bankruptcy, foreclosure, disease, and even death. We will debate and, at times, we will disagree. But think of tobacco. One of the most surefire solutions is to prevent health emergencies before they begin.

There is no doubt the effects of smoking qualify for such an emergency. Tobacco-related health care costs in America are unbelievably high—more than \$100 billion every year. If you think government is spending too much of your money, consider this: Your State and Federal Government spend about \$60 billion every year on Medicare and Medicaid payments for health problems related to tobacco. For Medicare and Medicaid, it is \$60 billion a year related to tobacco diseases and conditions. So it is not just a health crisis, it is an economic crisis—one we cannot afford.

We cannot afford to spend \$60 billion in Medicare and Medicaid money on tobacco-related problems. Still, if that weren't bad enough, about 500,000 people die every year as a result of their smoking or someone else's smoking. These deaths are from lung cancer, emphysema, and many other conditions related to tobacco, including heart disease, because we all know that is made much worse by tobacco. You can name any disease, and it is rare that tobacco doesn't make it worse. It is preventable. This bill will ease the pain and prevent others from going through it.

The dangers of smoking are hardly breaking news. We have known about it for decades. We know about it, and we have known about it for a long time. I have to say, though, that my parents didn't know about it. They didn't know about it. They started smoking as kids, and everybody smoked. When you went into the military, they gave you free cigarettes as part of the deal. We didn't know about it when my brother offered me the cigarette. But we know volumes about it today. We must do more than just know about it.

This vote is simple. It is between endangering our children's health and enriching the multibillion-dollar tobacco industry that poisons and preys upon them. It is between accepting the responsibility we have to our future and rejecting the irresponsibility of the pervasive and perverse tobacco companies. It is time we have that vote because tomorrow 3,500 more of our sons and daughters will light up their first cigarette.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, when it comes to health care, Americans are looking to Washington for real reform. Americans are rightly frustrated with the ever-increasing cost of health care, and many are concerned about losing the care they already have. Americans also believe that in a nation as prosperous as ours, no one should go without the health care they need. All of us agree reform is necessary, that we must do something to address the concerns Americans have on this issue. The only question is, What kinds of reform will we deliver?

Will we deliver a so-called reform that destroys what people like about the care they already have or will we deliver a reform that preserves what is good even as we solve the problems all of us acknowledge and want to address?

Unfortunately, some of the proposals coming out of Washington in recent weeks are giving Americans reason to be concerned. Americans have witnessed a government takeover of banks, insurance companies, and major portions of the auto industry. They are concerned about the consequences. Now they are concerned about a government takeover of health care—and for good reason.

What Americans want is for health care to be affordable and accessible. What some in Washington are offering instead is a plan to take away the care people already have—care that the vast majority of them were perfectly satisfied with—and replace it with a system in which care and treatment will either be delayed or denied.

Last week, I offered some examples of real people in Britain and Canada who were denied urgent medical treatment or necessary drugs under the kind of government-run system those two countries have and that many in Washington would now like to impose on Americans, whether the American people like it or not. This afternoon, I will describe how government-run health care systems such as the one in Canada not only deny but also delay care for weeks, months, and even years.

By focusing on just one hospital in one city in Canada—Kingston General, in the city of Kingston, Ontario—we can begin to get a glimpse of the effect that government-run health care has on the Canadians and the long waits they routinely endure for necessary care.

I have no doubt that the politicians in Canada never intended for the people of that country to see their health care denied or delayed. I am sure the intention was to make health care even more accessible and affordable than it was. But as we have seen so many times in our own country, government solutions have a tendency to create barriers instead of bridges. The unintended consequence becomes the norm.

That is what happened in Canada, and Americans are concerned it could happen here too.

A medium-sized city of about 115,000, Kingston, Ontario, has about the same number of residents as Lansing, MI, to its south. But while it is not uncommon for Americans to receive medical care within days of a serious diagnosis, at Kingston General Hospital wait times can be staggering. Take hip replacement surgery, for example. A couple of years ago, the wait time for hip replacement surgery at Kingston General was almost 2 years. A lot of people were understandably unhappy with the fact that they had to wait more than a year and a half between the time a doctor said they needed a new hip and their surgery to actually get it. So the government worked to shorten the wait. Today, the average wait time for the same surgery at the same hospital is about 196 days. Apparently in Canada, the prospect of waiting 6 months for hip surgery is considered progress. That is hip replacement surgery. What about knee replacements? At Kingston General, the average wait is about 340 days, or almost a year, from the moment the doctor says you need a new knee. How about brain cancer? In Ontario, the target wait time for brain cancer surgery is 3 months—3 months. The same for breast cancer and for prostate cancer. And for cardiac bypass surgery, patients in Ontario are told they have to wait 6 months for surgery Americans often get right away.

The patients at Kingston General Hospital in Kingston, Ontario, have been understandably unhappy with all the waiting they have to do. Fran Tooley was one of them.

Two years ago, Fran herniated three disks in her back and was told that it would take at least a year before she could consult a neurosurgeon about her injury which had left her in constant pain and unable to sit or stand for more than a half hour at a time. According to a story in the Kingston Whig-Standard, Fran's doctor referred her to a neurosurgeon after an MRI scan showed the herniated disks were affecting the nerves in her legs. The story went on to say that patients in Ontario can be forced to wait for up to 2 years and sometimes even longer for tests, appointments with specialists, or even urgent surgery.

Americans don't want to end up like Fran Tooley. They like being able to get the care they need when they need it. They don't want to be forced to give up their private health plans or to be pushed into a government plan that threatens their choices and the quality of their care. They don't want to wait 2 years for surgery their doctors say they need right away. And they don't want to be told they are too old for surgery or that a drug they need is too expensive. But all of these things could be headed our way. Americans want

health care reform, but they don't want reform that forces them into a government plan and replaces the freedoms and choices they now enjoy with bureaucratic hassles, hours spent on hold, and surgeries and treatments being denied and delayed. They don't want a remote bureaucrat in Washington making life-and-death decisions for them or their loved ones. But if we enact the government-run plan, that is precisely what Americans can expect.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now begin a period for the transaction of morning business until 5:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Arizona.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT OF 2009

Mr. McCAIN. Mr. President, I take the floor this afternoon to discuss the issue of importation of prescription drugs and the amendment, which is No. 1229, which is pending but may be made nongermane because of a vote, if cloture is invoked.

There has also been some discussion about the fact that I am holding up the bill because of my desire for this amendment. I am not. I am simply asking for 15 minutes or even 10 minutes of debate and a vote. I understand there are other amendments, such as one by Senator LIEBERMAN and one by Senator BURR, that also should be considered. I wish to point out that I am not holding up the bill nor putting any hold on the legislation. The fact is, importation of prescription drugs is certainly germane and should apply to this legislation before us.

Last week, the majority leader was kind enough to say he would see about this amendment and when it could be considered. He has just informed me that he has discussed the possibility that it be brought up on the health care legislation when it comes to the floor. One, the issue cannot wait and, two, that is not an ironclad commitment. As much as I enjoy people's consideration around this body, from time to time I have found that without an ironclad commitment, sometimes those commitments of consideration go by the wayside. But I do appreciate very much the majority leader seeking to help me address this issue.

Mr. President, I ask unanimous consent that when the Senate begins con-

sideration of H.R. 1256, it be in order for the Senate to consider amendment No. 1229 regarding prescription drug importation, the text of which is at the desk, and I ask that the amendment be considered in order, with 15 minutes of debate on the amendment equally divided between both sides, and that at the disposition of such time, the Senate vote on or in relation to the amendment.

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from the State of Virginia and at the request of the leadership, I object.

Mr. McCAIN. I thank the Chair. I am not surprised. But if there is to be any allegation that this bill is being held up because of this amendment, that is simply patently false. In fact, I am more than eager to vote on this legislation because it has been before this body for a long time and it is a very clear-cut issue. The pharmaceutical industry has spent millions of dollars to sway lawmakers against the idea of drug importation.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from The Hill newspaper.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, June 3, 2009]

PhRMA DEFENDS VULNERABLE DEMS (By Aaron Blake and Reid Wilson)

What a difference a Speaker's gavel makes. Just a few years ago, before Democrats took control of Congress, the pharmaceutical industry was busy funneling millions to Republican candidates, at times giving the GOP three dollars for every one headed to Democrats.

Over the last two cycles, though, drug makers have been much more generous with the other party. In the 2008 cycle, pharmaceutical companies gave the two parties about \$14.5 million each, and this year the industry has given \$714,000 to Republicans and \$721,000 to Democrats.

But the industry's main lobbying arm in Washington is now going beyond writing a check. The Pharmaceutical Research and Manufacturers of America, better known as PhRMA, spent the congressional recess running advertisements thanking four vulnerable Democratic freshmen for their early work in Congress.

The advertisements are running on behalf of Reps. Parker Griffith (D-Ala.), Bobby Bright (D-Ala.), Tom Perriello (D-Va.) and Frank Kratovil (D-Md.). They cite the four freshmen's votes for the State Children's Health Insurance Program (SCHIP) and for extending healthcare benefits to unemployed workers, a measure contained within the stimulus package passed earlier this year.

PhRMA is also running advertisements for a few Republican candidates, though the group declined to provide their names.

Nonetheless, Democrats are encouraged by the group's ads on behalf of the four members, all of whom won in 2008 by the narrowest of margins.

PhRMA "has really stepped it up and shown a willingness to work with us where our policy interests intersect," one senior Democratic aide said.

The group isn't the only one that gives overwhelmingly to Republicans that has had

to change its approach lately. In February, the Chamber of Commerce put out press releases praising Democratic votes in favor of the stimulus legislation, and the National Federation of Independent Businesses backed Democrats on the credit card bill last month.

PhRMA itself has grown more bipartisan. In recent years, Democratic strategist Steve McMahon has crafted many of the organization's advertisements, and former Democratic Congressional Campaign Committee political director Brian Smoot has been helping its efforts as well.

The group said the ads are part of a year-long campaign run in conjunction with the Healthcare Leadership Council. Both groups say they "share the goal of getting a comprehensive healthcare reform bill on the president's desk this year," according to PhRMA Senior Vice President Ken Johnson.

Ken Spain, spokesman for the National Republican Congressional Committee, said the question going forward is "whether or not Democrats in Congress will choose to do for the healthcare industry what they have done for General Motors. That is a concern many in the healthcare community share with Republicans in Congress."—R.W.

No partnership among brothers when it gets down to promotions.

Republicans are Republicans and Democrats are Democrats.

Except, that is, when it comes to House members eyeing the Senate.

The start of the 2010 election cycle has been marked by a pretty overt attempt by House campaign committees—specifically the Democratic Congressional Campaign Committee (DCCC)—to push members of the opposing party into statewide races.

Problem is, those statewide races are pretty important, too. And when the pressure on people like Reps. Mark Kirk (R-Ill.) and Mike Castle (R-Del.) pushes them out of their House seats and into their states' open Senate races, they could seriously hamper Senate Democrats' efforts to win those much rarer seats.

The equation is really pretty simple: If you're a random Democrat somewhere, even if you are guaranteed to win that House seat—one of 435—do you really want Kirk and Castle to run for Senate, where they have a good chance at winning one out of 100 Senate seats?

That goes double when the upper chamber often requires 60 percent of the votes to prevail. After all, one House seat is pretty expendable when you are close to an 80-seat majority, but one Senate seat is golden when you have an 18- or 20-seat edge in the filibuster-able Senate.

The latest example is Rep. Pete King (R-N.Y.), about whom our colleague Jeremy Jacobs writes in today's Campaign section.

Sure, Democrats want his ripe Long Island seat in their hands, but polling has also shown him within 11 digits of Sen. Kirsten Gillibrand (D-N.Y.), and he has the right kind of profile to be competitive for her seat.

King was bound and ready to run for Senate when it looked like Caroline Kennedy would win the Senate appointment, but he has since backed off. Now Democrats are working hard to put pressure on him, emphasizing that the State Legislature might make his reelections much harder in the next round of redistricting.

Democrats have also been applying pressure to another frequent target—Rep. Jim Gerlach (R-Pa.). Gerlach is a centrist in the same vein as Kirk, Castle and King, and he

could pack some bipartisan appeal in a run for Senate.

Of course, the tactic isn't solely a Democratic province. Republicans have sought to put pressure on Reps. Peter DeFazio (D-Ore.), Stephanie Herseth Sandlin (D-S.D.) and Loretta Sanchez (D-Calif.) to seek their states' governors' mansions.

—A.B.

Mr. McCAIN. Mr. President, it says:

Just a few years ago, before Democrats took control of Congress, the pharmaceutical industry was busy funneling millions to Republican candidates, at times giving the GOP three dollars for every one headed to Democrats.

Over the last two cycles, though, drug makers have been much more generous with the other party. In the 2008 cycle, pharmaceutical companies gave the two parties about \$14.5 million each, and this year the industry has given \$714,000 to Republicans and \$721,000 to Democrats.

Which helps to explain the e-mail sent by the top lobbyist for the Pharmaceutical Research and Manufacturers of America, known as PhRMA, which stated:

The Senate is on the tobacco bill today. Unless we get some significant movement, the full-blown Dorgan or Vitter bill will pass. . . . We're trying to get Senator DORGAN to back down—calling the White House and Senator REID. Our understanding is that Senator McCAIN has said he will offer regardless. . . . Please make sure your staff is fully engaged in this process. This is real.

It really is real. It is real that it would provide savings to the millions of Americans who have lost a job, millions of Americans who are struggling to put food on the dinner table, and millions of Americans who are struggling with health care costs and the high cost of prescription drugs.

The Congressional Budget Office has estimated that this amendment would save American consumers \$50 billion over the next decade. Let me repeat—\$50 billion. Why is that? The Fraser Institute found in 2008 that Canadians paid on average 53 percent less than Americans for identical brand-name drugs. Specifically, the institute found that the most commonly prescribed brand-name drug, Lipitor, is 40 percent less in Canada, Crestor is 57 percent less in Canada, and the popular arthritis drug Celebrex is 62 percent less expensive in Canada. Americans would love a 60-percent off coupon for prescription drugs and deserve such a discount now more than ever.

This morning, President Obama met with his Cabinet and announced that he intended to accelerate the distribution of the \$787 billion stimulus funds, which, by the way, were all supposed to be shovel-ready, but that is the subject of a different debate. Many have lamented the slow pace at which the stimulus funds are being spent. This amendment would provide an immediate stimulus to each and every American if enacted. Over half of all Americans must take a prescription drug every day, according to a 2008 poll by

Kaiser Public Opinion, and millions more take prescription drugs when diagnosed with a virus or other ailment. Many Americans who are cutting household expenses cannot afford to cut out the prescription drugs they must take each day for their health. We must help these Americans by enacting this amendment.

Some of my colleagues have argued that this amendment should not be considered on legislation regulating tobacco and my efforts to add this amendment to the bill are actually holding up the bill.

The amendment is directly relevant to the underlying legislation. The bill would require the Food and Drug Administration to regulate tobacco because of its well-known negative health effects. This amendment would require the Food and Drug Administration to regulate the importation of prescription drugs from importers declared safe by the FDA. I reject any argument that this amendment is not related.

Furthermore, it is well documented that smokers have higher health costs than nonsmokers. So this amendment is necessary to assist those who have experienced so many health issues due to smoking. Smoking kills. I have supported stricter regulation of tobacco products for 10 years. In fact, this bill contains many of the provisions included in the National Tobacco Policy and Youth Smoking Reduction Act I introduced and fought for weeks on the floor of this Senate to achieve passage.

I don't seek to hold up consideration of the bill. I merely ask for an up-or-down vote on the amendment. Therefore, I think the American people deserve better than the monetary influence buying by PhRMA, an organization that has spent tens of millions of dollars to prevent the American consumer from being able to acquire prescription drugs, screened by the FDA, at a lower cost. That is what this is all about. It is the special interests versus the American interests, and special interests—in this case, PhRMA—have won rounds 1 through 9. We will not quit this fight because the American people deserve it, particularly in these difficult economic times.

We may be blocked on this bill. We may be blocked on the next bill. But we will come back and back and keep coming back. That is my message to the other side and those at PhRMA. We will succeed in allowing Americans to acquire much needed, in some cases lifesaving, prescription drugs at a lower cost for themselves and their families. That is what this amendment is all about.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska.

TRIBUTE TO OUR ARMED FORCES

SERGEANT JUSTIN J. DUFFY

Mr. JOHANNIS. Mr. President, today I rise in solemn remembrance of the life of a fallen hero, SGT Justin J. Duffy, of the U.S. Army's 82nd Airborne Division.

Justin died while serving his country in Iraq on June 2 when his humvee was struck by an improvised explosive device in eastern Baghdad. He was 31 years old.

A native Nebraskan, Justin was born in Moline and later moved with his family to Cozad, graduating from Cozad High School in 1995. He earned a degree in criminal justice from the University of Nebraska at Kearney.

After working in Kearney for 5 years, Justin joined the Army in June 2007, beginning a career that satisfied his sense of adventure and work ethic. He had been serving with the 82nd Airborne Division in Iraq since November of 2008.

Justin's family and friends referred to him as "The Shepherd." He was always looking after the welfare of others, putting their well-being above his own. In this same fashion, Justin selflessly gave his life while protecting the safety of others.

Justin is survived by his parents, Joseph and Janet Duffy, his two sisters, and his grandfather. Today I join them in mourning the death of their beloved son, brother, and grandson. Justin made the ultimate sacrifice in service to his country. Our Nation owes him and his family an immeasurable debt of gratitude. May God's peace be with Justin's family, friends, and all those who continue to mourn his death and remember his life.

Let us also pause today to remember and celebrate the lives of all our Nation's fallen soldiers, marines, sailors, and airmen who have laid down their lives defending our country. We also lift in prayer all those serving our country today, spreading freedom and democracy abroad. May God bless them and their families.

Mr. President, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask I be permitted to take whatever time I may consume in my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

START

Mr. KYL. Mr. President, there are three things I would specifically like to address today. First, briefly, a matter of concern to the Senate, namely the ongoing negotiations between the United States and the Russian Federation on the so-called START follow-on. Specifically, I am concerned that the administration is heading toward a confrontation with the Senate that could easily be avoided.

I ask unanimous consent to have two letters printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KYL. Mr. President, the first is one I sent as Administrative Co-Chairman of the successor to the Arms Control Observer Group—to Assistant Secretary of State Rose Gottemoeller, prior to her confirmation by the Senate. The second letter is the response that I received from her.

The response makes clear that Assistant Secretary Gottemoeller would regularly consult with Senate committees and the National Security Working Group. In fact, the response from Ambassador Michael Polt, the then-Acting Assistant Secretary of State for Legislative Affairs, quotes Ms. Gottemoeller in her confirmation hearing: "For me, consultation is not a catch word. It is a commitment."

The National Security Working Group was established to provide a forum for the administration, any administration, to meet with and consult with a bipartisan group of Senators concerning matters that the administration may seek to advance through the Senate, especially on matters requiring the Senate's advice and consent.

The value of this working group was also recognized in the recent final report of the Perry-Schlesinger Commission.

I remind the administration: this is advice and consent.

If the administration wants to have the Senate on board when it concludes the treaty negotiation process—for example, when and if it attempts to have a treaty ratified by this body, it would be prudent for the administration to live up to its commitments and ensure thorough consultation with the Senate so it is on board at the beginning of the process.

I hope that this is possible. I believe it still is, but the administration must reverse course quickly.

EXHIBIT 1

U.S. SENATE,

Washington, DC, April 1, 2009.

Hon. ROSE GOTTEMOELLER,
Assistant Secretary of State for Verification,
Compliance and Implementation—Nominated,
Department of State, Washington, DC.

DEAR MS. GOTTEMOELLER: Congratulations on your nomination to be Assistant Secretary of State for Verification, Compliance and Implementation. This is an extremely important position; if confirmed, you will be the point person on matters with the greatest impact on the national security of the United States.

I was reassured by your response to Senator Lugar during the Foreign Relations Committee hearing on your nomination regarding your familiarity with the historical role played by the Arms Control Observer Group, now known as the National Security Working Group (NSWG), which, as you know, has the responsibility—by Senate Resolution—to support the Senate's advice and consent role by understanding in real time the Administration's negotiation positions on arms control matters and providing the Administration with feedback as to the perspective of Senators on those positions.

As Senator Lugar noted, the Arms Control Observer Group was created at the behest of President Reagan, who understood that it was vital for the Senate to be well-versed in ongoing negotiations—in that case, on arms control treaties—from the very beginning, so that it would be more likely the Administration could negotiate a treaty that the Senate would be able to support and ratify.

As you know, the National Security Working Group has been given the responsibility, on behalf of the Senate, to "act as official observers on the United States delegation to any formal negotiations to which the United States is a party on the reduction of nuclear, conventional, or chemical arms." In the past, it has been helpful for the Administration to provide regular briefings to the Members and designated staff of the Arms Control Observer Group throughout the formal and informal negotiation process.

In reviewing your response to Senator Lugar, it is clear to me that you understand the statutory and historical role of this Senate body. As an Administrative Co-Chairman of the National Security Working Group, I look forward to ensuring that this productive relationship between the Administration and the Senate continues.

I agree with Senator Lugar that this will be all the more important this year. In fact, in view of the commitment of Presidents Obama and Medvedev to reach an agreed draft on the next START treaty well in advance of the December 5th expiration of the current START treaty, we should probably begin briefings and consultation between the Administration and NSWG soon.

I hope you could begin discussing these matters with the NSWG Members and staff immediately upon your confirmation.

Sincerely,

JON KYL,
United States Senator.

DEPARTMENT OF STATE,
Washington, DC, April 2, 2009.

Hon. JON KYL,
U.S. Senate.

DEAR SENATOR KYL: Thank you for your letter of April 1 to Rose Gottemoeller, the President's nominee for Assistant Secretary of State for Verification and Compliance, regarding the importance of consultation with

the Congress and the National Security Working Group.

In Ms. Gottemoeller's testimony on March 26 before the Senate Foreign Relations Committee, she quoted a phrase from Secretary of State Clinton's statement before the Committee. She said, "For me, consultation is not a catch word. It is a commitment." Ms. Gottemoeller fully shares the Secretary's commitment.

If she is confirmed by the Senate, Ms. Gottemoeller would be working with the Congress as a partner in addressing our national security challenges. She would provide regular and complete briefings to the Senate Foreign Relations Committee, the Armed Services Committee, the Select Committee on Intelligence, the National Security Working Group, and other relevant and interested organizations.

We expect the future Assistant Secretary to engage in a dynamic consultation process with you and others in the Congress on the key national security issues in the Bureau's portfolio, including the follow-on to the Strategic Arms Reduction Treaty.

Sincerely,

MICHAEL C. POLT,
Acting Assistant Secretary,
Legislative Affairs.

COMMISSION ON STRATEGIC
POSTURE

Mr. KYL. Mr. President, the next matter I wish to address is a follow-on also to the bipartisan Commission on the Strategic Posture of the United States. I called it the Perry-Schlesinger Commission a moment ago. As part of the 2008 National Defense Authorization Act, Congress created this bipartisan Commission and charged the Commission of six Democrats and six Republicans to assess the needs of the United States with regard to nuclear weapons and missile defense and asked that it make recommendations regarding the role each should play in the Nation's defense.

As its Chair and Vice-Chair, former Secretary of Defense for President Clinton, William Perry, and former Secretary of Defense for Defense and Energy for Presidents Nixon, Ford and Carter, James Schlesinger, respectively, stated in testimony to the House and Senate Armed Services Committees, the Congress wanted the Commission to reach a bipartisan consensus on its recommendations and findings to provide a roadmap for action by the administration and Congress.

The final report issued by the Commission on May 6th did that to a remarkable degree.

In fact, the Commission reached bipartisan consensus on all but one issue, the merit of the Comprehensive Test Ban Treaty, which this body rejected 10 years ago.

It now falls to the administration and the Congress to act on the findings and recommendations of the Commission. And the recommendations come at a propitious time because the administration and Congress have been

following a course significantly at odds with the Commission's findings.

It is not too late for the President to change course and pursue the bipartisan recommendations of this esteemed panel to recreate the basic building blocks of the U.S. strategic deterrent.

First, let me discuss the Commission's recommendations. The unifying theme of the Commission on the Strategic Posture was a simple one: nuclear weapons will be needed to guarantee U.S. national security—and that of our allies—for the indefinite future.

There has been a great deal written about ways the U.S. should lead the world toward the elimination of nuclear weapons.

The President himself has endorsed this goal.

The Commission, however, urged caution:

[T]he conditions that might make the elimination of nuclear weapons possible are not present today and establishing such conditions would require a fundamental transformation of the world political order.

It necessarily follows that if the United States needs to possess nuclear weapons for the foreseeable future, it needs a safe, reliable and credible nuclear deterrent.

As the Commission stated:

[T]he United States requires a stockpile of nuclear weapons that is safe, secure, and reliable, and whose threatened use in military conflict would be credible.

However, the Commission issued ominous warnings about the current state of our weapons, and the programs to extend their life, stating:

The life extension program has to date been effective in dealing with the problem of modernizing the arsenal. But it is becoming increasingly difficult to continue within the constraints of a rigid adherence to original materials and design as the stockpile continues to age.

Of course, this is not breaking news. Those with responsibility for the safety and reliability of our nuclear weapons have been issuing similar, and, in some cases, more dire, warnings.

For example, Secretary Gates stated in his October 2008 speech at the Carnegie Endowment:

[L]et me first say very clearly that our weapons are safe, reliable and secure. The problem is the long-term prognosis, which I would characterize as bleak.

He went on:

[A]t a certain point, it will become impossible to keep extending the life of our arsenal, especially in light of our testing moratorium.

Add to this the warnings of our lab directors, like Director Michael Anastasio at the Los Alamos National Lab who said in open testimony last April:

[T]he weapons in the stockpile are not static. The chemical and radiation processes inside the nuclear physics package induce material changes that limit weapon lifetimes. We are seeing significant changes that

are discussed in detail in my Annual Assessment letter.

Sadly, these warnings have fallen on the deaf ears of Congress, which has killed, with next to no debate, even the most restrained modernization programs and has even been underfunding the tools by which we maintain the weapons we have.

As Director Anastasio said in that same testimony:

At the same time, there are ever-increasing standards imposed by environmental management, safety, and security requirements driving up the costs of the overall infrastructure. When coupled with a very constrained budget, the overall effect is exacerbated, restricting and, in some cases eliminating, our use of experimental tools across the complex. This puts at risk the fundamental premise of Stockpile Stewardship.

That is a profound statement. Stockpile stewardship was the promise made—the bargain, so to speak—when Congress imposed the testing moratorium in the early 1990s and then again when President Clinton urged ratification of the Comprehensive Test Ban Treaty.

We were told testing wasn't necessary because we would undertake a robust science-based stockpile stewardship program. But, as the Commission recognized, it isn't adequately funded. In fact, inadequate funding is now a recurring theme for the U.S. nuclear weapons enterprise. Director Anastasio warned last year that, at least regarding Los Alamos, the purchasing power of his laboratory has declined by more than half a billion dollars over the last 5 years and that according to preliminary planning—of the kind reflected in the President's budget for fiscal year 2010—the next 5 years will see a further erosion of about another \$400 million. These are significant cuts.

Perhaps the most troubling impact of these budgets is the human capital, the scientists, engineers and technicians who possess skills and experience that can't be replaced.

In an understated fashion, the Commission warned that the "intellectual infrastructure is also in serious trouble" and that budget trends show further workforce elimination is imminent.

Secretary Gates expressed his concern about the nuclear weapons workforce this way:

The U.S. is experiencing a serious brain drain in the loss of veteran nuclear weapons designers and technicians. Since the mid-1990s, the National Nuclear Security Administration has lost more than a quarter of its workforce. Half of our nuclear lab scientists are over 50 years old, and many of those under 50 have had limited or no involvement in the design and development of a nuclear weapon. By some estimates, within the next several years, three-quarters of the workforce in nuclear engineering and at the national laboratories will reach retirement age.

This is playing out today on the newspaper pages: just look at the May

29 Los Angeles Times report on delays in the Lifetime Extension Program for the W76 warhead, the submarine-based mainstay of America's nuclear deterrent.

The L.A. Times reported:

At issue with the W76, at least in part, is a classified component that was used in the original weapons but that engineers and scientists at the Energy Department's plant in Oak Ridge, Tennessee, would not duplicate in a series of efforts over the last several years.

As Philip Coyle, a former deputy director of the Livermore Lab, stated in this article:

I don't know how this happened that we forgot how to make fogbank, it should not have happened, but it did.

Related to the safety and reliability of our nuclear weapons stockpile, said the Commission, is the design and size of the nuclear force itself. On this point, it is not only U.S. security that is threatened, so is the security of the 30 or so friendly and allied nations that rely on the so-called U.S. extended deterrent, aka the nuclear umbrella.

As Secretary Schlesinger explained at the Senate Armed Services Committee on Thursday, May 7th:

The requirements for Extended Deterrence still remain at the heart of the design of the U.S. nuclear posture.

While this may seem like an onerous responsibility for the United States, it is one, Secretary Schlesinger explained, we must continue to pay, because "extended deterrence remains a major barrier to proliferation."

And restraining proliferation is definitely a top national security interest of the United States.

In essence, what this means is, numbers matter. We cannot just reduce the numbers of our weapons to some arbitrary number, like 1,500 or 1,000, significant only because they end with zeroes, we must have a nuclear arsenal sufficient to cover both the U.S. and the allies who rely on us. And if we do not, our allies could conclude they need to develop their own.

The Commission also recognized that specific platforms matter; this is why the Commission stated that the triad, the submarines, bombers, and ICBMs, must be retained as well as other delivery systems, such as our nuclear-capable cruise missiles, which are of interest to key allies in strategically vital areas of the world.

It is my hope that the administration and Congress will take these findings and recommendations seriously.

We owe the Commissioners a debt of gratitude for their service. The best way to show our gratitude is by listening to them and charting our course based on where they revealed consensus is possible.

Will Congress and the administration heed the Commission's bipartisan findings and recommendations?

I am fearful that that will not be the case. Why do I say that?

It appears the administration is preparing to take big risks in the negotiation of a START follow-on treaty with Russia.

Specifically, the President announced at his G-20 meeting with Russian President Medvedev that he intends to seek a START follow-on treaty that moves below the lower level of strategic nuclear forces permitted by the Moscow Treaty.

Some press reports suggest that administration is seeking to go as low as 1,500 deployed strategic nuclear weapons, or about a 30-percent reduction from present levels.

I am not going to prejudge the correct number of nuclear forces for the U.S.

I will, however, say that I agree with the Commission, which referred to the "complex decision-making" process involved in determining the size of the U.S. nuclear force.

What this means is that careful and rigorous analysis is needed before pursuing reductions below Moscow levels.

Congress has ordered just this analysis in the form of a Quadrennial Defense Review and Nuclear Posture Review.

But there is every indication that our arms control negotiators are working off of some other kind of analysis.

Presumably, the next NPR would then have to conclude that the level agreed to in a START follow-on is the right number.

This is like writing the test to suit what the test taker knows, and not what the test taker should know.

The last NPR looked at the world as it stood in 2001 and its recommendations resulted in reductions of U.S. nuclear forces to approximately 2,200 strategic nuclear weapons.

Is the world more or less safe than in 2001? Is Russia more or less aggressive that it was then? Is Pakistan a more or less significant threat? Is Iran closer to a nuclear weapon? How many more nuclear weapons has China built since 2001?

These are all questions that must be answered.

And the needs of our allies must be understood in this threat context. They are similarly concerned about the size of our deterrent, as I noted before.

We must engage in consultations with each of them about what U.S. nuclear force posture assures them of their security, not what we think should assure them.

And we must understand what threats they need to deter for their security. We must understand whether they are concerned about Russia's tactical nuclear weapons, which Russia insists absolutely cannot be discussed.

If so, how do further U.S. strategic nuclear reductions affect the balance of forces between the hundreds of tactical nuclear weapons the U.S. possesses versus the several thousands of

tactical nuclear weapons Russia possesses?

Equally concerning is the fact that the cart appears to be before the horse. And by that I mean, it appears we may be presented with a START follow-on that compels a new nuclear posture, with significant reductions, but does not explain how that posture will be supported.

What kind of modernization program will be undertaken to support the requirement articulated by the Commission that the U.S. maintain a safe and reliable deterrent for so long as one is necessary? And what about the Manhattan Project-era complex of physical infrastructure that sustains it—what will be done to modernize it?

It is unclear how we can safely put further reductions ahead of long overdue modernization. All of this argues for slowing down and taking a breath.

The START Treaty of 1991 expires early this December. I agree with those who say that the verification and confidence building elements of that treaty are too important to allow to expire. It is also significant that that treaty's provisions undergird the Moscow Treaty.

So why not simply negotiate a 1- or 2-year extension to permit time to perform the complex analyses that are involved in appropriately sizing the U.S. nuclear force posture?

At the same time, the administration could devise a plan for the modernization of our nuclear weapons and the complex which supports it.

Otherwise, the administration will be asking the Senate to ratify a START follow-on that may include significant strategic arms reductions, which compels serious and lengthy review based on the panoply of issues the Commission addressed, without the necessary modernization plan, which, in light of the fiscal year 2010 budget request, would have to be included in the fiscal year 2011 budget request that will not be submitted to the Congress until February of 2010.

So the administration either needs to slow down on this ambitious START follow-on, move forward on a follow-on that only deals with the necessary issues, or submit an amended budget request that reflects modernization programs recommended by the last administration, such as the NNSA complex transformation, which the Commission endorsed, and RRW.

In fact, with or without nuclear weapons reductions, this is a critical exercise.

We maintain a significant non-deployed reserve of nuclear weapons today because we are concerned about the reliability of our aging weapons, the last of which was designed in the 1980s and built in the 1990s and we have no viable production capability.

We worry about the failure of a weapon that could affect an entire class of

weapons, possibly knocking out a leg of the triad.

We worry about this because the weapons are old and we have do not have the capacity to respond quickly to a significant failing in these weapons because of the age and obsolescence of the nuclear weapons complex.

Additionally, because of the ancient state of much of the nuclear weapons complex, we must also be worried about the danger of a strategic surprise, put another way, a new global threat.

If a new threat emerged, a real prospect given the instability in Pakistan and North Korea's proliferation to Syria, we do not presently have the capacity to quickly build up our stockpile or develop a nuclear weapon capable of dealing with the threat.

So, we maintain many more nuclear weapons than necessary.

A modernization program for our stockpile and infrastructure would permit the administration to pursue all of its objectives now, including reducing the number of warheads.

The administration should fund the NNSA transformation plan, which would allow us to build a smaller, more efficient, and modern laboratory and production infrastructure, and finally replace the Manhattan Project-era facilities we are currently spending so much money to maintain. In fact, the NNSA complex transformation plan was specifically endorsed by the Commission.

It can pick up and fund the Reliable Replacement Warhead studies, which would, for the first time since the 1980s, put our weapons designers to work on a modern warhead for the U.S. stockpile.

But it must move forward now.

Unfortunately, the budget the administration just put forward does not recognize the critical state of affairs in our nuclear weapons enterprise.

It not only does nothing to modernize our weapons, it continues the neglect of the Stockpile Stewardship Program and the basic science and engineering that supports it.

Specifically, the science campaign, the science in science-based stockpile stewardship, continues to be underfunded in the President's fiscal year 2010 budget request. Worse yet, according to the projections in the President's budget, the underfunding of the science in Stockpile Stewardship will actually be accelerated between fiscal year 2011 and fiscal year 2014.

The impact of these cuts to the science campaign can also be seen in the continued cuts in the funding requested for the laboratories to use the Stockpile Stewardship Program, SSP, tools, including the DAHRT facility, which is essentially a big x-ray used to study what goes on in a nuclear weapon at the earliest stages of criticality, without actually producing nuclear yield.

Another example is the advanced computing program, the use of which this budget continues to underfund.

The budget for the engineering campaign, which develops capabilities to improve the safety and reliability of the stockpile, is kept at the fiscal year 2009 level, which is a reduction from the fiscal year 2008 level. Again, between fiscal year 2011–2014, the engineering campaign budget is cut, and it is cut more significantly than the science campaign budget.

The effect of the administration's budget is to continue, and even accelerate, the brain drain at the labs.

The Commission is not alone in warning about the effects of this brain drain.

The recent Los Angeles Times article was based off of, in part, a recent GAO study that pointed out that the lifetime extension programs on the W-76 and the B-61 were in some cases affected by the fact that we have forgotten some of the key processes involved in building our nuclear weapons.

The administration would also be wise to consider that there was bipartisan consensus on every aspect of the Commission's report save one, the CTBT.

The administration has said that it intends to push hard to get the Senate to ratify this treaty, even though the Senate has already rejected it once, by a significant margin.

I know of no information that suggests that the matters that led the Senate to reject the treaty have changed for the better. In some respects, like the deteriorating condition of our strategic deterrent, they have gotten worse.

Lastly, it is worth pointing out that the Commission articulated real dangers from nuclear terrorism and the "tipping point" of a proliferation cascade on which we are now perilously perched thanks to the impotent response of the world community to the illegal Iranian and North Korean nuclear weapons programs.

The President also recognized this threat in recent remarks in Prague when he stated: "in a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up."

I think that is exactly right.

My concern is the initial steps the President has chosen to deal with this threat, the threat also identified by the Commission, are not at all tailored to provide a solution to these grave threats.

It is important to ensure the verification measures of START do not expire, but that treaty would not deal with the threat of terrorists obtaining nuclear weapons technology or material.

Likewise, CTBT, a bad idea shrouded in good intentions, would not even be capable of detecting political tantrums

like the North Korean test, even when the international monitoring system is told where and when to look.

Yet, these are the measures the administration has chosen to spend its capital on.

I urge the administration to look for areas to work with the Congress: globalizing the Nunn-Lugar program, dealing with the threat posed by the spread of civilian nuclear technology, strengthening our nuclear intelligence, attribution and forensic capabilities to name a few.

Mr. President, the Commission on the Strategic Posture, led by two of our most esteemed experts on U.S. national security, has just completed more than a year-long review of the role that nuclear weapons play in our national security.

The 12 Commissioners have done what no one thought was possible: they have found a bipartisan consensus.

They have presented their findings and recommendations to the President and the Congress.

It now becomes our turn, the elected political leaders, to take the fruit of the Commission's labor and move forward on the necessary and long overdue steps these experts have deemed necessary, regardless of party affiliation, to protect the American people.

GUANTANAMO BAY

Mr. KYL. Mr. President, finally, I wish to refer to a debate that occurred on the floor, I believe it was last Thursday, following remarks of the distinguished minority leader and concerning remarks made by the assistant majority leader. This has to do with Guantanamo Bay, the prison there, and the people whom we have kept in prison there.

I want to specifically address the chorus of false claims and insinuations about that facility, noting it has grown louder, in tandem, I suspect, with growing American opposition to closing the facility and bringing the terrorists to U.S. soil.

A majority of Americans now oppose the closure of Guantanamo. This is according to a USA Today poll of June 2. This is by a margin of 2 to 1. Many of the arguments we have heard recently to dissuade them, frankly, give off more heat than light.

My friend and colleague, the majority whip, recently gave a speech in which he claimed arguments opposing the closure of the prison at Guantanamo made by Senator MCCONNELL and others are "based on fear." I contend these arguments are based on concerns about both the safety of Americans and the logistical obstacles to closing the facility.

Last month, before the House Judiciary Committee, FBI Director Robert Mueller testified that transferring the remaining Guantanamo detainees to

U.S. prisons—even maximum security prisons—would entail serious security risks. He said this: "The concerns we have about individuals who may support terrorism being in the United States run from concerns about providing financing, radicalizing others," as well as "the potential for individuals undertaking attacks in the United States."

The Guantanamo facility is separated from American communities. It is well protected from the threat of a terrorist attack. No one has ever escaped from Guantanamo.

Why should we feel pressure to support President Obama's arbitrary deadline to close the facility when the administration has yet to offer a plan about where to relocate the terrorists and where, I would submit, a case has not been made for closing this facility and locating those prisoners elsewhere? In fact, other countries have told us they do not want them, with the exception of France, which offered to take one prisoner. And a new June 2 USA Today poll, which I talked about before, shows that Americans, by a measure of 3 to 1, reject bringing those terrorists to the United States.

In his speech, Senator DURBIN also made reference to the "torture of prisoners held by the United States" and the "treatment of some prisoners at Guantanamo."

Regarding the treatment of Guantanamo detainees, I think the record needs to reflect the following: The living conditions at the facility are safe and humane. This is a \$200 million state-of-the-art facility that meets or exceeds standards of modern prison facilities. Following his February tour of Guantanamo, Attorney General Holder said:

I did not witness any mistreatment of prisoners. I think, to the contrary, what I saw was a very conscious attempt by these guards to conduct themselves in an appropriate way.

Numerous international delegations and government officials from dozens of countries have likewise visited the facility. During a 2006 inspection by the Organization for Security Cooperation in Europe, a Belgian representative said:

At the level of the detention facilities, it is a model prison, where people are better treated than in Belgian prisons.

Detainees get to exercise regularly, receive culturally and religiously appropriate meals three times a day, and access to mail and a library. Additionally, the International Committee of the Red Cross has unfettered access to the detainees. They have met all detainees in private sessions and routinely consult with the United States on its detention operations.

The facility provides outstanding medical care to every detainee. In 2005, the military completed a new camp hospital to treat detainees, who have

now received hundreds of surgeries and thousands of dental procedures and vaccinations. So this idea that the prisoners are treated badly is patently false.

The insinuation—directly or indirectly—that torture has occurred at Guantanamo must stop. Torture is illegal. It was never permitted at Guantanamo. And torture has never been sanctioned by the United States.

In discussions about torture, we have heard a lot of rhetoric that attempts to draw a straight line between what happened at Abu Ghraib and the legal, enhanced interrogations at Guantanamo. But let's be clear about the distinction: At Abu Ghraib, a few brutal prison guards abused inmates. In doing so, they violated American law and military regulations. And for that they rightly received Army justice.

The methods of legal interrogation used at Guantanamo, which have wrongly been characterized by some as "torture," were used on a few of the most hardened terrorists after all other efforts failed.

At Guantanamo, all credible allegations of detainee abuse are investigated, and the military has not hesitated to prosecute or discipline any guards who violate those standards, regardless of provocation.

Navy RADM Mark Buzby, commander of the Joint Task Force at Guantanamo, said, in 2007, the facility's practices have been in keeping with DOD policies:

We tend to get wrapped up in the greater discussion of detainees down here with those detained elsewhere. There have been many, many investigations conducted of the conditions in Guantanamo . . . and they found no deviations from standing DOD policies.

"No deviations from standing DOD policies."

Then there is the idea that has been floated by the President, Senator DURBIN, and others that keeping Guantanamo Bay open serves as a "recruitment tool" for al-Qaida. By this logic, our fight against the Taliban or our targeted airstrikes against terrorists in Pakistan could be dubbed "recruitment tools" for al-Qaida, since both policies involve planting U.S. forces in Muslim nations to fight jihadists.

This "recruitment tool" idea is the latest incarnation of what Ambassador Jeane Kirkpatrick dubbed the "blame America first" mentality. It makes excuses for the terrorists and heaps scorn on the United States for fighting back.

Recall that al-Qaida was swelling its ranks throughout the 1990s—before the war on terror and well before the prison at Guantanamo Bay was even created. During that decade, it struck the World Trade Center, the Khobar Towers in Saudi Arabia, and the U.S. Embassies in Kenya and Tanzania. Then, in October 2000, it attacked the USS *Cole* off the coast of Yemen.

So by the time the 19 hijackers boarded the four planes that crashed on

September 11, 2001, al-Qaida had already identified numerous grievances with America, including its contempt for Western culture, equal rights for women and men, and our support for free speech and the exchange of ideas.

I have sent a letter to the National Security Advisor asking for evidence that keeping Guantanamo Bay open has created more terrorists than the facility has housed. That was a statement that President Obama made, that the existence of the Guantanamo prison has created more terrorists than the facility has housed. It is an incredible assertion, but it is at the foundation of his claim that we need to close Guantanamo because somehow it represents a valid symbol of American torture or oppression that hurts our efforts abroad. Anything we do is going to cause recruitment of terrorists who hate us. Whether we close Guantanamo or not, the terrorists will still have plenty of reasons to recruit fellow jihadists. I wish to ask again, today, that the administration provide us with the information that backs up the President's claim on this issue.

Ultimately, the debate over Guantanamo has become a debate over geography. Both the new Attorney General and the new Solicitor General have endorsed the government's right to detain suspected terrorists indefinitely. That is correct. Whether we detain them at Guantanamo or at prisons on U.S. soil does not change the fundamental reality that this administration, like its predecessor, will be holding certain individuals without trial.

We have been told that Guantanamo must be closed for symbolic reasons. But America should never make national security decisions based on symbolism or false moral arguments.

I hope as we continue to debate this issue of the prison at Guantanamo, and as the President has been asked to provide a plan for how that base would be closed, and how much it would cost, and as he continues to ask Congress to provide the funding to carry out that plan, we keep in mind these critical points.

The first is you cannot legitimately make the argument that anything has occurred at Guantanamo for which the United States should be embarrassed, should apologize, or should, at the end of the day, close the facility because of some embarrassment that the United States has about our activities there.

Our soldiers who are involved in protecting our interests by guarding those terrorists, the medical personnel, and all of the others who are involved, have done a job which, frankly, we should be thankful for. And rather than slapping them in the face and insinuating they have done something wrong—which makes us have to close that prison down—is a terrible indictment on the military men and women who have worked hard to do their very best at

that facility and, as I pointed out, have in all respects conducted themselves in accordance with Army procedures.

At the end of the day, you cannot lie prostrate at the feet of your enemies—in this case, the terrorists—and say: We are sorry that we do some things to offend you, we will stop doing those, and then maybe you will no longer be offended. To suggest that will cause them to no longer recruit colleagues and plan attacks against us is fantasy. Therefore, I challenge the administration again: Supply the facts on which the President made the allegation that the existence of Guantanamo created more terrorists than have ever been housed there. It is a palpably false statement, and he should not be able to argue to the American people and to the Congress, from which he is requesting money, that we have to give money to shut down Guantanamo because of that false fact. I urge my colleagues, as we continue to debate this issue, to challenge the administration to provide that information to us.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

"CAR CZAR" AWARD

Mr. ALEXANDER. Mr. President, I am here to present the "Car Czar" award for Monday, June 8, 2009. It is a service to taxpayers from America's newest automotive headquarters: Washington, DC.

This is the first in a series of "Car Czar" awards to be conferred upon Washington meddlers who distinguish themselves by making it harder for the auto companies your government owns to compete in the world marketplace.

Today's "Car Czar" award goes to Congressman BARNEY FRANK of Massachusetts for interfering in the operation of General Motors. Congressman FRANK is chairman of the Financial Services Committee of the House of Representatives. One might call it the "House Bailout Committee." Congressman FRANK's phone call to General Motors always is likely to be returned since the U.S. Treasury recently purchased 60 percent of GM and 8 percent of Chrysler with \$62 billion of your tax dollars.

According to the June 5 Wall Street Journal:

The latest self-appointed car czar is Massachusetts's own Barney Frank, who intervened this week to save a GM distribution center in Norton, Mass. The warehouse, which employs some 90 people, was slated for

closing by the end of the year under GM's restructuring plan. But Mr. FRANK put in a call to GM CEO Fritz Henderson and secured a new lease on life for the facility.

The Congressman's spokesman said that Mr. FRANK was "just doing what any other Congressman would do" in looking out for the interests of his constituency—precisely the reason for these "Car Czar" awards. As the journal put it:

... that's the problem with industrial policy and government control of American business. In Washington, every Member of Congress now thinks he's a czar who can call ol' Fritz and tell him how to make cars.

I will continue to confer "Car Czar" awards until Congress and the President enact my Auto Stock for Every Taxpayer legislation which would distribute the government's stock in General Motors and Chrysler to the 120 million Americans who paid taxes on April 15. That is the fastest way to get ownership of the auto companies out of the hands of meddling Washington politicians and back into the hands of Americans and the marketplace.

It also may be the fastest way for Congressmen to get themselves re-elected. According to the National Tennessean, an AutoPacific survey reports that 81 percent of Americans polled "agreed that the faster the government gets out of the automotive business, the better." And 95 percent disagreed "that the government is a good overseer of corporations such as General Motors and Chrysler." And 93 percent disagreed "that having the government in charge of (the two automakers) will result in cars and trucks that Americans will want to buy."

There should be plenty of material for these "Car Czar" awards. For example, last week auto executives spent 4 hours testifying before congressional committees about dealerships. I assume the executives drove to Washington, DC, from Detroit in their congressional approved modes of transportation—probably hybrid cars—leaving them very little time on that day to design, build or sell cars and trucks.

I have counted at least 60 congressional committees and subcommittees with the authority to hold hearings on auto companies, and no doubt most will. Car executives trying to manage complex companies will be reduced to the status of some Assistant Secretary hauling briefing books between subcommittees answering questions—under oath, of course—about models, sizes, paint colors, plant closings, fuel efficiency, and why the GM Volt's battery is being made in South Korea.

And should Congressmen run out of reasons to meddle, the President and his aides stand ready. Already, the administration has warned General Motors it is making too many SUVs and that its Chevy Volt is too expensive. The President himself has weighed in on whether General Motors should

move to Warren, MI, and has fired one president of General Motors.

Now, here is an invitation for those who may be listening: If you know of a Washington "Car Czar" who deserves to be honored, please e-mail me at CarAward@alexander.senate.gov, and I will give you full credit in my regular "Car Czar" reports here on the floor of the United States Senate.

And after you write to me, I hope you will write or call your Congressmen and Senators and remind them to enact the Auto Stock For Every Taxpayer Act just as soon as General Motors emerges from bankruptcy. All you need to say when you write or call are these eight magic words, "I paid for it. I should own it."

Mr. President, I ask unanimous consent that the Wall Street Journal editorial from June 5, entitled "Barney Frank, Car Czar" be printed in the CONGRESSIONAL RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 5, 2009]

BARNEY FRANK, CAR CZAR

President Obama may have "no interest" in running General Motors, as he averred Monday. But even if that's true, we are already discovering that he shares Washington with 535 Members of Congress, many of whom have other ideas.

The latest self-appointed car czar is Massachusetts's own Barney Frank, who intervened this week to save a GM distribution center in Norton, Mass. The warehouse, which employs some 90 people, was slated for closure by the end of the year under GM's restructuring plan. But Mr. Frank put in a call to GM CEO Fritz Henderson and secured a new lease on life for the facility.

Mr. Frank's spokesman, Harry Gural, says the Congressman discussed, among other things, "the facility's value to GM." We'd have thought that would be something that GM might have considered when it decided to close the Norton center, but then a call from one of the most powerful Members of Congress can certainly cause a ward of the state to reconsider what qualifies as "value." A CEO who refuses the offer can soon find himself testifying under oath before Congress, or answering questions from the Government Accountability Office about his expense account. To that point, Mr. Henderson spent Wednesday with Chrysler President Jim Press being castigated by the Senate Commerce Committee for their plans to close 3,400 car dealerships. Every Senator wants dealerships closed in someone else's state.

As Mr. Gural put it, Mr. Frank was "just doing what any other Congressman would do" in looking out for the interests of his constituents. And that's the problem with industrial policy and government control of American business. In Washington, every Member of Congress now thinks he's a czar who can call ol' Fritz and tell him how to make cars.

Mr. ALEXANDER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

HEALTH CARE REFORM

Mr. SANDERS. Mr. President, let me be very clear. Our health care system is disintegrating. Today, 46 million Americans have no health insurance and even more are underinsured with high deductibles and copayments. At a time when 60 million people, including many with insurance, do not have access to a doctor of their own, over 18,000 Americans die every year from preventable illnesses because they do not get the medical care they should. This is six times the number of people who died at the tragedy of 9/11, but this occurs every single year, year after year. In the midst of this horrendous lack of coverage, the United States spends far more per capita on health care than any other Nation, and health care costs continue to soar. At \$2.4 trillion and 18 percent of our GDP, the skyrocketing cost of health care in this country is unsustainable, both from a personal and macroeconomic perspective.

At the individual level, the average American spends about \$7,900 per year on health care—\$7,900 per individual every year. Despite that huge outlay, a recent study found that medical problems contributed to 62 percent of all bankruptcies in 2007. From a business perspective, General Motors spends more on health care per automobile than on steel—more on health care than on steel—while small business owners are forced to divert hard-earned profits into health coverage for their employees rather than new business investments. Because of rising health care costs, many businesses are cutting back drastically on their level of health care coverage or they are doing away with it entirely.

Further, despite the fact that we spend almost twice as much per person on health care as any other Nation, our health care outcomes lag behind many other countries. We get poor value for what we spend. According to the World Health Organization, the United States ranks 37th—37th—in terms of health system performance, and we are far behind many other countries in terms of such important indices as infant mortality, life expectancy, and preventable deaths. In other words, we are spending huge amounts of money, but what we are getting for that investment does not compare well to many other countries that spend a lot less than we do.

As the health care debate heats up in Washington, we as a nation have to answer two fundamental questions.

First, should all Americans be entitled to health care as a right and not a privilege? That is the way every other major country treats health care and the way we respond to such other basic needs as education, police, and fire protection. One hundred or more years ago, this country decided that every young person, regardless of income, is going to get a primary and secondary

education because that is the right thing to do and good for the country. But unlike every other major industrialized Nation, we have not come to that same conclusion that health care is a right.

Second, if we are to provide quality health care to all, the next question is, how do we accomplish that in the most cost-effective way possible? We can provide health care to all people in a lot of ways, but some of those ways will essentially bankrupt this country. What is the most cost-effective way to provide quality health care to every man, woman, and child in this country?

In terms of the first question I asked: Should all Americans be entitled to health care as a right, I think the answer to that question is pretty clear and is, in fact, one of the reasons Barack Obama was elected President of the United States. Most Americans do believe all of us should have health care coverage and that nobody should be left out of the system. The real debate is how we accomplish that goal in an affordable and sustainable way. In that regard, I think the evidence is overwhelming that we must end the private insurance company domination of health care in our country and move toward a publicly funded, single-payer, Medicare-for-all approach.

Our current private health insurance system is the most costly, wasteful, complicated, and bureaucratic in the world. Its function is not to provide quality health care for all of our people but to make huge profits for the people who own the companies. That is what private health insurance is about. With thousands of different health benefit programs designed to maximize profits, private health insurance companies spend an incredible 30 percent of each health care dollar on administration and billing. Thirty cents of every dollar is not going to doctors, nurses, medicine, medical personnel; it is going to bureaucracy and administration. Included in that spending are not only general administration and billing but exorbitant CEO compensation packages, advertising, lobbying, and campaign contributions. Public programs such as Medicare, Medicaid, and the VA are administered for far less money.

In recent years, while we have experienced an acute shortage of primary health care doctors as well as nurses, as well as dentists, and many other health care personnel, we are paying for a huge increase in health care bureaucrats and bill collectors. Over the last three decades, the number of administrative personnel has grown by 25 times the number of physicians. Instead of investing in primary health care, instead of investing in doctors, instead of addressing the nursing shortage, where our health care dollars are going is to health insurance bu-

reaucrats who spend half their lives on the telephone telling us we are not covered for the procedures we thought we had paid for. That is a dumb way to spend health care dollars.

Further, and not surprisingly, while health care costs are soaring, so are the profits of private health insurance companies. From 2003 to 2007, the combined profits of the Nation's major health insurance companies increased by 170 percent. Health care costs are soaring; people can't afford health insurance. Yet the profits of the private health insurance companies have gone up by 170 percent from 2003 to 2007. While more and more Americans are losing their jobs and their health insurance, the top executives in the industry are receiving lavish compensation packages. It is not just William McGuire, the former head of United Health, who several years ago accumulated stock options worth an estimated \$1.6 billion, or CIGNA CEO Edward Hanway, who made more than \$120 million in the last 5 years. It is not just them. It is the reality that CEO compensation for the top seven health insurance companies now averages \$14.2 million. Forty-six million Americans have no health insurance, more are underinsured, and we apparently have the money to pay exorbitant compensation packages to the heads of private health insurance companies.

Moving toward a national health insurance program, which provides cost-effective, universal, comprehensive, and quality health care for all, will not be easy. That is an understatement. It will not be easy. The powerful special interests, the insurance companies, the drug companies, and the medical equipment suppliers, among others, will wage an all-out fight to make sure we maintain the current system which enables them to make billions and billions of dollars every year in profits.

In recent years, these special interests have spent hundreds of millions of dollars on lobbying, on campaign contributions, and advertising, and with unlimited resources. They can make out a check as big as they need. They will continue to spend as much as they need in order to preserve this dysfunctional health care system from which they profit so much.

But at the end of the day, as difficult as it may be, the fight for a national health care program will prevail. Like the civil rights movement, the struggle for women's rights, and other grassroots efforts, justice in this country is often delayed, but it will not be denied. We shall overcome.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mrs. FEINSTEIN. Madam President, I have come to the floor to offer a few comments on the Family Smoking Prevention and Tobacco Control Act, the bill on which we will shortly be voting cloture, I hope.

I wish to begin by paying tribute and thanking Senator KENNEDY. I have had occasions to discuss this subject with him more than once. No one has been more dedicated, worked harder or longer to see this day on the floor than Senator TED KENNEDY. I thank him for it. I hope once this bill gains cloture we will pass it swiftly, and it will become the law of the land, and it will, in fact, save lives.

I would like to make three main points. The first is that tobacco is the leading preventable cause of death in this country; the second is the huge financial cost to tobacco; and finally, the relationship between tobacco and cancer.

We know tobacco harms the health of Americans—those who use cigarettes and those who are exposed to second-hand smoke. But I think what most people do not know is that every year, 400,000 Americans die from tobacco use. That makes tobacco the leading preventable cause of death in the United States, killing more people each year than HIV/AIDS, illegal drug use, alcohol use, motor vehicle accidents, suicides, and murders combined. That is why it is the leading preventable cause of death.

In California, every year 36,600 adults die from their smoking; in Michigan, the number is 14,500; in New York, 25,400; in Wyoming, a very small State, 700 people die every year. Every State in this country loses people prematurely to death from smoking.

We know the high cost, the human cost of tobacco use, but I think people also do not realize my second point, and that is the tremendous financial cost. Smoking costs our health care system \$96 billion every year. States pay \$13.3 billion every year in Medicaid expenses and the Federal Government spends \$17.6 billion. Medicare pays \$27.6 billion and the VA and other Federal programs spend an additional \$9.6 billion. The rest of this cost, about \$28 billion, is borne by private payers. So the financial cost is \$96 billion a year.

The Senate is about to embark on the enormous task of expanding health care coverage and access for the 47 million Americans without insurance. Imagine that instead of spending \$96

billion every year to treat tobacco-related illnesses, we could use this money to improve our health care system. It could fund a significant portion of health reform. One, we could nearly triple the budget of the National Institutes of Health, a very good thing. Two, only 2 months of tobacco-related health spending could provide a year of health insurance for every uninsured child in America. Three—let me put it another way—we could provide health insurance to every uninsured child in America and still have \$80 billion left over. That is the inordinate, inexplicable cost of tobacco products in this country. Instead, we continue to spend \$96 billion every year on preventable illness caused by tobacco.

Passing this bill will not immediately end smoking or the illness it causes, but helping Americans to live healthier lives is a critical component of any long-term reform of our health care system. I believe we should view this bill as a sound, critical, and important first step on the road to broader reform.

Tobacco and cancer. My life has been surrounded by cancer, so I am very sensitive on this point. Without a doubt, cancer is one of the most expensive tobacco-related illnesses. Cigarette smoking alone accounts for approximately 30 percent of cancer deaths annually. It is the leading cause of lung cancer, and lung cancer is the No. 1 cancer killer in this country.

Since coming to the Senate, I have tried to be committed to finding cures and treatments that will end death and suffering from cancer. My goal is in my lifetime. As I tell people, I am not that young anymore, so I want to see it come fast and soon. I have had the opportunity to talk with countless experts in oncology, biomedical research, and medicine about how to meet this goal. They all say one thing: Go after tobacco. We will not end cancer until we end tobacco use. This bill takes a major step in that direction.

In 2007, the President's cancer panel called on Congress to authorize the FDA to strictly regulate tobacco products and product marketing. This same report called the tobacco industry "a vector of disease and death that can no more be ignored in seeking solutions to the tobacco problem than mosquitos can be ignored in seeking to eradicate malaria." I think that is a very good quote. I think it is really true.

Most people associate tobacco use with lung cancer, as I just have. But according to the National Cancer Institute, 90 percent of lung cancer deaths among men can be attributed to smoking—90 percent—and 80 percent of these same deaths attributed to women are from smoking as well. But there are a variety of other cancers caused by tobacco products: cancer of the mouth, of the nasal cavities, of the larynx, of the throat, of the esophagus—esophageal

cancer is increasing, for some strange reason, and I suspect this has to do with it—stomach, liver, pancreas, kidney, bladder, cervix, and even acute myeloid leukemia. There is so much we do not know about cancer—how it is caused, how it progresses, how to treat it effectively. But we know beyond a shadow of a doubt that many types are caused at least in part by tobacco use. So I firmly believe the passage of this bill will lead to a reduction in cancer, and most importantly to cancer deaths, and it will give the FDA the ability to make the cigarettes currently available less toxic and less carcinogenic and less addicting.

Let me give an example. A study by researchers—namely, David Burns and Christy Anderson, both of the University of California, San Diego School of Medicine—suggests that cigarette smoke today may double the risk of lung cancer compared to cigarettes smoked by Americans 40 years ago. Now, that is amazing.

Remember all the unfiltered cigarettes of yesteryear? You would think those cigarettes would be stronger; right? No, they are saying. They attribute this to a change in the chemicals which have been added in recent years to cigarettes. The researchers compared cigarettes in the United States with cigarettes in Australia, and here is what they found: Cigarettes smoked in Australia have a much lower level of a compound known as tobacco-specific nitrosamines. This chemical is a carcinogen. It causes a type of lung cancer called adenocarcinoma. Rates of this lung cancer are much lower in Australia, leading researchers to conclude that the contents of cigarettes are exposing American smokers to a higher risk.

This suggests that lung cancer rates could be reduced by regulatory control of additives to tobacco products. That is what this bill will do. It will give the Food and Drug Administration the ability to make the cigarettes smoked in this country less dangerous, less addictive. They can ratchet down chemical components and addictive qualities that are added to tobacco to increase the addiction.

Under this bill, the FDA can reduce carcinogens such as tobacco-specific nitrosamines. Some Americans may still smoke, but the products they will smoke will be less likely to give them lung cancer. I think that is a good thing, and I hope you would agree with me.

It is time to close the decades-long loophole that has allowed tobacco to become the one product that is sold and advertised without any government oversight—without any government oversight. Think about that. Food is regulated, consumer products are regulated, medicine and medical devices are regulated, products designed to save lives are regulated. Yet

tobacco companies sell products that, when used as directed, No. 1, addict people; No. 2, make them sick; and, No. 3, in some cases, kill them. So if there is one industry that deserves the strictest scrutiny of the Federal Government, it is in fact tobacco.

So I urge my colleagues to join me in supporting this legislation. I know it is difficult, but I am one who has participated in something that the American Cancer Society started called C-Change. This is where the cancer society has brought together some 65 groups—advocates, individuals, providers, government officials—to deal with cancer and what causes cancer. Madam President, the one constant through all the discussions, the one thing the physicians and the scientific community were the strongest on is that tobacco causes cancer, and that is just an inescapable fact. This bill deals with it. It provides regulation, it allows for the ratcheting down of addictive components, it allows for the control of chemicals that go into tobacco products, and it will, in fact, save lives.

I thank the Chair, and I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH KOREA

Mr. DEMINT. Madam President, all of us know the United States is facing many challenges at home and abroad today. We are in the middle of an economic crisis. Many Americans are losing their jobs. We are also being tested by our enemies and potential enemies all around the world. We have certainly seen Iran continue its nuclear weapons program. It snubbed its nose at the international community as the international community asked it to halt.

Recently, perhaps the most alarming threat to our security has come from North Korea. We have seen them fire test missiles over the last year, actually test a very powerful nuclear weapon, and now they are telling us they are going to test a rocket that is capable of reaching our shores. In the middle of this, they kidnapped two Americans and sentenced them to, I think, 12 years in a labor camp.

Throughout all this, America has talked tough, but I am afraid North Korea believes we are all talk.

The problem with our position with North Korea at this point is there are other rogue nations looking at what is happening and seeing that they can basically ignore the United States and

the international community and continue to be a growing threat to all of us.

It is very important that the United States not reward this behavior as we have done for North Korea. The Democratic People's Republic of Korea was added to the State Department's "State Sponsors of Terrorism" list in 1988 for activities ranging from the protection of Japanese terrorists to its role in the bombing of a Korean airliner. Since that time, North Korea has remained, as a matter of documented fact, a sponsor of terrorism.

Last June, President Bush announced his intention to remove North Korea from the list. At no time before or since has anyone said that North Korea ceased to be a state sponsor of terror. The delisting of North Korea was a carrot waved in front of Kim Jong Il as part of a well-meaning but extremely dangerous attempt to deal diplomatically with the urgent problem of North Korea's illegal nuclear programs. Secretary of State Clinton acknowledges that North Korea was delisted only in exchange for North Korea's commitment to abandon its nuclear weapons program and submit to outside verification.

Since then, I think as most of us know, North Korea has gone further in its campaign of militant destabilization of the world than ever before. It has detonated a large nuclear bomb. It has launched missiles capable of hitting our allies. It has withdrawn from the six-party talks. It has reprocessed spent fuel rods. It has withdrawn from the United Nation's treaty that ended the Korean war over 50 years ago. It has announced its intention to launch a ballistic missile capable of hitting the Western United States.

In response to these threats, I and seven of my colleagues wrote Secretary Clinton asking that she relist North Korea as a state sponsor of terrorism. In addition, Senator BROWNBACK and I authored amendments that have been endorsed by 15 Senators directing Secretary Clinton to redesignate North Korea. The response thus far has fallen short. Secretary Clinton says relisting is being considered but as part of an ongoing diplomatic process. President Obama has offered strong words, but we have yet to see action.

North Korea has proven that it is immune to talk, whether that talk be sweet or tough. The President gave a speech last week saying that good relationships require speaking "clearly and . . . plainly" about international controversies. Relisting North Korea will speak clearly and plainly about the true nature of North Korea's regime. It will send a strong signal to our allies in the Pacific.

It is now clear that President Bush's diplomatic gamble, which many opposed last year, has failed. North Korea has exploited its newfound flexibility

and respectability and used it to threaten Asia and the United States. They have tapped unfrozen assets to fund their mischief, and they remain a supplier to both Hezbollah in Lebanon and the Iranian Revolutionary Guard.

Secretary Clinton's statement over the weekend that she wants "to see recent evidence of [North Korea's] support for international terrorism" misses the point. North Korea was not delisted because it ceased assisting in sponsoring terror. If a convicted arsonist is released on parole, he does not have to burn down a house to go back to prison. Any crime will do. That is where we are with North Korea today. They are not operating in the spirit or letter of their agreements, and without a shred of good faith. They have not reformed and cannot be trusted. They are a state sponsor of terror and should be recognized for it.

Once relisted, North Korea will suffer consequences for its aggressive provocations. There will be trade restrictions, there will be sanctions and the refreezing of assets to limit North Korea's ability to fund its weapons program. Relisting North Korea as a state sponsor of terrorism will let them and the world know that the United States is serious—something this administration has yet to do.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, I ask unanimous consent that the time in the quorum call be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DODD. Madam President, I further ask—and this has been cleared on both sides—unanimous consent that the vote occur at 5:35 instead of at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Presiding Officer.

Madam President, I wish to take a few minutes to first thank my col-

league from Wyoming, Senator ENZI. We have had a very productive couple of weeks. We had a good markup in our committee. We were able to accommodate some of the concerns that Senator ENZI has had. He has been involved with this issue for a long time. I am filling in for my colleague from Massachusetts who obviously would be standing where I am at this moment and managing this proposal. As we all know, Senator KENNEDY is dealing with a health issue himself and would love to have been here to manage this bill, but I am confident we can get this matter done.

Let me say to my colleagues, I know we ended up in sort of a little bit of a knot here as we finished business last week. Having spoken with the majority leader—and I always hesitate to speak for him, but he told me that we want to inform our colleagues that there are a number of amendments that are either germane or close to being germane that the majority leader wishes to accommodate, including I believe the substitute offered by our colleague from North Carolina—both of our colleagues from North Carolina, the Presiding Officer as well as Senator BURR—and our hope is to be able to do that as well. I am told they might not be quite germane, but the majority leader wishes to do that. They have offered an amendment in committee. A case has been made for it and they ought to have the ability to make the case here as well. So our hope would be to get cloture and then deal with the germane and close-to-germane amendments as well so we can have a full debate on this issue, the substance of this debate and issue, which has been about 10 years, I think 10 years—my colleague may correct me—8 or 10 years that this matter has been kicking around.

This is a matter of substantial import. I know I have said this repeatedly over the last several weeks, but maybe the significance of it can't be repeated often enough. That is the number of children every day who start smoking, somewhere between 3,000 and 4,000 a day, and 400,000 people who perish every year as a result of smoking-related illnesses. Thousands more live very debilitated lives as a result of their use of tobacco, cigarettes, or other tobacco products.

This is a matter for which it is absolutely essential to have Food and Drug Administration regulation. We know the Food and Drug Administration has the ability to regulate virtually every product we consume, including the irony of every product our pets consume, and yet does not have the power or the right to regulate tobacco products. This is the 21st century. With 400,000 people a year losing their lives, millions more in jeopardy of grave illness or death as a result of this self-inflicted health hazard, this must be addressed. It will give them the ability to

deal with sales and marketing, as well as the production of cigarettes, particularly to children. Ninety percent of the adults in this country who smoke started as child smokers. Of the 3,000 to 4,000, as I mentioned a moment ago, 1,000 become addicted and about one-third of that number end up dying as a result of that addiction. Those are numbers that are unacceptable. They ought to be, particularly on the eve of a health care debate, in talking about how to prevent illness, how to make sure we don't end up with more people in hospitals and doctors' offices in dealing with these issues. What stronger step could this body take with a strong bipartisan vote?

The reason this legislation has been around 10 years is because every time this body has acted, the other body has not or when they have acted, we have not. So we have had these ships passing in the night for 10 years. The House has now acted and we have an opportunity to join them in that action for the first time since the court ruled that tobacco products did not have to be regulated by a court order, and clearly, congressional action was necessary. Well, here is the action. We urge our colleagues to support cloture. To accommodate our colleagues on matters they still wish to raise in debate as part of this bill, I will support them in doing that. I may disagree with the substance they are offering, but they ought to have the right to do that and I will do everything I can to see that those opportunities are available.

At any rate, I thank my colleague from Wyoming, who cares deeply about this issue as well. We end up disagreeing on this matter, but no one brings more passion than the Senator from Wyoming, Senator ENZI. So I thank him and his staff for the terrific work they have done on this matter.

I yield the floor to my colleague from Wyoming, and then we will see if others wish to be heard.

Mr. ENZI. Madam President, I thank the Chair, and I thank the chairman, but from the speeches, one can tell that the Senator from Connecticut has more passion than I do. Nobody is more passionate than the Senator from Connecticut, and I appreciate his passion, particularly on this issue.

I am very hopeful we can get something done. It has been at least 10 years—I know I have worked on this all the time I have been here, and it is true in the Senator's explanation that sometimes it makes it through the House and sometimes it makes it through the Senate but it never makes it through both Houses at the same time. I think to get it done, though, it is going to take a little bit longer. I appreciate the offer the leader is making that he wishes to have votes on the relevant and arguably germane amendments that are before us, but there isn't any assurance of that if there is

cloture on the bill, and that is the difficulty.

It seems to me as though we ought to be able to work out some kind of an agreement so we can quickly get into the couple of amendments that have already been debated and debated extensively, and that we would be assured of at least those two, but we haven't had a vote on anything.

I appreciate the cooperation we have had from Chairman DODD in working out a couple of the provisions, but there are some other people who have some provisions they think ought to be debated and brought up and perhaps included, but if we invoke cloture, there is no assurance they get to do that. So I have been asked to suggest that we not invoke cloture at this point in time and then do it quickly another time if it can be brought up again.

One of the amendments is Senator BURR's alternative. Even though he represents a tobacco State, he has a substitute amendment that takes major steps to restrict tobacco. It takes a tougher stance than some of the things we have in the bill. It creates a new office within HHS to regulate tobacco. I spoke about the difficulties of having the FDA do it, as they are supposed to take poisonous materials and get them off the market. Instead of giving that kind of a seal of approval, this new office would regulate the tobacco industry. It puts in place a realistic, science-based standard for the approval of new and reduced risk products. It also requires States to do more on tobacco control—something we can all support. The Burr amendment makes it more difficult for kids to get tobacco and start smoking, and that is the most important thing of all, and that is what Senator DODD has concentrated on in his remarks.

But we won't be considering that amendment, nor will we consider my amendment to ensure that the FDA continues to have the resources to carry out this program, or any amendments on smoking cessation. We won't have an opportunity to improve the bill and attack the root of the problem, which is tobacco use.

For example, I had an amendment to reduce smoking by 1 percent a year. That is a 100-year phaseout that ought to be fairly reasonable, but we aren't going to get to debate that at all or have a vote on that amendment if we invoke cloture. So I hope we can find a way to give germane amendments serious consideration over a short period of time.

I have to oppose cloture at this point in time, and I urge my colleagues to do the same.

I yield the floor, reserve the remainder of the time, and suggest the absence of a quorum, with the time to be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there has been some misunderstanding. I announced this on Thursday, and Senator DODD followed me and also said the same thing. Right now, there is a question with the minority on whether there would be a vote on Burr on the substitute. We said Thursday, and we say today, we are happy to allow Senator BURR to have a vote on that amendment. We have never said anything to the contrary. We still believe that should be the way it is. It is important to him, it is important to Senator HAGAN, and we are going to allow a vote on that unless there is some objection from the minority. Over here, even though cloture is invoked and technically it may not be in order, we would be happy to arrange a vote on that. We have said it for the last many hours we have been on this legislation. My point is, anybody who is not going to vote for cloture because of that is misguided and doesn't understand the facts.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Pending:

Dodd amendment No. 1247, in the nature of a substitute.

Burr/Hagan amendment No. 1246 (to amendment No. 1247), in the nature of a substitute.

Schumer (for Lieberman) amendment No. 1256 (to amendment No. 1247), to modify provisions relating to Federal employees' retirement.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dodd substitute amendment No. 1247 to Calendar No. 47, H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Christopher J. Dodd, Robert P. Casey, Jr., Benjamin L. Cardin, Blanche L. Lincoln, Patty Murray, Ron Wyden, Jack Reed, Sheldon Whitehouse, Maria Cantwell, Roland W. Burris, Tom Harkin, Sherrod Brown, Debbie Stabenow, Richard Durbin, Mark Udall, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1247 offered by the Senator from Connecticut, Mr. DODD, to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. GILLIBRAND), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAPO), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 30, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—61

Akaka	Feinstein	Murray
Baucus	Grassley	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Sanders
Burris	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Casey	Levin	Tester
Cochran	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Warner
Cornyn	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	
Feingold	Murkowski	

NAYS—30

Alexander	Coburn	Inhofe
Barrasso	Corker	Isakson
Bennett	DeMint	Johanns
Bond	Ensign	Kyl
Brownback	Enzi	Martinez
Bunning	Graham	McCain
Burr	Hagan	McConnell
Chambliss	Hatch	Risch

Sessions Shelby	Thune Vitter	Voinovich Wicker
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NOT VOTING—8

Byrd	Gregg	Roberts
Crapo	Hutchison	Stabenow
Gillibrand	Kennedy	

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Madam President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Madam President, I rise as a cosponsor of a bipartisan amendment that will provide targeted reforms to the Federal Employee Retirement System in order to be more effective and equitable for our past, current, and future Federal employees. I am joining Senators LIEBERMAN, AKAKA, and VOINOVICH in this effort.

First, I would like to highlight a provision that I was pleased to introduce earlier this year as a bipartisan stand-alone measure with Senators VOINOVICH, KOHL, and MCCASKILL.

This portion of the amendment would establish a 5-year pilot project allowing agencies to hire back Federal retirees for a limited period of time without having to offset their salaries by the amount of their annuities. This will strengthen the Federal Government's ability to serve the public, particularly at a time when agencies face a wave of retirement of highly experienced employees and there exists a critical need for these skilled employees.

Across the government, our agencies face a host of challenging missions that require focused leadership and vigilant oversight. In Afghanistan, our government faces an increasing demand for development experts. As the government implements the Recovery Act, experienced auditors are in high demand to ensure funds are spent wisely.

On average, however, retirements from the Federal workforce have exceeded 50,000 a year for a decade. The numbers will certainly rise in the near future. The Office of Personnel Management calculates that 60 percent of the current Federal workforce, whose civilian component approaches 3 million people, will be eligible to retire during the coming 10 years.

This baby boom retirement wave will have another impact. It will cause a sudden acceleration in the loss of accumulated skills and mentoring capabilities that experienced workers possess.

The amendment we offer today would provide a limited, but vital, measure of relief to agencies who could benefit from the skills, knowledge, and productivity of federal retirees. It provides an opportunity for Federal agencies to reemploy retirees without requiring

them to take pay cuts based on the amount of their annuity payment.

With some exceptions, retirees can currently return to work without having their salaries reduced only if OPM grants a waiver for the reemployment. This creates a disincentive for experienced Federal retirees to return to Federal service—preventing their knowledge and experience from filling critical agency needs.

The cumbersome waiver process also dissuades agencies from considering annuitants when evaluating their overall workforce strategy.

Congress has already provided exceptions to this rule. Both GAO and the Department of Defense have utilized this authority to rehire skilled annuitants to meet important mission requirements.

Other agencies, especially those charged with overseeing the stimulus and TARP funds, need the same ability to hire back experienced workers. Acting Comptroller General Gene Dodaro has indicated that the ability to reemploy annuitants without salary offset is a critical authority that GAO uses whenever a surge in staffing is necessary.

This amendment would grant the opportunity for Federal agencies, on a limited basis, to reemploy retirees without requiring them to take pay cuts based on their annuity payment or to wait for OPM to grant a waiver.

While providing needed flexibility for agencies to meet mission critical responsibilities, the amendment would also strictly prescribe the periods of time for which retirees can be rehired, thereby preventing agencies from relying solely on retirees instead of hiring a new crop of employees to fill the ranks behind our seasoned employees as they retire.

According to the Congressional Budget Office, this provision will not cost the Federal Government any additional money. The returning annuitants' health and life insurance benefits would be unaffected by their part-time work, and the government would not need to make any additional contributions to the annuitant's retirement plan. Thus, even without making any allowance for the positive effects of these returning employees' organizational knowledge, commitment, productivity, and mentoring potential, their reemployment may actually produce a net savings for taxpayers.

This reform would also provide some much needed hiring flexibilities for agencies, given the expertise the Federal Government will need to effectively implement and oversee the American Recovery and Reinvestment Act of 2009. The Chair of the Council of Inspectors General on Integrity and Efficiency, in testimony before the Homeland Security and Governmental Affairs Committee, agreed with this point, and the council has sent a letter endorsing this authority.

The ability to rehire Federal retirees would also help strengthen the Federal acquisition workforce. The Federal Government has entered the 21st century with 22 percent fewer Federal civilian acquisition personnel than it had at the start of the 1990s. Moreover, as early as 2012, 50 percent of the entire Federal acquisition workforce will be eligible to retire. This amendment will help shore up this workforce at a critical time.

The bill I originally introduced with this provision has been endorsed by the Partnership for Public Service, National Active and Retired Federal Employees Association, Federally Employed Women, the Government Managers Coalition, and the National Council on Aging.

Beyond this provision, the amendment also corrects an inequity between the two Federal retirement systems—FERS and CSRS. Current law compensates CSRS employees at the time of their retirement for the unused portion of the sick leave that they accrued over the course of their Federal careers. Employees under FERS are not provided similar compensation. This creates an unfair disparity within the Federal workforce which this amendment would rectify.

This amendment includes many provisions that would help to strengthen the Federal workforce, attracting highly skilled and talented employees at a time when they are desperately needed. I urge my colleagues to support this amendment.

Mr. AKAKA. Madam President, I rise today to support the Family Smoking Prevention and Tobacco Control Act. Tobacco products kill approximately 400,000 people each year. The Food and Drug Administration must be provided with the authority to regulate deadly tobacco products, limit advertising, and further restrict children's access to tobacco.

I commend my friend from Massachusetts, Senator TED KENNEDY, for his long-term commitment to advancing this vital public health legislation, and I want to thank my friend from Connecticut, Senator CHRIS DODD, for managing this bill. I am proud to support their efforts.

Included in the bill are a number of Federal retirement provisions that go a long way to support retirement security and provide more options for Federal employees. The provisions in the managers' amendment would make four changes to enhance the Thrift Savings Plan, TSP.

First, automatic enrollment in the TSP would encourage Federal workers to plan for their retirement. Federal employees would be automatically enrolled in the TSP with the option of opting out of the program. The Federal Retirement Thrift Investment Board—FRTIB—indicated that raising TSP participation by just 1 percent would

mean approximately 21,000 participants will have an improved ability to live comfortably in retirement.

Second, Federal employees also will be eligible for immediate matching TSP contributions from their employing agency. A recent survey from the profit sharing—401k Council of America shows that 65 percent of large employers now provide immediate matching retirement contributions. The amendment would allow the Federal Government to catch up to the practices of other large employers.

Third, FRTIB will have the option to create a "mutual fund window" in which major mutual funds will be available to TSP participants. Employees will be able to select mutual funds that are appropriate for their investment needs.

The final TSP component is the addition of a Roth individual retirement account option for participants. The Department of Defense strongly supports the inclusion of a Roth option because it is advantageous for uniformed servicemembers who would benefit more from posttax contributions than from traditional pretax contributions.

I also am proud to support my other good friend from Connecticut, Senator JOSEPH LIEBERMAN in offering an amendment to address a number of other Federal employee retirement issues. As chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I believe we have an opportunity to provide critical support to the tobacco bill and correct certain retirement inequities.

Most important to my home State of Hawaii, the amendment provides needed retirement equity to Federal employees in Hawaii, Alaska, and the territories. Nearly 20,000 Federal employees in Hawaii, and another 30,000 Federal employees in Alaska and the territories, currently receive a cost-of-living allowance, COLA, which is not taxed and does not count for retirement purposes. Because of this, workers in the nonforeign areas retire with significantly lower annuities than their counterparts in the 48 States and DC. COLA rates are scheduled to go down later this year along with the pay of nearly 50,000 Federal employees if we do not provide this fix.

In 2007, the Office of Personnel Management, OPM, offered a proposal to correct this retirement inequity. After soliciting input from the affected employees, I introduced the Non-Foreign Area Retirement Equity Assurance Act. The bill passed the Senate by unanimous consent in October 2008. Unfortunately, the House did not have time to consider the bill before adjournment.

I reintroduced S. 507, which is included in the amendment, with Senators LISA MURKOWSKI, DANIEL INOUE, and MARK BEGICH. It is nearly identical

to the bill that passed the Senate last year. It is a bipartisan effort to transition employees in Hawaii, Alaska, and the territories to the same locality pay system used in the rest of the United States, while protecting employees' take-home pay. In this current economic climate we must be careful not to reduce employees' pay.

The measure passed unanimously through the Homeland Security and Governmental Affairs Committee on April 1, 2009. OPM recently sent Congress a letter asking for prompt and favorable action on this measure. Retirement equity is one of the most important issues facing Federal workers in Hawaii, Alaska, and the territories. I urge my colleagues to support this change.

One of the other provisions in the amendment corrects how employees' annuities are calculated for part-time service under the Civil Service Retirement System, CSRS. This provision treats Federal employees under CSRS the same way they are treated under the newer Federal Employee Retirement System, FERS. Eliminating this unnecessary disparity is a matter of fairness and correction.

Similarly, this amendment includes a provision to treat unused sick leave the same under the new retirement system as under the old system. The Congressional Research Service, CRS, found that FERS employees within 2 years of retirement eligibility used 25 percent more sick leave than CSRS employees within 2 years of retirement. OPM also found that the disparity in sick leave usage costs the Federal Government approximately \$68 million in productivity each year. This solution was proposed by the managers who wanted additional tools to build a more efficient and productive workplace and to provide employees with an incentive Congress should have retained years ago.

This amendment also will make good on the recruitment promise made to a small group of Secret Service agents. Approximately 180 Secret Service agents and officers hired during 1984 through 1986 were promised access to the DC Police and Firefighter Retirement and Disability System. This amendment is meant to provide narrow and specific relief only to this small group of agents and officers by allowing them to access the retirement system they were promised at the time they were hired.

The majority of these retirement reform provisions have the endorsement of all the major Federal employee groups including: the American Federation of Government Employees, the National Treasury Employees Union, the National Active and Retired Federal Employee Association, the Senior Executives Association, the Federal Managers Association, the Government Managers Coalition, the International

Federation of Professional and Technical Engineers, and the list goes on.

I strongly encourage my colleagues to support this amendment, the Federal retirement reform provisions, and the bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, let me express my gratitude to my colleagues on both sides. This was a bipartisan effort to allow us to get to more votes. I promise my good friend Senator BURR if I have to vote against a point of order to make sure he gets his amendment up, I will do so.

Tomorrow afternoon, we will set a time for that, and there are other germane amendments, and the leadership will describe how that will work so the germane amendments can be offered and these matters can be considered fully so that we can get to final passage after that.

But I am very grateful to my colleagues on both sides who made this possible. It has been 10 years in waiting to get to this bill that allows us finally to deal with the marketing of tobacco products to children. That is more than 400,000 deaths a year, with 3,000 to 4,000 kids starting to smoke every day. This bill, for the first time, will allow us to step up and require FDA regulation of tobacco products. That is a great accomplishment for the people of our country, and I am very grateful to my colleagues.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withdraw his request for a quorum call?

Mr. DODD. I will withdraw the request.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent that the Senator from Illinois, Senator DURBIN, be recognized following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I wanted to compliment Senator DODD for his work on this bill, as well as Senator ENZI and others. I want the RECORD to reflect something we agreed to today. Some will wonder what has happened to the legislation that I indicated I would offer on the bill we just had a cloture vote on—the importation of prescription drugs. I intended to offer it on this bill. I have received from the majority leader a commitment that it will be put on the calendar under rule XIV and brought to the Senate for a vote, and he will do that very soon. On that basis, I voted for cloture.

I know my colleagues, Senator SNOWE, Senator MCCAIN, Senator STABENOW, and many others feel very strongly about this, as do I. We have been at this for 8 or 10 years. It has

been a long time, and the support for allowing the importation of FDA-approved prescription drugs is very broad in the Senate. Senators MCCAIN, GRASSLEY, KENNEDY, STABENOW, myself—in fact, President Obama was a cosponsor of our legislation last year. He has included in his budget a provision for this kind of legislation. We had over 30 Senators—Republicans and Democrats—who believed the same thing, and that is we ought to allow the American consumer to access FDA-approved prescription drugs from other countries—not because we want them to shop in other countries but because we believe the ability to do so will put downward pressure on prescription drug prices in our country.

Madam President, if I might, I ask unanimous consent to display these two pill bottles to show exactly what we are talking about.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This is Lipitor, produced in Ireland by the same company, shipped in two different directions. Even the bottle is identical, except one has a blue label and one has a red label. One of these went to Canada and one of them went to the United States. The American people get the pleasure of paying twice the price for Lipitor than the Canadians do. But it is not just Canada, it is virtually every other industrialized country that is able to pay a fraction of the price for prescription drugs our consumers are required to pay. Why? Because there is a law in our country that says the only entity that can import prescription drugs is the manufacturer of the drug itself.

The legislation we have put together on a bipartisan basis is very straightforward and it provides substantially greater protections with pedigree and batch lots, and so on, substantially greater protection than now exists. So don't anybody tell me there is a safety issue. This is about whether the American people should continue to be paying the highest prices in the world for prescription drugs.

At last—at long last—we ought to have a vote on this and get it through the Congress and signed by a President who was a cosponsor when he served in this body. So the majority leader has committed to giving us the opportunity to get this on the floor, and that commitment we will exchange by letter in the morning. I expect that to happen in the very near future, within a matter of a couple of weeks, and I believe that finally we will be able to dispose of this on the floor of the Senate. I believe that we have more than sufficient votes to pass this importation of prescription drugs legislation in order to put downward pressure on drug prices in this country.

What is happening in this country with drug pricing is unfair to the American people. It is as simple as that, and we aim to correct it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is to be recognized.

Mr. DURBIN. Madam President, I will be happy to yield to the Senator from Arizona and then reclaim the floor after he has spoken.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Illinois. I will be brief.

I thank the Senator from North Dakota for his outstanding work, and I thank also the majority leader, who assured us that he would give consideration to this issue. He has. He has agreed to bring it to the floor. And when the majority leader gave that assurance, frankly, I was a little skeptical about our ability to do so. I am happy he is bringing it forth for a vote, and I appreciate it very much. And I again thank Senator DORGAN for his outstanding work. It has been a lot of years we have been working on this, but I think we can move forward.

I yield the floor, and I thank my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

GUANTANAMO

Mr. DURBIN. Madam President, over the course of the last several weeks, the minority leader—the Republican leader, Senator MCCONNELL—has come to the floor repeatedly to raise the issue of the closing of Guantanamo. Day after day after day he raised the question as to whether we should close the Guantanamo facility and, if we did close such facility, where these detainees would be sent and whether they could be securely incarcerated and detained. These questions were raised repeatedly, and little was said on this side of the aisle, in deference to the President, who was coming forward with his plan and dealing with this problem, and it was a problem he inherited.

When President Obama was sworn into office, he inherited about 240 Guantanamo detainees, some of whom had been held in Guantanamo for a lengthy period of time, some had been interrogated, many had been considered for trial or military tribunal, or even released, but President Obama inherited these 240 detainees. He made a statement in one of his first days in office as President that two things would happen under his administration: First, we would not engage in torture as a nation; and second, we would close Guantanamo.

After making that announcement, he made it clear he would have to come back with a specific set of proposals, which he did 2 weeks ago, in a historic

speech at the National Archives. Until that speech was made, Senator MCCONNELL, and some other Republicans in support of his position, came to the floor and continued to question whether we could or should close Guantanamo. Today, earlier this afternoon, the assistant minority leader, Senator KYL of Arizona, came to the floor and made remarks about my views on the issue as well as President Obama's views on closing the Guantanamo Bay detention facility.

It is true that I believe, as President Obama does, that closing Guantanamo is an important national security priority for America. But Senator KYL did not mention the others who support closing Guantanamo. It is not just the President and his former Illinois colleague Senator DURBIN who support the closing of Guantanamo. Many security and military leaders have said that closing Guantanamo will make America safer, and here are a few examples. Leading the list of those who agree with President Obama in closing Guantanamo, General Colin Powell, the former chairman of the Joint Chiefs of Staff and former Secretary of State under President George W. Bush; Republican Senators JOHN MCCAIN of Arizona and LINDSEY GRAHAM of South Carolina have both publicly stated they favor the closing of Guantanamo; former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice, ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, and GEN David Petraeus.

So for Senator KYL to come to the floor and suggest this notion of closing Guantanamo is not one shared by military and security leaders is not accurate. The list I have given you is not complete. Many others agree with the President's position. According to the experts, Guantanamo has been a recruiting tool for al-Qaida that is actually hurting America's security. In his remarks this afternoon, Senator KYL challenged the notion of closing Guantanamo, saying:

An idea that's been floated by the President, Senator Durbin, and others.

But Senator KYL didn't mention who these nameless "others" are who agree with the closing of Guantanamo or who agree it is a recruiting tool for terrorists. Let's take one for example: Chairman of the Joint Chiefs of Staff Mike Mullen said:

The concern I've had about Guantanamo is that it has been a recruiting symbol for those extremists and jihadists who would fight us. That's the heart of the concern for Guantanamo's continued existence.

That was a quote from the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen.

Retired Air Force MAJ Matthew Alexander led the interrogation team that tracked down Abu Musab Al-Zarqawi, the leader of al-Qaida in Iraq. Here is what he said:

I listened time and time again to foreign fighters, and Sunni Iraqis, state that the number one reason they had decided to pick up arms and join Al Qaeda was the abuses at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay. . . . It's no exaggeration to say that at least half of our losses and casualties in that country have come at the hands of foreigners who joined the fray because of our program of detainee abuse.

Alberto Mora, former Navy General Counsel, testified to the Senate Armed Services Committee about Guantanamo. Here is what he said:

Serving U.S. flag-rank officers . . . maintain that the first and second identifiable causes of U.S. combat deaths in Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are, respectively the symbols of Abu Ghraib and Guantanamo.

So it is not accurate to suggest that President Obama and I dreamed up the notion that Guantanamo is a recruiting poster. It is our military who have told us that, based on their experiences fighting the war in Iraq and Afghanistan.

Senator KYL also claims that no one has been abused at Guantanamo. He said:

This idea that prisoners are treated badly is patently false. The insinuation directly or indirectly that torture has occurred at Guantanamo must stop.

That is Senator KYL's opinion. But others have a different view. The Senate Armed Services Committee issued a bipartisan report which reached a different conclusion. They found:

Secretary of Defense Donald Rumsfeld's authorization of aggressive interrogation techniques for use at Guantanamo Bay was a direct cause of detainee abuse there.

Let's take another example. Susan Crawford was the top Bush administration official dealing with military commissions at Guantanamo Bay. She was general counsel of the Army during the Reagan administration and Pentagon inspector general when Dick Cheney was the Defense Secretary. She is a lifelong Republican.

Susan Crawford reached the conclusion that Mohammad Al-Qahtani, the so-called 20th hijacker, could not be prosecuted for his role in the 9/11 attacks because he was tortured at Guantanamo Bay. Here is what she said:

We tortured Qahtani. . . . If we tolerate this and allow it, then how can we object when our servicemen and women, or others in the foreign service, are captured and subjected to the same techniques? How can we complain? Where is our moral authority to complain? Well, we may have lost it.

This is one reason that President Obama is closing Guantanamo and has put an end to the abusive interrogation techniques that were used at Guantanamo—because they put our troops at risk of being abused if they are captured.

Senator KYL also claimed that there is no connection between the abuse that took place at Abu Ghraib and

Guantanamo Bay. That is Senator KYL's view.

But the Senate Armed Services Committee reached a different conclusion. Here is what they found:

The abuse of detainees at Abu Ghraib in late 2003 was not simply the result of a few soldiers acting on their own. Interrogation techniques such as stripping detainees of their clothes, placing them in stress positions, and using military working dogs to intimidate them appeared in Iraq only after they had been approved for use in Afghanistan and at GTMO.

Senator KYL said those of us who advocate closing Guantanamo should be thankful for the service of our soldiers and sailors at Guantanamo rather than, quote, "slapping them in the face and insinuating they have done something wrong."

Let me be very clear. I visited Guantanamo in 2006. I left with a feeling of great pride and admiration for the soldiers and sailors who are serving in Guantanamo. They are doing a great job, but they are being asked to carry a heavy burden created by the previous administration's policies. It is no favor to the men and women who serve there to have them continue their service if, in fact it is a recruiting tool for terrorists who are putting the lives of other servicemen and women of America at risk around the world.

President Obama is closing Guantanamo because it will make America, and our troops, safer. What is a slap in the face is to continue policies from the previous administration that recruit more terrorists and put our troops at greater risk of being abused if they are captured.

Senator KYL said there are "serious concerns about the safety of Americans" if Guantanamo is closed and detainees are transferred to the United States to be held in supermax prisons.

But Republican Senator LINDSEY GRAHAM, who is a military lawyer said:

I do believe we can handle 100 or 250 prisoners and protect our national security interests, because we had 450,000 German and Japanese prisoners in the United States. So, this idea that they cannot be housed somewhere safely, I disagree.

People who suggest that we cannot detain terrorists in our prisons should show more respect for the brave corrections officers who put their lives on the line every day to keep us safe.

Just the week before last I went to Marion Federal Prison in southern Illinois. It was once our maximum security prison in the United States before the supermax facility was opened at Florence, CO. It was interesting. As I met with the corrections officers in the lockup of the Marion Federal Prison, and after a little bit of a tour, I asked him: What do you think of this notion that we hear from Senators on the floor, such as Senator KYL and Senator MCCONNELL, that we cannot safely incarcerate Guantanamo detainees in the prisons of the United States?

The one corrections officer said to me: Senator, I am insulted by that comment. At this facility we are now incarcerating members of Colombian drug terrorist gangs. We have had serial murderers here. We have incarcerated John Gotti. We have incarcerated some of the most dangerous people convicted, brought into this country from overseas where they are posing a threat to America. In the United States, we brought them here. We know how to handle these prisoners. We are up to this task. We have proven it over and over again.

The very Senators who are questioning whether we can safely incarcerate our prisoners in our maximum and supermax facilities should acknowledge one obvious fact: No one, literally no one, has ever escaped from a supermax facility in the United States. For those on the Republican side to argue that putting these prisoners from Guantanamo into a supermax facility endangers us in the community—it is not supported by history and experience.

Senator KYL said: “No one has ever escaped from Guantanamo.” That is true. But it is also true no prisoner has ever escaped from a Federal supermaximum security facility. I said before, and I will repeat because Senator KYL made reference to it, at the base of this argument made by Senator MCCONNELL and Senator KYL is fear—not just fear of extremists and terrorists and violence but fear that this great country of America cannot stand by the values which we have honored for generations and still be safe; fear that we can’t stand for the constitutional principles we swear to uphold and still be safe; fear that we cannot trust Americans and our court system, the best in the world, to, in fact, try these prisoners and, if they are guilty, incarcerate them—fear that we cannot do that and be safe; fear that we cannot trust the men and women working at prisons around America, the supermax facilities, to safely incarcerate Guantanamo detainees.

That kind of fear, which is what we hear on a regular basis, the regular diet fed to us by the Republican Senators, is no basis for a sound American foreign policy. If we are going to have a policy which protects us abroad and at home, we should recognize threats for what they are, understand our strengths and our weaknesses, and be prepared. This idea of cowering in fear—which is what the Republican Senators offer us as a daily regimen from their speeches on the floor—is not what America has ever been about.

Just this last Saturday we celebrated the 65th anniversary of that miraculous invasion of D-day. I got on the phone and called one of my great friends in Springfield, IL, Joe Kelly. Joe Kelly came in on the seventh day after D-day with the Artillery, spent 18

months with the Army, and fought in the Battle of the Bulge. He is a great fellow. He talked about volunteering.

I want to tell you something. When Joe Kelly and his four brothers volunteered in Chicago to fight in World War II, it wasn’t because they were afraid. They volunteered because they believed they could only keep this country safe by being prepared to stand up for it and fight. They did it and did it successfully.

That spirit, that patriotic spirit of D-day, of Joe Kelly and so many others, is what will keep America safe, and President Obama knows it. Senator MCCONNELL and Senator KYL can come to the Senate floor and express their fears over and over again, the latest fears that they have about the safety of this country, but they are not borne out by the facts. I will stand by GEN Colin Powell and others, people I admire, who have given so many years of their lives in service to this country who agree with President Obama to close the Guantanamo facility, trust our supermax facilities to hold these detainees if that is necessary, and be aware of the fact that if we should ship these detainees to some other country to be tried or for some other purpose, there is a serious question as to whether they will treat them the way they should be treated for the safety of the United States.

For many years, incidentally, President George W. Bush said he wanted to close Guantanamo. There were not any complaints from the Republican side of the aisle then. President George W. Bush could not get the job done. President Obama has said he will try to finish that job.

I hope some of these who are critical of President Obama and his position will not make a political issue about Guantanamo. If President George W. Bush and President Obama agree it should be closed, it is pretty clear to me that at the highest level of our government there is a bipartisan consensus. Our colleagues on the other side of the aisle are criticizing President Obama when it comes to Guantanamo, but the fact is, they have no plan but to leave that facility open and continue to see it being used around the world against the United States and as a recruiting tool for terrorists.

I urge my Republican colleagues to join with GEN Colin Powell and join with those on their side of the aisle who understand that closing Guantanamo will make America safer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. I ask unanimous consent to proceed as in morning business and the time to count against cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 1210

are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. KAUFMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENCEMENT ADDRESS OF PRESIDENT BARACK OBAMA

Mr. BAYH. Madam President, on May 17, 2009, the President of the United States, the Honorable Barack Obama, delivered the commencement address at the University of Notre Dame, in South Bend, IN, the State I have the honor of representing in the U.S. Senate where I for a time served with then-Senator Obama.

Although I was not able myself to be present at this ceremony, my friend and former colleague, Dr. John Brademas, who for 22 years served as the U.S. Representative from the district centered in South Bend, was at Notre Dame for this occasion and has told me what a brilliant address President Obama offered.

Here I note that since 1981, John Brademas has been president or president emeritus of New York University where, as he did while a Member of Congress, he continues to give outstanding leadership to the field of education in our country.

President Obama was awarded the honorary degree of doctor of laws on this occasion by the Reverend John I. Jenkins, C.S.C., president of the University of Notre Dame, and was greeted as well by the Reverend Theodore M. Hesburgh, C.S.C., president emeritus of Notre Dame.

Because I believe my colleagues in Congress—and others—will be interested in reading President Obama’s remarks at Notre Dame, I ask unanimous consent to have the address printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The PRESIDENT: Well, first of all, congratulations, Class of 2009. Congratulations to all the parents, the cousins, the aunts, the uncles—all the people who helped to bring you to the point that you are here today.

Thank you so much to Father Jenkins for that extraordinary introduction, even though you said what I want to say much more elegantly. You are doing an extraordinary job as president of this extraordinary institution. Your continued and courageous—and contagious—commitment to honest, thoughtful dialogue is an inspiration to us all.

Good afternoon. To Father Hesburgh, to Notre Dame trustees, to faculty, to family: I am honored to be here today. And I am grateful to all of you for allowing me to be a part of your graduation.

And I also want to thank you for the honorary degree that I received. I know it has not been without controversy. I don't know if you're aware of this, but these honorary degrees are apparently pretty hard to come by. So far I'm only 1 for 2 as President. Father Hesburgh is 150 for 150. I guess that's better. So, Father Ted, after the ceremony, maybe you can give me some pointers to boost my average.

I also want to congratulate the Class of 2009 for all your accomplishments. And since this is Notre Dame—we're following Brennan's adage that we don't do things easily. We're not going to shy away from things that are uncomfortable sometimes.

Now, since this is Notre Dame I think we should talk not only about your accomplishments in the classroom, but also in the competitive arena. No, don't worry, I'm not going to talk about that. We all know about this university's proud and storied football team, but I also hear that Notre Dame holds the largest outdoor 5-on-5 basketball tournament in the world—Bookstore Basketball.

Now this excites me. I want to congratulate the winners of this year's tournament, a team by the name of "Hallelujah Holla Back." Congratulations. Well done. Though I have to say, I am personally disappointed that the "Barack O'Ballers" did not pull it out this year. So next year, if you need a 6'2" forward with a decent jumper, you know where I live.

Every one of you should be proud of what you have achieved at this institution. One hundred and sixty-three classes of Notre Dame graduates have sat where you sit today. Some were here during years that simply rolled into the next without much notice or fanfare—periods of relative peace and prosperity that required little by way of sacrifice or struggle.

You, however, are not getting off that easy. You have a different deal. Your class has come of age at a moment of great consequence for our nation and for the world—a rare inflection point in history where the size and scope of the challenges before us require that we remake our world to renew its promise; that we align our deepest values and commitments to the demands of a new age. It's a privilege and a responsibility afforded to few generations—and a task that you're now called to fulfill.

This generation, your generation is the one that must find a path back to prosperity and decide how we respond to a global economy that left millions behind even before the most recent crisis hit—an economy where greed and short-term thinking were too often rewarded at the expense of fairness, and diligence, and an honest day's work.

Your generation must decide how to save God's creation from a changing climate that threatens to destroy it. Your generation must seek peace at a time when there are those who will stop at nothing to do us harm, and when weapons in the hands of a few can destroy the many. And we must find

a way to reconcile our ever-shrinking world with its ever-growing diversity—diversity of thought, diversity of culture, and diversity of belief.

In short, we must find a way to live together as one human family.

And it's this last challenge that I'd like to talk about today, despite the fact that Father John stole all my best lines. For the major threats we face in the 21st century—whether it's global recession or violent extremism; the spread of nuclear weapons or pandemic disease—these things do not discriminate. They do not recognize borders. They do not see color. They do not target specific ethnic groups.

Moreover, no one person, or religion, or nation can meet these challenges alone. Our very survival has never required greater cooperation and greater understanding among all people from all places than at this moment in history.

Unfortunately, finding that common ground—recognizing that our fates are tied up, as Dr. King said, in a "single garment of destiny"—is not easy. And part of the problem, of course, lies in the imperfections of man—our selfishness, our pride, our stubbornness, our acquisitiveness, our insecurities, our egos; all the cruelties large and small that those of us in the Christian tradition understand to be rooted in original sin. We too often seek advantage over others. We cling to outworn prejudice and fear those who are unfamiliar. Too many of us view life only through the lens of immediate self-interest and crass materialism; in which the world is necessarily a zero-sum game. The strong too often dominate the weak, and too many of those with wealth and with power find all manner of justification for their own privilege in the face of poverty and injustice. And so, for all our technology and scientific advances, we see here in this country and around the globe violence and want and strife that would seem sadly familiar to those in ancient times.

We know these things; and hopefully one of the benefits of the wonderful education that you've received here at Notre Dame is that you've had time to consider these wrongs in the world; perhaps recognized impulses in yourself that you want to leave behind. You've grown determined, each in your own way, to right them. And yet, one of the vexing things for those of us interested in promoting greater understanding and cooperation among people is the discovery that even bringing together persons of good will, bringing together men and women of principle and purpose—even accomplishing that can be difficult.

The soldier and the lawyer may both love this country with equal passion, and yet reach very different conclusions on the specific steps needed to protect us from harm. The gay activist and the evangelical pastor may both deplore the ravages of HIV/AIDS, but find themselves unable to bridge the cultural divide that might unite their efforts. Those who speak out against stem cell research may be rooted in an admirable conviction about the sacredness of life, but so are the parents of a child with juvenile diabetes who are convinced that their son's or daughter's hardships can be relieved.

The question, then—the question then is how do we work through these conflicts? Is it possible for us to join hands in common effort? As citizens of a vibrant and varied democracy, how do we engage in vigorous debate? How does each of us remain firm in our principles, and fight for what we consider right, without, as Father John said, demone-

tizing those with just as strongly held convictions on the other side?

And of course, nowhere do these questions come up more powerfully than on the issue of abortion.

As I considered the controversy surrounding my visit here, I was reminded of an encounter I had during my Senate campaign, one that I describe in a book I wrote called "The Audacity of Hope." A few days after I won the Democratic nomination, I received an e-mail from a doctor who told me that while he voted for me in the Illinois primary, he had a serious concern that might prevent him from voting for me in the general election. He described himself as a Christian who was strongly pro-life—but that was not what was preventing him potentially from voting for me.

What bothered the doctor was an entry that my campaign staff had posted on my website—an entry that said I would fight "right-wing ideologues who want to take away a woman's right to choose." The doctor said he had assumed I was a reasonable person, he supported my policy initiatives to help the poor and to lift up our educational system, but that if I truly believed that every pro-life individual was simply an ideologue who wanted to inflict suffering on women, then I was not very reasonable. He wrote, "I do not ask at this point that you oppose abortion, only that you speak about this issue in fair-minded words." Fair-minded words.

After I read the doctor's letter, I wrote back to him and I thanked him. And I didn't change my underlying position, but I did tell my staff to under the words on my website. And I said a prayer that night that I might extend the same presumption of good faith to others that the doctor had extended to me. Because when we do that—when we open up our hearts and our minds to those who may not think precisely like we do or believe precisely what we believe—that's when we discover at least the possibility of common ground.

That's when we begin to say, "Maybe we won't agree on abortion, but we can still agree that this heart-wrenching decision for any woman is not made casually, it has both moral and spiritual dimensions."

So let us work together to reduce the number of women seeking abortions, let's reduce unintended pregnancies. Let's make adoption more available. Let's provide care and support for women who do carry their children to term. Let's honor the conscience of those who disagree with abortion, and draft a sensible conscience clause, and make sure that all of our health care policies are grounded not only in sound science, but also in clear ethics, as well as respect for the equality of women. Those are things we can do.

Now, understand—understand, Class of 2009, I do not suggest that the debate surrounding abortion can or should go away. Because no matter how much we may want to fudge it—indeed, while we know that the views of most Americans on the subject are complex and even contradictory—the fact is that at some level, the views of the two camps are irreconcilable. Each side will continue to make its case to the public with passion and conviction. But surely we can do so without reducing those with differing views to caricature.

Open hearts. Open minds. Fair-minded words. It's a way of life that has always been the Notre Dame tradition. Father Hesburgh has long spoken of this institution as both a lighthouse and a crossroads. A lighthouse

that stands apart, shining with the wisdom of the Catholic tradition, while the crossroads is where “differences of culture and religion and conviction can co-exist with friendship, civility, hospitality, and especially love.” And I want to join him and Father John in saying how inspired I am by the maturity and responsibility with which this class has approached the debate surrounding today’s ceremony. You are an example of what Notre Dame is about.

This tradition of cooperation and understanding is one that I learned in my own life many years ago—also with the help of the Catholic Church.

You see, I was not raised in a particularly religious household, but my mother instilled in me a sense of service and empathy that eventually led me to become a community organizer after I graduated college. And a group of Catholic churches in Chicago helped fund an organization known as the Developing Communities Project, and we worked to lift up South Side neighborhoods that had been devastated when the local steel plant closed.

And it was quite an eclectic crew—Catholic and Protestant churches, Jewish and African American organizers, working-class black, white, and Hispanic residents—all of us with different experiences, all of us with different beliefs. But all of us learned to work side by side because all of us saw in these neighborhoods other human beings who needed our help—to find jobs and improve schools. We were bound together in the service of others.

And something else happened during the time I spent in these neighborhoods—perhaps because the church folks I worked with were so welcoming and understanding; perhaps because they invited me to their services and sang with me from their hymnals; perhaps because I was really broke and they fed me. Perhaps because I witnessed all of the good works their faith inspired them to perform, I found myself drawn not just to the work with the church; I was drawn to be in the church. It was through this service that I was brought to Christ.

And at the time, Cardinal Joseph Bernardin was the Archbishop of Chicago. For those of you too young to have known him or known of him, he was a kind and good and wise man. A saintly man. I can still remember him speaking at one of the first organizing meetings I attended on the South Side. He stood as both a lighthouse and a crossroads—unafraid to speak his mind on moral issues ranging from poverty and AIDS and abortion to the death penalty and nuclear war. And yet, he was congenial and gentle in his persuasion, always trying to bring people together, always trying to find common ground. Just before he died, a reporter asked Cardinal Bernardin about this approach to his ministry. And he said, “You can’t really get on with preaching the Gospel until you’ve touched hearts and minds.”

My heart and mind were touched by him. They were touched by the words and deeds of the men and women I worked alongside in parishes across Chicago. And I’d like to think that we touched the hearts and minds of the neighborhood families whose lives we helped change. For this, I believe, is our highest calling.

Now, you, Class of 2009, are about to enter the next phase of your life at a time of great uncertainty. You’ll be called to help restore a free market that’s also fair to all who are willing to work. You’ll be called to seek new sources of energy that can save our planet; to give future generations the same chance that you had to receive an extraordinary

education. And whether as a person drawn to public service, or simply someone who insists on being an active citizen, you will be exposed to more opinions and ideas broadcast through more means of communication than ever existed before. You’ll hear talking heads scream on cable, and you’ll read blogs that claim definitive knowledge, and you will watch politicians pretend they know what they’re talking about. Occasionally, you may have the great fortune of actually seeing important issues debated by people who do know what they’re talking about—by well-intentioned people with brilliant minds and mastery of the facts. In fact, I suspect that some of you will be among those brightest stars.

And in this world of competing claims about what is right and what is true, have confidence in the values with which you’ve been raised and educated. Be unafraid to speak your mind when those values are at stake. Hold firm to your faith and allow it to guide you on your journey. In other words, stand as a lighthouse.

But remember, too, that you can be a crossroads. Remember, too, that the ultimate irony of faith is that it necessarily admits doubt. It’s the belief in things not seen. It’s beyond our capacity as human beings to know with certainty what God has planned for us or what He asks of us. And those of us who believe must trust that His wisdom is greater than our own.

And this doubt should not push us away our faith. But it should humble us. It should temper our passions, cause us to be wary of too much self-righteousness. It should compel us to remain open and curious and eager to continue the spiritual and moral debate that began for so many of you within the walls of Notre Dame. And within our vast democracy, this doubt should remind us even as we cling to our faith to persuade through reason, through an appeal whenever we can to universal rather than parochial principles, and most of all through an abiding example of good works and charity and kindness and service that moves hearts and minds.

For if there is one law that we can be most certain of, it is the law that binds people of all faiths and no faith together. It’s no coincidence that it exists in Christianity and Judaism; in Islam and Hinduism; in Buddhism and humanism. It is, of course, the Golden Rule—the call to treat one another as we wish to be treated. The call to love. The call to serve. To do what we can to make a difference in the lives of those with whom we share the same brief moment on this Earth.

So many of you at Notre Dame—by the last count, upwards of 80 percent—have lived this law of love through the service you’ve performed at schools and hospitals; international relief agencies and local charities. Brennan is just one example of what your class has accomplished. That’s incredibly impressive, a powerful testament to this institution.

Now you must carry the tradition forward. Make it a way of life. Because when you serve, it doesn’t just improve your community, it makes you a part of your community. It breaks down walls. It fosters cooperation. And when that happens—when people set aside their differences, even for a moment, to work in common effort toward a common goal; when they struggle together, and sacrifice together, and learn from one another—then all things are possible.

After all, I stand here today, as President and as an African American, on the 55th anniversary of the day that the Supreme Court handed down the decision in *Brown v. Board*

of Education. Now, Brown was of course the first major step in dismantling the “separate but equal” doctrine, but it would take a number of years and a nationwide movement to fully realize the dream of civil rights for all of God’s children. There were freedom rides and lunch counters and Billy clubs, and there was also a Civil Rights Commission appointed by President Eisenhower. It was the 12 resolutions recommended by this commission that would ultimately become law in the Civil Rights Act of 1964.

There were six members of this commission. It included five whites and one African American; Democrats and Republicans; two Southern governors, the dean of a Southern law school, a Midwestern university president, and your own Father Ted Hesburgh, President of Notre Dame. So they worked for two years, and at times, President Eisenhower had to intervene personally since no hotel or restaurant in the South would serve the black and white members of the commission together. And finally, when they reached an impasse in Louisiana, Father Ted flew them all to Notre Dame’s retreat in Land O’Lakes, Wisconsin—where they eventually overcame their differences and hammered out a final deal.

And years later, President Eisenhower asked Father Ted how on Earth he was able to broker an agreement between men of such different backgrounds and beliefs. And Father Ted simply said that during their first dinner in Wisconsin, they discovered they were all fishermen. And so he quickly rented a boat for a twilight trip out on the lake. They fished, and they talked, and they changed the course of history.

I will not pretend that the challenges we face will be easy, or that the answers will come quickly, or that all our differences and divisions will fade happily away—because life is not that simple. It never has been.

But as you leave here today, remember the lessons of Cardinal Bernardin, of Father Hesburgh, of movements for change both large and small. Remember that each of us, endowed with the dignity possessed by all children of God, has the grace to recognize ourselves in one another; to understand that we all seek the same love of family, the same fulfillment of a life well lived. Remember that in the end, in some way we are all fishermen.

If nothing else, that knowledge should give us faith that through our collective labor, and God’s providence, and our willingness to shoulder each other’s burdens, America will continue on its precious journey towards that more perfect union. Congratulations, Class of 2009. May God bless you, and may God bless the United States of America.

CHILDHOOD OBESITY

Mr. GRASSLEY. Madam President, please allow me to take a few minutes today to discuss childhood obesity, and one way in which we can prevent the most common diseases that face our country. Obesity is an issue that must be addressed—not just by the Federal Government, but by individuals, parents, schools, and health professionals across the country. Given the high cost of health care, we must all look at ways we can reduce the risks of obesity and the many diseases that come with it.

I bring this up today because a constituent of mine made me realize that

there is an easy and cost-effective way to address the problem. We all know that childhood obesity can be prevented if we motivate young people to eat better and exercise more. There are many fad diets, surgeries, strategies and pills that claim to help reduce obesity. Americans are always looking for the next big breakthrough, and they are willing to pay any price to do it easily and simply. But, nothing is as simple or as cost effective as helping kids learn and maintain the ability to do pull ups.

Kids can immunize themselves against obesity, and they can do that by learning to do pull ups. It's been acknowledged that pull ups counteract a child's tendency to obesity. In the context of a of a four year study at Jefferson Elementary School in Davenport, Iowa, my constituent demonstrated that if you start children young, most young people can learn to do pull ups. And, as long as young people maintain the ability to do pull ups, most can naturally immunize themselves against obesity for a lifetime without ever having to resort to pills, shots, or special diets.

Due to the rising prevalence of obesity in children and its many adverse health effects. Obesity has been recognized as a serious public health concern. The adverse health effects of obesity do not just include physical conditions like high blood pressure, heart disease, sleep problems, and other life-threatening disorders. The threat of obesity includes emotional and psychological problems, depression and low self-esteem.

Aside from doing pull-ups, we must also encourage other lessons for our youth. We must stress goal setting, diligence, diet, rest, and education. The goal is not only to beat physical obesity for life but also to overcome the psychological and emotional problems as a result of low self-esteem. Building confidence is at the heart of pulling people out of obesity.

Childhood obesity is an issue we must all take seriously. I thank my constituent for bringing this simple solution to my attention and commend people like him who are concerned about the health of our future generations.

WORLD ENVIRONMENT DAY

Mrs. BOXER. Madam President, I would like to recognize World Environment Day, which takes place every year on June 5. This day was established by the United Nations General Assembly in 1972 and has been a reminder each year that protecting our planet is a global issue.

As countries around the world work toward the historic global warming negotiations in Copenhagen later this year, it is fitting that the theme for World Environment Day 2009 is "Your

Planet Needs You—Unite to Combat Climate Change."

As chairman of the Senate Environment and Public Works Committee, I am working with my colleagues to address global warming here in the United States. The world is looking for American leadership, and they are watching closely what we are doing here in Congress.

We must demonstrate our commitment to take real action to cut our own greenhouse gas emissions. When we act, we will renew our leadership on this issue in the international community. Legislation to curb U.S. global warming pollution will also put us on a path toward a new clean energy economy that creates millions of American jobs and breaks our dangerous dependence on foreign oil. It's time to harness the greatest source of power we have in this country—American ingenuity. This country can and should be a leader of the clean energy revolution.

I am proud to say that for the second year in a row, a student from California has been selected as the winner of the United Nations' Environment Programme's International Children's Painting Competition on the Environment. This year, Alice Fuzi Wang, from Palo Alto, was honored for her creative and moving work of art, which will be recognized on World Environment Day at the North American celebration in Omaha. I met Alice when she was here in Washington to receive her award on April 22, Earth Day.

It is wonderful to see people of all ages, from all over the world, participating in the festivities honoring World Environment Day. I want to thank the organizers of World Environment Day for their important contribution in working to combat one of the greatest challenges of our generation—global warming.

ADDITIONAL STATEMENTS

COMMENDING THE CABOT CREAMERY COOPERATIVE

• Mr. SANDERS. Madam President, today I honor a renowned Vermont business, Cabot Creamery, which is celebrating its 90th anniversary on June 13, 2009.

From its humble beginnings in 1919, when 94 farmers founded Cabot Creamery for \$5 per cow plus a cord of wood each, Cabot has grown into one of the strongest and proudest symbols of Vermont. With its cheeses distributed internationally, Cabot is the fastest growing cheddar supplier in the country. Naturally aged from two to 36 months, a process which gives these cheeses their superb taste, Cabot cheddar has won every award, including "Best Cheddar in the World" at the 22nd Biennial Cheese Championship. In fact, no other cheese company can make this claim.

For all its successes, the Cabot Cooperative remains firmly grounded in its history and tradition, using time-honored techniques to produce a superior product with no additives or preservatives that is enjoyed across the country; indeed around the world. Family farms remain the backbone of Cabot Creamery Cooperative, much as they have since its founding. As owners of Cabot, every cooperative member has a stake in its success and a say in its governance. Cabot has always valued democratic ideals, civic virtue, and a high-quality product.

Presently, Vermont's dairy farms are experiencing difficult times, with destabilized milk prices and a near monopoly control of milk distribution. For the members of the Cabot Cooperative, however, the milk market that Cabot makes available to its farmers continues to serve as a valuable return on their years of investment in the cooperative.

As Vermonters, we are deeply proud of our tradition of creating exceptional cheddar cheese. Therefore, I wish Cabot Creamery Cooperative continued success on its 90th birthday, and thank them for being an exemplary symbol of our State's commitment to quality and local democracy.●

COMMENDING RHONDA GOFF

• Mr. VITTER. Madam President, I wish to honor and recognize a fellow Louisianan, Deputy Rhonda Goff, for showing courage and authority when she apprehended three suspects involved in a shooting and burglary last October. She received the National Association of Police Organization's TOP COP Awards for her efforts, and I would like to take a few moments to recognize her actions.

On October 20, 2008, Deputy Goff noticed three men, one of whom was covered in blood, leaving a bar. She immediately stopped and had witnesses identify the men as having robbed the bar. Without hesitation, she ran after the men. Although outnumbered by three to one, she apprehended and handcuffed the suspects, and when she searched them found numerous stolen wallets. When back up arrived, they found four more wounded victims inside the bar and discovered that three more men had been involved in the robbery. Deputy Goff obtained a license plate from a witness and was able to air the information over the radio, enabling detectives to track down the remaining suspects.

Deputy Goff was honored for her coolness under pressure, as well as her quick and decisive action in getting a lead on the additional felons. Her actions exemplify what it means to go above the call of duty. Thus today, I congratulate Deputy Goff as being named one of 2009 TOP COPS and

thank her for her bravery and courageous work in keeping the State of Louisiana safe.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 626. An act to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

H.R. 1817. An act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building".

H.R. 2200. An act to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes.

ENROLLED BILLS SIGNED

At 2:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 663. An act to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the "Yvonne Ingram-Ephraim Post Office Building".

H.R. 918. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building".

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office".

H.R. 1595. An act to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building".

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. WARNER).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 626. An act to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1817. An act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2200. An act to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 31. An act to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1847. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(74 FR 18152)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1848. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 634) (74 FR 21267)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1849. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (944 CFR Part 67)(74 FR 23117)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1850. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(74 FR 18149)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1851. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(74 FR 18154)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1852. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(74 FR 23115)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1853. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(74 FR 21271)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1854. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustment" (RIN 1550-AC27) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1855. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulations D and I; Reserve Requirements of Depository Institutions" (Docket No. R-1307) received in the Office of the President of the Senate on June 3, 2009 to the Committee on Banking, Housing, and Urban Affairs.

EC-1856. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation D; Reserve Requirements for Depository Institutions" (Docket Nos. R-1334 and R-1350) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1857. A communication from the Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to a six-month periodic report on the national emergency with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-1858. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Deputy Secretary; to the Committee on Energy and Natural Resources.

EC-1859. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Under Secretary; to the Committee on Energy and Natural Resources.

EC-1860. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Under Secretary for Science; to the Committee on Energy and Natural Resources.

EC-1861. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of General Counsel; to the Committee on Energy and Natural Resources.

EC-1862. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Assistant Secretary for Policy and International Affairs; to the Committee on Energy and Natural Resources.

EC-1863. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Assistant Secretary for Environmental Management; to the Committee on Energy and Natural Resources.

EC-1864. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Alabama Sturgeon (*Scaphirhynchus suttkusi*)" (RIN 1018-AV51) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Environment and Public Works.

EC-1865. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Report to Congress on Abnormal Occurrences: Fiscal Year 2008"; to the Committee on Environment and Public Works.

EC-1866. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Carbon Monoxide Limited Maintenance Plan for Providence, Rhode Island" (FRL 8785-6) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Environment and Public Works.

EC-1867. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice—Work Opportunity Tax Credit for Disconnected Youth and Unemployed Veterans" (Notice 2009-28) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Finance.

EC-1868. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Substantiating Business Use of Employer-Provided Cell Phones" (Notice 2009-46) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Finance.

EC-1869. A communication from the Chief of Publications, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting for Lump-Sum Timber Sales" ((RIN1545-BE73)(TD9450)) received in the Office of the President of the Senate on May 28, 2009; to the Committee on Finance.

EC-1870. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to FY 2009 Medicare Severity—Long-term Care Diagnosis-Related Group (MS-LTC-DRG) Weights" (CMS-1337-IFC) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Finance.

EC-1871. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of major defense equipment in the amount of \$25,000,000 or more with Australia; to the Committee on Foreign Relations.

EC-1872. A joint communication from the Acting Administrator of the Substance Abuse and Mental Health Services Administration and the Director of the Center for Substance Abuse Treatment, Department of Health and Human Services, transmitting a report entitled "Join the Voices for Recovery: Together We Learn, Together We Heal"; to the Committee on Health, Education, Labor, and Pensions.

EC-1873. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Time-in-Grade Eliminated, Delay of Effective Date" (RIN3206-AL18) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1874. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Determining Rate of Basic Pay; Collection by Offset From Indebted Government Employees" (RIN3206-AL61) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1875. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the Fresno and Stockton, CA, Appropriated Fund Federal Wage System Areas" (RIN3206-AL79) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1876. A communication from the Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1877. A communication from the Secretary, Department of Education, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1878. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1879. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "College Scholarship Fraud Prevention Act of 2000 Annual Report to Congress"; to the Committee on the Judiciary.

EC-1880. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and 40 F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0240)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1881. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (34); Amdt No. 3321" ((RIN2120-

AA65)(Docket No. 30666)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1882. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Docket No. 30665)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1883. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Rushville, NE" ((RIN2120-AA66)(Docket No. FAA-2009-0120)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1884. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace Fulton, MO" ((RIN2120-AA64)(Docket No. FAA-2008-1230)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1885. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Docket No. 30667)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1886. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0135)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus A380-841, -842, and -861 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0433)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0428)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach

Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments” ((RIN2120-AA65) (Docket No. 30668)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-400A, AT-402, AT-402A, AT-402B, AT-502, AT-502A, AT-502B, AT-503A, AT-602, AT-802, and AT-802A Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0473)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “IFR Altitudes; Miscellaneous Amendments” ((RIN2120-AA63) (Docket No. 30662)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Communication and Area Navigation Equipment (RNAV) Operations in Remote Locations and Mountainous Terrain” ((RIN2120-AJ46) (Docket No. FAA-2002-14002)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt & Whitney Models PW2037, PW2037(M), and PW2040 Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2008-1131)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2008-0975)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1895. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0361)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1896. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A318, A319, A320 and A321 Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0360)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1897. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 and 702), CL-600-2D15 (Regional Jet Series 705, and CL-600-2D24 (Regional Jet Series 900) Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0448)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1898. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Saab AB Aerosystems Model 340A (SAAB/SF340A) and SAAB 340B Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-035)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1899. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; CFM International S.A. Model CFM56 Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2008-1245)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1900. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt & Whitney (PW) JT9D07R4 Series Turbofan Engines; Correction” ((RIN2120-AA64) (Docket No. FAA-2006-23742)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1901. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Lockheed Model 382, 382B, 382E, 382F, and 382G Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0462)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1902. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Hartzell Propeller Inc. Stell Hub Turbine Propellers” ((RIN2120-AA64) (Docket No. FAA-2009-0114)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1903. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A330-300, A340-200 Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-10-11)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1904. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747 Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0450)) received in the Office of

the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1905. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-400A, AT-402, AT-402A, AT-402B, AT-502, AT-502A, AT-502B, AT-503A, AT-602, AT-802, and AT-802A Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0473)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1906. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Security Related Considerations in the Design and Operation of Transport Category Airplanes” ((RIN2120-AI66) (Docket No. FAA-2006-26722)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1907. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drug Enforcement Assistance; OMB Approval of Information Collection” ((RIN2120-AI43) (Docket No. FAA-2006-26714)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1908. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Robinson R-22/R-44 Special Training and Experience Requirements” ((RIN2120-AJ27) (Docket No. FAA-2002-13744)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1909. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drug and Alcohol Testing Program” ((RIN2120-AJ37) (Docket No. FAA-2008-0937)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1910. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Hours of Service of Railroad Employees; Amended Recordkeeping and Reporting Regulations” ((RIN2130-AB85) (Docket No. FRA-2006-26176)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1911. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendments Updating the Address for the Federal Railroad Administration and Reflecting the Migration to the Federal Docket Management System” ((RIN2130-AB99) (Docket No. FRA-2008-0128)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES DURING ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of June 4, 2009, the following reports of committees were submitted on June 5, 2009:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1023. A bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States (Rept. No. 111-25).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Rand Beers, of the District of Columbia, to be Under Secretary, Department of Homeland Security.

*Martha N. Johnson, of Maryland, to be Administrator of General Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1196. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 1197. A bill to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. BENNETT, Mr. MCCONNELL, Mr. KYL, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. ROBERTS, Mr. GREGG, and Mr. WICKER):

S. 1198. A bill to limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. CANTWELL:

S. 1199. A bill to increase the safety of the crew and passengers in air ambulances; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. SCHUMER, and Mr. CARPER):

S. 1200. A bill to establish a temporary vehicle trade-in program through which the Secretary of Transportation shall provide financial incentives for consumers to replace fuel inefficient vehicles with vehicles that have above average fuel efficiency; to the Committee on the Budget.

By Mr. BINGAMAN (for himself, Mr. BEGICH, and Ms. STABENOW):

S. 1201. A bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1202. A bill to provide for the apportionment of funds to airports for fiscal years 2011 and 2012 based on passenger boardings during calendar year 2008 to prevent additional harm to airports already harmed by the financial crisis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. KERRY, Mrs. LINCOLN, Mr. WYDEN, Mr. SCHUMER, Ms. CANTWELL, Mr. MENENDEZ, Mr. ENSIGN, and Mr. CORNYN):

S. 1203. A bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY:

S. 1204. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 1205. A bill to exempt guides for hire and other operators of uninspected vessels on Lake Texoma from Coast Guard and other regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. DODD, and Mr. CASEY):

S. 1206. A bill to establish and carry out a pediatric specialty loan repayment program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER:

S. 1207. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1208. A bill to amend the Small Business Act to improve export growth opportunities for small businesses, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ENSIGN (for himself, Mrs. BOXER, Mr. SPECTER, Mr. COBURN, Mr. KYL, Mr. MCCAIN, and Mr. DEMINT):

S. 1209. A bill to allow for additional flights beyond the perimeter restriction application to Ronald Reagan Washington National Airport; to the Committee on Commerce, Science, and Transportation.

By Mr. KAUFMAN (for himself and Mr. BROWN):

S. 1210. A bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. DODD, Mr. BROWN, Mr. WHITEHOUSE, and Mr. SANDERS):

S. Res. 170. A resolution expressing the sense of the Senate that children should benefit, and in no case be worse off, as a result of reform of the Nation's health care system; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. BROWN, Mr. GRAHAM, Mr. KYL, Mr. COBURN, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. VITTER, Mr. WEBB, Mr. BROWNBACK, Mr. MARTINEZ, Mr. BUNNING, Mr. UDALL of Colorado, and Mr. CARDIN):

S. Res. 171. A resolution commending the people who have sacrificed their personal freedoms to bring about democratic change in the People's Republic of China and expressing sympathy for the families of the people who were killed, wounded, or imprisoned, on the occasion of the 20th anniversary of the Tiananmen Square Massacre in Beijing, China from June 3 through 4, 1989; considered and agreed to.

By Mr. JOHNSON:

S. Res. 172. A resolution designating June 2009 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 213

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 354

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 434

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 434, a bill to amend title XIX of the Social Security Act to improve the State

plan amendment option for providing home and community-based services under the Medicaid program, and for other purposes.

S. 451

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

At the request of Ms. COLLINS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 451, *supra*.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 484

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 515

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 661

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 661, a bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes.

S. 683

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Ameri-

cans with equal access to community-based attendant services and supports, and for other purposes.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 812

At the request of Mr. BAUCUS, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 866

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 866, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 881

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 881, a bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Com-

mission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 935

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 943

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 943, a bill to amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes.

S. 956

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 956, a bill to amend title XVIII of the Social Security Act to exempt unsanctioned State-licensed retail pharmacies from the surety bond requirement under the Medicare Program for suppliers of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS).

S. 984

At the request of Mrs. BOXER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy after-school meals for school children in working families.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Hawaii (Mr. AKAKA), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Mr. CARDIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1034

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1034, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics.

S. 1050

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was withdrawn as a cosponsor of S. 1050, a bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes.

S. 1110

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1110, a bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the Commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy.

S. 1147

At the request of Mr. KOHL, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1163

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1163, a bill to add 1 member with aviation safety expertise to the Federal Aviation Administration Management Advisory Council.

S. 1184

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr.

ISAKSON) was added as a cosponsor of S. 1184, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 23

At the request of Mr. CARDIN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 23, a concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

AMENDMENT NO. 1230

At the request of Mr. JOHANNIS, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. BENNETT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 1230 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1270

At the request of Mr. CORKER, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1270 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1271

At the request of Mr. KOHL, the names of the Senator from Virginia (Mr. WARNER), the Senator from New York (Mr. SCHUMER) and the Senator

from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1271 intended to be proposed to H. R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 1196. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as I come to the floor today, America's Main Street businesses are suffering. With cash registers not ringing like they used to, exporting has become a practical solution for entrepreneurs looking to survive and grow.

What helps our entrepreneurs helps our entire economy. Every \$1 billion of exports creates more than 14,000 high-paying American jobs. By creating jobs, as well as lessening the trade deficit, an increase in small business exporting will lead us out of this recession and make our Nation better able to compete in the global marketplace.

Small businesses already play a vital role in America's trade and commerce, representing 97 percent of all exporters. Yet, with only one percent of small firms exporting their goods—making up slightly more than a quarter of the country's export volume—trade remains dominated by larger businesses.

A December 2008 report released by the U.S. Census Bureau and the Bureau of Economic Analysis noted that U.S. exports of goods and services grew by 12 percent in 2008 to \$1.84 trillion. However, this same data showed that during the same time period imports increased 7.4 percent to \$2.52 trillion. More involvement of our small businesses in exporting would be an enormous catalyst in reducing the country's trade deficit.

As Chair of the Committee on Small Business and Entrepreneurship, I have heard from small exporters across the country. They have told me that the programs and services we have now at the Small Business Administration, SBA, are just adequate, but improvements are needed. With a few key changes to some of the export assistance and trade programs offered by the SBA, as well as a higher level of advocacy, I believe we can dramatically improve the tools available to small exporters while simultaneously increasing exporting opportunities for all entrepreneurs.

That is why today I am introducing the Small Business International Trade Enhancements Act of 2009. With this important legislation, small firms will have more opportunities to grow their businesses by expanding into international markets, creating jobs and strengthening our economy.

Like many small businesses, one of the biggest hurdles faced by small exporters is access to capital. The current economic conditions exacerbate this problem for small firms. The SBA offers several loan programs to help small exporters, but years of neglect under the previous administration have sometimes rendered these valuable tools both unattractive and impractical for borrowers and lenders alike.

One of the SBA's signature trade assistance products, the International Trade Loan, ITL, program, is a perfect example of this. This program allows exporters to borrow up to \$2 million with \$1,750,000 guaranteed by the SBA. Exporters can then use this money to help develop and expand overseas markets, upgrade equipment and facilities, or provide an infusion of capital if they are being hurt by import competition.

While the original goal of this program is still very much on target with the needs of larger exporters, it has not evolved to meet the financing needs of small exporters in an ever-changing global economy. The volume of loans made through this program has dropped by more than 63 percent since 2003. The SBA's other signature trade financing products—the Export Working Capital Program and the Export Express program—have also seen significant drop-offs in their loan volume, 26 percent and 23 percent respectively.

With a few small but significant changes to these programs, the SBA will be able to once again provide a user-friendly and attractive financing option that makes sense for both borrowers and lenders. One of the biggest problems with the ITL program, for example, is that a discrepancy between the loan cap and the guarantee often forces borrowers to take out a second loan to take full advantage of the guarantee. Additionally, ITL's can only be used to acquire fixed assets, rather than working capital, a common need for exporters. ITL's also do not have the same collateral or refinancing terms as SBA 7(a) loans.

The provisions in this legislation create a more commonsense product by addressing these concerns. The bill raises the loan guarantee to \$2,750,000 and the loan cap to \$3,670,000, to make it consistent with the 7(a) loan program. Further, it makes the ITL program more flexible by allowing working capital to become an eligible use for loan proceeds and extends the same terms for collateral and refinancing as with the 7(a) loan program. The end result is a relevant and more practical tool for small exporters.

Making these simple changes to this program will go a long way towards helping small businesses find adequate export financing. The SBA International Trade Loan and other export financing programs, however, leave borrowers without any assistance in identifying which loans are right for them. Local lenders that specialize in export financing can help get these products into the hands of the small exporters that need them the most, but they are not always the most effective means of doing so.

The SBA currently has 17 financial specialists posted throughout the country at one-stop assistance centers operated by the Department of Commerce. These specialists, at a minimal cost to the taxpayer, have facilitated well over \$10 billion in exports in the last 10 years, helping to create 140,000 new and higher-paying jobs. Unfortunately, under the previous administration, this program suffered as well. My legislation would restore the staffing levels to what they were in 2002, establishing a floor of 22 financial specialists with priority staffing going to those centers—including one in my home, New Orleans—who have been without a finance specialist since 2003.

With more than 19 Federal agencies involved in export and trade promotion, small exporters often do not know where to turn for help. My legislation would help bring small business trade to the forefront in two ways.

First, it gives the SBA's Office of International Trade, OIT, more resources and a higher profile within the Agency, making it directly accountable to the Administrator instead of part of the Office of Capital Access, OCA, where it is currently held. OIT is doing an adequate job now, but with my proposed changes, the office would have the potential to become a much more valuable partner and visible advocate for small exporters.

In addition to raising the level of advocacy within the SBA, my legislation reasserts the call for a special small business advocate within the Office of the U.S. Trade Representative USTR. The USTR plays an important role in every aspect of trade in this country. While the Office claims to make small businesses a central focus, I believe more can be done to address the needs of our entrepreneurs during trade negotiations. I, along with my Ranking Member on the Small Business Committee, Senator SNOWE, and Senator SCHUMER, reached out to Ambassador Kirk earlier this year asking him to create an Assistant Trade Representative focused on small exporters. Such a move would not be unprecedented. In fact, this very chamber called on the Office of the U.S. Trade Representative to create such a position more than 20 years ago.

The Small Business International Trade Enhancements Act of 2009 is an

important first step towards ensuring that small firms will have more opportunities to grow. By increasing exporting opportunities for small businesses, we will help them expand into international markets, create new and higher-paying jobs and strengthen the economy. I have heard from some of the members of my Committee, and I know how important this issue is to many of them, including Ranking Member SNOWE.

The 111th Congress will be the third consecutive Congress that I have introduced this particular legislation. I introduced it in the 109th Congress as S. 3663 and in the 110th Congress as S. 738. In these previous Congresses we have had some success in moving the bill through committee—a similar version of this bill passed the Senate Small Business Committee twice in the last two Congresses. However, as with other SBA reauthorization legislation, it stalled in the full Senate. As the new Chair of the Small Business Committee this Congress, I have made increasing small business export opportunities one of my top priorities. With this in mind, I will work closely with Ranking Member SNOWE and the other Committee members in the coming months to get this legislation to the President's desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1196

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business International Trade Enhancements Act of 2009".

SEC. 2. SMALL BUSINESS ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking "SEC. 22. (a) There" and inserting the following:

"SEC. 22. OFFICE OF INTERNATIONAL TRADE.

"(a) ESTABLISHMENT.—
"(1) OFFICE.—There"; and

(2) in subsection (a), by adding at the end the following:

"(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator."

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking "five Associate Administrators" and inserting "Associate Administrators"; and

(2) by adding at the end the following: "One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22."

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

“(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

“(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator has direct supervision and control over—

“(A) the staff of the Office; and

“(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.”.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting “the Administrator of” before “the Small Business Administration”; and

(2) by inserting “through the Associate Administrator for International Trade, and” before “in cooperation with”.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 3. OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) in subsection (b)—

(A) by striking “(b) The Office” and inserting the following:

“(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator”;

(B) in the matter preceding paragraph (1), by inserting “Export Assistance Centers,” after “export promotion efforts.”; and

(C) by amending paragraph (1) to read as follows:

“(1) assist in maintaining a distribution network, using regional and local offices of the Administration, the small business development center network, networks of women’s business centers, and Export Assistance Centers for programs relating to—

“(A) trade promotion;

“(B) trade finance;

“(C) trade adjustment assistance;

“(D) trade remedy assistance; and

“(E) trade data collection.”;

(2) in subsection (c)—

(A) by striking “(c) The Office” and inserting the following:

“(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator”;

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

“(1) establish annual goals for the Office relating to—

“(A) enhancing the exporting capability of small business concerns and small manufacturers;

“(B) facilitating technology transfers;

“(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

“(D) increasing the ability of small business concerns to access capital;

“(E) disseminating information concerning Federal, State, and private programs and initiatives; and

“(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations.”;

(D) in paragraph (2), as so redesignated, by striking “mechanism for” and all that follows through “(D) assisting” and inserting the following: “mechanism for—

“(A) identifying subsectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting”;

(E) in paragraph (5)(A), as so redesignated, by striking “Gross State Produce” and inserting “Gross State Product”;

(F) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon; and

(G) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking “full-time export development specialists to each Administration regional office and assigning”; and

(II) by striking “office. Such specialists” and inserting “office and providing each Administration regional office with a full-time export development specialist, who”;

(ii) in subparagraph (D), by striking “and” at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

“(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, small business development centers, and other relevant Federal agencies.”;

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking “(d) The Office” and inserting the following:

“(d) EXPORT FINANCING PROGRAMS.—

“(1) IN GENERAL.—The Associate Administrator”;

(C) by striking “To accomplish this goal, the Office shall work” and inserting the following:

“(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

“(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

“(B) work”;

(4) in subsection (e), by striking “(e) The Office” and inserting the following:

“(e) TRADE REMEDIES.—The Associate Administrator”;

(5) by amending subsection (f) to read as follows:

“(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

“(1) a description of the progress of the Office in implementing the requirements of this section;

“(2) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

“(3) a description of the participation by the Office in trade negotiations.”;

(6) in subsection (g), by striking (g) The Office and inserting the following:

“(g) STUDIES.—The Associate Administrator”;

(7) by adding after subsection (h), as added by section 2 of this Act, the following:

“(i) EXPORT ASSISTANCE CENTERS.—

“(1) IN GENERAL.—During the period beginning on October 1, 2009, and ending on September 30, 2012, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the Export Assistance Centers is not less than the number of such employees so assigned on January 1, 2003.

“(2) PRIORITY OF PLACEMENT.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

“(A) had an Administration employee assigned to the Export Assistance Center before January 2003; and

“(B) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

“(3) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

“(4) GOALS.—The Associate Administrator shall work with the Department of Commerce and the Export-Import Bank to establish shared annual goals for the Export Assistance Centers.

“(5) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

“(j) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for International Trade described in subsection (a)(2);

“(2) the term ‘Export Assistance Center’ means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

“(3) the term ‘Office’ means the Office of International Trade established under subsection (a)(1).”.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 4. INTERNATIONAL TRADE LOANS.

(a) IN GENERAL.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is

amended by striking "\$1,750,000, of which not more than \$1,250,000" and inserting "\$2,750,000 (or if the gross loan amount would exceed \$3,670,000), of which not more than \$2,000,000".

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking "in—" and inserting "—";

(2) in clause (i)—

(A) by inserting "in" after "(i)"; and

(B) by striking "or" at the end;

(3) in clause (ii)—

(A) by inserting "in" after "(ii)"; and

(B) by striking the period at the end and inserting ", including any debt that qualifies for refinancing under any other provision of this subsection; or"; and

(4) by adding at the end the following:

"(iii) by providing working capital."

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking "Each loan" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), each loan"; and

(2) by adding at the end the following:

"(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan."

SEC. 5. SENSE OF CONGRESS RELATING TO ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SMALL BUSINESS.

(a) FINDINGS.—Congress finds the following:

(1) According to the Office of Advocacy of the Small Business Administration, small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) represent 97 percent of all exporters in the United States and account for 29 percent of the total exporting volume. Despite the overwhelming majority of exporters that are small business concerns, fewer than 1 percent of all small business concerns in the United States are engaged in trade-related business activities.

(2) According to the Office of Advocacy of the Small Business Administration, more than 72 percent of all exporters in the United States employ fewer than 20 employees. Small business concerns often do not have the sales volume or resources to overcome the costs of trade barriers and overhead expenses in international transactions, nor can small business concerns afford to maintain employees with international trade expertise to resolve trade problems.

(3) Small business advocacy groups often lack political influence in foreign countries, which hinders efforts to solve problems outside the legal process. Small business advocates are not as visible or vocal on issues relating to international trade as are the advocates for other issues, due to a lack of resources for advocacy.

(4) In 1988, Congress passed section 8012 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 631 note), which expressed the sense of Congress that the United States Trade Representative should appoint a special trade assistant for small business. As of June 2009, the position has not been established by the United States Trade Representative.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should establish the position of

Assistant United States Trade Representative for Small Business, to—

(1) promote the trade interests of small business concerns;

(2) identify and address foreign trade barriers that impede the exportation of goods by small business concerns;

(3) ensure that small business concerns are adequately represented during trade negotiations by the United States Trade Representative; and

(4) coordinate with other Federal agencies that are responsible for providing information or assistance to small business concerns.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. SCHUMER, and Mr. CARPER):

S. 1200. A bill to establish a temporary vehicle trade-in program through which the Secretary of Transportation shall provide financial incentives for consumers to replace fuel inefficient vehicles with vehicles that have above average fuel efficiency; to the Committee on the Budget.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to establish a Cash for Clunkers proposal with my colleagues, Senators SUSAN COLLINS, CHARLES SCHUMER, and THOMAS CARPER.

This proposal would establish a Federal incentive program designed to encourage consumers to turn in their gas guzzling vehicles and buy more fuel efficient vehicles.

It would be authorized for 1 year, and provide for one to two million car or truck purchases. It would be funded with up to \$4 billion from the American Recovery and Reinvestment Act, to be identified by the President and approved by Congress under an expedited rescission procedure. There are approximately 47 million vehicles on the road today that could qualify for trade-in under this program.

This proposal will help stimulate auto sales at a time when sales are at historic lows.

U.S. auto sales tumbled by 37 percent from March of last year. Two of the three American auto companies have filed for bankruptcy, GM and Chrysler. Auto dealerships are closing. Tens of thousands of jobs have already been lost—and thousands more hang in the balance.

There is no question that our Nation's auto industry is in trouble, and all of us want to help.

But the whole point of a cash-for-clunkers program is to replace a clunker with a more fuel-efficient vehicle. Otherwise the program replaces a clunker with a guzzler, and destroys a good vehicle for one that is not fuel efficient.

So, the goal of the Feinstein-Collins "cash for clunkers" proposal is to require real fuel economy improvements—improvements that are lacking in the Auto Industry proposal.

Unfortunately, the Auto Industry proposal would allow for the scrapping

of perfectly adequate vehicles in return for new gas guzzlers, like the 2009 Hummer H3T.

For example: a consumer could trade the 2005 Chevy Silverado 1500 4-wheel drive for a 2009 Hummer 3T 4-wheel drive, even though both vehicles are below size-adjusted CAFE standards for large pick-up trucks.

So this trade would be, in fact, replacing a clunker with a guzzler. The consumer would receive a voucher of \$4,500 to make this trade. This is unacceptable.

In contrast, the Feinstein-Collins proposal that I am offering today would save 32 percent more than the Auto Industry proposal in oil use and reduced greenhouse gas emissions.

To be specific, it would save 11,451 barrels of oil per day, versus 8,706 barrels in the industry proposal; save 176 gallons of gas per vehicle per year; versus 133 gallons in the industry proposal; and save 1.91 million metric tons of emissions per year; versus 1.45 million metric tons in the industry proposal.

Our proposal is supported by a coalition of those who care about reducing America's consumption of fossil fuels, including: CarMax, one of the Nation's largest car dealers; environmental groups, including the Sierra Club; efficiency advocates, including the American Council for an Energy Efficient Economy, ACEEE, the Alliance to Save Energy, and the Union of Concerned Scientists, UCS; and consumer groups, including the Consumer Federation of America.

I believe the Feinstein-Collins bill is a sensible, balanced proposal that achieves better fuel mileage—32 percent more than the Auto Industry proposal—and would result in the rapid exchange of from one to two million vehicles.

Let me take a moment to outline the key differences between our proposal and the other Auto Industry proposal.

First, our bill would require that the newly purchased vehicles under this program have above-average fuel economy for their class.

For newly purchased cars: our proposal requires the vehicle get 24 miles per gallon, the current fleetwide average for cars. Auto proposal requires only 22 mpg.

For midsize SUVs and minivans: our proposal requires 20 mpg, the current fleetwide average for that class of vehicles. Auto proposal requires only 18 mpg.

For large pickups: our proposal requires 17 mpg, the current size adjusted CAFE standard for this largest class of vehicles. Auto proposal requires only 15 mpg.

So, our bill is 2 miles per gallon better in every category of vehicle.

Second, our proposal targets some of the worst gas guzzling offenders on the road.

Under our proposal, the trade-in vehicle would be required to have a fuel economy of 17 miles per gallon or less—instead of the 18 miles per gallon threshold of the Auto Industry proposal. This would achieve greater oil savings by targeting the least efficient 47 million vehicles on the road today.

Third, our proposal would allow leased vehicles and newer used cars to qualify, in order to encourage greater participation by low-income consumers.

Our program would allow consumers who have signed three to five year leases to qualify for a voucher worth 50 percent of the value of a voucher for a new car. Last year, 18 percent of new vehicles were leased, so this is a sizable part of the auto marketplace and shouldn't be overlooked.

In contrast, the Auto Industry proposal makes no allowance for leased vehicle participation with typical terms, of 3 to 5 years.

Our proposal would also allow newer used cars like the 2007 Ford Escape Hybrid to be purchased through the program. 40 million used cars were sold in the U.S. last year—so I believe it makes sense to include these used cars and increase the rate of participation.

Our proposal creates a three-tier voucher system to provide the most financial payment to the consumer willing to save the most oil: \$2,500 for the minimum fuel economy improvement of 7 mpg for cars and 3 mpg for trucks. \$3,500 for a moderate fuel economy improvement of 10 mpg for cars, 6 mpg for mid-size SUVs, and 5 mpg for large trucks. \$4,500 for the maximum fuel economy improvement of 13 mpg for cars, 9 mpg for midsize SUVs, and 7 mpg for large trucks.

So, the more you improve fuel efficiency, the more money you get.

In contrast, the Auto Industry proposal would scrap perfectly adequate vehicles in return for a voucher to help put more gas guzzling vehicles on the road.

In the SUV category, the Auto Industry proposal would provide consumers with a voucher of \$3,500 to increase fuel economy from the traded-in vehicle to the new vehicle by only 2 mpg. For large pick-up trucks, it requires only a 1 mpg improvement.

Over the last 5 years, fuel economy standards for trucks and SUVs have gone up 2.4 mpg—so in many cases the industry proposal would subsidize people for trading in their old truck or SUV for the exact same model.

Let me discuss some examples: \$3,500 to trade in the 2002 Jeep Cherokee for the 2009 Jeep Cherokee. \$4,500 to trade in a 2005 four-wheel drive Chevy Silverado for a 2009 four-wheel drive Chevy Silverado. \$3,500 to trade in a 2003 four-wheel drive Dodge Ram Pick-up for a four-wheel drive Dodge Ram Pick-up. \$3,500 to trade in a 2002 Toyota 4-Runner for a 2009 Toyota 4-Runner SUV.

The examples go on and on.

With respect to fuel economy?

I strongly believe that—merely 2 years after passing the Ten-in-Ten Fuel Economy Act—we should not subsidize the purchase of inefficient vehicles.

This could have the effect of bringing down the fleetwide average fuel economy. In other words, it would nullify all we fought for in the passage of the first CAFE bill to improve fuel efficiency in 20 years.

But that is exactly what the Auto proposal would do: 68 percent of all cars sold last year, in 2008, 18 percent of which have below average fuel economy, 24 mpg or less—would qualify for the industry proposal. 28 percent of below-average SUVs and small pick-ups would also qualify for subsidy.

But it is in the large pick up category that the fuel economy threshold—15 miles per gallon—is remarkably weak under the Auto Industry proposal.

Under the other program, 96 percent of all new large pick-ups—not work trucks, but regular large pick-ups—which are the least fuel efficient vehicles on the road today, would qualify for subsidized purchase. More than 90 percent of below average new heavy duty pick-ups would qualify.

Gas guzzlers like these big pick-up trucks simply do not belong in this program.

I recognize that some believe this should be the goal of the program.

But these large pickups make up the least efficient class of all vehicles on the road. So, if there are 1 million more of these vehicles sold through this program—that would not have been sold otherwise—it could dramatically lower the fleetwide average fuel economy for new vehicles sold this year.

That is why I believe these inefficient, big pickup trucks don't belong in the "cash for clunkers" proposal.

In contrast, our proposal encourages the purchase of those vehicles that have above average fuel economy for their class.

Finally, I would like to take a few moments to counter one of the arguments from the other side.

There are those who have mistakenly claimed that this bill, which prioritizes fuel efficiency, would give an unfair advantage to foreign automakers.

Nothing could be further from the truth.

In fact, the American auto industry has produced some very popular models of more fuel efficient vehicles, and our bill would incentivize their purchase.

Together, these three firms build 44 to 50 percent of all vehicle models that would qualify for our program's proposal in model year 2009.

According to EPA, in 2008, General Motors sold 1.2 million vehicles that would have met the higher fuel economy thresholds in our bill. And Ford

and Chrysler sold more than 465,000 and 593,000 vehicles last year, respectively, that could have met the thresholds in our proposal.

That means that there were 2.2 million fuel efficient vehicles sold last year—manufactured by the Big Three Auto companies—and all of them bought without the incentives in place.

So, just imagine how many could be sold this year with the incentives.

That is the point of this "cash for clunkers" bill—to encourage the sale of fuel efficient vehicles.

For many models, GM, Ford and Chrysler can scale up production of their most fuel efficient configurations of their current models in their current factories.

They can make more V-6 trucks, instead of V-8 trucks.

They can use 6-speed automatic transmissions instead of 4-speed.

They can make more 2 wheel-drive trucks.

For example, Ford makes a 15 mpg version and a 17 mpg version of its best selling 2009 F-150. It is the same truck, from the same factory.

This is true for all firms.

Chrysler builds a 17 mpg configuration and a 15 mpg configuration of its 2009 Dodge Dakota pick-up in Warren, MI.

GM builds 17 mpg configurations of the 2009 Chevy Silverado and the GMC Sierra pick-ups in Fort Wayne, IN, as well as less efficient configurations.

Ford builds 17 mpg configurations of its 2009 Ford Explorer Sport Trac pick-up in Louisville, KY, and less efficient versions as well.

But the difference is that our proposal would create an incentive for Ford, GM, and Chrysler to manufacture more of the fuel efficient, 17 mpg models.

Also last year, 100 percent of all large pickups and large vans sold that would have met the higher fuel economy thresholds in our bill were either built by the Detroit Three or in an American factory.

So, I think our bill strikes a better balance.

Contrary to what some may think, I do not believe that greater fuel economy and increased auto sales have to be considered as competing goals, but rather can be understood as complementary.

I think it is evident that our bill would achieve better fuel efficiency for the consumer, and would provide a more sound investment for the taxpayer.

Our program would also allow the vouchers to be used to buy used cars or even lease a more fuel efficient vehicle.

These options are important, especially to lower income Americans who need a new car but cannot afford to buy a new vehicle. The other version of this legislation would deprive many Americans of the opportunity to participate in the program.

Bottom line—we have chosen reasonable fuel economy levels that save more oil and help all firms, including the Detroit three, sell cars at a time when sales are desperately needed.

So, I encourage my colleagues to support the Feinstein-Collins-Schumer-Carper proposal, rather than the Auto Industry proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1200

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009”.

SEC. 2. TEMPORARY VEHICLE TRADE-IN PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a program, to be known as the “Cash for Clunkers Temporary Vehicle Trade-In Program”, through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of a voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price of a fuel efficient automobile upon the transfer of the certificate of title of an eligible trade-in vehicle to a dealer participating in the Program;

(2) register dealers for participation in the Program and require each registered dealer to—

(A) accept vouchers provided under this section as partial payment or down payment for the purchase or lease of any fuel efficient automobile offered for sale or lease by such dealer; and

(B) dispose of each eligible trade-in vehicle in accordance with subsection (c)(2) after the title of such vehicle is transferred to the dealer under the Program;

(3) in consultation with the Secretary of the Treasury, make payments to dealers for eligible transactions by such dealers before the date that is 1 year after regulations are promulgated under subsection (d), in accordance with such regulations; and

(4) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price of a fuel efficient automobile as follows:

(1) \$1,000 VALUE.—The voucher may be used to offset the purchase price of a previously owned fuel efficient automobile manufactured for model year 2004 or later, by \$1,000 if—

(A) the newly purchased fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the newly purchased fuel efficient automobile is a category 1 truck and the com-

binated fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the newly purchased fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(2) \$2,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$2,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and—

(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(ii) the eligible trade-in vehicle is a category 3 truck manufactured for model year 2001 or earlier; or

(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck manufactured for model year 1999 or earlier and is of similar size or larger than the new fuel efficient automobile, as determined in a manner prescribed by the Secretary.

(3) \$3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$3,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 6 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(4) \$4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$4,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 13 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel econ-

omy value of such truck is at least 9 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program may only be used for the purchase or lease of a fuel efficient automobile that occurs between the date on which the regulations promulgated under subsection (d) are implemented and the date that is 1 year after such date.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or lease of a single new fuel efficient automobile.

(D) CAP ON VOUCHERS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the amounts made available for the Program may be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal or State tax incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program.

(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(H) VALUES FOR QUALIFYING SHORTER TERM LEASES.—If a fuel efficient vehicle is leased under a qualifying shorter term lease, the value of the voucher issued under the Program shall be 50 percent of the value otherwise applicable under subsection (b).

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—If the title of an eligible trade-in vehicle is transferred to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that such vehicle, including the engine and drive train—

(i) has been or will be crushed or shredded within such period and in such manner as the Secretary prescribes, or will be transferred to an entity that will ensure that the vehicle will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(ii) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country, or has been or will be transferred, in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude

a person who dismantles or disposes of the vehicle from—

(i) purchasing the disposed vehicle from a dealer for the purpose of selling parts other than the engine block and drive train;

(ii) selling any parts of the disposed vehicle other than the engine block and drive train, unless the engine or drive train has been crushed or shredded; or

(iii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible and commercially available systems are appropriately updated to reflect the crushing or shredding of vehicles under this section and appropriate reclassification of the vehicles' titles.

(d) RULEMAKING.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(1) provide for a means of registering dealers for participation in the Program;

(2) establish procedures for the electronic reimbursement of dealers participating in the Program, within 10 days after the submission to the Secretary of information supporting the eligible transaction, as determined appropriate by the Secretary, for the appropriate amount under subsection (c) and any reasonable administrative costs incurred by the dealer;

(3) prohibit any dealer from using vouchers to offset any other rebate or discount offered by that dealer or by the manufacturer of the new fuel efficient automobile;

(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain \$50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

(5) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal and State requirements;

(B) a mechanism for dealers to certify to the Secretary that eligible trade-in vehicles are disposed of, or transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures and to submit the vehicle identification numbers, mileage, condition, and other appropriate information, as determined by the Secretary, of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher; and

(C) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from entities engaged in vehicle disposal;

(6) establish a mechanism for dealers to determine the scrappage value of the trade-in vehicle; and

(7) provide for the enforcement of the penalties described in subsection (e)(2).

(e) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to violate any provision under this section or any regulations issued pursuant to subsection (d).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty in an amount equal to not more than \$25,000 for each such violation.

(f) INFORMATION TO CONSUMERS AND DEALERS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and promptly upon the update of any relevant information, the Secretary shall make information about the Program available through an Internet Web site and through other means determined by the Secretary. Such information shall include—

(A) how to determine if a vehicle is an eligible trade-in vehicle;

(B) how to determine the scrappage value of an eligible trade-in vehicle;

(C) how to participate in the Program, including how to determine participating dealers; and

(D) a comprehensive list, by make and model, of fuel efficient automobiles meeting the requirements of the Program.

(2) PUBLIC AWARENESS CAMPAIGN.—Upon completing the requirements under paragraph (1), the Secretary shall conduct a public awareness campaign to inform consumers about the Program and the sources for additional information.

(g) RECORDKEEPING AND REPORT.—

(1) DATABASE.—The Secretary shall maintain a database that includes—

(A) the vehicle identification numbers of all fuel efficient vehicles purchased or leased under the Program; and

(B) the vehicle identification numbers, mileage, condition, scrappage value, and other appropriate information, as determined by the Secretary, of all the eligible trade-in vehicles which have been disposed of under the Program.

(2) REPORT.—Not later than June 30, 2010, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the efficacy of the Program and includes—

(A) a description of the results of the Program, including—

(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(ii) aggregate information regarding the make, model, model year, mileage, condition, and manufacturing location of vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(h) RULE OF CONSTRUCTION.—For purposes of determining Federal or State income tax liability or eligibility for any Federal or State program that bases eligibility, in

whole or in part, on income, the value of any voucher issued under the Program to offset the purchase price or lease price of a new fuel efficient automobile shall not be considered income of the person purchasing such automobile.

(i) DEFINITIONS.—In this section:

(1) CATEGORY 1 TRUCK.—The term “category 1 truck” means a nonpassenger automobile (as defined in section 32901(a)(17) of title 49, United States Code) that—

(A) has a combined fuel economy value of at least 20 miles per gallon; and

(B) is not a category 2 truck.

(2) CATEGORY 2 TRUCK.—The term “category 2 truck” means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled “Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008”.

(3) CATEGORY 3 TRUCK.—The term “category 3 truck” has the meaning given the term “work truck” in section 32901(a)(19) of title 49, United States Code.

(4) COMBINED FUEL ECONOMY VALUE.—The term “combined fuel economy value” means—

(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words “Combined Fuel Economy” on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40 Code of Federal Regulations;

(B) with respect to an eligible trade-in vehicle manufactured after model year 1984, the equivalent number determined on the fueleconomy.gov Web site of the Environmental Protection Agency for the make, model, and year of such vehicle; and

(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1984, the equivalent number determined by the Secretary and posted on the website of the National Highway Traffic Safety Administration, using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle.

(5) DEALER.—The term “dealer” means a person that is licensed by a State and engages in the sale of automobiles to ultimate purchasers.

(6) ELIGIBLE TRADE-IN VEHICLE.—The term “eligible trade-in vehicle” means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this section—

(A) is in drivable condition;

(B) has been continuously insured, consistent with State law, and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in; and

(C) has a combined fuel economy value of 17 miles per gallon or less.

(7) FUEL EFFICIENT AUTOMOBILE.—The term “fuel efficient automobile” means a vehicle described in paragraph (1), (2), (3), or (9), that was manufactured for any model year after 2003, and, at the time of the original sale to a consumer—

(A) carries a manufacturer's suggested retail price of \$45,000 or less;

(B) complies with the applicable air emission and related requirements under the National Emission Standards Act (42 U.S.C. 7521 et seq.);

(C) qualifies for listing in emission bin 1, 2, 3, 4, or 5 (as defined in section 86.1803-01 of title 40, Code of Federal Regulations), or for work trucks the applicable vehicle and engine standards found under section 86.005-10

and 86.007–11 of title 40, Code of Federal Regulations; and

(D) has a combined fuel economy value of—

(i) 24 miles per gallon, if the vehicle is a passenger automobile;

(ii) 20 miles per gallon, if the vehicle is a category 1 truck; or

(iii) 17 miles per gallon, if the vehicle is a category 2 truck.

(8) **NEW FUEL EFFICIENT AUTOMOBILE.**—The term “new fuel efficient automobile” means a fuel efficient automobile, the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser.

(9) **PASSENGER AUTOMOBILE.**—The term “passenger automobile” means a passenger automobile (as defined in section 32901(a)(18) of title 49, United States Code) that has a combined fuel economy value of at least 24 miles per gallon.

(10) **PROGRAM.**—The term “Program” means the Cash for Clunkers Temporary Vehicle Trade-In Program established under this section.

(11) **QUALIFYING LEASE.**—The term “qualifying lease” means a lease of an automobile for a period of not less than 5 years.

(12) **QUALIFYING SHORTER TERM LEASE.**—The term “qualifying shorter term lease” means a lease of an automobile for a period of not less than 3 years and not more than 5 years.

(13) **SCRAPPAGE VALUE.**—The term “scrappage value” means the amount received by the dealer for an eligible trade-in vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destruction of the vehicle.

(14) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation, acting through the National Highway Traffic Safety Administration.

(15) **ULTIMATE PURCHASER.**—The term “ultimate purchaser” means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale.

(16) **VEHICLE IDENTIFICATION NUMBER.**—The term “vehicle identification number” means the 17 character number used by the automobile industry to identify individual automobiles.

SEC. 3. EXPEDITED CONSIDERATION OF AMERICAN RECOVERY AND REINVESTMENT ACT RESCISSIONS.

(a) **PROPOSED RESCISSION OF DISCRETIONARY BUDGET AUTHORITY.**—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any discretionary budget authority provided under the American Recovery and Reinvestment Act (Public Law 111–5).

(b) **TRANSMITTAL OF SPECIAL MESSAGE.**—(1) Not later than 15 days after the date of the enactment of this Act, the President may—

(A) transmit to Congress a special message proposing to rescind amounts of discretionary budget authority provided in the American Recovery and Reinvestment Act; and

(B) include with the special message described in subparagraph (A) a draft bill or joint resolution that, if enacted, would only rescind that discretionary budget authority.

(2) If an Act includes accounts within the jurisdiction of more than 1 subcommittee of the Committee on Appropriations, the President, in proposing to rescind discretionary budget authority under this section, shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

(3) Each special message transmitted to Congress under this subsection shall specify,

with respect to the discretionary budget authority proposed to be rescinded—

(A) the amount of budget authority proposed to be rescinded or which is to be so reserved;

(B) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(C) the reasons why the budget authority should be rescinded or is to be so reserved;

(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(c) **LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.**—The amount of discretionary budget authority the President may propose to rescind in a special message under this section for a particular program, project, or activity may not exceed \$4,000,000,000.

(d) **PROCEDURES FOR EXPEDITED CONSIDERATION.**—(1)(A) Before the close of the second day of continuous session of the applicable House of Congress after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced by the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

(B) A bill or joint resolution introduced pursuant to subparagraph (A) shall be referred to the Committee on Appropriations of the House in which it is introduced. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to vote on the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(C) A vote on final passage of a bill or joint resolution introduced pursuant to subparagraph (A) shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

(2)(A) A bill or joint resolution transmitted to the Senate or the House of Representa-

tives pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to vote on the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection to such bill or joint resolution, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor

of any such motion or appeal, the time in opposition to such motion or appeal shall be controlled by the minority leader or his designee. Either such leader may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommend a bill or joint resolution under this section is not in order.

(e) **AMENDMENTS PROHIBITED.**—No amendment to a bill or joint resolution considered under this section shall be in order in the Senate or the House of Representatives. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(f) **REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.**—Any amount of discretionary budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

(g) **DEFINITIONS.**—For purposes of this section—

(1) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period; and

(2) the term “discretionary budget authority” means the dollar amount of discretionary budget authority and obligation limitations—

(A) specified in the American Recovery and Reinvestment Act (Public Law 111-5), or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

(h) **CONFORMING AMENDMENT.**—Section 1014(e)(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)(1)) is amended—

(1) in subparagraphs (A) and (B), by striking “he” each place such term appears and inserting “the President”;

(2) in subparagraph (A), by striking “and” at the end;

(3) by redesignating subparagraph (B) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following:

“(B) the President has transmitted a special message under section 3 of the Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009 with respect to a proposed rescission; and”.

SEC. 4. SUNSET PROVISION.

Section 3 shall be repealed on the date on which regulations are promulgated under section 2(d).

By Mr. BINGAMAN (for himself,
Mr. BEGICH, and Ms.
STABENOW):

S. 1201. A bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise along with Senators BEGICH and STABENOW today to introduce important legislation that will ensure that low-income seniors have full access to the benefits available to them under the Medicare Drug Benefit. Helping Fill the Medicare Rx Gap Act of 2009 will ensure that low-income seniors and other low-income beneficiaries do not get caught in the Medicare Part D coverage gap, or “doughnut hole,” simply because of where they choose to purchase their Part D pharmaceuticals.

Under current regulation and guidance, individuals who are in the doughnut hole and receive Part D drugs from commercial pharmacies are permitted to count waivers or reductions in Part D cost-sharing to count towards their true out of pocket expenses, TrOOP. However, low-income individuals who may receive Part D drugs from safety-net pharmacies and other safety-net providers are not permitted to count similar waivers or reductions in Part D cost-sharing by safety-net providers towards their TrOOP. Thus, current law penalizes low-income individuals and makes it easier for them to get stuck in the doughnut hole—never accessing the catastrophic coverage to which they are entitled.

My legislation would undo this inequity and permit waivers and reductions for beneficiaries receiving care from safety-net providers to count towards beneficiaries’ TrOOP. Specifically, the legislation will count waivers and reductions by certain safety-net hospitals and pharmacies, Federally Qualified Health Centers, AIDS Drug Assistance Programs, Pharmacy Assistance Programs and the Indian Health Service toward TrOOP.

I would like to express my gratitude for the assistance of several key senior citizen advocates in crafting this legis-

lation, including: Howard Bedlin from the National Council on Aging, Lena O’Rourke and Marc Steinberg from Families USA, Patricia Nemore and Vicki Gottlich from the Center for Medicare Advocacy and Paul Precht and Rachel Shiffrin, from the Medicare Rights Center.

I urge my colleagues to join me in supporting this important piece of legislation, which will ensure that life saving pharmaceuticals are available to low-income Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1201

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Helping Fill the Medicare Rx Gap Act of 2009”.

SEC. 2. INCLUDING COSTS INCURRED BY THE INDIAN HEALTH SERVICE, A FEDERALLY QUALIFIED HEALTH CENTER, AN AIDS DRUG ASSISTANCE PROGRAM, CERTAIN HOSPITALS, OR A PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAM IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) **IN GENERAL.**—Section 1860D-2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w-102(b)(4)(C)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii)—

(A) by striking “such costs shall be treated as incurred only if” and inserting “subject to clause (iii), such costs shall be treated as incurred if”;

(B) by striking “, under section 1860D-14, or under a State Pharmaceutical Assistance Program”;

(C) by striking “(other than under such section or such a Program)”;

(D) by striking the period at the end and inserting “; and”;

(3) by inserting after clause (ii) the following new clause:

“(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

“(I) under section 1860D-14;

“(II) under a State Pharmaceutical Assistance Program;

“(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act);

“(IV) by a Federally qualified health center (as defined in section 1861(aa)(4));

“(V) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act;

“(VI) by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that meets the requirements of clauses (i) and (ii) of section 340B(a)(4)(L) of the Public Health Service Act; or

“(VII) by a pharmaceutical manufacturer patient assistance program, either directly or through the distribution or donation of covered part D drugs, which shall be valued at the negotiated price of such covered part

D drug under the enrollee's prescription drug plan or MA-PD plan as of the date that the drug was distributed or donated."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2010.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. KERRY, Mrs. LINCOLN, Mr. WYDEN, Mr. SCHUMER, Ms. CANTWELL, Mr. MENENDEZ, Mr. ENSIGN, and Mr. CORNYN):

S. 1203. A bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes; to the Committee on Finance.

Mr. BAUCUS, Mr. President, I am introducing this bill with Senator HATCH and others to move America forward in the 21st Century.

In 2005, the last year for which we have IRS data, over eleven thousand C-corporations claimed the research tax credit. Approximately 70 percent of qualifying expenses are wages. This credit encourages American businesses to keep jobs here.

These jobs are good paying jobs. And when the research is performed in the U.S., then the intangible property stays in this country. And we get to enjoy the fruits of the labor. We need to keep the research jobs here. We cannot lose these jobs. We must make the research and development credit permanent and do everything we can to keep these research jobs here.

The Grow Research Opportunities with Taxcredit's Help Act of 2009 improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2009, the bill would ramp up the simpler credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years. This alternative simplified credit increases from 14 percent to 20 percent in 2009.

Second, the bill allows taxpayers to claim the traditional credit in 2009 and 2010. This gives the traditional credit companies time to adjust their accounting and effectively shift to the alternative simplified credit. For tax years beginning after 2010, the alternative simplified credit will be the only tax credit for qualifying research expenses.

The main complaint about the traditional credit is that it is very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. It creates problems for the IRS in trying to administer and audit those claims.

The alternative simplified credit focuses only on expenses, not gross receipts. It is still an incremental credit, so that companies must continue to increase research spending over time.

A tax credit is a cost-effective way to promote research and development. A report by the Congressional Research Service finds that without government support, investment in research and development would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector research and development.

We are competing in a global economy, and we need to promote research in this country. This bill will pave the way to a robust research and development incentive so that we can continue to lead the way in new technologies and domestic job growth.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 1205. A bill to exempt guides for hire and other operators of uninspected vessels on Lake Texoma from Coast Guard and other regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE, Mr. President, today I introduced legislation that will exempt fishing guides and other operators of uninspected vessels on Lake Texoma from Coast Guard regulation. After weeks of discussion with the Coast Guard and thoughtful consideration, many in the Oklahoma delegation have decided that this is the course of action that will best protect an industry that is extremely important to the people of southern Oklahoma.

While the waters on Lake Texoma are considered "navigable" and currently subject to Federal regulation, this is inherently a state function and should be regulated at that level. This legislation will cede authority to conduct the licensing of fishing guides to the proper governing entity, which is the State of Oklahoma and not the Federal Government. I applaud Congressman BOREN for introducing companion legislation in the House of Representatives, and thank Senator COBURN for his cosponsorship of this measure.

At the end of the day this is about two things: preserving the fishing guide industry and, most importantly, ensuring safety on Lake Texoma. The State of Oklahoma is better positioned to accomplish both. The Coast Guard has not had an active presence at the lake until recently, whereas the State of Oklahoma's Department of Public Safety has a long history of ensuring safe boating activity there. Day in and day out, the State of Oklahoma will be better able to provide for the safety of individuals at the lake. Federal interference in the daily lives of Oklahomans is ever-increasing, and I believe it is important that we preserve state jurisdiction over activities such as this. This legislation accomplishes that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1205

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

SECTION 1. EXEMPTION OF FISHING GUIDES AND OTHER OPERATORS OF UNINSPECTED VESSELS ON LAKE TEXOMA FROM COAST GUARD AND OTHER REGULATIONS.

(a) EXEMPTION.—

(1) EXEMPTION OF STATE LICENSEES FROM COAST GUARD REGULATION.—Residents or non-residents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are licensed by the State in which they are operating shall not be subject to any requirement established or administered by the Coast Guard with respect to that operation.

(2) EXEMPTION OF COAST GUARD LICENSEES FROM STATE REGULATION.—Residents or non-residents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are currently licensed by the Coast Guard to conduct such activities shall not be subject to State regulation for as long as the Coast Guard license for such activities remains valid.

(b) STATE REQUIREMENTS NOT AFFECTED.—Except as provided in subsection (a)(2), this section does not affect any requirement under State law or under any license issued under State law.

SEC. 2. WAIVER OF BIOMETRIC TRANSPORTATION SECURITY CARD REQUIREMENT FOR CERTAIN SMALL BUSINESS MERCHANT MARINERS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting "and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title" before the semicolon;

(2) by striking subparagraph (D); and

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

By Mr. BROWN (for himself, Mr. DODD, and Mr. CASEY):

S. 1206. A bill to establish and carry out a pediatric specialty loan repayment program; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN, Mr. President, as Congress moves toward enacting groundbreaking health reform legislation, it is imperative that we pay close attention to the unique developmental needs of children and ensure that we are doing everything possible to meet their growing needs.

Meeting the health care needs of our nation's 80 million infants, children, and adolescents requires a stable and strong pediatrician workforce, comprised of well-trained pediatricians, pediatric medical subspecialists, pediatric surgical specialists, and psychiatric subspecialists.

However, a November 2007 report released by the Maternal and Child Health Bureau's, MCHB, Federal Expert Work Group on Pediatric Subspecialty Capacity concluded that the lack of access to pediatric subspecialty care has reached crisis proportions and that the ratio of pediatric subspecialists and pediatric surgical specialists to children who need care is hazardously low.

The MCHB panel concluded that the lack of access to pediatric subspecialty care is due to several factors, including an insufficient number of pediatric subspecialists, dramatically increased demand for pediatric subspecialty care, a fragmented system of pediatric primary and specialty care, and inadequate financing of medical education.

In the U.S. there are approximately 28,000 pediatric medical subspecialists and surgical specialists responsible for caring for over 80 million children. This is simply not enough.

At a time when we are seeing aging workforce populations and decreasing numbers of physicians being trained in pediatric subspecialties, the demand for pediatric subspecialty care has reached unprecedented levels. In the last 10 years, our Nation's children have experienced dramatic increases in the incidence and prevalence of conditions such as asthma, diabetes, depression, obesity, and increased demand for surgical correction of congenital heart disease and orthopedic anomalies.

The repercussions of this workforce shortage were enumerated during a hearing that I chaired on May 14th in the Committee on Health, Education, Labor, and Pensions.

During that hearing, we were honored to hear the testimony of Dr. Marsha Raulerson, a practicing pediatrician in Brewton, AL. During her testimony, Dr. Raulerson explained how pediatric subspecialist shortages have a life-or-death impact in both rural and urban communities. She emphasized the need to develop initiatives to recruit medical students and residents into specific pediatric disciplines and to underserved geographic regions.

That is why I am introducing the Pediatric Workforce Investment Act. This legislation would help address pediatric workforce shortages, particularly in medically underserved communities, by creating a pediatric specialty loan repayment program to encourage physicians to train and provide pediatric subspecialty care in areas desperately in need.

To improve access to needed medical care for our children, the shortage of pediatric subspecialists must be addressed. Creating a loan repayment program to help defray costs and incentivize care in underserved communities is a good first step.

I would like to thank Senators DODD and CASEY for being original cosponsors of this legislation and for being

such strong advocates for children's health issues.

By Mr. WARNER:

S. 1207. A bill to authorize the Secretary of the Interior to study the suitability and feasibility designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, last month, we honored an American hero, Elisha "Ray" Nance of Bedford, VA, who passed away at the age of 94. Mr. Nance was the last surviving member of what has come to be known as "The Bedford Boys"—members of Company A, 116th Infantry, 29th Division.

For those who do not know the story, Mr. Nance was among 38 National Guardsmen from the close-knit community of Bedford who were called to active service in World War II. On June 6, 1944, 35 young men of Bedford's Company A were in the first wave to hit "Omaha Beach" at Normandy. Nineteen young men from Bedford died in the opening battle during the early morning of June 6, and two more Bedford boys died a few days later in the ensuing Normandy campaign.

"We Bedford boys," Nance recalled, "competed to be in the first wave. We wanted to be there. We wanted to be the first on the beach," he would write as he recovered from his own severe wounds. The loss of 21 of the 35 soldiers from that small community of 3,200 people designated Bedford as the town that suffered the highest proportional losses on D-Day.

On Saturday, we marked the 65th anniversary of the Allied invasion at Normandy. And as we reflect upon all that was lost on Omaha Beach—and, ultimately, all that was gained as Allied forces successfully liberated Europe during World War II—it is appropriate to reflect for a moment on the heart-wrenching sacrifice made by this small town in the Blue Ridge Mountains of central Virginia.

In 1996, Congress designated Bedford as the most appropriate spot for the National D-Day Memorial. The Memorial, built upon a mixture of sand from Omaha Beach and farm dirt from central Virginia, and dedicated by then-President George W. Bush on June 6, 2001, and it now stands as a striking tribute to the valor, fidelity, and sacrifice of the Allied forces on D-Day. The historical events surrounding the Normandy landing provide the broad context for the story the Memorial attempts to tell, but the National D-Day Memorial is not about war: it is about service to our nation—the duties of citizenship—and subjugating oneself for a greater good. In short, it is about the character and patriotism we find in all of our small communities across America.

The Memorial has attracted over one million visitors since it opened in 2001,

with over 50 percent visiting from out of state, and more than 10,000 students participate in the D-Day Memorial's educational programs each year.

However, expenses run just over \$2 million each year, and the Memorial takes in less than \$600,000 a year in admission fees and gifts. Recently, the non-profit foundation that operates the Memorial announced it does not have adequate resources to remain open through the end of the year. We must take action now, or we risk losing an important landmark that pays tribute to the unbelievable sacrifices our young men and their families during that fateful landing.

Therefore, I am introducing this legislation that would authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System. This proposal is cosponsored by my esteemed Virginia colleague, Senator WEBB.

I urge you to support this measure, which would protect and preserve this important monument to our D-Day veterans and their families and future generations of Americans.

By Ms. SNOWE:

S. 1208. A bill to amend the Small Business Act to improve export growth opportunities for small businesses, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the Small Business Export Opportunity Act of 2009, a measure that would provide improved and expanded support for small businesses, through critical programs and reforms, to help them compete globally and export their goods and services to foreign markets.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, and as a senior member of both the Senate Finance and Commerce Committees, one of my top priorities is to ensure that small businesses get the promised benefits of our international trade relationships and are able to compete in the world economy.

While globalization has created opportunities for small businesses to sell their goods and services in new markets, not enough small businesses are taking advantage of these international opportunities. In fact, according to the U.S. Department of Commerce, only 266,457 of the approximately 27 million small businesses, or less than 1 percent, currently sell their products to foreign buyers. Small businesses are a vital source of economic growth and job creation, generating approximately 75 percent of net new jobs each year. Small businesses are essential to our economic recovery, and we must help them take advantage of all

potential opportunities, including those in foreign markets.

Small businesses face particular challenges in exporting. It can be difficult for small exporting firms to secure the working capital needed to fulfill foreign purchase orders, for instance, because many lenders will not lend against export orders or export receivables. Small business owners may not know how to connect with foreign buyers, or may not have the time or resources necessary to understand other countries' rules and regulations.

Currently, Federal programs are grossly inadequate at helping small businesses overcome the challenges of exporting. This legislation gives small businesses the resources and assistance needed to explore potential export opportunities, or to expand their current export business.

The bill includes provisions I have supported for many years, during my tenure as both Chair and Ranking Member of the Senate Small Business Committee. For instance, I first introduced legislation in 2001, in the 107th Congress, to establish a U.S. Trade Representative for Small Business, in order to ensure that small business interests are reflected in U.S. trade policy and trade agreement negotiations. The legislation I am introducing today includes this vital provision.

The legislation also includes provisions from bills I have introduced in past Congresses, since the 109th, to elevate the head of the Small Business Administration, SBA, office responsible for trade and export programs to the Associate administrator-level, reporting directly to the administrator. It also includes provisions requiring that the SBA immediately fill its trade specialist positions that have been vacant for years.

The Small Business Export Opportunity Act of 2009 would also bolster the SBA's technical assistance programs, and will improve export financing programs so that small businesses have access to capital needed to support export sales. Furthermore, the legislation increases the coordination among other federal agencies—the Department of Commerce, the Office of the U.S. Trade Representative, and the Export-Import Bank—to ensure that small businesses benefit from all the export assistance the Federal Government offers.

The legislation also provides small businesses with matching grants, of up to \$5,000, for expenses relating to activities that help them start or expand export activity. It creates a new Office of Small Business Development and Promotion at the SBA, and it improves the SBA's network of international trade counselors. This legislation increases the maximum size of SBA-guaranteed export working capital and international trade loans, and it establishes a permanent Export Express pro-

gram. It also establishes a program to provide support for small businesses related to trade disputes and unfair international trade practices.

Small businesses can survive, diversify, and compete effectively in the international marketplace by developing an export business. But, as I mentioned, too few small businesses are expanding into international markets. This legislation will help small business owners take the crucial steps of finding international buyers for their goods and services and will enable small business owners to secure the financing needed to fill orders from foreign buyers.

This investment could yield tremendous returns for our economy. The U.S. spends just 1/3 of the international average among developed countries in promoting small businesses exports. Every additional dollar spent on export promotion results in a 40-fold increase in exports, according to a World Bank study.

We cannot overlook the impact of trade on small businesses. An investment in small business exporting assistance is an investment in our economy. This legislation will help small businesses stay competitive, help them grow, and speed the recovery of our economy as a whole. I ask all of my Senate colleagues to support this vital legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1208

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Export Opportunity Development Act of 2009".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "Export Assistance Center" means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

(3) the term "export loan programs" means the programs of the Administration under paragraphs (14) and (16) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and section 22 of that Act (15 U.S.C. 649), as amended by this Act; and

(4) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

(a) OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended to read as follows:

"SEC. 22. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

"(a) DEFINITIONS.—In this section—

"(1) the term 'accredited export assistance program' means a program—

"(A) that provides counseling and assistance relating to exporting to small business concerns; and

"(B) in which not less than 20 percent of the technical assistance staff members are certified in providing export assistance under subsection (g)(2);

"(2) the term 'Associate Administrator' means the Associate Administrator for Export Development and Promotion;

"(3) the term 'Export Assistance Center' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

"(4) the term 'export development officer' means an individual described in subsection (d)(8);

"(5) the term 'Office' means the Office of Export Promotion and Development established under subsection (b)(1); and

"(6) the term 'Service Corps of Retired Executives' means the Service Corps of Retired Executives authorized by section 8(b)(1).

"(b) OFFICE ESTABLISHED.—

"(1) ESTABLISHMENT.—There is established within the Administration an Office of Export Promotion and Development, which shall carry out the programs under this section.

"(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for Export Development and Promotion, who shall report directly to the Administrator.

"(c) DUTIES OF OFFICE.—The Associate Administrator, working in close cooperation with the Department of Commerce, the United States Trade Representative, the Export-Import Bank, other relevant Federal agencies, small business development centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

"(1) maintain a distribution network for export promotion, export finance, trade adjustment, trade remedy assistance, and export data collection programs through use of the regional and district offices of the Administration, the small business development center network, the network of women's business centers, chapters of the Service Corps of Retired Executives, and Export Assistance Centers;

"(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to the small business community on exporting trends, market-specific growth, industry trends, and international prospects for exports;

"(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partnerships with people in the private sector; and

"(4) give preference in hiring or approving the transfer of any employee into the Office or to an export development officer position to otherwise qualified applicants who are fluent in a language in addition to English, who shall—

"(A) accompany foreign trade missions, if designated by the Associate Administrator; and

"(B) be available as needed to translate documents, interpret conversations, and facilitate multilingual transactions, including

providing referral lists for translation services, if required.

“(d) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator shall promote sales opportunities for small business goods and services abroad by—

“(1) in cooperation with the Department of Commerce, other relevant agencies, regional and district offices of the Administration, the small business development center network, and State programs, developing a mechanism for—

“(A) identifying sub-sectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting in increasing international marketing by disseminating relevant information regarding market leads, linking potential sellers and buyers, and catalyzing the formation of joint ventures, where appropriate;

“(2) in cooperation with the Department of Commerce, actively assisting small business concerns in forming and using export trading companies, export management companies and research and development pools authorized under section 9 of this Act;

“(3) working in conjunction with other Federal agencies, regional and district offices of the Administration, the small business development center network, and the private sector to identify and publicize translation services, including those available through colleges and universities participating in the small business development center program;

“(4) working closely with the Department of Commerce and other relevant Federal agencies to—

“(A) collect, analyze, and periodically update relevant data regarding the small business share of United States exports and the nature of State exports (including the production of Gross State Product figures) and disseminate that data to the public and to Congress;

“(B) make recommendations to the Secretary of Commerce and to Congress regarding revision of the North American Industry Classification System codes to encompass industries currently overlooked and to create North American Industry Classification System codes for export trading companies and export management companies;

“(C) improve the utility and accessibility of export promotion programs for small business concerns; and

“(D) increase the accessibility of the Export Trading Company contact facilitation service;

“(5) making available to the small business community information regarding conferences on exporting and international trade sponsored by the public and private sector;

“(6) providing small business concerns with access to up to date and complete export information by—

“(A) making available at the district offices of the Administration, through cooperation with the Department of Commerce, export information, including the worldwide information and trade system and world trade data reports;

“(B) maintaining a list of financial institutions that finance export operations;

“(C) maintaining a directory of all Federal, regional, State and private sector programs that provide export information and assistance to small business concerns; and

“(D) preparing and publishing such reports as it determines to be necessary concerning market conditions, sources of financing, export promotion programs, and other information pertaining to the needs of small business export firms so as to insure that the maximum information is made available to small business concerns in a readily usable form;

“(7) encouraging, in cooperation with the Department of Commerce, greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities of the Department of Commerce; and

“(8) facilitating decentralized delivery of export information and assistance to small businesses by assigning primary responsibility for export development to one individual in each district office, who shall—

“(A) assist small business concerns in obtaining export information and assistance from other Federal departments and agencies;

“(B) maintain a directory of all programs which provide export information and assistance to small business concerns in the region;

“(C) encourage financial institutions to develop and expand programs for export financing;

“(D) provide advice to personnel of the Administration involved in making loans, loan guarantees, and extensions and revolving lines of credit, and providing other forms of assistance to small business concerns engaged in exports; and

“(E) not later than 120 days after the date on which the person is appointed as an export development officer, and not less frequently than once each year thereafter, participate in training programs designed by the Administrator, in conjunction with the Department of Commerce and other Federal departments and agencies, to study export programs and to examine the needs of small business concerns for export information and assistance;

“(9) carrying out a nationwide marketing effort to promote exporting as a business development opportunity for small business concerns that uses technology, online resources, training, and other strategies;

“(10) disseminating information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting;

“(11) establishing and carrying out training programs for the staff of the district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.

“(e) EXPORT FINANCE SPECIALIST PROGRAM.—

“(1) EXPORT FINANCE SPECIALIST PROGRAM.—The Associate Administrator shall work in cooperation with the Export-Import Bank of the United States, the Department of Commerce, other relevant Federal agencies, and the States to develop a program through which export finance specialists in the district offices of the Administration, regional and local loan officers, and small business development center personnel can facilitate the access of small business concerns to relevant export financing programs

of the Export-Import Bank of the United States and to export and pre-export financing programs available from the Administration and the private sector.

“(2) PROGRAM ACTIVITIES.—To carry out paragraph (1), the Associate Administrator shall work in cooperation with the Export-Import Bank of the United States and the small business community, including small business trade associations, to—

“(A) aggressively market Administration export financing and pre-export financing programs;

“(B) identify financing available under various programs of the Export-Import Bank of the United States, and aggressively market those programs to small business concerns;

“(C) assist in the development of financial intermediaries and facilitate the access of those intermediaries to financing programs;

“(D) promote greater participation by private financial institutions, particularly those institutions already participating in loan programs under this Act, in export finance; and

“(E) provide for the participation of appropriate Administration personnel in training programs conducted by the Export-Import Bank of the United States.

“(f) COUNSELING FOR SMALL BUSINESS CONCERNS.—The Associate Administrator shall—

“(1) work in cooperation with other Federal agencies and the private sector to counsel small business concerns with respect to initiating and participating in any proceedings relating to the administration of the United States trade laws; and

“(2) work with the Department of Commerce, the Office of the United States Trade Representative, and the International Trade Commission to increase access to trade remedy proceedings for small business concerns.

“(g) EXPORT ASSISTANCE PROGRAMS.—

“(1) IN GENERAL.—The Associate Administrator shall require, as part of the agreement under section 21, that each small business development center has an accredited export assistance program.

“(2) CERTIFICATION.—The Associate Administrator shall certify technical assistance staff members of small business development centers in providing export assistance, in accordance with such criteria as the Associate Administrator may establish.

“(3) TRAINING.—The Associate Administrator shall provide training relating to export assistance programs at the annual conference of small business development centers.

“(4) REPORT.—The Associate Administrator shall submit an annual report to Congress that includes—

“(A) the number of small business concerns assisted by accredited export assistance programs;

“(B) the export revenue generated by small business concerns assisted by accredited export assistance programs; and

“(C) an estimate of the number of jobs created or retained because of assistance provided by accredited export assistance programs.

“(h) EXPORT ASSISTANCE OFFICER.—The Associate Administrator shall—

“(1) assign an export assistance officer with training in export assistance and marketing to each district office of the Administration, who shall—

“(A) conduct training and information sessions for small business concerns interested in exporting; and

“(B) conduct outreach to small business concerns with the potential to export; and

“(2) provide annual training for export assistance officers.

“(i) EXPORT DEVELOPMENT GRANT PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible small-business concern’ means a small-business concern—

“(i) that—

“(I) has been in business for not less than 1 year;

“(II) has profitable domestic sales;

“(III) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Administrator; and

“(IV) has in place a strategic plan for exporting;

“(ii) an employee of which has completed an accredited export assistance program; and

“(iii) that agrees to provide to the Associate Administrator such information and documentation as is necessary for the Associate Administrator to determine that the small-business concern is in compliance with the internal revenue laws of the United States;

“(B) the term ‘export initiative’ includes—

“(i) participation in a trade mission;

“(ii) a foreign market sales trip;

“(iii) a subscription to services provided by the Department of Commerce;

“(iv) the payment of website translation fees;

“(v) the design of international marketing media;

“(vi) a trade show exhibition; and

“(vii) participation in training workshops; and

“(C) the term ‘small-business concern’ has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

“(2) GRANT PROGRAM.—The Associate Administrator shall establish an export development grant program, under which the Associate Administrator may make grants to eligible small-business concerns to enhance the capability of the eligible small-business concerns to be globally competitive, increase business internationally, and increase export sales.

“(3) APPLICATION.—An eligible small-business concern that desires a grant under this subsection shall submit to the Associate Administrator at such time and in such manner as the Associate Administrator shall prescribe an application that identifies not less than 1 specific, achievable export initiative that the eligible small-business concern will carry out using a grant under this subsection.

“(4) AMOUNT.—A grant under this subsection may not exceed \$5,000.

“(5) MATCHING FUNDS.—The Federal share of the cost of an export initiative carried out with a grant under this subsection shall be not more than 50 percent. The non-Federal share of the cost of an activity carried out with a grant under this subsection may be in kind or in cash.

“(6) INFORMATION AND DOCUMENTATION.—An eligible small-business concern that receives a grant under this subsection shall provide to the Associate Administrator—

“(A) receipts for all expenditures made with the grant; and

“(B) information relating to any export sales resulting from the grant.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2010 and each fiscal year thereafter.

“(j) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

“(A) the number of small business concerns that—

“(i) receive assistance from the Administration;

“(ii) had not exported goods or services before receiving the assistance described in clause (i); and

“(iii) export goods or services;

“(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

“(C) export revenues by small business concerns assisted by programs of the Administration;

“(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office; and

“(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center.

“(2) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures described in paragraph (1), that is consistent with systems used by the departments and agencies and the network.

“(3) REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that includes—

“(A) a detailed account of the information relating to the performance measures described in paragraph (1); and

“(B) a description of the export assistance and services provided to small business concerns by the Administration.

“(k) REPORT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administration in implementing the requirements under this section.

“(1) DISCHARGE OF ADMINISTRATION EXPORT PROMOTION RESPONSIBILITIES.—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade and exporting are carried out through the Associate Administrator;

“(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator has direct supervision and control over the staff of the Office, and over any employee of the Administration whose principal duty station is an Export Assistance Center or any successor entity.”

(b) EXPORT DEVELOPMENT OFFICERS.—

(1) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the

Administrator shall ensure that export development officers are assigned to each district office of the Administration, in accordance with section 22(d)(8) of the Small Business Act, as amended by this section.

(2) DEFINITION.—In this subsection, the term “export development officer” has the meaning given that term in section 22 of the Small Business Act (15 U.S.C. 649), as amended by this Act.

(c) EXPORT ASSISTANCE CENTERS.—

(1) VACANT POSITIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall ensure that the number of full-time equivalent employees of the Office of Export Development and Promotion assigned to the Export Assistance Centers is not less than the number of such employees so assigned on January 1, 2003.

(2) EXPORT DEVELOPMENT OFFICERS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in coordination with the Secretary of Commerce, shall ensure that export finance specialists are assigned to not fewer than 40 Export Assistance Centers.

(3) STUDY.—Not later than 6 months after the date of enactment of this Act, the Associate Administrator for Export Development and Promotion shall carry out a nationwide study to evaluate where additional export finance specialists are needed.

(4) DEFINITION.—In this subsection, the term “export finance specialist” means an export finance specialist described in section 22(e)(1) of the Small Business Act (15 U.S.C. 649(e)(1)), as amended by this section.

(d) APPOINTMENT OF ASSOCIATE ADMINISTRATOR.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint an Associate Administrator for Export Development and Promotion under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NUMBER OF ASSOCIATE ADMINISTRATORS.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(A) in the fifth sentence, by striking “five”; and

(B) by adding at the end the following: “One of the Associate Administrators shall be the Associate Administrator for Export Development and Promotion, who shall be the head of the Office of Export Development and Promotion established under section 22.”

(2) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE AND EXPORT POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A) by inserting “through the Associate Administrator for Export Development and Promotion of” before “the Small Business Administration”.

SEC. 4. EXPORT FINANCE PROGRAMS.

(a) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking “not exceed” and inserting “be”; and

(2) in paragraph (14)—

(A) by striking “(A) The Administration” and inserting the following: “EXPORT WORKING CAPITAL PROGRAM.—

“(A) IN GENERAL.—The Administrator”;

(B) by striking “(B) When considering” and inserting the following:

“(C) CONSIDERATIONS.—When considering”;

(C) by striking “(C) The Administration” and inserting the following:

“(D) MARKETING.—The Administrator”; and

(D) by inserting after subparagraph (A) the following:

“(B) TERMS.—

“(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than \$5,000,000.

“(ii) FEES.—

“(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

“(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.”

(b) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

“(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.”

(c) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking “(32) INCREASED VETERAN” and inserting “(33) INCREASED VETERAN”; and

(2) by adding at the end the following:

“(34) EXPORT EXPRESS PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘export development activity’ includes—

“(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

“(II) participation in a trade show that takes place outside the United States;

“(III) translation of product brochures or catalogues for use in markets outside the United States;

“(IV) obtaining a general line of credit for export purposes;

“(V) performing a service contract from buyers located outside the United States;

“(VI) obtaining transaction-specific financing associated with completing export orders;

“(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

“(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

“(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

“(ii) the term ‘express loan’ means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

“(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

“(C) LEVEL OF PARTICIPATION.—

“(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be \$500,000.

“(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

“(I) 90 percent of a loan that is not more than \$350,000; and

“(II) 75 percent of a loan that is more than \$350,000 and not more than \$500,000.”

(d) INTERNATIONAL TRADE LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (3)(B), by striking “\$1,750,000, of which not more than \$1,250,000” and inserting “\$5,000,000, of which not more than \$4,000,000”; and

(2) in paragraph (16)—

(A) in subparagraph (B), by striking “a first lien position” and all that follows and inserting “such collateral as is determined adequate by the Administrator.”;

(B) in subparagraph (D), by striking clauses (i) and (ii) and inserting the following:

“(i) is confronting—

“(I) increased competition with foreign firms in the relevant market; or

“(II) an unfair trade practice by a foreign firm, particularly intellectual property violations; and

“(ii) is injured by the competition or unfair trade practice.”; and

(C) by adding at the end the following:

“(F) GUARANTEE.—For a loan guaranteed under this paragraph, the Administrator shall guarantee 90 percent of the loan.

“(G) DEFINITION.—In this paragraph, the term ‘small business concern’ has the meaning given the term ‘small-business concern’ in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).”

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), in the matter preceding clause (i), by inserting “or (D) of this paragraph or in paragraph (16) or (34)” after “in subparagraph (B)”; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by striking “No” and inserting “Except as provided in paragraph (14)(B), no”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking “Lender” and inserting “Lenders”; and

(ii) in subparagraph (E)—

(I) by striking “Lender” and inserting “Lenders”; and

(II) by striking “subsection (a)(2)(C)(ii)” and inserting “subsection (a)(2)(C)(iii)”; and

(B) in paragraph (7)(B)(ii), by striking “Lender” and inserting “Lenders”.

SEC. 5. MARKETING OF EXPORT LOANS.

The Administrator shall make efforts to expand the network of lenders participating in the export loan programs, including by—

(1) conducting outreach to regional and community lenders through the staff of the Administration assigned to Export Assistance Centers or to district offices of the Administration;

(2) developing a lender training program regarding the export loan programs for employees of lenders;

(3) simplifying and streamlining the application, processing, and reporting processes for the export loan programs; and

(4) establishing online, paperless processing and application submission for the export loan programs.

SEC. 6. SMALL BUSINESS TRADE POLICY.

(a) ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SMALL BUSINESS.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

(1) by adding at the end the following:

“(6)(A) There is established within the Office the position of Assistant United States Trade Representative for Small Business, who shall be appointed by the United States Trade Representative.

“(B) The Assistant United States Trade Representative for Small Business shall—

“(i) promote the trade interests of small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662));

“(ii) advocate for the reduction of foreign trade barriers with regard to the trade issues of small-business concerns that are exporters;

“(iii) collaborate with the Administrator of the Small Business Administration with regard to the trade issues of small-business concern trade issues;

“(iv) assist the United States Trade Representative in developing trade policies that increase opportunities for small-business concerns in foreign and domestic markets, including policies that reduce trade barriers for small-business concerns; and

“(v) perform such other duties as the United States Trade Representative may direct.”; and

(2) by moving paragraph (5) 2 ems to the left.

(b) TRADE PROMOTION COORDINATING COMMITTEE.—

(1) DETAILEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended by adding at the end the following:

“(g) SMALL BUSINESS ADMINISTRATION.—The Administrator of the Small Business Administration shall detail an employee of the Small Business Administration having expertise in export promotion to the TPCC to encourage the TPCC to—

“(1) collaborate with the Small Business Administration with regard to trade promotion efforts; and

“(2) consider the interests of small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)) in the development of trade promotion policies and programs.”

(2) NATIONAL EXPORT STRATEGY.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(A) in subsection (c)—

(i) in paragraph (5), by striking “and” at the end;

(ii) in paragraph (6), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(7) include an export strategy for small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)), which shall—

“(A) be developed by the Administrator of the Small Business Administration; and

“(B) include strategies to—

“(i) increase export opportunities for small-business concerns;

“(ii) protect small-business concerns from unfair trade practices, including intellectual property violations;

“(iii) assist small-business concerns with international regulatory compliance requirements;

“(iv) coordinate policy and program efforts throughout the United States with the TPCC, the Department of Commerce, and the Export Import Bank of the United States.”; and

(B) in subsection (f), in paragraph (1), by inserting “(including implementation of the export strategy for small business concerns

described in paragraph (7) of that subsection” after “the implementation of such plan”.

(c) RECOMMENDATIONS ON TRADE AGREEMENTS.—

(1) NOTIFICATION BY USTR.—Not later than 90 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the United States Trade Representative shall notify the Administrator of the date the negotiation will begin.

(2) RECOMMENDATIONS.—Not later than 30 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the Administrator shall present to the United States Trade Representative recommendations relating to the needs and concerns of small business concerns that are exporters.

(d) TRADE DISPUTES.—The Administrator shall carry out a comprehensive program to provide technical assistance, counseling, and reference materials to small business concerns relating to resources, procedures, and requirements for mechanisms to resolve international trade disputes or address unfair international trade practices under international trade agreements or Federal law, including—

(1) directing the district offices of the Administration to provide referrals, information, and other services to small business concerns relating to the mechanisms;

(2) entering agreements and partnerships with providers of legal services relating to the mechanisms, to ensure small business concerns may affordably use the mechanisms; and

(3) in consultation with the Director of the United States Patent and Trademark Office and the Register of Copyrights, designing counseling services and materials for small business concerns regarding intellectual property protection in other countries.

By Mr. KAUFMAN (for himself and Mr. BROWN):

S. 1210. A bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KAUFMAN. Mr. President, today I am introducing with Senator BROWN, the STEM Education Coordination Act of 2009. This bill addresses what we call STEM education—science, technology, engineering, and mathematics—which is critical for our competitiveness in the years and generations to come.

This bill is nearly identical to the version of H.R. 1709 reported by the House Committees on Science and Technology and on Education and Labor and which may be approved by the House of Representatives as early as today. It is quite a simple proposal. It would require coordination of Federal STEM education activities.

We can all agree that STEM education is crucial to our future. Technological innovation accounts for more than half of the growth of our economy since the Second World War. The discoveries and innovations of our STEM

professionals create whole new opportunities, new industries, new companies, new products and services, and new ways of delivering old products and services efficiently. To build a clean energy economy, to stay competitive in a globalizing world, to drive the health and science research that will improve our quality of life, we need more people trained in these skills. All too often, though, we are lagging behind other nations in producing these scientists and engineers.

Our ability to keep our lead in technology, which has defined American economic strength for generations, is deteriorating. The need for more STEM education and also particularly to reach women and underrepresented minorities is well recognized. The Congress has acted in recent years to support legislation such as the America COMPETES Act that broadens our competitiveness efforts beyond simply STEM education.

But there is also a concern that we are not using our current STEM education resources as efficiently and effectively as we could. As noted in the House Science Committee report:

For the most part, agencies have developed their programs independently rather than sharing “best practices” and collaborating across agencies. Each program has also developed its own methods and criteria for evaluation, making a comparison of effectiveness across the programs impossible.

To get the most out of our efforts, this bill would require coordination of Federal STEM education activities. It would direct the Office of Science and Technology Policy to establish a committee under the National Science and Technology Council that is responsible for coordinating Federal science, technology, engineering, and math education programs and activities. These include Federal programs of the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and others. This newly formed committee will have three main responsibilities.

First, the committee will coordinate the Federal STEM education activities and programs.

Second, the committee will develop, implement, and update a 5-year STEM education achievement plan, including objectives and metrics so we can assess how well we are doing.

Third, the committee will maintain an inventory of federally sponsored STEM education programs and activities, including rates of participation by underrepresented minorities.

So that the Congress can make use of this information to advance our STEM education efforts, this bill will require an annual report that includes: One, a description of STEM education programs and activities; two, the level of

funding for the programs and activities for each participating Federal agency; three, a description of the progress made in carrying out the implementation of the plan; and, four, a description of how participating Federal agencies disseminate information about available STEM education resources to States and practitioners.

This coordination is among the ideas suggested by then-Senator Obama in a bill he offered in the 110th Congress, S. 3047.

In sum, this bill will do just what its title suggests: coordinate our STEM educational activities. We not only have a duty to this Nation to make sure Federal dollars are spent as efficiently and effectively as possible, but it is also critical to our economy that we succeed in fostering a workforce that can out-discover, out-think, out-innovate, and out-produce our worldwide competition.

This legislation will help us reach these goals. In a world increasingly dominated by technology, I believe our economy, our environment, and our future depend on improving STEM education.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1210

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “STEM Education Coordination Act of 2009”.

SEC. 2. DEFINITION.

In this Act, the term “STEM” means science, technology, engineering, and mathematics.

SEC. 3. COORDINATION OF FEDERAL STEM EDUCATION.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(b) RESPONSIBILITIES.—The committee established under subsection (a) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities; and

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives; and

(3) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by women, underrepresented minorities, and persons in rural areas in such programs and activities.

(c) RESPONSIBILITIES OF OSTP.—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (b)(2) is developed and executed effectively and that the objectives of the strategic plan are met.

(d) REPORT.—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (b)(2). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(4) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in schools that meet the criteria described in subsection (c)(1) (A) and (B) of section 3175 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381j(c)(1) (A) and (B)).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 170—EX- PRESSING THE SENSE OF THE SENATE THAT CHILDREN SHOULD BENEFIT, AND IN NO CASE BE WORSE OFF, AS A RE- SULT, OF REFORM OF THE NA- TIONS HEALTH CARE SYSTEM

Mr. CASEY (for himself, Mr. DODD, Mr. BROWN, Mr. WHITEHOUSE, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 170

Whereas Medicaid is a cornerstone of the Nation's health care infrastructure, providing critical health coverage to Americans who have the greatest needs: children and adults whose financial means are very modest and people who are in poorer health compared to the population at-large, including individuals with significant disabilities and those with multiple chronic illnesses;

Whereas Medicaid provides health coverage to ¼ of the Nation's children and more than ½ of all low-income children;

Whereas because minority children are more likely to be from low-income families, Medicaid has been shown to reduce racial and ethnic disparities in health care, as it provides coverage for 2 out of every 5 African-American and Hispanic children;

Whereas by limiting cost-sharing and premiums, Medicaid provides a comprehensive benefit package and ensures that children have access to affordable coverage and the health care services they need to stay healthy and meet developmental milestones;

Whereas Medicaid is designed to meet the complex health care needs of low-income and special needs children by including a wide range of essential and comprehensive services that many private insurers do not cover;

Whereas Medicaid provides developmental assessments for infants and young children (including well-child visits, vision and hearing services, and access to a wide range of therapies to manage developmental disorders and chronic illnesses) and coverage for in-home support, long-term care for special needs children, and transportation services;

Whereas Medicaid provides a care coordination benefit that supports at-risk children by coordinating State health services, thereby furthering the ability of States to effectively coordinate medical and social services that are provided by multiple organizations and agencies;

Whereas administrative spending is lower in Medicaid than through private insurance;

Whereas Medicaid is critical for ensuring that children have access to safety-net providers in their local communities and for training health care professionals, including pediatricians; and

Whereas Medicaid provides low-income children with the full complement of services they need to meet their unique health and developmental needs: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should ensure that reform of our Nation's health care system shall benefit all children and that no child shall be worse off, particularly the most vulnerable low-income children and children with disabilities; and

(2) strengthening our Nation's Medicaid program should be a priority and that low-income children should not be moved into a health care exchange system that could disrupt and diminish their benefits, cost-sharing protections, availability of care standards and protections, and access to supports, services, and safety-net providers.

SENATE RESOLUTION 171—COM- MENDING THE PEOPLE WHO HAVE SACRIFICED THEIR PER- SONAL FREEDOMS TO BRING ABOUT DEMOCRATIC CHANGE IN THE PEOPLE'S REPUBLIC OF CHINA AND EXPRESSING SYM- PATHY FOR THE FAMILIES OF THE PEOPLE WHO WERE KILLED, WOUNDED, OR IMPRISONED, ON THE OCCASION OF THE 20TH AN- NIVERSARY OF THE TIANANMEN SQUARE MASSACRE IN BEIJING, CHINA, FROM JUNE 3 THROUGH 4, 1989

Mr. INHOFE (for himself, Mr. BROWN, Mr. GRAHAM, Mr. KYL, Mr. COBURN, Mr.

LIEBERMAN, Mr. MENENDEZ, Mr. VITTER, Mr. WEBB, Mr. BROWNBACK, Mr. MARTINEZ, Mr. BUNNING, Mr. UDALL of Colorado, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 171

Whereas freedom of expression, assembly, association, and religion are fundamental rights that all people should be able to possess and enjoy;

Whereas, in April 1989, in a demonstration of democratic progress, thousands of students took part in peaceful protests against the communist government of the People's Republic of China in the capital city of Beijing;

Whereas, throughout the month of May 1989, the students, in peaceful demonstrations, drew more people, young and old and from all walks of life, into central Beijing to demand better democracy, basic freedoms of speech and assembly, and an end to corruption;

Whereas, from June 3 through 4, 1989, the Government of China ordered members of the People's Liberation Army to enter Beijing and clear Tiananmen Square (located in central Beijing) by lethal force;

Whereas, by June 7, 1989, the Red Cross of China reported that the People's Liberation Army had killed more than 300 people in Beijing, although foreign journalists who witnessed the events estimate that thousands of people were killed and thousands more wounded;

Whereas more than 20,000 people in China were arrested and detained without trial, due to their suspected involvement in the protests at Tiananmen Square;

Whereas, according to the Department of State, the Government of China has worked to censor information about the massacre at Tiananmen Square by blocking Internet sites and other media outlets, along with other sensitive information that would be damaging to the Government of China;

Whereas the Government of China has continued to deny basic human rights, such as freedom of speech and religion;

Whereas, during the 2008 Olympic Games, the Government of China promised to provide the international media covering the Olympic Games with the same access given the media at all the other Olympic Games, but denied access to certain internet sites and media outlets in attempts to censor free speech;

Whereas the Department of State Human Rights Report for 2008 found that the Government of China had increased already severe cultural and religious suppression of ethnic minorities in Tibetan areas and the Xinjiang Uighur Autonomous Region, detained and harassed dissidents and journalists, and maintained tight controls on freedom of speech and the Internet;

Whereas the United States Commission on International Religious Freedom in 2009 stated, "The Chinese government continues to engage in systematic and egregious violations of the freedom of religion or belief, with religious activities tightly controlled and some religious adherents detained, imprisoned, fined, beaten, and harassed."; and

Whereas the China Aid Association reported that in 2007, Christians were detained or arrested and Christian house church groups were persecuted by the Government of China: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people who demonstrated at Tiananmen Square and elsewhere in the

People's Republic of China in 1989, many of whom sacrificed their lives and freedom to—

(A) bring about democratic change in China; and

(B) gain freedom of expression, assembly, association, and religion for the people of China;

(2) expresses its sympathy for the families of the people who were killed, wounded, or imprisoned due to their involvement in the peaceful protests in Tiananmen Square in Beijing, China from June 3 through 4, 1989;

(3) condemns the ongoing human rights abuses by the Government of China;

(4) calls on the Government of China to—

(A) release all prisoners that are—

(i) still in captivity as a result of their involvement in the events from June 3 through 4, 1989, at Tiananmen Square; and

(ii) imprisoned without cause;

(B) allow freedom of speech and access to information, especially information regarding the events at Tiananmen Square in 1989; and

(C) cease all harassment, intimidation, and unjustified imprisonment of—

(i) members of religious and minority groups; and

(ii) people who disagree with policies of the Government of China;

(5) supports efforts by free speech activists in China and elsewhere who are working to overcome censorship (including censorship of the Internet) and the chilling effect of censorship; and

(6) urges the President to continue to support peaceful advocates of free speech around the world.

SENATE RESOLUTION 172—DESIGNATING JUNE 2009 AS “NATIONAL APHASIA AWARENESS MONTH” AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON submitted the following resolution; which was considered and agreed to:

S. RES. 172

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of or reduction in the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas, according to the National Institute of Neurological Disorders and Stroke (referred to in this resolution as the “NINDS”), stroke is the 3rd-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are about 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer about 750,000

strokes per year, with approximately 1/3 of the strokes resulting in aphasia;

Whereas, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire the disorder each year;

Whereas the National Aphasia Association is a unique organization that provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas, as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes the “silent” disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2009 as “National Aphasia Awareness Month”;;

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the 3rd-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1274. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table.

SA 1275. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1276. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1277. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1278. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1279. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1280. Mr. VOINOVICH (for himself, Mr. KOHL, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1281. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1282. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1283. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1284. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1225 submitted by Mr. COBURN and intended to be proposed to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1285. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1286. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1287. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1288. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1289. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1290. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1291. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. INOUE, Mr. BEGICH, Ms. MIKULSKI, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1292. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1293. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1294. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1295. Mr. BROWNBACK (for himself, Mr. COCHRAN, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 1229 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. MCCAIN, Ms. STABENOW, Mr. SANDERS, and Ms. KLOBUCHAR) and intended to be proposed to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1296. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 1255 submitted by Ms. STABENOW (for herself, Mr. BROWNBACK, Ms. MIKULSKI, Mr. VOINOVICH, Mrs. SHAHEEN, Mr. BOND, Mr. BURRIS, Mr. DURBIN, Mr. LEVIN, and Mr. BROWN) and intended to be proposed to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1297. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1298. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1299. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1300. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. INOUE, Mr. BEGICH, Ms. MIKULSKI, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1301. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1302. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 1251 submitted by Mrs. HAGAN and intended to be proposed to the bill H.R. 1256, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1274. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE _____ — DETAINEE PHOTOGRAPHIC RECORDS PROTECTION
SEC. ____ . DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) **SHORT TITLE.**—This section may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(b) **DEFINITIONS.**—In this section:

(1) **COVERED RECORD.**—The term “covered record” means any record—

(A) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after Sep-

tember 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) **PHOTOGRAPH.**—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) **CERTIFICATION.**—

(1) **IN GENERAL.**—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall submit a certification to the President, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) **CERTIFICATION EXPIRATION.**—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) **CERTIFICATION RENEWAL.**—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) **NOTICE TO CONGRESS.**—A timely notice of the Secretary's certification shall be submitted to Congress.

(d) **NONDISCLOSURE OF DETAINEE RECORDS.**—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) **EFFECTIVE DATE.**—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

SA 1275. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 907 of the Federal Food, Drug, and Cosmetic Act (as added by section 101), add the following:

“(f) **COMPLIANCE WITH WTO PROVISIONS.**—If the Secretary of Health and Human Services, in consultation with the United States Trade Representative, determines that the prohibition contained in subsection (a)(1)(A) with respect to any artificial or natural flavor or any herb or spice would result in a violation

of any trade agreement, the Secretary shall by regulation provide an exception with respect to such artificial or natural flavor or such herb or spice from such prohibition.”.

SA 1276. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In section 908 of the Federal Food, Drug, and Cosmetic Act (as added by section 101), add at the end the following:

“(d) **IMMINENT HAZARDS.**—

“(1) **IN GENERAL.**—If the Secretary finds that the marketing, distribution, or advertising of a tobacco product poses an imminent hazard to the public health, the Secretary may—

“(A) provide for the recall of the product under subsection (c);

“(B) suspend to approval of a label statement for the product under section 903(b);

“(C) suspend the approval of the application of the product under section 910; or

“(D) take any other action with respect to the product under this title to protect the public health.

“(2) **NOTICE.**—The Secretary shall provide the manufacturer or distributor of a tobacco product (as the case may be) prompt notice of any action taken under paragraph (1) with respect to such product, and afford the manufacturer or distributor the opportunity for an expedited hearing under this subsection.

“(3) **STANDARD FOR DETERMINATION.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the marketing, distribution, or advertising of a tobacco product poses an imminent hazard to the public health if the Secretary determines that the evidence is sufficient to demonstrate that the product (or practice involved) creates a public health situation—

“(i) that should be corrected immediately to prevent injury; and

“(ii) that should not be permitted to continue while a hearing or other formal proceeding is being held.

“(B) **TIME OF DECLARATION.**—An imminent hazard may be declared under this subsection at any point in the chain of events that may ultimately result in harm to the public health. The occurrence of the final anticipated injury is not essential to establish that an imminent hazard of such occurrence exists.

“(C) **CONSIDERATIONS.**—In exercising the judgment of the Secretary on whether an imminent hazard exists for purposes of this subsection, the Secretary shall consider the number of injuries anticipated and the nature, severity, and duration of the anticipated injury.”.

SA 1277. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco

products, to amend title 5, United States Code, to make certain modifications in the Thrift Saving Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 919 of the Federal Food, Drug, and Cosmetic Act (as added by section 101) add the following:

“(f) LIMITATION.—Effective for any fiscal year in which the Secretary determines that youth smoking has increased during each of the previous 4 calendar years (according to the Youth Risk Behavior Surveillance System) the Secretary shall not assess or expend fees under this section with respect to such fiscal year. The Secretary may collect and expend such fees upon a subsequent determination that youth smoking has remained unchanged or decreased.”.

SA 1278. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . TEMPORARY VEHICLE TRADE-IN PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the “Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009”.

(b) **TEMPORARY VEHICLE TRADE-IN PROGRAM.**—

(1) **ESTABLISHMENT.**—There is established in the National Highway Traffic Safety Administration a program, to be known as the “Cash for Clunkers Temporary Vehicle Trade-In Program”, through which the Secretary, in accordance with this subsection and the regulations promulgated under paragraph (4), shall—

(A) authorize the issuance of a voucher, subject to the specifications set forth in paragraph (3), to offset the purchase price or lease price of a fuel efficient automobile upon the transfer of the certificate of title of an eligible trade-in vehicle to a dealer participating in the Program;

(B) register dealers for participation in the Program and require each registered dealer to—

(i) accept vouchers provided under this subsection as partial payment or down payment for the purchase or lease of any fuel efficient automobile offered for sale or lease by such dealer; and

(ii) dispose of each eligible trade-in vehicle in accordance with paragraph (3)(B) after the title of such vehicle is transferred to the dealer under the Program;

(C) in consultation with the Secretary of the Treasury, make payments to dealers for eligible transactions by such dealers before the date that is 1 year after regulations are promulgated under paragraph (4), in accordance with such regulations; and

(D) in consultation with the Secretary of the Treasury and the Inspector General of

the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(2) **QUALIFICATIONS FOR AND VALUE OF VOUCHERS.**—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price of a fuel efficient automobile as follows:

(A) **\$1,000 VALUE.**—The voucher may be used to offset the purchase price of a previously owned fuel efficient automobile manufactured for model year 2004 or later, by \$1,000 if—

(i) the newly purchased fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) the newly purchased fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(iii) the newly purchased fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(B) **\$2,500 VALUE.**—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$2,500 if—

(i) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(iii) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and—

(I) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(II) the eligible trade-in vehicle is a category 3 truck manufactured for model year 2001 or earlier; or

(iv) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck manufactured for model year 1999 or earlier and is of similar size or larger than the new fuel efficient automobile, as determined in a manner prescribed by the Secretary.

(C) **\$3,500 VALUE.**—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$3,500 if—

(i) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 6 miles per gallon higher than the combined fuel

economy value of the eligible trade-in vehicle; or

(iii) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(D) **\$4,500 VALUE.**—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$4,500 if—

(i) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 13 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 9 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(iii) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(3) **PROGRAM SPECIFICATIONS.**—

(A) **LIMITATIONS.**—

(i) **GENERAL PERIOD OF ELIGIBILITY.**—A voucher issued under the Program may only be used for the purchase or lease of a fuel efficient automobile that occurs between the date on which the regulations promulgated under paragraph (4) are implemented and the date that is 1 year after such date.

(ii) **NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.**—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(iii) **NO COMBINATION OF VOUCHERS.**—Only 1 voucher issued under the Program may be applied toward the purchase or lease of a single new fuel efficient automobile.

(iv) **CAP ON VOUCHERS FOR CATEGORY 3 TRUCKS.**—Not more than 7.5 percent of the amounts made available for the Program may be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(v) **COMBINATION WITH OTHER INCENTIVES PERMITTED.**—The availability or use of a Federal or State tax incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program.

(vi) **NO ADDITIONAL FEES.**—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(vii) **NUMBER AND AMOUNT.**—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(viii) **VALUES FOR QUALIFYING SHORTER TERM LEASES.**—If a fuel efficient vehicle is leased under a qualifying shorter term lease, the value of the voucher issued under the Program shall be 50 percent of the value otherwise applicable under paragraph (2).

(B) **DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.**—

(i) **IN GENERAL.**—If the title of an eligible trade-in vehicle is transferred to a dealer

under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that such vehicle, including the engine and drive train—

(I) has been or will be crushed or shredded within such period and in such manner as the Secretary prescribes, or will be transferred to an entity that will ensure that the vehicle will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country, or has been or will be transferred, in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(ii) SAVINGS PROVISION.—Nothing in clause (i) may be construed to preclude a person who dismantles or disposes of the vehicle from—

(I) purchasing the disposed vehicle from a dealer for the purpose of selling parts other than the engine block and drive train;

(II) selling any parts of the disposed vehicle other than the engine block and drive train, unless the engine or drive train has been crushed or shredded; or

(III) retaining the proceeds from such sale.

(iii) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible and commercially available systems are appropriately updated to reflect the crushing or shredding of vehicles under this subsection and appropriate reclassification of the vehicles' titles.

(4) RULEMAKING.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(A) provide for a means of registering dealers for participation in the Program;

(B) establish procedures for the electronic reimbursement of dealers participating in the Program, within 10 days after the submission to the Secretary of information supporting the eligible transaction, as determined appropriate by the Secretary, for the appropriate amount under subsection (c) and any reasonable administrative costs incurred by the dealer;

(C) prohibit any dealer from using vouchers to offset any other rebate or discount offered by that dealer or by the manufacturer of the new fuel efficient automobile;

(D) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain \$50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

(E) consistent with paragraph (3)(B), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(i) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components

prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal and State requirements;

(ii) a mechanism for dealers to certify to the Secretary that eligible trade-in vehicles are disposed of, or transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures and to submit the vehicle identification numbers, mileage, condition, and other appropriate information, as determined by the Secretary, of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher; and

(iii) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from entities engaged in vehicle disposal;

(F) establish a mechanism for dealers to determine the scrappage value of the trade-in vehicle; and

(G) provide for the enforcement of the penalties described in paragraph (5)(B).

(5) ANTI-FRAUD PROVISIONS.—

(A) VIOLATION.—It shall be unlawful for any person to violate any provision under this subsection or any regulations issued pursuant to paragraph (4).

(B) PENALTIES.—Any person who commits a violation described in subparagraph (A) shall be liable to the United States Government for a civil penalty in an amount equal to not more than \$25,000 for each such violation.

(6) INFORMATION TO CONSUMERS AND DEALERS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and promptly upon the update of any relevant information, the Secretary shall make information about the Program available through an Internet Web site and through other means determined by the Secretary. Such information shall include—

(i) how to determine if a vehicle is an eligible trade-in vehicle;

(ii) how to determine the scrappage value of an eligible trade-in vehicle;

(iii) how to participate in the Program, including how to determine participating dealers; and

(iv) a comprehensive list, by make and model, of fuel efficient automobiles meeting the requirements of the Program.

(B) PUBLIC AWARENESS CAMPAIGN.—Upon completing the requirements under subparagraph (A), the Secretary shall conduct a public awareness campaign to inform consumers about the Program and the sources for additional information.

(7) RECORDKEEPING AND REPORT.—

(A) DATABASE.—The Secretary shall maintain a database that includes—

(i) the vehicle identification numbers of all fuel efficient vehicles purchased or leased under the Program; and

(ii) the vehicle identification numbers, mileage, condition, scrappage value, and other appropriate information, as determined by the Secretary, of all the eligible trade-in vehicles which have been disposed of under the Program.

(B) REPORT.—Not later than June 30, 2010, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the efficacy of the Program and includes—

(i) a description of the results of the Program, including—

(I) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(II) aggregate information regarding the make, model, model year, mileage, condition, and manufacturing location of vehicles traded in under the Program; and

(III) the location of sale or lease;

(i) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(ii) an estimate of the overall economic and employment effects of the Program.

(8) RULE OF CONSTRUCTION.—For purposes of determining Federal or State income tax liability or eligibility for any Federal or State program that bases eligibility, in whole or in part, on income, the value of any voucher issued under the Program to offset the purchase price or lease price of a new fuel efficient automobile shall not be considered income of the person purchasing such automobile.

(9) DEFINITIONS.—In this subsection:

(A) CATEGORY 1 TRUCK.—The term “category 1 truck” means a nonpassenger automobile (as defined in section 32901(a)(17) of title 49, United States Code) that—

(i) has a combined fuel economy value of at least 20 miles per gallon; and

(ii) is not a category 2 truck.

(B) CATEGORY 2 TRUCK.—The term “category 2 truck” means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled “Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008”.

(C) CATEGORY 3 TRUCK.—The term “category 3 truck” has the meaning given the term “work truck” in section 32901(a)(19) of title 49, United States Code.

(D) COMBINED FUEL ECONOMY VALUE.—The term “combined fuel economy value” means—

(i) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words “Combined Fuel Economy” on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40 Code of Federal Regulations;

(ii) with respect to an eligible trade-in vehicle manufactured after model year 1984, the equivalent number determined on the fueleconomy.gov Web site of the Environmental Protection Agency for the make, model, and year of such vehicle; and

(iii) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1984, the equivalent number determined by the Secretary and posted on the website of the National Highway Traffic Safety Administration, using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle.

(E) DEALER.—The term “dealer” means a person that is licensed by a State and engages in the sale of automobiles to ultimate purchasers.

(F) ELIGIBLE TRADE-IN VEHICLE.—The term “eligible trade-in vehicle” means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this subsection—

(i) is in drivable condition;

(ii) has been continuously insured, consistent with State law, and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in; and

(iii) has a combined fuel economy value of 17 miles per gallon or less.

(G) FUEL EFFICIENT AUTOMOBILE.—The term “fuel efficient automobile” means a vehicle described in subparagraph (A), (B), (C), or (I), that was manufactured for any model year after 2003, and, at the time of the original sale to a consumer—

(i) carries a manufacturer’s suggested retail price of \$45,000 or less;

(ii) complies with the applicable air emission and related requirements under the National Emission Standards Act (42 U.S.C. 7521 et seq.);

(iii) qualifies for listing in emission bin 1, 2, 3, 4, or 5 (as defined in section 86.1803–01 of title 40, Code of Federal Regulations), or for work trucks the applicable vehicle and engine standards found under section 86.005–10 and 86.007–11 of title 40, Code of Federal Regulations; and

(iv) has a combined fuel economy value of—

(I) 24 miles per gallon, if the vehicle is a passenger automobile;

(II) 20 miles per gallon, if the vehicle is a category 1 truck; or

(III) 17 miles per gallon, if the vehicle is a category 2 truck.

(H) NEW FUEL EFFICIENT AUTOMOBILE.—The term “new fuel efficient automobile” means a fuel efficient automobile, the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser.

(I) PASSENGER AUTOMOBILE.—The term “passenger automobile” means a passenger automobile (as defined in section 32901(a)(18) of title 49, United States Code) that has a combined fuel economy value of at least 24 miles per gallon.

(J) PROGRAM.—The term “Program” means the Cash for Clunkers Temporary Vehicle Trade-In Program established under this subsection.

(K) QUALIFYING LEASE.—The term “qualifying lease” means a lease of an automobile for a period of not less than 5 years.

(L) QUALIFYING SHORTER TERM LEASE.—The term “qualifying shorter term lease” means a lease of an automobile for a period of not less than 3 years and not more than 5 years.

(M) SCRAPPAGE VALUE.—The term “scrappage value” means the amount received by the dealer for an eligible trade-in vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destruction of the vehicle.

(N) SECRETARY.—The term “Secretary” means the Secretary of Transportation, acting through the National Highway Traffic Safety Administration.

(O) ULTIMATE PURCHASER.—The term “ultimate purchaser” means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale.

(P) VEHICLE IDENTIFICATION NUMBER.—The term “vehicle identification number” means the 17-character number used by the automobile industry to identify individual automobiles.

(c) EXPEDITED CONSIDERATION OF AMERICAN RECOVERY AND REINVESTMENT ACT RESCISSIONS.—

(1) PROPOSED RESCISSION OF DISCRETIONARY BUDGET AUTHORITY.—The President may propose, at the time and in the manner provided in paragraph (2), the rescission of any discretionary budget authority provided under the

American Recovery and Reinvestment Act (Public Law 111–5).

(2) TRANSMITTAL OF SPECIAL MESSAGE.—(A) Not later than 15 days after the date of the enactment of this Act, the President may—

(i) transmit to Congress a special message proposing to rescind amounts of discretionary budget authority provided in the American Recovery and Reinvestment Act; and

(ii) include with the special message described in clause (i) a draft bill or joint resolution that, if enacted, would only rescind that discretionary budget authority.

(B) If an Act includes accounts within the jurisdiction of more than 1 subcommittee of the Committee on Appropriations, the President, in proposing to rescind discretionary budget authority under this subsection, shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

(C) Each special message transmitted to Congress under this paragraph shall specify, with respect to the discretionary budget authority proposed to be rescinded—

(i) the amount of budget authority proposed to be rescinded or which is to be so reserved;

(ii) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(iii) the reasons why the budget authority should be rescinded or is to be so reserved;

(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(v) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(3) LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.—The amount of discretionary budget authority the President may propose to rescind in a special message under this subsection for a particular program, project, or activity may not exceed \$4,000,000,000.

(4) PROCEDURES FOR EXPEDITED CONSIDERATION.—(A)(i) Before the close of the second day of continuous session of the applicable House of Congress after the date of receipt of a special message transmitted to Congress under paragraph (2), the majority leader or minority leader of the House of Congress in which the Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced by the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

(ii) A bill or joint resolution introduced pursuant to clause (i) shall be referred to the Committee on Appropriations of the House in which it is introduced. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to vote on the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and

the bill or joint resolution shall be placed on the appropriate calendar.

(iii) A vote on final passage of a bill or joint resolution introduced pursuant to clause (i) shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

(B)(i) A bill or joint resolution transmitted to the Senate or the House of Representatives pursuant to subparagraph (A)(iii) shall be referred to the Committee on Appropriations of that House. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to vote on the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

(ii) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

(C)(i) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this subsection shall be highly privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(ii) Debate in the House of Representatives on a bill or joint resolution under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this subsection or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(iii) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this subsection shall be decided without debate.

(iv) Except to the extent specifically provided in clauses (i) through (iii), consideration of a bill or joint resolution under this

subsection shall be governed by the Rules of the House of Representatives.

(D)(i) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this subsection shall be privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(ii) Debate in the Senate on a bill or joint resolution under this subsection, and all debatable motions and appeals in connection to such bill or joint resolution, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(iii) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition to such motion or appeal shall be controlled by the minority leader or his designee. Either such leader may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(iv) A motion in the Senate to further limit debate on a bill or joint resolution under this subsection is not debatable. A motion to recommit a bill or joint resolution under this subsection is not in order.

(5) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this subsection shall be in order in the Senate or the House of Representatives. No motion to suspend the application of this paragraph shall be in order in either House, nor shall it be in order in either House to suspend the application of this paragraph by unanimous consent.

(6) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of discretionary budget authority proposed to be rescinded in a special message transmitted to Congress under paragraph (2) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

(7) DEFINITIONS.—For purposes of this subsection—

(A) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period; and

(B) the term “discretionary budget authority” means the dollar amount of discretionary budget authority and obligation limitations—

(i) specified in the American Recovery and Reinvestment Act (Public Law 111–5), or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which bud-

et authority or an obligation limitation is provided in an appropriation law;

(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

(8) CONFORMING AMENDMENT.—Section 1014(e)(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)(1)) is amended—

(A) in subparagraphs (A) and (B), by striking “he” each place such term appears and inserting “the President”;

(B) in subparagraph (A), by striking “and” at the end;

(C) by redesignating subparagraph (B) as subparagraph (C); and

(D) by inserting after subparagraph (A) the following:

“(ii) the President has transmitted a special message under section (c) of the Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009 with respect to a proposed rescission; and”.

(d) SUNSET PROVISION.—Subsection (c) shall be repealed on the date on which regulations are promulgated under subsection (b)(4).

SA 1279. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT; CREATION OF MANAGEMENT AUTHORITY FOR AUTOMOBILE MANUFACTURERS ASSISTED UNDER TARP.**

(a) AUTHORITY TO DESIGNATE MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: “, and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act”.

(b) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) or to carry out the Advanced Technology Vehicles Manufacturing Incentive Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated auto-

mobile manufacturer to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(c) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under his section.

(d) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated automobile manufacturers—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated automobile manufacturer; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(e) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011.

(f) DEFINITIONS.—As used in this section—

(1) the term “designated automobile manufacturer” means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1280. Mr. VOINOVICH (for himself, Mr. KOHL, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

SEC. ____ . COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SA 1281. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102, and insert the following:

SEC. 102. REGULATIONS AND APPLICATION OF CERTAIN PROVISIONS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate interim final regulations to implement this Act (and the amendments made by this Act). Not later than 6 months after the date on which the interim final regulations are promulgated under the preceding sentence, the Secretary shall promulgate final regulations.

(b) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding any other provision of this Act (or an amendment made by this Act), the provisions of chapter 5 of title 5, Under States Code, shall apply to this Act (and amendments).

SA 1282. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(l)(1) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted

of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the

certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. 1. SHORT TITLE.

This title may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. 2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (1) as subsection (m);

(2) by inserting after subsection (k) the following:

“(1)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total

number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(1)”; and

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (1)”.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”;

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 2.

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) **AGENCY DATA.**—Each head of an agency (as defined under sections 8344(1)(1) and 8468(1)(1)(A) of title 5, United States Code, as added by section 2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1283. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. 01. SHORT TITLE.

This title may be cited as the “Non-Foreign Area Retirement Equity Assurance Act of 2009” or the “Non-Foreign AREA Act of 2009”.

SEC. 02. EXTENSION OF LOCALITY PAY.

(a) **LOCALITY-BASED COMPARABILITY PAYMENTS.**—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

“(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality.”;

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting “; and”;

(iii) by adding after subparagraph (B) the following:

“(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and”;

(B) by adding at the end the following:

“(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).”;

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking “and” after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and”;

(D) in clause (iv) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence “Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2010; and

“(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).”.

SEC. 03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 04 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using $\frac{1}{3}$ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using $\frac{2}{3}$ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comfor each non-foreign area.

SEC. 05. SAVINGS PROVISION.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 04 of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 04 of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5,

United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 04 of this title which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term “covered employee” means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 02 of this title), and section 04 of this title apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section 02 of this title), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 06(b)(2) of that Act shall apply.”.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 04.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 07 of this title.

SEC. 07. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means any employee—

(1) to whom section 04 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 04 of this title did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 08. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe

regulations to carry out this title, including—

(1) rules for special rate employees described under section 03;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 04 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 09. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 02 and the provisions of section 04 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

SA 1284. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1225 submitted by Mr. COBURN and intended to be proposed to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . IMMEDIATE, MANDATORY EVALUATION OF POTENTIAL VIOLATIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IMMEDIATE, MANDATORY EVALUATION AND REPORT.—

(1) IMMEDIATE, MANDATORY EVALUATION.—The Secretary of Health and Human Services shall conduct an evaluation of the manufacture, distribution, and use of marijuana in States that have enacted laws legalizing, decriminalizing, or otherwise allowing the use of marijuana for purported medical use to determine—

(A) whether such activity conflicts with any provision of Federal law for which the

Department of Health of Human Services is responsible; and

(B) whether such medical marijuana programs conflict with any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that is designed to ensure the safety and effectiveness of drugs used by the American public.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, and after an opportunity for public comment, the Secretary of Health and Human Services shall submit to Congress a report concerning the findings of the evaluation conducted under paragraph (1).

(b) REPORT ON RESEARCH.—The Secretary of Health and Human Services shall report to Congress on efforts to respond to privately-funded research to evaluate marijuana for possible prescription use, after being subjected to the full regulatory processes, evaluations, and requirements of the Food and Drug Administration, including Phase II and III studies, risk evaluation and mitigation strategy, and all other requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) regarding safe and effective reviews, approval, sale, marketing, and use of pharmaceuticals.

SA 1285. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 24 and insert the following:

“taining domestically grown tobacco; and
“(E) shall require that all tobacco product testing on domestic and foreign manufacturers' products, to determine compliance with standards under this section, be performed in laboratories accredited by the Secretary (or by an accreditation body recognized by the Secretary) for such purpose, in accordance with the procedures established by the Secretary.”

SA 1286. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____ . IMMEDIATE, MANDATORY EVALUATION OF POTENTIAL VIOLATIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IMMEDIATE, MANDATORY EVALUATION AND REPORT.—

(1) IMMEDIATE, MANDATORY EVALUATION.—The Secretary of Health and Human Services shall conduct an evaluation of the manufacture, distribution, and use of marijuana in

States that have enacted laws legalizing, decriminalizing, or otherwise allowing the use of marijuana for purported medical use to determine—

(A) whether such activity conflicts with any provision of Federal law for which the Department of Health of Human Services is responsible; and

(B) whether such medical marijuana programs conflict with any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that is designed to ensure the safety and effectiveness of drugs used by the American public.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, and after an opportunity for public comment, the Secretary of Health and Human Services shall submit to Congress a report concerning the findings of the evaluation conducted under paragraph (1).

(b) REPORT ON RESEARCH.—The Secretary of Health and Human Services shall report to Congress on efforts to respond to privately-funded research to evaluate marijuana for possible prescription use, after being subjected to the full regulatory processes, evaluations, and requirements of the Food and Drug Administration, including Phase II and III studies, risk evaluation and mitigation strategy, and all other requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) regarding safe and effective reviews, approval, sale, marketing, and use of pharmaceuticals.

SA 1287. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, strike lines 4 through 16, and insert the following:

“(3) CIGARETTE.—The term ‘cigarette’ means a product that is a tobacco product and that—

“(A) meets the definition of the term ‘cigarette’ in section 3(1) of the Federal Cigarette Labeling and Advertising Act; or

“(B) because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchase by, consumers as a cigarette or as roll-your-own tobacco.”

SA 1288. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 8, strike “section 3(1)” and insert “section 3(1)(A) or section 3(1)(B)”.

SA 1289. Mr. LIEBERMAN submitted an amendment intended to be proposed

by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(l)(1) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—
“(i) shall apply with respect to that portion of any annuity which is attributable to

service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) **DEPOSIT AUTHORITY.**—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(1)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONAL AMENDMENT.**—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) **CREDITING OF DEPOSITS.**—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”.

(3) **SECTION HEADING.**—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”.

(4) **RESTORATION OF ANNUITY RIGHTS.**—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) **RETIREMENT CREDIT.**—

(1) **IN GENERAL.**—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual’s creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) **TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.**—Any portion of an individual’s qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) **SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.**—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) **QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.**—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision,

and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) **CERTIFICATION OF SERVICE.**—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SA 1290. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) **IN GENERAL.**—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(1)(1) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”.

(b) **EXCEPTION FROM DEPOSIT REQUIREMENT.**—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(1)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—
“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual’s creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual’s qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection

(a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(1) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(2) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(1) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(2) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of

Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE —NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. 01. SHORT TITLE.

This title may be cited as the "Non-Foreign Area Retirement Equity Assurance Act of 2009" or the "Non-Foreign AREA Act of 2009".

SEC. 02. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

"(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;"

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting "; and"; and

(iii) by adding after subparagraph (B) the following:

"(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and"; and

(B) by adding at the end the following:

"(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d)."; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking "and" after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

"(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and";

(D) in clause (iv) in the matter following subparagraph (D), by inserting ", except for members covered by subparagraph (C)" before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting ", except for members covered by subparagraph (C)" before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence "Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph

(1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

"(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

"(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

"(A) January 1, 2010; and

"(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

"(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

"(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

"(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

"(ii) dividing the resulting percentage determined under clause (i) by the sum of—

"(I) one; and

"(II) the applicable locality-based comparability payment percentage expressed as a numeral.

"(3) No allowance rate computed under paragraph (2) may be less than zero.

"(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law)."

SEC. 03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to

be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 5941(c)(2)(B) of this title, ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using 1/3 of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using 2/3 of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 05. SAVINGS PROVISION.

(a) IN GENERAL.—During the period described under section 5941(c) of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 5941(c) of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(b) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(1) the employee leaves the allowance area or pay system; or

(2) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(c) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under subsection (b) shall receive any applicable locality-based comparability payment extended under section 5941(c)(2)(B) of this title which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding subsection (b), to the extent that an employee covered under that subsection receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that subsection shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term “covered employee” means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by

this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 5941 of this title), and section 5941 of this title apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section 5941 of this title), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 5941(2) of that Act shall apply.”.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 5941.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 5941 of this title.

SEC. 07. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means any employee—

(1) to whom section 5941 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title

5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 5941 of this title did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 08. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section 5303;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without

regard to otherwise applicable statutory pay limitations during the transition period described in section 5304 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 09. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 02 and the provisions of section 04 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. 1. SHORT TITLE.

This title may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. 2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

“(1)(l) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under

title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours

of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”;

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency

under this subsection or section 8344(1) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”;

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(1)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1291. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. INOUE, Mr. BEGICH, Ms. MIKULSKI, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(1)(l) In computing”;

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section

6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual’s creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual’s qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(1) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(1) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE —NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. 01. SHORT TITLE.

This title may be cited as the "Non-Foreign Area Retirement Equity Assurance Act of 2009" or the "Non-Foreign AREA Act of 2009".

SEC. 02. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

"(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;"

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting "; and"; and

(iii) by adding after subparagraph (B) the following:

"(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and"; and

(B) by adding at the end the following:

"(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d)."; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking "and" after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

"(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and";

(D) in clause (iv) in the matter following subparagraph (D), by inserting ", except for members covered by subparagraph (C)" before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting ", except for members covered by subparagraph (C)" before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence "Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

"(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

"(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

"(A) January 1, 2010; and

"(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

"(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

"(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

"(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

"(ii) dividing the resulting percentage determined under clause (i) by the sum of—

"(I) one; and

"(II) the applicable locality-based comparability payment percentage expressed as a numeral.

"(3) No allowance rate computed under paragraph (2) may be less than zero.

"(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law)."

SEC. 03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location

designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) **STATUTORY AUTHORITY.**—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) **TEMPORARY ADJUSTMENT.**—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 5941(c) of that title, the applicable rate for the locality pay percentage for the rest of United States locality pay area;

SEC. 04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using $\frac{1}{3}$ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using $\frac{2}{3}$ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 05. SAVINGS PROVISION.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the application of this title to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for

the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the “Rest of the United States”, the President’s Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President’s Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) **SAVINGS PROVISIONS.**—

(1) **IN GENERAL.**—During the period described under section 04 of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee’s special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 04 of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(2) **CONTINUATION OF COST OF LIVING ALLOWANCE RATE.**—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) **LOCALITY-BASED COMPARABILITY PAYMENTS.**—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 04 of this title which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) **IN GENERAL.**—

(1) **DEFINITION.**—In this subsection, the term “covered employee” means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) **APPLICATION TO COVERED EMPLOYEES.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 02 of this title), and section 04 of this title apply.

(B) **PAY FIXED BY STATUTE.**—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) **PERFORMANCE APPRAISAL SYSTEM.**—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section 02 of this title), may be reduced on the basis of the performance of that employee.

(b) **POSTAL EMPLOYEES IN NON-FOREIGN AREAS.**—

(1) **IN GENERAL.**—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 5941(b)(2) of that Act shall apply.”.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 5304.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 5941 of that title.

SEC. 5947. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means any employee—

(1) to whom section 5304 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 5304 of this title did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 5948. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section 5303;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 5304 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for em-

ployees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 5949. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 5942 and the provisions of section 5944 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE 5.—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. 5951. SHORT TITLE.

This title may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. 5952. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

“(l)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—
(A) in paragraph (1), by striking “(k)” and inserting “(l)”;

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”;

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1292. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(1)(l) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occur-

ring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(1)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“**§ 8422. Deductions from pay; contributions for other service; deposits.**”

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—

Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term "covered employee" means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the

Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(I) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE —PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. 1. SHORT TITLE.

This title may be cited as the "Part-Time Reemployment of Annuitants Act of 2009".

SEC. 2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (1) as subsection (m);

(2) by inserting after subsection (k) the following:

"(l)(1) For purposes of this subsection—

"(A) the term 'head of an agency' means—

"(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

"(ii) the head of the United States Postal Service;

"(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

"(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

"(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

"(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

"(A) fulfill functions critical to the mission of the agency, or any component of that agency;

"(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

"(C) assist in the development, management, or oversight of agency procurement actions;

"(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

"(E) promote appropriate training or mentoring programs of employees;

"(F) assist in the recruitment or retention of employees; or

"(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

"(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

"(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

"(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

"(C) for more than a total of 3120 hours of service performed by that annuitant.

"(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

"(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee

on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”;

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be

used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”;

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(1)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1293. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr.

DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike lines 7 through 15, and insert the following:

"(16) **SMALL TOBACCO PRODUCT MANUFACTURER.**—The term 'small tobacco product manufacturer' means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence—

"(A) the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer; and

"(B) except that in the case of a farmer owned tobacco grower cooperative that is also tobacco manufacturer, any employees whose responsibilities and compensation in no way support, are connected to, or are dependent upon the manufacture, fabrication, assembly, processing, labeling, storage or marketing of tobacco products, including cigarettes, roll-your-own tobacco, cigars, small cigar or cigarette tubes shall not be deemed employees of the tobacco product manufacturer."

SA 1294. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

"**SMALL TOBACCO PRODUCT MANUFACTURER.**—The term 'small tobacco product manufacturer' means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence—

"(A) the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer; and

"(B) except that in the case of a farmer owned tobacco grower cooperative that is also tobacco manufacturer, any employees whose responsibilities and compensation in no way support, are connected to, or are dependent upon the manufacture, fabrication, assembly, processing, labeling, storage or marketing of tobacco products, including cigarettes, roll-your-own tobacco, cigars, small cigar or cigarette tubes shall not be deemed employees of the tobacco product manufacturer."

SA 1295. Mr. BROWNBACK (for himself, Mr. COCHRAN, and Mr. ROBERTS)

submitted an amendment intended to be proposed to amendment SA 1229 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. MCCAIN, Ms. STABENOW, Mr. SANDERS, and Ms. KLOBUCHAR) and intended to be proposed to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 140 of the amendment, after line 17, add the following:

SEC. 11. CERTIFICATION.

(a) **IN GENERAL.**—This division, and the amendments made by this division, shall become effective only if the Secretary of Health and Human Services certifies to Congress that the implementation of this division, and the amendments made by this division, will—

(1) pose no additional risk to the public's health and safety; and

(2) result in a significant reduction in the cost of covered products to the American consumer.

(b) **EFFECTIVE DATE.**—Notwithstanding any other provision of this division, or of any amendment made by this division—

(1) any reference in this division, or in such amendments, to the date of enactment of this division shall be deemed a reference to the date of the certification under subsection (a); and

(2) each reference to "January 1, 2012" in section 6(c) of this division shall be substituted with "90 days after the effective date of this division".

SA 1296. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 1255 submitted by Ms. STABENOW (for herself, Mr. BROWNBACK, Ms. MIKULSKI, Mr. VOINOVICH, Mrs. SHAHEEN, Mr. BOND, Mr. BURRIS, Mr. DURBIN, Mr. LEVIN, and Mr. BROWN) and intended to be proposed to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 17, insert "or new fuel efficient motorcycle" after "automobile".

On page 2, line 24, insert "or new fuel efficient motorcycle" after "automobile".

On page 3, line 18, insert "or new fuel efficient motorcycle" after "automobile".

On page 5, between lines 21 and 22, insert the following:

(3) **\$2,500 VALUE.**—A voucher may be used to offset the purchase price of the new fuel efficient motorcycle by \$2,500 if—

(A) the new fuel efficient motorcycle is street-use approved; and

(B) the combined fuel economy is at least 25 miles higher than the combined fuel economy value of the eligible trade-in vehicle.

On page 6, line 2, insert "or new fuel efficient motorcycles" after "automobiles".

On page 6, line 17, insert "or a single new fuel efficient motorcycle" after "automobile".

On page 7, line 2, insert "or new fuel efficient motorcycle" after "automobile".

On page 7, line 9, insert "or new fuel efficient motorcycle" after "automobile".

On page 9, lines 24 and 25, insert "or new fuel efficient motorcycle" after "automobile".

On page 10, line 11, insert "or new fuel efficient motorcycle" after "automobile".

On page 12, line 20, insert "and new fuel efficient motorcycles" after "automobiles".

On page 13, line 4, insert "(including new fuel efficient motorcycles)" after "vehicles".

On page 13, line 19, insert "and new fuel efficient motorcycles" after "automobiles".

On page 13, line 22, insert "or motorcycle" after "automobile".

On page 17, line 7, insert "or motorcycle" after "Code".

On page 17, between lines 19 and 20, insert the following:

(8) the term "motorcycle" means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground;

On page 17, line 20, strike "(8)" and insert "(9)".

On page 18, between lines 21 and 22, insert the following:

(10) the term "new fuel efficient motorcycle" means a motorcycle—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer's suggested retail price of \$20,000 or less; and

(C) that has a combined fuel economy value of at least 50 miles per gallon;

On page 18, line 22, strike "(9)" and insert "(11)".

On page 19, line 1, strike "(10)" and insert "(12)".

On page 19, line 13, insert "or motorcycle" after "automobile".

On page 19, line 14, insert "or motorcycle" after "automobile".

SA 1297. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) **IN GENERAL.**—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(1) In computing” and inserting “(1)(1) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual’s creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual’s qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying Dis-

trict of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees’ Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees’ Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee’s employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(I) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS**SEC. ____ 1. SHORT TITLE.**

This title may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. ____ 2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

“(1)(l) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the

employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”;

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period

ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be

construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”;

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(1)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1298. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(1) In computing” and inserting “(1)(1) In computing”;

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires

on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter."

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking "section 8415(k)" and inserting "paragraph (1) or (2) of section 8415(l)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking "October 1, 1990" each place it appears and inserting "March 1, 1991".

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

"(3) In the administration of paragraph (1)–

"(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

"(B) subparagraph (B) of such paragraph—

"(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

"(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986."

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

"(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a

deposit in one or more installments shall apply to deposits under this subsection.

"(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking "8411(f);" and inserting "8411(f) or 8422(i);".

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: "Deposits made by an employee, Member, or survivor also shall be credited to the Fund."

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

"§ 8422. Deductions from pay; contributions for other service; deposits".

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

"8422. Deductions from pay; contributions for other service; deposits."

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking "based." and inserting "based, until the employee or Member is reemployed in the service subject to this chapter."

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, "qualifying District of Columbia service" means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SA 1299. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R.

1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(1)(l) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to

service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision,

and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

TITLE _____ —PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. 1. SHORT TITLE.

This title may be cited as the "Part-Time Reemployment of Annuitants Act of 2009".

SEC. 2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

"(1)(l) For purposes of this subsection—

"(A) the term 'head of an agency' means—

"(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

"(ii) the head of the United States Postal Service;

"(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

"(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

"(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

"(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

"(A) fulfill functions critical to the mission of the agency, or any component of that agency;

"(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

"(C) assist in the development, management, or oversight of agency procurement actions;

"(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

"(E) promote appropriate training or mentoring programs of employees;

"(F) assist in the recruitment or retention of employees; or

"(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

"(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

"(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

"(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

"(C) for more than a total of 3120 hours of service performed by that annuitant.

"(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

"(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

"(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

"(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

"(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

"(B) Any regulations promulgated under subparagraph (A) may—

"(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

"(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

"(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

"(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

"(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

"(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

"(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

"(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009."; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking "(k)" and inserting "(l)"; and

(B) in paragraph (2), by striking "or (k)" and inserting "(k), or (l)".

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

"(i)(1) For purposes of this subsection—

"(A) the term 'head of an agency' means—

"(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

"(ii) the head of the United States Postal Service;

"(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

"(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

"(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

"(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

"(A) fulfill functions critical to the mission of the agency, or any component of that agency;

"(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

"(C) assist in the development, management, or oversight of agency procurement actions;

"(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

"(E) promote appropriate training or mentoring programs of employees;

"(F) assist in the recruitment or retention of employees; or

"(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

"(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

"(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

"(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

"(C) for more than a total of 3120 hours of service performed by that annuitant.

"(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

"(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

"(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”;

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 2.

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection

(1) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) **AGENCY DATA.**—Each head of an agency (as defined under sections 8344(1)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1300. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. INOUE, Mr. BEGICH, Ms. MIKULSKI, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System; and the Federal Employees’ Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) **IN GENERAL.**—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(1) In computing” and inserting “(1)(1) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”.

(b) **EXCEPTION FROM DEPOSIT REQUIREMENT.**—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) **IN GENERAL.**—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) **IN GENERAL.**—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) **DEPOSIT AUTHORITY.**—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(1)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONAL AMENDMENT.**—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) **CREDITING OF DEPOSITS.**—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”.

(3) **SECTION HEADING.**—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

"8422. Deductions from pay; contributions for other service; deposits."

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking "based," and inserting "based, until the employee or Member is reemployed in the service subject to this chapter."

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, "qualifying District of Columbia service" means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term "covered employee" means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection

(a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(I) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of

Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE —NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. 01. SHORT TITLE.

This title may be cited as the “Non-Foreign Area Retirement Equity Assurance Act of 2009” or the “Non-Foreign AREA Act of 2009”.

SEC. 02. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

“(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;”;

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting “; and”; and

(iii) by adding after subparagraph (B) the following:

“(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and”;

(B) by adding at the end the following:

“(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).”; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking “and” after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and”;

(D) in clause (iv) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence “Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph

(1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2010; and

“(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).”.

SEC. 03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to

be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 04 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using $\frac{1}{3}$ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using $\frac{2}{3}$ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 05. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this title to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the “Rest of the United States”, the President’s Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President’s Pay Agent will establish 1 locality area for the entire State of Hawaii

and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 04 of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 04 of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate, but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 04 of this title which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term “covered employee” means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-

of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 02 of this title), and section 04 of this title apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section 02 of this title), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 06(b)(2) of that Act shall apply.”.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 04.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 07 of this title.

SEC. 07. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means any employee—

(1) to whom section 04 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 04 of this title did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 08. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section 03;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 04 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 09. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 02 and the provisions of section 04 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE _____ —PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. 1. SHORT TITLE.

This title may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. 2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

“(1)(l) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation and oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Govern-

mental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”; and

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be

used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”;

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 2.

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) **AGENCY DATA.**—Each head of an agency (as defined under sections 8344(1)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1301. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr.

SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes; which was ordered to lie on the table as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) **IN GENERAL.**—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(1)(l) In computing”;

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”.

(b) **EXCEPTION FROM DEPOSIT REQUIREMENT.**—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(1)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) **IN GENERAL.**—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) **IN GENERAL.**—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) **DEPOSIT AUTHORITY.**—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONAL AMENDMENT.**—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) **CREDITING OF DEPOSITS.**—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”.

(3) **SECTION HEADING.**—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits.”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”.

(4) **RESTORATION OF ANNUITY RIGHTS.**—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) **RETIREMENT CREDIT.**—

(1) **IN GENERAL.**—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual’s creditable service under sections 8332 or 8411 of

title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) **TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.**—Any portion of an individual’s qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) **SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.**—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) **QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.**—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 1246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated

from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual’s coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) **CERTIFICATION OF SERVICE.**—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

TITLE —NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. 01. SHORT TITLE.

This title may be cited as the “Non-Foreign Area Retirement Equity Assurance Act of 2009” or the “Non-Foreign AREA Act of 2009”.

SEC. 02. EXTENSION OF LOCALITY PAY.

(a) **LOCALITY-BASED COMPARABILITY PAYMENTS.**—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

“(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;”;

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting “; and”; and

(iii) by adding after subparagraph (B) the following:

“(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and”;

(B) by adding at the end the following:

“(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).”; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking “and” after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and”;

(D) in clause (iv) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence “Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2010; and

“(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).”.

SEC. 03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described

under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 04 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using 1/3 of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using 2/3 of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 05. SAVINGS PROVISION.

(a) IN GENERAL.—During the period described under section 04 of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee’s special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 04 of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(b) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate, but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(c) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 04 of this title which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term “covered employee” means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(i) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 02 of this title), and section 04 of this title apply.

(B) **PAY FIXED BY STATUTE.**—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) **PERFORMANCE APPRAISAL SYSTEM.**—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section 02 of this title), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) **IN GENERAL.**—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 06(b)(2) of that Act shall apply.”.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) **IN GENERAL.**—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 04.

(B) **RULE OF CONSTRUCTION.**—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 07 of this title.

SEC. 07. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) **DEFINITION.**—In this section the term “covered employee” means any employee—

(1) to whom section 04 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) **ELECTION.**—

(1) **IN GENERAL.**—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) **DEADLINE.**—An election under this subsection may be filed not later than December 31, 2012.

(c) **COMPUTATION OF ANNUITY.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) **LIMITATION.**—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 04 of this title did not apply.

(d) **CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—**

(1) **EMPLOYEE CONTRIBUTIONS.**—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) **AGENCY CONTRIBUTIONS.—**

(A) **IN GENERAL.**—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) **SOURCE.**—Amounts paid under this paragraph shall be contributed from the ap-

propriation or fund used to pay the employee.

(3) **REGULATIONS.**—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 08. REGULATIONS.

(a) **IN GENERAL.**—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section 03;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 04 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) **OTHER PAY SYSTEMS.**—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 09. EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) **LOCALITY PAY AND SCHEDULE.**—The amendments made by section 02 and the provisions of section 04 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE _____ —PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. 1. SHORT TITLE.

This title may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. 2. PART-TIME REEMPLOYMENT.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

“(1)(l) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”;

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(1)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the

application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—
(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

(B) in paragraph (2), by striking “(h)” and inserting “(h), or (i)”.

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”;

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 2.

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) **AGENCY DATA.**—Each head of an agency (as defined under sections 8344(1)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1302. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 1251 submitted by Mrs. HAGEN and intended to be proposed to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, line 6, strike “includes” and all that follows through line 7 on page 2, and insert the following: “means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence—

“(A) the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer; and

“(B) except that in the case of a farmer owned tobacco grower cooperative that is also tobacco manufacturer, any employees whose responsibilities and compensation in no way support, are connected to, or are dependent upon the manufacture, fabrication, assembly, processing, labeling, storage or marketing of tobacco products, including cigarettes, roll-your-own tobacco, cigars, small cigar or cigarette tubes shall not be deemed employees of the tobacco product manufacturer.”.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Tuesday, June 16, 2009, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the President's proposed fiscal year 2010 budget for the National Park Service and proposed expenditures under the American Recovery and Reinvestment Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to anna_fox@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Anna Fox at (202) 224-1219.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 11, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Reforming the Indian Health Care System.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Monday, June 8, 2009, at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that privileges of the

floor be granted to Len Zwelling, a fellow in my office, for the remainder of the debate on H.R. 1256.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMBAT METHAMPHETAMINE ENHANCEMENT ACT OF 2009

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 38, S. 256.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 256) to enhance the ability to combat methamphetamine.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 256) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 256

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Combat Methamphetamine Enhancement Act of 2009”.

SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL REGULATED PERSONS SELLING SCHEDULED LISTED CHEMICALS.

Section 310(e)(2) of the Controlled Substances Act (21 U.S.C. 830(e)(2)) is amended by inserting at the end the following:

“(C) Each regulated person who makes a sale at retail of a scheduled listed chemical product and is required under subsection (b)(3) to submit a report of the sales transaction to the Attorney General may not sell any scheduled listed chemical product at retail unless such regulated person has submitted to the Attorney General a self-certification including a statement that the seller understands each of the requirements that apply under this paragraph and under subsection (d) and agrees to comply with the requirements. The Attorney General shall by regulation establish criteria for certifications of mail-order distributors that are consistent with the criteria established for the certifications of regulated sellers under paragraph (1)(B).”.

SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS LISTS.

Section 310(e)(1)(B) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at the end the following:

“(v) PUBLICATION OF LIST OF SELF-CERTIFIED PERSONS.—The Attorney General shall develop and make available a list of all persons who are currently self-certified in accordance with this section. This list shall be made publicly available on the website of the Drug Enforcement Administration in an electronically downloadable format.”.

SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (13), by striking “or” after the semicolon;

(2) in paragraph (14), by striking the period and inserting “; or”;

(3) by inserting after paragraph (14) the following:

“(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B), unless such regulated seller or regulated person is, at the time of such distribution, currently registered with the Drug Enforcement Administration, or on the list of persons referred to under section 310(e)(1)(B)(v).”; and

(4) inserting at the end the following: “For purposes of paragraph (15), if the distributor is temporarily unable to access the list of persons referred to under section 310(e)(1)(B)(v), the distributor may rely on a written, faxed, or electronic copy of a certificate of self-certification submitted by the regulated seller or regulated person, provided the distributor confirms within 7 business days of the distribution that such regulated seller or regulated person is on the list referred to under section 310(e)(1)(B)(v).”.

SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS REQUIRED.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)(10)) is amended by inserting before the semicolon the following: “or negligently to fail to self-certify as required under section 310 (21 U.S.C. 830)”.

SEC. 6. EFFECTIVE DATE AND REGULATIONS.

(a) **EFFECTIVE DATE.**—This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) **REGULATIONS.**—In promulgating the regulations authorized by section 2, the Attorney General may issue regulations on an interim basis as necessary to ensure the implementation of this Act by the effective date.

HONORING THE 20TH ANNIVERSARY OF THE SUSAN G. KOMEN RACE FOR THE CURE

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 109.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 109) honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital and its transition to the Susan G. Komen Global Race for the Cure on June 6, 2009, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 109) was agreed to.

The preamble was agreed to.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 142.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 142) designating July 25, 2009, as “National Day of the American Cowboy.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Madam President, I rise today to talk about one of the great icons of the American West—the cowboy. The cowboy is an enduring symbol of strong character, honesty, integrity, respect, and patriotism. I am proud to carry on a tradition started by my late colleague and friend, Senator Craig Thomas, by sponsoring S. Res. 142, which honors the men and women called cowboys by designating July 25, 2009, the National Day of the American Cowboy.

Craig truly showed us what it meant to be a cowboy. He knew that they come from all walks of life. Cowboys are men and women of any age, any race, and can be found across the country. The cowboy spirit isn't about boots and spurs and a hat. It is about strength of character, sound family values, courage, respect, and good common sense. Senator Thomas said:

Trying to define a cowboy is like trying to rope the wind, but you certainly recognize one when you see them.

It was easy to recognize that Senator Thomas truly was a Wyoming cowboy in every sense of the word.

The cowboy way of life has been passed down for generations since the first cowboys settled the American West. They were true pioneers who came west to settle an untamed frontier. Many of the cowtowns that sprung up around the cattle business when the West was being settled are still there now. They continue to live their western heritage. The first cowboys relied on hard work and persistence to make their living in a tough country. Today's cowboys haven't changed all that much from when the first wranglers and ranch hands started herding cattle on the Great Plains.

Today's cowboys continue to rope and ride across the United States. They live and work in every State to manage nearly 100 million cattle. They are an integral part of the economy of Wyoming and many other Western States.

Cowboys work hard but they also play hard. Rodeo is a sport that tests skill with a rope or challenges a cowboy's ability to stay on the back of bucking rough stock for 8 long seconds. Rodeos across the Nation, from big events such as Cheyenne Frontier Days and the National Finals Rodeo in Las Vegas, to weekly smalltown jackpots at community arenas around the country, draw millions of fans every year.

The cowboy legend still lives in our culture and our imaginations through music, movies, and books. From cowboy blockbusters on the big screen to the thousands of country radio stations on the air, the cowboy remains a larger-than-life figure. We look up to cowboys because they are examples of honesty, integrity, character, patriotism and self-reliance. Cowboys have a strong work ethic, they are compassionate, and they are good stewards of the land. We look to cowboys as role models for how to live up to the best American qualities.

I am proud to be from a State that continues to live the cowboy tradition every day. Their contributions have helped shape what it means to be an American and have created a high standard we can all strive to meet. I am proud to continue Senator Thomas's tradition of recognizing the many contributions cowboys have made to our country. I look forward to celebrating the National Day of the American Cowboy on July 25, 2009.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas pioneering men and women, recognized as “cowboys”, helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the Nation who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, and rodeo is one of the most-watched sports in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 25, 2009, as “National Day of the American Cowboy”; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

20TH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to S. Res. 171.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 171) commending the people who have sacrificed their personal freedoms to bring about democratic change in the People's Republic of China and expressing sympathy for the families of the people who were killed, wounded, or imprisoned, on the occasion of the 20th anniversary of the Tiananmen Square Massacre in Beijing, China from June 3 through 4, 1989.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 171) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to, as follows:

S. RES. 171

Whereas freedom of expression, assembly, association, and religion are fundamental rights that all people should be able to possess and enjoy;

Whereas, in April 1989, in a demonstration of democratic progress, thousands of students took part in peaceful protests against the communist government of the People's Republic of China in the capital city of Beijing;

Whereas, throughout the month of May 1989, the students, in peaceful demonstrations, drew more people, young and old and from all walks of life, into central Beijing to demand better democracy, basic freedoms of speech and assembly, and an end to corruption;

Whereas, from June 3 through 4, 1989, the Government of China ordered members of the People's Liberation Army to enter Beijing and clear Tiananmen Square (located in central Beijing) by lethal force;

Whereas, by June 7, 1989, the Red Cross of China reported that the People's Liberation Army had killed more than 300 people in Bei-

jing, although foreign journalists who witnessed the events estimate that thousands of people were killed and thousands more wounded;

Whereas more than 20,000 people in China were arrested and detained without trial, due to their suspected involvement in the protests at Tiananmen Square;

Whereas, according to the Department of State, the Government of China has worked to censor information about the massacre at Tiananmen Square by blocking Internet sites and other media outlets, along with other sensitive information that would be damaging to the Government of China;

Whereas the Government of China has continued to deny basic human rights, such as freedom of speech and religion;

Whereas, during the 2008 Olympic Games, the Government of China promised to provide the international media covering the Olympic Games with the same access given the media at all the other Olympic Games, but denied access to certain internet sites and media outlets in attempts to censor free speech;

Whereas the Department of State Human Rights Report for 2008 found that the Government of China had increased already severe cultural and religious suppression of ethnic minorities in Tibetan areas and the Xinjiang Uighur Autonomous Region, detained and harassed dissidents and journalists, and maintained tight controls on freedom of speech and the Internet;

Whereas the United States Commission on International Religious Freedom in 2009 stated, “The Chinese government continues to engage in systematic and egregious violations of the freedom of religion or belief, with religious activities tightly controlled and some religious adherents detained, imprisoned, fined, beaten, and harassed.”; and

Whereas the China Aid Association reported that in 2007, Christians were detained or arrested and Christian house church groups were persecuted by the Government of China: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people who demonstrated at Tiananmen Square and elsewhere in the People's Republic of China in 1989, many of whom sacrificed their lives and freedom to—
(A) bring about democratic change in China; and

(B) gain freedom of expression, assembly, association, and religion for the people of China;

(2) expresses its sympathy for the families of the people who were killed, wounded, or imprisoned due to their involvement in the peaceful protests in Tiananmen Square in Beijing, China from June 3 through 4, 1989;

(3) condemns the ongoing human rights abuses by the Government of China;

(4) calls on the Government of China to—

(A) release all prisoners that are—

(i) still in captivity as a result of their involvement in the events from June 3 through 4, 1989, at Tiananmen Square; and

(ii) imprisoned without cause;

(B) allow freedom of speech and access to information, especially information regarding the events at Tiananmen Square in 1989; and

(C) cease all harassment, intimidation, and unjustified imprisonment of—

(i) members of religious and minority groups; and

(ii) people who disagree with policies of the Government of China;

(5) supports efforts by free speech activists in China and elsewhere who are working to overcome censorship (including censorship of

the Internet) and the chilling effect of censorship; and

(6) urges the President to continue to support peaceful advocates of free speech around the world.

NATIONAL APHASIA AWARENESS MONTH

Mr. REID. Madam President, I ask unanimous consent to proceed to S. Res. 172.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 172) designating June 2009 as “National Aphasia Awareness Month” and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of or reduction in the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas, according to the National Institute of Neurological Disorders and Stroke (referred to in this resolution as the “NINDS”), stroke is the 3rd-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are about 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer about 750,000 strokes per year, with approximately 1/3 of the strokes resulting in aphasia;

Whereas, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire the disorder each year;

Whereas the National Aphasia Association is a unique organization that provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas, as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes the "silent" disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2009 as "National Aphasia Awareness Month";

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the 3rd-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

MEASURE READ THE FIRST TIME—H.R. 31

Mr. REID. Madam President, H.R. 31 is at the desk and has been received from the House; is that correct?

The PRESIDING OFFICER. The leader is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

Mr. REID. Madam President, I would first ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—H.R. 1256

Mr. REID. Madam President, I ask unanimous consent that the vote in relation to the Burr-Hagan amendment No. 1246 occur at 4:30 p.m. tomorrow, Tuesday, June 9, and that no amendment be in order to the amendment prior to a vote in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—JOINT REFERRAL

Mr. REID. Madam President, as in executive session, I ask unanimous consent that the nomination of Raymond M. Jefferson to be Assistant Secretary of Labor for Veterans' Employment and Training, received by the Senate on June 2, 2009, be jointly referred to the HELP and Veterans' Affairs Committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 9, 2009

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning, June 9, at 10 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date and the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with the time equally divided between the two leaders or their designees, with the majority controlling the first half, the Republicans controlling the second half, and with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate will resume consideration of Calendar No. 47, H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Further, I ask that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons. Finally, I ask that the time during any adjournment, recess, or period of morning business count postcloture to the matter now before the Senate, the tobacco legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, tomorrow, the Senate will resume consideration of the FDA tobacco legislation. Earlier tonight, cloture was invoked on the substitute amendment. Tomorrow, we will continue to work through amendments. We have indicated from the very beginning that those amendments are germane to the bill, we would be happy to work on those. If there are others we can work something out on, we would be happy to do

that. Rollcall votes could occur throughout the day. Tonight, we were able to reach an agreement for a vote at 4:30 on the pending Burr substitute amendment. Senators will be notified when any additional votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Tuesday, June 9, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

POLLY TROTTEBERG, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE TYLER D. DUVALL, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

ROBERT MALCOLM MCDOWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2009. (RE-APPOINTMENT)

DEPARTMENT OF STATE

ANNE ELIZABETH DERSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

DAVID C. JACOBSON, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

ARTURO A. VALENZUELA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS), VICE THOMAS A. SHANNON, JR., RESIGNED.

DEPARTMENT OF EDUCATION

THELMA MELENDEZ DE SANTA ANA, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE KERRI LAYNE BRIGGS.

THE JUDICIARY

STUART GORDON NASH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RAFAEL DIAZ, TERM EXPIRED.

DEPARTMENT OF JUSTICE

IGNACIA S. MORENO, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RONALD JAY TENPAS, RESIGNED.

SMALL BUSINESS ADMINISTRATION

WINSLOW LORENZO SARGEANT, OF WISCONSIN, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE THOMAS M. SULLIVAN.

EXTENSIONS OF REMARKS

RECOGNIZING THE SERVICE OF
GEORGE H. MCCOY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. HIGGINS. Madam Speaker, it is with great pride as we commemorate the 65th anniversary of the D-Day invasion of Normandy, I rise to celebrate the extraordinary service of World War II veteran George H. McCoy.

On June 6, 1944 George, a member of the 82nd Airborne Division, and countless other veterans of the Normandy campaign, demonstrated their remarkable courage and devotion to the great cause of freedom.

In recognition of his selfless service, the President of the French Republic awarded George McCoy the "Chevalier" rank of the Legion of Honor, equivalent to knighthood, the highest decoration assigned by the Legion.

The Legion of Honor was created by Napoleon in 1802 to acknowledge services rendered to France by person of "eminent merit" in military or civil life.

To this day George continues his camaraderie with America's bravest through his membership in the West Seneca American Legion Post #735, Amvets Post #8113, and the Harvey D. Morin VFW Post #2940.

Just as France has recognized Mr. McCoy's exceptional service, acknowledgement it is fitting and appropriate from this good and grateful nation.

Madam Speaker, thank you for this opportunity to honor George McCoy, a man who with courage and humility has contributed to the liberties we are so fortunate to enjoy. George's bravery is admirable and inspiring and I am pleased to acknowledge his service on this, the 65th Anniversary of Normandy's invasion.

RECOGNITION OF LA CHATELAINES VETERAN'S DAY SALUTE ON D-DAY

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. KILROY. Madam Speaker, I rise today to recognize Stan and Gigi Wielezynski on the 65th anniversary of D-Day. Stan, a native of Normandy, France, and his wife Gigi have never forgotten the courage and sacrifice of the Americans who liberated France from Nazi occupation during World War II. They are the owners of several Columbus area restaurants named La Chatelaine. For fifteen years, in order to express their gratitude and to recognize the U.S. Allied Forces involved in the invasion on the shores of Normandy, Stan and

Gigi Wielezynski have opened their doors to World War II veterans and offered them a complimentary French meal.

The Wielezynskis take great pride in this event by having their employees come to work dressed in military apparel, carrying authentic World War II helmets, and celebrating with flag-shaped cakes and music of the 1940s. Additionally, they decorate the restaurant with jeeps, parachutes, and other World War II memorabilia.

Recently, the couple received a letter from Marion Gray, an 83-year-old veteran from the 29th Infantry, stating that his one dream was to say a final goodbye to the friends he lost in Normandy. Marion had been working as a bagger at the local store to save money for his trip. However, upon receipt of the letter, the Wielezynskis generously donated an entire weeklong all-expense paid trip to Normandy for Marion and his wife Ruth.

Madam Speaker, on this 65th anniversary of D-Day, I would like to commend Stan and Gigi Wielezynski for their enormous generosity to the Grays as well as the hundreds of other World War II veterans and for their love of their adopted country.

FEDERAL FUNDING FOR THE IMPROVING LITERACY THROUGH SCHOOL LIBRARIES PROGRAM AND THE LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA)

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today in support of an issue which affects the educational well-being of each of us, and in particular, our children — funding for federal library programs, particularly the Improving Literacy Through School Libraries program and the Library Services and Technology Act (LSTA).

As you may know, research has shown that students in schools with well-stocked libraries and highly qualified, state-certified school librarians have higher levels of academic achievement than students who do not have the same benefits. Furthermore, many school libraries have become sophisticated 21st century learning environments, offering a full range of print and electronic resources, but today only 60 percent of school libraries have full-time, state-certified school library media specialists on staff. Unfortunately, due to the constraints that school administrators must confront when faced with limited resources, library resource budgets are often utilized to make up for shortfalls in other areas.

To remedy this situation, the No Child Left Behind Act (NCLB) authorized funding for libraries through the Improving Literacy

Through School Libraries program. While the purpose of the program was primarily to encourage reading and improve literacy, it also allocated funding for acquiring up-to-date school library media resources, acquiring and using advanced technology, facilitating Internet links and other resource sharing networks among schools and libraries, providing professional development for school library media specialists, and providing students with access to school libraries during nonschool hours. In recognizing the tremendous benefits of library and research technology, the inclusion of this important provision in NCLB represented a significant step towards the creation of a truly 21st century education system. Unfortunately, like many provisions of NCLB, this initiative has been underfunded.

As you may also be aware, state libraries rely greatly on the funds provided through LSTA, which is the only federal program devoted exclusively to libraries, to support state-wide initiatives and provide funds to public, school, academic, research, and special libraries through subgrants. The requirement of a state match also helps stimulate additional investment in the program, as approximately three to four state and local dollars are invested for every one federal dollar.

I have long been a strong supporter of funding for library programs, particularly the LSTA state program and the Improving Literacy Through School Libraries program, because of the educational opportunities that these programs help provide and the important role that they play in expanding access to information resources and services for learning in all types of libraries for individuals of all ages. I would respectfully encourage my colleagues in the House to work together in a bipartisan manner to see that, as the Fiscal Year 2010 appropriations process moves forward, federal library programs receive the support they need to continue helping state and local library programs maintain a high level of quality and service.

RECOGNIZING OF THE 42ND ANNIVERSARY OF THE ATTACK OF THE USS "LIBERTY"

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. CUMMINGS. Madam Speaker, on June 8, 1967, the USS *Liberty* was patrolling the waters of the Mediterranean when Israeli planes and torpedo boats attacked the ship. I rise today to pay a special tribute to those who lost their lives and the survivors of this attack on the 42nd Anniversary.

Shortly before the Six-Day War began, the USS *Liberty* was ordered to proceed to the eastern Mediterranean to perform an electronic intelligence collection mission. On June

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

8th, air and naval forces of Israel attacked the ship without warning.

Of a crew of 294 officers and men the ship suffered 34 killed in action and 173 wounded in action. The ship itself, a \$40 million state-of-the-art signals intelligence platform, was so badly damaged that it never sailed on an operational mission again and was sold in 1970 as scrap for a mere \$100,000. No ship in our history has ever received such damage and casualties by accident.

After 34 years, the voices of *Liberty's* dead and wounded seamen must finally be heard. Despite the continuing efforts to uncover the real truths about the attack, Martin Luther King Jr., said it best—"History will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people."

Although no amount of time can ever erase the memories of that tragic event or bring back those who perished, it is my hope that the wounds of their loved ones have begun to heal.

AAPI HOSTS SUCCESSFUL
LEGISLATIVE CONFERENCE

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. CASSIDY. Madam Speaker, the American Association of Physicians of Indian Origin recently hosted a legislative conference on Capitol Hill, and I was honored to speak to this organization, consisting of proud American doctors who trace their heritage to India. AAPI's members play a critical role in delivering quality health care throughout the U.S. across a broad range of medical specialties.

I heard from AAPI members who discussed the need for health care reform but also shared their concerns about a single-payer system. These physicians told me that while we need reforms, we should never forget that we have the greatest health care system in the world. I agree. We need to find ways to reform health care delivery by cutting costs without compromising the quality of care provided to patients. A system that rations testing, cannot provide the latest pharmaceuticals to patients, and prevents patients from making decisions about their own health care, is a system that moves the power of healthcare from the hands of patients into the hands of government.

That's not what we need in America. I appreciate the advocacy of AAPI on this issue and the difference Indian American doctors make in providing the best health care to their patients every day in our great nation.

CONGRATULATING DARREL JACOBS ON BEING RECOGNIZED AS THE 2009 VOLUNTEER OF THE YEAR BY THE PHOENIX VA HEALTH CARE SYSTEMS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize a Vietnam veteran's service to his fellow veterans while battling his own chronic illness. This year, the Phoenix VA Health Care Systems awarded Darrel Jacobs the 2009 Volunteer of the Year award. This honor recognizes the remarkable way in which Darrel has given back to the same hospital that has provided him with excellent care since 1972.

Darrell, a former postal clerk for the U.S. Army from 1967-1971, spends 24 hours a week volunteering at the Carl T. Hayden VA Medical Center in Phoenix. Since he has had diabetes for 37 years and even underwent open-heart surgery at the Phoenix VA Medical Center about seven years ago, Jacobs is able to provide encouragement and assistance to his patients on a personal level.

Darrell provides support for patients in a multitude of ways, specializing in care for veterans with diabetes and heart disease. On days when the diabetes education class is held at the hospital, Darrell arrives at 6:30 a.m. to set everything up, assists veterans with their glucose tests, and is always the last one to leave once the class is over. He also coordinates lunches from the dietary department, works in the cardiology department, and even trains other volunteers.

I commend him for his energetic efforts in giving selflessly to other vets combating disease. Madam Speaker, please join me in recognizing Darrel Jacobs for his service to our country and his continued dedication to America's veterans.

IN RECOGNITION OF THE BIRCHWOOD SCHOOL'S 25TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KUCINICH. Madam Speaker and colleagues, I rise today in honor and recognition of the Birchwood School of Cleveland's West Park neighborhood as they celebrate their 25th Anniversary. The school was founded in 1984 by a small group of dedicated parents who wanted to create a haven for learning, quality instruction and character development for their children.

The Birchwood School was first housed in rented space in a church building on Warren Road, beginning with twenty students and three teachers, grades one through eight. The name "Birchwood" was used because of the side street upon which it was located. The name soon took on deeper significance as it was discovered that the Chinese character for

the birch tree meant blossoming and soaring upwards.

The school's first principal, Mr. Debelak, consulted with some of the most noteworthy experts in the educational field in his creation of a curriculum that would challenge, instruct and shape the character and intellect of every student. The educational mission and goals of Birchwood School have not wavered throughout the growth of the school: inspire children to set high goals in every endeavor; develop the character of each child to instill a sense of caring, compassion and community; and equip each child with a strong foundation of knowledge and the tools to think critically and creatively. Since 1984, the school has grown to nearly 20 staff members and 117 students, as diverse in background and culture as the City of Cleveland.

Madam Speaker and colleagues, please join me in honor of the founding members, dedicated staff and parent volunteers of the Birchwood School of Cleveland as they celebrate twenty-five years of fostering, enriching and uplifting the minds and hearts of every child who has walked through its doors. Since 1984, 175 students have graduated from Birchwood School, and 323 students have been a part of Birchwood for all or part of their elementary and middle school years. The vision of Birchwood School—providing each child with a quality education and character enrichment, continues to provide significant opportunity and a solid foundation for the future of every student.

TRIBUTE TO MARTY DAVIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to Marty Davis of Taylorville, Illinois who is celebrating his 50th anniversary as a member of the McDonald's family.

Marty Davis began his career in 1959 at age sixteen in one of the first McDonald's in the nation located in Des Moines, Iowa. Marty worked as a crew member making hamburgers and French fries just like any other teenager, but Marty continued his career in McDonald's. He worked as a manager in a local store and was eventually promoted to an area supervisor for the local operator in Des Moines. In 1977, Marty was offered the chance to own his own McDonald's franchise and moved to Taylorville. Marty has never looked back and now owns and operates McDonald's franchises in Pana, Vandalia, Shelbyville, and Taylorville, Illinois.

As a small business owner in my congressional district, Marty has not forgotten his community. His local stores are active in many local charitable organizations. His stores traditionally place at the top in the Nation during the local annual Ronald McDonald House Charities "Give a Little Love" heart campaign. This placement is a testament to Marty's willingness to put money back into our communities to help those most in need.

Marty was recently honored by McDonald's when he was able to throw out the first pitch

during a game between my beloved St. Louis Cardinals and the Cincinnati Reds on Monday, June 1, 2009. As an avid Cardinal fan like me, this opportunity in honor of his 50 years in the McDonald's family was a wonderful surprise to Marty. While I do not blame him for the Cardinals loss that evening, I sure hope that in a few weeks, I throw much better pitches to the Democrats than Marty delivered that night!

Marty Davis has served Central Illinois as a small businessman, community leader, and my friend, and I wish him a very happy 50th anniversary as a member of the McDonald's Family.

HONORING THE LIFE OF
CATHERINE SUTTON-DAWSON

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. DeLAURO. Madam Speaker, it is with the heaviest of hearts that I rise today to pay tribute to the life and legacy of an outstanding member of our community and my good friend, Catherine Sutton-Dawson. Though we lost Cathy much too early, her lifetime of good work has left an indelible mark on our community.

Cathy dedicated her professional life to helping others. In a career that spanned nearly thirty-five years, she was employed at Yale-New Haven Hospital where she worked in a variety of roles, most recently as an outreach worker in the Maternal Child Health Initiative in the Department of Community Health. Cathy understood the importance of giving back to the community. The Department of Community Health often sponsored a variety of causes and Cathy was always an active and willing participant. From toy collections and Thanksgivings baskets to community initiatives, Cathy was always available to lend a helping hand. She saw these efforts not only as a means to support those in need, but also as a way to promote unity and departmental teambuilding.

Cathy was also an active member of the New Haven community. She believed in supporting causes that would enrich the community. As a member of the Connecticut NAACP, Cathy chaired the health committee which sponsored an annual health fair which reached thousands of local residents and families. She was also deeply involved in the Hill Development Corporation—a non-profit organization dedicated to bringing economic progress and improved quality of life to the urban neighborhoods of New Haven County. These are just two examples of Cathy's outstanding contributions to our community. The myriad of awards and citations that she has been honored with over the years, including Yale-New Haven Hospital's Annual Martin Luther King Dream Builder Award, are a testament to her unique dedication to civic service.

Catherine Sutton-Dawson was a remarkable woman—always greeting you with a smile and open arms. She possessed an enthusiasm that was infectious and a kindness that inspired all of those around her. I consider myself fortunate to have called her my friend. I extend my deepest sympathies to Cathy's

husband of twenty years, Tony, her daughter, Toni, grandchildren Frank and Amir as well as her family, friends, and colleagues. Though her loss will be felt throughout the New Haven community, she has left a legacy of compassion and generosity to which we should all strive.

CONGRATULING JOSEPH J.
SAVITZ, ESQUIRE, 2009 HONOREE
OF TEMPLE ISRAEL OF WILKES-
BARRE, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Attorney Joseph J. Savitz, of Wilkes-Barre, Pennsylvania, who is being honored by the Board of Trustees of Temple Israel of his many years of leadership and community service.

For more than 50 years, Attorney Savitz has distinguished himself throughout northeastern Pennsylvania and beyond as a highly skilled practitioner of the law and as a dedicated supporter of worthwhile causes that enriched the region and benefitted countless people.

Born in the Heights section of Wilkes-Barre, Attorney Savitz graduated from G.A.R. High School and went on to further his studies at then Wilkes College from which he graduated in 1948 following three years of military service in the United States Army that included service during World War II in France.

In 1951 he received his Juris Doctor degree from the University of Pennsylvania Law School. His preceptor was then Attorney Max Rosenn who went on to distinguish himself during decades of service on the federal bench with the United States Third Circuit Court.

Attorney Savitz joined the law firm of Rosenn and Rosenn which, in 1954, became the law firm of Rosenn, Jenkins and Greenwald. It was from that law firm that Attorney Savitz eventually retired as senior partner and still serves as "Of Counsel."

Over the years, Attorney Savitz has served as Pennsylvania Department Commander of the Jewish War Veterans; USA and then National Judge Advocate; trustee of Wilkes University since 1958 (Chair, Board of Trustees, 1975–1978), now a Trustee Emeritus; treasurer and member of the board of John Heinz Institute of Rehabilitative Medicine; Past President and continuing Director of Temple Israel; Trustee of the Jewish Community Center and a member of all State and Federal Courts.

Madam Speaker, please join me in congratulating Attorney Savitz on this noteworthy occasion. His dedication and selfless service to his community is legendary and his leadership and example has inspired countless others to seek his counsel and follow in his footsteps.

Attorney Joseph Savitz has truly improved the quality of life for so many for so long in northeastern Pennsylvania and, in the process, he has earned widespread respect and admiration from his fellow citizens.

TRIBUTE TO THE LATE FATHER
GERARD JEAN-JUSTE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the late Father Gerard Jean-Juste, a dedicated public servant, tireless community activist and one of south Florida's unsung heroes, who passed away on Sunday, May 24, 2009 in Miami, Florida. I will join his countless friends at his homegoing celebration on June 5, 2009 to be held at Miami's Notre Dame Catholic Church.

Father Jean-Juste, a Roman Catholic priest, led a 30-year crusade on behalf of both Haitian Americans and his countrymen in Haiti. In that effort, Jean-Juste walked a fine, tense line between spiritual adviser and political leader. One of south Florida and Haiti's most high-profile advocates, Father Jean-Juste symbolized the resilient and unyielding voice for those who were disenfranchised and bore the brunt of inequality of opportunity. Completely unselfish in his endeavors, he devoted himself as a community-builder and a catalyst par excellence. The authenticity of his stewardship on our behalf was defined by his utmost consecration to his calling as God's faithful servant, bringing laughter, hope and optimism to hundreds of ordinary folks and countless Haitian immigrants whose lives he deeply touched, never holding anyone at arm's length.

For many years, Father Jean-Juste ranked among the most visible and outspoken advocates for human rights. In the 1980s, he spoke out against the Duvalier dictatorship in Haiti, and since then against what he assailed as unfair treatment of Haitians seeking refuge in America. As a remarkable pillar, as well as our community's friend and confidant, he will be an indelible reminder of the noble commitment and awesome power of community service on behalf of the less fortunate. His faith was deep and genuine, and his love for us was real and unforgettable.

Indeed, Father Jean-Juste will be remembered and admired for his tireless, persistent and unwavering efforts on behalf of poor and marginalized people in south Florida. Many of my constituents' family and friends are in need of refuge, compassion and aid. Through his mission to put the cause of Haitian immigrants on the political forefront, Father Jean-Juste serves as the ideal role model for us to mold ourselves after.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Father Gerard Jean-Juste. Father Jean-Juste's life was a triumph and he was blessed with a loving family who took pleasure in every aspect of his life and his interests. I am honored to pay tribute to Father Jean-Juste for his invaluable services and tireless dedication to the south Florida and Haitian community. He will be missed by all who knew him, and I appreciate this opportunity to pay tribute to him before the United States House of Representatives.

PERSONAL EXPLANATION

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. BOSWELL. Madam Speaker, I regret missing afternoon and evening votes from the House on June 4th. Had I been present, I would have voted "aye" on rollcall votes 304, 305, 306, 307 and 310, and "nay" on rollcall votes 308 and 309.

IN REMEMBRANCE OF DICK JACOBS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Dick Jacobs, a prominent figure in the Great Cleveland Community and former owner of the Cleveland Indians for 15 years, who died today at the age of 83. His tenure as owner of the Indians not only revitalized the team and their fans, but also the City of Cleveland.

Dick Jacobs was the Chairman and Executive Officer of the Richard E. Jacobs group, a commercial real estate development company he founded along with his brother in 1955. The Jacobs group made history by developing the tallest building between New York and Chicago, the Key Center in Public Square as well as by developing Cleveland's first retail shopping mall. He bought the Cleveland Indians in 1986, during which the Indians won the team's first American League Pennants since 1954, during the 1995 and 1997 seasons. Additionally, the Indians went on to the playoffs five straight seasons in a row and to the World Series twice during his tenure. The Richard E. Jacobs group opened Jacobs field in 1994, the stadium Cleveland fans dubbed "The Jake" until its renaming in early 2008.

Madam Speaker and colleagues, please join me in remembrance of Dick Jacobs and in recognition of his significant contributions to the Greater Cleveland Community. His tenure as owner of the Cleveland Indians and his considerable commitment to the revitalization of the City of Cleveland will continue to live on in the hearts of the Greater Cleveland Community.

THE LIFE AND SERVICE OF PRIVATE FIRST CLASS MATTHEW DWIGHT OGDEN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. ORTIZ. Madam Speaker, I rise today to honor the life of Private First Class Matthew Dwight Ogden, of Corpus Christi, Texas, who died on June 1, 2009, in Nerkh, Afghanistan, while assigned to Operation Enduring Freedom.

Matthew was born in Corpus Christi and attended King High School, where he graduated in 1994. He went on to enlist in the U.S. Army and was a private in the U.S. Army's 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, New York.

I would like to take this time to acknowledge the life of a young man who died for this country as he fought for our, "life, liberty and the pursuit of happiness," our inalienable rights as outlined in the U.S. Declaration of Independence. Without Matthew's courage and determination to join the U.S. Army, and other young men and women like him, we would not be able to enjoy this life and liberty. It is fitting and important that we pay tribute to Matthew for his bravery and courage as he fought to protect our country and way of life.

Matthew will be missed dearly by his family, friends and service men and women, however, his spirit will forever remain intact. He will remain with us at all times—we will forever remember him.

I would also like to take this time to share my most sincere condolences with his father, Michael Dwight Ogden, and his mother, Charlotte Anne Taylor. He is survived by brothers Nathen Ogden, Stephen Turner, and Nicholas Aikman. My condolences go out as well to the families of his "fallen brothers."

Today, I ask that my colleagues join me in celebrating the life and service of Private First Class Matthew Dwight Ogden, who gave his life for our country. He will forever be remembered as a hero of our nation and—the 27th Congressional District of Texas.

FINAL SERVICE OF SPRINGER COMMUNITY CHURCH IN DIX, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to note the final service of the Springer Community Church in Dix, Illinois.

For 85 years, the Springer Community Church has been an important part of the Jefferson County community. In the 1920s, with transportation sparse, the church was founded in the old Springer schoolhouse so that local children in the surrounding area would have a place to attend Sunday School. It was 1946 when the church had a building of its own, about a half mile away.

Over time, Springer Community Church became known as "the little pink church," and it was truly a community project. The building was constructed on donated land from the material of an old store which was being torn down in a neighboring town. Members of the community built the church, and put additions onto it in the 1950s and 1970s. It was served by missionaries from the American Missionary Fellowship. Over the decades it became a place for generations of local community members to come together and worship.

Sadly, the building fell into disrepair, and last weekend, the little pink church held its last service, a Remembrance Service, to allow

members to gather together and celebrate the church's history. Amidst the sadness of seeing such an important institution close its doors, the church treasurer, Carole Barton, exemplified the perseverance that has carried Springer through these last 85 years, telling the Mt. Vernon Register-News, "we hope some day we can get organized and put in another church." I join with my colleagues in the House in wishing the Springer Community Church family all the best, as they seek a new location from which to continue the important work which they have done so well.

CONGRATULATING CHIQUITA BRANDS INTERNATIONAL

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate Chiquita Brands International on receiving the 2009 Circle of Excellence Award presented annually by the Distribution Business Management Association. Each year the association presents this prestigious award to the corporation that best exemplifies three main criteria of supply chain management: current corporate commitment, past demonstrated programs, and plans for continued commitment. The Circle of Excellence Award is the Distribution Business Management Association's highest recognition for Corporate Social Responsibility initiatives and environmental protection.

Chiquita, together with the Massachusetts Institute of Technology, worked to adequately measure their carbon footprint in bringing bananas from the plantations to the marketplace. Through their studies, they were able to identify areas in the supply chain that will allow them to further reduce their carbon footprint in a sustainable manner.

According to Amy Thorn, Executive Director of the Distribution Business Management Association, Chiquita stood out from other businesses because of its ongoing green transportation initiatives that focus on reducing carbon emissions in transportation throughout North America. Additionally, Dr. Omar Keith Helferich of Central Michigan University stated that Chiquita's accomplishments are testimony to its corporate commitment to sustainability.

Madam Speaker, please join me in applauding the leadership of Chiquita and their 23,000 world-wide employees who are truly committed to making our country and planet a better and sustainable place for future generations.

HONORING THE VISITING NURSE SERVICES OF CONNECTICUT ON THEIR CENTENNIAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. DeLAURO. Madam Speaker, it gives me great pleasure to rise today and extend

my sincere congratulations to Visiting Nurse Services of Connecticut as they celebrate their centennial anniversary. This is a very special milestone for this organization—a non-profit health care provider and innovative leader in providing home health care needs to individuals in more than fifty communities across Connecticut.

In March of 1909, eighty women representing twenty-one churches and charitable organizations met to discuss their concerns about the spread of tuberculosis and came to the conclusion that the solution was to secure and finance a visiting nurse to treat patients and teach others in the community how to protect themselves and their families from this devastating disease. These women also understood the importance of involving the community in their efforts. They contacted local businesses, churches, and social groups to explain their plans and solicit funds to support it. With the hiring of Miss Finnegan, who made her home visits around the City of Bridgeport on her bicycle, the foundation for Visiting Nurse Services of Connecticut was laid.

Over the course of the last century, Visiting Nurse Services of Connecticut expanded to meet the growing and changing needs of our communities. Today, Visiting Nurse Services of Connecticut provides skilled nursing care, hospice care, therapy/rehabilitative services, medical social work assistance, and home health aide services for thousands of patients each year in Fairfield, New Haven and Litchfield counties. The commitment of the administration and staff remains as strong today as it was in the agency's earliest years. In the last hundred years, there have been many changes at the agency, however, at its heart has always been the desire to provide affordable, quality health care to those most in need and improve their quality of life.

Humor, Excellence, Attitude, Respect, Teamwork—HEART—is at the core of this agency's mission. "Bringing HEART to Health Care" is so much more than a slogan—it is the essence of their philosophy and the culture of this very special organization. For one hundred years, Visiting Nurse Services of Connecticut has been an invaluable resource to countless individuals and families in need. I am proud to stand today and extend my heartfelt congratulations on their centennial anniversary and my very best wishes for many more years of success.

INTRODUCTION OF RESOLUTION
COMMEMORATING THE 64TH AN-
NIVERSARY OF THE UNITED NA-
TIONS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. MALONEY. Madam Speaker, today, along with Chairman DELAHUNT of the Subcommittee on International Organizations, Human Rights and Oversight, I am introducing legislation to commemorate the 64th anniversary of the founding of the United Nations, U.N.

Joining us in supporting this legislation are Representatives ED TOWNS, MAURICE HIN-

CHEY, SAM FARR, MADELEINE BORDALLO, JOSÉ SERRANO, JIM MCGOVERN, MICHAEL HONDA, DENNIS KUCINICH, JOHN OLVER, and BARBARA LEE.

For 64 years since its founding, the U.N. has made many contributions to the world community and has provided a forum for the achievement of international cooperation in solving the world's most pressing economic, social and humanitarian problems including climate change, trafficking in humans, combating global terrorism, and responding quickly to disasters such as the tsunami in Southeast Asia in 2004.

Last year, Secretary General of the U.N. Ban Ki-moon launched a multi-year campaign to improve awareness among global policymakers at the highest levels regarding issues relating to violence against women. This campaign has been successful in bringing people together to make a difference in the lives of women globally throughout its first year by holding a number of conferences that bring together experts and world leaders to promote solutions to the issues of violence against women.

I look forward to working with Chairman DELAHUNT and others to support the U.N. as the organization moves forward and to commend the U.N. for 64 years of good work.

IN HONOR OF JOAN CLAYBROOK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Joan Claybrook, upon the occasion of the renaming of Public Citizen's headquarters in Washington, DC as the Joan Claybrook Building, and in recognition of 27 years of service as President of Public Citizen.

Joan Claybrook was born on June 12, 1937 and grew up in Baltimore, Maryland, where she attended Goucher College. Her distinguished career in public service began in Washington, DC, where she worked in conjunction with Ralph Nader addressing highway and auto safety issues. Their combined efforts on transportation issues culminated in the passage of the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act of 1966, our nation's first auto safety laws. Her expertise on auto safety led her to a position in the Carter Administration, where she served as head of the National Highway Traffic Safety Administration (NHTSA) from 1977 to 1981.

Joan served as President of Public Citizen from 1982 to 2008, throughout her various leadership roles in public service. She currently serves on the board for a number of institutions, including Georgetown University Law Center, from where she earned her J.D., as well as on the board of the Consumers Union, Citizens for Tax Justice, Advocates for Highway and Auto Safety, the Goucher College Board of Trustees, Trial Lawyers for Public Justice and the California Foundation Advisory Board. She has been honored numerous times for her distinguished work on behalf of public interest including three honorary degrees from Georgetown University, Goucher

College and University of Maryland. Additionally, she was awarded the Phillip Hart Distinguished Consumer Service Award and the Excellence in Public Service Award from the Georgetown Law Center.

Madam Speaker and colleagues, please join me in honor of Joan Claybrook as Public Citizen renames their Washington, DC headquarters as the Joan Claybrook Building and in recognition of her dedication to public service.

TRIBUTE TO THE NATIONAL
PUERTO RICAN DAY PARADE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SERRANO. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the Fifty-Second National Puerto Rican Day Parade, which will be held on June 14th, 2009, in New York City. A bright and star-studded event, this parade proudly recognizes the heritage of Puerto Rican people here in the United States, and year upon year has proven to be one of our nation's largest outdoor festivities. This year I am especially pleased to take part in the day because the parade itself is dedicated to the City of Mayaguez, Puerto Rico, a vibrant and beautiful community which also happens to be my place of birth.

The National Puerto Rican Day Parade is the successor to the New York Puerto Rican Day Parade, which held its inaugural celebration on Sunday, April 12th, 1958, in "El Barrio," Manhattan. The impact of the first Puerto Rican Day Parade in New York was both immediate and resounding. It galvanized thousands of New York Puerto Ricans in a very public, very proud demonstration of their emergence in the City as an important and growing ethnic group. For the next 38 years, the New York Puerto Rican Day Parade grew into a staple of New York's cultural life. In 1995, the overwhelming success of the parade prompted organizers to increase its size and transform it into the national and, indeed, international, affair that it is today.

This magnificent New York institution now includes participation from delegates representing over thirty states, including Alaska and Hawaii, and attracts well over 3 million parade goers every year. In addition, the parade reaches millions more through television broadcasts and via satellite to viewers the world over.

The great success that the parade enjoys each year is brought about in large measure by the continued and tireless efforts of a few dedicated individuals. They are women and men of able leadership and strong conviction, who believe, as I do, in the limitless potential of people of Puerto Rican descent. Leading this effort is the National Puerto Rican Day Parade, Inc., a 501(c)3 not-for-profit organization designed to foster self-awareness and pride among Puerto Ricans in this country, and in so doing, likewise address issues of economic development, education, cultural recognition, and social advancement.

The Parade's march up New York's Fifth Avenue, while certainly the most visible aspect of the celebration, is hardly the only event associated with the National Puerto Rican Day Parade, Inc.'s activities. Each year more than 10,000 people attend a variety of award ceremonies, banquets and cultural events that strengthen the special relationship shared by Puerto Ricans and the City of New York. Over the years, the two have developed a symbiotic relationship. Puerto Ricans have helped transform New York into a dynamic, bilingual city that continues to welcome newcomers from all over the globe. The City of New York, which is a place of opportunity, has enabled Puerto Ricans to flourish economically, culturally and politically.

Madam Speaker, the National Puerto Rican Day Parade captures the spirit of the special relationship between Puerto Ricans and New York City. It celebrates the many ways that we enrich the traditions of this country, and sends a clear signal to all who witness it, that the Puerto Rican community—both in New York and nationally—represents an exquisite tapestry of individuals. As a Puerto Rican and a New Yorker, and as someone who participates in this parade annually, I can attest that the reverberations of this day are both vast and glorious. They can be seen on the faces and heard in the streets, as millions come together to joyously proclaim their heritage. And so it is, Madam Speaker, that with a full and proud heart, I stand before you and my colleagues in Congress to pay tribute to the sights and sounds and wonder that is the National Puerto Rican Day Parade.

SESQUICENTENNIAL OF HISTORIC
VILLAGE OF SANDOVAL, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to mark the sesquicentennial of the historic village of Sandoval, Illinois.

Sandoval is a small community fifty miles east of East St. Louis, in Marion County, Illinois. Settled in 1823 by Thomas Deadmond, the area is believed to have been named after the proprietor of a trading post that passed through the town. Sandoval was officially incorporated on February 18, 1859, and the village is currently celebrating its 150th birthday.

Sandoval played an important role in the Civil War. The Illinois Central railroad passes directly through the town, making it a strategic staging point for Union soldiers on their way to battle.

Since the conclusion of the war, Sandoval has continued to grow and prosper through the dedication of its citizens. From the village's founding to its flourishing community today, Sandoval has a rich culture of hard work and entrepreneurship. In 1877, the St. Louis and Sandoval Mining Company opened Sandoval's first coal mine, soon to be followed by the Zinc Company in 1897. As Sandoval moved through the twentieth century, the community has prospered in many of its industries including: oil production, agriculture, and manufac-

turing. It has proven itself to be an enduring village that the State of Illinois as well as the country should be proud of.

I would like to congratulate Mayor Ron Kretzer, as well as all of the citizens of Sandoval, who continue to make their town a community worth celebrating.

HONORING HERMAN W. HOROWITZ

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of Herman W. Horowitz for his remarkable contributions to society. The bravery displayed by Mr. Horowitz throughout the liberation of the French Republic during WWII and his continued community activism are certainly deserving of recognition.

Recently, Mr. Horowitz has been awarded the French Legion of Honor, France's highest award in commemoration of his wartime efforts. As a member of the Seventh Armored Division, Mr. Horowitz displayed the bravery and patriotic sacrifice that eventually led to the war's end. For these efforts, nations around the world are grateful, but for the French citizens who Mr. Horowitz helped to liberate, his sacrifice will always be especially remembered. As Americans, we also have cause for particular gratitude as Mr. Horowitz's efforts helped to bring a close to a war in which so many American lives were lost.

In addition to his wartime efforts, Mr. Horowitz has remained active in his community. Retelling his wartime stories during speaking engagements at local schools and institutions, Mr. Horowitz has kept his dedication to service very much alive. In addition to these contributions, Mr. Horowitz has been extremely active in his volunteer efforts at the Holocaust Center in Glen Cove, N.Y. Throughout all of these efforts, Mr. Horowitz has continued to embody the spirit of service to his community, nation and all humanity that he displayed so many years ago across the Atlantic. The selflessness displayed by Mr. Horowitz, throughout his life, has made his continued service and community contributions so remarkable.

The service and contributions of Mr. Horowitz is surely inspiring to us all, and I am immensely grateful to him for all that he has accomplished. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for his extensive contributions to society.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. BARRETT of South Carolina. Madam Speaker, due to unforeseen circumstances, I unfortunately missed one recorded vote on the House floor on Thursday, June 4, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 308 (On Agreeing to the Issa of California amendment to H.R. 626).

IN RECOGNITION OF THE 100TH
BIRTHDAY OF LEVONIA "TINY"
CHANEY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise to recognize the 100th birthday of Levonia "Tiny" Chaney. Levonia was born on June 16, 1909, in the rural community of Brookman, Georgia, to Henry and Laura (nee Boston) Bailey. Her father was a successful farmer, blacksmith, barber, community activist, and chairman of the Deacon Board at New Zion Baptist Church.

Levonia Bailey Chaney migrated from Savannah, Georgia, in 1934, to Hackensack, New Jersey, where she met and married her late husband, Arthur Chaney Sr. They were blessed with three children, Arthur W. Chaney Jr. M.D.; Carol Tunstall, retired music educator; and Dewey Chaney M.D. Her mother was a dressmaker. She watched her mother sew from the scraps that her father brought from the mill whenever he went to town to sell his produce. Levonia looked forward to helping her mother make clothes for the family. After the death of her mother, she became dressmaker, hairdresser, and barber for the family. She was baptized at an early age and joined the New Zion Baptist Church in Brookman, Georgia. She was salutatorian of her class at Seldon Normal Industrial Institute in Brunswick, Georgia, where she majored in home making. As a teenager she was an active member of the Girls 4-H club of America. She won numerous awards, including "Champion Dressmaker of the State of Georgia." She is the oldest living PTA president in the city of Hackensack. She and her late husband were recognized in 1970 by the Hackensack Negro Professional Women's Club as "Parents of the Year." In 1999, Mount Olive Baptist Church, under the pastorate of Rev. Gregory J. Jackson, recognized her 69 years of faithful service. She is a charter member of the Emeritus of the Nurses Unit.

Levonia, affectionately called "Tiny," arrived in Bergen County in 1934 where she united with the Mt. Olive Baptist Church of Hackensack under the pastorate of the late Rev. T. W. H. Gibson. She shared her gift of sewing by making choir robes, altar skirts, covers for chairs, the nurse's uniforms, and whatever else the church needed. She is still an active member of the church for 75 years now, under the pastorate of Rev. Gregory J. Jackson. After 41 years of service, Tiny retired from International Ladies Garment Workers Union. The community also benefited from her skills creating bridal party gowns and garments for members in the church and community.

She enjoys reading with great excitement, doing search and find word puzzles, playing games, exercise time, movies, arts and crafts, celebrating each other's birthday, singing and dancing at the Martin Luther King Center in Hackensack. She looks forward to a new MLK center that would provide friendship, sense of purpose, uplifting and a host of other cultural and educational activities. She is a Past Matron of Pride of the East Order of the Eastern

Star, PHA Hackensack and has been honored for her dedicated service for over 60 years.

"Tiny" the matriarch of the Bailey family has three surviving sisters, Vera Brewer, Gussie B. Langston and Susie Richardson. She is the grandmother of seven, Arthur Chaney III, MD, Kip Chaney, Gina Chaney, Corey Chaney, Craig Chaney, Shanda Tunstall-Charles, and Harvey Tunstall. She is the great grandmother of six. She has one living fraternal aunt, Genevieve Scott of Brunswick, GA.

On behalf of myself and the people of the 9th Congressional District of New Jersey, I wish Levonia very best as she celebrates her 100th birthday.

A TRIBUTE TO ANDY J. BALTZO

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. TAUSCHER. Madam Speaker, I rise with my colleague, Hon. GEORGE MILLER, in the House of Representatives—to recognize the work of Andrew J. Baltzo, founder of the Mt. Diablo Peace & Justice Center in Walnut Creek, California, who passed on Memorial Day 2009 after a long illness.

Andy Baltzo was born in Berkeley, California, on February 3, 1920. He was raised in Oakland, and studied at the University of California in Berkeley where he attained a teacher's credential. For the 10 years following his graduation, Andy taught chemistry to local intermediate school students. He also served four years in the U.S. Army as a medical lab technician. It was the bombing of Hiroshima that gave Andy the incentive to devote his life to speaking out against the further development of nuclear weapons world-wide.

In 1969, Andy led the way in forming the Mt. Diablo Peace Center and served as the Center's full-time director until 2000. Striving to demonstrate that a peaceful world based on justice for all people is possible, the Mt. Diablo Peace and Justice Center has consistently worked to provide venues for people to further their experience of the peace process through classes, public forums and educational programs.

A man of deep convictions, Andy devoted his life to furthering non-violent resistance and expanding social justice. Because of his work, he received the Dr. Martin Luther King Jr. Honorable Mention Award for "Keeping the Dream Alive" from the Contra Costa County Board of Supervisors on January 16, 1996. He also received the 6th Annual Peacemaker Award from the Center for Human Development on January 27, 2000.

Today our thoughts and prayers are also with Andy's wife Doris, his daughter Alice, and son Daniel, and all of his family and friends. We join them in celebrating a life well lived. It is an honor and a privilege to commemorate the life of Andrew J. Baltzo and recognize the indelible mark he leaves behind on the residents of our Congressional Districts.

IN HONOR OF THE MOST
REVEREND ANTHONY M. PILLA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Most Reverend Anthony M. Pilla, Bishop Emeritus of the Diocese of Cleveland, for being awarded the 2009 Notre Dame College Medal.

The Most Reverend Anthony M. Pilla, Bishop Emeritus of the Diocese of Cleveland, served the diocese as the ninth Bishop of the Catholic Diocese of Cleveland for 25 years. A Cleveland native, he is a graduate of Borromeo College and St. Mary Seminary and was ordained to the priesthood in 1959. Bishop Pilla served as President of the National Conference of Catholic Bishops. As Bishop, he directed community-based initiatives such as Church in the City and Vibrant Parish Life. He served on numerous community boards and committees including the board of the former National Council of Christians and Jews, the Greater Cleveland Roundtable and Catholic University of America.

Notre Dame College established the Bishop Anthony M. Pilla Scholarship Fund to honor him for his longtime dedication to higher education to make a Catholic education accessible to the disadvantaged. In 1994 he was presented the Fidelia Award for his longstanding work and support of Notre Dame College.

Madam Speaker and colleagues, please join me in honoring the Most Reverend Anthony M. Pilla, Bishop Emeritus of the Diocese of Cleveland for living Notre Dame College's commitment to personal, professional and global responsibility. He is certainly worthy of the award being bestowed upon him for his longtime commitment to civic work throughout Greater Cleveland.

TRIBUTE TO LAWRENCE CHIOU

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize Lawrence Chiou, of Ames, Iowa, who is among the outstanding U.S. high school students selected to attend the annual Research Science Institute sponsored by the Center for Excellence in Education and the Massachusetts Institute of Technology (MIT).

The mission of the Center for Excellence in Education is to nurture young scholars to careers of excellence and leadership in science, technology, engineering, and mathematics. The Research Science Institute is a highly competitive six-week program which emphasizes advanced theory and research in mathematics, the sciences, and engineering. Lawrence was selected for this program upon scoring in the upper one percent of U.S. student PSAT exam scores. From June to August 2009, Lawrence will learn from distinguished professors and conduct a research project at MIT.

I commend Lawrence Chiou for his commitment to academic achievement and leadership in science and technology. He is a future leader of this country of whom Iowa is very proud. I am honored to represent Lawrence and his family in the United States Congress and I wish him the best in his future endeavors.

RAYMOND BRAGG, RETIREMENT
FROM DIRECTOR OF REDEVELOPMENT
AND SPECIAL
PROJECTS FROM THE CITY OF
FONTANA, CA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. BACA. Madam Speaker, I rise today to recognize the retirement of Raymond Bragg, Director Redevelopment and Special Projects for the City of Fontana. Mr. Bragg has had an impressive 42 year serving the public in California and abroad.

A native of Burlingame, CA, Mr. Bragg currently resides in Fontana, CA. His accomplishments as a City Planner can be seen throughout Fontana. Prior to his professional career, Mr. Bragg attended California Polytechnic State University, Pomona where he met his wife Karolyn. His Scholastic career also includes a Master's degree from California State University, Fullerton in Comparative Public Administration, specializing in the Middle East.

In 1967, his venture into public service began when a newly married Mr. Bragg and his wife Karolyn, honorably served two years with the Peace Corps. He and his wife taught English as a second language at the university level in Turkey.

California and The City of Fontana are not the only beneficiaries of Mr. Bragg's talents. In 1978, he accepted a position with the R.M. Parsons Engineering Company and was contracted by the Kingdom of Saudi Arabia to build a new city on the Red Sea. Through this position, as a City Planner, Mr. Bragg was given the opportunity of a lifetime to see a new city develop.

The City of Fontana has capitalized upon Mr. Bragg's education and experience abroad. The pride he takes in his work is visible throughout downtown Fontana. Over 10,000 people from the community joined him to celebrate the opening of a library constructed under his guidance. His achievements with the revitalization of downtown Fontana will impact the community for years to come.

Throughout his extraordinary career Mr. Bragg has also led a harmonious family life. He and his wife Karolyn have been married for 42 years with 3 children, including 7 grandchildren.

I congratulate Mr. Bragg on his impressive 42 year career in public service and I wish him well in his retirement.

CENTENNIAL OF WILDEY THEATER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to commemorate the centennial of an important landmark in Edwardsville, Illinois.

The Wildey Theater first opened its doors in 1909 at 250–254 Main Street in Edwardsville. Originally a three-story opera house and meeting hall, the Wildey soon began hosting silent films and live productions. In 1927 it presented “The Jazz Singer,” the first motion picture to include sound.

For the next few decades, the Wildey Theater was the most popular location for entertainment in Edwardsville. Unfortunately, in 1998 the Wildey could no longer stay at it and was forced to close its doors. The City of Edwardsville purchased the building and began renovating the historic theater. With the benevolent actions from the citizens of Edwardsville the Wildey is being restored to its earlier grandeur. Last month, it celebrated its 100th birthday with an outdoor showing of “The Wizard of Oz.”

I want to congratulate Alderman Rich Walker, chairman of the Wildey Theater’s development committee, and the citizens of Edwardsville who have put countless hours and made generous contributions to this historic landmark. I look forward to visiting a restored Wildey Theater as it begins its second century as a gathering place in Edwardsville.

IN RECOGNITION OF THE 2009 U.S. PHYSICS OLYMPIAD TEAM

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. EHLERS. Madam Speaker, I rise today to honor the achievements of the members of the 2009 United States Physics Olympiad Team.

To be considered for the U.S. team, students take a series of challenging theoretical and laboratory exams. Out of thousands of students, the top 24 finalists are invited to participate in a 10-day physics camp hosted by the University of Maryland. This camp prepares the students to face the challenge of meeting physics students from all over the world in a brain-to-brain competition through nine days of intense studying, testing and problem solving.

At the end of training camp, five exceptional students will advance and represent the United States in July at a tremendous international competition in Mexico. This type of international physics competition is a meaningful endeavor where physics students from across the globe learn in new intellectual and experiential ways and establish working relationships that bridge geographic and cultural differences.

Last year, the U.S. five-member team brought home five medals: four gold ones and a silver.

The members of the 2009 team include: Yishun Dong, Yale Fan, David Field, Justin Holmgren, Patrick Hurst, Robert Kastner, Brian Kong, Kevin Lang, Dan Li, Patricia Li, Bowei Liu, Jenny Lu, Marianna Mao, Anand Natarajan, Joshua Orem, Thomas Schultz, Allen Yuan, Yunfan Zhang and Andrew Zhou.

I commend the American Institute of Physics, the American Association of Physics Teachers and affiliated sponsors for organizing this annual event and fostering a passion for science in these students.

I know my colleagues share my pride in the achievements of these students. Their success is a testament not only to their individual determination, but also to a group of exceptional teachers and coaches. The 2009 U.S. Physics Team coaches include Paul Stanley, JiaJia Dong, David Fallest, David Jones, Andrew Lin, Warren Turner and Qiu Zi Li. These coaches are all volunteers and usually full time teachers with extraordinary demands on their time. Unfortunately, very rarely do they receive recognition for their work with the physics team. I would like to thank each of them for the time and dedication they have shown to these students. The time spent with these students is a great service to the future of science and America.

I also hope that some of the Olympiad students will consider running for public office and add their expertise to the policy world! I am very thankful for these future leaders and ask that you please join me in congratulating them on their wonderful achievements. We wish the top five the best of success as they represent the United States at the 40th International Physics Olympiad competition held in Merida, Yucatan, Mexico.

JACK KEMP

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. DREIER. Madam Speaker, we were all saddened by the passing of our former colleague Jack Kemp who served with such great distinction in this House and in former President Bush’s cabinet. He was most famous for his football career and the following poem from Capitol Guide Albert Carey Caswell reflects on his wonderful life.

JACK, YOU WENT DEEP!

In the game of life . . . going long or deep . . .

What, steps must we so take . . . to so make our lives complete?

All upon this earth, so very deep!

As left behind, when our time runs out to reap!

All in the calls that we so make, all in the hearts that we so touch . . . so very deep!

Whether, on fields of green . . .

Or walking upon, those most hallowed halls of Congress seen . . .

Jack, you . . . always went deep!

A Jack of all trades, a Renaissance Man God so made . . . all in our hearts to keep!

A Fine Father, A Fine Husband . . . and a Good Friend!

A True Leader, of both Women and Men!

Whether, on fields of green . . . or in those halls of Congress seen . . .

As Jack, was always well armed to compete! For this man could lead!

A Man of character and class, soft spoken . . . who in our hearts now lasts!

As why Bob Dole, saw your fine soul . . . and wanted to make you his VP!

As why all of Buffalo knows, to what a fine man Jack Kemp so rose!

For in the game of life, when . . . he came up to that line . . .

He would always shine, and go deep . . . and not think twice!

And, for all of his leadership . . . and all of his accomplishments so bright. . .

The greatest thing of all, for which we so weep tonight!

Is that Family Man, so very bright . . .

For it was once said, “In the end, the love you send” . . .

“Is equal to the number you make!”

Upon, looking at his family’s Christmas cards!

The tears in our eyes, now run so very hard! Knowing what his fine life and love . . . had so meant!

For Love of God and Country, and Family your life was spent!

But, for you Jack . . . you kind soft spoken man . . .

Heaven, could not wait!

As why, In the Game of Life . . . Jack, your life was so complete!

As Jack . . . yea! You, went deep!

In honor of a warm hearted man, Congressman Jack Kemp . . . A great leader on and off the field . . . a fine father, a great husband and a family man . . . during the Memorial Day Concert at The Capitol, Dan Snyder asked me if I had written anything for his friend Jack. Inspired by his request and Jack this tribute was written.

WORLD ENVIRONMENT DAY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, I rise to commemorate World Environment Day, which is recognized every year on June 5th. World Environment Day was established by the United Nations in 1972 during the commencement of the Stockholm Conference on the Human Environment. For the last 37 years, World Environment Day has been one of the ways that the United Nations has increased awareness in every country about our environment through its goals of giving a human face to environmental issues, empowering people to become active agents of sustainable and equitable development, promoting an understanding that communities are pivotal to changing attitudes towards environmental issues, and advocating partnership which will ensure all nations and peoples enjoy a safer and more prosperous future.

This year, the theme for World Environment Day appropriately focuses on taking action to combat global warming. This year’s anniversary comes as people from nations all around the globe are calling for action to move towards a clean energy future that will not only drive economic growth but also protect our planet. As the world readies for the United Nations Climate Change Conference this December in Copenhagen, this anniversary also

serves as an important reminder of the need for global action as the international community prepares to come together to discuss the path forward.

The scientific debate about whether humans are causing global warming is over. The reports issued in 2007 by the United Nations Intergovernmental Panel on Climate Change underscored the clear need for all countries to take action to reduce global warming pollution. In Copenhagen, the United States and the international community must now turn to how to take action to address it.

Last month, the United States took a major step forward when the House Energy and Commerce Committee reported out the American Clean Energy and Security (ACES) Act. This comprehensive energy legislation will unleash a clean energy revolution here in America that will create hundreds of thousands of jobs, strengthen our national security by reducing our dependence on foreign oil and stop global warming. This legislation will build upon the progress we have already made with the passage of the 2007 energy bill and the clean energy provisions included in the recovery package. With the leadership of President Obama and Speaker PELOSI, the United States is finally poised to head to Copenhagen as a leader rather than a laggard in taking action to transition to a clean energy future and reduce heat-trapping emissions.

This U.N. event is an important reminder of our global needs and I want to bring it to the attention of all the Members.

GEORGE S. "BUCK" BLESSING

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. CORRINE BROWN of Florida. Madam Speaker, this communication is forwarded on behalf of the constituents of Congressional District Three and myself as we pay tribute to the life of George S. "Buck" Blessing. We are all saddened by the loss of his presence in this life but joyful that he has gone to be with his Heavenly Father.

On this occasion, we join with the immediate family and loved ones in saying farewell and praising God for his life. George S. "Buck" Blessing was dearly cherished and well respected by his loved ones, his colleagues, and the community. His service in the Army in World War II illustrates his dedication to America and its ideals. Please rest assured that your extended family from Congressional District Three joins your immediate family and community in recognizing George S. "Buck" Blessing's outstanding service to this nation. As you experience the stage of grief, please find comfort in God's words and wisdom. He is a constant power of strength in these times and will continue to lift you and your family.

Remember, we join Reverend Charles Belz and your friends and family in celebrating George S. "Buck" Blessing's tremendous life. We are all with you in this time of transition. There is an emptiness that only those who have lost a close relative can understand. May

the sympathy of those who care make the sorrow of your heart less difficult to bear. If my staff or I may assist you or your family in any way, please do not hesitate to call on us.

In closing, I know that George S. "Buck" Blessing would be extremely proud of the tremendous work his grandson, Nick Martinelli, is doing in my office on behalf of the armed services and veterans. Nick Martinelli is carrying on his family's strong tradition of service to this nation, and I am very thankful for the contributions he makes every day.

HONORING LYNN MORTON-WEIL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, Representative LYNN WOOLSEY, to honor and recognize Lynn Morton-Weil, who is retiring after more than 21 years of service to the people of Sonoma County.

During her tenure as a county employee, Ms. Morton-Weil worked in six departments as well as serving as personal assistant to three county supervisors, Tim Smith, Mike Cale and currently, Valerie Brown. As such, she embodies much of the Board's institutional memory.

In addition to her official duties, she helped establish the Sonoma County Regional Park Foundation and served as its first Executive Director. She also administered the first Community Partnerships for Youth grant, which included developing the application process, contract and monitoring criteria and served as Project Director of the Sonoma County Juvenile Prevention Commission.

Recognizing the importance of public service and involvement, she has dedicated countless hours to both candidates and causes.

She takes pride in living in a television-free household, so her retirement hours will be filled with her passions: gardening, hiking, cycling, music, theatre, dance and most especially, her friends, family and her eagerly anticipated English springer spaniel puppy.

Madam Speaker, Lynn Morton-Weil has served her community and her county well for much of her adult life. It is therefore appropriate that we honor her for her public service and wish her well on her retirement.

HONORING LYNN MORTON-WEIL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. WOOLSEY. Madam Speaker, I rise today along with my colleague, Representative MIKE THOMPSON, to honor and recognize Lynn Morton-Weil, who is retiring after more than 21 years of service to the people of Sonoma County.

During her tenure as a county employee, Ms. Morton-Weil worked in six departments as well as serving as personal assistant to three

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Madam Speaker, Lynn Morton-Weil has served her community and her county well for much of her adult life. It is therefore appropriate that we honor her for her public service and wish her well on her retirement.

ENHANCING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION ACT OF 2009, H.R. 2710

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. HONDA. Madam Speaker, last week I reintroduced the "Enhancing Science, Technology, Engineering, and Mathematics Education (E-STEM) Act of 2009," H.R. 2710. This legislation, improved from last Congress, provides comprehensive mechanisms to coordinate the Nation's science, technology, engineering, and mathematics education initiatives. Forty-nine members of the United States House of Representatives signed on as original cosponsors of this bipartisan legislation.

The intent of this bill is to increase the coordination, collaboration, and coherence to Science, Technology, Engineering, and Mathematics (STEM) education initiatives for the students of today and the citizens and workers of tomorrow.

As a former teacher, principal and school board member I am deeply committed to improving the education we provide our young people. Developing citizens that are critical thinkers and scientifically literate will help drive a vibrant society and create sound economic policy. Our economy depends on our country's education.

Today, more than ever, our economic resiliency depends on the competitiveness of our labor force. Unfortunately, the signs are not good. Over 25 years ago, "A Nation at Risk" identified America's need to improve STEM education to ensure that we remain competitive in an increasingly global economy. In this country we have many successful STEM education programs. The challenge is that these programs are not coordinated. Over a dozen agencies are engaged in STEM education and

often not aware of the efforts of other agencies—they are working in isolation. Our Nation is not maximizing the impact of our STEM education initiatives.

The E-STEM Act will provide a framework for federal agencies, the states and all stakeholders, to work collaboratively. It will help them establish national STEM education goals, coordinate STEM education initiatives, and avoid unnecessary duplication among these efforts.

The bill has four major components:

(1) Elevating the STEM Education Subcommittee at the President's Office of Science Technology Policy (OSTP) to the standing committee level. This change would give STEM education a higher profile within OSTP and establish the mechanism for the coordination of federal STEM education initiatives.

(2) Establishing an Assistant Secretary for STEM Education at the U.S. Department of Education. This Office would bring together the Department's STEM education efforts and manage programs such as Math and Science Partnerships, Math Now, Math Skills for Secondary Students, Minority Science and Engineering Improvement, Teachers for a Competitive Tomorrow, and Upward Bound Math-Science as well as the non-financial aid components of the National Science and Mathematics Access Retain Talent (SMART grants), the Teacher Education Assistance for College and Higher Education (TEACH grants), and the Academic Competitiveness grants.

(3) Creating the State Consortium on STEM Education. This voluntary group of states will be provided with support to align their STEM education efforts. Their mission is to coordinate policies to address weaknesses in STEM education. For example, the Consortium will work with stakeholders to identify strategies to improve the representation of women and minorities in STEM fields.

(4) And lastly, this bill establishes the National STEM Education Resource Repository (NSERR). This clearing house will be a portal to information about all federally funded STEM education programs, making the results of the more than \$3 billion the Federal Government spends annually on STEM education available to local educators. NSERR will make STEM education resources, research and promising practices and exemplary programs widely available to educators, search engines, and third party developers to create applications to enhance STEM teaching and learning.

We need to ensure that all our children are prepared for citizenship in a world that is increasingly dependent on STEM literacy. The bleak outlook for our economy should be a wake-up call that we cannot continue to move forward without a blue print for our students and our future economic well-being. This is why I reintroduced the E-STEM Act.

I want to thank all my colleagues for joining together to address the critical needs of our Nation. I look forward to working together to move this legislation through this Congress.

CONGRATULATIONS TO THE PEOPLE OF LEBANON ON ADVANCE OF DEMOCRACY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. WILSON of South Carolina. Madam Speaker, I wish to congratulate National Assemblyman Saad Hariri and his March 14 coalition on their victory in yesterday's elections in Lebanon. In December, I participated on a delegation to Beirut meeting with Saad Hariri and his colleagues who were bravely campaigning to promote a free market democracy. At their campaign headquarters, I was, inspired by the large number of portraits of assassinated parliamentarians. Saad Hariri is upholding the tradition of dedication established by his martyred father. Following the American-led coalition liberation of Iraq, Syria withdrew from Lebanon giving new hopes for the spread of democracy across the Middle East.

I would like to submit the following portions of an article entitled "Hezbollah loses Lebanon vote" that ran in today's Washington Times reporting on the success of Mr. Hariri and his coalition:

"Lebanon's pro-Western coalition claimed victory Sunday night after an election that appeared to douse fears of a militant Islamist takeover in the tiny nation known for sectarian conflict and as a proxy for Iranian and Syrian interests . . .

"Hezbollah, labeled a terrorist group by the United States and European Union, appeared to suffer from a high voter turnout that exceeded 50 percent—the largest since the end of Lebanon's 1975-91 civil war.

"The outcome appeared to avoid a crisis with the United States and Europe, where some analysts had feared that the Hezbollah-led coalition would win and force the United States and European Union to reconsider foreign aid, especially for the Lebanese army. The army is a key institution in a country that transcends sectarian divisions.

"This is a big lay in the history of democratic Lebanon," Saad Hariri, leader of the pro-Western March 14 coalition, told cheering supporters.

"Congratulations to you, congratulations to freedom, congratulations to democracy," said Mr. Hariri, the son of slain former Prime Minister Rafik Hariri . . .

"Analysts said the next government would have to work with the opposition to prevent instability and fighting from a year ago, when Shi'ite Hezbollah-led forces briefly seized control of Sunni-dominated West Beirut.

"Hezbollah is a longtime ally of Iran and Syria. It opposed a 2005 agreement in which Syrian troops withdrew from Lebanon, ending a 29-year occupation."

IN RECOGNITION OF THE LIFE OF MAJOR KEVIN M. JENRETTE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention

today to recognize the life of a heroic American citizen, Major Kevin M. Jenrette.

Major Jenrette, of Lula, Georgia, died in Afghanistan on June 4, 2009, of injuries sustained when an IED detonated near his military vehicle followed by small arms fire. He is survived by his wife and children in Lula and his parents in Auburn, Alabama.

Like all those who have paid the ultimate sacrifice in this conflict, words cannot express the sense of sadness we have for his family, and the gratitude our country feels for his service. Major Jenrette died serving the United States and the entire cause of liberty, on a mission to bring stability to a troubled region and liberty to a formerly oppressed people. He was a true patriot indeed.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve. Thank you, Madam Speaker, for the House's remembrance on this mournful day.

INTRODUCTION OF THE VETERANS HOME LOAN REFINANCE OPPORTUNITY ACT OF 2009

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Veterans Home Loan Refinance Opportunity Act of 2009. This bipartisan legislation improves the federal Qualified Veterans Mortgage Bonds (QVMB) program to allow eligible states to use tax-free bond proceeds to refinance the home mortgages of our military veterans.

This legislation is necessary during our troubled economic times. QVMB home loan financing was not available to newly discharged veterans returning home from Iraq and Afghanistan until passage of the Heroes Earning Assistance Relief Tax Act of 2008 (H.R. 6081) in the 110th Congress.

Prior to 2008, some veterans may have taken out adjustable-rate mortgages (ARM) to purchase a home during the real estate boom earlier in the decade. It is only fair to them that they have the same opportunity as newly discharged veterans to take advantage of the low-interest, fixed rate mortgages available through QVMB financing.

For some veterans with a costly ARM or interest-only mortgage, this legislation could prevent a foreclosure.

Finally, Madam Speaker, this legislation includes an inflation index to ensure the QVMB veterans home loan program remains viable in the future.

I urge passage of the Veterans Home Loan Refinance Opportunity Act.

RECOGNIZING MEMORIAL DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. LANGEVIN. Madam Speaker, I proudly rise to add my voice to the millions across the

nation to honor Memorial Day and the bravery and sacrifices of our troops and veterans—especially the men and women who have paid the ultimate price for defending our freedom. Since the founding of our nation, the members of our armed forces have been charged with defending liberty, a job that they carry out with honor and distinction every day.

Without concern for their own safety, they have stormed the beaches of Normandy and Okinawa. They have protected the people of Seoul and held Saigon against the Tet offensive. And today, they valiantly serve in Iraq and Afghanistan. I know firsthand of these ongoing sacrifices. As a member of the Armed Services and Intelligence Committees, I participate daily in meetings and hearings where I am reminded of their tireless efforts, devotion and dedication to our nation. I was fortunate to witness their professionalism and extraordinary service on the front lines during a recent visit to Iraq and Afghanistan over the Memorial Day recess. Talking with soldiers from my home district was especially moving as it served to remind me of the uncommon courage and dedication that can come from small towns and local communities all across America. I want to say a special thank you to those soldiers I met with in Iraq and Afghanistan for their tireless service.

On Memorial Day, we pause to remember those who have made the ultimate sacrifice for the good of their country. We remember the courage and dedication of soldiers who served on a distant battlefield knowing that they may not make it back home. For this reason, I support several legislative proposals to honor our men and women in uniform, such as measures to establish a Select Committee on POW and MIA affairs, recognize the hard work of our NCOs and support the families of U.S. servicemembers.

Setting aside Memorial Day as a time for the nation to remember our fallen service members is crucial, but we must remember and honor our troops who put their lives on the line not once a year, but every single day, so that we may continue to enjoy the freedom and liberty that make our country great. For that, we are eternally indebted to them.

INTRODUCTION OF THE HIGH QUALITY TEACHERS ACT OF 2009

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce legislation encouraging teacher development in the schools that are in need of quality instructors.

Several years ago, we passed the No Child Left Behind Act, NCLB, with the goals of closing the achievement gap and improving academic performance overall. Schools have since found some success, but I believe we need to make a number of changes to NCLB to make it more supportive for educators.

Madam Speaker, our teachers are crucial to our educational system. It is teachers who connect with our children and inspire them to achieve.

I am introducing the High Quality Teaching Act of 2009 to provide professional development opportunities for our teachers in struggling or at-risk schools.

Specifically, this legislation authorizes federal grant funding for schools to invite the National Board for Professional Teaching Standards, NBPTS, to implement its Targeted High Need Initiative, THNI. The NBPTS trains teachers to become professionally certified.

This legislation targets funding to the schools the most in need of quality teaching, such as those falling into Program Improvement under No Child Left Behind or those with high student populations from disadvantaged backgrounds.

Madam Speaker, I urge my colleagues to support professional teacher development in the schools that could benefit from the best possible instruction.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 9, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 10

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider any pending nominations.

Room to be announced

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs' construction process.

SR-418

9:45 a.m.
Foreign Relations
To hold hearings to examine the nomination of Kurt M. Campbell, of the District of Columbia, to be Assistant Secretary of State for East Asian and Pacific Affairs.

SD-419

10 a.m.
Environment and Public Works
Business meeting to consider the nominations of Peter Silva Silva, of California, to be Assistant Administrator for Water, and Stephen Alan Owens, of Arizona, to be Assistant Administrator

for Prevention, Pesticides, and Toxic Substances, both of the Environmental Protection Agency, and Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration, Department of Transportation.

SD-406

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Tara Jeanne O'Toole, of Maryland, to be Under Secretary for Science and Technology, Department of Homeland Security, and Jeffrey D. Zients, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget.

SD-342

Judiciary

To hold hearings to examine the continued importance of the Violence Against Women Act.

SD-226

11 a.m.

Armed Services

Business meeting to consider certain pending civilian nominations.

SR-222

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine allegations of waste, fraud, and abuse in security contracts at the United States Embassy in Kabul, Afghanistan.

SD-342

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine aviation safety, focusing on the Federal Aviation Administration's role in the oversight of air carriers.

SR-253

Banking, Housing, and Urban Affairs

Business meeting to consider the nominations of Mercedes Marquez, of California, to be Assistant Secretary of Housing and Urban Development for Community Planning and Development, and Herbert M. Allison, Jr., of Connecticut, to be Assistant Secretary of the Treasury for Financial Stability; to be followed by a hearing to examine the state of the domestic automobile industry, focusing on the impact of federal assistance.

SD-538

Rules and Administration

To hold hearings to examine the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission.

SR-301

3 p.m.

Rules and Administration

Business meeting to consider the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission.

SR-301

JUNE 11

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Gordon S. Heddel, of the District of Columbia, to be Inspector General, J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, Zachary J. Lemnios, of

Massachusetts, to be Director of Defense Research and Engineering, Dennis M. McCarthy, of Ohio, to be Assistant Secretary for Reserve Affairs, and Jamie Michael Morin, of Michigan, to be Assistant Secretary for Financial Management and Comptroller, and Daniel Ginsberg, of the District of Columbia, to be Assistant Secretary for Manpower and Reserve Affairs, both of the Air Force, all of the Department of Defense. SD-106

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Housing and Urban Development. SD-138

10 a.m.
Judiciary
Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 1107, to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and the nominations of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit, and Mary L. Smith, of Illinois, to be Assistant Attorney General, Tax Division, Department of Justice. SD-226

11 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine President's proposed budget request for fiscal year 2010 for the National Oceanic and Atmospheric Administration (NOAA). SR-253

2 p.m.
Foreign Relations
To hold hearings to examine certain North Korea issues. SD-419

Appropriations
Military Construction and Veterans Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Veterans Affairs. SD-124

2:15 p.m.
Indian Affairs
To hold hearings to examine reforming the Indian health care system. SD-628

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine S. 372, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel. SD-342

Intelligence
To hold closed hearings to examine certain intelligence matters. SVC-217

3 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine the National Criminal Justice Act of 2009. SD-226

Health, Education, Labor, and Pensions
To hold hearings to examine health care. Room to be announced

JUNE 16

2 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine pandemic influenza preparedness and the federal workforce. SD-342

2:30 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for Army modernization and management of the Future Combat Systems Program. SR-222

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the President's proposed budget request for fis-

cal year 2010 for the National Park Service and proposed expenditures under the American Recovery and Reinvestment Act. SD-366

JUNE 17

10 a.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine aviation safety, focusing on the role and responsibility of commercial air carriers and employees. SR-253

Judiciary
To hold an oversight hearing to examine the Department of Justice. SD-226

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 409, to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, S. 782, to provide for the establishment of the National Volcano Early Warning and Monitoring System, S. 874, to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, S. 1139, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and S. 1140, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon. SD-366

JUNE 18

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for United States Special Operations Command. SR-222

JUNE 24

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs quality management activities. SR-418

SENATE—Tuesday, June 9, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our fathers' God, to You, the author of liberty, we lift this prayer. Long may our land be bright with freedom's holy light. Protect us by Your might, great God, our King.

Lord, it is so easy for us to forget Your gracious providence that sustained our Nation's Founders through bitter adversity. How easily we forget and assume that our might, wisdom, and ingenuity alone produced this land we love. Remind our lawmakers each day that they are helpless without You. May they not wait for calamities to fall before they acknowledge their dependence upon You. Lord, deliver them from the pride which believes that they alone can solve the problems that beset our Nation. Quicken their minds to seek Your wisdom, and return them to that noble dependence on You that enabled our forebears to persevere and win against great odds.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 2009.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the leaders, the Senate will be in a period of morning business for 1 hour, with Senators allowed to speak therein for up to 10 minutes each. The majority will control the first 30 minutes, and the Republicans will control the second 30 minutes.

Following morning business, the Senate will resume consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Last night, cloture was invoked on that matter, and we also agreed last night that we would have a vote in relation to the Burr substitute amendment at 4:30 p.m. I hope we will be able to reach an agreement to consider other amendments prior to the vote in relation to the Burr amendment.

Senators will be notified if any other votes are scheduled. Staff is working now trying to come up with a list of amendments we can vote on.

The Senate will recess from 12:30 to 2:15 for the weekly caucus luncheons.

MEASURE PLACED ON CALENDAR—H.R. 31

Mr. REID. Mr. President, it is my understanding that H.R. 31 is at the desk and it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under rule XIV.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, when it comes to health care, Americans are looking for answers. They

don't understand why basic medical procedures are so expensive. They don't understand why millions of Americans have to go without basic care in a nation as prosperous as our own. Many are worried about losing the care they already have and like.

So the need for health care reform is not in question. All of us want reform. The question is: What kind of reform will we deliver? And two very different approaches are now beginning to come into view.

According to one approach, the government plays the dominant role by getting into the health care business and leverages taxpayers' money to muscle everybody else out of the way. Under this approach, the vast majority of Americans who like the health care they have risk losing it when a government-run system takes over.

The other approach is to find ways of controlling costs, such as discouraging the junk lawsuits that drive up the cost of practicing medicine and limit access to care in places like rural Kentucky; lifting barriers that currently diminish the effectiveness of prevention and wellness programs that have been shown to reduce health care costs, like quitting smoking, fighting obesity, and making early diagnoses; and, finally, letting small businesses pool resources to lower insurance costs—without imposing new taxes that kill jobs.

This second approach acknowledges that government already plays a major role in the health care system, and that it will continue to play a role in any solution we devise. But this approach is also based on the principle that government cannot be the solution. Americans want options, not a government-run plan that drives every private health plan out of business and forces people to give up the care they currently have and like.

The Secretary of Health and Human Services acknowledged this concern about a health care monopoly when she described those parts of the country where certain private health plans already have a monopoly. "In many areas in the country," she said, "the private market is monopolized by one carrier . . . You do not have a choice for consumers. And what we know in any kind of market is a monopoly does not give much incentive for other innovation or for cost-effective strategies."

Well, if this is true of private health plans, then it would be especially true of a government-run health plan. If a government-run plan came into being, concerns about a monopoly would not just be regional, they would be national.

Another problem with a government plan is a feature that has become all too common in nations that have adopted one. Many of these nations have established so-called government boards as part of their government health plans that end up determining which benefits are covered and which benefits are not covered. Our former colleague and the President's first choice for HHS Secretary, Tom Daschle, envisions just such a board in his widely cited book on the topic. "The Federal Health Board," he writes, "would promote 'high value' medical care by recommending coverage of those drugs and procedures backed by solid evidence."

What this means is that the Federal Government would start telling Americans what drugs they can and cannot have. We know this because that is exactly what is happening in countries that have adopted these government boards. They have categorically denied cutting-edge treatments either because the treatments cost too much or because someone in the government decided the patients who needed it were either too old or too sick to be worth the effort. When these countries enacted health boards, I am sure their intention was not to delay and deny care. But that is exactly what these government boards are doing.

The writer and commentator Virginia Postrel, who has written for the *New York Times* and the *Wall Street Journal* recently wrote an account of her own first-hand experience with breast cancer and her ability to treat it successfully with the drug Herceptin here in the U.S. Postrel said the availability of the drug increased her chances of survival from a coin flip to 95 percent. A year after beginning her treatments, Postrel wrote that she had no signs of cancer.

In the same article, Postrel points out that the situation is far different in New Zealand, where a government board known as Pharmac decided that Herceptin should not be made available to some cancer patients in that country. As one cancer doctor in New Zealand put it, New Zealand "is a good tourist destination, but options for cancer treatment are not so attractive there right now." Bureaucrats in New Zealand finally relented and allowed coverage for Herceptin, due in part to a public outcry over the limited availability of the drug.

New Zealanders have also been denied access to drugs that have proven to be effective in reducing the risk of heart disease and strokes. According to an article from 2006 in *The New Zealand Medical Journal*, the restrictions placed on statins by New Zealand's government board significantly hampered the preventative approach to heart disease. As the authors of the article put it, "[it is probable that . . . this one decision] has caused more

harm and premature death to New Zealand patients than any of their other maneuvers."

Americans want health care reform. But they do not want reform that destroys what is good about American health care in the process. They do not want a government bureaucrat making arbitrary decisions about which drugs they or their loved ones can or cannot take to treat an illness. And they do not want to be told they have to give up the care they have. Americans do not want a government-run health plan. And they certainly do not want a government board to dictate their health care coverage. They want real reform that solves the problems they face without sacrificing the benefits they enjoy.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders, or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that I may speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUANTANAMO

Mr. DURBIN. Mr. President, for the last month, the Republican leader from Kentucky has come to the floor and argued that we should not move detainees currently in Guantanamo into the United States, even for trial. Luckily, the President, the Attorney General, and the head of the joint military chiefs of staff have come to the conclusion that it is in the best interest of the safety and security of the United States that one of these notorious terrorists be brought to the United States for trial. So it has been announced today that Mr. Ahmed Khalfan Ghailani is being brought to the United States, to New York, for trial.

Luckily, this administration is not following the advice and counsel of Senator MCCONNELL and some on his side. It is time for this man to face trial. What is he being charged with? He is being charged as one of those in-

involved in the 1998 embassy attacks in Africa. This Tanzanian national has been held in Cuba since September of 2006. He was captured by our forces, and others, in Pakistan in 2004 and transported to Guantanamo. He is being charged with his involvement in the 1998 bombings of U.S. Embassies in east Africa, which killed 224 people, including 12 Americans.

The position being taken by the Republicans in the Senate is that this man should not be brought to the United States for trial. I think they are wrong. I think it is time that he answered for the crimes being charged against him. Twelve Americans died as a result of what we believe was his conduct. He needs to be held accountable. This argument that he cannot be brought to the United States and tried would virtually allow this man to escape punishment for the crime that we believe he committed. The Republicans' position that he should not be brought to the United States because somehow, if he is being held in a prison in the United States, it is a danger to the rest of us cannot be supported in fact.

There are 347 convicted terrorists presently being held in U.S. prisons—not one has escaped—in supermax facilities and no one has ever escaped. For the Republicans to argue we cannot bring this man to the United States for trial for killing a dozen Americans leaves him in a position where we may lose our ability to prosecute him. The speedy trial requirements of our Constitution and the laws of the United States could virtually end up with the United States being unable to prosecute this man if the Republican position on Guantanamo detainees is followed.

GEN Colin Powell is right, Guantanamo needs to be closed. It is a recruiting tool for al-Qaida. We know these individuals can be brought to the United States and tried and safely imprisoned. We have never had an escape from a supermax facility. We know that to turn these prisoners over to some other country runs the risk that they will be released.

Dangerous people who threaten the United States should be dealt with by our Constitution and laws. The administration has made the right decision that this man be brought to trial in the United States, held accountable for any wrongdoing on his part that led to the deaths of so many hundreds of innocent people at our Embassies in Africa.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, this morning we heard the Republican leader come to the floor again—this is not the first time—to address the health care situation in America. I have read his previous speech, and I listened to

his speech today. It is clear to me he does not believe we are facing a crisis when it comes to health care. I think we are. I think it is a serious crisis. It is a crisis where 47 million Americans have no health insurance. Imagine, if you will, being a parent and having children with no health insurance coverage. Imagine yourself in a position where an accident or a diagnosis at a doctor's office could literally mean you would lose every penny you have ever saved in your life for expensive medical care when you do not have health insurance. Imagine that as a crisis that affects Americans, too many of them today.

Then imagine those who have health insurance and worry that tomorrow the costs will go up to the point where they cannot afford it, that there will be medical procedures necessary uncovered by their health insurance. Cost is an issue. It is an issue which is driving us to look at reform of the health care system.

I heard Senator MCCONNELL this morning, and what he is arguing about, frankly, is not even in the debate on Capitol Hill. He said repeatedly—said it yesterday, said it again today—that our debate over health care reform means Americans run the risk of losing the health insurance they want. Exactly the opposite is true. What President Obama has said and what we are saying is that if you have good health insurance, you can keep it. You like the health insurance you have? You can keep it. No one has ever argued the opposite position, which the Senator from Kentucky referred to this morning.

He also spent a lot of time talking about government-run health care plans. It is interesting that he would raise that as an issue when we are not suggesting a government-centered health insurance reform. We think it should be a patient-centered health insurance reform.

But we also know that when you ask Americans across the board—families and patients—what do you think about the health care system in America, what are its greatest shortcomings in the current health care system, do you know what No. 1 is? Almost half, 48.9 percent, of the people say not having health insurance. The second, 43 percent say the greatest shortcoming of America's health care system is dealing with health insurance companies; 30.9 percent, inflexibility of health care plans; 30.9 percent, insurance companies' refusal to cover preexisting conditions.

When the Senator from Kentucky comes to the floor and argues against changing the current situation, he is arguing for allowing these health insurance companies to continue to dominate. As long as they dominate, Americans and their families will be vulnerable—vulnerable to increases in

costs they cannot manage, vulnerable to new policies with more exclusions, vulnerable to preexisting conditions not being covered. That is the vulnerability of Americans we have today that we have to seriously address.

The Senator from Kentucky argues we do not want a Canadian plan, we do not want a British plan, we do not want a New Zealand plan. He is right. We want an American approach—an American approach that combines, yes, private health insurance companies when they are held to standards that are fair to American families but also holds open the option that we will have a plan which is run by the government—as an option, a voluntary option—for people to choose. If they like what they have in their current plan, they can keep it. If they want to move to another private health insurance plan, they can do so. If they want to choose a government plan, they can do that as well.

According to the Senator from Kentucky, if the government is involved in it, it must be bad. Tell that to 40 million Americans under Medicare, many of whom never had health insurance in their life and now have the protection of Medicare. Medicare has worked for senior citizens and the disabled for a long period of time.

The Senator from Kentucky should also tell the people in the Veterans' Administration that when the government is involved, it does not work. They know better. Veterans and their families across America know our veterans health care system provides quality care for them. We entrust to them, the men and women who risk their life for America and come home injured—we know they are going to get quality care. To argue that if there is any government involvement at all in health care it is to the detriment of America argues against Medicare, argues against the Veterans' Administration.

The Senator went on to say, if the government gets involved, the delays will be intolerable. We do not want delays. We want timely treatment of people. If a doctor believes either I or my family members need to have a surgical procedure, some help, some diagnostic test, we want it done in a timely fashion.

What the Senator from Kentucky, the Republican leader, ignores is that there are delays within the current system. An article in *BusinessWeek* highlights a case of a woman in New York, Susan, who called for an annual mammogram appointment in April, knowing she would have to wait 6 weeks. In 2007, her first scan at the end of May was not clear. A followup scan detected an abnormality which the doctor wanted to address with a needle biopsy and outpatient procedure. The first available date was mid-August, more than 2 months later. This lady who had an abnormality in her mam-

mogram was forced to wait months under the current private health insurance system.

We have a similar problem in Chicago, Cook County, IL. At the local public hospital, wait times for speciality services can range from 6 months to 1 or 2 years under the current system.

We know that when it comes to delays, unfortunately, they are occurring in the current system. We also know that for a lot of people, this current system has become unaffordable and intolerable.

I think back to one of my friends in Springfield, Doug Mayol. Here is a fellow who tells a story. He owns a small business in my hometown of Springfield, a shop that sells cards and gifts. His only worker has Medicare coverage, so she is taken care of. But Doug has to buy private health insurance. Unfortunately, Doug has a problem. He was diagnosed many years ago—30 years ago, in fact—with a congenital heart valve defect. He has no symptoms. Without regular health care, he runs the risk of developing serious problems.

In the year 2001, Doug, in Springfield, IL, paid \$200 a month for health insurance. By 2005, even though he had not turned in any claims, his cost of health insurance was up to \$400 a month. The next year, when he turned 50, the rate nearly doubled to \$750 a month. He made some changes in coverage so he would pay more out of pocket, choose a small network of providers, and have a higher deductible. He got his premium down to \$650 a month.

This man owns a small shop. He sells greeting cards. He was up to \$650 a month. Two years later, his premium jumped to over \$1,000 a month. Again, he made some changes. By opting for the highest possible deductible, he was able to bring his premiums down to \$888 a month. Think about that: He is paying 300 percent more than he paid for health coverage 8 years ago and getting a lot less for it.

He isn't a costly patient. His valve condition is asymptomatic. He has never made a claim for illness or injury. He receives routine medical care. His high deductible rarely kicks in. Here is the problem. Because of his high deductible and expense of health insurance, he is afraid to go to a doctor, that it will create another red flag for the health insurance company to raise his premiums even more.

It is unfair to him, Doug Mayol, working in Springfield, IL, as a small business owner, a man whose insurance company has never paid a claim, to watch his costs explode from \$200 a month to \$1,000 a month in just a few years. Sadly, if we follow the advice of the Senator from Kentucky, it will get worse.

President Obama has challenged us to take on this reform. This is not

easy, believe me. There are health insurance companies that are going to fight us every step of the way. Anytime we step in to try to protect Doug and other families to make insurance affordable and to make sure it is quality, they are going to argue it is too much government, such as we heard from the Senator from Kentucky this morning. What he had to say is what we hear from the health insurance companies: Leave it alone, leave the system alone.

Can we afford for Doug Mayol and millions of Americans to leave this alone? We have to make sure we move toward a situation that recognizes we face a crisis. It is a crisis of cost and a crisis when it comes to availability of health insurance. We have to hold the health insurance companies accountable to provide us affordable quality care. We have to change the system so we have early detection of problems—preventive care. We have to ring some of the costs out of the system.

One of the persons who has made a comment on this regularly whom I respect very much is a doctor in Boston named Atul Gawande. He recently, in a June 1 article in the *New Yorker*, talked about the disparity in cost around the United States for Medicare. It is clear that in some parts of the country—and he was speaking of McAllen, TX, at this point—the cost for Medicare patients is dramatically higher than they are in other places. We can bring costs down to a reasonable level and try to take control of a system that is currently out of control, but we cannot do it if every day we are reminded of problems that do not exist. That is what we have heard from the other side of the aisle.

They are arguing that we want to take away people's health insurance. Absolutely false. We said: If you like your health insurance, you can keep it. They argue the government will take over the health care system. I have not run into anybody who has suggested that. What we want to do is have public health insurance and have a private option, which the Senator from New York is going to address in a moment when I close.

This is an important debate for every single American. It is time to put together reform that assures quality and affordable health care for all Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend and colleague from Illinois for his strong and forceful words, meaningful, bringing it home, as he always does, in a very strong and good way about individuals and how they are affected.

I would like to talk a little bit about where we are in health care and where we have to go. Let me say that about 10 years ago—I cannot remember the

exact time—one of the major issues we faced was called the Patients' Bill of Rights. Doctors and patients felt—everyone felt—that HMOs were taking undue advantage of them. Doctors, if a patient desperately needed a prescription, would call some accountant in a faraway city and could not get approval and the patient would not get the medicine. It sort of hit home.

There was a movie called "As Good As It Gets," with Jack Nicholson, and I cannot remember the name of the woman who starred in it. The family could not get the health care they needed because the HMO turned them down. I believe it was her child who was hurting. When she and Jack Nicholson made remarks about how somebody has to keep an eye on these HMOs, in theaters across America, the audience got up and cheered.

That is, again, what we are talking about when we talk about public option. Every one of us has a friend, a family member—maybe it is ourselves—who has experienced the basic intransigence of insurance companies in providing—even when you have a package of benefits—the kind of care you or a loved one, a member of your family, needs.

It is clear in America the insurance companies—and they are doing their job maximizing their profit to their shareholders. Of course, our capitalist system says they have to maximize it by trying to sell as many policies as possible. So there is some check on them. But it is clear America is not happy with insurance companies.

My good friend from Kentucky, the minority leader, keeps saying we do not want the government involved. Well, let me ask him: Who is going to protect the individual and even some of the individual providers—the doctor in a small town or in an inner city—from an insurance company when the insurance company either charges too much or tries to get rid of the small businessman—such as in the case of the gentleman from Springfield whom my friend DICK DURBIN talked about—or when they deny coverage or when they tell you because you have a preexisting condition that you can't get coverage or they are not renewing your proposal or whatever?

We understand there needs to be a check on the insurance companies. Left alone, they will not provide the kind of low-cost, full health care many Americans need. And when we propose a public option, we are proposing someone to keep a check on them. That is the only point. If we had complete faith in the insurance companies, we wouldn't be debating a public option. If we had complete faith that, left on their own, when an individual had the situation of an illness and their costs went way up, they would say: Sure, we are going to take care of you, you signed the contract when you were healthy and now

you are sick—and sometimes that happens. I am not saying it never happens, not for sure. But what about all the instances when it doesn't? What about the worry the rest of us have? And praise God, we are healthy, but it might happen. There has to be a check on the insurance companies, and that is what the so-called public option does.

Insurance companies are part of the free enterprise system, and it is a great system, but the goal of the insurance company—it is probably in their charters, but it is how our system works—is to maximize profits to their shareholders by producing a good product. But we all know, particularly when it comes to health, that system has major flaws. It sometimes works and it sometimes doesn't work.

If we thought only the private sector should provide health care, we wouldn't have Medicare. And I know there are some—way over on the right side—who would like to get rid of Medicare. If we thought private insurance on its own worked just fine, we wouldn't have fought for years for a patients' bill of rights. So this idea coming from the minority leader that we should have no check on the insurance companies, which is what we would have if we had no form of public option, isn't where the American people are, and it is certainly not where I am.

Some bring up—and I think it is a valid argument—well, if the government is involved—and by the way, what we are proposing here is not that the government take over health care. We are proposing that in this exchange where all kinds of insurance companies compete, there be at least one that doesn't put the profit motive above all else but has to put patients above all, a public option. It doesn't make a profit. And what we are saying is, if you believe in competition, why not let the public option compete? We do this in State governments. In State governments, if you are a State worker in some States, you can sometimes get a public plan or a private plan. The consumer chooses. And that is how it should be. We are simply saying that, just as there are some who might say: I don't think there should be any private sector involved in health care, it should all be public—and many people think that is not the right view, as I know my friend from Kentucky does—many of us think it is just as wrong to say it should only be the private sector. Let's see who does a better job. Let them compete in the marketplace.

My view is this: There has to be a level playing field. You cannot give the public option such advantages that it overwhelms the private sector. The proposal that I have made and that others are looking at—Senator BINGAMAN is one; my friends in the House, Congressmen WELCH and BRADY and MURPHY—is to try to make the playing

field level. The government won't just keep pouring money into the public option. It sets it up and then it has to compete. If the private sector needs reserves—God forbid there is catastrophic illness everywhere—then so will the public option. I am certain those of us who are interested in a public option are very interested in suggestions as to how to make the playing field level. But make no mistake about it, the public option is a different model. The public option will not have to make a profit. That is about 10, 12 percent. That money will go to health care for the patients. The public option will not have to merchandise and advertise. That is often 20 percent. So right off the bat, the public option has the same level playing field but has 30 percent of its revenues that can go to patient health care.

My friends on the other side say: Well, the public option isn't very efficient; it doesn't give enough direction, and direction to the right person, to cure this disease but lets people go all over. Well, if it is not, it is not going to work.

You know, if I were designing a health care system, I would even look carefully at single payer. I believe we do need control mechanisms, and I think the insurance companies themselves, no matter how we try to regulate them, will figure out ways around them. That is almost their mandate because their goal is to maximize profit. There is nothing wrong with that. But we are not going to get single payer here. We know that. And we are probably not even going to get something called Medicare For All, which would be a much more pure system that would not be, frankly, a level playing field. But just as we have to compromise and move to the center a little bit to get something done, so do my colleagues on the other side of the aisle. Again, when they say no public option, it is the inverse of saying no private insurance companies. Let's see who does better in this exchange.

My view is this: The public option will have certain advantages. It won't have to make a profit, it won't have to advertise and merchandise. But on the other hand, it is going to have certain responsibilities. When DICK DURBIN's friend from Springfield can't get insurance from a private company, the public option will be there, and that may be somewhat more expensive for them. Admittedly, we are going to try to pass laws to say the private insurance company has to keep DICK DURBIN's friend, the small businessman who is paying for his own insurance, without a huge increase in cost. But if you believe, as I do, and I think most Americans do, that the private insurance company is not going to embrace this and say: Gee, this is great, this is costing us a ton of money and we have to report earnings for our shareholders, and we will try to

find ways—there will be an intention of not covering people like that, and the public option will step into the lurch.

So this is a different model, no question about it. It is not just another insurance company that happens to be public. But it will be a level playing field. There will be a playing field where the private insurance companies will be under certain rules and the public option plan will be under certain rules. If the private company has to leave reserves, the public company will have to leave reserves. No one is seeking to unlevel the playing field, but we are seeking to keep the insurance companies honest. A public option will bring in transparency. When we know what the public option has to pay, we will say: Why isn't the private insurer paying the same? A public option will keep the insurance company's feet to the fire.

That is why President Obama feels so strongly about it. He said so in his letter. My friend from Iowa, Senator GRASSLEY, said he is just being political. I don't think so. He knows the public option will work well. Maybe after 3 years, the public option fails and isn't needed. Fine. Fine. But I don't believe that will happen. But we are not going to, in the public option, just keep putting more and more government money in until it wipes out the insurance companies. That is not the intent. The intent is to have a robust market, such as we have in other States and some of the Federal systems, where many different plans compete, and one is a public option. There might also be co-ops, such as my friend from North Dakota has been advocating, but there will be plenty of private insurance companies.

I would say one other thing. My friends on the other side of the aisle say: Well, why can't we just have the private insurers compete and offer a whole lot of plans? We don't have that in the vast majority of States right now. We have a system where any private company can sell insurance. But in more than half our States—and I believe this statistic is right, but I will correct the record if it is not—the top two companies have more than 50 percent of the market. There is usually not unvarnished competition when you just leave it up to the private insurance companies but, rather, an oligopoly. And we all know what happens when there is not real competition: Price setting occurs. Price leadership is what the economists call it. Nobody tries to undercut on price. We have seen this with the oil industry, for instance, with our five big oil companies, and you don't get the kind of competition you would from a public option, even if there were only one or two insurance companies competing.

In conclusion, I would ask my colleagues on the other side of the aisle to, A, be openminded. We haven't said

no this or no that. When you say no public option, you are saying we want to let the private insurance companies, under the guise of competition, run the show. And if you believe that will work, fine, but then you also should believe the public option won't be a threat to them. Some of us who are worried that, left to their own devices, the private insurance companies will not serve all or even most of the public as well as they should be served, are saying let there be the competitive advantage or the competition of a public option in a level playing field that has no particular built-in advantage but has a different model—no profit, no merchandising, no advertising, serve the patient first.

This debate will continue, but I would just say to my fellow Americans out there who might be listening to this, when you hear the other side say no public option, ask them: Then who is going to provide a check on the insurance companies? And do you believe the insurance companies, even with some government regulation, won't find their way out of the regulations or avoid the regulations or walk around them?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SCHUMER. The debate will continue, Mr. President, and I appreciate the opportunity to address my colleagues.

The ACTING PRESIDENT pro tempore. The Republican whip.

Mr. KYL. Mr. President, I understand the time for morning business has now reverted to the Republican side; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

HEALTH CARE

Mr. KYL. I thank the Chair.

Mr. President, I would like to address two subjects. The first is the subject my colleague from New York was just discussing, and that is what to do about health care issues we have in the United States. Specifically, I would like to refer to some comments that both he made and the assistant majority leader made this morning.

The first point I wish to make is that when the assistant majority leader came to the floor this morning and in effect said: Unless you agree with our solution, you don't believe there is a problem, that is a fallacy, of course. I think everybody agrees there are lots of problems. The question is, What is the right solution? So we can all agree there are problems, but let's don't suggest that unless you agree with my solution or your solution, somehow or other we don't appreciate that there are problems.

We are frustrated and a lot of Americans are frustrated because they may work for a small business or they are

unemployed and therefore they don't have insurance. It is not easy to take your insurance with you. It is hard to find quality, low-cost health care. This has to be a big priority for a lot of Americans. We all understand that.

Health care needs to be portable. It needs to be accessible. It needs to be affordable. I think all Americans want it to be quality care as well. The question is, How do you accomplish these goals?

One of the problems is, what if you have insurance and you like it? The President says, in that case you get to keep it. The problem is, under the bill that is being discussed in the Finance Committee, you do not get to keep it. If you are an employee of a small business, for example, or you are an individual with your own insurance, when your insurance contract runs out—and those contracts are usually 1 year, 2 years, sometimes as long as 3 years; let's say it is 2 years, and you are through the first year of it—the bottom line is, even though you may like it, at the end of next year when the contract runs out, you don't get to keep it.

Under the bill being discussed there is a new regime of regulation for the insurance companies about who they have to cover, how they cover them, what they can charge, and a whole variety of other regulations that mean that the policy you used to have, that you liked, does not exist anymore.

It may be you will be able to find coverage that you like, but it is simply untrue to say that one of the mainstays of the legislation being proposed is that if you like your current plan, you get to keep it. When your current plan expires, it expires, and you don't get to keep it because it cannot be renewed in its current form. That is point No. 1.

Point No. 2. We just had a discussion about government-run insurance. I find it interesting that some on the other side like to call this a public option, as if the public somehow or other is operating its own insurance company. Let's be clear about who would operate this insurance company. It is the U.S. Government. It is not the public; it is the U.S. Government. That is why Senator MCCONNELL has referred to it properly as government-run insurance.

The Senator from New York just got through saying: Who else is going to provide a check on the private insurance companies to make sure they do things right? The President himself has spoken about the need for a government-run plan to keep the other insurance companies "honest."

Insurance is one of the most highly regulated enterprises in the United States. Every State in fact regulates health insurance. This is an area that not only has some Federal regulation, but every State regulates health insurance. In fact, one of the reasons you cannot buy a health insurance policy

from the State you do not live in—you can't go across State lines and buy a policy in another State—is because we are so jealous of the State regulation of insurance. So to the question of my friend from New York, who is going to provide a check, the answer is, your State. If you do not trust your State to properly regulate health insurance, then I don't know where we are. But you are not going to provide better regulation by commissioning a government insurance company to exist and compete right alongside the private insurance companies. How does that provide a check on the private insurance companies?

It is not as if there are not enough private insurance companies or they are not providing enough different kinds of plans, so that can't be the problem. It is not a matter of a lack of competition in most places. If the question is, who is going to regulate, the answer is, the State is going to regulate. To the extent it does not, the Federal Government is going to regulate. That is why, A, it should not be called a public option if what they are talking about is creating a government-run health insurance company, which is exactly what is being proposed in the only legislation put out there so far, the so-called Kennedy legislation in the HELP Committee. That is precisely what he proposes. Republicans say: No, thank you. We are not for that.

My final point is that the assistant majority leader said there are lots of other government-run plans, and we are not afraid of them. He mentioned Medicare and the Veterans' Administration. First of all, these are not government insurance companies, these are government-run programs. But, second, the President himself said, and everybody I know of who has studied the issue agrees, Medicare is in deep trouble. The President has said its commitments are unsustainable, meaning we cannot keep the promises we have made in Medicare to future generations because it is far too expensive. We have to find a way to get those expenses under control.

How is adding another 15, 20 or 30 million Americans to an existing program that is not sustainable going to make it any better?

My colleague talked about waiting lines. It may well be true we can find an example or two of people who have to wait in line in the United States. That is something we should not permit in the United States. We know that is what exists in other countries, and I will get to that in just a moment. Why does that justify having an expansion of a government program? If we have a government program which causes waiting lines today, does it solve the problem by adding a whole lot more people to the rolls?

What is likely to happen? The waiting lines are going to get longer be-

cause more people are going to have to be waiting for care. Is that what we want in the United States of America? I submit not. So far from being a justification for a government-run program, I believe that argues for not having a government-run program, or at least not expanding the government programs we already have. A government takeover is not the answer. No country, even the United States, the most prosperous country on Earth, has unlimited resources to spend on health care.

That brings up the third problem, which is the rationing, the inevitable delay in getting treatment or tests and frequently the denial of care that results from that. When a government takes over health care, as it has, for example, in Britain and Canada and many places in Europe and other places, care inevitably is rationed. We all have heard the stories.

One of the most direct ways we can ration care is one that the White House has already embraced, and it is part of the Kennedy bill that I spoke of earlier.

The White House has said comparative effectiveness research, which would study clinical evidence to decide what works best, will help them eliminate wasteful treatments. Wasteful to whom? A recent National Institutes of Health project has a description of part of their plan that states, and I will quote:

Cost-effectiveness research will provide active and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic conditions.

Allocation of health resources is a euphemism for rationing. Allocation means to allocate, and inevitably there will be denial based upon those things which are deemed to be too costly.

As discussions about health care reform have dominated the news recently, stories have trickled out from individuals living in countries that ration care whose medical treatment has been delayed or denied due to rationing, and we are beginning to hear some of those stories. One that I came across was reported in the Wall Street Journal.

It was the story of one Shona Holmes of Ontario, Canada. When Miss Holmes began losing her vision and experiencing headaches, panic attacks, extreme fatigue, and other symptoms, she went to the doctor. An MRI scan revealed a brain tumor, but she was told she would have to wait months to see a specialist.

Think about this. She goes home and tells her family: The MRI said I have a brain tumor. I have all of these symptoms, including losing vision and the rest of it. But I have to wait months to see a specialist—I gather, to confirm the diagnosis. I don't know. As her symptoms worsened, she decided to

visit the Mayo Clinic in Arizona. So she left her home country, paid her way down to Arizona and paid for the diagnosis and treatment that was called for in her case to prevent the permanent vision loss and potentially death that could have ensued had she not been treated in a timely fashion.

A Lindsey McCreith, also of Ontario, was profiled in the same article to which I referred. Mr. McCreith suffered from recurring headaches and seizures. When he went to the doctor, he was told the wait time for an MRI was 4½ months. Think about this. You are having seizures and the test that will reveal what if anything is wrong is going to be delayed 4½ months. One of the reasons, I am told, by the way, is that there are very few places in Canada where MRIs are located, where you can actually get the test. In any event, he decided to visit a clinic in Buffalo, NY—fairly nearby—in order to get the MRI. He did and it, too, revealed a brain tumor. Now Mr. McCreith is suing the Canadian Government's health care monopoly for jeopardizing his life.

I wonder if we want lawsuits to be the answer. When you can't get the care you want, you have to file a lawsuit to get it? Is that what we want in America? I don't think so.

There are also people whose care has been flatout denied. Britain's National Health Service has denied smokers treatment for heart disease, and it has denied hip and knee replacements for people who are deemed to be obese. The British Health Secretary, Patricia Hewitt, has said it is fine to deny treatment on the basis of lifestyle.

[Doctors] will say to patients: "You should not have this operation until you have lost a bit of weight," she said in 2007.

That is easier said than done for some people. In any event, if they need a health treatment and they need it now, there is a real question whether they can accomplish the "losing a little bit of weight," as Ms. Hewitt said. All Americans deserve access to quality care, but government-run insurance does not equate with access. Rationing will hinder access.

As I said, my colleague from Illinois, the distinguished majority assistant leader, says you can actually find some examples in the United States where there are long wait times. If that is true—and I don't doubt what he said—that is not good; it is bad. We should try to fix that so we don't have wait times. We should not justify having more wait times on the fact that we already have some. We should not say because there are some people in America who have to wait, therefore we should make it possible for everybody in America to have to wait; we should be like Canada or Great Britain.

That is not the answer. If we have wait times here, we should stop it, not say that we, therefore, might as well be

like Canada or Great Britain. Americans do not deserve or want health care that forces them into a government bureaucracy with its labyrinth of complex rules or regulations.

Think about the hassles of dealing with the IRS or Department of Motor Vehicles or Social Security Administration when you have a problem there and then imagine dealing with the same issues when it comes to getting health care. We can't enable a panel of bureaucrats, through rules and regulations, to put the politicians in charge of deciding who is eligible for a particular treatment or deciding when or where they can get it. It is wrong for America, wrong for the patients in America, and it is the wrong approach to health care reform.

Republicans believe there is a better way for health care reform. Rather than empowering the government, empower patients. Rather than putting bureaucrats in between your doctor and yourself, try to remove the constraints that physicians have and hospitals have for treating people. Try to remove constraints on insurance companies.

One of the things I have asked for, for example, with all of these wonderful ideas about more government regulation of insurance is, how about repealing some laws that currently prevent insurance companies from competing? I mentioned before you can't compete across State lines.

We all know if you want to incorporate as a corporation—why are all the corporations incorporated in Delaware, "a Delaware corporation"? It doesn't matter whether you are in Illinois or Arizona, corporations are incorporated in Delaware. At least that is the way it used to be. One of the reasons is Delaware had very benign laws regulating the incorporation of businesses. It was cheaper to do it, and there was less regulatory hassle. But if the distinguished Presiding Officer, for example, looked across the river to the west and saw an insurance company in Iowa that could provide him with better coverage at less cost than the company that insures him in Illinois, why should he be restrained from buying the policy from the company in Iowa? You could buy your automobile insurance that way. You could buy your home insurance that way. Why should you not be able to buy your health insurance that way? Well, you can't.

I am going to conclude this discussion, but just one idea is to remove some of the barriers to competition that would make it more likely that insurance companies could expand their coverage by competing, be required to compete with lower premiums and/or provide better access to care. It seems logical, and in this country, where people move around all the time—my family just drove all the way across the country from Washington,

DC, out to Arizona to visit friends and family and go on to California. We travel all around this country all the time. We move families, unlike back in the old days. Why can't we have an insurance regime that enables you to buy insurance from another State? It does not make sense; it inhibits competition; it makes prices higher; and it can have the effect of restricting care. Those are the kinds of things we need to do to reform our system, not put more government in charge and not put government between you and what your physician says you need, or even put some time delay between the opportunity to visit your physician when you know you have something wrong with you.

We are going to have more discussion about this in the future, but I want to back up what Senator MCCONNELL from Kentucky has said. Americans don't want government-run insurance companies any more than they want government-run car companies. It seems as though the government is starting to run everything now—from the banks, to the insurance companies, to the car companies. Now we are going to run insurance companies as well for health care. I do not think that is what the American people want.

I think the Senator from Kentucky is exactly right. I think he is right when he says no government-run care and that we should not be rationing care. Those are two of the most critical aspects of the legislation Senator KENNEDY has come forth with and among the things being discussed in the Senate Finance Committee as well. We need to draw a line: Put patients first, not put the government first.

(Mrs. GILLIBRAND assumed the Chair.)

GUANTANAMO

Mr. KYL. Now, Madam President, since I think I have a little bit more time on the Republican side—though if I have colleagues who wish to speak, I will be happy to finish for the moment—I will go for a little bit longer on another subject.

We have had kind of a running debate on the question of closing Guantanamo prison. This is a subject the Senate has spoken on by an overwhelming vote. I think 90-some Senators voted not to close Gitmo. The American people are 3 to 1 opposed to bringing Gitmo prisoners into their State. They are 2 to 1, at least, in opposition to closing Guantanamo prison. This is not something on which there is a little bit of doubt. The American people are very much opposed to closing Guantanamo prison and bringing those people to their own States.

Nevertheless, the assistant majority leader and five other Democrats voted for the appropriation of money—or the authorization of money—actually, the appropriation of money to close Gitmo

and acknowledge that would require bringing many of those people to the United States.

Well, I happen to agree with Senator MCCONNELL that this is a bad idea, and with the other 89 Senators who agreed it is a bad idea, at least until we have some kind of a plan to do it. So I was a little struck this morning when the Senator from Illinois said: Well, here is the proof of why we should close the Guantanamo prison.

We just have had an announcement we are going to try a terrorist, whose name is Ghailani, in the United States, and that proves we can close Gitmo.

Well, it does not prove that. It does not prove anything. What it proves is, we can try somebody in U.S. courts. We have done that with a few terrorists, and it is not a pleasant experience. The one that most of us recall in the Washington, DC, area was the trial across the river in Alexandria, VA, of Zacarias Moussaoui. That was extraordinarily difficult for the government to do. It was very difficult for at least two main reasons.

First of all, much of the evidence that was gained to try him was classified and could not be shared with him, and there were significant questions of due process as a result. How can we try somebody for a serious crime and not show them the evidence against them? That is one of the main reasons it is very difficult to try these terrorists for crimes.

The second problem is the security issue. The people in Virginia, in Alexandria—in the county there—will tell you, it was a costly and difficult thing for them to be able to conduct this trial of Zacarias Moussaoui there. Nevertheless, it was possible. Although costly, it was possible. It was even possible to get a conviction, I would suggest, primarily because of some decisions Moussaoui made. Nonetheless, it was possible to do so.

Everybody acknowledges there are some people who need to be tried for serious crimes, in effect, such as war crimes, and who should be tried in U.S. courts. It does not make it easy, but it can be done. What it does not prove is that it should be done for all of the people at Gitmo. In fact, not even the President suggests that. The President, in his speech a few weeks ago, acknowledged that many of the prisoners at Gitmo now are never going to have a trial. They are simply being held until the termination of the hostilities that have caused them to be captured and imprisoned in the first place. They are like prisoners of war who can be detained until the war is over.

Here, however, they do not even have the rights of prisoners of war under the Geneva accords because they do not adhere to the rules of war, they do not fight with uniforms for a nation state, and so on. They, in fact, are terrorists. So they are still allowed humane treat-

ment, but they do not have the same rights as prisoners of war.

What that means is—as the President acknowledged, as the U.S. Supreme Court has acknowledged—we have a right to hold them until the cessation of hostilities so they do not kill any more people. We cannot just turn them loose.

The President, in his speech, made the point that at least 60—I think is the number that was used—of these prisoners have been released and that they were released by the Bush administration. That is true. The Bush administration was under a lot of pressure to try to release as many of these people who were being held as possible, and so they held determinations. They have a determination once a year and initially as to what the status of the individual is and whether he is still a danger. Eventually, in many of the cases, they decided the person could be released back to their home country or to a country that would take them and it would not pose a danger to the United States.

The problem is, there is a very high rate of recidivism among these terrorists. One in seven are believed to have returned to the battlefield. We have evidence of many of them, specifically by name, who returned and who caused a lot of death. There are two in particular I recall who both eventually engaged in suicide bombing attacks, killing, I think, 20-some people in one instance and at least a half dozen people in another instance.

So even when we try our best to make a determination that is fair to the individuals, but we do not want to hold people beyond the time they should be held—that they no longer pose a danger—we make mistakes and we release people back to the battlefield who are going to try to kill us, and they are certainly going to try to kill others, including our allies; and, in fact, they do so. That is a risk, but it is not a risk that we should lightly take.

The remaining 240-some prisoners at Guantanamo are the worst of the worst. These are people about whom it is very difficult to say: Well, they do not pose a danger anymore. We have already been through those, and, as I said, one in seven of those people have not only posed a danger, they have actually gone off and killed people.

So we have 240 of the worst of the worst, and the President correctly went through the different things that can happen to them. Some of them—a limited number—will be tried in U.S. courts, such as this terrorist Ghailani whom Senator DURBIN spoke of earlier this morning. It is hard to do. There are a lot of issues with it. But we will try to try some of them.

Others can be tried with military commissions. Others will not be able to be tried. They will have to be held.

There may be a few whom we deem no longer a threat to us and they will have to be released but to whom nobody knows because nobody appears to want—well, the French will take one of them, and I think there may be another European country that said—maybe the Germans will take one. That still leaves a lot to go.

So the bottom line is, many are going to have to be detained. The question is, Where do we detain them? My colleague from Illinois says: Well, there are other people who agree we should close Gitmo. Even my colleague from Arizona has certainly said that. But what he did not say is, before we have a plan to do so—and he himself has acknowledged this is really hard to do. And while he would like to close it—as he himself has said: I do not know how you do it—we certainly cannot do it without a plan, and we certainly cannot do it based upon the timetable that the President is talking about.

So it is one thing to say it would be nice to close it. It is quite another to figure out how to do it that would be safe for the American people.

Finally, just a point I want to mention—well, two final points. The Senator from Illinois said this is a problem he, meaning the President, inherited. No. The President did not inherit the problem of having to come up with a plan to close Gitmo by next January 20. The President made that problem himself. When he was sworn into office, I think it was within 3 days, he said: And we are going to close Gitmo within 12 months.

That is an arbitrary deadline that I submit he should not have imposed on himself or on the country because it is going to cause bad decisions to be made. We may have to try more people, such as this terrorist Ghailani, in the United States than we want to or than we should. In any event, we are going to have to try to find, I gather, facilities in which these people could be held in the United States.

FBI Director Robert Mueller testified before the House of Representatives that that posed a lot of problems, real risks, for the United States. Nobody is saying it cannot be done. The question is, Should it be done? Most of us believe, no, it should not be done; there are better alternatives.

The final point I want to make is this: What is wrong with the alternative of the prison at Guantanamo? It is a \$200 million state-of-the-art facility in which, as I pointed out yesterday, people are very well treated, humanely treated. They have gotten a whole lot better medical and dental care than they ever got or could have hoped to have gotten in their home countries, fighting us on the battlefield of Afghanistan or somewhere else.

The bottom line is, this is a top-rate facility. The people there do not mistreat prisoners. That is the myth.

Somehow people conflate what happened at Abu Ghraib with Guantanamo. This brings up the last point. It is argued by my colleague from Illinois and others that, well, terrorists recruit based upon the existence of Guantanamo prison.

Think about that for a moment. Are we going to say because terrorists accuse us of doing something wrong—even though we did not—we are going to stop any activity in that area because we want to take away that as a recruitment tool? We would have to basically go out of business as the United States of America if we are going to take away all that terrorists use to recruit people to fight the West. They do not like the way we treat women with equality in the United States. They do not like a lot of our social values and mores. They do not even like the fact that we hold elections.

So because that is used as a recruitment tool, we are going to stop doing all of that? What sense does this make? We treat people humanely and properly at Guantanamo. People were mistreated in another prison called Abu Ghraib. They are not the same. Abu Ghraib, therefore, does not represent the example of what we should be doing with respect to Guantanamo.

We will have more debate on this subject. I note the time is very short, and I meant to leave a little time for my colleague from Texas. I hope to engage my colleagues in further conversation about this issue. The American people do not want people from Gitmo put into their home States.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I thank the Presiding Officer.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. CORNYN. Actually, Madam President, I intend to speak on the underlying bill. But because the bill manager is not here, I think my remarks are just as appropriate in morning business.

I rise to offer my support as a cosponsor of the Family Smoking Prevention and Tobacco Control Act, the so-called FDA regulation of the tobacco bill that is currently before the Senate.

This is a rarity these days in Washington. It is actually a bipartisan bill—people of both parties working together to try to solve a real problem—and I want to particularly thank Senator KENNEDY and Senator DODD for their leadership on the bill. I also want to thank the Campaign for Tobacco-Free Kids for organizing more than 1,000

public health groups, faith-based organizations, medical associations, and other partners to support this legislation.

The House, as we know, passed the bill in April on a bipartisan basis, and now it is time for the Senate to do its job this week.

This comes to us in a rather unusual historical and regulatory posture. The fact is, we know tobacco is a killer. It is a killer. It kills 400,000 Americans each year in the United States, including 90 percent of all deaths from lung cancer, one out of every three deaths from other types of cancer, and one out of every five deaths for cardiovascular disease.

The real tragedy is not just that adults choose to smoke and harm their health—and many of whom, unfortunately, die premature deaths as a result—it is that many smokers begin their addiction to tobacco—the nicotine, which is the addictive substance within tobacco—when they are young, before they are able to make intelligent choices about what to do with their bodies and their health.

Every day about 1,000 children become regular daily smokers. Medical professionals project that about one-third of these children will eventually die prematurely from a tobacco-related disease.

Not surprisingly, at a time when we are contemplating health care reform in this country, the huge expense of health care and the fiscal unsustainability of the Medicare program, it is also important to point out that tobacco directly increases the cost of health care in our country. More than \$100 billion is spent every year to treat tobacco-related diseases—\$100 billion of taxpayer money—and about \$30 billion of that is spent through our Medicaid Program.

America has a love-hate relationship with tobacco, and Congress, I should say, and State government does as well. My colleagues will recall that tobacco actually presents a revenue source for the State and Federal Government. One of the most recent instances is when Congress passed a 60-cent-plus additional tax on tobacco in order to fund an expansion of the State Children's Health Insurance Program. So government has become addicted to tobacco, too, because of the revenue stream it presents, and that is true at the Federal level and at the State level.

However, because of the political clout of tobacco companies years back, when the FDA regulation statute was passed, tobacco was specifically left out of the power of the FDA to regulate this drug. The active ingredient I mentioned is nicotine, which was not acknowledged to be an addictive drug for many years until finally the Surgeon General did identify it for what it was: an addictive drug that makes it

harder for people, once they start smoking, to quit.

Then, of course, we tried litigation to control tobacco and the spread of marketing tobacco to children and addicting them to this deadly drug, which it is. Then, we found out it had basically no impact, that massive national litigation through the attorneys general in the States. Basically, the only thing that happened as a result of that is lawyers got rich, but it didn't do anything to deal with the problem of marketing tobacco to children.

One might ask, as a conservative: Why would one support more regulation rather than less? Well, because of this split personality the Federal Government has in dealing with tobacco—recognizing it is a deadly drug, recognizing marketing often targets the most vulnerable among us, and recognizing the fact that it kills so many people and increases our health care costs not only in Medicare but in Medicaid—why in the world wouldn't we ban it? I know the Senator from Oklahoma has said maybe the world would be a better place if tobacco wasn't legal. Well, we all know that is a slippery slope for the individual choices we make. If we were to ban tobacco, we might as well ban fatty food; we might as well ban alcohol. Obviously, the government would become essentially the dictator of what people could and could not do and consume, and I don't think the American people would tolerate it and I think with some good reason.

We have to accept individual responsibility for our choices. But, again, when you target a deadly drug such as tobacco and nicotine—this addictive component of tobacco to children—that, to me, crosses the line where we ought to say the Federal Government does have a responsibility to allow this legal product, if it is going to remain legal, to be used but under a regulatory regime that will protect the most vulnerable among us.

Many States have effective ways to deal with underage use of tobacco. I think the regime in my State of Texas works pretty well, but it is spotty and not uniform across the country; thus, I think, necessitating a Federal response.

This bill—which, as I say, should be our last resort, and in many ways it is—increases Federal regulation, I believe, in a responsible way, under an imperfect situation, where this legal but deadly drug is used by so many people in our country.

This bill gives the Food and Drug Administration the authority to regulate the manufacturing, marketing, and sale of tobacco products. It would restrict marketing and sales to our young people. It would require tobacco companies to disclose all the ingredients in their products to the FDA. There have been various revelations over time that there were actually efforts made by tobacco companies to

provide an extra dose of the addictive component of tobacco, which is nicotine, in order to hook people at a younger age. I think by providing for disclosure of all the ingredients of these products to the FDA, and thus to the American people, we can give people at least as much information as we possibly can to make wise choices with regard to their use of tobacco, or not, preferably. It would require larger and stronger health warnings on tobacco products.

This bill would also protect our young people and taxpayers as well. Smokers will pay for the enforcement of these regulations through user fees on manufacturers of cigarettes, cigarette tobacco, and smokeless tobacco products. Nonsmokers will not have to pay any additional taxes or fees as a result of this bill.

I hope this bill does some good. I think it will. But the key to reducing smoking is for individuals to make better choices and for our culture to change, as it has already changed, when it comes to consumption of tobacco products. I think about other examples over time where our culture has changed to where we now do things that are safer and better today than we used to when I was growing up. For example, when I was growing up, seatbelt use was very sparse. As a matter of fact, you could buy a car, and if you wanted a seatbelt, you would have to have somebody install it for you because it didn't come as original, manufactured equipment. Today we know seatbelt use is not only much broader and more widely spread, but you can't get into a car and turn it on without being dinged to death or otherwise reminded that you need to put your seatbelt on. The truth is it has made driving in cars a lot safer. It has kept people healthier, even in spite of accidents they have been involved in, and it has—not coincidentally—helped reduce medical admissions and medical expenses as well.

We know there is also today a greater societal stigma against drunk driving. That was not always the case. As a matter of fact, as a result of many years of public education and stricter law enforcement, now people take a much smarter and well-informed view of drinking and particularly the risks of drinking and driving. We know also that many Americans, in dealing with energy, are dealing more responsibly by recycling and conserving energy. Of course, millions of Americans are trying to do better when it comes to eating right and exercising more frequently so they can protect their own health and engage in preventive medicine, so to speak.

Government can't do it all because, as I said earlier, I think individuals bear a responsibility to make good choices. One thing government can do is help inform those choices. I think

this regulation bill will help smokers make better decisions by knowing what is in the tobacco product and allowing the FDA to regulate this drug.

I believe the real drivers of change, though, are not just the government, not the nanny State that will tell us what we can and cannot do, but cultural influences and, indeed, economic incentives which are more powerful than government regulations in influencing individual behavior.

Some have said: Why in the world would we give tobacco regulation to the Food and Drug Administration, a Federal agency with the primary job of determining safety of food and drugs and medical devices as well as efficacy. As a matter of fact, many people have been tempted to buy prescription drugs, let's say, over the Internet but not knowing where they were actually manufactured, whether they were actually counterfeit drugs. So there is not only the question of safety—in other words, if you put it in your mouth, is it going to poison you—but it is also if you put it in your mouth and you take it expecting it actually to be effective against the medical condition you want to treat. The FDA is a regulatory agency that is supposed to determine not only safety of food and drugs but also their efficacy.

There is a certain anomaly in giving the FDA regulatory authority for something we know will kill people—and does, in fact, kill hundreds of thousands of people—when used as intended by the manufacturer, but I think this is a step in the right direction. I think the world would be a better place—we would all certainly be healthier—if people chose not to use tobacco, and many have made that choice due to the cultural influences we have mentioned, as well as some of the economic incentives that are provided by employers.

As we undertake the task of reforming our health system in America, something that comprises 17 percent of our gross domestic product, I think we could well learn from some of the successful experiences and experiments some employers have used and some workers have used when it comes to drugs such as tobacco. For example, one large grocery company headquartered out in California—Safeway—which also has many employees in Texas, as an employer, they noticed that 70 percent of their health care costs were related to individual behavior, things such as diet, exercise, and, yes, indeed, smoking. They recognized that if they could encourage their employees to get age-appropriate diagnostic procedures for cancer—colon cancer, for example—if they could encourage their employees to quit smoking, if they could encourage their employees to watch their weight and get exercise and to watch their blood pressure and take blood pressure medication where indicated, where

they could encourage them to take cholesterol-lowering medication, if they had high cholesterol, that they could not only have healthier, more productive employees, they could actually bring down the costs of health care for their employees as well as their own costs. I think Safeway is just one example of many successful innovators across this country, where people are encouraged to do the right thing for themselves and for their employers and for their families. I think these are the kinds of issues that ought to guide us as we debate health care reform during the coming weeks.

I believe this legislation fills the necessary gap in FDA's regulatory authority, an agency that regulates everything from food to prescription drugs, to medical devices. The only reason tobacco was left out of it is because of the political clout of tobacco years ago. This legislation fills that gap and I think presents the most pragmatic approach to try to deal with the scourge of underage smoking and marketing to children, as well as informing consumers of what they need to know in order to make smart choices for their own health and for the health of their family.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the period of morning business be extended until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mrs. BOXER. Madam President, I came to the floor to speak in support of the Family Smoking Prevention and Tobacco Control Act and also to express my gratitude to Senator KENNEDY and my colleagues who have pushed so hard for the consideration of this important bill. I am so pleased about the vote last night which allowed us to move forward on this bill.

This would be a historic accomplishment for this Senate, the House, and for the President. I am at a loss to understand how Senators could stand in opposition to this important legislation. To prove the point, I could ask a couple of questions:

What is the leading cause of preventable death in this country, killing over 400,000 Americans a year? The leading cause of preventable death is tobacco.

What causes more deaths than HIV/AIDS, illegal drug use, alcohol use, motor vehicle accidents, suicides, and murders combined? I guess if you ask people out there, they may not know that the answer is tobacco.

What are the only products on the market that kill one-third of their purchasers? Madam President, if you had a health device or any product that kills one-third of its purchasers, we would outlaw that product in a heartbeat. We are not outlawing tobacco; we are simply saying tobacco needs to be controlled by the FDA. Remember, the only product on the market that kills one-third of its purchasers is tobacco, if used as directed.

I could go on and on with these rhetorical questions. Clearly, we know tobacco is the only product on the market that is advertised and sold without any government oversight.

I don't understand how 35 or so of our colleagues think the answer to our pushing for this is no. But then again, that is the answer we get back from the other side of the aisle a lot. I am very grateful to the eight or nine Republicans who joined us. Without them, we wouldn't be here today. As I did on the stimulus, thanking those three who had the bravery to say yes, I thank the eight or nine who had the bravery to say yes and move to regulate tobacco. Food is regulated. Drugs are regulated. Consumer products are regulated. Tobacco is not. We know this bill could prevent 80,000 tobacco-related deaths every year.

It makes me sad to think that over the years our failure to address this issue is having the greatest impact on our Nation's children. Ninety percent of all new smokers are children. I have spoken to the tobacco executives and watched them being interviewed. "Oh, we just don't want kids to get our products." Please. It is embarrassing that they can say that with a straight face when they have invented all kinds of new products, including tobacco candy. You know, there is an old cliché that "this is so easy, it is like giving candy to a baby." We know kids love candy, and what happens if you lace that candy with an addictive product? The answer is that we get a lot of kids hooked on tobacco who cannot quit when they get older.

Claims by the tobacco industry that these products are safe alternatives to smoking and they are not designed to attract kids, frankly, just don't add up. You know what they are doing. We know adult smokers are finally saying no; they are quitting, thank goodness. It is very difficult. I have watched it up close with family and friends, and some of them who quit for 2, 3 years go right back again, and it is worse than ever.

This isn't easy. Don't say you are creating a safer product when you create tobacco candy, a smokeless tobacco. We know smokeless tobacco can lead to oral cancer, gum disease, heart attacks, heart disease, cancer of the esophagus, and cancer of the stomach. Smokeless tobacco products are only the latest effort by the tobacco companies to market tobacco products that they claim pose a reduced risk.

Cigarettes contain 69 known carcinogens and hundreds of other ingredients that contribute to the risk of all of the diseases I mentioned. Yet the tobacco industry is not required to list the ingredients of its products as all food products have to do. We have a right to know the calories, sugar, protein, and all those things when we eat food, but for cigarettes they don't have to list the ingredients.

The bill will make it so that we finally know what is contained in these products. The legislation will grant the FDA the authority to ban the most harmful chemicals used in tobacco and even to reduce the amount of nicotine.

A 2006 Harvard School of Public Health study revealed that the average amount of nicotine in cigarettes actually rose 11.8 percent from 1997 to 2005. How can my colleagues on the other side, who voted pretty much en masse against this bill, say we should just keep it open to amendment? How can they explain that even after all these years, now that we know the risks of tobacco? There were reasons in the early years when we didn't know how serious it was. That is one thing. But here they have a situation where recently they raised the amount of nicotine. There is no rhyme or reason for that.

This bill will give the FDA the authority to require stronger warning labels, prevent industry misrepresentations, and regulate "reduced harm" claims about tobacco products. If you die because you use smokeless tobacco but say you die from a heart attack, you are still dead. This Congress and the President have committed to reducing health care costs through comprehensive reform. This legislation is such an important step on the way because lung cancer is a preventable disease. It is preventable, as well as the heart risks associated with smoking. Investing in prevention and wellness will enable us to increase access to quality health care while reducing costs.

Tobacco use results in \$96 billion in annual health care costs, and in California alone—my State—we spend \$9.1 billion on smoking-related health care costs. Everybody who has a heartbeat and a pulse today knows that my State suffers mightily from a terrible budget crisis—\$20 billion. We don't know where to look, what to do. People never put together the fact that smoking is causing our health care costs to swell.

If my State could save \$9.1 billion on smoking-related health care costs, that really saves the education system and a lot of other important things we do in our State.

Preventive medicine and giving the authority to the FDA to vigorously enforce some strict, new laws about cigarettes is going to make a positive difference. I am proud to be here in support of this important legislation.

I wish to say again to Senator KENNEDY, if he is watching this debate, how much I respect, admire, and miss him and his presence here on this bill. If he were here, he would be roaring from the back of the Chamber about this, in the best of ways, and challenging us to move forward on this bill as quickly as we can.

The House has acted. Once the Senate acts, we can have a conference—or maybe the House will take the Senate bill—and this bill will be on the President's desk before we do health care reform. Imagine what a great preamble this would be to health care reform—tackling this incredible problem in our society, tobacco use, an incredible problem in our society that causes so much suffering and dependence and so much addiction, so much cost—if we are able to tackle this as a preamble to our health care reform, I would be so proud. I know each and every one of us who will support this will be very proud. I know President Obama will be very proud. He has struggled with tobacco addiction. He knows how tough it is to say no to cigarettes. Clearly, the best way is to prevent someone from getting addicted in the first place.

I don't want my grandkids being lured into smoking by looking at a box of candy cigarettes and trying one, two, three, and four. I don't want that for anybody's grandkids. If people decide when they are older, when they know all of the facts, that they are going to smoke, in many ways that is their problem. But it is our job to let them know the risks and dangers. Very clearly, we have been dancing around the edges with these little warning labels, but we have not controlled tobacco. We need to do that.

I urge all of my colleagues on both sides of the aisle—again, thanking the eight or nine Republicans for joining us—to make an investment in the health of the American people and support this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the vote with respect to the Burr-Hagan amendment be modified to provide that the vote occur at 4:20 p.m. under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE SONIA SOTOMAYOR

Mr. LEAHY. Madam President, for the sake of my colleagues, I want to talk about the timing of the Judge Sotomayor nomination.

I talked with the distinguished ranking member last week on this schedule, and I would note the concerns he raised, but I am announcing today that the Senate Judiciary Committee will hold the confirmation hearing on the nomination of Judge Sonia Sotomayor to be Associate Justice of the U.S. Supreme Court on July 13.

I have talked and met with Senator SESSIONS, the committee's ranking member, several times to discuss the scheduling of this hearing. I will continue to consult with Senator SESSIONS to ensure that we hold a fair hearing. We were able to work cooperatively to send a bipartisan questionnaire to Judge Sotomayor within one day of her designation by President Obama. Last week the committee received her response to that questionnaire. We also received other background information from the administration, as well as the official Presidential nomination.

This is a reasonable schedule. It will be the middle of next month. It is in line with past experience. It will allow several more weeks for committee members to prepare for the hearing—several more weeks than if I had held the hearing this month—and there is no reason to unduly delay the consideration of this well-qualified nominee. Judge Sotomayor deserves the opportunity to go before the public and speak of her record, especially as some have mischaracterized and misstated it. The only place she can speak of her record is in a hearing.

It is also a responsible schedule that serves the many interests involved. Of course, first and foremost is the American people's stake in a process that is fair and thorough but not needlessly prolonged. It serves the purpose of the institution of the Senate, where we need sufficient time to prepare for a

confirmation hearing. We have a full legislative plate of additional pressing business in the weeks and months ahead that is of great importance to our constituents and to the Nation. Then, of course, it serves the need of the third branch of government, which depends on the other branches of government to fill court vacancies in our independent judiciary. It serves the needs of the President who has nominated Judge Sotomayor. And lest we forget, it serves the needs of the nominee herself, who as a judge will only be able to speak publicly about her record when the hearings are convened.

This is an extremely important obligation that we as Members of the Senate take on. There are only 101 people who get a direct say in the nomination and confirmation of a Justice of the Supreme Court. First and foremost, of course, the President of the United States—and in this case, President Obama consulted with numerous Senators, Republicans and Democrats alike—prior to making his nomination. Then once the nomination is made, 100 Members of the Senate have to stand in for 300 million Americans in deciding who will get that lifetime appointment. I voted on every single current member of the Supreme Court, as well as some in the past, and I know how important an obligation that is.

The Justice who takes Justice Souter's place for the court session that convenes October 5 also needs as much time as possible to hire law clerks, to set up an office, to find a place to live here in Washington, and to take part with the rest of the Court in the preparatory work that precedes the formal start of the session on the first Monday in October.

I mention that because I have put together a schedule that tracks the process the Senate followed, by bipartisan agreement, in considering President Bush's nomination of John Roberts to the Supreme Court in 2005. At that time, I served as the ranking minority member of the Judiciary Committee. I met with our Republican chairman, and we worked out a schedule which provided for Chief Justice Roberts' hearing 48 days after he was named by President Bush.

I might say that the agreement on time was reached even before the committee received the answers to the bipartisan questionnaire. And while Justice Roberts—then Judge Roberts—had not written as many opinions as Judge Sotomayor, he had been in a political policy position in Republican administrations for years before, and there were 75,000 pages of documents from that time. In fact, some arrived almost on the eve of the hearing itself. And, of course, that nomination replaced Justice O'Connor, who was recognized as a pivotal vote on the Supreme Court.

If something that significant required 48 days, and Republicans and

Democrats agreed that was sufficient to prepare for that hearing, in accordance with our agreement on the initial schedule, certainly that is a precedent that says we have more than adequate time to prepare for the confirmation hearing for Judge Sotomayor.

My initial proposal to Senator SESSIONS was that we begin the hearing on July 7, following the Senate's return from the Fourth of July recess. I have deferred the start date to July 13 in an effort to accommodate our Republican members. With bipartisan cooperation, we should still be able to complete Judiciary Committee consideration of the nomination during the last week in July, and allow the Senate to consider the nomination during the first week in August, before the Senate recesses on August 7.

In selecting the date, I am trying to be fair to all concerned. I want to be fair to the nominee, allowing her the earliest possible opportunity to respond to attacks made about her character. It is not fair for critics to be calling her racist—one even equating her with the head of the Ku Klux Klan, an outrageous comment, and both Republicans and Democrats have said it was outrageous—without allowing her the opportunity to speak to it, and she can't speak to it until she is in the hearing.

I also want to conclude the process without unnecessary delay so that she might participate fully in the deliberations of the Supreme Court selecting cases and preparing for its new term. In his May 1 letter to President Obama, Justice Souter announced his resignation effective "when the Supreme Court rises for the summer recess this year," which will happen later this month. Thereafter, the Supreme Court prepares for the next term. To participate fully in the upcoming deliberations, it would be helpful for his successor to be confirmed and able to take part in the selection of cases as well in preparing for their argument.

I am merely following the timeline we followed with the Roberts nomination. The timeline for the Alito nomination provides no reason to delay the hearing for Judge Sotomayor. It presented a very different situation in many ways. For one thing, that nomination was made with no consultation by President Bush. By contrast, President Obama devoted several weeks to consultation with both Republicans and Democrats before making his selection. The Alito nomination was President Bush's third nomination to succeed Justice O'Connor. It followed 4 months of intense effort by the Judiciary Committee, beginning with Justice O'Connor's announcement on July 1. And finally, the Christmas holidays helped account for the timing of those hearings. I do not believe Bastille Day requires us to delay the confirmation

hearings for the first Hispanic nominated to the Supreme Court for an additional 6 weeks.

Some may recall that Justice O'Connor's resignation in 2005 was contingent on the "nomination and confirmation of [her] successor." She continued to serve on the Supreme Court when its new term began in October 2005, and until Justice Alito was confirmed at the end of January 2006. In addition, proceedings to fill that vacancy involved a more extended process, not only because Justice O'Connor represented a pivotal vote on the Supreme Court on so many issues, but because President Bush first nominated John Roberts and then withdrew that nomination, then nominated Harriet Miers and withdrew her nomination when Republicans and conservatives revolted, and finally nominated Samuel Alito. The nomination of Judge Alito was the third Supreme Court nomination that the Senate was asked to consider, and followed the withdrawal of the Miers nomination by only 3 days.

Given that sequence of events, and the then upcoming Christmas holiday, that hearing on the late October nomination of Samuel Alito was appropriately scheduled by the Republican Chairman to begin after the New Year. In addition, Judge Alito did not return his questionnaire until November 30. His hearing was held 40 days after his questionnaire was returned, which includes the Christmas and the holiday period. That is substantially equivalent to the 39 days between the time receipt of Judge Sotomayor's questionnaire response and her hearing.

Of course, in the case of the current nomination, Judge Sotomayor had been reported to be a leading candidate for the vacancy as soon as it arose on May 1, and her record was being studied from at least that time forward. The right wing groups attacking her were doing so long before she was named by the President on May 26, and those attacks have intensified since her designation.

I do not want to see this historic nomination of Sonia Sotomayor treated unfairly or less fairly than the Senate treated the nomination of John Roberts. In 2005, when President Bush made his first nomination to the Supreme Court, Senator MCCONNELL, who was the majority whip, said the Senate should consider and confirm the nominations within 60 to 70 days. We worked hard to achieve that.

The nomination of Judge Sotomayor should more easily be considered within that timeframe. Judge Sotomayor has been nominated to succeed Justice Souter, a like-minded, independent and fair Justice, not bound by ideology, but one who decided each case on its merits and in accordance with the rule of law. We have the added benefit of her career being one that includes her service on the judiciary for the past 17 years. Her

judicial decisions are matters of the public record. Indeed, when my staff assembled her written opinions and offered them to the Republican staff, they declined, because they already had them and were reviewing them. We have the benefit of her judicial record being public and well known to us. We have the benefit of her record having been a subject of review for the last month, since at least May 1, when she was mentioned as a leading candidate to succeed Justice Souter. We have the benefit of having considered and confirmed her twice before, first when nominated to be a judge by a Republican President and then when elevated to the circuit court by a Democratic President. We have the benefit of not having to search through Presidential libraries for work papers of the nominee. By contrast, the 75,000 pages of work papers for John Roberts required extensive time and effort to retrieve them from Presidential libraries and to overcome claims of privilege. In fact, they were still being received just days before the hearing.

To delay Judge Sotomayor's hearing until September would double the amount of time that Republicans and Democrats agreed was adequate to prepare for Judge Roberts' hearing. That would not be fair or appropriate. That would not be equal treatment.

Unlike the late July nomination of John Roberts, this nomination of Judge Sotomayor by President Obama was announced in May. Unlike the resignation of Justice O'Connor that was not announced until July, the retirement of Justice Souter was made official on May 1. Given that the vacancy arose 2 months earlier, and the nomination was made after bipartisan consultation 2 months earlier, by following the Roberts roadmap, we should be able to complete the process 2 months earlier. We should be able to complete the entire process by the scheduled recess date of August 7.

Of course, while the Roberts nomination was pending, Chief Justice Rehnquist passed away and President Bush decided to withdraw the initial nomination to be an Associate Justice, and proceeded to nominate John Roberts to succeed the Chief Justice, instead. We did not insist that the process start over; rather, we continued to move forward. It was the aftermath of Hurricane Katrina, with its destruction and toll in damage and human life, that pushed the start of the hearings back 1 week, by bipartisan agreement.

We were still able to complete Senate consideration and the Senate confirmed John Roberts to be the Chief Justice 72 days after he was initially designated to be an Associate Justice. We did this despite the fact his initial nomination was withdrawn and only shortly before his hearing he was re-nominated to serve as the Chief Justice of the Supreme Court. And we did this

despite the terrible aftermath of Hurricane Katrina, where everybody—Republicans and Democrats alike—agreed that we should hold back a week on the hearings so we could all concentrate the Nation's resources on Hurricane Katrina. So that required a week's delay. If we followed the same schedule, 72 days after Judge Sotomayor was nominated to the Supreme Court would be August 6—and we will not have to lose 7 of those days to Hurricane Katrina.

Her historic nomination should be treated as fairly as the nomination of John Roberts was treated by the Senate. Given the outrageous attacks on Judge Sotomayor's character, I do not think it fair to delay her hearing. I cringed when I was told that, during the courtesy visit Judge Sotomayor paid to Senator MCCONNELL, reporters shouted questions about conservatives calling her a racist. She had to sit there silently and could not respond. She deserves that opportunity as soon as possible.

The hearing is the opportunity for all Senators on the Judiciary Committee, both Republicans and Democrats, to ask questions, to raise concerns, and to evaluate the nominee. As Senator SESSIONS' Saturday radio speech ably demonstrates, Republican Senators are already prepared to ask their questions. Last week, we were considering another judicial nomination at the meeting of the Judiciary Committee when Senator KYL suggested that he may oppose all of President Obama's nominees given what he views as the criteria President Obama is considering in selecting them. Republicans have questioned whether her recognition that she brings her life experience with her, as all judges do, is somehow disqualifying.

Our Republican colleagues have said they intend to ask her about her judicial philosophy. It doesn't take a month to prepare to ask these questions. In fact, most of them have already raised the questions. They will surely be prepared to ask them more than a month from now. And during that month, we have a week's vacation from the Senate. I intend to be using that week—without the interruption of committee hearings, without the interruption of votes, without the interruption of the regular Senate business—to prepare for the hearings. I would advise those Senators who feel they have to have extra time to forgo your vacation and spend that week preparing for the hearing. Holding Judge Sotomayor's hearing on July 13 will, in effect, afford 10 weeks for them to have prepared.

Because this is a historic nomination, I hope all Senators will cooperate. It is a schedule that I think is both fair and adequate—fair to the nominee, but also adequate for the Senate to prepare for the hearing and Senate consideration. There is no reason to indulge in needless and unreasonable delay.

I say this is a historic nomination because it should unite and not divide the American people and the Senate. Hers is a distinctly American story. Whether you are from the south Bronx or the south side of Chicago or south Burlington, VT, the American dream inspires all of us. Her life story is the American dream. And so, I might add, is the journey of the President who nominated her.

Some are simply spoiling for a fight. There have been too many unfair attacks, people unfairly calling her racist and bigoted. I know Sonia Sotomayor, and nothing could be further from the truth. These are some of the same people who vilify Justice Souter and Justice O'Connor. Americans deserve better. There are others who have questioned her character and temperament. She deserves a fair hearing, not a trial by attack and assaults upon her character. So let's proceed to give her that fair hearing without unnecessary delay.

I am also disappointed that some have taken to suggesting that after 17 years as a Federal judge, including 11 as a member of the U.S. Court of Appeals for the Second Circuit, Judge Sotomayor does not understand "the judge's role." I know her to be a restrained and thoughtful judge. She has reportedly agreed with judges appointed by Republican Presidents 95 percent of the time. Let us respect her achievements, her experience and her understanding. Let no one demean this extraordinary woman or her understanding of the constitutional duties she has faithfully performed for the last 17 years. I urge all Senators to join with me to fulfill our constitutional duties with respect.

I have said many times on the floor of this great body over my 35 years here that as Senators we should be the conscience of the Nation, as we are called upon to be. There have been occasions when this Senate—Republicans and Democrats alike—has united and shown they can be the conscience of the Nation. I would say this is one time we should rise above partisanship and be that conscience.

When I met with Judge Sotomayor, I asked her about her approach to the law. She answered that, of course, one's life experience shapes who you are, but ultimately and completely—her words—as a judge, you follow the law. There is not one law for one race or another. There is not one law for one color or another. There is not one law for rich, a different one for poor. There is not one law for those who belong to one political party or another. There is one law for all Americans. And she made it very emphatic that as a judge, you follow that one law.

There is only one law. We all know that. She said, ultimately and completely a judge has to follow the law, no matter what their upbringing has

been. That is the kind of fair and impartial judging that the American people expect. That is respect for the rule of law. That is the kind of judge she has been.

The purpose of the hearing is to allow Senators to ask questions and raise their concerns. It is also the time the American people can see the nominee, consider her temperament and evaluate her character, too. I am disappointed that some Republican Senators have declared that they will vote no on this historic nomination and have made that announcement before giving the nominee a fair chance to be heard at her hearing. It is incumbent on us to allow the nominee an opportunity to be considered fairly and allow her to respond to false criticism of her record and her character. Those who are critical and have doubts should support the promptest possible hearing. That is where questions can be asked and answered. That is why we hold hearings.

Judge Sotomayor is extraordinarily well equipped to serve on the Nation's highest court. To borrow the phrase that the First Lady used last week, not only do I believe that Judge Sotomayor is prepared to serve all Americans on the Supreme Court, I believe the country is more than ready to see this accomplished Hispanic woman do just that. This is a historic nomination, and it is an occasion for the Senate and our great Nation to come together. This is the time for us to come together.

The process is another step toward the American people regaining confidence in their judiciary. Our independent judiciary is considered to be the envy of the world. Though less visible than the other two branches, the judiciary is a vital part of the infrastructure that knits our Nation together under the rule of law. Every time I walk up the steps into the Supreme Court, I look at the words over the entrance to the Supreme Court. They are engraved in marble from my native State of Vermont. Those words say: "Equal Justice Under Law." The nomination of Judge Sotomayor keeps faith with that model.

Her experience as a trial court judge will be important. Only Justice Souter of those currently on the Supreme Court previously served as a trial court judge. Judge Sotomayor has the added benefit of having been in law enforcement as a tough prosecutor who received her early training in the office of the longtime and storied New York District Attorney, Robert Morgenthau.

I appreciate that she has shown restraint as a judge. We do not need another Supreme Court Justice intent on second-guessing Congress, undercutting laws passed to benefit Americans and protect their liberties, and making light of judicial precedent.

President Obama handled the selection process with the care that the

American people expect and deserve, and met with Senators from both sides of the aisle. Senator SESSIONS suggested to the President that it was important to nominate someone with a judicial record. Judge Sotomayor has more judicial experience than any nominee in recent history.

I wanted someone outside the judicial monastery, and whose experiences were not limited to those in the rarified air of the Federal appellate courts. Her background as someone who was largely raised by a working mother in the South Bronx, who has never forgotten where she came from, means a great deal to me. Judge Sotomayor has a first-rate legal mind and impeccable credentials. I think she combines the best of what Senator SESSIONS and I recommended that the President look for in his nominee.

The Supreme Court's decisions have a fundamental impact on Americans' everyday lives. One need look no further than the Lilly Ledbetter and Diana Levine cases to understand how just one vote can determine the Court's decision and impact the lives and freedoms of countless Americans.

I believe Judge Sotomayor will continue to do what she has always done as a judge—applying the law to the case before her. I do not believe she will act in the mold of conservative activists who second-guess Congress and undercut laws meant to protect Americans from discrimination in their jobs and in voting, to protect the access of Americans to health care and education, and to protect their privacy from an overreaching government.

I believe Judge Sotomayor understands that the courthouse doors must be as open to ordinary Americans as they are to government and big corporations.

President Obama is to be commended for having consulted with Senators from both sides of the aisle. I was with him on some of the occasions that he did. I have had Senators come up to me, Republican Senators, and tell me they had never been called by a President of their own party, to say nothing of a Democratic President, to talk about a Supreme Court nominee. But President Obama did call and reach out.

Now it is the Senate's duty to come to the fore. I believe all Senators, of both parties, will work with me to consider this nomination in a fair and timely manner.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH INSURANCE

Mr. BROWN. Madam President, in 1945, President Truman delivered a speech to a joint session of Congress, in which he declared:

Millions of our citizens do not now have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection.

That was said by President Truman, 10 or 11 Presidents ago, perhaps six decades ago, and 64 years later we are still fighting to provide that opportunity and that protection.

A severely weakened economy, growing unemployment, rising health care and health insurance costs, and declining employment-based insurance are all factors contributing to the current health care crisis. Today, 47 million Americans are uninsured. An additional 25, 30, 35, as many as 40 million Americans are underinsured and millions of Americans are either underinsured or uninsured and are saddled with catastrophic medical debt.

Closing the health care gap will dramatically improve the public's health. It will also lead predictability to national health spending, which is essential if we are going to get health care costs under control.

Closing the health care gap would dramatically reduce personal bankruptcies, more than half of which result from catastrophic illness and the huge bills that go with it.

Think about that for a moment. Most bankruptcies in this country are because people have had health care bills they simply cannot pay. Most of those people have those health care bills which they cannot pay which then force them into bankruptcy. Most of those people have health insurance, but it is inadequate and has too many gaps in it.

Closing the health care gap is a short-term and a long-term investment in the health of Americans, the health of U.S. businesses—businesses whose premiums are inflated by the costs of uncompensated care. It is an investment in the health of our economy, which benefits from the health care industry but not from already too high health care costs, further inflated by needless red tape, needless duplication, needless indifference to health care needs that become more serious and more costly when they are not caught early.

Per capita health care spending in the United States is 53 percent higher here than that of any other nation in the world, and we are the only nation in the world without an insurance system to cover everyone. In other words, we are paying at least half again as much—at least—as any other country in the world per person. Yet millions, tens of millions of Americans, do not

have health insurance. Life expectancy, infant mortality, maternal mortality, immunization rates—we are not among the world leaders in any of those categories.

Interestingly, the only place we are a world leader is life expectancy at 65. If you get to be 65 in this country, the chance that you will live a longer, healthier life is greater than in almost any other country in the world.

In Ohio, \$3.5 billion is spent each year by and on behalf of the uninsured for health care that meets about half their needs. For the first time, we are on the verge of meaningful health care reform that will make a difference in the lives of Americans who have, for too long, put up with less than they deserve when it comes to health care. Our health insurance system does some things very well, but we have let the industry, the health care industry, forget its own core central purpose.

The insurance industry is supposed to bear risks on behalf of its enrollees, not avoid risk at the expense of its enrollees.

The insurance industry is supposed to protect the sick, not throw them overboard.

The insurance industry is supposed to offer affordable coverage to every American, not expensive coverage to some Americans and no coverage to the rest.

The insurance industry is supposed to cover the reasonable and customary costs of health care, not a fraction of that.

The health insurance industry is supposed to cover the doctors you need, not the doctors the insurer chooses for you.

The insurance industry is supposed to pay claims on a timely basis, not as slowly as they possibly can.

Who can forget, when Senator Obama was talking about his mother in the last months of her life, how as she suffered and was dying from terminal cancer, she spent much of her time on the phone trying to figure out how to collect on insurance, how to pay, how to simply get by and not leave debt for her soon to be very famous son.

The health insurance industry does some things pretty well, but it gets away with too much. What do we do about it? First, we put stronger insurance rules in place. Second, we introduce some good old-fashioned competition into the insurance market. That is the purpose of a federally backed insurance option, one the Presiding Officer from New York has spoken out for, as has the other Senator from New York and a majority of people in this body. It is to set the bar high enough for private insurers that they can't slip back into their risk-avoiding ways without taking a hit in the marketplace. In other words, we need insurance company rules on preexisting conditions, on changing the way we do community

rating, on a whole host of rules to make insurance companies behave better and serve the public better.

We also need this federally backed insurance option because all too often insurance companies are a step ahead of the sheriff. They always can figure out how to stay ahead of the rules that try to make them behave in a way that is more in the public interest.

The purpose of establishing a federally backed insurance option—it is an option—is to give Americans more choices and to give the private insurance industry an incentive to play fair with their enrollees, or their enrollees will look elsewhere, perhaps in the public plan.

Private insurers have helped to create a system of winners and losers—a system in which insured Americans can still be bankrupted by health expenses and uninsured Americans can still die far too young because they cannot get the health care they need.

Insurance companies have always been one step ahead of the sheriff. They have given us no reason to believe they will behave any differently. They have come to Congress this year and said: You can put some new rules on us. But when we have done that in the past, we know they have always found a way to avoid some of those rules that do not serve their bottom line. And it is their bottom line, and I do not even blame the insurance companies for acting the way they do. I just say we need a set of rules to make sure they act in the public interest.

Private insurance market reforms, coupled with the creation of a competitive, federally backed health insurance option—it is an option, just as it will be an option, once we pass health insurance, that anybody today can stay in the insurance plan they have. Nobody is going to be forced to do anything they do not want to do. Private insurance market reforms, coupled with the creation of a competitive, federally backed health insurance option represents our best hope at achieving the health reforms so vital to the health of our citizens and the future of our Nation.

Last week, President Obama sent a letter to Chairman KENNEDY of the Health, Education, Labor, and Pensions Committee, on which I sit, and to Chairman MAX BAUCUS, chairman of the Finance Committee, the other health care committee here, in which the President stated:

I strongly believe that Americans should have the choice of a public health insurance option operating alongside private plans. This will give them—

Will give American citizens—

a better range of choices, make the health care market more competitive and keep insurance companies honest.

A public health insurance option—not administered by a private for-profit insurance company but a public health

insurance option—is one of the necessary components of health reform.

There is no better way to keep the private insurance industry honest than to make sure they are not the only game in town. Historically, public health insurance has outperformed private insurance in preserving access to stable and reliable health care, in reigning in costs, in cutting down on bureaucracy, and in pioneering new payment and quality-improvement methods.

A public health insurance option will not neglect sparsely populated and rural areas, as insurers too often do. The Presiding Officer previously represented a rural congressional district in New York. She knows the problems of insurance availability in rural areas. It will not disappear.

A public health insurance option will not disappear when an American loses her job, when a marriage ends, or when a dependent becomes an adult. And the pages sitting here in front of me, when they finish school and go into the workplace, they would have an option. Once they are no longer dependent on their parents, they will have that public option, as other Americans will.

A public health insurance option will not deny claims first and ask questions later, as insurance companies too often do. It will not look for any and every loophole to insure the healthy and avoid the sick, as private insurance companies too often do.

These are the fundamental reasons why a public plan option is the key—is the key—to arriving at a health insurance system that better serves every American, insured and uninsured alike. What is the point of health care reform if we do not do it right and make sure every American citizen is better served than they are now in this health insurance market?

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senate will come to order.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I note there is nobody here who wishes to speak, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEFICIT

Mr. GREGG. Mr. President, I rise today to speak briefly about two issues, and I know Senator BURR wants to continue his discussion of the FDA tobacco bill.

There are two issues which are very significant to the American taxpayer, especially to those of us who are concerned about how much debt this administration is running up on our children, and they need to be highlighted.

The first is good news. It looks as though a number of banks are going to repay a fair percentage of the TARP money that has been put out by the administration—potentially \$65 billion. When TARP was originally structured, the understanding was that we would buy assets in banks or from banks, and at some point we would get that money back as taxpayers. In fact, we would get it back with interest. This is what is happening now. The money is coming back, as these banks have restored their fiscal strength, and it is actually coming back with interest. About \$4.5 billion on top of the money we have put out, is my understanding, as to what will be paid back on the interest side relative to the preferred stock. So that is all good news.

First, the financial system was stabilized during a cataclysmic period in September and October, and the investments which remained in preferred stock, with taxpayers' money, is now being repaid.

The issue becomes, however, what are we going to do with this money that is coming back into the Treasury? Well, it ought to go to reduce the debt. This administration in recent days has been giving at least lipservice to the fact that the budget they put in place, with a \$1 trillion deficit over the next 10 years on average every year—\$1 trillion every year for the next 10 years, of doubling the debt in 5 years, of tripling it in 10 years—they have been giving lipservice that they understand that is not a sustainable situation. The Secretary of the Treasury, the Chief Economic Counsel, and even the President have said the budget they proposed is not sustainable because the debt that is being run up on the American public cannot be afforded by our children. It goes from what has historically been about 35 percent of the gross national product up to over 82 percent of the gross national product. The interest on the debt alone at the end of this budget which the President proposed will be \$300 billion a year—\$300 billion a year—just in interest payments that the American people will have to pay. That will actually exceed any other major item of discretionary spending in the budget. We will be spending less than that on the national defense. We will be spending more on interest, in other words, than we spend on national defense because of all of the debt that is being run up.

Well, if this administration is serious—and I am not sure they are; I think they are basically holding press conferences because they did something else today which implies that—if they are actually serious about trying to address this debt issue, then they should immediately take the \$65 billion they are going to get back from the banks to which money was lent and that was put out by taxpayers and knew we would get back, they should immediately take that money and apply it to reducing the Federal debt. It should not be spent on other programs. It shouldn't even be recycled through the financial system.

It should be repaid to the taxpayer by reducing the debt of the United States. That is the only reasonable way to approach it. It would be a tremendously strong signal not only to the American taxpayers that this administration is serious about doing something on the debt side, but it would be a strong signal to the world markets that we were willing, as a nation, to take this money and pay down the debt. Ironically, it would also follow the proposal of the original TARP bill, which said that after the financial system was stabilized, any moneys coming in should be used to reduce the deficit and debt of the United States. It certainly should not be used to fund new ventures into the private sector, whether it is buying automobile companies or insurance companies or anything else such as that. It should be simply used to reduce the debt.

I hope the administration will do that because that would follow the law, and it would be a good sign to the world markets, which are becoming suspicious of our debt, as we have seen in a number of instances—for example, the cost of 10-year bills, 30-year bills, and also the fact that the Chinese leadership, in the financial area, expressed concern about the purchase of the long-term debt of the United States. It would also be a positive sign to Americans that we are going to do something about this debt we are passing on to our kids.

It is unfair to run up a trillion dollars a year of deficit, double the debt in 5 years, and triple it in 10 years, and send all those bills to our kids. These young students here today as pages, in 10 years, will find the household they are living in has a new \$30,000 mortgage on it, and it is called the bill for the Federal debt. They will have a new \$6,500 interest payment that they will have to make, which is called the interest they have to support on the Federal debt. It is not appropriate to do that to these younger Americans and to the next generation. Let's take the \$65 billion and use it as it was originally agreed it would be used, which is when it came back into the Treasury, with interest, which is pretty good, it would be used to pay down the debt.

Why am I suspicious that this administration is giving us lip service on the issue of fiscal discipline? There is a second thing that happened today. The President today came out and held a big press conference about how he was for pay-go. I have not heard a Democratic candidate for Congress, and now the President of the United States, not claim they are going to exercise fiscal discipline here by being for pay-go, because the term has such motherhood implications, that you are going to pay for what you do here. It is total hypocrisy, inconsistent with everything that has happened from the other side of the aisle in the era of spending and budgeting. Not only do they not support pay-go, they punch holes in what we have for our pay-go law.

In the last 2½ years, this Congress—and now in the last 3, 4, or 5 months—and this Presidency have passed—democratically controlled—10 bills that have waived or gamed the pay-go rules that are already on the books to the tune of \$882 billion. If you throw in the things they wanted to do that they weren't able to pass, because we on our side stood up and said, no, that is too much—and we did it on the rest, but we got rolled—it is over a trillion dollars of instances where this Congress and this President have asked for initiatives that would waive, punch holes in, go around the pay-go rules we already have. That is why I called it “Swiss-cheese-go,” not pay-go. Now we have this disingenuous statement from the administration that suddenly they are for pay-go. It already exists; we just don't enforce it around here. Not only do they claim they are for pay-go, even in their statement they claim they are for it, and they game their own pay-go proposal by saying it is not going to apply to the doc fix, the AMT fix, or even to the health care exercise. There should be a pay-go point of order against the first 5 years, and they waived that on health care reform.

It is a good precedent. It will be picked up by the mainstream media as an effort by this administration to try to discipline spending because, of course, they are not going to acknowledge that it has been gamed to such an extraordinary extent that over \$882 billion has been spent that should have been subject to pay-go rules. So it is a touch inconsistent and disingenuous for them to suddenly now find the faith of pay-go when, in fact, they have been ignoring pay-go rules and gaming those rules so they could spend money.

Again, what happens there? They run up the debt on the American people in the United States, creating a system where our government will not be sustainable or affordable for our children.

If this administration wants to do something meaningful in the area of reducing the debt and controlling spending, take the \$65 billion they are about to get in repayment of TARP

money from the various banks and apply it to reduce the debt. That would be real action versus the precedent.

I yield the floor and appreciate the courtesy of the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I ask unanimous consent to speak for up to an hour as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. BURR. Mr. President, I came to the floor last week for north of 5 hours and spoke about the bill that will be disposed of as this week goes on and, specifically, on an amendment that, though nongermane postcloture, the majority leader has agreed to hold a vote on. To me, this will be one of the most important votes Members in this body cast this year.

Again, I believe this is one of the most important votes Members in the Senate will cast this year. Let me try to say why. This is a debate about the regulation of tobacco and, to start with, Members need to be reminded that today this is not an industry without regulation. This is the current charted Federal regulation of the tobacco industry before we do anything. I point out that included in that regulatory structure is the Department of Transportation, Department of Treasury, Department of Commerce, Department of Justice, Office of the President, Department of Health and Human Services, Department of Education, Department of Labor, General Services Administration, Department of Veterans Affairs, Federal Trade Commission, Department of Agriculture, Environmental Protection Agency, U.S. Postal Service, and Department of Defense.

One, no Member can come to the floor and claim this is not a regulated product. It is the most regulated product sold in America today. I think there is consensus, and I agree, that we can do better than this maze of regulatory oversight in jurisdiction that is currently structured within the Federal Government, because it has been cobbled together as the Federal Government has grown, as new areas saw they had a piece of this pie, and they wanted some jurisdiction. We are throwing this regulatory structure away, and the proposal in the base bill, H.R. 1256, is to centralize this regulation of tobacco within the FDA.

For those who aren't familiar with the FDA, let me say the Food and Drug Administration regulates 25 cents of every dollar of the U.S. economy—25 percent of all of the products sold in

the United States are regulated by this one agency.

FDA's core mission is this:

Responsible for protecting the public health by assuring the safety, efficacy, and security of human and veterinary drugs, biologic products, medical devices, our Nation's food supply, cosmetics, and products that emit radiation.

Nowhere in there does it say tobacco, nor has it ever. A layperson would look at this and say if there is an agency whose responsibility it is to approve safety and effectiveness, for God's sake, you could not give them tobacco because they could never prove it was safe. It kills, and there is no dispute about that. We are trying to take a round peg and put it in a square hole. We are trying to find an agency that we think has punitive steps that they can take, but we are actually going much farther than that. You see, not only is there experience or expertise at the FDA to regulate tobacco, they are not. We are going to ask the FDA to surge, with their resources, their personnel, expertise, away from things such as lifesaving drugs, effective medical devices, and a responsibility to food safety at a time Americans have been killed because this agency couldn't effectively do their job. We are going to ask them to surge to handle a new product they have never, ever regulated.

As a matter of fact, the last FDA Commissioner, von Eschenbach, said this:

The provisions in this bill—

I might say this was slightly over 2 years ago. As I have pointed out and talked about last week for over 5 hours on H.R. 1256, the authors of the bill didn't even change the dates in the bill from the bill written 2 years ago. As a matter of fact, the section by section is the same bill written 10 years ago. So I think it is appropriate, if they are going to use an effective date of February 2007, that I use the comments of the FDA Commissioner at the time, who said:

The provisions in this bill would require substantial resources, and FDA may not be in a position to meet all of the activities within the proposed user levels. . . . as a consequence of this, FDA may have to divert funds from other programs, such as addressing the safety of drugs and food, to begin implementing this program.

This is not RICHARD BURR, this is the former Commissioner of the FDA saying we may have to divert funds from other programs, such as safety of drugs and food. If the American people are given this choice, they would say uphold the gold standard of the FDA. Let me go to bed at night as I take that medication my doctor prescribed and the pharmacist filled, and let me feel confident that the most qualified reviewer looked at that application, at the clinical trial date, and made a determination that this drug was safe

and effective for me. Make sure when I go to the grocery store and buy food in a global marketplace, where the melons might have come from Chile or the spinach from Mexico, that they have the best and brightest addressing food safety.

They have already flunked that several times in the last 3 years, and we have all dealt with the consequences of it. But think about what we are getting ready to do. We are getting ready to make it worse. We are getting ready to take an agency that has a seal of approval, a gold standard, and we are getting ready to say we want you to maintain that gold standard on drugs, and food, and biologics, and medical devices, but we understand you cannot hold tobacco to the same threshold. So we want you to ignore the fact that tobacco kills, and we want you to regulate it as we prescribe it in legislation. How does H.R. 1256 prescribe this in regulation?

We will turn to this, which is my continuum of risk chart. It basically starts to my right, and your left, Mr. President. It has unfiltered cigarettes. You remember those. They had a risk of 100 percent. If you smoked them, there was a 100-percent likelihood that you were going to have a health problem from smoking.

Then the industry came up with filtered cigarettes, and they reduced the risk by 10 percent, from 100 percent to 90 percent. But when one is looking for a way to play this, a 90-percent risk is not a good one.

What H.R. 1256 says is: OK, we realize FDA is not the right agency, but we are going to place it there anyway, and we are going to tell the FDA: We want you to leave this alone; we don't want you to touch this 100-percent risk or 90-percent risk. We want to grandfather all the products that were made before February 2007. And, oh, by the way, that would include U.S. smokeless tobacco.

The most risky we are grandfathering in and we say to the FDA: You can't change it. You basically can't regulate it. You can't regulate the 100 percent, you can't regulate the 90 percent, and you can't regulate this small but growing U.S. smokeless market that has a risk of 10 percent.

One might look at the chart and say there are other things on there. There are electronic cigarettes, tobacco-heating cigarettes, Swedish smokeless snus. There are dissolvable and other products that have less risk. All those products in February 2007 were not in the marketplace. They are banned. They are eliminated.

What are we asking the FDA to do? We are asking them to grandfather three categories of products and let all adults who choose to use a tobacco product choose from the most risky categories.

What are we saying to the 40 million Americans who smoke today? If you

are in this category of using cigarettes, we are not going to give you any options as to what you turn to as you realize that is not the best thing for your health. We are going to lock you in and hope it kills you fast so our health care cost goes down.

Any claim—any claim—that H.R. 1256 reduces the cost of health care is only because we have grandfathered in smokers who will die sooner, not that we have allowed them a pathway through this bill to ever experience not only products that are currently on the marketplace that reduce the risk from 100 percent to as little as 1 percent, but we have completely eliminated any additional innovation in product in the future that would allow somebody to get from 100 percent to 1 percent and actually be a healthier American.

I am not on the floor today suggesting that regulation is not in order. It is in order. At 4:20 p.m. today, Members of the Senate will have an opportunity to vote on a substitute amendment that has several changes from this current bill. One, it does not centralize the jurisdiction in the FDA. It creates, under the Secretary of Health and Human Services, a new agency called the Harm Reduction Center. Its sole job is to regulate tobacco. It regulates tobacco more specifically than does the FDA under H.R. 1256. But what it does allow is the development of new products that might encourage individuals to give up smoking and to turn to products that are less harmful.

Here is a list of the organizations that support tobacco harm reduction: The American Association of Public Health Physicians, 2008; the World Health Organization, 2008; the Institute of Medicine, 2001; the American Council on Science and Health, 2006; the New Zealand Health Technology Assessment, 2007; the Royal College of Physicians, 2002, 2007; Life Sciences Research Office, 2008; Strategic Dialogue on Tobacco Harm Reduction Group, 2009—this year.

People around the world are talking about reduced harm, except in the Senate. As a matter of fact, we don't need to look far across the pond before we find Sweden. During the past 25 years, Swedish men have shown notable reductions in smoking-related diseases: a decline in lung cancer incidence rate to the lowest of any developed country; no detectible increase in oral cancer rate; improvement in cardiovascular health. Tobacco-related mortality in Sweden is among the lowest in the developed world.

Why? Every Member of this Congress should ask why. Because the sponsors of this bill have said this is what we are trying to do in the United States.

How did Sweden do it? It is very simple. Sweden did it by allowing these products to come to market. As a matter of fact, Swedish smokeless snus is currently on the market in the United

States. I am not going to tell you the market share is big, but I can tell you this. The risk of death or disease is less than 2 percent. But under H.R. 1256, which the Senate may or may not adopt this afternoon, what we would do is we would eliminate Swedish snus, and we would lock smokers into the categories that are currently on the market, all because of an arbitrary February 2007 date because somebody was too lazy to change the bill.

Think about that: that we would take something Sweden found over 25 years had been an incentive to get people off cigarettes and move toward other products, to the degree that, in Sweden, they had a decline in lung cancer, they had no detectible increase in oral cancer, and they had an improvement in cardiovascular health; that tobacco-related mortality in Sweden is among the lowest in the developed world. Why is that? Because the authors of H.R. 1256 suggest that new product innovation can happen, and I would tell you there are three thresholds one has to meet for new products to come on the market. I will not talk about the first two. I will focus on the third one.

The third one is this: that to have a product approved to be placed on the market, a company has to prove that a nontobacco user is no more likely to use that new product if that product is available. Then it goes on to say, in great congressional form, that unless you have an application that has been approved, you cannot engage the public on a product that has not been improved.

How does one do a clinical study that proves to the FDA that no American is more likely to use tobacco on a product that wasn't in the marketplace if, in fact, you can't talk to them about the product until it is approved? It is a Catch-22.

The authors of this bill knew exactly what they were doing. Let me say it again. The authors of this bill knew exactly what they were doing.

What has changed over the weekend since I was out here for 5 hours-plus last week? Public health experts around the country are beginning to read the bill and they are beginning to go: Oh, my gosh. Do not pass this. This is a huge mistake. As a matter of fact, I will get into it in a little while. I have plenty of time that I am going to spend on it.

Understand there are only three reasons we would consider new additional regulations: to reduce the rate of disease and death and to reduce the prevalence of youth access to tobacco products and specifically smoking.

I know the Presiding Officer heard me say this last week. This is my chart of 50 States. In 1998, the tobacco industry came to a settlement with States called the Master Settlement Agreement, MSA. In that agreement, they

committed \$280 billion to defray the cost of health care for the States—specifically, their Medicaid costs—and also provided money to make sure they could have cessation programs to get people to quit smoking and to make sure youth access, youth prevalence went down.

These are the CDC levels for last year, and I might say the CDC makes a recommendation to every State at the beginning of the year as to how much they should spend on programs that encourage youth not to smoke. I am just going to pull randomly a few States.

Connecticut: Of the CDC recommendation, Connecticut spent 18.9 percent of what the CDC recommended; 21 percent of the youth in Connecticut have a prevalence of smoking; 23.2 percent of the youth in Connecticut have a prevalence of marijuana usage.

The Presiding Officer's own State, Illinois: Of the CDC recommendation of what Illinois should spend on youth prevention, Illinois spends 6.1 percent; 19.9 percent of the youth have a prevalence to smoke. They are at 23.3 percent who have a prevalence of marijuana use.

In Missouri, of the CDC recommendation on how much should be spent on the prevalence of youth smoking, Missouri spent 3.7 percent; 23 percent of the youth have a prevalence of smoking; 19 percent a prevalence of marijuana use.

I can see that the Presiding Officer gets where I am going. We have constantly, since 1998, with the money provided by the tobacco industry to the States, chosen to build sidewalks over promoting programs to reduce youth prevalence of smoking. Now the authors of this bill would have us suggest that by allowing the FDA to have regulation of tobacco, the prevalence of youth smoking is going to go down because now we have one Federal agency that will have total jurisdiction over this product.

Let me say this: If that were the case, the prevalence of marijuana usage by youth would be zero because it is illegal. There is no age limit. As a matter of fact, there is no agency need for jurisdiction because nobody in America—adult or youth—is supposed to use it. It is a myth for us to believe the authors of this bill that by simply dumping this in the FDA, somehow youth prevalence of smoking goes down. It is a joke. It is a joke, and the public health community has now recognized this.

In 1975, Congress commissioned the University of Michigan to track youth smoking rates. At that time, youth smoking was at an alltime high. However, those rates started coming down and leveled off around 30 percent all the way up to 1993. For some unknown reason at that time, youth smoking started to rise and peaked at an alltime high in 1997. In 1998, 12th graders

who said they tried a cigarette in the last 30 days was approximately 36 percent, according to the University of Michigan.

Congress didn't have a good sense of why this was happening. Opponents of the tobacco industry started blaming all this on the alleged manipulation of young people by tobacco manufacturers through sophisticated marketing and advertising.

The tobacco industry has a checkered past, I will be the first to admit that, when it comes to advertising in the market. But what I am suggesting is, it may not have been all due to tobacco marketing. There was another trend occurring during the 1993 to 1998 period that virtually mirrored that of youth smoking. It was the increase in illicit drugs in the United States.

Let me say that again. What mirrored the trend from 1993 to 1998 of the increase in youth smoking was the increase of use of illicit drugs by teenagers. Something much broader was happening among our country's young people.

The Senate's answer to the smoking rate increase was to pass this initiative, to give FDA jurisdiction.

Senator KENNEDY made the following remarks during the 1998 Senate floor debate to emphasize the need to protect kids. Let me quote him:

FDA Commissioner David Kessler has called smoking a "pediatric disease with its onset in adolescents." In fact, studies show that over 90 percent of the current adult smokers began to smoke before they reached the age of 18. It makes sense for Congress to do what we can to discourage young Americans from starting to smoke during these critical years. . . . Youth smoking in America has reached epidemic proportions. According to a report issued last month by the Centers for Disease Control and Prevention, smoking rates among high school students soared by nearly a third between 1991 and 1997. Among African-Americans, the rates have soared by 80 percent. More than 36 percent of high school students smoke, a 1991 year high. . . . With youth smoking at crisis levels and still increasing, we cannot rely on halfway measures. Congress must use the strongest legislative tools available to reduce youth smoking as rapidly as possible.

Well, the Senate told the American public that the passage of a massive FDA tobacco regulation back in 1998 contained the strongest legislative tools available to address youth smoking issues.

By the way, they have decreased since 1998—youth smoking has decreased. As a matter of fact, overall smoking has decreased. I don't want anybody to think there is no light at the end of the tunnel. As a matter of fact, what this shows is a comparison—a study done by the Centers for Disease Control and Prevention and then a Congressional Budget Office estimate after reviewing the Kennedy bill, or Waxman bill, H.R. 1256. What the CDC said was that if we do nothing, we reduce smoking to 15.97 percent by 2016,

and the Congressional Budget Office, under H.R. 1256, said that if we pass the Kennedy bill, the rate would be 17.80 percent. As a matter of fact, I miscalculated when I put the chart together, and it is actually 2 percent higher, meaning we do 4 percent better if we do nothing.

You see, my point is this, and it is exactly what I said at the beginning: The authors of this bill said its purpose is to reduce the risk of death and disease and to reduce youth smoking. I would tell you that a caveat to that should be that we should reduce smoking. Clearly, the Centers for Disease Control and Prevention says that if you do nothing, it goes to this point, and the Congressional Budget Office, after looking at the bill, suggests it is 2 percent or 4 percent higher if, in fact, we pass the bill. Why is that? How could it possibly be higher if you pass legislation that is supposed to fix it? Well, it is for this reason: It is because of what H.R. 1256 does. It is not a public health bill. It is a bill that locks in the most risky products and grandfathers them to the Food and Drug Administration and allows no pathway for reduced-harm products to come to market. It actually takes some reduced-harm products that are currently on the market, that haven't been sold since February 2007, and says, therefore, they are gone. There is no ability for the FDA to look at this product and say: My gosh, in the name of public health, let's keep this product on the market, because the Senate is legislatively telling the FDA what to do.

Why does it matter what agency we put this in? If Congress believes they can fix it, then why haven't they fixed it up until now? If writing a bill that legislates how to fix it would work, why haven't we done it? Well, I would contend that all I have to do is go to this chart of 50 States, and for the majority of the States the prevalence of marijuana usage is higher than the prevalence of youth smoking, which tells you there is no regulatory body that can eliminate the usage of an illegal product by those who choose to use it, unless—unless—it is through education. There is no education in H.R. 1256. Let me say it again: There is no education in H.R. 1256.

If the goal is to reduce the risk of death and disease and education is the only way to accomplish that, if the goal is to reduce youth prevalence of smoking and the only tool to accomplish that is education, then I ask the sponsors to come to the floor and show me where the education is in FDA regulations.

I am on day 5 now—maybe day 6 if you count that I was here for a short period of time last Monday, but I didn't make it yesterday, Monday—day 6, and I have yet to have anybody come to the floor and ask a question, refute anything I have said or question the facts

I have produced. Why? Because I am using the same agencies most Members come to the floor and reference: the Centers for Disease Control and Prevention and the Congressional Budget Office. It is hard to say that they are wrong, that they are not reputable entities within the Federal Government, and then turn around next week and bring your own statistics using the same entities we use as a gauge.

One can question whether the Royal College of Physicians came to the right conclusion when they said:

In Sweden, the available low-harm smokeless products have been shown to be an acceptable substitute for cigarettes to many smokers, while "gateway" progression from smokeless to smoking is relatively uncommon.

Let me say that again: ". . . while gateway progression from smokeless to smoking is relatively uncommon."

Some authors of H.R. 1256 have come to the floor and said: Well, my gosh, if we let reduced-harm products come to the marketplace, this is going to create a gateway to youth usage of tobacco products that will eventually turn them into smokers.

Read the substitute bill. The substitute bill requires the Reduced Harm Center to actually list for the American public the most risky tobacco products and the least risky. The bill that consolidates all this jurisdiction for tobacco within the Food and Drug Administration doesn't even require the Food and Drug Administration to rank the most risky products. Why? Because those are the ones we have grandfathered. We have said they can't touch them.

Compassion would tell you that if you want people to switch from smoking and give it up, you have to give them a tool to get there. But what we have said is that the future will consist of no new tools except those manufacturers that were on the market before February 2007—some magical date in history we will all look back on and probably find that to blame as to why this program doesn't work.

In a little over an hour, we will have an opportunity to come to the floor and to vote on the substitute. Let me say to my colleagues, if you want a real public health bill, vote for the substitute. If you want to reduce the prevalence of youth smoking, vote for the substitute. If you want to reduce the rate of death and disease, vote for the substitute. Don't just listen to me, listen to public health experts and authors who now have written on this issue.

This happens to be a book—and I am not sure how long ago it was published, although I am sure I can probably find that out—that I think I spent \$50 today to get, either that or it is on loan. That seems like a lot of money, but the truth is, it is a book about how the Senate of the United States is getting

shafted. It is a book about the collusion that happened behind closed doors between the authors of this bill and Philip Morris. It is written by an author named Patrick Basham. I want to read a few things he has printed in his book.

Handing tobacco regulation over to the FDA, as Congress is poised to do, is an epic public health mistake. It is tantamount to giving the keys of the regulatory store to the Nation's largest cigarette manufacturer.

It goes on:

There are significant and numerous problems with the FDA regulating tobacco and virtually no benefits to public health.

Let me say that again.

There are significant and numerous problems with FDA regulating tobacco and virtually no benefits to public health.

Do you get it? I mean, if you are going to bill it as a public health bill, for God's sake, put something in there that is to the benefit of the public health of this country.

Mr. Basham goes on to say:

Kennedy, Waxman, and the public health establishment present their legislation as a masterful regulatory stroke that will end tobacco marketing, preventing kids from starting to smoke, make cigarettes less enjoyable to smoke, and reduce adult smoking. But FDA regulation of tobacco will do none of these things.

This is not a fan of the tobacco industry. This is an author, an individual, who has been covered in numerous publications. He is an adjunct scholar with the Cato Center for Responsible Government. He is a lecturer at Johns Hopkins University. He has written a variety of policy issues, and his articles have appeared in the *New York Times*, the *Washington Post*, *USA Today*, the *New York Post*, and the *New York Daily News*, just to name a few. His book is titled "Butt Out! How Philip Morris Burned Ted Kennedy, the FDA & the Anti-Tobacco Movement." This is no fan of tobacco. This is a guy who is calling balls and strikes. He is one person who is so concerned about the public health in this country and making sure what we do accomplishes good public health policy that he is willing to be outspoken.

He goes on in his book and says this:

The process of validating new reduced-risk products appears to be designed to prevent such products from ever reaching the marketplace, thus giving smokers the stark, and for many the impossible, choice of "quit smoking or die."

You might want to remember that part. We can now call the continuum of risk "quit or die."

Rather than making smoking safer for those who continue to smoke, it will deny smokers access to new products that might literally save their lives. That is hardly a sterling prescription for good public health.

If the objective is public health, H.R. 1256 falls way short. Even if the idea of FDA regulation were good in theory and practice, several things, including the FDA's competence in tobacco policy and science, its public image, its fit with the tobacco file, its

available resources, and its overall current competence, argue strongly against giving it regulatory responsibility for our Nation's tobacco policy.

This is a scholar, Mr. President.

FDA regulation of tobacco need not be a public health tragedy, however. By bringing the crafting of tobacco policy out into the light of day, by taking it out of the hands of the special interests and, most importantly, by keeping it away from the FDA, there is every opportunity to begin to create a policy that not only serves the interest of nonsmokers and smokers, but a policy that might really work.

To Senators of the U.S. Senate: If you want a policy that really works, do not adopt H.R. 1256. Consider strongly the merits of the substitute amendment, which does focus on the public health of this country.

Mr. Basham is a professor who studies and writes on a variety of topics, and when he took an objective view of the situation, he saw H.R. 1256 for what it was. He saw it as misguided legislation.

Our amendment—mine and Senator HAGAN's—accomplishes exactly what Mr. Basham raises. Our amendment sets up a new agency under the auspices of HHS and a Secretary who will examine all tobacco products and set up a regulatory framework that will save lives. That is in the public health interest of America. We don't preclude new reduced-risk products from entering the marketplace. We do not preclude reduced risk products from coming into the marketplace; H.R. 1256 does. We mandate the Tobacco Harm Center post the relative risk of each tobacco product currently on the market. Wouldn't that be incredible if we had a ranking between cigarettes and all the other things? We wouldn't need that if H.R. 1256 passed because we would only have nonfiltered cigarettes, filtered cigarettes, and smokeless tobacco. I can tell you the ranking would be unfiltered cigarettes the worst, filtered cigarettes next to the worst, and smokeless third. Those are the choices that adults would have in this country, and for somebody who is addicted to smoking, if smokeless wasn't something that enticed them to quit smoking, they would be left out because the legislation does not create a pathway for new products.

We also give current users the information they need to decide whether they want to migrate from a more harmful product, such as cigarettes, to less harmful products.

I have heard my colleagues and many other advocacy groups boast how the underlying bill will give the FDA authority to remove toxins in cigarettes, boast how granting the FDA the ability to regulate advertising will encourage people to not use, and current smokers to quit.

I agree, better warning labels will act as a deterrent to nonsmokers. But what about current smokers? Dr.

Basham sites a very interesting study conducted in Canada and the United States by an independent organization. The study consisted of showing smokers packages of their current cigarettes with an increased warning label and graphic pictorials of cancer and other diseases. The study concluded that no statistically significant change in smoking behavior could be expected to be followed from the redesigned packages.

If you have noticed, over this 45 minutes, so far, I have sort of knocked all the things out that the sponsors of this bill said it accomplished. It does not do any of them. It does do one thing: it grandfathers the most risky products and consolidates their regulation at the FDA. It does not reduce risk of death, disease, or youth prevalence of smoking.

Since H.R. 1256 bans any reduced risk smokeless products from entering the marketplace, it locks current smokers only into cigarettes. However, our amendment does not lock them into just cigarettes. We provide this consumer with the ultimate amount of choice. The purpose of my amendment, as I said, is to reduce the risk of death and disease and to reduce youth prevalence of smoking.

The regulated products under my amendment? All tobacco and nicotine products. There are no holes in the substitute. It covers the entire scope of tobacco products. New smoking provisions in H.R. 1256, "change current tobacco advertising to black and white only and require graphic warning labels on packages of cigarettes."

We require graphic warning labels on the package of cigarettes, and we eliminate print advertising. Somehow the authors of this bill would have us believe if we go from color to black and white advertising that people under 18 actually will not read it or can't read it. Maybe today's youth can only read in color. But they suggest theirs is a stronger regulatory bill. But the substitute eliminates print advertising. No longer will the *Vogue* magazine that a mom finds in the grocery store attractive, that might not be one of those publications that is considered a publication that youth would purchase, but a 14-year-old might go to her mother's *Vogue* magazine and flip open and see a tobacco ad by mistake—it can't happen under the substitute legislation. It will happen under H.R. 1256, but only in black and white.

H.R. 1256 uses user fees to fund the FDA, about \$700 million over 3 years. We asked the Secretary of Health and Human Services: How much do you need to stand up a complete new agency that is only focused on tobacco legislation? One hundred million dollars a year because these fees that we charge the tobacco companies are passed on to the consumers, the people least likely to fund it, the ones who are already

funding the Children's Health Insurance Program, funding the majority of the State Medicaid programs. Let's give these folks a break. Let's not put this entire burden on their backs, especially if it is not going to do any good.

It is not just Mr. Bashan. As a matter of fact, Brad Rodu wrote, March 26—Brad Rodu, the Endowed Chair of Tobacco Harm Reduction Research, School of Medicine, University of Louisville—I will read a couple of excerpts of what he wrote.

According to the American Association of Public Health Physicians, the bill "will do more harm than good in terms of the future tobacco-related illnesses and death." While the AAPHP favors "effective regulation of the tobacco industry. . . . This bill does not meet this standard." The bill, introduced by Rep. Henry Waxman, is supported by medical groups that are engaged in a crusade against the tobacco industry. That's the problem: In a blind desire to kill tobacco manufacturers, the Waxman bill may end up hurting smokers.

It goes on and on. Again, an endowed chair of a major academic institution says don't do this.

How about Michael Siegel, Professor in the Social and Behavioral Sciences Department at—get this—Boston University School of Public Health, home of the authors of the bill. The *Los Angeles Times*, op-ed, June 3—not long ago. Let me read a couple of excerpts out of Mr. Siegel's op-ed.

In the end, it ensures that federal regulation of tobacco products will remain more about politics than about science.

H.R. 1256 gives the FDA the ability to lower nicotine levels in cigarettes. Since H.R. 1256 locks current users into cigarettes only by banning reduced risk products, H.R. 1256 ensures that 40 million Americans who currently smoke are doomed to death and disease associated with cigarette smoking. H.R. 1256 will cost lives, not save lives.

This is a professor in the Boston University School of Public Health, talking about his Senator's bill. He goes on to say:

Even worse, by giving a federal agency the appearance of regulatory authority over cigarettes without the real ability to regulate, the legislation would seemingly create a FDA seal of approval for cigarettes, giving the public a false sense of security about the increased safety of the product.

In fact, the bill's crafters are apparently so worried about the harmful effects of such a public perception—

Get this—

that they have written a clause into the bill that prohibits the cigarette companies from even informing the public that cigarettes are regulated by the FDA or that the companies are in compliance with FDA regulations.

The legislation forbids a company from even referring to the regulator. He goes on to say:

This is clearly an unconstitutional provision, as it violates the free speech rights of the tobacco companies; nevertheless, it suggests that even the supporters of the legislation are aware that the bill creates a false perception of the increased safety of cigarette smoking.

There is a charge I have not made. The bill is actually unconstitutional. When we recognize things as unconstitutional, I know it is the inclination of some Members of the Senate to wait and have it passed and somebody refer it to the Supreme Court so the Supreme Court can tell us it is unconstitutional. When scholars tell us it is unconstitutional, I believe our responsibility is then: don't pass it, don't do it.

Let me conclude with Michael Siegel, professor in the School of Public Health, Boston University.

During the previous administration, the FDA was accused of making decisions based on politics, not health. If the Senate passes the FDA tobacco legislation, it will be institutionalizing, rather than ending, the triumph of politics over science in federal policymaking. This is not the way to restore science to its rightful place.

I am not saying it. It is a professor from the School of Public Health at Boston University.

What is this bill about? Its author said reducing the rate of death and disease and prevalence of youth smoking. Michael Siegel's assessment: It is about politics.

Patrick Bashan's conclusion in "Butt Out," the book: It is about politics. As a matter of fact, it says on the back of the book:

Philip Morris outwitted this coalition of useful idiots at every turn.

The decision in front of Members of the Senate is simple. Do you want to reduce the risk of death? Do you want to reduce the risk of disease? If you want to reduce the prevalence of youth smoking you only have one chance, and that is support the substitute amendment.

If you want to do politics as usual, if you want to let politics trump science, if you want to lock in a category of products that have a high likelihood of risking the American people, if you want to ignore the research from around the world that suggests by allowing lower harm smokeless products on the marketplace it allows smokers to get off the tobacco products, support H.R. 1256.

I believed 5 days ago when I came to the Senate floor that was all I needed to put up to win this debate. I actually believed that was all I needed to put up for the American people. I have learned over the past 5 days just how stubborn Members of the Senate are. I hope that now, after 6½ hours of coming to the Senate floor on this one bill, staff members through every office—Republican, Democrat, and Independent—have taken the opportunity to check the facts that I have presented, and they have found I am right; they have found a study did exist in Sweden. I didn't make it up; they have found that CDC did do a study—if we did nothing we would reduce smoking more than if we pass this bill; they have found that in Sweden, people did become healthier

because of the decision to use smokeless products.

I thought this was all it took for the American people to understand it; that you can't take an agency of the Federal Government that is "responsible for protecting the public health by assuring the safety, efficacy and security of human and veterinary drugs, biologic products, medical devices, our Nation's food supply, cosmetics and products that emit radiation"—it is impossible to take an agency where that is their core mission and give them a product where you ask them to ignore the gold standard on everything else they regulate. I think the American people would say it seems reasonable to create a new entity to regulate tobacco, if for no other reason than—if you didn't believe any other science that I have shown and the data that has been proven—if for no other reason than why would we jeopardize this gold standard? Why would we make one American at home wonder whether that pharmaceutical product they were taking was actually safe or effective?

Why would we have them question for a minute whether that medical device was approved and reviewed by the most seasoned reviewer versus maybe somebody who was fresh on the job because that seasoned person went over to regulate tobacco products?

Why would we put the American people in a more difficult situation today on their question of food safety with the incidents we have had of death in the United States of America because the Agency could not quite meet their mission statement?

Why would we dump on them now? Why would we do this to the American people? It is beyond me. But when you turn to some of the folks who have written on this issue—whether it is Brad Rodu, whether it is Patrick Basham, whether it is Michael Siegel, in the public health department at Boston University—I guess the only answer is, it is politics over science, that for 10 years people have said we have to put this in the FDA, that Matt Meyers, head of Campaign for Tobacco-Free Kids, is the most powerful "U.S. Senator" because he is getting his wish, he is getting exactly what he has been trying to do for decades. He is not a science expert. If he was, he would be voting for the substitute, if he were here.

He wrote the bill. I am surprised he did not catch the mistake of February 2007. Nobody caught that. But the truth is, the bill has not changed much in 10 years, though the world has changed a lot. The science has changed a lot. Health care has changed a lot.

There is a real opportunity to do the right thing in the Senate. But Members will have to show a degree of independence and vote for the substitute and not wait for the base bill. I hope Members will heed the words of people who

have no dog in this fight who have suggested, if we pass this bill—not the substitute, the base bill—we will have done a great disservice to the public health of America. More importantly, we will have done a disservice to those individuals to get locked into these categories, as shown on this chart, because their certain future is death and disease. They are counting on us. They are. They are counting on us to do the right thing.

I can leave this debate tonight and say: I left nothing in the bag. I have tried everything to convince my colleagues not to make a huge mistake. I will sleep well tonight. If this substitute does not pass, if H.R. 1256 passes and becomes law, it is others who are going to have to live with the way they voted. When people die because of what they did, it is others who are going to have to live with it.

There are going to be more articles. This is just the tip of the iceberg of health professionals, of public health individuals, people who detail in great quantity exactly what has been going on. As a matter of fact, as they say, the wool has been pulled over our eyes. Well, it has not. That is why we have a substitute amendment. That is why the majority leader allowed a nongermane amendment to come to the floor. Well, it might have had something to do with that he did not have the votes for cloture without allowing it to come to the floor, but I give him the benefit of the doubt that he understood this was an important debate to have, that this was worth extending the opportunity for people to vote up or down.

I see my colleague is here to speak, and I am not going to prolong this debate. In less than an hour, Members will have an opportunity to come to the floor. Most Members will get probably 2 minutes equally divided; 60 seconds to hear what it has taken me 6 hours to say in this debate. Clearly, that is not much time. But now it is in their hands. It is a decision Members of the Senate will have to make about the future of the public health policy of this country.

I urge my colleagues, on both sides of the aisle, to support the substitute amendment today at 4:20 and make sure the future of our country is one we will be proud of and not one we will find as an embarrassment.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MIDDLE CLASS TAX

Mr. JOHANNIS. Mr. President, I rise this afternoon to speak about the

President's announcement a few hours ago relative to pay-go.

Today, the President said:

Paying for what you spend is basic common sense. Perhaps that's why, here in Washington, it has been so elusive.

Well, I could not agree more. But I must ask: Where was that common sense when the President proposed to add \$10 trillion to the national debt in the fiscal year 2010 budget submission? Where was this basic common sense when he signed a bill earlier this year that adds \$1 trillion in debt this year alone? Where was this newfound fiscal discipline when he proposed a massive universal health care proposal that is now turning out to be a government-run proposal with just a downpayment of \$650 billion?

The President's announcement undoubtedly was meant to quell rising fears about the amount of spending and borrowing his administration has undertaken. It was likely intended to calm the fears of those who buy our debt who are wondering if it is just paper.

But do the President's words today in any way address the mountain of debt and increased taxes he proposed and supported just a few weeks ago with the budget submission? The answer to that is no.

Today's announcement does absolutely nothing to decrease the rising, crushing debt we have accumulated. In fact, this President has significantly added to our debt, causing it to rise to an unprecedented level, an unsustainable level. Let me repeat that. The President's announcement does absolutely nothing to address our record spending and borrowing. This is akin to maxing out on the personal credit card and then promising not to use it anymore but offering no plan to pay off the balance.

The President rightly pointed out today:

The debate of the day drowns out those who speak of what we may face tomorrow.

Maybe it is an appropriate time to thoughtfully consider what we face tomorrow because of the unpaid credit card balance.

It is important to dissect the rhetoric and speak to Americans who have been promised something I would suggest the President cannot deliver. Remember that those in the so-called middle class—and the definition of that has changed—have been told they will be shielded from tax increases. Well, I would suggest the evidence is obvious. The rug is about to be pulled out from underneath them by the President's explosive growth in spending and borrowing.

If Congress continues to follow the President's unlimited spending spree and tries to balance the budget at the same time, the middle class will get hammered with tax increases. This, I would suggest, is the elephant in the

room that no one in the Obama administration wants to discuss for fear of the consequences.

But the American people deserve an open discussion about the real-life consequences of big government and the runaway freight train of spending and borrowing that comes with bigger government.

Supporters of the current budget claim that only individuals earning more than \$200,000 will see their taxes go up; therefore, there will be no tax increase on the middle class. Yet such a tax on higher income earners still results in an average annual deficit hovering around \$1 trillion per year for the next 10 years, described by many to be unsustainable.

Our national revenue simply cannot keep up with the bloated spending in the budget, and that is resulting in a shortfall.

Let me illustrate this in an example. This is equivalent to a Lincoln, NE, teacher earning \$33,000 per year but spending \$58,000 per year—year after year. It cannot last long. So is the Obama administration going to continue this spending increase with only the revenue from the so-called rich? How can they continue running annual deficits with no end in sight? They cannot. Inevitably, the spending spree and exploding deficits will land squarely on the middle class in the form of higher taxes, unless we do something.

The reality is, the Obama administration cannot continue the unprecedented level of spending while claiming to hold the middle class harmless.

If you do not believe me, listen to leading economists.

Martin Sullivan, a former economic aide to President Reagan, actually, who backed President Obama last fall, said:

You just simply can't tax the rich enough to make this all up.

He went on to say:

Just for getting the budget to a sustainable level, there needs to be a broad-based tax increase.

Leonard Burman, director of the liberal Tax Policy Center, said:

[T]here's no way we're going to be able to pay for government 10, 20 years from now without coming up with a new revenue source.

Finally, economist Paul Krugman, a New York Times columnist, wrote:

I, at least, find it hard to see how the federal government can meet its long-term obligations without some tax increases on the middle class.

All of these experts echo the point I am making: You cannot tax the rich enough to cover all the spending. Inevitably, what all of this is leading to is that the middle class will fall victim to massive taxation.

I will put this into more tangible terms by examining how much the tax rate would need to rise to make up for only this year's projected budget def-

icit—just this year's projected budget deficit. The deficit for this year alone is an eye-popping \$1.8 trillion. This does not even take into consideration the more than \$12 trillion public debt we currently owe.

Here is what would have to happen to the tax rate. The rates for the top four brackets would skyrocket from the current rates of 35 percent, 33 percent, 28 percent, and 25 percent to an alarming 90 percent across the board. Imagine, people would have to work until Thanksgiving just to pay their taxes.

Some may say: Well, this is great. Tax the rich because they can afford to pay more in taxes. Yet those making up the third and fourth brackets from the top can hardly be characterized as rich.

Let's look at who actually falls in those income brackets. Currently, for tax year 2008, people who fall under the 25-percent bracket earn about \$32,000 to \$78,000.

Does anyone want to come to the Senate floor and make the case that somebody making \$32,000 a year in Nebraska is rich? The average salary in Nebraska is \$35,000. I do not know anyone who would suggest that only wealthy people fall within the bracket.

The average Nebraskan would have something to say about that in terms of whether they are wealthy. Let's look at the next bracket, those taxed at 28 percent. The income levels for this bracket are roughly \$78,000 and \$164,000 for singles. For married couples, it is \$131,000 to \$200,000. What does that mean? This means that a landscape architect in Nebraska making \$75,000 a year, hypothetically, married to an emergency room nurse making \$59,000 a year would fall into a 90-percent tax rate. Again, I suggest if you asked this couple, I am quite confident they would not describe themselves as wealthy. Taxing the middle class to the tune of 90 percent would bring this economy to its knees.

There is some notion in America that we, the people, should be the masters of our own economic success. If you tax someone at a 95-percent rate, you take away the economic incentive to be innovative, to strive for greater success. Eventually you end up with slim or no productivity or competitiveness. Yet this administration keeps spending as though it is monopoly money. Just this week, more directions: Get that money out there. Get that spending going. Their spending binge has an unsustainable course. Complying with pay-go alone won't even come close to fixing it. Maybe Congress would benefit from being coached by the same credit card counselors who help Americans who are drowning in debt. I will bet those counselors would have some stern words.

My point is simple: This is not the right direction for our country. We must start to make spending decisions

today that paint a realistic and candid picture of the impact on the middle class, and if it is the purpose of our Nation to hold them harmless, then we have to cut spending and we have to smart size our government.

Working families across our Nation and in my State deserve an honest debate. It is time for Washington to take responsibility. The people at home I believe are demanding it. I often say Nebraskans have great wisdom to convey. I couldn't agree more with a gentleman from North Platte, NE, who wrote me a letter recently and he said this:

It's important to remember that while government consumes wealth, transfers wealth and sets the ground rules for the generation of wealth, it is the private individuals that create it.

As a final note, the President today rightly acknowledged:

The reckless fiscal policies of the past have left us in a very deep hole.

I would add to that: And the present.

Digging our way out will take time, and patience, and tough choices.

Again, I could not agree more, other than I would add to that: The present.

However, instituting pay-go does nothing to cut the deficit or the debt, it simply attempts to hold the line, which the President's budget fails to do. His proposal is actually a more liberal approach than what is already in House rules. Right-sizing government and cutting spending is far from revolutionary. So while the President is saying when you find yourself in a massive hole, stop digging, the more important question might be: How are we going to start filling up this gaping hole?

Our country needs leadership, not the empty rhetoric I would suggest we heard today. The President's speech today sought to subdue the fears of many regarding our country's exploding deficits. I am sure it was targeted to those who buy that debt, who are expressing concerns about what they are purchasing. Yet people should not be fooled into thinking that pay-go is the holy grail for solving all of our spending and borrowing woes. I believe that while pay-go is a useful tool, when you look at the hard facts, you realize that President Obama's speech today, though, is simply too little and it is too late. The horse is already out of the barn, and the President is talking to us about closing the barn door.

Thank you, Mr. President.

Mr. ENZI. Mr. President, I rise today to speak in support of the Burr amendment No. 1246. The Burr substitute amendment takes major steps to restrict tobacco. It creates a new office within HHS to regulate tobacco. It puts in place a realistic, science-based standard for the approval of new and reduced risk products. It also requires states to do more on tobacco control—something we can all support.

As many of you know, I support strong tobacco regulation. I want to remind my colleagues that supporting a different approach to tobacco regulation doesn't mean being soft on tobacco.

The Burr amendment is extensive—longer and more detailed even than the underlying bill. It makes it more difficult for kids to get tobacco and start smoking, and that is the most important thing of all.

Whether we see the Burr proposal or the Kennedy proposal put in place, we still have our work cut out for us when it comes to putting out tobacco use. I am going to keep working on this issue, and I am going to keep putting forward new ideas to stop smoking. These proposals are a first step, but we have a long way to go.

I urge my colleagues to support the Burr amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. DODD. Mr. President, I further ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DODD. I thank the Chair. I will try and be brief on this. I know I have spoken at some length about the bill before us, the Family Smoking Prevention and Tobacco Control Act. I wish to begin by again thanking our colleagues who voted yesterday to allow us to move forward by supporting the cloture motion. It took a bipartisan effort and I am grateful to colleagues, both in the majority and the minority, for lending their support to that effort. I am also pleased we are having an opportunity to vote on the Burr-Hagan amendment. There were some questions raised as to whether that amendment would be permissible under a postcloture environment from a parliamentary standpoint. As I told my friend from North Carolina, Senator BURR, even though I disagree with his amendment, I would vote against a point of order if one were raised against it so he would have a chance to make his case. His State is going to be affected by this decision we are making. As I recall, I think he told me there are some 12,000 to 15,000 tobacco farmers in North Carolina, hard-working families who have been in the business for generations. This will have an

impact on them. It may not be as dramatic as some suggest, but it certainly will have a negative impact if we are successful in reducing the amount of smoking and use of tobacco products by young children.

I am pleased my colleague from North Carolina has had a chance to make his case, along with his colleague from North Carolina, Senator HAGAN.

Having said I would support his right to be heard, now I wish to take a few minutes to express why I support the underlying bill. This bill has been supported over the years by a substantial number in this body, as well as in the other body, the House of Representatives—as I pointed out in the past, this matter, which has been under consideration for almost a decade, has not become law because neither House of Congress has adopted the legislation in the same Congress. We have ended up with the Senate passing a bill, the other House passing a bill, but never in the same Congress. So for all of these years, the Food and Drug Administration has not been able to regulate tobacco products.

We are about to change that if we, in fact, reject the Burr amendment and several others that are pending and give the Food and Drug Administration the power, the authority, to regulate the sale, production, and marketing of tobacco products, particularly to young children. So for the first time, the FDA will have this authority and put in place tough restrictions that for far too long have been absent. This will provide support for families when it comes to how cigarettes are marketed to their children.

I am sure my colleagues are tired of hearing me speaking over the last several weeks about the number of young people who start smoking every day. We have been at this matter now for about 2 or 3 weeks, considering the floor action, as well as the action in the HELP Committee, which is the committee of jurisdiction. You can do the math yourself: Over 20 days, 3,000 to 4,000 children every day starting to smoke while we have been deliberating this piece of legislation. Needless to say, I don't know of a single person in this country with an ounce of sense who wants that many children who begin this habit to continue. I don't know of anybody with any sense at all who believes our country is better off if day after day we allow an industry to market products designed specifically to appeal to young people, knowing what danger and harm it causes. Four hundred thousand of our fellow citizens expire, die every year because of smoking-related illnesses—400,000 people. That is more than the number of people who lose their lives as a result of automobile accidents, AIDS, alcohol abuse, illegal drug abuse, and violent crimes with guns. All of those combined do not equal the number of

deaths that occur because of people's use of tobacco and tobacco products. That does not include the number of people who lead very debilitated lives, who are stricken with emphysema or related pulmonary illnesses that fundamentally alter their lives and the lives of their families.

I apologize to my colleagues for continuing to recite these numbers, but I pray and hope these numbers may have some impact on those who wonder if every aspect of the bill makes the most sense or not. None of us should ever claim perfection, but we have spent a lot of time on this, a lot of consideration on this. There are 1,000 organizations, faith-based, State organizations—leading organizations dealing with lung cancer and related problems and they are all speaking with one voice. They are telling us to pass this bill, pass this bill, and allow finally for the FDA to be able to control the marketing, the selling, and the production of these tobacco products.

Absent any action by this Congress, more than 6 million children who are alive today will die from smoking. Mr. President, 1 out of 5 children from my State of Connecticut smokes today, and 76,000 children, we are told by health care professionals, will die prematurely because of their addiction to tobacco.

As I mentioned earlier, we are on the eve of passing major health care reform legislation. The centerpiece of that bill, as I hear my Republican friends and Democratic friends talk about it, is prevention. That is the one piece about which there is a great deal of unanimity. How can we deal with health care reform? The best way to treat a disease is to have it never happen in the first place. This bill may do more in the area of prevention, if adopted, than anything else we may include in the health care bill in the short term. The estimates are that 11 percent of young people would not begin the habit of smoking if this bill is adopted. Imagine 11 percent of the young people not smoking of that 3,000 to 4,000 every day who start. That in itself would be a major achievement.

My friend from North Carolina, Senator BURR, does not give authority to the FDA. The FDA is 100 years old. His bill creates a completely new agency, an untested agency, to oversee tobacco products. But the FDA is the right agency because it is the only agency that has the regulatory experience and scientific experience and the combination of that with a public health mission. Unlike the Kennedy bill, the underlying bill, the Burr substitute fails to provide adequate resources to do the job. In the first 3 years, if the Burr substitute is adopted, it would allocate only one-quarter of the funding allocated in Senator KENNEDY's proposal. The Burr substitute fails to give the authority to remove harmful ingredients in cigarettes, which the Kennedy

bill would do. It doesn't go far enough in protecting children and has weaker and less effective health warnings as well.

I say respectfully to my friend, setting up and creating a whole new agency, providing a fraction of the funding necessary to get it done, and providing inadequate resources in order to support these efforts is not the step we ought to be taking. All of us can agree that the FDA is basically the agency we charge with the responsibility of regulating everything we consume and ingest, including the products ingested by our pets. The FDA has jurisdiction over your cat food, dog food, and what your parakeet may have, but your child's use of tobacco is not regulated by anybody. Your child's safety, in many ways, is being less protected than that of a household pet. That needs to change.

For a decade, we have debated this. We have been through countless arguments. Now we have come down to the moment as to whether this Congress, in a bipartisan fashion, as we did yesterday, will say enough is enough. We have come to the end of the debate.

Mr. President, 400,000 people are losing their lives every day, and 3,000 to 4,000 children are starting to smoke, a thousand of whom will be addicted for life, and one-third of that number will die because of the use of these products. That is over with. The marketing, the production, as well as the selling of these products has to come to an end. This is the best way to save money, if you are not impressed with the ethics and morality of the issue.

This is a self-inflicted wound we impose on ourselves as a country, knowing the damage it causes, the costs it imposes, the hardships, the horror, and the sorrow it brings to families. I don't know a single person who smokes and wants their child to begin that habit. If they could stand here collectively—the families across this country who are smokers—they would say with one voice: Pass this bill. Please do everything you can to see to it that my child doesn't begin that habit.

Ninety percent of smokers start as kids, we know that. So we need to change how we regulate these products. That is what this bill does. It has had tremendous support from our friends, both Republicans and Democrats, over the years. We have never done it together, and we are on the brink of doing that and making a significant change in our country for the better. It is long overdue.

When the vote occurs on the Burr amendment, I urge my colleagues to vote against the amendment. I want to do everything I can to help those farmers. The bill makes a difference in providing real help to the farmers. I see my friend from Kentucky. He knows I went to law school there, and he knows I have an affection for the people there.

We owe it to them to provide real help so they can get back on their feet. I say to my friend from North Carolina, and others, I know what it means to have an industry in your State face these kinds of challenges, but clearly the challenge to our Nation is to begin to reduce the number of children who smoke and to save lives every year. I say respectfully that there is no more paramount issue for our Nation as a whole.

I urge my colleagues to reject the Burr amendment.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, the ranking member of the Senate Judiciary Committee, Senator SESSIONS, Senator KYL, and I will take a few moments to discuss the pending Supreme Court nomination and the proceedings leading up to that. I have notified the Democratic floor staff that it might slightly delay the 4:20 vote. I find that not objectionable on the other side.

I would inform our colleagues that we are going to proceed as if in morning business. I ask unanimous consent that we may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. It will not cause much of a delay on the 4:20 vote.

Senator SESSIONS is up and will be first to speak.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

SOTOMAYOR NOMINATION

Mr. SESSIONS. Mr. President, I thank Senator MCCONNELL for his leadership in so many ways but in particular the concern he has shown repeatedly on the U.S. judiciary. He is on the Judiciary Committee, and he takes these issues seriously. I think it is important that we all do so.

I have to say I am disappointed that this morning we learned from media reports—I did—that the chairman of the Judiciary Committee, Senator LEAHY, announced we would begin the hearings on July 13 on Judge Sotomayor. I believe that is too early. I don't believe it is necessary. It is far more important that we do this matter right than do it quick. When the announcement was made, President Obama said the time we should look to is October 1, when the new Supreme Court term starts. I think that always was an achievable goal, and it is something I said I believe we could achieve and still do it in the right way.

The question is, Can we get all this done in this rush-rush fashion? It will be the shortest confirmation time of any recent nominee. It is a time well shorter than that of Justice Roberts—now Chief Justice—and we had a need to move that a bit because he was confirmed, as it turned out, on September 29, a couple of days before the new

term began. He was going to be Chief Justice. But the last nominee, whose record was much like this nominee, Justice Alito, was coming up in late December, and the Democratic leader then on the Judiciary Committee, Senator LEAHY, asked that it be put off until after Christmas. The Republican chairman at that time, Senator SPECTER, despite President Bush's desire that it move forward, said: No, I think that is a reasonable request, and so we put it off. It was 90-some-odd days before that confirmation occurred. It was well over 70 days before the hearings began.

Mr. President, first and foremost, we are committed to giving this nominee a fair, good, just hearing. But to do so requires that we have an opportunity to examine her record of probably more than 4,000 cases. In addition to that, she has given a lot of speeches and written law review articles, which need to be analyzed.

Make no mistake about it, this is the only time, the only opportunity this Congress and the American people have to play a role in what will turn out to be a lifetime appointment, an appointment to a Federal bench of independence and unaccountability for the rest of their lives. I think it is important that we do this right.

I thank Senator MCCONNELL for his leadership in trying to insist that we do it right. I believe, from what I know today, the timeframe set forth is unrealistic. More than that, it is not necessary. Let's do this right, take our time, and do it in a way that I hope—as I have said repeatedly, this would be what people could say is the finest confirmation process we have ever had.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank my good friend from Alabama for his observation about this nomination. He and I have been involved in a number of these confirmation proceedings over the years. In every one of them, I think there is a sense of fairness that can be reached on a bipartisan basis so that the nominee is adequately and appropriately vetted. That is what the Senator from Alabama is looking for as we go forward on the Judiciary Committee.

Frankly, I was surprised to learn that the majority decided unilaterally, basically, that the schedule would involve hearings beginning on that specific date, July 13, to which Senator SESSIONS referred.

During the Senate's consideration of both the Roberts and Alito nominations, we heard a lot from our Democratic colleagues about how the Senate wasn't a rubberstamp and about how it was more important to do it right than to do it fast. If that was the standard, I suggest to our colleagues, just a few years ago, why wouldn't it be a good

standard today? If that was the standard when the Republicans were in the majority, why wouldn't it be a good standard when the Democrats are in the majority? We are talking about the same Supreme Court, the same lifetime appointment to which Senator SESSIONS referred.

The chairman of the Judiciary Committee, today, said back then that "We need to consider this nomination as thoroughly and carefully as the American people deserve. It is going to take time." That was Senator LEAHY then. He also said, "It makes sense that we take time to do it right." I think the American people deserve nothing less. He also said that we want to do it right, we don't want to do it fast. Again, if that was the standard a few years ago when Republicans were in the majority, I don't know why it wouldn't be the standard today.

I don't know what our friends in the majority are fearful of. This nominee certainly has already been confirmed by the Senate twice. She has an extensive record, and it takes a while to go through 3,600 cases. In the case of the Chief Justice, there were only 327 cases. He had only been on the circuit court for a couple of years. She has been on one court or another for 17 years. It is a larger record. I am confident, and our ranking member, Senator SESSIONS, confirms that the staff is working rapidly to try to work their way through this lengthy number of cases. But a way to look at it is the committee had to review an average of six cases a day in order to be prepared for Judge Roberts' hearings—six cases a day. The committee will now have to review an average of 76 cases—76 cases—per day in order to be ready by the time the majority has proposed for the Sotomayor hearing.

The Senate functions on comity and cooperation, and the majority leader and I are a big part of that every day, trying to respect each other's needs and trying to make the Senate function appropriately. Here the Democratic majority is proceeding, in my view, in a heavy-handed fashion, completely unnecessary, and is basically being dismissive of the minority's legitimate concerns of a fair and thorough process. There is no point in this. It serves no purpose, other than to run the risk of destroying the kind of comity and cooperation that we expect of each other in the Senate, all of which was granted in the case of Chief Justice Roberts and Justice Alito.

Let me be clear. Because of what our Democratic colleagues are doing and the way they are doing it, it will now be much more difficult to achieve the kind of comity and cooperation on this and other matters that we need and expect around here as we try to deal with the Nation's business.

I hope they will reconsider their decision and work with us on a bipartisan

basis to allow a thorough review of this lengthy record that the nominee possesses.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to join the ranking member of the committee on which I sit, as well as the distinguished minority leader, in asking the question of why we have to set a date right now on the hearing for Judge Sotomayor. There is no reason for us to do that because there is no way to know at this point whether we will have our work done by that time.

Historically—and it is for good reason—you want to have the review completed before you question the witness about the matters under review. That makes sense. So there is no reason to set that date today, and that is troublesome. We don't know if we will be ready by July 13, but there is a lot of history to suggest it is going to be very difficult to be ready by that time.

The leader just pointed out the fact that if you compare the work required to consider the nomination of the now-Chief Justice John Roberts as opposed to this nominee, you have more than 10 times as many cases to look at with Judge Sotomayor as you had with Justice Roberts. That takes a lot of time. And even with 20-some staffers reading these 4,000-plus decisions, it is not just a matter of reading the cases; it is a matter of then looking to see what the precedents cited were to determine whether you think the judge was right in the decision that was rendered, to look at the other references in the case to see how closely this followed existing law, and whether it appears the judge might be trying to make law as opposed to deciding law.

That is important in this particular case because of the standard the President laid down for his nominees which strongly suggests something beyond deciding the law. In 5 percent of the cases, as he said, there is no precedent, there is no legal mechanism for deciding how the case should come out. You have to base it on other factors. Everybody is well aware of some of the factors this particular nominee has talked about and the President has talked about—the empathy, the background, the experience in other matters.

The question is, in reading these opinions, do you find a trend of deciding cases on something other than the law, potentially the making of law in this particular case? And even if, as the leader said, you have to review 76 cases a day, that is only the decisions she has participated in or the opinions she has written or joined in.

How about the other writings—her law review writings, her speeches she has given, the FBI report, the ABA report, which we do not have yet, the questionnaire which has not been completed; in other words, a variety of

things that have been reviewed and read. And then you discuss the nomination with witnesses to say this matter has been raised, this matter has been raised, what do you think about that?

She will have a variety of people who will be writing to the committee on her behalf. We will receive reams of letters and comments from people who think she is a good nominee, and we will receive a lot of comments, I suspect, from people who think she is not a good nominee. We need to go through all of that. When people write to us about these nominees, for or against, we don't ignore what they say; we take it to heart. That is part of our job. All of this takes a great deal of time and effort.

Final point, Mr. President. We don't want to leave this to staff. We are going to read those opinions. I have instructed my staff on the opinions I want to read. I am used to reading court opinions, but not everybody has done that fairly recently in their career, and that takes a lot of time as well, considering all the other work we have to do.

To do this right, to conduct the kind of fair and thorough hearing that Senator SESSIONS talked about, and to follow the kind of precedents and tradition that the minority leader talked about, I think it is important for us to do it right, to get it right, to take the time that requires. And if that means going beyond July 13, then do that.

Senator SPECTER, when he was chairman of the committee, worked in a bipartisan way with Senator LEAHY. Senator LEAHY can certainly work in a bipartisan way with us to ensure there is an adequate amount of time.

At the end of the day, what we want is a hearing that everyone can say was fair, was thorough, resulted in a good decision and, hopefully and presumably, will allow this nominee, if she is confirmed, to take her position prior to the beginning of the October term. Justice Roberts was confirmed, I believe, on the 29th of September, and that was 4 days ahead of the time, I think—or 2 days. The Court reconvenes on October 5. Therefore, I see no reason why, if we do this right, we cannot have the nominee—if this nominee is confirmed—confirmed by the time the October term begins.

I say to my colleagues, let's do this right and not try to push things beyond the point that is appropriate under the circumstances.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator KYL for his leadership on this committee. He is one of the Senate's great lawyers. I appreciate his insights, as we all do.

I note that I think this rush is ill advised. In truth, the White House was determined to get the nominee's questionnaire to the Senate in a hurry.

There were a number of cameras and crews and press releases that went out when boxes were delivered. In many ways, the questionnaire was incomplete, the result, I think, of that kind of rush. In others, the nominee failed to provide sufficient details that are required by the questionnaire.

For example, the judge did not include a troubling recommendation to the Puerto Rican Legal Defense Fund to lobby against a New York State law that would reinstate the death penalty, and it had quite a bit of intemperate rhetoric in it. After that was noted, she admitted she had failed to include but got that document in. But I suggest perhaps if somebody had not been aware of that omission, maybe we would not have received that document at all. What else might she have failed to include that might be an important bit of information as our committee does its oversight work?

In addition, the nominee was supposed to provide opinions and filings for cases going to verdict, judgment, or final decision. For three cases, she indicates that the District Attorney's Office is searching its records for information on this case, and she did not provide those.

In 14 cases, she noted that she tried, the record is incomplete and not provided. So we don't have any documents related to these cases.

As another example, the nominee is supposed to list speeches, remarks, and lectures she gave and, in the absence of having a prepared text, to provide outlines, notes, and then a summary of the subject matter.

Several of the entries lacked any subject matter descriptions or are so vague as to be utterly uninformative, including these quotes I will note for the record, and we have had some problems with her speeches. A lot of speeches she has given she has no text for.

I note this is on her questionnaire: "I spoke on Second Circuit employee discrimination cases." She did not indicate what or give any summary of that.

Another one: "I spoke at a federal court externship class on 'Access to Justice.'" It is not clear what that was in any way, and no summary and certainly no text.

"I participated in a panel entitled 'Sexual Harassment: How to Practice Safe Employment.'" Similarly, no additional explanation.

Next: "I spoke on the United States judicial system."

Next: "I spoke on the topic 'Lawyering for Social Justice.' I discussed my life experiences and the role of minority bar organizations."

"I participated in a symposium on post-conviction relief. I spoke on the execution of judgments of conviction."

"I spoke on the implementation of the Hague Convention in the United States and abroad."

"I participated in an ACS panel discussion on the sentencing guidelines."

"I participated in a roundtable discussion and reception on 'The Art of Judging' at this event."

It would be nice to know what she thought about the art of judging.

"I contributed to the panel, 'The Future of Judicial Review: The View from the Bench' at the 2004 National Convention. The official theme was 'Liberty and Equality in the 21st Century.'"

Those are some of the things that I think are inadequate responses to the questionnaire's requirements. This questionnaire is one we have used for nominees of both parties for a number of years.

The chairman justifies this rushed schedule because of the need, he says, to allow the nominee to respond to unfair criticisms of her record. But the chairman and all our Democratic colleagues know that the Republican Senators who will actually be voting on this nominee, I am confident and certain, have been nothing but extremely fair and courteous and respectful of the nominee. Even when she made mistakes, such as omitting several things from her questionnaire, we have not criticized her for that. So in return for this courtesy, I am disappointed that we are being rushed to complete this process in a time based on what I know now is not a wise approach. I don't think it is a good way to begin the proceedings.

I look forward to working with my colleagues on this date. Perhaps we can do better as we move forward. It is an important process. It is the public's only opportunity to understand what this is about. I think we ought to do it right. As Senator LEAHY has said, do not rush it.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me say a few words regarding the excellent work of the Judiciary Committee, the work that has been done by Chairman LEAHY. He has informed me that Senator SESSIONS has been most cooperative during the entire time Senator SESSIONS has had this new assignment.

Senator MCCONNELL asked me one day last week to delay a floor vote on Judge Sotomayor until after the August recess, and he sent me a letter, which I was happy to receive, making his case for this delay. I indicated to him this morning—he, Senator MCCONNELL—that I had a telephone call

scheduled with the chairman of the Judiciary Committee and the President to go over the content of Senator MCCONNELL's well-written letter.

We had quite a long conversation with the President. Time? I don't know, 15 minutes, 10 minutes. But it was certainly enough to learn very quickly that the President was well versed on this nomination.

After having spoken with the President and the chairman of the committee this morning, I had an obligation to convey to Senator MCCONNELL my conclusion based on my conversation with the President.

What I wish to do now, Mr. President, is read into the RECORD a letter I had delivered this morning to Leader MCCONNELL:

DEAR MITCH:

Thank you for your letter regarding the process for considering the nomination of Judge Sotomayor to the United States Supreme Court. I have taken your concerns into consideration and have discussed the confirmation process with the President and the Chairman of the Judiciary Committee.

Judge Sotomayor's judicial record is largely public and has been undergoing extensive review by all interested parties at least since the President announced her nomination on May 26. In addition, she has returned her questionnaire, including available records of her speeches and writings, in record time. Her record for review is now essentially complete.

In contrast, both Judge Roberts and Judge Alito had spent significant time in the executive branch and much of their record was not public or available for review following their nominations. Numerous executive branch documents were not included with their questionnaires, and much staff preparation time was devoted to extensive negotiations over document production with both nominations.

In 2005, Senator LEAHY agreed to a September 6 hearing date for the Roberts nomination before Judge Roberts had submitted his questionnaire, and before more than 75,000 pages of documents, primarily from the Reagan Library and the National Archives, came in throughout August and before the hearing began in September. Indeed, on the eve of the planned start of the hearing, on August 30, the Archives notified the Judiciary Committee they had found a new set of documents consisting of about 15,000 pages. These were delivered September 2, further complicating the hearing preparations. The hearings went ahead on September 12.

Furthermore, Hurricane Katrina hit New Orleans and Chief Justice Rehnquist passed away while Judge Roberts' nomination to be an Associate Justice, leading to a week-long delay in his hearing after he was then nominated to be the new Chief Justice.

Despite these obstacles, Judge Roberts was confirmed 72 days after President Bush named him as a nominee to the Supreme Court. If Judge Sotomayor is confirmed before the Senate recess in August, she will have been confirmed on a virtually identical timetable. If, however, she is not confirmed until the beginning of the Court's term in October, consideration of her nomination will have lasted nearly twice as long as that of Judge Roberts.

Confirming Judge Sotomayor before the August recess would give her time to prepare

adequately for the Court's fall term, including the review of hundreds of petitions for certiorari for the Court's first conference and preparation for merits arguments. It would also allow her time to move and hire law clerks. I do not believe it is fair to delay Judge Sotomayor's confirmation if it is not absolutely necessary.

I appreciate that Senate Republicans are committed to a fair and respectful confirmation process for Judge Sotomayor. I believe it is important that Senators be permitted the opportunity to thoroughly review Judge Sotomayor's record and to fulfill our constitutional duty to provide advice and consent. I believe our proposed schedule for hearings and a floor vote on her confirmation will do so.

I signed that letter HARRY REID.

The hearing date is just 48 days after Judge Sotomayor was selected and is consistent with the 51-day average time between announcement of a Presidential selection and the start of their hearings. It has been that way for the past nine Court nominees who were confirmed.

The proposed alternative, that the hearings be held after the August recess, or the first Tuesday after Labor Day, Tuesday, September 8, would subject Judge Sotomayor to the longest delay between selection and her confirmation hearing of any Supreme Court nominee in history, so far as we can tell. We stopped checking, frankly, when we got back to 1960. The GOP plan would delay her hearing until the 107th day after her selection. Robert Bork, the current record holder, waited 76 days. Thomas and Alito waited 64 and 67 days, respectively.

We are doing our utmost to have this nominee have a fair hearing. We want to make sure the Republicans have all the time they need, but history doesn't lie, and history suggests we are being overly generous with this good woman. She will be a wonderful addition to the Court, and I would hope we can move forward and have this matter resolved quietly, respectfully, and fairly.

Mr. LEAHY. Mr. President, if the Senator would yield. I might add to that. When I met with the distinguished Senator from Alabama last week, I had originally suggested it would be well within the appropriate timeframe of the other Justices—including Justice Roberts—that we have the hearing the week we came back from our week-long break of the Fourth of July. He had expressed—and I will let him speak for himself—some concern about that week after, and so I said: OK, we will put it a week later.

He, obviously, wanted to speak with his leadership, and that is fine. I had originally intended to speak about it on Friday, but I understood that the Republican leader had sent a letter to the majority leader because the majority leader had told me about that, and we are all aware of the date. There was never a question about what date I intended to start. I had known that for some time. But this morning I told him

by telephone I was going to do that date. I talked to the President, and I so advised Judge Sotomayor.

The fact is, we are not doing something where we have problems with tens of thousands of pages just days before the hearing. We have all the material. I can't speak for other Senators, but we have a lot of work to do. We are paid well, and we have big staffs. I had hoped to take some vacation time during the Fourth of July week—I will not. I will spend that time preparing for it in my farmhouse in Vermont. I would suggest Senators may have to spend some time doing that. I know a lot of our staffs—both Republican and Democratic staffs—are going to have to plan to take time off. They are going to be working hard.

We have a responsibility to the American people. Certainly, we have a responsibility to have a Justice have time enough to get a place to live down here, hire law clerks, and get going.

Mr. REID. Will my friend yield for a moment?

Mr. LEAHY. Sure.

Mr. REID. It is also true, is it not, the announcement was made that during the 5 weeks we are in session during July we are going to be working Mondays through Fridays, and you have informed the members of the Judiciary Committee—Democrats and Republicans—that would be the case? That is why—it is my understanding from the distinguished chair—you had announced the hearing was going to start on a Monday?

Mr. LEAHY. We are going to be in anyway. I would also note this gives us plenty of time.

We get elected in November, most of us—the first week in November—and when we are new Senators, we find it difficult to put everything together in 2 months, to go into the Senate in January. We should at least give the same courtesy to a Justice of the Supreme Court that we expect the American voters and taxpayers to give us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to confirm and agree with most of what the majority leader and our chairman have said. The bottom line is, this is a nomination that should be easy to study up on. The record is public. The record has been available from the day she was nominated. There are not thousands and thousands of pages given to us at the end of the days, as I know my colleague, the chairman, has said.

I would like to make one other point. I know my colleague, our ranking minority member, Mr. SESSIONS, said Alito took some 90 days. That is true. But that included both the Thanksgiving and Christmas breaks. If you look at the actual working days, it was much shorter, as it has been for every

other Justice. Let me repeat. If we were to do what the minority leader asks, and not vote on this nomination until well after the September break, it would be the longest nomination proceeding we have had for the most publicly available and most concise record.

This is not somebody whom we have to dig and find out things about, because she has had 17 years—17 years—of Federal decisions at the district and at the court of appeals level, more than any other nominee to the Supreme Court in 100 years—in 70 years, excuse me. No, in 100 years for Federal and in 70 years for Federal and State because Justice Cardozo had 29 years on the State bench. The record is ample and the record is public. Given the staff that I know the Judiciary minority has, as chairman of the Rules Committee, any lawyer worth their salt could more easily research the whole record in less than a month. So, actually, Chairman LEAHY has been kind of generous by delaying a week or two beyond that month.

Every day, as we speak now, there are, I daresay, tens of thousands of lawyers who have larger research dockets to do and are doing them in less time. So the bottom line is very simple. One can only come to the conclusion that the reason for delay is delay alone, not needing time to study a public, ample record. So I would urge my colleagues on the other side to reconsider.

I have been told, at least on my subcommittee, that no one is going to participate in any meetings on anything. I don't know if that is true—I hope it isn't—that there is going to be an attempt to close down the Judiciary Committee on all the important issues we face.

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. I will yield to the Senator.

Mr. KERRY. Mr. President, I ask my colleague, in terms of the public record, is it true not only that this is the longest period of time, but if we were to delay it until September, that would be the longest period of time for consideration of any Justice for the Supreme Court in history?

Mr. SCHUMER. I believe my colleague from Massachusetts is correct.

Mr. KERRY. Certainly much longer than Justice Alito, Justice Roberts or any of the others whom we considered very rapidly?

Mr. SCHUMER. Clearly, longer than Roberts—much longer than Roberts—and somewhat longer than Alito. But Alito had both the Thanksgiving and Christmas breaks that were counted in that time, and we all know people are busy celebrating the holidays.

Mr. KERRY. I would also ask my colleague whether there is any rationale here whatsoever, that we have seen, for

why this Justice's entire record, which is public, and has been poured over already, requires having the longest period in history, in terms of Justices of the Supreme Court, particularly given the issues that are at stake and the convening of a new Court in October?

Mr. SCHUMER. Well, I thank my colleague, and I think his points are well taken. As I mentioned before, the bottom line is, any lawyer worth his salt—and there are many very qualified lawyers in the minority on the Judiciary Committee—could research this record within a month, easily—easily. Right now, in the buildings here in Washington and in the buildings in New York and in the buildings in Birmingham, AL, are lawyers who have far more extensive research to do in less time and they do it well.

Mrs. BOXER. Would my friend yield for a question?

Mr. SCHUMER. I would be happy to yield.

Mrs. BOXER. I know we have to vote, but I wish to speak for a minute. As a woman, and being from California, we have such excitement about this nomination. I know we all agree this is a historic first, this nomination, and I think, given that and the fact that the women of this country comprise a majority and there is only one woman on the Court—and we certainly have never had a Latino on the bench—I am asking my friend, does he not believe this nominee should be accorded equal treatment—equal treatment as it relates to the others who have been nominated to the same post?

That is all I am asking for. I am not on the committee, but I am supporting our Chairman LEAHY and the rest of the committee—at least those who are moving toward this in a schedule similar to Justice Roberts. I would ask, once again: Shouldn't we, who are very excited about this nomination and want to see it move forward, expect to have Judge Sotomayor treated in an equal fashion?

Mr. SCHUMER. I think my colleague from California makes an excellent point, and I would answer in the affirmative. We are not asking for more time. We are actually asking for less time, if you include vacation time.

It is not a situation like with Justice Roberts and even Judge Alito, where there were weeks and weeks before we were able to get private records that were available. No one has requested—Judge Sotomayor has not worked with the executive, so you don't have all those issues that have to be discussed and negotiated about executive privilege. She has a 17-year career on the bench. She has 3,000 opinions. If that is not an adequate record?

My office just in 2 days looked at every one, for instance, of the immigration asylum cases that were brought before her. There were 83—a pretty good sample, 83 percent. I don't

recall the number, but there were a large number of cases, and 83 percent of the time we found she denied asylum to the immigrant applicant, which we concluded made it pretty clear that her fidelity to rule of law trumped her natural sympathy for the immigrant experience.

We just did that in a day or two. I don't have the kind of staff that my good friend, the Senator from Alabama, has. He should have it. He is the ranking minority Member. So it is very easy, given the number of staff, given the public record, given that there is no litigation or discussion about executive privilege—as there was with both nominee Alito and nominee Roberts—that a month seems to me to be ample time. The chairman, in his wisdom, to which I will defer, gave more than a month to the day of the nomination.

Mr. SESSIONS. Will the Senator yield for just one question?

Mr. SCHUMER. I am happy to yield to my colleague.

Mr. SESSIONS. I know the Senator from California raised the question of doing for this nominee as the others. If this goes forward as planned, it would be 48 days from nomination announcement to the first hearing. I wonder if the Senator from New York would acknowledge that for Justice Breyer it was 60 days; for John Roberts it was 55, the shortest; and Sam Alito was 70. This would be much shorter a period of time than the period we are being given for this nominee, who has 3,500 cases.

I would ask if the Senator remembers saying with regard to the Alito nomination, when our Democratic colleagues asked that it be held over past Christmas, and at their request it was done so, he said:

It is more important to do it right than to do it quickly. And now we have a bipartisan agreement to do that.

So we just ask for a bipartisan agreement to do it right and not too fast. I don't know how we can work it out, but I think this is an arbitrary date, designed to move this process forward by a certain end game, faster than we need to. The vacancy, as the Senator knows, does not occur until October when Justice Souter steps down. So we do need to complete it by then. I have told the President I will work to make sure that occurs.

Mr. SCHUMER. I thank my colleague.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. If I might respond, with nominee Alito, now Justice Alito, there was a Christmas break. As I understand it, according to Chairman LEAHY it was the majority, Republicans, who asked we go to that Christmas break, not the Democrats. In Justice Roberts' case, I believe Katrina intervened and everybody had to drop everything and work on the emergency of Katrina.

If you look at days where the record is available, and it has been available right from the get-go here, and no vacation, no intervening long recesses and things like that, the minority here, any Senator here, will have had more time to scrutinize this record than we have had for most other Judges. Again, underscored by the fact that the record is public, is open and ample.

No one has to go look for needles in a haystack to try to figure out the record of Judge Sotomayor. It is very extensive and ample. With Justice Roberts, we only had a few years where he was on the bench and all the rest of his record was in the executive and it took us weeks, I think—the chairman probably remembers this better than me—months to get the record.

With that, I yield the floor. I know we want to get on with the vote.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for up to 3 minutes before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I join in saying the chairman of the Senate Judiciary Committee, Senator LEAHY, has come up with a reasonable timetable for considering this historic nomination. I believe his setting Monday, July 13, for the hearing is well within the ordinary bounds of time allotted for Supreme Court nominees. The important date is when paperwork is submitted. When it came to the submission of paperwork before the hearing actually took place, basically, when it came to Judge Sotomayor, she completed her paperwork setting forth her key information, background, on June 4. The July 13 hearing will take place 39 days after that paperwork was submitted.

In the case of Justice Alito—who incidentally had participated in 4,000 cases, 1,000 more than Judge Sotomayor—in that case, in Justice Alito's case, the hearing took place 40 days after we received his work; for Chief Justice John Roberts, 43 days. This is entirely consistent.

I might also add a point that was raised by Senator UDALL of New Mexico. Judge Sotomayor is no stranger to this Chamber. She was nominated first for the district court bench by President George Herbert Walker Bush and then nominated for the district court by President Clinton. That is an indication that we have seen her work before. We are aware of her background.

The last point I would make, consistent with the Senator from California, is that justice delayed could be justice denied. In this case, if we continue this hearing for a record-breaking period of time—which has been requested by the Republican side—it will mean we will have a vacancy on the Supreme Court when it begins its important work this fall.

What Chairman LEAHY has asked for is reasonable. It is consistent with the way Judges were treated under President Bush and at the time the Republicans had no objection or complaint about it. This is a reasonable timetable. I urge my colleagues to support Chairman LEAHY.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1256), to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Pending:

Dodd amendment No. 1247, in the nature of a substitute.

Burr/Hagan amendment No. 1246 (to amendment No. 1247), in the nature of a substitute.

Schumer (for Lieberman) amendment No. 1256 (to amendment No. 1247), to modify provisions relating to Federal employees retirement.

The PRESIDING OFFICER. The question occurs on amendment No. 1246 by the Senator from North Carolina, Mr. BURR.

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—36

Alexander	Corker	Inhofe
Barrasso	Crapo	Isakson
Bennett	DeMint	Johanns
Bond	Ensign	Kyl
Brownback	Enzi	Martinez
Bunning	Graham	McCain
Burr	Gregg	McConnell
Chambliss	Hagan	Murkowski
Coburn	Hatch	Risch
Cochran	Hutchison	Roberts

Sessions
Shelby

Thune
Vitter

Voinovich
Wicker

NAYS—60

Akaka
Baucus
Bayh
Begich
Bennet
Bingaman
Boxer
Brown
Burris
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Cornyn
Dodd
Dorgan
Durbin
Feingold

Feinstein
Gillibrand
Grassley
Harkin
Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Landriau
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Merkley
Mikulski

Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Snowe
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Byrd

Kennedy

McCaskill

The amendment (No. 1246) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, if I may—I wish to ask unanimous consent to go into morning business at the conclusion of these brief remarks—there are several amendments that are germane amendments to this bill that we ought to consider, and my hope is that will happen. I will let the leadership determine what the rest of the day will be like, but my hope is we can complete these other germane amendments that are before us. I know there is a package of amendments on other things to be looked at, and I am certainly prepared to do that.

My good friend, the Senator from Wyoming, Senator ENZI, is not on the floor at this minute, but he and I have had a good relationship on this bill, and we would like to complete it if we could. We have been now almost a week and a half on this legislation, so it shouldn't take much more to get to final passage.

So I make that offer to my colleagues, that they can sit down and see if we can't resolve some of those matters or at least allow for some time for debate on those outstanding germane amendments that are pending.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent to proceed to morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Missouri be given

a couple of minutes to make his speech for the record and that afterwards I immediately be given the floor.

Mr. WYDEN. Mr. President, reserving the right to object, and I do not intend to object, I would ask unanimous consent to be recognized following the remarks of the distinguished Senator from Missouri, and then following the remarks of the distinguished Senator from Utah, that I be allowed to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I wish my colleague to understand that I may take longer than 10 minutes, so I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Missouri is recognized.

NOMINATION OF LIEUTENANT GENERAL STANLEY McCHRISTAL

Mr. BOND. Mr. President, today in the Appropriations Defense Subcommittee we heard about some good things going on in South Asia and the new strategy for both Afghanistan and Pakistan to bring military and civilian efforts into that region.

I understand the Armed Services Committee has just approved the nomination of LTG Stanley McChrystal, an ex-commander of the international security forces, the final senior-level military position in the theater.

The dedicated members of the American military, our intelligence professionals and State Department officials continue to serve our country well, but it is essential that the efforts of each be woven together to form a comprehensive strategy that will not only win the battle but win the war. This will take senior leaders of great vision in all areas of our government.

Last November I reached out to many of these leaders when I sent then President-elect Obama and his national security team my report on the way forward in Afghanistan and Pakistan. President Obama has taken many of the steps I outlined, steps that are critical to our long-term success in the region.

Earlier this year the President appointed a special envoy for the region who will oversee the implementation of the new strategy and he appointed a new ambassador to Afghanistan, who will focus the efforts of U.S. Government agencies in country. With General Petraeus firmly in place as the CENTCOM commander and the recent nomination of LTG Stanley McChrystal as the next commander of International Security Forces, Afghanistan—COMISAF—the President will have filled the senior-most military and civilian positions in-theater.

I recently met personally with General McChrystal to talk about our way forward in the region and to listen to his ideas on Afghanistan and Pakistan. I must say I was impressed. He is not only a dedicated and accomplished soldier who has years of combat and counterterrorism experience, he is also an effective leader who understands the critical challenges we face in the region. More importantly, he understands that the war will not be won with military might alone—that to win this war we must combine the outstanding work of our military with effective diplomatic and economic efforts.

A true counterinsurgency—or COIN—strategy, one that wins the hearts and minds of the local population and gains grassroots support for development and governance efforts, includes an effective public diplomacy campaign. General McChrystal not only understands the importance of good public diplomacy, he is dedicated to ensuring that our actions on the ground speak as loudly for our intentions as do our information efforts. That is part of what I call “smart power”—combining diplomatic, economic, informational and military efforts.

I have seen first-hand the success of these smart power efforts. In Nangarhar Province, the Missouri National Guard Agriculture Development team gained the trust and cooperation of the local leaders. These Missourians have given Afghans in Nangarhar the skills they need to grow and harvest legitimate and sustainable crops. As a result, Afghan farmers are not only improving their own lives and land, but poppy production in the region has virtually been eliminated. I am confident that General McChrystal will support increased focus and investment in smart power efforts such as these.

General McChrystal understands how critical putting an “Afghan face” on our combat operations is to our ultimate success. I was pleased that when we talked about accomplishing this goal by improving our efforts to train the Afghan National Army and Police, General McChrystal acknowledged the Afghan component is essential to any successful COIN strategy. Years of special operations experience has led him to know inherently how important it is to have the populace gain confidence in its own government institutions. Having met with the general in Iraq and seen the good work he did there, having watched his work on the Joint Staff, and having spoken with him at length over the past several weeks, I can unequivocally state that he is the kind of officer who intends to do just this—build public trust in Afghanistan.

Just look at his testimony. According to the general, more intelligence, surveillance and reconnaissance (ISR) is good not only because it gives you a better understanding of the battle

space, but also because it increases precision which ultimately reduces civilian casualties. Reducing civilian casualties is a must and will gain trust in Afghanistan.

General McChrystal also believes that corruption is “one of the things that must be reduced for the government to be legitimate, and therefore for the people to trust it.” The general intends for us to partner with Afghans at every level to help them rid or reduce the widespread corruption because it has a corrosive effect on the legitimacy of the government and is perceived by the Afghan people to be a real problem. This will also gain trust in Afghanistan.

Finally, he believes it is important that we succeed in Afghanistan not only because it removes access to safe havens for al-Qaida and associated groups, but because it is the right thing to do. According to the general’s testimony, “we have the ability to—to support the people of Afghanistan and to move and to shape a better future that they want. And I think that that will make a difference in how we are viewed worldwide.” This gains trust in general.

Everything I have seen or heard about Lieutenant General McChrystal, from my conversations with him and from his testimony before the Senate Armed Services Committee, his impeccable record of military command and operations, to the comments of his fellow officers, tells me that Stan McChrystal will be a wise, measured, and excellent commander of our operations in Afghanistan. I strongly urge my colleagues to support this nomination without delay so General McChrystal can get on the ground.

I thank the Chair, and I particularly thank my distinguished colleague from Utah.

CONFIRMATION PROCESS

Mr. HATCH. Mr. President, I wish to associate myself with the remarks and concerns expressed earlier by both the Judiciary Committee’s ranking member, Senator SESSIONS, and the distinguished Republican leader and whip, Senators MCCONNELL and KYL.

The White House talking points tell us that the Supreme Court nomination, Judge Sonia Sotomayor, has more Federal judicial experience than any Supreme Court nominee in a century. My friends on the other side of the aisle have taken, used, and aggressively circulated these talking points. I assume by stressing judicial experience they are saying that this overwhelmingly deep, broad, and vast judicial record provides the basis on which to judge the nominee’s fitness for the Supreme Court. Well, that coin has two sides. The flip side is that a 17-year judicial career that has produced thousands of judicial decisions takes time to evalu-

ate adequately and properly to consider. The question is whether the majority is at all interested in a genuine, serious, deliberative process by which the Senate can fulfill one of our most important constitutional responsibilities. This process should be fair and thorough. Instead, it is being rigged and rushed for no apparent reason other than that the majority can do so.

This process should be bipartisan, and instead it is becoming entirely partisan. The ranking member was not even given the very same courtesy that the chairman was given when he was in that position at the time of the previous Supreme Court nominations.

Let me focus on the process followed to consider the previous Supreme Court nominee, Justice Samuel Alito. He had served on the U.S. Court of Appeals for the Third Circuit for more than 15 years when he was nominated to the Supreme Court. This is 5 years longer than Judge Sotomayor has served on the Second Circuit and nearly the same as Judge Sotomayor’s combined judicial service on both the district and circuit courts.

The other party demanded and was granted 70 days from the announcement of the nomination to the hearing to study then-Judge Alito’s record. The Senator from Pennsylvania, Mr. SPECTER, was chairman at the time. He made no unilateral partisan announcements. He imposed no truncated, limited timeframe. No, he consulted the ranking member, and they agreed there would be 70 days to study that voluminous judicial record.

Oh, what a difference an election makes. With the unilateral partisan edict announced today by the chairman, we are being given only 48 days to study the same lengthy record. We are told we must consider the largest judicial record in a century in the shortest time in modern memory, and that is simply not enough. It is not enough to do the job right, and I would remind my friends on the other side that it was their leaders who once said that it is more important to do it right than to do it fast. That was when there was a Republican President and a Republican Senate. Are we to assume from the unilateral imposition of a stunted and inadequate process that the majority today no longer cares that the confirmation process be done right, only that it be done fast?

The chairman has actually suggested that he really has no choice, that some intemperate criticism by a few people has somehow forced his hand. He cannot be serious about this. This nominee has the full force and weight of no less than the entire administration of a currently popular President, a compliant media, and the largest partisan congressional majority in decades to come to her defense. Interest groups are mobilizing, lobbying campaigns are in full swing, Web sites are already in

operation. With all of that, are we to believe a few ill-considered remarks by a few people outside this body are enough to cut the confirmation process off at the knees? Are we to believe this is all it takes to set aside fairness, to undercut the ability of the Senate to do its confirmation duty, and to inject this degree of partisanship and rancor into the process? Give me a break.

This is choice, plain and simple, and it is the wrong choice. The distinguished Senator from New York, Mr. SCHUMER, has said that Senators on our side of the aisle oppose this nominee at their peril, as if there is any peril in fairly applying basic principles and standards to this as well as to other nominees. But the distinguished majority leader has apparently said the same thing to Senators on this side of the aisle, literally daring any of them to vote against this nominee. That is a strange tactic, indeed, especially so publicly and so early on in the process. It makes me wonder whether there are concerns, even on the majority side, that the leadership simply cannot allow to be expressed.

I urge my friends on the other side to reconsider and not be intimidated and not be pushed around. There is more than enough time to do the confirmation job right, to have a fair and thorough process that can have a confirmed Justice in place when the Supreme Court begins its term in October. There is no need gratuitously to further politicize the confirmation process. Injecting such partisanship at the beginning easily can result in greater conflict and division further down the confirmation road, and that is not good for Judge Sotomayor or anybody else in this body. That is not in the best tradition of the Senate, it is not how the Supreme Court nominations have been considered in the past, and it is not the way we should do this today.

I have been informed there have been some 4,000 decisions. My gosh, it is going to take some time to go through those decisions.

I believe we ought to be fair in this body, and fairness means giving enough time to be able to do the job properly and to get it done within a reasonable period of time and not be pushed in ways that really don't make sense.

HEALTH CARE REFORM

Mr. HATCH. Mr. President, I wish to take a few minutes now to talk about the perils of creating a government plan on American families and health care.

I am very disappointed that the President and my friends on the other side of the aisle have chosen to pursue the creation of a new government-run plan—one of the most divisive issues in health care reform—rather than focusing on broad areas of compromise that can lead us toward bipartisan reform in health care legislation.

Yesterday, I spearheaded a letter with my Republican Finance Committee colleagues urging the President to strike a more conciliatory tone on health care reform. Having played a profound role in almost every major health care legislation for the last three decades and having worked repetitively in a bipartisan manner with everyone from Senators KENNEDY and DODD to Congressman WAXMAN, I know something about getting things done for our families in a thoughtful manner. You advance legislation by focusing on areas of compromise, not strife.

First and foremost, let me make this point again, even though I am starting to sound like a broken record: Reforming our health care system to ensure that every American has access to quality, affordable, and portable health care is not a Republican or Democratic issue; it is an American issue. When we are dealing with one-sixth of our economy, it is absolutely imperative that we address this challenge in a bipartisan manner. Anything less would be a huge disservice to our families and our Nation.

Clearly, health care spending continues to grow too fast. This year will mark the biggest ever 1-year jump in health care's share of our GDP—a full percentage point to 17.6 percent. You can think of this as a horse race between costs and resources to cover these costs. The sad reality is that costs win year after year.

Growing health care costs translate directly into higher coverage costs. Since the last decade, the cost of health coverage has increased by 120 percent—three times the growth of inflation and four times the growth of wages. It is not the only problem, but cost is one part of the reason more than 45 million Americans do not have health insurance.

I believe we need to do more to ensure we achieve universal and affordable access to quality health care for every American. We can do this by reforming and improving the current system. However, the creation of a government plan is nothing more than a backdoor approach to a Washington-run health care system.

At a time when major government programs such as Medicare and Medicaid are already on a path to fiscal insolvency, creating a brand new government program will not only worsen our long-term financial outlook but also negatively impact American families who enjoy the private coverage of their choice.

To put this in perspective, as of this year, Medicare has a liability of almost \$39 trillion, which in turn translates into a financial burden of more than \$300,000 per American family.

In our current fiscal environment, where the government will have to borrow nearly 50 cents of every dollar it spends this year, exploding our deficit

by almost \$1.8 trillion, let's think hard about what we are doing to our country and our future generations.

The impact of a new government-run program on families who currently have private insurance of their choice is also alarming. A recent Milliman study estimated that cost-shifting from government payers, specifically Medicare and Medicaid, already costs families with private insurance nearly \$1,800 more each year. Creating another government-run plan will further increase these costs on our families in Utah and across the country.

Let me make a very important point. A new government plan is nothing more than a Trojan horse for a single-payer system, a one-size-fits-all government-mandated system, where we are going to put bureaucrats between you and your doctors. Washington-run programs undermine market-based competition through their ability to impose price controls and shift costs to other purchasers.

The nonpartisan Lewin Group has concluded that a government plan open to all, and offering Medicare-level reimbursement rates, would result in 119.1 million Americans losing their private coverage. This is almost three times the size of the entire Medicare Program, which is already in trouble. More important, this would run contrary to the President's own pledge to the American families about allowing them to keep the coverage of their choice. So far as I know, no one has disputed the Lewin Group. They are well known as one of the most nonpartisan groups in the country.

Proponents of this government plan seem to count on the efficiency of the Federal Government in delivering care for American families, since it is already doing such a great job with our banking and automobile industry.

Medicare is a perfect example. It is on a path to fiscal meltdown, with Part A already facing bankruptcy within the next decade, and we all know it. It underpays doctors by 20 percent and hospitals by 30 percent, compared to the private sector, forcing increasing numbers of providers to simply stop seeing our Nation's seniors. According to the June 2008 MedPAC report, 9 out of 10 Medicare beneficiaries have to get additional benefits beyond their Medicare coverage—9 out of 10.

We have a broken doctor payment system in Medicare that has to be fixed every year, so seniors can continue to get care. This year alone, this broken formula calls for a more than 20-percent cut. I can keep going, but the point is simple: Washington and a government-run plan is not the answer.

Talk about creating problems. The supporters of the government plan know these facts. So they are trying a different approach by claiming that the government plan is simply competing with the private sector on a so-called level playing field. Give me a break.

History has shown us that forcing free market plans to compete with these government-run programs always creates an unlevel playing field and dooms true competition.

The Medicare Program, once again, provides an important lesson. As a political compromise, Medicare was set up in 1965 to pay doctors and hospitals the same rates as the private sector. Faced with rising budget pressures, Congress quickly abandoned this level-playing-field approach and enacted price limits for doctors and hospitals. Today, as I have said, Medicare payments are 20 percent less for doctors and 30 percent less for hospitals compared to the private sector. I have been told by doctors from Utah and across the country that if this continues, they will simply stop seeing patients altogether. A number of them are ready to quit the profession. I cannot tell you the problems that will arise if we go to a government-run program—a Trojan horse to lead us to a government-mandated, government-run, one-size-fits-all massive program.

In his March, 2009, testimony before the House Energy and Commerce Committee, Doug Elmendorf, the Director of the nonpartisan Congressional Budget Office, testified that it would be “extremely difficult” to create “a system where a public plan [government plan, if you will] could compete on a level playing field” against private coverage. The end result would be a Federal Government takeover of our health care system, taking decisions out of the hands of our doctors and our patients, placing them in the hands of a Washington bureaucracy, and inserting that bureaucracy right between them.

Here is the bottom line: We are walking down a path where stories such as Jack Tagg’s could become increasingly common in our great country. In 2006, Jack Tagg, a former World War II pilot, suffered from a severe case of macular degeneration. The regional government bureaucrats rejected his request for treatment, citing high costs, unless the disease hit his other eye also. It took 3 years to overturn that decision—3 years, while he had to suffer, when we could have done this in a better way.

Let’s remember that a family member with cancer in an intensive care unit would probably neither have the time nor the resources to appeal such an egregious bureaucratic decision. We need to remember the real implications of these policies—not simply in terms of political spin and special interests but in terms of its impact on real people, who are mothers, fathers, husbands, wives, brothers, sisters, and children.

Similar to the ill-conceived stimulus legislation and flawed auto bailout plan, health care reform has the potential of simply becoming another exam-

ple of the Democrats justifying the current economic turmoil to further expand the Federal Government.

To enact true health care reform, we have to come together as one to write a reasonable and responsible bill for the American families who are faced with rising unemployment and out-of-control health care costs.

I do look forward to working together to transform our sick-care system into a true health care system. I continue to hold deep in my heart that we will move beyond these beltway games and work together in a bipartisan way to fix Main Street. The time is now and I am ready.

I am absolutely positive the way to go is not with a government-run, government-mandated health care program, which will bring the lowest common denominator in health care to everybody. I think you are going to find that the costs are so astronomical, the way it is being formed in the HELP Committee, in particular, that we are leaving a burden on our kids and grandkids and great grandkids that is going to be insurmountable.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Oregon is recognized.

Mr. WYDEN. Before the Senator leaves the floor, I wish to tell the Senator from Utah how much I am looking forward, on a personal level, to working with him in this 5-month sprint to figure out a way to fix American health care in a bipartisan fashion. Some of the moments I am proudest of have been those when the two of us have been able to team up on health reform. Without getting into it this afternoon, let me say that millions of poor young people who use community health centers are getting services there at no extra cost to our taxpayers, because Senator HATCH was willing to work with this Senator and a group of others, including public interest groups and a wide variety of health care advocates, in order to change malpractice rules. This was done to make sure not only that those who had a legitimate claim got served but also that the bulk of the money went to patients in need. Thousands of low-income Americans get care because Senator HATCH was willing to take a stand for low-income folks. I wish to tell him I am very much looking forward to working with him and our colleagues on a bipartisan basis over the next 5 months to get this job done.

Mr. HATCH. If the Senator will yield, I am very appreciative of the Senator’s remarks. I have spent 33 years working on virtually every health care bill that has come up. We have always done it in a bipartisan way. I certainly enjoy working with the distinguished Senator from Oregon. He is one of the more thoughtful people in health care on the Finance Committee and in this

whole body. I am grateful to him for wanting to work together and in a bipartisan manner. We need to do that. You cannot work on a partisan basis on issues regarding the American economy. There are some in the White House and on the Democratic side who want to do that. I am grateful the Senator from Oregon is not one of them. I, personally, will do everything in my power to try to put together a bipartisan approach to this that would work and would put the best of the private sector in with the best of the government sector and work for our folks in this country. When you are talking about one-sixth of the American economy, if we do that, it will be for the betterment of the country and for everybody. If we go in a partisan, one-size-fits-all way—especially, in my opinion, with a government-run plan—we are going to be anything but good as far as health care is concerned. I am grateful for the Senator’s kind remarks.

Mr. WYDEN. Mr. President, I share the Senator’s interests. There are a lot of Senators of good will on both sides of the aisle who want to get this done right.

Mr. HATCH. I thank the Senator.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. When I was a young man, I got involved working with senior citizens as codirector of the Oregon Gray Panthers. Every day back then, we got up and said we are going to make a difference. We are going to help people and, particularly, for senior citizens we are going to make it possible for them to have a better quality of life.

The distinguished occupant of the chair is, I think, close to my age. We can both recall that in those days if a town had a lunch program for senior citizens, that was considered a big deal. There weren’t a whole lot of discount programs. People didn’t even talk about home and community-based health care services. In most of the country, back then, if a town had a lunch program for senior citizens, that was considered a full-fledged program for older people.

In those early days with the Oregon Gray Panthers I started thinking about the importance of good-quality, affordable health care. I spent hours and hours back then watching what happened when seniors and their families got exploited in the health care system. The first issue I was involved with concerning senior citizens was a real tragedy. At that time, there were a lot of older people who needed insurance to supplement their Medicare. It was very common for senior citizens then, every time some fast-talking salesman came through, to buy another policy. When I

was running the legal aid office for senior citizens I would go to visit older people in their homes, and very often they could take out a shoe box full of health insurance policies—15 or 20 policies. A lot of them weren't worth the paper they were written on. In fact, they had what were known as subrogation clauses, so that if you had another policy, the first one would not pay off. It was tragic to watch senior citizens walking on an economic tightrope every week, balancing food against fuel and fuel against medical bills, and getting sold all this junk health insurance, and as I said earlier, most of it wasn't worth a lot more than the paper it was written on. I started saying to people, I want to do something about this. In a few years, I got elected to the House of Representatives, and I had a chance to work with both Democrats and Republicans, a number of them in the Senate today. Chairman BAUCUS was very involved in the effort.

In the early nineties, we finally drained that swamp of paper. Today it is possible for a senior to have just one of these policies, not 15 or 20, and have the extra money to spend on other essentials. The coverage is standardized so you don't need to be some kind of Houdini in order to figure it out.

That effort resulted in the only tough law on the books today that really has teeth in it to regulate and stop some of these private insurance ripoffs. I am very proud to have taken a role along with some of my colleagues in the Senate in changing it.

Democrats and Republicans, as part of health reform, are going to have to fix the insurance market for the non-elderly population. The insurance market today for those who are not in Medicare or in the veterans system, but who instead have private coverage, is inhumane. It is all about cherry-picking. It is about trying to find healthy people and send sick people over to government programs more fragile than they are. That is today's insurance market.

Fortunately, a big group of Democratic Senators and Republican Senators are now on record saying they want to change that. They want to make sure, for example, that people cannot be discriminated against if they have a preexisting condition. These Senators want to make sure, for example, that instead of being sent off to the individual insurance market, where people don't really have any clout or any bargaining power, people will be able to be part of a bigger group so they get more value for their health care dollar. In this larger group market, insurance companies pay out a bigger portion of the premium dollar in terms of benefits.

Democrats and Republicans are prepared to, in effect, turn the current system of private insurance around completely and say: Instead of basing

it on cherry-picking, which is what it is about today, in the future, private insurers should have to take all comers. They should not discriminate. People should pool into large groups, and the companies should compete on price, benefits, and quality. There will have to be prevention and wellness so it is not just sick care, as Senator HATCH touched on very eloquently.

That is something Democrats and Republicans already are on record as coming together to support. Fixing the private insurance marketplace is a fundamental part of health reform.

There are other areas where Democrats and Republicans can join forces. One that I care most about is making health care coverage portable so that you do not lose your coverage when either you leave your job or your job leaves you.

This is an especially serious problem for the millions of folks who are laid off today. They go to a program called COBRA, which, I might note, is the only Federal program named after a poisonous snake. Colleagues have improved it, certainly, in the stimulus to try to provide additional assistance. But it is still part of a dysfunctional system that has not changed a whole lot since the 1940s. Much of the rules with respect to coverage—and certainly, in my opinion, that have led to the lack of portability—were made in the 1940s, when there were wage and price controls, and when big decisions got made that affect health care today.

Back in the 1940s, the rules made some sense for those times. People would usually go to work somewhere and pretty much stay put for 20 or 25 years until you gave them a gold watch and a 20,000-calorie retirement dinner. That is not what the workforce is about today.

Today the typical worker changes their job 11 times by the time they are 40. So what workers need is portable health care coverage, coverage they can take from place to place. People do not need to find that when they lose their jobs, they go out and face discrimination in the insurance marketplace where they are not able to afford insurance, even with the COBRA subsidies which, of course, run out often before they get their next position.

The current system is also anti-entrepreneur because very often somebody who works for a business has a good idea and they would like to go into the marketplace and try it out, but if they have an illness, they cannot leave their job because they are not going to be able to get coverage at their next job.

Once again, Democrats and Republicans in the Senate are on record as being willing to make a fundamental change in the way the system works today. They are on record in favor of portability and guaranteeing to Americans who lose their job or want to go

somewhere else the ability to take their coverage with them. This system would be administered in a seamless kind of way so you wouldn't have to go out and reapply and have physicals and incur excessive costs.

Which leads me to my next point where Democrats and Republicans are in agreement, and that is lowering the crushing costs of health care administration. This Senate has begun to move in the right direction, with the leadership of the Obama administration, to promote electronic medical records. As far as I am concerned, we ought to send these paper medical records off to the Museum of American History and put them next to the typewriter and telegraph.

The Obama administration has made good progress in moving in that direction. But much more needs to be done to lower administrative costs in health care.

Once again, Democrats and Republicans have teamed up. They've said, let's use the withholding system. We already do that for administering much of the human services benefits on which our people rely. We will make sure people sign up once so they don't have to go through it again and again. We will pool people into these larger groups so they don't have to experience the excessive administrative costs that are associated with smaller groups, and they will have portable coverage so our people do not have to apply time and again, every time they change their job.

For each one of these issues—insurance reform, portability, lower administrative costs—already there exists a significant group of Democrats and Republicans in the Senate willing to join forces.

My own view is these are not partisan issues, and I think there are other areas that can also be tackled together by Democrats and Republicans.

One of the most contentious of those upcoming issues involves the tax rules for American health care. The reason these are so important is, of course, they are vital to Americans who are trying to pay for their health care and other essentials. These tax rules, which are upwards of \$250 billion a year, amount to the biggest federal health care program.

Prominent Democrats and prominent Republicans, just in the last few weeks, have said these rules do not make sense. Let me give some examples for colleagues on our side of the aisle of some of the progressives who have called for reforms just in the last couple of weeks. Robert Reich, the former Secretary of Labor, certainly one of the leading progressive thinkers in our country, has talked about the regressivity of these rules, how they disproportionately favor the most affluent. Bob Greenstein, the head of the Center on Budget and Policy Priorities,

is on record with the same views. Both of those reflect the comments of individuals who are progressive.

Suffice it to say, a number of conservatives have spoken out against these rules as well. Milton Friedman, going back to a legendary conservative, began to speak out against these rules some time ago.

We ought to deal with these issues on a bipartisan basis. I know of no Senator—not a single one—who is going to support taxes on middle-class people on their health care. It is off the table. It is not going to happen. There are 100 of us. Not a single one of us is going to support taxing those individuals. But I do think Democrats and Republicans, just like Robert Reich and Bob Greenstein on the Democratic side and conservatives going back to Milton Friedman on the Republican side, have said we can come together and find a way to make sure in the future these rules do not subsidize inefficiency and also disproportionately favor the most affluent.

What is tragic in the State of Delaware, the State of Oregon, the State of Georgia, is, if somebody does not have health care coverage and works in a furniture store outside Atlanta, they, in effect, have their Federal tax dollar subsidize somebody who is particularly well off who decides they want to get a designer smile in their health care plan.

Can we not all say in the interest of protecting taxpayers and fairness that we want that person who is interested in their designer smile to be able to buy as many of them as they want; but can we not agree, Democrats and Republicans, that if they are going to get a designer smile, they are going to pay for it with their own money rather than with subsidized dollars?

In each of these areas I mentioned there is an opportunity for Democrats and Republicans to come together. What each of the areas I have touched on deals with is making health care more affordable—more affordable for individuals, more affordable for families, and more affordable for taxpayers who are getting pretty darned worried about the debts that are being incurred and the prospect that their kids and their grandkids are going to have to pick up some of these bills.

I believe one of the keys to making health care more affordable is to make it possible for the individual, largely as part of a group where they can have some clout, to be rewarded for making a financially sound decision for herself and her family and to have a choice to go to the kind of program that makes sense for her and her family.

The current statistics show 85 percent of our people who are lucky enough to have employer coverage get no choice. Let me repeat that. Eighty-five percent of those who are lucky enough to have employer coverage get no choice.

Every one of us is going to require that a final bill protect somebody's right to keep the coverage they have. Mr. President, 100 Senators are going to vote for the requirement that you can keep the coverage you have. But can we not agree, as Democrats and Republicans, that we are also going to say you ought to have some other choices? I would like those choices to be in the private sector. If you can find a plan that is financially in your interest, you can keep the difference between what your health care costs today and what this new health package you buy costs. You can keep the difference. We will have a functioning market. If you save \$600, \$800 on the health care you buy, you have \$800 to go fishing in Oregon, and I suspect the Senators from Delaware and Georgia may have some other ideas for where people can use their savings.

The point is, we will have created a market where there is none now. I consider the current health care system today, for all practical purposes, a money-laundering operation. What we have done largely since World War II is set it up so that third parties call the shots, and there are not any opportunities for individuals who want to make a cost-conscious choice to buy a good quality health care package. In effect, the individual has been divorced from the process completely.

I am not calling for individuals to go off into the health insurance marketplace by themselves. What I am saying is they ought to have the opportunity, as we have as Members of Congress, to be part of a large group where they can have clout, where they aren't discriminated against, where they do have power in the marketplace to make a sensible choice for themselves and their family.

So in each of these areas, Mr. President—and this is why I wanted to come to the floor of the Senate today, because I know emotions are starting to run hot on this health issue—I have outlined ways in which Democrats and Republicans can come together. The Congressional Budget Office, which is the independent arbiter of all of this, has largely scored the proposals I have outlined in the legislation that 14 Senators are in support of as being budget neutral over a 2-year phase-in period. The CBO has said that in the third year the proposals would actually start bending the cost curve downward.

I close with this—and I thank my colleague and friend from Georgia for his patience—I think we have five of our most dedicated legislators working now on a bipartisan basis in two committees to bring Democrats and Republicans together. The leaders on the Finance Committee on which I serve—Chairman BAUCUS and Senator GRASSLEY have been extremely fair and gracious. They have put untold hours into this issue. Both of them have spent an

exceptional amount of time with me, and they have extended that offer to literally any Member of the Senate, to sit down and spend time with them to try to address this bill in a bipartisan way. In the HELP Committee, Senator KENNEDY, Senator DODD, and Senator ENZI who serves on both committees, are extending the same kind of goodwill. I have told the leaders of both of these committees I am going to do everything I can to bring to them the ideas I have outlined today that have strong bipartisan support and have been scored by the Congressional Budget Office as saving money and pushing the cost curve downward. I have great confidence in the leaders of those two committees, because they are showing they want to spend the time to bring the Senate together.

I see the distinguished Senator from Maine on the floor, and I know that for a lot of us who have worked together on health care over a lot of years, this is a historic opportunity. This is the place—the Senate—and this is the time to get it done. I believe Democrats and Republicans coming together can make it happen.

Mr. President, with that I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise to speak about the Family Smoking Prevention and Tobacco Control Act, but before I do I want to compliment the Senator from Oregon for his passion and his eloquent statement on behalf of renovating and reforming our health care system. That certainly will be a historic occasion. I have worked with him on so many instances in the past, in a bipartisan fashion, on key issues, such as prescription drugs and adding the critical Part D benefit to the Medicare Program. That also was a historic event in the Medicare Program—the first major expansion of Medicare since its inception. I look forward to working with him in a genuine bipartisan way to build a consensus for this historic occasion that is so essential and so important to all Americans.

It is important to get it right. It is important that we work together in a concerted fashion, as we have in the past. And certainly on the Senate Finance Committee, as we begin to proceed to mark up legislation in the future, I certainly am looking forward to working with him.

Mr. REED. Madam President, would the Senator yield for a parliamentary request?

Madam President, at the conclusion of the remarks of the Senator from Maine, I ask unanimous consent to be

recognized for 5 minutes, and then following me that Senator ISAKSON be recognized for 10 minutes.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there objection?

Without objection, it is so ordered.

Mr. REED. I thank the Senator and the Chair.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Ms. SNOWE. Madam President, I am proud to join my colleagues in expressing first and foremost my admiration for Senator KENNEDY, for his long-standing, vigorous leadership, which has been the impetus behind this legislation. Undeniably, Senator KENNEDY continues to serve as the strongest of champions on so many matters relating to health care, and I am certainly, as we all are, grateful for his tireless contributions to this major initiative. I also commend Senator DODD, who has been guiding this legislation here in the Senate, and I certainly appreciate all of his efforts to make sure that this legislation becomes a reality. I also appreciate the public health agencies and advocates who work ceaselessly to address these serious public health problems associated with tobacco, as we all well know, and who are committed to the task of reducing youth smoking. I certainly want to commend States such as Maine that have used their funds from the 1998 tobacco settlement to reduce smoking rates.

First and foremost, it is regrettable as the first decade of the 21st century draws to a close that we are even having this debate when the American Lung Association reports that cigarette smoke contains more than 4,800 chemicals, 69 of which are known to cause cancer, and that smoking is directly responsible for approximately 90 percent of lung cancer deaths, and that 8.6 million people in the United States have at least one serious illness caused by smoking.

In addition, the Centers for Disease Control and Prevention estimates that smoking costs the country \$96 billion a year in health care costs and another \$97 billion a year in lost productivity.

It didn't have to be this way. Looking back over the last several Congresses, I can tell you that many of my Senate colleagues have engaged on this issue of tobacco usage's ill effects for the better part of a decade. I well recall during the 105th Congress at least five comprehensive tobacco policy bills which were introduced in the Senate. The Senate Commerce Committee, on which I have served, held no fewer than 10 hearings on issues ranging from how to implement the tobacco settlement to protecting children from the health risks of becoming a smoker to reviewing marketing and labeling restrictions that were under consideration at the time.

In 1997, Senator McCAIN, who then chaired the Commerce Committee, introduced the National Tobacco Policy and Youth Smoking Reduction Act, which contained many of the very same safeguards as the measure currently before us. While on the one hand it is irrefutable that protecting youth from the harms of smoking and ensuring tobacco products are manufactured under high standards was the correct course of action in 1997, how is it conceivable it has taken 12 years to get this right? Why, after the first warning 25 years ago by the Surgeon General on the hazards of smoking, has that message not been translated into law?

Why is Congress taking this action now? What has changed since 1997 to prompt this renewed action? For one, there has been a justifiable drumbeat of outrage over fraudulent findings that has grown louder by the decade as the tobacco industry has been less than forthcoming, and at times deceitful, in providing consumers with information to make informed decisions about smoking.

In fact, in August of 2006, a district court judge found that several tobacco companies intentionally manipulated information, lied, and conspired "to bring new, young and hopefully long-lived smokers into the market in order to replace those who die or quit." Furthermore, the Harvard School of Public Health study in 2008 found that cigarette companies strategically manipulated menthol levels in cigarettes to attract and addict young people. It is bad enough Congress could have acted and chose not to do so, but what makes the situation even worse is that, in the interim, tobacco companies have ratcheted up their marketing campaigns.

Congress is tackling the tobacco issue again in the wake of discovering how tobacco manufacturers add substances to cigarettes to increase their addictiveness, enhance the taste—and this is unbelievable—making them more palatable to children. Menthol makes an individual's airways less reactive to the harsh effects of smoking, and ammonia is often added to speed the delivery of nicotine to the smoker's brain.

That is not to say we haven't made progress in trying to limit some of the negative health effects of cigarette smoking. We have. Since 1983, the proportion of Americans who smoke has declined from 30 to 24 percent, and since the landmark 1964 Surgeon General report, our knowledge of health risks of tobacco has expanded greatly. And yet, without substantial initiatives by Congress, in the past 10 years the rate of tobacco use has not dropped but merely stabilized. Today, approximately 1 in 5 youth and adults smokes regularly.

The first step toward addressing the enormous toll taken on our Nation by

smoking is to equip the Federal Government with the tools it requires to hold purveyors of tobacco to account. For too long, there has been a vacuum in authority when it comes to regulating smoking at the Federal level. Our bill, the Family Smoking Prevention and Tobacco Control Act, would create the kind of restrictions that the Food and Drug Administration unsuccessfully tried to impose on the tobacco industry in 2000. Unfortunately, the Supreme Court held that Congress had not yet granted the FDA explicit authority to regulate tobacco. The purpose of the FDA restrictions was to prevent the tobacco industry from marketing its products to kids or to create products that are specifically attractive to children, such as flavored cigarettes. Granting FDA the authority to protect the children from these potentially deadly products is paramount. Thus, the legislation before us would allow regulation of manufacturers of tobacco products in order to ensure standards of content, label, and marketing.

Under our bill, the Secretary of Health and Human Services would be authorized to develop regulations that impose guidelines on the advertising and promotion of a tobacco product consistent with and to the full extent permitted by the first amendment to the Constitution. These regulations would be based on whether they would be appropriate for the protection of public health. It is imperative that we provide the FDA the flexibility to respond to inevitable tobacco industry attempts to circumvent restrictions, while acknowledging the rights of the tobacco industry to sell its products to consenting adults.

While this bill allows that informed adults ought to be able to purchase tobacco products, we must also understand that many smokers want to quit smoking. In 2006, 44 percent of smokers stopped smoking at least 1 day in the preceding year because they were trying to quit smoking completely. Undoubtedly, for some, cessation is more difficult, and as they struggle to limit their risk, those individuals will seek out products which they understand to be less hazardous, such as lower tar and nicotine products. While these actions are admirable, their benefits are indisputably limited. That is partially because the tobacco industry has waged a marketing campaign to convince consumers that they can continue to smoke and mitigate the negative health impacts of smoking by choosing alternatives, such as light, low tar, and low nicotine cigarettes. Again, an FDA with the authority to regulate the production and marketing of tobacco products is the most viable answer.

Our approach would also ensure that the scientific expertise of the FDA is applied to appropriately regulate tobacco. Current smokers deserve to

learn more about the products they consume. Additionally, we must have much improved marketing oversight, so that children and adults are not targeted with false or deceptive advertising of a dangerous product.

To that end, I was pleased to join with Senator LAUTENBERG in sponsoring legislation that would end the fraud of allowing the tobacco industry to perpetuate the Orwellian idea of the safer cigarette. The Truth in Cigarette Labeling Act was a bill Senator LAUTENBERG and I introduced to prohibit the cigarette companies from using the "FTC method" for measuring tar and nicotine, which had been found to be a deceptive method of presenting data on tar and nicotine exposure through smoking.

Thankfully, the Federal Trade Commission agreed to implement the Lautenberg-Snowe bill by not allowing tobacco companies to label their products with low tar, low nicotine, and light. To augment that effort, Senator LAUTENBERG and I sent a letter to the FTC supporting the decision to curtail these deceptive marketing tactics and finally holding cigarette producers to higher standards in advertising their products.

As I stated at the outset, since 2000, efforts at smoking reduction have largely atrophied. A Harris poll released just last year demonstrated that after two decades of reduction in smoking rates, progress has stalled. In 2009, do we really want to say that one in four Americans smoking is an acceptable statistic, and that we will turn a blind eye to the fact that all too many young Americans have taken up smoking? Do we really want to say that although in the last 12 years America created YouTube, the iPod, the iPhone and more—yet we can't keep children from smoking altogether or substantially lower the instances of smoking by adults. Our response must be nothing less than the bill we are championing today.

And make no mistake, time is of the essence. The reality is the average smoker begins at age 19. So many individuals take up tobacco use before they can ever legally purchase the product. And let there be no mistake about it—our youth are targeted to be the next generation of tobacco consumers.

In fact, in my home State of Maine, 1 in 7 high school students currently smokes, and each year, 1,600 youth become new daily smokers. And most concerning, an estimated 27,000 youth now living in Maine will die prematurely from health consequences related to cigarette smoking, and health care costs in Maine directly caused by smoking have reached a whopping \$602 million annually.

Maine has responded with a comprehensive tobacco prevention and control program known as the Partnership for a Tobacco-Free Maine which is

funded with proceeds from the tobacco settlement. And I am proud to say that Maine is among the States that have maximized their tobacco settlement money for the purpose of reducing smoking rates and easing related health problems. That is why Maine has established Healthy Maine Partnerships, including 31 local partnerships that span the entire geography of Maine, which are engaging in more than 156 policy and environmental change efforts to reduce tobacco use, increase physical activity, and encourage healthy eating at local schools, worksites, hospitals, recreation centers and other community sites.

While I commend the efforts of States such as Maine in attempting to stem the tide of youth smoking, what we have not yet dealt with is the known practices of tobacco companies marketing directly to our children. The fact is, the industry has not only targeted children as its new customers, but it has designed products for them as well. Even as one prohibition is imposed—such as restricting the use of cartoon characters like "Joe Camel"—we find that the tobacco industry devises a new scheme. We witnessed the new flavored products in packaging which was designed to appeal to a new generation. Many "child-oriented" flavors have been developed including such varieties as chocolate, vanilla, berry, lime and the package I am holding—coconut-and-pineapple-flavored Kauai Koala.

Although State-level bills to ban flavored cigarettes have been introduced in New York, Minnesota, West Virginia, Connecticut, Illinois, North Carolina, and Texas—a move in the right direction to be sure—there is more we must do. It is time for Congress to act to protect our youth—to safeguard our children and in the process send a clear message to those in the tobacco industry that we will not permit them to recruit our children at increasingly younger ages to become lifelong cigarette smokers.

Our bill will achieve what we failed to accomplish 12 years ago, and we can ill afford to allow this opportunity to pass. I urge my colleagues to join me in supporting this timely and necessary legislation to protect the health of all Americans, especially the millions of children at risk of becoming cigarette smokers.

I yield the floor.

COMMENDING ERIK NECCIAI

Ms. SNOWE. Madam President, I rise today to recognize the outstanding service Erik Necciai has provided to the Senate Committee on Small Business and Entrepreneurship in his capacity as a professional staff member and counsel. When Erik joined the Committee staff just—over 2 years ago—in June 2007 I knew that I had se-

lected a top-notch staffer who cared deeply about making a difference in peoples' lives, and I will feel a deep loss with his departure from Capitol Hill later this week.

Indicative of the dedicated person Erik is, he began his work on the committee the day after he arrived home from his honeymoon in romantic Italy with his new bride, Tina. During his first weeks here, Erik was focused on preparing for a committee roundtable regarding legislative suggestions to improve the Small Business Innovation Research, SBIR, program. He was simultaneously studying for the Maryland bar exam—no small feat! As if that was not enough, Erik faced a daily commute of roughly 2 hours each way, coming from his home in Solomon's Island, MD. After a whirlwind first month, Erik settled in quickly, remaining a proactive staff member who consistently sought new and critical avenues to increase contracting opportunities to small businesses and reform the Small Business Administration's HUBZone program.

Over his 2 years on the Hill, Erik has helped me develop thoughtful and probing legislation regarding small business contracting and procurement. Committee Chair Mary Landrieu and I will soon be introducing crucial legislation to reauthorize and make significant improvements to the SBIR and Small Business Technology Transfer, STTR, programs, and Erik was instrumental in helping us craft this bill. Additionally, Erik always prepared comprehensive and insightful background materials for me that included meticulously researched statistics for committee hearings and roundtables. He has also been personally responsive to small businesses seeking help navigating the confusing and difficult maze known as Federal contracting. And Erik has been an aggressive watchdog, exhorting government agencies to not just meet but exceed their small business contracting goals.

Prior to joining the committee staff, Erik had already assembled an impressive and varied resume. A contracting specialist and procurement technician and Navy acquisitions consultant for the Department of the Navy, Erik came to the Senate armed with the necessary experience and knowledge to hit the ground running in procurement. A 2006 dean's list graduate of the Thomas M. Cooley Law School in Michigan, Erik has also interned for the circuit court of his home county in Frederick, MD, in addition to serving as a law clerk for the District Court of Ingham County, MI. These experiences all led to the in-depth and extensive knowledge Erik possess about contract law.

He graduated from Virginia Tech in 2002 with a major in biology and chemistry. This led to his work in 2003 as a research scientist for the National Cancer Institute at the National Institutes

of Health. Prior to taking that position, Erik went overseas to South Africa to take part in student research. He organized and presented several lectures on government and conservation issues, including voting rights and the AIDS epidemic.

Erik has also given generously of his time in the service of others. He has been a dental assistant at the Virginia Homeless Dental Clinic, and received the Volunteer of the Year Award for his stellar work as a hospital operating room assistant. A division I varsity scholarship athlete in track and field—who was named a 2002 Virginia Tech Athlete of the Year—Erik has also combined his athletic prowess and engaging speaking skills to participate as a motivational speaker for Special Olympics athletes.

Erik's perpetual smile and charming demeanor make him eminently likeable and easily approachable. His responsible nature and insightful analytical skills make him a key member of any group, and a talented Hill staffer. The consummate team player, Erik never seeks credit or recognition for himself, but always looks for ways that government can empower people to improve their lot.

A proud native of Maryland, Erik Necciai has already led an exciting life. But on Thursday, Erik leaves the Senate to begin a new chapter as the director of an international consulting firm headquartered locally in Northern Virginia. I only hope that he can find a way to reduce his commute time. That said, Erik's determination, sincerity, thoughtfulness, and character will be sorely missed in the halls of the Russell Building. I wish Erik and his beautiful wife Tina the best in all of their endeavors, and sincerely thank Erik for his remarkable commitment to public service.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

HONORING MICHAEL MCGOVERN

Mr. REED. Madam President, I rise to recognize and honor the significant accomplishments of Special Olympics Rhode Island executive director Mike McGovern. Mike is retiring this month after 21 years of working to expand opportunities for Rhode Islanders with disabilities. He has been a lifelong friend, since grammar school and high school. He is someone I respect and admire immensely, and this respect and admiration is shared by the entire community of Rhode Island.

He has demonstrated a lifelong commitment to upholding the mission and values of the Special Olympics. Mike's special dedication and enthusiasm have ensured that the Special Olympics Rhode Island remains one of the most impressive organizations in our State, providing year-round sports training and competitions to approximately

2,700 young and adult athletes across the State.

Mike began his involvement with Special Olympics Rhode Island as a volunteer for 18 years, every year pitching in, helping out. That is the way he is—a generous heart, a great sense of community and neighborliness. He then served as assistant executive director for Special Olympics Rhode Island from 1988 to 1998, when he took over the role of executive director.

Under his leadership, Special Olympics Rhode Island expanded the number of sports offered to 20. His athlete-centered approach helped the program experience a 40-percent increase in competitors.

Mike has also worked hard to ensure that the funding goals of Special Olympics Rhode Island were achieved. During his time with Special Olympics Rhode Island, the organization built a budget surplus of over \$1 million. He also helped launch a capital campaign to establish a permanent home for Special Olympics Rhode Island. His innovative spirit, which characterized his entire tenure, was evident in many different ways—particularly 33 years ago, when he and several friends cofounded the Penguin Plunge, which is an annual New Year's Day ritual in Jamestown, RI, where hardy souls, hundreds of them, brave the frigid waters of Narragansett Bay to raise money for Special Olympics Rhode Island and raise a feeling of camaraderie, fellowship, and good spirits to begin the year.

Last month, Mike attended his final games as executive director. Held at the University of Rhode Island in Kingston, Special Olympics Rhode Island dedicated its 2009 State summer games to Mike McGovern for his outstanding, long-time commitment to the Special Olympics. Speaking at the games, he spoke of being inspired by the courage of the athletes through their ability to defy stereotypes, to compete, to strive—all of them—to win. We, too, are inspired by his commitment to a very noble cause.

Through his presence at the organization, he imbued it with a special spirit. That spirit will be missed. But he will continue to serve because that is his nature.

Thank you, Mike, for your exemplary service. You have been a strong advocate for thousands of Special Olympics athletes, both on and off the playing field. Your dedicated leadership and hard work have helped thousands of Rhode Islanders with disabilities achieve their goals.

Also, you have been a great success in something as important—as a husband, as a father, as a friend. I wish you and your lovely family, your wife and your children, the best in your well-deserved retirement.

Let me conclude by saying Rhode Island's special athletes have never had a

more special friend than Mike McGovern.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I ask unanimous consent to address the Chamber as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JIM WOOTEN

Mr. ISAKSON. Madam President, it is a distinct honor and privilege for me to stand on the floor of the Senate to pay tribute to a gentleman I went to college with, a gentleman who has reported on politics and government in Georgia for the better part of the last 35 years, a gentleman who recently announced his retirement at the end of this month from the associate editorial page responsibilities at the Atlanta Journal and Constitution.

Mr. Jim Wooten, born and raised in McRae, GA, veteran of Vietnam, 20 years in the Georgia Air National Guard, former President of the Georgia Press Association, lifetime trustee of the Georgia Press Association's educational fund, has made a tremendous contribution to our State and to the public lives of all our people. I rise to pay tribute to him.

One of the greatest tributes of all that I can share is what happened on Monday, at lunch this week. I had a luncheon with the Board of Cox Enterprises. The Cox newspapers own the Atlanta Constitution, as they do the Palm Beach Post and the Dayton paper. They own many other businesses. It is a huge privately held company.

At that luncheon, unsolicited by me, the name of Jim Wooten came up and, one by one, the leaders of Cox Enterprises talked about the tremendous contributions that Jim Wooten has made to their newspaper.

As one who was first elected in 1976 and has been written about many times by Jim Wooten, I wanted to add my tribute to his journalistic talent and the contribution he has made. I am not sure I know of any other writer I have read who has reported on what is going on in politics in our State, who has gotten it right more often—in fact always—than Jim Wooten.

Conservative? Yes, he is conservative. But he is pragmatic. When he writes his opinions on the editorial page of the Atlanta Constitution, it makes a difference in the minds and attitudes of Georgia's people.

I say job well done to Jim Wooten. I hope his retirement is successful and rewarding in every way he wishes it to be, and I thank him very much for all the contributions he has made to the lives of all Georgians and, in one case, to this Georgian.

HOUSING

Mr. ISAKSON. I would like to talk for a minute, if I can, Madam President, about a very important issue. I don't come to the floor all that often, but people will tell you I come to the floor too often to talk about the housing industry. I am going to do it for a little bit tonight because it is critically important to our economy and to our country.

A year and a half ago, I introduced a piece of legislation, in January of 2008, creating a housing tax credit of \$15,000 for any family who would buy and occupy their home as a principal residence in the United States. I did so because housing had collapsed, foreclosures were beginning to become rampant and are rampant today. Standing inventory proliferated, builders were going out of business, and our economy was in a downward slide.

The CBO score on that \$15,000 tax credit is \$34.2 billion, and I was told last January that was too expensive, we couldn't afford to do it. By my last count—Senator COBURN is a better counter than I am—we spent about \$5.5 trillion trying to fix an economy that has been in a continual downward slide.

Fortunately, in July of last year, with the help of Members on both sides, we did get a tax credit passed, but it was basically an interest-free loan for \$7,500, it was means tested to families who were first-time home buyers or had incomes under \$150,000. It did no good.

Later in the year, I finally convinced this body, and we took off the limitation in terms of the payback and made it a real tax credit and raised it from \$7,500 to \$8,000 and it has made a difference. First-time home buyers used it and the market stabilized, but we don't have a recession in first-time home buyers. We have a recession in the move-up market.

The man who is transferred from Missouri or Georgia who can't sell his house in Missouri, can't come to Georgia, can't take the transfer. The corporation can't afford to buy the house and hold it for him because of the proliferation of inventory that is owned and today in the United States of America one in two sales made every day is a short sale or a foreclosure. That is an unhealthy market, and it is continuing to precipitate a downward spiral in values, loss of equity by the American people, and a protracted, difficult economic time for our country.

Tomorrow, joined by a number of Members of this Senate on both sides, I will reintroduce the \$15,000 tax credit that is available to any family or individual who buys or occupies any home in the United States of America as their principal residence with no means test for first-time home buyers, no means test or income limitations. Tomorrow it also will be announced in

New York the Business Roundtable has adopted this tax credit as its No. 1 suggestion to the U.S. Government as the one thing we can do to turn around the American economy.

I am getting to be a pretty old guy. I went through the second recession of my career in 1974. Gerald Ford was President, it was a Democratic Congress. America had a 3-year standing inventory of new houses built and unsold. The economy went into a tailspin. Values started to go down. We were in deep trouble.

That Republican President and that Democratic Congress came together and passed a \$2,000 tax credit for any family who bought and occupied as its principal residence a new house that was standing and vacant. In 1 year's time, a 3-year inventory was reduced to 1 year; values stabilized, the economy came back, home sales became healthy, and America recovered. That is precisely what will happen this time.

I am not so smart that I figured it out, I am lucky enough that I lived through it in 1974, and 30 years later we need to do the right thing for America and the right thing for our economy and put in a time-sensitive, 1-year significant tax credit for anyone who buys and occupies as their residence a single-family home.

An independent group estimated, when I introduced this last year, that it would create 700,000 house sales and 684,000 jobs this year. I think it is ironic that house sales today are at half a million. A normal to good year in the United States is 1.2 to 1.5 million sales.

If you could get the tax credit and the 700,000 sales that have been estimated it will introduce and add it to the 500,000 sales we have today, it will return our housing market to normalcy. It will stabilize the values of the largest investment of the people of the United States of America. It will recreate equity lines of credit that have dissipated and disappeared in the American family. And over time it will restore our vibrant economy back to the economy we all hope and pray will come.

So I ask all of the Members of the Senate to reconsider their positions in the past and consider joining me in the introduction of this legislation tomorrow. We have three Democrats and three Republicans who have come on board. I would like to see all 100 of us because in the end all of our problems will be more easily solved if the problems of the American taxpayers and citizens are solved, and their biggest problems today are an illiquid housing market, a decline in their equity, a decline in their net worth, and a depression in the housing market that we are obligated to correct if we possibly can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

HEALTH CARE

Mr. COBURN. I wish to take a few minutes this evening to kind of discuss with the American people what is going to happen on health care—what it looks like is going to happen.

As a practicing physician, there are things I know that if we start from ground zero we would do in health care in this country. But as I was reading some articles, I pulled this quote. This is by Adrian Rogers, and it really believes what is happening right now with this idea of transferring the wealth. Here is what he said:

You cannot legislate the poor into freedom by legislating the wealthy out of freedom. What one person receives without working for, another person must work for without receiving.

The government cannot give to anybody anything that the government does not take first from someone else. When half of the people get the idea that they do not have to work because the other half is going to take care of them, and when the other half gets the idea that it does no good to work because somebody else is going to get what they worked for, that, my dear friend, is about the end of any Nation. You cannot multiply wealth by dividing it.

Those are pretty wise words.

As I think about the trillions of dollars that have gone through Congress this year and the fact that our spending is totally out of control, with minimal effect other than things like the Senator from Georgia—had we actually spent the \$35 billion on a tax credit to stimulate housing rather than spending about \$100 billion on true, true stimulus activities and another \$680-some billion on other items, and the fact that all of a sudden we are now talking about pay-go—that is about me paying and you going—and we have spent \$800 billion in the last year and avoided pay-go 15 times in the Senate in the last year. Fifteen times we have said: Oh, time out, pay-go does not count. And we spent another \$800 billion. What that means is we did not have the money, we borrowed it.

So as we start into the health care debate, there are some things I believe are critically important that I think most Americans would agree with.

The first is that individuals ought to be in charge of their health care. Nothing should stand between you as a patient and your physician. No bureaucrat, no government-run program should get in between that relationship.

The second thing I know is you ought to be able to pick what you want, you ought to be able to afford what you want, and you ought to be able to do that at the time that is appropriate for your health care needs. That means you have to be in charge of your health care, you cannot have someone else. I am reminded of that fact because we have a Medicaid Program in which 40 percent of physicians in this country do not participate, and what we are

really saying to people on Medicare is: We will give you health care, but we will limit a large number of physicians and providers because we are not willing to pay what it actually costs to do that.

The third thing is that we cannot assume, which we have, and I am worried we will, that people cannot manage their own health care, that they have to have Uncle Sam manage it for them. Nothing could be further from the truth.

There are some key components. Health care is about people. It is not about an insurance company, it is not about your employer, and it is certainly not about the government. It is about you. And if it is about you, you ought to be in control of that—absolutely, without a fact be in control. You ought to have a caring professional who will be able to spend the time with you to truly teach you prevention, to truly work with you on wellness, to truly manage your chronic disease, and then we ought to recognize that those services ought to be paid for, not outlandish fees but appropriate payment.

You recognize that in none of the government-run programs, which is now 60 percent of health care, do we truly pay for prevention. We will pay for it when you get sick. That is why we have “sick care” in America. We do not have health care, we have sick care. And we do not have real insurance. What we have is prepaid health expense, which about 20 percent, 25 percent of the money that went into that health insurance doesn't ever come back to help you get well or prevent you from getting sick.

So we ought to be about the fact that we know there is something wrong with health care in America today. We all know that. We are dissatisfied, whether it is the bills you get after you get a test that you can't read or can't understand or you have to wait or have an approval to get something. Regardless of what your doctor thinks, you still may not be able to access that care. There is no question we need to fix health care, and I will be the first to admit we need to do that. But how we do it—how we do it is ultimately important, not just for the health care of Americans, but it will markedly impact our economy.

The very idea that we have to have another \$1.3 trillion to \$2 trillion to fix health care does not fit with any realistic set of facts anywhere else in the world. We spend twice as much per person in this country as anybody else in the world save Switzerland. We are not getting value for what we are buying.

Now, why aren't we? One of the reasons we are not is because you are not in control of your health care. You do not get to see a transparent price or quality or availability for what you purchased because we have given over

the payment for that to some other organization. So we are less inclined to be prudent purchasers because it is not coming out of our pocket, whether it is Medicaid or Medicare or a health insurance plan. We ought to be about fixing that. And our health care cannot be about bureaucrats in Washington. It is personal. It is also local.

The trust in a patient-doctor relationship is enhanced by transparency of the cost and transparency of the quality. You ought to be able to go and buy a health care service and know what it is going to cost before you buy it, and you ought to know that you are likely to get great outcomes based on transparency of quality. That has to be there.

The second thing that has to be there is you have to know we are going to spend the dollars in a way to prevent you from getting sick, not just take care of you once you get sick. Grandmom was right: An ounce of prevention is worth more than a pound of cure. Yet we do not incentivize that in any of the Federal Government programs we have today. And we do some—especially in the ERISA-based plans or the company-owned plans, they have learned this.

A great plan that is out there that people are fortunate to have is Safeway. Safeway's health care costs have risen one-half of 1 percent in the last 4 years. The average of other plans of other employers has risen 42 percent. What is the difference? Why is it that Safeway, with 200,000 employees, has been able to have only half a percent, plus they also have increased satisfaction with the health care they are getting? What is the difference? The difference is prevention and wellness and management of chronic disease.

So anything we do that does not address prevention and incentivize it, wellness and incentivize it, and management of chronic disease and incentivize it will not make any fix we do here sustainable. We can cover everybody in the country. We can charge \$1.2 trillion or \$1.3 trillion to our kids over the next 10 years and we can get everybody covered, but if we have not fixed the sustainability to where we do not have a 7.2-percent automatic inflation in health care every year, we will not have done anything. And it will not be long before we will not be able to afford it, and then we will take the people in the government-run option and we will put them into Medicare, and then we will do a price control.

There is no question that we need to carefully address America's health care challenge. We need to find immediate measurable ways to make it more accessible and affordable without jeopardizing quality. We need to make sure we give individuals choice at every point in the health care continuum. And we need to make sure we allow personalized care. We are not a bunch

of cattle lining up in the chute. Everybody is different. Everybody needs to be able to make their own decisions.

On top of that, the No. 1 thing we have to do is protect the doctor-patient relationship. Half of getting well is having confidence in the person who is treating you. When you do not get to choose that, as you do not in Medicaid and oftentimes in Medicare because we are limited to the doctors who are taking Medicare, you are limiting the outcome.

If you cannot get treatment when you need it, there is a crisis. If you are denied the ability to choose the doctor or hospital that is best for you, that is a crisis for you. If you cannot afford the coverage you need for you and your family, then you have a crisis.

We need to stop looking at it from a global perspective and restore the humanity to health care. We need to focus more on people and less on the system.

I have a lot of ideas on health care. I, along with many others, have introduced the Patient's Choice Act, where we allow everybody to have insurance in this country. We equalize the tax treatment for everybody in this country.

All the studies say that any plan Congress puts forward, our plan will do as well or better with some major differences. We do not raise the cost at all. It does not cost anything. As a matter of fact, it saves the States \$1.3 trillion over the next 10 years just on Medicaid alone. And every Medicaid patient out there will have a private insurance program, and nobody will ever know if they got it through Medicaid or not. They will be truly accessing and having the care, and we will not raise taxes on anybody to do that—no one.

The other thing we do is, if you like what you have today, you can keep it. You absolutely can keep it. If what you have is what you want, it gives you care when you want it, access to the doctors you want or to the hospital you want, and you can afford it, you are going to keep it. But if you would like something different, and not be locked in, not having to stay at a job because you are afraid you will not have insurance when you leave, you need to look at what we are talking about.

There is no preexisting illness exclusion. There is no individual mandate, although there is an auto enrollment where you can opt out. If you do not want health insurance, you do not have to take it, but you do not get the tax credit that goes along with buying it.

So, in fact, of the 46 million people who do not have access to care today through an insurance program, they will have it under this program, and they will have prevention, and they will have wellness, and they will have a medical home or an accountable care organization to manage their chronic

disease, help them manage it. And they will get to do that where they want to do it, not where some bureaucrat tells them they will do it or where some insurance company tells them where they will do it.

We have a chance to hit a home run for the American people on health care—not just on their health care, but keeping us globally competitive, keeping jobs here at home instead of shipping them off where the labor costs and health care costs are less. We have a chance to hit two home runs. The question is, Will we do it?

We have before us in the HELP Committee a draft of a bill that has three big blanks on it. We do not have any analysis by the CBO on what it is going to cost. We have no knowledge about what it costs, and we are going to be marking that up in a week. We are supposed to get health care done in 6 weeks in this country, which is 17 percent of our GDP, one-sixth of our economy, and we are going to do it without knowing what we are doing.

The parameters under which this Senate is addressing health care are a prescription for disaster. What we should do is put out the bills, have a legitimate debate about what is a proper way to go, and let the American people hear the debate and see which way to go. I will tell you, if you allow the American people to decide: Here is a government-controlled option or here is my option, with me choosing everything, me not depending on the government, me making the choices for my family—when I want it, where I want it, and how I want it—individual freedom and liberty will win every time over a government-mandated program or a, quote, public government-run insurance company.

The PRESIDING OFFICER. The Chair reminds the Senator that his time under morning business has expired.

Mr. COBURN. Madam President, I ask for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. I do not object. It will be the last extension?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I thank the Chair.

One of the questions we ought to ask the American people is: Would you rather pay the costs you pay today for the quality of care you currently receive or would you rather get in line, pay less, not have the same quality, and not get to choose the health care you are going to get or your family is going to get—defer the decisionmaking about you and your family's health care to a government bureaucracy?

All of us agree, Democrats and Republicans, we want to fix health care. All of us want prevention, wellness, management of chronic disease. All of us want as much freedom as we can

give the American people. But the difference lies in how we do it and who pays the bill. That is why I started out with the article from Adrian Rogers. We are going to spend \$2.4 trillion on health care this year, and we are going to get back \$1.7 trillion worth of health care.

We should not be spending a penny more. What we should be saying to the Senate is: Why aren't you fixing what is wrong with this terrible, broken system? And the answer is: We need more money. That is the government's answer every time. Every time: We need more money. We need a new program.

We do not need a new program. What we need is to allow the individual entrepreneurship and ingenuity of the American people and give them the resources with which to buy their health care and make their personal choices, and what you will see is a dynamic that squeezes \$500 billion to \$700 billion out of the cost of health care in this country.

There are a lot of components. Health care is a complex issue. Everybody who worked on it knows it. It is hard in a 20- or 30-minute talk on the floor to explain a bill fully. But if you had absolute access, and you could afford health care, and you got to make the choices, and it did not cost your kids any more in the future to pay for that by borrowing against their future, most Americans would say: I will buy something like that. That is a fix.

And by the way, we are going to incentivize the \$40 billion we spend every year supposedly on prevention to where it is actually making some difference on cost. We are going to quit paying for food that is terrible for you through the Food Stamp Program. We are going to fix the School Lunch Program so we do not feed you high carbohydrates and fat. And we are going to give you protein, fruits, and vegetables. We are going to do that which is necessary to put us on a glidepath to where we have real health care instead of sick care in this country. People will buy that.

I cannot wait for the real debate to start on health care. When you hear the talk, and you read the articles that have been written—just for example, on comparative effectiveness, the director who is involved in that in England said it was the biggest mistake they ever made. It explains why people in England die earlier. It explains why they have a cancer cure rate about a third lower than ours. It explains why people cannot get care because they have a government option. They have a government option that eliminates the ability for true choice, true access, and true affordability.

One of the things our bill will do is make sure, no matter how sick you are, you get an insurance policy. When it comes time for renewal, they cannot deny you. Our bill gives everybody in-

surance in this country and incentivizes you to the point where you will have extra money with which you pay for the additional costs associated with that care.

Our plan does not mandate anything, except the base minimum plan is the base minimum plan the Members of Congress get. If you want to buy more than that, you can. But nobody is going to tell you what you have to buy. You buy what is right for you, what is right for your family.

One of the costs of health care in this country—and it is about 8 or 9 percent of the cost of health care—is doctors like me ordering tests you do not need because I fear a malpractice lawsuit. We incentivize the States to make changes—very simple changes—do not eliminate the right of any individual to go to court, but set up health courts or set up judge-doctor-lawyer panels or a combination thereof, and we give them extra money if, in fact, they will do that. It is an easy, cheap buy. Because if we reform the tort system State by State, we get back about a hundredfold for every dollar we put out that comes out of health care that will then go to prevention, wellness, and management of chronic disease.

We have cost-shifting in this country. If you opt out and you go to an ER, your State can buy you a high-deductible policy, whereas you are still covered. You are not going to ever lose your home because you had an accident or you had a major health complication because you will be auto enrolled as soon as you hit the ER. So we eliminate about \$200 billion in cost-shifting.

I have just outlined \$500 billion that can go away under our bill out of \$2.4 trillion—money that does not help anybody get well, money that does not prevent anybody from getting sick.

I had an orthopedist in my office today and he had a patient who he thought had a torn anterior cruciate ligament. That is a ligament connecting the femur to the tibia. And she could not relax. He is a good orthopedist. By clinical exam, you can tell if somebody has torn an ACL, anterior cruciate ligament. So he said: Well, you can't relax. We'll do an MRI. So she comes back a week later and says: Doctor, I didn't do the MRI. I didn't want to pay for that. And she brought a glass of wine with her, a glass of chardonnay. She said: I think if I drink this, about 15 minutes after I drink this, I think I will be relaxed enough for you to do it. Well, sure enough, she did, and she relaxed. She had a torn ACL, and she never had to have an MRI. It just saved us about \$1,800. It saved her and us \$1,800. He could have given her xanax and done the same thing.

But the point is, she made a logical decision not to spend \$1,800 because there was another way of doing it. Part of that was because she had a \$5,000 deductible health care policy, so she

made a good economic choice. Multiply that 100,000 times in this country every month and see how much money we can take out of the health care system by people acting in their own best health interest and financial interest.

We have a lot in front of us, and we have a lot that is riding on us. I hope we get to see the bills, which we have not seen yet, and what people want to do. The first bill out is: The government does everything; the government is in control. There is not one government program that either offers the services or is not bankrupt that we have on health care today. Medicare is bankrupt. Medicaid—we are bankrupt, so they are bankrupt. They have \$80 billion worth of fraud in Medicare; \$40 billion worth in Medicaid. The Indian Health Service is a sham, especially on the reservation, because we do not have the quality and we have not put the money there. Why shouldn't a Native American have an insurance policy to be able to buy health care wherever they want? Why shouldn't a veteran be able to get care wherever they want rather than have to travel 200 miles to a VA health care center? Why can't we keep the commitment that we would say: If we are going to offer you access, then we are going to offer you access to the best, the highest quality health care, with you making the decisions about your care, when you get that care, and who gives you that care.

The patient has to come first. Senators' egos have to come second. And we have to fix this program in a way that not only solves the health care crisis but does not create another crisis for our children down the road.

With that, I yield the floor.

I thank my colleague from Rhode Island for his patience, and I wish him a good night.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is always a pleasure to hear the Senator from Oklahoma discussing health care, which I know is very dear to him. So I did not feel my time was wasted listening to him speak on that subject, and I wish him a good evening as well.

Mr. President, I ask unanimous consent, if I may, to speak in morning business, but to exceed the 10-minute rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

GASPEE DAY

Mr. WHITEHOUSE. Mr. President, the Boston Tea Party is one of the celebrated events in American history. From a young age, Americans learn the story of the men who crept onto British ships moored in Boston harbor on December 16, 1773, to toss overboard shipments of tea that the English sought to tax. These Massachusetts pa-

triot's yearned for liberty, opposed "taxation without representation," and stepped into history books with this simple act of defiance.

But conspicuously absent from too many of those same history books is a group of Rhode Island men who took on the British Crown in a bold, insubordinate gesture matching the temper of their bold and insubordinate colony more than a year earlier than the Boston Tea Party. This evening, I would like to share the story of the H.M.S. *Gaspee*, a daring group of Rhode Islanders, and the real beginning of the fight for American independence.

In the early 1770s, as tensions between England and her American colonies grew increasingly strained, King George III stationed the H.M.S. *Gaspee*, under the command of Lieutenant William Dudingston, in the waters of Rhode Island. Its mission was to search incoming ships for smuggled goods and contraband and to enforce the payment of taxes.

On June 9, 1772, 237 years ago tonight, the sailing vessel *Hannah* was traveling from Newport to Providence, when it was intercepted by the *Gaspee* and ordered to stop to allow a search. On board the *Hannah*, CAPT Benjamin Lindsey refused and continued on his course, despite warning shots fired by the *Gaspee*. Under full sail and into a falling tide, the *Hannah* pressed north up Narragansett Bay with the *Gaspee* in hot pursuit. Overmatched in size, Captain Lindsey found advantage in guile and in his greater knowledge of Rhode Island waters. He led the *Gaspee* to the shallow water of Pawtuxet Cove. There, the lighter *Hannah* sped over the shallows, but the heavier *Gaspee* ran aground in the shallow waters off Namquid Point. The *Gaspee* was stuck, until the higher tides of the following day would lift her from the mud.

Captain Lindsey proceeded on his course to Providence, where he met with a group of Rhode Islanders, including John Brown, a community leader whose family helped found Brown University. The two men arranged for a meeting of local patriots at Sabin's Tavern, on what is now Providence's east side, later that evening. At the meeting, the assembled Rhode Islanders decided to act. The HMS *Gaspee* was a symbol of their oppression and she was helplessly stranded in Pawtuxet Cove. The opportunity was too good to pass up.

That night, there was no moonlight on the waters of Pawtuxet Cove. The *Gaspee* lay silent on the sandbar. Down the bay from Providence came 60 men in longboats, led by John Brown and Abraham Whipple, armed and headed through those dark waters for the *Gaspee*.

When the men reached the *Gaspee* and surrounded it, Brown called out and demanded that Lieutenant Dudingston surrender his vessel.

Dudingston refused and instead ordered his men to fire upon anyone who attempted to board the *Gaspee*.

That was all these Rhode Islanders needed to hear, and they rushed the *Gaspee* and forced their way aboard her. In the violent melee, Lieutenant Dudingston was shot in the arm by a musket ball. Rhode Islanders had drawn the first blood of the conflict that would lead to American independence, right there in Pawtuxet Cove, 16 months before the "Tea Party" in Boston.

Brown and Whipple's men seized control of the *Gaspee* from its British crew and transported the captive Englishman safely to shore. They then returned to the abandoned *Gaspee* to set her afire and watched as the powder magazine exploded, blowing the ship apart and leaving her remains to burn to the water line. That historic location is now called Gaspee Point.

Since that night in June, 237 years ago tonight when the *Gaspee* burned, Rhode Islanders have marked the event with celebration. This year, as I do every year, I will march in the annual Gaspee Days Parade in Warwick, RI. Every year, I think about what it must have been like to be among those 60 men: muffled oars on dark waters; comrades pulling with voices hushed; a shouted demand, the indignant response, and then a pell-mell rush to clamber aboard; the oaths and shouts of struggle, gun shots and powder smoke, the clash of sword and cutlass; and when it was over, the bright fire of the ship in the night, the explosion turning night to day and reverberating across the bay and the hiss and splash as the pieces fell and the water claimed the flames.

I hope that one day the tale of the brave Rhode Islanders who stormed the HMS *Gaspee* will be remembered among the other stories of the Revolution and that they will be given their due place in our Nation's history beside the tea partiers of Boston.

I hope, frankly, on an annual basis, to come back to this floor and relate that story over and over and over again. It is a proud part of Rhode Island's heritage.

TORTURE

Mr. WHITEHOUSE. Mr. President, I wish to now change the subject and speak about an incident that is not part of anybody's proud heritage and that is the evidence we have recently heard about America's descent into torture. I know it is an awkward subject to talk about, an awkward subject to think about. On the one hand, we, as Americans, love our country, we hate the violence that has been done to us, and we want more than anything to protect our people from attacks. On the other hand, torture is wrong and

we have known it and behaved accordingly in far worse circumstances than now.

When Washington's troops hid in the snows of Valley Forge from a superior British force bent on their destruction, we did not torture. When our capital city was occupied and our Capitol burned by troops of the world's greatest naval power, we did not torture. When Nazi powers threatened our freedom in one hemisphere and Japanese aircraft destroyed much of our Pacific fleet in the other, we did not torture. Indeed, even when Americans took arms against Americans in our bloody Civil War, we did not torture.

I know this is not easy. Our instincts to protect our country are set against our historic principles and our knowledge of right versus wrong. It is all made more difficult by how much that is untrue, how much that is misleading, and how much that is irrelevant have crowded into this discussion. It is hard enough to address this issue without being ensnared in a welter of deception.

To try to clarify it, I wish to say a few things. The first is that I see three issues we need to grapple with. The first is the torture itself: What did Americans do? In what conditions of humanity and hygiene were the techniques applied? With what intensity and duration? Are our preconceptions about what was done based on the sanitized descriptions of techniques justified? Or was the actuality far worse? Were the carefully described predicates for the torture techniques and the limitations on their use followed in practice? Or did the torture exceed the predicates and bounds of the Office of Legal Counsel opinions?

We do know this. We do know that Director Panetta of the CIA recently filed an affidavit in a U.S. Federal court saying this:

These descriptions—

He is referring to descriptions of EITs—enhanced interrogation techniques—the torture techniques.

He says in his sworn affidavit:

These descriptions, however, are of EITs as applied in actual operations and are of a qualitatively different nature than the EIT descriptions in the abstract contained in the OLC memoranda.

The words “as applied” and “in the abstract” are emphasized in the text.

These descriptions, however, are of EITs as applied in actual operations and are of a qualitatively different nature than the EIT descriptions in the abstract contained in the OLC memoranda.

The questions go on: What was the role of private contractors? Why did they need to be involved? And did their peculiar motivations influence what was done? Ultimately, was it successful? Did it generate the immediately actionable intelligence protecting America from immediate threats that it had been sold as producing? How did

the torture techniques stack up against professional interrogation?

Well, that is a significant array of questions all on its own, and we intend to answer them in the Senate Intelligence Committee under the leadership of Chairman FEINSTEIN, expanding on work already done, thanks to the previous leadership of Chairman ROCKEFELLER.

There is another set of questions around how this was allowed to happen. When one knows that America has over and over prosecuted waterboarding, both as crime and as war crime; when one knows that the Reagan Department of Justice convicted and imprisoned a Texas sheriff for waterboarding prisoners; when one sees no mention of this history in the lengthy opinions of the Office of Legal Counsel at DOJ that cleared the waterboarding—no mention whatsoever; when assertions of fact made in those OLC opinions prove to be not only false but provably false from open source information available at the time; when one reads Chairman LEVIN's excellent Armed Services Committee reports on what happened at the Department of Defense, it is hard not to wonder what went wrong. Was a fix put in? And, if so, how? A lot of damage was done within the American institutions of government to allow this to happen.

If American democracy is important, damage to her institutions is important and needs to be understood. Much of this damage was done to one of America's greatest institutions—the U.S. Department of Justice. I am confident the Judiciary Committee, under Chairman LEAHY's leadership, will assure that we understand and repair that damage and protect America against it ever happening again.

Finally—and I am very sorry to say this—but there has been a campaign of falsehood about this whole sorry episode. It has disserved the American public. As I said earlier, facing up to the questions of our use of torture is hard enough. It is worse when people are misled and don't know the whole truth and so can't form an informed opinion and instead quarrel over irrelevancies and false premises. Much debunking of falsehood remains to be done but cannot be done now because the accurate and complete information is classified.

From open source and released information, here are some of the falsehoods that have been already debunked. I will warn you the record is bad, and the presumption of truth that executive officials and agencies should ordinarily enjoy is now hard to justify. We have been misled about nearly every aspect of this program.

President Bush told us “America does not torture” while authorizing conduct that America itself has prosecuted as crime and war crime, as torture.

Vice President Cheney agreed in an interview that waterboarding was like “a dunk in the water” when it was actually a technique of torture from the Spanish Inquisition to Cambodia's killing fields.

John Yoo, who wrote the original torture opinions, told *Esquire* magazine that waterboarding was only done three times. Public reports now indicate that just two detainees were waterboarded 83 times and 183 times. Khalid Shaikh Mohammed reportedly was waterboarded 183 times. A former CIA official had told ABC News: “KSM lasted the longest on the waterboard—about a minute and a half—but once he broke, it never had to be used again.”

We were told that waterboarding was determined to be legal, but we were not told how badly the law was ignored and manipulated by the Department of Justice's Office of Legal Counsel, nor were we told how furiously government and military lawyers tried to reject the defective OLC opinions.

We were told we couldn't second guess the brave CIA officers who did this unpleasant duty, and then we found out that the program was led by private contractors with no real interrogation experience.

Former CIA Director Hayden and former Attorney General Mukasey wrote that military interrogators need the Army Field Manual to restrain abuse by them, a limitation not needed by the experienced experts at the CIA.

Let's look at that. The Army Field Manual is a code of honor, as reflected by General Petraeus' May 10, 2000, letter to the troops in Iraq. He wrote this:

Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. . . . In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

We are indeed warriors. . . . What sets us apart from our enemies in this fight, however, is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect.

Military and FBI interrogators, such as Matthew Alexander, Steve Keinman, and Ali Soufan, it appears, are the true professionals. We know now that the “experienced interrogators” referenced by Hayden and Mukasey had actually little to no experience.

Philip Zelikow, who served in the State Department under the Bush administration, testified in a subcommittee that I chaired. He said the CIA “had no significant institutional capability to question enemy captives” and “improvised” their program of “coolly calculated dehumanizing abuse and physical torment.” In fact, the CIA cobbled its program together from techniques used by the SERE Program,

designed to prepare captured U.S. military personnel for interrogation by tyrant regimes who torture not to generate intelligence but to generate propaganda.

Colonel Kleinman submitted testimony for our hearing, in which he stated:

These individuals were retired military psychologists who, while having extensive experience in SERE (survival, evasion, resistance, and escape) training, collectively possessed absolutely no firsthand experience in the interrogation of foreign nationals for intelligence purposes.

To the proud, experienced, and successful interrogators of the military and the FBI, I believe Judge Mukasey and General Hayden owe an apology.

Finally, we were told that torturing detainees was justified by American lives saved—saved as a result of actionable intelligence produced on the waterboard. That is the clincher, they stay—lives saved at the price of a little unpleasantness. But is it true? That is far from clear.

FBI Director Mueller has said he is unaware of any evidence that waterboarding produced actionable information. Nothing I have seen convinces me otherwise. The examples we have been able to investigate—for instance, of Abu Zubaida providing critical intelligence on Khalid Shaik Mohammed and Jose Padilla—turned out to be false. The information was obtained by regular professional interrogators before waterboarding was even authorized.

As recently as May 10, our former Vice President went on a television show to relate that the interrogation process we had in place produced from certain key individuals, such as Abu Zubaida—he named him specifically—actionable information. Well, we had a hearing inquiring into that, and we produced the testimony of the FBI agent who actually conducted those interrogations.

Here is what happened. Abu Zubaida was injured in a firefight and captured in Afghanistan. He was flown to an undisclosed location for interrogation. The first round of interrogation conducted professionally by Soufan and his assistant from the CIA produced such significant intelligence information that a jet with doctors on it was scrambled from Langley—from this area—and flown to the undisclosed location so that the best medical care could be provided to Abu Zubaida so he could continue to talk. That was the first round of information.

In the second interrogation, conducted consistent with professional interrogation techniques, Abu Zubaida disclosed that the mastermind of the 9/11 attacks was Khalid Shaik Mohammed. That may be the apex piece of intelligence information we have obtained during the course of the conflict.

At that point, the private contractors arrived, and for some reason Abu Zubaida was handed over to them so they could apply their enhanced interrogation techniques. Ali Soufan testified that at that point they got no further information. What triggered the first round of information was that Soufan knew about Zubaida's pet name that his mother used for him. When he used that nickname, Zubaida fell apart. He didn't know how to defend himself, and he began to disclose this very important information.

Knowledge, outwitting people, playing on mental weaknesses, taking advantage of our skills as Americans—that is what worked and got the information about Mohammed. He was turned over to the private contractors for enhanced techniques and they got nothing.

It was then determined that because the interrogation had become unproductive, he should be returned to the FBI agent and CIA agent who had twice interrogated him. It was in the third round that he disclosed information about Jose Padilla, the so-called dirty bomber, which was so important that Attorney General Ashcroft held a press conference, I believe in Moscow, to celebrate the discovery of this information. Again, for some reason, he was turned back again to the private contractors for the application of more abusive techniques, and again the flow of information stopped.

For a third time, he was returned to the FBI and CIA agents again for professional interrogation, but by now he had been so compromised by the techniques, even they were unsuccessful in getting further information.

As best as I have been able to determine, for the remaining sessions of 83 waterboardings that have been disclosed as being associated with this interrogation, no further actionable information was obtained. Yet the story has been exactly the opposite. The story over and over has been that once you got these guys out of the hands of the FBI and the military amateurs and into the hands of the trained CIA professionals, who can use the tougher techniques, that is when you get the information. In this case, at least, the exact opposite was the truth, and this was a case cited by the Vice President by name.

The costs of this could be high. There has been no accounting of the wild goose chases our national security personnel may have been sent on by false statements made by torture victims seeking to end their agony; no accounting of intelligence lost if other sources held back from dealing with us after our dissent into what Vice President Cheney refers to as the "dark side"; no accounting of the harm to our national standing or our international good will from this program; no accounting of the benefit to our enemies' standing—

particularly as measured in militant recruitment or fundraising; and no accounting of the impact this program had on information sharing with foreign governments whose laws prohibit such mistreatment.

At the heart of all these falsehoods lies a particular and specific problem: The "declassifiers" in the U.S. Government are all in the executive branch. No Senator can declassify, and the procedure for the Senate as an institution to declassify something is so cumbersome that it has never been used. Certain executive branch officials, on the other hand, are at liberty to divulge classified information. When it comes out of their mouth, it is declassified because they are declassified. Its very utterance by those requisite officials is a declassification. What an institutional advantage. The executive branch can use, and has used, that one-sided advantage to spread assertions that either aren't true at all or may be technically true but only on a strained, narrow interpretation that is omitted, leaving a false impression, or that sometimes simply supports one side of an argument that has two sides—but the other side is one they don't want to face up to and don't declassify.

One can hope the Obama administration will be more honorable. I suspect and believe they will be. But the fact is that a cudgel that so lends itself to abuse will some day again be abused, and we should find a way to correct that imbalance. It is intensely frustrating to have access to classified information that proves a lie and not be able to prove that lie. It does not serve America well for Senators to be in that position.

Chairman LEVIN has already done excellent work in the Armed Services Committee, and there is no reason to believe that good work won't continue. Chairman ROCKEFELLER has done excellent work in the Intelligence Committee, and his successor, Senator FEINSTEIN, has picked up the mantle and continues forward with energy and determination. We can be proud of what she is doing. Chairman LEAHY has begun good work in the Judiciary Committee, and more will ensue when we see the report of the Department of Justice Office of Professional Responsibility about what went wrong in the Office of Legal Counsel. The new administration, I hope and expect, is itself drilling down to the details of this sordid episode and not letting themselves be fobbed off with summaries or abridged editions. In short, a lot is going on, and a lot should be going on.

While it is going on, I want my colleagues and the American public to know that measured against the information I have been able to gain access to, the story line we have been led to believe—the story line about waterboarding we have been sold—is false in every one of its dimensions.

I ask that my colleagues be patient and be prepared to listen to the evidence when all is said and done before they wrap themselves in that story line.

I thank the Presiding Officer. I know the hour is late. I appreciate his courtesy.

HONORING OUR ARMED FORCES

MAJOR MATTHEW PHILIP HOUSEAL

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of MAJ Matthew Philip Houseal, from Amarillo, TX. Matthew was 54 years old when he lost his life on May 11, 2009, from injuries sustained from a noncombat related incident in Baghdad, Iraq. He was a member of the 55th Medical Company, U.S. Army Reserve, Indianapolis, IN.

Today, I join Matthew's family and friends in mourning his death. Matthew will forever be remembered as a loving husband, father, son, and friend to many. He is survived by his wife Dr. Luzma Houseal; seven children, Teresa, Catherine, David, Isabel, Patrick, Monica and Kelly; his parents, William and Helen Houseal; eight siblings, Dr. Timothy Houseal and wife Leslie, U.S. Army Retired LTC Stephen Houseal and wife Julie, Joseph Houseal, Friar David Houseal, John Houseal and wife Gail, U.S. Air Force COL Anne T. Houseal and husband Paul Houser, Elizabeth Nightingale, and Maria Johnston and husband Jeff; 26 nieces and nephews; and a host of other friends and relatives.

Matthew, a native of Washington, DC, grew up in St. Joseph, MI, and received a bachelor's degree, master's degree, and medical degree from the University of Michigan. He spent his surgical internship at Henry Ford Hospital and went through the Officers Training School in the U.S. Navy. He served his psychiatry residency at Texas Tech University in Lubbock, TX, and spent over a decade at the Texas Panhandle Mental Health Mental Retardation, where he was a beloved member of the staff. He joined the Army Reserve as a major in 2007.

Matthew had many passions in life: known as a brilliant physician and an insatiable learner, Matthew held a private pilot license and was a certified flight instructor with more than 10,000 hours of flight time in different types of aircraft. His extraordinary accomplishments were only rivaled by his passion for his family, especially his seven children.

While we struggle to express our sorrow over this loss, we can take pride in the example Matthew set as a soldier and as a father. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall

President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Matthew's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of MAJ Matthew Philip Houseal in the official RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Matthew's family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Matthew.

TIMETABLE FOR SOTOMAYOR HEARING

Mr. GRASSLEY. Mr. President, earlier today, Chairman LEAHY announced July 13 as the start date for the Judiciary Committee hearings on Supreme Court Justice nominee Sonia Sotomayor. I am extremely disappointed with this unilateral decision on the part of my Democratic colleagues. In the past, the decision of when to start these Supreme Court hearings has been a bipartisan one. With the Roberts and Alito nominations, Republicans worked with our colleagues to accommodate Democrat concerns about the timing of the hearings for the highest court in the land. Senators LEAHY and SPECTER held joint press conferences announcing the Roberts and Alito hearings.

I would have hoped that Ranking Member SESSIONS and Judiciary Committee Republicans would have gotten the same courtesy for President Obama's nominee. Yet I understand that Ranking Member SESSIONS had no idea that Chairman LEAHY was going to the floor to make this July 13 announcement, and that he was not consulted about this decision. Clearly the July 13 date is not a bipartisan decision.

Moreover, July 13 is just not enough time to prepare for a thorough and careful review of Judge Sotomayor's record and qualifications to be a Supreme Court Justice. First, July 13 is a mere 48 days from the nomination announcement to the hearing, which is shorter than the timeframe for Jus-

tices Roberts and Alito. Moreover, Justice Roberts had just a few hundred decisions for the Judiciary Committee to analyze. Judge Sotomayor has over 3,000 cases over a 17-year period on the Federal bench for us to study. The Alito confirmation hearing timeframe is probably a better comparison since Justice Alito had a similar large number of decisions.

With respect to concerns that criticisms have been lodged against the nominee, we don't control what outside groups say, but I do know that Senate Republican members have treated Judge Sotomayor fairly and have not engaged in personal attacks. So the idea that Judge Sotomayor needs a hearing scheduled as soon as possible to respond to criticisms by outside groups just doesn't hold water.

In addition, the Judiciary Committee has yet to receive everything we need from Judge Sotomayor. I understand that her questionnaire is not complete, that we have yet to receive all her documentation, memos, speeches and unpublished opinions, that we still don't have her ABA review and FBI background report. It seems like the rushed nature of the process has contributed to the deficiencies in the questionnaire and the number of documents that are still missing. We need all this stuff in order to fully vet the nominee.

Judge Sotomayor has an extensive record, and the July 13 timetable that Chairman LEAHY wants to impose will force us to consider a Supreme Court nominee with one of the lengthiest records in recent history in the shortest time in recent history. Republican members got no serious consideration to address concerns about timing, and no consultation or bipartisanship on setting the start date as has been done in the past.

I and my Republican colleagues are committed to give Judge Sotomayor a fair hearing, but we need to thoroughly review her extensive legal record and that takes time. It is important that we do the job right because this is a lifetime appointment and we are talking about the highest court of the land. As my Democrat colleagues have said before, the Senate cannot be a rubberstamp. We have a constitutional responsibility to carefully vet Judge Sotomayor and not rush the process. We owe this to the American people.

ADDITIONAL STATEMENTS

REMEMBERING RONALD TAKAKI

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Professor Ronald Takaki, a pioneer and leader in the field of ethnic studies. Professor Takaki passed away on May 26, 2009, at the age of 70.

Ronald Takaki, the grandson of Japanese immigrants, was born and raised

in Hawaii. In his youth he was an avid surfer, earning the nickname "Ten Toes Takaki" because of his ability to perform one of the most impressive and iconic stunts a surfer can do on a surfboard. Though uninterested in school when he was younger, Takaki applied to and was accepted at the College of Wooster in Ohio; he was the first in his family to attend college. After earning a bachelor's degree in history, he attended UC Berkeley, where he received a master's and doctorate in history. It was at UC Berkeley, doing a dissertation on the history of American slavery, that Takaki found his passion.

In 1967, Takaki was hired by UCLA, where he taught the University of California's first Black history course following the tumultuous Watts riots. Though an unlikely candidate to teach the course, students quickly came to respect and admire him, and he and his class became one of the most popular on campus. In 1971, Professor Takaki returned to UC Berkeley, where he served as the first full-time teacher in the Department of Ethnic Studies.

In addition to teaching Black history, Professor Takaki also established UC Berkeley's PhD program in ethnic studies, the first of its kind in the Nation. During the 30 years he taught at UC Berkeley, Professor Takaki succeeded in his desire to make the school's curriculum more multicultural and diverse. He inspired and engaged thousands of students with his thought-provoking and insightful perspectives on race and ethnicity in the United States.

Professor Takaki was also a distinguished and prolific writer. Among his most well-known books were *Iron Cages: Race and Culture in 19th-Century America*; *A Different Mirror: A History of Multicultural America*, which won the American Book Award, and *Strangers from a Different Shore: A History of Asian Americans*, which was nominated for a Pulitzer Prize.

Professor Takaki is survived by his wife Carol; his children Troy, Todd, and Dana; his brother Michael; his sister Janet; and his seven grandchildren. I extend my deepest sympathies to his entire family.

Professor Takaki was widely considered to be the father of multiculturalism. His trailblazing spirit and love of life was evident in everything that he did, and his many years of service as an educator, writer, and activist will not be forgotten. We take comfort in knowing that future generations will benefit from his tireless efforts to make America a better place to live.●

COMMENDING THE U.S. ARMY CORPS OF ENGINEERS—OMAHA DISTRICT

● Mr. NELSON of Nebraska. Mr. President, today I wish to recognize the 75th

anniversary year of the establishment of the Omaha District as part of the U.S. Army Corps of Engineers.

Established on January 2, 1934, the immediate mission of the Omaha District was the creation of Fort Peck Dam in Montana, which was the first of six multipurpose main stem dams operating as part of a flood control system on the upper Missouri River. After completing the Fort Peck Dam, the Corps, operating under the Pick-Sloan Plan, went on to build the other five main stem structures on the Upper Missouri River. The Plan called for a coordinated effort with the Bureau of Reclamation for irrigation projects, flood control, navigation, and recreation facilities.

In the early 1940s, the Omaha District added military construction to its mission. Its first task was construction of Lowry Field in Colorado. Since then, the Omaha District has been involved in the construction of several historic projects, such as the Northern Area Defense Command in Cheyenne Mountain, Colorado; various missile control and launch facilities throughout the Midwest; and facilities for Space Command.

As the Cold War ended in the 1980s, the national focus switched to a stronger set of environmental principles. The Omaha District readily adopted a "green" program, providing outstanding leadership in environmental remediation. Today, the Omaha District is managing one of the largest base realignment and closure and "Grow the Army" initiatives in the Nation.

For more than 75 years, the men and women of the Omaha District have served their country by harnessing the mighty Missouri River basin, building state-of-the-art facilities to serve our military, and recovering the earth from hazardous toxic and radioactive waste.

It is only fitting that we in the Senate recognize the impressive achievements of the U.S. Army Corps of Engineers—Omaha District during its 75th year.●

2009 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS

● Mrs. SHAHEEN. Mr. President, today I congratulate the recipients of the 2009 New Hampshire Excellence in Education Awards. The New Hampshire Excellence in Education Awards, or "ED"ies, honor the best and the brightest among New Hampshire's educators and schools.

For the past 16 years, the "ED"ies have been presented to teachers, administrators, schools, and school boards who demonstrate the highest level of excellence in education. Outstanding individuals have been compared against criteria set by others in their discipline through their spon-

soring organization. Experienced educators and community leaders select outstanding elementary, middle, and secondary schools based upon guidelines established by the New Hampshire Excellence in Education Board of Directors.

It is critical that all of our children receive a high quality education so that they can succeed in today's global economy. I am proud to recognize this year's recipients who will receive this prestigious award on June 13, 2009 for the positive examples they set for their peers and the lasting impact they have made on our children and communities.

I ask that the names of the 2009 New Hampshire Excellence in Education Award winners be printed in the RECORD.

2009 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARD RECIPIENTS

Diane Beaman, Nora L. Beaton, Doug Brown, Michelle Carvalho, Cathy Chase, Mary K. Coltin, Anne Delaney, Arthur R. Deleault, Irene M. Derosier, Kenneth Dugal, Denise Dunlap, Katherine J. Engstrom, Deborah A. Fogg, Venera Gattonini, Doris Grady, Nathan S. Greenberg, Gerri Harvey, Cathy Higgins.

Kathleen Collins McCabe, Eric "Chip" McGee, Dorothy M. Morin, Jackie Moulton, Sean P. Moynihan, Dorothy A. Peters, Marge Polak, Patricia Popieniek, Richard Provencher, Meagan Reed, Roberto Rodriguez, Fern Seiden, John J. Stone, Lyonel B. Tracy, Jacqueline R. Verville, Sheila A. Ward, Suzette Wilson, Otis E. Wirth, Joseph L. Wright.

Bicentennial Elementary School, Boynton Middle School, Inter-Lakes Elementary School, Kennett High School, Matthew Thornton Elementary School, Monadnock Community Connections School, Newfound Regional High School, Northwood School, Raymond School Board, Virtual Learning Center.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

LEGISLATIVE PROPOSAL RELATIVE TO THE "STATUTORY PAY-AS-YOU-GO ACT OF 2009," OR "PAYGO," TOGETHER WITH A SECTIONAL ANALYSIS—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying

report; which was referred to the Committee on the Budget:

To the Congress of the United States:

Today I am pleased to submit to the Congress the enclosed legislative proposal, the "Statutory Pay-As-You-Go Act of 2009," or "PAYGO," together with a sectional analysis.

The deficits that my Administration inherited reflect not only a severe economic downturn but also years of failing to pay for new policies—including large tax cuts that disproportionately benefited the affluent. This failure of fiscal discipline contributed to transforming surpluses projected at the beginning of this decade into trillions of dollars in deficits. I am committed to returning our Government to a path of fiscal discipline, and PAYGO represents a key step back to the path of shared responsibility.

PAYGO would hold us to a simple but important principle: we should pay for new tax or entitlement legislation. Creating a new non-emergency tax cut or entitlement expansion would require offsetting revenue increases or spending reductions.

In the 1990s, statutory PAYGO encouraged the tough choices that helped to move the Government from large deficits to surpluses, and I believe it can do the same today. Both houses of Congress have already taken an important step toward righting our fiscal course by adopting congressional rules incorporating the PAYGO principle. But we can strengthen enforcement and redouble our commitment by enacting PAYGO into law.

Both the Budget I have proposed and the Budget Resolution approved by the Congress would cut the deficit in half by the end of my first term, while laying a new foundation for sustained and widely shared economic growth through key investments in health, education, and clean energy. Enacting statutory PAYGO would complement these efforts and represent an important step toward strengthening our budget process, cutting deficits, and reducing national debt. Ultimately, however, we will have to do even more to restore fiscal sustainability.

I urge the prompt and favorable consideration of this proposal.

BARACK OBAMA.
THE WHITE HOUSE, June 9, 2009.

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H. R. 466. An act to amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities.

H. R. 1709. An act to establish a committee under the National Science and Technology

Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes.

H. R. 1736. An act to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 466. An act to amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 1709. An act to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1736. An act to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 31. An act to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Air Force nomination of Lt. Gen. Douglas M. Fraser, to be General.

*Army nomination of Lt. Gen. Stanley A. McChrystal, to be General.

*Navy nomination of Adm. James G. Stavridis, to be Admiral.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Catherine Radford Zoi, of California, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy).

*William F. Brinkman, of New Jersey, to be Director of the Office of Science, Department of Energy.

*Anne Castle, of Colorado, to be an Assistant Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1211. A bill to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN:

S. 1212. A bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. CONRAD):

S. 1213. A bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Patient-Centered Outcomes Research Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. CASEY, Mr. BOND, Ms. STABENOW, Mr. CARDIN, Mr. SANDERS, Mr. WHITEHOUSE, and Mr. CRAPO):

S. 1214. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself and Mr. SCHUMER):

S. 1215. A bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mr. NELSON of Florida):

S. 1216. A bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mrs. LINCOLN, and Mr. BEGICH):

S. 1217. A bill to amend title XIX of the Social Security Act to improve and protect rehabilitative services and case management services provided under Medicaid to improve the health and welfare of the nation's most vulnerable seniors and children; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1218. A bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals; to the Committee on Finance.

By Mr. KOHL:

S. 1219. A bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such subtitle for a 1-year period ending June 22, 2010; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 1220. A bill to require that certain complex diagnostic laboratory tests performed

by an independent laboratory after a hospital outpatient encounter or inpatient stay during which the specimen involved was collected shall be treated as services for which payment may be made directly to the laboratory under part B of title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. ROBERTS):

S. 1221. A bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. KERRY, Ms. LANDRIEU, Mr. VITTER, Ms. CANTWELL, Mrs. GILLIBRAND, Mr. BURRIS, and Mr. SCHUMER):

S. 1222. A bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for business operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO:

S. Res. 173. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. ROBERTS, Mr. BROWNBAC, and Mrs. MCCASKILL):

S. Res. 174. A resolution recognizing the region from Manhattan, Kansas to Columbia, Missouri as the Kansas City Animal Health Corridor; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Nebraska:

S. Res. 175. A resolution expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mr. ISAKSON, Mr. KERRY, Mr. INHOFE, Mr. BURRIS, Mr. WHITEHOUSE, Mr. NELSON of Florida, Mr. DURBIN, Mr. CARDIN, and Mr. BROWNBAC):

S. Res. 176. A resolution expressing the sense of the Senate on United States policy during the political transition in Zimbabwe, and for other purposes; considered and agreed to.

By Mr. HARKIN:

S. Res. 177. A resolution recognizing the 10th anniversary of the International Labour Organization's unanimous adoption of Convention 182, "Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour"; considered and agreed to.

By Mr. DURBIN (for himself, Mr. UDALL of Colorado, Mr. BURRIS, Mr. BENNETT, Mr. BENNET, and Mr. HATCH):

S. Res. 178. A resolution supporting Olympic Day on June 23, 2009, and encouraging the International Olympic Committee to select Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games; considered and agreed to.

By Mr. KAUFMAN:

S. Res. 179. A resolution congratulating the American Society of Mechanical Engineers on its 125 years of codes and standards development; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 180. A resolution to authorize testimony and legal representation in United States v Edward Bloomer, Frank Cordaro, Elton Davis, Chester Guinn, and Renee Espeland; considered and agreed to.

By Mr. MENENDEZ (for himself and Ms. STABENOW):

S. Con. Res. 25. A concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 214

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 214, a bill to amend title XXI of the Social Security Act to permit qualifying States to use their allotments under the State Children's Health Insurance Program for any fiscal year for certain Medicaid expenditures.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 292

At the request of Mr. SPECTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 301

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 301, a bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

S. 316

At the request of Mrs. LINCOLN, the name of the Senator from Nevada (Mr.

ENSIGN) was added as a cosponsor of S. 316, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 500

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 500, a bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 572

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 655

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 655, a bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes.

S. 688

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 688, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 711

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 823

At the request of Ms. SNOWE, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 831

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 841

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 908

At the request of Mr. BAYH, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 910

At the request of Mr. WARNER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 941

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 941, a bill to reform the Bureau of

Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Missouri (Mr. BOND), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1023, *supra*.

S. 1034

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1034, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics.

S. 1136

At the request of Ms. STABENOW, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1136, a bill to establish a chronic care improvement demonstration program for Medicaid beneficiaries with severe mental illnesses.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1185

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1185, a bill to amend titles XVIII and XIX of the Social Security Act to ensure that low-income beneficiaries have improved access to health care under the Medicare and Medicaid programs.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the

research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1203, *supra*.

AMENDMENT NO. 1230

At the request of Mr. JOHANNIS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 1230 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1256

At the request of Mr. LIEBERMAN, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Maryland (Ms. MIKULSKI), the Senator from Hawaii (Mr. INOUE), the Senator from Alaska (Mr. BEGICH), the Senator from Wisconsin (Mr. KOHL) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 1256 proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1270

At the request of Mr. CORKER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 1270 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1212. A bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1212

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Card Fair Fee Act of 2009".

SEC. 2. DEFINITIONS.

In this Act:

(1) **ACCESS.**—The term "access"—

(A) when used as a verb means to use to conduct transaction authorization, clearance, and settlement involving the acceptance of credit cards or debit cards from consumers for payment for goods or services and the receipt of payment for such goods or services; and

(B) when used as a noun means the permission or authority to use to conduct transactions described in subparagraph (A).

(2) **ACCESS AGREEMENT.**—The term "access agreement" means an agreement between 1 or more merchants and 1 or more providers giving the merchant access to a covered electronic payment system, conditioned solely upon the merchant complying with the fees and terms specified in the agreement.

(3) **ACQUIRER.**—The term "acquirer"—

(A) means a financial institution that provides services allowing merchants to access an electronic payment system to accept credit cards or debit cards for payment; and

(B) does not include an independent third party processor that may act as the agent of a financial institution described in subparagraph (A) in processing general-purpose credit card or debit card transactions.

(4) **ADJUDICATION.**—The term "adjudication" has the meaning given that term in section 551 of title 5, United States Code, and does not include mediation.

(5) **ANTITRUST LAWS.**—The term "antitrust laws"—

(A) has the meaning given that term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)); and

(B) includes—

(i) section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent section 5 applies to unfair methods of competition; and

(ii) State antitrust laws.

(6) **CHAIRMAN.**—The term "Chairman" means the Chairman of the Federal Trade Commission.

(7) **COVERED ELECTRONIC PAYMENT SYSTEM.**—The term "covered electronic payment system" means an electronic payment system that routes information and data to facilitate transaction authorization, clearance, and settlement for not less than 10 percent of the combined dollar value of credit card or debit card payments processed in the United States in the most recent full calendar year.

(8) **CREDIT CARD.**—The term "credit card" means any general-purpose card or other credit device issued or approved for use by a financial institution for use in allowing the cardholder to obtain goods or services on credit on terms specified by that financial institution.

(9) **DEBIT CARD.**—The term "debit card" means any general-purpose card or other device issued or approved for use by a financial institution for use in debiting the account of a cardholder for the purpose of that cardholder obtaining goods or services, whether authorization is signature-based or PIN-based.

(10) **ELECTRONIC PAYMENT SYSTEM.**—The term "electronic payment system" means the proprietary services, infrastructure, and software that route information and data to

facilitate transaction authorization, clearance, and settlement and that merchants are required to access in order to accept a specific brand of general-purpose credit cards or debit cards as payment for goods or services.

(11) **ELECTRONIC PAYMENT SYSTEM JUDGES.**—The term "Electronic Payment System Judges" means the Electronic Payment System Judges appointed under section 4(a).

(12) **FEES.**—The term "fees" means any monetary charges, rates, assessments, or other payments imposed by a provider upon a merchant for the merchant to access an electronic payment system.

(13) **FINANCIAL INSTITUTION.**—The term "financial institution" has the meaning given that term in section 603(t) of the Fair Credit Reporting Act (15 U.S.C. 1681a(t)).

(14) **ISSUER.**—The term "issuer"—

(A) means a financial institution that issues credit cards or debit cards or approves the use of other devices for use in an electronic payment system; and

(B) does not include an independent third party processor that may act as the agent of a financial institution described in subparagraph (A) in processing general-purpose credit or debit card transactions.

(15) **MARKET POWER.**—The term "market power" means the ability to profitably raise prices above those that would be charged in a perfectly competitive market.

(16) **MERCHANT.**—The term "merchant" means any person who accepts or who seeks to accept credit cards or debit cards in payment for goods or services provided by the person.

(17) **NEGOTIATING PARTY.**—The term "negotiating party" means 1 or more providers of a covered electronic payment system or 1 or more merchants who have access to or who are seeking access to that covered electronic payment system, as the case may be, and who are in the process of negotiating or who have executed a voluntarily negotiated access agreement that is still in effect.

(18) **NORMAL RATE OF RETURN.**—The term "normal rate of return" means the average rate of return that a firm would receive in an industry when conditions of perfect competition prevail.

(19) **PROCEEDING PARTY.**—The term "proceeding party" means collectively all providers of a covered electronic payment system or collectively all merchants who have access to or who are seeking access to that covered electronic payment system, as the case may be, during the period in which the Electronic Payment System Judges are conducting a proceeding under this Act relating to that covered electronic payment system.

(20) **PERSON.**—The term "person" has the meaning given that term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(21) **PROVIDER.**—The term "provider" means any person who owns, operates, controls, serves as an issuer for, or serves as an acquirer for a covered electronic payment system.

(22) **STATE.**—The term "State" has the meaning given that term in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2)).

(23) **TERMS.**—The term "terms" means any and all rules and conditions that are applicable to providers of an electronic payment system or to merchants, as the case may be, and that are required in order for merchants to access that electronic payment system.

(24) **VOLUNTARILY NEGOTIATED ACCESS AGREEMENT.**—The term "voluntarily negotiated access agreement" means an access agreement voluntarily negotiated between 1 or more providers of a covered electronic

payment system and 1 or more merchants that sets the fees and terms under which the merchant can access that covered electronic payment system.

(25) **WRITTEN DIRECT STATEMENTS.**—The term "written direct statements" means witness statements, testimony, and exhibits to be presented in proceedings under this Act, and such other information that is necessary to establish fees and terms for access to covered electronic payment systems as set forth in regulations issued by the Electronic Payment System Judges under section 5(b)(4).

SEC. 3. ACCESS TO COVERED ELECTRONIC PAYMENT SYSTEMS; LIMITED ANTITRUST IMMUNITY FOR THE NEGOTIATION AND DETERMINATION OF FEES AND TERMS; STANDARDS FOR ESTABLISHMENT OF FEES AND TERMS.

(a) **ACCESS TO COVERED ELECTRONIC PAYMENT SYSTEMS.**—Access by a merchant to any covered electronic payment system and the fees and terms of such access shall be subject to this Act.

(b) **AUTHORITY AND LIMITED ANTITRUST IMMUNITY FOR NEGOTIATIONS OF FEES AND TERMS AND PARTICIPATION IN PROCEEDINGS.**—

(1) **IN GENERAL.**—Notwithstanding any provision of the antitrust laws—

(A) in negotiating fees and terms and participating in any proceedings under subsection (c), any providers of a covered electronic payment system and any merchants who have access to or who are seeking access to that covered electronic payment system may jointly negotiate and agree upon the fees and terms for access to the covered electronic payment system, including through the use of common agents that represent the providers of the covered electronic payment system or the merchants on a nonexclusive basis; and

(B) any providers of a single covered electronic payment system also may jointly determine the proportionate division among such providers of paid fees.

(2) **LIMITATIONS.**—The immunity from the antitrust laws conferred under this subsection shall not apply to a provider of a covered electronic payment system or to a merchant during any period in which such provider, or such merchant, is engaged in—

(A) any unlawful boycott;

(B) any allocation with a competitor of a geographical area;

(C) any unlawful tying arrangement; or

(D) any exchange of information with, or agreement with, a competitor that is not reasonably required to carry out the negotiations and proceedings described in subsection (c).

(c) **ESTABLISHMENT OF FEES AND TERMS.**—

(1) **VOLUNTARILY NEGOTIATED ACCESS AGREEMENTS.**—

(A) **AGREEMENTS BETWEEN NEGOTIATING PARTIES.**—A voluntarily negotiated access agreement may be executed at any time between 1 or more providers of a covered electronic payment system and 1 or more merchants. With respect to the negotiating parties, such executed voluntarily negotiated access agreement shall supersede any fees or terms established by the Electronic Payment System Judges under paragraph (3) relating to that covered electronic payment system.

(B) **FILING AGREEMENTS WITH THE ELECTRONIC PAYMENT SYSTEM JUDGES.**—The negotiating parties shall jointly file with the Electronic Payment System Judges—

(i) any voluntarily negotiated access agreement that affects any market in the United States or elsewhere;

(ii) any documentation relating to a voluntarily negotiated access agreement evidencing any consideration being given or any marketing or promotional agreement between the negotiating parties; and

(iii) any amendment to that voluntarily negotiated access agreement or documentation.

(C) **TIMING AND AVAILABILITY OF FILINGS.**—The negotiating parties to any voluntarily negotiated access agreement executed after the date of enactment of this Act shall jointly file the voluntarily negotiated access agreement, and any documentation or amendment described in subparagraph (B), with the Electronic Payment System Judges not later than 30 days after the date of execution of the voluntarily negotiated access agreement or amendment or the date of the creation of the documentation, as the case may be. The Electronic Payment System Judges shall make publicly available any voluntarily negotiated access agreement, amendment, or accompanying documentation filed under this paragraph.

(2) **INITIATION OF PROCEEDINGS.**—The proceedings under this subsection to establish fees and terms for access to a covered electronic payment system shall be initiated in accordance with section 6.

(3) **PROCEEDINGS.**—

(A) **IN GENERAL.**—The Electronic Payment System Judges shall conduct proceedings as specified under this Act to establish fees and terms for access to a covered electronic payment system. Except as specifically provided in a voluntarily negotiated access agreement, a provider of a covered electronic payment system may not directly or indirectly charge fees or set terms for access to a covered electronic payment system that are not in accordance with the fees and terms established by the Electronic Payment System Judges pursuant to proceedings under this Act.

(B) **PERIOD OF APPLICABILITY.**—Except as provided in section 6, the fees and terms established under this paragraph with respect to a covered electronic payment system shall apply during the 3-year period beginning on January 1 of the second year following the year in which the proceedings to establish such fees and terms are commenced.

(C) **STANDARD FOR ESTABLISHMENT OF FEES AND TERMS BY THE ELECTRONIC PAYMENT SYSTEM JUDGES.**—

(i) **IN GENERAL.**—In establishing fees and terms for access to a covered electronic payment system under subparagraph (A), the Electronic Payment System Judges—

(I) shall be limited to selecting, without modification, 1 of the 2 final offers of fees and terms filed by the proceeding parties pursuant to section 5(c)(2)(A); and

(II) shall select the final offer of fees and terms that most closely represent the fees and terms that would be negotiated in a hypothetical perfectly competitive marketplace for access to an electronic payment system between a willing buyer with no market power and a willing seller with no market power.

(ii) **STANDARDS.**—In determining which final offer of fees and terms to select, the Electronic Payment System Judges—

(I) shall consider the costs of transaction authorization, clearance, and settlement that are necessary to operate and to access an electronic payment system;

(II) shall consider a normal rate of return in a hypothetical perfectly competitive marketplace;

(III) shall avoid selecting a final offer of fees and terms that would have anticompeti-

tive effects within the issuer market, the acquirer market, or the merchant market;

(IV) may select a final offer that is a schedule of fees and terms that varies based upon cost-based differences in types of credit card and debit card transactions (which may include whether a transaction is of a signature-based, PIN-based, or card-not-present type);

(V) may select a final offer that is a schedule of fees and terms that provides alternative fees and terms for those acquirers or issuers that are regulated by the National Credit Union Administration or that, together with affiliates of the acquirer or issuer, have assets in a total amount of less than \$1,000,000,000; and

(VI) may not select a final offer that is a schedule of fees and terms that varies based on type of merchant or volume of transactions (either in number or dollar value).

(D) **USE OF EXISTING FEES AND TERMS AS EVIDENCE.**—In establishing fees and terms for access to a covered electronic payment system under this paragraph, the Electronic Payment System Judges—

(i) shall decide the weight to be given to any evidence submitted by a proceeding party regarding the fees and terms for access to comparable electronic payment systems, including fees and terms in voluntarily negotiated access agreements filed under paragraph (1); and

(ii) shall give significant weight to fees in a voluntarily negotiated access agreement that are substantially below the fees reflective of the market power of the covered electronic payment systems that existed before the date of enactment of this Act.

SEC. 4. ELECTRONIC PAYMENT SYSTEM JUDGES.

(a) **APPOINTMENT.**—The Attorney General and the Chairman shall jointly appoint 3 full-time Electronic Payment System Judges, and shall appoint 1 of the 3 Electronic Payment System Judges as the Chief Electronic Payment System Judge.

(b) **DUTIES.**—The Electronic Payment System Judges shall establish fees and terms for access to covered electronic payment systems in accordance with this Act.

(c) **RULINGS.**—The Electronic Payment System Judges may make any necessary procedural or evidentiary ruling in a proceeding under this Act and may, before commencing a proceeding under this Act, make any procedural ruling that will apply to a proceeding under this Act.

(d) **ADMINISTRATIVE SUPPORT.**—The Attorney General and Chairman shall provide the Electronic Payment System Judges with the necessary administrative services related to proceedings under this Act.

(e) **LOCATION.**—The offices of the Electronic Payment System Judges and staff shall be located in the offices of the Department of Justice or the Federal Trade Commission.

(f) **QUALIFICATIONS OF ELECTRONIC PAYMENT SYSTEM JUDGES.**—Each Electronic Payment System Judge shall be an attorney who has at least 7 years of legal experience. The Chief Electronic Payment System Judge shall have at least 5 years of experience in adjudications, arbitrations, or court trials. At least 1 Electronic Payment System Judge who is not the Chief Electronic Payment System Judge shall have significant knowledge of electronic payment systems. At least one Electronic Payment System Judge shall have significant knowledge of economics. An individual may serve as an Electronic Payment System Judge only if the individual is free of any financial conflict of interest under the standards established under subsection (m).

(g) **STAFF.**—The Chief Electronic Payment System Judge shall hire, at minimum, 3 full-time staff members to assist the Electronic Payment System Judges in performing the duties of the Electronic Payment System Judges under this Act.

(h) **TERMS.**—

(1) **INITIAL APPOINTMENTS.**—For the first appointments of Electronic Payment System Judges after the date of enactment of this Act—

(A) the Chief Electronic Payment System Judge shall be appointed for a term of 6 years;

(B) 1 Electronic Payment System Judge who is not the Chief Electronic Payment System Judge shall be appointed for a term of 4 years; and

(C) 1 Electronic Payment System Judge who is not the Chief Electronic Payment System Judge shall be appointed for a term of 2 years.

(2) **SUBSEQUENT APPOINTMENT.**—After the appointments under paragraph (1), an Electronic Payment System Judge shall be appointed for a term of 6 years.

(3) **REAPPOINTMENT.**—An individual serving as an Electronic Payment System Judge may be reappointed to subsequent terms.

(4) **START AND END OF TERMS.**—The term of an Electronic Payment System Judge shall begin on the date on which the term of the predecessor of that Electronic Payment System Judge ends. If a successor Electronic Payment System Judge has not been appointed as of the date on which the term of office of an Electronic Payment System Judge ends, the individual serving that term may continue to serve as an interim Electronic Payment System Judge until a successor is appointed.

(i) **VACANCIES OR INCAPACITY.**—

(1) **VACANCIES.**—The Attorney General and the Chairman shall act expeditiously to fill any vacancy in the position of Electronic Payment System Judge, and may appoint an interim Electronic Payment System Judge to serve until an Electronic Payment System Judge is appointed to fill the vacancy under this section. An Electronic Payment System Judge appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed shall be appointed for the remainder of that term.

(2) **INCAPACITY.**—If an Electronic Payment System Judge is temporarily unable to perform the duties of an Electronic Payment System Judge, the Attorney General and Chairman may appoint an interim Electronic Payment System Judge to perform such duties during the period of such incapacity.

(j) **COMPENSATION.**—

(1) **JUDGES.**—The Chief Electronic Payment System Judge shall receive compensation at the rate of basic pay payable for level AL-1 for administrative law judges under section 5372(b) of title 5, United States Code, and each Electronic Payment System Judge who is not the Chief Electronic Payment System Judge shall receive compensation at the rate of basic pay payable for level AL-2 for administrative law judges under such section. The compensation of the Electronic Payment System Judges shall not be subject to any regulations adopted by the Office of Personnel Management under its authority under section 5376(b)(1) of title 5, United States Code.

(2) **STAFF MEMBERS.**—Of the 3 staff members appointed under subsection (g)—

(A) the rate of pay of 1 staff member shall be not more than the basic rate of pay payable for level 10 of GS-15 of the General Schedule;

(B) the rate of pay of 1 staff member shall be not less than the basic rate of pay payable for GS-13 of the General Schedule and not more than the basic rate of pay payable for level 10 of GS-14 of such Schedule; and

(C) the rate of pay of 1 staff member shall be not less than the basic rate of pay payable for GS-8 of the General Schedule and not more than the basic rate of pay payable for level 10 of GS-11 of such Schedule.

(3) LOCALITY PAY.—All rates of pay established under this subsection shall include locality pay.

(K) INDEPENDENCE OF ELECTRONIC PAYMENT SYSTEM JUDGES.—

(1) IN MAKING DETERMINATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Electronic Payment System Judges—

(i) shall have full independence in establishing fees and terms for access to covered electronic payment systems and in issuing any other ruling under this Act; and

(ii) may consult with the Attorney General and the Chairman on any matter other than a question of fact.

(B) CONSULTATION.—The Electronic Payment System Judges shall consult with the Attorney General and the Chairman regarding any determination or ruling that would require that any act be performed by the Attorney General or the Chairman, and any such determination or ruling shall not be binding upon the Attorney General or the Chairman.

(2) PERFORMANCE APPRAISALS.—

(A) IN GENERAL.—Notwithstanding any other provision of law or any regulation of the Department of Justice or Federal Trade Commission, and subject to subparagraph (B), the Electronic Payment System Judges shall not receive performance appraisals.

(B) RELATING TO SANCTION OR REMOVAL.—To the extent that the Attorney General and the Chairman adopt regulations under subsection (m) relating to the sanction or removal of an Electronic Payment System Judge and such regulations require documentation to establish the cause of such sanction or removal, the Electronic Payment System Judge may receive an appraisal related specifically to the cause of the sanction or removal.

(1) INCONSISTENT DUTIES BARRED.—No Electronic Payment System Judge may undertake duties that conflict with the duties and responsibilities of an Electronic Payment System Judge under this Act.

(m) STANDARDS OF CONDUCT.—The Attorney General and the Chairman shall adopt regulations regarding the standards of conduct, including financial conflict of interest and restrictions against ex parte communications, which shall govern the Electronic Payment System Judges and the proceedings under this Act.

(n) REMOVAL OR SANCTION.—The Attorney General and the Chairman acting jointly may sanction or remove an Electronic Payment System Judge for violation of the standards of conduct adopted under subsection (m), misconduct, neglect of duty, or any disqualifying physical or mental disability. Any such sanction or removal may be made only after notice and opportunity for a hearing. The Attorney General and the Chairman may suspend an Electronic Payment System Judge during the pendency of such a hearing. The Attorney General and the Chairman shall appoint an interim Elec-

tronic Payment System Judge during the period of any suspension under this subsection.

SEC. 5. PROCEEDINGS OF ELECTRONIC PAYMENT SYSTEM JUDGES.

(a) PROCEEDINGS.—

(1) IN GENERAL.—The Electronic Payment System Judges shall act in accordance with regulations issued by the Electronic Payment System Judges, the Attorney General, and the Chairman, and on the basis of a written record, prior determinations and interpretations of the Electronic Payment System Judges under this Act, and decisions of the court of appeals of the United States.

(2) JUDGES ACTING AS PANEL AND INDIVIDUALLY.—The Electronic Payment System Judges shall preside over hearings in proceedings under this Act en banc. The Chief Electronic Payment System Judge may designate an Electronic Payment System Judge to preside individually over such collateral and administrative proceedings as the Chief Judge considers appropriate.

(b) PROCEDURES.—

(1) COMMENCEMENT.—The Electronic Payment System Judges shall cause to be published in the Federal Register a notice of commencement of proceedings under section 3(c) to establish fees and terms for access to a covered electronic payment system.

(2) MANDATORY NEGOTIATION PERIOD.—

(A) IN GENERAL.—Promptly after the commencement of a proceeding under section 3(c) to establish fees and terms for access to a covered electronic payment system, the Electronic Payment System Judges shall initiate a period for negotiations for the purpose of achieving a voluntarily negotiated access agreement. Nothing in this paragraph shall preclude the proceeding parties or any members thereof from conducting negotiations before or after the mandatory negotiation period for the purpose of achieving a voluntarily negotiated access agreement.

(B) LENGTH.—The period for negotiations initiated under subparagraph (A) shall be 3 months.

(C) DETERMINATION OF NEED FOR FURTHER PROCEEDINGS.—At the close of the period for negotiations initiated under subparagraph (A), the Electronic Payment System Judges shall determine if further proceedings under this Act are necessary.

(3) PROCEEDING PARTIES IN FURTHER PROCEEDINGS.—

(A) IN GENERAL.—In any further proceeding ordered by the Electronic Payment System Judges under paragraph (2)(C), there shall be only 2 proceeding parties, 1 consisting of all providers of the covered electronic payment system and the other consisting of all merchants that have access to or seek access to the covered electronic payment system. Each proceeding party shall bear its own costs. A provider of a covered electronic payment system or a merchant that has access to or seeks access to the covered electronic payment system may choose not to participate in the proceeding as a member of a proceeding party, but unless such provider or merchant executes a voluntarily negotiated access agreement, such provider or merchant shall be bound by the determination of the Electronic Payment System Judges with regard to the fees and terms for access to the covered electronic payment system.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the proceeding parties or any members thereof in a proceeding under subparagraph (A) from negotiating and entering into a voluntarily negotiated access agreement at any other time.

(4) REGULATIONS.—

(A) AUTHORIZATION.—

(i) IN GENERAL.—The Electronic Payment System Judges may issue regulations to carry out the duties of the Electronic Payment System Judges under this Act. All regulations issued by the Electronic Payment System Judges are subject to the approval of the Attorney General and the Chairman. Not later than 120 days after the date on which all Electronic Payment System Judges are appointed under section 4(h)(1), the Electronic Payment System Judges shall issue regulations to govern proceedings under this subsection. In setting these regulations, the Electronic Payment System Judges shall consider the regulations issued by the Copyright Royalty Judges under section 803(b)(6) of title 17, United States Code.

(ii) SCOPE.—The regulations issued under clause (i) shall include regulations regarding the procedures described in subparagraph (B).

(B) PROCEDURES.—

(i) WRITTEN DIRECT STATEMENTS.—The written direct statements of the proceeding parties shall be filed by a date specified by the Electronic Payment System Judges, which may be not earlier than 4 months, and not later than 5 months, after the end of the voluntary negotiation period under paragraph (2). Notwithstanding the preceding sentence, the Electronic Payment System Judges may allow a proceeding party to file an amended written direct statement based on new information received during the discovery process, not later than 15 days after the end of the discovery period specified in clause (ii).

(ii) DISCOVERY SCHEDULE.—Following the submission to the Electronic Payment System Judges of written direct statements by the proceeding parties, the Electronic Payment System Judges shall meet with the proceeding parties to set a schedule for conducting and completing discovery. Such schedule shall be determined by the Electronic Payment System Judges. Discovery in such proceedings shall be permitted for a period of not longer than 60 days, except for discovery ordered by the Electronic Payment System Judges in connection with the resolution of motions, orders, and disputes pending at the end of such period.

(iii) INITIAL DISCLOSURES.—

(I) IN GENERAL.—In a proceeding under this Act to determine fees and terms for access to a covered electronic payment system, certain persons shall make initial disclosures not later than 30 days after the date of commencement of the proceeding, in accordance with this clause.

(II) ISSUERS, ACQUIRERS, AND OWNERS.—Any person who is 1 of the 10 largest issuers for a covered electronic payment system in terms of number of cards issued, any person who is 1 of the 10 largest acquirers for a covered electronic payment system based on dollar amount of transactions made by merchants they serve, and any person who owns or controls the relevant covered electronic payment system and establishes the terms and conditions through which issuers and acquirers participate in the covered electronic payment system, shall produce to the Electronic Payment System Judges and to both proceedings parties—

(aa) an itemized list of the costs necessary to operate the covered electronic payment system that were incurred by the person during the most recent full calendar year before the initiation of the proceeding; and

(bb) any access agreement between that person and 1 or more merchants with regard to that covered electronic payment system.

(III) MERCHANTS.—Any person who is 1 of the 10 largest merchants using the relevant

covered electronic payment system, determined based on dollar amount of transactions made with the covered electronic payment system, shall produce to the Electronic Payment System Judges and to both proceeding parties—

(aa) an itemized list of the costs necessary to access the electronic payment system during the most recent full calendar year prior to the initiation of the proceeding; and

(bb) any access agreement between that person and 1 or more providers with regard to that covered electronic payment system.

(IV) DISAGREEMENT.—Any disagreement regarding whether a person is required to make an initial disclosure under this clause, or the contents of such a disclosure, shall be resolved by the Electronic Payment System Judges.

(iv) DEPOSITIONS.—

(I) IN GENERAL.—In a proceeding under this Act to determine fees and terms for access to a covered electronic payment system, each proceeding party shall be permitted to take depositions of every witness identified by the other proceeding party. Except as provided in subclause (III), each proceeding party also shall be permitted to take 5 additional depositions in the entire proceeding.

(II) ORGANIZATIONAL ENTITIES.—A deposition notice or subpoena may name as the deponent a person who is an individual or a person who is not an individual. Such deposition notice or subpoena shall describe with reasonable particularity the matters on which examination is requested. If the deposition notice or subpoena names a person who is not an individual, the deponent person so named shall designate 1 or more officers, directors, or managing agents, or other individual persons who consent to testify on behalf of the deponent person, and may set forth, for each individual person designated, the matters on which the individual person will testify. A subpoena shall advise a nonparty deponent person of the duty of the deponent person to make such a designation. An individual person designated under this subclause shall testify as to matters known or reasonably available to the deponent person.

(III) ADDITIONAL DEPOSITIONS.—The Electronic Payment System Judges may increase the permitted number of depositions for good cause in exceptional circumstances, and shall resolve any disputes among persons within either proceeding party regarding the allocation of the depositions permitted under this clause.

(v) WRITTEN DISCOVERY.—In a proceeding under this Act to determine fees and terms for access to a covered electronic payment system, each proceeding party shall be permitted to serve written discovery requests on 10 persons. These written discovery requests may include requests for production or inspection, a total of no more than 10 requests for admission in the entire proceeding, and a total of no more than 25 interrogatories in the entire proceeding. The Electronic Payment System Judges may increase the permitted number of requests for admission or interrogatories for good cause in exceptional circumstances, and shall resolve any disputes among persons within either proceeding party regarding the allocation of the requests for admission or interrogatories permitted under this clause.

(vi) SUBPOENAS.—Upon the request of a party to a proceeding to determine fees and terms for access to a covered electronic payment system, the Electronic Payment System Judges may issue a subpoena commanding a person to appear and give testi-

mony, or to produce and permit inspection of documents or tangible things, if the resolution of the proceeding by the Electronic Payment System Judges may be substantially impaired by the absence of such testimony or production of documents or tangible things. A subpoena under this clause shall specify with reasonable particularity the materials to be produced or the scope and nature of the required testimony. Nothing in this clause shall preclude the Electronic Payment System Judges from requesting the production by a person of information or materials relevant to the resolution by the Electronic Payment System Judges of a material issue of fact.

(vii) OBJECTIONS TO DISCOVERY REQUESTS.—

(I) IN GENERAL.—Any objection to a request or subpoena under clause (v) or (vi) shall be resolved by a motion or request to compel production made to the Electronic Payment System Judges in accordance with regulations adopted by the Electronic Payment System Judges. Each motion or request to compel discovery shall be determined by the Electronic Payment System Judges, or by an Electronic Payment System Judge when permitted under subsection (a)(2). Upon such motion or request to compel discovery, the Electronic Payment System Judges may order discovery under regulations established under this paragraph.

(II) CONSIDERATIONS.—In determining whether discovery will be granted under this clause, the Electronic Payment System Judges may consider—

(aa) whether the burden or expense of producing the requested information or materials outweighs the likely benefit, taking into account the needs and resources of the proceeding parties, the importance of the issues at stake, and the probative value of the requested information or materials in resolving such issues;

(bb) whether the requested information or materials would be unreasonably cumulative or duplicative, or are obtainable from another source that is more convenient, less burdensome, or less expensive; and

(cc) whether the proceeding party seeking discovery has had ample opportunity by discovery in the proceeding or by other means to obtain the information sought.

(viii) VOLUNTARILY NEGOTIATED ACCESS AGREEMENTS.—In proceedings to determine fees and terms for access to a covered electronic payment system, the Electronic Payment System Judges shall make available to the proceeding parties all documents filed under section 3(c)(1).

(ix) SETTLEMENT CONFERENCE.—The Electronic Payment System Judges shall order a settlement conference between the proceeding parties to facilitate the presentation of offers of settlement between the parties. The settlement conference shall be held during the 21-day period beginning on the date on which the discovery period ends and shall take place outside the presence of the Electronic Payment System Judges.

(x) DIRECT AND REBUTTAL HEARINGS.—At the conclusion of the 21-day period described in clause (ix), the Electronic Payment System Judges shall determine if further proceedings under this Act are necessary. If the Electronic Payment System Judges determine further proceedings under this Act are necessary, the Electronic Payment System Judges shall schedule a direct hearing of not more than 30 court days and a rebuttal hearing of not more than 20 court days during which both proceeding parties will be allowed to offer witness testimony and documents.

(xi) SPONSORING WITNESSES.—No evidence, including exhibits, may be submitted in the written direct statement or written rebuttal statement of a proceeding party without a sponsoring witness, except for—

(I) requests for admission that have been admitted by the receiving proceeding party;

(II) evidence of which the Electronic Payment System Judges have taken official notice;

(III) incorporation by reference of past records; or

(IV) good cause shown.

(xii) HEARSAY.—Hearsay may be admitted in proceedings under this Act to the extent determined relevant and reliable by the Electronic Payment System Judges.

(xiii) APPLICABILITY OF THE FEDERAL RULES OF EVIDENCE.—To the extent not inconsistent with this subparagraph, the Federal Rules of Evidence shall apply to proceedings under this Act.

(5) PENALTIES FOR FAILURE TO COMPLY WITH A DISCOVERY REQUEST.—

(A) FAILURE TO COMPLY.—A person has failed to comply with a discovery request if the person, or an employee or agent of the person, fails, without substantial justification, to—

(i) make initial disclosures required under paragraph (4)(B)(iii);

(ii) be sworn or answer a question as a deponent after being directed to do so by the Electronic Payment System Judges under clause (iv) or (vi) of paragraph (4)(B);

(iii) answer an interrogatory submitted under paragraph (4)(B)(v);

(iv) produce nonprivileged documents requested under clause (v) or (vi) of paragraph (4)(B); or

(v) admit the genuineness of any document or the truth of any matter as requested under paragraph (4)(B)(v), and the person requesting the admissions thereafter proves the genuineness of the document or the truth of the matter.

(B) FALSE OR MISLEADING RESPONSES.—For purposes of this Act, any disclosure, answer, or response that is false or substantially misleading, evasive, or incomplete shall be deemed a failure to comply with a discovery request.

(C) NEGATIVE INFERENCE IN CURRENT PROCEEDING.—If any person fails to comply with a discovery request, the Electronic Payment System Judges may issue an order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the current proceeding in accordance with the claim of the proceeding party seeking discovery and obtaining the order.

(D) CIVIL PENALTY.—

(i) GENERALLY.—Any person who fails to comply with a discovery request under this Act shall be subject to a civil penalty, which shall be assessed by the Electronic Payment System Judges, of not more than \$25,000 for each violation. Each day of violation shall constitute a separate violation.

(ii) NOTICE AND HEARINGS.—No civil penalty may be assessed under this subparagraph except under an order of the Electronic Payment System Judges and unless the person accused of the violation was given prior notice and opportunity to request and participate in a hearing before the Electronic Payment System Judges with respect to the violation.

(iii) DETERMINING AMOUNT.—In determining the amount of any penalty assessed under this subparagraph, the Electronic Payment System Judges shall take into account the nature, circumstances, extent, and gravity of

the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

(iv) REVIEW.—Any person who requested a hearing with respect to a civil penalty under this subparagraph and who is aggrieved by an order assessing the civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit. Such a petition may be filed not later than 30 days after the date on which the order making such assessment was issued. The United States Court of Appeals for the District of Columbia Circuit shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, an order of the Electronic Payment System Judges under this subparagraph, or the court may remand the proceeding to the Electronic Payment System Judges for such further action as the court may direct. The Attorney General shall represent the Electronic Payment System Judges before the court.

(v) ENFORCEMENT.—If any person fails to pay an assessment of a civil penalty after the civil penalty has become a final and unappealable order or after the appropriate court has entered final judgment, the Electronic Payment System Judges shall request the Attorney General to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty on the record.

(c) DETERMINATION OF ELECTRONIC PAYMENT SYSTEM JUDGES.—

(1) TIMING.—The Electronic Payment System Judges shall issue a determination in a proceeding not later than the earlier of—

(A) 11 months after the end of the 21-day settlement conference period under subsection (b)(4)(B)(ix); or

(B) 15 days before the date on which the fees and terms in effect for the relevant covered electronic payment system expire.

(2) DETERMINATION.—

(A) FILING OF FINAL OFFER.—Before the commencement of a direct hearing in a proceeding under subsection (b)(4)(B)(x), each proceeding party shall file with the Electronic Payment System Judges and with the other proceeding party a final offer of fees and terms for access to the covered electronic payment system. A proceeding party may not amend a final offer submitted under this subparagraph, except with the express consent of the Electronic Payment System Judges and the other proceeding party.

(B) SELECTION BETWEEN FINAL OFFERS.—After the conclusion of the direct hearing and rebuttal hearing, the Electronic Payment System Judges shall make their determination by selecting 1 of the 2 final offers filed by the proceeding parties. The Electronic Payment System Judges shall make their selection in accordance with the standards described in section 3(c)(3)(C).

(C) VOTING AND DISSENTING OPINIONS.—A final determination of the Electronic Payment System Judges in a proceeding under this Act shall be made by majority vote. An Electronic Payment System Judge dissenting from the majority on any determination under this Act may issue a dissenting opinion, which shall be included with the determination.

(3) REHEARINGS.—

(A) IN GENERAL.—The Electronic Payment System Judges may, in exceptional cases, upon motion of a proceeding party, order a rehearing, after the determination in the proceeding is issued under paragraph (2), on such matters as the Electronic Payment System Judges determine to be appropriate.

(B) TIMING FOR FILING MOTION.—Any motion for a rehearing under subparagraph (A) shall be filed not later than 15 days after the date on which the Electronic Payment System Judges deliver to the parties in the proceeding their initial determination concerning fees and terms.

(C) PARTICIPATION BY OPPOSING PARTY NOT REQUIRED.—In any case in which a rehearing is ordered under this paragraph, any opposing proceeding party shall not be required to participate in the rehearing, except that nonparticipation may give rise to the limitations with respect to judicial review provided for in subsection (d)(1).

(D) NO NEGATIVE INFERENCE.—The Electronic Payment System Judges may not draw a negative inference from lack of participation in a rehearing.

(E) CONTINUITY OF FEES AND TERMS.—

(i) IN GENERAL.—If the decision of the Electronic Payment System Judges on any motion for a rehearing is not rendered before the expiration of the fees and terms in effect for the relevant covered electronic payment system, in the case of a proceeding to determine successor fees and terms for fees and terms that expire on a specified date, the initial determination of the Electronic Payment System Judges that is the subject of the rehearing motion shall be effective as of the day following the date on which the fees and terms that were previously in effect expire.

(ii) FEE PAYMENTS.—The pendency of a motion for a rehearing under this paragraph shall not relieve a person obligated to make fee payments for access to a covered electronic payment system who would be affected by the determination on that motion from paying the fees required and complying with the terms under the relevant determination.

(iii) OVERPAYMENTS AND UNDERPAYMENTS.—Notwithstanding clause (ii), if fees described in clause (ii) are paid—

(I) the recipient of such fees shall, not later than 60 days after the date on which the motion for rehearing is resolved or, if the motion is granted, 60 days after the date on which the rehearing is concluded, return any excess fees described in clause (ii), to the extent necessary to comply with the final determination by the Electronic Payment System Judges of fees and terms for access to the covered electronic payment system; and

(II) a person obligated to make fee payments shall, not later than 60 days after the date on which the motion for rehearing is resolved or, if the motion is granted, 60 days after the date on which the rehearing is concluded, pay the recipient the amount of any underpayment of fees described in clause (i), to the extent necessary to comply with the final determination by the Electronic Payment System Judges of fees and terms for access to the covered electronic payment system.

(4) CONTENTS OF DETERMINATION.—A determination of the Electronic Payment System Judges shall establish the fees and terms for access to the relevant covered electronic payment system, shall be supported by the written record, and shall set forth the findings of fact relied on by the Electronic Payment System Judges. The Electronic Payment System Judges shall make publicly

available in their entirety all determinations issued under this paragraph.

(5) CONTINUING JURISDICTION.—The Electronic Payment System Judges may, with the approval of the Attorney General and the Chairman, issue an amendment to a written determination to correct any technical or clerical errors in the determination in response to unforeseen circumstances that would frustrate the proper implementation of such determination. Such amendment shall be set forth in a written addendum to the determination that shall be distributed to the proceeding parties and shall be published in the Federal Register.

(6) PROTECTIVE ORDER.—The Electronic Payment System Judges may issue such orders as may be appropriate to protect confidential information, including orders excluding confidential information from the record of the determination that is published or made available to the public, except that any fees and terms of an access agreement, including voluntarily negotiated access agreements filed under section 3(c)(1), may not be excluded from publication.

(7) PUBLICATION OF DETERMINATION.—Not later than 60 days after the date on which the Electronic Payment System Judges issue a determination under this subsection, the Attorney General and the Chairman shall cause the determination, and any corrections thereto, to be published in the Federal Register. The Electronic Payment System Judges also shall publicize the determination and any corrections in such other manner as the Attorney General and the Chairman consider appropriate, including publication on the Internet. The Electronic Payment System Judges also shall make the determination, corrections, and the accompanying record available for public inspection and copying.

(8) LATE PAYMENT.—A determination of Electronic Payment System Judges—

(A) may include terms with respect to late payment; and

(B) may not include any provision in such terms described in subparagraph (A) that prevents a provider of a covered electronic payment system from asserting other rights or remedies provided under this Act.

(d) JUDICIAL REVIEW.—

(1) APPEAL.—Any determination of the Electronic Payment System Judges under subsection (c) may, not later than 30 days after the date of publication of the determination in the Federal Register, be appealed, to the United States Court of Appeals for the District of Columbia Circuit, by any aggrieved member of a proceeding party under this Act who would be bound by the determination. Any proceeding party that did not participate in a rehearing may not raise any issue that was the subject of that rehearing at any stage of judicial review of the hearing determination. If no appeal is brought within the 30-day period under this paragraph, the determination of the Electronic Payment System Judges shall be final, and shall take effect as described in paragraph (2).

(2) EFFECT OF FEES AND TERMS.—

(A) FEE PAYMENTS.—The pendency of an appeal under this subsection shall not relieve a person obligated to make fee payments for access to a covered electronic payment system who would be affected by the determination on appeal from paying the fees required and complying with the terms under the relevant determination or regulations.

(B) OVERPAYMENTS AND UNDERPAYMENTS.—Notwithstanding subparagraph (A), if fees described in subparagraph (A) are paid—

(i) the recipient of such fees shall, not later than 60 days after the date on which the appeal is resolved return any excess fees described in subparagraph (A) (and interest thereon, if ordered under paragraph (3)), to the extent necessary to comply with the final determination of fees and terms on appeal; and

(ii) a person obligated to make fee payments shall, not later than 60 days after the date on which the appeal is resolved, pay the recipient the amount of any underpayment of fees described in subparagraph (A) (and interest thereon, if ordered under paragraph (3)), to the extent necessary to comply with the final determination of fees and terms on appeal.

(3) JURISDICTION OF COURT.—If the United States Court of Appeals for the District of Columbia Circuit, under section 706 of title 5, United States Code, modifies or vacates a determination of the Electronic Payment System Judges, the court may enter its own determination with respect to the amount or distribution of fees and costs, and order the repayment of any excess fees, the payment of any underpaid fees, and the payment of interest pertaining respectively thereto, in accordance with its final judgment. The court also may vacate the determination of the Electronic Payment System Judges and remand the case to the Electronic Payment System Judges for further proceedings.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 6. INSTITUTION OF PROCEEDINGS BEFORE ELECTRONIC PAYMENT SYSTEM JUDGES.

(a) INITIAL PROCEEDINGS.—

(1) TIMING.—Proceedings under this Act shall be commenced as soon as practicable after the date of enactment of this Act to establish fees and terms for access to covered electronic payment systems under section 3(c), which shall be effective during the period beginning on January 1, 2011, and ending on December 31, 2012. The Electronic Payment System Judges shall cause notice of commencement of such proceedings to be published in the Federal Register.

(2) PROCEDURES SPECIFIC TO THE INITIAL PROCEEDINGS.—

(A) DISCOVERY PERIOD.—Notwithstanding section 5(b)(4)(B)(ii), discovery in the initial proceedings described in paragraph (1) shall be permitted for a period of 90 days, except for discovery ordered by the Electronic Payment System Judges in connection with the resolution of motions, orders, and disputes pending at the end of such period.

(B) CONSIDERATION OF CHANGES IN FEES AND TERMS BETWEEN DATE OF ENACTMENT AND INITIAL DETERMINATION.—In establishing the fees and terms under section 3(c) for access to covered electronic payment systems, to be effective during the period beginning on January 1, 2011, and ending on December 31, 2012, the Electronic Payment System Judges shall consider changes in fees and terms made by a covered electronic payments system between the date of enactment of this Act and such initial determination. Based upon such consideration, the Electronic Payment System Judges may adjust the fees established for the period beginning on January 1, 2011, and ending on December 31, 2012, to reflect the economic impact such changes had on the parties.

(b) SUBSEQUENT PROCEEDINGS.—After completion of the proceedings required under subsection (a), proceedings under section 3(c) to establish fees and terms for access to cov-

ered electronic payment systems shall be commenced in 2011, and every 3 years thereafter.

SEC. 7. GENERAL RULE FOR VOLUNTARILY NEGOTIATED ACCESS AGREEMENTS.

(a) IN GENERAL.—Any fees or terms described in subsection (b) shall remain in effect for such period of time as would otherwise apply to fees and terms established under this Act, except that the Electronic Payment System Judges shall adjust any such fees to reflect inflation during any additional period the fees remain in effect beyond that contemplated in the voluntarily negotiated access agreement.

(b) FEES AND TERMS.—The fees or terms described in this subsection are fees or terms for access to a covered electronic payment system under this Act that—

(1) are agreed upon as part of a voluntarily negotiated access agreement for a period shorter than would otherwise apply under a determination under this Act; and

(2) are adopted by the Electronic Payment System Judges as part of a determination under this Act.

By Mr. BAUCUS (for himself and Mr. CONRAD):

S. 1213. A bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Patient-Centered Outcomes Research Trust Fund, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, last year, America spent \$2.4 trillion on health care. That is 1/6 of our economy. Yet we ranked last among major industrialized nations in the Commonwealth Fund's National Scorecard on Health System Performance, which ranks the number of deaths that could be prevented before age 75 through effective health care.

Some analysts estimate that as much as 30 percent of our spending is for ineffective, redundant, or inappropriate care. That's care that does nothing to improve the health of Americans.

Our system also leaves nearly 50 million Americans without health coverage and 25 million more with inadequate coverage. Most bankruptcies and foreclosures in America are related to medical costs.

Our system needs reform.

Today, along with Senator CONRAD, the Chairman of the Budget Committee, I am proud to introduce a bill that would improve health care in America by helping doctors and patients to make better, more-informed health care decisions.

This legislation would increase the chances that Americans receive the right care. This bill would provide for research that can help physicians and patients know more about what works best in medicine, and what does not.

Some patients, receive medical treatments that work well. Some patients receive treatments that do not. In many cases, doctors simply don't have enough reliable evidence to decide which treatments are best for which patients.

Rapid innovation and advancements in medicine have led to an ever-changing array of new and sometimes expensive technologies. The age of personalized medicine and genetic engineering will provide even more choices for patients and their physicians. Indeed, both patients and physicians can face great difficulty in choosing among treatment options.

Patients and physicians need more credible information about how treatments for a specific condition compare to each other. Today, the vast majority of medical information shows how treatments work compared to placebos. Most medical information does not show how treatments work compared to each other.

For example, men with prostate cancer have a choice among 3 common treatments surgery, radiation, and chemotherapy. Each approach yields different outcomes in terms of survival, ability to return to work, and other measures of quality of life.

Comparative effectiveness research would compare each approach in a systematic way. That way, doctors and patients would have more information about how options work, and for whom. The bill that I introduce today would do just that.

This bill would facilitate comparisons across a broad spectrum of health care interventions and health care strategies that are used to prevent, treat, diagnose and manage health conditions. By evaluating and comparing what works best, patients and providers can make more informed decisions about care.

More specifically, this bill would create a nonprofit institute that would be responsible for setting national health care research priorities. The institute, called the Patient-Centered Outcomes Research Institute, would be a private entity. It would be governed by a multi-stakeholder, public-private sector Board of Governors. It would not be an agency of the Federal Government.

Keeping the Institute a private, nonprofit entity would shelter it from potential political influence from both the executive and legislative branches of Government. The independence and expertise of the Institute would result in more credible and more useful research for Americans.

The Institute would set national priorities for comparative effectiveness research and facilitate studies that would help to answer the most pressing questions about what works, and what doesn't.

The Institute would have the authority to contract with experienced Federal agencies—such as the National Institutes of Health and the Agency for Health Care Research and Quality, or with private researchers—to carry out the actual research. The Institute would also be responsible for disseminating the findings of the research in

ways that make sense to both patients and providers.

The Institute's work would not happen behind closed doors. The bill would provide opportunities for public input and scientific review of the integrity of the research being conducted. The Institute's meetings would be accessible to the public, and open forums would help to solicit and obtain input on the Institute's activities and agenda. Also, public comment periods would be made available to discuss research findings.

The Institute's work would benefit all Americans who receive health care. So both public and private payers would fund the Institute. After an initial investment from general revenues, the Institute would be funded by an all-payer system, drawing from both public and private sources.

Comparative effectiveness research would not be the ultimate decision maker. Instead, it would provide an additional tool to improve health quality. The Institute would be a health care resource, a scientific entity, a source of knowledge, and a provider of information.

According to the Institute of Medicine, this research would provide better evidence—objective information—so that doctors and patients could make better decisions.

If we are truly to reform our health care system, then we must get more evidence into the hands of the people making medical decisions. This research is not only about reducing health care costs. It is focused on addressing significant gaps in knowledge.

It is not just the academics and economists who agree. Patient advocates like the National Breast Cancer Coalition, provider groups like the American Medical Association, and consumer groups like AARP can see the benefits of this research quite clearly. They have all extended their support.

The American Recovery and Reinvestment Act made a significant investment towards this type of research. But that was just a first step. We must ensure that this research will be sustained in the years to come.

From cars to toasters, Americans are able to readily view and evaluate information about the quality and effectiveness of so many of the items that they buy. It seems only logical that they should have information on what works and what does not when it comes to their health, especially with one in every 6 of this country's dollars being spent on health care.

It is time for Americans and their doctors to be wield the world's most advanced science, so that the most personal health care decisions, like so many of the other decisions we make, are made with access to the best available information.

I urge my colleagues to support this common-sense measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1213

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient-Centered Outcomes Research Act of 2009".

SEC. 2. COMPARATIVE EFFECTIVENESS RESEARCH.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new part:

"PART D—COMPARATIVE EFFECTIVENESS RESEARCH

"COMPARATIVE EFFECTIVENESS RESEARCH

"SEC. 1181. (a) DEFINITIONS.—In this section:

"(1) BOARD.—The term 'Board' means the Board of Governors established under subsection (f).

"(2) COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH.—

"(A) IN GENERAL.—The term 'comparative clinical effectiveness research' means research evaluating and comparing the clinical effectiveness, risks, and benefits of 2 or more medical treatments, services, and items described in subparagraph (B).

"(B) MEDICAL TREATMENTS, SERVICES, AND ITEMS DESCRIBED.—The medical treatments, services, and items described in this subparagraph are health care interventions, protocols for treatment, care management, and delivery, procedures, medical devices, diagnostic tools, pharmaceuticals (including drugs and biologicals), and any other strategies or items being used in the treatment, management, and diagnosis of, or prevention of illness or injury in, patients.

"(3) COMPARATIVE EFFECTIVENESS RESEARCH.—The term 'comparative effectiveness research' means research evaluating and comparing the implications and outcomes of 2 or more health care strategies to address a particular medical condition for specific patient populations.

"(4) CONFLICTS OF INTEREST.—The term 'conflicts of interest' means associations, including financial and personal, that may be reasonably assumed to have the potential to bias an individual's decisions in matters related to the Institute or the conduct of activities under this section.

"(5) INSTITUTE.—The term 'Institute' means the 'Patient-Centered Outcomes Research Institute' established under subsection (b)(1).

"(b) PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE.—

"(1) ESTABLISHMENT.—There is authorized to be established a nonprofit corporation, to be known as the "Patient-Centered Outcomes Research Institute" which is neither an agency nor establishment of the United States Government.

"(2) APPLICATION OF PROVISIONS.—The Institute shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act.

"(3) FUNDING OF COMPARATIVE EFFECTIVENESS RESEARCH.—For fiscal year 2010 and each subsequent fiscal year, amounts in the Patient-Centered Outcomes Research Trust Fund (referred to in this section as the 'PCORTF') under section 9511 of the Internal

Revenue Code of 1986 shall be available, without further appropriation, to the Institute to carry out this section.

"(c) PURPOSE.—The purpose of the Institute is to assist patients, clinicians, purchasers, and policy makers in making informed health decisions by advancing the quality and relevance of evidence concerning the manner in which diseases, disorders, and other health conditions can effectively and appropriately be prevented, diagnosed, treated, monitored, and managed through research and evidence synthesis that considers variations in patient subpopulations, and the dissemination of research findings with respect to the relative clinical outcomes, clinical effectiveness, and appropriateness of the medical treatments, services, and items described in subsection (a)(2)(B).

"(d) DUTIES.—

"(1) IDENTIFYING RESEARCH PRIORITIES AND ESTABLISHING RESEARCH PROJECT AGENDA.—

"(A) IDENTIFYING RESEARCH PRIORITIES.—The Institute shall identify national priorities for comparative clinical effectiveness research, taking into account factors, including—

"(i) disease incidence, prevalence, and burden in the United States;

"(ii) evidence gaps in terms of clinical outcomes;

"(iii) practice variations, including variations in delivery and outcomes by geography, treatment site, provider type, and patient subgroup;

"(iv) the potential for new evidence concerning certain categories of health care services or treatments to improve patient health and well-being, and the quality of care;

"(v) the effect or potential for an effect on health expenditures associated with a health condition or the use of a particular medical treatment, service, or item;

"(vi) the effect or potential for an effect on patient needs, outcomes, and preferences, including quality of life; and

"(vii) the relevance to assisting patients and clinicians in making informed health decisions.

"(B) ESTABLISHING RESEARCH PROJECT AGENDA.—

"(i) IN GENERAL.—The Institute shall establish and update a research project agenda for comparative clinical effectiveness research to address the priorities identified under subparagraph (A), taking into consideration the types of such research that might address each priority and the relative value (determined based on the cost of conducting such research compared to the potential usefulness of the information produced by such research) associated with the different types of research, and such other factors as the Institute determines appropriate.

"(ii) CONSIDERATION OF NEED TO CONDUCT A SYSTEMATIC REVIEW.—In establishing and updating the research project agenda under clause (i), the Institute shall consider the need to conduct a systematic review of existing research before providing for the conduct of new research under paragraph (2)(A).

"(2) CARRYING OUT RESEARCH PROJECT AGENDA.—

"(A) COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH.—In carrying out the research project agenda established under paragraph (1)(B), the Institute shall provide for the conduct of appropriate research and the synthesis of evidence, in accordance with the methodological standards adopted under paragraph (10), using methods, including the following:

"(i) Systematic reviews and assessments of existing research and evidence.

“(ii) Primary research, such as randomized clinical trials, molecularly informed trials, and observational studies.

“(iii) Any other methodologies recommended by the methodology committee established under paragraph (7) that are adopted by the Board under paragraph (10).

“(B) CONTRACTS FOR THE MANAGEMENT AND CONDUCT OF RESEARCH.—

“(i) IN GENERAL.—The Institute may enter into contracts for the management and conduct of research in accordance with the research project agenda established under paragraph (1)(B) with the following:

“(I) Agencies and instrumentalities of the Federal Government that have experience in conducting comparative clinical effectiveness research, such as the Agency for Healthcare Research and Quality, to the extent that such contracts are authorized under the governing statutes of such agencies and instrumentalities.

“(II) Appropriate private sector research or study-conducting entities that have demonstrated the experience and capacity to achieve the goals of comparative effectiveness research.

“(ii) CONDITIONS FOR CONTRACTS.—A contract entered into under this subparagraph shall require that the agency, instrumentality, or other entity—

“(I) abide by the transparency and conflicts of interest requirements that apply to the Institute with respect to the research managed or conducted under such contract;

“(II) comply with the methodological standards adopted under paragraph (10) with respect to such research;

“(III) take into consideration public comments on the study design that are transmitted by the Institute to the agency, instrumentality, or other entity under subsection (i)(1)(B) during the finalization of the study design and transmit responses to such comments to the Institute, which will publish such comments, responses, and finalized study design in accordance with subsection (i)(3)(A)(iii) prior to the conduct of such research; and

“(IV) in the case where the agency, instrumentality, or other entity is managing or conducting a comparative effectiveness research study for a rare disease, consult with the expert advisory panel for rare disease appointed under paragraph (5)(A)(iii) with respect to such research study.

“(iii) COVERAGE OF COPAYMENTS OR COINSURANCE.—A contract entered into under this subparagraph may allow for the coverage of copayments or co-insurance, or allow for other appropriate measures, to the extent that such coverage or other measures are necessary to preserve the validity of a research project, such as in the case where the research project must be blinded.

“(C) REVIEW AND UPDATE OF EVIDENCE.—The Institute shall review and update evidence on a periodic basis, in order to take into account new research, evolving evidence, advances in medical technology, and changes in the standard of care as they become available, as appropriate.

“(D) TAKING INTO ACCOUNT POTENTIAL DIFFERENCES.—Research shall—

“(i) be designed, as appropriate, to take into account the potential for differences in the effectiveness of health care treatments, services, and items as used with various subpopulations, such as racial and ethnic minorities, women, age, and groups of individuals with different comorbidities, genetic and molecular sub-types, or quality of life preferences; and

“(ii) include members of such subpopulations as subjects in the research as feasible and appropriate.

“(E) DIFFERENCES IN TREATMENT MODALITIES.—Research shall be designed, as appropriate, to take into account different characteristics of treatment modalities that may affect research outcomes, such as the phase of the treatment modality in the innovation cycle and the impact of the skill of the operator of the treatment modality.

“(3) STUDY AND REPORT ON FEASIBILITY OF CONDUCTING RESEARCH IN-HOUSE.—

“(A) STUDY.—The Institute shall conduct a study on the feasibility of conducting research in-house.

“(B) REPORT.—Not later than 5 years after the date of enactment of this section, the Institute shall submit a report to Congress containing the results of the study conducted under subparagraph (A).

“(4) DATA COLLECTION.—

“(A) IN GENERAL.—The Secretary shall, with appropriate safeguards for privacy, make available to the Institute such data collected by the Centers for Medicare & Medicaid Services under the programs under titles XVIII, XIX, and XXI as the Institute may require to carry out this section. The Institute may also request and, if such request is granted, obtain data from Federal, State, or private entities, including data from clinical databases and registries.

“(B) USE OF DATA.—The Institute shall only use data provided to the Institute under subparagraph (A) in accordance with laws and regulations governing the release and use of such data, including applicable confidentiality and privacy standards.

“(5) APPOINTING EXPERT ADVISORY PANELS.—

“(A) APPOINTMENT.—

“(i) IN GENERAL.—The Institute shall, as appropriate, appoint expert advisory panels to assist in identifying research priorities and establishing the research project agenda under paragraph (1). Panels shall advise the Institute in matters such as identifying gaps in and updating medical evidence in order to ensure that the information produced from such research is clinically relevant to decisions made by clinicians and patients at the point of care.

“(ii) EXPERT ADVISORY PANELS FOR PRIMARY RESEARCH.—The Institute shall appoint expert advisory panels in carrying out the research project agenda under paragraph (2)(A)(ii). Such expert advisory panels shall, upon request, advise the Institute and the agency, instrumentality, or entity conducting the research on the research question involved and the research design or protocol, including the appropriate comparator technologies, important patient subgroups, and other parameters of the research, as necessary. Upon the request of such agency, instrumentality, or entity, such panels shall be available as a resource for technical questions that may arise during the conduct of such research.

“(iii) EXPERT ADVISORY PANEL FOR RARE DISEASE.—In the case of a comparative effectiveness research study for rare disease, the Institute shall appoint an expert advisory panel for purposes of assisting in the design of such research study and determining the relative value and feasibility of conducting such research study.

“(B) COMPOSITION.—

“(i) IN GENERAL.—An expert advisory panel appointed under subparagraph (A) shall include individuals who have experience in the relevant topic, project, or category for which the panel is established, including—

“(I) practicing and research clinicians (including relevant specialists and subspecialists), patients, and representatives of patients; and

“(II) experts in scientific and health services research, health services delivery, and evidence-based medicine.

“(ii) INCLUSION OF REPRESENTATIVES OF MANUFACTURERS OF MEDICAL TECHNOLOGY.—An expert advisory panel appointed under subparagraph (A) may include a representative of each manufacturer of each medical technology that is included under the relevant topic, project, or category for which the panel is established.

“(6) SUPPORTING PATIENT AND CONSUMER REPRESENTATIVES.—The Institute shall provide support and resources to help patient and consumer representatives on the Board and expert advisory panels appointed by the Institute under paragraph (5) to effectively participate in technical discussions regarding complex research topics. Such support shall include initial and continuing education to facilitate effective engagement in activities undertaken by the Institute and may include regular and ongoing opportunities for patient and consumer representatives to interact with each other and to exchange information and support regarding their involvement in the Institute's activities. The Institute shall provide per diem and other appropriate compensation to patient and consumer representatives for their time spent participating in the activities of the Institute under this paragraph.

“(7) ESTABLISHING METHODOLOGY COMMITTEE.—

“(A) IN GENERAL.—The Institute shall establish a standing methodology committee to carry out the functions described in subparagraph (C).

“(B) APPOINTMENT AND COMPOSITION.—The methodology committee established under subparagraph (A) shall be composed of not more than 17 members appointed by the Comptroller General of the United States. Members appointed to the methodology committee shall be experts in their scientific field, such as health services research, clinical research, comparative effectiveness research, biostatistics, genomics, and research methodologies. Stakeholders with such expertise may be appointed to the methodology committee.

“(C) FUNCTIONS.—Subject to subparagraph (D), the methodology committee shall work to develop and improve the science and methods of comparative effectiveness research by undertaking, directly or through subcontract, the following activities:

“(i) Not later than 2 years after the date on which the members of the methodology committee are appointed under subparagraph (B), developing and periodically updating the following:

“(I) Establish and maintain methodological standards for comparative clinical effectiveness research on major categories of interventions to prevent, diagnose, or treat a clinical condition or improve the delivery of care. Such methodological standards shall provide specific criteria for internal validity, generalizability, feasibility, and timeliness of such research and for clinical outcomes measures, risk adjustment, and other relevant aspects of research and assessment with respect to the design of such research. Any methodological standards developed and updated under this subclause shall be scientifically based and include methods by which new information, data, or advances in technology are considered and incorporated

into ongoing research projects by the Institute, as appropriate. The process for developing and updating such standards shall include input from relevant experts, stakeholders, and decision makers, and shall provide opportunities for public comment. Such standards shall also include methods by which patient subpopulations can be accounted for and evaluated in different types of research. As appropriate, such standards shall build on existing work on methodological standards for defined categories of health interventions and for each of the major categories of comparative effectiveness research methods (determined as of the date of enactment of the Patient-Centered Outcomes Research Act of 2009).

“(II) A translation table that is designed to provide guidance and act as a reference for the Board to determine research methods that are most likely to address each specific comparative clinical effectiveness research question.

“(ii) Not later than 3 years after such date, examining the following:

“(I) Methods by which various aspects of the health care delivery system (such as benefit design and performance, and health services organization, management, information communication, and delivery) could be assessed and compared for their relative effectiveness, benefits, risks, advantages, and disadvantages in a scientifically valid and standardized way.

“(II) Methods by which efficiency and value (including the full range of harms and benefits, such as quality of life) could be assessed in a scientifically valid and standardized way.

“(D) CONSULTATION AND CONDUCT OF EXAMINATIONS.—

“(i) IN GENERAL.—Subject to clause (iii), in undertaking the activities described in subparagraph (C), the methodology committee shall—

“(I) consult or contract with 1 or more of the entities described in clause (ii); and

“(II) consult with stakeholders and other entities knowledgeable in relevant fields, as appropriate.

“(iii) ENTITIES DESCRIBED.—The following entities are described in this clause:

“(I) The Institute of Medicine of the National Academies.

“(II) The Agency for Healthcare Research and Quality.

“(III) The National Institutes of Health.

“(IV) Academic, non-profit, or other private entities with relevant expertise.

“(iii) CONDUCT OF EXAMINATIONS.—The methodology committee shall contract with the Institute of Medicine of the National Academies for the conduct of the examinations described in subclauses (I) and (II) of subparagraph (C)(ii).

“(E) REPORTS.—The methodology committee shall submit reports to the Board on the committee's performance of the functions described in subparagraph (C). Reports submitted under the preceding sentence with respect to the functions described in clause (i) of such subparagraph shall contain recommendations—

“(i) for the Institute to adopt methodological standards developed and updated by the methodology committee under such subparagraph; and

“(ii) for such other action as the methodology committee determines is necessary to comply with such methodological standards.

“(8) PROVIDING FOR A PEER-REVIEW PROCESS FOR PRIMARY RESEARCH.—

“(A) IN GENERAL.—The Institute shall ensure that there is a process for peer review of

the research conducted under paragraph (2)(A)(ii). Under such process—

“(i) evidence from research conducted under such paragraph shall be reviewed to assess scientific integrity and adherence to methodological standards adopted under paragraph (10); and

“(ii) a list of the names of individuals contributing to any peer-review process during the preceding year or years shall be made public and included in annual reports in accordance with paragraph (12)(D).

“(B) COMPOSITION.—Such peer-review process shall be designed in a manner so as to avoid bias and conflicts of interest on the part of the reviewers and shall be composed of experts in the scientific field relevant to the research under review.

“(C) USE OF EXISTING PROCESSES.—

“(i) PROCESSES OF ANOTHER ENTITY.—In the case where the Institute enters into a contract or other agreement with another entity for the conduct or management of research under this section, the Institute may utilize the peer-review process of such entity if such process meets the requirements under subparagraphs (A) and (B).

“(ii) PROCESSES OF APPROPRIATE MEDICAL JOURNALS.—The Institute may utilize the peer-review process of appropriate medical journals if such process meets the requirements under subparagraphs (A) and (B).

“(9) DISSEMINATION OF RESEARCH FINDINGS.—

“(A) IN GENERAL.—The Institute shall disseminate research findings to clinicians, patients, and the general public in accordance with the dissemination protocols and strategies adopted under paragraph (10). Research findings disseminated—

“(i) shall convey findings of research so that they are comprehensible and useful to patients and providers in making health care decisions;

“(ii) shall discuss findings and other considerations specific to certain subpopulations, risk factors, and comorbidities, as appropriate;

“(iii) shall include considerations such as limitations of research and what further research may be needed, as appropriate;

“(iv) shall not include practice guidelines, coverage recommendations, or policy recommendations; and

“(v) shall not include any data the dissemination of which would violate the privacy of research participants or violate any confidentiality agreements made with respect to the use of data under this section.

“(B) DISSEMINATION PROTOCOLS AND STRATEGIES.—The Institute shall develop protocols and strategies for the appropriate dissemination of research findings in order to ensure effective communication of such findings and the use and incorporation of such findings into relevant activities for the purpose of informing higher quality and more effective and timely decisions regarding medical treatments, services, and items. In developing and adopting such protocols and strategies, the Institute shall consult with stakeholders, including practicing clinicians and patients, concerning the types of dissemination that will be most useful to the end users of the information and may provide for the utilization of multiple formats for conveying findings to different audiences.

“(C) DEFINITION OF RESEARCH FINDINGS.—In this paragraph, the term ‘research findings’ means the results of a study or assessment.

“(10) ADOPTION.—Subject to subsection (i)(1)(A)(i), the Institute shall adopt the national priorities identified under paragraph (1)(A), the research project agenda estab-

lished under paragraph (1)(B), the methodological standards developed and updated by the methodology committee under paragraph (7)(C)(i), any peer-review process provided under paragraph (8), and dissemination protocols and strategies developed under paragraph (9)(B) by majority vote. In the case where the Institute does not adopt such national priorities, research project agenda, methodological standards, peer-review process, or dissemination protocols and strategies in accordance with the preceding sentence, the national priorities, research project agenda, methodological standards, peer-review process, or dissemination protocols and strategies shall be referred to the appropriate staff or entity within the Institute (or, in the case of the methodological standards, the methodology committee) for further review.

“(11) COORDINATION OF RESEARCH AND RESOURCES AND BUILDING CAPACITY FOR RESEARCH.—

“(A) COORDINATION OF RESEARCH AND RESOURCES.—The Institute shall coordinate research conducted, commissioned, or otherwise funded under this section with comparative clinical effectiveness and other relevant research and related efforts conducted by public and private agencies and organizations in order to ensure the most efficient use of the Institute's resources and that research is not duplicated unnecessarily.

“(B) BUILDING CAPACITY FOR RESEARCH.—

The Institute may build capacity for comparative clinical effectiveness research and methodologies, including research training and development of data resources (such as clinical registries), through appropriate activities, including using up to 20 percent of the amounts appropriated or credited to the PCORTF under section 951(b) of the Internal Revenue Code of 1986 with respect to a fiscal year to fund extramural efforts of organizations such as the Cochrane Collaboration (or a successor organization) and other organizations that develop and maintain a data network to collect, link, and analyze data on outcomes and effectiveness from multiple sources, including electronic health records.

“(C) INCLUSION IN ANNUAL REPORTS.—The Institute shall report on any coordination and capacity building conducted under this paragraph in annual reports in accordance with paragraph (12)(E).

“(12) ANNUAL REPORTS.—The Institute shall submit an annual report to Congress and the President, and shall make the annual report available to the public. Such report shall contain—

“(A) a description of the activities conducted under this section during the preceding year, including the use of amounts appropriated or credited to the PCORTF under section 951(b) of the Internal Revenue Code of 1986 to carry out this section, research projects completed and underway, and a summary of the findings of such projects;

“(B) the research project agenda and budget of the Institute for the following year;

“(C) a description of research priorities identified under paragraph (1)(A), dissemination protocols and strategies developed by the Institute under paragraph (9)(B), and methodological standards developed and updated by the methodology committee under paragraph (7)(C)(i) that are adopted under paragraph (10) during the preceding year;

“(D) the names of individuals contributing to any peer-review process provided under paragraph (8) during the preceding year or years, in a manner such that those individuals cannot be identified with a particular research project; and

“(E) a description of efforts by the Institute under paragraph (11) to—

“(i) coordinate the research conducted, commissioned, or otherwise funded under this section and the resources of the Institute with research and related efforts conducted by other private and public entities; and

“(ii) build capacity for comparative clinical effectiveness research and other relevant research and related efforts through appropriate activities.

“(F) any other relevant information (including information on the membership of the Board, expert advisory panels appointed under paragraph (5), the methodology committee established under paragraph (7), and the executive staff of the Institute, any conflicts of interest with respect to the members of such Board, expert advisory panels, and methodology committee, or with respect to any individuals selected for employment as executive staff of the Institute, and any bylaws adopted by the Board during the preceding year).

“(e) ADMINISTRATION.—

“(1) IN GENERAL.—Subject to paragraph (2), the Board shall carry out the duties of the Institute.

“(2) NONDELEGABLE DUTIES.—The activities described in subsections (b)(3)(D), (d)(1), and (d)(10) are nondelegable.

“(f) BOARD OF GOVERNORS.—

“(1) IN GENERAL.—The Institute shall have a Board of Governors, which shall consist of the following members:

“(A) The Secretary of Health and Human Services (or the Secretary’s designee).

“(B) The Director of the Agency for Healthcare Research and Quality (or the Director’s designee).

“(C) The Director of the National Institutes of Health (or the Director’s designee).

“(D) 18 members appointed by the Comptroller General of the United States not later than 6 months after the date of enactment of this section, as follows:

“(i) 3 members representing patients and health care consumers.

“(ii) 3 members representing practicing physicians, including surgeons.

“(iii) 3 members representing agencies that administer public programs, as follows:

“(I) 1 member representing the Centers for Medicare & Medicaid Services who has experience in administering the program under title XVIII.

“(II) 1 member representing agencies that administer State health programs (who may represent the Centers for Medicare & Medicaid Services and have experience in administering the program under title XIX or the program under title XXI or be a governor of a State).

“(III) 1 member representing agencies that administer other Federal health programs (such as a health program of the Department of Defense under chapter 55 of title 10, United States Code, the Federal employees health benefits program under chapter 89 of title 5 of such Code, a health program of the Department of Veterans Affairs under chapter 17 of title 38 of such Code, or a medical care program of the Indian Health Service or of a tribal organization).

“(iv) 3 members representing private payers, of whom at least 1 member shall represent health insurance issuers and at least 1 member shall represent employers who self-insure employee benefits.

“(v) 3 members representing pharmaceutical, device, and diagnostic manufacturers or developers.

“(vi) 1 member representing nonprofit organizations involved in health services research.

“(vii) 1 member representing organizations that focus on quality measurement and improvement or decision support.

“(viii) 1 member representing independent health services researchers.

“(2) QUALIFICATIONS.—

“(A) DIVERSE REPRESENTATION OF PERSPECTIVES.—The Board shall represent a broad range of perspectives and collectively have scientific expertise in clinical health sciences research, including epidemiology, decisions sciences, health economics, and statistics.

“(B) CONFLICTS OF INTEREST.—

“(i) IN GENERAL.—In appointing members of the Board under paragraph (1)(D), the Comptroller General of the United States shall take into consideration any conflicts of interest of potential appointees. Any conflicts of interest of members appointed to the Board under paragraph (1) shall be disclosed in accordance with subsection (i)(4)(B).

“(ii) RECUSAL.—A member of the Board shall be recused from participating with respect to a particular research project or other matter considered by the Board in carrying out its research project agenda under subsection (d)(2) in the case where the member (or an immediate family member of such member) has a financial or personal interest directly related to the research project or the matter that could affect or be affected by such participation.

“(3) TERMS.—

“(A) IN GENERAL.—A member of the Board appointed under paragraph (1)(D) shall be appointed for a term of 6 years, except with respect to the members first appointed under such paragraph—

“(i) 6 shall be appointed for a term of 6 years;

“(ii) 6 shall be appointed for a term of 4 years; and

“(iii) 6 shall be appointed for a term of 2 years.

“(B) LIMITATION.—No individual shall be appointed to the Board under paragraph (1)(D) for more than 2 terms.

“(C) EXPIRATION OF TERM.—Any member of the Board whose term has expired may serve until such member’s successor has taken office, or until the end of the calendar year in which such member’s term has expired, whichever is earlier.

“(D) VACANCIES.—

“(i) IN GENERAL.—Any member appointed to fill a vacancy prior to the expiration of the term for which such member’s predecessor was appointed shall be appointed for the remainder of such term.

“(ii) VACANCIES NOT TO AFFECT POWER OF BOARD.—A vacancy on the Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

“(4) CHAIRPERSON AND VICE-CHAIRPERSON.—

“(A) IN GENERAL.—The Comptroller General of the United States shall designate a Chairperson and Vice-Chairperson of the Board from among the members of the Board appointed under paragraph (1)(D).

“(B) TERM.—The members so designated shall serve as Chairperson and Vice-Chairperson of the Board for a period of 3 years.

“(5) COMPENSATION.—

“(A) IN GENERAL.—A member of the Board shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(B) TRAVEL EXPENSES.—While away from home or regular place of business in the performance of duties for the Board, each member of the Board may receive reasonable travel, subsistence, and other necessary expenses.

“(6) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—The Board may—

“(A) employ and fix the compensation of an executive director and such other personnel as may be necessary to carry out the duties of the Institute;

“(B) seek such assistance and support as may be required in the performance of the duties of the Institute from appropriate departments and agencies of the Federal Government;

“(C) enter into contracts or make other arrangements and make such payments as may be necessary for performance of the duties of the Institute;

“(D) provide travel, subsistence, and per diem compensation for individuals performing the duties of the Institute, including members of any expert advisory panel appointed under subsection (d)(5), members of the methodology committee established under subsection (d)(7), and individuals selected to contribute to any peer-review process under subsection (d)(8); and

“(E) prescribe such rules, regulations, and bylaws as the Board determines necessary with respect to the internal organization and operation of the Institute.

“(7) MEETINGS AND HEARINGS.—The Board shall meet and hold hearings at the call of the Chairperson or a majority of its members. In the case where the Board is meeting on matters not related to personnel, Board meetings shall be open to the public and advertised through public notice at least 7 days prior to the meeting.

“(8) QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the duties of the Institute, but a lesser number of members may meet and hold hearings.

“(g) FINANCIAL OVERSIGHT.—

“(1) CONTRACT FOR AUDIT.—The Institute shall provide for the conduct of financial audits of the Institute on an annual basis by a private entity with expertise in conducting financial audits.

“(2) REVIEW OF AUDIT AND REPORT TO CONGRESS.—The Comptroller General of the United States shall—

“(A) review the results of the audits conducted under paragraph (1); and

“(B) submit a report to Congress containing the results of such audits and review.

“(h) GOVERNMENTAL OVERSIGHT.—

“(1) REVIEW AND REPORTS.—

“(A) IN GENERAL.—The Comptroller General of the United States shall review the following:

“(i) Processes established by the Institute, including those with respect to the identification of research priorities under subsection (d)(1)(A) and the conduct of research projects under this section. Such review shall determine whether information produced by such research projects—

“(I) is objective and credible;

“(II) is produced in a manner consistent with the requirements under this section; and

“(III) is developed through a transparent process.

“(ii) The overall effect of the Institute and the effectiveness of activities conducted under this section, including an assessment of—

“(I) the utilization of the findings of research conducted under this section by health care decision makers; and

“(II) the effect of the Institute and such activities on innovation and on the health economy of the United States.

“(B) REPORTS.—Not later than 5 years after the date of enactment of this section, and not less frequently than every 5 years thereafter, the Comptroller General of the United States shall submit a report to Congress containing the results of the review conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

“(2) FUNDING ASSESSMENT.—

“(A) IN GENERAL.—The Comptroller General of the United States shall assess the adequacy and use of funding for the Institute and activities conducted under this section under the PCORTF under section 9511 of the Internal Revenue Code of 1986. Such assessment shall include a determination as to whether, based on the utilization of findings by public and private payers, each of the following are appropriate sources of funding for the Institute, including a determination of whether such sources of funding should be continued or adjusted, or whether other sources of funding not described in clauses (i) through (iii) would be appropriate:

“(i) The transfer of funds from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the PCORTF under section 1183.

“(ii) The amounts appropriated under subparagraphs (A), (B), (C), (D)(ii), and (E)(ii) of subsection (b)(1) of such section 9511.

“(iii) Private sector contributions under subparagraphs (D)(i) and (E)(i) of such subsection (b)(1).

“(B) REPORT.—Not later than 8 years after the date of enactment of this section, the Comptroller General of the United States shall submit a report to Congress containing the results of the assessment conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

“(i) ENSURING TRANSPARENCY, CREDIBILITY, AND ACCESS.—The Institute shall establish procedures to ensure that the following requirements for ensuring transparency, credibility, and access are met:

“(1) PUBLIC COMMENT PERIODS.—

“(A) IN GENERAL.—The Institute shall provide for a public comment period of not less than 45 and not more than 60 days at the following times:

“(i) Prior to the adoption of the national priorities identified under subsection (d)(1)(A), the research project agenda established under subsection (d)(1)(B), the methodological standards developed and updated by the methodology committee under subsection (d)(7)(C)(i), the peer-review process generally provided under subsection (d)(8), and dissemination protocols and strategies developed by the Institute under subsection (d)(9)(B) in accordance with subsection (d)(10).

“(ii) Prior to the finalization of individual study designs.

“(iii) After the release of draft findings with respect to a systematic review and assessment of existing research and evidence under subsection (d)(2)(A)(i).

“(B) TRANSMISSION OF PUBLIC COMMENTS ON STUDY DESIGN.—The Institute shall transmit public comments submitted during the public comment period described in subparagraph (A)(ii) to the entity conducting research with respect to which the individual study design is being finalized.

“(2) ADDITIONAL FORUMS.—The Institute shall, in addition to the public comment periods described in paragraph (1)(A), support forums to increase public awareness and obtain and incorporate public input and feedback through media (such as an Internet website) on the following:

“(A) The identification of research priorities, including research topics, and the establishment of the research project agenda under subparagraphs (A) and (B), respectively, of subsection (d)(1).

“(B) Research findings.

“(C) Any other duties, activities, or processes the Institute determines appropriate.

“(3) PUBLIC AVAILABILITY.—The Institute shall make available to the public and disclose through the official public Internet website of the Institute, and through other forums and media the Institute determines appropriate, the following:

“(A) The process and methods for the conduct of research under this section, including—

“(i) the identity of the entity conducting such research;

“(ii) any links the entity has to industry (including such links that are not directly tied to the particular research being conducted under this section);

“(iii) draft study designs (including research questions and the finalized study design, together with public comments on such study design and responses to such comments);

“(iv) research protocols (including measures taken, methods of research, methods of analysis, research results, and such other information as the Institute determines appropriate) with respect to each medical treatment, service, and item described in subsection (a)(2)(B);

“(v) any key decisions made by the Institute and any appropriate committees of the Institute;

“(vi) the identity of investigators conducting such research and any conflicts of interest of such investigators; and

“(vii) any progress reports the Institute determines appropriate.

“(B) Notice of each of the public comment periods under paragraph (1)(A), including deadlines for public comments for such periods.

“(C) Public comments submitted during each of the public comment periods under paragraph (1)(A), including such public comments submitted on draft findings under clause (iii) of such paragraph.

“(D) Bylaws, processes, and proceedings of the Institute, to the extent practicable and as the Institute determines appropriate.

“(E) Not later than 90 days after receipt by the Institute of a relevant report or research findings, appropriate information contained in such report or findings.

“(4) CONFLICTS OF INTEREST.—The Institute shall—

“(A) in appointing members to an expert advisory panel under subsection (d)(5) and the methodology committee under subsection (d)(7), and in selecting individuals to contribute to any peer-review process under subsection (d)(8) and for employment as executive staff of the Institute, take into consideration any conflicts of interest of potential appointees, participants, and staff; and

“(B) include a description of any such conflicts of interest and conflicts of interest of Board members in the annual report under subsection (d)(12), except that, in the case of individuals contributing to any such peer review process, such description shall be in a manner such that those individuals cannot

be identified with a particular research project.

“(j) RULES.—

“(1) GIFTS.—The Institute, or the Board and staff of the Institute acting on behalf of the Institute, may not accept gifts, bequests, or donations of services or property.

“(2) ESTABLISHMENT AND PROHIBITION ON ACCEPTING OUTSIDE FUNDING OR CONTRIBUTIONS.—The Institute may not—

“(A) establish a corporation other than as provided under this section; or

“(B) accept any funds or contributions other than as provided under this part.

“(k) RULES OF CONSTRUCTION.—

“(1) COVERAGE.—Nothing in this section shall be construed—

“(A) to permit the Institute to mandate coverage, reimbursement, or other policies for any public or private payer; or

“(B) as preventing the Secretary from covering the routine costs of clinical care received by an individual entitled to, or enrolled for, benefits under title XVIII, XIX, or XXI in the case where such individual is participating in a clinical trial and such costs would otherwise be covered under such title with respect to the beneficiary.

“(2) REPORTS AND FINDINGS.—None of the reports submitted under this section or research findings disseminated by the Institute shall be construed as mandates, guidelines, or recommendations for payment, coverage, or treatment.

“LIMITATIONS ON USE OF COMPARATIVE

EFFECTIVENESS RESEARCH BY THE SECRETARY

“SEC. 1182. The Secretary may only use evidence and findings from comparative effectiveness research conducted under section 1181 to make a determination regarding coverage under title XVIII if such use is through an iterative and transparent process which meets the following requirements:

“(1) Stakeholders and other individuals have the opportunity to provide informed and relevant information with respect to the determination.

“(2) Stakeholders and other individuals have the opportunity to review draft proposals of the determination and submit public comments with respect to such draft proposals.

“(3) In making the determination, the Secretary considers—

“(A) all other relevant evidence, studies, and research in addition to such comparative effectiveness research; and

“(B) evidence and research that demonstrates or suggests a benefit of coverage with respect to a specific subpopulation of individuals, even if the evidence and findings from the comparative effectiveness research demonstrates or suggests that, on average, with respect to the general population the benefits of coverage do not exceed the harm.

“TRUST FUND TRANSFERS TO PATIENT-

CENTERED OUTCOMES RESEARCH TRUST FUND

“SEC. 1183. (a) IN GENERAL.—The Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841, in proportion (as estimated by the Secretary) to the total expenditures during such fiscal year that are made under title XVIII from the respective trust fund, to the Patient-Centered Outcomes Research Trust Fund (referred to in this section as the ‘PCORTF’) under section 9511 of the Internal Revenue Code of 1986, the following:

“(1) For fiscal year 2013, an amount equal to \$1 multiplied by the average number of individuals entitled to benefits under part A,

or enrolled under part B, of title XVIII during such fiscal year.

“(2) For each of fiscal years 2014, 2015, 2016, 2017, 2018, and 2019, an amount equal to \$2 multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII during such fiscal year.

“(b) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a)(2) for such fiscal year shall be equal to the sum of such dollar amount for the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

“(1) such dollar amount for the previous fiscal year, multiplied by

“(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.”.

(b) COORDINATION WITH PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.—Section 1889(a) of the Social Security Act (42 U.S.C. 1395zz(a)) is amended by inserting “and to enhance the understanding of and utilization by providers of services and suppliers of research findings disseminated by the Patient-Centered Outcomes Research Institute established under section 1181” before the period at the end.

(c) PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND; FINANCING FOR TRUST FUND.—

(1) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

“**SEC. 9511. PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.**

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Patient-Centered Outcomes Research Trust Fund’ (hereafter in this section referred to as the ‘PCORTF’), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

“(b) TRANSFERS TO FUND.—

“(1) APPROPRIATION.—There are hereby appropriated to the Trust Fund the following:

“(A) For fiscal year 2010, \$10,000,000.

“(B) For fiscal year 2011, \$50,000,000.

“(C) For fiscal year 2012, \$150,000,000.

“(D) For fiscal year 2013—

“(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

“(ii) \$150,000,000.

“(E) For each of fiscal years 2014, 2015, 2016, 2017, 2018, and 2019—

“(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

“(ii) \$150,000,000.

The amounts appropriated under subparagraphs (A), (B), (C), (D)(ii), and (E)(ii) shall be transferred from the general fund of the Treasury, from funds not otherwise appropriated.

“(2) TRUST FUND TRANSFERS.—In addition to the amounts appropriated under para-

graph (1), there shall be credited to the PCORTF the amounts transferred under section 1183 of the Social Security Act.

“(3) AMERICAN RECOVERY AND REINVESTMENT FUNDS.—In addition to the amounts appropriated under paragraph (1) and the amounts credited under paragraph (2), of amounts appropriated for comparative effectiveness research to be allocated at the discretion of the Secretary of Health and Human Services under the heading Agency for Healthcare Research and Quality under the heading Department of Health and Human Services under title VIII of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$10,000,000 shall be transferred to the Trust Fund.

“(4) LIMITATION ON TRANSFERS TO PCORTF.—No amount may be appropriated or transferred to the PCORTF on and after the date of any expenditure from the PCORTF which is not an expenditure permitted under this section. The determination of whether an expenditure is so permitted shall be made without regard to—

“(A) any provision of law which is not contained or referenced in this chapter or in a revenue Act, and

“(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

“(c) TRUSTEE.—The Secretary of Health and Human Services shall be a trustee of the PCORTF.

“(d) EXPENDITURES FROM FUND.—Amounts in the PCORTF are available, without further appropriation, to the Patient-Centered Outcomes Research Institute established by section 2(a) of the Patient-Centered Outcomes Research Act of 2009 for carrying out part D of title XI of the Social Security Act (as in effect on the date of enactment of the Patient-Centered Outcomes Research Act of 2009).

“(e) NET REVENUES.—For purposes of this section, the term ‘net revenues’ means the amount estimated by the Secretary of the Treasury based on the excess of—

“(1) the fees received in the Treasury under subchapter B of chapter 34, over

“(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.

“(f) TERMINATION.—No amounts shall be available for expenditure from the PCORTF after September 30, 2019, and any amounts in such Trust Fund after such date shall be transferred to the general fund of the Treasury.”.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

“Sec. 9511. Patient-Centered Outcomes Research Trust Fund.”.

(2) FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(A) GENERAL RULE.—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

“**Subchapter B—Insured and Self-Insured Health Plans**

“Sec. 4375. Health insurance.

“Sec. 4376. Self-insured health plans.

“Sec. 4377. Definitions and special rules.

“**SEC. 4375. HEALTH INSURANCE.**

“(a) IMPOSITION OF FEE.—There is hereby imposed on each specified health insurance policy for each policy year ending after September 30, 2012, a fee equal to the product of

\$2 (\$1 in the case of policy years ending during fiscal year 2013) multiplied by the average number of lives covered under the policy.

“(b) LIABILITY FOR FEE.—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

“(c) SPECIFIED HEALTH INSURANCE POLICY.—For purposes of this section:

“(1) IN GENERAL.—Except as otherwise provided in this section, the term ‘specified health insurance policy’ means any accident or health insurance policy (including a policy under a group health plan) issued with respect to individuals residing in the United States.

“(2) EXEMPTION FOR CERTAIN POLICIES.—The term ‘specified health insurance policy’ does not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

“(3) TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.—

“(A) IN GENERAL.—In the case of any arrangement described in subparagraph (B)—

“(i) such arrangement shall be treated as a specified health insurance policy, and

“(ii) the person referred to in such subparagraph shall be treated as the issuer.

“(B) DESCRIPTION OF ARRANGEMENTS.—An arrangement is described in this subparagraph if under such arrangement fixed payments or premiums are received as consideration for any person’s agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

“(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any policy year ending in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such policy year shall be equal to the sum of such dollar amount for policy years ending in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

“(1) such dollar amount for policy years ending in the previous fiscal year, multiplied by

“(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

“(e) TERMINATION.—This section shall not apply to policy years ending after September 30, 2019.

“**SEC. 4376. SELF-INSURED HEALTH PLANS.**

“(a) IMPOSITION OF FEE.—In the case of any applicable self-insured health plan for each plan year ending after September 30, 2012, there is hereby imposed a fee equal to \$2 (\$1 in the case of plan years ending during fiscal year 2013) multiplied by the average number of lives covered under the plan.

“(b) LIABILITY FOR FEE.—

“(1) IN GENERAL.—The fee imposed by subsection (a) shall be paid by the plan sponsor.

“(2) PLAN SPONSOR.—For purposes of paragraph (1) the term ‘plan sponsor’ means—

“(A) the employer in the case of a plan established or maintained by a single employer,

“(B) the employee organization in the case of a plan established or maintained by an employee organization,

“(C) in the case of—

“(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

“(ii) a multiple employer welfare arrangement, or

“(iii) a voluntary employees’ beneficiary association described in section 501(c)(9),

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

“(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

“(C) APPLICABLE SELF-INSURED HEALTH PLAN.—For purposes of this section, the term ‘applicable self-insured health plan’ means any plan for providing accident or health coverage if—

“(1) any portion of such coverage is provided other than through an insurance policy, and

“(2) such plan is established or maintained—

“(A) by one or more employers for the benefit of their employees or former employees,

“(B) by one or more employee organizations for the benefit of their members or former members,

“(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

“(D) by a voluntary employees’ beneficiary association described in section 501(c)(9),

“(E) by any organization described in section 501(c)(6), or

“(F) in the case of a plan not described in the preceding subparagraphs, by a multiple employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

“(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any plan year ending in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such plan year shall be equal to the sum of such dollar amount for plan years ending in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

“(1) such dollar amount for plan years ending in the previous fiscal year, multiplied by

“(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

“(e) TERMINATION.—This section shall not apply to plan years ending after September 30, 2019.

“SEC. 4377. DEFINITIONS AND SPECIAL RULES.

“(a) DEFINITIONS.—For purposes of this subchapter—

“(1) ACCIDENT AND HEALTH COVERAGE.—The term ‘accident and health coverage’ means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4375(c)).

“(2) INSURANCE POLICY.—The term ‘insurance policy’ means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

“(3) UNITED STATES.—The term ‘United States’ includes any possession of the United States.

“(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

“(1) IN GENERAL.—For purposes of this subchapter—

“(A) the term ‘person’ includes any governmental entity, and

“(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

“(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4375 or section 4376 on any covered life under such program.

“(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term ‘exempt governmental program’ means—

“(A) any insurance program established under title XVIII of the Social Security Act,

“(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

“(C) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

“(i) members of the Armed Forces of the United States, or

“(ii) veterans, and

“(D) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

“(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

“(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States.”

(B) CLERICAL AMENDMENTS.—

(i) Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

“CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES

“SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

“SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

“Subchapter A—Policies Issued By Foreign Insurers”.

(ii) The table of chapters for subtitle D of such Code is amended by striking the item relating to chapter 34 and inserting the following new item:

“CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES”.

SEC. 3. COORDINATION WITH FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH.

Section 804 of Division A of the American Recovery and Reinvestment Act of 2009 (42 U.S.C. 299b-8) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(3) provide support to the Patient-Centered Outcomes Research Institute established under section 1181(b)(1) of the Social Security Act (referred to in this section as the ‘Institute’).”;

(2) in subsection (d)(2)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

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

“(B) INCLUSION OF CHAIRPERSON OF THE BOARD OF GOVERNORS OF THE PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE.—In the case where the Chairperson of the Board of Governors of the Patient-Centered Outcomes Research Institute established under section 1181(f) of the Social Security Act is a senior Federal officer or employee with responsibility for a health-related program, the members of the council shall include such Chairperson.”.

(3) in subsection (e)(2), by striking “regarding its activities” and all that follows through the period at the end and inserting “containing—

“(A) an inventory of its activities with respect to comparative effectiveness research conducted by relevant Federal departments and agencies; and

“(B) recommendations concerning better coordination of comparative effectiveness research by such departments and agencies.”;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

“(g) COORDINATION WITH THE PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE.—The Council shall coordinate with the Institute in carrying out its duties under this section.”.

SEC. 4. GAO REPORT ON NATIONAL COVERAGE DETERMINATIONS PROCESS.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the process for making national coverage determinations (as defined in section 1869(f)(1)(B) of the Social Security Act (42 U.S.C. 1395fff(1)(B))) under the Medicare program under title XVIII of the Social Security Act. Such report shall include a determination whether, in initiating and conducting such process, the Secretary of Health and Human Services has complied with applicable law and regulations, including requirements for consultation with appropriate outside experts, providing appropriate notice and comment opportunities to the public, and making information and data (other than proprietary data) considered in making such determinations available to the public and to nonvoting members of any advisory committees established to advise the Secretary with respect to such determinations.

Mr. CONRAD. Mr. President, today I join my good friend and colleague, Senator BAUCUS, in introducing the Patient-Centered Outcomes Research Act of 2009. This proposal builds on the legislation we introduced during the last Congress. Our legislation is the product of months of careful deliberations regarding the best way to expand the quality and quantity of evidence available to patients, physicians, and other health care decision-makers about the comparative clinical effectiveness of health care services and treatments. We have met with dozens of key stakeholders and thought leaders to discuss various aspects of this legislation. People have come to us with many constructive suggestions, many of which are reflected in the bill that we are introducing today. I am proud of the result. This legislation lays the groundwork for improving health care quality

and patient outcomes, enhancing patient safety, and reducing overall health care costs in the long run.

As Chairman of the Senate Budget Committee, I am acutely aware of the long-term budget challenges facing our Nation. Health care spending is growing at an unsustainable rate. Although demographic changes associated with the retirement of the baby boom generation contribute to this spending growth, the most significant factor is growth in health care costs in excess of per capita GDP growth. According to Congressional Budget Office projections, by 2050, Medicare and Medicaid spending alone will consume 12 percent of our Nation's gross domestic product.

But excess growth in per capita health care costs is not just a challenge for Federal health spending and the Federal budget. If we continue on the current trajectory, the private sector will also be overwhelmed by rising health care costs. In fact, total health care spending is projected to grow from about 17.6 percent of GDP in 2009—which is far higher than in other industrialized countries—to more than 37 percent of GDP in 2050.

Clearly, we need to address the underlying causes of rising health care costs, not just in the Medicare and Medicaid programs, but in the overall health care system. Simply cutting Medicare and Medicaid without making other changes will do little to solve the larger problem we face. Skyrocketing health care costs are hurting families, businesses, and State and Federal budgets. In a speech before the Business Roundtable on March 12th, President Obama emphasized this point: "Medicare costs are consuming our Federal budget, Medicaid is overwhelming our State budgets. At the fiscal summit we held in the White House a few weeks ago, the one thing on which everyone agreed was that the greatest threat to America's fiscal health is not the investments we've made to rescue our economy. It is the skyrocketing cost of our health care system."

Health care reform is about achieving three important goals: choice, quality, and affordability. To achieve these three goals, we must confront the fact that our health care system does not deliver care as effectively or efficiently as it should. There is widespread agreement that Americans are not getting good value for the money we are already spending on health care. According to work by the Dartmouth Atlas Project, nearly 30 percent of total spending in our health care system, or \$700 billion per year, is wasteful and does nothing to improve health outcomes.

Despite our high level of health care spending, health outcomes in the United States are no better than health outcomes in the other OECD countries. Indeed, the U.S. spends

twice as much as other OECD nations on health care, yet Americans have shorter average life expectancies and higher average mortality rates than residents of other OECD countries. OECD data show that the U.S. has one of the highest rates of medical errors among industrialized nations and that U.S. patients are more likely to receive duplicate tests and more likely to visit an emergency room for a condition that could have been treated in a regular office visit than most other nations in the comparison. Similarly, a 2008 Commonwealth Fund report found that the U.S. is last among 19 industrialized nations in preventable mortality, or deaths that could have been prevented if individuals had access to timely and effective care.

We can and must find ways to deliver health care more efficiently, reduce ineffective or unnecessary care, and get better health outcomes without harming patients.

One solution is to generate better information about the relative clinical effectiveness of alternative health strategies—and encourage patients and providers to use that information to make better choices about their health. Many health care services and treatments are absorbed quickly into routine medical care—yet there is little evidence that these services and treatments are any more clinically effective than existing treatments and services. Generating more comparative clinical effectiveness research is one of the keys to transforming our health care system away from a system based on volume toward a system that focuses on evidence-based medicine and improving patient outcomes.

The Federal Government currently funds some comparative effectiveness research through the Agency for Healthcare Research and Quality, AHRQ, the National Institutes of Health, NIH, and the Veterans Health Administration. For example, the Effective Health Care Program at AHRQ has been a successful initiative. But comparative effectiveness research is not the primary focus of any Federal agency—nor is this Federal funding occurring permanently on a large scale.

Provisions included in the American Recovery and Reinvestment Act, ARRA, temporarily expanded existing Federal efforts by providing \$1.1 billion to AHRQ, NIH, and the Secretary of Health and Human Services, HHS, for such research through 2010. Important work is currently underway to develop recommendations for how best to utilize some of these resources. In particular, I would like to commend the work being done by the Institutes of Medicine, IOM, to convene a panel of experts that is tasked with making recommendations on how to spend the \$400 million provided to the HHS Secretary through ARRA. The IOM panel has been doing extraordinary work in gath-

ering ideas and input from a very broad group of stakeholders under a very tight timeline. I look forward to seeing the results of its work at the end of the month. It is this model of allowing for input from a broad set of stakeholders and of conducting priority-setting activities in a transparent way that we are hoping to advance in the legislation we are introducing today.

The Congressional Budget Office, CBO, the Medicare Payment Advisory Commission, MedPAC, and the IOM have all discussed the positive impact of creating a new entity charged solely with conducting research on the comparative effectiveness of health interventions, including pharmaceuticals, medical devices, medical procedures, diagnostic tools, medical services and other therapies.

In its June 2007 report to Congress, MedPAC issued a unanimous recommendation that "Congress should charge an independent entity to sponsor credible research on comparative effectiveness of health care services and disseminate this information to patients, providers, and public and private payers."

And the Congressional Budget Office agrees. In a report, entitled, "Research on the Comparative Effectiveness of Medical Treatments: Issues and Options for an Expanded Federal Role," former CBO Director Peter Orszag wrote that, "generating better information about the costs and benefits of different treatment options—through research on the comparative effectiveness of those options—could help reduce health care spending without adversely affecting health overall."

The IOM also supports getting better information into the hands of patients and providers. As part of its report, "Learning What Works Best: The Nation's Need for Evidence on Comparative Effectiveness in Health Care," the Institute concluded that, "[a] substantially increased capacity to conduct and evaluate research on clinical effectiveness of interventions brings many potential opportunities for improvement across a wide spectrum of healthcare needs."

This bill that Senator BAUCUS and I are introducing today represents an important step in creating a long-term vision for expanding comparative clinical effectiveness research. The bill would significantly expand the conduct of comparative clinical effectiveness research to get better information into the hands of patients and providers in the hopes of improving health outcomes and reducing unnecessary or ineffective care.

The purpose of this bill is to provide patients and physicians with objective and credible evidence about which health care treatments and services are most clinically effective for particular patient populations. The research conducted under our bill would evaluate

and compare the clinical effectiveness of two or more health care interventions, protocols for treatment, care management, and delivery, procedures, medical devices, diagnostic tools, and pharmaceutical, including biologicals.

Access to better evidence about what works best will help patients and health care providers make better-informed decisions about how best to treat particular diseases and conditions. Our hope is that the evidence generated by this research could lead to savings in the overall health care system over the long-term by empowering patients and doctors with information about treatments and services that may be clinically ineffective, while at the same time improving health care outcomes and quality.

Specifically, our bill creates a private, nonprofit corporation, known as the Patient-Centered Outcomes Research Institute, which would be responsible setting national research priorities and carrying out a comparative clinical effectiveness research agenda. In conducting the research, the Institute would contract with AHRQ, the VA, and other appropriate public and private entities and could use a variety of research methods, including clinical trials, observational studies and systematic reviews of existing evidence.

Many leading experts on this issue, such as MedPAC, have concerns that a large entity within the Federal government would be vulnerable to political interference that could hamper the Institute's credibility, and, therefore, limit the usefulness of its research. As a result, we chose a model outside of the Federal government, but subject to government oversight.

In order to ensure that the information developed is credible and unbiased, our bill establishes a 21-Member Board of Governors to oversee the Institute's activities. Permanent board members would include the HHS Secretary and the Directors of AHRQ and NIH. The remaining 18 board members would be appointed by the Comptroller General of the U.S. and would include a balanced mix of patients, physicians, public and private payers, academic researchers, philanthropic organizations, quality improvement entities, and medical technology manufacturers.

To ensure further credibility, the Institute is also required to appoint expert advisory panels of patients, clinicians, researchers and other stakeholders that would assist in the development and carrying out of the research agenda; establish a methodology committee that would help create methodological standards by which all research commissioned by the Institute must be conducted; create a peer review process through which all primary research findings must be assessed; and develop protocols to help translate and disseminate the evidence in the most effective, user-friendly way.

Moreover, Senator BAUCUS and I want to ensure that the operations of the Institute are transparent and focused on the needs of patients. Therefore, we built in a strong role for public comment prior to all key decisions made by the Institute. For example, the bill requires public comment periods prior to the approval of research priorities and individual study designs. In addition, the bill calls for public forums to seek input, requires that all proceedings of the Institute be made public at least seven days in advance and be made available through annual reports, and requires that any conflicts of interest be made public and that board members recuse themselves from matters in which they have a financial or personal interest.

Because all health care users will benefit from this research, our legislation funds the Institute with contributions from both public and private payers. These contributions will include mandatory general revenues from the Federal Government, amounts from the Medicare Trust Funds equal to \$2 per beneficiary annually, and amounts from a \$2 fee per-covered life assessed annually on insured and self-insured health plans. Funding will ramp up over a series of years. By the 5th year, we expect the Institute's total annual funding to reach nearly \$600 million per year and continue to grow thereafter.

The concept of an all-payer approach for comparative effectiveness research has been embraced by a number of health care experts. For example, on the subject of comparative effectiveness information in its June 2008 report, MedPAC stated: "The Commission supports funding from federal and private sources as the research findings will benefit all users—patients, providers, private health plans, and federal health programs. The Commission also supports a dedicated funding mechanism to help ensure the entity's independence and stability. Dedicated broadly based financing would reduce the likelihood of outside influence and would best ensure the entity's stability . . ."

To ensure accountability for these funds and to the Institute's mission, our bill requires an annual financial audit of the Institute. In addition, the bill requires GAO to report to Congress every five years on the processes developed by the Institute and its overall effectiveness, including how the research findings are used by health care consumers and what impact the research is having on the health economy. Finally, the bill requires a review of the adequacy of the Institute's funding, which will include a review of the appropriateness and adequacy of each funding source.

Let me take a moment to address some of the criticisms that might be levied against this proposal. Some may say this Institute will impede access to

care and will deny coverage for high-cost health care services. That is simply not the case. Our proposal explicitly prohibits the Institute from making coverage decisions or setting practice guidelines. It will be up to medical societies and patient groups to use the research findings as they see fit. Moreover, to the extent that high-cost health care services or new technologies are studied by the Institute and found to be clinically ineffective compared to other services and technologies, such evidence will be made public to consumers and providers so that they can make informed choices.

We have been working with colleagues on the other side of the aisle who have concerns about the impact this research could have on patient safety and access to health care treatments and services. For several months, we have been engaged in an active dialogue to address these concerns. While I am disappointed that those discussions did not result in cosponsorships for this legislation at this time, I look forward to continuing that dialogue in a constructive manner as we work to include a long-term vision for comparative effectiveness research in a comprehensive health reform bill.

In the meantime, we have made a number of meaningful changes to our legislation that address the concerns voiced by our colleagues. For example, we have placed a greater focus on aspects of personalized medicine and included new patient safeguards to ensure that when CMS uses this research it does so through a process that is transparent, allows for public comment, and takes into account the benefits to particular subpopulations.

This bill is a balanced, carefully crafted proposal that has taken into consideration the recommendations of a broad range of stakeholders and thought-leaders. We welcome further discussion and suggested improvements. But we refuse to allow this proposal to get bogged down in political maneuvering or scare tactics. Our nation needs to immediately ramp up and sustain a major comparative clinical effectiveness research initiative to improve health outcomes and reduce ineffective and inefficient care.

Senator BAUCUS and I will work jointly to push for the expeditious enactment of this bill as part of a comprehensive health reform bill. I urge all of my colleagues to join our effort and cosponsor the Patient-Centered Outcomes Research Act of 2009. There is no time to waste.

By Mr. LIEBERMAN (for himself, Mr. CASEY, Mr. BOND, Ms. STABENOW, Mr. CARDIN, Mr. SANDERS, Mr. WHITEHOUSE, and Mr. CRAPO):

S. 1214. A bill to conserve fish and aquatic communities in the United States through partnerships that foster

fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise to speak about the National Fish Habitat Conservation Act, which I am introducing today along with my colleagues Senators BOND, CASEY, STABENOW, CARDIN, WHITEHOUSE, and SANDERS. This legislation will significantly advance ongoing efforts to restore and protect fish habitat, improve the health of our waterways and ensure that we have robust fish populations far into the future.

Today, nearly half of our fish populations are in decline and half of our waters are impaired, which is why it is especially important that we work together to protect and restore remaining habitat. The National Fish Habitat Conservation Act will leverage federal, state and private funds to support voluntary regional conservation partnerships, which in turn will allow federal and state governments, the recreational and commercial fishing industries, the conservation community, and businesses to work together—for the first time—to effectively conserve aquatic habitats.

Our legislation authorizes \$75 million annually for fish habitat projects. Based on the highly successful North American Wetlands Conservation Act model, the bill establishes a multi-stakeholder National Fish Habitat Board to recommend science-based conservation projects to the Secretary of Interior for funding. Regional partners will then work to implement those conservation projects to protect, restore and enhance fish habitats and fish populations.

The National Fish Habitat Conservation Act will go a long way toward ensuring the viability of our fish and their habitats for generations to come. I look forward to working with my colleagues to pass this important legislation and reverse the decline of our ailing waterways and fisheries.

By Mr. CASEY (for himself and Mr. SCHUMER):

S. 1215. A bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes; to the Committee on Environment and Public Works.

Mr. CASEY. Mr. President, I rise today to introduce the Fracturing Responsibility and Awareness of Chemicals, FRAC, Act along with my colleague, Senator SCHUMER, that protects drinking water and public health from the risks associated with an oil and gas extraction process called hydraulic fracturing. Specifically, our bill does two things. First, it repeals an exemption to the Safe Drinking Water Act that was granted to oil and gas compa-

nies four years ago. Second, it requires oil and gas companies to publicly disclose the chemicals used in hydraulic fracturing.

The regulation of hydraulic fracturing under the Safe Drinking Water Act is supported by 77 groups, including 14 groups from Pennsylvania.

The oil and gas industry uses hydraulic fracturing in 90 percent of wells. The process, which is also called “fracking,” involves injecting tens of thousands of gallons of water mixed with sand and chemical additives deep into the rock under extremely high pressure. The pressure breaks open the rock releasing trapped natural gas, which is then captured. Fracking often occurs near underground sources of drinking water. Unfortunately, a provision included in the 2005 Energy Policy Act exempted hydraulic fracturing from compliance with the Safe Drinking Water Act. The oil and gas industry is the only industry to have this exemption.

The Casey-Schumer legislation is extremely important to people living in Pennsylvania, especially those living in communities along a geological formation called the Marcellus Shale. The Marcellus is a geological formation covering 34 million acres extending from southern New York, through central and western Pennsylvania, into the eastern half of Ohio and across most of West Virginia. The deepest layer of the Marcellus formation—the Marcellus Shale—contains a significant amount of natural gas trapped in deep rock formations up to 9,000 feet below ground. Last year, a professor at Penn State estimated that there was 168 million cubic feet of natural gas in the Marcellus Shale. In the industry it is what is known as a “Super Giant gas field.” It is enough natural gas to provide for the entire country for 7 years. This vast amount of natural gas combined with a more complete knowledge of the natural fractures in the Marcellus Shale through which the gas can be easily extracted, has led to what Pennsylvanians are calling a gas rush.

As I have mentioned, fracking involves injecting water mixed with chemicals. My major concern is that the chemicals added to the water to create fracking fluids are highly toxic. We’re talking about chemicals like formaldehyde, benzene, and toluene. These chemicals are injected right below underground drinking water. This is especially important to Pennsylvania because our state has the second highest number of private wells for drinking water in the nation, second only to Michigan. Three million Pennsylvanians are dependent on private wells to provide safe drinking water to their homes. So massive drilling to get to the natural gas in the Marcellus Shale is not required to comply with the Safe Drinking Water Act, but drilling is happening right next to drinking

water supplies. You can see why Pennsylvanians are concerned about their future access to safe drinking water.

Now, the oil and gas industry would have you believe that there is no threat to drinking water from hydraulic fracturing. But the fact is we are already seeing cases in Pennsylvania, Colorado, Virginia, West Virginia, Alabama, Wyoming, Ohio, Arkansas, Utah, Texas, and New Mexico where residents have become ill or groundwater has become contaminated after hydraulic fracturing operations began in the area. This is not simply anecdotal evidence; scientists have found enough evidence to raise concerns as well. In a recent letter supporting our bill, 23 health professionals and scientists wrote the following:

... Oil and gas operations are known to release substances into the environment that are known to be very hazardous to human health, including benzene, arsenic, mercury, hydrogen sulfide, and radioactive materials. The demonstrated health effects caused by these substances include cancers, central nervous system damage, skin and eye irritation, and lung diseases. For example, fluids used in the hydraulic fracturing process may contain toxic chemicals such as 2-butoxyethanol, formaldehyde, sodium hydroxide, glycol ethers, and naphthalene. For these reasons, we support regulation of hydraulic fracturing under the Safe Drinking Water Act and the disclosure of all chemical constituents in hydraulic fracturing fluids to public agencies, including the disclosure of constituent formulas in cases of medical need. Moreover, we support full regulation of stormwater runoff, which can pollute drinking water supplies, under the Clean Water Act.

There are growing reports of individuals living near oil and gas operations who suffer illnesses that are linked to these activities, yet there has been no systemic attempt to gather the necessary data, establish appropriate monitoring, analyze health exposure or assess risk related to any of these activities. This should be done, in addition to full Health Impact Assessments to inform future planning and policy efforts.

In Dimock, Pennsylvania, we have a recent example of the risks involved with hydraulic fracturing. On New Year’s Day, Norma Fiorentino’s drinking water well exploded. It literally blew up. Stray methane leaked and migrated upward through the rock and into the aquifer as natural gas deposits were drilled nearby. An investigation by the Commonwealth of Pennsylvania shows that a spark created when the pump in the well house turned on may have led to the explosion. The blast cracked in half the several-thousand-pound concrete slab at the drilling pad on Ms. Fiorentino’s property and tossed it aside. Fortunately, no one was hurt in the explosion. But throughout the town, several drinking water wells have exploded and nine wells have been found to contain so much natural gas that one homeowner was advised to open a window if he plans to take a bath. Tests of the well water show high amounts of aluminum and

iron, which leads researchers to believe that drilling fluids are contaminating the water along with the gas. So this is a real concern. We are talking about serious implications if we don't develop the Marcellus Shale carefully and responsibly.

I would point out that Pennsylvania has a long history of developing our natural resources to power the region and the nation. In fact, Pennsylvania is home to the Drake Well near Titusville, Pennsylvania, which celebrates its 150th anniversary this year. The Drake Well was the first commercial oil well in the United States and it launched the modern petroleum industry. In addition to oil, Western Pennsylvania has long produced natural gas. Pennsylvania also mines coal which we use to provide electricity to many of our neighboring states. Pennsylvanians are proud of the contributions we have made to the growth of our nation. Contributions that were made because we developed our abundant natural resources. But we also bear the burden of some environmental legacies, most created in previous generations when we were not as concerned with responsible development. We have old natural gas wells that were not capped and leak methane into homes in Versailles, PA. We have acid mine drainage that we spend millions of dollars every year to try and remediate. These examples are the lessons from which we need to learn.

Pennsylvania will develop the natural gas in the Marcellus Shale. We are doing it right now, and we will see more drilling over the next few years. But we must develop the Marcellus Shale using the best environmental practices to protect our communities and our state. That is why I am introducing the Fracturing Responsibility and Awareness of Chemicals Act. This legislation will ensure that hydraulic fracturing does not unnecessarily jeopardize our groundwater. There are affordable alternatives that oil and gas companies can use so that they are not risking contaminating drinking water wells with potentially hazardous chemicals.

I think Norma Fiorentino from Dimock, Pennsylvania, summed it up best when she told a reporter, "You can't buy a good well."

So I urge all of my colleagues to support this legislation and ensure that our groundwater is protected as we responsibly develop our natural resources.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1215

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fracturing Responsibility and Awareness of Chemicals (FRAC) Act".

SEC. 2. REGULATION OF HYDRAULIC FRACTURING.

(a) UNDERGROUND INJECTION.—Section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)) is amended by striking paragraph (1) and inserting the following:

“(1) UNDERGROUND INJECTION.—

“(A) IN GENERAL.—The term ‘underground injection’ means the subsurface emplacement of fluids by well injection.

“(B) INCLUSION.—The term ‘underground injection’ includes the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations relating to oil or gas production activities.

“(C) EXCLUSION.—The term ‘underground injection’ does not include the underground injection of natural gas for the purpose of storage.”.

(b) DISCLOSURE.—Section 1421(b) of the Safe Drinking Water Act (42 U.S.C. 300h(b)) is amended—

(1) in paragraph (1)(C), by inserting before the semicolon the following: “, including a requirement that any person using hydraulic fracturing disclose to the State (or to the Administrator in any case in which the Administrator has primary enforcement responsibility in a State) the chemical constituents (but not the proprietary chemical formulas) used in the fracturing process”; and

(2) by adding at the end the following:

“(4) DISCLOSURES OF CHEMICAL CONSTITUENTS.—

“(A) IN GENERAL.—The State (or the Administrator, as applicable) shall make available to the public the information contained in each disclosure of chemical constituents under paragraph (1)(C), including by posting the information on an appropriate Internet website.

“(B) IMMEDIATE DISCLOSURE IN CASE OF EMERGENCY.—

“(i) IN GENERAL.—Subject to clause (ii), the regulations promulgated pursuant to subsection (a) shall require that, in any case in which the State (or the Administrator, as applicable) or an appropriate treating physician or nurse determines that a medical emergency exists and the proprietary chemical formula or specific chemical identity of a trade-secret chemical used in hydraulic fracturing is necessary for emergency or first-aid treatment, the applicable person using hydraulic fracturing shall immediately disclose to the State (or the Administrator) or the treating physician or nurse the proprietary chemical formula or specific chemical identity of a trade-secret chemical, regardless of the existence of—

“(I) a written statement of need; or

“(II) a confidentiality agreement.

“(ii) REQUIREMENT.—A person using hydraulic fracturing that makes a disclosure required under clause (i) may require the execution of a written statement of need and a confidentiality agreement as soon as practicable after the determination by the State (or the Administrator) or the treating physician or nurse under that clause.”.

By Mr. KOHL:

S. 1219. A bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such subtitle for a 1-year period ending June 22, 2010; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Antitrust Criminal Penalties Enforcement and Reform Act of 2004 Extension Act. This

legislation extends a critical component of the Antitrust Criminal Penalty Enforcement and Reform Act of 2004, set to expire on June 22, which encourages participation in the Antitrust Division's leniency program. As a result, the Justice Department will be able to continue to detect, investigate and aggressively prosecute price-fixing cartels which harm consumers.

The Antitrust Division of the Department of Justice has long considered criminal cartel enforcement a top priority, and its Corporate Leniency Policy is an important tool in that enforcement. Criminal antitrust offenses are generally conspiracies among competitors to fix prices, rig bids, or allocate markets of customers. The Leniency Policy creates incentives for corporations to report their unlawful cartel conduct to the Division, by offering the possibility of immunity from criminal charges to the first-reporting corporation, as long as there is full cooperation. For more than 15 years, this policy has allowed the Division to uncover cartels affecting billions of dollars worth of commerce here in the U.S., which has led to prosecutions resulting in record fines and jail sentences.

An important part of the Division's Leniency Policy, added by the Antitrust Criminal Penalties Enforcement and Reform Act of 2004, limits the civil liability of leniency participants to the actual damages caused by that company—rather than triple the damages caused by the entire conspiracy, which is the typical in civil antitrust lawsuits. This removed a significant disincentive to participation in the leniency program—the concern that, despite immunity from criminal charges, a participating corporation might still be on the hook for treble damages in any future antitrust lawsuits.

Maintaining strong incentives to make use of the Leniency Policy provides important benefits to the victims of antitrust offenses, often consumers who paid artificially high prices. It makes it more likely that criminal antitrust violations will be reported and, as a result, consumers will be able to identify and recover their losses from paying illegally inflated prices. The policy also requires participants to cooperate with plaintiffs in any follow-on civil lawsuits, which makes it more likely that the plaintiff consumers will be able to build strong cases against all members of the conspiracy.

Since the passage of ACPERA, the Antitrust Division has uncovered a number of significant cartel cases through its leniency program, including the air cargo investigation, which so far has yielded over a billion dollars in criminal fines. In that investigation, several airlines pled guilty to conspiring to fix international air cargo rates and international passenger fuel surcharges. Not only were criminal

finer levied, but one high-ranking executive pled guilty and agreed to serve eight months in prison. In fiscal year 2004, before the passage of ACPERA, criminal antitrust fines totaled \$350 million. Criminal antitrust fines in fiscal year 2009 have already surpassed \$960 million. Scott Hammond, the Deputy Assistant Attorney General for Criminal Enforcement in the Antitrust Division, has stated that the damages limitation has made its Corporate Leniency Program “even more effective” at detecting and prosecuting cartels.

ACPERA’s damages limitation is set to expire later this month, so we must act quickly to extend it. Otherwise, the Justice Department will lose an important tool that it uses to investigate and prosecute criminal cartel activity. This bill extends that provision for 1 year. Over the next year, we will fully review ACPERA, and consider potential changes to make it more effective.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1219

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Antitrust Criminal Penalties Enforcement and Reform Act of 2004 Extension Act”.

SEC. 2. DELAY OF SUNSET.

Section 211(a) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) is amended by striking “5 years” and inserting “6 years”.

SEC. 3. EFFECTIVE DATE OF AMENDMENT.

The amendment made by section 2 shall take effect immediately before June 22, 2009.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 1220. A bill to require that certain complex diagnostic laboratory tests performed by an independent laboratory after a hospital outpatient encounter or inpatient stay during which the specimen involved was collected shall be treated as services for which payment may be made directly to the laboratory under part B of title XVIII of the Social Security Act; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce The Patient Access to Critical Lab Tests Act. The legislation would modernize Medicare billing rules to improve beneficiary access to important, life-saving advanced diagnostic technologies.

Mapping the human genome has enabled revolutionary advances in understanding a wide variety of diseases, and ushered in an era where treatments can be tailored to individual patients based on their DNA and specific molecular character of their disease. Complex diagnostic laboratory tests make such

“personalized medicine” possible. By understanding the molecular nature of disease, these new technologies increasingly allow clinicians and patients to pick individualized treatment options, rather than basing treatment choices on broad assessments of what works best for a population.

Unfortunately Medicare payment, coding and coverage practices are harming Medicare beneficiary access to specialized diagnostic tests. In particular is the Centers for Medicare and Medicaid Services, CMS, Medicare “date of service” regulation. Under the regulation, any test furnished within 14 days after the patient’s discharge from a hospital is deemed to have been performed on the day of collection, when the patient was in or at the hospital, even though the patient may no longer be at the hospital when the test is ordered, and the test is not used to guide treatment during the patient’s hospital encounter. A laboratory test that is deemed to coincide with the date on which the patient was a hospital patient becomes a service furnished by the hospital, even though the hospital may have nothing to do with the ordering, performance, or use of the test.

The combination of these rules creates a host of administrative and financial disincentives for hospitals to embrace these tests.

Hospitals are required to exercise professional responsibility over these services, but are unwilling to do so for tests that are not offered by the hospital, and which are, in fact, offered by laboratories that are otherwise unaffiliated with and unfamiliar to the hospital.

Hospitals are required to bill for the service; the laboratories may not bill Medicare directly, and instead must bill the hospital for the services they provide, which means the hospital assumes the financial risk that the service is covered and that Medicare will pay for it.

In light of these administrative and financial disincentives, hospitals are encouraging physicians to delay ordering the tests until after the 14 days; others are cancelling orders altogether. These disincentives create obstacles for physicians and their patients, and genuine barriers to access these beneficial tests.

These rules also create substantial hardship for the laboratories that are seeking to develop these tests. In order for the tests to be covered, hospitals must enter into agreements with the laboratories furnishing the tests. It is administratively overwhelming for these small laboratories to seek to enter into agreements with all potential originating hospitals, which may number in the thousands when considering sites where tissue may be stored.

The legislation that I am introducing today with Senator WYDEN would require CMS to take a small, but impor-

tant step toward facilitating Medicare beneficiary access to innovative, life-saving diagnostic tests by updating the “date of service” regulation. Specifically, the Patient Access to Critical Lab Tests Act would permit independent laboratories offering complex diagnostic laboratory tests to bill Medicare directly for tests performed anytime following a patient’s hospital stay, without forcing the hospital into an unnecessary middleman role.

Given the promise of these new technologies, it is important that all regulatory regimes keep pace with the rapidly evolving world of science and technology, and operate to promote innovation. Out-dated regulations and calcified regulatory agencies can stifle innovation and prevent new life-saving diagnostics and therapies from ever coming to market. They can also serve as a drag on our economy.

Fixing this rule is a matter of critical importance to Medicare beneficiaries, as well as to the laboratories developing these technologies.

I encourage colleagues to join Senator WYDEN and me in cosponsoring this bill. I likewise urge Senators BAUCUS and GRASSLEY to consider this important measure as part of health care reform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1220

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patient Access to Critical Lab Tests Act”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) Timely access to laboratory testing is essential to ensure quality of care for patients.

(2) Genetic and molecular laboratory testing are the new cornerstones of high quality, cost-effective preventive medicine.

(3) The completion of the Human Genome Project in 2003 paved the way for a more sophisticated understanding of disease causation, which has contributed to the advent of “personalized medicine”.

(4) Personalized medicine is the application of genomic and molecular data to better target the delivery of health care, facilitate the discovery and clinical testing of new products, and help determine a patient’s predisposition to a particular disease or condition.

(5) Personalized medicine offers the promise of smarter, more effective, and safer care as physicians and patients become equipped with better information to guide treatment decisions.

(6) Some of the most encouraging personalized medicine developments involve highly specialized laboratory tests that, using biomarkers and vast stores of historical data, provide individualized information that enable physicians and patients to develop personalized treatment plans.

(7) Several outdated Medicare regulations for laboratory billing are obstructing access to highly specialized laboratory tests and delaying patients' diagnoses and treatments. These same rules are discouraging investments in development of new tests.

(8) Realizing the promise of personalized medicine will require improved regulation that appropriately encourages development of and access to these specialized tests.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) where practical, Medicare regulations and policies should be written to promote development of and access to the highly specialized laboratory tests referred to in subsection (a)(6); and

(2) the Medicare regulation described in section 414.510 of title 42, Code of Federal Regulations, is one such regulation that should be revised to permit laboratories furnishing certain specialized tests to bill for and be paid directly by Medicare for furnishing such tests.

SEC. 3. TREATMENT OF CERTAIN COMPLEX DIAGNOSTIC LABORATORY TESTS.

(a) IN GENERAL.—Notwithstanding sections 1862(a)(14) and 1866(a)(1)(H)(i) of the Social Security Act (42 U.S.C. 1395y(a)(14) and 1395cc(a)(1)(H)(i)), in the case that a laboratory performs a covered complex diagnostic laboratory test, with respect to a specimen collected from an individual during a period in which the individual is a patient of a hospital, if the test is performed after such period the Secretary of Health and Human Services shall treat such test, for purposes of providing direct payment to the laboratory under section 1833(h) or 1848 of such Act (42 U.S.C. 1395l(h) or 1395w-4), as if such specimen had been collected directly by the laboratory.

(b) COVERED COMPLEX DIAGNOSTIC LABORATORY TEST DEFINED.—For purposes of this section, the term "covered complex diagnostic laboratory test" means an analysis—

(1) of DNA, RNA, chromosomes, proteins, or metabolites that detects, identifies, or quantitates genotypes, mutations, chromosomal changes, biochemical changes, cell response, protein expression, or gene expression or similar method or is a cancer chemotherapy sensitivity assay or similar method, but does not include methods principally comprising routine chemistry or routine immunology;

(2) that is described in section 1861(s)(3) of the Social Security Act (42 U.S.C. 1395x(s)(3));

(3) that is developed and performed by a laboratory which is independent of the hospital in which the specimen involved was collected and not under any arrangements (as defined in section 1861(w)(1) of such Act (42 U.S.C. 1395x(w)(1))); and

(4) that is not furnished by the hospital where the specimen was collected to a patient of such hospital, directly or under arrangements (as defined in section 1861(w)(1) of such Act (42 U.S.C. 1395x(w)(1))) made by such hospital.

SEC. 4. EFFECTIVE DATE.

The provisions of section 3 shall apply to tests furnished on or after the date of the enactment of this Act.

By Mr. SPECTER (for himself and Mr. ROBERTS):

S. 1221. A bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding

customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation that will help ensure Medicare beneficiaries' access to cancer drugs provided by community-based cancer clinics.

Cancer takes a great toll on our families, friends, and our Nation. On average, one American dies from cancer each minute and the overall cost of cancer to the U.S. is \$220 billion annually. While these statistics are daunting, the rate of cancer deaths in the U.S. has decreased since 1993. This decrease is the result of earlier detection and diagnosis, more effective and targeted cancer therapies, and greater accessibility to quality care provided by oncologists. These vital services have allowed millions of individuals to lead healthy and productive lives after successfully battling cancer.

Leading the treatment against cancer, community cancer clinics treat 84 percent of Americans with cancer. Community cancer clinics are free-standing outpatient facilities that provide comprehensive cancer care in physician's office settings located in patients' communities. These clinics are especially critical in rural areas where access to larger cancer clinics is not available.

In 2003, the Medicare Prescription Drug Improvement and Modernization Act was signed into law. This legislation contained numerous provisions that were beneficial to America's seniors and medical facilities; however, it also provided a reduction in Medicare's reimbursement for cancer treatment. The new Medicare drug reimbursement rates, based on average sales price or ASP, are artificially lowered by the inclusion of prompt payment discounts. These discounts are provided by the pharmaceutical manufacturer to the distributor and are a financing mechanism between the manufacturer and the distributor for prompt payment of invoices. As such, they are not passed on to community oncology clinics, which purchase drugs from distributors. However, pharmaceutical manufacturers are required by statute to include all discounts and rebates in the calculation of ASP, including prompt payment discounts that are not provided to community oncology clinics. The inclusion of these prompt payment discounts results in the artificially lowering of Medicare drug reimbursement rates by approximately 2 percent. Community cancer clinics are reporting that they are finding more cancer drugs reimbursed by Medicare at a rate less than their cost.

The Congressional Budget Office estimated that Medicare reimbursements to oncologists would be reduced by \$4.2 billion from 2004–2013.

PricewaterhouseCoopers estimated that reductions will reach \$14.7 billion over that time. This increased reduction will have a debilitating effect on oncologists' ability to provide cancer treatment to Medicare beneficiaries, especially those in the community setting.

This legislation will remove manufacturer to distributor prompt payment discounts from the calculation of ASP to provide a more appropriate Medicare drug reimbursement and will help ensure Medicare beneficiaries' access to community-based cancer treatment. I encourage my colleagues to work with me to move this legislation forward promptly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1221

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

SECTION 1. EXCLUSION OF CUSTOMARY PROMPT PAY DISCOUNTS EXTENDED TO WHOLESALERS FROM MANUFACTURER'S AVERAGE SALES PRICE FOR PAYMENTS FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w-3a(c)(3)) is amended—

(1) in the first sentence, by inserting "(other than customary prompt pay discounts extended to wholesalers)" after "prompt pay discounts"; and

(2) in the second sentence, by inserting "(other than customary prompt pay discounts extended to wholesalers)" after "other price concessions".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals that are furnished on or after January 1, 2010.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise to introduce the annual renewal of the Burmese Freedom and Democracy Act of 2003. Once again, I am joined by Senators FEINSTEIN, MCCAIN and DURBIN who have been steadfast and long-time advocates for the Burmese people.

This resolution extends for another year the sanctions that are currently in place against the illegitimate Burmese regime, the State Peace and Development Council, SPDC. This bill would keep those sanctions in place unless and until the regime takes a number of clear steps towards democracy and reconciliation. This measure also includes renewal of the enhanced sanctions enacted last year as part of the

Tom Lantos Block Burmese JADE Act of 2008.

As many of my colleagues know, the news from Burma has been particularly troubling of late. Nobel Peace Prize winner Daw Aung San Suu Kyi, who has been under house arrest for 13 of the last 19 years, was charged last month with permitting a misguided American to enter her home. As a result, she faces up to 5 years in prison. My colleagues in the Senate and I remain deeply concerned about the outcome of her "trial." I was pleased that the Senate responded to this outrageous prosecution by unanimously passing S. Res. 160, which condemned the "trial" of Suu Kyi and the dubious actions taken by the SPDC against her.

The Obama administration has indicated that a new strategy on Burma is forthcoming, and I look forward to reviewing it. Whatever the content of this strategy, it appears from correspondence between my House colleagues and the State Department that the administration will continue to support sanctions against the Burmese regime, even as it considers additional means of effecting positive change in the troubled country.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note) is amended by striking "six years" and inserting "nine years".

SEC. 2. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 3. EFFECTIVE DATE.

This joint resolution and the amendments made by this joint resolution shall take effect on the date of the enactment of this joint resolution or July 26, 2009, whichever occurs first.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator McCONNELL to introduce a joint resolution renewing the ban on all imports from Burma for another year.

I regret that we must take this action once again.

I had hoped that since we last took up this resolution last year, the ruling military junta, the State Peace and Development Council, SPDC, would have, at long last, heeded the voices of

the people of Burma and the international community and put Burma on a path to democracy, human rights, and the rule of law.

Sadly, the regime responded to these calls in true fashion, by trying yet again to break the will of Burma's democratic opposition and stifle any movement for change.

Just last month, the military junta arrested and detained Nobel Peace Prize Laureate and Burma's democratically elected leader Aung San Suu Kyi on trumped-up charges of violating her house arrest.

Currently standing trial—behind closed doors and without due process—she faces up to 5 years in prison if convicted. This will come on top of spending the better part of the past 19 years isolated and alone under house arrest.

The regime's actions should come as no surprise. They represent yet another attempt to hold on to power and crush any opposition.

Almost 20 years ago, it annulled parliamentary election results overwhelmingly won by Aung San Suu Kyi's National League for Democracy.

Six years ago government-sponsored thugs attempted to assassinate Suu Kyi and other members of her National League for Democracy by attacking her motorcade in northern Burma.

Two years ago, the regime brutally put down pro-democracy demonstrations of the Saffron Revolution led by Buddhist monks.

And last year, we saw the regime ignore offers made by the international community and international humanitarian organizations to help Burma respond to the devastation caused by Cyclone Nargis, leading to countless deaths of innocent civilians.

In addition, they imposed a new constitution on the people of Burma, one that was negotiated behind closed doors without the input of the democratic opposition and one that will entrench the military's grip on power.

The SPDC understands all too well that the vast majority of Burmese citizens embrace Suu Kyi's call for freedom and democracy and reject the junta's oppressive rule.

That is why they are trying once again to silence her voice.

We cannot allow this brutal dictatorship to succeed.

For those of my colleagues who are disappointed with the lack of progress in bringing freedom and democracy to Burma since we first enacted this ban in 2003, I share their disappointment.

But now is not the time to turn back. Now is not the time to reward the regime for its oppressive tactics by lifting any part of our sanctions regime on Burma.

It has not made "substantial and measurable progress" towards:

ending violations of internationally recognized human rights;
releasing all political prisoners;

allowing freedom of speech and press;
allowing freedom of association;
permitting the peaceful exercise of religion and;

bringing to a conclusion an agreement between the SPDC and the National League for Democracy and Burma's ethnic nationalities on the restoration of a democratic government.

By renewing the import ban we express our solidarity with Aung San Suu Kyi and the democratic opposition who bravely stand up to the regime and reject their abuses.

They understand that the import ban is not directed at the people of Burma, but at the military junta that dominates economic and political activity in their country and denies them their rights.

And I remind my colleagues that this import ban renewal is good for 1 year and we will have the opportunity to revisit this issue again next year.

I am hopeful that the United Nations Security Council and the international community will follow our example and put additional pressure on the SPDC to release Aung San Suu Kyi and all political prisoners immediately and unconditionally and engage in a true dialogue on national reconciliation, one that will lead to a truly democratic constitution.

I urge my colleagues to pass this Joint Resolution as soon as possible.

—————
SUBMITTED RESOLUTIONS
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SENATE RESOLUTION 173—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 173

Whereas despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost ½ of those men will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of such problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screenings, and cholesterol screenings, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are twice as likely as men to visit the doctor for annual examinations and preventive services;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the governors of more than 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 15 through June 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week in 2009; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 174—RECOGNIZING THE REGION FROM MANHATTAN, KANSAS TO COLUMBIA, MISSOURI AS THE KANSAS CITY ANIMAL HEALTH CORRIDOR

Mr. BOND (for himself, Mr. ROBERTS, Mr. BROWNBACK, and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on the Agriculture, Nutrition, and Forestry:

S. RES. 174

Whereas a 34 percent of the \$16,800,000,000 annual global animal health industry is based in the Kansas City region;

Whereas more than 120 companies involved in the animal health industry are located in Kansas and Missouri, including 4 of the 10 largest global animal health companies and 1 of the 5 largest animal nutrition companies;

Whereas several leading veterinary colleges and animal research centers are located in Kansas and Missouri, including the College of Veterinary Medicine and the \$54,000,000 Biosecurity Research Institute of Kansas State University and the College of Veterinary Medicine, the College of Agriculture, Food and Natural Resources' Division of Animal Sciences, the \$60,000,000 Life Sciences Center, the National Swine Resource and Research Center, and the Research Animal Diagnostic Laboratory of the University of Missouri;

Whereas Kansas City, Missouri, is centrally located in the United States and is close to many of the food animal end customers;

Whereas the Department of Homeland Security selected Manhattan, Kansas, as the future location for the National Bio and Agro-defense Facility (NBAF);

Whereas the \$750,000,000 NBAF project will provide area economic development opportunities by employing 300 people with an annual payroll of up to \$30,000,000, and will provide an additional 1,500 construction jobs;

Whereas NBAF enhances Kansas' leadership role in the Nation as the animal health research and biosciences center for the United States;

Whereas more than 45 percent of the fed cattle in the United States, 40 percent of the hogs produced, and 20 percent of the beef cows and calves are located within 350 miles of Kansas City;

Whereas there are nationally-recognized publishers in the animal health industry located in Kansas and Missouri;

Whereas Kansas and Missouri have historic roots in the livestock industry, including the cattle drives in the 1860s from Texas to the westward railhead in Sedalia, Missouri;

Whereas Kansas and Missouri are home to many prominent national and international associations within the animal health industry; and

Whereas retaining and growing existing animal health companies, attracting new animal health companies, increasing animal health research capacity, and developing commercialization infrastructure will create quality jobs and wealth for Kansas and Missouri: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the region from Manhattan, Kansas to Columbia, Missouri, including the metropolitan Kansas City area and St. Joseph, Missouri, as the "Kansas City Animal Health Corridor";

(2) recognizes the Kansas City Animal Health Corridor as the national center of the animal health industry, based on the un-

matched concentration of animal health and nutrition businesses and educational and research assets; and

(3) expresses its commitment to establishing a favorable business environment and supporting animal health research to foster the continued growth of the animal health industry for the benefit of the economy, universities, businesses, and young people hoping to pursue an animal health career in the Kansas City Animal Health Corridor.

SENATE RESOLUTION 175—EXPRESSING THE SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT IS A RELUCTANT SHAREHOLDER IN THE OWNERSHIP OF GENERAL MOTORS AND CHRYSLER

Mr. NELSON of Nebraska submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 175

Whereas the United States is facing a deep economic crisis that has caused millions of American workers to lose their jobs;

Whereas the collapse of the American automotive industry would have dealt a devastating blow to an already perilous economy;

Whereas the Federal Government, under President George W. Bush and President Barack Obama, intervened in the American automotive industry in order to prevent additional job losses in the industry that would have resulted in a ripple effect across the entire economy;

Whereas any investment of taxpayer dollars in the American automotive industry should be temporary;

Whereas the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC, as any involvement is only to protect the investment of taxpayer dollars;

Whereas the Federal Government, as the primary shareholder, will not be involved in the day-to-day management of General Motors; and

Whereas the Federal Government shall closely monitor General Motors and Chrysler to ensure that they are being responsible stewards of taxpayer dollars and are taking all possible steps to expeditiously return to solvency: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible; and

(2) the Comptroller General of the United States should conduct a study to determine the period of time it may take General Motors and Chrysler to return to solvency and for the Federal Government to complete divestiture.

SENATE RESOLUTION 176—EXPRESSING THE SENSE OF THE SENATE ON UNITED STATES POLICY DURING THE POLITICAL TRANSITION IN ZIMBABWE, AND FOR OTHER PURPOSES

Mr. FEINGOLD (for himself, Mr. ISAKSON, Mr. KERRY, Mr. INHOFE, Mr.

BURRIS, Mr. WHITEHOUSE, Mr. NELSON of Florida, Mr. DURBIN, Mr. CARDIN, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 176

Whereas, over the course of the last decade, the Zimbabwean African National Union-Patriotic Front (ZANU-PF), led by Robert Mugabe, increasingly turned to violence and intimidation to maintain power amidst government-directed economic collapse and a growing humanitarian crisis;

Whereas the Department of State's 2008 Country Report on Human Rights Practices states that the Government of Zimbabwe "continued to engage in the pervasive and systematic abuse of human rights, which increased during the year," including unlawful killings, politically-motivated abductions, state-sanctioned use of excessive force and torture by security forces against opposition, student leaders, and civil society activists;

Whereas Zimbabwe held presidential and parliamentary elections on March 29, 2008, with official results showing that Mr. Mugabe won 43.2 percent of the vote, while Morgan Tsvangirai, leader of the opposition party Movement for Democratic Change (MDC), won 47.9 percent of the vote;

Whereas, in the wake of those elections, Mr. Mugabe and his allies launched a brutal campaign of violence against members and supporters of the MDC, voters and journalists, and other citizens of Zimbabwe, leading Mr. Tsvangirai to withdraw from the June 27, 2008, runoff presidential election, which Mr. Mugabe, the only remaining candidate, then won with 85 percent of the vote;

Whereas, on September 15, 2008, ZANU-PF and the MDC signed a "Global Political Agreement" (GPA) to form a transitional government under which Mr. Mugabe would remain President, Mr. Tsvangirai would become Prime Minister, and the parties would divide control of the ministries;

Whereas the Global Political Agreement, as written, included provisions to restore the rule of law and economic stability and growth, establish a new constitution, end violence by state and non-state actors, and promote freedom of assembly, association, expression, and communication;

Whereas the installation of the transitional government stalled for five months as Mr. Mugabe and his allies refused to compromise on control of key ministries and security agencies and continued to use the state security apparatus to intimidate and commit violence against political opponents;

Whereas, according to the United Nations, the humanitarian situation during that time deteriorated to unprecedented levels, with an estimated 5,000,000 people in Zimbabwe susceptible to food insecurity, and collapsing water and sewerage services giving rise to a cholera epidemic that has resulted in the deaths of more than 4,000 people;

Whereas, on February 11, 2009, the parties finally formed the transitional government;

Whereas there has since been some progress toward the implementation of the Global Political Agreement, including positive steps by the Ministry of Finance, such as the issuance of a Short Term Economic Recovery Program (STERP) and the abandonment of the Zimbabwe dollar in favor of foreign currencies;

Whereas many of the reform-minded individuals within the new transitional government are limited by a severe lack of qualified personnel and material resources;

Whereas the full implementation of the Global Political Agreement continues to be obstructed by hardliners in the government, and important issues regarding senior government appointments remain unresolved, notably the status of the current Reserve Bank Governor and the Attorney General;

Whereas ZANU-PF officials have made efforts to obstruct implementation of the Global Political Agreement as they continue to arrest legitimate journalists and human rights activists and delay the swearing into office of properly designated officials nominated by MDC; and

Whereas the security forces continue to operate outside the rule of law, condoning land invasions, restrictions on media access and freedoms, and harassment, arbitrary arrests, and detention of civil society activists in Zimbabwe: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government, in coordination with other democratic governments and international institutions desiring to help the people of Zimbabwe, should—

(1) continue to provide humanitarian assistance to meet the urgent needs of the people of Zimbabwe;

(2) make available increased resources for nongovernmental entities to provide assistance and to pay salaries or fees to appropriately qualified people in Zimbabwe to enable progress to be made in the critical areas of education, health, water, and sanitation;

(3) welcome and encourage responsible efforts by the international community to support, strengthen, and extend reforms made by ministries within the Government of Zimbabwe, especially the Ministry of Finance;

(4) provide concrete financial and technical assistance in response to requests from the people of Zimbabwe and civil society organizations in their efforts to draft and enact a new constitution based on democratic values and principles that would enable the country to hold fair and free elections at an early date;

(5) work with and encourage regional governments and leaders to promote human rights, the restoration of the rule of law, and economic growth in Zimbabwe;

(6) maintain the existing ban on the transfer of defense items and services and the suspension of most non-humanitarian government-to-government assistance until there is demonstrable progress toward restoring the rule of law, civilian control over security forces, and respect for human rights in Zimbabwe; and

(7) support the continuation and updating of financial sanctions and travel bans targeted against those individuals responsible for the deliberate breakdown of the rule of law, politically motivated violence, and other ongoing illegal activities in Zimbabwe.

SENATE RESOLUTION 177—RECOGNIZING THE 10TH ANNIVERSARY OF THE INTERNATIONAL LABOUR ORGANIZATION'S UNANIMOUS ADOPTION OF CONVENTION 182, "CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR"

Mr. HARKIN submitted the following resolution; which was considered and agreed to:

S. RES. 177

Whereas on June 17, 1999, the International Labour Organization (ILO) unanimously adopted Convention 182, "Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour", done at Geneva (T. Doc. 106-5) (in this preamble referred to as the "Convention");

Whereas on August 5, 1999, President William Jefferson Clinton submitted the Convention to the Senate for its advice and consent;

Whereas on October 21, 1999, the Committee on Foreign Relations of the Senate, under the chairmanship of Senator Jesse Helms, considered the Convention, and on November 3, 1999, reported it out of committee;

Whereas on November 5, 1999, the Senate unanimously agreed to the resolution of advice and consent to the ratification of the Convention;

Whereas on December 2, 1999, President Clinton signed the instruments of ratification of the Convention, as the United States became the third country to ratify the Convention;

Whereas the terms of the Convention apply to all children under 18 years of age and define the worst forms of child labor to include slavery and practices similar to slavery (including the sale and trafficking of children), forced or compulsory labor, debt bondage and serfdom, child prostitution and child pornography, the use of children in illegal activities (including drug production and trafficking), and work that is likely to jeopardize the health, safety, or morals of children;

Whereas the stated goals of the Convention include the effective elimination of the worst forms of child labor, ensuring that the parties take into account the importance of free basic education, removal of children from all work that is in violation of the Convention, and provision of rehabilitation and social integration for children who have engaged in work that is in violation of the Convention;

Whereas since 1995, the United States has become the largest contributor to the ILO's International Program for the Elimination of Child Labor;

Whereas the Department of Labor has funded 220 projects through the International Program for the Elimination of Child Labor that have affected 1,300,000 children in 82 countries who were rescued from or prevented from entering the worst forms of child labor;

Whereas in May 2000, the United States Government enacted the Trade and Development Act of 2000 (Public Law 106-200), which included a provision that requires countries receiving duty-free access to the United States marketplace to take steps to implement the terms of the Convention in order to retain such trade privileges;

Whereas between 2000 and 2004, the worst forms of child labor declined worldwide, as the overall number of child laborers fell by 11 percent, from 246,000,000 to 218,000,000, and the number of young child laborers was reduced by 33 percent;

Whereas between 2000 and 2004, the number of children between 5 and 17 years of age who performed hazardous work fell by 26 percent, from 171,000,000 to 126,000,000; and

Whereas on the 10th anniversary of its adoption, a total of 183 countries have ratified the Convention; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the worst forms of child labor should not be tolerated, whether they occur in the United States or other countries; and

(2) on the 10th anniversary of its adoption, all parties to Convention 182, "Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour", done at Geneva June 17, 1999 (T. Doc. 106-5), should work toward its full implementation to realize the goal of eliminating the worst forms of child labor.

SENATE RESOLUTION 178—SUPPORTING OLYMPIC DAY ON JUNE 23, 2009, AND ENCOURAGING THE INTERNATIONAL OLYMPIC COMMITTEE TO SELECT CHICAGO, ILLINOIS AS THE HOST CITY FOR THE 2016 OLYMPIC AND PARALYMPIC GAMES

Mr. DURBIN (for himself, Mr. UDALL of Colorado, Mr. BURRIS, Mr. BENNETT, Mr. BENNET, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 178

Whereas Olympic Day, June 23, 2009, celebrates the Olympic ideal of developing peace through sport;

Whereas June 23 marks the anniversary of the founding of the modern Olympic movement, the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas for more than 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States and Chicago, Illinois advocate the ideals of the Olympic movement;

Whereas hundreds of local governments from across the United States are joining together to show their support for bringing the Olympic Games to Chicago, Illinois in 2016;

Whereas Olympic Day will encourage the development of Olympic and Paralympic Sport in the United States;

Whereas Olympic Day encourages the participation of youth of the United States in Olympic and Paralympic sport;

Whereas Olympic Day will encourage the teaching of Olympic history, health, arts, and culture among the youth of the United States;

Whereas Olympic Day will encourage the youth of the United States to support the Olympic movement and the selection of Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games; and

Whereas enthusiasm for Olympic and Paralympic sport is at an all-time high: Now, therefore, be it

Resolved, That the Senate—

(1) supports Olympic Day 2009 and the goals that Olympic Day pursues; and

(2) encourages the International Olympic Committee to select Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games.

SENATE RESOLUTION 179—CONGRATULATING THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS ON ITS 125 YEARS OF CODES AND STANDARDS DEVELOPMENT

Mr. KAUFMAN submitted the following resolution; which was considered and agreed to:

S. RES. 179

Whereas the American Society of Mechanical Engineers (ASME), which was founded in 1880 and currently includes more than 127,000 members worldwide, is a premier professional organization serving the engineering and technical community through high-quality programs in the development and maintenance of codes and standards, continuing education, research, conferences, publications, and government relations;

Whereas in 2009, ASME is celebrating its 125th anniversary of codes and standards development, commemorating a rich history of engineering progress, technological safety, and service to industry and government;

Whereas the ASME codes and standards activity began in a period of rising industrialization in the United States and grew in stature and influence as technology advanced and new industries were born;

Whereas a significant achievement in the history of ASME includes the issuance of the first ASME Boiler Code in 1914;

Whereas the ASME Boiler and Pressure Vessel Code has since been incorporated into the laws of all 50 States and is also referenced in Canada and other parts of the world;

Whereas since the publication of its first performance test code 125 years ago, titled "Code for the Conduct of Trials of Steam Boilers", ASME has developed more than 500 technical standards for pressure vessel technology, electric and nuclear power facilities, elevators and escalators, gas pipelines, engineering drawing practices, and numerous other technical and engineered products and processes;

Whereas ASME codes and standards and conformity assessment programs are presently used in more than 100 countries;

Whereas ASME's celebration of its 125 years of codes and standards development is a tribute to the dedicated service of technical experts and staff whose efforts result in internationally accepted standards that enhance public safety and provide lifelong learning and technical exchange opportunities that benefit the global engineering and technology community; and

Whereas ASME honors the dedicated volunteers who participate in their codes and standards and conformity assessment programs, which today are a global operation involving more than 4,000 individuals: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates ASME on the 125th anniversary of its renowned codes and standards activity;

(2) recognizes and celebrates the achievements of all ASME volunteer members and staff who participate in the codes and standards programs;

(3) expresses the gratitude of the people of the United States for the contributions provided by ASME's codes and standards to the health, safety, and economic well-being of the citizenry of this Nation;

(4) recognizes ASME's focus on global and accessible standards development and their vision for technical competence and innovation;

(5) recognizes ASME's mission to be the essential resource for mechanical engineers and other technical professionals throughout the world for solutions that benefit humankind; and

(6) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of ASME.

SENATE RESOLUTION 180—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN UNITED STATES v. EDWARD BLOOMER, FRANK CORDARO, ELTON DAVIS, CHESTER GUINN, AND RENEE ESPELAND

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 180

Whereas, in the cases of United States v. Edward Bloomer (CVB# H5049055), Frank Cordaro (CVB# H5049056), Elton Davis (CVB# H5049058), Chester Guinn (CVB# H5049093), and Renee Espeland (CVB# H5049095), pending in federal district court in the Southern District of Iowa, the prosecution has sought testimony from Dianne Liepa, a former employee of Senator Tom Harkin;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Dianne Liepa is authorized to testify in the cases of United States v. Edward Bloomer, Frank Cordaro, Elton Davis, Chester Guinn, and Renee Espeland, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Dianne Liepa, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 25—RECOGNIZING THE VALUE AND BENEFITS THAT COMMUNITY HEALTH CENTERS PROVIDE AS HEALTH CARE HOMES FOR OVER 18,000,000 INDIVIDUALS, AND THE IMPORTANCE OF ENABLING HEALTH CENTERS AND OTHER SAFETY NET PROVIDERS TO CONTINUE TO OFFER ACCESSIBLE, AFFORDABLE, AND CONTINUOUS CARE TO THEIR CURRENT PATIENTS AND TO EVERY AMERICAN WHO LACKS ACCESS TO PREVENTIVE AND PRIMARY CARE SERVICES

Mr. MENENDEZ (for himself and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 25

Whereas a strong system of health care safety net providers is vital to ensuring that any health care system address access, cost, and quality challenges while providing care for the most vulnerable individuals and communities;

Whereas community health centers currently form the backbone of the health care safety net for the United States, caring for more than 1 out of every 5 uninsured low-income Americans and providing almost 1 out of every 5 office visits under Medicaid and the Children's Health Insurance Program;

Whereas more than 60,000,000 individuals in the United States are medically disenfranchised, lacking access to primary care services like those provided by health centers and other safety net providers, regardless of insurance coverage;

Whereas health centers effectively remove barriers to care by providing cost-effective, high-quality, and comprehensive preventive and primary health care, as well as effective care management for individuals with chronic conditions;

Whereas health centers have compiled a well-documented record of reducing health disparities and improving patient health outcomes, lowering the overall cost of care for their patients by 41 percent as compared to individuals who receive care elsewhere, and generating \$18,000,000,000 in savings each year for the health care system;

Whereas an expansion of the highly effective Health Centers Program to provide a health care home for all 60,000,000 medically disenfranchised Americans would increase the overall savings that health centers generate for the health care system to up to \$80,000,000,000 each year;

Whereas Congress has recognized the value of the care that health centers provide to those enrolled in Medicaid and the Children's Health Insurance Program by making their services a guaranteed benefit and establishing a mechanism to appropriately reimburse health centers for the quality care that they provide;

Whereas private insurance often does not appropriately reimburse safety net providers like health centers for the full spectrum of care they provide, forcing health centers to subsidize under-payments for their privately insured patients by diverting funds intended to support care for those in need; and

Whereas millions of Americans in underserved communities are in need of a health care home like those provided by health centers, which serve as a proven model of health care delivery that assures high-quality and

cost-effective health care in every State of the Nation: Now, therefore, be it

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

(1) all individuals should have the choice of a community health center as their health care home and every health center should be appropriately reimbursed for the high-value preventive and primary care they provide;

(2) health care reform should include measures to expand community health centers in order to reach more individuals who need a health care home;

(3) the current payment mechanisms for Federally-qualified health centers through Medicaid and the Children's Health Insurance Program are essential to ensuring access to affordable and high-quality preventive and primary care services for beneficiaries of such programs;

(4) any expansion of private insurance must include mechanisms to ensure the full participation of, and appropriate reimbursement to, Federally-qualified health centers and other safety net providers in order to ensure adequate access to care for those individuals who are medically underserved or disenfranchised; and

(5) ensuring access to all safety net providers, including Federally-qualified health centers, will be vital to ensuring that health care reform is successful in expanding access, improving quality, and reducing cost.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 10, 2009, at 2:30 p.m. to hear testimony on the nomination of John J. Sullivan to be a member of the Federal Election Commission.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee, 202-224-6352.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 10, 2009, at 3 p.m., upon completion of the FEC confirmation hearing, to conduct an executive business meeting to consider the nomination of John J. Sullivan to be a member of the Federal Election Commission.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee, 202-224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 9, 2009 at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, June 9, 2009 at 9:30 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 9, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 9, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 9, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 9, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on June 9, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Legal, Moral, and National Security Consequences of 'Prolonged Detention'."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 9, 2009, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT
AGREEMENT—H.R. 1256

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that on Wednesday, June 10, following a period for morning business, the Senate then resume consideration of H.R. 1256, and all postcloture time having expired, there then be an hour of debate only prior to a vote on the motion to invoke cloture on H.R. 1256, with the time equally divided and controlled between Senators DODD and ENZI or their designees; that upon the use or yielding back of that time and disposition of amendment No. 1256, the substitute amendment be agreed to and the motion to reconsider be laid upon the table, the bill be read a third time, and the Senate then proceed to vote on the motion to invoke cloture on H.R. 1256; that if cloture is invoked on H.R. 1256, then postcloture time be considered to have begun at 12:05 a.m., Wednesday, June 10, and that all postcloture time continue to run during any recess, adjournment, or period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING NATIVE AMERICANS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 40, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 40) to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 40) was ordered to a third reading, was read the third time, and passed.

UNITED STATES POLICY DURING
POLITICAL TRANSITION IN
ZIMBABWE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 176, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 176) expressing the sense of the Senate on United States policy during the political transition in Zimbabwe, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 176) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 176

Whereas, over the course of the last decade, the Zimbabwean African National Union-Patriotic Front (ZANU-PF), led by Robert Mugabe, increasingly turned to violence and intimidation to maintain power amidst government-directed economic collapse and a growing humanitarian crisis;

Whereas the Department of State's 2008 Country Report on Human Rights Practices states that the Government of Zimbabwe "continued to engage in the pervasive and systematic abuse of human rights, which increased during the year," including unlawful killings, politically-motivated abductions, state-sanctioned use of excessive force and torture by security forces against opposition, student leaders, and civil society activists;

Whereas Zimbabwe held presidential and parliamentary elections on March 29, 2008, with official results showing that Mr. Mugabe won 43.2 percent of the vote, while Morgan Tsvangirai, leader of the opposition party Movement for Democratic Change (MDC), won 47.9 percent of the vote;

Whereas, in the wake of those elections, Mr. Mugabe and his allies launched a brutal campaign of violence against members and supporters of the MDC, voters and journalists, and other citizens of Zimbabwe, leading Mr. Tsvangirai to withdraw from the June 27, 2008, runoff presidential election, which Mr. Mugabe, the only remaining candidate, then won with 85 percent of the vote;

Whereas, on September 15, 2008, ZANU-PF and the MDC signed a "Global Political Agreement" (GPA) to form a transitional government under which Mr. Mugabe would remain President, Mr. Tsvangirai would become Prime Minister, and the parties would divide control of the ministries;

Whereas the Global Political Agreement, as written, included provisions to restore the rule of law and economic stability and growth, establish a new constitution, end violence by state and non-state actors, and promote freedom of assembly, association, expression, and communication;

Whereas the installation of the transitional government stalled for five months as Mr. Mugabe and his allies refused to compromise on control of key ministries and security agencies and continued to use the state security apparatus to intimidate and commit violence against political opponents;

Whereas, according to the United Nations, the humanitarian situation during that time

deteriorated to unprecedented levels, with an estimated 5,000,000 people in Zimbabwe susceptible to food insecurity, and collapsing water and sewerage services giving rise to a cholera epidemic that has resulted in the deaths of more than 4,000 people;

Whereas, on February 11, 2009, the parties finally formed the transitional government;

Whereas there has since been some progress toward the implementation of the Global Political Agreement, including positive steps by the Ministry of Finance, such as the issuance of a Short Term Economic Recovery Program (STERP) and the abandonment of the Zimbabwe dollar in favor of foreign currencies;

Whereas many of the reform-minded individuals within the new transitional government are limited by a severe lack of qualified personnel and material resources;

Whereas the full implementation of the Global Political Agreement continues to be obstructed by hardliners in the government, and important issues regarding senior government appointments remain unresolved, notably the status of the current Reserve Bank Governor and the Attorney General;

Whereas ZANU-PF officials have made efforts to obstruct implementation of the Global Political Agreement as they continue to arrest legitimate journalists and human rights activists and delay the swearing into office of properly designated officials nominated by MDC; and

Whereas the security forces continue to operate outside the rule of law, condoning land invasions, restrictions on media access and freedoms, and harassment, arbitrary arrests, and detention of civil society activists in Zimbabwe: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government, in coordination with other democratic governments and international institutions desiring to help the people of Zimbabwe, should—

(1) continue to provide humanitarian assistance to meet the urgent needs of the people of Zimbabwe;

(2) make available increased resources for nongovernmental entities to provide assistance and to pay salaries or fees to appropriately qualified people in Zimbabwe to enable progress to be made in the critical areas of education, health, water, and sanitation;

(3) welcome and encourage responsible efforts by the international community to support, strengthen, and extend reforms made by ministries within the Government of Zimbabwe, especially the Ministry of Finance;

(4) provide concrete financial and technical assistance in response to requests from the people of Zimbabwe and civil society organizations in their efforts to draft and enact a new constitution based on democratic values and principles that would enable the country to hold fair and free elections at an early date;

(5) work with and encourage regional governments and leaders to promote human rights, the restoration of the rule of law, and economic growth in Zimbabwe;

(6) maintain the existing ban on the transfer of defense items and services and the suspension of most non-humanitarian government-to-government assistance until there is demonstrable progress toward restoring the rule of law, civilian control over security forces, and respect for human rights in Zimbabwe; and

(7) support the continuation and updating of financial sanctions and travel bans targeted against those individuals responsible for the deliberate breakdown of the rule of

law, politically motivated violence, and other ongoing illegal activities in Zimbabwe.

RECOGNIZING 10TH ANNIVERSARY OF ILO ADOPTION OF CONVENTION 182

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 177, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 177) recognizing the 10th anniversary of the International Labour Organization's unanimous adoption of Convention 182, "Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 177

Whereas on June 17, 1999, the International Labour Organization (ILO) unanimously adopted Convention 182, "Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour", done at Geneva (T. Doc. 106-5) (in this preamble referred to as the "Convention");

Whereas on August 5, 1999, President William Jefferson Clinton submitted the Convention to the Senate for its advice and consent;

Whereas on October 21, 1999, the Committee on Foreign Relations of the Senate, under the chairmanship of Senator Jesse Helms, considered the Convention, and on November 3, 1999, reported it out of committee;

Whereas on November 5, 1999, the Senate unanimously agreed to the resolution of advice and consent to the ratification of the Convention;

Whereas on December 2, 1999, President Clinton signed the instruments of ratification of the Convention, as the United States became the third country to ratify the Convention;

Whereas the terms of the Convention apply to all children under 18 years of age and define the worst forms of child labor to include slavery and practices similar to slavery (including the sale and trafficking of children), forced or compulsory labor, debt bondage and serfdom, child prostitution and child pornography, the use of children in illegal activities (including drug production and trafficking), and work that is likely to jeopardize the health, safety, or morals of children;

Whereas the stated goals of the Convention include the effective elimination of the worst forms of child labor, ensuring that the parties take into account the importance of free basic education, removal of children from all work that is in violation of the Convention, and provision of rehabilitation and social integration for children who have engaged in work that it is in violation of the Convention;

Whereas since 1995, the United States has become the largest contributor to the ILO's International Program for the Elimination of Child Labor;

Whereas the Department of Labor has funded 220 projects through the International Program for the Elimination of Child Labor that have affected 1,300,000 children in 82 countries who were rescued from or prevented from entering the worst forms of child labor;

Whereas in May 2000, the United States Government enacted the Trade and Development Act of 2000 (Public Law 106-200), which included a provision that requires countries receiving duty-free access to the United States marketplace to take steps to implement the terms of the Convention in order to retain such trade privileges;

Whereas between 2000 and 2004, the worst forms of child labor declined worldwide, as the overall number of child laborers fell by 11 percent, from 246,000,000 to 218,000,000, and the number of young child laborers was reduced by 33 percent;

Whereas between 2000 and 2004, the number of children between 5 and 17 years of age who performed hazardous work fell by 26 percent, from 171,000,000 to 126,000,000; and

Whereas on the 10th anniversary of its adoption, a total of 183 countries have ratified the Convention: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the worst forms of child labor should not be tolerated, whether they occur in the United States or other countries; and

(2) on the 10th anniversary of its adoption, all parties to Convention 182, "Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour", done at Geneva June 17, 1999 (T. Doc. 106-5), should work toward its full implementation to realize the goal of eliminating the worst forms of child labor.

SUPPORTING OLYMPIC DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 178 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 178) supporting Olympic Day on June 23, 2009, and encouraging the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any state-

ments related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 178

Whereas Olympic Day, June 23, 2009, celebrates the Olympic ideal of developing peace through sport;

Whereas June 23 marks the anniversary of the founding of the modern Olympic movement, the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas for more than 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States and Chicago, Illinois advocate the ideals of the Olympic movement;

Whereas hundreds of local governments from across the United States are joining together to show their support for bringing the Olympic Games to Chicago, Illinois in 2016;

Whereas Olympic Day will encourage the development of Olympic and Paralympic Sport in the United States;

Whereas Olympic Day encourages the participation of youth of the United States in Olympic and Paralympic sport;

Whereas Olympic Day will encourage the teaching of Olympic history, health, arts, and culture among the youth of the United States;

Whereas Olympic Day will encourage the youth of the United States to support the Olympic movement and the selection of Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games; and

Whereas enthusiasm for Olympic and Paralympic sport is at an all-time high: Now, therefore, be it

Resolved, That the Senate—

(1) supports Olympic Day 2009 and the goals that Olympic Day pursues; and

(2) encourages the International Olympic Committee to select Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games.

CONGRATULATING THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 179 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 179) congratulating the American Society of Mechanical Engineers on its 125 years of codes and standards development.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 179) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 179

Whereas the American Society of Mechanical Engineers (ASME), which was founded in 1880 and currently includes more than 127,000 members worldwide, is a premier professional organization serving the engineering and technical community through high-quality programs in the development and maintenance of codes and standards, continuing education, research, conferences, publications, and government relations;

Whereas in 2009, ASME is celebrating its 125th anniversary of codes and standards development, commemorating a rich history of engineering progress, technological safety, and service to industry and government;

Whereas the ASME codes and standards activity began in a period of rising industrialization in the United States and grew in stature and influence as technology advanced and new industries were born;

Whereas a significant achievement in the history of ASME includes the issuance of the first ASME Boiler Code in 1914;

Whereas the ASME Boiler and Pressure Vessel Code has since been incorporated into the laws of all 50 States and is also referenced in Canada and other parts of the world;

Whereas since the publication of its first performance test code 125 years ago, titled "Code for the Conduct of Trials of Steam Boilers", ASME has developed more than 500 technical standards for pressure vessel technology, electric and nuclear power facilities, elevators and escalators, gas pipelines, engineering drawing practices, and numerous other technical and engineered products and processes;

Whereas ASME codes and standards and conformity assessment programs are presently used in more than 100 countries;

Whereas ASME's celebration of its 125 years of codes and standards development is a tribute to the dedicated service of technical experts and staff whose efforts result in internationally accepted standards that enhance public safety and provide lifelong learning and technical exchange opportunities that benefit the global engineering and technology community; and

Whereas ASME honors the dedicated volunteers who participate in their codes and standards and conformity assessment programs, which today are a global operation involving more than 4,000 individuals: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates ASME on the 125th anniversary of its renowned codes and standards activity;

(2) recognizes and celebrates the achievements of all ASME volunteer members and staff who participate in the codes and standards programs;

(3) expresses the gratitude of the people of the United States for the contributions pro-

vided by ASME's codes and standards to the health, safety, and economic well-being of the citizenry of this Nation;

(4) recognizes ASME's focus on global and accessible standards development and their vision for technical competence and innovation;

(5) recognizes ASME's mission to be the essential resource for mechanical engineers and other technical professionals throughout the world for solutions that benefit humankind; and

(6) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of ASME.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WHITEHOUSE. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 180, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 180) to authorize testimony and legal representation in the United States v. Edward Bloomer, Frank Cordaro, Elton Davis, Chester Guinn and Renee Espeland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in actions in Federal District Court in the Southern District of Iowa. In these actions, protesters have been charged with impeding or disrupting the performance of official duties by Government employees for occupying Senator TOM HARKIN's Des Moines, IA office on February 25, 2009, and for refusing requests by the Federal Protective Service and the local police to leave the building. The prosecution has sought testimony from a former member of the Senator's staff who witnessed the relevant events. Senator HARKIN would like to cooperate by providing testimony from that person. This resolution would authorize that person to testify in connection with these actions, with representation by the Senate Legal Counsel of her and any other employee from whom evidence may be sought.

Mr. WHITEHOUSE. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 180) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 180

Whereas, in the cases of United States v. Edward Bloomer (CVB# H5049055), Frank

Cordaro (CVB# H5049056), Elton Davis (CVB# H5049058), Chester Guinn (CVB# H5049093), and Renee Espeland (CVB# H5049095), pending in federal district court in the Southern District of Iowa, the prosecution has sought testimony from Dianne Liepa, a former employee of Senator Tom Harkin;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 1A288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Dianne Liepa is authorized to testify in the cases of United States v. Edward Bloomer, Frank J. Cordaro, Elton Davis, Chester Guinn, and Renee Espeland, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Dianne Liepa, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

ORDERS FOR WEDNESDAY, JUNE 10, 2009

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., tomorrow, Wednesday, June 10; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority controlling the second half; and that following morning business, the Senate resume consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, under the previous order, at approximately 11:30 a.m., the Senate will vote on the motion to invoke cloture on H.R. 1256.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Wednesday, June 10, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CONSUMER PRODUCT SAFETY COMMISSION

INEZ MOORE TENENBAUM, OF SOUTH CAROLINA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE HAROLD D. STRATTON, RESIGNED.

INEZ MOORE TENENBAUM, OF SOUTH CAROLINA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2006, VICE HAROLD D. STRATTON, RESIGNED.

ROBERT S. ADLER, OF NORTH CAROLINA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2007, VICE STUART M. STATLER, RESIGNED.

DEPARTMENT OF STATE

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE (DEMOCRACY AND GLOBAL AFFAIRS), VICE PAULA J. DOBRIANSKY, RESIGNED.

KENNETH H. MERTEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

DEPARTMENT OF LABOR

WILLIAM E. SPRIGGS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE LEON R. SEQUEIRA, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be colonel

JEFFREY A. LEWIS

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

VINCENT P. CLIFTON

PATRICK J. COOK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID J. BUTLER
JON E. CUTLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BARRY C. DUNCAN
GREGORY GANSER
SCOTT H. HAHN
JAMES E. PARKHILL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID A. BIANCHI
SUBRATO J. DEB
ROBERT B. GHERMAN
DOMINIC A. JOHNSON
JOSEPH J. KOCHAN III
DAVID C. LU
STEPHEN H. MACDONALD
KEVIN C. MCCORMICK
DENNIS P. MCKENNA
DOUGLAS L. MCPHERSON
CURTIS R. POWELL
ALAN M. SPIRA
TROND A. STOCKENSTROM
DAVID J. STROH
BRUCE T. THOMPSON
SARAH WALTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LISA M. BAUER
JEFFREY GARCIA
SAMUEL G. JOHNSON
DAVID W. KACZOROWSKI
JAMES D. KIELEK
LEONARD A. KIOLBASA
MICHAEL L. MULLINS
EDWARD G. OESTREICHER
CHRISTOPHER D. PEARCE
JOSEPH E. STRICKLAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DWAIN ALEXANDER II
MONTE R. DEBOER
JILL R. JAMES
DANIEL G. JONES
DAVID N. KARPEL
KEVIN M. KELLY

JEAN M. KILKER
JOHN M. PRICE
DAVID M. STAUSS
JAMES A. TALBERT
THOMAS H. VANHORN
THOMAS E. WALLACE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES F. ARMSTRONG
KATHARINE E. BEASLEY
EDNA M. CANDELARIO
ALISON P. EAGLETON
LAUREN A. EVANS
DEANA M. GALLEGOS
DEBRA S. HALL
ARTHUR B. HANLEY, JR.
AMEY HEATHRILEY
LINDA M. JACOBSON
LORI V. KARNES
PAULA J. LOVELETT
DAWN D. PESTI
RHODA S. A. POWERS
MARK C. SEBASTIAN
TERESA L. SMITH
JODY L. STANLEY
KIMBERLY A. SZYMANSKI
JULIE A. ZAPPONE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WILLIAM E. BUTLER
ROBERT F. CASAGRAN
THOMAS D. CHASE
EDWARD C. CHEVALIER
CRAIG P. DOYLE
CHARLES M. FUTRELL
JOHN D. LAZZARO
RANDALL J. RAMIAN
RONALD R. SHIMKOWSKI
JONATHAN D. WALLNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT J. CAREY
JOHN W. DEBERARD
PAUL DEMONCADA
DONALD L. MACONI
JOSEPH B. MATIS
ALAN R. REDMON
THOMAS D. ROACH
GARY L. ROUSE
GEORGE D. STEFFEN
DAVID J. SVENDSGAARD, JR.
GLENN A. TOOTLE
BRIAN S. VINCENT

HOUSE OF REPRESENTATIVES—*Tuesday, June 9, 2009*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 9, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

GLOBAL WATER AND H.R. 2030, SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2009

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, as one-fifth of the world's population relies on freshwater that is either polluted or significantly overdrawn, the lack of safe water and sanitation is an ongoing threat to global security and remains the world's greatest health problem, accounting for 2 million deaths a year and half of the illness in the developing world. Before I finish speaking, 15 more children will die needlessly from waterborne disease.

To address this slow-motion disaster, I worked with the then Chair and ranking member of the House Foreign Affairs Committee, Henry Hyde and Tom Lantos, and the Senate majority and minority leaders, Bill Frist and HARRY REID, to enact the Paul Simon Water for the Poor Act of 2005. This landmark, bipartisan legislation established investment in safe and affordable water for the world's poorest as a major goal of United States foreign assistance. But, sadly, with the last ad-

ministration, we were slow to implement, and until last year, slow to fund it. We are more than halfway to the 2015 Millennium Development goal with mixed results, and we must redouble our effort.

A special concern is Sub-Saharan Africa that lags so far behind that we will miss our modest goal to cut the people without safe drinking water and sanitation by one-half by 2015, that Sub-Saharan Africa will miss that target date by 25 years for water and sanitation by 61 years. And these are not just numbers; these are millions of people's lives.

Some progress is being made through innovative partnerships between the United States, NGOs, businesses, and local partners. But the stark truth remains: Nearly 900 million people worldwide still lack access to safe drinking water, and two out of five people on the planet lack basic sanitation services. And this is going to become more of a challenge in the future. Because of climate change and rapid population growth, there will be further stress on water resources. By 2025, 2.8 billion people in more than 48 countries will face devastating water shortages.

To help accelerate the progress, on Earth Day I introduced bipartisan legislation, the Paul Simon Water for the World Act of 2009, along with Representatives PAYNE, ROHRBACHER, JESSE JACKSON JR., ZACH WAMP, WELCH, BOOZMAN, BURTON, GEORGE MILLER, and FORTENBERRY. The purpose of this act is to empower the U.S. Government to respond to the pressing poverty, security, and environmental threats presented by the dire mismanagement and shortage of global freshwater. The goal for the Water for the World Act is for the United States to provide 100 million people of the world's poorest first-time access to safe drinking water and sanitation on a sustainable basis by 2015. To accomplish this goal, the legislation builds on the Water for the Poor framework for investment, expands U.S. foreign assistance capacity, and recognizes sustainable water and sanitation policy as vital to the long-term diplomatic and development efforts of the United States.

I applaud the leadership of Senators DURBIN, CORKER, and MURRAY, who have introduced companion bipartisan legislation in the Senate. This legislation will help the United States focus its efforts and fully implement a smart and efficient global water strategy that meets our commitment to extend safe

drinking water and sanitation to over a billion people in need.

I urge every Member of Congress to make water policy and funding a priority, to save the life of a child every 15 seconds who dies needlessly from waterborne disease.

HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, Republicans want to work with the President and our Democrat colleagues here in the Congress to make sure that every American has access to high-quality, affordable health coverage. On an issue like this, we need to act, but we also need to get it right.

Frankly, the record the Democrats have amassed this year so far shows us why we need to take our time. Think about it. On every major issue addressed by Congress and the White House this year, the middle class has taken a big hit. Middle-class Americans are paying for a trillion dollar "stimulus" package that no one read. They're paying for a \$400 billion omnibus appropriation bill with 9,000 earmarks in it. They're paying to bail out those who lied on their mortgage applications. They're paying for a government takeover of General Motors with no exit strategy. And they're paying for a budget that didn't include a tax cut that was promised for, yes, you guessed it, the middle class in America. And if Democrats get their way, they'll be paying for a national energy tax on anyone who has the audacity to drive a car or to flip on a light switch.

Over and over again, the people who follow the rules are being left behind by Washington. Are Democrats going to leave the middle class behind on health care as well?

The forthcoming plan from Democratic leaders will make health care more expensive, limit treatments, ration care, and put bureaucrats in charge of medical decisions rather than patients and doctors. That amounts to a government takeover of health care, and it will hurt, rather than help, middle-class families across our country.

The administration likes to say they can expand health care and lower costs at the same time, but I think that's just simply nonsense. You can't add millions of Americans to the government health care rolls and reduce costs unless government takes control of medical decisions, rations care, and

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

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

limits treatments, all of which will reduce quality and undermine the care that Americans have come to expect.

Republicans believe there's a better way. Led by ROY BLUNT, the Health Care Solutions Group is crafting a plan that will ensure access to affordable, quality health care for every American, regardless of preexisting conditions. This plan will protect Americans from being forced into a new government-run plan that raises taxes, rations care, and eliminates coverage for more than 100 million Americans who receive their health care coverage from their employer. It will ensure that medical decisions are made by patients and their doctors, not by government bureaucrats. We want to let Americans who like their health care coverage keep it and give all Americans the freedom to choose the plan that best meets their needs. We want to improve Americans' lives through effective prevention, wellness, and disease management programs, while developing new treatments and cures for life-threatening diseases.

I hope Democrats here in Congress and the administration will work with us to make sure that we do this right. The American people, and particularly the middle class who have been left behind, deserve our best effort to put these reforms in place that will meet their needs.

HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Madam Speaker, the distinguished minority leader has just expressed the desire of his party to engage us in health care reform, and I'm so gratified and happy to hear him say that. Similarly, the distinguished minority leader of the Senate, who is both my Senator and my constituent, has spent the last few days in the Senate talking about that same desire, to help us move forward in addressing what we all know is an unsustainable and dysfunctional health care delivery system.

The Senator spoke last Friday, and he said, "Americans want reform that addresses the high cost of care and gives everyone access to quality care. In America in 2009, doing nothing is simply not an option. We must act and we must act decisively. The question is not whether to reform health care; the question is how best to reform health care."

None of us in either body on either side of the aisle will argue with that statement.

Unfortunately, in the remainder of the distinguished Senate minority leader's statement, there is not the first idea about how to do that. Despite his teasing us that he is going to offer

solutions, they're not. In fact, what he does is pretty similar to what the distinguished minority leader of the House just did, which was to echo the themes of a talking point paper provided by Frank Luntz, the Republican message person, which basically said the Republicans cannot afford to allow Democrats to have a victory in health care. They can't allow us to get something done for the American people. And, therefore, they are going to respond by criticizing everything we are doing as a government takeover of health care. In fact, in the distinguished Senate minority leader's statement, some version of government takeover is mentioned 11 times in 1½ half pages. So we know where they're coming from.

But the arguments that are raised are also things that require scrutiny, and as we move forward in this debate, we need to examine all of them.

For instance, the Senator says, "When most companies want to raise money, they have to show they are viable and their products and services are a worthwhile investment."

Again, nobody can argue with that. That means adding value.

"Apply this model to health care, and the government would be able to create the same kind of uneven playing field that would, in all likelihood, eventually wipe out competition, thus forcing millions of people off the private health plans they already have and which the vast majority of them very much like."

You know, when insurance companies are forced to compete, they do very well. Senator MCCONNELL and I have a common constituent, the Humana Corporation, a great corporation. When they're forced to compete, they figure out how to add value. And they're doing that right now. They are doing it with the Medicare Advantage program.

When insurance companies are forced to compete, they compete well. Right now they're not forced to compete. What many of us are proposing is that we create a public competition for them, make them compete with the public plan. And unlike what Senator MCCONNELL says, if they are unable to compete, it won't be because of an unfair advantage; it will be because they are not providing the kind of coverage at the cost that the American people want. If American people want to stay in their private plans under the proposals that we're advancing, they will be able to do that. We're not forcing anyone out. Right now most Americans don't have a choice, and we are trying to provide that choice through a public plan.

In the Senator's statement, he says: "This is how a government plan would undercut private health care plans, forcing people off the plans they like and replacing those plans with plans they like less."

They're not going to be in plans they like less. They will choose the plan they like more.

□ 1045

"That is when the worst scenario would take shape, with Americans subjected to bureaucratic hassles, hours spent on hold, waiting for a government service representative to take a call, restrictions on care and, yes, life-saving treatment and lifesaving surgeries denied or delayed."

It's a nice scare tactic. Unfortunately, what he is describing is what often happens right now in the private insurance system with doctors spending endless hours trying to argue with bureaucracies about whether certain treatments or certain procedures will be covered. So what we're trying to do is to end that and to provide competition that will end that.

Finally, the Senator says, "The American people want health care reform, but creating a government bureaucracy that denies, delays and rations health care is not the reform they want." I agree with that. I agree with that.

Then he says, "They don't want the people who brought us the Department of Motor Vehicles making life-and-death decisions for them, their children, their spouses, and their parents." Well, that's a cute line, very clever.

Unfortunately, you know, the Federal Government didn't create the Department of Motor Vehicles, but the Federal Government did create Medicare, Medicare which now serves 40 million Americans, disabled and old, and which does a very, very good job of doing that.

So I look forward to the debate we're going to continue to have with the other side on how best to create health care reform.

INTRODUCING THE RAISE ACT, H.R. 2732

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, if the gentleman from Kentucky wants to know why Republicans oppose the government takeover of our health care system, I would invite him to consult the many, many refugees from Canada and Britain who have come here to America to get their health care, because they simply can't survive with bureaucrats telling them what treatments they'll get and when they'll get them.

The Republicans are proposing to bring within the reach of every American family a basic health plan that they will own, that they can change if it fails to suit them and that they will hold wherever they work and under whatever circumstances they work; but

Madam Speaker, I'm here on different business this morning.

I'm here to talk about the right of workers. Their right to gather and to bargain collectively with an employer is a fundamental right of labor. It often strengthens the position of individual workers as they negotiate with a powerful employer. Yet survey after survey tells us that union members are less satisfied with their jobs than nonunion workers, and many Americans today simply refuse to work in union shops at all.

So why is it that a bargaining process designed to improve workers' satisfaction should produce such dissatisfaction?

Perhaps the answer rests with the simple human desire in each of us to excel in what we do and to be recognized and rewarded for that excellence. Collective bargaining increases the ability of workers to take a stronger position to negotiate with an employer, and this is good, but they're then left to give up any individual rewards for outstanding work.

Union workers end up trapped with a one-size-fits-all contract that denies them the dignity that comes from individual excellence and achievement. No matter how hard that worker toils or no matter how much he produces, he gets paid exactly the same as the coal worker who puts in minimal effort.

Well, why shouldn't workers get extra pay and performance bonuses beyond the union-negotiated wage base? Why does the wage floor set through union contracts also have to be a wage ceiling for those union members who go the extra mile to get ahead?

Union leaders may see value in wiping out individual initiative to build solidarity among rank-and-file members, but those workers would be far better off if they could enjoy both the advantages of collective bargaining and the additional rewards of individual performance raises and bonuses. Many unionized businesses would gladly pay individual workers more if they could. Some have tried, but over the years, the National Labor Relations Board has repeatedly struck them down.

For that reason, I have introduced the Rewarding Achievement and Incentivizing Successful Employees, or RAISE Act, H.R. 2732. It will allow working union members to escape the false choice between collective bargaining and individual reward that our outdated labor laws have forced upon them. Senator VITTER has introduced a similar bill in the Senate.

Under the RAISE Act, union members would retain all of the collective bargaining rights under current law, and employers would be bound to the wage and benefit schedules negotiated under those laws. In addition to the floor established by the union contract, employers could add bonuses for those

workers who go the extra mile, combining the benefits of collective bargaining with the rewards of individual achievement.

Years ago, Admiral Grace Hopper observed that, in all of her years in the United States Navy, she had determined that the greatest impediment to human progress is the phrase "but we've always done it this way." That's the only answer we've heard so far in opposition to this simple reform, and in days like these, that's no answer at all.

CONGRATULATING MRS. KIM HENRY, OKLAHOMA'S FIRST LADY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. BOREN) for 1 minute.

Mr. BOREN. Today, Madam Speaker, I rise to share a kind word and to send my congratulations to one of Oklahoma's great women, Kim Henry, Oklahoma's first lady and the wife of our outstanding Governor.

Born in Norman and raised in Shawnee, Mrs. Henry would mature into a confident and independent woman who would eventually find her calling as a public schoolteacher. Throughout her tenure as Oklahoma's first lady, she has been a devoted mother to three beautiful daughters, and has been an active member of numerous charities.

One of those prominent Oklahoma organizations is the influential Sarkeys Foundation. Formed in 1962 by S.J. Sarkeys, the Sarkeys Foundation has contributed over \$55 million to various Oklahoma cultural and economic initiatives. Last week, the Sarkeys Foundation asked Mrs. Henry to be its executive director. This is a significant moment in her life and also for the State of Oklahoma.

Congratulations to Oklahoma's first lady, Kim Henry. Your hard work and dedication to the State of Oklahoma doesn't go unnoticed.

"THE STATE OF THE UNION'S FINANCES, A CITIZEN'S GUIDE"

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BURTON) for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, Members of Congress in the House and the Senate get literature sent to them every single day. In fact, we probably get four or five books a week. I don't know how many little leaflets and pamphlets we're asked to read, but we don't have time to read them all. We ask our staff to read some of them, but we don't have a chance to really get into the minutiae of some of these brochures.

Our colleagues in both the House and the Senate got this little booklet called "The State of the Union's Finances, a Citizen's Guide." These are going to be given, I guess, to people all

across this country. I hope every one of my colleagues and everybody in America gets a chance to read this little booklet. Now, this was sent to us by our colleagues FRANK WOLF, Republican of Virginia, and JIM COOPER, Democrat of Tennessee. I just want to read to you a little bit about the situation that America faces, because Americans right now, I don't think, are really aware of the fiscal problems we're facing.

As of the fall of 2008, we had \$12.2 trillion in explicit liabilities. That's publicly held debt, military and civilian pensions, retiree health benefits, and others things related to that. We had \$1.3 trillion in debt for Federal insurance, loan guaranties, leases, and so forth, and we had a \$42.9 trillion debt from Medicare hospital insurance, Medicare outpatient services, Medicare prescription drugs, and Social Security. That's a total of \$56.4 trillion in debt that we have right now, today. That amounts to \$184,000 of debt for every man, woman, and child in this country; it amounts to \$435,000 of debt for a full-time worker; for each household, it amounts to \$483,000 in debt. That's the national debt today.

George Washington said we should avoid ungenerously throwing upon posterity, our kids, the burden we, ourselves, ought to bear. In 1796, they had a deficit, and George Washington said that we can't allow this to happen because we don't want to leave a burden to our kids and to our grandkids by spending too much money.

I'm telling you right now, colleagues and anybody else who is paying attention, what we're going to leave our kids and our grandkids is something that they will curse us for because they're going to have to pay extremely high taxes, and the inflationary problems that they're going to face are going to be insurmountable.

I can't believe that we're doing this right now. We're talking about a national health care program that's going to add additional trillions of dollars. We're talking about bailouts to the financial institutions and to the auto industry. We're talking about a cap-and-trade program that's going to increase the cost of every family in America between \$3,000 and \$4,000 to turn on their lights or to buy gasoline at a service station or anything else that produces energy. We're adding about \$2 trillion a year to this debt, and it's unsustainable. It is going to affect every man, woman, and child who is living in America today, but what it's going to do to future generations is unbelievable.

We can destroy this Republic if we don't get control of spending. This is a political hyperbole. I'm telling you right now that we can destroy this form of government and this civilization we have, just like Rome did, if we don't get control of spending. It is out

of control. It is out of control. We're \$56 trillion in debt today, and we're adding \$2 trillion a year, plus all of these additional programs we're coming up with. In the next 5 years, they say we're going to spend an additional \$5 trillion. We don't have it, so we're putting this burden on our kids and on our grandkids.

It's wrong. We have to do something about it. We have to do it now. We have to start getting our spending in order. My Republican and Democrat colleagues understand that. Mr. WOLF is a Republican who sent this out, and Mr. COOPER is a Democrat. They understand it. We all ought to understand it.

ENERGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. KLEIN) for 5 minutes.

Mr. KLEIN of Florida. Madam Speaker, it is an honor to be here today to talk in this House about energy. This is a moment in time when, I think, most Americans understand this great opportunity we have to really turn things around for our future in this country. It's about three principal elements that aren't just tied to the high cost of gasoline. It's about national security; it's about a better environment; and probably, as one of the most important things for this moment, it's about jobs. It's about a new economy.

We'll just talk about national security. I think all of us understand very clearly, every American, no matter where one is from, the fact that importing oil is the basis for a lot of the dependency that we have. Sixty percent or so of the oil that we take in the United States comes from outside the United States. We depend, unfortunately, on many countries that are, at best, not our friends and that are, at worst, our mortal enemies, who fund terrorism and threats against the United States and against our allies around the world. The sooner that we can take oil out of the centerpiece of our natural resource dependency, the better. That's not to say we don't have oil in the United States and that, yes, we're going to drill more and all that kind of thing. What I'm talking about is the fact that much of our oil comes from places around the world, from the Middle East, from Venezuela and from other places that are not stable places for us to depend on this.

Number 2 is our economy. We know that we have a great opportunity in terms of this next generation of jobs to be created relating to alternative energy and to the various kinds of alternative energies that are out there right now that are being developed by our scientists, by our engineers, and by our businesspeople.

There is one thing that, I think, is just incredible and that I'll just give by way of an example because we know

about solar and wind and a lot of other things. I'm from Florida, and I was speaking to one of our utility companies the other day, and they're talking about building the largest solar plant in the world in Florida. Over the years, we've heard, Oh, well, there isn't enough sun or maybe other things. Well, now there is a general recognition that anywhere in the United States there are great opportunities for solar. The technology is moving along, and we need to continue to incent that continued higher level of development of battery storage for solar and things like that.

One of the things he said to me is, in building this plant, they have to import the mirrors—these are the pieces of equipment to hold the solar and to capture the power—from Germany. Hundreds of millions of dollars of this product have to come in from Germany because we don't produce it here in the United States.

Why? Why don't we produce it? Why isn't that a job opportunity that is based right here?

I think that one of the things that's going on right now in the investment recovery act that we've put together and other things that, I think, all of us share, Democrats and Republicans and as Americans, is the idea that, if we're going to talk about energy, we have to incentivize business and industry and the engineers in our universities to develop the science, to develop the entrepreneurship, to give the tax incentives for investment for that type of energy in the United States, and to build the equipment here in the United States.

There is no reason. It costs a lot of money to ship fragile mirrors over from Germany. We can build it here. We can build it better. We can probably export it and can compete with the rest of the world.

□ 1100

I think that's a pretty exciting opportunity, and there are so many other areas. In my district off the coast of Florida, most of you have heard of the gulf stream. That's that perpetual current, 24/7, 365 days a year, that runs up and down up to north along the east coast. Well, right now, one of our local universities, Florida Atlantic University, is developing technology where they can put turbines in the Atlantic Ocean and capture that energy.

I don't know if this is going to work long-term, but that's the kind of American ingenuity that we're looking for, and we as a government and private sector, our scientists, our entrepreneurs, we need to work together to capture that and build on that.

And of course, there's the environment. We all understand that, and there is something going on in the world on climate. People can have different opinions. I think most scientists agree there's something going on, and

whatever we can do in the United States and around the world to provide leadership to reduce the impact of CO₂ and other things, it's good for all of us.

I live in a coastal area, 75 miles on the Atlantic Ocean, some of the most beautiful areas in the world. We obviously are very sensitive to the hurricane activity, to the rise of the Atlantic Ocean, things like that, but I think we all understand there's an environmental issue at the same time.

So what are we doing here in Washington? We're working very collectively, and there are a lot of business and industry actively supporting some of the various ideas that are coming forward to work on this in a very productive way to make sure that the United States is leading the world in these areas of alternative energy.

And we're debating a bill right now and I know our colleagues are asking for comments from back home. We obviously want to do it in a way that allows for appropriate levels of transition for our industries who are dependent on old fuel sources to move to new fuel sources. We need to work together to make sure that the system eases in a way that is economically competitive. That's what we need to do. At the same time, we ought to be encouraging as much as we can getting these products into play.

So I'm very excited about the fact that we can build a new energy future, and I look forward to working with all of our Members to do that.

WE NEED A NATIONAL ENERGY THAT DOESN'T PICK WINNERS AND LOSERS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO) for 5 minutes.

Mrs. CAPITO. Madam Speaker, I'm here today to talk about the same issue that my colleague from Florida just talked about, and that's energy. He alluded to the energy bill that's been moving through Congress over the last several months, but he neglected to say that in that bill are some real costs for real people. And I think these are the important issues in front of our Nation today.

Energy, we found when the price of gasoline went up last summer over \$4 a gallon, we were pressed, I think appropriately, to try to find an energy future, a plan for our energy future, and we never really answered that question. Well, this morning in Charleston, West Virginia, where I'm from, the price of gasoline went up to \$2.75 and has been going up almost daily. So we need a national energy plan that doesn't pick winners and losers, that takes into account real costs for real people.

Right now, the bill that's passed out of the Energy and Commerce Committee is a national energy tax on

every single American. We call it cap-and-tax. The supporters call it cap-and-trade. But what it is, in reality, is it has serious problems for States such as mine in West Virginia. Ninety-eight percent of the energy generation in our State is generated through coal. Well, naturally, we're the second largest coal-producing State in this Nation.

We've powered America for generations by giving of our natural resources across this country, and I'm proud to say we have a proud heritage, not only of turning the lights on in America but also of the coal mining jobs and the coal mining communities and families throughout my State.

But this will pick winners and losers because the heartland, of which I consider West Virginia—and we just heard the gentleman from Florida talk a lot about solar—but the heartland, which has had to rely on fossil fuels for energy generation and to keep our manufacturing jobs, we're going to be the losers here. We're going to be the ones who are going to pay the heavy price.

What kind of price are we going to pay? Number one, job loss. It's estimated that in my State alone over 10,000 jobs will be lost in our manufacturing sector because of this bill. And you ask, why is that? Well, because our industrial input will be lower because of the high cost of meeting the demands, because of the lack of a transitional period in this bill. We'll also lose probably many, many, 10s of thousands of jobs in our coal mining industry and associated industries alone.

Also, for the individuals, how is this going to impact the individual who is paying now the \$2.75 in West Virginia? In some areas of the country, that probably sounds pretty good, but in ours, it's going up. We've had the luxury of lower energy prices, and we are pleased about that. But it's escaping us, and in this bill, we will no longer have that.

If you look at the West Virginia electricity, prices under this bill will go up over 100. Think about that: 100 percent of your electricity bill, somewhere in the estimate of \$2- to \$3,000 a year.

And who's the loser there? Small businesses are the loser. They're going to lose jobs because they're going to have the higher cost of turning on their electricity, running their business. And what's that going to result in? Job loss. That's going to result in lack of capital to invest in a small business. And then the higher cost of transportation would also hurt not only individuals but small businesses as well.

But it's also going to hurt those people who can barely afford to keep the lights on as it is, and those are our lower income folks. By the year 2020, it is estimated that with this bill, with this cap-and-tax bill, with this national energy tax, that the lower income folks across this Nation, that 25 percent of

their income will go to paying for their energy costs.

Now, let's think about this. We've just gone through a housing crisis, where people are losing their homes and people are having trouble, people are losing jobs. Now, we're going to say to you, a quarter of your income is going to go to one of the basic needs that you have, and that's the basic need for energy.

Another loser are our State budgets. Think what an impact a national energy tax is going to have on every hospital, on every public school, on every university. Think of the cost of running the school buses that we've seen as the rise up in energy costs.

So I don't think that this is the kind of bill that is going to solve the problem. It sets up winners and losers, and it has real costs to real people. It does have in there a great portion of carbon capture and sequestration where we will use coal, and we will use the technology and innovation, but we need to keep moving in this direction so we can be realistic about how we're going to meet our energy needs and how we're going to transition to the next best source.

Green jobs and green future, that's what we all want. I think that it's a laudable goal, and it's one that we will reach, but we've got to do it where we're not picking winners and losers, where we realize that there are real costs to real people.

THE CURRENT ECONOMIC RECESSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, as a Congressman from Virginia, also a coal-producing State, I wish to rise to address the current economic recession. We need to spur investment and create new jobs, and we need to act now. An essential part of that effort is the American Clean Energy and Security Act.

This legislation, unlike some of the statistics we've been hearing lately, recently approved by the House Energy and Commerce Committee, would reduce greenhouse gas pollution and create lots of clean energy jobs, including in the coal sector, and make polluters pay for the greenhouse gas pollution they're emitting right now.

Last week, the United States Climate Action Partnership, known as USCAP, hosted a congressional briefing to discuss the business reasons for passing legislation to reduce global warming pollution. The USCAP is a coalition of many American businesses who support the legislation, including especially in the energy sector. They include Alcoa, BP, ConocoPhillips, Dow, Duke Energy, DuPont, Exelon, General Electric, General Motors, Johnson &

Johnson, NRG Energy, Shell, and Siemens. Environmental groups are also members.

Many of these companies have built billion dollar companies through the extraction, processing, or sale of carbon-intensive fossil fuels. For example, most of BP, Shell and ConocoPhillips' business is in oil exploration and production. Duke Energy produces 75 percent of its electricity from coal. Manufacturers such as GE, Alcoa, and Dow consume a great deal of electricity and would be negatively affected by higher energy prices. They support this bill.

These businesses worked for 2 years with environmentalists and Members of Congress to develop a blueprint for legislative action that laid out a plan to reduce greenhouse gas pollution, create jobs, and spur investment in renewable energy. This blueprint for legislative action formed a foundation for the American Clean Energy and Security Act, passed by the House Energy and Commerce Committee, on a bipartisan vote I might add.

At its briefing, USCAP members emphasized the importance of the American Clean Energy and Security Act in spurring innovation and economic growth. Representatives of Dow, NRG Energy, and Shell said that without passage of this legislation to reduce greenhouse gas emissions, there simply will not be sufficient market incentive to invest in carbon capture and storage, something necessary, especially for the coal industry, Madam Speaker.

Carbon capture and storage is a technology that holds tremendous promise; it is essential to more sustainable coal-generated electricity production. The minority party claims that the American Clean Energy and Security Act will hurt coal, as we just heard, but the business community, including companies that rely principally on coal for electrical generation, support this bill.

The minority party claims that the American Clean Energy and Security Act will impair our ability to deploy American energy resources. Yet USCAP members, ConocoPhillips and Shell, for example, noted at the briefing that without this bill, they simply will not be able to develop the next generation of biofuels.

Right now, we get most of our oil from overseas, Madam Speaker, from countries like Saudi Arabia. We must end our dependence on foreign oil. By spurring development of biofuels, the American Clean Energy and Security Act would help reach that objective while creating economic opportunities here at home.

I think the business community said it best. At USCAP's recent briefing, a member representative said, "One of the reasons that many members of USCAP are enthusiastic is because we see that it is essential for our businesses to move to a low carbon economy."

Madam Speaker, let's unleash new investments in America. Let's produce more of our energy here at home. Let's wean ourselves off foreign oil dependency. Let us create new, clean energy jobs in America. We cannot delay economic recovery, and we cannot risk further destabilization of our climate.

REPUBLICANS WANT ENERGY
INDEPENDENCE FOR AMERICANS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, my colleague from Indiana made some very, very eloquent and compelling remarks about the status of our economy, and my colleague from West Virginia gave valuable information on energy and called attention to some important issues.

My distinguished colleague from Florida, whom I like and admire very much, says the energy bill will create jobs, but he's wrong. It will kill jobs. He never answered his own question: Why don't we produce those mirrors in the United States? Because our taxes are high and regulations drive jobs overseas.

America, if the Democrats pass this cap-and-tax bill, get ready to pay more for electricity, a lot more. This cap-and-tax scheme, better known as a national energy tax, if it becomes law, will cost \$846 billion. That's according to the Congressional Budget Office's latest estimate. The CBO is a non-partisan organization.

Who's going to bear the brunt of this new national energy tax? Anyone who turns the lights on, but it's also going to be especially harmful for many of my constituents and all others who work in manufacturing.

As companies adjust to this new energy tax, many will be forced to ship jobs and the accompanying greenhouse emissions overseas where energy costs will be much lower. Many employers will face the tough choice of outsourcing or going out of business altogether. This destructive energy policy will kill millions of American jobs and permanently send them overseas, and I and many others cannot support this.

I want to quote from a report that came out from the Ways and Means Ranking Member DAVE CAMP, who has based his comments on this CBO report that's come out. He says that, "The facts are plain and clear: Democrats in Congress are breaking the President's pledge not to raise taxes on working families. The President has repeatedly stated married couples earning less than \$250,000 a year would not face higher taxes, but this legislation imposes an energy tax on every American and provides no help to families making more than \$42,000 or individuals making as little as \$23,000. Increasing

Americans' fuel and utility bills in this recession is not only bad policy, but it completely ignores the hardships millions of Americans are already facing. This is dangerous legislation in desperate need of closer review."

Republicans want energy independence for Americans, and we can have it but not under this cap-and-tax bill.

□ 1115

Madam Chairman, I would like to point out one other issue that is before the Congress recently, and that is money for the IMF, the International Monetary Fund, in the supplemental bill. What the Democrats want to do is cut \$5 billion from our troops in order to fund the IMF. And because any IMF member country may apply for these loans, Iran, Venezuela, Zimbabwe, and Burma are all eligible. Therefore, state sponsors of terrorism can receive American taxpayer money under the Democrats' proposal.

The New York Times reported on May 27 that Hezbollah is in talks with the IMF about continuing loans to Lebanon should they win the election. Therefore, a terrorist organization could receive American taxpayer dollars under the Democrats' proposal.

To loan the IMF \$108 billion, the U.S. will have to borrow the money from other countries, like China. A loan of this size to the IMF will put America further into debt, a cost that will be paid by our grandchildren and children, a point so well-pointed out by my colleague from Indiana. Also, according to the Center for Economic and Policy Research, American taxpayers will actually lose money by loaning it to the IMF. While countries like China, Russia, Brazil, and India have announced they will not participate in loans, the Democrats are asking Americans to support this.

Finally, the American taxpayers are sick of bailouts in their own country. How can Democrats rationalize a global bailout?

AUTOMOBILE DEALER ECONOMIC
RIGHTS RESTORATION ACT OF 2009

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. MAFFEI) for 5 minutes.

Mr. MAFFEI. Madam Speaker, I rise to ask Chrysler and General Motors to continue to honor their commitments to auto dealers in this country. Chrysler and GM should not deprive economic rights to profitable dealerships across this country.

Yesterday, I joined with Representative FRANK KRATOVIL of Maryland and introduced the Automobile Dealer Economic Rights Restoration Act of 2009. The act claims to restore the economic rights of GM and Chrysler dealers as they existed prior to each company's bankruptcy. We want to preserve GM and Chrysler car dealers' rights to re-

course under State law and, at the request of an automobile dealer, require GM and Chrysler to reinstate franchise agreements in effect prior to those companies' bankruptcies. These are bankruptcies negotiated with Federal officials, and taxpayer dollars are helping to maintain both companies. Therefore, these bankruptcies should not be used to change the rules that dealers have been operating under.

I first wrote a bipartisan letter with Representative CHRIS LEE of New York and more than 65 of our colleagues to the auto task force in May asking them to work with the companies to reconsider the forced closings. Since then, thousands of dealers have been informed by GM and Chrysler, through a seemingly arbitrary system, that their relationships were ending essentially immediately, leaving some dealers with millions of dollars invested in car stock with no options for consolidation and little leverage for liquidation.

In my home district in upstate New York, there is a dealership, Lewis Goodman Chrysler, which has been the cornerstone of one of our communities for 50 years. Mr. Goodman opened his dealership in 1959 in Syracuse. Two years ago, at the age of 82, Mr. Goodman passed away, but his dying wish was to make sure the dealership reached the half century mark. His widow promised to keep their dealership running at least through its 50th anniversary, which was just last week. Lewis Goodman Chrysler received a letter on May 15 informing them that Chrysler was severing their relationship. The letter gave no indication as to why this particular dealership was targeted, just that the relationship was ending.

I visited Mrs. Goodman last week to celebrate the 50th anniversary. This is a dealership that is profitable, partly because of selling preowned cars. It employs dozens of people and has been loyal to them for years. It is exactly the kind of small family business that we in this House claim to want to help, not close.

We all recognize that the economy is not favorable to the auto industry right now and especially not in certain sections of the country where the population can no longer support an extensive dealer network. We have already seen layoffs from parts manufacturers in my district, plant closings, and a Chapter 11 among one of their suppliers. In this context, across central New York 11 dealerships have closed on their own since 2007, and we expect to see other dealerships consolidate and close this year. But we do not, in the middle of a recession, need to take a hatchet to local, family-owned businesses that have supported our communities for decades when market forces are already at work. These dealerships employ hundreds of people across my

district. They sponsor our local little league teams, our pancake breakfasts, and they buy ads in our local newspapers and local TV newscasts. They have been the cornerstone of our community for generations.

I have also signed a letter with Congressman CHRIS VAN HOLLEN, Majority Leader HOYER, and over 100 of our fellow Members, and we sent it to President Obama talking about our concerns, the total lack of transparency and how this system is shutting down profitable dealerships. And we want to know, from both sides of the aisle, whether we can get more transparency and an indication of how this, indeed, saves money.

The auto companies, who are buoyed by taxpayer dollars, should be honest with the dealerships and with the American people about how these decisions are being made, and the dealerships should be negotiated with on how to consolidate dealerships in a way that will help to find a soft landing for the workers and communities, not just in my district, but across the country.

STATUS QUO IS NOT ACCEPTABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Good morning, Madam Speaker. I rise today to ask a simple question that is on every American's mind; what has been done by this administration and this Congress to fix the troubled economic system we have today?

While this administration continues to pour trillions of dollars into a flawed financial system, continues to have Washington bureaucrats take control over failed businesses, and continues to appoint czar after czar to exercise government control over our free market system, the question still remains, Madam Speaker, what has this administration done to fix this broken system, and is it working?

Government control is not the answer, as our European neighbors have figured out recently and spoken through their elections to change their left-leaning programs and political regimes.

This economic crisis was created by a flawed system, a system that is in need of structural reform. However, the administration's answer to this glaring problem is to continue to throw more money, taxpayers' money, at the problem, which essentially increases this country's unsustainable debt and increases Federal bureaucratic control over all of our private institutions.

This country must stop the taxpayer-paid-for corporate welfare from being handed out and simply return this economy to what has worked for over 200 years, a system that rewards people who take prudent risks and punishes those who take irresponsible risks.

We must return to being a frugal Nation, one where the Federal Government balances its budget, encourages savings, and reins in the \$12 trillion worth of debt. This Nation can no longer afford one more loan from China as our credit rating teeters on the brink of failure.

This structural reform begins with the executives that are tasked with running these institutions, banks, and corporations. What this economic crisis has taught us is that these CEOs care more about their stock options, even at the expense of hiding fraudulent assets and taking bogus risks to inflate their P&L statements.

Government-guaranteed bailouts and guaranteed bonuses allow these individuals to escape their poor decisions and sidestep the economic hardship that their risky choices have created for the average American family.

I believe this starts by giving investors and shareholders more transparency into what occurs in corporate boardrooms. Shareholders and investors need greater access to information to allow their confidence in company governance determine where their investment capital is best allocated. In addition, investors, regulators, and the American people need greater transparency into the daily operation of Wall Street. It is nearly impossible for one to find information or records of a corporation's credit default swaps—who owns them, who backs them, who has issued these complex financial tools? Vital information like this will help to prevent corporations from concealing this information in their books, what they owe and how much debt they really are in? The same can be said with regard to the subprime mortgage securities, what are they worth now?

Furthermore, Madam Speaker, there is no such thing as "too big to fail." These institutions must realize that every time they make an irresponsible decision or a risky bet, the Federal Treasury will not come to their financial rescue. Financial bailouts are a slippery slope and set a dangerous precedent. When the Federal Government begins to arbitrarily pick winners and losers, fairness, equality and the free market are tossed out the window, as evidenced by Bear Stearns' government bailout and Lehman Brothers allowed failure.

This administration, the Federal Reserve, and the Federal Treasury must release their TARP records and disclose in full how the bailout money has been spent, who the money has gone to, and the reason why some received help and others were allowed to fail. This money belongs to the taxpayers; we have a right to know.

For these and other reasons, I am calling on this Congress and the administration to have a series of comprehensive hearings to determine what exactly happened, who was at fault,

what is the best way to restructure this flawed system, and how are the taxpayers going to get their money back from these bailouts?

Status quo is not acceptable, and neither is bailout after bailout, leading to Federal bureaucratic control of our institutions and our banks. It is time we find answers to these problems rather than continue to throw good money after bad.

RECESS

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

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETERS) at noon.

PRAYER

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

Eternal God, yet ever-present to Your believing people, give us the wisdom to use the time You give us wisely.

May we divide our time according to priorities, always in fair and appropriate ways.

May we share our time with those who bring out the best in us or need our attention the most.

And Lord, may we waste time only while reflecting on Your many blessings or with those we love.

For everything and everyone is such a gift. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GRIFFITH led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 109. Concurrent resolution honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital and its transition to the Susan G. Komen Global Race for the Cure on June 6, 2009, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 256. An act to enhance the ability to combat methamphetamine.

FUNDING WARS AND MOVING JOBS OVERSEAS

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

Mr. KUCINICH. It is good our administration is reaching out to the Muslim world. It is bad to spend another \$100 billion to keep wars going which will kill innocent Muslims in Iraq, Afghanistan, and Pakistan.

It is good we try to create an incentive for people to buy efficient cars. It is bad that vouchers will not be expressly for the purpose of purchase of cars made in America. It is even worse that we tie such an incentive to a war-funding bill: cash for clunkers and bunkers in the same bill; cash for more war in Iraq, Afghanistan, and Pakistan; cash to help China sell its cars to Americans.

Meanwhile, back in the U.S. of A., factories and auto dealers are closing. People are losing their businesses, their jobs, their homes, their health care, their investments, their retirement security.

Who are these people who keep coming up with these innovative ideas to keep wars going and to move jobs out of America? Who are these people?

PROVIDING AFFORDABLE, ACCESSIBLE, QUALITY HEALTH CARE

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

Mr. BLUNT. Mr. Speaker, Republicans are eager for this discussion, this debate on health care to move forward. We are eager to talk about health care in committee, on the floor, in hearings, at news conferences, wherever people want to talk about a health care system that ensures more quality, widespread coverage, and accessibility.

In fact, we have a plan that will be based on five principles, and today I want to talk about one of those principles, which is just simply to make quality health care coverage affordable and accessible for every American, regardless of preexisting health conditions. That is a statement that almost every Member of this House I believe

would agree with, and our debate is just simply how we get there.

We need to be committed to get there. We need to ensure that everybody has not just access to health care because of certain Federal regulations. Everyone can get into a health care environment if there is a crisis, but we want to be sure they have coverage that gets them into health care through their entire life and through all the needs of their health care.

Affordable, accessible, quality health care is something we are eager to debate. We have the plans that will get there, and we hope that a competitive marketplace allows more choices.

SUPPORT THE SAFER GRANT PROGRAM

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of a bill I have introduced to help our brave firefighters continue to protect us in these tough times. The SAFER Grant Program helps our fire departments hire the staff they need by funding some of the salaries of new firefighters.

In a district like mine, where we are fighting five wildfires as we speak, this program is crucial to ensuring our firefighters are well-staffed. With tight budgets, the cost-sharing requirement in SAFER has become too tough for our fire departments to meet. Congress waived that requirement in the Recovery Act, but did not include grants from fiscal year 2008, which are still being distributed.

My bill would extend the cost-sharing waiver to fiscal year 2008, allowing our fire departments the flexibility they need to keep us safe, especially during our fire season.

DEMOCRAT PAYGO: YOU PAY, THEY GO ON SPENDING

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

Mr. PENCE. Mr. Speaker, later today President Barack Obama will push Democrat lawmakers to follow pay-as-you-go budget rules. PAYGO rules, as they are known, in theory would require new Federal spending or tax cuts be offset by spending cuts or even tax increases elsewhere. Now, this may sound reasonable to some Americans, but the devil is always in the details, and the American people have reason to be skeptical about newfound calls for fiscal responsibility from this majority.

Under Democrat control, the Federal budget deficit is projected to approach nearly \$2 trillion. In the last several years, non-defense spending has increased by 85 percent. The President

and the Democrat's budget just passed will double the national debt in 5 years and triple it in 10. And now calls for new budget rules?

With Democrat plans for more borrowing, more spending, more bailouts, and more debt, the Democrat definition of PAYGO is all too clear to the American people: you pay, and they go on spending.

BRINGING ABDUCTED AMERICAN CHILDREN HOME

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I recently learned of a situation concerning a constituent of mine, Randy Collins, whose ex-wife abducted their son and went to Japan. The last time Randy Collins saw his son, Keisuke Christian Collins, was on June 15, 2008.

According to the United States State Department's Deputy Assistant Secretary for Overseas Citizens Services, the United States has received notices of 73 cases of parental abductions involving 104 children just for the country of Japan.

Unfortunately, many people are not aware of the severity of this situation and how it affects so many American lives. Once taken to Japan, American parents are unable to see their children because parental visitation rights are not recognized, they are not protected by Japan, and abduction by one parent is not considered a crime.

As an ally of the United States, I urge the Government of Japan to sign the 1980 Hague Convention on Civil Aspects of International Child Abduction and respect the rights of our American parents.

YES, MR. PRESIDENT, WE ARE OUT OF MONEY

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

Mr. FLEMING. Mr. Speaker, in a recent interview with C-SPAN, the President made the very telling statement, "We are out of money."

Yes, Mr. President, as of April 27, this country ran out of money. And yet that has not stopped the liberals in this Congress from passing record-setting spending bills. These bills were sold to the American public as necessary to stimulate the economy.

Unemployment insurance claims reached a record high for the 17th consecutive week and unemployment has reached 9.4 percent, which he promised would not happen upon signing this infamous stimulus bill. The \$1 trillion spending that was supposed to stem the economic recession was nothing more than the fulfillment of a very liberal political agenda.

Reckless spending, a total disregard for fiscal accountability, and rocketing us into another inflation-debt spiral is not the solution. Now, even Socialist and Communist countries across the world are rebuking us for excessive spending and government takeover of the economy.

Bigger government is never the answer to America's biggest challenges. American individualism, innovation, and ingenuity will, even after 200 years, remain the only way to economic prosperity.

THE ROAD TO RECOVERY

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

Mr. CARNAHAN. Mr. Speaker, it has been barely over 100 days since the Recovery Act was passed by this Congress and signed into law by President Obama. Since the recession began, Americans have understandingly been worried about our Nation's future and their own economic future.

Because of the Recovery Act, we have created and saved over 150,000 jobs, cut taxes for 95 percent of Americans, and made funds available for over 4,000 transportation projects across the country. We have made progress in a short time, but there is still a lot more to do on the road to recovery. I commend President Obama on his efforts to speed up those efforts to get Americans back to work even faster.

The Department of Transportation is quickly putting \$27.5 billion to work creating jobs in my home State of Missouri and across the country to rebuild and repair highways, roads, and bridges. By the end of 2010, the funds will have created or saved an additional 150,000 jobs.

Investments in our national transportation system are critical to our long-term economic success, and part of getting there will be putting people back to work rebuilding America on the road to recovery.

CAP-AND-TRADE DESERVES TO FAIL

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

Mr. CASSIDY. Mr. Speaker, cap-and-trade threatens to be a well-intended disaster. Under the ruse of reducing carbon emissions to clean the environment, cap-and-trade will hobble the economy. By some estimates, it reduces GDP by \$9.6 trillion over two decades, eliminates 1.1 million jobs per year, and increases the Federal debt by 26 percent. Electricity rates jump 90 percent, gas prices 74 percent, and natural gas prices 55 percent.

Cap-and-trade is designed to disguise what it truly is, in the words of Mr.

DINGELL, "a great big tax." It imposes higher taxes on producers, so producers pass higher prices to consumers. The authors are targeting the producers so that the producers increase the prices on consumers. If the authors targeted consumers rather than the producers, it would connect them too much, and therefore, they must distance themselves from the families who bear the costs.

The authors know the effects. They are hiding from them. It is underhanded, it is subterfuge, it deserves to fail.

HONORING THE MEMORY OF STAFF SERGEANT JEFFREY ALAN HALL

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

Mr. GRIFFITH. Mr. Speaker, I rise today to honor the memory of Staff Sergeant Jeffrey Alan Hall. On June 1, 2009, Jeffrey was killed in action in Afghanistan. As north Alabama mourns this sudden, devastating loss, I would like to recognize Staff Sergeant Hall and his entire family's sacrifice.

Jeffrey was an 8-year veteran of the United States Army, earning many well-deserved awards and decorations, including two Army Commendation Medals, the National Defense Service Medal, a NATO Medal, and a Global War on Terrorism Expeditionary Medal.

Staff Sergeant Hall is an inspiring example of someone we can all look up to and inspire to be like. He put the safety of all Americans before his own, and the people of this Nation will be forever grateful. He motivated and inspired those who were around him, and he will be greatly missed by all who knew him, as well as those who never had the honor and privilege of meeting him.

Our country has lost a great soldier and an even better son. All of us in north Alabama are deeply saddened by the loss of Jeffrey. On behalf of the entire community in the Tennessee Valley and across Alabama and the Nation, I rise today to join Huntsville Mayor Tommy Battle, the United States Army, and the family of Jeffrey Hall in honoring his service, memory, and life.

□ 1215

HEALTH CARE REFORM

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

Mr. GINGREY of Georgia. Mr. Speaker, the government-run health care plan that my Democratic colleagues are pushing will lead to health care rationing and, ultimately, months of

wait time for patients seeking treatment.

Today, I want to read a testimonial from a Canadian citizen who has experienced firsthand the ill effects of their government-run health care.

"When I came to the major hospital in downtown Toronto with appendicitis, I had to wait overnight until a doctor saw me, but they did not have a CAT scan machine available, so they sent me home. I had to return to the hospital the next day, and at that time they rated me 'less urgent.' When I asked them why, they told me I received the less urgent rating 'because I have not died yet.' Again, it took many hours before I was able to see the doctor. Then I had to wait hours for an operating room before I was told that only those who would otherwise certainly die would receive surgery. However, the vet care in Canada is private, so there is nothing like this when it comes to taking care of my dog. The doctor is always available for a dog, but not for a human."

Mr. Speaker, health reform must not preclude man nor his best friend from access to quality health care.

H.R. 1550, THE CONSUMER ASSISTANCE TO RECYCLE AND SAVE (CARS) ACT OF 2009

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

Mr. PETERS. Mr. Speaker, today the House will consider the CARS Act of 2009. This legislation is critical, not only to spur growth in America's auto industry, but to save and create jobs throughout the economy.

History shows that one of the quickest ways to end a recession is to sell more automobiles. New car sales constitute a major percentage of the Nation's consumer spending, and increasing vehicle sales also stimulates demand for raw goods, from which automobiles are manufactured. Production of glass, steel, plastics, and other primary materials will be increased as more new cars are sold, creating jobs throughout the economy.

Similar programs have shown proven results abroad. In Germany, sales were boosted roughly 40 percent. Many other nations have acted to strengthen their economies with policies designed to sell more automobiles, and the U.S. should not be left behind.

We must pass the CARS Act today to create a recovery, not just for our auto industry, but for the entire economy.

U.S. JOURNALISTS ARE POLITICAL PRISONERS IN NORTH KOREA

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

Mr. POE of Texas. Mr. Speaker, two American journalists, Laura Ling and

Euna Lee, are reporters for Current TV. They were in China near the North Korean border making a film about the horrible sex trafficking between North Korea and China. The North Koreans claim they crossed the border illegally, so the Communist court sentenced them to 12 years at hard labor. That's some border enforcement policy.

The conditions in these prison camps are harsh. Some reports say a quarter of the inmates die of starvation every year. The prisoners do backbreaking work in factories, coal mines and rice paddies. They're also used in experiments involving biological weapons. I guess the Communists didn't get the memo on human rights.

Now we hear that the journalists may have actually been kidnapped and forcibly taken to North Korea. Anyway, they are being used as political prisoners to try to force this administration to give more concessions and American money to North Korea.

North Korea is starving. The Communist regime is bankrupt. But they want to be able to sell nuclear technology to terrorist nations, so they're holding these journalists ransom until they get their way.

Mr. Speaker, the journalists should go free, and the North Korean outlaws should take their place in that prison.

And that's just the way it is.

RECOGNIZING THE NAVAJO CODE TALKERS

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

Mr. TEAGUE. Mr. Speaker, over the Memorial Day recess, our Nation lost two individuals that I consider to be national treasures. Two marines that were known as "Navajo Code Talkers" passed away: John Brown, Jr., of Crystal, New Mexico, and his compatriot, Thomas Claw. Both were 87.

During World War II, the Marines recruited members of the Navajo Nation for the specific purpose of devising a code that was based on the Navajo language. The Japanese were never able to break the code, and the Code Talkers were credited with helping save lives and contributing to the military success in the Pacific theater.

The Code Talkers' contributions were invaluable, and we should always be grateful for their service. They did so much, and their contribution can be summarized best by what John Brown said when he was presented with the Congressional Gold Medal: "We have seen much in our lives. We have seen war and peace, and we know the value of the freedom and democracy that this great Nation embodies. But our experience also reminds us how fragile these things can be and how vigilant we must be in protecting them."

FISCAL RESTRAINT

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

Mr. CHAFFETZ. Mr. Speaker, I hold in my hand the voting card of the United States Congress. Now, this is the ultimate credit card. There's no limit and there's no penalties. And it's wrong.

Every time I hear a solution from the Democrats, it's about spending more. We have got to stop running this country on a credit card. The problems that we face in this Nation, the challenges that we face are not solved by charging things on the credit card.

The American Dream is not about overspending and being in debt. It's about hard work and perseverance and liberty. Every time we add dollars to this card, we take away that liberty.

I urge my colleagues, come up with solutions that don't include an increase in spending. Cap-and-trade is one of the largest tax increases in the history of the United States of America.

Please, let's stop running this government on a credit card. Institute fiscal restraint, and remember that it's the people's money. It's not the Congress' money.

HEALTH CARE REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, our current health care system is unsustainable. Working people go every day without care or struggle to pay increasingly higher premiums and deductibles. In my home State of Maryland, 76.7 percent of the uninsured are from working families.

Now, if a single-payer plan is not adopted by this Congress, which I support strongly, then we must have a robust public plan option like Medicare to be enacted to reduce costs for small businesses and individuals, provide true competition, and give patients the choice they deserve. A public plan option has to be available to all without exclusions. It must retain patient choice and implement reforms that promote quality care, prevention, primary care, and chronic health care management. And importantly, a public plan option must address health care disparities in underrepresented communities.

Mr. Speaker, this Congress and President will be judged by our ability to construct a health care system that covers all Americans, lowers costs for everyone, and provides real and competitive choice for health care. The time for reform is now, and we can't delay.

THE CRISIS IN HEALTH CARE

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

Mr. ROE of Tennessee. Mr. Speaker, it's time we address the crisis in health care. We can ensure every American can get the care they need, protect individuals from costs that can bankrupt them, and make health insurance portable so they can move or change jobs without losing health insurance coverage. We can also stop insurance companies from avoiding sick patients by reforming the system to pay when people become healthier.

Enacting a public plan will not bring about this type of change. If you think you won't be affected by a public plan, consider this: a recent analysis by the respected independent firm The Lewin Group estimated that 70 percent of individuals who have health care coverage through their employer would lose those benefits in favor of a public option. This plan could very easily be a Medicaid-like plan. In fact, Senator KENNEDY is proposing expanding Medicaid to families making up to \$110,000 a year in legislation he dropped yesterday.

When supporters of a public plan say they want a public plan to compete with private plans, the facts show that what they're really saying is they want a Washington bureaucrat to take over health care decisionmaking. Buyer beware.

H. RES. 505, CONDEMNING THE MURDER OF DR. GEORGE R. TILLER

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

Ms. HIRONO. Mr. Speaker, later today the House will consider H. Res. 505, a bill that condemns the tragic murder of Dr. George Tiller, and offers our condolences to his wife, four children and 10 grandchildren.

He was known as a doctor of last resort and a friend to women when they were in desperate need of support and care. His murder in his church in Wichita, where he served as an usher and where his wife sang in the choir, was a violent, lawless and senseless act.

At his memorial service this past Saturday, Dr. Tiller was remembered for his generosity of spirit and his sense of humor. Let us also remember him for his courage.

Mahalo nui loa (thank you very much).

IMPRISONMENT OF AMERICAN JOURNALISTS IN NORTH KOREA

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

Mr. ROYCE. Mr. Speaker, news came yesterday that Laura Ling and Euna Lee, two American journalists held in North Korea, and held there since March, have been found guilty of illegally entering North Korea. They've been sentenced to 12 years of hard labor. These court proceedings were a cruel joke, nothing more than a kangaroo court. I know of no justice system in North Korea. The two should be immediately released.

As if there were any doubts, the North Korean regime has shown its true colors, a hostile regime bent on destroying the lives of its own citizens and others.

Let's be clear. These two wouldn't have been near North Korea were it not for the barbaric cruelty of its regime. Ling and Lee were convicted of so-called "grave crimes." It is the North Korean regime that commits real grave crimes against millions of North Koreans every day.

President Obama, himself, must make it clear that this action cannot stand. Now is the time for urgent action.

OUR HEALTH CARE SYSTEM

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

Mr. HIMES. Mr. Speaker, it has become amply clear to all Americans, North, South, Republican, Democrat, rich, poor, that our health care system is not just a moral embarrassment to the greatest country on Earth, but a severe economic liability.

Our auto companies and our corporations stagger under cost increases. Our small businesses choose between covering their employees or taking a step towards insolvency. And of course, health care costs are the leading cause of bankruptcy for American families.

We cannot fix this economy without reforming our health care system. We cannot be fiscally responsible without addressing the stunning economic liabilities that we have associated with Medicare and other promises we have made.

The reforms that we are offering will offer a real choice of plans to small businesses in America. It will provide tax credits to small businesses, and it will end the practice of insurance companies denying coverage to Americans who need it. Most importantly, it will emphasize prevention, wellness, and patient-centered care.

The bottom line, reforming health care to contain rising costs is the most effective action we can take to return our Nation's budget to balance and make our workers the most competitive in the world.

PATIENT-CENTERED SOLUTIONS

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

Mr. PRICE of Georgia. Mr. Speaker, today I draw attention to a vision for a new era of American health care, a clear path to provide access to affordable, quality care for all Americans.

There's no doubt that our health care system is failing some of America's patients. Now, some in this body believe that the solution is giving greater control over health care decisions to Washington, a government takeover of personal health insurance.

Now, as a physician, I know that government interference only harms patient access to health care. Real positive reform will only be achieved by empowering patients, not government and not bureaucrats. Positive reform starts with giving ownership of health coverage back to the patient, not the government. Allowing individuals full control over their coverage will make insurers truly accountable to patients, leading to greater choice, innovation, and responsiveness.

Secondly, we must provide the proper financial incentives so that there's no reason to be uninsured. With tax reform, not government mandates, we can achieve universal access to care for all Americans.

Mr. Speaker, Republicans have a positive, patient-centered prescription for America that doesn't result in a government takeover.

□ 1230

HONORING THE LIFE OF AMBASSADOR JACK HENNING

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

Ms. SPEIER. Mr. Speaker, we lost a lion of the labor movement and a true son of San Francisco with the passing of Ambassador Jack Henning. Jack spent the vast majority of his 93 years fighting for men and women in the fields, factories, and loading docks of America. The only thing he loved more than telling labor stories to anyone who would hear them was telling them to those who didn't.

For 26 years, Jack was the driving force behind the California Labor Federation, but he served our country in many ways. He was the director of the California Department of Industrial Relations under Governor Pat Brown, Under Secretary of Labor for President Kennedy, and U.S. Ambassador to New Zealand for President Lyndon Johnson.

Mr. Speaker, my thoughts are with Jack's family and the millions of Americans—most of whom never knew him—who earn a liveable wage, work under safer conditions, and are able to take their child to a doctor because of

the tireless passion of Ambassador Jack Henning.

A REAL WAY TO PEACE

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

Mr. STEARNS. Mr. Speaker, as President Obama begins to wade into the Israel-Palestinian conflict, he must remember who our friends are. Israel is America's most reliable and only democratic ally in the Middle East. Yet in his speech last week in Cairo and in statements by his administration, President Obama seems only to want to pressure Israel, while not requiring similar concessions from the Palestinians and other Arab states.

Starting with the British Partition Plan in 1937—when they were offered the western part of Palestine—then again to the U.N. Partition Plan in 1947, to the Camp David talks in 2000, and most recently in December of 2008, the Palestinians have rejected every plan to divide the land into independent states. Each time their answer was "no."

No outside party, President Obama included, can arbitrarily impose a peace agreement, nor can peace be achieved by setting conditions on just one party, Israel, which has been willing to take the necessary and difficult steps towards peace and consider compromise.

THE RECOVERY BILL

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

Mr. ARCURI. Mr. Speaker, it is undeniable that we have seen many positive signs in our economy since January. The unemployment rate, while still far too high, is improving and money is starting to flow through the economy and into our cities and municipalities to improve our infrastructure and ensure the safety of every American.

The recovery bill has been at the core of this progress and has saved and created jobs and made much-needed investments in my local district. For example, in my hometown of Utica, New York, the recovery bill provided the City of Utica with over \$2 million for lead abatement in homes across the city. This lead abatement program will put people to work and improve the health and quality of life for countless families. Without this recovery bill funding, the City of Utica would have had to have continued to delay this vital program because it is likely that they did not have the funding necessary to proceed with these plans on its own.

I will continue to fight for the recovery bill funding for critical projects in

my district, and I know that we will see even more progress in all of our communities as we all continue to work together to lead America out of this economic crisis.

ENERGY

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

Mr. ELLISON. Mr. Speaker, I rise today to talk about the importance of building a clean energy economy for America. Americans are fed up with the same tax breaks for oil companies that post record profits while working families are stuck paying exorbitant prices at the pump. Americans want a new energy economy, a green economy, to take us into the future, to take us into a carbon-neutral economy, to take us into jobs, to take us into a future in which we are not dependent upon the automobile for every transportational decision.

The time has come to transform our economy for decades to come. The time has come to create American jobs with new, clean, American-made energy. The clean energy jobs plan is the next step in creating millions of American jobs in clean energy, efficiency, and modernizing a smart electric grid. We can reduce our dependence on costly oil, curb pollution, and create jobs. We can do this. Yes, we can.

FIX THE HEALTH CARE SYSTEM

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to call out the siren and the clarion call for fixing America's health care system. We urgently need to fix it, and we realize that if you've got it, you like it, you can keep it.

We need to get a system that will allow those that are underinsured and without insurance to be able to be cared for in this Nation. We need to reduce the serious health disparities. We need to also ensure that there is a public option, that there is universal access to health care. Make it a good Medicare plan that helps the young, the old, and the working Americans.

In addition, we need to be fair to how we pay for it. We need to realize that physician-owned hospitals are not the enemy. In fact, they help to, in essence, bring down health disparities. Many physician-owned hospitals or investor-owned hospitals with doctors involved are in the urban and rural areas where no other hospitals would go. Let's fix this system in a fair manner that addresses the question of making sure the 47 million-plus who are underinsured and those without insurance can have a good public option, can as well have a fair system of good doctors

and have good hospitals and make it work for working Americans and others who are in need.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

CONDEMNING THE MURDER OF DR. GEORGE TILLER

Mr. NADLER of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 505) condemning the murder of Dr. George Tiller, who was shot to death at his church on May 31, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 505

Whereas Dr. George Tiller was murdered in Wichita, Kansas, on May 31, 2009;

Whereas Dr. Tiller is mourned by his family, friends, congregation, community, and colleagues;

Whereas Dr. Tiller, 67, was killed in his place of worship, a place intended for peace and refuge that in a moment became a place for violence and murder;

Whereas places of worship should be sanctuaries, but have increasingly borne witness to reprehensible acts of violence, with 38 people in the United States killed in their place of worship in the past 10 years and 30 people wounded in those same incidents;

Whereas these acts of violence include the murder of an Illinois pastor at the pulpit in March 2009, the murder of an Ohio minister in November 2008, the murder of an usher and a guest during a children's play in a Tennessee church in July 2008, the murder of four family members in a church in Louisiana in May 2006, and the shooting of a worshipper outside a synagogue in Florida in October 2005; and

Whereas violence is deplorable, and never an acceptable avenue for expressing opposing viewpoints: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its condolences to Dr. Tiller's family; and

(2) commits to the American principle that tolerance must always be superior to intolerance, and that violence is never an appropriate response to a difference in beliefs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER of New York. Mr. Speaker, I ask unanimous consent that

all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. NADLER of New York. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 505, which condemns the murder of Dr. George Tiller, who was shot to death at his church on May 31. The resolution also offers the condolences of the House of Representatives to Dr. Tiller's family. I know that Dr. Tiller and his family are in the thoughts and prayers of every Member of the House today.

I want to commend our colleague, the distinguished chairperson of the Rules Committee, my fellow New Yorker, Ms. SLAUGHTER, for introducing this resolution.

It is imperative that the House of Representatives speak with a united voice in condemning this crime. It is a sad reminder that medical personnel are still at risk from armed extremists who are willing to resort to deadly violence in order to advance their causes even when they cloak their cause in the language of life. There can never be room in a free society for the use of deadly violence to advance a cause. It is against everything this country stands for. I have no doubt there isn't a single Member of this House who would disagree.

This resolution renews our commitment to the American principle that tolerance must always be superior to intolerance and that violence is never an appropriate response to differences and belief.

As deplorable as this murder was, it was all the more reprehensible because the victim was targeted as he was leaving church. In the past 10 years, 38 people have been murdered in their place of worship and 30 more have been wounded.

Dr. Tiller was a controversial figure. He was the target of threats and even a prior shooting because of his dedication to providing needed, if unpopular, services. He was murdered solely because of the work he did. The continued violence directed at abortion providers, including doctors and the people who staff their clinics, is well-known. Bombings, shootings, vandalism, and harassment all serve to warn women and their health care providers that they may pay a terrible price if they choose to avail themselves of their rights under the Constitution.

This was not the first time a health care provider was similarly targeted. I am sure every Member of this House and every decent American, however they may feel or whatever they may believe on the question of abortion, will insist that this and every other

question must be decided by our legal, constitutional, and democratic processes and not by murderous violence. I am sure we all condemn those people or groups who espouse or excuse domestic terrorism.

But while violence has long been directed at the clinics and the people who work there, this time the killer chose, in addition, to invade the sanctity of the Sabbath. Murderous intolerance is never justified; even so, the idea of bringing death and mayhem to a house of worship strikes all people as particularly reprehensible. These acts include the murder of an Illinois pastor in the pulpit in March of this year; the murder of an Ohio minister in November of last year; the murder of an usher and a guest during a children's play in a Tennessee church in July of last year; the murder of four family members in a church in Louisiana in May 2006; and the shooting of a worshipper outside a synagogue in Florida in October 2005; not to mention the attempted bombings of two synagogues in Riverdale in the Bronx just a few weeks ago. Whether these acts of violence target one individual or an entire community of faith, we must all join together and speak out against them.

I urge all of my colleagues to stand up to those who would bring their reign of terror into a house of worship and those who would seek to change American law by violence and unconstitutional means to express their opprobrium of this conduct by supporting this resolution condemning the murder of George Tiller and extending the condolences of this House to the members of Dr. Tiller's family.

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

Mr. COBLE. I rise in support of the House Resolution 505, Mr. Speaker. I yield myself such time as I may consume.

I support House Resolution 505 which deplores the murder of Dr. George Tiller who was shot to death at his church, as has already been mentioned, on May 31. I join with the National Right to Life Committee, the Nation's largest pro-life group, in condemning the killing of Dr. Tiller. As that organization correctly said, Anyone who works to increase respect for human life must oppose any unlawful use of violence that is directly contrary to that goal.

Because I believe everyone who is the victim of unlawful violence should be treated equally under the law, I voted against the so-called hate crimes bill when it was brought up on the House floor earlier this year. The resolution we are now debating and another we will debate today recognize what should be obvious to all, which is that anyone can be the victim of hate-inspired crimes and that the perpetrators of those crimes should be equally condemned and punished.

I urge, Mr. Speaker, all of my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), the chairperson of the Rules Committee.

Ms. SLAUGHTER. Mr. Speaker, today I want to speak about the senseless killing of a good man as he was volunteering as an usher among family and friends in his place of worship. Dr. George Tiller got shot to death, as most of us know, at his church in Wichita, Kansas, on May 31. A single gunshot fired by a man who apparently has a long history of animosity to a woman's right to choose ended the life of a man who had dedicated his life to helping others and was a stark reminder to all of us of the raw emotion surrounding this issue.

In the days since the arrest of the shooter, we have now heard reports that even more violence may be planned against doctors who believe in choice. And while this kind of violence is deplorable, it seems to me that this act is particularly villainous because it took place in a house of worship.

□ 1245

This church, a place where people come together to seek peace, safety, and protection, was in an instant transformed into a place of shocking, senseless violence.

Our places of worship are meant to be peaceful refuges for those who seek serenity in times of turmoil and safety in times of hostility. The sanctity of these places is honored at all times and without regard to denomination. There should be no exception to this rule that we are taught early and that provides us with a structure for our interaction with other faiths and beliefs. Only the most evil can bring violence into these sacred buildings. To defile houses of worship with bloodshed is nothing less than villainous, and we should not tolerate such actions in a civilized society.

For millennia, into the Middle Ages, our churches, synagogues, mosques, and others have been the center of communities, places of scholarship, proponents of peace and love among humankind. There is more to a place of worship than its physical presence; there is a sense of community and accord and safety where worshippers can share their faith. But when you look at our recent history, what we have seen is a disturbing rise in violence at churches that we have taken no note of in the House of Representatives. As mentioned, 68 persons have been shot, dead, wounded or assaulted in violence in religious institutions here in the United States. This is more than deplorable.

Deepening the tragedy is the fact that, until now, there has been no ex-

pression of outrage decrying violence in a place of worship. It shakes the foundations of our communities, our principles, and our Nation. It is not a Christian issue or a Jewish issue or an Islamic issue or any one faith. It is a test of what we as a society are willing to tolerate and a reminder that some people in this Nation do not respect the sanctity of a house of worship.

The brutal killing of Dr. Tiller was the latest church killing. In March of 2009, Rev. Fred Winters was killed while at the pulpit by gunfire at the First Baptist Church in Illinois. It was only after the gun malfunctioned that members of the congregation subdued the shooter to prevent further fatalities.

Rev. Donald Fairbanks, Sr., was fatally shot at the Ninth Street Baptist Church of Covington, Kentucky, in November of 2008. He was visiting from his Cincinnati, Ohio, church to attend a funeral for a woman with relatives in his congregation. Grief turned to fear as the gunman opened fire in the church.

In July 2008, an usher and a guest were shot and killed during the opening act of a children's play in Knoxville, Tennessee. This time, the gunman walked into the sanctuary carrying a guitar case with a 12-gauge shotgun. He is said to have fired over 40 shots, killing two and injuring seven.

In May 2006, five family members were killed by a gunman who opened fire during a church service at The Ministry of Jesus Christ Church in Baton Rouge, Louisiana. A whole family was wiped out, and the shooter's wife was abducted from the church and killed nearby.

One of the most upsetting church killings in recent memory occurred in 1999 when a lone gunman massacred seven worshippers and wounded seven others at a youth celebration—150 teenagers strong—that was taking place in the sanctuary of the Wedgewood Baptist Church in Fort Worth, Texas. The assault was one of the worst ever, and I know there was a tremendous sense of loss after that awful act.

Why doesn't America care about this? Why have we said absolutely nothing about it? Why are we now allowing concealed weapons to be carried in Federal parks where, frankly, I hope most people will not be able to go in any notion that they might come out of there alive.

Dr. Tiller's family held a memorial service for him over the weekend after his burial on Friday, and he was remembered by all four of his children for his care and devotion as both a physician and father. It is a senseless tragedy, and so I offer this resolution and hope that all Members of this House will say "no more."

Mr. NADLER of New York. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from New York has 12 additional minutes.

Mr. NADLER of New York. I now yield 2 minutes to the distinguished gentlelady from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, our society has too often, recently, devolved into violence to address controversy.

The murder of a doctor, who was beloved by his family, trusted by his patients, and respected by his community, is never an acceptable form of expression. While virtually all established groups have condemned this act, some individuals are still threatening violence against the health care providers they disagree with. The message to those people needs to be unequivocal and it needs to be unanimous: We will not condone violence in any form, and those who perpetrate it will be prosecuted to the fullest extent of the law.

Mr. Speaker, we must have a civil discourse in this society, and this is something we all have to strive for together. I know that we on our side of the aisle and my colleagues on the other side of the aisle all believe this. We need to put it into action.

I will say that Dr. George Tiller is survived by his wife, Jeanne, their four children and their 10 grandchildren. I think the saddest thing about all this and the thing that personalizes it the most is that Jeanne called Dr. Tiller "Buddy." And the reason she called him Buddy was because he was her best friend.

Mr. Speaker, the mark of a civilized society must be civil discourse. We cannot lose one more of someone's best friend because of this lack of civility.

Mr. NADLER of New York. Mr. Speaker, I now yield 1½ minutes to the distinguished gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman and the author of this legislation, the distinguished gentlelady from New York (Ms. SLAUGHTER), chairman of the Rules Committee. And I rise to simply say to this House and to America, enough is enough.

I am delighted that we have heard the majority of pro-life organizations, who are Americans as well, denounce this horrific act. My deepest sympathy to Dr. Tiller's wife and children and grandchildren, but I think it is not enough to offer our sympathy; it is a requirement that we denounce this with every fiber of our body.

In addition, I think it is important, as we go forward, that right-to-life organizations learn to respect the First Amendment, and certainly the sanctity of a house of worship. It is important to note that Dr. Tiller is not and was not a criminal, did not perform criminal acts, but responded to women who willingly came into his office with the counsel of their family and a religious

leader and made a decision addressing the question of their health and the concerns of their family. Many of those women who came to Dr. Tiller wanted to have children, were praying for children, and were able to have children and give birth to a healthy child thereafter.

I am concerned that the alleged perpetrator now incarcerated and held in jail is continuing to make threats against those who are trying to both abide by the law but serve the needs of more than 51 percent of America. Yes, we know there is opposition to abortion. None of us stand here as abortion proponents. What we stand here as is simply individuals who believe in choice, prayerfully believe in choice. Therefore, I am asking for full support for this initiative to denounce the killing of Dr. Tiller, but I am also saying enough is enough.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the distinguished gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of House Resolution 505 honoring the life of Dr. George Tiller and condemning his brutal murder at church. I thank Representative SLAUGHTER for this resolution.

Dr. Tiller was a husband and a father. He studied at the University of Kansas School of Medicine and served his country as a United States Navy flight surgeon intern. Despite attacks and threats against him, he continued to serve as a tireless advocate for women's health and women's rights. On May 31, he was brutally gunned down in broad daylight in his place of worship by an extremist who took the law into his own hands. Enough is enough. It is time for us to condemn this act of violence and state forcefully that we will not condone murder, threats, or intimidation in the future.

In addition to my condolences to Dr. Tiller's family, I extend my gratitude to them for his life, his courage, his unyielding support for women, their health, and freedom to exercise their constitutional rights.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the distinguished gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I rise in strong support of House Resolution 505, with deepest sympathy for the family and loved ones of Dr. George Tiller and in strongest condemnation of his murder.

Murder in any setting is horrific. It is unconscionable but to commit a heinous crime of violence inside a place of worship that teaches a message of tolerance and nonviolence is especially reprehensible. Dr. Tiller was guiding worshippers to their seats and his wife was singing in the choir when he was gunned down. This is so precisely the

opposite of where humanity should be in 2009.

Violence, especially murder, should never be a recourse for differences in beliefs. So I ask my colleagues to join me in condemning acts of violence and intolerance. And I ask that we resolve to honor the memory of Dr. George Tiller, a physician and a man of God, by working harder than ever to promote tolerance and to promote nonviolence. I urge all of my colleagues to stand unanimously and vote in favor of this resolution.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the distinguished gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I rise today in strong support of the resolution before the House sponsored by my very good friend, Representative LOUISE SLAUGHTER, condemning the senseless killing of Dr. George Tiller.

Dr. Tiller, as we have heard, was gunned down while serving as an usher during church services last week. We are blessed in this country to have the freedom of speech, freedom of assembly, and freedom to protest. Our country has a rich history of nonviolent protests from the women's rights movement to the civil rights movement to the gay rights movement. Dr. Martin Luther King, Jr., preached nonviolence, and his great movement heeded this call in the face of unspeakable acts of violence from their opposition.

This shooting is, in the words of the New York State Catholic Conference, a terrible perversion of what it means to be pro-life. While we may have different views of this issue, no side should resort to atrocious acts of violence such as this.

Since 1977, there have been more than 5,800 reported acts of violence against providers like Dr. Tiller. Since 1993, eight people have been murdered, and there have been 17 attempted murders since 1991. Clinics like Dr. Tiller's over a 20-year span have been bombed 41 times and faced 175 arsons and 96 attempted bombings and arsons.

I understand that this is a passionate issue for both sides, but we cannot allow this to continue.

Mr. NADLER of New York. Mr. Speaker, I now yield 2 minutes to the distinguished gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership.

Rochester, New York, has historically given this Nation some of our greatest women leaders: Elizabeth Cady Stanton, Susan B. Anthony, and LOUISE SLAUGHTER. With this bill that she authored, she is one of the strongest links in leading women in this country and protecting our rights. We thank you, LOUISE, for your continued leadership.

The horror that played out inside a Wichita church, the murder of Dr. Tiller, is a wound to the conscience of this

Nation. He had long been a target of violence and hate because he provided legal abortions, he provided medical care to women in need. Any time a doctor has to put his life on the line to provide medical care it has a chilling effect on Americans' ability to get the medical care that they need.

The consequences of Dr. Tiller's murder are a tragedy not only to his family, not only for women in Kansas, but for women everywhere, especially in areas of our country where there are relatively few medical providers. Dr. Tiller is the eighth abortion provider to be murdered since 1977, and he was one of just seven doctors in the entire State of Kansas.

Where will women go for the medical help that they need? We have seen throughout history that hate is not just ugly, it can be deadly. I hope that leaders on both sides of this debate will look at the savage killing of Dr. Tiller and call to account those who would use hate, intolerance, and fear to divide us.

My heart goes out to Dr. Tiller's family and friends, and my prayers are with them.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the distinguished gentlelady from New York (Ms. SLAUGHTER).

□ 1300

Ms. SLAUGHTER. I thank my colleague Mr. NADLER for yielding.

I want to close my portion here by reminding people what a terrible thing that has happened in this country to a man who was simply doing what he was allowed to do, what he was trained to do.

I think perhaps I should state for the record, too, that third trimester abortions are less than 1 percent, and even *Roe v. Wade* says that after the first trimester the State has an interest and that it takes two doctors, as well as it does for the third trimester. These are oftentimes babies that have been desperately wanted and planned, but in order to save the health of the mother or to prevent her from carrying a toxic fetus that has already expired, it is sometimes necessary to do this. It is not a whim. It is not something that women do. I think, if anything, what insults my intelligence and my feeling as a woman and a grandmother is the notion that women will just wake up one morning and say, Well, I've had enough. That just does not happen. Women are, by nature, nurturers, and we are just not like that, and it's a major insult to us.

But as we remember this killing and affirm the need for peace in our places of worship, let's remind ourselves of the need for tolerance and kindness. I offer this resolution and offer the most sincere condolences to the family.

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

Mr. NADLER of New York. I yield an additional 30 seconds to the gentlewoman.

Ms. SLAUGHTER. The resolution affirms that the House of Representatives commits to the American principle that tolerance must always be superior to intolerance.

I urge Members to join me in supporting this to renounce nefarious violence in our places of worship where Americans seek sanctuary. Violence is deplorable and never an acceptable avenue for expressing opposing viewpoints.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Mr. Speaker, the pro-life movement is absolutely nonviolent and is totally committed to protecting unborn children and their mothers through peaceful, nonviolent means. I have been in the pro-life movement for 37 years, and those peaceful, nonviolent means include legal and constitutional reform as well as tangibly assisting women with crisis pregnancies.

Dr. Tiller's murderer must be brought to swift justice commensurate with the heinous crime that he has committed.

Murder is murder. Murder is never justified and can never be condoned by any society committed to fundamental human rights, justice, and the rule of just law.

Let me, as well, like my other colleagues on the floor today, extend my profound condolences to the Tiller family.

Mr. NADLER of New York. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. CLAY). Without objection, the gentleman from California (Mr. ISSA) controls the balance of the time of the gentleman from North Carolina (Mr. COBLE).

There was no objection.

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

PARLIAMENTARY INQUIRY

Mr. NADLER of New York. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. NADLER of New York. Does that mean the gentleman has declined his right to a closing?

The SPEAKER pro tempore. The gentleman has yielded back his time.

Mr. ISSA. I'm declining on this bill. I will pick up on the next one. Thank you.

Mr. NADLER of New York. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this resolution condemns the murder of Dr. Tiller. It condemns the murder of people who are murdered in church and places of wor-

ship. It condemns the practice, and it has become a practice, of seeking to change the laws of this country, of seeking to intimidate women from availing themselves of their rights, of their constitutional right to an abortion, of intimidating doctors from availing themselves of their constitutional right to perform medical procedures that are legal and that they believe are moral by threats of murder and mayhem.

I was glad to hear Mr. SMITH say that the pro-life movement is nonviolent, and I'm sure that most of it is. But, unfortunately, it is clear that there are some people, a small minority, who believe themselves part of the pro-life movement who are not nonviolent. And these people have engaged in such conduct and have murdered several providers of abortion simply for doing what they believe to be the right thing, what I believe to be the right thing, and, more importantly, what the law allows them to do, and to intimidate other people from doing this.

This resolution, which I trust every Member of this House will vote for, says that we do not believe in trying to change the law by violence. We do not believe in domestic terrorism, defining "terrorism" as an attempt to change the law through murder and violence and mayhem. We believe in constitutional processes. And if every single one of us does not believe in that, then we have no moral superiority over the terrorists that we condemn around the world.

So I trust everyone will vote for this resolution to express our horror of what was done in this instance, to express our belief that social change, if necessary, will be brought about by peaceful democratic debate and by votes, not by bullets, and that this country stands for the evolution of law by debate and by consideration and by democratic means. I urge everyone to vote for this resolution.

Ms. LEE of California. Mr. Speaker, I rise in strong support of H. Res. 505.

Like the vast majority of people throughout our nation, I was appalled by the unconscionable act of violence that took the life of Dr. Tiller at his place of worship.

I offer my deepest and most sincere condolences to the family and many friends of Dr. Tiller. My thoughts and prayers are with them as they struggle with this tremendous loss.

Dr. Tiller was a medical pioneer who, for two decades, worked to provide the highest quality of care to his patients.

Despite encountering constant harassment and threats Dr. Tiller remained committed to providing abortion services and other reproductive care to women and their families.

Often times, Dr. Tiller provided these services to women during the most challenging and heart-wrenching of circumstances.

The shooting death of Dr. Tiller is an affront to all physicians who provide abortion and reproductive care to women; it's also an affront to a woman's right to choose.

Moreover his death was an affront to our nation's rich religious and democratic traditions.

No matter which side you may stand on in regards to protecting a woman's right to choose, we can and should all agree that violence has no place in our political discourse.

I thank my colleague Ms. SLAUGHTER for authoring this resolution, and I urge all my colleagues to vote in favor of its passage.

Mr. QUIGLEY. Mr. Speaker, I rise today in support of H. Res. 505, condemning the murder of Dr. George Tiller.

Dr. George Tiller was murdered in Wichita, Kansas, on May 31, 2009. Dr. Tiller was 67 years old, a father, a husband and a friend, and was killed in his place of worship, a place intended for peace and refuge that in a moment became a place for violence and murder.

As stated in H. Res. 505, in the past 10 years, 38 people in the United States have been killed in their place of worship with 30 more sustaining wounds in those same incidents. This violence is deplorable, and never an acceptable avenue for expressing opposing viewpoints.

I join the author of this bill, Congresswoman CAROLYN MALONEY, in offering my condolences to Dr. Tiller's family, and commit to the American principle that tolerance must always be superior to intolerance, and that violence is never an appropriate response to a difference in beliefs.

It's nearly impossible to find comfort after such a senseless and horrific act, and I extend my deepest condolences to the Tiller family and all those families whose lives he touched. Like many others, Dr. Tiller persevered through decades of threats and attacks, and I condemn anyone who takes action or makes statements to incite violence as an acceptable response.

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 505, which condemns the tragic murder of Dr. George R. Tiller of Wichita, Kansas. I would like to thank the author of the bill, Congresswoman LOUISE SLAUGHTER and Judiciary Chairman JOHN CONYERS for their expeditious work in bringing this bill to the floor.

We mourn the loss of Dr. Tiller, a husband, father of four, and grandfather of ten. We also mourn the loss of a man who was a friend to women and young girls around the world, who he saw through their most desperate hours of need.

Dr. Tiller, born and raised in Wichita, was the son of a physician. In medical school, Dr. Tiller planned to become a dermatologist. After his father, mother, sister, and brother-in-law died in a 1970 plane crash, he returned to Kansas to close his father's family practice. His father's patients pleaded with him to return and take over the practice. Eventually, his clinic evolved from general family practice to focusing on reproductive services.

Acts of terror and intimidation were an all too common occurrence at his clinic. In 1986, Dr. Tiller's clinic, the Women's Health Care Services, was bombed. In 1991, it was blockaded for six weeks. In 1993, Dr. Tiller was shot in both arms while trying to enter the clinic. In May 2009, vandals cut wires to security cameras and made holes in the clinic roof.

Dr. Tiller was murdered on Sunday, May 31, 2009. He was shot in his place of worship, the

Reformation Lutheran Church. Dr. Tiller served as an usher and his wife, Jeanne, sang in the choir.

I would like to insert into the RECORD an article by Judith Warner that was published in her New York Times blog. One of Dr. Tiller's cases mentioned by Ms. Warner, that involving a 9 year-old girl who had been raped by her father, is particularly haunting.

This child was 18 weeks pregnant and her small body just would not be able to physically bear the burden of labor and delivery. There was no doctor or hospital in her rural, Southern town that would provide her with an abortion. She was referred to Dr. Tiller, the doctor of last resort. Dr. Tiller took her case for free. He kept her under his personal care for three days. The young girl and her sister stated that even in this difficult and heart-wrenching situation, he could not have been more wonderful in his care.

On Saturday, memorial services were held for Dr. Tiller. His family and friends remembered him for his generosity and his sense of humor. Let us also remember him for his courage.

Mahalo nui loa (thank you very much).

[From the New York Times, June 4, 2009]

DR. TILLER'S IMPORTANT JOB

(By Judith Warner)

The 9-year-old girl had been raped by her father. She was 18 weeks pregnant. Carrying the baby to term, going through labor and delivery, would have ripped her small body apart.

There was no doctor in her rural Southern town to provide her with an abortion. No area hospital would even consider taking her case.

Susan Hill, the president of the National Women's Health Foundation, which operates reproductive health clinics in areas where abortion services are scarce or nonexistent, called Dr. George Tiller, the Wichita, Kan., ob-gyn who last Sunday was shot to death by an abortion foe in the entry foyer of his church.

She begged.

"I only asked him for a favor when it was a really desperate story, not a semi-desperate story," she told me this week. Tiller was known to abortion providers—and opponents—as the "doctor of last resort"—the one who took the patients no one else would touch.

"He took her for free," she said. "He kept her three days. He checked her himself every few hours. She and her sister came back to me and said he couldn't have been more wonderful. That's just the way he was."

Other patients of Dr. Tiller's shared their stories this week on a special "Kansas Stories" page hosted by the Web site "A Heart-breaking Choice."

One New York mother wrote of having been referred by an obstetrician to Tiller after learning, in her 27th week of pregnancy, that her soon-to-be son was "so very sick" that, once born, he'd have nothing more than "a brief life of respirators, dialysis, surgeries and pain." In-state doctors refused to perform an abortion.

"The day I drove up to the clinic in Wichita, Kansas, to undergo the procedure that would end the life of my precious son, I also walked into the nightmare of abortion politics. In this world, reality rarely gets through the rhetoric," wrote another mother, from Texas, of the shouts, graphic posters and protesters' video camera that greeted her when she came to see Tiller.

Our understanding of what late abortion is like has been almost entirely shaped in public discourse by the opponents of abortion rights. In recent years, discussions of the issue have been filled with the gory details of so-called partial-birth abortion; the grim miseries that drive some women and girls to end their pregnancies after the first trimester have somehow been elided.

"Late abortion is not a failure of contraception. It's for medical reasons," Eleanor Smeal, the president of the Feminist Majority Foundation, who has worked to defend abortion providers like Tiller against harassment and violence since the mid-1980s, told me this week. "We've made pregnancy a fairy tale where there are no fetal complications, there's no cancer, no terrible abuse of girls, no cases where to make a girl go all the way through a pregnancy is to destroy her. These are the realities of the story. That's what Dr. Tiller worked with—the realities."

There was a great deal of emotion in the air this week as the reality of Tiller's death set in. Much of it was mournful, some was celebratory, some was cynical and self-serving.

There were the requisite expressions of disapproval and disavowal by politicians from both sides of the abortion divide. And yet it seemed to me that even from pro-choice politicians, the response was muted. In death, as in life, no one wanted to embrace this man who had specialized in helping women who learned late in their pregnancies that their fetuses had gross abnormalities.

It seemed that no one wanted to be too closely associated with the muck and mire of what Tiller had to do in carrying out the risky and emotionally traumatic second- and third-trimester abortions that other doctors and hospitals refused to do. In news reports, there was a tendency to frame the "abortion doctor's" murder almost as a kind of combat death: a natural occupational hazard.

Yet Tiller—who went to work in a bulletproof vest, lived in a gated community and drove a bulletproof car—was a doctor, not a soldier. And it is precisely this kind of thinking—this viewing of his life and work through the lens of our most gruesome cultural warfare, this slippage and mixing up of medicine and politics—that left him largely unprotected at the time of his death.

Someone resembling Scott Roeder, the man charged in Dr. Tiller's murder, was seen on Saturday trying to pour glue into the lock on the back door of a Kansas City clinic. Before that, abortion providers around the country had been telling local law enforcement and the United States Justice Department that harassment at their clinics was on the rise, and they were scared. The Feminist Majority Foundation had been hearing all spring that the atmosphere outside clinics was heating up in the wake of the new pro-choice president's election. "We all lived through Clinton, the shootings in '93 and '94. We were concerned some of the extremists said they had to take the fight 'back to the streets,'" Smeal said.

There are legal protections in place that ought to keep abortion providers like Tiller safe. The Freedom of Access to Clinic Entrances (FACE) Act, passed by Congress after the 1993 murder of Dr. David Gunn outside his Pensacola, Fla., women's health clinic and the attempted murder of Tiller that same year, prohibits property damage, acts or threats of force, and interference with and intimidation of anyone entering a reproductive health care facility.

When the federal law is backed by complementary state laws, and when local law

enforcement officers apply those laws assiduously, serious violence greatly declines. When the law's not applied strenuously, when vandalism goes uninvestigated, when protesters are allowed to photograph or videotape patients arriving at women's health clinics, when death threats aren't followed up, more serious acts of physical violence follow. In fact, when intimidation occurs at a clinic, the reported rate of violence triples, the Feminist Majority Federation's 2008 National Clinic Violence Survey found.

"We really do need to arrest people who are trespassing. Arrest people who are gluing locks. Committing more minor violations of the law so criminal activity doesn't escalate, so these criminals don't feel emboldened," said Vicki Saporta, the president of the National Abortion Federation. "In places where the laws are enforced, you don't see violence escalate. Protesters generally go someplace where there's a more hospitable climate," she told me. But, she added, in a lot of communities, law enforcement views clinic violence as a political problem. "They don't view it for what it is: criminal activity outside of a commercial establishment," she said. "Law enforcement can't treat this as a political issue. It's a criminal issue."

We as a nation cannot continue to provide a hospitable environment for the likes of Roeder because the thought of what happens to fetuses in late abortions turns our stomachs. We have to accept that sometimes terrible things happen to young girls. We have to face the fact that sometimes desired pregnancies go tragically wrong. We have to weigh our repugnance for late abortion against the consequences for women and girls of being denied life-saving medical treatment.

Only a tiny handful of doctors in this country will, like Dr. Tiller, provide abortion services for girls or women who are advanced in their pregnancies. These doctors aren't well known to patients or even to other doctors, but they're closely monitored by anti-abortion groups, who know where they work, where they live and where they worship. Roeder may have been a lone gunman, but in the largest possible sense, he did not act alone. The location of Tiller's gated community was prominently featured on an easily-accessed Web site, along with a map of the streets surrounding his house. It was really only a matter of time before someone was unbalanced enough to take the bait.

Most Americans, I'm sure, do not believe that a 9-year-old should be forced to bear a child, or that a woman should have no choice but to risk her life to carry a pregnancy to term.

By averting our eyes from the ugliness and tragedy that accompany some pregnancies, we have allowed anti-abortion activists to define the dilemma of late abortion. We have allowed them to isolate and vilify doctors like Tiller.

We can no longer be complicit—through our muted disapproval or our complacency—in domestic terror.

Mr. HONDA. Mr. Speaker, as millions of Americans are now aware, Dr. George Tiller was assassinated in his church on Sunday, May 31st, 2009 because of his political beliefs and profession. Dr. Tiller provided legal abortions, and his dedication to his profession, to the health and well-being of the women he cared for, cost him his life. I join President Obama, members of Congress, and millions of Americans in professing horror, shock, and sadness over this blatant act of terror. I hope that all Americans—regardless of their per-

sonal stances on the issue of abortion—will join in opposing those who would seek to control the actions of women and doctors through the use of violent intimidation.

Abortion doctors and women's clinics across this country which provide a range of women's health services including abortion face threats and violent acts every day. I sincerely hope that in the wake of this terrible event, the Department of Justice and law enforcement agencies across this country take future threats directed toward women's health providers seriously. Justice and the rule of law demand nothing less.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Res. 505, condemning the murder of Dr. George Tiller.

On May 31, 2009, Dr. Tiller was gunned down while handing out church flyers to the congregation of the Reformation Lutheran Church in Wichita, Kansas. Dr. Tiller was murdered because he had provided comprehensive legal reproductive healthcare to women and their families.

For 20 years, Dr. Tiller lived under a constant threat of violence. His clinic was bombed in 1986 and he was shot in both arms in 1993. He received constant death threats. Despite feeling the need to wear body armor and travel with a guard dog, he continued to provide reproductive services to women, often in the most difficult and heartbreaking circumstances. Dr. Tiller once said that he provided these services because "Women and families are intellectually, emotionally, spiritually, and ethically competent to struggle with complex health issues—including abortion," he said, "and come to decisions that are appropriate for themselves." I could not agree more. Women must have the right to make their own reproductive choices.

Regardless of one's personal feelings about abortion, we all must stand vigilant against such abhorrent and vile acts of violence. To murder someone because of disagreement with his belief system is morally, ethically, and legally wrong. It is especially disturbing that this murder took place in a church. Assaulting, intimidating, and harassing doctors and clinic employees should not be tolerated.

Dr. Tiller's death is only one act of violence against those that perform abortion services. Pro-life extremists have engaged in more than 5,800 reported acts of violence against abortion providers since 1977, including bombings, arsons, death threats, kidnappings, and assaults, as well as more than 143,000 reported acts of disruption, including bomb threats and harassing calls. Eight abortion providers have been murdered in the United States, and another 17 have been the victims of attempted murder. It is past time that we condemn the violence and intimidation against clinics that provide legal services to women in need.

I hope and pray that the friends and family members of Dr. Tiller find solace and comfort as we deal together with this historic and heartbreaking episode.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Res. 505, which condemns the tragic murder of Dr. George Tiller. The murder of Dr. Tiller is a form of domestic terrorism that we cannot tolerate in our country.

I firmly agree with President Obama that we can maintain our beliefs while agreeing to dis-

agree. Dr. Tiller's medical practice in Kansas was operating legally, and we must abide by the rule of law.

Mr. Speaker, I have personal knowledge of the work of Dr. Tiller. In 2000, my Subcommittee Staff Director, Jason Steinbaum, and his wife, Miriam, were expecting a child. This was their first baby, and they were very excited about becoming new parents.

Through visit after visit to their doctor, they learned the pregnancy was proceeding well and all seemed normal. The sonograms were all as they should have been, until calamity struck. At 28 weeks the doctors discovered a horrible brain deformity. They said the baby would die in utero or shortly after birth.

I recall that Jason and Miriam went from doctor to doctor and hospital to hospital to try to find a way to save their baby boy, but all told them that there was no chance that he would live. At that point, after consulting with their clergy, their doctors, and their families, they decided to terminate the pregnancy to put an end to this tragedy in their lives.

At 28 weeks, however, extremely few physicians in the country would provide the medical care they needed. Dr. Tiller was recommended to them as the best physician to help them.

I recall that I could not believe they had to fly to Wichita, Kansas to get the medical care they required. As a member of Congress from New York, I have become accustomed to receiving the best health care in New York City and could not imagine that they would have to travel half way across the country because no such clinic existed nearby. Nevertheless, when they determined that there was no other place to which they could turn, Jason, Miriam, and their mothers flew to Kansas to Women's Health Care Services of Wichita and Dr. Tiller.

Jason has told me that the care they received at Dr. Tiller's clinic was extraordinary and that the people at the clinic treated them as well as they could imagine. The procedure was safe and humane, and at the end, they held their baby boy for a moment and said goodbye. Today, the baby is buried not far from their home in north Virginia.

So, as the House votes on this solemn resolution, I ask that my colleagues reflect for a moment on the fact that Dr. Tiller helped someone right here in our congressional community and that his murderer took someone who was there for one of us in a time of need. This is a terribly sad day, and I urge my colleagues to support H. Res. 505.

Ms. McCOLLUM. Mr. Speaker, I rise today in strong support of the resolution Condemning the Murder of Dr. George Tiller (H. Res. 505) and with deepest sympathy for the loved ones of Dr. Tiller.

On May 31, 2009, an assassination took place in Kansas. A physician was murdered in an act of terrorism in his church. This act of anti-abortion vigilantism inspires fear and terror. The murdered doctor had previously been shot and the clinic in which he worked had been previously bombed.

This resolution, of which I am an original co-sponsor, expresses our sympathy for the family and loved ones of Dr. George Tiller and declares that violence should never be recourse for a difference in beliefs. In honor of the memory of Dr. Tiller we must work harder than ever to promote tolerance and non-violence.

Abortion in this nation is a legal health care procedure. I support a woman's right to make her own health care decisions and the work of health care providers to meet women's health care needs. What America witnessed with Dr. Tiller's death was a Taliban-like tactic to prevent abortions by murdering a doctor. It is terrorism and I urge the administration to extend protection to women's clinics all across our country.

I support comprehensive sex education, evidence-based science, full access to family planning and reproductive health care for all women, and counseling to ensure women of all ages have the best information to make good choices about when they decide to have children. This is how we reduce abortions. This is how we empower individuals to prevent the need for abortions.

Safe, comprehensive reproductive and family planning services should be accessible to all Americans and providers, because it is essential for the health and well-being of women and families. I will continue to work with President Obama in the 111th Congress to keep women's health as a priority.

My condolences go out to Dr. Tiller's family and loved ones. I urge my colleagues to support this resolution and join me in condemning the murder of Dr. Tiller.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H. Res. 505, condemning the murder of Dr. George Tiller. Dr. Tiller was shot to death at his church on May 31, 2009. It is with great sorrow and a heavy heart that I extend my condolences to his friends and family.

A sixty-seven-year-old physician, a husband, a father of four, and a grandfather of ten, Dr. Tiller dedicated his life to providing family and community health care services in Wichita, Kansas. Dr. Tiller's murder leaves in its wake an unsettling sense of grief and sadness that continues to ripple its way through countless communities of patients, colleagues, friends and family members. To the legions of admirers who view the care that he provided as an essential option for the women most in need, he will be sorely missed.

Dr. Tiller was beloved for his professionalism, his compassion and sensitivity. He showed unwavering courage and commitment to his patients. Dr. Tiller deserves to be acknowledged for the service that he provided to his community. His senseless murder must be strongly condemned. A truly democratic society includes a thriving atmosphere of political debate and dialogue, regardless of the intensity of the debate. The use of violence and murder as a means to express dissent is not only undemocratic, but simply unacceptable.

I strongly support this important bill and urge my colleagues to vote in favor of H. Res. 505.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and agree to the resolution, H. Res. 505.

The question was taken.

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

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

The yeas and nays were ordered.

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

WITNESS SECURITY AND PROTECTION GRANT PROGRAM ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1741) to require the Attorney General to make competitive grants to eligible State, tribal, and local prosecutors to establish and maintain certain protection and witness assistance programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1741

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Witness Security and Protection Grant Program Act of 2009".

SEC. 2. ESTABLISHMENT OF WITNESS PROTECTION GRANT PROGRAM.

(a) *IN GENERAL.*—The Attorney General shall make competitive grants to eligible State, tribal, and local governments to establish or maintain programs that provide protection or assistance to witnesses in court proceedings involving homicide, or involving a serious violent felony or serious drug offense as defined in section 3559(c)(2) of title 18, United States Code. The Attorney General shall ensure that, to the extent reasonable and practical, such grants are made to achieve an equitable geographical distribution of such programs throughout the United States.

(b) *STATE DEFINED.*—For purposes of this Act, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 3. USE OF GRANTS.

A grant made under section 2 may be used only to pay all or part of the cost of the program for which such grant is made.

SEC. 4. PRIORITY.

In making grants under section 2, the Attorney General shall give priority to applications submitted under section 5 involving programs in States with an average of not less than 100 murders per year during the most recent 5-year period, as calculated using the latest available crime statistics from the Federal Bureau of Investigation.

SEC. 5. APPLICATION.

To be eligible for a grant under section 2, a State, tribal, or local government shall submit to the Office of Justice Programs an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

SEC. 6. TECHNICAL ASSISTANCE.

From amounts made available to carry out this Act, the Attorney General, upon request of a recipient of a grant under section 2, shall provide technical assistance to such recipient to the extent the Attorney General determines such technical assistance is needed to establish or maintain a program described in such section.

SEC. 7. BEST PRACTICES.

(a) *REPORT.*—Each recipient of a grant under section 2 shall submit to the Attorney General a report, in such form and manner and containing such information as specified by the Attorney General, that evaluates each program established or maintained pursuant to such grant, including policies and procedures under the program.

(b) *DEVELOPMENT OF BEST PRACTICES.*—Based on the reports submitted under subsection (a), the Attorney General shall develop best practice models to assist States and other relevant entities in addressing—

(1) witness safety;

(2) short-term and permanent witness relocation;

(3) financial and housing assistance; and

(4) any other services related to witness protection or assistance that are determined by the Attorney General to be necessary.

(c) *DISSEMINATION TO STATES.*—Not later than 1 year after the development of best practice models under subsection (b), the Attorney General shall disseminate to States and other relevant entities such models.

(d) *SENSE OF CONGRESS.*—It is the sense of Congress that States and other relevant entities should use the best practice models developed and disseminated in accordance with this Act to evaluate, improve, and develop witness protection or witness assistance as appropriate.

(e) *CLARIFICATION.*—Nothing in this Act requires the dissemination of any information if the Attorney General determines such information is law enforcement sensitive and should only be disclosed within the law enforcement community or that such information poses a threat to national security.

SEC. 8. REPORT TO CONGRESS.

Not later than December 31, 2015, the Attorney General shall submit a report to Congress on the programs funded by grants awarded under section 2, including on matters specified under section 7(b).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$30,000,000 for each of the fiscal years 2010 through 2014.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Witness Security and Protection Act of 2009 authorizes the Attorney General to award grants to States and local prosecutors for establishing and improving short-term witness protection programs for witnesses that are involved in a State or local trial involving a homicide, a serious violent felony, or a serious drug offense.

Witness intimidation reduces the likelihood that citizens will be willing to perform their civic duty in the criminal justice system, often depriving police and prosecutors of critical evidence. More broadly, it also undermines public confidence that the criminal justice system can adequately protect its citizens.

And there is no better example that demonstrates the need for this legislation than the tragedy that befell the Dawson family in the autumn of 2002 in Baltimore, Maryland.

Angela Dawson had repeatedly contacted the police about drug dealing in her neighborhood. In retaliation, Darrell Brooks, a neighborhood dealer, firebombed the Dawson home not once but twice before killing Angela; her husband, Carnell; and all five of their children.

This heinous violence perpetrated against the Dawson family was the impetus for this legislation, and I commend Congressman CUMMINGS for his tireless pursuit of this legislation over multiple Congresses. I strongly urge my colleagues to support this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 1741, the Witness Security and Protection Grant Program Act of 2009. Witness testimony is a critical component of our criminal justice system. Even with sophisticated DNA and other forensic evidence, there is no substitute for an eyewitness testimony.

However, engaging the cooperation of witnesses is frequently a daunting obstacle in many criminal prosecutions. Many witnesses fail to come forward or refuse to testify out of fear of retribution by the defendants or pressure by the community.

It is no surprise that violent criminals will unleash their brutality on witnesses whose testimony could result in years or decades in prison. It is also no surprise that violent gangs and drug organizations are the source of much of this brutality. The Justice Department's National Gang Center reports that "gang members so frequently engage in witness intimidation that it is considered part of normal gang behavioral dynamics." State and local law enforcement officials and prosecutors are in a constant struggle to counteract witness intimidation and to convince witnesses to cooperate. It's vital that we assist in this.

At the Federal level, the U.S. Marshals Service is charged with witness protection and has operated the Witness Security Program since 1970. Under the program, more than 7,500 witnesses and over 9,500 family members have been protected, relocated, or given new identities. Most States and local governments cannot offer that

level of protection. Many cannot afford to offer even basic protection services, for instance, during a trial in which the proceedings in a small town might be all too evident to gangs in the area.

H.R. 1741, the Witness Security and Protection Grant Program Act, directs the Attorney General to award grants to State and local governments to establish and maintain witness protection programs.

Mr. Speaker, it is very clear that this not only is a well-worthwhile program whose time has come, but, in fact, it could be a real cost-saving to the taxpayers from the Federal level. Federal prosecution tends to be more expensive. In the case of gang, drug, and other activities, there is almost always a dual nexus: one in which the State or local courts can try the gang members, one in which the Federal Government can find Federal statutes to try under. Unfortunately, without an effective witness protection program, localities may often choose to move a case to Federal court where witness protection is available rather than providing that protection themselves.

So, Mr. Speaker, I rise with my colleagues on the other side of the aisle to support strongly that we find those opportunities in which local government can provide this service rather than removing to Federal court. This is a cost-saving, commonsense initiative, and I support it.

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

□ 1315

Mr. JOHNSON of Georgia. Mr. Speaker, with respect to my great colleague from the great State of Maryland, Congressman CUMMINGS, I will yield so much time as he may consume.

Mr. CUMMINGS. I want to thank the gentleman from Georgia (Mr. JOHNSON) for yielding, and I want to certainly thank Chairman CONYERS, Chairman SCOTT, Mr. ISSA, the entire Judiciary Committee, and the House leadership for recognizing the importance of this legislation by bringing it to the floor today.

Mr. Speaker, while our soldiers fight in Iraq and Afghanistan, many citizens across our Nation are facing terrorism right here at home, right here in their own neighborhoods. People are being murdered in broad daylight, and their killers are walking free because we do not protect witnesses to crimes from threats against their safety if they cooperate with the police, if they testify in court, or even if they are listed as witnesses to testify in court.

This epidemic of witness intimidation is a menace to our civil society, and it is a plague on our entire justice system. In fact, it was the deaths of Angela and Carnell Dawson and their five children, ages 9 to 14, that first motivated me to address this issue. I can remember very vividly sitting at a

funeral with one adult casket and with the caskets of five children. Then, a day later, the husband died, and we went to his funeral.

The entire Dawson family was killed in October 2002 when a gang member firebombed their home in the middle of the night in retaliation for Mrs. Dawson's repeated complaints to the police about the recurring drug trafficking in her east Baltimore neighborhood.

I might add, Mr. Speaker, that Mrs. Dawson literally lived within about a 5-minute drive from my house.

Angela Dawson and her family were not affiliated in any way with drugs or gangs. Rather, Mrs. Dawson was just a civic-minded parent, trying to clean up her neighborhood, and trying to make it a safe place for her children and for other families.

While several State and local entities have established witness assistance programs, many of these programs have fallen victim to the tough economic times and have had to be discontinued. Conversely, the U.S. Marshals Service uses \$65 million to operate its Federal Witness Security Program, and it has an excellent track record. In all of its years in existence, they have never been known to have lost a witness, and at the same time, the prosecutors in those cases have had an 89 percent success rate.

It is because of this inequity that I call upon my colleagues to give law enforcement the ability to protect the sanctity of our justice system and pass H.R. 1741, the Witness Security and Protection Grant Program Act.

H.R. 1741 would help local law enforcement officers strengthen witness assistance and protection units, sending a very loud and clear message to criminals that our citizens and we in the Congress of the United States of America will not be deterred by fear tactics like intimidation.

Speaking of intimidation, throughout the City of Baltimore, we have a group that put out two trailers entitled "Stop Snitching." In one of those trailers I, along with the State's attorney, were threatened because we were standing up for this legislation and because we were standing up for witnesses. I made it very clear to them that I have no fear because, if you can have a situation where a person can literally be standing on a corner and 20 people know the perpetrator and the perpetrator comes up and blows somebody's brains out and nobody testifies, what happens then is that we have given the criminal more power; we have taken power away from regular citizens. The next thing you know, the criminal feels that there are no consequences to his or her actions.

You cannot have a criminal justice system that is effective and efficient unless you have the cooperation of witnesses. It is up to this Congress to

make it very, very clear that we will not, under any circumstances, stand for witnesses to be intimidated, harmed, threatened, killed or in any way deterred from carrying out their duties to assist police and law enforcement.

The bill would provide \$150 million in competitive grants over 5 years to enable State and local governments to establish witness assistance programs with priority given to cities or to locales that have had an average of at least 100 homicides per year during the most recent 5-year period. H.R. 1741 would also allow these programs to receive technical assistance from the United States Marshals Service.

By improving the protection for State and local witnesses, we come one step closer to alleviating the fears and the threats of prospective witnesses and to safeguarding our communities from violence.

Again, I want to thank Mr. CONYERS. I want to thank Mr. JOHNSON, Mr. SCOTT, and the ranking member for their support. I urge my colleagues to pass this legislation.

Mr. ISSA. Mr. Speaker, it is now my pleasure to yield 3 minutes to the distinguished attorney from the City of New Orleans, the junior Member from Louisiana, Mr. CAO.

Mr. CAO. I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of H.R. 1741, the Witness Security and Protection Grant Program Act.

Crime is the number one concern of my constituents in New Orleans and in Jefferson Parishes in Louisiana. Crime is my top concern, too. My district includes the City of New Orleans, which, as of June 1, has already seen 80 murders. Further, according to the FBI's annual report on crime released last week, New Orleans leads the Nation in murders. This says nothing about the incidence of other types of crime, from sexual offenses to robberies.

I hold in my hand a photo of Sergeant Manuel Curry. He was a popular and much-loved member of the New Orleans Police Department. At 62 years of service, he was one of America's longest-serving police officers. Tragically, for the NOPD and for New Orleans, he passed away last week, and our thoughts and prayers are with his wife, with his family, and with his NOPD colleagues.

Here is an article from today's newspaper. It reports that, within hours of Sergeant Curry's death, three people broke into his home and stole guns, money, jewelry, and medication. While at the funeral home, arranging her husband's burial, his wife was notified of the burglary.

Our thoughts and prayers also go to the family of this couple, Orlander Cassimere, Sr., and his wife of 55 years. Elder Cassimere was scheduled to have

preached the Mother's Day sermon this year at the church in New Orleans' Lower Ninth Ward, where he was pastor; but on that day, relatives found him and his wife fatally shot in their home. It is thought that their murders are connected to a relative's plan to testify in a kidnapping and attempted murder case.

Reading these articles makes me angry and sick because of the actions of these individuals who disgraced the memories of Sergeant Curry and of the Cassimeres. They disgrace all of the people of New Orleans and of Jefferson Parishes. If these stories don't paint a picture of out-of-control crime, I don't know what will.

I continue to meet with law enforcement and with prosecution officials in my district, and I am presently working with them to leverage Federal resources. They must have all of the resources they can get.

The Witness Security and Protection Grant Program will go a long way towards addressing the issue of crime in my district because, without adequate protection and assurances, these witnesses will stop coming forward, and crime will remain out of control.

Mr. Speaker, I thank my colleagues for this effort with this important bill, and I look forward to working with them on other important legislation.

Mr. JOHNSON of Georgia. Mr. Speaker, I will yield 3 minutes to my fellow Judiciary Committee member, Congressman PEDRO PIERLUISI.

Mr. PIERLUISI. Mr. Speaker, I rise in strong support of H.R. 1741, and I want to commend Congressman CUMMINGS for his terrific work on this bill.

H.R. 1741 will provide funding to States and to territories so they can create or can improve their witness protection programs. Priority for funding would be given to those jurisdictions with the highest rates of violent crime.

Violent crime continues to plague many of our communities. Many of those crimes were likely observed by one or more bystanders. Whether these witnesses choose to come forward or choose to remain in the shadows, many of those crimes will depend, in large part, on whether they feel safe cooperating with law enforcement. It is, therefore, critical to the effective functioning of our criminal justice system that government at all levels has the means to provide for witness security.

As Attorney General of Puerto Rico, I have worked with many witnesses who have received threats that they or their loved ones would be harmed if they testified against a defendant. Not unreasonably, some of these witnesses ultimately chose to remain silent. Others elected to plunge ahead despite the risks, motivated by a sense of civic duty. The key point is this:

Choosing between providing information that may deliver a criminal to jus-

tice and protecting one's own safety is a choice that no witness should be forced to make.

Since 1970, the Federal government has operated its own successful witness protection program. In light of a 2006 report by the Department of Justice that found that witness intimidation was pervasive and increasing, the need to support similar programs at the State and territorial levels is beyond question. Therefore, I respectfully urge my colleagues in this Chamber to support H.R. 1741.

Mr. ISSA. Mr. Speaker, at this time, it is my pleasure to yield 5 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I want to commend my colleague from Georgia for bringing forth and for handling this commonsense bill on the floor of the House. I want to thank my colleague from California for yielding me time.

This is an important issue. There are many issues that are remarkably important to the American people, and I want to talk about one of them. It is the national energy tax.

As you know, Mr. Speaker, there is a proposal that is moving through the House committees right now that will have a remarkable effect on the American people. If history holds true, there will be very little time on the floor of this House to debate this issue. As the Speaker has said, she wants to get it done by July 4.

So I would suggest that it is important for all of our colleagues to be paying attention to the national energy tax and to the consequences of it. I would suggest that the American people ought to be paying attention as well. Let me point out a couple of the issues on this national energy tax.

By an outside group, by an objective group, the estimates are that it will destroy millions of jobs—1.1 million jobs on average each year. It will raise electricity rates 90 percent after adjusting for inflation. It will increase gasoline prices by 74 percent. It will increase residential natural gas prices by 55 percent. It will raise the average family's annual energy bill by \$1,500. That's right, Mr. Speaker, by \$1,500. It will increase inflation-adjusted Federal debt by 26 percent. So let's review.

This national energy tax, supported by the Speaker, is going to decrease jobs, and she is trying to get it through this House by the end of this month. It will decrease jobs; it will increase electricity rates; it will increase gas prices; it will increase natural gas prices; it will increase the family energy bill; and it will increase the Federal debt.

Now, the American people think this is a terrible idea, and they are very frustrated with the fact that the commonsense solutions that have been put on the table are not being given an opportunity to come to the floor.

What are those commonsense solutions?

Well, Mr. Speaker, as you know and as the American people know, there are good bills out there. One of them is one that I have cosponsored, H.R. 2300, coming out of the Republican Study Committee and the Western Caucus. It is called the American Energy Innovation Act.

□ 1330

What it does is provide for increasing production, responsible production of American resources. It provides for increasing conservation so that we decrease the demand side of the energy curve; and it provides for expansion of innovation, incentives for innovation so that we unleash the genius of the American people to solve the challenges that we have in the area of energy. It doesn't tax the American people. It doesn't decrease jobs. It doesn't increase electricity prices, as the Democrat plan would do. It doesn't increase gas prices, as the Democrats would do. It doesn't increase natural gas prices, as the Democrat plan would do. It doesn't increase the family energy bill, and it doesn't increase the Federal debt. No, Mr. Speaker, it solves the problems in the way that the American people want them solved.

The American Energy Innovation Act would increase production in a responsible and environmentally sensitive and sound way. It would increase innovation so that we develop a new energy for this 21st century, and it would increase conservation, decrease that demand side so that we don't continue to support countries overseas that, frankly, aren't necessarily our friend.

I appreciate the opportunity to commend my friend from Georgia for his bill. I appreciate my friend from California for offering this opportunity to speak to my colleagues and to ask the Speaker if she wouldn't allow for full and open debate of appropriate energy bills that American people can support, not ones that increase their taxes and decrease jobs all across this land.

Mr. JOHNSON of Georgia. Mr. Speaker, nothing can be more important than the liberties that we enjoy under our Constitution. This bill that we are considering could not be any more important.

Therefore, in that regard, I wish to yield 5 minutes to my good friend from New Jersey, Congressman PASCRELL.

Mr. PASCRELL. Mr. Speaker, this is truly bizarre. We're talking about life-and-death issues—and I know technically you can speak about anything. But we're talking about life-and-death issues. We have seen witnesses disappear, go underground so that law enforcement cannot protect us. Yet the gentleman, my good friend from Georgia, gets up and talks about something which has absolutely nothing to do with what we're talking about. But I guess that's par for the course.

So I thank the ranking member. I thank the chairman. I thank Mr. CUMMINGS for getting this legislation. And Mr. CUMMINGS has done us all a great favor. Nothing is going to help law enforcement more than our trying to help with the protection of the witnesses out there who view these crimes.

Criminal street gangs have been a major concern all across this country and in New Jersey; and truly, law enforcement cannot do its job without this legislation. Mr. Speaker, I don't believe that there is a more significant thing that we can do in reversing the losing battle that we face at this point and attacking street crime and ending modern-day organized crime on the streets. You need viable witnesses who are not left to chance and risk and will not be frightened or intimidated.

In a 2007 survey conducted in New Jersey by the State police, respondents in 4 out of every 10 New Jersey municipalities—that's 43 percent—reported the presence of street gangs in their jurisdiction during the previous 12 months, not only in cities but in suburban communities. As a former mayor, I know how tough it is for our cities and communities to deal with gang problems all across the United States of America. Gang members are involved in violent and drug-related crimes and recruit young folks in our public schools. Catching and punishing the perpetrators of these crimes is oftentimes difficult, if not impossible. Gangs are so pervasive in many communities that the threat of violent reprisal against members of a community or gang members who want to leave severely hinders law enforcement investigations.

H.R. 1741 would provide a crucial missing link that prevents many of these crimes from being solved in the first place. This legislation will allow the Justice Department to begin offering grants to local communities to implement local witness protection programs. What have we come to? When we talk about witness protection programs, we think we're talking about something 20 years ago, 40 years ago. We're talking about now. We're talking about in our own neighborhoods. We're talking about in our own families. That's what we're talking about. Ensuring witness safety, short- and long-term relocation, and financial and housing assistance are essential to the effective investigation and prosecution of gang-related crimes, Mr. Speaker. The Federal Government must reach out to assist local police departments in keeping our communities and our schools safe. This bill will provide a critical service to many needy communities. I thank those folks who brought it to the floor, particularly Mr. CUMMINGS, my good friend from Maryland. I'm glad we could stay, most of us, on the topic at hand.

Mr. ISSA. Mr. Speaker, we believe that the precious time on the floor

needs to be well spent, and we certainly support that we are well spending it. This is an important piece of legislation. It's important because, in fact, we in the Federal Government need to team with cities and localities around the country to ensure that we not distort where prosecutions are made. I fully support this legislation because, with all due respect to my colleague, it will relieve the cities and the counties from often choosing a Federal venue rather than a local venue if we help with protecting their witnesses, something that the Federal Government and the U.S. Marshals have proven to do very well. So I do support the bill. It's a bipartisan bill.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would ask how many minutes are left.

The SPEAKER pro tempore. There are 6 minutes remaining for the gentleman from Georgia. The gentleman from California has 9 minutes remaining.

Mr. JOHNSON of Georgia. Thank you, Mr. Speaker.

I now yield 4 minutes to the gentleman from Houston, Texas, and also a fellow member of the Judiciary Committee, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished member of the Judiciary Committee and chairperson of the subcommittee for yielding.

I rise in support of H.R. 1741, which is long in coming and long overdue. Tragically, we are seeing the increased utilization of gun violence and certainly the increased impact on our teenagers. Whether it is guns used in gang activity or guns used to slaughter innocent persons in various stop-and-go shops or others, we are seeing that kind of senseless violence. Over the last couple of days, I saw in my own community two hardworking shopkeepers murdered and slaughtered in their own shop early in the morning; and the kind of killing it was may have generated witnesses who need to be protected. We have watched the slaughter of children in the Chicago school district, which has gotten to be an epidemic condition. They have been using guns. There have been young people leaving churches who have been shot and killed. So we understand the value of this legislation. I remember hearing before the Judiciary Committee where the individuals who wanted this kind of protection told us of the fear in which they live.

H.R. 1741, sponsored by my good friend, Representative ELIJAH CUMMINGS, is an important legislative initiative; and I would ask my colleagues to, likewise, support it. It joins right together with H. Res. 454 that will be on this House floor in a few minutes that deals with the 25th anniversary of the National Center For Missing and Exploited Children and has a lot to do

with the protection of our Nation's children, those who have been kidnapped and murdered, and those who have been exploited. Again, it ties back to this whole question of protecting witnesses who provide the necessary testimony to convict those of these heinous crimes.

This may not be the underlying necessity for H. Res. 515; but I rise to also add my support for the legislation that condemns the slaughter and murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwu. That was a terrorist act of which we condemn. It may be that the alleged perpetrator is in prison, but we don't know whether there is a widespread conspiracy. We hear so. Again, H.R. 1741 would allow us to protect these witnesses. The act of killing our military personnel on U.S. soil was an act of terror, and I abhor it. I denounce it. It is a resounding disgrace in this country; and therefore, H. Res. 515 should, in fact, be able to pass. All of these tie to the idea of protecting witnesses in criminal activities because we realize how frightening a prospect it is.

I also add my support to H.R. 2675, the extension of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004. I am also a member of the Subcommittee on Antitrust and view this as an important legislative initiative.

Allow me to close by suggesting that as we saw in my remarks earlier today on the floor in H. Res. 505, condemning the death of Dr. George Tiller, we have conditions here that warrant this legislation, H.R. 1741. It is terrible that violent acts are perpetrated here in America, that violent acts come about through the use of firearms and other manners and, therefore, there will be witnesses that will be necessary to bring these people to justice. I cannot imagine allowing these heinous crimes to be perpetrated without being able to prosecute because a witness is frightened for themselves and their family. The legislation that we are now speaking to provides that protection, and I ask my colleagues to support the legislation.

Mr. ISSA. Mr. Speaker, at this time I would yield back the balance of my time and support the passage of this important legislation.

Mr. JOHNSON of Georgia. The great Constitution of the United States of America starts off with a preamble, and that preamble goes as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

So this bill deals with domestic tranquility; and as you know, Mr. Speaker,

the most powerful beast imagined can always be brought down by just a little parasite inside of that particular beast. We too can be subjected to internal parasites, and we can die from that. The question is, are we willing to die to ensure that domestic tranquility is achieved? If we truly care about ourselves, our own safety and the safety of our dear families, neighbors and anyone else, should we not be willing to die to protect our liberties by calling it like it is, street crime? You see something happen—regardless of whether or not you consider that snitching or not, and I would say that it's not. But do you have the courage to be able to do what will really protect your folks? That's the question.

□ 1345

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 1741, as amended.

The question was taken.

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

Mr. JOHNSON of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004 EXTENSION ACT

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2675) to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2675

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act".

SEC. 2. DELAY OF SUNSET.

Section 211(a) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) is amended by striking "5 years" and inserting "6 years".

SEC. 3. EFFECTIVE DATE OF AMENDMENT.

The amendment made by section 2 shall take effect immediately before June 22, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation extends by 1 year expiring provisions of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004, otherwise known as ACPERA. ACPERA not only increases maximum criminal penalties under the Sherman Act for hardcore antitrust violations but also created whistleblower incentives to spur antitrust cartel detection.

Portions of the 2004 act are set to expire in 2 weeks on June 22. This 1-year extension preserves the penalties and incentives currently in place, while affording Congress time to explore possible improvements to the 2004 act.

I am pleased to have as cosponsors of this bill the chairman of the Judiciary Committee, JOHN CONYERS, as well as full committee Ranking Member LAMAR SMITH and Courts Subcommittee Ranking Member HOWARD COBLE.

Cartel violations are some of the worst crimes perpetrated on the American consumer; yet they are too often crimes we cannot see, as all of this criminal activity takes place in secret meetings behind closed doors. In the previous bill, we were talking about crime in the streets, and now we are talking about crime in the suites.

Price-fixing cartels can go undetected for years, possibly forever. With hundreds of millions or even billions of dollars worth of unlawful profits at stake, these criminal cartels are very effective at finding ways to keep their actions secret. But 5 years ago, Congress gave the Justice Department's Antitrust Division a new weapon to attack this secrecy head-on. ACPERA promotes the detection and prosecution of illegal cartel behavior by giving participants in a price-fixing cartel powerful incentives to report the cartel to the Justice Department and cooperate in the prosecution of the cartel.

Before ACPERA, the Justice Department could offer leniency to a coconspirator who exposed a cartel and helped bring it to justice. But the cooperating party remained fully liable to paying treble damages to the cartel's victims and potentially exposed to having to pay the entire amount.

ACPERA addressed this shortcoming in the criminal leniency program by also limiting the cooperating party's

exposure to liability with respect to civil litigation. ACPERA empowers the Justice Department to limit civil liability of a cooperating party to single damages, not treble. The remaining co-conspirators, however, remain jointly and severally liable for all damages. In this way, Mr. Speaker, the act strikes a carefully crafted balance, encouraging the cartel members to turn on each other while ensuring full compensation to the victims.

The positive impact of this law cannot be overstated. In the first half of this year, ACPERA has aided the antitrust division in securing jail sentences in 85 percent of its individual prosecutions and over \$900 million in criminal fines.

As chairman of the Judiciary Committee's Subcommittee on Courts and Competition Policy, I want to ensure that the Justice Department has all the tools it needs to continue its excellent work, which is to protect consumers against price-fixing cartels.

Again, I thank the bipartisan coalition of Members who have joined me as cosponsors in this very important legislation. I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

Mr. Speaker, at this time I would like to inquire if the gentleman has any further speakers after I conclude?

Mr. JOHNSON of Georgia. We have no more speakers, and I would be prepared to conclude.

Mr. ISSA. Excellent. I will be brief.

This is noncontroversial. In fact, the Antitrust Criminal Enhancement Reform Act of 2009 is about a program that is working. It is a program that not only do I hope we will unanimously pass and send to the Senate, but that the Senate will act quickly so that after the 2 weeks remaining, this statute will not expire, and we will use this year wisely to review and reauthorize in a longer term basis this act.

ACPERA has in fact worked. It is something that both the majority and minority have agreed on, and I urge its passage.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back my time on this matter.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 2675.

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

A motion to reconsider was laid on the table.

WEBCASTER SETTLEMENT ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2344) to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2344

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Webcaster Settlement Act of 2009".

SEC. 2. AUTHORIZATION OF AGREEMENTS.

Section 114(f)(5) of title 17, United States Code, is amended—

(1) in subparagraph (D), by striking "2008" and inserting "2008, the Webcaster Settlement Act of 2009,";

(2) in subparagraph (E)(iii), by striking "to make eligible nonsubscription transmissions and ephemeral recordings"; and

(3) in subparagraph (F), by striking "February 15, 2009" and inserting "at 11:59 p.m. Eastern time on the 30th day after the date of the enactment of the Webcaster Settlement Act of 2009".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this bill.

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

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, the Webcaster Settlement Act of 2009 allows the recording industry and the providers of Internet radio, also known as Webcasters, to negotiate reasonable royalty rates for the streaming of sound recordings on the Internet.

While a relatively new technology, the audience for Internet radio is growing rapidly. Fifty to 70 million Americans listen to Internet radio each month, in part because of the diverse programming available to cater to many different musical tastes.

In 1995, Congress passed a digital performance right for sound recordings. In 1998, the Digital Millennium Copyright Act expanded the right to Internet radio services by granting them the privilege of using copyrighted music at an industry-negotiated rate, or in the event the industry could not negotiate a rate, at a government-mandated rate determined by the Copyright Royalty Board, or CRB.

At the request of Webcasters, in 2004 Congress enacted the Copyright Royalty and Distribution Reform Act, which authorized a CRB proceeding to set fair statutory rates for Internet radio. Accordingly, in 2007, the CRB announced new statutory royalty rates for sound recordings to be paid by Webcasters.

The CRB's decision, which sets rates on a minimum fee, per-song, per-listener formula, would require Webcasters to pay significantly higher royalties than they previously paid under a percentage-of-revenue model.

Because of concerns that the higher rates are likely to threaten the future of Internet radio, Congress enacted the Webcaster Settlement Act of 2008. Signed into law last October, it allowed for the implementation of royalty fee agreements reached on or before February 15, 2009, between the recording industry and Webcasters that would serve as an alternative to the payment scheme set forth in the CRB decision.

While some Webcasters were able to reach consensus with the recording industry, others have not yet reached an agreement. Enactment of the Webcasters Settlement Act of 2009 will give more parties an opportunity to reach a consensus by allowing them to negotiate alternative rates. This opportunity to reach consensus will protect the viability of technology enjoyed by millions of Americans every day.

This legislation has the full support of the relevant parties. I commend the Internet radio and recording industries for the substantial progress that has been made in negotiations in recent months, and I encourage them to resolve all outstanding issues promptly so that we may see a thriving Internet radio industry in the near future.

I commend my colleague, JAY INSLEE of Washington, for his leadership on this legislation, as well as Intellectual Property Subcommittee Chairman HOWARD BERMAN for facilitating discussions between the parties.

I would like to also commend Judiciary ranking member, Mr. LAMAR SMITH, for his leadership in making this a truly bipartisan effort, and I urge my colleagues to support this important legislation.

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

Mr. ISSA. Mr. Speaker, it is my pleasure to yield such time as he may consume for our response to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I appreciate the gentleman from California yielding.

H.R. 2344, the Webcaster Settlement Act of 2009, grants limited statutory authority to SoundExchange, the government-designated entity that is responsible for disbursing Webcasting royalties to copyright owners.

The bill gives SoundExchange the legal authority to effect an agreement

that has already been negotiated with certain “pureplay” Webcasters for the performance of sound recordings over the Internet.

□ 1400

Under the terms, the bill will provide a window of 30 days for other Webcasters to agree to be bound by this new agreement.

For those Webcasters who choose to take advantage, they will be able to substitute the rate and rate calculation methods provided in the agreement for those previously announced by the copyright royalty judges, CRJs, on April 30, 2007.

These new terms will run through the end of 2015, which means that this group of Webcasters and sound recording artists who are due royalties under the Webcasting licensing will benefit from the extended period of certainty in their economic relationship.

Mr. Speaker, I have a strong preference for voluntarily negotiating settlements, which allow each side to compromise, claim a measure of victory, and go home.

This is particularly true when the alternative is for parties to engage in lengthy and expensive adversarial legal and lobbying efforts such as those that have followed the CRJs’ determination in the Webcasters proceedings in 2007.

When they issued their 117-page final order, the CRJs established the statutory rates and the terms for the performance of compulsorily licensed Internet streamed music for a 5-year period that is due to expire December 31, 2010.

The law provides this process because we have an obligation to ensure that copyright owners whose works are made available in a government-mandated license are fairly compensated by the private parties who seek to benefit from such use.

Indeed, the Judiciary Committee and the Congress established the CRJ process, in no small part, in response to Webcasters’ concerns that the previous Copyright Arbitration Royalty Panel, or CARP, process effectively prohibited many small entities from participating.

Nevertheless, despite their advocacy for this process, some Webcasters have suggested from time to time that the CRJs acted unfairly in reaching their decision. But the record reveals that the decision came at the end of an 18-month proceeding that included 48 days of testimony, 192 exhibits, 475 pleadings, motions and orders, and a transcript that exceeded 13,000 pages.

Notwithstanding these facts, the Congress enacted the Webcasting Settlement Act of 2008 late last year to provide an additional period of time for parties to negotiate private agreements. That period expired February 15, 2009.

Several entities, including the National Association of Broadcasters, are

to be commended for reaching an accord during this window, but it appears a number of others were either unable or unwilling to come to terms during the generous period of time that Congress provided.

Mr. Speaker, I urge my colleagues to support H.R. 2344, but in so doing, I note that it seems a bit like the tail wagging the dog for Congress to legislate and create exceptions to the due process and notice requirements in the existing statutory process each time one party or another calculates they could get a better deal by disregarding the deadline the law provides.

Mr. JOHNSON of Georgia. Mr. Speaker, at this time, I would yield to my colleague from the great State of Washington, the Honorable JAY INSLEE, as much time as he may consume.

Mr. INSLEE. Mr. Speaker, I’m pleased to commend the Webcaster Settlement Act of 2009 to my colleagues.

I just want to make two or three points. First, this phenomenon of online radio is just a tremendous service for our constituents; 42 million Americans are enjoying this on at least a semiregular basis. It is growing rapidly. It is a very, very beloved service. And when it goes missing, as it did recently in my City of Seattle, a little station called OCO was sort of providing underground music to my local community and had to shut down as a result of the CRB decision, and it is much missed. We hope to get this and many other things back up when we get this settlement going.

Second, I think there is widespread agreement that the average 47 percent of revenues that the CRB decision would require simply is not sustainable for the industry. And I want to commend all parties to the discussions to try to find an appropriate way to move forward.

The third point I want to make is that keeping online radio going and healthy is not just about entertainment; it’s about news, it’s about public information, it’s about emergency preparedness. We’ve got to do everything we can to give our constituents multiple sources of information. By allowing this bill to go through—and, hopefully, the parties will reach a final settlement—we’re going to allow a democracy to blossom.

So I want to thank Chairman CONYERS and Ranking Member SMITH for their cooperation in facilitating this and commend this bill to my colleagues.

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

Mr. Speaker, I strongly support this legislation and urge its passage, and I do so for a reason that I believe does tie fairly into another piece of legislation. This is a piece of bipartisan legislation with Chairman CONYERS. Another piece tries to deal with a greater inequity than even this one.

While Internet broadcasters or podcasters or Webcasters pay as much as half of their revenues, half of their gross revenues if they play performances of music, and NAB was cited as being a participant, let me make something very clear, Mr. Speaker. The National Association of Broadcasters has chosen to have an absolute “burn the bridge” attitude toward terrestrial broadcasters paying even a cent.

I join with Chairman CONYERS, Mr. BERMAN, myself, and many others, in urging that this pattern of lowering to what we believe is a more fair rate or helping lower to what we believe is a more fair rate, in fact, flies in the face of terrestrial broadcasters continuing to say that the only fair amount to pay in the way of royalties to the music producers, the actual performers, is zero.

The public today, Mr. Speaker, when they hear this, if they hear this, will be shocked to find out that when they listen to terrestrial radio, nothing is paid to the artist.

Well, if they listen to Internet radio, actually more than half in some cases of the gross revenues of these Internet broadcasters is paid to the performers.

As Mr. INSLEE said, I do believe that perhaps it is too much; that there is, in fact, a point at which, when you tax something too much, even if it’s taxed to pay the performance, you may get too little of it. To that extent, we need to find an amount that balances fairly compensation for the creative artist who brought us this fine music and those who would seek to make it available to the public.

I hope that this piece of legislation will help for those doing business on the Internet and that H.R. 2344 will be quickly adopted and that it will lead to more affordable rates for the Internet.

But I cannot, in good conscience, fail to mention that these companies trying to start and promote a new industry and a service in many places in which terrestrial broadcasts may be poor or not available at all find themselves hampered while they pay half of their revenues out in royalties, competing against terrestrial broadcasters who insist on continuing to pay not a penny.

So, Mr. Speaker, I will look for this legislation to become law. I look for the other legislation behind it to be brought to the floor, fairly considered, and voted on in order to bring performance fairness.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would join my colleague on the other side of the aisle in support of H.R. 848, which is the bill that you just mentioned, and the reason why is because it’s just an issue of fairness. It’s fairness to the artist as well as fairness to the platforms upon which we hear these sound recordings, Internet radio being one.

Cable, satellite, they have to pay performance royalties, which is really performers' royalties. They must pay that. But the broadcast industry, AM/FM radio, basically, is protected, if you will, or exempted from having to pay. This is anticompetitive, and it also results in great tragedy where these radio stations are able to play music repetitively that we all enjoy listening to, and then the artist who performs the music doesn't get a dime. And so many of them are forced to work what I call the "Chitlin Circuit" and, you know, can't even purchase their prescription medication for diabetes, whatever infirmity that they may have. And then some even die indigent and there's no coverage for burial expenses.

And so it's really an issue of fairness. And unfortunately, the broadcast industry has done a despicable thing, and that is to play the race card. And they do it with the deceptive and false statement that H.R. 848 is an attempt to drive black broadcasters, black radio stations off, out of existence, and nothing could be further from the truth.

May I inquire though, Mr. Speaker, as to whether or not there are anymore speakers?

Mr. ISSA. Mr. Speaker, I have no further speakers at this time and would close quickly when the gentleman is ready.

Mr. JOHNSON of Georgia. Mr. Speaker, I will yield back.

Mr. ISSA. Mr. Speaker, I thank the gentleman from Georgia. I, again, reiterate my appreciation for his appropriate and wonderful statements on H.R. 848, a bill that would simply eliminate Congress' prohibition on the Copyright Royalty Board from reaching a fair and equitable royalty for performers.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUMMINGS). The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 2344.

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

A motion to reconsider was laid on the table.

CONDEMNING THE MURDER OF PRIVATE WILLIAM LONG

Mr. NADLER of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 515) condemning the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little Rock, Arkansas, on June 1, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 515

Whereas, on June 1, 2009, Private William Long, 23, was murdered outside the Army Navy Career Center in Little Rock, Arkansas;

Whereas, on June 1, 2009, Private Quinton Ezeagwula, 18, was wounded by gunfire outside the Army Navy Career Center in Little Rock, Arkansas;

Whereas there are more than 1,400,000 active component and more than 1,200,000 reserve component members of the Armed Forces protecting America;

Whereas there are more than 8,000 Army and Army Reserve recruiters and more than 7,000 Navy recruiters serving at more than 1,500 military recruiting stations and centers in United States, Guam, Puerto Rico, and Europe;

Whereas the men and women of the Armed Forces risk their lives every day to preserve America's freedom and to defend the liberty, security, and prosperity enjoyed by the American people;

Whereas service in the Armed Forces entails special hazards and demands extraordinary sacrifices from service members;

Whereas members of the Armed Forces are the targets of violence not only abroad but in the United States as well; and

Whereas such violence is despicable and must not be tolerated: Now, therefore, be it Resolved, That the House of Representatives—

(1) offers its condolences to the family of Private William Long;

(2) hopes for a full recovery for Private Quinton Ezeagwula;

(3) urges swift prosecution to the fullest extent of the law of the perpetrator of this senseless shooting; and

(4) urges the American people to join Congress in condemning acts of violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Arizona (Mr. FRANKS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. NADLER of New York. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, House Resolution 515 rightly condemns the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little Rock, Arkansas, on June 1, 2009.

This dastardly attack on two young Americans who were simply standing outside the Armed Forces Recruiting Center where they worked should shock the conscience of all Americans.

Private Long, who was 23, was murdered. Private Ezeagwula, who is 18,

was wounded. They had answered their call to service and were willing to lay down their lives for their country, but the deadly attack came here at home, not on a field of battle halfway across the world.

There are more than 1.4 million Active members of the Armed Forces protecting America, and more than 1.2 million Reserve members. There are more than 8,000 Army and Army Reserve recruiters, and more than 7,000 Navy recruiters, serving at more than 1,500 military recruiting stations and centers in the United States, Puerto Rico, Guam, and Europe. Each one of these men and women are courageous patriots who deserve our support, and this deadly attack is nothing short of dastardly.

This resolution offers the condolences of this House to the family of Private Long, expresses our hopes for a full recovery for Private Ezeagwula, and urges that the perpetrator or perpetrators of this senseless shooting be brought to justice.

□ 1415

I want to commend our colleague, the gentleman from Arizona (Mr. FRANKS), for introducing this resolution. It is an appropriate statement of what I note to be the views of every Member of this House. At a time like this, it is important for all of us to stand together to support our men and women in uniform and to speak with one voice against violence directed against them.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 1 of 2009, only about a week ago, Private William Long, only 23 years old, was shot and killed as he worked at the Army Navy Career Center, which is a military recruitment center, in Little Rock, Arkansas. Private Quinton I. Ezeagwula, age 18, was also shot in the attack that day. Thankfully, Private Ezeagwula survived; although our latest information is that he remains still in critical condition.

Mr. Speaker, most persons who are listening today are hearing about Private Long's death for the first time. It's likely that most Americans haven't heard of his killing because Private Long's murder forces the issue that the mainstream media does not want to confront or report on, and that is Islamic terrorism within and coming from within the United States.

The man accused of shooting Private Long and Private Ezeagwula was formally known as Carlos Bledsoe. Bledsoe converted to Islam and changed his name to Abdulhakim Mujahid Muhammad. He later traveled to Yemen where he was there studying

under an Islamic scholar. Yes, Mr. Speaker, we have millions of law-abiding Muslims in this country. Acts of terror committed by some members of a religion should never be used to condemn all members of that religion. At the same time, however, we cannot be blind to the jihadist ideology of some Muslims of this country who believe that they have a religious duty to murder the innocent.

The mindset of radical Islamic terrorism which today seems to find fertile ground in the soil of jihad claims that the cause of justice is advanced by killing the innocent and by killing those who seek to protect the innocent. This is the fundamental reality. And when the American media and we, as a people, refuse to call evil by its name, it imperils us all and it dishonors all of those, like these two soldiers who have sacrificed and bled to protect the innocent from that evil.

Mr. Speaker, the American soldier does not fight because he hates what's in front of him. He fights because he loves what is behind him. Private Long's so-called crime was his commitment to defending the innocent against those who would cause them and all of us harm. That commitment is the price required oftentimes to maintain our freedom. That commitment was carried deeply in the heart of Private William Long. He displayed it bravely by wearing the uniform of the United States armed services and dying in it for all of us. That commitment will forever be the legacy of his life on this Earth.

Mr. Speaker, today there are approximately 1.2 million Reserve component members of the Armed Forces protecting America; more than 8,000 Army and Army Reserve recruiters; and more than 7,000 Navy recruiters serving at more than 1,500 military recruiting stations and centers in the United States, Guam, Puerto Rico, and Europe. This attack could have ended the lives of any one of those noble men and women. Each of them risks his or her life every single day to preserve America's freedom and to defend the right of every American to live free, to be free, and pursue their dreams.

So today, Mr. Speaker, I've introduced House Resolution 515 to offer our deepest condolences to the family of Private William Long on behalf of the United States House of Representatives, to offer our hope of a full and complete recovery for Private Quinton Ezeagwula, and to urge the prosecution of the preparator of this senseless shooting to the fullest extent of the law, and finally, to urge the American people to join together in condemning such horrific acts of violence upon the noble men and women of our Armed Forces.

We pray especially that the hearts of all of those that Private Long knew and loved would find comfort and peace

in the knowledge that in dying, because he wore the uniform of the United States military, their loved one laid down his life for the sake of human freedom and on behalf of those who could not defend that freedom for themselves. No legacy could be more noble, Mr. Speaker.

I reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now yield such time as he may consume to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. People in America, Mr. Speaker, mourn the loss of any of our troops in combat or not, here or abroad. Andy Long, private, United States Army, was killed in Little Rock, Arkansas in my district 1 week before he was to leave to be with his unit headed to Korea. We mourn his loss today. So, also, do we hope and pray for the rapid recovery of Private Ezeagwula who was wounded.

I attended the funeral yesterday of Andy Long in Conway, Arkansas, and met both families. The Long family is a military family: his great-grandfather served; his grandfather served; his father is a retired marine warrant officer; his mother served and is a veteran—and, in fact, she was in the parking lot waiting to give him a ride home when the shooting began. His brother Triston is in the military today and will be headed to Iraq this summer.

A family tradition for this family is that the father prepares a letter to give to the son when he deploys. Yesterday, Andy's father, Retired Marine CWO4 Daris Long, read the following letter to his son. He had these ideas in mind to give to his son and put them down in writing, and the letter was placed in the casket yesterday at the funeral. And this was the letter that Daris Long wrote to his son:

"Dear Andy, let me start by telling you how proud your mother and I are of you in your choice to serve this country. The profession of arms is not an easy job. It is not 9-5. You won't often get a choice in what you want, when you want to do something, or even voice some of your opinions.

"You took an oath, 'I, William Andrew Long, do solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.' That means a lot. In my mind, it means that whatever your personal feelings are, you may have to put them aside because you don't get to decide who you are going to protect, you protect the rights of all. Oliver Hazard Perry, a War of 1812 Naval hero, once toasted the country with this, 'My country, right or wrong, but first my country.' That statement was often quoted out of context by my generation in the end years of the Vietnam War by protestors. In light of your oath, its true meaning is revealed. Always re-

member, your loyalties are to the principles upon which this country was established. Your duty is to the country, not some cause, not some character, not to some party."

Mr. Long continues: "'That I will obey the orders of the President of the United States, the officers and non-commissioned officers appointed over me, acting in accordance with regulations and the Uniform Code of Military Justice. So help me, God.' You are to obey the rightful orders given you. I am sure you were given classes on the laws of warfare, what is right and what is wrong. This part of the oath charges you to do the right thing. This part absolutely absolves you from obeying illegal orders. It reminds you that the old 'I was just following orders' routine doesn't excuse you from misconduct that results from following an illegal order. It does not mean you can refuse to follow orders you may disagree with but only those that are clearly illegal. You have to have a moral compass and rigidly follow it.

"You are now on your way to Korea. What we had talked about, filling your off-duty time with constructive pursuits, may have to go on hold with what is going on over there now."

Mr. Long continues: "You need to find someone in your unit who is good at what he does professionally and personally and get into his hip pocket. Learn what he knows. Your leaders are going to be pressed to have everything and everybody ready in case things go south. You may not have time to get your newly acquired skills down to an art. You need to support your leaders and fellow soldiers by being a good follower. Remember, as an infantryman, your life support system is the guy next to you. You need to trust him. He needs to know he can trust you. When you are in the thick of things your focus will narrow to your immediate brothers in arms, other things will fade the mere distractions. You need to have your head on a swivel, be aware of your surroundings. Follow your orders quickly and completely. Please, for your own sanity and to ease the burden of your immediate leaders, don't get bogged down with all the whining and back seat driving you may hear from 'sea lawyers' in your unit—every outfit has them—they are known, some have more, some have less."

Mr. Long continues: "I was once where you are, at the bottom of the food chain. However, after having been promoted up the ladder to Chief Warrant Officer 4, I can tell you that at each level of command, at fire team, squad, platoon, company, and so on, the people in charge are always being pounded on to take care of their people. Your welfare is key to the success of the accomplishment of the mission. There will be times that you will have to be reminded of this and you may think I am full of it, but it is fact."

Mr. Long continues: "This quote has been used many times and I think it was attributed to some anonymous author who wrote on a c-ration box somewhere in the field in Vietnam: 'For those who have fought for it, freedom has a flavor the protected will never know.' I am personally proud of your progression from boy to man. It's been hard, but the end result is my hero. You and your brother serving are a joy to me. You both are foregoing a lot by doing what you are doing especially now when your country is in peril. You both are heroes by having the moral courage to stand up when the country needs you most, when others are not willing to give up their creature comforts. These are times I wish I were still doing what you are. However, the profession of arms is a young man's game. The last recruits I trained are now coming up on 29 years, 3 months in service if any of them are still in."

Mr. Long continues: "My heart is with you. My mind is still ticking through the pre-deployment checklists, what the priorities are, where I am going. I know you are in the Army and I'm sure you are tired of hearing how the Marines do it. Marines march to the sound of the guns. You need to do the same. Don't let others do your job, your duty. I haven't told your mom in words, but all those times I left on a moment's notice and came back long after others were home, I volunteered. I wasn't going to be left behind to let others do my job or what I considered a job I could do better. I'm telling you this because your job is to stand watch on the wall, separating us, from those who would do us harm. Your day only ends when you've done your duty."

And Mr. Long finishes: "So you have a lot of long days ahead of you. I've told this to Triston, and now it is your turn. I hope you take this letter as it is meant—from a father who loves you, trying to give you some hard-learned life experience. Even though we have had our ups and downs, I have always loved you. You are in both my thoughts and prayers. You are my son. You are my hero. I love you. Semper Fidelis, Dad."

Mr. Long put this letter in the cassette, and then he reminded me today that he intends to write a similar letter to his son Triston when he deploys to Iraq this summer.

I want to make a brief comment about the resolution.

I was not involved with the writing of this resolution. I think I would have phrased part of it differently. It says, Resolved, that the House of Representatives, number 3, urges swift prosecution to the fullest extent of the law the perpetrator of this senseless shooting.

My own view is that we do not know all of the facts surrounding this shooting. If it turns out that, in fact, the perpetrator, whoever did this, was trained, supported by some overseas

group affiliated with al Qaeda or any of the other terrorist groups, the hell with swift prosecution. We need to take "em" out.

Mr. FRANKS of Arizona. Mr. Speaker, just a personal thought on my part.

Sometimes a country oftentimes asks itself the question of what really is the source and fundamental essence of our security. And oftentimes, we think that that is the length and breadth of our military might, and I would only remind us all that thousands of years ago, China built the Great Wall to protect China. This was a wall that would have challenged some of our modern day tanks and they thought that they were completely secure, but in that time China was invaded three different times because the enemy simply bribed the guard who opened the gate and let them in.

□ 1430

I would submit today that the greatest and most important factor for the freedom of a people is the commitment in the heart of its people, and especially those who put on the uniform, to be committed enough to stand in the way of the aggressor and their homeland. And that is exactly what Private Long and Private Ezeagwula tried to do.

There is a verse that says, Greater love hath no man than this; that a man lay down his life for his friends. It is the most noble of all acts that we can accomplish on this Earth. Sometimes I think we forget how much some people give for the freedom that we have. Privates Long and Ezeagwula are good examples.

Mr. Speaker, I think sometimes we also forget the price that families pay. You know, it is easy for us to focus upon only the fallen, but those who remain and the grief that is laid upon their broken shoulders is often sometimes something we cannot identify with.

I was in the Press Club here a few days ago, and I saw a diamond-shaped picture of a cold, icy, windy day out at Arlington National Cemetery. A woman stood alone with her back to the viewer standing at a tombstone. There was no one else in the cemetery and the wind was blowing and her clothes were out to the side. It was the loneliest thing I had ever seen. And the title was simply, "The Widow." Now, I understand that Private Long was not yet married, but I am sure there was someone out there that loved him, and I know that his parents loved him. And the family has faced a loss that none of us can even imagine. So as we salute Private Long, I also think it is in order to salute his family, who have paid such a high price so we can stand here in this Chamber and talk about freedom.

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

Mr. NADLER of New York. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from New York has 10½ minutes.

Mr. NADLER of New York. Well, I won't take that, but I yield myself the balance of my time.

Mr. Speaker, we ask every member of our armed services—2.6 million men and women in the Active and Reserve forces—to be willing to lay down their lives for our country in defense of our freedom, if need be, and they are willing to do that. And every time, whether in Iraq or Afghanistan or anywhere else around the globe, a member of our armed services is killed in action there is a grieved family, a lover, a wife, a husband, a mother, a father, a son, a daughter for all of these who are grieved and whose loss can never be made up. And we sometimes, except on Memorial Day, forget about that. And this happens all the time, too often, and we don't think about it too much. We ought to think about it because our freedoms are dependent on it; our way of life is dependent on it. And none of us would be here enjoying our freedoms if it weren't for the willingness of our sons and daughters to do what they have to do to keep us safe and free.

This resolution does not address all of that; it simply addresses two members of our armed services, one of whom was killed and one of whom was severely wounded. But the difference is that they weren't in a combat zone; they were murdered and wounded here at home, supposedly in a safe place. And it illustrates that even here at home not everyone is safe.

So this resolution mourns the death of Private Long and the wounding of Private Ezeagwula, and it extends our condolences to the family of Private Long and our wishes for the best recovery to Private Ezeagwula. It is little enough that we can do, but it is really all we can do at this point. It says we are grateful. It reminds us of the sacrifices that are made.

I appreciate Mr. FRANKS' introduction of this resolution. I urge everyone to support it. And as with the resolution I spoke of earlier today, I cannot believe anyone will not support it. So I urge its adoption.

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

Mr. Speaker, I withdraw the motion.

CONDEMNING THE MURDER OF PRIVATE WILLIAM LONG

Mr. NADLER of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 515) condemning the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little

Rock, Arkansas on June 1, 2009, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 515

Whereas on June 1, 2009, Private William Long, 23, was murdered outside the Army Navy Career Center in Little Rock, Arkansas;

Whereas on June 1, 2009, Private Quinton Ezeagwula, 18, was wounded by gunfire outside the Army Navy Career Center in Little Rock, Arkansas;

Whereas there are more than 1,400,000 active component and more than 1,200,000 reserve component members of the Armed Forces protecting America;

Whereas there are more than 8,000 Army and Army Reserve recruiters and more than 7,000 Navy recruiters serving at more than 1,500 military recruiting stations and centers in United States, Guam, Puerto Rico, and Europe;

Whereas the men and women of the Armed Forces risk their lives every day to preserve America's freedom and to defend the liberty, security, and prosperity enjoyed by the American people;

Whereas service in the Armed Forces entails special hazards and demands extraordinary sacrifices from service members;

Whereas members of the Armed Forces are the targets of violence not only abroad but in the United States as well; and

Whereas such violence is despicable and must not be tolerated: Now, therefore, be it Resolved, That the House of Representatives—

(1) offers its condolences to the family of Private William Long;

(2) hopes for a full recovery for Private Quinton Ezeagwula; and

(3) urges that the perpetrator or perpetrators of this senseless shooting be brought to justice.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) and the gentleman from Arizona (Mr. FRANKS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. NADLER of New York. Mr. Speaker, I ask the gentleman from Arizona if he is prepared to yield back at this time.

Mr. FRANKS of Arizona. I am.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and agree to the resolution, H. Res. 515, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 503) recognizing National Physical Education and Sport Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 503

Whereas, May 1 through May 7, 2009, is observed as National Physical Education and Sport Week;

Whereas childhood obesity has reached epidemic proportions in the United States;

Whereas the Department of Health and Human Services estimates that, by 2010, 20 percent of children in the United States will be obese;

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity;

Whereas regular physical activity is necessary to support normal and healthy growth in children;

Whereas overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas type 2 diabetes can no longer be referred to as "late in life" or "adult onset" diabetes because it occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas children spend many of their waking hours at school and therefore need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas teaching children about physical education and sports not only ensures that they are physically active during the school day, but also educates them on how to be physically active and its importance;

Whereas according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education or its equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education at all;

Whereas according to the survey, 13.7% of elementary schools, 15.2% of middle schools, and 3.0% of high schools provided physical education at least three days per week, or the equivalent thereof, for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which they live, and therefore this Nation shares a

collective responsibility in reversing the childhood obesity trend; and

Whereas Congress strongly supports efforts to increase physical activity and participation of youth in sports: Now, therefore, be it Resolved, That the House of Representatives—

(1) recognizes National Physical Education and Sport Week and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(2) calls on school districts to implement local wellness policies as defined by the Child Nutrition and WIC Reauthorization Act of 2004 that include ambitious goals for physical education, physical activity, and other activities addressing the childhood obesity epidemic and promoting child wellness; and

(3) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 503 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 503, which supports efforts to increase physical activity and participation of youth in sports.

Physical education is necessary in the face of our Nation's growing childhood obesity crisis. The Department of Health and Human Services estimates that by 2010, 20 percent of children in the United States will be obese. Without physical education and youth sports, this epidemic would surely be worse than its current situation.

Childhood obesity places a significant burden on our health care system. Overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, a key predictor of chronic disease and disability. The rise in childhood obesity has also been accompanied in the rise of prevalence of type 2 diabetes among children and adolescents.

Teaching children about physical education and sports provides not only physical activity during the typically sedentary school day but also instills in children the importance of physical activity as a way to stay healthy. It is important that we recognize and encourage physical education in our Nation's schools as a necessary component of a holistic education.

Mr. Speaker, I urge my colleagues to recognize the value of physical education and youth sports. A 2006 survey by the Department of Health and Human Services found that only 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education or its equivalent for the entire school. Twenty-two percent of schools do not require students to take any physical education. This exists despite research that shows a positive correlation between physical activity and academic performance. In addition, physical activity provides our children with self-esteem and improves their emotional health.

We recognize that our Nation shares a collective responsibility in reversing the trend of childhood obesity. National Physical Education and Sports Week reaffirms the central role that these activities play in encouraging healthy practices for children.

The future of our children's health is an issue that deserves our Nation's utmost attention. Mr. Speaker, I thank my good friend and colleague, Congressman ALTMIRE, for introducing this resolution, and I urge our colleagues to support it.

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

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

Mr. Speaker, I rise today in support of House Resolution 503 to recognize National Physical Education and Sports Week, which took place this year from May 1 through May 7.

The health and wellness of America's children is undoubtedly a subject of great concern at this time in history. Over 33 percent of America's elementary school children are overweight or obese, and over 13 percent of America's high school children are obese.

Overweight and obese children are developing diseases and vascular conditions that were once thought of as conditions affecting only the middle-aged. Obese children have been shown to be at an increased risk of coronary heart disease, diabetes, respiratory problems, and numerous other debilitating diseases. In addition, they often suffer from low self-esteem and feelings of isolation and other psychological side effects.

Physical activity is an important aspect of health in preventing obesity and obesity-related illnesses in both children and adults. Regular physical activity substantially reduces the risk of a number of preventable diseases, such as coronary heart disease, the Nation's leading cause of death, and decreases the risk for stroke, colon cancer, diabetes, and high blood pressure. It also helps to control weight, contributes to healthy bones, muscles, and joints, reduces falls for older adults, and is associated with fewer hospitalizations.

Physical activity need not be strenuous to be beneficial, but in the age of innumerable video games, computer activities, and television channels, it often takes a back seat in the lives of America's youth.

Physical education and sports encourage children to participate in physical activity on a regular basis in a group setting that can foster teamwork, competition, and a sense of accomplishment. In addition, a correlation has been seen between children that participate in sports and higher academic achievement in the classroom.

Participation of children in organized sports has grown in recent decades. However, the percentage of children participating in daily physical education programs has declined in recent times; although the importance of physical activity has become increasingly apparent.

The Centers for Disease Control and Prevention recommends that children engage in 60 minutes of physical activity 5 or more days a week. Only 35 percent of children regularly meet this recommendation, however. Physical education programs and sports create an opportunity for children to build lifelong healthy habits in a fun and engaging environment. As such, they should be supported and encouraged.

I ask my colleagues to support this resolution.

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

Mr. TONKO. Mr. Speaker, I am pleased to recognize an outstanding colleague, the gentleman from Pennsylvania (Mr. ALTMIRE), for 2 minutes.

Mr. ALTMIRE. Mr. Speaker, I rise today in support of my resolution to celebrate National Physical Education and Sports Week. This resolution simply recognizes the role that physical activity and sports play in creating a healthy lifestyle for children and adults and encourages schools and communities to promote physical education and activities.

Today, there are more than 9 million overweight children in the United States. And as a result, children are now being diagnosed with high blood pressure, high cholesterol, and type 2 diabetes, all afflictions once thought to be age-related. And these children are at an increased risk also for chronic diseases like heart disease and cancer.

The benefits of physical activity have been well-documented. Research shows daily physical activity reduces the risk of heart disease, high blood pressure, and diabetes, and also increases self-esteem and performance in the classroom. It is for these reasons and many more, Mr. Speaker, that I introduced this resolution, and I encourage my colleagues to support it.

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I appreciate my colleague's offer to yield time on this bill as this bill discusses the need to create healthy lifestyles for children. I think that something we should also be discussing here is the need to create economic opportunities for children, to make sure that our children not only are having a lifestyle that's healthy in school, teaching physical fitness, but also making sure that we are dealing with policies up here in Washington that allow them to have real opportunities when they get out of school.

There is one bill that is moving through this body right now, the cap-and-trade energy tax, that would severely jeopardize our children's opportunities to have a better life, to have the opportunities that we had in our life. And so as we are talking about legislation right now to create healthy lifestyles, I think we should also be looking at the policies that come out of this body that could actually create big impediments, impediments that would deny them opportunities when they graduate from school.

Let's talk about that cap-and-trade energy tax that is moving through. We just got a new, updated report by the Congressional Budget Office. The cap-and-trade energy tax that has been proposed imposes \$846 billion in new taxes, taxes on energy that would affect every American, denying people the ability to buy healthy food for their children because they would be spending, according to the President's own budget director, \$1,300 a year more in higher utility prices, not to mention how much more money they would be spending in higher gas prices at the pump, creating a greater dependence on Middle Eastern oil at a time when we need to be creating a national energy policy that is comprehensive, that uses our natural resources to create good jobs here in America, to fund and bridge us into those alternative sources of energy, like wind, like solar, like nuclear power, so that we can truly reduce our dependence on Middle Eastern oil and give those young children an opportunity to have good jobs here in America, using American natural resources to propel them.

□ 1445

We have got an alternative bill called the American Energy Innovation Act, a bill that takes an all-of-the-above approach, that actually utilizes American natural resources, our oil, our natural gas. There are estimates that we have got almost 100 years of natural gas reserves here in this country. In fact, in Louisiana, the largest natural gas find in the history of our country occurred just 3 years ago. I know one of my colleagues will be talking about that. But we have got the ability here in our country to secure our energy independence. We've got legislation we have

filed that would help us secure that energy independence, and they won't allow us a hearing on this bill because they are promoting this cap-and-trade energy tax, a tax on energy. Again, as we're talking about our young children, encouraging them to lead healthy lifestyles, we need to also be creating policies here that give them those opportunities so that they don't get out of school and have to go straight to the unemployment line.

Their bill, this cap-and-trade energy tax, and I have got a copy of it right here. There are 55 pages, 55 pages in their bill dedicated to job losses, to American jobs that will be lost due to a cap-and-trade energy tax. In fact, the National Association of Manufacturers has estimated the cap-and-trade energy tax would run 3 to 4 million jobs out of America to countries like China and India, who are just chomping at the bit to take our jobs.

So you would wonder why at a time when we are here discussing legislation to encourage our children to lead healthy lifestyles, as we should, there's also legislation moving through this Congress, pushed by the leadership in this Congress, that's trying to tax energy and run millions of jobs overseas to countries like China and India at a time when we are seeing record-level unemployment, over 9 percent. We broke the mark of 9 percent just in this last report, 9 percent unemployment in this country, at a time when so many people are cutting back because times are tough. And the answer that the leadership in Congress has is to promote a tax on energy, an \$840 billion tax on energy that would run millions of jobs overseas.

The real irony, when they talk about the goal of reducing carbon emissions, the real irony is the countries that will be getting our jobs, China, to produce the same steel that's produced here in America today, will actually emit more carbon to produce the same steel because they don't have the current environmental regulations that we have here in America. So the real irony is that they would be running jobs overseas to countries that will actually emit more carbon.

Spain just did a study on cap-and-trade because they experimented with it for years. Spain, after finally realizing it was a bad idea, looked back and noticed that for every new job they created in a "green" industry, they lost 2.2 regular jobs, and of those new jobs they created, 9 out of 10 of them were temporary jobs. So, in essence, they lost 20 jobs for every full-time job they created.

So we need to promote good policies, but we need to defeat this cap-and-trade energy tax.

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

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. Mr. Speaker, I want to thank my friend from Pennsylvania for yielding me this time.

I think this is an important bill. I do rise in support of it. I'm a family physician who has treated diabetes even in and among teenagers, which is a sad situation when you consider the future of someone who develops diabetes so young. And certainly the physical future is very important.

But I am also very concerned about the fiscal future of our youth. I'm very troubled today. A constituent came to me today from the oil and gas industry and was discussing with me the problems that already are emerging with the loss of tax incentives to invest in exploration that is going on in my district and districts around. So, Mr. Speaker, I think that looking down the line here at the fact that we have not yet developed an energy policy, I know my side of the aisle, we Republicans, attempted to get to the floor a no-cost stimulus bill which would have, I think, been very innovative and certainly revolutionary in getting our energy costs down. But having said that, as gas prices now are approaching \$3 a gallon and we are still in a severe recession, just think that even \$4 a gallon pretty soon is probably going to be bypassed very quickly.

With that, I just want to reiterate what my friend also from Louisiana, Mr. SCALISE, has discussed as we move into the cap-and-trade debate, the cap-and-tax debate, if you will, where every analyst that we have been able to read sees this as a pure form of taxation, that the real underlying purpose of it is to raise more money for, I guess, social spending or perhaps single-payer, nationalized, health care spending. I'm not sure. But the net effect of that is just what we have seen with the incubator that we call Spain, and that is cap-and-tax has been in play there for 10 years, and what has been the net result?

Well, today the unemployment rate in Spain is 17.5 percent. As Mr. SCALISE mentioned, for every job that's been gained, a so-called "green" job—and again, I will get to that in a moment as to what a green job, I think, is supposed to be—there has been a loss of 2.2 real jobs. And I can assure you, Mr. Speaker, that in the State of Louisiana and surrounding States that the jobs that we have today that come from the oil and gas industry are very significant jobs. They carry benefits. They carry pay easily in the \$50,000 to \$100,000 range in many cases. And the so-called "green" jobs that are discussed, if you look at Spain and their experience, what they found was that 90 percent of the green jobs were implementation jobs, that is, construction. And, of course, once the construction or implementation period is over, that job goes away; so there is only left a remaining 10 percent of the total green jobs that even become permanent jobs.

But then if you look further underlying that, Mr. Speaker, what you find is that the green jobs are really a pass-through of taxpayer money into the system and then as payroll for these so-called "green" jobs. They are not a direct result of an exponential growth of a healthy economy or a healthy oil and gas industry.

So, as we move into this debate—and I understand it's being pushed pretty hard right now—we've got to decide are we going to continue to put more taxes on our citizens in the way of higher utility bills, which will impact the poor and those on fixed income to the tune of over \$3,000 a year of added electrical bills, or are we going to see our manufacturing have to leave this country and go overseas because it can no longer compete with the higher energy costs? What is really the question here? How are we going to have more revenue into our Treasury by killing off jobs?

So I don't think this is any longer a theoretical discussion. I think we are talking about real people and real jobs. And all we have to do is to look at Spain and other countries who have attempted this.

But just in summary, Mr. Speaker, I think that we need to be very careful about what government is taking over and what it's controlling. If you look to Western Europe, where socialism has been rampant for years, you actually see a retraction, a move away from that. Even Pravda made a statement recently that we are going headlong into Marxism when, in fact, the rest of the world is pulling back.

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

Mr. FLEMING. With that, I thank you for your time in the discussion.

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

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, in this steady march and drum towards cap-and-trade or cap-and-tax, it strikes me that certainly the health of our Nation is really what's at risk here in terms of what cap-and-trade will do to our Nation, what it does to our businesses, our industries, what it does to our families, what it does to the individual citizens in terms of the costs that will be placed upon them, the burden that they have to bear, and it's a burden that affects all segments of the society. Those that I worry most about actually are those who live paycheck to paycheck and those who just barely get by in their household budgets and what this significant increase of costs will be, specific to turning a light switch on in Pennsylvania with energy costs

going up 30 percent, with filling up your gas. I represent a very rural district, and in rural America we drive. We drive to work. We drive to pick up our groceries. We drive sometimes to pick up our mail. And the cost of gas is estimated to increase by 76 percent. Those are costs that our families and individuals cannot bear.

But I think there is something out there, as opposed to this big government proposal of cap-and-trade, that we should be looking at, and that is using our natural resources like natural gas. Natural gas currently accounts for roughly 23 percent of our overall energy consumption, and natural gas is the cleanest fossil fuel. Natural gas is used for many energy sources, but it's also vital as a feedstock ingredient in many products we consume every day. Anything from plastics to pharmaceuticals use natural gas as an ingredient.

Now, as a member of the House Agriculture Committee, I must point out how important natural gas is to our farmers and our agricultural sector. We can't grow our food without fertilizer, and natural gas is an important ingredient in fertilizer. We only have to go back as far as last summer when we saw the price of energy skyrocket in our country, and that's what we are looking at now under cap-and-trade, to see what the impact of that was on our farmers and on food prices. Many farmers in the past few years have been hurting because of high energy costs.

The United States has an abundant supply of natural gas, and the vast majority of what we consume is produced right here at home. Let me repeat that. The vast majority of natural gas we produce, that's a homegrown product, and that's good for this country.

Oil, for instance, is a world price. That means that we pay \$69 a barrel, today's price, but so does Germany, Japan, and Canada. However, natural gas is not a world price, meaning that the price of natural gas varies from country to country, and it's simply supply and demand. When we produce more natural gas, its costs will come down.

Now, having said that, I believe that we should expand upon our natural gas production, which could act as a bridge to get us into a future where renewables really will be the major energy source. Renewables such as wind, solar, and the like are all energy sources that we would like to utilize. But it's also important to bear in mind that these sources make up only about 1 percent of what we consume, and the major reason for that is because they are not as inexpensive as coal, oil, and natural gas. However, the majority party in Washington would like to make renewables more viable by increasing the costs of fossil fuels through the proposed cap-and-trade bill.

Now, last fall the House Republicans had an important and major victory in

Congress. They led the way in removing a longstanding moratorium on the Outer Continental Shelf. I would like to see us move forward in producing in the OCS, which estimates the project has a net royalty worth of \$1.7 trillion.

□ 1500

Another area that shows great promise is my home State of Pennsylvania. Eighty percent of Pennsylvania rests upon the Marcellus Shale, which is likely the third largest natural gas field in the world. That's literally hundreds of trillions of cubic feet of clean-burning natural gas that could power our country for decades, bringing jobs and all of the economic benefits with it.

Just today, in *The Wall Street Journal*, there was an article on the marketplace page entitled, "KKR Invests in Gas Explorer." Within cap-and-trade, we talk a lot about these renewables that only exist because of the subsidy that we're putting into them. This is a great article because this is what America is all about in terms of real science. It talks about the company KKR that has invested in gas exploration. It didn't take stimulus money. It didn't take subsidy money from the Federal government or from any other level of government. It was free market enterprise money for investing in natural gas because they recognized the value of it.

Mr. TONKO. Mr. Speaker, does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. Mr. Speaker, I do not have any additional speakers. I urge a "yes" vote, and I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, routinely, this Chamber is visited by many young people, by many groups of young people, reminding us that we are in need of promoting and of advancing sound and principled ideas and policies that will be inherited by them, by their generation. They will inherit the good and the bad works that we do, and they will count on us for finding sound and reasonable solutions.

That being said, I believe it's very important for us to advance the opportunity for them to have a sounder environment. They have the right to breathe cleaner air. We have within our grasp the opportunity to reduce that carbon footprint. We have the opportunity to go forward and to cut this pattern of advancing \$475 billion annually to foreign economies for fossil-based fuels. We can do better with green solutions, and we can advance House Resolution 503, which allows for us to promote physical education and sports, which will advance the general health and well-being of our students and which will give them stronger academic performance.

I strongly urge our colleagues to support House Resolution 503. I encourage

them to vote "yes" on Representative ALTMIRE's resolution.

Ms. WATERS. Mr. Speaker, I rise in strong support of H. Res. 503—Recognizing National Physical Education and Sport Week.

This measure will signal to school districts across the country that they must begin to place health and wellness among their top priorities when planning curriculums for the upcoming school year. The rates of childhood obesity, heart disease, and diabetes in this country are unacceptable, and it is incumbent upon local school systems to provide programs and education that will teach students fundamental healthy lifestyle habits.

Therefore, I firmly support this resolution and I commend my colleague Rep. JASON ALTMIRE for bringing this measure before the floor.

Physical education that takes place within schools and incorporates nutritional guidelines, physical activity, and a holistic approach to fitness will not only reverse the alarming increase in childhood obesity, but it will also result in a general decline in obesity and heart disease among the general U.S. population. As studies have shown, obese children have a 70 to 80 percent chance of becoming overweight adults, further increasing their risk for chronic disease.

Our nation's minority communities are at particular risk, as poverty, lack of education, and diets high in fat and calories are all contributing factors increasing the likelihood of childhood obesity. During my visits to schools and conversations with children and their parents, I always emphasize the importance of not only academic success, but also a healthy lifestyle including physical fitness.

Mr. Speaker, it is imperative that we begin to rethink our old paradigms about health. In addition to treating the effects of unhealthy lifestyle habits—heart disease, diabetes, and chronic illness—we must enhance our efforts to promote prevention of disease and encourage healthy living.

Redirecting our attention toward youth health today will help children grow up to be healthy and productive adults. This will also reduce future healthcare costs. Therefore, I am pleased to add my voice of support for H. Res. 503. Moreover, I will be working with my colleagues to make sure we continue to take the necessary steps to educate our nation's children and adults about the importance of healthy lifestyle habits.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 503.

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

A motion to reconsider was laid on the table.

RECOGNIZING AMERICORPS

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 453) recognizing the significant accomplishments of the

AmeriCorps and encouraging all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 453

Whereas the AmeriCorps national service program, since its inception in 1994, has proven to be a highly effective way to engage Americans in meeting a wide range of local needs, national response directives, and promote the ethic of service and volunteering;

Whereas, each year, AmeriCorps provides opportunities for 75,000 citizens across the Nation to give back in an intensive way to their communities, States, and to the Nation;

Whereas those same individuals have improved the lives of the Nation's most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen the educational system;

Whereas AmeriCorps members, after their terms of service end, remain engaged in their communities as volunteers, teachers, and nonprofit professionals in disproportionately high levels;

Whereas AmeriCorps members serve thousands of nonprofit organizations, schools, and faith-based and community organizations each year;

Whereas, on April 21, 2009, President Barack Obama signed the Edward M. Kennedy Serve America Act, passed by bipartisan majorities in both the House and the Senate, which reauthorizes and expands AmeriCorps programs to incorporate 250,000 volunteers each year;

Whereas national service programs have engaged millions of Americans in results-driven service in the Nation's most vulnerable communities, providing hope and help to people facing economic and social needs;

Whereas, this year, as the economic downturn puts millions of Americans at risk, national service and volunteering are more important than ever; and

Whereas 2009's AmeriCorps Week, observed May 9 through May 16, provides the perfect opportunity for AmeriCorps members, alums, grantees, program partners, and friends to shine a spotlight on the work done by members—and to motivate more Americans to serve their communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the AmeriCorps members, alumni, and community partners;

(3) recognizes the important contributions to the lives of our citizens by AmeriCorps members; and

(4) encourages citizens of all ages and backgrounds and from each state to consider serving in AmeriCorps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on House Resolution 453 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today to recognize the substantial contributions that AmeriCorps has made towards national and community service.

AmeriCorps began in 1994 as an effort to engage Americans in the ethic of service and volunteerism. The organization launched following the establishment of the Corporation for National and Community Service under the National and Community Service Trust Act. The initial class of 20,000 volunteers established an immediate tradition of assisting communities across the country. This tradition involves improving the lives of the Nation's most vulnerable citizens, protecting the environment, contributing to public safety, responding to disasters, and strengthening our educational system.

We recognize the real impact that AmeriCorps has and continues to have on our Nation's communities. Since 1994, more than 570,000 individuals have served with the organization. These individuals have tackled some of the Nation's toughest issues, including illiteracy, gang violence, homelessness, and drug abuse. They have worked with thousands of organizations ranging from Habitat for Humanity to the Red Cross. After their terms of service, these members remain engaged in their communities as volunteers, as teachers, and as nonprofit professionals at disproportionately high levels.

In my district, in the capital region of New York State, we have a large AmeriCorps program with the Self Advocacy Association of New York. The AmeriCorps members, all with developmental disabilities, travel around the State, giving presentations—promoting the importance of self-advocacy for people with disabilities, the general awareness of disability-related issues and the importance of full community inclusion of people with disabilities.

This is important work, and I am so pleased we have these volunteers back home in my congressional district. We realize that, as this current economic downturn puts millions of Americans at risk, the need for volunteers and national service will be more important than ever.

The recently signed Edward M. Kennedy Serve America Act expands the AmeriCorps program to incorporate some 250,000 volunteers each year. It is

important to recognize the commitment of these volunteers so that future generations will continue to support the ideal of national service. The strength of our Nation depends upon individuals who take action towards building better communities.

We observed AmeriCorps Week May 9 through May 16. AmeriCorps Week provides current volunteers, alums, grantees, program partners, and friends with the opportunity to highlight the important work done by this great organization. It is a chance for us to thank those individuals whose service to society cannot be fully measured.

It is also a wonderful opportunity for us to motivate future individuals to pursue the ethic of service, whether in organizations such as AmeriCorps or in the various other service opportunities that exist in our Nation. The ethic of service is a manifestation of the greater ideal of democracy. The AmeriCorps pledge begins: "I will get things done for America to make our people safer, smarter, and healthier." It is important that we recognize that service is a civic duty. Not only do we express gratitude for service, but we express gratitude through service. When we acknowledge the significant accomplishments of AmeriCorps as an organization, we affirm the importance of service as a necessary component of any democracy.

Mr. Speaker, I encourage everyone to take a moment to appreciate the contributions made by AmeriCorps. These volunteers are the muscle of America, and they deserve this recognition.

I want to thank Representative MATSUI for bringing this resolution to the floor, and I urge my colleagues to pass this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of House Resolution 453, a resolution recognizing AmeriCorps Week observed last month on May 9 through May 16.

AmeriCorps recognizes the individuals who have chosen to participate in the AmeriCorps program, and they have dedicated a significant amount of time helping others in local communities.

In 1990, President George Herbert Walker Bush signed the National Service Act, a network of national service programs that engage Americans in intensive service to meet the Nation's vital needs in education, public safety, health, and the environment.

In 1993, President Bill Clinton signed the National Community Service Trust Act, which established the Corporation for National and Community Service, which brought the full range of domestic community service programs under the umbrella of one central organization.

Finally, just a few months ago, President Obama signed the latest reauthorization of the Corporation for National

and Community Service, a bill that was developed and passed in a strong bipartisan fashion in both Chambers. This legislation builds on the reforms to the corporation, started by the previous administration, to ensure additional accountability in national service programs. This most recent legislation will also help smaller organizations participate in national service, and it will ensure that the unique skills of America's veterans are well-utilized.

AmeriCorps offers 75,000 opportunities for adults of all ages and backgrounds to address a myriad of needs in communities all across America, such as tutoring and mentoring disadvantaged youth, fighting illiteracy, building affordable housing, and assisting communities in times of natural disaster. For example, in the last 3 years, more than 4 million service hours have been spent helping gulf coast communities recover and rebuild after Hurricanes Katrina and Rita. That's 4 million hours of service made possible by the organizations and by the individuals who chose to participate in the AmeriCorps programs.

This resolution recognizes one week where we salute current and former AmeriCorps members for their important work. It also allows us to thank all community partners who make it possible for AmeriCorps members to serve.

I want to take this opportunity to thank my fellow cochairs on the National Service Caucus, Representatives MATSUI, EHLERS and PRICE, for introducing this resolution. I ask my colleagues to support it.

I reserve the balance of my time.

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

Mr. PLATTS. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank my colleague of Pennsylvania for yielding me some time.

Mr. Speaker, this bill encourages Americans to support AmeriCorps. There are some around the country who would agree with that. There are others who would not because there are problems with AmeriCorps, such as moneys that have been expended on ACORN. Other funds and efforts by AmeriCorps volunteers have been utilized in campaigns, which I don't think is quite appropriate, particularly when we're trying to promote volunteerism.

Whether people would support AmeriCorps or not, I think that there is another issue that, if the American people were to fully comprehend and understand, the vast majority of this country would not support. It's what the liberals in this Congress are calling cap-and-trade legislation. I call it tax-and-cap legislation because that's what it's all about. It's about taxes. In fact,

the President recently said, if this bill were not passed, he would not have the money to fund his socialized medicine program for which he is actually pushing very hard and for which he wants passed by the end of this year.

Now, socialized medicine is going to take people's choices away. It's going to take their choices of doctors away, their choices of hospitals, their choices of what medications they can utilize, whether they can even have a procedure or have surgery that is so desperately needed. It's going to be a program that's going to literally kill people because it's going to deny them care that's desperately needed.

So this tax-and-cap legislation—"cap-and-trade" as it's called—is about money. It's not about the environment. It's about money. It's about more funds being brought into the Federal government to foster what I call a "steamroll of socialism" that's being shoved down the throats of the American people. It's going to slay the American economy. It's going to cost jobs.

The President has talked about using Spain as the icon for what we should look at. Well, in Spain, the icon that the President looks to, we have already seen that for every single green job that it has produced another 2.2 jobs, which were real jobs, permanent jobs, were destroyed.

In my congressional district in northeast Georgia, right now, today, in many counties, we have an unemployment rate of nearly 14 percent. The national average is over 9 percent. In northeast Georgia, it's higher, much higher. I have manufacturing entities within my district that tell me, if this cap-and-trade/tax-and-cap legislation is passed, they're going to lock the doors, and the unemployment rate in northeast Georgia is going to go up markedly from what it is today, which is roughly 14 percent. I think we're going to see 18 percent, 20 percent, maybe 25 percent unemployment in northeast Georgia because of one bill, because of one bill that is being pushed down the throats of the American people: this cap-and-tax—"tax-and-cap" as I call it—cap-and-trade legislation, the Waxman-Markey bill.

□ 1515

It's going to be disastrous for the American economy, it's going to be disastrous for American workers, and it's going to be disastrous for the poor and those who are on limited incomes.

Why do I say that? Well, I say that because every single person in this country utilizes energy. Every single person, when they flip on their light switch, their electric bill is going up. Every single person in this country is dependent upon gasoline or diesel fuel. Why? Even if they don't have a car, even if they use public transportation, it is gasoline and diesel fuel that motivates America. But it's more than

that. Groceries don't grow in the grocery store. Grocery prices are going to go up markedly because of this tax-and-cap legislation. Every single good and service in this country is going to go up because of this tax-and-cap legislation.

Now I'm a conservationist. I fought in the conservation movement for a long period of time. We have to be good stewards of our environment. There's no question. I want clean air and clean water just as much as the most ardent, rabid environmental activist in this country. I'm a physician, and I know what dirty air does to my patients who have chronic obstructive pulmonary disease or chronic asthma and lung diseases. We must have clean air. We can do that, but we can do that without destroying our economy. We can do that without costing American jobs.

All we're going to do is run jobs overseas instead of having them here in America. We ought to have public policy that grows our economic base, not kills it. Tax-and-cap legislation would kill it. We ought to have public policy that stimulates the economy instead of kills it. Tax-and-cap will kill it.

We are in a bad economic situation today. People are hurting all over this country. We are borrowing too much. We're spending too much. We're taxing too much. We see the policy from this administration and the liberal leadership of Congress in both the House and the Senate that is going to not only extend this current recession, but I believe it's going to deepen it. I believe it will even take us into a severe recession to the point of a frank, outright depression. Tax-and-cap legislation is going to be the locomotive that takes us down those tracks, and it's going to be a high-speed train taking us toward economic ruin. That high-speed train is going to run off a cliff, and it's going to take the American economy and the American people with it. It's going to kill small business. It's going to kill big business. It's going to kill jobs. It's going to hurt poor people. It's going to hurt the elderly, those on limited incomes. It's going to raise the cost of medicine, raise the cost of health care.

And why are we doing this? It is so, as the President himself has said, that he can have the funds to create a bigger socialized medicine program and other socialized programs, bigger government, bigger spending, more economic doom and gloom that's going to be foisted upon the American people. We've got to stop it. And if the American people realized what was happening, they'd stand up and say no to cap-and-tax, cap-and-trade, what I call tax-and-cap legislation, as well as the socialized medicine program, the two big things that this administration and the liberal leadership in this Congress are pushing. Both of them are going to be disastrous. Both of them are going to kill jobs. Both of them are going to

take away choices. Both of them are going to destroy our economy. Both of them are going to put our children and grandchildren in severe economic peril. And believe me, I believe it's immoral. I think it's totally immoral because we are robbing our children and our grandchildren of their economic futures. They will live at a standard that's much below ours today.

We have a clear picture of where the leadership in this Congress is taking us and the way the administration is taking us. All we have to do is look in Venezuela. This administration and the liberal leadership in this Congress is going down the same road that Hugo Chavez has taken the Venezuelans. Venezuela nationalized their energy systems. That's exactly what we're trying to do here with cap-and-trade. In Venezuela, Hugo Chavez nationalized the financial institutions. We've already done that. We've nationalized Chrysler and GM, and they're trying to force Ford into the same trap. We've nationalized the insurance industry. We're nationalizing everything of major consequence in this country economically. And now the leadership wants to nationalize, federalize, socialize the health care system in America.

Now where is that train going to take us? We've got a clear picture of that, too. All we have to do is look in Cuba, look in the Soviet-controlled Soviet Union prior to them making their reforms and turning toward a more capitalistic system. But we can look at Cuba. Cuba, prior to Fidel Castro taking over that government, was very prosperous. Certainly they had problems, but not the problems that they have today. In Cuba we have a very rich elite, headed by a Marxist, Fidel Castro. The vast majority of the people in that country are struggling, very poor, with no choices. That's exactly where we're heading in America today if we continue down this road, this steamroller of socialism, this high-speed train that's going to drive us off the economic cliff. We've got to stop it.

Republicans have offered alternative after alternative. We had alternatives to the housing crisis. The liberals on the other side were obstructionists. They wouldn't let our alternatives be heard. We had alternatives to the stimulus bill. I call it the nonstimulus bill because it has not and will not stimulate the economy. We had alternatives. The other side were obstructionists. They would not allow our ideas to be heard or brought to this floor for debate.

We've offered alternatives to the banking crisis. But what have we done? We've bailed out Wall Street. Republicans have offered many alternatives to bail out Main Street, but they are not heard on this floor. Over and over again, the other side has been obstructionist. They've blocked every effort that we have brought on our side, from

the Republican side, to bring forth commonsense, market-based free enterprise solutions that would not have put our children and grandchildren's futures at peril. But the other side have been obstructionists. They have not allowed those things to be heard. They have been buried in committee. We introduced the bills. We had press conferences. The Main Street media around this country are very compliant with the leadership on the liberal side because they bury it and don't even report the alternatives.

We hear on the other side that the Republicans are the Party of No. Well actually we are the Party of Know, but it's K-N-O-W. We know how to solve these problems in America. We know how to solve the banking problems. We know how to solve the stimulus/economic problems. We know how to solve the environmental problems, the energy problems, the health care problems that America faces. But are our ideas heard? The other side is the side of no, N-O, because they say no to every proposal that we've made on our side.

The press also is the party of no, N-O, because they've not reported on any of the proposals that we've offered, and it's not right. It's actually going to be disastrous to the American people, and the American people need to stand up and say no to this steamroller of socialism. Stop this high-speed train running off the cliff of economic doom that's going to take our children and grandchildren down into the chasm of a poor economy, struggling to try to pay off the debt for this totally inappropriate outright steamroller of socialism that's being forced down the throats of the American people.

We've got to stop it. And we can stop it if the American people rise up and say no to the steamroller, put a stop to this high-speed train that NANCY PELOSI's driving and HARRY REID's driving that is going to hurt our children, it's going to hurt America, and I'm not sure that we can recover in the next 10 decades, century. It may take that long to put us back on the right track, if we can ever get back on the right track.

We've seen over and over throughout history societies destroyed because of people doing things in a self-centered manner, and that's exactly what's happening in this country today. We are self-centered as a people. We need to look at serving other people, particularly our children and grandchildren, put this country back on the right track, and we can do that.

Former U.S. Senator Everett Dirksen one time said, when he feels the heat, he sees the light. The American people need to put the heat on Members of Congress in the House and the Senate and say no to cap-and-tax, cap-and-trade legislation, to the Waxman-Mar-

key bill. They need to say no to the socialized medicine program that the liberal leadership on the Democratic side is trying to force upon us which will take our choices away. They need to say no to the steamroller of socialism, no to big government, and yes to free enterprise, yes to personal responsibility and accountability, yes to small business. We cannot borrow and spend our way to prosperity. We have to stimulate the economy by stimulating small business. We have to have money in the hands of small businessmen and -women around this country to create jobs. We have to have money in the hands of the taxpayers so that they can have money for a college education for their children, buy clothes, buy food.

The bill just before this one was about encouraging physical education for our children. I'm a medical doctor, and I have seen over and over again how fat and out of shape the kids in this country are. But our economy is going to be skinny and poor because of a fat, bloated Federal Government that the liberal leadership in this House and this Senate are trying to force upon the American people.

So the American people need to stand up and say no to all these steamroller of socialism programs, to the cap-and-trade, to socialized medicine; and say yes to the Republican alternatives that will look to the free marketplace and will stimulate the economy, get us back on the right track and help us have a strong economic future not only for us today but for our children and our grandchildren for the next decades to come.

Mr. PLATTS. Mr. Speaker, I do not have any additional speakers, and I would yield back the balance of my time.

Mr. TONKO. Mr. Speaker, if there is a common thread woven through the fabric of volunteers across this great country of ours, it's a sense of positive, a positive spirit, a positive attitude, positive energy going forward and building stronger communities, enhancing the quality of life of American citizens. Their deeds speak to our needs.

So to focus effectively and most positively on the subject at hand, bringing us to House Resolution 453, I will close with my comments focused in great respect for the volunteers of this country, the spirit of this House resolution. I would suggest that they are that muscle of America. They make a total difference. They enhance the quality of life of each and every American, and the recognition of our volunteers through AmeriCorps, the spirit of House Resolution 453, should be recognized and responded to by our colleagues. I would encourage a "yes" vote on the resolution.

Ms. MATSUI. Mr. Speaker, I rise today in support of House Resolution 453, which recognizes the significant accomplishments of the

AmeriCorps programs, encourages all citizens to join in a national effort to salute AmeriCorps members and alumni, and helps raise awareness about the importance of national and community service to our country.

AmeriCorps Week is celebrated each year to honor the important work that AmeriCorps volunteers provide to our communities.

This year, we celebrated National AmeriCorps Week with a renewed sense of purpose after the passage of the Senator Edward M. Kennedy Serve America Act. Already we have seen a rise in AmeriCorps applications and a tremendous interest in national and community service as a direct result of this legislation.

The Serve America Act restores the promise of our national service programs by expanding the AmeriCorps programs' volunteer capacity from 75,000 to 250,000 volunteers across the country, and reauthorizes the Corporation for National and Community Service for the first time in 15 years.

In my district of Sacramento, AmeriCorps National Civilian Community Corps, or as we say NCCC, volunteers provide immense benefits to our community and our region. Trained in CPR, first aid, disaster response and firefighting, NCCC teams have responded to every national disaster since the program was established.

As a Co-Chair of the National Service Caucus, it is a pleasure to call attention to the tremendous work of those involved at every level and in every AmeriCorps program.

As a result of the great work of these volunteers, extraordinary things are happening all around America. The service programs and new initiatives help address some of our nation's toughest problems, from poverty and unmet education needs, to natural disasters.

I urge my colleagues to continue to support AmeriCorps volunteers and take this opportunity to thank them for their dedication to our country and to their communities.

Mr. FALCOMA. I rise in support of House Resolution 453 which recognizes the significant accomplishments of the AmeriCorps and encourages all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service.

I want to commend my good friend from the 5th district of California, Ms. DORIS MATSUI, for introducing this important resolution. I also want to recognize the cosponsors for their strong support of House Resolution 453.

Ever since its creation in 1993 by President Clinton, AmeriCorps has honorably served our nation's communities. I am also encouraged by the recent decision by the Obama Administration to increase the total number of volunteers in AmeriCorps to 250,000 by the year 2012, which further demonstrates that AmeriCorps is fulfilling its mission and honorably serving its purpose.

Today, this legislation honors the thousands of volunteers who have selflessly served communities in areas such as education, public safety, health, and the environment. As a result of all their hard work and service, communities across the nation have benefitted tremendously. For example, AmeriCorps has provided mentoring programs to children of incarcerated parents. The program recruits and

provides knowledgeable and caring mentors for these children with parents in prison. In 2007, statistics show the program provided mentoring to 93,400 children of incarcerated parents, more than double its target goal of 36,000 children. In addition, AmeriCorps has also been endorsed by a growing number of higher education institutions. In the 2007 fiscal year, 76 institutions matched the AmeriCorps Education Award, an award that provides up to 5,000 dollars a year to volunteers who demonstrate outstanding service in the AmeriCorps programs. This goes to show the support the AmeriCorps is getting from higher-education institutions around the country.

Back in 2003, I co-sponsored House Resolution 2125, introduced by my friend, Ms. ROSA DELAURIO of Connecticut, the Rite of Passage Community Service Act, which created a national network of service programs that allowed for young people who were part of community-based, after-school, and summer service corps programs to work with older AmeriCorps members who could organize service projects and act as mentors to new AmeriCorps members. In the midst of this economic downturn millions of Americans are without jobs and AmeriCorps can provide opportunities for many to become involved in their communities and benefit our nation.

I recognize that there are still some areas that need improvements, but the overall purpose of AmeriCorps programs has been a success. The program has become the number one catalyst for service and voluntary work, in the country.

I strongly urge my colleagues to support this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to announce my support for AmeriCorps and to salute all AmeriCorps members nationwide. Since AmeriCorps was created in 1994, Texas has benefited from over 22,000 young people serving a year or more in our communities. Through programs such as the National Civilian Community Corps, City Year and Teach For America, AmeriCorps volunteers address critical Texas needs in education, public safety, disaster response and recovery, and environment preservation. These programs serve an important role as they provide an outlet for people to serve their country in a manner that had previously not been afforded.

In the last 14 years more than 500,000 individuals have served through AmeriCorps and have earned education awards worth more than \$1.5 billion, making the dream of higher education more attainable. This national service program has provided opportunities for growing numbers of Americans to serve our nation.

AmeriCorps members serve thousands of nonprofit organizations, schools, and faith-based and community organizations each year. With the enactment of the Edward M. Kennedy Serve America Act, which President Obama signed on April 21, 2009, three times as many American's will now have the opportunity to serve. This program has engaged millions of Americans in results-driven service in the Nation's most vulnerable communities, providing hope and help to people facing economic and social needs. With the current economic downturn putting millions of Americans

at risk, national service and volunteering are more important than ever.

Mr. Speaker, the AmeriCorps program has done great things for Texas and the country as a whole. I am indeed honored to support the significant accomplishments of this wonderful program which represents the very best of the United States of America.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 453.

The question was taken.

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

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1530

SUPPORTING INTERMEDIATE SPACE CHALLENGE

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 411) supporting the goals and ideals of the Intermediate Space Challenge in Mojave, California.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 411

Whereas the Intermediate Space Challenge in Mojave, California, is a program designed to capture the imagination of youths regarding outer space;

Whereas the aspiration of the Intermediate Space Challenge is to introduce, instill, and energize youths' interest in the engineering, mathematics, and science career fields;

Whereas the Intermediate Space Challenge focuses on 4th, 5th, and 6th grade students during their formative years;

Whereas the Intermediate Space Challenge provides students the opportunity to visit the Mojave Air and Space Port, a 3,300 acre flight research center;

Whereas aviation legends and private space pioneers such as Burt Rutan, Dick Rutan, Brian Binnie, and Mike Melvill have worked with and spoken to students participating in the program;

Whereas the Intermediate Space Challenge enables students to work together in a team environment to choose a team name, create team banners, craft an essay, and develop and use their math and science skills to construct and launch a small rocket under appropriate supervision; and

Whereas the program judges student rocket teams on banner designs, essays, and rocket construction and performance: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of the Intermediate Space Challenge;

(2) commends the volunteers who run the Intermediate Space Challenge and the Mojave Air and Space Port for opening its facility to the young leaders of the future in the science and engineering fields; and

(3) encourages teachers and school administrators across the country to implement similar programs to stimulate students and infuse them with a love of engineering, mathematics, and science.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 411 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today to support the goals and ideals of the Intermediate Space Challenge in Mojave, California. The Intermediate Space Challenge Program captures children's imaginations as it relates to science, math, space, and experimental learning.

The competition began in response to the Ansari X Prize manned spaceflight contest in 2004, won by Mojave's own SpaceShipOne in 2004. In twin flights from the Mojave Air and Space Port, the spacecraft designed by Burt Rutan took pilots Mike Melvill and Brian Binnie to space and back, claiming a \$10 million prize.

Marie Walker originally founded the Intermediate Space Challenge. She coordinated with Stu Witt, Mojave Airport's general manager, and they planned the first challenge in 2004. It has been a great success in the Mojave community. Now in its fifth year, students look forward to the annual competition, with younger students anticipating the time when they are old enough to participate.

The Intermediate Space Challenge hosts a student rocket launch competition, where fourth, fifth, and sixth-grade students compete to build a model rocket that reaches the highest point during launches. Points are awarded on rocket altitude, color, marketing strategy, and spirit. In some cases, the handmade rockets reach up to 600 before parachuting downward.

Individual awards are given in each category, with the overall winner announced at the end of the event. The challenge allows students to work in teams, create a team banner, craft an essay, and develop their small rocket. During the events, many of the students get a chance to view professional rockets and hear how they operate.

The Intermediate Space Challenge fosters great interest in science, in technology, in engineering, and in math among these students and certainly is expected to serve to develop the next great aerospace adventurer of our time.

Mr. Speaker, once again, I express my support for this resolution, and I want to thank Representative MCCARTHY for bringing this resolution forward. I urge my colleagues to vote "yes" on this bill.

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

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

Mr. Speaker, I rise in strong support of this resolution, especially in light of our critical need for additional scientists, mathematicians, engineers and related professions. This program that we are recognizing through this resolution is so important to encouraging young people to pursue study in these fields.

Mr. Speaker, I rise today in support of House Resolution 411, a resolution supporting the goals and ideals of the Intermediate Space Challenge that takes place every year in Mojave, California.

Each May 4th, 5th and 6th graders from school districts around the Mojave Air and Spaceport gather at the Spaceport to show off their homemade rockets and compete to see how far the rockets can actually fly. Points get awarded based on altitude, color, marketing strategy, and spirit of the final product. The Challenge was designed to spark interest in the science and engineering career fields early in a student's educational career. The hands-on nature of the event allows students to see how the concepts they learn about in the classroom can be applied to actually make a rocket soar.

We have all heard about the critical need for American scientists, mathematicians, engineers and other professionals in the Science, Technology, Engineering or Math—STEM—fields for short. For that reason, we passed the America COMPETES Act last Congress. We have also continued to think about the importance of STEM throughout the reauthorization of the Higher Education Act and I expect it to be a big topic of conversation when we start on the reauthorization of No Child Left Behind. With several leaders in the area of STEM education on our Committee, such as Representatives EHLERS, MCMORRIS-RODGERS and HOLT, we have ensured that programs such as the Adjunct Teacher Corps got incorporated into our education laws. Through the Adjunct Teacher Corps, we allow professionals in STEM fields to come into the classroom to teach or to provide ongoing professional development to classroom teachers who do not have that subject matter expertise. Programs like this and the others included in both the Higher Education Act and the America COMPETES Act demonstrate the federal government's commitment to trying to help fill the shortfall that currently exists in the STEM pipeline.

Programs such as the Intermediate Space Challenge show what local communities are

doing to try and light that spark at an early age for students to become interested in STEM subjects. We should recognize these efforts and encourage other communities to utilize their own resources to develop hands-on projects. These types of projects show students how their classroom knowledge can be translated into real life applications. I support the goals and ideals put forward by the Intermediate Space Challenge and I encourage my colleagues to vote in favor of this resolution.

Mr. Speaker, I yield such time as he may consume to the prime sponsor of this legislation, the distinguished gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of House Resolution 411, a resolution I introduced that honors the goals and ideals of the Intermediate Space Challenge at the Mojave Air and Space Port located in my district in Mojave, California.

Mojave Air and Space Port has a long history of firsts, from Burt and Dick Rutan's collaboration on the Voyager around-the-world flight in 1986 to 2004's flight of SpaceShipOne, the first privately funded manned spacecraft.

Nearby are Edwards Air Force Base and China Lake Naval Weapons Center, which are cutting-edge research and testing facilities that are continuing to push the envelope. In fact, when I visit the National Air and Space Museum here in Washington, D.C., I feel at home. There are so many aircraft from my district, like SpaceShipOne, Voyager, Chuck Yeager's Glamorous Glennis that broke the sound barrier, and the X-15, which, incidentally, we celebrated the 50th anniversary of the X-15's first flight yesterday.

The Intermediate Space Challenge started in 2005 under the direction of Marie Walker. Marie is the CEO of Fiberset, a Mojave company that manufactures composite products and components. She saw an opportunity in and around Mojave to bring together fourth, fifth and sixth-grade students with aerospace leaders to educate them and inspire them to become the next generation of aerospace pioneers. I am proud to recognize their hard work on this fifth anniversary year of the program, and I appreciate being able to participate.

Marie Walker and all those who have been instrumental in organizing and executing the Intermediate Space Challenge recognized the opportunities to grab the attention of our students through the Intermediate Space Challenge and get them interested in science and engineering.

Students work in teams to write an essay, create a banner, and then build and design a rocket. They get assistance from high school students as mentors, so the program engages students from multiple age groups. The teams of fourth, fifth and sixth-graders then compete both on rocket performance

and on a team spirit. Paralleling the X-Prize's requirement for a privately funded manned spacecraft to go up into space twice in two weeks, students' rockets make two flights.

During the course of the events, the students hear from special guest speakers. Students have heard from aviation pioneers Burt and Dick Rutan and the SpaceShipOne astronauts in past years. Through the words and actions of these real, live aerospace heroes, students can see that the opportunities are limitless.

I appreciate the support of Chairman MILLER and Ranking Member McKEON, who are also original cosponsors, and my colleague JIM COSTA, who has always been supportive of the activities at the Mojave Air and Space Port.

Congratulations to all the students who have participated in this event. I look forward to many more years of successful student rocket launches, and with that, I am proud to support and bring this resolution to the floor.

Mr. TONKO. Mr. Speaker, does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. I do have additional speakers, Mr. Speaker.

Mr. TONKO. I reserve my time.

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Pennsylvania, and I do rise to support the Intermediate Space Challenge.

Unfortunately, Mr. Speaker, many of the young people that are growing up and participating in this are going to find they are going to grow up in a very different America than we have grown up in because of the increase in taxes that are taking place every single day and the way this crowds out opportunity for young people.

Indeed, my colleagues across the aisle have become the party of punishment, and that is what I am hearing from my constituents as I traveled across the Seventh Congressional District this past week, and they are very, very concerned.

What they are telling me is they know that clean air and clean water and clean energy are important, and, Mr. Speaker, I think we as politicians would say we are even for clean mud. We are just not for taxing people out of their house and home to pay for clean energy. And that is exactly what this cap-and-trade bill, or cap-and-tax, as we call it, cap our growth, tax our people, trade our jobs, and that is what it is going to do, as the Democrats put a price on the very air that we breathe.

The cap-and-trade bill that came out of the Energy and Commerce Committee last week, the Federal building standards that are in that bill are of concern to our Realtors, to our commercial property holders, knowing that

there will be these standards that are going to be very, very difficult for them to comply with, knowing that there are going to be energy audits put on their houses, knowing that they are going to have to buy carbon credits if they don't have solar panels on their roof or a windmill in the yard, knowing that they literally are going to see the air that they breathe taxed.

As my colleague from Georgia had previously said, you know, groceries don't grow in a grocery store. They don't grow in a grocery store, Mr. Speaker; they grow out in the fields. They require this carbon dioxide in order to grow and be green and be healthy and provide the food and the forestation that we need here in the United States and certainly around the globe.

The cap-and-trade bill is something that is going to limit opportunity. It is something that we are going to see affect jobs and future jobs. We know that it is expected to cost us over 1 million jobs lost and that we are going to see our unemployment numbers rise substantially, and we are going to see our electricity rates go up by 90 percent.

When we were in committee, we offered an amendment that would have ended cap-and-trade if gas went over \$5 a gallon. Mr. Speaker, our colleagues across the aisle sought to defeat that.

We said, let's end it if unemployment goes past 15 percent, and our colleagues across the aisle said no, they were not going to end it if employment went past 15 percent.

We said, let's tell everybody what this costs, how much is it increasing the cost of your electric power, how much is it increasing the cost of the gas you buy, how much is it increasing the cost of the food you eat. And our colleagues across the aisle said no, they were not going to disclose that and vote for and support that amendment.

We even offered an amendment that would protect the innovators of tomorrow who are going to solve the energy issues that we have before us, and they sought not to provide that intellectual property protection for all these young boys and girls, many who are going through the Intermediate Space Challenge now, many who will be the innovators of tomorrow, who will solve the energy issues for future decades, who will create the electric cars.

Indeed, when you look at the electric cars and the lithium ion batteries, the three States that hold the most patents for furthering this invention are California, Ohio, and my great State of Tennessee. Intellectual property protection should have been provided for those. Many of those innovators of tomorrow are in this program that we are celebrating. It is very sad that the party of punishment doesn't provide the protection that those young men and women need to be the innovators of tomorrow.

Mr. TONKO. Mr. Speaker, does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. Mr. Speaker, I have one additional speaker.

Mr. TONKO. I reserve my time, Mr. Speaker.

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I appreciate the gentleman yielding.

I also rise in support today of what this would mean to our young people in this country. In my old State Senate district I represented an area in Erie County near Plum Brook Station, which is a large NASA testing facility. Just to the east of there, we had NASA Glenn, which is in Cuyahoga County.

The things that we can do and achieve in this country through the space program are limitless. However, if we stand by what we are seeing happening across Congress today with this cap-and-tax legislation, we are in trouble.

One of the things I am proud of is the fact that in my Fifth Congressional District I represent an area where we manufacture solar panels with First Solar. We have another company coming on line this fall that will also be in solar manufacturing. We also in my district have wind turbines, ethanol, hydrogen, biomass, and we are doing all these things in the alternative.

Also though it is very, very important in this country that we have that base load capacity that we have to have to be able to manufacture, that we have to have if we want to continue to be able to be independent in this country, especially when we are talking about manufacturing in the new age of space. We have to make sure that we have these homegrown companies here today. It is going to be very, very difficult to do that if we don't have the manufacturing capacity and if we also don't have that base load capacity.

One of the things we have found, of course, is that we don't have that base load capacity in certain areas, and we also don't have the ability of being able to go out there on the nuclear facilities. I think 1977 was the last time that we had a nuclear facility permitted in this country. And the problem that we have today is if we want to have more nuclear, to be able to produce more power, to be able to keep our manufacturing capacity, it is going to be very tough to do, because a lot of these parts are no longer made in this country.

□ 1545

We have to go overseas to buy these if we can get them today. And some of the very large components are made in Japan. And there's a long waiting list because so many countries are out there wanting to build nuclear facilities and keep up that base load capacity. Why is it important?

Well, again, if we don't utilize that all-of-the-above policy of not only having the alternatives because we all want to make sure in this country that we have a clean environment, but we also want to make sure that we have nuclear, clean coal, oil, natural gas and geothermal.

We've all seen the headlines in the paper of course where, you know, CBO score saying that we're looking at \$846 billion on this new cap-and-tax, which would be a massive energy tax on the American people. But at the same time, as the gentledady from Tennessee was just talking about, is the tremendous cost on individuals.

One of the analyses from the Heritage Foundation shows that they're looking at around a \$4,300 per year tax on an average family. And how do they get to that number? It says, our \$1,500 number is just the direct impact of household energy bills. Your energy bill, your natural gas bill, your home heating bill, and of course the amount of gas you put in your tank, and that would be around \$1,500.

But also, there is that ripple effect that goes through the economy that takes it up to \$4,300. And in the year 2035 alone, the cost is \$8,276, and the cost per family for the whole energy tax aggregated from 2012 to 2030 is \$116,680.

And compare it if we did not have a cap-and-tax, the real GDP losses increase an additional \$2 trillion, from \$7.4 trillion under the original draft to \$9.6 trillion under the new draft.

Compared to no cap-and-trade, the average economic or unemployment increases an additional 261,000 jobs, from 844,000 lost jobs under the original draft to 1.1 million jobs under the new draft.

Also, interesting enough in the paper today in the Washington Times is an article, "GDP hit found with cap, trade." This is from the Brookings Institution. "The Brookings Institution on Monday said cap-and-trade legislation to reduce carbon dioxide emissions would lower the Nation's gross domestic product in 2050 by 2.5 percent, compared with levels it would reach if the legislation is not implemented."

It also says that, "About 35 percent of crude-oil-related jobs and 40 percent of coal-related jobs would be lost in 2025."

It goes on to say: "It assumes that the majority of workers would find new jobs, but the net job loss would be 0.5 percent over the first 10 years that the legislation is in effect."

I don't think that this country can afford it because, again, to go on, you know, when you're looking at reducing the aggregate gross GDP by \$9.6 trillion, destroying 1.1 million jobs, raising electric rates, as the gentledady from Tennessee just mentioned, by 90 percent after adjusting for inflation, seeing gasoline prices up to 74 percent,

raising residential natural gas prices by 55—

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

Mr. PLATTS. I yield the gentleman an additional 30 seconds.

Mr. LATTA. I appreciate the gentleman for yielding.

—raising natural gas prices by 55 percent, raising an average family's annual energy bill by \$1,500, and again, increase the inflation-adjusted Federal debt by 26 percent, or \$29,150 additional Federal debt per person after adjusting for inflation.

Mr. TONKO. Mr. Speaker, does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. Mr. Speaker, I have no additional speakers.

I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, decades ago, a global space race inspired all sorts of ingenuity and innovation. It enabled this country to stretch its thinking, provide for lofty opportunities, and emerge with a higher level of status in the global community because it had won that space race.

Providing many, many opportunities, it is indeed the inspiration for today's House Resolution 411, as witnessed through the Intermediate Space Challenge in Mojave, California. Today, we have that same opportunity to stretch our thinking, to provide that loftiness, to be able to emerge with an innovation economy driven by another sort of global race, one called an energy race, which will find the winner to be the exporter of energy innovation, energy thinking, energy ideas, and energy intellect.

And so I think the moves forward by this House can perhaps inspire another saga of intermediate space challenge. But today we recognize and support the goals and ideals of that great Intermediate Space Challenge through House Resolution 411.

I would encourage our colleagues to support this resolution. It is most meritorious.

I yield back my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 411.

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

A motion to reconsider was laid on the table.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT

Ms. SUTTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incen-

tives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2751

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Assistance to Recycle and Save Act".

SEC. 2. TEMPORARY VEHICLE TRADE-IN PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the "Consumer Assistance to Recycle and Save Program" through which the Secretary of Transportation (hereinafter in this section referred to as the "Secretary"), in accordance with this Act and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

(2) register dealers for participation in the Program and require all registered dealers—

(A) to accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of any new fuel efficient automobile offered for sale or lease by that dealer; and

(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer under the Program to an entity for disposal;

(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for eligible transactions accepted by such dealers, in accordance with the regulations issued under subsection (d); and

(4) in consultation with the Secretary of Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile as follows:

(1) \$3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$3,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 1 mile per gallon higher

than the combined fuel economy value of the eligible trade-in vehicle; or

(ii) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel efficient automobile as determined in a manner prescribed by the Secretary.

(2) \$4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$4,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle and the eligible trade-in vehicle is a category 2 truck.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only in connection with the purchase or qualifying lease of new fuel efficient automobiles that occur between—

(i) the date of enactment of this Act; and

(ii) the date that is 1 year after the date on which the regulations promulgated under subsection (d) are implemented.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or qualifying lease of a single new fuel efficient automobile.

(D) CAP ON FUNDS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the total funds made available for the Program shall be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive such a voucher.

(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriate for such purpose.

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—For each eligible trade-in vehicle surrendered to a dealer under the

Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that the dealer—

(i) will arrange for the vehicle's title to be transferred to the United States and will accept possession of the vehicle on behalf of the United States;

(ii) has not and will not sell, lease, exchange, or otherwise dispose of the vehicle for use as an automobile in the United States or in any other country; and

(iii) will transfer, on behalf of the United States, the vehicle (including the engine block) and the vehicle's title, in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle—

(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who is responsible for ensuring that the vehicle is crushed or shredded from—

(i) selling any parts of the disposed vehicle other than the engine block and drive train (unless the transmission, drive shaft, or rear end are sold as separate parts); or

(ii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible systems are appropriately updated on a timely basis to reflect the crushing or shredding of vehicles under this Act and appropriate re-classification of the vehicles' titles. The commercial market shall also have electronic and commercial access to the vehicle identification numbers of vehicles that have been disposed of on a timely basis.

(d) REGULATIONS.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(1) provide for a means of registering dealers for participation in the program;

(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for the amount of the vouchers as soon as practicable but no longer than 10 days after the submission of information supporting the eligible transaction, as determined appropriate by the Secretary;

(3) require the dealer to use the voucher in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for the new fuel efficient automobile and prohibit the dealer from using the voucher to offset any such other rebate or discount;

(4) require dealers to disclose to the person trading in an eligible trade in vehicle the best estimate of the scrappage value of such vehicle;

(5) require dealers to accept on behalf of the United States, and Transfer to the Secretary of the Treasury, the amount paid for scrappage of the vehicle up to \$60;

(6) permit the dealer to retain any amounts paid to the dealer for scrappage of the automobile in excess of the \$60 amount referred to in paragraph (5) and designate \$50 of such excess as payment for any administrative costs to the dealer associated with participation in the Program;

(7) clarify that dealers will not be reimbursed for any storage fees or other costs as-

sociated with their custodial handling of the eligible trade-in vehicle;

(8) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, anti-freeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal or State requirements;

(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred by the dealer on behalf of the United States to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher;

(C) a mechanism for obtaining such other certifications as determined necessary by the Secretary from entities engaged in vehicle disposal; and

(D) a list of entities to which dealers may transfer eligible trade-in vehicles for disposal; and

(9) provide for the enforcement of the penalties described in subsection (e).

(e) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to violate any provision under this Act or any regulations issued pursuant to subsection (d) (other than by making a clerical error).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than \$15,000 for each violation. The Secretary shall have the authority to assess and compromise such penalties, and shall have the authority to require from any entity the records and inspections necessary to enforce this program. In determining the amount of the civil penalty, the severity of the violation and the intent of the person committing the violation shall be taken into account.

(f) INFORMATION TO CONSUMERS AND DEALERS.—Not later than 30 days after the date of enactment of this Act, and promptly upon the update of any relevant information, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make available on an Internet website and through other means determined by the Secretary information about the Program, including—

(1) how to determine if a vehicle is an eligible trade-in vehicle;

(2) how to participate in the Program, including how to determine participating dealers; and

(3) a comprehensive list, by make and model, of new fuel efficient automobiles meeting the requirements of the Program. Once such information is available, the Secretary shall conduct a public awareness campaign to inform consumers about the Program and where to obtain additional information.

(g) RECORD KEEPING AND REPORT.—

(1) DATABASE.—The Secretary shall maintain a database of the vehicle identification

numbers of all new fuel efficient vehicles purchased or leased and all eligible trade-in vehicles disposed of under the Program.

(2) REPORT ON THE EFFICACY OF THE PROGRAM.—Not later than 60 days after the termination date described in subsection (c)(1)(A)(ii), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efficacy of the Program, including—

(A) a description of program results, including—

(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(ii) aggregate information regarding the make, model, model year, and manufacturing location of vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(h) TREATMENT OF PAYMENT.—

(1) FOR FEDERAL AND STATE PROGRAMS.—A voucher under this Act or any payment made for such a voucher pursuant to subsection (a)(3) shall not be considered income and shall not be considered as a resource for the month of receipt and the following 12 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or other family or household members) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal or State program.

(2) FOR PURPOSES OF TAXATION.—A voucher under this Act, or any payment made for such a voucher pursuant to subsection (a)(3), shall not be considered as gross income of the purchaser of a vehicle under this Act for purposes of the Internal Revenue Code of 1986.

(i) DEFINITIONS.—As used in this Act—

(1) the term “passenger automobile” means a passenger automobile, as defined in section 32901(a)(18) of title 49, United States Code, that has a combined fuel economy value of at least 22 miles per gallon;

(2) the term “category 1 truck” means a non-passenger automobile, as defined in section 32901(a)(17) of title 49, United States Code, that has a combined fuel economy value of at least 18 miles per gallon, except that such term does not include a category 2 truck;

(3) the term “category 2 truck” means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled “Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008”;

(4) the term “category 3 truck” means a work truck, as defined in section 32901(a)(19) of title 49, United States Code;

(5) the term “combined fuel economy value” means—

(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words “Combined Fuel Economy” on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40 Code of Federal Regulations;

(B) with respect to an eligible trade-in vehicle, the equivalent of the number described in subparagraph (A), and posted under the words “Estimated New EPA MPG” and above the word “Combined” for vehicles of model year 1985 through 2007, or posted under the words “New EPA MPG” and above the word “Combined” for vehicles of model year 2008 or later on the fueleconomy.gov website of the Environmental Protection Agency for the make, model, and year of such vehicle; or

(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1984, the equivalent of the number described in subparagraph (A) as determined by the Secretary (and posted on the website of the National Highway Traffic Safety Administration) using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle;

(6) the term “dealer” means a person licensed by a State who engages in the sale of new automobiles to ultimate purchasers;

(7) the term “eligible trade-in vehicle” means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this Act—

(A) is in drivable condition;

(B) has been continuously insured consistent with the applicable State law and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in;

(C) was manufactured in model year 1984 or later; and

(D) in the case of an automobile, has a combined fuel economy value of 18 miles per gallon or less;

(8) the term “new fuel efficient automobile” means an automobile described in paragraph (1), (2), (3), or (4)—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer's suggested retail price of \$45,000 or less;

(C) that—

(i) in the case of passenger automobiles, category 1 trucks, or category 2 trucks, is certified to applicable standards under section 86.1811-04 of title 40, Code of Federal Regulations; or

(ii) in the case of category 3 trucks, is certified to the applicable vehicle or engine standards under section 86.1816-08, 86-007-11, or 86.008-10 of title 40, Code of Federal Regulations; and

(D) that has the combined fuel economy value of at least—

(i) 22 miles per gallon for a passenger automobile;

(ii) 18 miles per gallon for a category 1 truck; or

(iii) 15 miles per gallon for a category 2 truck;

(9) the term “Program” means the Consumer Assistance to Recycle and Save Program established by this Act;

(10) the term “qualifying lease” means a lease of an automobile for a period of not less than 5 years;

(11) the term “scrapage value” means the amount received by the dealer for a vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destroying the vehicle;

(12) the term “Secretary” means the Secretary of Transportation acting through the National Highway Traffic Safety Administration;

(13) the term “ultimate purchaser” means, with respect to any new automobile, the first

person who in good faith purchases such automobile for purposes other than resale;

(14) the term “voucher” means an electronic transfer of funds to a dealer based on an eligible transaction under this program; and

(15) the term “vehicle identification number” means the 17-character number used by the automobile industry to identify individual automobiles.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation \$4,000,000,000 to carry out this Act.

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

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today on behalf of over 2,000 men and women who work in the Ohio assembly plant in my district and approximately 50,000 Ohioans whose jobs are associated with that plant. I rise for the 159,000 Ohioans with auto-related jobs and the 3 to 5 million Americans who rely on the auto industry to provide for their families.

I rise today on behalf of the environment, as we turn the corner to reduce greenhouse gas emissions, improve fuel economy, and to help reduce our reliance on foreign oil.

I rise today on behalf of the consumers throughout our great country who continue to struggle during this global recession. And I rise today as the proud sponsor of the Consumer Assistance to Recycle and Save Act, also known as the CARS Act.

And I want to thank President Obama for his support of this legislation. And I want to thank Speaker PELOSI for supporting this effort and thank Majority Leader HOYER for all of the help that he has provided as we worked to deliver the benefits of this bill to the American people.

And I want to thank Chairman WAXMAN, Chairman MARKEY, Chairman Emeritus DINGELL, and Representatives ISRAEL, INSLEE, STUPAK and UPTON for their collaboration and support on this bill. And thank you to my colleagues, Representative CANDICE MILLER and Representative BRUCE BRALEY, who started this process with me back in March.

Mr. Speaker, the bipartisan CARS Act will shore up millions of jobs and stimulate local economies. It will improve our environment and reduce our

dependence on foreign oil. It will provide much-needed financial assistance to consumers to trade in less fuel-efficient vehicles for vehicles which achieve a measured increased fuel-efficient.

What the CARS Act will not do is allow someone to trade in a vehicle and receive a voucher to purchase a vehicle that is less fuel efficient.

We have ensured environmental integrity in this bill, and this bill demonstrates that we do not have to bind ourselves to the arguments of the past. We no longer have to give in to the temptation of either/or thinking. The CARS Act demonstrates that we can free ourselves from the false argument of either you are for the environment or you are for jobs. We can do both. We must do both, and that's exactly what the CARS Act does.

2009 auto sales are down nearly 42 percent below the 2005 peak. We have not seen such a decline since 1955, and this decline jeopardizes our country's largest manufacturing industry.

These are not ordinary times. These times call for bold action. Three to 5 million jobs are at risk. Auto-related jobs number in the thousands in every State in our Nation, and though it's called the CARS Act, this bill is far more than about just cars. It's about people. It's about the millions of families in this great Nation who depend on the strength of our auto and related industries for their livelihood. It's about our friends and our neighbors, and it's about our communities that depend on auto-related jobs for their tax base to support their schools, their police, fire and other city services.

By passing the CARS Act, we can shore up these jobs, get customers back into the showrooms, help our dealers move cars, and improve the environment.

Nations across the world have instituted incentive programs. In May, while our auto sales in this country fell 34 percent, sales in Germany increased 40 percent after they instituted a program.

On May 19, the Committee on Energy and Commerce passed an amendment of the CARS Act to the American Clean Energy and Security Act by a bipartisan vote of 50-4.

Under the CARS Act, consumers will trade in less fuel-efficient vehicles and receive an electronic voucher for \$3,500 to \$4,500 at the point of sale toward the lease or purchase of a vehicle with increased fuel efficiency. Light-duty trucks, both small and large, also qualify under the program, and work trucks, often used by small businesses, will be eligible for replacement as well.

And though our fleet modernization program is open to vehicles, regardless of where they are made, I encourage everyone who participates in this program to think about the families who depend upon cars made in the United

States and ask you to purchase a fuel-efficient vehicle assembled right here at home to help shore up jobs and help our environment.

Some refer to this bill as the "Cash for Clunkers" bill. Others use a gentler term, "fleet modernization." But by any name, by any title, the CARS Act offers significant multiple benefits.

This bill has earned broad-based support. It has the support of Ford and GM and Chrysler, the United Auto Workers, the Business Round Table, the Automotive Trade Policy Council, the Ohio Automobile Dealers Association, Goodyear Tire & Rubber Company, PPG Industries, National Paint and Coatings Association, the Alliance of Automobile Manufacturers, Motor & Equipment Manufacturers Association, Specialty Equipment Market Association, the Association of International Automobile Manufacturers, the American Iron and Steel Institute, Automotive Recyclers Association, the United Steel Workers, the National Automobile Dealers Association, the American International Automobile Dealers, the National Association of Manufacturers, the AFL-CIO, and the United States Chamber of Commerce. These groups have provided letters of support for this bill, and Mr. Speaker, I would like to include them in the RECORD.

WASHINGTON, DC,
June 9, 2009.

HON. BETTY SUTTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SUTTON: Ford Motor Company strongly supports the adoption of the Consumer Assistance to Recycle and Save Act of 2009 (CARS Act) introduced by Rep. Betty Sutton. This "cash-for-clunkers" proposal would provide an incentive to consumers to trade-in an older, less-efficient vehicle for a new, higher fuel-economy one.

During the recession, foreign and domestic automakers have experienced a steep decline in auto sales not seen in over fifty years. Last week, in fact, automakers reported that U.S. auto sales for May 2009 were down 33 percent from the same month a year ago. Action by Congress is urgently needed to jumpstart vehicle sales and the automotive sector of the U.S. economy.

The CARS Act would help consumers, support jobs and also improve the environment. Consumers will benefit from a robust incentive to purchase a new, more efficient vehicle and the cost savings from buying less fuel.

While the vouchers provide direct help to consumers, it also helps support jobs across the industry. Automakers, autoworkers, suppliers and dealers all benefit from increased sales and that's why the proposal has been endorsed by both labor and business, including the UAW and the U.S. Chamber of Commerce.

For the environment, the plan would help reduce fuel consumption and decrease emissions by taking old vehicles off the road and replacing them with new, cleaner ones. Plus, the program would have the added benefit of generating as much as \$2 billion in needed sales tax revenue for the states. Thirteen governors have written Congressional leaders in support of rapid action on a cash-for-clunkers program.

The CARS Act is timely, temporary, and targeted and is urgently needed. We request that Members of Congress work to quickly enact this important legislation by voting "yes" on the CARS Act. Thank you for consideration of our views.

Sincerely,

PETER LAWSON,
Vice President, Government Relations.

JUNE 9, 2009.

HON. BETTY SUTTON,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN SUTTON: Chrysler LLC strongly supports the Consumers Assistance to Recycle and Save Act, H.R. 2751, that you have introduced. Your bill will establish a fleet modernization program that will encourage consumers to turn in older vehicles to be scrapped and receive in return a voucher to be used towards the purchase of cars and trucks with better fuel economy. The Act is designed to provide consumers with a wide variety of vehicles to purchase. Similar programs in other countries have helped to counter the effects of this global recession, while improving fleet-wide fuel economy. As such, the Act will greatly benefit consumers, dealers, automakers, and suppliers, while moving this country towards energy independence and environmental sustainability.

Your bill deserves broad bipartisan support, and we urge all members of the House to vote in favor of the Consumers Assistance to Recycle and Save Act.

Sincerely,

JOHN BOZZELLA,
Senior Vice President, Chrysler.

GENERAL MOTORS,
Washington, DC, June 8, 2009.

DEAR REPRESENTATIVE SUTTON: The House of Representatives will soon consider the Consumer Assistance to Recycle and Save (CARS) Act by Representatives Sutton, Dingell and Upton. I urge you to support this legislation which creates a carefully balanced fleet modernization program to stimulate U.S. auto sales and jump start the economic recovery.

This bill is supported by the Automotive Alliance, Automotive Trade Policy Council and all of their member companies (see attached letters). It includes input from the domestic and foreign brand auto companies and auto dealers.

Nearly every major industrial country around the world now has all emergency auto 'scrappage' program in place and the results have been immediate and impressive. In Europe and Latin America, these programs have been instantly successfully, with countries such as Germany seeing dealerships flooded with consumers and up to 400% increase in sales. In contrast, here in the U.S. auto sales have shown consistent declines of 30-40% from last year, month after month.

We believe this is an enormous win for consumers, for the American economy, and for our combined national commitment to environmental progress and stewardship. We urge you to support the Sutton, Dingell, Upton CARS bill.

Sincerely,

KEN W. COLE,
Vice President, Global Public Policy
and Government Relations.

DEAR REPRESENTATIVE: This Tuesday the House is scheduled to take up fleet modernization (so-called "cash-for-clunkers")

legislation sponsored by Representative Betty Sutton. The UAW strongly urges you to vote for this important legislation.

The Sutton fleet modernization bill incorporates the compromise provisions that were agreed to by the Obama administration, House leaders, including Chairmen Waxman, Markey and Dingell, and Representatives Upton, Candice Miller, Stupak, Israel and Inslee. The provisions of this compromise were previously approved by the House Energy & Commerce Committee by an overwhelming, bipartisan vote.

By providing incentives for consumers to scrap older, less fuel efficient vehicles and to purchase new, higher mpg vehicles, this measure would result in significant reductions in oil consumption and greenhouse gas emissions. At the same time, it would provide an immediate boost to auto sales, thereby helping auto dealers and automotive production and jobs in this country. Significantly, the structure of this program is carefully crafted so it would apply to all auto companies in a balanced, competitively neutral manner.

Due to the financial and economic crises that have engulfed our nation, the auto industry has experienced a sharp drop in auto sales from over 16 million vehicles per year to less than 10 million. This has resulted in unprecedented difficulties for automakers, suppliers, dealers, workers and retirees. One immediate action that Congress can take to respond to this dire situation is to act promptly to pass the Sutton fleet modernization legislation. Accordingly, the UAW strongly urges you to vote for this measure when it is taken up by the House this Tuesday.

Sincerely,

ALAN REUTHER,
Legislative Director.

Hon. BETTY SUTTON,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE SUTTON: Mazda North American Operations urges the House to pass a fleet modernization, or "cash for clunkers," bill that will benefit American consumers and increase vehicle sales, especially now when demand is extremely depressed. Additionally, older, less fuel-efficient models will be replaced by newer ones that are cleaner for the environment, more fuel-efficient, and include many new safety technologies. To that end, President Obama last week repeated his call to Congress to enact such legislation. We understand that Representative Sutton's fleet modernization bill, which enjoys broad bipartisan support, will be considered on the suspension calendar as soon as tonight.

The bipartisan framework created by Representative Sutton's bill, will achieve significant economic stimulus and environmental benefits. We would have preferred a simpler program that allowed broader participation with regard to the types of vehicles turned in and the replacement vehicles. In particular, we would have liked all vehicle leases to be included. Despite our concerns over the details of the current proposal, on balance, we believe Representative Sutton's bill will result in incremental sales volume at a time when the industry is badly in need of assistance.

Around the world, consumers are already benefitting from similar programs, and the resulting economic stimulus has been significant. In January, Germany implemented a fleet modernization program. At the end of the first month of the program, sales in Ger-

many were up 21% over 2008. Corresponding sales in the U.S. were down 41% for the same period. To date, 15 countries have enacted automotive fleet modernization programs and many more are considering enactment.

A fleet modernization program can deliver real benefits to consumers, the environment and the economy. The U.S. is already well behind other major economies in adopting a fleet modernization program, and many buyers are now delaying purchase decisions until the Congress acts.

We urge you to vote for Representative Sutton's fleet modernization bill.

Sincerely,

TIM O'SULLIVAN.

JUNE 5, 2009.

DEAR CONGRESSWOMAN SUTTON: On behalf of the automobile dealers in northeast Ohio, I want to offer our support of the "Consumer Assistance to Recycle and Save Act" (CARS Act). It is our understanding that this bill will be considered early next week and we urge its passage.

As you know, the current economic environment of automotive retailing has now reached historic lows in both sales and consumer confidence. This bill, also known as "Cash for Clunkers", could well provide the needed incentive for consumers to trade in older vehicles and purchase more fuel efficient and safe automobiles.

Providing an incentive to stimulate sales is a critical step in the recovery of the automobile industry and congressional passage of the CARS Act represents an opportunity to benefit both the economy and the environment.

We very much appreciate your assistance and support of franchised new automobile dealers and urge Congress to act swiftly to stimulate the economy with this program.

Sincerely,

TERRY METCALF,
Executive Vice President.

DEAR REPRESENTATIVE: This Tuesday the House is scheduled to take up the Consumer Assistance to Recycle and Save (CARS Act) fleet modernization bill sponsored by Representative BETTY SUTTON. The United Steelworkers (USW) urges your support for this legislation.

The USW is the largest industrial union in North America and we represent more workers in the auto sector than any other union. Hundreds of thousands of our members work in jobs supplying the auto industry. From the glass, to the tires, to the plastic, to the hundreds of pounds of metal that comprise every vehicle; Steelworkers manufacture these products in locations all across the country. Even paper, the catalogs and brochures that the automakers use to market their vehicles, are often the product of the work of Steelworkers. But, countless other citizens—union and non-union—such as auto dealers, accountants, restaurant and shop owners, have their jobs tied to the auto industry.

The auto industry has experienced a sharp drop in auto sales from over 16 million vehicles per year to less than 10 million, resulting in extraordinary challenges for automakers, suppliers, dealers, workers, retirees and entire communities. Our members in the supply chain have suffered significant layoffs as a result of the financial and economic crises that brought auto buying to a halt. Those layoffs may only be the top of iceberg as the effects of the Chrysler and GM bankruptcies are to yet to be felt.

One immediate action Congress can take to respond to this dire situation is to vote to

pass the Sutton fleet modernization bill which incorporates the compromise provisions that were agreed to by the Obama administration, House leaders, including Chairman Waxman, Markey and Dingell, and Representatives Upton, Candice Miller, Stupak, Israel, and Inslee.

Providing incentives for consumers to scrap older, less fuel efficient vehicles and to purchase new, higher mpg vehicles, from all auto companies, will result in reductions in oil consumption and greenhouse gas emissions while providing an immediate boost to auto sales, thereby helping auto suppliers, dealers and automotive production and jobs in this country.

Sincerely,

HOLLY R. HART,
Legislative Director.

DEAR CONGRESSWOMAN SUTTON: This week, the House is likely to take up the Consumer Assistance to Recycle and Save (CARS) Act introduced by Representative Betty Sutton and a number of other colleagues. This bill will create a carefully balanced program to stimulate U.S. auto sales and jumpstart the economy. The Automotive Trade Policy Council and its member companies—Chrysler LLC, Ford Motor Company and General Motors Corporation—strongly support this bill and we urge you to vote for it.

Nearly every major industrial country around the world now has an emergency auto 'scrapage' program in place and the results have been immediate and impressive. In Europe and Latin America, these programs have been instantly successful, with countries such as Germany seeing dealerships flooded with consumers and a 28% increase in sales. In contrast, here in the U.S. auto sales have shown consistent declines of 30-40% from last year, month after month.

The Sutton CARS bill will establish a well-crafted and balanced fleet modernization program. The CARS bill is a compromise measure resulting from months of work between the Administration, domestic and foreign brand auto companies, environmental organizations and auto dealers. The measure offers a solid program that will give consumers with older vehicles an immediate cash incentive from the U.S. government to purchase new more fuel efficient cars and trucks. In addition, the bill was structured to be environmentally progressive i.e., the incentives to consumers are higher for vehicles that achieve fuel economy ratings above current government CAFE standards.

The CARS legislation will both accelerate national economic recovery by creating an estimated one million new sales of fuel efficient vehicles and provide clear incentives to move toward our environmental goals more quickly.

This is a winner for consumers, for the American economy, and for our combined national commitment to environmental progress and stewardship. We thank you and urge you to vote for the Sutton CARS legislation.

Sincerely,

STEPHEN J. COLLINS,
President.

JUNE 8, 2009.

DEAR CONGRESSWOMAN SUTTON: On behalf of PPG Industries' 15,000 U.S. employees, and the 299 at our Barberton and Strongsville facilities in your district, I deeply appreciate your sponsorship of H.R. 1550, the Consumer Assistance to Recycle and Save Act, also known as the CARS Act, designed to help get the American automobile industry back on

its feet by offering incentives for Americans to trade in their old cars for new, more fuel-efficient automobiles.

About 4 percent of the U.S. gross domestic product (GDP) is in the auto industry, making it the nation's largest manufacturing sector. PPG's automotive coatings and fiber glass are an important part of the auto supply chain. Last year, the U.S. auto industry provided hundreds of millions in sales and more than 1,260 manufacturing and research and development jobs to PPG.

As a global supplier of paints, coatings, chemicals, optical products, specialty materials, glass and fiber glass, our vision is to become the world's leading coatings and specialty products and services company. We operate on the leading edge of new technologies and solutions and are a streamlined, efficient manufacturer.

Members of the coatings and related industries have been particularly hit hard by the dramatic decrease in sales of new automobiles in America. While the auto manufacturers themselves have received almost all of the focus of attention—and deservedly so—there are countless suppliers to the industry who are hurting as well. The answer is to increase demand, which the CARS Act achieves with incentives for fuel efficient vehicles.

Again, thank you for your continued leadership on this issue. I look forward to continuing to work with you on policy matters important to the success of PPG, our employees and our retirees and their families.

Sincerely,

CHARLES E. BUNCH,
Chairman & Chief Executive Officer,
PPG Industries.

DEAR REPRESENTATIVE: On behalf of the AFL-CIO, I am writing to urge you to support legislation introduced by Rep. SUTTON to establish a fleet modernization program, which we expect the House to consider this week on the suspension calendar.

The Sutton bill would establish a program to provide incentives for consumers to scrap older, less fuel-efficient vehicles and purchase new, higher mile-per-gallon vehicles, resulting in significant reductions in oil consumption and greenhouse gas emissions. This "cash for clunkers" program would provide an immediate boost to auto sales, helping to preserve domestic auto production and American jobs.

The program is carefully crafted so it applies to all auto companies in a balanced, competitively neutral manner. The legislation in corporate compromise provisions agreed to by the Obama administration, House leaders (including Chairmen Waxman, Markey and Dingell), and Reps. Candice Miller, Stupak, Upton, Israel and Inslee. The House Energy & Commerce Committee recently approved the provisions of this compromise by an overwhelming, bipartisan vote.

Due to the financial and economic crises that have engulfed our nation, the auto industry has experienced a sharp drop in auto sales resulting in unprecedented difficulties for automakers, suppliers, dealers, workers and retirees. Congress can take immediate action to help the auto industry by promptly passing the "cash for clunkers" legislation. The AFL-CIO urges you to support Rep. Sutton's fleet modernization bill.

WILLIAM SAMUEL,
Director, Government Affairs Department.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of

Commerce strongly supports the "Consumer Assistance to Recycle and Save Act," which is expected to be voted on tomorrow. This important legislation is urgently needed to help jumpstart U.S. auto sales, generate economic growth, and help protect jobs.

This bill would provide incentives to Americans to purchase new vehicles that meet a set of criteria to ensure that the new vehicles will be more fuel efficient than the vehicles they would replace. Not only would this "cash for clunkers" proposal provide an important environmental benefit, but the legislation would help an industry in crisis. The recession has affected industries across the United States, but the auto sector has been particularly hard hit as industry sales have declined rapidly. U.S. light vehicle sales were more than 16 million units as recently as 2007. Last week, J.D. Power & Associates estimated that sales will not exceed 10 million units for all of 2009, an approximately 40 percent drop in just two years.

The auto industry is one of the most important sectors of the U.S. economy, representing four percent of the U.S. gross domestic product and accounting for one in 10 American jobs. The steep drop in vehicle sales is not only affecting foreign and domestic automakers and workers, but also their network of dealers, suppliers, vendors, and other businesses that provide goods and services to them.

The Chamber, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, urges you to support the Consumer Assistance to Recycle and Save Act. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

DEAR SPEAKER PELOSI: The Alliance of Automobile Manufacturers (Alliance) writes to urge the House to pass a fleet modernization, or "cash for clunkers," bill to benefit American consumers as soon as possible. A well crafted fleet modernization program will provide two beneficial effects: helping to stimulate auto sales during the current economic/credit crisis and replacing older, less fuel-efficient vehicles with cleaner, safer, more fuel-efficient ones. To that end, President Obama last week repeated his call to Congress to enact such legislation, and we understand that Representative Sutton's fleet modernization bill, which enjoys broad bipartisan support, will be considered on tomorrow's suspension calendar.

While Alliance members would have preferred a program open to all new vehicles that meet the mileage targets, the bipartisan framework created by Representative Sutton's bill, will achieve significant economic stimulus and environmental benefits, because it provides a broad array of eligible vehicles and will appeal to a large segment of consumers. Ultimately, oil savings and emissions reductions will happen only if buyers can use vouchers to buy vehicles that meet their needs.

Around the world, consumers are already benefitting from similar programs, and the resulting economic stimulus has been significant. In January, Germany implemented a fleet modernization program. At the end of the first month of the program, sales in Germany were up 21% over 2008. Corresponding sales in the U.S. were down 41% for the same period. As of this writing, fleet modernization programs have been adopted in China, Japan, UK, Brazil, Spain, Austria, France,

Italy, Portugal, Romania and Slovakia, and are under consideration in several others.

A fleet modernization program can deliver real benefits to consumers, the environment and the economy. The U.S. is already well behind other major economies in adopting a fleet modernization program, and many buyers are now delaying purchase decisions until the Congress acts. We strongly urge the Congress to send a message to American car buyers by sending a bill to the President's desk without delay.

We urge Representative Sutton to vote for Representative Sutton's fleet modernization bill.

Sincerely,

DAVE MCCURDY,
President and CEO, Alliance of
Automobile Manufacturers.

DEAR REPRESENTATIVE SUTTON: On behalf of the Specialty Equipment Market Association (SEMA), we wish to extend our sincere appreciation to you for including a provision within the CARS Act to exclude vehicles of model year 1983 and earlier from the scope of the program. This provision serves to safeguard vehicles that may possess unique historic or aesthetic value qualities, and are irreplaceable to motor vehicle hobbyists and related businesses as a source of restoration parts.

SEMA also takes this opportunity to thank you and your staff for being available during the cash for clunker debate to discuss the challenges facing the entire scope of the automotive industry. We look forward to working with you on other auto industry issues in the future.

Sincerely,

STEPHEN B. McDONALD,
Vice President, Government Affairs.

DEAR REPRESENTATIVE SUTTON: The Association of International Automobile Manufacturers (AIAM) is pleased to support your "Cash for Clunkers" legislation. AIAM represents 13 international motor vehicle manufacturers who account for 35 percent of all light duty motor vehicles produced in the United States. AIAM members have invested over \$40 billion in U.S.-based production facilities, have over 6,500 locally owned dealerships, directly employ over 90,000 Americans, and indirectly generate almost 600,000 thousand U.S. jobs in dealerships and suppliers nationwide.

The automobile industry is experiencing one of the worst slumps in its history. Passage of a broad, stimulative, fleet modernization measure, as the President has requested, would help consumers purchase new more fuel efficient vehicles, reduce dealer inventories and provide a much needed boost to the industry and the economy. Ideally, this legislation should be administratively simple and cover as many new cars and light trucks as possible, whether purchased or leased. This type of approach has been implemented in numerous other countries with impressive results.

Again, we applaud you for your leadership on this issue and urge immediate passage of this much needed legislation.

Sincerely,

MICHAEL J. STANTON,
President & CEO.

JUNE 9, 2009.

UNITED STATES HOUSE OF REPRESENTATIVES: On behalf of Business Roundtable, I am writing to support the fleet modernization bill proposed by Congresswoman Sutton that is expected to be considered by the

House of Representatives today. This bill provides a financial incentive for consumers to purchase new and more energy efficient vehicles resulting in the removal of less energy efficient vehicles from the nation's highways. It will also increase needed jobs to spur the economy, reduce greenhouse gas emissions and increase national energy security. We believe that this legislation will give a boost to the economy at a time of great economic uncertainty. We also note that the legislation will be financed by the already allocated money in the stimulus package and will not require financing through additional deficit spending. Thank you for your leadership on this important subject.

Sincerely,

MICHAEL G. MORRIS,
Chairman, President and CEO,
American Electric Power Company, Inc.,
Chairman, Sustainable Growth Initiative,
Business Roundtable.

DEAR REPRESENTATIVE SUTTON: On behalf of the Automotive Recyclers Association (ARA), an international trade association representing over 4,500 automotive recycling facilities through memberships in the United States and fourteen other countries around the world, we are pleased to support the "Consumer Assistance to Recycle and Save Act" (CARS). This legislation seeks to address the distress of anemic motor vehicle sales that have generated negative economic issues throughout our country.

The CARS Act allows for the reuse of nearly all parts from the vehicles retired under the program. The recovery, recycling, and resale of automotive parts are important because it maximizes the availability of replacement parts. Consumers and businesses rely on parts from recycled vehicles because of their substantial savings in reduced repair costs and lower insurance premiums.

ARA looks forward to working with staff from your office and others as the regulatory phase of this program moves forward. We believe there are important issues regarding the adequate handling of these vehicles under the National Motor Vehicle Title Information System (NMVTIS) and steps to ensure that these vehicles are properly handled environmentally that need particular attention during the rulemaking process.

On behalf of its members, ARA thanks you for your consideration of the concerns of America's automobile recyclers, and we look forward to working with you on this legislation.

Sincerely,

MICHAEL E. WILSON,
Executive Vice President.

JUNE 9, 2009.

DEAR REPRESENTATIVE: The National Association of Manufacturers (NAM)—the nation's largest industrial trade association—supports the Consumer Assistance to Recycle and Save Act (H.R. 2751), which is scheduled to be voted on today. This legislation would provide incentives for the purchase of new, fuel efficient motor vehicles. The auto industry represents the country's largest manufacturing base and we believe H.R. 2751 will help jump start the industry and save well paying jobs by stimulating the production and sales of new cars and trucks.

As you well know, the auto industry currently faces challenges of historic proportions. Over the past 16 months, retail sales of motor vehicles have fallen 26 percent, vehicle production has fallen 41 percent and the sector has lost 281,000 jobs. Nearly a fifth

(17%) of the 1.6 million manufacturing jobs lost during this recession has come from the auto sector.

At the same time, the industry is critical to our nation's economic recovery and future growth. Almost four percent of U.S. gross domestic product is auto-related. One out of every 10 U.S. jobs, or about 13 million, is auto-related, and auto workers receive \$335 billion annually in compensation. In 2006, the motor vehicle sector spent \$16.6 billion in R&D alone.

By providing temporary incentives for the purchase of new more fuel efficient vehicles, this fleet modernization amendment will provide a much-needed boost to the struggling auto industry, including manufacturers, dealers, suppliers and other related industries.

NAM members believe strongly that a vibrant manufacturing sector is key to our nation's economic recovery and future growth. Similarly, a revitalized auto industry is key to a strong manufacturing sector. This legislation, which provides timely targeted tax incentives to jump start the auto industry, will help get our nation's economy back on track and ensure job creation and sustainable economic growth. Thank you in advance for supporting this important bill.

Sincerely,

DOROTHY COLEMAN,
Vice President, Tax &
Domestic Economic Policy.

DEAR CONGRESSWOMAN SUTTON: On behalf of the more than 17,000 members of the National Automobile Dealers Association (NADA), I want to offer our support for your bill establishing a temporary vehicle fleet modernization (also known as "Cash for Clunkers") program. It is our understanding that this bill will be considered in the U.S. House of Representatives sometime today.

As you may know, the current state of all automotive retailing is dire and consumer confidence is near historic lows. When measured on a per capita basis, annual sales of new vehicles have reached levels not seen since World War II. A successful fleet modernization program could well encourage hundreds of thousands of consumers to trade in older vehicles in return for an incentive to purchase more fuel-efficient, safer vehicles. This program is modeled after several successful programs in other states and in other countries.

We very much appreciate the time and attention you have devoted to bringing together a broad coalition of stakeholders into the legislative process and to developing a workable program. As the bill moves forward, NADA is committed to working with you to ensure legislation is passed by Congress and signed into law. We will also need the same sense of urgency that you brought to the legislative process as this important initiative moves through the regulatory process within the Department of Transportation.

Thank you again for your help and support of America's franchised new automobile dealers.

Sincerely,

DAVID W. REGAN,
Vice President, Legislative Affairs,
National Automobile Dealers Association.

THE GOODYEAR TIRE AND
RUBBER COMPANY,
Akron, OH.

DEAR REPRESENTATIVE SUTTON: I am writing to thank you for your personal help in sponsoring the Consumer Assistance to Re-

cycle and Save Act (CARS) Act and respectfully ask that Congress take swift action to pass this important legislation.

Passage of this measure will provide immediate assistance to the automobile industry by providing direct support incentives to consumers to purchase new fuel efficient vehicles. With estimates that the CARS Act will provide incentives for Americans to purchase approximately one million new cars and light trucks, this action by Congress will provide an immediate and timely boost to the automobile industry.

Similar legislation offered by you in the House Energy and Commerce Committee was passed by a 50-4 bipartisan vote, showing widespread support for this program.

On behalf of Goodyear and our associates across the United States, thank you for your continued support and assistance. I look forward to continuing to work with you on this and other issues of importance to Goodyear.

Sincerely,

ISABEL H. JASINOWSKI.

THE OHIO AUTOMOBILE DEALERS
ASSOCIATION,
June 5, 2009.

DEAR CONGRESSWOMAN SUTTON: On behalf of our members in your district as well as those throughout Ohio, I am writing to voice our strong support for your "Consumer Assistance to Recycle & Save" proposal, which we understand may receive full House consideration in the near future.

It's no secret Ohio's auto sales are weak, which impacts both our industry as well as Ohio's state and local governments. Your proposal encourages the removal of older vehicles from the road in favor of more fuel-efficient and safe vehicles, which benefits consumers, our industry and the environment.

Thanks again for your strong leadership on this proposal and your support of Ohio's automobile retail industry.

Sincerely,

TIM DORAN,
President.

JUNE 9, 2009.

DEAR REPRESENTATIVE: Support H.R. 2751, the Consumer Assistance to Recycle and Save Act—Automobile dealerships across the country again watched sales decline in May—for the first time in 2009 no single brand saw an improvement over 2008 sales. U.S. sales dropped by an average of 33.7 percent this month, setting the seasonally adjusted annual sales rate (SAAR) at 9.9 million vehicles. Annual sales for 2008 was 13.8 and 2007 was 16.4 million units. I start off reporting these numbers so you can better understand the urgency of my request—we need a "cash for clunkers" program now.

The American International Automobile Dealers Association (AIADA), representing 11,000 international nameplate automobile franchises and their more than 500,000 employees, write today urging you to vote to support the cash for clunkers legislation introduced by Congresswoman Betty Sutton, the Consumer Assistance to Recycle and Save Act, H.R. 2751. The entire auto industry needs to focus fully on recovery. The first element of that recovery is incentivizing customers to buy. Today, we look to the House of Representatives to do just that by passing a cash for clunkers plan that will quickly and effectively stimulate sales.

Done with the right balance, cash for clunkers is an opportunity to benefit both the economy and the environment. AIADA, and its dealer members, support H.R. 2751, the Consumer Assistance to Recycle and

Save Act, and again urge you and your colleagues to act swiftly to stimulate the economy with this program and pass this legislation.

Sincerely,

CODY L. LUSK,
President.

— UAW LOCAL 2000.

DEAR CONGRESSWOMAN SUTTON: I, on behalf of the working men and women of Ohio Assembly Plant and the approximate 50,000 Ohioans whose jobs are associated with the Ohio Assembly Plant, write to express all of our gratitude to you for your work on and for support of the Consumer Assistance to Recycle and Save Act (CARS Act).

Passage of this important legislation will not only help the consumer and public by putting cars on the road that run cleaner and maintain better fuel efficiency, but it will provide assistance by boosting car sales to the struggling auto industry in America. This will also help to create a safer driving atmosphere as the older and potentially dangerous vehicles on our roads are replaced with new ones.

The authors of this legislation should be highly commended for their efforts in providing equal support for ALL the auto companies in a competitively, neutral manner. The members of Local 2000 wish to extend our thanks to you for your continual efforts where the security of our jobs at Ohio Assembly Plant and the safety and well being of the citizens of the 13th District and the entire country are concerned.

If the members of UAW Local 2000 or I can assist you in these efforts in any way in the future, please do not hesitate to contact me.

Very truly yours,

JIM DONOVAN,
President.

Mr. Speaker, we must pass the bipartisan CARS Act today for our workers, for our environment, for consumers, for our economy, for our country.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I congratulate my colleague from Ohio and my colleague from Michigan, Mrs. MILLER. This is not the perfect bill, but this is it. There is no plan B. This is not the original bill that Ms. SUTTON and Mrs. MILLER introduced, but this is the bill that passed our committee 50-4.

One in 10 jobs in America are auto-related. In the last couple of years now, particularly through this tough recession, we have lost one in five manufacturing jobs, and certainly the Midwest has been critically hurt.

The auto sector, we've seen auto sales plummet from 17 million car sales just 2 or 3 years ago to probably what will be less than 10 million, not only this year, but next year as well. Not only the Big 3 supports this, but Toyota, Honda, the Chamber, a whole number of different groups, the UAW, the Auto Manufacturers, the National Association of Manufacturers, the auto dealers as well. You know what this bill is? It's a jobs bill.

□ 1600

But more important than that, it's an American jobs bill, and it's time to

stop the dominos from falling the wrong way and beginning to turn the switch from "red" to "green" for auto jobs and get something in the hands of consumers that will boost their confidence.

Now, who else has done this bill? Well, 16. And guess what? The sales are up. Germany, sales have increased by 40 percent; France, sales are up March through May; the UK, Japan, China, Korea, Italy, Spain, Portugal, Malaysia, Austria, Romania, Luxembourg, The Netherlands. Even Slovakia, auto sales have increased by some 18 percent.

Madam Speaker, this is a very good bill. It's one that has bipartisan support. It's time to put American jobs first and begin to move this process forward. We know we have a majority in this House for this bill. The question is do we have two-thirds. I would like to think we do. This is it. We're not going to have another bill. It's not going back to Rules. We need to pass this.

I reserve the balance of my time.

Ms. SUTTON. At this time, it's my honor to yield 1 minute to the gentleman, my colleague from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Madam Speaker, this bill is about putting America first. We heard this all throughout the last campaign about how we need to invest in America and we need to protect American jobs. And Congresswoman BETTY SUTTON has stood up for American jobs, and she is putting new meaning to "putting old Betty back in the garage and putting new cars on our streets." That's why it's imperative that the auto industry, especially in Ohio, be preserved under this bill. Twenty-five percent of Ohio's economy is based on how well or how poorly the automotive industry performs. There were 560,000 new vehicle registrations alone last year in Ohio. That averages to more than \$24 million per dealership in Ohio.

This bill is about putting America first and putting Americans back in American-built cars. I will be proud to support this bill today on the House floor.

Mr. UPTON. Madam Speaker, I would yield 2 minutes to the distinguished Republican whip, Mr. CANTOR from Virginia.

Mr. CANTOR. I thank the gentleman from Michigan.

Madam Speaker, I rise in reluctant opposition to this bill. It was my sincere hope that this bill would have come to the floor under a process that would have allowed Members to offer amendments. Had we been permitted to do so, I would have offered an amendment to allow individuals to use the credit for the purchase of a fuel-efficient, previously owned vehicle. Even after a generous credit, for many American families, a new car is financially out of reach. Yet with gas prices

rising again, these families deserve the same opportunity to upgrade their current vehicle to a more fuel-efficient model. For these families, the credit that can be used towards the purchase of a fuel-efficient, pre-owned car could make all of the difference.

Indeed, there is already a substantial inventory of previously owned, fuel-efficient vehicles on dealer lots available for purchase. As a result, these purchases will promote the goals of the program by increasing the number of fuel-efficient vehicles on the road. It is also important to remember that the livelihood of tens of thousands of Americans depend on the used car market.

Used car sales outnumber new car sales 3-1 in the U.S., and there are more than twice as many used car dealers as new car dealers in this country. Treating cars that meet the same fuel-efficiency standards differently, based on whether they are new or previously owned, effectively picks winners and losers among these dealers. Given the difficult economic situation faced by all Americans, I do not believe that it is wise or necessary to reward some Americans while punishing others.

If we were to expand this bill to include the purchase of previously owned vehicles, it would truly be a win-win. As it helps the environment by encouraging more fuel-efficient vehicles, it would also help ease our dependence on foreign oil, and it would provide another incentive to help jump-start the economy.

Madam Speaker, I'm saddened I was not permitted to offer my amendment, but I'm hopeful as this bill works its way through the process we can work to address the concerns of those who make their living selling previously owned vehicles.

Ms. SUTTON. Madam Speaker, may I inquire how much time we have.

The SPEAKER pro tempore (Ms. BALDWIN). The gentlewoman from Ohio controls 13 minutes, and the gentleman from Michigan controls 16 minutes.

Ms. SUTTON. It's my honor, Madam Speaker, to yield 2 minutes to the distinguished chairman of the Committee on Energy and Commerce, Chairman WAXMAN.

Mr. WAXMAN. Thank you very much for yielding time for me to speak in favor of H.R. 2751, the CARS Act.

I worked closely with Representative SUTTON and other members of our committee to negotiate this legislation, and I believe it hits the trifecta: it's good for the economy, good for consumers, and good for the environment.

For the auto industry, it means a big leap in sales right when the industry needs it most. CBO estimates that this program will help sell 600,000 cars, many of them made right here in America. It's no wonder that the Big Three, the UAW, and the auto industry support the bill. For consumers, it

means a chance to get rid of the old gas guzzling clunker and receive a voucher worth up to \$4,500 to get a new, more fuel-efficient car. The better gas mileage, the higher the subsidy. And for the environment, it means a win. With every new sale, every car or truck sold under this program will be more fuel efficient or cleaner than the car or truck it replaces.

I appreciate the work of Representative SUTTON and my other colleagues on the committee for this legislation. I want to acknowledge their efforts on behalf of the American auto industry and American autoworkers. This legislation was an amendment added to the ACES energy bill passed by our committee by a strong bipartisan 50-4 vote.

I ask my colleagues to vote "yes": "yes" for the economic benefits of the bill, "yes" for the benefits of consumers, and "yes" for the improvement in environmental quality.

Mr. UPTON. Madam Speaker, at this point, I would like to yield to 2 minutes to one of the cofounders of the Manufacturing Caucus and certainly a member of the Automotive Caucus, the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, this bill will spur auto sales and revitalize our manufacturing sector. Without a strong manufacturing sector, we will not have an economic recovery. While I would have preferred a simple \$5,000 voucher for any new car purchase, Congresswoman BETTY SUTTON moved this bipartisan bill so it really stimulates the economy because it sets the chain of supply into motion. It gets people back to work in our factories. If the first-time home buyer tax credit for \$8,000 is working to spur the housing market, just think what this will do for the auto industry.

Stimulating sales is the only way to get the auto industry back on its feet—not further top-down infusions of money from the top. The bill gets the American people involved because it's bottom-up. It sets the fire of manufacturing. It gets us going again. And even if somebody does not want to buy an automobile, this person will still indirectly benefit from the positive ripple effect.

Look what happens when 1 million automobiles are sold in America today. The Caliber—proudly built in the 16th Congressional District of Illinois, along with the two smaller Jeeps—the sale of 1 million automobiles in this country means 60,000 people go back to work, \$1.4 billion is returned in sales tax to the State and local governments, \$750 million in Federal taxes is paid by the workers and savings of unemployment, COBRA, food stamps and job training of almost \$3 billion. This bill almost pays for itself.

But the beauty of it is the fact that it returns the supply chain. It gets people working again. It gets the economy

moving again. Instead of communities having to come to Washington looking for money, the money gets restocked simply because of the payment of the taxes.

Vote for H.R. 2751. This is a real stimulus.

Ms. SUTTON. Madam Speaker, at this time it's my honor to yield to the distinguished gentleman from Michigan (Mr. KILDEE) 2 minutes.

Mr. KILDEE. I thank the gentlelady for yielding.

Madam Speaker, I rise today in strong support of H.R. 2751, the Consumer Assistance to Recycle and Save Act. This bill will provide incentives for the purchase of new, more efficient vehicles helping to revitalize our auto industry, preserve jobs, and clean up our environment. The need for this bill could not be greater. As we all know too well, our domestic industry has been suffering a prolonged downturn, and our families are feeling the effects. The recent bankruptcy filings by Chrysler and General Motors further underscore the critical need for action.

H.R. 2751 will provide consumers with up to \$4,500 in vouchers for trading in their old vehicles and purchasing new, more fuel-efficient models. Not only will this provide a much-needed boost to the auto industry, including manufacturers, dealers, and suppliers, but it will help preserve jobs in our communities.

Additionally, we are cleaning up the environment by reducing our demand on foreign oil. I have always said that what America drives drives America. And I am committed to a strong and vibrant automobile industry. This legislation will help us get through this difficult time and get our automakers on the path to being the economic engine that has driven the American economy.

I urge my colleagues to vote "yes" on this important legislation.

Mr. UPTON. Madam Speaker, at this point I would yield 2 minutes to the gentlelady from the great State of Michigan, who was an original author with Ms. SUTTON of the first bill, Mrs. MILLER, for 2 minutes.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Madam Speaker, I rise today in very strong support of this bill that will help support American jobs. We all understand the challenges facing our auto industry. This industry, which is so vital to our national economy, has been hit literally by an economic hurricane which has caused hardships not only for the automakers, but also the suppliers, the dealers, and everyone who has a stake in this industry and its success.

This legislation is a very strong bipartisan approach that will help get the assembly lines moving, keep traffic in the showrooms, protect jobs, and give our economy a desperately needed

jolt. And how do we know that it will work? Because it has already been implemented in nations across the globe. Because in every nation that has implemented a similar program, auto sales have risen, and in every nation that has not—like us—the sales continue to fall. That's why this legislation has the strong support of groups like the UAW, the National Auto Dealers, Ford, General Motors, Chrysler, Mazda, the Alliance of Automotive Manufacturers, the Association of International Automobile Manufacturers, the National Paint and Coatings Association, the Motor and Equipment Manufacturer's Association, the Specialty Equipment Manufacturing Association, the American Iron Steel Institute, the AFL, the CIO, the Chamber of Commerce. I could go on and on.

And why do they all support this legislation? Because they understand that the best way to jump-start our economy is to get auto sales moving. The plight of the auto industry is a national problem affecting our entire Nation. And we know this because of the troubles of Chrysler and General Motors dealers across the Nation that are being closed with countless jobs being lost. We know this because suppliers who serve the industry are struggling to stay afloat with countless more jobs being lost and at risk. And we know this because two of our iconic industrial giants—both Chrysler and General Motors—are today in bankruptcy court.

All of these providers are clamoring for action, and they deserve the help of this Congress. Simply put, we must act. So let us support legislation that will protect American manufacturing jobs. And this legislation will also give our economy the boost that it needs. I certainly do want to thank my colleagues for all of their support. And I urge support of this passage.

Ms. SUTTON. Madam Speaker, at this time it is my honor to yield 2 minutes to the distinguished chairman emeritus and a leader in this effort as well, the gentleman from Michigan, Congressman John DINGELL.

Mr. DINGELL. Madam Speaker, I rise in strong support of this fine, bipartisan bill, the Consumer Assistance to Recycle and Save Act, authored by my friend and colleague, Ms. SUTTON of Ohio. I commend her and her bipartisan cosponsors for their work on behalf of this.

The bill has the support of the Obama administration, the UAW, domestic and foreign automobile manufacturers, suppliers, and dealers.

□ 1615

It also will result in meaningful reductions in vehicle fleet carbon emissions and fuel consumption while providing much-needed stimulus to our ailing automakers and economy.

I express my deep gratitude to Chairman WAXMAN, Mr. MARKEY, Mr. STUPAK, as well as Representatives SUTTON, ISRAEL and INSLEE, for their collaborate, collegial approach during the negotiations on the legislation. And I want to commend my friend, Mr. UPTON, and others of my colleagues on the other side of the aisle as well as the entire Michigan delegation, for their work on behalf of this.

This legislation cannot wait. The longer it is put off, the more auto sales will be depressed. And consumers who are excited about this proposal will continue to wait for Congress to pass this bill before buying that new car that we want them to have.

In view of the unprecedented turmoil faced by the domestic automakers and growing imperatives to address global warming, Ms. SUTTON's fleet modernization bill stands out as a really practical mechanism by which to achieve consumer savings, reduce fuel consumption, lower carbon dioxide and criteria pollutant emissions, as well as increase sales for a critical sector of the national economy. Indeed, in countries such as Germany, fleet modernization programs have been wildly successful in all of these areas.

This is a good bill. It will help us with the environment, and it will help us with employment. It will see to it that the United States moves forward rapidly towards a full and adequate recovery from this terrible recession in which we find ourselves.

I urge my colleagues to support the bill, and I commend its author again.

Mr. UPTON. Madam Speaker, I yield 2 minutes to the gentleman from Alabama and a member in good standing of the Auto Caucus, Mr. ROGERS.

Mr. ROGERS of Alabama. I rise today to offer my reluctant support of the Consumer Assistance to Recycle and Save Act, also known as the Cash for Clunkers program.

All of us have witnessed the devastation felt by our automotive sector. In my home State of Alabama, as in many other States, workers have lost their jobs or had their hours cut. Many hard-working dealers have simply been forced to close their doors.

To help protect our jobs and stimulate the automotive sector, we must work to stimulate consumer credit markets and restore consumer confidence. That is why I recently introduced my bill, the Consumer Auto Relief Act. Unlike the bill we are considering today, my proposal would help all sectors of the automotive industry.

In addition to offering tax credits to working families to help purchase new vehicles, the bill would also help incentivize lenders to finance new vehicles. The bill would also place no limitations on eligibility to participate in the program. Unfortunately, my bill is not what is on the floor today. Nonetheless, despite my reservations about

H.R. 2751, I believe that passing it is better than doing nothing, but not by much. I offer my support for the bill and urge its passage.

Ms. SUTTON. Madam Speaker, it is my honor to now yield 1 minute to the distinguished Speaker of the House to speak on this bill, Speaker NANCY PELOSI.

Ms. PELOSI. I thank the gentlelady for yielding. I commend her for her tremendous leadership in putting together this legislation that we have before us. She, Representative ISRAEL and Representative INSLEE all worked very hard to come to a position that we can all support today. Mr. MARKEY is here of the Select Committee, and of course Mr. DINGELL, the Chair Emeritus of the Energy and Commerce Committee. Others, Mr. BRALEY, Mr. STUPAK—well, all of our colleagues have had an important role—Mr. KILDEE and our colleagues on the Republican side of the aisle. Hopefully we will have a good, strong bipartisan vote today on this legislation.

Because you all have given us an opportunity to pass legislation that is a benefit to our economy and a benefit to our environment, we can create and save jobs while addressing the air pollution issue, so important to our children's health. We will do this by allowing Americans to trade in their own gas-guzzling vehicles and receive vouchers worth up to \$4,500 to help pay for the new, more fuel-efficient cars and trucks.

I will go into some specifics—I know we've heard it over and over again, but this CARS bill is quite a remarkable piece of legislation, and the timing is perfect. And when they trade in these cars, they will strengthen America's auto industry, creating jobs and reducing layoffs, and save more than 250 million gallons of gas. This has been tried and true around the world in recent months with great success. In Germany, for example, it boosted auto sales by 20 percent.

Because this legislation will deliver consumer savings, increase vehicle demand, help save American jobs while cutting greenhouse gas emissions and reducing our dependence on foreign oil, it is supported by a broad coalition. That coalition includes the Big Three automakers, the United Auto Workers, car dealers, business groups such as the National Association of Manufacturers, the Chamber of Commerce, and, in the lead, the Obama administration.

Today, with this legislation, we will ensure a strong American manufacturing base. As much as anything that we can do in terms of addressing the issue of the auto industry in our country, this is a national security issue. The auto industry's success is essential to ensuring that we have a strong manufacturing base. This legislation today will ensure that we have a strong manufacturing base and get more fuel-effi-

cient vehicles on the road, which is essential to our economy, to our national security, and a clean, green future.

I commend my colleagues once again. I commend Congresswoman SUTTON for her determination to accelerate the pace of when we would bring this legislation to the floor and urge strong bipartisan support for the bill, which it certainly deserves.

Mr. UPTON. Madam Speaker, may I inquire how much time is left on both sides.

The SPEAKER pro tempore. The gentleman from Michigan controls 11 minutes, and the gentlewoman from Ohio controls 7 minutes.

Mr. UPTON. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Madam Speaker, this bill is a bad idea spawned by a bad idea that was spawned by still yet another bad idea—and it will likely spawn a lot of other bad ideas in the future.

The first bad idea was to bail out the auto industry in the first place. The second bad idea was for the government to essentially take over the auto industries. We all know that government is not very good at manufacturing anything, so it has to manufacture demand. And that's what this bill is about. It is defying the laws of economics and saying we can manufacture enough demand to keep the auto industries afloat without other measures that they need to take to stay afloat. We can't simply manufacture demand any more than we can defy any of the other laws of economics.

A list was given of those who support this legislation. It says it has broad support from Ford, GM, Chrysler, the Automobile Dealers Association, the labor unions, the Chamber of Commerce. Can anybody tell me honestly if anybody on that list has ever turned down a government subsidy of any type? I would submit I've never heard it, not in the time that I've been here. So it shouldn't surprise anybody that this list of individuals or organizations supports this legislation. That doesn't mean that we should. We have a duty to represent the taxpayers as well here.

I should note that just this morning there was a press conference about PAYGO—pay-as-you-go, don't pay out anymore than you take in. Where is the money going to come from for this? Perhaps that's why it is on the suspension calendar so that what should govern this place—what kind of PAYGO rules that we have—don't actually apply. But you've got to pay the piper at some point, and we simply can't continue to go down this road.

Madam Speaker, this is a bad idea. This is a clunker of a bill that ought to be retired, and we ought to apply the cash toward our unsustainable deficit.

Ms. SUTTON. Madam Speaker, it is my honor to yield 1 minute to the distinguished chairman from Massachusetts, Chairman MARKEY.

Mr. MARKEY of Massachusetts. I thank the gentlelady, and I congratulate the gentlelady for her excellent work on this legislation.

To Mr. DINGELL, to Mr. INSLEE, Mr. STUPAK, Mr. ISRAEL, to Mr. BRALEY, to Mr. WAXMAN, this is truly the work of a lot of people coming together. And ultimately, the approach has produced a win-win-win situation: a win for our consumers who get a new, more efficient vehicle; a win for reducing our dependence on imported oil; and a win for an industry struggling to regain its footing. And I will add one more win because it is always a win when Members from the Rust Belt and the two coasts can join together and come up with a compromise that all sides can support.

The price of a gallon of gasoline is rising inexorably, back up to \$4 a gallon. It has gone up \$1 at the pump on a national average since December. The price of a barrel of oil has gone from \$30 to \$69 since December. This is the kind of bill we need to put in place. My congratulations to the gentlelady.

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

Ms. SUTTON. Madam Speaker, may I inquire how much time the gentleman from Michigan controls.

The SPEAKER pro tempore. The gentleman from Michigan controls 9 remaining minutes, and the gentlewoman from Ohio 6 remaining minutes.

Ms. SUTTON. Madam Speaker, at this time, it is my honor to yield 1 minute to the distinguished gentleman from Michigan, Chairman BART STUPAK.

Mr. STUPAK. Madam Speaker, as one of the authors of H.R. 2751, I urge support of the Cash for Clunkers program that will provide cash vouchers of up to \$4,500 at auto dealerships for consumers who trade in aging, less fuel-efficient automobiles and replace them with modern fuel-efficient models.

The Cash for Clunkers program accomplishes a dual task of reducing emissions and stimulating sales in the auto industry. I applaud Congresswoman SUTTON for her leadership on this important issue. And I appreciate the support of Chairman WAXMAN, Chairman Emeritus DINGELL, Chairman MARKEY, Chairman INSLEE, and Majority Leader HOYER in helping to bring this agreement to the House floor.

The Cash for Clunkers program provides an incentive for Americans to do their part to reduce emissions without imposing new regulations on industry or consumers. This bill results in cleaner cars on the road and an increase in sales for the struggling auto industry.

The value of the voucher and the criteria used to determine eligibility vary

based on the type of car you are trading in and the type of car you are buying. The agreement we have reached on Cash for Clunkers ensures that a variety of needs of consumers are covered under the program.

The Cash for Clunkers program encourages consumers to buy 1 million new cars and trucks. This program bolsters the automotive industry at its weakest point in years while revitalizing manufacturing and jump-starting our economy.

Mr. UPTON. Madam Speaker, I would just note that I have a list of folks wanting to speak, but they're not here. That is why I am reserving the balance of my time.

Ms. SUTTON. I would just inquire of the gentleman, we have an abundance of speakers and not quite enough time, would you like to yield some time?

Mr. UPTON. I will yield the gentlelady 4 minutes of my time to control.

Ms. SUTTON. I thank the gentleman very much.

At this time, Madam Speaker, I would like to yield 30 seconds to my colleague from Ohio, Congressman TIM RYAN.

Mr. RYAN of Ohio. I thank the gentlelady and want to congratulate her.

I would like to make two quick points. One is, the gentleman from Arizona, when he was here, mentioned about manufacturing demand. It was the tax credit for SUVs that actually manufactured the demand that led to a lot of the issues we are dealing with now with the environment. And also, the gentleman was critical of the auto industry. I would like to remind him that it was the auto industry and the tax dollars that the Midwest sent out to build the West. All the water lines and sewer lines in congressional districts that were made out West were made by the taxpayers and the auto industry and the steel industry that sent their money out. So I just wanted to clear the record.

I thank the gentlelady from Ohio. I get nervous anytime I see Ohio and Michigan working together, but in this particular instance, it's a good deal.

Ms. SUTTON. Madam Speaker, at this time, it is my privilege to yield 1 minute to the distinguished gentleman from Michigan, Representative PETERS.

Mr. PETERS. Madam Speaker, the CARS Act of 2009 is critical not only to spur growth in America's auto industry but to save and create jobs throughout our country.

History shows that one of the quickest ways to end a recession is to sell more automobiles. New car sales constitute a major percentage of a nation's consumer spending.

Increasing vehicle sales also stimulates demand for raw goods from which automobiles are manufactured. Production of glass, steel, plastics, and other primary materials will be increased as more new cars are sold, creating jobs throughout the country.

□ 1630

Many other nations have acted to strengthen their economies with policies to design and to sell more automobiles, and the U.S. should not be left behind. Many Members of the House have recently expressed their desire to support auto dealers in their States. There is no better way to help car dealers going forward than to pass this important legislation. We must pass the CARS Act today to create a recovery not just for our auto industry but for the entire economy.

Ms. SUTTON. Madam Speaker, at this time it is my privilege to yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Let me thank Mr. UPTON. I assume I'm using 2 of his minutes.

Mr. UPTON. Madam Speaker, I yield the gentleman another minute.

Mr. LEVIN. No, that's fine. I may yield back, but this is true bipartisanship.

We all know there's a major restructuring of the auto industry going on as we are here today, and there is a very simple truth: If there is not increased demand, that restructuring cannot succeed. And I think only rigid ideologues would say it's impossible to stimulate demand. There has been a historic drop in demand for vehicles in this country. It's about one-half of what it was not so long ago. And it remains true globally. This is not only a national phenomenon; it's a global phenomenon.

Other countries have acted. And I salute Representative SUTTON and all who have worked on this to step up to the plate for the basic manufacturing base of the United States of America.

Ms. SUTTON. Madam Speaker, at this point, it is my privilege to yield 2 minutes to the distinguished gentleman from Washington, Representative JAY INSLEE.

Mr. INSLEE. Madam Speaker, I just want to point out something about the benefits of efficiency in this bill. We know it's going to help the important auto industry, but I want to point out how it will help consumers in efficiency.

Under this bill, Americans who participate will save an average of 133 gallons of gasoline a year by having access to a more efficient car. At the price of \$2.71 a gallon, that's a saving of \$368 a year in gasoline. That is 250 million gallons of gasoline that we otherwise will not be burning.

Now, the reason I point this out is there is a benefit to the environment in our efforts to stop global warming in this bill, and Mr. ISRAEL and I had earlier introduced a piece generally in the same direction, heading with the great leadership of BETTY SUTTON and JOHN DINGELL and BART STUPAK, and we put our bills together, and this is the product.

Some folks have argued that the efficiency provisions of this bill are not

aggressive enough. The bill I introduced with Mr. ISRAEL had more aggressive targets.

But I want to point out something that is a singular achievement of this bill, and I want to thank BETTY SUTTON for her leadership on this. If we are going to stop global warming, we indeed are going to have to come together all across the country. Folks in the steel industry are going to need to work with people on the coast. People in the Midwest, in the Rust Belt States in the auto industry are going to need to work with those folks in the San Francisco Bay region.

Congress means coming together, and this bill, I think, represents a perfect example of how our Nation needs to come together to tackle the many challenges we have in dealing with global warming. And when we pass this bill today, it will be one step, one brick in the wall of that effort, for a true clean energy revolution in America that we can all be proud of across the country.

Congratulations.

Ms. SUTTON. Madam Speaker, I receive the balance of my time.

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

Madam Speaker, it is time to get America moving again, and that's exactly what this bill does. The auto sector is so important to our country in virtually every single community. It doesn't have to just be a community that has an assembly line. It's the communities that build parts, whether it be a gas cap or a part for a brake, a side panel, a piece of trim, a window. Auto dealers are in virtually every community across the country, and they average about 50 employees per dealership. So this bill impacts every single community across America.

No one here today has talked about what this bill also does. We will rely less on foreign oil because the average consumer, by taking advantage of this program, will save \$780 in fuel costs because they're going to trade in that old car and they're going to have a more fuel-efficient, better emission vehicle than they had before; \$780 per household for those that take advantage of it. We have fraud and abuse provisions in here so that they won't be taken advantage of.

And to my good friend Mr. FLAKE, yes, there is a sunset. This program doesn't go on forever. There is a sunset. It's a temporary Band-Aid to fix an economic problem that needs America's attention.

Isn't it better, isn't it better to have people work and have a job and pay taxes than having them laid off and receive benefits? I think most Americans would rather have that job. They want to pay their taxes. This is a bill that helps America, and that's one of the reasons why it passed in our committee 50-4.

I would urge all of my colleagues to support this. And, sadly, because of the procedure, it does have to pass tonight by a two-thirds vote rather than a majority. I would like to think that we can exceed that two-thirds and pass it.

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

Ms. SUTTON. Madam Speaker, we have heard overwhelming support for the CARS Act on the floor today and from across the country throughout this process. I want to thank, first of all, the gentleman from Michigan for what a fantastic job he has done in moving this bill on the floor this afternoon and for all of the work that he put into making it a success. I also want to thank all of those, many of whom we have heard from today here on the floor, for all of their help and their support in getting this innovative measure to the floor and on the way to the beneficial effects for the American people. I also want to thank all of the staff who worked on this bill and bringing it together: my staff, Nicole Francis Reynolds and Christine Corcoran, as well as the staff on the Committee on Energy and Commerce and others, Representative DINGELL's staff. It has been a truly collaborative process, and we have a good result.

We have heard about how this bill will improve our environment, serve as an economic stimulus, and shore up the 3 to 5 million jobs in the auto and related industries. Close to home in my district, the Akron Area Auto Dealers Association put it this way: "Providing an incentive to stimulate sales is a critical step in the recovery of the automobile industry, and congressional passage of the CARS Act represents an opportunity to benefit both the economy and the environment."

Local 2000 of the United Auto Workers, which assembles the Ford E-Series line of vehicles in my district in Avon Lake, has stated: "Passage of this important legislation will not only help the consumer and public by putting cars on the road that run cleaner and maintain better fuel efficiency, but it will provide assistance by boosting car sales to the struggling auto industry in America."

And the United Steelworkers, who represent hundreds of thousands of workers in jobs supplying the auto industry, summed it up like this: "From the glass, to the tires, to the plastic, to the hundreds of pounds of metal that comprise every vehicle, steelworkers manufacture these products in locations all across the country. Even the paper, the catalogues, and brochures that the automakers use to market their vehicles are often the product of the work of steelworkers. But countless other citizens, union and non-union, such as auto dealers, accountants, restaurant and shop owners, have their jobs tied to the auto industry."

Governors from 12 States, including Governor Strickland from Ohio, the

Governors of Michigan, Colorado, Delaware, Illinois, Kansas, Kentucky, New Hampshire, Oklahoma, Vermont, West Virginia, and Wisconsin all support this effort today.

It's time to act, Madam Speaker. It's time to pass the CARS Act, and I urge a "yes" vote on the bill.

Mr. GENE GREEN of Texas. Madam Speaker, I stand today in strong support of H.R. 2751, the Consumer Assistance to Recycle and Save Act.

This bipartisan piece of legislation is desperately needed to reinvigorate our domestic auto industry and replace high-emission vehicles with cleaner, more fuel-efficient cars.

This fleet modernization bill will help stimulate auto sales across the country by replacing approximately one million new cars or trucks on the road.

Specifically, old passenger cars and light duty trucks or SUV's must receive 18 miles per gallon (mpg) or less to participate in the program.

Consumers can receive vouchers—ranging from \$3,500 to \$4,500—to help reduce the cost of a new vehicle if the new vehicles receive greater fuel efficiency.

The greater the increase in fuel efficiency, the greater the value of the voucher.

New passenger cars must receive at least 22 mpg and light trucks or SUV's must receive at least 18 mpg. Large light-duty trucks and work trucks are also eligible for the program.

By replacing aging vehicles with more fuel-efficient ones, this bill will help reduce oil consumption in America, lower overall fuel costs and reduce transportation emissions to help us meet any national climate program.

I want to thank Representative SUTTON, Chairman-Emeritus JOHN DINGELL, and others for their leadership in moving this legislation forward, and I hope this legislation swiftly becomes law.

Mr. BARTON of Texas. Madam Speaker, in Texas we implemented a program called Air Check Texas, which was designed to replace older, polluting vehicles with newer ones. The program succeeded in getting vehicles 10 years or older—or those that had failed an emissions test—off of the road. The program in Texas focused mostly on older vehicles because they emit 10 to 30 times as much pollution as newer vehicles. In fact, vehicles that are 13 years old and older account for just 25 percent of miles driven, but 75 percent of all tailpipe emissions.

While I support Representative SUTTON in her Cash for Clunkers and I am a co-sponsor because I believe in both the stimulative and environmental benefits of getting older vehicles off of the road, I don't believe that the arbitrary 18 mpg combined efficiency requirement for the trade-in vehicle is beneficial. Setting an arbitrary number like 18 mpg leaves a lot of folks with older, polluting vehicles behind the wheel of these cars because they can't afford a new car without the \$3500 or \$4500 this voucher would provide.

As the bill is currently written, a 1986 Peugeot station wagon with a 20 mile per gallon combined efficiency would not qualify for the voucher, but a 2009 Mercedes Benz station wagon would, because it has an EPA combined efficiency rating of 15.5 miles per

gallon fuel. Clearly the intent of the bill is not to subsidize the new car purchase of a 2009 Mercedes driver. So let's think a bit more about our 1986 Peugeot driver and helping him or her improve the efficiency and tailpipe emissions of that car.

Expanding this program to model years and failed emissions tests—like the successful program in Texas—will achieve a more far-reaching success than the program as written. I support this legislation, but as the legislation moves forward I believe the combined efficiency requirements for the trade-in vehicle should be dropped and a model-year approach should be explored.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 2751, the Consumer Assistance to Recycle and Save Act.

The Consumer Assistance to Recycle and Save Act would strengthen demand for automobiles in the United States and provide much needed relief to struggling car companies and dealerships. More commonly known as the "Cash for Clunkers Act," this legislation would allow car owners to trade in their old inefficient automobiles for new more fuel efficient automobiles. The Cash for Clunkers Act could spur the sales of up to 1 million more fuel efficient cars and trucks. It would help to save jobs and shore up car dealerships, and it would help save more than 250 million gallons of gas a year.

Our national car companies are struggling in the floundering economy. Since last year ago, national car sales have fallen by 34 percent. Car dealerships across the nation are closing their doors, and it is estimated that in my home state of New Jersey 8,000 jobs in the automobile industry could be lost by the end of the year.

This legislation allows consumers to receive a voucher for \$3,500 if they turn in their old car for a new automobile that is 4 miles per gallon more fuel efficient. Those who buy new models that are 10 miles per gallon more fuel efficient would receive a \$4,500 voucher. Owners of sport utility vehicles, pickup trucks or minivans that get 18 miles per gallon or less could receive a voucher for \$3,500 if their new truck or SUV is at least 2 miles per gallon higher than their old vehicle. The voucher would increase to \$4,500 if the mileage of the new truck or SUV is at least 5 miles per gallon higher than the older vehicle.

Programs like the Cash for Clunkers Act have proven effective in increasing car purchases; Germany enacted a similar measure that increased car sales by more than 20 percent. I urge my colleagues to support this legislation that would spur our economy and decrease dangerous greenhouse gas emissions.

Mr. KUCINICH. Madam Speaker, though I voted for the Consumer Assistance to Recycle and Save or the CARS Act, I have serious reservations about it. Unfortunately, despite its good intentions, it will send jobs overseas and it does little to help our ailing climate.

I cosponsored H.R. 1550, an earlier version of the bill. That version allowed consumers to get a voucher for cars assembled in the U.S. The version under consideration today has no such assurances, which means that significant amounts of the funds will go toward the purchase of cars made in countries like China. We are giving with one hand and taking with the other.

Our auto industry needs our help more than ever. Yet we are handing over money, jobs and infrastructure to our international competition. It is made worse by the terms of the GM bankruptcy which requires that plants in the U.S. are closed while shipping auto manufacturing jobs to other countries like Mexico and South Korea. We can't protect the auto industry by sending their work to other countries.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the CARS Act for the fleetwide fuel efficiency gains it will create, the energy security it will enhance, the air quality it will improve and the boost it will give our flagging economy.

Under this "Cash for Clunkers" legislation, consumers with vehicles getting less than 18 MPG can get vouchers for \$3500 towards the purchase of a new vehicle that gets at least 4 MPG better than the vehicle they are retiring—and \$4500 towards the purchase of a new vehicle that gets at least 10 MPG better than the vehicle they are retiring.

While I am among those who would favor even stronger standards, this legislation nevertheless points American drivers in the right direction and will stimulate new car sales during a period of time when the auto industry and their dealer networks can use that business the most. I urge my colleagues' support.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and pass the bill, H.R. 2751.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend on H.R. 2751 will be followed by 5-minute votes on motions to suspend on H.R. 1741 and House Resolution 505.

The vote was taken by electronic device, and there were—yeas 298, nays 119, answered "present" 2, not voting 15, as follows:

[Roll No. 314]

YEAS—298

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bocciari

Boren
Boswell
Boucher
Brady (PA)
Bright
Brown, Corrine
Brown-Waite,
Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy

Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)

DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Gingrey (GA)
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchee
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich

Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Pomeroy
Price (NC)
Quigley
Rahall

Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Viscosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—119

Aderholt
Akin
Alexander
Bachmann
Baird
Barrett (SC)
Bartlett
Biggert
Bilirakis
Blackburn
Boehner
Bonner
Boozman
Boustany
Boyd

Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Cantor
Carter
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Doggett

Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gohmert
Goodlatte
Granger
Graves

Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis

Lungren, Daniel
E.
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris
Rogers
Mica
Miller (FL)
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Platts
Polis (CO)
Posey
Price (GA)
Radanovich
Rehberg
Rogers (KY)

Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Taylor
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Buchanan Deal (GA)

NOT VOTING—15

Bishop (UT) Lewis (GA) Sánchez, Linda
Bono Mack Loeb sack T.
Braley (IA) Mack Sessions
Conyers Putnam Sullivan
Gonzalez Ruppertsberger Whitfield
Kennedy

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1707

Messrs. REHBERG, MARSHALL, KIRK, ROONEY, DOGGETT, and BARTLETT changed their vote from "yea" to "nay."

Messrs. GINGREY of Georgia and POE of Texas changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRALEY of Iowa. Madam Speaker, on rollcall No. 314, had I been present, I would have voted "yea."

Mr. PUTNAM. Madam Speaker, on rollcall No. 314, I was unavoidably detained. Had I been present, I would have vote "yea."

WITNESS SECURITY AND PROTECTION GRANT PROGRAM ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1741, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 1741, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 11, not voting 10, as follows:

[Roll No. 315]

YEAS—412

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocchieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney

Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchev
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda

Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)

Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall

Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder

Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberti
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Broun (GA)
Burgess
Duncan
Flake

Foxx
Inglis
Lummis
McClintock

Paul
Rooney
Shadegg

NOT VOTING—10

Bono Mack
Gonzalez
Kennedy
Lewis (GA)

Loeb sack
Mack
Ruppertsberger

Sánchez, Linda
T.
Sullivan
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have less than 2 minutes remaining in this vote.

□ 1715

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

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs."

A motion to reconsider was laid on the table.

CONDEMNING THE MURDER OF DR. GEORGE TILLER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 505, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and agree to the resolution, H. Res. 505.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 316]

YEAS—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocchieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster

Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan

Bono Mack
Buyer
Gonzalez
Kennedy

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1722

So (two-thirds being in the affirmative), the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock

Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

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

RECOGNIZING 25TH ANNIVERSARY OF NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

Mr. TONKO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 454) recognizing the 25th anniversary of the National Center for Missing and Exploited Children.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 454

Whereas an estimated 800,000 children are reported missing each year in the United States;

Whereas 200,000 of that number are abducted by family members, and 58,000 are abducted by non-family members, for which the primary motive is sexual assault;

Whereas each year 115 children are the victims of the most serious abductions, kidnapped by non-family members and either ransomed, murdered, or taken with the intent to keep;

Whereas the National Center for Missing & Exploited Children (NCMEC) serves as the national resource center and information clearinghouse for missing and exploited children;

Whereas NCMEC was established by Congress in 1984;

Whereas NCMEC has assisted law enforcement in the recovery of more than 138,500 children;

Whereas NCMEC's Amber Alert program has led to 443 recoveries;

Whereas in 2008, NCMEC helped recover more children than any other year in the organization's 25-year history, raising the recovery rate from 62 percent in 1990 to 97 percent today;

Whereas NCMEC operates the toll-free 24-hour national missing children's hotline, which has handled more than 2,377,000 calls;

Whereas NCMEC provides assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally;

Whereas NCMEC offers technical assistance and training to law enforcement in identifying and locating non-compliant sex offenders;

Whereas NCMEC has a team of forensic artists who create age progression photos, which has assisted in the successful recovery of 895 children;

Whereas NCMEC CyberTipline has handled more than 686,000 reports;

Whereas NCMEC's Child Victim Identification Program has reviewed and analyzed 23,000,000 child pornography images and videos, 8,600,000 in 2008 alone;

Whereas NCMEC's sex offender tracking team has already located 402 missing sex offenders;

Whereas NCMEC operates a child victim identification program to assist law enforcement in identifying victims of child pornography;

Whereas NCMEC develops and disseminates programs and information about Internet safety and the prevention of child abduction and sexual exploitation;

Whereas NCMEC facilitates the deployment of the National Emergency Child Locator Center during periods of national disasters; and

Whereas NCMEC deploys Team Adam, a rapid response and support system comprised of retired law enforcement officers, to provide on-site technical assistance to local law enforcement agencies investigating cases of child abduction and sexual exploitation: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 25th anniversary of the National Center for Missing and Exploited Children.

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Madam Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 454.

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

There was no objection.

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

Madam Speaker, I rise today in support of House Resolution 454, which recognizes the 25th anniversary of the National Center For Missing and Exploited Children. The NCMEC serves as the national resource center for missing and exploited children.

It is estimated that 800,000 children are reported missing every year in the United States. Two hundred thousand of that number are abducted by family members, and 58,000 are abducted by nonfamily members, for which the primary motive is sexual assault. It is with great sadness that this national tragedy continues year after year.

We recognize today the National Center's persistent efforts in reuniting families and stopping the abuse and exploitation of our children. During its 25-year history, the organization has assisted in the recovery of more than 138,000 children. NCMEC's Amber Alert Program alone has led to 443 recoveries. NCMEC's efforts have led to a rise in the recovery rate of missing children from 62 percent in 1990 to 97 percent today.

The organization offers assistance and training to law enforcement around the country in identifying and locating missing and exploited children, as well as non-compliant sex offenders. NCMEC also actively combats

children's pornography by reviewing millions of images and videos in a national effort to identify victims of child pornography and the perpetrators behind these heinous crimes.

Madam Speaker, NCMEC acts as the ultimate advocate for our Nation's most vulnerable individuals. The organization sends a message to parents around the country that our Nation will never abandon its search for the thousands of children missing at any given moment. It is important to recognize that for the individuals at the NCMEC, the mission is never quite complete.

□ 1730

On May 25th of 2009, we recognize the 27th National Missing Children's Day. The day marks the anniversary of the disappearance of 6-year-old Etan Patz. For nearly three decades, the search for Etan and many other children has continued as part of the persistent efforts of the NCMEC.

Madam Speaker, once again I express my support for the center, and I thank Representative POE for bringing this resolution to the floor. I urge my colleagues to support this resolution.

I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of this resolution, which seeks to pay tribute and recognize the important work of the National Center for Missing and Exploited Children.

I am honored to yield such time as he may consume to the sponsor of this important resolution, the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Madam Speaker, I appreciate the gentleman from Pennsylvania yielding and the support of the gentleman from New York.

I'm proud to sponsor H. Res. 454, which recognizes the 25th anniversary of the National Center for Missing and Exploited Children.

As founder and co-Chair of the Victims' Rights Caucus, along with my friend from California, Mr. COSTA, I am thankful for the work that the National Center for Missing and Exploited Children does to protect the Nation's children.

At the time the Center was founded 25 years ago, there were little or no resources available to assist law enforcement with the cases of missing children. In fact, there was no way for police to enter information about missing children into the FBI's national crime computer. Today, thanks to the work of the National Center for Missing and Exploited Children, this is no longer the case.

Each year, approximately 800,000 American children are reported missing. When a child is missing, the National Center for Missing and Exploited Children works tirelessly alongside

families and law enforcement agencies in locating, finding, and recovering the children and bringing them home to their parents.

Many people may be familiar with John Walsh from his TV show America's Most Wanted, but they may not realize the tragic events that led to his advocating on behalf of children and his work with America's Most Wanted.

In 1981, Adam Walsh, son of John and Reve Walsh, was abducted from a toy department store in Florida at a shopping mall. Two weeks later, fishermen found Adam's decapitated head. They never found his body. He was 6 years old.

Last year, after 27 years of not knowing who killed their son, police announced that Adam's murderer was a serial killer who had died a decade earlier while serving five life sentences in prison. Ottis Toole was his killer's name, and although we know this knowledge did not take away the Walshes' pain, we hope that it gave them some peace of mind and a sense of justice.

Even during the years of unanswered questions, John Walsh turned his loss into advocating on behalf of children. He helped fight for the passage of the important Federal legislation, such as the Missing Children's Act of 1982 and the Missing Children's Assistance Act of 1984.

The Missing Children's Assistance Act of 1984 established a national resource center and a clearinghouse for missing and exploited children, thus creating the National Center for Missing and Exploited Children. President Reagan officially opened the National Center for Missing and Exploited Children on June 13, 1984. Twenty-five years later, we thank John Walsh for his pioneer efforts and recognize the center for their work on behalf of America's children.

We celebrate today that, since 1990, the National Center for Missing and Exploited Children's recovery rate of missing children has increased from 62 percent to 97 percent. Many children owe their rescue to the center, and many parents are grateful for the return of their kids, thanks to the National Center for Missing and Exploited Children.

This legislation is sponsored by both the Victims' Rights Caucus and the Caucus for Missing and Exploited and Runaway Children. I would like to thank my friend and fellow co-Chair of the Victims' Rights Caucus, JIM COSTA, and the co-Chairs of the Missing and Exploited Children's Caucus, JUDY BIGGERT, BART STUPAK, ZOE LOFGREN and FRANK WOLF.

I urge my colleagues to support this resolution.

Mr. TONKO. Does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. Madam Speaker, yes, I do. I have at least two additional speakers.

Mr. TONKO. Madam Speaker, I reserve my time.

Mr. PLATTS. Madam Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I rise to support this resolution. I think, in recognizing the National Center for Missing and Exploited Children here on its 25th anniversary, it is time for us to reflect on just what a role it played in terms of increasing the recovery rate over time of missing children.

If you think about the last 25 years and the fact that 138,000 missing children have been recovered, returned to their families, but that in the early years that rate ran at 62 percent and now that rate is up to 97 percent, you begin to get an appreciation for just what the National Center for Missing and Exploited Children were able to do for humanity, for these children, for these families.

As mentioned, it was officially opened in June of 1984 by President Ronald Reagan, and since its inception, it has become the leading organization worldwide dealing with the issue of missing and exploited kids.

I've been pleased to support many of the initiatives that it's worked for, including:

The Jacob Wetterling Crimes Against Children Registration Act, which was in 1994, and it mandated that sex offender registries be established in every State;

Megan's Law of 1996, which mandated that every State provide community notification when dangerous sex offenders are released, was driven by the push from the National Center for Missing and Exploited Children;

The PROTECT Act of 2003, which created a national AMBER Alert Program and strengthened law enforcement's ability to punish violent criminals who prey upon children;

And, of course, the Adam Walsh Child Protection and Safety Act of 2006, which created a national sex offender public database. And it's because of that work over the years that that rate is up to 97 percent today.

Now, despite all that's been accomplished, I'm sure there is much more that can be done, should be done. I congratulate the NCMEC for its 25th anniversary. I congratulate it for its work on behalf of so many child recoveries to date.

And let this resolution remind us that there is nothing more important than the safety of our Nation's children, and that the National Center for Missing and Exploited Children has done such great work in this regard.

Mr. TONKO. Madam Speaker, I continue to reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I am honored to yield to the distinguished gentleman from California (Mr. DANIEL

E. LUNGREN), who played an important role in the foundation and formation of the National Center for Missing and Exploited Children in 1984, as much time as he may consume.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, it is hard to believe that it was 25 years ago that this Congress worked to facilitate the establishment of the National Center for Missing and Exploited Children.

I recall being on the subcommittee of the Judiciary Committee when John Walsh and his wife testified before us. It was at a time when they did not know who had murdered their child.

It was at a time in this country where we specifically prohibited the use of the FBI in attempting to participate in any activities to try and find missing children. We had a statutory delay for any participation by the FBI. There was a lack of coordination that was not only in existence, but was promoted by law at that time.

And I recall, after John Walsh and his wife testified before us, the shrugging of shoulders by some who basically had to tell the Walshes that there was nothing that we could do here on the Federal level.

John Walsh and his wife did not take that as an answer. They spoke to many of us here in the Chamber, but actually those of us on the subcommittee and committee at that time, and challenged us to try and find a way to make it possible that we could have a seamless web between the Federal Government, the State government and local government when the question was a missing child. And the strength and persistence of that couple, combined with others who joined them around the country was extraordinary at that time.

It seems so commonplace now for us to talk about the 25th anniversary of the National Center for Missing and Exploited Children. It seems so commonplace for us to talk about hundreds of thousands of children being reported missing yearly, and the fact that there was almost a collective shrug of the shoulder at that time saying, it is a terrible tragedy, but there's nothing we can do about it.

It seems so commonplace now that when a child is missing, with all of the various laws that have followed after the creation of the National Center for Missing and Exploited Children, that almost instantaneously you have law enforcement across the board communicating with one another and creating a mechanism by which there can be the exchange of information and the encouragement of the exchange of information so that we can find these children.

One thing we knew 25 years ago, and it remains the same today, the sooner you know that a child is missing, the better the chances are of being able to find that child. The sooner you have

law enforcement involved, along with the communities, the better the chances are that you will have a successful recovery of that child and a successful reuniting of that family.

So I hope people understand why we celebrate the 25th anniversary of the National Center for Missing and Exploited Children and that it has been the result of thousands upon thousands of people working for this effort.

Had it not been for a single couple, the Walshes, who, out of tragedy, decided to make something positive, had it not been for them coming here to the Congress and insisting that we look at this issue and insisting that there was something that can be done and insisting that just because we used to do it the old way was no reason or no excuse for not trying to do something different, had it not been for them, we would not be celebrating the 25th anniversary, nor would we be celebrating the thousands upon thousands of successful reunitions that have taken place around this country.

So this is a wonderful recognition of the center, but I hope it will also be a tremendous recognition of the contributions made by two wonderful Americans, the Walshes.

Mr. TONKO. Madam Speaker, I continue to reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I, again, urge a "yes" vote in support of this important resolution and commend Mr. POE for his sponsorship, as well as Mr. LUNGREN for his important work in the foundation of the National Center for Missing and Exploited Children.

Madam Speaker, I rise today in support of House Resolution 454, recognizing the 25th anniversary of the National Center for Missing and Exploited Children.

In 1979, while on his way to school, 6-year-old Etan Patz disappeared from the streets of New York City. In 1981, 6-year-old Adam Walsh disappeared from a Florida shopping mall. The media attention and search efforts that resulted from these two cases focused the nation's attention on the problem of child abduction and the need for a coordinated effort to address this problem.

The National Center for Missing and Exploited Children, NCMEC, as it is called in acronym, was created by Congress in 1984, through the Missing Children's Assistance Act. NCMEC works in partnership with the U.S. Department of Justice and is the nation's resource center and clearinghouse for information on missing and exploited children. Since 1984, NCMEC has assisted law enforcement with more than 154,000 missing child cases, resulting in the recovery of more than 138,000 children.

NCMEC's mission includes helping to prevent child abduction and sexual exploitation; helping to find missing children; and assisting victims of child abduction and sexual exploitation, their families, and the professionals who serve them. NCMEC provides assistance to families and law enforcement agencies in

locating and recovering missing and exploited children, both nationally and internationally.

NCMEC offers many services, including a 24-hour call center. NCMEC's toll-free national hotline, 1-800-THE-LOST, has handled more than 2.3 million calls.

NCMEC also manages a distribution system for missing-child photos; a system of case management and technical assistance for law enforcement and families; training programs for Federal, State and local law enforcement; and programs designed to help stop the sexual exploitation of children.

NCMEC is the only private, non-profit organization that combines these resources to provide support to law enforcement, state clearinghouses, and parents working to find missing children.

I stand in support of this resolution recognizing the 25th Anniversary of the National Center for Missing and Exploited Children. I ask for my colleagues' support.

I yield back the balance of my time.

Mr. TONKO. Madam Speaker, the resolution before the House, H. Res. 454, recognizing the 25th Anniversary of the National Center for Missing and Exploited Children, is one that obviously brings with it many happy endings for at least 138,000 families.

And while not all of the stories are those happy endings, the center has provided itself as a resource, as a network that has devoted itself to the reconnection of our youth to their families. And so, with that outstanding record and with the concerns for missing children still alive and haunting us as a society, I strongly encourage a "yes" vote on the resolution.

I yield back my remaining time, Madam Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 454.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1745

CONGRATULATING AIRCRAFT OWNERS AND PILOTS ASSOCIATION ON ITS 70TH ANNIVERSARY

Mr. BOCCIERI. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 472) congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and their dedication to general aviation, safety and the important contribution general aviation provides to the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 472

Whereas the Aircraft Owners and Pilots Association (AOPA) was formed 70 years ago, in May 1939, on the eve of World War II;

Whereas the AOPA is committed to improving general aviation safety;

Whereas the AOPA created the AOPA Air Safety Foundation, the only organization dedicated solely to that end, nearly 60 years ago;

Whereas the AOPA represents more than 415,000 members, or 7 out of every 10 pilots in the United States;

Whereas the AOPA has, for 7 decades, provided those pilots with education, information, and advocacy at all levels of government;

Whereas the AOPA was among the earliest proponents of civilian use of the Global Positioning Satellite System, setting the stage for development of the Next Generation Air Transportation System;

Whereas the AOPA was a leading advocate of the General Aviation Revitalization Act of 1994, which led to the recovery of the United States general aviation light aircraft manufacturing industry, a major United States export and a plus on the trade balance sheet;

Whereas the AOPA has developed and maintained close working relationships with agencies of the Federal Government, especially the Department of Transportation, the Department of Homeland Security, the Federal Aviation Administration, and the Transportation Security Administration; and

Whereas those relationships have allowed the public and private sectors to address various issues of legitimate concern to the Federal government in ways that impose the least possible burden on general aviation pilots and aircraft owners: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and salutes the Aircraft Owners and Pilots Association (AOPA) for celebrating its 70th anniversary;

(2) commends the AOPA for creating the AOPA Air Safety Foundation nearly 60 years ago to improve general aviation safety;

(3) commends the AOPA for helping lead the recovery of the United States general aviation light aircraft manufacturing industry; and

(4) commends the AOPA for setting the stage for development of the Next Generation Air Transportation System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOCCIERI) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOCCIERI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 472.

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

There was no objection.

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

I rise today in support of House Resolution 472, congratulating and saluting the 70th anniversary of the Aircraft Owners and Pilots Association and their dedication to the general aviation, safety, and the important contribution that general aviation provides to the United States of America.

AOPA was incorporated on May 15, 1939, as a nonprofit organization dedicated to general aviation. AOPA represents more than 414,000 members, which is about 70 percent of all United States pilots. In 1950, AOPA created the Air Safety Foundation, which provides general aviation pilots with training, education, and research on information and safety that are important to all pilots.

AOPA was a leading advocate in the General Aviation Revitalization Act of 1994 which led to the recovery of the U.S. general aviation and light aircraft manufacturing industry. In recent years, AOPA has been active on many general aviation issues such as global positioning navigation, flight service station modernization, FAA reauthorization, and the Next Generation Air Transportation System, known as NextGen.

House Resolution 472 congratulates and salutes the 70th anniversary of AOPA and its dedication to general aviation, safety, and the important contribution made by all aviators to the United States. In addition, the resolution commends AOPA for creating the Air Safety Foundation, leading the recovery of general aviation of light aircraft in the manufacturing industry and setting the stage for the development of NextGen.

For these reasons and others, I urge my colleagues to support House Resolution 472.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I rise in support of House Resolution 472. I'm a cosponsor of the resolution introduced by my colleague, Mr. DENT of Pennsylvania, congratulating the Aircraft Owners and Pilots Association on the organization's 70th anniversary.

Madam Speaker, I rise in support of House Resolution 472. I am a cosponsor of the resolution introduced by Mr. DENT congratulating the Aircraft Owners and Pilots Association (AOPA) on the organization's 70th anniversary.

For decades, AOPA has provided important safety information to pilots all over the country, making it a valuable safety partner with the FAA and the House Transportation Committee.

In addition, AOPA continues to perform an advocacy function for pilots and aircraft owners providing a helpful voice both at the FAA and here in Congress. Representing roughly 415,000 pilots and aircraft owners, AOPA has been a valuable stakeholder helping to shape policy solutions to safety issues facing the general aviation industry.

Finally, in representing pilots and aircraft owners, AOPA represents a general aviation industry that is critical to our nation's economy. The manufacturing of general aviation aircraft as well as the maintenance and operation of general aviation aircraft supports 1,265,000 high-quality jobs here in the United States. General aviation also inspires the love for flying that has led to so many U.S. commercial airline pilot careers.

I support the adoption of the resolution.

I yield such time as he may consume to the author of the resolution, Representative CHARLES DENT.

Mr. DENT. Thank you, Congressman PETRI, for your part of this legislation.

On May 15, 2009, the Aircraft Owners and Pilots Association, or AOPA, celebrated its 70th anniversary. Since its inception on the eve of the Second World War, AOPA has grown to be one of the strongest voices for general aviation in the United States.

Throughout its rich history, AOPA has developed and maintained close working relationships with Federal Government agencies including the Department of Transportation, Department of Homeland Security, Federal Aviation Administration, and the Transportation Security Administration. By working closely with these agencies, AOPA has helped us create the safest and most efficient aviation system in the world.

For the last 7 years, AOPA has also fostered a dynamic relationship with Congress, and specifically the members of the Committee on Transportation and Infrastructure on which I serve. The association's first political activity was to urge the U.S. Senate to pass legislation establishing the civilian pilot training program which allows thousands of American pilots to gain their certification through Federal Government support. Decades later, AOPA remains a key actor in the development in our Nation's aviation policy having played a vital role in the crafting and passage of this year's FAA Reauthorization Act.

Today, AOPA's membership exceeds 400,000, including seven out of every 10 pilots in this Nation. I'm confident every Member of Congress currently has a valuable relationship with the general aviation pilots flying in their districts.

On a personal note, AOPA members from the Lehigh Valley area serve on my aviation advisory board proved to be some of the most informed and influential participants. Their expertise has truly been a great resource for me as I serve on the Transportation and Infrastructure Committee and the Aviation Subcommittee.

Madam Speaker, I believe the passage of this resolution congratulating AOPA on its 70 years of service is a fitting way to salute the many pilots who help make our aviation system the safest and most efficient in the world. And at this time I would like to en-

courage everybody to support this legislation and urge its adoption.

Mr. PETRI. At this time, Madam Speaker, I yield as much time as he may consume to my colleague from Michigan, VERN EHLERS.

Mr. EHLERS. I thank the gentleman for yielding.

As a student pilot, and as the co-chairman of the House General Aviation Caucus, as well as a proud member of the Aircraft Owners and Pilots Association, I rise in strong support of H. Res. 472, honoring the Aircraft Owners and Pilots Association on their 70th anniversary.

Since 1939, AOPA has effectively represented the general aviation community at the local, State, and Federal levels. With a membership of more than 415,000—or two-thirds of all of the pilots in the United States—AOPA is the largest and one of the most influential aviation associations in the world. I have been a member for a number of years.

General aviation is a catch-all category that includes all nonscheduled, all nonmilitary aviation. There are more than 230,000 general aviation aircraft in the United States, which use nearly 19,000 small and regional airports. These airports help connect people and industries that do not always have easy access to our commercial airports.

Recently, general aviation has come under attack by the media and those that view general aviation as a corporate indulgence or an expensive toy used exclusively by the wealthy. That is simply not true. Actually, the fact is that companies that utilize general aviation are more productive and, thus, more competitive.

I can give two examples from my hometown of Grand Rapids, Michigan.

Recently, I was talking to a businessman there. He's a contractor. He's built a number of buildings. They've decided to expand into the Upper Peninsula of Michigan and into Canada. As you know, Michigan is surrounded by the Great Lakes so it's very hard to get from point A to point B quickly. However, they bought an airplane, and they were able to zip easily from the Grand Rapids headquarters to all the work sites in Canada and in the Upper Peninsula of Michigan. More often than not, these airplanes pay for themselves.

I have another businessman in Grand Rapids who told me that his airplane saved him a considerable amount of money because when his executives went to visit his plants scattered around the U.S.—most of them in forests because he's in the lumbering business and he has 30-some businesses around the country—it takes at least one person one day to get to any of these sites using commercial aviation because they have to go to a major commercial airport, rent a car and

drive 30, 40 miles into the forest to their site. But with their own private airplane, they could usually land within a few miles. They can complete three business visits in 1 day instead of one.

So, as they say, these airplanes pay for themselves.

In addition, most of the private pilots I know are not rich but middle class working people that love to fly. In the wake of these disparaging stories that have appeared in the media, the AOPA and its supporters in Congress have worked hard to educate the public and spread the word about the importance of general aviation to our economy and our transportation system.

Every private pilot is passionate about flying, and the AOPA is the organization they rely on to stay abreast of current political events and aviation events and to advocate on their behalf.

I congratulate the AOPA on this historic anniversary, and I wish them continued success, and I look forward to celebrating future anniversaries with them as well. And I hope by then, I am able to fly more often than I am while I'm in the Congress.

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

I would like to commend the gentleman from Pennsylvania for his efforts to promote general aviation. It's very clear, having, myself, several classifications as a multiengine commercial instrument single engineer, that general aviation needs to do all it can to promote and respond to the needs of its pilots—in particular, training of the pilots. It is very important that we recognize the significance of this organization and what it means to general aviation.

I concur with the remarks of the ranking member and also concur with the gentleman and his remarks with respect to the importance of this bill.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I rise in support of this legislation, H. Res. 472, introduced by the gentleman from Pennsylvania (Mr. DENT), which congratulates and salutes the 70th anniversary of the Aircraft Owners and Pilots Association (AOPA) and its dedication to general aviation (GA), safety, and the important contribution that GA provides to the United States. The resolution also commends AOPA for: creating the Air Safety Foundation, leading the recovery of the GA light aircraft manufacturing industry, and setting the stage for the development of the Next Generation Air Transportation System by being an early proponent of the civilian use of the Global Positioning System. I thank Representative DENT for his leadership on this measure.

AOPA was incorporated on May 15, 1939, as a non-profit organization dedicated to GA. Since then, the organization has been a leading advocate for GA pilots and now represents about 415,000 members. AOPA has also provided GA pilots with valuable safety education

and training through the Air Safety Foundation, which was created in 1950. The Air Safety Foundation is the largest non-profit organization dedicated solely to GA safety.

AOPA was a primary supporter of the General Aviation Revitalization Act (GARA) of 1994. The GA industry boomed following the passage of GARA, which placed fair and reasonable limitations on the time period during which a manufacturer would be legally liable for aircraft defects.

I congratulate AOPA for working to support GA over the past 70 years. GA stimulates local and regional economies—it comprises over one percent of the U.S. Gross Domestic Product and supports almost 1.2 million jobs. In addition, GA provides communities with essential services, and affords businesses the flexibility and mobility that they require. Many industries and public services depend on GA to be successful and efficient, including emergency medicine, firefighting, news services, energy exploration, and farming.

I urge my colleagues to join me in supporting H. Res. 472.

Mrs. MILLER of Michigan. Madam Speaker, I rise today in strong support of H. Res 472, a resolution to congratulate the Aircraft Owners and Pilots Association on their seventieth anniversary, and speak to their dedication to general aviation, to safety, and the important contribution general aviation provides to the United States.

The AOPA was established seventy years ago, on the eve of World War II. This non-profit association has been dedicated to general aviation, improving general aviation safety, providing pilots with training, education and advocating on their behalf at every level of government.

More than 75% of all flights in the United States are general aviation. America relies on general aviation for business, medical delivery services, sightseeing and for just plain fun and a love of flying.

General aviation is a vital industry in America's economy. Currently there are 19,000 airports nationwide that provide jobs for 1.3 million Americans and bring in more than \$100 billion dollars annually.

After the terrorist attacks of 9/11, the AOPA responded by partnering with the TSA to develop a nationwide Airport Watch Program that uses pilots as eyes and ears for observing and reporting suspicious activity.

Flight Safety has remained a principal focus for the AOPA, so they have supported new technologies to make aviation safer. AOPA was a principle advocator of the GPS navigation systems which helped lead the way for the Next Gen Air Transportation System—with aviation-specific applications and advanced innovations such as weather forecasting.

And today, the AOPA represents more than 289,000 American general aviation pilots—including my husband who is a long time member. He started flying when he was a fighter pilot in Vietnam, and now we fly an RV-8, which he built in our garage.

I am proud to support the resolution to honor the AOPA for the commendable work they do in the aviation field.

Their dedication to aviation, aviation safety, training general aviation pilots, and to new technologies makes me proud to support this association.

Congratulations on your first 70 years.

Mr. PETRI. Madam Speaker, I have no further requests for time. I urge passage of the bill, and I yield back the balance of my time.

Mr. BOCCIERI. Madam Speaker, the swift passage of this bill is very important.

I yield back my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOCCIERI) that the House suspend the rules and agree to the resolution, H. Res. 472.

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

A motion to reconsider was laid on the table.

RALPH REGULA FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. BOCCIERI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1687) to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1687

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

SECTION 1. RALPH REGULA FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—*The Administrator of General Services shall ensure that the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, is known and designated as the "Ralph Regula Federal Building and United States Courthouse".*

(b) REFERENCES.—*With respect to the period in which the building referred to in subsection (a) is federally occupied, any reference in a law, map, regulation, document, paper, or other record of the United States to that building shall be deemed to be a reference to the "Ralph Regula Federal Building and United States Courthouse".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOCCIERI) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOCCIERI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1687.

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

There was no objection.

□ 1800

Mr. BOCCIERI. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in strong support of the bill I introduced, H.R. 1687, as amended, and urge its quick passage.

This bill designates the building located at McKinley and Third Streets, S.W., Canton, Ohio, as the Ralph Regula Federal Building and United States Courthouse. The bill has strong, bipartisan support.

While I know Congressman Regula as my predecessor, many of you on both sides of the aisle were also fortunate enough to call him a colleague, a mentor, and a friend. He was a true steward of his district and earned every accolade from his constituents, who knew him only as Ralph. He combined a unique blend of procedural acumen, hard work, and collegial personality in rising to a position of leadership on the House Appropriations Committee. All the while, he never forgot where he came from, consistently setting the standard and making sure that his constituents received the assistance they needed with their problems.

As a former teacher and principal, Ralph was a leader in pushing to improve our students' reading skills, develop teacher training, and increase Pell Grant funding. He also increased by millions of dollars the amount of Federal money committed to research in fighting cancer, heart disease, and birth defects.

Ralph was a leader in alternative energy. And he was an early champion of fuel cell technology, helping my district earn a reputation as a national leader in fuel cell research and development.

Congressman Ralph Regula served with distinction and represented the 16th District of Ohio for over 30 years—in fact, it was 36 years. He is a native Ohioan, born in Beach City, Ohio, on December 3, 1924. After high school, Congressman Ralph Regula served in the United States Navy with distinction and honor in World War II. He later graduated from college and earned his law degree in Canton, Ohio, at William McKinley School of Law. He went on to become a lawyer and later a State legislator.

He was first elected to Congress in 1972 and served 18 consecutive terms, retiring last year to spend more time with his lovely, lovely wife, Mary, and college sweetheart, as well as their three children and four grandchildren.

As much as I wish to claim this as an original idea, I have to give thanks and credit to Senator SHERRON BROWN, who first introduced this legislation last December before I was sworn in.

It is appropriate that we honor Congressman Ralph Regula with this bill because in many ways this building would not exist without his efforts, having laid the groundwork for it many, many years ago.

The Ralph Regula Federal Building and United States Courthouse will continue Ralph's legacy, serving Stark

County for many years to come. It is most fitting and proper to honor Congressman Regula with this designation.

I support this bill, as amended, and urge its immediate passage.

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

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, at this time, I yield myself such time as I may consume.

I want to thank the chairman and the sponsor, the gentleman from Ohio, for sponsoring this legislation. He mentioned the history of Mr. Regula. He obviously served honorably the people of the 16th District in Ohio for 18 consecutive terms, from 1973 until last Congress, becoming the second longest-serving Republican Member in the House, Mr. Speaker.

Congressman Regula has a great legacy and has had a long and distinguished career in public service, always, always serving his country. Early on, he served in I think the most honorable way that one can ever serve this country, and that is in the Armed Forces, in the Navy. After completing his legal education, he went into private practice of law. In the early 1960s, Congressman Regula served as a member of the Ohio State Board of Education, and then he went on to serve in the Ohio House of Representatives, also in the Ohio State Senate prior to his election in the Congress.

Naming this Federal building in Ohio is appropriate to recognize Congressman Regula's commitment to public service, to his constituents, and to this Nation. The respect that he earned while serving in Congress is really demonstrated by what we are seeing today, the fact that this bill is sponsored by Ohio representatives from both sides of the aisle.

Again, I want to thank the sponsor of this legislation. I support the passage of this bill and urge my colleagues to do the same. Again, this is a man who has served this country with distinction.

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

Mr. BOCCIERI. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. I thank the gentleman.

Today, I rise in support of H.R. 1687, legislation to bring well-deserved recognition to Congressman Ralph Regula, who was first elected to Congress in 1972.

Congressman Regula retired in January of this year after serving in Congress for 18 consecutive terms. He had a wealth of experience on the House Appropriations Committee, serving as chairman of both the Labor, Health and Human Services, and Education Subcommittee and the Interior Subcommittee.

When I assumed the chairmanship of the House Financial Services Approp-

riations Committee in this Congress, Congressman Regula was the ranking member, and he was a mentor and a partner. I learned a lot about how to be an effective chairman from Congressman Regula by watching him in action and talking to him as my ranking member.

As a Member from an urban district, New York City, I also learned a lot about him and about farming. And I must tell you, I learned something that may sound funny to some folks, but I learned the difference between jelly and jam, and he was an expert on the subject. What I most treasure is his friendship because Congressman Regula was a true and generous friend to me.

The designation of this Federal building and courthouse in Canton, Ohio, as the Ralph Regula Federal Building and United States Courthouse is an appropriate honor for this man who has devoted his life to public service. He served in the Navy, was a lawyer, a member of the Ohio State Board of Education, the Ohio House of Representatives, and the Ohio State Senate before joining Congress and beginning his many years of distinguished and dedicated service on behalf of his constituents of the 16th Congressional District of Ohio.

We are doing something really good today; we are honoring a man who deserved this. And let me just conclude by saying this: I imagine when we leave here—when the day comes that I leave here—you want to be remembered for your work, but I think more than that you want to be remembered by your colleagues as how you treated them and how you interacted with them. Ralph Regula was a gentleman. Ralph Regula was a colleague. Ralph Regula never had anything nasty to say about anyone. And as I said before, coming from a community where I came from and coming from a community where he would tell me about driving his pickup truck and going out to his farm, it was two different worlds, and yet I learned to admire him, to love him, and to respect him.

And so today I wanted to join this celebration to say thank you to him. And I know, Mr. Speaker, it's somewhere outside the rules of the House to speak to a TV audience or to people in the gallery, so I won't do that, but I suspect that Congressman Regula is watching us today and needs to know that we care about him, that we care a lot, and that this is an honor, one of many, that he truly deserves.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Thank you, Mr. DIAZ-BALART, for the recognition. And I want to thank Mr. BOCCIERI of Ohio for introducing this piece of legislation.

Mr. BOCCIERI—I can't call him Congressman Regula's replacement because nobody can replace Congressman Regula, but he is his successor. And, unluckily, I also happen to be his successor as the dean of the Ohio Republican Delegation because in the last two elections you guys have wiped everybody out, and at eight terms, I'm the head guy on our side in the State of Ohio.

But, as has been mentioned, Ralph served 36 years here. And 36 years is the longest that any Republican Member of Congress has served from the State of Ohio. He had a lot to do, and I think Mr. PETRI is going to talk about his work with the parks when he was the chairman of the Interior Subcommittee, but Ralph's real gift, when it came to our side of the aisle at least, back in happier days—and Mr. BOCCIERI, happier days are when the Republicans were in the majority, that definition. Ralph guided us. And if you looked at the Ohio delegation back in the 1990s, most of us were the chairmen of full committees. We had two cardinals, Mr. Regula and Mr. Hobson of Springfield. And that was all Ralph's doing. He made a commitment to make sure that there was an Ohioan on every committee that mattered.

When I was elected—I'm a lawyer by training—I said, Ralph, I think I would like to be on the Judiciary Committee. And he said, What are you, nuts? We need a Republican from Ohio on the Transportation Committee. And he put me there, and it was one of the happiest times of my life.

There are two things that I want to talk about. Mr. SERRANO is right about his observations, but I came in the Class of 1994, so I'm one of those Republican revolutionaries that created the first majority since 1954. And Mr. Speaker, you may remember—and others may remember—that at that time there was a lot of rhetoric in this Chamber and there were some things that became targets. And parks became targets. But what I will always remember is that it was the desire on my side of the aisle to zero-fund things like the National Endowment for the Arts and the National Endowment for the Humanities. And I thought that was misguided, and Congressman Regula, as the chairman of the Interior Subcommittee, also felt that that was misguided. And as a result, although those agencies saw reductions during that time, they were never zeroed out. And I think in this appropriation cycle we will finally get back to the level of funding that they received prior to 1994.

I will tell you that a few years before Congressman Regula's retirement he was in line as the most senior guy to become the chairman of the Appropriations Committee. And he worked very hard at that. He created an organization called CARE, and worked hard—

raised a lot of money in what you had to do and all that other business—and he was denied that honor, that opportunity. I will tell you that, in my mind, it had a lot to do not with the quality of the other candidates, who were both excellent. It had a lot to do with the fact that Ralph had angered people back in the 1990s because he wouldn't eliminate the National Endowment for the Arts, he wouldn't eliminate the National Endowment for the Humanities, he wouldn't agree to shut down the Department of Education. And as a result, even though Ralph had a long and distinguished career here, I think he was punished.

The other thing I want to say about Ralph is his partner, his life partner, Mary—Mary, of course, is the brains behind the First Ladies' Library. Mr. Speaker, if you ever happen to be traveling through the State of Ohio and you have to take a restroom break or you have to get off and get a soda, stop at the First Ladies' Library, because it really is an amazing creation that wouldn't be in existence today if it wasn't for Mary Regula, with the support of her husband, Ralph Regula.

So, Mr. BOCCIERI, I again want to thank you very much. This is an amazingly wonderful bipartisan effort on your part, and Senator BROWN, who you mentioned, to name something after somebody who really deserves to have something named after him. I never have served with a finer public servant than Congressman Regula. I know that that building will make him proud, and it should make the citizens of Canton, Ohio, proud as well. And I thank you for honoring my friend.

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

I wish to thank the gentleman from Ohio. His remarks were not only appropriate, they were well-guided in terms of what Mr. Regula meant not only to our part of Ohio, but what he meant to America.

Campaigning through the district and having the occasion to work with Congressman Regula while I was in the State legislature, people knew him not as a conservative, not as a liberal, not as a Democrat or Republican, but just as Ralph. And that type of leadership, that type of portrayal of American politics is what we should all rise to emulate. He was a man of his word, a man of integrity, and a man who believed in the Constitution. And he told me, he said, When you go to Congress, John, make sure that you protect the Constitution and, in particular, the fact that we own the checkbook, we write the checks, we appropriate the money, we here in Congress are responsible for the taxpayers' dollars. He was responsible for millions and millions of dollars coming back to the State of Ohio, whether it was research in fuel-cell technology or whether it was the First

Ladies' Library that his wife had such a brilliant idea to anchor in our part of Ohio and the Midwest, or just funding for all the medical research that we're doing in our State, he was a leader. And he believed in the innovation and creativity of the American people, and in particular of all Ohioans. He was a man of great integrity, and someone who obviously I, as Congressman LATOURETTE said, would not be able to replace, but certainly respect as his successor.

Mr. Speaker, at this time, I yield to the gentlelady from California, our Speaker of the House of Representatives, Speaker PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and thank him for giving us this opportunity to come to the floor to sing the praises of our former colleague—we always will have him as a colleague in our hearts, but former colleague on the floor, Congressman Ralph Regula of Ohio.

□ 1815

As many of you know and as has been acknowledged, Ralph Regula served in the House with great distinction for 38 years of service, 38 years of service and not only service, great leadership. Last year we sadly said good-bye to him, but now tonight we will honor him by creating a longstanding testament to his leadership, designating the courthouse and Federal building in his hometown of Canton as the Ralph Regula Federal Building and United States Courthouse.

I want to acknowledge Congressman JOHN BOCCIERI for his work in shepherding this legislation through Congress and for doing an exceptional job, I believe, following in the footsteps of Ralph Regula in representing Ohio's 16th Congressional District.

Congressman Regula's entire life was devoted to public service and still is. He was a distinguished Navy veteran of World War II. He served our country in that way, and he served in both the Ohio Senate and the Ohio House of Representatives as well as the State Board of Education. And aren't we fortunate that when he came to Congress, he was already an experienced legislator with a strong commitment to educating our children.

Thirty-eight years. Imagine that. Some of our Members weren't even born when Ralph Regula came to the Congress. Thirty-eight years in the House of Representatives, earning the distinction of being the second-longest-serving Republican in the Congress.

Congressman Regula's leadership benefited our entire Nation. It was a personal privilege for me to work with him on the Appropriations Committee. I saw firsthand his leadership, his knowledge of the issues, the respect that he commanded for all who came before him and the respect he had from both sides of the aisle.

I personally am grateful to him for transforming San Francisco's former Army base—he was very much a part of doing that—the Presidio, into one of our Nation's premier parks, and we have honored him on many occasions in San Francisco, most recently at Fort Baker.

None of us can come together and talk about Ralph Regula without talking about Mary Regula because they served here in Congress as a team. Ralph would be the first to say that it was the love of Mary and their three children and four grandchildren that made his leadership possible. And we all know that Mary is the one who made a decision that we would have a National First Ladies' Library in Canton, Ohio, to honor the contribution to our Nation of the First Ladies of America. It's a phenomenal thing. She had an idea, she executed it, and now people can visit and see that important part of American history thanks to Mary Regula.

Today we honor a great congressional leader, a great friend to all of us, and a great man. I urge all of my colleagues to understand the privilege that we have of expressing our appreciation for Ralph Regula's leadership by supporting this legislation, and I join my colleagues from Ohio on both sides of the aisle for the honor that we are paying to Ralph Regula tonight. And I again thank JOHN BOCCIERI for shepherding this through the Congress.

Mr. BOCCIERI. Thank you, Madam Speaker.

I concur with the Speaker's eloquent remarks, especially about Mary, who champions women in their role in politics. And for my two daughters who are sitting behind me and the ones I have at home, she has been a shepherd for all in the 16th District as well as our country.

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

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague for yielding. I thank the previous speakers, particularly the Speaker of the House for taking the time from her busy schedule to come down here to honor a distinguished colleague on the occasion of naming the Federal courthouse in his hometown after him, and that's the gentleman I had the privilege of serving with for nearly 30 years and getting to know and one whom I admire a great deal, and that is Ralph Regula.

You've heard about the spirit with which Ralph Regula approached his responsibilities as a legislator. It was positive. He worked with all Members of this body, and he did what he thought was in the best interest of this country and this institution.

You learn a lot about Members of this body when you visit their districts. And my wife and young daughter and I had the habit, as we would drive back to Wisconsin for the August break, of picking a different route across the country and taking a few extra days and stopping to see historic and interesting places and making it an educational and fun thing rather than just an ordeal to go across the country. And one year we decided to go through and visit John Seiberling, another colleague in Akron, Ohio, from a distinguished family, Seiberling Tire and all that, and he had his home which they had lost in the Depression, Stan Hywet, which is one of the largest private homes in the United States.

And in the course of doing that, he took us through the thing, and I discovered that he and Ralph Regula had worked together for many years to create what is now, I believe, the largest national park east of the Mississippi, the Cuyahoga. I know they were both tremendously proud of that. It was a wonderful opportunity for that area of Ohio because there are large cities on various sides of this and it provides recreational and other opportunities for a large population. And if they had not acted when they did, it might not be there today. It was done by those two Representatives working as best they could with colleagues in both political parties and will stand, I think, as a lasting monument to their joint efforts on behalf of our country and certainly the people of their region in Ohio.

Ralph and Mary were and are a great team. And one other thing I think I might mention, Ralph is kind of a gentleman farmer, I guess, and he used to spend a lot of time working there, and he loved his grandchildren and family and all of that. But Ronald Reagan was kind of a gentleman farmer, too. He had this ranch out in California where he cleared brush and was trying to develop it. And it turned out that he and Ralph were talking over at the White House for some reason about some other things, and Reagan discovered that Ralph was going back to work on some fencing on his farm and he asked him if he could explain how he did it. So Ralph came back to a meeting afterward and said that Reagan had taken careful notes and everything else and then a week or two later gave him, I think, a signed copy of the instructions that Ralph had given to him, that it was a good fence.

Ralph did a great job and it's an appropriate honor. I strongly support the passage of this legislation.

Mr. BOCCIERI. Mr. Speaker, just a few more comments and I think we will be wrapping this up very soon.

To piggyback on what the gentleman was suggesting, as I said earlier, Ralph was not known as a Democrat or a Republican, a conservative or a liberal; he

was just known as "Ralph." I remember, in some closing remarks at a recent banquet that we were at, I was telling folks, and I feel at liberty to say this, I'm a freshman Member here, that this collegiality that we are sharing right now becomes few and far between at times and we need to return this Chamber, this body, our dialogue to that kind of respect for each other, where we may disagree on ideas, as Democrats and Republicans, we both believe in the end goal. And like a married couple, we may argue about how we get to the end destination, taking this exit ramp, that road, but at the end of the day, like a married couple, we always end up where we need to go. And we need to respect that. And I think that this bill respects the service of Ralph Regula and his contributions to northeast Ohio, and in particular what it will mean to the people of Stark County who go there to find relief and find help from their government. And every day they walk into that building, that building that's being built right now, they will see his designation, his name, and it will be a remembrance of what he meant.

Just one last comment, Mr. Speaker. This district that I am currently representing and serving in is, by all measures, arguably a swing district. It has Democrat and Republican registrations, even Independents inside the race. But yet he held this district for 36 years, and the Congressman before him held this district for 18 years, and the other Federal building in the city is named after him, Frank T. Bow. And so what this says is that the people of northeast Ohio, in particular the 16th District, they respect legislators, they respect Congressmen like Ralph Regula and his predecessor because they believe in our greatest asset, which is our people.

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

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I will be brief.

I want to echo the words of the gentleman from Ohio. I think they were very well-stated. I also want to thank the Speaker of the House for coming down today and speaking in such well-deserved words but kind words to a man that really loved this institution, loved this country, and served both so very well.

Mr. OBERSTAR. Mr. Speaker, H.R. 1687, as amended, introduced by the gentleman from Ohio (Mr. BOCCIERI), designates the building located at McKinley Avenue and Third Streets, SW, in Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse". The bill has broad bipartisan support.

The designation honors the exemplary public service of our former colleague from Canton, Ohio, Ralph Regula. Ralph represented the 16th district of Ohio for 36 years, from January 3, 1973 to January 3, 2009. Former President Gerald Ford, while serving as the

House leader, recommended Ralph Regula for an appointment to the Committee on Appropriations. He served with distinction on the Subcommittee on the Interior and the Subcommittee on Labor, Health, and Human Services.

Ralph Strauss Regula was born in Beach City, Ohio, on December 3, 1924. During World War II, Congressman Regula served in the United States Navy. He later went on to earn a B.A. from Mount Union College in 1948, and then graduated from the William McKinley School of Law in Canton, Ohio, in 1952.

Congressman Regula served in many different capacities in his long tenure in public service. He was a member of the Ohio State Board of Education from 1960–1964. Regula was then elected to the Ohio State House of Representatives from 1965–1967, and subsequently served in the Ohio State Senate in 1967–1972. He then went on to be elected to the U.S. House of Representatives in the 93rd Congress, and served for 36 years.

Congressman Regula last served as the ranking member of the Appropriations Subcommittee on Financial Services and General Government, and was one of the longest serving Republican Members of Congress. Congressman Regula retired at the end of the 110th Congress after a career of nearly 50 years of public service. Congressman Regula is married to Mary Regula and has three children and four grandchildren.

It is most fitting and proper to honor Congressman Regula with this designation.

I support H.R. 1687, as amended, and urge its passage.

Ms. SUTTON. Mr. Speaker, I rise today in support of H.R. 1687 . . . to commemorate the career and service of our friend and colleague, Congressman Ralph Regula, by designating the Federal Building and U.S. courthouse in Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse."

For 38 years, Congressman Ralph Regula was a dedicated public servant and champion for Ohio.

While I served only one term with Congressman Regula, I worked with him long enough to recognize his strong and dedicated service to our country, as well as his great love for Ohio.

Congressman Regula is the consummate public servant. His career of service began long before the 38 years that he dedicated to this House.

After graduating from high school, he served in the Navy during World War II.

Congressman Regula continued his public service as a member of the Ohio State Board of Education. He went on to serve in the Ohio House and the Ohio Senate. When he arrived in Congress in 1973, Congressman Regula's greatest years of serving our country were still ahead of him.

His leadership was apparent immediately. As a freshman member, alongside Congressman John Seiberling, he fought hard to have President Ford establish the Cuyahoga Valley National Recreation Area.

Congressman Regula continued his fight to help build and protect the Cuyahoga Valley over the next 34 years of his career.

In 1974, Congressman Regula said ". . . we could be the architects in preserving this

heritage for future generations; it goes far beyond today in terms of the potential.”

Today, that potential has been fully recognized.

The Cuyahoga Valley National Park is one of the most heavily visited national parks in the country.

It is one of the great treasures Congressman Regula has left us. And, I am privileged to be able to carry on his efforts to continue to preserve and expand the Park.

I want to thank Senator BROWN and Congressman BOCCIERI for leading the effort on this bill.

No one is more deserving of this great honor than Congressman REGULA. He left a great legacy for all of us to live up to.

It is clear that the citizens of Canton and the 16th congressional district are eternally grateful for his endless contributions.

I thank him for his service, and I am glad to be a part of this effort to recognize his importance by helping to pass this bill.

Mr. MARIO DIAZ-BALART of Florida. With that, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOCCIERI. Mr. Speaker, at this time I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KISSELL). The question is on the motion offered by the gentleman from Ohio (Mr. BOCCIERI) that the House suspend the rules and pass the bill, H.R. 1687, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 410) recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 410

Whereas the boating community in the United States includes over 59,000,000 individuals, generates more than \$33,000,000,000 annually in the United States economy, and provides jobs for 337,000 citizens of the United States who earn wages totaling \$10,400,000,000 annually;

Whereas boaters often serve as stewards of the marine environment of the United

States, educating future generations of the value of these resources, and preserving such resources for such generations' enjoyment;

Whereas there are approximately 1,400 active boat builders in the United States, using materials and services contributed from all 50 States;

Whereas boating, as an activity, provides opportunities for families to be together, appeals to all age groups, and has a beneficial effect on the physical fitness and scholastic performance of those who participate; and

Whereas, July 1, 2009, would be an appropriate day to establish as National Boating Day: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the recreational boating community and the boating industry of the United States should be commended for their numerous contributions to the economy of the United States, the well-being of United States citizens, and responsible environmental stewardship of the marine resources of the United States; and

(2) the President should issue a proclamation calling on the people of the United States to observe National Boating Day with appropriate programs and activities that emphasize family involvement and provide an opportunity to promote the boating industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 410.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Res. 410, recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States.

This bipartisan resolution was introduced by Representatives RON KLEIN of Florida and HENRY BROWN of South Carolina, along with the co-Chairs of the Congressional Boating Caucus, Representatives GENE TAYLOR of Mississippi and CANDICE MILLER of Michigan.

House Resolution 410 honors the 59 million boaters in the United States. As evidenced by the bipartisan cosponsors of this resolution, American boaters span all across the country, including my constituents in Washington State who take to the waters of the Puget Sound.

□ 1830

Boating provides a great activity for thousands of families, Mr. Speaker, on

our lakes and certainly on our great coasts—to fish, to dive, to snorkel or to simply enjoy America's stunning natural marine resources.

Boating isn't just a recreational activity. The boating industry is one of America's great industries that includes about 1,400 active boat builders in the United States, including many in my district, using materials and services contributed from all 50 States. These are American jobs that are creating a uniquely American product. Additional jobs include electricians, carpenters, painters, and engineers who work to repair or to refit recreational vessels—along with all the crew members and employees at our many marinas and harbors.

When taken together, boating in America generates more than \$33 billion annually for our economy, and it provides 337,000 jobs, totaling \$10.4 billion in wages every year. For these reasons, I am urging my colleagues to support House Resolution 410.

I reserve the balance of my time.

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

I rise in support of House Resolution 410, a resolution recognizing the recreational boating community and industries.

I now recognize for as much time as he may consume our colleague from South Carolina, Mr. HENRY BROWN.

Mr. BROWN of South Carolina. I appreciate my colleague from Wisconsin for yielding.

Mr. Speaker, I rise today to offer my support for House Resolution 410, legislation I was proud to introduce with Representative KLEIN. As the Representative for 75 percent of South Carolina's coast and for many of my State's recreational and commercial boaters, I am proud of this resolution, which recognizes the numerous contributions of the recreational boating community and of the boating industry.

Boating is big business in the State of South Carolina, with more than \$826 million in sales a year and with nearly 9,000 boating industry employees across the State. Boats are owned by families of all income levels in communities across my State and the Nation. In my district alone, there are 82,441 registered recreational boats, and there are 145 boating businesses which range from small charter operations and marinas to major boat engine manufacturers at Cummins Marine, an employer of hundreds of my constituents.

Nationally, the recreational boating community includes over 59 million Americans, and it makes a significant impact on our economy. Boaters also serve as stewards of the marine environment as the boating community has a long history of educating future generations on the value of these resources and on how to preserve them for their enjoyment. Additionally, through annual motorboat fuel taxes, boaters contribute more than \$100 million towards

fish restoration and towards other environmental programs.

More than anything else, boating is important to American families as it provides opportunities for them to spend quality time together. It appeals to all age groups, and it has the beneficial effect on the physical fitness and scholastic performance of those who participate.

At the request of my constituent, Mr. Bill Hanahan, I worked to include language in this resolution, marking the important role that boating plays for American families. As Mr. Hanahan said, Joining family and friends on the water is a great way to escape the chaos of our busy lives, create quality memories together and appreciate nature in all its glory.

Boating does just that, and I encourage all of my colleagues to support this resolution.

Mr. LARSEN of Washington. Mr. Speaker, at this time, I would like to yield 4 minutes to the cosponsor of this resolution, Mr. KLEIN of Florida.

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentleman from Washington (Mr. LARSEN) for yielding me time, and I also want to commend him for his leadership on this important issue.

Mr. Speaker, I rise today in support of H. Res. 410, a resolution I introduced with my friend from South Carolina, the Honorable HENRY BROWN, along with the distinguished co-Chairs of the Congressional Boating Caucus, the Honorable GENE TAYLOR from Mississippi and the Honorable CANDICE MILLER from Michigan.

Our resolution highlights the important contributions of the recreational boating community and the boating industry as to the quality of our lives and as to our continued economic prosperity. I urge President Obama to issue a proclamation calling upon the American people to observe July 1 as National Boating Day.

Boating is a famous symbol for south Florida, where I come from, and for other parts around the country. Millions of residents in our community and tourists take to the waters of south Florida to boat, to fish, to dive, to snorkel, and to view scenic tours along our pristine coastline and along our unique intercoastal waterway. Palm Beach County alone has over 40,000 registered boaters. Fort Lauderdale's majestic canals have earned it the nickname "the Venice of America."

The significance of the boating community is not only symbolic. The industry is a major economic engine in Florida, responsible for over \$2.8 billion in direct sales and for 30,000 jobs State-wide. In my district alone, there are over 34,000 registered boats. The industry produces \$193 million, and it employs over 2,000 of my constituents.

As everyone here knows, the contributions of the boating community

extend far beyond the Sunshine State. The boating community includes 59 million people and 13.6 million registered boats throughout the United States. In addition, the recreational boating industry provides more than \$37 billion in sales and in services to the U.S. economy, and it provides over 300,000 jobs throughout our country.

One need only look at the geographic diversity among members of the Congressional Boating Caucus, of which I am a proud member, to measure the broad influence and contributions of the boating community and of the boating industry. Members come from 33 States, including Tennessee, Pennsylvania, Kansas, and West Virginia.

Clearly, boating is not just a coastal pastime. It is an American pastime. Boating also brings us closer to our natural resources and treasures. I strongly believe that an appreciation for environmental stewardship comes through an interaction with nature. For example, it's hard to comprehend the beauty of our coral reefs until you see it under water with your own eyes through a boat. Once you do, you begin to understand their importance and the need to protect them for the continued health of our oceans.

Boating gives us these cherished opportunities to commune with nature, and it should be no surprise that boaters can be impassioned stewards of the environment, teaching future generations of boaters to have a healthy respect and appreciation for our natural resources.

For these reasons, Mr. Speaker, I urge my colleagues to support H. Res. 410, and I thank the gentleman from Washington again for bringing H. Res. 410 to the floor.

I urge its passage.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from Indiana, Representative SOUDER.

Mr. SOUDER. I thank my friend and colleague from Wisconsin for his leadership on Transportation and for the time to speak on this bill.

As a member of the Boating Caucus, since we first formed this, I am really pleased to be supportive of this resolution. In northeast Indiana, basically, I represent a lot of water with plants and farms in between.

In Kosciusko County, we have 100 lakes. In Steuben County, we have 100 lakes. Along this ridge, one water system heads towards Lake Erie; one water system heads towards Lake Michigan, and the other goes down into the Mississippi Valley. Because of geological potholes basically connected together, sometimes through small dams and sometimes in natural larger lakes, we have the bulk of the lakes in Indiana. It is when the glaciers pulled back. So in this zone, I would guess we may have 40 to 60 percent of the natural lakes in the State of Indiana.

Some have been, historically in United States' history, big attractions, not necessarily as big a tourist attraction as in Florida or as in Wisconsin or, for that matter, as in Washington State, but Winona Lake was a big Chautauqua area.

In Kosciusko County, we have a number of State parks on these lakes, and so we're proud to bring in lots of regional tourism and people who enjoy them. They're sometimes lined up to get to the open space on our lakes in Indiana.

Yet, as the number one manufacturing district in the United States—I can't remember the latest figures—I believe we're fifth in the manufacturing of boats. Many of those boats go down to Florida and to the coasts. The inboard-outboard engine and the jet engine were both invented in my district, working with Volvo in Sweden. Many of the larger boat companies are based there—everything from float boats to fishing boats to high-powered speedboats. It is a critical part of our district. It has been a pleasure to work with the boating industry as we work on how to get retail floor plan financing for boats.

We hear a lot right now about GM and Chrysler—the auto companies. I represent Elkhart County, along with Congressman JOE DONNELLY. We've been working to make sure of the RV industry, 58 percent of which is there; but if you'll notice and look carefully at the retail floor plan financing and at SBA and at what they've done through TALF and other things, you'll see it says cars, trucks, RVs, motorcycles, and boats, because the same challenge that we're facing in the auto industry is true for the boating industry, which is how do we make sure there are adequate boats being purchased from manufacturers; how do we make sure there is the financing to keep them afloat, and then how do we make sure of the dealers. If they can only get one-fourth of their normal inventory there, here in this peak season for selling boats, it isn't going to work.

So this is a very unusual time and an important time for the boating industry. Not only are we entering the summer season in the Great Lakes region and in other areas of the country where boating and recreation are at a peak, but it's also a time of survival. It is probably the biggest challenge to the boat manufacturers since the luxury tax nearly sunk them years ago.

So I stand, honored to speak on behalf of this resolution because it's very important that we call to the attention of the American people not only the great pleasures of recreational boating but also the importance of having our boating industry survive.

Mr. LARSEN of Washington. Mr. Speaker, we have no further speakers. So, at this point, I will reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I fully support House Resolution 410, and I urge my colleagues to do the same.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 410, introduced by the gentleman from Florida (Mr. KLEIN), which recognizes the recreational boating community and boating industry for their contributions to the national economy and urges the President to issue a proclamation to observe July 1, 2009 as National Boating Day.

In the United States, the boating community consists of over 59 million people and over 13 million registered recreational boats. The boating community supports over 330,000 American jobs with total wages totaling approximately \$10.4 billion a year. There are approximately 1400 boat builders in the United States that construct and repair boats using materials and services from all 50 States. In addition, recreational boating and the boating industry contribute over \$33 billion to the American economy annually.

In my state of Minnesota, there are over 866,000 registered boats—the third largest number of boats of any state in the country. In fact, Minnesota has the most boats per capita of any state: there is one boat for every six people.

Whether it is on the river, a lake, along the ocean, inter-coastal or intra-coastal waterway, recreational boaters support and depend on over 12,000 marinas all across the United States.

Recreational boating is an American pastime. It is a family activity that appeals to all age groups and is a constructive outlet for entertainment. Whether water skiing, snorkeling, fishing, or just relaxing on the water, boating is a perfect reason to turn off the television and put away the video games and to bring families and friends closer together. For these reasons, July 1, 2009, should be established as National Boating Day.

I support H. Res. 410, and I urge my colleagues to do the same.

Mrs. MILLER of Michigan. Mr. Speaker, today I rise in support of H. Res. 410. This resolution commends the recreational boating industry and boating community for their sizable contribution to the economy of United States, and for their stewardship of the environment.

There are more than 59 million boaters in the United States today, helping to generate \$33 billion dollars annually in economic activity. As a result, the boating industry supports an estimated 337,000 employees, who manufacture and sell boats and operate the harbors and marinas. The goods and services purchased to build and maintain boats come from each of the fifty states. Therefore, boating does not only help the water regions of our country, but benefits America as a whole.

That having been said, the boating industry and community are especially important to Michigan and to Michigan's economy. They provide invaluable assets to my district, which has Lakes Huron and St. Clair and the St. Clair River on its eastern border. Boating is not just an important recreational opportunity; for many, life on the water becomes a way of life. The impact of boating spills over into other sectors of the economy like tourism and hospitality industries.

Unfortunately, when the economy falters, it is often the recreational boating industry that feels the impact first. Many people think of boating as a recreation for only the rich, but in Michigan we know that is simply not the case. The people who make the boating industry what it is are the working class individuals who spend their weekends out on the water with friends and family. When those people face economic challenges, you will find that the boating industry does as well.

In this climate, the boating industry is facing some difficult times, nowhere more difficult than in the state of Michigan. In Michigan, we were once the number one state in terms of total boat registrations, but we have since slipped to fourth. Given the challenges that have faced the Michigan economy over the last few years, this is no surprise. The boat manufacturers, dealers, and marina operators should all be commended for their efforts to keep going through this economic period.

Since coming to Congress, I have worked to promote issues that are important to maintaining a thriving and profitable boating industry. I am proud to co-chair of the Congressional Boating Caucus with GENE TAYLOR, and together we have worked on a number of issues to help the boating industry weather the storms that have come its way. This resolution will acknowledge the contributions of the boating industry as they fight through this difficult time.

I urge all of you to please join with me in supporting this bi-partisan initiative to recognize our boaters and recommend that President Obama issue a proclamation calling for the observation of National Boating Day.

Mr. LARSEN of Washington. Mr. Speaker, I would urge my colleagues to support House Resolution 410, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and agree to the resolution, H. Res. 410.

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

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL PIPELINE SAFETY DAY

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 484) expressing support for designation of June 10th as "National Pipeline Safety Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 484

Whereas there are more than 2,000,000 miles of gas and hazardous liquid pipelines in this country operated by over 3,000 companies;

Whereas these pipelines play a vital role in the lives of people in the United States by

delivering the energy we need to heat our homes, drive our cars, cook our food and operate our businesses;

Whereas in the past decade significant new pipelines have been built to help move North American sources of oil and gas to refineries and markets;

Whereas, on June 10, 1999, a hazardous liquid pipeline ruptured and exploded in a park in Bellingham, Washington, killing two 10-year-old boys and a young man, destroying a salmon stream, and causing hundreds of millions of dollars in damages and economic disruption;

Whereas in response to this June 10th pipeline tragedy Congress passed significant new pipeline safety regulations in the form of the Pipeline Safety Improvement Act of 2002 and the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006;

Whereas in the past decade the U.S. Department of Transportation's Pipelines and Hazardous Materials Safety Administration, with support from a diverse group of stakeholders, has instituted a variety of important new rules and pipeline safety initiatives such as the Common Ground Alliance, pipeline emergency training with the National Association of State Fire Marshals, and the Pipelines and Informed Planning Alliance;

Whereas even with all these new pipeline safety improvements, in 2008 alone there were still 274 significant pipeline incidents causing over \$395,000,000 in property damage and uncounted economic disruption;

Whereas even though pipelines are the safest method to transport huge quantities of fuel, pipeline incidents such as the 1994 pipeline explosion in Edison, New Jersey that left 100 people homeless, the 1996 butane pipeline explosion in Texas that left 2 teenagers dead, the 2000 pipeline explosion near Carlsbad, New Mexico, that killed 12 people in an extended family, the 2004 pipeline explosion in Walnut Creek, California, that killed 5 workers, and the 2007 propane pipeline explosion in Mississippi that killed a teenager and her grandmother are still occurring;

Whereas these millions of miles of pipelines are still out of sight and therefore out of mind for the majority of individuals, local governments, and businesses, leading to pipeline damage and general lack of oversight;

Whereas greater awareness of pipelines and pipeline safety can improve public safety;

Whereas a "National Pipeline Safety Day" can provide a focal point for creating greater pipeline safety awareness; and

Whereas June 10, 2009, is the 10th anniversary of the Bellingham, Washington, pipeline tragedy that was the impetus for many of the above-mentioned safety improvements and would be an appropriate day to designate as "National Pipeline Safety Day": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Pipeline Safety Day;

(2) encourages State and local governments to observe the day with appropriate activities that promote pipeline safety;

(3) encourages all pipeline safety stakeholders to use this day to create greater public awareness of all the advancements that can lead to even greater pipeline safety; and

(4) encourages individuals across the Nation to become more aware of the pipelines that run through our communities and do what they can to encourage safe practices and damage prevention.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 484.

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

There was no objection.

Mr. LARSEN of Washington. I yield myself as much time as I may consume.

Mr. Speaker, today I rise to ask the House of Representatives to support the designation of June 10, tomorrow, as National Pipeline Safety Day. There are more than 2 million miles of gas and hazardous liquid pipelines in our country. Pipelines play a vital role in the lives of the American people by delivering the energy we need to heat our homes, to drive our cars, to cook our food, and to operate our businesses.

In the past decade, significant new pipelines have been built to help move oil and gas to refineries and to markets. These pipelines are invisible to most people and, therefore, are out of sight and are out of mind. This can lead to pipeline damage and to a general lack of government oversight.

On June 10 of 1999, a pipeline leak caused a massive explosion in my district in Bellingham, Washington. The rupture released more than a quarter of a million gallons of gasoline into Whatcom Creek. The gasoline ignited, sending a fireball racing down the creek, which killed two 10-year-old boys and an 18-year-old man. The two boys—Stephen Tsiorvas and Wade King—were playing in the creek on a summer day, near their homes, and 18-year-old Liam Wood had just graduated from high school and was fly fishing for trout.

□ 1845

Previous generations certainly ask themselves, Where were you when President Kennedy was shot? But in my district, people literally ask the question and know the answer to, Where were you when the pipeline exploded? It had that much of an impact in my district.

In response to this tragedy and several other pipeline explosions across the country, Congress passed legislation to strengthen pipeline safety regulations. The 2002 Pipeline Safety Improvement Act increased penalty fines, improved pipeline testing timelines, provided whistleblower protection, and allowed for State oversight. In 2006,

Congress reauthorized the 2002 law by passing the Pipeline Inspection, Protection, Enforcement, and Safety Act, or the PIPES Act. Since that day in June, we've made significant progress in ensuring the safety of our Nation's pipelines. The frequency of so-called "high-consequence events" to pipelines has diminished almost 35 percent in the last 10 years. Due to the integrity management program required by the new law, pipeline operators have made extensive repairs to their pipelines that otherwise would have led to future accidents.

The 811 One-Call program now provides a number that people can call before they dig to make sure that they won't hit a pipeline when they do dig. "Call 811, the One-Call program." And Congress has significantly increased the number of pipeline inspectors in the field. However, we must remain vigilant. That's why I have introduced House Resolution 484, a resolution to recognize tomorrow, June 10, 2009, the 10-year anniversary of the Bellingham pipeline explosion, as National Pipeline Safety Day. My resolution encourages individuals, State and local governments, and pipeline safety stakeholders to use this day to create greater public awareness of pipelines and pipeline safety. It has the support of Washington State Governor Christine Gregoire, the Whatcom County Council, the Pipeline Safety Trust, the Pipeline Association for Public Awareness, the American Gas Association and the American Public Gas Association.

In conclusion, Mr. Speaker, I do encourage my colleagues to support House Resolution 484.

With that, I reserve the balance of my time.

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

I would like to express my support for House Resolution 484, designating June 10 as National Pipeline Safety Day, and yield such time as he may consume to my colleague from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, let me thank the gentleman for his generosity with the time.

I rise in support of this resolution, designating National Pipeline Safety Month. Mr. Speaker, pipelines obviously play an important role in our society through the operation of our homes, our businesses, and the delivery of energy to drive our cars, to cook our food, to keep us warm in the winter and cool in the summer. It is an undeniable reality that energy affects all aspects of our lives, and all Americans need it and depend on energy.

That's why it's unfortunate that some in the majority and in the administration, frankly, are proposing this cap-and-trade legislation that many are calling cap-and-tax legislation that

would dramatically increase the cost of energy for all Americans, every single American. Estimates say that this bill could increase a cost to a family of four close to \$3,000 a year, \$2,937 a year, to be exact, and raise electrical rates on families by 90 percent after adjusting for inflation, boost gasoline prices by 74 percent on American families, and natural gas prices by 54 percent. If that were not bad enough, it would also put American businesses at a huge competitive disadvantage with their competitors from other countries that don't pursue that kind of legislation, be it China or India.

Now let's take a look at what some key players in the administration have recently stated about this legislation, some facts. For example, Peter Orszag, as CBO director and currently as the OMB director, testified to the Ways and Means Committee on September 18, 2008. He said, "Decreasing emission would also impose costs on the economy. Much of those costs will be passed along to consumers in the form of higher prices for energy and energy-intensive goods."

Mr. Orszag's written testimony stated that the average annual household cost was \$1,300. That's for a 15 percent cut in CO₂ emissions, which, by the way, happens to be 80 percent less than the cut sought by this administration.

Another fact. On March 17, 2009, Energy Secretary Steven Chu, testifying before the Science Committee said, "The cap-and-trade bill will likely increase the cost of electricity."

Another fact I would like to bring up today, Energy Secretary Steven Chu said advocating adjusting trade duties as a "weapon" to protect U.S. manufacturing, because otherwise, again, U.S. manufacturing would be put at a huge disadvantage. He said establishing a carbon tariff would help "level the playing field" if other countries haven't imposed mandatory reductions in carbon emissions; again, referring to the fact that it would put our industry at a huge disadvantage. Again Mr. Chu said, "If other countries don't impose a cost on carbon, then we will be at a disadvantage," and he went on to say, "and we would look at considering duties to offset that cost." But the legislation doesn't have those in the bill.

Again, what we are looking at then is, the United States will impose a self-inflicted wound to put our industry and our country at a huge disadvantage, increasing costs of energy to all consumers in this great country of ours at a time in particular when everybody is hurting.

Last month on May 21, the current CBO director testified before the House Budget Committee and said, "CBO has been very clear that a cap-and-trade system or a carbon tax would raise the price of carbon emissions, and the cost would ultimately be borne by households." Again, it's not rocket science,

Mr. Speaker. And again, "It's also widely understood that if we raise the price of carbon emissions and our trading partners do not, then that creates an additional challenge for carbon-emitting industries." Those are his words. I added that part about the rocket science, to be fair; but those are his words.

So it's fitting that we are now here talking about pipelines and energy. I just hope that we don't forget the big picture as well and that we don't impose this huge cost on our consumers and those who use gasoline and turn on lights, like everybody does, that manufactures using energy, like every industry does, that we don't put them at a huge disadvantage.

Mr. LARSEN of Washington. Mr. Speaker, I am sure the parents of the three young men who died in the explosion would be very interested to hear the thoughts of the gentleman from Florida on energy.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I believe this resolution highlights the need to properly maintain pipelines and encourages the development of pipeline safety programs. I support the passage of this resolution and urge my colleagues to do the same.

I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I want to thank Mr. PETRI and Mr. MICA as well as Mr. YOUNG, Mr. OBERSTAR, and Ms. BROWN for all their help in putting this resolution together and getting it to the floor today. I urge my colleagues to support House Resolution 484.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 484, introduced by the gentleman from Washington (Mr. LARSEN), which expresses support for designating June 10th as "National Pipeline Safety Day".

Pipelines have a critical place in our national infrastructure. The national pipeline network of over 2.2 million miles efficiently delivers gasoline, natural gas, oil, and other essential energy products across the country each day. However, because of the volatile nature of the products they deliver, if pipelines are not properly cared for, or they are carelessly tampered with, there can be serious consequences.

That is what occurred in 1986 in Mounds View, Minnesota, when a Williams pipeline ruptured. Vaporized gasoline combined with air and liquid gasoline flowed along neighborhood streets. About 20 minutes after the accident occurred, the gasoline vapor was ignited when an automobile entered the area. Fire spread rapidly along the path of the liquid gasoline, killing a woman and her daughter and severely burning another victim. According to accident investigators, there were known deficiencies in the cathodic protection applied to the first 10 miles of the pipeline and Speaker, I rise today in support of H. Res. 484, introduced by the corrosion to the weld seams. Employees also had failed to shut-off the manually operated gate valve until one and half hours into the spill.

According to the National Transportation Safety Board (NTSB), had the valve been remotely operable or had remote-operated valves been installed on the line at the time of the accident, the pipeline could have been shut down by the dispatcher soon after the failure was detected, thereby decreasing substantially the amount of product released into the neighborhood. Ignition of the fuel may not have been prevented; however, the extent and severity of the damage could have been reduced.

The NTSB first identified the need for rapid shutdown of failed pipelines to limit the release of product following a pipeline rupture in a 1970 study, entitled "Effects of Delay in Shutting Down Failed Pipeline Systems and Methods of Providing Rapid Shutdown". Since then, a number of accidents that highlight the need to reduce the release of hazardous gases or liquids have occurred. In 1995, the NTSB recommended that the Department of Transportation's Research and Special Programs Administration (RSPA) expedite requirements for rapid shutdown of failed pipeline segments on high-pressure pipelines in high-consequence areas.

However, RSPA failed to act on the NTSB's recommendations, opting instead to further study the issue. That prompted Congress to pass the Accountable Pipeline Safety and Partnership Act of 1996 (P.L. 104-304), which required the Secretary of Transportation to assess the effectiveness of remotely operated valves and to prescribe standards, within two years of enactment, for installation of the valves based on that assessment. The regulations were not issued until 2001—too late for the victims of the 1999 hazardous liquid pipeline explosion in Bellingham, Washington.

The June 10, 1999, explosion caused the release of about 237,000 gallons of gasoline into a creek that flowed through Whatcom Falls Park in Bellingham, Washington. The gasoline ignited, sending a fireball about 1.5 miles down the creek, which took the lives of two 10-year-old boys, Stephen Tsiervas and Wade King, and an 18-year-old young man, Liam Wood. Eight additional inhalation injuries occurred, a single-family residence and the city of Bellingham's water treatment plant were severely damaged, and the wildlife in Whatcom Creek was completely destroyed.

Investigators found, among other things, that Olympic Pipe Line had no remote-operated shut off valves on the line, which could have prevented the release of hundreds of thousands of gasoline and the loss of three young lives. Following the Bellingham accident, RSPA ordered the pipeline company to install an automatic check valve just downstream of the rupture location so that the volume of product released would be limited in the event of a future pipeline rupture in that area. Again, a case of too little, too late.

Pipeline accidents, such as the ones in Mounds View and Bellingham, are not isolated incidents. According to the Pipeline and Hazardous Materials Safety Administration (PHMSA), which now oversees the safety of our nation's pipeline infrastructure, 2,888 significant pipeline incidents occurred between 1999-2008, resulting in 173 fatalities, 632 injuries, and \$2.7 billion in property damage.

In response to these incidents, Congress passed the Pipeline Safety Improvement Act

of 2002 (P.L. 107-355), which increased penalties for violations of safety standards; developed qualification programs for employees who perform sensitive tasks; strengthened pipeline testing requirements; required government mapping of the pipeline system; established a public education program for communities that live around pipelines; and enhanced whistleblower protections.

In 2006, Congress furthered these pipeline safety efforts by passing the Pipeline Inspection, Protection, Enforcement, and Safety Act (P.L. 109-468), which required development of an integrity management program for distribution pipelines; implemented long-standing NTSB safety recommendations on the installation of excess flow valves, development of hours-of-service standards for pipeline employees, and adoption of safety standards for Supervisory Control and Data Acquisition (SCADA) systems; and increased pipeline inspection and enforcement personnel.

Despite these significant measures, much work remains to be done. PHMSA has not implemented many of the mandates from the 2006 Act. Over the next several months, as we look to reauthorization of the pipeline safety program in fiscal year 2011, we will work with PHMSA to ensure full implementation of the Act.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 484.

Mr. LARSEN of Washington. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and agree to the resolution, H. Res. 484.

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

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Ms. WATERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 502) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 502

Whereas the month of June is recognized as National Homeownership Month;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments;

Whereas homeownership can be sustained through appropriate homeownership education and informed borrowers; and

Whereas affordable homeownership will play a vital role in resolving the crisis in the United States housing market: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month;

(2) recognizes the importance of homeownership in building strong communities and families; and

(3) reaffirms the importance of homeownership in the Nation's economy and its central role in our national economic recovery.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

I am proud to be a cosponsor of this legislation which recognizes June as National Homeownership Month. As Chair of the Subcommittee on Housing and Community Opportunity, I am indeed committed to good public policy that will assist citizens to realize the American dream of homeownership. I would like to thank Representative GARY MILLER for his continued leadership on ensuring that this resolution comes to the floor every year. This is the seventh time that he has introduced this resolution, and I appreciate his commitment to America's homeowners. Preserving homeownership is more important today than ever before, with foreclosures reaching record levels and millions more Americans struggling to stay in their homes. Homeownership has historically been the single most important wealth-building tool available to families in this country. However, homeownership, as we know it, is at risk. The foreclosure crisis has all but erased the gains we have made in increasing homeownership rates, especially for minorities; and the gains those families thought they had achieved through increases in home equity have also diminished as now 20 percent of homeowners owe more on their homes than they are worth.

The combination of unemployment, unsustainable and predatory mortgages, and uncooperative mortgage servicers has created a perfect storm of record rates, of loan defaults and foreclosures. According to the Mortgage Bankers Association, a record 12 percent of mortgages are either in default or in foreclosure. According to the Center For Responsible Lending, 6,500 foreclosures occur each day in the United States. By the end of 2009, there will be 2.4 million families in foreclosure. We must keep families in their homes, and this Congress and the administration have developed programs to do just that. For example, the Making Home Affordable program, announced by President Barack Obama in March, builds on legislation I introduced at the beginning of this Congress to end this unending avalanche of foreclosures.

Despite the commitment from the administration and Congress to reduce foreclosures, mortgage servicers have been reluctant to modify troubled loans. In fact, NeighborWorks recently found in its survey of housing counseling agencies that servicers are generally uncooperative. They take up to 60 days to respond to requests and frequently lose important documents. In order to be true to the spirit of National Homeownership Month, I call on all mortgage servicers to fully participate in the Making Home Affordable program and to work with families to maintain their ownership.

Vulnerable homeowners are also threatened by scam artists who offer to rescue or help struggling homeowners stay in their homes for an exorbitant fee that must be paid up front. They often deliver either nothing or a higher payment than the homeowner was paying before contacting these companies. The Federal Trade Commission has begun to crack down on these scammers, and I support these efforts.

Prospective homeowners are also caught up in this economic crisis. Because they have no other home to sell, first-time homebuyers have the ability to help stabilize housing prices and neighborhoods. Housing experts are saying that now is the time to buy, but many first-time homebuyers are finding themselves locked out of the housing market. Many families who would otherwise be buying homes now lack the required down payment. Fortunately, the recently enacted \$8,000 tax credit for first-time homebuyers is now being monetized so that these homeowners can use it to pay closing costs or to assist with their down payment.

America's homeowners face many challenges this month and will face many more this year. This resolution demonstrates this Congress' commitment to assisting them and first-time homebuyers in achieving the American dream of homeownership.

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I urge all of my colleagues to support this important resolution.

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

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the month of June is recognized as National Homeownership Month. On June 3, 2009, I introduced this bipartisan resolution with 12 of my colleagues, including the ranking member, and I would like to thank MAXINE WATERS. As I recall, you have been here every time on the floor speaking with me. You are an ardent supporter of housing. You understand the benefit of that to communities and how it really helps people who need homes.

We are in a tough time, but we need to acknowledge the importance of homeownership in building strong communities and families. Owning a home is a fundamental part of the American Dream and is the largest personal investment most families will ever make.

For millions of American families, homeownership provides an entry into the middle class, and is a key to building wealth. Moreover, in addition to providing financial benefits to individuals, homeownership also helps strengthen communities. Homeowners have a greater stake in the success of their local schools, civic organizations and churches.

We have recently experienced significant upheaval in the U.S. housing market which has affected the entire economy. My home State of California in particular has been heavily impacted by the mortgage crisis, with thousands of families losing their homes. Despite all of this occurring in the current housing market, we need to remember that homeownership has historically been the single largest creator of wealth for most Americans.

As someone who has been involved in the housing industry for more than 35 years, I have seen my fair share of housing downturns. From these experiences, I have learned that at a time of stress, it is important to ensure that liquidity continues to flow to the housing market in order to keep the markets functioning.

The loan limit increases for FHA and GSEs included in enacted law are finally providing affordable, safe mortgages for homeowners who were previously forced to resort to risky loans that impaired their ability to keep their home.

Additionally, I have also cosponsored the Homebuyer Tax Credit Act, which was introduced by my fellow Southern Californian, KEN CALVERT, to bring stability to the housing market and encourage responsible homeownership. Congressman KEN CALVERT's bill would expand the homebuyer tax credit provisions included in the enacted stimulus

bills. During these economically challenging times, it is more important than ever to provide tax relief to hard-working families.

In the first quarter of 2009, the homeownership rate was 67.3 percent. It has become more difficult for many people to retain homeownership today. Many families are trying very hard just to be able to make their house payment each and every month.

In the past we have seen downturns in the seventies, eighties and nineties. This is probably the most significant one I have ever seen. At this point in time we need to acknowledge that supporting homeownership is a worthy goal of this Congress, and I urge my colleagues to join me in supporting this resolution by voting "yes."

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

Ms. WATERS. Mr. Speaker, I would like to request of my colleague that we join in a little colloquy prior to going to our closing.

Representative MILLER, I know that you have been involved with real estate and housing and development and you understand a lot about the housing markets. And while we have identified that there certainly are problems we have been going through, a crisis with foreclosures and a kind of a meltdown, I am extremely hopeful that we are going to be able to stabilize this housing market and that we can continue to encourage our families to seek homeownership opportunities.

I think we see some indications of the banks getting stronger and being able to pay back money that the United States citizens have invested in the banks in order to stabilize this housing market. But I would like to have your opinion: Based on your expertise and your involvement for so many years, do you think that we are beginning to have a turnaround?

Mr. GARY G. MILLER of California. Well, you have worked very closely with me over the years on dealing with conforming loan limits in high-cost areas for Freddie and Fannie, and in California we almost felt like step-children for years. The limits were so low that people in California could not be able to use them to buy a home, and they were forced into riskier loans that many times you and I fought hard to change.

We have raised the GSEs and the FHA loan limit in California and are helping a tremendous amount of people refinance their homes, or people who need to sell a home and people buying a home be able to get into the marketplace at probably at least 100 basis points cheaper than they would be able to get into a jumbo loan.

I don't know if it is over, Maxine. I really wish I could say it was. I remember back in the early eighties when the prime went to 21.5 percent. You remember that. As a developer, I was

paying a 24.5 percent interest rate for construction projects I had, and if anybody could even get a loan for 12 percent, they would buy a house at that point in time. But you couldn't get it.

I hope we are doing what is right, providing liquidity in the marketplace to encourage people to take advantage of the deals that are out there today. But you see more and more lenders having to foreclose on homes, and they are putting them on the marketplace. In fact, I have a bill right now that Chairman FRANK is going to be bringing up before the committee that allows banks, instead of forcing those homes on the marketplace, they can lease those homes for up to 5 years, and that way you get a lot of these distress sales off the marketplace.

Hopefully we can find a reasonable bottom at that point in time and the market will start to come back. But you have such a glut of foreclosed properties on the market today that it keeps driving values down further and further, and that makes it more difficult for people to be able to stay in their home, because many times they owe more than it is worth.

So hopefully we can get together, and we have done many of these things in a bipartisan fashion, and create a structure that will create a bottom and get us out of this. I am looking forward to that.

But I am really thankful to you for your help and your cooperation and your support for the housing market. You have a passion for that, as I do, and I know SPENCER BACHUS does and Chairman FRANK does also, and hopefully working together in a bipartisan fashion we can find a bottom and move the American people in a positive fashion forward.

Ms. WATERS. Thank you very much. I do appreciate your comments, and I value them because of your experience.

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

Mr. AL GREEN of Texas. Mr. Speaker, it is with great enthusiasm that I support H. Res 502, recognizing June as National Homeownership Month and the importance of homeownership in the United States.

Since the founding of this great nation, homeownership has been fundamentally tied to the American Dream. However, the right to own land or a home has not always been an inclusive one—for many generations homeownership was denied to communities of color and women. While we have taken great strides to rectify past injustices, much remains to be done, which reflects the importance of this resolution.

Owning a home represents much more than a roof and walls to protect one's family from the elements, or a space to raise a family. A home is the single most valuable asset one can own, and the wealth it can generate over time is crucially important for rising out of poverty. This reason alone, reflects the irrevocable damage that the foreclosure crisis is inflicting on our communities.

The bursting of the housing bubble and the economic crisis have resulted in the loss of countless American homes; countless dreams have been disrupted, and countless Americans are now struggling to deal with the ramifications of the actions of greedy, dishonest businesspeople more focused on personal gain than on truly honoring the dream of homeownership.

We now find ourselves at a critical point in American history. The housing and financial markets are undergoing fundamental changes; and while the Administration and this legislative body continue to work to implement programs to sustain homeownership, we must not forget those of us who are still working to realize the dream of owning their own home.

I firmly believe that homeownership should be a dream realized by every responsible American, and believe that we should continue to work to provide opportunities to make those realizations possible.

Mr. GARY G. MILLER of California. I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and agree to the resolution, H. Res. 502.

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

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1886, PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009, AND PROVIDING FOR CONSIDERATION OF H.R. 2410, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-143) on the resolution (H. Res. 522) providing for consideration of the bill (H.R. 1886) to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes, and providing for consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CELEBRATING THE LIFE OF
MILLARD FULLER

Mr. CLEAVER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 385) celebrating the life of Millard Fuller, a life which provides all of the evidence one needs to

believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 385

Whereas Mr. Millard Fuller, as the founder of Habitat for Humanity and as a dedicated citizen, displayed extraordinary commitment, selflessness, and benevolence throughout a lifetime of philanthropy and goodwill;

Whereas Mr. Fuller, despite achieving financial success by which he could live out the rest of his life in well-earned comfort, instead chose to devote himself to a cause greater than himself, abandoning his fortune for a life of service;

Whereas this commitment was most profoundly manifested in the establishment of Habitat for Humanity in Americus, Georgia, an organization whose core principle was, in Millard Fuller's own words, "To make it socially, morally, politically and religiously unacceptable to have substandard housing and homelessness";

Whereas Habitat for Humanity has, since its founding in 1976, and with the help of countless volunteers, constructed over 300,000 homes for 1,500,000 of the world's less fortunate, providing hope that would otherwise be lost and promise that would otherwise lay unrealized;

Whereas Habitat for Humanity's success has left an enduring mark of progress on the world, an achievement facilitated by Millard Fuller's leadership and commitment to a higher ideal, to a more empathetic and noble world, and to a vision of what can be achieved when a united people extend their hands in selfless service;

Whereas Mr. Fuller's life has been previously and deservedly honored by President William Jefferson Clinton, who awarded him the Nation's highest civilian honor, the Presidential Medal of Freedom in 1996; and

Whereas Millard Fuller passed away on February 3, 2009, leaving behind a loving wife, Linda Fuller, a proud family, and a world filled with inexhaustible gratitude: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the life of Millard Fuller, a life which provides all the evidence one needs to believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man;

(2) honors Millard Fuller for three decades of leadership and service through Habitat for Humanity, and the millions he and his organization have inspired to embrace a passion for the good and the just; and

(3) urges the people of the United States to recognize and pay tribute to Millard Fuller's life and legacy of service by carrying on his vision for a kinder, gentler world, following the example he so emphatically set.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLEAVER) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

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

There was no objection.

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

Mr. Speaker, I rise this evening to recognize and celebrate the life of Mr. Millard Fuller, the founder and strength behind one of our Nation's most well-known and beloved nonprofit institutions.

Mr. Fuller led Habitat for Humanity from its founding in 1976 until 2005. He was an amazing man who was able to turn a simple idea into a global housing juggernaut serving over 100 countries. Through his leadership, Habitat for Humanity has created affordable homes for more than 300,000 families and 1 million people, families that otherwise would have remained in substandard housing.

So, Mr. Speaker, I think that it is appropriate for this body to pass this resolution for a gentleman who certainly is worthy of having this recognition.

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

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 502, celebrating the life of Millard Fuller, founder of Habitat for Humanity. Millard Fuller, along with his wife, Linda, founded Habitat for Humanity in 1976.

Habitat for Humanity operates as a nonprofit Christian housing ministry. Working together with local affiliates, Habitat provides safe, decent and affordable housing for people of all backgrounds. Since its founding, Habitat for Humanity has built more than 300,000 homes worldwide in 3,000 communities and provided housing for more than 1.5 million people.

Habitat for Humanity provides needy families with an opportunity for homeownership. The average cost of a Habitat home in the U.S. is \$60,000. Habitat for Humanity sells homes at no profit to Habitat homeowners. In order to purchase a home, a Habitat homeowner must invest hundreds of hours in sweat equity into building not only their Habitat house, but houses for others as well. A Habitat homeowner is also responsible for making a down payment and monthly mortgage payments.

Habitat for Humanity is able to finance its operations through mortgage payments made by Habitat homeowners, donations and volunteer labor. Habitat also accepts government funds, so long as they have no conditions that would violate Habitat principles.

In my State of California, Habitat for Humanity has worked tirelessly to provide housing for needy Californians.

Thousands of people have a decent place to live because of the work of many volunteers and the generosity of thousands of donors.

Mr. Speaker, Habitat for Humanity is an organization that deserves to be honored. I urge my colleagues to join me and vote "yes" on this resolution.

I reserve the balance of my time.

Mr. CLEAVER. Mr. Speaker, I yield 7 minutes to my colleague and friend, the gentleman from Georgia, Mr. SANFORD BISHOP.

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Speaker, it often takes loss to remind ourselves of our unwavering appreciation and unfaltering gratitude for those few extraordinary people who, despite their ability to enjoy tremendous success and reward for themselves, instead commit their energies and talents to the betterment of the world.

Millard Fuller of Americus, Georgia, was one of those extraordinary few. He passed away February 2nd, leaving behind a wife and family, but, more importantly, a legacy that is all the evidence one needs to believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man.

Throughout his life, Millard Fuller's talent and passion were put on display in no small number of ways. He grew to be a great entrepreneur, founding a marketing company that made him a millionaire before he was 30 years old. He was a great lawyer and headed the Southern Poverty Law Center in Montgomery, Alabama. He was a great Christian, one who walked away from his hard-earned wealth to pursue a life of service and philanthropy through the founding of the tremendously successful Habitat for Humanity.

Millard led the organization for more than three decades, and through the application of what he called the "economics of Jesus," helped to provide over 300,000 homes to the destitute and downtrodden across the globe.

However, more than any of these things, Millard was a great man. His selflessness serves as an inspiration to people throughout the Nation and all across the world.

Born to a grocer in Lanett, Alabama, Millard refused to allow his modest beginnings to define the course of his life. Although he attained great fortune from his tireless efforts as a businessman, he soon found that in order to live a life of fulfillment, he had to dedicate himself to a simple life of devotion and service to a higher purpose.

□ 1915

He traveled to Africa in order to observe what he could do to improve the lot of the impoverished. He became a staunch advocate for aid to Africa's poor and traveled the United States for assistance in his efforts for Africa.

After moving to Americus, Georgia, which is located in the Second Congressional District of Georgia, which I'm proud to represent, Millard and his supporters founded what would become the most visible and effective manifestation of his desire to make a difference, an organization dedicated to providing housing and support for the poor, Habitat for Humanity.

For more than 30 years, Habitat for Humanity, with the help of countless volunteers, ranging from the average citizen to former President Jimmy Carter, built hundreds of thousands of homes for the world's disadvantaged. Its mission has reflected a simple philosophy best expressed in Millard's own words. He said, "We want to make it socially, morally, politically and religiously unacceptable to have substandard housing and homelessness."

In 1996, President Bill Clinton recognized Millard's dedication by awarding him The Presidential Medal of Freedom.

In 2005, Millard also founded the Fuller Center for Housing, a nonprofit housing ministry dedicated to eliminating poverty housing worldwide by providing the structure, guidance and support that communities need to build and repair homes for the impoverished among them.

It is my great honor to sponsor H. Res. 385, which celebrates the life of Millard Fuller and the impact that he had on so many. As this resolution is voted on today, let us seek to emulate Millard Fuller's passion for the good and the just and his selfless spirit of a better, gentler world.

I urge my colleagues to support this resolution to honor the life and the memory and the legacy of Millard Fuller.

Mr. GARY G. MILLER of California. Mr. Speaker, in closing, you have to admire an individual who applies Christian principles to his life. He didn't just talk good. He didn't just tell a story, he created good and he created a life for many people.

There's nothing like looking in the eyes of an individual or a family who is moving in a new home, especially when the family was involved in that home, building that home, and helping build homes for other people. You have to admire him for what he did, and all the individuals in this country and other countries who give of their time, their talent and their resources for the betterment of humanity.

And at this point in time, I would ask for an "aye" vote on a man who deserves it.

I yield back the balance of my time.

Mr. CLEAVER. Mr. Speaker, let me just agree with my colleague, who talked about the living out of beliefs.

I read a story in one the newspapers today which I thought was one of the most theologically unsound things I've seen or read recently. It compared the

times President Obama and President Bush said the name "Jesus," as if there is something that is magically going to happen as a result of calling the name. And I think we are going into a slippery slope when we begin to compare people by how they call the name of their deity.

But in the case of Millard Fuller, he acted out his beliefs. And we believe in, at least my religious tradition, that there can be no faith, measurable faith, unless there are works. And we say faith without works is dead. And so you see today on the political scene, a lot of talk about religion, but after all is said and done, there's almost always more said than done. And so we have reason to stand up and celebrate Mr. Fuller, who put his faith into action.

I never had the opportunity to work on more than two Habitat homes, and I really hate the fact that I've not been able to do more. But I appreciate the fact that former President Jimmy Carter has become one of the most ardent supporters of Habitat for Humanity and has actually worked on tens and tens of homes, not only in this country, but around the world.

And by the organization's 25th anniversary, tens of thousands of people like President Jimmy Carter were volunteering with Habitat, and more than a half million people were living in Habitat homes. I am proud to count myself among the numbers of Habitat volunteers, and I'm also proud that I have the opportunity to speak in favor of Millard Fuller, a prolific writer, authoring 10 books, and a man who put his faith into action.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLEAVER) that the House suspend the rules and agree to the resolution, H. Res. 385.

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

A motion to reconsider was laid on the table.

HONORING THE U.S. BORDER PATROL ON ITS 85TH ANNIVERSARY

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 498) honoring and congratulating the U.S. Border Patrol on its 85th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 498

Whereas in the early 20th century, control of the border was sporadic and piecemeal, and included mounted guards, Texas Rangers, and military troops;

Whereas Supervising Inspector Frank W. Berkshire wrote to the Commissioner-General of Immigration in 1918, "If the services of men now being drafted cannot be spared for this work, it may be that the various departments vitally interested would give favorable consideration to the formation of an independent organization, composed of men with out the draft age. The assertion is ventured that such an organization, properly equipped and trained, made up of seasoned men, would guard the border more effectively against all forms of lawlessness than a body of soldiers of several times the same number . . .";

Whereas the prohibition of alcohol and numerical limits placed on immigration to the United States by the Immigration Acts of 1921 and 1924 further exposed our inability to control our borders;

Whereas in response to this urgent need the Labor Appropriations Act of 1924 officially established the U.S. Border Patrol with an initial force of 450 officers to help defend our borders;

Whereas over the past 85 years the border patrol has undergone enormous changes, but their primary mission has remained the same, to detect and prevent the illegal entry of persons into the United States;

Whereas since 1998, the Border Patrol has seized more than 15,567,100 pounds of marijuana and more than 189,769 pounds of cocaine nationwide;

Whereas the border patrol is on the front line of the U.S. war on drugs, having seized more than 14,241 pounds of cocaine and more than 1,800,000 pounds of marijuana in fiscal year 2007;

Whereas in the wake of the attacks of September 11, 2001, the border patrol has taken on a new mission as part of the U.S. Customs and Border Protection agency, with the priority mission of preventing terrorists and terrorist weapons from entering the United States;

Whereas the U.S. Border Patrol today is our Nation's first line of defense against many threats, patrolling 8,000 miles of international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico;

Whereas the mission of the agency says, "We are the guardians of our Nation's borders. We are America's frontline. We safeguard the American homeland at and beyond our borders. We protect the American public against terrorists and the instrument of terror. We steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel. We serve the American public with vigilance, integrity and professionalism.";

Whereas the Border Patrol has adopted a clear strategic goal, to establish and maintain operational control of the border of the United States;

Whereas this strategy consists of five main objectives, establishing substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between the ports of entry, deterring illegal entries through improved enforcement, detecting, apprehending, and deterring smugglers of humans, drugs, and other contraband, leveraging "Smart Border" technology to multiply the effect of enforcement personnel, and reducing crime in border communities and consequently improving quality of life and economic vitality of targeted areas;

Whereas today over 18,800 agents risk their lives in pursuit of these objectives;

Whereas the Border Patrol recognizes 104 official line of duty deaths in service to their country;

Whereas the U.S. Border Patrol has spent past 85 years keeping this country safe from threats like terrorists, illicit drugs, weapons, and criminals;

Whereas the Border Patrol Inspectors of the past and the Border Patrol Agents of today perform their duties on foot, in automobiles, by horse, and in boats;

Whereas today the Border Patrol uses state of the art technologies to aid in the performance of their duties; infrared cameras, remote video surveillance, unattended underground sensors, and ground radar support their National Strategy;

Whereas they use canine teams to detect both humans and narcotics at immigration checkpoints as well as in daily operations;

Whereas their Special Response Teams and Tactical Unit are specially trained for domestic and international emergencies and they have Search, Trauma, and Rescue teams, which provide humanitarian and rescue capabilities, performing countless rescues every year; and

Whereas the Border Patrol is also supported in their mission with air and marine assets and personnel from CBP Air and MarineNow, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the Border Patrol's goals and objectives;

(2) expresses its gratitude to the U.S. Border Patrol for its commitment to protecting the United States; and

(3) congratulates the Border Patrol and its exemplary workforce on 85 years of service to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LORETTA SANCHEZ) and the gentleman from Indiana (Mr. SOUDER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution under consideration.

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

There was no objection.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in strong support of House Resolution 498, honoring and congratulating the United States Border Patrol on its 85th anniversary, and I yield myself as much time as I may consume.

As the chairwoman of the Committee on Homeland Security Subcommittee for Border, Maritime and Global Counterterrorism, I have been fortunate enough to visit the border several times to see firsthand the good work of the Border Patrol. I have seen it, not just on the southern border with Mexico, but also that with Canada.

These dedicated men and women patrol America's borders, often in harsh climates, in isolated conditions, under

dangerous conditions, in order to keep our Nation secure.

Representatives of Customs and Border Protection, the Border Patrol, and its agents have also testified many, many times before our committee about the challenges they face, particularly the Border Patrol's rapid growth and its evolving mission in recent years.

I don't know if a lot of you remember, but just a few years back, our Border Patrol was only 450 people. Today it numbers almost 19,000, and it's on track to grow to 20,000 agents by the end of next year.

When it was founded, the Border Patrol's sole mission was to prevent persons and contraband from entering our country illegally. But, in particular, in the wake of the attacks of September 11 of 2001, the Border Patrol is also charged, it is our front line, with stopping terrorists and their weapons from entering our country.

In the early days of the Border Patrol, agents patrolled our borders without the benefit of modern technology. But today they have sensors, cameras, in addition to their traditional "sign-cutting" or their tracking skills, which they still use in some of the mountainous areas, especially out there in the Arizona and California desert. And through all these changes, the Border Patrol and its agents have maintained a steadfast commitment to serving our Nation.

I commend the Border Patrol and all the agents who have served honorably under the Patrol's proud 85-year history. It is certainly fitting that the House of Representatives is marking this anniversary today with this resolution.

And finally, Mr. Speaker, I congratulate Mr. TEAGUE, the gentleman from New Mexico, for offering this fine resolution, and I urge all of my colleagues to give it their support.

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

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

I rise in support of H. Resolution 498, celebrating the anniversary of the Border Patrol and honoring their service.

The Border Patrol was established in the Immigration Act of 1924, and celebrated its 85th anniversary just recently on May 28, 2009.

The Border Patrol is one of the most public faces of the Department of Homeland Security. For those who aren't familiar with the differences, the Border Patrol covers the areas between the ports of entry as opposed to the ports of entry. The 18,000 men and women in green work every day along the borders and coastlines of the United States, often in some of the most rugged and challenging terrain.

I have this oversized map here that the Marfa sector of the Border Patrol had given me from Texas. And this is

just one small section of the border, but I wanted to use it to illustrate a few points. Marfa, Texas, is one of the more, let's just say, rural parts of America, which is why it was featured in "No Country for Old Men," "There Will Be Blood," because it was such a kind of an undeveloped area.

The area at the bottom on the point is the big bend of Texas that you see. That's Big Bend National Park. Those mountains in that area, the Chisos, are about 7,000 feet. A lot of people think our border is just flat and that it would be very easy to see all the problems coming through, but, in fact, it's very mountainous.

The far northwest edge of this map, in the western side of the Marfa sector, is Presidio. Presidio is a point of entry. That point of entry, for example, it's called Presidio because it was a fort, and that's where General Pershing, for example, chased Pancho Villa across. There's no other legal point of entry for hundreds of miles as you go across that border through Big Bend and up until the far side, which is near Lake Amistad and Del Rio sector. These areas are very vulnerable to penetration by any number of things.

And a lot of times the Border Patrol, as well as illustrating that the National Park Service has a huge chunk there, huge chunk over in other parks, that this border is not simple, and that when people say, Can't you just put a couple of thousand agents there and control the border, well, no, it is an incredible challenge.

During my time in Congress, I have had the opportunity to visit almost every Border Patrol sector on the north and south borders. There's 2,000 miles on the south, 4,000 miles on the north. The challenges are diverse, and the criminal element seeking to exploit our open borders are inventive and have significant resources. Drug smugglers are using helicopters, ultralight aircraft, fast boats, and something as simple as coyotes, forcing illegal aliens to carry 50-pound loads of drugs on their back to bring in contraband. The challenge is endless and the mission is critical.

In the 6-plus years that the Border Patrol has been in the Department of Homeland Security, their agency has doubled in size. Congress has provided authorization funding for hundreds of miles of fencing and vehicle barriers, which combined, total over 600 miles. Efforts to provide additional technological resources to the Border Patrol through the SBInet program, that should, when complete, provide an additional capability to detect and respond to illegal entry.

A sign that the efforts to gain operational control of the border are working is the growing drug cartel violence in Mexico. Nearly 8,000 people have been killed in drug-related violence in Mexico. It's a tragic situation, and it is

absolutely critical that we continue to support and strengthen the Government of Mexico, headed by President Calderon.

At the same time, we must further strengthen our own border security efforts, and cannot be dependent on another nation doing that.

The Border Patrol's years of honorable service have not been without loss. To date, 104 agents have lost their lives in duty to their country. Additionally, hundreds of assaults, from rockings to Molotov cocktails to threats on their lives occur every year to our Border Patrol agents.

□ 1930

As we celebrate the 85th anniversary of the Border Patrol, it is important to remember and honor the agents who have paid the ultimate sacrifice in defense of our country. Luis Aguilar is the most recent who was run over by a drug smuggler trying to flee. As the guards of our borders, the Border Patrol is an important layer of security and often the last line of defense in preventing dangerous people and goods from entering the United States and infiltrating the U.S. communities.

The Border Patrol cannot let down their guard as criminal organizations are continually looking for vulnerabilities in our security to bring in contraband. The consequences of a drug load that slips through the layered defense are significant. According to the Department of Justice, in 2007 almost 32 percent of high school seniors used marijuana in the past year and 5 percent had used cocaine. The vast majority of these drugs are smuggled across our borders.

The reality of post-September 11, 2001, is that terrorist organizations may also seek to exploit openings along our borders to smuggle operatives or potential weapons. In the week since their anniversary, May 28, the Border Patrol has apprehended six alien gang members and four convicted sex offenders, seized three guns, six trailers carrying contraband, including one with 40 illegal aliens; seized 16,609 pounds of marijuana, five vehicles and an ultralight aircraft. And my favorite is about 6 a.m. last Sunday, agents spotted an individual on a surf board approximately 200 yards offshore paddling north of the international border in Imperial Beach. The surfer was holding a blue duffel bag. He released it as agents approached. Soon after, the blue duffel floated ashore and was inspected by Border Patrol agents and had five packages of marijuana with an estimated street value at \$75,000. They're creative, if nothing else, and our Border Patrol has to be creative and persistent in response.

I urge my colleagues to vote in favor of this resolution and to honor the Border Patrol, express support for their important mission and pledge support

to enhance their capabilities to gain operational control over our border.

[From www.cbp.gov, Mar. 23, 2009]

85 YEARS OF PROTECTED BY

Thursday, May 28, 2009, will mark the 85th anniversary of the United States Border Patrol. Founded in 1924, the U.S. Border Patrol was established in El Paso, Texas, and Detroit, Michigan. The Purpose: To combat the illegal entry of aliens, contraband, and the flow of illicit liquor from Mexico and Canada into the United States. The U.S. Border Patrol is steeped in a long and rich history that is passed down to each new recruit as they begin their careers at the academy. The newly organized El Paso Border Patrol Station was assigned 25 Patrol Inspectors, many of whom were recruited from the ranks of the Texas Rangers. Today, The Border Patrol boasts over 18,000 agents, in 20 sectors, and 164 stations around the nation.

Under the authority of the Immigration Act, approved by Congress on May 28, 1924, the Border Patrol was created as a uniformed law enforcement branch of the Immigration Bureau. This prompted the establishment of the El Paso Border Patrol Sector on July 1, 1924. It was the height of Prohibition in the United States, and organized crime was a growing concern, as the mafia controlled a majority of the alcohol being smuggled into the United States. As a result, liquor smuggling from Mexico and Canada became a well organized, thriving industry. The opportunity to earn substantial sums of money became a temptation for many illegal aliens that were willing to enter the United States carrying a few crates of contraband.

It wasn't long before gun battles began to erupt between Border Patrolmen, and smugglers attempting to avoid arrest. In February 1927, El Paso Sector experienced one of the bloodiest months for the agency. As old newspapers report, during the entire month, there had not been a 24-hour period of time without a gunfight between smugglers and Patrol Inspectors. These gunfights added to the renown of the Border Patrol, as patrolmen gained a reputation for winning most of these shootouts.

Almost immediately after the establishment of the El Paso Station, a need was seen to have officers at outlying locations. Other stations soon opened within the sector. The Border Patrol began to grow, as the situation along the border was steadily deteriorating. As the prohibition era reached the peak of its infamy; lawlessness and violence became more common along the water borders of the Detroit Sector. Several Detroit Sector Patrol Inspectors were killed in the line of duty during this period, as smugglers attempting to bring contraband across the border resorted to violence to protect their cargo from the Border Patrol Inspectors.

Eighty-five years later, the Border Patrol has evolved into the finest law enforcement organization in the world. On a daily basis, the Border Patrol is confronted with a large number of threats that would never have been conceived of at the time of the agency's inception. Criminal organizations have evolved as well, adopting a wide variety of weapons and technology to aid them in their efforts to enter the United States while smuggling human cargo and other contraband. Since 9-11, the agency has had to adapt yet again, to our nations newest threat; terrorism. The U.S. Border Patrol has proven over its long history that its men and women are up to the task ahead, and stand ready at our nation's borders.

The U.S. Border Patrol will be hosting several events for the 85th Anniversary, includ-

ing a Headquarters celebration honoring all of the men and women, past and present, who have made the Border Patrol what it is today.

I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I now yield 3 minutes to my good friend, Mr. SILVESTRE REYES from the great State of Texas who, by the way, has probably over 30 years of experience in the Border Patrol Agency.

Mr. REYES. Mr. Speaker, I thank the gentlewoman from California for yielding me time, and I also want to thank you for your support of the men and women of the United States Border Patrol and the important work that you do through your chairmanship and the subcommittee that deals with border issues.

Mr. Speaker, I rise today in strong support of House Resolution 498, a bill that honors and congratulates the United States Border Patrol on its 85th anniversary. And I also want to thank my good friend and neighbor, HARRY TEAGUE from New Mexico, the gentleman that has sponsored this legislation, for his support of the United States Border Patrol men and women. And the ranking member as well, thank you for your support. I think that the men and women of the United States Border Patrol do incredible work.

The United States Border Patrol has a unique and rich history that began on May 28, 1924, when Congress passed the Labor Appropriations Act which officially established the U.S. Border Patrol in El Paso, Texas, and Detroit, Michigan. Established during the height of Prohibition in the United States, the initial 450 patrol inspectors were not only charged with preventing the entry of undocumented immigrants into the United States but were also responsible for combating the entry of illicit liquor from Mexico and from Canada.

Eighty-five years later, the Border Patrol has evolved to include almost 19,000 agents in 20 sectors and 164 stations around our country. The brave men and women of the Border Patrol are currently responsible for securing 8,000 miles of our international borders, both with Mexico and Canada and the coastal water around Florida and Puerto Rico. Since 9/11, the Border Patrol has been on the front lines in our national strategy to detect and apprehend terrorists and their weapons as they attempt to illegally enter the United States.

Before coming to Congress, I served for 26½ years in the U.S. Border Patrol. For half of that time, I was a Border Patrol sector chief, first in McAllen, Texas, and then in El Paso, Texas. As the only Member of Congress with a background in border enforcement, I am keenly aware of the invaluable work that these brave men and women

perform for our country each and every day. We have a lot to thank them for.

In these times of heightened security, the U.S. Border Patrol and those agents are not only vital in helping to protect our country from terror threats and illegal entry of drugs but they also apprehend and deter human smugglers and bring them to justice. Oftentimes these agents are the first people to respond in humanitarian situations in the desert by providing first aid, food, water, and shelter to people that have gotten in trouble because of the heat and the distance that they're forced to travel in remote areas. Border Patrol agents perform countless rescues every year and provide critical training to law enforcement, both at home and abroad.

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield the gentleman 30 more seconds.

Mr. REYES. Mr. Speaker, the U.S. Border Patrol is vital to our Homeland Security strategy and has evolved into one of our country's finest law enforcement organizations. I'm a proud co-sponsor of Mr. TEAGUE's resolution in honor of their 85th anniversary. I urge all of my colleagues to support this bill, and I thank the men and women of the United States Border Patrol for working each and every day to keep us safe.

Mr. SOUDER. I continue to reserve.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I now yield 2 minutes to the gentleman who authored this particular resolution, the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Speaker, I rise today in support of H. Res. 498, a resolution honoring and congratulating the U.S. Border Patrol on its 85th anniversary. This bill shows our support for the men and women who have served and are currently serving in our Nation's Border Patrol, and I encourage my colleagues to vote with me in support of this resolution.

The Border Patrol has undergone incredible changes over the past 85 years. They have grown from an initial force of 450 to over 18,800 agents today. They have learned to deal with new threats such as terrorists and weapons of mass destruction. And they have adapted ground-breaking technologies—such as infrared cameras and unattended underground sensors—to better face the challenges confronting them.

But despite these changes, their primary mission has stayed the same: to detect and prevent illegal entry of persons into the United States. As we all know, doing this is no easy task. They must patrol over 8,000 miles of international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico. They are our first line of defense against many threats, including terrorists, illicit

drugs, weapons, and criminals; and they perform admirably at these tasks.

Since 1998, the Border Patrol has seized more than 15 million pounds of marijuana and 189,000 pounds of cocaine. Most importantly, border agents have very dangerous jobs. They risk their well-being every day on our behalf. In 85 years, 104 Border Patrol officers have lost their lives in the line of duty. In my district, the Border Patrol has an especially active presence, the El Paso Border Patrol sector, which covers all of New Mexico, covers 262 miles of border and employs over 2,600 agents. In fiscal year 2008 alone, they made over 30,000 apprehensions and seized over 87,000 pounds of marijuana.

Also in my district, in the town of Artesia, we have the Federal Law Enforcement Training Center at this facility which covers over 220 acres of space.

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

Ms. LORETTA SANCHEZ of California. I yield the gentleman an additional 30 seconds.

Mr. TEAGUE. The Border Patrol agents, along with the other Federal agents, get the training they need to better perform their duties and adapt to the new challenges facing them.

In closing, the functions of the Border Patrol are more important today than ever. We have given them an incredibly difficult task and the brave men and women of the Border Patrol deserve the full support of Congress in achieving their goals.

I would like to thank Congresswoman SANCHEZ, Chairman REYES, Chairman THOMPSON, Congressman MCCAUL, and Majority Leader HOYER for their leadership in helping bring this resolution to the floor.

Again, I urge all of my colleagues to join me in support of this resolution.

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

First, I want to thank my friend and chairman of the subcommittee, Ms. SANCHEZ, who's been an excellent leader of our subcommittee and we work together closely on many things, not just noncontroversial bills like today. I thank Mr. TEAGUE for his leadership and my long-time friend, Mr. REYES, also the chairman of the Intelligence Committee, not only for his work in Congress but his work with the Border Patrol.

And again and most personally, today I want to thank every agent, every Border Patrol agent in America for helping protect us, as well as Chief David Aguilar for his leadership and further service. It sometimes gets a tad boring, sometimes it gets a little hot. On the Canadian border, sometimes it gets a little cold. It isn't exactly the most exciting job in America at all times, but what each of these agents does is extremely important to the safety of our Nation.

It may not be quite politically correct right now to talk about terrorism, but in fact it is a key part of our first line of defense in the border, and the Border Patrol is a key part of that. And we haven't had a terrorist attack on our soil since 9/11, partly because of our men and women in green.

It may not be quite politically correct right now to talk about stopping illegal immigration; but quite frankly, the safety of our Nation, the integrity of American citizenship requires legal, orderly entry. This isn't to say how many there should be, what type of immigration law we should have, but requires an orderly, legal process. So do many American jobs require this.

And it may not be quite politically correct right now to talk about stopping illegal drugs, but in doing so, the agents of the Border Patrol have made our streets safer, they have helped prevent child and spousal abuse, they have lowered emergency rooms admissions, they have helped people make child support payments by helping them hold their jobs because of illegal narcotics and other things causing them to lose their jobs or by intercepting them or driving the prices up because of what they intercept.

We're never going to stop all drug abuse. And every Border Patrol agent knows he can't. But what he knows is he can intercept large numbers that would have gone to the streets and the homes of America and would have resulted in huge problems in crime and family safety in America.

So maybe we don't want to call it the war on drugs anymore. Instead we call it a disease, and for those who get addicted, it is a disease. But in fact unlike doctors and nurses who fight cancer, or researchers who fight cancer or people who fight lupus or diabetes, the Border Patrol agents are getting shot at and they die.

So whether we want to call it a war or whatever we want to call it, the individuals who use these illegal narcotics do not wake up one morning and suddenly discover that a heroin needle got put in their arm or that somehow they were snorting crack in their sleep or snorting cocaine in their sleep. In fact, it is somewhat different. And I want to make sure that our men and women of the Border Patrol understand that there is bipartisan support to making sure that we keep our border secure; that we continue to block illegal narcotics; that we continue to block terrorists; and you are our first line of defense on our huge borders, and we cannot thank you enough for risking your lives for the rest of us.

I yield back.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I am prepared to close, and I yield myself as much time as I may consume.

I thank the gentleman from Indiana, my ranking member on the subcommittee that oversees all of the border issues for America. He's been a strong advocate for the Border Patrol as well as for all of the agencies, really, that sit within our jurisdiction. And so I thank him for taking the time tonight to be down here and helping to work on this bill.

You know, the Border Patrol just doesn't work at the southern and the northern border. As was mentioned, we'll see them in Puerto Rico and some other areas, and also we send them to other countries to train people as to the whole issue of border patrol and how to take a look at what's coming in. In fact, in Iraq we've sent several to help to set up some of the border patrol issues out there in that country.

□ 1945

So we have a large group of men and women who come to work every single day, love America, and work very hard on behalf of the American people. And for this reason, Mr. Speaker, I wholeheartedly support House Resolution 498, honoring and congratulating the Border Patrol on its 85th anniversary, and I urge the rest of my colleagues to do the same.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H. Res. 498, which honors and congratulates the U.S. Border Patrol on its 85th anniversary.

Much has changed since 1924, when Congress formally established the U.S. Border Patrol and charged just 450 officers with securing our Nation's borders.

Today, more than 18,000 Border Patrol agents patrol 8,000 miles of international borders with Mexico, Canada and the coastal waters around Florida and Puerto Rico.

Previously, the Border Patrol was responsible only for stopping illegal aliens and contraband from crossing our borders—an enormous challenge on its own.

But in the wake of the terrorist attacks on September 11, 2001, Border Patrol's mission was expanded to include preventing terrorists and their instruments from entering the United States.

One thing has not changed in the last 85 years, however.

The men and women of the Border Patrol continue to risk their lives serving the American public with vigilance, integrity and professionalism.

As Chairman of the Committee on Homeland Security, I have been to our borders and seen firsthand Border Patrol agents serving our Nation, often under very difficult conditions.

That is why I am pleased to support this resolution, in honor of all those helping to secure America's borders today and throughout the Border Patrol's 85-year history.

Finally, Mr. Speaker, I would thank the gentleman from New Mexico, Mr. TEAGUE, for authoring H. Res. 498.

His congressional district includes Artesia, New Mexico, home to the Border Patrol Academy, where thousands of new Border Patrol agents have been trained.

Mr. TEAGUE's constituents are fortunate to have a strong advocate for that fine facility and for the Border Patrol as an organization.

Again, I urge all of my colleagues to support this very worthy resolution, and join in honoring and congratulating the U.S. Border Patrol on its 85th anniversary.

Mr. AL GREEN of Texas. Mr. Speaker, I join my colleagues in support of H. Res. 498, a resolution honoring and celebrating the United States Border Patrol on its 85th Anniversary.

The United States Border Patrol is a federal law enforcement agency within U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS). The Border Patrol was founded on May 28, 1924 as an agency of the United States Department of Labor to prevent illegal entries along the Mexico-United States border.

The Border Patrol's mission remains as the deterrence, detection and apprehension of illegal immigrants and individuals involved in the illegal drug trade who generally do not enter the United States through designated ports of entry.

Ever since its founding, the U.S. Border Patrol has been there defending our borders and homeland. They were there to prevent Ahmed Ressam, also known as the "Millennium Bomber," from entering this country and killing our citizens with explosives he intended to detonate at the Los Angeles International Airport during the holiday season prior to the 2000 millennium. They were there to apprehend Richard Goldberg, a suspected child molester, after he was arrested in Ottawa, Canada. Goldberg was on the FBI's "Top 10 Fugitive List" and was featured on "America's Most Wanted." Further, just this month, they were there to seize close to \$1.5 million in cocaine and marijuana along the Southern border.

The Border Patrol is this nation's first line of defense against many threats. They patrol over 8,000 miles of international borders with Mexico and Canada as well as the coastal waters around Florida and Puerto Rico.

The brave men and women of the Border Patrol work tirelessly to secure and facilitate trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws. They keep our country safe from threats such as terrorists, illicit drugs, weapons, and criminals. Today over 18,800 Border Patrol Agents risk their lives in defense of our country. These brave men and women join thousands of others who have served our country in the Border Patrol over the last 85 years.

America can rest assured that its borders and homeland will be protected by the courageous men and women of the U.S. Border Patrol. I commend the U.S. Patrol on its proud and distinguished history of protecting the United States and strongly urge my colleagues to support this important resolution.

Mr. MCCAUL. Mr. Speaker, as the lead Republican sponsor of this resolution I would like to thank the gentleman from New Mexico, Congressman TEAGUE, as well as Chairman REYES for all of their work on putting together this legislation.

The U.S. Border Patrol has been keeping this country safe from threats like terrorists, illicit drugs, weapons, illegal immigrants and

criminals for 85 years. I would like to thank the border patrol and I commend them for their service.

In the early 20th century, control of the border was sporadic and piecemeal and included mounted guards, Texas Rangers, and military troops. After the prohibition of alcohol and the immigration reforms of 1921 and 1924, the Labor Appropriations Act of 1924 officially established the U.S. Border Patrol with an initial force of 450 officers to help defend our borders.

Today the Border Patrol uses state of the art technologies to aid in the performance of their duties; infrared cameras, remote video surveillance, unattended underground sensors, and ground radar.

CBP is responsible for guarding nearly 7,000 miles of land border the United States shares with Canada and Mexico and 2,000 miles of coastal waters surrounding the Florida peninsula and off the coast of Southern California. The agency also protects 95,000 miles of maritime border in partnership with the United States Coast Guard.

I would like to praise for their tireless efforts the 52,000 CBP employees including the over 18,000 CBP Border Patrol agents, 1,000 CBP Air and Marine agents, almost 22,000 CBP officers and agriculture specialists and the nation's largest law enforcement canine program.

I would also like to pay particular tribute to the 104 CBP employees who lost their lives in service to their country.

In sum, CBP performs the vital task of securing America's borders 24 hours a day, seven days a week while facilitating legitimate trade and travel. I congratulate them on their 85th anniversary and I urge my colleagues to vote in favor of this Resolution.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 498. Last week was the 85th anniversary of the United States Border Patrol. In 1924, Congress approved the Immigration Act, which established the U.S. Border Patrol.

Their long and illustrious history began with 25 Patrol Inspectors in El Paso, Texas and Detroit Michigan with the mission of combating the illegal entry of aliens, contraband, and the flow of illicit liquor from Mexico and Canada into the U.S.

During the height of prohibition, lawlessness and violence became more common along the water borders of the Detroit Sector. Several Detroit Sector Patrol Inspectors were killed in the line of duty, as smugglers attempting to bring contraband across the border resorted to violence to protect their cargo from the Border Patrol Inspectors.

A lot has changed since 1924, but the core mission of the Border Patrol is still detecting and preventing the illegal entry of aliens and preventing the smuggling of contraband. Since the terrorist attacks of 9-11, the focus of the Border Patrol has changed to include detection, apprehension and deterrence of terrorists and terrorist weapons.

America has given this vital task to a group of dedicated law-enforcement agents, who are their eyes and ears, in the air, land and sea. They work in a variety of climates, and seize a great deal of the drugs intended for our streets and our children.

Coming from a border district, I have a real interest in ensuring that the Border Patrol is

equipped with the right mix of personnel, technology, and equipment that will enhance our ability to separate legitimate travel and trade, from those that seek to do us harm or enter our nation illegally.

The Detroit Sector of the Border Patrol is responsible for 863 miles of our liquid border with Canada, and in the last five years, Agents have made nearly 5,000 arrests—an impressive accomplishment.

Chief Patrol Agent Randy Gallegos, and the men and women of Sector Detroit are dedicated professionals, who defend the border and our nation owes them and the entire U.S. Border Patrol a debt of gratitude for their distinguished service to our nation.

They follow the proud tradition of securing our border that began eighty-five years ago in small stations, with only a handful of agents. Today, there are over 18,000 men and women who wear the green uniform of a Border Patrol Agent.

Without these brave Americans our nation would be less secure, and for that I want to offer my sincerest thanks. Our Border Patrol agents epitomize the motto of the Border Patrol—Honor First.

Congratulations on your first eight-five years!

I urge my colleagues to support passage of this resolution.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 498.

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

A motion to reconsider was laid on the table.

STATUTORY PAY-AS-YOU-GO ACT OF 2009—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-46)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Budget and ordered to be printed:

To the Congress of the United States:

Today I am pleased to submit to the Congress the enclosed legislative proposal, the “Statutory Pay-As-You-Go Act of 2009,” or “PAYGO,” together with a sectional analysis.

The deficits that my Administration inherited reflect not only a severe economic downturn but also years of failing to pay for new policies—including large tax cuts that disproportionately benefited the affluent. This failure of fiscal discipline contributed to transforming surpluses projected at the beginning of this decade into trillions of dollars in deficits. I am committed to

returning our Government to a path of fiscal discipline, and PAYGO represents a key step back to the path of shared responsibility.

PAYGO would hold us to a simple but important principle: we should pay for new tax or entitlement legislation. Creating a new non-emergency tax cut or entitlement expansion would require offsetting revenue increases or spending reductions.

In the 1990s, statutory PAYGO encouraged the tough choices that helped to move the Government from large deficits to surpluses, and I believe it can do the same today. Both houses of Congress have already taken an important step toward righting our fiscal course by adopting congressional rules incorporating the PAYGO principle. But we can strengthen enforcement and redouble our commitment by enacting PAYGO into law.

Both the Budget I have proposed and the Budget Resolution approved by the Congress would cut the deficit in half by the end of my first term, while laying a new foundation for sustained and widely shared economic growth through key investments in health, education, and clean energy. Enacting statutory PAYGO would complement these efforts and represent an important step toward strengthening our budget process, cutting deficits, and reducing national debt. Ultimately, however, we will have to do even more to restore fiscal sustainability.

I urge the prompt and favorable consideration of this proposal.

BARACK OBAMA.
THE WHITE HOUSE, June 9, 2009.

SPECIAL ORDERS

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

AIR FORCE LIEUTENANT COLONEL MARK E. STRATTON, II

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

Mr. POE of Texas. Mr. Speaker, noble sacrifice dominates the character of a man who so willingly dedicates his life for others. There are none who understand that any better today than the men and women in our U.S. military. They personify the very essence of what it means to be an American.

Today, under the morning sky at Arlington Cemetery, myself and other Members of Congress—ROB WITTMAN from Virginia, JO BONNER from Alabama, and Senator SESSIONS from Alabama—joined several hundred other family members and friends as a 21-gun salute and “Taps” was played for United States Air Force Lieutenant

Colonel Mark E. Stratton, II. The somber silence of the grave sites was broken with this tribute.

Colonel Stratton trained as a navigator on an Air Force KC-135. In his honor, one of these massive aircraft flew low and slow over Arlington Cemetery, over the flag-draped coffin of one of Air Force’s finest. He gave his life helping the Afghan people to know dignity of a life lived in freedom.

He was assigned to the Joint Staff at the Pentagon here in Washington, D.C. and he served as the commander of the Panjshir Provincial Reconstruction Team in Afghanistan. On May 26, 2009, Mark died near Bagram Airfield of wounds that he sustained from an improvised explosive device, what we call an IED.

Mark had strong Texas ties. He graduated from Texas A&M University in December of 1991 with a degree in political science. And while at Texas A&M, he was a member of Squadron 1 in the Corps of Cadets. He received his commission through the Reserve Officer Training Corps in 1992. He has numerous Air Force commendations, including the Purple Heart and the Bronze Star.

He is remembered by friends as a man of unquestionable character and loyalty. He was a patriotic individual who exemplified the spirit of the American airman.

Lieutenant Colonel Gil Delgado, Mark’s former roommate at Texas A&M, described Mark as a man who passionately loved God, his family, his friends and his country, and it showed in everything Mark did.

Through his heroic work in Afghanistan, Mark lived a life helping other people. His time was spent building roads and clinics, schools and canals for the Afghan people. He was an ambassador for the American spirit. He described the job to family and friends as the best he had ever had in his entire career. When he was killed, Mr. Speaker, the villagers in Afghanistan had a memorial service in his honor.

Mark held a deep sense of tradition. Just a few weeks prior to his death, Mark made a special effort to share his Texas Aggie spirit with the Afghan friends that he had met. Mr. Speaker, each April 21, the day Texas gained independence, Aggies from Texas A&M observed what is called Aggie Muster. This occasion is where all Aggies gather in all parts of the world to honor Aggies who have died the previous year.

Even though Mark was the only Aggie within 100 miles of his forward operating base, he convinced the Panjshir Provincial Governor and his security detail to join him atop a nearby mountain to observe the very special occasion of Aggie Muster. One Aggie Air Force colonel and Afghan villagers paid tribute to Americans who died the previous year; that must have been a sight to see.

Texas Aggies have a long tradition of military service. In fact, during World War II, Texas A&M produced over 14,000 officers, more than came from West Point or Annapolis combined. Mark was a proud Texas Aggie.

Mark is survived by his wife, Jennifer, and their three children, along with his mother, stepfather, and his brother, Michael. Mark's late father and namesake served as an Army captain in the Vietnam War. His stepmother, Debby Young, lives in southwest Houston. Mark's brother, Michael, and stepbrother, Steven, also live in the Houston area.

A great testament to Mark's life is the lives he forever changed through his work; every structure, every canal and road well traveled. Every school Mark helped build will offer generations of Afghan children the opportunity that comes from education. Every clinic he helped build will be a place where sickness will be cured, where human suffering is relieved, and where lives are being saved every day.

Mark has left a noble legacy as he has come to the end of this Earthly journey. It is for others now to pick up the torch he used to light a way for the Afghan people in the rugged mountains and deserts of this remote nation.

Mr. Speaker, it has been said, "The legacy of heroes is the memory of a great name and the inheritance of a great example." Next year, on April 21, at Aggie Muster, Lieutenant Colonel Mark Stratton's name will be called. His name and life will be remembered by Aggies and other grateful Americans and by his Air Force buddies. But no doubt the people of Afghanistan will also remember the man from America, the Air Force colonel who built their schools, their water wells, and their villages. And maybe those villagers will return once more to that mountaintop and pay tribute to this American hero, Lieutenant Colonel Mark Stratton.

And that's just the way it is.

EQUAL RIGHTS FOR HEALTH CARE ACT—TITLE 42

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

Ms. RICHARDSON. Mr. Speaker, I rise today to introduce H.R. 2744, the Equal Rights for Health Care Act—Title 42. The concept of equal rights is a pillar of our Nation and the reason why so many immigrate here to the United States.

Indeed, the U.S. was founded on the principle that all Americans should have the inalienable rights of life, liberty, and the pursuit of happiness. In order to enjoy this blessing of life and liberty, however, one must be healthy, and that means they have the benefit of equal treatment and research.

For example, men and women have different symptoms when it comes to heart disease. Unlike men, most women do not experience chest pain. Instead, 71 percent of the women report having flu-like symptoms, and patients, doctors, and researchers need to make sure that emergency attendants, tests, and prescription drugs are informed about the differences that we might have.

H.R. 2744, the Equal Rights for Health Care Act—Title 42, will prohibit discrimination in health care services and research programs that receive Federal funding based upon sex, race, color, national origin, sexual orientation, gender identity, or disability status.

Civil rights laws have historically been a powerful mechanism for effecting necessary change in the United States. Each law represents a national commitment to end discrimination and to establish a mandate to bring the excluded into the mainstream. These equal rights laws ensure that the Federal Government delivers on the Constitution's promise of equal opportunities so that every individual has the right to develop his or her talents. Health care should be no exception.

In 1971, only 18 percent of women, compared to 26 percent of men, had completed 4 years or more of college. In 1972, the title IX amendment was introduced by Representatives Edith Green of Oregon and Patsy Mink of Hawaii. In 1980, I attended the University of California, Santa Barbara, where I played on the women's basketball team. I witnessed firsthand that there was a difference between playing on the women's team and the men's team. For example, for women, we had to travel in two or three vans to go to all of our away games, where the men were allowed to fly on a plane. You might say why is that something that was important? Well, we lost instruction time, we had time in general lost, preparation was lost, and recuperation was lost. That's why title IX was so important.

In 2007, we celebrated the 35th anniversary of title IX, which assured the women's right to education equality. And the U.S. Department of Education showed that 56 percent of all women, compared to 44 percent of men, now have achieved 4 years or more of college. So title IX has been working.

Federal law prohibits discrimination across a wide array of public policy arenas, none more than when you consider the difference between voting, public education, and now what we should do in health care.

H.R. 2744, the Equal Rights for Health Care Act—Title 42, seeks to have the same effect on the health care community. Despite access to health care, patients are not always in geographic proximity to medical facilities that can provide the consistent care that is needed.

According to the Centers for Disease Control and Prevention, the age-adjusted death rate for all cancers for African Americans in 2001 was 20 percent higher than Caucasian Americans. In 2002, the percentage of Hispanics and Latinos who were 65 years or older and received adult immunization shots was only 47 percent, as compared to 70 percent of Caucasians.

In 2000, the infant mortality rate among Native Hawaiians was 60 percent higher than Caucasians.

□ 2000

And the rate of leg amputations as a result of diabetes is four times greater of African Americans who receive Medicare than their counterparts, Caucasians.

A list of disparities can go on and on, and so we must put an end to this inequality. Therefore, I have introduced H.R. 2744 so that Congress can take another step towards equal rights, and I look forward to my colleagues on both sides of the aisle joining me.

I'm proud to have a long list of diverse organizations that are supporting this legislation, groups such as the Family Equality Council, the Families United States of America, and, lastly, the National Minority Quality Forum.

I urge all my colleagues to support this legislation that ensures that equal services once and for all will also extend to health care as well, from diagnosis to treatment, and it's a part of the fast-growing health care debate. It's important that a statement of beliefs is made when we reform health care. Equality must be a founding principle, and we must insist that as health care debates move forward, we take the time to ensure that all Americans have the same rights. Let's move forward on title XLII as we did in title IX.

PUBLICATION OF THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT 111TH CONGRESS

The SPEAKER pro tempore (Mrs. HALVORSON). Under a previous order of the House, the gentlewoman from California (Ms. ZOE LOFGREN) is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Madam Speaker, I submit for publication the attached copy of the Rules of the Committee on Standards of Official Conduct for the U.S. House of Representatives for the 111th Congress. The Committee on Standards of Official Conduct originally adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 10, 2009, and made revisions to conform with House rules pertaining to the Office of Congressional Ethics on June 9, 2009. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2).

RULES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, ADOPTED FEBRUARY 10, 2009, AMENDED JUNE 9, 2009, 111TH CONGRESS

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

RULE 1. GENERAL PROVISIONS

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 111th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

RULE 2. DEFINITIONS

(a) "Committee" means the Committee on Standards of Official Conduct.

(b) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) "Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) "Investigate," "Investigating," and/or "Investigation" mean review of the conduct of a Member, officer or employee of the House of Representatives that is conducted or authorized by the Committee, an investigative subcommittee, or the Chair and Ranking Minority Member of the Committee.

(e) "Board" means the Board of the Office of Congressional Ethics.

(f) "Referral" means a report sent to the Committee from the Board pursuant to House Rules and all applicable House Resolutions regarding the conduct of a House Member, officer or employee, including any accompanying findings or other supporting documentation.

(g) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(h) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation

of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(i) "Adjudicatory Subcommittee" means a subcommittee designated pursuant to Rule 23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(j) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(k) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(l) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(m) "Member" means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

RULE 3. ADVISORY OPINIONS AND WAIVERS

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice, including reviews of requests for privately-sponsored travel pursuant to the Committee's travel regulations; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) Requests for privately-sponsored travel shall be treated like any other request for a written opinion for purposes of paragraphs (g) through (l).

(1) The Committee's Travel Guidelines and Regulations shall govern the request submission and Committee approval process for privately-sponsored travel consistent with House Rules.

(2) A request for privately-sponsored travel of a Member, officer, or employee shall include a completed and signed Traveler Form that attaches the Private Sponsor Certification Form and includes all information re-

quired by the Committee's travel regulations. A private sponsor offering officially-connected travel to a Member, officer, or employee must complete and sign a Private Sponsor Certification Form, and provide a copy of that form to the invitee(s).

(3) Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file a Traveler Form or Private Sponsor Certification Form may be subject to civil penalties and criminal sanctions pursuant to 18 U.S.C. 1001.

(g) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(h) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(i) The Chair and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chair or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(m), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(j) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto. Upon request of any Member, officer, or employee who has submitted a written request for an opinion or submitted a request for privately-sponsored travel, the Committee may release to the requesting individual a copy of their own written request for advice or submitted travel forms, any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion or travel letter issued to that individual in response. The Committee shall not release any internal Committee staff work product, communications or notes in response to such a request, except as authorized by the Committee.

(k) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(1) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(n) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(o) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

RULE 4. FINANCIAL DISCLOSURE

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) Any Financial Disclosure Reports filed by Members of the Board of the Office of Congressional Ethics that are forwarded to the Committee by the Clerk shall not be subject to paragraphs (d) through (q) of this Rule regarding Financial Disclosure Statements filed pursuant to Title I of the Ethics in Government Act of 1978. The Office of Congressional Ethics retains jurisdiction over review of the timeliness and completeness of filings by Members of the Board as the Board's supervising ethics office.

(d) The Chair and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the Statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a non-incumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(e) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(f) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of \$200. The Chair and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(g) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(h) The Chair and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(i) The Chair and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence

relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(j) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(k) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(l) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(m) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(n) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(o) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(p) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(q) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

RULE 5. MEETINGS

(a) The regular meeting day of the Committee shall be the second Tuesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meet-

ing need not be held when the Chair determines there is no business to be considered.

(b) The Chair shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chair.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chair of the Committee or subcommittee may waive such time period for good cause.

RULE 6. COMMITTEE STAFF

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which the individual is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the Committee of such individual without specific prior approval from the Chair and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chair and Ranking Minority Member each may appoint one individual as a shared staff member from the respective personal staff of the Chair or Ranking Minority Member to perform service for the Committee. Such shared staff may assist the Chair or Ranking Minority Member on any subcommittee on which the Chair or Ranking Minority Member serves. Only paragraphs (c) and (e) of this Rule and Rule 7(b) shall apply to shared staff.

RULE 7. CONFIDENTIALITY

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause

5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules."

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House. This rule shall not prohibit the Chair or Ranking Minority Member from disclosing to the Board of the Office of Congressional Ethics the existence of a Committee investigation, the name of the Member, officer or employee of the House who is the subject of that investigation, and a brief statement of the scope of that investigation in a written request for referral pursuant to Rule 17A(k). Such disclosures will only be made subject to written confirmation from the Board that the information provided by the Chair or Ranking Minority Member will be kept confidential by the Board.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) Except as provided in Rule 17A, the Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee

regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chair or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

RULE 8. SUBCOMMITTEES—GENERAL POLICY AND STRUCTURE

(a) Notwithstanding any other provision of these Rules, the Chair and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chair and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chair may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

RULE 9. QUORUMS AND MEMBER DISQUALIFICATION

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which such Member is the respondent.

(e) A member of the Committee may seek disqualification from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representa-

tives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, the Chair shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

RULE 10. VOTE REQUIREMENTS

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.
(2) Adopting a full Committee motion to create an investigative subcommittee.
(3) Adopting or amending a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproof.

(6) Adopting a recommendation to the House of Representatives that a sanction be imposed.

(7) Adopting a report relating to the conduct of a Member, officer, or employee.

(8) Issuing an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

RULE 11. COMMITTEE RECORDS

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

RULE 12. BROADCASTS OF COMMITTEE AND SUBCOMMITTEE PROCEEDINGS

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(c) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(d) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

RULE 13. HOUSE RESOLUTION

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To

the extent the provisions of the resolution differ from these Rules, the resolution shall control.

RULE 14. COMMITTEE AUTHORITY TO INVESTIGATE—GENERAL POLICY

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, undertakes an investigation;

(4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony;

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or

(6) a referral from the Board is transmitted to the Committee.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

RULE 15. COMPLAINTS

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, "Signed and sworn to (or affirmed) before me on (date) by (the name of the person)" setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Com-

mittee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

RULE 16. DUTIES OF COMMITTEE CHAIR AND RANKING MINORITY MEMBER

(a) Whenever information offered as a complaint is submitted to the Committee, the Chair and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chair and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chair and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chair or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or

any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chair or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

RULE 17. PROCESSING OF COMPLAINTS

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within 5 days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that the respondent has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information relevant to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chair and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

RULE 17A. REFERRALS FROM THE BOARD OF THE OFFICE OF CONGRESSIONAL ETHICS

(a) The Committee has exclusive jurisdiction over the interpretation, administration, and enforcement of the Code of Official Conduct pursuant to clause 1(q) of House Rule X. Receipt of referrals from the Board under this rule does not limit the Committee's discretion to address referrals in any way through the appropriate procedures authorized by Committee Rules. The Committee shall review the report and findings transmitted by the Board without prejudice or presumptions as to the merit of the allegations.

(b)(1) Whenever the Committee receives either (A) a referral containing a written report and any findings and supporting documentation from the Board; or (B) a referral from the Board pursuant to a request under Rule 17A(k), the Chair shall have 45 calendar days or 5 legislative days after the date the referral is received, whichever is later, to make public the report and findings of the Board unless the Chair and Ranking Minority Member jointly decide, or the Committee votes, to withhold such information for not more than one additional 45-day period.

(2) At least one calendar day before the Committee makes public any report and findings of the Board the Chair shall notify in writing the Board and the Member, officer, or employee who is the subject of the referral of the impending public release of

these documents. At the same time, Chair shall transmit a copy of any public statement on the Committee's disposition of the matter and any accompanying Committee report to the individual who is the subject of the referral.

(3) All public statements and reports and findings of the Board that are required to be made public under this Rule shall be posted on the Committee's website.

(c) If the OCE report and findings are withheld for an additional 45-day period pursuant to paragraph (b)(1), Chair shall—

(1) make a public statement that the Committee has decided or voted to extend the matter referred from the Board on the day of such decision or vote; and

(2) make public the written report and findings pursuant to paragraph (b) upon the termination of such additional period.

(d) If the Board transmits a report with a recommendation to dismiss or noting a matter as unresolved due to a tie vote, and the Committee votes to extend the matter for an additional period as provided in paragraph (b), the Committee is not required to make a public statement that the Committee has voted to extend the matter pursuant to paragraph (b)(1).

(e) If the Committee votes to dismiss a matter referred from the Board, the Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c) unless the Committee's vote is inconsistent with the recommendation of the Board. A vote by the Committee to dismiss a matter is not considered inconsistent with a report from the Board that the matter is unresolved by the Board due to a tie vote.

(f) Except as provided by paragraph (g):

(1) If the Committee establishes an investigative subcommittee respecting any matter referred by the Board, then the report and findings of the Board shall not be made public until the conclusion of the investigative subcommittee process pursuant to Rule 19. The Committee shall issue a public statement noting the establishment of an investigative subcommittee, which shall include the name of the Member, officer, or employee who is the subject of the inquiry, and shall set forth the alleged violation.

(2) If any such investigative subcommittee does not conclude its review within one year after the Board's referral, then the Committee shall make public the report of the Board no later than one year after the referral. If the investigative subcommittee does not conclude its review before the end of the Congress in which the report of the Board is made public, the Committee shall make public any findings of the Board on the last day of that Congress.

(g) If the vote of the Committee is a tie or the Committee fails to act by the close of any applicable period(s) under this rule, the report and the findings of the Board shall be made public by the Committee, along with a public statement by the Chair explaining the status of the matter.

(h)(1) If the Committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on a matter referred by the Board under paragraph (b)—

(A) The Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c), except that if the recommendation of the Board is that the matter requires further review, the Committee shall make public the written report of the Board but not the findings; and

(B) The Committee shall make a public statement that it is deferring taking action

on the matter at the request of such law enforcement or regulatory authority within one day (excluding weekends and public holidays) of the day that the Committee agrees to the request.

(2) If the Committee has not acted on the matter within one year of the date the public statement described in paragraph (h)(1)(B) is released, the Committee shall make a public statement that it continues to defer taking action on the matter. The Committee shall make a new statement upon the expiration of each succeeding one-year period during which the Committee has not acted on the matter.

(i) The Committee shall not accept, and shall return to the Board, any referral from the Board within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate.

(j) The Committee may postpone any reporting requirement under this rule that falls within that 60-day period until after the date of the election in which the subject of the referral is a candidate. For purposes of calculating any applicable period under this Rule, any days within the 60-day period before such an election shall not be counted.

(k)(1) At any time after the Committee receives written notification from the Board of the Office of Congressional Ethics that the Board is undertaking a review of alleged conduct of any Member, officer, or employee of the House at a time when the Committee is investigating, or has completed an investigation of the same matter, the Committee may so notify the Board in writing and request that the Board cease its review and refer the matter to the Committee for its consideration immediately. The Committee shall also notify the Board in writing if the Committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities by the end of any applicable time period specified in Rule 17A (including any permissible extension).

(2) The Committee may not request a second referral of the matter from the Board if the Committee has notified the Board that it is unable to resolve the matter previously requested pursuant to this section. The Board may subsequently send a referral regarding a matter previously requested and returned by the Committee after the conclusion of the Board's review process.

RULE 18. COMMITTEE-INITIATED INQUIRY OR INVESTIGATION

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. The Chair and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established. The Chair and Ranking Minority Member may also jointly take appropriate action consistent with Committee Rules to resolve the matter.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an investigation into such person's own conduct

shall be considered in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e)(1) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

(2) Not later than 30 days after a Member, officer or employee of the House is indicted or otherwise formally charged with criminal conduct in any Federal, State or local court, the Committee shall either initiate an inquiry upon a majority vote of the members of the Committee or submit a report to the House describing its reasons for not initiating an inquiry and describing the actions, if any, that the Committee has taken in response to the allegations.

RULE 19. INVESTIGATIVE SUBCOMMITTEE

(a)(1) Upon the establishment of an investigative subcommittee, the Chair and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives are eligible for appointment to an investigative subcommittee, as determined by the Chair and Ranking Minority Member of the Committee. At the time of appointment, the Chair shall designate one member of the subcommittee to serve as the Chair and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chair and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(2) The respondent shall be notified of the membership of the investigative subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and must be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from participating in the inquiry pursuant to Rule 9(e).

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chair of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by

counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or subcommittee member designated by the Chair to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or relevance of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. A majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its inquiry.

(e) Upon completion of the inquiry, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that

there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

RULE 20. AMENDMENTS TO STATEMENTS OF ALLEGED VIOLATION

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

RULE 21. COMMITTEE REPORTING REQUIREMENTS

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

RULE 22. RESPONDENT'S ANSWER

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chair and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chair of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chair of the investigative subcommittee may direct the respondent to file

an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chair of the investigative subcommittee to the Chair and Ranking Minority Member of the Committee.

RULE 23. ADJUDICATORY HEARINGS

(a) If a Statement of Alleged Violation is transmitted to the Chair and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chair shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chair and Ranking Minority Member of the Committee shall be the Chair and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from serving on the subcommittee pursuant to Rule 9(e).

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and respondent's counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such

hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than 5 days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. A majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chair or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chair of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chair shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other relevant evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chair.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chair's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chair, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chair shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chair.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chair of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the relevant provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or Committee member designated by the Chair to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

RULE 24. SANCTION HEARING AND CONSIDERATION OF SANCTIONS OR OTHER RECOMMENDATIONS

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and

counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reprimand or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reprimand constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

RULE 25. DISCLOSURE OF EXCULPATORY INFORMATION TO RESPONDENT

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or em-

ployee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

RULE 26. RIGHTS OF RESPONDENTS AND WITNESSES

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at the respondent's own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor respondent's counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and respondent's counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and respondent's counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chair and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chair and Ranking Minority Member of the subcommittee, and outside counsel, if any.

(i) Statements or information derived solely from a respondent or respondent's counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing the respondent of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chair may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and, as the Chair considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of the witness' own deposition or other testimony taken in executive session, or, with the approval of the Chair and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

RULE 27. FRIVOLOUS FILINGS

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of a majority deems appropriate in the circumstances.

RULE 28. REFERRALS TO FEDERAL OR STATE AUTHORITIES

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

THE 30-SOMETHING WORKING
GROUP: HEALTH CARE

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

Mr. MURPHY of Connecticut. Madam Speaker, I thank you and Speaker of the House PELOSI for allowing the 30-Something Working Group, which has been empowered by the Speaker's office, to come down to the House floor every so often and share with our colleagues here in the House really some of the burning questions of our constituents out there, especially those that affect younger individuals and younger families, and to talk about how this House, under new leadership with a new face in the White House, is rising to answer those questions and meet those challenges.

We'll put this poster up at the end of the hour as well, but we are always eager to hear feedback from people who want to know more about the 30-Something Working Group. Madam Speaker, thanks to members of your class, we have a number of new members of the 30-Something Working Group and they've been coming down and joining us occasionally in these hours. We're glad to have Mr. ALTMIRE with us and hopefully some guests to join us this evening as we try to focus our discussion this evening on an issue of just incredible importance to our constituents. That is the issue of health care for all Americans.

We sit at a moment of great economic peril for this country and the people that we represent. There is not an hour or minute, frankly, that goes by when we are back in our districts where we're not talking to a family or to a shop owner, to a factory worker, to a small business man about the difficulty that they face in this economy. It's getting harder and harder to keep businesses open. It's getting harder and harder to hold onto your job. And for the now 9½ percent of Americans that are out of work, it's getting hard to find a way back into the workforce.

For those of us who believe that now is the time to pass not incremental health care reform but major structural health care reform, we support

that not just because we think that it's a moral imperative, as the richest Nation in the world, that we shouldn't be the outlier in the global health care system by which we still stand as the only country in the industrialized world that has such a high percentage of our citizens without access to our health care system; not just that, as the country which claims to be the leader of the free world, we still sit in a country where children go to bed at night sick because their parents can't afford a doctor; but because we believe that it's part and parcel of how we start to get this economy back on firm footing again.

For families out there that have seen their wages remain flat over the last 5 years and have seen the percentage of their income dedicated to health care costs grow exponentially, they didn't figure out that this economy was in trouble last fall when the banks collapsed. They knew it long ago. For our auto companies that have been struggling for a very long time to compete competitively on a global stage when \$1,500 of every car that they sell is attributable to health care costs, \$1,500 more than their competitors in Japan or Germany, they knew that the health care system was dragging this economy down long before last fall. And for small- and medium-sized businesses across this country who have seen their premiums dedicated to keep their employees insured grow by 10 or 12 or 14 percent a year, far outpacing the similar increase in revenues coming into their coffers, they knew that health care was weighing this economy down long before the newspapers discovered that this economy was in crisis and in trouble last fall.

If we really want to emerge from this recession stronger than ever, if we really want to be competitive in the global stage, if we really want to recognize the strength of this economy lying in the hundreds of thousands of 2- and 5- and 10- and 20-person businesses out there in each and every one of our districts, then we have got to fix our health care this year. And we can't just do it with a Band-Aid here or there, pardon the pun. We've got to do it with real reform that at the same time lowers the cost of care and expands access to more people. I happen to think that it should be a right as a matter of being a citizen of the United States that you should get health care, but I recognize that the only way that you do that is by lowering the cost of care across the board.

We spend twice as much as all of the other industrialized nations on health care, essentially, maybe a little bit less than twice as much, for a system that still leaves 50 million people uninsured. We can get access for everybody out there as long as we start spending less or, at the very least, that we start controlling the rate of growth.

So I think we are going to talk about all these things tonight as the 30-Somethings come to the floor. We are going to talk about health care, health care reform as a moral imperative, as a matter of conscience for this Nation. We're going to talk about it as an economic imperative, and we're going to talk about it both from the context and the perspective of getting care to people that don't have it today and trying to lower the cost of care so that all of us, whether or not we have it or don't have it, don't continue to pay for a system that far too often provides very expensive care without having accompanying results.

So I'm glad to be here on the floor today with a good friend who has joined here for a number of Special Order hours, Mr. ALTMIRE. Ms. BALDWIN has joined us as well.

I'm glad to yield the floor to Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman for yielding.

I cannot think of a bigger issue to be dealing with right now. We have so many issues that this Congress is dealing with. Certainly energy, education, this enormous mountain of debt which we have accumulated over the years, all of these issues are critically important, and all of them are issues that this Congress is going to deal with. The issue of health care is an issue that impacts our national debt. We cannot dig our way out of this hole. We cannot achieve structural surplus like we had in the 1990s. We can't ever even approach that until we deal with the skyrocketing cost of health care.

This is an issue that affects every American in this country very directly. It affects every family and it affects every small business in the country in ways that other issues that we deal with don't on a daily basis.

So what we are talking about here tonight and what this Congress is doing over the course of this summer as we put together this health care reform bill is the three legs of the stool, as the gentleman pointed out, making sure that we find a way for every American in this country to gain access to our system and get affordable health care, making sure that we bring down the costs for everyone. Because we talk about the 47 million Americans who don't have any health insurance right now. They get treated. They show up at the emergency room, and they get their health care. It's certainly not the most cost-effective way. It's probably not the most efficient way, and it's probably not the best way for them to get health care, but they'll end up in the system somewhere. And as the gentleman knows, those of us who have insurance pay for them. They get covered. They get their treatment. But the cost shift that takes place is the reason why an aspirin costs \$10 when you go to the hospital.

It's very easy to demagogue this issue if you're in it for political reasons, to say, well, here's what they want to do: They want to take your money and give it to those people who don't have health insurance because 87 percent of Americans in this country have health care. We spend a lot of time talking about those who don't, but 87 percent of Americans have health care. Now, they are in many cases one illness or injury away from losing everything, certainly one job loss away, and tens of millions of Americans that have coverage live in fear of losing it for those very reasons. Tens of millions more are underinsured. They have some coverage; they don't have what they need. And in many cases, the insurance companies have people, millions, approximately 2 million people, that are employed in this country specifically to find a way, if you are insured, to make sure that they can deny your claim, to redline you, to find a preexisting condition exclusion, to find a reason why they shouldn't have to pay your claim. Now, that's another of the issues. Lastly is quality. So you have cost, you have access, and you have quality.

We have in many ways the best health care system anywhere in the world, and the challenge that we have in putting this bill together is we want to preserve what works. We want to say to the 87 percent of Americans who have health care, if you like your plan, if you enjoy the health care plan that you have and you want to keep it, we're not going to touch it and you can keep it. But if you want another alternative, we're going to find you another alternative. And if you have too much out-of-pocket costs, you're not satisfied with the situation that you have, we're going to give you another alternative. But we want to preserve what works in the current system. We want those who have health care to be able to keep it. And we want to make sure that our medical innovation, our technology, our research, which far exceeds anything available anywhere else in the world, is preserved. We want to fix what doesn't work and we want to preserve what does work.

So we are going to increase quality. And we're going to talk about, tonight, ways we are going to do that, the approaches we are going to take. We are going to increase access, bringing everybody into the system, which helps us all. And we're going to do access, we're going to do cost, and we're going to do quality improvements in this bill, all the while preserving what works in the current system.

And the gentleman used an example of how we're already paying for health care, something I mentioned earlier. Those who are afraid to bring new people into the system because they fear that this is going to increase their own costs, well, what I talk about when I

have town meetings about health care is, again, they're already paying for people who don't have health insurance in a variety of ways. When that individual shows up at the emergency room, the cost shift takes place because the person without insurance gets their treatment and somebody else pays for it. Those of us who have health insurance pay for it. That's why an aspirin costs \$10.

I had knee surgery many years ago, and to make sure that they operated on the right knee, they put a black magic marker that said "L" on my left knee. When we got the bill, I saw that that black magic marker to put that "L" on cost \$20. That's because of the cost shift that takes place. Now, that's one example. Every American who's had to deal with the health care system has a similar example. If everybody is covered and everybody is in the same risk pool, we're not going to have that type of cost shift that takes place. But that's only one example of how we are paying for it.

The gentleman talks about \$1,500 of the price of every car made in this country is due to health care costs because American manufacturers have to pay for health care for their employees and other countries don't have that burden in the manufacturing sector.

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So we're starting at a \$1,500 disadvantage for that one product. Think about the supply chain. Think about the way goods and services end up in a consumer's hands. Think about the distribution from the person who manufactures it—from the company that manufactures it—to the people who distribute it, to the people who stock the shelves, to the people who operate the stores, to the people who run the cash registers. At every segment of that supply chain, there is a health care component to that. That company, that business is paying, in many cases, health care for their employees. That is what we're paying for.

So, when you hear about people who don't have insurance and when you hear about the skyrocketing costs of health care, think about that part of it as well, not just what your copayment or your premium or your deductible is. Think about how every sector and every segment of our lives is impacted by that.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. ALTMIRE. I will.

Mr. MURPHY of Connecticut. I want to just put an example to one of the points you made here, which is this cost shift that happens. You talk about the folks who don't have insurance or who are underinsured. They get it, right? We have universal health care in this country. You've just got to wait until you're so sick that you end up in the emergency room until you get it.

In fact, President Bush, while he stalled on health care for 8 years, famously remarked, you know, don't worry about the uninsured—I'm paraphrasing—because they'll get health care when they need it. They just have to show up to emergency rooms.

Well, I've told this story maybe even on this House floor before. I told it 100 times back in Connecticut. When we were debating health care reform in the State legislature, I'll never forget a woman who came and testified before us. She told this story:

She said, you know, I was working. I was employed, but my employer didn't provide health care, and I didn't make enough to go and get it on my own. I think she might have had some kids, and she had gotten them insured, but she hadn't had insurance herself. She started noticing over the course of a couple of weeks that she had a real pain in her foot. The pain would sort of get worse, and then it would get better. She knew that she should go see a doctor, but she knew that a couple of things were going to happen: one, she was going to be billed a pretty exorbitant amount for the visit; two, she was going to have to go into the pharmacy and have to probably pay for some antibiotic to treat it. She was savvy enough to understand that, when she did that, she was going to pay the highest cost in the whole system. If you were uninsured, you were going to pay top dollar for that visit, and you were going to pay top dollar for that drug. You don't get the benefit of the bulk purchasing that the Federal government gets through Medicaid or through Medicare or that the insurance companies get through similar programs.

So, one night, she finally decides the pain is just so unbelievable that she can't stand it anymore, and so she goes to the emergency room. She gets to the emergency room too late to save her foot. She has a foot infection that has gotten so bad that she has to have it amputated. For her, that is a life-changing event. Her life is never going to be the same. She is never going to be the same person or the same mother. She is going to have to deal with the disability for the rest of her life just because she didn't have the money or the coverage to get some simple antibiotics that would have treated that foot infection. That just doesn't make sense in the richest country in the world.

Think about it from just a cost perspective. I don't know how much that surgery cost, but it was in the thousands of dollars, I am sure. She didn't have the money to pay for it. Maybe she got billed for it, but probably, more than likely, it just sort of got sucked into the unreimbursable cost by that hospital and got picked up, essentially, by the taxpayers in subsidies for that hospital or by those people who had the insurance, through higher insurance

rates, in order to help the hospital to compensate for the people like that woman who didn't have care.

So we paid for that surgery. You and I paid for a surgery that didn't have to happen. There is a woman walking around now with her life fundamentally altered simply because she didn't have access to insurance. Sometimes people need to hear these examples, Mr. ALTMIRE, of what it really means when somebody only has health care when they get so badly sick or ill that they show up in emergency rooms.

Mr. ALTMIRE. I thank the gentleman.

That is just one example, and we're going to deal with a lot of policy options over the next several months. To talk about just one related to what the gentleman is talking about, prevention and wellness is something that everyone can agree has to be an important component. We have to incentivize doctors and hospitals and our health care system more generally to keep people healthy and to keep people out of the system and not wait until the last minute when a situation develops like the one the gentleman talked about.

In western Pennsylvania, where I'm from, I'll just talk about one disease which is near epidemic proportion. That's diabetes. In some cases, it's preventable. In some cases, it's not. For every individual whom you can put on a program of wellness and can prevent diabetes from taking place or, at minimum, delay its onset, you're changing that person's life for the better. You're making a material difference in the life of that person and of his family. You're also, in a more global sense, saving money for the health care system. If you take that one person times the entire country and the entire group of people for whom you can delay the onset for not just diabetes but for any affliction which one may later get in life, you can prevent injuries if you keep people healthy. For the weekend warriors and so forth with joint injuries, with arthritis and its onset, these are very costly diseases to treat, and they can be debilitating in many cases, but they can be prevented or they can, at least, be made better in many cases.

So this is the type of thing that we want to incentivize in our health care system for which, right now, there is no incentive. Under our current reimbursement in health care, we reimburse based on the number of times one shows up to a doctor's office. Their incentive is also for you to be sick. They make more money the more often you go to see them. We want the reimbursement system to be based on keeping you healthy and on keeping you out of the system, reimbursing based on the quality of care provided, not on the volume of services provided. So this is one example of the policy option that we are considering.

I would be delighted to yield to the gentlewoman from Wisconsin at this time.

Ms. BALDWIN. Well, I thank the gentleman.

I also want to appreciate my friend and colleague, Congressman MURPHY, for bringing us together on this really critical issue.

You know, health care for all is the issue that brought me to politics in the first place, and it's certainly the issue that keeps me here. I join my colleagues tonight on the floor to affirm our fight that we must complete comprehensive health care, meaningful and affordable comprehensive health care reform, this year. We can no longer afford to wait for health care reform.

There was a recent report from the very respected Robert Wood Johnson Foundation that projects, if Federal reform efforts are not completed, that within 10 years the cost of health care for businesses could double, that the number of uninsured Americans could reach 65.7 million and that middle income families would really be the hardest hit. They would bear the brunt of our inaction.

I represent a district in south central Wisconsin. Last month, I had the opportunity to gather and to meet with a number of stakeholders in my community. I got a chance to hear from diverse perspectives—from public and private urban and rural health providers, from patient advocates, from insurers, from businesses, and from labor. I always find it extremely helpful to hear divergent viewpoints and to get new suggestions as we prepare to write this bold, new legislation.

No matter what their particular perspectives in this debate are, their main message was very clear, that the system is broken and that we have to fix it. Some would argue that we really don't even have a system intact anymore.

I want to share just three quick stories from constituents, from Wisconsinites, that really symbolize what is broken in our health care system, that being the unaffordability of individual markets, the insurance discrimination based on preexisting conditions, and the struggles of small businesses. I really think it's important that we, as Americans and as Members of Congress, hear these stories. Our constituents, using their own words and telling their powerful and compelling stories, make the best case for health care for all and for the actions that we must take. So I'm just going to share with you excerpts of three letters that I've received.

One is from Jean from Rio, Wisconsin. Jean writes, "My husband, Steve, has worked hard his whole life, but as of last year, he has not been able to find work because of the downturn in the economy. Neither of the jobs that I have held have offered me health

insurance. We have relied on insurance that we purchased in the individual market, which costs nearly \$10,000 a year and has a \$5,000 deductible, meaning that we pay out of pocket for basic doctor visits, screenings and prescriptions.

"Twenty years ago," Jean writes, "Steve became very ill, and in the intervening years has developed multiple brain tumors that require extensive treatment and care. We eventually realized that he has recurring tumors due to a neurological disease and should be screened on an annual basis. Unfortunately, insurance does not cover these \$13,000 procedures, and we cannot afford to pay that on an annual basis. We can only hope and pray that more tumors are not developing. It is just so infuriating that, in this wonderful country, we cannot get wonderful medical care."

Lorraine from Port Washington, Wisconsin, writes, "When my husband filled out an insurance application in July of 2002, he was asked if he had ever been diagnosed or treated for cancer in the past 5 years. He replied, 'No.' He had never been diagnosed with cancer nor operated on nor treated for cancer. What he did have was basal cells—small carcinomas—which are never malignant and have to be removed from most blue-eyed blonds in the course of getting older.

"When my husband was diagnosed with bone marrow failure disease, the insurance company denied any coverage for his medical care, citing a pre-existing condition. We were left with over \$125,000 in medical bills. My husband has now passed away, and I am just thankful that I am not in complete financial ruin."

Sally, from Madison, Wisconsin, writes me to say, "I've had my own law office for 29 years. I employ two full-time employees and one part-time employee. I provide health care benefits for our small firm, but I have faced an annual increase in premiums of 12 percent, forcing me to pass on higher cost-sharing to these three employees. One employee has diabetes and also extends coverage to her husband, who is a dairy farmer without health insurance coverage. Because of their high medical costs, it would have been very difficult for me to find new health insurance without facing even higher rates. Health insurance is becoming steadily less inclusive and more difficult to keep—and it's no wonder that, in today's economy, families count health care costs as one of their top pocket-book issues."

Madam Speaker and colleagues, these stories illustrate why affordable, quality health care for all is so important and is so necessary. Universal coverage is both a moral and an economic imperative if we are to succeed in the 21st century. For the first time, I firmly believe that health care for all is within our grasp. We must act now.

Again, I want to thank my colleagues, my friend Congressman MURPHY and my friend Congressman ALTMIRE, for taking this fight up and for bringing us together to address this important issue.

Mr. MURPHY of Connecticut. Thank you very much, Ms. BALDWIN. I'm always amazed at how articulate your constituents are. It really is amazing to hear the stories firsthand because, as Mr. ALTMIRE mentioned and as one of your constituents mentioned, there is an entire industry out there that is dedicated to trying to stop people from getting care. That's what you get when you build in the type of profit motivation that we have and the pressure on shareholder return. We treat health care and the economy around it just like we treat, basically, every other industry out there. I think there are a lot of us here who believe that there is something fundamentally different about health care than the auto industry or the cereal industry or the widget industry and that, when the consequences of somebody's not being able to get that product is life or death, maybe we should have some different rules that govern it. Maybe there is no problem with having some incentive built in for innovation, for success and for all the rest. Maybe there should be a limit to that, and there should be some constraints on the system.

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So I thank you for joining us, and please stick around for a little while.

Mr. ALTMIRE, you are talking about the three pedestals here of access, cost and quality. I think it's just important for us to talk for a second about how we sort of have an assumption in this country that the more money you spend, the better care you're going to get, right? And what we have found, as we sort of surveyed one particular segment of the country to the next, is that isn't necessarily the case, that spending more money and just having more health care doesn't necessarily deliver better health care. There are great surveys from Dartmouth University and other places that show that, actually, if you can better coordinate care, if you can get physicians talking to each other, if you can get primary care doctors doing more work up front, you can spend more money on preventive health care, as you talked about, that you can get better health care out there. So one of the things when we talk about controlling cost is trying to actually get people to have a decrease rather than an increase in utilization. I think it will be a big central part of our discussion here about how we do that.

There are very interesting ideas about how you try to encourage providers to work together, about how you invest more in primary care. But a subject that we have talked about on this

House floor, which is going to be fundamental to this discussion, is giving those physicians and hospitals the tools to do that. The only way that you can try to get doctors talking to each other about complicated patients, the only way that you can try to really empower the consumers themselves to take more ownership over their own health care is to make sure that they have the ability, as physicians or providers, to track those patients through the system or, as a consumer of health care yourself, to track your care as you move through the system. Technology is really the key to that, and we have already taken a great step forward on that issue through the stimulus bill. There is \$19 billion in the stimulus bill dedicated to building out the world's best, most connected, most highly technologically advanced health care information system so that as an individual walks into the emergency room, that that treating physician can immediately figure out what his medical history is, what tests he's already had, what's been ruled in, been ruled out relative to the illness that they present with. We can save billions of dollars just by having better information in the system. I am so glad that our President had the foresight to see those savings down the line by investing money in the stimulus bill to get that technology out as quickly as possible so that it can be a platform for those savings. There are going to be a thousand different ways that we talk about to save money in this system, and we know that that's how we get access. But I don't think any of it is going to be possible, Mr. ALTMIRE, without that investment in technology, something that you talk a lot about.

Mr. ALTMIRE. We have talked about that, and I do think that the money that was in the stimulus plan and then money in the succeeding budgets, which we're also going to make a priority, is going to make a big difference. Health care is the only major industry in the country remaining that has not gone to an interconnected, interoperable computerized system. And I would ask my colleagues to think about the fact that—the gentleman's from Connecticut, and I'm from Pennsylvania—if we go to San Diego, and we put our bank card in the machine, we can pull up all of our financial records in a safe and secure way and never think about privacy or any type of intrusion. You just take for granted that that's going to work. But if you show up on that same trip at the emergency room in San Diego, well, they don't have any of your records. They don't have your history. They don't have your family medical history. They don't have your allergies. They don't have any of your imaging, your x rays and so forth. And they're going to ask you half a dozen times when you're there, what are you

allergic to, and can you fill out these forms and, most importantly, how are you going to pay, what's your insurance? But if we were to go to a system, like every other industry in America has, where you have an electronic health record that goes with you everywhere you go and has your family history records, your personal medical history, your allergies, and yes, all your insurance information, then when you show up at the emergency room, they're not going to have to ask you half a dozen times. They're going to be able to get right down to the business of treating you for whatever the reason is you find yourself in that situation. We have to make sure that as we move forward as a country, we reward those who have already taken matters into their own hands. There are a lot of major health systems in this country from coast to coast that have spent hundreds of millions of dollars of their own money to make this a reality, to connect their own systems. The problem that we have in implementing this is, if you're a wealthy community and you have a system that's making a lot of money, a hospital system, you can afford to do that. But if you're a rural physician, a health care provider in central Pennsylvania or anywhere in this country 80 miles from the nearest hospital, you can't afford hundreds of thousands of dollars to upgrade your computerization to interconnect your records with the nearest hospital. It's just something you can't even consider, and that's where this money is going to go. We're going to move towards having an interconnected system in this country to resolve some of the issues that the gentleman has talked about. We're not going to allow it to get to the point—with the Department of Defense, for example, which has a wonderful health care information technology system, and the Department of Veterans Affairs, which also has a wonderful health care information technology system; but there's one problem. They literally cannot communicate with each other. What they do is, if you're one of the brave servicemen or -women who are serving our country as part of the Department of Defense, you're a part of their program, and they have all of your medical records; but when you leave the military and become a veteran and enter the VA system, under the current system, the Department of Defense sends a PDF file by e-mail to the VA, and somebody has to open up that file. They can't manipulate it in any way. They have to type by hand your entire career's medical history—if you've been there for 30 years, think about what we're talking about—into the new system for the VA.

Now Secretary Shinseki and Secretary Gates have announced that moving forward, they're going to merge the systems for the new people

who enter the military. So moving forward with the newer generation of our military men and women and our veterans, we're not going to have this problem. But for the millions who have served up to this point, it's not interoperable. They cannot communicate with one another.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, scale it down. There are thousands of hospitals, some of which are in the State of Connecticut, that have competing systems, even within their own hospitals, that don't talk to each other. There are hospitals that have one electronic records system for their emergency room and then one electronic medical records system for their in-patient unit. So the same thing that happens as you move from active service out to be part of the veterans health care system works within a matter of days in a hospital setting. When you come in and present to the ED, you then aren't on the same record system when you move over to the in-patient unit. Now that is because we do not have a sort of nationally agreed-upon platform for how systems communicate with each other. And a lot of hospitals say to themselves, well, I have got one really good system for emergency rooms, and then I want to buy this other really good system for in-patient care. We have got to have some national standards that basically say to any hospital or physician's office that's buying into a records system that you can be guaranteed that you are going to get a system that presents you with all the data and tools that you need and will be able to communicate with everybody else. In fact, there's no way that we're going to spend that stimulus money without some national standards to guarantee that that happens. But as a sort of preview as to how politicized and how politically charged this debate can become, when we were debating that portion of the stimulus bill, which really is a commonsense investment in information technology, something that there should be no reason why Republicans and Democrats should disagree. I don't want to put words in Mr. BURGESS mouth. He is a Republican Member from Texas. He comes down to the floor very often to talk about the crisis in our health care system, and he talks in a very articulate way about the need to upgrade our information system. So there's a lot of potential agreement on this issue between Republicans and Democrats. But it didn't stop the sort of right wing in this country from going out and spreading lies that this investment in information technology was the Federal Government's attempt to have a Big Brother takeover of health care, and this was the Federal Government reaching in and controlling all of your health care information and knowing everything about every illness that you've had or prescription

drug that you're on. It's the furthest thing from the truth. We're just simply trying to standardize private health care investments that have been made by hospitals and doctors across this country. But I think it speaks to how difficult this debate is going to become. There is a group of folks out there who are either just ideologically opposed to having the government have any role in health care, or folks who are part of the status quo who are making their fortunes off of health care today that don't want the rules of the game changed. Even when it comes to what should be fairly noncontroversial issues, like investments in information technology, I mean, my God, you know, it's boring to say, right, but it's so important. It's just not that controversial. We're still going to find a lot of people on the outside that are going to fight us on this issue, as they will on many others, Mr. ALTMIRE.

Mr. ALTMIRE. There are many issues that are just like that, as the gentleman knows; and this gets to the complexity of the bill that we are going to be bringing to this floor and to the other body over the course of the next several weeks. If you look at what we expect, at minimum, the outcome to be on the insurance side, I think everyone would agree that a very likely outcome is going to be the insurance industry will not be able to re-line you. They're not going to be able to use pre-existing conditions to exclude you from care. They're not going to be able to do the lifetime limits for people with chronic diseases. Basically, they're going to have to take all comers, and they're not going to be able to set your rates based on your individual health status. I think we would all agree that is a likely outcome to this debate.

Now the insurance industry makes a compelling case, and I think an actuary would tell you that the only way that works is if we find a way to make sure everybody is included in our health care system. You can't just have the sick people or the people who are about to become sick part of the risk pool. You have to have everybody. That's why it's so important that we expand access to the entire Nation, include these 47 million Americans who don't have health coverage, the tens of millions of more that are underinsured because the only way the risk pool works is if you have the young and the healthy, people who aren't going to use the services right now today to offset the risk for those who are. But as the gentleman indicates, there is still going to be opposition to this concept when we move forward and when we talk about ways to move people into the system that currently don't have access.

One of the ideas that we talk about, which the gentleman from Connecticut is very involved in, is the idea of hav-

ing a choice for people to join a plan that would compete with the private insurance industry. We hear a lot of talk about how the private sector always does it better than government. They're more efficient. They're more cost effective. The government is too bloated. So I would say to those who make that case, well, then, what are you worried about? What are you worried about the competition from the government if the private sector always does it better than government? The difference in this case, if we do it right—and certainly there are ways you can structure it that wouldn't be the correct way—but if we establish a level playing field for the competition, you are going to have a situation where there's not going to be a profit motive, and there's not going to be any reason for someone to choose that plan who's involved in shareholding and so forth. You're not going to have that. You're not going to have people who are employed to try to deny claims. That might be a difference in the way these plans compete. But if we do it right, it would be a level playing field.

Mr. MURPHY of Connecticut. The gentleman knows that I think this is, for me, critical to reform going forward. I really do think that if you empower consumers to have real choice, that that is one of the ways in which we're going to control cost. Right now when you decide you want health care insurance, if you are a business or an individual, it's a real cloudy picture out there. You don't know exactly what you're buying. You don't know the combination of deductibles and premiums that are going to force costs on you. You can't ever be sure exactly what the benefit plan is, whether pre-existing conditions are covered here and not here. So one of the things that we're talking about that is fundamental to this reform is really trying to standardize the market, creating some national standards for health insurance; that you've got to have this basic benefit package that covers preventive services and real catastrophic care; that you can't discriminate against people that have pre-existing conditions; that you can't have lifetime limits; to basically give people some certainty that when they go out and purchase insurance, that they're going to get insurance, that they're going to get something they can actually use.

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So, a lot of us say, well, you know, why not give people the option, if they don't like the private insurers who are inevitably going to take a piece of their premium and pay the CEO a big salary or pay back shareholders or turn it into profit, why not give them the option to purchase a nonprofit, government-issued plan?

Now, Mr. ALTMIRE, you are right, that that only works if that government option, that government health care option, has to finance itself; that it doesn't get a subsidy from the Federal Government to help it compete with the private plans. But if that public insurance option has to pay for itself, just like every private insurance company has to, they collect premiums, pay for care and it all has to be self-financing, then you are exactly right, what is the problem?

If the government is so inefficient, then they will end up having an insurance plan that costs more than the private insurers, and nobody is going to buy that. But if our theory is correct, that by not having the profit motivation that the private insurers have, that they can run a more cost-effective product, then why shouldn't consumers have that choice?

The people in this Chamber who are going to say there can be no public insurance option available to individuals are taking choice away from consumers. I would rather have my 700,000 constituents be able to have as many choices as possible. I want them to decide whether they think that private insurance or public insurance is better for them.

Everybody will answer that question differently. But I think that those of us that are going to be favoring a publicly sponsored health care plan as one of the options for individuals and businesses out there are going to be on the side of consumer choice, and I think if we give consumers that choice, it is going to create a really competitive structure that will end up with some people having public insurance, some people having private insurance, but a real competition by which we lower health care costs, Mr. ALTMIRE.

Listen, I get it. The devil is in the details of making sure that you don't give a little competitive advantage to that public option, but I think that it is really a linchpin of health care reform going forward, if we can get it right.

Mr. ALTMIRE. Think about the competitive advantage that businesses have in this country. Some are able to offer health insurance, some are not. Less than half of small businesses in this country are able to afford to offer health care to their employees.

What we want to create is a system where everyone in America will be covered and every business that chooses to do so will be able to afford to offer that benefit to their employees and to their potential employees to be able to recruit and retain the highest quality worker. That might be a benefit that small businesses would like to offer. We want to give them the opportunity to afford that benefit if they so choose.

But, again, we want to preserve what is working in our current system. We want those who have coverage and like

it to not be touched in this. And that has to be a part of this. But for those that want to have another option, those who want to make a change, maybe the family status has changed over time, the plan that you are in doesn't work for you any more, we want to give them as many options as possible, and we want to give them the ability, as the gentleman indicates, to do some comparative shopping, to compare apples to apples, to look at what the costs are for the family situation across the different plans. Right now you are unable to do that.

If you are a Federal employee and you have the Federal Employees Health Benefits Program, it is a little bit easier. That is a plan where you are able to look at some of the paperwork and get on the computer and do comparison shopping. We want every American to have the same ability that Federal employees have today.

I would say to the gentleman, when we talk about this idea of the employers being required in some way to either offer health insurance to their employees or to pay into the system so that those employees will have the ability to make that choice, we don't want to do that in a way, and I want to be very clear about this, we don't want to do that in a way that is going to incentivize employers to say, well, you know what? I will just stop offering health care coverage and all of my employees can go into the plan. That is not what this is about.

We don't want to add one more financial burden to half of the small businesses in the country, the ones I am talking about that are already unable to afford health care. We don't want to add to their financial burden. We recognize that this is a very complicated issue and it is going to be very difficult to achieve these goals.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, we spend so much time with our business community, our chambers of commerce, when we are back home and when they come visit us down here, that we know what the reality is out there.

These folks that right now can't afford to give health care to their employees desperately want to do that. They want to do it first because it is just the right thing. They are members of their community like anybody else is, and they want to be able to provide health care to their employees, whether they have two employees or 40 employees. That is just the kind of people that are out there running small businesses by the skin of their teeth across this country.

But they also need to do it from an economic standpoint. They know that to the extent that they can't offer health care or can't offer the kind of generous plan that they would like to, they are at a disadvantage against their competitors who can offer that

type of health care. They are at a disadvantage against the big employers who can steal their employees away.

So this is really an issue that our small businessmen are waiting to be a part of the solution, and if we can offer them, whether it is through a public option or through lower rates on private plans, a more affordable health insurance option, they are going to take it. They are going to grab it.

You are right, we don't want to set up any incentives where they are going to push people off to the public plan. But we know the majority of folks are going to want to be part of the solution out there, just for reasons of conscience, but also for reasons of their own salvation as a particular business.

Mr. ALTMIRE. And the gentleman hits the nail right on the head, talking about bringing down the costs. That is where we started this discussion. We are going to pass a health care reform bill this year. I am confident in saying that. The public support is there, the support in this Congress is there. We need to certainly finalize the details, and that is going to take some work. But this issue is too important, it is too important to this country, it is too important to families, it is too important to businesses, and it is too important to every individual in this country for this not to become law this year. I am confident that will happen.

We have to bring down the costs of health care. That is why this is so important. We have to bring down the costs for our families, we have to bring down costs for our businesses, and we certainly have to bring down the costs for our government.

As I started our remarks tonight by saying what this is about is the structural deficit over the long term that we have in our budget, and addressing the issues like energy and like education that have led to the skyrocketing deficit and debt that we have over the long term, and the only way you can begin to bring that under control is by bringing down the cost of health care for everyone in this country at every level, both in the private and the public sector. That is what this bill is going to do, that is what this discussion is about.

So, to close it out, I would yield back to the gentleman.

Mr. MURPHY of Connecticut. I thank Mr. ALTMIRE and Ms. BALDWIN for joining us tonight.

Let's make no mistake about this. This is going to be a fight. This is going to be a fight, because to do this right, you are going to have to take on some folks who have gotten real fat over this health care system. You are going to have to take on some ideologues that just don't believe that the government has any role in trying to get health care to people.

There is a polling memo going around Washington written by Newt

Gingrich's pollster essentially outlining in 28 pages how you stop health care reform from happening. That is the agenda of a lot of people in this town, a lot of folks on the other side of the aisle, that they do not want health care reform to happen.

Now, some of it is for good, honest policy reasons. I believe it is an incredibly mistaken belief that the private sector can just fix this on their own. They haven't done it for the last 50 years. How can we expect they are going to do it overnight?

Some of it though is very cynical politics. Some of it is due to people that look back to 1994 and the failure of the Clinton health care plan in the 2 years prior, and believe that if folks can stand in the way of President Obama or this Democratic House passing health care reform, that they will gain some electoral advantage out of that.

Now, I hope that is the minority of people that are standing in the way of this bill. But make no mistake, there are people out there who simply see political advantage against Democrats in general or against the President of the United States in stopping health care reform from happening.

Now, they may have succeeded back in 1993. I wasn't here, Mr. ALTMIRE wasn't here, so we can't speak to all the reasons that happened. But that is not going to happen this time. Not because you have got smarter people in the House of Representatives or you got necessarily a better strategy moving forward, but because the American people are not going to stand for the status quo.

They know this economy is tough and they feel more conscious than ever of the fact that they are just one paycheck away from losing their health care and becoming one of the tens of thousands of individuals out there who have been forced into bankruptcy because of health care costs.

The status quo is not good enough for people out there, and despite 28 pages of polling telling the folks on the other side of the aisle how to stop this from happening, I believe that the will of the majority of Americans is going to bring us together to get a good bill passed.

We are here as 30-somethings in the Democratic Caucus talking about that tonight, but I believe that there is going to be a groundswell of public support that is going to force us, both parties, to come to the table and do something, not small, not minor, not temporary, but something big and permanent to fix all of the underlying problems in this health care system, to make sure that more people have it and less businesses are burdened by it.

So, again I would like to thank Speaker PELOSI for once again giving us the opportunity as the 30-something Working Group to come down here tonight, and remind folks that they can

e-mail us at 30somethingdems@mail.house.gov. If you have any questions for us, any feedback on what you have heard this evening, www.speaker.gov/30something is where you find us on the Web.

NOT LEARNING FROM HISTORY

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

Mr. AKIN. Madam Speaker, there was a cynical comment that was made by people who take a look at history. They say that one of the things we learn from history is that we learn nothing from history. I don't know that that is universally true, but certainly for our subject for this evening, that will certainly be the theme, that we are not learning very much from history.

We are going to be taking a look at the fruit of fiscal mismanagement, and particularly what is going on in our country in terms of a very, very important number, and that is unemployment. The unemployment numbers have continued to rise, in spite all kinds of assurances that by spending tons and tons of money, that we can turn those numbers around.

The historic connector here that is I think quite interesting is a fellow by the name of Henry Morgenthau. Probably you have not heard of Henry Morgenthau, but he was an important figure in his own day. And here in this Chamber, in this House, Henry Morgenthau met with the Ways and Means Committee in 1939.

Henry Morgenthau was FDR's Secretary of the Treasury and he had 8 years working on a theory that is known as Keynesian economics. He was one of the main architects of Keynesian economics, whose idea was that what the government needs to do is to stimulate the economy. You have heard that phrase over and over, stimulate the economy, and the purpose of stimulating the economy is, of course, to create more jobs.

That is a little bit like grabbing the straps on your boots and lifting up and trying to fly around the room. It doesn't work. And after 8 years of failed experience, these were the words, the very quote of Henry Morgenthau here in this building before the Ways and Means Committee.

He said, "We have tried spending money. We are spending more than we have ever spent before, and it does not work." His words are echoing down through history. "It does not work, I say. After 8 years of the administration, we have just as much unemployment as when we started, and an enormous debt to boot."

These are the words coming to us, floating down through history by

Henry Morgenthau, the main architect of Keynesian economics. Franklin Delano Roosevelt, the master of the policy of stimulating the economy with big spending.

Maybe we haven't been doing a good enough job on stimulating the economy with big spending, so let's just take a look and see what we have come up here in just the last year or so.

I am joined by a number of my good friends and colleagues who are going to help us in unpacking some of what is in this spending that we have and also going to help talk about this incredible statement that was made by the President last week that, somehow or another, that his administration had created 100,000 to 150,000 new jobs. It is kind of amazing, because all of the actual numbers from the government show that that is not true at all.

□ 2100

So we have quite an interesting evening together. And I'm joined by a good friend of mine from Iowa, Congressman KING, who is here to join us in our conversation tonight. I hope that everybody else will feel comfortable to just tune right in and join us. We're going to have a little bit of fun and take a look at some of the economics. It's a serious picture, but it's an example to us that we must learn from history. It's also an example of the fact that America is on the wrong track.

As we take a look at what's going on with job losses, I think many Americans, Congressman KING, understand the fact that all is not right and that unemployment number jumping up as high as 9-something percent is not acceptable.

I would yield time to my good friend from Iowa, Congressman KING.

Mr. KING of Iowa. I thank the gentleman from Missouri (Mr. AKIN) for pulling this hour together. And I listened to the first flash of illumination of common sense here coming from deep within history of Franklin Delano Roosevelt's administration, his Treasurer, Henry Morgenthau, saying that Keynesian economics does not work.

And so I wanted to add to this, John Maynard Keynes' philosophy that he spoke about during that period of time of the implementation of the New Deal that was presented by FDR, and historians have taught for years that FDR's New Deal saved us from the Great Depression, although there isn't any evidence of that, especially, FDR's Secretary of the Treasury making the statement that Keynesian economics does not work.

Now, Henry Morgenthau was a contemporary of John Maynard Keynes, and Keynes became prominent in the twenties and throughout the thirties and kind of wrapped up his career in the forties. But Keynes described how Keynesian economics worked. He did

this himself, and his description was this. He said, I can solve all the unemployment in the United States. All we need to do is go find an abandoned coal mine and go out in that abandoned coal mine and drill a whole group of holes out there, and then take American cash, tamp it down into those holes, and then fill the abandoned coal mine up with garbage and turn the entrepreneurs loose to dig up the money. That would solve all the unemployment in the United States of America.

Now, that doesn't sound very rational when I say this on the floor of the House of Representatives, but that came out the mouth of John Maynard Keynes, who inspired this Keynesian economics and Morgenthau's response.

I yield back.

Mr. AKIN. I just have to kind of wonder what he was drinking when he came up with a theory like that. That's an interesting tidbit of history.

Mr. KING of Iowa. And we didn't have EPA approval either.

Mr. AKIN. He didn't have EPA to put the garbage in the mine. I'm sure he would have gotten in trouble with that.

It's just a treat to have, also, my good friend Congressman LAMBORN who's joining us tonight as well. And we're just getting started now, talking a little bit about this idea that somehow all of this spending that we've been seeing in this last year that we've been here together, this incredible level of spending, is supposed to help with this unemployment problem. And yet, just as Morgenthau would have predicted, we're seeing unemployment going up and the spending just totally out of control.

I yield time to my good friend, Congressman LAMBORN.

Mr. LAMBORN. Well, I thank the gentleman from Missouri for letting me have this time. It's good to join you for a few minutes with this time that you've put together to speak and present to the American people and to have a dialogue between each other what the spending is really costing us. And so far it's not producing jobs. I think we hit 9.4 percent, if I have that correct, of what the latest unemployment figures are.

Mr. AKIN. Just affirming that, reclaiming my time and affirming that number, yes, it is now 9.4 percent. You recall that there was a promise when we got to this great big—they call it a stimulus bill. We call it the porkulus bill. When we got to this porkulus bill, they said, If you don't pass this bill, if you don't do that, why we may have unemployment at 8 percent. And here we are at 9.7 percent, and we did pass the bill. And so the excuse is, well, this thing is really helping us a lot. Well, I sure hope it doesn't help us in that direction too much longer because that was what was supposed to be. But I think you're right. Your number is 9.7.

I yield.

Mr. LAMBORN. Thank you. With that amount, 9.4 percent, which I think is the high point for 25 years, unfortunately it's the high point in unemployment in our country for two and a half decades.

And I just wanted to mention, it's so inconsistent or even hypocritical for the press to say that this is not anything other than an unmitigated disaster. They're falling all over themselves trying to put a spin on this thing saying, Oh, it's really not as bad as it seems. The rate of growth of unemployed people has slowed down, or it's less than we thought it was going to be.

Can you imagine if we were 12 months ago, 24 months ago, when George Bush was President, what the press would have said? They would have said, It's horrible, and the policies are doing this and driving unemployment up.

Mr. AKIN. Just reclaiming my time a minute. What would the press have said if, under the Bush administration, they claimed that they created 100,000 to 150,000 jobs and they didn't have any documentation for that? Say, Where in the world did you get that number, because the numbers that have just come out show that we've lost jobs. It's gone the other direction.

If you had a track record like that—this is just the year, this year. This is starting in February, March, April, this is another March, 14, 28, April, April, May and May, this is just a few months here. And this is what's going on with unemployment. And you're out here and you claim, Hey, we just created a whole lot of jobs. People would kind of wonder, I would think the press corps would say, Wait a minute. Where'd you come up with this 100,000 to 150,000 jobs that he claimed last week that they created? I supposed he'd say, Well, if we hadn't passed this great big porkulus bill, why, by golly, it would be worse. Of course he hasn't learned from Henry Morgenthau.

I yield back.

Mr. LAMBORN. The gentleman from Missouri is correct. It's so inconsistent. If this was the previous President, the press would just be laying right into him. Right now they're giving the President a pass. And it's inconsistent, and I think the American people can see through that.

And Congressman, you also mentioned, what are these phantom jobs out there that were saved? Anyone can claim, well, there's one or two or 300,000 jobs that were saved. I can't document it, but just take my word for it, and the press isn't looking at that either. I just wish the press would do their job of being an honest, objective observer and reporter of what the facts are. And until the press does that, the American people are really not being served well.

Mr. AKIN. Well, reclaiming my time, I think you're right. And I'd like to

just take a moment and get into—these numbers are easy for us to rattle off, just off the tip of our tongue, but let's take a look.

First of all, you've got \$700 billion in this Wall Street bailout. Now, some of this came under President Bush, and I think the people in this room voted against this thing because it didn't make a lot of sense. Half of it, though, is the beginning of this year, and we keep dumping all this money out, and it's not quite clear what we got for it. And then we get to this thing here, this economic stimulus which is supposed to be fixing this unemployment problem. And what's going on in this bill?

I've got a few, just choice examples I'll share, but I know others of you here have some examples. We're joined by a number of fantastic Congresspeople, and here's one. This is one here, this is you can't afford a bicycle after purchasing a \$1 million home. Okay. This is money for Washington, D.C., part of the stimulus money that's supposed to be helping us with jobs.

Washington, D.C., Department of Transportation will spend \$3 million in stimulus money to expand its Smart Bike program. The money will increase the program by five times, from 10 bike racks to 50 bike racks, and from 100 bikes to 500 bikes. Neighborhoods expected to get the new bike racks include Adams Morgan, Columbia Heights, Capitol Hill, Anacostia and Georgetown, where the average single-family home runs at \$1.2 million. Boy, now there is an interesting use of money. May be a wonderful thing to do, but I'm not sure what we should be taxing everybody to try to create jobs.

And we've got a lot of other fun examples. I'm joined by my good friend Congresswoman BACHMANN, and Congresswoman BACHMANN is articulate and a good friend to people who care about jobs and care about fiscal sanity.

I yield time.

Mrs. BACHMANN. I thank the gentleman from Missouri for calling this together so that we could call attention to the job losses that are happening all across the United States. It's in your district. It's in my district. It's every one of our districts here that are represented this evening.

And I was absolutely shocked, as I've been watching this play out, of the Federal Government jumping in and taking over private businesses, beginning with Chrysler and then now with General Motors. We're seeing something that we haven't seen. I don't know if we ever have seen anything like this in the history of our country, and I am still livid over the conversation I had today.

Mr. AKIN. Reclaiming my time just a minute, what you just said is so important for people to understand, and that's because we don't have quite the sense of history. We've just heard from

one of our other guests just a minute ago that this is a 25-year high in unemployment.

But what you've just talked about is, when the President goes in and fires the president of General Motors and appoints the people a board and decides to rewrite the bankruptcy laws, this is unprecedented. And I think, my good friend, you have a specific example from your district about what this could mean to Main Street America. I wish you'd saw share that with us tonight.

Mrs. BACHMANN. I do. I had met with dealers in my district before from Chrysler, and they looked me in the eye and they said they were just flabbergasted. They couldn't believe that they got a pink slip that they were going to be out of business by the end of the month. All the cars that they had on their lot they'd have to sell. They were going have to wrap up and go out of business by the end of the month. And they told me that they were one of the most successful Chrysler dealerships, not just in Minnesota, but in the Nation. They performed 160 percent better than the top performers in the country. They met all the criteria for staying open for Chrysler, and still they were pink-slipped. No one could understand.

Mr. AKIN. Reclaiming my time, I'm just trying put myself in the shoes of the family who owned that dealership that you're talking about.

Mrs. BACHMANN. This particular family, Congressman, had put \$5 million into this dealership just prior to receiving this notice. They were slated to adding another Jeep dealership to the Chrysler business that they already had. Significant amount of money, and they produced tax revenue to the amount of \$3 million every year on that 5-acre parcel that they utilized.

Mr. AKIN. Just reclaiming my time, so you have a dealer who's been in business in your town for what, 90 years or something I think you were saying?

Mrs. BACHMANN. This particular dealer had been in the business since the early 1920s. The one that I spoke with today had been in business for 90 years. They were a General Motors dealership.

Mr. AKIN. Ninety years, and their dealership was assessed at, what was the value of it?

Mrs. BACHMANN. There's a recent appraisal done on this dealership, very successful dealership. They have all the debts paid. They own everything outright and clear, and the appraiser said this dealership is worth \$15 million.

Mr. AKIN. Reclaiming my time, so \$15 million, and then you wake up one morning and you get this thing in the mail and it says your \$15 million just basically vaporized, didn't it?

Mrs. BACHMANN. Was worthless. Now the only thing that their dealer-

ship is worth today is the underlying property that the building sits on. They put all sorts of money into building their building, which is now free and clear. They worked hard to make sure they could pay for it, and now it's a dealership building. And as most Americans know who are listening to us speak this evening, if you have a dealership building, you can't use it for much else other than a dealership. And trust me, there's no one out there right now who's too interested in buying an old used dealership building because there's not new car dealers going up out there.

Mr. AKIN. So once again we have another projection of this example of Washington thinking they know how to do everything, deciding who's going to be the president of General Motors. All of this money that belongs to our constituents, we're going to dump this money into various companies, and then we're going to try and manage. We can't manage D.C. What makes us think we can manage car companies?

What an example of—and I think there are some other examples of what's going on with some of this spending.

And I see that we're also joined by Congresswoman LUMMIS from Wyoming, I believe. So we've got the West pretty much covered. We've got Iowa covered. We're going to have Georgia in just a minute.

Please join us.

Mrs. LUMMIS. I thank the gentleman from Missouri for pulling us together this evening for this discussion.

In Wyoming, our economy is very much based in the energy industry because we have coal, oil, gas, uranium, wind, solar, biomass, and that is the mainstay of our economy by far.

□ 2115

So as we watch the 350 to 375 very small businesses that are drilling for oil and gas and see the legislation that is coming before this Congress at the behest of the Democratic Party, it will devastate our businesses.

Mr. AKIN. Reclaiming my time, so you're talking about the tax that they're proposing to pay for some of the spending that is that cap-and-tax situation which is going to devastate small business, and small business, of course, is where these jobs are created; is that correct?

Mrs. LUMMIS. Absolutely. I think the Americans have the perception that Big Oil is who is recovering these natural resources; but even those firms hire very small, literally mom-and-pop operations, five and six employees to go out and drill the drilling, to do some environmental compliance, to do the surveying, and to complete those wells, and do the fracturing of the deep seams that are required to cause the gas to flow into a natural gas well. These are very small operators. As I said, in Wyoming alone, over 350 businesses.

Yet what we see on the horizon taxwise through the national energy tax that's being called cap-and-trade would be utterly devastating to those businesses.

Mr. AKIN. Reclaiming my time, what you're doing is making a tremendously important connection. And I think a lot of people do get that impression that all of the jobs in America are General Motors or General Electric or Mobile Oil or whatever it happens to be. But in reality, as one of the most ranking members in small business, what you find is you define small business as about 500 employees or less. Small businesses create almost 80 percent of the new jobs in America.

So what you're saying is exactly spot on to what all of our data shows, and if you're looking at 80 percent of the new jobs and you're looking here at an increasing level of unemployment, what you should be paying attention to is what are you doing for small business. And what you're talking about is we're doing something that we haven't learned from history. You're going to slap a great big tax on them to cover up all of this spending. And what's going to happen is you're going to dry up the potential of those new jobs that could come from small business.

I appreciate you making that connection.

And I'm going to just jump over to my good friend from Georgia, a medical doctor, but also somebody who has quite a fair amount of passion about freedom and about some of these economic issues as well, my good friend Dr. BROUN from—is it the Atlanta area?

Mr. BROUN of Georgia. No, sir. I live near Watkinsville, Georgia, south of Athens, and I represent northeast Georgia. And I thank the gentleman for yielding.

The chart that you have down there on the floor. If you put the date of this week on the next bar, going back to what Mrs. BACHMANN was just talking about, these dealerships are shutting the doors. Dealerships may have 20 employees, they may have 30 or 40 employees. I've met with a number of them. There is a dealer in my district in Clayton, Georgia, in Rabun County, right up on the North Carolina line, called me this week and he got one of those pink slips. He is a customer of the automaker, and that's what all of these dealers are, they're actually customers. And what is happening is this administration is forcing the Big Three automakers to fire their customers, and that makes absolutely no economic sense.

But this dealer doesn't do any floor planning. In other words, he doesn't have to borrow money from the automaker to put the cars on his lot. He owns them all. He's paid for them all. He owns his dealership. He doesn't owe anything to the carmaker. But they

have fired him. And in doing so, this administration has fired all their employees.

So the next bar for all of these dealerships I think is 780-some-odd just this week that are going to be fired—the dealership's going to be fired, thus all of their employees are going to be fired. And that's going to put that bar even higher. And it's just not right.

This is an unprecedented takeover from the private sector by this administration—by the car czar that has been set up by this President—and it is totally unconstitutional, it's totally against freedom, it's totally unprecedented. And it's exactly the same thing that Hugo Chavez is doing down in Venezuela.

So if we could imagine that next bar on that graph, it's going to be even higher than it is.

Mr. AKIN. Reclaiming my time, what I'm hearing you say is—you're a medical doctor. You're not claiming to be some economic expert. You're saying common sense says that this 9.7 percent unemployment that we got right now is not the end of this problem and that the idea of the tremendous level of spending that we're seeing is not going to help. You're agreeing with Henry Morgenthau from 1939 that all of this spending is not going to make this any better. And what's more, a lot of that spending is going to result in more unemployment rather than less.

Is that the bottom line of what you're getting at?

Mr. BROUN of Georgia. If the gentleman will yield, absolutely. That's what's going to happen. You cannot borrow and spend yourself to economic prosperity. And that's what's going on here. We're borrowing too much, we're spending too much, taxing too much, and it's going to cost jobs.

I'm sure we'll come back to discussing what the gentlelady from Wyoming was talking about because there is somebody else that's going to talk a lot of jobs across this country. But we're going down a road that is going to hurt our economy. It's going to cost jobs, as we see an increasing number of jobs on your chart there that are being lost. And unemployment claims, we're going to have more and more of those. And it's really taking away from the future of our children and your grandchildren.

Mr. AKIN. That's the bottom line. I think that's what's gotten us staying here this evening talking about this subject. This is critical. This is a very significant problem.

I would like to jump back to my friend from Iowa, Congressman KING, a gentleman who has run his own private business for many years before he came to Congress, knows a little bit about small business, knows a little bit about taxation and red tape. And he also understands what some of these massive government spending programs in the

last year, what these are liable to do in terms of effects on our economy.

Mr. KING of Iowa. I thank the gentleman from Missouri. I started business in 1975, a capital-intensive business with a negative net worth so I had to actually make everything work or it would have collapsed around myself. And I remember prior to that looking for a job. I applied for a good number of jobs. Worked for other people. They worked for me. I had to build a business up a piece at a time, a component at a time.

One of the points that I think would illuminate this when I look at the numbers that are there on the chart: \$700 billion on the Wall Street bailout, \$787 billion in the stimulus plan. That was going to—and I remind everybody here and including Madam Speaker—if she were paying attention—I would be reminding her that President Obama said that his stimulus plan was going to save or create 3.5 million jobs—and that was just back a couple of months ago right there on the time line where a \$787 billion. 3.5 million jobs saved or created. And I thought at the time, How do you measure a saved job? It was there when you started, it was there when you're done the. It's one that your economic plan didn't destroy, but it isn't necessarily one your economic plan saved.

So now we have the White House saying they've saved or created a dinky little 100,000–150,000 little jobs when their endeavor is 3.5 million jobs. And by the way, that number is not out of thin air. That is off of the White House's Web site, WhiteHouse.gov/economy. So those numbers are real.

Another image that flashes to my mind when I hear the gentleman from Georgia talk about Hugo Chavez, I had a flashback about the visitation that took place between our Commander in Chief, leader of the free world, President Obama and Hugo Chavez down in Central America. And I recall that we needed to have a strong message from the President of the United States that would embrace Colombia and ask for a vote on the floor of this House as was agreed to under those terms. We didn't get that meeting, but we got a glad-handed, big smiley happy face meeting between Hugo Chavez and President Obama.

And I remember the image that flashed in my mind. One of them is Hugo Chavez could declare our President to be El Diablo at the podium of the United Nations and say, The smell of sulfur still lingers from yesterday. And those anti-American people laughed and cashed our checks. And just a few months later we have President Obama glad-handing with Hugo Chavez. And when I saw that image, I realized that the great nationalizer of the industries in Venezuela who had just nationalized a rice plant that belongs to a good Minnesota company

named Cargill was standing there smiling next to President Obama who was the greatest nationalizer of all, who has since nationalized two of the three largest carmakers in the world—General Motors and Chrysler—and we've watched the nationalization of our financial institutions, our insurance industry. The list goes on and on.

The free market system from top-down is being swallowed up and nationalized instead of privatized.

And I would also make this point that our President today was elected at least in part because he challenged President Bush and criticized President Bush for going into Iraq without an exit strategy. This President has declared that he doesn't want to own or manage Fannie Mae, Freddie Mac, the financial institutions, the insurance agencies, or the automakers of America. But he has engaged in all of that without an exit strategy.

I call upon President Obama to come up with an exit strategy to divest the Federal government and the taxpayers from this private sector industry that have been so nationalized that he makes Chavez look like a piker.

And I yield back.

Mr. AKIN. That's really quite a summary of where we are. What we're getting at is this disease that struck the Washington area just one year or two ago. It's bailout fever, you know. And we got into this idea that we're going to bail everybody out—at least if you're big and important. If you're a small business, you're going to go bankrupt. If you're a car dealership, you go bankrupt and you lose \$15 million in one day. But we're going to bail out all of these, and in the process, what's going on in unemployment? Is this nationalizing of businesses such a good idea? I think there are a lot of people having some very extreme second thoughts.

This was not going to happen if we voted for that great big porkulus bill. I'm on the Armed Service Committee. When you say \$787 billion, that's more than my paycheck. I tried to figure out how much money is that. And the biggest thing we deal with in any committee is aircraft carriers. These are big things. If you ever get on an aircraft carrier, you could play a game of football on the deck of one. They're really big, and they cost a ton of money. We have 11 in our total fleet. They cost about \$3 billion a piece.

So if you take a look at what happened to us in the first 5 weeks after we've been told that President Bush is spending way too much money, we put this bill in place—this was the trimmed-down version—on this floor we voted for \$870-something billion. That would be over 250 aircraft carriers anchored end-to-end. I couldn't even imagine. You could make a highway across them. That's how much money that's in this package alone.

That's not the Wall Street bailout, and that's not this appropriations bill that's full of goods. That's not this international monetary bailout that they're talking about doing where we're going to take defense money and give it to foreign countries, put it in a fund so that Chavez and the Iranians and other people can take defense money out of the United States away from our taxpayers so that they can fund their governments, and we're talking about doing that. We're wondering why in the world do we have this unemployment. I think we're making some big mistakes economically.

I would like to jump back over to my very good friend Congresswoman BACHMANN who, by the way, is a great articulator of free enterprise principles and does a wonderful credit to Minnesota.

We're delighted that you're here, and please chip in and join in.

Mrs. BACHMANN. I thank the gentleman from Missouri.

And I'm very concerned again about these motor takeovers from the Federal Government. One thing that I am very concerned about, a story came out today where there's been approximately 1,500 letters that have gone out to GM dealerships.

One story that came out today, there is a dealership that I know of that applied to their Democrat Senator to appeal for help so that they could stay open. That Senator was able to arrange a meeting between the dealer and the officials at GM. We all know GM is now Government Motors because it's owned by the American people. It's been nationalized. There is no private corporations the way we used to think of GM. Now, the main stockholder is the American Government. So this Democrat Senator who was applied to for help was able to secure a meeting with General Motors and a car dealership, and they were able to get their dealership back.

□ 2130

Well, that's great, that's wonderful.

There is also another article I saw today where a constituent had contacted one of the representatives, a Democrat representative here in this Chamber, Representative BARNEY FRANK. BARNEY FRANK was able to go and talk to the right people and get this dealership back open. Is that what we have come to in this country, that rather than a private business with a private contract with another private corporation, they're no longer able to work out their agreements because, as columnist Michael Barone has called, he said, Now we've moved into the realm of gangster government. We have gangster government when the Federal Government has set up a new cartel and private businesses now have to go begging with their hand out to their local—hopefully well politically connected—Congressman or their Senator

so they can buy a peace offering for that local business. Is that the kind of country we are going to have in the future?

When I was on the phone today for over an hour with one of my local dealers, the very first thing out of her mouth was this, she said, This is the most un-American thing I have ever seen in my life. I can't believe that I lived to see the day that my country would come to this point where, having my dealership for 90 years, I get a letter FedExed to me that tells me I have until Friday to sign this document to not only give up my company that was made worthless—worth \$15 million, made worthless overnight—now GM is demanding that she hand over her customer list, her service customer list to GM. Why? GM most likely will use those customer lists, they will give it to her former competitors. What is she getting for this? What is her remuneration? She had the rug pulled out from her and from her husband. They virtually lost everything overnight to what? To what Michael Barone calls a gangster government.

We need to call this for what this is, my colleagues. We need to call this for what this is. Call it out. The American people need to get outraged and figure out that it could be them next. No business is safe when you see the administration appoint czars—car czars, wage czars—there's over 20 czars that have been appointed. And what do those czars do? They bypass the Congress. We are the people's elected representatives; we have been bypassed.

We now have an imperial presidency where the President has appointed various czars reporting directly to him. And now he is reaching into the confines of private businesses and overnight rendering them virtually worthless—unless, unless they have a special tug, a political tie to a local Democrat Congressman. Is that what we've come to? And I yield back.

Mr. AKIN. Well, I just appreciate the lady's passion and strong support for the concept of freedom.

You know, what we're really talking about here is, what is the job of the government? And we have come to a point where we have actually elected people who have forgotten this basic concept, and that is, the government that can give you anything you want can also take away everything from you, including your freedom.

And that is the great danger of this insidious creeping bureaucracy where the Government inserts itself into all kinds of different businesses. The Founders would have been outraged at what you've just described. And even people from not so many generations before us would say, that is impossible, that could never happen in America.

Mrs. BACHMANN. If the gentleman would yield, the Founders went so far as they began a revolution over a

stamp tax, over a stamp tax. This is the actual outright taking of someone's personal property. And the Founders were unwilling to pass the Constitution without the Bill of Rights. And as the gentleman knows, the Bill of Rights was to protect individuals, people, not to protect government, but to protect people from the encroachment of big government upon their leaders. And the Fifth Amendment guarantees the right of your personal property. Big government cannot come in, they are prohibited from coming in and taking your personal property without just compensation. Here is a perfect example of violation of these citizens' Fifth Amendment rights.

Mr. AKIN. You are absolutely right. And we have seen other examples of it; the decision in Connecticut where some local municipality decided to trample the Fifth Amendment, just walk right in and take somebody's private home in order to make a strip mall so they could tax the strip mall. And the Supreme Court jumped to the defense of the local government saying, that's just fine. And they just ignored the Fifth Amendment.

And so we see this continuously growing government. And if you take a look at where we are spending money, it is just absolutely amazing. And here is an example. This is a town that is supposedly almost bankrupt—I think it's Pawtucket, Rhode Island, if I remember right. The city on the verge of bankruptcy spends \$550,000 in stimulus money for a skateboard park. Now, what in the world is the Federal Government doing with bicycle racks in D.C. in million-dollar neighborhoods, skateboard parks somewhere else. We're putting it all in here and claiming somehow it's going to make unemployment better, and yet the numbers are going nuts. The President, it seems—what's going on with the White House Press Corps? He claims they've just created 150,000 jobs, and yet you see the data going, we're already at 9.7 percent.

And it's my understanding, when you jump to the next big tax we're talking about, they want to be like Spain. And Spain has the enviable 17.5 percent unemployment. Is that where we're going? How long is this going to go before the American public says enough already; it's time to change this big spending?

If you want to see this thing graphically, this is a little bit chilling. This is historic budget imbalance. These are the different years of the Presidents. These years over here are President Bush. And those of us here that are Republicans, we didn't like the fact that President Bush was spending too much money. This is deficit spending. This is a budget imbalance. But take a look. When we were kids, didn't you have to go—what was it, first grade, what thing

doesn't fit the pattern? Take a look at this year. Take a look at this budget imbalance that we're talking about. You think that's not going to affect jobs? You don't think that means the government is going to get its nose into all kinds of people's business? That's what we're concerned about.

I would like to go to my good friend, Congresswoman LUMMIS from Wyoming. You know, the thing I like about Wyoming and the Western States? You have a sense of freedom and a little bit of a sense of property ownership and you have a sense of small business. And I appreciate that perspective. Please join our conversation.

Mrs. LUMMIS. I thank the gentleman.

In Wyoming, we have had surpluses in our budget for the last 7 years, and it is because of the explosive growth in the production of energy. It has made our unemployment among the lowest in the Nation. In fact, there were times during the last 7 years that we have had, statistically, zero unemployment. Incredible. While I was running for this position, I stopped at a fast-food place to get an iced tea late at night, and they offered me a job and my daughter a job at this fast-food place because they are so much in need of employees.

Wyoming is unique in that regard, and it is because we are producing domestic energy. And there are new discoveries of domestic natural gas all over the United States. The Balkan in North Dakota is fantastic. It is producing wealth for people who have been farming at that very narrow margin of profitability, 0 to 4 percent, for years.

Mr. AKIN. Well, wait just a minute. You're talking about we're creating jobs and wealth and all this, and the government is not doing it? Oh, my goodness. That's a novel idea; the government is not coming in and telling you how to run everything.

Mrs. LUMMIS. Not only are we producing the cleanest burning hydrocarbon that there is, natural gas, but we are doing it in a way that makes us less dependent on foreign energy. And what we are seeing in this Congress are policies that will actually make us more dependent on foreign energy at a time—

Mr. AKIN. Let me just stop you there because what you said is very, very important. You are finding sources of natural gas—one of the cleanest burning fuels that we know, in terms of hydrocarbon-type fuels anyway—and you are finding that, which is making it so that you have plenty of jobs in Wyoming, you are not doing it with a lot of government help, and yet the government is going to try to create policies to make us more dependent on foreign energy. What would that be? I would suppose that one way to do that would be to tax your natural gas, because if that's taxed, then the foreigners have a better chance of getting business here. Is that where you're going?

Mrs. LUMMIS. And to the gentleman from Missouri, we are also proposing in this Congress to tax drilling costs, to raise the taxes on the brackets, to do away with the death tax, to put the recovery of natural gas under the Safe Drinking Water Act. Virtually every time I turn around, almost every day here, we are doing something that will impair our ability to produce our own natural resources.

And it's not just in Wyoming, there have been these fabulous new finds of natural gas that run up both sides of the Appalachian Mountains all the way from Pennsylvania clear to the Southern States. All of those States could have new natural gas production, the cleanest burning hydrocarbon, that reduces our need for foreign energy, that reduces the out-migration of jobs, it keeps them here, it grows them here. It grows revenue for those States.

I can tell you, as our State treasurer in Wyoming for 8 years, we had, just off interest income off State investments, the largest source of income for our State's general fund from one source, interest income off State investments. And all of those State investments, every one of them, came from severance taxes on oil, gas, coal, uranium.

Mr. AKIN. Isn't that something? Well, you are an energetic Congresswoman from an energetic State. And it's encouraging to hear that we do have those supplies of energy here.

It is ironic, I think, that when you take a look back at the history of the Department of Energy, it was created so that America could be energy independent. And they have added many, many jobs to the Department of Energy, and yet we have become more and more dependent on foreign energy. And if we had more people like you in this Congress, I think that would change, and we would see that we would be getting back to good old American energy of a lot of different types. And we would let the marketplace, and not the government, make the choices as to which type you are going to use in each State.

My good friend from Georgia, Congressman BROWN.

Mr. BROWN of Georgia. Congressman AKIN, I appreciate you yielding.

I wanted to come back to something that you said that I think the American people need to understand very clearly. The President has talked about looking to Spain as being the model of this energy tax—I call it tax-and-cap because it's about taxes, it's about revenue for the Federal Government, it's about getting more revenue to socialize medicine and other things to nationalize, all of the business and industry that is already being nationalized, and even more. But in Spain, I would like to confirm something. It is my understanding, if you would, please, sir, it's my understanding in Spain, when they put on their tax-and-cap or cap-and-

trade policy a number of years ago, they touted it as creating green jobs.

Mr. AKIN. I think they call them subprime jobs now, but go ahead, Congressman.

Mr. BROWN of Georgia. Well, the point is, they talked about creating green jobs. Just recently, one of their—I think it's members of Parliament—was over here talking to the Conservative Opportunity Society. And he told us—I don't recall if you were there, Mr. AKIN, or not—but he said for every single green job that was produced in Spain they lost 2.2 jobs. The green jobs that were created were temporary jobs; the jobs that were lost were permanent jobs, industrial jobs. And that's what I kind of recall. Is that correct?

Mr. AKIN. Reclaiming my time, that was exactly what he said. And actually, that made common sense to me because when you go back to this Keynesian economic scheme, what they would argue would be, Hey, we just took all this tax money and we hired these people; so when we hired somebody, we created a job; so, therefore, we had a net. We just hired someone to increase the job by one.

And what the economist found was, when you take that tax money out of things, what happens is, when you took the tax money away to hire the one person, you lost 2.2 jobs over in the private side. So that ratio seems to kind of follow the economic principle that when the Federal Government—yes, you can have the Federal Government take a whole lot of money and hire a lot of people to dig holes in the ground, or whatever, but when you do it by taking that money away from the private sector, you are killing those small businesses, which is a source of where you're generating a lot of these jobs. So I think that is where he was going.

Mr. BROWN of Georgia. If the gentleman would yield back just a half second. I want to go back to the outrage that my dear friend, MICHELE BACHMANN from Minnesota, was showing us. The American people should be outraged. And the American people can call a stop to this. We can't. We, as Republicans, have offered alternative after alternative. Wall Street bailout; we offered an alternative, and President Bush, Henry Paulson, the leadership in the House and Senate wouldn't accept it. The nonstimulus—as you call it porkulus bill; I call it the nonstimulus stimulus bill—we offered alternatives. The leadership in this House were obstructionists and wouldn't allow us to have an open hearing and discuss it.

□ 2145

The omnibus appropriations, we had alternatives. We have had alternatives for all this. They call us the Party of No, n-o, but really we are the Party of Know, k-n-o-w, because we know how to help stimulate the economy. We

know how to create jobs, and you do that through small business and give the money back in ways to create an environment where small business can create jobs. As the gentleman from Missouri so aptly told us just a few minutes ago, small businesses is where those jobs are created. It's about 85 percent of them. But we have offered alternative after alternative. And this what I call "tax-and-cap" legislation has been estimated it's going to cost America, that somewhere between 1.7 to 8 million jobs are going to be lost. In my district in northeast Georgia, we have got in multiple counties right at 14 percent unemployment.

Mr. AKIN. You're talking about millions of job loss as a result of this new tax that's being concocted here.

I would like to recognize another doctor who has joined us. We have got some doctors out tonight, and my good friend Dr. BURGESS, I want to recognize him. What we have been talking about is this incredible trend in unemployment and also the trend of excessive spending.

I would be happy to have your perspective, Doctor.

Mr. BURGESS. I thank the gentleman for yielding. I was watching in my office and heard this discussion, and I did want to come over and say just a few words.

Of course, you're correct. We had a report in our Joint Economic Committee last Friday about the current unemployment rate in excess of 9 percent. Of course, we spent \$878 billion in February of this year. The President told us that was what we had to spend in order to prevent the unemployment rate from going in excess of 8 percent. Clearly we have seen that number already exceeded. And then we heard at the beginning of this week that because of those numbers, the President was going to accelerate the pace of spending, accelerate the pace of distributing the stimulus money. We weren't spending fast enough was our problem.

Now, of course, Mr. Speaker, I know the comments need to be directed to the Speaker's chair, but I would remind the Speaker that none of us in this room, in fact, no Republican, voted for in favor of that stimulus bill last February.

Mr. AKIN. Reclaiming my time for a moment, in a way that's a little bit unusual, isn't it? There are usually a few Democrats who will vote differently than their party or a few Republicans who will vote differently. In this case, though, on this great big porkulus bill, every single Republican voted "no."

Mr. BURGESS. You're absolutely right. Every single one of us did a gut check and said this is not what I came to Washington, DC, to do. It's not what I came to accomplish.

One of the things I wanted to share with the gentleman and share with the

House tonight, my hometown newspaper, the Dallas Morning News, runs a column every Sunday by a columnist named Scott Burns, a respected economist. Scott Burns this Sunday was quoting an economist in Austin, Texas, Lacy Hunt. Lacy Hunt, going back to the Great Depression, said, and I am quoting here: "Irving Fisher saw it first. The man who may have been the greatest American economist wrote about the debt-deflation theory of the Great Depression in 1933. He saw that excess debt controls nearly all the economic variables." He went on to say: "Think about it for a minute. It's a very powerful statement. Excess debt controls nearly all of the economic variables."

What does that mean? That means we cannot control the unemployment rate. That means almost everything is out of our grasp because of the massive amount of debt that we have accumulated. And on Monday of this week, the President said he wanted to accelerate the pace of spending because we weren't getting that money out the door fast enough. Again let me reiterate, excess debt controls every other economic variable. It was true in 1933. I suspect the same is true today.

He goes on to say, Scott Burns, "It means that the government stimulus won't do much. Basically you can't borrow your way out of excess debt." I think every Member on the floor here tonight has recognized that at one time or another.

And then the final point that he made: "The only thing that will allow recovery is the passage of time."

Fortunately, Congress is not in control of that, and time will pass at a set rate regardless of what we think that it will or won't do.

Mr. AKIN. Reclaiming my time, I want to get what you're saying because I think this is important. You're saying there is a relationship between this tremendous level of debt that we are building and the unemployment numbers. In other words, when you have a whole lot more debt, particularly debt with spending, and, of course, spending is causing the debt, you're going to have bad trouble with unemployment. Is that what this economist is saying, gentleman?

Mr. BURGESS. Precisely correct. And I thank the gentleman for yielding back.

We are in a period of prolonged economic underperformance is the other statement they go on to make. It will essentially be a lost decade. We will recover, but the operative factor will be time and not actions. That is something that most people do not want to hear.

Again, excess debt controls almost every other economic facet. You cannot spend your way out of this problem. The unemployment rate went up. The correct response is to not shove

more money out the door. The correct response is do what you can to get control of that spending and begin to erode the debt, begin to put the debt on a glide path to reduction. That's where the recovery will come, and that will take time. There is no other way around that.

But, again, I thank the gentleman for yielding. I think this is a wonderful discussion that you've had tonight. I thank you for bringing this to the attention of the American people.

Mr. AKIN. I appreciate the doctor from Texas bringing some wisdom here and some economic common sense. And certainly I think most people know intuitively these things are connected. If you spend a whole lot, eventually you're going to go into debt and then the debt is going to influence things. And in this case, I am an engineer by training, not a medical doctor, but it's almost like drawing a vacuum economically in the economy. So those small businesses that we are just hearing about like out in Wyoming, those small businesses don't have the money they need to invest to drill a well or whatever it is; so the main engine of job creation just dries up. So what you are doing is almost like either starving or dehydrating your economy because the government is just becoming so oppressive and expansive in everything that it is trying to do. And as we heard eloquently expressed from the gentleman from Minnesota, the story about what happens when the Federal Government starts to get into the business of running car things. I am picturing there is going to be somebody possibly listening into our discussion that's going to be a cartoonist, and they are going to think about the automobile that is going to be designed by the U.S. Congress, and they are going to have an interesting caricature of what the engine and the wheels look like and how big it is and all kinds of things. There is probably already a YouTube being created or something along those lines. But it's not a pretty picture of having the Federal Government running our business in our private sector. And the genius of our country is to make that distinction, and we are blurring it badly and it's going to cause a lot of trouble.

I am going to yield to my good friend Congressman KING from Iowa. Please join us.

Mr. KING of Iowa. I thank the gentleman from Missouri for yielding.

There are a couple of points that linger in my mind. One of them is to add to the points that the gentlemen from Georgia and Missouri were making about Spain, and I concur. For every green job created, it cost 2.2 jobs in the private sector because it starved capital, but also each of those green jobs created cost \$770,000 to generate that job. So it was a massive cost in capital.

I want to throw another point into this in a brief way, a teaser in a way.

The cap-and-trade component of this legislation that's impending to be driven through this House floor yet this month of June, we have experience with that here in the House of Representatives. When Speaker PELOSI was elected and received the gavel, she declared that this Capitol complex would be carbon neutral. So she ordered that the generating plant that provides the electricity that illuminates this room when she allows the lights to be on would be changed from coal generation over to natural gas under the auspices of this idea that natural gas isn't a hydrocarbon, which we know can't be upheld by an engineer or a doctor or a layperson. But in any case, she ordered the switch over to natural gas, doubled the cost of the electricity, and still found out we were not carbon neutral but we're still emitting a surplus of CO₂ into the atmosphere, so went on the Board of Trade and purchased \$89,000 worth of carbon credits, the very central commodity that is at the middle of the cap-and-trade discussion that's going to be presented on the floor of this House, \$89,000 for carbon credits to offset the CO₂ emissions that are going off into the atmosphere so we can light this Capitol complex. And I chased that back down and found out that some of that money went to no-till farmers in South Dakota. Presumably they had still been farming in South Dakota. It didn't change their behavior. And some of that money also went to a coal-fired generating plant at Chillicothe, Iowa, that had received a government grant to burn switchgrass. I went there and looked at that. They hadn't burned any switchgrass in 2 years and got a check anyway. That's how cap-and-trade will work in the United States of America. If we can't get it right in Congress, we are not going to get it right in America.

Mr. AKIN. I appreciate that vivid example of more wasted time. I am going to yield again to my good friend Congresswoman BACHMANN from Minnesota.

Mrs. BACHMANN. Last weekend my family sat down and we were watching the commercial movie "Titanic." And as I was listening to Dr. BURGESS from Texas talk about the debt and the burgeoning debt load that the United States takes, once the ice gash came in the side of the Titanic, which we all remember was called the "unsinkable Titanic," we think of the United States. Nothing can possibly sink the United States. We will always be a superpower. But one thing that has kept us a superpower has been freedom, free market economists. We are in the process of watching the deconstruction of free market economists before our very eyes, something we have never seen. But as the ice ripped that hole in the Titanic, water started being taken on, and the engineer came out and brought the blueprint of the Titanic. Water

came into the first chamber, spilled over to the second, spilled over to the third, and by the time it filled up so many chambers, it was over. It was impossible to resurrect that ship.

That's, I think, Mr. AKIN, what you have been bringing before this body this evening. You've been showing to the American people that at a certain point when we have such excessive levels of spending that in turn leads to such excessive level of taxation that in turn leads us to excessive levels of borrowing that at a certain point we wonder what that tipping point will be if the United States will not be able to recover.

We do have an alternative, as Dr. BROWN said. We have a positive alternative that next quarter we could already see growth in our economy. But this plan that President Obama has put forward is the kind of plan that we could watch last night, or last weekend on TNT in the movie "Titanic." If we follow that plan that President Obama has put before us, we know what that outcome will be and a lot of very innocent people may go down with that ship.

Mr. AKIN. I very much thank Congresswoman BACHMANN and the other great guests that we have had tonight. I thank you for this little symposium on freedom and the need to have the Federal Government restrained to its proper limits.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY of Georgia. Madam Speaker, for the next hour, I am going to be joined by a number of my colleagues on the Republican side of the aisle, and most of them are members of the GOP Doctors Caucus, and we are going to spend time, Madam Speaker, talking about health care reform. Certainly that is the number one thing that's on our plate as we go through these next 6 weeks leading up to the August recess. And, of course, as the President has outlined his desire to have a health reform bill on his desk for signature sometime in mid October of this year, whether or not that can be done remains to be seen. There are a lot of thoughts out there as to how to approach this, but we feel that it's very important as physician Members. I think there is something like 339 years of clinical experience combined in this GOP Doctors Caucus. About 15 of us are health care professionals who have actually practiced in the field, if you will, most of us involved just in clinical medicine, what I like to refer to, Madam Speaker, as meat-and-potatoes medicine. Not research at some high academic institutions but actually see-

ing patients every day in the office, in the operating room, in the delivery room. And so I think we have a perspective that we would like to share with Members on both sides of the aisle.

Earlier in the evening, Madam Speaker, we heard from the 30-Something Group on the Democratic majority side. They were very articulate, very well spoken, but I think very wrong in some of the ideas that they have in regard to a government default plan, and we will talk about this during the hour.

□ 2200

I have been joined by a couple of my colleagues, Dr. John Freeman, the doctor from Louisiana; and Dr. PAUL BROWN from Georgia.

I would like to yield time to my colleague from Louisiana at this point.

Mr. FLEMING. I thank my friend and fellow physician and colleague, Dr. GINGREY.

You made reference to the 30-Something Democrats, and I watched that debate, that discussion with great interest because, to be honest with you, with 32 years of medical practice and also owning businesses for nearly as long, when I hear this discussion about how a public plan can work, I really try to view that and try to understand that; but I always come out totally mystified with how this sort of thing could ever work.

And to clarify the debate, basically Congress right now is looking at three different options. One is a total single payer nationalized health care system, Medicare for all. One would be a private system for all, which is what we, on the Republican side, back. And then the other is a public and private system that are competing with one another. So I really watch with great interest our colleagues on the other side—none of whom are physicians, I might add—talk about how this could be a great deal, a great success, where you have a public system that's competing with a private system, somehow that's going to drive cost and prices down, and we're going to get a dividend from that.

Well, what I would do is point out to my colleagues, let's look at Medicare today and Medicaid as well, both government-run systems. Both of them are running out of money rapidly, the budgets are exploding and expanding, and they are living off the fat of the private system. Today we know—in fact, a recent survey, a study came out showing that the average subscriber to private insurance spends an extra \$1,000 a year to support the Medicare and Medicaid system. We also know that a lot of that support comes by way of the uninsured who are routed through the emergency room, who don't have any coverage; and if you think that the Medicare recipients pay for that, forget

it. That's not happening. Who is paying for that is the taxpayer and those who subscribe to private plans.

So right now the systems that exist, Medicare and Medicaid, are, for the most part, supported not by premiums and not even fully by the taxpayers, but are supported by those who pay premiums into private plans. So if you expand Medicare to where everyone is eligible for a Medicare-type plan, who in their right mind is going to stay on private insurance when they know that they're going to have to pay increasing size premiums in order to get the same level of care that those on Medicare, who are largely supported by taxes, are going to get?

What ends up happening is you lose that critical mass of those under private insurance, and so private insurance then becomes only an afterthought, a sliver of the economy. So what you're left with is a giant public system, a Medicare that's much bigger than what we have today. Incidentally, I will remind those that today, as it stands, Medicare will run out of money within 10 years, as it is. It's unsustainable as it is. Now if we grow it into a much bigger system, where are those cost savings going to come from?

I will yield back in a moment, but I just want to bring out the fact that no one has ever been able to show that a government-run system, particularly a health care system, but any government-run system in which the economy is being controlled in some way has ever controlled cost. And even today we know that health care costs are going up twice the rate of inflation.

Mr. GINGREY of Georgia. I want to apologize to the gentleman. I referred to him as Dr. John Freeman. Actually, it's Dr. JOHN FLEMING, a family practitioner from the great State of Louisiana. And it reminds me, the reason I did that, Madam Speaker, is because Dr. John Freeman was one of my classmates in medical school and also one of my co-residents in my OB/GYN training back in Georgia. I think Dr. John Freeman practiced his entire career in Boone, North Carolina; and I hope Dr. John, wherever he is, is doing well, if he happens to be tuning into C-SPAN tonight.

I wanted to say before yielding time to my colleague, Dr. PAUL BROUN, a fellow physician and family practitioner from the Athens and Augusta areas of Georgia, there was a letter sent from the National Coalition on Benefits within the last couple of days, addressed to the leadership of the House and Senate, House Speaker NANCY PELOSI, House Minority Leader JOHN BOEHNER, Senate Majority Leader HARRY REID, and Senate Minority Leader MITCH MCCONNELL, talking about the strong opposition to a public plan. I don't have time to stand here and read the names of all of these

firms, but just to mention a few: Wal-Mart Stores, Xerox Corporation, Wellpoint Incorporated, Weyerhaeuser Company, National Restaurant Association, Bank of America, National Association of Health Underwriters, CIGNA Corporation, Chrysler LLC, Nike. I could go on and on. That's just maybe 5 percent of the number of companies that are a part of this National Coalition on Benefits that are so opposed to this idea of a public plan, which our colleagues, the 30-Something group, just an hour ago touted so strongly.

At this point, I would like to yield to my good friend and colleague from Georgia, Dr. PAUL BROUN.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY, for yielding.

I think the American people need to look at what President Obama said as a candidate and go back to what Dr. FLEMING was talking about just a few moments ago about the options. Republicans are offering options because certainly we need to do something about health care financing. People are hurting. Health care expenses have gotten too high. Medicines are too high in the drugstore. Doctor bills are too high. Doctors are actually earning less money today. When I was practicing full time prior to coming to Congress, I was making in real dollars less money than I did 20 years ago and seeing as many or more patients. We see the whole health care system being strained tremendously. But candidate Obama talked about giving the American public options, a public versus private option. He said, if you like your current insurance, fine. Stay there. But as Dr. FLEMING was talking about just a few minutes ago, what President Obama is actually offering us is a reduced-price health care financing system that's going to take away people's choices. It's going to take away their ability to choose their doctors. It's going to take away their ability to choose the hospital, what medicines that they have. It's going to delay them being able to get needed procedures, surgeries, delayed in getting x rays that are needed, ordered by their doctor. It's going to take the choices away from the patient, and it's going to put those choices in the hands of a Washington bureaucrat. I don't think the American people want that. I'm not sure that they understand yet what we're talking about tonight in our second opinion, that government-run health care is not going to give them the choices that they're used to today. They're not going to be able to stay in their private plans because they're going to be priced out of the market. They're going to have to go to that government-sponsored plan that is going to markedly narrow their choices.

What it's going to do is it's going to kill people because, as we saw in the

stimulus bill, there is a new program set up in the Federal Government to look at cost effectiveness and comparative effectiveness, comparing the effectiveness of health care decisions. Age is going to be one of the measures of how those decisions are going to be made.

□ 2210

We already see this happening in Canada. We already see it happening in all the socialized health care systems around the world. When people have celebrated a few birthdays and are getting what growing up down in Georgia folks talked about being "long in the tooth," a little white haired, as I am turning to be, then what happens in those government-run health care systems is they just deny the procedures, deny the tests, deny the care that the people need to stay alive, and people just die.

Now, in Canada, a system that many tout, many on the other side in the Democratic Party tout the Canadian system and others, if you are a certain age and need a kidney transplant, you just don't get it. If you need bypass surgery, if you are a certain age, they will put you on the list, but you never get off the list. You just die. If you need medications, you are denied those. If you have cancer treatment that is needed, you just don't get those.

We in this country, with the health care that we as physicians can give, we have made marked strides since I graduated from the Medical College of Georgia in how people survive various forms of cancers.

I think Dr. ROE is probably going to talk about breast cancer, because he very eloquently talks about that frequently, but our breast cancer survival rates in this country are extremely good. In other countries, where they have socialized medicine, people die, and there is very poor long-term survivability of that disease. Heart disease, diabetes, you can go down the list of all these chronic diseases.

In socialized health care systems, as this administration and the leadership in this House and the Senate across the way want to take us, it is going to take away people's choices. They are not going to be able to get the care that they desperately need to stay alive, and it is just the wrong thing to do.

Dr. GINGREY, I just congratulate your efforts in trying to bring these things out to the American public, and I appreciate your being one of the cochairman of the Doctors Caucus and helping the American people to understand the direction that we are being led by this leadership, the liberal leadership in this House and the Senate, because it is not going to be in the best interests of the American public, and it is actually going to create a financial collapse, as Dr. FLEMING was talking about, that is going to be exacerbated, and people are going to be exasperated

because of this rationing of care, taking away their choices, and some Federal Government bureaucrat in Washington, DC is going to make those health decisions for them. It is not going to be their doctor, it is not going to be their family and it is not going to be the patient, and it is the wrong thing to do.

I thank you for yielding.

Mr. GINGREY of Georgia. Reclaiming my time, I thank the gentleman.

Before yielding to our colleague from Tennessee, Dr. ROE, a fellow OB-GYN physician, I just want to say to my colleagues on both sides of the aisle, Madam Speaker, that what we are about is trying to work in a cooperative way on both sides of the aisle and offer our expertise, to say to our colleagues, and there are some health care practitioners on the majority side as well, and we have reached out to them and made ourselves available, we want to be at the table.

Unfortunately, Madam Speaker, we are not at the table. We haven't been enjoined, if you will. But we still hope, because we do have some ideas, I think some very good ideas, in regard to bringing down the cost of health care, making it more accessible, making it more portable, making it available to everybody, and that would include people who are currently considered high risk, maybe even considered uninsurable, or if they can get insurance it is because they can afford to pay three or four times the normal standard rate, which many, many cannot.

So we want to talk about some of those things tonight, and we will get back to that.

At this point I yield to my colleague from Tennessee, Representative ROE.

Mr. ROE of Tennessee. Thank you, Dr. GINGREY and also Madam Speaker. It is good to be here tonight to discuss a very important, and I believe, Dr. GINGREY and Madam Speaker, probably from a social standpoint, the most important issue that we will discuss, and probably this health care debate is the most important one since the mid-sixties when Medicare was voted on.

Just to give you a little background, I am a native Tennessean, practiced medicine in Johnson City, Tennessee, in that region for 31 years, and really saw a tremendous change in the health care delivery system from 1970 when I graduated from medical school until the current. I really marvel myself at the miracles that occurred.

I recall when I was in medical school when St. Jude's Children's Hospital had just opened, it hadn't been there long, and the death rate among childhood cancers was 80-plus percent. Today, over 80 percent of those children survive and live and thrive.

We are having a debate on what kind of system best fits America and its personality, and I will share with you

some things we have learned in Tennessee about a public and a private system.

What I hear when I am out talking to people is that, number one, they are worried about the cost of care. They are worried about the availability of it. And there is another whole discussion that we haven't had, which is accessibility.

As we age, as the medical population and caregivers age, there is going to be a huge problem of accessibility in this country. We are already seeing it in our own communities, where in the next 7 years we will need 1 million more registered nurses in America. In the next 8 to 10 years there will be more physicians retiring and dying than we are producing in this country.

Well, you know, that is not sustainable. You cannot maintain the quality of care that we have grown to expect and the medical advances we have grown to expect without practitioners. That is an entirely different issue, not part of this debate, but indeed very much a part of this debate.

In Tennessee, about 14 or 15 years ago we had Medicaid. We got a waiver to try a managed care system. Back in the eighties and nineties, managed care was going to be how we were going to control the ever-escalating health care costs. So it was a wonderful idea to try to provide care to as many Tennesseans as we could at as low a cost as we could.

What we did was we hastily put a plan together, as we are doing right here in this Congress right now. The most astounding thing I have ever heard in my life is in 60 days, or less than that, we are going to vote on a health care plan that affects every American citizen, 300 million of us. And your health care choices, as you know, are very personal choices. They are between you and your physician and your family.

So the plan was a managed care plan, and it was a very rich plan. It provided a lot of care for not much money, and for some people no money. What happened was that people made very logical choices. About 45 percent of the people who ended up on TennCare actually had private health insurance, but dropped it. Why did they drop their care? Well, you had a plan, this TennCare plan, which was cheaper, but provided more coverage, so therefore people made again a very conscious decision.

The problem with the plan is, as with every public plan so far, is it does not pay the cost of the care. That cost has been shifted over to the private sector. So when you look at your health insurance costs going up each year, you are paying or supplementing, a tax really, on your private health insurance premiums caused by the increased usage of the public plan.

In Tennessee, for instance, the TennCare plan covered about 60 per-

cent of the cost of actually providing the care. If everyone in Tennessee had the TennCare plan, most providers would lock the door, throw the key away and walk away because they couldn't pay their bills. Medicare, another plan that we have, pays about 90 percent of the cost, and our uninsured pay somewhere in between.

Now, what I think will happen with this public plan is that once again, because politicians are involved in designing the plan, what will happen is more and more and more things will be promised about what will be covered in the plan, but when it comes to paying for it, and if we have time we can get in and discuss the Massachusetts plan a little bit, what will happen is you will have a Medicaid plan that doesn't pay the cost, you will have a Medicare plan that doesn't pay the cost, and you will have a public funded "competitive" plan that is subsidized by government but doesn't pay the full cost of the care, meaning more and more costs will be shifted on to the private payers.

□ 2220

Well, what will happen over time, I think, is that, again, individuals first, small businesses, 20, 30, 40, 50 in the business will say, We just can't afford this private continually escalating cost of private health insurance. And what will happen then is more will be shifted to the public plan, and over time you'll end up with a single-payer system. And a lot would say, and I've heard it argued here on the House floor, Well, so what? What's wrong with that? We have a government-run, one-payer health care system. What's the problem with that? Everybody has coverage. Well, everybody has a health insurance card, but that doesn't necessarily mean you can get health care. Don't confuse a plastic card that says you have coverage with actually getting care.

Well, what do I mean by that? Well, let me give you an example.

When President Clinton had his heart attack, he went to the hospital, had a heart attack. He was operated on several days later, I think 3 or 4 days, and probably the reason, in my opinion, he probably got a blood thinner that took a few days to get out of his system. And he was operated on and went home.

Had he had that heart attack in Canada, they would have said, Mr. Clinton, you can go home and in 117 days, that's the average amount of time it takes to get a bypass operation in Canada, you can come back and get your bypass operation.

Two weeks ago, I was in Morristown, Tennessee, talking to a physician there who is Canadian. His father began to have chest pain. I won't go through all the details about how long it took him to get a treadmill, how long it took him to see a cardiologist. Anyway, 11

months later, the man got—his left anterior descending coronary artery was 90 percent blocked, and he finally survived and got a bypass operation. I do not believe the American people are going to put up with that type of health care system. We are not.

The other thing that I think that's been so astonishing to me, and I know Dr. GINGREY and Dr. FLEMING, you have seen this, and Dr. BROWN also, are the medical advances. When I graduated from medical school, we had one cephalosporin antibiotic, one. That's a type of antibiotic we use in infection. There probably are 50 today.

There were about five antihypertensives, high blood pressure medicines, three of which caused severe side effects. I mean, it was almost better to have the high blood pressure than take this medicine. Today there are over 50, and the side effects have been reduced dramatically. People do so much better.

So there are a lot of reasons, and we can go to it, and I'm going to yield back some time now, Dr. GINGREY and Dr. FLEMING, for comments. And I have some other comments about a single-payer system. It's a good idea, as you pointed out a moment ago, to try to cover as many people as we can in this Nation as inexpensively as we can, and I agree with that.

I yield back.

Mr. GINGREY of Georgia. Well, I thank the gentleman. And before yielding back to Dr. FLEMING, I wanted to say to my colleagues, Madam Speaker, that we are the party of a second opinion. And, of course, tonight we are talking about health care reform, but it could be an energy bill, a comprehensive, all-of-the-above approach to solving our energy problems and any other issue. But none really at this point in time is more important than solving this health care problem.

And the bottom line is to, again, to lower the cost of health care, to make it accessible to everyone within their financial reach. And there are so many things that we can do short of, Madam Speaker, turning this over to the Federal Government to run what may be like they run Amtrak or the post office or, indeed, the Medicare program. And I don't think that that's what people really want and expect. We can do better than that. And there are a number of issues in particular that we could talk about in detail if we had more than just an hour, Madam Speaker.

But clearly, this idea of electronic medical records, I think, is a way eventually to save money. I think the money that we put in the stimulus package, \$19 billion to provide grants, I've got a piece of legislation that would help physicians purchase hardware and software and a maintenance program that's specialty specific, whether it was my specialty of OB/GYN or Dr. FLEMING's specialty of family

practice or a general surgery specialty program produced by a company in my district called Greenway where you have, as part of that electronic medical record program, you have algorithms set up of best practices that are developed not by a government bureaucrat, Madam Speaker, but by that very specialty group, those men and women, those leaders of that specialty society that want to do what is best and they want the best outcome at the lowest possible cost. They want to get paid a fair amount for their services, of course.

And, in fact, with an electronic medical records system, they're more likely, Madam Speaker, especially under the Medicare program where you have something called evaluation and management code and intensity of care that you bring, doctors, I think, tend to undercode because, Madam Speaker, they're petrified that some inspector general is going to come along and demand to see 10 charts out of their 10,000 and nitpick and find some few, two out of 10,000 where they overcoded, and first thing you know they're not participating in the Medicare program and maybe even they're facing a jail sentence.

So electronic medical records would—I don't know how much money, my colleagues, it would save, but I know that it would lead to a better practice of medicine based on best principles. We wouldn't need to have some comparative effectiveness institute, kind of like the Federal Reserve Board, telling doctors what they should do and not do, when it's time to operate, what medication to prescribe. We would have those best practices as part of an electronic medical records system. We could cut down on duplication of testing.

People could be in Timbuktu, and with that little card smaller than our voting card, they, Madam Speaker, they could take that card, even in a country where they don't speak the language, or maybe they come to the emergency department comatose and can't speak any language, you reach in their pocket, pull out that card, swipe it, just like we would our voting card, and there's the entire record. We know what they're allergic to. We know what medications they're on. We know their past medical history, and we give them the best and most effective, cost effective, safest medical care.

Mr. ROE of Tennessee. Would the gentleman yield?

Mr. GINGREY of Georgia. I'll be glad to yield to the gentleman.

Mr. ROE of Tennessee. Just a point right here. You were making an excellent point, Dr. GINGREY, about why you don't want the Federal Government to come between a patient and a doctor.

A veteran can go to an emergency room, have an electronic medical record at the VA, can show up some-

where in an emergency room, let's say, in our area we have a VA Hospital in Johnson City, and let's say he lives in Mountain City, Tennessee. He shows up there and the doctor in the emergency room at Mountain City does not have access to his VA record, to his electronic record that they have at the VA. Now, I think we can do better than that, and that's going on right now.

So that veteran who's up there with, maybe he's an elderly veteran, a World War II veteran with a very complicated medical history, that emergency room doctor is flying by the seat of his or her pants, and I think we can do better.

And again, the health care decisions should be made between a patient and a doctor. And I don't want to let the private insurers off the hook here. You and I know this, and Dr. FLEMING, also.

I remember one of the last cases I did in practice before I retired to run for Congress, I spent almost as much time on the phone with a private insurer trying to get the case approved as I did actually doing a major surgical procedure. Now, that's the ridiculous item of the day when you do that, when you're not providing care to someone, you're arguing with a bureaucrat at the private health insurer.

I yield back.

Mr. GINGREY of Georgia. Reclaiming my time, those stories are just all too familiar, and it's a shame that that time is wasted when it can be better spent with the patient.

I wanted to mention too, Madam Speaker, the issue of medical liability reform. Now, for a number of years—I've been here 7, this is my fourth term, and every year I have introduced medical liability or tort reform modeled after the system that was adopted back in the late seventies in California. The acronym for that bill is MICRA, but it has worked. It has stabilized the malpractice insurance premiums in that State. Yes, they've gone up somewhat because of inflation, but compared to other States that don't have that reform where there is a limitation on a claim, a judgment for pain and suffering, noneconomic, and where there is the elimination of this joint and several liability and there is collateral source disclosure—and I could go into some of the weeds of it.

□ 2230

But, obviously, we have not been able to pass that. When we Republicans had the majority in this House, we would pass it every year, Madam Speaker, in the House; but so many attorneys who are Members of the United States Senate would block that.

Well, why can't we come together again in a bipartisan way and say, look, we can agree that part of the cost of medicine, cost of health insurance is the fact that medical practitioners order so many unnecessary—and in some cases, Madam Speaker, harmful—

tests, draw too much blood, get an MRI one day and a CAT scan the next day and a standard x ray the next day because they're trying to cover the possibility that someone would say, Why didn't you order this, or why didn't you order that?

Lord knows we've gotten to the point now where everybody who shows up in the emergency department anywhere across these great 50 States with a headache is going to get a \$1,200 CAT scan instead of a blood pressure check and an aspirin and a "come back to my office in the morning."

So this is an area in which we could clearly come together in a bipartisan way and hash out. Well, if the California version of tort reform is not acceptable, how about a medical tribunal, a group of independent people looking at the claim and saying whether or not it has merit?

There are so many things that we could do. And I've got a few more ideas, Madam Speaker, that I want to talk on, but I do want to refer back to Dr. FLEMING and hear from him because I know he's got a lot of things he wants to share with us.

I yield to Dr. FLEMING.

Mr. FLEMING. I wanted to tone down on the debate a little bit more.

Again, we heard the 30-something Group Democrats talking about the debate earlier, and one said something very interesting. It really caught my ear. He said that the debate is basically Democrats want health care reform, Republicans do not want health care reform.

Now, I have spoken on this floor, as you know, Dr. GINGREY and Dr. ROE as well, and I've heard you speak many times; many Members of our conference have spoken; I've spoken a number of times throughout the district. I've listened to everyone from Speaker Gingrich to many others. I have yet to hear one Republican say that he is against health care reform.

So I want to remind my colleagues on the other side of the aisle that the only way we're ever going to solve our health care problems—which make up about 20 percent of our economy—we must have an honest debate. And framing the other side into a position that really doesn't exist is not going to get us there. In fact, I would say that we really agree, from what I can understand, on 90 percent of the discussion.

We all agree that we should do away with pre-existing illness; we all agree that we should have portability; we all agree there should be a hundred percent access to care; we all agree that we should lower the cost of care. I can draw you a great list. There is really, when you get down to it, only one thing we disagree with, and that is we feel that a private system, private industry—even if it's paid for by the Federal Government—in many cases does a much better job in terms of quality of

care and customer service and a much better job of controlling costs.

This is proven time after time.

Compare our economy with a socialistic economy and you see every time that we provide much better products and services and at a much better price than those countries do.

So, really, the only disagreement is who is actually controlling the care. And, of course, I submit to you that a government-run system is a real problem. And I will tell you where I learned this.

When I was in the Navy as a physician, I noticed in the first year that the commanding officer of the hospital sent out a call and said if there is—this is budget time of the year—and if there is anything that you think we could ever want in this hospital, wink wink—meaning, think of something; dream of things—put it on a list, because if we don't preserve that budget the way it is, then our budget will be cut next year. And that, my friend, is the way government works. If you don't force it into the budget, if you don't make sure and protect your territory, it won't be there next year. Somebody will cut into it. And that's really the way government works.

And I will give you an example, a real-life example of how we will never be able to get rid of waste, fraud, and abuse from our health care system if it's run by the government.

Think about this: we have to throw out a wide net, which is very expensive. We may capture a few offenders out there. Because it would have to be a criminal act, we would have to prove that they really did it on purpose; and then at the end of the day we would have to prosecute them with a lot of dollars; and then we may get one person, and we may get a few dollars. That's the way you get rid of fraud and abuse in a government system.

In a private system, much different. You have a physician or some other provider in a health care organization that's privately run, and if his practices are not the best practice and he's not practicing in a cost-effective way, that shows up on a graph; and often, of course, you go to that provider and you reeducate, and you have him work with colleagues, and you get him back to the protocols. And if that doesn't work, then you fire him. Easy problem to solve. It doesn't require all of that—there is no crime involved. So you can work in the most effective way possible.

Mr. GINGREY of Georgia. Reclaiming my time, I think that the gentleman has certainly hit the nail right on the head in regard to this, and we could go back to what we talked about earlier in regard to electronic medical records, which would be specialty specific—the information, of course, would be available for any provider who is seeing the patient.

But in regards to best practices, as the gentleman was talking about, and these algorithms, I mean, doctors, let's face it, they're busy. They're operating; they're delivering babies. They don't have time, nor can they afford every 4 months going to a continuing medical education course. A lot of times they have to do that online. And it is hard to keep up.

But with electronic medical records, this would help them keep up. It would absolutely help them order the right tests, give the best outcomes. And as Dr. FLEMING pointed out, if they're in a single specialty group of eight surgeons and one in the group is not getting the information the others are getting, that information is available internally and externally. And you kind of police your own.

I want to give—I think he just asked for 1 minute—my good friend, DANA ROHRBACHER, is going to be on the floor in the next hour. He asked for a minute, and I yield to him.

Mr. ROHRBACHER. As we are making fundamental decisions about things such as health care, which is so important to our country and important to each and every citizen, we should keep in mind the fundamental differences that you are bringing up tonight between a government-controlled health care system and an individual-controlled health care system, where the individual basically controls a great deal of the resources that he or she depends upon for his or her health or the health of their family as compared to having those resources totally at the command of the government. And the one word that comes to mind is politicalization of what's happening and what could that possibly mean in health care.

Let me give a little suggestion that if we have government-controlled health care, we're going to have illegal immigrants involved in the system. Our Democratic colleagues, as good-hearted as they are, cannot get themselves to say "no" to providing health care benefits to illegal immigrants. If we provide the type of operations that we want for our own people—heart operations and various things that are very expensive operations for health care—to be granted to illegal aliens, you can expect that it will, number one, bankrupt the system; but, number two, we will have illegal aliens coming here from every part of the world. And, in fact, one of the problems right now is that we already provide too much health care for illegal immigrants.

□ 2240

That issue alone should be a red bell for everyone out there saying, Do I really want the government to control health care and make the decision and give part of the money to an illegal immigrant?

Mr. GINGREY of Georgia. Well, reclaiming my time, and I thank the gentleman for his contribution in regard to that.

When you look at that number of 47 million who do not have health insurance, according to the Census Bureau, Madam Speaker, probably as many as 10 million of them are illegal immigrants. Now, they're not entitled, so to speak, to health insurance. That's not to say that you might not have a situation of extreme compassion if an illegal immigrant is admitted through one of our emergency departments and they are absolutely in the throws of a fatal illness, maybe it's a young, otherwise healthy person with congestive heart failure or congenital malformation that is resulting in an inability to sustain their blood pressure and they are on the verge of death, they would get the care in that hospital—in any hospital I think across the United States.

Mr. ROHRABACHER. And no one argues with that.

Mr. GINGREY of Georgia. Yes. Of course not. They would get that care to save a life, of course we would. But the gentleman brings up a good point. And I did want to point out the segue into that number of 47 million.

It is estimated that maybe 18 million of those 47 million are making more than \$50,000 a year, and many of them just choose, of their own volition—maybe they're 10 feet tall and bullet proof, 20-somethings, 30-somethings, have the Methuselah gene, they think, and don't spend much money on health care, and they just elect not to put the \$200 a month payroll deduction or whatever it is. And maybe they have their own escrow account or their own health savings account. I think it's a bad decision, I think it's a bad bet, but a lot of people do that.

And you can't really force them, I don't think, unfortunately, in this Democratic plan, Madam Speaker. What the President is talking about is to have a mandate on the employer. If they are above a certain number of employees and if they don't provide health insurance for their employees, then they have to pay a tax or pay a percentage of their payroll into this connector; and individuals are absolutely required to sign up for health insurance, or if not, they have to pay a tax. I mean, that is not the American system. We want to encourage young healthy people to get health insurance.

And I want to make one point before I yield back to either one of my two colleagues. The insurance industry can help in a great way by looking at this. Let's say, take an example, a 22-year-old young man, newly married, newly employed, is not really convinced that paying for health insurance on a monthly basis is to his advantage, but he does it anyway. And he puts in whatever the cost is for a family pre-

mium and his portion of that payment month after month, year after year, with the same company maybe 15 or 20 years. During the course of that time, Madam Speaker, envision this, that individual develops high blood pressure, or maybe in addition to that high blood pressure develops type 2 diabetes—maybe the diabetes comes first, and then the high blood pressure—and then after that develops coronary artery disease. And then all of a sudden the company goes out of business and that individual is out of work, out of insurance, and desperately needs it. But because of these preexisting conditions, once COBRA runs out, how are they going to get health insurance? How are they going to afford—struggling maybe to find a new job, but how are they going to be able to go out with no tax deductibility and purchase a health insurance plan that is three and four times the amount of a standard plan for everybody else?

What I would say, Madam Speaker, to the Association of Health Insurance Plans, why don't you grant those individuals credible coverage, just like we did in Medicare part D, the prescription drug benefit? If you have a credible insurance plan that covers prescription drugs, say, on a supplemental plan, and then you lose that after 4 or 5 years, then you shouldn't be penalized when you get into part D—and, indeed, the law says you won't be penalized. But why should the insurance company penalize these people who, in good faith, all those years have put that money, that premium—the insurance industry had it invested and had a good return on their investment—when these people all of a sudden are in a high-risk situation, I think they should get a community rating.

I would be very curious to know how my colleagues feel about that, and I will yield to Dr. FLEMING.

Mr. FLEMING. I appreciate your yielding. I just wanted to take a moment to follow up on what you said and Mr. ROHRABACHER.

We have 47 million uninsured, 10 million of course are illegal aliens. And of course that is a solvable problem by only allowing legal aliens and requiring them to pay taxes and insurance like anyone else, and those who are here illegally should not be here. So that's not really a health care problem, at least primarily, that is an immigration problem.

We also have, as you point out, at least half that 47 million who are insurable people, and very cost effectively, but they choose not to. That really hurts the risk pool, and we should do things to incentivize them.

The real problem is the 10 or 15 million people who are either business owners or they work for small businesses and they can't get cost-effective insurance. And they're the ones that delay care, they're the ones that don't

go to their primary doctor, they're the ones that end up going to the emergency room, getting care at a time when the outcomes are the worst and the cost is the highest.

So when you think about it—and polls show that 75 percent of people are happy with what they have, whether it's Medicare or Medicaid, private insurance—it's that 25 percent that can't get affordable care. That's where the problem is, and that's where the focus needs to be. And if we do that, we get cost-effective coverage for them—and there are many ways of doing this, and we would have to get into ways to determine that—we would really have this problem under much better control. But if we, on the other hand, blow this thing out with a single-payer system, we are going to have exploding budgets as far as the eye can see, and I don't see any end to that. I thank you, and I yield back.

Mr. GINGREY of Georgia. I thank the gentleman, and I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. Just a couple of comments.

Our colleague from California made great points. And I am going to ask the two of you who have been here for a while to discuss this Medicare part D discussion in just a moment. But he is correct. What happened was, when we created the TennCare plan in Tennessee, we are surrounded by eight States in the State of Tennessee, and we had a plan much richer than the surrounding States. So guess what happened? People came into the State. First of all, when we first put the plan out, all you had to have was a post office box. Well, there were a lot of post office boxes that occurred, and a lot of people came into the State of Tennessee to get care.

The way the Governor handled that—and remember that government-run plans—and I want people to understand, this is a very important point—in Tennessee, when it was about to break the State, our Governor, along with the legislature, made some very tough decisions. They cut the rolls. They limited the number of people that were on the TennCare plan. In a plan in England or in Canada or other single-payer systems, what happens is you ration care, you create waits. For example, in Canada—and this is the head of the Canadian Medical Association, not PHIL ROE saying this—but he said you could get your dog's hip replaced in a week in Canada, but it takes 2 to 3 years for a person to get their hip replaced in Canada. And I think you made that point this morning during 1 minutes.

Mr. GINGREY of Georgia. Reclaiming my time, we did talk about it this morning, and it was a Canadian testimony, was it not? And I yield back to you.

Mr. ROE of Tennessee. It was. And I think the discussion, as I recall—and

Dr. FLEMING is absolutely right, there are not that many disagreements, it's who is controlling these health care decisions; is it a bureaucrat or is it the patient and a doctor? And I think that is where the big discussion is.

Now, as I recall, when the Medicare part D discussion came up, the problem was going to be—the argument I heard the other side make was that without this public option there wouldn't be enough competition, and therefore prices would go up. But was what happened in part D—and I'm not saying part D certainly is perfect, it's not—but what happened was, with a competitive market out there, that actually came in lower without the public option when you had the private option competing in the open market. And I believe the discussion among the Democrats was that without this public option, that wouldn't happen. Well, just the opposite happened.

And again, we have seen what happened in Tennessee, I don't want to go over it again. But I can assure you that it will be a plan that promises more than it can deliver for the funds that are available, and there will be two options. And you know what those options are, and that's long waits—and I just don't think the American people are interested, I know I'm not interested in that.

Mr. GINGREY of Georgia. Well, reclaiming my time, and I think you're absolutely right, that the only way to solve the cost overruns, which would no doubt occur—and I do believe, as our friend from California suggested, that if the government was running the whole show, and eventually if we approve this government default plan, that's just a giant step, and it's just a baby step toward a single-payer system. And when you get into that situation, I can almost assure you, Madam Speaker, that under current leadership, you would have any and all, come one come all, just like they did in Tennessee. And Dr. ROE was describing the TennCare program and the problems they ran into.

□ 2250

And then the only way you could pay for it, as he points out, would be to start cutting reimbursement to the providers, to the health care providers, to the physicians, to those primary care docs that we so desperately need to be focusing and to be running our medical homes and to make sure that people are taking their medication, that there's an emphasis on wellness and keeping people healthy, keeping them out of the doctor's office, keeping them out of the emergency room, out of the hospital, and toward the end of life hopefully out of the nursing homes and in their own homes. That's why I think it's a mistake to even go in that direction of government-run health care.

I clearly feel, and I know my colleagues on the floor tonight agree with me, Madam Speaker, that the private marketplace works. And my two colleagues that are with me tonight weren't in the House back in 2003, but I know they were following the debate very carefully and very closely and maybe even felt that Medicare part D was something that we couldn't afford. Certainly it added cost, if you crunch the numbers statically, to the Medicare annual payments, Medicare part D did. But in the long run, in the long run, because of that program, if they can afford to take their medications for some of these diseases that I mentioned earlier, high blood pressure, high cholesterol, diabetes, and keep these things under control, then clearly what happens is you shift costs from part A, the hospital part of Medicare, and from part B, the doctor part, the surgeon part, the amputation part, the renal transplant part, and then also in part D keeping folks from having a massive stroke hopefully by controlling their blood pressure and you spend less on the skilled nursing home part. So I think that's a pretty good bargain and a pretty compassionate way of approaching things.

But our Democrat colleagues, Madam Speaker, who were in the minority at the time, stood up here and they symbolically, some of them, tore up their AARP cards because that senior organization had the audacity to support a Republican bill. And then, of course, they said, well, why can't we have a government default plan and why can't the government come in and set the price and say, okay, this is the price, this is the monthly premium for part D, the prescription drug part, and these free market thieves will not be able to run up the price? And they even suggested, Madam Speaker, that we set that monthly premium at \$42 a month. Fortunately, my colleagues, that amendment was defeated. And when the premiums first came in from the prescription drug plans, the private plans competing with one another for this business, they came in at an average of \$24 a month. Now, 3 years later, that has gone up a little bit because of inflation, but it's nowhere near \$42 a month.

So if we don't learn from our history, we are going to repeat those same old mistakes. And it looks like the Democrats, with this idea of letting the government come in and run everything and saying that we can't trust the free market, I guess that's what they want to do with General Motors as well, and I'm very anxious to see how that one turns out.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. Good points about the private versus the public sec-

tor. The private sector will always be more efficient and more responsive. And you have heard this story before, but when I began practice and when you did, Dr. GINGREY and Dr. FLEMING also, when a patient came to me, and I took care of nothing but women, and when they came to me with breast cancer—which I unfortunately saw way too much of and our practice diagnosed about a case a week. It was that common or is that common.

And we just had a relay this weekend. In 1977 or so, the 5-year survival rate was about 50 percent, maybe a little bit better, but about 50 percent. And the big argument came: Do you do a disfiguring operation of a radical mastectomy or a lumpectomy? Because the survival rates were the same. So what has happened over that time is that now a patient can come to you or me or any of our colleagues and we can tell them that because of early detection, because of education, because of mammography, you're going to have a 98 percent survival rate in new medications. That is a wonderful story to tell. And I know no matter how tough the times are for that patient, you can look at them and say, You're going to be okay.

In the English system, they quit doing routine mammography. And why did they quit doing that? Screening mammograms aren't done anymore. Why? Well, because it costs more than the biopsies. Sometimes a test will tell us we have something when we don't have it. That's called a false positive. And the phone call that I love to make is to my patients to say, You do not have cancer. So this is one where they quit doing that because the cost of the biopsies was more than the screening. The best rates they had were 78 percent survivals, and those are going to go down if you use that technique.

Mr. GINGREY of Georgia. If the gentleman will allow me, as we get very close to that bewitching hour of 11 o'clock, my southern drawl had better get a little faster than a drawl. But my mom, Helen Gingrey, who lives in Aiken, South Carolina, in a retirement community, a great community, Kalmia Landing, my mom had her 91st birthday on February 8 of this year. Well, when she was 90, about 5 or 6 months ago, 6 or 8 months ago, she had a knee replacement. And Mom had gotten to the point, Madam Speaker, where she could barely walk, in constant pain, on the verge of falling and breaking her hip at any moment. And now she is enjoying life and enjoying being with her friends, and maybe she's going to live another 10 or 15 years. I don't know. She seems to have the Methuselah gene. But do you think in Canada or the U.K. or one of these countries where they ration care that she would have had an opportunity to have that knee replacement? The answer we all know, Madam Speaker, is absolutely not.

I would say in closing, the one thing I would like to see is the equal tax treatment of the health care benefit for individuals who have to go out and buy them in the market on their own. They don't get it from their employer. Why should they not get a tax advantage health care plan just like everybody else? And you know what, Madam Speaker? I have not heard the Democrats in the House, the Democrats in the Senate, or President Obama talk about that. And talk about fairness and wanting to be equitable, let's hear some more about that. We will talk about it in future Special Orders.

I want to thank my colleagues Dr. ROE, Dr. FLEMING, and my good friend from California, Representative DANA ROHRBACHER, for being with me during this hour.

□ 2300

THE BIGGEST POWER GRAB IN HISTORY

The SPEAKER pro tempore (Ms. KILROY). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Thank you very much.

Madam Speaker, a thought came across me about 2 days ago. I was out on the water, surfing off of San Clemente, California. I was sitting there on my surfboard. The pelicans and the birds were jumping into the water and carrying fish out of the water, and the dolphins were swimming by. It was just a beautiful day. I couldn't help but remember that many years ago when I was a young reporter, one of my first assignments was to cover a speech being given by Jacques Cousteau. He was a hero to me at that time, and I really relished the idea of going out and being able to interview him after a speech he was giving at UCLA. I got to the speech, and I found that Mr. Cousteau was being very pessimistic about the future of the oceans, and he was telling the kids there was no future in the ocean, that 10 years from now—this was in the early 1970s he was saying this—there would be no life in the ocean. "The oceans will be black, lifeless masses, black goo." I felt that it was a bit pessimistic; and when I had my chance to interview him afterwards, I turned on my tape recorder and introduced myself. He was ready for the interview. I said, Aren't there also some optimistic sides about the ocean, that perhaps we will someday be able to farm them, like with shellfish and regular fish perhaps, being able to ranch them, you might say, in the ocean? And that might be a great source of protein for the whole world that we would then have under better control. He came right up to me, and all these students were watching,

and he put his face right up next to my nose, and he said, Didn't you hear me? The oceans will be dead in 10 years. Black goo. Dead.

I'll never forget that. I mean, that was something that was really pounded right into my memory because his nose was almost touching my nose. I could smell the garlic on his French breath, and I will tell you that it was an experience. I thought about that just 2 days ago while I was surfing. The fish were jumping, and the porpoises were swimming, and the pelicans were landing and picking up the fish in the water, the oceans totally alive, and I am totally alive and very grateful to have the oceans that we have. Obviously Mr. Cousteau was wrong. I can't tell you today whether he was lying or intentionally misinforming those students, but he was dead wrong.

Now students come to visit me a lot. I've been in Congress now over 20 years, and I try to see every student that comes from my district. I try to see them; and I talk to them, giving them a chance to ask me questions. But I always ask them a question too. So my students from Southern California, young high school students, I always ask them, Is the air in our congressional district, in our area of Southern California, is it cleaner or dirtier than it was 45 years ago when I went to high school in this very same area? And almost 90 percent of the students adamantly insist that the air back then was so much cleaner: Oh, you're so lucky to have lived in an age in Southern California where the air was so clean, and now it's so dirty and all of us are destined to die and to be infected with this pollution in our lungs.

Well, the fact is, that is dead wrong as well. Someone continues to misinform our young people, perhaps for political reasons, whatever. But the fact is, when I tell them that they are 180 degrees wrong, that, in fact, the air is so much cleaner now that there's almost no comparison to what it was when I was a young person in high school, they are incredulous. Many of them don't believe me when I say that. But they know afterwards when they check up on it that they have been lied to.

Well, whatever the reason, whatever the motive behind this misinformation that's being provided to young people, whether it was Jacques Cousteau or whether it's the educational establishment or if it is any of the other people we're talking about who have ties to the radical environmental movement, whatever the reason they are misinforming our students, it's not just the students. It's our general population as well.

For decades, phony, frightening predictions, false climate assumptions and inaccurate information fed into computer climate models have been foisted

on the American people, including our young people, and people throughout the world. Even worse, honest discussion on these issues of climate have been stifled, and critics have been silenced in order to create an illusion of a consensus that the climate is going haywire and that we're in for a global warming calamity. So why is this? Why do we have this specter of man-made global warming being portrayed as a global calamity in the making? Well, it's being used to stampede the public and, yes, stampede officials into accepting what appears to be the biggest power grab in history. One doesn't have to be a conspiracy nut to realize there are a significant number of people who really believe in centralizing the power of government into the hands of elected and even unelected officials, centralizing that power in Washington and elsewhere. And these unelected officials, who now will be given so much power, are expected to be competent and expected to be well motivated. They are expected to prove that by doing the things that are consistent with the goals and the values of the people who are pushing to centralize power in their hands.

That we have a group of leftists who believe in centralizing power should not surprise anyone. But what we have here is the leftist politicians in this country who believe in centralizing power anyway have been willing to go along and exaggerate and, yes, play fast and loose with the facts in order to promote this notion of man-made global warming. But we didn't expect these people who have a motive of trying to centralize power, or whatever the motive is of these alarmists in the radical environmental movement, we didn't expect them to act any other way. But we need to ask ourselves, why did it take prominent members of the science community so long to step forward to be counted in the face of this massive, heavy-handed campaign of deceit?

Well, I trace the reluctance of our scientists to step up back to the abrupt dismissal of Dr. William Happer, who was then the top scientist at the Department of Energy back in 1993. Happer was too professional, too objective for what Vice President Gore had in mind. So off with his head. Immediately that was one of the first actions taken when the Clinton administration took power. Out the door with Dr. Happer. This man, this prominent and very well-respected Ph.D., his dismissal in that way was a message to the science community: If you want a grant, you toe the line. And what followed was a one-sided drum beat, one-sided promotions, one-sided research grants, and one-sided thinking. Those were the order of the day for the 8 years of the Clinton presidency. The media bias, which of course went along with that, played hand in glove, has never let up with that bias. We just had

a major conference here in Washington with hundreds of prominent individuals, many of whom are great scientists, Ph.D.'s, and heads of major university science departments. Yet that conference, which was skeptical of man-made global warming, didn't get any publicity. Very, very few news articles came out of this. Yet these were very prominent and important people.

This kind of repressive atmosphere where the press doesn't report that and that we had years and years where people were not being able to get grants unless they toed the line that Vice President Gore wanted, in this repressive atmosphere, many leaders of the scientific community just remained silent. They sort of became turtles. They tucked their heads in and figured they'd hunker down and live through it. But the ignoring of a campaign of deceit that was utilizing the prestige of the science community has taken its toll, and it's taken a long time to get these scientists out of their shell and to step forward with integrity, as is expected of the men and women of science.

So here we are on the edge—laws, taxation, controls, regulation, mandates are about to be enacted; and we've had 15 years of stifled debate. Even my GOP colleagues are afraid to take on the phony science that is at the heart of the man-made global warming propaganda juggernaut. Again, these people in the GOP, they oppose this theory; but they just want to say that what is being proposed by the Democrats will cost too much and will have too little impact on climate or temperature for it to justify this huge cost. Well, they're right. What's being proposed will have a huge cost and very little impact; but if, indeed, we are facing a global warming calamity that's being caused by human activity, the costs shouldn't matter.

□ 2310

So I have to argue that principle and basic science is the important element of the discussion of the manmade global warming theory and the laws and regulations and controls and taxation that we are now on the verge of passing here in Washington, D.C.

The bottom line is that the science behind the manmade global warming proposals in Congress and the draconian laws which will follow are based on faulty science. The science is wrong. What has been presented to us by Vice President Gore and the radical environmental community and liberal leftists who want to centralize power in government, the facts that they have presented us have not been accurate. This has either been an intent to deceive, or perhaps just a benevolent intent to save the world.

So it is not just a cost analysis of current legislative proposals that show that the proposals claiming to thwart

manmade global warming would obliterate jobs. We know that.

All these proposals that say, well, we are going to try to thwart global warming that way or this way, or this regulation, this taxation, this requirement of cap-and-trade, we have had major economists warn these things will destroy the American economy. But if they claim it is about saving the planet, people are going to listen to them.

But it will destroy the economy, and the irony of it is, this will have nothing to do with saving the planet, but will in fact perhaps make the environment of our planet worse, rather than better. That is why they have tried to stifle the debate.

The real scientific justification for their power grab is science, and an honest discussion of that science will show that the science being presented to justify this power grab is at best inaccurate, and, at worst, a total lie.

You have all heard it, and everyone knows about this. People in Washington, we don't need to be told that there has been an attempt to stifle debate. But I would ask that the American people think about what they have heard about the manmade global warming theory over these 15 years, but especially over these last 4 years.

How many have heard the words "case closed?" Isn't it ironic that all of a sudden everybody started using the words "case closed?" What does that mean? That means no more debate. The words "case closed" was a clumsy, and, I might add, a heavyhanded attempt to shut off discussion even before we had a chance to have an honest discussion of the issues. Because, as I said, the scientists in the 8 years beforehand had been denied research grants unless they were wanting to toe the line on global warming. How many have heard "case closed?" We all have.

When Mr. Gore speaks about global warming, he never takes questions. Why would it be that someone who believes in something so adamantly refuses to debate the issue on TV and refuses to take questions? I have certainly a lot less invested in this issue than Vice President Gore. I give speeches and always take questions, and I have certainly been willing to debate this issue in public and on television.

So why do we hear the words "cased closed," stifling debate, and Mr. Gore, one of the prime advocates of this issue, not willing to take questions? Why is it that people who have, you know, skepticism about manmade global warming, why is it that they complain, like Robert Gray, former chairman of the American Meteorological Association? Why do we hear from them that they were turned down for grant applications so many times? Why do we hear that from a man who mentioned that he had received 13 such re-

search grants prior, prior, to the Clinton administration, and then been totally cut off?

Doesn't that say something, when someone of that caliber, a Ph.D., the president of the Meteorological Association, can't get a grant to study the frequencies of hurricanes? And even today this man points out contradictory information. His view is—a man with decades of experience and credentials, Ph.D.'s and credentials in meteorology, says no, the idea that mankind's human actions is causing hurricanes is false, and there is no evidence of that.

Well, and then what else do we hear? We hear name-calling. I was on a television show recently where they called me a troglodyte, I guess troglodyte, that is the word, that I am anti-science, and I am bigoted in some way. I kept presenting scientific arguments about manmade global warming, but all I got back was name-calling.

Case closed. We are not going to answer any questions. No grants for skeptics. And, yes, anybody who disagrees with us is a low-life who doesn't believe in science. Yes, you don't believe in science.

Can you imagine moving forward to have an honest discussion about manmade global warming and being dismissed before you get to the discussion as being anti-science, and then after insisting on four or five issues on science, not having those arguments even answered, but instead having my religion questioned?

Well, dismissing rather than answering legitimate challenges to the manmade global warming theory is par for the course. This is standard operating procedure. Case closed, standard operating procedure. No questions, standard operating procedure. No grants for skeptics, standard operating procedure.

These people have been trying their best to basically steamroll over anyone who would get in their way without having to have the honest discussion of an issue of this magnitude. All of it is simply a Herculean effort not to discuss the scientific assumptions that are at the basis of the manmade global warming concept.

So what is that all about? Why are they not willing to discuss the science? All it is about is not discussing the science, shutting down anybody else with any other ideas without combating the ideas.

Well, the reason why they have tried so hard to have "case closed" and all of these things that I have just mentioned, it is because their basic theory, the science theory behind manmade global warming is wrong. It is dead wrong, and that is why they won't discuss it. And if they won't discuss it, we can discuss it.

I would suggest that if there is anyone in this Congress who would like to debate me on this issue for an hour

sometime between now and the time this Congress has to vote on cap-and-trade legislation, I will gladly meet them for an hour and discuss this issue.

So let's start discussing it tonight, and then maybe sometime in the next few weeks someone from the other side will take advantage of that offer to have an honest discussion with me and with the public about this issue. If it is so important, let's have an open and honest discussion. So let's look at some of the real science-based challenges to the predictions of an oncoming manmade global warming calamity.

Okay. In briefing after briefing—I am a senior member of the Science Committee—and over the years in briefing after briefing on global warming, I couldn't help but notice that the charts that showed that we have increased the temperature of the planet by 1 degree, here is the chart, it is going up like this, I couldn't help but notice where they started, down here. And down there was 1850.

1850 is actually the line, the baseline that is used for temperature comparisons by the global warming community, by the people who believe in manmade global warming. But 1850 has some significance. 1850, in that era, those few years there, that was the end of the little ice age. That was the end of a 500-year decline in world temperatures.

Okay, so why is it that people who want us to be concerned about a 1 degree temperature increase are making the baseline of comparison the bottom of a 500-year decline? Well, if it is at the bottom of a 500-year decline, if it is that low point they are comparing it to, what is all the hysteria about if we are talking about a 1 degree rise in temperature? What is that all about, or even a 2 degree rise in temperature?

The fact is we know that there have been weather cycles and climate cycles throughout the history of the world. They are now trying to use a low point of a cooling cycle to compare it to say we should be upset when there is even a 1 degree change.

What about those other weather cycles? Number one, let's ask, how can you use that as a baseline? Number two, what about the other weather cycles and that weather cycle? How about the weather cycle that went down for 500 years?

The fact is that over 500 years ago, actually 1,000 years ago, the weather was very warm. It was a lot warmer than it is today, a lot warmer than the 1 degree that we have.

□ 2320

The fact is, there were big areas of Greenland that were green. They actually had agriculture and a green part of that area. Iceland was an area that had plants and crops. Vineland, which the Vikings said, people thought, well,

they were claiming that there were vines there but there really weren't. No, the temperature was different. It was warmer 1,000 years ago.

So there have been numerous weather cycles that have had nothing to do with human activity, unless you believe that the Vikings, of course, there was something that they were doing that was changing the weather. And, if there was a warming cycle, and again, if we've had a warming cycle since that time, it's only been 1 degree.

But these past climate cycles, there's one thing that we have to try to pick up. Why is it then that we've had these cycles? Why is it then, and why is this cycle we are claiming which is a 1 degree rise in temperature from a 500-year low, why is this different? Why are we trying to change the rules of the game and centralize power and look at this as some sort of crisis when it's just another cycle? And why, what is causing the cycle then?

Well, it seems that cycles of climate follow solar activity. The cycles we've had before mankind even emerged can be traced back through ice cores to solar activity. Now, we've seen it here on Earth and we've seen it on other planets.

Let's note this. When I was in this debate the other night, a Member of Congress, a good friend, went on about how horrible it was, of course we're having manmade global warming. Look what's happening in the Arctic. In the Arctic, the polar bears are being destroyed. Well, of course that's not true. There's a polar bear explosion in terms of their population. There are two types of polar bears that are losing, that are not able to keep up with the changes in the climate there. But most other polar bears, because it's warmer, actually are living better than they were before, and the population of polar bears is going up. How ironic that we end up putting them on an endangered species list at a time when their numbers are increasing.

But let's get back to the central point. Something's going on in the Arctic. And my friend and colleague is saying, oh, how horrible it is and going into great detail to touch people's hearts about a polar bear on a piece of ice. And then I said, you're saying that this is caused by human activity and, thus, we have to have all these taxes and controls and things to save the planet from this?

Well, yes, that's what he's saying. Well, I said exactly what I've said to Arnold Schwarzenegger. I said this to myself on the program. Yes, the ice cap is retreating. There's no doubt about that. But when I say that, I'm not talking about our ice cap. That's clear to us. But what about the ice cap on Mars? There is an ice cap on Mars, and just by coincidence, it is retreating at exactly the same time as our ice cap is retreating. Doesn't that indicate that

it might be the sun and not us driving SUVs or modern technology that's creating these many, many cycles that we've had, including the one that we are already in?

Yes, an ice cap is retreating on Mars and it's retreating in the world. Is that just a coincidence? Well, that's a scientific challenge. Let's have an answer to that. So, we have polar ice caps melting on Mars, and it's not just a coincidence, I believe. So tell me why this doesn't indicate to us that what we're really talking about is solar, what we are facing today in the climate changes that have taken place today, just as it has in the past is that it has to do with solar activity.

So now remember, by the way, ice caps may have been melting in the Arctic, but one thing people miss, the ice caps are not melting everywhere, just the northern ice cap. In Antarctica, to the south, ice is actually accumulating. And so in the north, yeah, there is a polar bear population, I think two species of polar bears are suffering. Most every one, the rest of them are expanding their population.

And by the way, I understand now, even in that area, the ice is beginning to return. But the ice has always been accumulating in the Antarctic over these years. That's never told to us. It's as if the whole world is increasing in temperature, but they don't bother to mention the areas where the ice is actually accumulating.

Well, the manmade global warming theory has been focused on CO₂. This is, of course, and again, let's talk about the science of these issues. CO₂ is a miniscule part, a miniscule part of our atmosphere, and if you ask the ordinary person, they think it's 20 percent of the atmosphere. Well, actually it's .023 percent, I believe, so that's less than 1 quarter of 1. It's less than 1 quarter of 1 percent of the atmosphere is CO₂. And of that, at least 90 percent of the CO₂ in the atmosphere is not traced to human activity.

I've been in hearings where most people claim it's more like 5 percent of the CO₂ in the atmosphere is traced to human activity. You know, and by the way, one huge volcano or even massive fire like they've had in various countries would dwarf everything that we're trying to do to reduce CO₂ into the amount of CO₂ that that would put into the atmosphere, because CO₂ is not a significant part of the atmosphere. It's a miniscule—it's like a thread being put across the line on a football field, and that's what you're changing by focusing not just on the CO₂, which is .023 percent, but it's also, of that, 90 percent of that is not manmade. It's made by nature.

So the most important discussion in terms of manmade CO₂, which, as I say, the manmade part of it is just a small contributor, it's a small contributor to a very tiny element in the atmosphere,

and suggesting that that is changing our climate is ludicrous. In fact, it is warming and has released CO₂ and there have been—it is warming a little bit. There has been, over the years, until recently, and over the years, there has been times when CO₂ was going up dramatically and down dramatically but had nothing to do with the climate of the planet. For example, manmade—if manmade—here's a basic can question. Here's another science challenge. If manmade CO₂ causes warming, why, as CO₂ levels were rising dramatically in the 1940s, fifties, sixties and seventies, why, if the CO₂ was rising in those decades, why was there actually a cooling of our climate in those decades?

Okay. Let's hear the science. Come on. I just had a science. I've had five or six points now. Why is everyone afraid to take on these scientific answers? If indeed CO₂ causes it to warm, well, then how come, when we had massive increases in CO₂ in the forties, fifties, sixties and seventies that it got cooler and not warmer? Well, the calculations on global warming have been based on fraudulent numbers.

And here's another scientific challenge. A recent study shows that over 80 percent of America's temperature and weather stations which have been the source of temperature readings that supposedly indicate a warming trend, supposedly, these very same monitoring facilities have been compromised and are faulty in the information they're providing.

□ 2330

The numbers have been skewed. They are suspect because the monitors that have been relied upon do not meet the basic scientific standards that are required of them for us to believe in the numbers that they're giving us. In other words, the equipment is compromised; the figures coming out of the equipment cannot be relied upon. And our system, with 80 percent of our monitors who do not meet the standards, the scientific standards for us to rely on their numbers—our system has been heralded as the best in the world. So think about that. What's going on in the rest of the world when we're talking about one little rise, a one-degree rise in temperature since the end of the little ice age which was a 500-year low of temperature?

So even that we can't figure out—even with that one degree we don't know, because the monitors have been placed in faulty ways or have not been kept and maintained in the right way.

And so what we have had is a lot of people who have been making predictions over the last 20 years, especially Vice President Gore. But if the science community had been given these grants—but only if they're going to come to the conclusion about global warming that we want you to—these

people in the science community and these other political people who have got their own motives behind this bulldozer approach and this steamroller approach to accomplishing what they're out to accomplish, those people have been telling us that we're facing a man-made global warming climate calamity and it was in the making. And we were told that the temperatures were either going to continue to go up and up and it would reach a certain point and then there would be some sort of tipping point and then it would jump up by a number of temperature points. So it would be five or six points, or whatever they were predicting. It was a huge jump in temperature at some point.

Well, that's not what's happened. I heard that for 10 years, 10 years for the people who were giving out all of the grants, 10 years from all of the people who were shutting out any type of real debate, 10 years of "don't ask any questions, case closed." And those people are on the record, and they have been warning us of man-made global warming that was about to get out of hand. But for over a decade, it has not gotten any warmer.

Yes, 11 years ago in 1998 it was a very hot year, and that was the year—since then, every year has been cooler. It has not gotten warmer since then. And they say, Well, that was a very hot year. Well, so was 1931 was a very hot year, and it was followed by decades, I might add, of cooling. So that doesn't mean anything. That was just an anomaly that we had a hot year in 1998, because ever since then the temperature has not been going up.

The global warming alarmists' predictions were wrong, all right? Come and debate that. There is a scientific challenge. I keep giving scientific challenges, and what I get back in this debate is, You're a bigot; you're anti-science; you're stupid. Name-calling. I mean, the people on the other side who always are willing to call people names rather than confront their arguments are very easy to spot. You just take a look. You listen to what's being said. Who is offering an argument that needs to be discussed? Who's calling names? They have been trying to shut down this debate by calling anybody who disagrees with them horrible personal names.

Well, let me repeat this one point: it has not gotten any warmer for over a decade and we're still—it looks like we're even still getting cooler. That is totally contradictory to the predictions that were aggressively made to us, as they only gave their grants to the people who would agree with that over the years.

This is why global warming alarmists have now, en masse, changed the wording that they use. They were wrong, so let us just change the way we talk about things. Now it's climate change,

okay? Everybody think about it. All of these same people were talking about global warming 20 years ago, spending billions of dollars on research that was bogus research, you know. It was intended to come out with what they were buying from the scientists. They were telling us it was going to get warmer, and they kept using the term "man-made global warming." And now they call it "climate change," and all of a sudden, they all change and it all became climate change.

Well, every time you hear that word used by an environmental radical, by one of these alarmists, it is an admission that they were wrong and that they refuse to admit that they were wrong. Refusing to admit you're wrong after you've been so aggressive in promoting something is certainly not an honest debate and an honest discussion.

If I am proven wrong on a point, I will apologize and change my position. I won't try to change my wording so it sounds like I was never wrong in the first place.

These people were wrong. Remember it. Every time the word climate change is used, remember these were the same people who were talking about global warming, and they want to have it both ways. No matter if it gets warmer or colder, they want to blame it on human activity when, in fact, all of the evidence suggests that cycles come from solar activity.

Expert after expert is now pointing to the flaws in the central argument.

And the other thing you hear is, of course, that all of the scientists agree. There is your other way of shutting down debate. All of the scientists, all of the prestigious Ph.D.s and scientists agree. That is not true. And it hasn't been true for years.

So Al Gore's scientific mumbo-jumbo was wrong, all of the scientists agreeing with him is wrong, the temperature predictions have been wrong, and the man-made CO₂ premise is wrong.

Now we find out that the monitors used to collect the data were placed next to air-conditioning exhaust vents—which made the temperature higher—and in parking lots, and on top of buildings, and near other heat sources which, of course, made all of their statistics totally unreliable. We hear that.

We also know the methodology of using computer models has been questionable from the very beginning. We all know the saying: garbage in, garbage out. But no one was permitted to hear the questions; no one was permitted to ask follow-up questions as to—no one has been permitted to totally understand the software that went into that questionable computer modeling.

The observations have been wrong. The attempt to stifle debate and shut up those people who disagree by calling

them names, denying grants, and making personal attacks has been wrong. Thus, I would suggest the biggest power grab in our history is wrong, and the public should wake up. The public should understand that what we are seeing is a brazen power grab that is wrong.

So, let's review the scientific challenges to the man-made global warming theory. See if anybody ever tries to come and have an argument about the science.

Baseline comparison is at the bottom of a 500-year decline in temperature. That is not the scientific way of determining whether a slight rise in temperature is significant. The science measurements were partly or severely flawed by a monitoring system that was—did not meet the standards necessary to have accurate information. Past climate cycles were frequent even before the emergence of mankind. Cycles like the retreating polar ice caps are parallel to similar cycles on Mars suggesting solar activity, rather than human activity, is the culprit. Increasing CO₂ levels did not cause warming, which can be shown in the 1940s, 1950s, 1960s, and 1970s where there was an increasing level of CO₂, but yet it was getting cooler.

So let's have an honest debate. Let's quit calling names. Let's quit dismissing legitimate science-based questions.

□ 2340

Address the scientific issues being raised rather than sloganeering about a consensus of scientists that does not exist. Again, the so-called "consensus," case closed—that consensus does not exist. More and more, thousands of scientists are signing on as skeptics to this manmade global warming theory.

This leads to an important point that needs to be made. Perhaps the biggest lie the public must deal with is that all the prominent scientists in the world totally agree with the manmade global warming theory. That's probably the biggest lie, as I mentioned. Instead of answering scientific questions, alarmists have simply claimed all the scientists agree. I've been interviewed on this at least half a dozen times, and every interview begins with, well, all of the scientists agree that manmade global warming is a reality, how can you disagree with all of them? It is just another tactic aimed at repressing an honest discussion of something that should be a scientific issue and discussed with all sincerity.

I will now submit the names of 10 prominent scientists, 10 of the thousands of scientists who have signed on to suggest that manmade global warming is far from accepted by all scientists. These are the heads of science departments, the presidents of scientific and academic associations, people with doctorates in the areas of

study, and they are coming forward at last, they're coming out of their shell at last after all of these years of intimidation. This is only a list of 10, but there are thousands more who are stepping forward to voice honest skepticism, if not total rejection, to the claim that human activity is creating a global warming climate catastrophe.

The first one is Dr. Richard Lindzen, top scientist from the Massachusetts Institute of Technology. Dr. William Gray, Colorado State University, former president of the American Meteorological Association. Dr. David Nowell, former chairman and NATO meteorologist from Canada. Dr. Gerhard Kramm, University of Alaska in Fairbanks. Dr. Yury Izrael of the Russian Academy of Sciences, a senior member of the Russian Academy of Sciences whom I met and spoke to, and also a member of the IPCC United Nations report, who now makes it very clear that he does not believe in that report or manmade global warming. Dr. Ian Pilmer of the University of Melbourne. Dr. Diane Douglas, climatologist and paleoclimatologist. Dr. Harry Lins, cochairman of the IPCC Hydrology and Water Resources Working Group. Dr. Antonio Zichichi, president of the World Federation of Scientists. Dr. Ivar Giaever, Nobel Laureate and physicist.

So this idea that all the scientists are lockstep in favor of the theory of manmade global warming is a lie, not just a lie, a damnable lie aimed at cutting off honest communication. And who's doing that? Who's making this adamant statement that all the scientists are in agreement with this? Well, we've had people who say these things and said things all along. There's the global warming alarmists now who are making these statements. But let us just remember, these scares have happened in the past. I remember when my mother wouldn't serve cranberries at Thanksgiving because they caused cancer. I remember when Professor Meryl Streep warned us of alar-causing cancer, which just about ruined the apple industry for 2 years. That also was wrong.

We heard about cyclamates causing cancer, which cost the industry billions of dollars and disrupted very healthy patterns of nutrition that could have been based on cyclamates rather than high fructose corn syrup. That, too, was wrong.

We remember the nuclear power catastrophe at Three Mile Island, when Dr. Jane Fonda, that Ph.D. genius, taught us that nuclear power was so dangerous, that what we have done instead of using nuclear power, we began relying on overseas oil and gas and burning coal. Then remember the acid rain? That was as near a high pitch as what we hear about global warming. Ronald Reagan stood up, put his hand up and said, no, we are going to have

scientific research on this acid rain issue before we commit to all sorts of regulations and taxes that will destroy our economy. Luckily, Reagan did that, and when a \$500 million study was complete, it verified the fact that acid rain was a minimal problem, not a major problem, a minimal problem that didn't justify any of the draconian raises in taxes and controls that were being suggested by those environmental alarmists.

Then of course the granddaddy of them all was, many of the same people who now talk about global warming were then talking about global cooling back in the early 1970s, some of the very same people. Yes. And what happened to global cooling? The cycle started going in another direction. Then it became, Oh, my God, it's global warming. Well, now it's back to global cooling. So is this all caused by us driving SUVs? No. Maybe it's caused by the sun. Maybe there are natural reasons for the cycles of climate on this planet.

The so-called "experts" were wrong when they told us about all of these things. All of these were exaggerated problems, exaggerated threats to our well-being. And the American people were deceived in many of these cases, whether it was about nuclear energy or whether it was about cranberries. And we had fanatics who were fast and loose with the truth and fast and loose with facts. Well, that's exactly what's going on today.

And what's the problem with that? Well, the problem is there are serious side effects when one gets you focused on something that's not true, like cranberries causing cancer or nuclear energy being such a threat. You end up doing things that are actually harmful to you that you wouldn't do otherwise. When you have CO₂ being called the primary pollutant for concern, you are doing a horrendous disservice to the people of this country. By focusing on CO₂, which is not harmful to human beings at all and in fact is a plant food—CO₂ makes plants grow better, it does not harm human beings. And if our job is just to try to reduce the amount of CO₂ in the world, we will actually be doing a grave disservice because we won't be concentrating on the pollution, like NO₂ and other things that are very harmful, the particulates out of diesel trucks that are particularly—again, no pun intended—but particular particulates that are very harmful to people. I have three children. I have my baby Anika and Tristan and Christian. I love those babies, and I do not want them to breathe in dirty air. And if we focus on CO₂, we are doing a disservice to them and their generation and we are doing a disservice to the older people of this country who will also breathe in the dirty air. And focusing on CO₂ to save the planet. That's because what's happening here is these people are out to

save the planet, but they are not out to save the people of the planet.

I remember one solution to a non-existent threat, which also caused a huge destruction of people, was, of course, the eliminating of DDT. Now, DDT, we were told, was destructive to the environment, especially to bird egg shells. Well, then, DDT is banned. And what is the result of DDT being banned? Malaria out of control in Third World countries where before it had been nearly eliminated. DDT was eliminated and malaria made a comeback, and millions of children in the Third World have died because of this nonsense.

I can't tell you if pelican egg shells are less fragile because of DDT, but I can tell you the tradeoff with millions of young children dying in Third World countries isn't worth that tradeoff about how fragile and building up the shell of a pelican.

Unfortunately, the people driving policy here are out to save our planet; they're not out to save our children or our seniors or any other people on the planet. That is the same mindset that would dramatically damage our economy in order to save the planet, with no consideration of the hardship and deprivation to ordinary people that would result from the draconian controls and taxation that is being proposed here in Washington right now as an answer to the global warming threat, the manmade global warming threat.

Now that manmade global warming has been driven into the public consciousness, the alarmists have the leverage right here in Washington. What should we expect unless the public changes its perception? There is a price to pay, just like those millions of little kids dying in Africa of malaria, and there is a price to pay for listening to irrational alarmists.

Excessive taxation regulation mandates are now being proposed in Washington, and they will reduce our gross domestic product by over \$7 trillion, destroying nearly 2 million jobs by 2012, at a time when we really need jobs. It will raise electricity rates by 90 percent above inflation, incur \$33,000 worth of additional Federal debt for every man, woman and child in America. And it will help the Chinese and other people steal our businesses from us. And this is only step one.

And even with this monstrous cost, little progress is expected. Here's back to the central point most Republicans want to make: That that cost isn't worth what we're going to get out of it. Well, no, there won't be any change in the temperature, and little change in the amount of CO₂ in the atmosphere. And CO₂ isn't harmful to people or this world.

The real calamity brought on by global warming will be the economy-killing taxes and regulations that are

put in place to solve a nonexistent problem. That economic decline that we're talking about is just Round one, however. Round two is easy to predict.

□ 2350

Global and international bodies and our own government and our own Congress will be given the right and power to intervene in our lives to prevent manmade global warming. That's what it's all about, globalism. If man makes it, man must then be controlled. That's why it was so important for them to steamroll over anybody who is in opposition and wanted to ask some questions. They want nobody to ask questions about their theory about manmade global warming because they believe men and women, people, need to be controlled. That is part of their theory of government. It will make it a whole new, more benevolent world. Unfortunately, a lot of the government they are talking about is not the American Government. We are talking about international mandates from unelected bodies that we will then pass on power and authority to, which is supported by many of the people right here in this Congress.

For example, in the future, we are going to face all kinds of mandates and controls from the Federal Government and the internationality. Some of these would be, for example, mandated increases in parking fees. Do they tell you that now? All your local communities are going to have to raise your parking fees. And there will be major impediments to the private use of automobiles. And then, of course, they've got to end frequent flyer miles and they've got to end discount air travel because, believe it or not, and nobody has ever been telling you this, they believe that airplanes are the biggest CO₂ footprint of all. That's right. Your frequent flyer miles and your discount tickets have got to go. Of course, the elite will be able to fly around in their private planes giving a donation by supposedly planting trees somewhere and thus they can fly in their private planes. But the rest of us cannot go to see our sick relatives on a discounted ticket. No one has heard about this. Nobody has heard about these types of controls that are going to be mandated on our own people by the United Nations perhaps. What has been the purview of local government will be transferred to much higher authorities. Local government will be required to follow international guidelines, climate guidelines, when it comes to building, zoning, even local planning.

This is part of our liberty. Where we live, what we eat, how we run our lives, this is what is at stake. It's called liberty. This is a fight between the globalists, who found a vehicle to try to gain power and grab power, and those people who do believe in liberty and justice. We call them patriots. We

call them people around the world who do believe in these Western values of dignity for the individual and freedom and justice.

Yes, even our diet has been targeted by those claiming that animal flatulence and deforestation make meat the enemy of climate. We aren't even going to be able to have barbecues in our backyard, much less have hamburgers. Now, these are one of those things that people will laugh that no one could ever go that far. What is going on here is laying the foundation for extensive controls that now are up to the individual or up to the local government being given to a central government.

If you aren't frightened by this, you should be. We have a fanatical movement of steely-eyed zealots who cannot admit they made a mistake, who always attack the other person rather than trying to have honest discussions of issues. Couple that with self-serving interests, and there are many self-serving interests who are involved in this. They now have joined in a political coalition that believes they have the right to run the economy, run business, run local schools, and run our lives. They have been looking for an excuse to assume power.

Now, the left has always wanted to have power. Leftists have always wanted it. They believe that they can do better and make humankind over and make it a better world by having absolute power over the choices of the people who live in this world. Well, they have found a calamity. They can threaten the people of the world with a calamity in order to stampede them into a monstrously horrific policy, and that's what we are on the edge of here in Washington.

In this last 8 months here in Washington, hundreds of billions, even trillions of dollars have been shoveled into the coffers, and no one knows where the heck this money has gone to. There have been looters from all over the world in our financial system and everyone who has benefited from that. The American people know that this Congress was stampeded into giving away trillions of dollars because we were told there was going to be an economic calamity. I'm very proud I never succumbed to that hysteria that was perhaps the greatest rip-off in history. Well, the global warming stampede is designed to cover up the biggest power grab in history, and it too will be costly.

Wake up, America. Wake up, America. We should not be giving our power and our liberty, not to the central government in Washington, D.C., certainly not to the United Nations, which is composed of countries who are governed by crooks and kooks. And the United Nations having power to set regulations over our lives in the name of saving this world from a climate catastrophe would itself be a catastrophe

to the freedom of liberty and justice in this country and to the freedom-loving people of the world.

Well, even Al Gore must be a bit embarrassed now that he has to use the words “climate change” rather than “global warming.” It’s an inconvenient truth for him. The fact is it’s no longer warming. He must think that we are stupid if he thinks that we have not noticed that it’s now “climate change” instead of “global warming” and that we haven’t noticed that there are large numbers of scientists that are opposing what is being proposed. And he must think we are stupid if he thinks that these taxes and regulations and draconian laws that are being proposed are things that we will just accept because we have been frightened into submission.

Wake up, America. We need to save our country and future generations and we need to save the world from this incredible power grab, the greatest power grab and worst power grab in history.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. LORETTA SANCHEZ of California) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, June 16.

Mr. JONES, for 5 minutes, June 16.

Mr. MORAN of Kansas, for 5 minutes, June 16.

Mr. OLSON, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, June 10.

Mr. BISHOP of Utah, for 5 minutes, June 10.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 256. An act to enhance the ability to combat methamphetamine; to the Committee on Energy and Commerce; in addition, to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 9, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 1595. To designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the “Brian K. Schramm Post Office Building”.

H.R. 1284. To designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the “Major Ed W. Freeman Post Office”.

H.R. 663. To designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the “Yvonne Ingram-Ephraim Post Office Building”.

H.R. 918. To designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the “Stan Lundine Post Office Building”.

ADJOURNMENT

Mr. ROHRBACHER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o’clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 10, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:

2078. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule — Importation of Longan From Taiwan [Docket No.: APHIS-2007-0161] (RIN: 0579-AC89) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2079. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Etoxazole; Pesticide Tolerances [EPA-HQ-OPP-2008-0554; FRL-8413-5] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2080. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Exemptions from the Requirement of a Tolerance; Technical Amendments [EPA-HQ-OPP-2008-0923; FRL-8417-9] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2081. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department’s fiscal year 2008 Performance Report for the Animal Drug User Fee Act, enacted on November 18, 2003 (Pub. L. 108-130); to the Committee on Energy and Commerce.

2082. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department’s final rule — Revision of the Requirements for Publication of License

Revocation [Docket No.: FDA-2009-N-0100] received May 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2083. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Air Quality Implementation Plans: South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-hour ozone standard for Cherokee County [EPA-R04-OAR-2008-0797-200824(a); FRL-8911-5] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2084. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Implementation Plans; Florida; Removal of Gasoline Vapor Recovery from the Southeast Florida Area. [EPA-R04-OAR-2007-0836-200739(f); FRL-8911-6] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2085. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Implementation of the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}) [EPA-HQ-OAR-2003-0062; FRL-8910-6] (RIN: 2060-AN86) received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2086. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Update of Continuous Instrumental Test Methods; Correction [EPA-HQ-OAR-2002-0071; FRL-8910-5] (RIN: 2060-AP13) received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2087. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule — In the Matter of Amendment of Section 73.622(i), FinalDTV Table of Allotments, Television Broadcast Stations (Derby, Kansas) [MB Docket No.: 09-33 RN-11521] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2088. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, National Protection and Programs Directorate, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2089. A letter from the Staff Director, United States Commission On Civil Rights, transmitting notification that the Commission recently appointed members to the Connecticut Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

2090. A letter from the Acting Chairman, Department of Transportation, transmitting the Department’s final rule — REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES-2009 UPDATE [STB Ex Parte No. 542 (Sub-No. 16)] received May 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida. Committee on Rules. House Resolution 522. Resolution providing for consideration of the bill (H.R. 1886) to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes, and providing for consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes. (Rept. 111-143). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COHEN (for himself, Mr. ISSA, Mr. CONYERS, Mr. NADLER of New York, Mr. FRANKS of Arizona, Ms. ZOE LOFGREN of California, Mr. COBLE, and Mr. POE of Texas):

H.R. 2765. A bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. HINCHHEY, and Mr. POLIS of Colorado):

H.R. 2766. A bill to repeal the exemption for hydraulic fracturing in the Safe Drinking Water Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRAVES:

H.R. 2767. A bill to amend the Small Business Act to extend and improve the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP:

H.R. 2768. A bill to declare nuclear energy to be clean energy, for purposes of Federal law; to the Committee on Energy and Commerce.

By Mr. BRIGHT:

H.R. 2769. A bill to amend the Small Business Act to promote the commercialization of certain small business research and development projects, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself and Mr. BUYER):

H.R. 2770. A bill to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SHEA-PORTER (for herself, Ms. MOORE of Wisconsin, Mr. MASSA, and Mr. BISHOP of New York):

H.R. 2771. A bill to amend titles 10 and 37, United States Code, to provide a more equitable process by which the military departments may recover overpayments of mili-

tary pay and allowances erroneously paid to a member of the Armed Forces when the overpayment is due to no fault of the member, to expand Department discretion regarding remission or cancellation of indebtedness, and for other purposes; to the Committee on Armed Services.

By Mr. SCHOCK:

H.R. 2772. A bill to amend the Small Business Act to enhance the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. BOUSTANY, Mrs. CAPPS, and Mr. MASSA):

H.R. 2773. A bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HALVORSON:

H.R. 2774. A bill to amend title 38, United States Code, to make permanent the extension of the duration of Servicemembers' Group Life Insurance coverage for totally disabled veterans; to the Committee on Veterans' Affairs.

By Mr. HIGGINS (for himself, Mr. HINCHHEY, Mr. MCGOVERN, Mr. JACKSON of Illinois, and Ms. MCCOLLUM):

H.R. 2775. A bill to prohibit, as a banned hazardous substance, certain household dishwashing detergent containing phosphorus; to the Committee on Energy and Commerce.

By Mr. HINOJOSA (for himself, Mr. WAXMAN, Mr. EHLERS, Ms. SCHAKOWSKY, Mr. ORTIZ, and Mr. SESTAK):

H.R. 2776. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. CONYERS, Mr. COHEN, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. HIGGINS, Mr. WELCH, Mr. ELLISON, Ms. BORDALLO, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. HINCHEY, Mr. RYAN of Ohio, Ms. HIRONO, Mr. OLVER, and Mr. QUIGLEY):

H.R. 2777. A bill to include costs incurred by the Indian Health Service, a federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways

and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JACKSON of Illinois (for himself and Mr. CUMMINGS):

H.R. 2778. A bill to amend the Public Health Service Act to redesignate the National Center on Minority Health and Health Disparities as the National Institute for Minority Health and Health Disparities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEAL of Massachusetts (for himself, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. CROWLEY, and Ms. SCHWARTZ):

H.R. 2779. A bill to amend the Internal Revenue Code of 1986 to provide transparency with respect to fees and expenses charged to participant-directed defined contribution plans, and to improve participant communication; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 2780. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; to the Committee on the Judiciary.

By Mr. SCHRADER:

H.R. 2781. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. WALZ (for himself, Mr. CARNEY, Mr. MCINTYRE, Mr. THOMPSON of Mississippi, Mr. PERRIELLO, Mr. ROSS, Mr. HOLDEN, Mr. SPACE, Mr. WELCH, Mr. MINNICK, Mr. KANJORSKI, Mr. SHULER, Mr. BOUCHER, Mr. MICHAUD, Mr. ORTIZ, Mr. BOSWELL, Mrs. KIRKPATRICK of Arizona, Mr. THOMPSON of Pennsylvania, Mr. CUELLAR, and Mr. HINOJOSA):

H.R. 2782. A bill to amend title 23, United States Code, to incorporate regional transportation planning organizations into statewide transportation planning, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WEINER:

H.R. 2783. A bill to amend part D of title IV of the Social Security Act to repeal a fee imposed by States on certain child support collections; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON-LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GORMERT, Mr. PIERLUISI, and Mr. GONZALEZ):

H. Res. 520. A resolution impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. DENT (for himself, Ms. ROSLEHTINEN, Mr. BURTON of Indiana, Ms. NORTON, Ms. CLARKE, Mr. CAO, Mr. RUPPERSBERGER, Mrs. MALONEY, Mr. CHAFFETZ, Mr. GERLACH, Mr. MORAN of Virginia, Mr. SESTAK, Mr. SKELTON, Mr. PIERLUISI, Mr. MCHENRY, Mr. WESTMORELAND, Mr. EHLERS, Mr. PETRI, Mr. MEEKS of New York, Mr. GONZALEZ, Mr.

THOMPSON of Pennsylvania, Mr. HONDA, Mr. SERRANO, and Mr. KANJORSKI):

H. Res. 521. A resolution expressing the sense of the House of Representatives with respect to the importance of having a census that is complete and accurate; to the Committee on Oversight and Government Reform.

By Mr. ROONEY (for himself, Mr. BRADY of Texas, Mr. DOGGETT, Mr. KINGSTON, and Mr. PAUL):

H. Res. 523. A resolution congratulating the Lambda Chi Alpha Fraternity on the occasion of its 100th Anniversary; to the Committee on Education and Labor.

By Ms. TITUS (for herself, Mr. PLATTS, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BURGESS, Mrs. CAPPS, Ms. EDWARDS of Maryland, Mr. EHLERS, Mr. FATTAH, Mr. GRAYSON, Mr. GRIJALVA, Mr. HINOJOSA, Ms. HIRONO, Mr. LATOURETTE, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. KENNEDY, Mrs. LUMMIS, Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. MOORE of Kansas, Mr. PASCARELL, Mr. PITTS, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Mr. SESTAK, Mr. YARMUTH, and Mr. YOUNG of Alaska):

H. Res. 524. A resolution recognizing and supporting the National Day on Writing; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

67. The SPEAKER presented a memorial of the State House of Representatives of Georgia, relative to House Resolution 477 Recognizing the vital role the manufacturing industry plays in the American economy and requesting that the United States Congress support legislative efforts to invest in the manufacturing sector, including the domestic auto industry; and for other purposes; to the Committee on Energy and Commerce.

68. Also, a memorial of the State General Assembly of Rhode Island, relative to H. 6026 URGING THE UNITED STATES CONGRESS TO SUPPORT FEDERAL LEGISLATION TO PROTECT AMERICAN HORSES FROM SLAUGHTER FOR HUMAN CONSUMPTION; to the Committee on the Judiciary.

69. Also, a memorial of the State Senate and House of Representatives of Washington, relative to HOUSE JOINT MEMORIAL 4000 respectfully praying that the United States Congress pass H.R. 5968, the Restoring Partnership for County Health Care Costs Act of 2008; jointly to the Committees on Energy and Commerce and Ways and Means.

70. Also, a memorial of the State Senate and House of Representatives of Washington, relative to SENATE JOINT MEMORIAL 8013 respectfully urging the United States Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. REYES, Mr. PAULSEN, and Mrs. McMORRIS RODGERS.

H.R. 28: Mrs. MYRICK.

H.R. 43: Ms. HERSETH SANDLIN, Mr. SNYDER, Mr. LUETKEMEYER, and Mr. RYAN of Ohio.

H.R. 162: Mr. MCCOTTER.

H.R. 197: Mr. MATHESON, Mr. COFFMAN of Colorado, and Mr. RADANOVICH.

H.R. 205: Mr. HOEKSTRA.

H.R. 333: Ms. WOOLSEY and Mr. SCOTT of Virginia.

H.R. 393: Mr. MANZULLO.

H.R. 403: Mr. MEEK of Florida, Mr. SABLAN, Ms. LEE of California, and Ms. HIRONO.

H.R. 413: Mr. WELCH, Mr. HUNTER, Mr. MOORE of Kansas, Mrs. CAPITO, Mr. HEINRICH,

Mr. ROSKAM, and Mr. DAVIS of Alabama.

H.R. 426: Mr. DOYLE.

H.R. 433: Mr. THORNBERRY.

H.R. 442: Mr. BOEHRNER, Mr. WESTMORELAND, Mr. COFFMAN of Colorado, Mr. PENCE, and Mr. POE of Texas.

H.R. 484: Mr. TERRY, Ms. BERKLEY, and Mr. RODRIGUEZ.

H.R. 503: Mr. BARRETT of South Carolina.

H.R. 571: Mr. CAPUANO and Mr. ROHR-ABACHER.

H.R. 653: Mr. MASSA.

H.R. 658: Mr. ALTMIRE.

H.R. 676: Mr. SERRANO.

H.R. 678: Ms. ROYBAL-ALLARD.

H.R. 745: Mr. HIMES and Ms. KOSMAS.

H.R. 816: Mr. ELLISON, Mr. BERMAN, and Mr. GENE GREEN of Texas.

H.R. 840: Mr. DELAHUNT.

H.R. 878: Mr. CHAFFETZ.

H.R. 930: Mr. MILLER of North Carolina.

H.R. 952: Mr. STUPAK, Ms. MOORE of Wisconsin, and Mr. REYES.

H.R. 997: Mr. ADERHOLT.

H.R. 1016: Mr. SNYDER, Mr. PERRIELLO, and Ms. CORRINE BROWN of Florida.

H.R. 1021: Ms. KOSMAS.

H.R. 1064: Mr. MOORE of Kansas, Mr. BACA, Mr. PRICE of North Carolina, and Mr. WELCH.

H.R. 1067: Mr. WITTMAN.

H.R. 1074: Mr. POE of Texas, Mr. COFFMAN of Colorado, and Mr. WESTMORELAND.

H.R. 1080: Ms. ESHOO and Mr. SESTAK.

H.R. 1082: Mr. MCGOVERN.

H.R. 1103: Mr. HERGER and Mr. WITTMAN.

H.R. 1115: Mr. TERRY.

H.R. 1142: Mr. RAHALL.

H.R. 1144: Mr. HOLT.

H.R. 1146: Mr. SAM JOHNSON of Texas.

H.R. 1158: Mr. ROSS.

H.R. 1193: Mrs. NAPOLITANO and Mrs. CAPPS.

H.R. 1203: Mr. RYAN of Ohio, Mr. DOYLE, Mr. NYE, Mr. WELCH, and Mr. CONAWAY.

H.R. 1204: Mr. NEUGEBAUER.

H.R. 1207: Mr. PASCARELL, Mr. BOSWELL, Mr. BONNER, Mr. TONKO, Mr. MITCHELL, Mr. JOHNSON of Georgia, Ms. SHEA-PORTER, Mr. CARNEY, Mr. CHILDERS, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 1221: Mr. OLSON.

H.R. 1229: Mr. HELLER.

H.R. 1255: Ms. TSONGAS.

H.R. 1283: Mr. KLEIN of Florida, Mr. McMAHON, and Mr. YARMUTH.

H.R. 1308: Mr. DELAHUNT.

H.R. 1310: Mr. HARE.

H.R. 1327: Mr. LATTA and Mr. COFFMAN of Colorado.

H.R. 1346: Mrs. LOWEY.

H.R. 1362: Mr. INSLEE, Ms. WASSERMAN SCHULTZ, Mr. SNYDER, and Mr. REHBERG.

H.R. 1392: Mr. ALTMIRE.

H.R. 1398: Mr. MELANCON, Mrs. BIGGERT, Mr. MILLER of North Carolina, Mr. FLEMING, and Ms. HERSETH SANDLIN.

H.R. 1405: Mr. SESTAK and Mr. GRIJALVA.

H.R. 1425: Mr. FARR.

H.R. 1428: Mr. NYE, Mr. ROONEY, Mr. CONNOLLY of Virginia, Mr. CARTER, and Mr. WOLF.

H.R. 1441: Mr. GALLEGLY.

H.R. 1452: Mr. BOSWELL.

H.R. 1454: Mrs. BACHMANN.

H.R. 1505: Mr. DRIEHAUS, Ms. SHEA-PORTER, Mr. LOEBBESACK, and Mr. KUCINICH.

H.R. 1508: Mr. BOUCHER.

H.R. 1509: Mr. TONKO and Mrs. KIRKPATRICK of Arizona.

H.R. 1520: Mr. STARK.

H.R. 1523: Mr. HODES, Ms. DEGETTE, Ms. ESHOO, and Mr. DELAHUNT.

H.R. 1528: Mr. MORAN of Virginia and Ms. ESHOO.

H.R. 1530: Mr. MORAN of Virginia and Ms. ESHOO.

H.R. 1531: Mr. MORAN of Virginia, Ms. ESHOO, and Mr. MANZULLO.

H.R. 1548: Mr. PIERLUISI.

H.R. 1552: Mr. TONKO and Mr. RUSH.

H.R. 1587: Mr. TERRY.

H.R. 1600: Mr. SESSIONS and Mr. JOHNSON of Georgia.

H.R. 1608: Ms. FUDGE, Mr. GRIJALVA, and Mr. JACKSON of Illinois.

H.R. 1612: Mr. MCDERMOTT and Mr. MARKEY of Massachusetts.

H.R. 1616: Mr. PLATTS, Mr. GRIJALVA, and Mr. MCGOVERN.

H.R. 1670: Mr. DENT and Mr. FALEOMAVAEGA.

H.R. 1685: Mr. SESTAK.

H.R. 1688: Mr. BOCCIERI and Mr. ROGERS of Kentucky.

H.R. 1691: Mr. CAO and Mr. SABLAN.

H.R. 1708: Mr. SPACE and Mr. DELAHUNT.

H.R. 1724: Mr. TONKO.

H.R. 1740: Mr. MORAN of Kansas, Mr. BUCHANAN, Mr. AKIN, Mr. BARTLETT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah,

Mr. CAMP, Mr. CARTER, Mr. CASTLE, Mr. COBLE, Mr. COLE, Mr. DAVIS of Kentucky, Mr. EHLERS, Mr. FORBES, Mr. FRANKS of Arizona,

Mr. GOHMERT, Mr. GRAVES, Mr. HALL of Texas, Mr. HENSARLING, Mr. HERGER, Mr. INGLIS, Mr. KLINE of Minnesota, Mrs. LUMMIS, Mr. MICA, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. PENCE, Mr. RADANOVICH,

Mr. ROGERS of Kentucky, Mr. ROONEY, Mr. RYAN of Wisconsin, Mr. SOUDER, Mr. THORNBERRY, Mr. TIAHRT, Mr. WATT, and Mr. WEST-

MORELAND.

H.R. 1751: Mr. SCHIFF.

H.R. 1799: Mr. PETERSON.

H.R. 1826: Mr. FOSTER and Mr. DOGGETT.

H.R. 1894: Mr. REHBERG and Ms. DELAULO.

H.R. 1898: Mr. WU and Ms. MCCOLLUM.

H.R. 1912: Mr. HEINRICH.

H.R. 1924: Mr. LUJAN.

H.R. 1925: Mr. BRADY of Pennsylvania, Ms. BERKLEY, Mr. COHEN, Ms. WOOLSEY, Mr. RYAN of Ohio, Mr. QUIGLEY, Ms. SPEIER, and Ms. TSONGAS.

H.R. 1944: Ms. SCHWARTZ.

H.R. 1956: Mr. PASTOR of Arizona.

H.R. 1963: Mr. STARK.

H.R. 1977: Ms. KOSMAS and Mr. PUTNAM.

H.R. 1984: Mr. HONDA.

H.R. 1989: Mr. HINOJOSA.

H.R. 1993: Mr. HIMES.

H.R. 2001: Mr. SESTAK.

H.R. 2004: Mr. DINGELL, Mr. CAMP, Mr. CONYERS, Mr. EHLERS, Mr. HOEKSTRA, Ms. KILPATRICK of Michigan, Mr. LEVIN, Mr. MCCOT-

TER, Mrs. MILLER of Michigan, Mr. PETERS, Mr. ROGERS of Michigan, Mr. SCHAUER, Mr. STUPAK, and Mr. UPTON.

H.R. 2006: Mr. CROWLEY and Mr. DELAHUNT.

H.R. 2014: Ms. JENKINS and Mr. WALDEN.

H.R. 2017: Ms. MARKEY of Colorado, Mr. FRANK of Massachusetts, and Mrs. DAVIS of California.

H.R. 2035: Mr. OLSON.

H.R. 2058: Ms. GINNY BROWN-WAITE of Florida and Mr. LATHAM.

- H.R. 2060: Mr. BLUMENAUER.
H.R. 2072: Mr. MANZULLO.
H.R. 2076: Mr. SABLAN and Mr. MORAN of Virginia.
H.R. 2084: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2097: Mr. ADERHOLT, Mr. ROHR-ABACHER, Mrs. MALONEY, and Mr. MASSA.
H.R. 2109: Mr. LATHAM, Mr. KENNEDY, Mr. BOSWELL, Mr. CUMMINGS, and Mr. ADLER of New Jersey.
H.R. 2116: Mr. FATTAH.
H.R. 2123: Mr. COHEN, Mr. MILLER of North Carolina, Mr. SESTAK, and Mr. PITTS.
H.R. 2129: Mr. KAGEN.
H.R. 2149: Mr. LANGEVIN and Mr. TOWNS.
H.R. 2156: Mr. COHEN, Mr. FILNER, Mr. WU, and Mr. ROSS.
H.R. 2178: Mr. CONYERS and Mr. STARK.
H.R. 2195: Mrs. LOWEY, Mrs. MILLER of Michigan, Mr. BRADY of Pennsylvania, and Mr. SESTAK.
H.R. 2196: Mr. PIERLUISI.
H.R. 2222: Mr. SESTAK.
H.R. 2245: Mr. SAM JOHNSON of Texas, Mr. MASSA, Mrs. CAPITO, Mr. CALVERT, Mr. MCGOVERN, Mr. RUSH, Mr. WEXLER, Mr. ALEXANDER, Mr. BILBRAY, Mr. CONNOLLY of Virginia, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. ISRAEL, Mr. ISSA, Mr. HILL, Mr. PASCRELL, Mr. QUIGLEY, Mr. PIERLUISI, Ms. ROS-LEHTINEN, Mr. TANNER, and Mr. THOMPSON of Pennsylvania.
H.R. 2254: Mr. DEFAZIO, Mr. CAO, and Mr. WILSON of South Carolina.
H.R. 2256: Mr. RYAN of Ohio, Mr. BOCCIERI, Mr. ROTHMAN of New Jersey, Mr. GRIJALVA, Mr. CHANDLER, Mr. KIND, Mr. KUCINICH, and Mr. DAVIS of Illinois.
H.R. 2269: Mr. COHEN.
H.R. 2296: Mr. BOCCIERI, Mr. WESTMORELAND, Mr. MICHAUD, Mr. BOEHNER, Mr. POE of Texas, Mr. MINNICK, Mr. HOLDEN, and Mr. CHAFFETZ.
H.R. 2304: Mr. COURTNEY.
H.R. 2324: Mr. PASTOR of Arizona.
H.R. 2329: Mr. SESTAK and Mr. ELLSWORTH.
H.R. 2332: Mr. MEEKS of New York.
H.R. 2339: Mr. BISHOP of New York, Ms. DELAURO, and Mr. STARK.
H.R. 2360: Mr. ARCURI.
H.R. 2373: Mr. BISHOP of Utah, Mr. MCGOVERN, Mr. DELAHUNT, and Mr. WILSON of South Carolina.
H.R. 2390: Mr. SESTAK.
H.R. 2403: Mr. BOUCHER.
H.R. 2404: Mr. STARK.
H.R. 2414: Mr. WELCH, Mr. LATOURETTE, and Mr. GEORGE MILLER of California.
H.R. 2421: Ms. BERKLEY, Mr. HOLT, Mr. ING-LIS, Ms. KOSMAS, Mr. LANGEVIN, Mr. LATHAM, Mr. LOEBSACK, Mrs. LUMMIS, Ms. MATSUI, Mr. PERRIELLO, Mr. POE of Texas, Mr. ROE of Tennessee, Mr. SABLAN, Mr. SCHAUER, Mr. SENSENBRENNER, Ms. TITUS, Mr. VAN HOLLEN, Mr. NEUGEBAUER, Mr. BACHUS, Mr. EHLERS, Mr. MCHENRY, Mr. MILLER of Florida, Mr. FORBES, Mr. WALDEN, Mr. CRENSHAW, Mr. SIMPSON, Mr. OLSON, Mr. CULBERSON, Ms. GINNY BROWN-WAITE of Florida, Mr. BOEHNER, Mr. DONNELLY of Indiana, Mr. CANTOR, Mr. DAVIS of Kentucky, and Mr. SMITH of Nebraska.
H.R. 2452: Mr. PAUL, Mr. SCHOCK, Mr. MARIO DIAZ-BALART of Florida, and Mr. BOCCIERI.
H.R. 2478: Mrs. DAVIS of California and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2497: Mr. RODRIGUEZ.
H.R. 2499: Mr. SPRATT, Mr. PERLMUTTER, Mr. MCDERMOTT, Ms. FALLIN, and Mrs. MILLER of Michigan.
H.R. 2502: Mr. HOLT and Mr. MEEK of Florida.
H.R. 2520: Mr. MCCLINTOCK.
H.R. 2525: Mr. LOEBSACK.
H.R. 2533: Mr. ROONEY.
H.R. 2555: Ms. GIFFORDS, Mr. HILL, Mr. SIREs, Mr. CONYERS, Mr. COHEN, and Ms. DEGETTE.
H.R. 2560: Mr. CONNOLLY of Virginia.
H.R. 2561: Mr. JOHNSON of Illinois, Ms. ROS-LEHTINEN, Mr. SESTAK, and Mr. PAULSEN.
H.R. 2562: Mr. ALTMIRE, Mr. ROONEY, Mr. ABERCROMBIE, and Mr. GALLEGLY.
H.R. 2568: Mr. RUSH.
H.R. 2584: Ms. JENKINS.
H.R. 2593: Mr. SARBANES, Mr. ETHERIDGE, Mr. MORAN of Kansas, Mr. WITTMAN, Mr. WESTMORELAND, Mr. SMITH of Washington, Mr. BISHOP of New York, and Mr. FORBES.
H.R. 2607: Mr. SOUDER and Mr. MANZULLO.
H.R. 2648: Mr. ABERCROMBIE, Ms. LEE of California, Mr. SESTAK, Mr. HALL of Texas, Mr. KAGEN, Mr. LEWIS of California, and Mr. RANGEL.
H.R. 2662: Mr. BOREN, Mr. HOLT, Mr. PAULSEN, Mr. PIERLUISI, and Mr. ISRAEL.
H.R. 2669: Mr. SIREs and Mr. POLIS of Colorado.
H.R. 2670: Mr. REHBERG.
H.R. 2672: Mr. DAVIS of Alabama, Mr. MINNICK, and Mr. MANZULLO.
H.R. 2681: Mr. POLIS of Colorado.
H.R. 2743: Ms. KOSMAS, Mr. CLAY, Mr. HARE, Mr. FRANK of Massachusetts, Mr. MCCOTTER, Mr. HOLDEN, Mr. LOEBSACK, Ms. MCCOLLUM, Mr. CARSON of Indiana, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BISHOP of New York, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOSWELL, Ms. ROS-LEHTINEN, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Virginia, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. MASSA, Ms. FUDGE, Mr. MICHAUD, Mr. DOYLE, Mr. WELCH, and Mr. GENE GREEN of Texas.
H.R. 2750: Mr. LOBIONDO and Mr. GERLACH.
H.R. 2751: Mr. GRIFFITH, Mr. DONNELLY of Indiana, Mr. TURNER, Mrs. CAPPs, Mr. WELCH, Ms. KOSMAS, Mr. MAFFEI, and Ms. MOORE of Wisconsin.
H.R. 2760: Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPs, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HONDA, Mr. ISSA, Ms. RICHARDSON, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. THOMPSON of California, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY.
H.J. Res. 26: Mr. CONYERS.
H.J. Res. 37: Mr. CALVERT.
H.J. Res. 47: Mr. GARRETT of New Jersey and Mr. FORBES.
H.J. Res. 50: Mr. MILLER of Florida.
H.J. Res. 54: Mr. JORDAN of Ohio, Mr. ROGERS of Kentucky, and Mr. CHAFFETZ.
H. Con. Res. 49: Mr. PUTNAM, Ms. TITUS, Mr. LATHAM, Mr. MEEK of Florida, Mr. ETHERIDGE, Mr. CASTLE, Mr. KRATOVIL, Ms. KILROY, Mr. REICHERT, and Mr. FOSTER.
H. Con. Res. 59: Mr. DELAHUNT.
H. Con. Res. 121: Mr. MCINTYRE and Mr. WOLF.
H. Con. Res. 131: Mr. SMITH of Nebraska, Mr. BOOZMAN, Mr. CANTOR, Mr. TIM MURPHY of Pennsylvania, Mr. EHLERS, Mr. MCKEON, Mr. SHADEGG, Mr. HENSARLING, Mr. BROWN of South Carolina, Mr. ROSKAM, Mr. BROUN of Georgia, Mr. WAMP, Mr. MCCAUL, Mr. CAMP, Mr. PENCE, Mr. LANCE, Mr. OLSON, Mr. BACHUS, and Mr. SIMPSON.
H. Con. Res. 132: Mr. ROHRABACHER.
H. Con. Res. 142: Mr. FRELINGHUYSEN, Mr. SARBANES, and Mr. HINCHEY.
H. Con. Res. 144: Ms. SUTTON, Mr. GENE GREEN of Texas, Mr. PASCRELL, Mr. MCGOVERN, Mr. DAVIS of Illinois, Mr. OLVER, Mr. NUNES, and Ms. CLARKE.
H. Con. Res. 145: Mr. RANGEL.
H. Res. 6: Mr. KAGEN, Mr. KENNEDY, Ms. BORDALLO, and Mr. SESTAK.
H. Res. 69: Ms. CORRINE BROWN of Florida and Ms. DEGETTE.
H. Res. 89: Mr. SESTAK.
H. Res. 90: Mr. MORAN of Virginia.
H. Res. 111: Mr. LARSON of Connecticut and Mr. CALVERT.
H. Res. 150: Mr. SESTAK.
H. Res. 156: Mr. CALVERT.
H. Res. 260: Mr. SESTAK, Mr. ENGEL, Mr. DOYLE, Ms. BALDWIN, Ms. MATSUI, Mr. MURPHY of Connecticut, and Mr. SPACE.
H. Res. 278: Mr. JOHNSON of Georgia.
H. Res. 318: Mr. CALVERT, Mr. CARSON of Indiana, and Mr. TERRY.
H. Res. 346: Ms. RICHARDSON, Ms. BALDWIN, Mr. PASCRELL, Mr. DOGGETT, Mr. ISRAEL, Mr. HINOJOSA, Mr. RUSH, Mr. MOORE of Kansas, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Ms. KAPTUR, and Mr. SIREs.
H. Res. 350: Mr. EHLERS, Mr. PLATTS, Ms. HIRONO, Mr. LATA, and Mr. MCGOVERN.
H. Res. 351: Mr. PERRIELLO, Mr. BOCCIERI, and Mr. SHULER.
H. Res. 390: Mr. LAMBORN.
H. Res. 409: Mr. PETERS and Mrs. CAPITO.
H. Res. 411: Mr. MCHUGH, Mr. GALLEGLY, and Mr. CARDOZA.
H. Res. 454: Mr. VISCLOSKY.
H. Res. 475: Ms. HIRONO.
H. Res. 476: Mr. CAO, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, and Mr. PIERLUISI.
H. Res. 479: Mr. SHUSTER, Mr. ROSKAM, Mr. SMITH of Nebraska, Mr. STEARNS, Mr. SABLAN, Mr. MCKEON, Mr. CONYERS, Mr. COURTNEY, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. REYES, Ms. SUTTON, Ms. SHEA-PORTER, Mr. HASTINGS of Florida, Mrs. BIGGERT, Mr. DREIER, Mr. BACHUS, Mr. BROWN of South Carolina, Mr. DUNCAN, Ms. ROS-LEHTINEN, Mr. GOODLATTE, Mr. EHLERS, Mr. BOOZMAN, Mr. DANIEL E. LUNGREN of California, Mr. REICHERT, Mr. MILLER of Florida, and Mr. FORBES.
H. Res. 480: Mr. SESTAK.
H. Res. 482: Mr. BUTTERFIELD, Mr. MCINTYRE, and Mr. SHULER.
H. Res. 498: Ms. GRANGER, Mr. LUJÁN, and Mr. AL GREEN of Texas.
H. Res. 502: Ms. WATERS.
H. Res. 503: Mrs. DAHLKEMPER.
H. Res. 505: Mr. MEEK of Florida, Mr. HOLT, Mr. KENNEDY, Mr. MASSA, Mr. MURPHY of Connecticut, and Mr. GENE GREEN of Texas.
H. Res. 507: Mr. SESTAK, Mr. NEUGEBAUER, Ms. PINGREE of Maine, and Mr. MURPHY of New York.
H. Res. 515: Mr. BROUN of Georgia, Mr. HUNTER, and Mr. WILSON of South Carolina.
H. Res. 518: Mr. ABERCROMBIE and Mr. MORAN of Kansas.

PETITIONS, ETC.

Under clause 1 of Rule XXII.

47. The SPEAKER presented a petition of the American Bar Association, relative to a resolution approving the 2008 Amendments to the Uniform Interstate Family Support Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HONORING MAYOR GIGI GRUBER

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. ROSKAM. Madam Speaker, I rise today to honor a dedicated public servant from my Congressional District, Mayor Claudia "Gigi" Gruber of Itasca. After twelve years as Mayor, Gigi is stepping down.

In her first experience with elected public office, Gigi served one term as a Village Trustee in Itasca. Then, in May 1997, Gigi was elected Mayor of Itasca. Over the years, Gigi has been an insightful observer, keen in her understanding of the long-term challenges facing the Village. Throughout her career, she has tackled these challenges with deft skill, deep understanding, and strong personal integrity.

While constant change has brought a steady stream of new difficulties for Itasca to confront, one thing has remained the same. Mayor Gruber has kept a steady hand to the wheel, advising the Village Board and working tirelessly for the benefit of the community and her residents.

Gigi Gruber has been an advocate for the people of Itasca since her very first days in office. Gigi truly embodies the meaning of a public servant as she approaches her job with compassion and humility. In her time with the Village, she has shown true leadership to bring economic development to the area. Gigi has improved all of our lives and left an indelible impression on the Village of Itasca.

Madam Speaker and Distinguished Colleagues, Gigi Gruber is a remarkable leader who has dedicated her life to serving the people of Itasca. Please join me in recognizing her extraordinary service and wishing her every happiness in her life's upcoming endeavors.

A TRIBUTE IN REMEMBRANCE OF
MANUEL BURGOS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Manuel Burgos, a distinguished community activist of East New York.

Manuel Burgos is a true East New Yorker and operates the small business Rare Arts. Growing up in East New York during the 1970s enabled Mr. Burgos to see first hand how disinvestments, crime, lack of social services and inadequate healthcare effects the neighborhood he is from. Mr. Burgos decided to enter community service to enhance the atmosphere and nature of East New York.

Before he turned 13, Mr. Burgos had already participated in many vacant lot clean-

ups throughout the neighborhood. By his late teens he worked as a youth leader in his church's efforts to provide a Friday night safe haven for other youth in his neighborhood. At the age of 16, Mr. Burgos worked on a political campaign that made him realize political participation was the necessary means to effecting real change in communities like East New York. While in college he learned of the community organizing work of other young Latinos around the country and this shaped his future in critical ways.

Throughout his twenties, Mr. Burgos worked in his church as a youth mentor providing youth programming and a safe haven for teens. He worked in several nonprofits such as Cypress Hills LDC and the East New York Urban Youth Corps (ENYUUC) as a director for afterschool programming. While working for ENYUUC Mr. Burgos partnered with local police, community leaders, residents and merchants in a pilot program called Community Safety Initiative (CSI) to create a powerful problem solving consortium that was directly responsible for significant drops in violent crime. During this time, Mr. Burgos served as co-writer of the East New York Weed & Seed.

Today Mr. Burgos continues his work as a technical assistance provider on the local level, giving back to community projects that he helped build years ago. He has authored many papers on community-based collaborative problem solving and he developed a training guide on the same subject. His business, Rare Arts, is the mold of his writing and designing skills.

Madam Speaker, I urge my colleagues to join me in recognizing Manuel Burgos.

AARON MENDOZA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Aaron Mendoza who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Aaron Mendoza is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Aaron Mendoza is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Aaron Mendoza for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

HONORING WILL ORR FOR HIS APPOINTMENT TO THE UNITED STATES MILITARY ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that William Orr from Rome, Georgia, has received an appointment to the United States Military Academy. Will attends Darlington School, where he has a 3.93 Grade Point Average and has been selected as a member of the National Honor Society. In addition to his academic achievements, Will has also been an athletic star for Darlington, where he has played on Darlington's football, basketball, and soccer teams. He has earned varsity letters in four sports while at Darlington and was a captain on the football team for two years. Will is also very dedicated to public service and has participated in multiple mission trips with his church. Further, he has been selected to be a part of West Point's Summer Leadership Seminar.

Will Orr is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Military Academy. I ask that my colleagues take this time to congratulate Will as well as his parents, James and Jo Orr, for all of his accomplishments. It is because of dedicated young people like Will that America has the finest military in the world. Our nation is fortunate to have his service.

PERSONAL EXPLANATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. McHUGH. Madam Speaker, on Thursday, May 21, 2009, I was unavoidably delayed and unable to vote on rollcall Nos. 288 through 291. Had I been present, I would have voted "yes" on No. 288, "yes" on No. 289, "no" on No. 290, and "yes" on No. 291.

TRIBUTE TO SSG JEFFREY ALAN HALL

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to honor the memory of SSG Jeffrey Alan Hall.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

On June 1, 2009, Jeffrey Hall and two other soldiers were killed in Afghanistan by a roadside bomb west of Kabul. Jeffrey was part of the U.S. Army's 2nd Battalion in the 10th Mountain Division and had achieved his life-long goal of earning the distinction of serving as a U.S. Army Ranger. As our nation and my community struggles with this sudden loss, I would like to pause and recognize Staff Sergeant Hall and the ultimate sacrifice paid by him and his family.

Jeffrey was an eight-year veteran of the United States Army, earning many well-deserved awards and decorations including two Army Commendation Medals, the National Defense Service Medal, a NATO Medal and a Global War on Terrorism Expeditionary Medal. This was Jeffrey's third tour in Afghanistan. He was an American Hero who believed in his mission and told his father that this was a sacrifice he was willing to make to protect his country and the freedoms we enjoy.

Jeffrey Hall was a soldier but he was also a loving son to his parents Charles and Annette, a devoted husband to his wife Allison and eleven months ago became a father to Audrey Faith. Jeffrey loved life and his family and the outpouring of love and affection by his family and friends is the real tribute to the man that he was and the life that he led.

Staff Sergeant Hall is an inspiring example that we can all look up to and aspire to be like. He put the safety of all Americans before his own, and the people of this nation will be forever grateful. He motivated and inspired those around him and will be greatly missed by all who knew him, and by those who never had the honor and privilege of meeting him.

Our country lost a great soldier and an even better son last Monday. All of us in north Alabama are deeply saddened by Jeffrey's passing. On behalf of the entire community in the Tennessee Valley, across Alabama and a grateful nation, I rise today to remember SSG Jeffrey Allen Hall and to pay tribute to his honor, his sacrifice and his memory.

PERSONAL EXPLANATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. BACA. Madam Speaker, please excuse me for departing early on Thursday, June 4, 2009. I left for personal reasons due to the severe illness of my brother. If I would have been here, I would have voted for H.R. 626, the Federal Employees Paid Parental Leave Act of 2009.

A SPECIAL TRIBUTE TO THE RETIREMENT OF RICHARD A. GILTS AS PERRYSBURG POLICE CHIEF

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I pay a very special

tribute to an outstanding Police Chief in the Fifth District of Ohio. Richard A. Gilts of Perrysburg, Ohio has been serving the area for Thirty-Nine years, where he was promoted as the Sixth Chief of Police of Perrysburg in 2003.

Madam Speaker, there is no question that the safety of our citizens is vital. In January of 1976, when Richard was hired on to the Perrysburg Police Division, he rose through the ranks to become Sergeant in 1983 and Lieutenant in 1993. The safety of its citizens is of utmost importance to the city. Chief Gilts has demonstrated his commitment to this goal through his involvement in programs such as Safety Town, D.A.R.E., and the Perrysburg Police Foundation. Chief Gilts was an active member of Rotary International, having served as the President of the Perrysburg Rotary Chapter from 2005 to 2006.

On August 12, 2004, Chief Gilts dedicated a new 26,000 square foot police facility, which replaced the 4800 square foot station that was constructed at the same location in 1965. On August 28, 2004, Chief Gilts and the Police Division assisted with operational matters during a visit by President George W. Bush at the historic Fort Meigs Memorial Park. In the week leading up to the event, Chief Gilts and the Department were consumed by logistical and tactical issues, such as procurement and placement of equipment and props, fencing, barriers, site and crowd security, medical assistance, personnel scheduling and perimeter security.

Madam Speaker, I ask my colleagues to join me in paying special tribute for the service of Chief Gilts. On behalf of the people of the Fifth District of Ohio, I wish Chief Gilts all of the best in his future endeavors.

A TRIBUTE IN REMEMBRANCE OF RONALD S. CLINTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ronald S. Clinton, dedicated community leader and advocate.

Ron Clinton's remarkable twenty year experience is highlighted by a personal dedication to organizational effectiveness and empowering others to succeed. He has devoted most of his professional services to the areas of assessment, consultation, development, planning and management services for small, mid-size and large companies.

Mr. Clinton graduated from Boriqua College with a bachelor's degree in Human Services. He continued his graduate studies at Yeshiva University where he received his Masters of Social Work and specialized in community organizing. It was during this time that Mr. Clinton pursued and developed Helping Hands Unlimited, Inc. (HHU), a not-for-profit organization. It was through HHU that Mr. Clinton created and committed himself to the mission of bringing qualified health professionals into impoverished communities to ensure the delivery of quality care.

Mr. Clinton is President and Founder of Helping Hands Unlimited, Inc. He has rep-

resented clients in various capacities working closely with inter-governmental affairs at the city, state and federal levels ensuring the public interest of his clients. One of his paramount goals is to build a creative and aspiring consulting company over a strong foundation and guiding principles of leadership and success.

As a community leader and activist, Mr. Clinton serves on numerous boards and committees. His drive and passion for effecting positive change are evident through his personal efforts and commitment to stay involved in community service. The vast influential relationships he built over the years strengthened his solid position among his colleagues. Mr. Clinton served as the vice president of Pueblo democratic club in Williamsburg/Bushwick. He was elected as the Democratic Party's Kings County delegate for Al Gore's presidential candidacy. Mr. Clinton ran for the New York City Department of Education School District 32 School Board in 2002. In 2004, Mr. Clinton ran for New York State Senate and served as co-chair of the East New York and Brownsville HIV Care Network and is currently serving as chairperson of Woodhull Medical Center North Brooklyn Network Community Advisory Board.

Mr. Clinton enjoys spending time with his ten-year-old son, Ronald, coaching baseball, basketball and wrestling.

Madam Speaker, I urge my colleagues to join me in recognizing a man of great conviction and dedication to community service, Ronald S. Clinton.

EMANUEL MENDEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Emanuel Mendez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Emanuel Mendez is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Emanuel Mendez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Emanuel Mendez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

MEDICARE TRANSITION CARE ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Medicare Transition Care Act of 2009.

When people leave the hospital after an operation or illness, they are often overwhelmed by a complicated and risky road to recovery. Patients frequently report difficulty remembering clinical instructions, confusion over medications, and, in cases where multiple providers are involved, often get conflicting instructions from different providers. Providing a transitional care benefit within Medicare will help coordinate care, develop a care plan for patients and their caregivers, identify potential health risks, and prevent unnecessary hospitalizations.

This bipartisan legislation gets to the heart of improving quality while reducing costs. A study published in April 2009 in the New England Journal of Medicine found that almost one-third of Medicare beneficiaries studied who were discharged from a hospital were re-hospitalized within 90 days. Additionally, one-half of the individuals re-hospitalized had not visited a physician since their discharge, indicating a lack of follow-up care. The study estimated that Medicare spent \$17.4 billion in 2004 on unplanned re-hospitalizations.

The Medicare Transition Care Act will directly address continuity of care problems by increasing support to patients as they move from the hospital to their new care setting and ensuring that appropriate follow-up care is provided during this vulnerable period. The benefit would be phased-in, initially targeting just the most at-risk individuals by providing evidence-based transitional care services tailored to their specific needs.

I am proud to partner with Congressman BOUSTANY, a cardiothoracic surgeon, on this commonsense legislation that will improve the quality and efficiency of our health care system.

HONORING THE INDIANA NATIONAL GUARD'S 1313TH ENGINEER COMPANY WHO WILL SOON BE DEPLOYING TO IRAQ

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. HILL. Madam Speaker, today, I would like to pay honor to the Indiana National Guard's 1313th Engineer Company, who will be deploying to Iraq in July and spending the next year there. These brave citizen soldiers, based out of Camp Atterbury in Edinburgh, IN, will be conducting a wide range of engineering missions in support of Operation Iraqi Freedom; including searching for improvised explosive devices, building roads and bridges, and, in general, improving lives to both our service personnel in Iraq and Iraqi civilians.

I am confident that their skilled work and dedication to duty will save lives, improve conditions in Iraq, and ultimately work toward the completion of our country's mission in Iraq.

I would also like to honor the families of these Guardsmen, who without their love and support, would make this already difficult task that much more challenging. They too share in the hardships of military service, and they too deserve our utmost thanks and respect.

These brave Hoosier Guardsmen and their families will be in my thoughts and prayers.

CONGRATULATING RAMSEY POLICE DEPARTMENT D.A.R.E. PROGRAM STUDENTS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GARRETT of New Jersey. Madam Speaker, today, the Ramsey Police Department will hold its D.A.R.E. graduation ceremony with the students from the John Y. Dater and St. Paul Interparochial Schools. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and gang violence. They have done this with the support of Chief of Police Bryan Gurney and the brave men and women of the Ramsey Police Department.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our nation's school districts and in more than 43 other nations. This program allows children to defeat the negative cultural influences that they are challenged with daily by opening the lines of communication between law enforcement and youth and empowering them with confidence and courage to say no to drugs.

I am proud of the young boys and girls who participated in this program in Ramsey, and I would like to recognize them all for taking this step toward positive citizenship:

Mark Andersen, Michael Babikian, Samuel Berman, Brianna Bussiere, Olivia Carriero, Michael Cassella, Francesca De Palo, Matthew De Pinto, Sonny Del Valle, Ross Farcas, Fiona Flood, Melanie Greenberg, Dwight Han, Sarah Hattar, Lindsay Hoffman, Morgan Kleinberg, Julie McNamara, Justin Millet, Brandon O'Callahan, Courtney Schreiber, Ryan Scialla, Nikita Serafin, Ashley Sicard, Jacob Simpson, Zachary Becher, Jessica Bell, Jacob Berkofsky, Kaley Bogden, Michael Brunton, Elizabeth Burch, Michael Careccia, Connor Chamberlin, Kara Checke, Emily Derleth, Marc Doran, Shannon Fine, Joseph Frohlich, Christina Goudelias, Joseph Guthrie, Patrick Journick, Brian Lander, Elaine Les, Emmanuel Lugo Abreu, Brandon Mazzola, Rebecca Moya, Allison Murphy, Stephen Pirro, Kelly Richter, Alaina Sebes, Lucas Alvarez, Rosemary Arpino, Christopher Di Palma, Katherine Donnelly, Daniel Donovan, Ryan Faulkner, Thomas Feehan, Daniel Giallombardo, Meredith Halik, Haruna Ishii, Kevin Johns, Melissa Lara, Devan Larson, Maria Martino, Jesse Mitchell, Megan Murphy, Mariana Perez, Eric Pflugfelder, Stephen Porter, Christine Song, Austin Triglia, Kayla Vanderbilt, Siera Vari, Alexandra Aloj, Robert Beers, Joshua Bialkin, Emma Bogaenko, Megan Bosso, Gregory Botz, Carlie Capela, Joseph Carroll, Nicole De Franco, Matthew Donnelly, Bridget Gregory, JohnEric Hornyak, Ashley Houser, Kenneth Kasprzak, Kevin Latz, Kellen McDonald, Peter McNally, Kazuki Miyamoto, Amanda Nedelkoff, Bridget Quinn, Victoria Stitz, Samantha Stollman, Caitlin Sweeney, Evan Szucs, John Alicandri, Jenna Bahnsen, Olivia Cseh, Matthew Desimone, Conor Dobson, Olivia Gilligan, Mackenzie Juhlin, Elise

Kelly, Sean Kopczynski, Kelsey Larkin, Erin Latz, Katherine Lenahan, Garrett Mast, Kathryn Miller, Jennifer Monteith, Patrick O'Keefe, Jeffrey Padovano, Jacqueline Pesco, Sean Riordan, Jared Schwarz, Alexander Sebastiano, Haydn Van Dyk, Lauren Venturini, Kaitlyn Zwerling, Sarah Ahearn, Kayla Azouri, Danny Balbuena, Tye Baruffaldi, Nicole Borbone, Samuel Brickman, Gabrielle Daniels, Kristen Foelsch, Anne Glerum, Jake Gursaly, Josue Herrera, Siranush Hovhannysyan, Kathryn Iannuzzi, Kazel Kapadia, Brendan Mahon, Peter Mariani, Robert McOwen, Victoria Medicott, David Mende, Harrison Mobbs, Jessica Pevny, Elena Polin, Henry Ruitenbergh, Ryan Shevlin, Christopher Spittler, Kimberly Tuntigian, Brita Andersen, Taylor Corbett, Julia D'Antonio, Matthew Davidson, Sean Donnelly, Sean Donohue, Timothy Finnegan, Lillian Hong, Samantha Hotz, Harrison Illes, Brendan Jahnke, Khadija Khan, Lily Kramer, Brian Kurnentz, Lacey Laggan, Thomas Lanning, James Messina, John Milligan, James O'Keefe, James Pupalaikis, Alyssa Rose, Breanna Russell, Elisa Silecchia, Kara Sutcliffe, Anna Wanner, Jack August, Brooke Bernier, Carlo Alberto Bolognini, Kelly Carolan, Jake Cataldo, Christina Cowie, Deanna De Luca, Brooke Dommengue, Matthew Eng, Jacob Englishman, Zachary Gampel, Evan Graf, Rio Greenshields, Beatrice Lee, Chae Young Lee, Matthew Lee, Daniel Moon, Kyle Pacenza, Arpeet Patel, Emily Patunas, Madison Smith, Brooke Tommaney, Hannah Tracy, Heather Wang, David Acampora, Antonio Belmonte, Paige Cassella, Michael Cirilli, Ethan Cohen, Samantha Creamer, Athena Davis, Lia DiPiazza, Brianna Francis, Brianna Jakus, Matthew Lowery, Wesley Ng, Ian Quin, Basit Qurbanzada, Adam Reisfield, Alexa Remia, Zachary Rockefeller, Bridget Scanlon, Thomas Scanlon, Jonathan Scheibenpflug, Shayna Scott, Jeong Seo, Ashley Silecchia, Emily Yankovich, Laura Branna, Kyle Buser, Dale Cheyne, Sophia Colon, Pauline Crepy, William Danz, Kyle DeBel, Amber Finkeldey, John Gaffney, Lina Hyman, Julianne Kadien, Alexandra Kilkenny, Julia Kissel, Kendall Magennis, Thomas McCormack, Michael McGuirk, Jannica Mendez, Aleasa Molinari, Matthew Myhr, Matthew San Julian, Margaret Schiazza, Evan Shi, Michael Turso, Peyton Wejnert, Min Soo Kang, Scott Balcom, Bridget Beyer, Emily Boylan, Kevin Caroli, Sophie D'Souza, Lauren Gallagher, Yeonsoo Kim, Jack Kuipers, Connor LaSpina, Jeffrey Lieto, Margaret McCarthy, Ryan McKenna, Justin Murad, Kerri-Anne Nicholson, Rosemary Pawloski, Brandon Potenza, Nicholas Proscia, Tyler Ramirez, Hayley Rieman, William Romano, Melissa Samanoglu, Nicholas Scavone, Kathleen Smith, Alexander Tekerian, Daniel Tuite, Roberto Paraz, Michael Han, and Issaac Utter.

I would also like to take this opportunity to recognize Patrolman Timothy Shoemaker, Lead D.A.R.E. Instructor for the Ramsey Police Department. A thirteen-year veteran of the force, Patrolman Shoemaker was recently honored as the New Jersey D.A.R.E. Officer of the Year. As Patrolman Shoemaker told the Bergen Record, "A policeman needs to be a leader and a role model in the community. I'll protect you from the bad guys. But, also, if

you're going through something tough . . . a policeman can be your friend." Patrolman Shoemaker has daily lived up to these words. All who interact with Patrolman Shoemaker—criminals aside—can't help but sing his praises, and today I add my voice to the choir. I commend this humble and dedicated public servant on this well deserved recognition. I know Ramsey students and parents alike would join me in saying that our streets are safer and communities stronger for his presence.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed three votes. I would have voted:

Rollcall No. 311, on the motion to suspend the rules and agree to H.R. 1736, the International Science and Technology Cooperation Act of 2009, I would have voted "yea."

Rollcall No. 312, on the motion to suspend the rules and agree to H.R. 1709, the STEM Education Coordination Act of 2009, I would have voted "yea."

Rollcall No. 313, on the motion to suspend the rules and agree to H. Res. 420, Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day, I would have voted "yea."

A TRIBUTE IN REMEMBRANCE OF REVEREND DOCTOR PASTOR LAURENT LOUIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Reverend Doctor Pastor Laurent Louis, a man dedicated to serving God, his family and the community.

Pastor Laurent Louis was born on February 12, 1956 in Port-au-Prince, Haiti. He attended Lycee Petion a school that stressed duty, responsibility and serving others. In June 1978, he graduated high school and studied theology at the International Seminary of California. He is a caring father, loving husband, devoted pastor and a committed community leader.

At the age of 15, Pastor Louis began serving his church and the community with great respect and responsibility. He taught Sunday school and led the youth to a spiritual and disciplined life while devoting time and energy to his community. People in his community elected him to be the General Secretary of the soccer teams of the Croix Des Bouquets. He later became a sports broadcaster and an impartial referee in his sportive career. He knew health and sports can lead to good academics and a successful life.

Pastor Louis came to New York City in January of 1981 and soon fell in love with the Big

Apple. He saw the need for his community to organize spiritually, and he immediately joined Emmanuel Baptist Church. It did not take his pastor long to discover Pastor Louis' leadership and appointed him assistant pastor, youth president and leader of the missionary. He accomplished his mission so well that when there was a need for a station church at Coney Island, Pastor Louis was selected to take on the task; within a few months there were 40 members.

Pastor Laurent Louis also founded an academic club to have students help one another. He understood how to bring good people together from the community to help in this endeavor. This club saved many young students and 95 percent succeeded academically. With good will and the help of good people, Pastor Louis was able to accomplish so much for his community.

Pastor Louis has been happily married for 25 years, and enjoyed a successful life with his wife Marie Mireille Louis and their six children. His first daughter Deborah, his sons Nathanael and Benjamin are attending college. His daughters Eltamar and Jessica are in high school and Johanna is in elementary school.

Madam Speaker, I urge my colleagues to join me in recognizing Pastor Laurent Louis.

JUSTIN McADOW

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Justin McAdow who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Justin McAdow is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Justin McAdow is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Justin McAdow for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

HONORING DUNCAN HALL FOR HIS APPOINTMENT TO THE UNITED STATES NAVAL ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his

country. I am proud to announce that Duncan Hall from Kennesaw, Georgia has received an appointment to the United States Naval Academy.

Duncan attends North Cobb High School, where he has a 4.104 Grade Point Average and is the Vice President of the student body. Duncan is the Commanding Officer of the North Cobb and Harrison High School NJROTC Unit and has been the NJROTC Unit Academic Team Commander for the past two years. Duncan also serves as NJROTC Academic Tutor and a Character Education Advisor for Underclassman. He was presented the Theodore Roosevelt Youth Medal for Outstanding Performance of Duty in the NJROTC program by the Navy League of the United States and was selected as the Atlanta Metropolitan Navy League's 2nd runner up for Cadet of the Year. Duncan has also been recognized with the American Legion's Scholastic Achievement Medal.

In addition to Duncan's focus on academics and military preparation, he has remained very active in extracurricular activities, lettering on both North Cobb's track and cross country teams. Duncan Hall is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Naval Academy. I ask that my colleagues take this time to congratulate Duncan as well as his parents, Duncan and Stefani Hall, for his accomplishments. It is because of dedicated young people like Duncan that America has the finest military in the world. Our nation is fortunate to have his service.

PERSONAL EXPLANATION

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. HODES. Madam Speaker, I missed the following votes on June 8, 2009. I would have voted as follows:

(1) Rollcall vote 311—H.R. 1736—International Science and Technology Cooperation Act of 2009 (Representative BAIRD—Science and Technology)—"yea"

(2) Rollcall vote 312—H.R. 1709—STEM Education Coordination Act of 2009 (Representative GORDON—Science and Technology)—"yea."

(3) Rollcall vote 313—H. Res. 420—Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day (Representative LATA—Oversight and Government Reform)—"aye."

PERSONAL EXPLANATION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. JOHNSON of Georgia. Madam Speaker, I regret that I was unavoidably detained and was unable to vote on Thursday, the 4th of June. Had I been present, I would have voted:

"No" on rollcall vote No. 309, On Motion to Recommit with Instructions to H.R. 626.

"Yea" on Final Passage of H.R. 626, Federal Employees Paid Parental Leave Act of 2009.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PUTNAM. Madam Speaker, on Monday, June 8, 2009, I was not present for 3 recorded votes. Please let the record show that had I been present, I would have voted the following way:

Roll No. 311—"yea," Roll No. 312—"yea," Roll No. 313—"yea."

IN HONOR OF JAMES E. LEIGHTY,
LIEUTENANT COLONEL, USMC

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. MURTHA. Madam Speaker, I rise today to pay tribute to Lieutenant Colonel James E. Leighty, USMC, upon his retirement after twenty years of service to the Marine Corps and to the Nation. My initial experience with Lt. Col. Leighty was when he was selected to serve as a Congressional Fellow in my office in 2004. During this period, he displayed a dedication to duty and a maturity that represent the finest attributes of the men and women wearing our Nation's uniform. After completing his fellowship, Lt. Col. Leighty was assigned to the Pentagon, assuming the vitally important position as the principal Marine Corps Appropriations Liaison Officer. In that capacity, he was the primary source of information and education regarding Marine Corps programs for the Members and staff of the Congress' Appropriations Committees. Lt. Col. Leighty was instrumental in articulating Marine Corps requirements on a wide range of issues, from the needs of our Wounded Warriors and their families to the requirements of Marines on the front lines in Iraq.

In addition, Lt. Col. Leighty often accompanied Members of Congress and their staff on official travel to various locations around the world. During these trips, he was always focused, enthusiastic and totally knowledgeable on the Marine Corps. He provided valuable insights to all those he accompanied.

Lt. Col. Leighty was born in Roseburg, OR and graduated from the University of Rochester in 1989 with a degree in Economics and Political Science, and received his commission through the NROTC program. His various assignments included a tour as a Budget Officer with the Marine Corps Systems Command in Quantico, VA, Deputy Comptroller for the 3d Marine Division in Okinawa, Comptroller for the 12th Marine Corps District aboard Marine Corps Recruit Depot, San Diego, and analyst within Programs & Resources, Headquarters Marine Corps. He has attended the Amphib-

ious Warfare School at Quantico, and the Naval Postgraduate School in Monterey, California.

Lt. Col. Leighty's personal awards include the Meritorious Service Medal and the Navy and Marine Corps Achievement Medal.

On behalf of the United States Congress, I wish to express my sincere thanks for his hard work, selfless service, and dedication to the Marine Corps. I want to personally wish him and Jayne continued success in all their future endeavors.

A TRIBUTE IN REMEMBRANCE OF
RONALD LAW

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ronald Law, a dedicated public servant of New York.

Ronald Law has spent his career in both public and private sectors as an advocate for education, health care, community development, business management and human rights. Mr. Law has held key positions in city, state and federal government. He has served two governors, a United States Senator and New York City Mayor. He has an undergraduate degree from the State University of New York at New Paltz and is a graduate of Harvard University's Kennedy School of Government.

Mr. Law began his career in 1976 as a member of the advance and scheduling team for the mayoral candidacy of then Manhattan Borough President Percy Sutton. In 1978 he joined the staff of Governor Hugh L. Carey, as a confidential assistant. In July of 1985 Mr. Law was appointed Executive Director of the Paul Robeson Health Organization in Central Harlem, a fee-for-service health care facility offering 32 medical services. Upon leaving the Paul Robeson Health Organization, he became the Executive Director of the Center for the City, an organization sponsored by the New York City Council of Churches. Mr. Law directed IDS education, drug prevention, emergency shelter and community outreach for this organization.

In 1990, Governor Mario M. Cuomo appointed Mr. Law Director of the New York State Crisis Prevention Unit within the New York State Division of Human Rights. In 1993, Mr. Law joined the staff of the U.S. Senator Daniel Patrick Moynihan as the New York Regional Director. In 1996, he joined Mayor Rudolph W. Giuliani's administration as the chief of staff for Deputy Mayor Rudy Washington. Today he is the Director of Intergovernmental Relations for Metro Plus Health Plan, a subsidiary of the New York City Health & Hospitals Corporation.

Mr. Law is a member of the New Paltz Foundation which raises funds for scholarships, campus programs and student/faculty mentoring experiences. Mr. Law has published an article on health care in *The Review of Black Political Economy*.

Madam Speaker, I urge my colleagues to join me in recognizing Ronald Law and his many contributions to New York.

KAITLYN MAZZONE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kaitlyn Mazzone who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kaitlyn Mazzone is a senior at Arvada West High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kaitlyn Mazzone is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kaitlyn Mazzone for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING SCOTT ROWE FOR HIS
APPOINTMENT TO THE UNITED
STATES NAVAL ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Scott Rowe from Kennesaw, Georgia has received an appointment to the United States Naval Academy. Scott attends Harrison High School, where he has a 3.75 Grade Point Average and has earned the College Board AP Scholar Award. Scott is also a member of Mensa. In addition to Scott's focus on academics, he has remained very active in extracurricular activities. He is on Harrison's wrestling and swim teams and is President of the school's Integri-ty Team.

Scott is also very involved in community service activities, such as Habitat for Humanity. Scott Rowe is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Naval Academy. I ask that my colleagues take this time to congratulate Scott as well as his parents, Larry and Barbara Rowe, for his accomplishments. It is because of dedicated young people like Scott that America has the finest military in the world. Our nation is fortunate to have his service.

TRIBUTE TO JOHNSON COUNTY ASSISTANT ELECTION COMMISSIONER KAREN BROWNING

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. MOORE of Kansas. Madam Speaker, I am pleased to have this opportunity to pay Karen Browning, who recently stepped down after 41 years of service with the Johnson County, Kansas, Election Office, including 27 years as Assistant Election Commissioner.

Dedicated, experienced public servants like Karen Browning are the glue that holds government together at all levels, but they often do not receive the respect and consideration that they deserve. Karen Browning's retirement took from her office 41 years of deep devotion to her community and an intricate knowledge of the rules and history of Johnson County elections—a background that the citizens of Johnson County will find to be irreplaceable. I am pleased to have this opportunity to share with the other members of the House of Representatives a brief profile of Karen Browning which recently was published in the Johnson County Sun. I know that all Johnson Countians join with me in wishing Karen Browning all the best as she embarks upon her much deserved retirement, and we also thank her for her years of dedicated service and work to ensure that Johnson County elections have been conducted in a manner above reproach.

ELECTION OFFICIAL RETIRES AFTER SERVING 40 YEARS

(By Chuck Kurtz)

It was a one-issue, one-candidate "election" and assistant election commissioner Karen Browning cast the only vote: "Yes to Proposition Retirement."

After nearly 41 years with the Johnson County Election Office in Olathe, Browning officially retired May 22; a reception in her honor is planned for 3 to 6 p.m. June 17 at the Election Office, 2101 E. Kansas City Road, Southeast of Bass Pro, where Kansas Secretary of State Ron Thornburgh will pay tribute to her service.

Also speaking will be County Chairwoman Annabeth Surbaugh and Johnson County Election Commissioner Brian Newby.

Browning said she always will look back on her career with great fondness.

"My time at the Election Office was an incredible experience, full of hard work, passion for elections and democracy," she said. "It has been a great career that I have always enjoyed, but it's time for a new chapter in my life and to take it easy." In the past 40 years Browning has: Worked in more than 200 Johnson County elections, including 11 presidential elections; Served under six of Johnson County's eight election commissioners and 32 county commissioners; and, Watched the county's voter registration increase almost fourfold.

She said she welcomed the end to hand-counting thousands of paper ballots when the county switched to touch-screen voting machines. Counting paper ballots is time consuming, she said, and computers bring quicker results and less stress.

Browning's passion for the importance of voting was instilled in her as a child.

"My folks always talked about voting and how important it was," she said. "I started

when I was young. Voting was already an important part of my life."

That led to her passion for doing her best as an employee at the election office. Newby said Browning was a walking encyclopedia and office historian. She has complete records on every election since she has been with the county.

"If anyone has a question about a past election, Karen is the person to ask," he said.

"She has given so much to our county and to our voters; she provided the best return on tax dollars that could ever be imagined," Newby said. "She leaves with the distinction of being the most effective election office employee ever in Johnson County."

In Browning's first presidential election Nov. 5, 1968, a total of 88,314 of Johnson County's 100,610 registered voters cast their ballots. In her last presidential election, Nov. 5, 2008, a total of 285,001 of the 364,441 registered voters cast ballots.

Her first job at the election office was as a key punch operator since all voter registration cards and reports were typed by hand.

"When we processed registrations, we typed them into the books that went to the polling places," she said. "We typed men on one page and women on another, which I found very interesting."

Newby said Browning has been instrumental in the evolution of the voter registration process, which she has overseen for many years.

In 1978, Browning was named election clerk supervisor followed by election manager in 1979 with primary responsibilities for voter registration and list maintenance.

She has served as assistant election commissioner the past 27 years.

Browning also has overseen Census and mapping operations, and knows Johnson County geography like the back of her hand, since any "visible ground feature" might someday be needed as a precinct boundary.

Although the election process has experienced significant changes over the years, Browning said one thing has not changed. The integrity of the ballot, even from a touch-screen voting machine, is still held sacred, and that requires rigorous adherence to the office's confirmation procedures, she said.

Browning has mixed feelings about leaving Johnson County public service, but admits she will miss the people.

"Elections begin and end with people," she said.

In retirement, Browning plans to spend more time with her family, and continue to volunteer in her many civic and church activities.

Her family includes three sons, three grandchildren, and two great-grandchildren.

"We will miss her and wish her well," Newby said, "but we are gratified to know that she will always be a phone call away to advise us if we have a thorny issue. We even offered—threatened, I guess—to continue equipping her with a Blackberry so she could still be in the e-mail loop and give us guidance."

So far, no response from Browning.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on ear-

marks, I am submitting the following information in regards to the Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill and the Fiscal Year 2010 Homeland Security Appropriations Bill.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill

Account: OJP-Byrne

Requesting Entity: Southeast Missouri Network Against Sexual Violence

Address of Requesting Entity: 1106 Missouri Avenue, West Plains, Missouri 65775

Description of Request: To provide an earmark of \$200,000 to the Southeast Missouri Network Against Sexual Violence (SEMO NASV) to equip and staff an office in the Bootheel of Missouri to assist victims of domestic and sexual violence, as well as support local law enforcement investigations. SEMO NASV provides services to over 700 adult and child victims of sexual and physical abuse. The organization serves a 10 county region in Southeastern Missouri. It plays a vital role in the process of convicting sex offenders, provides counseling and other services to victims. The funds will be spent as follows: \$126,000 for personnel, \$59,000 for equipment, \$12,000 for office space, and \$3,000 for training and travel.

Requesting Member: Representative JO ANN EMERSON

Bill Number: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill.

Account: COPS-Meth

Requesting Entity: Southeast Missouri Drug Task Force

Address of Requesting Entity: P.O. Box 1763, Sikeston, Missouri 63801

Description of Request: Provide an earmark of \$200,000 to supplement and support operations of the Southeast Missouri Drug Task Force (SEMO DTF). SEMO DTF is a multi-jurisdictional drug task force unit that serves a 10-county area of Southeast Missouri. The unit conducts both covert and overt investigations into the possession, manufacture, and distribution of controlled substances. The funds will be spent as follows: \$32,000 for personnel, \$89,000 for overtime compensation, \$66,000 for equipment, \$4,500 for telecommunication services, \$6,000 for supplies, and \$2,500 for personnel expenses.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill

Account: COPS-Meth

Requesting Entity: Mineral Area Drug Task Force/City of Leadington, Missouri

Address of Requesting Entity: P.O. Box 349, Farmington, MO 63640

Description of Request: Provide an earmark of \$200,000 to assist with funding Mineral Area Drug Task Force's enforcement efforts in locating, dismantling, and reducing the number of methamphetamine laboratories within the area of their operation. Approximately \$124,000 is for the purchase of equipment to assist officers in their investigations, \$36,000 is for overtime for officers assigned to methamphetamine investigations, \$16,000 is for office and field supplies to assist officers in the preparation of reports and to provide supplies

to facilitate the processing of clandestine labs, and \$24,000 is for travel and training to equip officers with the knowledge to efficiently perform their duties.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill

Account: COPS-Meth

Requesting Entity: Howell County, Missouri

Address of Requesting Entity: 1106 Missouri Avenue, West Plains, Missouri 65775

Description of Request: Provide an earmark of \$250,000 for the South Central Drug Task Force to enhance drug enforcement in project area. South Central Drug Task Force is a multijurisdictional drug enforcement task force, and an existing HIDTA initiative within Midwest HIDTA, comprised of federal, state, and local law enforcement officers including nine Sheriffs Departments, Municipal Police Departments, Missouri State Highway Patrol, United States Forest Service, and United States Park Service. Approximately \$50,000 in overtime funding for existing narcotics officers; \$122,500 for technical surveillance and reporting equipment; \$65,000 for civilian personnel/Intel analyst; and \$12,500 for consumable supplies.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill

Account: COPS-Law Enforcement Technology

Requesting Entity: St. Francois County, Missouri

Address of Requesting Entity: 102 Industrial Drive, Park Hills, MO 63601

Description of Request: Provide an earmark for the Southeast Missouri Law Enforcement District for \$697,000 project for the following counties of the 8th Congressional District to acquire and greatly benefit from availability of a Law Enforcement Visual Tool: Iron, Washington, and Bollinger. Federal, state, and local agencies will have a common tool to jointly manage emergencies. The project enhances public safety, officer safety, by placing sophisticated geospatial intelligence information in the hands of emergency responders. The funding would be used as follows: \$12,000 for project administration, \$675,000 for image libraries, and \$10,000 for equipment.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Homeland Security Appropriations Bill

Account: State and Local Programs

Legal Name of Requesting Entity: Howell County Emergency Preparedness

Address of Requesting Entity: 3 Courthouse, West Plains, Missouri 65775

Description of Request: Provide an earmark for \$250,000 for an Emergency Operations Center in West Plains, Missouri. The Emergency Operations Center will serve the residents of Howell County and surrounding counties in the region in case of any natural or man-made hazards. The funding is budgeted at approximately \$7,275 for administrative and legal expenses; \$81,000 for land, structures, right-of-ways, appraisals, etc.; \$2,925 for project inspection and architectural and engineering fees; \$153,175 for equipment, con-

struction and miscellaneous items; \$5,625 for contingencies.

PERSONAL EXPLANATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SCHRADER. Madam Speaker, on June 8, 2009 I missed rollcall votes 311, 312, and 313 due to personal reasons. Had I been present, I would have voted "aye" on all three votes.

A TRIBUTE IN REMEMBRANCE OF DENNIS J. TAYLOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dennis J. Taylor, a community activist and ordained minister who has impacted Brooklyn in countless ways.

Dennis Taylor has been living and serving the East New York and Brownsville communities for more than twenty years. He began his career as a volunteer, ministering and advocating for the rights of community residents. For a number of years, Mr. Taylor served as a community organizer for a local nonprofit organization where he assisted residents by empowering them through the creation of tenant and block associations. As a member of Community Board #5, Dennis Taylor leads the council in creating positive change for all residents, regardless of their ethnicity or culture.

As the founder and executive director of The Sabaoth Group, Inc., Dennis Taylor conceived and developed strategies that provide community support services to more than 800 families in the East New York, Brownsville, Bushwick and Bedford-Stuyvesant communities. He is the primary coordinator of services and initiatives, in addition to securing funding through foundations, government grants and Requests for Proposals. Mr. Taylor developed strategies to create linkages between community law enforcement, community residents and faith-based organizations. He also created initiatives and developed strategies for resident advocacy, tenant organizing and community activism while conducting tenant relocations for more than 300 families. Mr. Taylor is also a founding partner in TDT Development, LLC, a community housing development organization.

Mr. Taylor began his involvement in tenant services by leading the residents of a dangerously neglected city-owned property through a process of renewed commitment from the City of New York and their subsequent resettlement. He has a reputation for producing consistent results and maintaining honor and integrity in the community. Mr. Taylor sits on various steering and advisory committees in East New York.

In 2006, Dennis Taylor became an ordained Minister who has garnered a sterling reputation in the East New York community.

Dennis Taylor is married to Anita Joyner-Taylor. He has two daughters (Daneshia and Keyeira), and two granddaughters (Faith and Patience). Mr. Taylor holds an A.A.S. in Computer Technology, a Certificate from Fordham University in Social Work and numerous certificates from the Department of Housing Preservation and Development. Mr. Taylor is a first call advisor to many grassroots organizations seeking guidance, direction and/or logistical assistance in the acquisition of their goals and objectives.

Madam Speaker, I urge my colleagues to join me in recognizing Dennis J. Taylor.

KELSEY MAY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kelsey May who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kelsey May is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kelsey May is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kelsey May for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

TRIBUTE TO DAVID J. KEARS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. STARK. Madam Speaker, I rise today to pay tribute to David J. Kears, Agency Director for the Alameda County Healthcare Services Agency. Mr. Kears is retiring from his position and a farewell party has been planned in his honor on June 10, 2009.

Mr. Kears' scholastic endeavors brought him to the University of California, Berkeley, where he graduated in 1968 with a major in Sociology. He continued his graduate work at Berkeley and received a Masters Degree in 1970 in Social Welfare with a Psychiatric Casework Specialty. He also holds a Clinical Social Work license.

Mr. Kears performed his internship at the Sonoma State Hospital and Children's Guidance Clinic in Palo Alto. After graduation, he went to work as a Psychiatric Social Worker at Napa State Hospital. He thrived in that setting from 1970 to 1974 and advanced to Assistant Program Director.

He began his career with Alameda County as a Psychiatric Social Worker in 1974 and

held a number of major department head positions in the Health Care Services Agency. In March 1986, Mr. Kears was appointed to the Agency Director position, at which time he not only took over the weighty matters of the Agency but also became Acting Director of Highland General Hospital during a time of reorganization.

Currently, as director of the Health Care Services Agency, Mr. Kears provides overall direction, consultation and troubleshooting to the four major departments comprising the agency which include Indigent Care; Public Health Department; Environmental Health Services and Behavioral Health Care Services. From 1993 to 1998, Mr. Kears assumed the additional responsibility for developing a public/private Medi-Cal managed care program, the Alameda Alliance for Health, pursuant to the State of California Department of Health Services' directive. The Alliance is now a fully licensed HMO comprised of traditional Medi-Cal and safety net county and community providers.

Mr. Kears' most recent major program responsibilities included coordinating the County's Indigent Medical Care System and monitoring contracts with the Alameda County Medical Center and a broad network of community-based primary care providers.

A number of non-profit organizations, commissions, government agencies and health systems have benefited from Mr. Kears' leadership, vast knowledge and experience in the development and implementation of county and state health care policies.

I join Dave Kears' colleagues in thanking him for his years of commitment and service in making a difference in the lives of others.

HONORING ANDREW NEAULT FOR
HIS APPOINTMENT TO THE
UNITED STATES MERCHANT MA-
RINE ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Andrew Neault from Kennesaw, Georgia has received an appointment to the United States Merchant Marine Academy.

Andrew attends Paulding County High School where he has a 3.7 Grade Point Average and is a member of the BETA Club. Andrew has been very active with the JROTC where he has excelled as a State Champion JROTC raider. He also served as the Athletic Director and Chief Petty Officer for the Navy Delayed Entry Program.

In addition to Andrew's focus on academics and military preparation, he has remained very active in extracurricular activities. Andrew is on Paulding's football and wrestling teams and is a four-time nominee for the "People to People" student ambassador program. He is also very involved in community service, having

volunteered at the Sunbelt Christian Youth Ranch in Mississippi, Thanksgiving for the Homeless, Thanksgiving for Youth Penitentiary, and Operation North Pole.

Andrew Neault is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Naval Academy. I ask that my colleagues take this time to congratulate Andrew as well as his parents, Raymond and Lynette Neault, for his accomplishments. It is because of dedicated young people like Andrew that America has the finest military in the world. Our nation is fortunate to have his service.

HONORING THE WORK OF LOUISE
BALLERSTEDT RAGGIO, MOTHER
OF THE TEXAS FAMILY CODE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in recognition of Louise Ballerstedt Raggio, a trailblazer and an advocate who has spent her life making sure that women and families have equal rights under the law.

Mrs. Raggio was born in Manor, Texas and spent the early part of her life as the daughter of a hardworking, Texas farm family. From an early age, she learned the importance of perseverance and dedication to a cause, and these traits have remained persistent throughout her life. She graduated first in her class from high school and went on to earn an undergraduate degree with highest honors from the University of Texas at Austin.

After marrying and giving birth to two children, Mrs. Raggio began law school at Southern Methodist University in a time when it was not typical for a woman to do so. During law school, she gave birth to a third son, and although it was difficult, she persisted, graduated, and passed the Texas State Bar in 1952. Later, she took a job in the Dallas County District Attorney's office and took over all child and family cases. She was soon promoted and began doing criminal prosecution. During this time, she became active with the Texas State Bar and joined the newly-formed Family Law Section of the State Bar in 1960. She would eventually become Chairwoman of the committee, making her the first woman in Texas history to become Chair of any such committee.

As Chairwoman, Mrs. Raggio and her committee uncovered 44 state laws which discriminated against women, and notably, married women. She began a campaign to enact a Marital Property Bill and after seven drafts, Governor Connally signed it into law, marking the end of a three-year effort. She was so successful that she was asked to undertake the entire revision of all family laws in Texas and after ten years the Family Law Section of the Texas State Bar created the first complete Family Code of laws in the world.

Today, Mrs. Raggio has garnered numerous recognitions and honors including being elected the first female director of the State Bar of Texas. She is consistently regarded as the

Mother of the Texas Family Code and Southern Methodist University has developed an annual Louise Ballerstedt Raggio Lecture Series in her honor. I ask my fellow colleagues to join me in honoring the work of Mrs. Raggio and her lifelong commitment to a fair and just legal system.

CONGRATULATIONS TO SUSAN M.
BRITTON

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TONKO. Madam Speaker, New York State American Legion Auxiliary President, Susan M. Britton, has served with distinction during her term in office from July 2008 through July 2009. Mrs. Britton traveled to all 62 counties in the great state of New York, inspiring the members of the American Legion Auxiliary to honor and serve the veterans of New York State.

Susan Britton is a 35 year member of Clarke White Unit 589, American Legion Auxiliary in Albany County. She has remained an active and vital member of the organization, volunteering her services to veterans at the Stratton VA Medical Center in Albany and at the Albany VA Fisher House.

This year Department President Britton has chosen "Operation Purple" as her special project. Operation Purple began in 2004 and is sponsored through the National Military Family Association (NMFA). Operation Purple is the only program open to children of personnel from all branches of the U.S. Armed Forces ("purple" representing inclusion of the branches). The program focuses on helping military children deal with the challenges and stress that come with deployment by providing free weeks of summer camp at different locations to bring children together in a fun and healthy environment.

As word has spread about Operation Purple, there is a pressing need for additional support to allow as many children as possible to attend this specialized program. All funds donated will support resident children within New York State. There are two camps, located in Lewis and Orange counties.

Special fundraising projects have been conducted to support Operation Purple, including those by the American Legion Family, which include The American Legion, American Legion Auxiliary, and the Sons of the American Legion. To date, over \$60,000 has been raised to provide military children in New York with the opportunity to attend one of these camps.

A TRIBUTE IN REMEMBRANCE OF
THEORA KING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Theora King, a community

leader and educator who has contributed enormously to the lives of many children in need.

Theora King has worked in the field of education for over forty years. She has a bachelor of science degree in education from Mercy College where she graduated magna cum laude. In 1990, Ms. King received the Educator of the Year Award from a parent organization in District 17. Ms. King has worked in several programs including Big Apple, Head Start, Learning Through Science, Title I, Latch Key, Summer Early Childhood Program, and Platform For Learning and Special Education.

Theora King often goes above and beyond what is required of her in order to keep children who are in need from being deprived of opportunities that are afforded to other children who have supportive families. Her love for children is demonstrated by using personal monies to pay for trips, breakfast, lunch, clothing and other essentials needed when a child's parents are unable to provide for them. Ms. King has volunteered her personal time to tutor children in reading to help them gain self-confidence, a love for reading, and reading proficiency to pass State Reading Examinations.

During her career, children have demonstrated love and respect toward Ms. King and children often come to her for advice and assistance to handle difficulties they encounter at home and in school. Ms. King is never too busy to take time from her personal life to help a child and his or her family who may be in need of assistance. Ms. King is also a member of the Open Door Church of God and Christ and she has served on the Usher Board. In the past, Ms. King served as Acting Parent Teacher's Association president and secretary when her children were students at P.S. 316. Ms. King has also chaired the Social Committee at P.S. 316 from 1968 to 2005.

Madam Speaker, I urge my colleagues to join me in recognizing Theora King.

IN HONOR OF THE NAVAL
POSTGRADUATE SCHOOL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. FARR. Madam Speaker, today the Naval Postgraduate School in Monterey, California will celebrate its 100th anniversary.

Founded a century ago as the School of Marine Engineering at the U.S. Naval Academy in Annapolis, Maryland, the Naval Postgraduate School has grown in response to a changing world. The school moved to Monterey, California in 1951, taking over the landmark Hotel Del Monte resort. Today, NPS is a global leader in national security and defense-related education and research.

The Naval Postgraduate School (NPS) is a unique graduate school—an institution dedicated to providing education and research with a focus on relevance to the defense and security arenas and on recognizing and innovatively solving problems in support of our military forces, our country's global partners and our national security.

NPS provides high-quality, relevant and unique advanced education and research programs that increase the combat effectiveness of the Naval Services, other Armed Forces of the U.S. and our partners, to enhance our national security.

NPS is one of the oldest and most prestigious institutions belonging to the United States Department of Defense. Since its inception almost a century ago, NPS has been found to be worthy of the investment that both the Navy and the nation has made in it. The school has educated some of the most brilliant and effective leaders of our nation and of the world. Countless numbers of NPS graduates have made significant contributions to global stability and national security, and some remarkable breakthroughs in research at NPS have saved the lives of the men and women who so bravely defend their nations daily.

Madam Speaker, I want to wish a happy 100th birthday to the Naval Postgraduate School.

NATHANIEL MARTINEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nathaniel Martinez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nathaniel Martinez is a senior at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nathaniel Martinez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nathaniel Martinez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

A SPECIAL TRIBUTE TO COMPANY
B, 202D ENGINEER COMBAT
BATTALLION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to a brave group of men in Ohio's Fifth Congressional District. Company B of the 202d Engineer Combat Battalion is celebrating their sixty-sixth anniversary.

Madam Speaker, there is no question the military is one of the key building blocks of our country. From the earliest days of our Nation's history, courageous men and women have fought for the freedom and safety of the Amer-

ican people. Our soldiers have opened doors for America's citizens and allowed our children to live in a nation that is peaceful and free.

During World War II, Company B served in campaigns in Normandy, Central Europe, Northern France, Ardennes and the Rhineland. They were the only group to serve in all five campaigns and receive five battle stars in World War II.

The servicemen of Company B also fought alongside the 1st, 2d, 3d, 9th, and the 15th U.S. Army, the British 2d Army and the U.S. Navy throughout the war in 10 countries. One of their most significant contributions to the War effort was the construction of the longest Treadway Pontoon Bridge in the world at 1152 feet, which was built in less than six hours while facing enemy fire.

Madam Speaker, I ask my colleagues to join me in paying special tribute to Company B of the 202d Engineer Combat Battalion. Our communities are well served by having dedicated servicemen who have gone above and beyond the call of duty to protect our beloved Nation. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great group of men on their sixty-sixth anniversary.

INTRODUCTION OF MOLALLA WILD
AND SCENIC RIVER BILL

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SCHRADER. Madam Speaker, I am pleased to introduce The Molalla Wild and Scenic River Bill. This legislation would designate 21.3 miles of the Molalla River as "wild and scenic" and would provide federal designation in preserving the character of this section of the Molalla River.

This legislation is supported by numerous elected officials, civic leaders, and recreational and environmental groups in Clackamas and Marion counties including American Rivers, the City of Molalla, the Oregon State Police, the Oregon Department of Fish and Wildlife, Wild Salmon Center, and the Willamette Riverkeepers. All of these groups recognize the social, cultural and economic benefits of this bill.

In Oregon, the Molalla River is known for its many recreational purposes which include hiking, diving, fishing, kayaking, whitewater rafting, picnicking, mountain biking, and horseback riding. It still serves as a water source for many citizens in Canby and Molalla, Oregon, and is nationally recognized for its beautiful and scenic wildlife. It provides spawning beds for threatened Steelhead Trout and Chinook salmon and is also an essential wildlife area for the pileated woodpecker, red tree vole, red-legged frog, northern spotted owl, Pacific giant salamander, and both golden and bald eagles.

Designating this section of the Molalla River as "wild and scenic" would permanently ensure its protection and preservation as one of Oregon's many natural state treasures. It would guarantee that future generations can experience the river's rich historical, cultural,

and recreational purposes. I am excited to introduce this legislation and urge my colleagues to support it.

HONORING BISHOP GUILFOYLE
HIGH SCHOOL

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the accomplishments of the Bishop Guilfoyle High School girls basketball team of Altoona, PA. As the 2009 Pennsylvania Interscholastic Athletic Association Class A girls basketball champions, the Lady Marauders have shown the discipline and teamwork required to achieve greatness.

The Lady Marauders have a rich history of achievement. Having won two PIAA Class A championships in three seasons, and five overall, the Lady Marauders are no strangers to success. Their season's record of 30-1 is tied for the second most in a single season in Lady Marauder program history.

This year's season came to a close on March 21st at University Park, PA, and resulted in a 49-27 defeat of Nativity BMV by Bishop Guilfoyle's Lady Marauders. The hard work and talent of the nineteen players, as well as their five coaches, most certainly led to this rewarding experience.

These young women are exemplary athletes and their pride in their performance is an inspiration to all of Blair County. I believe that this championship will be one of many successes in the lives of these talented players and coaches, and I congratulate them for all their efforts.

TRIBUTE TO DR. ISAIAH R. MCGEE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an outstanding constituent and an award-winning educator, Dr. Isaiah R. McGee. Dr. McGee is a 2009 recipient of the South Carolina Independent Colleges and Universities Inc. Excellence in Teaching Award. He is the director of choral studies and assistant professor of music at Claflin University. He also directs the Claflin University Concert Choir.

Dr. McGee is a native South Carolinian, having been born and raised in Anderson. He is a graduate of my alma mater, South Carolina State University, and earned his masters from the University of South Carolina. Dr. McGee earned his doctorate from Florida State University in Music Education—Choral Conducting, and served as a graduate assistant and director of the Gospel Choir at Florida State.

During his career, Dr. McGee has earned a reputation as an accomplished vocalist, conductor, adjudicator, and clinician. He has international experience, debuting as the Conte in

Cimarosa's Il Convito at Teatro Signorelli in Cortona, Italy. He stays very active in professional organizations including the American Choral Directors Association and MENC.

Dr. McGee joined the Claflin University faculty in 1997, and has made an enviable mark on the Orangeburg campus. Dr. McGee is always looking for ways to enrich the experiences of his students to promote their performance and their commitment to their craft. Last year, he took Claflin's Concert Choir to China to participate in the pre-Olympic ceremonies. They performed in both Beijing and Shanghai.

Dr. McGee has developed a great deal of respect from his colleagues and students. Claflin University's president Dr. Henry Tisdale calls him "an exemplary member of our faculty and committed to teaching and service." Claflin's vice president for academic affairs Dr. George Miller says, "Dr. McGee's approach to teaching and scholarship with his student partners demonstrates the strength of the amalgam that results when theory and practice are combined."

Dr. McGee was selected for the Excellence in Teaching Award by his peers at Claflin University. The purpose of the award is to honor faculty members who demonstrate the highest standards of teaching that encourage students to strive for excellence in their studies and intellectual pursuits. In addition to the recognition, Dr. McGee receives a \$3,000 grant to be used for professional development opportunities.

Madam Speaker, I invite you and my colleagues to join me today in applauding the tremendous accomplishments of Dr. Isaiah McGee. He is an extraordinary example of an educator who inspires intellectual curiosity and demands outside enrichment to ensure his students reach their full potential. This award is well deserved and is recognition of a job well done.

SAMUEL MARKOFF

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Samuel Markoff who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Samuel Markoff is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Samuel Markoff is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Samuel Markoff for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN SPECIAL RECOGNITION OF THE ONE HUNDRED SEVENTY-FIFTH ANNIVERSARY OF THE VILLAGE OF OTTAWA, OHIO

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. LATTA. Madam Speaker, I would like to submit the following:

Whereas Congressman ROBERT E. LATTA extends his congratulations on the occasion of the One Hundred Seventy-Fifth Anniversary of the Village of Ottawa, Ohio; and

Whereas Ottawa, Ohio has been a proud member of the Northwest Ohio community since 1834; and

Whereas the citizens of Ottawa, Ohio provide friendship and tradition to all those in Northwest Ohio; and

Whereas Ottawa, Ohio has a long history of fostering business, education, and community relationships; therefore, be it

Resolved The people of Northwest Ohio are grateful for the service of the citizens and employers of Ottawa, Ohio. Ohio's Fifth Congressional District is well served by their dedication and support. We wish Ottawa, Ohio all the best during its celebration of the One Hundred Seventy-Fifth anniversary.

TRIBUTE TO GENERAL DAVID D. MCKIERNAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SKELTON. Madam Speaker, I rise today to recognize the accomplishments, dedication, public service and valor of General David D. McKiernan, U.S. Army, outgoing Commander of NATO's International Security Assistance Force (ISAF) and Commander U.S. Forces Afghanistan, who served our Nation with distinction during 37 years of faithful service. General McKiernan will retire from the Army on 1 August 2009, and we owe him our thanks and gratitude for his many efforts and years of service on behalf of our Nation.

A native of Ft. McPherson, Georgia, General McKiernan entered the U.S. Army in 1972, after graduating from the College of William and Mary and receiving a ROTC commission from the U.S. Army. During the course of his career he served at every level from platoon leader to four star commander. The units he commanded included the 1st Battalion, 35th Armor (Iron Knights), 1st Armored Division, 1st Brigade (Iron Horse) 1st Cavalry Division, 1st Cavalry Division, and 3rd U.S. Army/Combined Forces Land Component Command. He culminated his career serving as the theater commander—COMISAF/US Forces Afghanistan.

This superb officer performed key leadership roles during many of the crises and operations of the past 15 years. He served as the Deputy Chief of Staff G-2/G-3 with the Allied Command Europe Rapid Reaction Corp) while forward deployed in Sarajevo, Bosnia-

Herzegovina. From August 1998 until September 1999, he served as Deputy Chief of Staff, Operations, Headquarters, United States Army, Europe and Seventh Army during a period of simultaneous operations in Bosnia, Albania, and Kosovo. General McKiernan subsequently became the Coalition Forces Land Component Commander for Central Command. In March 2003, General McKiernan commanded and led all coalition and U.S. conventional ground forces in the invasion of Iraq.

As the capstone for an exceptional career of service to our country, General McKiernan distinguished himself from 3 June 2008 to 3 June 2009 while serving as the Commander, International Security Assistance Force and Commander, U.S. Forces—Afghanistan. General McKiernan was instrumental in developing the partnerships and setting the conditions necessary for achieving mission success in Afghanistan. He revamped the campaign strategy. He worked to improve command and control in that war by reorganizing the ISAF headquarters staff to better execute that strategy and working to establish a new command—U.S. Forces Afghanistan, significantly improving coordination of counterinsurgency operations across Afghanistan.

In the fall of 2008, General McKiernan articulated the need for a sizeable increase in U.S. forces in the strategically important southern region of Afghanistan to improve security and help safeguard national elections in August 2009. He was the first to recommend the need for a sizeable increase in civilian resources from the U.S. Government to bolster governance and development efforts.

General McKiernan improved operations in Afghanistan, issuing new Counterinsurgency Guidance as the campaign shifted to efforts to protect the Afghan population, obtaining legal authorities to conduct counternarcotics interdiction, improving force protection measures, and issuing new guidance that cut down on non-combatant casualties. General McKiernan worked with the Ministry of Interior to develop the Afghan Public Protection Program, which could become a blueprint for developing bottom up governance in the districts and provinces throughout the country. He worked with the Afghan Government to support a highly successful 2008–2009 voter registration program with over 4.5 million Afghans registering without major incident and prepared the plans to support a fair and credible election in August 2009. He received approval for his recommendation to accelerate the growth of the Afghan National Army to 134,000 by December 2011, and has started the planning effort to grow the Afghan National Security Forces up to 400,000 in the years to come. He also was the architect behind the plan to bring U.S. units in 2009 that can not only conduct a rigorous counter-insurgency campaign in the south, but can build the capacity of the Afghan Army and Police by training, partnering and mentoring with Afghan Army and Police units. General McKiernan personally reinvigorated the Tripartite Commission (TPC) process with Afghanistan, Pakistan, and ISAF, and conducted bilateral meetings to improve U.S. and Pakistan relations and to make the case that both countries face a mutual terrorist threat. It is certainly my hope that General McKiernan's

initiatives build momentum going into the summer of 2009.

General David D. McKiernan is a true American patriot. His leadership, keen intellect and performance throughout an intensive and demanding period of military history were instrumental in achieving success in mission after mission. He boldly led "America's finest" during combat operations in Desert Storm, the Balkans, the invasion of Iraq and finally in the harsh and difficult mountains and deserts of Afghanistan. I know his selfless performance of duty, courage under fire, exceptional integrity and quiet pursuit of excellence has inspired many American warriors who have served with him. I am sure he will be truly missed in Afghanistan by his troops, diplomatic colleagues, NATO and our Coalition partners, and the Government of Afghanistan. It gives me great pleasure today to recognize and salute a great American—General David McKiernan—before my colleagues. I wish General McKiernan and his lovely wife Carmen all the best that life has to offer as he concludes a most distinguished career in service to our country.

INTRODUCTION OF THE MILITARY
OVERPAYMENT FAIRNESS ACT
OF 2009

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Ms. SHEA-PORTER. Madam Speaker, I rise today in support of the Military Overpayment Fairness Act. Payment errors are common in all military branches and the burden of having to quickly repay an overpayment can place a significant strain on military families.

When I had a meeting with National Guard families and asked for their most significant problems, they spoke to me about the hardships caused by overpayment errors. I heard the story of a National Guard Sergeant from New Hampshire who was injured in Afghanistan and hospitalized in Walter Reed. Due to an error by the Defense Finance and Accounting Service (DFAS), he received four months of pay in error. He immediately brought these overpayments to DFAS's attention. DFAS assured the service member that there was no error and that he was entitled to all of the money he received. The service member disputed the payments several times, but was told they were correct. Then, a year later, DFAS reversed itself and suddenly notified him that he had been overpaid. They began deducting at the rate two-thirds of his monthly paycheck. To make matters worse, by this time he had enrolled in college and still had the continued, added burden of house payments. This and other similar stories show the severity of this problem in my home state of New Hampshire and across the nation.

I am introducing this legislation to ease the burden on servicemen and women by requiring DFAS to take into account the finances of members of the Armed Forces when pay errors are made. This bill gives the Department of Defense the flexibility to negotiate the terms of repayment, taking into account the finances

of the service member, to avoid causing service members undue hardship. In addition, the bill states that not more than 10 percent of a service member's pay can be deducted monthly for an overpayment. Currently, up to two-thirds of a service member's salary can be deducted. The bill delays repayments if service members are wounded, ill, or deployed. It also has a five-year statute of limitations. These provisions should encourage the Department of Defense to improve its accounting practices.

The men and women that serve our nation have already sacrificed for our country—there is no excuse for placing undue financial burdens on these men and women as a result of poor accounting practices. I was proud to introduce legislation to address the hardships caused by these errors. I look forward to its consideration in the House of Representatives.

VITTORRO MAESTAS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Vittorio Maestas who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Vittorio Maestas is a senior at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Vittorio Maestas is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Vittorio Maestas for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, June 8, 2009.

I ask that the record reflect that had I been present, I would have voted "nay" on rollcall vote No. 311 (Motion to Suspend the Rules and Agree to H.R. 1736); "nay" on rollcall vote No. 312 (Motion to Suspend the Rules and Agree to H.R. 1709); "aye" on rollcall vote No. 313 (Motion to Suspend the Rules and Agree to H. Res. 420).

INTRODUCTION OF FEE
DISCLOSURE BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 9, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce The Defined Contribution Plan Fee Transparency Act of 2009. During the last Congress, we expected some guidance from the Department of Labor on the issue of fee transparency, but not much was finally implemented. Therefore, I believe that Congressional action is warranted and this bill provides a strong disclosure requirement to benefit both workers and companies in understanding fees.

A few years ago, AARP conducted a survey of 401(k) participants to find out what they knew about the fees paid by their plans. Plan fees can make a huge difference in your account balance. As the Department of Labor has pointed out in a helpful guide on the issue, "Fees and expenses paid by your plan may substantially reduce the growth in your account." Literally, it pays to know what these expenses are. What the AARP found in their survey is instructive: 83 percent of participants acknowledged they do not know how much they pay in fees or expenses. Considering the number of people who have told me they do not dare to even open their 401(k) statement in this devalued market, that percentage may have increased even more!

But fees are a serious issue and one which participants need to understand from the outset. The House Education and Labor Committee has held several hearings to highlight this issue over the past 18 months, and I commend the Committee Chairman, Mr. MILLER, for his leadership and thoughtful ideas about how to address fair disclosure.

The growth in defined contribution plans offers great opportunities for workers, with alternatives and options they did not have before. Many workers, however, are simply overwhelmed with the information distributed and, because of that, may not be able to utilize these opportunities. Certainly, more disclosure is preferred. But, as AARP found out, the need to better understand this information means it must be in an easily digestible format and in plain English.

The legislation I am filing today, which updates the bill I filed last Congress, would provide for disclosure both to the worker and to the employer. Participants, or workers, would get both an enrollment notice up-front and a quarterly notice updating them on their account. At enrollment, the bill requires that for each of the plan's investment alternatives, the employer would have to disclose the alternative's objective and investment manager, its risk and return characteristics and its historic rates of return in comparison to a benchmark. In addition, the employer must indicate whether the alternative is passively managed, as with an index fund, or actively managed, plus the differences between these two investment styles and whether or not the alternative is a single-alternative investment solution, such as a lifecycle or target retirement date fund.

Regarding fees, the bill requires employers to disclose to employees at enrollment the an-

nual operating expenses for each investment alternative (together with a translation of these asset-based fees into illustrative dollar amounts), whether such fees pay for services beyond investment management, such as plan administration, and whether there are additional charges for buying or selling the particular alternative, such as redemption fees. In addition, participants must be provided with information about any separate fees they will be charged for plan administration as well as a notice that certain plan services they may decide to use could have separate charges associated with them, such as investment advice programs, brokerage windows, or plan loans. Accompanying these disclosures would be a statement that participants should not select investments based solely on fees but based on careful consideration of a range of factors including the alternatives' risk level, returns and investment objectives. The bill requires this information about plan investments to be provided to employees annually as well.

In addition to this enrollment notice, each quarter, participants would receive information about the investments they had selected and the fees applicable to their accounts. This quarterly notice would describe which investment alternatives the individual participant was invested in, what percentage of the participant's total account each alternative represented, the risk and return characteristics of each such alternative and whether such alternatives were passively or actively managed. The statement would also summarize for participants what asset classes their account is invested in, with percentage breakdowns. On fees, the quarterly notice must describe the annual operating expenses (with dollar examples) and any sales charges for the alternatives the participant has selected, any separate charges for plan administration and any deductions for participant-initiated services. In addition, to assist employees who may want to make investment changes, the notice must tell participants how to access investment characteristic and fee information for alternatives in which they are not invested.

My bill also requires service providers to disclose to employers various fee and expense information in advance of a contract. This will ensure that employers have the information they need to bargain effectively with plan service providers and to keep costs at reasonable levels for participants.

Providers must give the employer an estimate of total fees, a detailed and itemized list of all the services to be provided under the contract and a schedule of any transaction charges that participants may face. Providers that offer multiple bundled services must separate the fees charged under the contract into fees for investment management and fees for administration and recordkeeping and must also disclose fees paid to intermediaries or other third-parties. Providers must also disclose whether they expect to receive payments from third-parties in connection with providing services to the plan, also referred to as revenue-sharing, and if so, must name those parties and the amount expected to be received from each. This revenue-sharing information is critical so that employers understand how their providers are being paid and whether any such financial relationships give

rise to potential conflicts of interest. Providers will likewise have to disclose whether they may benefit from the offering of proprietary investment products or those of third parties and must tell employers if the investment products offered to the plan are available at other price levels. Plan service providers must also provide this detailed disclosure statement to employers every year the contract is in place and prior to any material modification of the contract. In addition, employers must make such statements available to plan participants upon written request so that those employees who want to delve into the details of the plan's financing can do so.

The Department of Labor's guide on 401(k) fees states that fees and expenses generally fall into three categories: plan administration, investment, and individual services fees. By requiring all service providers, whether they just provide recordkeeping or if they perform it all, to disclose fees in broad categories, such as these, companies and employees can better evaluate what they are getting for what price they pay. It is my understanding that some service providers are already disclosing more than what is required. I hope that we can capture those "best practices" and implement them across the board so that all workers and employers have the best data available.

Additionally, my bill would apply not only to 401(k) plans, but to all tax-preferred, participant-directed defined contribution plans, including 403(b) plans and governmental 457(b) plans. The amendments contained in the bill are all within the Internal Revenue Code, and therefore, penalties for not complying will be taxes assessed per violation per day, subject to a cap. The bill is forward-thinking, pushing electronic delivery as much as possible. I hope to work with the Chairman of the Ways and Means Committee, Mr. RANGEL, to address this issue within the Committee very soon as I know he shares my concern that the taxpayers' interests be protected.

Despite the fact that 8 in 10 participants do not know what fees are charged, there is some good news out there too. According to a survey released in April by Deloitte, the International Foundation of Employee Benefit Plans, and the International Society of Certified Employee Benefit specialists, the average expense ratio for plan investments was down from the prior survey period. Clearly, the attention to fees is having some impact resulting in lower costs.

It is my hope that this bill will provide much more information about plan fees and expenses in a useful way without overwhelming recipients. I urge my colleagues to join me in this effort.

WORLD ELDER ABUSE
AWARENESS DAY

HON. ROSA L. DeLAURO

OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 9, 2009

Ms. DELAURO. Madam Speaker, I rise today to recognize the important work being done in Connecticut to bring attention to the

problem of elder abuse, and to ask that all of my colleagues join the national observance of World Elder Abuse Awareness Day on June 15th.

Older adults are our parents and neighbors and friends—the grown-ups who cared for us when we were young and once protected us from harm. Now, we can help them live safely and with dignity. Sadly, elder abuse and neglect happens all too frequently in America. Elder abuse can be financial, sexual, emotional, and neglect; and it is not always intentional. It can happen in any kind of home. Sometimes abuse is the unintended action of an overwhelmed family member. Sometimes it is out of anger. Never is it deserved. Only one out of five cases is ever reported, and awareness of the problem is our first line of defense.

In Connecticut's Third District, The Coalition for the Advocacy, Prevention and Elimination of Older Adult Abuse (CAPE), is working to bring this hidden crisis into the light. They began a little over a year ago with a grant from the National Committee for the Prevention of Elder Abuse. CAPE is led by The Center for Elder Abuse Prevention at The Jewish Home for the Elderly and the Southwestern Area Agency on Aging. Today, the partnership has earned the generous support of The Robert Wood Johnson Foundation Local Funding Partnerships and many local funders including The Fairfield County Community Foundation and The Harry and Jeanette Weinberg Foundation. These resources allow The Center to help victims who cannot stay at a domestic violence shelter, because of physical or cognitive issues that occur in late-life, find a safe temporary place to live, where their special needs can be met and the healing can begin.

On June 15th, CAPE will be holding a World Elder Abuse Awareness Day event at the Jewish Home for the Elderly in Fairfield. I commend their efforts to ensure that my constituents know how to spot the signs that a friend or loved one may be the victim of abuse, and where they can go for help. And I encourage my colleagues to contact me to learn more about elder abuse and become part of the solution in their communities.

Again, I commend the work of The Center and CAPE. Ending elder abuse begins by making every day World Elder Abuse Awareness Day.

CONGRATULATING THE UNIVERSITY OF WASHINGTON MEN'S CREW TEAM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. McDERMOTT. Madam Speaker, I would like to submit the following:

University of Washington Men's Rowing Team and Honored Guests,

I write to give my hearty congratulations to the University of Washington's men's rowing team for earning their 12th varsity eight national championship, the 107th IRA Regatta, and sweeping the eights on the way to a historic four golds and five medals overall.

This astounding overall performance was capped by a thrilling come-from-behind vic-

tory over arch-rival California and I would like to take this time to commend the varsity rowers on their fine performance. Heath Allen, Aljosa Corovic, Will Crothers, Steve Full, Rob Gibson, Jesse Johnson, Max Lang, Katelin Snyder, and David Worley have earned my utmost admiration, as have all the members of the University of Washington's rowing team, down to the last rower in the boathouse.

What makes this victory so impressive is the volume of dominance exhibited by this extremely deep team. The varsity eight winning gold is an impressive feat in itself, but to sweep the eights is the highest testament to the dedication of the team and the culture of hard work and determination established by Coach Bob Ernst.

Since 1903, when the University of Washington first participated in intercollegiate rowing, our crews have established themselves as the toughest and most determined crews in the country. This year's crews have continued that tradition by emphatically putting the "gold" back in the purple and gold.

I am extremely proud to represent you in Congress and I know that with the foundation of hard work instilled in these young rowers by their coach and the University of Washington, there are no limits to what they will go on to accomplish in life.

MARIAH McCORMICK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Mariah McCormick who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Mariah McCormick is a senior at Pomona High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Mariah McCormick is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Mariah McCormick for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING GRANT TUCEK FOR HIS APPOINTMENT TO THE UNITED STATES MILITARY ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his

country. I am proud to announce that Grant Tucek from Powder Springs, Georgia has received appointments to both the United States Military Academy and the United States Naval Academy and will enter the Military Academy this year. Grant attends Harrison High School where he has a 4.22 grade point average and is a member of the National Honor Society and the National Beta Club. Grant is also in the top 5% of all foreign language students. Despite Grant's heavy focus on academics, he has remained very active in extracurricular activities. During High School, Grant has participated in the Navy JROTC, where he has served as Company Executive Officer, Orienteering Team Commander, and as a member of the Rifle Team. He was also honored with the American Legion Military medal.

Grant has also contributed to the arts and athletics at Harrison High School, playing trumpet in the Symphonic Band and running on Harrison's track and field team. Grant Tucek is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Military Academy. I want to take this time to congratulate Grant as well as his parents, Wayne and Denise Tucek, for his accomplishments. It is because of dedicated young people like Grant that America has the finest military in the world. Our Nation is fortunate to have his service.

HONORING NEWSWEEK RANKING OF THE SCHOOL FOR THE TALENTED AND GIFTED AND THE SCHOOL FOR SCIENCE AND ENGINEERING AT YVONNE A. EWELL TOWNVIEW CENTER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to congratulate the School for the Talented and Gifted and the School for Science and Engineering at Yvonne A. Ewell Townview Center for receiving the extraordinary honor of being ranked as the top two public schools in the nation.

Each year, Newsweek ranks the top public high schools out of a possible 27,000, placing these two schools as the top two out of the 1,500 schools listed. For 2009 the Magnet School for the Talented and Gifted ranked number one, with the Magnet School for Engineering and Science ranking number two. I am delighted that these two schools have achieved such a distinction, placing them among the elite public institutions in this country.

Additionally, I would like to recognize W. T. White High School which ranked 171st and Woodrow Wilson High School which ranked 637th. These rankings put all of these high schools in the top 6 percent of all public secondary schools in the country.

Located in my district of Dallas, Texas, Townview Magnet is one of the most diverse schools in the state, with minorities representing over half of the student population. Given the diverse nature of the City of Dallas

itself, and the increased globalization of most industries, the students attending these two schools will have the opportunity not only to impact the Dallas area, but on a global scale. This marks the third time in 4 years that the School for the Talented and Gifted has been ranked number one in the nation. This unveiling marks the second time that the School of Engineering and Science has been ranked second nationally, the other year being in 2007.

This honor shows the values of a good educational environment, as many of the students attending these two schools will have opportunities to be the future leaders of this country. This honor will serve as an inspiration to the faculty, staff and students of Townview Magnet School to maintain a high level of work. I extend my appreciation for the hard work of everyone involved in achieving this honor, and lend my support to the future success of Townview.

Madam Speaker, again, I congratulate the students, teachers, principals and parents of Townview Magnet School for the Talented and Gifted and the Magnet School for Science and Engineering on this honor.

A SPECIAL TRIBUTE TO VAN WERT MIDDLE SCHOOL

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding school in my district in Northwest Ohio. Van Wert Middle School in Van Wert, Ohio is one of only 80 schools in the United States to be recognized as a School to Watch by the National Forum to Accelerate Middle Grades Reform.

Madam Speaker, there is no question that education is the foundation of our country. From the earliest days of our nation's history, children have sought out the opportunity to learn subjects such as math, science, and literature. Education has opened doors for America's citizens and allowed our nation to be one of the most advanced in the world.

Every year, the Schools to Watch program identifies schools across the country that are well on their way to meeting the criteria for high performance. These schools are known to be academically excellent, developmentally responsive, and socially equitable.

In order for Van Wert Middle School to be selected for this prestigious honor, this high-performing school established norms, structures and organizational arrangements to support and sustain its trajectory toward excellence. Van Wert Middle School has a sense of purpose that drives every facet of their practice and decision-making.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Van Wert Middle School. Our communities are well served by having dedicated educators who go above and beyond the norm to teach the citizens of tomorrow. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great achievement.

HONORING ANNETTE GODISSART

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the accomplishments of Ms. Annette Godissart, the recipient of the Bedford County Rotary Club's 2009 Citizen of the Year Award. As this year's award winner, Annette has shown exemplary service as a citizen of Bedford County.

In addition to her duties as a Laboratory and Cardio-Pulmonary Manager at UPMC Bedford Hospital, Annette has remained steadfast in her service to the community as a volunteer, with an emphasis on the youth of Bedford County. Whether serving the Bedford County School System as a member of the Athletic or Technology Committee, or acting as umpire for youth softball games, her efforts to aid in the positive development of Bedford County youths have been constant.

Annette has been integral to the success of the Bedford County "Reality Tour" at the Bedford County Jail. Here, on a monthly basis, she has spent the last five years working to convey the importance of remaining drug-free to hundreds of local teenagers by showing them the stark realities of drug abuse. This type of selfless volunteerism is another way in which Annette seeks to mold the future leaders of Bedford County.

The artistic and civic-minded aspects of Annette's community service are shown in her involvement in community theatre as well as the Boy Scouts of America. In the theatre Annette entertains Bedford County residents through her stage talents, appearing in several shows each year with the Bedford County Players, a local non-profit theater group that promotes the involvement of youth in on stage productions. With respect to scouting, after years of service to her two sons, and the Boy Scouts, as a scout leader, Annette remains active as a merit badge counselor, where she helps scouts to earn their Theatre Merit Badges.

Through her dedication to community service, and her enduring commitment to the young men and women of Bedford County, Annette Godissart is an exemplary citizen who embraces the Rotary Motto of "Service above Self." She is deserving of this year's Citizen of the Year Award, and I congratulate her for all her efforts.

EMILIO MARTINEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Emilio Martinez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Emilio Martinez is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Emilio Martinez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Emilio Martinez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

RECOGNIZING CONGREGATION TORAT EMET

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TIBERI. Madam Speaker, it is with great pleasure that I rise to recognize Congregation Torat Emet. This synagogue is the product of the hard work and dedication of many individuals in Central Ohio and their commitment to the religious growth of their membership and the local Jewish community.

Central Ohio is blessed with many houses of faith that can claim long traditions of service to our community. The addition of Congregation Torat Emet to Central Ohio will continue to make it a vibrant and thriving spiritual center. The congregation will serve the community well and is an inspiration to all.

Throughout our community's history those seeking a place to learn more about their faith have found a home among our houses of worship. The faithful dedication exhibited helps to make Columbus and Central Ohio the kind of place where citizens of all religions and nationalities desire to live, work and raise their families.

This congregation, of more than 150 families, began only five years ago. The goal of securing and strengthening modern Orthodoxy in Central Ohio has been driven by Jay and Jeanie Schottenstein along with Rabbi Howard Zack. Rabbi Zack has been the Spiritual Leader of Congregation Torat Emet since its inception in September 2001. Today, as they open their second Synagogue in Columbus, Ohio may the local Jewish community celebrate the reality of this vision.

I offer my congratulations to the Congregation Torat Emet and the dedication of their new facility.

VETERANS NONPROFIT RESEARCH AND EDUCATION CORPORATIONS ENHANCEMENT ACT OF 2009

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. FILNER. Madam Speaker, today I introduce the "Veterans Nonprofit Research and Education Corporations Enhancement Act of 2009".

As the nation's largest healthcare provider network and the custodian of our veterans'

health, the Department of Veterans Affairs has an important role to play in the development of innovative new healthcare technologies, medication, and practices.

Mr. Speaker, the Department of Veterans Affairs research program is well respected within the research community. The program focuses on research that concerns the special health care needs of veterans especially war related injuries and illnesses.

Some recent successes of the program include neuromotor prosthesis for paralyzed patients, development of an artificial retina for veterans who have lost vision due to retinal damage, and the use of a generic drug (prazosin) for veterans with Post Traumatic Stress Disorder.

Importantly, this research program does not just benefit veterans but also American citizens as a whole. Years ago, this program was responsible for bringing to the medical community the pacemaker.

Nonprofit Research Corporations were authorized by Congress in 1988. The intent of these Corporations was to provide a flexible funding mechanism to conduct research and education at VA medical centers. Today, there are 82 independent, state-chartered corporations.

Nonprofit research corporations are a critical component of the overall VA research program. In Fiscal Year 2007 alone, nonprofits were responsible for securing \$250 million from the private sector and non-VA public funding to support over 4,000 research and education programs at the VA. This includes providing nearly 2,500 without compensation research employees who work side-by-side with VA-salaried employees.

This legislation authorizes the creation of multi-medical center research corporations that would allow two or more VA medical centers to share one Nonprofit Research Corporation. VA facilities with small research programs may join with larger ones. Additionally, smaller ones will be allowed to pool resources to support a Corporation.

It also clarifies the purpose of the corporation by enabling Nonprofit Research Corporations to support functions related to the conduct of research and education.

Additionally, this legislation will broaden the qualifications for the two mandatory non-VA board members beyond familiarity with medical research and education to acquire those with legal and financial expertise for sound governance and financial management. This provision would also remove the overly strict

language prohibiting non-VA board members from having any financial relationship, current or past with a for-profit entity which funds VA research or education. This change would be consistent with the rules applied to federal employees in dealing with conflict of interest by allowing for means of recusal.

This legislation further clarifies the powers of corporations. Some of the key authorities provided by this provision include allowing the Corporations to charge registration fees for education and training programs and to use such funds to offset program expenses or for future educational purposes.

It will allow the VA to reimburse Nonprofit Research Corporations for the salary and benefits of NPC employees loaned to VA under Intergovernmental Personnel Act (IPA) assignments.

Finally this legislation will improve accountability and oversight of corporations by requiring each Nonprofit Research Corporation to submit an annual report to the Secretary of the VA on operations, activities, and accomplishments. It would also require Nonprofit Research Corporations with revenues in excess of \$300,000 in any given year to obtain an audit.

I urge your support.

SENATE—Wednesday, June 10, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, to whom all thoughts are revealed and all desires known, we pray for this large Senate family. Lord, you know the secret needs of each person on Capitol Hill, those who are hurting or feel frustrated, discouraged, or exhausted. You know who has stopped loving and those who are experiencing estrangement in important relationships. You know also when guilt is corroding a soul.

Today, we ask You to bless all those who need Your love and healing, providing them with the grace and renewal only You can give. Lord, do in their lives exceedingly, abundantly, above all that they can ask or imagine, according to Your power working in and through them.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each. The Republicans will control the first 30 minutes and the majority will control the second 30 minutes.

Following morning business, the Senate will resume consideration of the tobacco legislation. There will then be up to 1 hour for debate only, with the time equally divided and controlled between the two leaders or their designees. This morning, we hope to reach an agreement to dispose of the pending Lieberman amendment and several additional amendments. Upon the use or yielding back of the debate time on the bill—that is 1 hour—and disposition of the Lieberman amendment, the substitute amendment will be agreed to and the Senate will proceed to a cloture vote on the underlying tobacco bill; therefore, Senators should expect a vote at around 11:30.

NOMINATIONS

Mr. REID. Mr. President, we have 25 nominations the Republicans have held up. They are important. I was visited by Secretary Salazar regarding Hilary Tompkins, who is somebody he needs. She would be a lawyer for the Interior Department. She has a great education and background. That was cleared yesterday, and then the Republicans said no.

We have numerous people. For the Sentencing Commission, there is William Sessions of Vermont. We hear that is being held up because Senator LEAHY is from Vermont and they don't like the way Chairman LEAHY is handling the Judiciary Committee. That is what we have been told. We also have Harold Koh. I heard on Monday, day before yesterday, from Secretary Clinton that this is somebody she needs very badly. Mr. Koh is going to be the lawyer for the State Department. We have a number of people under the auspices of the judiciary, and we can go through these. We have somebody who is going to help run the Department of Homeland Security, Rand Beers, who is well-qualified and a good person. The topper of them all is LTG Stanley McChrystal to be the man who runs Afghanistan.

I hope people will search their consciences and try to get these done. I cannot file cloture on every one of these. So that people watching this will understand our Senate procedure, it takes days for us to do that. With 25

nominations held up, it would take all summer—until we finish the July recess and beyond that—for us to get this done, filing cloture on every one of these. I hope it doesn't come to that.

HEALTH CARE

Mr. REID. Mr. President, in a single word, the health debate is about “choices.” Will our country choose to tell parents they cannot take their child to the doctor because insurance is not in existence or is prohibitively expensive? Will we choose to tell small businesses they have to lay off employees because they cannot afford skyrocketing health care premiums? As was outlined by Senator DURBIN yesterday, a small businessman he talked about was dealing with the travails of trying to maintain health insurance for his employees. Will we choose real, meaningful health care reform that assures everybody the quality care they deserve?

There is another way this debate is about choice. Democrats are committed to ensuring all Americans can choose their doctors, hospitals, and health plans. No matter what the Republicans claim, this government has no intention of choosing any of these things for you or meddling in any of these relationships. We have said that time and again. If you like the coverage you have, you can choose to keep it or you can change if you desire.

Like most Americans, we believe there should be more choice and more competition to lift the heavy weight of crushing health care costs. Today, 18 cents of every dollar spent in America is on health care. If we don't do something about this legislatively, by 2020 it will be more than 35 percent of every dollar spent in America. If we leave it up to private insurance companies, which are more interested in keeping their profits than keeping us healthy, that won't happen. One of the best ways to do that—that is, to give people choice and competition—is to pass the health care legislation.

Third, the Republicans have a choice in this debate. They can choose to work with us or against the interests of the American people. From the start, we have reached out to Republicans in this debate. Senator BAUCUS has done everything he can to get a bipartisan bill. He still believes he can do that. I hope that is the case. Senator DODD, filling in for Senator KENNEDY, has done the same. He has reached out to Ranking Member ENZI and others on the committee to try to come up with a bipartisan bill. That bill was given to us yesterday.

Again, from the start, we have reached out to Republicans. We have let them know we would rather write this bill with them. That is what we want to do. Republicans, so far, have made it quite clear what they are against. We remain interested to learn what they are for. Democrats continue to save for our Republican colleagues a seat, or seats, at the table, and we sincerely hope they will take those seats.

Last year, the American people made their choice clear. In no uncertain terms, they rejected the Republican status quo. Those with coverage know their health care bills are higher because of tens of millions of Americans who are uninsured. They know they should not have to go bankrupt or lose their home just to afford to stay healthy or care for a loved one.

I am sure we will disagree in the debate at times, and that is fine. We welcome an open and honest debate on the issue. We welcome a dialog.

One choice we do not have is to wait. We don't have a choice to wait. Health care is not a luxury. It should not be a luxury. We cannot afford another year in which about 50 million of us have to choose between basic necessities and lining the pockets of big insurance companies just to stay healthy.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. McCONNELL. Mr. President, Americans are increasingly frustrated with the U.S. health care system as we know it. They expect real reform, not just the promise of reform that never seems to come or the illusion of reform that ends up destroying what is good about the current system and replacing it with something that is actually worse.

Americans don't think basic medical procedures should break the bank, and they don't understand why millions of Americans have to go without basic care in a nation as prosperous as our own. Still, many Americans are quite happy with the health care they currently have, and they don't want to be forced into a government plan they don't like.

So the need for reform is not in question. The real question is what kind of reform—the kind that makes care more affordable and accessible or the kind that makes existing problems worse.

One thing most people like about health care in the U.S. is the quality of cancer care that's available here. Far too many Americans die from cancer. Yet for all the problems we have, the fact is, America boasts some of the highest cancer survival rates in the

world. And that is not the kind of thing Americans want to see change. But it could very well change if the U.S. adopts a government-run health care system along the lines of the one some are proposing.

A recent study comparing U.S. cancer survival rates with other countries found that, on average, U.S. women have a 63 percent chance of living at least 5 years after a cancer diagnosis compared to a 54 percent rate for women in Britain. As for men, 66 percent of American males survive at least 5 years while 45 percent of British men do.

Just as important as treatment is early detection. And here again, the U.S. routinely outperforms countries with government-run health care systems. According to one report, 84 percent of women between the ages of 50 and 64 get mammograms regularly in the United States—far higher than the 63 percent of women in the United Kingdom. Access to preventive care is extremely important and, frankly, when it comes to breast cancer, preventive care is something we do quite well in the U.S.

These are the kinds of things Americans like about our system, and these are the kinds of things that could change under a government plan. Americans don't want to be forced off their existing plans, and they certainly don't want a government board telling them which treatments and medicines they can and cannot have.

It is no mystery why Americans have higher cancer survival rates than their counterparts in a country such as Great Britain. Part of the reason is that Americans have greater access to the care and the medicines they need. And they don't want that to change. All of us want reform but not reform that denies, delays, or rations health care. Instead, we need reform that controls costs even as it protects patients.

Some ways to do this would be by discouraging the junk medical liability lawsuits that drive up the cost of practicing medicine and limit access to care in places such as rural Kentucky; through prevention and wellness programs that reduce health care costs, such as programs that help people quit smoking, fight obesity, and get early diagnoses for disease; and we could control costs and protect patients by addressing the needs of small businesses without imposing mandates or taxes that kill jobs.

All of us want reform, but the government-run plan that some are proposing for the U.S. isn't the kind of change Americans are looking for. We should learn a lesson from Canada. At a time when some in the U.S. want government-run health care, Canada is instituting reforms that would make their system more like ours.

According to Canadian-born doctor David Gratzner, the medical establish-

ment in Canada is in revolt, with private sector options expanding and doctors frustrated by government cutbacks that limit access to care. The New York Times reported a few years ago that private clinics were opening in Canada at the rate of about one a week—private clinics. Dr. Gratzner asked a simple question: Why are Americans rushing into a system of government-dominated health care when the very countries that have experienced it for so long are backing away? Many Americans are beginning to ask themselves the very same thing.

SOTOMAYOR NOMINATION

Mr. McCONNELL. Mr. President, Senator LEAHY's decision to rush Judge Sotomayor's confirmation hearing is, indeed, puzzling. It risks resulting in a less-informed hearing, and it breaks with years of tradition in which bipartisan agreements were reached and honored over the scheduling of hearings for Supreme Court nominees. It damages the cordiality and good will the Senate relies on to do its business. These kinds of partisan maneuvers have always come with consequences. This time is no different.

The explanations that some of our friends offered yesterday to justify a rushed hearing were almost as remarkable as the decision itself and the partisan way in which it was handled. Some said Republicans proposed unreasonable hearing dates. Yet no one can cite the time and place when any of these supposed requests were made.

But blaming Republicans for statements they never made was not as ludicrous as the claim that Judge Sotomayor's long judicial record is somehow reason to rush the review process. Not only is this counterintuitive—why should it take less time to read more cases?—it also flies in the face of every statement our Democratic friends made on the topic after the nomination of the last two Supreme Court nominees.

Time and time again, they told us the Senate was not a rubberstamp and that hearings for Judge Alito and Judge Roberts could not be rushed. As Senator LEAHY put it at the time:

We want to do it right. We don't want to do it fast.

Republicans respected these requests because we recognized the importance of a thorough review. On the Alito nomination, for instance, Senators had 70 days to prepare for a hearing on a nominee who, as Senator LEAHY noted at the time, had handled some 3,500 cases on the Federal bench. Judge Sotomayor has handled over 3,600 cases, so it stands to reason we would have as much time to review her record as we did Judge Alito's. But for some reason, the old standard has been thrown out as new reasons have emerged for rushing the process on this nominee.

As Senator SESSIONS informed us yesterday, the questionnaire Judge Sotomayor filled out suffers from significant omissions. For example, she failed to produce numerous opinions from cases in which she was involved as a district attorney.

In addition, she failed to produce a memorandum from her time with the Puerto Rican Legal Defense Fund that opposed the application of the death penalty. When this omission was brought to the judge's attention, I understand the White House then provided this memorandum, saying it was an oversight. But in the rush to complete the questionnaire in order to garner a talking point, you are prone to these sorts of mistakes. This, of course, counsels the Senate to have a thorough, deliberative process, not a rush to judgment in order to meet an arbitrary deadline.

When it came to Republican nominees such as Judge Roberts and Judge Alito, our Democratic friends wanted to review the record, and Republicans worked in a bipartisan fashion to come to a consensus on a fair process that respected the minority's rights. Yet when it comes to a Democratic nominee, our friends want to deny Republicans the same rights. They want the shortest confirmation timeline in recent memory for someone with the longest judicial record in recent memory. Let me say that again.

They want the shortest confirmation timeline in recent memory for someone with the longest judicial record in recent memory.

This violates basic standards of fairness, and it prevents Senators from carrying out one of their most solemn duties—a thorough review of the President's nominee to a lifetime position on the highest Court in the land. The decision to short circuit that process is regrettable and completely unnecessary.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Nevada.

GUANTANAMO

Mr. ENSIGN. Mr. President, as we are confronted with the news this week

of the first of what may be many deadly terrorists being transferred to American soil, I am still left to wonder what the administration's plan is for the detention facility at Guantanamo Bay.

I recently had the privilege of visiting Guantanamo Bay. I traveled down there with Senators BROWNBACK, BARRASSO, and JOHANNIS. I would like to start out by saying how proud I am of the job our men and women in uniform who are stationed down there are doing. ADM Dave Thomas and his staff are doing an outstanding job, and their efforts need to be recognized. These are the kinds of individuals who make America great and who keep us safe.

This is the type of facility where you do not have a true understanding of how well run it is until you go down there and see it in person for yourself. I would actually encourage our President to go down and see firsthand what Guantanamo Bay is like, what the facility is like, how the prisoners are treated down there, and how well our service men and women in uniform are performing.

As we are all aware, 6 months ago, President Obama set an arbitrary timeline of January 2010 to close Gitmo. It is now mid-June, and it appears he is no closer now than he was back in January of this year in identifying what his plan is. We still have seen little more than political rhetoric and no concrete plan of how to deal with the prisoners currently being housed at Gitmo.

My question to the administration is: Why are we rushing to close this world-class facility without first having a plan in place? The administration should work with Congress on a bipartisan basis to first come up with a plan, if a plan is even possible, and then proceed from there.

Included in this population are critical figures involved in the 9/11 attacks on the United States and the bombings of a U.S. warship, the USS *Cole*, and also terrorists captured from the battlefield in Afghanistan. As I stated earlier, one of the most deadly terrorists who was formerly at Gitmo and is directly responsible for the deaths of 224 individuals is now in the United States.

On our trip, we were able to see the security measures that have been put in place to keep these evil individuals from escaping or doing harm. These individuals do not view this war we are in as over. A document that was found in an apartment of an al-Qaida operative in Manchester, England, appropriately entitled the "Manchester Document," lays out how terrorists should act if captured.

According to the Manchester Document, if an individual is detained, he should "insist on proving that torture was inflicted on him. . . ." Whether it was or not, they want to use the press. They want to try to show that torture was used on them.

According to this document, they want to "take advantage of visits from outsiders to communicate with brothers outside the prison and exchange information that may be helpful to them in their work outside the prison. . . ." They are to "master the art of hiding messages . . . and provide information about the enemy's strengths and weaknesses, movements of the enemy and its members."

The terrorists practice this doctrine on a daily basis. In addition, on a regular basis, they abuse our troops down at Guantanamo Bay. It is not the other way around.

A spokesman for the Pentagon stated that 14 percent of the over 500 who were released from Guantanamo Bay have returned to some sort of terrorist activity—14 percent. Some people say: Boy, that is a very low recidivism rate. But if we think about it, these are mass murderers and evil individuals. These are people who want to set out to destroy our country, our way of life, and kill as many Americans as they can. Do we want to transfer or release some of these individuals even if only 14 percent of them return? The lives of American troops are at stake.

By the way, the people who were released early, the over 500, those are the people we actually thought were safe. The people who are still there are the most dangerous and deadly.

One of the people who was transferred detonated a car bomb in Iraq. Another is now a leading al-Qaida operative in Yemen. As I said before, these were supposedly the safe ones.

What would happen if those currently at Gitmo returned to the battlefield?

This document and the actions of those detained at Guantanamo Bay illustrate what some in this Congress seem to have forgotten. We, as a nation, are still at war. They are trying to kill Americans and destroy our very way of life. The prisoners at Gitmo realize this. Our troops realize this. It is time that we in Washington, DC, wake up and realize it as well.

The facilities at Gitmo are state of the art and are some of the most impressive I have ever seen. After touring the facilities down there, I believe it would be next to if not impossible to recreate those facilities in the United States, partially because of the physical location of the facility.

Guantanamo Bay is also the appropriate place to conduct military commissions. The privacy and seclusion of the unique courtroom facilities that have already been built there allow classified information to be protected and allow privacy for the 9/11 families who are grieving and have chosen to watch the proceedings down there. Too often, we forget about those individuals, the families of the 9/11/01 victims.

Transferring these hardened terrorists to facilities in the United States would make each of the facilities

where they are transferred to, and the communities in which they are situated, terrorist targets. Let me repeat that.

Transferring these hardened terrorists to facilities in the United States would make each one of the facilities they are transferred to and the communities in which they are situated terrorist targets.

Would you like to own a small business, a gas station or a convenience store around one of these prisons that house terrorists? I know I wouldn't.

Another observation that struck me while I was down at Guantanamo Bay was the care and treatment of the detainees. Every—every—effort is made to ensure their religious rights are respected. During my visit to the facility, we even paused as part of our tour out of respect for prayer time of the detainees.

In addition, there are various programs and resources to provide detainees with instructional training and social recreation. Listen to these statistics.

Available to the detainees are over 13,000 books for them to read, 910 magazines, and various newspapers in different languages that are distributed weekly. They have access to a vast collection of DVDs for the detainees. It is almost like they have Netflix down there. They also have satellite television, including Al-Jazeera. Detainees are permitted quarterly phone calls to family members and have received or sent over 22,000 pieces of mail, including privileged attorney-client mail. Finally, we offer literacy classes, second language classes, and art classes for the detainees. These detainees are provided better health care than a lot of Americans are.

Does any of this sound like abuse? Does any of it sound like abuse?

In his first 6 months, President Obama has had to make some tough decisions. Some of these decisions, such as his Afghan policy, I publicly supported. He needs to realize, though, that on this issue of transferring these hardened terrorists to the United States there is strong bipartisan opposition. If the President were to go down to Gitmo, tour the facilities, and to be completely honest with himself, I believe he would come to the same conclusion I did. In the end, there are no superior alternatives to Guantanamo Bay.

The administration must answer this question: How does closing Guantanamo, especially without a plan, make the American people safer?

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Arizona.

HEALTH CARE REFORM

Mr. KYL. Mr. President, I commend my colleague from Nevada for his re-

marks and I want to associate myself with them.

I want to speak to health care and the reform that we are attempting to achieve here in Washington. Little disagreement exists about the need for health care reform. A routine trip to the doctor's office can be surprisingly expensive, and many fear if they lose their jobs or even if they switch jobs, they will be left without health care. Others who are unemployed may be wondering how they can afford to see a doctor at all. So the question is, How can we reform health care so that everyone has access to high quality care without changing what works for millions of Americans?

President Obama wants to centralize power in Washington, to change the way health care is obtained by all. He would create what he calls a public option. This would not be an insurance program run by the public but one run by the Federal Government; that is to say, bureaucrats here in Washington, and I believe it would result in a one-size-fits-all government system that would depend upon complex rules and financing schemes, some kind of Federal health board and, of course, higher taxes. It would also inevitably create waiting lists for treatment and denial of care for many. Why? Because the Federal Government resources are not unlimited, so health care for some will have to be delayed or denied to keep spending in check.

The plan the senior Senator from Massachusetts has put forward would create a medical advisory council to determine what treatments people should get and when they should be treated. The goal of this medical advisory council, again, would be to control spending, not to ensure that everyone gets care when they need it. It could tell Americans when they can get their treatment and what medications they can and cannot have. The plan of the Senator from Massachusetts would also offer subsidies to those whose incomes reach 500 percent above the poverty line.

President Obama has said that if new government-run health care is created, you won't have to use it if you prefer your current plan. That is not the way the legislation is being written. The way the legislation is being written in the Finance Committee is that after your contract expires—and it is usually an annual contract—your insurance is gone, and your insurance company must begin to abide by a new set of Federal rules and regulations. That means you will not have the same policy you had before.

Moreover, the government-run care would quickly crowd out other insurers. Employees who have insurance through their company could be forced into the government plan if their employer decides it is simpler or cheaper to pay a fine to the Federal Govern-

ment and eliminate the coverage. The company might reason: Why bother doing the paperwork when we can tell people to get on the government-run plan? That is exactly what the health experts say will happen.

The Lewin Group has estimated that 119 million people will shift from a private plan that they currently have onto this new government-run plan if it is created. That would affect two-thirds of the 170 million Americans who currently have private insurance, all but ending private insurance in this country.

First, we have the takeover of the auto companies and banks and AIG and student loans and now health care. That is apparently the agenda at play here.

Republicans believe that health care reform should make health care affordable and portable and accessible. That last point is often overlooked. Health care needs to be accessible. People need to get the care they need when they need it, and what the doctor prescribes for them rather than what a bureaucrat says they can have. Access to health care does not mean access to a waiting list. Individuals and families, not the Federal Government, should control decisions about their health care. The principles of freedom and choice should apply here. The government should not eliminate your choices and get between you and your doctor.

I am not sure why some are embracing government-run insurance when those programs have created so many problems in Canada and the United Kingdom. Many people think that Canadians and Europeans get the same quality of health care Americans get but pay less. That is not true. The stories you hear from individuals in those countries about months- and years-long waiting lists and denial of care are not cherry-picked scare stories. They are commonplace. People often have to wait months for an MRI or a dental procedure or a hip replacement that they urgently need.

According to a new study by the Fraser Institute, which is a Canadian-based think tank, the average wait time for treatment from a specialist in Canada is 18.3 weeks. That is the average waiting time. Stop and think for a moment. You may have had your physician say, I think you have something very drastically wrong with you and I think you need to see a specialist to confirm whether that diagnosis is true, but you are going to have to wait on average 18 weeks for the specialist to see you.

Some people then say, well, at least everybody in Canada has a doctor. That is also not true. That same study reports that 1.7 million Canadians—and that is out of a country with a population of 33 million—were unable to see a family physician in the year 2007. Let

me repeat: 1.7 million people couldn't even see a family doctor, and that number does not include those who have a doctor and are on a waiting list, so add the wait times. The bottom line is that having a government-run plan does not guarantee that everyone will have access to a doctor or to medical care. Indeed, it chokes access.

There are some Canadian doctors who are taking action because of this. Private hospitals are sprouting up all over Canada. Dr. David Gratzner, who is a physician, recently wrote an article in the Wall Street Journal about the story of another physician, Dr. Brian Day of Vancouver. Dr. Day, who is an orthopedic surgeon, grew tired of the government cutbacks that reduced his access to an operating room, while at the same time increasing the number of people waiting to see him. So he opened a private clinic, the Cambie Surgery Center, which employs more than 100 doctors. Public hospitals send him patients because they are too busy to treat them. The New York Times has reported a private clinic is opening each week in Canada.

Think about that. This is in response to a wonderful health care system? No, it is in response to a health care system that denies care to patients.

Opening a private clinic that gives health care access to more people, of course, is a noble thing to do, and I commend Dr. Day, but the success of these clinics also shows that many people who can get out of government-run health care will do so.

Americans do not deserve or want health care that forces them into a government bureaucracy that will delay or deny their care and force them to navigate a web of complex rules and regulations. They want access to high-quality care for their own families and for their neighbors. They want to pick their own doctors, and they do not want Washington to dictate what care they can and cannot get for their families.

On a personal note, none of us in the Senate or in the gallery or anybody who may be watching us, I suspect, cares more about anything in the world—other than perhaps their own freedom—than the health of their family. If there is a health emergency right now, we will all drop anything we are doing to provide whatever health care is needed for our family. We don't want anybody to stand in the way of that. But the bottom line is that it is inevitable; when government wants to control the cost of providing health care, and it has control, what it will do is to either deny information to people about what options are available, as happens in Germany, for example; delay the care, which is frequently what happens in Canada; or what frequently happens in Great Britain, where they have a board that makes these decisions, they deny the care al-

together because it is simply too expensive for what they consider the value you get out of it. For example: If you are over a certain age, then you are not likely to have an operation such as a hip operation or a knee operation. There are other restrictions that apply as well.

We don't want that in America. We don't want the government in Washington saying that because we want to save money, you can't get care. I would also remind folks that the alternative that is being created in Canada—these private clinics—is not available under the one government-run program we have in America—the Medicare system. We also have a veterans' care system. But under Medicare, there is no alternative. You can't have private care. If you are on Medicare, and you go to a doctor who serves Medicare patients, it is against the law for him to treat you and then charge you individually for that. Under Medicare, it is either Medicare or no care. That is the law.

I know because I tried to get it changed. We tried to get something called private contracting, which would be the same as that alternative in Canada—the private clinic. We tried to get that for Medicare, so that if you were not satisfied with what Medicare gave you, and you wanted to speed it up or get a private doctor, even if he charged you whatever amount he charged you, you would have the right to do that. No. What Congress did was to say—in the middle of the night, in a conference committee—that you cannot do that. Only if a doctor says in advance, I will not treat Medicare patients for at least 2 years is he able to provide that care to you.

So we have a perverse incentive. If you want to take care of people outside of Medicare, you have to agree not to treat Medicare patients. And since we have so many physicians deciding not to take Medicare patients, that is the wrong incentive. We should be encouraging them to take more Medicare patients and at least allow the option that people in Canada have.

The bottom line is, Washington-run health care is not a good idea, and Republicans are not going to support legislation that includes Washington-run insurance companies or that gets in between the physician and the patient and interferes with that important relationship to deny or delay care.

The PRESIDING OFFICER. The Senator from New Mexico.

NOMINATION OF HILLARY TOMPKINS

Mr. BINGAMAN. Mr. President, I come to the floor today, as I did on June 2, to urge quick action on the nomination of Hillary Tompkins to be the Solicitor in the Department of the Interior. That is an important job in this country and in the Department of

the Interior, and the President has chosen well in choosing Miss Tompkins to be the Solicitor. She has broad experience in natural resource issues. She is extremely well qualified in all respects. She was chief counsel to the Governor of New Mexico, Governor Richardson, until recently, where she demonstrated her ability to lead a team of lawyers in that position and to provide sound legal counsel. So it is unclear to me why anyone would be objecting to her being approved as our Solicitor.

When I came to the floor on June 2, about 8 days ago, and talked about this subject, I asked unanimous consent that we proceed to executive session, that her nomination be confirmed, and that we advise the President of our action and the Senate go back to other business. Senator McCONNELL, on behalf of the Republican Members in the Senate, objected and said that—I think his specific response was they were still working on this. Let me quote him. He said:

We have not been able to get that nomination cleared yet on this side, but we will be consulting with the Republican colleagues, and at some point let him know whether it is possible to go forward.

I assume the word "him" in that quote refers to me. At any rate, he objected. That was disappointing. But I am even more disappointed to announce or to call attention to the fact that we still are not able to clear Miss Tompkins for this important position. I think it is unfair to her, I think it is unfair to our former colleague, now Secretary of the Interior Salazar, who needs a capable person in this position. We should not be standing in the way of that occurring. I think his ability to serve the people of the country will be improved by having a good solicitor in that office and we should get on with the job of confirming that nomination.

At the time I was urging action on her nomination before, I was advised that there were two Senators who had objections. Senator COBURN had put a hold on the nominee because of concerns of one kind or another—I don't know the specifics—and I believe Senator BUNNING had concerns as well. I have now been advised that both of those Senators have withdrawn their holds and are now satisfied.

Senator BUNNING had written a letter to Secretary Salazar raising concerns about coal mining and mountaintop-removal-related issues. Secretary Salazar responded to that letter on June 4. As I understand it, Senator COBURN also wrote. His letter was to Miss Tompkins, raising questions about whether she was in fact committed to enforcing the law when she was the Solicitor. She wrote him back and said she is clearly committed to enforcing the law, which of course would be part of her oath of office.

Based on those exchanges of letters, I am informed that both Senator BUNNING and Senator COBURN are satisfied

that her nomination can go forward at this time.

Mr. President, I ask unanimous consent to have printed in the RECORD the correspondence between those two Senators and Secretary Salazar and the nominee Hillary Tompkins, following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Those concerns have been resolved. I am not clear as to what the continued problem is, why we cannot get this nomination cleared. I raise it at this point. I put people on notice, or the Senate on notice, if we are not able to get it cleared I will once again come to the floor and ask unanimous consent later this week for us to proceed to executive session and to confirm that nomination.

I think this is a highly irregular process to just hold someone hostage for some totally unrelated concern which she has no ability to control. If there were some problem with this nominee, if there were some objection to her qualifications, clearly that would be a different matter. But as far as I know there is no objection to her qualifications. There is no problem with this nominee or any statements she has made or any action she has taken. On that ground, I think we need to move quickly to confirm her nomination. I hope my colleagues will agree and will allow that to happen later today.

I yield the floor.

EXHIBIT 1

U.S. SENATE,

Washington, DC, June 3, 2009.

HILARY TOMPKINS,
Department of the Interior,
Washington, DC.

DEAR MS. TOMPKINS, As you know, on May 22, 2009, President Obama signed into law the Protecting Americans from Violent Crime Act. This act was overwhelmingly approved in a bipartisan fashion in both the Senate and the House of Representatives as an amendment to the Credit Card Accountability Responsibility and Disclosure Act of 2009, and will take effect in February, 2010.

The act states, "The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and
(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located."

Forty-eight states protect the rights of their residents to carry a concealed weapon. Properly implemented, the Protecting Americans from Violent Crime Act should, for the first time, also protect the individual's right to carry and possess firearms in all national parks and wildlife refuges, in accordance with state and federal law.

As Solicitor of the Department of the Interior, will you commit to ensuring the law is implemented in a way that robustly protects

the rights of law-abiding gun owners, as Congress clearly intended? Will you also commit to vigorously defend this law against hostile litigation?

Thank you for your desire to serve our great country. I look forward to receiving your response by Friday, June 5, 2009.

Sincerely,

TOM COBURN,
U.S. Senator.

June 5, 2009.

Hon. TOM COBURN, M.D.
U.S. Senate,
Washington, DC.

DEAR SENATOR COBURN: Thank you for your letter of June 3, 2009, containing questions to me that relate to the Protecting Americans from Violent Crime Act, which was included in Public Law 111-24 and will take effect in February 2010.

Following the enactment of Public Law 111-24, the Secretary announced that the Department would follow Congress's directive and implement the new law when it takes effect. If confirmed as Solicitor, I will be duty-bound to uphold and defend the Constitution and laws of the United States, including this particular law.

With regard to defending this law against legal challenges, the Attorney General of the United States is charged by statute with representing the United States in all legal matters. If confirmed, I will commit to working closely with the Department of Justice in connection with any defense of this Act and all other federal laws.

Sincerely,

HILARY C. TOMPKINS.

U.S. SENATE,

Washington, DC, June 4, 2009.

Mr. KEN SALAZAR,
Secretary, Department Of Interior,
Washington, DC.

DEAR MR. SALAZAR: I am writing to express my continued concern about the Department of Interior's decision to reverse its stream buffer zone policy and ask the Department of Justice to file a plea with the U.S. District Court requesting that the current rule be vacated. Coal mining is a top energy issue to the Commonwealth of Kentucky and consequently I have an extreme interest in the stream buffer zone rule.

Aside from striking a balance between environmental protections, the now abandoned rule clarified a long standing dispute over how the Surface Mining law should be applied. Issuance of the rule represented the culmination of a seven year process that was thorough and well vetted. While I appreciate the comments that you and other members of the Department of the Interior have made regarding the importance of the role of our coal mining communities in our national energy landscape, I also believe that nearly a decade of examination of this issue should not be overturned lightly.

I respectfully ask for your full commitment to work with me as DOI determines how it will resolve the stream buffer zone matter. I further ask for a prompt written reply to this request. I appreciate your consideration and look forward to hearing from you. Please feel free to contact Sarah Timoney, of my staff, at 202-224-4343 should you have any questions.

Best personal regards,

JIM BUNNING,
United States Senator.

THE SECRETARY OF THE INTERIOR,

Washington, June 4, 2009.

Hon. JIM BUNNING,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUNNING: Thank you for your letter dated June 4, 2009, regarding the lawsuit surrounding the Office of Surface Mining Reclamation and Enforcement's Stream Buffer Zone regulation.

The matter is currently in litigation. We have asked the Court to take action that will allow the 1983 Reagan Administration rule to continue in force in all of the states that have delegated authority under the Surface Mining Control and Reclamation Act. Kentucky, along with most states, currently follows the 1983 rule.

I will ensure that there is an opportunity for public input on the potential development of a comprehensive new stream buffer zone rule that would update and clarify the 1983 rule. We will keep you informed of our progress in this matter and welcome your suggestions.

As I have said many times, we must responsibly develop conventional energy sources, including coal, in order to achieve greater energy independence. I look forward to working together to achieve these goals.

Sincerely,

KEN SALAZAR.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PIPELINE SAFETY DAY

Mrs. MURRAY. Mr. President, this morning I rise to remind all of us of a promise our government has made to the American people. It is an unspoken trust that certain things in our lives and communities are taken care of, that we don't have to think much about because we trust our government to keep us safe.

I think most Americans turn on the tap each day and expect the water they drink to be safe, and they probably do not think a lot about it. We expect if there is an emergency we will be able to pick up the phone and dial 9-1-1 and someone will answer and send help to us.

That is exactly what the people who lived in Bellingham, WA, used to think about oil and gas pipelines, if they thought about them at all. But all of our senses of safety and innocence were shattered 10 years ago today when tragedy struck for three families, and an entire community came together to grieve and to learn and eventually stand up and say: Never again.

June 10, 1999, was a quiet sunny day in Bellingham, WA. For a lot of the students there it was the last day of school for the year. That should have been how it remained—as a day when

kids played and celebrated about the coming of summer. Unfortunately, due to a series of mistakes and neglectful actions, it is now remembered as a day of fear and loss that the community still grieves.

Ten years ago today, around 3:30 in the afternoon on the west coast, a gasoline pipeline that ran through Bellingham, underground and near Whatcom Falls Park, ruptured, releasing more than a quarter of a million gallons of gasoline into Whatcom Creek. That gas ignited, sending a huge fireball racing down the entire creek, destroying everything in its path for more than a mile. It created this huge plume of smoke that rose more than 20,000 feet into the air.

The photo behind me was taken just moments after that explosion. Minutes before this, it was just a quiet creek, and this is what it looked like. That dramatic explosion took the lives, tragically, of three young people. Stephen Tsiorvas and Wade King were playing along the banks of the creek when this tremendous fireball ran across the water and set everything around them ablaze. They were both badly injured, and Stephen threw Wade into the creek and jumped in himself to try to soothe their burns. The boys were burned over 90 percent of their bodies and both died the next day. They were both just 10 years old.

The same afternoon, the same time, 18-year-old Liam Wood, who had just graduated from high school 5 days earlier, was fly fishing along this creek. He was overcome by the fumes, lost consciousness, and drowned. Stephen, Wade, and Liam were innocent victims of a horrific accident. But it was an accident that could have been and should have been prevented.

Pipeline networks stretch across the entire country. They run under our homes, they run by our schools, and our offices. Most people do not even know they are there. In fact, former Bellingham Police Chief Don Pierce, who was on this scene that day back in 1999, was recently quoted as he said:

As I was standing there none of it made any sense because creeks don't catch on fire. I don't think I knew that there was a gas pipeline that ran under there.

The chief of police didn't know there was a gas pipeline underneath.

Nationwide, the Office of Pipeline Safety oversees more than 2.3 million miles of pipeline that transports hazardous liquids and natural gas under communities across the country. They perform a very important service, bringing oil and essential products to our homes and businesses.

Prior to this accident in Bellingham, WA, I rarely heard about them myself and, like most Americans, I just assumed they were safe. At first I thought the Bellingham explosion was a fluke, something that never happens. Then, when I started to investigate

this issue, I was astonished by what I learned. It turned out that what happened in Bellingham that day was not an isolated occurrence. In fact, it was not even rare.

According to the Office of Pipeline Safety, from 1986 until the time of this accident in 1999, there had been more than 5,500 incidents resulting in 310 deaths and 1,500 injuries.

Not only had these accidents destroyed families, they had destroyed the environment. At that time, 6 million gallons of hazardous liquid were being released by these incidents every year—6 million gallons. That is like having an oil spill the size of the Exxon Valdez disaster every 2 years. The environmental damage was estimated to cost \$1 billion.

In addition to this horrific loss that was sustained by these three Bellingham families, this explosion caused massive environmental damage. In fact, I had been scheduled to be at this exact site just a few weeks later to dedicate a great, newly restored, salmon spawning ground. When I went there and saw the damage after the explosion, I was shocked. That blast had destroyed all the plant and animal life in the creek, and a once very lush and diverse habitat had been burned to ashes.

Again, our community was not unique. At that time, on average, our Nation was suffering one pipeline accident every single day. While Bellingham may not have been unique in our tragedy, we were one of a kind in our response. Today, 10 years after the unthinkable happened, the story of the Bellingham natural gas explosion is also a story of how a community came together to tackle a nationwide problem and protect other Americans from coast to coast. As we together learned about the problems with inspection and oversight of our national pipeline system, the community channeled their grief into action.

Through research, I found out there were inadequate laws, insufficient oversight, too few inspections, and not enough trained inspectors, as well as a lack of awareness about these pipeline dangers. I learned one of the most important public safety offices, the Office of Pipeline Safety, was underfunded and neglected.

I asked the inspector general of the Department of Transportation to investigate the Office of Pipeline Safety and provide recommendations for how we could make this system work better, and I got to work writing a bill to improve pipeline safety in America.

It turned out to be a very long, hard fight to convince Congress this was something we had to do something about. The people of Bellingham stood with me every single step of the way. The parents of the young victims who were tragically lost on this date came to Washington, DC, to testify. So did Bellingham Mayor Mark Asmundson,

and Carl Weimer, who is now head of the Pipeline Safety Trust.

That trust came into being thanks to the efforts of families and a group called SAFE Bellingham, that had organized to fight for the better pipeline safety and accident prevention measures.

So together with them and the great support of colleagues here in the Senate—Senator JOHN MCCAIN took a tremendous lead as chair of the committee, and I thank him for that; former Senators Slade Gorton and Fritz Hollings came together; Senator CANTWELL; Congress Members Jack Metcalf, RICK LARSEN; many others—together we worked very hard and passed and President Bush finally signed into law our legislation in 2002 to give the Office of Pipeline Safety the resources and the muscle it needed to keep Americans safe. That law improved the training of pipeline personnel. It raised the penalty for safety violations. It invested in new technology that was badly needed so we could improve pipeline safety. It improved the inspection practices and, importantly, expanded authority to our States to conduct their own safety activities.

So children today in every corner of our State are safer because the people of Bellingham stood up and said: We do not want this to happen ever again.

But I am here today to remind us, 10 years later, that the work is not done. While our law has greatly reduced the number of pipeline tragedies, there still are accidents every year. That is why I am on the floor today to introduce a Senate resolution designating June 10 as National Pipeline Safety Day. I am introducing this resolution to remind all of our communities to remain vigilant and to encourage their State and local governments to continue to promote pipeline safety and to create public awareness of the pipelines that run under and through every one of our communities.

For me, this 10-year anniversary is a reminder of a day of terrible pain we must never forget. But it is also a reminder that we cannot just assume someone else is taking care of things. We cannot slip back to where we were before. We have to stay vigilant and continue to work to improve the safety of our pipeline system. That is the best way we can continue to celebrate and honor Steven, Wade, and Liam.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 181 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 181) designating June 10, 2009, as "National Pipeline Safety Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 181

Whereas there are more than 2,000,000 miles of gas and hazardous liquid pipelines in the United States that are operated by more than 3,000 companies;

Whereas gas and hazardous liquid pipelines play a vital role in the lives of people in the United States by delivering the energy needed to heat homes, drive cars, cook food and operate businesses;

Whereas, during the last decade, significant new pipelines have been built to help move North American sources of oil and gas to refineries and markets;

Whereas, on June 10, 1999, a hazardous liquid pipeline ruptured and exploded in a park in Bellingham, Washington, killing 2 10-year-old boys and a young man, destroying a salmon stream, and causing hundreds of millions of dollars in damage and economic disruption;

Whereas, in response to the pipeline tragedy on June 10, 1999, Congress enacted significant new pipeline safety regulations, including in the Pipeline Safety Improvement Act of 2002 (Public Law 107-355; 116 Stat. 2985) and the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (Public Law 109-468; 120 Stat. 3486);

Whereas, during the last decade, the Pipelines and Hazardous Materials Safety Administration of the Department of Transportation, with support from a diverse group of stakeholders, has instituted a variety of important new rules and pipeline safety initiatives, such as the Common Ground Alliance, pipeline emergency training with the National Association of State Fire Marshals, and the Pipelines and Informed Planning Alliance;

Whereas, even with pipeline safety improvements, in 2008 there were 274 significant pipeline incidents that caused more than \$395,000,000 of damage to property and disrupted the economy;

Whereas, even though pipelines are the safest method to transport huge quantities of fuel, pipeline incidents are still occurring, including the pipeline explosion in Edison, New Jersey, in 1994 that left 100 people homeless, the butane pipeline explosion in Texas in 1996 that left 2 teenagers dead, the pipeline explosion near Carlsbad, New Mexico, in 2000 that killed 12 people in an extended family, the pipeline explosion in Walnut Creek, California, in 2004 that killed 5 workers, and the propane pipeline explosion in Mississippi in 2007 that killed a teenager and her grandmother;

Whereas the millions of miles of pipelines are still "out of sight", and therefore "out of mind" for the majority of people, local governments, and businesses in the United States, a situation that can lead to pipeline damage and a general lack of oversight of pipelines;

Whereas greater awareness of pipelines and pipeline safety can improve public safety;

Whereas a "National Pipeline Safety Day" can provide a focal point for creating greater pipeline safety awareness; and

Whereas June 10, 2009, is the 10th anniversary of the Bellingham, Washington, pipeline tragedy that was the impetus for many of the safety improvements described in this resolution and is an appropriate day to designate as "National Pipeline Safety Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates June 10, 2009, as "National Pipeline Safety Day";

(2) encourages State and local governments to observe the day with appropriate activities that promote pipeline safety;

(3) encourages all pipeline safety stakeholders to use the day to create greater public awareness of all the advancements that can lead to greater pipeline safety; and

(4) encourages individuals throughout the United States to become more aware of the pipelines that run through communities in the United States and to encourage safe practices and damage prevention relating to gas and hazardous liquid pipelines.

Mrs. MURRAY. I thank my Senate colleagues.

I remind all of us as Americans that we have to be vigilant about what is around us, and when we are, we can make a difference in the lives of many people. The tragedy that occurred in Bellingham, WA, 10 years ago today will remain with me always and with the families of Bellingham and everyone else. But if we do our work and we remain vigilant and we fund the Office of Pipeline Safety and we insist on strong protections, we can protect families in the future. That is what is important about today.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mrs. MURRAY. Earlier this morning and, in fact, for the past several days, I have been interested to hear the comments from several of our Republican counterparts on the issue of health care. They are talking about Canada. Now, that is interesting. I appreciate that. Coming from a State close to Canada, we are very interested in what Canada does. But the discussion about what Canada does with its health care system has no bearing on what we are trying to do here in the Senate and Congress to reform the American health care system.

I guess, and I am only guessing, they want to talk about Canada because they do not want to talk about their real priority. Their real priority in coming out and inflating a discussion that should not even exist because it is not what we are talking about is sim-

ply because they want to protect the status quo. They want to protect the status quo in our health care system today. So they are out here talking about Canada. Well, that is not an option.

Let me tell you what we are doing because this is a very important discussion and a very important piece of legislation we are beginning our work on in the Senate. The status quo is not acceptable. This is an extraordinary moment of opportunity for real reform in health care. We here in the Senate are working very hard to come up with legislation that will reduce the cost for our families, for our businesses, and for our government.

Like all of my colleagues, I go home every weekend and I hear from individual families and people, from community leaders and businesses that the status quo is not acceptable. They will not tolerate a debate here in the Senate that goes for the status quo.

We here in the Senate are working on legislation that will protect people's choice of doctors, will protect their choice of hospitals, will protect their choice of insurance plan. If you like what you have today, that will be what you have when this legislation is passed. And that is very important. We are also working as a goal to assure that affordable, high-quality health care is available for every American. That is not the case today. Our work really builds on the existing employer-based system we have. We strengthen it. Again, if you like what you have, you will be able to keep it. Let me say this again: If you like what you have, when our legislation is passed and signed by the President, you will be able to keep it. But if you do not like what you have today in terms of your health care or if you do not have any health care insurance at all, we are going to provide new options for you so you have better health care.

Health care reform is not a luxury, it is an imperative today. Our health care system puts far too many Americans into crisis, and reforming it is an urgent necessity that demands our immediate attention. If we are going to restore the economy and secure our Nation's fiscal future, now is the time to make health care more affordable for American families and business and government at every level. Doing nothing is not an option.

As we move forward on this debate, I remind all of us, do not be distracted by superfluous arguments that do not apply to the bills we are discussing.

The bill on which we are going to move forward in the Senate makes sure that if you like what you have today, you are going to be able to keep it. But as you and I both know, Mr. President, too many people cannot afford their health care today or they are unable to get health insurance because their insurance company says: You have too

many problems, we are not going to insure you, or they do not have insurance at all. We want to make sure health care is available to every American.

I am very proud of the effort that is going on as we speak. The health care committee is meeting today with our Republican colleagues to walk through our ideas we have now been putting together and get their input and ask for their opinions. We hope to work with them side by side, and we are giving them every opportunity to do so, because health care has to work for all Americans.

So despite the rhetoric we heard on the floor this morning about Canada, which I love—Canada is a great country—that is not what we are doing here. We are moving forward on health care reform that is drastically needed. The status quo is not an option. Doing nothing is not an option. Stopping us from moving forward is not an option. This is an issue we are having the courage to take up and move forward on because America needs us to do that.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, we are considering a bill that would allow the Food and Drug Administration to regulate one of the most deadly substances for sale in America, tobacco, a substance responsible for 400,000 deaths, more than HIV/AIDs, for example, each year, more deaths than illegal drug use, alcohol use, motor vehicle accidents, suicides and murders combined, a substance responsible for \$100 billion in health care costs every single year. I am glad we have finally reached this point. I hope we can pass this bill with a strong bipartisan vote. This moment has been coming for 20 years. There are Senators who deserve credit for where we are today in coming to this moment in history, none more than Senator TED KENNEDY. Senator KENNEDY has been our leader on this issue. Unfortunately, his personal health struggle prevents him from joining us regularly, and he may not be here for the vote today, but we wouldn't have reached this point without him. His dogged determination to reduce the number of tobacco-related deaths and illnesses in America has brought us to this moment in history. We will be voting with him in mind, as we should.

I thank Senator CHRIS DODD, who once again has stepped in, in an ex-

traordinary way, as he did with credit card reform, passing a bill that had been decades in the making. Senator DODD, at the last moment, has been called in by Senator KENNEDY and has done a spectacular job to move this bill forward. I am hoping we can pass it and get it enacted into law. It will save lives. But we can't blame tobacco for all the faults in our health care system. There are many parts that need to be addressed.

The United States spends about 17 percent of its GDP, gross domestic product, on health care. This amounts to \$7,400 per person on health care each year. We spend more than twice as much as any other country on Earth when it comes to health care. As of 2006, health spending in the United States was 90 percent higher than any other industrialized country. Health insurance premium increases consistently outpace inflation and the growth in family earnings. About 30 percent of America's poor people spend more than 10 percent of their income on health care. Since the beginning of this decade, health insurance premiums have gone up by 78 percent. Everybody knows this. No matter who one works for—private business, public entity—we know the cost of health insurance keeps skyrocketing. Wages have only gone up 15 percent in that period. People and families cannot keep up. Overall, 46 million Americans have lost their insurance. Many lose their insurance for periods during the course of a year because of changing jobs and losing jobs.

With the amount of money our country dedicates to health, the facts don't line up. Yesterday my colleague from Arizona, the Senate Republican whip, JON KYL, spoke about the problems with our health care system. I am glad he agreed there are problems to address. I need to clarify at least my view as to some of the things he said. Democrats in Congress are committed to working with President Obama to ensure that Americans can keep the health care they have, if that is their choice. Yesterday, Senator KYL said:

If you are an employee of a small business, for example, when your insurance contract runs out—and those contracts are usually 1 year or 2 years—the bottom line is, even though you may like it, at the end of the next year, when the contract runs out, you don't get to keep it.

That is not accurate. I have to say Senator KYL is saying something that doesn't reflect the position of the President, nor any Democrat I know in Congress. We believe—and we stand by this—if you like your current health insurance plan, you will be able to keep it, plain and simple, straightforward.

Senator KYL alluded to specific frustrations felt by small business owners across the country. Believe me, I understand that issue better than some. I have been working with Senator

BLANCHE LINCOLN of Arkansas, Senator SNOWE of Maine, and Senator KLOBUCHAR of Minnesota to come up with a plan so small business owners will be able to afford health insurance. I am happy to say that, at least at this moment, there is an indication the Finance Committee is considering our bill as part of their overall work product. As important as keeping your health plan, if you like it, if you are a small business owner, you find health premiums have increased 200 percent because you had one sick employee or one sick baby born to a family of one of your employees, we want to make sure you are no longer subject to the unfair practice of raising premiums for that situation. In today's system, at the end of the contract, small businesses are at the mercy of insurance companies that are in it for profit.

Earlier this week, I talked about a small businessman in Springfield, my hometown, who, in a span of just a few years, has seen his insurance premiums increase by 500 percent, though he has never turned in a claim. He has been forced to change his health care plan repeatedly. Because he is a small business owner, he has no bargaining power. What we are trying to do is ensure Americans are protected from this kind of price increase and that promised services are there when they need them.

My colleagues on the other side of the aisle continue to raise tactics of fear and concern to steer us away from the real issues at hand. Yesterday the Senator from Arizona talked about "a new regime of regulation for the insurance companies." He expressed concern that Democrats in Congress are trying to control what health insurance companies are doing. If the Senator is talking about trying to take under control some of the practices of health insurance companies today, I would say it is long overdue. People know what happens when their health insurance premiums go up dramatically, even though they haven't turned in a claim. Folks know when health insurance companies say they are going to exclude preexisting conditions and your health insurance policy is virtually worthless because the problems you face in life can't then be covered. Folks know what it is to call that health insurance company and bargain or argue with some clerk over coverage. Changing those things, if that is what regulation is all about, is long overdue. It is time that customers, consumers, families, and businesses had a fighting chance when it came to health insurance companies.

We will hear plenty of speeches in the Congress in opposition to health care reform from a lot of people who are speaking for the health insurance companies. Why don't they come up and say it. If they want to come to the floor and say: We like the current system; we don't believe it needs to be

changed; we don't believe there is a crisis facing us in terms of cost; we believe that health insurance companies are doing a great job and shouldn't have to change their ways, let that be their position. But it is a position that is indefensible with the vast majority of the American people. They understand we should be focusing on the best interests of patients and families, not the best interests of health insurance companies, nor the best interest of the Federal Government.

The bottom line is, we have to come up with health care reform which starts to reduce the cost of health care, making it more affordable, preserving quality, creating incentives for good health care outcomes, and focusing on the family and the patient, not on the government agency.

I am encouraged my colleague from Arizona raised the issue of insurance contracts, given his concern with small businesses and access to health care. I think he would want attention paid to what insurance companies are doing to these small businesses. Earlier this year, the GAO released a report showing how little competition there is and what a tough time small businesses have to find health insurance. The medium market share of the largest carrier of the small group market was about 47 percent, ranging from 21 percent in Arizona to about 96 percent in Alabama. This leaves American small businesses with few choices. We want to change that. Those who come to the floor of the Senate defending the health insurance companies and saying they want no change in the health care system have to defend the indefensible. How do they explain what small businesses and families are facing now when they are trying to find affordable, quality health insurance?

If my colleague from Arizona wants to help small businesses, let him join us in the bipartisan bill Senators LINCOLN, SNOWE, KLOBUCHAR, and I are offering, the SHOP Act. By doing so, he will be working with us in committees to make a positive change.

I also wish to clarify one thing. Time and again, Senator MCCONNELL, on the Republican side, and Senator KYL have come to argue against government health care. They talk about it in the most general terms. What they are actually arguing against is a public option. What we hope to see come from all this debate about health care reform is lots of opportunities for America's families and businesses to shop for health insurance from private insurance companies but to have, in some circumstances, the option of a government-run plan they can choose, if they wish—voluntary choice. Of all the criticism heard on the floor about government health insurance, I have yet to hear Senator MCCONNELL or Senator KYL criticize Medicare. Why? Because 40 million Americans count on it.

They know that were it not for Medicare, they couldn't afford health insurance. People live a whole lifetime without health insurance protection. Finally, when they hit age 65, they have Medicare, and they thank the Lord for that day.

Medicare does a great job. Medicare is a proven success. For over 40 years, Medicare has provided quality care to America's seniors and disabled, and we have seen the longevity, the life expectancy of seniors increase every year and their independence increase because they don't end up with a mountain of health debt to pass on to their children or have to exhaust their savings. If the Senator from Kentucky and the Senator from Arizona want to come to the floor and argue against Medicare, I welcome the debate. I wish to be here when they say that government health insurance program has failed us. It has not. It has worked. To create a public option for those across the country as part of health care reform is long overdue. We need to build on and improve Medicare, and we can do that.

We also have to make sure our health care system is based on science and the best outcomes, that we encourage preventive care, that we see those elements in our society where people can do things to make their own health care better.

Time and again you will hear the Republicans come to the floor as if they are part of the Travel Channel. They do not want to talk about America and the problems we face. They want to talk about England, New Zealand, Australia, Canada. They do not want to talk about the United States of America.

Well, it is time for them to come home and recognize that we can improve our health care system, letting Americans keep the health insurance they have if they want to keep it, making sure we start to bring costs down, making quality health insurance available, giving families the peace of mind that the cost of health insurance is not going to go through the roof and beyond their means. That is part of this debate.

Democrats are working to ensure Americans have real choice when it comes to their health care.

My colleague from the other side of the aisle referred to the public option as government-run insurance. He believes that the insurance industry is already regulated enough and that a public option is unnecessary.

I can tell the Senator that when I am receiving hundreds of letters and phone calls from constituents who cannot afford health insurance and who are seeing their premiums increase at alarming rates then I know our current health care insurance industry is not working for everybody.

In fact, according to a survey by the Kaiser Family Foundation, two-thirds

of Americans support a public health insurance option similar to Medicare to compete with private health insurance plans.

Republicans want to preserve a broken system—one with escalating costs and no guarantee that policies won't be cancelled.

Rather than help insurance companies, Democrats want to put American families first and help those struggling with high health care costs.

A public option for health insurance offers the American people the security that the government is looking out for their best interests—just like Medicare does for our seniors.

My colleague is correct in that the Medicare Program needs some changes. I hope he will be supportive of the changes we will include in the health reform package.

Yes, we need to streamline the Medicare Program, restructure the delivery of care, and emphasize quality. We will do it and save costs. But we should build on what works, and despite what my colleague says, Medicare works.

According to a study by the Commonwealth Fund, 61 percent of elderly Medicare beneficiaries said they had received excellent or very good care, compared to only half of those with employer-sponsored healthcare.

This health care debate is Congress's opportunity to improve what we have and cut costs for the future.

Comparative effectiveness research will help us do just that. Senator KYL claims that the government may misuse comparative effectiveness research as a tool to ration or deny health care. His use of the word "rationing" is only a veiled attempt to defend the status quo no matter how ineffective.

Comparative effectiveness is a tool to expand Americans' access to high-quality health care, not restrict it. When we know which treatments are more effective than other treatments, people will want the best and avoid what is ineffective. But we need this research in order to distinguish the best from the not so good.

Our health care system rations care today based on ability to pay. If we reform our health system and identify which treatments are most effective, we can reduce that hidden rationing by making health care more affordable for everyone.

We need to learn what works and empower providers and patients to use that information. That is rationing—is a sensible component of the effort to build a high-quality, value-based, results-oriented health system.

We have serious problems in our health care system. This is America, and America needs a uniquely American solution to our Nation's health care problems. This is what Senate Democrats are committed to enacting.

Mr. KYL told some tragic stories of individuals in Canada and Britain

whose experience with their country's health care system was not what we would define as quality health care.

I am sure we would like to think my colleagues on the other side of the aisle are sincerely concerned with the quality of health care around the globe, but I am more inclined to believe that this is their scare tactics trying to cloud the important issues once again.

In fact, Mr. KYL is following the specific instructions of Republican political consultant Frank Luntz.

Here it is, on page 2, talking point No. 5 from a memo given to my Republican colleagues to guide their way of framing the health care debate:

(5) The healthcare denial horror stories from Canada & Co. do resonate, but you have to humanize them. You'll notice we recommend the phrase "government takeover" rather than "government run" or "government controlled." It's because too many politicians say "we don't want a government run healthcare system like Canada or Great Britain" without explaining those consequences. There is a better approach. "In countries with government run healthcare, politicians make your healthcare decisions. They decide if you'll get the procedure you need, or if you are disqualified because the treatment is too expensive or because you are too old. We can't have that in America."

This debate is not about talking points or messaging or even other countries. Countries such as Canada and Britain have government-run healthcare and each has their unique set of good and bad aspects to the system. But, what we need to focus on is the people in our country. In our system today, insurance companies make the decisions and decide for people if they can get the procedure they need, or if they are disqualified because the treatment is too expensive. We can do better than that in America.

Patients and their doctors make the best decisions for a patient's health and wellbeing.

Every Senator in this Chamber can agree: Our health care reform efforts should be patient-centered.

I hope my colleagues on the other side of the aisle will work with Democrats to ensure a strong health care package for the American people.

Mr. President, I see two of my colleagues are on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. First, Mr. President, I wish to thank my colleague and friend from Illinois for his outstanding words once again on health care, and on the fact that we need some kind of check on the insurance companies. Our colleagues offer none. They just point to Canada and England, as he mentioned, which is a totally different system than we are focusing on.

Second, I wish to thank my colleague from Oregon, who is doing a great job in his first year in the Senate, for his generosity so I could speak for a brief

moment and share with my colleagues some words about an act of bravery that occurred in my State yesterday.

TRIBUTE TO KEN MITCHELL

Mr. SCHUMER. Mr. President, as the Senate right now debates some of the biggest national issues of our time, it is important to sometimes take a step back and look to some of the great acts that are happening every day in our towns, cities, and States. So I wish to call attention to an act of personal heroism—and that is the appropriate word; this man is a true hero—that took place in my home State of New York.

Yesterday morning, at the South Orangetown Middle School in Blauvelt, NY—a town in Rockland County about 45 minutes from New York City—a disgruntled man with a gun stormed into the office of the school superintendent. He grabbed the superintendent, Ken Mitchell, by the necktie and started threatening him and making demands. At least three gunshots were fired.

This is the kind of situation that would have scared most everyone. But, as we have learned now, Ken Mitchell is no ordinary person.

With his safety and the safety of his students on the line, he showed remarkable courage and wrestled the gunman down to the ground. He was able to grab the gun, kick it out of the way, and get the gunman pinned on the ground.

Usually when a SWAT team arrives at the scene of a crime, they are the ones to do the serious crime fighting. But this time, by the time they got there, they walked in on the school superintendent, who had already disarmed and pinned to the ground the dangerous criminal. To top it all off, Superintendent Mitchell even recognized one of the SWAT team members he had once coached as a kid on the local hockey team.

According to people on the scene, Mr. Mitchell was ready to get back to his office. As his brother-in-law said: "his tie wasn't even messed up"—just another day on the job for another great New Yorker.

It should be no secret to anyone that this incident could very quickly have turned into something unspeakable. While the headlines today are ones of praise, they could have easily been ones of grief. And praise God they were not.

But as one of New York's Senators, I want to rise publicly and congratulate Ken Mitchell for his act of bravery and heroism. As a parent myself, I know what it is like to send kids off to school in the morning and hope and pray they will come back home safely.

It is people such as Ken Mitchell who make it easy for parents to know their kids are in good hands when they wave goodbye on the schoolbus and send Johnny or Jill off to school.

Ken Mitchell is a reminder that every minute of every day Americans are engaging in personal, quiet acts of heroism and bravery about which we should all be grateful. I am proud he is from my State. And I am proud that, if even for one moment, I can give him some of the recognition he deserves.

I am sure Superintendent Mitchell is back at work right now as if nothing happened. However, Superintendent Ken Mitchell, on behalf of all New Yorkers, all Americans, and parents everywhere, we say thank you. It is Americans like you that make us proud.

Mr. President, I yield the floor and once again thank my colleague from Oregon for yielding.

The PRESIDING OFFICER. The Senator from Oregon.

HEALTH CARE REFORM

Mr. MERKLEY. Mr. President, in the coming weeks we are going to be taking up what is probably one of the most vexing policy challenges of the last 50 years: how to reform our health care system and provide affordable, accessible health care to every single American. The goal could not be more straightforward: to guarantee access for every American—and the stakes could not be higher.

Our small businesses are collapsing under the weight of health insurance premiums. Last month, Oregon's largest insurer announced that the small business premium was going up 14.7 percent. That is on top of a 26-percent increase the previous year.

Large employers have the challenge as well. In a global economy, our broken health care system is a major competitive disadvantage. A greater share of the price of each car in the United States goes to health care than goes to steel. Mr. President, \$1,500 of the cost of a car goes to health care, while across the border in Canada that price is zero. If we are going to compete in the world, we need a competitive, cost-effective health care system.

Of course, the biggest impact of our expensive, ineffective health care is most acutely felt around the kitchen table by our working families. With unemployment skyrocketing, virtually every family is reminded of how tenuous its connection is to health care—just one pink slip away from losing health care for their family.

Even those with insurance find health costs out of reach. Nearly half of the personal bankruptcies are by folks who have health insurance but who still could not manage all the health care costs because of when they became ill.

So this is what it boils down to: Working families in America, if they have health care, are concerned about the copays, they are concerned about being underinsured, and they are concerned about losing their insurance

with the loss of a job. Those working families without health care are worried about getting sick and how they are going to get well if they are already sick.

This does not have to be the case. Health care is already devouring a large portion of our economy—18 percent of our gross domestic product—driving long-term Federal deficits and crowding out important State investments in education, in infrastructure, in social services, and pretty much everything else, and it is only projected to get worse as our population ages and health care inflation runs rampant year after year.

Put simply, if we do not reform our health care system, our economy will not thrive. That is a stark choice. Our economy and health care are tied together.

I know none of this is news to the Presiding Officer or to any Members of this esteemed Chamber. In fact, since President Truman, 60 years ago, called for health care for every working American as a national priority, we have been struggling to achieve that goal, and we have not yet gotten there. We have been periodically trying to fix up a fragmented, expensive, unfair system. But the fear of change has always overtaken the sense of possibility.

Those stakes and that history make it all the more critical that we seize this moment to meet the challenge President Obama has laid out for us and that we deliver on health care reform. This is the year—2009 is the year. This is the year to deliver on the promise to give every American access to affordable health coverage, to ensure that our economy has the same potential to be the engine of prosperity and opportunity and employment in this century that it was in the last century.

To make this happen, we have to find ways to make our health care system more affordable. We need to spend our health care dollar in smarter ways so we can put money back in the pockets of Americans and make our businesses more competitive.

The good news is we have lots of examples of how to do this right now. Extensive research has documented that the regions of our country which spend the most per person on Medicare, that is, 60 percent more than the regions with the lowest expenditures on health care, do not end up with better health care. The lowest spending regions actually have the same or better health care outcomes after adjusting for health histories, ages, and occupations. Plus, the beneficiaries are more satisfied.

So if we could take the practices and change them in the high-cost regions to match the low-cost regions, we would save, in Medicare alone, hundreds of billions of dollars.

Our job in this health care reform effort is to change some of the rules of

the road so they encourage and enable all providers to act more like the high performers, those providing and delivering high quality, lower cost health care.

That is why this legislation needs to get us to start spending our health care dollars more wisely, investing more in prevention, investing in chronic disease management, building a research base about what works and what financial incentives are necessary to utilize those practices, rewarding care delivery built around coordination and efficiency rather than fragmentation and volume. We know these things work, and we need to make them the norm, not the exception.

We cannot stop the bleeding in our health care system costs without also doing something about the convoluted and broken health insurance marketplace. The first thing we need to do is to end the insurance company practices that penalize you if you are old or you are sick or you have ever been sick.

I am outraged when I hear stories from Oregonians about being turned away because of their preexisting conditions or their potential propensity toward certain diseases. The folks who need health care the most are being turned away the most, and that is not a health care system.

We have 50 million Americans without health care. That is what this conversation is about: taking that 18 percent of our gross domestic product we spend currently and finding a way to provide good quality coverage to every single American—not leaving out 50 million Americans.

Those are reforms that anyone can get behind. But I understand as we talk about other changes to how people get insurance, folks can get nervous. They can worry about the system changing in ways that are not beneficial to them. That is why I keep coming back to this point: We are going to provide the health care system we have for the people who have it, but we are going to improve it, we are going to improve it by making it more cost effective, so we can also provide health care to the 50 million who do not have coverage.

With these reforms, our citizens will have more choices. And choice in health care options is good. Instead of leaving individuals and small groups at the mercy of insurance companies providing expensive plans with very high administrative costs, those individuals and those small businesses will be able to participate in a marketplace that groups them together with millions of other Americans so they can benefit from the larger pool of health care participants.

This marketplace will resemble something very close to the list of options Federal employees have. When you become a Federal employee, you have an option of this plan or this plan

or this plan. Well, that is what we are going to do. We are going to provide a list of plans citizens can choose from, being part of a larger pool. We are going to provide a list of plans small businesses can choose from and benefit from, being a part of a larger pool of the insured.

This is a structure we are familiar with as Members of Congress. What works for Members of Congress, what works for Senators will work for working Americans. These plans give apples-to-apples comparisons so citizens can pick the plan that fits their family the best. It will ensure minimum standards so our workers are not ripped off, and the access to the marketplace will come with premium assistance so strapped consumers can get help affording the premiums to obtain health care.

Given the track record of inefficiencies and cherry-picking by private insurers, I think it is imperative that consumers have multiple choices, including a public option. Public option is simply a way to describe what we are already providing to our seniors throughout this Nation: A public, organized plan, a very efficient plan.

Administrative costs of Medicare are around 2 percent, while the administrative costs for the individual applicants to the health care system for our small businesses is 30 percent. Why not let our individuals, why not let our small businesses benefit from a 30-percent improvement in the use of the health care dollar? This public option would compete on a level playing field with private plans, it would further expand choices for consumers, it would be a tool for keeping costs low, and it should be a part of any package we put forward.

One would think all of us in this room, hearing from our constituents in every corner of our States, would understand this whole conversation is about addressing one of the highest stress factors for working families in every part of this Nation, but there are opponents of this reform. My colleagues across the aisle hired a consultant, Frank Luntz, to prepare a plan to torpedo health care. This plan came out in April. This 25-page document is about how to kill any plan that is put forward. This goes on to say it doesn't matter what the specifics of the plan are, adopt language that attacks it and present it as the opposite of what it is. Because what this document says is that Americans want this health care reform, so you can't fight it head-on, you have to recharacterize it, reframe it.

What does this plan that has been put out to kill health care say? It says: Time is on our side. If we can slow the process down, we can kill it. Well, all windows of opportunity are open for a certain period of time and then they close, so I suppose that is smart advice

if you want to kill health care, but if you want to do something for the 50 million Americans without health care, then we need to move forward quickly with health care reform.

This Republican document about how to kill health care says: Say the plan is centered around politicians. Say it is about bureaucrats. Say it is about Washington, DC.

Well, I am not sure what there is about providing health care options to 50 million working Americans who struggle every day to address the cost of health care, and often end up in personal bankruptcy, and forgo all kinds of other opportunities so their child can go to the doctor. That has nothing to do with bureaucrats. That has nothing to do with Washington. That has everything to do with family values and strengthening the foundation of our families.

This document about how to kill health care says: Bring in denial and horror stories from Canada or other parts of the world to suggest to people they will lose their relationship with their doctor; that somehow they will be jerked out of the arrangement they have found to be so satisfactory. Scare them. Scare the citizens of the United States.

Well, I can tell my colleagues that what is scaring the citizens of the United States is they can't afford their health care, and they want us to do something about it. Bringing up false horror stories that have no bearing on the plan before us to scare our citizens and make them worry even more is not responsible. What is responsible is to do something about a broken health care system.

This document has lots more about how to kill health care. It says: Take this and say this will destroy the personalized doctor-patient relationship. Take this and say this will create waste, fraud and abuse, and so on and so forth; every poll-tested set of words designed to decrease support and scare people into forgoing this once-in-a-decade opportunity or pass this once-in-a-generation opportunity we have to change the health care system.

One may think I am raising this document before my colleagues—this plan for how to kill health care—and that maybe it doesn't have any bearing on the real debate, but it absolutely does. These talking points are being echoed in this very Chamber—in this very Chamber—in order to kill health care.

Let's see. Here we go: Frank Luntz's memo—that is this memo on how to kill health care that came out in April—it says: Talking point No. 5: Health care denial horror stories from Canada and other countries do resonate, but you have to humanize them. You will notice we recommend the phrase “government takeover” rather than “government-run” or “government-controlled.” Why? Because government takeover sounds even scarier.

So what do we hear on the floor of this Chamber from our minority leader recently? I quote: “Americans are concerned about a government takeover of health care, and for good reason.” It goes on.

So recognize that is a point that is coming from a document about how to kill health care, not a responsible debate about the plan we have in front of us.

Let's take a look at another example in Frank Luntz's memo. His memo, talking points Nos. 3 and 4: Time is a government health care killer. Nothing else turns people against a government takeover of health care than the expectation that this plan will result in delayed and denied treatment. The arguments against the plan—now, note that this is about a plan that wasn't written; it is about any plan put forward. The arguments against this plan must also center around politicians, bureaucrats, and Washington. Note the emphasis on saying the plan will result in delays and denied treatment.

What have we heard on the floor of this Chamber from the minority leader? We have heard recently:

Americans don't want to be forced by bureaucrats—

That comes right out of these talking points—

to give up their private health care plan to be pushed into a Washington-run government plan.

Right out of those talking points. They don't want to wait 2 years for surgery, and they don't want to be told they are too old for surgery.

All of this straight out of this roadmap.

My friends, in the face of 50 million Americans without health care and with working Americans in every one of our States going bankrupt as they struggle with health care expenses, it is irresponsible to utilize a roadmap of rhetoric that comes from polling about how to scare people. That is irresponsible. What we need to do is lay out a plan on how we can create affordable, accessible health care for every single American, addressing one of the biggest factors that degrades the quality of life for our citizens across this Nation.

We have a unique opportunity. We have an opportunity because small business wants help with those 26-percent increases and those 14.7-percent increases in premiums they are having to pay and they are not able to continue paying them. Large businesses are asking for help to become cost competitive so we can restore manufacturing in our Nation and put people to work and rebuild the middle class and have successful international corporations operating out of America. Families around the kitchen table are asking for help today. They know how they have struggled. They know if they have health care they might lose it

next week when they lose their job. They know if they have health care, they might not be able to make the copays if they have something serious happen with their child. They know if they don't have health care, they are going to have to forgo virtually everything else or perhaps forgo the treatment itself because they won't be able to afford to make those payments to the doctor or to the hospital.

This is the moment when families and small businesses and large businesses are coming together to paint a new vision to improve the quality of life and to strengthen the foundation of our families. Let us seize this moment.

I thank the Chair. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the period for morning business be extended until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNIS. I thank the Chair.

(The remarks of Mr. JOHANNIS pertaining to the introduction of S. 1223 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. JOHANNIS. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DURBIN. Madam President, after the close of morning business, we will return to the Family Smoking Prevention and Tobacco Control Act. This is a piece of legislation which has been in the making for two decades or more which would finally say that tobacco is going to be regulated, as it should have been a long time ago.

For the longest time, the tobacco lobbyists were the most powerful lobby on Capitol Hill, and they managed to create an exemption in virtually every law so that no Federal agency could take a look at them and regulate them and basically know what we know about every product and service offered in America. They said: Well, the Food and Drug Administration shouldn't have any authority. The tobacco lobby

argued: We are not really food and we are not really a drug. So they managed to wiggle their way through the Federal statute book and at the end of the day have virtually no regulation or oversight. Unfortunately, while they have been doing that, 400,000 Americans have been dying every year of tobacco-related disease. It is the No. 1 preventable cause of death in America today. It is a product which is sold legally and a product which kills with lethality. That is a fact.

We know from experience that the tobacco industry has a tough assignment. What kind of business can survive that loses 400,000 of its customers every year, customers who die because of addiction to tobacco-related products? They needed a marketing campaign. The problem was, if you tried to market tobacco products to adults, most of them had the good sense to say: That is not a smart thing to do; I am going to stay away from tobacco. So they had to change their marketing strategy. If you couldn't market to adults, you know the kids may be vulnerable, and that is where they went, with a vengeance, with the idea of addicting children to tobacco early in life, because, of course, tobacco products, with nicotine, are addictive. To some, it is a very strong addiction. They fight for a lifetime, with patches and a doctor's care and hypnosis and anything they can think of. Some people can shake it and move away from it; others spend a lifetime addicted. So the tobacco companies went after the kids. They knew if they could get their products in the hands of children, and children would try them, they would become the next generation of smokers and ultimately a future generation of victims of tobacco. So this deadly cycle began by the tobacco companies, and the Federal Government took a hands-off attitude.

Back in the 1960s, we created a little warning label on tobacco cigarettes. You see it on billboards. It is so small, people don't notice it. It has become so commonplace, nobody even registers with the message it delivers.

For the longest time, we have argued that tobacco should be regulated, that the products that are sold in America should have an agency with oversight keeping an eye on them. The tobacco companies fought it off year after year.

Finally, with this new President, with this new Congress, we have reached the moment where we have a chance to pass this important legislation. This is a bill that will protect children and will protect America, and it will reduce tobacco use. The House passed their version last month with a wide majority, and now it is time for the Senate to act. Every day that we don't act, 3,500 American kids—children—will light up for the first time. That is enough to fill 70 schoolbuses of kids who will try cigarettes every sin-

gle day for the first time. A thousand of those 3,500 will then become regular smokers. The addiction will begin.

Tobacco companies spend nearly \$40 million every day to lure this new generation of customers with blatant deceptive advertising—promotions of candy-flavored cigarettes and advertising that is aimed directly at kids—all the while they are loading their products not just with tobacco leaf but with chemicals. They put in extra nicotine, incidentally. If there isn't enough nicotine naturally occurring in tobacco, they load it up so that your addiction becomes stronger, your craving grows, and your body demands more and more tobacco. It is time we put a stop to this marketing and give the Food and Drug Administration the authority to regulate this industry.

There are 43 million Americans who smoke today. People often say to me: Well, why don't we just ban this product? If I thought that would end smoking in America, I might consider it. But we know better. With 43 million Americans currently addicted, they are not going to quit cold turkey tomorrow. A black market would emerge, and then the next thing you know the underground economy would be sustaining tobacco. That would not be the result we are looking for.

In my home State of Illinois, about one out of five kids smokes. That means that every year 65,000 kids in Illinois try a cigarette for the first time, and almost 20,000 become regular daily smokers. These kids consume 34 million packs of cigarettes a year. There are 8.6 million people in the United States who currently suffer from tobacco-related disease. It is responsible for 90 percent of lung cancer deaths, one-third of all cancer deaths, and one in five deaths from cardiovascular disease. Approximately half of all continuing smokers will die prematurely as a result of the disease. Sadly, in Illinois, 317,000 kids alive today will eventually die from the smoking addiction which they started as kids.

Here is what the bill does. We put teeth in the law to restrict the marketing and sale of tobacco products to kids. We require tobacco companies to disclose the ingredients on their products. We require the Food and Drug Administration to evaluate any health claims for scientific accuracy and public health impact. We give the FDA the power to require companies to make changes to tobacco products to protect public health. And we require larger, stronger warning health notices on tobacco products. These are common-sense reforms that will start to reduce the terrible toll tobacco has taken on families all across this Nation. The FDA is the right agency to do this. It is the only agency that can bring together science, regulatory expertise, and the public health mission to do the job. Through a user fee on tobacco

companies, the bill gives the agency the money it needs to conduct its new responsibilities.

This is a strong public health bill, and it is a bipartisan bill. After more than 10 years of effort, we have never been so close to giving the FDA the authority it needs to regulate tobacco. I urge my colleagues to resist any amendments that will weaken this bill or add provisions that might stop it from becoming a law. FDA regulation of tobacco products is long overdue.

I can recall arriving on Capitol Hill as a new Congressman years and years ago. In the first orientation meeting we had as new Democratic Congressmen, one of the older Members of the House came in, closed the door, and said: I want to tell you something. When tobacco issues come up, we vote with the tobacco companies. That is for your friends in tobacco-producing States. You give them a helping hand, and someday they may give you a helping hand. That is the way it works.

Well, that was one of the first things we were told about being a Member of Congress; tobacco was that important on the political agenda. Certainly for some Members from tobacco-producing States, it may have been the most important thing that brought them to Capitol Hill. However, over the years, some of us wandered off of this agenda. I offered an amendment to ban smoking on airplanes and had the opposition of all of the leaders in the House of Representatives, Democrat and Republican. But it turned out that so many Members of the House flew in airplanes and couldn't stand this fiction of smoking section and nonsmoking section that they supported my amendment. So over 20 years ago we banned smoking on airplanes.

FRANK LAUTENBERG was my champion over here in the Senate and together we started a Federal policy that I might say kind of tipped one domino over and people started saying if secondhand smoke is dangerous on airplanes it is dangerous in other places.

That movement has grown in intensity. We have seen the kind of leadership at local and State levels that has continued to make it a potent force. But today is our chance. As I mentioned earlier, I am sure Senator DODD will join me saying we wish one of our colleagues were with us here today, and that is TED KENNEDY, who is home recuperating. TED KENNEDY was our champion and inspiration for years on this issue. He hung in there and fought for this when a lot of people gave up. TED never gave up. When it came to the issues in his heart and soul, he fought as long as he possibly could.

We continue that fight today and he handed the banner to Senator DODD, who has done an extraordinarily good job on this bill. He has been called into action in the Senate repeatedly. Just a few weeks ago we passed the Credit

Card Reform Act after more than 20 years of trying. We finally got it done. It was a dramatic change in the law to protect consumers and families across America.

Today, with the passage of this—at least the movement of this bill forward toward passage this week—we are going to be able to protect millions of children and Americans from deadly tobacco-related disease.

I thank Senator DODD for his leadership. I commend this bill to our colleagues. This is our moment in history. Let's not miss it. Let's seize this opportunity to create protection for a lot of young people who will otherwise find you are compromised by this deadly tobacco product.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Pending:

Dodd amendment No. 1247, in the nature of a substitute.

Schumer (for Lieberman) amendment No. 1256 (to amendment No. 1247), to modify provisions relating to Federal employees retirement.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, as I understand it, we are going to have a vote at 12:30. I ask unanimous consent the time between now and 12:30 be equally divided between the minority and majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. DODD, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Madam President, later today, the Senate will vote to approve legislation that should have been enacted years ago—authority for the FDA to regulate tobacco products, the most lethal of all consumer products.

It has been a long and arduous path with many political obstacles. Fortunately, the legislative journey is nearing a successful conclusion. The House of Representatives overwhelmingly

passed a nearly identical bill earlier this spring. In May, the Senate HELP Committee approved the FDA Tobacco bill with the support of a strong bipartisan majority. On Monday, 61 Senators voted to invoke cloture on the committee-passed bill. President Obama is anxiously waiting to sign it into law. Passage of the legislation is much more than a victory for those of us who have long championed this cause. It is a life saving act for the millions of children who will be spared a lifetime of addiction and premature death.

The need to regulate tobacco products can no longer be ignored. Used as intended by the companies that manufacture and market them, cigarettes will kill one out of every three smokers. Yet the Federal agency most responsible for protecting the public health is currently powerless to deal with the enormous risks of tobacco use. Public health experts overwhelmingly believe that passage of H.R. 1256 is the most important action Congress can take to protect children from this deadly addiction. Without this strong congressional action, smoking will continue at its current rate, and more than 6 million of today's children will ultimately die from tobacco-induced disease.

Smoking is the number one preventable cause of death in America. Nationally, cigarettes kill well over 400,000 people each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, and suicide combined.

The American Cancer Society, the American Heart Association, the American Lung Association, the American Medical Association, the Campaign for Tobacco-Free Kids and eighty-six other national public health organizations speak with one voice on this issue. They are all supporting H.R. 1256 because they know it will give FDA the tools it needs to reduce youth smoking and help addicted smokers quit.

A landmark report by the Institute of Medicine, released 2 years ago, strongly urged Congress to “confer upon the FDA broad regulatory authority over the manufacture, distribution, marketing and use of tobacco products.”

Opponents of this legislation argue that FDA should not be regulating such a dangerous product. I could not disagree more. It is precisely because tobacco products are so deadly that we must empower America's premier public health protector—the FDA—to combat tobacco use. For decades the Federal Government has stayed on the sidelines and done next to nothing to deal with this enormous health problem. The tobacco industry has been allowed to mislead consumers, to make false health claims, to conceal the lethal contents of their products, to

make their products even more addictive, and worst of all—to deliberately addict generations of children. The alternative to FDA regulation is more of the same. Allowing this abusive conduct by the tobacco industry to go unchecked would be terribly wrong.

Under this legislation, FDA will for the first time have the needed power and resources to take on this challenge. The cost will be funded entirely by a new user fee paid by the tobacco companies in proportion to their market share. Not a single dollar will be diverted from FDA's existing responsibilities.

Giving FDA authority over tobacco products will not make the tragic toll of tobacco use disappear overnight. More than 40 million people are hooked on this highly addictive product and many of them have been unable to quit despite repeated attempts. However, FDA action can play a major role in breaking the gruesome cycle that seduces millions of teenagers into a lifetime of addiction and premature death.

What can FDA regulation accomplish?

It can reduce youth smoking by preventing tobacco advertising which targets children. It can help prevent the sale of tobacco products to minors. It can stop the tobacco industry from continuing to mislead the public about the dangers of smoking. It can help smokers overcome their addiction. It can make tobacco products less toxic and less addictive for those who continue to use them. And it can prohibit unsubstantiated health claims about supposedly “reduced risk” products, and encourage the development of genuinely less harmful alternative products.

Regulating the conduct of the tobacco companies is as necessary today as it has been in years past. The facts presented in the Federal Government's landmark lawsuit against the tobacco industry conclusively demonstrate that the misconduct is substantial and ongoing. The decision of the Court states: “The evidence in this case clearly establishes that Defendants have not ceased engaging in unlawful activity . . . Defendants continue to engage in conduct that is materially indistinguishable from their previous actions, activity that continues to this day.” Only strong FDA regulation can force the necessary change in their corporate behavior.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends over thirteen billion dollars each year to promote its products. Much of that money is spent in ways designed to tempt children to start

smoking, before they are mature enough to appreciate the enormity of the health risk. Four thousand children have their first cigarette every day, and 1,000 of them become daily smokers. The industry knows that nearly 90 percent of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies' own words, the magnitude of the industry's efforts to trap children into dependency on their deadly product. Studies by the Institute of Medicine and the Centers for Disease Control show the substantial role of industry advertising in decisions by young people to use tobacco products.

If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation will give FDA the authority to stop tobacco advertising that glamorizes smoking to kids. It grants FDA full authority to regulate tobacco advertising "consistent with and to the full extent permitted by the First Amendment."

FDA authority must also extend to the sale of tobacco products. Nearly every State makes it illegal to sell cigarettes to children under 18, but surveys show that many of those laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. This means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rule-making proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the Agency promulgated rules in the manner in which cigarettes are advertised and sold. Due to litigation, most of those regulations were never implemented. If we are serious about curbing youth smoking as much as possible, as soon as possible; it makes no sense to require FDA to reinvent the wheel by conducting a new multiyear rule-making process on the same issues. This legislation will give the youth access and advertising restrictions already developed by FDA the force of law, as if they had been issued under the new statute. Once they are in place, FDA will have the authority to modify these rules as changing circumstances warrant.

The legislation also provides for stronger warnings on all cigarette and smokeless tobacco packages, and in all print advertisements. These warnings will be larger and more explicit in their description of the medical problems which can result from tobacco use. Each cigarette pack will carry a graphic depiction of the consequences of smoking. The FDA is given the authority to change the warning labels periodically, to keep their impact strong.

The nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, tobacco companies vehemently denied the addictiveness of their products. No one can forget the parade of tobacco executives who testified under oath before Congress that smoking cigarettes is not addictive. Overwhelming evidence in industry documents obtained through the discovery process proves that the companies not only knew of this addictiveness for decades, but actually relied on it as the basis for their marketing strategy. As we now know, cigarette manufacturers chemically manipulated the nicotine in their products to make it even more addictive.

An analysis by the Harvard School of Public Health demonstrates that cigarette manufacturers are still manipulating nicotine levels. Between 1998 and 2005, they significantly increased the nicotine yield from major brand-name cigarettes. The average increase in nicotine yield over the period was 11 percent.

The tobacco industry has a long dishonorable history of providing misleading information about the health consequences of smoking. These companies have repeatedly sought to characterize their products as far less hazardous than they are. They made minor innovations in product design seem far more significant for the health of the user than they actually were. It is essential that FDA have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

Given the addictiveness of tobacco products, it is essential that the FDA regulate them for the protection of the public. Over 40 million Americans are currently addicted to cigarettes. No responsible public health official believes that cigarettes should be banned. A ban would leave 40 million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous and addictive ingredients from cigarettes, to the extent that it is scientific

ally feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as "reduced risk" cigarettes. Some are already on the market making unsubstantiated claims. This legislation will require manufacturers to submit such "reduced risk" products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety. Only by preventing bogus claims will there be a real financial incentive for companies to develop new technologies that can lead to genuinely and verifiably safer products.

This legislation will vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively. It is long overdue.

Voting for this legislation today is the right thing to do for America's children. They are depending on us. By passing this legislation, we can help them live longer, healthier lives. I know that the Senate will not let them down.●

Mr. DODD. There are over 1,000 organizations that support H.R. 1256. I ask unanimous consent that some of these letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 26, 2009.

Hon. HENRY WAXMAN
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN WAXMAN: We are writing to endorse the "Family Smoking Prevention and Tobacco Control Act," which you introduced on March 3, 2009. If enacted, this legislation will make a significant contribution in our national campaign to reduce the harm caused by tobacco and to protect our children and public health.

As you are aware, in the next 365 days, more than 400,000 Americans will die prematurely from tobacco use and more than 450,000 children, 12 to 17 years old, will become regular, daily smokers and part of the next generation of grim statistics. This year, under your leadership, the United States Congress has an opportunity to bring about fundamental change by enacting your legislation to regulate tobacco products and their marketing.

The "Family Smoking Prevention and Tobacco Control Act" is the kind of tobacco regulation that makes sense and that is long overdue. It would prevent the tobacco companies from marketing to children. It would require disclosure of the contents of tobacco products, would authorize FDA to require the reduction or removal of harmful ingredients, and would require FDA to promptly address the complex issues raised by menthol tobacco products. It would prohibit terms

like “light” and “low tar” which have been used to mislead smokers into thinking that those tobacco products are less harmful. And it would force the tobacco companies to scientifically prove any claims about “reduced risk” products.

Some have questioned whether FDA can take on this important new task and whether it will have sufficient resources. Having thoroughly studied this issue, we believe that the bill gives the FDA the resources it needs to do the job properly; and, without question, the FDA is the right agency to implement this new regulation because it has a public health mandate and the necessary scientific and regulatory experience.

The Congress can change the course of this public health crisis by voting to enact your legislation to provide FDA with authority over tobacco products. This is a strong bill and would significantly advance the public health.

Sincerely,

DONNA E. SHALALA,
*Former Secretary of
Health and Human
Services.*

DAVID KESSLER,
*Former Commissioner
of the Food and
Drug Administra-
tion.*

DAVID SATCHER,
*Former Surgeon Gen-
eral.*

TOMMY G. THOMPSON,
*Former Secretary of
Health and Human
Services.*

JULIE L. GERBERDING,
*Former Director of the
Centers for Disease
Control and Preven-
tion.*

RICHARD H. CARMONA,
*Former Surgeon Gen-
eral.*

AMERICAN CANCER SOCIETY,
CANCER ACTION NETWORK,
Washington, DC, May 18, 2009.

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Health, Education,
Labor and Pensions, U.S. Senate, Wash-
ington, DC.*

DEAR CHAIRMAN KENNEDY: On behalf of the volunteers and supporters of the American Cancer Society Cancer Action Network (ACS CAN), the advocacy affiliate organization of the American Cancer Society, we thank you for your leadership on The Family Smoking Prevention and Tobacco Control Act, S. 982. We fully support this legislation to give the U.S. Food and Drug Administration long-needed authority to regulate the production, marketing and sale of tobacco products.

Every year, more than 400,000 Americans die from causes related to the use of tobacco products. The annual direct health care cost from tobacco use is \$96 billion. Every day 3,500 kids smoke their first cigarette and each day 1,000 young people become regular smokers, one-third of whom will die prematurely as a result.

More than 1.4 million Americans will be diagnosed with cancer this year and more than 550,000 will lose their battle with the disease. There will be 159,000 lung cancer deaths this year. Smoking is responsible for 87 percent of the deaths from lung cancer.

Despite the overwhelming evidence of harm to public health and costs to the health care system, tobacco products remain virtually unregulated. In the absence of gov-

ernment intervention, the tobacco industry continues to market its deadly products to children, deceive the general public about the harm they cause, and fail to take any meaningful action to make their products less harmful or less addictive.

Your legislation would begin commonsense oversight of the industry by giving FDA the necessary authority and resources to regulate the manufacturing, marketing, labeling, distribution and sale of tobacco products. The bill will give FDA authority to prevent tobacco advertising that targets children, prevent the sale of tobacco products to minors, identify and reduce the toxic constituents of tobacco products and tobacco smoke, and regulate industry health claims about the risks of tobacco products.

This is strong and effective legislation broadly supported by the public health community. We assure you that ACS CAN will work vigorously to protect the approach you have taken and to see it enacted into law this year.

Thank you again for your commitment to this critically important and long overdue legislation.

Sincerely,

DANIEL E. SMITH,
President.

AMERICAN LUNG ASSOCIATION,
Washington, DC, May 14, 2009.

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Health, Education,
Labor and Pensions, U.S. Senate, Wash-
ington, DC.*

DEAR CHAIRMAN KENNEDY: The American Lung Association commends the Senate Committee on Health, Education, Labor and Pensions for considering S. 982, the Family Smoking Prevention and Tobacco Control Act. Your legislation would finally give the U.S. Food and Drug Administration (FDA) authority over tobacco products.

This legislation will provide the FDA with the authority to stop the tobacco companies from advertising to children, making misleading health claims about their deadly products and from manipulating their products to make them increasingly more addictive. FDA authority over manufactured tobacco products will finally allow our nation to begin to take significant steps to reduce the tobacco-caused death toll that claims more than 392,000 American lives each year and results in \$193 billion annually in health care costs and lost productivity.

The American Lung Association is grateful to you for your leadership and we look forward to working with you to ensure its passage by the Senate in June.

Sincerely,

CHARLES D. CONNOR,
President and CEO.

Chicago, IL, May 11, 2009.

Hon. EDWARD M. KENNEDY,
*Chairman, Health, Education, Labor, and Pen-
sions Committee, U.S. Senate, Dirksen Sen-
ate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of the physician and medical student members of the American Medical Association (AMA), I am writing to express our strong support for S. 982, the “Family Smoking Prevention and Tobacco Control Act,” and to urge the Senate Health, Education, Labor and Pensions (HELP) Committee to approve S. 982 during its mark up of the bill. This legislation would give the Food and Drug Administration (FDA) the authority to regulate the manufacture, sale, distribution, and marketing of tobacco products. The AMA firmly

believes that Congress must act this year to protect the public’s health by passing the Family Smoking Prevention and Tobacco Control Act.

Cigarette smoking remains the leading preventable cause of death and disease in the United States. Each year, tobacco use kills more than 400,000 Americans and costs the nation nearly \$100 billion in health care bills. As physicians, we see daily the devastating consequences of tobacco use on our patients’ health. Patients suffer from preventable diseases including cancer, heart disease, and emphysema that develop as a result of the use of a single product—tobacco. The evidence is overwhelming concerning the health risks of using tobacco products, particularly when used over decades.

Ninety percent of all adult smokers begin while in their teens, or earlier, and two-thirds become regular, daily smokers before they reach the age of 19. Each day, approximately 4,000 kids will try a cigarette for the first time, and another 1,000 will become new, regular, daily smokers. As a result, one-third of these kids will die prematurely. Despite their assertions to the contrary, the tobacco companies continue to market their products aggressively and effectively to reach kids, who are more susceptible to cigarette advertising and marketing than adults. Congressional action to provide the FDA with strong and effective regulatory authority over tobacco products is long overdue.

We applaud you for your leadership on strong FDA regulation of tobacco and other critical public health issues. The AMA looks forward to working with you and your colleagues to enact S. 982 and its companion in the House, H.R. 1256, into law.

Sincerely,

MICHAEL D. MAVES.

AMERICAN PUBLIC HEALTH ASSOCIA-
TION,

Washington, DC, May 13, 2009.

Hon. EDWARD KENNEDY,
*Senate Committee on Health, Education, Labor
and Pensions, Senate Dirksen Office Build-
ing, Washington, DC.*

DEAR CHAIRMAN KENNEDY: On behalf of the American Public Health Association (APHA), the oldest and most diverse organization of public health professionals and advocates in the world dedicated to promoting and protecting the health of the public and our communities, I write in strong support of S. 982, the Family Smoking Prevention and Tobacco Control Act, legislation that would give the Food and Drug Administration (FDA) the authority to regulate tobacco products. In April, the House of Representatives passed this legislation by an overwhelming bipartisan majority and we are hopeful the Senate will move quickly to pass the bill.

According to the Centers for Disease Control and Prevention (CDC), tobacco use is responsible for about 438,000 deaths each year in the United States. In addition to this staggering statistic, tobacco use costs more than \$96 billion each year in health care expenditures, and an additional \$97 billion per year in lost productivity. Furthermore, 3,600 kids between the ages of 12 and 17 years initiate cigarette smoking every day. In spite of this, tobacco products remain virtually unregulated. For decades, the tobacco companies have marketed their deadly products to our children, deceived consumers about the harm their products cause, and failed to take any meaningful action to make their products less harmful or less addictive. Your bill would finally end the special protection

enjoyed by the tobacco industry and protect our children and the nation's health instead.

This legislation meets the high standard established by the public health community for FDA tobacco regulation. Importantly, the bill would create FDA authority to effectively regulate the manufacturing, marketing, labeling, distribution and sale of tobacco products, including the authority to:

Stop illegal sales of tobacco products to children and adolescents

Require changes in tobacco products, such as the reduction or elimination of harmful chemicals, to make them less harmful and less addictive

Restrict advertising and promotions that appeal to children and adolescents

Prohibit unsubstantiated health claims about so-called "reduced risk" tobacco products that discourage current tobacco users from quitting or encourage new users to start

Require the disclosure of tobacco product content and tobacco industry research about the health effects of their products

Require larger and more informative health warnings on tobacco products.

Study and address issues associated with menthol tobacco products

We thank you for your continued leadership on this and other important public health issues. We look forward to working with you to ensure the legislation is passed by the Senate and signed by the president this year.

Sincerely,

GEORGES C. BENJAMIN,
Executive Director.

CAMPAIGN FOR TOBACCO-FREE KIDS,
Washington, DC, May 14, 2009.

Senator EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: We are very pleased that the Senate Committee on Health, Education, Labor and Pensions will next week undertake consideration of S. 982, the Family Smoking Prevention and Tobacco Control Act, your legislation to give the U.S. Food and Drug Administration (FDA) authority over tobacco products. On April 2nd, the House passed this legislation with a solid bipartisan vote of 298-112. We look forward to its passage by the Senate in the near future.

Tobacco use remains the leading cause of preventable death in the U.S., killing more than 400,000 Americans each year and costing our health care system an estimated \$96 billion annually. More than 1,000 kids become regular, daily smokers each day—and one-third of them will ultimately die from their addiction. Amazingly, tobacco products are virtually unregulated by the federal government. Tobacco products are exempt from basic health regulations that apply to other consumer products such as drugs, medical devices and foods. This special protection allows tobacco companies to market their deadly and addictive products to children, mislead consumers about the dangers of their products, and continue to manipulate ingredients in order to make them more addictive and attractive to children.

There are more than 1,000 national, state and local organizations that support this legislation (the full list of supporting organizations can be seen at: <http://www.tobaccofreekids.org/reports/fda/organizations.pdf>) and both the President's Cancer Panel and the Institute of Medicine support Congress giving the FDA the authority to

regulate the manufacture and marketing of tobacco products.

We applaud your leadership on this important public health legislation and look forward to working with you to ensure its passage by the full Senate.

Sincerely,

MATTHEW L. MYERS,
President.

AMERICAN ACADEMY OF PEDIATRICS,
Elk Grove Village, IL, April 29, 2009.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the 60,000 pediatricians, pediatric medical subspecialists and pediatric surgical specialists of the American Academy of Pediatrics (AAP), I would like to express our support for the Family Smoking Prevention and Tobacco Control Act (H.R. 1256), legislation to protect child health by providing the Food and Drug Administration (FDA) with strong authority to regulate tobacco products. The bill made historic progress this year, passing in the House early in the session by an overwhelming bipartisan majority of 292-112. We urge the Senate to take up and approve FDA tobacco legislation as soon as possible and oppose the alternative offered by Senators Burr and Hagan.

It is estimated that more than 3 million US adolescents are cigarette smokers and more than 2,000 children under the age of 18 start smoking each day. If current tobacco use patterns persist, an estimated 6.4 million children will die prematurely from a smoking-related disease. Smoking and exposure to second-hand smoke among pregnant women cause low-birth weight babies, preterm delivery, perinatal deaths and sudden infant death syndrome. Other effects may include childhood cancer, childhood leukemia, childhood lymphomas and childhood brain tumors. Well over 30,000 births per year in the United States are affected by one or more of these problems.

The Family Smoking Prevention and Tobacco Control Act will provide the FDA with broad new authority and resources to regulate the manufacture, marketing, labeling, distribution and sale of tobacco products, including advertising. The marketing provisions include banning advertising near schools and tobacco sponsorship of sporting events. The bill would require tobacco company disclosure of cigarette constituents as well as larger and stronger health warnings on cigarette packs. It would also give the FDA the authority to regulate the amount of nicotine in cigarettes, ban flavored cigarettes, and prevent the marketing of products labeled as "reduced harm." This enhanced power can reduce tobacco use by adolescents and young adults, thus limiting the number of people exposed to tobacco's health-compromising and life-threatening risks.

The Academy opposes the alternative tobacco regulation legislation offered by Senators Burr and Hagan titled the Federal Tobacco Act of 2009 (S. 579). It does not provide the protections necessary to protect children from the harms of tobacco. Rather than place tobacco regulatory authority in the FDA, S. 579 would create a new and untested bureaucracy to do the job. The bill does not contain the strong marketing or labeling provisions necessary to prevent our nation's youth from starting a lifelong addiction to tobacco. The Federal Tobacco Act would also mistakenly assure tobacco users of the safety of so-called "reduced-risk" tobacco prod-

ucts, give the tobacco industry a voice in scientific decision making, and prevent mandating meaningful changes in tobacco product ingredients. We urge the Senate to oppose this alternative and swiftly pass FDA tobacco legislation.

Thank you for your dedication to the health and well-being of children. We look forward to working with you to pass this important legislation.

Sincerely,

DAVID T. TAYLOR, JR.,
President.

Mr. DODD. Let me take a couple of minutes. I know my colleague and friend from Wyoming, Senator ENZI, is coming to the floor as well. I think Senator COBURN is going to be here to make a point of order. I will keep an eye out so I do not exceed the time.

I want to point out to my colleagues that this is now down to the last few votes on this matter. I had hoped we would have been able to consider some of the other amendments that were being offered. But as my colleagues, I think, are probably aware, one of the amendments to be considered was an amendment offered by my colleague Senator LIEBERMAN. There was objection to that amendment coming up. As a result, we could not reach an agreement on allowing time for the other amendments to be considered, amendments offered by Senator ENZI, Senator BUNNING, Senator COBURN, and Senator HAGAN.

In fact, an amendment offered by Senator ENZI—he and I reached an agreement on that. It is regrettable that we weren't able to get to it. I hope we can fix it at another time. That is an example of what happened when we couldn't get unanimous consent to go forward. Nonetheless, I hope the substitute will be adopted, cloture will be invoked, and we can schedule a vote for final passage, as I believe we will, in the next day.

This is important. A lot of work has been done on this bill. As Senator DURBIN, our friend from Illinois, pointed out, this is work that has gone on for decades between Republicans and Democrats. It is a bipartisan bill. We spent 2 days on markup, considering amendments, adopting some, accepting some. That brought us to the position we are in today with this legislation.

As I have said over and over again over the last number of weeks as we have considered this bill, this is an unprecedented action we will be taking, an historic moment in many ways. For the first time ever in the history of our country, the 100-year-old regulatory agency, the Food and Drug Administration, which regulates all the food and products we ingest and consume as Americans, will now for the first time be allowed to regulate tobacco products.

The FDA, the Food and Drug Administration, as I pointed out, not only regulates the food we humans consume but also pets—cat food, dog food, bird

feed, hamsters—all those products have to be approved by the FDA. One product we have not been able to legislate because of opposition from the tobacco industry is tobacco products. We are about to change that. My hope is with a vote today and tomorrow, and then agreement with the House, the President will be in a position to sign the legislation that will, first, give the Food and Drug Administration the opportunity to regulate these products and, as important, to determine and set guidelines and regulations dealing with the sale and marketing to young people.

It has been said, I know, over and over again, maybe not often enough, 3,000 to 4,000 children begin smoking every day in America. Every day we delay having the FDA take on this responsibility and begin controlling the marketing and sale of these products, we run the risk of more and more children starting the habit. We know that of that 3,000 to 4,000 who start smoking every day, 1,000 of them end up becoming addicted to the products. One in five high school students in my State of Connecticut today smoke. I suspect those numbers are probably fairly uniform across the country. Of that number I have mentioned, the thousand who become addicted, about one-third that number will die from smoking-related illnesses. Four hundred thousand people every year lose their lives as a result of tobacco-related illnesses.

Again, this is a self-inflicted wound. Obviously we have known this for a long time. The Surgeon General has warned for years, every scientific study that has been done has cautioned about what happens if people develop the habit of smoking and the dangers associated with it. We talk about loss of life but there are also those who become debilitated through the contraction of various diseases associated with smoking.

I apologize for making this case with numbers, but it is so important my colleagues understand where we are and how important this vote is, to be able to do this. We are now already beginning the debate about health care in the country. That debate is going to go on for the next number of months. A major feature of the health care debate is prevention, to try to prevent people from getting the diseases that cost them and their families and our country so much. What better way to take a step toward prevention than to deal with an issue like smoking and tobacco products, which causes so many deaths in our country, so many illnesses.

In fact, if you take suicides, murders, AIDS, alcohol-related deaths, automobile accidents, drug-related deaths, and combine all of them, they do not equal the number of fatalities that occur every year as a result of the use of tobacco products.

If we are truly interested in making real headway on prevention, what bet-

ter way than to begin to deal with the issue of marketing and sale of tobacco products to young people. That is what a major part of this bill does.

We also provide help to the producing States because we recognize that for farmers in these States, this will be a major adjustment for them economically. This bill accommodates that as well.

I say to my friends on the other side, particularly, those who have offered—want to offer some of these amendments, we didn't have a chance to consider some of them, but I want them to know it was not objection on this side to that at all. There were objections to the Lieberman amendment going forward that created this problem. But, nonetheless, the work that has been done on this bill I think is deserving of our support. It is worthy of our unanimous adoption.

As I said over and over again, if you were to collect all of the adult smokers in the country—and 90 percent of adult smokers began as children, by the way—but if you asked all of them their opinion on whether we ought to do something about marketing these products to children, I would be willing to venture a guess that 98 percent of adult smokers, if they could speak with one voice today, would tell us to pass this bill. The last thing a parent who smokes wants is their children to start smoking. They know the hazards, they know the damage, they know the heartache that comes with the illnesses associated with these products.

On behalf of all parents in the country, smokers and nonsmokers, let us adopt this legislation and take a major step in dealing with the dreaded health problems associated with tobacco products.

I see my colleague from Wyoming so let me stop here and give him the remainder of the time he needs to comment on this. I thank him and his staff who have been working on this. I am a late arrival. He worked with Senator KENNEDY on this problem long before I was directly involved with it. I thank him for his work.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Senator from Connecticut, Senator DODD, who is working as chairman on this committee, for his passion, enthusiasm, and for listening to us. We do have a few things that are in the bill, but there are several other things that ought to be considered. We want the bill to be as good as possible. When we do cloture, we cut off that possibility.

I have a couple amendments that I think, if they were addressed—I know one is kind of accepted on both sides, but we cannot get them in. That is a frustration. We should not be having frustrations on something as important as this bill. It is important that we stop kids from starting smoking

and that we get people already smoking to stop smoking. It is adding to the health care bills of all of us. It is a cost shift we are experiencing. It is not good for their health. Then there are family members who are having secondary smoke. People do not realize the problems they are giving to their family members by doing that.

I do oppose cloture today. There are several amendments I would like to offer. They are all germane amendments. I am glad they were germane amendments. We have been trying to reach an agreement on offering these amendments but it has been without any success, and if we invoke cloture we will not have a chance to consider any of these amendments.

I hope we have a way to give these amendments serious consideration. If we cannot, I have to oppose cloture and I ask my colleagues to do the same. I think we can get it worked out in a relative hurry but not unless the train stops for a moment, a little hesitation here.

I want to get this bill done. I am hoping we can complete it. But I think there are some important points that have to be made on it.

I yield the floor.

CHARACTERIZING FLAVOR

Mr. LAUTENBERG. Madam President, recent attempts by the tobacco industry to sell and market candy-flavored cigarettes are a real threat to our Nation's children. With flavors such as cherry, grape, and strawberry, these cigarettes are intended to get our children addicted to a deadly product that kills more than 400,000 people a year. The Family Smoking Prevention and Tobacco Control Act section 907 prohibits the use in cigarettes of flavors, herbs, spices, such as strawberry grape, orange, clove and cinnamon, when used as a "characterizing flavor" of the tobacco product or smoke. I applaud you along with Senator KENNEDY for prohibiting these products.

Mr. DODD. As you know, most new smokers start as children. Every day, approximately 3,500 kids will try a cigarette for the first time, and another 1,000 will become new, regular daily smokers. We should do everything possible to protect our children from the dangers of smoking.

Mr. LAUTENBERG. However, it is my understanding that the language in section 907 is not meant to prohibit the use of any specific ingredient that does not produce a "characterizing flavor" in a cigarette or its smoke; is that correct?

Mr. DODD. The Senator from New Jersey is correct. While the term "characterizing flavor" is undefined in the legislation, it is intended to capture those additives that produce a distinguishing flavor, taste, or aroma imparted by the product. Nothing in this section is intended to expressly prohibit the use of any specific ingredient that does not fall into this category.

Mr. LAUTENBERG. I thank the Senator for this clarification.

Mr. LEVIN. Madam President, I am pleased the Senate is taking up the Family Smoking Prevention and Tobacco Act which will save hundreds of thousands of lives and more than \$155 billion in health care costs every year. Currently, there are more than 44 million smokers, of which 90 percent began smoking before the age of 18. Tobacco is a product that is responsible for 440,000 deaths each year, is the leading cause of preventable death, and yet, is not regulated.

The Family Smoking Prevention and Tobacco Control Act will go a long way in regulating tobacco products, and will make it less likely that a child will establish a dependence on tobacco products. In the United States alone, every day approximately 3,000 minors take up smoking. Simply reducing the use of tobacco by these minors by even 50 percent will prevent more than 10 million children from becoming habitual smokers, saving over 3 million of them from premature death due to tobacco related disease.

It is critical that the FDA gain regulatory authority over tobacco related products, in order to ensure that consumers are better informed of the possible risks, addictive qualities, and adverse health effects of these products. In addition, this legislation will create more transparency and, as in many other consumable goods, tobacco manufacturers will be required to list all ingredients included in their tobacco products. This bill also gives the FDA the ability to set quality criteria for tobacco products, prohibit cigarettes containing any flavoring other than tobacco or menthol, as well as require the FDA approval for all labels before being put on the market.

In 2005, cigarette manufacturers spent more than \$13 billion to attract new users, retain current users, and increase consumption. Children especially are exposed to tobacco advertising, seeing tobacco use glorified in movies, and advertisements and sponsorship of sporting events. This advertising misleads users, children and adults, to believe products are healthy, for example, "light" or "low-tar" designations. Our Nation stands to benefit greatly from this legislation, both in quality of life and revenue saved. The diseases and deaths caused by smoking are preventable, and every person has a stake in the issue, whether they smoke or not.

I was disappointed in 1998 when the Fourth U.S. Circuit Court of Appeals decided in *Brown & Williamson Tobacco Corporation v. Food and Drug Administration, FDA*, that the FDA did not have the authority under existing law to regulate tobacco as an addictive drug, and I am pleased the Family Smoking Prevention and Tobacco Control Act will take steps to

address this lack of regulation. This bill has the support of over 1,000 organizations and deserves our support.

Mr. CARDIN. Mr. President, I regret that the Senate was unable to reach an agreement with regard to consideration of the amendment which Senators LIEBERMAN, AKAKA, COLLINS, and VOINOVICH offered to H.R. 1256. The amendment, which was ruled non-germane, reformed several Federal employee retirement provisions. It made changes to benefit computation rules for certain Federal employees, including the ability to count sick leave and part-time service, and it authorized Federal agencies to reemploy Federal pensioners on a part-time basis.

I cosponsored this amendment. Its importance particularly resonates with me as a large number of Federal employees work and reside in my home State of Maryland. But that is not why I cosponsored it. I cosponsored the amendment because it was the right thing to do for all of America's Federal employees.

The Lieberman amendment would have extended to employees under the Federal Employees' Retirement System certain benefits which already apply to employees under the older Civil Service Retirement System. This bipartisan amendment had the potential to affect the lives of hundreds of thousands of Federal employees who work hard every day, many at modest pay grades, only to find that their benefits do not mirror those of their colleagues in the same positions.

We had an opportunity to send an important message to America's Federal workers by bringing up this amendment. We had an opportunity to give them additional incentives to continue the missions they pursue on behalf of all of us, to demonstrate that Congress still cares about doing what is right and fair. I regret we were unable to consider this amendment because of the objections of a minority of Senators.

I commend Senator LIEBERMAN and the other Senators who worked so diligently on this amendment. We will have other opportunities. I pledge my continued support for America's Federal employees, just as they continue to work for America each and every day.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, on behalf of Senator LIEBERMAN I ask unanimous consent, notwithstanding rule XXII, that I be permitted to call up amendment No. 1290 and that the amendment be modified with the changes at the desk; that once this modification is made, amendment No. 1256 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object. I make a point of order that the pending Lieberman amendment is not germane.

The PRESIDING OFFICER. Objection is heard. The point of order is well taken. The amendment falls.

Under the previous order, the substitute amendment is adopted.

The amendment (No. 1247) was agreed to.

Mr. DODD. The pending matter will be a vote at 12:30, in a few minutes, on the cloture motion, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. We will go to the vote right away. I appreciate the comments of my friend from Wyoming. I wish the RECORD to note there were no objections on this side to any of the amendments being offered, the germane amendments. My friend from Wyoming is absolutely correct. I regret that, that we didn't have an opportunity to debate those, but let me say there may be a time and opportunity for us to deal with these on other vehicles as well, but my hope is we can invoke cloture and move forward.

I am prepared to yield back the time and proceed to the vote.

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

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

The bill was read the third time.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 47, H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Christopher J. Dodd, Robert P. Casey, Jr., Debbie Stabenow, Blanche L. Lincoln, Patty Murray, Ron Wyden, Jack Reed, Sheldon Whitehouse, Maria Cantwell, Roland W. Burris, Richard Durbin, Mark Udall, Edward E. Kaufman, Tom Harkin, Benjamin L. Cardin, Bill Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived. The question is. Is it the sense of the Senate that debate on H.R. 1256, Family Smoking Prevention and Tobacco Control Act, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 30, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—67

Akaka	Grassley	Murray
Baucus	Gregg	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Hutchison	Pryor
Bennet	Inouye	Reed
Bingaman	Johanns	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Udall (CO)
Cornyn	Lincoln	Udall (NM)
Dodd	Lugar	Warner
Dorgan	McCaskill	Webb
Durrin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Gillibrand	Murkowski	

NAYS—30

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Hagan	Sessions
Burr	Hatch	Shelby
Chambliss	Inhofe	Vitter
Coburn	Isakson	Voivovich
Cochran	Kyl	Wicker

NOT VOTING—2

Byrd	Kennedy
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The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Connecticut.

Mr. DODD. Madam President, I wish to thank my colleagues. This is, again, a strong bipartisan vote on this issue, and it allows us now to get to the final passage. We have had about, I think, three cloture votes on this bill. If we followed the regular order, the vote would occur at 6:05 a.m. tomorrow morning. I am sure the leader will not make us do that, but that may be the price you pay for all the cloture votes we have had to go through. But sometime tomorrow the vote will occur, and the leadership will obviously decide when.

Let me again thank Senator ENZI and his staff and Senator KENNEDY and his staff. They have gone back many years. I am a place-holder on this. I hope our friend from Massachusetts is watching this because he battled 10 years to get us to this point.

If we can make a dent in those 3,000 to 4,000 kids who start smoking every day—the estimates are 11 percent will not start smoking because of what we are about to do on this bill. If we can make a difference in those 400,000 who lose their lives every year and those who contract emphysema and related illnesses, this may be the most important prevention step we take in the short term on our health care efforts.

So for my colleagues on both sides of the aisle who have made this possible, this is a moment they can take great satisfaction in having made a signifi-

cant contribution to the well-being of Americans. I thank all of them for that and urge a strong vote tomorrow for the passage of the legislation. Then we will work out—and we may not have to work out differences with the House—but if we do, we will then send this bill to the President for his signature, hopefully in the next few days. For the first time in the history of our country, the Food and Drug Administration will be able to regulate tobacco products, and that is a major achievement for our country's children.

With that, Madam President, I thank my colleagues again and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. DODD. Madam President, I withhold that request.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I ask unanimous consent to be able to speak as in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFE COMMISSION ACT

Mr. VOINOVICH. Madam President, I rise today to again call attention to the irresponsible and reckless fiscal path we find ourselves on as a nation and to urge my colleagues to act now to take the first step toward meaningful, comprehensive tax and entitlement reform through the enactment of the Securing America's Future Economy Commission Act, which I introduced with Senator JOE LIEBERMAN.

I urge my colleagues to take the time to read a recent letter from Senator LIEBERMAN and I urging their support of this legislation.

The SAFE Commission has broad bipartisan support outside of Congress, including the Peter G. Peterson Foundation, the Business Roundtable, the Concord Coalition, the National Federation of Independent Business, the Brookings Institution and the Heritage Foundation—I think if you get the Concord Coalition and the Heritage Foundation to support a piece of legislation, it has to be pretty bipartisan and fair—and also the Committee for a Responsible Federal Budget. All of these organizations back the SAFE Commission concept as the way to tackle tax reform and our entitlement crisis.

I say to the Presiding Officer, as you may know, recently Chinese Prime Minister Wen Jiabao publicly voiced his concern about the security of the "huge amount of money" China has invested in the United States, saying, "To be honest, I am definitely a little worried." He then went on to call on the United States to "maintain its good credit, to honor its promises and to guarantee the safety of China's assets." I hope this frightens you as much as it frightens me. China is the

largest foreign creditor of the United States, holding an estimated \$1 trillion in U.S. Government debt. Though it may be unlikely due to the complex interdependent relationship we have with China, if China were to call in that debt, sell off its holdings, or direct its foreign investments away from the United States, the impact on our economy and our national security would be devastating. I have been saying for years that we cannot allow countries that control our debt to control our future.

The fact is foreign creditors have provided 70 percent of the funds the United States has borrowed since 2001. As a result, 51 percent of the privately owned national debt is held by foreign creditors—mostly foreign central banks. That is going to be increased significantly because of all the borrowing we are doing. These lenders are starting to express significant concerns about the status of our fiscal situation. To be frank, they should be concerned.

Our spending is out of control. As a result, our debt is skyrocketing. When I arrived in the Senate in 1999, gross national debt stood at \$5.6 trillion, or 61 percent of our GDP. The Obama administration recently projected the national debt to more than double to \$12.7 trillion by the end of fiscal year 2009. From 2008 to 2009 alone, the Federal debt will increase 27 percent, boosting the country's debt-to-income ratio—or national debt as a percentage of GDP—from 70 percent last year to 89 percent this year.

As shown on this chart, here is where we were back when I came to the Senate in 1999. In 2008, last year, the national debt as a percentage of GDP was 70 percent. Today, it is at 89 percent. You can see we are going to be very close to 100 percent of our GDP on our national debt. I call this the Pac Man that is eating up our revenue—particularly the interest. We are going to pay money that could be used for other things.

Alarming, the figures I just mentioned do not count our accumulated, long-term financial obligations. The Peterson Foundation recently pointed out that the Federal Government has accumulated \$56.4 trillion in total liabilities and unfunded promises for Medicare and Social Security as of September 30, 2008. That works out—listen to this—to \$483,000 per American household or \$184,000 for every man, woman, and child in the country to pay for these unfunded obligations. In other words, we have \$56.4 trillion in total liabilities and unfunded promises for Medicare and Social Security. It is an unfunded liability. If you look at it per household, it is \$483,000 per household, and if you look at it per individual, for every man, woman, and child in the United States, it is \$184,000.

To be completely fair to President Obama, our annual deficit and growing

national debt have been problems for some time now. And, folks, I have come to the floor of the Senate time and time again to talk about paying down debt, balancing our budget, and so forth.

To my knowledge, President Bush never once mentioned the debt in any one of his State of the Union Addresses to Congress. But under the Obama administration, we have exacerbated the problem with an Omnibus appropriations bill that includes \$408 billion in nonemergency funding, a \$787 billion stimulus bill, and a 10-year proposed budget where the lowest deficit for a single year is larger than any annual deficit from the end of World War II to President Obama's inauguration.

I know we are going through some tough times. Over the past year, we have been hit by an economic avalanche that started in housing, spread to the financial and credit markets, and then continued onward to every corner of our economy. I know it well. I am a Senator from Ohio. We are spending money to get out of this economic mess, but we cannot allow that to be an excuse to continue our reckless fiscal path. We have to start finding ways to work harder and smarter to do more with less. It does not take an economist to realize our course is unsustainable. I know it, the Obama administration knows it, the American people know it.

The Obama administration knows we can no longer ignore this crisis. Peter Orszag, whom I consider a friend, the Obama administration's OMB Director, has even said:

I don't want to sound like the boy crying wolf, but it is a fact that, given the path that we are on, two things: One is we will ultimately wind up with a financial crisis that is substantially more severe than even what we are facing today if we don't alter the path of Federal spending; and secondly, that if we were on that path in the future and something like we are experiencing today occurred, we would have much less maneuvering room to fight those fires, because we will have already depleted the fire truck.

And I am disappointed that as OMB Director he has forgotten his commitment to entitlement and tax reform he so boldly and loudly called for when he was CBO Director. You would think a change in title would not cause such a memory loss on as important an issue as the financial health of our country. To me, it can only mean one thing: that Peter Orszag's boss, President Obama, must not be serious about addressing the growing national debt or, worse, does not understand our fiscal crisis or, even worse than that, that he just does not care.

Just last Friday, the Washington Post ran an opinion piece taking the administration to task for lacking a plan on just how we start to dig our country out of this financial crisis. The article details Treasury Secretary Geithner's trip to Beijing 2 weeks ago,

where he went to reassure China—the world's largest holder of our Treasury debt, as I mentioned—that lending money to the U.S. Government is still a wise thing to do.

Mr. Geithner insisted that:

In the United States, we are putting in place the foundations for restoring fiscal sustainability.

In a moment that all Americans should consider a wake-up call, Mr. Geithner was met with laughter—laughter—when he told a group of Chinese students that their country's assets were very safe in Washington.

Madam President, I ask unanimous consent to have printed in the RECORD this Washington Post article. The title of it is "No Laughing Matter, Why the U.S. needs to get serious now about long-term budget deficits."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 5, 2009]

NO LAUGHING MATTER

The Obama administration inherited from its predecessor both a tanking economy and a huge federal budget deficit. Under the circumstances, it cannot be faulted for increasing the deficit in the short run, because a mammoth recession called for fiscal stimulus. Thus, it is neither surprising nor irreversibly dangerous that the total federal debt held by the public looks as if it will reach 57 percent of gross domestic product by the end of fiscal 2009 on Sept. 30—well above the previous four decades' average of about 40 percent. What is more alarming is that, barring major spending cuts or tax increases, President Obama's budget could drive that figure to 82 percent by 2019, according to the Congressional Budget Office.

We are already getting a taste of the problems that could develop if the president and Congress do not address this soon. Since the end of last year, the interest rate on 10-year Treasury notes has gone up from 2 percent to over 3.5 percent. That number is within historical norms; indeed, Treasury rates probably had been artificially depressed during the financial panic of the fall. But the spike, which will cost the government tens of billions of dollars, also reflects mounting investor concern—at home and, especially, abroad—about the U.S. fiscal situation. If government borrowing costs continue to accelerate, they could kill economic growth for years to come.

It was a sign of the times that Treasury Secretary Timothy F. Geithner had to travel to Beijing this week to reassure China, the world's largest holder of Treasury debt, that lending money to the U.S. government is still a wise thing to do. Mr. Geithner insisted that, "in the United States, we are putting in place the foundations for restoring fiscal sustainability." To be sure, China doesn't have many good alternatives to parking its massive trade surpluses in dollars. But it does have some, including commodities and the debt of more fiscally prudent European governments. In a moment that all Americans should consider a wake-up call, Mr. Geithner was met with laughter when he told a group of Chinese students that their country's assets were "very safe" in Washington.

The chairman of the Federal Reserve, Ben S. Bernanke, was considerably more deco-

rous than the Chinese students in testimony before Congress on Wednesday but, in essence, only slightly less skeptical. "Even as we take steps to address the recession and threats to financial stability," he said, "maintaining the confidence of the financial markets requires that we, as a nation, begin planning now for the restoration of fiscal balance."

Mr. Bernanke did not say explicitly that there is no such plan in Mr. Obama's budget—at least not according to the CBO, whose estimates of the president's budget show annual deficits lingering indefinitely above 4 percent of GDP. Nor did he point out that Congress has yet to come up with credible financing for the president's desirable but expensive health care proposal. He did not say that Mr. Obama and Congress have done nothing so far to deliver on the president's pledge of entitlement reform. But if the Fed chairman had said those things, he would have been absolutely right.

Mr. VOINOVICH. Madam President, this week, as you know, President Obama announced a plan to reenact statutory pay-as-you-go, pay-go. Now, what is "pay-go"? Pay-go basically is this: If you want to spend more money, you either have to find other spending you are going to reduce or, in the alternative, you are going to have to raise taxes to pay for it.

Unfortunately, the President's plan exempts things like the 2001-2003 tax cuts, patching the alternative minimum tax, updating physicians' payments in Medicare—and last but not least, modifying the estate tax. These expenses would be exempt from pay-go.

Folks, I believe this is intellectually dishonest. This does not reflect the high standards the President has set for his administration. In my opinion, it is more like the smoke and mirrors of the past that got us into the mess we find ourselves in today.

Maya MacGuineas, president of the Committee for a Responsible Federal Budget, puts it like this:

It is like quitting drinking—

She was referring to the President's pay-go announcement. Here is what she says—

It is like quitting drinking, but making an exception for beer and hard liquor. Exempting these measures from pay-go would increase the 10-year deficit by over \$2.5 trillion. That's not fiscal responsibility.

Today, I am reiterating my call for President Obama and Congress to enact the first pillar of meaningful tax and entitlement reform through the enactment of the SAFE Commission Act. I am asking my colleagues and their staffs to step up and look at this legislation and read the "Dear Colleague" letter Senator LIEBERMAN and I sent this last week with materials from the Peterson Foundation. Those materials, for a Senator or for staff members, lay out what I am talking about today. In addition, there is a DVD that is called IOUSA that was put together by the Peterson Foundation. I think it takes about an hour to look at it, but I don't know of anything that is out there

today that depicts our financial crisis as well as that DVD does.

The SAFE Commission we are talking about would create a vehicle, much like we do for the BRAC process, to take on the tough issues of Social Security, tax reform, and creating, by a vote of 13 out of 20 members—there would be 20 members on the Commission; 2 of them would be from the administration, but it would take 13 out of 20—and if you have 13 out of 20, the recommendations would be fast-tracked through a special process and brought to the floor of both Chambers.

In other words, we would give it expedited procedure and then we would have to either vote up or down, just as we do on the BRAC process. It would break the logjam in Washington and show the American people and the world that we are serious about getting this Nation back on track.

For the life of me, I cannot understand why President Obama doesn't support this concept. I know he is getting a hard time from Speaker PELOSI and from several other Members in the House of Representatives, although STENY HOYER is in favor of the commission approach to solving our entitlement and tax reform crisis. We all know we can't get this done through the regular order of business. We know it. We would not be able to get it done. The proof of it is we haven't been able to do it thus far, so we are going to need the Commission. Everybody understands we are going to need it.

I know the President wants to move on climate change. But he has to know that from a substantive point of view and a political point of view, he is going to have to do something about this long-term financial crisis in which we found ourselves. It would seem to me he could go forward with climate change, he could go forward with health care reform, and get the Commission formed. It will take the Commission at least a year to finish its business.

Think of this: If the Commission is able to get 13 out of 20 members to come back with a bipartisan solution to dealing with tax reform and entitlement reform, that would be wonderful. It would take that issue off the President's plate. In other words, sooner or later, our President and his party are going to have to face up to the fact that the people of America are really worried—and so are the people of the world—about us doing something about tax reform and entitlement reform.

Wouldn't it be great—I mean, if I were the Governor, as I was for 8 years in Ohio, and somebody said: Governor, you know what. You have a real problem. And what we are going to do is, we are going to put a commission together on a bipartisan basis, and we are going to come back with recommendations to get the job done—I would kiss them and say: Wonderful. I could kind of for-

get about it, except for the two people in the administration who were working on it. If they came back with a bipartisan solution, wow. Get it through Congress and we deal with the substantive problem and we get a big political problem off our plate just before going into the next Presidential election. So I just hope there is some more thought being given by the administration, more thought given by the Congress.

We all say: Oh, yes, we are concerned about the national debt. We have to do something about it. But when you go home, what are you going to point to for the people, your constituents? What are you going to point to and say: I am sincere about this; I want to do something about it. Then they are going to ask you: Well, what did you do? One of the things you can do is say: I supported a bipartisan commission. They are going to go to work during the next year. They are going to come back with recommendations, and this is the way we can deal with the problem that is going to be such a burden on the future of our country.

I came here in 1999, and one of the reasons I came here was to deal with our deficits and with reducing our national debt. I am going to be leaving this place at the end of next year. I have three children, and I have seven grandchildren. I happen to believe that just like the pages who are here today in this room, they are going to have to work a lot harder, work a lot harder than I do in order to maintain the standard of living that I have been able to have because the competition in the world today is a lot keener than it was 15 or 20 years ago. They are just going to have to work harder than they have ever had to work before to maintain the kind of standard of living that we would like to have for them and for my children and grandchildren. But if you think about it, if we don't deal with this problem I am talking about today, we are going to lay on their backs taxes that will break the bank.

So we put them in a position where they are going to have to work harder to maintain a decent standard of living. Then, what we are saying to them is, we are going to let you pay for those things that we weren't willing to do without or pay for on our own. To me, that is absolutely immoral. It is absolutely immoral.

One of the things I would hope is—and I feel like a broken record, but I would hope that the Holy Spirit would somehow enlighten us to face up to this very serious responsibility, one that if we don't face up to, will have a devastating impact on the future of our country and our children and grandchildren.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. VOINOVICH. Yes, I will.

Mr. VITTER. Madam President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG REIMPORTATION AND REFORM

Mr. VITTER. Madam President, today I rise to speak on two crucial issues which I had hoped we would not only be debating in the context of this FDA bill currently before the Senate, but actually acting on in that context. So I have to say as I speak about these two issues I am disappointed we are not taking this obvious, major opportunity of acting on a major FDA bill to again not only have me speak, but all of us act together on the crucial issues of, No. 1, the reimportation of prescription drugs; and, No. 2, meaningful generic drug reform so that we get generics to market sooner as a lower cost alternative for American consumers. I wish to touch on each of these in turn.

I was glad to support my friend, the distinguished Senator from North Dakota, and many Democratic and Republican colleagues, in introducing an amendment to the FDA tobacco bill to enact comprehensive reimportation of prescription drugs. This has long been an issue that has truly united, in a sincere bipartisan way, Democrats and Republicans. Many Democrats and many Republicans have agreed. I think at a time when, unfortunately, the partisan divide and sometimes divisive and bitter partisan rhetoric is at an all-time high, it is important to find areas where we can bridge that divide in a meaningful and sincere way.

It is important to work on real issues and real solutions together and bridge that divide. Reimportation is a great example of that.

Now, we have on record a clear majority in the Senate and well over 60 votes for reimportation. We have a clear majority in the U.S. House for reimportation, and we have an administration and a President who are for reimportation, and he is on record in that regard in his service in the U.S. Senate. In addition, we have an important issue that can save all of us and can save our health care system billions of dollars as we go into health care reform. Surely, we need to be talking and acting in ways that can cut costs in health care without endangering the public, without hurting patient care, and this is a great opportunity.

The CBO has estimated that Americans would save about \$50 billion—\$50 billion with a “b”—over the next 10 years if reimportation were enacted. So we have a true bipartisan issue which has true consensus support in the Senate, in the House, and in the administration, which can save all of us and our health care system \$50 billion. Let's act. Surely, this is a recipe for

something we can act strongly on and produce positive results.

So what is going on? Well, I am afraid what is going on is exactly what my colleague, the Senator from Arizona, Mr. MCCAIN, suggested on the Senate floor last week. He stood bravely on the Senate floor and read directly from a lobbyist e-mail, a lobbyist of big PhRMA, the association which represents the biggest pharmaceutical companies, and read a detailed e-mail about how they were going to block and derail this effort of mine and Senator MCCAIN's and Senator DORGAN's and others.

I think seeing that come to pass, seeing this effort successfully blocked from the FDA bill—something that is clearly a major opportunity on which to pass reimportation, a big FDA bill—that has to grow the cynicism of the American public. Americans all across our country have to be out there thinking: OK, what is wrong with this picture? Reimportation unites Democrats and Republicans, a big majority in the Senate, a big majority in the House, the support of the President, saves the system \$50 billion, obvious opportunity to pass it on an FDA bill, but, once again, it is cut off. It is blocked from consideration, from moving forward. That has to increase everybody's cynicism, and we have to work beyond that to pass this important legislation for the American people.

I am happy the majority leader has generally said he would find time on the Senate floor for consideration of a reimportation bill. We need to move. We would like a date certain, Mr. Leader, a date certain for that important consideration. After so many years of waiting, after so many years of the big PhRMA lobbyists and others blocking us from that consideration, we would like that debate and that action as soon as possible. It is certainly appropriate as we go into a major debate on health care reform.

I would underscore the same message with regard to the second crucial topic: reform with regard to generic drugs. For many months now, I have been working with several Members, most notably Senator SHAHEEN of New Hampshire, on bipartisan consensus generic drug reform.

Once again, I was very hopeful that this FDA bill on the floor of the Senate now would be a prime opportunity, an obvious opportunity, to pass that consensus bipartisan reform. Once again, that door was closed to us. We are not going to have that opportunity, and I express real disappointment.

But we need to act in that area. I look forward to continuing to work with Senator SHAHEEN, Senator BROWN, and others in that important area. We have been focused on two things, in particular, that can make a huge difference.

First, we need to clear up certain loopholes, quite frankly, in the law

that allowed drug companies to make labeling changes when their patent protection is about to run out, when generic was about to be open to go on the market. They were able to make slight labeling changes to extend that protection longer, in my opinion, in a somewhat artificial way. We need to reform the law and clear up those loopholes so that generic can come to market and provide Americans with a lower cost alternative.

Surely the drug companies need a period of protection so they can recoup their enormous investment in research and development. But what they don't need, and what we should not allow, in my opinion, is tweaking the labels at the eleventh hour and extending that protection in an artificial and, in my opinion, unreasonable way. That is a big area of reform I have been working on with Senator SHAHEEN and others.

A second area of needed reform is to elevate the Office of Generic Drugs and its importance within the FDA. We need to give it more stature. We need to have the head of that office report directly to the head of the FDA, the Administrator. We need to fund it properly so that, again, we put the proper emphasis on generic drugs. Generics are a good, safe, lower cost alternative to millions of American seniors and other Americans. They provide that today. But they can provide that lower cost alternative to an even greater extent if we take these common-sense, consensus, bipartisan measures—if we do away with these loopholes that allow last-minute labeling changes to artificially and unreasonably extend a company's patent, and if we elevate the stature of the Office of Generic Drugs within the FDA.

Again, it was an obvious opportunity to do just that in a bipartisan consensus way as we debate and act on this major FDA bill on the floor of the Senate now. I am sorry that door has been closed to us. I am sorry we have lost that opportunity. It is a shame. But we need to move on that issue, just as we need to move on reimportation now in the next few months this year in this body and in the House of Representatives.

We desperately need important health care reform. We need savings in the system to make costs of the overall health care system more reasonable, without sacrificing patient care, without telling seniors they cannot get this treatment or they cannot get that operation. These are commonsense, achievable ways to do that, by stabilizing the cost of prescription drugs. That is one of the most significant costs in our health care system with one of the most significant growth patterns. So let's act on reimportation, let's act on generics reform, let's act in a bipartisan way, let's act for the best interests of American seniors and all the American people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 1225 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SANDERS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CREDIT CARD FAIR FEE ACT

Mr. DURBIN. Mr. President, yesterday I reintroduced the Credit Card Fair Fee Act. This legislation will provide fairness and transparency in the setting of credit card interchange fees.

Several weeks ago, the Senate passed legislation that will crack down on abusive fees and practices that credit card providers impose on consumers and cardholders. It is landmark legislation. It was 20 years in the making. I was pleased to support it and glad it passed.

We also need to take a hard look at the fees and the restrictions credit card providers impose on retailers. Retailers such as the restaurant down on the corner, the grocery store, the shop, these have to be looked at as well.

Currently, banks and credit card companies impose a system of fees and restrictions on retailers that accept their cards as a form of payment. There is a growing recognition that many of these fees and restrictions are anticompetitive and unfair to businesses and consumers.

Many people assume credit cards make their money off the customers who use them in direct payment, interest charges, and penalties. It turns out there is a whole level of fees that is imposed on retailers which, obviously, is passed on to consumers but have a direct impact on sales in America. If we do not address flaws in the system, many businesses will find it hard to make a profit, and the credit card fees cause consumer prices to go up as well. The most flawed element of the current system of merchant fees is the interchange fee. It is a fee merchants pay to card issuing banks on each debit or credit card transaction.

Under the current system, card networks, such as Visa and MasterCard, unilaterally set the rates for these interchange fees. These fees vary from card to card, but they average about 2

percent of the transaction they cover. Card companies don't let their member banks negotiate with merchants over the fee rates, and they prevent merchants from encouraging customers to use cards that carry lower fees.

Yesterday, the Secretary of the Treasury was in before my appropriations subcommittee. It turns out, we accept credit cards for some 200 different agencies in the Federal Government. I asked the Secretary how much we pay in interchange fees to these credit card companies—as we accept credit card payments for everything from taxes to purchases at the Government Printing Office. It turns out it is well over \$200 million a year. The GAO did a study in which it was asked whether, in fact, the Federal Government bargains for lower interchange fees because of the volume of business we do. It turns out there is virtually no bargaining allowed, not even with the Federal Government.

If merchants want to accept credit cards, those merchants simply have to abide by the rates, just like the Federal Government, that the card networks set, even when the rates are increased.

In fact, card companies regularly increase their interchange rates. A report by the Federal Reserve Bank in Kansas City found that between 1996 and 2006 Visa and MasterCard interchange rates increased from approximately \$1.30 per \$100 transaction to \$1.80. That is about a 40-percent increase over that 10-year period of time. The rates have gone up even further for cards that have rewards programs. The total amount of interchange fees collected last year was \$48 billion, according to estimates of the National Retail Federation. It is a huge increase from 2001, when the figure was \$16.6 billion.

Despite these rising fees, many merchants have no real choice but to accept these cards as a form of payment. Consumers use their credit and debit cards for over 40 percent of all transactions. Interchange fees cut into retailer profits and force many merchants to raise consumer prices or go out of business.

As you think about it, what does it mean for the profitability of a company if the business is required to pay the credit card company 2 percent of the sale price on every sale? Well, for some companies that operate on a very tight margin, it can be significant. Best Buy, the large and successful electronics retailer, has a net profit margin of only 2.2 percent. Whole Foods, a well-known grocery store, has a profit margin of 1.4 percent. The food and drugstore retail sector has a profit margin of only 1.5 percent, according to *Fortune* magazine.

How can these companies continue to be profitable if rising interchange fees paid to credit card companies cut into their already small operating margins?

In 2007, the National Association of Convenience Stores reported the entire convenience store industry had profits of \$3.4 billion dollars; however, they paid credit card interchange fees of \$7.6 billion. Over twice the amount of industry profit was paid to credit card providers.

Of course, it has an impact on smaller businesses. Rich Niemann, a friend of mine, who is coming by my office this afternoon in Washington, runs Niemann Foods, a chain of 65 grocery stores based in Quincy, IL. Every year I meet with him, and every year he asks me for help with interchange fees. Last year, Niemann Foods made \$6 million in profits but paid \$3 million in interchange fees. Those fee payments are going up every year. He has no ability to negotiate any change in those fee amounts. It is a growing expense he can't control.

Rising interchange fees cause many merchants to raise the price of their goods to cover these interchange fees. I don't want to drive small grocery stores out of business or small convenience stores. We don't want prices to go up for consumers across the board because of nonnegotiable credit card fees. The Credit Card Fair Fee Act will help restore fairness. The goal is simple. It incentivizes companies that provide credit cards and the merchants that accept them to sit down together and negotiate fees and terms both sides can live with.

The bill establishes a framework for negotiations and gives both sides a legitimate voice at the table. Under the bill, merchants would receive limited antitrust immunity to negotiate collectively with the providers of card systems over the fees and terms for access to the system. The bill then motivates the merchants and card providers to work out voluntary agreements. It establishes a mandatory period for negotiations.

If they fail to reach a voluntary agreement, the matter would then go to an arbitration-style proceeding before a panel of judges appointed by the Justice Department and the Federal Trade Commission. The judges would collect and disclose full information about credit card fees and costs and then order a mandatory settlement conference to attempt to facilitate a deal. If that fails, the judges would conduct a hearing where the merchants and card providers would each propose what they think is a fair set of fees and terms. The judges then would select the proposal that most closely represents what would be fairly negotiated in a competitive market. This set of fees and terms would govern access to the card system by merchants for a period of 3 years.

The bill contains safeguards to ensure the judges can only select a set of proposed fees and terms that is fair and pro-consumer. But the ultimate goal is

to reach a deal before the process gets to the point where the judges would need to issue a ruling.

This is an archaic element of commerce in America that has a direct impact on consumers, the money we pay for goods and services, as well as the profit margins of a lot of businesses that are struggling. The credit card companies have been unable to justify their interchange fees in terms of the actual cost of processing credit card payments. It is a profit margin on their side for which they are not accountable.

My legislation is supported by the Merchants Payments Coalition, a coalition of retailers, supermarkets, convenience stores, drugstores, fuel stations, online merchants and other businesses. The coalition's member associations collectively represent about 2.7 million stores nationwide, with approximately 50 million employees.

I ask my fellow colleagues in the Senate to take a look at the legislation. I warn them in advance, if they are interested in looking at this issue of credit cards and interchange fees, be prepared. You are going to hear from every bank that issues a credit card, and they are going to tell you the Durbin legislation is the end of the world. But I hope you will also listen to the merchants and retailers in the States you represent. They will tell you this system is unconscionable and unsustainable.

To have the credit card companies dictate these fees to their retailers all across America is fundamentally unfair. We should have arm's length negotiation. We should also have at the Federal Government level a negotiation to determine what is the best arrangement for taxpayers when it comes to paying these credit card fees to the companies that provide credit cards for transactions with the Federal Government. It is not an unreasonable approach.

I hope my colleagues will take a look at this issue, and I hope they will listen to their merchants and retailers back in their States.

GUANTANAMO

Mr. President, I wish to commend the Obama administration for the progress they have made to date on closing the detention facility at Guantanamo Bay. According to media reports today, the Obama administration has reached a historic agreement with the Government of Palau to transfer 17 Guantanamo detainees to this Pacific island. These 17 detainees are Uighurs from China.

The Bush administration determined that all 17 are not enemy combatants and do not pose any risk to U.S. national security. The Bush administration had determined the Uighurs couldn't be legally returned to China, for fear they would be imprisoned and tortured. A Federal Court looked at all

the classified evidence against these 17 Uighurs and found there was no legitimate reason to hold them and ordered them released. The President, this administration, is going to follow that court and follow the law.

I commend President Obama and those working with him for finding a solution to what has been a vexing problem by convincing the Government of Palau to accept Uighur detainees. This is the kind of diplomacy we need to achieve a better standing in the world and a more peaceful and secure situation for the United States.

Something else happened yesterday as well. There was an important development. The administration transferred Ahmed Ghailani to the United States to be prosecuted for his involvement in the 1998 bombings of our Embassies in Kenya and Tanzania. Those bombings killed 224 people, including 12 Americans. I have been to Kenya. I saw the bombed building. It was devastating. It is hard to imagine what happened inside that building and nearby when those bombs were detonated. We know 224 people died, including 12 of our own.

I wish to commend President Obama for his determination to hold Ahmed Ghailani accountable for his alleged crimes. For 7 long years, the Bush administration had failed to convict any of the terrorists who planned the 9/11 terrorist attacks. For 7 long years, only three individuals were convicted by military commissions at Guantanamo. Two of those individuals, incidentally, have been released. President Obama has been clear, it is a priority for his administration to bring to justice the planners of 9/11 and other terrorists who have attacked our country, such as Ahmed Ghailani.

Unfortunately, this issue has become very political and very complicated over the last several months. Some of my colleagues on the other side of the aisle have expressed some things on the Senate floor which I don't think are consistent with the security of the United States. Senator McCONNELL, the distinguished minority leader, and Senator KYL, the distinguished assistant minority leader, have argued we should not transfer suspected terrorists from Guantanamo to the United States in order to bring them to justice. They have argued we cannot safely hold any of these detainees in prison in the United States, even—one of their arguments—during the course of the trial.

When you look at the failed track record of prosecuting terrorists at Guantanamo, it is pretty clear if Ahmed Ghailani isn't prosecuted in the U.S. courts, there is a good chance he will never be punished for his crimes. President Obama made it clear when he said:

Preventing this detainee from coming to our shores would prevent his trial and conviction. And after over a decade, it is time to

finally see that justice is served, and that is what we intend to do.

Even Senator KYL appears to have softened his position. On the floor of the Senate yesterday, he spoke about Ahmed Ghailani and said:

Everybody acknowledges that there are some people who need to be tried for serious crimes, in effect, like war crimes, and they should be tried in the United States.

I commend Senator KYL for this statement. I think it is a sensible, reasonable position. But let us acknowledge the obvious: If we are going to try these Guantanamo detainees in the United States, we are going to incarcerate them while we try them. There is no other reasonable alternative. If they are found guilty and face imprisonment, what will we do with them? I am glad Senator KYL acknowledged the obvious. Of course, we have to bring these terrorists to justice, and an American court is the best place to do it.

The U.S. Government frequently brings extremely dangerous individuals to the United States for prosecution. Ramzi Yousef—the mastermind of the 1993 World Trade Center bombings, captured in Pakistan—was brought to trial in the United States, convicted, and is now being held in a Federal supermaximum security prison, a convicted terrorist.

Some of my colleagues on the other side of the aisle continue to argue we should not prosecute Guantanamo detainees in U.S. courts because no prison in America is safe to hold them. Ramzi Yousef was held in the Metropolitan Corrections Center in New York during the course of his trial for over 2 years—safely. My colleagues seem to think American corrections officers are not capable of safely holding terrorists. Republican Senator LINDSEY GRAHAM, who is a military lawyer, said:

The idea that we cannot find a place to securely house 250-plus detainees within the United States is not rational.

What is the record? Today, our Federal prisons—and this is the most updated number from the Justice Department—hold 355 convicted terrorists, including al-Qaida leaders such as Ramzi Yousef, who masterminded the World Trade Center bombing in 1993. No prisoner has ever escaped from a Federal supermaximum security facility. Clearly, we know how to hold these terrorists safely and securely so no one in America is at risk.

Unfortunately, some on the other side of the aisle continue to argue that we should keep Guantanamo open at all costs. I disagree. I believe, President Obama believes, and I think many Americans believe that closing Guantanamo is an important national security priority. But it isn't just the President—and President Bush, for example—who want to close Guantanamo. Among those military and security

leaders calling for the closing of Guantanamo are: GEN Colin Powell, the former Chairman of the Joint Chiefs of Staff and former Secretary of State; Republican Senators JOHN MCCAIN and LINDSEY GRAHAM; former Republican Secretaries of State James Baker and Henry Kissinger and Condoleezza Rice; Defense Secretary Robert Gates, first appointed by President Bush; ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff; and GEN David Petraeus.

Yesterday, Senator KYL made a statement taking issue with some of my earlier comments about Guantanamo.

Senator KYL asked: "What is wrong with the prison at Guantanamo?"

Let me respond to Senator KYL's question. What is wrong with Guantanamo is that it is a recruiting tool for al-Qaida and other terrorists.

That is not just my opinion. That is the opinion of our military leaders, based on their experiences fighting the wars in Iraq and Afghanistan.

Chairman of the Joint Chiefs of Staff Mike Mullen said:

The concern I've had about Guantanamo is it has been a recruiting symbol for those extremists and jihadists who would fight us. That's the heart of the concern for Guantanamo's continued existence.

General David Petraeus said Guantanamo is, "a symbol that is used by our enemies to our disadvantage. We're beat around the head and shoulders with it."

And Defense Secretary Robert Gates said:

Closing Guantanamo is essential to national security. It has become a rallying cry and recruitment tool for our enemies—endangering the lives of our soldiers in the field, diminishing the willingness of American allies to help wage the fight against al-Qaida and undermining the moral authority of the country.

Of course, Senator KYL is entitled to his point of view and I respect him and count him as a friend. But he offers no evidence to support his view, certainly no evidence that compares with those I have quoted here, starting with Gen. Colin Powell.

Not only is Guantanamo a recruiting tool for terrorists in the Middle East. There is evidence that al-Qaida is actually recruiting terrorists in Guantanamo itself. McClatchy Newspapers conducted an extensive investigation and concluded:

Instead of confining terrorists, Guantanamo often produced more of them by rounding up common criminals, conscripts, low-level foot soldiers and men with no allegiance to radical Islam . . . and then housing them in cells next to radical Islamists.

McClatchy found that, "Guantanamo became a school for jihad" and "an American madrasa."

Rear Admiral Mark Buzby, the former commander of Guantanamo's detention facility, said, "I must make the assumption that there's a fully

functioning Al-Qaeda cell here at Guantanamo.”

Senator KYL also continues to claim that no one was abused at Guantanamo and that there is no connection between the abuses at Abu Ghraib and Guantanamo. I commend him for his reading of the Senate Armed Services Committee Report.

But the Senate Armed Services Committee issued a bipartisan report that reached a different conclusion. Senator LEVIN, the chairman of the Armed Services Committee, and Senator MCCAIN, the ranking member of the committee, found, “Secretary of Defense Donald Rumsfeld’s authorization of aggressive interrogation techniques for use at Guantanamo Bay was a direct cause of detainee abuse there.”

Senators LEVIN and MCCAIN also concluded, on a bipartisan basis, that there was a connection between the abuses at Abu Ghraib and Guantanamo. They said:

The abuse of detainees at Abu Ghraib in late 2003 was not simply the result of a few soldiers acting on their own. Interrogation techniques such as stripping detainees of their clothes, placing them in stress positions, and using military working dogs to intimidate them appeared in Iraq only after they had been approved for use in Afghanistan and at GITMO.

And, as I said yesterday, Susan Crawford, a top Bush administration official, concluded that Mohammad Al-Qahtani, the so-called 20th hijacker, could not be prosecuted for his role in the 9/11 attacks because he was tortured at Guantanamo Bay.

For many years, President Bush said that he wanted to close the Guantanamo detention facility, and there were few, if no complaints from the Republican side. But the President never followed through on his commitment.

Now that President Obama has made that same call, we hear this chorus of opposition. I think President Obama has accepted the challenge—the challenge to make certain that these detainees are treated in a responsible way; that those who should stand trial will stand trial for their crimes and war crimes; that those who cannot be brought to article 3 courts in America should be tried before reformed military tribunals that have rules of evidence and procedure more consistent with our values and laws; that some will be returned, like the Uighurs, if they pose no threat, to places where they cannot threaten the United States and that some will be kept in detention because they continue to be a threat to our Nation. That is a responsible course of conduct. It deserves bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

THE SECOND “CAR CZAR” AWARD

Mr. ALEXANDER. Mr. President, this is the “Car Czar” award for

Wednesday, June 10, 2009. It is a service to taxpayers from America’s new automotive headquarters: Washington DC.

It is the second in a series of “Car Czar” awards to be conferred upon Washington meddlers who distinguish themselves by making it harder for the auto companies your government owns to compete in the world marketplace.

On Monday, I presented the very first “Car Czar” award to the Honorable BARNEY FRANK of Massachusetts for interfering in the operation of General Motors. Congressman FRANK, who is chairman of the House Financial Services Committee, intervened last week to save a GM distribution center in his Massachusetts congressional district. The warehouse, which employs some 90 people, was slated for closing under GM’s restructuring plan. But Mr. FRANK put in a call to GM CEO Fritz Henderson and, lo and behold, the facility has a new lease on life according to the Wall Street Journal. Mr. FRANK, of course, is chairman of the House committee that recently orchestrated paying \$62 billion in taxpayer dollars to give the U.S. Treasury 60 percent ownership of General Motors and 8 percent ownership of Chrysler.

Now, for this second “Car Czar” award, there are many deserving contenders.

For example, this afternoon the Honorable CHRIS DODD, Mr. FRANK’s Senate counterpart, is chairing a Banking Committee hearing featuring two of the administration’s chief meddlers in Washington-owned car companies: Mr. Ron Bloom, a senior advisor on the auto industry at Treasury and Mr. Ed Montgomery, White House Director of Recovery for Auto Communities and Workers.

Tomorrow, over in the House, the Financial Services Committee will hold a hearing on salaries of workers in companies the government owns.

Another obvious contender for the award is the administration’s new Chief-Price-Fixer for the cost of labor, Mr. Kenneth Feinberg who will review and approve how managers of car companies are paid. According to the New York Times article on June 8, Mr. Feinberg is likely not just to tell Government-owned car companies and banks how much to pay people, it is likely “everyone else’s compensation will be monitored, too.”

But there is time next week to honor all these worthy contenders. Today’s “Car Czar” award clearly should go to the Members of the Wisconsin and Michigan and Tennessee congressional delegations, each of whom met today in Washington with GM executives, imploring them to build small cars in our home States. In Tennessee’s case, of course, we were talking about the Saturn plant in Spring Hill, recently placed on standby.

In other words, I am giving the “Car Czar” award today to, among others,

myself—the senior Senator from Tennessee.

Now, in my own defense, as Mr. FRANK’s spokesman said when Mr. FRANK was caught calling GM about the warehouse in Massachusetts—I was “just doing what any other Congressman would do” in looking out for the interests of his constituency. But that is precisely the reason for these “Car Czar” awards. As the Wall Street Journal put it, “. . . that’s the problem with industrial policy and government control of American business. In Washington, every Member of Congress now thinks he’s a czar who can call ol’ Fritz and tell him how to make cars.”

But consider for a moment the implications of all 535 of us in Congress regularly participating in such incestuous behavior. It is one thing, as I did in 1985 as Governor, to argue to General Motors to put the Saturn plant in Tennessee right next to the Nissan plant. That was an arm’s length transaction.

It is quite another thing for me as U.S. Senator and a member of the government that owns 60 percent of the company, to urge GM executives to build cars in my State. I can pretend I am making my case on the merits: central location, right to work laws, four-lane highways, hundreds of suppliers, low taxes, a successful Japanese competitor 40 miles away. But my incestuous relationship as owner taints the entire affair.

So I will continue to confer “Car Czar” awards—seeking to end the incestuous nature of these meetings and time-wasting hearings—until Congress and the President enact my “Auto Stock for Every Taxpayer” legislation which would distribute the Government’s stock in GM and Chrysler to the 120 million Americans who paid taxes on April 15. Such a stock distribution is the fastest way to get ownership of the auto companies out of the hands of meddling Washington politicians and back into the hands of Americans in the marketplace. It is also the fastest way to allow the car company managers to design, build and sell cars rather than scurry around Washington—under oath—answering questions and being instructed by their political owners how to build cars and trucks.

Distributing the stock to the taxpayers also may be the fastest way for Congressmen to get themselves re-elected. According to the Nashville Tennessean, an AutoPacific survey reports that 81 of Americans polled agree “that the faster the government gets out of the automotive business, the better.”

Now, here is an invitation for those who may be listening: if you know of a Washington “Car Czar” who deserves to be honored, please email me at CarAward@Alexander.Senate.gov, and I will give you full credit in my regular “Car Czar” reports here on the floor of the United States Senate.

And after you write to me, I hope you will write or call your Congressman and Senators and remind them to enact the "Auto Stock for Every Taxpayer Act" just as soon as General Motors emerges from bankruptcy. All you need to say when you write or call are these eight magic words, "I paid for it. I should own it."

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. CARDIN. Mr. President, I am glad we are now engaged in the health care debate, but this debate is long overdue. I congratulate the Obama administration for taking on the tough issues. This is not an easy subject in order to reach the type of consensus necessary in order to pass major legislation. There are a lot of special interests that are going to make it difficult for us to move forward.

I am proud this administration is taking up this issue because we are in a health care crisis in America. I say that because the cost of health care is not sustainable. We spend twice as much as the next most expensive nation in the world per capita on health care—\$2.4 trillion a year, 15 percent of our gross domestic product. Those numbers are increasing dramatically each and every year. The cost of health care is not sustainable.

We had a great deal of discussion here about fiscal responsibility and bringing our budget into balance. President Obama is correct. If we do not deal with the escalating cost of health care, it is going to make it virtually impossible for us to bring our budgets into balance in the future—whether it is a Medicare budget or Medicaid budget or a household's budget. We have to do a better job in reining in the cost of health care. America needs to be competitive internationally. We cannot be competitive internationally unless we find a way to bring down the cost of health care.

Family insurance premiums have gone up threefold in the last 8 years alone—much faster than earnings, three times as fast as earnings. The consequences for Marylanders is that they are going into bankruptcy. You have heard it said that we are only one health incident away from filing bankruptcy in America for many families. They have to make difficult choices: Should I really go see a doctor? Is it really that important, because do I really have the money to lay out? It is not covered by my insurance, or I don't have insurance, what do I do?

We have 46 million Americans today who have no health insurance, and it is very costly in the way they enter the

system. They use the emergency rooms. They don't get preventive health care. They spend a lot of money. It increased 20 percent over the last 8 years.

In my State of Maryland, we have 760,000 Marylanders, 15.4 percent of our nonelderly population, without health insurance.

We need to reform our health care system. We need to build on what is right in our health care system and correct what is wrong.

What is right is that we have some of the highest quality health care in the world. I am proud that people from all over the world travel to my own State of Maryland to visit Johns Hopkins University or the University of Maryland Medical Center or NIH in order to get their health care needs met or to train their health care professionals. We want to maintain that edge in America, of leading-edge technology to keep people healthy. We have choice in our health care system. I believe that is good. You can choose the health plan in many cases. You certainly can choose your provider in many cases. That adds competition to quality of care in our system.

We have to correct what is wrong. The first thing we have to correct is the cost. We have to bring the cost down.

The first way to bring down the costs is for everyone to be in the system to deal with the uninsured. I congratulate our committee for coming forward with proposals that will include every American in our health care system. I think that is the prerequisite to health care reform.

Second, the proposals that are coming forward that recognize the advantage of preventive health care. In 1997 we amended the Medicare bill to include preventive health care services. Well, that has kept our seniors healthier, living better lives, and being less costly to the system itself by detecting diseases at an earlier stage. In some cases we can even prevent diseases by preventive health care.

That is what we need to do. It saves money. Preventive health care services cost in the hundreds of dollars. Surgery related to diseases not caught in the early stages are in the tens of thousands of dollars. It makes sense economically.

President Obama is right to invest in health information technology. That will save money. It also manages an individual's care in a much more effective way. So there are a lot of ways we can bring down the cost of health care. But let me talk about one issue that has gotten a lot of attention on this floor by some of my colleagues who seem to be opposing health care reform before we even have a bill before us, and that is the conversation about a public insurance option. I am somewhat bewildered by this discussion be-

cause I do not hear too many of my colleagues suggesting that the Medicare system should be done away with.

Now, the last time I checked, Medicare was a public insurance program. So let me differentiate because I think this point has been misleading on this floor.

When there is a government option, it does not mean the government provides the health care; it means it pays for the health care, as it does in Medicare. The doctors our seniors and disabled population go to are private doctors and private hospitals, as it should be. They have choice, as they should. The public insurance option just provides the predictability of a plan that will always be there.

My constituents in Maryland remember all too well the private insurance companies within Medicare who were here one day and gone the next day. Thank goodness they had the public option available to them in order to make sure they had coverage. Well, that is not true in Part D today. We do not have a public insurance option.

That was a mistake. We need a public insurance option, first and foremost, to deal with cost. We have to bring down the cost of health care. We have 46 million people without health insurance today. Are we going to let them try to figure out what private insurance to go to without the controls on cost? That is going to add to the cost in this country, not bring it down.

We have to at least have a comparison on a fair competition between public insurance and private insurance. I favor private insurance. But I want to have a public insurance option because I want the people of Maryland and around the Nation to have choice, to be able to choose the plan that is best for them.

They can stay in the plan they have now if they are satisfied with it. We want them to, and we encourage them to. But we want them to have a choice. We want the market to work. That is why the public insurance option has become more and more important.

Let me point out the two programs that we recently changed. Medicare Advantage. Well, Medicare Advantage is the private insurance option within Medicare that our seniors have the option, voluntarily, to join.

Well, when Medicare Advantage started, Medicare Plus Choice, it was a savings to the taxpayers because we paid the private insurance company 95 percent of what we paid the fee-for-service companies within the public option, saving money for the system. It made sense.

Well, guess what. Today we are paying the Medicare Advantage plans, the private plans, 112 to 117 percent of what we pay those who are in the traditional public option in Medicare. In other words, every person who picks private insurance costs the system money.

The Congressional Budget Office, which is a nonpartisan objective scorekeeper, says the Medicare Advantage premium we pay over what we would pay if they were in fee for service costs the system \$150 billion over 10 years. So the public option is not only to offer choice to the people of our country between a plan that they want and it is available to them, whether it is a private plan or a public plan—remember, the providers are going to be private. This is not who provides the benefits; it is who pays for it, who puts together the plan. It will save the system money.

Part D: There is no public option in Part D. Many of us raised that issue back then, that we could have saved taxpayer money and saved Medicare money if we at least tried to keep the private insurance companies honest by having a public plan where we know what is being charged and paid for prescription drugs. Most of it is the cost of medicine. Why can we not have transparency? Why do we have to pay the high overhead costs of private insurance without the competition of a model that could save the taxpayers money and save our system money?

This is not a government takeover, as some of my colleagues have said. Medicare was not a government takeover. Medicare pays for the private doctors and hospitals so the disabled and seniors can get access to health care in America. I think those who make the arguments, which are basically scare tactics, are not adding to the debate anything that is worthy of this issue. This is a very important issue to the people of our Nation. This is our opportunity to fix our system by improving what is right, building on it, and correcting what is wrong.

But let's strengthen the good parts of our system. Let's strengthen those coverages that people are happy about, the employers who are providing health benefits to their employees, where it is working. But let's correct the runaway costs in our system, and let's provide a reasonable way that those who do not have health insurance can get health insurance.

If we can work together, Democrats and Republicans, this is an American problem. This is about America's competitiveness. This is about American families being able to afford their health care. This is about balancing our budgets in the future so America can continue to grow as the strongest economy in the world. But it starts today in this debate about fixing one of the underpinnings of our economy that is out of whack.

We need universal coverage. We need to have options available that will keep health care affordable for all people in this country and provide quality care for each American. That is what this debate is about.

I applaud our committees that are working on this issue. I applaud all of

the Members of this body and the House who are seriously engaging in this discussion.

I think we can all learn from each other. If we work in good faith, we can develop a health care reform proposal that will maintain quality but provide access and affordability to every family in America. That should be our objective. I hope we will all work toward that end.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASME

Mr. KAUFMAN. Mr. President, I rise to congratulate the American Society of Mechanical Engineers on the 125th anniversary of their codes and standards.

As the only serving Senator who has worked as an engineer—indeed, I have a degree in engineering and worked as a mechanical engineer—I was proud to sponsor a resolution acknowledging the lasting impact ASME codes and standards have had on our Nation and on other parts of the world.

Now to non-engineers, codes and standards developed by and for mechanical engineers may sound like a lot of jargon and, candidly, like pretty boring stuff.

But as an engineer, I am proud to say that I believe that the nuts and bolts of how to build things, how to create, how to standardize and grow equipment and industries have been at the very heart of the American economic growth-engine for more than a century.

That kind of nuts and bolts thinking and creativity will be what leads America out of this recession and toward sustained economic growth once again.

So I'm pleased that the Senate has joined me in celebrating a success story of American engineering.

This story begins when ASME was founded in 1880. ASME currently includes more than 127,000 members worldwide.

It is a professional organization which promotes the art, science, and practice of mechanical and multidisciplinary engineering and allied sciences.

One of its chief functions since its founding has been the development of tool and machine part standards, along with uniform work practices to ensure mechanical reliability.

This week, ASME will celebrate its 125th anniversary of codes and standards development.

This is a tribute to the dedicated service of technical experts and engineers, whose efforts resulted in internationally accepted standards—standards that not only enhance public safety but also promote global trade.

Its first published performance test code was entitled "Code for the Conduct of Trials of Steam Boilers."

Since then, ASME has developed more than 500 technical standards for pressure vessel technology, electric and nuclear power facilities, elevators and escalators, gas pipelines, engineering drawing practices, and numerous other technical and engineered products and processes.

At present, ASME codes and standards, as well as conformity assessment programs, are used in more than one hundred countries.

Does engineering sound boring to you? Let's hope America's youth don't think so. We need to excite the young minds of thousands and thousands of young Americans about the possibilities of being an engineer, because engineers have always been the world's problem solvers. It is impossible to ignore the effect ASME's codes and standards have had on global development.

During the period of rising industrialization, as machines were expanding in use and complexity on farms and in factories, ASME standards helped to ensure the safety of engineers and workers using these machines.

Today, in our global economy, these codes and standards are continually revised and updated to reflect changes in technology. As a result, ASME's codes and standards are accepted across the globe and help to advance international commerce. The American Society of Mechanical Engineers has adapted to meet the changes and challenges in the engineering profession. I commend their accomplishments and contributions to the health, safety, and economic well-being of our Nation.

I am pleased that the Senate yesterday approved S. Res. 179.

When I went to college I wanted to be a mechanical engineer, in part because 52 years ago, after Sputnik, the United States was supporting science and engineering on an unprecedented level. America's competitive spirit helped us meet the challenges of those times. Thousands of innovations created myriad new opportunities for growth and development. We can do this again.

The financial crisis should lead to a cultural shift back to the strong foundations of innovation and know-how that have always been the American way. I am glad that the federal government is again investing strongly in supporting the basic scientific, medical, and engineering research that will spur the discovery and innovations to create millions of new jobs and shape a bright American future.

I thank my fellow Senators for joining with me in celebrating one small

chapter in the American economic success story, with hope that we can inspire similar successes in the coming years.

BRIAN J. PERSONS

Mr. President, I wish to speak about our excellent Federal workforce.

In my years of government service, I have met so many wonderful people who give so much of themselves for the benefit of us all. That is why I believe it essential for the American people to have confidence in our Federal employees.

Americans need to know that they can place their trust in those charged with carrying out the people's work.

Our government is filled with talented individuals performing their jobs with excellence.

I cannot count—I literally cannot count—the Federal employees who deserve to be praised here in this Chamber, because that number is so great. But I hope to share one story today that is exemplary of our civil servants overall.

The ancient philosophers used to compare the government of a state with that of a vessel at sea.

In order to keep the ship afloat, to keep it headed in the proper direction, it required a captain and crew who were disciplined and responsible. Moreover, everyone on board—down to the lowest rank—had a job to do, and every task was critical.

So it is with government.

Every Federal employee, no matter how large or small one's job, keeps our ship of state afloat and sailing ever onward.

I have not chosen to reference this analogy by chance. Rather, it fits well with the story of a hardworking and accomplished civil servant whom I wish to recognize today.

I spoke earlier about the effect of engineers on our economy and our communities. The Federal employee I honor today has spent more than a quarter of a century working as a civilian engineer for the Navy Department.

Although today Brian Persons has risen to become executive director of the Naval Sea Systems Command, or NAVSEA, he began his public service as a ship architect at the Long Beach Naval Shipyard. A Michigan native and graduate of Michigan State with a degree in civil engineering, Brian went to work in 1981 for the Navy Department, designing and maintaining the ships of our fleet. Brian distinguished himself in the design division at Long Beach, and he was made a supervisory architect within a few years. While there, he worked on overhauls of surface ships, including the great battleships U.S.S. New Jersey and the U.S.S. Missouri. In 1988, when the U.S.S. Samuel B. Roberts struck a mine in the Persian Gulf, the Navy sent Brian to Dubai to provide analysis and repair options.

Although he was only asked to spend a week in the gulf, Brian remained

with the stricken vessel for 45 days until it was again seaworthy.

Describing the experience years later, he said:

I am still amazed at the authority I was given to execute this project. I was lucky to have such an opportunity at such an early stage in my career.

I want our Nation's graduates to know that careers in public service are full of opportunities like the one given to Brian.

Federal employees at all levels get to work on exciting and relevant projects every day.

After his superb performance in Dubai, Brian was given a series of challenging jobs in the NAVSEA Commander's Development Program. Just 10 years after he first began his career, the Navy Department promoted Brian to be the director for maintenance and modernization under the assistant secretary for research, development, and acquisition. In this role, which he held for 5 years, he was responsible for overseeing policy on ship maintenance and modernization as well as the Navy's nuclear, biological, and chemical protection programs.

Brian returned to NAVSEA in 1996 and has worked in various roles there over the past 12 years. For his dedicated service in government, Brian was honored with a Meritorious Presidential Rank Award in 2004 and won the prestigious Distinguished Presidential Rank Award last year. This year, he was appointed as executive director of NAVSEA, its most senior civilian executive.

In addition to his work as an engineer and a manager, throughout the years Brian has served as a role model for those working with him, including a number of colleagues from traditionally underrepresented minority groups, whom he has mentored as they sought leadership positions in the Department.

This is truly the kind of service and mentorship we need to promote among engineers and other science professionals. Engineers can play an important role in bettering our communities and promoting education among our students.

I am glad we were able to include funding for service opportunities of this kind in the Serve America Act earlier this year. I call again on my colleagues and on all Americans to join me in recognizing the contributions of Brian Persons and all of the engineers, scientists, and technicians who continue to ensure that our ships of state remain seaworthy and on a forward course.

I honor their service and that of all our hard-working Federal employees.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WICKER. Mr. President, of all the complex issues the United States will deal with in this Congress, none will be more important than health care reform. Of all the momentous decisions we will make over the next few months, none will be more consequential or long-lasting than the votes we may take regarding the one-sixth of the American economy which comprises our health care system. If we get it right, we could devise a program that makes health care more accessible and affordable, provides health coverage to millions of Americans who are currently without health insurance, relieves Americans from worry about the effect changing jobs will have on their health care, saves lives through an increased focus on prevention and wellness, saves money by curbing the out-of-control growth in government health care programs, keeps patients and families in control of their health care choices, and makes doctors the decisionmakers on treatment options.

We have a great opportunity before us to improve the American health care system, but we run a perilous risk if we do not act wisely and carefully. We can fix our broken health care system by making it more accessible and affordable for Americans, and we can do so without jeopardizing quality, individual choice, and personalized care.

The American people need us to act on this issue, but they do not need or want us to act rashly. We do not need to enact a Washington takeover or a scheme that would inevitably lead to a government takeover of one-sixth of our gross domestic product.

I recently spoke with a resident of a country that is a major U.S. ally. He espoused the benefits of his country's government health care program, explaining in particular detail how the program works there. But then I posed a question: What happens in your country if you get cancer? He smiled and said: If I get cancer, I am going to the United States. He is going to the United States. It was a very telling answer that points up a profound truth: There are many things we need to fix about American health care, but there are a number of things we do right. There are a number of things right about our system, and we don't need to risk losing those things that today give Americans the highest quality health care system in the world.

Nine out of ten middle-aged American women have had a mammogram—

90 percent of American women—compared to less than three-fourths of Canadian women. More than half of American men have had a prostate test compared to less than one in six Canadians. Nearly one-third of Americans have had a colonoscopy compared to less than 5 percent of Canadians. These are statistics we need to be proud of as compared to our Western allies.

In addition to this focus in America on prevention, we also spend less time waiting for care than patients in Canada and the United Kingdom. Canadian and British patients wait about twice as long—sometimes more than a year—to see a specialist. We don't need health care reform that moves us in that direction. Mr. President, 827,429 people today, at this very moment, are waiting for some sort of procedure in Canada, and 1.8 million people in England are waiting for a hospital admission or outpatient treatment. They are having to wait for that in England.

We Americans also have better access to new technologies such as medical imaging than patients in Canada or the United Kingdom. Americans are responsible for the vast majority of all health care innovations. The top five U.S. hospitals—only five top U.S. hospitals—conduct more clinical trials than all the hospitals in any other single developed country. Only the top five outrank any other country in the world in clinical trials. We ought to be proud of that. We ought not to enact any program that would jeopardize that type of innovation.

Since the mid-1970s, the Nobel Prize in medicine or physiology has gone to American residents more often than recipients from all other countries combined. We get results based on our innovation and our research in the United States of America.

All these numbers translate into one very important fact: Americans have a better 5-year survival rate than Europeans for common cancers. For example, in the area of colon cancer, we have a 65-percent, 5-year survival rate in America, compared to only 50 percent in the United Kingdom. For prostate cancer, we have a 93-percent survival rate for 5 years in the United States; only 77 percent in the United Kingdom. In breast cancer, 90 percent of Americans who suffer from breast cancer have a 5-year survival rate; only 82 percent in the United Kingdom. For thyroid cancer that figure is a 94-percent, 5-year survival rate and only 75 percent in the United Kingdom.

Put another way, breast cancer mortality is 52 percent higher in Germany with their government-run system than in the United States, and breast cancer mortality is 88 percent higher in the United Kingdom with their government-run health care system. Prostate cancer mortality is 604 percent higher in the United Kingdom and 457 percent higher in Norway. Is there a genetic

predisposition for the people of Norway to die of prostate cancer or of German women to have breast cancer? I don't think so. I think these numbers, these stubborn facts reflect that our American system of innovation and detection and treatment is a good thing, and as we improve and fix our system, we need to be careful to maintain that type of quality.

There are broken parts of our system, to be sure, but my point today is to urge this body to consider the consequences of all the options we will consider. There is no question we need to make health care more affordable and we need to expand access. Republicans support providing affordable access to coverage for every American, and we can do that without a Washington, DC, takeover of health care. What we cannot afford the risk of doing is eroding the quality of care in pursuit of our goals this year. The surest way to destroy quality is to hand the reins of health care over to the Federal Government.

I recently had the opportunity to discuss health care with a member of the British House of Commons. That member of Parliament said: Whatever you do, do not do what we did in the United Kingdom.

A Washington takeover of health care would result in a stifling of innovation. I am convinced it would result in long waits. As we consider a so-called public option, a public plan, we need to ask ourselves: Will it lead, as I believe it will, to a one-size-fits-all Washington takeover of health care and inevitably mean that our citizens will be denied and delayed the health care we need? We need to be careful as we answer that question. I regret to say the plan I see taking shape on the other side of the aisle would result in either a politician or a bureaucrat making your health care decisions instead of you and your doctor. I urge my colleagues to protect innovation and to protect quality.

I am convinced we can protect the doctor-patient relationship and make health care more affordable and accessible for all without jeopardizing the quality I have spoken about this afternoon. I believe all of us in this body want a solution that works for Americans. There is common ground to be found that would continue the opportunity for the United States to be that world leader in quality. Congress and the American people need to pay close attention as we proceed this summer and this fall on one of the most important debates in our time.

Thank you. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBSTRUCTIONISM

Mr. REID. Mr. President, I wanted to say this to the occupant of the Chair personally, but I will take the opportunity to say it now. The presentation the Senator made on the floor regarding health care was stupendous, terribly impressive. I am going to take much of what the Presiding Officer said today and use it in the information I give people in Nevada and the presentations I am making on the floor. It was very good.

As the health care debate has heated up this week, Republicans have once again rolled out one of their standard, stale talking points: They question the efficiency of our government. When all else fails, all they do is berate the government.

But if Republicans want to have an honest debate about how our government operates, I think one of the first things I would suggest is that they should start looking in the mirror at themselves.

Today, Republicans are wasting more taxpayer time and more dollars for no good reason. The tobacco bill on the floor right now is both responsible and overdue. After making us wait out all the 30 hours of procedural time before even moving to the bill—Mr. President, the 30 hours isn't all of it. To get to that point, you have to file cloture, which takes 2 days, and then we have the 30 hours—a total waste of time. Republicans are now making us wait another 30 hours before we can vote on this bill. So it is 30 hours just to move to it, and then 30 hours once we are on it.

Let me reiterate how important the bill we are wasting time on not doing is to the American people. Every day, 3,500 Americans try a cigarette for the first time, and the vast majority of them are children. Nationwide, 3½ million high schoolers smoke; 3½ million boys and girls in high school smoke. That is more kids than participate in athletics in our schools who are smoking. Tobacco companies make money hand over fist by marketing and selling their poisonous products to our kids.

The bill before the Senate takes smart steps to keep our children and families healthier and keep the tobacco companies honest. It will make it harder for those companies to sell tobacco to children; help those who smoke overcome their addictions; it will make tobacco products less toxic for those who cannot or do not want to stop.

We have tried in good faith since last week to reach agreement with Republicans on amendments to this bill. Our floor staff has given the Republican floor staff a finite list of both Democratic and Republican amendments that we wanted to vote on as we consider the bill. With rare exception, the amendments were germane. If not germane, they were arguably germane.

But no. These amendments included three from Senator HAGAN, and one each from Senators COBURN, ENZI, BUNNING, and LIEBERMAN.

Unfortunately, despite repeated efforts to move forward, our Republican colleagues have said no every time.

Republicans are also slowing down our government in another way. In the few short months since President Obama took office, Republicans held up many of his nominees for crucial positions. There are 25 being held up right now, as we speak. Let me give you a few of them. We have had to have cloture votes this year on the Secretary of Labor; the Deputy Attorney General, the No. 2 person for a massive Justice Department; the Deputy Secretary of the Department of the Interior, which is like the Chief of Staff for the Department of the Interior; two members of the Council of Economic Advisers; and, incredibly, America's Ambassador to Iraq, Chris Hill. They held him up for a long time. Every time I spoke to Secretary Gates, he wanted to know where his Ambassador was, somebody to run that country—at least American interests in that country.

Today, they are holding up 25 or more qualified and noncontroversial nominees, including Rand Beers, nominated to be Under Secretary of the Department of Homeland Security, a pretty important position; Cass Sunstein, nominated to head the Office of Management and Budget's Information and Regulatory Affairs division. You could go to any law school in America today and ask them to name the top 10 academics in law schools, and Cass Sunstein's name will be one of the 10 on everybody's list. But he is not good enough for the Republicans to get him cleared; Hilary Chandler Tompkins, nominated to be the Solicitor for the Department of the Interior. That is the lawyer there. They have 70,000 employees. Secretary Salazar thinks it is a good idea that he has a lawyer there. They are not going to allow that; William Sessions, nominated to be Chair of the U.S. Sentencing Commission. Listen to this one. We have been told the reason he is not going to be approved is because he is from Vermont, and Senator LEAHY is chairman of the Judiciary Committee. They want to embarrass a friend, the chairman of that committee, Chairman PAT LEAHY; Harold Koh, nominated to be the State Department's legal advisor. Just like the Interior Department, the State Department, Secretary Clinton wants a lawyer there, in that huge, most important office. But no. Robert Grove, nominated to be Director of the Census—no.

I have only mentioned five. There are 20 others. The Republicans recklessly refuse to confirm our new Ambassador to Iraq. Listen to what they are doing now. They are holding up LTG Stanley McChrystal, an eminently qualified

soldier, whom President Obama and Secretary Gates chose to be our new commander in Afghanistan. I met him in my office the other day. This is a man with the military in his blood. His father was a great general. His father won five Silver Stars fighting for our country around the world. Stanley McChrystal is an expert in counterinsurgency, which we need so badly in Afghanistan. But, no, we are not going to get him approved—at least for now.

Republicans are so opposed to everything, they even oppose putting people in some of the most important positions in our government. We believe—the majority, Democrats—that those who have been chosen to serve our country must be able to get to work without delay.

Republicans across the country agree with that, also. But we have 40 Members of this body—Republicans—who don't represent Republicans across this country. Republicans, if given a chance, wouldn't they approve LTG McChrystal? Of course they would. And the other people I mentioned. We believe those who have been chosen to serve our country must be able to get to work without delay. President Obama was elected. Shouldn't he have the people he wants to work with him? Perhaps those listening think this is how the Senate always operates. The occupant of the chair is a new Senator. This isn't how it used to operate.

Let me put these delays into context. In the first 4 months of the Bush administration—the second Bush administration—I am sure it was the same in the first Bush administration—when the Senate was controlled by the President's party, and we were in the minority, there wasn't a single filibuster of a Bush nominee—not one. But in the first 4 months of the Obama administration, Republicans have filibustered eight of his nominees. Those are the ones we had to file cloture on. I have indicated that there are many others. With the constraints we have in the rules of the Senate, I cannot file cloture on every one of these. Those filibusters in the first 4 months of Senator Obama's administration are twice as many as President Bush faced in his first 4 months.

I hope people who are listening or watching understand this: We are not berating Republicans in Oregon or in Nevada or across the country. What I am saying is the Republicans here in the Senate—40 of them—are not being fair to our President and our country.

Last year, after Republicans held up the work of the Congress more than any other time in history—remember, we had 100 filibusters last year—the American people rejected the Republican status quo. They said no to Republicans' just-say-no strategy. I would hope they would learn that the American people don't like this—Independents, Democrats, and Republicans don't like it. We want to work together.

Take health care. They have seats at the negotiating table. We want to work with them. Energy, the same thing. There is no question the American people are taking notice, and they are fed up with petty partisan games. There is no question that these reckless tactics have consequences.

Republicans delay and delay and delay to their own peril. The truth is that all Americans suffer. It is time that the Republicans let us get to work and allow President Obama to have his nominees, and let's get this bill off the floor. Every day we wait, 3,500 more people are subject to being addicted to tobacco.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I would like to speak for about 3 or 4 minutes.

The PRESIDING OFFICER. The Senator is recognized.

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, for far too long, this Nation's broken health care system has limped along badly and in need of serious reform. Many in Washington have lacked either the foresight or the political will to take on this issue. For those who have tried, it has been almost impossible to get anywhere. Even today, the President's health care proposal is under attack from both the right and the left. I think we need to do better. Controversy should not drown out conversation.

The time has come to cast aside the constraints of partisanship, stop bickering, and start talking about real change. The American people have had enough. It is time to get to work.

The facts are plain: tens of millions of Americans are uninsured and underinsured. Many of these are children. Even employer-sponsored coverage is in jeopardy. Businesses are being drained by skyrocketing costs, and many have cut benefits. High premiums, rising copayments, and expensive prescription drugs are driving American families to the brink.

Can we stand by and watch as unreasonable health care costs cripple families who are already struggling? No, we cannot.

Can we allow this crisis to deepen, leaving more and more hard-working Americans behind? No, we cannot.

It is the solemn duty of this Congress to follow President Obama's lead and enact swift, responsible reform. We can cut costs and improve coverage. We can make the system smarter and less wasteful. We can empower individuals and families to make important decisions, not giant corporations or government bureaucracies. We can and we

must make quality, affordable health care available to every single American.

While I support the role insurance companies play in our health care system, I strongly believe a public option should also be available. This would restore accountability to the system and increase competition, driving prices down and making good coverage, private or public, more affordable for everyone.

American businesses and families have waited far too long for meaningful health care reform. The time to act is now.

Some of my colleagues have been working to fix our broken system for many years. Senator KENNEDY has been a leader on this issue throughout his career. This is the moment he and many others have been working toward. We must seize this opportunity to reform health care in America. I urge my colleagues to work with President Obama, as well as Senator KENNEDY, to make sure everyone has access to quality, affordable coverage.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. SESSIONS. Mr. President, I wish to assure our Members, the American people, and Judge Sotomayor that our committee is going to do its best to have a hearing on her confirmation that would be worthy of the serious responsibility we have and that the American people will feel is fair. I hope they will say it is the best hearing we have ever had.

I have to tell you, though, things are moving faster than I would like to have seen them move, and it does cause some difficulties for us. As I discussed on the floor yesterday, the Republican members of the Judiciary Committee are deeply concerned about this process being moved this rapidly. Yesterday, Chairman LEAHY unilaterally announced that the hearings would begin on July 13, some 48 days from the announcement of this nomination. I won't go into a lot of detail, but I would note that in the recent three Supreme Court nominees, Justice Breyer's hearing was 60 days after the announcement, Justice Roberts—the one that has been most cited and was the shortest—was 55, and Justice Alito's was 70. And I would note that Justice Roberts had 370 cases, whereas Judge Sotomayor has 3,500-plus cases to review. So I think, to quote Senator SCHUMER and Senator LEAHY in re-

marks they made previously, it is better to do it right than to do it too fast.

I would note that late last week, the White House sent her answers to the questionnaire we send to all the nominees, requiring a good deal of information, and that is done on a bipartisan basis. Those answers were sent forward with great fanfare. In a press release from the White House Counsel's Office, the Obama administration proclaimed that they set a record by completing the process in just 9 days. But this is a confirmation process, not a confirmation race. I think the White House should focus more on having thorough and complete answers to the questionnaire, not on entering the "Guinness Book of World Records" for the fastest response from a Supreme Court nominee.

We know now that Judge Sotomayor omitted or failed to include key information and has provided incomplete and sometimes contradictory responses to the questionnaire. The responses are not satisfactory. So today all seven Republican members of the Judiciary Committee, who have been through this—most of them—for some time and seen these issues develop before, have written to ask that the nominee fulfill her duty to provide clear and complete answers to our questions in order to obtain quite a bit of information that is now not available and should have been included.

Mr. President, I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 10, 2009.

Hon. SONIA SOTOMAYOR,
Office of the Counsel to the President,
The White House.

DEAR JUDGE SOTOMAYOR: Thank you for providing your questionnaire, assembled materials, and June 6, 2009 questionnaire supplement to the Judiciary Committee. Committee staff are reviewing your questionnaire responses and attachments and have noted a number of apparent omissions. In addition, we believe that some of your responses are incomplete. In view of these concerns, we would respectfully ask that you revisit the questionnaire and provide another supplement as soon as possible. If you believe that your questionnaire is fully responsive, we would appreciate an explanation to that effect.

To assist you in completing your questionnaire, below are some of the potential omissions detected to date:

(1) Question 6 asks for your employment record. Although you indicate that you were a member of the board of directors of the State of New York Mortgage Agency, it appears that you also served on the Administration and Personnel Committee (or the Program Committee) and as a member of the board of Community Planning Board #6. In addition, you indicate that you served as a member and vice president of the board of directors of the Puerto Rican Legal Defense & Education Fund; however, in response to

Question 25, you indicate that you served as First Vice President. Please clarify your response and supplement as necessary.

(2) Question 12(a) requires lists and copies of materials written or edited. You have been widely described as an editor of the Yale Law Journal and as Managing Editor of the Yale Studies in World Public Order. However, you have not provided any copies of materials from either publication. Please provide the Committee with copies of any materials you edited during your tenure as an editor of both law reviews.

(3) Question 12(b) requires copies and or/descriptions of certain reports, memoranda, or policy statements prepared by specified organizations. You have stated that "As a member of various court committees, I have prepared and contributed to numerous reports and memoranda on court issues, which relate to internal court deliberations and are not available for public dissemination." However, the question is not limited to publicly available reports. Please provide such reports and memoranda.

(4) Also with respect to Question 12(b), you initially omitted a report concerning the death penalty that you drafted during your time on the Board of the Puerto Rican Legal Defense & Education Fund. We would appreciate confirmation that a thorough review of those records has been completed, given the initial omission, and that you have provided all relevant documents to the Committee in response to this question.

(5) Question 13(g) requires a brief summary of and citations for all opinions where decisions were reversed by a reviewing court or where the judgment was affirmed with significant criticism. For opinions not officially reported, copies are requested. Although you indicate with respect to *Bernard v. Las Americas Communications, Inc.*, that there was no formal opinion, you make no such representation with respect to the *United States v. Gottesman* opinion or the *United States v. Bauers* opinion—yet it does not appear that copies of these opinions have been provided. Please clarify your response.

(6) Question 16(d) asks about trial experience and requires "opinions and filings" for cases going to verdict, judgment, or final decision. For three cases you have indicated that "The Manhattan District Attorney's Office is searching its records for information on this case." Please provide us with this information as a supplement to the questionnaire.

(7) Also with respect to Question 16(d), you state: "I tried an additional 14 cases during my time as an assistant district attorney, from 1979 to 1984. The Manhattan District Attorney's Office is searching its records for further information on these cases." Please provide us with this information as a supplement to the questionnaire.

(8) Question 16(e) asks about appellate practice. Nominees are asked to provide copies of briefs and (if applicable) oral argument transcripts. You state: "I have requested the briefs and any available transcripts from these cases from the Clerk of the Court of the Second Circuit on May 30th and will forward to the Committee as soon as I receive them." Please provide us with this information as a supplement to the questionnaire.

We are also concerned that some of your responses fail to provide the Committee with the information to which it is entitled in reviewing your nomination.

(1) In response to Question 11(b), you state that you are a member of an organization, the Belizean Grove, that discriminates on the basis of sex. However, you indicate that

you “do not consider the Belizean Grove to invidiously discriminate on the basis of sex in violation of the Code of Judicial Conduct.” Please explain the basis for your belief that membership in an organization that discriminates on the basis of sex nonetheless conforms to the Code of Judicial Conduct.

(2) Question 12(d) requires a list of speeches, remarks, lectures, etc., given by the nominee or, in the absence of prepared texts/outline/notes, then a summary of the subject matter (not a topic or a description). We believe that numerous entries in your list do not provide a “summary” of your remarks; instead, they set forth general topics. For example:

“I spoke on Second Circuit employment discrimination cases”;

“I spoke at a federal court externship class on Access to Justice”;

“I spoke on the United States Judicial System”;

“I participated in a symposium on post-conviction relief. I spoke on the execution of judgments of conviction”;

“I spoke on the implementation of the Hague Convention in the United States and abroad”;

“I participated in an ACS Panel discussion on the sentencing guidelines”;

“I participated in a roundtable discussion and reception on ‘The Art of Judging’”;

“I contributed to the panel, ‘The Future of Judicial Review: The View from the Bench’ at the 2004 National Convention. The Official theme was ‘Liberty and Equality in the 21st Century.’”

This list is not exhaustive.

In addition, we are concerned about the fact that you have failed to provide a draft, video, or transcript for more than half of your speeches, remarks, lectures, etc. According to your questionnaire, you have identified 191 occasions responsive to the questionnaire. For 98, you stated that you could not locate any record, for one you stated that you gave a standard speech, for two you cross-referenced a different speech, for 81 you provided a draft or video, and for eight you provided news clippings instead of a draft, transcript or remarks. We are particularly troubled because there may well be transcripts available for certain remarks: for example, a transcript of the 2004 panel entitled “The Future of Judicial Review: The View from the Bench” was available online.

Please advise us of the process you undertook to search for these speeches, and for those that you are unable to provide to the Committee, please provide a more thorough explanation of the content of each speech.

Although you have provided a great deal of information to the Committee, and we appreciate your efforts, it is important that your information be complete to permit the Committee to properly evaluate your record in the short time that has been provided.

Thank you for your attention to this matter. We look forward to your receiving your supplemental answers as soon as possible.

Sincerely,

JEFF SESSION.
CHUCK GRASSLEY.
JOHN CORNYN.
JON KYL.
TOM COBURN.

ORRIN HATCH.

Mr. SESSIONS. Mr. President, the judge has provided our committee with a good deal of information. We also appreciate that the judge has already once recognized that her quick questionnaire was incomplete. The issue

was raised, and she provided the committee with additional information on June 6 which really should have been in the first response. However, we are still concerned with several aspects.

As I have already said, the minority leader reiterated this morning that members of the Judiciary Committee and the full Senate need a complete and thorough record in order to make informed judgments on this nomination.

This is a lifetime appointment. It is our one chance in Congress to get it right. A Justice on the Supreme Court, if not faithful, has the power to actually alter the Constitution in addition to faithfully follow it, and sometimes I think that is what they have done.

We need to know what kind of judges we are going to get. Does this judge understand that he or she will be under the law, subordinate to the law, one who must faithfully follow the law or do they believe they are above the law and have the freedom and the ability to interpret it in new and novel ways which might seem to further some agenda he or she might have, if they are on the bench? I think the American people are concerned about that. I think they are right to be concerned about that. Decisions have been rendered, in my opinion, that are not faithful to the Constitution, not required by the Constitution.

Those are things we need to talk about and do it in a fair way and do it at a high level. There is no need to be personal about it.

The oversights and errors in this questionnaire are the product of trying to rush through a nominee with one of the most lengthy records in recent history, maybe ever, to the Supreme Court, in one of the shortest timeframes in history.

I think we should try to get it right. I believe a fair and thorough process, in the best spirit of this Chamber and in the best interest of this Nation, is what we should look forward to. I want to see we get the complete record and get back on the right track. I believe we can do that and it is important we work at it.

I promise, as I said, to do what I can, and I believe we will have a very fair and objective hearing. But it is also important that we are fair to the American people. They are depending on us to carefully scrutinize anyone who comes up for confirmation. We cannot do that without a complete questionnaire.

There are a number of things I raised the other day, yesterday, about the shortfall. I will briefly make a point or two. The letter sets forth in some detail quite a number of areas we set forth. It is eight different items and some other comments that we believe are inaccurate and we call for additional information. There are some significant matters there.

When the judge supplemented her initial questionnaire on June 6 by providing us with a report concerning the death penalty article she drafted during her time on the board of the Puerto Rican Legal Defense Education Fund, she had initially omitted that from the report. We would appreciate confirmation that a thorough review of those records has been completed, given the initial omission, and that she has provided all the relevant documents to the committee in response to this question.

There are other questions of writings, reports, and speeches. Question 12(a) requires the nominee to provide copies of materials written or edited. Judge Sotomayor has been widely described as one of the editors of the Yale Law Journal and, as managing editor, Yale Studies in World Public Order. However, we have not received any copies of either publication that she has edited. We need to see copies of those materials.

The questionnaire also requires copies of reports, memorandums, and policy statements prepared by specified organizations. The judge responded:

[a]s a member of various court committees [she has] prepared and contributed to numerous reports and memoranda on court issues, which relate to internal court deliberations and are not available for public dissemination.

I don't think those are the kind of documents that are secret. I think they can be obtained, and I believe the questionnaire calls for all of those.

Paragraph 12(d) talks about a list of speeches and lectures providing the text of those speeches or, if that is not available, outlines or notes and, if not that, a summary of the subject matter involved in the speeches. About a third of those speeches have not been prepared and the summaries are inadequate. I will give an example. This was a response to one of them:

I spoke on Second Circuit employment discrimination cases.

There is no summary of what it was about, no outline or other information on that speech.

Another one:

I spoke at a federal court externship class on Access to Justice.

Another one:

I spoke on the United States Judicial System.

Another one:

I participated in a symposium on post-conviction relief. I spoke on the execution of judgments of conviction.

Another one:

I spoke on the implementation of the Hague Convention in the United States and abroad.

It goes on. There are several others. But those are inadequate responses, probably as a result of rushing the questionnaire through. I hope the nominee will go back and see, first of all, if she can find the written speech

she gave and provide us a copy of it. That would be helpful as we review these matters because there have been some questions about speeches that the nominee has made.

I will not take any more time. I will let the letter speak for itself. I tried to call the judge earlier this afternoon, but she will not be available until sometime later, to tell her this is coming forward. I believe her staff may have already been notified of it, the White House Counsel's office.

These are not little bitty matters. They are important matters. If we are going to move forward in a record-breaking timeframe, the least we can expect is complete and full answers to these questions. It is appropriate that we insist this questionnaire be properly and completely answered. I hope and believe it will be. Certainly that is what our request is.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I ask unanimous consent that I may proceed for about 12 or 13 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. ROBERTS. Mr. President, I rise today to talk about health care reform. What else in regard to the interests of the American people and what we are doing here?

As the Republican leader, Senator MCCONNELL, has pointed out in several floor speeches over the past week or so, the desire for health care reform on both sides of the aisle is one that unites this Chamber across both political and geographic boundaries.

Our system of health care produces some of the best care in the world and it is the driver of a substantial share of the medical innovations that have wiped out diseases, improved our comfort, and extended our time on this Earth.

However, this system is not truly accessible to everybody, and that is the problem. That is what this entire debate boils down to: your ability to have access to a doctor, to go see the doctor of your choice when you need to see that doctor.

Solving this problem of access is exceedingly complicated, partly because it evidences itself in so many diverse ways all across the country, so many geographical areas. For example, in our rural areas in Kansas, we are struggling with attracting and retaining doctors and keeping the doors open to our hospitals, to our pharmacies, and

clinics. We talk about recruiting athletes. My goodness, the business of recruiting doctors and health care professionals is equally as competitive.

In our urban areas such as Kansas City and Wichita, our providers face very different challenges which are just as daunting and which threaten a patient's ability to access health care.

On top of that, although some 250 million Americans have health insurance, somewhere in the neighborhood of 27 to 47 million, depending on who you are counting and who is talking, do not. That makes accessing health care expensive and very challenging for them.

In addition, the government-run Medicare Program, which is on the verge of bankruptcy, by the way, does not pay doctors and pharmacists and ambulance drivers and nurse clinicians—pardon me, clinical lab folks and home health care providers and almost every health care provider that you can name—they do not pay them enough to cover their cost. Unless these providers have a non-Medicare population to recoup their losses, they cannot stay in business and their patients lose out—a de facto rationing of health care.

As a member of both the Finance and HELP Committees, and the cochair of the Senate Rural Health Care Caucus, I am able to participate and have been participating, along with staff, in this complex and very difficult effort. We must reform our health care system into one that guarantees meaningful access for all Americans, and guarantees that patient-doctor relationship. However, this effort to date has been a tale of rhetoric versus that of reality, the promise of cooperation contrasted with the unfortunate but real fact of partisanship, something I do not like to say.

Let me explain. President Obama, who ran as a "postpartisan" candidate, has made many overtures to Republicans indicating a desire for this process to be bipartisan. He just met with some members of our leadership and obviously the leadership on the other side of the aisle as of today.

Others in the Senate have declared their goal to be a bill that attracts upward of 70 votes. Is that possible? I would hope so. It could be. That would be a tremendous victory for the Senate of the United States and the American people.

But the reality is something very different. Today in the HELP Committee, the Health, Education, Labor and Pensions Committee, we have just begun the process of walking through a 615-page bill that we are scheduled to mark up next Tuesday.

This bill does not have one single Republican contribution, as far as I can tell. Moreover, it is incomplete, with many details missing. For example, the small detail of how much it will cost.

There is no cost estimate to this bill of 615 pages, just going through it as of today, going to try to mark it up next Tuesday.

Come on. That is not the way we should be doing business. The Finance Committee has conducted a parallel and I think, quite frankly, a better process so far, and I wish to thank Chairman BAUCUS and Ranking Member GRASSLEY and their staffs for their efforts. But we still have not seen a detailed proposal or cost estimate, and we are being pushed to mark something up in the next few weeks as well.

I want everyone to understand why process is important. Health care reform is important, to be sure. Getting things done obviously is important. But so is process. It is not because I do not want health care reform, nor is any Member in this body in a position to say they do not want health care reform. I want every single Kansan, every single American, to be able to see the doctor of their choice when they want to, especially when they have to.

I speak today because this health care reform bill will likely involve one of the biggest, most important votes that I or any one of my colleagues will cast during the time we are privileged to serve in the Senate of the United States. This health care reform bill will affect the lives of every single American. It will reform a system that drives one-sixth of our economy, over 16 million American jobs. It will have consequences for medical science and innovation that improve the lives of not only those of us in this great country but all across the world. When people are really sick, they come to the United States.

This bill will spend upwards of \$2 trillion—\$2 trillion—our children and grandchildren will have to some day repay. If we are going to do this, we cannot afford to get it wrong. For this reason, I initiated a letter about a week ago on behalf of all of my Republican colleagues on the Senate Finance Committee and on the HELP Committee. I asked the chairmen of those respective committees, the distinguished chairman, Senator DODD, who is now serving in Senator KENNEDY's absence, to give this process the time and the careful consideration it deserves. That was the message of the letter: Give us the time and the very careful consideration this vital issue deserves.

It seems to me our requests have been extremely reasonable. First, please provide us with your detailed plan with enough time for us to read it, to understand it, and get feedback from our constituents back home, the people the bill will affect.

We have done this in the Finance Committee. Goodness knows, I do not know how many panels we have had, how many walk-throughs, how many

slide presentations. Boy, that is tough in the afternoon to turn the lights off as Senators and try to pay attention to fact after fact after fact and suggestion after suggestion after suggestion and policy objective after policy objective on each day as we go through the legislative swamp, to try to get this from here.

Our requests, again, I think—I want to say it again. First, you should provide us with your detailed plan with enough time for us to read it, understand it, get feedback from our constituents back home, the people the bill will affect. The reason I said that twice is that every day we had one of these slide shows, every day we had a PowerPoint, every day we got more information, our office would send it back to the providers of health care in Kansas, much in the same fashion as members of the committee would send it to their people, and say: Hey, is this going to work? These are the people who actually do provide the health care.

I know the arguments that say: Well, now, wait a minute. We need to cut out fraud, waste, and abuse, and we need to be much more cost conscious. We need better practices in regard to better medical practices. We need a lot of things to either suggest or to incentivize or to maintain what the health care providers do.

But in the end result, if that person is sick, they are going to have to see a doctor, and they are going to have to see a nurse or some health care provider. So in the end result, we better at least be doing something that the providers say, yes, this makes common sense or you are going to see either one of two things: You are going to see a political revolt when they say, no, we are not going to go down that road or else you are going to see a continuation of rationing where providers say: No, I am not going to take part anymore in the Medicare Program, because I am not getting reimbursed up to cost.

You can have the best government program in the world, you can have the best government card in the world. But if you cannot find a doctor who provides service or a home health care provider who will provide service, or any provider who will provide that service well, where are you?

Second, I would like to see provided the cost estimates from the Congressional Budget Office and the Joint Tax Committee. Let us know how much all of this is going to cost. That is extremely important. We are hearing anything from \$1 to \$2 trillion.

Then, lastly, how will it be paid for? I know we are into an era now where basically we have the printing presses rolling, and we have an Economic Recovery Act and we have many facets of that, we have the stimulus, the omnibus, we had the President's budget and

we had TARP, and we had four different other acronyms under TARP, and we did not worry too much about the pay-fors and who was going to pay for it. We let the printing presses roll, because nobody wanted to see economic Armageddon.

Could we have done it better? I think so. But that is yesterday's decision. So we should identify how this will be paid for or are we not going to pay for it. Are we simply going to go ahead—there has been some discussion about some aspects of it that you would not pay for. There are other aspects that we need to go into, because they involve probable tax increases, and now is not the time to be increasing taxes, especially on the small business community, despite the need for health care reform.

I think asking for these details is absolutely fair. I think it is necessary under the circumstances. In fact, I would be ignoring my responsibilities to my constituents in Kansas if I did not demand these conditions be met.

Every single Republican member of the Finance Committee and HELP Committee signed the letter. Every single one expressed a desire to work with our colleagues to achieve bipartisan health care reform.

That brings me back to today's HELP Committee walk-through of 615 pages of an incomplete draft, the rushed HELP and Finance markup schedule, Tuesday, and then in about a week or two, the arbitrary floor debate deadlines that we hear from leadership. I hope our letter will slow this hurried dash to an imaginary finish line. Slow it down. Slow it down. I know it is extremely important that we pass good health care reform legislation. It is also extremely important to prevent bad legislation from passing and get America saddled with it for about 20 or 25 years. I wish at the end of every committee room, if in fact the bill gets to committee, the committee of jurisdiction, that we can hold appropriate hearings, we would have a sign that says, "Do no harm." And then right below it perhaps we could put "whoa," until everybody can slow down and read it in regard to process, and cost, and specifics of the bill, and trying to work together to get a good product.

There is no reason why the Senate should rush through a bill that has this much at stake. So time out. Time out. Time. Slow down. Give us the details. That is all we are asking for. The people of this great Nation deserve nothing less. Let's get health care reform and let's get it right.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAY-GO

Mr. THUNE. Mr. President, there is a disturbing pattern emerging in Washington, DC, which I don't think is being lost on the American people. We have seen, since the beginning of this year, with the new administration coming into power, the new Congress taking control of the leadership in both the House and Senate, an enormous amount, an unprecedented amount of spending, borrowing, and taxing. To bear that out—this information has been used before—if you actually look at the numbers, you have to go back a long ways in American history, go back to the foundation of our country, go back to 1789, and you take it up to today, 2009, 220 years of American history, the total amount of debt that has been accumulated over that period of time, literally since the Presidency of George Washington through the Presidency of George Bush will be equaled in the next 5 years.

We will double the amount of Federal debt, public debt in this country in the next 5 years. We will triple it in 10 years. We are borrowing and spending money around here on a spree that literally is without precedent in American history.

It should be of concern to all Americans for the obvious reason. They have a share of that debt. In fact, according to USA Today, if you just take the amount of debt that has been accumulated since the beginning of this year, with the passage of the stimulus bill, with the new appropriations bill that passed, an 8.3-percent increase over the previous year, which was twice the rate of inflation, and all the other spending that is going on with the various bail-out programs and whatnot, the average family's share of the debt this year alone is \$55,000. The average family's share of the Federal debt is \$55,000 per family in debt accumulated just since the beginning of this calendar year.

The amount of borrowing is without precedent. The amount of spending that is being done is without precedent. All under the guise of this is an emergency, and we have to react this way. But I think as more of this spending and more of this debt accumulates, the American people have become more convinced that the spending isn't solving the problem it was supposed to solve, which was we were going to create jobs, get the economy growing and expanding again. We haven't seen any of those effects.

What we have seen, of course, is more debt, more interest, and a bill that we will hand to future generations that is not fair to them because we should not be penalizing future generations and

pushing them because we haven't been able to live within our means.

The most recent response to that by the administration was yesterday. They came out and announced they are going to implement pay-go. So we are going to have pay-go regulations or pay-go policies now in place with respect to the Federal budget and the way we operate in Congress. Incidentally, even when pay-go was in effect, it was not very effective because much of the budget, much of the spending that occurs in Washington is outside the realm or outside the net of pay-go.

In fact, if you look at what pay-go does in terms of its design, it exempts all discretionary spending, would allow all current entitlement programs, such as Social Security, Medicare, and Medicaid, to continue to grow on autopilot. It affects only new entitlements or tax cuts that may be created in the future. Pay-go also allows expiring entitlement programs to be extended without offsets but not expiring tax cuts.

So it is clearly biased in favor of higher spending and higher taxes. In fact, if it does not apply to discretionary spending and if, in fact, it does not in a meaningful way apply to entitlement reform—in other words, it simply puts sort of a cap on how much entitlements can grow, but it doesn't get at the fundamental issue that these programs continue to grow unabated—it is simply one thing: a statutory excuse to raise taxes. That is essentially what pay-go is.

The new administration came out with the news bulletin yesterday that this is somehow a bold, new step and that they are going to attack and take on this deficit and this debt we have. Of course, what they didn't tell us is—sort of the expression we use in my part of the country—it is like closing the barn door after the horse is already out of the barn because we have already got all this spending this year that wasn't covered by pay-go. The stimulus bill, which was \$800 billion in new borrowing, was outside of pay-go. In fact, over the past several years now that the Democrats have been in power in the Congress, they have consistently violated the pay-go standard, about 15 times, to the tune of about \$882 billion in all this new spending that was done outside of pay-go.

So now it is like all of a sudden coming to the conclusion and realization that now we are going to get serious about deficits, now we are going to get serious about spending, now we are going to somehow clamp down on all these new programs that are out there. Somehow, at least rhetorically, subscribing to pay-go as a concept is going to be the solution and the answer to that.

I think we all know better than that. As I mentioned, pay-go has been routinely sort of ignored in the past. Even if it were to apply, as I mentioned ear-

lier, it does not capture much of the spending that goes on here in Washington. It is simply nothing more than a statutory excuse to raise taxes.

Having said that, I mentioned before much of the spending that has already occurred here in Washington. Yet the big-ticket items are still looming out there on the horizon in the future. By that I mean health care reform, which is a big priority of the administration. We are starting to see more details, get a little bit of a glimpse of what that might entail.

We know, for one thing, based upon the statements that have been made by the President and by the Democratic leaders in the Congress, they want it to include a government plan, purely and simply. They want a government plan, which means one thing; that is, that the government takes over health care in this country. Because you cannot maintain a private insurance program, you cannot maintain a private-sector delivery system, a market-based health care system in this country if you are going to have a government plan.

The government plan is where everybody, according to studies that have been done, eventually would end up going. They would gravitate there. More and more small businesses either would be forced to pay fines, if they did not have insurance themselves or offer insurance. The suggestion is—and I think it is a fair one based upon the analysis that has been done by a lot of the independent outside groups—you will see more and more small businesses giving up their health care coverage and having their employees move and transition into the government plan. The government plan will become the repository for all the employees who are currently covered in employer-provided health care plans in this country.

So the government component of this will continue to grow, and eventually you will have a system that very much models or is very similar to what we see in other places around the world. Some people talk about Canada, some people talk about Europe and all these great systems. But the reality is, a lot of the people in those countries come to the United States. The reason they come here is because we have the highest quality care and because they can get access to it.

The one thing that happens when the government runs health care is the government decides what procedures are covered. The government decides what treatments are going to be part of the coverage. The government will decide how soon you can get access to those treatments. What you find in other countries around the world are long lines, long waits, and that is fairly typical of the countries I mentioned.

The thing that makes the American system so unique in all the world is its dependence upon and its foundation

upon a market-based system. It has led to incredible innovation. It has led to incredible research and development, new treatments, new therapies, and has provided all kinds of opportunities for people of this country to receive health care, and, frankly, as I mentioned before, for people from other countries who come here to get their health care.

So why we would want to throw out that part of our health care system that is so good and replace it with a government-run system—which, frankly, again, the government is going to get in the middle of the decision between the consumer of health care or the patient and their provider, the physician, and make those decisions. It seems to me that is not a model we want to emulate in the United States.

As I said, we have a system that needs reform. We have flaws in the way our current system works. But the fact is, it is the very best health care system in the world, and I think it would be a big mistake for us to go down a path that shifts and moves more and more people into a government-run, government-controlled system, where the government decides what procedures are going to be covered and how soon you are going to have access to them.

I think it does one thing: It obviously would lead to a rationing of health care. By that I mean, simply again, that the government would have to try the clamp down on costs, limit the access of people to have certain types of therapies, certain types of treatments, and I think you would find less and less choice available in health care in this country. That is what I think a government-run system would give you in the end.

Most of us on this side have laid out a number of proposals, alternatives to a government-run system. Everybody says: Well, come up with a plan of your own. We have a number of them out there. We have a Coburn-Burr plan that has been introduced. Senator GREGG from New Hampshire has a plan that has been introduced. There is a Bennett-Wyden bill, which is a bipartisan bill, that has been introduced out there. But there are a number of alternatives that have been put forward by Republicans.

To date, we have only seen little sort of generalities about the Democrat plan. All we simply know is they are going to insist upon a government-run component to that. Again, it simply is nothing more and nothing less than a government takeover of health care, which is going to lead to all kinds of outcomes that I do not think most people in this country are prepared for and, frankly, if they had the opportunity, would not support.

But they have entrusted us with the responsibility to look for ways to make health care more affordable in this

country. There are lots of good suggestions which, as I said before, Republicans are putting forward. But it is going to be very difficult if the bright red line that is put forward by the Democrats in the Senate and in the House of Representatives is a government-run program, a government-run plan or else. I certainly am not going to subscribe to that sort of a solution for America's health care system. Nor do I think it is going to be in the best interests of patients and consumers around this country or providers, for that matter, to do that.

So health care debate is one debate that is out there. The reason I raised that issue is because it ties back into my point earlier that the amount of spending and borrowing and taxing that is going on here is—if you look back at what has already been done, it is enormous, it is enormous by any comparative standard in American history. But the big-ticket items are still out there because the health care plan, as we understand it—again, it has only been conceptual. We have not seen the details emerge from any of the Democrats' ideas. They are starting to roll more of it out. But one thing is clear: It is going to have a huge price tag. We are talking about anywhere from \$1 trillion to \$1.5 trillion to \$2 trillion. Of course, if they are going to adhere to the newly announced pay-go standard, that means this new entitlement program has to be paid for.

So where does that \$1.5 trillion or \$2 trillion come from? Well, obviously, it is going to come from some revenues raised from some part of our economy. That means a lot of hard-working Americans are going to see their taxes go up to finance this new government takeover of health care, which is going to give them fewer options, and get in the way of the patient-doctor relationship and cost them a lot more in the form of higher taxes.

I think even though much of the spending I have already referred to is in our rearview mirror—all that is left is to pay the bill for that. We still have to pay the bill. We are borrowing, which means somebody is going to pay the bill. We are going to hand off the bill to the next generation of Americans because, obviously, when you borrow \$1 trillion, someday it has to be paid back. In the meantime, when you continue to rack up that kind of borrowing and when you continue to do all the other things we are doing in our economy in terms of interventions, whether it is with regard to financial institutions or auto manufacturers—you can kind of go down the list—insurance companies now that the government actually has an ownership interest in that—we are acquiring enormous amounts of exposure and debt for the taxpayers of this country.

The health care plan is going to be another \$1.5 trillion or \$2 trillion on

top of that. When you borrow that amount of money, you do have to pay it back. By the way, I should mention, too, the interest on the amount of debt we are going to rack up in the next 10 years alone is about \$5 trillion. Think about that. That is just to pay the finance charge on the debt we have in this country. Think about the enormous burden that places on the American taxpayers and the American economy.

What generally happens in a case such as that is, when you borrow that much money, there is a lot more pressure out there, and the people who are buying that debt are, at some point, going to start demanding a higher interest rate. When interest rates go up, with the higher return on their investment, generally inflation follows with it. So you have all kinds of economic problems that are created by the level of borrowing we have already incurred. And we are going to add a new health care entitlement on top of that. It literally is breathtaking the amount of intervention we are seeing in the private marketplace today.

I talked about some of the spending and some of the borrowing that has been done. But in the taxes that are going to be associated with health care—and I could go down a list. There is a three-page list of the various, what we call pay-fors or ways of raising revenue to help finance health care. But there is also another big tax looming on the horizon, and that is the carbon tax, what we call the national sales tax on energy. If this climate change bill, which is currently moving through the House of Representatives, reaches the Senate, and if it does, in fact, pass the Congress this year, that, too, will entail an incredible amount of taxation, because there is no way in this country you can attach, essentially, a cost to carbon per ton and force companies that emit to buy the credits that would be associated with that without them passing it on. They are going to pass it on. Everybody admits that. The President has admitted that. The leadership on the other side has admitted that. All the utility companies in the country will tell you that.

A carbon tax, a national sales tax on energy, would hit places such as where I am from in the Midwest the hardest because we are, by and large, proportionately more dependent upon coal-fired power than are many other areas in the country. We have a sparse population, which means we have a "higher carbon footprint," which means people in the Midwest, in States such as mine, are going to pay way more for energy under any kind of a climate change bill or what we call a cap-and-trade bill or cap-and-tax bill.

However you want to refer to it, there is no way of getting around the fact that it is going to cost an enormous amount every single year for

families in this country, for businesses in this country, for industrial users, for school districts. I have seen the statistics from school districts in my State, from commercial users, from residential users about what those costs are going to be. They are stunning.

So that is another tax that is still out there. Add that to the health care tax that will come with whatever health care bill is passed through here, and the amount of taxation is going to start to rival the amount of spending and borrowing that is going on in Washington.

But it brings me to my final point, and that is what I am concerned about and what I am starting to hear more and more from people in my State of South Dakota—in many cases unsolicited—who come up to me and raise this issue of the amount of government ownership of our private economy. We are seeing, again, unprecedented levels. If there is one bedrock principle in American history, it is the adherence to the ideals of private enterprise.

In recent months, however, the United States has substantially deviated from this historical pattern, and the Federal Government now owns substantial shares of major U.S. corporations. We own—the taxpayers; I mean you and I and all of us here—we are now shareholders in a lot of major U.S. corporations. The taxpayers—the Federal Government—own 79 percent of AIG, 75 percent of General Motors, 10 percent of Chrysler, 36 percent of Citibank, 80 percent of Freddie Mac and Fannie Mae. And it goes on and on and on.

So we have all this spending, borrowing and taxing and now, on top of that, increasing the amount of government ownership of America's private economy. If there is one thing Americans are clear on, it is that the government should not be taking over bigger and bigger shares of the American economy.

There was a survey recently by Rasmussen that said 75 percent of Americans agree the Federal Government should not take over the U.S. banking system. That was a poll done in February. More recently, 60 percent say that the bailout loans given to GM and Chrysler were a bad idea. That was an April 21 poll. A new poll, done on May 31, just recently, shows that 67 percent of Americans are opposed to providing General Motors with \$50 billion and giving the government a 70-percent ownership interest in GM. Mr. President, 56 percent of voters said it would be better to let GM go out of business. None of us want to see that. But I think none of us, at least most Americans do not want to see the government owning more and more of American companies. The Federal Government is inevitably going to use that ownership stake to push its own agenda.

In a moment of extreme candor, former Labor Secretary Robert Reich declared that if the government is an active shareholder, they should “push management to take actions that are not necessarily geared toward higher shareholder return.”

Think about that statement. The government owns more and more of American businesses. They should “push management to take actions that are not necessarily geared toward higher shareholder return.” In other words, the government should use its newly acquired power in formerly private companies to further its own agenda.

Both the political process and the free markets are going to be distorted if that happens. In fact, in the *New Republic*, Noam Scheiber recently wrote that “government ownership invariably politicizes management decisions which could be a fiasco.” The article notes that a coalition of unions is lobbying against providing bailout dollars to Principal Financial Group because of its opposition to “card check.” You find more and more of these pressures on now because the government has a bigger and bigger stake in the government dictating day-to-day management decisions in American business. That is not a path I would argue we want to go down.

The *Economist* commented on the government-forced Chrysler bankruptcy:

In its haste it has vilified creditors and ridden roughshod over their legitimate claims over the carmaker’s assets. At a time when many businesses must raise new borrowing to survive, that is a big mistake. . . . The Treasury has also put a gun to the heads of GM’s lenders.

In a recent Bloomberg article, Bradley Keoun warns of some of the problems that Citigroup—and other banks incur in accepting bailout money—may encounter as a result of the partial government ownership. Among them he cites government pressure for stricter compensation rules, directives to focus on “State-approved social objectives,” instead of increasing earnings, scrutiny of advising or being forced to “exit risk-taking businesses that are profitable competitors.”

I think there is plenty of thought out there from people who understand the economy and the importance of the private market, its tradition, its contribution to the success of the American economy, and the prosperity we enjoy today, as well as lots of anecdotal and other evidence that when the government gets into these particular situations where it is trying to influence the day-to-day decisions of private business in this country, those who are trying to manage our private businesses in this country, leads to all kinds of fiascos and disaster.

I would mention one other point and that is, according to Bloomberg, after

demands from lawmakers, Citigroup consented to support cramdown legislation, even though this policy was opposed by others in the banking industry.

It is pretty clear these types of interventions into the private marketplace, into the free market economy in this country, lead us down a path that is not good for the American taxpayer, not good for the American economy, and that it stifles innovation and entrepreneurship. In fact, I would argue it kills the entrepreneurial spirit in this country to have government taking bigger and bigger ownership interests, bigger and bigger ownership stakes in the American economy, and further dictating the decisions, the day-to-day decisions which American businesses make that are designed to grow their companies, to get a better return for their shareholders, to become more profitable, to make America more prosperous, to raise our standard of living, and to deliver more benefits to their employees—all these things that have driven this economy and made it the envy of the world. I don’t think we want to go down a path or stay down a path that gets us deeper and deeper into ownership of the private economy.

I am going to be introducing and filing a piece of legislation tomorrow which addresses this issue and which provides an exit strategy for the Federal Government and for the taxpayers to begin to get out of all these ownership interests they have in the American economy, and I will have the opportunity on the floor to talk more about that at a later time. But this afternoon, I wished to touch on these issues as we begin the debate which has sort of captured this city and the Congress and the administration and I think very soon will engage the American public over health care reform and the trillions of dollars of new taxes and revenues that are going to be necessary to finance the proposal the new administration has for health care reform and how that takes us even further down the path of government intervention and a level of nationalization of our private economy—in this case health care—and that pattern that just seems to be continuing and which I think more and more Americans are reacting to and more and more Americans, I believe, are going to become engaged in.

Members of Congress on both sides are going to be hearing from their constituents about what they perceive to be a real threat to the long-term viability, the long-term prosperity, and the long-term protection of the taxpayers’ interests.

I hope they will become more engaged. I certainly hope we will be able to defeat proposals that come before the Senate that call for greater governmental ownership, greater govern-

mental intervention, greater expansion of governmental powers in Washington that will limit the choices of Americans, limit their access to health care opportunities, health care therapies, health care treatments that all too often are lost, I believe, in a system where the government rations care.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MCCHRYSAL NOMINATION

Mr. REID. Mr. President, in my office a few minutes ago, I received a call from Admiral Mullen, the Chairman of the Joint Chiefs of Staff. I wrote down what he asked and what he said. He said: Senator, there is a sense of urgency that General McChrystal be able to go to Afghanistan tonight.

There is no commander in Afghanistan.

Admiral Mullen said—and I wrote it down: Admiral McChrystal is literally waiting by an airplane. It is 2 o’clock in the morning Thursday in Afghanistan. Dawn will soon be breaking and our troops will not have a commander there.

Is this what the minority wants? Why can’t they come and approve this man to go defend us in Afghanistan? I am without words to try to explain my consternation at the fact that General McChrystal, one of our most eminent, prominent, outstanding, qualified soldiers, a man whose father won five Silver Stars, a man whose record is one of being the leading person in our military to do counterinsurgency—that is what he is an expert in doing.

Let’s get the man approved tonight so he can leave in an airplane and get over there and take care of his men and women.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO

Mr. MCCONNELL. Mr. President, it wasn’t that long ago that the Senate voted almost unanimously to oppose bringing any terrorists at Guantanamo to the United States. But earlier this week, the administration ignored the will of the American people as expressed through that Senate vote by transferring a Guantanamo detainee named Ahmed Ghailani to New York. The purpose of the transfer is to try

Ghailani in a U.S. civilian court for his role in the African embassy bombings of 1998. The administration's decision raises a number of serious questions.

First, Ghailani has already admitted that he attended a terrorist training camp in Afghanistan and assisted those who planned and carried out the embassy attack, but says he did so unintentionally. In a U.S. civilian court, if you're found not guilty, you're allowed to go free. So if we are going to treat this terrorist detainee as a common civilian criminal, what will happen to Ghailani if he's found not guilty? And what will happen to other detainees the administration wants to try in civilian courts if they are found not guilty? Will they be released? If so, where? In New York? In American communities? Or will they be released overseas, where they could return to terror and target American soldiers or innocent civilians?

Second, if Ghailani isn't allowed to go free, will he be detained by the government? If so, where will he be detained? Would the administration detain him on U.S. soil, despite the objections of Congress and the American people?

Third, why does the administration think a civilian court is the appropriate place to try Ghailani? Congress enacted the military commissions process on a bipartisan basis as a way to bring terrorists to justice without disclosing information that could harm national security. Some have complained that the previous administration moved too slowly on military commissions, but a lot of that delay was due to the constant legal challenges that were leveled against the process, including by some in the current administration. In fact, Ghailani's case was already being handled by the military commissions process—to the point that a judge had established a trial schedule for him. I ask unanimous consent that the trial schedule be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA V AHMED KHALFAN GHAILANI (A/K/A "FUPI", "HAYTHAM", "ABUBAKAR KHAFLAN AHMED", "SHARIF OMAR")

SCHEDULE FOR TRIAL, AMENDMENT ONE
4 MARCH, 2009

1. The following trial schedule is ordered. Times when listed are local Eastern United States.

a. 1 June 2009: Discovery completed.

b. 15 June 2009: Discovery Motions due to the military judge and opposing counsel. If counsel intend to submit more than ten (10) discovery motions, counsel shall inform the military judge and opposing counsel of the total number of law motions which counsel intend to present NLT 1200 hours, 8 June 2009. If appropriate, the military judge will advise counsel of a revised schedule to present the motions.

d. Week of 6 July 2009: Hearing in GTMO re: Discovery Motions.

e. 20 July 2009: Law Motions due to the military judge and opposing counsel. In general, law motions are those which require no evidentiary hearing to determine. If counsel intend to submit more than ten (10) law motions, counsel shall inform the military judge and opposing counsel of the total number of law motions which counsel intend to present NLT 1200 hours, 13 July 2009. The military judge will advise counsel of a revised schedule to present the motions.

Note 1: Motions will have as their underlying legal premise no more than one legal basis. If there is more than one legal basis, then there should be more than one motion. Law motions include motions relative to sentencing.

Note 2: Motions, response, and reply due dates are a No Later Than date. Counsel for both sides are advised that any motion, response, or reply which is ready for submission prior to the due date should be submitted when completed. The efficient and proper process of motion practice will NOT be enhanced by delivering multiple motions, responses, or replies to the Commission or opposing party at the last possible moment.

e. Week of 3 August 2009: Hearing in GTMO re: Law Motions and Witness Production issues or any unresolved matters.

f. 10 August 2009: Defense Requests for Government Assistance in Obtaining Witnesses for use on the merits. See R.M.C. 703.

Note: The Government response to any witness request will be due within five business days of the submission of the request. Any Defense motion for production of witnesses in conjunction with a motion will be due to the court and opposing counsel within five days of receipt of a denied witness request.

g. Week of 24 August 2009: Hearing re: unresolved Witness Production Motions and/or any unresolved matters.

h. 31 August 2009: Evidentiary Motions due. Evidentiary motions due to the military judge and opposing counsel. In general, evidentiary motions are those which deal with the admission or exclusion of specific or general items or classes of evidence. If counsel intend to submit more than ten (10) evidentiary motions, counsel shall inform the military judge and opposing counsel of the total number of evidentiary motions which counsel intend to present NLT 1200 hours, 24 August 2009.

Note 1: Generally, see Paragraph "e", Notes 1 and 2 above.

Note 2: Defense witness requests associated with any motions should be submitted to the trial counsel in accordance with R.M.C. 703 simultaneously with the filing of the motion (or Defense response in the case of a Government motion) in question. The Government response to any witness request will be due within five days of the submission of the request. Any Defense motion for production of witnesses in conjunction with a motion will be due to the court and opposing counsel within five days of receipt of a denied witness request.

i. Week of 14 September 2009: Hearing in GTMO regarding Evidentiary Motions.

j. 23 September 2009: Requested group voir dire questions for Military Commission Members due.

Note: The military judge intends to conduct all group voir dire questioning of the members per R.M.C. 912. The military judge's group voir dire will take counsel's requested questions into account as appropriate. The military judge will also conduct the initial follow-up individual voir dire based on responses to the group questions. Counsel will

be permitted to conduct additional follow-up voir dire.

1. 24 September 2009: Proposed members instructions due.

m. 5 October 2009: Assembly and Voir Dire for Panel Members.

n. 9 October 2009: Beginning of trial on the merits lasting potentially as late as 13 November 2009.

2. Counsel should direct their attention to the Rules of Court, RC 3, Motions Practice, and specifically Form 3-1, 3-2, and 3-3, for the procedures I have established for this trial. All motions, responses and replies shall comport with the terms of RC 3.6 in terms of timeliness. Any request for extension of any response or reply deadline associated with this hearing will be submitted before the deadline for the reply or response.

3. Requests for deviations from the timelines established by this order must be submitted not later than 20 days prior to the date established, except for law motions for which requests for deviations from the due date must be submitted within 7 days prior to the date established.

4. Monthly Status Conferences will be scheduled throughout the pendency of this action or as needed under the circumstances. Counsel should anticipate the fluidity of the process of this action and be vigilant to alterations. Counsel requiring hearings or conferences not specifically anticipated herein should make a written request as soon as practicable in order to maintain the efficient and fair administration of justice. Court hearings designated as "during the week" is for planning purposes and actual hearings dates are commensurate with logistical, courtroom accessibility and transportation availability.

BRUCE W. MACKENZIE,
CAPT, JAGC, USN Military Judge

Mr. McCONNELL. This schedule would be well underway if the administration had not suspended all military commission proceedings several months ago. Now we will have to start the process for Ghailani over again in civilian court.

The administration made the right decision by reconsidering its position on military commissions and deciding to resume their use. So why did the administration decide to stop the military commission proceedings against Ghailani that were being conducted in the modern, safe, and secure courtroom at Guantanamo and move him to the U.S. to try him in civilian court? Is it because the Administration doesn't think that by deliberately targeting innocent American civilians Ghailani violated the law of war? Does it think he should be treated as just another domestic civilian defendant?

Fourth, how will the administration ensure that trying Ghailani in a U.S. court doesn't damage our national security? As we've seen in the past, trying terrorists in the U.S. has made it harder for our national security professionals to protect the American people.

During a previous trial of suspects in the African embassy bombings, evidence showed that the National Security Agency had intercepted cell phone conversations between terrorists. According to press reports, this revelation caused terrorists to stop using cell

phones to discuss sensitive operational details.

And during the trial of Ramzi Yousef, the mastermind of the 1993 World Trade Center attack, testimony given in a public courtroom tipped off terrorists that the U.S. was monitoring their communications. As a result, these terrorists shut down that communications link and any further intelligence we might have obtained was lost.

On the question of Guantanamo, it became increasingly clear over time that the administration announced its plan to close the facility before it actually had a plan. If the administration has a plan for holding Ghailani if he is found not guilty, then it needs to share that plan with the Congress. These kinds of questions are not insignificant. They involve the safety of the American people. And that is precisely why Congress demanded a plan before the administration started to move terrorists from Guantanamo. The American people don't want these terrorists in their communities or back on the battlefield. But that is exactly where Ghailani could end up if he is found not guilty in a civilian court. Before it transfers any more detainees from Guantanamo, the administration needs to present a plan that ensures its actions won't jeopardize the safety of the American people.

Finally, earlier today, the Senate majority whip came to the floor and claimed there is evidence that al-Qaida may be recruiting terrorists within Guantanamo. I am glad to see that the majority whip appears to be acknowledging the FBI Director's concerns that Guantanamo terrorists could radicalize the prison population if they were transferred into the United States. The fact that these terrorists might be able to recruit new members and conduct terrorist activities from behind bars is an important one. I also find it preposterous that the majority whip would assert that because I and others—including, by the way, members of his own conference—want to keep dangerous terrorist detainees away from American communities, we will enable terrorists to escape justice. Keeping these terrorists locked up at Guantanamo, and trying them using the military commissions process, is the best way to deliver justice while protecting the American people.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. MCCONNELL. I have yielded the floor. The Senator can feel free to make a statement.

Mr. DURBIN. I was hoping to ask the Senator from Kentucky a question.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I understand the majority leader was

asking about clearing some military promotions earlier today. I wanted to indicate—and I see the assistant majority leader is here—we are clear with those and never had an issue with these particular promotions. Therefore, I suggest that we call them up and confirm them immediately.

Unless there is an objection from the other side, and having notified the other side, I ask unanimous consent that the Senate proceed to executive session to consider the following military promotions: Calendar Nos. 192, 193, and 194. I further ask unanimous consent that these nominations be confirmed en bloc, the motions to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Douglas M. Fraser

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Stanley A. McChrystal

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. James G. Stavridis

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Illinois.

GUANTANAMO

Mr. DURBIN. Mr. President, I want to make my comments about the minority leader's statement on the floor while he is still here. If he is willing to stay, we can engage in a dialog on this issue. I think it is time we do come to the floor together, along with the Republican whip, and at least make it clear what our positions are on some of these issues related to Guantanamo because it has been a matter of concern and a lot of comment on the floor of the Senate over the last several weeks.

I was going to ask the Senator from Kentucky, the minority leader, whether I understood him correctly when he said he believed that this individual,

Ahmed Ghailani, if found not guilty in a court in the United States, would be released in the United States to stay here in a legal status. I wish to ask the Senator, if that is what he said, what is the basis for that statement?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I can only repeat what the President's spokesman himself said. I am responding to the question propounded to me by the Senator from Illinois. It is my understanding the President's spokesman yesterday refused to say what would happen to Ghailani if he were found not guilty. So there is some confusion about that.

Mr. DURBIN. There is no confusion. This is such a leap to argue that if this man, who is not a resident of the United States—if I am not mistaken, he is Tanzanian—that somehow if he is found not guilty in the courts of the United States, he is qualified to be released into our population. That is a statement—I don't know anyone could draw that conclusion. He would have no legal status to stay in the United States unless we gave him one.

By what basis does the Senator from Kentucky suggest that this man, who may have been involved in the killing of 12 Americans among 224 other people, is going to be released by President Obama into our communities and neighborhoods?

Mr. MCCONNELL. Is the Senator asking me a question?

Mr. DURBIN. I am.

Mr. MCCONNELL. Let me say I am only quoting the President's spokesman. He says he doesn't know what would happen if Ghailani is released.

Let me say to the Senator from Illinois, let's assume that he is sent back to the country from which he came. I ask, in what way is America safer if this terrorist subsequently, under this hypothetical release in the United States, goes back to his native country from which he potentially could launch another attack on the United States?

Mr. DURBIN. I say in response, my colleague from Kentucky is gifted at the political craft. He has decided not to answer my question but to ask a question of me.

I say first that his assertion that this man, Ahmed Ghailani, if found not guilty would be released in the communities and neighborhoods of America cannot be sustained in law or in fact. He made that statement on the floor. That is the kind of statement that has been made about these Guantanamo detainees.

I don't know what will happen to Mr. Ghailani if he is found not guilty. It is conceivable that he could be charged with other things. It is conceivable he could face a military tribunal. It is conceivable he may be subject to detention.

I will say this with certainty. President Obama will not allow dangerous

terrorists to be released in the United States in our communities and neighborhoods. I hope everyone on both sides of the aisle would agree with that.

I also wish to ask, if the Senator from Kentucky is critical of President Obama for announcing that he was going to close Guantanamo before he had a plan, why didn't we hear the same complaint when President George W. Bush announced he was going to close Guantanamo before he had a plan? Is the difference partisan?

Mr. MCCONNELL. I say to my friend from Illinois, he has made this point before, and I answered it before. I will answer it again.

I was against it when President Bush was in favor of it. I have been consistently against closing Guantanamo all along the way, no matter who the President was. At least you could say this about President Bush: He didn't put a date on it before he had an idea what he was going to do with them. And that is the core issue here.

Mr. DURBIN. The core issue is for 7 long years, the Bush administration failed to convict the terrorists who planned the 9/11 terrorist attacks—for 7 years. And for 7 long years, only three individuals were convicted by military commissions at Guantanamo, and two of them have been released. So to argue that the Guantanamo model is one that ought to be protected and maintained, notwithstanding all of the danger it creates for our servicemen overseas to keep Guantanamo open, is to argue for a plan under the Bush administration that failed to convict terrorists, failed with military tribunals and through the courts of this land.

I have to say that as I listen to the argument of the Senator from Kentucky, it is an argument based on fear—fear—fear that if we try someone in a court in America, while they are incarcerated during trial, we need to be afraid. There was no fear in New York for more than 2 years while Ramzi Yousef was held in preparation for trial and during trial because he was held in a secure facility.

Today we are told by the Department of Justice that there are 355 convicted terrorists in American prisons. I ask the Senator from Kentucky, does he believe we should remove them from our prisons, those already convicted, currently serving, such as Ramzi Yousef?

Mr. MCCONNELL. I say to my friend from Illinois, maybe we found an area of agreement. He is critical of the Bush administration for not conducting military tribunals more rapidly. I agree with him. I think they should have been tried more rapidly. But that is the place to try them, right down there in Guantanamo.

If my friend is suggesting it is a good idea to bring these terrorists into the United States and, if convicted, put them in U.S. facilities, the supermax

facility has basically no room. There may be one bed. As far as I know, there is no room at supermax.

Not only do we have, if we bring them into the United States—I don't know why I am smiling. This is not a laughing matter. Say what you will about the previous administration, but we were not attacked again after 9/11.

Mr. KYL. Mr. President, will—

Mr. MCCONNELL. I don't have the floor, I say to my friend from Arizona. Maybe he can get the Senator from Illinois to yield for a question as well.

I don't think we want to complain about the fact we haven't been attacked again since 9/11, I say to my friend from Illinois. Containing terrorists at Guantanamo, going after terrorists in Iraq and Afghanistan, clearly something worked. And to argue we would somehow be made more safe in this country by closing down Guantanamo I find borders almost on the absurd.

Mr. DURBIN. With all due respect, the Senator failed to answer my question. I asked him this question: If it is a danger to America that if we put a convicted terrorist in our country, if that creates a danger, as he said repeatedly, in our communities and neighborhoods near this prison or in other places, then I asked the Senator from Kentucky, What would you do with the 355 convicted terrorists currently in prison, and the Senator didn't answer. He said: We haven't been attacked since 9/11. That is unresponsive.

We know there are facilities where these convicted terrorists can be held safely and securely. Marion Federal Penitentiary in my home State has 33 convicted terrorists. I just spent a week down there, not far from the Senator's home State. There was not fear among the people living in that area because 33 terrorists are being held at Marion. You know why? Because our corrections officers there are the best.

I went in to see them, and I sat down with them. They are concerned, angry, even insulted at the suggestion that they cannot safely hold dangerous people. One of the guards said to me: We held John Gotti. He was convicted of being involved in gangland activity. We are holding terrorists from Colombia in drug gangs. We are holding them safely. We are holding serial murderers safely. We know how to do this, Senator. And if your colleagues in the Senate don't believe it, have them come and visit Marion Federal Penitentiary.

They are doing their job and doing it well. To come to the floor of the Senate repeatedly and to suggest we are in danger as a nation because convicted terrorists are being held in our prisons I don't think adequately reflects the reality of what we have today.

Let me also say, I respect the Senator from Kentucky for saying he has always been in favor of keeping Guantanamo open. I respect him for being

consistent in his viewpoint. I disagree with that viewpoint. Among those who also disagree with his viewpoint is GEN Colin Powell, the former Chairman of the Joint Chiefs of Staff and former Secretary of State under President Bush. He believes it should be closed. General Petraeus, someone I know the Senator from Kentucky has praised on the floor of the Senate, believes Guantanamo should be closed. They are not alone. Robert Gates, Secretary of Defense under President Bush and now under President Obama, believes it should be closed. Senator MCCAIN on your side of the aisle stated publicly that Guantanamo should be closed. Senator LINDSEY GRAHAM, on your side of the aisle, has stated publicly it should be closed. Former Secretaries of State have made the same statements.

He is entitled to his point of view. I respect him for holding that point of view even if he doesn't have the support from the security and military leaders I mentioned. But to come to the floor and repeatedly say to the American people that we are in danger because we are trying terrorists in the courts of America I think goes too far.

I think the President has done the right thing. I think this man Ahmed Ghailani should stand trial. If 12 innocent Americans died, and they did, among 224 people, this man should be on trial, and I think the President was right to bring him to the court for trial. To suggest that he shouldn't be, that he should be put in a military tribunal which has had a record, incidentally, over the last 7 years—military commissions at Guantanamo, in 7 years tried three individuals and two have been released—it doesn't tell me that it is a good batting record when it comes to dealing with war criminals.

I trust the courts of our land, the same courts that convicted Ramzi Yousef. I trust those courts to give Ghailani a fair trial under American law. I trust at the end of the day that a jury, if it is a jury, will reach its decision.

I can tell you this for certain. The suggestion by the minority leader that at some point after this trial Ghailani is going to be turned loose in the communities and neighborhoods of America, I don't understand where that is coming from. That is the kind of statement that I think goes to the extreme. I wish my colleague would reflect on that. We are not going to turn loose this man who is not a resident of the United States, not a citizen of the United States if he is found not guilty. The President would never allow it. Our judicial system would never allow it.

Do you think the Department of Homeland Security is going to clear this man to move to Louisville, KY, if he is found not guilty, or Springfield, IL? I don't think so. In fact, I think it is beyond the realm of possibility.

I also want to make it clear that we have before us an important decision to make. Are we going to deal with Guantanamo because it is a threat to the safety of our servicemen or are we going to keep it open so that some people who believe in it can have their political bragging rights?

I would rather side with those who believe closing Guantanamo brings safety to our men and women in uniform. Guantanamo is a recruiting tool for terrorists. That is not my conclusion alone. It is a conclusion that has been reached by many, as I look back and see those who have said it. For example, Chairman of the Joint Chiefs of Staff Mike Mullen:

The concern I've had about Guantanamo . . . is it has been a recruiting symbol for those extremists and jihadists who would fight us. . . . That's the heart of the concern for Guantanamo's continued existence. . . .

Same statement from General Petraeus, same statement from Defense Secretary Gates, same statement from RADM Mark Buzby and others. We have a situation with Guantanamo where it is not making us safer. The President has made the right decision, hard decision to deal with the 240 detainees he inherited. I think we should do this in a calm, rational, and not fearful way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, let me say Senator McCain and Senator Graham can speak for themselves, but neither of them has ever been in favor of closing Guantanamo without a plan to do something. They want to see what the plan is to deal with these terrorists. Beyond that, they can speak for themselves. But they are not in favor of closing Guantanamo without a plan.

With regard to the suggestion that we should bring these prisoners to the United States and try them, my good friend from Illinois has suggested there is no down side to that. Why not do it? We could. But the question is, Should we? We should not because we passed the military commissions for the purpose of trying these very detainees. There are courtrooms and a \$200 million state-of-the-art facility at Guantanamo to both incarcerate them and to try them. We know no one has ever escaped there, and we know we haven't been attacked again since 9/11.

But let's assume we did bring them up here for trial. My good friend has suggested no harm done. During the Ramzi Yousef trial, he tipped off terrorists to a communications link. During the Zacarias Moussaoui trial, there was inadvertently leaked sensitive material. The east Africa Embassy bombing trials aided Osama bin Laden. The blind Sheikh Abdel-Rahman trial provided intel to Osama bin Laden. When you have these kinds of trials in a reg-

ular American criminal setting, there are down sides to it.

In terms of community disruption, I would cite the mayor of Alexandria, VA, right across the river. Ask him how he felt about the impact of the Moussaoui trial on their community.

So I think the suggestion that somehow it is a good solution to bring these terrorists to the United States and to mainstream them into the U.S. criminal justice system is simply misplaced. If they are convicted, we don't have a good place for them. Everybody cited the supermax facility. Well, there is no room there. It is quite full. We have the perfect place for these detainees, for them to be detained and to be tried and ultimate decisions made.

I share the view of the Senator from Illinois that the previous administration did not engage in those military tribunals as rapidly as we all would like. They had a lot of disruptions from lawsuits and other things, and I expect they would argue that slowed them down. But I think they are in the right place—the right place to be incarcerated and the right place to have their cases disposed of.

Mr. President, my friend from Arizona is here and wants to address this, or another issue, and so I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

Mr. DURBIN. Mr. President, I will speak briefly, then yield to the Senator from Arizona. I will be happy, if he wants to ask a question or maintain a dialogue, but I will make this very brief.

I have confidence in the courts of America. If I had to pick one place on Earth to have a trial and to be assured it would be a fair trial with a fair outcome, it would be right here in the United States of America. Maybe I have gone too far. Maybe I am showing my patriotism, or whatever it is, but I believe that.

If you said to me: We captured a terrorist somewhere in the world, where would you like to have them tried? It would be right here because I believe in our system of justice. I believe in the integrity of our judiciary. I believe in our Department of Justice prosecutors. I believe in our defense system, our jury system. I believe we have the capacity and the resources to try someone fairly better than anyplace in the world.

The Senator from Kentucky may not agree with that conclusion. He obviously thinks there is too much danger to have a trial of a terrorist in the United States. How then does he explain 355 convicted terrorists now sitting in American prisons, tried in our courts, sent to our prisons, safely incarcerated for years? That is proof positive this system works.

The Senator from Kentucky, the Republican leader, is afraid. He is not

only afraid of terrorism—and we all should be because we suffered grievously on 9/11—but he is afraid our Constitution is not strong enough to deal with that threat. He is afraid the guarantees and rights under our Constitution may go too far when it comes to keeping America safe. He is afraid of using our court system for fear it will make us less safe, that it would be dangerous. He is afraid the values we have stood for and the Geneva Conventions and other agreements over the years may not be applicable to this situation.

I disagree. I have faith in this country, in its Constitution, its laws, and the people who are sworn to uphold them at every level. I believe Mr. Ghailani will get a fairer trial in the United States than anyplace on Earth, and that if he is found guilty in being complicit in the killing of over 200 innocent people and innocent Americans, he will pay the price he should pay, and he will be incarcerated safely.

This notion that we have run out of supermax beds and that is the end of the story—and the State of Colorado is the home State of the Presiding Officer, where the Florence facility is located—I would say to the Senator from Kentucky that may be true for the supermax facility at the Federal level, but there are many other supermax facilities across America that can safely incarcerate convicted terrorists or serial murderers or whomever. We can take care of these people.

If there is one thing America knows how to do—and some may question whether we should brag about it—we know how to incarcerate people. We do it more than any other place on Earth, and we do it safely. The notion there is only one place—Guantanamo—where these detainees can be safely held defies logic and human experience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first of all, I was going to interrupt and ask a question, but I simply conferred with Senator McConnell—and I will state and the RECORD can reflect the fact—that I believe Senator McConnell asked the question of where he would be released if he were acquitted. I don't believe he asserted that he would be released in the United States. I just wanted to clear that up. Obviously, we can check the transcript and determine it. I think that was his intent because of the question that Robert Gibbs had posed. At least that is my understanding of it. We can resolve that.

But I would like to say a couple of other things. First of all, it is important to have this debate. The Senate had a debate some weeks ago, and it is true 90 Senators voted against funding a program to close the prison at Guantanamo Bay. Six Senators voted in favor of moving forward with that.

I appreciate the Senator from Illinois staunchly defending the lonely six, but

they represented also a minority of American public opinion, which has said, by 2 to 1, according to the USA Gallup poll, that it is against closing the Guantanamo prison, and by 3 to 1 they do not want the prisoners released in the United States.

Both sides have engaged in a little bit of rhetoric. For example, I would respectfully request my colleague from Illinois go back over what he said a moment ago and perhaps come back tomorrow and think about rephrasing it. I don't think it is fair to characterize the position of the Senator from Kentucky as being fearful of trying people in the United States; fearful, for example, that terrorists—or afraid of giving terrorists rights and so on. I don't think that is the issue. I think what is the issue is the question of whether, as a general rule, it is better to keep prisoners in Guantanamo prison than to put them somewhere else.

I, for one, don't fear trying some of these people who are appropriately charged and tried in Federal court in the United States. But I would also say it is loaded with problems and headaches, and I think my colleague from Illinois would have to acknowledge that the trials that have occurred here have produced some real problems. These are hard cases to try in the United States. You start with the proposition that there are huge security concerns.

Now, it can be done. There will be huge security concerns with this alleged terrorist from Tanzania, and it will cost a lot of money in the place where he is tried. It will pose very difficult questions for the judge, for the people within the courtroom, the parties to the case, the lawyers in the case. There are evidentiary questions and other questions that are illustrated by the case of Zacarias Moussaoui, who was tried in Alexandria. I think we can all acknowledge the government would certainly say that was a huge problem for them because it was difficult to use evidence in the case that had been acquired through confidential or classified methods. The case was ping-ponged back and forth several times between the District Court and the court of appeals. It was a difficult, hard thing to do.

Then there are the situations where cases have been tried in American courts and classified information has inadvertently—and in some cases not inadvertently—been released, gotten into the hands of terrorists. Let me just cite a few of these, and not to make the case that it is impossible or a terrible idea but also to refute the notion that it is a piece of cake. It is not. It is really hard. If you could avoid doing this, I think the better practice would be to try to do so. But on an occasional basis, when we have a good Federal charge, we have the evidence

that can back it up, and we think we can get a conviction, there is nothing wrong in those few selected cases with doing it. But we can't say all 240 of the terrorists at Guantanamo qualify for that. Very few of them do, as the President said in his remarks.

Let me note some of these cases. The famous trial of Ramzi Yousef. Here is a statement by Michael Mukasey, the former Attorney General. This is a quotation from the Wall Street Journal, again, during the trial of Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing:

Apparently, an innocuous bit of testimony . . . about delivery of a cell phone battery was enough to tip off terrorists still at large that one of their communication links had been compromised. That link, which in fact had been monitored by the government and had provided enormously invaluable intelligence, was immediately shut down, and further information lost.

I am not going to read the entire quotations but just some headlines. I mentioned the trial of Zacarias Moussaoui. That was a case also in which sensitive material was inadvertently leaked. Here is the headline from a CNBC story:

The Government Went To The Judge And Said, "Oops, We Gave Moussaoui Some Documents He Shouldn't Have." . . . Documents That The Government Says Should Have Been Classified.

There is a whole story about how that happened. The East Africa Embassy bombing trials, which occurred after 2001, September 26 is the Star-Ledger story.

The cost of disclosing information unwisely became clear after the New York trials of bin Laden associates for the 1998 bombings of U.S. embassies in Africa. Some of the evidence indicated that the National Security Agency, the U.S. foreign eavesdropping organization, had intercepted cell phone conversations. Shortly thereafter, bin Laden's organization stopped using cell phones to discuss sensitive operational details, U.S. intelligence sources said.

There is another story about the same thing, with a headline in the New York Times. There is another quotation about the trial of the blind sheik, a story we are all familiar with, of Michael Mukasey, the former Attorney General, saying this in the Wall Street Journal:

In the course of prosecuting Omar Abdel Rahman . . . the government was compelled—as in all cases that charge conspiracy—to turn over a list of unindicted co-conspirators to the defendants. Within ten days, a copy of that list reached bin Laden in Khartoum.

There are other cases. Mr. President, I ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From FOX NEWS.com, Feb. 11, 2005]

N.Y. LAWYER CONVICTED OF AIDING
TERRORISTS

(By Associated Press)

NEW YORK.—A veteran civil rights lawyer was convicted Thursday of crossing the line by smuggling messages of violence from one of her jailed clients—a radical Egyptian sheik—to his terrorist disciples on the outside.

The jury deliberated 13 days over the past month before convicting Lynne Stewart, 65, a firebrand, left-wing activist known for representing radicals and revolutionaries in her 30 years on the New York legal scene.

The trial, which began last June, focused attention on the line between zealous advocacy and criminal behavior by a lawyer. Some defense lawyers saw the case as a government warning to attorneys to tread carefully in terrorism cases.

Stewart slumped in her chair as the verdict was read, shaking her head and later wiping tears from her eyes.

Her supporters gasped upon hearing the conviction, and about two dozen of them followed her out of court, chanting, "Hands off Lynne Stewart!"

She vowed to appeal and blamed the conviction on evidence that included videotape of Usama bin Laden urging support for her client. The defense protested the bin Laden evidence, and the judge warned jurors that the case did not involve the events of Sept. 11.

"When you put Usama bin Laden in a courtroom and ask the jury to ignore it, you're asking a lot," she said. "I know I committed no crime. I know what I did was right."

Lawyers have said Stewart most likely would face a sentence of about 20 years on charges that include conspiracy, providing material support to terrorists, defrauding the government and making false statements.

She will remain free on bail but must stay in New York until her July 15 sentencing.

The anonymous jury also convicted a U.S. postal worker, Ahmed Abdel Sattar, of plotting to "kill and kidnap persons in a foreign country" by publishing an edict urging the killing of Jews and their supporters.

A third defendant, Arabic interpreter Mohamed Yousry, was convicted of providing material support to terrorists. Sattar could face life in prison and Yousry up to 20 years.

Attorney General Alberto Gonzales called the verdict "an important step" in the war on terrorism.

"The convictions handed down by a federal jury in New York today send a clear, unmistakable message that this department will pursue both those who carry out acts of terrorism and those who assist them with their murderous goals," Gonzales said.

Stewart was the lawyer for Omar Abdel-Rahman, a blind sheik sentenced to life in prison in 1996 for conspiring to assassinate Egyptian President Hosni Mubarak and destroy several New York landmarks, including the U.N. building and the Lincoln and Holland Tunnels. Stewart's co-defendants also had close ties to Abdel-Rahman.

Prosecutors said Stewart and the others carried messages between the sheik and senior members of an Egyptian-based terrorist organization, helping spread Abdel-Rahman's venomous call to kill those who did not subscribe to his extremist interpretation of Islamic law.

Prosecutor Andrew Dember argued that Stewart and her co-defendants essentially "broke Abdel-Rahman out of jail, made him

available to the worst kind of criminal we find in this world—terrorists.”

At the time, the sheik was in solitary confinement in Minnesota under special prison rules to keep him from communicating with anyone except his wife and his lawyers.

Michael Ratner, president of the Center for Constitutional Rights, said the purpose of the prosecution of Stewart “was to send a message to lawyers who represent alleged terrorists that it’s dangerous to do so.”

But Peter Margulies, a law professor at Roger Williams University in Rhode Island who conducted a panel on lawyers and terrorism recently, called the verdict reasonable.

“I think lawyers need to be advocates, but they don’t need to be accomplices,” he said. “I think the evidence suggested that Lynne Stewart had crossed the line.”

Stewart, who once represented Weather Underground radicals and mob turncoat Sammy “The Bull” Gravano, repeatedly declared her innocence, maintaining she was unfairly targeted by overzealous prosecutors.

But she also testified that she believed violence was sometimes necessary to achieve justice: “To rid ourselves of the entrenched, voracious type of capitalism that is in this country that perpetuates sexism and racism, I don’t think that can come nonviolently.”

A major part of the prosecution’s case was Stewart’s 2000 release of a statement withdrawing the sheik’s support for a cease-fire in Egypt by his militant followers.

Prosecutors, though, could point to no violence that resulted from the statement.

[From nytimes.com, Dec. 20, 2005]

BUSH ACCOUNT OF A LEAK’S IMPACT HAS SUPPORT

(By David E. Rosenbaum)

WASHINGTON.—As an example of the damage caused by unauthorized disclosures to reporters, President Bush said at his news conference on Monday that Osama bin Laden had been tipped by a leak that the United States was tracking his location through his telephone. After this information was published, Mr. Bush said, Mr. bin Laden stopped using the phone.

The president was apparently referring to an article in *The Washington Times* in August 1998.

Toward the end of a profile of Mr. bin Laden on the day after American cruise missiles struck targets in Afghanistan and Sudan, that newspaper, without identifying a source, reported that “he keeps in touch with the world via computers and satellite phones.”

The article drew little attention at the time in the United States. But last year, the Sept. 11 commission declared in its final report: “Al Qaeda’s senior leadership had stopped using a particular means of communication almost immediately after a leak to *The Washington Times*. This made it much more difficult for the National Security Agency to intercept his conversations.” There was a footnote to the newspaper article.

Lee H. Hamilton, the vice chairman of the commission, mentioned the consequences of the article in a speech last month. He said: “Leaks, for instance, can be terribly damaging. In the late 90’s, it leaked out in *The Washington Times* that the U.S. was using Osama bin Laden’s satellite phone to track his whereabouts. Bin Laden stopped using that phone; we lost his trail.”

In their 2002 book, “*The Age of Sacred Terror*” (Random House), Steven Simon and Daniel Benjamin, who worked at the Na-

tional Security Council under President Bill Clinton, also mentioned the incident. They wrote, “When bin Laden stopped using the phone and let his aides do the calling, the United States lost its best chance to find him.”

More details about the use of satellite phones by Mr. bin Laden and his lieutenants were revealed by federal prosecutors in the 2001 trial in Federal District Court in Manhattan of four men charged with conspiring to bomb two American embassies in East Africa in 1998.

Asked at the outset of his news conference about unauthorized disclosures like the one last week that the National Security Agency had conducted surveillance of American citizens, Mr. Bush declared: “Let me give you an example about my concerns about letting the enemy know what may or may not be happening. In the late 1990’s, our government was following Osama bin Laden because he was using a certain type of telephone. And the fact that we were following Osama bin Laden because he was using a certain type of telephone made it into the press as the result of a leak. And guess what happened? Osama bin Laden changed his behavior. He began to change how he communicated.”

Toward the end of the news conference, Mr. Bush referred again to this incident to illustrate the damage caused by leaks.

[From the Wall Street Journal, Aug. 22, 2007]

JOSE PADILLA MAKES BAD LAW—TERROR TRIALS HURT THE NATION EVEN WHEN THEY LEAD TO CONVICTIONS

(By Michael B. Mukasey)

The apparently conventional ending to Jose Padilla’s trial last week—conviction on charges of conspiring to commit violence abroad and providing material assistance to a terrorist organization—gives only the coldest of comfort to anyone concerned about how our legal system deals with the threat he and his co-conspirators represent. He will be sentenced—likely to a long if not a life-long term of imprisonment. He will appeal. By the time his appeals run out he will have engaged the attention of three federal district courts, three courts of appeal and on at least one occasion the Supreme Court of the United States.

It may be claimed that Padilla’s odyssey is a triumph for due process and the rule of law in wartime. Instead, when it is examined closely, this case shows why current institutions and statutes are not well suited to even the limited task of supplementing what became, after Sept. 11, 2001, principally a military effort to combat Islamic terrorism.

Padilla’s current journey through the legal system began on May 8, 2002, when a federal district court in New York issued, and FBI agents in Chicago executed, a warrant to arrest him when he landed at O’Hare Airport after a trip that started in Pakistan. His prior history included a murder charge in Chicago before his 18th birthday, and a firearms possession offense in Florida shortly after his release on the murder charge.

Padilla then journeyed to Egypt, where, as a convert to Islam, he took the name Abdullah al Muhajir, and traveled to Saudi Arabia, Afghanistan and Pakistan. He eventually came to the attention of Abu Zubaydeh, a lieutenant of Osama bin Laden. The information underlying the warrant issued for Padilla indicated that he had returned to America to explore the possibility of locating radioactive material that could be dispersed with a conventional explosive—a device known as a dirty bomb.

However, Padilla was not detained on a criminal charge. Rather, he was arrested on

a material witness warrant, issued under a statute (more than a century old) that authorizes the arrest of someone who has information likely to be of interest to a grand jury investigating crime, but whose presence to testify cannot be assured. A federal grand jury in New York was then investigating the activities of al Qaeda.

The statute was used frequently after 9/11, when the government tried to investigate numerous leads and people to determine whether follow-on attacks were planned—but found itself without a statute that authorized investigative detention on reasonable suspicion, of the sort available to authorities in Britain and France, among other countries. And so, the U.S. government subpoenaed and arrested on a material witness warrant those like Padilla who seemed likely to have information.

Next the government took one of several courses: it released the person whose detention appeared on a second look to have been a mistake; or obtained the information he was thought to have, and his cooperation, and released him; or placed him before a grand jury with a grant of immunity under a compulsion to testify truthfully and, if he testified falsely, charge him with perjury; or developed independent evidence of criminality sufficiently reliable and admissible to warrant charging him.

Each individual so arrested was brought immediately before a federal judge where he was assigned counsel, had a bail hearing, and was permitted to challenge the basis for his detention, just as a criminal defendant would be.

The material witness statute has its perils. Because the law does not authorize investigative detention, the government had only a limited time in which to let Padilla testify, prosecute him or let him go. As that limited time drew to a close, the government changed course. It withdrew the grand jury subpoena that had triggered his designation as a material witness, designated Padilla instead as an unlawful combatant, and transferred him to military custody.

The reason? Perhaps it was because the initial claim, that Padilla was involved in a dirty bomb plot, could not be proved with evidence admissible in an ordinary criminal trial. Perhaps it was because to try him in open court potentially would compromise sources and methods of intelligence gathering. Or perhaps it was because Padilla’s apparent contact with higher-ups in al Qaeda made him more valuable as a potential intelligence source than as a defendant.

The government’s quandary here was real. The evidence that brought Padilla to the government’s attention may have been compelling, but inadmissible. Hearsay is the most obvious reason why that could be so; or the source may have been such that to disclose it in a criminal trial could harm the government’s overall effort.

In fact, terrorism prosecutions in this country have unintentionally provided terrorists with a rich source of intelligence. For example, in the course of prosecuting Omar Abdel Rahman (the so-called “blind sheik”) and others for their role in the 1993 World Trade Center bombing and other crimes, the government was compelled—as it is in all cases that charge conspiracy—to turn over a list of unindicted co-conspirators to the defendants.

That list included the name of Osama bin Laden. As was learned later, within 10 days a copy of that list reached bin Laden in Khar-toum, letting him know that his connection to that case had been discovered.

Again, during the trial of Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing, an apparently innocuous bit of testimony in a public courtroom about delivery of a cell phone battery was enough to tip off terrorists still at large that one of their communication links had been compromised. That link, which in fact had been monitored by the government and had provided enormously valuable intelligence, was immediately shut down, and further information lost.

The unlawful combatant designation affixed to Padilla certainly was not unprecedented. In June 1942, German saboteurs landed from submarines off the coasts of Florida and Long Island and were eventually apprehended. Because they were not acting as ordinary soldiers fighting in uniform and carrying arms openly, they were in violation of the laws of war and not entitled to Geneva Conventions protections.

Indeed, at the direction of President Roosevelt they were not only not held as prisoners of war but were tried before a military court in Washington, D.C., convicted, and—except for two who had cooperated—executed, notwithstanding the contention by one of them that he was an American citizen, as is Padilla, and thus entitled to constitutional protections. The Supreme Court dismissed that contention as irrelevant.

In any event, Padilla was transferred to a brig in South Carolina, and the Supreme Court eventually held that he had the right to file a habeas corpus petition. His case wound its way back up the appellate chain, and after the government secured a favorable ruling from the Fourth Circuit, it changed course again.

Now, Padilla was transferred back to the civilian justice system. Although he reportedly confessed to the dirty bomb plot while in military custody, that statement—made without benefit of legal counsel—could not be used. He was instead indicted on other charges in the Florida case that took three months to try and ended with last week's convictions.

The history of Padilla's case helps illustrate in miniature the inadequacy of the current approach to terrorism prosecutions.

First, consider the overall record. Despite the growing threat from al Qaeda and its affiliates—beginning with the 1993 World Trade Center bombing and continuing through later plots including inter alia the conspiracy to blow up airliners over the Pacific in 1994, the attack on the American barracks at Khobar Towers in 1996, the bombing of U.S. embassies in Kenya and Tanzania in 1998, the bombing of the Cole in Aden in 2000, and the attack on Sept. 11, 2001—criminal prosecutions have yielded about three dozen convictions, and even those have strained the financial and security resources of the federal courts near to the limit.

Second, consider that such prosecutions risk disclosure to our enemies of methods and sources of intelligence that can then be neutralized. Disclosure not only puts our secrets at risk, but also discourages allies abroad from sharing information with us lest it wind up in hostile hands.

And third, consider the distortions that arise from applying to national security cases generally the rules that apply to ordinary criminal cases.

On one end of the spectrum, the rules that apply to routine criminals who pursue finite goals are skewed, and properly so, to assure that only the highest level of proof will result in a conviction. But those rules do not protect a society that must gather informa-

tion about, and at least incapacitate, people who have cosmic goals that they are intent on achieving by cataclysmic means.

Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks, is said to have told his American captors that he wanted a lawyer and would see them in court. If the Supreme Court rules—in a case it has agreed to hear relating to Guantanamo detainees—that foreigners in U.S. custody enjoy the protection of our Constitution regardless of the place or circumstances of their apprehension, this bold joke could become a reality.

The director of an organization purporting to protect constitutional rights has announced that his goal is to unleash a flood of lawyers on Guantanamo so as to paralyze interrogation of detainees. Perhaps it bears mention that one unintended outcome of a Supreme Court ruling exercising jurisdiction over Guantanamo detainees may be that, in the future, capture of terrorism suspects will be forgone in favor of killing them. Or they may be put in the custody of other countries like Egypt or Pakistan that are famously not squeamish in their approach to interrogation—a practice, known as rendition, followed during the Clinton administration.

At the other end of the spectrum, if conventional legal rules are adapted to deal with a terrorist threat, whether by relaxed standards for conviction, searches, the admissibility of evidence or otherwise, those adaptations will infect and change the standards in ordinary cases with ordinary defendants in ordinary courts of law.

What is to be done? The Military Commissions Act of 2006 and the Detainee Treatment Act of 2005 appear to address principally the detainees at Guantanamo. In any event, the Supreme Court's recently announced determination to review cases involving the Guantanamo detainees may end up making commissions, which the administration delayed in convening, no longer possible.

There have been several proposals for a new adjudicatory framework, notably by Andrew C. McCarthy and Alykhan Velshi of the Center for Law & Counterterrorism, and by former Deputy Attorney General George J. Terwilliger. Messrs. McCarthy and Velshi have urged the creation of a separate national security court staffed by independent, life-tenured judges to deal with the full gamut of national security issues, from intelligence gathering to prosecution. Mr. Terwilliger's more limited proposals address principally the need to incapacitate dangerous people, by using legal standards akin to those developed to handle civil commitment of the mentally ill.

These proposals deserve careful scrutiny by the public, and particularly by the U.S. Congress. It is Congress that authorized the use of armed force after Sept. 11—and it is Congress that has the constitutional authority to establish additional inferior courts as the need may be, or even to modify the Supreme Court's appellate jurisdiction.

Perhaps the world's greatest deliberative body (the Senate) and the people's house (the House of Representatives) could, while we still have the leisure, turn their considerable talents to deliberating how to fix a strained and mismatched legal system, before another cataclysm calls forth from the people demands for hastier and harsher results.

Mr. KYL. Mr. President, the only point I am making is that while it is possible to try these people in Federal court, it is very difficult. It frequently results in the disclosure of information that we don't want disclosed. I think it

would be far better, if we can, to try these people in military commissions. The President has now said he would go forward with military commissions—modified to some extent—and I think that is a good thing for the trial of those who are suitable for that action.

The President also noted, of course, that there are going to be a lot of these terrorists who cannot be tried but are dangerous and need to be held, and the U.S. Supreme Court has affirmed the appropriateness of holding such people until the end of hostilities. The President has indicated that he would, in fact, do that.

I think there is no question, therefore, that we will be holding some of these people. The question is where best to do it. This is the nub of the argument that my colleague and fellow whip, the Senator from Illinois, and I have been having long distance. I relish the opportunity when we can both get our schedules straight to literally have a debate back and forth. I think it is an important topic.

I see now other colleagues are here, and so I will make one final point, and then I hope we can continue in this debate because I think it is a better policy to keep Guantanamo open and keep these prisoners there than to try to find some alternative.

Let me cite one statistic, and then make my primary point. According to the numbers I have—and I would be happy to share these with my colleague from Illinois with respect to the slots available in our supermax facilities, if I can find it—there are about 15 high security facilities which were built to hold 13,448 prisoners. Those facilities currently house more than 20,000 inmates.

The bottom line is that is not necessarily a supersolution either.

Did my colleague have a quick comment? I want to make my main point.

OK, thank you.

Here is my main point. There are those very credible people who say: Well, this is a recruitment symbol. Guantanamo prison is a recruitment symbol. I have no doubt they are right, it is a recruitment symbol. Several questions, however, are raised by that observation.

The first question is, even if it is false that there has been torture at Guantanamo prison—obviously, terrorists can believe falsehoods—should we take action based upon that falsehood?

The next question I think has to be asked is, does this mean, then, that other terrorist recruiting symbols need to be eliminated by the United States?

The third question is, would that eliminate their terrorism?

What is it exactly that animates these terrorists? Gitmo didn't even exist before some of the worst—in fact, before all of the worst terrorist attacks on the United States or U.S. facilities

abroad. There was no Gitmo prior to 9/11. Yet we had all of the various attacks that occurred throughout the world leading up to 9/11 and 9/11 itself. They didn't need another reason to hate America. They didn't need another reason to be able to recruit people. They have all the reasons they can dream up.

I think the key reasons are that they fundamentally disagree with our way of life, and they believe they have an obligation, through jihad, to either get the infidels—that is all of us who don't agree with them—to bend to their will or to do away with us because they don't like our way of life. They do not like the fact that we have the culture we have. They do not like the fact that we give equal rights to women or that we have a democracy. There are a lot of things they hate about the Western World generally and about our society in particular.

These are obviously recruiting symbols and recruiting tools. Are we to do away with these things in order to please them? And even if we did, what effect would it have on their recruiting? Do you think they would then say: OK, great. You have closed Guantanamo prison, you have taken away women's rights, you are halfway home to us not recruiting anybody or terrorizing you anymore. If you will only get rid of the vote and institute Sharia law, we can start talking here.

I don't think that is the way they are going to act. They are going to have grievances against us no matter what. For us to assume we have to change our policies, to change what we think is in our best interests, simply to assuage their concerns because maybe they do use this as a recruiting tool, I think is to, in effect, hold our hands up and say: In the war against these Islamist terrorists, we have no real defenses because anything we do is going to make them unhappy. It is going to be a recruiting tool. After all, we wouldn't want to give them a recruiting tool.

I do not think it is too much of an exaggeration to make the point I made. One might say: Obviously, we are not going to give up our way of life. They are going to have to deal with that. Well, then they are going to keep recruiting. But we could at least get rid of Guantanamo prison. That would at least get rid of one thorn. Would it make a difference? Nobody believes it would make a difference.

The key point I make is—and this is just a disagreement reasonable people are going to have, I guess—I think Guantanamo is the best place to keep these people. My friend from Illinois thinks there are alternatives that are better and that, under the circumstances, we should make the change. Again, I observe that the American people seem to be on the side of not closing it down, and I do not

think it all has to do with fear. I think it has to do with the commonsense notion that this is not going to remove terrorist recruiting. If it is better for us to keep them there, we might as well do that.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask consent to speak in morning business for 5 minutes. I see other Members are on the floor and I will finish after 5 minutes and yield the floor on this issue we have debated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I respect my colleague from Arizona and I respect the fact that we are on the floor together. This is a rarity in the Senate, where people with opposing viewpoints actually arrive at the same moment and have a chance at least to exchange points of view if not have more direct communication. I would say, as follows: I don't know what motivates the mind of a terrorist. I think I have some ideas and my colleague does as well. I do not know that we will ever be able to save every soul when it comes to those who are inclined toward terrorism. Let's face reality, it is like crime in this country. We all would like to see it go away, but we know, intuitively, there are some people who are bad people and do bad things and need to pay the price, and I think the same is true for terrorism.

But when President Obama goes to Cairo, Egypt, and appears to speak to the Islamic world about this new administration and its new approach when it comes to dealing with Islam and says as part of it that the United States has forsworn torture in Guantanamo, he has said to the world: We are telling you this is a different day. It is a new day. For those who are not convinced in terrorism and extremism, at least understand that America is now ready to deal with you in an honest way, in a different way. What message does it send if the Congress turns around and says to the President: No, you can't say that to the Islamic world. We are going to keep Guantanamo open. We are going to keep this open, even if it is an irritant.

Don't take my word for it because I am not an expert in this field but those who are, many of them, believe Guantanamo should be closed. I would never question the sincerity or the resume of GEN Colin Powell, who has said close Guantanamo; GEN David Petraeus: Close Guantanamo; the Secretary of Defense: Close Guantanamo; President George W. Bush: Close Guantanamo.

All of these people who have seen the intelligence and have the background believe it is time to close that facility. This President is trying to make good on that promise by President Bush and turn the page when it comes to Guantanamo and its future. I think that is

critical to bringing about a more peaceful world and reaching out and saying to this world: Things have changed.

I bet the Senator from Arizona joined me when we went upstairs to 407 and saw the photographs from Abu Ghraib. It is a moment none of us will ever forget as long as we live. Some of the things we saw there were gut-wrenching. I stood there with my colleagues, women and men, embarrassed at the things I looked at.

Some of those images are going to be with us for a long time, images that the people of the world have seen. We have to overcome them by saying it is a new day, and the clearest way to do that is to close Guantanamo in an orderly way, not to release any terrorists in the United States. On the question about whether we can incarcerate them—even if our prison population is as large as it is, there are facilities available. Once this President is given this option to reach out to States and this Nation, I am confident he will find accommodations in Federal prisons and supermax State prisons to deal with 240 people who are now left at Guantanamo. I think that is something we can expect to happen, and it will happen.

I will close by saying this: I asked the Senator from Kentucky twice if he would comment on what I heard to be his statement about whether this gentleman, Ahmed Ghailani, if found not guilty, would be released into the United States. He said Mr. Gibbs, the White House Press Secretary, had led him to that conclusion. I think, in fairness, Mr. Gibbs would say, clearly, he had no intention that this President or anyone in this administration would ever release this man, and there is no right under the law that he be released, even if he is found not guilty, into the U.S. population. It is not going to happen. I think raising that specter, raising that question, is raising that level of fear.

I do not think fear should guide us. America is not a strong nation cowering in the shadows in fear. America is a strong nation when we realize our challenge, stand together united, don't abandon our principles, and use the resources we have around the world to make certain we are safer.

The last point I will make is I have the greatest confidence in our system of justice, more than any in the world. I hope all my colleagues will have that same sense of confidence, that if the President sends a case to our courts of law, it will be handled professionally and fairly in the best possible manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have enjoyed this debate between these two great Senators. It is an interesting debate. I come down on the fact, if they are moved into any of our facilities in

this country—and there are very few that could take them; in fact, I do not know of any that can take them that are not overcrowded right now—there will be the same screaming and shouting because they will not be treated anywhere near as well as they are treated down there at Guantanamo. No matter what we do that new day is not going to be a very happy day. It is far better to have this \$200 million state-of-the-art facility that has been approved by international organizations as being better than expected, better than average facilities that would be acceptable—it is better to acknowledge that and keep treating them as decently and with as much dignity as we can, which is more than they will get in a supermax facility in this country or any other facility.

The supermax facilities are loaded with prisoners. They have more than they can handle now. Why would we put terrorists in among them, and why would we put them in this country where they can influence other people who are dissatisfied with life and have been discontented and have committed very serious crimes and allow them the recruitment possibilities they would have in our country? It doesn't make sense.

Why would we blow \$200 million on state-of-the-art facilities and then spend another \$80 million to shut it down? It seems like it is going a little bit too far because of the attempt of this administration to please, basically, people who support terrorists and the rest of the world.

Admittedly, there have been some outstanding people in our country who have come to the conclusion they should shut Guantanamo down, but they did so without having a real, viable alternative to Guantanamo. That is the issue that bothers me. I don't know of any State in the Union that wants these people within their prison system, assuming they could handle them. It means a lot more expense, a lot more problems. It means the possibility that they will be recruiting terrorists and helping criminals to become terrorists in our country. I can't begin to tell you the cost to this society if we do that. Be that as it may, the President seems to want to do that in spite of the fact that overwhelmingly the American people don't want him to do that.

STATE SECRETS PROTECTION ACT

Mr. HATCH. Mr. President, I rise today to express my reservations regarding the State Secrets Protection Act. Since one of the purposes of government is to provide a strong national defense, there are methods and sources that should never be disclosed for fear of irreparable damage to national security. The judicial branch has a long-documented history in addressing the state secrets privilege. Through the years, courts have affirmed time and again the privilege of the government

to withhold information that would damage national security programs.

The modern origin of this doctrine was established in *United States v. Reynolds*. The Supreme Court created the Reynolds compromise, which stated that the privilege applies when the court is satisfied "from all circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged." That is what the Supreme Court has held, and it has continued to affirm this position with the utmost deference to the executive branch. Under Reynolds, the state secrets privilege cannot—and has not—been lightly invoked. The pending bill before the Judiciary Committee, known as the State Secrets Protection Act, would negate the Reynolds compromise and create a higher standard of proof for the government to assert the privilege.

My analysis of the legislation before us leads me to conclude that this bill will bring chaos to the balance struck by Reynolds. This bill lowers the deference that courts give to the executive branch in its assertion of the state secrets privilege. It raises the burden of proof that the government must meet to protect state secrets. The courts have built great flexibility into the state secrets doctrine to allow themselves the latitude to reach an effective compromise between the rights of litigants and the needs of national security. This is conducted on a case-by-case basis.

The writers of this bill want to redefine the standard to only afford protection under the state secrets privilege only when the disclosure of evidence is "reasonably likely to cause significant harm" to national security. This is a serious departure from the long established precedent of Reynolds. This has ramifications that would severely impede the protection of national security secrets. It is preposterous to abandon a standard that has more than 55 years of jurisprudential evolution and case law to support it. The Reynolds compromise says if there is reasonable danger then we secure the information. S. 417 says if it is reasonably likely, you can compromise the information. S. 417 fails to protect state secrets.

This state secrets privilege is never lightly used and never used with impunity. The assertion of this right must be made in writing by the head of the executive agency invoking the state secrets privilege. In recent cases this has sometimes been the Director of National Intelligence. Courts may conduct their own probe to ensure that the privilege has been invoked correctly. This probe will include an examination as to why the information being sought is needed to prove a plaintiff's case. Conversely, courts will examine as to why the information is critical to na-

tional security. After thoughtful review, a judge makes the determination on the production of evidence alleged to have been covered by the privilege. Not a law passed by politicians.

There is a myth that the Bush administration invoked the state secrets privilege more than any other previous administration. Rooted in this fallacy is the idea that the administration overreached in asserting the privilege to protect information not previously thought to be within its scope. This erroneous notion was propagated by not only the media, but by Members of this body. Most legal experts in the field of national security law have stated that it is not possible to collect accurate annual statistics for year-to-year comparisons. There is no "batting average" that can be empirically compared from one presidential administration to another.

To do so would incorrectly operate under the assumption that the government is presented with the same amount of cases each year in which the privilege can be asserted. It makes absolutely no sense to me to compare the administrations and judge them based on the total number of times they asserted the privilege.

The flow of litigation changes from year to year and varies from each administration, as does the invocation of the privilege. It varies because of the times and circumstances. We have been living in very difficult times and circumstances where we have to protect this country; circumstances we have never had to face before. Therefore, it is ludicrous that attempts to compare the rate of assertions of this privilege and arrive at the incorrect conclusion that because the Bush administration used this privilege it must be changed.

Unfortunately, for the authors of this bill, the data does not support the hypothesis that the Bush administration ever used the state secrets privilege in an attempt to dismiss complaints. Published opinions have revealed in the 1970s the government filed five motions. In the 1980s the government filed motions nine times. In the 1990s the government filed motions 13 times. Preliminary data available for the Bush administration indicate that the privilege was used 14 times.

Therefore, the impetus for the State Secrets Protection Act does not support the conclusion that the Bush administration blazed a new trail in national security law. On the contrary, the authors of this bill are the ones attempting to alter national security law. Keep in mind, we have been going through an extended war on terrorism, and, frankly, there is a need to protect national security. That is why we have the state secrets law.

In the first 100 days of the Obama administration—get that now—in the first 100 days of the Obama administration, the Department of Justice has invoked this privilege three times—in

the first 100 days. This is the administration that was complaining about this. Now they found, when they faced reality and how important this privilege is, they changed their tune, and they should. I commend the administration and specifically the President for recognizing this.

The administration has picked up where the Bush administration left off in three pending cases: *Al Haramain Islamic Foundation v. Obama*, *Mohammed v. Jepperson Data Plan*, and *Jewell v. NSA*. During an interview of a widely revered liberal journalist, Attorney General Eric Holder stated that in his opinion the Bush administration—get this word—“correctly” applied the state secrets privilege in these cases.

If this legislation is passed in its present form, private attorneys would be given access to highly classified declarations before a judge rules on whether the state secrets privilege should prevent such a disclosure. Can you imagine the harm that could come to our country? It is hard to believe that anybody would be advocating this in the Senate with what we have been going through and the special wars that we have been going through and the special type of terrorists that we have been having to put up with.

This legislation—lousy legislation—will have the effect of incentivizing lawsuits by rewarding attorneys who file lawsuits with a security clearance. I remember one case in New York where the attorney herself was convicted because she was passing on information.

Now this clearance will grant these attorneys access to classified information that if divulged could reasonably harm our national security interests. It is bad enough trying to keep secrets around here, let alone with people who really should not be qualified for that type of classification. Does an attorney need absolute proof of some violation of law to file a lawsuit to learn details about classified programs? No, under this bill, they simply need to make an accusation. Any accusation will do.

Ensuring national security programs stay classified is critical to our citizens' continued safety. Under this legislation, private attorneys, regardless of the merits of their lawsuits, will be given access to our Nation's secrets, secrets that are critical to the protection of our country. It is not hard to see how this legislation could seriously harm national security.

It is hard for me to see why anybody would be arguing for this legislation. It is a legitimate concern that ideological attorneys would be willing to compromise national security interests and secrets and disclose classified information. There are at least two recent instances involving the disclosure of classified information. These are recent. I am just talking about the re-

cent ones, and then only two of them. There may be more.

In May 2007, a Navy JAG lawyer leaked classified information pertaining to Guantanamo detainees to a human rights lawyer. I find it disturbing that a U.S. military officer who is sworn to protect this Nation would disseminate classified information. But an even more troubling scenario is posed by private attorneys. In 2005, a more alarming case came to light when a civilian defense counsel was convicted of providing material support for a terrorist conspiracy by smuggling messages from her client, a Muslim cleric convicted of terrorism, to his Islamic fundamentalist followers in Egypt.

Do you know how difficult it was to convict an Islamic fundamentalist religious leader? Yet this man was convicted, and rightly so. His attorney compromised these matters. In press interviews after the attorney was convicted, she said, “I would do it again—it's the way lawyers are supposed to behave.”

She also said that “you can't lock up the lawyers. You cannot tell the lawyers how to do their job.”

I am not implying that all lawyers would act so egregiously. What I am saying is there is a profound reason why the government has classifications for categorizing the sensitivity of information that is vital to national security. Providing top secret clearances to persons outside the employment of the United States is a colossal blunder. This bill will allow that.

The courts recognize the executive branch's superior knowledge on military, diplomatic, and national security matters. Judges do not relish the thought of second-guessing decisions made by officials who are better versed on matters that may be jeopardized by allowing attorneys access to classified materials. Similarly, Congress should not relish the thought of second-guessing the judgment of courts that have given careful consideration regarding the appropriate legal standards to balance the interests of judges and national security programs.

The State Securities Protection Act does not protect state secrets. This bill upsets the judicially developed balance between protection of national security and private litigants' access to secret documents. The judicial branch has crafted a state secrets doctrine to give judges the flexibility to weigh these interests with appropriate deference to the executive branch. This judicially crafted doctrine is more than sufficient and has evolved from the 1912 case of *Firth Sterling* to *Reynolds* to current cases such as *Hepting* and *Al Masri*.

The State Secrets Protection Act is unnecessary and potentially harmful to national security. Unless serious changes are made to this legislation and the amendments offered by myself

and my Republican colleagues are adopted, I cannot in good conscience vote this bill out of committee. I do not know how any Senator sitting in this body can do so.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO

Mr. INHOFE. Mr. President, I have come to the floor over the past several years, countless times, talking about a resource we have called Guantanamo Bay. People refer to it as Gitmo.

I was distressed about some of the statements our President made when he made the comment that we are going to close Gitmo and make sure there is no more torture. I have to say, there has never been one documented case of torture in Guantanamo Bay. It is ludicrous that people would say this. Every time I talk to someone who says we have to close Guantanamo Bay and you ask them what the reason for that is, they turn around and they say: It is because the people in the Middle East and some people in Europe think there is torture that has been going on. It goes back to the Abu Ghraib thing. This had nothing to do with Abu Ghraib. There has never been a documented case of torture.

Let's look at this resource. We got Gitmo in 1903. It is one of the best bargains we have had in government because we only paid \$4,000 a year for this. It is a state-of-the-art prison. We don't have anything in the United States that is as secure and as humane as Gitmo. They have a ratio of doctors to detainees of two to one, the same with legal help. I have been down there several times. If you talk to the ones who won't be throwing something at you, they will tell you they have never had food and treatment as good as they have had down there. I can't imagine we would take a resource such as that and close it down and bring some 200 or 240 terrorists to the United States. Yet that is exactly what the President is talking about doing.

I was shocked when I picked up the newspaper on Monday morning and saw that Ahmed Ghailani, who was the terrorist who bombed the embassies in Tanzania and Kenya, was actually brought to the United States. He is in New York today. I didn't know about it until I read it in the newspaper. He is going to be adjudicated or go to trial in our court system.

Here is the problem we have with that. These people in Guantanamo Bay are terrorists, detainees. These are not criminals. These are not people who committed a crime. They are not people to whom the normal rules of evidence would apply. In fact, most of the rules of evidence, it was assumed, would be in the form of military tribunals. Of course, those rules are different than they are in the court system. What will happen when you have some of the worst terrorists in the world coming up and getting tried in our system and we find out they have to be acquitted because the rules of evidence are not what they were during the time they were brought into custody?

We have this resource we have used since 1903. It is the only place in the world we can actually put detainees. The President has said there are some 17 prisons in the United States where we can incarcerate these people. I suggest—and I don't think anyone will refute this—if you did that, you would have 17 magnets for terrorism.

One of the places they suggested happened to be Fort Sill in Oklahoma. I went down to Fort Sill. There is a young lady there who is a sergeant major in charge of our prison. She said: What is wrong with those people in Washington? What is wrong with the President, thinking that we can incarcerate terrorists here in Oklahoma?

This young lady was also a sergeant major at Guantanamo just a few months ago. She went back and she said: That is the greatest facility. There is no place where we can replicate that thing.

She said: On top of that, we have the courtroom that was built.

We spent 12 months and \$12 million on a courtroom where we could have military tribunals, and they were going on. And President Obama ordered them to stop, and he wanted to bring them to the United States to be adjudicated here. This is outrageous.

I have heard people on the Senate floor talk about how bad Guantanamo Bay is. They will never be specific. They will never talk about what is wrong with Guantanamo Bay. What are they doing? Are they torturing people? No. Are they being mistreated? No. There are six levels of security. When you are dealing with terrorist detainees, you have to put them in areas where the level of their activity is greater and requires more or less security, and we have that opportunity to do it there. No place else in America, no place else in the world can they do that.

By the way, it is not just 245 detainees whom we have to deal with. It is worse than that because in Afghanistan, with the surge taking place right now, there will be more detainees. There are two major prisons: Bagram—and I can't remember the other one in

Afghanistan. They will say they could be incarcerated there. No, they won't, because they won't accept any detainees who are not from Afghanistan. So if they are from Djibouti or from Saudi Arabia or someplace else, we have to have a place to put them or else you turn them loose or else you execute them.

A lot of these people who think they should not be incarcerated in any prison at all, you have to keep in mind, you can't turn them loose on society. These are people who are not normal, people like normal criminals. First of all, they have no fear of death. It is just ingrained in them. These are people who want to kill all of us. So we are talking about very dangerous people.

I am very much concerned. I did not believe President Obama would go through with bringing terrorists to the United States. I didn't think that would happen. Yet I picked up the paper Monday morning and there it is. Ahmed Ghailani, one of the worst terrorists around, killed 244 people, many Americans, in Tanzania and Kenya. This is something that I know the American people don't want. I would hope many of my good Democratic friends are not going to line up and support President Obama in bringing these terrorists to the United States.

I guess I am prejudiced. I have 20 kids and grandkids. I don't want a bunch of terrorists in this country where they are subjected to that type of thing. The fact is, they would be magnets; there is no doubt in my mind. This Sergeant Major Carter at Fort Sill said that if we put them down there, they would be in a position where it would draw terrorist activity to my State of Oklahoma.

By the way, I think there are 27 State legislatures that have passed resolutions saying they don't want any of the detainees located in their States. I can assure my colleagues that every one of the 17 proposed sites that would house these people is a site where they have passed resolutions saying: We don't want them here.

The liberal press is always talking about how bad things are and we have to close Gitmo. If you go down there, you find that those people have never been there. Almost without exception—I don't know of one exception where if they have gone down there and they have seen how humanely people are treated, they have seen a resource down there that we can't replicate any place in the United States, they come back shaking their heads saying: What is wrong with keeping Gitmo open? Even Al Jazeera went down there. That is a Middle Eastern network. They went down and had to admit publicly that the treatment was better there than it is in any of the prisons they are familiar with.

Abu Ghraib was a different situation. Yes, some of our troops were involved

in that. Most people wouldn't call it torture. It is more humiliation than anything else. But nonetheless, they did that. But the interesting thing about Abu Ghraib is, prior to the time that the public was aware that was going on, the Army had already come in and started their discipline, and it stopped that type of thing from taking place. But even if it weren't, for people to think just because there was something in their minds that was torture that was going on in Abu Ghraib, to even suggest that was going on in Guantanamo Bay is totally fictitious.

I have been privileged to take several Members down with me to see this firsthand. I think every Member of the Senate should have to go down and see for himself or herself what is really going on down there.

We can't afford to take a chance on turning terrorists loose in the United States. The polling that came out just this morning showed that by a margin of 3 to 1, people do not want to close Guantanamo Bay. We have to keep Gitmo open.

I was in a state of shock when I found out that one of the worst terrorists incarcerated down there was brought back to face justice in our court system in New York.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING NICKY HAYDEN

Mr. McCONNELL. Mr. President, I rise today to pay tribute to Nicky Hayden, a native of Owensboro, KY., who has followed his passion and is an inspiration for all Kentuckians.

Hayden is among the world's elite in Grand Prix motorcycle racing. Driving at speeds of up to 200 miles per hour, with his knees sometimes only inches off of the ground, Hayden has won countless races all over the world.

Nicky's racing career has led him to win the Moto Grand Prix Championship in 2006, the AMA Superbike Championship in 2002, and the AMA Supersport 600 Championship in 1999.

Nicky's parents, Earl and Rose Hayden, could not be more proud of what

their son has already accomplished since he began racing at a very young age.

An article in the June 2009 edition of *Kentucky Living* magazine chronicled Nicky's career, highlighting his exciting and successful career, his extensive travel schedule, and his love of his home State and town. I ask unanimous consent to have the full article printed in the CONGRESSIONAL RECORD.

Mr. President, I further ask my colleagues to join me in recognizing the achievements of Nicky Hayden and I wish him continued success throughout his career.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *Kentucky Living*, June 2009]

NICKY HAYDEN, THE KENTUCKY KID

(By Gary P. West)

When fans call you The Kentucky Kid and you race throughout the world on a motorcycle at speeds in excess of 200 miles per hour, you better believe you have to be good, real good.

That's what 28-year-old Nicky Hayden from Owensboro does, and as a professional motorcycle racer, who started out in the sport long before he was big enough for his feet to touch the ground while seated, he has become one of the biggest names in the sport.

Nicky was back home in Owensboro, or OWB as he calls it, taking the name from the local airport, on a summer break from an 18-race schedule that begins in March and ends in November.

"I travel 11 months a year," he says. "But I love coming home to my family. Family's important to me. Growing up here with my two brothers and two sisters, I have everything I want. My mom was from a big farm family, 11 brothers and sisters, so my family has always been close. I don't want to live in Monaco or anywhere else like that."

Nicky's parents, Earl and Rose, once upon a time, enjoyed the thrill of going fast on motorcycles themselves. Earl raced often and won on dirt tracks, while Rose competed successfully in "powder puff" leagues, but when their family began to expand, they turned to introducing their three sons to the sport.

While older brother Tommy and younger brother Roger have had successful professional riding stints, it's Nicky who has risen to world-class status winning the MotoGP or Grand Prix, the sport's most elite level of motorcycle racing. As the World Champion in 2006, he has picked up several other accolades that might be expected for a handsome bachelor who hangs out with jetsetters throughout Europe and the United States.

Nicky often finds himself far removed from his Owensboro home in order to race against riders from Italy, Spain, Portugal, Australia, and other countries throughout the world. But it's his return visits to Kentucky and his family and friends that help him keep his Daviess County values.

Swerving through curves, routinely leaning his motorcycle so far on its sides that the friction from the asphalt eats into his knee pucks, Hayden and his cycle appear to defy the law of gravity. Riding on the edge of traction, the slightest loss of concentration and his race is over.

Motorcycle racing, considered by many to be a daredevil sport, has gained its popu-

larity on dirt tracks throughout America over the years. But with the strong influence of his parents, one question begs to be asked. Considering Owensboro's reputation as a hotbed for stock car racing how did the Hayden family stay focused on motorcycles?

With Owensboro names like Waltrip, Green, and Mayfield, all established NASCAR stars, it seems like it would have been easier to catch on with automobile racing.

But Hayden's star was growing at a much earlier age than it takes to get a ride in a car at Daytona.

By the age of 17, and still in high school at Owensboro Catholic, he was racing factory Honda RC45 superbikes and winning. In 2002, at the age of 21, he won the Daytona 200 while becoming the youngest ever to win an AMA Superbike Championship. He was years removed from the days when his parents would hold his bike in place for the start of a race because he was too small to touch the ground.

Soon after, Honda tapped The Kentucky Kid to join what many in the business consider the elite team in MotoGP racing, Repsol Honda. Earning rookie-of-the-year honors on the circuit his first year, his racing togs began to take on more sponsors than an Indy car. A jewelry line, clothing, sunglasses, tires, energy drink, watches, and, of course, Repsol, an oil and gas company operating in more than 30 countries, cover almost every inch of his protective racing ware.

With his boyish good looks and success as an international motorcycle racer, it was of little surprise when Hayden was listed among *People* magazine's 50 Hottest Bachelors in 2005.

That was followed by appearances on the *Today Show*, *Jay Leno's Tonight Show*, and a two-hour documentary on MTV appropriately called *The Kentucky Kid*, which chronicled his 2006 championship season. "It gave us good exposure in a market we hadn't been in," says Nicky.

Rubbing elbows and shaking hands with the likes of Michael Jordan, Brad Pitt, and Tom Cruise, and seeing your picture on a full-page Honda ad and in *USA Today*, further points out the two worlds Nicky lives in.

It did not come, however, without some difficulties and second-guessing. Family closeness made Nicky's travels throughout the world difficult at times, especially that first year in MotoGP competition.

"It was another world to me," recalls Nicky. "I was learning the bike, my team, the hectic travel schedule, and everything that went with it. My two brothers and I always trained, practiced, and rode together and then the next year I was out there by myself."

With Nicky and his family growing up on Rose's home-cooked meals, the sudden change in culinary choices as he traveled presented some problems.

"Oh, yeah, food was definitely an issue," his voice rising to emphasize the point. "It's not much fun being on an airplane with food poisoning. There have been several nights I have gone to bed hungry, and when I was in China I lived on watermelon for a while." "At the races I stay in a motor home at the track," he says.

One of the perks of racing at this level is that a motor home is delivered to each of his European races. It also includes an English-speaking satellite television that he says helped to overcome his loneliness.

The entire setting is thousands of miles removed from his Daviess County home, and

thousands of thoughts about those days when he couldn't wait to finish high school and race motorcycles. It was his only thought.

"I did just enough in school to get by" to keep my grades up so my parents would let me race. I'm not proud of it, but I was so involved with racing it's about all I could think of," he says.

The brothers would fly out to races all over the U.S. and then catch the red-eye flights back in order to get back to school. It was difficult to stay focused on academics. In his junior year of high school, he had signed a six-figure contract and was driving a new truck. It was easy to see why the 17-year-old was not fully committed to school. In his words, the library and any required research were not a priority.

Racing motorcycles all over the world, Nicky has lost count of the number of countries he's visited. Not only is MotoGP racing fast on the track, but off as well. Nicky and his Repsol Honda teammate Dani Pedrosa, from Spain, travel with a sizeable entourage, finishing one race and immediately heading to another, much like a circus breaking down the Big Top and moving on to the next gig.

"We have about 75 people that go everywhere with us," Nicky says. "We have our own chef who prepares all of the food for the team. Then there are the mechanics, agents, trainers, engineers, tire, and hospitality people. It's a lot of people."

Make no mistake about it, MotoGP racing is big business. The custom Honda motorcycle, according to Nicky, cost in excess of a million dollars to build. The titanium and carbon racing machine is so aerodynamically designed with the very latest in technology that every piece, including the nuts and bolts, is custom-made. For sure this is not an assembly-line product. Weighing 325 pounds and sporting somewhere around 250hp, this mechanized piece of art can blast from 0 to 60 in less than three seconds.

Sponsors pay big bucks to have their names associated with The Kentucky Kid. With it comes a certain amount of pressure to excel. Following his world championship 2006 season, Nicky finished eighth in points. And at the end of the 2008 season, the result was the same, eighth.

"After being a world champion, I put pressure on myself," he says. "I hope my best years are ahead of me. This is a good age in this sport for riders."

When listening to Nicky talk about his racing future, it takes awhile before he says what he wants to do when his riding days are over.

Somehow, the subject just doesn't easily come up unless someone else asks about it.

"I really don't have a plan B," he says. "I know I want to race well into my 30s."

For sure Nicky doesn't have to look very far to see the personal devastation this daredevil sport can dish out or how quickly it could end. Back home in Owensboro last July, Nicky was enjoying several days of a summer break far from MotoGP. Also there were Tommy and Roger, who both ride on the AMA Superbike Tour. But they were home not because they necessarily wanted to be. They were recovering. Roger, who rides a factory bike for Kawasaki, had crashed several weeks earlier in Alabama, breaking his pelvis and vertebrae. A week later, Tommy, a rider for Suzuki, took a hard tumble in California, breaking bones in his back and puncturing a lung.

"It was crazy," says Nicky. "The next week I went down in Portugal but was not seriously injured."

For the most part Hayden has avoided serious injury. In August 2004, however, while training in Italy near Milan, he broke his right collarbone. Following surgery that involved inserting a plate, he was back racing in a few weeks.

Tragedy did strike the Hayden family. In May of 2007, Nicky's second cousin, 10-year-old Ethan Gillim, died as a result of a motorcycle accident in a race in Paducah. Ethan had started racing when he was 4, and in six years attained 18 national dirt track titles.

The Haydens' all three brothers are professionally represented by a management company, International Racers, out of Irvine, California. At the level Nicky is racing, the company has a full-time agent who accompanies him during the season in order to maximize the promotional opportunities for their star client.

A season of MotoGP consists of 18 races held in 16 different countries, and in 2008 two of these races were held in the United States, in Laguna Seca, California, and Indianapolis, Indiana. Throughout Europe, the sport has almost a cult-like following. Televised races attract in excess of 300 million viewers for each event, and another 200,000 frequently show up to see the races live.

"For sure the U.S. market hasn't been tapped," Nicky says. "I know there is an effort now being made to do it."

To help promote that market, just before last year's Indianapolis 500, Nicky blasted two laps around the 2½-mile track, giving car race fans a sampling of what was to come later in September with the 14th round of the 2008 MotoGP.

What will help increase the visibility in this country, perhaps, is for more American riders to achieve success. Currently there are only four, including Hayden, on a circuit dominated by foreign riders and sponsors.

As they should be, all of the Haydens have been well-compensated for their successes. Many Americans may be surprised to learn that Valentino Rossi, considered to be the best motorcycle racer in the world, earns a reported \$30 million a year.

At the end of 2008's season, a new twist emerged with some big changes. For some time Nicky and Honda had been at odds, first about the way the manufacturer set his bike up and then it was a tire issue. They wanted Bridgestone tires and Nicky likes Michelin.

Soon the split became too much to overcome and now The Kentucky Kid rides for Ducati, an Italian bike company. He and Australian Casey Stoner are Ducati's featured riders, with Nicky kicking off the 2009 season on his 100th GP race with a new bike, a new team, and a new color.

As Nicky updates his fans on a video on his Web site, www.NickyHayden.com, "Honestly, I think red is a good color for me. I think it could be a good look and anything up front looks good. I mean, I could be up there in pink polka dots if you're winning races, I think you could pull it off."

With Nicky now on a Ducati, Tommy a Suzuki, and Roger a Kawasaki, the three have always been there for each other. All have achieved success in one form or another. The goal, of course, is to be good enough and fast enough to get a podium. In motorcycle racing terms that means first, second, or third. All three have had their share, but like any competitive athlete they want more.

REMEMBERING TAYLOR HENRY CARR, M.D.

Mr. CRAPO. Mr. President, today I wish to pay tribute to and recognize

the passing of a remarkable citizen from my home State of Idaho, Dr. Taylor Henry Carr. He served his country as a gunnery officer in the Navy and he served his community as a doctor and philanthropist. He was a prime example of an American father, citizen, and patriot. He was also my uncle, and I am proud to be his nephew. As a doctor, he did much for the families of Idaho Falls, and, as a philanthropist, he did much for the community itself. Idaho Falls will miss him but will continue to benefit from the efforts of all those whom he influenced.

Dr. Carr's accomplishments attest to his contribution to his community and country. He was a Boy Scout and a gunnery officer in the Navy. He was editor of his college newspaper and student body president. He earned an undergraduate degree in pharmacy and a graduate degree in medicine. Over the course of his career, he served in many different roles including director of the Idaho Cancer Society, president of staff at Sacred Heart Hospital, and on the Board of Directors of the ISU Alumni Association.

Dr. Carr's favorite activities included fishing, golfing, skiing, and reading. He was a devoted husband to his wife Betty and a loving father to his seven children. In 2003, the Carr family won the Idaho Falls Arts Council's annual Support of the Arts award for contributions to the Eagle Rock Art Museum, the renovation of the Museum of Idaho, and the Willard Arts Center, the main gallery of which is named after Taylor and Betty Carr.

I remember, when I was young, spending as much time at my Uncle Carr's house as at my own. I learned a lot from him, as did so many others. He always expected you to be and do your best so as to better live up to your potential. Taylor Henry Carr fully lived up to his potential before passing away on April 24, 2009. He was an excellent example of the great citizens produced by my home State and his life is an excellent example for all Americans to follow.

ADDITIONAL STATEMENTS

REMEMBERING JACK HENNING

• Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary labor leader, civil servant, and dear friend of mine, John F. "Jack" Henning. Jack's legendary activism and innovation in the labor movement will serve as a source of inspiration for decades to come. Jack passed away on June 4, 2009. He was 93 years old.

Jack Henning was born in San Francisco on October 25, 1915, to hard-working Irish-American parents. After he graduated from St. Mary's College with

a degree in English literature, he began what would become a lifelong and immensely successful career in the labor movement. In 1938, Jack began working for the Association of Catholic Unionists in San Francisco, and in 1949 he was hired by the California Labor Federation.

Recognizing Jack's exemplary leadership, hard work, and compassion for his fellow-man, former California Governor Pat Brown named him director of the California Department of Industrial Relations in 1959. A public servant and leader at both state and federal levels, Jack also served as Under Secretary of Labor under President Kennedy and was later appointed as U.S. Ambassador to New Zealand by President Johnson.

With an already impressive and accomplished career behind him, Jack returned to California in 1970 and continued his life-long effort to improve conditions for working Americans. For 26 years Jack served as the executive secretary-treasurer of the California Labor Federation, AFL-CIO, representing over 2 million workers.

Jack's leadership in the labor movement had a huge impact on workers across California and the Nation. A friend and colleague of Cesar Chavez, Jack worked alongside the United Farm Workers to pass California's groundbreaking Agricultural Labor Relations Act in 1975, which established the right to collective bargaining for farm workers. Jack went on to fight many successful battles for improvements in worker safety and compensation laws.

Jack's belief in, and dedication to, equal rights was not limited to the labor movement. Jack also fought against ignorance and racial discrimination. As the Regent for the University of California from 1977 to 1989, Jack worked to establish affirmative action policies and encouraged the University to divest from South Africa in protest of the country's support of apartheid.

Jack stood out as a driven organizer and hard worker who cared for his community deeply. Jack will be remembered by his friends and partners in the labor movement as a visionary, a talented orator, and stalwart defender of equal rights. He was a champion for workers everywhere, and he will be sorely missed. We take comfort in knowing that the future of the labor movement will continue to benefit from Jack's dedication for generations to come. We will always be grateful for Jack's example of a steadfast commitment to social and economic justice.

Jack is survived by his five sons, John Jr., Patrick, Brian, Daniel, and Thomas; two daughters, Nancy Goulde and Mary Henning; 12 grandchildren; and six great-grandchildren. My thoughts are with Jack's family at this difficult time. ●

COMMENDING BARKWHEATS DOG
BISCUITS

• Ms. SNOWE. Mr. President, today I wish to recognize the successful and thriving business of a young and insightful entrepreneur from my home State of Maine whose line of dog treats is truly one of a kind.

Barkwheats Dog Biscuits was founded in 2007 by entrepreneur Chris Roberts. A native of the Bangor area, Mr. Roberts left Maine to attend college and pursue a career as a recording engineer in Nashville. Upon returning to Maine, Mr. Roberts found himself baking frequently, a skill he developed while a baker at the University of Maine. This gradually led Mr. Roberts to begin baking for his two dogs, Baxter and Sabine, both rescued mixed-breeds. His passion for cooking soon led him to open Barkwheats, and he began making two varieties of all-natural dog biscuits: sea vegetables and chamomile, as well as ginger and parsley, the latter of which provides relief from dogs' bad breath.

In November 2007, Mr. Roberts began selling the biscuits at local farmers markets and organic cooperatives in the midcoast Maine region, near his home in Stockton Springs, as well as online. In very short order, the product gained immense popularity, due in large part to tourists who purchased the biscuits for their dogs. Upon returning home, these people began clamoring for Barkwheats at their local stores. He now ships his biscuits to dozens of pet stores across the country, including as far away as Alaska. Additionally, Barkwheats' products have been featured in newspapers, blogs, and magazines across the country, including Animal Wellness Magazine and ModernDog. To keep up with the demand, Mr. Roberts also purchased a machine that makes 2,300 biscuits per hour!

Barkwheats biscuits are completely organic, and over 95 percent of the ingredients come from local, Maine farmers in neighboring towns and counties. To support the State's economy and ensure that all items are fresh, Mr. Roberts purchases buckwheat from farmers in Union, eggs from Gouldsboro, parsley from Pittsfield, honey from Swanville, and even seaweed from off the Machias coast. Unable to find a farmer who produced ginger locally, he collaborated with Sustainable Harvest International, a Maine company that helps Central American farmers improve their lives while simultaneously restoring tropical forests, to purchase ginger from southern Belize. As a result of its efforts, Barkwheats Dog Biscuits is expected to be named the first Fair Trade Certified pet treat later this summer. Additionally, in an effort to care for the environment, Barkwheats dog biscuits are packed in 100 percent compostable recycled boxes, as well as bags made from wood pulp.

Chris Roberts' tasty treats represent a truly innovative way to combine supporting the local economy and giving pet owners a healthy, gluten-free option for their dogs. I commend Chris Roberts for his innovation and determination, and wish him continued success with his burgeoning business.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 885. An act to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978.

H.R. 1741. An act to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs.

H.R. 2344. An act to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

H.R. 2675. An act to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

H.R. 2751. An act to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1741. To require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs; to the Committee on the Judiciary.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Agriculture,

Nutrition, and Forestry, and referred as indicated:

S. 1122. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2751. An act to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

S. 1232. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-27. A joint resolution adopted by the Legislature of the State of Utah urging the opposition of federal legislation that would interfere with a state's authority to direct the transport or processing of horses; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT RESOLUTION NO. 7

Whereas, the processing of horses has become a controversial and emotional issue and has resulted in the closing of all horse processing facilities throughout the United States;

Whereas, federal legislation has been introduced to amend the 1970 Horse Protection Act that would prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines for processing and other purposes;

Whereas, the loss of secondary markets has severely impacted the livestock industry by eliminating the salvage value of horses and has significantly reduced the market value of all horses;

Whereas, prohibitions regarding the processing of horses have resulted in significant increases in abandoned and starving animals and have had significant economic impact on the entire equine industry;

Whereas, the increase in unwanted or unusable horses has overwhelmed private animal welfare agencies and the public's ability to care for surplus domestic horses;

Whereas, the annual number of unwanted or unusable surplus domestic horses in the United States is currently estimated at 100,000 and continues to increase;

Whereas, issues related to the humane handling and slaughter of surplus domestic horses are best addressed by proper regulations and inspection and not by banning or exporting the issues; and

Whereas, state agriculture and rural leaders recognize the necessity and benefit of a state's ability to direct the transport and processing of horses: Now, Therefore, be it

Resolved, That the Legislature of the state of Utah urges the United States Congress to

oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's Congressional delegation.

POM-28. A joint resolution adopted by the Legislature of the State of Utah urging the National Collegiate Athletic Association to abandon the Bowl Championship Series (BCS) structure in favor of a college football playoff system; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 11

Whereas, the University of Utah football team finished the 2008 football season as the only undefeated football team in Division I-A, with a perfect 13-0 record;

Whereas, the University of Utah football team capped a season-long string of victories at the Sugar Bowl with an impressive 31-17 win over the University of Alabama, which held the number one ranking in the nation for five weeks;

Whereas, during the regular season, the Mountain West Conference had three teams in the Top 25 and had a 6-1 record against Pac-10 teams;

Whereas, in the 2008 season, the University of Utah football team defeated six bowl teams ranked in the Top 25, and won seven games away from home;

Whereas, as the matter currently stands, the University could go undefeated indefinitely and still not compete for a national title;

Whereas, the Bowl Championship Series (BCS) began in 1998 with the intent of crowning a definite national champion;

Whereas, the BCS relies on a combination of polls and computer rankings to determine which teams play in the BCS national championship game and help set the line-ups for the most prestigious bowl games.

Whereas, although the BCS may be an improvement over past championship determinations, the system is still widely acknowledged as falling short of its goal of establishing a definitive college football champion;

Whereas, many experts have candidly criticized the flaws in the BCS system and often use the 2008 University of Utah football team as the strongest argument for the failings of the system; and

Whereas, a national playoff is the only way to be certain that the team crowned as national champion has earned the designation on the gridiron: Now, therefore, be it

Resolved, That the Legislature of the State of Utah strongly urges the National Collegiate Athletic Association to abandon the Bowl Championship Series (BCS) structure for determining the Division I-A national football champion in favor of a playoff system so that all can be assured that the best college football team is the one crowned as national champion; be it further

Resolved, That a copy of this resolution be sent to the National Collegiate Athletic Association, the BCS, the University of Utah football team, to the members of Utah's congressional delegation, and to President Barack Obama.

POM-29. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for the current Bureau of Land Management resource management plans and the process used to complete the

plans; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 8

Whereas, because the nation's dependence on foreign sources of energy leaves the economy vulnerable, serious effort must be devoted to decrease the nation's dependency on foreign energy sources;

Whereas, oil and natural gas form an essential bridge to attaining a future of energy independence sustained by alternative and renewable energy sources;

Whereas, the Federal Land Policy and Management Act (Act) mandates that the Federal Bureau of Land Management (BLM) manage public lands for multiple uses such as outdoor recreation, livestock grazing, energy exploration and production, conservation, and timber production;

Whereas, the Act establishes that the BLM sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations;

Whereas, in making decisions about land use, the Act requires the BLM to develop resource management plans and update them periodically;

Whereas, these important land use management decision documents require public input and participation;

Whereas, managing the nation's cherished public lands for multiple uses is a constant challenge;

Whereas, citizens expect the BLM to provide responsible energy and minerals development, recreational opportunities, appropriate access, and healthy landscapes, while still providing an adequate level of resource protection to ensure that future generations will continue to benefit from and enjoy these areas;

Whereas, the resource management plan process, developed by the BLM to accomplish these goals, is thorough, deliberative and very public;

Whereas, resource management plans provide administrative protections to some lands, including major constraints such as no surface occupancy and disturbance timing stipulations;

Whereas, extensive state and community input is invited and submitted both in writing and through the public hearing process;

Whereas, resource management plans for the Moab, Richfield, Price, Vernal, Monticello, and Kanab Field Offices recently went into effect after approximately eight years of development and review;

Whereas, hundreds of thousands of public comments were considered during the Enrolled Copy planning process;

Whereas, new environmental restrictions included in the resource management plans provide multiple layers of safeguards to prevent environmental damage to sensitive natural resources;

Whereas, the proposed plans envision maintaining areas open to oil and gas leasing, but also institute protective measures during development like timing limitations, best management practices, and advanced technology to minimize the footprint of developing important resources;

Whereas, there was no cutting of corners or abridgment of processes in preparing the resource management plans;

Whereas, due to the strong feelings regarding the use of public lands, every private group and government entity involved in the process would like to see some changes in the outcome, but all groups were heard and their concerns given thoughtful and careful consideration;

Whereas, the state of Utah and Uintah, Duchesne, Grand, Emery, San Juan, Sevier,

Garfield, Kane, Wayne, Piute, and Carbon Counties were cooperating agencies in the BLM's development of the current resource management plans and have interests in preserving the plans;

Whereas, upon approval of these management plans, the BLM offered for lease parcels of land which had been set aside for several years pending completion of the resource management plans;

Whereas, leases do not convey an unlimited right to explore or an unlimited right to develop oil and gas resources, but are subject to terms designed to minimize and mitigate the impacts of development;

Whereas, in addition to proposing an accommodation for the nation's pressing need for energy development, the plans also propose protecting public lands within the six planning areas where there are sensitive natural resources, making these lands off limits to surface disturbing activities and unavailable to oil and gas leasing;

Whereas, this type of protection would extend to almost one million acres of public land in addition to nearly two million acres of existing wilderness study areas;

Whereas, a lawsuit has been filed challenging the legality of the BLM's December 19, 2008, sale of oil and gas leases;

Whereas, the state has been granted permission by the Court to defend its interests in the lawsuit by participating as an intervenor;

Whereas, on February 4, 2008, the United States Department of the Interior rejected the bids offered on 77 of the oil and gas leases presented at the December lease sale; and

Whereas, the lawsuit and the oil and gas lease rejections strike at the heart of a careful, deliberative, lengthy public process to develop resource management plans that would benefit Utahns and the citizens of the United States: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express strong support for the Federal Bureau of Land Management's resource management plans developed for the Moab, Richfield, Price, Vernal, Monticello, and Kanab, Utah Field Offices, and most particularly for the lengthy, thoughtful, and public process used to develop the plans; be it further

Resolved, That the Legislature and the Governor oppose current actions taken that may contest and delay implementation of the resource management plans; be it further

Resolved, That the Legislature and the Governor request that the Department of the Interior expedite a review of the 77 bid-rejected parcels to determine which may be offered for leasing in the near future; be it further

Resolved, That a copy of this resolution be sent to the United States Department of the Interior, the Federal Bureau of Land Management and its Utah office, the Southern Utah Wilderness Alliance, the Uintah, Duchesne, Grand, Emery, San Juan, Sevier, Garfield, Kane, Wayne, Piute, and Carbon County Commissions, the Moab, Richfield, Price, Vernal, Monticello, and Kanab City Councils, the Utah Public Lands Policy Coordination Office, and to the members of Utah's congressional delegation.

POM-30. A joint resolution adopted by the Legislature of the State of Utah supporting the establishment of an Alternative Energy Training Center in Beaver County, Utah; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 10

Whereas, the United States relies heavily on foreign sources of energy;

Whereas, to sustain economic growth in the state and throughout the nation, it will be necessary to invest resources in all forms of power generation, including traditional sources such as coal, natural gas, and nuclear as well as renewable resources such as geothermal, wind, and solar;

Whereas, the Utah Renewable Energy Zones Task Force Phase I Report indicates that theoretical potential resources within Utah include 16,500 fifty megawatt solar renewable energy zones, 51 wind renewable energy zones with a combined generating capacity of approximately 9,145 megawatts, and a total of 2,166 megawatts of geothermal development potential, the bulk of which is located in rural Utah;

Whereas, with the Blundell Geothermal Plant, the newly commissioned Thermo Hot Springs Plant, and the more than 200 megawatt First Wind Project which is currently being developed, Beaver County has either under construction or in production close to 300 megawatts of renewable resource generating capacity, and many of the state's most significant undeveloped resources converge in Beaver County;

Whereas, as renewable generation becomes more widespread in the region, there will be a need to provide training opportunities to people working in that industry;

Whereas, the Milford High School Technology Department has played a key role in attracting investment in renewable energy generation to the Southwest region of the state and has led the way in preparing young people for promising careers in that industry;

Whereas, the Southwest Applied Technology College in Cedar City is offering classes related to renewable energy in Milford;

Whereas, Milford is an ideal site for a certified renewable energy training center because it has a core of leaders who are willing to make the region the center of renewable energy generation in the state and are prepared to meet any energy goal the state sets;

Whereas, as resource development expands, production of the components of solar generation, wind turbines, and similar equipment also provides opportunities for new and expanded manufacturing businesses in rural Utah where economic development is desperately needed and will increase the need for trained workers;

Whereas, the construction of utility scale renewable energy projects provides unprecedented economic development opportunities for counties lacking traditional energy producing resources; and

Whereas, providing a training center in Utah for renewable energy resource technologies and jobs will enable Utahns to better compete for these new energy resource jobs: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses its support for the development and certification of an Alternative Energy Training Center in Beaver County; be it further

Resolved, That a copy of this resolution be sent to the Beaver County Commission, the Milford High School Technology Department, Utah's Energy Advisor, the State Energy Program, the Southwest Applied Technology College, Rocky Mountain Power, First Wind, Raser Technologies, and to the members of Utah's congressional delegation.

POM-31. A joint resolution adopted by the Legislature of the State of Utah supporting new nuclear power development in Utah; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 16

Whereas, Utah and the surrounding western states have experienced increased new electricity demands and have forecasted continued increases over the next several decades;

Whereas, Utah requires affordable and abundant energy for homes and businesses to maintain and grow its economy;

Whereas, Utah and the surrounding areas will likely suffer significant financial difficulties without new reliable and affordable electric generating resources being built, adding to and prolonging the depressed economy;

Whereas, Utah enjoys and continues to rely on cost effective coal fired power plants for 85% of its electric generation;

Whereas, Utah's ability to build any new significant coal fired power plants is limited;

Whereas, new emission controls, carbon capture technology, carbon sequestration, and advance coal combustion technologies should be encouraged, but are not projected to be commercially feasible and cost effective for at least 25 years;

Whereas, new natural gas electric generation could increase the volatility of retail electric prices and retail natural gas prices;

Whereas, hydro power resources are constrained and not expected to expand in capacity;

Whereas, nationwide nuclear power provides low cost, long term, stable retail and wholesale pricing for customers;

Whereas, the United States Congress and the United States Nuclear Regulatory Commission worked together to improve the old process for licensing new nuclear power plants;

Whereas, the new nuclear power plant licensing process presently includes a "one step" Combined Operating License (COL) procedure, which combines construction and operating license applications and reviews into a single process;

Whereas, the new licensing process is more efficient, predictable, and reliable;

Whereas, three Early Site Permits for new nuclear plants, one of the new licensing processes now in place, have been issued with little or no delays from adjudication;

Whereas, the estimated time frame to complete a new nuclear COL is five years;

Whereas, the development of nuclear power plants will provide significant economic benefits to the local, regional, and state populations in the form of many high paying jobs and additional tax revenues;

Whereas, the construction of a new nuclear facility would inject billion of dollars into Utah's economy in the form of 3,500 construction jobs during a two unit construction period spanning up to seven years;

Whereas, one proposed site in Utah would contribute over \$2 million in 2009 to the State Institutional Trust Lands Fund;

Whereas, operations of two new generation units would provide approximately 800 jobs for highly skilled workers over the plant's 60 year projected lifetime;

Whereas, the needed regulatory and legal framework to deploy safe, secure, and cost competitive nuclear power in Utah is in place;

Whereas, Utah already has a nuclear reactor at the University of Utah;

Whereas, the University of Utah Training Research and Isotope Production, General Atomics research reactor in Salt Lake City has been operating safely since 1975;

Whereas, the United States' nuclear industry has accumulated almost 3,400 reactor years of operation since the first plant start-

ed up in 1957 without serious injury or death to a single member of the public;

Whereas, the current practice of storing spent fuel in wet or dry storage containers at a nuclear power plant has been proven safe since commercial nuclear power began in 1957;

Whereas, 95% of the energy from a nuclear reactor's spent fuel has significant value and can be reprocessed or recycled for use as fuel in the future when this option is commercialized in the United States;

Whereas, spent fuel from a nuclear reactor is valuable;

Whereas, France, Japan, Russia, the United Kingdom, and Germany currently recycle or reprocess spent fuel successfully; and

Whereas, there is no scientific or safety rationale requiring the near term movement of spent fuel from the power plants where it is generated, and fuel can be safely and securely stored on site for up to 100 years without environmental impacts; Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges that new nuclear power development be pursued within the boundaries of the state; be it further

Resolved, That the Legislature urges that commercial development of new nuclear power be pursued in the state due to its beneficial impact on the economy, fuel diversification, and the environment, and its impressive operational safety and security record, in particular the fact that no member of the public has been seriously injured by operation of the 104 nuclear power plants currently operating in the United States; be it further

Resolved, That the Legislature declares that nuclear power has been shown to be a viable cost effective option, that current rate payer protection laws and regulations are sufficient, and that no new legislation or special action is needed for the Public Service Commission to recognize nuclear power as a prudent investment; be it further

Resolved, That the Legislature recognizes that no appropriations are needed for special committees or programs to determine whether a nuclear power plant can be built in Utah because the United States Nuclear Regulatory Commission will review and adjudicate the licensing, as needed, and nuclear developers will pay for those costs; be it further

Resolved, That the Legislature encourages investor-owned and municipally owned utilities and power marketers and traders to consider participating in a nuclear power project in Utah; be it further

Resolved, That the Legislature recognizes commercial nuclear power plants as market-based, commercially competitive enterprises due to their safety and security record, the science and performance data, and the economic performance of the present power plants; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Energy, Governor Huntsman, and to the members of Utah's congressional delegation.

POM-32. A resolution adopted by the Senate of the Legislature of the State of Utah urging Congress and the Bureau of Reclamation to support development of the Narrows Water Project in Central Utah; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 2

Whereas, water is fundamental to the economic base of Central Utah communities, and reliable water storage is necessary for both agricultural and municipal development;

Whereas, agricultural and municipal interests in Central Utah, including Sanpete County, suffer substantial economic hardship because of the lack of water storage facilities;

Whereas, in the early 1900s, local, state, and federal government officials acknowledged the need for water storage in Sanpete County and began efforts to develop the Narrows Water Project;

Whereas, reliable studies by multiple expert water engineering firms have determined the Narrows Water Project to be the least expensive, most cost-effective, and most environmentally sound means of storing water for Sanpete County;

Whereas, various studies, including a recent independent study by Utah State University, show Sanpete County to be among Utah's most effective users of modern conservation methods to conserve the water that is presently available to the county;

Whereas, the Bureau of Reclamation recognized the need for water storage in Sanpete County, and as early as the 1930s proposed a plan that would provide water storage for both Sanpete and Carbon Counties;

Whereas, the component of the Bureau of Reclamation's plan that would provide water storage for Sanpete County was never implemented, initially due to a disruption caused by World War II, and more recently by various questions regarding ownership of the water;

Whereas, numerous judicial decisions have now clearly established and defined the water rights involved in the Narrows Water Project;

Whereas, legal agreements between Sanpete County, Carbon County, the state of Utah, and various federal entities have recognized Carbon and Sanpete Counties' water rights from Gooseberry Creek; and

Whereas, the residents of Sanpete County, at great financial sacrifice, have waited for almost a century for the Narrows Water Project water storage facility that was promised to them: Now, therefore, be it

Resolved, That the Senate of the state of Utah expresses support for the Narrows Water Project in Central Utah; be it further

Resolved, That the Senate urges Congress and the United States Bureau of Reclamation to support the development of the Narrows Water Project in Central Utah; be it further

Resolved, That a copy of this resolution be sent to the Bureau of Reclamation and to Utah's congressional delegation.

POM-33. A joint resolution adopted by the Legislature of the State of Utah supporting producing hydrogen from coal with carbon capture and sequestration (CCS) technology; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 12

Whereas, coal is one of Utah's most abundant resources and contributes substantially to Utah's economy;

Whereas, coal is an affordable base load fuel providing reliable electric power;

Whereas, demonstration of advanced coal technology for power generation can accelerate the development of the hydrogen energy economy in Utah;

Whereas, producing hydrogen from coal with carbon capture and sequestration (CCS)

for newly permitted developments is one possible technology, among many, that has the potential to reduce carbon emissions and help protect and grow Utah's economy while continuing a strong commitment to a clean environment;

Whereas, advanced hydrogen from coal technology and CCS technology as proposed for potential next generation power plants in Utah would produce fewer carbon emissions than conventionally fueled power plants;

Whereas, the new advanced coal technology gasifies coal to produce a mixture of carbon dioxide, hydrogen, and other gases;

Whereas, the clean burning hydrogen can be used to fuel a power plant and the carbon dioxide can be captured and stored using geologic sequestration technology;

Whereas, CCS technology provides for the removal of carbon dioxide from fuel gases, reducing emission into the atmosphere;

Whereas, CCS technology will be crucial to reducing emission of carbon dioxide from newly permitted power plants specifically designed to use CCS technology while still meeting growing energy demand in a responsible manner with domestic fuel;

Whereas, CCS technology can be important to maintain Utah's position as a leader in energy technology and production;

Whereas, CCS technology will enable Utah to use its abundant coal resources while still meeting potential new regulations limiting carbon emissions and protecting and creating high-paying jobs in Utah;

Whereas, Utah's geological characteristics support sequestration technology;

Whereas, Utah is uniquely positioned to potentially lead and benefit from hydrogen production from coal and CCS technology;

Whereas, Utah's support of producing hydrogen from coal and CCS technology could place Utah businesses at the forefront of the new hydrogen and carbon economies;

Whereas, the state welcomes the potential jobs, tax base, economic enhancements and leadership position that could come with supporting advanced coal technology with CCS;

Whereas, the Public Service Commission should consider authorizing the recovery of cost-effective and prudently incurred costs that reduce carbon emissions;

Whereas, the Public Service Commission should consider hydrogen production from coal and CCS technology to be a reasonable investment for protecting the long-term interests of Utah's utility rate payers;

Whereas, the Legislature supports approving cost recovery of cost-effective and prudent investment in these technologies as determined by the Public Service Commission; and

Whereas, the Legislature supports resolving liability issues stemming from future adverse effects of sequestered carbon and believes the federal government is in the best position to provide a comprehensive liability solution: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for producing hydrogen production from coal with carbon capture and sequestration (CCS) technology as a means of strengthening Utah's economy and helping Utah to stand at the forefront of energy production; be it further

Resolved, That the Legislature urges the Public Service Commission to consider authorizing recovery of cost-effective and prudently incurred costs that reduce carbon emissions and increase Utah's and the nation's energy security; be it further

Resolved, That the Legislature recommends that the Public Service Commission consider

hydrogen production from coal and CCS technology to be a reasonable investment for protecting the long-term interests of Utah's utility rate payers; be it further

Resolved, That the Legislature supports approving cost recovery of cost-effective and prudent investment in these technologies as determined by the Public Service Commission; be it further

Resolved, That the Legislature supports balanced consideration and research to explore all technologies that will continue to maximize future use and availability of coal and gas in an environmentally sound manner; be it further

Resolved, That a copy of this resolution be sent to Utah's Energy Advisor, the State Energy Program, the Public Service Commission, and to the members of Utah's congressional delegation.

POM-34. A resolution adopted by the House of Representatives of the State of Utah urging Congress and the Bureau of Reclamation to support development of the Narrows Water Project in Central Utah; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 1

Whereas, water is fundamental to the economic base of Central Utah communities and reliable water storage is necessary for both agricultural and municipal development;

Whereas, agricultural and municipal interests in Central Utah, including Sanpete County, suffer substantial economic hardship because of the lack of water storage facilities;

Whereas, in the early 1900s, local, state, and federal government officials acknowledged the need for water storage in Sanpete County and began efforts to develop the Narrows Water Project;

Whereas, reliable studies by multiple expert water engineering firms have determined the Narrows Water Project to be the least expensive, most cost effective, and most environmentally sound means of storing water for Sanpete County;

Whereas, various studies, including a recent independent study by Utah State University, show Sanpete County to be among Utah's most effective users of modern conservation methods to conserve the water that is presently available to the county;

Whereas, the Bureau of Reclamation recognized the need for water storage in Sanpete County, and as early as the 1930s proposed a plan that would provide water storage for both Sanpete and Carbon Counties;

Whereas, the component of the Bureau of Reclamation's plan that would provide water storage for Sanpete County was never implemented, initially due to a disruption caused by World War II, and more recently by various questions regarding ownership of the water;

Whereas, numerous judicial decisions have now clearly established and defined water rights involved in the Narrows Water Project;

Whereas, legal agreements between Sanpete County, Carbon County, the state of Utah, and various federal entities have recognized Carbon and Sanpete County's water rights from Gooseberry Creek; and

Whereas, the residents of Sanpete County, at great financial sacrifice, have waited for almost a century for the Narrows Water Project water storage facility that was promised to them: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah expresses support for the Narrows Water Project in Central Utah; be it further

Resolved, That the House of Representatives urges Congress and the United States Bureau of Reclamation to support the development of the Narrows Water Project in Central Utah; be it further

Resolved, That a copy of this resolution be sent to the Bureau of Reclamation and to Utah's congressional delegation.

POM-35. A joint resolution adopted by the Legislature of the State of Utah urging Congress to preserve the exemption for hydraulic fracturing in the Safe Drinking Water Act and to refrain from passing legislation that would remove the hydraulic fracturing exemption; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 17

Whereas, the United States Congress passed the Safe Drinking Water Act (Act) to assure the protection of the nation's drinking water sources;

Whereas, since the enactment of the Act, the Environmental Protection Agency (EPA) has never interpreted hydraulic fracturing as constituting "underground injection" within the Act;

Whereas, in 2004, the EPA published a final report summarizing a study to evaluate the potential threat to underground sources of drinking water from hydraulic fracturing of coal bed methane production wells and the EPA concluded that "additional or further study is not warranted at this time . . ." and "that the injection of hydraulic fracturing fluids into coal bed methane wells poses minimal threat" to underground sources of drinking water;

Whereas, in the Energy Policy Act of 2005, the United States Congress explicitly exempted hydraulic fracturing from the provisions of the Act;

Whereas, the Interstate Oil and Gas Compact Commission (IOGCC) conducted a survey of oil and gas producing states which found that there were no known cases of groundwater contamination associated with hydraulic fracturing;

Whereas, hydraulic fracturing is currently, and has been for decades, a common operation used in exploration and production by the oil and gas industry in all the member states of the IOGCC without groundwater damage;

Whereas, approximately 35,000 wells are hydraulically fractured in the United States annually, and close to 1,000,000 wells have been hydraulically fractured in the United States since the technique's inception, with no known harm to groundwater;

Whereas, the regulation of oil and gas exploration and production activities, including hydraulic fracturing, has traditionally been the province of the states;

Whereas, the Act was never intended to grant to the federal government authority to regulate oil and gas drilling and production operations, such as "hydraulic fracturing," under the Underground Injection Control program;

Whereas, the member states of the IOGCC have adopted comprehensive laws and regulations to provide safe operations and to protect the nation's drinking water sources, and have trained personnel to effectively regulate oil and gas exploration and production;

Whereas, production of coal seam natural gas, natural gas from shale formations, and natural gas from tight conventional reservoirs is increasingly important to our domestic natural gas supply and will be even more important in the future;

Whereas, domestic production of natural gas will ensure that the United States continues on the path to energy independence;

Whereas, hydraulic fracturing plays a major role in the development of virtually all unconventional oil and gas resources and, in the absence of any evidence that such fracturing has damaged the environment, should not be limited;

Whereas, regulation of hydraulic fracturing as underground injection under the Act would impose significant administrative costs on the state and substantially increase the cost of drilling oil and gas wells with no resulting environmental benefits; and

Whereas, regulation of hydraulic fracturing as underground injection under the Act would increase energy costs to the consumer; Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for maintaining the exemption of hydraulic fracturing in the Safe Drinking Water Act and urges the United States Congress to refrain from passing legislation that would remove the exemption for hydraulic fracturing; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-36. A concurrent resolution adopted by the Legislature of the State of Utah urging the Environmental Protection Agency to address the problems associated with its configuration of nonattainment areas relating to Utah; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, on December 23, 2008, the U.S. Environmental Protection Agency (EPA) published county nonattainment designations for the federal air quality standard (NAAQS) for the fine particulate known as PM2.5;

Whereas, the EPA designated a total of three PM2.5 nonattainment areas within the state;

Whereas, the first area is Utah County; the second area is Salt Lake, Davis, and Weber Counties and portions of Box Elder and Tooele Counties; and the third area is Cache County and Franklin County, Idaho;

Whereas, designating areas two and three as nonattainment areas is contrary to the designations originally recommended by the state;

Whereas, the state has made a strong commitment to conservation and protection of the environment, and Utahns place a high value on the state's natural resources, including clean air;

Whereas, the state is also growing both in terms of population and businesses that offer jobs to local residents;

Whereas, Utahns are concerned not only with being good stewards of their natural environment, but also fostering strong economic development;

Whereas, the state recommendation for designation for certain counties as nonattainment for PM2.5 will lead to an accurate, timely, and fair resolution of PM2.5 nonattainment issues;

Whereas, the result may create a misperception that Utah has a bigger and more wide-spread air quality problem than is actually true;

Whereas, the current nonattainment area designations made by the EPA have created several problems that must be rectified as soon as possible;

Whereas, one of the PM2.5 nonattainment areas designated by the EPA includes all or a portion of five counties, and these overly broad designations should be pared back;

Whereas, the EPA should not designate areas as nonattainment until it has actual monitoring data justifying such a designation;

Whereas, in the case of Box Elder and Tooele Counties, it is clear that the designations include areas that have pristine air quality and do not exceed the NAAQS;

Whereas, for example, the portion of Tooele County designated "nonattainment" by the EPA includes the Deseret Peak Wilderness Area within the Stansbury Mountain Range;

Whereas, air quality in this wilderness area is widely known to be excellent, particularly in and around the pristine areas of the 11,000 foot Deseret Peak;

Whereas, there is no reason for the EPA to create a nonattainment area in a national wilderness area;

Whereas, one of the PM2.5 nonattainment areas designated by the EPA includes both Cache County in Utah and Franklin County in Idaho, creating a single nonattainment area with jurisdiction under agencies of two different states, and the EPA further creates a nonattainment area under the jurisdiction of two different EPA regions, Region 8 and Region 10; and

Whereas, interstate designations should be eliminated and the EPA should either divide the designation into two nonattainment areas or agree that Cache County can be redesignated attainment for PM2.5 on its own, with oversight solely by EPA Region 8, if monitoring data shows that the NAAQS has not been exceeded; Now, therefore be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the EPA to adopt the recommendation for PM2.5 designation as proposed by the state of Utah; be it further

Resolved, That a copy of this resolution be sent to the United States Environmental Protection Agency, the members of Utah's congressional delegation, and to the Utah Department of Environmental Quality.

POM-37. A concurrent resolution adopted by the Legislature of the State of Utah expressing strong opposition to any federal legislation that would expand the reach and scope of the Clean Water Act; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, over the past 35 years, the federal Clean Water Act, supported by other federal, state, and local laws, has governed the nation's waters and has helped ensure that Americans enjoy the cleanest rivers and lakes in the world;

Whereas, this landmark statute, further explained and clarified by subsequent Supreme Court cases, has struck a proper balance between clean water and state, local, and federal regulatory authority and responsibilities, while at the same time recognizing and protecting state primacy over water jurisdiction;

Whereas, the proposed Clean Water Restoration Act of 2007, H.R. 2421 and S. 1870, and similar legislation, attempts to make extreme changes to the Clean Water Act and threatens to destroy the careful inter-governmental balance that has been the hallmark of the law throughout its long history;

Whereas, the proposed federal legislation would change federal jurisdiction over water by expanding the definition from "navigable" to "waters of the United States" over which federal jurisdiction extends;

Whereas, that language change would allow federal reach to explicitly include "all interstate and intrastate waters and their

tributaries . . .”, essentially establishing under federal law that all wet areas within a state, or areas that have been wet at some time, would fall under federal regulatory authority, including groundwater, ditches, pipes, streets, gutters, desert features, and even pools and puddles;

Whereas, this legislation would give the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) authority over “all interstate and intrastate waters,” including non-navigable waters, thereby granting to Congress authority far beyond the original scope of the Clean Water Act;

Whereas, this legislation patently exceeds Congress’s constitutional powers, as “non-navigable” waters are unlikely to fall under the Commerce Clause, the principle-enumerated power upon which Congress has relied for passage of environmental laws;

Whereas, this legislation would dramatically expand the reach of the federal bureaucracy, would fundamentally erode the ability of state and local governments to manage their own water resources, and would cause an avalanche of new unfunded mandates to envelope state and local governments;

Whereas, this legislation would essentially grant the EPA and the Corps veto authority over local land use policies, and would grant the EPA and the Corps authority to regulate virtually all activities, private or public, that may affect “waters of the United States,” regardless of whether the activity is occurring in, or may impact, water at all;

Whereas, this legislation would eliminate existing regulatory limitations that allow common sense uses, including prior converted cropland and waste treatment systems, since the proposed definition does not include any regulatory limitations;

Whereas, this omission is particularly important because the existing rules acknowledge two important limitations covering prior converted cropland and waste treatment systems designed to meet Clean Water Act requirements;

Whereas, this legislation’s expanded definition would burden state and local governments administratively and financially and would thrust unfunded mandates on state and local governments by imposing significant new administrative responsibilities upon them;

Whereas, this legislation would require changes at the state level by impacting comprehensive land use plans, floodplain regulations, building and special codes, and watershed and storm water plans;

Whereas, local governments will also be impacted because they are responsible for a number of public infrastructure projects, including water supply, solid waste disposal, road and drainage channel maintenance, storm water detention, mosquito control, and construction projects; and

Whereas, local government efforts to carry out maintenance of government-owned buildings, including hospitals, schools, and municipal offices, could also be adversely impacted: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express its strong opposition to any federal legislation that would expand the reach and scope of the Clean Water Act, and express their commitment to the goals and objectives of the original Act to keep our waters clean; be it further

Resolved, That the Legislature and the Governor assert that it is not in the nation’s interest to regulate ditches, culverts and

pipes, desert washes, dry arroyos, farmland, and treatment ponds as “waters of the United States” and therefore subjecting these waters to all of the requirements of federal regulation; be it further

Resolved, That the Legislature and the Governor call upon Congress to preserve the traditional power of states over land and water use and avoid unnecessary alterations to the regulatory reach of the Clean Water Act amendments as proposed in the Clean Water Restoration Act of 2007 and similar federal legislation; be it further

Resolved, That the Legislature and the Governor express their opposition to enacting the Clean Water Restoration Act of 2007 as proposed, as being without merit or justification based on 35 years of experience under the original Act as modified by court decisions and practice; be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah’s congressional delegation.

POM-38. A joint resolution adopted by the Legislature of the State of Utah supporting the withdrawal of the United States’ World Trade Organization commitments on gambling; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 1

Whereas, the World Trade Organization (WTO) Dispute Resolution Body found the United States to have made a commitment under the General Agreement on Trade in Services (GATS) in the category of “Other Recreational Services” that covered gambling services;

Whereas, the Appellate Body of the WTO acknowledged the importance of “public morals” concerns in this WTO dispute and the legitimacy of the United States “public morals” defense in this case;

Whereas, states have considerable authority to regulate and prohibit various forms of gambling;

Whereas, a number of states communicated with the Office of the United States Trade Representative (USTR) to express their concern about the WTO decision and its implications for public morals and for state regulation of gambling;

Whereas, the USTR took steps last year to rescind the United States’ commitment in “Other Recreational Services,” consistent with the wishes of states as expressed through letters and direct communications to USTR, as well as the wishes of Congress as exemplified by the Unlawful Internet Gambling Enforcement Act;

Whereas, in withdrawing this commitment, the United States had to offer compensatory adjustments in its overall schedule of GATS commitments, providing market access opportunities to United States’ trading partners in other sectors;

Whereas, the United States has signed Free Trade Agreements with a number of nations that are home to major on-line gambling operations;

Whereas, the London-based Remote Gambling Association has already filed a complaint with the European Union asking that Europe bring a new WTO claim against the United States on gambling; and

Whereas, the Utah Legislature created the Utah International Trade Commission in 2006 as a legislative commission to address international trade issues: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses its gratitude to the USTR for its forthright position in the WTO gambling commitments dispute, and its willing-

ness to withdraw the United States’ commitment under “Other Recreational Services” once it was determined that this commitment covered gambling; be it further

Resolved, That the Legislature of the state of Utah recognizes that this action reflects the increasing responsiveness of the USTR in addressing the legitimate regulatory concerns of states in light of international trade commitments undertaken by the federal government; be it further

Resolved, That the Legislature of the state of Utah expresses its concern that the terms of the agreement whereby the United States withdrew the commitment under “Other Recreational Services” were withheld from members of Congress, the Intergovernmental Policy Advisory Committee (IGPAC), and state oversight commissions on international trade; be it further

Resolved, That the Legislature of the state of Utah expresses its concern that the USTR’s recent actions are an effort to bypass Congress and IGPAC by proposing a solution outside of the constitutional United States Senate treaty ratification process; be it further

Resolved, That the Legislature of the state of Utah expresses its concern that United States’ trading partners may attempt to bring further claims against federal and state gambling laws under trade and investment agreements that lack the “public morals” exception found in the WTO GATS; be it further

Resolved, That a copy of this resolution be sent to the WTO, USTR, Utah Congressional delegation, and members of the U.S. Senate Finance and House Ways and Means Committees.

POM-39. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to grant the state of Utah waivers to establish an employer-sponsored work program and other strategies to address illegal immigration in the state; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 1

Whereas, illegal immigration is an increasing concern in many states, including the state of Utah;

Whereas, recent attempts by Congress to make major reforms in immigration law have stalled;

Whereas, without definitive direction from the federal government, states are struggling to adequately address the many issues surrounding illegal immigration within their respective borders;

Whereas, there is an increasing need for state and local governments to address problems associated with illegal immigration, most particularly in the area of job employment;

Whereas, federal waivers would greatly increase the state of Utah’s capacity to address current illegal immigration challenges;

Whereas, a federal waiver would be required for Utah to institute an employer-sponsored work program providing a two-year, renewable guest worker authorization for foreign workers;

Whereas, a second waiver is needed to withhold FICA and Medicare revenue and apply it toward the costs of the program;

Whereas, the proposed employer-sponsored work program will allow for Utah to deal with its current undocumented population in a fair manner;

Whereas, the employer-sponsored work program would also address Utah’s need for both unskilled and skilled laborers while ensuring that all available local workers are given ample opportunity to meet that need;

Whereas, if granted a waiver, Utah's employer-sponsored work program should require that potential workers register as a worker with the state, be fingerprinted, have their names processed through the Interagency Border Inspection Name Check System, pass a medical exam, be sponsored by their employer, have health and automobile insurance, and have funds withheld by their employer to cover health insurance and the administrative costs of the work program;

Whereas, through the granting of federal waivers allowing the state to provide the employer-sponsored work program, the state of Utah can address many challenges regarding illegal immigration issues its citizens currently face; and

Whereas, the employer-sponsored work program combines opportunity with enforcement in a responsible manner: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to grant the state of Utah waivers to implement an employer-sponsored work program, and to withhold federal FICA and Medicare revenue and apply it toward the health insurance and other administrative costs of the program; be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, United States Immigration and Customs Enforcement, United States Department of Homeland Security, the President of the United States, the members of Utah's Congressional Delegation, the Utah Labor Commission, and the Utah Department of Workforce Services.

POM-40. A resolution adopted by the Senate of the Legislature of the State of Utah urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 1

Whereas, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world;

Whereas, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as *primus inter pares*, meaning "first among equals," in the community of Orthodox churches worldwide;

Whereas, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region;

Whereas, in 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal;

Whereas, following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the attacks as "antireligious";

Whereas, in October 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further pro-

mote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action;

Whereas, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States;

Whereas, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims;

Whereas, this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government;

Whereas, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals;

Whereas, from the millions of Orthodox Christians living in Turkey at the turn of the 20th century and due to the continued policies during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today;

Whereas, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy;

Whereas, the Turkish government has confiscated nearly 94% of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate;

Whereas, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005;

Whereas, the European Union defined membership criteria for accession at Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights;

Whereas, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union;

Whereas, Orthodox Christians in Utah and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

Whereas, the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion," by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish government officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate: Now, therefore, be it

Resolved, That the Senate of the state of Utah urges the Government of Turkey to uphold and safeguard religious and human rights without compromise and cease its discrimination of the Ecumenical Patriarchate; be it further

Resolved, That the Senate of the state of Utah urges the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession, and the right to train clergy of all

nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Ambassador to the Republic of Turkey, and to the members of Utah's congressional delegation.

POM-41. A joint resolution adopted by the Legislature of the State of Utah urging the Obama Administration to support the efforts of the Republic of China (Taiwan) to meaningfully participate in the specialized agencies of the United Nations; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 5

Whereas, the mission of the United Nations, as stated in the preamble to the United Nations Charter, is to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small";

Whereas, similarly, Article 2 of the Universal Declaration of Human Rights states, "Everyone is entitled to all the rights and freedoms . . . without distinction of any kind . . . no distinction shall be made on the basis of political, jurisdictional or international status of the country or territory to which a person belongs . . .";

Whereas, the global issues addressed by the specialized agencies of the United Nations are closely connected to the well-being of all mankind;

Whereas, as Taiwan cannot attend the conferences, mechanisms, and activities of the specialized agencies, the welfare of its people, as well as the interests of all humankind, have been seriously jeopardized;

Whereas, Taiwan has been campaigning for participation in the World Health Organization (WHO) for years, but has been unable to establish direct access to and communication with the WHO regarding disease prevention;

Whereas, Taiwan is restricted from attending WHO technical conferences and activities and as a result Taiwan can neither acquire the latest medical and health updates nor receive timely assistance when epidemics occur, as was the case with the SARS outbreak;

Whereas, as early as May 2006, Taiwan announced its decision to comply voluntarily with the International Health Regulations (IHR 2005) that went into effect June 15, 2007;

Whereas, although Taiwan has repeatedly submitted updates to the WHO about various diseases, the WHO has not responded;

Whereas, this has been detrimental to the health rights of the 23 million people of Taiwan and foreigners residing in and traveling to Taiwan;

Whereas, it also creates a weakness in the global epidemic surveillance network which can harm the international community;

Whereas, being the world's 18th largest economy and the 20th largest outbound investor, Taiwan possesses significant economic strength;

Whereas, Taiwan hopes to share its development experience with many developing nations;

Whereas, Taiwan is also willing to give back to the world through humanitarian assistance and technical cooperation;

Whereas, the issues that the specialized agencies of the United Nations system handle tend to be functional and technical in nature; and

Whereas, allowing Taiwan's participation with these specialized agencies would be helpful for the two sides of the Taiwan Strait to set aside differences and strengthen cooperation on issues of mutual concern, thereby gradually reducing friction and promoting stability and prosperity in the Asia-Pacific region: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the Obama Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the specialized agencies of the United Nations system, including the World Health Organization; be it further

Resolved, That the Legislature urges that United States policy include the pursuit of an initiative in the specialized agencies of the United Nations system, such as the World Health Organization, which would give Taiwan meaningful participation in a manner that is consistent with the respective organization's requirements; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, the United Nations, and the World Health Organization.

POM-42. A resolution adopted by the House of Representatives of the State of Utah urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 2

Whereas, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world;

Whereas, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as *primus inter pares*, meaning "first among equals," in the community of Orthodox churches worldwide;

Whereas, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region;

Whereas, in 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal;

Whereas, following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the attacks as "antireligious";

Whereas, in October 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action;

Whereas, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members world-

wide with more than 2 million members in the United States;

Whereas, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims;

Whereas, this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government;

Whereas, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals;

Whereas, from the millions of Orthodox Christians living in Turkey at the turn the 20th century and due to the continued policies during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today;

Whereas, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy;

Whereas, the Turkish government has confiscated nearly 94% of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity run by the Ecumenical Patriarchate;

Whereas, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005;

Whereas, the European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights;

Whereas, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union;

Whereas, Orthodox Christians in Utah and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

Whereas, the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion," by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish governmental officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah urges the Government of Turkey to uphold and safeguard religious and human rights without compromise and cease its discrimination of the Ecumenical Patriarchate; be it further

Resolved, That the House of Representatives of the state of Utah urges the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States

House of Representatives, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States, and to the members of Utah's congressional delegation.

POM-43. A resolution adopted by the Legislature of the State of Utah designating September 2009 as Hydrocephalus Awareness Month, and urges the federal government to create a national registry for collecting comprehensive statistics and data regarding hydrocephalus; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 3

Whereas, hydrocephalus is a serious neurological condition characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain;

Whereas, there is no known cure for hydrocephalus, which affects an estimated one million Americans;

Whereas, one in every 2,700 infants are born with hydrocephalus;

Whereas, more than 375,000 older Americans have hydrocephalus, which often remains undetected or incorrectly diagnosed as dementia, Alzheimer's disease, or Parkinson's disease;

Whereas, with appropriate diagnosis and treatment, people with hydrocephalus have the opportunity to live full and productive lives;

Whereas, the standard treatment for hydrocephalus was developed in 1952 and unfortunately carries multiple risks including shunt failure, infection, and over drainage;

Whereas, each year American taxpayers spend more than \$1 billion to treat hydrocephalus;

Whereas, the Hydrocephalus Association is one of the nation's oldest and largest patient and research advocacy and support networks for individuals suffering from hydrocephalus; and

Whereas, the federal government should create a registry for collecting data and statistics on the impact of hydrocephalus: Now, therefore, be it

Resolved, That the Senate of the state of Utah designates September 2009 as Hydrocephalus Awareness Month in the state of Utah; be it further

Resolved, That the Senate of the state of Utah urges the federal government to create a national registry for collecting comprehensive statistics and data regarding hydrocephalus and its impact on American families; be it further

Resolved, That a copy of this resolution be sent to the Hydrocephalus Association, the United States Department of Health and Human Services, the Utah Department of Health, and to the members of Utah's congressional delegation.

POM-44. A joint resolution adopted by the Legislature of the State of Utah supporting congressional action related to the Navajo Nation's ability to collect and track child support payments; to the Committee on Indian Affairs.

HOUSE JOINT RESOLUTION NO. 5

Whereas, the Navajo Nation is the largest Native American tribe within the boundaries of the United States and is larger than ten of the 50 states;

Whereas, Navajo children under the age of 18 comprise almost half the total population, and some 61% of Navajo grandparents are responsible for grandchildren under the age of 18;

Whereas, over half the population of the Navajo Nation lives below the poverty level,

an over 40% of persons on the Navajo Nation are unemployed;

Whereas, collecting child support for children whose parents are able to pay child support may be critical in the health and education of a good portion of Navajo children;

Whereas, the federal government granted the Navajo Nation and 39 other tribes the ability to collect child support, establish paternity, and enforce child and medical support obligations, but did not grant the Navajo Nation access to information essential for investigation and enforcement;

Whereas, the federal government has suggested that some states charge the Navajo Nation for access to important personal files of potential payers of child support;

Whereas, the Navajo Nation has collected almost \$3,000,000 in past-due child support and received more than 10,000 acknowledgments of paternity for Navajo children; and

Whereas, the Navajo Nation department of child support enforcement has collected a total of \$7,248,237 in child support during fiscal year 2007; Now, therefore, be it

Resolved, That the Legislature of the state of Utah encourage Utah's congressional delegation to take appropriate steps on behalf of the Navajo Nation to increase its effectiveness in child support collection and enforcement; be it further

Resolved, That Utah's congressional delegation is urged to encourage the federal government to include the Navajo Nation in a web access pilot program to obtain information critical to collection of child support for Navajo children; be it further

Resolved, That copies of this resolution be transmitted to:

- (1) the members of Utah's congressional delegation;
- (2) the president of the Navajo Nation;
- (3) the speaker of the house of the Navajo Nation; and
- (4) the secretary of human services for the Navajo Nation.

POM-45. A resolution adopted by the Legislature of the State of Utah opposing the REAL ID Act of 2005 and its implementation of a national identification card; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 4

Whereas, the state of Utah recognizes the Constitution of the United States as the nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including privacy and freedom from unreasonable searches;

Whereas, each of Utah's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the state of Utah;

Whereas, the state of Utah denounces and condemns all acts of terrorism by any entity, wherever the acts occur;

Whereas, terrorist attacks against Americans, like those on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks;

Whereas, any new security measures of federal, state, or local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Utah and the United States;

Whereas, Title II of the REAL ID Act of 2005 creates a national identification card by requiring that uniform information be placed on every states' driver license, requiring that the information be machine readable in a standard format, and requiring that

the card be used for any federal purpose, including air travel;

Whereas, REAL ID will be a costly unfunded mandate that the Department of Homeland Security estimates will, over the next ten years, cost states 3.9 billion dollars and individuals 5.8 billion dollars;

Whereas, regulations made by the Department of Homeland Security do not adequately address fundamental burdens that the statute imposes on states and individuals, or violations of privacy and constitutional rights;

Whereas, REAL ID requires the creation of a massive public sector database containing the driver license information on every American with a license, accessible to every state motor vehicle employee and every state and federal law enforcement officer;

Whereas, REAL ID enables the creation of an additional massive private sector database of driver license information gained from scanning the machine-readable information contained on every driver license;

Whereas, these public and private databases are certain to contain numerous errors and false information, creating significant hardships for Americans attempting to verify their identity in order to fly, open a bank account, or perform any of the numerous functions required to live in the United States today;

Whereas, the Federal Trade Commission estimates that 10 million Americans are victims of identity theft annually;

Whereas, these identity thieves are increasingly targeting motor vehicle departments;

Whereas, REAL ID will facilitate the crime of identity theft by making the personal information of all Americans, including name, date of birth, gender, driver license or identification card number, digital photograph, address, and signature accessible from tens of thousands of locations;

Whereas, REAL ID requires driver licenses to contain actual home addresses and makes only limited provisions for securing personal information for individuals in potential danger such as undercover police officers and victims of domestic violence, stalking, or criminal harassment;

Whereas, REAL ID contains no exemption for religion, limits religious liberty, and tramples the beliefs of groups like the Amish and certain Evangelical Christians;

Whereas, REAL ID contains onerous record verification and retention provisions that place unreasonable burdens on both Utah's Motor Vehicle Division and on third parties required to verify records;

Whereas, REAL ID will likely place enormous burdens on individuals seeking a new driver license, including longer lines, higher costs, increased document requests, and a waiting period;

Whereas, REAL ID was passed without sufficient deliberation by Congress and never received a hearing by a congressional committee or any vote solely on its merits;

Whereas, REAL ID eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state, and local policymakers, privacy advocates, and industry experts to address the misuse of identity documents;

Whereas, more than 600 organizations opposed the passage of REAL ID, including the Utah Chapter of the American Civil Liberties Union and the Utah Eagle Forum; and

Whereas, REAL ID would provide little security benefit and still leave identifications systems open to insider fraud, counterfeit

documentation, and database failures: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah supports the United States Government's campaign against terrorism and its commitment that the campaign not be waged at the expense of essential civil rights and liberties of the nation's citizens that are protected in the United States Constitution, including the Bill of Rights; be it further

Resolved, That the House of Representatives opposes any portion of the REAL ID Act that violates the rights and liberties guaranteed under the Utah Constitution or the United States Constitution, including the Bill of Rights; be it further

Resolved, That the House of Representatives expresses its opposition to state legislation, including appropriations, that would further the REAL ID Act in Utah unless the appropriation is used exclusively for the purpose of undertaking a comprehensive analysis of the costs to implement REAL ID, or to mount a constitutional challenge to the Act by the state Attorney General; be it further

Resolved, That the House of Representatives urges Utah's congressional delegation to support measures to repeal Title II of the REAL ID Act of 2005 and restore the negotiated rulemaking process established under Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004; be it further

Resolved, That the House of Representatives urges the Secretary of the Department of Homeland Security to not penalize any state or its citizens for failure to comply with the REAL ID Act pending further congressional consideration of whether to repeal the Act and replace it with an act that assists states in strengthening the security of their driver license system without burdening the finances of the states or the rights of the states' drivers; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of Homeland Security, Governor Huntsman, and the members of Utah's congressional delegation.

POM-46. A resolution adopted by Legislature of the State of Utah expressing support for the construction of a museum and civil liberties learning center in Delta, Utah, for the purposes of preserving and educating about the Topaz Internment Camp site; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 2

Whereas, President Franklin D. Roosevelt signed Executive Order 9066 on February 19, 1942, authorizing the evacuation of 120,000 people of Japanese ancestry from their homes in portions of Hawaii, California, Oregon, Washington, and Arizona to ten remote internment camps in Arkansas, Colorado, Arizona, California, Idaho, Wyoming, and Utah;

Whereas, one of those camps, Topaz, located near Delta, Utah, housed over 11,000 men, women, and children from September 11, 1942, until October 31, 1945, and was Utah's fifth largest city;

Whereas, over 25,000 Japanese Americans, many from Topaz, served in the United States military during World War II and suffered tremendous casualties while their families were confined in the internment camps;

Whereas, President Ronald Reagan signed into law the Civil Liberties Act of 1988, and

President George H.W. Bush issued a letter of apology and redress payments to the survivors of these internment camps;

Whereas, the Topaz camp site must be preserved and protected as part of the nation's commitment to equal justice for all;

Whereas, the Topaz Museum Board, a non-profit agency, has raised money to purchase 626 of the 640 acres of the site, has sponsored pilgrimages and teachers' workshops, has conducted Topaz Day for fourth graders in Millard County, has restored a recreation hall from the camp, and collected artifacts and oral histories, in an effort to preserve the site and educate people about the internment of American citizens;

Whereas, the Topaz site was declared a "Save America's Treasures" project in 1999;

Whereas, the 2006 United States House of Representatives passed HB 1492, which authorized the Secretary of the Interior to create a program within the National Park Service to further protect and provide funding for the ten internment camp sites and other significant related areas;

Whereas, Congressman Chris Cannon and Congressman Jim Matheson joined 114 others to co-sponsor HB 1492;

Whereas, Senator Daniel Inouye introduced S1719 as a companion bill to HB 1492, along with five co-sponsors, including Senator Bob Bennett and Senator Orrin Hatch; and

Whereas, in 2007 the National Park Service declared the Topaz site to be Utah's thirteenth National Historic Landmark: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for the Topaz Museum Board's effort to preserve and protect the site of the Topaz Internment Camp, to build a museum and civil liberties learning center in Delta, Utah, and to educate all citizens about Japanese American internment history, especially Topaz, through artifacts, exhibits, and oral histories; be it further

Resolved, That a copy of this resolution be sent to the Topaz Museum Board, former Congressman Chris Cannon, Senator Daniel Inouye, and the members of Utah's Congressional Delegation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Herbert M. Allison, Jr., of Connecticut, to be an Assistant Secretary of the Treasury.

*Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Peter Silva Silva, of California, to be an Assistant Administrator of the Environmental Protection Agency.

*Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration.

*Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

By Mr. DODD for the Committee on Health, Education, Labor, and Pensions.

*Howard K. Koh, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

*Laurie I. Mikva, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

*Martha J. Kanter, of California, to be Under Secretary of Education.

*Jane Oates, of New Jersey, to be an Assistant Secretary of Labor.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHANNIS (for himself, Mr. ENZI, Mr. BROWNBACK, Mr. BOND, Mr. CHAMBLISS, Mr. ROBERTS, Mr. RISCH, Mr. BARRASSO, Mr. THUNE, Mr. CORNYN, Mr. GRAHAM, Mr. MCCAIN, Mr. CRAPO, Mr. INHOFE, Mr. ENSIGN, Mr. KYL, Mr. BUNNING, Mr. VITTER, Mrs. HUTCHISON, Mr. WICKER, Mr. COBURN, Mr. HATCH, Mr. ISAKSON, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, and Mr. DEMINT):

S. 1223. A bill to require prior Congressional approval of emergency funding resulting in Government ownership of private entities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. WEBB):

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS:

S. 1225. A bill to require the Commodity Futures Trading Commission to take certain actions to prevent the manipulation of energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself, Mr. BENNETT, and Mr. SPECTER):

S. 1226. A bill to amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DeMINT (for himself, Mr. WICKER, Mr. BUNNING, and Mr. VITTER):

S. 1227. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. PRYOR):

S. 1228. A bill to amend chapter 63 of title 5, United States Code, to modify the rate of accrual of annual leave for administrative law judges, contract appeals board members, and immigration judges; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1229. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ISAKSON (for himself, Mr. LIEBERMAN, Mr. DODD, Mr. CHAMBLISS,

Mr. ALEXANDER, Mr. RISCH, Mr. ENSIGN, Mr. BUNNING, Ms. MURKOWSKI, and Mr. VITTER):

S. 1230. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Finance.

By Mr. DODD:

S. 1231. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MCCAIN, Ms. STABENOW, Mr. BINGAMAN, Ms. COLLINS, Mr. DURBIN, Mr. NELSON of Florida, Mr. KOHL, Mr. LEVIN, Mr. LEAHY, Mr. SANDERS, Mr. KERRY, Mr. BROWN, Mr. FEINGOLD, Mr. JOHNSON, Mr. INOUE, Mr. TESTER, Mr. CASEY, Mrs. MCCASKILL, Mr. THUNE, Mr. BEGICH, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. SPECTER, Mrs. BOXER, and Mr. VITTER):

S. 1232. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; read the first time.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1233. A bill to reauthorize and improve the SBIR and STTR programs and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 181. A resolution designating June 10, 2009, as "National Pipeline Safety Day"; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, Mrs. SHAHEEN, Mr. CARDIN, Mr. LIEBERMAN, and Mr. DEMINT):

S. Res. 182. A resolution recognizing the democratic accomplishments of the people of Albania and expressing the hope that the parliamentary elections on June 28, 2009, maintain and improve the transparency and fairness of democracy in Albania; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 244

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health

delays, including potential mental health concerns, and for other purposes.

S. 292

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 486

At the request of Mr. SANDERS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 486, a bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs.

S. 491

At the request of Mr. WEBB, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 638

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 638, a bill to provide grants to promote financial and economic literacy.

S. 660

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 797

At the request of Mr. DORGAN, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 843

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 843, a bill to establish background check procedures for gun shows.

S. 860

At the request of Mr. NELSON of Nebraska, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax exclusion for assistance provided to participants in State student loan programs for certain health professionals.

S. 910

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 968

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 973

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 973, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 999, a bill to increase the number of well-trained mental health

service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1071

At the request of Mr. CHAMBLISS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1071, a bill to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base.

S. 1135

At the request of Ms. STABENOW, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1135, a bill to establish a voluntary program in the National Highway Traffic Safety Administration to encourage consumers to trade-in older vehicles for more fuel efficient vehicles, and for other purposes.

S. 1150

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1150, a bill to improve end-of-life care.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1196

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1196, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1219

At the request of Mr. KOHL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1219, a bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement

and Reform Act of 2004 to extend the operation of such subtitle for a 1-year period ending June 22, 2010.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. CON. RES. 11

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 24

At the request of Mr. CHAMBLISS, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 24, a concurrent resolution to direct the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

S. RES. 65

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 65, a resolution honoring the 100th anniversary of Fort McCoy in Sparta, Wisconsin.

S. RES. 81

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 81, a resolution supporting the goals and ideals of World Water Day.

S. RES. 176

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 176, a resolution expressing the sense of the Senate on United States policy during the political transition in Zimbabwe, and for other purposes.

AMENDMENT NO. 1268

At the request of Mr. CHAMBLISS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 1268 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHANNNS (for himself, Mr. ENZI, Mr. BROWNBACK, Mr. BOND, Mr. CHAMBLISS, Mr. ROBERTS, Mr. RISCH, Mr. BARRASSO, Mr. THUNE, Mr. CORNYN, Mr. GRAHAM, Mr. MCCAIN, Mr. CRAPO, Mr. INHOFE, Mr. ENSIGN, Mr. KYL, Mr. BUNNING, Mr. VITTER, Mrs. HUTCHISON, Mr. WICKER, Mr. COBURN, Mr. HATCH, Mr. ISAKSON, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, and Mr. DEMINT):

S. 1223. A bill to require prior Congressional approval and emergency funding resulting in Government ownership of private entities; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHANNNS. Mr. President, I rise to present a piece of legislation that I believe the Senate should consider immediately. I believe this legislation is so important that it can't wait. The legislation I introduce today is the Free Enterprise Act of 2009, and its purpose is very straightforward. The Free Enterprise Act of 2009 requires prior congressional approval of any TARP funding that results in the government taking a common or preferred equity interest in any private entity.

Since the inception of the TARP program, my colleagues from both sides of the aisle, in a very bipartisan way, have voiced concerns over the management, the oversight, and the purpose of TARP. Yet the program continues morphing and drifting away from its original purpose: to buy toxic assets and keep credit flowing to consumers. That was the purpose of TARP when it was sold to Congress back in October. TARP was never intended—never intended—to be a revolving, \$700 billion blank check for the administration to use however it sees fit. Unfortunately, that is exactly what it has become.

First, the checks were used to bail out the banks, then to the struggling insurance giant AIG, then to the floundering housing market, and despite a December vote by Congress that rejected—specifically rejected—a bailout of the auto industry, TARP funds are now being used to bankroll the auto industry.

I am quite certain most of my colleagues would have looked at me in disbelief if I would have said a few months ago that TARP funds would essentially be used to buy a private auto company—General Motors—and then rush it through bankruptcy. Yet last Monday the Obama administration announced it would provide \$30 billion more in TARP funds to buy General Motors, owning a 60-percent interest in the company.

The bottom line is our government is now running or is very deeply involved in major industrial sectors, including housing, banking, insurance, and now

automobiles. There is no longer a clear distinction between companies owned by investors and entities owned and backed by the government.

I am deeply troubled by the change in how business in America is conducted, and I am worried we are causing irreparable changes and damage to our private market system. But I am equally troubled and worried that all these ownership and management decisions are being made—literally buying a car company—without congressional input or approval.

Many may completely disagree with me and think the government should get in the auto business, that they should own a 60-percent stake in General Motors or that the government should be a 34-percent owner of Citigroup. But the one thing all my colleagues should be able to agree on is the fact that Congress needs checks and balances.

Right now, disagree or agree with me, none of us in Congress have had a voice—neither a voice in support nor a voice in opposition. We woke up, just like the citizens of America, and found out that we own 60 percent of General Motors—a decision made by President Obama literally with no oversight by Congress.

What has happened is the legislative branch has effectively given President Obama a free pass to do as he wishes with \$700 billion. But with the passage of this legislation, we can regain some type of oversight over the disbursement of TARP funds. Let's not continue to criticize the use and management of TARP funds and yet do nothing about it. Support for this legislation is an important step in the right direction. It would ensure that Congress provides checks and balances. That is what we were elected to deliver. That is why we are here.

At the very minimum, let's at least have a vote before the government takes ownership of private companies. My bill only asks for a simple majority governed by the normal rules of the Senate. But it makes a very significant statement that Congress has not fallen asleep at the switch.

I hope my colleagues will not choose to remain silently in their seats. We must fulfill our duties to provide oversight over the executive branch. That is what our Constitution demands. I urge my colleagues, whether you support or oppose funds for private industry, to reclaim the role Congress has in this process. Doing anything less would simply be a dereliction of our duty.

When I introduced this legislation as an amendment to S. 982, it quickly got 30 cosponsors. I am very happy to report that many of these people have joined me as cosponsors, and we are nearing that number again.

I encourage all of my colleagues to support this commonsense legislation and join me as a cosponsor. We can

work together to ensure that free enterprise is not relegated to the back burner in this country, and, most important, we can work together, whether you agree or disagree, to make sure Congress is not relegated to the back burner. The Free Enterprise Act is a positive step in that direction.

By Mr. WARNER (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. WEBB):

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WARNER. Mr. President, today I am introducing legislation to reauthorize the National Oceanic and Atmospheric Administration's important programs to restore the Chesapeake Bay and its aquatic resources. This measure is a companion to H.R. 1771, a bill recently introduced in the House by Representatives SARBANES, WITTMAN and KRATOVIL. Joining me in sponsoring this legislation are my colleagues Senator WEBB from Virginia and Senators MIKULSKI and CARDIN from neighboring Maryland.

Throughout my public career, I have been a strong advocate for protecting our natural resources. One of the most important efforts in Virginia's environmental history has been preservation of the Chesapeake Bay, the nation's most important estuary. I am proud that we brought record funding to efforts related to cleaning the Chesapeake Bay and the toughest regulations for water quality yet. The Commonwealth's 3,300 miles of coastal resources provide significant economic contributions to tourism, recreation, commercial and sport fisheries, and wildlife enjoyment within our State. Yet the safety of the Bay is still in great jeopardy; pollution, habitat loss and other factors have taken their toll.

NOAA has been a principal partner with the Bay region states and other Federal agencies in efforts to protect and restore the Chesapeake Bay ecosystem since 1984. Its mission is focusing NOAA capabilities in science, service, and stewardship to protect and restore the Chesapeake Bay. Congress formally authorized NOAA's participation in the Bay in Public Law 98-210 enacted in 1992 and reauthorized the program in 2002, Public Law 107-372. That authority expired 3 years ago, in 2006, and must be reauthorized.

Over the years, NOAA's work in the Chesapeake Bay has focused on three critical and interrelated areas—ecosystem science, coastal and living resources management, and environmental education—all part of an ecosystem approach for Bay restoration and management. The agency's science and research programs, conducted in collaboration with major academic in-

stitutions, are helping decision-makers survey and assess trends in living resources, understand and evaluate the responses of these resources to changes in their environment, and establish management goals and progress indicators. Through the Chesapeake Bay Observing System and the next-generation Chesapeake Bay Integrated Buoy System, NOAA is providing monitoring data on environmental conditions and water quality in the Bay necessary to track Bay restoration progress. The NOAA Chesapeake Bay Office's fish, shellfish and habitat restoration programs are helping to restore native oysters, blue crabs, and bay grasses throughout the watershed. And NOAA's pioneering Bay Watershed Education and Training program, B-WET, is making hands-on watershed education and training available to students and teachers throughout the watershed, bringing marine and weather sciences into the classroom and helping to foster stewardship of the Bay.

NOAA administers its work throughout the 64,000 square mile, 6 State watershed from offices in Maryland and Virginia, which collaborate with State and other Federal agencies, academic institutions, and nongovernmental organizations to support Bay protection and restoration goals. In Norfolk, Virginia, the NOAA Chesapeake Bay Office's science and education programs are incorporated into exhibits at Nauticus, our State's premier maritime center, which receives more than 350,000 visitors annually, and helps inform the public about NOAA's programs and activities. At the College of William and Mary's Virginia Institute of Marine Science, VIMS, NOAA is collaborating with a major academic partner to improve understanding of Bay fisheries and support improved oyster restoration. At Stingray Point, Norfolk and Jamestown, NOAA has deployed first-of-its-kind CBIBS interpretive buoys that are not only providing critical real-time data streams for scientists, but multidisciplinary education tools to users of the Captain John Smith Chesapeake National Historic Water Trail. Throughout the Virginia and Maryland waters of the Chesapeake Bay, NOAA is assisting watermen impacted by reductions in blue-crab harvests.

But NOAA's work and responsibilities to the Chesapeake Bay restoration effort are far from complete. The partners in the Bay restoration need the agency's continued help and support. Throughout the Bay, ecologically important fish species are in decline or at risk due to disease, habitat loss, and other factors. Underwater grasses that once provided habitat to sustain these fisheries are at a fraction of their historic levels. As advanced as our science is, Chesapeake Bay managers still do not have adequate information about the estuary and its habitats to manage

its living resources or mitigate diseases in fish and shellfish.

The legislation I am introducing today builds upon previous authorizations of the NOAA Bay Program and addresses several urgent, continuing or unmet needs in the watershed. The bill seeks to achieve five main objectives.

Increasing collaboration between the various programs and activities at NOAA to further NOAA's coastal resource stewardship mission.

Improving Bay monitoring capabilities and the coordination and organization of the substantial amounts of data collected and compiled by Federal, State, and local government agencies and academic institutions through further development of an integrated observations system and the Chesapeake Bay Interpretative Buoy System.

Strengthening the Chesapeake Bay Watershed Education and Training Program, B-WET, the competitively based program which provides students with meaningful Chesapeake Bay or stream outdoor experiences and teachers with professional development opportunities for Bay-related environmental education.

Supporting and encouraging public-private partnerships to restore finfish and shellfish populations, submerged aquatic vegetation and other critical coastal habitat through aquaculture, stock enhancements, propagation and other programs.

Ensuring that Federal funds are spent wisely and effectively on projects that have scientific and technical merit and are peer reviewed.

This legislation enhances NOAA's commitment to further scientific data collection, develops fishery management practices and habitat restoration, and strengthens Chesapeake Bay environmental education programs. Mr. President, the Bay is a national treasure and its restoration should be a national priority.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHESAPEAKE BAY COMMISSION,
April 29, 2009.

Hon. MARK R. WARNER,
U.S. Senate, Dirksen Senate Office Bldg.,
Washington, DC.

DEAR SENATOR WARNER: It has come to my attention that you will be introducing legislation shortly to reauthorize the National Oceanic and Atmospheric Administration's (NOAA's) Chesapeake Bay Office, similar to H.R. 1771, which was recently introduced in the House of Representatives. I am writing to express our Commission's strong support for this legislation and to commend you for introducing it.

As you know, the Chesapeake Bay Commission is a tri-state legislative assembly established in 1980 to assist the states of Maryland, Virginia and Pennsylvania in cooperatively managing the Chesapeake Bay. The Commission has been a signatory to every

Chesapeake Bay Agreement and continues to play a leadership role on a full spectrum of Bay issues: from managing living resources and conserving land, to protecting water quality.

We believe that reauthorizing and enhancing NOAA's Chesapeake Bay Office and its major programs in fisheries, habitat, integrated coastal observations and education are critical to the joint Federal, State and local efforts to restore Chesapeake Bay and its living resources. Our States rely heavily on NOAA's ecosystem science, coastal and living resources management, and environmental literacy capabilities to meet the commitments of Chesapeake 2000. For example:

NOAA-funded trawl surveys and stock assessment work provide information each year to help the states of MD and VA and the Potomac River Fisheries Commission decide how to manage the next season's blue crab fishery.

Since 2001 NCBO has provided over \$28M to support native oyster restoration and habitat characterization in MD and VA. Current efforts are geared toward large scale ecological restoration projects in rivers like the Wicomico and Piankatank.

NOAA provides satellite-based remote sensing data for models that help state fisheries managers develop stock assessments.

Bay Watershed Education and Training (B-WET) grants totaling \$2M-3.5M annually help provide meaningful watershed experiences for approximately 40,000 students throughout the watershed.

Chesapeake NEMO is providing direct assistance to local communities in PA, MD and VA to incorporate natural resources into local decision making.

NOAA's Chesapeake Bay Interpretive Buoy System (CBIBS) is providing critical real-time water quality, weather and interpretive information for managers, boaters, students and tourists alike.

The legislation you are introducing would reauthorize and strengthen NOAA's Chesapeake Bay Office. It would enhance monitoring capabilities through the further development of an integrated observations system and the Chesapeake Bay Interpretive Buoy System. It would bolster the Chesapeake Bay (B-WET) program which is helping to get students throughout the watershed outdoors and learning about the Bay. And it would help in our efforts to restore finfish and shellfish populations, Bay-grasses and other habitats through aquaculture and propagation programs.

In our special report to the Congress of February 2008, the Commission recommended reauthorization of the NOAA Chesapeake Bay Office and its major programs as a high priority. If the Commission can be of assistance to you or the Senate Commerce Committee as this legislation moves through the legislative process, please do not hesitate to let us know.

Sincerely,

DELEGATE JOHN. A. COSGROVE (VA.),
Chairman.

FRIENDS OF THE JOHN SMITH
CHESAPEAKE TRAIL,
Annapolis, MD, April 29, 2009.

Hon. MARK WARNER,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WARNER: On behalf of the Friends of the John Smith Chesapeake Trail ("the Friends"), I want to commend and thank you for your leadership in introducing the Chesapeake Bay Science, Education, and

Ecosystem Enhancement Act of 2009. The National Oceanic and Atmospheric Administration's (NOAA) Chesapeake Bay Office plays a vital role in the management and restoration of the Chesapeake Bay. We are pleased that your bill will re-authorize this important program.

Over the past three years, the Friends have worked closely with the NOAA Chesapeake Bay Office to implement the Chesapeake Bay Interpretive Buoy System (CBIBS). The system provides real-time water quality data and interpretation to further protect, restore, and manage the Chesapeake Bay and marks the Captain John Smith Chesapeake National Historic Trail. CBIBS is part of the multi-state Chesapeake Bay Observing System (CBOS), and part of the U.S. Integrated Ocean Observing System (IOOS)—systems designed to enhance our ability to collect, deliver, and use estuarine and ocean information. As you may be aware, there are currently three CBIBS buoys in the Virginia waters of the Chesapeake Bay (James River, Elizabeth River, Rappahannock River) and three buoys in Maryland (Potomac River, Patapsco River and Susquehanna River). NOAA has identified a further need for expanded coverage throughout the Bay to include many of the most important areas where water quality information is needed, including Virginia's Eastern Shore and at the mouth of the Bay.

CBIBS buoys have been designed to accommodate almost any sensor and transmit the data for real-time display. Presently they measure and report a comprehensive suite of observations, including parameters used by the Chesapeake Bay Program for assessment of impaired waters: Air temperature and relative humidity; barometric pressure; wind speed and direction; near-surface water temperature; salinity; dissolved oxygen; chlorophyll-a concentration; turbidity; and wave height, direction, and period.

The NOAA Chesapeake Bay Office has built a partnership with the National Park Service, many non-government organizations and businesses to launch this system that serves the scientific community, John Smith Trail users and citizens interested in the maritime history and culture of the Bay. CBIBS and the Captain John Smith Chesapeake National Historic Trail will function together to enhance public awareness of the natural and cultural history of the Bay. Such awareness creates tremendous motivation in restoration and conservation efforts.

The CBIBS program will (1) enhance our understanding of the Bay's biological, physical and chemical processes serve as key tool for Bay restoration; (2) promote water based tourism along the John Smith trail; (3) create an invaluable real time tool for environmental education; (4) provide advanced information tools for coastal decision makers; (5) improve weather and harmful algal bloom forecasts; and (6) support safe maritime commerce. For these reasons, we are delighted that your bill includes language to formally authorize CBIBS.

The Chesapeake Bay is a wonderful national resource with a storied history. Your legislation re-authorizing NOAA's work will help ensure the vitality of our natural resources throughout the Bay. Please let us know how we can help you pass this important bill.

With warm regards,

DAVID O'NEILL,
President.

By Mr. SANDERS:

S. 1225. A bill to require the Commodity Futures Trading Commission

to take certain actions to prevent the manipulation of energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANDERS. Madam President, I rise today to introduce the Energy Market Manipulation Prevention Act.

Did you know we are in the midst of the worse economic crisis since the Great Depression? Millions of our fellow Americans are losing their homes, losing their jobs, losing their life savings, losing the ability to send their kids to college and, in many ways, they are losing the hope that their own children will have a brighter future and a better life than they have had. It is a very unusual moment in the history of our country.

In the midst of all of this concern and decline in the standards of living of millions of Americans, the last thing that our country needs right now is to see our people be ripped off at the gas pump this summer because of the speculators on Wall Street. Some of the very same people who caused this recession and have received the largest taxpayer bailout in American history are allowed to jack up oil prices through price manipulation and outright fraud.

This is obviously not only an issue for the moment for millions and millions of people who drive to work every day, but for truckers and farmers and all people who are dependent upon gas; and it is also an issue for many parts of our country, such as Vermont, where a lot of our people heat with oil. We are not going to sit around idly and watch the price of oil artificially rise so that elderly people who heat with oil are unable to adequately heat their homes in the wintertime.

Unfortunately, this artificial increase in oil and gas prices is exactly what is happening now, as it occurred similarly last summer, when the price of oil hit \$147 a barrel. The price of gas at the pump was over \$4 a gallon, and truckers paid more than \$5 a gallon for diesel fuel. That is where we were last summer, and we are heading back there right now, unless Congress moves in an aggressive way to say no to speculation on oil futures.

As you know, the price of oil is supposed to be based on the fundamentals of supply and demand, not by excessive speculation. What all of us learned in economics 101 is that if there is limited supply and a lot of demand, the price of the product goes up. If there is a lot of supply and limited demand, the price goes down. That is one of the basic tenets of free market capitalism.

But interestingly, last month, crude oil inventories in the United States were at their highest level on record, while demand for oil in the United States dropped to its lowest level in more than a decade. In other words, there was a record amount of supply

and less demand than we have seen over the last 10 years. Further, the International Energy Agency recently predicted that global demand for oil will drop this year to its lowest level since 1981.

What is going on? Demand is going down, supply is high, and what the fundamentals of economic theory tell us is that gas and oil prices will go down. But as everybody who fills up their gas tank today understands, that is certainly not the case, because gas and oil prices are going up.

Despite the record supply of oil and reduced demand, prices are going up, not down. In fact, the national average price of gasoline has jumped from \$1.64 a gallon late last year to over \$2.60 today. Crude oil prices recently reached a 7-month high.

The American people have a right to ask why is this happening, in contradiction to the basic economic process of supply and demand, and we have a right and the obligation to act to protect those consumers. The increased prices that millions of motorists are currently seeing have caused severe financial hardship for American families, truckers, small businesses, airlines, and farmers. It is putting enormous strain on an economy already in the throes of a deep recession.

We passed the stimulus package in order to create millions of jobs, in order to put money into the hands of working people, many of whom had lost their jobs. And now what we are seeing, as a result of this artificial increase in the price of gas and oil, is that those tax breaks we gave to working families are going not into the local economy, they are going right back to Wall Street and speculation, and they are going to the oil companies.

All of us have a responsibility to do everything we can to lower oil and gas prices immediately, so that they reflect supply and demand fundamentals, not excessive speculation. Therefore, the legislation I am introducing today will require the Commodities Futures Trading Commission to use its emergency powers to prevent the manipulation of oil prices and empower the CFTC with new authority to prohibit excessive speculation in the oil market.

Last July, the House of Representatives passed similar legislation by a vote of 402 to 19—widely bipartisan. But that legislation, unfortunately, did not become law. In addition, this legislation would also require the CFTC to, No. 1, immediately classify all bank holding companies and hedge funds engaged in energy futures trading as non-commercial participants and subject them to strict position limits.

No. 2, this legislation would eliminate the conflict of interest that arises when a firm, a large Wall Street financial institution, has employees under

one umbrella responsible for predicting the future price of oil—the so-called analysts—while the same company controls physical oil assets and trading energy derivatives.

No. 3, this legislation would immediately revoke all staff no-action letters for foreign boards of trade that have established trading terminals in the United States for the purpose of trading U.S. commodities to U.S. investors.

I am delighted that Bart Chilton, one of the commissioners at the U.S. Commodity Futures Trading Commission, has supported this legislation.

Madam President, I ask unanimous consent that his letter to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR SANDERS: Thank you for taking the time out of your busy schedule to meet with me and Elizabeth Ritter regarding energy trading and needed regulatory reforms of our nation's commodities laws, rules and regulations. I appreciate your leadership in this area and look forward to working with you.

I did want to make a comment about your specific efforts. I commend you for your leadership in bringing transparency and accountability to U.S. energy markets. As you know, the Commodity Exchange Act provides the CFTC with broad emergency authority to take action, in its discretion, in order to maintain or restore orderly trading. In your proposed legislation, you have identified critically important areas of concern—excessive speculation in energy commodities, classification of bank holding companies and limits on their energy trading, hedge fund registration, classification and trading limits, conflicts of interest by entities that both trade and advise in the energy arena, and foreign market access. I wholeheartedly agree with you that the time to act on these issues is now, and the CFTC should aggressively utilize all available authorities as appropriate, including but not limited to emergency authority as currently defined in the CEA, to address these pressing issues.

Thank you again for your efforts on behalf of American consumers and taxpayers, and I look forward to working with you in the future on these important issues.

Sincerely,

BART CHILTON.

Mr. SANDERS. Let me briefly quote from the letter.

He says:

As you know, the Commodity Exchange Act provides the CFTC with broad emergency authority to take action, in its discretion, in order to maintain or restore orderly trading. In your proposed legislation, you have identified critically important areas of concern—excessive speculation in energy commodities, classification of bank holding companies and limits on their energy trading, hedge fund registration, classification and trading limits, conflicts of interest by entities that both trade and advise in the energy arena, and foreign market access. I wholeheartedly agree with you that the time to act on these issues is now, and the CFTC should aggressively utilize all available authorities as appropriate, including but not limited to emergency authority as currently

defined in the CEA, to address these pressing issues.

Madam President, I thank the Commissioner for his support of this legislation.

On May 28, I wrote to Gary Gensler, the new Chairman of the CFTC, urging him to undertake many of these initiatives. Last week, in my office, I discussed this issue with Mr. Gensler. He indicated that he has instructed his staff to give him a list of all of the options available to the CFTC to respond to these concerns. While I appreciate Mr. Gensler's efforts on this issue, I hope this legislation will spur the CFTC to take immediate action to lower oil prices.

The bottom line is, right now, at a time when unemployment is soaring, when the middle class is struggling to keep its head above water, the prices at the gas pump are soaring, and we worry about what oil prices in the northern parts of our country will be in the wintertime, there is very strong evidence to suggest that what we are talking about is not supply and demand but excessive speculation on the part of Wall Street in terms of pushing up oil futures.

This Congress must act to protect the middle class and working people of this country, the consumers of this country. It is time for us to demand that the CFTC take the action that is necessary.

By Mr. CASEY (for himself, Mr. BENNET, and Mr. SPECTER):

S. 1226. A bill to amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce a bill with Senator BENNET of Colorado, called the Paperless Enrollment for School Meals Act. Senator BENNET and I wrote this legislation because of our mutual interest in increasing the efficiency of the school lunch program both in terms of getting meals to kids who need them and lowering program costs to school districts. Congressman FATTAH and Congresswoman SCHWARTZ are leading a companion bill on the House side.

Our bill creates a national program that is modeled after a pilot project that has been used in Philadelphia for the past 18 years. The Philadelphia program provides free lunch to all kids in schools that have over 75 percent of the students eligible for free lunches. The Philadelphia program also eliminates burdensome paper applications and replaces them with a periodic population survey that allows the U.S. Department of Agriculture to determine the reimbursement rate to the School District of Philadelphia for the meals they serve.

Modernization of the school lunch program is one of my top priorities when the Senate reauthorizes the Child Nutrition Act later this fall. The current system of requiring families to fill out paper applications at the beginning of each school year, having the school district collect and certify those applications, and then having USDA use the applications combined with the amount of meals served to determine a reimbursement rate is inefficient and outdated. Not only are paper applications inefficient, they are inaccurate. It is much more accurate to compile socio-economic data and survey populations to determine eligibility. We have anecdotal evidence of this fact in Philadelphia, where we have dramatically increased participation in school lunch through the pilot project that eliminates yearly paper applications, thereby eliminating stigma for enrollment, language barriers, and other factors that prevent eligible families from completing paper forms.

There is another way that our bill removes the stigma associated with free lunches. By providing free lunches for all students in schools that have a very high percentage of eligible children, no one is embarrassed to get their free lunch in the lunch line. Every student gets the same meal, so no one who is getting free lunches or reduced lunches. This is a very simple policy change that can get more kids eating school lunches—kids who might otherwise go hungry that day because they don't have food at home.

Senator BENNET and I have been working on this issue for months both separately and now collaboratively with our new legislation. And we know that this is just a starting point. We have introduced this legislation to start a dialogue with Chairman HARKIN and the other members of the Committee on Agriculture Nutrition and Forestry along with our colleagues at USDA. I think that there is a lot of energy around the ideas of paperless applications and universal meals included in our bill. I encourage all Senators to support this legislation and the principles of the national program Senator BENNET and I have outlined and save our schools money while increasing access to quality school meals for the kids who need them the most.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1226

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperless Enrollment for School Meals Act of 2009".

SEC. 2. DATA-BASED ELIGIBILITY FOR SCHOOL MEALS PROGRAMS.

(a) ELIGIBILITY.—Section 11(a)(1) of the Richard B. Russell National School Lunch

Act (42 U.S.C. 1759a(a)(1)) is amended by adding at the end the following:

"(F) DATA-BASED ELIGIBILITY.—

"(i) IN GENERAL.—A school or local educational agency may elect to receive special assistance payments under clause (ii) in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if the school or local educational agency—

"(I) elects to serve all children in the school or local educational agency free lunches and breakfasts under the school lunch program and school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), during a period of 5 successive school years; and

"(II) pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(ii) ALTERNATIVE DATA SOURCES.—Subject to criteria established by the Secretary not later than December 31, 2010, special assistance payments under clause (i) may be based on an estimate of the number of children eligible for free and reduced price lunches under section 9(b)(1)(A) derived from recent data other than applications, including—

"(I) a socioeconomic survey of a representative sample of households of students, which may exclude students who have been directly certified under paragraphs (4) and (5) of section 9(b);

"(II) data from the American Community Survey of the Bureau of the Census;

"(III) data on receipt of income-tested public benefits by students or the households of students or income data collected by public benefit programs, including—

"(aa) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

"(bb) the medical assistance program under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(cc) the supplemental security income program established under title XVI of that Act (42 U.S.C. 1381 et seq.);

"(dd) the program of block grants to States for temporary assistance for needy families established under part A of title IV of that Act (42 U.S.C. 601 et seq.); or

"(IV) other data, including State or local survey data and State or local tax records.

"(iii) PAYMENTS.—

"(I) FREE MEALS.—For each month of the period during which a school or local educational agency described in clause (i) serves free lunches or breakfasts to all enrolled children, special assistance payments at the rate for free meals shall be made for a percentage of all reimbursable meals served that is equal to the percentage of students estimated to be eligible for free meals.

"(II) REDUCED PRICE MEALS.—For each month of the period during which the school or local educational agency serves free lunches or breakfasts to all enrolled children, special assistance payments at the rate for reduced price meals shall be made for a percentage of all reimbursable meals served that is equal to the percentage of students estimated to be eligible for reduced price meals.

"(III) OTHER MEALS.—For each month of the period during which the school or local educational agency serves free lunches or breakfasts to all enrolled children, food as-

sistance payments at the rate provided under section 4 shall be made for the remainder of the reimbursable meals served.

"(iv) RENEWALS.—

"(I) IN GENERAL.—A school or local educational agency described in clause (i) may reapply to the Secretary at the end of the period described in clause (i), and at the end of each period thereafter for which the school or local educational agency receives special assistance payments under this subparagraph, for the purpose of continuing to receive the reimbursements and assistance for a subsequent 5-school-year period.

"(II) APPROVAL.—The Secretary shall approve an application under this clause if available socioeconomic data demonstrate that the income level of the population of the school or local educational agency has remained consistent with or below the income level of the population of the school or local educational agency in the last year in which reimbursement rates were determined under clause (ii).

"(III) DATA.—Not later than December 31, 2010, the Secretary shall establish criteria regarding the socioeconomic data that may be used when applying for a renewal of the special assistance payments for a subsequent 5-school-year period.

"(G) HIGH-POVERTY AREAS.—

"(i) IN GENERAL.—A school or local educational agency may elect to receive special assistance payments under clause (ii) in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if the school or local educational agency—

"(I) during a period of 2 successive school years, elects to serve all children in the school or local educational agency free lunches and breakfasts under the school lunch program under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

"(II) pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

"(III)(aa) for a local educational agency, for the prior school year, directly certified under paragraphs (4) and (5) of section 9(b) at least 50 percent of the enrolled students;

"(bb) for a school, for the prior school year, directly certified under paragraphs (4) and (5) of section 9(b) at least 60 percent of the enrolled students; or

"(cc) for a local educational agency or school that received payments under this subparagraph for the prior school year, directly certifies under paragraphs (4) and (5) of section 9(b) at least 40 or 50 percent, respectively, of the enrolled students.

"(ii) PAYMENTS.—

"(I) IN GENERAL.—For each month of the school year, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

"(aa) 1.5; by

"(bb) the percentage of students directly certified under paragraphs (4) and (5) of section 9(b), up to a maximum of 100 percent.

"(II) OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

"(iii) ELECTION OF OPTION.—

"(I) IN GENERAL.—Any school or local educational agency eligible for the option under

clause (i) may elect to receive special assistance payments under clause (ii) for the next school year if the school or local educational agency provides to the State agency evidence of the percentage of students directly certified not later than June 30 of the current school year.

“(II) STATE AGENCY NOTIFICATION.—Not later than May 1 of each school year, each State agency shall notify—

“(aa) any local educational agency that appears, based on reported verification summary data, to have directly certified at least 50 percent of the enrolled students for the current school year, that the local educational agency may be eligible to elect to receive special assistance payments under clause (i) for the next 2 school years and explain the procedures for the local educational agency to make such an election; and

“(bb) any local educational agency that appears, based on reported verification summary data, to have directly certified at least 40 percent of the enrolled students for the current school year, that the local educational agency may become eligible to elect to receive special assistance payments under clause (i) for a future school year if the local educational agency directly certifies at least 50 percent of the enrolled students.

“(III) LOCAL EDUCATIONAL AGENCY NOTIFICATION.—Not later than May 1 of each school year, each local educational agency shall notify—

“(aa) any school that directly certified at least 60 percent of the enrolled students for the current school year, that the school is eligible to elect to receive special assistance payments under clause (i) for the next school year and explain the procedures for the school to make such an election; and

“(bb) any school that directly certified at least 50 percent of the enrolled students for the current school year, that the school may become eligible to elect to receive special assistance payments under clause (i) for a future school year if the school directly certifies at least 60 percent of the enrolled students.

“(IV) PROCEDURES.—Not later than December 31, 2010, the Secretary shall establish procedures for State agencies, local educational agencies, and schools to meet the requirements of this clause and to exercise the option provided under clause (i).”

(b) CONFORMING AMENDMENTS.—Section 11(a)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is amended by striking “or (E)” and inserting “(E), (F), or (G)”.

By Mr. AKAKA (for himself and Mr. PRYOR):

S. 1228. A bill to amend chapter 63 of title 5, United States Code, to modify the rate of accrual of annual leave for administrative law judges, contract appeals board members, and immigration judges; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I introduce the Administrative Judge Leave Equity Act, a bill to provide leave equity for Administrative Law Judges, ALSs, Contract Board of Appeals Judges, CBAJs, and Immigration Law Judges. I am pleased to be joined in this effort by my friend, Senator MARK PRYOR.

In 2004, Congress passed the Federal Workforce Flexibility Act, which

changed the leave accrual rate for mid-career employees entering the Federal workforce. Under the Act, agency heads were given the discretion to allow workers to qualify a period of an employee's non-Federal career experience as a period of Federal service. Additionally, the Act stated that all senior executives and senior-level employees accrued annual leave at the maximum rate of eight hours for each bi-weekly pay period.

Although senior executives were placed under a pay-for-performance system, administrative law judges accrued leave at the maximum rate, the same as other senior-level employees. Under the last administration, the Office of Personnel Management denied administrative law judges leave equity because they are not under a pay-for-performance system. I believe it is inappropriate for administrative law judges to be placed under any type of pay-for-performance system because it could compromise their independence. Independent decisionmaking is essential for administrative law judges, and is the reason ALJs and CBAJs do not receive bonus awards.

Currently, there is a shortage of ALJs to adjudicate benefits claims in the Social Security Administration. There are approximately 765,000 cases pending and not enough ALJs to process the backlog. I believe this bill will provide the Federal Government with an important tool in its efforts to recruit and retain highly-skilled administrative law judges.

I am pleased that this bill enjoys broad support from employee groups that represent administrative law judges, including the Association of Administrative Law Judges, the Association of Hearing Office Chief Judges, the Federal Administrative Law Judges Conference, the Forum of U.S. Administrative Law Judges, the International Federation of Professional and Technical Engineers, the National Association of Immigration Judges, and the Senior Executives Association.

The time has come to give administrative law judges the same benefits as other senior-level employees.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1228

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

SECTION 1. ACCRUAL RATE OF ANNUAL LEAVE FOR ADMINISTRATIVE LAW JUDGES, CONTRACT APPEALS BOARD MEMBERS, AND IMMIGRATION JUDGES.

(a) IN GENERAL.—Section 6303 of title 5, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) Notwithstanding any other provision of this section, the rate of accrual of annual leave under subsection (a) shall be 1 day for

each full biweekly pay period in the case of any employee who—

“(1) holds a position which is subject to—

“(A) section 5372, 5372a, 5376, or 5383; or

“(B) a pay system equivalent to a pay system to which any provision under paragraph (1) applies, as determined by the Office of Personnel Management; or

“(2) is an immigration judge as defined under section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)).”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the first day of the first applicable pay period beginning on or after 30 days after the date of enactment of this Act.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1229. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, the Small Business Administration has provided critical financial assistance and counseling to America's small businesses since 1953. The services and assistance provided through SBAs programs have been pivotal to this country's economic growth and have helped thousands of American entrepreneurs realize their dream of starting and growing a successful business. In this time of economic uncertainty, reauthorization of these entrepreneurial development programs is essential to moving our Nation forward.

What helps our entrepreneurs helps our entire economy. According to the U.S. Census Bureau, small businesses represent 99.7 percent of all firms, employ more than half of the workforce and account for half of the Nation's Gross Domestic Product. Small business management and technical assistance can potentially help millions of small businesses by teaching entrepreneurs and small business owners fundamental principles and practices regarding cash flow, cost management, how to access to capital and effective business planning. The SBA, through its resource partners such as Small Business Development Centers, SBDCs, Women's Business Centers, WBCs, Service Corps of Retired Executives, SCORE, and others, not only provides technical assistance and information to potential and current small business owners, but helps focus this Nation's entrepreneurial spirit into concrete economic growth.

As Chair of the Committee on Small Business and Entrepreneurship, I have heard from small business owners across the country. They have told me that the programs and services currently offered by the Small Business Administration provide access to important resources that enable them to start, grow and expand their businesses. But more can and must be done to help these entrepreneurs. Through an extensive reauthorization of the entrepreneurial development programs

within the Small Business Act, I believe that we can dramatically improve the tools available to small business concerns while simultaneously growing and strengthening our economy.

That is why today I am introducing the Entrepreneurial Development Act of 2009. This legislation will provide SBA resource partners with the tools they need to effectively serve small businesses, giving them more opportunities to help lead the nation back toward economic prosperity.

Before I discuss details of this bill, I first wish to thank Senator SNOWE for her continued leadership on small business issues and working with me on this bipartisan effort. Over the past three congresses, the reauthorization of these programs has continued to receive support on both sides of the aisle, demonstrating the importance of reauthorizing essential entrepreneurial development programs.

SBA is utilizing resource partners such as SBDCs, SCORE, WBCs and others to ensure that we are growing the Nation's economy through entrepreneurial development. In 2007, with a modest Federal investment of approximately \$97 million in assistance, SBDC clients generated nearly \$220 million in additional Federal revenues. Many of the small businesses that received assistance from SBDC's attributed their success to assistance offered by the SBDC. Nationally, this economic activity resulted in approximately \$2.26 in revenue for every Federal dollar expended.

This level of return on investment is not unique to SBDCs. According to an SBA report to Congress, SCORE helped create more than 19,000 new small businesses in 2007 at a cost of \$29 per business and helped create more than 25,000 new jobs each year.

These programs also provide essential information, training and assistance to a broad and diverse cross-section of communities throughout the country, and serve to further grow a variety of industries. Resource partners such as WBCs and initiatives such as the Program for Investment in Microentrepreneurs, PRIME, are dedicated to serving clients who are economically and socially disadvantaged, providing tools and resources to small businesses in those communities that are most in need. According to a study sponsored by the Association of Women's Business Centers, AWBC, 2/3 of WBC clients have household incomes of less than \$50,000 and 42 percent are women of color. These programs serve communities with limited access to capital and educational opportunities and provide them with the tools and information they need to start and manage a successful business.

The reauthorization of these programs is critical to effectively provide entrepreneurs with essential assistance and resources to start a successful

business. The legislation will also create opportunities for veterans and service disabled small business owners. According to the Department of Veteran Affairs, there are more than 23.8 million veterans in the country, with hundreds of new veterans returning home from service in Iraq and Afghanistan each day. Many of these returning soldiers become entrepreneurs to support themselves and rebuild their lives after long deployments, which also serves to create new jobs in their communities.

Since the passage of The Veterans Entrepreneurship and Small Business Development Act of 1999, the SBA's Office of Veterans Business Development has been working to provide technical assistance and support to those veterans who have served our country and returned to start or grow a small business. This legislation seeks to ease their transition by providing business counseling and technical assistance through a new network of Veterans Business Centers, modeled after Women's Business Centers and Small Business Development Centers. The Veterans Business Center Program will provide services not only to returning veterans and service disabled veterans, but also to the families, spouses and surviving spouses of these heroic men and women.

The 111th Congress will be the third consecutive Congress during which comprehensive legislation reauthorizing and improving the SBA's Entrepreneurial Programs has been introduced. Ranking Member SNOWE introduced S. 3778 in the 109th Congress and former Chairman JOHN KERRY introduced S. 1671 and S. 2920, a bill to which I was a cosponsor, during the 110th Congress. In each previous Congress, this legislation was well received and passed unanimously out of Committee; however, these bills stalled before the full Senate. As Chair of the Small Business Committee this Congress, it is a top priority of mine to finally get this legislation passed and ensure that during this time of economic uncertainty, we are able to provide small businesses with the tools they need to grow and expand their businesses. With this in mind, I will work closely with Ranking Member SNOWE and the other members of the Committee in the coming months to get this legislation to the President's desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1229

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Entrepreneurial Development Act of 2009".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—REAUTHORIZATION

Sec. 101. Reauthorization.

TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

- Sec. 201. Office of Women's Business Ownership.
- Sec. 202. Women's Business Center Program.
- Sec. 203. National Women's Business Council.
- Sec. 204. Interagency Committee on Women's Business Enterprise.
- Sec. 205. Preserving the independence of the National Women's Business Council.
- Sec. 206. Study and report on women's business centers.

TITLE III—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

- Sec. 301. Short title.
- Sec. 302. Native American small business development program.
- Sec. 303. Study and report on Native American business centers.
- Sec. 304. Office of Native American Affairs pilot program.

TITLE IV—VETERANS' BUSINESS CENTER PROGRAM

- Sec. 401. Veterans' business center program; Office of Veterans Business Development.
- Sec. 402. Reporting requirement for interagency task force.
- Sec. 403. Repeal and renewal of grants.

TITLE V—PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS

- Sec. 501. PRIME reauthorization.
- Sec. 502. Conforming repeal and amendments.
- Sec. 503. References.
- Sec. 504. Rule of construction.

TITLE VI—OTHER PROVISIONS

- Sec. 601. Institutions of higher education.
- Sec. 602. Health insurance options information for small business concerns.
- Sec. 603. National Small Business Development Center Advisory Board.
- Sec. 604. Privacy requirements for SCORE chapters.
- Sec. 605. National small business summit.
- Sec. 606. SCORE program.
- Sec. 607. Assistance to out-of-state small businesses.
- Sec. 608. Small business development centers.
- Sec. 609. Evaluation of pilot programs.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

TITLE I—REAUTHORIZATION

SEC. 101. REAUTHORIZATION.

(a) IN GENERAL.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by redesignating subsection (j) as subsection (f); and

(2) by adding at the end the following:

“(g) SCORE PROGRAM.—There are authorized to be appropriated to the Administrator

to carry out the SCORE program authorized by section 8(b)(1) such sums as are necessary for the Administrator to make grants or enter into cooperative agreements for a total of—

- “(1) \$10,000,000 in fiscal year 2010;
- “(2) \$11,000,000 in fiscal year 2011; and
- “(3) \$13,000,000 in fiscal year 2012.”.

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(a)(4)(C)(vii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(vii)) is amended to read as follows:

“(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

- “(I) \$150,000,000 for fiscal year 2010;
- “(II) \$155,000,000 for fiscal year 2011; and
- “(III) \$160,000,000 for fiscal year 2012.”.

(c) PAUL D. COVERDELL DRUG-FREE WORK-PLACE PROGRAM.—

(1) IN GENERAL.—Section 27(g) of the Small Business Act (15 U.S.C. 654(g)) is amended—

(A) in paragraph (1), by striking “fiscal years 2005 and 2006” and inserting “fiscal years 2010 through 2012”; and

(B) in paragraph (2), by striking “fiscal years 2005 and 2006” and inserting “fiscal years 2010 through 2012”.

(2) CONFORMING AMENDMENT.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking “October 1, 2006” and inserting “October 1, 2012”.

TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

SEC. 201. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

(a) IN GENERAL.—Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking “in the areas” and all that follows through the end of subclause (I), and inserting the following: “to address issues concerning the management, operations, manufacturing, technology, finance, retail and product sales, international trade, Government contracting, and other disciplines required for—

“(I) starting, operating, and increasing the business of a small business concern;”;

(B) in subparagraph (C), by inserting before the period at the end the following: “, the National Women's Business Council, and any association of women's business centers”; and

(2) by adding at the end the following:

“(3) TRAINING.—The Administrator may provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities.

“(4) PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall maximize the transparency of the women's business center financial assistance proposal process and the programmatic and financial oversight process by—

“(A) providing public notice of the announcement for financial assistance under subsection (b) and grants under subsection (1) not later than the end of the first quarter of each fiscal year;

“(B) in the announcement described in subparagraph (A), outlining award and program evaluation criteria and describing the weighting of the criteria for financial assistance under subsection (b) and grants under subsection (1);

“(C) minimizing paperwork and reporting requirements for applicants for and recipients of financial assistance under this section;

“(D) standardizing the oversight and review process of the Administration; and

“(E) providing to each women's business center, not later than 60 days after the completion of a site visit at the women's business center (whether conducted for an audit, performance review, or other reason), a copy of site visit reports and evaluation reports prepared by district office technical representatives or officers or employees of the Administration.”.

(b) CHANGE OF TITLE.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1) and (4);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(iii) by inserting before paragraph (4), as so redesignated, the following:

“(2) the term ‘Director’ means the Director of the Office of Women's Business Ownership established under subsection (g);”;

(B) by striking “Assistant Administrator” each place it appears and inserting “Director”; and

(C) in subsection (g)(2), in the paragraph heading, by striking “ASSISTANT ADMINISTRATOR” and inserting “DIRECTOR”.

(2) WOMEN'S BUSINESS OWNERSHIP ACT OF 1988.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

(A) in section 403(a)(2)(B), by striking “Assistant Administrator” and inserting “Director”; and

(B) in section 405, by striking “Assistant Administrator” and inserting “Director”; and

(C) in section 406(c), by striking “Assistant Administrator” and inserting “Director”.

SEC. 202. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER FINANCIAL ASSISTANCE.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by inserting before paragraph (2), as added by section 201(b), the following:

“(1) the term ‘association of women's business centers’ means an organization—

“(A) that represents not less than 51 percent of the women's business centers that participate in a program under this section; and

“(B) whose primary purpose is to represent women's business centers;”;

(B) by inserting after paragraph (2), as added by section 201(b), the following:

“(3) the term ‘eligible entity’ means—

“(A) a private nonprofit organization;

“(B) a State, regional, or local economic development organization;

“(C) a development, credit, or finance corporation chartered by a State;

“(D) a public or private institution of higher education (as that term is used in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002)); or

“(E) any combination of entities listed in subparagraphs (A) through (D);”;

(C) by adding after paragraph (5), as redesignated by section 201(b), the following:

“(6) the term ‘women's business center’ means a project conducted by an eligible entity under this section that—

“(A) is carried out separately from other projects, if any, of the eligible entity; and

“(B) is separate from the financial system of the eligible entity;”.

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking “The Administration” and all that follows through “5-year project” and inserting the following:

“(1) IN GENERAL.—The Administration may provide financial assistance to an eligible entity to conduct a project under this section”;

(C) by striking “The projects shall” and inserting the following:

“(2) USE OF FUNDS.—The project shall be designed to provide training and counseling that meets the needs of women, especially socially and economically disadvantaged women, and shall provide”;

(D) by adding at the end the following:

“(3) AMOUNT OF FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The Administrator may award financial assistance under this subsection of not less than \$150,000 per year.

“(B) EQUAL ALLOCATIONS.—In the event that the Administration has insufficient funds to provide financial assistance of \$150,000 for each recipient of financial assistance under this subsection in any fiscal year, available funds shall be allocated equally to recipients, unless a recipient requests a lower amount than the allocated amount.

“(4) CONSULTATION WITH ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—The Administrator shall consult with each association of women's business centers to develop—

“(A) a training program for the staff of women's business centers and the Administration; and

“(B) recommendations to improve the policies and procedures for governing the general operations and administration of the Women's Business Center program, including grant program improvements under subsection (g)(5).”;

(3) in subsection (c)—

(A) in paragraph (1) by striking “the recipient organization” and inserting “an eligible entity”;

(B) in paragraph (3), in the second sentence, by striking “a recipient organization” and inserting “an eligible entity”; and

(C) in paragraph (4)—

(i) by striking “recipient” each place it appears and inserting “eligible entity”; and

(ii) by striking “such organization” and inserting “the eligible entity”;

(4) in subsection (e)—

(A) by striking “applicant organization” and inserting “eligible entity”;

(B) by striking “a recipient organization” and inserting “an eligible entity”; and

(C) by striking “site”;

(5) by striking subsection (f) and inserting the following:

“(f) APPLICATIONS AND CRITERIA FOR INITIAL FINANCIAL ASSISTANCE.—

“(1) APPLICATION.—Each eligible entity desiring financial assistance under subsection (b) shall submit to the Administrator an application that contains—

“(A) a certification that the eligible entity—

“(i) has designated an executive director or program manager, who may be compensated from financial assistance under subsection (b) or other sources, to manage the center on a full-time basis; and

“(ii) as a condition of receiving financial assistance under subsection (b), agrees—

“(I) to receive a site visit by the Administrator as part of the final selection process;

“(II) to undergo an annual programmatic and financial review; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or review under subclause (I) or (II);

“(iii) meets the accounting and reporting requirements established by the Director of the Office of Management and Budget;

“(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women’s business center for which financial assistance under subsection (b) is sought, including the ability to obtain the non-Federal contribution required under subsection (c);

“(C) information relating to the assistance to be provided by the women’s business center for which financial assistance under subsection (b) is sought in the area in which the women’s business center site is located;

“(D) information demonstrating the experience and effectiveness of the eligible entity in—

“(i) conducting financial, management, and marketing assistance programs, as described under subsection (b)(2), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

“(ii) providing training and services to a representative number of women who are socially and economically disadvantaged; and

“(iii) using resource partners of the Administration and other entities, such as universities; and

“(E) a 5-year plan that describes the ability of the women’s business center for which financial assistance is sought—

“(i) to serve women who are business owners or potential owners by conducting training and counseling activities; and

“(ii) to provide training and services to a representative number of women who are socially and economically disadvantaged.

“(2) ADDITIONAL INFORMATION.—The Administrator shall make any request for additional information from an organization applying for financial assistance under subsection (b) that was not requested in the original announcement in writing.

“(3) REVIEW AND APPROVAL OF APPLICATIONS FOR INITIAL FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The Administrator shall—

“(i) review each application submitted under paragraph (1), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

“(ii) to the extent practicable, as part of the final selection process, conduct a site visit at each women’s business center for which financial assistance under subsection (b) is sought.

“(B) SELECTION CRITERIA.—

“(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under subsection (b) in accordance with selection criteria that are—

“(I) established before the date on which applicants are required to submit the applications;

“(II) stated in terms of relative importance; and

“(III) publicly available and stated in each solicitation for applications for financial assistance under subsection (b) made by the Administrator.

“(ii) REQUIRED CRITERIA.—The selection criteria for financial assistance under subsection (b) shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or enhance the business skills of women who are business owners or potential business owners;

“(II) the ability of the applicant to commence a project within a minimum amount of time;

“(III) the ability of the applicant to provide training and services to a representative

number of women who are socially and economically disadvantaged; and

“(IV) the location for the women’s business center site proposed by the applicant, including whether the applicant is located in a State in which there is not a women’s business center receiving funding from the Administration.

“(C) PROXIMITY.—If the principal place of business of an applicant for financial assistance under subsection (b) is located less than 50 miles from the principal place of business of a women’s business center that received funds under this section on or before the date of the application, the applicant shall not be eligible for the financial assistance, unless the applicant submits a detailed written justification of the need for an additional center in the area in which the applicant is located.

“(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.”; and

(6) in subsection (m), by striking paragraph (3) and inserting the following:

“(3) APPLICATION AND APPROVAL FOR RENEWAL GRANTS.—

“(A) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

“(i) a certification that the applicant—

“(I) is a private nonprofit organization;

“(II) has designated a full-time executive director or program manager to manage the women’s business center operated by the applicant; and

“(III) as a condition of receiving a grant under this subsection, agrees—

“(aa) to receive a site visit as part of the final selection process;

“(bb) to submit, for the 2 full fiscal years before the date on which the application is submitted, annual programmatic and financial review reports or certified copies of the compliance supplemental audits under OMB Circular A-133 of the applicant; and

“(cc) to remedy any problem identified pursuant to the site visit or review under item (aa) or (bb);

“(ii) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women’s business center for which a grant under this subsection is sought, including the ability to obtain the non-Federal contribution required under paragraph (4)(C);

“(iii) information relating to assistance to be provided by the women’s business center for which a grant under this subsection is sought in the area of the women’s business center site;

“(iv) information demonstrating the use of resource partners of the Administration and other entities;

“(v) a 3-year plan that describes the ability of the women’s business center for which a grant under this subsection is sought—

“(I) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

“(II) to provide training and services to a representative number of women who are socially and economically disadvantaged; and

“(vi) any additional information that the Administrator may reasonably require.

“(B) REVIEW AND APPROVAL OF APPLICATIONS FOR GRANTS.—

“(i) IN GENERAL.—The Administrator shall—

“(I) review each application submitted under subparagraph (A), based on the infor-

mation described in such subparagraph and the criteria set forth under clause (ii) of this subparagraph; and

“(II) whenever practicable, as part of the final selection process, conduct a site visit at each women’s business center for which a grant under this subsection is sought.

“(ii) SELECTION CRITERIA.—

“(I) IN GENERAL.—The Administrator shall evaluate applicants for grants under this subsection in accordance with selection criteria that are—

“(aa) established before the date on which applicants are required to submit the applications;

“(bb) stated in terms of relative importance; and

“(cc) publicly available and stated in each solicitation for applications for grants under this subsection made by the Administrator.

“(II) REQUIRED CRITERIA.—The selection criteria for a grant under this subsection shall include—

“(aa) the total number of entrepreneurs served by the applicant;

“(bb) the total number of new start-up companies assisted by the applicant;

“(cc) the percentage of the clients of the applicant that are socially or economically disadvantaged; and

“(dd) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged.

“(iii) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator—

“(I) shall consider the results of the most recent evaluation of the women’s business center for which a grant under this subsection is sought, and, to a lesser extent, previous evaluations; and

“(II) may withhold a grant under this subsection, if the Administrator determines that the applicant has failed to provide the information required to be provided under this paragraph, or the information provided by the applicant is inadequate.

“(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this paragraph and notify the applicant for each such application.

“(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (h)(2), by striking “to award a contract (as a sustainability grant) under subsection (l) or”;

(2) in subsection (j)(1), by striking “The Administration” and inserting “Not later than November 1st of each year, the Administrator”;

(3) in subsection (k)—

(A) by striking paragraphs (1), (2), and (4);

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting before paragraph (5), as so redesignated, the following:

“(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended—

“(A) \$20,000,000 for fiscal year 2010;

“(B) \$20,500,000 for fiscal year 2011; and

“(C) \$21,000,000 for fiscal year 2012.

“(2) ALLOCATION.—Of amounts made available pursuant to paragraph (1), the Administrator shall use not less than 50 percent for grants under subsection (l).

“(3) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

“(4) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(A) IN GENERAL.—The authority of the Administrator to provide financial assistance under this section shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

“(B) PROMPT DISBURSEMENT.—Upon receiving funds to carry out this section for a fiscal year, the Administrator shall, to the extent practicable, promptly reimburse funds to any women’s business center awarded financial assistance under this section if the center meets the eligibility requirements under this section.

“(C) RENEWAL.—After the Administrator has entered into a grant or cooperative agreement with any women’s business center under this section, the Administrator shall not suspend, terminate, or fail to renew or extend any such grant or cooperative agreement, unless the Administrator—

“(i) provides the women’s business center with written notification setting forth the reasons for that action; and

“(ii) affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.”;

(4) in subsection (m)(4)(D), by striking “or subsection (1)”;

(5) by redesignating subsections (m) and (n), as amended by this Act, as subsections (1) and (m), respectively.

SEC. 203. NATIONAL WOMEN’S BUSINESS COUNCIL.

(a) MEMBERSHIP.—Section 407(f) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended by adding at the end the following:

“(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—In consultation with the chairperson of the Council and the Administrator, a national women’s business organization or small business concern that is represented on the Council may replace its representative member on the Council during the service term to which that member was appointed.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7110(a)) is amended by striking “2001 through 2003, of which \$550,000” and inserting “2010 through 2012, of which not less than 30 percent”.

SEC. 204. INTERAGENCY COMMITTEE ON WOMEN’S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is amended—

(1) by striking “Not later” and inserting the following:

“(1) IN GENERAL.—Not later”; and

(2) by adding at the end the following:

“(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).”.

(b) POLICY ADVISORY GROUP.—Section 401 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7101) is amended—

(1) by striking “There” and inserting the following:

“(a) ESTABLISHMENT OF COMMITTEE.—There”; and

(2) by adding at the end the following:

“(b) POLICY ADVISORY GROUP.—

“(1) ESTABLISHMENT.—There is established a Policy Advisory Group within the Interagency Committee to assist the chairperson in developing policies and programs under this Act.

“(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

“(A) 1 shall be a representative of the Small Business Administration;

“(B) 1 shall be a representative of the Department of Commerce;

“(C) 1 shall be a representative of the Department of Labor;

“(D) 1 shall be a representative of the Department of Defense;

“(E) 1 shall be a representative of the Department of the Treasury; and

“(F) 2 shall be representatives of the Council.

“(3) MEETINGS.—The Policy Advisory Group established under paragraph (1) shall meet not less frequently than 3 times each year to—

“(A) plan activities for the new fiscal year;

“(B) track year-to-date agency contracting activities; and

“(C) evaluate the progress during the fiscal year and prepare an annual report.”.

SEC. 205. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN’S BUSINESS COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Women’s Business Council provides an independent source of advice and policy recommendations regarding women’s business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women’s Business Enterprise; and

(D) the Administrator.

(2) The members of the National Women’s Business Council are small business owners, representatives of business organizations, and representatives of women’s business centers.

(3) The chairman and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women’s Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President, and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women’s Business Council will provide Congress with nonpartisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women’s Business Council and to ensure that the Council continues to provide the President, the Interagency Committee on Women’s Business Enterprise, the Administrator, and Congress with advice on a nonpartisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7107).

(b) MAINTENANCE OF PARTISAN BALANCE.—Section 407(f) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7107(f)), as amended by this Act, is amended by adding at the end the following:

“(4) PARTISAN BALANCE.—When filling a vacancy under paragraph (1) of this subsection of a member appointed under paragraph (1) or (2) of subsection (b), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

“(5) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1), or if there is an imbalance in the number of members on the Council from each of the 2 major political parties for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the expiration of either such 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled, as applicable.”.

SEC. 206. STUDY AND REPORT ON WOMEN’S BUSINESS CENTERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing women’s business centers located in covered areas to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the type of covered area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report regarding the results of the study conducted under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties women’s business centers located in covered areas face because of the type of covered area in which such centers are located;

(2) expand the presence of, and increase the services provided by, women’s business centers located in covered areas; and

(3) best use technology and other resources to better serve women business owners located in covered areas.

(c) DEFINITION OF COVERED AREA.—In this section, the term “covered area” means—

(1) any State that is predominantly rural, as determined by the Administrator;

(2) any State that is predominantly urban, as determined by the Administrator; and

(3) any State or territory that is an island.

TITLE III—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the “Native American Small Business Development Act of 2009”.

SEC. 302. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Alaska Native’ has the meaning given the term ‘Native’ in section

3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));

“(2) the term ‘Alaska Native corporation’ has the meaning given the term ‘Native Corporation’ in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m));

“(3) the term ‘Assistant Administrator’ means the Assistant Administrator of the Office of Native American Affairs established under subsection (b);

“(4) the terms ‘center’ and ‘Native American business center’ mean a center established under subsection (c);

“(5) the term ‘eligible applicant’ means—

“(A) an Indian tribe;

“(B) a tribal college;

“(C) an Alaska Native corporation; or

“(D) a private, nonprofit organization—

“(i) that provides business and financial or procurement technical assistance to any entity described in subparagraph (A), (B), or (C); and

“(ii) the majority of members of the board of directors of which are members of an Indian tribe; or

“(E) a small business development center, women’s business center, or other private organization participating in a joint project;

“(6) the term ‘Indian’ means a member of an Indian tribe;

“(7) the term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(8) the term ‘joint project’ means a project that—

“(A) combines the resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community; and

“(B) submits to the Administration a joint application that contains—

“(i) a certification that each participant of the project—

“(I) is an eligible applicant;

“(II) employs an executive director or program manager to manage the center; and

“(ii) provides information demonstrating a record of commitment to providing assistance to Native Americans and;

“(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the project;

“(9) the term ‘Native American Business Enterprise Center’ means an entity providing business development assistance to federally recognized tribes and Native Americans under a grant from the Minority Business Development Agency of the Department of Commerce;

“(10) the term ‘Native American small business concern’ means a small business concern that is owned and controlled by—

“(A) a member of an Indian tribe; or

“(B) an Alaska Native or Alaska Native corporation;

“(11) the term ‘Native American small business development program’ means the program established under subsection (c);

“(12) the term ‘tribal college’ has the meaning given the term ‘tribally controlled college or university’ has in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)); and

“(13) the term ‘tribal lands’ means all lands within the exterior boundaries of any Indian reservation.

“(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

“(1) ESTABLISHMENT.—There is established within the Administration the Office of Na-

tive American Affairs, which, under the direction of the Assistant Administrator, shall implement the programs of the Administration for the development of business enterprises by Native Americans.

“(2) PURPOSE.—The purpose of the Office of Native American Affairs is to assist Native American entrepreneurs to—

“(A) start, operate, and increase the business of small business concerns;

“(B) develop management and technical skills;

“(C) seek Federal procurement opportunities;

“(D) increase employment opportunities for Native Americans through the establishment and expansion of small business concerns; and

“(E) increase the access of Native Americans to capital markets.

“(3) ASSISTANT ADMINISTRATOR.—

“(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Assistant Administrator of the Office of Native American Affairs in accordance with this paragraph.

“(B) QUALIFICATIONS.—The Assistant Administrator appointed under subparagraph (A) shall have—

“(i) knowledge of Native American culture; and

“(ii) experience providing culturally tailored small business development assistance to Native Americans.

“(C) EMPLOYMENT STATUS.—The Administrator shall establish the position of Assistant Administrator as—

“(i) a position at GS-15 of the General Schedule; or

“(ii) a Senior Executive Service position to be filled by a noncareer appointee, as defined under section 3132(a)(7) of title 5, United States Code.

“(D) RESPONSIBILITIES AND DUTIES.—The Assistant Administrator shall—

“(i) in consultation with the Associate Administrator for Entrepreneurial Development, administer and manage the Native American Small Business Development program established under this section;

“(ii) recommend the annual administrative and program budgets for the Office of Native American Affairs;

“(iii) consult with Native American business centers in carrying out the program established under this section;

“(iv) recommend appropriate funding levels;

“(v) review the annual budgets submitted by each applicant for the Native American Small Business Development program;

“(vi) select applicants to participate in the program under this section;

“(vii) implement this section; and

“(viii) maintain a clearinghouse for the dissemination and exchange of information between Native American business centers.

“(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of—

“(i) officials of the Administration working in areas served by Native American business centers;

“(ii) representatives of Indian tribes;

“(iii) tribal colleges; and

“(iv) Alaska Native corporations.

“(c) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—

“(1) AUTHORIZATION.—

“(A) IN GENERAL.—The Administration, through the Office of Native American Affairs, shall provide financial assistance to el-

igible applicants to create Native American business centers in accordance with this section.

“(B) USE OF FUNDS.—The financial and resource assistance provided under this subsection shall be used to establish a Native American business center to overcome obstacles impeding the creation, development, and expansion of small business concerns, in accordance with this section, by—

“(i) reservation-based American Indians; and

“(ii) Alaska Natives.

“(2) 5-YEAR PROJECTS.—

“(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

“(i) financial education, including training and counseling in—

“(I) applying for and securing business credit and investment capital;

“(II) preparing and presenting financial statements; and

“(III) managing cash flow and other financial operations of a business concern;

“(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

“(iii) marketing education, including training and counseling in—

“(I) identifying and segmenting domestic and international market opportunities;

“(II) preparing and executing marketing plans;

“(III) developing pricing strategies;

“(IV) locating contract opportunities;

“(V) negotiating contracts; and

“(VI) utilizing varying public relations and advertising techniques.

“(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of small business concerns that are owned by—

“(i) Indians or Indian tribes, and located on or near tribal lands; or

“(ii) Alaska Natives or Alaska Native corporations.

“(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

“(A) DOCUMENTATION.—

“(i) IN GENERAL.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

“(ii) EXCEPTION.—Financial assistance under this subsection to Alaska Native corporations may only be made by grant or cooperative agreement.

“(B) PAYMENTS.—

“(i) TIMING.—Payments made under this subsection may be disbursed in periodic installments, at the request of the recipient.

“(ii) ADVANCE.—The Administrator may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American small business center after notice of the award has been issued.

“(C) FEDERAL SHARE.—

“(i) IN GENERAL.—

“(I) INITIAL FINANCIAL ASSISTANCE.—Except as provided in subclause (II), an eligible applicant that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the Native American business center established by the eligible applicant in an amount equal to—

“(aa) in each of the first and second years of the project, not less than 33 percent of the

amount of the financial assistance received under this subsection; and

“(bb) in each of the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

“(II) RENEWALS.—An eligible applicant that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of a Native American business center established by the eligible applicant in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

“(4) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal lands, to the extent that such contract or cooperative agreement is consistent with and does not duplicate the terms of any assistance received by the Native American business center from the Administration.

“(5) APPLICATION PROCESS.—

“(A) SUBMISSION OF A 5-YEAR PLAN.—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

“(B) CRITERIA.—

“(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under this subsection in accordance with selection criteria that are—

“(I) established before the date on which eligible applicants are required to submit the applications;

“(II) stated in terms of relative importance; and

“(III) publicly available and stated in each solicitation for applications for financial assistance under this subsection made by the Administrator.

“(ii) CONSIDERATIONS.—The criteria required by this subparagraph shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

“(II) the ability of the applicant to commence a project within a minimum amount of time;

“(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

“(IV) previous assistance from the Administration to provide services in Native American communities;

“(V) the proposed location for the Native American business center, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers; and

“(VI) demonstrated experience in providing technical assistance, including financial, marketing, and management assistance.

“(6) CONDITIONS FOR PARTICIPATION.—Each eligible applicant desiring a grant under this subsection shall submit an application to the Administrator that contains—

“(A) a certification that the applicant—

“(i) is an eligible applicant;

“(ii) employs an executive director or program manager to manage the Native American business center; and

“(iii) agrees—

“(I) to a site visit by the Administrator as part of the final selection process;

“(II) to an annual programmatic and financial examination; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

“(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

“(C) information relating to proposed assistance that the grant will provide, including—

“(i) the number of individuals to be assisted; and

“(ii) the number of hours of counseling, training, and workshops to be provided;

“(D) information demonstrating the effectiveness and experience of the applicant in—

“(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of, current or prospective Native American business owners;

“(ii) providing training and services to a representative number of Native Americans;

“(iii) using resource partners of the Administration and other entities, including universities, Indian tribes, or tribal colleges; and

“(iv) the prudent management of finances and staffing;

“(E) the location where the applicant will provide training and services to Native Americans;

“(F) a 5-year plan that describes—

“(i) the number of Native Americans and Native American small business concerns to be served by the grant;

“(ii) if the Native American business center is located in the continental United States, the number of Native Americans to be served by the grant; and

“(iii) the training and services to be provided to a representative number of Native Americans; and

“(G) if the applicant is a joint project—

“(i) a certification that each participant in the joint project is an eligible applicant;

“(ii) information demonstrating a record of commitment to providing assistance to Native Americans; and

“(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant.

“(7) REVIEW OF APPLICATIONS.—The Administrator shall approve or disapprove each completed application submitted under this subsection not later than 60 days after the date on which the eligible applicant submits the application.

“(8) PROGRAM EXAMINATION.—

“(A) IN GENERAL.—Each Native American business center established under this subsection shall annually provide to the Administrator an itemized cost breakdown of actual expenditures made during the preceding year.

“(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

“(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

“(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

“(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a

Native American business center, the Administration—

“(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

“(ii) may withhold such renewal, if the Administrator determines that—

“(I) the center has failed to provide the information required to be provided under subparagraph (A), or the information provided by the center is inadequate;

“(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administrator under subparagraph (E);

“(III) the center has failed to comply with a requirement for participation in the Native American small business development program, as determined by the Administrator, including—

“(aa) failure to acquire or properly document a non-Federal share;

“(bb) failure to establish an appropriate partnership or program for marketing and outreach to reach new Native American small business concerns;

“(cc) failure to achieve results described in a financial assistance agreement; and

“(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

“(IV) the center has failed to carry out the 5-year plan under in paragraph (6)(F); or

“(V) the center cannot make the certification described in paragraph (6)(A).

“(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

“(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, the Administrator may not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator provides the center with written notification setting forth the reasons therefor and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

“(E) MANAGEMENT REPORT.—

“(i) IN GENERAL.—The Administration shall prepare and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

“(I) the number of individuals receiving assistance from the Native American business center;

“(II) the number of startup business concerns created with the assistance of the Native American business center;

“(III) the number of existing businesses in the area served by the Native American business center seeking to expand employment;

“(IV) the number of jobs created or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this Act;

“(V) to the maximum extent practicable, the amount of the capital investment and loan financing used by emerging and expanding businesses that were assisted by a Native American business center; and

“(VI) the most recent examination, as required under subparagraph (B), and the determination made by the Administration under that subparagraph.

“(9) ANNUAL REPORT.—Each Native American business center receiving financial assistance under this subsection shall submit to the Administrator an annual report on the services provided with the financial assistance, including—

“(A) the number of individuals assisted, categorized by ethnicity;

“(B) the number of hours spent providing counseling and training for those individuals;

“(C) the number of startup small business concerns created or maintained with the assistance of the Native American business center;

“(D) the gross receipts of small business concerns assisted by the Native American business center;

“(E) the number of jobs created or maintained by small business concerns assisted by the Native American business center; and

“(F) the number of jobs for Native Americans created or maintained at small business concerns assisted by the Native American business center.

“(10) RECORD RETENTION.—

“(A) APPLICATIONS.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.

“(B) ANNUAL REPORTS.—The Administrator shall maintain copies of the certification submitted under paragraph (6)(A) indefinitely.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for each of fiscal years 2010 through 2012, to carry out the Native American Small Business Development program.”

SEC. 303. STUDY AND REPORT ON NATIVE AMERICAN BUSINESS CENTERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing Native American business centers to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report regarding the results of the study conducted under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties Native American business centers face because of the type of area in which such centers are located;

(2) expand the presence of, and increase the services provided by, Native American business centers; and

(3) best use technology and other resources to better serve Native American business owners.

(c) DEFINITION OF NATIVE AMERICAN BUSINESS CENTER.—In this section, the term “Native American business center” has the meaning given that term in section 44(a) of the Small Business Act, as added by this Act.

SEC. 304. OFFICE OF NATIVE AMERICAN AFFAIRS PILOT PROGRAM.

(a) DEFINITION.—In this section, the term “Indian tribe” means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

(b) AUTHORIZATION.—The Office of Native American Affairs of the Administration may conduct a pilot program—

(1) to develop and publish a self-assessment tool for Indian tribes that will allow such tribes to evaluate and implement best practices for economic development; and

(2) to provide assistance to Indian tribes, through an interagency working group, in identifying and implementing economic development opportunities available from the Federal Government and private enterprise, including—

(A) the Administration;

(B) the Department of Energy;

(C) the Environmental Protection Agency;

(D) the Department of Commerce;

(E) the Federal Communications Commission;

(F) the Department of Justice;

(G) the Department of Labor;

(H) the Office of National Drug Control Policy; and

(I) the Department of Agriculture.

(c) TERMINATION OF PROGRAM.—The authority to conduct a pilot program under this section shall terminate on September 30, 2012.

(d) REPORT.—Not later than September 30, 2012, the Office of Native American Affairs shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the effectiveness of the self-assessment tool developed under subsection (b)(1).

TITLE IV—VETERANS' BUSINESS CENTER PROGRAM

SEC. 401. VETERANS' BUSINESS CENTER PROGRAM; OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by striking subsection (f) and inserting the following:

“(f) ONLINE COORDINATION.—

“(1) DEFINITION.—In this subsection, the term ‘veterans’ assistance provider’ means—

“(A) a veterans’ business center established under subsection (g);

“(B) an employee of the Administration assigned to the Office of Veterans Business Development; and

“(C) a veterans business ownership representative designated under subsection (g)(13)(B).

“(2) ESTABLISHMENT.—The Associate Administrator shall establish an online mechanism to—

“(A) provide information that assists veterans’ assistance providers in carrying out the activities of the veterans’ assistance providers; and

“(B) coordinate and leverage the work of the veterans’ assistance providers, including

by allowing a veterans’ assistance provider to—

“(i) distribute best practices and other materials;

“(ii) communicate with other veterans’ assistance providers regarding the activities of the veterans’ assistance provider on behalf of veterans; and

“(iii) pose questions to and request input from other veterans’ assistance providers.

“(g) VETERANS’ BUSINESS CENTER PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘active duty’ has the meaning given that term in section 101 of title 10, United States Code;

“(B) the term ‘private nonprofit organization’ means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

“(C) the term ‘Reservist’ means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

“(D) the term ‘Service Corps of Retired Executives’ means the Service Corps of Retired Executives authorized under section 8(b)(1);

“(E) the term ‘small business concern owned and controlled by veterans’—

“(i) has the same meaning as in section 3(q); and

“(ii) includes a small business concern—

“(I) not less than 51 percent of which is owned by one or more spouses of veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more spouses of veterans; and

“(II) the management and daily business operations of which are controlled by one or more spouses of veterans;

“(F) the term ‘spouse’, relating to a veteran, service-disabled veteran, or Reservist, includes an individual who is the spouse of a veteran, service-disabled veteran, or Reservist on the date on which the veteran, service-disabled veteran, or Reservist died;

“(G) the term ‘veterans’ business center program’ means the program established under paragraph (2)(A); and

“(H) the term ‘women’s business center’ means a women’s business center described in section 29.

“(2) PROGRAM ESTABLISHED.—

“(A) IN GENERAL.—The Administrator, acting through the Associate Administrator, shall establish a veterans’ business center program, under which the Associate Administrator may provide financial assistance to a private nonprofit organization to conduct a 5-year project for the benefit of small business concerns owned and controlled by veterans, which may be renewed for one or more additional 5-year periods.

“(B) FORM OF FINANCIAL ASSISTANCE.—Financial assistance under this subsection may be in the form of a grant, a contract, or a cooperative agreement.

“(3) VETERANS’ BUSINESS CENTERS.—Each private nonprofit organization that receives financial assistance under this subsection shall establish or operate a veterans’ business center (which may include establishing or operating satellite offices in the region described in paragraph (5) served by that private nonprofit organization) that provides to veterans (including service-disabled veterans), Reservists, and the spouses of veterans (including service-disabled veterans) and Reservists—

“(A) financial advice, including training and counseling on applying for and securing business credit and investment capital, preparing and presenting financial statements,

and managing cash flow and other financial operations of a small business concern;

“(B) management advice, including training and counseling on the planning, organization, staffing, direction, and control of each major activity and function of a small business concern;

“(C) marketing advice, including training and counseling on identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and using public relations and advertising techniques; and

“(D) advice, including training and counseling, for Reservists and the spouses of Reservists.

“(4) APPLICATION.—

“(A) IN GENERAL.—A private nonprofit organization desiring to receive financial assistance under this subsection shall submit an application to the Associate Administrator at such time and in such manner as the Associate Administrator may require.

“(B) 5-YEAR PLAN.—Each application described in subparagraph (A) shall include a 5-year plan on proposed fundraising and training activities relating to the veterans' business center.

“(C) DETERMINATION AND NOTIFICATION.—Not later than 60 days after the date on which a private nonprofit organization submits an application under subparagraph (A), the Associate Administrator shall approve or deny the application and notify the applicant of the determination.

“(D) AVAILABILITY OF APPLICATION.—The Associate Administrator shall make every effort to make the application under subparagraph (A) available online.

“(5) ELIGIBILITY.—The Associate Administrator may select to receive financial assistance under this subsection—

“(A) a Veterans Business Outreach Center established by the Administrator under section 8(b)(17) on or before the day before the date of enactment of this subsection;

“(B) a private nonprofit organization that—

“(i) received financial assistance in fiscal year 2006 from the National Veterans Business Development Corporation established under section 33; and

“(ii) is in operation on the date of enactment of this subsection; or

“(C) other private nonprofit organizations located in various regions of the United States, as the Associate Administrator determines is appropriate.

“(6) SELECTION CRITERIA.—

“(A) IN GENERAL.—The Associate Administrator shall establish selection criteria, stated in terms of relative importance, to evaluate and rank applicants under paragraph (5)(C) for financial assistance under this subsection.

“(B) CRITERIA.—The selection criteria established under this paragraph shall include—

“(i) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of veterans, and the spouses of veterans, who own or may own small business concerns;

“(ii) for an applicant for initial financial assistance under this subsection—

“(I) the ability of the applicant to begin operating a veterans' business center within a minimum amount of time; and

“(II) the geographic region to be served by the veterans business center;

“(iii) the demonstrated ability of the applicant to—

“(I) provide managerial counseling and technical assistance to entrepreneurs; and

“(II) coordinate services provided by veterans services organizations and other public or private entities; and

“(iv) for any applicant for a renewal of financial assistance under this subsection, the results of the most recent examination under paragraph (10) of the veterans' business center operated by the applicant.

“(C) CRITERIA PUBLICLY AVAILABLE.—The Associate Administrator shall—

“(i) make publicly available the selection criteria established under this paragraph; and

“(ii) include the criteria in each solicitation for applications for financial assistance under this subsection.

“(7) AMOUNT OF ASSISTANCE.—The amount of financial assistance provided under this subsection to a private nonprofit organization for each fiscal year shall be—

“(A) not less than \$150,000; and

“(B) not more than \$200,000.

“(8) FEDERAL SHARE.—

“(A) IN GENERAL.—

“(i) INITIAL FINANCIAL ASSISTANCE.—Except as provided in clause (ii), a private nonprofit organization that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans business center established by the private nonprofit organization in an amount equal to—

“(I) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

“(II) in each of the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

“(ii) RENEWALS.—A private nonprofit organization that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans business center established by the private nonprofit organization in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

“(B) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share for a project carried out using financial assistance under this subsection may be in the form of in-kind contributions.

“(C) TIMING OF DISBURSEMENT.—The Associate Administrator may disburse not more than 25 percent of the financial assistance awarded to a private nonprofit organization before the private nonprofit organization obtains the non-Federal share required under this paragraph with respect to that award.

“(D) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

“(i) IN GENERAL.—If a private nonprofit organization that receives financial assistance under this subsection fails to obtain the non-Federal share required under this paragraph during any fiscal year, the private nonprofit organization may not receive a disbursement under this subsection in a subsequent fiscal year or a disbursement for any other project funded by the Administration, unless the Administrator makes a written determination that the private nonprofit organization will be able to obtain a non-Federal contribution.

“(ii) RESTORATION.—A private nonprofit organization prohibited from receiving a disbursement under clause (i) in a fiscal year may receive financial assistance in a subsequent fiscal year if the organization obtains the non-Federal share required under this paragraph for the subsequent fiscal year.

“(9) CONTRACT AUTHORITY.—A veterans' business center may enter into a contract with a Federal department or agency to provide specific assistance to veterans, service-disabled veterans, Reservists, or the spouses of veterans, service-disabled veterans, or Reservists. Performance of such contract shall not hinder the veterans' business center in carrying out the terms of the grant received by the veterans' business centers from the Administrator.

“(10) EXAMINATION AND DETERMINATION OF VIABILITY.—

“(A) EXAMINATION.—

“(i) IN GENERAL.—The Associate Administrator shall conduct an annual examination of the programs and finances of each veterans' business center established or operated using financial assistance under this subsection.

“(ii) FACTORS.—In conducting the examination under clause (i), the Associate Administrator shall consider whether the veterans business center has failed—

“(I) to provide the information required to be provided under subparagraph (B), or the information provided by the center is inadequate;

“(II) the center has failed to comply with a requirement for participation in the veterans' business center program, as determined by the Assistant Administrator, including—

“(aa) failure to acquire or properly document a non-Federal share;

“(bb) failure to establish an appropriate partnership or program for marketing and outreach to small business concerns;

“(cc) failure to achieve results described in a financial assistance agreement; and

“(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

“(III) to carry out the 5-year plan under in paragraph (4)(B); or

“(IV) to meet the eligibility requirements under paragraph (5).

“(B) INFORMATION PROVIDED.—In the course of an examination under subparagraph (A), the veterans' business center shall provide to the Associate Administrator—

“(i) an itemized cost breakdown of actual expenditures for costs incurred during the most recent full fiscal year;

“(ii) documentation of the amount of non-Federal contributions obtained and expended by the veterans' business center during the most recent full fiscal year; and

“(iii) with respect to any in-kind contribution under paragraph (8)(B), verification of the existence and valuation of such contributions.

“(C) DETERMINATION OF VIABILITY.—The Associate Administrator shall analyze the results of each examination under this paragraph and, based on that analysis, make a determination regarding the viability of the programs and finances of each veterans' business center.

“(D) DISCONTINUATION OF FUNDING.—

“(i) IN GENERAL.—The Associate Administrator may discontinue an award of financial assistance to a private nonprofit organization at any time if the Associate Administrator determines under subparagraph (C) that the veterans' business center operated by that organization is not viable.

“(ii) RESTORATION.—The Associate Administrator may continue to provide financial assistance to a private nonprofit organization in a subsequent fiscal year if the Associate Administrator determines under subparagraph (C) that the veterans' business center is viable.

“(11) PRIVACY REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a veterans’ business center established or operated using financial assistance provided under this subsection may not disclose the name, address, or telephone number of any individual or small business concern that receives advice from the veterans’ business center without the consent of the individual or small business concern.

“(B) EXCEPTION.—A veterans’ business center may disclose information described in subparagraph (A)—

“(i) if the Administrator or Associate Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

“(ii) to the extent that the Administrator or Associate Administrator determines that such a disclosure is necessary to conduct a financial audit of a veterans’ business center.

“(C) ADMINISTRATION USE OF INFORMATION.—This paragraph does not—

“(i) restrict access by the Administrator to program activity data; or

“(ii) prevent the Administrator from using information not described in subparagraph (A) to conduct surveys of individuals or small business concerns that receive advice from a veterans’ business center.

“(D) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures under subparagraph (B)(ii).

“(12) REPORT.—

“(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the veterans’ business center program in each region during the most recent full fiscal year.

“(B) CONTENTS.—Each report under this paragraph shall include, at a minimum, for each veterans’ business center established or operated using financial assistance provided under this subsection—

“(i) the number of individuals receiving assistance from the veterans’ business center, including the number of such individuals who are—

“(I) veterans or spouses of veterans;

“(II) service-disabled veterans or spouses of service-disabled veterans; or

“(III) Reservists or spouses of Reservists;

“(ii) the number of startup small business concerns formed by individuals receiving assistance from the veterans’ business center, including—

“(I) veterans or spouses of veterans;

“(II) service-disabled veterans or spouses of service-disabled veterans; or

“(III) Reservists or spouses of Reservists;

“(iii) the gross receipts of small business concerns that receive advice from the veterans’ business center;

“(iv) the employment increases or decreases of small business concerns that receive advice from the veterans’ business center;

“(v) to the maximum extent practicable, the increases or decreases in profits of small business concerns that receive advice from the veterans’ business center; and

“(vi) the results of the examination of the veterans’ business center under paragraph (10).

“(13) COORDINATION OF EFFORTS AND CONSULTATION.—

“(A) COORDINATION AND CONSULTATION.—To the extent practicable, the Associate Admin-

istrator and each private nonprofit organization that receives financial assistance under this subsection shall—

“(i) coordinate outreach and other activities with other programs of the Administration and the programs of other Federal agencies;

“(ii) consult with technical representatives of the district offices of the Administration in carrying out activities using financial assistance under this subsection; and

“(iii) provide information to the veterans business ownership representatives designated under subparagraph (B) and coordinate with the veterans business ownership representatives to increase the ability of the veterans business ownership representatives to provide services throughout the area served by the veterans business ownership representatives.

“(B) VETERANS BUSINESS OWNERSHIP REPRESENTATIVES.—

“(i) DESIGNATION.—The Administrator shall designate not fewer than 1 individual in each district office of the Administration as a veterans business ownership representative, who shall communicate and coordinate activities of the district office with private nonprofit organizations that receive financial assistance under this subsection.

“(ii) INITIAL DESIGNATION.—The first individual in each district office of the Administration designated by the Administrator as a veterans business ownership representative under clause (i) shall be an individual that is employed by the Administration on the date of enactment of this subsection.

“(14) EXISTING CONTRACTS.—An award of financial assistance under this subsection shall not void any contract between a private nonprofit organization and the Administration that is in effect on the date of such award.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) to carry out subsections (a) through (f), \$2,000,000 for each of fiscal years 2010 through 2012; and

“(2) to carry out subsection (g)—

“(A) \$8,000,000 for fiscal year 2010;

“(B) \$8,500,000 for fiscal year 2011; and

“(C) \$9,000,000 for fiscal year 2012.”.

(b) GAO REPORT.—

(1) DEFINITIONS.—In this subsection—

(A) the term “small business concern owned and controlled by veterans” has the meaning given that term in section 32(g) of the Small Business Act, as added by this section; and

(B) the term “veterans’ business center program” means the veterans’ business center program established under section 32(g) of the Small Business Act, as added by this section.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the end of the second fiscal year beginning after the date on which the veterans’ business center program is established, the Comptroller General of the United States shall evaluate the effectiveness of the veterans’ business center program, and submit to Congress a report on the results of that evaluation.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include

(i) an assessment of—

(1) the use of amounts made available to carry out the veterans’ business center program;

(II) the effectiveness of the services provided by each private nonprofit organization receiving financial assistance under the veterans’ business center program;

(III) whether the services described in clause (ii) are duplicative of services provided by other veteran service organizations, programs of the Administration, or programs of another Federal department or agency and, if so, recommendations regarding how to alleviate the duplication of the services; and

(IV) whether there are areas of the United States in which there are not adequate entrepreneurial services for small business concerns owned and controlled by veterans and, if so, whether there is a veterans’ business center established under the veterans’ business center program providing services to that area; and

(i) recommendations, if any, for improving the veteran’s business center program.

SEC. 402. REPORTING REQUIREMENT FOR INTER-AGENCY TASK FORCE.

Section 32(c) of the Small Business Act (15 U.S.C. 657b(c)) is amended by adding at the end the following:

“(4) REPORT.—Not less frequently than twice each year, the Administrator shall submit to Congress a report on the appointments made to and activities of the task force.”.

SEC. 403. REPEAL AND RENEWAL OF GRANTS.

(a) DEFINITION.—In this section, the term “covered grant, contract, or cooperative agreement” means a grant, contract, or cooperative agreement that was—

(1) made or entered into under section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)); and

(2) in effect on or before the date described in subsection (b)(2).

(b) REPEAL.—

(1) IN GENERAL.—Section 8(b) of the Small Business Act (15 U.S.C. 637(b)) is amended—

(A) in paragraph (15), by adding “and” at the end;

(B) in paragraph (16), by striking “; and” and inserting a period; and

(C) by striking paragraph (17).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) TRANSITIONAL RULES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered grant, contract, or cooperative agreement shall remain in full force and effect under the terms, and for the duration, of the covered grant, contract, or agreement.

(2) ADDITIONAL REQUIREMENTS.—Any organization that was awarded or entered into a covered grant, contract, or cooperative agreement shall be subject to the requirements of section 32(g) of the Small Business Act (15 U.S.C. 657b(g)) (as added by this Act).

(d) RENEWAL OF FINANCIAL ASSISTANCE.—An organization that was awarded or entered into a covered grant, contract, or cooperative agreement may apply for a renewal of the grant, contract, or agreement under the terms and conditions described in section 32(g) of the Small Business Act (15 U.S.C. 657b(g)) (as added by this Act).

TITLE V—PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS**SEC. 501. PRIME REAUTHORIZATION.**

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating sections 37 through 44 as sections 38 through 45, respectively; and

(2) by inserting after section 36 the following:

“SEC. 37. PROGRAM FOR INVESTMENT IN MICRO-ENTREPRENEURS.

“(a) DEFINITIONS.—In this section:

“(1) ASSOCIATE ADMINISTRATOR.—The term ‘Associate Administrator’ means the Associate Administrator for Entrepreneurial Development of the Administration.

“(2) CAPACITY BUILDING SERVICES.—The term ‘capacity building services’ means services provided to an organization that is, or that is in the process of becoming, a microenterprise development organization or program, for the purpose of enhancing the ability of the organization to provide training and services to disadvantaged entrepreneurs.

“(3) COLLABORATIVE.—The term ‘collaborative’ means 2 or more nonprofit entities that agree to act jointly as a qualified organization under this section.

“(4) DISADVANTAGED ENTREPRENEUR.—The term ‘disadvantaged entrepreneur’ means a microentrepreneur that—

“(A) is a low-income person;

“(B) is a very low-income person; or

“(C) lacks adequate access to capital or other resources essential for business success, or is economically disadvantaged, as determined by the Administrator.

“(5) DISADVANTAGED NATIVE AMERICAN ENTREPRENEUR.—The term ‘disadvantaged Native American entrepreneur’ means a disadvantaged entrepreneur who is also a member of an Indian Tribe.

“(6) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

“(7) INTERMEDIARY.—The term ‘intermediary’ means a private, nonprofit entity that seeks to serve microenterprise development organizations and programs, as authorized under subsection (d).

“(8) LOW-INCOME PERSON.—The term ‘low-income person’ means a person having an income, adjusted for family size, of not more than—

“(A) for metropolitan areas, 80 percent of the area median income; and

“(B) for nonmetropolitan areas, the greater of—

“(i) 80 percent of the area median income; or

“(ii) 80 percent of the statewide nonmetropolitan area median income.

“(9) MICROENTREPRENEUR.—The term ‘microentrepreneur’ means the owner or developer of a microenterprise.

“(10) MICROENTERPRISE.—The term ‘microenterprise’ means a sole proprietorship, partnership, or corporation that—

“(A) has not more than 4 employees; and

“(B) generally lacks access to conventional loans, equity, or other banking services.

“(11) MICROENTERPRISE DEVELOPMENT ORGANIZATION OR PROGRAM.—The term ‘microenterprise development organization or program’ means a nonprofit entity, or a program administered by such an entity, including community development corporations or other nonprofit development organizations and social service organizations, that provides services to disadvantaged entrepreneurs.

“(12) TRAINING AND TECHNICAL ASSISTANCE.—The term ‘training and technical assistance’ means services and support provided to disadvantaged entrepreneurs, such as assistance for the purpose of enhancing business planning, marketing, management, financial management skills, and assistance for the purpose of accessing financial services.

“(13) QUALIFIED ORGANIZATION.—The term ‘qualified organization’ means—

“(A) a nonprofit microenterprise development organization or program (or a group or collaborative thereof) that has a dem-

onstrated record of delivering microenterprise services to disadvantaged entrepreneurs;

“(B) an intermediary;

“(C) a microenterprise development organization or program that is—

“(i) accountable to a local community; and

“(ii) working in conjunction with a State or local government or Indian tribe; or

“(D) an Indian tribe acting on its own, if the Indian tribe certifies that no private organization or program referred to in this paragraph exists within its jurisdiction.

“(14) VERY LOW-INCOME PERSON.—The term ‘very low-income person’ means an individual having an income, adjusted for family size, of not more than 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section).

“(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a microenterprise training and technical assistance and capacity building services grant program to provide grants to qualified organizations in accordance with this section.

“(c) USES OF ASSISTANCE.—A qualified organization shall use a grant made under this section—

“(1) to provide training and technical assistance to disadvantaged entrepreneurs;

“(2) to provide training and technical assistance and capacity building services to microenterprise development organizations and programs and groups of such organizations and programs to assist such organizations and programs in developing microenterprise training and services;

“(3) to aid in researching and developing the best practices in the field of microenterprise and training and technical assistance programs for disadvantaged entrepreneurs;

“(4) to provide training and technical assistance to disadvantaged Native American entrepreneurs and prospective disadvantaged Native American entrepreneurs; and

“(5) for such other activities as the Associate Administrator determines are consistent with the purposes of this section.

“(d) ALLOCATION OF GRANTS; SUBGRANTS.—

“(1) ALLOCATION OF GRANTS.—

“(A) IN GENERAL.—The Associate Administrator shall allocate assistance from the Administration under this section to ensure that—

“(i) not less than 75 percent of amounts made available to the Administrator for grants under this section are used for activities described in subsection (c)(1); and

“(ii) not less than 15 percent of amounts made available to the Administrator for grants under this section are used for activities described in subsection (c)(2).

“(B) LIMIT ON INDIVIDUAL ASSISTANCE.—No single person may receive more than 10 percent of the total amounts made available for grants under this section for a single fiscal year.

“(2) TARGETED ASSISTANCE.—The Associate Administrator shall ensure that not less than 50 percent of the total amounts made available for grants under this section are used to benefit very low-income persons, including very low-income persons residing on Indian reservations.

“(3) SUBGRANTS AUTHORIZED.—

“(A) IN GENERAL.—A qualified organization receiving a grant under this section may provide subgrants using that grant to qualified organizations that are small or emerging microenterprises and programs, subject to such rules and regulations as the Associate Administrator determines are appropriate.

“(B) LIMIT ON ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of the amount received by a qualified organization under a grant under this section may be used for administrative expenses in connection with the making of subgrants under subparagraph (A).

“(4) DIVERSITY.—In making grants under this section, the Associate Administrator shall ensure that grant recipients include both large and small microenterprise organizations that serve urban, rural, and Indian tribal communities and diverse populations.

“(5) PROHIBITION ON PREFERENTIAL CONSIDERATION OF CERTAIN ADMINISTRATION PROGRAM PARTICIPANTS.—In making grants under this section, the Associate Administrator shall ensure that any application made by a qualified organization that is a participant in the program established under section 7(m) does not receive preferential consideration over applications from other qualified organizations that are not participants in the program.

“(e) FEDERAL SHARE.—

“(1) IN GENERAL.—A qualified organization that receives a grant under this section shall provide non-Federal contributions to carry out the activities described in subsection (c) in an amount equal to not less than 50 percent of the amount of the grant received under this section.

“(2) SOURCES OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project using a grant under this section may be in the form of fees, grants, gifts, funds from loan sources, or in-kind resources of an applicant from public or private sources.

“(3) EXCEPTION.—

“(A) IN GENERAL.—If the Associate Administrator determines that an applicant for assistance under this section has severe constraints on available sources of non-Federal funds, the Associate Administrator may reduce or eliminate the requirement under paragraph (1).

“(B) LIMITATION.—Not more than 10 percent of the total funds made available from the Administration in any fiscal year to carry out this section may be excepted under subparagraph (A) from the requirement under paragraph (1).

“(f) APPLICATIONS FOR ASSISTANCE.—An application for a grant under this section shall be submitted in such form and in accordance with such procedures as the Associate Administrator shall establish.

“(g) RECORDKEEPING AND REPORTING.—

“(1) IN GENERAL.—Each qualified organization that receives a grant under this section shall—

“(A) submit to the Administration not less frequently than once every 18-month period, financial statements audited by an independent certified public accountant;

“(B) submit an annual report to the Administration on the activities of the qualified organization; and

“(C) keep such records as the Associate Administrator determines are necessary to disclose the manner in which amounts made available under a grant under this section are used.

“(2) ACCESS.—Upon the request of the Associate Administrator, the Associate Administrator shall have access to any record of any qualified organization that receives a grant under this section, for the purpose of determining compliance with this section.

“(3) DATA COLLECTION.—Each qualified organization that receives a grant under this section shall collect information relating to, as applicable—

“(A) the number of individuals counseled or trained by the organization;

“(B) the number of hours of counseling provided by the organization;

“(C) the number of startup small business concerns formed with the assistance of the organization;

“(D) the number of small business concerns expanded with the assistance of the organization;

“(E) the number of low-income individuals counseled or trained by the organization; and

“(F) the number of very low-income individuals counseled or trained by the organization.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Administrator \$15,000,000 for each of fiscal years 2010 through 2012 to carry out this section, which shall remain available until expended.

“(2) CERTAIN PROGRAMS.—In addition to the amount authorized under paragraph (1), there are authorized to be appropriated to the Administrator \$2,000,000 for each of fiscal years 2010 through 2012 to carry out subsection (c)(4), which shall remain available until expended.”

SEC. 502. CONFORMING REPEAL AND AMENDMENTS.

(a) CONFORMING REPEAL.—Subtitle C of title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (15 U.S.C. 6901 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 38(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 44”;

(2) in section 41(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 44”; and

(3) in section 42(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 44”.

SEC. 503. REFERENCES.

All references in Federal law, other than section 504 of this Act, to the “Program for Investment in Microentrepreneurs Act of 1999” or the “PRIME Act” shall be deemed to be references to section 37 of the Small Business Act, as added by this Act.

SEC. 504. RULE OF CONSTRUCTION.

Nothing in this title or the amendments made by this title shall affect any grant or assistance provided under the Program for Investment in Microentrepreneurs Act of 1999 (15 U.S.C. 6901 et seq.), before the date of enactment of this Act, and any such grant or assistance shall be subject to the Program for Investment in Microentrepreneurs Act of 1999, as in effect on the day before the date of enactment of this Act.

TITLE VI—OTHER PROVISIONS

SEC. 601. INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by striking “: Provided, That” and all that follows through “on such date.” and inserting the following: “: On and after December 31, 2010, the Administration may only make a grant under this paragraph to an applicant that is an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is accredited (and not merely in preaccreditation status) by a nationally recognized accrediting agency or association, recognized by the Secretary of Education for such purpose in accordance with section 496 of that Act (20 U.S.C. 1099b), or to a women’s business center operating pursuant to section 29 as a small business development cen-

ter, unless the applicant was receiving financial assistance (including a contract or cooperative agreement) on December 31, 2010.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2010.

SEC. 602. HEALTH INSURANCE OPTIONS INFORMATION FOR SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term “grant program” means the small business health insurance information grant program established under subsection (b)(1); and

(2) the term “resource partner” means—

(A) the association of small business development centers authorized to be established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(B) the Association of Women’s Business Centers;

(C) the Service Corps of Retired Executives authorized by section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)); and

(D) 1 veterans business center (as that term is used in section 32(g) of the Small Business Act (15 U.S.C. 657b(g)), as added by this Act), as determined by the Associate Administrator for Entrepreneurial Development.

(b) SMALL BUSINESS HEALTH INSURANCE INFORMATION PROGRAM.—

(1) PROGRAM ESTABLISHED.—The Administrator, acting through the Associate Administrator for Entrepreneurial Development, shall establish a program to make grants to resource partners to provide neutral and objective information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(2) GRANT RECIPIENTS.—The Associate Administrator for Entrepreneurial Development shall make 1 grant to each of the resource partners.

(3) GRANT AMOUNTS.—The grants made under this section shall—

(A) be made from funds appropriated to the Administrator to carry out the activities of the Office of Entrepreneurial Development; and

(B) not exceed a total amount of \$5,000,000.

(4) CONTRACT.—As a condition of receiving a grant under this section, each resource partner shall agree, by contract with the Administration—

(A) to begin to use the funds in accordance with paragraph (5) not later than 1 year after the date on which the resource partner receives the grant; and

(B) to return any funds that have not been used, if the Administrator determines that the resource partner is not carrying out the grant program activities under paragraph (5)(A).

(5) USE OF FUNDS.—

(A) GRANT PROGRAM ACTIVITIES.—A resource partner shall use funds provided under the grant program to create, in consultation with the Associate Administrator for Entrepreneurial Development of the Administration—

(i) an online training program;

(ii) an online repository of health insurance information relevant to small business concerns;

(iii) a counseling curriculum that can be used in the physical location of the resource partner; and

(iv) materials containing relevant information that can be disbursed to owners of small business concerns throughout the country.

(B) CONTENT OF MATERIALS.—

(i) IN GENERAL.—In creating materials under the grant program, a resource partner

shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, including materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(ii) HEALTH INSURANCE OPTIONS.—In incorporating information regarding health insurance options under clause (i), a resource partner shall provide neutral and objective information regarding health insurance options in the geographic area served by the resource partner, including traditional employer sponsored health insurance for the group insurance market, such as the health insurance options described in section 2791 of the Public Health Services Act (42 U.S.C. 300gg–91) or section 125 of the Internal Revenue Code of 1986, and Federal and State health insurance programs.

(c) REVIEW AND REPORT.—

(1) REVIEW OF GRANT PROGRAM.—The Associate Administrator for Entrepreneurial Development shall conduct a review of the effectiveness of the grant program.

(2) REPORT.—Not later than 2 years after the date on which all grants under the grant program are disbursed, the Associate Administrator for Entrepreneurial Development shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the review under paragraph (1).

SEC. 603. NATIONAL SMALL BUSINESS DEVELOPMENT CENTER ADVISORY BOARD.

(a) IN GENERAL.—Section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)) is amended—

(1) in the first sentence, by striking “nine members” and inserting “10 members”;

(2) in the second sentence, by striking “six” and inserting “the members who are not from universities or their affiliates”;

(3) by striking the third sentence; and

(4) in the fourth sentence, by inserting “not less than” before “one-third”.

(b) INCUMBENTS.—An individual serving as a member of the Board on the date of enactment of this Act may continue to serve on the Board until the end of the term of the member under section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)), as in effect on the day before such date of enactment.

SEC. 604. PRIVACY REQUIREMENTS FOR SCORE CHAPTERS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by striking subsection (c) and inserting the following:

“(c) PRIVACY REQUIREMENTS.—

“(1) IN GENERAL.—A chapter of the SCORE program authorized by subsection (b)(1) or an agent of such a chapter may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance from that chapter or agent without the consent of such individual or small business concern, unless—

“(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

“(B) the Administrator determines such a disclosure to be necessary for the purpose of conducting a financial audit of a chapter of the SCORE program authorized by subsection (b)(1), in which case disclosure shall be limited to the information necessary for such audit.

“(2) ADMINISTRATOR USE OF INFORMATION.—This subsection shall not—

“(A) restrict the access of the Administrator to program activity data; or

“(B) prevent the Administrator from using client information to conduct client surveys.

“(3) REGULATIONS.—

“(A) IN GENERAL.—The Administrator shall issue regulations to establish standards—

“(i) for disclosures with respect to financial audits under paragraph (1)(B); and

“(ii) for client surveys under paragraph (2)(B), including standards for oversight of such surveys and for dissemination and use of client information.

“(B) MAXIMUM PRIVACY PROTECTION.—Regulations under this paragraph shall, to the extent practicable, provide for the maximum amount of privacy protection.

“(C) INSPECTOR GENERAL.—Until the effective date of regulations under this paragraph, any client survey and the use of such information shall be approved by the Inspector General of the Administration who shall include such approval in the semi-annual report of the Inspector General.”

SEC. 605. NATIONAL SMALL BUSINESS SUMMIT.

(a) IN GENERAL.—Not later than December 31, 2012, the President shall convene a National Small Business Summit to examine the present conditions and future of the community of small business concerns in the United States. The summit shall include owners of small business concerns, representatives of small business groups, labor, academia, the Federal Government, State governments, Indian tribes, Federal research and development agencies, and nonprofit policy groups concerned with the issues of small business concerns.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the summit convened under subsection (a), the President shall issue a report on the results of the summit. The report shall identify key challenges and make recommendations for promoting entrepreneurship and the growth of small business concerns.

SEC. 606. SCORE PROGRAM.

(a) IN GENERAL.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by striking “a Service Corps of Retired Executives (SCORE)” and inserting “the SCORE”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) in section 7(m)(3)(A)(i)(VIII), by striking “Service Corps of Retired Executives” and inserting “SCORE”; and

(B) in section 33(b)(2), by striking “Service Corps of Retired Executives” and inserting “SCORE”.

(2) OTHER LAW.—Section 337(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(2)) is amended by striking “Service Corps of Retired Executives (SCORE)” and inserting “SCORE”.

(c) REFERENCES.—Any reference to the Service Corps of Retired Executives established under section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as in effect on the day before the date of enactment of this Act, in any law, rule, regulation, certificate, directive, instruction, or other official paper shall be considered to refer to the SCORE established under section 8(b)(1)(B) of the Small Business Act, as amended by this Act.

SEC. 607. ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking “(3) At the discretion” and inserting the following:

“(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.—

“(A) IN GENERAL.—At the discretion”; and (2) by adding at the end the following:

“(B) DISASTER RECOVERY ASSISTANCE.—

“(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide assistance, as described in subsection (c), to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in an area for which the President has declared a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), during the period of the declaration.

“(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

“(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.”

SEC. 608. SMALL BUSINESS DEVELOPMENT CENTERS.

(a) PORTABILITY GRANTS.—Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence—

(A) by striking “From the funds appropriated pursuant to clause (vii)” and inserting “Of the amounts made available to carry out this subparagraph in each fiscal year”; and

(B) by striking “as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability” and inserting “due to events that have resulted or will result in, the downsizing or closing of a business or government facility”; and

(2) by adding at the end “The Administrator may make a grant under this clause that exceeds \$100,000 to accommodate extraordinary events that the Administrator determines have had a catastrophic impact on small business concerns in a community.”

(b) PURPOSES.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended in the first sentence by adding “regulatory compliance and” after “counseling concerning”.

SEC. 609. EVALUATION OF PILOT PROGRAMS.

(a) IN GENERAL.—Not later than 30 months after the date of disbursement of the first grant under a covered pilot program, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report evaluating the covered pilot program, including recommendations, if any, on possible improvements or modifications to the covered pilot program, including the feasibility of extending the covered pilot program to all small business development centers.

(b) DEFINITION OF COVERED PILOT PROGRAM.—In this section, the term “covered pilot program” means a pilot program relating to small business development centers established under this Act or an amendment made by this Act.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee

on Small Business and Entrepreneurship, I rise today to join with Senator LANDRIEU to introduce the Entrepreneurial Development Act of 2009, a bill that would reauthorize and improve the U.S. Small Business Administration's, SBA, Entrepreneurial Development programs. I have long fought to expand the power and reach of the SBA's entrepreneurial development tools, which are used by millions of current and aspiring entrepreneurs and small businesses across the U.S. These programs demonstrate how Congress can play a positive role in enhancing private-sector financing for start-up companies. We must continue to strengthen these core SBA programs because they have proven invaluable in aiding the efforts and dreams of America's entrepreneurs, and in bolstering small business job creation.

The bill that I am cosponsoring today is the product of the type of bipartisan, consensus work product for which the Senate Small Business Committee has come to be known. The provisions contained in this legislation are a compilation of ideas and initiatives put forward by myself, Senator LANDRIEU, and other Committee members. Much of the language in the Entrepreneurial Development Act of 2009 was contained in S. 2920, the SBA Reauthorization and Improvements Act in the 110th Congress, the individual provisions of which were each passed unanimously by the Senate Small Business Committee during the 110th Congress. Unfortunately, that bipartisan bill never passed the Senate.

This act, among other things, builds upon the aforementioned successes of SBA's Entrepreneurial Development programs, which collectively created or retained 200,000 jobs in 2008 alone.

Since their inception, Small Business Development Centers, SBDCs, have been essential in the delivery of management and technical counseling assistance and educational programs to prospective and existing small business owners. The SBDC program has served over 11 million clients with new business starts, sustainability programs for struggling firms, and expansion plans for growth firms. For every dollar spent on the SBDC program, approximately \$2.87 in tax revenue is generated.

According to a recent report conducted at Mississippi State University, as a direct result of its counseling programs, SBDC clients generated approximately \$7 billion in sales and created over 73,000 new jobs in 2006. Therefore, it is imperative that in such troubling economic times we ensure that this program has the resources necessary to successfully aid small businesses. Through this legislation, which increases the SBDC program's authorization to \$160 million by fiscal year 2012, this program will be in a better position to continue helping entrepreneurs succeed.

The Women's Business Center, WBC, program, established by Congress in 1988, promotes the growth of women-owned businesses through business training and technical assistance, and provides access to credit and capital, federal contracts, and international trade opportunities. The WBC program served more than 159,000 clients across the country last year, providing help with financial management, procurement training, marketing and technical assistance. WBCs also provide specialized programs that include mentoring in various languages, Internet training, issues facing displaced workers and rural home-based entrepreneurs.

Our legislation builds on our commitment to providing assistance to women entrepreneurs. It directs the SBA's Office of Women's Business Ownership to develop programs to bolster the growth of women-owned small businesses by providing support for business operations, manufacturing, technology, finance, Federal Government contracting, and international trade.

The bill also makes substantial improvements to the Women's Business Center program, which created nearly 9,000 jobs in the last fiscal year, including an expansion of the types of entities that are eligible to host WBCs to economic development organizations, state-chartered development organizations, and public or private colleges and universities. Finally, the bill directs the SBA to provide a minimum of \$150,000 in funding annually to all new WBCs that are in their first 5 years of operation, allowing new centers to become fully established before they have to compete for federal funding.

The bill also reauthorizes SCORE, a non-profit association that matches business-management counselors with small business clients. SCORE volunteer counselors share their management and technical expertise with both existing and prospective small business owners. With its 10,500 member volunteer association, sponsored by the SBA, and more than 389 service delivery points and a website, SCORE provides counseling to small businesses nationwide. The national SCORE organization delivers its services of business and technical assistance through a national network of chapters, an Internet counseling site, partnerships with SBA, the SBDCs and WBCs, and with the public and private sectors. In 2008, SCORE created or retained 25,000 jobs, and this act will help improve this program by raising the authorization level to \$13 million in fiscal year 2012.

In addition to reauthorizing SBA's ED programs and increasing their funding levels, this bill also addresses the crisis small businesses face when it comes to securing quality, affordable health insurance. Health insurance costs have increased by 89 percent since 2000. This has led to a disturbing

trend of fewer and fewer small businesses being able to offer health insurance to their employees.

A key provision in this bill would establish a grant program to provide information, counseling, and educational materials to small businesses, through the well-established national framework of the SBA's technical assistance partners including SBDCs, WBC, Veteran's Business Centers, and SCORE.

Research conducted by the non-partisan Healthcare Leadership Council found that with a short educational and counseling session, small businesses were up to 33 percent more likely to offer health insurance to their employees. It is therefore vital that we provide the SBA's resource partners with the resources necessary to give small businesses the critical health care education they need to navigate the complex insurance market.

The SBA's entrepreneurial development programs provide tremendous value for a relatively small investment. I am committed to ensuring that Americans have the necessary resources to start, grow and develop a business. I believe that it is our duty to do everything possible to sustain prosperity and job creation throughout the U.S. I urge my colleagues to support this vital piece of legislation.

By Mr. DODD:

S. 1231. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce The Standards to Provide Educational Achievement for Kids, SPEAK, Act, a bill designed to provide incentives to states to begin holding every child in America to the same high standards. At its core, SPEAK will adopt and implement voluntary core American education content standards in math and science while incentivizing states to adopt them.

America's leadership, economic, and national security rest on our commitment to educate and prepare our youth to succeed in a global economy. The key to succeeding in this endeavor is to have high expectations for all American students as they progress through our Nation's schools.

Currently there are 50 different sets of academic standards, 50 State assessments, and 50 definitions of proficiency under the No Child Left Behind Act. As a result of varied standards, exams and proficiency levels, America's highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge,

skills and preparedness. Yet, in order for the U.S. to compete in a global economy, we must strengthen our educational expectations for all American children—we must compete as one Nation.

Recent international comparisons show that American students have significant shortcomings in math and science. Many lack the basic skills required for college or the workplace. This affects our economic and national security; it holds us back in the global marketplace and risks ceding our competitive edge. This is unacceptable.

America was founded on the notion of ensuring equity and opportunity for all. And yet, we risk both when we allow different students in different states to graduate from high school with very different educations. We live in a nation with an unacceptably high high school dropout rate. We live in a nation where 8th graders in some states score more than 30 points higher on tests of basic science knowledge than students in other states. I ask my colleagues today what equality of opportunity we have under such circumstances.

This is where American standards come in. Voluntary, core American standards in math and science are an important step in ensuring that all American students are given the same opportunity to learn to a high standard no matter where they reside. They will allow for meaningful comparisons of student academic achievement across states, help ensure that American students are academically qualified to enter college or training for the civilian or military workforce, and help ensure that students are better prepared to compete in the global marketplace. Uniform standards are a first step in maintaining America's competitive and national security edge.

While I understand that education is, after all, a state endeavor, we cannot ignore that at the end of the day America competes as one country on the global marketplace. This does not mean that I am asking states to cede their authority in education. What the bill simply proposes is that we use the convening power of the Federal Government to incentivize efforts to create a core set of common standards.

I would like to take a moment to recognize the recent remarkable achievement of the National Governors Association and the Council of Chief State School Officers in partnership with Achieve, Inc, ACT, and the College Board. Just last week they announced that 49 States and territories have joined the Common Core State Standards Initiative and have committed to a process to develop common standards in English language arts and mathematics. They have made a commitment to evidence-based and internationally benchmarked standards, which are scheduled to be developed later this

year. This effort is outstanding. Just 2 years ago, when I introduced one of the first bills in the Senate on standards, this type of effort would have been unthinkable. Now, there is strong momentum behind providing all students across the country with competitive and consistent standards.

The SPEAK Act, provides flexibility in the creation or adoption of American standards, understanding that there are effective efforts underway that could be integrated into the program of Federal incentives that this bill would provide.

The SPEAK Act will task the National Assessment Governing Board with creating or adopting rigorous and voluntary core American education content standards in math and science for grades K–12. It will require that the standards be anchored in the National Assessment of Educational Progress’ math and science frameworks. It will also ensure that such standards are internationally competitive and comparable to the best standards in the world, similar to the outline created for the standards being developed through the Common Core State Standards Initiative.

States that do participate, while required to adopt the American standards, will be given the flexibility to make them their own. They will have the option to add additional content requirements, they will have final say in how coursework is sequenced, and, ultimately, States, and districts will still be the ones developing the curriculum, choosing the textbooks and administering the tests. The standards provided for under this legislation will simply serve as a common core.

The SPEAK Act will develop rigorous achievement levels. It will ensure that varying developmental levels of students are taken into account in the development of such standards. It will provide for periodic review and update of such standards. It establishes an American Standards Incentive Fund to incentivize states to adopt the standards. Among the benefits of participating is a significant infusion of funds for states to bolster their K–12 data systems.

No one will deny that our Nation is facing difficult economic times. However, there remains a steadfast commitment to improving education for our students, a commitment that includes working to develop voluntary American standards. I applaud states that realize that despite facing difficult budget realities, holding all students to the same, high standards will be what is best for the future of our nation. These States need and deserve incentives and resources to complete this important work.

I should also note that the SPEAK Act has garnered endorsements from businesses, math/science organizations, foundations, and the education commu-

nity. Through the leadership of Congressman VERNON EHLERS in the House of Representatives it shares not only bicameral, but bipartisan support. Together we have all come together to affect meaningful change in our public schools.

We live in an economy where you can no longer lift, dig or assemble your way to success. Today, you have got to think your way to success so that when public education doesn’t work, when we fail to compete as one nation, our entire country gets left behind. Low expectations translate to an America that is less competitive on the world stage. If that happens, we are going to wonder why we didn’t do anything about it while we still had time.

Core American standards will set high goals for all students, allow for meaningful comparisons of achievement across states, and help ensure that all of our students are qualified to enter college. At the end of the day, we all want what is best for our country and parents want what is best for their kids. With core standards, America will begin the work of regaining its competitive edge in the global economy. In the life of every student, equality will be made a little more real with reintroduction of this bill, as the skills and knowledge we expect of them are no longer made contingent on where they reside.

I hope that my colleagues will join me in supporting the SPEAK Act. As we start holding our students to the same high standards, I expect that we will be amazed at the excellence that follows.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1231

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Standards to Provide Educational Achievement for Kids Act” or the “SPEAK Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Assessing science in the National Assessment of Educational Progress.
- Sec. 4. Definitions.
- Sec. 5. Voluntary American education content standards; American Standards Incentive Fund.
- Sec. 6. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds the following:
 (1) Throughout the years, educators and policymakers have consistently embraced standards as the mechanism to ensure that every student, no matter what school the student attends, masters the skills and develops the knowledge needed to participate in a global economy.

(2) Recent international comparisons make clear that students in the United States have significant shortcomings in mathematics and science, yet a high level of scientific and mathematics literacy is essential to societal innovations and advancements.

(3) With more than 50 different sets of academic content standards, 50 State academic assessments, and 50 definitions of proficiency under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)), there is great variability in the measures, standards, and benchmarks for academic achievement in mathematics and science.

(4) Variation in State standards and the accompanying measures of proficiency make it difficult for parents and teachers to meaningfully gauge how well their children are learning mathematics and science in comparison to their peers internationally or here at home.

(5) The disparity in the rigor of standards across States yield test results that tell the public little about how schools are performing and progressing, as States with low standards or low proficiency requirements may appear to be doing much better than States with more rigorous standards or higher requirements for proficiency.

(6) As a result, the United States’ highly mobile student-aged population moves through the Nation’s schools gaining widely varying levels of knowledge, skills, and preparedness.

(7) In order for the United States to compete in a global economy, the country needs to strengthen its educational expectations for all children.

(8) To compete, the people of the United States must compare themselves against international benchmarks.

(9) Grounded in a real world analysis and international comparisons of what students need to succeed in work and college, rigorous and voluntary core American education content standards will keep the United States economically competitive and ensure that the children of the United States are given the same opportunity to learn to a high standard no matter where they reside.

(10) Rigorous and voluntary core American education content standards in mathematics and science will enable students to succeed in academic settings across States while ensuring an American edge in the global marketplace.

SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) **NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.**—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (a), by striking “, State assessments,” and inserting “and State assessments in reading, mathematics, and science”;

(2) in subsection (b)—
 (A) in paragraph (1), by inserting “science,” after “mathematics,”;

(B) in paragraph (2)—
 (i) in subparagraph (B), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(ii) in subparagraph (C), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(iii) in subparagraph (D), by striking “science,” and

(iv) in subparagraph (E), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “reading and mathematics” each place the term occurs and inserting “reading, mathematics, and science”; and

(ii) in subparagraph (C)(ii), by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(D) in paragraph (4)(B), by striking “, require, or influence” and inserting “or require”;

(3) in subsection (d)(3), by striking “reading and mathematics” each place the term occurs and inserting “reading, mathematics, and science”; and

(4) in subsection (f)(1)(B)(v), by striking “and mathematical knowledge” and inserting “, mathematical knowledge, and science knowledge”.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended—

(1) in section 1111(c)(2) (20 U.S.C. 6311(c)(2))—

(A) by inserting “(and, for science, beginning with the 2010–2011 school year)” after “2002–2003”; and

(B) by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(2) in section 1112(b)(1)(F) (20 U.S.C. 6312(b)(1)(F)), by striking “reading and mathematics” and inserting “reading, mathematics, and science”.

SEC. 4. DEFINITIONS.

Section 304 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9623) is amended—

(1) in the matter preceding paragraph (1), by striking “In this title:” and inserting “Except as otherwise provided, in this title:”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.”.

SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS; AMERICAN STANDARDS INCENTIVE FUND.

The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 (as amended by section 4) and 305 as sections 306 and 307, respectively; and

(2) by inserting after section 303 the following:

“SEC. 304. CREATION OR ADOPTION OF VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS.

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act and from amounts appropriated under section 307(a)(3) for a fiscal year, the Assessment Board shall create or adopt voluntary American education content standards in mathematics and science covering kindergarten through grade 12.

“(b) DUTIES.—The Assessment Board shall implement subsection (a) by carrying out the following duties:

“(1) Create or adopt voluntary American education content standards for mathematics and science covering kindergarten through grade 12 that reflect a common core of what students in the United States should know and be able to do to compete in a global economy.

“(2) Anchor the voluntary American education content standards based on the math-

ematics and science frameworks and the achievement levels under section 303(e) of the National Assessment of Educational Progress for grades 4, 8, and 12.

“(3) Ensure that the voluntary American education content standards reflect international standards of excellence and the latest developments in the fields of mathematics and science.

“(4) Review existing standards in mathematics and science developed by professional organizations.

“(5) Review State standards in mathematics and science as of the date of enactment of the Standards to Provide Educational Achievement for Kids Act and consult and work with entities that are developing, or have already developed, such State standards.

“(6) Review the reports, views, and analyses of a broad spectrum of experts, including classroom educators, and of the public, as such reports, views, and analyses relate to mathematics and science education, including—

“(A) reviews of blue ribbon reports;

“(B) exemplary practices in the field; and

“(C) recent reports by government agencies and professional organizations.

“(7) Review scientifically rigorous studies that examine the relationship between—

“(A) the sequences of secondary school-level mathematics and science courses; and

“(B) student achievement.

“(8) Ensure that steps are taken in the development of the voluntary American education content standards to recognize the needs of students who receive special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and of students who are limited English proficient (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

“(9) Solicit input from State and local representative organizations, mathematics and science organizations (including mathematics and science teacher organizations), institutions of higher education, higher education organizations, business organizations, and other appropriate organizations.

“(10) Ensure that the voluntary American education content standards reflect what students will be required to know and be able to do after secondary school graduation to be academically qualified to enter an institution of higher education or training for the civilian or military workforce.

“(11) Widely disseminate the voluntary American education content standards for public review and comment before final adoption.

“(12) Provide for continuing review of the voluntary American education content standards not less often than once every 10 years, which review—

“(A) shall solicit input from organizations and entities, including—

“(i) 1 or more professional mathematics or science organizations, including mathematics or science educator organizations;

“(ii) the State educational agencies that have received American Standards Incentive Fund grants under section 305 during the period covered by the review; and

“(iii) other organizations and entities, as determined appropriate by the Assessment Board; and

“(B) shall address issues including—

“(i) whether the voluntary American education content standards continue to reflect international standards of excellence and the latest developments in the fields of mathematics and science; and

“(ii) whether the voluntary American education content standards continue to reflect what students are required to know and be able to do in science and mathematics after graduation from secondary school to be academically qualified to enter an institution of higher education or training for the civilian or military workforce, as of the date of the review.

“SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.

“(a) DEFINITIONS.—In this section:

“(1) IN GENERAL.—The terms ‘elementary school’, ‘local educational agency’, ‘professional development’, ‘secondary school’, ‘State’, and ‘State educational agency’ have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) ACADEMIC CONTENT STANDARDS.—The term ‘academic content standards’ means the challenging academic content standards described in section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

“(3) LEVELS OF ACHIEVEMENT.—The term ‘levels of achievement’ means the State levels of achievement under subclauses (II) and (III) of section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii)(II), (III)).

“(4) STATE ACADEMIC ASSESSMENTS.—The term ‘State academic assessments’ means the academic assessments for a State described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

“(b) ESTABLISHMENT OF FUND.—From amounts appropriated under section 307(a)(4) for a fiscal year, the Secretary shall establish and fund the American Standards Incentive Fund to carry out the grant program under subsection (c).

“(c) INCENTIVE GRANT PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—Not later than 12 months after the Assessment Board adopts the voluntary American education content standards under section 304, the Secretary shall use amounts available from the American Standards Incentive Fund to award, on a competitive basis, grants to State educational agencies to enable each State educational agency to adopt the voluntary American education content standards in mathematics and science as the core of the State’s academic content standards in mathematics and science by carrying out the activities described in subsection (f).

“(2) DURATION AND AMOUNT.—A grant under this subsection shall be awarded—

“(A) for a period of not more than 4 years; and

“(B) in an amount that is not more than \$4,000,000 over the period of the grant.

“(3) SEA COLLABORATION PERMITTED.—A State educational agency receiving a grant under this subsection may collaborate with another State educational agency receiving a grant under this subsection in carrying out the activities described in subsection (f).

“(d) CORE STANDARDS.—A State educational agency receiving a grant under subsection (c) shall adopt and use the voluntary American education content standards in mathematics and science as the core of the State academic content standards in mathematics and science. The State educational agency may add additional standards to the voluntary American education content standards as part of the State academic content standards in mathematics and science.

“(e) STATE APPLICATION.—A State educational agency desiring to receive a grant

under subsection (c) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

“(1) timelines for carrying out each of the activities described in subsection (f)(1); and

“(2) a description of the activities that the State educational agency will undertake to implement the voluntary American education content standards in mathematics and science adopted under section 304, and the achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress, at both the State educational agency and local educational agency levels, including any additional activities described in subsection (f)(2).

“(f) USE OF FUNDS.—

“(1) MANDATORY ACTIVITIES.—A State educational agency receiving a grant under subsection (c) shall use grant funds to carry out all of the following:

“(A) Adopt the voluntary American education content standards in mathematics and science as the core of the State’s academic content standards in mathematics and science not later than 2 years after the receipt of a grant under subsection (c).

“(B) Align the teacher certification or licensure, pre-service, and professional development requirements of the State to the voluntary American education content standards in mathematics and science not later than 3 years after the receipt of the grant.

“(C) Align the State academic assessments in mathematics and science (or develop new such State academic assessments that are aligned) with the voluntary American education content standards in mathematics and science not later than 4 years after the receipt of the grant.

“(D) Align the State levels of achievement in mathematics and science with the student achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress not later than 4 years after the receipt of the grant.

“(E) Develop dissemination, technical assistance, and professional development activities for the purpose of educating local educational agencies and schools on what the standards adopted by the State educational agency under this section are and how the standards can be incorporated into classroom instruction.

“(2) PERMISSIVE ACTIVITIES.—A State educational agency receiving a grant under subsection (c) may use the grant funds to carry out, at the local educational agency or State educational agency level, any of the following activities:

“(A) Developing curricula and instructional materials in mathematics or science that are aligned with the voluntary American education content standards in mathematics and science.

“(B) Conducting other activities needed for the implementation of the voluntary American education content standards in mathematics and science.

“(3) PRIORITY.—In awarding grants under subsection (c), the Secretary shall give priority to a State educational agency that will use the grant funds to carry out subparagraph (A) of paragraph (2).

“(g) AWARD BASIS.—In determining the amount of a grant under subsection (c), the Secretary shall take into consideration—

“(1) the extent to which a State’s academic content standards, State academic assess-

ments, levels of achievement in mathematics and science, and teacher certification or licensure, pre-service, and professional development requirements, must be revised to align such State standards, assessments, levels, and teacher requirements with the voluntary American education content standards created or adopted under section 304 and the achievement levels in mathematics and science developed under section 303(e); and

“(2) the planned activities described in the application submitted under subsection (e).

“(h) ANNUAL STATE EDUCATIONAL AGENCY REPORTS.—A State educational agency receiving a grant under subsection (c) shall submit an annual report to the Secretary demonstrating the State educational agency’s progress in meeting the timelines described in the application under subsection (e)(1).

“(i) GRANTS FOR DoD AND BIA SCHOOLS.—

“(1) DEPARTMENT OF DEFENSE SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, upon application by the Secretary of Defense, may award grants under subsection (c) to the Secretary of Defense on behalf of elementary schools and secondary schools operated by the Department of Defense to enable the Secretary of Defense to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated by the Department of Defense.

“(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, in consultation with the Secretary of the Interior, may award grants under subsection (c) to the Bureau of Indian Affairs on behalf of elementary schools and secondary schools operated or funded by the Department of the Interior to enable the Director of the Bureau of Indian Affairs to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated or funded by the Department of the Interior.

“(j) STUDY.—Not later than 2 years after the completion of the first 4-year grant cycle for grants under this section, the Commissioner for Education Statistics shall carry out a study comparing the gap between the reported proficiency on State academic assessments and assessments under section 303 for State educational agencies receiving grants under subsection (c), before and after the State adopts the voluntary American education content standards in mathematics and science as the core of the State education content standards in mathematics and science. The study shall—

“(1) include an analysis of, for each State receiving a grant under subsection (c) and for the United States, the gaps in reported proficiency in mathematics and in science before and after the adoption of the voluntary American education content standards, for each grade of students subject to the assessments under section 303; and

“(2) further disaggregate the information described in paragraph (1) by the race, ethnicity, gender, disability status, migrant status, English proficiency, and economically disadvantaged status of the students, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

“(k) DATA GRANTS.—

“(1) PROGRAM AUTHORIZED.—

“(A) IN GENERAL.—From amounts appropriated under section 307(a)(4), the Secretary

shall award, to each State educational agency that meets the requirements of paragraph (3), a grant to enhance statewide student level longitudinal data systems as those systems relate to the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

“(B) DATA AUDIT SYSTEM.—The State, through the implementation of such enhanced data system, shall—

“(i) ensure that the State has in place a State data audit system to assess data quality, validity, and reliability; and

“(ii) provide guidance, technical assistance, and professional development to local educational agencies to ensure local education officials and educators have the tools, knowledge, and protocol necessary to use the enhanced data system properly, ensure the integrity of the data, and be able to use the data to inform education policy and practice.

“(2) AMOUNT OF GRANT.—A grant awarded to a State educational agency under this subsection shall be in an amount equal to 5 percent of the amount allocated to the State under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332). If the amounts available from the American Standards Incentive Fund are insufficient to pay the full amounts of grants under this paragraph to all State educational agencies that receive a grant under this subsection, then the Secretary shall ratably reduce the amount of all grants under this subsection.

“(3) REQUIREMENTS.—In order to receive a grant under this subsection, a State educational agency shall—

“(A) have received a grant under subsection (c); and

“(B) successfully demonstrate to the Secretary that the State has aligned—

“(i) the State’s academic content standards and State academic assessments in mathematics and science, and the State’s teacher certification or licensure, pre-service, and professional development requirements, with the voluntary American education content standards in mathematics and science; and

“(ii) the State levels of achievement in mathematics and science for grades 4, 8, and 12, with the achievement levels in mathematics and science developed under section 303(e) for such grades.

“(4) NATURE OF GRANT.—A grant under this subsection to a State educational agency shall be in addition to any grant awarded to the State educational agency under subsection (c).

“(5) LIMIT ON NUMBER OF GRANTS.—In no case shall a State educational agency receive more than 1 grant under this subsection.

“(l) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act, and every 2 years thereafter, the Secretary shall report to Congress regarding the status of all grants awarded under this section.

“(m) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish a preferred national curriculum or preferred teaching methodology for elementary school or secondary school instruction.

“(n) TIMELINE EXTENSION.—The Secretary may extend the 12-year requirement under section 1111(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(F)) by not less than 2 years and by not more than 4 years for a State served by a State educational agency that receives grants under subsections (c) and (k).”

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 307(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by section 5(1)) (20 U.S.C. 9624(a)) is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) to carry out section 302, \$8,750,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year;

“(2) to carry out section 303, \$200,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year;

“(3) to carry out section 304, \$3,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year; and

“(4) to carry out section 305, \$400,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year.”.

SUBMITTED RESOLUTIONS**SENATE RESOLUTION 181—DESIGNATING JUNE 10, 2009, AS “NATIONAL PIPELINE SAFETY DAY”**

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Whereas there are more than 2,000,000 miles of gas and hazardous liquid pipelines in the United States that are operated by more than 3,000 companies;

Whereas gas and hazardous liquid pipelines play a vital role in the lives of people in the United States by delivering the energy needed to heat homes, drive cars, cook food and operate businesses;

Whereas, during the last decade, significant new pipelines have been built to help move North American sources of oil and gas to refineries and markets;

Whereas, on June 10, 1999, a hazardous liquid pipeline ruptured and exploded in a park in Bellingham, Washington, killing 2 10-year-old boys and a young man, destroying a salmon stream, and causing hundreds of millions of dollars in damage and economic disruption;

Whereas, in response to the pipeline tragedy on June 10, 1999, Congress enacted significant new pipeline safety regulations, including in the Pipeline Safety Improvement Act of 2002 (Public Law 107-355; 116 Stat. 2985) and the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (Public Law 109-468; 120 Stat. 3486);

Whereas, during the last decade, the Pipelines and Hazardous Materials Safety Administration of the Department of Transportation, with support from a diverse group of stakeholders, has instituted a variety of important new rules and pipeline safety initiatives, such as the Common Ground Alliance, pipeline emergency training with the National Association of State Fire Marshals, and the Pipelines and Informed Planning Alliance;

Whereas, even with pipeline safety improvements, in 2008 there were 274 significant pipeline incidents that caused more than \$395,000,000 of damage to property and disrupted the economy;

Whereas, even though pipelines are the safest method to transport huge quantities of fuel, pipeline incidents are still occurring, including the pipeline explosion in Edison, New Jersey, in 1994 that left 100 people homeless, the butane pipeline explosion in Texas

in 1996 that left 2 teenagers dead, the pipeline explosion near Carlsbad, New Mexico, in 2000 that killed 12 people in an extended family, the pipeline explosion in Walnut Creek, California, in 2004 that killed 5 workers, and the propane pipeline explosion in Mississippi in 2007 that killed a teenager and her grandmother;

Whereas the millions of miles of pipelines are still “out of sight”, and therefore “out of mind” for the majority of people, local governments, and businesses in the United States, a situation that can lead to pipeline damage and a general lack of oversight of pipelines;

Whereas greater awareness of pipelines and pipeline safety can improve public safety;

Whereas a “National Pipeline Safety Day” can provide a focal point for creating greater pipeline safety awareness; and

Whereas June 10, 2009, is the 10th anniversary of the Bellingham, Washington, pipeline tragedy that was the impetus for many of the safety improvements described in this resolution and is an appropriate day to designate as “National Pipeline Safety Day”;

Now, therefore, be it

Resolved, That the Senate—

(1) designates June 10, 2009, as “National Pipeline Safety Day”;

(2) encourages State and local governments to observe the day with appropriate activities that promote pipeline safety;

(3) encourages all pipeline safety stakeholders to use the day to create greater public awareness of all the advancements that can lead to greater pipeline safety; and

(4) encourages individuals throughout the United States to become more aware of the pipelines that run through communities in the United States and to encourage safe practices and damage prevention relating to gas and hazardous liquid pipelines.

SENATE RESOLUTION 182—RECOGNIZING THE DEMOCRATIC ACCOMPLISHMENTS OF THE PEOPLE OF ALBANIA AND EXPRESSING THE HOPE THAT THE PARLIAMENTARY ELECTIONS ON JUNE 28, 2009, MAINTAIN AND IMPROVE THE TRANSPARENCY AND FAIRNESS OF DEMOCRACY IN ALBANIA

Mr. KERRY (for himself, Mr. LUGAR, Mrs. SHAHEEN, Mr. CARDIN, Mr. LIEBERMAN, and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas the people of Albania have made extraordinary progress from authoritarian government and a closed market to a democratic government and market economy in less than two decades;

Whereas the Republic of Albania, with the advice and consent of this Senate and the governments of the other member countries, was officially admitted to full membership in the North Atlantic Treaty Organization on April 2, 2009;

Whereas the Thessaloniki Declaration of 2003 confirmed that the countries of the Western Balkans are eligible for accession to the European Union once they have fulfilled the requirements for membership; and

Whereas the Government of Albania has accepted numerous specific commitments governing the conduct of elections as a par-

ticipating State in the Organization for Security and Cooperation in Europe (OSCE): Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of Albania to fulfill the commitments it has made to the OSCE with respect to the conduct of its upcoming elections, and to ensure that those elections are free and fair;

(2) urges the Government of Albania to expedite the implementation of its voter identification card program to minimize the possibility of disenfranchisement and provide as many cards as possible to eligible voters prior to the election;

(3) commends the positive step taken by the Government of Albania to reduce the cost of the voter ID card significantly and avoid charges of a poll tax; and

(4) expresses its hope that credible democratic elections in Albania will contribute to a strong and stable government responsive to the wishes of the people of Albania and strengthen Albania’s standing within NATO and European institutions.

NOTICE OF HEARING**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a the business meeting of the Committee on Energy and Natural Resources that convened on Tuesday, June 9, 2009, will resume on Thursday, June 11, 2009, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending energy legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON ARMED SERVICES**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 10, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 10, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 9:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, June 10, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 10, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Continued Importance of the Violence Against Women Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 2:30 p.m.,

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 3 p.m.,

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 10, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING
OVERSIGHT

Mr. BEGICH. Mr. President, I ask unanimous consent that the Ad Hoc

Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 2:30 p.m., to conduct a hearing entitled, "Allegations of Waste, Fraud, and Abuse in Security Contracts at the U.S. Embassy in Kabul."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS,
SAFETY, AND SECURITY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' COMPENSATION COST-
OF-LIVING ADJUSTMENT ACT OF
2009

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 70, S. 407.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 407) to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 407

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2009".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **RATE ADJUSTMENT.**—Effective on December 1, 2009, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2009, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) **AMOUNTS TO BE INCREASED.**—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) **WARTIME DISABILITY COMPENSATION.**—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts under section 1115(1) of such title.

(3) **CLOTHING ALLOWANCE.**—The dollar amount under section 1162 of such title.

(4) **DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.**—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) **DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.**—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.—**

(1) **PERCENTAGE.**—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2009, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) **ROUNDING.**—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) **SPECIAL RULE.**—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) **PUBLICATION OF ADJUSTED RATES.**—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2010.

SEC. 3. CODIFICATION OF 2008 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **VETERANS' DISABILITY COMPENSATION.**—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "\$117" and inserting "\$123";

(2) in subsection (b), by striking "\$230" and inserting "\$243";

(3) in subsection (c), by striking "\$356" and inserting "\$376";

(4) in subsection (d), by striking "\$512" and inserting "\$541";

(5) in subsection (e), by striking "\$728" and inserting "\$770";

(6) in subsection (f), by striking "\$921" and inserting "\$974";

(7) in subsection (g), by striking "\$1,161" and inserting "\$1,228";

(8) in subsection (h), by striking "\$1,349" and inserting "\$1,427";

(9) in subsection (i), by striking "\$1,517" and inserting "\$1,604";

(10) in subsection (j), by striking "\$2,527" and inserting "\$2,673";

(11) in subsection (k)—

(A) by striking "\$91" both places it appears and inserting "\$96"; and

(B) by striking "\$3,145" and "\$4,412" and inserting "\$3,327" and "\$4,667", respectively;

(12) in subsection (l), by striking "\$3,145" and inserting "\$3,327";

(13) in subsection (m), by striking "\$3,470" and inserting "\$3,671";

(14) in subsection (n), by striking "\$3,948" and inserting "\$4,176";

(15) in subsections (o) and (p), by striking "\$4,412" each place it appears and inserting "\$4,667";

(16) in subsection (r), by striking "\$1,893" and "\$2,820" and inserting "\$2,002" and "\$2,983", respectively; and

(17) in subsection (s), by striking “\$2,829” and inserting “\$2,993”.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—
(1) in subparagraph (A), by striking “\$142” and inserting “\$150”;

(2) in subparagraph (B), by striking “\$245” and “\$71” and inserting “\$259” and “\$75”, respectively;

(3) in subparagraph (C), by striking “\$96” and “\$71” and inserting “\$101” and “\$75”, respectively;

(4) in subparagraph (D), by striking “\$114” and inserting “\$120”;

(5) in subparagraph (E), by striking “\$271” and inserting “\$286”; and

(6) in subparagraph (F), by striking “\$227” and inserting “\$240”.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking “\$677” and inserting “\$716”.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking “\$1,091” and inserting “\$1,154”; and

(B) in paragraph (2), by striking “\$233” and inserting “\$246”.

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$1,154	W-4	\$1,380
E-2	\$1,154	O-1	\$1,219
E-3	\$1,154	O-2	\$1,260
E-4	\$1,154	O-3	\$1,347
E-5	\$1,154	O-4	\$1,427
E-6	\$1,154	O-5	\$1,571
E-7	\$1,194	O-6	\$1,771
E-8	\$1,260	O-7	\$1,912
E-9	\$1,314	O-8	\$2,100
W-1	\$1,219	O-9	\$2,246
W-2	\$1,267	O-10	\$2,463
W-3	\$1,305		

¹ If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,419.

² If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$2,643.”.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking “\$271” and inserting “\$286”;

(B) in subsection (c), by striking “\$271” and inserting “\$286”; and

(C) in subsection (d), by striking “\$128” and inserting “\$135”.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking “\$462” and inserting “\$488”;

(B) in paragraph (2), by striking “\$663” and inserting “\$701”;

(C) in paragraph (3), by striking “\$865” and inserting “\$915”; and

(D) in paragraph (4), by striking “\$865” and “\$165” and inserting “\$915” and “\$174”, respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking “\$271” and inserting “\$286”;

(B) in subsection (b), by striking “\$462” and inserting “\$488”; and

(C) in subsection (c), by striking “\$230” and inserting “\$243”.

(f) DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE TO PARENTS.—Section 1315 is amended—

(1) in subsection (b)—
(A) in paragraph (1), by striking “\$163” and inserting “\$569”; and

(B) in paragraph (3), by striking “\$4,038” and inserting “\$13,456”;

(2) in subsection (c)—
(A) in paragraph (1), by striking “\$115” and inserting “\$412”; and

(B) in paragraph (3), by striking “\$4,038” and inserting “\$13,456”;

(3) in subsection (d)—
(A) in paragraph (1), by striking “\$109” and inserting “\$387”; and

(B) in paragraph (3), by striking “\$5,430” and inserting “\$18,087”; and

(4) in subsection (g), by striking “\$85” and inserting “\$308”.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2008.

Mr. BEGICH. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed; that the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 407), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment was agreed to, as follows:

Amend the title so as to read: “A Bill to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes”.

DISCHARGE AND REFERRAL—
S. 1122

Mr. BEGICH. Mr. President, I ask unanimous consent that the bill S. 1122 be discharged from the Committee on Agriculture, Nutrition, and Forestry, and that it be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST
TIME—S. 1232 AND H.R. 2751

Mr. BEGICH. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the titles of the bills.

The legislative clerk read as follows:

A bill (S. 1232) to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

A bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

Mr. BEGICH. Mr. President, I now ask for a second reading en bloc, and I object for my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

Mr. BEGICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 11,
2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, June 11; that following the prayer and the pledge, the Journal of proceedings be

approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; that following morning business, the Senate resume consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, with the time until 2:30 p.m. equally divided and controlled between Senators DODD and ENZI or their designees; that at 2:30 p.m., all postcloture debate time has expired, the Senate proceed to vote on the passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BEGICH. Mr. President, tomorrow at approximately 2:30 p.m., the Senate will proceed to a rollcall vote on passage of the FDA tobacco legislation.

ORDER FOR ADJOURNMENT

Mr. BEGICH. Mr. President, following the remarks of Senator CHAMBLISS, I ask unanimous consent that the Senate adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING COACH SUZANNE YOCULAN

Mr. CHAMBLISS. Mr. President, I rise tonight to recognize a very special Georgian. Suzanne Yoculan just retired as the coach of the women's gymnastic program at the University of Georgia.

Coach Yoculan is a graduate of Penn State University, and she was named head coach of the University of Georgia gymnastics team in 1983. The team, under her leadership, has been nothing short of spectacular. During her 26 years at the helm, Georgia's gymnastics team, or the Gym Dogs, as they are affectionately referred to, have posted a meet record of 831 wins, 117 losses, and 7 ties, for a winning percentage of .870—pretty spectacular.

Let me list the accomplishments the Gym Dogs have achieved under the leadership of Coach Yoculan: Four undefeated seasons: 1993, 1998, 1999, and 2006. Her teams have finished in the top three in the Nation 19 out of the last 21 years. They have also been a part of the Super Six, the final six NCAA teams every year since the format was introduced in 1993, and have never

missed the NCAA women's gymnastics competition. She was Southeastern Conference Women's Gymnastics Coach of the Year in 1986, 1987, 1999, 2001, 2002, 2004, 2008, and 2009. She was the NCAA Women's Gymnastics Coach of the Year in 1987, 1993, 1998, 2006, and 2008. Under her leadership, the Gym Dogs won 21 regional NCAA titles, and they won 16 Southeastern Conference championships and 10 NCAA women's championships, including in the years 2005, 2006, 2007, 2008, and 2009. Yes, that is right—the last 5 years in a row, under Coach Yoculan's leadership, our Gym Dogs have won the national championship each and every year.

This year, in April, the team competed in the NCAA match at the Bob Devaney Center in Lincoln, NE. After a slow start, Coach Yoculan gathered the team in the locker room, gave them a pep talk, and demanded, as she always does, an awful lot from her lady athletes. And did they ever respond in a very positive way. They came down the stretch with several different 10s on various platforms and won the national championship for the fifth consecutive time.

Coach Yoculan made this statement after the meet:

It is really a magical team that has so much fortitude and just love for the sport and passion, and they never quit. I feel blessed, and I actually lived it every day being around them, and that is the thing I am going to miss the most.

Well, those of us who are Bulldogs feel blessed to have had Suzanne Yoculan as our gymnastics coach for the last 26 years. We congratulate her on a very successful career, and certainly we wish her the best in wherever life may take her from here.

GUANTANAMO BAY

Mr. CHAMBLISS. Mr. President, next I rise to speak about the terrorists being held at Guantanamo Bay naval facility, or Gitmo. There are over 240 terrorists in U.S. custody at the military detention facility in Guantanamo Bay, Cuba, today. Let me describe some of the individuals who reside at Guantanamo.

First, Khalid Shaikh Mohammed, or KSM, is the self-proclaimed and quite unapologetic mastermind of the 9/11 attacks. KSM admitted he was the planner of 9/11 and other planned, but foiled, attacks against the United States. In his combatant status review board, he admitted that he swore allegiance to Osama bin Laden, was a member of al-Qaida, was the military operational commander for all foreign al-Qaida operations, and much more. KSM and four other detainees who are charged with conspiring to commit terrible 9/11 attacks remain at Guantanamo today. In addition, Gitmo houses Abd al-Rahim al-Nashiri, who was responsible for the October 2000 USS Cole

bombing which murdered 17 U.S. sailors and injured 37 others. Also residing at Gitmo are Osama bin Laden's personal bodyguards, al-Qaida's terrorist camp trainers, al-Qaida bomb makers, and individuals picked up on the battlefield with weapons trying to kill American soldiers—our young men and women who patriotically serve their country. The detainees at Guantanamo are some of the most senior, hardened, and dangerous al-Qaida figures we have captured.

In May, just 3 weeks ago, the Senate voted 90 to 6 to prohibit any of these hardened terrorists from being brought to the United States. Despite this clear objection, the administration transferred one detainee, Ahmed Ghailani, to New York City yesterday. He is facing charges in the Southern District of New York for his role in the August 7, 1998, bombings of two U.S. Embassies in Africa.

Some of my colleagues in the Senate have touted this as an example of how we can bring criminal charges against the Gitmo detainees and try them in our courts. However, no one has pointed out that Ghailani was indicted on March 12, 2001, a full 6 months prior to the terrorist attacks of 9/11 and after a full investigation by the Federal Bureau of Investigation. The case against Ghailani was built long before he was transferred to Gitmo in 2006. To imply that other detainees, many of whom the FBI has never investigated or collected evidence against, may similarly be prosecuted in U.S. courts is naive.

The President, in announcing the closing of Guantanamo Bay in January of this year, failed to come forward with a plan to tell the American people what he intended to do with the rest of the remaining prisoners being held in that facility. Americans are outraged about the fact that there is now the potential for those individuals to be transferred to the United States and the possibility that some of them may be released into American society.

The reaction of the administration to the outcry from the American people and to the outcry from Members of this body has been: Well, we are going to work this out. We are going to get people to take these individuals.

Well, needless to say, the previous administration had been trying to get folks to allow the return of their countrymen who are housed at Guantanamo for years, and they were not successful. That is why we still have 241 detainees at Guantanamo.

Yesterday, there was an announcement that 17 Uighurs, or Chinese terrorists, are going to be sent to the country of Palau. I doubt there are many Americans who can even tell you where Palau is. It turns out it is a country containing many islands somewhere out in the Pacific, not far from the Philippines.

In order to get Palau to take these 17 Uighurs, the Obama administration has

committed to paying that country \$200 million or, if my calculation is correct, about \$11,764,705 per individual. A pretty good payment for taking these prisoners.

If that is the standard we are going to be using and the precedent we are now setting, you can figure the numbers to look at how much money it is going to cost us to transfer these remaining prisoners to other countries.

Guantanamo is a symbolic issue for many people around the world. I am not one who is going to stand here and say we should not close it. Obviously, there should be some long-range plan to get us out of Guantanamo and to ultimately close it. But without the administration coming forward with a plan, the American people are deservedly outraged at the fact that these individuals may be transferred to criminal facilities in the United States. They, thus, become eligible for all rights of individuals who are housed on U.S. domestic soil, including the right of habeas corpus, and, thus, because not in every case have our soldiers been able to look a guy in the eye who has a rifle in his hand and who is shooting at him, but they are able to disarm him and take the weapon away from him, they don't have the opportunity to gather evidence on the battlefield and to bag up all that evidence and take the time to write down names of witnesses who saw the activity on the battlefield. So there is the potential that some of these individuals might ultimately be successful in a habeas corpus action, be set free by some judge in a U.S. court and, thus, be eligible to be ingratiated into U.S. society.

A couple weeks ago, I filed a bill in the Senate which prohibits, No. 1, any detainee at Guantanamo from being transferred to the United States. The administration has already breached that, and that is why it is more important than ever we consider this bill.

But more importantly, if the President exercises other powers that he has outside of what may be even enacted into law, constitutional powers he may have, and brings these individuals into the United States, my bill will prohibit any opportunity for any of these individuals who are now housed at Guantanamo from ever being released into the society of the United States.

I sought to get this bill up as an amendment to the supplemental, but, unfortunately, my friends on the other side of the aisle saw it in a different way and would not let my amendment come up. We are going to be back. We are going to have this bill up either as a standalone bill or as an amendment at the next opportunity to make sure we do everything we can as Members of the Senate who voted 90 to 6 to not bring these individuals from Guantanamo to the United States, to again have the opportunity to vote on this

issue and to make sure that not only do we not bring them here, but that if by some quirk the President decides we ought to bring them here and does so, then there is never the opportunity for those individuals to be released into the United States, into any of our communities, irrespective of where they may reside.

I simply will close tonight and say this is a very serious issue that, in fact, is being considered by the conferees tonight, I understand, on the supplemental that we voted on a couple weeks ago. The language that was agreed to by that 90-to-6 vote may be in jeopardy. Democrats may be trying to pull that particular provision out of the supplemental and to, thereby, not have language in there that would prohibit these individuals from coming into our country.

I think that is certainly against the will of the American people, it is certainly against the will of the Senate in a big way, and I think would be a huge mistake.

I look forward to continuing the debate on this issue. I look forward to our bill coming up, either in the form of a standalone bill or in the form of an amendment because this is an issue that is not going away until we figure out a way to deal with these individuals who are incarcerated at Guantanamo in a lawful manner as enemy combatants and that we figure out a way to deal with them on a long-term basis that ultimately will allow us to leave Guantanamo and close that facility.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BEGICH). Under the previous order, the Senate stands adjourned until June 11 at 10 a.m.

Thereupon, the Senate, at 7:16 p.m., adjourned until Thursday, June 11, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE INTERIOR

ROBERT V. ABBEY, OF NEVADA, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE JAMES L. CASWELL, RESIGNED.

DEPARTMENT OF STATE

TIMOTHY J. ROEMER, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2011. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

SUSAN MARIE CARL, OF ALASKA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

LANDON A. LOOMIS, OF LOUISIANA
KEENTON C. LUONG, OF CALIFORNIA
MEGAN A. SCHILDGEN, OF MARYLAND

DEPARTMENT OF STATE

KARL MILLER ADAM, OF TEXAS
ANJUM F. AKHTAR, OF CALIFORNIA
ELIZABETH ANN ALBIN, OF TEXAS
MARK K. ANTOINE, OF VIRGINIA
JULIA ELIZABETH APGAR, OF THE DISTRICT OF COLUMBIA

DANIEL PATRICK ARAGÓN, OF VERMONT
KARLA ASCARRUNZ, OF VIRGINIA
NATHAN D. AUSTIN, OF WASHINGTON
DINA A. BADAWY, OF CALIFORNIA
FRANCOISE I. BARAMDYKA, OF CALIFORNIA
ASHLEY CHANTÉL BARRINER-BYRD, OF PENNSYLVANIA
MATTHEW BAUMGARDT, OF THE DISTRICT OF COLUMBIA
BRIAN PAUL BECKMANN, OF MINNESOTA
FRITZ BERGGREN, OF WASHINGTON
KATHRYN W. BONDY, OF GEORGIA
ROXANA BOTEA, OF VIRGINIA
A. STEPHANIE BRANCAFORTE, OF VIRGINIA
JENNIFER LEIGH BRIDGERS, OF GEORGIA
THEODORE BROSIUS, OF THE DISTRICT OF COLUMBIA
ANNMARIE E. BRUEN, OF VIRGINIA
MICHAEL WILLIAM CAMPBELL, OF MARYLAND
JESSICA CHESBRO, OF OREGON
HENRY K. CLARK, OF MARYLAND
BIANCA M. COLLINS, OF VIRGINIA
PATRICIA A. CONNELLEY, OF VIRGINIA
JUSTIN JOHN COOK, OF VIRGINIA
ANTON M. COOPER, OF WASHINGTON
EDWARD KENNETH CORRIGAN IV, OF VIRGINIA
ANN MARIE COTE, OF MICHIGAN
ANDREW J. CURIEL, OF CALIFORNIA
DOUGLAS M. DISABELLO, OF VIRGINIA
JENNY R. DONADIO, OF VIRGINIA
NICK DONADIO, OF VIRGINIA
COLIN C. DREIZIN, OF CALIFORNIA
JENNIFER G. DUCKWORTH, OF THE DISTRICT OF COLUMBIA

THOMAS A. DUVAL, OF MASSACHUSETTS
AMY E. EAGLEBURGER, OF NORTH CAROLINA
JEREMY EDWARDS, OF TEXAS
JEFFREY E. ELLIS, OF WASHINGTON
SHANNON M. EPPS, OF VIRGINIA
JOHN C. ETCHEVERRY, OF VIRGINIA
KAREN J. FACKLER, OF VIRGINIA
SARAH L. FALLON, OF WISCONSIN
CRAIG J. FERGUSON, OF THE DISTRICT OF COLUMBIA
DYLAN THOMAS FISHER, OF THE DISTRICT OF COLUMBIA
THEODORE J. FISHER, OF CALIFORNIA
CHARLES FOUTS, OF CALIFORNIA
CALVIN C. FRANCIS, OF VIRGINIA
RYAN EASTMAN GABRIEL, OF VIRGINIA
ROBERT A. GAUTNEY, OF VIRGINIA
JOSEPH MARTIN GERAGHTY, OF THE DISTRICT OF COLUMBIA

JOHN DREW GIBLIN, OF GEORGIA
STEPHANIE SNOW GILBERT, OF OKLAHOMA
MARK T. GOLDRUP, OF CALIFORNIA
AMIT RAGHAVJI GOSAR, OF VIRGINIA
JOHN JAKE GOSHERT, OF NEW YORK
FORREST GRAHAM, OF MISSISSIPPI
ANDREA M. GRIMSTE, OF VIRGINIA
ANDREW HARROP, OF VIRGINIA
JESSICA A. HARTMAN, OF VIRGINIA
NICKOLAUS HAUSER, OF TEXAS
STEPHANIE MARIE HAUSER, OF FLORIDA
MARK E. HERNANDEZ, OF VIRGINIA
BENJAMIN G. HESS, OF NORTH CAROLINA
EDWARD T. HICKEY, OF THE DISTRICT OF COLUMBIA
JEAN HILLER, OF VIRGINIA
ALAN PAUL HOLMES, OF VIRGINIA
MARCIA ELIZABETH HOUSE, OF GEORGIA
BRENT W. ISRAELSEN, OF UTAH
WILLIAM JAMIESON, OF VIRGINIA
JAMES TAYLOR JOHNSON, OF VIRGINIA
LINDA M. JOHNSON, OF THE DISTRICT OF COLUMBIA
LUKE STEVEN JOHNSON, OF VIRGINIA
EMMIT A. JONES, OF VIRGINIA
PENELOPE R. JUSTICE, OF VIRGINIA
RACHEL Y. KALLAS, OF WISCONSIN
STEPHANIE KANG, OF MISSOURI
ARTHUR KEATING, OF VIRGINIA
WESLEY C. KELLY, OF VIRGINIA
MATTHEW DEFERREREIRE KEMP, OF VIRGINIA
WILLIAM B. KINCAID, OF THE DISTRICT OF COLUMBIA
JERRAH M. KUCHARSKI, OF PENNSYLVANIA
ATHENA KWEY, OF CALIFORNIA
JAMES LAMSON, OF VIRGINIA
DAWSON EDWARD LAW, OF MONTANA
KATHERINE MAUREEN LEAHY, OF NEW JERSEY
ADAM J. LEFF, OF THE DISTRICT OF COLUMBIA
RONG LI, OF MAINE
MICHAEL LIES, OF THE DISTRICT OF COLUMBIA
ELIZABETH ANGELA LITCHFIELD, OF ILLINOIS
QIN P. LLOYD, OF VIRGINIA
PAUL A. LONGO, OF THE DISTRICT OF COLUMBIA
LOUIS T. MANARIN, OF VIRGINIA
CHRISTA LEORA MATTHEWS, OF VIRGINIA

JENNIFER L. MCANDREW, OF TEXAS
 DANIEL CRAIG MCCANDLESS, OF PENNSYLVANIA
 VICKI H. MCDANAL, OF VIRGINIA
 LAYANNA K. MCLEOD, OF VIRGINIA
 DANIEL E. MEHRING, OF CALIFORNIA
 KRISTEN ANN MERRITT, OF CALIFORNIA
 STERLING MICHOLES, OF NEVADA
 RACHEL I. MIHM, OF VIRGINIA
 KENNETH W. MILLER, OF VIRGINIA
 ZACHARY J. MILLIMET, OF VIRGINIA
 SCOTT J. MILLS, OF NORTH CAROLINA
 ERIC CHARLES MOORE, OF MINNESOTA
 KRISTY M. MORDHORST, OF TEXAS
 MICHAEL K. MORTON, OF VIRGINIA
 TIMOTHY P. MURPHY, OF WEST VIRGINIA
 TIMOTHY M. NEWELL, OF VIRGINIA
 SCOTT A. NORRIS, OF FLORIDA
 SARAH OH, OF NEW YORK
 MARK J. OLIVER, OF VIRGINIA
 JAMES PAUL O'MEALIA, OF NEW JERSEY
 IRENE IJEOMA ONYEAGBAKO, OF NEVADA
 ERIK GRAHAM PAGE, OF SOUTH CAROLINA
 TIMOTHY J. PENDARVIS, OF KANSAS
 VALERIE PETITPREZ-HORTON, OF VIRGINIA
 MARLENE H. PHILLIPS, OF VIRGINIA
 MICHAEL P. PICARIELLO, OF VIRGINIA
 HEIDI M. PICHLER, OF VIRGINIA
 ARCHANA PODDAR, OF MASSACHUSETTS
 STACEY D. PRICE, OF MARYLAND
 A. LARISSA PROCTOR, OF PENNSYLVANIA
 ERIN RAMSEY, OF NORTH CAROLINA
 JERAMEE C. RICE, OF TENNESSEE
 JAMES THOMAS RIDER, OF MICHIGAN
 SYED-KHALID RIZVI, OF MARYLAND
 JENNIFER W. ROBERTSON, OF VIRGINIA
 MARK ROBERTSON, OF VIRGINIA
 CHRISTOPHER M. ROGERS, OF VIRGINIA
 DELBERT A. ROLL, OF VIRGINIA
 TRAVIS D. RUTHERFORD, OF VIRGINIA
 LISA A. SALAMONE, OF ARIZONA
 DUSTIN F. SALVESON, OF UTAH
 LEE ERIC SCHENK, OF THE DISTRICT OF COLUMBIA
 JANELLE L. SCHWEHR, OF VIRGINIA
 JONATHAN C. SCOTT, OF CALIFORNIA
 VIKRUM SEQUEIRA, OF TEXAS
 MIHAIL DAVID SEROHA, OF FLORIDA
 MUHAMMAD RASHID SHAHBAZ, OF NEW YORK

GEORGE BRANDON SHERWOOD, OF NORTH CAROLINA
 NATALYA C. SIMI, OF VIRGINIA
 GWENDOLYNNE M. SIMMONS, OF FLORIDA
 NATHAN R. SIMMONS, OF IDAHO
 CHRISTOPHER JAMES SINAY, OF VIRGINIA
 NISHA DILIP SINGH, OF THE DISTRICT OF COLUMBIA
 MATTHEW SIREN, OF VIRGINIA
 KIMBERLY L. SKOGLUND, OF VIRGINIA
 JEREMY DANIEL SLEZAK, OF NEW JERSEY
 ERIC ANTHONY SMITH, OF THE DISTRICT OF COLUMBIA
 VORONIQUE E. SMITH, OF CALIFORNIA
 ABIGAIL ANNE DAVIS SPANBERGER, OF VIRGINIA
 WESLEY R. ST. ONGE, OF VIRGINIA
 KRISTEN MARIE STOLT, OF ILLINOIS
 ANNA AMALIA TAYLOR, OF VIRGINIA
 JOHN MANNING THOMAS, OF THE DISTRICT OF COLUMBIA
 ELISABETH SPIEKERMANN THORNTON, OF VIRGINIA
 SARAH M. TRUETTNER, OF VIRGINIA
 ANDREA TULLY, OF VIRGINIA
 MARC E. TURNER, OF VIRGINIA
 TIMOTHY J. USELMANN, OF VIRGINIA
 ANNETTE VANDENBROEK, OF WISCONSIN
 CHAD R. WAGNER, OF VIRGINIA
 MARISA CORRADO WALSH, OF VIRGINIA
 MICHAEL JAMES WAUTLET, OF COLORADO
 MATTHEW HARRIS WELCH, OF VIRGINIA
 GEOFFREY DAVID WESSEL, OF NORTH CAROLINA
 AMOS A. WETHERBEE, OF MASSACHUSETTS
 GARRETT E. WILKERSON, OF OREGON
 STEVE J. WINGLER, JR., OF GEORGIA
 JOHN ANTHONY GERHARD YODER, OF VIRGINIA
 MARGARET ANNE YOUNG, OF MISSOURI
 MELISSA B. ZELNER, OF ILLINOIS

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN J. KIM, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JUNE 22, 2008:

DALE N. TASHARSKI, OF TENNESSEE

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, June 10, 2009:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DOUGLAS M. FRASER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. STANLEY A. MCCHRYSAL

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JAMES G. STAVRIDIS

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Wednesday, June 10, 2009

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 10, 2009.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

God Almighty, send forth Your spirit to guide the Members of the House of Representatives today and every day of this 111th Congress. By Your power, manifest the strength of this democracy.

So direct the course of this body that policies and decisions made here may proclaim Your goodness to all the people. Not in words only but with every action freely accepted, may this Nation show the world that it is an agent of reconciliation and peace for all and give You glory, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

BRINGING AN END TO THE WARS IN IRAQ AND AFGHANISTAN

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

Mr. KUCINICH. Iraq did not have weapons of mass destruction, had no intention or capability of attacking the United States, and had nothing to do with al Qaeda's role in 9/11. Each and every statement made by the previous administration in support of going to war turned out to be false. Yet here we are, a new administration and the same old war and expansion of the war in Afghanistan. We cannot afford these wars spiritually. They are wars of aggression, and they're based on lies. We cannot afford these wars financially. They add trillions to our national debt and destroy our domestic agenda. We cannot afford the human cost of these wars, the loss of lives of our beloved troops and the deaths of innocent civilians in Iraq, Afghanistan and Pakistan.

So why do we do this? Why do we keep funding wars when they're so obviously against truth and justice and when they undermine our military? These are matters of heart and conscience which must be explored. Our ability to bring an end to these wars will be the real test of our power.

THE INEFFECTIVE BIG GOVERNMENT STIMULUS

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

Mr. WILSON of South Carolina. Mr. Speaker, the commissioner of the Bureau of Labor Statistics has admitted there is no way to actually substantiate the number of jobs saved in this economy. Yet the White House continues to rely on this talking point to divert attention away from job losses. They should put this political rhetoric to bed and work with Republicans on proven bipartisan solutions to encourage job creation and economic growth.

House Republicans have long advocated that we keep more money in the economy by not taking it out in the first place. Presidents Kennedy and Reagan understood this. They supported relief for American families and small businesses as the engine of job creation and general prosperity. We should learn a lesson from history.

I am confident our economy will recover, but it will do so because of the hard work and perseverance of Ameri-

cans. Conversely, filtering billions of borrowed dollars through a bureaucratic maze will be, as we have seen, slow and inefficient.

In conclusion, God bless our troops, and we will never forget September the 11th.

THE NEW WAR IN AFGHANISTAN

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

Ms. TSONGAS. Mr. Speaker, following September 11, our Armed Forces made tremendous strides in Afghanistan, but our resources were diverted to fight the war in Iraq. The circumstances now present in Afghanistan and the region are markedly different than those that characterized our original entry in 2001. As a result, the President's request for supplemental funding is not a reallocation of resources. It is support for a new and different war and must be assessed as such.

I have repeatedly asked in various venues how the President's new strategy would bring regional stability, the length of time, and troop levels that such a commitment requires and what our exit strategy would be. The best answer I have received thus far was from Admiral Mullen. He said, "I think it's going to be a while. At what level of combat, what level of troops, that's difficult to predict right now."

A "yes" vote on the supplemental is fundamentally an acceptance of an open-ended military commitment to Afghanistan. That is not something I can support.

WHAT IS THE EXIT STRATEGY FOR GUANTANAMO BAY?

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, Americans want to know and they want to know now—what is the exit strategy for Gitmo? In the dark of the night, the first Gitmo terrorist indicted for killing innocent Americans was moved to New York. The White House approved this despite the fact that 65 percent of Americans do not support closing Guantanamo and sending dangerous and deadly detainees to U.S. prisons.

It's about time this administration started an open and honest dialogue on the future of Gitmo and inform the

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

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

Congress before ferrying terrorists to America. This sneaky middle-of-the-night move shows that the administration does not want to publicly answer any questions about their exit strategy on Gitmo. Americans want, need and deserve to know exactly where these terrorists will go come next January, and we don't want them here in the United States. We don't need al Qaeda recruiting and training hardened criminals in our prisons.

NOTHING ABOUT COAL IS CLEAN

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

Mr. QUIGLEY. Mr. Speaker, nothing about coal is clean. From extraction, to waste slurry, to stream contamination in Appalachia, nothing—I repeat—nothing about this energy source is clean. In order to extract coal from the ground, mountains are literally blasted apart, killing wildlife and destroying forests, contributing to erosion, flooding and pollution that hits local communities and causes severe health problems. Over 1,200 miles of stream in Appalachia alone have been buried or completely contaminated because of mountaintop mining.

In order to prepare the coal for burning, an overwhelming amount of water is needed to clean the coal. For every ton of coal cleaned, 20 to 40 gallons of water are used to wash the coal, creating a sludgy pollutant known as slurry. Over 90 million gallons of slurry are created every year while harvesting and preparing coal for burning. Keep in mind, we haven't even begun to burn the stuff yet.

Green jobs are the key to economic and environmental progress in regions torn by surface and mountaintop mining and struggling economically due to the destruction of the land. These include jobs in wind, hydroelectric and biofuel power. These jobs will give hard-hit communities a long-term future for their families instead of a short-term paycheck in exchange for the quality of life in the region forever.

BRITISH HOSPITAL PATIENTS DRINK OUT OF FLOWER VASES

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

Mr. POE. Mr. Speaker, while our President preaches the virtues of government-run health care, the Prime Minister of Great Britain is apologizing to his country for their socialized system. And no wonder—Bella Bailey went to Staffordshire Hospital for minor surgery. But things were so bad, she got scared because of the poorly trained English staff. Her fears proved correct when a nurse dropped Bailey on the floor. Her daughter said, "Meals were brought to patients who couldn't feed

themselves, but the staff wouldn't help. Elderly men wandered the halls in a confused state. Vulnerable patients were left hungry and dirty screaming in pain without help."

"Some patients were so thirsty, they drank from flower vases. It was like a third-world country. Things were so bad, I fed patients and took them to the lavatory. It was like I was watching my mum die and others too."

Well, Mrs. Bailey did die in that government-run hospital from injuries sustained while there. Do we really want the government controlling access to health care? Nationalized health care will have the competence of FEMA, the efficiency of the Post Office, and the compassion of the IRS.

And that's just the way it is.

CLEAN ENERGY JOBS EARN ALBUQUERQUE A RANKING IN KEY JOB GROWTH AREAS

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

Mr. HEINRICH. Mr. Speaker, we are at a tipping point in our country's energy policy debate. Today, Americans are realizing the potential jobs that are at stake in our country's energy policy.

In New Mexico's First Congressional District, Schott Solar is on track to employ 1,400 people in Albuquerque; Solar Array Ventures, another 1,000 people; hundreds have already helped build the 100-megawatt High Lonesome Mesa wind energy project; and Sandia National Laboratories continues to partner with multiple clean energy startups.

These clean energy jobs earned Albuquerque a second-place ranking in Kiplinger magazine's 2009 listing of cities leading the country in key job growth areas, the kinds of jobs that are leading America toward economic recovery.

Mr. Speaker, to realize the promise of a clean energy economy, to leave a healthy environment to our children, and to end our dangerous dependency on foreign oil, I urge Congress to take bold, decisive action on America's energy policy.

WORKING ON BEHALF OF ORLEANS AND JEFFERSON PARISHES

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

Mr. CAO. Mr. Speaker, the issues of crime and hurricane recovery are most important for Orleans and Jefferson Parishes. Yesterday I voted for the Witness Security and Protection Grant Program Act, and it passed. Law enforcement officials in my district must have the Federal resources needed to protect our citizens.

On Monday, I requested a government review of unresolved FEMA pub-

lic assistance projects that will help Louisiana move forward with delayed disaster recovery efforts. Lastly, I was able to acknowledge the diverse culture of New Orleans by cosponsoring a resolution to honor black music.

It has been a productive week.

URGING THE UNITED STATES GOVERNMENT TO MOVE SLOWLY AND CAUTIOUSLY IN ITS RELATIONS WITH CUBA

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

Mr. SIRES. Mr. Speaker, I rise today to speak for those oppressed in Cuba that cannot speak for themselves. As the administration is moving forward with immigration talks, as the Organization of American States is welcoming Cuba, I rise to remind my colleagues in Washington and my friends abroad that when you deal with Cuba, you are not dealing with a benign regime. You are dealing with a dangerous regime. The regime's most recent crackdown has surfaced in the oppression of religion.

In May 2008, Pastor Omar Gude Perez was arrested and charged with human trafficking. When no evidence was found to support the charges, the Cuban regime simply changed the charges. He is now on trial for "counter-revolutionary conduct." A man who has been dedicated to his religion now faces years in prison.

Last week, 30 evangelical, non-political pastors were arrested by Cuban authorities. This is a clear attack on religion by the Castro regime.

On top of these atrocities, we hear that two Castro spies may have been working among us in our government for decades. It is crucial that the United States Government move slowly and cautiously in our relationship with Cuba. In light of this, the administration must not make any further decisions regarding Cuba until a comprehensive damage assessment is completed and Congress is fully briefed.

CHINA AND AMERICA'S DEBT

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

Mr. PITTS. Mr. Speaker, during a speech last week at Beijing University in China, U.S. Treasury Secretary Timothy Geithner was laughed at when he attempted to assure students that the Chinese government could continue to safely invest in American debt. The largest holder of our national debt is now openly laughing at our financial situation. At the same time, Federal Reserve Chairman Ben Bernanke was here on Capitol Hill calling for fiscal restraint. Every dollar spent by the government is taken from the people in

taxes or borrowed against future generations.

Our Nation's fiscal responsibility is so lacking that a developing nation snickers at the mention of sound investment in our debt. Traveling the world, begging creditor nations to allow us to continue our spending binge is not the kind of international engagement we need. Our economy will turn around because of the ingenuity of the American people, not because of out-of-control, irresponsible government spending and borrowing.

□ 1015

HEALTH CARE

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

Mr. DEFAZIO. Republicans gave us a Medicare prescription drug benefit complete with a donut hole based on subsidizing the health insurance industry and the prescription drug industry. Now they are at it again. They are absolutely opposed to a public plan option for health insurance, because that would make the health insurance industry compete. Their solution to the 50 million Americans without health insurance and those who are one pink slip away from losing it is tax breaks, so they can go out and buy private insurance.

Well, here is a little secret. Private insurance is exempt from antitrust laws, thanks to the Republicans, so they can and do collude. They won't let you have a preexisting condition. They can discriminate in any way they want. They can price gouge. They can price fix. And the Republicans say that driving people to that system, not giving them a low-cost, public plan option, and making the health insurance industry more cost effective and truly competitive is a better solution.

Now, come on, guys. Do you really care about those 50 million people, or not?

LOWERING STANDARDS OF LIVING THROUGH THE WAXMAN-MARKEY BILL

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

Mr. LUCAS. The Waxman-Markey bill is one of the most monumental bills that this Congress will consider. It has the potential to permanently damage the standard of living for every man, woman, and child for decades to come. Yet Speaker PELOSI and the administration want to force this bill through Congress.

This bill will tax you. It creates a massive national energy tax that will be devastating to those who live and work in rural America. It promises higher energy costs, lost jobs and high-

er food prices. This bill will affect all of us. If you like being warm in the winter, if you like being cool in the summer, if you own a farm or a small business, if you like to eat, if you like to go anywhere, this bill will affect you.

Agriculture is squarely in the cross-hairs of this bill because it is energy intensive. That is why 40 agricultural groups, including the American Farm Bureau, have expressed opposition to it. No large farm group has endorsed it.

A 1,000-page bill of this magnitude deserves thoughtful consideration and debate. Instead, Speaker PELOSI is rushing it through Congress to the detriment of all of us.

HEALTH CARE REFORM

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

Mr. BUTTERFIELD. Mr. Speaker, from the creation of Medicare and Medicaid in 1965 to the reauthorization of SCHIP earlier this year, we have come a long way toward ensuring that every American has access to affordable, quality health care. These programs, Mr. Speaker, ensure that our children and the disabled and the elderly have access to health care. Now it is time to get serious and to help those people in the middle who have been left out.

Family health care costs are increasing. Families cannot afford the rising cost of health premiums, many employer-sponsored plans are providing less coverage and higher deductibles, and there are 45 million Americans with no insurance.

We must seize this opportunity to enact reforms that reduce costs, protect existing plans, preserve our choices in doctors, hospitals and care, and ensure affordable quality health care for all. I support President Obama and the Democratic leadership. We must act now.

WAXMAN-MARKEY BILL IS ALL HAT AND NO CATTLE

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

Mr. NEUGEBAUER. Mr. Speaker, in Texas there is an old saying about the cowboy that was all hat and no cattle; in other words, he was all show and no substance.

At a time of economic hardship, Mr. Speaker, this Waxman-Markey energy bill is all tax and no energy. It is going to cost every American family a \$3,100 increase in their energy costs. Farm income is expected to decrease \$8 billion in the near term and almost \$50 billion in the outyears, a 57 percent decrease in farm income over the next 20 years.

The trouble with this cap-and-tax is it is also going to increase the cost of buildings and construction of farm

buildings. In a town hall meeting last week, Mr. Speaker, the people in the 19th Congressional District said, Congressman, please stop this cap-and-tax bill. They know that this is a plan not to produce more energy, but it is a plan to increase taxes, to take more money out American families' pockets.

Mr. Speaker, I stand for the American farmers and families and small businesses all across America. I opposed this cap-and-tax plan. The Waxman-Markey bill is all hat and no cattle.

ENERGY

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

Ms. TITUS. Mr. Speaker, I rise today in support of efforts to spur investment in clean-energy and energy-efficiency technology that will create clean-energy jobs back home in Nevada and across our country.

Investments in clean-energy technologies like solar, wind, geothermal, smart grid and advanced batteries will help the United States regain its competitive edge in a global green economy, reduce our reliance on foreign oil and improve our energy security.

Clean-energy jobs, like manufacturing solar panels and windmills and constructing new energy-efficient buildings, are jobs that can stay right here at home in the United States. But the United States is currently losing the clean-energy jobs and marketplace share to countries like China, Germany and Korea.

A thriving clean-energy economy will ensure that the United States creates a sustainable manufacturing base that will compete with the rest of the world. I look forward to working with my colleagues on both sides of the aisle to make the investments necessary to help create a booming, clean-energy economy right here in the United States.

SOLDIERS OVERSEAS SHOULD HAVE THEIR VOTES COUNTED

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

Mr. FLEMING. Mr. Speaker, I rise today out of concern with the recent news that one out of every four ballots requested by military personnel and other Americans living overseas may have gone uncounted in the 2008 election. These findings were released in a recent Senate hearing.

The report claims that of 441,000 absentee ballots requested, 98,000 were claimed to be lost. Over 13,000 were rejected because of missing signatures or failure to notarize. Another 11,000 were returned as undeliverable.

I agree with Senator SCHUMER that this system needs an overhaul. While

erving our country overseas, our soldiers deserve to have their votes counted and their voices heard. We need to ensure there is sufficient time for ballots to reach them and have them fill them out and return them for inclusion for their vote to count.

The cornerstone of democracy, Mr. Speaker, is the right to vote. Those sacrificing to protect this right should be given every chance to participate in the electoral process.

REMEMBERING THOSE DEVASTATED BY IOWA FLOODS

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

Mr. BRALEY of Iowa. Mr. Speaker, one year ago today, I got in a plane and flew back home to Waterloo, Iowa, to a district and a State underwater. The railroad bridge in downtown Waterloo was torn down by the raging waters of the Cedar River, and my entire State went through the worst natural disaster in our State's history.

It is hard to believe that that much time has passed, but the work continues and the good, resilient people of Iowa continue to build, which is why Secretary Donovan is there today announcing the latest rounds of HUD assistance to help people get back on their feet and rebuild their homes.

I will be wearing next week, in the congressional baseball game, the jersey of the Anamosa Blue Raiders. Last year, this baseball team's entire field was under 10 feet of water, and it is a symbol of what happens when communities all over this country are devastated by natural disasters. That is why the work we do in this body is so important, and I continue to call upon people to keep in mind those who are devastated in a similar way in the years and days ahead.

KEEPING AMERICA COMPETITIVE IN THE GLOBAL ECONOMY

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

Mr. REICHERT. Mr. Speaker, American jobs are being threatened by new proposals to tax the earnings of American employers operating in markets around the world. We cannot forget that we are in a global economy. America cannot just be a participant in this global economy, but they have to lead in this global economy. In the middle of a downturn, it makes no sense to eliminate a tax incentive like deferral that American employers need to compete in a global marketplace and create American jobs at home.

Eliminating tax incentives like deferral would send U.S. jobs overseas and almost make it impossible for us to compete with China, India and Eu-

rope. Raising taxes on the earnings of U.S. companies discourages investments at home and increases the cost of employing U.S. workers. One of the largest employers in my districts, Microsoft, said last week that raising these taxes on their foreign earnings would force them to move thousands of employees out of the United States.

Congress must help to protect, promote and create jobs at home by encouraging American employers to invest and engage in new markets.

PROTECTING AMERICAN WORKING WATERFRONTS

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

Ms. PINGREE of Maine. Mr. Speaker, coastal communities across this Nation are in trouble. In Maine and in other coastal States, working waterfronts and the jobs they provide are quickly disappearing.

Working waterfronts include commercial fishing, boatyards and other businesses who need access to the water. Once these businesses close, once the waterfront stops supporting these businesses, history shows us they do not come back.

Recently, I introduced the Keep America's Waterfronts Working Act of 2009. This bill will help communities acquire permanent access to the water and develop programs to protect working waterfronts and the jobs they provide, the backbone of our coastal communities.

A report released this week, the "State of the U.S. Ocean and Coastal Economies," coauthored by Professor Charlie Colgan from the University of Southern Maine, found that coastal counties contributed 42 percent of the national economic output in 2007, and working waterfronts are critical to supporting this economy.

We must protect working waterfronts and the jobs they provide. I would like to thank my colleagues for joining together to protect working waterfronts, and I look forward to working together to move this legislation through Congress.

RECOGNIZING DR. TERRY BRADLEY ON THE OCCASION OF HIS RETIREMENT

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

Mr. NUNES. Mr. Speaker, today I rise to offer my gratitude on behalf of the people of the 21st Congressional District for the lifetime service of Dr. Terry Bradley. He is retiring from his position as superintendent of the Clovis Unified School District.

I have known Terry for many years as his Representative in Congress. His

hard work and commitment to the students and faculty of Clovis Unified has always impressed me. Indeed, Terry's legacy is one that should be celebrated. During his tenure, he presided over faculty investments amounting to over \$1 billion. These improvements, as well as his commitment to excellence, have made a real difference in the quality of education for the students.

While the parents and students of Clovis will miss him, Terry can leave his position with full confidence that Clovis Unified School District, a school district that has helped lead the valley into the 21st century, will continue to thrive for future generations.

WE MUST REFORM HEALTH CARE

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

Mr. PAYNE. Mr. Speaker, the time has come to take decisive action on health care reform. We simply cannot afford to wait any longer. American families and small businesses have seen the cost of health care coverage steadily rise to the point where many can no longer afford to pay their premiums. We know that our system is broken when we have 46 million Americans, many of them in my home State of New Jersey, who are only one illness or one accident away from being wiped out financially.

As President Obama and the majority in Congress work to take our Nation in a new direction, we are firmly committed to making improvements in our health care system in a way which will reduce costs, preserve a patient's choice of doctors and plans, and ensure quality, affordable health care for all.

It is important that we promote wellness by investing in prevention and educating about healthy life choices. Health care reform is an issue that we can resolve if we work together in good faith for a solution. Just saying "no," as some in Congress have chosen to do, will only worsen the problem.

ADDRESSING GREENHOUSE GAS EMISSIONS

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of the Energy and Commerce legislation that addresses greenhouse gas emissions. We have heard a lot of fear-mongering here on the floor of the House of Representatives and a lot of misinformation trying to scare voters and consumers into believing that somehow their taxes are going to go up. That is not true.

As a matter of fact, this is a carefully crafted bill that provides lots of exemptions to energy-intensive industries to trade to vulnerable industries

that will really make a difference in people's lives. But, frankly, to stand still is to lose, and that is why so many companies, like Johnson & Johnson, ConocoPhillips, have endorsed this legislation.

Energy-intensive industries have endorsed this legislation because they know that if we are going to move forward and stay competitive as a country and if we are going to protect the interests of our consumers and the environment, we need a new platform. This bill provides that.

I support the legislation, urge my colleagues to do so too, and not to listen to fear-mongering.

PROVIDING FOR CONSIDERATION OF H.R. 1886, PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009, AND PROVIDING FOR CONSIDERATION OF H.R. 2410, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 522 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 522

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1886) to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs; (2) the further amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Ros-Lehtinen of Florida or her designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2410) to authorize ap-

propriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part C of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. In the engrossment of H.R. 2410, the Clerk shall—

(a) add the text of H.R. 1886, as passed by the House, as new matter at the end of H.R. 2410;

(b) conform the title of H.R. 2410 to reflect the addition to the engrossment of H.R. 1886;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

□ 1030

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my good friend, Mr. DIAZ-BALART.

All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 522.

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

There was no objection.

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

H. Res. 522 provides for consideration of H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, and H.R. 2410, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011. Both bills are debatable for 1 hour each, equally divided and controlled by the Chair and ranking minority member of the Committee on Foreign Affairs.

The rule on H.R. 1886 self-executes as a manager's amendment to resolve jurisdictional concerns in the bill and legislation providing for Afghanistan-Pakistan security and prosperity enhancement. It also makes in order an amendment in the nature of a substitute authored by Ranking Member ROS-LEHTINEN, which is debatable for 30 minutes.

The rule for H.R. 2410 makes in order 27 amendments listed in the Rules Committee report. Each amendment is debatable for 10 minutes, except the manager's amendment, which is debatable for 20 minutes. The rule includes a motion to recommit with or without instructions.

Mr. Speaker, the United States is faced with many challenges on the world stage. It is critical that Congress put forth the necessary funding to help rebuild our diplomatic capabilities abroad and mitigate the damage that was done under the previous administration's leadership.

H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011, is the first foreign relations-related authorization bill to reflect essential democratic priorities since 1993. As such, it provides a new direction forward and vital resources to boost our diplomatic capacity, improve our relations around the world, protect our national security, and make use of America's smart power, rather than rely on the military only solutions of past Congresses and the previous administration.

H.R. 2410 and H.R. 1866, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, together, set forth a progressive foreign affairs agenda that emphasizes diplomatic, economic and social efforts at change, not just the use of military force.

For years the Department of State has been denied critical resources to fulfill its core diplomatic missions in furthering our global interests and protecting our national security. In neglecting diplomacy, we have missed opportunities to prevent and mitigate conflicts around the world.

Our diplomatic activities are woefully underfunded, undermanned, and underutilized. We must rebuild our diplomatic capacity to meet the needs of

our increasingly complex global relations. Diplomatic, economic and social assistance is a much wiser and less expensive investment than war. Rather than relying on either hard power or soft power, we must, instead, emphasize smart power.

Promoting democracy, human rights, the rule of law and the development of civil society is a matter of leadership requiring us to think beyond unilateral military solutions and to, instead, embrace a much more comprehensive approach to our relations with the international community. This rule enables us to consider legislation to do just that.

The first legislation on this rule, the Foreign Relations Act, advances crucial and laudable programs. The Department of State is authorized to hire more than 1,500 Foreign Service officers, ensuring that our overseas posts will be staffed with eager and knowledgeable workers committed to promoting American culture, values, and policies.

Critical multilateral assistance is authorized to fund our obligations to international organizations, including the United Nations and global peacekeeping operations. This effort demonstrates the United States' commitment to working with our friends and allies as a true partner in peace and cooperation.

I'm particularly pleased with the increased funding authorization for the Peace Corps, enabling a dramatic expansion in the number of volunteers and countries served. Peace Corps volunteers exemplify our national commitment to improving the world, devoting their lives to helping the world's poorest people build communities and lift themselves out of poverty. As one of our Nation's most treasured and effective international programs, we must ensure that it attracts top quality volunteers and can reach into the farthest corners of the world.

Improvements in refugee and migration assistance are a critical part of this legislation. The United States has a long history of commitment to humanitarian issues, and this bill authorizes the funds necessary to improve resources and programs to effectively help families reunite and resettle.

I fully support section 235, relating to Iraqi refugees, whom the United States has a special obligation to help. There are more than 4.7 million Iraqis currently displaced within their own country and in neighboring states. Sadly, however, this situation has not improved much. And yet the principal reason, I believe, that this crisis has not received the attention that it should is because Iraqis are not living in refugee camps. Instead, they are a mobile population scattered throughout the region. This fact alone has made this humanitarian crisis virtually invisible to the international

community. However, for those Iraqis who remain stranded, jobless, and deprived of essential services, with conditions worsening by the day, this deepening crisis only threatens to further destabilize the entire region. Section 235 of this legislation is an important step towards fulfilling our obligation to assist the Iraqi people recover from years of war and conflict.

If a picture is really worth 1,000 words, then all one must do is look into the face of the Iraqi refugee, as I have, who has had a family member murdered, kidnapped or tortured, and their own life threatened, to know that the United States must respond. I'm, therefore, grateful that my language, introduced in legislation, was included in this bill.

Mr. Speaker, this rule also includes H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enforcement Act. This legislation takes our Pakistan policy in a new direction, affirming the United States' commitment to a sustained partnership with Pakistan.

Since 2001, the United States has provided over \$12 billion to Pakistan, without specific goals or objectives. Frankly, the situation has only gotten worse since that time.

By providing over \$6 billion in 4 years in democratic, economic and social development assistance, this bill demonstrates our determination to help Pakistan build a stable, democratic and prosperous future.

□ 1045

This funding will provide critical resources for Pakistan to address the fundamental needs of its citizens.

Through the Pakistan Counterinsurgency Capabilities Fund, the United States is also committed to helping Pakistan combat terrorism and the Taliban insurgency. At the same time, mindful of the past history of neglecting oversight, this legislation provides a range of transparency, evaluation, and accountability standards to ensure that our money and efforts are being applied effectively and efficiently.

Mr. Speaker, as I am concerned about the situation of Iraqi refugees, I am also concerned about the situation of Pakistan's refugees. According to news reports, more than 3 million people in Pakistan's northwest region have been uprooted due to ongoing fighting. Like the Iraqi refugee crisis, the Pakistan refugee problem, if not handled properly, could become a ticking timebomb with ramifications far beyond what we can conceive today.

It is imperative that the mistakes of the previous administration with regard to Iraq are not made again. I am pleased that the United States has recently committed \$200 million on top of a previous commitment of \$110 million, but we must not think that this is the end of our responsibility. The United States must seize this opportunity and

implement a comprehensive plan to address this growing humanitarian crisis.

Mr. Speaker, this is a good rule that paves the way to considering essential legislation to put our foreign policy on the right path towards improving our relations around the world. I urge adoption of the rule and passage of the underlying legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Florida (Mr. HASTINGS), for the time, and I yield myself such time as I may consume.

First I would like to say a word about the session of the General Assembly of the Organization of American States, OAS, held last week. It was an embarrassment. Fidel Castro in Cuba wants the U.S. to apologize to him for having kept the U.S. market and its millions of tourists and billions of dollars in financing from him and for having denied him full diplomatic recognition for decades.

He also wants the international community to kneel before him and apologize, which is what the OAS did last week. Fidel Castro has been recruiting advocates, spies, defenders, cronies, and servants for years. The ideological and psychological fascination and dependency that Hugo Chavez has on Fidel Castro has allowed Castro to utilize Chavez's billions of petro dollars to purchase many important defenders. It is part of the public record that a suitcase of Chavez cash heading to Mrs. Kirchner in Argentina was recently intercepted by authorities before reaching its intended destination.

Castro has purchased advocates and spies through the years via the always-present threat of blackmail after trips to totalitarian Cuba, where the regime tapes visitors in compromising situations, as confirmed by Interior Ministry defector Roberto Hernandez del Llano and Cuban counterintelligence defector Major Roberto Ortega.

Castro also serves as a banker for illicit money possessed by those who seek to avoid detection by the anti-laundering mechanisms set up by the international community. It matters not if the money's source is political corruption or narcotrafficking.

Through his mastery of the semantic of anti-American Marxism-Leninism, he has also conned others into being his spies. No other state sponsor of terrorism—no other state, in fact—has had more spies arrested and convicted in the United States in the last decades as Fidel Castro's dictatorship.

Let us remember Ana Montes, one of the top analysts at the Defense Intelligence Agency who was arrested in 2001 and subsequently convicted of espionage in Federal court and whose treason led to the deaths of many, including U.S. Special Forces Sergeant

Gregory Fronius. And just last week, Walter and Gwendolyn Myers, a long-term State Department official and his wife with access to classified documents, were arrested for spying for their beloved hero, the Cuban tyrant.

Hugo Chavez's absolute dependency on Fidel Castro for every major decision, even for his phrases and gestures in international forums, is unprecedented. While the Soviet Union used to send Castro economic aid and also orders and instructions, Chavez sends Castro billions of dollars and receives orders from him.

What the world witnessed, first at the April Summit of the Americas and then at last week's meeting of the OAS, was a culmination of years of preparation in the purchase and cultivation of advocates and defenders by Fidel Castro. Castro's defenders know full well that chapter II, article 3d of the Charter of the Organization of American States requires the existence of representative democracy in all of the countries of our hemisphere and that the Inter-American Democratic Charter of 2001 carefully spells out the collective steps to be taken when an American republic's democracy is even threatened. They know that Cuba, under Castro, was the only country in our hemisphere where free elections have not been held in over 50 years and where dungeons are full of nonviolent political prisoners who are subjected to hell on Earth each day of their lives. They know that under Castro Cuba is a personal island-estate, a ranch, a personal landholding or homestead, a totalitarian fiefdom owned by one man with a brother who enjoys the title of head of State and carefully carries out his brother's orders.

At the OAS meeting of last week, we witnessed an example of the Obama administration's diplomatic incompetence and its appeasement of the enemies of the United States. The administration went along and agreed to violate the OAS Charter and the OAS Inter-American Democratic Charter in an action that constituted a grotesque and unmerited betrayal of the oppressed people of Cuba.

The Obama administration says that the OAS resolution was a great victory because even though paragraph 1 of the "resolved" clause unilaterally lifted the exclusion of the Cuban military dictatorship, in paragraph 2, the dictatorship was allowed to initiate a process of dialogue to reenter the OAS in accordance with the practices, purposes, and principles of the OAS. In other words, in the first sentence, the OAS ripped up and threw in the garbage can the practices, purposes, and principles of the OAS, including its charter and the Inter-American Democratic Charter. And then in the next sentence, it invited the Cuban military dictatorship back in in accordance with the practices, purposes, and prin-

ciples of the OAS. Some victory. I mention this in the context of the Foreign Relations Authorization Act because the American taxpayer should not be paying for almost 60 percent of the putrid embarrassment which is the OAS.

I recognize that on funding international organizations, the administration will get its way, just like the Bush administration would get its way whenever someone in the OAS would propose ending the exclusion of the Cuban military dictatorship and the administration would simply say, That's a nonstarter. But here is the heart of the issue with regard to U.S.-Cuba policy: The U.S. Congress must continue to condition access by the Cuban regime to the billions of dollars in U.S. tourism and massive investment in trade financing to the liberation of all political prisoners, without exceptions; the legalization of all political parties, without exceptions, labor unions and the press; and the scheduling of multiparty elections. That is critical leverage for a democratic transition to take place in Cuba when Fidel Castro dies, for he is the ultimate source of absolute personal totalitarian power in that enslaved island, like a modern day Caligula or Nero, and that moment is approaching.

We must keep in mind the effect of unilateral concessions such as last week's shameful OAS action on Fidel Castro. How does he react to such unilateral concessions? The repression is more intense than ever; the brutality, more savage than ever. The alliance with Chavez, the Iranian dictatorship, the Syrian regime, Middle Eastern terrorists, and with the North Korean dictatorship is closer than ever. That is what must be kept in mind about unilateral concessions to the Cuban military dictatorship.

Now, specifically with regard to the Foreign Relations Authorization Act, earlier in the year Secretary Clinton testified before the House Foreign Relations Committee that she had challenged the State Department to reform and innovate and save taxpayer dollars. I found the Secretary's statement to be quite appropriate. Unfortunately, the majority has decided to ignore that challenge and instead today has brought forth legislation that authorizes increased spending by 35 percent without increased transparency, accountability, and efficiency.

This legislation will also increase U.S. taxpayer funding authorized for the United Nations by nearly one-third without requiring the United Nations to undertake necessary reforms to improve efficiency and stop blatant corruption.

While failing to place accountability standards in this bill, the majority decided to include provisions in the Pakistan Assistance Act—which is also being brought to the floor with this one rule—that will micromanage U.S.

policy toward Pakistan. In a letter to the Armed Services Committee, Secretary of Defense Gates and Chairman of the Joint Chiefs of Staff Mullen wrote that "the degree of conditionality and limitations on security assistance to Pakistan" in the legislation "severely constrains the flexibility necessary for the executive branch and the Department of Defense given the fluid and dynamic environment that exists in Pakistan."

This rule bringing forth two pieces of legislation limits the number of amendments that the House will be allowed to debate. Out of the 85 amendments submitted to the Rules Committee, the majority decided to make 27 amendments in order. I understand that the majority has a responsibility to move legislation and manage the time on the floor, but if we look at the amendments the majority made in order, they do not fully address the scope and range of issues of concern to House Members. For example, amendments that would prohibit funds from being used by the State Department to encourage U.S. courts to dismiss claims brought against European insurance companies to recover compensation from Holocaust-era insurance policies, or, for example, to re-list the North Korean tyranny as a state sponsor of terrorism were prohibited from being debated.

I don't understand why the majority blocks a debate on such important amendments. I don't know if they're afraid of debate or protecting the Members from tough votes or afraid of the democratic process, or all of the above.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentleman from California, my good friend, the chairman of the Foreign Affairs Committee, Mr. BERMAN.

Mr. BERMAN. I thank the gentleman from Florida for yielding me this time, and I rise in strong support of the rule authorizing the Foreign Relations Act to come to the floor, H. Res. 522. This rule covers both H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011, and H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009.

These are both critical measures. H.R. 2410 provides the resources necessary for the President to realize his vision of making vigorous diplomacy a cornerstone of our strategy to promote U.S. national security.

By wisely investing resources to strengthen our diplomatic capabilities, we can help prevent conflicts before they start and head off the conditions that lead to failed states. This approach is a much more cost-effective one than providing massive amounts of

humanitarian aid, funding peace-keeping operations or, in the most extreme circumstances, deploying U.S. troops into harm's way.

I think the Rules Committee has crafted a fair rule in regard to the bill, one that continues our efforts to include a number of amendments from the Republican side.

With respect to H.R. 1886 regarding Pakistan, I do not need to remind my colleagues of the challenge to U.S. national security posed by the situation in that country.

□ 1100

We cannot allow al Qaeda and any other terrorist group that threatens our national security interests to operate with impunity in the tribal regions or any other part of Pakistan. Nor can we permit the Pakistani State and its nuclear arsenal to be taken over by the Taliban. H.R. 1886 was designed to address these threats by supporting democracy, enhancing U.S. economic assistance, and providing the Pakistani military with the tools they need to fight the terrorists.

I am pleased we could work out a consensus on this important bill with our colleagues on the Committee on Armed Services as reflected in the amendment made in order by the rule. And I'm also pleased that the rule makes in order a Republican substitute. This way we can discuss the best way forward to ensure that we get the results we need in this ongoing effort to combat those who threaten our Armed Forces, our allies, and even our homeland.

I urge all my colleagues to support the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

I rise in opposition to the rule.

Let me just say at the outset, Mr. Speaker, in the 1990s, I served as chairman of the International Operations and Human Rights Subcommittee, at first having served as ranking member to Tom Lantos. Then when the House went Republican, we switched and I became the chairman of that committee. And one of the responsibilities of that committee was to write the Foreign Relations Act, the State Department Reauthorization Act, for the country. And we worked very hard, Mr. Lantos and I, very diligently in crafting a bill that was, A, truly bipartisan and, B, open to virtually every amendment that Members wanted to offer.

I remember bringing a bill to the floor, Mr. Speaker, where every day Members just had to file their amendments in the CONGRESSIONAL RECORD, a preprinting requirement, so in the morning we would wake up and find out what amendments might be of-

fered, and then we would deal and dispatch positively or negatively with those amendments. The process was open, transparent and fair.

Today we have a very much closed rule, except on matters where there is consensus. Sure, there are some Republican amendments. But on areas where there is significant and fundamental disagreement, especially an amendment that I had hoped to offer to authorize the office for Global Women's Issues, I had been precluded that opportunity. And I want to say to my colleagues I didn't do that when I chaired the subcommittee, and I worked very hard in a bipartisan way with my friends, and I do consider you on the other side of the aisle friends, to ensure that we all got to express our voice and vote on things that mattered, that we all had an opportunity to express ourselves.

In Committee, I offered an amendment to establish a Global Office on Women's Issues. It lost in a party-line vote. Every Democrat voted against it; every Republican voted for it. That legislation would have established a new Office for Global Women's Issues led by an ambassador-at-large, designed to coordinate and advise on activities, policies, programs, and funding related to women's empowerment internationally. The amendment would promote activities designed to expand educational opportunities and job training for women, equal pay for equal work, microfinancing and microenterprise programs for women, property inheritance rights for women, an improvement of maternal mortality, expand pregnancy care centers, combat forced abortions and forced sterilization, to enhance our efforts in the area of sex and labor trafficking particularly of women and other forms of violence against women, seeking an end to genital mutilation, stop child marriage, and promote changes in male attitudes and behavior that are detrimental to women. That was all prescribed in the legislation, and obviously other things could be included as well, consistent with core human rights norms that all human life, Mr. Speaker, is sacred and precious and worthy of protection regardless of age, sex, race, color, creed, disability, wantedness, or condition of dependency. My amendment sought to hold harmless unborn children and their mothers from the violence of abortion.

The Smith amendment is abortion neutral and states that the new office shall not engage in activities to author the laws or the policies of foreign countries with regard to how abortion is regulated or permitted. Abortion neutral. I would like it to be a pro-life office that says it time to empower and embrace and enfranchise unborn children.

I say to my colleagues, We live in 2009. We no longer have any doubts

about the humanity of an unborn child. Unborn children are just like you and I except they're young, they're immature, and they're dependent. And their human rights are violated with impunity not just in this country but around the world. Sadly, the Obama administration, and I say this with great sadness, Mr. Obama is well on his way to becoming the abortion President. Virtually everything he has done through Executive order and through appointments and through other policies promote the killing of unborn children and the wounding of their mothers.

So I rise in opposition to this rule, Mr. Speaker. Whether this body chose to vote up or down on my amendment, we should have had the opportunity. It saddens me greatly because, again, I have great affection for the chairman, Chairman BERMAN, and for his staff, with whom I have worked very closely on human rights issues. This is a human rights issue.

There could be a consensus about the new office that's being created, that has already been created, and that this gives statutory affirmation to for women's issues. But, unfortunately, we will not have that opportunity.

I will remind my colleagues that Alveda King, Dr. Martin Luther King's niece—

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. SMITH of New Jersey. Dr. Martin Luther King's niece, Alveda King, has had two abortions. She now heads up an organization called the Silent No More Awareness Campaign, and she speaks out and says that this is the new civil rights movement, protecting the unborn child but equally protecting women from abortion. It is violence against women. It is violence against children.

The new Global Office on Women's Issues ought to at least be neutral, I would say affirm the unborn but at least neutral when it comes to respecting unborn human life.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Colorado (Mr. POLIS), my colleague and a good member of the Committee on Rules.

Mr. POLIS. Mr. Speaker, today I rise in support of the rule and H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011. I would like to thank Chairman BERMAN and the House Foreign Affairs Committee for their continued insight, leadership, and their focus on diplomacy in the realm of foreign affairs and for bringing this much-needed reform legislation to the House floor.

Mr. Speaker, during the Bush administration, the Department of Defense

acted as our primary foreign liaison, much to the detriment of our relationships worldwide. This bill corrects the damage done over the past 8 years by providing the State Department with much-needed resources that will once again make diplomacy the centerpiece of our outreach effort.

This bill authorizes funding for the State Department and USAID to help prevent, navigate, and peacefully resolve foreign crises. This bill strengthens our own Nation by putting forth the image of America that we want the world to see: a hardworking nation rooted in tolerance and innovation. It reflects our commitment to intellectual diplomacy and allows the United States to lead by example.

For instance, by doubling the amount of volunteers in the Peace Corps, we can double our response to humanitarian and international development needs. By creating the Senator Paul Simon Study Abroad Foundation, we would allow more students, regardless of their economic background, to experience foreign cultures.

This legislation creates 1,500 foreign service jobs at the State Department with another 700 at USAID over the course of fiscal years 2010 and 2011. It funds language training programs, sorely neglected for years due to underfunding.

As the Representative of the Second District of Colorado, we have a large Tibetan and Tibetan Buddhist community, and I'm particularly appreciative that this bill establishes a Tibet section in the American Embassy in Beijing and a United States consulate in Lhasa, Tibet. These offices will follow political, economic, and social developments inside the country and report on human rights. It also establishes a Tibetan scholarship program that will enhance cultural exchange possibilities for American students and develop increased understanding of the region as a whole.

Another crucial element of modernizing the State Department is fighting the discrimination against the LGBT community worldwide, including in Iraq. This legislation requires the State Department to monitor and track violence, criminalization, and restrictions on fundamental freedoms, basic human rights, consistent with U.S. law. It requires the State Department to demand foreign governments to change or repeal discriminatory laws that criminalize homosexuality as well as requiring reports on related violence and discrimination. This will ensure that our foreign counterparts heed our rejection of intolerance and ensure that all people are granted the dignity they deserve.

Mr. Speaker, I also applaud H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement, or PEACE, Act. It demonstrates America's commitment to foreign diplomacy and

codifies the principle that social and economic development is critical to fighting terrorism and promoting peace.

Both bills bring to mind T.H. White's idea that "might is not right." Military intervention is not as strong a diplomatic tool as fostering understanding.

I urge my colleagues to support and vote "yes" on the rule and the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, let me say that Pakistan is at a very critical juncture. We have radical militants. We have radical madrasas that are graduating an ever-increasing number of jihadists out of those schools, and we have a weak government with nuclear weapons.

This Pakistan bill is a good attempt to guide our engagement in Pakistan in a way that gives us the best chance to see that our aid is spent in a constructive and responsible fashion, which hasn't been the case. I commend its author, Chairman BERMAN.

As to the rule, I think it is problematic. The State Department authorization bill, quite simply, spends money we don't have, over a third increase at a time when we're borrowing money from China and elsewhere. Amendments to cut this amount were not made in order. I think that was a mistake.

I am very disappointed, let me add, though, at the addition done by the Rules Committee of a flawed trade provision. Don't get me wrong. Trade can do far, far more than aid for Pakistan's economic development and social stability, which is in our interest. The problem is that this provision is far too restrictive and burdensome as to do any good. In fact, it may be harmful to trade. At a time when Pakistan is perhaps the greatest threat facing us, this is no time for window dressing and business as usual. This preferential trade provision as it came out of Rules Committee is simply unacceptable.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Foreign Affairs Committee, Mr. BERMAN.

Mr. BERMAN. I again thank my friend from Florida for yielding me some additional time.

Mr. Speaker, I would like to use this time to deal with one of the points made by my friend from Florida (Mr. LINCOLN DIAZ-BALART) and then more substantially to the issue raised by the gentleman from New Jersey (Mr. SMITH).

Mr. DIAZ-BALART cited a letter signed by the Chairman of the Joint Chiefs of Staff and the Secretary of Defense that was sent a number of weeks ago, long before a series of changes were made in

this bill. At the time that letter was sent, we had a very elaborate resolution of disapproval process for the Presidential determinations. That has been struck. We had a very high waiver standard vital to national security interests. That has been struck. We had a great dispute that was existing over how the Pakistan Counterinsurgency Cooperation Fund should work. Those issues have all been worked out with the House Armed Services Committee. The House Armed Services Committee has worked through all of these issues with us. They are reflected in the Pakistan bill. This is the committee to whom the Secretary's letter was addressed. A number of changes have been made. My friend's comments relate more to the Pentagon's view of this bill before all those changes were made than they do now.

□ 1115

The issues I would really like to focus on are the issues raised by the gentleman from New Jersey. This is a State Department authorization bill.

The first thing was to put together this bill to say we are not going to use this piece of legislation to change the substantive law on the issue that is so controversial for which disagreements are so strong in this House. This is not going to be a vehicle for changing the law on that subject. So, when a number of the groups came with a compelling case—the pro-choice groups—that we should include a provision in this bill that prohibits any President in the future from imposing an executive order, such as the Mexico City policies, I said I would love to. I support that position, but we're not going to use this bill to do it.

The gentleman from New Jersey, in his heart, is not truly driving at the Office of Global Women's Issues. This is an office that, in one form or another, has been around since 1975. Their purpose is to promote education for women and girls around the world and to promote political empowerment, like the right to vote for women and dealing with problems of violence against women. There is no basis for assuming that this office is going to do anything to promote or to lobby for abortion.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. BERMAN. Moreover, in the manager's amendment, which is made in order by this rule that we are now debating, I said let us establish in policy our statement of neutrality on this issue. We include in the manager's amendment a provision which says nothing in this section, and in particular, the duties of the Office of Global Women's Issues, shall be construed as affecting in any way existing statutory prohibitions against abortion.

There will be no change whatsoever in existing statutory prohibitions against abortion or in existing statutory prohibitions on the use of funds to engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited.

That means the Siljander amendment, the Helms amendment and the Leahy amendment, which construct the current state of the law with respect to U.S. efforts on this issue abroad, remain in effect and unchanged, and there is nothing in the statutory institutionalization of an already existing Office of Global Women's Issues that will change any of that. We reaffirm that by this statute.

What the gentleman from New Jersey wants to do—he didn't quite say it, but he acknowledges it when asked about it—is change the law. That's legitimate. He can have his efforts; but for those of us who say let's not use this as a vehicle one way or the other and for those of us who have rejected efforts that we, personally, support and to which I am very much committed in the pro-choice community regarding this issue, there is no basis for saying that this bill is defective because it doesn't serve either side's agenda on this particular issue.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank my colleague for yielding.

I had three amendments that were brought before the Rules Committee yesterday, and for the life of me, I can't figure out why the Rules Committee didn't make these amendments in order. Let me just talk to you about these three amendments. Then I'd like for the Rules Committee to comment on them, if they would.

First of all, there is a man named Benon Sevan, who has been indicted in the Oil-for-Food scandal with Saddam Hussein. Saddam Hussein was kicking millions of dollars to this guy in the Oil-for-Food scandal. This guy has been indicted. He is hiding in Cyprus right now, and the U.N., with our money, is going to pay his legal bills, and they're almost \$1 million already.

Why should the American taxpayer be paying the legal bills of Mr. Sevan, who was involved in the Oil-for-Food scandal that we all know about? Why should the United States taxpayer be paying his legal fees, especially when he is hiding out in Cyprus?

Well, that was one of the amendments, and I hope you'll explain to me why the American taxpayer should be paying for that.

The second amendment deals with liquidated assets that we give to enterprise organizations around the world. We give hundreds of millions of dollars

to organizations around the world to help the economies of various countries. When those enterprise funds and organizations are liquidated, they take that money, and they put it into foundations or into other organizations within those countries. Right now, there is \$900 million that is sitting out there of American taxpayer money that is going to foundations in other countries, and we don't believe all of that money should go there, because it is not for its intended purpose. So, if they want to do that, we think we should get at least half of our money back, which would be \$450 million.

For the life of me, I can't figure out why the Rules Committee wouldn't want to get at least half of our money back that's not being used for its intended purpose. It makes no sense to me, so I hope they'll explain that to me.

Lastly, Jerusalem in Israel is our best ally in the Middle East. Since the 1967 war, Israel has maintained that united Jerusalem is the indivisible, eternal capital of Israel. On November 14 of 2005, Congress mandated that the embassy be moved to Jerusalem. We mandated that our embassy be moved from Tel Aviv to Jerusalem in 2005, but we did give the President waiver authority under certain circumstances. Every single year, there has been a waiver granted that does not allow our embassy to be moved to Jerusalem.

I think that's wrong. It's time to change that. My amendment would have said that we move our embassy and that we start building the embassy in Jerusalem now just as it was proposed and passed by this Congress in 2005.

So I would like for my Democrat colleagues on the Rules Committee to explain to me why these three amendments were not made in order: one dealing with something we've already done, which was to order our embassy in Israel to be moved to Jerusalem. We've already ordered that.

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

Mr. BURTON of Indiana. I hope you will explain.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Florida (Mr. KLEIN), my colleague and fellow Floridian.

Mr. KLEIN of Florida. I thank the Congressman.

Mr. Speaker, I rise to support the rule and the underlying legislation, the Foreign Relations Authorization Act of 2009. This bill will allow us to advance our foreign policy and our national security goals, and I believe very strongly in those goals.

I would also like to briefly speak about one provision in the bill that will help to ensure the safety of many Americans. As many of us know, June 1 is the beginning of hurricane season,

and there are many ways to be prepared. Hurricane hunter planes, used by the National Oceanic and Atmospheric Administration and by the Air Force, fly into hurricane areas to more accurately predict where a hurricane is going. However, certain countries are not allowing these planes to fly into their airspace. If one country obstructs our hurricane preparedness efforts, it could be the difference between life and death. This legislation puts in place measures so that the State Department can resolve this issue as soon as possible and can help protect our Americans.

I would like to thank the chairman for allowing us to work on this issue and on all of the others with me and with others. I urge my colleagues to support the rule and the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, with regard to the point made by the distinguished chairman as to the strings on the military aid to Pakistan, I hope and expect that that will be engaged in during the debate with the ranking member, who very clearly in the Rules Committee pointed out that the strings are still excessive.

I yield 2 minutes to the distinguished gentleman from New York (Mr. LEE).

Mr. LEE of New York. I thank the gentleman from Florida for yielding.

Mr. Speaker, I rise to oppose the rule and the underlying bill. The legislation we're set to consider today is the latest demonstration of Washington's failure to understand how the middle class lives in these difficult economic times.

Try, for instance, to explain the logic in granting a 23 percent increase to overseas foreign service officers to the workers in my district who are either taking pay cuts or who are losing benefits as their families in my district are doing their best to make ends meet. When Washington spends money, it does not have to fund these salary increases. It is not just the disconnect on spending that is cause for concern.

In the last month alone, gas prices in my district have been up over 41 cents. These are resources coming from individuals who are struggling in my district to make ends meet. Now Democratic leaders are pushing for an ambitious national cap-and-trade tax. This new energy tax will cost between \$200 and \$300 a month for struggling families. This affects not only families but small businesses, ranchers and farmers. I can't think of a worse way to deal with our pressing energy needs than to have a tax situation.

We need to be looking at an all-of-the-above strategy, be it nuclear power, wind or solar. We need not be looking at trying to tax right now, which will push businesses further away and which will create a loss of jobs in our communities. Whether it's the excessive spending in the measure

we are considering today or whether it's this new national energy tax, Washington continues to grow more and more out of touch with middle-class America and with the families of my district.

I urge my colleagues to vote down the rule and to oppose the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, how much time do both of us have?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 6½ minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 7 minutes remaining.

Mr. HASTINGS of Florida. I would inquire of my friend if he has any additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. Yes.

Mr. HASTINGS of Florida. Then I would reserve at this time and would allow that you go forward.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you.

I yield 2 minutes again to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

I just want to say to my pro-life friends on the Democrat side of the aisle: think consequences.

In late April, Secretary of State Hillary Clinton testified one of our hearings—and this is the question I posed to her—Is the Obama administration seeking in any way to weaken or to overturn pro-life laws and policies in African nations and in Latin American countries either directly through multilateral organizations, including the United Nations, the African Union or the Organization of American States, or by way of funding NGOs like Planned Parenthood?

Secretary of State Clinton answered that the administration was “entitled” to advocate abortion “anywhere in the world.”

She also went on to redefine the words “reproductive health,” which are found in many documents and in many laws around the world, in a way completely contrary to the accepted definition by the previous administration and by many others to now include abortion. So every time you see those words now in a document, to the Clintons and to the Obamas, they mean “abortion on demand.”

The Office of Global Women’s Issues should be all about promoting human rights for women. Promoting violence against children and promoting the wounding of their mothers by advocating abortion is not human rights. It is the contrary. It is the exact opposite.

I hope my colleagues will realize that the amendment that my good friend and colleague, the chairman of the committee, Mr. BERMAN, is offering

simply restates current law. It says the new office will follow the law. Did anybody expect that the office would not follow the law? Of course they would. Well, hopefully, they would.

We need to make sure, we need to ensure that this new office, which will be a command and control center, for women’s rights and empowerment and not become an office for NARAL, for Planned Parenthood or for others in the promotion of child deaths around the world. Let’s hold harmless the precious lives of unborn children. Let’s mitigate maternal mortality and all of the other crises affecting women, not the killing of unborn babies.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from New York (Ms. CLARKE), my good friend.

Ms. CLARKE. I thank my colleague, the gentleman from Florida (Mr. HASTINGS).

Mr. Speaker, I rise in strong support of H.R. 2410, the Foreign Relations Authorization Act. This authorization includes provisions that keep our country safe, that advance human rights, and that promote gender equality across the globe.

In the 110th Congress, I introduced H. Res. 1504 in response to a 2007 report by the United Nations’ Office on Drugs and Crime and the World Bank, linking drug trafficking to rising crime rates in Caribbean nations.

□ 1130

The measure calls for increased cooperation between the U.S. and Caribbean officials to combat drug trafficking and promote counterterrorism. CARICOM, made up of 15 countries, including Trinidad and Tobago, Haiti and Jamaica, serves as our Nation’s third border. Drug traffickers and criminals use these nations as transit points en route to the United States, making us less safe and contributing to a deterioration of the human welfare and social and economic development of those nations. This authorization acknowledges this problem and authorizes the President to incorporate CARICOM into the Merida Initiative. This will provide CARICOM with the technical and logistical support needed to combat drug trafficking and promote counterterrorism.

Also included in this authorization is the enactment of the Shirley A. Chisholm Educational Exchange Program. I was an original cosponsor of the stand-alone bill, H.R. 416. This program provides scholarships for CARICOM students to study at American colleges and universities and requires that, upon program completion, participants either return to the CARICOM or seek a job that directly benefits CARICOM nations and their people. This exchange program will create a safe and economically vibrant Caribbean Basin and keep us safe here at home.

The authorization also includes language that creates the Office of Women’s Global Affairs with the fully empowered ambassador-at-large. According to the Center for Development and Population Activities, gender equality is essential for development, democracy, and global progress.

Thank you for yielding time, and I urge my colleagues to vote in favor of the rule and underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 5 minutes. The gentleman from Florida (Mr. HASTINGS) has 4½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is a privilege to yield 2 minutes to the distinguished gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to this rule. I am very disappointed that the Rules Committee did not rule my amendment in order. My amendment would have required the State Department to wait for a response from the CIA before issuing a visa to an applicant when a Security Advisory Opinion has been requested.

National security is a primary function of the Federal Government under the Constitution, and after the 9/11 terrorist attacks, our Nation has had to take a closer look at our policies and create a more layered approach to security, including visas. However, as tourism has once again increased, so have the waiting times for some visas.

Earlier this year, the Department of Homeland Security initiated a review of the State Department visa approval process, Mantis applicants in particular. The committee staff was finally briefed last week on changes that had already been implemented. According to details supplied during the briefing, DHS determined that the waiting period for Mantis visas was too long. The primary reason cited was lack of staff.

Instead of simply increasing the staff and resources needed, DHS recommended and implemented several policy changes—a small window for certain intelligence agencies to respond before State could clear the visa. This is insane.

Let me be clear. What we’re talking about is allowing some foreigners to enter our country before our intelligence agencies have fully vetted their visa applications. Again, what we’re talking about is allowing some foreigners to enter our country before our intelligence agencies have fully vetted their visa applications.

I’m very concerned about these changes, and I urge my colleagues to join me in investigating this issue. It’s an important aspect of our national security, and I am disappointed that my

amendment was not allowed to receive debate and a vote on the floor today.

Mr. HASTINGS of Florida. Mr. Speaker, I have no additional speakers, and I'm prepared to close.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield the balance of our time to the ranking member, Mr. DREIER.

Mr. DREIER. Mr. Speaker, it seems like a long time ago, but I would like to begin by congratulating my friend from Miami for his very thoughtful and very passionate opening statement. It's very important, Mr. Speaker, that we get this bill right because it clearly has an impact on every bilateral, regional and multilateral relationship that we have in the world. And I hope very much that at the end of the day, we will be able to get it right.

I would like to take my time to talk about just one of those very important bilateral relationships that we have, and that is the relationship with what Colin Powell described as the most misunderstood country in the world. I'm talking, Mr. Speaker, about the fourth most populous country in the world, the largest Muslim population in the world, and of course, by virtue of that, the largest Muslim democracy in the world, that being Indonesia.

Now, as we look at the changes that have taken place over the past 11 years in Indonesia, it is absolutely remarkable and extraordinarily impressive. The 32-year reign of Suharto came to an end in 1998, and since that time, we have seen democracy take hold and build.

We all know that democracy is a work in progress. We in America know that our democracy continues to be a work in progress and Indonesia's is as well. The challenge of ensuring that the military comes under civilian rule is one with which they're still grappling. And if you think about this country, 17,000 different islands and hundreds of languages and ethnicities, and yet they have been able to cobble together what President Yudhoyono described to some of us as the convergence of modernity, Islam, and democracy.

So, Mr. Speaker, we are continuing to this day to work on that relationship through our House Democracy Assistance Commission, where we're working to build the parliament which, again, a little more than a decade ago was a sham organization, and today it is growing and building well. Other institutions, including the very important rule of law in Indonesia, are continuing to build as well.

So there are challenges. We all know that. And I hope very much that we will be able to continue to encourage the kind of reform that is taking place there. So at the end of the day, I have to say on this measure that we're dealing with, as Mr. DIAZ-BALART has

pointed out so well, there are some important amendments that some of my colleagues have spoken about that were not made in order. So I'm going to urge my colleagues to join with us in opposition to this rule because Mr. SMITH, the distinguished ranking member of the full committee, Ms. ROSLEHTINEN, and others, argued that we should have an open amendment process that would allow a free-flowing debate on all of these issues.

Mr. HASTINGS of Florida. Mr. Speaker, this is a good rule that paves the way to improving our relations around the world.

As I listened to the ranking member, my good friend on the Rules Committee, I thought that he was going to support the rule because he's so impressed with the work that was put forward in this bill that covers developing democracies, which he has been such a tremendous champion of over a period of time.

Mr. DREIER. Will the gentleman yield?

Mr. HASTINGS of Florida. I'll yield for 5 seconds.

Mr. DREIER. I think it could be even better if we were to have an open amendment process.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Reclaiming my time, clearly it covers what you like, and I'm delighted. After years of neglect, now is the time to inject the critical resources that will enable the Department of State and other foreign policy agencies to carry out their important work of rebuilding lasting partnerships with our friends and allies.

The underlying bills include important provisions to fulfill our obligations to the United Nations, to peace-keeping efforts, to humanitarian aid and refugee assistance, and to building effective counterterrorism and arms control policy, and yes, to do everything in our power to avoid unwanted pregnancies in the first place. These bills are a great leap forward.

I urge a "yes" vote on the previous question and the rule.

Mr. MCGOVERN. Mr. Speaker, I rise today in support of this rule and the underlying bill, H.R. 2410. I especially want to express my appreciation to the Chairman, Members and staff of the House Foreign Affairs Committee, for crafting a bill that will allow the State Department and our embassies around the world to close the diplomacy gap and carry out their missions more effectively.

I especially wish to thank Chairman BERMAN and his staff for working with me to include language in the managers' amendment to develop and implement a comprehensive strategy to address global hunger and food security, issues very close to my heart and also a priority for the Committee.

A wide range of federal departments and agencies have jurisdiction over policies and programs addressing global hunger and food security, often lacking coordination and a co-

herent vision. A comprehensive strategy will increase the impact of the resources we invest in these programs and ensure that U.S. policies and programs contribute in a more substantial way to reducing global hunger and increasing food security around the world.

Advancing such goals is not just a humanitarian and development priority, it also strengthens our national security. Every child who receives a meal in school, every farmer who can make a decent living from the land, every mother who raises a well-nourished child, every family that has hope for the future creates a more stable country, region and world, less prone to recruitment by those who would sow terror or the exploitation of old hatreds and prejudice.

I salute the Chairman and the Committee for including this provision in the managers' amendment and in the House bill.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 522 will be followed by 5-minute votes on motion to suspend the rules on House Resolution 453 and motion to suspend the rules on House Resolution 454.

The vote was taken by electronic device, and there were—yeas 238, nays 183, not voting 12, as follows:

[Roll No. 317]

YEAS—238

Abercrombie	Clay	Gordon (TN)
Ackerman	Cleaver	Grayson
Adler (NJ)	Clyburn	Green, Al
Altmire	Cohen	Green, Gene
Andrews	Connolly (VA)	Griffith
Arcuri	Conyers	Grijalva
Baca	Cooper	Gutierrez
Baird	Costa	Hall (NY)
Baldwin	Costello	Halvorson
Barrow	Courtney	Hare
Bean	Crowley	Harman
Becerra	Cuellar	Hastings (FL)
Berkley	Cummings	Heinrich
Berman	Davis (AL)	Herseth Sandlin
Berry	Davis (CA)	Higgins
Bishop (GA)	Davis (IL)	Hill
Bishop (NY)	DeFazio	Himes
Blumenauer	DeGette	Hinchey
Bocchieri	Delahunt	Hinojosa
Boren	DeLauro	Hirono
Boswell	Dicks	Hodes
Boucher	Dingell	Holden
Boyd	Doggett	Holt
Brady (PA)	Doyle	Honda
Braley (IA)	Edwards (MD)	Hoyer
Brown, Corrine	Edwards (TX)	Inslee
Butterfield	Engel	Israel
Capps	Eshoo	Jackson (IL)
Capuano	Etheridge	Jackson-Lee
Cardoza	Farr	(TX)
Carnahan	Fattah	Johnson (GA)
Carney	Filner	Johnson, E. B.
Carson (IN)	Foster	Kagen
Castle	Frank (MA)	Kanjorski
Castor (FL)	Fudge	Kildee
Chandler	Giffords	Kilpatrick (MI)
Clarke	Gonzalez	Kilroy

Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCormack
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)

Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Ortiz
Peters
Peterson
Pingree (ME)
Teague
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)

Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Billray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta

Lee (NY)
Donnelly (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadeg
Shimkus

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt

Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bono Mack
Davis (TN)
Ellison
Granger
Kennedy

Lewis (GA)
Loeback
Mack
Sánchez, Linda
T.

Schock
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1203

Messrs. POSEY, ROGERS of Alabama, SCALISE, PETRI, MANZULLO and BARTON of Texas changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ELLISON. Mr. Speaker, on rollcall No. 317, I missed the vote due to traffic congestion. Had I been present, I would have voted “yea.”

MESSAGE FROM THE SENATE

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

H.J. Res. 40. Joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

RECOGNIZING AMERICORPS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 453, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 453.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 359, nays 60, not voting 14, as follows:

[Roll No. 318]

YEAS—359

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews

Arcuri
Austria
Baca
Bachus
Baird
Baldwin

Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley

Berman
Berry
Biggert
Billray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Clever
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry

Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Himes
Hinchesy
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Insee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lummis
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Farr
McCarthy (CA)
McCarthy (NY)
McCaul
McCormack
McCotter

McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler

Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor

Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp

Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

This will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 319]
YEAS—419

NAYS—60
Aderholt
Akin
Bachmann
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell
Carter
Coble
Coffman (CO)
Conaway
Culberson
Deal (GA)
Dreier
Duncan
Flake
Foxe
Franks (AZ)

Garrett (NJ)
Miller, Gary
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
McClintock

McHenry
Miller, Gary
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Poe (TX)
Radanovich
Rohrabacher
Rooney
Roskam
Royce
Sensenbrenner
Shadegg
Stearns
Thornberry
Tiahrt
Westmoreland

NOT VOTING—14
Bartlett
Bono Mack
Davis (TN)
Gohmert
Hill

Hoyer
Kennedy
Lewis (GA)
Loeb sack
Lucas

Mack
Peterson
Sánchez, Linda
T.
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1211

Messrs. COFFMAN of Colorado, ADERHOLT and JOHNSON of Illinois changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 25TH ANNIVERSARY OF NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 454, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 454.

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggett
Bibray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bralley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello

Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Johnson, E. B.
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam

NOT VOTING—14
Bartlett
Bono Mack
Carnahan
Davis (TN)
DeFazio

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1218

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2410.

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

There was no objection.

PERMISSION TO REDUCE TIME
FOR ELECTRONIC VOTING DURING
PROCEEDINGS TODAY

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that, during proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

The SPEAKER pro tempore. Pursuant to House Resolution 522 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2410.

□ 1220

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

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

The gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Mr. Chairman, the United States now confronts the most complex array of threats in many decades, if not the entire history, of our Nation.

Afghanistan and Pakistan, Iran, North Korea, terrorism, nuclear proliferation, drug trafficking and climate change all pose major challenges to our national security. And we must confront these threats in the midst of a global financial crisis with enormous ramifications both at home and around the world.

Our brave men and women in uniform are making unbelievable sacrifices to protect our security interests around the globe. They and their families deserve our deepest respect and gratitude. But we should not expect the military to shoulder the entire burden.

The State Department and our other civilian foreign affairs agencies have a critical role to play in protecting U.S. national security. Diplomacy, develop-

ment, and defense are the three key pillars of our U.S. national security policy. By wisely investing resources to strengthen our diplomatic capabilities, we can help prevent conflicts before they start and head off conditions that lead to failed states.

For years we have failed to provide the State Department with the resources it desperately needs to pursue its core missions. With the expansion of U.S. diplomatic responsibilities in the 1990s, and the more recent demands of Iraq and Afghanistan, the Foreign Service has been strained to the breaking point. Sixteen percent of all positions are currently unfilled. One in nine positions overseas is vacant.

As Secretary of Defense Robert Gates recently stated: "It has become clear that America's civilian institutions of diplomacy and development have been chronically undermanned and underfunded for far too long."

The legislation before us today, Mr. Chairman, takes an important first step in correcting that situation. It supports President Obama's request for funding to hire over 1,000 new staff, including at least 750 Foreign Service officers; 332 of these positions will be used to immediately expand our diplomatic presence in Afghanistan, Pakistan and other strategic areas. A further 213 positions will be dedicated to improving and expanding training in critical needs languages such as Arabic, Chinese, Hindi, and Urdu.

The bill also provides resources requested by the administration for significant numbers of new public diplomacy officers, arms control experts, counterterrorism specialists.

And the bill has important provisions to promote more strategic thinking in the State Department and help the Foreign Service transition from traditional diplomatic framework to a more expeditionary one.

To help ensure the Department can continue to attract the best and brightest and retain these professionals over the long term, H.R. 2410 closes the pay gap that currently results in a 21 percent pay cut when junior Foreign Service officers leave Washington on assignment.

The bill also authorizes funds to pay our full dues and all recognized arrears to the United Nations.

The legislation supports a significant expansion of the Peace Corps, an increase in international broadcasting activities, a vigorous public diplomacy effort, and a strengthened arms control and nonproliferation bureau at the State Department, which will soon be under the head of our dear colleague, Mrs. TAUSCHER.

In addition, the bill creates a new foundation to significantly increase the number of American students studying abroad, enhances U.S. efforts to help Mexico and other Latin American countries reduce drug violence,

and addresses a number of key human rights and democracy issues around the world.

H.R. 2410 also reforms our system of export controls for military technology, improves oversight of U.S. security assistance, and requires a report to Congress on actions taken by the United States to maintain Israel's qualitative military edge.

This legislation is supported by a wide range of organizations, from the United States Chamber of Commerce and the National Association of Manufacturers, on one hand, to Human Rights Watch and Amnesty International on the other. From the Aerospace Industries Association, the Satellite Industry Association, on one hand, to CARE, Oxfam, the Peace Corps Association, Refugees International, and the Genocide Intervention Network on the other, the Save Darfur Council, Church World Service, and the American Council on Education, a coalition of all the major public and private universities in this country all strongly support this legislation.

I urge all my colleagues on both sides of the aisle to support this important legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to take our time in opposition to this bill.

And, Mr. Chairman, some Dear Colleague letters sent out by a few Members earlier this week, Mr. Chairman, in order to express their support for this bill, tended to focus on the few attractive features of the bill, such as the improvements that it would make on the Merida Initiative, our vital effort to assist Mexico and other Central American countries to fight the dangerous drug cartels.

Unfortunately, supporters of this bill have remained silent or ignored its fundamental problems. And the fundamental problems on this bill are that the bill calls for exorbitant spending in the absence of true reform, and that the bill does not take the difficult but necessary step of setting priorities, either with out-of-control spending or with important international issues that are facing our country.

By our best estimate, the bill before us represents an estimated 12 percent increase in planned expenditures above the levels of fiscal year 2009. It creates 20 new government entities, offices, foundations, programs and the like. These new programs, and these new initiatives that are funded in this bill constitute expenditures that go beyond even this 12 percent increase to accounts previously funded in fiscal year 2009.

The bill also represents a 35 percent increase in State Department main salary and operating accounts. We have to ask ourselves, where is the money coming from to support the additional funding?

In the coming fiscal year alone, Mr. Chairman, fiscal year 2010, we are expected to have to pay almost \$285 billion, that's billion with a B, in interest costs, just interest, not payment on the debt itself. By fiscal year 2014, our cost for interest on the debt will likely have risen to about \$560 billion, again, that's with a B, in that year alone, again, for interest payments alone, not for the debt payments that will have to be made.

Our deficit in the coming fiscal year, 2010, is now projected to total an estimated \$1.3 trillion. Yet the funding levels proposed by this bill seem oddly detached from the reality that our families are facing today and that our Nation is facing.

Both in committee markup and at the Rules Committee, I offered amendments that would have capped increases for next year at 3.7 percent, a 2008 annual rate of inflation. This amendment would have saved taxpayer dollars, more than \$2.8 billion in authorized funds. That amendment, again, would have saved American taxpayers more than \$2.8 billion, with a B, in authorized funds.

□ 1230

Unfortunately, this measured, calibrated approach was rejected twice in favor of the largesse in this spending bill.

In trying to justify the enormous spending increases in this bill, supporters paint a picture of a hollowed-out shell of a State Department suffering from years of neglect. Yet, according to the Congressional Research Service and the State Department's own data, funding for the State Department and related agencies doubled from fiscal year 2000 through 2008. This clearly shows that growing the bureaucracy and throwing money at the Department of State are not the answer.

Supporters of this bill further argue that the major funding increases for the hiring of new staff are necessary, even in the absence of reforms. I note that there was an effort last Congress by colleagues in the other Chamber to ascertain the levels of absenteeism at various U.S. Government agencies. The results for the State Department were impressive—in an ironic way. The Department explained that it did not specifically track absences without official leave. It was the only executive branch agency that could not provide such information. Instead, the State Department only tracks those incidents in which such absenteeism reaches such an egregious level that discipline is required.

As a result, we—and the management of the Department—have little idea if the Department's own personnel are at their posts at the times we would expect them to be. And although we realize the overwhelming majority of State

Department employees are hard-working patriots, they are the ones who should be upset about absenteeism in others. The bill before us today does not address such questions, nor does it build on earlier inquiries such as the ones I have cited. Instead, supporters of this bill focus their arguments on unfilled State Department vacancies. And these arguments, too, Mr. Chairman, do not bare careful scrutiny. Most of the so-called "vacancies" are the result of shifting personnel to high-priority posts rather than cuts in funding.

Furthermore, the State Department always shows unfilled positions on their books because those numbers are the result of our overseas posts' self-identified needs rather than being a budget-driven number. It is a way of saying that they would like more employees and more funding. What agency wouldn't? I expect that all Americans would identify very significant unfunded needs in our own homes and our families and our budgets.

Moreover, at a time when we need to cut the deficit, in just one little-noticed instance, this bill bypasses an opportunity to transfer several hundred million dollars to our Treasury to help us pay down our national debt. In fact, an amendment offered by my friend from Indiana (Mr. BURTON) was not made in order by the rule.

Mr. BURTON's amendment would have required that just half of the funds of U.S.-funded enterprise funds abroad be turned over to our U.S. Treasury when they close down their operations. By remaining silent on the disposition of such funds, Mr. Chairman, this bill would instead allow loosely overseen so-called "legacy institutions" to take possession of all of those funds. This bill prefers to focus on creating new U.S.-funded foundations and offices that will add hundreds of millions of dollars in new costs to the taxpayers over the coming years.

And when it comes to policy issues, Mr. Chairman, this bill does not set the priorities that we believe would best serve our Nation. Not only does this bill provide close to \$2 billion in funding for the United Nations—not including peacekeeping—without requiring any reform, but it also authorizes the payment of all claimed U.N. arrears or back payments. Why should American taxpayers be asked to write a blank check to the U.N.? Why not demand specific returns on our investments? Instead, efforts to leverage our contributions to secure concrete, systematic and comprehensive reforms through the U.N. system were rejected by both the Foreign Affairs Committee and in Rules.

This bill provides an inexplicable authorization to pay a higher rate for U.N. peacekeeping than even the U.N. is charging us. The bill's assessment rate could result in the U.S. paying, in

1 year alone, more than \$100 million for U.N. peacekeeping above that which the U.N. requires us to pay.

The bill also fails to take any action to address endemic corruption at the United Nations. In fact, not only does the underlying bill and the manager's amendment remain silent on the U.N.'s misuse of American taxpayer funds for activities that undermine U.S. interests, but an amendment offered by the gentleman from Indiana—again, Mr. BURTON—which sought to prevent U.S. taxpayer dollars from paying for the legal fees of corrupt U.N. officials was rejected at Rules and will not be considered today because, Mr. Chairman, the U.N. has decided to pay the legal fees, possibly almost \$900,000, of Benon Sevan, who ran the U.N.'s corrupt and disastrous Oil-for-Food program which was supposed to help innocent Iraqis but instead was exploited by Saddam's regime. U.S. Federal and state prosecutors have charged Sevan with bribery and conspiracy to commit wire fraud. But this bill before us does nothing to protect taxpayer dollars from bankrolling and rewarding corruption at the U.N.

The underlying bill also helps foster the culture of corruption at the United Nations by failing to leverage U.S. contributions to the U.N. Development Program, UNDP, until it accepts the jurisdiction of the U.N. Ethics Office.

The UNDP, to which the U.S. contributes \$100 million or more per year, continues to be the poster child for mismanagement, corruption, and waste, from Zimbabwe to Uganda to Burma to North Korea. In fact, the United Nations Development Program had to pull out of North Korea after reports emerged that development aid was being diverted to the North Korean dictatorship. Now, unbelievably, UNDP is returning to North Korea with essentially no meaningful protections to prevent U.S. taxpayer dollars from again benefiting Kim Jong Il and his corrupt cronies. Our Treasury Department has even engaged a collection agency to retrieve over \$7 million in U.S. taxpayer dollars mismanaged by UNDP in Afghanistan.

We might never know about UNDP's corruption and mismanagement without the help of brave whistleblowers. Unfortunately, whistleblowers have few protections at the U.N., and the UNDP has reportedly retaliated against a number of them, including the one who exposed their operations in North Korea.

Mr. Chairman, this bill should do more in safeguarding our constituents' hard-earned dollars. Nowhere are U.N. failures which undermine U.S. interests clearer than with respect to the United Nations Relief and Works Agency, UNRWA. UNRWA has a strictly humanitarian mandate to provide aid to Palestinian refugees, but it continues to compromise its mandate and our

U.S. taxpayer dollars. It does so by emitting propaganda against Israel in favor of Hamas, doing business with banks targeted by our government for terror financing and money laundering, and by refusing to vet its employees and aid recipients for ties to Palestinian militant groups like Hamas.

UNRWA's Commissioner-General says she doesn't even consider Hamas to be a foreign terrorist organization. And her predecessor admitted that members of Hamas were on UNRWA's payroll, saying, I don't see that as a crime. No one can guarantee that over hundreds of millions of dollars in U.S. funds sent to UNRWA will not end up in the hands of Hamas. Yet, this bill takes a see no evil, hear no evil, speak no evil approach, refusing to demand accountability and transparency for our investments.

Supporters of this bill will claim that it strengthens nonproliferation activities at the Department of State. However, the pertinent section of the bill contains contradictory statements regarding the Department's nonproliferation and arms control infrastructure.

On the one hand, the bill asks the Secretary of State to develop a comprehensive plan to determine what the Department actually needs in terms of personnel, additional authorities and new appropriations in order to carry out its arms control and nonproliferation policies. Yet, before that plan has even been drafted, this bill removes the statutory requirement for the Assistant Secretary for Verification and Arms Control, authorizes \$3 million for 25 new positions focused on arms control, and mandates other programs and activities. These provisions actually appear to be laying the foundation to reverse the reforms that were enacted by this House in 1998 under the Foreign Affairs Reform and Restructuring Act.

Further, by removing the requirements for the Assistant Secretary for Verification and Arms Control, it is diminishing its importance, and targets for possible dissolution the bureau at State that was instrumental in the dismantlement of Libya's nuclear, chemical, and biological weapons program. This is also the one bureau that has consistently pressed for greater disclosure by the North Korean regime on the totality of its nuclear activities.

And on the issue of North Korea, Mr. Chairman, this bill and our Congress have remained largely silent on this, one of the most grave foreign policy crises currently confronting our Nation. North Korea's leader is preparing to test yet another long-range missile which could reach Alaska, Hawaii, and the west coast possibly as early as next week. Yet, an amendment I offered in Rules to address the escalating crisis in North Korea's nuclear brinkmanship was rejected.

This amendment would have re-listed North Korea as a state sponsor of ter-

rorism, as suggested by Secretary of State Clinton this past weekend. It called for full implementation of sanctions, including those imposed by the U.N. Security Council resolutions adopted after previous North Korean missile and nuclear tests, but never fully enforced. It contains consequences as called for by the administration's North Korean Special Envoy after Pyongyang's April 5 missile test. This amendment raised great concern about Pyongyang's defiant, continuing proliferation of weapons of mass destruction to Iran, to Syria, and other rogue regimes. It also pointed to the North Korean regime's horrific record on human rights abuses.

Pyongyang made a provocative and reprehensible decision just a few days ago in a secretive kangaroo court to sentence U.S. citizen journalists Laura Ling and Euna Lee to 12 years of hard labor in the North Korean gulag. This amendment demanded the immediate and unconditional release of our two U.S. citizens before the lifting of any U.S. sanctions or granting of diplomatic recognition.

Much of the language of my amendment had been accepted by the chairman last year and incorporated into the Security Assistance and Arms Export Control Reform Act of 2008. The Foreign Affairs Committee unanimously adopted the agreed-upon North Korea language during a markup held last May. Yet the amendment I offered to address this threat to U.S. national security interests and to our allies in the region was rejected yesterday by the Rules Committee.

In conclusion, Mr. Chairman, at a time when our country faces a range of threats in our own hemisphere, this bill does not set out a comprehensive approach to those threats. The bill also displays a willingness to put our national security interests in the hands of the vaguely defined "international community."

Mr. Chairman, because of the fundamental weaknesses and the core problems with this bill that have not been addressed, I will not be able to support this bill. I urge my colleagues to also oppose H.R. 2410 and vote "no" on final passage.

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

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 3 minutes to the vice chair of the House Foreign Affairs Committee, the chairman of the Subcommittee on the Middle East and South Asia, Mr. ACKERMAN.

Mr. ACKERMAN. I rise in strong support of H.R. 2410, the Foreign Relations Authorizations Act. And I want to commend our chairman, the gentleman from California, for his commitment to this legislation, which I believe is a reflection of the gentleman's enormous dedication to this institution and its role under the Constitution.

For many years, the Foreign Relations Authorization Act has been held hostage to debates about abortion and family planning, to the inability of the other body to get 60 of their Members to agree to anything, and to a general feeling that it just wasn't essential to do. The result has been an insidious decay of the effectiveness of our diplomatic capabilities and our capacity to influence events around the world.

Some might ask, what does this have to do with my constituents? Isn't that why we have a strong military to protect us? Isn't that their role? The simple answer is that our diplomats and our development professionals are not a luxury, nor a fancy affectation of power. These are not aristocrats sipping tea while wearing striped pants and ascots. These are people who are on the front line of our defense. Not the Army, not the Navy, not the Air Force, the Marines, or the Coast Guard; it is the Foreign Service that lives always full time out in the ugly and dangerous parts of the world representing our interests, building alliances, monitoring and reporting on events that may affect our security, and helping to defuse crises and tensions before they sometimes burst into armed conflict or war.

□ 1245

There is a simple reason that both the Secretary of Defense Gates and Admiral Mullen, the Chairman of the Joint Chiefs of Staff, have repeatedly and passionately insisted on the necessity of rebuilding and strengthening the State Department. It will save the lives of the people for whom they are responsible. It will allow the Armed Forces to avoid conflict. It will shorten conflicts by allowing our military to focus on security, not negotiations, not governance nor development.

In this respect, the title of the bill may mislead some. The bill is not about foreign relations; it's really about our national security. Our national security. It's about the safety of this Nation and our ability to protect and advance our interests around the world. Military power is essential. The United States would not be the country that it is if we did not have such an extraordinary military. But our Armed Forces exist chiefly to deter and defend. Whatever the last few years may have suggested, we are not a Nation that believes in starting wars to solve problems nor in the use of force to resolve political conflicts. A strong State Department and revitalized U.S. Agency for International Development are not favors that we do for others. These are institutions that are essential to our national security and our national interests. The bill is, in fact, merely a downpayment on a process of rebuilding that should have begun years ago.

So if you want to bring our troops home from Iraq, then you know that

Iraqis have to improve their own internal cooperation and performance in their government. Who is supposed to help them with that? If you want to help Afghanistan and get our troops home from there, then you know that that problem is about poppy farming and police corruption that have to be addressed. Who is supposed to help them with that?

If you want to prevent Iran's nuclear program from setting off a chain reaction of proliferation, then you know that we're going to need a broad international coalition to stop them. Who's supposed to put it together and keep it together?

We can not afford a second-rate diplomatic corps any more than we can tolerate troops who are untrained, ships that are rusting or aircraft that are unmaintained. Our national security is a whole. We can't succeed with our military and fail with our diplomacy and development, and then hope to be safe. It doesn't work.

That's what this bill is about: keeping our nation safe. And it deserves the support of every Member.

Ms. ROS-LEHTINEN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member on the Subcommittee on the Middle East and South Asia, who had very good amendments to offer yesterday.

Mr. BURTON of Indiana. I want to thank the ranking member on her opening statement.

My goodness, I think you covered just about everything and you did it very well. And I want to compliment your staff for working so hard on that statement.

I'm perplexed on this bill because there is some language in there that I like. For instance, the commitment to Israel, giving them support for their missile defense system, I think that's a positive. But there are so many negatives in this bill that it's going to make it very difficult for those who would like to support it to not be able to. Let me just give you a couple of examples, and the ranking member just mentioned that.

North Korea should be called a terrorist state. They're launching missiles and threatening the security of the entire region as well as giving nuclear technology to other countries. In addition to that, there's money in here, our tax dollars, that are going to defend Mr. Sevan, who is hiding out in Cyprus right now because he's been indicted and the U.N., using our tax dollars, is going to pay for his defense, which is almost \$1 million. We shouldn't be using taxpayer dollars for that, and we ought to let the U.N. know it.

In addition to that, the bill is increasing spending by 12 percent to \$41 billion over a 2-year period. There's a pay raise in there, and I understand these people work very hard, but we are having difficult times here at home. People in this country are suf-

fering, and they want to give a 23 percent increase in pay to overseas Foreign Service officers. I just don't get that. Maybe a pay raise of some size should be realized, but 23 percent when this country is really suffering economically makes no sense.

It also creates an Office for Global Women's Issues. And it's highly likely that this office will include, in its mission, the advancement of abortion advocacy abroad. And I don't think this body ought to be doing that, especially those who believe so strongly in the right-to-life provisions that we have supported in the past.

The CHAIR. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. I yield an additional 30 seconds to the gentleman.

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

And then, of course, it has a sexual orientation amount of language in it which would require the tracking of discrimination related to sexual orientation for actual or perceived sexual orientation and gender identity violations. And then, finally, it increases the U.N. spending by so much and the contributions we would have to give by 32 percent over the 2009 levels.

This is not a good part of the bill. We would like to support the bill, but unfortunately, there is too much junk in it, Mr. Chairman. I wish we didn't have to say "no" to this.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 1 minute to one of the new members of the committee who has been of tremendous assistance on a variety of issues, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank the illustrious chairman of our committee, who has done so much hard work in moving forward U.S. foreign policy.

Mr. Chairman, I, of course, rise in support of the Foreign Relations Authorization Act.

President Obama has redefined the playbook and raised expectations for America's engagement in the global stage. As we all know too well, the U.S. is involved in two theaters of war in Iraq and Afghanistan. Defeating extremist militants will require the proper diplomatic resources, and as Secretary Gates has stated in both the Bush and Obama administrations, we cannot win these wars by sheer force alone.

To this end, the bill authorizes funding for 1,500 new Foreign Service officers. It strengthens the Peace Corps by making it U.S. policy to double the number of volunteers and by authorizing \$400 million in fiscal year 2010 and \$450 million in fiscal year 2011. It requires that the President conduct an 18-month strategic review of defense trade controls beginning not later than March 31, 2010, to determine the effectiveness of current export regimes.

According to the Defense Department, the Department of State's mission is critical. On July 15, Secretary of Defense Gates said, "Truly harnessing the full strength of America requires having civilian institutions of diplomacy and development that are adequately staffed and properly funded."

The CHAIR. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield to another new Member of the House and of the committee, a great Member, Mr. MCMAHON, for 1 minute.

Mr. MCMAHON. Mr. Chairman, I rise today in strong support of H.R. 2410, and I would like to thank the great gentleman from California, Chairman BERMAN, for working with all the members of this committee, the more senior and the junior as well, and in particular for including provisions that are raised by so many of my constituents back home in Staten Island and Brooklyn, New York.

As we know, effective diplomacy complements defense strategy and requires a combination of several important efforts, and as my colleague the great gentleman from Virginia, GERALD CONNOLLY, was mentioning, Secretary of Defense Gates himself has said, "Long-term security challenges require our government to operate with unity, agility, and creativity, and will require devoting considerably more resources to nonmilitary instruments of national power."

Mr. Chairman, the United States must be more serious about its diplomatic commitments, responsibilities, and presence overseas to ensure a more secure future for her own citizens. I hope that all of my colleagues will join with us today in supporting this important legislation and send an important message that will be heard loud and clear around the world.

Ms. ROS-LEHTINEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am now pleased to yield 1 minute to a good friend from California who has been on the committee and has returned, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, as a member of the committee, I thank our chairman for all he has done to make sure that this is a Foreign Relations Authorization Act that we can be truly proud of.

I'm pleased that this bill moves our foreign policy away from intimidation and preemption to a policy based on smart security. This bill invests in our dedicated Foreign Service officers, increases funding for international student exchanges, doubles the number of Peace Corps volunteers.

We must send a clear message to the world community that we are rededicating ourselves as a Nation to diplomacy, and H.R. 2410 actually absolutely helps. With it, military might will no longer be our sole representative overseas.

So I urge my colleagues to support smart security, which is supporting education, infrastructure, diplomacy, agriculture, and we can do that by voting in favor of this legislation.

Ms. ROS-LEHTINEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from North Carolina (Mr. MILLER), the chairman of the Science and Technology Subcommittee on Investigations and Oversight and a member of the Foreign Affairs Committee.

Mr. MILLER of North Carolina. Mr. Chairman, I also rise in support of this legislation, which takes major steps to rebuild the capacity of our civilian foreign affairs agencies. It will strengthen diplomacy and development, two neglected pillars of our national security. Most important, this bill strengthens our capacity to prevent genocide and meet the needs of peacekeeping missions in the Democratic Republic of Congo and elsewhere in the world. This bill will provide funds to refurbish helicopters needed for peacekeeping missions.

More than 5 million people have died in the conflict in the Democratic Republic of Congo, the deadliest conflict since the Second World War, and violence continues in Darfur and Chad. The people of Darfur are still waiting, as are those of the Democratic Republic of Congo and Chad, where shortages of helicopters are crippling the work of U.N. peacekeepers. If we are to regain our moral authority in the world, we must continue to lead the fight against genocide and champion the protection of innocent civilians. This bill will help.

Ms. ROS-LEHTINEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Illinois (Mr. JACKSON), a member of the Committee on Appropriations.

Mr. JACKSON of Illinois. Mr. Chairman, I rise in strong support of H.R. 2410. I want to thank Chairman BERMAN for including H.R. 2828, a bill that Congressman BLUNT and I cosponsored in the last Congress that passed the House 409-12, in the manager's amendment. H.R. 2828 compensates relatives of U.S. citizens killed in the 1998 embassy bombings in Kenya and Tanzania.

On August 7, 1998, al Qaeda truck bombs exploded simultaneously at the embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya. The embassy

bombing in Nairobi killed 12 Americans serving the American people. They were: Sergeant Nathan Aliganga; Consul General Julian Bartley and his son, Jay Bartley; Jean Rose Dalizu; Molly Huckaby Hardy; Staff Sergeant Kenneth Hobson II; Prabhi Kavaler; Arlene Kirk; Dr. Louise Martin; Michelle O'Connor; Master Sergeant Sherry Lynn Olds; and Tom Shah.

H.R. 2828, therefore H.R. 2410, remembers their sacrifice and provides restitution to the loved ones they left behind.

Mr. Chairman, this provision is the very least that a grateful nation can do. I urge an "aye" vote on H.R. 2410, and I want to thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, and Mr. BLUNT for their support.

Ms. ROS-LEHTINEN. Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chair, I am pleased to yield 1 minute to my colleague from California (Mr. SCHIFF), a former member of the Foreign Affairs Committee and a member of the Appropriations Committee.

Mr. SCHIFF. I thank the gentleman for yielding.

Mr. Chairman, I would like to commend the Foreign Affairs Committee for all their hard work on the Foreign Relations Authorization Act and thank Chairman BERMAN for his support and his staff for working with me to include the Daniel Pearl Act as a part of this legislation. By incorporating the Daniel Pearl Freedom of the Press Act, the committee brings much-needed attention to a critical human rights issue.

This legislation calls upon the Secretary of State to greatly expand its examination of the status of freedom in the press worldwide in the State Department's Annual Country Reports on Human Rights Practices. The Daniel Pearl Act requires the State Department to identify countries in which there were violations of freedom of the press and whether the government of those countries participate in, facilitate, or condone the violations. This report will spotlight those governments which seek to silence media opposition.

The Daniel Pearl Freedom of the Press Act also establishes a grant program aimed at broadening and strengthening media independence internationally. Grant recipients will provide regionally and culturally relevant training to journalists and media organizations to help them meet international standards.

Again, I thank the chairman for his leadership on human rights issues and his support of the Daniel Pearl Freedom of the Press Act.

□ 1300

Ms. ROS-LEHTINEN. Mr. Chairman, I am now pleased to yield 3 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Chairman, I believe that it is critical for us to provide a clear vision for U.S. foreign policy to represent the best of the United States of America. I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their efforts to bring this important measure to the floor today.

Mr. Chairman, a Muslim cleric once whispered to me, Do not forget the goodness of America. America is justice.

While much has changed in the world in recent years, the core ideals that made the United States a generous, principled and prosperous Nation—the commitment to justice for all—remain unchanged. We are now entwined in a more interdependent world, which entails the potential for great good or for great harm. We can innovate to build sustainable capacities to help all persons achieve their full potential, or we can find ourselves in a race against time in seeking to prevent advanced technological capacities, such as nuclear weapons development, from serving tyrannical purposes that aim to destroy and to subjugate free people to coercive ideologies.

While not always popular, I believe that it is essential to engage other nations as a force for good in the world by maintaining a robust and effective diplomatic and assistance framework. This is why I do support some of the more aggressive proposals contained in this measure, such as the augmentation of Foreign Service officers at the Department of State and at the United States Agency for International Development.

We simply cannot respond to monumental changes in the world with an overextended workforce and with diminished capacities to accomplish complex and difficult assignments. However, it does concern me that many people throughout the world hold a dualistic view toward our country. Given the nature of the system of government that we have been very fortunate to inherit, they look to us in hope, and they see the United States as a force for great good. However, on the other hand, they are wary of the imposition of controversial Western-style notions upon them.

For instance, pursuant to Secretary Clinton's recent testimony before the House Foreign Affairs Committee, we are now faced with a policy that equates abortion advocacy with health care advocacy, a policy that is very divisive in our own country and is one that many nations around the world repudiate. It is not consistent with internationally accepted notions of human rights. Such a policy will undermine the very relationships we are seeking to strengthen through this measure.

While I see great value in strengthening our foreign relations overall, I remain deeply concerned that the bill

before us today provides a framework for injecting jarring and discordant notes from divisive and unresolved domestic disputes here in our country into U.S. foreign policy. We should be using this process to find our common ground, to develop the tools that actually bind the human family, that lift weary human hearts around the world, that provide justice for all, especially for vulnerable persons, including the elderly, the mother and her unborn child, the father seeking to provide protection for his family, and the tribe and culture seeking recognition, dignity and freedom from tyranny and twisted ideologies.

In good conscience I cannot support this legislation as it stands because it risks subordinating U.S. foreign policy to highly-charged domestic social controversies and imposing controversial Western social paradigms on cultures that should have the freedom to preserve their most cherished traditions for the well being of men and women, families and children.

The approach before us risks politicizing our foreign service at a time when a strong, united, bipartisan approach to the myriad security and diplomatic challenges we face is vital. Our foreign policy should reflect our shared values as a nation, and I stand ready to work with my colleagues on that which unites us. With that said, I regret that I must urge my colleagues to vote no on this measure.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1½ minutes to the very active and distinguished member of the committee, the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Thank you very much to both the chairman and the ranking member of the full committee, Chairman BERMAN and Ranking Member ILEANA ROS-LEHTINEN.

Mr. Chairman, it is too short a time to talk about the catastrophic positive effect that this will have on the American people—on their security and on their position in the world. We have always been a country that recognizes the importance of minding our own business but, frankly, that also understands the importance of being a good friend.

I rise to support H.R. 2410 because this legislation authorizes the hiring of 1,500 additional Foreign Service officers over the next 2 years. If you have visited these embassies, as I have, you know that they are the positive face of America. They work hard. They engage in negotiations. More importantly, they solve problems. We also put forward the necessary resources for the U.N. peacekeeping missions in Darfur, in the Republic of Congo and in Chad.

Because of the section 1127 Sense of Congress, I am delighted that my legislation on ensuring that we continue to push for the comprehensive peace agreement is in this legislation.

Then I am extremely delighted and pleased that section 1104 has placed my

statelessness bill into this legislation, which dictates that it is the purpose of this section to increase global stability and security for the United States and for the international community and to decrease trafficking and discrimination by reducing the number of individuals who are de jure or de facto stateless. This will help women and children, those who have been dispossessed and those who have been victims of human trafficking. Some of those cases have found themselves into my own community in Texas.

So let me again, Mr. Chairman, say that I rise to support H.R. 2410.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from South Carolina (Mr. INGLIS), a member of our Foreign Affairs Committee.

Mr. INGLIS. I thank the gentlewoman from yielding.

Mr. Chairman, there was an exchange in the Foreign Affairs Committee that was very instructive when it came to abortion and to this bill. Our colleague CHRIS SMITH, the tireless advocate for the unborn, was asking questions of Secretary Clinton. Secretary Clinton said these words to our friend CHRIS SMITH:

So we have a very fundamental disagreement, she said, and it is my strongly held view that you, CHRIS SMITH, are entitled to advocate, and everyone who agrees with you should be free to do so anywhere in the world, and so are we.

So who is the “we”? If that “we” means the Federal Government, the United States of America through its State Department, in the Secretary of State’s speaking “we,” then there is a real concern about whether this would then become the policy of the United States to advocate abortion overseas.

So our friend CHRIS SMITH proposed an amendment that was rejected by the Rules Committee that would have clarified this issue by saying that the U.S. will not lobby countries to legalize, fund or promote abortion except in the cases of forcible rape, incest or to save the life of the mother.

That language was rejected by the Rules Committee, which means, in the “we” that Secretary Clinton was talking about, it may be that the United States Department of State is going to be doing exactly what she was talking about: advocating the opposite position of what CHRIS SMITH was talking about.

Then the majority has inserted some language that is completely meaningless in this bill that was made in order at the Rules Committee. I hesitate to read it because it really is rather convoluted; but it says that the bill does not affect existing statutory prohibitions on the use of funds to engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited.

Well, that sounds sort of interesting, but the problem is it’s a complete sham because the law apparently referenced doesn’t exist. Therefore, there is no prohibition, so the language is meaningless. We don’t have the protection that our friend CHRIS SMITH was urging in the Rules Committee and was giving us an opportunity to vote on here on the floor to make it so that the United States Department of State is not actively advocating the overturning of abortion laws in foreign countries.

It is disturbing that the Rules Committee didn’t make that in order but, rather, made a sham amendment in order that does not do anything but, actually, just obfuscates the issue. It was just very disappointing, so I urge my colleagues to oppose this measure.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 1 minute to a great member of the committee, the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Chairman, I rise in strong support of this Foreign Relations Authorization Act. It provides the necessary resources for the State Department to fully carry out its core mission—U.S. diplomacy based on smart power as advanced by President Obama and Secretary of State Clinton—from authorizing funding for the U.N., for peacekeeping operations, for international organizations to establishing a critical study abroad program and doubling the size of the Peace Corps. This bill provides critical support for the State Department in helping to restore our image around the world—all critical tools for U.S. diplomatic power.

One of my particular interests is in looking for ways to increase and to enhance study abroad programs. Having studied overseas myself in undergrad, I am very pleased with the inclusion of the Paul Simon Study Abroad Act. American students who live and study in other countries not only gain invaluable experience, but they serve as some of America’s best ambassadors.

I want to thank the chairman for including this provision as well as my amendment, which will ensure that existing study abroad programs have equal access to grant funding so that they can expand their already successful missions. Mr. Chairman, thank you for your work on this bill. It will make a substantial difference in our diplomatic efforts to reengage the world.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Texas (Mr. PAUL), a member of our Foreign Affairs Committee.

Mr. PAUL. I thank the gentlewoman for yielding me these 2 minutes.

Mr. Chairman, I rise in opposition to this bill. Some are hopeful that this will be a less militaristic approach to our foreign policy. Quite frankly, I don’t see any changes. I wish it were

something that would represent a humble foreign policy, but when you put an extra \$100 million into the military operations of the United Nations, I hardly think this is a change in direction. Actually, it's \$18 billion that is going into more meddling, and we don't have \$18 billion.

The President has now asked us here in the Congress to follow the PAYGO rules. Well, that might be a good idea if we had set aside the idea that we would raise taxes, but we're not going to cut any domestic spending for this foreign spending, so the odds of this following the PAYGO rule are essentially nil.

I want to call attention to one provision in this that is rather disturbing to me, and that is the Civilian Stabilization Initiative. This is new. It was not invented by this administration. It was invented by the last administration. This is to set up a permanent standing, nation-building office with an employment of or with the use of nearly 5,000 individuals.

So what is the goal of this new initiative going to be? It will facilitate democratic and political transitions in various countries.

Now, if you want to talk about interfering in the internal affairs of other nations, that is exactly what this is all about. Facilitating democratic and political transitions? Well, of course. We've been doing that for a long time, but we've gotten ourselves into a lot of trouble doing it. We did it in 1953, and we're still suffering the consequences. This initiative is a little more honest. It's up front. We're actually supporting and funding a facility that would be involved in political transitions. The mandate in this is to "reconstruct" societies. That sounds wonderful. There are a lot of societies that need reconstruction, but so many of the societies that we have to reconstruct we helped to destroy or to disrupt.

Think of what our troops and our money have done in Afghanistan as well as in Iraq. I think this provision, itself, is enough reason to vote against this authorization.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 2 minutes to the very distinguished chairman of the Foreign Affairs Subcommittee on the Western Hemisphere, my friend, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Well, I thank the chairman, and I especially want to thank him for his great leadership as chairman of our Foreign Affairs Committee.

Mr. Chairman, I certainly support this legislation. This legislation reinvigorates the Foreign Affairs Committee, and it provides a needed shot in the arm to American diplomacy. For too long, we have not given our diplomats the resources they require, and this bill provides a much-needed boost to those serving on the front lines around the world for our country.

Specifically, H.R. 2410 authorizes 1,500 additional Foreign Service officers, and it doubles the size of the Peace Corps.

As chairman of the Subcommittee on the Western Hemisphere, I would also like to thank Chairman BERMAN for including several sections I developed to promote good relations with our partners in the Americas.

First, the bill incorporates the countries of the Caribbean into the Merida Initiative, a U.S.-Mexico-Central America security partnership.

□ 1315

The Caribbean leaders told us they wanted this at the Summit of the Americas, and I'm glad we've included this provision.

Second, the bill directs the State Department to develop a public diplomacy plan to prepare Haiti if Temporary Protected Status is granted to Haitians in the U.S. We need to grant TPS to Haitian nationals in the U.S., and we must be ready to inform Haitians in Haiti that they should not leave if TPS is provided.

Third, the bill establishes a coordinator to track all U.S. Government Merida-related funding. With multiple government agencies involved, Merida is too important to be lost in the bureaucratic shuffle.

Finally, the bill creates an inter-agency task force on the prevention of small-arms trafficking in the Western Hemisphere.

While recent media attention has focused on the high number of guns—90 percent—recovered from crime scenes in Mexico that are originally from the United States, this is not just a Mexico issue. Jamaican Prime Minister Golding told me that 90 percent of the guns recovered in Jamaica also originate in the U.S., so I'm glad we're doing something about that in this bill.

So again, Mr. Chairman, thank you again for your excellent work on this bill and for including these important sections that I urged, and I look forward to voting for this bill.

Ms. ROS-LEHTINEN. Mr. Chairman, we seek to reserve at this time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from American Samoa. He's chairman of the Subcommittee on Asia, the Pacific and the Global Environment, my friend, ENI FALEOMAVAEGA.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong support of the bill, H.R. 2410, and thank the gentleman from California, our distinguished chairman of the Committee on Foreign Affairs, for his leadership and for his ability to bring this bill before the floor. Although there are several portions of the bill that my subcommittee had a part in introducing, I am especially appreciative for the inclusion of one of the provisions to re-

name the South Pacific Scholarship Program in honor of one of our distinguished late Members of this institution, the late Congressman Phil Burton, who was chairman of the Subcommittee on Territories and Insular Affairs. He was a voice for Pacific Island nations and territories.

Beyond American Samoa, the late Congressman Phil Burton, who served as a U.S. Congressman from 1964 to 1983, worked every day of his life to ensure social justice and human dignity for all of the people, and the people of the Pacific are especially grateful for his services. Unbeknown to many of our colleagues, Chairman Burton was also the driving force in recognizing the importance of certain items in the Pacific region which our country declared as a strategic trust immediately after World War II, and this was done before the United Nations.

Formally known as the Trust Territory of the Pacific Islands, Chairman Burton, in consultations with the Department of Defense, the State Department and Interior and several other Federal agencies and key officials of the administration, he played a pivotal role whereby as a result of these consultations resulted in the Congress approving certain compacts of free association for the Republic of the Marshall Islands, the Republic of Palau, the Federated States of Micronesia, and a coveted relationship between the United States and the Commonwealth of the Northern Mariana Islands. I might note also that the President of Palau has consented in helping us in terms of dealing with the Uyghur people that hopefully that this might be resolved and worked out.

The CHAIR. The time of the gentleman has expired.

Mr. BERMAN. I yield the gentleman an additional 15 seconds.

Mr. FALEOMAVAEGA. Congressman BURTON was also instrumental in helping establish the Pacific Island Development Program that is now an integral part of the East-West Center.

Mr. Chair, I rise today to commend the gentleman from California, the Honorable HOWARD BERMAN, Chairman of the Foreign Affairs Committee, for his leadership in offering H.R. 2410, the State Department Authorization bill, and I thank the gentleman for including a number of my provisions in the base text.

I am especially appreciative for the inclusion of my provision to rename the United States-South Pacific Scholarship Program (USSP) in honor of my mentor, the late Congressman Phillip Burton who, as Chairman of the Subcommittee on Territories and Insular Affairs, was a voice for Pacific Island populations, and made it possible for American Samoa's Governor and Lieutenant Governor to be popularly elected rather than appointed by the Secretary of the Interior.

In 1951, President Harry S. Truman issued Executive Order 10264 which transferred administrative responsibility for the islands of American Samoa from the Secretary of the

Navy to the U.S. Secretary of the Interior. The Secretary of the Interior, in turn, appointed our Governors.

In 1960, the people of American Samoa adopted a Constitution. The Constitution was revised in 1966 and was approved by the Secretary of the Interior on June 2, 1967. In 1967, the Revised Constitution of American Samoa provided for an elected Legislature, or Fono, consisting of a Senate and a House of Representatives. However, it did not provide our people with the right to elect our own Governor and Lieutenant Governor and, at the time, American Samoa was the only remaining offshore area of the United States which did not have a popularly elected Governor and Lieutenant Governor.

On June 10, 1976, Congressman Phil Burton took notice of American Samoa's situation and introduced a bill to make it possible for our Governor and Lieutenant Governor to be popularly elected rather than appointed by the Secretary of the Interior. As staff counsel the Committee on Interior and Insular Affairs, Congressman Burton instructed me to draft this legislation which the U.S. House of Representatives overwhelmingly passed by a landslide vote of 377 to 1.

Instead of sending his bill to the Senate, Congressman Burton decided to consult further with the Secretary of the Interior, Rogers C.B. Morton, about American Samoa's unique political status as an unincorporated and unorganized territory which was and is unlike the organized territories of Guam and the Virgin Islands. As a result of their consultations, the two agreed that Secretary Morton would issue a Secretarial Order (No. 3009) authorizing the American Samoa Government to pass enabling legislation to provide for an elected Governor and the Lieutenant Governor.

Secretary's Order No. 3009 amended American Samoa's Constitution to specifically provide for an elected rather than an appointed Governor and Lieutenant Governor. Secretary's Order 3009 was also in keeping with the will of the majority of voters in American Samoa who voted in favor of electing their own Governor and Lieutenant Governor in a plebiscite that was held on August 31, 1976.

Furthermore, Congressman Phil Burton introduced legislation on August 2, 1978 to provide that the Territory of American Samoa be represented by a nonvoting Delegate to the U.S. House of Representatives. I also was tasked with drafting this legislation which became Public Law 95-556 and was made effective October 31, 1978.

Beyond American Samoa, the late Congressman Phillip Burton, who served in the U.S. Congress from 1964 to 1983, worked every day of his life to ensure social justice and human dignity for all people, and the people of the Pacific are especially grateful for what he has done for us. Congressman Burton's service as Chairman of the Subcommittee on Territories and Insular Affairs indirectly impacted U.S. foreign policy in the South Pacific region, and it is only fitting that the USSP, which Congress established at my request in 1994, will now be renamed some 15 years later in honor of my mentor, if the Senate also agrees to acknowledge and honor the late Congressman Burtons' service.

I also thank Chairman BERMAN for accepting my request to recognize Kazakhstan's commit-

ment to nonproliferation and for offering to host a nuclear fuel bank.

My office also worked closely the Foreign Affairs Committee to establish a Central Asia Scholarship program for public policy internships, and to establish scholarships for indigenous peoples of Mexico and Central and South America.

I also appreciate the Committee's support of my efforts on behalf of Pacific Island States. Diabetes, a seriously debilitating disease, has reached epidemic proportions in the Pacific Islands States including the Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. While recognizing that simple, relatively low-cost means already exist to reduce the incidence of diabetes significantly through appropriate prevention and treatment programs, these programs have not as yet reached the Pacific Islands so as to effect a major reduction in the incidence of diabetes. In order to contribute to the improvement of health conditions, the authorization I requested will provide assistance for health services designed to prevent and treat diabetes in the Pacific Islands, and also for safe water and sanitation.

I also thank the Committee for including language which I offered regarding West Papua. I continue to believe it is necessary for the Secretary of State to report on the 1969 Act of 'Free' Choice, the current political status of West Papua, and the extent to which the Government of Indonesia has implemented and included the leadership and the people of West Papua in the development and administration of Special Autonomy. I also believe it is necessary for the Administration to report to the appropriate Congressional committees the extent to which the Government of Indonesia has certified that it has halted human rights abuses in West Papua.

However, in consideration of Indonesia's presidential elections scheduled for July 8, 2009, I asked Chairman BERMAN to pull the West Papua language from the bill so as not to influence the outcome of the elections. I thank Chairman BERMAN for agreeing to my request to remove this language, and I am hopeful that once elections are finalized that Indonesia will renew its commitment to implementing Special Autonomy.

Again, I thank Chairman BERMAN for his leadership and support in moving this legislation forward, and I urge my colleagues to vote in favor of H.R. 2410.

Ms. ROS-LEHTINEN. Mr. Chairman, I continue to reserve our time.

Mr. BERMAN. Mr. Chairman, for purposes of a colloquy, I'm pleased to yield 1 minute to a former member of the committee, a member of the Budget Committee and the Ways and Means Committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I rise, Mr. Chairman, and urge that clean water and sanitation be addressed at the highest level at the State Department and USAID. The lack of safe water and sanitation is an ongoing threat to global security. It remains the world's preventable health problem, accounting for 2 million deaths a year, a child

dying every 15 seconds and half the illness in the developing world.

We simply cannot meet our goals to deal with poverty, health and development without addressing this crisis. On Earth day, I introduced the bipartisan Paul Simon Water For the World Act with the goal to provide a hundred billion of the world's poorest with first-time access to safe drinking water and sanitation.

I would like to work with you, Mr. Chairman, to assure that clean water and sanitation are adequately funded and represented at the highest level of our diplomatic and development efforts.

Mr. BERMAN. I want to manifest very clearly my intention to take up a major rewrite of foreign assistance legislation later this year, and we will address the issues raised in the Water For the World Act as part of that effort.

Mr. BLUMENAUER. Thank you, Mr. Chairman, I appreciate your attention to this critical issue and am looking forward to working with you under your leadership.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to a friend of a very, very long time, a member of the committee as well as the Agriculture Committee, the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I want to thank Chairman BERMAN for the hard work that he and the committee staff have done on reauthorization of this bill. A lot of work has been put into it, and I think all of us, as we look upon the challenges we face around the world, understand that there has to be a utilization of all of the tools in our foreign policy tool box to ensure that we take care of America's interests and that we gain greater support in our interests abroad.

Smart Power is a part of that effort. Smart Power allows us to reenergize our diplomatic work around the globe. Specifically, the reauthorization of this bill allows the State Department to do work that the Department of Defense is doing, more appropriately under the Department of State: international organizations, strengthening the Peace Corps, focusing on drug trafficking and violence along our southern borders. There are so many good things that this does.

Smart Power is often overlooked, but it's a vital tool in this foreign policy toolbox. We've seen the benefits of American Smart Power in Afghanistan and Iraq, and we need to continue to do that good work.

I thank the chairman and his staff for the importance of the reauthorization. I urge all of the Members to vote for this bill.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to a member

of the Foreign Affairs Committee—she was, then she wasn't, and now she is—and my friend from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman from California for yielding and for his extraordinary leadership not only for this bill but on our committee.

I rise today in support of this important bill. It contains a number of important elements that all of my colleagues should support. It increases our diplomatic corps dramatically, allowing the hiring of 1,500 additional Foreign Service officers over the next 2 years; it increases our financing of peacekeeping missions in Darfur and Chad; it doubles the size of the Peace Corps and sets out a plan for better response to humanitarian needs worldwide.

The bill also contains a sense of Congress calling for the release of captive Israeli soldier Gilad Shalit. He has been held hostage for nearly 3 years, and it's time that he be brought home to his family and his loved ones. If there is ever to be a Palestinian state, returning Gilad Shalit would be a true demonstration that the Palestinians are capable of self-governance and humanitarian behavior.

With that, I call on my colleagues to support this bill.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to a great member of our committee, also a member of the Science and Technology Committee, the gentlelady from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Thank you, Chairman BERMAN, for your leadership, and Ranking Member ROS-LEHTINEN as well.

I want to let you know that it's important that this provision on U.S. export controls that is now going to be entered into the manager's amendment with support is important to the fundamental job that we have as a Member of Congress, which is our U.S. national security. A recent report of the National Academy found that U.S. national security and economic prosperity depends on full engagement in science, technology, and commerce. However, some of the unintended consequences of our current U.S. export control system have contributed to a situation in which the U.S. is now among leaders in science and technology areas but no longer dominates.

As Chair of the Science and Technology Committee Subcommittee on Space and Aeronautics, I'm especially concerned about our leadership in space, especially as more nations seek to increase their space activities. This provision directs the President to take into account the views of the relevant Federal departments and agencies and to provide a report to Congress on the plans of those agencies to streamline

U.S. export controls and processes to better serve the United States. We can't afford to undercut our scientific and technological competitiveness.

I urge Members to support the legislation.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Mr. Chairman, I am now pleased to yield to another excellent member of the committee, former colleague in the legislature in California, the gentlelady from California (Ms. WATSON), 1 minute.

Ms. WATSON. Thank you, Mr. Chairman.

I rise today in support of H.R. 2410, particularly the section that authorizes a way to enhance our public diplomacy efforts worldwide by ensuring diplomatic and consular mission libraries and resource centers open to the public to show American-made films that promote American culture, principles, and values.

Also, there is another provision in section 214, public diplomacy resource centers, and it amends the State Department's Basic Authorities Act of 1956 to direct the Secretary of State to ensure that diplomatic and consular mission libraries and resource centers are open to the general public to the greatest extent practicable and to schedule public showings of American films that showcase American culture, principles, values, and history.

The CHAIR. The time of the gentleman has expired.

Mr. BERMAN. I am pleased to yield an additional 15 seconds.

Ms. WATSON. Also, section 215 has grants for international documentary exchange programs and authorizes the Secretary of State to make grants to U.S. nongovernmental organizations that use independently produced documentary films to promote a better understanding of the United States abroad and a better understanding of global perspectives of other countries in the United States. I urge your support.

Mr. Chair, I rise today in support of H.R. 2410, the Foreign Relations Authorization Act of 2009, and I commend Chairman BERMAN for his leadership in support of a new direction in our foreign policy. This bill will authorize the State Department from 2010 thru 2011, build capacity to the Department by adding fifteen hundred (1,500) new Foreign Service Officers, and enhance our Public Diplomacy efforts worldwide.

Section 214, Public Diplomacy Resources Center amends the State Department Basic Authorities Act of 1956 to direct the Secretary of State to ensure that diplomatic and consular mission libraries and resource centers are open to the general public to the greatest extent practicable to schedule public showings of American films that showcase American culture, principles, values, and history.

Section 215, Grants for International Documentary Exchange Programs authorizes the Secretary of State to make grants to U.S. non-

governmental organizations that use independently produced documentary films to promote a better understanding of the United States abroad and a better understanding of global perspectives of other countries in the United States.

Section 330, Department of State Employment Composition amends the Foreign Relations Authorization Act of 2003 to direct the Secretary of State to report on efforts to develop a uniform definition of diversity that is congruent with core values and vision of the Department, and to evaluate the diversity plans specifically relating to the Foreign Service and Senior Foreign Service. This section also provides for a GAO Review by the Comptroller General of the United States to assess the employment composition, recruitment, advancement, and retention policies of the State Department for women and minority groups.

As many of my colleagues may know the State Department has some of the worst diversity rates among its Foreign Service Officers. If you look at the top levels of the Foreign Service regarding diversity you will find there is basically none.

Mr. Chair, I urge my colleagues to support H.R. 2410, a bill which will enhance our Public Diplomacy efforts worldwide, diversify our Foreign Service, and give the State Department the tools necessary to meet our foreign policy goals.

Ms. ROS-LEHTINEN. I continue to reserve my time.

Mr. BERMAN. Mr. Chairman, I am now pleased to yield 1 minute to the gentleman from New Jersey (Mr. HOLT) for purposes of a colloquy.

Mr. HOLT. Mr. Chairman, I appreciate the hard work of Chairman BERMAN on this bill, and I would like to enter into a colloquy with the gentleman on the issue of science and diplomacy.

Mr. Chairman, I'm very pleased to support H.R. 2410. It's a strong bill that accomplishes many good things. There is one area that it does not address explicitly, and that is the role that science can play in our diplomatic portfolio.

In his recent speech in Cairo, the President reminded us all that the great ideas that have shaped our world have sprung up from every corner of the planet. Science provides a common language through which individuals from different nations and distinct cultures can communicate, cooperate, and work together toward common goals. Science can advance our diplomatic goals and diplomacy can advance science for the public good.

I'm aware that the chairman is working on legislation related to enhancing science as a tool for diplomacy, and I look forward to working with the chairman on this effort.

I yield to the chairman.

Mr. BERMAN. I thank the gentleman for yielding.

I thank him for his suggestion. I agree completely that science constitutes an untapped and undertapped resource in America's diplomatic toolbox, and I can assure the gentleman

that I am committed to enhancing our capacity in this area, collaborating with him on this effort, including further legislation as well as a role in the foreign assistance reform process that we are working on.

Mr. HOLT. I thank the chairman.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Indiana (Mr. PENCE), our Republican Conference Chair and a member of our Committee on Foreign Affairs.

□ 1330

Mr. PENCE. Mr. Chair, I rise in opposition to the Foreign Relations Authorization Act.

The American people deserve a foreign relations bill that respects our Nation's budget and our Nation's values. Sadly, H.R. 2410 does neither. At a time when ordinary Americans are struggling to make ends meet, this legislation would add billions of dollars in new funding to our foreign and State Department operations. Expanding taxpayer funding of Peace Corps and the U.N. regular budget by one-third in a single year without any U.N. reform is extraordinarily frustrating to many of us who have been fighting to use the power of the purse here in Washington, D.C., to drive fundamental reform in that body.

But beyond these extraordinary increases—a single-year increase of 35 percent in the State Department's basic salary and operations—this legislation does a disservice to the values of millions of Americans who cherish the sanctity of life and the sanctity of marriage. This legislation creates a new office and ambassador for global women's issues for women's empowerment internationally. Secretary Clinton testified before our committee that it would be the policy of this administration to protect the rights of women, including rights to reproductive health. Democrats on the committee actually rejected an amendment to clarify that it would not be U.S. policy to lobby countries to legalize, fund or promote abortion. I even offered an amendment in the committee to change language that would require State Department training, reporting, and overseas advocacy of foreign laws regarding homosexual activity. I sought to change that, to make it clear that State Department employees ought to promote universally recognized human rights, those upon which Americans agree; and that was rejected in the committee.

This legislation, in embracing abortion rights overseas, in embracing the advocacy of changes in laws regarding homosexuality around the world, advocates a set of values that are at odds with the majority of the American people. We deserve a foreign relations budget that respects our pocketbooks and our values. This does neither, and I urge its rejection.

The CHAIR. The gentlewoman from Florida has 30 seconds remaining, and the gentleman from California has 3 minutes remaining.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to give the remainder of my time and any time that the chairman of the committee has to the wonderful gentleman from California (Mr. ROHRABACHER), who is going to be in a colloquy with our esteemed chairman.

Mr. ROHRABACHER. I would like to thank the chairman and the ranking member very much for this courtesy.

Mr. Chairman, section 826 of our bill has been carefully crafted to protect our national security interests. Subsection (b) of that section provides that the President's authority in paragraph (a) to remove satellites and related components from the United States munitions list may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into space by the People's Republic of China.

Do you agree with me that the intent of paragraph (b) is that, with respect to any transfers to or launches by China, no satellite or related component shall be removed from the United States Munitions List?

Mr. BERMAN. Will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. BERMAN. I appreciate it.

The answer is, I certainly do agree. In the case of China, under our legislation, all satellites and related components must remain on the United States munitions list.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. I thank you and the ranking member. This is a vitally important clarification for our aerospace industry. While at the same time opening up better trade and technology with friendly countries, it ensures that we do not send technology to the Chinese.

Mr. BERMAN. Will the gentleman yield further?

Mr. ROHRABACHER. I certainly would. Yes, sir.

Mr. BERMAN. The gentleman's remarks are worth elaborating on. The whole notion of a domestic commercial satellite industry is very much at stake if we can't, in appropriate situations, export and arrange for those kinds of transfers, and I think it is part of what the gentleman pointed out. That is why both the Satellite Industry Association and the Aerospace Industries Association support this legislation.

Mr. ROHRABACHER. Thank you very much. Again, thank you to the ranking member as well.

The CHAIR. The time of the gentlewoman from Florida has expired. The gentleman from California has 1½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I would like to include in the CONGRESSIONAL RECORD an exchange of letters between the Committee on Foreign Affairs and the Committee on Oversight and Government Reform.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, June 9, 2009.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing about H.R. 2410, the "Foreign Relations Authorization Act for Fiscal Years 2010 and 2011." The Committee on Foreign Affairs reported this legislation to the House on June 4, 2009.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 2410 that fall within the Oversight Committee's jurisdiction. These provisions address issues related to the federal civil service and government contractors.

In the interest of expediting consideration of H.R. 2410, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 2410 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 2410 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor. Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,

Washington, DC, June 10, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Oversight and Government Reform. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not in any way serve as a jurisdictional precedent regarding our two committees.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters is included in the Congressional Record and I look forward to working with you on this important legislation.

Sincerely,

HOWARD L. BERMAN,
Chairman.

Mr. SIRES. Mr. Chair, today I rise to give my full support for the passage of H.R. 2410, the Foreign Relations Authorization Act. I believe defense, diplomacy and development are the three key components of our national security strategy. This bill will give the Department of State and Peace Corp the tools necessary to ensure that diplomacy plays an integral role in furthering U.S. foreign policy goals.

H.R. 2410 strengthens our diplomatic corps by giving the Department of State the authority to hire over 1,500 new foreign service officers and improve their language capabilities. The bill also seeks to double the number of Peace Corps volunteers in the field. Peace Corps volunteers are vital to U.S. diplomacy as they are often the only American faces in some of the world's most remote places. Finally, this legislation establishes the Senator Paul Simon Study Abroad Foundation to expand the number of U.S. students studying abroad, learning new languages and fostering cultural understanding.

Mr. Chair, H.R. 2410 puts us one step closer to developing a global security strategy that uses diplomacy as a crucial tool to help ensure our safety at home and abroad. I would urge all of my colleagues to support this important legislation.

Ms. LORETTA SANCHEZ of California. Mr. Chair, I rise in support of H.R. 2401, the Foreign Relations Authorization Act. This legislation will enhance our national security by providing adequate resources to the State Department, which has been underfunded for the last 8 years. Diplomacy and international development are key components to any national security agenda.

I was also pleased to see that title nine of the bill, which enhances the Merida Initiative, includes provisions to further combat gun trafficking and drug cartels. However, I was greatly disappointed that the House Homeland Security Committee was not included in the development of this title or the previous Merida Initiative legislation. The Department of Homeland Security plays a significant role in the Merida Initiative by coordinating through its agencies that are assisting Mexico and other foreign governments address issues surrounding smuggling, trafficking and violence at our borders and internationally. Thus I firmly believe this committee should have been allowed to play a role in this legislation.

As Chairwoman of the Homeland Security Subcommittee on Border, Maritime and Global Counter Terrorism, I have held several hearings on issues affecting the Merida initiative. These hearings focused on the ongoing violence along our southern border, drug trafficking, weapon trafficking and cash trafficking. My subcommittee and the full committee on Homeland Security have been at the forefront of addressing the threats posed by drug trafficking organizations and other transnational crime syndicates. Many of the recommendations made during our recent hearings, including southbound border check points for cash and guns going into Mexico, have been implemented along the border.

The hearings also emphasized that many agencies—including the Department of Home-

land Security—will need to work together closely to stop these growing transnational crime networks. The Merida Initiative would not be as effective without the constant and tireless work of the brave men and women at the Department of Homeland Security. I hope that in the future more consideration will be given to the role the Department of Homeland Security plays implementing critical security initiatives like the Merida Initiative.

My colleagues on the Committee on Homeland Security look forward to working with our friends on the other relevant committees to continue to develop, implement and improve initiatives such as the Merida Initiative.

I ask my colleagues to support the underlying legislation.

Ms. MATSUI. Mr. Chair, I thank my colleague on the Rules Committee, Mr. HASTINGS, for yielding me time. I commend him for his hard work on foreign relations issues.

Mr. Chair, today this Congress takes action to support our country's interests around the world.

A strong foreign service and a healthy State Department are not luxuries. They are absolute necessities in today's foreign policy climate.

Our country has historically shouldered great responsibilities on the international stage. From combating nuclear proliferation, to spurring international development, to protecting and advancing human rights around the world, the challenges we face as a country are great.

Two of these challenges particularly hit home for me, Mr. Chair.

As most of us know, two American journalists were sentenced to 12 years of hard labor in North Korea this week after an abrupt and questionable trial.

One of these reporters grew up in my hometown of Sacramento. Her family continues to maintain ties to the Sacramento community.

I know that the State Department is doing everything in its power to secure the release of Laura Ling and Euna Lee. I commend and support our government's efforts to bring these brave and courageous two women back home.

With today's bill, Congress is doing its part to ensure that Americans in similar situations around the world know that their country will never abandon them.

Our responsibility as a nation is not only to those fortunate to call themselves "Americans," though. Another issue of urgent importance is the plight of about 5,000 Hmong refugees in Thailand.

These refugees, including many women and children, have fled persecution in their home country of Laos based on historical grievances dating back to the Vietnam War era. They now live in unspeakably harsh conditions in a refugee camp in the Petchabun province of Thailand, and are under constant threat of being forcibly repatriated back to Laos to face certain persecution.

Our State Department has been working tirelessly to save the Hmong from this near-certain death sentence, and I have supported these efforts in every way that I can. I have written letters to the Thai government and to our own foreign policy leadership, asking them to spare the Hmong from any further suffering.

We have a responsibility to protect innocent people, Mr. Chair, just as we have a responsibility to protect our own in countries like North Korea.

Today's legislation gives our government the tools it needs to carry out this essential mission. It helps us strengthen our role in influencing world affairs so that we can work toward a future where basic human rights and dignity are respected the world over.

For this reason, I strongly support the bill before us today, Mr. Chair. I urge my colleagues to do the same.

Mr. FARR. Mr. Chair, Chairman BERMAN and the entire Foreign Affairs committee are to be commended for bringing an excellent bill to the floor.

These much needed reforms reflect Congress' strong support for strengthening U.S. diplomacy and are consistent with the new vision for global engagement championed by President Obama.

As a former Peace Corps volunteer, I am very pleased that H.R. 2410 authorizes \$450 million for Peace Corps.

I'd like to express my appreciation to Chairman BERMAN and Ranking Member ILEANA ROS-LEHTINEN for including Peace Corps in their bill and for supporting a substantial increase that will help send volunteers to the 20 countries that have already requested Peace Corps volunteers.

Recently, the Chicago Council on Global Affairs called for 300 to 600 new volunteers in Sub-Saharan Africa to work on agriculture as a step toward America reasserting global leadership in the fight against hunger and food insecurity.

The Chicago Council notes that "The Peace Corps' presence goes a long way toward convincing people that America knows about their circumstances, is committed to partnership to lift them out of poverty and is willing to send hard-working Americans, experienced in agriculture, to live and work with them for an extended period."

Rwanda's President recently wrote, "We view the return of the Peace Corps as a significant event in Rwanda's recovery. These young men and women represent what is good about America; I have met former volunteers who have run major aid programs here, invested in our businesses, and I even count them among my friends and close advisors."

Peace Corps volunteers live and work in the poorest communities in countries around the world. The work that they do day in and day out is the finest expression of American generosity and solidarity that our government has to offer.

I enthusiastically support H.R. 2410 and urge my colleagues to vote for the bill.

Mr. POSEY. Mr. Chair, as every Member of the House knows, our country is confronted with an enormous deficit of almost \$2 trillion this year alone, which is in addition to the existing mountain of national debt and a projected debt of \$1.3 trillion for next year. At some point, this Congress needs to face the reality that you cannot continue to spend as though the bill will never come due.

The evening news is bleak with continuing housing foreclosures and the highest unemployment rate in decades. The Federal Reserve is exercising emergency lending powers.

Foreign investors, including the government of China, are concerned about buying more U.S. government debt. But the majority in this body is living in a different world. The correct response would be for the government to live within its means, just as American families must do. For some reason, the leadership in Washington insists on going full-speed ahead in its binge spending, adding perks for public employees and billions of dollars in foreign aid spending while Americans continue to lose their jobs. Today's Foreign Relations Authorization Act is another case-in-point of Washington out of touch.

While American families are cutting back on their spending, this legislation would grant an arbitrary 35 percent increase in the State Department's basic salary and operations account, and at a time when more Americans are unemployed than at any time in the past 25 years this bill provides a 23 percent pay raise for Foreign Service Officers. In committee, Democrats voted down an amendment to cap the increases in the bill at the annualized rate of inflation. The bill also cuts the budget for the Office of the Inspector General—the one who is to keep a watchful eye on where Americans' tax dollars are spent.

The bill also increases funding for the United Nations (U.N.) by 30 percent over the current year's funding. In the past, any additional U.S. taxpayer funding has been tied to further reforms. This bill actually asks the U.N. for no reforms and provides it \$100 million more for the peacekeeping activities than they asked for. I have cosponsored U.N. reform legislation and believe it is critical that we enact these reforms of an entity that has serious waste, fraud and abuse problems. As one of ninety cosponsors of H.R. 557, the United Nations Transparency, Accountability and Reform Act, I believe Congress should withhold funding to the U.N. unless some serious reforms are undertaken. Instead, today's bill rewards them with significant increases in funding. The bill also includes language affirming controversial international agreements for which the United States is not even a party, such as the U.N. Convention on the Law of the Sea. This bill funds the Human Rights Council which includes the following nations as members of the council: Saudi Arabia, Nigeria, China and Cuba. This is ludicrous.

H.R. 2410 contains worrying language that would create a new office with a vague directive of promoting "women's empowerment internationally." While I support ensuring that women are treated equitably, it is important to understand what this provision will lead to. Secretary of State Hillary Clinton testified before the Foreign Affairs Committee stating that she would use the State Department to ". . . protect the rights of women, including their right to reproductive health care . . . [which] includes access to abortion." Thus, money will be spent within this office to promote abortion overseas, a policy which tens of millions of Americans object to.

I urge my colleagues to vote against this legislation and work for the good of those whom we represent by reining in the spending. Congress should authorize and appropriate funding sufficient for conducting a strong foreign policy, rather than increasing government salaries, expanding the size of

government foreign aid programs, and rewarding the U.N. with more money than they asked for.

Ms. LEE of California. Mr. Chair, I rise in strong support of H.R. 2410, the Foreign Relations Authorization Act and want to thank our Chairman for his outstanding leadership and work on this major legislation.

In the words of President Obama, "America is a friend of each nation and every man, woman and child who seeks a future of peace and dignity," and this legislation rightfully commits the resources necessary to uphold that promise.

I want to just take a moment to highlight a couple of provisions that we worked to have included in this bill:

First, I want to thank Chairman BERMAN for including the United States-Caribbean Educational Exchange Program from legislation I introduced which previously passed the House in the 110th Congress, the Shirley A. Chisholm United States-Caribbean Educational Exchange Act.

This valuable initiative will promote better understanding of U.S. values and culture by offering scholarships to Caribbean students to pursue studies in the United States.

Second, I am pleased this legislation includes reporting language I offered regarding the enduring and horrible humanitarian crisis in Gaza. Improving the lives of the Palestinian people in Gaza is essential to fostering conditions necessary for stability, economic and social development, and lasting peace.

Finally, on the heels of President Obama's brilliant speech in Cairo, I want to take a moment to underscore the importance of supporting the President, Special Envoy Mitchell and Secretary Clinton as they bring renewed focus and energy toward advancing a two state solution that will bring lasting peace. And that includes supporting Israel's right to exist and the call for an end of the continued Israeli settlements.

Again, I want to thank the gentleman for the time and encourage support for this important bill.

Mr. STEARNS. Mr. Chair, while our constituents are losing jobs and homes, H.R. 2410 would use borrowed money to increase funding by one-third in a single year for State Department operations, for the UN regular budget, and for the Peace Corps.

It would increase the State Department's basic salary and operations account by 35%.

It would add 2,200 new Foreign Service Officers, 20 new government entities, and 48 new reporting requirements.

Without requiring any reform, it would authorize all UN arrearages and volunteers the U.S. pay \$100 million more for peacekeeping next year beyond what the UN is currently charging us.

The reported bill also embraces a controversial social agenda, including provisions that could allow abortion promotion.

Attempts at the full committee mark-up to affirm the genuine empowerment and protection of women and girls around the world was soundly rejected.

In addition to problems with what the bill includes, many deserving Republican amendments were excluded from the reported version.

One of those was a funding amendment I have offered which caps any account increases at 3.7 percent over current year levels.

This reasonable 3.7 percent increase is the average rate of inflation for 2008.

By taking this measured, responsible approach, my funding amendment would produce a single-year cost savings of 2.82 billion dollars in 2010, as compared to the Majority's bill.

In short, H.R. 2410 is an irresponsible bill on policy and funding levels.

Mrs. LOWEY. Mr. Chair, I rise today in strong support of H.R. 2410, the Foreign Relations Authorization Act, and commend Chairman BERMAN for his leadership on this bill. Diplomacy and international development are cornerstones of U.S. national security, and H.R. 2410 will ensure that these key strategic tools are maximized in our efforts to protect America and rebuild our standing in the world.

H.R. 2410 provides robust authorization for rebuilding civilian capacity by authorizing 1,500 new Foreign Service Officers for the State Department and promotes training to ensure our diplomats have the skills to confront twenty-first century challenges. Additionally, the bill authorizes 700 new Foreign Service Officers for USAID, an important step to rebuild the capacity of our development agency to provide appropriate, effective aid to countries and communities in need around the world.

Improving the livelihoods of vulnerable and oppressed women around the world should be a key component of U.S. foreign policy, and I applaud the inclusion of the authorization of the "Office of Women's Issues" in the base bill. Irrefutable research has shown that incorporating the unique needs of women into development policy is integral to ensure our aid initiatives' effectiveness; by coordinating and advising on gender integration and international women's empowerment, this office will help to increase the efficiency of our foreign assistance. As evidenced by its opposition to this office's authorization, the extreme anti-choice wing of the Republican party continues to put ideology over fact and science. Let me be clear: this bill in no way changes existing statutory prohibitions on abortion. A vote against this bill inhibits our government's ability to advance women's empowerment initiatives aimed at stability, security, and equality around the world.

I urge my colleagues to support this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Chair, thank you, Madam Speaker and thank you Chairman BERMAN for your efforts on H.R. 2410, Foreign Relations Authorization Act, Fiscal Years 2010 and 2011." The Committee has once again produced legislation that will help America engage its neighbors and promote national security.

The primary objective of this legislation is to rebuild the capacity of the Department of State to fulfill its core diplomatic mission in fulfilling U.S. national security goals. In a recent hearing Secretary Clinton stated that the priorities of the State Department and other international organizations are clear. Their focus is

to deploying the tools of diplomacy and development along with military power. We are securing historic alliances, working with emerging regional powers, and seeking new avenues of engagement. While this may seem like a herculean task, I have confidence that these goals can be successfully accomplished with the passing of this legislation.

H.R. 2410 is a wide encompassing bill that will set the tone on how we engage other nations and strengthen the use of diplomacy as a tool to interact with other countries around the world. This legislation will give President Obama and Secretary Clinton the non-military support they need to engage other nations and change the view of America in the world. President Obama has stated that defense, diplomacy and development are the three keys to strengthening our national security. In recent years, diplomacy and development have been short-changed. Capacity must be rebuilt in these critical areas.

In addition, I appreciate my Sense of Congress language being included in Section 1127, entitled Sense of Congress Sudan, that the United States should support efforts to find a stable and lasting peace in Sudan in the wake of devastating conflict that led to major humanitarian disaster in Darfur and through the Sudan. This conflict caused the deaths of hundreds of thousands and continues to cause violence in Darfur and throughout Sudan. The language further provides that to achieve peace in Darfur, all parties must agree to uphold the Comprehensive Peace Agreement (CPA). The language provides that the United States should support efforts to prepare for the national elections and for the referendum. It further provides that the United States should support efforts to develop international strategy to support the rebuilding of Sudan, with a particular focus on key CPA benchmarks including transitional justice, actions addressing the perpetrators of war crimes, policies towards, the return of displaced Darfuris and other people to their homeland, and management of the armed forces, and that U.S. policy toward Darfur should be fully integrated with U.S. policy toward the CPA as a full and lasting resolution to the Darfur crisis hinges on the resolution of a common set of national problems. We must insure the solution to the continued genocide in Sudan.

To understand the importance of my Sense of Congress language, it is important to address the history of Sudan. The crisis in Darfur began in February 2003, when two rebel groups emerged to challenge the National Congress Party (NCP) government in Darfur. The crisis in Darfur in western Sudan has led to a major humanitarian disaster, with an estimated 2.45 million people displaced, more than 240,000 people forced into neighboring Chad, and an estimated 450,000 people killed.

In July 2004, the House and Senate declared the atrocities in Darfur genocide and on May 4, 2006, the Government of National Unity and the Sudan Liberation Movement/Army signed the Darfur Peace Agreement after almost two years of negotiation. In July 2007, the U.N. Security Council passed Resolution 1769, authorizing the deployment of a robust peacekeeping force in Darfur. The resolution authorized the United Nations African

Union force in Darfur to take all necessary measures to protect its personnel and humanitarian workers.

In July 2008, International Criminal Court (ICC) Chief Prosecutor Luis Moreno-Ocampo accused President Omar Bashir of Sudan of genocide, crimes against humanity, and war crimes and asked ICC judges to issue an arrest warrant for President Bashir. On March 4, 2009, the ICC Pre-Trial Chamber issued a warrant of arrest for President Bashir. On March 4, 2009, the ICC Pre-Trial Chamber issued a warrant of arrest for President Bashir for war crimes and crimes against humanity.

It is important that against this backdrop that the U.S. reaffirms that genocide is still occurring in Darfur, displaced individuals should be resettled in their homeland, and the perpetrators of war crimes should be prosecuted.

This legislation is intended to shore up U.S. diplomacy and development efforts. Defense, diplomacy, and development are the three pillars of our national security. In recent years, diplomacy and development have been short-changed. Capacity must be rebuilt in these critical areas.

The legislation authorizes hiring 1500 additional Foreign Service Officers over the next two years and contains provisions on recruitment and training of officers to improve the Foreign Service's ability to respond to modern challenges. It requires the State Department to conduct a quadrennial review of its policies and programs that defines objectives, budget requirements and how these programs fit into the President's national security strategy.

Among other significant measures in the bill are provisions that:

Ensure that the United States will meet its financial commitments to the United Nations (U.N.) and other international organizations;

Allow financing the refurbishment of helicopters for U.N. peacekeeping missions in Darfur, the Republic of Congo and Chad;

Establish the Senator Paul Simon Study Abroad Foundation as a new executive branch corporation to expand dramatically the number and economic diversity of U.S. students studying overseas;

End the long-standing practice of excluding the committed partners of Foreign Service officers from the benefits routinely provided to the spouses and children of officers serving abroad;

Support the Administration's plan to double the size of the Peace Corps, and authorize a plan to use short-term volunteers to respond to humanitarian and development needs worldwide;

Broaden the Merida anti-drug trafficking initiative to include the Caribbean, and improve monitoring and evaluation of Merida programs; and

Increase resources and training for enforcement of intellectual property rights, especially in countries identified by the U.S. government as lax in enforcing those rights.

I have also worked tirelessly on incorporating my bill on Statelessness in its entirety in Section 1104, entitled "Statelessness." The purpose of this section is to increase global stability and security for the United States and the international community and decrease trafficking and discrimination by reducing the number of individuals who are de jure or de

facto stateless. As a consequence of their statelessness, individuals are unable to claim right to a nationality and its respective rights and obligations, and instead they are excluded from full participation in civil society. The framework of this language establishes that the right to a nationality is a foundation of human rights, and a deterrent to displacement, since the State is the primary vehicle through which people are guaranteed their inalienable rights, and are made subject to the rule of law.

Additionally, this language ensures that it shall be the policy of the United States that the President and the permanent U.S. Representative to the United Nations work with the international community to increase political and financial support for the work of the United Nations High Commissioner for Refugees (UNHCR) to prevent and resolve problems related to statelessness, and to promote the rights of the stateless by taking the following specific actions. The language urges U.N. and U.N. Country teams in countries with significant stateless populations to devote increasing attention and resources to bring about registration and documentation of all residents. The language advocates for the creation of an Inter-Agency Task Force on Statelessness with UNHCR and UNICEF. With respect to improving conditions for Women and children, Section 1104 urges the U.N. to devote special attention to restore secured citizenship to trafficked women and girls, and to work with Member States to guarantee that national legislation gives women full and equal rights regarding citizenship, and addressing the needs and rights of stateless children. Finally, this important language urges UNICEF to increase its efforts to encourage all U.N. Member States to permit full and easy access to birth registration for all children born in their territories, and promotes the issuance of birth certificates to all children born to refugees and displaced persons.

In conclusion, emerging challenges that will define our century such as climate change, weak states, rogue regimes, criminal cartels, nuclear proliferation, terrorism, poverty, and disease all must be addressed in order to protect our national security. America must work with our neighbors around the world to address these challenges and in doing so, it is our responsibility as Members of Congress to make sure organizations that are dealing with these issues get the resources they need to do their jobs safely and effectively.

Mr. SCALISE. Mr. Chair, the House of Representatives passed the Foreign Relations Authorization Act. Unfortunately, this bill opens a door that will jeopardize one of the fundamental principles that our country was founded upon: the right to life.

I am disturbed that the liberals in Congress want to allow taxpayer dollars to be spent on the promotion of abortion in foreign countries through the creation of the "Office of Global Women's Issues." Secretary Clinton has acknowledged that this office will be used as a means to promote reproductive rights of women. She also testified before Congress that she believes that reproductive rights include abortion. I find it troubling that Secretary Clinton is forcing a pro abortion agenda on foreign nations, including countries with pro life laws. This pro abortion agenda by the

State Department contradicts President Obama's statements that he wants to work toward reducing the number of abortions that are performed.

I applaud Congressman CHRIS SMITH for offering an amendment that would have explicitly prohibited this Office from participating in abortion activity. His amendment would have also promoted maternal health, women's empowerment, and educational opportunities for women. While I supported his amendment, unfortunately it was rejected. If we establish this office, we should set guidelines that promote a culture of life, not a culture of abortion.

Secretary Clinton clearly expressed that she intends to promote and provide abortion through the Office of Global Women's Issues when she said: "We happen to think that family planning is an important part of women's health and reproductive health includes access to abortion . . ." and also that "we are now an administration that will protect the rights of women, including their rights to reproductive health care."

Unborn lives are the most defenseless lives, and it is our job to stand up and protect them. Under no circumstances should Americans be forced to fund abortions, either domestically or abroad.

Mr. KUCINICH. Mr. Chair, H.R. 2410, the Foreign Affairs Authorization, has several laudable provisions that would improve our national security and our country's standing in the world. But it includes language that grants Congressional endorsement of preemptive war against Iran.

The provision in question says "It is the sense of Congress that Israel has the inalienable right to defend itself in the face of an imminent nuclear or military threat from Iran . . ." Among the lessons that should have been learned from the war in Iraq is that preemptive war based on an imminent threat (real or perceived) is a violation of recognized rights under international law and undermines a nation's standing in the international community. Rather than recognizing Israel's right to self defense against an imminent attack, a right recognized by international law, this bill contains language that supports preemptive war against a threat. A war with Iran is not in Israel's best interest, it is not in the United States best interest, and it is not in the world's best interest. The provision undermines the establishment of peace in the Middle East.

I do not make the decision to oppose the full legislation lightly. It has important provisions. The additional resources authorized by this bill are necessary to make up for a history of drastic underfunding and inattention to diplomacy. This bill highlights our commitment to a new diplomatic strategy as our nation strives to heal the wounds between our country and the world.

It authorizes additional funding to train and deploy 1,500 additional Foreign Service Officers. It commits \$1.8 billion for fiscal year 2010, as well as the necessary funds in 2011 to fulfill our assessed contributions to international organizations such as the United Nations. The bill will create an additional 25 positions at the Department of State for arms control and nonproliferation. Creation of the Rotation Program will help to strengthen inter-agency cooperation toward nuclear abolition.

The bill requires that the State Department investigate the humanitarian crisis in Gaza and the atrocities associated with an occupation that compromises the health and dignity of the Palestinian people. I am hopeful that the report will allow the U.S. to credibly claim a commitment to engage in a more even handed and diplomacy oriented foreign policy.

I do not agree with inclusion of Section 822 of the bill, which reduces the number of Congressional notifications about arms transfers between the U.S. government and the governments of other nations. For example, a Congressional notification is currently required for the transfer of major defense equipment sales valued at \$14 million or more. With enactment of this section, the threshold will be raised to \$25 million or greater. As such, the trigger for Congressional review will happen less often.

Furthermore, I oppose the increased funding levels for the Merida Initiative and expansion of this flawed program to the Caribbean countries. Time and again, research has demonstrated that illicit drug production in developing countries stems from pervasive rural poverty and lack of sustainable sources of income. More money for guns and other tools of destruction will do nothing to ease the suffering of those struggling with addiction or alleviate the social problems that compel people to produce and/or traffic drugs.

This body must take measurable actions to replace policies of aggression with policies of dialogue, adherence to international law and an unwavering dedication to the protection of human rights. By including the provision that paves the way for preemptive war against Iran, this bill continues the failed policies of the previous administration. Therefore, I could not vote for it.

Mr. VAN HOLLEN. Mr. Chair, I rise today to express my strong support for H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011. I want to commend my colleague, Mr. BERMAN of California, for his leadership in moving this important bill through the Committee on Foreign Affairs and bringing it to the Floor today. This important legislation represents an opportunity for the U.S. Congress to assert its proper advisory role in shaping civilian elements of our national security infrastructure.

This legislation firmly launches the U.S. on an effort to invigorate our frontline defense: Diplomatic and development capabilities at the heart of our vast global engagements. Of course, diplomacy is effective only if backed by a robust military, but we know even heroic efforts by our military forces in Iraq and Afghanistan won't secure stable victories without complementary civilian efforts.

This bill reinvests in our ability to build global consensus that favors U.S. interests. It increases Peace Corps programs and expands public diplomacy, broadcasting, and educational exchanges that will forge lasting bonds and build allies. Finally, this bill removes our arrearages to the United Nations, boosting our credibility in this key forum that lends legitimacy and effectiveness to so many of our multilateral endeavors. It also seeks to realign U.S. policies on controlled exports, streamlining licensing to help protect U.S. jobs and preserve the competitive edge of U.S. businesses while preserving nonproliferation goals.

Mr. Chair, I urge my colleagues to vote in favor of this bill that represents a significant step towards restoring diplomacy as our Nation's first line of defense. By expanding dialogue, diplomacy, and development today, we will avoid the far greater costs of solving crises that instead would emerge from our indifference.

Mr. TIAHRT. Mr. Chair, H.R. 2410, the Foreign Relations Authorization Act, authorizes funding for the Department of State, the United States Peace Corps, and various international organizations. I cannot support H.R. 2410. This legislation recklessly overspends American tax dollars, fails to enact any much-needed reforms of international organizations, and actively supports a radical social agenda that conflicts with the majority views of the American people.

By authorizing more than \$40 billion over five years, the House Democrats are again recklessly spending money that the American people do not have. At a time when so many Americans are struggling to make ends meet, exorbitant increases in foreign policy spending are absolutely inappropriate.

H.R. 2410 authorizes additional funding of 13 percent for the State Department, 32.4 percent for the Peace Corps, and 35 percent for State Department salaries. These types of increases clearly demonstrate that Congressional Democrats are failing to be good stewards of the nation's treasury.

H.R. 2410 also provides billions of dollars for the United Nations and other international organizations without demanding any reforms. Without serious reforms the United Nations will continue to fail to meet the challenges facing our world. This legislation does nothing to reformulate the U.S. payments to the United Nations to more accurately reflect current economic conditions. It fails to implement a code of conduct for UN employees, does nothing to reform UN procurement or budgetary procedures, fails to freeze the UN budget, and does not address the UN's continued push for an international tax. Providing billions of American tax dollars without conditions weakens any effort to bring about meaningful reform.

Most concerning, though, is that H.R. 2410 aggressively advocates for a radical social agenda. American foreign policy should advocate for the national interests of the American people, not a divisive, extremist policy to placate liberal activists.

First, this legislation establishes an Office for Global Women's Issues to promote the task of "women's empowerment internationally." Given the rescission of the Mexico City Policy and this administration's strong commitment to abortion, there were serious concerns that this office will be used to promote the legalization of abortion abroad. The Obama administration and Democrat leadership clearly intend to use this office to promote international abortions.

All doubt was removed when Republicans offered a substitute amendment to ensure this office would not advocate for international abortions. It was defeated on a party-line vote.

H.R. 2410 also takes an extraordinary step to require the Bureau for Democracy, Human Rights and Labor to track violence or restrictions based on "perceived sexual orientation

and gender identity.” The bill would also require that the annual human rights report include information about violence or discrimination based on “perceived sexual orientation or gender identity.” Finally, the bill would require Foreign Service officers to take instruction on identifying violence or discrimination based on “perceived sexual orientation or gender identity.” Our tax dollars are not well spent monitoring the treatment of homosexuals worldwide.

This legislation furthermore mandates that American diplomats make overturning other country’s laws regarding homosexuality a foreign policy priority. During committee consideration of the bill, Rep. MIKE PENCE offered an amendment that charged the State Department with continuing in their work to “to protect all people against gross violations of internationally recognized human rights, as described in section 116(a) of the Foreign Assistance Act of 1961.” This language would have committed the U.S. to the protection of homosexual people—as they would any person—against torture, cruel, inhuman treatment, or “other flagrant denial of the right to life, liberty, and the security of person.” Unfortunately, this amendment was voted down by committee Democrats.

U.S. foreign policy should be focused on progressing clear national security interests of the American people. Carving out special considerations regarding homosexuality, irrespective of larger foreign policy goals, could hinder vital diplomatic efforts. U.S. foreign policy should not be used as to promote special interests concerns, but the vital common strategic interests of this nation.

Mr. Chair, for these reasons, I urge my colleagues to join me in opposing H.R. 2410.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2410

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 2010 and 2011”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Appropriate congressional committees defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Administration of Foreign Affairs.
- Sec. 102. International organizations.
- Sec. 103. International commissions.
- Sec. 104. Migration and refugee assistance.
- Sec. 105. Centers and foundations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

- Subtitle A—Basic Authorities and Activities
- Sec. 201. International Litigation Fund.

Sec. 202. Actuarial valuations.

Sec. 203. Special agents.

Sec. 204. Repatriation loans.

Subtitle B—Public Diplomacy at the Department of State

Sec. 211. Concentration of public diplomacy responsibilities.

Sec. 212. Establishment of Public Diplomacy Reserve Corps.

Sec. 213. Enhancing United States public diplomacy outreach.

Sec. 214. Public diplomacy resource centers.

Sec. 215. Grants for international documentary exchange programs.

Sec. 216. United States Advisory Commission on Public Diplomacy.

Sec. 217. Special Olympics.

Sec. 218. Extension of program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships.

Sec. 219. Central Asia scholarship program for public policy internships.

Sec. 220. United States-South Pacific Scholarship Program.

Sec. 221. Scholarships for indigenous peoples of Mexico and Central and South America.

Sec. 222. United States-Caribbean Educational Exchange Program.

Sec. 223. Exchanges between Sri Lanka and the United States to promote dialogue among minority groups in Sri Lanka.

Sec. 224. Exchanges between Liberia and the United States for women legislators.

Sec. 225. Public diplomacy plan for Haiti.

Sec. 226. Transfer of the Vietnam Education Foundation to the Department of State.

Subtitle C—Consular Services and Related Matters

Sec. 231. Permanent authority to assess passport surcharge.

Sec. 232. Sense of Congress regarding additional consular services in Moldova.

Sec. 233. Reforming refugee processing.

Sec. 234. English language and cultural awareness training for approved refugee applicants.

Sec. 235. Iraqi refugees and internally displaced persons.

Sec. 236. Videoconference interviews.

Sec. 237. Tibet.

Sec. 238. Processing of certain visa applications.

Subtitle D—Strengthening Arms Control and Nonproliferation Activities at the Department of State

Sec. 241. Findings and sense of Congress on the need to strengthen United States arms control and nonproliferation capabilities.

Sec. 242. Authorization of additional arms control and nonproliferation positions.

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TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Subtitle A—Towards Modernizing the Department of State

Sec. 301. Towards a more modern and expeditionary Foreign Service.

Sec. 302. Quadrennial review of diplomacy and development.

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TITLE IV—INTERNATIONAL ORGANIZATIONS

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Sec. 411. Organization of American States.

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TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

Sec. 501. Authorization of appropriations for international broadcasting.

Sec. 502. Personal services contracting program.

Sec. 503. Radio Free Europe/Radio Liberty pay parity.

Sec. 504. Employment for international broadcasting.

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TITLE VI—PEACE CORPS

Sec. 601. Findings; statement of policy.

Sec. 602. Amendments to the Peace Corps Act.

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TITLE VII—SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF 2009

- Sec. 701. Short title.
- Sec. 702. Findings.
- Sec. 703. Purposes.
- Sec. 704. Definitions.
- Sec. 705. Establishment and management of the Senator Paul Simon Study Abroad Foundation.
- Sec. 706. Establishment and operation of program.
- Sec. 707. Annual report.
- Sec. 708. Powers of the Foundation; related provisions.
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TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

- Sec. 801. Short title.
- Sec. 802. Findings.
- Sec. 803. Strategic review and assessment of the United States export controls system.
- Sec. 804. Performance goals for processing of applications for licenses to export items on United States Munitions List.
- Sec. 805. Requirement to ensure adequate staff and resources for the Directorate of Defense Trade Controls of the Department of State.
- Sec. 806. Audit by Inspector General of the Department of State.
- Sec. 807. Increased flexibility for use of defense trade controls registration fees.
- Sec. 808. Review of International Traffic in Arms Regulations and United States Munitions List.
- Sec. 809. Special licensing authorization for certain exports to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea.
- Sec. 810. Availability of information on the status of license applications under chapter 3 of the Arms Export Control Act.
- Sec. 811. Sense of Congress.
- Sec. 812. Definitions.
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Subtitle B—Provisions Relating to Export Licenses

- Sec. 821. Availability to Congress of Presidential directives regarding United States arms export policies, practices, and regulations.
- Sec. 822. Increase in value of defense articles and services for congressional review and expediting congressional review for Israel.
- Sec. 823. Diplomatic efforts to strengthen national and international arms export controls.
- Sec. 824. Reporting requirement for unlicensed exports.
- Sec. 825. Report on value of major defense equipment and defense articles exported under section 38 of the Arms Export Control Act.
- Sec. 826. Authority to remove satellites and related components from the United States Munitions List.
- Sec. 827. Review and report of investigations of violations of section 3 of the Arms Export Control Act.
- Sec. 828. Report on self-financing options for export licensing functions of DDTC of the Department of State.
- Sec. 829. Clarification of certification requirement relating to Israel's qualitative military edge.

- Sec. 830. Expediting congressional defense export review period for Israel.
- Sec. 831. Updating and conforming penalties for violations of sections 38 and 39 of the Arms Export Control Act.

Subtitle C—Miscellaneous Provisions

- Sec. 841. Authority to build the capacity of foreign military forces.
- Sec. 842. Foreign Military Sales Stockpile Fund.
- Sec. 843. Annual estimate and justification for Foreign Military Sales program.
- Sec. 844. Sense of Congress on the global arms trade.
- Sec. 845. Report on United States' commitments to the security of Israel.
- Sec. 846. War Reserves Stockpile.
- Sec. 847. Excess defense articles for Central and South European countries and certain other countries.
- Sec. 848. Support to Israel for missile defense.

TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

Subtitle A—General Provisions

- Sec. 901. Coordinator of United States Government activities to implement the Merida Initiative.
 - Sec. 902. Adding the Caribbean to the Merida Initiative.
 - Sec. 903. Merida Initiative monitoring and evaluation mechanism.
 - Sec. 904. Merida Initiative defined.
- Subtitle B—Prevention of Illicit Trade in Small Arms and Light Weapons**
- Sec. 911. Task force on the prevention of illicit small arms trafficking in the Western Hemisphere.
 - Sec. 912. Increase in penalties for illicit trafficking in small arms and light weapons to countries in the Western Hemisphere.
 - Sec. 913. Department of State rewards program.
 - Sec. 914. Statement of Congress supporting United States ratification of CIFTA.

TITLE X—REPORTING REQUIREMENTS

- Sec. 1001. Assessment of Special Court for Sierra Leone.
- Sec. 1002. Report on United States capacities to prevent genocide and mass atrocities.
- Sec. 1003. Reports relating to programs to encourage good governance.
- Sec. 1004. Reports on Hong Kong.
- Sec. 1005. Democracy in Georgia.
- Sec. 1006. Diplomatic relations with Israel.
- Sec. 1007. Police training report.
- Sec. 1008. Reports on humanitarian assistance in Gaza.
- Sec. 1009. Report on activities in Haiti.
- Sec. 1010. Report on religious minority communities in the Middle East.
- Sec. 1011. Iran's influence in the Western Hemisphere.

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

- Sec. 1101. Bilateral commission with Nigeria.
- Sec. 1102. Authorities relating to the Southern Africa Enterprise Development Fund.
- Sec. 1103. Diabetes treatment and prevention and safe water and sanitation for Pacific Island countries.
- Sec. 1104. Statelessness.
- Sec. 1105. Statement of Policy Regarding the Ecumenical Patriarchate.
- Sec. 1106. Limitation on assistance for weather cooperation activities to countries in the Americas.
- Sec. 1107. Statement of Congress regarding Afghan women.
- Sec. 1108. Global Peace Operations Initiative programs and activities.

- Sec. 1109. Freedom of the press.
- Sec. 1110. Information for Country Commercial Guides on business and investment climates.
- Sec. 1111. International protection of girls by preventing child marriage.
- Sec. 1112. Statement of Congress regarding return of portraits of Holocaust victims to artist Dina Babbitt.
- Sec. 1113. Statement of policy regarding Somalia.

Subtitle B—Sense of Congress Provisions

- Sec. 1121. Promoting democracy and human rights in Belarus.
- Sec. 1122. Sense of Congress on the humanitarian situation in Sri Lanka.
- Sec. 1123. West Papua.
- Sec. 1124. Sense of Congress relating to Soviet nuclear tests and Kazakhstan's commitment to nonproliferation.
- Sec. 1125. Sense of Congress on Holocaust-era property restitution and compensation.
- Sec. 1126. Efforts to secure the freedom of Gilad Shalit.
- Sec. 1127. Sense of Congress relating to Sudan.
- Sec. 1128. Sense of Congress on restrictions on religious freedom in Vietnam.

SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

Except as otherwise provided in this Act, the term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) **DIPLOMATIC AND CONSULAR PROGRAMS.—**

(A) **AUTHORIZATION OF APPROPRIATIONS.—**For "Diplomatic and Consular Programs" \$7,312,016,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) **WORLDWIDE SECURITY PROTECTION.—**In addition to the amounts authorized to be appropriated by subparagraph (A), \$1,648,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for worldwide security protection.

(C) **PUBLIC DIPLOMACY.—**Of the amounts authorized to be appropriated under subparagraph (A), \$500,278,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for public diplomacy.

(D) **BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—**Of the amounts authorized to be appropriated under subparagraph (A), \$20,659,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for the Bureau of Democracy, Human Rights, and Labor.

(2) **CAPITAL INVESTMENT FUND.—**For "Capital Investment Fund", \$160,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(3) **EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—**For "Embassy Security, Construction and Maintenance", \$1,815,050,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(4) **EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—**

(A) **AUTHORIZATION OF APPROPRIATIONS.—**For "Educational and Cultural Exchange Programs", \$633,243,000 for fiscal year 2010, and

such sums as may be necessary for fiscal year 2011.

(B) **TIBETAN SCHOLARSHIP PROGRAM.**—Of the amounts authorized to be appropriated under subparagraph (A), \$750,000 for fiscal year 2010 and \$800,000 for fiscal year 2011 are authorized to be appropriated to carry out the Tibetan scholarship program established under section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319; 22 U.S.C. 2151 note).

(C) **NGAWANG CHOEPHEL EXCHANGE PROGRAMS.**—Of the amounts authorized to be appropriated under subparagraph (A), such sums as may be necessary are authorized to be appropriated for each of fiscal years 2010 and 2011 for the “Ngawang Choepel Exchange Programs” (formerly known as “programs of educational and cultural exchange between the United States and the people of Tibet”) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319; 22 U.S.C. 2151 note).

(5) **CIVILIAN STABILIZATION INITIATIVE.**—For “Civilian Stabilization Initiative”, \$323,272,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(6) **REPRESENTATION ALLOWANCES.**—For “Representation Allowances”, \$8,175,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(7) **PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—For Protection of Foreign Missions and Officials, \$27,159,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) **REIMBURSEMENT FOR PAST EXPENSES OWED BY THE UNITED STATES.**—In addition to the amounts authorized to be appropriated under subparagraph (A), there are authorized to be appropriated \$21,000,000 for fiscal year 2010 and \$25,000,000 for fiscal year 2011 for “Protection of Foreign Missions and Officials” to be used only to reimburse State and local governments for necessary expenses incurred since 1998 for the protection of foreign missions and officials and recognized by the United States.

(8) **EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.**—For “Emergencies in the Diplomatic and Consular Service”, \$10,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(9) **REPATRIATION LOANS.**—For “Repatriation Loans”, \$1,450,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(10) **PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.**—For “Payment to the American Institute in Taiwan”, \$21,174,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(11) **OFFICE OF THE INSPECTOR GENERAL.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—For “Office of the Inspector General”, \$100,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) **SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.**—Of the amounts authorized to be appropriated under subparagraph (A), \$30,000,000 is authorized to be for the Special Inspector General for Iraq Reconstruction.

(C) **SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.**—Of the amounts authorized to be appropriated under subparagraph (A), \$23,000,000 is authorized to be for the Special Inspector General for Afghanistan Reconstruction.

SEC. 102. INTERNATIONAL ORGANIZATIONS.

(a) **ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**—There are authorized to be appropriated for “Contributions to International Organizations”, \$1,797,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011, for the Department of State to carry out the authorities, functions, du-

ties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) **CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.**—There are authorized to be appropriated for “Contributions for International Peacekeeping Activities”, \$2,260,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011, for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) **FOREIGN CURRENCY EXCHANGE RATES.**—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) **INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.**—For “International Boundary and Water Commission, United States and Mexico”—

(A) for “Salaries and Expenses”, \$33,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011; and

(B) for “Construction”, \$43,250,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(2) **INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.**—For “International Boundary Commission, United States and Canada”, \$2,385,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(3) **INTERNATIONAL JOINT COMMISSION.**—For “International Joint Commission”, \$7,974,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(4) **INTERNATIONAL FISHERIES COMMISSIONS.**—For “International Fisheries Commissions”, \$43,576,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities \$1,577,500,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(b) **REFUGEE RESETTLEMENT IN ISRAEL.**—Of the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated \$25,000,000 for fiscal years 2010 and such sums as may be necessary for fiscal year 2011 for resettlement of refugees in Israel.

SEC. 105. CENTERS AND FOUNDATIONS.

(a) **ASIA FOUNDATION.**—There are authorized to be appropriated for “The Asia Foundation” for authorized activities, \$20,000,000 for fiscal year 2010, and \$23,000,000 for fiscal year 2011.

(b) **NATIONAL ENDOWMENT FOR DEMOCRACY.**—There are authorized to be appropriated for the “National Endowment for Democracy” for authorized activities, \$100,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(c) **CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.**—There are authorized to be appropriated for the “Center for Cultural and Technical Interchange Between East and West” for authorized activities, such sums as may be necessary for each of fiscal years 2010 and 2011.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. INTERNATIONAL LITIGATION FUND.

Section 38(d)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended by striking “by the Department of State from another agency of the United States Government or pursuant to” and inserting “by the Department of State as a result of a decision of an international tribunal, from another agency of the United States Government, or pursuant to”.

SEC. 202. ACTUARIAL VALUATIONS.

The Foreign Service Act of 1980 is amended—

(1) in section 818 (22 U.S.C. 4058)—

(A) in the first sentence, by striking “Secretary of the Treasury” and inserting “Secretary of State”; and

(B) by amending the second sentence to read as follows: “The Secretary of State is authorized to expend from money to the credit of the Fund such sums as may be necessary to administer the provisions of this chapter, including actuarial advice, but only to the extent and in such amounts as are provided in advance in appropriations acts.”;

(2) in section 819 (22 U.S.C. 4059), in the first sentence, by striking “Secretary of the Treasury” the second place it appears and inserting “Secretary of State”;

(3) in section 825(b) (22 U.S.C. 4065(b)), by striking “Secretary of the Treasury” and inserting “Secretary of State”; and

(4) section 859(c) (22 U.S.C. 4071h(c))—

(A) by striking “Secretary of the Treasury” and inserting “Secretary of State”; and

(B) by striking “and shall advise the Secretary of State of” and inserting “that will provide”.

SEC. 203. SPECIAL AGENTS.

(a) **IN GENERAL.**—Paragraph (1) of section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended to read as follows:

“(1) conduct investigations concerning—

“(A) illegal passport or visa issuance or use;

“(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; and

“(C) Federal offenses committed within the special maritime and territorial jurisdiction of the United States as defined in paragraph (9) of section 7 of title 18, United States Code, except as that jurisdiction relates to the premises of United States military missions and related residences.”;

(b) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) of such section 37(a) (as amended by subsection (a) of this section) shall be construed to limit the investigative authority of any other Federal department or agency.

SEC. 204. REPATRIATION LOANS.

Section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671) is amended by adding at the end the following new subsection:

“(e) Under such regulations as the Secretary of State may prescribe, and in such amounts as are appropriated in advance, the Secretary is authorized to waive in whole or part the recovery of a repatriation loan under subsection (d) if it is shown that such recovery would be against equity and good conscience or against the public interest.”.

Subtitle B—Public Diplomacy at the Department of State

SEC. 211. CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.

Section 60 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2732) is amended—

(1) in subsection (b)(1), by inserting “in accordance with subsection (e),” before “coordinate”; and

(2) by adding at the end the following new subsection:

“(e) CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.—

“(1) IN GENERAL.—The Secretary of State shall, subject to the direction of the President, have primary responsibility for the coordination described in subsection (b)(1), and shall make every effort to establish and present to foreign publics unified United States public diplomacy activities.

“(2) QUARTERLY MEETINGS AND ONGOING CONSULTATIONS AND COORDINATION.—

“(A) IN GENERAL.—The Secretary shall, subject to the direction of the President, establish a working group of the heads of the Federal agencies referred to in subsection (b)(1) and should seek to convene such group not less often than once every three months to carry out the requirement specified in paragraph (1) of this subsection.

“(B) CHAIR AND ROTATING VICE CHAIR.—The Secretary shall serve as the permanent chair of the quarterly meetings required under subparagraph (A). Each head of a Federal agency referred to in subsection (b)(1) shall serve on a rotating basis as the vice chair of each such quarterly meeting.

“(C) INITIAL MEETING.—The initial meeting of the working group established under subparagraph (A) shall be not later than the date that is six months after the date of the enactment of this subsection.

“(D) ONGOING CONSULTATIONS AND COORDINATION.—The Secretary and each head of the Federal agencies referred to in subsection (b)(1) shall designate a representative of each respective agency to consult and coordinate with such other representatives on an ongoing basis beginning not later than 30 days after the initial meeting of the working group under subparagraph (C) to carry out the requirement specified in paragraph (1) of this subsection. The designee of the Secretary shall have primary responsibility for such ongoing consultations and coordination.

“(3) REPORTS REQUIRED.—

“(A) IN GENERAL.—Except as provided in subparagraph (D), each head of a Federal agency referred to in subsection (b)(1) shall annually submit to the President a report on the public diplomacy activities of each such agency in the preceding year.

“(B) INFORMATION SHARING.—The President shall make available to the Secretary the reports submitted pursuant to subparagraph (A).

“(C) INITIAL SUBMISSIONS.—The first annual reports required under subparagraph (A) shall be submitted not later than the date that is one year after the date of the enactment of this subsection.

“(D) LIMITATION.—Subparagraph (A) shall not apply with respect to activities carried out pursuant to section 167 of title 10, United States Code.”.

SEC. 212. ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.

(a) FINDING.—Congress finds that currently a shortage of trained public diplomacy Foreign Service officers at the mid-career level threatens the effectiveness of United States outreach to publics abroad.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Foreign Service should recruit individuals with professional experience relevant to public diplomacy, and provide training and mentoring to cultivate their skills in order to build up the corps of professionals in the public diplomacy cone; and

(2) apart from the public diplomacy cone, training of all Foreign Service officers should include more information on techniques of public diplomacy.

(c) ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—Section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended by adding at the end the following new subsection:

“(e) ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—

“(1) IN GENERAL.—The Secretary of State is authorized to establish in the Foreign Service a Public Diplomacy Reserve Corps consisting of mid- and senior-level former Foreign Service officers and other individuals with experience in the private or public sector relevant to public diplomacy, to serve for a period of six months to two years in postings abroad.

“(2) PROHIBITION ON CERTAIN ACTIVITIES.—While actively serving with the Reserve Corps, individuals may not engage in activities directly or indirectly intended to influence public opinion within the United States in the same manner and to the same extent that employees of the Department of State engaged in public diplomacy are so prohibited.”.

SEC. 213. ENHANCING UNITED STATES PUBLIC DIPLOMACY OUTREACH.

(a) FINDINGS.—Congress finds the following:

(1) The platform strategy for United States public diplomacy programs has changed dramatically with events of the past decade. The United States Government used to operate hundreds of free-standing facilities around the world, known as “American Centers” or “America Houses”, that offered venues for cultural and educational events as well as access to books, magazines, films, and other selected materials about the United States. The consolidation of the United States Information Agency (USIA) into the Department of State accelerated the post-Cold War process of closing these facilities, and the deadly attacks on United States embassies in Tanzania and Kenya prompted the imposition of security requirements under law that included co-locating United States Government employees in hardened embassy compounds.

(2) Information Resource Centers, which offer library services and space for public events, that are now located in embassy compounds allow limited access—and in some cases, none whatsoever—by the public, and half of them operate on a “by appointment only” basis. “American Corner” facilities, operated by local contacts in university or public libraries in some countries, are no substitute for a designated venue recognized as a resource for information on United States culture and education staffed by a knowledgeable representative of the embassy.

(b) PARTNERSHIP ARRANGEMENTS TO FURTHER PUBLIC DIPLOMACY AND OUTREACH.—Recognizing the security challenges of maintaining free-standing public diplomacy facilities outside of embassy compounds, the Secretary of State shall consider new partnership arrangements with local or regional entities in foreign countries that can operate free-standing American Centers in areas well-trafficked by a cross-section of people in such countries, including in downtown storefronts, health care clinics, and other locations that reach beyond library patrons and university students. Where such partnership arrangements currently exist, the Secretary shall evaluate the efficacy of such partnership arrangements and determine whether such partnership arrangements can provide a model for public diplomacy facilities outside of

embassy and consulate compounds elsewhere. Not later than 180 days after the date of the enactment of this Act, the Secretary shall brief the appropriate congressional committees on the evaluation and determinations described in the preceding sentence.

(c) ESTABLISHMENT OF CERTAIN PUBLIC DIPLOMACY FACILITIES.—After taking into account relevant security needs, the Secretary of State shall consider placing United States public diplomacy facilities at locations that maximize the role of such facilities in the educational and cultural life of the cities in which such facilities are located, and help build a growing constituency for such facilities, in accordance with the authority given to the Secretary under section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain requirements of that Act with respect to the location of certain United States diplomatic facilities in foreign countries.

SEC. 214. PUBLIC DIPLOMACY RESOURCE CENTERS.

(a) ESTABLISHMENT AND MAINTENANCE OF LIBRARIES.—Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(F) provide for the establishment of new and the maintenance of existing libraries and resource centers at or in connection with United States diplomatic and consular missions.”.

(b) OPERATION OF LIBRARIES.—

(1) IN GENERAL.—The Secretary of State shall ensure that libraries and resource centers established and maintained in accordance with subparagraph (F) of section 1(b)(3) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)(3) of this section) are open to the general public to the greatest extent practicable, subject to policies and procedures established by the Secretary to ensure the safety and security of United States diplomatic and consular missions and of United States officers, employees, and personnel posted at such missions at which such libraries are located.

(2) SHOWINGS OF UNITED STATES FILMS.—To the extent practicable, the Secretary of State shall ensure that such libraries and resource centers schedule public showings of United States films that showcase United States culture, society, values, and history.

(c) ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Not later than one year after the date of the enactment of this section, the Advisory Commission on Public Diplomacy (authorized under section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553)) shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing an evaluation of the functions and effectiveness of the libraries and resource centers that are authorized under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized to be appropriated for Diplomatic and Consular Programs pursuant to section 101(I)(A), there is authorized to be appropriated to the Secretary of State such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 215. GRANTS FOR INTERNATIONAL DOCUMENTARY EXCHANGE PROGRAMS.

(a) FINDINGS.—Congress finds the following:

(1) Since September 11, 2001, a distorted perception of the United States has grown abroad, even as many Americans struggle to understand the increasingly complex world beyond the borders of the United States.

(2) This public diplomacy crisis poses an ongoing threat to United States security, diplomatic relations, commerce, and citizen-to-citizen relationships between the United States and other countries.

(3) Independently produced documentary films have proven to be an effective means of communicating United States ideas and values to populations of other countries.

(4) It is in the interest of the United States to provide assistance to United States nongovernmental organizations that produce and distribute independently produced documentary films.

(b) ASSISTANCE.—The Secretary of State is authorized to make grants, on such terms and conditions as the Secretary may determine, to United States nongovernmental organizations that use independently produced documentary films to promote better understanding of the United States abroad and better understanding of global perspectives and other countries in the United States.

(c) ACTIVITIES SUPPORTED.—Grants provided under subsection (b) shall, to the maximum extent practicable, be used to carry out the following activities:

(1) Fund, distribute, and promote documentary films that convey a diversity of views about life in the United States to foreign audiences and bring insightful foreign perspectives to United States audiences.

(2) Support documentaries described in paragraph (1) that are made by independent foreign and domestic producers, selected through a peer review process.

(3) Develop a network of overseas partners to produce, distribute, and broadcast such documentaries.

(d) SPECIAL FACTORS.—In making the grants described in subsection (b), the Secretary shall give preference to nongovernmental organizations that—

(1) provide at least 35 percent of the total project cost in matching funds from non-Federal sources; and

(2) have prior experience supporting independently produced documentary films that have been broadcast on public television in the United States.

(e) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that contains a detailed description of the implementation of this section for the prior year.

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for Educational and Cultural Exchange Programs pursuant to section 101(4), there is authorized to be appropriated to the Secretary of State \$5,000,000 for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 216. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) REAUTHORIZATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2009” and inserting “October 1, 2011”.

(b) STUDY AND REPORT.—Section 604(c)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is amended to read as follows:

“(2)(A) Not less often than once every two years, the Commission shall undertake an in-depth review of United States public diplomacy programs, policies, and activities. Each study shall assess the effectiveness of the various mechanisms of United States public diplomacy in light of several factors, including public and media attitudes around the world toward the United States, United States citizens, and United States foreign policy, and make appropriate recommendations.

“(B) The Commission shall submit to the Secretary and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a comprehensive report of each study required under subparagraph (A). At the discretion of the Commission, any report under this subsection may be submitted in classified form or with a classified appendix.

“(C) Upon request of the Commission, the Secretary, the Chair of the Broadcasting Board of Governors, and the head of any other Federal agency that conducts public diplomacy or strategic communications activities shall provide to the Commission information to assist the Commission in carrying out its responsibilities under this paragraph.”.

(c) ENHANCING THE EXPERTISE OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

(1) QUALIFICATIONS OF MEMBERS.—Section 604(a)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)(2)) is amended by adding at the end the following new sentences: “At least four members shall have substantial experience in the conduct of public diplomacy or comparable activities in the private sector. No member may be an officer or employee of the United States.”.

(2) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall not apply to individuals who are members of the United States Advisory Commission on Public Diplomacy on the date of the enactment of this Act.

SEC. 217. SPECIAL OLYMPICS.

(a) FINDINGS.—Congress finds the following:

(1) Special Olympics International has been recognized for more than four decades as the world leader in providing life-changing sports training and competition experiences for persons with intellectual disabilities at all levels of severity.

(2) While Special Olympics sports programming is widely respected around the world, less well-known are a number of supporting initiatives targeted to changing attitudes toward people with intellectual disabilities, developing leaders among the intellectual disability population, supporting families of people with these disabilities, improving access to health services, and enhancing government policies and programs for people with intellectual disabilities.

(3) Special Olympics has documented the challenge of ignorance and poor attitudes toward intellectual disability worldwide and its capacity to change discriminatory attitudes to understanding, acceptance, and advocacy for people with intellectual disabilities. It does so through an array of educational and attitude change activities that affect multiple levels of society. These activities have received financial support from the Bureau of Educational and Cultural Affairs (ECA) of the Department of State, among other sources.

(b) ADMINISTRATION OF PROGRAM.—Section 3(b) of the Special Olympics Sport and Empowerment Act of 2004 (Public Law 108-406) is amended, in the matter preceding paragraph (1) by striking “Secretary of State” and inserting “Secretary of State, acting through the Assistant Secretary of State for Educational and Cultural Affairs”.

SEC. 218. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 22 U.S.C. 2452c) is amended—

(1) in subsection (g)—

(A) by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”; and

(B) by striking “April 15, 2006, and April 15, 2008” and inserting “June 15, 2010, and June 15, 2011”; and

(2) in subsection (h), by striking “2007 and 2008” and inserting “2010 and 2011”.

SEC. 219. CENTRAL ASIA SCHOLARSHIP PROGRAM FOR PUBLIC POLICY INTERNSHIPS.

(a) PILOT PROGRAM ESTABLISHED.—As part of the educational and cultural exchange programs of the Department of State, the Secretary of State shall establish a pilot program for fiscal years 2010 and 2011 to award scholarships to undergraduate and graduate students from Central Asia for public policy internships in the United States. Subject to the availability of appropriations, for each fiscal year not more than 50 students may participate in the program established under this section.

(b) GENERAL PROVISIONS.—

(1) IN GENERAL.—Except as otherwise provided in this section, the program established pursuant to subsection (a) shall be carried out under applicable provisions of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) and the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; also referred to as the “Fulbright-Hays Act”).

(2) SCHOLARSHIP ELIGIBILITY REQUIREMENTS.—In addition to such other requirements as may be established by the Secretary of State, a scholarship recipient under this section—

(A) shall be proficient in the English language;

(B) shall be a student at an undergraduate or graduate school level at an accredited institution of higher education with a record of outstanding academic achievement and demonstrated intellectual abilities;

(C) may not have received an academic scholarship or grant from the United States Government in the three years preceding the award of a scholarship under this section; and

(D) may not be or have been a member of a foreign terrorist organization (as designated by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a))) or involved in organized crime.

(3) INTERNSHIPS.—Internships under this section shall be for periods of not more than six months.

(4) PRIORITY CONSIDERATION.—In the award of internships under this section, the Secretary of State shall give priority consideration to students who are underprivileged or members of ethnic, religious, or cultural minorities.

(5) CENTRAL ASIA DEFINED.—For the purposes of this section, the term “Central Asia” means the countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 101(4), there is authorized to be appropriated \$600,000 for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 220. UNITED STATES-SOUTH PACIFIC SCHOLARSHIP PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The United States-South Pacific Scholarship Program (USSP), authorized by Congress and funded by the Bureau of Educational and Cultural Affairs of the Department of State, is a competitive, merit-based scholarship program that ensures that Pacific Islanders have an opportunity to pursue higher education in the United States and to obtain first-hand knowledge of United States institutions.

(2) It is expected that these students will one day assume leadership roles in their countries.

(3) As the Chairman of the Subcommittee on Territories and Insular Affairs, the late Congressman Phillip Burton was a voice for Pacific Island populations.

(4) He was also a voice for workers, the poor, and the elderly.

(5) Congressman Burton was one of the most brilliant and productive legislators in United States politics.

(6) He served in Congress from 1964 to 1983.

(7) He worked every day of his life to ensure social justice and human dignity for all people.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) so that future generations will know his name and remember his service, it is fitting that the leadership and vision of Phillip Burton, especially as the Chairman of the Subcommittee on Territories and Insular Affairs, which indirectly impacted United States foreign policy in the South Pacific region, should be honored; and

(2) the United States-South Pacific Scholarship Program should be renamed the Phillip Burton Scholarship Program for South Pacific Island Students.

(c) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated pursuant to section 101(4), \$750,000 is authorized to be appropriated for each of fiscal years 2010 and 2011 to be made available for the United States-South Pacific Scholarship Program.

(2) NAME.—Scholarships awarded under the Program shall be referred to as “Burton Scholarships” and recipients of such scholarships shall be referred to as “Burton Scholars”.

SEC. 221. SCHOLARSHIPS FOR INDIGENOUS PEOPLES OF MEXICO AND CENTRAL AND SOUTH AMERICA.

Of the amounts authorized to be appropriated pursuant to section 101(4), \$400,000 for each of fiscal years 2010 and 2011 is authorized to be appropriated for scholarships for secondary and post-secondary education in the United States for students from Mexico and the countries of Central and South America who are from the indigenous peoples of the region.

SEC. 222. UNITED STATES-CARIBBEAN EDUCATIONAL EXCHANGE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) CARICOM COUNTRY.—The term “CARICOM country”—

(A) means a member country of the Caribbean Community (CARICOM); but

(B) does not include—

(i) a country having observer status in CARICOM; or

(ii) a country the government of which the Secretary of State has determined, for purposes of section 6(f) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of State.

(4) UNITED STATES COOPERATING AGENCY.—The term “United States cooperating agency” means—

(A) an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including, to the maximum extent practicable, a historically Black college or university that is a part B institution (as such term

is defined in section 322(2) of such Act (20 U.S.C. 1061(2))) or a Hispanic-serving institution (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5)));

(B) a higher education association;

(C) a nongovernmental organization incorporated in the United States; or

(D) a consortium consisting of two or more such institutions, associations, or nongovernmental organizations.

(b) PROGRAM AUTHORIZED.—The Secretary of State is authorized to establish an educational exchange program between the United States and CARICOM countries, to be known as the “Shirley A. Chisholm United States-Caribbean Educational Exchange Program”, under which—

(1) secondary school students from CARICOM countries will—

(A) attend a public or private secondary school in the United States; and

(B) participate in activities designed to promote a greater understanding of the values and culture of the United States; and

(2) undergraduate students, graduate students, post-graduate students, and scholars from CARICOM countries will—

(A) attend a public or private college or university, including a community college, in the United States; and

(B) participate in activities designed to promote a greater understanding of the values and culture of the United States.

(c) ELEMENTS OF PROGRAM.—The program authorized under subsection (b) shall meet the following requirements:

(1) The program will offer scholarships to students and scholars based on merit and need. It is the sense of Congress that scholarships should be offered to students and scholars who evidence merit, achievement, and strong potential for the studies such students and scholars wish to undertake under the program and 60 percent of scholarships offered under the program should be based on financial need.

(2) The program will seek to achieve gender equality in granting scholarships under the program.

(3) Fields of study under the program will support the labor market and development needs of CARICOM countries, assuring a pool of technical experts to address such needs.

(4) The program will limit participation to—

(A) one year of study for secondary school students;

(B) two years of study for undergraduate students; and

(C) 12 months of study for graduate students, post-graduate students, and scholars.

(5) For a period of time equal to the period of time of participation in the program, but not to exceed two years, the program will require participants who are students and scholars described in subsection (a)(2) to—

(A) agree to return to live in a CARICOM country and maintain residence in such country, within six months of completion of academic studies; or

(B) agree to obtain employment that directly benefits the growth, progress, and development of one or more CARICOM countries and the people of such countries.

(6) The Secretary may waive, shorten the duration, or otherwise alter the requirements of paragraph (4) in limited circumstances of hardship, humanitarian needs, for specific educational purposes, or in furtherance of the national interests of the United States.

(d) ROLE OF UNITED STATES COOPERATING AGENCIES.—The Secretary shall consult with United States cooperating agencies in developing the program authorized under subsection (b). The Secretary is authorized to provide grants to United States cooperating agencies in

carrying out the program authorized under subsection (b).

(e) MONITORING AND EVALUATION OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall monitor and evaluate the effectiveness and efficiency of the program authorized under subsection (b). In so doing, the Secretary shall, among other things, evaluate the program’s positive or negative effects on “brain drain” from the participating CARICOM countries and suggest ways in which the program may be improved to promote the basic goal of alleviating brain drain from the participating CARICOM countries.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall review on a regular basis—

(A) financial information relating to the program;

(B) budget plans for the program;

(C) adjustments to plans established for the program;

(D) graduation rates of participants in the program;

(E) the percentage of participants who are students described in subsection (b)(1) who pursue higher education;

(F) the percentage of participants who return to their home country or another CARICOM country;

(G) the types of careers pursued by participants in the program and the extent to which such careers are linked to the political, economic, and social development needs of CARICOM countries; and

(H) the impact of gender, country of origin, financial need of students, and other relevant factors on the data collected under subparagraphs (D) through (G).

(f) REPORTING REQUIREMENTS.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this section, the Secretary of State shall submit to the appropriate congressional committees a report on plans to implement the program authorized under this section.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include—

(A) a plan for selecting participants in the program, including an estimate of the number of secondary school students, undergraduate students, graduate students, post-graduate students, and scholars from each country, by educational level, who will be selected as participants in the program for each fiscal year;

(B) a timeline for selecting United States cooperating agencies that will assist in implementing the program;

(C) a financial plan that—

(i) identifies budget plans for each educational level under the program; and

(ii) identifies plans or systems to ensure that the costs to public school, college, and university education under the program and the costs to private school, college, and university education under the program are reasonably allocated; and

(D) a plan to provide outreach to and linkages with schools, colleges and universities, and nongovernmental organizations in both the United States and CARICOM countries for implementation of the program.

(3) UPDATES OF REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees updates of the report required by paragraph (1) for each fiscal year for which amounts are appropriated pursuant to the authorization of appropriations under subsection (g).

(B) MATTERS TO BE INCLUDED.—Such updates shall include the following:

(i) Information on United States cooperating agencies that are selected to assist in implementing the programs authorized under this section.

(ii) An analysis of the positive and negative impacts the program authorized under this section will have or is having on “brain drain” from the participating CARICOM countries.

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 101(4), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 223. EXCHANGES BETWEEN SRI LANKA AND THE UNITED STATES TO PROMOTE DIALOGUE AMONG MINORITY GROUPS IN SRI LANKA.

(a) PURPOSE.—It is the purpose of this section to provide financial assistance to—

(1) establish an exchange program for Sri Lankan students currently pursuing a high school degree to participate in dialogue and understanding workshops in the United States;

(2) expand Sri Lankan participation in exchange programs of the Department of State; and

(3) promote dialogue between young adults from various ethnic, religious, linguistic, and other minority groups in Sri Lanka.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall establish an exchange program to provide scholarships to fund exchanges to enable Sri Lankan high school students from various ethnic, religious, linguistic, and other minority groups to participate in post-conflict resolution, understanding, and dialogue promotion workshops.

(2) DIALOGUE WORKSHOPS.—The exchange program established under paragraph (1) shall include a dialogue workshop located in the United States for participants in such program.

(c) DEFINITION.—For purposes of this section, the term “scholarship” means an amount to be used for full or partial support of living expenses in the United States for a participant in the exchange program established under subsection (b), including travel expenses to, from, and within the United States.

SEC. 224. EXCHANGES BETWEEN LIBERIA AND THE UNITED STATES FOR WOMEN LEGISLATORS.

(a) PURPOSE.—It is the purpose of this section to provide financial assistance to—

(1) establish an exchange program for Liberian women legislators and women staff members of the Liberian Congress;

(2) expand Liberian participation in exchange programs of the Department of State; and

(3) promote the advancement of women in the field of politics, with the aim of eventually reducing the rates of domestic abuse, illiteracy, and sexism in Liberia.

(b) PROGRAM.—The Secretary of State shall establish an exchange program in cooperation with the Women’s Legislative Caucus in Liberia to provide scholarships to fund exchanges to enable Liberian women legislators and exceptional women Liberian Congressional staffers to encourage more women to participate in, and continue to be active in, politics and the democratic process in Liberia.

(c) SCHOLARSHIP DEFINED.—In this section, the term “scholarship” means an amount to be used for full or partial support of living expenses in the United States for a participant in the exchange program established under subsection (b), including travel expenses to, from, and within the United States.

SEC. 225. PUBLIC DIPLOMACY PLAN FOR HAITI.

The Secretary of State shall develop a public diplomacy plan to be implemented in the event that Temporary Protected Status (TPS) is extended to Haitian nationals in the United States to effectively inform Haitians living in Haiti that—

(1) TPS only permits people already in the United States as of a specifically designated date to remain in the United States;

(2) there are extraordinary dangers of travel by sea to the United States in unsafe, overcrowded vessels;

(3) any Haitian interdicted at sea traveling to the United States will be repatriated to Haiti; and

(4) the United States will continue its large assistance program to help the people of Haiti recover from recent hurricanes, restore stability, and promote economic growth.

SEC. 226. TRANSFER OF THE VIETNAM EDUCATION FOUNDATION TO THE DEPARTMENT OF STATE.

(a) PURPOSES.—Section 202 of the Vietnam Education Foundation Act of 2000 (Public Law 106-554) is amended by adding at the end the following new paragraph:

“(3) To support the development of one or more academic institutions in Vietnam by financing the participation of United States institutions of higher education in the governance, management, and academic activities of such academic institutions in Vietnam.”.

(b) ESTABLISHMENT.—Section 204 of such Act is amended to read as follows:

“SEC. 204. ESTABLISHMENT.

“There is established, within the Bureau of Educational and Cultural Affairs of the Department of State, the Vietnam Education Foundation (referred to in this title as the ‘Foundation’).”.

(c) REPLACEMENT OF BOARD OF DIRECTORS WITH ADVISORY COMMITTEE.—Section 205 of such Act is amended to read as follows:

“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There may be established a Vietnam Education Foundation Advisory Committee (referred to in this section as the ‘Advisory Committee’), which shall provide advice to the Secretary and the Assistant Secretary for Educational and Cultural Affairs regarding the Foundation’s activities.

“(2) MEMBERSHIP.—The Advisory Committee shall be composed of seven members, of whom—

“(A) three shall be appointed by the Secretary;

“(B) one shall be appointed by the majority leader of the Senate;

“(C) one shall be appointed by the minority leader of the Senate;

“(D) one shall be appointed by the Speaker of the House of Representatives; and

“(E) one shall be appointed by the minority leader of the House of Representatives.

“(3) APPOINTMENT OF INCUMBENT MEMBERS OF BOARD OF DIRECTORS.—Members appointed to the Advisory Committee under paragraph (2) may include individuals who were members of the Board of Directors of the Foundation on the date immediately preceding the date of the enactment of this section.

“(b) SUPERVISION.—The Foundation shall be subject to the supervision and direction of the Secretary, working through the Assistant Secretary for Educational and Cultural Affairs, and in consultation with the Advisory Committee established under subsection (a).”.

(d) APPOINTMENT OF EXECUTIVE DIRECTOR.—Subsection (a) of section 208 of such Act is amended—

(1) in the first sentence by striking “shall be appointed” and inserting “may be appointed”; and

(2) by striking the last sentence.

(e) SERVICE OF EXECUTIVE DIRECTOR TO ADVISORY COMMITTEE.—Such subsection is further amended, in the second sentence, by striking “Foundation and shall carry out” and inserting “Foundation, serve the Advisory Committee, and carry out”.

(f) FELLOWSHIP PROGRAM.—Section 206(a)(1)(A) of such Act is amended by striking

“technology, and computer sciences” and inserting “academic computer science, public policy, and academic and public management”.

(g) CONFORMING AMENDMENTS.—Such Act is amended—

(1) in section 203—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) by inserting after paragraph (2), as redesignated, the following:

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of State.”;

(2) in section 208—

(A) in subsection (a)—

(i) in the subsection heading, by striking “BOARD” and inserting “SECRETARY”; and

(ii) by striking “Board” each place it appears and inserting “Secretary”; and

(B) in subsection (d), by striking “Board” and inserting “Secretary”; and

(3) in section 209(b), by striking “Board” and inserting “Secretary”.

(h) MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(10) programs administered by the Vietnam Education Foundation.”.

(i) TRANSFER OF FUNCTIONS.—All functions and assets of the Vietnam Education Foundation are transferred to the Bureau of Educational and Cultural Affairs of the Department of State. The Assistant Secretary for Educational and Cultural Affairs may hire personnel who were employed by the Vietnam Education Foundation on the date before the date of the enactment of this Act, and such other personnel as may be necessary to support the Foundation, in accordance with part III of title 5, United States Code.

(j) SUPPORT FOR INSTITUTIONAL DEVELOPMENT IN VIETNAM.—

(1) GRANTS AUTHORIZED.—The Secretary of State, acting through the Assistant Secretary for Educational and Cultural Affairs, is authorized to award 1 or more grants to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), which shall be used to implement graduate-level academic and public policy management leadership programs in Vietnam. Such programs shall—

(A) support Vietnam’s equitable and sustainable socioeconomic development;

(B) feature both teaching and research components;

(C) promote the development of institutional capacity in Vietnam;

(D) operate according to core principles of good governance; and

(E) enjoy autonomy from the Vietnamese government.

(2) APPLICATION.—

(A) IN GENERAL.—Each institution of higher education desiring the grant under this section shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(B) COMPETITIVE BASIS.—Each grant authorized under subsection (a) shall be awarded on a competitive basis.

(3) SOURCE OF GRANT FUNDS.—The Secretary of State may use funds made available to the Vietnam Education Foundation under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for the grant awarded under this section.

(k) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this section.

Subtitle C—Consular Services and Related Matters

SEC. 231. PERMANENT AUTHORITY TO ASSESS PASSPORT SURCHARGE.

Section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214; chapter 223, 41 Stat. 750), is amended by—

- (1) striking subsection (b)(2); and
- (2) redesignating subsection (b)(3) as subsection (b)(2).

SEC. 232. SENSE OF CONGRESS REGARDING ADDITIONAL CONSULAR SERVICES IN MOLDOVA.

It is the sense of Congress that in light of serious problems with human trafficking as well as the exceptionally high volume of applications by citizens of Moldova to the United States Summer Work Travel program, the Secretary of State should make every effort to enhance consular services at the United States embassy in Chisinau, Moldova, including considering assigning an additional consular officer to such post, and providing enhanced anti-trafficking training, especially related to student exchange visas and other vulnerable categories of visa applicants.

SEC. 233. REFORMING REFUGEE PROCESSING.

(a) **WORLDWIDE PROCESSING PRIORITY SYSTEM.**—

(1) **EMBASSY REFERRALS.**—The Secretary of State shall expand training of United States embassy and consular personnel to ensure that appropriate United States embassies and consulates are equipped and enabled to refer to the United States refugee admissions program aliens in urgent need of resettlement.

(2) **NGO REFERRALS.**—The Secretary shall expand training of, and communication with, nongovernmental organizations that provide assistance to displaced and persecuted persons to enable such organizations to refer to the United States refugee admissions program aliens in urgent need of resettlement.

(b) **REFORM OF THE REFUGEE CONSULTATION PROCESS.**—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a)(2), by adding at the end the following new sentence: “In the event that a fiscal year begins without such determination having been made, there is authorized to be admitted in the first quarter of such fiscal year 25 percent of the number of refugees fixed by the President in the previous fiscal year’s determination, and any refugees admitted under this sentence shall be counted toward the President’s determination when it is made.”; and

(2) in subsection (e), in the matter preceding paragraph (1), by striking “discussions in person” and inserting “discussions in person, to be commenced not later than June 1 of each year.”.

(c) **FAMILY REUNIFICATION.**—

(1) **MULTIPLE FORMS OF RELIEF.**—Applicants for admission as refugees shall be permitted to simultaneously pursue admission under any other visa categories for which such applicants may be eligible.

(2) **SEPARATED CHILDREN.**—In the case of a child under the age of 18 who has been separated from the birth or adoptive parents of such child and who is living under the care of an alien who has been approved for admission to the United States as a refugee, such child shall be, if it is in the best interest of such child to be placed with such alien in the United States, admitted as a refugee provided such child is otherwise admissible as described in section 207(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(3)).

(3) **CHILDREN OF REFUGEE SPOUSES.**—For the purposes of sections 207(c)(2)(A) and 208(b)(3) of

the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A) and 1158(b)(3)), if a refugee or asylee spouse proves that such spouse is the biological or adoptive parent of a child, such child shall be eligible to accompany or follow to join such parent.

(d) **ERMA ACCOUNT.**—Section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “President”

and inserting “Secretary of State”; and

(B) in paragraph (2), in the second sentence—

(i) by striking “to the President”; and

(ii) by striking “\$100,000,000” and inserting “\$200,000,000”; and

(2) in subsection (d), by striking “President”

and inserting “Secretary of State”.

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

(1) **IN GENERAL.**—There is authorized to be appropriated such sums as may be necessary to carry out this section, including the amendments made by this section.

(2) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to reduce funds or services for other refugee assistance or resettlement.

(f) **EFFECTIVE DATE.**—This section, and the amendments made by this section, shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this section.

SEC. 234. ENGLISH LANGUAGE AND CULTURAL AWARENESS TRAINING FOR APPROVED REFUGEE APPLICANTS.

(a) **IN GENERAL.**—The Secretary of State shall establish overseas refugee training programs to provide English as a second language, cultural orientation, and work orientation training for refugees who have been approved for admission to the United States before their departure for the United States.

(b) **DESIGN AND IMPLEMENTATION.**—In designing and implementing the pilot training programs referred to in subsection (a), the Secretary shall consult with or utilize both—

(1) nongovernmental or international organizations with direct ties to the United States refugee resettlement program; and

(2) nongovernmental or international organizations with appropriate expertise in developing curriculum and teaching English as a second language.

(c) **IMPACT ON PROCESSING TIMES.**—The Secretary shall ensure that such training programs occur within current processing times and do not unduly delay the departure for the United States of refugees who have been approved for admission to the United States.

(d) **TIMELINE FOR IMPLEMENTATION.**—

(1) **INITIAL IMPLEMENTATION.**—Not later than one year after the date of the enactment of this Act, the Secretary shall ensure that such training programs are operating in at least three refugee processing regions.

(2) **ADDITIONAL IMPLEMENTATION.**—Not later than two years after the date of the enactment of this Act, the Secretary shall notify the appropriate congressional committees that such training programs are operating in five refugee processing regions.

(e) **GAO REPORT.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on the implementation of this section, including an assessment of the quality of English as a second language curriculum and instruction, the benefits of the orientation and English as a second language training program to refugees, and recommendations on whether such programs should be continued, broadened, or modified, and shall submit to the appropriate congressional committees a report on the findings of such study.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require that a refugee participate in such a training program as a precondition for the admission to the United States of such refugee.

SEC. 235. IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) **IN GENERAL.**—The President shall develop and implement policies and strategies to address the protection, resettlement, and assistance needs of Iraqi refugees and internally displaced persons (IDPs), foster long-term solutions for stabilizing the lives of such refugees and IDPs, monitor the development and implementation of assistance strategies to countries in the Middle East that are hosting refugees from Iraq, encourage the Government of Iraq to actively engage the problem of displaced persons and refugees and monitor the Government of Iraq’s resolution of the problem, and ensure that budget requests to Congress are sufficient to meet an appropriate United States contribution to the needs of Iraqi refugees, IDPs within Iraq, and other refugees in Iraq.

(b) **INTERAGENCY PROCESS.**—

(1) **IN GENERAL.**—The President shall establish an interagency working group to carry out the goals of subsection (a) by facilitating interagency coordination to develop and implement policies to address the needs of Iraqi refugees and IDPs.

(2) **COMPOSITION.**—The interagency working group shall consist of appropriate high-ranking officials from the National Security Council, the Department of State, the Department of Homeland Security, the United States Agency for International Development, and such other agencies as the President may determine.

(3) **ROLE OF SECRETARY OF STATE.**—The Secretary of State shall serve as principal liaison with the Government of Iraq, its neighboring refugee hosting countries, and the international community to solicit and direct bilateral and multilateral contributions to address the needs of Iraqi refugees, IDPs, and returned refugees as well as with nongovernmental organizations working for and on behalf of displaced Iraqis.

(c) **INCREASE IN REFUGEE PROCESSING CAPACITY.**—The Secretary of State should, subject to the availability of appropriations for such purpose, seek to substantially increase the resources available to support the processing of such applicants in Iraq.

(d) **HUMANITARIAN ASSISTANCE.**—The United States should seek to ensure that—

(1) other countries make contributions to the United Nations High Commissioner on Refugees (UNHCR) and to other international organizations assisting Iraqi refugees and IDPs;

(2) the United States continues to make contributions that are sufficient to fund not less than 50 percent of the amount requested by the UNHCR and such other international organizations in each of fiscal years 2010 and 2011; and

(3) the Government of Iraq makes significant contributions to UNHCR and to other international organizations assisting Iraqi refugees and IDPs.

(e) **STATEMENT OF POLICY REGARDING ENCOURAGING VOLUNTARY RETURNS.**—It shall be the policy of the United States to encourage Iraqi refugees to return to Iraq only when conditions permit safe, sustainable returns on a voluntary basis with the coordination of the UNHCR and the Government of Iraq.

(f) **INTERNATIONAL COOPERATION.**—The Secretary of State shall work with the international community, including governments hosting the refugees, international organizations, nongovernmental organizations, and donors, to develop a long-term, comprehensive international strategy for assistance and solutions for Iraqi refugees and IDPs, and to provide—

(1) a comprehensive assessment of the needs of Iraqi refugees and IDPs, and the needs of the populations that host such refugees and IDPs;

(2) assistance to international organizations assisting IDPs and vulnerable persons in Iraq and Iraqi refugees in neighboring countries, including through resettlement;

(3) assistance to international organizations and other relevant entities, including such organizations and entities providing psychosocial services and cash assistance, and such organizations and entities facilitating voluntary returns of displaced persons;

(4) technical assistance to the Government of Iraq to establish better systems for meeting the needs of Iraqi IDPs and refugees, and to other government entities, international organizations, or nongovernmental organizations developing legal frameworks and systems to resolve land and housing claim disputes, including restitution;

(5) enhanced residency protections and opportunities for Iraqi refugees to work legally; and

(6) increased transparency on behalf of host governments, international organizations, and nongovernmental organizations that receive assistance for Iraqi refugees and IDPs.

(g) **ENHANCED ACCOUNTING.**—To better assess the benefits of United States assistance to Iraqi refugees and IDPs, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, as appropriate, shall—

(1) develop performance measures to fully assess and report progress in achieving United States goals and objectives for Iraqi refugees and IDPs; and

(2) track and report funding apportioned, obligated, and expended for Iraqi refugee programs in Jordan, Syria, Lebanon, and the other host countries, to the extent practicable.

(h) **REPORT TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act and annually thereafter through 2011, the President shall transmit to the appropriate congressional committees a report on the implementation of this section. Such report shall include—

(1) information concerning assistance and funding to host countries and international organizations and nongovernmental organizations;

(2) information concerning measures taken by the United States to increase its capabilities to process Iraqi refugees for resettlement, especially from inside Iraq;

(3) an evaluation of the effectiveness of measures implemented by agencies of the Government of Iraq to assist Iraqi refugees, IDPs, and other vulnerable persons and to facilitate the safe and voluntary return of refugees;

(4) an accounting of past expenditures and a report on plans for expenditures by the Government of Iraq on Iraqi refugees and IDPs; and

(5) information gathered in fulfillment of subsection (g).

(i) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated pursuant to section 104, there is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 236. VIDEOCONFERENCE INTERVIEWS.

(a) **PILOT PROGRAM.**—The Secretary of State may develop and conduct a two-year pilot program for the processing of tourist visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants.

(b) **REPORT.**—Not later than one year after initiating the pilot program under subsection (a) and again not later than three months after the conclusion of the two-year period referred to in such subsection, the Secretary of State shall submit to the appropriate congressional committees a report on such pilot program. Each such report shall assess the efficacy of using secure remote videoconferencing technology as a method for conducting visa interviews of applicants

and include recommendations on whether or not the pilot program should be continued, broadened, or modified.

SEC. 237. TIBET.

(a) **TIBET NEGOTIATIONS.**—Section 613(a) of the Tibetan Policy Act of 2002 (Public Law 107-228; 22 U.S.C. 6901 note) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “and should coordinate with other governments in multilateral efforts toward this goal”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) **POLICY COORDINATION.**—The President shall direct the National Security Council to ensure that, in accordance with this Act, United States policy on Tibet is coordinated and communicated with all Executive Branch agencies in contact with the Government of China.”

(b) **BILATERAL ASSISTANCE.**—Section 616 of the Tibetan Policy Act of 2002 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) **UNITED STATE ASSISTANCE.**—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China, in accordance with the principles specified in subsection (e) and subject to the review and approval of the Special Coordinator for Tibetan Issues under section 621(d).”

(c) **SPECIAL COORDINATOR FOR TIBETAN ISSUES.**—Section 621 of the Tibetan Policy Act of 2002 is amended—

(1) in subsection (d)—

(A) in paragraph (5), by striking “and” at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following new paragraph:

“(6) review and approve all projects carried out pursuant to section 616(d); and”;

(2) by adding at the end the following new subsection:

“(e) **PERSONNEL.**—The Secretary shall assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues sufficient to assist in the management of the responsibilities of this section and section 616(d).”

(d) **DIPLOMATIC REPRESENTATION RELATING TO TIBET.**—

(1) **UNITED STATES EMBASSY IN BEIJING.**—

(A) **IN GENERAL.**—The Secretary of State is authorized to establish a Tibet Section within the United States Embassy in Beijing, People’s Republic of China, for the purposes of following political, economic, and social developments inside Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces, until such time as a United States consulate in Tibet is established. Such Tibet Section shall have the primary responsibility for reporting on human rights issues in Tibet and shall work in close cooperation with the Office of the Special Coordinator for Tibetan Issues. The chief of such Tibet Section should be of senior rank.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this paragraph.

(2) **IN TIBET.**—Section 618 of the Tibetan Policy Act of 2002 is amended to read as follows:

“SEC. 618. ESTABLISHMENT OF A UNITED STATES CONSULATE IN LHASA, TIBET.

“The Secretary shall seek to establish a United States consulate in Lhasa, Tibet, to provide services to United States citizens traveling to Tibet and to monitor political, economic, and cultural developments in Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces.”

(e) **RELIGIOUS PERSECUTION IN TIBET.**—Section 620(b) of the Tibetan Policy Act of 2002 is amended by adding before the period at the end the following: “, including the reincarnation system of Tibetan Buddhism”.

SEC. 238. PROCESSING OF CERTAIN VISA APPLICATIONS.

(a) **POLICY.**—It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and nonimmigrant k-1 visa applications of fiances of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security. In the case of a visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security.

(b) **REVIEW BY HEAD OF CONSULAR SECTION.**—For any visa application described in subsection (a), it shall be the policy of the Department of State to require the head of the consular section (or designee) of any United States diplomatic or consular post to review any such application that exceeds the applicable time period specified in such subsection by more than five days, and, as appropriate, provide for expedited processing of such application.

Subtitle D—Strengthening Arms Control and Nonproliferation Activities at the Department of State

SEC. 241. FINDINGS AND SENSE OF CONGRESS ON THE NEED TO STRENGTHEN UNITED STATES ARMS CONTROL AND NON-PROLIFERATION CAPABILITIES.

(a) **FINDINGS.**—Congress finds the following:

(1) International security relies upon collective security arrangements and alliances, as unilateral actions by one country, no matter how powerful, are insufficient to cope effectively with security threats.

(2) In the same manner, collective arrangements, conventions, and alliances devoted to halting the proliferation of weapons of mass destruction, their means of production and delivery, frequently institutionalized within multilateral treaties and conventions, are critical to effective collective global action.

(3) In order to safeguard and advance United States national security, the Department of State must have the structural and human resources necessary to lead and participate in all international negotiations, conventions, organizations, arrangements, and implementation fora in the field of nonproliferation and arms control.

(4) North Korea and Iran present fundamental challenges to the global nonproliferation regime, challenges that can only be met by active, committed, and long-term multilateral engagement, participation, and leadership by the United States.

(5) Further, the United States has outlined an ambitious agenda in arms control and nonproliferation for the coming years, including—

(A) the conclusion of a strategic arms reduction treaty with Russia that preserves the benefits of the expiring START I treaty and makes further reductions in the total number of nuclear warheads in both countries, consistent with their national security needs;

(B) United States ratification of the Comprehensive Test Ban Treaty (CTBT), considered a foundational treaty by the global nonproliferation community for further advances toward greater stability and the reduction of role of nuclear weapons;

(C) the creation of a Fissile Material Cutoff Treaty (FMCT) to reduce the rate of production and ultimately halt the production of militarily-useful fissile material for nuclear weapons;

(D) the securing of vulnerable nuclear material worldwide that could be stolen and utilized by terrorist groups and rogue countries for nuclear and radiological weapons;

(E) the reinvigoration of the Treaty on the Nonproliferation of Nuclear Weapons (NPT), the cornerstone of the global nuclear nonproliferation regime, especially at the 2010 Review Conference;

(F) the expansion and greater development of the Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism into durable international institutions;

(G) the disruption and prevention of nuclear black markets;

(H) the convening of a Global Summit on Nuclear Security;

(I) strengthening the infrastructure and technical and financial resources available to the International Atomic Energy Agency (IAEA) and its international nuclear safeguards system; and

(J) engaging multiple international conventions and negotiations on restriction on conventional arms of various types.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should immediately develop a plan to strengthen the capabilities of the Department of State to lead and participate effectively in all international negotiations and implementation fora in the field of nonproliferation and arms control, especially to increase the human, organizational, and financial resources available to the Undersecretary of State for Arms Control and International Security;

(2) such plan should—

(A) focus especially on the recruitment and professional development of civilian and Foreign Service officers in the areas of arms control and nonproliferation within the Department of State, especially to increase the number of personnel assigned to arms control and nonproliferation and enhance recruitment of technical specialists, as well as provide for the long-term sustainability of personnel and resources; and

(B) identify measures to make service in arms control and nonproliferation offices, bureaus, and in foreign postings an attractive path for further promotion within the Foreign Service; and

(3) the Secretary of State should regularly keep Congress informed as to the measures taken to strengthen the arms control and nonproliferation capabilities of the Department of State, including what additional legal authority or appropriations are required.

SEC. 242. AUTHORIZATION OF ADDITIONAL ARMS CONTROL AND NONPROLIFERATION POSITIONS.

Of the amounts authorized to be appropriated under section 101, \$3,000,000 is authorized to be appropriated for an additional 25 positions at the Department of State for arms control and nonproliferation functions over the number of such positions in existence as of the date of the enactment of this Act.

SEC. 243. ADDITIONAL AUTHORITY OF THE SECRETARY OF STATE.

Section 401(d) of the Arms Control and Disarmament Act (Public Law 87-297; 22 U.S.C. 2581) is amended, in the first proviso, by striking “the President” and inserting “the Secretary of State”.

SEC. 244. ADDITIONAL FLEXIBILITY FOR RIGHTSIZING ARMS CONTROL AND NONPROLIFERATION FUNCTIONS.

(a) REPEAL.—Section 1112 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (Public Law 106-113) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 1112.

SEC. 245. ARMS CONTROL AND NONPROLIFERATION ROTATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State (in this section referred to as the “Secretary”), in consultation with the heads of other Federal departments and agencies that are involved in United States arms control and nonproliferation activities, shall establish the Arms Control and Nonproliferation Rotation Program (in this section referred to as the “Rotation Program”) for employees of the Department of State (in this section referred to as the “Department”) and such other Federal departments and agencies. The Rotation Program shall use applicable best practices, including those prescribed by the Chief Human Capital Officers Council. Employees of the Department and any other Federal department or agency participating in the Rotation Program may be detailed among the Department or such department or agency on a non-reimbursable basis.

(2) GOALS.—The Rotation Program shall—

(A) be established in accordance with the human capital strategic plan of the Department;

(B) provide midlevel Foreign Service officers and employees of the Department, and employees of other Federal departments and agencies concerned with arms control and nonproliferation responsibilities the opportunity to broaden their knowledge through exposure to other areas of the Department and such other Federal departments and agencies;

(C) expand the knowledge base of the Department by providing for rotational assignments of employees to such other Federal departments and agencies;

(D) build professional relationships and contacts among the employees in such other Federal departments and agencies;

(E) invigorate the Department’s arms control and nonproliferation workforce with professionally rewarding opportunities; and

(F) incorporate human capital strategic plans and activities of the Department, and address critical human capital deficiencies, professional development, recruitment and retention efforts, and succession planning within the Federal workforce of the Department.

(3) RESPONSIBILITIES.—The Secretary shall—

(A) provide oversight of the establishment and implementation of the Rotation Program;

(B) establish a framework that supports the goals of the Rotation Program and promotes cross disciplinary rotational opportunities;

(C) establish eligibility for employees of other Federal departments and agencies concerned with national security responsibilities to participate in the Rotation Program and select participants from such employees who apply;

(D) establish incentives for such employees to participate in the Rotation Program, including promotions and employment preferences;

(E) ensure that the Rotation Program provides professional education and training;

(F) ensure that the Rotation Program develops qualified employees and future leaders with broad based experience throughout the Department; and

(G) provide for greater interaction among employees in such Federal departments and agencies, including the Agency.

(4) ALLOWANCES, PRIVILEGES, AND BENEFITS.—All allowances, privileges, rights, seniority, and other benefits of employees participating in the Rotation Program shall be preserved.

(5) REPORTING.—Not later than one year after the date of the establishment of the Rotation Program, the Secretary shall submit to the appropriate congressional committees a report on the status of the Rotation Program, including a description of the Rotation Program, the number of individuals participating, and how the Rotation Program is used in succession planning and leadership development.

SEC. 246. ARMS CONTROL AND NONPROLIFERATION SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State (in this section referred to as the “Secretary”) shall establish a scholarship program (to be known as the “Arms Control and Nonproliferation Scholarship Program”) to award scholarships for the purpose of recruiting and preparing students for civilian careers in the fields of nonproliferation, arms control, and international security to meet the critical needs of the Department of State (in this section referred to as the “Department”).

(2) SELECTION OF RECIPIENTS.—

(A) MERIT AND AGENCY NEEDS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit and the arms control and nonproliferation needs of the Department.

(B) DEMONSTRATED COMMITMENT.—Individuals selected under this section shall have a demonstrated interest in public service and a commitment to the field of study for which the scholarship is awarded.

(3) CONTRACTUAL AGREEMENTS.—In order to carry out the scholarship program, the Secretary shall enter into contractual agreements with individuals selected under paragraph (2) pursuant to which such individuals agree to serve as full-time employees of the Department, for a period to be determined by the Secretary, not to exceed six years, in arms control and nonproliferation positions needed by the Department and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) ELIGIBILITY.—Except as provided in subsection (f), in order to be eligible to participate in the scholarship program, an individual shall be enrolled or accepted for enrollment as a full-time student at an institution of higher education and be pursuing or intend to pursue undergraduate or graduate education in an academic field or discipline specified in the list made available under subsection (d) and be a United States citizen.

(c) APPLICATION.—An individual seeking a scholarship under this section shall submit to the Secretary an application at such time, in such manner, and containing such information, agreements, or assurances as the Secretary may require.

(d) PROGRAMS AND FIELDS OF STUDY.—The Secretary shall make publicly available a list of academic programs and fields of study for which scholarships under this section may be awarded.

(e) SCHOLARSHIPS.—

(1) IN GENERAL.—The Secretary may award a scholarship under this section for an academic year if the individual applying for the scholarship has submitted to the Secretary, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study specified on the list made available under subsection (d).

(2) LIMITATION ON YEARS.—An individual may not receive a scholarship under this section for more than four academic years, unless the Secretary grants a waiver.

(3) STUDENT RESPONSIBILITIES.—Scholarship recipients shall maintain satisfactory academic progress.

(4) AMOUNT.—The dollar amount of a scholarship awarded under this section for an academic

year shall be determined under regulations issued by the Secretary, but shall in no case exceed the cost of tuition, fees, and other authorized expenses as determined by the Secretary.

(5) **USE OF SCHOLARSHIPS.**—A scholarship awarded under this section may be expended for tuition, fees, and other authorized expenses as established by the Secretary by regulation.

(6) **PAYMENT TO INSTITUTION OF HIGHER EDUCATION.**—The Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which such scholarship is awarded.

(f) **SPECIAL CONSIDERATION FOR CURRENT EMPLOYEES.**—Notwithstanding subsection (b), up to five percent of the scholarships awarded under this section may be set aside for individuals who are Federal employees on the date of the enactment of this Act to enhance the education of such employees in areas of critical arms control or nonproliferation needs of the Department, for undergraduate or graduate education under the scholarship on a full-time or part-time basis.

(g) **REPAYMENT.**—

(1) **IN GENERAL.**—A scholarship recipient who fails to maintain a high level of academic standing, as defined by the Secretary who is dismissed for disciplinary reasons from the educational institution such recipient is attending, or who voluntarily terminates academic training before graduation from the educational program for which the scholarship was awarded shall be in breach of the contractual agreement under subsection (a)(3) and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within one year after the date of such default of all scholarship funds paid to such recipient and to the institution of higher education on the behalf of such recipient under such agreement. The repayment period may be extended by the Secretary if the Secretary determines such to be necessary, as established by regulation.

(2) **LIABILITY.**—A scholarship recipient who, for any reason, fails to begin or complete the service obligation under the contractual agreement under subsection (a)(3) after completion of academic training, or fails to comply with the terms and conditions of deferment established by the Secretary under paragraph (1), shall be in breach of such contractual agreement and shall be liable to the United States for an amount equal to—

(A) the total amount of the scholarship received by such recipient under this section; and

(B) the interest on such amounts which would be payable if at the time the scholarship was received such scholarship was a loan bearing interest at the maximum legally prevailing rate.

(h) **REGULATIONS.**—The Secretary shall prescribe regulations necessary to carry out this section.

(i) **INSTITUTION OF HIGHER EDUCATION DEFINED.**—In this section, the term “institution of higher education” has the meaning given such term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(j) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated under section 101, such sums as may be necessary are authorized to be appropriated to carry out this section.

SEC. 247. SCIENTIFIC ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The President may establish a Scientific Advisory Committee (in this section referred to as the “Committee”) of not to exceed ten members, not fewer than eight of whom shall be scientists.

(2) **APPOINTMENT.**—If the Committee is established in accordance with paragraph (1), the

members of the Committee shall be appointed by the President, as follows:

(A) One member, who shall be a person of special scientific distinction, shall be appointed by the President, by and with the advice and consent of the Senate, as Chairman of the Committee.

(B) Nine other members shall be appointed by the President.

(3) **MEETINGS.**—If the Committee is established in accordance with paragraph (1), the Committee shall meet not less often than twice per year.

(b) **FUNCTION.**—If the Committee is established in accordance with subsection (a)(1), the Committee shall advise the President, the Secretary of State, and the Undersecretary for Arms Control and International Security regarding scientific, technical, and policy matters affecting arms control and nonproliferation.

(c) **REIMBURSEMENT OF EXPENSES.**—If the Committee is established in accordance with subsection (a)(1), the members of the Committee may receive reimbursement of expenses only in accordance with the provisions applicable to the reimbursement of experts and consultants under section 401(d) of the Arms Control and Disarmament Act (Public Law 87–297; 22 U.S.C. 2581(d)).

(d) **SCIENTIST DEFINED.**—In this section, the term “scientist” means an individual who has a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who has distinguished himself or herself in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Subtitle A—Towards Modernizing the Department of State

SEC. 301. TOWARDS A MORE MODERN AND EXPEDITIONARY FOREIGN SERVICE.

(a) **TARGETED EXPANSION OF FOREIGN SERVICE.**—The Secretary of State shall expand the Foreign Service to—

(1) fill vacancies, particularly those vacancies overseas that are critical to key United States foreign policy and national security interests, and, in particular, to prevent crises before they emerge;

(2) increase the capacity of the Department of State to assign and deploy Foreign Service officers and other personnel to prevent, mitigate, and respond to international crises and instability in foreign countries that threaten key United States foreign policy and national security interests; and

(3) ensure that before being assigned to assignments requiring new or improved skills, members of the Foreign Service, other than foreign national employees and consular agents (as such terms are defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)), as appropriate, receive language, security, area, and other training that is necessary to successfully execute their responsibilities and to enable such members to obtain advanced and other education that will increase the capacity of the Foreign Service to complete its mission.

(b) **AUTHORIZED INCREASES.**—

(1) **AT THE DEPARTMENT OF STATE.**—The Secretary of State is authorized to hire an additional 750 members of the Foreign Service (above attrition) in fiscal year 2010 over the number of such members employed as of September 30, 2009, and an additional 750 members of the Foreign Service (above attrition) in fiscal year 2011 over the number of such members employed as of September 30, 2010.

(2) **AT USAID.**—The Administrator of the United States Agency for International Development is authorized to hire an additional 350 members of the Foreign Service (above attrition)

in fiscal year 2010 over the number of such members employed as of September 30, 2009, and an additional 350 members of the Foreign Service (above attrition) in fiscal year 2011 over the number of such members employed as of September 30, 2010.

(3) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed as limiting the authority of the Secretary of State or the Administrator of the United States Agency for International Development to hire personnel.

(c) **EXPANSION OF FUNCTIONS OF THE FOREIGN SERVICE.**—Section 104 of the Foreign Service Act of 1980 (22 U.S.C. 3904) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) work actively to prevent, mitigate, and respond in a timely manner to international crises and instability in foreign countries that threaten the key United States foreign policy and national security interests.”.

(d) **WORLDWIDE AVAILABILITY.**—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941(b)) is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2)(A) Except as provided in subparagraphs (B) and (C), at the time of entry into the Service, each member of the Service shall be available to be assigned worldwide.

“(B) With respect to the medical eligibility of any applicant for appointment as a Foreign Service officer candidate, the Secretary of State shall determine such availability through appropriate medical examinations. If based on such examinations the Secretary determines that such applicant is ineligible to be assigned worldwide, the Secretary may waive the worldwide availability requirement under subparagraph (A) if the Secretary determines that such waiver is required to fulfill a compelling Service need. The Secretary shall establish an internal administrative review process for medical ineligibility determinations.

“(C) The Secretary may also waive or reduce the worldwide availability requirement under subparagraph (A) if the Secretary determines, in the Secretary’s discretion, that such waiver or reduction is warranted.”.

(e) **RECRUITING CANDIDATES WHO HAVE EXPERIENCE IN UNSTABLE SITUATIONS.**—Section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 212(c) of this Act, is further amended by adding at the end the following new subsection:

“(f) **EXPERIENCE IN UNSTABLE SITUATIONS.**—The fact that an applicant for appointment as a Foreign Service officer candidate has the experience of working in situations where public order has been undermined by instability, or where there is no civil authority that can effectively provide public safety, may be considered an affirmative factor in making such appointments.”.

(f) **TRAINING.**—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsections:

“(c) The Secretary of State shall ensure that members of the Service, other than foreign national employees and consular agents, as appropriate, receive training on methods for conflict mitigation and resolution and on the necessary skills to be able to function successfully where public order has been undermined by instability or where there is no civil authority that can effectively provide public safety.

“(d) The Secretary of State shall ensure that members of the Service, other than foreign national employees and consular agents, as appropriate, have opportunities during their careers

to obtain advanced education and training in academic and other relevant institutions in the United States and abroad to increase the capacity of the Service to fulfill its mission.”

SEC. 302. QUADRENNIAL REVIEW OF DIPLOMACY AND DEVELOPMENT.

(a) DEVELOPMENT OF NATIONAL STRATEGY ON DIPLOMACY AND DEVELOPMENT.—

(1) IN GENERAL.—Not later than December 1, 2010, the President shall develop and transmit to the appropriate congressional committees a national strategy on United States diplomacy and development. The strategy shall include the following:

(A) An identification of key objectives and missions for United States foreign policy and foreign assistance policies and programs, including a clear statement on United States objectives for development assistance.

(B) A description of the roles of civilian agencies and mechanisms for implementing such strategy, including interagency coordination.

(C) The requirements for overseas infrastructure necessary to carry out such strategy.

(D) Plans to adapt such agencies and mechanisms to changing circumstances and the role of international institutions in such strategy.

(E) Budget requirements to carry out such strategy.

(F) Other elements of United States foreign policy and foreign assistance policies and programs with a view toward determining and expressing the strategy of the United States and establishing a diplomacy and development program for the next ten years.

(2) RELATIONSHIP TO NATIONAL SECURITY STRATEGY.—The strategy described in paragraph (1) shall be consistent with any National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) that has been issued after the date of the enactment of this Act.

(b) REVIEW REQUIRED.—

(1) IN GENERAL.—Beginning in 2013, the President shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a “Quadrennial Review of Diplomacy and Development”) of the national strategy for United States diplomacy and development described in subsection (a).

(2) KEY ELEMENTS OF REVIEW.—The review described in paragraph (1) shall include the following:

(A) A review of all elements of the strategy described in subsection (a), consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) that has been issued after the date of the enactment of this Act.

(B) A review of the roles and responsibilities of Federal departments and agencies in carrying out the strategy described in subsection (a) and the mechanisms for cooperation between such departments and agencies, including the coordination of such departments and agencies and the relationship between the principal offices of such departments and agencies and offices defining sufficient capacity, resources, overseas infrastructure, budget plan, and other elements of United States diplomacy and development of the United States that would be required to have a high level of confidence that the United States can successfully execute the full range of missions called for in such strategy.

(C) Identifying the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in the strategy described in subsection (a) at a high level of success and any additional resources required to achieve such a level of success.

(D) Making recommendations that are not constrained to comply with the budget submitted

to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(3) INTERAGENCY COORDINATION AND CONSULTATION.—

(A) IN GENERAL.—Each Quadrennial Review of Diplomacy and Development shall take into account the views of the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, the Secretary of the Treasury, the United States Trade Representative, and the head of any other relevant agency.

(B) DELEGATION.—If the President delegates the requirements of this section, the head of the Federal department or agency to whom such delegation is made shall consult with each official specified in subparagraph (A).

(c) CONSULTATION WITH OUTSIDE STAKEHOLDERS.—In developing the strategy required under subsection (a) and conducting the review required under subsection (b), the President shall consult with private businesses, non-governmental organizations involved in diplomacy and development, and experts at academic institutions or institutions involved in the study of foreign policy or development matters.

(d) QRDD AND CONGRESSIONAL COMMITTEES.—

(1) CONSULTATION.—In developing the strategy required under subsection (a) and conducting the review required under subsection (b), the President shall consult with the appropriate congressional committees.

(2) REPORT.—The President shall transmit to the appropriate congressional committees a report on each Quadrennial Review of Diplomacy and Development. The report shall be submitted in the year following the year in which such a Quadrennial Review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31, United States Code. The report shall include the following:

(A) The results of such a Quadrennial Review, including a comprehensive discussion of the national strategy for United States foreign policy and foreign assistance policies and programs, the roles and responsibilities of and strategic guidance for civilian agencies and mechanisms in implementing such strategy, the requirements for overseas infrastructure necessary to carry out such strategy, plans to adapt such agencies and mechanisms to changing circumstances, and the role of international institutions in such strategy.

(B) The assumed or defined objectives and missions that inform the national strategy for United States foreign policy and foreign assistance policies and programs.

(C) The threats to the assumed or defined objectives and missions of the United States that were examined for the purposes of such a Quadrennial Review.

(D) The assumptions used in such a Quadrennial Review, including assumptions relating to—

(i) the capacity of United States diplomatic and development personnel to respond to such threats;

(ii) the cooperation and capacity of allies, other friendly countries, and international institutions in addressing such threats;

(iii) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies; and

(iv) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies that arise in the diplomatic and development context.

(E) The anticipated roles and missions of the reserve components available to civilian agencies, including capabilities and resources necessary to assure that such reserve components can capably discharge such roles and missions.

(F) The extent to which diplomatic and development personnel need to be shifted to different regions to carry out the national strategy under subsection (a).

(G) Any other matter the Secretary considers appropriate.

(e) INDEPENDENT PANEL ASSESSMENT.—

(1) IN GENERAL.—Not later than six months before the date on which the report on a Quadrennial Review of Diplomacy and Development is to be transmitted under subsection (d), the President shall establish a panel to conduct an assessment of such a Quadrennial Review.

(2) REPORT ON ASSESSMENT.—Not later than three months after the date on which the report on such a Quadrennial Review is transmitted under subsection (d), the panel established under paragraph (1) shall submit to the appropriate congressional committees an assessment of such a Quadrennial Review, including an assessment of the recommendations of such a Quadrennial Review, the stated and implied assumptions incorporated in such a Quadrennial Review, and the vulnerabilities of the strategy underlying such a Quadrennial Review.

(f) EXCLUSION.—Any provision in this section relating to budgets or budget plans shall not be construed to require any information on any program that is funded from accounts within budget function 050 (National Defense).

SEC. 303. ESTABLISHMENT OF THE LESSONS LEARNED CENTER.

(a) ESTABLISHMENT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), is authorized to establish in the Department of State and under the authority of the Undersecretary for Management a Lessons Learned Center (referred to in this section as the “LLC”) which will serve as a central organization for collection, analysis, archiving, and dissemination of observations, best practices, and lessons learned by, from, and to Foreign Service officers and support personnel in the Department of State and USAID.

(b) PURPOSE.—The purpose of the LLC is to increase, enhance, and sustain the ability of the Department of State and USAID to effectively carry out their missions by devising a system for the collection, analysis, archiving, and dissemination of lessons learned, improving information sharing and learning capacity, and enabling, encouraging, and rewarding critical, innovative analysis.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of efforts to establish the LLC. The report shall include recommendations—

(1) concerning the regulation and structure of the LLC, including—

(A) how to encourage service in the LLC;

(B) how to provide for the necessary academic freedom to provide innovative, critical analysis;

(C) how to ensure that the staffing of the LLC is a mix of senior and junior staff of the Foreign Service and civil service in the Department of State and USAID;

(D) the anticipated expenditures associated with the establishment of the LLC under subsection (a); and

(E) physical structure of the LLC; and

(2) for any legislation necessary to establish the LLC.

(d) DEFINITIONS.—In this section:

(1) ACADEMIC FREEDOM.—The term “academic freedom” means the capability, capacity, and authorization to produce analysis and evaluation without concern for retaliation or other negative impact on the observer’s career.

(2) **LESSONS LEARNED.**—The term “lessons learned” means information resulting from evaluation or observation of negotiations, operations, exercises, training events, or other processes and experiences, particularly any corrective measures or innovative techniques, that produced an improved performance or increased capability.

SEC. 304. LOCALLY EMPLOYED STAFF COMPENSATION.

(a) **FINDINGS.**—Congress finds the following:

(1) United States diplomatic and consular missions worldwide retain over 51,000 locally employed staff under local compensation plans (LCP’s) in about 170 overseas missions.

(2) The locally employed staff is the backbone of diplomatic operations, providing management, programmatic, security, maintenance, custodial, and other services wherever the Department of State has established an overseas post.

(3) Foreign Service and other United States officers who rotate in-and-out of such missions every two to three years are highly dependent on the local employees to bring them up to speed and make sure that the work of any such mission does not falter in transitions during rotations.

(4) As the number of positions at such missions designated for United States officers that are not filled continues to increase, locally employed staff are called upon to assume many of the responsibilities that United States staff have carried in the past.

(5) Based on a survey conducted by the Office of the Inspector General (OIG) Department of State, the United States is failing to provide a competitive compensation package for locally employed staff that is commensurate with their experience, technical skills, and responsibilities.

(6) The Department of State OIG survey data show that the United States Government is providing salary increases that are approximately 60 percent of what is the prevailing practice of the local labor market.

(7) The Department of State OIG has found numerous cases in which such missions are losing staff to other employers. The OIG has also found numerous cases where it is difficult to replace employees who left to take other jobs, particularly in countries with low unemployment rates.

(b) **POLICY REVIEW.**—The Secretary of State shall direct a policy review to assess the adequacy of locally employed staff compensation. In carrying out such policy review the Secretary shall consider the recommendations of the Office of the Inspector General of the Department of State, including the following:

(1) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should hire an outside contractor with international experience to perform an organizational review of the Compensation Management Division of the Office of Overseas Employment to advise on the organization of the compensation management division and on how many analysts are required to handle the compensation management responsibilities, and to recommend training and certifications the analysts should obtain.

(2) The Office of Management, Policy, Rightsizing and Innovation, in coordination with the Bureau of Human Resources and the Bureau of Resource Management, should ensure that the working group on locally employed staff compensation reviews the connectivity between the activities of the Office of Overseas Employment and the Office of State Programs, Operations and Budget in the Bureau of Resource Management, and makes and distributes written, documented determinations as to the data used by the two offices to make estimates of locally employed staff compensation adjust-

ments, the timing of these activities, and the responsibility each office has for tracking implementation of locally employed staff compensation adjustments.

(3) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a locally employed staff compensation review process whereby the Office of Overseas Employment in the Bureau of Human Resources reviews and adjust each post’s salary schedule every five years based on a recent salary survey. During the intervening years, the Department should authorize cost-of-living (or inflation) adjustments based on reliable inflation data.

(4) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a systematic process of providing comprehensive information to diplomatic and consular missions, Department of State offices, and agency headquarters on periodic salary survey reviews, including comprehensive salary survey analysis, explanations of salary survey changes, and if appropriate, copies of the off-the-shelf surveys for the host country. This approach should be documented and made a part of the periodic process.

(5) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, the regional bureaus, and the Bureau of Resource Management, should establish, maintain, and monitor a database that tracks information related to locally employed staff compensation and adjustments, including budgetary resources, salary level ceilings calculated by the Office of Overseas Employment, salary levels requested by post, salary levels implemented, dates for these activities, and calculations of whether the Department is meeting prevailing practice. This database should replace the current practice of communicating salary review information by cable.

(6) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should evaluate the possibility of using different pay setting data establishing different pay scales for blue-collar positions and for professional level positions, and should issue and distribute a written report on the findings and the possibility of implementing the findings.

(7) The Office of Management, Policy, Rightsizing and Innovation should ensure that the working group on locally employed staff compensation considers the possibility of including members from other United States Government agencies that employ locally employed staff. Whether this recommendation is implemented or not, the Office of Management, Policy, Rightsizing and Innovation should document the decision in writing, and distribute the decision widely in the Department of State and to other agencies that employ locally employed staff.

(8) The Office of Management, Policy, Rightsizing and Innovation should ensure that the working group on locally employed staff compensation considers the possibility of centralizing decision making for locally employed staff salary increases, and, whether such is eventually implemented or not, make a determination as to its value, document the decision in writing, and distribute the decision widely in the Department of State.

(9) The Bureau of Human Resources, in cooperation with Resource Management International Cooperative Administrative Support Services, should establish a senior level inter-agency locally employed staff board of governors to set overall locally employed staff policy.

(10) The Bureau of Human Resources should send the cable announcing the proposed salary

increases for locally employed staff to the attention of both the chief of mission and the management officer.

(11) The Bureau of Human Resources should request a list of position titles and grades from all positions with exception rate ranges and details on the exception rate range adjustments in the 2010 Locally Employed Staff Compensation Questionnaire.

(c) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees a report on the implementation of this section, including a review of efforts to implement the recommendations of the Office of the Inspector General of the Department of State specified in subsection (b).

Subtitle B—Foreign Service Pay Equity and Death Gratuity

SEC. 311. SHORT TITLE.

This subtitle may be cited as the “Foreign Service Overseas Pay Equity Act of 2009”.

SEC. 312. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

(a) **OVERSEAS COMPARABILITY PAY ADJUSTMENT.**—

(1) **IN GENERAL.**—Chapter 4 of title 1 of the Foreign Service Act of 1980 (22 U.S.C. 3961 and following) is amended by adding at the end the following:

“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

“(a) **IN GENERAL.**—A member of the Service who is designated class 1 or below for purposes of section 403 and whose official duty station is neither in the continental United States nor in a non-foreign area shall receive, in accordance with the phase-in schedule set forth in subsection (c), a locality-based comparability payment (stated as a percentage) equal to the locality-based comparability payment (stated as a percentage) that would be provided under section 5304 of title 5, United States Code, if such member’s official duty station were in the District of Columbia.

“(b) **TREATMENT AS BASIC PAY.**—The amount of any locality-based comparability payment which is payable to a member of the Service by virtue of this section—

“(1) shall be considered to be part of the basic pay of such member—

“(A) for the same purposes as provided for under section 5304(c)(2)(A) of title 5, United States Code; and

“(B) for purposes of chapter 8; and

“(2) shall be subject to any limitations on pay applicable to locality-based comparability payments under section 5304 of title 5, United States Code.

“(c) **PHASE-IN.**—The locality-based comparability payment payable to a member of the Service under this section shall—

“(1) beginning on the first day of the first pay period that is 90 days after the date of the enactment of this subsection, be equal to 33.33 percent of the payment which would otherwise apply under subsection (a);

“(2) beginning on the first day of the first pay period in April 2010, be equal to 66.67 percent of the payment which would otherwise apply under subsection (a); and

“(3) beginning on the first day of the first pay period in fiscal year 2011 and each subsequent fiscal year, be equal to the payment determined under subsection (a).

“(d) **NON-FOREIGN AREA DEFINED.**—For purposes of this section, the term ‘non-foreign area’ has the same meaning as is given such term in regulations carrying out section 5941 of title 5, United States Code.”.

(2) **CONFORMING AMENDMENT.**—The table of contents set forth in section 2 of such Act is amended by inserting after the item relating to section 414 the following:

“Sec. 415. Overseas comparability pay adjustment.”.

(b) CONFORMING AMENDMENTS RELATING TO THE FOREIGN SERVICE RETIREMENT SYSTEMS.—

(1) CONTRIBUTIONS TO THE FUND.—Effective as of the first pay period beginning on or after October 1, 2010, section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking “.75 percent” and inserting “.7 percent”; and

(ii) in the second sentence, by striking “The contribution by the employing agency” through “and shall be made” and inserting “An equal amount shall be contributed by the employing agency”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “, plus an amount equal to .25 percent of basic pay”; and

(ii) in subparagraph (B), by striking “, plus an amount equal to .25 percent of basic pay”; and

(C) in paragraph (3), by striking all that follows “Code” and inserting a period.

(2) COMPUTATION OF ANNUITIES.—Section 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is amended by striking “is outside the continental United States shall” and inserting “was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof),”.

(3) ENTITLEMENT TO ANNUITY.—Section 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is amended—

(A) by striking “section 8414” and inserting “section 8415”; and

(B) by striking “is outside the continental United States shall” and inserting “was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof),”.

(4) DEDUCTIONS AND WITHHOLDINGS FROM PAY.—Section 856(a)(2) of such Act (22 U.S.C. 4071e(a)(2)) is amended to read as follows:

“(2) The applicable percentage under this subsection shall be as follows:

“Percentage	Time Period
7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.
7.55	January 11, 2003, to the day before the first day of the first pay period beginning on or after October 1, 2011.
7.5	Beginning on the first day of the first pay period beginning on or after October 1, 2011.”.

(c) REPORTING REQUIREMENTS.—Not later than October 1, 2010, the Secretary of State shall submit to the appropriate congressional committees an assessment of all allowances provided to members of the Foreign Service under the Foreign Service Act of 1980 or under title 5, United States Code, and in particular, how such allowances have been or will be affected by the amendments to the Foreign Service Act of 1980 made by this Act.

SEC. 313. DEATH GRATUITY.

The first sentence of section 413(a) of the Foreign Service Act of 1980 (22 U.S.C. 3973(a)) is amended by striking “at the time of death” and inserting “at level II of the Executive Schedule under section 5313 of title 5, United States Code, at the time of death, except that for employees compensated under local compensation plans established under section 408, the amount shall be equal to the greater of 1 year’s salary at the time of death or 1 year’s salary at the highest step of the highest grade on the local compensation plan from which the employee was being paid at the time of death.”.

Subtitle C—Other Organization and Personnel Matters

SEC. 321. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

(a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

“**SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.**

“(a) IN GENERAL.—The Secretary is authorized to establish the Transatlantic Diplomatic Fellowship Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.

“(b) SALARY AND BENEFITS.—The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Transatlantic Diplomatic Fellowship Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country or entity during the period in which such employee is participating in the program.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘designated country’ means a member country of—

“(A) the North Atlantic Treaty Organization;

or

“(B) the European Union.

“(2) The term ‘designated entity’ means—

“(A) the North Atlantic Treaty Organization;

or

“(B) the European Union.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

“(1) authorize the appointment as an officer or employee of the United States of—

“(A) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States; or

“(B) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, and any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States; or

“(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose laws, or foreign or international entity whose rules, require such member to give allegiance or loyalty to such country or entity while assigned to such position.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Foreign Service Act of 1980 is amended—

(1) in section 503 (22 U.S.C. 3983)—

(A) in the section heading, by striking “AND” and inserting “FOREIGN GOVERNMENTS, OR”;

and

(B) in subsection (a)(1), by inserting before the semicolon at the end the following: “, or with a foreign government under sections 506 or 507”; and

(2) in section 2, in the table of contents—

(A) by striking the item relating to section 503 and inserting the following new item:

“Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.”; and

(B) by adding after the item relating to section 505 the following new item:

“Sec. 506. Transatlantic diplomatic fellowship program.”.

SEC. 322. SECURITY OFFICERS EXCHANGE PROGRAM.

(a) IN GENERAL.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding after section 506 (as added by section 321(a) of this Act) the following new section:

“**SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.**

“(a) IN GENERAL.—The Secretary is authorized to establish the Security Officers Exchange Program. Under the program, the Secretary may assign a member of the Service, for not more than a total of three years, to a position with any country or international organization designated by the Secretary pursuant to subsection (c) that permits an employee to be assigned to a position with the Department.

“(b) SALARY AND BENEFITS.—The salary and benefits of the members of the Service shall be paid as described in subsection (b) of section 503 during a period in which such officer is participating in the Security Officers Exchange Program. The salary and benefits of an employee of a designated country or international organization participating in such program shall be paid by such country or international organization during the period in which such employee is participating in the program.

“(c) DESIGNATION.—The Secretary may designate a country or international organization to participate in this program if the Secretary determines that such participation is in the national security interests of the United States.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

“(1) authorize the appointment as an officer or employee of the United States of—

“(A) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States; or

“(B) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, and any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States; or

“(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose laws, or foreign or international entity whose rules, require such member to give allegiance or loyalty to such country or entity while assigned to such position.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2 of the Foreign Service Act of 1980 is amended, in the table of contents, by adding after the item relating to section 506 (as added by section 321(b)(2)(B) of this Act) the following new item:

“Sec. 507. Security officers exchange program.”.

SEC. 323. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

“(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member’s security clearance is suspended or

when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

“(2) Any member of the Foreign Service for whom a suspension is proposed shall be entitled to—

“(A) written notice stating the specific reasons for the proposed suspension;

“(B) a reasonable time to respond orally and in writing to the proposed suspension;

“(C) representation by an attorney or other representative; and

“(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

“(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

“(4) In the case of a grievance filed under paragraph (3)—

“(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the provisions of paragraphs (1) and (2) have been fulfilled; and

“(B) the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8).

“(5) In this subsection:

“(A) The term ‘reasonable time’ means—

“(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

“(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

“(B) The term ‘suspend’ or ‘suspension’ means the placing of a member of the Foreign Service in a temporary status without duties and pay.”

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Such section, as amended by subsection (a) of this section, is further amended, in the section heading, by inserting “; SUSPENSION” before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 2 of such Act is amended to read as follows: “Sec. 610. Separation for cause; suspension.”

SEC. 324. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is hereby repealed.

SEC. 325. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949) is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsection (b) or (c)”;

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by inserting “(A),” after “if”; and

(ii) by inserting before the semicolon at the end the following: “, or (B), the career candidate is serving in the uniformed services, as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 et seq.), and the limited appointment expires in the course of such service”;

(B) in paragraph (4), by striking “and” at the end;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding after paragraph (5) the following new paragraph:

“(6) In exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for a period of time not to exceed 12 months (provided such period of time does not permit

additional review by the boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.”; and

(3) by adding at the end the following new subsection:

“(c) Non-career Foreign Service employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment provided there is a one year break in service between each appointment. The Secretary may in cases of special need waive the requirement for a one year break in service.”

SEC. 326. COMPENSATORY TIME OFF FOR TRAVEL.

Section 5550b of title 5, United States Code, is amended by adding at the end the following new subsection:

“(c) The maximum amount of compensatory time off earned under this section may not exceed 104 hours during any leave year (as defined by regulations established by the Office of Personnel Management).”

SEC. 327. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(a) in paragraph (1)(B), by striking “to facilitate the” and all that follows through “Afghanistan.”;

(b) by striking paragraph (2); and

(c) by redesignating paragraph (3) as paragraph (2).

SEC. 328. PERSONAL SERVICES CONTRACTORS.

(a) IN GENERAL.—In addition to other authorities that may be available, the Secretary of State may establish a pilot program (in this section referred to as the “program”) for the purpose of hiring United States citizens or aliens as personal services contractors, for service in the United States, or for service both in the United States and abroad, to respond to new or emerging needs or to augment current services.

(b) CONDITIONS.—The Secretary is authorized to use the authority of subsection (a), subject to the following conditions:

(1) The Secretary determines that existing personnel resources are insufficient.

(2) The contract length, including options, may not exceed two years, unless the Secretary makes a finding that exceptional circumstances justify an extension of up to one additional year.

(3) Not more than a total of 200 United States citizens or aliens are employed at any one time as personal services contractors under this section.

(4) This authority may only be used to obtain specialized skills or experience or to respond to urgent needs.

(c) STATUS OF PERSONAL SERVICE CONTRACTORS.—

(1) IN GENERAL.—An individual hired as a personal service contractor pursuant to this section shall not, by virtue of such hiring, be considered to be an employee of the United States Government for purposes of any law administered by the Office of Personnel Management.

(2) APPLICABLE LAWS.—An individual hired as a personal service contractor pursuant to this section shall be covered, in the same manner as a similarly-situated employee, by—

(A) the Ethics in Government Act of 1978;

(B) section 27 of the Office of Federal Procurement Policy Act; and

(C) chapter 73 of title 5, sections 201, 203, 205, 207, 208, and 209 of title 18, and section 1346 and chapter 171 of title 28, United States Code.

(3) EXCEPTION.—This subsection shall not affect the determination as to whether an individual hired as a personal service contractor pursuant to this section is an employee of the United States Government for purposes of any Federal law not specified in paragraphs (1) and (2).

(d) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the program authorized by this section shall terminate on September 30, 2011. A contract entered into prior to the termination date under this subsection may remain in effect until expiration.

SEC. 329. PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

(a) RESOURCES TO PROTECT INTELLECTUAL PROPERTY RIGHTS.—The Secretary of State shall ensure that the protection in foreign countries of the intellectual property rights of United States persons in other countries is a significant component of United States foreign policy in general and in relations with individual countries. The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service and other agencies as appropriate, shall ensure that adequate resources are available at diplomatic missions in any country that is identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—

(1) support for enforcement action against violations of the intellectual property rights of United States persons in such country; and

(2) cooperation with the host government to reform its applicable laws, regulations, practices, and agencies to enable that government to fulfill its international and bilateral obligations with respect to intellectual property rights.

(b) NEW APPOINTMENTS.—The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service, shall appoint 10 intellectual property attachés to serve in United States embassies or other diplomatic missions. The 10 appointments shall be in addition to personnel serving, on the date of the enactment of this Act, in the capacity of intellectual property attachés from any department or agency of the United States at United States embassies or other diplomatic missions.

(c) PRIORITY ASSIGNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), in designating the embassies or other missions to which attachés are assigned under subsection (b), the Secretary of State shall give priority to those countries where the activities of an attaché may be carried out with the greatest potential benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

(2) ASSIGNMENTS TO PRIORITY COUNTRIES.—In carrying out paragraph (1), the Secretary of State shall consider assigning intellectual property attachés—

(A) to the countries that have been identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)); and

(B) to the country where the Organization for Economic Cooperation and Development has its headquarters.

(d) DUTIES AND RESPONSIBILITIES OF INTELLECTUAL PROPERTY ATTACHÉS.—The intellectual property attachés appointed under subsection (b), as well as others serving as intellectual property attachés of any other department or agency of the United States, shall have the following responsibilities:

(1) To promote cooperation with foreign governments in the enforcement of intellectual property laws generally, and in the enforcement of laws against counterfeiting and piracy in particular.

(2) To assist United States persons holding intellectual property rights, and the licensees of such United States persons, in their efforts to combat counterfeiting and piracy of their products or works within the host country, including

counterfeit or pirated goods exported from or transhipped through that country.

(3) To chair an intellectual property protection task force consisting of representatives from all other relevant sections or bureaus of the embassy or other mission.

(4) To coordinate with representatives of the embassies or missions of other countries in information sharing, private or public communications with the government of the host country, and other forms of cooperation for the purpose of improving enforcement against counterfeiting and piracy.

(5) As appropriate and in accordance with applicable laws and the diplomatic status of the attachés, to engage in public education efforts against counterfeiting and piracy in the host country.

(6) To coordinate training and technical assistance programs of the United States Government within the host country that are aimed at improving the enforcement of laws against counterfeiting and piracy.

(7) To identify and promote other means to more effectively combat counterfeiting and piracy activities under the jurisdiction of the host country.

(e) TRAINING.—The Secretary of State shall ensure that each attached appointed under subsection (b) is fully trained for the responsibilities of the position before assuming duties at the United States embassy or other mission in question.

(f) COORDINATION.—The activities of intellectual property attachés under this section shall be carried out in coordination with the United States Intellectual Property Enforcement Coordinator appointed under section 301 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (15 U.S.C. 8111).

(g) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary of State shall submit to the Congress, not later than December 31 of each year, a report on the appointment, designation for assignment, and activities of all intellectual property attachés of any Federal department or agency who are serving at United States embassies or other diplomatic missions.

(2) CONTENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the progress, or lack thereof, in the preceding year regarding the resolution of general and specific intellectual property disputes in each country identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)), including any changes by the host government in applicable laws and regulations and their enforcement.

(B) An assessment of the obstacles preventing the host government of each country described in subparagraph (A) from implementing adequate measures to fulfill its international and bilateral obligations with respect to intellectual property rights.

(C) An assessment of the adequacy of the resources of the Department of State employed to carry out subparagraphs (A) and (B) and, if necessary, an assessment of the need for additional resources for such purposes.

(h) DEFINITIONS.—In this section:

(1) COUNTERFEITING; COUNTERFEIT GOODS.—

(A) COUNTERFEITING.—The term “counterfeiting” means activities related to production of or trafficking in goods, including packaging, that bear a spurious mark or designation that is identical to or substantially indistinguishable from a mark or designation protected under trademark laws or related legislation.

(B) COUNTERFEIT GOODS.—The term “counterfeit goods” means those goods described in subparagraph (A).

(2) INTELLECTUAL PROPERTY RIGHTS.—The term “intellectual property rights” means the rights of holders of copyrights, patents, trade-

marks, other forms of intellectual property, and trade secrets.

(3) PIRACY; PIRATED GOODS.—

(A) PIRACY.—The term “piracy” means activities related to production of or trafficking in unauthorized copies or phonorecords of works protected under copyright law or related legislation.

(B) PIRATED GOODS.—The term “pirated goods” means those copies or phonorecords described in subparagraph (A).

(4) UNITED STATES PERSON.—The term “United States person” means—

(A) any United States resident or national,

(B) any corporation, partnership, other business entity, or other organization, that is organized under the laws of the United States, and

(C) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any corporation, partnership, business entity, or organization described in subparagraph (B), that is controlled in fact by such corporation, partnership, business entity, or organization, except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in subparagraph (A), (B), or (C).

(i) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated for each fiscal year such sums as may be necessary for the training and support of the intellectual property attachés appointed under subsection (b) and of other personnel serving as intellectual property attachés of any other department or agency of the United States.

SEC. 330. DEPARTMENT OF STATE EMPLOYMENT COMPOSITION.

(a) STATEMENT OF POLICY.—In order for the Department of State to accurately represent all people in the United States, the Department must accurately reflect the diversity of the United States.

(b) REPORT ON MINORITY RECRUITMENT.—Section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “On” and inserting “(A) REPORT ON MINORITY GROUPS AND WOMEN.—On”;

(B) by striking “April 1, 2003, and April 1, 2004,” and inserting “April 1, 2010, and April 1, 2011,”;

(2) in paragraphs (1) and (2), by striking “minority groups” each place it appears and inserting “minority groups and women”; and

(3) by adding at the end the following new subsection:

“(b) DEVELOPMENT OF METRICS TO EVALUATE EMPLOYMENT COMPOSITION.—The report required by subsection (a) shall also include a description of the following:

“(1) The ability of current recruitment, advancement, and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers throughout the Department, including in the Cooperative Education Program (also known as the ‘Student Career Experience Program’).

“(2) Efforts to develop a uniform definition, to be used throughout the Department, of diversity that is congruent with the core values and vision of the Department for the future workforce.

“(3) The existence of additional metrics and milestones for evaluating the diversity plans of the Department, including the Foreign Service and Senior Foreign Service, and for facilitating future evaluation and oversight.”.

(c) PUBLIC AVAILABILITY.—Each report required under section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section, shall

be made available to the public on the website of the Department of State not later than 15 days after the submission to Congress of each such report.

(d) GAO REVIEW.—The Comptroller General of the United States, in consultation with the appropriate congressional committees, shall conduct a review of the employment composition, recruitment, advancement, and retention policies of the Department of State for women and minority groups, including the information in the reports required under section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section.

(e) ACQUISITION.—Section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section, is further amended by adding at the end the following new subsection:

“(c) For the immediately preceding 12-month period for which the information referred to in subsection (a) is available—

“(1) the numbers and percentages of small, minority-owned, or disadvantaged businesses that provide goods and services to the Department as a result of contracts with the Department during such period;

“(2) the total number of such contracts;

“(3) the total dollar value of such contracts; and

“(4) and the percentage value represented by such contract proportionate to the total value of all contracts held by the Department.”.

(f) USE OF FUNDS.—The provisions of section 325 of the Foreign Relations Authorization Act, Fiscal Year 2003 shall apply to funds authorized to be appropriated under section 101 of this Act.

SEC. 331. CONTRACTING.

None of the funds authorized to be appropriated by this Act, for projects initiated after the date of the enactment of this Act, may be used by the Department of State to enter into any Federal contract unless such contract is entered into in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to such Act and regulation.

SEC. 332. LEGISLATIVE LIAISON OFFICE OF THE DEPARTMENT OF STATE.

(a) REPORT ON IMPROVING EFFECTIVENESS OF DEPARTMENT OF STATE LEGISLATIVE LIAISON OFFICE.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on House Administration of the House of Representatives and the Committee on Foreign Relations and the Committee on Rules and Administration of the Senate a report on the mission and effectiveness of the existing Department of State legislative liaison office.

(b) REPORT CONSIDERATIONS.—The report required by subsection (a) shall consider—

(1) whether the legislative liaison office has sufficient resources necessary to communicate to Members of Congress, committees, and their staffs the goals and missions of the Department of State;

(2) whether current space within the office buildings of the House of Representatives as well as requested space within the office buildings of the Senate is sufficient to meet the mission of the legislative liaison office;

(3) whether current representational allowances are sufficient to allow the legislative liaison office to meet its mission; and

(4) the feasibility of increasing personnel numbers in the legislative liaison office, including senior Foreign Service Officers.

SEC. 333. DISCRIMINATION RELATED TO SEXUAL ORIENTATION.

(a) **TRACKING VIOLENCE OR CRIMINALIZATION RELATED TO SEXUAL ORIENTATION.**—The Assistant Secretary for Democracy, Human Rights and Labor shall designate a Bureau-based officer or officers who shall be responsible for tracking violence, criminalization, and restrictions on the enjoyment of fundamental freedoms, consistent with United States law, in foreign countries based on actual or perceived sexual orientation and gender identity.

(b) **INTERNATIONAL EFFORTS TO REVISE LAWS CRIMINALIZING HOMOSEXUALITY.**—In keeping with the Administration's endorsement of efforts by the United Nations to decriminalize homosexuality in member states, the Secretary of State shall work through appropriate United States Government employees at United States diplomatic and consular missions to encourage the governments of other countries to reform or repeal laws of such countries criminalizing homosexuality or consensual homosexual conduct, or restricting the enjoyment of fundamental freedoms, consistent with United States law, by homosexual individuals or organizations.

(c) **ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d))—

(A) in paragraph (10), by striking “and” at the end;

(B) in paragraph (11)—

(i) in subparagraph (B), by striking “and” at the end; and

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(12) wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity.”; and

(2) in section 502B(b) (22 U.S.C. 2304(b)), by inserting after the eighth sentence the following new sentence: “Wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity.”.

(d) **TRAINING FOR FOREIGN SERVICE OFFICERS.**—Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting “the Secretary for Democracy, Human Rights and Labor,” before “the Ambassador at Large”;

(2) in paragraph (2), by striking “and” at the end;

(3) in paragraph (3), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(4) instruction, in courses covering human rights reporting and advocacy work, on identifying violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual that is based on actual or perceived sexual orientation and gender identity.”.

SEC. 334. OFFICE FOR GLOBAL WOMEN'S ISSUES.

(a) **ESTABLISHMENT.**—There is established an Office for Global Women's Issues (in this section referred to as the “Office”) in the Office of the Secretary of State in the Department of State. The Office shall be headed by the Ambassador-at-Large (in this section referred to as the “Ambassador”), who shall be appointed by the President, by and with the advice and consent of the Senate. The Ambassador shall report directly to the Secretary of State.

(b) **PURPOSE.**—The Office shall coordinate efforts of the United States Government regarding gender integration and women's empowerment in United States foreign policy.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Ambassador shall—

(A) coordinate and advise on activities, policies, programs, and funding relating to gender integration and women's empowerment internationally for all bureaus and offices of the Department of State and in the international programs of other United States Government departments and agencies;

(B) design, support, and as appropriate, implement, limited projects regarding women's empowerment internationally;

(C) actively promote and advance the full integration of gender analysis into the programs, structures, processes, and capacities of all bureaus and offices of the Department of State and in the international programs of other United States Government departments and agencies; and

(D) direct, as appropriate, United States Government resources to respond to needs for gender integration and women's empowerment in United States Government foreign policies and international programs.

(2) **COORDINATING ROLE.**—The Ambassador shall coordinate with the United States Agency for International Development and the Millennium Challenge Corporation on all policies, programs, and funding of such agencies relating to gender integration and women's empowerment.

(3) **DIPLOMATIC REPRESENTATION.**—Subject to the direction of the President and the Secretary of State, the Ambassador is authorized to represent the United States in matters relevant to the status of women internationally.

(d) **REPORTING.**—The heads of all bureaus and offices of the Department of State, as appropriate, shall evaluate and monitor all women's empowerment programs administered by such bureaus and offices and annually submit to the Ambassador a report on such programs and on policies and practices to integrate gender.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out activities under this section.

TITLE IV—INTERNATIONAL ORGANIZATIONS**Subtitle A—International Leadership****SEC. 401. SHORT TITLE.**

This subtitle may be cited as the “United States International Leadership Act of 2009”.

SEC. 402. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

(a) **PROMOTIONS.**—

(1) **IN GENERAL.**—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended, in the second sentence, by inserting before the period at the end the following: “, and should consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy toward, or represent the United States at, an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to members of the Foreign Service beginning on January 1, 2015.

(b) **ESTABLISHMENT OF A MULTILATERAL DIPLOMACY CONE IN THE FOREIGN SERVICE.**—

(1) **FINDINGS.**—Congress finds the following:

(A) The Department of State maintains a number of United States missions both within the United States and abroad that are dedicated

to representing the United States to international organizations and multilateral institutions, including missions in New York, Brussels, Geneva, Rome, Montreal, Nairobi, Vienna, and Paris.

(B) In offices at the Harry S. Truman Building, the Department maintains a significant number of positions in bureaus that are either dedicated, or whose primary responsibility is, to represent the United States to such organizations and institutions or at multilateral negotiations.

(C) Given the large number of positions in the United States and abroad that are dedicated to multilateral diplomacy, the Department of State may be well served in developing persons with specialized skills necessary to become experts in this unique form of diplomacy.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report—

(A) evaluating whether a new cone should be established for the Foreign Service that concentrates on members of the Service who serve at international organizations and multilateral institutions or are primarily responsible for participation in broad-based multilateral negotiations of international instruments; and

(B) that provides alternative mechanisms for achieving the objective of developing a core group of United States diplomats and other Government employees who have expertise and broad experience in conducting multilateral diplomacy.

SEC. 403. IMPLEMENTATION AND ESTABLISHMENT OF OFFICE ON MULTILATERAL NEGOTIATIONS.

(a) **ESTABLISHMENT OF OFFICE.**—The Secretary of State is authorized to establish, within the Bureau of International Organization Affairs, an Office on Multilateral Negotiations, to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the “Special Representative”).

(b) **APPOINTMENT.**—If the office referred to in subsection (a) is established, the Special Representative shall be appointed by the President by and with the advice and consent of the Senate and shall have the rank of Ambassador-at-Large. At the discretion of the President another official at the Department may serve as the Special Representative. The President may direct that the Special Representative report to the Assistant Secretary for International Organization Affairs.

(c) **STAFFING.**—The Special Representative shall have a staff of Foreign Service and civil service officers skilled in multilateral diplomacy.

(d) **DUTIES.**—The Special Representative shall have the following responsibilities:

(1) **IN GENERAL.**—The primary responsibility of the Special Representative shall be to assist in the organization of, and preparation for, United States participation in multilateral negotiations, including the advocacy efforts undertaken by the Department of State and other United States agencies.

(2) **ADVISORY ROLE.**—The Special Representative shall advise the President and the Secretary of State, as appropriate, regarding advocacy at international organizations and multilateral institutions and negotiations and, in coordination with the Assistant Secretary for International Organization Affairs, shall make recommendations regarding—

(A) effective strategies and tactics to achieve United States policy objectives at multilateral negotiations;

(B) the need for and timing of high level intervention by the President, the Secretary of State, the Deputy Secretary of State, and other United States officials to secure support from key foreign government officials for the United States

position at such organizations, institutions, and negotiations;

(C) the composition of United States delegations to multilateral negotiations; and

(D) liaison with Congress, international organizations, nongovernmental organizations, and the private sector on matters affecting multilateral negotiations.

(3) **LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.**—The Special Representative, in coordination with the Assistant Secretary of International Organization Affairs, shall direct the efforts of the United States Government to reform the criteria for leadership and membership of international organizations.

(4) **PARTICIPATION IN MULTILATERAL NEGOTIATIONS.**—The Special Representative, or members of the Special Representative's staff, may, as required by the President or the Secretary of State, serve on a United States delegation to any multilateral negotiation.

SEC. 404. SYNCHRONIZATION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan on the implementation of section 404 of the Foreign Relations Authorization Act of 2003 (Public Law 107-228; relating to a resumption by the United States of the payment of its full contributions to certain international organizations at the beginning of each calendar year).

SEC. 405. UNITED STATES ARREARAGES TO THE UNITED NATIONS.

In addition to amounts otherwise available for the payment of Assessed Contributions to International Organizations and Contributions for International Peacekeeping Activities, there is authorized to be appropriated such sums as may be necessary to pay all United States arrearages in payments to the United Nations recognized by the United States.

Subtitle B—General Provisions

SEC. 411. ORGANIZATION OF AMERICAN STATES.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) multilateral diplomacy in the context of the Americas has suffered considerably in the past decade, to the direct detriment of the national interest of the United States in the region;

(2) given the recent proliferation of multilateral groupings in the Americas region in which the United States is not a member, it is imperative to focus on and promote United States diplomatic efforts in the Organization of American States (OAS), where the United States is a founding member and whose central tenets include democratic values considered vital for this region;

(3) it is critical for the United States to immediately re-establish its unique leadership voice in this region and specifically in the OAS setting; and

(4) an effective way to help achieve this short term objective is to establish a fund to promote multilateral interests of the United States in the region.

(b) **MULTILATERAL FUND.**—

(1) **IN GENERAL.**—There is hereby established in the Department of State a Fund to Promote Multilateralism in the Americas (referred to in this section as the “Fund”).

(2) **ACTIVITIES SUPPORTED.**—The Fund shall support activities that promote the multilateral interests of the United States in the Americas region, including—

(A) United States diplomatic activities within and related to the OAS;

(B) voluntary contributions to entities and organs of the OAS to carry out programs and activities that support the interests of the United States;

(C) outreach and cultural activities;

(D) conferences; and

(E) general advocacy for United States interests.

(c) **ADMINISTRATION.**—The Fund shall be administered by the United States Mission to the Organization of American States, as directed by the United States Permanent Representative to the OAS, for use on matters that arise in the context of the OAS.

(d) **AUTHORIZATION.**—Of the amounts authorized to be appropriated for the Administration of Foreign Affairs pursuant to section 101, there is authorized to be appropriated \$2,000,000 for each of fiscal years 2010 and 2011 only to carry out this section.

SEC. 412. PEACEKEEPING OPERATIONS CONTRIBUTIONS.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) (22 U.S.C. 287e note) is amended at the end by adding the following new clause:

“(vi) For assessments made during calendar years 2009, 2010, and 2011, 27.1 percent.”.

SEC. 413. PACIFIC ISLANDS FORUM.

It is the sense of Congress that the Secretary of State should work with the Pacific Islands Forum to find appropriate affiliations for representatives of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 414. REVIEW OF ACTIVITIES OF INTERNATIONAL COMMISSIONS.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act and two years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of each of the commissions specified in paragraphs (1), (2), and (3) of section 103.

(b) **REPORT ELEMENTS.**—The reports required under subsection (a) shall include information concerning the following:

(1) Amounts obligated and expended during the two previous fiscal years by each of such commissions.

(2) A description of the projects carried out during such years by each of such commissions and a description of the management and implementation of such projects, including the use of private contractors.

(3) Projects anticipated during the next two fiscal years related to the activities of each of such commissions because of obligations that the United States has entered into based on any treaty between the United States and another country.

(c) **SUBMISSION OF THE REPORTS.**—The reports may be combined with the annual budget justification submitted by the President in accordance with section 1105(a) of title 31, United States Code.

SEC. 415. ENHANCING NUCLEAR SAFEGUARDS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty” or “NPT”) and the safeguards system of the International Atomic Energy Agency (IAEA) are indispensable to international peace and security.

(2) Congress has long supported efforts aimed at effective and efficient assurances of nuclear fuel supply, the strengthening of IAEA safeguards, and assistance to the developing world for nuclear and non-nuclear energy sources, as embodied in the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 et seq.).

(3) According to some experts, global energy demand will grow by 50 percent in the next 20 years, predominantly in the developing world.

(4) The Government Accountability Office (GAO) stated in testimony before Congress in September 2006 that “while IAEA is increasingly relying on the analytical skills of its staff to detect countries” undeclared nuclear activities, the agency is facing a looming human capital crisis.

(5) The Director General of the IAEA told the Board of Governors of the IAEA in March 2009 that the “deteriorating conditions in our laboratories, for example, threaten both our ability to deliver our programmed, as well as our independent analytical capability”.

(6) Considerable investment is needed for the IAEA's Safeguards Analytical Laboratory (SAL), to meet future IAEA requirements as its workload is growing, the laboratory's infrastructure is aging, and IAEA requirements have become more demanding, and while initial plans have been made for laboratory enhancement and are currently pending budgetary approval (sometime in 2009), the simple fact is that, as more countries implement IAEA safeguards, many more nuclear samples come to SAL for analysis.

(7) The existing funding, planning, and execution of IAEA safeguards is not sufficient to meet the predicted growth in the future of civilian nuclear power, and therefore any growth in civilian nuclear power must be evaluated against the challenges it poses to verification of the assurances of peace and security provided by the IAEA safeguards system.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$10,000,000 for the refurbishment or possible replacement of the IAEA's Safeguards Analytical Laboratory.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the refurbishment or possible replacement of the IAEA's Safeguards Analytical Laboratory pursuant to subsection (b).

SEC. 416. IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 and 2011 to implement the following recommendations of the Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism regarding the International Atomic Energy Agency (IAEA) and nuclear safeguards reform:

(1) The United States should work with the IAEA Director General to consider establishing a safeguards user fee, whereby countries with inspected facilities would be assessed a fee to help defer the costs of IAEA inspections.

(2) The United States should work with the IAEA Director General and other interested parties to routinely (at least every two years) assess whether the IAEA can meet its own inspection goals, whether those goals afford timely warning of an ability to account for a bomb's worth of nuclear material, as required by United States law, and what corrective actions, if any, might help the IAEA to achieve its inspection goals. This assessment should also clarify those instances in which achieving the goals is not possible.

(3) The United States should work with the IAEA Director General to provide for the acquisition and implementation of near-real-time surveillance equipment at a number of sites where nuclear fuel rods are located and where such equipment must be installed so that the IAEA can establish the inspection continuity of the fresh and spent fuel rods and to install wide-

area surveillance needed to monitor activities under the Additional Protocol.

(4) The United States should work with the IAEA Director General to promote much-needed transparency at suspect sites, to help deter transfers of nuclear fuel and nuclear weapons technology, and to encourage IAEA member states to maintain a registry of all foreign visitors at safeguarded sites. This registry should be made available to other IAEA members upon request.

(5) The United States should work with the IAEA Director General to establish a complete country-by-country inventory of nuclear materials that could be used to make nuclear bombs. The information should be shared, as appropriate, with individual IAEA member states and the public to ensure that it can be used effectively in developing the plan for IAEA safeguards. The IAEA should update the database regularly.

(6) The United States should work with the IAEA Director General to require that the transfer of all items on the Nuclear Suppliers Group dual-use and trigger lists be reported to the IAEA or relevant authority and assist in developing a system to process and analyze the information gathered, making unreported transfers illegal and subject to seizure.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress toward the implementation of this section.

SEC. 417. ASIA-PACIFIC ECONOMIC COOPERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States' continued engagement in Asia must be a cornerstone of United States foreign policy in the 21st Century;

(2) the President must elevate the role of the United States in the Asia-Pacific Economic Cooperation forum (APEC) by ensuring that United States Government officials of the appropriate rank attend APEC activities; and

(3) increased participation by United States small businesses, particularly manufacturers, will add substantial benefit to APEC discussions and help strengthen the influence of the United States within APEC.

(b) SMALL BUSINESS DEFINED.—In this section, the term "small business" shall have the meaning given the term "small business concern" in section 410(9) of the Small Business Investment Act of 1958 (15 U.S.C. 694a(9)).

(c) UNITED STATES PARTICIPATION AT APEC.—

(1) DESIGNATION OF APEC COORDINATORS.—The President shall designate in appropriate departments and agencies an existing official of appropriate senior rank to serve as each such department's or agency's "APEC Coordinator".

(2) DUTIES OF APEC COORDINATORS.—

(A) IN GENERAL.—The APEC Coordinators of the appropriate departments and agencies designated in accordance with paragraph (1) shall, in consultation with the United States Ambassador to APEC, set department- and agency-wide guidelines for each such department's or agency's participation at APEC.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State, with input from each APEC Coordinator, shall submit to the appropriate congressional committees a report on efforts to enhance each department's and agency's participation at APEC.

(d) ENHANCING SMALL BUSINESS PARTICIPATION AT APEC.—

(1) DESIGNATION OF SMALL BUSINESS LIAISON.—The Secretary of State shall designate an existing officer within the Bureau of East Asian and Pacific Affairs to serve as a "Small Business Liaison". Such designee shall be of the appropriate senior rank.

(2) DEPARTMENT OF STATE WEBSITE.—The Secretary of State shall post on the website of the Department of State a dedicated page for United States small businesses to facilitate direct communication between the United States Government and the business community concerning APEC.

(3) COORDINATION.—The Secretary of State shall coordinate with existing private sector partners and relevant business associations to promote participation by small businesses at APEC. The Secretary shall ensure that notices about meetings and briefings provided by United States APEC officials on APEC-related issues are posted on the website of the Department of State (in accordance with paragraph (2)) not later than 15 days before the dates of such meetings and briefings.

(e) REPORT ON HOSTING OF APEC 2011 IN THE UNITED STATES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the mechanisms that are in place or are being considered for hosting the 2011 meeting of APEC in the United States, including an analysis of the estimated or projected costs associated with such meetings.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

The following amounts are authorized to be appropriated to carry out United States international broadcasting activities under the United States Information and Educational Exchange Act of 1948, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) For "International Broadcasting Operations", \$732,187,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

(2) For "Broadcasting Capital Improvements", \$13,263,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 2003, (Public Law 107-228; 22 U.S.C. 6206 note), is amended—

(1) in the section heading, by striking "PILOT";

(2) in subsection (a)—

(A) by striking "pilot"; and

(B) adding at the end the following new sentence: "An individual hired as a personal service contractor pursuant to this section shall not, by virtue of such hiring, be considered to be an employee of the United States Government for purposes of any law administered by the Office of Personnel Management.";

(3) in subsection (b)—

(A) in paragraph (4), by striking "60" and inserting "200"; and

(B) by adding at the end the following new paragraph:

"(5) The annual salary rate for personal services contractors may not exceed the rate for level IV of the Executive Schedule.";

(4) in subsection (c), by striking "2009" and inserting "2011".

SEC. 503. RADIO FREE EUROPE/RADIO LIBERTY PAY PARITY.

Section 308(h)(1)(C) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)(C)) is amended—

(1) by inserting "and one employee abroad" after "D.C.";

(2) by striking "III" and inserting "II"; and

(3) by striking "5314" and inserting "5313".

SEC. 504. EMPLOYMENT FOR INTERNATIONAL BROADCASTING.

Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by inserting after "suitably qualified United States citizens" the following: "(for purposes of this paragraph, the term 'suitably qualified United States citizens' means those United States citizen applicants who are equally or better qualified than non-United States citizen applicants)".

SEC. 505. DOMESTIC RELEASE OF THE VOICE OF AMERICA FILM ENTITLED "A FATEFUL HARVEST".

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and section 501(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461(b)), the Director of the International Broadcasting Bureau shall provide a master copy of the film entitled "A Fateful Harvest" to the Archivist of the United States for domestic release in accordance with subsection (b).

(b) DOMESTIC RELEASE.—Upon evidence that necessary United States rights and licenses have been secured by the person seeking domestic release of the film referred to in subsection (a), the Archivist shall—

(1) deposit the film in the National Archives of the United States; and

(2) make copies of the film available for purchase and public viewing within the United States.

SEC. 506. ESTABLISHING PERMANENT AUTHORITY FOR RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

(1) in subsection (c)(2), by striking "and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 2010";

(2) by striking subsection (f); and

(3) by redesignating subsections (g) and (h) as subsection (f) and (g), respectively.

TITLE VI—PEACE CORPS

SEC. 601. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) On October 14, 1960, then Senator John F. Kennedy addressed students on the steps of the University of Michigan Union to enlist their effort to make the world a better place by serving their country abroad.

(2) On March 1, 1961, then President John F. Kennedy signed an Executive Order establishing a Peace Corps that was "designed to permit our people to exercise more fully their responsibilities in the great common cause of world development".

(3) Since its establishment, the Peace Corps has been guided by its mission to promote world peace and friendship and has sought to fulfill the following three goals:

(A) To help the people of interested countries in meeting their needs for trained men and women.

(B) To promote a better understanding of Americans on the part of the peoples served.

(C) To help promote a better understanding of other peoples on the part of Americans.

(4) Over the last 48 years, nearly 200,000 Peace Corps volunteers have served in 139 countries.

(5) The Peace Corps is the world's premier international service organization dedicated to promoting sustainable grassroots development by working with host communities in the areas of agriculture, business development, education, the environment, health and HIV/AIDS, and youth.

(6) The Peace Corps remains committed to sending well trained and well supported Peace

Corps volunteers overseas to promote peace, friendship, cross-cultural awareness, and mutual understanding between the United States and other countries. The Peace Corps has an impressive record of engendering good will through the service that American volunteers provide.

(7) Recognizing the Peace Corps' unique and effective role in promoting volunteer service by American citizens, President Obama and Vice President Biden announced their intent to double the size of Peace Corps in an expeditious and effective manner.

(8) Over 13,000 Americans applied in 2008 to volunteer their service to serve the world's poorest communities in the Peace Corps, a 16 percent increase over the nearly 11,000 applications received in 2007.

(9) Under current funding levels, the Peace Corps is able to provide new placements for only one-third of the American applicants seeking the opportunity to serve their country and the world. At the end of fiscal year 2008, there were nearly 8,000 Peace Corps volunteers serving in 76 countries around the world.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) double the number of Peace Corps volunteers and strengthen and improve the Peace Corps and its programs;

(2) improve the coordination of Peace Corps programs with development programs of other Federal departments and agencies, without diminishing the independence of the Peace Corps; and

(3) promote all types of volunteerism by Americans in the developing world.

SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.

(a) PEACE CORPS RESPONSE PROGRAM.—The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5 the following new section:

“SEC. 5A. PEACE CORPS RESPONSE PROGRAM.

“The Director of the Peace Corps is authorized to establish a special program that assigns returned Peace Corps volunteers or other volunteers to provide short-term development or other relief assistance or to otherwise be assigned or made available to any entity referred to in subsection (a)(1) of section 10. The term of such service shall be less than the term of service of a volunteer under section 5. Except to the extent determined necessary and appropriate by the Director, the program established under this section may not cause a diminution in the number or quality of projects or volunteers assigned to longer term assignments under section 5.”

(b) COORDINATION OF PEACE CORPS PROGRAMS.—Paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)) is amended to read as follows:

“(2) The Director of the Peace Corps shall, as appropriate and to the maximum extent practicable without diminishing any program or operational independence, work with the heads of Federal departments and agencies to identify synergies and avoid duplication of efforts with Peace Corps programs in the field and at headquarters.”

(c) READJUSTMENT ALLOWANCE.—Subsection (c) of section 5 of the Peace Corps Act (22 U.S.C. 2504(c)) is amended, in the first sentence, by striking “\$125” and inserting “\$225”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking “\$270,000,000” and all that follows through the period at the end and inserting the following: “\$450,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.”

SEC. 603. REPORT.

(a) PEACE CORPS RESPONSE PROGRAM REPORT.—Not later than one year after the date of

the enactment of this Act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on the Peace Corps Response Program or any similar program developed under in accordance with section 5A of the Peace Corps Act (as added by section 602(a) of this Act), including information on the following:

(1) The achievements and challenges of the Peace Corps Response Program or any similar program since its inception as the Peace Corps Crisis Corps in 1996.

(2) The goals, objectives, program areas, and growth projections for the Peace Corps Response Program or any similar program from fiscal year 2010 through fiscal year 2011.

(3) The process and standards for selecting partner organizations and projects for the Peace Corps Response Program or any similar program.

(4) The standards and requirements used to select volunteers for service under the Peace Corps Response Program or any similar program.

(5) The measures used to evaluate projects of the Peace Corps Response Program or any similar program and the effectiveness of volunteers assigned to such Program or similar program at achieving identified objectives.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on progress made in carrying out this title, including efforts to strengthen coordination between the Peace Corps and other Federal departments and agencies carrying out development assistance programs (as required under paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)), as amended by section 602(b) of this Act).

TITLE VII—SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF 2009

SEC. 701. SHORT TITLE.

This Act may be cited as the “Senator Paul Simon Study Abroad Foundation Act of 2009”.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) According to former President George W. Bush, “America’s leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.”

(2) According to former President William J. Clinton, “Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation’s diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.”

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division h of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, “[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning” and, for that reason, “is simply essential to the [N]ation’s security.”

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade

and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today’s world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world’s population growth over the next 50 years will occur outside of Europe, yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission Report) recommended that the United States increase support for “scholarship, exchange, and library programs”. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was “unfulfilled,” and stated that “[t]he U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.” In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of “D” for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of “D” into an “A” by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of their field of study, ethnicity, socio-economic status, or gender.

(16) To restore America’s standing in the world, President Barack Obama has said that he will call on our nation’s greatest resource, our people, to reach out to and engage with other nations.

SEC. 703. PURPOSES.

The purposes of this title are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to

acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 704. DEFINITIONS.

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) **BOARD.**—The term “Board” means the Board of Directors of the Foundation established pursuant to section 705(d).

(3) **CHIEF EXECUTIVE OFFICER.**—The term “Chief Executive Officer” means the chief executive officer of the Foundation appointed pursuant to section 705(c).

(4) **FOUNDATION.**—The term “Foundation” means the Senator Paul Simon Study Abroad Foundation established by section 705(a).

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) **NATIONAL OF THE UNITED STATES.**—The term “national of the United States” means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(7) **NONTRADITIONAL STUDY ABROAD DESTINATION.**—The term “nontraditional study abroad destination” means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(8) **STUDY ABROAD.**—The term “study abroad” means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

(9) **UNITED STATES.**—The term “United States” means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) **UNITED STATES STUDENT.**—The term “United States student” means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 705. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the executive branch a corporation to be known as the “Senator Paul Simon Study Abroad Founda-

tion” that shall be responsible for carrying out this title. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) **BOARD OF DIRECTORS.**—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) **INTENT OF CONGRESS.**—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) **MANDATE OF FOUNDATION.**—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this title;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this title; and

(5) minimize administrative costs and maximize the availability of funds for grants under this title.

(c) **CHIEF EXECUTIVE OFFICER.**—

(1) **IN GENERAL.**—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) **APPOINTMENT.**—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) **RELATIONSHIP TO BOARD.**—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) **COMPENSATION AND RANK.**—

(A) **IN GENERAL.**—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) **AMENDMENT.**—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.”

(5) **AUTHORITIES AND DUTIES.**—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) **AUTHORITY TO APPOINT OFFICERS.**—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) **BOARD OF DIRECTORS.**—

(1) **ESTABLISHMENT.**—There shall be in the Foundation a Board of Directors.

(2) **DUTIES.**—The Board shall perform the functions specified to be carried out by the Board in this title and may prescribe, amend, and repeal by-laws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) **MEMBERSHIP.**—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the

Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) **CHIEF EXECUTIVE OFFICER.**—The Chief Executive Officer of the Foundation shall serve as a non-voting, ex-officio member of the Board.

(5) **TERMS.**—

(A) **OFFICERS OF THE FEDERAL GOVERNMENT.**—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) **OTHER MEMBERS.**—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of three years and may be reappointed for one additional three-year term.

(C) **VACANCIES.**—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) **CHAIRPERSON.**—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) **QUORUM.**—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) **MEETINGS.**—The Board shall meet at the call of the Chairperson.

(9) **COMPENSATION.**—

(A) **OFFICERS OF THE FEDERAL GOVERNMENT.**—

(i) **IN GENERAL.**—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) **TRAVEL EXPENSES.**—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) **OTHER MEMBERS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) **LIMITATION.**—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 706. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) **ESTABLISHMENT OF THE PROGRAM.**—There is hereby established a program, which shall—

(1) be administered by the Foundation; and
 (2) award grants to—
 (A) United States students for study abroad;
 (B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and
 (C) institutions of higher education, individually or in consortium, in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within ten years of the date of the enactment of this Act—

(1) not less than 1,000,000 undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—

(1) PROMOTING REFORM.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(2) GRANTS TO INDIVIDUALS AND INSTITUTIONS.—It is the sense of Congress that—

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 707. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than December 15, 2010, and each December 15 there-

after, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this title during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 708(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to sections 706(a)(2)(B) and 706(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to sections 706(a)(2)(B) and 706(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of the grant used by each institution for administrative expenses, and information on cost-sharing by each institution receiving a grant;

(4) a description of the bases upon which the Foundation made grants directly to United States students pursuant to section 706(a)(2)(A);

(5) the number and total dollar amount of grants made directly to United States students by the Foundation pursuant to section 706(a)(2)(A); and

(6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 708. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this title.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

“(S) the Senator Paul Simon Study Abroad Foundation.”.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 711(a) for a fiscal year, up to \$2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 709. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating

to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term “agency” means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term “detail” means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 710. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 603;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 605(b);

(3) whether grant-making by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 606;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 606; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 711. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this title \$40,000,000 for fiscal year 2010 and \$80,000,000 for fiscal year 2011.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

SEC. 801. SHORT TITLE.

This subtitle may be cited as the “Defense Trade Controls Performance Improvement Act of 2009”.

SEC. 802. FINDINGS.

Congress finds the following:

(1) In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States.

(2) In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government-wide, high-risk area, warranting a strategic reexamination of existing programs, including programs relating to arms export controls.

(3) Federal Government agencies must review licenses for export of munitions in a thorough and timely manner to ensure that the United States is able to assist United States allies and to prevent nuclear and conventional weapons from getting into the hands of enemies of the United States.

(4) Both staffing and funding that relate to the Department of State’s arms export control responsibilities have not kept pace with the increased workload relating to such responsibilities, especially during the current decade.

(5) Outsourcing and off-shoring of defense production and the policy of many United States trading partners to require offsets for major sales of defense and aerospace articles present a potential threat to United States national security and economic well-being and serve to weaken the defense industrial base.

(6) Export control policies can have a negative impact on United States employment, non-proliferation goals, and the health of the defense industrial base, particularly when facilitating the overseas transfer of technology or production and other forms of outsourcing, such as offsets (direct and indirect), co-production, subcontracts, overseas investment and joint ventures in defense and commercial industries. Federal Government agencies must develop new and effective procedures for ensuring that export control systems address these problems and the threat they pose to national security.

(7) In the report to Congress required by the Conference Report (Report 109–272) accompanying the bill, H.R. 2862 (the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006; Public Law 109–108), the Department of State concluded that—

(A) defense trade licensing has become much more complex in recent years as a consequence of the increasing globalization of the defense industry;

(B) the most important challenge to the Department of State’s licensing process has been the sheer growth in volume of applicants for licenses and agreements, without the corresponding increase in licensing officers; and

(C) the increase in licensing volume without a corresponding increase in trained and experienced personnel has resulted in delays and increased processing times.

(8) In 2006, the Department of State processed over three times as many licensing applications as the Department of Commerce with about a fifth of the staff of the Department of Commerce.

(9) On July 27, 2007, in testimony delivered to the Subcommittee on Terrorism, Nonproliferation and Trade of the Committee on Foreign Affairs of the House of Representatives to examine

the effectiveness of the United States export control regime, the Government Accountability Office found that—

(A) the United States Government needs to conduct assessments to determine its overall effectiveness in the area of arms export control; and

(B) the processing times of the Department of State doubled over the period from 2002 to 2006.

(10)(A) Allowing a continuation of the status quo in resources for defense trade licensing could ultimately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled “Export Controls and the U.S. Defense Industrial Base” found that the large backlog and long processing times by the Department of State for applications for licenses to export defense items led to an impairment of United States firms in some sectors to conduct global business relative to foreign competitors.

(B) Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.

(11) According to the Department of State’s fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded \$30,000,000,000, with nearly eighty percent of these items exported to United States NATO allies and other major non-NATO allies.

(12) A Government Accountability Office report of October 9, 2001 (GAO–02–120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands. During both the 108th, 109th, and 110th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.

(13) During 2007 and 2008, the management and staff of the Directorate of Defense Trade Controls of the Department of State have, through extraordinary effort and dedication, eliminated the large backlog of open applications and have reduced average processing times for license applications; however, the Directorate remains understaffed and long delays remain for complicated cases.

SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE UNITED STATES EXPORT CONTROLS SYSTEM.

(a) REVIEW AND ASSESSMENT.—

(1) IN GENERAL.—Not later than March 31, 2010, the President shall conduct a comprehensive and systematic review and assessment of the United States arms export controls system in the context of the national security interests and strategic foreign policy objectives of the United States.

(2) ELEMENTS.—The review and assessment required under paragraph (1) shall—

(A) determine the overall effectiveness of the United States arms export controls system in order to, where appropriate, strengthen controls, improve efficiency, and reduce unnecessary redundancies across Federal Government agencies, through administrative actions, including regulations, and to formulate legislative proposals for new authorities that are needed;

(B) develop processes to ensure better coordination of arms export control activities of the Department of State with activities of other departments and agencies of the United States

that are responsible for enforcing United States arms export control laws;

(C) ensure that weapons-related nuclear technology, other technology related to weapons of mass destruction, and all items on the Missile Technology Control Regime Annex are subject to stringent control by the United States Government;

(D) determine the overall effect of arms export controls on counterterrorism, law enforcement, and infrastructure protection missions of the Department of Homeland Security;

(E) determine the effects of export controls policies and the practices of the export control agencies on the United States defense industrial base and United States employment in the industries affected by export controls;

(F) contain a detailed summary of known attempts by unauthorized end-users (such as international arms traffickers, foreign intelligence agencies, and foreign terrorist organizations) to acquire items on the United States Munitions List and related technical data, including—

(i) data on—

(I) commodities sought, such as M-4 rifles, night vision devices, F-14 spare parts;

(II) parties involved, such as the intended end-users, brokers, consignees, and shippers;

(III) attempted acquisition of technology and technical data critical to manufacture items on the United States Munitions List;

(IV) destination countries and transit countries;

(V) modes of transport;

(VI) trafficking methods, such as use of false documentation and front companies registered under flags of convenience;

(VII) whether the attempted illicit transfer was successful; and

(VIII) any administrative or criminal enforcement actions taken by the United States and any other government in relation to the attempted illicit transfer;

(ii) a thorough evaluation of the Blue Lantern Program, including the adequacy of current staffing and funding levels;

(iii) a detailed analysis of licensing exemptions and their successful exploitation by unauthorized end-users; and

(iv) an examination of the extent to which the increased tendency toward outsourcing and offshoring of defense production harm United States national security and weaken the defense industrial base, including direct and indirect impact on employment, and formulate policies to address these trends as well as the policy of some United States trading partners to require offsets for major sales of defense articles; and

(G) assess the extent to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights.

(b) CONGRESSIONAL BRIEFINGS.—The President shall provide periodic briefings to the appropriate congressional committees on the progress of the review and assessment conducted under subsection (a). The requirement to provide congressional briefings under this subsection shall terminate on the date on which the President transmits to the appropriate congressional committees the report required under subsection (c).

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that contains the results of the review and assessment conducted under subsection (a). The report required by this subsection shall contain a certification that the requirement of subsection (a)(2)(C) has been met, or if the requirement has not been met, the reasons therefor.

The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF APPLICATIONS FOR LICENSES TO EXPORT ITEMS ON UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, acting through the head of the Directorate of Defense Trade Controls of the Department of State, shall establish and maintain the following goals:

(1) The processing time for review of each application for a license to export items on the United States Munitions List (other than a Manufacturing License Agreement) shall be not more than 60 days from the date of receipt of the application.

(2) The processing time for review of each application for a commodity jurisdiction determination shall be not more than 60 days from the date of receipt of the application.

(3) The total number of applications described in paragraph (1) that are unprocessed shall be not more than 7 percent of the total number of such applications submitted in the preceding calendar year.

(b) ADDITIONAL REVIEW.—(1) If an application described in paragraph (1) or (2) of subsection (a) is not processed within the time period described in the respective paragraph of such subsection, then the Managing Director of the Directorate of Defense Trade Controls or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall review the status of the application to determine if further action is required to process the application.

(2) If an application described in paragraph (1) or (2) of subsection (a) is not processed within 90 days from the date of receipt of the application, then the Assistant Secretary for Political-Military Affairs of the Department of State shall—

(A) review the status of the application to determine if further action is required to process the application; and

(B) submit to the appropriate congressional committees a notification of the review conducted under subparagraph (A), including a description of the application, the reason for delay in processing the application, and a proposal for further action to process the application.

(3) For each calendar year, the Managing Director of the Directorate of Defense Trade Controls shall review not less than 2 percent of the total number of applications described in paragraphs (1) and (2) of subsection (a) to ensure that the processing of such applications, including decisions to approve, deny, or return without action, is consistent with both policy and regulatory requirements of the Department of State.

(c) STATEMENTS OF POLICY.—

(1) UNITED STATES ALLIES.—Congress states that—

(A) it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act (22 U.S.C. 2776 (b) or (c)) to United States allies in direct support of combat operations or peacekeeping or humanitarian operations with United States Armed Forces is not more than 7 days from the date of receipt of the application; and

(B) it shall be the goal, as appropriate, of the Directorate of Defense Trade Controls to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36

(b) or (c) of the Arms Export Control Act to government security agencies of United States NATO allies, Australia, New Zealand, Japan, South Korea, Israel, and, as appropriate, other major non-NATO allies for any purpose other than the purpose described in paragraph (1) is not more than 30 days from the date of receipt of the application.

(2) PRIORITY FOR APPLICATIONS FOR EXPORT OF U.S.-ORIGIN EQUIPMENT.—In meeting the goals established by this section, it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to prioritize the processing of applications for licenses and agreements necessary for the export of United States-origin equipment over applications for Manufacturing License Agreements.

(d) REPORT.—Not later than December 31, 2011, and December 31, 2012, the Secretary of State shall submit to the appropriate congressional committees a report that contains a detailed description of—

(1)(A) the average processing time for and number of applications described in subsection (a)(1) to—

(i) United States NATO allies, Australia, New Zealand, Japan, South Korea, and Israel;

(ii) other major non-NATO allies; and

(iii) all other countries; and

(B) to the extent practicable, the average processing time for and number of applications described in subsection (b)(1) by item category;

(2) the average processing time for and number of applications described in subsection (a)(2);

(3) the average processing time for and number of applications for agreements described in part 124 of title 22, Code of Federal Regulations (relating to the International Traffic in Arms Regulations) (other than Manufacturing License Agreements));

(4) the average processing times for applications for Manufacturing License Agreements;

(5) any management decisions of the Directorate of Defense Trade Controls of the Department of State that have been made in response to data contained in paragraphs (1) through (3); and

(6) any advances in technology that will allow the time-frames described in subsection (a)(1) to be substantially reduced.

(e) CONGRESSIONAL BRIEFINGS.—If, at the end of any month beginning after the date of the enactment of this Act, the total number of applications described in subsection (a)(1) that are unprocessed is more than 7 percent of the total number of such applications submitted in the preceding calendar year, then the Secretary of State, acting through the Under Secretary for Arms Control and International Security, the Assistant Secretary for Political-Military Affairs, or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall brief the appropriate congressional committees on such matters and the corrective measures that the Directorate of Defense Trade Controls will take to comply with the requirements of subsection (a).

(f) TRANSPARENCY OF COMMODITY JURISDICTION DETERMINATIONS.—

(1) DECLARATION OF POLICY.—Congress declares that the complete confidentiality surrounding several hundred commodity jurisdiction determinations made each year by the Department of State pursuant to the International Traffic in Arms Regulations is not necessary to protect legitimate proprietary interests of persons or their prices and customers, is not in the best security and foreign policy interests of the United States, is inconsistent with the need to ensure a level playing field for United States exporters, and detracts from United States efforts to promote greater transparency and responsibility by other countries in their export control systems.

(2) PUBLICATION ON INTERNET WEBSITE.—The Secretary of State shall—

(A) upon making a commodity jurisdiction determination referred to in paragraph (1) publish on the Internet website of the Department of State not later than 30 days after the date of the determination—

(i) the name of the manufacturer of the item;
(ii) a brief general description of the item;
(iii) the model or part number of the item; and
(iv) the United States Munitions List designation under which the item has been designated, except that—

(I) the name of the person or business organization that sought the commodity jurisdiction determination shall not be published if the person or business organization is not the manufacturer of the item; and

(II) the names of the customers, the price of the item, and any proprietary information relating to the item indicated by the person or business organization that sought the commodity jurisdiction determination shall not be published; and

(B) maintain on the Internet website of the Department of State an archive, that is accessible to the general public and other departments and agencies of the United States, of the information published under subparagraph (A).

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the President or Congress from undertaking a thorough review of the national security and foreign policy implications of a proposed export of items on the United States Munitions List.

SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF AND RESOURCES FOR THE DIRECTORATE OF DEFENSE TRADE CONTROLS OF THE DEPARTMENT OF STATE.

(a) REQUIREMENT.—The Secretary of State shall ensure that the Directorate of Defense Trade Controls of the Department of State has the necessary staff and resources to carry out this subtitle and the amendments made by this subtitle.

(b) MINIMUM NUMBER OF LICENSING OFFICERS.—For fiscal year 2011 and each subsequent fiscal year, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has at least 1 licensing officer for every 1,250 applications for licenses and other authorizations to export items on the United States Munitions List by not later than the third quarter of such fiscal year, based on the number of licenses and other authorizations expected to be received during such fiscal year. The Secretary shall ensure that in meeting the requirement of this subsection, the performance of other functions of the Directorate of Defense Trade Controls is maintained and adequate staff is provided for those functions.

(c) MINIMUM NUMBER OF STAFF FOR COMMODITY JURISDICTION DETERMINATIONS.—For each of the fiscal years 2010 through 2012, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has, to the extent practicable, not less than three individuals assigned to review applications for commodity jurisdiction determinations.

(d) ENFORCEMENT RESOURCES.—In accordance with section 127.4 of title 22, Code of Federal Regulations, U.S. Immigration and Customs Enforcement is authorized to investigate violations of the International Traffic in Arms Regulations on behalf of the Directorate of Defense Trade Controls of the Department of State. The Secretary of State shall ensure that the Directorate of Defense Trade Controls has adequate staffing for enforcement of the International Traffic in Arms Regulations.

SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.

(a) AUDIT.—Not later than the end of each of the fiscal years 2011 and 2012, the Inspector

General of the Department of State shall conduct an independent audit to determine the extent to which the Department of State is meeting the requirements of sections 804 and 805.

(b) REPORT.—The Inspector General shall submit to the appropriate congressional committees a report that contains the result of each audit conducted under subsection (a).

SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROLS REGISTRATION FEES.

(a) IN GENERAL.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence—

(A) by striking “For” and inserting “(a) IN GENERAL.—For”; and

(B) by striking “Office” and inserting “Directorate”;

(2) by amending the second sentence to read as follows:

“(b) AVAILABILITY OF FEES.—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

“(1) management,

“(2) licensing (in order to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009 (relating to adequate staff and resources of the Directorate of Defense Trade Controls)),

“(3) compliance,

“(4) policy activities, and

“(5) facilities,

of defense trade controls functions.”; and

(3) by adding at the end the following:

“(c) ALLOCATION OF FEES.—In allocating fees for payment of expenses described in subsection (b), the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel and equipment of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009.”

(b) CONFORMING AMENDMENT.—Section 38(b) of the Arms Export Control Act (22 U.S.C. 2778(b)) is amended by striking paragraph (3).

SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, in coordination with the heads of other relevant departments and agencies of the United States Government, shall review, with the assistance of United States manufacturers and other interested parties described in section 811(2) of this Act, the International Traffic in Arms Regulations and the United States Munitions List to determine those technologies and goods that warrant different or additional controls.

(b) CONDUCT OF REVIEW.—In carrying out the review required under subsection (a), the Secretary of State shall review not less than 20 percent of the technologies and goods on the International Traffic in Arms Regulations and the United States Munitions List in each calendar year so that for the 5-year period beginning with calendar year 2010, and for each subsequent 5-year period, the International Traffic in Arms Regulations and the United States Munitions List will be reviewed in their entirety.

(c) REPORT.—The Secretary of State shall submit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate an annual report on the results of the review carried out under this section.

SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

“(k) SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

“(1) AUTHORIZATION.—(A) The President may provide for special licensing authorization for exports of United States-manufactured spare and replacement parts or components listed in an application for such special licensing authorization in connection with defense items previously exported to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea. A special licensing authorization issued pursuant to this clause shall be effective for a period not to exceed 5 years.

“(B) An authorization may be issued under subparagraph (A) only if the applicable government of the country described in subparagraph (A), acting through the applicant for the authorization, certifies that—

“(i) the export of spare and replacement parts or components supports a defense item previously lawfully exported;

“(ii) the spare and replacement parts or components will be transferred to a defense agency of a country described in subparagraph (A) that is a previously approved end-user of the defense items and not to a distributor or a foreign consignee of such defense items;

“(iii) the spare and replacement parts or components will not be used to materially enhance, optimize, or otherwise modify or upgrade the capability of the defense items;

“(iv) the spare and replacement parts or components relate to a defense item that is owned, operated, and in the inventory of the armed forces of a country described in subparagraph (A);

“(v) the export of spare and replacement parts or components will be effected using the freight forwarder designated by the purchasing country’s diplomatic mission as responsible for handling transfers under chapter 2 of this Act as required under regulations; and

“(vi) the spare and replacement parts or components to be exported under the special licensing authorization are specifically identified in the application.

“(C) An authorization may not be issued under subparagraph (A) for purposes of establishing offshore procurement arrangements or producing defense articles offshore.

“(D)(i) For purposes of this subsection, the term ‘United States-manufactured spare and replacement parts or components’ means spare and replacement parts or components—

“(I) with respect to which—

“(aa) United States-origin content costs constitute at least 85 percent of the total content costs;

“(bb) United States manufacturing costs constitute at least 85 percent of the total manufacturing costs; and

“(cc) foreign content, if any, is limited to content from countries eligible to receive exports of items on the United States Munitions List under the International Traffic in Arms Regulations (other than de minimis foreign content);

“(II) that were last substantially transformed in the United States; and

“(III) that are not—

“(aa) classified as significant military equipment; or

“(bb) listed on the Missile Technology Control Regime Annex.

“(ii) For purposes of clause (i)(I) (aa) and (bb), the costs of non-United States-origin content shall be determined using the final price or final cost associated with the non-United States-origin content.

“(2) INAPPLICABILITY PROVISIONS.—(A) The provisions of this subsection shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in paragraph (1).

“(B) The congressional notification requirements contained in section 36(c) of this Act shall not apply with respect to an authorization issued under paragraph (1).”.

(b) **EFFECTIVE DATE.**—The President shall issue regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER CHAPTER 3 OF THE ARMS EXPORT CONTROL ACT.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by inserting after section 38 the following new section:

“SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER THIS CHAPTER.

“(a) **AVAILABILITY OF INFORMATION.**—Not later than one year after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2009, the President shall make available to persons who have pending license applications under this chapter and the committees of jurisdiction the ability to access electronically current information on the status of each license application required to be submitted under this chapter.

“(b) **MATTERS TO BE INCLUDED.**—The information referred to in subsection (a) shall be limited to the following:

“(1) The case number of the license application.

“(2) The date on which the license application is received by the Department of State and becomes an ‘open application’.

“(3) The date on which the Directorate of Defense Trade Controls makes a determination with respect to the license application or transmits it for interagency review, if required.

“(4) The date on which the interagency review process for the license application is completed, if such a review process is required.

“(5) The date on which the Department of State begins consultations with the congressional committees of jurisdiction with respect to the license application.

“(6) The date on which the license application is sent to the congressional committees of jurisdiction.”.

SEC. 811. SENSE OF CONGRESS.

It is the sense of Congress that—

(1)(A) the advice provided to the Secretary of State by the Defense Trade Advisory Group (DTAG) supports the regulation of defense trade and helps ensure that United States national security and foreign policy interests continue to be protected and advanced while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of United States friends and allies; and

(B) therefore, the Secretary of State should share significant planned rules and policy shifts with DTAG for comment; and

(2) recognizing the constraints imposed on the Department of State by the nature of a voluntary organization such as DTAG, the Secretary of State is encouraged to ensure that members of DTAG are drawn from a representative cross-section of subject matter experts from the United States defense industry, relevant trade and labor associations, academic, and foundation personnel.

SEC. 812. DEFINITIONS.

In this subtitle:

(1) **INTERNATIONAL TRAFFIC IN ARMS REGULATIONS; ITAR.**—The term “International Traffic in Arms Regulations” or “ITAR” means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(2) **MAJOR NON-NATO ALLY.**—The term “major non-NATO ally” means a country that is designated in accordance with section 517 of the

Foreign Assistance Act of 1961 (22 U.S.C. 2321k) as a major non-NATO ally for purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) **MANUFACTURING LICENSE AGREEMENT.**—The term “Manufacturing License Agreement” means an agreement described in section 120.21 of title 22, Code of Federal Regulations (or successor regulations).

(4) **MISSILE TECHNOLOGY CONTROL REGIME; MTCR.**—The term “Missile Technology Control Regime” or “MTCR” has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(5) **MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.**—The term “Missile Technology Control Regime Annex” or “MTCR Annex” has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(6) **OFFSETS.**—The term “offsets” includes compensation practices required of purchase in either government-to-government or commercial sales of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the International Traffic in Arms Regulations.

(7) **UNITED STATES MUNITIONS LIST; USML.**—The term “United States Munitions List” or “USML” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this subtitle and the amendments made by this subtitle.

Subtitle B—Provisions Relating to Export Licenses

SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL DIRECTIVES REGARDING UNITED STATES ARMS EXPORT POLICIES, PRACTICES, AND REGULATIONS.

(a) **IN GENERAL.**—The President shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the text of each Presidential directive regarding United States export policies, practices, and regulations relating to the implementation of the Arms Export Control Act (22 U.S.C. 2751 et seq.) not later than 15 days after the date on which the directive has been signed or authorized by the President.

(b) **TRANSITION PROVISION.**—Each Presidential directive described in subsection (a) that is signed or authorized by the President on or after January 1, 2009, and before the date of the enactment of this Act shall be made available to the congressional committees specified in subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) **FORM.**—To the maximum extent practicable, each Presidential directive described in subsection (a) shall be made available to the congressional committees specified in subsection (a) on an unclassified basis.

SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND SERVICES FOR CONGRESSIONAL REVIEW AND EXPEDITING CONGRESSIONAL REVIEW FOR ISRAEL.

(a) **FOREIGN MILITARY SALES.**—

(1) **IN GENERAL.**—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1)—

(i) by striking “\$50,000,000” and inserting “\$100,000,000”;

(ii) by striking “\$200,000,000” and inserting “\$300,000,000”;

(iii) by striking “\$14,000,000” and inserting “\$25,000,000”; and

(iv) by striking “The letter of offer shall not be issued” and all that follows through “enacts a joint resolution” and inserting the following:

“(2) The letter of offer shall not be issued—

“(A) with respect to a proposed sale of any defense articles or defense services under this Act for \$200,000,000 or more, any design and construction services for \$300,000,000 or more, or any major defense equipment for \$75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

“(B) with respect to a proposed sale of any defense articles or services under this Act for \$100,000,000 or more, any design and construction services for \$200,000,000 or more, or any major defense equipment for \$50,000,000 or more, to any other country or organization, if Congress, within 30 calendar days after receiving such certification,

enacts a joint resolution”; and

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively.

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(A) in subsection (b)—

(i) in paragraph (6)(C), as redesignated, by striking “Subject to paragraph (6), if” and inserting “If”; and

(ii) by striking paragraph (7), as redesignated; and

(B) in subsection (c)(4), by striking “subsection (b)(5)” each place it appears and inserting “subsection (b)(6)”.

(b) **COMMERCIAL SALES.**—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1)—

(A) by striking “Subject to paragraph (5), in” and inserting “In”;

(B) by striking “\$14,000,000” and inserting “\$25,000,000”; and

(C) by striking “\$50,000,000” and inserting “\$100,000,000”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting after “for an export” the following: “of any major defense equipment sold under a contract in the amount of \$75,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more)”;

(ii) by striking “Organization,” and inserting “Organization (NATO),” and by further striking “that Organization” and inserting “NATO”; and

(B) in subparagraph (C), by inserting after “license” the following: “for an export of any major defense equipment sold under a contract in the amount of \$50,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more)”;

(3) by striking paragraph (5).

SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NATIONAL AND INTERNATIONAL ARMS EXPORT CONTROLS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should redouble United States diplomatic efforts to strengthen national and international arms export controls by establishing a senior-level initiative to ensure that those arms export controls are comparable to and supportive of United States arms export

controls, particularly with respect to countries of concern to the United States.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, and annually thereafter for 4 years, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States diplomatic efforts described in subsection (a).

SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EXPORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.”.

SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIPMENT AND DEFENSE ARTICLES EXPORTED UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778), as amended by section 809(a) of this Act, is further amended by adding at the end the following:

“(1) **REPORT.**—

“(1) **IN GENERAL.**—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a detailed listing, by country and by international organization, of the total dollar value of major defense equipment and defense articles exported pursuant to licenses authorized under this section for the previous fiscal year.

“(2) **INCLUSION IN ANNUAL BUDGET.**—The report required by this subsection shall be included in the supporting information of the annual budget of the United States Government required to be submitted to Congress under section 1105 of title 31, United States Code.”.

SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS FROM THE UNITED STATES MUNITIONS LIST.

(a) **AUTHORITY.**—Except as provided in subsection (b) and subject to subsection (d), the President is authorized to remove satellites and related components from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) **EXCEPTION.**—The authority of subsection (a) may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into outer space by, the People’s Republic of China.

(c) **UNITED STATES MUNITIONS LIST.**—In this section, the term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(d) **EFFECTIVE DATE.**—The President may not exercise the authority provided in this section before the date that is 90 days after the date of the enactment of this Act.

SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF VIOLATIONS OF SECTION 3 OF THE ARMS EXPORT CONTROL ACT.

(a) **REVIEW.**—The Inspector General of the Department of State shall conduct a review of

investigations by the Department of State during each of fiscal years 2010 through 2014 of any and all possible violations of section 3 of the Arms Export Control Act (22 U.S.C. 2753) with respect to misuse of United States-origin defense items to determine whether the Department of State has fully complied with the requirements of such section, as well as its own internal procedures (and whether such procedures are adequate), for reporting to Congress any information regarding the unlawful use or transfer of United States-origin defense articles, defense services, and technology by foreign countries, as required by such section.

(b) **REPORT.**—The Inspector General of the Department of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate for each of fiscal years 2010 through 2014 a report that contains the findings and results of the review conducted under subsection (a). The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EXPORT LICENSING FUNCTIONS OF DDTC OF THE DEPARTMENT OF STATE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on possible mechanisms to place the export licensing functions of the Directorate of Defense Trade Controls of the Department of State on a 100 percent self-financing basis.

SEC. 829. CLARIFICATION OF CERTIFICATION REQUIREMENT RELATING TO ISRAEL’S QUALITATIVE MILITARY EDGE.

Section 36(h)(1) of the Arms Export Control Act (22 U.S.C. 2776(h)(1)) is amended by striking “a determination” and inserting “an unclassified determination”.

SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(3) (as redesignated by section 822(a)(1)(B) of this Act), 36(c)(2)(A), 36(d)(2)(A), 62(c)(1), and 63(a)(2) by inserting “Israel,” before “or New Zealand”; and

(2) in section 3(b)(2), by inserting “the Government of Israel,” before “or the Government of New Zealand”.

SEC. 831. UPDATING AND CONFORMING PENALTIES FOR VIOLATIONS OF SECTIONS 38 AND 39 OF THE ARMS EXPORT CONTROL ACT.

(a) **IN GENERAL.**—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended to read as follows:

“(c) **VIOLATIONS OF THIS SECTION AND SECTION 39.**—

“(1) **UNLAWFUL ACTS.**—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

“(2) **CRIMINAL PENALTIES.**—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

“(A) be fined for each violation in an amount not to exceed \$1,000,000, or

“(B) in the case of a natural person, be imprisoned for each violation for not more than 20 years,

or both.”.

(b) **MECHANISMS TO IDENTIFY VIOLATORS.**—Section 38(g) of the Arms Export Control Act (22 U.S.C. 2778(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “or otherwise charged” after “indictment”;

(ii) in clause (xi), by striking “or” at the end; and

(iii) by adding at the end the following:

“(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements;

“(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States; or

“(xv) section 1831 of title 18, United States Code, relating to economic espionage.”; and

(B) in subparagraph (B), by inserting “or otherwise charged” after “indictment”; and

(2) in paragraph (3)(A), by inserting “or otherwise charged” after “indictment”.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of sections 38 and 39 of the Arms Export Control Act committed on or after that date.

Subtitle C—Miscellaneous Provisions

SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) **AUTHORITY.**—The Secretary of State is authorized to conduct a program to respond to contingencies in foreign countries or regions by providing training, procurement, and capacity-building of a foreign country’s national military forces and dedicated counterterrorism forces in order for that country to—

(1) conduct counterterrorist operations; or

(2) participate in or support military and stability operations in which the United States is a participant.

(b) **TYPES OF CAPACITY-BUILDING.**—The program authorized under subsection (a) may include the provision of equipment, supplies, and training.

(c) **LIMITATIONS.**—

(1) **ASSISTANCE OTHERWISE PROHIBITED BY LAW.**—The Secretary of State may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(2) **LIMITATION ON ELIGIBLE COUNTRIES.**—The Secretary of State may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) **FORMULATION AND EXECUTION OF ACTIVITIES.**—The Secretary of State shall consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

(e) **CONGRESSIONAL NOTIFICATION.**—

(1) **ACTIVITIES IN A COUNTRY.**—Not less than 15 days before obligating funds for activities in any country under the program authorized under subsection (a), the Secretary of State shall submit to the congressional committees specified in paragraph (2) a notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be assisted.

(B) The budget, implementation timeline with milestones, and completion date for completing the activities.

(2) **SPECIFIED CONGRESSIONAL COMMITTEES.**—The congressional committees specified in this paragraph are the following:

(A) The Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(B) The Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary of State \$25,000,000 for each of the fiscal years 2010 and 2011 to conduct the program authorized by subsection (a).

(2) **USE OF FMF FUNDS.**—The Secretary of State may use up to \$25,000,000 of funds available under the Foreign Military Financing program for each of the fiscal years 2010 and 2011 to conduct the program authorized under subsection (a).

(3) **AVAILABILITY AND REFERENCE.**—Amounts made available to conduct the program authorized under subsection (a)—

(A) are authorized to remain available until expended; and

(B) may be referred to as the “Security Assistance Contingency Fund”.

SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.

(a) **IN GENERAL.**—Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended—

(1) in paragraph (1), by striking “Special Defense Acquisition Fund” and inserting “Foreign Military Sales Stockpile Fund”; and

(2) in paragraph (4), by inserting “building the capacity of recipient countries and” before “narcotics control purposes”.

(b) **CONTENTS OF FUND.**—Section 51(b) of the Arms Export Control Act (22 U.S.C. 2795(b)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by inserting “and” at the end; and

(3) by inserting after paragraph (3) the following:

“(4) collections from leases made pursuant to section 61 of this Act.”.

(c) **CONFORMING AMENDMENTS.**—(1) The heading of section 51 of the Arms Export Control Act is amended by striking “SPECIAL DEFENSE ACQUISITION FUND” and inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

(2) The heading of chapter 5 of the Arms Export Control Act is amended by striking “SPECIAL DEFENSE ACQUISITION FUND” and inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR FOREIGN MILITARY SALES PROGRAM.

Section 25(a)(1) of the Arms Export Control Act (22 U.S.C. 2765(a)(1)) is amended by striking “, together with an indication of which sales and licensed commercial exports” and inserting “and”.

SEC. 844. SENSE OF CONGRESS ON THE GLOBAL ARMS TRADE.

It is the sense of Congress that—

(1) the United States, as the world’s largest exporter of conventional weapons, has a special obligation to promote responsible practices in the global arms trade and should actively work to prevent conventional weapons from being used to perpetrate—

(A) breaches of the United Nations Charter relating to the use of force;

(B) gross violations of international human rights;

(C) serious violations of international humanitarian law;

(D) acts of genocide or crimes against humanity;

(E) acts of terrorism; and

(F) destabilizing buildups of military forces and weapons; and

(2) the United States should actively engage in the development of a legally binding treaty establishing common international standards for the import, export, and transfer of conventional weapons.

SEC. 845. REPORT ON UNITED STATES’ COMMITMENTS TO THE SECURITY OF ISRAEL.

(a) **INITIAL REPORT.**—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains—

(1) a complete, unedited, and unredacted copy of each assurance made by United States Government officials to officials of the Government of Israel regarding Israel’s security and maintenance of Israel’s qualitative military edge, as well as any other assurance regarding Israel’s security and maintenance of Israel’s qualitative military edge provided in conjunction with exports under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the period beginning on January 1, 1975, and ending on the date of the enactment of this Act; and

(2) an analysis of the extent to which, and by what means, each such assurance has been and is continuing to be fulfilled.

(b) **SUBSEQUENT REPORTS.**—

(1) **NEW ASSURANCES AND REVISIONS.**—The President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to—

(A) each assurance described in subsection (a) made on or after the date of the enactment of this Act, or

(B) revisions to any assurance described in subsection (a) or subparagraph (A) of this paragraph,

within 15 days of the new assurance or revision being conveyed.

(2) **5-YEAR REPORTS.**—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to each assurance described in subsection (a) or paragraph (1)(A) of this subsection and revisions to any assurance described in subsection (a) or paragraph (1)(A) of this subsection during the preceding 5-year period.

(c) **FORM.**—Each report required by this section shall be transmitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 846. WAR RESERVES STOCKPILE.

(a) **DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.**—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011), is amended by striking “4” and inserting “7”.

(b) **FOREIGN ASSISTANCE ACT OF 1961.**—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal years 2007 and 2008” and inserting “fiscal years 2010 and 2011”.

SEC. 847. EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES.

Section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) in paragraph (2), in the heading by striking “EXCEPTION” and inserting “GENERAL EXCEPTION”;

(3) by adding at the end the following new paragraph:

“(3) **EXCEPTION FOR SPECIFIC COUNTRIES.**—For fiscal years 2010 and 2011, the President may provide for the crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Macedonia, Georgia, India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slo-

vakia, Tajikistan, Turkmenistan, and Ukraine.”.

SEC. 848. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.

(a) **AUTHORIZATION OF ASSISTANCE.**—Of the amounts authorized to be appropriated to carry out this Act, there are authorized to be appropriated such sums as may be necessary for co-development of joint ballistic missile, medium and short-range projectile defense projects with Israel, including—

(1) complete accelerated co-production of Arrow missiles;

(2) system development of the Israel Missile Defense Organization program to develop a short-range ballistic missile defense capability, David’s Sling weapon system, and integrate the weapon system with the ballistic missile defense system and force protection efforts of the United States; and

(3) research, development, and test and evaluation of the Iron Dome short-range projectile defense system.

(b) **REPORT AND STRATEGY.**—

(1) **REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in connection with the submission of congressional presentation materials for the foreign operations appropriations and defense appropriations budget request, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report regarding the activities authorized under subsection (a)(1).

(2) **CLASSIFIED ANNEX.**—The report required under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex, if necessary.

(3) **DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services in the Senate.

TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE**Subtitle A—General Provisions****SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO IMPLEMENT THE MERIDA INITIATIVE.**

(a) **DECLARATION OF POLICY.**—Congress declares that the Merida Initiative is a Department of State-led initiative which combines the programs of numerous United States Government departments and agencies and therefore requires a single individual to coordinate and track all Merida Initiative-related efforts government-wide to avoid duplication, coordinate messaging, and facilitate accountability to and communication with Congress.

(b) **DESIGNATION OF HIGH-LEVEL COORDINATOR.**—

(1) **IN GENERAL.**—The President shall designate, within the Department of State, a Coordinator of United States Government Activities to Implement the Merida Initiative (hereafter in this section referred to as the “Coordinator”) who shall be responsible for—

(A) designing and shaping an overall strategy for the Merida Initiative;

(B) ensuring program and policy coordination among United States Government departments and agencies in carrying out the Merida Initiative, including avoiding duplication among programs and ensuring that a consistent message emanates from the United States Government;

(C) ensuring that efforts of the United States Government are in full consonance with the efforts of the countries within the Merida Initiative;

(D) tracking, in coordination with the relevant officials of the Department of Defense and other departments and agencies, United States assistance programs that fulfill the goals of the Merida Initiative or are closely related to the goals of the Merida Initiative;

(E) to the extent possible, tracking information required under the second section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) (as added by section 651 of division J of Public Law 110-161) with respect to countries participating in the Merida Initiative; and

(F) consulting with the Attorney General and the Secretary of Homeland Security with respect to the activities of Federal, State, and local law enforcement authorities in the United States relating to the goals of the Merida Initiative, particularly along the United States-Mexico border.

(2) RANK AND STATUS OF THE COORDINATOR.—The Coordinator should have the rank and status of ambassador.

(3) COUNTRIES WITHIN THE MERIDA INITIATIVE DEFINED.—The term “countries within the Merida Initiative” means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Panama and includes Haiti and the Dominican Republic.

SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) The illicit drug trade—which has taken a toll on the small countries of the Caribbean Community (CARICOM) for many years—is now moving even more aggressively into these countries.

(2) A March 2007 joint report by the United Nations Office on Drugs and Crime (UNODC) and the World Bank noted that murder rates in the Caribbean—at 30 per 100,000 population annually—are higher than for any other region of the world and have risen in recent years for many of the region’s countries. The report also argues that the strongest explanation for the high crime and violence rates in the Caribbean and their rise in recent years is drug trafficking.

(3) If the United States does not move quickly to provide Merida Initiative assistance to the CARICOM countries, the positive results of the Merida Initiative in Mexico and Central America will move the drug trade deeper into the Caribbean and multiply the already alarming rates of violence.

(b) CONSULTATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State is authorized to consult with the countries of the Caribbean Community (CARICOM) in preparation for their inclusion into the Merida Initiative.

(c) INCORPORATION OF CARICOM COUNTRIES INTO THE MERIDA INITIATIVE.—The President is authorized to incorporate the CARICOM countries into the Merida Initiative.

SEC. 903. MERIDA INITIATIVE MONITORING AND EVALUATION MECHANISM.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION RESEARCH.—The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(2) OPERATIONS RESEARCH.—The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) PROGRAM MONITORING.—The term “program monitoring” means the collection, anal-

ysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to successfully support building the capacity of recipient countries’ civilian security institutions, enhance the rule of law in recipient countries, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under the Merida Initiative;

(2) long-term solutions to the security problems of Merida recipient countries depend on increasing the effectiveness and responsiveness of their civilian institutions, including their judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of the impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the governments of Merida recipient countries.

(c) IMPACT EVALUATION RESEARCH, OPERATION RESEARCH, AND PROGRAM MONITORING OF ASSISTANCE.—The President shall establish and implement a program to assess the effectiveness of assistance provided under the Merida Initiative through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance.

(d) REQUIREMENTS.—The program required under subsection (c) shall include—

(1) a delineation of key impact evaluation research and operations research questions for main components of assistance provided under the Merida Initiative;

(2) an identification of measurable performance goals for each of the main components of assistance provided under the Merida Initiative, to be expressed in an objective and quantifiable form at the inception of the program;

(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to such assistance to enhance the impact of such assistance.

(e) CONSULTATION WITH CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Merida Initiative, up to five percent of such amounts is authorized to be appropriated to carry out this section.

(g) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section and not later than December 1 of each year thereafter, the President shall transmit to the appropriate congressional committees a report regarding programs and activities carried out under the Merida Initiative during the preceding fiscal year.

(2) MATTERS TO BE INCLUDED.—The reports required under subsection (g) shall include the following:

(A) FINDINGS.—Findings related to the impact evaluation research, operation research, and program monitoring of assistance program established under subsection (c).

(B) COORDINATION.—Efforts of the United States Government to coordinate its activities, including—

(i) a description of all counternarcotics and organized crime assistance provided to Merida Initiative recipient countries in the previous fiscal year;

(ii) an assessment of how such assistance was coordinated; and

(iii) recommendations for improving coordination.

(C) TRANSFER OF EQUIPMENT.—A description of the transfer of equipment, including—

(i) a description of the progress of each recipient country toward the transfer of equipment, if any, from its armed forces to law enforcement agencies;

(ii) a list of agencies that have used air assets provided by the United States under the Merida Initiative to the government of each recipient country, and, to the extent possible, a detailed description of those agencies that have utilized such air assets, such as by a percentage breakdown of use by each agency; and

(iii) a description of training of law enforcement agencies to operate equipment, including air assets.

(D) HUMAN RIGHTS.—In accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 504 of the Trade Act of 1974 (19 U.S.C. 2464), an assessment of the human rights impact of the equipment and training provided under the Merida Initiative, including—

(i) a list of accusations of serious human rights abuses committed by the armed forces and law enforcement agencies of recipient countries on or after the date of the enactment of this Act; and

(ii) a description of efforts by the governments of Merida recipient countries to investigate and prosecute allegations of abuses of human rights committed by any agency of such recipient countries.

(E) EFFECTIVENESS OF EQUIPMENT.—An assessment of the long-term effectiveness of the equipment and maintenance packages and training provided to each recipient country’s security institutions.

(F) MEXICO PUBLIC SECURITY STRATEGY.—A description of Mexico’s development of a public security strategy, including—

(i) effectiveness of the Mexican Federal Registry of Police Personnel to vet police recruiting at the National, state, and municipal levels to prevent rehiring from one force to the next after dismissal for corruption and other reasons; and

(ii) an assessment of how the Merida Initiative complements and supports the Mexican Government’s own public security strategy.

(G) FLOW OF ILLEGAL ARMS.—A description and assessment of efforts to reduce the south-bound flow of illegal arms.

(H) USE OF CONTRACTORS.—A detailed description of contracts awarded to private companies to carry out provisions of the Merida Initiative, including—

(i) a description of the number of United States and foreign national civilian contractors awarded contracts;

(ii) a list of the total dollar value of the contracts; and

(iii) the purposes of the contracts.

(I) PHASE OUT OF LAW ENFORCEMENT ACTIVITIES.—A description of the progress of phasing out law enforcement activities of the armed forces of each recipient country.

(J) IMPACT ON BORDER VIOLENCE AND SECURITY.—A description of the impact that activities authorized under the Merida Initiative have

had on violence against United States and Mexican border personnel and the extent to which these activities have increased the protection and security of the United States-Mexico border.

SEC. 904. MERIDA INITIATIVE DEFINED.

In this subtitle, the term “Merida Initiative” means the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

Subtitle B—Prevention of Illicit Trade in Small Arms and Light Weapons

SEC. 911. TASK FORCE ON THE PREVENTION OF ILLICIT SMALL ARMS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) **ESTABLISHMENT.**—The President shall establish an inter-agency task force to be known as the “Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere” (in this section referred to as the “Task Force”).

(b) **DUTIES.**—The Task Force shall develop a strategy for the Federal Government to improve United States export controls on the illicit export of small arms and light weapons throughout the Western Hemisphere, including Mexico, Central America, the Caribbean, and South America. The Task Force shall—

(1) conduct a thorough review and analysis of the current regulation of exports of small arms and light weapons; and

(2) develop integrated Federal policies to better control exports of small arms and light weapons in a manner that furthers the foreign policy and national security interests of the United States within the Western Hemisphere.

(c) **MEMBERSHIP.**—The Task Force shall be composed of—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of Homeland Security; and

(4) the heads of other Federal departments and agencies as appropriate.

(d) **CHAIRPERSON.**—The Secretary of State shall serve as the chairperson of the Task Force.

(e) **MEETINGS.**—The Task Force shall meet at the call of the chairperson or a majority of its members.

(f) **ANNUAL REPORTS.**—Not later than one year after the date of the enactment of this Act and annually thereafter until October 31, 2014, the chairperson of the Task Force shall submit to Congress and make available to the public a report that contains—

(1) a description of the activities of the Task Force during the preceding year; and

(2) the findings, strategies, recommendations, policies, and initiatives developed pursuant to the duties of the Task Force under subsection (b) during the preceding year.

SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.

(a) **IN GENERAL.**—Notwithstanding section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)), any person who willfully exports to a country in the Western Hemisphere any small arm or light weapon without a license in violation of the requirements of section 38 of such Act shall upon conviction be fined for each violation not less than \$1,000,000 but not more than \$3,000,000 and imprisoned for not more than twenty years, or both.

(b) **DEFINITION.**—In this section, the term “small arm or light weapon” means any item listed in Category I(a), Category III (as it applies to Category I(a)), or grenades under Category IV(a) of the United States Munitions List (as contained in part 121 of title 22, Code of Federal Regulations (or successor regulations)) that requires a license for international export under this section.

SEC. 913. DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following new paragraph:

“(4) the arrest or conviction in any country of any individual for illegally exporting or attempting to export to Mexico any small arm or light weapon (as defined in section 912(b) of the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011);”;

(3) in paragraphs (5) and (6) (as redesignated), by striking “paragraph (1), (2), or (3)” each place it appears and inserting “paragraph (1), (2), (3), or (4)”.

SEC. 914. STATEMENT OF CONGRESS SUPPORTING UNITED STATES RATIFICATION OF CIFTA.

Congress supports the ratification by the United States of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.

TITLE X—REPORTING REQUIREMENTS

SEC. 1001. ASSESSMENT OF SPECIAL COURT FOR SIERRA LEONE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an assessment on the continuing needs of the Special Court for Sierra Leone, including an assessment of the following activities of the Special Court:

(1) Witness protection.

(2) Archival activities, including record-keeping associated with future legal work by the Special Court.

(3) The residual registrar’s capacity for enforcing Special Court sentences and maintaining relations with countries hosting imprisoned convicts of the Special Court, legal decisionmaking regarding future appeals, conditions of prisoner treatment, contempt proceedings, and financial matters relating to such activities.

(4) Transfer or maintenance of Special Court records to a permanent recordkeeping authority in Sierra Leone.

(5) Ongoing needs or programs for community outreach, for the purpose of reconciliation and healing, regarding the Special Court’s legal proceedings and decisions.

(6) Plans for the Special Court’s facilities in Sierra Leone and plans to use the Special Court, and expertise of its personnel, for further development of the legal profession and an independent and effective judiciary in Sierra Leone.

(7) Unresolved cases, or cases that were not prosecuted.

SEC. 1002. REPORT ON UNITED STATES CAPACITIES TO PREVENT GENOCIDE AND MASS ATROCITIES.

(a) **FINDINGS.**—Congress finds the following:

(1) The lack of an effective government-wide strategy and adequate capacities for preventing genocide and mass atrocities against civilians undermines the ability of the United States to contribute to the maintenance of global peace and security and protect vital United States interests.

(2) The December 2008 Report of the Genocide Prevention Task Force, co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen offers a valuable blueprint for strengthening United States capacities to help prevent genocide and mass atrocities.

(3) Specific training and staffing will enhance the diplomatic capacities of the Department of State to help prevent and respond to threats of genocide and mass atrocities.

(b) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report outlining specific plans for the development of a government-wide strategy and the strengthening of United States civilian capacities for preventing genocide and mass atrocities against civilians.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following:

(A) An evaluation of current mechanisms for government-wide early warning, information-sharing, contingency planning, and coordination of effort to prevent and respond to situations of genocide, mass atrocities, and other mass violence.

(B) An assessment of current capacities within the Department of State, including specific staffing and training, for early warning, preventive diplomacy, and crisis response to help avert genocide and mass atrocities.

(C) An evaluation of United States foreign assistance programs and mechanisms directed toward the prevention of genocide and mass atrocities, including costs, challenges to implementation, and successes of such programs and mechanisms.

(D) An assessment of the feasibility, effectiveness, and potential costs of implementing key recommendations made by the Genocide Prevention Task Force, including the establishment of an Atrocities Prevention Committee within the National Security Council and increased annual and contingency funding for the prevention of genocide and mass atrocities.

(E) Recommendations to further strengthen United States capacities to help prevent genocide, mass atrocities, and other mass violence, including enhanced early warning mechanisms, strengthened diplomatic capacities of the Department of State, and improved use of United States foreign assistance.

SEC. 1003. REPORTS RELATING TO PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) **IN GENERAL.**—Subparagraph (C) of section 133(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)(2)) is amended by inserting before the period at the end the following: “, including, with respect to a country that produces or exports large amounts of natural resources such as petroleum or natural resources, the degree to which citizens of the country have access to information about government revenue from the extraction of such resources and credible reports of human rights abuses against individuals from civil society or the media seeking to monitor such extraction”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to reports required to be transmitted under section 133(d)(2) of the Foreign Assistance Act of 1961, as so amended, on or after the date of the enactment of this Act.

SEC. 1004. REPORTS ON HONG KONG.

Section 301 of the United States-Hong Kong Policy Act of 1992 (Public Law 102-383; 22 U.S.C. 5731) is amended, in the matter preceding paragraph (1), by striking “and March 31, 2006” and inserting “March 31, 2006, and March 31, 2010, and March 31 of every subsequent year through 2020.”

SEC. 1005. DEMOCRACY IN GEORGIA.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the development and consolidation of effective democratic governance in Georgia, including free and fair electoral processes, respect for human rights and the rule of law, an independent media, an independent judiciary, a vibrant civil society, as well as transparency and accountability of the executive branch and legislative process, is critically important to

Georgia's integration into Euro-Atlantic institutions, stability in the Caucasus region, and United States national security.

(b) **REPORT ON DEMOCRACY IN GEORGIA.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each of the two fiscal years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the programs, projects, and activities carried out in Georgia with United States foreign assistance following the August 2008 conflict with Russia.

(2) **CONTENTS.**—The report required under paragraph (1) shall include information concerning the following:

(A) The amount of United States assistance obligated and expended for reconstruction activities for the prior fiscal year.

(B) A description of the programs funded by such assistance, including humanitarian aid, reconstruction of critical infrastructure, economic development, political and democratic development, and broadcasting.

(C) An evaluation of the impact of such programs, including their contribution to the consolidation of democracy in Georgia and efforts by the Government of Georgia to improve democratic governance.

(D) An analysis of the implementation of the United States-Georgia Charter on Strategic Partnership.

SEC. 1006. DIPLOMATIC RELATIONS WITH ISRAEL.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following information:

(1) Actions taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

(c) **FORM OF SUBMISSION.**—The report required under subsection (b) may be submitted in classified or unclassified form, as the Secretary determines appropriate.

SEC. 1007. POLICE TRAINING REPORT.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall, in coordination with the heads of relevant Federal departments and agencies, conduct a study and transmit to Congress a report on current overseas civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(b) **CONTENTS.**—The report required under subsection (a) shall contain information on the following:

(1) The coordination, communication, program management, and policy implementation among the United States civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) The number of private contractors conducting such training, and the quality and cost of such private contractors.

(3) An assessment of pre-training procedures for verification of police candidates to adequately assess their aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work.

(4) An analysis of the practice of using existing Federal police entities to provide civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife, along with the subject matter expertise that each such entity may provide to meet local needs in lieu of the use of private contractors.

(5) Provide recommendations, including recommendations related to required resources and actions, to maximize the effectiveness and inter-agency coordination and the adequate provision of civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

SEC. 1008. REPORTS ON HUMANITARIAN ASSISTANCE IN GAZA.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the humanitarian conditions and efficacy and obstacles to humanitarian and reconstruction assistance activities in Gaza.

(b) **CONTENTS.**—The reports required under subsection (a) shall include the following:

(1) An assessment of the level of access to basic necessities in Gaza, including food, fuel, water, sanitation, education, and healthcare.

(2) An assessment of the ability to successfully deliver and distribute humanitarian and reconstruction goods and supplies.

(3) A description of the efforts of the United States and its allies to facilitate the receipt and distribution of humanitarian and reconstruction assistance in Gaza.

(4) An assessment of the obstacles to the delivery of humanitarian and reconstruction assistance, including the activities and policies of Hamas and any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act.

(5) Recommendations for actions the United States can take to best improve the level of access to basic necessities referred to in paragraph (1) and overcome obstacles described in paragraphs (2) through (4).

(6) An assessment of the policy prohibiting personnel of the Department of State and the United States Agency for International Development from traveling to Gaza following the tragic roadside bombing in 2003. Such an assessment should consider and evaluate the prospects that such personnel might resume humanitarian assistance operations or commence monitoring functions relating to humanitarian aid distribution in Gaza in order to ascertain that United States foreign assistance is not misused in ways that benefit any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1009. REPORT ON ACTIVITIES IN HAITI.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the following:

(1) **HURRICANE EMERGENCY RECOVERY.**—The status of activities in Haiti funded or authorized, in whole or in part, by the Department of State and the United States Agency for International Development (USAID) through assistance appropriated under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

(2) **GENERAL ACTIVITIES.**—A summary of activities funded or authorized, in whole or in part, by the Department of State and USAID in the previous 12-month period, how such activities supplement the work of the Government of Haiti to provide a safe and prosperous democracy for its citizens, and a timetable for when management and implementation of such activi-

ties will be turned over to the Government of Haiti or Haitian nationals.

(3) **COORDINATION.**—A description of how United States assistance is coordinated—

(A) among United States departments and agencies; and

(B) with other donors to Haiti, including programs through the United Nations, the Inter-American Development Bank, and the Organization of American States.

(4) **BENCHMARKS.**—A summary of short-term and long-term objectives for United States assistance to Haiti and metrics that will be used to identify, track, and manage the progress of United States activities in Haiti.

SEC. 1010. REPORT ON RELIGIOUS MINORITY COMMUNITIES IN THE MIDDLE EAST.

(a) **INITIATIVE AUTHORIZED.**—The Secretary of State is authorized to undertake a focused initiative to monitor the status of and provide specific policy recommendations to protect vulnerable religious minorities throughout the Middle East region.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the humanitarian conditions of religious minority communities in the Middle East and efficacy and obstacles to humanitarian assistance activities to help meet the basic needs of vulnerable persons affiliated with minority religions in the Middle East, and recommendations to mitigate adverse humanitarian circumstances facing such persons.

SEC. 1011. IRAN'S INFLUENCE IN THE WESTERN HEMISPHERE.

(a) **FINDINGS.**—Congress finds the following:
(1) The 2008 Country Report on Terrorism states that "Iran and Venezuela continued weekly flights connecting Tehran and Damascus with Caracas. Passengers on these flights were reportedly subject to only cursory immigration and customs controls at Simon Bolivar International Airport in Caracas."

(2) The Governments of Venezuela and Iran have forged a close relationship.

(3) Iran has sought to strengthen ties with several countries in the Western Hemisphere in order to undermine United States foreign policy.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that includes actions taken by the Government of Iran and Hezbollah in the Western Hemisphere. A classified annex may be included, if necessary.

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1101. BILATERAL COMMISSION WITH NIGERIA.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that not later than 180 days after the date of the enactment of this Act, the President should establish a bilateral commission between the United States and Nigeria to support bilateral cooperation in the areas of—

(1) trade and development;
(2) economic integration;
(3) infrastructure planning, finance, development, and management;
(4) budget reform and public finance management;

(5) higher education, including applied research;

(6) energy;
(7) peace and security reform;
(8) rule of law;

(9) anti-corruption efforts, establishment of greater transparency, and electoral reform; and

(10) monitoring whether bilateral efforts undertaken between respective Federal, State, and local governments are achieving the goals set

forth by the Governments of the United States and Nigeria.

(b) **BILATERAL COMMISSION.**—

(1) **COMPOSITION.**—If the President establishes the bilateral commission referred to in subsection (a), the commission should have an equal number of members representing the United States and Nigeria and appointed by the respective Presidents of each country. Members should include representatives of Federal, State, and local governments, the private sector, and civil society organizations.

(2) **FUNCTIONS.**—The commission should—

(A) work to establish a bilateral process that establishes the mission, goals, and objectives of a bilateral partnership and establish guidelines for accountability and rules to measure the effectiveness for any initiatives undertaken;

(B) monitor bilateral technical assistance and capacity building projects that are consistent with and further the mission, goals, and objectives established by the commission; and

(C) submit to the United States President, the United States Congress, the Nigerian President, and the Nigerian National Assembly a report on the amount of progress achieved on projects undertaken by the two governments to achieve bilaterally determined goals established by the commission.

(3) **MONITORING OF PROJECTS.**—The commission should select and monitor specific projects that involve an exchange of personnel between the Governments of the United States and Nigeria to determine whether technical assistance and capacity building are being used effectively and whether mutual benefit is being gained through the implementation of such bilateral projects.

(4) **REVIEW AND REPORT.**—The Secretary of State should review the work of the commission and annually submit to the President and Congress a report on whether progress has been made to meet the goals set forth by the commission and whether bilateral efforts have served the interest of United States and Nigerian bilateral relations.

(5) **UNITED STATES CONTRIBUTIONS.**—United States contributions to support the Commission should be financed through existing resources.

SEC. 1102. AUTHORITIES RELATING TO THE SOUTHERN AFRICA ENTERPRISE DEVELOPMENT FUND.

(a) **USE OF PRIVATE VENTURE CAPITAL.**—

(1) **IN GENERAL.**—In order to maximize the effectiveness of the activities of the Southern Africa Enterprise Development Fund, the Fund may conduct public offerings or private placements for the purpose of soliciting and accepting private venture capital which may be used, separately or together with funds made available from the United States Government, for any lawful investment purpose that the Board of Directors of the Fund may determine in carrying out the activities of the Fund.

(2) **DISTRIBUTION OF FINANCIAL RETURNS.**—Financial returns on Fund investments that include a component of private venture capital may be distributed, at such times and in such amounts as the Board of Directors of the Fund may determine, to the investors of such capital.

(b) **NONAPPLICABILITY OF OTHER LAWS.**—

(1) **IN GENERAL.**—Funds made available from the United States Government to the Fund may be used for the purposes of the agreement between the United States Government and the Fund notwithstanding any other provision of law.

(2) **SUPPORT FROM FEDERAL DEPARTMENTS AND AGENCIES.**—The heads of Federal departments and agencies may conduct programs and activities and provide services in support of the activities of the Fund notwithstanding any other provision of law.

(c) **DEFINITION.**—In this section, the term “Southern Africa Enterprise Development Fund” or “Fund” includes—

(1) any successor or related entity to the Southern Africa Enterprise Development Fund that is approved the United States Government; and

(2) any organization, corporation, limited-liability partnership, foundation, or other corporate structure that receives, or is authorized by the United States Government to manage, any or all of the remaining funds or assets of the Southern Africa Enterprise Development Fund.

SEC. 1103. DIABETES TREATMENT AND PREVENTION FOR SAFE WATER AND SANITATION FOR PACIFIC ISLAND COUNTRIES.

(a) **IN GENERAL.**—There is authorized to be appropriated \$500,000 for each of fiscal years 2010 and 2011 to establish a diabetes prevention and treatment program for Pacific Island countries and for safe water and sanitation.

(b) **PACIFIC ISLAND COUNTRIES DEFINED.**—In this section, the term “Pacific Island countries” means Fiji, Kiribati, the Marshall Islands, the Federated States of Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

SEC. 1104. STATELESSNESS.

(a) **PURPOSE.**—It is the purpose of this section to increase global stability and security for the United States and the international community and decrease trafficking and discrimination by reducing the number of individuals who are de jure or de facto stateless and as a consequence are unable to avail themselves of their right to a nationality and its concomitant rights and obligations and are excluded from full participation in civil society.

(b) **FINDINGS.**—Congress finds the following:

(1) The right to a nationality is a foundation of human rights, and a deterrent to displacement and disaffection. The State is the primary vehicle through which individuals are guaranteed their inalienable rights and are made subject to the rule of law. Regional stability and security are undermined when individuals cannot avail themselves of their right to a nationality and its concomitant rights and obligations and are excluded from full participation in civil society.

(2) The right to a nationality and citizenship is therefore specifically protect in international declarations and treaties, including Article 15 of the Universal Declaration of Human Rights, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, Article 24 of the International Covenant on Civil and Political Rights, and Article 9(2) of the Convention on the Elimination of Discrimination Against Women.

(3) In the 21st century, the adverse effects of de jure or de facto statelessness still impact at least an estimated 11,000,000 million people worldwide, who are unable to avail themselves of the rights of free people everywhere to an effective nationality, to the rights to legal residence, to travel, to work in the formal economy or professions, to attend school, to access basic health services, to purchase or own property, to vote, or to hold elected office, and to enjoy the protection and security of a country.

(c) **THE UNITED NATIONS.**—

(1) **POLICY.**—It shall be the policy of the United States that the President and the Permanent Representative of the United States to the United Nations work with the international community to increase political and financial support for the work of the United Nations High Commissioner for Refugees (UNHCR) to prevent and resolve problems related to de jure and de facto statelessness, and to promote the rights of the de jure or de facto stateless, by taking these and other actions:

(A) Increasing the attention of the United Nations and the UNHCR to de jure and de facto

statelessness and increasing its capacity to reduce statelessness around the world by coordinating the mainstreaming of de jure and de facto statelessness into all of the United Nations human rights work, in cooperation with all relevant United Nations agencies.

(B) Urging United Nations country teams in countries with significant de jure or de facto stateless populations to devote increasing attention and resources to undertake coordinated efforts by all United Nations offices, funds, and programs to bring about the full registration and documentation of all persons resident in the territory of each country, either as citizens or as individuals in need of international protection.

(C) Urging the creation of an Inter-Agency Task Force on Statelessness with representation from the UNHCR, the United Nations Children's Fund (UNICEF), and other relevant United Nations agencies that will coordinate to increase agency awareness and information exchange on de jure and de facto statelessness to ensure a consistent and comprehensive approach to the identification of stateless groups and individuals and resolution of their status.

(D) Urging that nationality and de jure and de facto statelessness issues are addressed in all country reviews conducted by United Nations treaty bodies and relevant special mechanisms engaged in country visits, and pursuing creation of a standing mechanism within the United Nations to complement the work of the UNHCR in addressing issues of de jure and de facto statelessness that give rise to urgent human rights or security concerns.

(E) Urging the UNHCR to include nationality and statelessness in all country-specific and thematic monitoring, reporting, training, and protection activities, and across special procedures, and to designate at least one human rights officer to monitor, report, and coordinate the office's advocacy on nationality and de jure and de facto statelessness.

(F) Urging the United Nations to ensure that its work on trafficking includes measures to restore secure citizenship to trafficked women and girls, and to work with Member States to guarantee that national legislation gives women full and equal rights regarding citizenship.

(G) Urging the United Nations to increase its capacity to respond to the needs of de jure or de facto stateless individuals, particularly children, and to strengthen and expand the United Nations protection and assistance activities, particularly in field operations, to better respond to the wide range of protection and assistance needs of de jure or de facto stateless individuals.

(H) Urging the UNICEF to increase its efforts to encourage all Member States of the United Nations to permit full and easy access to birth registration for all children born in their territories, particularly in Member States in which there are displaced populations, and work with the UNHCR and Member States to ensure the issuance of birth certificates to all children born to refugees and displaced persons.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2010 and 2011 to be made available to improve the UNHCR's assistance to de jure or de facto stateless individuals. Such funds may be used to—

(A) protect the rights, meet emergency humanitarian needs, and provide assistance to de jure or de facto stateless groups and individuals;

(B) provide additional resources to—

(i) increase the number of protection officers;

(ii) increase the number of professional staff in the statelessness unit; and

(iii) train protection officers and United Nations country teams in the field to identify, reduce, protect, and prevent de jure and de facto statelessness;

(C) improve identification of *de jure* or *de facto* stateless groups and individuals by carrying out a comprehensive annual study of the scope of *de jure* and *de facto* statelessness worldwide, including causes of *de jure* and *de facto* statelessness and dissemination of best practices for remedying *de jure* and *de facto* statelessness; and

(D) increase the United Nations educational and technical assistance programs to prevent *de jure* and *de facto* statelessness, including outreach to Member States and their legislatures, with particular emphasis on those countries determined to have protracted *de jure* or *de facto* statelessness situations.

(3) AUTHORIZATION OF APPROPRIATIONS TO THE UNICEF.—There is authorized to be appropriated \$3,000,000 for each of fiscal years 2010 and 2011 to augment to the UNICEF's ability to aid countries with significant *de jure* or *de facto* stateless populations to bring about the full registration of all children born to *de jure* or *de facto* stateless parents.

(d) THE UNITED STATES.—

(1) FOREIGN POLICY.—Given the importance of obtaining and preserving nationality and the protection of a government, and of preventing the exploitation or trafficking of *de jure* or *de facto* stateless groups or individuals, the President shall make the prevention and reduction of *de jure* or *de facto* statelessness an important goal of United States foreign policy and human rights efforts. Such efforts shall include—

(A) calling upon host countries to protect and assume responsibility for *de jure* or *de facto* stateless groups or individuals;

(B) working with countries of origin to facilitate the resolution of problems faced by *de jure* or *de facto* stateless groups or individuals;

(C) working with countries of origin and host countries to facilitate the resolution of disputes and conflicts that cause or result in the creation of *de jure* or *de facto* statelessness;

(D) encouraging host countries to afford *de jure* or *de facto* stateless groups or individuals the full protection of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and all relevant international conventions;

(E) directing the Secretary of State to provide assistance to countries to prevent and resolve situations of *de jure* or *de facto* statelessness and to prevent the trafficking or exploitation of *de jure* or *de facto* stateless individuals;

(F) directing the Office of Trafficking in Persons of the Department of State to continue to document and analyze the effects of statelessness on trafficking in persons, both as a cause of trafficking and as an obstacle to reaching and assisting trafficked persons; and

(G) encouraging and facilitating the work of nongovernmental organizations in the United States and abroad that provide legal and humanitarian support to *de jure* or *de facto* stateless groups or individuals, to increase the access of *de jure* or *de facto* stateless groups or individuals to such organizations, and to encourage other governments to provide similar support and access.

(2) UNITED STATES ACTIVITIES.—

(A) IN GENERAL.—Given the importance of preventing new instances of *de jure* or *de facto* statelessness and the trafficking of *de jure* or *de facto* stateless individuals, and of protecting the human rights of *de jure* or *de facto* stateless individuals, the President shall submit to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate a report that includes the following:

(i) A list of countries and territories with significant *de jure* or *de facto* stateless populations under their jurisdictions and the conditions and

consequences of such *de jure* or *de facto* statelessness of such individuals.

(ii) United States international efforts to prevent further *de jure* or *de facto* statelessness and encourage the granting of full legal protection of the human rights of *de jure* or *de facto* stateless individuals.

(B) STATEMENT OF POLICY.—It shall be the policy of the United States to comply with the principles and provisions of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to the fullest extent possible and to encourage other countries to do so as well.

(C) ACTIONS BY SECRETARY OF STATE.—

(i) INCREASE IN RESOURCES AND STAFF.—The Secretary of State shall permanently increase in the Bureau of Population, Refugees, and Migration in the Department of State the resources dedicated to and staff assigned to work toward the prevention and resolution of *de jure* and *de facto* statelessness and the protection of *de jure* or *de facto* stateless individuals.

(ii) COORDINATION.—To coordinate United States policies toward combating *de jure* and *de facto* statelessness, the Secretary of State shall establish an Interagency Working Group to Combat Statelessness. This working group should include representatives of the Bureau of Population, Refugees and Migration, the Bureau of International Organizations, the Bureau of Democracy, Human Rights and Labor, the Office of Trafficking in Persons of the Department of State, and the United States Agency for International Development, as well as representatives from relevant offices of the Department of Justice and relevant offices of the Department of Homeland Security.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

SEC. 1105. STATEMENT OF POLICY REGARDING THE ECUMENICAL PATRIARCHATE.

It shall be the policy of the United States to urge Turkey to—

(1) respect property rights and religious rights of the Ecumenical Patriarch;

(2) grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession; and

(3) grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals.

SEC. 1106. LIMITATION ON ASSISTANCE FOR WEATHER COOPERATION ACTIVITIES TO COUNTRIES IN THE AMERICAS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate international cooperation on hurricane preparedness because—

(1) hundreds of millions of people in the Americas live in coastal communities and are susceptible to the immense risks posed by hurricanes;

(2) the need for hurricane tracking overflights and other weather cooperation activities to track and monitor hurricanes in the Americas is acute; and

(3) accurate hurricane forecasts can help prevent the loss of life and injury and reduce property loss and economic disruption.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall transmit to the appropriate congressional committees a report on the status of United States cooperation with other countries in the Americas on hurricane preparedness and other weather cooperation activities.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) a list of countries in the Americas that do not cooperate with the United States on hurricane preparedness and other weather cooperation activities; and

(B) the status of any negotiations regarding hurricane preparedness and other weather cooperation activities between the United States and countries listed in subparagraph (A).

(c) LIMITATION ON ASSISTANCE.—The Secretary of State may not provide assistance for weather cooperation activities to countries listed in the report under subsection (b)(2)(A).

(d) WAIVER.—The Secretary of State may waive the limitation on assistance requirements under subsection (c) if the Secretary of State certifies to the appropriate congressional committees that the waiver is in the national interest of the United States.

SEC. 1107. STATEMENT OF CONGRESS REGARDING AFGHAN WOMEN.

Congress—

(1) supports the decision by President Hamid Karzai of Afghanistan to submit for review the Shi'ite Personal Status Law and strongly urges him not to publish such law on the grounds that such law violates the basic human rights of women and is inconsistent with the Constitution of Afghanistan;

(2) urges President Karzai, the Ministry of Justice, and other parties involved in reviewing the law to formally declare as unconstitutional the provisions of such law regarding marital rape and restrictions on women's freedom of movement;

(3) reiterates its strong sense that the provisions in such law which restrict the rights of women should be removed, and that an amended draft of the Shi'ite Personal Status Law should be submitted for parliamentary review;

(4) encourages the Secretary of State, the Special Representative for Afghanistan and Pakistan, the Ambassador-at-Large for Global Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that such rights are not being eroded through unjust laws, policies, or institutions; and

(5) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry for Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.

SEC. 1108. GLOBAL PEACE OPERATIONS INITIATIVE PROGRAMS AND ACTIVITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Over 100,000 military and civilian personnel are engaged in 18 United Nations peacekeeping operations around the world. Peacekeeping operations are critical to maintaining a peaceful and stable international environment.

(2) The United States has a vital interest in ensuring that United Nations peacekeeping operations are successful. Countries undergoing conflict threaten the national and economic security of the United States, risk becoming safe havens for terrorist organizations, and often feature levels of human rights abuses and human deprivation that are an affront to the values of the American people.

(3) Over the years, United Nations peacekeeping has evolved to meet the demands of different conflicts and a changing political landscape. Today's peacekeeping mission is most often "multidimensional" and includes a wide variety of complex tasks such as civilian protection, helping to build sustainable institutions of governance, human rights monitoring, security sector reform, facilitating delivery of humanitarian relief and disarmament, demobilization and reintegration of former combatants.

(4) United Nations peacekeeping operations allow the United States to respond to global crises within a multilateral framework with costs shared among nations. A 2007 Government Accountability Office report found that in general a United States peacekeeping operation is likely to be “much more expensive” than a United Nations peacekeeping operation, regardless of location.

(5) In many missions due to vast swaths of terrain and limited infrastructure, ongoing low-intensity fighting, and the presence of “peace spoilers”, United Nations peacekeepers cannot carry out the complex tasks with which they are charged without critical enablers, and in particular air assets.

(6) The United Nations Secretary-General has repeatedly noted the deleterious impact of insufficient helicopters for peacekeeping missions in Darfur and the Democratic Republic of the Congo. History has shown that under-resourced peacekeeping troops are not only unable to carry out their mandates, they erode the credibility of the United Nations and are themselves likely to come under attack.

(7) Senate Resolution 432 and House Resolution 1351 of the 110th Congress—

(A) urged members of the international community, including the United States, that possessed the capability to provide tactical and utility helicopters needed for the United Nations-African Union Mission in Darfur (UNAMID) to do so as soon as possible; and

(B) urged the President to intervene personally by contacting other heads of state and asking them to contribute the aircraft and crews to the Darfur mission.

(8) The current framework of relying on member countries to provide air assets on a volunteer basis has not yielded sufficient results. The United Nations still faces a shortfall of over 50 helicopters for UNAMID, the Democratic Republic of Congo (MONUC), and the Republic of Chad (MINURCAT). A review of trend lines suggests that any new United Nations peacekeeping missions authorized within the next five to seven years would face similar shortfalls.

(9) Numerous studies and reports have determined that there is no global shortage of air assets. It is inexcusable to allow authorized United Nations peacekeeping missions to founder for the lack of critical mobility capabilities.

(b) PURPOSE.—The purpose of assistance authorized by this section is to help protect civilians by training and equipping peacekeepers worldwide, to include financing the refurbishment of helicopters.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary of State is authorized to use amounts authorized to be appropriated to carry out this section to provide funding to carry out and expand Global Peace Operations Initiative programs and activities. Such programs and activities shall include—

(A) training and equipping peacekeepers worldwide, with a particular focus on Africa;

(B) enhancing the capacity of regional and sub-regional organizations to plan, train for, manage, conduct, sustain and obtain lessons-learned from peace support operations;

(C) carrying out a clearinghouse function to exchange information and coordinate G-8 efforts to enhance peace operations;

(D) providing transportation and logistics support for deploying peacekeepers;

(E) developing a cached equipment program to procure and warehouse equipment for use in peace operations globally;

(F) providing support to the international Center of Excellence for Stability Police Units (COESPU) in Italy to increase the capabilities and interoperability of stability police to participate in peace operations;

(G) conducting sustainment and self-sufficiency activities in support of the objectives de-

scribed in subparagraphs (A) through (F) with a focus on assisting partners to sustain proficiencies gained in training programs; and

(H) financing the refurbishment of helicopters in preparation for their deployment to United Nations peacekeeping operations or to regional peacekeeping operations which have been approved by the United Nations Security Council.

(2) SENSE OF CONGRESS.—It is the sense of Congress that failure on the part of the international community to take all steps necessary to deploy and maintain fully capacitated United Nations peacekeeping operations will result in continued loss of life and human suffering. Therefore, in carrying out this section, the Secretary of State should prioritize the refurbishment of helicopters with a goal of participating in the financing of no fewer than three helicopter refurbishments by the end of fiscal year 2011.

(3) SUPPORT FROM OTHER COUNTRIES.—In providing funding under paragraph (1), the Secretary of State shall to the greatest extent possible seek to leverage such funding with financing from other countries.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of the United States Government to carry out the provisions of this section.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a description of the Global Peace Operations Initiative programs and activities undertaken, by country;

(B) a description of the funds obligated and expended in each country, by program and fiscal year;

(C) a description of the coordination of these efforts within the United States Government interagency process and with other nations along with any recommendations for improvements;

(D) a description of the GPOI's activities concerning the refurbishment of air assets for United Nations peacekeeping operations and regional peacekeeping operations that have been approved by the United Nations Security Council;

(E) data measuring the quality of the training and proficiency of the trainees program-wide;

(F) data on the training and deployment activities of graduates of the international Center of Excellence for Stability Police Units (COESPU) in their home countries;

(G) a description of vetting activities for all GPOI training to ensure that all individuals in composite units are vetted for human rights violations;

(H) data measuring the timeliness of equipment delivery and recommendations for improvement as appropriate; and

(I) description of how GPOI trainees and GPOI-provided equipment contribute to improved civilian protection in peace operations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

(f) DEFINITION.—In this section, the term “Global Peace Operations Initiative” or “GPOI” means the program established by the Department of State to address major gaps in international peace operations support, including by building and maintaining capability, capacity, and effectiveness of peace operations.

SEC. 1109. FREEDOM OF THE PRESS.

(a) SHORT TITLE.—This section may be cited as the “Daniel Pearl Freedom of the Press Act of 2009”.

(b) INCLUSION OF ADDITIONAL INFORMATION RELATING TO FREEDOM OF THE PRESS WORLD-

WIDE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d)), as amended by section 333(c) of this Act—

(A) in paragraph (11), by striking “and” at the end; and

(B) in paragraph (12), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(13) wherever applicable—

“(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

“(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

“(C) in countries where there are particularly severe violations of freedom of the press—

“(i) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

“(ii) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

“(i) The report required by subsection (b) shall include, wherever applicable—

“(1) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

“(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

“(3) in countries where there are particularly severe violations of freedom of the press—

“(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

“(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.”.

(c) FREEDOM OF THE PRESS GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall administer a grant program with the aim of promoting freedom of the press worldwide. The grant program shall be administered by the Department of State's Bureau of Democracy, Human Rights and Labor in consultation with the Undersecretary for Public Affairs and Public Diplomacy.

(2) AMOUNTS AND TIME.—Grants may be awarded to nonprofit and international organizations and may span multiple years, up to five years.

(3) PURPOSE.—Grant proposals should promote and broaden press freedoms by strengthening the independence of journalists and media organizations, promoting a legal framework for freedom of the press, or through providing regionally and culturally relevant training and

professionalization of skills to meet international standards in both traditional and digital media.

(d) **MEDIA ORGANIZATION DEFINED.**—In this section, the term “media organization” means a group or organization that gathers and disseminates news and information to the public (through any medium of mass communication) in a foreign country in which the group or organization is located, except that the term does not include a group or organization that is primarily an agency or instrumentality of the government of such foreign country. The term includes an individual who is an agent or employee of such group or organization who acts within the scope of such agency or employment.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1110. INFORMATION FOR COUNTRY COMMERCIAL GUIDES ON BUSINESS AND INVESTMENT CLIMATES.

(a) **IN GENERAL.**—The Director General of the Foreign Commercial Service, in consultation with the Assistant Secretary of Commerce for Trade Promotion and the Assistant Secretary of State for Economic, Energy and Business Affairs, should ensure that the annual Country Commercial Guides for United States businesses include—

(1) detailed assessments concerning each foreign country in which acts of unfair business and investment practices or other actions that have resulted in poor business and investment climates were, in the opinion of the Director General of the Foreign Commercial Service, of major significance;

(2) all relevant information about such unfair business and investment practices or other actions during the preceding year by members of the business community, the judiciary, and the government of such country which may have impeded United States business or investment in such country, including the capacity for United States citizens to operate their businesses without fear of reprisals; and

(3) information on—

(A) the extent to which the government of such country is working to prevent unfair business and investment practices; and

(B) the extent of United States Government action to prevent unfair business and investment practices or other actions that harm United States business or investment interests in relevant cases in such country.

(b) **ADDITIONAL PROVISIONS TO BE INCLUDED.**—The information required under subsection (a) should, to the extent feasible, include—

(1) with respect to paragraph (1) of such subsection—

(A) a review of the efforts undertaken by each foreign country to promote a healthy business and investment climate that is also conducive to the United States business community and United States investors, including, as appropriate, steps taken in international fora;

(B) the response of the judicial and local arbitration systems of each such country that is the subject of such detailed assessment with respect to matters relating to the business and investment climates affecting United States citizens and entities, or that have, in the opinion of the Director General of the Foreign Commercial Service, a significant impact on United States business and investment efforts; and

(C) each such country’s access to the United States market;

(2) with respect to paragraph (2) of such subsection—

(A) any actions undertaken by the government of each foreign country that prevent United States citizens and businesses from receiving equitable treatment;

(B) actions taken by private businesses and citizens of each such country against members of the United States business community and United States investors;

(C) unfair decisions rendered by the legal systems of each such country that clearly benefit State and local corporations and industries; and

(D) unfair decisions rendered by local arbitration panels of each such country that do not exemplify objectivity and do not provide an equitable ground for United States citizens and businesses to address their disputes; and

(3) with respect to paragraph (3) of such subsection, actions taken by the United States Government to—

(A) promote the rule of law;

(B) prevent discriminatory treatment of United States citizens and businesses engaged in business or investment activities in each foreign country;

(C) allow United States goods to enter each such country without requiring a co-production agreement; and

(D) protect United States intellectual property rights.

(c) **CONSULTATION.**—In carrying out this section, the Director General of the Foreign Commercial Service shall consult with business leaders, union leaders, representatives of the judicial system of each foreign country described in subsection (a), and relevant nongovernmental organizations.

(d) **BUSINESS AND INVESTMENT CLIMATE WARNINGS.**—The Secretary of State, with the assistance of the Assistant Secretary of State for Economic, Energy and Business Affairs, as well as the Assistant Secretary of Commerce for Trade Promotion and the Director General of the Foreign Commercial Service, shall establish a warning system that effectively alerts United States businesses and investors of—

(1) a significant deterioration in the business and investment climate in a foreign country, including discriminatory treatment of United States businesses; or

(2) a significant constraint on the ability of the United States Government to assist United States businesses and investors in a foreign country, such as to the closure of a United States diplomatic or consular mission, that is not explained in the most recent Country Commercial Guide for such country.

(e) **DEFINITIONS.**—In this section:

(1) **CO-PRODUCTION AGREEMENT.**—The term “co-production agreement” means a United States Government or United States business working with a foreign government, foreign company, or an international organization to produce or manufacture an item.

(2) **RULE OF LAW.**—The term “rule of law” means the extent to which laws of a foreign country are publicly promulgated, equally enforced, independently adjudicated, and are consistent with international norms and standards.

(3) **UNFAIR BUSINESS AND INVESTMENT PRACTICES.**—The term “unfair business and investment practices” includes any of the following:

(A) Unlawful actions under international law or the law of the foreign country taken by the government of such country or by businesses, citizens, or other entities of such country that have resulted in lost assets, contracts, or otherwise contributed to an inhospitable business or investment climate.

(B) Discriminatory treatment of United States businesses, whether wholly or partially owned.

(C) Failure to protect intellectual property rights.

(D) Requiring a co-production agreement in order for goods from the United States to enter a foreign country.

SEC. 1111. INTERNATIONAL PROTECTION OF GIRLS BY PREVENTING CHILD MARRIAGE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) child marriage is a violation of human rights and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

(b) **STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.**—

(1) **STRATEGY REQUIRED.**—The President, acting through the Secretary of State, shall establish a multi-year strategy to prevent child marriage in developing countries and promote the empowerment of girls at risk of child marriage in developing countries, including by addressing the unique needs, vulnerabilities, and potential of girls under 18 in developing countries.

(2) **CONSULTATION.**—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) **ELEMENTS.**—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage; and

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building.

(4) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report that includes—

(A) the strategy required by paragraph (1);

(B) an assessment, including data disaggregated by age and gender to the extent possible, of current United States-funded efforts to specifically assist girls in developing countries; and

(C) examples of best practices or programs to prevent child marriage in developing countries that could be replicated.

(c) **RESEARCH AND DATA COLLECTION.**—The Secretary of State shall work with relevant Federal departments and agencies as part of their ongoing research and data collection activities, to—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

(d) **DEPARTMENT OF STATE’S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**—The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), as amended by section 1109(b)(2) of this Act, is further amended by adding at the end the following new subsection:

“(j) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”

(e) DEFINITION.—In this section, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident.

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 101 of this Act, there is authorized to be appropriated as such sums as necessary for fiscal years 2010 through 2011 to carry out this section and the amendments made by this section.

SEC. 1112. STATEMENT OF CONGRESS REGARDING RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO ARTIST DINA BABBITT.

(a) FINDINGS.—Congress finds the following:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen, has requested the return of watercolor portraits she painted while suffering a 1½-year-long internment at the Auschwitz death camp during World War II.

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele.

(3) Dina Babbitt’s life, and her mother’s life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.

(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is the rightful owner of the artwork, because the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.

(6) This continued injustice can be righted through cooperation between agencies of the United States and Poland.

(7) This issue was raised in the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

(b) STATEMENT OF CONGRESS.—Congress—

(1) continues to recognize the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a 1½-year-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

SEC. 1113. STATEMENT OF POLICY REGARDING SOMALIA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) advance long-term stability and peace in Somalia;

(2) provide assistance to the government of Somalia and nongovernmental organizations, including Somali-led nongovernmental organizations, and particularly women’s groups, as appropriate;

(3) support efforts to establish democratic civil authorities and institutions in Somalia that reflect local and traditional structures, built on the rule of law and respect for human rights, and strengthen the security sector; and

(4) support reconciliation efforts in Somalia in order to ensure lasting peace.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the Secretary of State, should develop a comprehensive policy in coordination with the international community and the government of Somalia that aligns humanitarian, development, economic, political, counterterrorism, anti-piracy, and regional strategies in order to bring about peace and stability in Somalia and the region.

Subtitle B—Sense of Congress Provisions

SEC. 1121. PROMOTING DEMOCRACY AND HUMAN RIGHTS IN BELARUS.

(a) FINDINGS.—Congress finds the following:

(1) Despite some modest improvements, notably the release of political prisoners, the Belarusian Government’s human rights and democracy record remains poor as governmental authorities continue to commit frequent serious abuses.

(2) Since 1996, President Alexander Lukashenka has consolidated his power over all institutions and undermined the rule of law through authoritarian means.

(3) Belarus restricts civil liberties, including freedoms of press, speech, assembly, association, and religion. Nongovernmental organizations and political parties are subject to harassment, fines, prosecution, and closure. The Belarusian Government maintains a virtual monopoly over the country’s information space.

(b) POLICY.—It is the policy of the United States to—

(1) support the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

(2) support the aspirations of the people of Belarus to preserve the independence and sovereignty of their country;

(3) seek and support the growth of democratic movements and institutions in Belarus as well as the development of a democratic political culture and civil society;

(4) seek and support the growth of an open market economy in Belarus through the development of entrepreneurship and protection of property rights; and

(5) remain open to re-evaluating United States policy toward Belarus, including existing sanctions, as warranted by demonstrable democratic and human rights progress made by the Belarusian Government.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should furnish assistance to Belarus to the support democratic processes in that country, including—

(A) expanding and facilitating the development of independent print, radio, television, and internet broadcasting to and within Belarus;

(B) aiding the development of civil society through assistance to nongovernmental organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

(C) supporting the work of human rights defenders;

(D) enhancing the development of democratic political parties;

(E) assisting the promotion of free, fair, and transparent electoral processes;

(F) enhancing international exchanges, including youth and student exchanges, as well as advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(G) supporting educational initiatives such as the European Humanities University, a Belarusian university in exile based in Vilnius, Lithuania; and

(2) the United States should support radio, television, and internet broadcasting to the people of Belarus in languages spoken in Belarus, including broadcasting by Radio Free Europe/Radio Liberty, European Radio for Belarus, and Belsat.

SEC. 1122. SENSE OF CONGRESS ON THE HUMANITARIAN SITUATION IN SRI LANKA.

It is the sense of Congress that—

(1) both the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka must abide by their commitments to respect human life and cease offensive operations;

(2) the United States Government remains deeply concerned about the current danger to civilian lives and the dire humanitarian situation created by the fighting in the Mullaittivu area in Sri Lanka;

(3) the United States should call upon the Government and military of Sri Lanka and the LTTE to allow a humanitarian pause sufficient for the tens of thousands of civilians in the conflict area to escape the fighting;

(4) both sides must respect the right of free movement of those civilian men, women and children trapped by the fighting;

(5) the LTTE must immediately allow civilians to depart;

(6) the LTTE should then lay down their arms to a neutral third party;

(7) the Government of Sri Lanka should allow the United Nations High Commission for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) access to all sites where newly arrived displaced persons are being registered or being provided shelter, as well as to implement established international humanitarian standards in the camps for internally displaced persons;

(8) a durable and lasting peace will only be achieved through a political solution that addresses the legitimate aspirations of all Sri Lankan communities; and

(9) the Government of Sri Lanka should put forward a timely and credible proposal to engage its Tamil community who do not espouse violence or terrorism, and to develop power sharing arrangements so that lasting peace and reconciliation can be achieved.

SEC. 1123. WEST PAPUA.

(a) FINDINGS.—Congress finds the following:

(1) West Papua was a former Dutch colony just as East Timor was a former Portuguese colony just as Indonesia was a former colony of the Netherlands.

(2) In 1949, the Dutch granted independence to Indonesia and retained West Papua.

(3) In 1950, the Dutch prepared West Papua for independence.

(4) However, Indonesia, upon achieving independence, demanded the entire archipelago including the Dutch holding of West Papua and the Portuguese controlled territory of East Timor.

(5) In 1962, the United States mediated an agreement between the Dutch and Indonesia. Under terms of the agreement, the Dutch were to leave West Papua and transfer sovereignty to the United Nations after which time a national election would be held to determine West

Papua's political status. But almost immediately after this agreement was reached, Indonesia violated the terms of the transfer and took over the administration of West Papua from the United Nations.

(6) Indonesia then orchestrated an election that many regarded as a brutal military operation. In what became known as an "act of no-choice", 1,025 West Papua elders under heavy military surveillance were selected to vote on behalf of more than 800,000 West Papuans on the territory's political status. The United Nations Representative sent to observe the election process produced a report which outlined various and serious violations of the United Nations Charter. In spite of the report and in spite of testimonials from the press, the opposition of fifteen countries, and the cries of help from the Papuans themselves, West Papua was handed over to Indonesia in November 1969.

(7) Since this time, the Papuans have suffered blatant human rights abuses including extrajudicial executions, imprisonment, torture, environmental degradation, natural resource exploitation and commercial dominance of immigrant communities and it is now estimated that more than 100,000 West Papuans and 200,000 East Timorese died as a direct result of Indonesian rule especially during the administrations of military dictators Sukarno and Suharto.

(8) Today, the violence continues. In its 2004 Country Reports on Human Rights Practices the Department of State reports that Indonesia "security force members murdered, tortured, raped, beat and arbitrarily detained civilians and members of separatist movements especially in Papua".

(9) In response to international pressure, Indonesia has promised to initiate Special Autonomy for West Papua.

(10) Considering that East Timor achieved independence from Indonesia in 2002 by way of a United Nations sanctioned referendum, Special Autonomy may be an effort to further disenfranchise a people who differ racially from the majority of Indonesians.

(11) West Papuans are Melanesian and believed to be of African descent.

(b) **REPORTS.—**

(1) **SECRETARY OF STATE.—**For fiscal year 2010, the Secretary of State shall submit to the appropriate congressional committees a report on the 1969 Act of Free Choice, the current political status of West Papua, and the extent to which the Government of Indonesia has implemented and included the leadership and the people of West Papua in the development and administration of Special Autonomy.

(2) **PRESIDENT.—**For each of fiscal years 2010 and 2011, the President shall transmit to the appropriate congressional committees a report that contains a description of the extent to which the Government of Indonesia has certified that it has halted human rights abuses in West Papua.

SEC. 1124. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS AND KAZAKHSTAN'S COMMITMENT TO NONPROLIFERATION.

(a) **FINDINGS.—**Congress finds the following:

(1) In 1991, immediately after achieving independence, Kazakhstan closed and sealed the world's second largest nuclear test site in Semipalatinsk which had been inherited from the former Soviet Union and at which more than 500 nuclear tests had been conducted from 1949 to 1991.

(2) The cumulative power of explosions from those tests, conducted above ground, on the ground, and underground is believed to be equal to the power of 20,000 explosions of the type of bomb dropped on Hiroshima, Japan, in 1945.

(3) More than 1,500,000 people in Kazakhstan suffered because of decades of Soviet nuclear weapons testing in the region.

(4) A horrifying array of disease will continue to destroy the lives of hundreds of thousands

and their descendants for many generations to come as a result of these tests.

(5) Since its independence, Kazakhstan has constructed a stable and peaceful state, voluntarily disarmed the world's fourth largest nuclear arsenal, joined the Strategic Arms Reduction Treaty (START), and within the frameworks of the Cooperative Threat Reduction program the government of Kazakhstan, in cooperation with the United States Government, conducted a very successful secret operation, code-named Project Sapphire, as a result of which 581 kilograms (1,278 pounds) of highly enriched uranium enough to produce 20–25 nuclear warheads were removed from Kazakhstan.

(6) Because of the successful cooperation between the Governments of the United States and Kazakhstan, the last lethal weapon was removed from Kazakhstan in April 1995.

(7) Kazakhstan, allegiant to its commitment to nonproliferation, in December 2004 signed with the United States an amendment to the bilateral agreement on the nonproliferation of weapons of mass destruction which will move the two nations towards a new level of cooperation in preventing the threat of bio-terrorism.

(8) By its actions, Kazakhstan has proven itself not only as a universally recognized leader and one of the key members in the nonproliferation process, but also as a reliable and consistent ally of the United States in reducing nuclear threats and preventing lethal weapons from being acquired by terrorist organizations such as Al-Qaeda.

(9) Recently Kazakhstan has also offered to host an international nuclear fuel bank where low-enriched uranium would be stored in accordance with the highest international standards for safety, security, and safeguards.

(10) The Norwegian Defence Research Establishment is also working with Kazakhstan to strengthen nuclear security and nonproliferation.

(b) **SENSE OF CONGRESS.—**It is the sense of Congress that—

(1) the people of Kazakhstan and its Government should be congratulated for their commitment to nonproliferation and their leadership in offering to host an international nuclear fuel bank; and

(2) the Secretary of State should work to establish a joint working group with the Governments of Kazakhstan and Norway to explore common challenges and opportunities on disarmament and non-proliferation, and to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in Semipalatinsk.

SEC. 1125. SENSE OF CONGRESS ON HOLOCAUST-ERA PROPERTY RESTITUTION AND COMPENSATION.

It is the sense of Congress that—

(1) countries in Central and Eastern Europe which have not already done so must return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation, in accordance with principles of justice and in an expeditious manner that is transparent and fair;

(2) countries in Central and Eastern Europe must enact and implement appropriate restitution and compensation legislation to facilitate private, communal, and religious property restitution; and

(3) countries in Central and Eastern Europe must ensure that such restitution and compensation legislation establishes a simple, transparent, and timely process, so that such process results in a real benefit to those individuals who suffered from the unjust confiscation of their property.

SEC. 1126. EFFORTS TO SECURE THE FREEDOM OF GILAD SHALIT.

It is the sense of Congress that Israeli soldier Gilad Shalit, who has been held captive con-

tinuously since his illegal abduction by Gazan kidnappers in 2006, should be safely released at the earliest possible time and that, pending his release, the International Committee of the Red Cross should be granted full access to him, in accordance with international law and civilized values.

SEC. 1127. SENSE OF CONGRESS RELATING TO SUDAN.

It is the sense of Congress that—

(1) the United States should support efforts to find a stable and lasting peace in Sudan in the wake of a devastating conflict that led to a major humanitarian disaster and caused the deaths of hundreds of thousands, and continues to cause violence in Darfur and throughout Sudan;

(2) to achieve that peace, all parties must agree to uphold the Comprehensive Peace Agreement (CPA);

(3) international partners should aim to widen acceptance of the Darfur Peace Agreement by all stakeholders;

(4) the United States should support efforts to prepare for the national elections and for the referendum;

(5) the United States should support efforts to develop a coordinated international strategy to support the rebuilding of Sudan, with a particular focus on key CPA benchmarks including policy toward the Three Areas, transitional justice, which would include prosecuting perpetrators of war crimes, oil revenue sharing, the census, the return of displaced Darfuris and other peoples to their homeland, and management of the armed forces; and

(6) United States policy toward Darfur should be fully integrated with United States policy toward the CPA, as full and lasting resolution to the Darfur crisis hinges on the resolution of a common set of national problems.

SEC. 1128. SENSE OF CONGRESS ON RESTRICTIONS ON RELIGIOUS FREEDOM IN VIETNAM.

(a) **FINDINGS.—**Congress finds the following:

(1) The Secretary of State, under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) and authority delegated by the President, designates nations found guilty of "particularly severe violations of religious freedom" as "Countries of Particular Concern".

(2) In November 2006, the Secretary of State announced that the Socialist Republic of Vietnam was no longer designated as a "Country of Particular Concern".

(3) The Unified Buddhist Church of Vietnam (UBCV), the Hoa Hao Buddhists, and the Cao Dai groups continue to face unwarranted abuses because of their attempts to organize independently of the Government of Vietnam, including the detention and imprisonment of individual members of these religious communities.

(4) Over the last 3 years, 18 Hoa Hao Buddhists have been arrested for distributing sacred texts or publicly protesting the religious restrictions placed on them by the Government of Vietnam, at least 12 remain in prison, including 4 sentenced in 2007 for staging a peaceful hunger strike.

(5) At least 15 individuals are being detained in long term house arrest for reasons relating to their faith, including the most venerable Thich Quang Do and most of the leadership of the UBCV.

(6) According to Human Rights Watch, "In April 2008 Montagnard Christian Y Ben Hdok was beaten to death while in police custody in Dak Lak after other Montagnards in his district tried to flee to Cambodia to seek political asylum."

(7) According to the United States Commission on International Religious Freedom 2009 Annual Report, religious freedom advocates and human rights defenders Nguyen Van Dai, Le Thi Cong

Nhan, and Fr. Thaddeus Nguyen Van Ly are in prison under Article 88 of the Criminal Code of Vietnam and Fr. Nguyen Van Loi is being held without official detention orders under house arrest.

(8) In February 2009, as many as 11 Montagnard Protestants were detained for refusing to join the officially recognized Southern Evangelical Church of Vietnam, and 2 still remain in prison.

(9) Since August 2008, the Government of Vietnam has arrested and sentenced at least eight individuals and beaten, tear-gassed, harassed, publicly slandered, and threatened Catholics engaged in peaceful activities seeking the return of Catholic Church properties confiscated by the Vietnamese Government after 1954 in Hanoi, including in the Thai Ha parish.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should place Vietnam on the list of “Countries of Particular Concern” for particularly severe violations of religious freedom; and

(2) the Government of Vietnam should lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.

The CHAIR. No amendment to the committee amendment is in order except those printed in part C of House Report 111-143. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BERMAN

The CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 111-143.

Mr. BERMAN. Mr. Chairman, I have an amendment made in order by the rule and ask for its immediate consideration.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BERMAN:
Page 12, line 3, strike “\$100,000,000” and insert “\$105,500,000”.

Page 15, beginning line 20, strike “such sums as may be necessary” and insert “\$115,000,000”.

Page 17, line 12, insert “in” before “section”.

Page 43, line 12, strike “live” and insert “live and work, or study or volunteer.”.

In section 226, redesignate subsections (d) through (k) as subsection (e) through (l) and insert after subsection (c) the following:

(d) USE OF FUNDS.—Paragraph (2) of subsection (c) of section 207 of such Act is amended to read as follows:

“(2) USE OF FUNDS.—All or part of the amounts allotted for the Foundation under paragraph (1) may be transferred to the Foundation or to the appropriate Department of State appropriation for the purpose of carrying out or supporting the Foundation’s activities.”.

Page 60, beginning line 4, strike “a refugee or asylee spouse” and insert “a spouse of a refugee or of a person who has been granted asylum”.

Page 60, line 5, strike “biological” and insert “birth”.

Page 60, strike lines 8 through 20 and insert the following:

(d) ERMA ACCOUNT.—Section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended by striking “\$100,000,000” and inserting “\$200,000,000”.

Page 61, line 14, insert “, including children, as appropriate,” after “refugees”.

Page 61, line 18, strike “pilot”.

Page 64, line 2, strike “shall” and insert “should”.

Page 64, line 6, insert “during this refugee crisis” before the period.

Page 64, line 9, strike “the National Security Council,”.

Page 64, line 11, insert “the Department of Defense,” before “the United States”.

Page 65, line 2, strike “such” and insert “refugee”.

Page 65, line 11, strike “and” and insert “, the International Committee of the Red Cross,”.

Page 65, line 12, strike “such other” and insert “and other appropriate”.

Page 69, beginning line 8, strike “applicants and” and insert “applicants, including any effect such method may have on an interviewer’s ability to determine an applicant’s credibility and uncover fraud, and shall”.

Page 82, line 13, after “committees” insert “and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate”.

Page 110, after line 25, insert the following:
SEC. 305. INCREASING THE CAPACITY OF THE DEPARTMENT OF STATE TO RESPOND TO CRISES.

Paragraph (5) of section 1603 of the Reconstruction and Stabilization Civilian Management Act of 2008 (title XVI of Public Law 110-417) is amended to read as follows:

“(5) PERSONNEL DEFINED.—The term ‘personnel’ means—

“(A) individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch;

“(B) individuals employed by personal services contract, including those employed pursuant to section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)) and section 636(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(3)); and

“(C) individuals appointed under section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943).”.

Page 112, line 15, strike “equal to” and insert “up to”.

Page 112, line 19, strike “equal to” and insert “up to”.

Page 129, line 4, insert “and support for” after “cooperation with”.

Page 129, line 4, strike “government” and insert “government’s efforts”.

Page 131, line 24, strike “coordinate” and insert “assist in the coordination of”.

Page 133, line 19, strike “subparagraph (A) and (B)” and insert “this section”.

Page 133, beginning line 25, strike “of or trafficking in” and insert “or distribution of”.

Page 134, line 15, strike “of or trafficking in” and insert with “or distribution of”.

Page 145, after line 8, insert the following:

(e) RELATIONSHIP TO OTHER LAWS REGARDING ABORTION.—Nothing in this section, and in particular the duties of the office described in subsection (c), shall be construed as affecting in any way existing statutory prohibitions against abortion or existing

statutory prohibitions on the use of funds to engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

Page 145, line 9, strike “(e)” and insert “(f)”.

Page 145, after line 13, insert the following:
SEC. 335. FOREIGN SERVICE VICTIMS OF TERRORISM.

(a) ADDITIONAL DEATH GRATUITY.—Section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) In addition to a death gratuity payment under subsection (a), the Secretary or the head of the relevant United States Government agency is authorized to provide for payment to the surviving dependents of a Foreign Service employee or a Government executive branch employee, if such Foreign Service employee or Government executive branch employee is subject to the authority of the chief of mission pursuant to section 207, of an amount equal to a maximum of eight times the salary of such Foreign Service employee or Government executive branch employee if such Foreign Service employee or Government executive branch employee is killed as a result of an act of international terrorism. Such payment shall be accorded the same treatment as a payment made under subsection (a). For purposes of this subsection, the term ‘act of international terrorism’ has the meaning given such term in section 2331(1) of title 18, United States Code.”.

(b) CERTAIN SPECIFIC PAYMENTS.—Subject to the availability of appropriations specifically for the purpose specified in this subsection as provided in appropriations Acts enacted on or after October 1, 2007, and notwithstanding any other provision of law, the Secretary of State shall pay the maximum amount of payment under section 413(d) of the Foreign Service Act of 1980 (as amended by subsection a(2) of this section) to an individual described in such section 413(d) or to an individual who was otherwise serving at a United States diplomatic or consular mission abroad without a regular salary who was killed as a result of an act of international terrorism (as such term is defined in section 2331(1) of title 18, United States Code) that occurred between January 1, 1998, and the date of the enactment of this section, including the victims of the bombing of August 7, 1998, in Nairobi, Kenya. Such a payment shall be deemed to be a payment under section 413(d) of the Foreign Service Act of 1980, except that for purposes of this section, such payment shall, with respect to a United States citizen receiving payment under this section, be in an amount equal to ten times the salary specified in this section. For purposes of this section and section 413(d) of such Act, with respect to a United States citizen receiving payment under this section, the salary to be used for purposes of determining such payment shall be \$94,000.

Page 157, line 8, strike “State” and insert “State, in consultation with the Secretary of Energy,”.

Page 157, line 9, strike “Committee” and all that follows through “Senate” on line 11 and insert “appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate”.

Page 160, line 3, after “appropriate congressional committees” insert “and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate”.

Page 163, after line 2, insert the following:
SEC. 418. IMPLEMENTING AN INTERNATIONAL NUCLEAR FUEL BANK.

It is the sense of Congress that, not later than 120 after the date of the enactment of this Act, the Secretary of State should appoint a coordinator to help implement the International Nuclear Fuel Bank to ensure that countries have a supply of fuel for nuclear energy and do not have to enrich their own uranium.

Page 164, line 17, strike “200” and insert “125”.

Page 181, line 17, insert before the semicolon the following: “, and four year colleges and universities demonstrating an institutional commitment to increasing study abroad participation”.

Page 184, line 11, strike “majority leader” and insert “Speaker”.

Page 240, strike line 10 and all that follows through page 241, line 9 and insert the following:

(a) IN GENERAL.—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended to read as follows:

“(c) CRIMINAL PENALTIES FOR VIOLATIONS OF THIS SECTION AND SECTION 39.—Whoever willfully—

“(1) violates this section or section 39, or

“(2) in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading,

shall be fined not more than \$1,000,000 or imprisoned not more than 20 years, or both.”.

Page 242, after line 14, insert the following:
SEC. 832. REPORT ON CERTAIN ASPECTS OF UNITED STATES EXPORT CONTROLS.

Not later than 180 days after the date of the enactment of this Act, the President, taking into account the views of the relevant Federal departments and agencies, shall transmit to Congress a report on the plans of such departments and agencies to streamline United States export controls and processes to better serve the needs of the United States scientific and research community, consistent with the protection of United States national security interests.

Page 243, strike lines 19 through 23 and insert the following:

(d) FORMULATION AND EXECUTION OF ACTIVITIES.—

(1) COORDINATION WITH CERTAIN PROGRAMS.—To the extent that activities are carried out during a fiscal year pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163: 119 Stat. 3456), the Secretary of State shall coordinate with the Secretary of Defense on the formulation and execution of the program authorized under subsection (a) to ensure that the activities under this program complement the activities carried out pursuant to such section 1206.

(2) CONSULTATION.—The Secretary of State may also consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

Page 252, after line 11, insert the following:

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize appropriations for the Arrow Weapons System or David’s Sling weapons program under any provision of law that is funded from ac-

counts within budget function 050 (National Defense).

Page 264, beginning line 1, insert the following:

(3) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent practicable, and without compromising law enforcement sensitive or other protected information, the reports required by paragraph (1) should be made available to the Congress of Mexico for use in their oversight activities, including through the Mexico-United States Inter-Parliamentary Group process.

Page 264, beginning line 17, strike “develop a strategy for the Federal Government to improve” and insert “evaluate”.

Page 264, line 24, insert “and enforcement of current regulations” after “regulation”.

Page 265, strike lines 1 through 5 and insert the following:

(2) evaluate Federal policies, including enforcement policies, for control of exports of small arms and light weapons and, if warranted, suggest improvements that further the foreign policy and national security interests of the United States within the Western Hemisphere.

Strike section 912 and insert the following:

SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778), as amended by sections 831(a) of this Act, is further amended—

(1) in subsection (c), by striking “Whoever” and inserting “Subject to subsection (d), whoever;”; and

(2) by inserting after subsection (c) the following new subsection:

“(d) TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.—Whoever willfully exports to a country in the Western Hemisphere any small arm or light weapon without a license in violation of this section shall be fined not more than \$3,000,000 and imprisoned for not more than 20 years, or both. For purposes of this subsection, the term ‘small arm or light weapon’ means any item listed in Category I(a), Category III (as it applies to Category I(a)), or grenades under Category IV(a) of the United States Munitions List (as contained in part 121 of title 22, Code of Federal Regulations (or successor regulations)) that requires a license for international export under this section.”.

Page 267, strike lines 15 through 20.

Page 273, line 11, after the period insert the following: “The United States should urge the European Union, its member states, and the international community to call for an immediate and complete withdrawal of Russian troops deployed within Georgia in accordance with the August and September 2008 ceasefire agreements and for Russia to rescind its recognition of the independence of Abkhazia and South Ossetia.”.

Page 275, line 17, strike “Congress” and insert “the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate”.

Page 281, after line 14, insert the following:

SEC. 1012. RECRUITMENT AND HIRING OF VETERANS AT THE DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) FINDINGS.—Congress finds the following:

(1) Building a more expeditionary and capable Department of State and United States Agency for International Development re-

quires recruitment of personnel with experience working in unstable areas.

(2) Veterans of the Armed Forces have specialized experience gained from working under stressful circumstances in hostile, foreign environments or under difficult circumstances.

(3) The Foreign Service Act of 1980 states that “The fact that an applicant for appointment as a Foreign Service officer candidate is a veteran or disabled veteran shall be considered an affirmative factor in making such appointments.”.

(4) In 1998, Congress enacted the Veterans Employment Opportunities Act (VEOA), requiring that Federal agencies must allow preference eligibles and certain veterans to apply for positions announced under merit promotion procedures whenever an agency is recruiting from outside its own workforce.

(5) The annual report of the Office of Personnel Management on “The Employment of Veterans in the Federal Government” for fiscal year 2007, detailing the efforts by all agencies of the Federal Government to hire veterans, reported that 15.6 percent of all Department of State employees were veterans.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State and the United States Agency for International Development should intensify their efforts to recruit more veterans, that those applicants who are entitled to five or ten point veterans preference have also served in the Armed Forces in areas of instability with specialties such as civil affairs, law enforcement, and assignments where they regularly performed other nation-building activities, and that this experience should be an additional affirmative factor in making appointments to serve in the Foreign Service.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to Congress a report on the efforts of the Department of State and the United States Agency for International Development to improve the recruitment of veterans into their respective workforces.

Page 304, line 7, insert “contribute to peace and security and” before “help”.

Page 304, strike line 17 and all that follows through page 305, line 15, and insert the following:

(A) assist partner countries to establish and strengthen the institutional infrastructure required for such countries to achieve self-sufficiency in participating in peace support operations, including for the training of formed police units;

(B) train peacekeepers worldwide to increase global capacity to participate in peace support operations;

(C) provide transportation and logistics support to deploying peacekeepers as appropriate;

(D) enhance the capacity of regional and sub-regional organizations to train for, plan, deploy, manage, obtain, and integrate lessons learned from peace operations;

(E) support multilateral approaches to coordinate international contributions to peace support operations capacity building efforts; and

Page 305, line 16, strike “(H)” and insert “(F)”.

Page 306, after line 10, insert the following:

(4) RELATION TO OTHER PROGRAMS AND ACTIVITIES.—The activities described under paragraph (1)(F) may be coordinated or conducted in conjunction with other foreign assistance programs and activities of the

United States, as appropriate and in accordance with United States law.

Page 307, strike lines 12 through 14.

Page 307, line 15, strike "(F)" and insert "(E)".

Page 307, line 15, strike "data" and insert "information".

Page 307, line 19, strike "(G)" and insert "(F)".

Page 307, line 23, strike "(H)" and insert "(G)".

Page 307, line 23, strike "data measuring" and insert "information concerning".

Page 308, line 1, strike "(I)" and insert "(H)".

Page 308, beginning line 5, strike "such sums as may be necessary for each of fiscal years 2010 and 2011" and insert "\$140,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011".

Page 325, after line 19, insert the following:

SEC. 1114. MODERNIZATION AND STREAMLINING OF UNITED STATES FOREIGN ASSISTANCE.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 608 the following new section:

"SEC. 609. MONITORING AND EVALUATION OF UNITED STATES FOREIGN ASSISTANCE.

"(a) IN GENERAL.—The Secretary of State should develop and implement a rigorous system to monitor and evaluate the effectiveness and efficiency of United States foreign assistance. The system should include a method of coordinating the monitoring and evaluation activities of the Department of State and the United States Agency for International Development with the monitoring and evaluation activities of other Federal departments and agencies carrying out United States foreign assistance programs, and when possible with other international bilateral and multilateral agencies and entities.

"(b) ELEMENTS.—In carrying out subsection (a), the Secretary, under the direction of the President, should ensure that the head of each Federal department or agency carrying out United States foreign assistance programs—

"(1) establishes measurable performance goals, including gender-sensitive goals wherever possible, for such programs;

"(2) establishes criteria for selection of such programs to be subject to various evaluation methodologies, with particular emphasis on impact evaluation;

"(3) establishes an organization unit, or strengthens an existing unit, with adequate staff and funding to budget, plan, and conduct appropriate performance monitoring and improvement and evaluation activities with respect to such programs;

"(4) establishes a process for applying the lessons learned and findings from monitoring and evaluation activities, including impact evaluation research, into future budgeting, planning, programming, design and implementation of such programs; and

"(5) establishes a policy to publish all evaluation plans and reports relating to such programs.

"(c) ANNUAL EVALUATION PLANS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary, under the direction of the President, should ensure that the head of each Federal department or agency carrying out United States foreign assistance programs develops an annual evaluation plan for such programs stating how the department or agency will implement this section.

"(2) CONSULTATION.—In preparing the evaluation plan, the head of each Federal department or agency carrying out United States foreign assistance programs should consult with the heads of other appropriate Federal departments and agencies, governments of host countries, international and local non-governmental organizations, and other relevant stakeholders.

"(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this section, the head of each Federal department or agency carrying out United States foreign assistance programs should submit to the appropriate congressional committees an evaluation plan consistent with this subsection.

"(d) CAPACITY BUILDING.—

"(1) FOR FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary, under the direction of the President and in consultation with the head of each Federal department or agency carrying out United States foreign assistance programs, should take concrete steps to enhance the performance monitoring and improvement and evaluation capacity of each such Federal department and agency, subject to the availability of resources for such purposes, including by increasing and improving training and education opportunities, and by adopting best practices and up-to-date evaluation methodologies to provide the best evidence available for assessing the outcomes and impacts of such programs.

"(2) FOR RECIPIENT COUNTRIES.—The Secretary is authorized to provide assistance to increase the capacity of countries receiving United States foreign assistance to design and conduct performance monitoring and improvement and evaluation activities.

"(e) BUDGETARY PLANNING.—The head of each Federal department or agency carrying out United States foreign assistance programs should request in the annual budget of the department or agency a funding amount to conduct performance monitoring and improvement and evaluations of such programs, projects, or activities.

"(f) REPORT.—

"(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, and in each of the two subsequent years, the Secretary shall transmit to the appropriate congressional committees a report on—

"(A) the use of funds to carry out evaluations under this section;

"(B) the status and findings of evaluations under this section; and

"(C) the use of findings and lessons learned from evaluations under this section, including actions taken in response to recommendations included in current and previous evaluations, such as the improvement or continuation of a program, project, or activity.

"(2) PUBLICATION.—The report shall also be made available on the Department of State's website.

"(g) DEFINITIONS.—

"(1) IN GENERAL.—In this section—

"(A) the term 'appropriate congressional committees' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate;

"(B) the term 'Secretary' means the Secretary of State; and

"(C) the term 'United States foreign assistance' means—

"(i) assistance authorized under this Act; and

"(ii) assistance authorized under any other provision of law that is classified under budget function 150 (International Affairs).

"(2) TERMS RELATING TO MONITORING AND EVALUATION.—In this section—

"(A) the term 'evaluation' means the systematic and objective determination and assessment of the design, implementation, and results of an on-going or completed program, project, or activity;

"(B) the term 'impact evaluation research' means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome or impact can be attributed to United States program, project, or activity intervention instead of other environmental factors, including change in political climate and other donor assistance;

"(C) the term 'impacts' means the positive and negative, direct and indirect, intended and unintended long-term effects produced by a program, project, or activity;

"(D) the term 'outcomes' means the likely or achieved immediate and intermediate effects of the outputs of a program, project, or activity;

"(E) the term 'outputs' means the products, capital, goods, and services that result from a program, project, or activity; and

"(F) the term 'performance monitoring and improvement' means a continuous process of collecting, analyzing, and using data to compare how well a program, project, or activity is being implemented against expected outputs and program costs and to make appropriate improvements accordingly.

"(h) FUNDING.—Of the amounts authorized to be appropriated for each United States foreign assistance program for each of the fiscal years 2010 and 2011, not less than 5 percent of such amounts should be made available to carry out this section."

(b) REPEALS OF OBSOLETE AUTHORIZATIONS OF ASSISTANCE; CONFORMING AMENDMENTS.—

(1) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are hereby repealed:

(A) Section 125 (22 U.S.C. 2151w; relating to general development assistance).

(B) Section 219 (22 U.S.C. 2179; relating to prototype desalting plant).

(C) Title V of chapter 2 of part I (22 U.S.C. 2201; relating to disadvantaged children in Asia).

(D) Section 466 (22 U.S.C. 2286; relating to debt-for-nature exchanges pilot program for sub-Saharan Africa).

(E) Sections 494, 495, and 495B through 495K (22 U.S.C. 2292c, 2292f, and 2292h through 2292q; relating to certain international disaster assistance authorities).

(F) Section 648 (22 U.S.C. 2407; relating to certain miscellaneous provisions).

(2) CONFORMING AMENDMENT.—Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by striking "section 135" and inserting "section 136".

SEC. 1115. GLOBAL HUNGER AND FOOD SECURITY.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to reduce global hunger, advance nutrition, increase food security, and ensure that relevant Federal policies and programs—

(1) provide emergency response and direct support to vulnerable populations in times of need, whether provoked by natural disaster, conflict, or acute economic difficulties;

(2) increase resilience to and reduce, limit, or mitigate the impact of shocks on vulnerable populations, reducing the need for emergency interventions;

(3) increase and build the capacity of people and governments to sustainably feed themselves;

(4) ensure adequate access for all individuals, especially mothers and children, to the

required calories and nutrients needed to live healthy lives;

(5) strengthen the ability of small-scale farmers, especially women, to sustain and increase their production and livelihoods; and

(6) incorporate sustainable and environmentally sound agricultural methods and practices.

(b) INITIATIVES.—It is the sense of Congress that initiatives developed to carry out subsection (a) should—

(1) be guided by a comprehensive strategy under Presidential leadership that integrates the policies and programs of all Federal agencies;

(2) be balanced and flexible to allow for programs that meet emergency needs and increased investments in longer-term programs;

(3) develop mechanisms that allow cash and commodity-based resources to be effectively combined;

(4) define clear targets, benchmarks, and indicators of success, including gender analysis, in order to monitor implementation, guarantee accountability, and determine whether beneficiaries achieve increased and sustainable food security;

(5) employ the full range of diplomatic resources and provide incentives to other countries to meet their obligations to reduce hunger and promote food security; and

(6) work within a framework of multilateral commitments.

(c) COMPREHENSIVE STRATEGY TO ADDRESS GLOBAL HUNGER AND FOOD SECURITY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall direct the Secretary of State to develop and implement a comprehensive strategy to address global hunger and food security with respect to international programs and policies for—

(A) emergency response and management;

(B) safety nets, social protection, and disaster risk reduction;

(C) nutrition;

(D) market-based agriculture, the rehabilitation and expansion of rural agricultural infrastructure, and rural development;

(E) agricultural education, research and development, and extension services;

(F) government-to-government technical assistance programs;

(G) natural resource management, environmentally sound agriculture, and responses to the impact of climate change on agriculture and food production;

(H) monitoring and evaluation mechanisms; and

(I) provision of adequate and sustained resources, including multiyear funding, to ensure the scale and duration of programs required to carry out the United States commitment to alleviate global hunger and promote food security.

(2) COORDINATION WITH INTERNATIONAL GOALS.—In accordance with applicable law, the Secretary of State shall ensure that the comprehensive strategy described in paragraph (1) contributes to achieving the Millennium Development Goal of reducing global hunger by half not later than 2015 and to advancing the United Nations Comprehensive Framework for Action with respect to global hunger and food security, including supporting the United Nations, international agencies, governments, and other relevant organizations and entities in carrying out the Comprehensive Framework for Action.

(d) REPORTS.—

(1) IN GENERAL.—The Secretary of State shall submit to the President and Congress, not later than March 31, 2010, and annually

thereafter for the next two years, an annual report on the implementation of the comprehensive strategy to address global hunger and food security required under subsection (c), including an assessment of agency innovations, achievements, and failures to perform, and policy and budget recommendations for changes to agency operations, priorities, and funding.

(2) GAO.—Not later than two years after the date of the enactment of this Act and two years thereafter, the Comptroller General of the United States shall submit to Congress a report evaluating the design, implementation, and Federal Government coordination of a comprehensive strategy to address global hunger and food security required on subsection (c).

SEC. 1116. STATEMENT OF CONGRESS ON THE HUMANITARIAN SITUATION IN SRI LANKA.

Congress makes the following statements:

(1) the United States welcomes the end to the 26-year conflict in Sri Lanka between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam;

(2) a durable and lasting peace will only be achieved through a political solution that addresses the legitimate aspirations of all Sri Lankan communities, including the Tamils;

(3) the United States eagerly looks forward to the Government of Sri Lanka's putting forward a timely and credible proposal to engage its Tamil community and address the legitimate grievances of its Tamil citizens so that peace and reconciliation can be achieved and sustained;

(4) the United States supports the international community's call for full and immediate access to humanitarian relief agencies to camps for internally displaced persons, and remains deeply concerned about the plight of the thousands of civilians affected by the civil war;

(5) the United States expects the Government of Sri Lanka to abide by its commitments to allow access for representatives of the responsible international organizations throughout the screening and registration process for internally displaced persons; and

(6) the United States welcomes the Government of Sri Lanka's commitment to place the camps under civilian control and ensure that such camps meet international humanitarian standards, including the right to freedom of movement, as well as Sri Lanka's pledge to release camp residents, reunite them with separated family members and permit them to return to their homes at the earliest possible opportunity.

Strike section 1122.

Strike section 1123.

Page 341, after line 18, insert the following:

SEC. 1129. SENSE OF CONGRESS RELATING TO THE MURDER OF UNITED STATES AIR FORCE RESERVE MAJOR KARL D. HOERIG AND THE NEED FOR PROMPT JUSTICE IN STATE OF OHIO V. CLAUDIA C. HOERIG.

(a) FINDINGS.—Congress finds the following:

(1) United States Air Force Reserve Major Karl D. Hoerig of Newton Falls, Ohio, was a United States citizen and soldier who admirably served his country for over 25 years and flew over 200 combat missions.

(2) The State of Ohio has charged Claudia C. Hoerig with aggravated murder in the case of State of Ohio v. Claudia C. Hoerig.

(3) The State of Ohio charges that Claudia C. Hoerig, Karl D. Hoerig's wife, allegedly purchased a .357 five-shot revolver, practiced shooting the weapon, and then shot Karl D. Hoerig three times, which led to his death on March 12, 2007.

(4) Claudia C. Hoerig fled to Brazil, and claims she is both a citizen of the United States and Brazil.

(5) Brazil's constitution forbids extradition of its nationals, but the United States and Brazil recognize and uphold a Treaty of Extradition signed in 1964.

(6) Law enforcement officials are vigorously pursuing State of Ohio v. Claudia C. Hoerig, the charge of aggravated murder is internationally recognized, and the punishment, which is not capital punishment, is internationally respected.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the alleged aggravated murder of United States Air Force Reserve Major Karl D. Hoerig is deserving of justice, and his family and friends deserve closure regarding the murder of their loved one;

(2) the United States Government should, as a priority matter, work with prosecutors in the State of Ohio, as well as facilitate cooperation with the Government of Brazil, in order to obtain justice in this tragic case; and

(3) a resolution of the case of State of Ohio v. Claudia Hoerig is important to maintain the traditionally close cooperation and friendship between the United States and Brazil.

The CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. BERMAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

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

My amendment makes a number of changes. Many of these are minor or technical amendments. Others address issues raised by other committees that have a jurisdictional interest in the bill. However, there are a number of other changes in my bill that are more substantive. For example, the amendment takes care of requests by Members that are generally unobjectionable even though substantive.

For example, the bill adds a provision that would allow the State Department's growing Civilian Response Corps to enhance its capability by drawing on locally employed staff who have significant expertise in unstable environments.

It includes provisions to assist in the compensation for victims of terrorism from the 1998 Nairobi bombing, drawing from a bill that we passed last year on a bipartisan basis and supported by Mr. JESSE JACKSON, Mr. ROY BLUNT, and our ranking member, ILEANA ROS-LEHTINEN.

The amendment also updates language currently in the bill, welcoming the end of Sri Lanka's 26-year civil war between the government and the Liberation Tigers of Tamil Eelam. These are provisions pushed particularly by the gentleman from New York (Mr. MCMAHON), a member of the committee. The United States, standing with the international community, eagerly looks forward to the government of Sri Lanka's putting forward a timely and credible proposal to engage its

Tamil community and address the legitimate grievances of its Tamil citizens so that peace and reconciliation can be achieved and sustained. It also includes two requests by Republican members of the Committee on Foreign Affairs, including an amendment by Mr. WILSON from South Carolina, who I agreed to work with during the markup at the committee. It also increases the amount of funds for the State Department Inspector General and the National Endowment For Democracy, as suggested by the minority in their views on the bill.

This continues my efforts to include sensible Republican ideas into H.R. 2410, even though I recognize that very few Republicans appear to be prepared to support the legislation at this time.

In addition, my amendment would also begin the process of modernizing our foreign assistance program by establishing a rigorous system to monitor and evaluate the effectiveness and efficiency of U.S. foreign assistance.

One of the greatest weaknesses of the current U.S. foreign aid program is that it lacks a clear set of goals and objectives, and there's no systematic plan for measuring results. Under my amendment, the Secretary of State would coordinate the monitoring and evaluation activities of the various agencies carrying out foreign aid activities, and would report to the Congress on the findings and lessons learned from such evaluations.

Finally, in recent days—and this is important—there has been significant concern expressed that a provision in the bill authorizing the Office of Global Women's Issues, an existing office at the State Department that focuses on issues like education for women and girls, political empowerment, and violence against women, somehow is a basis for promoting or lobbying for abortion. That is simply not true. The bill as reported out by the committee does not refer to abortion in any way, nor does the office work on abortion issues. That office is focused particularly on women in Iraq and in Afghanistan on the issues of education and political empowerment that I just mentioned.

To reassure my colleagues, however, I have included in my amendment the following new subsection:

“Nothing in this section, and in particular the duties of the office described in subsection (c)”—that is the Office of Global Women's Issues—“shall be construed as affecting in any way existing statutory prohibitions against abortion or existing statutory prohibitions on the use of funds to engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.”

This language makes it very clear that existing prohibitions on lobbying

for or using funds to promote abortion—including the Helms amendment, the Leahy amendment and the Siljander amendment—remain in effect and will continue to apply to the actions of the office. I believe this confirms that the bill does not undermine current law in any way and will reassure my colleagues on this issue.

I think this manager's amendment is a good amendment. I urge all my colleagues to support it.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman is recognized for 10 minutes.

Mr. SMITH of New Jersey. I yield myself as much time as I may consume.

Mr. Chairman, at precisely the same time as President Barack Obama continues to assiduously assure Americans, including graduates at Notre Dame University last month, that he wants to reduce abortion at home and abroad, his administration is aggressively seeking to topple pro-life laws in sovereign nations, a clear, deeply troubling contradiction.

First Mr. Obama rescinded the Mexico City policy, a pro-life Reagan-era executive order, that ensured that the \$500 million in population control funds appropriated by Congress each year only went to foreign nongovernmental organizations, family planning organizations, that did not promote, lobby or perform abortions as a method of family planning. As a result of Obama's new policy, pro-abortion organizations are now flush with cash and will continue to get hundreds of millions of dollars annually to push abortion around the world, all of it decoupled from pro-life safeguards.

I mentioned the Mexico City policy, which is not on the floor today, for context to underscore what is actually happening 24/7 in the Obama administration. Add to this the fact that the administration has stuffed pro-abortion activists, a literal who's-who from the abortion rights organizations, in key gatekeeper positions, and you get the idea and see that abortion is a serious undertaking by this administration. Even the gatekeeper, the woman—and a fine woman—who heads up the U.S. Agency For International Development, Wendy Sherman, used to be the director of EMILY's List. So every dollar of foreign aid goes through the person who used to be the director of EMILY's List.

□ 1345

Yet Obama's international abortion agenda is unpopular and getting increasingly unpopular with the American public. The Gallup Poll found that by a margin of 65 percent to 35 percent, Americans opposed his rescission of the Mexico City policy. And I would note parenthetically that the most recent

Gallup Poll from May 15th indicates that Americans are clearly trending pro-life, with 51 percent calling themselves pro-life and 42 percent calling themselves pro-choice. America is changing. It is evolving in favor of life.

In late April, Mr. Chairman, we received our distinguished Secretary of State at the Foreign Affairs Committee and I raised some issues that concerned me with her. I noted that she had recently received the Margaret Sanger Award in Houston on March 27th, and then in her speech, which was on the U.S. Department of State's Web site, she quoted that she was “in awe of Margaret Sanger.” She said that “Margaret Sanger's life and leadership was one of the most transformational in the entire history of the human race and that Sanger's work both here and abroad was not done.”

I pointed out that Sanger's legacy was indeed transformational, but not for the better if one happens to be poor, disenfranchised, weak, disabled, a person of color, an unborn child, or among the many so-called undesirables, the disabled that Sanger would exclude and exterminate from the human race.

Sanger's prolific writings dripped with contempt for those she considered unfit to live. I have actually read many of Sanger's articles and books. She was an unapologetic eugenicist and a racist who said, “The most merciful thing a family does for one of its infant members is to kill it.”

She also said on another occasion, “Eugenics is one of the most adequate and thorough avenues to the issue of racial, political and social problems.”

In her book, “The Pivot of Civilization,” Sanger devoted an entire chapter which she entitled “The Cruelty of Charity.” Imagine that, a chapter, “The Cruelty of Charity,” explaining a shockingly inhumane case for the systematic denial of prenatal and maternal health care for poor pregnant women.

She said, and I quote in pertinent part, “Such benevolence is not merely superficial and nearsighted.” She said, “It conceals a stupid cruelty and leads to a deterioration in the human stock and the perpetuation of defectives, delinquents and dependents.”

So it is to me and many Members who are pro-life extraordinarily difficult to understand how anyone could be in awe of Margaret Sanger, a person who made no secret whatsoever of views that were antithetical to protecting fundamental human rights of the weakest and the most vulnerable, and to suggest that her work remains undone around the world, which the Secretary of State has done, is deeply troubling.

So I asked our Secretary of State, is the Obama administration seeking in any way to weaken or overturn pro-life laws and policies in African and Latin American countries, either directly or

through multilateral organizations, including and especially the United Nations, the African Union, or the Organization of American States? And I also asked her, does the United States' definition of reproductive health include abortion?

Secretary of State Clinton was very clear, she was not ambiguous, and in a radical departure from President Bush said that the administration, the Obama administration, was entitled to advocate abortion anywhere in the world.

Secretary Clinton went on to unilaterally redefine the term "reproductive health" to include abortion, even though that definition isn't shared by the rest of the world, including and especially in countries in Latin America and in Africa. That is important, because the term "reproductive health" is found in numerous UN consensus documents and action plans and in the laws of countries worldwide.

On March 31st, for example, the UN Acting Deputy Assistant Secretary for the Population, Refugee and Migration Bureau, told the UN that the U.S. Government seeks to achieve universal access to reproductive health and the promotion of reproductive rights. In light of the Secretary of State's statement, that clearly means universal access to abortion on demand.

By foisting abortion on the developing world via a new government Office on Global Women's Issues, the Obama administration is squandering America's political capital to enable the purveyors of death to descend upon nation after nation to promote their deadly wares.

Section 334 of the underlying legislation establishes an Office for Global Women's Issues, and I suggested that we limit it, that it not become a war room at the Department of State for the promotion of abortion. If so, the predictable consequences are more dead children and more wounded women.

Even Planned Parenthood's Guttmacher Institute has said that in most countries it is common, after abortion is legalized, for abortion to rise sharply for several years. Sharply. Contrary to what President Obama says about reduction, the numbers go up.

I would like to ask the distinguished chairman, you know I asked those questions of Secretary of State Clinton. Do you believe that such activity, promotion of abortion, is prohibited under current law as referenced by your amendment? Can this new office promote these kinds of activities?

Mr. BERMAN. They cannot. If the gentleman is yielding on his time to me, they cannot. You know, Abe Lincoln used to tell this story: If you call a tail a leg, how many legs does a sheep have? And the answer is four, because calling a tail a leg doesn't make it one.

No matter how many times the specter is raised, this office cannot do and has no intention and no plans of doing anything to promote abortions, coerce abortions, fund abortions or lobby for an abortion policy.

It is an office that is focused generally on the issues of women's political empowerment: should women have the right to vote, should they be able to run for office, are they treated as equal citizens under the law. It serves as a promoter of better education for women and girls and a series of causes that you are known for caring about. And it does not. It does not.

Mr. SMITH of New Jersey. Reclaiming my time, on the issue of multilateral organizations like the Organization of American States, the African Union and others, the United Nations, what can the role of this new office be vis-a-vis the abortion issue and those multilateral organizations?

Mr. BERMAN. If the gentleman will continue to yield, my view is that that office cannot do through indirection, that is by going through some agency, anything that it is not allowed to do on its own. And it is not allowed to do the things that you are concerned about. And the purpose of the manager's amendment—

The CHAIR. The gentleman from New Jersey's 10 minutes has expired.

Mr. SMITH of New Jersey. Will the gentleman yield 1 minute on his time?

Mr. BERMAN. I will yield more time to discuss this, if you want, but first I am going to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), who has been waiting patiently. Then, if you want, we can come back to this.

Mr. RUPPERSBERGER. I rise in support of H.R. 2410 and thank you for yielding, Mr. Chairman.

As chairman of the Technical Tactical Subcommittee of the House Intelligence Committee, I support a provision relative to the International Traffic in Arms Regulations.

ITAR is a set of regulations that control the import and export of defense-related technology and services on the U.S. Munitions List. In 1998, all commercial satellite components were added to the list of restricted munitions exports with tougher licensing conditions. Our Intelligence TNT Subcommittee has investigated ITAR's effect on our satellite program, and it has clearly affected it in a negative way.

Before the 1998 restrictions went into effect, 73 percent of the world market for commercial satellites went to U.S. companies. By the year 2000, that figure had dropped to 27 percent. There are technologies on this ITAR list that don't need to be, and foreign companies are actually marketing their products as "ITAR-free." Our companies get weaker as theirs get stronger.

I approached Chairman BERMAN, who was also working on this issue with his

committee. Section 826 of this bill grants the President the flexibility to remove simple, old, and widely available technology from the new Munitions List. Our most militarily-sensitive technology will remain.

I want to thank Chairman BERMAN and his staff for including this language. Please vote for H.R. 2410.

The CHAIR. The gentleman from California has 3½ minutes remaining.

Mr. BERMAN. I yield myself 2 minutes, Mr. Chairman.

Let me just lay out this Office of Global Women's Issues. First of all, by law, by virtue of the Helms amendment and the Siljander amendment and the Leahy amendment, it cannot and, by practice, it does not and has no intention of serving as a vehicle for either abortion policy or coercive abortion.

What does it do? It is dedicated to ensuring that women around the world can realize their potential by fully participating in the political, economic and cultural lives of their societies.

Women around the globe, and the gentleman from New Jersey knows this, women are bought and sold like commodities and trafficked across international borders for sexual exploitation. Young children are married off to men old enough to be their grandfathers and have their education and childhood abruptly ended. Girls have their bodies mutilated in the name of culture or tradition, leading to complication in childbearing and lifelong pain and incontinence. Young women are slain by their own families for perceived and sometimes fictitious infractions, simply because they are viewed less as human beings and as symbols of human honor.

Women who become infected with HIV, often because of the infidelity of their spouses, are shunned, lose their livelihoods or do not have access to the medicines that could prolong their lives and prevent transmission of the virus to their children.

I say to the gentleman, these causes and these concerns that I have mentioned have always been at the forefront of the gentleman's own concerns, and to hold this entire bill and this office hostage to a desire to change abortion law I think is unfair.

I scrupulously avoided and the committee Democrats scrupulously avoided any effort to change that law in the other direction, and I think it is wrong to try to hijack this bill to hold it hostage for those purposes.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. ROS-LEHTINEN

The CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 111-143.

Ms. ROS-LEHTINEN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. Ros-Lehtinen:

At the end of subtitle B of title IV, add the following:

SEC. 418. WITHHOLDING OF CONTRIBUTIONS EQUAL TO NUCLEAR TECHNICAL COOPERATION PROVIDED TO IRAN, SYRIA, SUDAN AND CUBA IN 2007.

The Secretary of State shall withhold \$4,472,100 from the United States contribution for fiscal year 2010 to the regularly assessed budget of the International Atomic Energy Agency.

The CHAIR. Pursuant to House Resolution 522, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

The prospect of an Iranian regime brandishing nuclear weapons is a nightmare scenario that we must stop if we are to avoid being forever threatened with destruction. But the problem, Mr. Chairman, is not confined to Iran. Following in its footsteps are countries such as Syria, whose clandestine nuclear weapons program is only now coming to light.

We and our allies must use the means at our disposal to prevent these and other rogue regimes from realizing their deadly ambitions. We have an opportunity today to cut off an important source of assistance to the nuclear programs of Iran, Syria and other regimes, the help provided by the International Atomic Energy Agency, the very organization charged with preventing nuclear proliferation.

The Government Accountability Office recently released a scathing report on the State Department's near total lack of oversight regarding the nuclear assistance that the IAEA provides to member states, especially to Iran, Syria, Cuba and Sudan.

□ 1400

The GAO report noted that from 1997 to the year 2007, the International Atomic Energy Agency's Technical Cooperation Program provided over \$55 million to these state sponsors of terrorism, supposedly for "peaceful purposes." But as the GAO report notes, nuclear equipment, technology and expertise can be dual use, which means capable of serving a peaceful purpose, but also useful in contributing to nuclear weapons development.

The GAO report criticizes offices at the State Department for having little or no idea what these programs actually consist of, much less working to stop the most harmful among them.

Unfortunately, the bill before us contains no language that addresses this serious problem, despite its authorization of the administration's full request for over \$100 million to be given to the IAEA.

The bill before us does not mandate that the State Department take immediate action to implement the recommendations of the GAO. It does not require our representatives at this Agency to do anything to prevent additional nuclear assistance from going to Iran, from going to Syria, other enemies of the United States. It does not even mention the problem, Mr. Chairman.

By contrast, an extensive section of H.R. 2475, an alternative Foreign Relations Authorization Act that I introduced earlier this year, was devoted to reform the United Nations, including addressing the specific problems of preventing the International Atomic Energy Agency nuclear assistance going to state sponsors of terrorism and countries in violation of their IAEA obligations. But none of that language was included in the bill that we are considering today. And that is why, Mr. Chairman, I'm offering this amendment.

What would this amendment do?

It would apply direct and unambiguous pressure on the International Atomic Energy Agency to halt its assistance to those countries of proliferation concern by withholding from the U.S. contribution almost \$4.5 million.

Why that amount?

That is equal to the amount that the Agency spent on nuclear assistance to Iran, Syria, Cuba and Sudan in the year 2007, the most recent fiscal year for which figures are available.

Opponents of my amendment may counter that denying funds to the IAEA for any purpose will weaken its nonproliferation efforts. But let me be clear, Mr. Chairman: this amendment does not affect safeguards or inspections.

It is stunning to stand here and be forced to say that the International Atomic Energy Agency's technical nuclear assistance is adding to this threat; but it is, and we cannot let it continue.

Unfortunately, we cannot expect the cooperation of this Agency, the IAEA, in fixing this problem because the Agency's attitude was summed up by a senior official who, when pressed to explain the continuing assistance to Iran and other state sponsors of terrorism, even as they defy the Agency and the U.N. Security Council, stated that "there are no good countries and there are no bad countries."

Faced with this extraordinary situation, Mr. Chairman, our only option is

to use our financial leverage to force the International Atomic Energy Agency to stop helping our enemies' nuclear weapons programs. The threat that we face from Iran and the multiplying nuclear powers around the world grow every day.

If we are to defend ourselves, we must use every leverage that we possess to stop this menace before it becomes a reality. My amendment is an opportunity to do just that.

I ask my colleagues for their support.

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

Mr. BERMAN. Mr. Chairman, could I ask if the gentlelady is finished.

Our side has the right to close. Then since I'll be the only speaker and I have the right to close—

Ms. ROS-LEHTINEN. Absolutely, Mr. Chairman. If I could ask the chairman how much time I have left.

The Acting CHAIR (Mr. CAPUANO). Does the gentleman from California claim the time in opposition?

Mr. BERMAN. I do.

The Acting CHAIR. The gentlelady has used all her time allotted. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume, up to 5 minutes.

I rise in opposition to the amendment. I share a lot of the ranking member's concerns, fundamentally, about the countries named in her amendment and about the issue of proliferation. But there are sort of three different levels on which I think her amendment raises serious doubts and causes me to want to oppose it.

The first is the assumption that withholding assessed contributions produces the actions we want. We've had test cases of this.

Wouldn't it have been great if the money we withheld from the U.N. population planning account had stopped coercive abortions in China?

Wouldn't it be great if the dues we are assessed to pay to the United Nations had resulted in the kinds of reforms that eliminated the questionable contact that the minority rightfully points to? There is a real challenge to this assumption that the withholding is what achieves the goal. We can wish it a lot, but it didn't always happen.

Secondly, there are some specific categories of programs here that are involved and should be mentioned because, in some cases, they make some sense. The technical assistance provided by IAEA is constructive and supportive of a number of humanitarian needs, such as the eradication of the tsetse fly in numerous African countries, the fruit fly in Panama, improving cancer diagnosis and treatment in Tanzania, Niger, Mali, Zambia and the Central African Republic, improvements in agriculture in groundwater tracing. These are the kinds of programs that are involved.

Once in a while there may be a project such as in Iran or Syria that may provide a small amount of useful experience in general nuclear science and radiology. But the most important part is to the extent that some of these programs are about enhancing safety.

The U.S. is totally free on the board to vote against those projects at the Board of Governors, and does so. The U.S. already denies extra budgetary funding for technical cooperation projects for state sponsors of terrorism, which the countries the gentlelady mentioned are.

However, the proposed amendment mandates the withholding, not of the voluntary contributions, not of the extra budgetary support, but of the U.S. regular dues to the IAEA.

So what does it do?

It hampers the Agency's primary function, which is the inspecting and safeguarding of nuclear material in foreign countries. This is cutting off your nose to spite your face.

The IAEA's technical assistance program is funded entirely from voluntary contributions. The program that, understandably, concerns the gentlelady is not from the assessed contributions. It's from the voluntary contributions. The amendment is not focused on the voluntary contributions. It's focused on the assessed contributions.

So what will we do? We'll end up cutting the funds that would otherwise be used by the IAEA to ensure that states are not diverting nuclear material from peaceful to military purposes—pretty serious concern—inspections that are in the direct national security interest of the United States. That's what we're cutting.

So that's why I think the amendment, not by its intention, and not even by its focus on these programs, we could live without those programs, but its focus on cutting the assessed dues to the most important functions for the United States of the IAEA makes no sense, and I urge a "no" vote.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 111-143.

Mr. POLIS. I have an amendment made in order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. POLIS:

Page 26, line 21, insert "and, if practicable, made available over the internet" after "general public".

Page 27, line 7, insert before the period the following: "including making such films available over the internet, if practicable".

Page 27, line 16, insert "including online outreach," after "resource centers".

At the end of subtitle C of title III, insert the following:

SEC. 3. BROADENING EXPERIENCE WITHIN THE FOREIGN SERVICE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Director of the Foreign Service, shall submit to the appropriate congressional committees a detailed plan to increase the career incentives provided to Foreign Service officers to serve in bureaus and offices of the Department of State not primarily focused on regional issues, including the Bureau of Democracy, Human Rights and Labor, the Bureau of Oceans and International Environmental and Scientific Affairs, and the Bureau of Population, Refugees and Migration. In formulating such plan, the Secretary shall consult with a broad range of active and retired Foreign Service officers and current and former officials of the Department to elicit proposals on how to promote non-regional assignments, and shall consider—

(1) requiring all Foreign Service officers to serve at least two years in a bureau or office of the Department not primarily focused on regional issues prior to joining the Senior Foreign Service; and

(2) changing the composition of Foreign Service selection boards to increase the participation of Department personnel with extensive experience in bureaus and offices of the Department not primarily focused on regional issues.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I rise today to offer an amendment to the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011.

I applaud and thank Chairman BERMAN and his staff for their hard work and their dedication to this important issue. This legislation truly represents a renewed emphasis on meaningful dialogue and strong diplomacy as it sets forth to increase our number of Foreign Service officers, grow our Peace Corps mission, develop new educational and cultural exchange programs, and expand our public diplomacy efforts.

Mr. Chairman, my amendment calls on the Department, as part of the public outreach and public diplomacy efforts, to make materials found in libraries, resource centers and film screenings available online to help showcase United States culture, society and values in history to as many individuals as possible. It also adds online outreach as an evaluation criteria for our public outreach efforts.

The Internet has made the world a smaller place, making it easier to share information globally in just a matter of seconds. It's imperative that we utilize the Internet as a means of public diplomacy and continue to explore the effectiveness of online outreach.

My amendment also tasks the State Department with diversifying the experience of Foreign Service officers. Through creative diplomacy and hard work in often harsh conditions, our Nation's top diplomatic corps make an enormous contribution to global peace and stability and to the way in which our Nation is viewed overseas. However, many of the best and brightest Foreign Service officers feel forced to focus exclusively on a region or country, frequently avoiding critical assignments in nonregional bureaus, to the detriment of those offices and causes. They aren't avoiding these assignments because they don't care about these issues without borders, like human rights, the environment or refugees issues, but rather because the State Department's promotion system strongly favors those Foreign Service officers who focus on country-specific or regional assignments.

My amendment is designed to correct this inequity and to pave the way for a more balanced and effective diplomatic corps. It requires that the Secretary of State, acting through the Director General of the Foreign Service, submit a detailed plan to Congress on how the Department will increase career incentives for Foreign Service officers to serve in bureaus and offices not primarily focused on regional issues.

We further ask that the Department consider requiring all Foreign Service officers to serve at least 2 years in a bureau or office that's not focused exclusively on a regional issue before joining the Senior Foreign Service.

The amendment also recommends that a composition of Foreign Service selection boards include the participation of Department personnel with extensive experience in nonregional assignments. I believe this amendment will help shake up the current system of promotion in the Foreign Service, and result in a stronger and better diplomatic corps that's able to apply lessons learned from throughout the globe with deep sector expertise when tackling issues such as human rights, the environment, population and refugees.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I ask unanimous consent to claim time in opposition, even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, the amendment by the gentleman from Colorado has three main components,

none of which I find inherently objectionable.

Most significantly, it would require the State Department to report to Congress with a plan on providing appropriate career incentives for Foreign Service officers to serve in nonregional bureaus of the Department, such as the human rights and refugee-focused bureaus.

And, secondly, it would clarify that some of the new public diplomacy efforts required by the underlying bill also should make use of the Internet for online research. And even while some question the fiscal wisdom of the underlying provisions, these changes do not exacerbate those flaws. I do not intend to oppose this amendment.

I yield back.

Mr. POLIS. Mr. Chairman, I yield such time as he may consume to the chairman of the Foreign Relations Committee, Mr. BERMAN of California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding. I thank him for his excellent amendment. I strongly support it because it basically works to encourage the development of the fundamental skills of the Foreign Service.

□ 1415

It seeks to broaden the skill set of the Foreign Service by requiring this plan to increase career incentives provided to Foreign Service officers to serve in the bureaus and offices of the Department not primarily focused on regional issues, including the Bureau of Democracy, Human Rights and Labor, Bureau of Oceans and International Environment, and the Bureau of Population, Refugees and Migration.

It asks the Secretary to consider requiring all Foreign Service officers to serve at least 2 years in a bureau office of the Department not primarily focused on regional issues. And it takes a look at the whole issue of changing the composition of the Selection and Promotion Board to increase the participation of those Foreign Service officers with extensive experience in the non-regional bureaus. Very important. There was a tendency in the past that gets entrenched that the way you get ahead in the Foreign Service is you work in the regional bureaus, you work in the political or the economic aspect of that. And the result is that critical issues involving functional programs and these other bureaus are neglected. We want the best and the brightest in all these different areas, and we should look to remove any internal biases that disincentivize that activity.

I thank the gentleman.

Mr. POLIS. Mr. Chairman, as the State Department attempts to restore its role as the face of the United States Government abroad, it is crucial that Congress provide our diplomats with the resources and the guidance they need to once again make American diplomacy a top priority.

This legislation is further strengthened by my amendment, which expands public outreach online and encourages the Foreign Service to promote a more diverse set of experiences for its officers, including its senior officers.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HUNTER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 111-143.

Mr. HUNTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HUNTER:
In section 911(c), redesignate paragraphs (3) and (4) as paragraphs (4) and (5).

In section 911(c), insert after paragraph (2) the following:

(3) the Secretary of Defense;

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, I yield myself as much time as I may consume. And I broke the podium.

The amendment I am offering today to H.R. 2410, the Foreign Relations Authorization Act, is straightforward. It simply adds the Secretary of Defense to the Task Force on Prevention of Illicit Small Arms Trafficking in the Western Hemisphere that is created under this legislation.

The stated purpose of this task force is to develop a strategy and integrated Federal policies to better control the export of small arms and light weapons in a manner that furthers the foreign policy and national security interests of the United States in the Western Hemisphere.

While this task force is comprised of the Secretaries of State and Homeland Security and the Attorney General, all of whom should be members of this task force, it does not include perhaps the most important player in global countertrafficking operations, the Secretary of Defense.

The Department of Defense plays an important role in U.S. security cooperation and assistance worldwide, particularly with governments and militaries throughout the Western Hemisphere. These relationships are critical to our efforts to promote peace and stability in our region of the world, and intelligence and operational support provided by our military are an integral part of this shared responsibility.

Given the Department of Defense's role as an interagency partner in

countertrafficking and U.S. export control activities, it should not be excluded, I don't think, in any way from being a primary member of this task force. Whatever this task force puts forward in the way of policy recommendations will be closely evaluated by Congress as we work to address the serious problems of weapons trafficking in our hemisphere. It is important that these findings and recommendations fully represent the role and contributions of those departments primarily involved in combating arms trafficking, protecting U.S. security, and advancing our foreign policy objectives. And I would like to add, Mr. Chairman, that the Deputy Assistant Secretary of Defense for the Western Hemisphere, Secretary Mora, agrees with this amendment.

Mr. BERMAN. Would the gentleman yield?

Mr. HUNTER. Absolutely, I yield.

Mr. BERMAN. I thank the gentleman for yielding.

While the gentleman may have broken the podium, his amendment does not break the task force; it improves it. The Secretary of Defense should be a member of that task force, and this amendment simply establishes that rather than leave it to the Secretary of State's discretion. That's fine with me.

I support the amendment and urge its adoption. I thank the gentleman for yielding.

Mr. ENGEL. Mr. Chair, I rise today in strong support of the amendment offered by the gentleman from California—Mr. HUNTER—to a provision that I authored in this bill creating a Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere.

While recent media attention has focused on the high number of guns—some 90%—recovered from crime scenes in Mexico that are originally from the United States, this is not just a Mexico issue. In February, I led a congressional delegation to Mexico and Jamaica. In Jamaica, Prime Minister Golding told me that 90% of the guns recovered in Jamaica also originate in the U.S.

This provision requires the President to create an inter-agency task force—chaired by the Secretary of State—charged with developing a strategy for the federal government to coordinate efforts to reduce and prevent illegal firearms trafficking from the U.S. throughout the Western Hemisphere.

Currently, the U.S. government has no cohesive strategy to combat small arms trafficking in the Western Hemisphere. Since our inability to control firearms leaving the U.S. creates this problem in the first place, we must do more.

This provision helps us to view the illegal firearms trafficking issue holistically, rather than just focusing on one or two countries.

The October 2007 United States-Mexico Joint Statement announcing the Merida Initiative said that the U.S. would “intensify its efforts to address all aspects of drug trafficking . . . and continue to combat trafficking of weapons and bulk currency to Mexico.”

With this provision, we are not simply living up to our commitment to Mexico, but are also

taking responsibility for our unfortunate contributions to drugs and violence throughout the Western Hemisphere.

Mr. HUNTER's amendment adds the Secretary of Defense to the task force which already includes the Secretary of State, the Attorney General and the Secretary of Homeland Security. I believe this is a positive addition to my provision.

The presence of the Secretary of Defense on the task force will help address reports made that some firearms recovered in crime scenes in Mexico and elsewhere come from U.S. military arsenals. While I have seen no evidence to support such allegations, if this is in fact true, we must find out what happened to ensure that the practice ends immediately.

Mr. Chair, I thank Mr. HUNTER for offering this amendment, and I urge my colleagues to support it.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. NADLER OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 111-143.

Mr. NADLER of New York. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. NADLER of New York:

At the end of subtitle B of title XI, add the following:

SEC. 11. SENSE OF CONGRESS REGARDING PENSION PAYMENTS OWED BY THE STATES OF THE FORMER SOVIET UNION.

It is the sense of Congress that the United States should continue working with the states of the former Soviet Union to come to an agreement whereby each state of the former Soviet Union would pay the tens of thousands of beneficiaries who have immigrated to the United States the pensions for which they are eligible and entitled.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER of New York. Mr. Chairman, I rise in support of my amendment, which expresses the sense of Congress that we should continue working with the states of the former Soviet Union to see that immigrants from those states now in the United States are paid their government pensions that they earned while working in the former Soviet Union.

The United States has bilateral agreements with many of the nations to address cross-country government pension coverage. While these agreements can structure and coordinate

such pension coverage in different ways, the important point is that under most circumstances government pensions are treated with reciprocity. In other words, with respect to countries with which we have arrangements, those countries pay the pensions that they earned while working in those countries to citizens of the United States who now live here. And by the same token, we pay Social Security to Americans who are now citizens of a foreign country if they earned the Social Security while working here.

We do not have such arrangements with any of the states of the former Soviet Union—with Russia, Ukraine, Belarus, and so forth. This is critically important because millions of people had no choice but to flee the repressive former Soviet Union in the 1970s, 1980s and 1990s. Several hundred thousand of these people now live in the United States and were forced to renounce their citizenship and their rights of citizenship in the Soviet Union in order to be allowed to leave. Thousands of these people live here, and in spite of having worked 30 or 40 years and earning pension rights in the states of the former Soviet Union, they do not receive pensions from any of the successor states.

So this amendment simply is a sense of the Congress urging the State Department to continue trying to negotiate such arrangements with the states of the former Soviet Union so that the former citizens of those countries who now are citizens of the United States and live here can receive the pensions they earned while living in Russia.

This should be a no-brainer. It simply urges the State Department to continue efforts to negotiate such arrangements with those states, as we have with many other states. I urge its adoption.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of Congressman NADLER's amendment, which, as he explained, expresses the sense of Congress that the United States should continue working with all former states of the Soviet Union to come to an agreement whereby each former state of the Soviet Union would pay the tens of thousands of beneficiaries who have emigrated to the United States the pensions for which they are eligible and entitled.

Over the past several decades, many of the tens of thousands of immigrants who had come to the U.S. from these

former Soviet Union states had earlier earned pensions working in their former home countries; however, most often they have been unable to collect what is owed to them.

I support Congressman NADLER's amendment to work with the government of the former Soviet states to come to agreements whereby these states would pay the pensions to those entitled beneficiaries who have emigrated to the United States. It's the right thing to do. Further, Mr. Chairman, it would likely result in a lighter burden for U.S. taxpayers and the programs that their taxes fund to aid the elderly.

Mr. NADLER of New York. Mr. Chairman, I now yield 1 minute to the distinguished chairman of the Foreign Affairs Committee, Mr. BERMAN.

Mr. BERMAN. I thank the gentleman for yielding, and I thank him for his amendment. I strongly support it.

A number of immigrants to the United States from the former Soviet Union worked for decades in the Soviet-run industries, contributed to the state's social security system, and expected to receive their rightful pensions when they reached the requisite age. For a variety of reasons beyond their control, they haven't received their pensions. And some of these workers were forced to renounce their citizenship when they moved to the United States.

As many of the former Soviet states refuse to pay pensions to those who are no longer citizens, these elderly individuals face a bureaucratic nightmare in seeking to reclaim their rights. This amendment expresses our sense of Congress that we should work with the former Soviet states to establish a workable system that enables the workers to claim pensions that are rightfully theirs. It is appropriate. It's right. And I support the amendment and urge its adoption.

Mr. NADLER of New York. Mr. Chairman, I yield myself the remaining time.

I simply want to thank the distinguished chairman of the committee, Mr. BERMAN, and the ranking member, Ms. ROS-LEHTINEN, for supporting this amendment. I know of no opposition. I urge everyone to vote for it. It is the fair and right thing to do, so I hope everyone will vote for it.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 111-143.

Mr. MCCAUL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCAUL:
At the end of subtitle A of title XI, add the following:

SEC. 11. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR SUDAN.

(a) STRATEGY AND PLAN.—Not later than 60 days after the date of the enactment of this Act, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan, which may include a classified annex, to address the ongoing and inter-related crises in Sudan and advance United States national security and humanitarian interests in Sudan, which shall include the elements specified in subsection (c).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required under subsection (b) shall contain at least the following elements:

(1) Consistent with section 1127, a description of a comprehensive policy toward Sudan which balances United States interests in—

(A) resolving the conflict in Darfur;
(B) implementing the Comprehensive Peace Agreement (CPA) and promoting peace and stability in Southern Sudan;

(C) resolving long-standing conflicts in Abyei, Blue Nile, and Southern Kordofan;

(D) advancing respect for democracy, human rights, and religious freedom throughout the country;

(E) addressing internal and regional security; and

(F) combating Islamist extremism.

(2) Progress toward achieving the policy objectives specified in paragraph (1), including—

(A) facilitating the full deployment and freedom of movement of the hybrid United Nations-African Union Mission in Darfur;

(B) ensuring access and security for humanitarian organizations throughout the country including, as appropriate, those organizations that wrongfully have been expelled by the Sudanese regime;

(C) promoting reconciliation within and among disparate groups;

(D) advancing regional security and cooperation while eliminating cross-border support for armed insurgents;

(E) meeting the CPA benchmarks, including preparations for the conduct of national elections and referendum; and

(F) shutting down safe havens for extremists who pose a threat to the national security of the United States and its allies.

(3) A description of how United States assistance will be used to achieve the objectives of United States policy toward Sudan, including a financial plan and description of resources, programming, and management of United States foreign assistance to Sudan and the criteria used to determine their prioritization.

(4) An evaluation and description of additional measures that will be taken to advance United States policy, which may range from—

(A) application of multilateral sanctions by the United Nations or regional allies, or expansion of existing United States sanctions;

(B) imposition of a no-fly zone or other coercive measures; or

(C) rapprochement with the Sudanese regime or other diplomatic measures.

(5) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as nec-

essary, and measures of effectiveness for the implementation of the strategy.

(c) UPDATES OF STRATEGY.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required under subsection (b), as necessary.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Texas (Mr. MCCAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MCCAUL. Mr. Chairman, as one of the Chairs of the Congressional Sudan Caucus, I am proud to offer this amendment to require the administration to, within 60 days, submit to Congress a comprehensive plan to address the ongoing atrocities in Sudan.

July 22, 2009, will mark the 5-year anniversary of the declaration by the United States Congress that the atrocities occurring in the Darfur region of Sudan constitute genocide. It was an historic resolution because it represented for the first time that Congress had made such a determination while the killings were actually taking place.

Today, innocent civilians in Darfur are still suffering from genocide directed by a callous regime determined to hang on to power at any cost. They are dying at the hands of the Janjaweed, also known as “the devil on horseback.”

The United States for years has been seeking to help find ways to ease the suffering in Darfur and find a lasting political solution to each of the inter-related crises in Sudan. We’ve passed resolutions, imposed economic and travel sanctions, frozen assets, and enabled divestment from companies linked to the Sudanese regime. The United States has led efforts at the United Nations and with bilateral partners to meet humanitarian needs while pressing for the full deployment of peacekeeping missions to help protect civilians.

In addition to supporting efforts to negotiate and implement the Darfur Peace Agreement, the United States also was at the forefront of efforts to resolve the conflict in southern Sudan, a conflict which has left over 2 million people dead and another 4 million displaced.

Today, there is universal acknowledgement that if the comprehensive peace agreement between the north and south fails, there can be little hope for Darfur. Unfortunately, the terms of this peace agreement have not yet been fully implemented, and observers consistently warn that it could fail at any time.

With the national elections due this year and reports of deadly conflict within and among various armed groups on the rise, the stakes could not be higher. During the presidential cam-

paign, each of the candidates assured voters that Sudan would be a major priority for their administrations and spoke of robust actions that would need to be taken in order to resolve Sudan’s multiple conflicts.

While serving in the United States Senate, President Barack Obama called for oil sanctions and the imposition of a no-fly zone over Darfur. While working for the Brookings Institution, U.S. Ambassador to the U.N. Susan Rice went so far as to call for military action against the Sudanese regime. But then on April 22, 2009, almost exactly 1 year after then-Senator Obama condemned the supposed efforts by the previous administration to normalize relations with Khartoum as a “reckless and cynical initiative,” his Special Envoy for Sudan, Scott Gration, announced, “The United States and Sudan want to be partners, and so we are looking for opportunities for us to build a stronger bilateral relationship.”

Obviously, this bold statement sent conflicting messages to observers and caused a great deal of confusion here in the Congress, where Sudan has such a high priority for Democrats and Republicans alike.

□ 1430

Implementing this comprehensive strategy will advance respect for democracy, human rights, and religious freedom throughout Sudan. It will address internal regional security while combating Islamic extremism. And by advancing regional security and cooperation, it will eliminate cross-border support for armed insurgents, and it will shut down safe havens for extremists who pose a threat to the national security of the United States and its allies.

During committee debate on an amendment offered by the gentleman from Texas (Ms. JACKSON-LEE) regarding Sudan, it became clear that there is universal agreement on both sides of the aisle that the United States needs a coordinated, comprehensive strategy for Sudan which balances the United States’ imperatives in Darfur and in southern Sudan.

This amendment simply goes one step further by giving the current administration the opportunity to resolve any outstanding issues with regard to the United States’ policy towards Sudan by formulating such a strategy and reporting that strategy back to the United States Congress.

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

Mr. BERMAN. Mr. Chairman, I rise to claim the time in opposition even though I don’t oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. Mr. Chairman, the gentleman’s amendment encourages

the administration to create a Comprehensive Interagency Strategy and Implementation Plan for Sudan. I have spoken with Mr. MCCAUL about his proposal and agree that developing a coherent approach to the situation in Sudan is critical. The United States must make every effort to address the ongoing and interrelated crises in Sudan. The U.S. should work towards a stable and lasting peace in a region that has seen so many tragedies in recent years.

I have no objection to this amendment, and I look forward to working with Mr. MCCAUL on this provision as the bill moves through the process.

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

Mr. MCCAUL. Mr. Chairman, I urge support for this amendment, and I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you, Chairman BERMAN, and thank you, Ranking Member LEANA ROS-LEHTINEN.

I rise not on this amendment but just to make a comment on the Peace Corps because I was just thinking, as hearing about the amendment, that had we fulfilled John F. Kennedy's dream in the 1960s to have 100,000 Peace Corps volunteers serving overseas throughout the 1960s, 1970s, 1980s, 1990s, and this decade, we might have avoided the disaster in Sudan. And I want to commend the committee because on the 50th anniversary of the Peace Corps, which is in 2011, we have now only 6,000 volunteers serving in 78 countries, and the price tag of that is less than one weapons system. It's a drop in the bucket; \$350 million for that incredible service that we are having from our country.

And what I want to commend the committee on and all of them is the strong support for strengthening U.S. diplomacy with a consistent new vision for a global engagement, and I think that's the global engagement that President Obama has promised this country and is now seeing delivered. And with that, this bill authorizes an increase in Peace Corps funding and will allow the Peace Corps to build to the point where we have 20 countries that are asking for Peace Corps volunteers.

We have about 12,000 people a year that volunteer to go in the Peace Corps, that sign up, and we can only take 4,000. That's all we can afford. So all of these 20 countries have been waiting in line and haven't been able to get attention to adding Peace Corps. And what's interesting is that, as I have sort of dealt with some other issues here, for example, on food hunger in sub-Saharan Africa, I just recently read a report by the Chicago Council on Global Affairs. It called for

300 to 600 new volunteers in sub-Saharan Africa to work on agriculture as a step toward America's reasserting global leadership in the fight against hunger and food insecurity. The point was that the only way you're going to really deliver that effort is by getting people who are going to live in the community, who are going to live on the ground and work with people in the fields, and the only organization we have that does that in the Federal Government is the U.S. Peace Corps.

I don't know if you saw it today, but what the committee did in strengthening this provision of the bill, the new Rwanda President, Paul Kagame, who is the President of the Republic of Rwanda, wrote a letter, and I will just paraphrase parts of his letter:

"We view the return of the Peace Corps as a significant event in Rwanda's recovery. These young men and women represent what is good about America. I have met former volunteers who have run major aid programs here, invested in our businesses, and I even count them among my friends and close advisors."

He goes on to say: "While some consider development mostly in terms of infusion of capital, budgets, and head counts, we in Rwanda place equal importance to relationships between peoples who have a passion to learn from one another, preparing the next generation of teachers, administrators, and CEOs to see the exchange of values and ideas as the way to build the competencies of our people and to create a prosperous nation."

"We will do this because we see that the only investment with the possibility of infinite returns is in our children, and because after a couple of years in Rwanda, working and learning with our people, these Peace Corps volunteers will be our sons and daughters, too."

There is no more loved organization in the world than the United States Peace Corps. And at this time when American image abroad has been suffering in many ways, it keeps growing in this particular service. So as a return Peace Corps volunteer, I am very thankful and delighted that this committee grew the Peace Corps to the demand out there in the world and among the Americans who want to serve. I want to thank you for that.

I will submit President Kagame's statement in the RECORD.

A DIFFERENT DISCUSSION ABOUT AID

The United States of America has just sent a small number of its sons and daughters as Peace Corps volunteers to serve as teachers and advisors in Rwanda. They have arrived to assist, and we appreciate that. We are aware that this comes against the backdrop of increasingly scarce resources, of budget discussions and campaign promises, and of tradeoffs between defense and domestic priorities like health care and infrastructure investments. All that said, I believe we need to have a different discussion concerning the potential for bilateral aid.

The Peace Corps have returned to our country after 15 years. They were evacuated in 1994 just a short time before Rwanda collapsed into a genocide that killed over one million people in three months. Things have improved a lot in recent years. There is peace and stability throughout the nation. We have a progressive constitution that is consensus-driven, provides for power sharing, embraces diversity, and promotes the participation of women, who now represent the majority in our parliament. Our economy grew by more than 11 percent last year, even as the world entered a recession. We have chosen high-end segments of the coffee and tea markets in which to compete, and attract the most demanding world travelers to our tourism experiences. This has enabled us to increase wages by over 20 percent each year over the last eight years—sustained by, among other things, investment in education, health and ICT.

We view the return of the Peace Corps as a significant event in Rwanda's recovery. These young men and women represent what is good about America; I have met former volunteers who have run major aid programs here, invested in our businesses, and I even count them among my friends and close advisors.

Peace Corps volunteers are well educated, optimistic, and keen to assist us as we continue to rebuild, but one must also recognize that we have much to offer them as well.

We will, for instance, show them our system of community justice, called Gacaca, where we integrated our need for nationwide reconciliation with our ancient tradition of clemency, and where violators are allowed to reassume their lives by proclaiming their crimes to their neighbors, and asking for forgiveness. We will present to them Rwanda's unique form of absolution, where the individuals who once exacted such harm on their neighbors and ran across national borders to hide from justice are being invited back to resume their farms and homes to live peacefully with those same families.

We will show your sons and daughters our civic tradition of Umuganda, where one day a month, citizens, including myself, congregate in the fields to weed, clean our streets, and build homes for the needy.

We will teach your children to prepare and enjoy our foods and speak our language. We will invite them to our weddings and funerals, and out into the communities to observe our traditions. We will teach them that in Africa, family is a broad and all-encompassing concept, and that an entire generation treats the next as its own children.

And we will have discussions in the restaurants, and debates in our staff rooms and classrooms where we will learn from one another: What is the nature of prosperity? Is it subsoil assets, location and sunshine, or is it based on human initiative, the productivity of our firms, the foresight of our entrepreneurs? What is a cohesive society, and how can we strengthen it? How can we improve tolerance and build a common vision between people who perceive differences in one another, increase civic engagement, interpersonal trust, and self-esteem? How does a nation recognize and develop the leaders of future generations? What is the relationship between humans and the earth? And how are we to meet our needs while revering the earth as the womb of humankind? These are the questions of our time.

While some consider development mostly in terms of infusion of capital, budgets and head counts, we in Rwanda place equal importance to relationships between peoples

who have a passion to learn from one another, preparing the next generation of teachers, administrators and CEOs to see the exchange of values and ideas as the way to build the competencies of our people, and to create a prosperous nation.

We will do this because we see that the only investment with the possibility of infinite returns is in our children, and because after a couple of years in Rwanda, working and learning with our people, these Peace Corps volunteers will be our sons and daughters, too.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MCCAUL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. LARSEN OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part C of House Report 111-143.

Mr. LARSEN of Washington. Mr. Chairman, I have an amendment made in order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. LARSEN of Washington:

At the end of subtitle A of title XI, add the following:

SEC. 11. STATEMENT OF POLICY REGARDING CLIMATE CHANGE.

To protect American jobs, spur economic growth and promote a "Green Economy", it shall be the policy of the United States that, with respect to the United Nations Framework Convention on Climate Change, the President, the Secretary of State and the Permanent Representative of the United States to the United Nations should prevent any weakening of, and ensure robust compliance with and enforcement of, existing international legal requirements as of the date of the enactment of this Act for the protection of intellectual property rights related to energy or environmental technology, including wind, solar, biomass, geothermal, hydro, landfill gas, natural gas, marine, trash combustion, fuel cell, hydrogen, micro-turbine, nuclear, clean coal, electric battery, alternative fuel, alternative refueling infrastructure, advanced vehicle, electric grid, or energy efficiency-related technologies.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Washington (Mr. LARSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will protect intellectual property rights, or IPR, for American businesses by ensur-

ing robust compliance with international legal IPR requirements and the enforcement of those requirements related to energy and environmental technologies.

Congressman KIRK from Illinois and I recently returned from China where we met both with Chinese leadership and American companies doing business in China. Among a number of issues that we heard on the trip, two were consistent during our meetings with the American businesses. First, there is a great deal of enthusiasm regarding the interest in energy and climate change cooperation between the U.S. and China. Second, however, is a concern that the intellectual property rights owned by those companies selling their clean-energy technologies in China and other parts of the world will not be protected, and the green jobs that could be created here at home will be lost.

According to the International Energy Agency, the world needs to invest \$45 trillion in energy in the coming decades to cut in half greenhouse gas emissions by 2050. To meet that goal, clean technology innovation must increase by 100 to 1,000 percent. The global market for environmental products and services is projected to double from \$1.37 trillion per year at present to \$2.74 trillion by 2020. And according to the American Solar Energy Society, by 2003, industries with green collar jobs could provide up to 40 million American jobs and generate up to \$4.53 trillion in annual revenue.

IPR protection gives companies the confidence to invest in critical research and development efforts to meet the growing demand for clean-energy technology. For this reason, Congressman KIRK and I have offered this amendment to H.R. 2410 to protect the IPR of these clean technologies and ensure these green jobs stay right here in the United States. It is critical that the investments that American companies are making in clean technology are protected. Protecting individual property rights will help us reward innovation instead of penalizing it.

I ask my colleagues to support this amendment to H.R. 2410.

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

Mr. KIRK. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. KIRK. Mr. Chairman, I yield 2 minutes to my colleague MARSHA BLACKBURN.

Mrs. BLACKBURN. I want to thank the gentleman and also Representative LARSEN for allowing me to work with them on this to help ensure that our American innovators' intellectual property is protected as we move forward in this international community transition to green economics.

American innovators hold 50 percent of the world's patents granted between 2002 and 2008 in the clean-energy field, and I will note that Tennesseans alone hold 1 percent of those worldwide patents in the hybrid/electric vehicle market. It's serious business for our American patent holders. They have invested a lot of time, passion, effort, energy, and economic capital in developing these technologies. It is therefore incumbent upon us in Congress to protect what they have created.

The draft U.N. Framework Convention on Climate Change, for example, includes language supported by extreme carbon-emitting nations like India and China calling for a multilateral technology climate fund housed inside the U.N. This new fund would require noncommercial transfers of patent-protected technologies as a price for developing nations' participation in any new international agreement to reducing global emissions. These demands would lead to outright theft of our American intellectual property and indirectly benefit the world's most prominent CO₂ emitters.

Our amendment, which is supported by the U.S. Chamber of Commerce and the Emergency Committee for American Trade, would protect American intellectual property rights and help block any patent transfer to a new multilateral fund. In the context of any international framework that deals with energy and environment technology, the amendment declares that it is official American policy to defend the rights of our creators.

Mr. LARSEN of Washington. Mr. Chairman, I would like to yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the sponsor of the amendment for yielding.

It's really an excellent amendment. If we want to encourage the international cooperation that's needed in this area, I'm telling you you've got to ensure that the entrepreneurs and the innovators know that their cutting-edge breakthroughs and innovations are protected. This isn't even as much about fair return for the inventors as it is ensuring that people will keep innovating and researching and advancing the technologies because they know that ultimately they will be compensated. So it's a symbiotic relationship. The more we ensure and protect intellectual property, the more we will be able to do in achieving our very important goals with respect to the development and deployment of new energy and environmental technologies.

Last year, the United Nations reported that the global market for environmental technologies could double to \$2.74 trillion by 2020 from the \$1.37 trillion today because of growth in areas like energy-efficient technologies, sustainable transport systems, and water supply and efficiencies markets.

This is a very important amendment. Again, I think it is essential to the development and deployment of these new technologies, and I urge its adoption.

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

Mr. Chairman, on May 19, the United Nations Framework Convention on Climate Change released a draft negotiating text. The draft, in part, calls for the removal of “barriers to development and transfer of technologies from developed to developing country Parties arising from the intellectual property rights protection including compulsory licensing for specific patented technologies.”

□ 1445

The American people need to know that those were code words, like “compulsory licensing” and “technology transfer,” that really mean allowing other countries to steal the American patents, copyrights and trademarks for anything related to climate change, efficiency or energy under the draft climate change treaty.

If the United States agrees to a climate change treaty that allows developing countries to seize U.S. intellectual property in this area, economic consequences for green-collar jobs would be devastated. American inventors now hold 50 percent of the world’s patents on clean energy, 52 percent of the patents on fuel cells, nearly half of the world’s wind patents, 46 percent of the world’s solar patents, and 40 percent of the world’s patents in the hybrid-electric vehicle market.

By 2030, industries with green-collar jobs could provide up to 40 million American jobs, and they could generate up to \$4.5 trillion in annual revenue; but none of that would happen if a climate change treaty specifically allowed compulsory licensing so that Chinese competitors, for example, or European opposition could simply steal the intellectual property of a key U.S. green-collar manufacturer.

Now, one leading American innovator told me, If we lose intellectual property rights, capital markets die.

This industry needs all of the innovation we can muster to deliver on what the world and on what the U.S. needs. Shorting that will guarantee no new investments or breakthroughs for green-collar jobs.

Now, this innovator was none other than Gregg Patterson, the CEO of PV Powered—America’s largest manufacturer of solar power inverter technology. Many of us remember this photo when then Presidential candidate, Senator Obama, visited Mr. Patterson last year, promising future green jobs and a green economy at his factory. Mr. Chairman, these jobs will not be created if we do not protect the intellectual property of American inventors and manufacturers. So far, the

State Department has been very silent on this issue, but countries like China and India now put it at the top of their lists for negotiations in Copenhagen to “relax intellectual property rights.” That means to steal the innovations of Americans in green-collar areas.

This amendment lays down a marker. It says, if Copenhagen produces a treaty that allows the theft of U.S. intellectual property under compulsory licensing or under the weakening of IPR, the U.S. will not sign on.

Now, our Larsen-Kirk amendment is endorsed by the Solar Energy Industries Association, by the National Hydrogen Association, by the National Association of Manufacturers, and by the Chamber of Commerce.

I really want to thank Chairman BERMAN, Chairman WAXMAN, Ranking Member ROS-LEHTINEN, and Chairman RANGEL for supporting this very commonsense piece of legislation.

I yield back.

Mr. LARSEN of Washington. Mr. Chairman, I just would again ask my colleagues to support this important amendment to H.R. 2410. I appreciate everyone’s support in making it happen and for bringing it to the floor today.

Mr. MARKEY of Massachusetts. Mr. Chair, I rise in strong support of the Larsen-Kirk amendment, which will ensure that the intellectual property rights of American firms working to defeat the scourge of climate change will be protected.

We are now engaged in what could become the most difficult international negotiation in history: the painful and difficult construction of a binding, universal international agreement to reduce emissions of greenhouse gases in order to save the planet from a disastrous alteration of the climate. And here at home, we are racing to break our dependence on foreign oil and to create millions of new jobs all across the new energy economy. These two necessities, negotiating an international treaty to halt global warming and developing the new energy economy for the twenty-first century, are deeply interconnected.

The technological breakthroughs being created in American laboratories will not only lead our country into the renewable energy future, they will lead the whole world. And it is absolutely necessary that we do everything we can to encourage and enable our high-tech entrepreneurs to innovate. To do this, we must ensure that the intellectual property rights of these innovators are protected. The Larsen-Kirk amendment is a common-sense approach to this problem, and I commend both Members for their thoughtful amendment.

The Larsen-Kirk amendment will ensure that in the negotiation of an international climate change treaty, it will be the policy of the United States to prevent any weakening of, and ensure robust compliance with and enforcement of, existing legal protections of intellectual property rights as they relate to energy and environmental technologies. This amendment will help ensure that even as we work diligently to reduce global emissions, we are protecting the ability of American innovators to step up to the plate and deliver the techno-

logical breakthroughs which will lead this country in a new direction.

I urge my colleagues to support the amendment, and to support the underlying bill, the State Department Authorization Act.

Mr. LARSEN of Washington. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. LARSEN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. LARSEN of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part C of House Report 111-143.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SESSIONS:

At the end of subtitle B of title XI, add the following:

SEC. 11 — SENSE OF CONGRESS RELATING TO ISRAEL’S RIGHT TO SELF-DEFENSE.

It is the sense of Congress that Israel has the inalienable right to defend itself in the face of an imminent nuclear or military threat from Iran, terrorist organizations, and the countries that harbor them.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I rise today in support of my amendment to the Foreign Relations Authorization Act. My amendment would affirm the United States’ complete support for Israel’s absolute right to defend itself from an imminent military or nuclear threat from Iran, from terrorist organizations or from nations that harbor them.

Israel is currently being threatened on three fronts—by Hamas in the south, by Hezbollah in the north and by Iran. Iran provides financial and material support to both of these terrorist organizations. This threat culminated on May 20 when Iran successfully tested a surface-to-surface missile with a range of 1,500 miles. Iranian leaders continue to express their hatred for Israel, and they refuse to acknowledge its right to exist. Their incendiary words and actions are an existential threat to Israel and to the entire region.

No nation should be subjected to these continued threats. Israel has demonstrated tremendous restraint in

the face of these dangers despite being continually questioned by some in the global community regarding its approach to dealing with these threats and terrorist attacks on its citizens.

Israel has been and remains one of the United States of America's strongest allies. Israel seeks only peace with its neighbors and a homeland secure for its people; but if an attack from Iran or from a terrorist organization becomes imminent, this Congress should declare that Israel, like the United States, should reserve for itself the inalienable right to defend itself and to protect its people.

I encourage my colleagues to demonstrate their strong support for Israel by supporting this amendment.

I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I ask unanimous consent to claim time in opposition to this amendment, although I am not opposed to this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

I don't know that we needed to say this, but I'm glad we are saying it. It goes almost without saying that any sovereign country has an inalienable right to defend itself in the face of an imminent nuclear or military attack or threat. Nothing in this amendment prohibits or constrains Israel or the United States from discussing the nature of a threat, the logic of the timing or the nature of the response. So I find this amendment a useful contribution. In a way, it states the obvious, but sometimes stating the obvious is worth doing. I plan to support the amendment.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Chairman, I want to thank the gentleman, the chairman of the committee, Mr. BERMAN, for his words of support.

In fact, this Member sees the need to make sure that not only the people of Israel but the people of our country understand it should be the express purpose and policy of the United States of America to yield to other nations—yes, those we call dear friends—to make sure that they are very clear in understanding our support for them. They should reserve the same right that we do to protect this country. Notwithstanding that, we've had a change of administrations. Notwithstanding that, we've had many, many, many people who are supportive of Israel come and speak to me, personally, about just the question as it might occur:

Where does the United States stand in its support of Israel?

Today is a great day. Today is the bill that's very appropriate to make sure that we understand that the

United States' support of Israel is strong and that we stand behind Israel and that we understand that it is they, Mr. Chairman, who are just miles away from imminent threat through missile attack. I believe it is the right thing to do.

I appreciate the gentleman's feedback. I hope we vote for this. I hope it's accepted.

I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I ask unanimous consent to reclaim the remainder of my time.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 2 minutes to a member of the Foreign Affairs Committee, my friend, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Thank you very much, Mr. Chairman, for yielding.

Let me just rise to oppose this amendment and just very briefly say why.

Every country has a right under international law and under their own laws to defend their own sovereignty, their own country, to protect their country from attacks. Israel certainly has that right already, and it should exercise that right. We all recognize the security of Israel in terms of its being essential in any foreign policy that we develop as it relates to a peace process that is really so critical to the security of Israel.

I just have to say, with regard to this amendment, however, I am very reluctant to support it, and I'll just say why very briefly.

If you will remember, right after the horrific attacks of 9/11, we passed a resolution that I opposed, and I opposed it for many, many reasons, one of which was that the resolution was, in essence, a blank check to use force against any nation that harbored—and this is in this language here—terrorist organizations. I'll tell you that I believe that that casts a blank check once again in terms of allowing for an attack against any country. It could be Pakistan or any country which harbors terrorists, terrorists who may or may not be responsible for any unfortunate attacks.

So, for those reasons, I think this amendment is not necessary. Israel and other countries have a right and should defend themselves from any threat from Iran, from terrorist organizations or from any country. As to any country that harbors terrorists or those who want to do harm to Israel, to me, this provides for an opening, which, unfortunately, I did not believe was correct for our own country nor do I believe we should give that authority, or that rubber stamp, to any country to allow for an attack. It's just a broad blank check. For those reasons, I oppose this.

Mr. SESSIONS. I appreciate the gentleman, the chairman of the com-

mittee, Mr. BERMAN, and the gentlewoman from California (Ms. LEE) for speaking today.

Mr. Chairman, we live in a dangerous world, and there are some of our friends and allies who live in, perhaps, a more dangerous neighborhood than we do here in the United States. I believe that this amendment is one we should support because it makes sure, unequivocally, that the world understands where the United States of America is in our support of not only a friendly nation but of a democracy, one of the few democracies in the region.

United States policy in the United States and in this House of Representatives should be to support it openly and to make sure the world understands, not where, Oh, I thought we had done that, and I know that's what both of my colleagues are saying. I thought we were there; we don't really need to do this. We need to do it. We need to do it. It's the right thing to do.

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

□ 1500

Mr. BERMAN. I am pleased to yield the remainder of my time to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Thank you, Mr. Chairman. I hope that I do not take the remainder of your time.

I am here to speak in strong support of this resolution. I think it's a very important one and one that needs to be stated in this legislation and stated far more often. The fact of the matter is that Iran poses an existential threat to the entire civilized world. It is as much a threat to the United States and Europe and the Arab countries in the region as it is to Israel. A nuclear Iran cannot be allowed to happen. The only difference is that the President of Iran, Ahmadinejad, has singled out Israel for particular hatred and contempt and has threatened to wipe Israel off the map.

We have learned after Adolf Hitler that when the leader of a country threatens to exterminate you or wipe you off the map, you ought to take them seriously. So you have a President of Iran that is desperately attempting and rapidly attempting to acquire nuclear capability, not necessarily for peaceful means but for military means and a threat to Israel to wipe it off the map.

I suggest to you that this is a very dangerous combination, and that is why this resolution is important. And I thank the gentleman very much for introducing this amendment. I urge all of my colleagues to support it.

Ms. LEE of California. Mr. Chair, I rise in opposition to the gentleman's amendment.

Mr. Chair, I want to be clear that I agree with the fundamental principle that every nation, including Israel, has the right to defend itself against an imminent military threat.

Unfortunately, this amendment goes far, far beyond that bedrock principle.

Nearly 8 years ago, I stood on this House floor and confronted a very similar issue. On that day, September 14, 2001, I voted against the authorization of use of United States force against Afghanistan because it granted the US a blank check to wage war any place and any time against any enemy. It went far beyond any authority granted for international war making.

Today this amendment raises the same issue and I am compelled to draw the same conclusion.

I was unable to support US government broad blank check power, in good conscience I am not able to support that type of excessive authority for any other nation.

Ms. WASSERMAN SCHULTZ. Mr. Chair, I rise in support of this essential amendment, recognizing Israel's right to defend itself from an imminent nuclear or military threat from Iran and other countries and organizations.

As Iran forges ahead with its quest for a nuclear weapons capability, it is vital for Congress to recognize Israel's urgent need to deal with the looming threat of a nuclear-armed Iran.

Like all sovereign nations, Israel has not only a right, but moreover, an obligation, to ensure the safety and security of her citizens.

An imminent nuclear or military threat from Iran would certainly endanger her citizens, and that is why, in the strongest of terms, I support my colleague's vital amendment.

According to the U.N.'s nuclear watchdog, Iran has sped up its production of nuclear fuel and has increased its number of installed centrifuges to 7,200—more than enough to make fuel for two nuclear bombs per year.

If Iran possessed nuclear weapons, it could share this technology with terrorist groups to carry out attacks against both Israel and the United States.

Let me be very clear. A nuclear-armed Iran would certainly constitute an existential threat to Israel, but would not only threaten Israel. As the leading state sponsor of international terrorism, a nuclear-armed Iran would pose unacceptable threats to global security.

This rogue nation's possession of a nuclear weapon would likely lead to nuclear proliferation elsewhere in the region and around the globe, while fundamentally altering the strategic balance of the Middle East, and endangering U.S. national security interests.

Undoubtedly, now is the time for us all to stand together in support of Israel and global peace and security. I urge my colleagues to support this critical amendment, and pray that Iran suspends its nuclear program, and starts working towards peace instead of terror.

Mr. BERMAN. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MRS. DAVIS OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part C of House Report 111-143.

Mrs. DAVIS of California. I have an amendment made in order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. DAVIS of California:

At the end of subtitle A of title XI, add the following:

SEC. 11 . . . AUDIT REQUIREMENTS FOR THE INSPECTORS GENERAL OF THE DEPARTMENT OF STATE, THE DEPARTMENT OF DEFENSE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, AND THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) **AUDIT REQUIREMENTS.**—The Inspectors General of the Department of State, the Department of Defense, and the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction should address, as appropriate, in their auditing and assessment protocols for Afghanistan, the impact United States development assistance has on the social, economic, and political empowerment of Afghan women, including the extent to which such assistance helps to carry out the following:

(1) Section 103(a)(7) of the Afghan Freedom Support Act (Public Law 107-327).

(2) The goal expressed in section 102(4) of the Afghan Freedom Support Act (Public Law 107-327) to “help achieve a broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan that is freely chosen by the people of Afghanistan and that respects the human rights of all Afghans, particularly women.”.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Inspectors General of the Department of State, the Department of Defense, and the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction shall submit to Congress a report on the implementation of this section.

The Acting CHAIR. Pursuant to House Resolution 522 the gentlewoman from California (Mrs. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. DAVIS of California. Mr. Chairman, I yield such time as he may consume to Mr. GRAYSON. We have a number of individuals who want to speak, and he's going to do that first.

Mr. GRAYSON. Mr. Chairman, I had the experience of going to Afghanistan a couple of years ago.

This bill has to do with whether we should try to keep track of our policies in Afghanistan on Afghan women. And when I went to Afghanistan 2 years ago before I was elected here to Congress, I saw some interesting things.

One thing is if you're on the street of Afghanistan, everywhere you look there are children—because hardly any of them are in school any time of the year—and as a result of that, you see more children on the streets of an Afghan city or town than you would almost anywhere else in the world. And I noticed something interesting about the girls. If you see an 8-year-old Afghan girl, she looks just like an 8-year-old boy dressed the same way, playing the same way with the same friends. If

you see a 9-year-old Afghan girl, her arms are covered. If you see a 10-year-old Afghan girl, her arms and her head are covered. And you don't see 12-year-old Afghan girls or 13- or 14- or 15- or 16- or 17-year-old Afghan girls. They're just not there.

And if you look around the streets at the adults, you'll see maybe 10 men for every woman that you will see on the streets. And the reason for that is that in Afghanistan, women are forbidden to leave their homes unless they're accompanied by a husband, a brother, a father, or a son. And the women who do leave their homes in Afghanistan are covered head to toe. They can barely see you because their faces are covered and eyes covered with a grill like this so they can just barely see out. They're covered from head to toe, and all you can see of their bodies are their shoes, nothing else.

That is the life of women in Afghanistan. It is a living hell. And I think it's fitting and appropriate that we who have occupied the country militarily for years now should take a look at the effect of our policies on Afghan women. I'm very much in favor of this amendment because it's a matter of human rights.

Ms. ROS-LEHTINEN. I ask unanimous consent to claim time in opposition even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from California and the gentleman from Florida.

With the fall of the Taliban, Afghan women came back from the brink. But the gains made since 2001 have been fragile. We recognize that any prospect of better lives for the women of Afghanistan and girls are inherently linked to the success of the development and reconstruction of their country.

Furthermore, we all desire greater levels of accountability, quality, and impact from foreign development assistance to Afghanistan, all aimed at creating the enabling environment necessary to sustain women's development successes, their security, and their basic rights.

Mr. Chairman, this amendment has that noble purpose. It would require the Inspectors General of the Department of State, the Department of Defense, the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction to include the impact that U.S. development assistance has on the social, economic, and political empowerment of Afghan women as part of their auditing and reporting requirements.

I support this amendment.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I rise to urge my colleagues to support this amendment offered by myself and Representative GRAYSON, which would direct the Inspectors General responsible for oversight in Afghanistan to include in their auditing and assessment protocols the impact U.S. development assistance has on the objectives of the Afghan Freedom Support Act of 2002 to advance political and human rights, health care education, training, security, and shelter for women and girls.

Mr. Chairman, I recently returned from a congressional visit to Kabul and Kandahar where we met with women from all walks of Afghan life. Unfortunately, the roles and experiences of women are not always considered in wartime or during stabilization and reconstruction operations.

These women want to contribute to the stabilization and reconstruction of their nation. That is what we heard from not just a few Afghan women who are in political or professional positions, but from the poorest women who simply want the ability to care for their families, access education and health care, and feel safe and secure in their communities. If we don't include women, we are ignoring 50 percent of the population that is eager and has the desire and capacity to be agents of change.

Ultimately, it is in the interests of the national security of the United States to prevent the emergence of a terrorist safe haven in Afghanistan. The kind of instability women in Afghanistan are submitted to has a direct and a negative correlation to their ability to help stabilize their communities.

The situation for women has been made worse by a lack of security, corruption in Kabul, and passage of oppressive measures such as the Shia personal status law. Every conversation that I have had with commanders there, including on our recent trip, assures me that the kind of gender apartheid that is occurring in Afghanistan undermines our national security. So we cannot sit idly by and do nothing about it if we are to stabilize this region and bring our troops home.

During a recent House Armed Services Committee hearing on the effectiveness of U.S. assistance and counterinsurgency operations, the GAO witness highlighted the importance of empowering women but noted that her agency had not focused on the advancement of women in Afghanistan. And she went on to state, "Investment in women is often a pivotal investment focus for returns on economic growth and economic development in countries." And I believe that, and I also believe that this is true for political growth as well.

In education, some say if you don't test it, you won't teach it. Well, with-

out these metrics, we can't know how our aid is impacting our women. We are reshaping our commitment to the Afghan people in a way that fosters trust, promotes justice, and protects human rights. The protection of the rights of women and girls in Afghanistan and their full and equal participation in Afghan civil society is essential to Afghan national security as well as ours. And I urge my colleagues to reach out to the women of Afghanistan when they're traveling there, because we know that when you include them in your delegation conversations, they, too, can express their concerns to you. Even our male colleagues will have that opportunity with any number of women there.

I want to thank Mr. BERMAN for his support, and I urge the adoption of this amendment.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. DAVIS). The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part C of House Report 111-143.

Ms. GINNY BROWN-WAITE of Florida. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. GINNY BROWN-WAITE of Florida:
Strike section 505.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, we have a problem. As every American in this Chamber knows, America is facing unprecedented trillion-dollar deficits, a ballooning national debt and steady-growing entitlement obligations. Yet, each and every time the House comes together to consider spending bills, evidence abounds that very few tough choices are being made.

As I'm sure my colleagues will readily agree, never in the history of Congress has there been a line item that at least one Member did not support. There has not been a single program that somebody didn't think was worthy of the taxpayer dollars. In a perfect world where the United States is flush with money, very few spending ideas don't hold some merit. But simply having merit does not mean the American people have enough money to pay for it, nor do they have enough money around to fund this.

It is not our job to come to Washington and put together a Middle East

comprehensive and exhaustive list of worthy causes, Mr. Chairman. It is our job to make the tough choices. And that means denying resources to something that somebody somewhere thinks is a good idea.

Frankly, if, as a body, we are unable to recognize that spending taxpayer dollars for the domestic distribution of a documentary film in a foreign affairs bill is not what the taxpayers need most at this time, if this is truly a choice that's too hard for us to make, then I think we owe it to our constituents to take a good long look in the mirror and decide what we are here to do.

Some will probably point out that striking the authorization for this film is not important. Well, I would say to those colleagues it is important that we watch every single appropriation that comes before us. That is precisely what we are sent here to do.

And this amendment is not just about striking a provision to authorize funding for the distribution of a documentary film. If it were, I would take time to point out that this is a domestic distribution in a foreign affairs bill. I would also point out that laws have been on the books for 60 years that prohibit the executive branch from distributing government-sponsored information campaigns domestically.

I might even point out that the film is available already for every man, woman, and child in this country to see right now. I am not kidding. It is actually on YouTube, and yet we have this in the appropriations bill.

The point is, Mr. Chairman, that the American people, those who voted for us and those who voted against us, all of them expect more from this body. I offer this amendment to my colleagues not to point out an absurd provision in an irresponsible spending bill. I offer this amendment to make a point about all of the absurd provisions in all of the bloated bills that this House has recently considered. The American people deserve more than this.

I would point out to my colleagues they need to learn this is a voting card; it is not a credit card.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Chairman, this amendment, while I'm sure well-intended by the gentlelady, would strike a section of the bill waiving the ban against dissemination of public diplomacy materials within the United States to make the film, "A Fateful Harvest," available for public viewing.

Mr. Chairman, the Voice of America's Afghan service has produced this

52-minute documentary examining the narcotics industry in Afghanistan, including poppy growing, opium production, trafficking, law enforcement efforts, and the harmful health effects of drugs. It documents the challenges facing the Afghan Government as well as our own.

□ 1515

Financed by the Department of State's Bureau of International Narcotics and Law Enforcement Affairs, the film has aired inside Afghanistan in Dari and Pashto. A low-resolution version of the film has been available on Voice of America's Web site and in six separate parts on YouTube.

Mr. Chair, Voice of America has received several requests for a clean copy of the documentary in its original high resolution and in one single piece for viewing at U.S. venues because of the film's educational value. Among those seeking access to this single clean copy are the Johns Hopkins University School of Advanced International Studies Center on Politics and Foreign Relations and an Afghan students' group at the University of Virginia.

On the area of cost that my good friend on the other side pointed out, there is no cost. Any additional copies of the film will be made available for purchase, which would cover the cost of copying, however small it may be.

Mr. Chair, on many occasions during the history of USIA and the Broadcasting Board of Governors, Congress has passed legislation to waive the domestic dissemination ban, known colloquially as Smith-Mundt, to make a film available for public viewing in the United States. It is a simple matter with many precedents. This should be one of those occasions. And in reference to not having it done before, on three different occasions, Mr. Chair, three different authorizations, section 203 of the U.S. Information Agency FY 1990 and '91; section 204 in 1988 and '89; section 205 in FY97, different occasions when this has happened before. So with due respect for the lady from Florida, we certainly respect her; but we oppose the amendment.

Mr. Chair, I now recognize for 2 minutes the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman for yielding.

I rise to oppose the gentlelady's amendment. I respectfully disagree that the purpose of today's bill is to do anything other than to improve the quality of the diplomatic efforts that our men and women around the world are doing. I think that this is exactly what the direction of this bill does, and I think it does it in the right, efficient way.

This particular amendment would disallow an important film called *Fateful Harvest*, a documentary that exposes the poppy trade that the Taliban

has used to imprison the Afghan people, from broad distribution. It is true that current law forbids the Voice of America from releasing its products in the United States, and the original intention of that provision was that a U.S. Government agency should not be able to brainwash Americans or put things out there that would not be considered objective information. Further, domestic companies were concerned. They didn't want to have to compete with a not-for-profit government-funded entity. It does require an act of Congress to waive this law. But, let's be clear, Congress has waived this provision 100 times in the past number of years for domestic releases, including the award-winning "John F. Kennedy: Years of Lightning, Day of Drums" in 1965.

This particular movie, *Fateful Harvest*, is important for any American who's concerned about our national security. In a time when some Americans question the presence of American troops in Afghanistan, this film makes the case that American efforts help the Afghan people transition away from poppies to other agriculture helps in our fight against the Taliban. I personally saw the efforts that our men and women on the ground are doing in Afghanistan, when I was there a number of months ago, in trying to switch from poppies to pomegranates, to wheat and other products.

As we help Afghanistan transition their economy, we will undermine the Taliban. Most Americans cannot see this for themselves. That is why the release of this film is so important. I urge my colleagues to oppose this amendment.

Mr. SCOTT of Georgia. Mr. Chair, in closing, I would just like to again urge defeat of this amendment, with all due respect. And I might add, I was on Voice of America yesterday morning. They are fine people. They do a fine service, and this is a great acclamation for them as well. We respectfully speak in opposition to the gentlelady's amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part C of House Report 111-143.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HOLT:

At the end of title X, add the following:

SEC. 10 . . . REPORT ON CHILD ABDUCTION.

Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report containing recommendations for changes to the Hague Convention on the Civil Aspects of International Child Abduction and related United States laws and regulations regarding international parental child abduction that would, if enacted, provide the United States additional legal tools to ensure compliance with the Hague Convention and facilitate the swift return of United States children wrongfully removed from the United States as a result of international parental child abduction, such as in the case of Sean Goldman of Tinton Falls, New Jersey.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I thank Chairman BERMAN for bringing this bill to the floor.

Simply stated, my amendment would require the Secretary of State to report to Congress within 60 days on potential changes in treaty language and related U.S. laws that would improve other countries' compliance with The Hague Convention on International Child Abduction. Let me briefly explain why this amendment is necessary. In force since 1980, The Hague Convention on the Civil Aspects of International Child Abduction was created to ensure that if a child is wrongfully removed from his or her country of habitual residence by one parent against the will of the other parent, the aggrieved parent would have an internationally recognized means of recovering the abducted child. Unfortunately, one of my constituents has come face to face with the very real limitations of the current The Hague Convention in his efforts to recover his kidnapped son from Brazil, which, like the United States, is a signatory to The Hague Convention.

Mr. Chair, 5 years ago this month, Mr. David Goldman from central New Jersey began a long and painful odyssey to rescue his son from an international parental kidnapping. He had driven his wife and their 4-year-old son to the Newark Airport for a scheduled trip to visit her parents in Brazil. Mr. Goldman was to join them a few days later. But before he could, he received a phone call saying two things: His wife said their marriage was over; and if he ever wanted to see their son Sean again, he would have to sign over custody. To his credit, Mr. Goldman refused to be blackmailed. Instead, he began a long and relentless campaign to secure his son's release.

Despite the clear legitimacy of Mr. Goldman's claim, the case has crawled along in Brazil's courts, bouncing back and forth for years. Mr. Goldman's wife secured a divorce in Brazil and began a new relationship with a prominent lawyer. Unfortunately, Mr. Goldman's former wife died, a fact that Mr. Goldman learned only some time later because the family had concealed that from the Brazilian courts.

After my intercession and that of Mr. SMITH, and with the help of the State Department, Brazilian authorities moved to have the case once again sent to Brazil's federal courts to secure visitation rights for Mr. Goldman. That effort was successful. David Goldman was able to see his son for the first time in nearly 5 years, earlier this year. Now just this month, the Brazilian federal court in Rio ordered Sean returned to Mr. Goldman. But amazingly, a Brazilian political party filed a motion with the Brazilian Supreme Court asserting that Brazil's accession to The Hague Convention was unconstitutional.

I'm pleased that the Obama administration has filed a motion with the Brazilian Supreme Court seeking to have this frivolous motion dismissed, but we should do more. This outrageous delaying tactic, brought by an entity with no genuine standing in the case, has only underscored the need for the United States and other nations to examine potential changes to the convention necessary in order to prevent these kinds of cases from dragging on for years. The Hague Convention on parental child abduction should not be a justification for delay. I ask my colleagues to support my amendment so that we can receive, in a timely fashion, advice and recommendations from Secretary Clinton on measures that may be taken to help speed the resolution of cases like that of David and Sean Goldman.

I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chair, I ask unanimous consent to claim the time in opposition, even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of New Jersey. Mr. Chair, I rise in strong support of this amendment. I thank my friend and colleague for offering it.

Today David Goldman is once again back in Brazil. He is back at the Brazilian Supreme Court, which he and I visited together last February, trying to get the justice that the Brazilian courts keep delaying and denying. Today David Goldman is tenaciously trying to reclaim his son from a child abductor.

Mr. Chair, as many Members know, almost 5 years ago David Goldman's 9-

year-old son Sean was abducted by his mother to Brazil. For 5 long years, David has sought relief in the Brazilian courts with the aid of an extraordinarily talented legal team and a local grassroots organization called Bring Sean Home. Mark DeAngelis runs that group, and I would encourage everyone to Google it. Go check it out. Look at the information that is contained in that Web site because it is truly remarkable what this grassroots organization has done to provide support for David, to lift his often discouraged spirits as he's gone through this Byzantine process in Brasilia and Rio de Janeiro.

It is particularly outrageous that since the death of Sean's mother, Sean has been illegally held by her second husband, a man by the name of Lins e Silva, a wealthy and very well-connected lawyer who, by the way, does family law. If ever there was a case of abusing family law, the David Goldman case is it. Lins e Silva refuses to return Sean to his father David, but, heedless of the damage he does to Sean, endlessly delays, obstructs and abuses the judicial system.

Last Tuesday, after a court had ordered the abductor, Lins e Silva, to turn Sean over for immediate return to the United States, within 48 hours a member of the Brazilian Supreme Court, responding to an appeal by a Brazilian political party, suspended that order. I have read Judge Pinto's return order—not all 82-pages, but the parts that were translated into English from Portuguese. It is a remarkable finding by a judge of a Brazilian Court. He talks about there not just being the first kidnapping by the mother, who sadly has passed away, but a second kidnapping, that occurred when a man who was not Sean's father took custody of a son that was not adoptable, and just grabbed him as if he was some kind of commodity. It is outrageous. That judge recognized that. He also acknowledged the extreme emotional and psychological harm that is being done to Sean Goldman each and every day. Court-appointed psychiatrists did an extensive battery of tests and reviews of Sean Goldman and found that the continued absence of David, the real father, has caused incredible emotional harm, which is compounded each and every day.

Mr. Chair, David, again, is now before the Supreme Court; and this political party is actually questioning the constitutionality of The Hague Convention itself and its applicability to the laws of Brazil. To me, that seems as if—and it is—that Sean is being taken hostage. If they want to review whether or not that signing of The Hague Convention comports with their own domestic laws and their constitution, do so. But don't take a 9-year-old American boy as hostage while you adjudicate that consideration.

Mr. Chair, we have to speak frankly about the situation in Brazil. I think this Congress has done so, as have our friends in the Senate, as has the White House. Generally speaking, the Brazilian judicial system enables international child abduction by Brazilian citizens. This is not an exaggeration. I invite you to read the State Department's April 2009 Report on Compliance with The Hague Convention. It just came out, just off the presses. The report documents in detail what it describes as patterns of noncompliance for Brazil, as well as for other countries. Brazilian courts, it notes, have a disturbing pattern of legitimizing abductions by claiming the abducted child has become "adapted to Brazilian culture." In other words, for many of Brazil's courts, if you abduct a child and manage to keep him or her in Brazil long enough, in defiance of The Hague Convention, he or she becomes yours.

□ 1530

And the administration of Brazilian President Lula connives at this outrage. It is complicit. It has done precious little to mitigate the damage being done to American children, especially David Goldman's son, Sean, in Brazil.

Again, I support this amendment strongly, and I urge my colleagues to stay tuned to this. We have to bring Sean home.

Mr. HOLT. Mr. Chairman, I ask unanimous consent to recover any remaining time I have in order to yield to the gentleman from Georgia.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. May I ask the remaining time?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. HOLT. I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentleman from New Jersey for yielding.

Mr. Chairman, we strongly support the gentleman's amendment that would require the Secretary of State to make recommendations to Congress on the kinds of change needed to The Hague Convention on the civil aspects of international child abduction and, where applicable, to United States law.

Mr. Chairman, the purpose of The Hague Convention is to ensure that in situations where a child was wrongfully removed from his or her country or habitual residence by one parent against the will of another parent, the aggrieved parent has an internationally recognized means of recovering his or her abducted child.

Unfortunately, many American families have come face to face with the very real limitations of the current

The Hague Convention and their efforts to recover parentally kidnapped children taken to other countries.

Such was the high profile case involving Mr. David Goldman of Tinton Falls, New Jersey, whose son Sean was kidnapped by Mr. Goldman's wife in 2004. This case has largely languished in Brazil's court since that time, despite the fact that Brazil is a partner with the United States in the Convention's enforcement. The legal process has only moved during periods of intense media attention and diplomatic activity on Mr. Goldman's behalf.

Changes to U.S. law and the Convention appear to be warranted to ensure that children can be quickly returned to their left-behind parents and their homes. This report will help us identify legal changes Congress can consider on behalf of the over 1,000 American children who are currently living in other countries as a result of a parental abduction.

Mr. Chairman, this amendment is an important step in addressing a problem that will likely get worse in coming years in light of the growing number of transnational births and marriages. We must continue to use the legal tools at our disposal to prevent or resolve these childhood abduction cases.

I support the gentleman from New Jersey's amendment.

The Acting CHAIR. All time has expired. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part C of House Report 111-143.

Ms. GINNY BROWN-WAITE of Florida. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. GINNY BROWN-WAITE of Florida:
Strike section 303.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, just a few moments ago, I rose to point out what I believe is unnecessary spending. I suppose it is not a coincidence that I rise again to point out what I believe is another unnecessary spending item.

Section 303 of the Foreign Relations Act before us authorizes funding for the establishment of a Lessons Learned Center. If money were no object, I think it may be a fine thing to do. In fact, it is hard to imagine that anything produced by the center would not be used.

However, as you can imagine, many of my colleagues are wondering, why would anyone oppose this center? They might even point out that those who do not learn from history are doomed to repeat it.

Mr. Chairman, in some ways, my colleagues may be right. But what is essential is that we do learn from our mistakes, and that is precisely why the State Department's exam to become a Foreign Service officer is so rigorous. That is why the intelligence agencies seek the best and the brightest. And, frankly, Mr. Chairman, that is why the entire academic community going back thousands of years studies history.

Additionally, with 24-hour news events, we all become instantly knowledgeable. It is reviewed and reviewed. Anything that happens, has happened, gets reviewed ad nauseam. Section 303 is unnecessary precisely because learning lessons from history is so important and so widely acknowledged as being important that we already have tens of thousands of academies that do that every single day.

The proposed Lessons Learned Center has a great name, yet I think it will be simply one more example of spending money on things that we want and not limiting ourselves to those things that we need. Listen. Just listen. You can hear the giant sucking sound of Washington finding new and different ways to spend dollars; spend, spend.

I don't want to belabor the point, but Congress has already approved a \$700 billion bailout package and an \$800 billion stimulus package in just the last year alone. Meanwhile, our Medicare and Social Security trust funds that our constituents rely on will be exhausted sooner than we thought. And let me point out we are also fighting tough wars in two countries. And while my colleagues believe that a Lessons Learned Center might prevent such costly wars in the future, I would appeal to your intellect and your sense of fiduciary responsibility.

With all the massive charges already on the people's tab, the American taxpayer tab, and with spending at government agencies going up dramatically this year across the board, I ask my colleagues to make tough choices that the American people expect us to make.

All this portion of the bill does is create more government jobs. I urge adoption of this amendment.

I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. Mr. Chairman, for the life of me, I cannot understand why the gentlelady's amendment seeks to cut what may be one of the most important processes that could take place, to

learn how to do things better. I strongly oppose the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), the originator of this proposal.

Mr. DELAHUNT. I thank the gentleman for yielding, and I rise in strong opposition to this amendment as well.

This provision is intended to improve the effectiveness of the State Department and USAID, to save taxpayer dollars, so that there is greater efficiency, improved capabilities, less waste, more bang for the buck, if you will. To do that, we have taken a page from the military.

Section 303 is modeled after Lessons Learned Centers in the armed services. These are mechanisms, if you will, which allow our men and women in uniform to learn from the successes and, as importantly, the mistakes of their colleagues. By cutting down on the need to reinvent the wheel, they have saved not just money, but they have saved lives.

But the State Department and USAID do not have a Lessons Learned Center, even though they, like the military, are spread across the globe with multiple missions. This results in waste, inefficiency, wasted energy, and, tragically, sometimes in the loss of lives of American Foreign Service personnel.

By the way, this is not just an intellectual exercise. With all due respect, I would suggest to my friend from Florida she read this book entitled "Hard Lessons." It is about the colossal waste in the reconstruction of Iraq. If we had a Lessons Learned Center, we could have saved billions of taxpayer dollars.

Read the book, my friends.

It is put out by the Special Inspector General for Iraq Reconstruction, Mr. Bowen, and it is a testimony about what happens if you do not have a tested blueprint with the expenditure of dollars overseas. It is a remarkable piece of work.

I want to make clear what this provision does. It begins the process of creating a Lessons Learned Center by authorizing its creation and requiring a report from the Department of State on how much it would cost to actually establish such a center. So it is only calling, at this moment, for a report, and that report, itself, will detail the cost.

I would be happy to work with the gentlewoman from Florida as this report is produced so that we can ensure that it details ways.

Please oppose this amendment.

Mr. BERMAN. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. KLEIN).

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. KLEIN of Florida. I thank the gentleman for yielding.

I rise today to also oppose the gentlewoman's amendment. The underlying

legislation contains commonsense provisions to ensure we are making the most use of our taxpayer funds in our diplomatic mission. There are a wide variety of opinions about how effective our diplomatic positions have been, and we appreciate the men and women in the diplomatic corps.

But we can do better in terms of, as the gentleman said, getting a better bang for our buck. Creating a Lessons Learned Center will allow the State Department and USAID to be more efficient in their spending and reduce duplicative efforts. We have already identified mountains of duplicative efforts.

This is part of a larger strategy in the legislation to ensure accountability in our diplomatic efforts and on behalf of our taxpayers. It also includes a quadrennial review of our national plan for U.S. diplomacy and development programs, just like the Defense Department does every 4 years.

This, to me, is exactly what we should be doing in this bill as we are beginning a new way of looking at our diplomatic efforts.

So, again, I appreciate the gentlewoman's effort, but I think this is fundamentally a crucial part of this piece of legislation. I urge my colleagues to oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was rejected.

AMENDMENT NO. 13 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part C of House Report 111-143.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk, Amendment No. 13, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BISHOP of New York:

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

SEC. 1012. REPORT ON EFFECTS OF BUY AMERICA ACT WAIVERS UNDER THE PEPFAR PROGRAM.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the effects of the United States Agency for International Development's use of waivers under the Buy America Act for HIV test kits under the President's Emergency Plan for AIDS Relief (PEPFAR) program on—

(1) United States-based manufacturers; and
(2) availability of and access to HIV testing for at-risk populations in low-income countries

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from New York (Mr. BISHOP) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. I want to start by thanking Chairman BERMAN for his leadership on this very important legislation.

My amendment is very straightforward. It directs the Government Accountability Office to study the effects of USAID's Buy America waiver on U.S.-based manufacturers seeking to provide the President's Emergency Plan for AIDS Relief, PEPFAR, with HIV test kits. The study will also examine the waiver's impact on the availability of HIV testing for at-risk populations in low-income countries. To be clear, this amendment does not propose any policy changes.

This study will help us to examine the use of waivers and determine if hardworking American manufacturers of HIV test kits are being undercut by foreign competitors. It is important for the U.S. to lend a hand in fighting this deadly epidemic, but we should do everything possible to preserve American jobs in the process, particularly when spending taxpayer dollars.

When PEPFAR was created in 2003, it was believed that American companies did not have sufficient capacity to manufacture or supply the program with quality HIV test kits. To fill that void, a waiver of the longstanding Buy America policy was extended so that USAID could immediately provide testing, counseling and treatment assistance to countries in most dire need of help. Foreign companies already producing HIV test kits and related products were able to step in and supply PEPFAR with the resources necessary to combat the spread of HIV/AIDS.

However, since 2003, American manufacturers have taken the initiative to play an active role in PEPFAR by developing high-quality HIV test kits that provide accurate results with minimal training. These products continue to be developed here in the U.S. with American hard work and ingenuity.

If more American companies are able to provide USAID products that meet the requirements of PEPFAR without reducing the effectiveness of the program, then perhaps we should rethink Buy America waivers for HIV testing.

When the requested study is complete, we should be able to draw conclusions on two important issues: One, whether or not the waiver puts American companies at a disadvantage when looking to supply their test kits to PEPFAR; and, two, if the Buy America waivers have an effect on access to HIV testing for at-risk populations in low-income countries.

□ 1545

I urge my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the amendment, although I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, the amendment by the gentleman from New York (Mr. BISHOP) requires a GAO report on the effects that waivers of the Buy America Act for the purchase of HIV test kits under the President's Emergency Plan for Aids Relief, PEPFAR, have had on American manufacturers.

PEPFAR, as we know, is one of the largest and most successful foreign assistance programs of our country, and it was reauthorized just last year for an astounding \$48 billion over the next 5 years.

Expanding access for testing is a vital and core component of PEPFAR, both in terms of prevention and treatment. And in some cases, the purchase of test kits manufactured outside of the United States has been deemed a more cost-effective and efficient means by which to expand testing and access to testing.

Still, some have expressed concern about the impact that those waivers may be having on United States-based manufacturers and questioned whether the purchase of these test kits manufactured abroad really has increased access to testing. Thus, an evaluation of this nature may be an appropriate exercise, particularly as the PEPFAR program scales up to transition from an emergency program to a sustainable program. And I, therefore, support the gentleman in his amendment.

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

Mr. BISHOP of New York. I yield the balance of my time to the chairman.

Mr. BERMAN. Mr. Chairman, I simply join the sponsor of the amendment and the ranking member in support of the amendment.

Mr. BISHOP of New York. I thank the chairman for his support. I thank the ranking member for her support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MS. MOORE OF WISCONSIN

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part C of House Report 111-143.

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment at the desk and I request its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. MOORE of Wisconsin:

In section 1107, redesignate paragraphs (4) and (5) as paragraphs (5) and (6), respectively.

In section 1107, insert after paragraph (3) the following:

(4) recognizes that actions limiting or suppressing the human rights of Afghan women and girls undermines the intent of the significant financial and training contributions that the United States and international community have provided to rebuild the country and to help establish institutions that protect and promote respect of basic and fundamental human rights to overcome the devastating damage to those rights from years of Taliban rule.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to urge a "yes" vote on my amendment to the Foreign Relations Authorization Act. This is a time of unprecedented change in our outreach efforts to our global neighbors, and this authorization will help guide that path for the upcoming year and, therefore, I would like to really thank the committee for their hard work. And I would also like to thank my very good friend, Congresswoman MALONEY of New York, for being a leader and steadfast advocate for the women of Afghanistan.

It is just so difficult to express the hurdles that face Afghan women and girls. There are just few words to describe the abhorrent conditions that assault these women and girls on a daily basis, and there are few experiences in our own lives that compare to their constant struggle for survival and freedom.

Afghanistan has one of the highest rates of maternal mortality in the world. One in eight Afghan women die due to pregnancy-related complications every year. That's one woman every 30 minutes.

After years of brutal Taliban rule that allowed few rights for women, approximately 90 percent of their female population is illiterate.

There are over 50,000 widows in the country, many of whom lack substantive means to support themselves or their female children, who lack access to health care, to education, to employment, to shelter, and on and on.

The United States and international aid organizations have provided billions of dollars to rebuild the country and to promote the basic and fundamental human rights of the Afghan people.

More importantly, though, we have asked our own people to sacrifice our sons and daughters, our citizens, for this cause. Our brave men and women

serving in Afghanistan are there to protect the American people, but they are also there to reach out to the people in this war-torn country. And that is why, Mr. Chairman, I have offered this particular amendment.

Earlier this year the Afghan Government moved a measure that would severely suppress the rights of this country's Shiite women and girls. This measure would further restrict their free mobility and actually legalizes marital rape. It does not condemn the marrying of minors and, instead, it appears to promote it.

This legislation ties a woman's legal financial stability and well-being to a man, and demands that a woman submit sexually to her husband in order to be privy to any sort of protection.

I see proposals like this in-depth reporting on multiple news media outlets highlighting the struggles that single women, girls, widows, married women face in Afghanistan.

Now, I understand that there are cultural differences, and I understand that culture and society in the Middle East will never look like that in the United States.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. MOORE of Wisconsin. I yield myself 30 more seconds.

But I also understand what Secretary of State Hillary Clinton speaks of when she says that a woman's rights are human rights. And I understand that these actions prevent a nation from moving beyond an era still wounded by the scars and the fears of years of repressive Taliban rule.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to this amendment, although I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Wisconsin (Ms. MOORE).

Mr. Chairman, this amendment has a noble purpose, to draw attention to the potential erosion of the social and economic progress that has benefited women throughout Afghanistan since the fall of the Taliban.

Many of us in Congress have remained focused on key areas addressed in the Afghan National Development Strategy, the basis of the Afghanistan Compact, which are vital for building human capital and creating an enabling environment for promoting equal rights and opportunities for women in that country.

We have also focused on ensuring the development and application of sustainable strategies that invest in Afghanistan's human capital, equipping both Afghani women and men with the

skills, the support, and the resources needed to move their country forward into peace and stability.

Furthermore, we have repeatedly expressed our commitment to Afghan political, economic and social development and promoting the participation of women and, indeed, all Afghans in these processes.

I urge my colleagues to support this important amendment.

I yield back the balance of my time.

Ms. MOORE of Wisconsin. Mr. Chairman, I would now like to yield the balance of our time to the gentlelady from Illinois, who is the co-Chair of the Women's Caucus, Ms. SCHAKOWSKY.

Ms. SCHAKOWSKY. I rise in strong support of the amendment offered by Congresswoman GWEN MOORE and really applaud her for that and for her passionate remarks on behalf of this amendment.

In the 8 years since the overthrow of the Taliban, women in Afghanistan have made major strides forward. Ninety-one of Afghanistan's 351 parliamentarians are women, and two women have announced their intention to run for President this year.

However, many women in Afghanistan continue to fight for basic human rights. Violence against women, rape and forced marriages continue in the country's most unstable regions. In April we saw images of stones being thrown at a woman protesting a law legalizing marital rape.

Afghanistan's future will depend on its women building more stable and healthy and thriving communities. The women of Afghanistan have borne the brunt of years of warfare, but they will also form the underpinning of a peaceful Afghanistan.

This amendment recognizes that limiting the rights of women is counterproductive to all of our efforts to help Afghanistan move forward from the devastating damage of Taliban rule.

I urge all of my colleagues, on both sides of the aisle, to stand up for the women of Afghanistan who are suffering, who deserve our help.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE). The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. ROYCE

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part C of House Report 111-143.

Mr. ROYCE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. ROYCE:

At the end of subtitle B of title XI, add the following:

SEC. 11 ____ . SENSE OF CONGRESS RELATING TO ERITREA.

(a) FINDINGS.—Congress finds the following:

(1) Section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 640A of the Foreign Assistance Act of 1961 stipulate that a designated state sponsor of terrorism is one "that repeatedly provides support to acts of international terrorism".

(2) Eritrea repeatedly has provided support for terrorists in Somalia, including the al-Shabaab insurgent group, which maintains links to the al-Qaeda network, and has been designated a Foreign Terrorist Organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (INA), as amended.

(3) The UN Sanctions Monitoring Group on Somalia, established by a committee of the United Nations Security Council pursuant to resolutions 751 (1992) and 1519 (2003), reported in July 2007 that "huge quantities of arms have been provided to the Shabaab by and through Eritrea," and "the weapons in caches and otherwise in possession of the Shabaab include an unknown number of surface-to-air missiles, suicide belts, and explosives with timers and detonators".

(4) On August 17, 2007, former Assistant Secretary of State for African Affairs Jendayi Frazer stated, "Eritrea has played a key role in financing, funding and arming the terror and insurgency activities which are taking place in Somalia, and is the primary source of support for that insurgency and terror activity."

(5) In September 2007, Eritrea hosted the Congress for Somali Liberation and Reconciliation conference, offering sanctuary to al-Qaeda linked factions of the Somali opposition, including Sheikh Hassan Dahir Aweys, who has been designated as a terrorist under Executive Order No. 13224 and United Nations Security Council Resolution 1267 for his associations with al-Qaeda, and since has provided substantial political, diplomatic, financial and military support to the Asmara-based Alliance for the Reconstruction of Somalia (ARS) led by Aweys.

(6) In April 2008, the UN Sanctions Monitoring Group on Somalia reported, "the Government of Eritrea continues to provide support to groups that oppose the Transitional Federal Government in the form of arms and military training to fighters of the Shabaab," and that on or about January 8, 2008, an arms shipment from Eritrea arrived in Mogadishu containing dismantled RPG-7s, hand grenades, anti-tank mines, detonators, pistols, mortar shells, AK-47 assault rifles, PKM machine guns, RPG-2s, small mortars, FAL assault rifles, rifle-fired grenades for the FAL, M-16s and explosives.

(7) The April 2008 report of the UN Sanctions Monitoring Group also found that, "towards the end of 2007, about 120 fighters of the Shabaab travelled to Eritrea for the purpose of attending military training at a military base located near the Ethiopian border."

(8) In its December 2008 report, the UN Sanctions Monitoring Group on Somalia identified Eritrea as a "principal violator" of the arms embargo on Somalia and asserted that "Eritrean arms embargo violations take place with the knowledge and authorization of senior officials within the Eritrean Government and the ruling People's Front for Democracy and Justice (PFDJ)."

(9) In testimony before the Senate Permanent Select Committee on Intelligence on February 12, 2009, Director of the Defense Intelligence Agency Lieutenant General Michael Maples stated, "Senior East Africa-based al-Qaeda operatives remain at large and likely continue attack planning against

U.S. and Western interests in the region," and "Recent propaganda from both al-Qaeda and the Somalia-based terrorist group al-Shabaab highlighting their shared ideology suggests a formal merger announcement is forthcoming."

(10) On May 20, 2009, Assistant Secretary of State for Africa Affairs Johnnie Carson testified before the Senate Foreign Relations Committee that, "al-Shabaab . . . continues to harbor terrorists, target civilians and humanitarian workers, and attempt to overthrow the TFG through violent means," and that "a loose coalition of forces under the banner of Hizbul al-Islam, have been attacking TFG forces and other moderates in Mogadishu in an attempt to forcefully overthrow the transitional government. We have clear evidence that Eritrea is supporting these extremist elements, including credible reports that the Government of Eritrea continues to supply weapons and munitions to extremists and terrorist elements."

(11) Assistant Secretary Carson also testified, "There is also clear evidence of an al-Qaeda presence in Somalia. In 2008, East Africa al-Qaeda operative Saleh al-Nabhan distributed a video showing training camp activity in Somalia and inviting foreigners to travel there for training. A small number of senior Al-Qaeda operatives have worked closely with al-Shabaab leaders in Somalia, where they enjoy safe haven. We have credible reports of foreigners fighting with al-Shabaab."

(12) On May 14, 2009, Ian Kelly, Spokesman for the U.S. Department of State, stated, "Over the past week, extremists in Mogadishu have repeatedly attacked the people of Somalia and the Transitional Federal Government in pursuit of a radical agenda that can only promote further acts of terrorism and lead to greater regional instability. Eritrea has been instrumental in facilitating support of the extremists to commit these attacks."

(13) In a Presidential Statement issued on May 18, 2009, the UN Security Council expressed "concern over reports that Eritrea has supplied arms to those opposing the Transitional Federal Government of Somalia in breach of the UN arms embargo, and called on the UN Sanctions Monitoring Group to investigate".

(14) On May 21, 2009, the Inter Governmental Authority on Development (IGAD), a regional group made up of Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda, stated, "The government of Eritrea and its financiers continue to instigate, finance, recruit, train, fund and supply the criminal elements in and/or to Somalia," and called on the Security Council of the United Nations "to impose sanctions on the government of Eritrea without any further delay."

(15) The Peace and Security Council of the African Union, at its 190th meeting held on May 22, 2009, issued a communiqué expressing, "deep concern at the reports regarding the support provided to these armed groups, through training, provision of weapons and ammunitions and funding, by external actors, including Eritrea, in flagrant violation of the United Nations arms embargo" and called on the UN Security Council to impose sanctions against Eritrea.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Eritrea's ongoing and well-documented support for armed insurgents in Somalia, including for designated Foreign Terrorist Organizations and individuals linked to the deadly bombings by al-Qaeda of the United States Embassies in Nairobi, Kenya and Dar

es Salaam, Tanzania in 1998, poses a significant threat to the national security interests of the United States and East African nations;

(2) the Secretary of State should designate the State of Eritrea as a State Sponsor of Terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 640A of the Foreign Assistance Act of 1961; and

(3) the United Nations Security Council should impose sanctions against the State of Eritrea until such time as it ceases its support for armed insurgents, including radical Islamist militants, engaged in destabilizing activities in Somalia.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, I currently serve as the ranking member of the Foreign Affairs Subcommittee on Terrorism. Previously, for 8 years, I served as the chairman of the Africa Subcommittee, so I long have followed the issues surrounding Eritrea and the Horn of Africa.

And this particular amendment calls on the Secretary of State to designate Eritrea as a "state sponsor of terrorism." The Horn of Africa is a combustible mix. You have al Qaeda, you have piracy, a failed state in Somalia, border tensions, and a key instigator of this violence has been the government of Eritrea.

As the amendment indicates, U.N. report after U.N. report cites Eritrea for providing arms and military training to members of the Shabaab, and that's an al Qaeda-linked group that has been designated by the United States as a "foreign terrorist organization."

Mr. Chairman, if you take a look at this picture which appeared in a U.N. report, this is the actual Shabaab fighter who shot down a cargo plane with that shoulder-fired missile supplied by Eritrea. And the reason that we know that is the propaganda footage used by this al Qaeda-linked organization in order to try to recruit fighters to their goal. And they showed the footage of the successful attack on the cargo plane.

Now, what if that had been a civilian jetliner? How many lives would have been lost?

Indeed, our FBI is greatly concerned about Somali Americans who have gone missing from American cities. They are worried that they have gone to Somalia and are linking up with these terrorist groups. And it is Eritrea that is providing the weapons, including shoulder-fired missiles that can take out an airliner and that are providing this military training.

The case for adding Eritrea to the state sponsor of terrorism list is compelling. It's even overwhelming. It has

been so for some time. The Obama administration's Assistant Secretary of State for African Affairs, Johnny Carson, has noted that "we have clear evidence that Eritrea is supporting extremists," and that "the government of Eritrea continues to supply weapons and munitions to extremists and terrorist elements."

And this isn't new. The previous administration took a similar view of the destructive role that Eritrea plays in the horn. Some will say that this is counterproductive or the wrong time. Well, it has been a delicate time in this region for a decade now, and it's gotten a whole lot worse.

□ 1600

It is a complex region. One thing, though, is not complex; this is a clear national security threat.

U.N. reports have noted that over 100 Shabaab terrorists have traveled to Eritrea for their military training at an Eritrean military base and then traveled back. The same U.N. reports have identified Eritrea as a "principal violator" of the arms embargo on Somalia and have asserted that these violations "take place with the knowledge and authorization of senior officials within the Eritrean government." Plainly, it is state policy of Eritrea to support international terrorism.

The U.N. Security Council has made similar statements citing Eritrea's destructive role in the horn, and so have many neighboring countries. So it is time that Eritrea should be named a state sponsor of terrorism.

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

Mr. PAYNE. Mr. Chairman, I claim the time in opposition and rise in strong opposition to the Royce amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PAYNE. Mr. Chairman, the Royce amendment to the Foreign Relations Authorization Act, H.R. 2410, which would designate Eritrea as a state sponsor of terrorism and call on the United Nations Security Council to impose sanctions against Eritrea, I strongly oppose.

While I certainly respect my esteemed colleague from California, ED ROYCE, who served as an excellent chairman on the Subcommittee on Africa for several years, and we worked closely together on many issues, and I have a great deal of respect for him, I must oppose this amendment. This amendment could undermine critical engagements currently going on between the U.S. and Eritrea. I urge my colleagues to vote "no."

The Royce amendment expresses the sense of Congress that the Secretary of State should designate Eritrea a state sponsor of terrorism and that the U.N. Security Council should impose sanc-

tions against Eritrea. I urge you to vote against this amendment for the following reasons:

First, some of the assertions made in the amendment are factually wrong and dated.

Second, the geopolitical dynamics and interstate rivalries in the Horn of Africa cannot be addressed properly without concerted diplomatic engagement. Declaring Eritrea a state sponsor of terrorism and imposing international sanctions would do nothing to further our diplomatic aims and would impose further hardship on the people who are struggling to survive on a daily basis.

Thirdly, while Mr. ROYCE's amendment lays out a long list of reasons why he feels Eritrea should be placed on a state sponsor of terrorism list, the proposed amendment does not recognize the diplomatic efforts currently underway by the State Department to address the complex issues surrounding the Horn of Africa. Just last month, Eritrea President Isaias Akwerki sent a letter to President Obama expressing the desire to engage on these issues and is sending a high-level delegation to Washington. Additionally, a senior State Department official is expected to visit Asmara in a few weeks. Moreover, the Somali Government has said they want to engage with Asmara.

Lastly, putting Eritrea on a sanctions list would have limited effect on our effort to try to stabilize the region and build alliances with governments in a wider battle against extremism.

We should urge the administration to take careful note of the issues raised by Representative ROYCE, and I have written a letter to the President to that effect. The administration is engaging Asmara. We must allow these diplomatic discussions to continue.

In my last trip to Asmara 1 year ago, I met with the President and did indicate changes that would have to be made. The current President of Somalia, Sheikh Sharif Sheikh Ahmed, was in Asmara and went back, and now is trying to lead a government which is fighting against al Shabaab and al Qaeda. And so at this time, I think that this amendment would disrupt sensitive diplomatic issues that are going on. I urge my colleagues to vote against the Royce amendment.

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

Mr. ROYCE. Let me respond that, first of all, I have a great deal of respect for Chairman PAYNE. We have worked together for years on Africa issues. We worked together on Darfur, Sudan. But this is the very issue of why we disagree here, because all Members should know that it was Eritrea that was the first country to invite Sudan's President, al-Bashir, to visit Eritrea following an arrest warrant for his crimes against humanity in Darfur.

Now, with respect to the issue, I can think of numerous issues and times

when Congress has had to push—and we'll take Sudan as an example, since the example I'm giving here is an example in which Eritrea has welcomed al-Bashir at a time when the international community is trying to get him to prevent the crimes that he has committed in Darfur. We have had to push to take more assertive actions. We did that with genocide in Sudan. And in my view, there is nothing wrong now, especially with respect to a state sponsorship of terrorism. I think that the Assistant Secretary of State for Africa's words speak for themselves. Again, this is Secretary Carson before the Senate Foreign Relations Committee last month, in which he said, We have clear evidence that Eritrea is supporting these extremist elements, including credible reports that they continue to supply weapons and munitions to terrorist elements.

I ask for an "aye" vote.

Mr. SHERMAN. Mr. Chair, during consideration of H.R. 2410, the Foreign Relations Authorization Act, I voted for the Royce amendment regarding Eritrea. I know that Eritrea is sending a diplomatic delegation to the United States at the present time, and that sensitive negotiations are taking place in the region. It is my hope that Eritrea will dramatically change its policies as a result of this diplomatic action, and designation of Eritrea as a State Sponsor would be unnecessary. Had this provision been adopted in the House, it could have been (and would have been) removed from the bill in conference should such a change of policy come about. Therefore, I felt that the amendment was worthy of support at this stage of the legislative process notwithstanding the legitimate concerns raised by opponents of the amendment.

The Acting CHAIR (Ms. DEGETTE). The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROYCE. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. BERMAN. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Ms. DEGETTE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes had come to no resolution thereon.

PERMISSION TO CONSIDER
AMENDMENT OUT OF ORDER

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2410, pursuant to House Resolution 522, it may be in order to consider amendment No. 17 after amendment No. 27.

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

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

The SPEAKER pro tempore. Pursuant to House Resolution 522 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2410.

□ 1610

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes, with Ms. DEGETTE (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 15 by the gentleman from California (Mr. ROYCE) had been postponed.

AMENDMENT NO. 16 OFFERED BY MR. MEEKS OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part C of House Report 111-143.

Mr. MEEKS of New York. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. MEEKS of New York:

At the end of title X, insert the following:
SEC. 10 . . . REPORT ON UNITED STATES-BRAZIL JOINT ACTION PLAN TO ELIMINATE RACIAL DISCRIMINATION.

Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the status, efficacy, and coordination of the United States-Brazil Joint Action Plan to Eliminate Racial Discrimination, and a summary of short and long-term efforts to address the plight of in Afro Latinos and indigenous peoples in the Western Hemisphere through cooperation and bilateral efforts.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MEEKS of New York. Madam Chair, I rise today with an important amendment to H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011.

We here in the United States understand all too well that it takes more than just passing laws to ensure equal access to prosperity. It took decades of constant pressure and struggle to get the legal right to full participation of African Americans in our American democracy, yet we realize that our work is far from over in our great Nation.

Racial discrimination is a sobering reality, both here in the United States and in the rest of the world. We understand that we cannot throw stones from a glass house, but instead we must work in tandem with our neighbors to ensure that all citizens in our hemisphere are unfettered by discriminatory practices now and the vestiges of those practices of the past.

It is in our interest to work toward a more equal hemisphere. And we are all at risk if our citizens do not have full faith in the strength of democracy to provide upward mobility. The Reverend Dr. Martin Luther King, Jr., put it best when he said, Injustice anywhere is a threat to justice everywhere.

Afro-Latinos face a longstanding struggle against racial discrimination and a lack of opportunities. Afro-Latinos make up approximately 150 million of the region's 540 million total population and, along with women and indigenous populations, are among the poorest, most marginalized groups in the region.

People of African descent comprise a significant portion of the population in several Latin American countries and account for nearly 50 percent of the region's poor. For many Afro descendants, endemic poverty is exacerbated by isolation, exclusion, and racial discrimination.

In Brazil, Afro-Latinos represent 45 percent of the population but constitute 64 percent of the poor and 69 percent of the extremely poor. In Colombia, the plight of Afro-Colombians is perhaps harshest, as they are all too often caught in the crossfire of violent conflict.

Congress previously supported the United States-Brazil Joint Action Plan Against Racial Discrimination in House Resolution 1254 and called for both the United States and Brazil to promote equality and to continue to work toward eliminating racial discrimination. The joint action plan helps to facilitate the exchange of information on the best practices of anti-discrimination measures and development of ideas of how to bilaterally promote racial and ethnic equality.

With this amendment, we request that Secretary Clinton report on plans and efforts to address the plight of

Afro-Latinos and indigenous peoples in the Western hemisphere. And we also request a report on the status of the U.S.-Brazil joint action plan so we can gain a greater understanding of how to increase our collaboration on similar initiatives.

Madam Chair, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I rise to claim time in opposition.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. The U.S.-Brazil Joint Action Plan to eliminate racial and ethnic discrimination and promote equality recognizes the commitment of our governments to promote equality and opportunity.

□ 1615

It also underscores the importance of cooperating in the promotion of human rights in order to maintain an environment of peace, of democracy, and of prosperity in the region.

The United States' commitment to freedom and equality is longstanding. This joint action plan between our two countries helps to further these values throughout the hemisphere.

Mr. MEEKS' amendment requires the Secretary of State to report on the progress of these important bilateral efforts under the action plan. This report will help to bring accountability and greater oversight to the objectives and to the goals of this important joint effort between the United States and Brazil.

I thank Congressman MEEKS for his introduction of this amendment, and I urge my colleagues to support it.

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

Mr. MEEKS of New York. Madam Chair, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Chair, first of all, I would like to commend the gentleman from New York (Mr. MEEKS) for his long service in this area of bringing attention to bringing equality to the cultures of Central America, South America, and Latin America. He is to be indeed commended.

Madam Chair, the United States and Brazil are strong partners with a common history and ancestry that, unfortunately, includes experiences of slavery, racism, and discrimination against citizens of African heritage. Still, the United States and Brazil, under the joint action plan, are working to learn from each other's experiences in order to combat racism, promote equality, and increase cooperation in a multitude of fields including education, culture, health, and sports.

Madam Chair, because combating racism and discrimination requires constant vigilance, I support the gentleman from New York's amendment, which will provide Congress with better information moving towards that end.

Mr. MEEKS of New York. Madam Chair, I just want to give some good progress that has been made in Latin America. For example, we see Graciela Dixon become the first black woman to head Panama's Supreme Court in 2005 and Joaquim Barbosa of Brazil rise as a prominent member of the Supreme Court. Paula Moreno stands now as Colombia's first Afro-Colombian to serve as a minister in a presidential cabinet. And in Ecuador, it was reported that a group of more than 100 black women in 2006 sought more government assistance for housing to combat racial discrimination in the rental market.

We are in this together; we can accomplish this together. And I thank the gentlewoman who is the ranking member on the committee for supporting this bill as well as the Chair of the committee.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MRS. KIRKPATRICK OF ARIZONA

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part C of House Report 111-143.

Mrs. KIRKPATRICK of Arizona. I have an amendment at the desk and ask for its consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mrs. KIRKPATRICK of Arizona:

Page 264, beginning line 1, insert the following:

(K) FLOW OF ILLEGAL FUNDS.—A description and assessment of efforts to reduce the southbound flow of illegal funds.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Arizona (Mrs. KIRKPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Mrs. KIRKPATRICK of Arizona. Madam Chair, over the past 1½ years, we have witnessed record levels of violence along the southwest border. Since the beginning of 2008, over 7,500 people have died as drug cartels have fought over trafficking routes between Mexico and the United States.

As the fighting has continued in Mexico, those of us who live in border States have seen our communities threatened. Many communities in my home State of Arizona have seen gang violence on the rise, and the State now leads the Nation in both kidnapping and identity theft, an increase that is directly linked to illegal activity along the border.

Our local law enforcement is doing a great job combating crime, but they cannot take on the cartels alone. They

need the Federal Government to do its job.

The criminal organizations that smuggle people and drugs into the United States bringing this high level of crime into our homes are fueled by the southbound flow of illegal arms and cash. Arms illegally carried to Mexico are the weapons of choice for cartels, while it is money streaming in from the United States that funds their massive armies.

This bill calls on the President to report to Congress on the activities of the Merida Initiative. Among the matters covered by this report is the assessment of United States efforts to prevent the southbound flow of illegal arms. However, it does not currently include any assessment of our efforts to prevent the movement of cash. The illegal movement of people, drugs, weapons, and money are entirely linked together, and it is impossible to address one of those issues without tackling the rest.

Therefore, I offer this amendment to include an assessment of United States efforts to stem the stream of cash heading south into Mexico. The cartels are continually finding new and innovative ways to transport funds, and our government needs to be at least as creative if these organizations are going to be stopped.

Madam Chairwoman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Chair, the Merida Initiative is an historic opportunity to cooperate with our democratic partners in the region against narco-trafficking and organized crime. Requiring comprehensive reporting on U.S. actions and the consequences of such are essential not only to ensuring oversight but also to ensuring our efforts are effective and, indeed, long lasting.

Congresswoman KIRKPATRICK's amendment works to include a review of the illegal southbound flow of cash under Merida reporting. I believe we should also oversee north in addition to southbound flows of cash across our borders. Only through a comprehensive approach and understanding of what we are facing can we truly be successful.

I support the gentlewoman's amendment, and I congratulate her for offering it.

Mr. BERMAN. Would the gentlewoman yield?

Ms. ROS-LEHTINEN. I would be most honored to yield to our distinguished chairman.

Mr. BERMAN. I thank the ranking member for yielding.

I just want to add my support. The fact is I had a chance to go to Mexico City, and the gentlewoman from Ari-

zona is absolutely right. The guns are one issue but the huge amounts of cash that are transported are another. Her amendment makes what I think are some good provisions in this legislation on strengthening the Merida Initiative even better, and I urge its adoption.

Ms. ROS-LEHTINEN. Madam Chair, I yield back the balance of my time.

Mrs. KIRKPATRICK of Arizona. Madam Chairwoman, I thank the chairman and the ranking member for their help with this amendment.

I ask my colleagues to support this amendment, which addresses a key part of the fight against drug trafficking organizations.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Mrs. KIRKPATRICK).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. KIRK

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part C of House Report 111-143.

Mr. KIRK. Madam Chair, I have an amendment on the roll.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. KIRK:

At the end of subtitle A of title II, add the following:

SEC. 205. ELIGIBILITY IN CERTAIN CIRCUMSTANCES FOR AN AGENCY OF A FOREIGN GOVERNMENT TO RECEIVE A REWARD UNDER THE DEPARTMENT OF STATE REWARDS PROGRAM.

(a) ELIGIBILITY.—Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

(1) by striking “(f) INELIGIBILITY.—An officer” and inserting the following:

“(f) INELIGIBILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an officer”; and

(2) by adding at the end the following new paragraph:

“(2) EXCEPTION IN CERTAIN CIRCUMSTANCES.—The Secretary may pay a reward to an officer or employee of a foreign government (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

“(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection.

“(B) Such payment may aid in furnishing further information described in such subsection.

“(C) Such payment is formally requested by such agency.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting “or to an officer or employee of a foreign government in accordance with subsection (f)(2)” after “individual”.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. Madam Chair, I yield myself such time as I may consume.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their bipartisan work on this, for a good underlying bill, in my view, as well.

This amendment will assist in our fight against terrorism across the globe, especially in Pakistan and Afghanistan.

Currently, the terrorist rewards program run by the State Department assists in our hunt for terrorists by promising a cash reward or other type of assistance for information leading to the arrest of some of the world's most deadly terrorists. The Rewards for Justice Program, established by the 1984 Act to Combat International Terrorism, has now paid over \$77 million to more than 50 people who have provided credible information to put terrorists behind bars and prevent acts of terrorism.

As a staff member, I helped write the amendments that President Clinton asked for when we wanted to offer rewards for persons indicted for war crimes, for example, in the former Yugoslavia. We also passed legislation under Chairman Hyde that loosened up this program so that we could provide more than cash assistance, more meaningful assistance to farmers and other people who may not be able to read in very rural parts of Central Asia.

The program has been the key to success in apprehending people, including Mir Amal Kansi, a terrorist who murdered two CIA employees and injured three others in his 1993 rampage outside of CIA headquarters in Virginia. The program was also important in nailing Ramzi Yousef, convicted of the 1993 World Trade Center bombing; Uday and Qusay Hussein, the two murderous Hussein brothers; Khadafy Janjalani and Abu Solaiman, two high-ranking members of Abu Sayyaf in the Philippines; Libyan Abdel Basset Ali al-Megrahi, convicted on January 31, 2001, for the murder of 270 people on Pan Am Flight 103 over Lockerbie; Hamsiraji Marusi Sali, the leader of the ASG; Muhsin Khadr al-Khafaji, a member of Saddam Hussein's top Ba'ath Party leadership; Iraqi Khamis Sirhan al-Muhammad, a former official military commander; and Muhammad Zimam Abd al-Razzaq al-Sadun, number 41 on the Iraqi "top 55" wanted list.

Under current law, though, the United States may not pay an award to an officer or employee of another government. I have traveled to Pakistan in each of the last 4 years where I have met a number of government officials, and at the strong suggestion of the fairly poorly paid, especially IB, intelligence bureaus, I believe the Secretary of State should be allowed to pay such a reward especially if it has to do with

nailing the greatest terrorists. If there is anyone anywhere working for anyone who has information related to the whereabouts of Osama bin Laden or Ayman al-Zawahiri, we should be doing everything possible to elicit that information.

As Secretary Clinton, Secretary Gates, General Petraeus, and Ambassador Holbrooke execute the President's new strategy for Afghanistan and Pakistan, we should do everything we can to develop a complete picture of where the al Qaeda and Taliban leadership is hiding. This amendment provides our key State Department and intelligence officials with every possible tool that they could have to make sure they can offer a reward even if that person, for example, works for the Pakistani IB bureau.

In the last Congress, the House overwhelmingly passed this amendment 419-1, but it did not pass the Senate, which is why I offer it today.

Madam Chair, I reserve the balance of my time.

Mr. BERMAN. Madam Chair, I ask unanimous consent to claim the time in opposition to this amendment, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. Madam Chair, as the gentleman said, and I agree with every word that he said in support of his amendment—I'm not sure I could have pronounced every word as he did, but this is simply a discretionary authorization to the Secretary of State, usually in extraordinary circumstances, to do something which makes perfect sense, to take advantage of the possibility that a foreign national might under circumstances, and particularly with a reward in mind, provide information of tremendous value in capturing target terrorists that we are pursuing. Whether it's the ones the gentleman spoke about or others, why not give this authority?

I urge that the amendment be adopted and we change the law to remove this restriction, which, to me, doesn't make much sense.

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

□ 1630

Mr. KIRK. I appreciate the chairman's work. I also appreciate David Fite's work on this because we were together when we first saw how this restriction could impede the hunt for the two top al Qaeda terrorists—Ayman al-Zawahiri and Osama bin Laden.

For a poorly paid official—and there are many who are patriotic, good servants in Afghanistan and in Pakistan especially—we ought to be able to offer this reward. This will significantly incentivize the hunt for some of the people who have killed most of the

Americans. I urge adoption of the amendment.

Ms. MCCOLLUM. Madam Chair, I rise to express my opposition to amendment number 19 offered by Representative KIRK to H.R. 2410, the Foreign Relations Authorization Act.

Representative KIRK's amendment would allow the United States Secretary of State, at her discretion, to make payments from the Rewards for Justice program to officers or employees of foreign governments who provide information leading to the capture of exceptional and high-profile terrorists.

Upon first glance, this amendment may seem reasonable. Of course the United States wishes to encourage persons in foreign countries to assist our efforts to resist global terrorism. However, I question the necessity and wisdom of using U.S. taxpayer funds to pay employees of foreign governments for official duties they are presumably already being paid by their own governments to perform. Long-term success in the global fight against terrorism requires that America's partners make this mission an integral part of their work, not an extra-credit activity.

In addition, the effect of this amendment could be contrary to America's commitment to due process and human rights. In previous instances when soldiers or officials have been offered monetary incentives to capture "terrorists", innocent civilians have been labeled as terrorists and accusations grossly conflated so the informant can claim a financial prize or even a political score. The language of this amendment is too vague to protect against potential human rights abuses.

For the two reasons I have stated, Madam Chair, I voted against the amendment offered by Mr. KIRK.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KIRK. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. LYNCH

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part C of House Report 111-143.

Mr. LYNCH. Madam Chair, I have an amendment at the desk that has been made in order by the rule. I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. LYNCH:

Page 73, after line 21, insert the following (and amend the table of contents accordingly):

SEC. 239. REPORT ON SPECIAL IMMIGRANT PROGRAMS FOR CERTAIN NATIONALS OF IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of State shall submit to the Congress a report on the programs authorized under the following provisions:

(1) Section 1059 of division A of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 8 U.S.C. 1101 note).

(2) Section 1244 of division A of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 396 et seq.).

(b) CONTENTS.—The report under subsection (a) shall address at least the following:

(1) Whether the eligibility requirements with respect to the programs are sufficiently clear, and if not, whether legislation is necessary to clarify those requirements.

(2) Whether the programs are being run effectively and expeditiously.

(3) Whether processing delays exist with respect to the programs that place applicants' lives at risk, and if so—

(A) what the cause or causes of the delays are; and

(B) whether legislation is necessary to eliminate the delays.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

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

Before I begin, Madam Chair, I would like to thank Foreign Affairs Committee Chairman BERMAN for considering my amendment. I congratulate the committee for drafting a bill that, I think, will truly strengthen our Foreign Affairs profile overseas as well as strengthen our capabilities.

I rise in support of my amendment, which will direct the State Department to assess and to report to Congress on the Special Immigrant Visa Program for certain Iraqi and Afghan nationals employed by or on behalf of the United States in both Afghanistan and in Iraq.

As a member of the House Oversight Committee and as a member of its National Security and Foreign Affairs Subcommittee, I've been to Iraq and to Afghanistan on numerous occasions. I've had the pleasure of meeting with some of the brave Iraqi and Afghan workers who actually serve right beside our own men and women in uniform as interpreters, as assistants in military operations and also in the civil operations that are going on in both of those countries. It is extremely dangerous work, and they do deserve incredible recognition for taking a very difficult position in aiding our troops in their mission. They are deserving of our admiration.

There is a sad truth, however, that, in choosing to support U.S. forces in Iraq and in Afghanistan to rebuild their countries, they are also putting their lives on the line and those of their families. The insurgents in Iraq and in Afghanistan have targeted these hardworking patriots and their families in the hopes of terrorizing the local people and in discouraging cooperation.

It is because of this very real danger that Congress created the sections 1059 and 1244 Special Immigrant Visa Programs. They allow for certain Iraqis and Afghans who actually serve as translators—these are the folks who are actually protecting our young men and women in uniform as translators or as interpreters or who are otherwise employed by the U.S. or its contractors—to come to the United States to escape the targeting by these terrorists and insurgents.

I am aware that the State Department prepared a study of these programs in July 2008, but I believe it is necessary, actually, to follow up on this previous study in light of the troubling reports that I received earlier this year. I was informed by our State Department folks in Iraq and in Afghanistan and I was informed by General Ray Odierno, the commander of the United States forces in Iraq, that they are still dealing with unclear eligibility requirements, that they're having difficulty processing these Iraqis with visas and that they're facing long processing times, which has worked to the detriment of these individuals and has also hampered our effort to recruit others to take their places.

With wait times up to a year, these applicants are in constant danger while their applications are sorted out. I think we owe it to these brave men and women, who are doing the right thing, to ensure that any delays are only as long as is absolutely necessary.

Through this study, we will be able to determine the root causes of these difficulties. Then, based on the findings, Congress can act to ensure that these programs are run efficiently and effectively while protecting the applicants' lives, our national security and our men and women in uniform.

I urge my colleagues to support both this amendment and the underlying bill.

I reserve the balance of our time.

Ms. ROS-LEHTINEN. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. I thank the gentleman from Massachusetts for his helpful and constructive amendment.

I rise in support of this amendment.

I had the opportunity to travel to these areas with the gentleman a few years back. Congress has recognized the debt owed to the Iraqis and Afghans who work at great personal risk in support of our troops. It has responded by creating two Special Immigrant Visa, SIV, programs. One is an SIV program for Iraqi and Afghani translators and interpreters. The second is an SIV program for Iraqi employers and contractors and their families, along with providing refugee resettlement benefits.

However, as a 2008 report by the State Department Inspector General stated: the current process resulted in applicants' receiving SIVs who, one, did not meet the program's criteria of working primarily as interpreters or as translators or, two, in the OIG team's opinion, appeared to be outside the legislative intent of the program. As a result, the number of SIVs that could have been allocated to other qualified applicants were not.

This amendment seeks to address a number of those issues by requiring our State Department, among other actions, to develop clear guidance on eligibility for adjudicators, to maintain a high level of vigilance due to the high risk of fraud and abuse, and many other items.

I again thank the gentleman from Massachusetts. I urge my colleagues to support this vital and important amendment.

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

Mr. LYNCH. Madam Chair, at this point, I would like to yield the balance of my time to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Madam Chair, I rise to join the ranking member in supporting very strongly the amendment from the gentleman from Massachusetts (Mr. LYNCH).

We have, I think, a general obligation to deal with the issue of the refugees as a consequence of these conflicts both in Iraq and in Afghanistan, but we have a particularly strong duty to deal with the status of people who are displaced or who are objects of persecution, retribution or retaliation because those individuals helped either our military or our diplomats or our AID people in terms of the conflict in either one of those countries.

This is an issue that I, personally, was very involved with in the last couple of years. The gentleman's amendment, I think, helps to spur us to deal with some of the problems in the program now and to do more in this regard. It is certainly an amendment that, if it is passed, I would want to see in the final legislation. I urge its adoption.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. BERMAN

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part C of House Report 111-143.

Mr. BERMAN. As the designee of Mr. HILL, I have an amendment made in order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. BERMAN:
At the end of title X, insert the following:
**SEC. 10 . . . REPORT ON REDUCING SMUGGLING
AND TRAFFICKING IN PERSONS.**

The Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, shall conduct a cost-benefit analysis and submit to Congress a report on how best to use United States funds to reduce smuggling and trafficking in persons.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. BERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Madam Chair, I yield myself such time as I may consume.

I am operating as a designee for our colleague BARON HILL. I strongly support the amendment that is before the body now. It requires the State Department, in cooperation with other departments and agencies, to report on how best to use government funds to reduce alien smuggling and trafficking in persons.

The State Department estimates that 800,000 people are trafficked in deplorable conditions and in inhumane conditions to cross borders around the world while millions more are trafficked within their own countries. Of these, approximately 80 percent are women and girls. Half are minors. Human smuggling continues to be a significant law enforcement challenge in the international community, and it remains a particular problem for us on our southern border with Mexico.

The United States became a party to the United Nations' smuggling protocol in 2005. It continues to work with other governments, committing substantial resources to end human smuggling and to protect victims from the perilous journeys involved in this profitable enterprise. Some 112 countries are now party to this smuggling protocol.

Madam Chair, in order to more effectively tackle the growing and worrisome problems of human smuggling and trafficking, I support the gentleman's amendment.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Chair, although the amendment urges the executive branch to undertake assessments that, I hope, are already going into the administration's policymaking, I do not oppose this amendment.

All of us are, of course, opposed to alien smuggling, trafficking persons and terrorists entering the United States. We believe that U.S. efforts to fight those grave problems should be cost effective. Thus, I support the amendment's call for a report on this subject.

I yield back the balance of our time.
Mr. BERMAN. Madam Chair, I have no further requests for time.

I yield back the balance of my time.
The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in part C of House Report 111-143.

Mr. PETERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. PETERS:
At the end of Title X, insert the following:
**SEC. 10 . . . REPORT ON WESTERN HEMISPHERE
TRAVEL INITIATIVE.**

Not later than 18 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report on the effects of the Western Hemisphere Travel Initiative (WHTI) on the flow of people, goods, and services across the international borders of the United States, Canada, Mexico, Bermuda, and the Caribbean region, with particular emphasis on whether WHTI has been effective in meeting its goal of strengthening United States border security and enhancing accountability of individuals entering the United States, and an assessment of the economic impact associated with WHTI and its effects on small businesses.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

Madam Chair, today, we are considering important legislation that will support efforts to strengthen, to modernize and to rebuild the capacity of the Department of State to fulfill its core diplomatic mission. This legislation will also increase the arms control and the nonproliferation capabilities of the State Department; it will reform the system of export controls for military technology; and it will improve the oversight of U.S. security assistance abroad.

As we expand our diplomatic capabilities, we must remember that trade is the driving force of both our economy and of our international diplomacy. In December of 2004, Congress passed the Western Hemisphere Travel Initiative. As of June 1, 2009, this initiative now requires that travelers have passports for all land and sea crossings, including travel to and from Canada and Mexico.

We need to know exactly how these new passport requirements are affecting our economy. Obviously, prudent security measures must be undertaken to keep Americans safe, but we also need to assess whether these measures

are working and how they affect border State businesses. My amendment will require such an assessment. Congress can then determine whether corrective action is needed to change the requirements or to provide relief to border State businesses or both.

The Peters amendment would require the Secretary of State to submit to Congress within 18 months of the passage of this act a report on the Western Hemisphere Travel Initiative: on the flow of people, goods and services across the international borders of the United States, Canada, Mexico, Bermuda, and the Caribbean region.

□ 1645

The amendment stipulates the report should pay specific attention to the effects on small businesses and the measure's effectiveness in strengthening border security. Increasing the security of our borders must be a top priority from Congress. We must also ensure that implementation of the Western Hemisphere Travel Initiative is carried out in a manner that increases our national security but does not unnecessarily hinder trade and strain our small businesses.

With our Nation's fight through a recession, it is particularly important that we assess the effect measures approved by this body have on our economy.

I greatly appreciate the support from my friend and colleague from New Mexico, Congressman TEAGUE, for his office's assistant on this important amendment and help on issues of importance to both our northern and southern border regions, and I urge my colleagues to support my amendment.

Madam Chair, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I ask unanimous consent to claim time in opposition, even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chair, I support this amendment because the Western Hemisphere Travel Initiative was fully implemented in June of this year with the goal of strengthening U.S. border security while at the same time enhancing accountability of those entering our country.

By calling on the Secretary of State to provide a report to Congress describing the impact this implementation has had on the flow of people, goods, and services across the international borders shared by the relevant countries, Congressman PETERS' amendment will help us understand better how effective this initiative has been in making our country safer and what impact these two measures will have on the business sectors of our countries.

The Western Hemisphere Travel Initiative was a significant step toward making America more secure. Congressman PETERS' amendment is important as it would provide greater accountability and oversight of the objectives and consequences of this important initiative and will ultimately help us protect the interests and the safety of the American people.

And with that, I yield back.

Mr. PETERS. Madam Chair, my amendment is a commonsense measure that ensures that the Western Hemisphere Travel Initiative's effects on small businesses are known and reported to Congress in a timely manner. The Western Hemisphere Travel Initiative must be implemented in a way that strengthens our national security, maintains robust trade and tourism with our neighbors, and protects our Nation's small businesses.

I would like to thank Foreign Affairs Committee Chairman BERMAN and Rules Committee Chairwoman SLAUGHTER.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. BERMAN

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in part C of House Report 111-143.

Mr. BERMAN. Madam Chair, as the designee of Mr. TEAGUE, I have an amendment made in order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. BERMAN:

At the end of subtitle A of title XI, insert the following:

SEC. 11 . GLOBAL CLEAN ENERGY EXCHANGE PROGRAM.

(a) PROGRAM ESTABLISHMENT.—The Secretary of State is authorized to establish a program to strengthen research, educational exchange, and international cooperation with the aim of promoting the development and deployment of clean and efficient energy technologies in order to reduce global greenhouse gas emissions, address issues of energy poverty in developing countries, and extend the reach of United States technologies and ingenuity that would be beneficial to developing countries. The program authorized under this subsection shall be carried out pursuant to the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) and may be referred to as the "Global Clean Energy Exchange Program".

(b) DEFINITIONS.—In this section:

(1) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term "clean and efficient energy technology" means an energy supply or end-use technology—

(A) such as—

- (i) solar technology;
- (ii) wind technology;
- (iii) geothermal technology;
- (iv) hydroelectric technology;

(v) alternative fuels; and

(vi) carbon capture technology; and

(B) that, over its life cycle and compared to a similar technology already in commercial use—

(i) is reliable, affordable, economically viable, socially acceptable, and compatible with the needs and norms of the country involved;

(ii) results in—

(I) reduced emissions of greenhouse gases;

or

(II) increased geological sequestration; and

(iii) may—

(I) substantially lower emissions of air pollutants; or

(II) generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) GEOLOGICAL SEQUESTRATION.—The term "geological sequestration" means the capture and long-term storage in a geological formation of a greenhouse gas from an energy producing facility, which prevents the release of greenhouse gases into the atmosphere.

(3) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; or

(G) nitrogen trifluoride.

(c) ELEMENTS.—The program authorized under subsection (a) shall contain the following elements:

(1) The financing of studies, research, instruction, and other educational activities dedicated to developing clean and efficient energy technologies—

(A) by or to United States citizens and nationals in foreign universities, governments, organizations, companies, or other institutions, and

(B) by or to citizens and nationals of foreign countries in United States universities, governments, organizations, companies, or other institutions.

(2) The financing of visits and exchanges between the United States and other countries of students, trainees, teachers, instructors, professors, researchers, entrepreneurs, and other persons who study, teach, and conduct research in subjects such as the physical sciences, environmental science, public policy, economics, urban planning, and other subjects and focus on developing and commercially deploying clean and efficient energy technologies.

(d) ACCESS.—The Secretary of State shall ensure that the program authorized under subsection (a) is available to—

(1) historically Black colleges and universities that are part B institutions (as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5))), Tribal Colleges or Universities (as such term is defined in section 316 of such Act (20 U.S.C. 1059c)), and other minority institutions (as such term is defined in section 365(3) of such Act (20 U.S.C. 1067k(3))), and to the students, faculty, and researchers at such colleges, universities, and institutions; and

(2) small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, and small business concerns owned and controlled by veterans (as such terms are defined in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3))).

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. BERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Madam Chairman, I yield 1 minute to the gentlelady from Nevada (Ms. TITUS).

Ms. TITUS. Madam Chairman, I rise in support of the Teague-Titus-Giffords amendment to establish a global clean energy exchange program. This new program will strengthen research, educational exchange, and international cooperation with the aim of promoting the development and deployment of clean and efficient energy technologies.

The development of next-generation solar, wind, geothermal, carbon capture and storage, and other clean energy technologies that will reduce our dependence on foreign oil's going to take cooperative efforts from every corner of the world.

Our amendment provides much-needed support for exchange programs dedicated to providing developing clean-energy and energy-efficient technologies. These exchange programs between the United States and other countries will be available to teachers, students, and entrepreneurs.

In addition to promoting the development and deployment of clean-energy technology, this exchange program will help address issues of energy poverty in developing countries and extend the reach of American clean-energy technologies and innovation that would be beneficial to developing countries.

I urge passage.

Ms. ROS-LEHTINEN. Madam Chair, I ask unanimous consent to claim time in opposition even though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chair, while I am concerned by the proliferation of exchange-related authorization earmarks in the underlying bill, which circumscribes the discretion of States' educational and cultural affairs bureaus in deciding how to allot our finite education and exchange resources, I do not oppose this amendment.

I support efforts to use our educational and exchange resources to help support the development of clean and efficient energy sources, and I appreciate the fact that this amendment does not include a specific authorization amount. Therefore, I support the amendment.

I yield back the balance of my time.

Mr. BERMAN. Madam Chair, I yield the balance of the time to the sponsor of the amendment, under my designee status, the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Madam Chairwoman, I am an oilman. I always have been, and I always will be. One thing that I learned as an oilman is that no matter where you go around the world, when you visit oil- and gas-producing areas, you mostly find American companies, American technologies, American equipment, and, of course, Americans. America is the pride of the oil patch.

Over the years, that position has served us well. It creates wealth and jobs in our country and has been the basis for America's leadership in the global economy. But the world is changing. Where before other nations could not compete with our economic might, now they can. And before, where the hydrocarbons were the only solution to the world's energy needs, it no longer is. America will continue to lead the world in the production of oil and natural gas, but we must also lead the world in the production of renewable energy.

America will be stronger if we lead the development of new ways to capture wind energy. America will be wealthier if we create and produce the technology the world uses to produce energy from the sun. Most Americans will have good-paying jobs if it is American ingenuity behind the production of new biofuels around the world.

The Teague-Titus-Giffords amendment creates the Global Clean Energy Exchange Program to strengthen research, educational exchange, and international cooperation with the aim of promoting the development and deployment of clean and efficient American energy technologies around the world.

Our amendment will mean that professors, researchers, entrepreneurs, and small business owners can travel to other nations to show people there the renewable energy products, technology, and expertise that America has developed. And when those nations decide to make investments in renewable energy, I imagine they will turn to the technologies, products, and expertise that we introduced to them in the first place.

This amendment is about enhancing America's leadership in the renewable energy field; it's about creating markets for American goods; it's about creating profits for American companies; it's about creating jobs for American workers.

I thank Chairman BERMAN for his support, and I thank Chairwoman SLAUGHTER for allowing this amendment to be debated on the floor. I urge my colleagues to support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in part C of House Report 111-143.

Ms. EDDIE BERNICE JOHNSON of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

At the end of subtitle B of title II, add the following:

SEC. 227. EXCHANGES BETWEEN AFGHANISTAN AND THE UNITED STATES FOR WOMEN LEGISLATORS.

(a) PURPOSE.—It is the purpose of this section to provide financial assistance to—

(1) establish an exchange program for Afghan women legislators of the National Assembly of Afghanistan;

(2) expand Afghan women participation in international exchange programs of the Department of State; and

(3) promote the advancement of women in the field of politics, with the aim of encouraging more women to participate in civil society, reducing violence against women, and increasing educational opportunities for women and children.

(b) PROGRAM.—The Secretary of State shall establish an exchange program in cooperation with the women members of parliament in Afghanistan to enable Afghan women legislators to encourage more women to participate in, and continue to be active in, politics and the democratic process in Afghanistan.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairwoman, let me first thank the Chair and ranking member of the Committee on Foreign Affairs for their hard work on this entire document and for the privilege of offering this amendment.

I rise to claim the time in support of my amendment that would provide assistance for Afghan women legislators. The amendment would create a program in the State Department to support exchanges between Afghanistan and the United States for women legislators, expand Afghan women's participation in international exchange programs of the Department of State, and promote the advancement of women in the field of politics with the aim of encouraging more women to participate in the civil society. This program would give female lawmakers of the National Assembly of Afghanistan new opportunities to improve their political and administrative skills and to identify and mentor other future qualified women interested in leadership in the public service.

A new generation of leaders is helping to pave the way to consolidate and secure a stable democracy in Afghani-

stan. Afghan women legislators are helping to forge this path and already have contributed significantly to the country's democratic solutions. However, as a group, these women legislators face a unique challenge in navigating their path in the political system because of their agenda.

Additionally, many obstacles stand in the way of the advancement of the status of females, including violence against women and restriction on women's personal freedom of movement. Given the current challenges with the status of women and rising insecurity, the Afghan women legislators can greatly benefit from increased professional and leadership development. The U.S. and the international community must ensure that Afghan women can safely and effectively exercise their rights as citizens.

This amendment would also open additional possibilities to take part in an international visitors program and training through the State Department, which already maintains a similar program to encourage women in leadership in other countries. This would be paid out through the customary means for professional exchanges by the State's Bureau of Educational and Cultural Affairs.

Taking part in such programs would not only train current legislators, but encourage more women to participate in Afghan civil society. Exchange programs such as these can help raise the awareness of democratic values. These goals are consistent with the national security objectives for Afghanistan and represent an effective use of our public diplomacy resources.

I urge all of my colleagues to support the benefits of international, cultural, and education exchange and to vote "yes" on this amendment.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I ask unanimous consent to claim time in opposition, even though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chair, I want to rise in support of the amendment offered by the gentlelady from Texas.

The women of Afghanistan have taken great strides since the fall of the Taliban to fully take part in all aspects of their society. Women have realized significant gains in the last several years. However, much remains to be done.

Laws and regulations passed to safeguard the rights of women must be enforced and respected at the provincial and local levels in order to ensure that women make progress throughout all aspects of Afghan society. It is critical that women legislators of Afghanistan receive the necessary training and support that they need to prevent a return

to the intimidation, to the discrimination, to the violence that they faced under the Taliban.

□ 1700

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in part C of House Report 111-143.

Ms. EDDIE BERNICE JOHNSON of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

At the end of subtitle B of title XI, add the following:

SEC. 11. INTERNATIONAL PREVENTION AND ELIMINATION OF CHILD SOLDIERS.

It is the sense of Congress that—

(1) the use of child soldiers is unacceptable;

(2) the use of child soldiers is a violation of human rights and the prevention and elimination of child soldiers should be a foreign policy goal of the United States;

(3) the use of child soldiers promotes killing and maiming, sexual violence, abductions, destabilization, and displacement;

(4) investing in the health, education, well being, and safety of children, and providing economic opportunity and vocational training for at-risk youth, is critical to achieving the goals of the United Nations Convention of the Rights of Children; and

(5) countries should raise to 18 years of age the minimum age for the voluntary recruitment of persons into their national armed forces.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairwoman, let me begin by thanking Chairman BERMAN and Congresswoman ROS-LEHTINEN for all of their hard work and dedication to improving people's lives around the world.

My amendment affirms that the use of child soldiers is unacceptable. It is a violation of human rights, and the prevention and elimination of child soldiers should be a foreign policy goal of the United States. Around the world, children are being recruited by armed forces and exploited as soldiers. Amnesty International estimates 250,000

children under the age of 18 are thought to be currently fighting in conflicts around the world, and hundreds of thousands are members of armed forces who could be sent into conflict at any time. The use of children as soldiers has been universally condemned as horrible and unacceptable; yet over the last 10 years, hundreds of thousands of children have fought and died in conflicts around the world. Child soldiers are usually forced to live under cruel conditions with inadequate food and little to no access to health care. They're almost always treated cruelly, subjected to beatings and shameful treatment. Girl soldiers are particularly at risk of rape, sexual harassment and abuse while in combat. They're often forced into marriage arrangements and are at high risk for unwanted pregnancies.

As a psychiatric nurse, I have seen firsthand the effects of war. The mental, social, and emotional abuses endured as a child soldier will last the rest of their lives, and they'll never know how to solve a problem without fighting. I am eager to work with the State Department to ensure that children around the world are off the frontlines of conflicts and in schools and on playgrounds. Children must have a chance to be children in order to be healthy, happy and productive adults. We must take a stand. Please join me in expressing to the global community that the use of child soldiers is unacceptable. I ask my colleagues to vote "yes."

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I ask unanimous consent to claim time in opposition, even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chair, the Congress put the force of law behind its condemnation of the use of child soldiers through the Child Soldiers Prevention Act, authored by my good friend from Nebraska (Mr. FORTENBERRY). This was incorporated into the William Wilberforce Trafficking Victims Protection Reauthorization Act and became public law in December 2008. We further opined on this matter in the Child Soldiers Accountability Act of 2008, which became law in October of last year. However, a sense of Congress reaffirming that the use of child soldiers is unacceptable must be supported. I applaud my good friend from Texas for bringing this important issue to our attention again. It is right and just to do so. I encourage our colleagues to support this amendment.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, I have no further requests for time.

Mr. BERMAN. Will the gentle lady yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from California.

Mr. BERMAN. I just want to express my strong support for this. The issue of child soldiers is a very important one. I appreciate your raising it, as well as some of the other contributions of other Members on this issue. I strongly support the resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in part C of House Report 111-143.

Mr. POE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. POE of Texas:

At the end of title X, insert the following:
SEC. 10. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for the next two years, the President shall submit to Congress a report, with respect to the preceding fiscal year, listing each United States agency, department, or entity that provides assessed or voluntary contributions to the United Nations and United Nations affiliated agencies and related bodies through grants, contracts, subgrants, or subcontracts that is not fully compliant with the requirements to post such funding information for the fiscal year covered by such report on the website "USAspending.gov" as required by the Federal Funding Accountability and Transparency Act (Public Law 109-282).

(b) AVAILABILITY TO PUBLIC.—The Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet website.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Madam Chair, this amendment would make it a requirement for the President to report annually the total United States cash and in-kind contributions to the United Nations system each fiscal year by every United States agency or department. This amendment only applies for the next 2 fiscal years.

Last year, American taxpayers contributed \$5 billion to the United Nations, making the United States the largest member donor to that institution. Seeing the amount of American

investment and the influence the United Nations has on world opinion and world events, it's important that Americans know how their money is being spent and that it is not subsidizing activities which hurt American security, values or our national interests.

The amendment I am sponsoring today would make it a requirement for the President to submit to Congress a report of U.S. cash and in-kind contributions to the United Nations and U.N.-affiliated agencies each fiscal year. The funding would be reported on usaspending.gov, as required by the Federal Funding Accountability and Transparency Act; and this amendment would expire after 2 years. Without the report, Americans would be in the dark concerning the ways in which their money is being spent in funding the United Nations.

I urge the adoption of this amendment.

I reserve the balance of my time.

Mr. BERMAN. Madam Chair, I ask unanimous consent to claim the time in opposition to the amendment, though I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. The gentleman's amendment is pretty direct. It requires the President to report total cash and in-kind contributions by the United States to the entire United Nations system for the period covered by H.R. 2410, fiscal years 2010 and 2011. The amendment makes sense. It encourages full transparency in detailing the logistical and other support that the U.S. provides to critical peacekeeping operations and other U.N. activities in the support of U.S. interests. The Members of Congress have a right to know, the people of America have a right to know, and I support the amendment.

I yield back the balance of my time.

Mr. POE of Texas. I thank the chairman for his response in support of this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. CASTLE

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in part C of House Report 111-143.

Mr. CASTLE. Madam Chairwoman, I rise for the purpose of offering amendment No. 27.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. CASTLE:
At the end of subtitle A of title XI, add the following (and amend the table of contents accordingly):

SEC. 11 — ALIEN REPATRIATION.

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended to read as follows:

“(d) ENSURING RETURN OF REMOVED ALIENS.—

“(1) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES DENYING OR DELAYING ACCEPTING ALIEN.—On being notified by the Secretary of Homeland Security that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Secretary of Homeland Security asks whether the government will accept the alien under this section, the Secretary of State shall order consular officers in that foreign country to discontinue granting immigrant visas or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the alien.

“(2) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—If the Secretary of Homeland Security determines that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, the Secretary of Homeland Security, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who is seeking or has received a nonimmigrant visa pursuant to subparagraphs (A) and (G) of section 101(a)(15).

“(3) QUARTERLY REPORTS.—Not later than 90 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, and every 3 months thereafter, the Secretary of Homeland Security shall submit to the Congress a report that—

“(A) lists all the countries which refuse or unreasonably delay repatriation; and

“(B) includes the total number of aliens who were refused repatriation, disaggregated by—

“(i) country;

“(ii) detention status; and

“(iii) criminal status.”

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Madam Chairwoman, I yield myself as much time as I may consume.

I offer this important amendment before us today for a variety of reasons. When a citizen or a national of a foreign country is convicted of a crime or found to be in the United States illegally, Immigration and Customs Enforcement, or ICE, officials often issue a final order of removal. While most countries in the world repatriate their citizens and nationals in a timely manner, there are a handful of countries that often refuse or unreasonably delay this process. U.S. courts have ruled that our government cannot legally hold criminal aliens in custody for longer than 6 months following their sentence of imprisonment if their home

country refuses or delays in taking them back. As a result, ICE reports that more than 17,000 convicted criminals, many of whom have served time for crime such as murder, kidnapping and rape, have been released onto our streets after their home country refuses or delays repatriation. This creates a serious burden on our local law enforcement and wastes millions of dollars in Federal and State resources.

Under current law, our government has the option of denying visas to countries that refuse repatriation. However, this tool has rarely been utilized. The amendment I am offering today with Congressman DENT would provide our government with two new tools for compelling countries to act.

First, the amendment empowers the Secretary of Homeland Security to deny admission to a country's diplomatic visa holders if the Secretary determines the country is unreasonably refusing or delaying repatriation.

Second, the amendment requires quarterly reports to Congress from the Secretary of Homeland Security publicly listing the countries that refuse or unreasonably delay repatriation. These reports are to include specific information on the status and number of criminal aliens released in the U.S.

Madam Chairwoman, it's my hope that this reporting requirement, which calls for naming and shaming uncooperative countries, will assist the administration in putting new pressure on those that refuse or delay the repatriation of convicted criminals. This is just a first step toward solving a serious problem; and in the end, our amendment leaves final discretion to the administration to allow for diplomatic flexibility. I urge my colleagues to support this important amendment.

I reserve the balance of my time.

Mr. BERMAN. Madam Chair, I ask unanimous consent to claim the time in opposition, although I am not going to speak in opposition.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. I yield myself as much time as I may consume.

The gentleman has touched on a real problem. Just as he describes it, the notion of criminal aliens released because of the limitations on the time they can be held, not taken in their home country, creates a very undesirable situation in our own country. The gentleman's addition to the existing law makes a lot of sense because it's to retaliate against the officials of that government who seek diplomatic visas to come to the United States.

The existing provision of law is very understandable, although I have a little concern that sometimes we're visiting on the spouse of a U.S. citizen or worker with particular skills the sins of the government on that individual

or on that individual's American citizen family. But the gentleman has been very flexible in working with us on this amendment, and he is certainly trying to go after a real problem. I wish I had a better alternative than this, but military force isn't my answer. So I'm going to support the gentleman's amendment.

I reserve the balance of my time.

Mr. CASTLE. Madam Chairman, I would just like to thank the Chair and the committee for being helpful in forming this amendment. We had to make some changes, which I think were positive. I think that is very helpful.

At this time I will yield to the gentleman from the Commonwealth of Pennsylvania (Mr. DENT) such time as he may consume.

Mr. DENT. I thank the gentleman from Delaware.

Madam Chair, I rise in support of the Castle-Dent amendment to the Foreign Relations Authorization Act. As of May 2009, just last month, over 147,000 citizens, residents and nationals of foreign countries remain in the United States because the governments of their home nations are delaying or even refusing repatriation, according to U.S. Immigration and Customs Enforcement. It's simply unacceptable. The disconcerting detail regarding the situation is that over 17,000 of these individuals are criminal aliens who have been released into our communities and neighborhoods because U.S. courts have ruled that our system cannot legally hold them in custody for longer than 180 days, or 6 months, following their sentence of imprisonment if their home country refuses or unreasonably delays repatriation.

□ 1715

Detainment will only be extended if an individual has been proven to be especially dangerous by a court and a psychiatrist.

This extension has only been exercised a handful of times since being instituted in 2004. Releasing dangerous criminals back on to our streets is just not fair to our citizenry and the families and individuals who have legally immigrated to America.

That said, the Castle-Dent amendment requires quarterly reports, reports every 90 days, to Congress from the Secretary of Homeland Security publicly listing the countries that refuse or unreasonably delay repatriation, including information on the total number of criminal aliens in the United States.

Furthermore, the Secretary of Homeland Security will have the power to facilitate the repatriation process by denying the entrance to the U.S. of those holding diplomatic visas of the offending country. The administration can exercise discretion regarding diplomatic flexibility with an affected nation if necessary.

Under current statute, the Immigration and Nationality Act provides that the U.S. State Department has the authority to discontinue the granting of immigrant or nonimmigrant visas to nationals from foreign countries that unreasonably delay or deny accepting an alien who is a citizen, subject, national or resident of that country. Although State has threatened to deny visas in this capacity, it has never enforced this authority.

Additionally, the Congressional Budget Office has indicated this amendment has no significant impact on PAYGO. On the other hand, draw-out repatriation negotiations divert scarce Federal and State resources.

As an example, in one case, the U.S. Government paid \$197,000 to fly an alien convicted of assault with a knife back to his home country of Somalia, only to be denied and sent back to the U.S. where he was released and fled to Canada. I don't understand the logic here. We cannot spend taxpayer dollars to remove a dangerous individual from American soil only to discover the nation is refusing the reentry of their citizen.

Congressional action on comprehensive immigration hangs in the future.

The Acting CHAIR. The gentleman's time has expired.

Mr. BERMAN. Madam Chair, I yield 1 additional minute to the gentleman.

Mr. DENT. I thank the gentleman for yielding.

Just very briefly, I wanted to say about this whole matter, the offending countries tend to be about eight countries, China, India, Vietnam, Laos, Eritrea, and I am probably neglecting one or two. But there are a handful of countries that are responsible for these 147,000 individuals who have valid removal orders against them. They should be removed.

I thank the gentleman, Mr. CASTLE, and I thank the gentleman from California for working with us to provide an amendment that I think sends a very strong message that it is unacceptable that we have to expend our limited resources to hold people who should have been returned.

So, again, I thank you for your courtesy and again urge adoption of the Castle-Dent amendment.

Mr. BERMAN. I have no further speakers. I support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. MATHESON

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part C of House Report 111-143.

Mr. MATHESON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. MATHESON:

At the end of subtitle C of title II, add the following:

SEC. 239. STUDY REGARDING USE OF PASSPORTS FOR OVERSEAS VOTING AND CENSUS.

The Secretary of State, in consultation with the Attorney General and the Director of the Census Bureau, shall conduct a feasibility study and submit to Congress a report assessing methods of facilitating voting in United States elections by United States citizens living overseas using passports or other methods, and for using passports or other methods to count United States citizens living overseas in the United States Census.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Madam Chairman, I first want to thank the Foreign Affairs, Rules, Judiciary and House Administration Committees for working with me on this amendment. My amendment seeks to ensure that Americans living overseas, all of whom are currently required to pay taxes to the U.S. Government, are counted in U.S. censuses and get to vote in U.S. elections.

This amendment instructs the Secretary of State, in consultation with the Director of the Census Bureau and the U.S. Attorney General, to develop a study using the passports of overseas Americans to determine how they can fully participate in future censuses and elections.

In the 2000 census, the State of Utah narrowly missed getting a fourth congressional seat in the U.S. House of Representatives because LDS missionaries living overseas at the time were not counted. My amendment seeks to help correct this unfair practice by examining effective ways that all Americans living overseas will be counted in future censuses and get to vote in future U.S. elections.

This amendment is straightforward in establishing a study to examine this issue. I encourage my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 111-143 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. BERMAN of California;

Amendment No. 2 by Ms. ROSLEHTINEN of Florida;

Amendment No. 6 by Mr. McCAUL of Texas;
 Amendment No. 7 by Mr. LARSEN of Washington;
 Amendment No. 10 by Ms. GINNY BROWN-WAITE of Florida;
 Amendment No. 15 by Mr. ROYCE of California;
 Amendment No. 19 by Mr. KIRK of Illinois.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BERMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BERMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 171, not voting 11, as follows:

[Roll No. 320]

AYES—257

Abercrombie	Courtney	Himes
Ackerman	Crowley	Hinchee
Adler (NJ)	Cuellar	Hirono
Altmore	Cummings	Hodes
Andrews	Davis (AL)	Holden
Arcuri	Davis (CA)	Holt
Baca	Davis (IL)	Honda
Baird	Davis (TN)	Hoyer
Baldwin	DeFazio	Inslee
Barrow	DeGette	Israel
Bean	Delahunt	Jackson (IL)
Becerra	DeLauro	Jackson-Lee
Berkley	Dent	(TX)
Berman	Dicks	Johnson (GA)
Berry	Dingell	Johnson, E. B.
Biggert	Doggett	Kagen
Bishop (GA)	Donnelly (IN)	Kanjorski
Bishop (NY)	Doyle	Kaptur
Blumenauer	Driehaus	Kildee
Bocchieri	Edwards (MD)	Kilpatrick (MI)
Bordallo	Edwards (TX)	Kilroy
Boren	Ellison	Kind
Boswell	Ellsworth	Kirk
Boucher	Emerson	Kirkpatrick (AZ)
Boyd	Engel	Kissell
Brady (PA)	Eshoo	Klein (FL)
Bralley (IA)	Etheridge	Kosmas
Bright	Faleomavaega	Kratovil
Brown, Corrine	Farr	Kucinich
Butterfield	Fattah	Lance
Capps	Filner	Langevin
Capuano	Foster	Larsen (WA)
Cardoza	Frank (MA)	Larson (CT)
Carnahan	Fudge	Lee (CA)
Carney	Giffords	Levin
Carson (IN)	Gonzalez	Lipinski
Castle	Gordon (TN)	Loggren, Zoe
Castor (FL)	Grayson	Lowe
Chandler	Green, Al	Lujan
Childers	Green, Gene	Lynch
Christensen	Griffith	Maffei
Clarke	Grijalva	Maloney
Clay	Gutierrez	Markey (CO)
Cleaver	Hall (NY)	Markey (MA)
Clyburn	Halvorson	Marshall
Cohen	Hare	Massa
Connolly (VA)	Harman	Matheson
Conyers	Hastings (FL)	Matsui
Cooper	Heinrich	McCarthy (NY)
Costa	Herse	McCormack
Costello	Higgins	McDermott

McGovern	Pierluisi	Snyder
McHugh	Pingree (ME)	Space
McIntyre	Polis (CO)	Speier
McMahon	Pomeroy	Spratt
McNerney	Price (NC)	Stupak
Meek (FL)	Quigley	Sutton
Meeks (NY)	Rahall	Tanner
Melancon	Rangel	Tauscher
Michaud	Reyes	Taylor
Miller (NC)	Richardson	Teague
Miller, George	Rodriguez	Thompson (CA)
Minnick	Ross	Thompson (MS)
Mitchell	Rothman (NJ)	Tierney
Mollohan	Roybal-Allard	Titus
Moore (KS)	Rush	Tonko
Moore (WI)	Ryan (OH)	Towns
Murphy (CT)	Sablan	Tsongas
Murphy (NY)	Salazar	Van Hollen
Murphy, Patrick	Sanchez, Loretta	Velázquez
Murtha	Sarbanes	Visclosky
Nadler (NY)	Schakowsky	Walz
Napolitano	Schauer	Wasserman
Neal (MA)	Schiff	Schultz
Norton	Schrader	Waters
Nye	Schwartz	Watson
Oberstar	Scott (GA)	Watt
Obey	Scott (VA)	Waxman
Oliver	Serrano	Weiner
Ortiz	Sestak	Welch
Pallone	Shea-Porter	Wexler
Pascarella	Sherman	Wilson (OH)
Pastor (AZ)	Shuler	Woolsey
Payne	Sires	Wu
Perlmutter	Skeltton	Yarmuth
Perriello	Slaughter	
Peters	Smith (WA)	

NOES—171

Aderholt	Frelinghuysen	Moran (KS)
Akin	Gallegly	Murphy, Tim
Alexander	Garrett (NJ)	Myrick
Austria	Gerlach	Neugebauer
Bachmann	Gingrey (GA)	Nunes
Bachus	Gohmert	Olson
Barrett (SC)	Goodlatte	Paul
Bartlett	Granger	Paulsen
Barton (TX)	Graves	Pence
Bilbray	Guthrie	Peterson
Bilirakis	Hall (TX)	Petri
Bishop (UT)	Harper	Pitts
Blackburn	Hastings (WA)	Platts
Blunt	Heller	Poe (TX)
Blackburn	Hensarling	Possey
Boehner	Herger	Price (GA)
Bonner	Hoekstra	Putnam
Bono Mack	Hunter	Radanovich
Boozman	Inglis	Rehberg
Boustany	Issa	Reichert
Brady (TX)	Issa	Roe (TN)
Broun (GA)	Jenkins	Rogers (AL)
Brown (SC)	Johnson (IL)	Rogers (KY)
Brown-Waite,	Johnson, Sam	Rogers (MI)
Ginny	Jones	Rohrabacher
Buchanan	Jordan (OH)	Rooney
Burgess	King (IA)	Ros-Lehtinen
Burton (IN)	King (NY)	Roskam
Buyer	Kingston	Royce
Calvert	Kline (MN)	Ryan (WI)
Camp	Lamborn	Scalise
Campbell	Latham	Schmidt
Cantor	LaTourrette	Schock
Cao	Latta	Sensenbrenner
Capito	Lee (NY)	Sessions
Carter	Lewis (CA)	Shadeeg
Cassidy	Linder	Shimkus
Chaffetz	LoBiondo	Shuster
Chafee	Lucas	Simpson
Coble	Luetkemeyer	Smith (NE)
Coffman (CO)	Lummis	Smith (NJ)
Cole	Lungren, Daniel	Smith (TX)
Conaway	E.	Souder
Crenshaw	Mack	Stearns
Culberson	Manzullo	Terry
Dahlkemper	Marchant	Thompson (PA)
Davis (KY)	Marchant	Thornberry
Deal (GA)	McCarthy (CA)	Tiahrt
Diaz-Balart, L.	McCauley	Tiberi
Diaz-Balart, M.	McClintock	Turner
Dreier	McCotter	Upton
Duncan	McHenry	Walden
Ehlers	McKeon	Wamp
Fallin	McMorris	Westmoreland
Fleming	Rodgers	
Forbes	Mica	
Fortenberry	Miller (FL)	
Fox	Miller (MI)	
Franks (AZ)	Miller, Gary	

Whitfield	Wittman	Young (AK)
Wilson (SC)	Wolf	Young (FL)

NOT VOTING—11

Flake	Lewis (GA)	Sánchez, Linda
Hill	Loeback	T.
Hinojosa	Moran (VA)	Stark
Kennedy	Ruppersberger	Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1745

Messrs. POSEY, BROWN of South Carolina, HALL of Texas, JOHNSON of Illinois and TERRY changed their vote from “aye” to “no.”

Messrs. ELLISON and DAVIS of Illinois changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Madam Chair, on rollcall No. 310, had I been present, I would have voted “aye.”

AMENDMENT NO. 2 OFFERED BY MS. ROSELEHTINEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. ROSELEHTINEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 224, not voting 10, as follows:

[Roll No. 321]

AYES—205

Aderholt	Bright	Davis (AL)
Adler (NJ)	Broun (GA)	Davis (KY)
Akin	Brown (SC)	Davis (TN)
Alexander	Brown-Waite,	Deal (GA)
Arcuri	Ginny	Dent
Austria	Buchanan	Diaz-Balart, L.
Bachmann	Burgess	Diaz-Balart, M.
Bachus	Burton (IN)	Donnelly (IN)
Barrett (SC)	Buyer	Dreier
Barrow	Calvert	Duncan
Bartlett	Camp	Ehlers
Barton (TX)	Campbell	Ellsworth
Bean	Cantor	Emerson
Biggert	Cao	Engel
Bilbray	Capito	Fallin
Bilirakis	Carter	Fleming
Bishop (UT)	Cassidy	Forbes
Blackburn	Castle	Fortenberry
Blunt	Chaffetz	Fox
Bocchieri	Childers	Franks (AZ)
Boehner	Coble	Frelinghuysen
Bonner	Coffman (CO)	Gallegly
Bono Mack	Cohen	Garrett (NJ)
Boozman	Cole	Gerlach
Bordallo	Conaway	Giffords
Boren	Crenshaw	Gingrey (GA)
Boucher	Cuellar	Gohmert
Boustany	Culberson	Goodlatte
Brady (TX)	Dahlkemper	Gordon (TN)

Granger Mack
 Graves Manzullo
 Guthrie Marchant
 Hall (NY) Marshall
 Hall (TX) McCarthy (CA)
 Harper McCaul
 Hastings (WA) McClintock
 Heller McCotter
 Hensarling McHenry
 Herger McHugh
 Herseth Sandlin McKeon
 Hoekstra McMahon
 Hunter McMorris
 Inglis Rodgers
 Issa McNerney
 Jenkins Mica
 Johnson (IL) Miller (FL)
 Johnson, Sam Miller (MI)
 Jones Miller, Gary
 Jordan (OH) Mitchell
 Kilpatrick (MI) Moran (KS)
 King (IA) Murphy, Tim
 King (NY) Myrick
 Kingston Neugebauer
 Kirk Nunes
 Kirkpatrick (AZ) Olson
 Kline (MN) Paulsen
 Lamborn Pence
 Lance Petri
 Latham Pitts
 LaTourette Platts
 Latta Poe (TX)
 Lee (NY) Posey
 Lewis (CA) Price (GA)
 Linder Putnam
 LoBiondo Radanovich
 Lucas Rehberg
 Luetkemeyer Reichert
 Lummis Roe (TN)
 Lungren, Daniel E. Rogers (AL)
 Rogers (KY)

Rogers (MI) Peters
 Rohrabacher Peterson
 Rooney Pierluisi
 Ros-Lehtinen Pingree (ME)
 Roskam Polis (CO)
 Royce Pomeroy
 Ryan (WI) Price (NC)
 Scalise Quigley
 Rahall Shuler
 Rangel Sires
 Reyes Skelton
 Richardson Slaughter
 Rodriguez Smith (WA)
 Ross Snyder
 Rothman (NJ) Speier
 Roybal-Allard Spratt
 Rush Stark
 Ryan (OH) Stupak
 Sablan Sutton
 Salazar Tanner
 Sanchez, Loretta Tauscher
 Sarbanes Teague
 Schakowsky Thompson (CA)
 Schauer Thompson (MS)

Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth

NOT VOTING—10
 Abercrombie Lewis (GA)
 Flake Loebsack
 Hill Ruppertsberger
 Kennedy Sullivan

□ 1750

Ms. CORRINE BROWN of Florida, Ms. MARKEY of Colorado and Mr. GRIFFITH changed their vote from “aye” to “no.”

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. MCCAUL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 429, noes 0, not voting 10, as follows:

[Roll No. 322]

AYES—429

Ackerman Edwards (TX)
 Altmire Ellison
 Andrews Eshoo
 Baca Etheridge
 Baird Faleomavaega
 Baldwin Farr
 Becerra Fattah
 Berkley Filner
 Berman Foster
 Berry Frank (MA)
 Bishop (GA) Fudge
 Bishop (NY) Maloney
 Blumenauer Gonzalez
 Boswell Grayson
 Boyd Green, Al
 Brady (PA) Green, Gene
 Braley (IA) Griffith
 Brown, Corrine Grijalva
 Butterfield Gutierrez
 Capps Halvorson
 Capuano Hare
 Cardoza Harman
 Carnahan Hastings (FL)
 Carney Heinrich
 Carson (IN) Higgins
 Castor (FL) Himes
 Chandler Hinchey
 Christensen Hinojosa
 Clarke Hirono
 Clay Hodes
 Cleaver Holden
 Clyburn Holt
 Connolly (VA) Honda
 Conyers Hoyer
 Cooper Inslee
 Costa Israel
 Costello Jackson (IL)
 Courtney Jackson-Lee (TX)
 Crowley Johnson (GA)
 Cummings Johnson, E. B.
 Davis (CA) Kagen
 Davis (IL) Kanjorski
 DeFazio Kaptur
 DeGette Kildee
 Delahunt Kilroy
 DeLauro Kind
 Dicks Kissell
 Dingell Klein (FL)
 Doggett Kosmas
 Doyle Kratovil
 Driehaus Kucinich
 Edwards (MD) Langevin

Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lipinski
 Lofgren, Zoe
 Lowey
 Luján
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McIntyre
 Meek (FL)
 Meeks (NY)
 Melancon
 Michaud
 Miller (NC)
 Miller, George
 Minnick
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murtha
 Nadler (NY)
 Arcuri
 Neal (MA)
 Norton
 Nye
 Oberstar
 Obey
 Baldwin
 Barrett (SC)
 Barrow
 Bartlett
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berman

Sánchez, Linda T.
 Smith (TX)
 Sullivan
 Cummings
 Johnson (GA)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Jordan (OH)
 Kagen
 Kanjorski
 Kaptur
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Faleomavaega
 Fallin
 Farr
 Fattah
 Filner
 Flake
 Fleming
 Forbes
 Fortenberry
 Foster
 Fox
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Fudge
 Gallegly
 Garrett (NJ)
 Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gordon (TN)
 Granger
 Graves
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman

McHugh
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McNerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Nunes
 Nye
 Oberstar
 Obey
 Olson
 Olver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pierluisi
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Rush
 Ryan (OH)
 Ryan (WI)
 Sablan
 Salazar
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff

Schmidt Space
 Schock Speier
 Schrader Spratt
 Schwartz Stark
 Scott (GA) Stearns
 Scott (VA) Stupak
 Sensenbrenner Sutton
 Serrano Tanner
 Sessions Tauscher
 Sestak Taylor
 Shadegg Teague
 Shea-Porter Terry
 Sherman Thompson (CA)
 Shimkus Thompson (MS)
 Shuler Thompson (PA)
 Shuster Thornberry
 Simpson Tiahrt
 Sires Tiberi
 Skelton Tierney
 Slaughter Titus
 Smith (NE) Tonko
 Smith (NJ) Towns
 Smith (TX) Tsongas
 Smith (WA) Turner
 Snyder Upton
 Souder Van Hollen

Velázquez Campbell
 Visclosky Cantor
 Walden Cao
 Walz Capito
 Wamp Capps
 Wasserman Capuano
 Schultz Cardoza
 Waters Carnahan
 Watson Carney
 Watt Carson (IN)
 Waxman Carter
 Weiner Cassidy
 Welch Castle
 Westmoreland Castor (FL)
 Wexler Chaffetz
 Whitfield Chandler
 Wilson (OH) Childers
 Wilson (SC) Christensen
 Wittman Clarke
 Wolf Clay
 Woolsey Cleaver
 Wu Clyburn
 Yarmuth Coble
 Young (AK) Coffman (CO)
 Young (FL) Cohen
 Cole

Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Norton
 Nunes
 Nye
 Oberstar
 Obey
 Olson
 Oliver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pierluisi
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard

Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stark
 Stearns
 Stupak
 Sutton
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Hill
 Kennedy
 Lewis (GA)

NOT VOTING—10

Boswell Lewis (GA)
 Gutierrez Loeb sack
 Hill Norton
 Kennedy Ruppertsberger

Sánchez, Linda
 T.
 Sullivan

Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Norton
 Nunes
 Nye
 Oberstar
 Obey
 Olson
 Oliver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pierluisi
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard

Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Westmoreland
 Wexler
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

NOT VOTING—7

Hill Loeb sack
 Kennedy Ruppertsberger
 Lewis (GA) Sánchez, Linda
 T.
 Sullivan

□ 1758

So the amendment was agreed to.
 The result of the vote was announced as above recorded.

Stated for:
 Ms. NORTON. Madam Chair, on rollcall No. 322, had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. LARSEN OF WASHINGTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. LARSEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 432, noes 0, not voting 7, as follows:

[Roll No. 323]

AYES—432

Abercrombie Becerra
 Ackerman Berkeley
 Aderholt Berman
 Adler (NJ) Berry
 Akin Biggart
 Alexander Bilbray
 Altmire Bilirakis
 Andrews Bishop (GA)
 Arcuri Bishop (NY)
 Austria Bishop (UT)
 Baca Blackburn
 Bachmann Blumenauer
 Bachus Blunt
 Baird Boccheri
 Baldwin Boehner
 Barrett (SC) Bonner
 Barrow Bono Mack
 Bartlett Boozman
 Barton (TX) Boddallo
 Bean Boren

Boswell Boucher
 Boustany
 Boyd
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Bright
 Brown (GA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Butterfield
 Granger
 Graves
 Grayson

Davis (KY)
 Deal (GA)
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dreier
 Duncan
 Ehlers
 Emerson
 Fallin
 Flake
 Fleming
 Forbes
 Fortenberry
 Foy
 Frank (MA)
 Frank (AZ)
 Frelinghuysen
 Gallely
 Garrett (NJ)
 Gerlach
 Gingrey (GA)
 Gohmert

□ 1754

□ 1758

So the amendment was agreed to.
 The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Ms. GINNY BROWN-WAITE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 254, not voting 7, as follows:

[Roll No. 324]

AYES—178

Aderholt Brown (SC)
 Akin Brown-Waite,
 Alexander Ginny
 Altmire Buchanan
 Austria Burgess
 Bachmann Burton (IN)
 Bachus Buyer
 Barrett (SC) Calvert
 Bartlett Camp
 Barton (TX) Campbell
 Bilbray Cantor
 Bilirakis Cao
 Blackburn Capito
 Carter
 Boehner Cassidy
 Bonner Chaffetz
 Bono Mack Coble
 Boozman Cole
 Boustany Conaway
 Brady (TX) Crenshaw
 Bright Culberson
 Brown (GA) Davis (AL)

Goodlatte Markey (CO)
 Gordon (TN) McCarthy (CA)
 Granger McCaul
 Graves McClintock
 Guthrie McCotter
 Hall (TX) McHenry
 Harper McKeon
 Hastings (WA) McMorris
 Heller Rodgers
 Hensarling McNerney
 Herger Mica
 Hoekstra Miller (FL)
 Hunter Miller (MI)
 Inglis Miller, Gary
 Issa Minnick
 Jenkins Moran (KS)
 Johnson (IL) Murphy (NY)
 Johnson, Sam Murphy, Tim
 Jordan (OH) Myrick
 King (IA) Neugebauer
 King (NY) Nunes
 Kingston Olson
 Kline (MN) Paul
 Lamborn Paulsen
 Lance Pence
 Latham Perlmutter
 Latta Petri
 Lewis (CA) Pitts
 Linder Platts
 LoBiondo Poe (TX)
 Lucas Posey
 Luetkemeyer Price (GA)
 Lummis Putnam
 Lungren, Daniel Radanovich
 E. Rehberg
 Mack Reichert
 Maloney Roe (TN)
 Manzullo Rogers (AL)
 Marchant Rogers (KY)

Rogers (MI) Mollohan
 Rohrabacher Moore (KS)
 Rooney Moore (WI)
 Ros-Lehtinen Moran (VA)
 Roskam Murphy (CT)
 Royce Murphy, Patrick
 Ryan (WI) Murtha
 Scalise Nadler (NY)
 Schmidt Napolitano
 Schrader Neal (MA)
 Sensenbrenner Norton
 Sessions Nye
 Shadegg Oberstar
 Shimkus Obey
 Shuster Oliver
 Simpson Ortiz
 Smith (NE) Pallone
 Smith (NJ) Pascrell
 Smith (TX) Pastor (AZ)
 Souder Payne
 Stearns Perriello
 Terry Peters
 Thompson (PA) Peterson
 Thornberry Pierluisi
 Tiahrt Pingree (ME)
 Tiberi Polis (CO)
 Turner Pomeroy
 Upton Price (NC)
 Walden Quigley
 Wamp Rahall
 Westmoreland Rangel
 Whitfield Reyes
 Wilson (SC) Hill
 Wittman Kennedy
 Wolf Lewis (GA)
 Young (AK)
 Young (FL)

Richardson Stupak
 Rodriguez Sutton
 Ross Tanner
 Rothman (NJ) Tauscher
 Roybal-Allard Taylor
 Rush Teague
 Ryan (OH) Thompson (CA)
 Sablan Thompson (MS)
 Salazar Tierney
 Sanchez, Loretta Titus
 Sarbanes Tonko
 Schakowsky Towns
 Schauer Tsongas
 Schuff Van Hollen
 Shock Velázquez
 Schwartz Vislosky
 Scott (GA) Frelinghuysen
 Scott (VA) Walz
 Serrano Wasserman
 Sestak Schultz
 Shea-Porter Waters
 Sherman Watson
 Shuler Watt
 Sires Waxman
 Skelton Weiner
 Slaughter Welch
 Smith (WA) Wexler
 Snyder Wilson (OH)
 Space Woolsey
 Speier Wu
 Spratt Yarmuth
 Stark

NOT VOTING—7

□ 1803

Mr. WELCH changed his vote from “aye” to “no.”

Ms. MARKEY of Colorado, Mrs. MALONEY, and Mr. DAVIS of Alabama changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. ROYCE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 245, not voting 11, as follows:

[Roll No. 325]

AYES—183

NOES—254
 Abercrombie Cummings
 Ackerman Dahlkemper
 Adler (NJ) Davis (GA)
 Andrews Jackson (IL)
 Arcuri Davis (TN)
 Baca DeFazio
 Baird DeGette
 Baldwin Delahunt
 Barrow DeLauro
 Bean Dent
 Becerra Dicks
 Berkley Dingell
 Berman Doggett
 Berry Donnelly (IN)
 Biggert Doyle
 Bishop (GA) Driehaus
 Bishop (NY) Edwards (MD)
 Blumenuzer Edwards (TX)
 Blunt Ellison
 Bocchieri Ellsworth
 Bordallo Engel
 Boren Eshoo
 Boswell Etheridge
 Boucher Faleomavaega
 Boyd Farr
 Brady (PA) Fattah
 Braley (IA) Filner
 Brown, Corrine Foster
 Butterfield Fudge
 Capps Giffords
 Capuano Gonzalez
 Cardoza Grayson
 Carnahan Green, Al
 Carney Green, Gene
 Carson (IN) Griffith
 Castle Grijalva
 Castor (FL) Gutierrez
 Chandler Hall (NY)
 Childers Halvorson
 Christensen Hare
 Clarke Harman
 Clay Hastings (FL)
 Cleaver Heinrich
 Clyburn Herseth Sandlin
 Coffman (CO) Higgins
 Cohen Himes
 Connolly (VA) Hinchey
 Conyers Hinojosa
 Cooper Hirono
 Costa Hodes
 Costello Holden
 Courtney Holt
 Crowley Honda
 Cuellar Hoyer

Aderholt Boehner
 Akin Bonner
 Alexander Bono Mack
 Austria Boozman
 Bachmann Boustany
 Bachus Brady (TX)
 Barrett (SC) Bright
 Barrow Broun (GA)
 Bartlett Brown (SC)
 Barton (TX) Brown-Waite,
 Bilbray Ginny
 Bilirakis Buchanan
 Bishop (UT) Burgess
 Blackburn Burton (IN)
 Blunt Buyer

Sánchez, Linda
 T. Ruppertsberger
 Sullivan

NOES—245

Abercrombie Courtney
 Ackerman Crowler
 Adler (NJ) Cuellar
 Altmore Cummings
 Andrews Dahlkemper
 Arcuri Davis (CA)
 Baca Davis (IL)
 Baird Davis (TN)
 Baldwin DeFazio
 Bean DeGette
 Becerra Delahunt
 Berkley DeLauro
 Berry Hoyer
 Bishop (GA) Dingell
 Bishop (NY) Doggett
 Blumenuzer Donnelly (IN)
 Bocchieri Doyle
 Bordallo Driehaus
 Boren Edwards (MD)
 Boswell Edwards (TX)
 Boucher Ellison
 Boyd Ellsworth
 Brady (PA) Engel
 Braley (IA) Eshoo
 Brown, Corrine Etheridge
 Butterfield Faleomavaega
 Capps Farr
 Capuano Fattah
 Cardoza Filner
 Carnahan Flake
 Carson (IN) Fortenberry
 Castle Foster
 Castor (FL) Frank (MA)
 Chandler Giffords
 Childers Gonzalez
 Christensen Gordon (TN)
 Clarke Grayson
 Clay Green, Al
 Cleaver Green, Gene
 Clyburn Griffith
 Cohen Grijalva
 Connolly (VA) Gutierrez
 Conyers Halvorson
 Cooper Hare
 Costa Harman
 Costello Hastings (FL)
 Herseth Sandlin
 Higgins Himes
 Hinchey Hinojosa
 Hirono Hodes
 Holden Holt
 Honda Hoyer
 Hoyer Hirono
 Hirono Hodes
 Holden Holt
 Honda Hoyer

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

MOTION TO RECOMMIT

Mr. BURTON of Indiana. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BURTON of Indiana. I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Burton of Indiana moves to recommit the bill H.R. 2410 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. IRAN REFINED PETROLEUM SANCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) The illicit nuclear activities of the Government of Iran—combined with its development of unconventional weapons and ballistic missiles, and support for international terrorism—represent a serious threat to the security of the United States and U.S. allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible nations have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.

(3) The International Atomic Energy Agency has repeatedly called attention to Iran's unlawful nuclear activities, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to cease those activities and comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (commonly known as the "Nuclear Non-Proliferation Treaty").

(4) As a presidential candidate, then-Senator Obama stated that additional sanctions, especially those targeting Iran's dependence on imported refined petroleum, may help to persuade the Government of Iran to abandon its illicit nuclear activities.

(5) On October 7, 2008, then-Senator Obama stated, "Iran right now imports gasoline, even though it's an oil producer, because its oil infrastructure has broken down. If we can prevent them from importing the gasoline that they need and the refined petroleum products, that starts changing their cost-benefit analysis. That starts putting the squeeze on them."

(6) On June 4, 2008, then-Senator Obama stated, "We should work with Europe, Japan, and the Gulf states to find every avenue outside the U.N. to isolate the Iranian regime—from cutting off loan guarantees and expanding financial sanctions, to banning the export of refined petroleum to Iran."

(7) Major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be significantly toughened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its nuclear weapons program and other illicit nuclear activities.

(8) The serious and urgent nature of the threat from Iran demands that the United States work together with U.S. allies to do everything possible—diplomatically, politi-

cally, and economically—to prevent Iran from acquiring a nuclear weapons capability.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) international diplomatic efforts to address Iran's illicit nuclear efforts, unconventional and ballistic missile development programs, and support for international terrorism are more likely to be effective if the President is empowered with the explicit authority to impose additional sanctions on the Government of Iran;

(2) the concerns of the United States regarding Iran are strictly the result of the actions of the Government of Iran; and

(3) the people of the United States—

(A) have feelings of friendship for the people of Iran;

(B) regret that developments in recent decades have created impediments to that friendship; and

(C) hold the people of Iran, their culture, and their ancient and rich history in the highest esteem.

(c) STATEMENT OF POLICY.—It should be the policy of the United States to—

(1) support international diplomatic efforts to end Iran's uranium enrichment program and its nuclear weapons program;

(2) encourage foreign governments to direct state-owned entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran;

(3) encourage foreign governments to require private entities based in their territories to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran;

(4) impose sanctions on the Central Bank of Iran and any other Iranian bank or Iranian financial institution engaged in proliferation activities or support of terrorist groups; and

(5) work with the allies of the United States to take appropriate measures to protect the international system from deceptive and illicit practices by Iranian banks and Iranian financial institutions involved in proliferation activities or support of terrorist groups.

(d) AMENDMENTS TO THE IRAN SANCTIONS ACT OF 1996.—

(1) EXPANSION OF SANCTIONS.—Section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

“(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN AND EXPORTATION OF REFINED PETROLEUM TO IRAN.—

“(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

“(A) INVESTMENT.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (2), (5), and (6) (excluding restrictions on imports referred to in such paragraph (6)) of section 6(a) if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of \$20,000,000 or more (or any combination of investments of at least \$5,000,000 each, which in the aggregate equals or exceeds \$20,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Iran's ability to develop petroleum resources of Iran.

“(B) PRODUCTION OF REFINED PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) (in addition to any sanctions imposed under subparagraph (A)) if the President determines

that a person has, with actual knowledge, on or after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, sold, leased, or provided to Iran any goods, services, technology, information, or support that would allow Iran to maintain or expand its domestic production of refined petroleum resources, including any assistance in refinery construction, modernization, or repair.

“(2) EXPORTATION OF REFINED PETROLEUM RESOURCES TO IRAN.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) if the President determines that a person has, with actual knowledge, on or after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, provided Iran with refined petroleum resources or engaged in any activity that could contribute to the enhancement of Iran's ability to import refined petroleum resources, including—

“(A) providing ships or shipping services to deliver refined petroleum resources to Iran;

“(B) underwriting or otherwise providing insurance or reinsurance for such activity; or

“(C) financing or brokering such activity.”

(2) DESCRIPTION OF SANCTIONS.—Section 6 of such Act is amended—

(A) by striking “The sanctions to be imposed on a sanctioned person under section 5 are as follows:” and inserting the following:

“(a) IN GENERAL.—The sanctions to be imposed on a sanctioned person under subsections (a)(1)(A) and (b) of section 5 are as follows:”;

(B) by adding at the end the following:

“(b) ADDITIONAL SANCTIONS.—With respect to the sanctions to be imposed on a sanctioned person under paragraphs (1)(B) and (2) of section 5(a), the President shall, under such regulations as the President may prescribe, prohibit any acquisition, holding, withholding, use, transfer, withdrawal, transportation, or exportation of, dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which the sanctioned person has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States.”.

(3) PRESIDENTIAL WAIVER.—Section 9(c)(2) of such Act is amended by amending subparagraph (C) to read as follows:

“(C) an estimate of the significance of the provision of the items described in paragraph (1) or (2) of section 5(a) or section 5(b) to Iran's ability to develop its petroleum resources, to maintain or expand its domestic production of refined petroleum resources, to import refined petroleum resources, or to develop its weapons of mass destruction or other military capabilities (as the case may be); and”.

(4) STRENGTHENING OF WAIVER AUTHORITY AND SANCTIONS IMPLEMENTATION.—

(A) INVESTIGATIONS.—Section 4(f) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(i) in paragraph (1)—

(I) by striking “should initiate” and inserting “shall immediately initiate”;

(II) by inserting “or 5(b)” after “section 5(a)”;

(III) by striking “as described in such section” and inserting “as described in section 5(a)(1) or other activity described in section 5(a)(2) or 5(b) (as the case may be)”;

(ii) in paragraph (2), by striking “, pursuant to section 5(a), if a person has engaged in investment activity in Iran as described in such section” and inserting “, pursuant to

section 5(a) or (b) (as the case may be), if a person has engaged in investment activity in Iran as described in section 5(a)(1) or other activity described in section 5(a)(2) or 5(b) (as the case may be)"; and

(iii) by adding at the end the following new paragraph:

"(3) DEFINITION OF CREDIBLE INFORMATION.—For the purposes of this subsection, the term 'credible information' means public or classified information or reporting supported by other substantiating evidence."

(B) EXCEPTION FOR PROLIFERATION SECURITY INITIATIVE.—Section 5(f) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(i) in paragraph (6), by striking "or" at the end;

(ii) in paragraph (7), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following new paragraph:

"(8) if the President determines in writing that the person to which the sanctions would otherwise be applied is—

"(A) a citizen or resident of a country that is a participant in the Proliferation Security Initiative; or

"(B) a foreign person that is organized under the laws of a country described in subparagraph (A) and is a subsidiary of a United States person."

(C) GENERAL WAIVER AUTHORITY.—Section 9(c)(1) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking "important to the national interest of the United States" and inserting "vital to the national security interest of the United States".

(D) RULE OF CONSTRUCTION.—The amendments made by this paragraph shall not be construed to affect any exercise of the authority of section 4(f) or section 9(c) of the Iran Sanctions Act of 1996 as in effect on the day before the date of the enactment of this Act.

(5) REPORTS ON UNITED STATES EFFORTS TO CURTAIL CERTAIN BUSINESS TRANSACTIONS RELATING TO IRAN.—Section 10 of such Act is amended by adding at the end the following:

"(d) REPORTS ON CERTAIN BUSINESS TRANSACTIONS RELATING TO IRAN.—

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees regarding any person who has—

"(A) provided Iran with refined petroleum resources;

"(B) sold, leased, or provided to Iran any goods, services, or technology that would allow Iran to maintain or expand its domestic production of refined petroleum resources; or

"(C) engaged in any activity that could contribute to the enhancement of Iran's ability to import refined petroleum resources.

"(2) DESCRIPTION.—For each activity set forth in subparagraphs (A) through (C) of paragraph (1), the President shall provide a complete and detailed description of such activity, including—

"(A) the date or dates of such activity;

"(B) the name of any persons who participated or invested in or facilitated such activity;

"(C) the United States domiciliary of the persons referred to in subparagraph (B);

"(D) any Federal Government contracts to which the persons referred to in subparagraph (B) are parties; and

"(E) the steps taken by the United States to respond to such activity.

"(3) FORM OF REPORTS; PUBLICATION.—The reports required under this subsection shall be—

"(A) submitted in unclassified form, but may contain a classified annex; and

"(B) published in the Federal Register."

(6) CLARIFICATION AND EXPANSION OF DEFINITIONS.—Section 14 of such Act is amended—

(A) in paragraph (13)(B)—

(i) by inserting "insurer, underwriter, guarantor, any other business organization, including any foreign subsidiary, parent, or affiliate of such a business organization," after "trust,"; and

(ii) by inserting ", such as an export credit agency" before the semicolon at the end; and

(B) by amending paragraph (14) to read as follows:

"(14) PETROLEUM RESOURCES.—

"(A) IN GENERAL.—The term 'petroleum resources' includes petroleum, petroleum by-products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or compressed or liquefied natural gas.

"(B) PETROLEUM BY-PRODUCTS.—The term 'petroleum by-products' means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, residual fuel oil, and other goods classified in headings 2709 and 2710 of the Harmonized Tariff Schedule of the United States."

(7) CONFORMING AMENDMENTS.—

(A) MULTILATERAL REGIME.—Section 4 of such Act is amended—

(i) in subsection (b)(2), by striking "(in addition to that provided in subsection (d))"; and

(ii) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) IMPOSITIONS OF SANCTIONS.—Section 5(b) of such Act is amended by striking "section 6" and inserting "section 6(a)".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for purposes of carrying out this Act.

Mr. BURTON of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

Mr. BERMAN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. BERMAN (during the reading). Mr. Speaker, I withdraw my objection. I ask unanimous consent to waive the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the Iranian regime is one of the most prolific state sponsors of terror in the world. Iran has defied the United States, the U.N. Security Council and the IAEA, and it continues its quest for nuclear technology. A nuclear Iran would pose a grave danger to American citizens at home as well as to our service men and women and to our United States citizens abroad.

Focusing on Iran should be a top priority of the United States Congress. Every minute we wait to address this issue the world becomes a more dangerous place. The State Department has not had an authorization bill since fiscal year 2003, and it has continued to operate. While the authorization is important, stopping Iran from attaining a nuclear weapon is far more important.

The Republican motion to recommit would replace the authorization bill with the Iran Refined Petroleum Sanctions bill that Mr. BERMAN introduced earlier this year along with LEANA ROS-LEHTINEN. This bill would impose badly needed sanctions on Iran. We feel that this bill is the right way to proceed and should be acted on immediately. The legislation currently has 155 cosponsors with wide bipartisan support.

This legislation would mandate the State Department to open immediate investigations into alleged violations of the Iran Sanctions Act. This legislation would implement sanctions on companies that do business in Iran. This legislation implements sanctions on those who supply refined fuels to Iran. This legislation expands sanctions on Iranian exported petroleum and petroleum byproducts as well as on those who helped facilitate their export.

Iran can only finance its threatening activities against us and the world because of the foreign investment in its energy sector. Depriving the regime of refined petroleum and of foreign investment will severely undermine Iran's economy, and it will increase pressure on the mullahs to abandon their dangerous course.

We need to impose serious sanctions on Iran, and we need to do it now without delay. We've been delaying long enough. The bill has been introduced for some time. I've talked to the chairman of the committee about it, and there is no reason not to move on it today.

I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise to strongly oppose the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. Mr. Speaker, what we see in the offering of this motion to recommit is a political party or the leadership of a political party that, number one, is not serious about pursuing an effective strategy to stop Iran from developing a nuclear weapons capability and, two, that is using the pretext of Iran to strike every single provision of the bill that we have presented and that has been debated on.

The very first provision in this bill is to strike all that follows after the enacting clause. Then my friend from Indiana takes a bill that I am the sponsor of, along with LEANA ROS-LEHTINEN

and a number of people on both sides—it now has something like 155 cosponsors—to focus on the issue of refined oil products going to Iran. He eviscerates that bill by taking out every single trade sanction and all of the financial institution sanctions, so it totally wipes out the State Department authorization bill. They know that we intend to pursue the policy of seeing if Iran diplomatically, in a short timeframe, can be dissuaded from the course they are now on. If they cannot be, at the same time, we are pursuing efforts to get key countries to come together at the Security Council with a level of, as the Secretary of State said, crippling sanctions on Iran to get that regime to change its behavior.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. BERMAN. Will the gentleman let me finish my thought?

Mr. BURTON of Indiana. I will.

Mr. BERMAN. Then we will pursue these international sanctions in working with the Russians, the Chinese, the Arab States, and with all of the countries that know that Iran with a nuclear weapons capability is an intolerable situation that cannot be tolerated.

Instead, he jumps ahead to the third part of the strategy, a strategy on which we were going to have hearings in the month of July and see how both the multilateral sanctions and the engagement process—the diplomatic process—worked. Then, if we were not moving ahead, he would take a serious and tough bill that had import sanctions, which said that companies that provided refined oil products to Iran couldn't import, stripped from this bill; and that imposed even tougher financial sanctions that we now have stripped from this motion to recommit.

Meanwhile, all of the things in the State Department authorization bill—all of the issues that my friends praised even in the course of the debate on this bill, which they don't like, every single provision—is stripped.

This is not a serious effort. What really bothers me about this amendment is, with Iran, we should have a bipartisan approach. We tried a policy. I supported that policy of the previous administration: isolate and sanction unilaterally because we could never get effective multilateral sanctions. It didn't work. Iran kept enriching every day while we sat around, railing against them.

We are trying something new because we want this policy to work. We want to stop Iran from having a nuclear weapons capability. I don't know if the diplomatic strategy will work. You guys don't know if it will work.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. BERMAN. I don't know if we can get the international community to do the kinds of things that can stop Iran and enforce the regime to change its

behavior in this area or on the issue of terrorism or on all of the other issues that we have with Iran; but let's try a policy that's different than the one that has been a total failure for the past 5 years.

We said we won't engage until they suspend. They kept enriching. We said we'll sanction all we can. We caused some annoyances. Most of those sanctions didn't work because no other country was serious about it. Now we're trying a different approach to get the world serious about it. Give it a few months to try and work.

I urge that this eviscerated version of the bill that I am sponsoring in this motion to recommit be defeated and that you don't wipe out the whole State Department authorization bill and the committee's work.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. BERMAN. I am not going to yield to you and am going to vote "no" emphatically on this thing. This is an irresponsible motion.

Mr. BURTON of Indiana. Well, if my chairman would yield for just one question.

Mr. BERMAN. This politicizes a very important bipartisan issue.

The SPEAKER pro tempore. The gentleman from California has the time.

Mr. BURTON of Indiana. The gentleman won't yield for one question?

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 174, noes 250, not voting 9, as follows:

[Roll No. 327]

AYES—174

Aderholt	Boozman	Cassidy
Akin	Boustany	Chaffetz
Alexander	Brady (TX)	Coble
Austria	Bright	Coffman (CO)
Bachmann	Brown (GA)	Cole
Bachus	Brown (SC)	Conaway
Barrett (SC)	Brown-Waite,	Crenshaw
Barrow	Ginny	Culberson
Bartlett	Buchanan	Davis (KY)
Barton (TX)	Burgess	Deal (GA)
Biggert	Burton (IN)	Dent
Bilbray	Buyer	Diaz-Balart, L.
Bilirakis	Calvert	Diaz-Balart, M.
Bishop (UT)	Camp	Dreier
Blackburn	Campbell	Ehlers
Blunt	Cantor	Emerson
Boehner	Cao	Fallin
Bonner	Capito	Fleming
Bono Mack	Carter	Forbes

Fortenberry	Lucas	Roe (TN)
Fox	Luetkemeyer	Rogers (AL)
Franks (AZ)	Lummis	Rogers (KY)
Frelinghuysen	Lungren, Daniel	Rogers (MI)
Gallegly	E.	Rohrabacher
Garrett (NJ)	Mack	Rooney
Gerlach	Manzullo	Ros-Lehtinen
Gingrey (GA)	Marchant	Roskam
Gohmert	Marshall	Royce
Goodlatte	McCarthy (CA)	Ryan (WI)
Granger	McCaul	Scalise
Graves	McClintock	Schmidt
Griffith	McCotter	Schock
Guthrie	McHenry	Sensenbrenner
Hall (TX)	McKeon	Sessions
Harper	McMorris	Shadegg
Hastings (WA)	Rodgers	Shimkus
Heller	Mica	Shuster
Hensarling	Miller (FL)	Simpson
Herger	Miller (MI)	Smith (NE)
Hoekstra	Miller, Gary	Smith (NJ)
Hunter	Mitchell	Smith (TX)
Inglis	Moran (KS)	Souder
Issa	Murphy, Tim	Stearns
Jenkins	Myrick	Terry
Johnson, Sam	Neugebauer	Thompson (PA)
Jordan (OH)	Nunes	Thornberry
King (IA)	Olson	Tiahrt
King (NY)	Paulsen	Tiberi
Kingston	Pence	Turner
Kirk	Petri	Upton
Kline (MN)	Pitts	Walden
Lamborn	Platts	Wamp
Lance	Poe (TX)	Westmoreland
Latham	Posey	Whitfield
Latta	Price (GA)	Wilson (SC)
Lee (NY)	Putnam	Wittman
Lewis (CA)	Radanovich	Wolf
Linder	Rehberg	Young (AK)
LoBiondo	Reichert	Young (FL)

NOES—250

Abercrombie	Davis (IL)	Israel
Ackerman	Davis (TN)	Jackson (IL)
Adler (NJ)	DeFazio	Jackson-Lee
Altmire	DeGette	(TX)
Andrews	Delahunt	Johnson (GA)
Arcuri	DeLauro	Johnson (IL)
Baca	Dicks	Johnson, E. B.
Baird	Dingell	Jones
Baldwin	Doggett	Kanjorski
Bean	Donnelly (IN)	Kaptur
Becerra	Doyle	Kildee
Berkley	Driehaus	Kilpatrick (MI)
Berman	Duncan	Kilroy
Berry	Edwards (MD)	Kind
Bishop (GA)	Edwards (TX)	Kirkpatrick (AZ)
Bishop (NY)	Ellison	Kissell
Blumenauer	Ellsworth	Klein (FL)
Bocchieri	Engel	Kosmas
Boren	Eshoo	Kratovil
Boswell	Etheridge	Kucinich
Boucher	Farr	Langevin
Boyd	Fattah	Larsen (WA)
Brady (PA)	Filner	Larson (CT)
Bralley (IA)	Flake	LaTourette
Brown, Corrine	Foster	Lee (CA)
Butterfield	Frank (MA)	Levin
Capps	Fudge	Lipinski
Capuano	Giffords	Lofgren, Zoe
Cardoza	Gonzalez	Lowe
Carnahan	Gordon (TN)	Lujan
Carney	Grayson	Lynch
Carson (IN)	Green, Al	Maffei
Castle	Green, Gene	Maloney
Castor (FL)	Grijalva	Markey (CO)
Chandler	Gutierrez	Markey (MA)
Childers	Hall (NY)	Massa
Clarke	Halvorson	Matheson
Clay	Hare	Matsui
Cleaver	Harman	McCarthy (NY)
Clyburn	Hastings (FL)	McCollum
Cohen	Heinrich	McDermott
Connolly (VA)	Herseth Sandlin	McGovern
Conyers	Higgins	McHugh
Cooper	Cooper	McIntyre
Costa	Hinchey	McMahon
Costello	Hinojosa	Meek (FL)
Courtney	Hirono	Meeks (NY)
Crowley	Hodes	Melancon
Cuellar	Holden	Michaud
Cummings	Holt	Miller (NC)
Dahlkemper	Honda	Miller, George
Davis (AL)	Hoyer	Minnick
Davis (CA)	Inslee	Mollohan

Moore (KS) Reyes
 Moore (WI) Richardson
 Moran (VA) Rodriguez
 Murphy (CT) Ross
 Murphy (NY) Rothman (NJ)
 Murphy, Patrick Roybal-Allard
 Murtha Rush
 Nadler (NY) Ryan (OH)
 Napolitano Salazar
 Neal (MA) Sanchez, Loretta
 Nye Sarbanes
 Oberstar Schakowsky
 Obey Schauer
 Olver Schiff
 Ortiz Schrader
 Pallone Schwartz
 Pascrell Scott (GA)
 Pastor (AZ) Scott (VA)
 Paul Serrano
 Payne Sestak
 Perlmutter Shea-Porter
 Perriello Sherman
 Peters Shuler
 Peterson Sires
 Pingree (ME) Skelton
 Polis (CO) Slaughter
 Pomeroy Smith (WA)
 Price (NC) Snyder
 Quigley Space
 Rahall Speier
 Rangel Spratt

NOT VOTING—9

Hill Loeb sack
 Kagen McNerney
 Kennedy Rupp ersberger
 Lewis (GA) Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1840

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. POE of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 235, noes 187, not voting 11, as follows:

[Roll No. 328]

AYES—235

Abercrombie Brown, Corrine
 Ackerman Butterfield
 Adler (NJ) Capps
 Altmore Capuano
 Andrews Cardoza
 Arcuri Carnahan
 Baca Carney
 Baird Carson (IN)
 Baldwin Castle
 Barrow Castor (FL)
 Bean Chandler
 Becerra Clarke
 Berkley Clay
 Berman Cleaver
 Berry Clyburn
 Bishop (GA) Cohen
 Bishop (NY) Connolly (VA)
 Blumenuaer Conyers
 Boccieri Cooper
 Boswell Costa
 Boucher Courtney
 Boyd Crowley
 Brady (PA) Cuellar
 Braley (IA) Cummings

Stark Stupak
 Sutton Tanner
 Tauscher Taylor
 Teague Thompson (CA)
 Thompson (MS) Thompson (MS)
 Tierney Tierney
 Titus Titus
 Tonko Tonko
 Towns Towns
 Tsongas Tsongas
 Van Hollen Van Hollen
 Velázquez Velázquez
 Vislosky Vislosky
 Walz Walz
 Wasserman Wasserman
 Schultz Schultz
 Waters Waters
 Watson Watson
 Watt Watt
 Waxman Waxman
 Weiner Weiner
 Welch Welch
 Wexler Wexler
 Wilson (OH) Wilson (OH)
 Woolsey Woolsey
 Wu Wu
 Yarmuth Yarmuth

Gonzalez Gordon (TN)
 Grayson Grayson
 Green, Al Green, Gene
 Grijalva Grijalva
 Gutierrez Gutierrez
 Hall (NY) Hall (NY)
 Halvorson Halvorson
 Hare Hare
 Harman Harman
 Hastings (FL) Hastings (FL)
 Heinrich Heinrich
 Herseth Sandlin Herseth Sandlin
 Higgins Higgins
 Himes Himes
 Hinchey Hinchey
 Hinojosa Hinojosa
 Hirono Hirono
 Hodes Hodes
 Holden Holden
 Holt Holt
 Honda Honda
 Hoyer Hoyer
 Inslee Inslee
 Israel Israel
 Jackson (IL) Jackson (IL)
 Jackson-Lee Jackson-Lee
 Johnson (GA) Johnson (GA)
 Johnson, E. B. Johnson, E. B.
 Kanjorski Kanjorski
 Kaptur Kaptur
 Kildee Kildee
 Kilpatrick (MI) Kilpatrick (MI)
 Kilroy Kilroy
 Kind Kind
 Kirk Kirk
 Kirkpatrick (AZ) Kirkpatrick (AZ)
 Kissell Kissell
 Klein (FL) Klein (FL)
 Kosmas Kosmas
 Kratovil Kratovil
 Lance Lance
 Langevin Langevin
 Larsen (WA) Larsen (WA)
 Larson (CT) Larson (CT)
 LaTourette LaTourette
 Lee (CA) Lee (CA)
 Levin Levin
 Lipinski Lipinski
 Lofgren, Zoe Lofgren, Zoe
 Lowey Lowey
 Lujan Lujan
 Lynch Lynch

Maffei Maffei
 Maloney Maloney
 Markey (CO) Markey (CO)
 Markey (MA) Markey (MA)
 Matheson Matheson
 Matsui Matsui
 McCarthy (NY) McCarthy (NY)
 McCollum McCollum
 McDermott McDermott
 McGovern McGovern
 McHugh McHugh
 McMahon McMahon
 McNerney McNerney
 Meek (FL) Meek (FL)
 Meeks (NY) Meeks (NY)
 Michaud Michaud
 Miller (NC) Miller (NC)
 Miller, George Miller, George
 Minnick Minnick
 Mitchell Mitchell
 Moore (KS) Moore (KS)
 Moore (WI) Moore (WI)
 Moran (VA) Moran (VA)
 Murphy (CT) Murphy (CT)
 Murphy (NY) Murphy (NY)
 Murphy, Patrick Murphy, Patrick
 Murtha Murtha
 Nadler (NY) Nadler (NY)
 Napolitano Napolitano
 Neal (MA) Neal (MA)
 Nye Nye
 Oberstar Oberstar
 Obey Obey
 Olver Olver
 Ortiz Ortiz
 Pallone Pallone
 Pascrell Pascrell
 Pastor (AZ) Pastor (AZ)
 Payne Payne
 Perlmutter Perlmutter
 Perriello Perriello
 Peters Peters
 Peterson Peterson
 Pingree (ME) Pingree (ME)
 Polis (CO) Polis (CO)
 Pomeroy Pomeroy
 Price (NC) Price (NC)
 Quigley Quigley
 Rangel Rangel
 Reichert Reichert
 Reyes Reyes
 Richardson Richardson
 Rodriguez Rodriguez
 Ross Ross
 Rothman (NJ) Rothman (NJ)
 Roybal-Allard Roybal-Allard

McCarthy (CA) McCarthy (CA)
 McCaul McCaul
 McClintock McClintock
 McCotter McCotter
 McHenry McHenry
 McIntyre McIntyre
 McKeon McKeon
 McMorris McMorris
 Rodgers Rodgers
 Melancon Melancon
 Mica Mica
 Miller (FL) Miller (FL)
 Miller (MI) Miller (MI)
 Miller, Gary Miller, Gary
 Mollohan Mollohan
 Moran (KS) Moran (KS)
 Murphy, Tim Murphy, Tim
 Myrick Myrick
 Neugebauer Neugebauer
 Nunes Nunes
 Olson Olson
 Paul Paul
 Paulsen Paulsen
 Pence Pence
 Peterson Peterson
 Petri Petri

NOT VOTING—11

Bachus Kagen
 Delahunt Kennedy
 Ellison Lewis (GA)
 Hill Loeb sack
 Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1849

Mr. ABERCROMBIE changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BACHUS. Mr. Speaker, on rollcall No. 328, had I been present, I would have voted “no.”

NOES—187

Aderholt Aderholt
 Akin Akin
 Alexander Alexander
 Austria Austria
 Bachmann Bachmann
 Barrett (SC) Barrett (SC)
 Bartlett Bartlett
 Barton (TX) Barton (TX)
 Biggert Biggert
 Bilbray Bilbray
 Bilirakis Bilirakis
 Bishop (UT) Bishop (UT)
 Blackburn Blackburn
 Blunt Blunt
 Boehner Boehner
 Bonner Bonner
 Bono Mack Bono Mack
 Boozman Boozman
 Boren Boren
 Boustany Boustany
 Brady (TX) Brady (TX)
 Bright Bright
 Broun (GA) Broun (GA)
 Brown (SC) Brown (SC)
 Brown-Waite, Ginny Brown-Waite, Ginny
 Buchanan Buchanan
 Burgess Burgess
 Burton (IN) Burton (IN)
 Buyer Buyer
 Calvert Calvert
 Camp Camp
 Campbell Campbell
 Cantor Cantor
 Cao Cao
 Capito Capito
 Carter Carter
 Cassidy Cassidy

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2410, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2410, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Is there objection to the request of the gentleman from California?

There was no objection.

CONAGRA EXPLOSION OF JUNE 9, 2009

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

Mr. ETHERIDGE. Mr. Speaker, it is always difficult when tragedy rocks our small communities. Yesterday morning an explosion rocked the

ConAgra Foods plant in Garner, North Carolina, causing the collapse of a significant portion of that structure and rupturing an ammonia tank. Many of my colleagues here saw that on the national news.

Many times it's nice to make national news, but yesterday was not the day to make national news. Three people tragically died: Barbara McLean Spears of Dunn, North Carolina; Lewis Junior Watson of Clayton, North Carolina; and Rachel Mae Poston Pulley of Clayton, North Carolina. Our sympathies go out to their families, friends and their loved ones. There were 40 other people injured, including four who suffered critical burns. Our thoughts and prayers are with them and their families as they recover.

As usual, when there is an emergency of this size in our community, our first responders—fire, police and EMS—were quick to the scene and prevented further loss of life or injury. Private citizens risked their well-being to come to the aid of their friends and neighbors. I'm proud of the North Carolinians who responded yesterday to the needs of these individuals and their families and those who will respond in the days to come.

Our small communities are enriched by businesses like ConAgra, which provides 900 jobs in this community. This one was the largest plant of ConAgra's plants. I am pleased to learn that they have set up a relief fund for the victims, and they are working to rebuild the plant. I ask my colleagues to join me in a moment of sympathy for these victims and their families.

The SPEAKER pro tempore. Members will rise for a moment of silence in sympathy.

IRAN'S PRESIDENTIAL ELECTION AND ITS NUCLEAR ASPIRATIONS

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

Mr. MORAN of Kansas. This week we are experiencing Iran's presidential election. While the election is noteworthy, it will probably not have an impact on Iran's illegal nuclear program. Unlike in the United States, the President of Iran has minimal influence over the country's national security policies. Those decisions are controlled by Supreme Leader Ayatollah Ali Khomeini, the unelected head of Iran's theocratic regime.

The supreme leader has vowed to continue Iran's nuclear program, and unfortunately we see evidence of this. Just last Friday, the International Atomic Energy Agency reported that Iran has sped up production of nuclear fuel and installed more centrifuges in advance of the election. Nuclear weapons experts say Iran now has enough centrifuge capacity to fuel up to two nuclear weapons a year.

Iran is determined to acquire nuclear weapons regardless of who is president. It would be a mistake for the Obama administration and this Congress to wait and see what direction Iran takes if a new president is elected because the course appears to be already determined. If we are going to engage Iran, we must do so right away, immediately, and back engagement with tougher actions.

PAYING TRIBUTE TO SLAIN OFFICER STEPHEN TYRONE JOHNS

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

Mr. ENGEL. Mr. Speaker, the horrible events today at the Holocaust Memorial Museum, where Officer Stephen Tyrone Johns was fatally shot and killed, is something that should give us all pause for reflection. First of all, our hearts go out to the officer's family. He's truly a first defender and is someone who was protecting all of us.

Mr. Speaker, it reminded me of an incident just a few years ago where Officer Chestnut and Detective Gibson were shot right here at the Capitol by someone who was deranged. But the person who killed Officer Johns today was a hater, hating Jews, hating blacks, hating everybody. And it's time for us to pause and say that all people of goodwill will not tolerate that kind of hatred.

There's another thing that we really need to take into account as well. And that is, when deranged people can get hold of guns, we really have a serious problem in this country. We need to do something about guns that are out there in the hands of deranged people, people who should never own guns. This person who fired that fatal shot was a known hater, a white supremacist who served time in jail. How in God's name was he ever able to get a gun? We really need to think about this. It has nothing to do with Second Amendment rights. It has to do with sensible Second Amendment rights and sensible feelings and thinking about who should be allowed to have a gun. Certainly not a deranged person.

I would ask for a moment of silence for Officer Johns and let his family understand that the United States Congress appreciates his great service to our country. There are many, many more out there like him. We thank God that we have our first defenders and the people who are there to protect all of us.

I would ask for a moment of silence. The SPEAKER pro tempore. Members will rise for a moment of silence.

AMERICAN TAX DOLLARS SHOULD NOT BE USED TO FUND ABORTION

(Mrs. BLACKBURN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, there are few issues that divide the American conscience like abortion. There are few topics that are fraught with such conviction and emotion.

Last month the President, speaking at Notre Dame, called "for open hearts, open minds, and fair-minded words" on abortion as he pled with the country for greater understanding. The actions of his administration and this House belie the hope that the President's words implied. While calling for a constructive dialogue on one hand, on the other, he and many of my colleagues commit tax dollars to fund a practice so many find abhorrent.

This Chamber and the President seem to have forgotten that for many, tax dollars are a deeply personal contribution to our government. They are the product of hard work and often represent dreams and opportunities delayed for yet another year as we give the taxman his due. To take those dollars so patriotically sent to Washington and apply them to abortion in our Nation's Capital and abroad is heartbreaking to many Tennesseans. His administration's policy is not open minded or open hearted. It is, I believe, a cavalier disregard not only for life but for those who defend it.

□ 1900

HONORING DEPUTY SHAWN WEBB OF THE PLUMAS COUNTY SHERIFF'S DEPARTMENT

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

Mr. McCLINTOCK. Mr. Speaker, I rise today to honor Deputy Shawn Webb of the Plumas County Sheriff's Department.

The entire department, joined by the people of Plumas County, are rallying behind this remarkable young man and his family as he battles a very difficult illness. You don't see this kind of outpouring very often these days. It is a testament to the impact that Deputy Shawn Webb has had on his department and on his community.

Shawn's Commander writes, "We here in Plumas County are blessed to have a 'Grade A' California-raised, true-blooded American Hero."

So I rise to salute the bravery and dedication that Deputy Shawn Webb has brought to his professional life in protecting our community, qualities now so conspicuous in his battle in his personal life.

I also want to salute the people of Plumas County who have embraced and supported Shawn and his family in this difficult time.

SPECIAL ORDERS

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

ENERGY TAXES AND TOY CARS

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

Mr. POE of Texas. Mr. Speaker, unveiled today was a new energy plan that would increase production of American-made energy in an environmentally sound manner. The American Energy Act is an all-of-the-above solution that offers more affordable energy, good-paying American jobs and American energy independence, and it is safe for the environment.

However, what the administration and the taxacrats are still proposing is a none-of-the-above approach to energy development. They call it the cap-and-trade bill. Their answer is to tax energy consumption, not actually find more energy.

Their new tax will cost the average American family over \$3,000 in additional taxes each year. If you use energy, you are going to be taxed. That will mean all sources of energy will cost all consumers more money. Electricity costs will go up. Natural gas, gasoline, and even the cost of food and consumer goods will rise. Everything is going to cost a whole lot more, because everything Americans buy is produced using the energy the administration is going to tax.

Their plan is to punish Americans who use energy by taxing them, plus there is no real plan for energy that they propose. Their new cap-and-trade national energy tax will financially devastate middle class families across America. It will be especially hard on energy-producing States like Texas that are going to lose thousands of jobs.

The nonpartisan Congressional Budget Office issued their analysis of the energy consumption tax this week. The CBO reports say that the administration cap-and-trade tax imposes \$846 billion in new national energy taxes that will affect all of us. Not only that, the CBO told the Senate the new energy consumption tax will have little or no effect on the climate. Now, isn't that lovely?

The none-of-the-above energy plan and tax on business hammers what few manufacturing plants are left in the United States. It is going to send countless American jobs overseas to places like China and India. You see, both of these countries have said they are not going to participate in any scheme to cap-and-tax carbon like America is going to do. Thus, they will make what were American products

cheaper in those countries. Also, if all of these factories and plants move overseas, along with the jobs, to so-called polluting nations, how is this going to have any positive effect on our climate?

At the same time, the taxacrats are trying to kill off carbon-based fuel supplies; that is, things like oil and its derivatives, as well as natural gas. There is no transition fuel that exists at this time. That is at least 10 years away. Now we are really in a fix; no new energy, and, literally, we are going to be in the dark and we are going to be taxed back to the stone age.

The strange part of all this is that the taxacrats say natural gas could be that transition fuel, but they are trying to kill the drilling of natural gas, especially offshore. I wonder if they understand that natural gas is a carbon-based fossil fuel that requires drilling to unearth? You cannot grow natural gas like corn.

Those taxacrats also want to force us all into small, little green cars that are death traps. Have you seen these things? These dinky cars are too small for people like me and too small for even groceries or putting children in these toy cars. There is no room, and they are unsafe at any speed.

The Institute for Highway Safety ran three 40-mile-per-hour, car-to-car, front-to-front crash tests each involving one of these little bitty microcars and a midsize car from the same manufacturer. They didn't even use large cars or those SUVs. The results weren't pretty. They found that the weight of just a midsize car was devastating to these micromini toy cars. These green cars simply do not have the weight to protect the passengers, and they are not safe on American highways. So the government is going to force us to drive small, battery-powered, unsafe vehicles, but they will be cute, Mr. Speaker.

And speaking of batteries, if all our vehicles are electric, where are we going to dispose of the millions of larger batteries that will be required to generate these little cars? The other side talks about protecting the environment, but this will create an environmental nightmare when we are trying to dispose of these batteries somewhere in America.

It is just common sense to do everything we can to embrace an all-of-the-above approach that is environmentally friendly as well as affordable for the American people.

The American Energy Act is good for the country. We can drill safely off our shores for oil and natural gas. That will create American jobs and make us less dependent on foreigners.

We need to use more nuclear and hydroenergy, and eventually we will, as an American Nation, develop alternative energy. Meanwhile, we don't need the bureaucrats forcing Ameri-

cans into a none-of-the-above energy plan, raising taxes and forcing us to drive unsafe cars.

And that's just the way it is.

THE UNSHAKABLE BOND BETWEEN THE UNITED STATES AND ISRAEL

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

Mr. ENGEL. Mr. Speaker, I rise today to talk about the unshakable bond between the United States and Israel. I believe that support for Israel in this Congress is very strong and it is very bipartisan.

I want to commend President Obama for making that speech in Cairo, where he spoke before an Arab audience in what is the most important Arab capital and said that the bond between the United States and Israel is unbreakable. I think those are very, very important words and courageous words coming from the President of the United States in an arena where nothing has ever been said like that before from the President of the United States in such an arena.

But I want to also focus on some of the other things that have happened, namely the push in some quarters to force Israel to make unilateral concessions, mostly about settlements, but unilateral concessions, in return for nothing.

I believe that the Palestinian-Israeli problem must be settled by negotiations and a two-state solution. But I believe that forcing Israel to make unilateral concessions up front is wrong policy.

The agreement will be made ultimately by Israelis and Palestinians, not by Americans, and if Israel is going to negotiate settlements and other things, as Israel will, then simultaneously the Arab States, the Palestinians, I should say, should also be negotiating and giving up things simultaneously.

People say, well, the roadmap which Israel and the Palestinians signed says as a first step Israel must cease settlement activity. That is true. But it also said simultaneously that the Arabs must stop incitement and have a cessation of violence.

So if those two things are done simultaneously and talked about, that is fine. But this public confrontation against Israel, public demands put upon Israel to halt settlements while the Arabs or the Palestinians have to give nothing in return, is absolutely wrong.

Palestinian President Abbas said the other day, well, he is going to just sit back and let the Israelis make all the concessions. He doesn't have to do anything. Well, that is wrong, and if we pressure the Israelis to make unilateral concessions, we are never going to

have peace. Concessions have to be made simultaneously.

I know my good colleague the gentlewoman from Nevada (Ms. BERKLEY) feels as I do, and I would like to yield to her for some of her comments on this matter.

Ms. BERKLEY. Well, Mr. Speaker, I am delighted to be able to share this time with my very dear friend and colleague, ELIOT ENGEL from New York. I think he made very clear how anxious we are to see peace come to the Middle East and how we support a two-state solution that has been America's policy in the Middle East for many years.

But there is another component to that, and that component is that the Palestinians have to show good faith too—and by showing good faith, that means recognizing Israel's right to exist, adhering to prior agreements and doing other things that would demonstrate, including ending the terror and the violence against Israel—that they are serious partners for peace.

ELIOT, when they talk about sitting down at the peace table, you need to have a partner at the peace table, particularly one that recognizes your right to exist. If your peace partner, so-called, doesn't recognize your right to exist, what are you negotiating, for your right to exist for 10 years, 20 years, 30 years?

When the Palestinians show good faith by truly ending the terrorism, recognizing Israel's right to exist, adhering to prior agreements calling for peace and other measures, then the Israelis can have the security they need to sit down and negotiate a two-state solution.

They have made unilateral withdrawals of land over multiple decades, and, as my dear colleague knows, these have been very, very tough choices for Israel. They have made them with very little in return.

Mr. ENGEL. I thank the gentlewoman. Let me say this: It is time for the Arabs to step up and normalize relations now with Israel.

I will have more to say in a little while.

THE SERVICE MEMBERS FIRST-TIME HOMEBUYER RELIEF ACT

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

Mr. JONES. Mr. Speaker, earlier this year Congress passed H.R. 1, better known as the economic stimulus package. Included in this package was a provision which modified the first-time homebuyers tax credit language that Congress passed last year. Under the new provision, a first-time homebuyer who purchased a home before December 1, 2009, would get a tax credit of \$8,000, which can be fully retained by the homebuyer so long as the homebuyer

does not sell the home for 36 months after purchase. If the home is sold prior to 36 months, the credit will have to be repaid.

Mr. Speaker, under this law, it is unlikely that U.S. servicepersons who buy their first homes will be able to use the first-time homebuyer tax credit like other American taxpayers. Because many of our military personnel serve at a duty station for only a few years at a time, those who buy a first home are often transferred and have to sell their first residence before the 36-month holding requirement is met.

I recently introduced legislation that would fix this problem by allowing our military men and women the flexibility they need to benefit from this tax credit. H.R. 2398, the Service Members First-Time Homebuyer Relief Act, would amend the Internal Revenue Code of 1986 to allow a member of the United States Armed Forces to retain the first-time homebuyer tax credit if they must sell their home within 36 months of purchase because the servicemember is, one, transferred to a new duty station; two, deployed overseas; or, three, required to reside in government quarters during that period.

□ 1915

I am very pleased that this legislation has received the support of the National Military Families Association. Their letter of support for this bill states, and I quote: "Thank you for recognizing the mobile lifestyle of servicemembers and their families. H.R. 2398 waives the recapture of the first-time homebuyer's tax credit for servicemembers who are transferred to a different duty station or deployed overseas. Moves and deployments can be stressful for military families and H.R. 2398 helps alleviate a financial concern of military families."

Mr. Speaker, at this time, I will submit the text of this letter for the RECORD.

NATIONAL MILITARY
FAMILY ASSOCIATION,
May 28, 2009.

Hon. WALTER B. JONES, Jr.,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JONES: The National Military Family Association has long been an advocate for improving the quality of life of our military family members, who have sacrificed greatly in support of our Nation. We appreciate your sponsorship of the "Service Members First-Time Homebuyer Relief Act of 2009."

Thank you for recognizing the mobile lifestyle of service members and their families. H.R. 2398 waives the recapture of the first time homebuyer's tax credit for service members who are transferred to a different duty station or deployed overseas. Moves and deployments can be stressful for military families and H.R. 2398 helps alleviate a financial concern of military families.

We appreciate your on-going support of service members and their family members. If you have any questions or need further information, please contact Katie Savant in

our Government Relations Department at (703) 931-6632 or KSavant@MilitaryFamily.org.

The National Military Family Association is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For 40 years, its staff and volunteers, comprised mostly of military family members, have built a reputation for being the leading experts on military family issues.

Sincerely,

MARY T. SCOTT,

Chairman, Board of Governors.

I hope my colleagues will become co-sponsors of H.R. 2398 and join in helping our servicemembers gain the flexibility they need to benefit from the first-time homebuyer's tax credit.

I have also handed a letter explaining this issue to both Chairman CHARLIE RANGEL and Ranking Member DAVID CAMP, and I hope they will join me in supporting our military families.

With that, Mr. Speaker, before I close, as I always do on the floor of the House, because we have young men and women in Afghanistan and Iraq, we have young men and women who are dying for this country, and young men and women who are losing limbs in those fights in Afghanistan and Iraq, so I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. And I ask God in his loving arms to hold the families who've given a child dying for freedom in Afghanistan and Iraq.

And three times, Mr. Speaker, I ask God to please bless America. I ask God to please bless America, and again, I ask God to please bless this great Nation known as America.

DEMOCRACY IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, before I yield to my colleague, Mr. ENGEL, to continue our discussion, I want to mention a few things that are very much on my mind.

We can talk for hours about the existential threat of a nuclear Iran to Israel. But what I'd like to do in the minute or two that I have before I yield to Congressman ENGEL is, I want to mention the sacrifices that Israel has made in the name of peace.

When there was an opportunity to make peace with Egypt, something that had never been done before, the Israelis gave back the Sinai to the Egyptians, and there's been a peace, a cold peace, but a peace, for all of these years.

When there was extraordinary pressure to leave Lebanon, the Israelis withdrew from Lebanon.

And what was their reward?

They ended up with Hezbollah on their northern border and a war.

When Prime Minister Sharon decided that he would unilaterally withdraw from the Gaza, one would have thought that the Palestinians would have used this opportunity to demonstrate to the world that they were capable of self-governance. Instead of that, they have rained 8,000 rockets on Israel proper over the last 3 years.

I believe that Israel exercised extraordinary restraint before they finally went into the Gaza to end this bloodshed and carnage against their own people.

I understand how the Israelis feel, how tentative they are right now about sitting down and moving towards a two-state solution without any assurances. What is the guarantee, after they left Lebanon and got Hezbollah, after they left the Gaza and got Hamas, that if they leave the West Bank, what is going to happen then?

Do you want a terrorist state living side by side with the democratic State of Israel?

I don't think anybody wants another failed terrorist state. We have to make sure that doesn't happen.

Mr. Speaker, I join my friend and colleague ELIOT ENGEL here tonight to talk about one of our strongest allies, and the only longest-standing democracy (Lebanon held free and fair elections on Sunday, June 7, 2009) in the Middle East: Israel. Under attack for its entire existence, Israel has stood up to threats, enemy armies and countless terrorist attacks, and yet has demonstrated throughout that it is committed to peace and stability for all people within its borders.

President Obama and Secretary Clinton have recently renewed America's efforts to make peace between Israel and the Palestinians. We applaud those efforts. We all want peace in the Middle East.

In the 1970s, after three straight decades of conflict with Egypt, Israel reached a peace agreement with the Egyptians. The courageous Egyptian president Anwar Sadat traveled to Jerusalem and addressed Israel's Parliament, and Israel returned to Egypt the Sinai desert, which had been captured in Israel's self-defensive war in 1967.

In the 1990s, after a long and bloody intifada, after Saddam Hussein rained SCUD missiles on Israel for weeks on end, Israel once again extended her hand in peace when President Clinton brought together Israeli Prime Minister Yitzhak Rabin and former PLO leader Yasser Arafat on the White House lawn.

And in this decade, Israel once again showed her commitment to peace, against all odds. Despite the threat from Hezbollah in the north, Israel pulled back from Lebanon. And despite getting nothing in return, Israel withdrew from the Gaza Strip, in order to give the Palestinians there an opportunity to create a forward-looking and flourishing economy there.

Time and time again, Israel has taken the necessary steps to make peace with their neighbors, and shown their eagerness to make peace. That is why we embrace President Obama and Secretary Clinton's efforts to climb this mountain once again.

Unfortunately, though, we have too often seen Israel's gestures toward peace met with violence. In Lebanon, we saw Israel's withdrawal followed by attacks from Hezbollah. In 2006, those became so severe that Israel was forced to retaliate to protect her own citizens. Even today, Hezbollah continues to re-arm, in contravention of UN Security Council Resolution 1701, which demands their disarmament so that the people of Lebanon can live without this terrorist scourge in their midst.

And just this past winter, Hamas showed they are not interested in building a successful society in Gaza, in building jobs, businesses, schools, infrastructure, or hospitals. Instead, they shelled Israeli towns constantly, without any provocation. Dozens of rockets fell on Israelis each day, targeting citizens who were not "settlers" in "occupied territory" but were residents of areas that have never been disputed Israeli territory.

When Israel finally did retaliate against these attacks, critics accused them of using "disproportionate force." I'd like to ask those critics: would they have preferred more Israelis died in the Hamas rocket attacks? Would that have been proportionate?

And, all the while, Israel faces a growing threat from Iran, which relentlessly pursues nuclear weapons, in contravention of their own treaties, of international law and of Security Council resolutions. President Ahmadinejad continues to deny the Holocaust and threatens Israel with annihilation should Iran ever succeed in producing a nuclear weapon.

How can one nation withstand so many threats to their very existence? How can any nation hope for peace under such pressure?

And yet, despite it all, Israel has remained incredibly strong and amazingly hopeful at the same time. They have built up their defenses and protected their citizens while—at the very same time—extending olive branches, negotiating and sitting down with their adversaries.

So, we stand here together, ready to embrace peace and ready to make peace so that Israelis, Palestinians and all people of the Middle East might finally live in security. But we are also here to say that Israel has not been the problem. They have been ready to make peace at any time and are ready today. But the question is: do they have a partner for peace?

Are the Palestinians ready for peace? Do they have a government that can stop terror? Will they recognize Israel's right to exist? Will they abide by past agreements they signed? Will they turn over Israeli soldier Gilad Shalit? The Palestinians must answer those questions before I, for one, will believe that Israel's overtures will be met with peace, rather than more violence.

Mr. Speaker, Israel stands ready for peace, American stands ready for peace, and we welcome President Obama's efforts to broker an agreement. We wish him great success in this endeavor and we call on the Palestinians to do their part: to renounce terror, to accept Israel's right to exist as a Jewish State, to turn

over the captured Israelis and to abide by past agreements.

And at this time I yield to my good friend, ELIOT ENGEL.

Mr. ENGEL. I thank the gentlewoman for yielding to me. And she makes an excellent point.

You know, Israel withdrew from Gaza. People say, well, Israel needs to withdraw from the territories, from the settlements and there will be peace, land for peace. Well, Israel withdrew from Gaza and got land for war. I mean that's exactly what's happened, with rockets being fired on Israel from the very part in Gaza that Israel left.

The Arab countries, as a whole, need to start normalizing relations with Israel. We can start with Saudi Arabia on down, to show that they are really serious about peace. They need to stop the terrorist infrastructure and end the incitement.

And you know what? Gaza, as Ms. BERKLEY pointed out, is a terrorist organization in control—I'm sorry. Hamas is a terrorist organization in control of Gaza. And what Hamas needs to do is recognize Israel's right to exist, abide by all previous agreements that the Palestinians have signed, and renounce terrorism permanently. Otherwise, why should Israel negotiate with a government that denies its very right to exist?

The United States is right in saying that Hamas is a terrorist organization. And by the way, Representative BERKLEY and I do not believe that we should provide aid to Gaza until Hamas meets these conditions.

So there are people who also say that the Palestinian-Israeli problem needs to be settled before there can be peace in the region. That is nonsense.

The problem with Iran has to be settled before there can be peace in the region. We all know that Iran is developing nuclear weapons. We all know that Ahmadinejad has threatened to wipe Israel off the face of the Earth. We all hope he loses in his election this week. But whoever replaces him is not going to be much more of a moderate than he is.

And so Israel has the absolute right to defend its security, and the United States, as Israel's greatest ally, should not be putting pressure on Israel to make unilateral concessions up front. That is very, very important.

When President Obama said the bond between Israel and the United States is unbreakable, then we ought to show that in our actions as well as our words.

So I thank the gentlewoman for sharing this time with me. I know we are going to continue to fight for strong U.S.-Israel ties.

Again, I'm glad there is bipartisan support in this Congress for Israel. And I'm glad that we pointed out that Israel has made many, many concessions for peace and has only gotten war.

We hear a lot about what the Israelis must do. Let us hear about what the Palestinians must do. The Palestinians must stop the incitement, stop the violence, stop the terrorist infrastructure and say that it recognizes Israel's right to exist.

It's not all right for President Abbas to say he recognizes Israel's right to exist. Let Hamas say it. Let the Palestinians say it, and let them mean it.

THE TYRANNY OF GOOD INTENTIONS

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

Mr. DUNCAN. Mr. Speaker, 3 or 4 years ago, if I had told people that we would be facing this year a budget of \$3.6 trillion and facing a deficit of \$1.870 trillion, people would have thought that I was crazy. But that is what we're facing.

And because of the terrible financial condition of the Federal Government, all of our expenditures are related, even though they may sound at first like they're unrelated. And so I want to speak tonight briefly on two issues of national significance, even though they may sound unrelated at first.

President Reagan used to say frequently in speeches that government was not the solution; government was the problem. And certainly, there also is an expression called the "tyranny of good intentions." And that cannot be seen more clearly in anything than in the Federal Student Loan Program.

When I go to speak at the University of Tennessee or other colleges and I tell them that my first year at the University of Tennessee it cost \$90 a quarter, and then \$105 and then \$120 and \$135 a quarter, \$405 for the whole year my senior year at the University of Tennessee, gasps go through the room.

But back when I went to college, anybody who needed to could work part-time and pay all of their college expenses. Nobody got out of college with a debt.

But around that time, or maybe a little bit before, the Federal Student Loan Program kicked in. And the colleges and universities across the country have used that as a means or an excuse to raise their tuition and fees three or four or five times the rate of inflation every year since that program came in.

If I went into any college campus and told those students that the Federal Student Loan Program is one of the worst things that ever happened to them, they would stare at me probably in disbelief. And yet it really is one of the worst things that ever happened to them, because throughout our history, college tuition and fees went up very, very slowly, and went up at the rate of inflation or even less until that loan

program came in. And now, ever since that program came in, today, tuition and fees are 3- or 4- or 500-percent higher than they would have been if we'd just left the thing totally alone.

As I said, it's called the "tyranny of good intentions." And the only way to correct that now is to punish colleges and universities that continually raise their tuition and fees at three or four or five times the rate of inflation by saying that we're going to limit or cut off the loans at those universities and colleges that continually raise their tuition and fees above the rate of inflation.

The second thing, and it seems a little unrelated except, as I say, when you're talking about matters that there are significant Federal expenditures on, all these things are somewhat related.

And I'll give another example from my own life. In the early nineties, I went to a reception in Lebanon, Tennessee, and the doctor who delivered me came and brought my records. And I asked him how much he charged back then, and he said he charged \$60 for 9 months of care and the delivery, if they could afford it.

And I told him that he probably didn't get anything for me then because my parents didn't hardly have any money at that point.

But we took what was a very minor problem in the mid-sixties and turned into a major problem for everybody. Nobody but Bill Gates and Warren Buffett and Sheldon Adelson, the casino man, people of that rank, could afford or survive a catastrophic medical expense of some sort.

We took what was a very minor problem for a very few people and turned it into a major problem for everybody. Before the Federal Government got heavily into medical care, medical care was cheap and affordable by almost everyone. I started following politics and government very closely in the mid-sixties, and I remember when they came in with Medicare, and they said that was going to be the saviour of the system. Instead, costs exploded.

Then I remember in the mid- and late seventies when they started talking about Medicaid, and they came in with that, that was going to be the saviour of the system. Instead, costs exploded.

Now we're talking about the government getting even more into medical care now, and costs will explode again, and they will explode to a level far higher than the predictions of what the costs will be, because when they first started Medicare, they said it would cost \$9 billion after 25 years. And now we're at 400 and, I think, \$42 billion on Medicare.

The same thing has happened in regard to Medicaid. And it's really sad what we have done to the American people, and especially to the poor and the lower-income and the working peo-

ple of this country in these two programs. And if we don't—if we aren't very careful, and if we don't put many free market and free enterprise-type measures and reforms into these bills, then these costs are going to explode, and the poor and the lower-income people and the middle income people are going to be hurt even more by programs that are, as I say, the "tyranny of good intentions."

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AMERICA'S DEALERSHIPS NEED A MIRACLE

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

Mr. MANZULLO. Mr. Speaker, in less than 48 hours the doors of hundreds of GMC dealers across the Nation and Chevy dealers will be closed. General Motors, now a State-owned enterprise with 60 percent of the stock belonging to the American people and with the directors appointed by the Auto Task Force, capriciously, willfully, unjustly sent out letters to so many of their GM dealers terminating their dealerships at end of this week, dealers who had been asked, in many cases, a few years before to invest millions of dollars of their own in order to promote the GM brand and dealers whose families go back three and four generations, some 85 to 90 years of continuous ownership of service to the community, and their doors will be shut by GM as a result of a letter. And the letter has completely changed the rules as to why they should stay open.

Dealerships that are profitable, dealerships that add to the community, dealerships that pump billions of dollars into State and local sales tax coffers, closed by a letter, without explanation. How outrageous. So outrageous that the majority leader of the House of Representatives, STENY HOYER, whom I joined in a press conference just a few hours ago, made these statements:

"Two Sundays ago, I was on a telephone call with the folks at the White House who are helping to make our policy with respect to this, and I asked them this: 'What money does it save the manufacturer, General Motors or Chrysler, if you shut down the dealership?' The answer: Zero, zero, zero."

This is the official answer from the Auto Task Force to the majority leader of the United States House of Representatives.

We sent letters to General Motors, we sent letters to the Auto Task Force, and all we get is silence. The destruction of a family business after 90 years does not deserve silence in America. It deserves the outrage of America saying, How dare you close down these dealerships when it cost you no money to keep them open?

We asked General Motors and Chrysler, tell us the reasons why you're doing it. And do you know what they say? It's to lessen competition. That means Americans have less choice. That means prices get higher. And isn't it ironic that the American taxpayer, who has paid \$60 billion to keep open these companies, now will see his local dealership closed because the guys at GM want to lessen competition. What's good for General Motors isn't good for America today.

A bill introduced by several Marylanders, including CHRIS VAN HOLLEN and FRANK KRATOVIL, H.R. 2743, solves the problem. We need that bill to pass by some miracle before Friday.

PRO-LIFE

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

Mrs. SCHMIDT. Mr. Speaker, I rise tonight to shine the light on a subject where I do not believe this administration's actions are living up to its rhetoric. Whether it was said on the campaign trail or in speeches during his time in office, the President has certainly tried to sound reasonable on the issue of life, but the administration's actions belie its words.

During a campaign appearance at the Saddleback Civil Forum with Pastor Rick Warren on August 17, 2008, then-candidate Barack Obama made clear that his goal was to "reduce the number of abortions." In fact, he said that he had inserted this into the Democratic Party platform: "How do we reduce the number of abortions?"

Now, given the administration's expressed support for *Roe v. Wade*, I never expected, nor do not expect it, to suddenly reverse its course. However, one way to reduce the number of abortions in a way that works and one that is a common-ground issue for the American people is not to allow taxpayer-funded abortions. Violating the consciousness of millions of pro-life Americans to fund a procedure which they object to based on a deeply held religious belief, a moral belief, by allowing taxpayers to fund abortions actually increases the number of abortions performed, according to the Guttmacher Institute through research on Planned Parenthood.

Honoring the deeply held religious and moral beliefs of millions of taxpayers by restricting taxpayer-funded abortions actually decreases abortions by about 30 percent. So that is one way to reduce the number of abortions, something that the President has said he would like to do. But since taking office, this administration has actually worked to increase taxpayer funding for abortions at both home and abroad. The first was the Mexico City Policy.

The Mexico City Policy was first promulgated in 1984 and renewed by the Bush administration in 2001. This is a very simple policy that says, as a condition for receipt of U.S. family planning aid, foreign, nongovernmental organizations and international organizations must certify that they neither perform nor actively promote abortion as a method of family planning. Simply put, this policy says that U.S. taxpayers will not pay to promote abortions overseas, yet one of this administration's first acts back in January was to rescind this Mexico City Policy.

Mr. Speaker, I'm going to defer here because I have a gentlelady from the other side of the aisle, Congresswoman DAHLKEMPER, who would like to speak out about this issue, and I would like to give part of my time, as much time as the gentlelady needs, on this issue.

Thank you very much for joining me tonight.

Mrs. DAHLKEMPER. I thank the gentlelady from Ohio for yielding. And I want to extend a thank you for inviting me to have this opportunity tonight to speak on the floor about the issue of life, an issue that is very important to me.

I believe in the sanctity of life from birth to natural death. In fact, I often like to refer to myself as a person who is "whole life" in my beliefs.

This issue of abortion is very personal for me. When I was 21 and I was in college, I found myself unmarried and pregnant, and it was obviously a very difficult time of my life. There was a lot of soul searching that went on, a lot of praying. I had the support of friends and family, but I struggled; I struggled with the thought of telling my parents, and I struggled with the social stigma and the fact that I may have to drop out of school, and also the fact that I would have to be a single parent. But I knew that there was a life inside of me, a living person. And little did I know at that very early stage the joy and the beauty that that child would bring into my life. Today I have an absolutely gorgeous 30-year-old son who is married, and he made me a grandmother just a little over 2 months ago with a beautiful daughter named Charlotte. She is obviously the joy of his life right now, and certainly the joy of her grandfather and my life, too. But that's why I feel so strongly about this important issue of choosing life, an issue where there is a general consensus among American people—in fact, a recent poll shows that a majority of Americans believe in at least some restrictions on abortions, and they certainly do not support their taxpayer dollars going to fund abortion. In fact, a May 15 Gallup poll shows that this practice is opposed by 75 percent of the American people.

Now, I came to Congress just a short 5½ months ago, but I came to this Chamber to represent the American

people and my constituents. Therefore, I do not believe that we should be using taxpayer dollars, hard-earned taxpayer dollars for something that faces such widespread opposition.

That being said, it is equally important that we provide the support that is required to bring that child into this world; only then are we going to be able to prevent the root cause of abortion in America and, actually, throughout this world. So I would like us to use our taxpayer dollars not to fund abortions, but to use this money for the moms and for the babies for health care and other services that they need.

I was really proud during my first few weeks here in Washington, in this Chamber, to vote for SCHIP. This legislation provides critical health services for our Nation's babies, and just as importantly, it provides crucial assistance for pregnant moms as well, the first time that we've done that in this country. What a blessing it is that we are finally taking care of our brand new precious babies and providing support for moms too.

I strongly supported this bill because of another personal story that I have. When my second child was being born, when I was pregnant with number two, Gretchen, we changed jobs in the middle of the pregnancy. My husband was carrying the health insurance through his job, and we had a new health care provider. All of a sudden, I had a pre-existing condition, and that pre-existing condition was my pregnancy. And that child was born without myself having any health care coverage. Luckily, I had a very noneventful natural birth, but you still have to go to a doctor and make sure that your child's needs and your needs are taken care of. I would just like to say that a child is not a preexisting condition; a child is precious, and a life that we need to be taking care of.

So as we go forward here in Congress and we take up health care reform, we must address this issue of pre-existing conditions that too often keep mothers, fathers, and children from the care that they need. But the first step is stopping the practice of spending taxpayer dollars to fund abortion.

Once again, I want to thank you so much for the opportunity to speak on the floor tonight about an issue that is very personal for me and for millions of families across this country. And I ask all of my colleagues from both sides to join me in making the whole life of the child a priority, beginning at conception. This begins with steering taxpayers' hard-earned dollars away from providing abortions and towards health care and the other critical services for our children, as well as our moms and dads.

I want to thank the gentlelady, and I yield back.

Mrs. SCHMIDT. Thank you very much. And I would just like to say to

the gentlelady, we have so much in common, even though we represent different sides of the aisle, and one is the fact that we have the joy of being grandparents. I think one of the things that we learn often in life is that, while your children bring you tremendous joy, the joy cannot even be realized until you have that grandchild.

Mrs. DAHLKEMPER. Will the gentlelady yield?

Mrs. SCHMIDT. Absolutely.

Mrs. DAHLKEMPER. I just have to tell of another joy. My second grandchild was born just 2 weeks ago today, and I was there for that birth.

Mrs. SCHMIDT. Congratulations. Well, the gentlelady has me beat by one, but I only have one child, so—

Mrs. DAHLKEMPER. I yield back and thank the gentlelady.

Mrs. SCHMIDT. Well, God bless you and your family. Thank you so much.

While we are on this subject of taxpayer abortions, I would like to recognize another gentlelady from North Carolina (Ms. FOXX). I will extend as much time as you need on this very sensitive and important subject.

Ms. FOXX. Well, I thank the gentlewoman from Ohio for being the leader of this Special Order tonight. And I want to thank the gentlelady from Pennsylvania for her pro-life statement and for sharing her experience with us. We are all blessed by her statement, we are all blessed by her being here. She and I and the gentlelady from Ohio are regular attendees at our weekly prayer breakfast, and I can say that it is a blessing to have that opportunity. And it just would make us all so much happier if more people in her caucus felt the way that she does on this issue.

You know, over the past several months, the Obama administration has begun to erode the pro-life protections in place to keep taxpayer dollars from paying for abortions. We know and have known for a long time that the majority of the American people do not want to see taxpayer money used for abortions, but we even know now that the majority of the American people are opposed to abortions.

I think the Obama administration is going in absolutely the wrong direction on this issue, as it is on many other issues. But they began with the repeal of the Mexico City Policy, which restricted taxpayer money from funding groups providing abortions overseas. This is something that had been in effect for many, many years.

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Now, what they want to do is bring taxpayer-funded abortions back to Washington, D.C., by changing the so-called Dornan amendment, which restricts publicly funded abortions in the District of Columbia.

The District of Columbia has one of the most troubling track records in the Nation when it comes to its abortion

policies. Not only is the District of Columbia part of a notorious group that allows minors to receive abortions, only the District of Columbia and three States have such laws, but it also has one of the highest abortion rates in the country. It is no secret that the District of Columbia's lax abortion policies draw women to D.C. abortion clinics from other States. Repealing the Dornan amendment would mean allowing D.C. to use tax dollars to foot the bill for abortions for minors and potentially for minors from other States.

It is a real travesty when most of our children cannot get any kind of treatment from a physician. They can't get a shot. They can't get a preventative shot. They can't get any treatment. They couldn't be sewn up in a hospital if they are hurt or at school without permission from their parents. However, the District of Columbia allows these minors to get an abortion, to kill a human life. And, again, polls have shown that a majority of Americans do not support taxpayer-funded abortion.

We must preserve the Dornan amendment and keep hardworking Americans' tax dollars from paying for abortions, a practice that violates the conscience of millions of pro-life Americans.

We also know that taxpayer-funded abortions increase the number of abortions done because the research has been done on that.

But I, again, applaud my colleague from Ohio for leading this Special Order tonight. And I want to say that I share Congresswoman DAHLKEMPER's philosophy, that I support life from conception to natural death, and I think that a society that devalues the unborn will soon devalue those who are born, and I do not want to see our country going down that slippery slope because it would not be good for us.

Mrs. SCHMIDT. I want to thank the gentlewoman for her kind words on this very important issue.

Before I turn this over to another gentleperson regarding this issue, I would like to explain to the Speaker one of the situations that we're talking about is the potential funding of abortions for the District of Columbia. And one of the things that I think we might forget is that article I of the U.S. Constitution says that Congress holds complete legislative authority over the District of Columbia, exclusive legislation in all cases whatsoever. That is why the entire budget for the District of Columbia, including revenue generated by local sources, must be appropriated by Congress through an annual appropriations bill.

For many years, the annual D.C. appropriations bill contained a provision to prevent the use of any congressionally appropriated funds for the abortions except to save the life of a mother or in the case of rape or incest. This was the so-called Dornan amendment,

named after Congressman Dornan, for the fiscal year 1989 appropriations bill that he talked about in 1988. This bill has been in place pretty much consistently over that time. The White House budget document released on May 7, appendix page 1209, asks Congress to repeal the ban on congressionally appropriated funds and replace it with a bookkeeping requirement that would apply only to funds specifically contributed for Federal program purposes.

Now, what I want to point out is this: that while the Dornan amendment was officially put in place in 1989 and was there until 1993, for a few years under the Clinton administration it was relaxed, and what happened during that time was that the funding for abortions in the District of Columbia continued and those funds for abortions actually increased the number of abortions in the District of Columbia. And the way they did it was, according to then Mayor Sharon Pratt Kelly, they authorized the use of a million dollars from the Medical Charities Fund, which was originally set up to help indigent AIDS patients to pay for those abortions. So back during the Clinton administration when the Dornan amendment was relaxed, specifically prohibiting any money both directly and indirectly into the District of Columbia that was Federal money for the purpose of abortions, when that was relaxed, not only did the number of abortions go up, but they used an alternate funding to actually pay for those abortions. And that's really the focus of what we're talking about tonight.

And before I go back through my history of this new administration since taking office in January, I do want to turn it over to my good colleague from Minnesota, Congresswoman BACHMANN.

Mrs. BACHMANN. I want to thank the gentlewoman from Ohio, Congresswoman JEAN SCHMIDT. She is the head of the Women's Pro-Life Caucus, and she has done such a remarkable job for us. There aren't that many women who are pro-life women here in the United States Congress, and JEAN has done a wonderful job taking that effort forward.

Thank you, JEAN, for hosting the hour this evening, and I appreciate the honor of being with you and Ms. FOXX and with my colleagues this evening to be able to address this important issue.

I come here tonight as a female Member of Congress, as a strong pro-life Member of Congress, and also as a mother. I have been gifted to be able to bear five children, and I'm grateful for that honor, grateful to have known what it's like to be able to hold a little baby and be able to know what it's like to carry a little baby to full term. It is a thrill. It is a blessing.

And I know for many women across America, they've made decisions in their lives regarding abortion that have affected them, that have affected

them for good and for not so good. And for women who are abortion-minded, who have made that decision to abort their baby, they know what I'm talking about. They have made a decision that has radically altered their life. And whether that's a memory that they've tried to put under the carpet or whether it's a memory they are still dealing with, they know in the center and in the core of their being that something huge happened when they made that decision.

And I don't stand here this evening, Mr. Speaker, condemning any women that have made that decision. To the contrary, what I am saying is that there is a way out for women who have made that decision. They can find peace. They can find forgiveness.

But we also want to tell the truth about abortion. We want to tell the truth, that it leaves a gaping hole in the soul of a woman when she makes that decision.

Many women are pressured to make that decision, pressured by a boyfriend who tells them they'll leave the woman if they don't make the decision, pressured by parents who are embarrassed or who don't want their daughter to have to deal with a baby or maybe who themselves don't want to deal with a grandchild that they're just not quite prepared to deal with. And I think part of the message that we want to give tonight is that there are alternatives. There are positive alternatives for women and for men who find themselves in that situation.

There are loving alternative pregnancy centers in nearly every community in the United States who will offer free pregnancy testing, who will offer free sonograms or ultrasounds so that you can hear your baby's heartbeat and see your baby on a screen and make that decision. And I think what we're trying to let a lot of American women know across this country this evening is that choosing life is probably one of the most gratifying decisions any woman, any man can make. We want to let them know they're not alone.

Mrs. SCHMIDT. Reclaiming my time, I've been to a number of these wonderful pregnancy care centers in my own district, and it's not just offering them the opportunity of a free sonogram, but it's also offering them the opportunity to really help them, not just with their pregnancy but with the delivery and the carrying of that child. And these centers have programs to help educate the moms and the dads on good parenting skills, something that all of us can benefit from. They also work to give them a points program so, as they go through each one of their phases of education, they can earn points so that they can have a free bed, a free bassinet, free clothing, free food. It is a wonderful experience for these young women and these young men, and it really makes them better parents not

just for that baby but for future babies, and it builds a stronger relationship in many cases between that mother and that father.

So it's not just pregnancy centers that want these women to have their child but pregnancy centers that reach out and help that woman and the dad with that child, not just through its birth but through the process of its natural life. And at least the ones in my district open their arms to that, and toward the end of all of the pregnancy centers, I really salute them because they're doing a great job.

I yield.

Mrs. BACHMANN. You're absolutely right, Congresswoman SCHMIDT. They are all across America and they are doing a fabulous job. They do it on very little money. They aren't receiving money from the Federal Government the same way that Planned Parenthood does. Planned Parenthood receives well over \$300 million a year in grants from the Federal taxpayer. We don't see that for these pro-life centers. And these are centers who people give donations to.

And for women who find themselves in a situation where they're torn, trying to figure out what they should do about this unplanned pregnancy, Mrs. SCHMIDT is exactly right, because they offer not only just the sonogram and just a pregnancy test, but they offer clothes if you need maternity clothes. They offer baby clothes. They offer a little bassinet. They might offer a stroller, a little baby carrier, free diapers. They are there to help women at their most vulnerable time.

And you will find in a Planned Parenthood that a woman walks in and they say that they're full service, but there is actually only one option usually when you go into Planned Parenthood, and that's to end the life of that little baby. And what the pro-life centers try to do is offer women life-giving choices and to let them know they can keep their dignity. Whether they choose to keep their baby or not, they can keep their dignity, but they can give the greatest gift they can ever give, and that's that they give the gift of life to the next generation. It's one of the most beautiful decisions than can ever be made.

You've had the pleasure of being a mother. I've had the pleasure of being a mother, and it is truly one of the greatest treasures anyone can ever have, to be entrusted with giving life to the next generation.

So I think as we start this discussion on abortion, on what it means, and there are a lot of opinions on either side, but one thing we have seen that has occurred recently, the American people, for the first time, the public opinions show that over 51 percent of Americans claim they are pro-life. This is one of the highest ratings we've ever seen. Part of that, I think, is because

of science, because science shows us the human development of the unborn child. And the more that we learn about the unborn child, the fascination, the intricacy, the beauty of the unborn child, the more we embrace giving life to this beautiful treasure and to this beautiful gift.

And that brings us to our subject this evening, dealing with D.C., and there are a few things I wanted to mention in my remarks. The taxpayer funding of abortion also increases the number of abortions. So when we put tax money into the equation, we'll get more abortions. And it makes sense. It's practical. And that's according to the Alan Guttmacher Institute, which is the research arm of Planned Parenthood.

The Guttmacher Institute also routinely reports showing that when public funding is not available, 30 percent fewer women who receive Medicaid have abortions. Now, this is interesting because it means 30 percent more babies whose mothers receive government-subsidized health care survive because of abortion-funding restrictions. And this is, I think, particularly important for women and men in the African American communities, in the Latino communities. In communities of color, we see a very high percentage of abortions. And I know one of our colleagues, Congressman TRENT FRANKS, speaks about this often. He has a tremendous heart, as we do as well, for unborn children in the minority community because such a grossly high percentage of babies in the African American/Latino community are aborted, and we don't want to see that.

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These babies add to the richness of the American fabric just as Caucasian babies do. All babies are valuable, but what we're seeing is an even higher percentage of babies who are losing their lives in the minority community. In particular, we see this with minorities as they access Medicaid funding. If they have Medicaid funding, government funding, we'll see more abortions, and we'll see that particularly in the minority communities.

This is a common-ground issue, I think, that we can share with those who embrace a pro-abortion view and with those who embrace a pro-life view because the polls have shown very clearly that the majority of Americans do not support taxpayer-funded abortion. They don't support it. We are here to represent the will and the interests of the American people. That's not where the American people are right now. They don't want to see us spending their money when we don't have much, when this government is in the red—in red ink up to our eyeballs. We don't have money to pay for the intentional murder of unborn children.

The Obama budget changes this Dornan amendment, as my colleague Mrs.

SCHMIDT has said, to the Financial Services' appropriations bill, so the publicly funded abortions will, once again, be available in the District of Columbia. Right here where we stand this evening, this is the District of Columbia. So now, once again, President Obama is expanding abortion. Instead of making it rare, instead of making it safer, this is making more abortions, particularly for pre-born babies of color.

The District of Columbia has a record of abusing taxpayer funds for abortion. It's bad news, but it's true news. In the 80s when the District had the most permissive abortion funding policy in this country, abortions were funded for anyone, not just for Medicaid recipients.

Elizabeth Reveal was the D.C. budget director at the time. She confirmed that the District's government has a policy of funding abortion on demand and does not attempt to determine the circumstances of the pregnancy. D.C. allows minors—that's children—to receive abortion services without the consent of their parents.

So imagine that. Here in D.C., children can receive abortions without their parents' consent, which means that the American taxpayer will be funding abortions, paying for them for children, and minors could easily be brought in from other States. Remember, D.C. is only about 10 miles square, so minors could be transported across State lines and brought to D.C. from other States to have abortions paid for by the American taxpayer right here in Washington, D.C. to avoid the parental notification laws in their home States. That's according to the Alan Guttmacher Institute. According to Planned Parenthood, they don't have accurate numbers on abortions in D.C. due to women from other States coming to D.C. for abortions.

There are problems here with this, deep problems with this measure. That's why we had the Dornan amendment. It made sense. It was only reasonable. So, unfortunately, under the Obama administration, we are taking the Band-Aid off this problem and are exposing it to even more infection. The infection is more money, and we know that more money will lead to more abortions and particularly to more abortions for babies of color.

This is really a sad story. We don't want to just talk about sad stories, because life is such a wonderful story. We would love to just be here this evening and talk about the positive story of life—and it's a beautiful story—but this is a really ugly story because it's about expanding more abortion; it's about more misery for women who are forced into abortions often against their will, who are given incomplete and inadequate information and who may be headed for a lifetime of addiction, depression or of a sense of loss

and grief that they may have to deal with for 10, 15, 20 years. We don't want this to happen. We want women to be dignified. We don't want women to be brutalized. That's why we're here this evening, because we really believe in women, and we believe in women's choices and in empowering women. This doesn't empower women to put them in a situation where they're forced to do something quite often by pressure from boyfriends who are careless or from parents who don't want to be bothered.

So I just want to, again, thank Representative JEAN SCHMIDT. She has a heart of love. She has a heart of love on this issue. With her courage and with her dignity, she has brought together this group of men and women here on the House floor this evening who believe very strongly that American women will be hurt by this bill. Certainly, American children will be hurt by this bill.

I thank you for your courage in bringing this forward this evening.

Mrs. SCHMIDT. Thank you so much, my good friend from Minnesota.

I just want to add that, while the whole issue is a very emotional issue, one of the things that really disturbs me in the whole abortion debate is when minors have abortions without parental consent, because when a minor has an abortion, that means that child has gotten into a family situation, and they're under age. In many States, that's considered statutory rape. In some cases, including in my own district, at Planned Parenthood, which technically is in District One but is in my own community, there are two lawsuits right now with regard to underage children who had abortions, and their parents were not adequately notified about it. So the whole issue of parental notification on anything—on a child's taking an aspirin—is critical.

Back in the 80s, we know that the District of Columbia was very open about abortions. It let folks from other States have abortions. It let minors without parental consent have abortions. I don't think we want to expand on that policy today.

I really want to turn this over right now to my good friend, the head of our Values Action Team, the good Congressman, Mr. PITTS.

Congressman PITTS, would you please give us your words of advice and encouragement on this issue.

Mr. PITTS. Thank you, JEAN. I really want to commend the lady from Ohio for her leadership and for the Pro-Life Women's Caucus for having this Special Order.

You know, there are really no more eloquent voices for women and children than pro-life women. You're not only eloquent; you're elegant. I want to thank you for your wonderful statements on the issue of life and of women and of the unborn child.

Abortion is an exploitation of women and children. I remember hearing a few years ago the President of Feminists for Life, Frederica Mathewes-Green, when she spoke to the Congressional Life Forum. She said abortion breaks a woman's heart. She said there are always two victims with an abortion. One is the baby. The other is the mother. One is dead. One is wounded. We should keep that in mind as we talk about this issue.

I am very sad to see this administration act so quickly in going towards promoting abortion policies. Three days after the President was inaugurated, on Friday evening at about 5:30, he issued an order overturning the Mexico City Policy. Mexico City was started by President Reagan, and it has been in our policy for many years. He overturned Mexico City. By eliminating the Mexico City Policy, what that does is permits all of the family planning funds that go to international organizations to go to organizations that promote and provide abortions. He has given them that money. Not only did he overturn Mexico City, but in the omnibus bill, he raised the amount of money this year to \$545 million to go to these international organizations that promote and provide abortions. It's a tragedy. He is becoming known by many in the pro-life community as the "abortion President." It's very unfortunate. It's very sad.

The next thing he did shortly after that was to issue an executive order overturning the Federal ban that President Bush had put on the stem cell policies, expanding the use of taxpayer funds for the use of destroying embryos so that they could harvest the stem cells and use them for experimentation. Not only did he do that, but he issued an order to discourage adult stem cell research. Now, we all know, having followed this for many years, that for the last 25 years, they've done research on mice and, for the last 12 or 13 years, on humans. The only thing that has worked as far as treating humans are adult stem cells. There are something like 73 successful treatments and several protocols using adult stem cells, but there is nothing using embryonic stem cells, which kills the tiniest of human beings, the human embryo.

Then he proposed a rule shortly after that to remove the critical regulations that were put in place to protect the right of conscience of health care workers so that now health care workers—doctors, nurses, those in health care—can be compelled against their consciences to provide abortion services, which are referrals and providing abortion services. This is another promotion, if you will, of abortion.

Then, in the omnibus bill, they removed the provisions that would have prevented funds from going to the UNFPA—the groups in China that promote abortion and that force abortion

and sterilization. They now are eligible to get those funds for that practice.

I remember a few weeks ago that Harry Wu, the great human rights activist from China, who spent 19 years in their laogai, in the gulag there, presented testimony before the Human Rights Caucus. He said, in China, having a baby is not a human right. He said, if you have a second pregnancy, they will forcibly abort that woman. They will forcibly sterilize her. They will find her and tear down her house and sometimes imprison her. We are putting taxpayer funds into organizations that promote and provide that kind of service in China? It is really a terrible thing that American taxpayers, who have consciences against their funds being used for these things, are now seeing this administration open the floodgates for these kinds of provisions in our country and around the world.

Now, in this budget, in the Obama budget, he has included a loophole that will allow taxpayer funds for abortions in the District of Columbia.

The best way to reduce abortion is to limit taxpayer funding for abortion. There has been a lot of talk about abortion reduction, and the one thing that everyone seems to agree on is that public funding for abortion increases the number of unborn babies lost to abortion. Even the Alan Guttmacher Institute, the arm of Planned Parenthood, routinely issues reports showing that, when public funding is not available, 30 percent fewer women in the covered population have abortions. That means 30 percent of babies whose mothers receive government-subsidized health care survive because of an abortion funding restriction. So undermining commonsense policies like the restriction on taxpayer funding for abortion flies in the face of the President's claims that he is working to reduce abortion in America. It is very unfortunate.

I just want to commend the pro-life women for this Special Order tonight. They have an understanding like no one else on this issue, and it is so heartening to hear their eloquent testimony and their voices on behalf of women and children here in our country and around the world. So thank you. Thanks to the gentlelady for inviting me down. I really commend you for your Special Order tonight.

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Mrs. SCHMIDT. Thank you so much for sharing some moments with us and for all that you do with the Values Action Team to keep us alerted to issues that are pertinent to all in the United States.

When I started this a few moments ago, I was talking a little bit about the new administration and the new President and matching his words with his actions. And I would like to go back a

second because I have a transcript from the Saddleback forum, which was back in August of 2008, and I got this off of CNN. And I just want to read you a couple of paragraphs so that, Madam Speaker, you understand that I am not taking what then-candidate Obama and now President Obama has said. I really want to give you the full text.

And so Pastor Warren, after asking then-candidate Obama about his views on religion, Pastor Warren said, Let's go through some tough questions, tough ones. Then-candidate Obama said, I thought that was pretty tough. And Pastor Warren said, Well, that was a freebie. That was a freebie. That's a gimme, okay? Now let's deal with abortion. Forty million abortions since Roe v. Wade. As a pastor, I've had to deal with this all the time, all of the pain and all of the conflicts. And I know this is a very complex issue, 40 million abortions. At what point does a baby get human rights in your view?

Then-candidate Obama said, Well you know, I think that whether you're looking at it from a theological perspective or a scientific perspective, answering that question with specificity, you know, is above my pay grade.

Pastor Warren: But have you—

Then-candidate Obama: But let me speak more generally about the issue of abortion because this is something obviously this country wrestles with. One thing that I am absolutely convinced of is that there are moral and ethical elements to this issue. And so I think anybody who tries to deny the moral difficulties and the gravity of the abortion issue I think is not paying attention. So that would be point number one.

But point number two, I am pro-choice. I believe in Roe v. Wade, and I come to that conclusion not because I am pro-abortion but because ultimately, I don't think women make these decisions casually. I think they, they wrestle with these things in profound ways in consultation with their pastors or their spouses or their doctors or their family members. And so this for me, the goal right now should be, and this is where I think we can find common ground—and by the way, I have now inserted this into the Democratic Party platform—is, how do we reduce the number of abortions?

The fact is that although we have had a President who was opposed to abortion over the last 8 years, abortions have not gone down, and that is something that we have to address.

Pastor Warren: Have you ever voted to limit or reduce abortions?

Then-candidate Obama: I'm in favor, for example, on limits on late-term abortions if there is an exception for the mother's health. From the perspective of those who are pro-life, I think they would consider that inadequate, and I respect their views. One thing that I've always said is that on this

particular issue, if you believe that life begins at conception, then—and you are consistent in that belief, then I can't argue with you on that because that is the core of the faith for you.

Madam Speaker, I would like to repeat that because I'm going to be coming back to that in a few minutes.

Then-candidate Obama said, If you believe that life begins at conception, then—and you are consistent in that belief—then I can't argue with you on that because that is a core issue of faith for you. What I can say, what I can and do say, there are ways we can work together to reduce the number of unwanted pregnancies so that we actually are reducing the sense that women are seeking abortions. And as an example of that, one of the things that I've talked about is how do we provide the resources that allow women to make the choice to keep a child. You know, have we given them health care that they need? Have we given them the supportive services that they need? Have we given them the options of adoption that are necessary? That can make a genuine difference.

When I began this, I talked about the fact that the President, when he was running for office, spoke of a concept of abortion where we would actually reduce the number of abortions, and yet as soon as he took office, he seemed to reverse that policy.

As many of my colleagues demonstrated tonight, just days after taking office, the first thing that this President did was reverse the Mexico City Policy. And that policy, again, simply says that U.S. taxpayer dollars will not promote abortions overseas and that any NGO and any governmental agency or non-governmental agency overseas cannot use that money to promote abortions that they receive from the United States.

But if this was not enough, today Congress considered a bill that would establish in the State Department the Office of Global Women's Issues. And one of those purposes of that Global Office on Women's Issues is to promote abortions overseas.

So as the President stated when he was running for office, he wanted to reduce the number of abortions, he put it in the platform of the Democratic Party. He said that if you're consistent in your beliefs that life begins at conception, that this should be recognized.

One of the things that this Congress, in concert with the administration, is doing is rapidly promoting abortions through the use of Federal funds for those abortions.

But it's not just the funding of overseas abortions that is occurring. It's not the only assault on creating a culture of life that we have witnessed both from this administration and this Congress. And it's not the only instance where the administration's rhetoric does not match its actions.

What candidate Obama said about stem cell research at the Saddleback forum, he said, Now, if in fact adult stem cell lines are working just as well, then, of course, we should try to avoid any kind of moral arguments that may be in place.

I've got to repeat that.

Candidate Obama at the time said, Now, if in fact adult stem cell lines are working just as well, then, of course, we should try to avoid any kind of moral arguments that may be in place.

Well, today, adult stem cells have actually been found to be useful in treating a large number of diseases or ailments; embryonic stem cells have not yet been found to effectively treat anything. Yet in March, our President signed an executive order overturning the Bush administration's stem cell research policy.

And the assault on life does not stop there. Nor does the double-talk.

You know, the President recently spoke at Notre Dame, and it was met with some controversy. And in that May speech—I want to read to you the context, the full context of what he said on the issue of abortion.

And he said, Nowhere do these questions come up more powerfully than on the issue of abortion. As I considered the controversy surrounding my visit here, I am reminded of an encounter during my Senate campaign, one that I describe in the book I wrote called "The Audacity of Hope." A few days after I won the Democratic nomination, I received an e-mail from a doctor that told me while he voted for me in the primary, he had a serious concern that might prevent him from voting for me in the general election. He described himself as a Christian who was strongly pro-life, but that's not what was preventing him from voting for me.

What bothered the doctor was an entry that my campaign staff had posted on my Web site, an entry that said I would fight right-wing ideologies who want to take away a woman's right to choose. The doctor said that he had assumed that I was a reasonable person, but that if I truly believe that every pro-life individual was simply an ideologue who wanted to inflict suffering on women, then I was not very reasonable.

He wrote, I do not ask at this point that you oppose abortion, only that you speak about this issue in fair-minded words.

Fair-minded words.

After I read the doctor's letter, I wrote back to him and thanked him. I didn't change my position. But I did tell my staff to change the words on my Web site. And I said a prayer that night that I might extend the same presumption of good faith to others that the doctor had extended to me. Because when we do that, when we open our hearts and our minds to those who may not think like we do or be-

lieve what we do, that's when we discover at least the possibility of common ground; that's when we begin to say, Maybe we won't agree on abortion, but we can still agree that this is a heart-wrenching decision for any woman to make, both with moral and spiritual dimensions.

So let's work together to reduce the number of women seeking abortions by reducing unintended pregnancies and making adoption more available and providing care and support for women who do carry their child to term. Let's honor the conscience of those who disagree with abortion and draft a sensible conscience clause and make sure that all of our health care policies are grounded in clear ethics and sound science as well as respect for the equality of women.

I could go on with this speech. But what I want to say is that while speaking at Notre Dame, the President said, Let's honor the conscience of those who disagree with abortion and draft a sensible conscience clause to make sure that our health care policies are grounded in clear ethics and sound evidence.

I didn't take it out of context.

But he actually said this, Madam Speaker, after his administration had rescinded the conscience clause regulations promulgated by the Bush administration. These regulations made it clear that a health care provider who would not have to choose between his or her deeply held moral and religious beliefs and a career. In fact, this is what the President, then-candidate, alluded to at the Saddleback conference that, you know, your conscience should be recognized and your moral ground should be recognized especially if you're consistent with your belief that life begins at conception and ends at natural death. And yet the conscience clause was almost immediately rescinded upon this President's arrival to take office.

Does the gentlelady wish to say something?

Ms. FOXX. I wonder if the gentlewoman would yield.

I appreciate very much what you and our other colleagues have pointed out tonight in terms of the inconsistencies in the President's position. I also want to thank you for having pointed out the joy of having children. And I want to bring up one more example of what I think is an inconsistency on the part of the President.

He has nominated Dawn Johnsen to head up the Office of Legal Council, and she is among the most controversial of his nominees. She formerly worked for NARAL and the ACLU's Reproduction Freedom Product.

She has compared pregnancy to involuntary servitude, describing pregnant women as "losers in the contraceptive lottery," and she even criticized then-Senator Clinton for claim-

ing a need to keep abortions, traumatic experiences, rare.

She, as I said, has said that she believes that being pregnant or banning abortion undermines the 13th Amendment, which bans slavery. And she says "that there is no 'father' and no 'child'—just a fetus." Any move by the courts to force a woman to have a child amounted to "involuntary servitude." She goes on and on and on to talk about how horrible it is to bear a child.

And I think it is a very sad, sad situation that the President has nominated a woman who has these kinds of beliefs to head up an extremely important position in the administration, the Office of Legal Council. And I wanted to point that out as another inconsistency in the positions that he's taken.

And I yield back.

Mrs. SCHMIDT. I thank you so much for that because consistently since January, the words and the actions have not met the conscience clause, which he clearly took out, and yet said both as a candidate and in subsequent speeches as President that our conscience needs to be recognized and our moral beliefs need to be recognized, especially on this issue. He has really taken that away.

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What we now are facing today is the change in the D.C. policy in which we are going to be faced with allowing for the public funding of abortions. Congressman Dornan's amendment prior to FY1989 allowed the District of Columbia to use congressional funds, appropriated funds, something that we have to do because of article I of the Constitution, give the District of Columbia money to operate with. The disconnect between using those funds inadvertently for abortions was shut down by Congressman Dornan's amendment. This was an amendment that has been faithfully in place, except for a few years in the Clinton administration. Now with the President's new budget, he wants to cleverly allow for the District of Columbia to use federally funded money for abortions.

I would now like to turn some time over to my very dear colleague, an individual who has been at the forefront of life issues, not just recognizing the value of a child both inside and outside the womb, but the value of children all across the world, including his fight for a father to bring his child home from Brazil.

Mr. SMITH of New Jersey. I thank my friend for yielding. As a matter of fact, that's why I was late in getting here. I was working on that very issue.

Mrs. SCHMIDT. You are a great American. Take as much time as you would like.

Mr. SMITH of New Jersey. JEAN, just very briefly to say to my colleagues tonight, Barack Obama has said he is seeking common ground, and he wants

to reduce the number of abortions. Sadly, virtually everything he has done, months to date, as President of the United States has expanded abortions internationally as well as domestically by executive order as well as by his embedding into his administration a virtual who's who of abortion leaders, people from the organizations who are now running agencies of the government of the United States. These are the people who ran the organizations for abortion rights. Now they're there.

The District of Columbia for years has not provided—and our hope is that it will continue not to provide—any funding for abortion, except for rape and incest and life of the mother. That language, as you have pointed out, was crafted by Congressman Bob Dornan; and it was a little game that was played for years. I have been here 29 years, and I will never forget the game that was played. The language would say, no Federal funds can be used to pay for abortion; but they would allow it because we congressionally authorize local funds, so the bottom line was, the net consequence was, abortion on demand unfettered was paid for by public funds, by taxpayers.

Barack Obama keeps saying he wants to reduce abortions. The common ground on reducing abortions is proscribing, prohibiting funding for abortions. The Alan Guttmacher Institute, the research arm of Planned Parenthood, and Planned Parenthood itself continually say that about a third of the abortions don't occur when public financing is not available. So as a result of the Hyde amendment, as a result of an amendment that I offered back in 1983 that proscribed funding under the auspices of the Federal Employees Health Benefits plan, the Dornan amendment on D.C. approps, and all the other amendments have actually permitted, facilitated those children who otherwise would have been aborted because public financing of abortion wasn't there. That's true common ground. Taxpayers don't want to subsidize chemical poisoning and dismemberment of unborn children.

People can talk all they want. The cheap sophistry of choice is that it does not bring into the visibility that it deserves the very active abortion, which is the maiming, ultimately the killing, of an unborn child. This is the year 2009. We know more about the magnificent life of an unborn child than ever before. Microsurgeries are being done. These unborn children are the littlest patients. They can get blood transfusions. Unfortunately in some hospital rooms and especially in clinics, they are being dismembered; they are being chemically poisoned; and they are being starved to death in the act of abortion, which then is suggested to be a benign act. It is anything but. It is not compassion. It shows no sense of justice; and the pub-

lic should not be forced, compelled to finance abortion in the District of Columbia or anywhere else.

Mrs. SCHMIDT. I would just like to close, Madam Speaker, by saying this is a very sensitive and important issue. The public has spoken out on the fact that they really do not want Federal funds to be used for abortion. The President, as a candidate, when he took office, and in subsequent speeches, has said he wants to work to reduce the number of abortions. To do that is not to allow for Federal funds. So I would only hope that this administration would match their words with their action.

CREATION OF NEW JOBS THROUGH CLEAN ENERGY TECHNOLOGY

The SPEAKER pro tempore (Ms. KILROY). Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. POLIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. POLIS. Madam Speaker, we are truly on the verge of a historic moment. We're moving closer and closer to finally achieving legislation that will put us on the right path towards true energy independence and true environmental protection. Legislation that, at the same time, will grow our economy through clean energy jobs and promote an investment in cutting-edge American technology all while addressing the costly damages to our public health, economy and environment that is coming and will come from a changing climate.

The Republican Party just doesn't seem to get it. They don't seem to understand that the American people know that the cost of inaction is far higher than the cost of action. The same scare tactics and lack of faith in science and in American innovation which lost them the last election won't fool the American people. Madam Speaker, the minority party has chosen to put this debate in oversimplified and disingenuous terms, and that's truly sad. They've decided to call our clean energy future a tax because they don't think the American people can figure out the truth, that endangering our economy, our public health and our environment is what is truly taxing our Nation.

Madam Speaker, what the Republicans are espousing is a tax of inaction. The Republican inaction tax will cost our country many, many middle-class careers. The Republican inaction tax will mean harm to family farms, harm to water sources, and harm to the fastest-growing sector of American jobs, clean energy infrastructure. This Republican inaction tax means higher energy costs for families who won't be able to weatherize their homes or invest in energy efficiency. The Republican inaction tax will pass along grow-

ing debt to our children by leaving behind opportunities to invest in innovative sectors and businesses that we are promoting in this American Clean Energy and Security Act. The Republican inaction tax will mean further devastation to our real estate market, as melting polar ice caps and rising sea levels could cost our Nation hundreds of billions of dollars in lost real estate value. This Republican inaction tax will cost the American people nearly \$1.9 trillion annually, or 1.8 percent of U.S. GDP, by 2100. It's time we have a real debate on this issue, not rhetorical oversimplifications that fail to serve our country but with the high-minded debate that we all deserve. It's time that we discuss what's really in this bill.

I would like to welcome my colleague and good friend from New Mexico, Representative MARTIN HEINRICH, who has a lot to say about what this bill has to offer.

Mr. HEINRICH. I want to thank my friend from Colorado.

Madam Speaker, we formed the Sustainable Energy and Environment Coalition in the 111th Congress because we believe in America's promise to become the global leader in energy and environmental strategies of the 21st century. Leadership and innovation is the hallmark of American success. In 1961 when President John F. Kennedy said that our country would lead the world by landing an American on the Moon, within 8 years his goal was achieved with the Apollo project. Today that same innovation is present in our emerging clean energy economy.

Madam Speaker, the opportunity for America to create thousands of clean energy jobs that will build our 21st century economy cannot be understated. Evidence of that clean energy job growth, a key component of our local economic recovery, is already visible on the ground in communities like New Mexico's First Congressional District, which I represent.

Part of this clean energy cluster growth is a result of the vast natural resources that New Mexico has to share. We are second in the Nation in solar energy capacity and 12th in the Nation for wind energy production potential, but we also have invested heavily in our human capital. One example of this success is the work being done in partnership with Sandia National Laboratories, which has been at the center of multiple renewable energy advancements across our country, including the creation of a high-performing biofuel that can be used in military aircraft. With Sandia's help, thousands of jobs in new energy fields have been created in our community by companies like Advent Solar and EMCORE, which makes concentrated solar photovoltaics. Just a month ago I participated in the grand opening of a \$100 million Schott Solar manufacturing plant in Albuquerque, which is

on track to eventually employ 1,400 people. On the west side of the First Congressional District, Solar Array Ventures is building a factory that will employ 1,000 people; and in the rural east side of our congressional district, hundreds of people have been at work with good-paying jobs on the near complete 100-megawatt High Lonesome Mesa wind project.

Madam Speaker, these jobs are part of a thriving clean energy cluster that is leading our community towards economic recovery. I'm proud to report that Albuquerque's clean energy job growth recently earned us a second-place national ranking in Kiplinger's 2009 list. Albuquerque was recognized for leading the Nation in key job growth areas of tomorrow. The potential to create these kinds of clean energy jobs across our Nation cannot be denied, and I am proud that the 111th Congress has already started investing in our clean energy future.

In the American Recovery and Reinvestment Act, we invested more than \$60 billion to help jump-start the clean energy jobs of tomorrow. These investments include building transmission lines to carry solar and wind to communities in need, improving battery technology, training a new clean energy workforce, and increasing energy efficiency to help our country use less energy while we strengthen our economy.

I'm proud to have sponsored the Clean Energy Promotion Act, a bill that will expedite the review of wind and solar energy projects on our public Bureau of Land Management lands. I also cosponsored the national renewable energy standard legislation that is included in the current legislation to increase our country's generation of energy from renewable sources.

Madam Speaker, in New Mexico's First Congressional District and across the country, we are at a crossroads. We can either cede leadership and clean energy innovation to nations like Germany, which has the highest solar generation of any country in the world even though it only has the same average solar exposure as the State of Alaska; or we can jump-start the American clean energy industry, spurred by the same spirit of innovation that put us on the Moon, to put Americans to work in clean energy careers, building solar panels and wind turbines. Let's choose the path of innovation, the path that has led to American success throughout our history. Now is the time to take bold action on our energy policy.

Mr. POLIS. I have a question on that. I've heard supporters of this Republican inaction tax trying to argue that this bill costs jobs, that somehow this is going to be bad for the economy. A lot of what you've been talking about, I mean, a solar plant hiring 1,400 people in your district, job growth on the infrastructure side. It certainly sounds

to me like by passing this bill, it's going to lead to even more job growth in your district.

Is that what you've been finding?

Mr. HEINRICH. I believe that's absolutely the case. In fact, what we've seen is even in the midst of this recession, the good news on our horizon has been these quality high-tech jobs in the renewable energy sector.

Mr. POLIS. Earlier on, as we were walking to the floor, we were talking about American ingenuity and innovation, and we talked about what's possible with solar cars. I thought maybe you could share with us this story of what's possible. I mean, the strength of America has always been innovation and ingenuity. I think this bill is really playing to our strength as a country in terms of what's possible.

Mr. HEINRICH. I couldn't agree more. I have to say, as someone who got my degree in mechanical engineering back in the mid-nineties, I actually participated in a solar car team, just a group of college students that got together in the early nineties, built a carbon fiber lightweight solar-powered vehicle that we raced across the United States against teams from Stanford and Michigan and other colleges around the country. I always thought to myself, if we could do that in 1993, 15 years ago, a bunch of college students who didn't even have our degrees yet, then think of the potential that we have today with the technology and the real support of policymakers like yourself. I think the opportunities for science and for business are absolutely endless.

Mr. POLIS. I see we've been joined by our colleague from New York (Mr. TONKO). Would you like to add to this discussion?

□ 2045

Mr. TONKO. Sure. Absolutely. Let me thank you, Mr. POLIS, for managing our discussion this evening here on the floor of the House of Representatives. It is a pleasure to join you. I know you have been an outspoken voice for greening up our thinking as it comes to energy and the environment and the economy, three areas that are critical right now that face a crisis of some dimension, and we can resolve those crises simply by moving forward with progressive policies.

So I thank you for providing the leadership here this evening on the floor and to join with you and our friend and colleague Representative HEINRICH because, you know, you are surrounded here by two mechanical engineers in background, education background.

Mr. HEINRICH. I believe that doesn't happen on the floor of the House of Representatives very often.

Mr. TONKO. It doesn't. We are usually vastly outnumbered. So it is good for us to step back and look at these

issues from an academic perspective and to respond to them in technological terms. That is real leadership. And the President, the Speaker of the House, NANCY PELOSI, leaders here across the board here in the House and rank-and-file Members have joined together to speak forcefully about just what we can accomplish if we set our sights on this innovation economy that is sparked by a green energy arena.

The numbers of jobs that we can create in this clean energy career ladder are tremendous. It is a way to provide opportunities for those emerging members of the workforce and to train and retrain our existing workforce. As we look at the opportunities out there, they are immense.

Representative POLIS, you talked about the fear and despair approach taken by some as they try to message in very negative terms the work that is being done in this area. Well, a \$475 billion bill that finds money going to foreign imports for fossil-based fuels could be referenced as a tax. We might say we are paying our bills for the energy supply we need, but it is taxing our economy and, more importantly, it is taxing households, families that could otherwise be producing here in America the supplies we need with American jobs, American know-how, American intellect.

You know, as I listened to our Representative from New Mexico, as Representative HEINRICH spoke of that global race back from the decades ago, from the sixties, having heard Sputnik over and over again in the elementary classroom and having seen us in a race somewhat narrower than today's race would be, Russia, the U.S. all competing to land a person on the moon. But a vision shared by a very eloquent, articulate leader of this Nation, John F. Kennedy, allowed us to come together as a nation in bipartisan frameworks and provide the kind of energy that is required to get us to think in those positive and progressive terms, and it stretched our thinking, it provided loftiness to the outcomes, and it created career opportunities for many.

That same race, global race, is upon us today, and it is not like we have a choice to enter into the race. We have no choice but to be part of it, and the pressure is on for us to win.

When China invests \$12.7 million per hour in its greening-up opportunities, that is a signal to us that we can and we must do better than we are today. And whoever emerges, whichever country emerges the leader, the winner of that race, will then be that go-to nation that will export energy intellect, energy innovation, energy ideas. The energy capital that we can build will be extremely valuable for all of our American families.

I, as you know, had worked at NYSERDA before I entered here. I had

chaired the Energy Committee in the New York State Assembly for 15 of my 25 years in the Assembly, and then went to assume the role of president and CEO at the New York State Energy Research and Development Authority.

Projects that found us utilizing our wind, our sun, our Earth, our soil and our water enabled us to create energy supplies for New York State. Hydrokinetic power that was produced simply by the turbulence of the East River along the shoreline of the Island of Manhattan is there as a demonstration project, an R&D project, that as a prototype holds promise, great promise, when deployed into the manufacturing and commercial sectors.

The opportunity for geothermal, where I witnessed at the Culinary Institute of America six new dorms, lodges as they are referred to, utilizing geothermal as an energy source, and using the constant temperature of the Earth far below us was a simple and novel idea, almost cave-like in its concept, but it is providing modern-day usage. And certainly wind, solar, PV, all being utilized in New York State, as much as 1,100 megawatts worth of wind power.

So this is possible. It is very possible. And the jobs that we can create are countless as we go forward, and it provides energy security, energy independence, and therefore I believe is critically important to us, to our national security. We won't be putting our sons and daughters in harm's way because we won't be in the battle zone fighting over the commodity of oil and fossil-based fuels.

Mr. POLLS. If the gentleman will yield, what you are talking about sounds great, the great spirit of American innovation, jobs being created, improving our security. I mean, do you think that if we fail to enact this policy, that will be a blow to a lot of this activity, economic activity, security activity, everything you are talking about?

Mr. TONKO. Absolutely. And, you know, we will have to pay some other nation for their ideas. When we spoke the other day with the SEEC Caucus, of which both of you made mention, with the Sustainable Energy and Environment Coalition, the Green Dogs, so-to-speak, in the 111th Congress, we heard from the most recent energy minister, past energy minister, that a lot of American know-how and patents were being utilized in Denmark. Well, if we are coming up with this intellectual capacity and this brain power, what a shame if we don't invest it for our own benefit.

So the time is now to move. The time is long past that we have a comprehensive energy plan for this Nation. And it was one of the motivations for me to run for Congress, so that we could come here and do those sound policies that will move us into a new era of en-

ergy thinking, eclipsing us from a political generation of denial.

Mr. POLIS. You know, I think with regard to all of the great economic activity you are talking about, when we are talking about the cost of not taking action, it is not only an environmental cost, it is not only the direct impact of global climate change, we are also talking about disrupting a lot of these science and research, economic activities, undermining our own national security, all these other costs.

So it is frustrating when people try to say, oh, this costs money. Well, you have to look at the cost of not taking action, which is far greater, orders of magnitude greater, than what we are talking about here, which is a very practical way to boost this industry and create green jobs.

Mr. TONKO. Well, one of the great investments at NYSEERDA in the State context that I functioned was a huge investment in R&D. And you need to see that R&D, research and development, and deployment, I would add, are economic development tools. You are using very bright minds with clever ideas, putting that lab experiment together.

Then we need to further commit to the deployment stage. You cannot just research and develop. You need to take that success story, of which there are many, and deploy them into manufacturing and the commercial use of those ideas. That is what this agenda is about. And it is not maintaining the spirit of \$475 billion per year of American dollars, call it a tax, call it an investment, call it paying your bills. Whatever it is, it is cash leaving us to help another economy that isn't providing any benefit because these are, in many cases, unstable governments and some of the most troubled spots in the world.

Mr. POLIS. I would like to welcome our good friend Mr. CONNOLLY from Virginia.

Mr. CONNOLLY of Virginia. I am so pleased to join my fellow Green Dogs to talk about the subject. I couldn't help but pick up, if I may, to our friend from New York, Mr. TONKO, the point he was making about the power of research and development, R&D dollars, in innovative technology.

Let's just take the potential power of the advanced battery research. What could that do? Well, in the automotive industry, advanced lithium batteries, for example, could get you plug-in hybrid vehicles that get an average equivalent of 100 miles per gallon. If every vehicle in America got an average of 100 miles per gallon, you would almost wipe out the need for any imported oil in the United States of America. It is not science fiction. It is around the corner, but it needs an extra investment. It is an investment with an enormous potential return that would more than return dollars to U.S. taxpayers

and, of course, contribute to the economy.

Similarly, advanced battery research is desperately needed to essentially bring the solar industry in the United States to that next step. What we lack in solar right now is the ability to really store the sun. And if we could have a breakthrough, and, again, it is not rocket science, it is not science fiction, if we could have a breakthrough in advanced battery research so that we can extend storage capacity, so on sunny days we can store that energy on overcast days, especially in climates that aren't as warm as, say, the Southwest where our friend Mr. HEINRICH comes from in New Mexico, we could absolutely transform the solar industry and make it a practical either supplement or alternative for households and businesses all across the United States.

What could that do in terms of job creation and reviving the manufacturing sector of the United States? An almost endless return on a very wise investment of dollars.

Mr. TONKO. Mr. POLIS, if I might, to the comments made by Representative CONNOLLY of Virginia, and I thank him for his insight, to those comments I would add that as we achieve those efficiency outcomes, we are also cleaning the environment. We have the moral responsibility to make certain that our children, our grandchildren, generations that will follow us, do not get handicapped by some sort of situation out there like climate change, global warming, the carbon footprint, that will destroy our environment.

The air we breathe is essential, and as stewards today of the environment that we inherited, we must pass it on to further generations, future generations, in a state that is acceptable, clean and better, improved, so that we can achieve that.

While we are on the battery situation, I would just make quick mention of GE. Their corporate headquarters are in Schenectady, which is housed within the 21st Congressional District within New York State, which I represent.

GE recently announced its intentions to build an advanced battery manufacturing center in the capital district region of New York. That will provide some 350 to 400 jobs for a state-of-the-art battery that will deal with sodium chloride and nickel as a combination, adding to the diversity. There are lithium-ion batteries that are spoken of and other sorts of batteries that are being encouraged. This provides for diversity, which is sound for our mix. It is good for our energy choices.

That battery will be able to be used for heavy vehicles. That is important. It can be used for intermittent energy storage, and it can be utilized also for energy generation.

So the transportation sector, the energy generation and energy storage

areas can all be addressed by this battery innovation. That is the key that can unlock the door to immense potential and opportunities of all kinds.

So we are at the cusp, I believe, of tremendous discoveries here that will allow us to compete effectively in this global race to be the energy go-to nation.

Mr. POLIS. When we hear about all these wonderful things, battery storage technologies, jobs being created in New Mexico and New York, clean electric vehicles, what we are talking about and the nexus to why this is important and what American families need to know is the American Clean Energy and Security Act is the enabling law that allows all of this to occur. All of this great stuff that we are talking about, the job creation, the clean cars, the storage, this will all be dealt a huge blow if Congress fails to act. That is why the stakes for this debate are so important.

Mr. HEINRICH. You know, I think this whole issue of research and development is absolutely critical, because we have fallen behind the entire world in things that we were at the very front edge of just a few years ago. We can do so much better. And when you look around at the American innovation in New York, in New Mexico, in Virginia and Colorado, there is no more innovative people in the world than the American entrepreneur.

You know, I was lucky to have the majority leader visit my district last year, so I took him out to Sandia National Labs, one of the places involved in basic research and development, that is rebuilding our energy economy and pushing us forward to the leadership position in the world that we deserve.

One of the things that we looked at Sandia National Labs was actually a process where they take solar energy and a carbon dioxide feedstock, what is currently a problem, it is pollution, it is warming our planet, and utilize that to make liquid fuels, high-density energy fuels that can then be used as an energy storage medium, just like the advanced batteries you were talking about.

There are people doing research today on a much more efficient method of hydrolysis that would then utilize hydrogen as the output, basically do in the energy field what trees do every day, take sunlight and then store that as energy in a way that you can use.

□ 2100

Take sunlight, and then store that as energy in a way that you can use. And if any country in the world should be leading these efforts, it's the United States. And it's time for us to take back our rightful position, leading the world on the future of clean jobs. But we can only do that through changes in policy. If we sit back and watch as the

battery research moves to Korea and Japan and other places, we will be buying the advanced vehicles from those countries. And instead, we need to be supporting the advance battery research that's being done in places like New York.

In my own home district we were doing research on batteries at Sandia National Laboratories to make sure that we do a better job increasing the density and the safety of these things. So, this is a huge opportunity for us.

As you said, it's a job creator. And the cost, the opportunity cost of not acting, really hits us in the West, I think, probably more than anyplace except for maybe where you have a coast line. We are reliant for our economy on water, on the water that falls as snow pack, just like it does in your district in Colorado, Congressman POLIS, and that water flows down hills and it runs our farms and it runs our factories. It keeps our rivers alive.

And yet we have seen a dramatic decrease in the amount of snow pack that actually reaches places like Albuquerque because it's evaporating earlier, you know, temperatures are rising. The Tehemas Mountains in New Mexico have seen something like a seven-plus degree Fahrenheit swing in temperatures over time. That's impacting forest fires. It's less water for all of us to use for economic activity. And so the cost of not doing anything, of not implementing this bill, which is basically an Apollo project for energy independence and jobs in this country, is so much greater than the cost of acting.

Mr. CONNOLLY of Virginia. If my colleague would yield, because the point you've both been making about the need for that competitive edge for American industry is really underscored by the various American companies that, in fact, have endorsed this legislation. Let's just take the automotive sector. Ford, Chrysler, GM, John Deere, Caterpillar have all endorsed this legislation. There's a reason for that. They understand that to stand still with existing technology is not going to cut it. They're going to continue to lose market share, and they're going to lose to foreign competition.

If I may, I'd just like to read into the RECORD some of the other companies, especially in the energy sector. And the reason I want to read these names into the RECORD is because so often we hear from our friends on the other side of the aisle, this is going to destroy American business as we know it. Well, that would come as news to the following list of companies who've enthusiastically endorsed this specific bill. Duke Energy, coal, by the way, represents 75 percent of Duke's portfolio. American Electric Power; Edison Electric Institute; Exelon; PG&E Corporation; FPL Group in Florida; Entergy; Austin Energy; Constellation Energy;

Seattle City Light; Public Service Enterprise; P&M resources in New Mexico, Mr. HEINRICH; Shell Oil; Conoco; BP America; Entergy Energy; GE; Alcoa; Dupont; Dow Chemical; Johnson & Johnson; Rio Tinto; Siemens; National Venture Capital Association.

These are American companies that understand the point you were making a little bit earlier, Mr. POLIS, that to stand still is to lose ground; and that actually, we have an enormous opportunity here to regain America's competitive edge, create jobs and, once again, lead the world in innovative technologies and techniques. But we've got to make that initial step. This bill creates that framework.

Mr. POLIS. Mr. CONNOLLY, you know, one of the things that Mr. HEINRICH talked about, he said, you know, if these jobs aren't created here, they're going to be created elsewhere. The research will be done elsewhere. The fact that the American industry, the companies that you recognize, who are, many of them American-based companies, feel that this is good policy. These are global problems we're facing. Some way or other the world is going to need to wean itself off fossil fuels. Don't you think that this policy helps make sure that those solutions happen here in this country?

Mr. CONNOLLY of Virginia. Absolutely. And the bill takes care, where there are trade-sensitive and energy-intensive sensitive industries, to give them a transition period of time, in some cases a very generous transition period of time in which to get themselves competitive again.

Mr. POLIS. Mr. TONKO.

Mr. TONKO. Sometimes the issue comes across in such a complex picture that it's difficult for people to get their arms around what the discussion is all about. To repeat what I mentioned earlier about the hundreds of billions of dollars that we have been spending that go to foreign nations that import to us these fossil-based fuels, we need to see this as an embracing of the American intellect, to take ideas that are there shelf-ready and put them to work for us. It's, quite simply, American power to power America. It is providing our opportunity to utilize the American workforce to produce this power that then powers this country to do all that it needs to do.

It provides great opportunities for manufacturing sectors, and for our business communities, small and large, because I witness firsthand what happens when we retrofit these facilities, even our dairy farms in New York State, with state-of-the-art opportunities for efficiency. Where you need to use fuel for the power that you're using, let's use it efficiently. That's good for the environment; it's good for the economy. It's good for the energy equation.

But in many cases we'll be able to produce that power we need with no

fuel cost. So the \$475 billion that has been spent annually that goes outside this Nation's boundaries is a fuel cost. We won't have that fuel cost when we benignly utilize our wind, our sun, our soil and our water.

And I think that's an effective way to approach a situation where we allow for the brain power of this country that is invested in, when people choose their career paths. We want to make certain that all that investment in the classroom and on the college campuses and in the private sector through its R&D opportunities of workforce training and development, we want to put that to work here. And we have those available solutions. We need to go forward with that sort of concept.

And, again, it takes a vision. I believe this public, the American public, joins in the efforts when a vision is painted for them. It's been painted in bold green measure by President Obama. His administration is taking us to a new level of thinking. The Speaker of the House, the leadership in this House, the Members, the rank and file Members of the majority know this is the right thing to do. And it takes that boldness of vision and that determination, the integrity to move us to this new economy, and it will happen.

Mr. POLIS. So what you're saying is, you know, rather than, we're sending hundreds of billions of dollars a year to Saudi Arabia, to the Arab countries, to Venezuela. That money is gone from America when it's gone. And we send it over there and that's fueling their economy. We can recapture some of that money here and create clean energy here.

Mr. TONKO. Absolutely. Mr. POLIS, I would add this: As Representative in Colorado, like any of us as Representatives, we have seen far too many of our sons and daughters lost in the efforts to, in our involvement in the Mid East. Some of this money is going to those nations that we are now fighting against with the war on terrorism and the war in the Mid East. And so it really behooves us to think in newer terms, in bolder terms, in ways that build our independence, our security and our national security, which is critically important to us as we speak.

Mr. POLIS. Mr. HEINRICH.

Mr. HEINRICH. That word, independence, I think, is absolutely critical because this legislation will give us the independence that, as Americans, we crave. And I can say, you know, one of the pieces of this is renewable energy portfolio standard, something that says all the utilities are going to create a certain portion of their power from renewable and clean sources, we've had that for a number of years in New Mexico; and it's worked remarkably well. In concert with photovoltaic technology, this spring, you know, starting March or April, I started getting a credit from P&M resources that

you mentioned earlier because I've got solar panels tied into the system, and during the day when we're not home, we're selling power back to the grid at the very time when everybody's turning on their air conditioner. It is innovative solutions like that that are already working in so many places that are going to give people freedom from those energy bills and independence from this international and foreign oil that sucks so much money out of our economy in the United States.

Mr. POLIS. You know, and a good point you raise, you're right. New Mexico and also my home State of Colorado have really been leaders in terms of instituting renewable energy standards, also instituting incentives for solar technology. You know, at our State level and probably yours, the opponents made the same arguments. They said, oh, this is going to drive jobs out of Colorado and New Mexico. This is going to hurt the economy.

Well, here we are several years down the road. This has made both of our economies stronger. I mean, isn't this a great success story in New Mexico?

Mr. HEINRICH. Absolutely. And always better to be the leader that's creating jobs than the State or the country that's following and watching those jobs go someplace else.

Mr. CONNOLLY of Virginia. I might add to the point you're making, Mr. POLIS, in my State of Virginia, for example, we have a gubernatorial election going on right now, and one of the candidates, the Republican nominee, has talked about drill now, right off the shore of Virginia. Maybe that makes sense; maybe it doesn't. But the wind power potential off the shore of Virginia dwarfs any estimates of what possible oil and gas reserves there might be offshore and could create jobs and could actually make Virginia an enormous net exporter to the Northeast and the Mid-Atlantic of a renewable source of energy forever.

Mr. POLIS. You know, Colorado is in this boat and I think New Mexico too. We are blessed with some natural resources, with natural gas and with oil. And I have to tell you, it's a mixed blessing.

First of all, it's highly cyclical. We've been through several cycles in Colorado where there's been oil boom times. Everybody was riding high. Three years later the price crashes: everybody's out of work, everybody's looking for work.

We are also using a nonrenewable energy source. You take it out of the ground, it's gone. We're also destroying one of our other revenue sources, and it's frequently at odds with the tourism industry, with preserving our natural heritage of great value to Colorado residents, the quality of life that attracts people to New Mexico and Colorado in the first place.

I mean, you know, we can have and we do have now, thanks to the leader-

ship in our State of Governor Ritter and, in fact, the leadership of our voters who passed a number of these initiatives overwhelmingly. The renewable energy standard was passed by Colorado voters with over 60 percent of the vote. They didn't buy the arguments of the other side. It's even more popular today, 5 years down the road, than it was at the time because people have seen that effect. We can have a more stable economy. We can create jobs, and we can promote a clean environment all at the same time.

Mr. TONKO. Representative POLIS, I believe that even T. Boone Pickens has said we are not going to drill our way out of this given crisis. This energy crisis needs to be addressed in a constructive way. The constructive way reminds us that there are ways to produce power, as you suggest, without a fuel cost. And then our fuel of choice needs to be energy efficiency. That plant which we never built simply because we have reduced demand by a given order of megawatts is then allowing us to avoid the construction of a larger facility. And we can do that.

When you look at the size of this Nation, the population, the business sector, any 1 percent of improvement translates into a huge supply, as Representative CONNOLLY mentioned earlier, of power saved. And the demand side of the equation was not addressed by the previous administration. It was supply, supply, supply: How much more can we create and let people consume? We have some of the most gluttonous consumption in the entire world. And we know that there are ways to allow us to be more efficient and to provide those savings by addressing demand-side solutions. And I think that's where this plan is taking us also.

Mr. POLIS. I'm really happy that my good friend Mr. TONKO from New York brought up the demand side in conserving energy. There are many Federal energy efficiency provisions that are part of the American Clean Energy and Security Act. And in terms of what they mean to American families, the estimates are that American families will save \$750 per year per household within 10 years because of the energy efficiency provisions of this bill. You know, what would you do with another \$750 a year? That is the savings the average American family will have as a result of the energy efficiencies presented in this bill.

Mr. CONNOLLY of Virginia. Would my colleague yield on that point, because that's such a good point you're bringing up, Mr. POLIS, because we hear from the other side, seemingly deliberate misinformation on the floor of this House. And the figure constantly cited is a little over \$3,100; this is going to cost everybody \$3,100 a year. The opposite is true, as you just indicated. There's a new study the American Council for Energy Efficient Economy

just issued that says that the Federal energy efficiency provisions in this bill will, in fact, save \$750 per household by 2020, as you indicated, and \$3,900 per household by 2030. So maybe our Republican colleagues just have their numbers inverted.

□ 2115

I might point out that that magical figure of \$3,100 per year that they cite, and derive this bill as a cap-and-tax bill, not a cap-and-trade bill, is based on a study done by an MIT professor—a rather obscure study. And interestingly, that professor, the author of that study, has written the Republican leadership of this body objecting to the use of this study, saying they vastly overstate any potential costs that in fact might accrue to consumers. And it is based on faulty analysis as well.

The provisions of this bill are carefully drafted so that any increase in utility costs, for example, that aren't already protected by the provisions in the bill would not be allowed to be passed on to consumers. It is patently false. And talk about not reading the bill; clearly our friends on the other side of the aisle either haven't read the bill or choose to ignore the facts therein. But there are carefully crafted provisions that not only protect consumers, but as our colleague, Mr. POLIS, indicated, and as this recent study indicates, will in fact save, not cost, consumers hundreds of dollars—and ultimately thousands of dollars—every year.

Mr. POLIS. Well, \$3,900 in 20 years, and in 10 years, \$750. I mean, that is a lot of money for American families that this bill saves right there.

Mr. TONKO. And also, Representative POLIS, I think it's important to note that controlling your destiny when it comes to energy choices, having those American options available, having the production here domestically enhanced, having the efficiency tools that we require, not only utilized that are shelf-ready, but to develop additional product lines that can create these, given opportunities, smart meters in which we invested this year with the stimulus package, with the Recovery Act, are a great way to provide for control over your energy consumption and your bills, to utilize off-peak where possible, and to have a smarter opportunity presented for us as consumers. That's all available with technology today.

And as we further develop these packages that will enable consumers to control their energy destiny, it's a great thing as we develop this American power to power America. It's a wonderful concept.

Mr. CONNOLLY of Virginia. Would my colleague yield just for a moment on that? Because this same study that Mr. POLIS and I are referring to, I just want to read a paragraph that address-

es the very point you're making, Mr. TONKO.

It says, In total, the energy-efficiency provisions of H.R. 2454 could reduce U.S. energy use by 4.4 quadrillion BTUs by 2020. These energy-efficiency savings are more than the annual use of 47 of the 50 States, including your home State of New York. Moreover, such savings will avoid 293 million metric tons of carbon dioxide emissions by 2020, the equivalent—this is astounding—of taking 49 million automobiles off the road every year. By 2030, these energy efficiency savings go to 11 quadrillion BTUs, accounting for about 10 percent of projected U.S. energy use that year.

This is incredible. And that's what you're getting at, that there are other efficiencies that can be achieved by this bill that, by the way, also will lead to innovation, job creation, and savings for consumers we haven't even calculated.

Mr. HEINRICH.

Mr. HEINRICH. I think what my friend from Virginia is describing is actually a very conservative position. And I think that one of the ironies in all of this is when you realize that we have nonrenewable resources and they're very valuable—they cost us billions and billions of dollars in our economy—to use less of them, to stretch those out and to utilize them more effectively, that is a fundamentally conservative position, not to waste the resources that God has given us, but to utilize them as efficiently as we possibly can.

You know, I remember during the campaign of 2008 there was this whole issue of the tire gauge, and hearing Rush Limbaugh just make fun of this idea that a tire gauge could be of any value at all. And when you think about the fact that we will fight like dogs and cats in this Chamber over this little postage stamp of oil and gas in the North Slope of Alaska, the same amount of which could be conserved in a few years if people would use those tire gauges, that is, I think, a fundamental irony in all of this.

We're going to continue to use oil and gas; we're probably going to continue to use coal for a number of years. We should use those nonrenewable resources as conservatively as we possibly can.

Mr. TONKO. Absolutely. And, Representative POLIS, I would go back to an earlier statement that I made. We're all talking about how we can improve our economy, address our energy crisis, address our environmental crisis, but at the same time, we need to bear in mind that this is the way we draw attention to this Nation and her intellectual capacity, where we become the exporter of energy thinking, of energy ideas, of innovation. This is the strengthening of the economy.

As people invest in this economy, in the American know-how, we then be-

come even stronger as we develop the solutions for our air that we breathe, the water that we drink, and certainly the soil that we utilize for our own opportunities and routine opportunities throughout life. We can then become this go-to nation, which is as critical today, if not more critical, than the space race was in the Sixties, which we won because we committed to thinking in new terms, in bolder terms.

Change is not easy. Change is not easy to get our arms around. But change is what we ought to be about as leaders of legislative policy that can then take this country into new orders of job development and energy policy.

Mr. POLIS. The American Clean Energy and Security Act will help make sure that a lot of this technology is created here. We all worry about the trade deficit. It seems like America doesn't make anything anymore. It seems like we're importing everything from all over the world. Well, here is our opportunity to start making things again.

I visited a company in my district 2 weeks ago. They got a big order from China for solar panels. They are exporting solar panels from Colorado to China.

Mr. CONNOLLY of Virginia. Mr. POLIS, right on message, I visited a company in my district the other day that manufactures microchips. That market is very cyclical. And the manufacturing capacity in the United States has shrunk and shrunk and shrunk. They had a factory they had to close in the Midwest. They are retrofitting, and they are going to make solar panels at this factory should we pass this bill. They are waiting for this bill to pass, and almost overnight they are going to start to manufacture solar panels.

Mr. TONKO. And I will add, if I may, that there are those industries that are energy intensive and trade intensive. And those are the focal points that we can provide where there needs to be this assistance—if you can produce something at less cost, which becomes a reality if you provide energy retrofits that make it more efficient, some of these industries that are energy intensive, when improved upon, where you utilize, as Representative HEINRICH said, your resources more wisely and effectively, that produces a lower cost of production of that given product and so it makes you more competitive in the global marketplace.

Mr. POLIS. So you're saying that it's going to create a lot of jobs. But there is a family out there, and let's say they're a steelworker, let's say they are working in some of these industries; we can reassure them that this won't hurt their competitiveness in the global environment at all. That has been dealt with in this bill, right?

Mr. HEINRICH. I think not only on the steel front will it help their competitiveness, the way it's structured

actually rewards them for being more efficient. We produce steel in this country with far less of a carbon footprint than they do in China. And one of the things that the incentives in this legislation does is it will incentivize spending money on capital investment that will continue to bring down the carbon footprint and increase the efficiency, making steel in this country more competitive worldwide in a way that is even compliant with the WTO. So we will actually be improving the competitiveness of the American steel industry instead of, once again, shipping those jobs and ceding them to another country.

Mr. CONNOLLY of Virginia. And to the point you're making, Mr. HEINRICH, and yours, Mr. POLIS, the legislation specifically addresses the steel and cement industries and provides them a very generous transition through the year 2025. Thereafter, the President could still extend that transition should he or she decide it's warranted. And if he or she decides it's not, it's phased out, but on a maximum of 10 percent per year. So it is a very generous set of circumstances to make sure that our domestic steel industry and our domestic cement-producing industries have the requisite period of time in which to make this transition.

Mr. POLIS. And as Mr. HEINRICH pointed out, along the way they actually have an incentive; they actually get paid. They earn money if they find more energy-efficient ways to produce these metals, which of course they're going to.

Again, American ingenuity, as Mr. TONKO talked about. There is no problem that's created that Yankee ingenuity can't solve. And technology has been a great force of growth for this country. And Mr. CONNOLLY pointed out, you know what? They probably will be there with the right incentives by 2025. Not only will this bill help create a whole new green tech and manufacture and research base, but it can also be the salvation of some of our existing manufacturing jobs by showing them the way to do it more cleanly and actually providing an economic incentive that is actually money in the pockets of workers and companies manufacturing in this country by being ahead of the curve and ending their reliance on fossil fuels.

Mr. TONKO. And Representative POLIS, if I might, as we choose to speak to this green energy thinking, our actions, the vision shared with this Nation will percolate into all sorts of layers, even reach our youngest population where in the classroom they may be inspired to move into these careers. We need to encourage that sort of outcome. We need to encourage our more technically sophisticated workers of the future. And it could start as early as the elementary years when they hear the discussion out there—

when they don't hear the denial, when they don't have the deception, but when they get the facts brought to them. When they see the potential out there that exists today and that can grow into the future, that can't help but spark the interest.

How many young people were watching the first step on the moon? How many young people then chose to be scientists and engineers to go along that path? Our community colleges that are there as the campus of choice in so many communities, where they can train and retrain a workforce to become those stewards of the environment, that will help us in this agenda to be most energy efficient and to grow R&D opportunities in the lab.

This is a tremendous opportunity to inspire our Nation, to lift us from the doldrums of an energy environment and economic crisis that has really hampered a lot of progress for this country and has denied competitiveness for our manufacturing base.

Mr. HEINRICH. This really is our generation's Apollo Project. It is the greatest challenge of our generation. And we intend to meet it and not cede that leadership to someone else.

And the words that keep coming up over and over again, when you discuss these issues, independence, ingenuity, entrepreneurship, conservation, I mean, those are things that this Nation was built upon, and we certainly cannot turn our back on them now.

Mr. POLIS. You know, and again, what started this whole discussion is the cost of inaction, and we're talking about the benefits of action. And I think we've made that case; I mean, when it's 750 bucks a year in your family's pocket, whether it's extra jobs being created or whether it's us exporting technology to China and Europe, I mean, these are the benefits. And when we look at the cost side, that cost side is skewed towards not taking any action.

Mr. CONNOLLY of Virginia. Boy, are you right, Mr. POLIS. You know, I listen sometimes to the rhetoric of our friends on the other side of the aisle, and they never talk about that. They never talk about the fact that the cost of inaction to the automotive industry is the utter collapse of any automotive manufacturing capacity in the United States. They don't talk about the challenge of power generation. They don't talk about the extraction industries. They don't talk about what it means to any other kind of manufacturing capacity.

For that matter, technology today, the industry that dominates my district, the information technology industry, is dependent on a reliable source of energy. And they understand that reliable source of energy needs to be, if we are going to stay competitive with foreign competition in the technology sector, a renewable source of energy.

Mr. POLIS. As Mr. TONKO pointed out, another cost which we never hear the folks on the other side talking about, a cost of our reliance on oil, over \$800 billion with the war in Iraq. Our foreign adventures in the Middle East, even absent the first war in Kuwait that we had to liberate Kuwait, the new war in Iraq, our ongoing presence in the region, these are all costs that the American taxpayers are paying. Where is the outrage from the other side of the aisle, as stewards of our taxpayer dollars, about all that money that is built into our reliance on foreign oil? That is all money that is leaving our country, never to be seen again. Not only are we sending all of our money to buy barrels of oil from Saudi Arabia, we are sending our young men and women, our brothers and sisters over there to risk their lives for those barrels of oil that we have coming back. I mean, this is critical for the national security of our Nation.

Mr. CONNOLLY of Virginia. And if I might interject just one thing, Mr. POLIS, because when you said that, I am reminded of what we went through just 1 year ago this very summer, where the volatility of the price of gasoline really hit the pocketbook of the average American consumer. You want to talk about cost—it affected people's choices. If affected whether they could take that vacation. It affected their commutes. It affected discretionary travel in terms of shopping or seeing movies or even seeing friends and relatives because the cost of gasoline had become almost prohibitive for so many of our citizens. That's the cost, too, if we do nothing.

Mr. POLIS. I mean, wind and solar, they don't fluctuate like that. The quantities are there. I mean, absent a bill like this, we could very well see \$5 a gallon, \$6 a gallon of gas.

□ 2130

I saw oil again hit a peak today. It was up over \$80 a barrel. The dollar is weakening. Why is the dollar weakening? Because global investors are losing confidence in our currency. We can restore that confidence by being the centerpiece of this green revolution.

Mr. TONKO. Representative POLIS, I believe that volatility, that unpredictable nature of what we have to pay for this import of oil or gasoline should really drive our thinking. And I firmly believe, with every ounce of my being, that this is the moment for America. This is our moment, a golden opportunity to turn green. And we can grow an economy and really respond to the environment that needs to be nurtured by us, and we can utilize our energy resources in an efficient way by having this American power that will power America. And this is our moment, and we can't walk away from it.

Mr. POLIS. Our time is soon coming to an end. Do you have any closing thoughts, Mr. HEINRICH?

Mr. HEINRICH. Just to thank my friend from New York for really closing, I think, on the issue we need to think about. This is about independence. It's about seizing the moment. And it's about providing the good jobs of tomorrow for the next generation. For my sons who are 6 and 2½, I want them to grow up in this country with the same opportunities that I had and more. And it's going to be up to us to be able to pass this legislation to be able to provide those kinds of opportunities for the future generations of our Nation.

Mr. POLIS. When people hear the American Clean Energy and Security Act, when they hear cap-and-trade, when they hear these, this is what they really mean, a lot of things we talked about here today. We are talking about the future of the American economy. We're talking about creating green jobs. We're talking about saving American households \$750 a year within 10 years and \$3,900 a year within 20 years. We are talking about creating an immense growth sector, making America the center of this technology, exporting this technology to some of the very same countries that we rely upon today for importing either manufactured products or energy-related products.

And, most importantly, we are talking about ending the cost of inaction. We are talking about completely reducing a lot of these hidden costs and overt costs that we are paying every day when you fill up your tank with gas; sending our men and women overseas; importing products from overseas; sending our jobs overseas; and, of course, climate change, which is having an effect on farmers across our country as well as everybody else.

So by passing this American Clean Energy and Security Act, which our SEEC coalition, Sustainable Energy and Environmental Coalition, is heavily involved with here in the United States Congress, can be the single most important act that we take this term in Congress to help make sure that America has a strong economy throughout the rest of this century and that the dollar regains its strength, that we create jobs here in our country, and we also save American taxpayers and families money along the way.

So when people hear about this debate and they hear about costs, they need to realize the costs of inaction are greater, and they need to realize that the benefits of taking the right action now, and the right action is in this bill, will be a great testimony to America's success and ingenuity for the next generation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILL (at the request of Mr. HOYER) for today after noon on account of family reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BERKLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PAULSEN, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, June 11.

Mr. POE of Texas, for 5 minutes, June 17.

Mr. JONES, for 5 minutes, June 17.

Mr. MORAN of Kansas, for 5 minutes, June 17.

Mr. DUNCAN, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. OLSON, for 5 minutes, June 11.

Mr. GOHMERT, for 5 minutes, today and June 11.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, June 11.

ADJOURNMENT

Mr. CONNOLLY of Virginia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, June 11, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2091. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerances [EPA-HQ-OPP-2007-0514; FRL-8408-6] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2092. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2009-0166; FRL-8409-8] received May 5,

2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2093. A letter from the Performing the Duties of the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting the Department's report on Joint Officer Management, pursuant to 10 U.S.C. 667; to the Committee on Armed Services.

2094. A communication from the President of the United States, transmitting the legislative proposal entitled, "Statutory Pay-As-You-Go Act of 2009", or "PAYGO", together with a sectional analysis; (H. Doc. No. 111—46); to the Committee on the Budget and ordered to be printed.

2095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Extended Permit Terms for Renewal of Federally Enforceable State Operating Permits [EPA-R05-OAR-2008-0031; FRL-8899-3] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky; Section 110(a)(1) Maintenance Plans for the 1997 8-Hour Ozone Standard for the Huntington-Ashland Area, Lexington Area and Edmonson County; Withdrawal of Direct Final Rule [EPA-R04-OAR-2007-1186-200821(w); FRL-8900-4] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone national Ambient Air Quality Standard; North Carolina and South Carolina [EPA-R04-OAR-2009-0043; FRL-8901-8] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementations Plan, North Coast Unified Air Quality Management District [EPA-R09-OAR-2008-0668; FRL-8780-1] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2099. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, North Coast Unified Air Quality Management District [EPA-R09-OAR-2008-0891, FRL-8782-7] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, Santa Barbara County Air Pollution Control District [EPA-R09-OAR-2009-0083; FRL-8900-2] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California

State Implementation Plan, South Coast Air Quality Management District Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2008-0839; FRL-8783-9] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2102. A letter from the Secretary, Department of Transportation, transmitting the results of the Freight Intermodal Distribution Pilot Grant Program, pursuant to 23 U.S.C. 103 Public Law 109-59, section 1306(f); to the Committee on Foreign Affairs.

2103. A letter from the Secretary, Judicial Conference of the United States, transmitting a Judicial Conference determination that United States Judge Samuel B. Kent of the Southern District of Texas, has engaged in conduct for which consideration of impeachment may be warranted, pursuant to 28 U.S.C. 355(b)(1)–(2); to the Committee on the Judiciary.

2104. A letter from the Acting Administrator, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for a single emergency declaration specified in subsection 503(b)(1), 42 U.S.C. 5193(b)(1), FEMA-3302-EM, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

2105. A letter from the Secretary, Department of Transportation, transmitting the 2008 report on the Transportation Infrastructure Finance and Innovation Act of 1998, pursuant to Public Law 109-59, section 1601(h); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 9, 2009]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 484. Resolution expressing support for designation of June 10th as “National Pipeline Safety Day” (Rept. 111-144, Pt. 1). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[Omitted from the Record of June 9, 2009]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. House Resolution 484 referred to the House Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. THORNBERRY:

H.R. 2784. A bill to establish a loan repayment program for qualifying physicians and nurse practitioners participating in the Medicare Program; to the Committee on Energy and Commerce.

By Mr. THORNBERRY:

H.R. 2785. A bill to reduce the amount of paperwork and improve payment policies for

health care services, to prevent fraud and abuse through health care provider education, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 2786. A bill to amend the Internal Revenue Code of 1986 to improve the ability of medical professionals to practice medicine and provide quality care to patients by providing a tax deduction for patient bad debt; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 2787. A bill to provide grants to States for health care tribunals, and for other purposes; to the Committee on the Judiciary.

By Mr. CALVERT:

H.R. 2788. A bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California; to the Committee on Natural Resources.

By Mr. FALEOMAVAEGA:

H.R. 2789. A bill to confer certain Federal jurisdiction on the High Court of American Samoa, and for other purposes; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 2790. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Education and Labor.

By Mr. FALEOMAVAEGA (for himself, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 2791. A bill to permit each of the territories of the United States to provide and furnish a statue honoring a citizen of the territory to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall; to the Committee on House Administration.

By Mrs. DAVIS of California (for herself and Mr. GEORGE MILLER of California):

H.R. 2792. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require individual account plans which permit participants and beneficiaries to direct the investment of assets in their individual accounts to include in pension benefit statements appropriate points of comparison to demonstrate relative performance of investment options under such plans; to the Committee on Education and Labor.

By Mr. KLINE of Minnesota (for himself, Mr. WILSON of South Carolina, and Mrs. BACHMANN):

H.R. 2793. A bill to require a report to the Congress from the Presidential Task Force on the Auto Industry regarding closings of vehicle dealerships in connection with the bankruptcies of Chrysler Corporation and General Motors Corporation, and to suspend imposition of withdrawal liability to multi-employer plans in connection with the closing of such dealerships (and to suspend the requirement for payment of existing withdrawal liability in connection with such closings) until 60 days after submission of such report; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FUDGE:

H.R. 2794. A bill to amend the Truth in Lending Act to prohibit prepayment penalties, and for other purposes; to the Committee on Financial Services.

By Mr. MCGOVERN (for himself, Mrs. EMERSON, and Mr. MOORE of Kansas):

H.R. 2795. A bill to address global hunger and improve food security through the development and implementation of a comprehensive governmentwide global hunger reduction strategy, the establishment of the White House Office on Global Hunger and Food Security, and the creation of the Permanent Joint Select Committee on Hunger, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Agriculture, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Mr. GERLACH, Mr. KUCINICH, Mr. LATTA, Mr. LOBIONDO, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCKEON, Mr. NUNES, Mr. SIMPSON, Mr. TIBERI, Mr. TURNER, Mr. WHITFIELD, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. THOMPSON of Pennsylvania, and Mrs. BACHMANN):

H.R. 2796. A bill to restore the economic rights of automobile dealers, and for other purposes; to the Committee on Financial Services.

By Mr. TURNER (for himself and Mr. MARSHALL):

H.R. 2797. A bill to strengthen the United States commitment to transatlantic security by implementing the principles outlined in the Declaration on Alliance Security signed by the heads of state and governments of the North Atlantic Treaty Organization in Strasbourg and Kehl on the occasion of the 60th anniversary of the Alliance; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI (for himself and Mr. MAFFEI):

H.R. 2798. A bill to increase securities protection coverage in the event of stolen or missing assets, and for other purposes; to the Committee on Financial Services.

By Mr. BOOZMAN:

H.R. 2799. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service; to the Committee on Financial Services.

By Mr. BURGESS:

H.R. 2800. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COBLE:

H.R. 2801. A bill to amend the Internal Revenue Code of 1986 to expand and extend the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. DELAHUNT:

H.R. 2802. A bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; to the Committee on Natural Resources.

By Mr. FATTAH (for himself, Ms. SCHWARTZ, and Mr. BRADY of Pennsylvania):

H.R. 2803. A bill to amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas:

H.R. 2804. A bill to amend title XXI of the Social Security Act to require 12-month continuous coverage under the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 2805. A bill to amend title XIX of the Social Security Act to require 12-month continuous coverage for children under Medicaid; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Washington:

H.R. 2806. A bill to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. KIND (for himself and Mr. JONES):

H.R. 2807. A bill to sustain fish, plants, and wildlife on America's public lands; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself, Mr. SAM JOHNSON of Texas, Mr. RADANOVICH, Mr. SOUDER, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. PAUL, Mr. SESSIONS, Mr. MARCHANT, Mrs. BACHMANN, Mr. MACK, Mrs. MYRICK, Mr. AKIN, Mr. BRADY of Texas, Mr. FLEMING, Mr. BUYER, Mr. COFFMAN of Colorado, Mr. ROONEY, and Mr. PAULSEN):

H.R. 2808. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Education and Labor.

By Mr. LAMBORN (for himself and Mr. SMITH of Texas):

H.R. 2809. A bill to amend the Wilderness Act to allow recreation organizations consisting of hikers or horseback riders to cross wilderness areas on established trails, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI:

H.R. 2810. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers; to the Committee on Energy and Commerce.

By Mr. MEEK of Florida:

H.R. 2811. A bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal; to the Committee on the Judiciary.

By Mr. ORTIZ (for himself, Mr. HINOJOSA, Mr. GONZALEZ, Mr. REYES, Mr. GRIJALVA, and Mr. RODRIGUEZ):

H.R. 2812. A bill to establish certain standards for the adjudication of United States passport applications, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PASCRELL (for himself and Mr. DOGGETT):

H.R. 2813. A bill to establish a national knee and hip replacement registry; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 2814. A bill to immediately repeal the income limitation on conversions to Roth IRAs; to the Committee on Ways and Means.

By Mr. ROONEY (for himself, Mr. LARSEN of Washington, and Mrs. MYRICK):

H.R. 2815. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. KUCINICH, and Ms. BALDWIN):

H.R. 2816. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE:

H. Res. 525. A resolution expressing condolences to the families, friends, and loved ones of the victims of the catastrophic explosion at the ConAgra Foods plant in Garner, North Carolina, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. NORTON (for herself and Mr. CLAY):

H. Res. 526. A resolution recognizing the 70th anniversary of John Mercer Langston Golf Course; to the Committee on Oversight and Government Reform.

By Mr. TANNER (for himself, Mr. SHIMKUS, Mrs. EMERSON, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. BOOZMAN, Mr. MILLER of Florida, and Mr. MELANCON):

H. Res. 527. A resolution commending the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security; to the Committee on Foreign Affairs.

By Mr. TANNER (for himself, Mr. SHIMKUS, Mrs. EMERSON, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. BOOZMAN, Mr. MILLER of Florida, and Mr. MELANCON):

H. Res. 528. A resolution commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of Rule XXII,

71. The SPEAKER presented a memorial of the Seventy-fifth Legislative Assembly of Oregon, relative to Senate Memorial 1 urging the United States Congress to pass legislation directing an agency of the federal government to establish a measure of poverty for use in the determination of eligibility for the Supplemental Nutrition Assistance Program and other anti-poverty programs that truly reflects economic deprivation based on current costs for housing and basic needs, current patterns of household consumption and the prevalence of families with two parents working outside of the home; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. POSEY.
 H.R. 22: Mr. WOLF.
 H.R. 52: Mr. ROTHMAN of New Jersey.
 H.R. 55: Mr. SESTAK.
 H.R. 197: Mr. SHADEGG, Mr. LUCAS, Mr. COBLE, and Mr. BUYER.
 H.R. 237: Mr. YOUNG of Florida.
 H.R. 270: Mr. SMITH of New Jersey and Mr. BOOZMAN.
 H.R. 272: Mr. BOCCIERI.
 H.R. 275: Mr. RUSH, Mr. HOLT, Mr. CONNOLLY of Virginia, Mr. BOCCIERI, Mr. BLUMENAUER, Mr. MCNERNEY, Mr. LAMBORN, and Mr. MILLER of Florida.
 H.R. 406: Mr. GRAYSON.
 H.R. 422: Mr. DELAHUNT, Mr. MURPHY of New York, and Ms. MARKEY of Colorado.
 H.R. 442: Mr. LUCAS, Mr. SHADEGG, and Mr. BUYER.
 H.R. 450: Mr. BARRETT of South Carolina.
 H.R. 512: Mr. HOLT.
 H.R. 574: Ms. DEGETTE.
 H.R. 621: Mr. COSTELLO, Mr. YOUNG of Florida, Mr. MORAN of Virginia, Mr. WHITFIELD, and Mr. LUCAS.
 H.R. 646: Mr. ROHRBACHER and Mr. KILDEE.
 H.R. 702: Mr. GRAYSON.
 H.R. 704: Mr. GINGREY of Georgia.
 H.R. 708: Mrs. SCHMIDT.
 H.R. 764: Mr. FRANKS of Arizona, Mr. MCCLINTOCK, and Mr. KING of New York.
 H.R. 855: Mr. SCOTT of Virginia.
 H.R. 868: Ms. MCCOLLUM.
 H.R. 932: Mr. OBERSTAR.
 H.R. 936: Mr. PASTOR of Arizona.
 H.R. 1011: Ms. JACKSON-LEE of Texas.
 H.R. 1021: Mr. MICHAUD.
 H.R. 1024: Mr. MILLER of North Carolina, Ms. SCHWARTZ, and Mr. BRADY of Pennsylvania.
 H.R. 1032: Mr. YOUNG of Alaska, Mr. ELLISON, and Mr. HARPER.
 H.R. 1034: Mr. ROGERS of Alabama and Mr. NYE.
 H.R. 1064: Mr. EHLERS, Mr. ORTIZ, Mr. COOPER, and Mr. ABERCROMBIE.
 H.R. 1066: Mr. DOYLE.
 H.R. 1067: Mr. MCCOTTER.
 H.R. 1071: Mr. McCAUL and Mr. FILNER.
 H.R. 1074: Mr. LUCAS, Mr. MCCOTTER, Mr. POSEY, Mr. SHADEGG, and Mr. BUYER.
 H.R. 1101: Mrs. CAPPS, Mr. WALDEN, Mr. INSLEE, and Ms. DEGETTE.
 H.R. 1147: Mr. HILL, Ms. DEGETTE, Mr. WELCH, and Mr. DEAL of Georgia.
 H.R. 1179: Mr. CARTER, Mr. NUNES, and Mr. KRATOVIL.
 H.R. 1185: Ms. SCHWARTZ.

- H.R. 1189: Mr. BILIRAKIS.
H.R. 1207: Mr. MCGOVERN, Mr. MCINTYRE, Mr. DREIER, Mr. BOEHNER, Mr. PERLMUTTER, Mr. LEE of New York, Mr. LOEBSACK, and Mr. GARY G. MILLER of California.
H.R. 1213: Ms. DEGETTE.
H.R. 1242: Mr. CONYERS.
H.R. 1322: Mr. PAYNE, Mr. GRAYSON, Mr. DELAHUNT, and Mr. REYES.
H.R. 1330: Mr. MASSA, Ms. DELAURO, Mrs. CHRISTENSEN, and Mrs. LOWEY.
H.R. 1362: Mrs. BIGGERT, Mr. MILLER of North Carolina, and Mr. YOUNG of Florida.
H.R. 1392: Mr. COSTA and Ms. WASSERMAN SCHULTZ.
H.R. 1402: Mr. SCOTT of Virginia.
H.R. 1410: Mr. COHEN and Mr. DELAHUNT.
H.R. 1422: Mr. ROTHMAN of New Jersey and Mr. FLEMING.
H.R. 1430: Mr. ALEXANDER.
H.R. 1431: Mrs. LUMMIS.
H.R. 1441: Mr. BUCHANAN.
H.R. 1454: Mr. ROSS and Mr. SMITH of Nebraska.
H.R. 1458: Mrs. MCCARTHY of New York, and Mr. CASSIDY.
H.R. 1479: Ms. MOORE of Wisconsin and Mr. HINCHEY.
H.R. 1521: Mr. MILLER of Florida, Mr. ROTHMAN of New Jersey, Mr. CAO, and Mr. YOUNG of Florida.
H.R. 1544: Mr. RYAN of Ohio.
H.R. 1548: Mr. ALEXANDER, Mr. DANIEL E. LUNGREN of California, Mr. LEE of New York, and Ms. SPEIER.
H.R. 1600: Mr. SNYDER.
H.R. 1612: Mr. PIERLUISI, Mr. HONDA, Mr. EHLERS, Ms. KAPTUR, Mr. ABERCROMBIE, and Mr. MICHAUD.
H.R. 1616: Mr. COHEN and Mr. VAN HOLLEN.
H.R. 1655: Ms. CLARKE.
H.R. 1681: Mr. COHEN and Mr. MINNICK.
H.R. 1684: Mr. POE of Texas and Mr. SHAD-EGG.
H.R. 1695: Mr. PASTOR of Arizona, Mr. BOOZMAN, Mr. MCGOVERN, Mr. WOLF, Ms. SCHWARTZ, Ms. BORDALLO, Mr. RODRIGUEZ, and Mrs. MALONEY.
H.R. 1700: Mr. KLEIN of Florida and Mr. MCGOVERN.
H.R. 1702: Mr. DELAHUNT.
H.R. 1708: Ms. DEGETTE.
H.R. 1718: Mr. SCHOCK and Mr. FILNER.
H.R. 1721: Mr. LOEBSACK.
H.R. 1737: Mr. REHBERG.
H.R. 1751: Mr. RODRIGUEZ and Ms. BERKLEY.
H.R. 1763: Mr. DEAL of Georgia.
H.R. 1799: Mr. MASSA.
H.R. 1826: Ms. KOSMAS, Ms. MARKEY of Colorado, and Mr. TEAGUE.
H.R. 1835: Mr. PAULSEN, and Mr. EDWARDS of Texas.
H.R. 1843: Mr. PAYNE and Ms. KILPATRICK of Michigan.
H.R. 1844: Mr. ARCURI.
H.R. 1873: Mr. HASTINGS of Florida.
H.R. 1879: Mr. BOOZMAN.
H.R. 1881: Mr. GONZALEZ.
H.R. 1932: Ms. DEGETTE.
H.R. 1941: Mrs. NAPOLITANO.
H.R. 1944: Mr. NUNES.
H.R. 1970: Mr. HOLDEN, Mr. BOYD, Mr. BERMAN, Mr. SKELTON, and Mr. CARNEY.
H.R. 1977: Mr. CRENSHAW.
H.R. 2001: Mr. GRAYSON.
H.R. 2006: Mr. GRAYSON.
H.R. 2017: Mr. MCCLINTOCK, Ms. ROSELEHTINEN, and Mr. MCINTYRE.
H.R. 2028: Mr. PAULSEN.
H.R. 2038: Mrs. BACHMANN and Mr. QUIGLEY.
H.R. 2097: Mr. HIGGINS, Mr. RAHALL, Mrs. MCMORRIS RODGERS, Mr. MATHESON, and Mrs. BACHMANN.
H.R. 2103: Mr. COHEN and Mr. EHLERS.
H.R. 2112: Mr. TONKO, Mr. CARNEY, and Mr. FRANK of Massachusetts.
H.R. 2119: Mr. HENSARLING and Mr. BARRETT of South Carolina.
H.R. 2140: Mr. GUTHRIE.
H.R. 2149: Mr. HARPER and Mr. MEEKS of New York.
H.R. 2206: Mr. KRATOVIL, Mr. BOUCHER, Mr. CONNOLLY of Virginia, Mr. PUTNAM, and Mr. HINOJOSA.
H.R. 2269: Mr. AL GREEN of Texas.
H.R. 2288: Mr. MATHESON.
H.R. 2289: Mr. WATT.
H.R. 2298: Mr. RUPPERSBERGER.
H.R. 2300: Ms. JENKINS, Mr. BONNER, Mr. SOUDER, Mr. PENCE, and Mr. LINDER.
H.R. 2329: Mr. ACKERMAN.
H.R. 2332: Mr. COHEN and Ms. SCHWARTZ.
H.R. 2363: Mr. RUPPERSBERGER.
H.R. 2365: Mr. GRAYSON.
H.R. 2372: Mr. PITTS, Mr. ISSA, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Mr. MARCHANT, Mr. HERGER, Mr. HENSARLING, and Mr. LAMBORN.
H.R. 2373: Mr. MILLER of North Carolina, Mr. MICHAUD, Mr. CHAFFETZ, Mr. WOLF, and Mr. LOBIONDO.
H.R. 2378: Mr. MILLER of North Carolina, Mr. MASSA, and Mr. SHERMAN.
H.R. 2390: Mr. GRIJALVA.
H.R. 2393: Mr. FLEMING and Mr. BLUNT.
H.R. 2413: Mr. ROGERS of Alabama.
H.R. 2414: Mr. RANGEL.
H.R. 2424: Mr. PAUL.
H.R. 2426: Mr. MARKEY of Massachusetts and Mr. FATTAH.
H.R. 2427: Mr. BOREN.
H.R. 2452: Mr. NUNES.
H.R. 2456: Mr. GRAYSON.
H.R. 2460: Mr. WEXLER, Ms. ROYBAL-ALLARD, Mr. SCHAUER, and Ms. MATSUI.
H.R. 2474: Ms. ZOE LOFGREN of California.
H.R. 2480: Mrs. MYRICK, Mr. MCGOVERN, and Ms. WASSERMAN SCHULTZ.
H.R. 2499: Mr. CLAY, Mr. LATOURETTE, Mrs. LOWEY, Mr. BILIRAKIS, Mr. DAVIS of Alabama, and Mr. MEEKS of New York.
H.R. 2510: Mr. MCGOVERN, Mr. HOLT, and Mr. SESTAK.
H.R. 2527: Mr. GRAYSON.
H.R. 2539: Mr. SOUDER and Mr. NEUGEBAUER.
H.R. 2548: Mr. INSLEE.
H.R. 2559: Mr. MCNERNEY.
H.R. 2560: Mrs. CAPPS.
H.R. 2583: Mr. STARK.
H.R. 2608: Mrs. BACHMANN, Mr. CAMPBELL, Mrs. BLACKBURN, Mr. WESTMORELAND, Mr. SHIMKUS, Mr. AKIN, Mr. BRADY of Texas, and Mrs. LUMMIS.
H.R. 2626: Mr. PLATTS.
H.R. 2669: Mr. TOWNS.
H.R. 2685: Mrs. CAPPS, Mr. POLIS, and Mr. SABLAN.
H.R. 2689: Mrs. KIRKPATRICK of Arizona and Mr. SESTAK.
H.R. 2692: Mrs. BLACKBURN.
H.R. 2706: Ms. FALLIN, Mr. GARRETT of New Jersey, Mr. PRICE of Georgia, Mrs. BACHMANN, Mr. LATTA, Mr. WILSON of South Carolina, Mr. POE of Texas, Mr. PITTS, Mr. LUCAS, Mr. BROUN of Georgia, Mr. BONNER, Mrs. BLACKBURN, Mr. COLE, Mr. CHAFFETZ, Mr. FORBES, Mr. FRANKS of Arizona, Mr. SHAD-EGG, Ms. FOX, Mr. KING of Iowa, Mr. HENSARLING, Mr. WAMP, and Mr. HERGER.
H.R. 2709: Mr. PASTOR of Arizona and Mr. RANGEL.
H.R. 2715: Mr. DUNCAN and Mr. GOODLATTE.
H.R. 2733: Mrs. BACHMANN, Ms. FOX, and Mr. ROHRBACHER.
H.R. 2737: Ms. GRANGER.
H.R. 2743: Mr. DEAL of Georgia, Ms. KILROY, Mr. CAO, Mr. KANJORSKI, Mr. BISHOP of Utah, Mr. BISHOP of Georgia, Mr. ROGERS of Alabama, Mr. DAVIS of Kentucky, Mr. MORAN of Kansas, Mr. JACKSON of Illinois, Mr. SMITH of Nebraska, Mrs. NAPOLITANO, Mr. GERLACH, Mr. CUELLAR, Mr. FOSTER, Mr. WITTMAN, Mr. CONNOLLY of Virginia, Mr. HODES, Ms. GIFFORDS, Mr. SPACE, Mr. ORTIZ, Mr. JONES, Mr. PERRIELLO, Mr. HINCHEY, Mrs. BACHMANN, Mr. FRELINGHUYSEN, Mr. ROTHMAN of New Jersey, Ms. JENKINS, Mr. CAMPBELL, Mr. COSTELLO, Mr. WEINER, and Mr. LARSEN of Washington.
H.R. 2750: Mr. LATTA.
H.R. 2777: Mr. ENGEL.
H. Con. Res. 59: Mr. GOODLATTE.
H. Con. Res. 102: Ms. KILPATRICK of Michigan, Ms. ROYBAL-ALLARD, Mr. MORAN of Virginia, Mr. RODRIGUEZ, Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Ms. HIRONO, Mr. SABLAN, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. RICHARDSON, Mr. WATT, Mr. CLYBURN, Mr. CLEAVER, Mrs. NAPOLITANO, Mrs. CAPPS, Ms. KILROY, Mr. SCOTT of Virginia, and Ms. EDWARDS of Maryland.
H. Con. Res. 105: Mr. ETHERIDGE and Mr. DOYLE.
H. Con. Res. 108: Mr. STARK.
H. Con. Res. 110: Mrs. BIGGERT.
H. Con. Res. 131: Mr. GINGREY of Georgia, Mr. LATHAM, Mr. ROHRBACHER, Mr. WOLF, Mr. ROYCE, Mr. BUCHANAN, Mr. KINGSTON, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. LOBIONDO, Mr. TIAHRT, Mr. LEE of New York, Mr. HELLER, Mr. SAM JOHNSON of Texas, Mr. AUSTRIA, Mrs. MCMORRIS RODGERS, Mr. BURGESS, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Ms. GRANGER, Mrs. EMERSON, Mr. YOUNG of Alaska, Mr. HALL of Texas, Mr. COBLE, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HOEKSTRA, Mrs. BONO MACK, Mr. MACK, Mr. THORNBERRY, Mr. FLAKE, and Mr. PUTNAM.
H. Con. Res. 146: Mr. COHEN, Mr. MORAN of Virginia, and Ms. WOOLSEY.
H. Res. 57: Mr. BACA.
H. Res. 69: Mr. CASTLE.
H. Res. 89: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 100: Mr. CAMPBELL.
H. Res. 159: Mr. TONKO, Mr. YARMUTH, and Mr. WELCH.
H. Res. 175: Mrs. BIGGERT.
H. Res. 239: Mr. GRAYSON.
H. Res. 252: Mr. MCCARTHY of California and Mr. MATHESON.
H. Res. 285: Mr. HASTINGS of Florida.
H. Res. 291: Ms. DEGETTE.
H. Res. 293: Mr. McDERMOTT.
H. Res. 366: Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Mr. MACK, and Mr. HARPER.
H. Res. 407: Mr. SCOTT of Virginia, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. FRANK of Massachusetts, and Mr. SMITH of New Jersey.
H. Res. 419: Ms. NORTON and Mr. MEEK of Florida.
H. Res. 433: Mr. CARSON of Indiana, Ms. KILROY, Mr. BERMAN, Mrs. MALONEY, Mr. HONDA, Mr. SERRANO, and Mr. LARSON of Connecticut.
H. Res. 445: Mr. ROONEY, Ms. FALLIN, Mr. THORNBERRY, Mr. MASSA, Mr. BOSWELL, Mr. DENT, Mr. BROUN of Georgia, Ms. GRANGER, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. CULBERSON, and Mr. SAM JOHNSON of Texas.
H. Res. 467: Mr. JORDAN of Ohio and Mr. BOCCIERI.
H. Res. 480: Ms. SCHAKOWSKY.
H. Res. 499: Mr. WALZ, Mr. OBERSTAR, Mr. KLINE of Minnesota, Mr. ELLISON, Mr. PAULSEN, Mrs. BACHMANN, and Mr. PETERSON.
H. Res. 507: Mr. BRALEY of Iowa, Ms. CLARKE, Mr. LARSEN of Washington, Mr.

DAVIS of Alabama, Mr. WITTMAN, Mr. COHEN, Ms. SUTTON, Mr. KAGEN, Mr. CARNAHAN, Mr. HASTINGS of Florida, Mr. FOSTER, Mr. HODES, Mr. CARDOZA, Mr. LARSON of Connecticut, Mr. ETHERIDGE, and Mr. FARR.

H. Res. 509: Mr. GRAYSON.

H. Res. 519: Mr. OBERSTAR, Ms. SHEA-PORTER, Mr. MANZULLO, Mr. HINCHEY, Mr. PETERSON, Mr. HIGGINS, and Mr. BROWN of South Carolina.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

Amendment No. 1 to be offered by Rep. ILEANA ROS-LEHTINEN of Florida, or a designee, to H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

A TRIBUTE IN RECOGNITION OF LAURAIN FERRIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Lauraine Ferris, an active community member with more than twenty years of experience in social services.

Lauraine Ferris, a graduate of the John Jay College of Criminal Justice, is currently the Assistant Director of the Rose McCarthy Family Residence in the East New York section of Brooklyn. Ms. Ferris and her staff assist families with obtaining the necessary life skills to achieve and obtain independent living.

Lauraine Ferris also possesses a vibrant, creative spirit that thrives on the performing arts. Ms. Ferris is an accomplished actress, dancer, and model, winning several pageants. She shares her talents with the youth and seniors of her community, donating her time to teach African/modern dance.

Madam Speaker, I would like to recognize Lauraine Ferris, someone whose ability to help her neighbors back on their feet through social services and through dance is an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Lauraine Ferris.

TRIBUTE TO DR. ROBERT MILLIS ON HIS RETIREMENT FROM THE LOWELL OBSERVATORY

HON. ANN KIRKPATRICK

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mrs. KIRKPATRICK of Arizona. Madam Speaker, I would like to pay tribute to Dr. Robert L. Millis who is retiring as director of the Lowell Observatory in Flagstaff, Arizona. During his tenure, Dr. Millis oversaw the Lowell Observatory—one of only a handful of private, independent research observatories in the United States—quadruple its staff, increase visitation tenfold, and construct major new facilities including the Steele Visitor Center, the McAllister Public Observatory, the John M. Wolff instrument facility, and, most recently, the 4.2-meter Discovery Channel Telescope now under construction in Northern Arizona.

As a researcher at Lowell, Dr. Millis concentrated on smaller bodies of the Solar System: asteroids, comets, planetary satellites, Pluto, and objects orbiting on the edges of our Solar System. Dr. Millis was a member of several two-person teams that discovered the rings of Uranus, noted periodic variation in the activity of Comet Halley, and proved the existence of an extended atmosphere on Pluto. He

also led a multi-institutional team—the Deep Ecliptic Survey—in an eight-year endeavor to explore the region of the Solar System beyond the orbit of Neptune. That venture resulted in the discovery of approximately half the currently known objects in the area known as the Kuiper Belt.

Dr. Millis will remain an active pillar of the Flagstaff community. He will work with Flagstaff-area business leaders committed to improving the greater Flagstaff area and the State of Arizona by bringing together talent and resources to provide leadership on economic and quality of life issues in the region. I wish Dr. Millis the best of luck and look forward to seeing the greater Flagstaff community benefit from the energy and leadership that Dr. Millis provided to the Lowell Observatory for the past 40 years.

A TRIBUTE IN RECOGNITION OF OFFICER JOSE ENRIQUE VERA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Officer Jose Enrique Vera, a trusted community partner in Brooklyn's safety.

Officer Vera, a native of La Ceiba, Honduras, migrate with his family to the United States in 1975 at the age of 12. He attended the August Martin High School in Queens, New York, graduated from Farmingdale State University with a major in Business Administration, and graduated from the Police Academy in 1991.

Officer Vera was assigned to the 80th Precinct in the Clinton Hill section of Brooklyn. He later worked in Brooklyn South Borough and the 84th Precinct.

Officer Vera now works on the Community Affairs Bureau, where he has expanded his role in working with the community as a Brooklyn North Crime Prevention Liaison, educating the community on personal safety and identity theft.

Madam Speaker, I would like to recognize Officer Jose Enrique Vera, an individual committed to bringing diverse communities together and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Officer Jose Enrique Vera.

HONORING MARTIN KAIDO FOR HIS APPOINTMENT TO THE UNITED STATES MILITARY ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Martin Kaido from Marietta, Georgia, has received an appointment to the United States Military Academy.

For the past year, Martin has attended West Point's Preparatory School in Fort Monmouth, New Jersey. Martin worked very hard during his year in prep school, and the results speak for themselves.

Before the prep school, Martin attended St. Pius X Catholic High School. Martin was very involved athletically at St. Pius, participating in both wrestling and football, and has continued to excel in sports at the West Point Prep School. In addition to his scholastic and athletic achievements, Martin has also attained the rank of Eagle Scout and has even served as an assistant scoutmaster.

Further, Martin is very involved with his church, where he serves as a Faith Formation Teacher, a Eucharistic Minister, an Atlanta Chorister's Guild Camp Counselor, and participates in the Church Teen Group. He also volunteers for the St. Francis Table, the St. Vincent de Paul Thrift Store, and Habitat for Humanity.

Martin Kaido is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Military Academy. I ask that my colleagues take this time to congratulate Martin as well as his parents, Michael and Mary Kaido, for his accomplishments. It is because of dedicated young people like Martin that America has the finest military in the world. Our Nation is fortunate to have his service.

FLAG DAY JUNE 14, 2009

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. RAHALL. Madam Speaker, the 14th of June is an important day for all Americans, the day we celebrate the American Flag. The American Flag is a proud and prominent symbol of our great Nation and celebrating this important icon shows respect for the millions of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

Americans who consider the flag a representation of our nation's most fundamental traditions and beliefs.

As a member of Congress, I feel great pride when I see our striking stars and stripes flying over the majestic United States Capitol. Whether the Flag is flying among the mountains of southern West Virginia or above our nation's capitol, it is a sign of our nation's commitment to working together across our vast and diverse land to create one great nation. Our flag flies in every state and around the World at our embassies in foreign lands.

Today, the flag consists of thirteen horizontal stripes, seven red, alternating with six white, reminding us always of our Nation's humble beginnings as just thirteen colonies. The stars illustrate our one country with 50 independent and unique states each with a separate state government. Together, the stars and stripes reflect our efforts to create a unified nation with united principles joined together under one Flag for over 200 years.

In 1947, President Harry S. Truman signed legislation requesting National Flag Day become an annual event, and since that day we have been celebrating our stately Flag every year.

On Capitol Hill, the United States Flag is celebrated everyday. Flags are flown over the Capitol each day of the year in honor of birthdays, retirements, and, as well as in the memory of loved ones lost. These flags are then shipped directly from congressional offices with an official certificate from the Architect of the Capitol, declaring the date and occasion for which the flag was flown.

I ask that you join me in supporting House Resolution 420, thereby celebrating this American symbol, honoring our country, our men and women who have served and are currently serving in the United States Armed Forces, our veterans who bravely fought beneath flag, and all citizens who proudly fly the American Flag to show their support for our great country, and the ideals this great Flag represents.

ON THE PASSAGE OF H.R. 2200,
THE TRANSPORTATION SECURITY
ADMINISTRATION AUTHORIZATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mrs. MALONEY. Madam Speaker, today I rise to voice my concerns with the Transportation Security Administration Authorization Act. While I supported this bill, I would like to make clear that I had concerns with the air cargo security language contained in Section 201 of H.R. 2200 and hope that as the bill moves forward that this provision is changed.

The 9/11 Commission recommended that the Transportation Security Administration (TSA) be given the necessary staff and funding in order to screen 100 percent of all air cargo by August, 2010. Currently there are serious deficiencies in the screening of inbound air cargo, which accounts for nearly half of the air cargo carried on passenger airplanes each

year. Section 201 of H.R. 2200 creates a significant delay of two years until 100 percent of cargo must be screened from the enactment of this bill, even though there was a year left on the original deadline as passed when Congress implemented the 9/11 Commission recommendations. It makes no sense to grant an extension with over a year until the original deadline.

Outbound passenger air cargo is screened at a much higher rate, but in order to be fully secure, inbound cargo must be thoroughly checked as well. As the United States continues to confront the threats of terrorism since September 2001, we must be as cautious and careful as possible with our transportation security net to ensure that passengers on commercial airplanes are safe, and that cargo on airplanes is thoroughly checked.

Meeting the 100 percent screening mandate presents significant challenges in both funding and manpower, however, Congress should not be diluting the requirements recommended by the 9/11 Commission and should be providing the TSA with the required resources to meet the deadline, instead of extending the deadline into the future. In doing so, we will increase our safety and security as well as fully implement the 9/11 Commission's recommendation for air cargo.

A TRIBUTE IN RECOGNITION OF
MARIE J. MARJORIE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Marie J. Marjorie, a community leader dedicated to improving the health of Central Brooklyn's residents.

Marie J. Marjorie is an Administrative Director at Interfaith Medical Center where her responsibilities include Community Affairs, Media and Marketing, Internship and Volunteer Services, and management of the Gift Shop.

Marie J. Marjorie reaches out to the numerous community organizations, agencies, clergy, churches, schools, and other groups that are interested in working together with Interfaith to continue to improve the health of Central Brooklyn's residents. She has implemented many successful programs at the hospital including the "Health Care Career Learning Center" which gives high school students hands-on training in different departments.

A passionate health advocate, Marie J. Marjorie frequently lectures on health care disparities, patients' rights, and immigrant health issues. Her research "Who are the children and how is their Health?" was published in the book "The Multicultural Cultural Challenge in Health Education" by ETR & Associates.

In addition to her work at Interfaith, Marie J. Marjorie is a volunteer English tutor for a group of young recent immigrants and a parishioner of St. Boniface R.C. Church where she is the Sunday school instructor for the youth group.

Marie J. Marjorie earned a Bachelor of Science degree from Long Island University.

She is an advisory board member of the Haitian Apostolate, the HHT Association Resource Group, and a member of Boston College for Corporate Citizenship, the American Public Health Association and the Public Relations Society of America.

Madam Speaker, I would like to recognize Marie J. Marjorie, a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Marie J. Marjorie.

BILL COX'S STATEMENT IN HAVERHILL HONORING SENATOR EDWARD M. KENNEDY

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. TSONGAS. Madam Speaker, I rise today to join one of my constituents, Bill Cox of Haverhill, Massachusetts, in honoring Senator EDWARD M. KENNEDY of Massachusetts by including a copy of Bill's heartfelt remarks, given at a recent event in Haverhill, in the CONGRESSIONAL RECORD. His comments fondly and appropriately pay tribute to Senator KENNEDY for his lifetime of unparalleled service to Haverhill, Massachusetts, and our country.

If you tell Ted Kennedy that you are from Haverhill, the first thing he will tell you is how proud he is to have Barbara Souliotis looking out for his Massachusetts office. Barbara has worked for the Senator since he was first elected 47 years ago and currently serves as his State Director. Barbara has been called the role model for running a senator's district office.

I can now tell you that one of the most difficult assignments anyone can undertake is to attempt to summarize the career and accomplishments of Senator Ted Kennedy.

It has been said that no one works harder than Ted Kennedy and that his legislative instincts are unsurpassed. Both statements are indisputable.

His record of achievements on educational opportunities, justice and equal rights for all people, protecting the environment and achieving quality health care for all Americans is unsurpassed. Even as he contends with his own recent health issues, his drive and determination are stronger than ever.

Having been our United States Senator for 47 years, Ted Kennedy has . . . fought for issues that benefit the people of Massachusetts and the nation, such as increasing the minimum wage and funding his 'No Child Left Behind' initiative. He continues to work to better the lives of working families and to secure our nation from our true threats.

He has a reverence for those who serve in our Armed Forces . . . and has quietly intervened for and consoled those families who have made the ultimate sacrifice.

Senator Kennedy has moved an agenda that includes everything from hunger to high tech.

Senator Kennedy has a deep and abiding devotion to his home state. He led the charge to see that we have sufficient funding for a parking garage here in Haverhill. Although the Senator is a citizen of the world, he knows that he is home when he is in Haverhill. We recall fondly his recent visit to the City [with] Congresswoman Tsongas. He

stopped at Mark's Deli to visit with his old friends, the Dimakis family, then on to A-1 Deli where a crowd awaited him and he met new friends and old.

On behalf of the City Committee, we send our best wishes to Ted and Vicki, and take this opportunity to reflect and pay thanks to the unparalleled service of Senator Kennedy for his lifetime of service to our City, State and Country.

HONORING JAMES AFRICANO FOR
HIS APPOINTMENT TO THE
UNITED STATES AIR FORCE
ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that James Africano from Kennesaw, Georgia has received an appointment to the United States Air Force Academy. James attends Harrison High School, where he has a 3.5 Grade Point Average and serves as Senior Class Vice President. James is also a member of the Math Honors Society, the Integrity Team, and the Harrison High School robotics team. In addition to James's focus on academics, he has also remained very active in extracurricular activities. James is on Harrison's water polo, swimming, and martial arts teams, and is also very involved in the school's band program. In fact, he was ranked second in this year's State Marching Band Competition. Despite all of these commitments, James still finds time to be involved in community service activities, where he volunteers with the Atlanta Youth Philharmonic Orchestra and devotes time to restoring the trail at the Natchez Trace State Parkway. James Africano is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Air Force Academy. I ask that my colleagues take this time to congratulate James as well as his parents, Thomas and Choi Africano, for his accomplishments. It is because of dedicated young people like James that America has the finest military in the world. Our nation is fortunate to have his service.

A TRIBUTE IN RECOGNITION OF
STEVE HUNT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Steve Hunt, a leader in adolescent drug and substance abuse prevention in Brooklyn.

Steve Hunt is the vice president of The Alpha School Center of Progressive Living, Inc., located in the east New York section of

Brooklyn, New York. His responsibilities include supervision of the Adolescent Drug Prevention Program and the Outpatient Chemical Dependency Program serving youth at risk and management of daily administrative duties.

Steve Hunt has an extensive background of 22 years in community service working with both adolescent and adult populations. His experience includes individual and group counseling in areas such as chemical dependency, HIV/AIDS, and anger management.

Steve Hunt has received several awards and has been recognized for his outstanding work with civic community organizations. He is a member of the Substance Abuse Committee for the Brownsville/East New York Child Welfare Neighborhood Network as well as the New York City Addictions Treatment Providers Association and the New York State HIV Prevention Planning Group.

Steve Hunt was born and raised in Brooklyn where he attended Tilden and Jefferson High Schools. He earned a bachelor of science degree in community health education from York College. He is professionally certified as a New York State Credentialed Alcoholism and Substance Abuse Counselor, an Internationally Certified Alcohol & Drug Counselor, a Pre and Post Test HIV/AIDS Counselor and is certified in Mediation/Conflict Resolution.

Madam Speaker, I would like to recognize Steve Hunt, a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Steve Hunt.

WOMEN FOR THE WATER WORKS
JUNE 9, 2009 DEDICATION CEREMONY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Women of the Water Works upon the completion of the extensive restoration of the Fairmount Water Works. What was once one of the most popular tourist attractions of the 19th century will again enchant and educate both Philadelphia visitors and residents.

The Water Works began operation in the 1790s when a yellow fever epidemic hit Philadelphia. People blamed the disease on the filth that coated city streets and looked for a way to deliver drinking water and wash roads. Construction on the Water Works began in 1812, and after three years, clean water was being pumped to the homes of Philadelphia.

In ten short years, the Water Works was pumping over five million gallons of water daily. This engineering marvel was praised by many tourists and admirers, including Mark Twain and Charles Dickens. In 1909, the Water Works was closed due to pollution in the Schuylkill River.

In 1976, the Water Works was recognized as a National Historic Landmark by the U.S. Secretary of the Interior. Shortly before the announcement, the Junior League of Philadelphia initiated a campaign to preserve this

treasure. Since that time, other organizations have joined the effort to return this landmark to its former status as a prime recreational, educational, and historic attraction.

By the turn of the 21st century, Women for the Water Works spearheaded a \$26 million project to restore the Water Works, as well as to incorporate a new Interpretative Center. The Interpretive Center opened its doors in 2003 with a mission "to educate citizens to understand their community and environment, especially the urban watershed, know how to guide the community and environment in the future, and understand the connections between daily life and the natural environment."

In 2008, the Women for the Water Works reached their fundraising goal of \$5 million for the final phase of the project, bringing the total dollars raised to more than \$28 million since renovations began thirty years ago. It is commendable that the funds raised are not only restoring the site for today, but will ensure that future generations will be able to enjoy the restored Water Works for years to come.

I share with the Women of the Water Works and the people of Philadelphia a common concern about wildlife, the environment, and the preservation of natural resources, as well as a commitment to a sustainable, livable City and region.

Madam Speaker, I ask that my colleagues join me in celebrating the Fairmount Water Works and thanking the Women of the Water Works who worked tirelessly to protect and preserve this special gem.

HONORING SUPERINTENDENT DR.
JOHN GRAVES

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor Jackson County Intermediate School District (JCISD) Superintendent, Dr. John Graves upon the occasion of his retirement.

After an accomplished 40-year career that started as a teacher and a coach at Grass Lake High School to a principal at Beaverton and included leading four different school districts, Dr. Graves is retiring to go back to school. He will begin classes at the University of Michigan Law School, where he was initially accepted in 1968 after graduating from the University of Wisconsin with a degree in economics.

Dr. Graves has led the 450-employee JCISD since 2001. He is most recognized for his organizational leadership and his foremost concern was always how well students performed and achieved. For the past 40 years, Dr. Graves has earned both the respect and admiration of other educators, colleagues, staff, and community members for his skillful and honest leadership.

Dr. Graves is a model of patriotism and well deserves our respect and appreciation for his many years of dedication and distinguished service in education. His intellect, eagerness, and vision will be sincerely missed by not only Jackson, but also the many other communities

he has touched. May he know of my sincerest best wishes in all his future endeavors.

A TRIBUTE IN RECOGNITION OF
HARRY L. POLITE, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Harry L. Polite, Sr., a champion for the youth and the elderly of Brooklyn.

Harry L. Polite, Sr. has been active in his Brooklyn community for over forty years, serving as President of the Lafayette Gardens Tenants Association for 16 years. He is an advocate for adequate and safe living conditions in his community. He has also advocated for increased activities for senior citizens and community youth.

Harry L. Polite, Sr. is also the founder of the Lafayette Gardens Seniors Club. The Seniors Club serves 30 senior residents with lunch, computer training, job placement, and social activities. Mr. Polite has also developed youth softball and basketball tournaments. He has organized cultural and political trips for residents and coordinates the annual family celebration and block party known as "Lafayette Gardens Day".

Harry L. Polite, Sr. has also served as the Coordinator for the Lafayette Gardens Tenant Patrol for the past ten years. He is an Executive Member/Sgt at Arms for the NYCHA Citywide Council of Presidents-Brooklyn West District and serves on the NYPD Housing Bureau Police Service Area #3.

Madam Speaker, I would like to recognize Harry L. Polite, Sr., a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Harry L. Polite, Sr.

A TRIBUTE TO THE 2009 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the 2009 recipients of the coveted Ellis Island Medal of Honor. Presented annually by the National Ethnic Coalition (NECO), the Ellis Island Medal of Honor pays tribute to our Nation's immigrant heritage, as well as individual achievement. The medals are awarded to U.S. citizens from various ethnic backgrounds who exemplify outstanding qualities in both their personal and professional lives, while continuing to preserve the richness of their particular heritage. Since NECO's founding in 1986, more than 2,000 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

As we all know, citizens of the United States can trace their ancestry to many nations. The

richness and diversity of American life makes us unique among the Nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. This medal is not about money, but about people who really seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America. I commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promote unity and a sense of common purpose in our Nation.

Madam Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and congratulating all of the 2009 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement.

Gen. John P. Abizaid, USA (Ret), Hon. Eduardo Aguirre, Imam Shamsi Ali, Dr. Kaveh Alizadeh, Robert V. Allegrini, Hon. Victor G. Atiyeh, Archbishop Vicken N. Aykazian, Sir Julian Bachynsky, Ralph M. Bahna, George S. Barrett, Edward J. Bergman, Hamid Biglari, Carolyn A. Blashek, Paul F. Boulous, PhD, Lt.Gen. Ted F. Bowlds, USAF, CAPT Patrick C. Burns, USN, Dr. Samia E. Burton, Otto B. Candies, John J. Casey, Ali Cayir, Sant Singh Chatwal, Dr. Walter R. Chitwood, Jr., Joseph Ilhawn Cho, Edward T. Cloonan, Duane E. Collins, David F. D'Alessandro, Shiv C. Dass, Kiran R. Desai, Robert D. Donno, Rayna Dubose, Emilio Estefan, Jr., Charles Fazzino, Sean T. Flanagan, John S. Gonsalves, James B. Hayes, CAPT Gregory P. Hitchen, USCG, W. Andrew Hodge, MD, Forough B. Hosseini, Susan Pien Hsu, PhD, Tuffy A. Jowdy, James M. Kalustian, Rabbi Alvin Kass, Fred Kavli, Lisa Kazor, Kevin A. Kistler, Carol N. Lambos, Esq., BG James B. Laster, USMC, Leon Y. Lee, Oh Young Lee, Sandra Lee, Francine A. LeFrak, Nooshin Malakzad, Bishop Gregory J. Mansour, George D. Martin, Hon. Grace Meng, Thomas L. Mills, Esq., Joseph H. Moglia, Dr. Reza Momeni, Dr. Uma Mysorekar, Tavit O. Najarian, ScD, John F. Nickoll, Michael K. O'Malley, Rev. Timothy O'Neill, George Pagoumian, Young J. Paik, Hon. Mary Mitzi Purdue, Moises Perez-Martinez, Natale A. Picco, Jr. John Podesta, Linda Ann Pope, William A. Pope, David M. Puckett, Phil T. Pulaski, Hon. Bijan Rafiekin, Maj. Dan Rooney, USAF, Gaetano G. Scavone, Salman T. Sesi, Esq., Dr. Jatin P. Shah, Liu Tee Shuh, Brian J. Smith, Col. Stephen Smith, USA, Steven N. Stein, Carol K. Strauss, Chester A. Szarejko, Oscar S. Tatosian, Joseph J. Thoams, DDS, William H. Tilley, Lenny Tilman, Lana Todorovich, Chiling Tong, Pauline A. Turley, Anthony M. Valletta, Kathleen Waldron, PhD, Kevin M. Wall, The Venerable

Lama Pema Wangdak, Jeffrey N. Watanabe, Esq., Gary E. Weksler, Sally Tsui Wong-Avery

HONORING THE LIFE OF MARILYN
GIORDANO

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Marilyn Giordano, a wonderful woman who recently lost her courageous battle with colon cancer.

I came to know Marilyn through her work with the American Vitiligo Research Foundation. Vitiligo is a condition in which one's skin loses pigment and becomes discolored. It is a disease that can easily destroy the spirit of those it afflicts. Marilyn cared passionately about people with Vitiligo, especially children who are often not emotionally prepared to deal with its psychological affects. Marilyn dedicated her life to helping these precious children deal with their condition the best they could.

Marilyn's friend Stella Pavlides, the founder of the American Vitiligo Research Foundation, shared with me the courage with which Marilyn battled colon cancer. Stella said that Marilyn never lost faith that she would survive, refrained from complaining or asking why she was going through such an ordeal, and remained optimistic and positive until the very end, which came peacefully on April 29. That sounds just like the Marilyn I came to know.

Stella has asked me to become an advocate for raising awareness about colon cancer in the days since Marilyn's death. She correctly points out that colon cancer is one of the most deadly forms of cancer in its advanced stages, though it also is one of the most treatable in its earliest stages. I was pleased that the House passed H. Con. Res 60 earlier this year, which supports the observance of Colorectal Cancer Awareness Month in March and emphasizes the importance of early detection and screening of this disease.

I also recently cosponsored H.R. 1189, the Colorectal Cancer Prevention, Early Detection, and Treatment Act, which would establish a colorectal cancer screening program at the Centers for Disease Control and Prevention and provide grants to states for colorectal cancer screening and treatment programs. I believe the House should pass this vitally important bill to improve the detection and treatment of this deadly disease.

Madam Speaker, I urge all of our colleagues to honor Marilyn's life by passing H.R. 1189 and improving the detection and treatment of this disease. Although her earthly life has ended much too soon, I am certain that her legacy will live on in the lives that will be saved by raising awareness about this treatable but deadly disease, and in the children with Vitiligo whose lives she has forever changed for the better.

HONORING KENNEDY PATTERSON FOR HIS APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Kennedy Patterson from Marietta, Georgia, has received an appointment to the United States Air Force Academy.

For the past year, Kennedy has attended the Air Force Academy Preparatory School. Kennedy has worked very hard during his year in prep school and the results speak for themselves. Before the prep school, Kennedy attended Marietta High School where he was a member of the Air Force JROTC. Kennedy is an Eagle Scout and has a black belt in Taekwondo. He has been recognized with the Admiral's Cup Award, the Aviator Wings Award, the National Society of the Sons of the American Revolution Bronze ROTC Medal, the American Legion Military Excellence Medal, and the American Legion Silver Medal.

Kennedy Patterson is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Air Force Academy. I ask that my colleagues take this time to congratulate Kennedy as well as his parents, James and Nell Patterson, for his accomplishments. It is because of dedicated young people like Kennedy that America has the finest military in the world. Our nation is fortunate to have his service.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately on June 8, 2009, I was unable to cast my votes on H.R. 1736, H.R. 1709, and H. Res. 420. Had I been able to vote, I would have voted as follows:

Had I been present for rollcall No. 311, on suspending the rules and passing H.R. 1736, International Science and Technology Cooperation Act, I would have voted "yea."

Had I been present for rollcall No. 312, on suspending the Rules and passing H.R. 1709, STEM Education Coordination Act of 2009, I would have voted "yea."

Had I been present for rollcall No. 313, on suspending the Rules and passing H. Res. 420, Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day, I would have voted "aye."

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. KING of Iowa. Madam Speaker, on June 9, 2009, I mistakenly cast a "YES" vote on H.R. 2751, the Consumer Assistance to Recycle and Save Act. I am submitting this statement for printing in the CONGRESSIONAL RECORD to clarify that I am opposed to H.R. 2751 and had intended to vote "no." The bill authorizes \$4 billion of new spending. This is on top of the \$85 billion American taxpayers have provided to help "restructure" the auto industry already. Just yesterday, auto-parts suppliers asked President Obama's auto task force for an additional \$8 to \$10 billion in federal aid. In addition, a similar program instituted in Germany ended up costing three times more than originally anticipated. Also, the legislation requires dealers to remove "clunkers" from the market through salvage, reducing the amount of preowned supply. Families that still cannot afford a new automobile, even with the voucher, will face rising prices in the used car market during the current recession at a time when affordability is an even greater issue. Additionally, under the bill, the DOT is required to promulgate many of the regulations to implement the program within 30 days. This grants too much authority to the executive branch to enact a new \$4 billion dollar program. For these and other reasons, I am opposed to H.R. 2751, and I intended to vote "no" on rollcall 314.

HONORING NICHOLAS JACKSON FOR HIS APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Nicholas Jackson from Acworth, Georgia has received an appointment to the United States Air Force Academy.

Nick attends Harrison High School where he has a 3.47 Grade Point Average. Nick is a four year varsity letter winner for the Harrison football and the track and field teams and has proven himself a leader—being selected Captain of the football team on multiple occasions. He was named to the Cobb County Touch-down Club All County football team, the Marietta Daily Journal 2nd team All County football team, and was an honorable mention Atlanta Journal-Constitution All Northwest Georgia football player. Nick brings his love of sports into community service, as well, annually volunteering for the Fellowship of Christian Athlete's football camp as well as the Harrison High School Community Service Day. Nick's

athletic accomplishments have not gone unnoticed by the Air Force Academy—earning him a letter of recruitment from the head coach of the Falcons.

Nicholas Jackson is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Air Force Academy. I ask that my colleagues take this time to congratulate Nick as well as his parents, Michael and Colleen, for his accomplishments. It is because of dedicated young people like Nick that America has the finest military in the world. Our nation is fortunate to have his service.

A TRIBUTE TO PATRICK HURLEY

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. BILBRAY. Madam Speaker, I would like to bring to your attention today the many outstanding achievements of Patrick Hurley, the outgoing president of the Carlsbad Hi-Noon Rotary Club. Patrick's leadership during the 2008–2009 Rotary year has contributed significantly to the Hi-Noon Rotary Club, the community of Carlsbad and the mission of Rotary. During his tenure, the Carlsbad Hi-Noon Rotary Club sponsored Interact, a youth service club; RYLA, a youth awareness leadership conference; a Christmas party and provided meals and gifts to needy elementary school children; cosponsored the Oktoberfest fundraiser that benefited the Carlsbad Women's Resource Center and the Carlsbad Boys and Girls Club and completed a very successful golf tournament which funded scholarships for Carlsbad high school students; provided mentors for the City Stuff Program, a program that exposed school children to the workings of city government; promoted literacy by providing dictionaries for English and Spanish speaking elementary school children; provided over nine hundred books to the Jefferson Elementary School students, and provided financial support to our military personnel and their families.

In addition, under President Patrick Hurley's leadership the Carlsbad Hi-Noon Rotary and its membership completed a number of other projects. These projects included providing volunteers to help maintain public and private property, provide food and clothing for the needy and homeless, and assist in the distribution of food, clothing and toys to needy Carlsbad families in conjunction with the Carlsbad Christmas Bureau, and through the Gazebo project, a city landmark structure was refurbished and relocated for public enjoyment.

In the international arena, under President Hurley's leadership, a team of Carlsbad Hi-Noon Rotarians joined with others and traveled to Mexico to build a house for a needy family: a badly needed ambulance was provided and refurbished for the City of Mazatlan, Mexico, and through our support of the Paul Harris Foundation, we co-sponsored numerous other humanitarian projects all over the world including the effort to eradicate polio world wide, and providing funding for the

Micro-banking project enabling third world countries to develop entrepreneurial skills and become self sufficient.

I hope my colleagues will join me in recognizing the many fine achievements of Patrick Hurley. Without question, his leadership and fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

A TRIBUTE IN RECOGNITION OF
ADRIAN STRAKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Adrian Straker, a tireless advocate for children in our community.

Adrian Mary Levell was raised in Bedford Stuyvesant, Brooklyn, graduated from Midwood High School with honors, received her Bachelor's degree in Sociology from Northwestern University, and attended graduate school at Long Island University, receiving her Master of Science in Counseling and Development.

Following the completion of her studies, Adrian began her career in public service as a caseworker in the foster care unit at St. Vincent's Services in Brooklyn, NY. There Adrian developed her passion for helping to solve the dilemmas and socio-economic challenges of urban life. For the past 17 years, Adrian has been a guidance counselor at Public School 32 serving the Carroll Gardens-Gowanus Housing Development community, where she interacts daily with neighborhood youth and their families serving as the link between classroom teachers, parents, guardians, administration officials, and on-site medical/mental health programs to ensure a student's overall academic achievement and personal development.

Adrian also recently served on the staff of Brooklyn Borough President Marty Markowitz as the Director of Community Boards. In this role, she managed a staff of community relations personnel who maintained interactive relationships with community board chairpersons and district managers. She also served as the borough president's chief architect of faith-based relationships.

Adrian is member of Alpha Kappa Alpha Sorority, Inc. and has served as regional officer and charities chairperson. She is also the past vice chairperson of the Brooklyn Chapter of Jack and Jill of America, Inc. Adrian sits on numerous professional and community boards including Inner City Little League Brooklyn, Northwestern University Alumni Association, St. Mark's Independent Block Association, Cornerstone Baptist Church Support Services and is a founding member of the Concerned Crew of Bedford Stuyvesant.

Madam Speaker, I would like to recognize Adrian Straker, a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Adrian Straker.

A TRIBUTE TO CHICAGO BLUES
LEGEND CORA "KOKO" TAYLOR
(1928-2009)

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. RUSH. Madam Speaker, American music legend, KoKo Taylor, the "Queen of the Blues," died June 3, 2009 in Chicago. Her masterful voice represented the spirit of Chicago—proud, loud and full of life.

Born September 28, 1928, in Bartlett, Tennessee, on a small farm to a family of sharecroppers, Cora Walton would one day be known throughout the world as "KoKo Taylor." She earned her nickname because of a love of chocolate. Orphaned by age 11, along with her five brothers and sisters, Koko developed a love for music from a mixture of gospel she heard in church and blues she heard on radio stations. With one brother accompanying her on a guitar strung with baling wire and another brother on a fife, made out of a corncob, Koko began her career as a blues woman.

In her early 20s, Koko and her soon-to-be husband, the late Robert "Pops" Taylor, moved to Chicago looking for work. With nothing but, in Koko's words, "35 cents and a box of Ritz crackers," the couple settled on the city's South Side, the cradle of the rough-edged sound of Chicago blues. Taylor found work cleaning houses for wealthy families in the ritzy northern suburbs. At night and on weekends, Koko and Pops would visit the South and West Side blues clubs, where they would hear singers like Muddy Waters, Howlin' Wolf, Magic Sam, Little Walter and Junior Wells. And, thanks to prodding from Pops, it wasn't long before Taylor was sitting in with many of the legendary blues artists on a regular basis.

Ms. Taylor's big break came in 1963 when, after one of her signature fiery performances, songwriter/arranger Willie Dixon approached her. Much to Koko's astonishment, he told her, "My God, I never heard a woman sing the blues like you sing the blues." Dixon first recorded Koko for USA Records and, then, secured a Chess Records recording contract for her. He produced several singles and two albums for her—including her huge 1966 hit single Wang Dang Doodle—firmly establishing Koko as the world's number one female blues talent.

Over the course of her nearly 50-year career, Ms. Taylor received numerous awards for her music. She signed with Alligator Records in 1975 and recorded nine albums for the label, eight of which were Grammy-nominated, and came to dominate the female blues singer ranks, winning 25 W.C. Handy Awards, more than any other artist. In 1984, she received a Grammy for the live, multi-artist album Blues Explosion on Atlantic Records. In 2004, KoKo was presented with the coveted National Heritage Fellowship Award from the National Endowment for The Arts. She also earned 25 Blues Music Awards, more than any other blues artist, male or female. On March 3, 1993, Chicago Mayor Richard M. Daley honored the songstress with a Legend of The Year Award, and declared "Koko Taylor Day" throughout Chicago.

In 1998, Chicago Magazine named Koko "Chicagoan of the Year" and, in 1999, she was inducted into the Blues Foundation's Hall of Fame. "There are many kings of the blues," said The Boston Globe at the time, "but only one queen. Koko's voice is still capable of pinning a listener to the back wall."

There is no doubt she was the queen of the blues and Koko Taylor's legacy will live on through her music. She has influenced a number of musicians including Bonnie Raitt, Shemekia Copeland and Janis Joplin. Her voice lives on in her recordings. We all are forever indebted to her for her contributions to America's rich music history.

HONORING MR. MARK E. NEIHLS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a pioneer of private education who has provided 25 years of faithful service to the students, families and staff at Coventry Christian Schools in Pottstown, Pennsylvania.

Mark E. Neihls started planning a preschool and registered Christian school in 1983, pouring amazing amounts of energy into fulfilling his vision of providing a world-class education to students in Montgomery, Chester and Berks Counties.

Coventry Christian was incorporated in 1984 and opened with seven preschool students taught by two volunteer teachers. Thanks to Mr. Neihls' outstanding leadership as superintendent, the School has grown to more than 400 students in preschool through 12th grade and has more than 50 employees on two campuses.

Mr. Neihls earned the respect of students, teachers and their families by refusing a paycheck for 19 years while, at the same time, often working six days a week and being available to students well beyond regular school hours.

Madam Speaker, I ask that my colleagues join me today in honoring Mark E. Neihls for his 25 years of humble service as founder and superintendent of Coventry Christian Schools and recognizing his unwavering commitment to a high standard of educational excellence in a Christian setting.

INTRODUCING H.R. 2548, THE KEEP
AMERICA'S WATERFRONTS
WORKING ACT OF 2009

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. PINGREE of Maine. Madam Speaker, coastal communities across this nation are in trouble. Fishermen who have spent their lives on the water—the sons and daughters of fishermen, the grandchildren of fishermen, fishermen from families that have been fishing for generations, have hung up their boots and do not go out sea any more. My friends and

neighbors are giving up a lifetime of fishing. Businesses that depend on the water shut their doors and close their wharves. You see Madam Speaker, I live in a community built around fishing. A community with a working waterfront. A community that is in trouble.

When I was a teenager in my hometown, the island of North Haven, there were more fishermen and the island supported a diverse fishery. Throughout the history of the islands of Penobscot Bay, from the first natives fishing off the island in dugout canoes to the herring seiners, gill netters, ground fisherman, and lobstermen, fishing has been an important part of the islands—providing jobs and a sense of place.

The fishing vessel *Starlight* seined for herring in the waters off the island and brought fish ashore for lobster bait. Now, most boats fish for lobster. My friends and neighbors on North Haven, like all fishermen up and down the coast, need a place to land their lobsters, store their bait, load and unload their lobster traps. In some communities fishermen use privately owned piers, in other communities they compete for space at public landings and town docks. Some keep their skiffs upside down on the beach and others on the dock, most park their trucks at the landing.

Coastal landowners who used to allow their friends and neighbors to cross their property to get to the clam flats face rising property taxes and pressure to sell. With these sales to the highest bidder, frequently to build a vacation home or condos on a desirable and “authentic waterfront,” access for the community is lost in the process. Condos spring up, displacing the fishermen and boat builders, and the wide variety of businesses that require access to the water. As new construction sprawls, traditional ties to the water are severed and the economic engine that is our coast sputters and stalls for want of a place to land a fish or dock a boat.

Our nation’s working waterfronts are disappearing. Less than 20 miles of Maine’s 3,300 mile coastline support commercial fishing and other traditional marine based activities—and working waterfronts are continuing to disappear.

These are a very important 20 miles. Maine’s Working Waterfront Coalition, a broad and diverse group of stakeholders dedicated to protecting working waterfronts, conducted a study that found that working waterfronts like those supported by this legislation add between \$15 and \$168 million more to the economy than do the conversion of those properties to high end residential uses.

Working Waterfronts support many communities up and down the coast. Every community is unique but they all are connected by the bond of having a working waterfront. The challenges facing working waterfronts are not unique to Maine. These waterfronts are disappearing up and down our coasts, in all of our coastal states. In Massachusetts, and Rhode Island, Virginia and South Carolina, Florida and Texas, California, Oregon, and Washington and even on the Great Lakes. Across the country, working waterfronts and the jobs they provide are quickly disappearing under the tremendous pressure these communities face from conversion to incompatible uses. As history has shown us, once these

business close, and waterfronts stop supporting water dependent businesses, they do not come back.

Together, our nation must take an important step towards protecting these jobs and the families they support—and even, eventually rebuilding our working waterfronts. In honor of the many folks in Maine who have been tirelessly working to ensure these special areas are protected, I am proud to have introduced legislation, H.R. 2548, with Representatives MADELEINE Z. BORDALLO, LOIS CAPPAS, BILL DELAHUNT, SAM FARR, BARNEY FRANK, PATRICK J. KENNEDY, RON KLEIN, JAMES R. LANGEVIN, JAMES P. MCGOVERN, MIKE MCINTYRE, MICHAEL H. MICHAUD, JAMES P. MORAN, MIKE THOMPSON, and ROBERT J. WITTMAN that encourages states to consider the importance of working waterfronts and how to best protect them.

Our legislation amends the Coastal Zone Management Act to establish a Working Waterfronts program. The Coastal Zone Management Act is a flexible tool, developed to allow states to manage their coasts in a manner that fits that particular coast. In recognition of this, the Working Waterfronts program broadly defines working waterfronts to be water-dependent, coastal related businesses—this includes commercial fishing, recreational fishing businesses, aquaculture, boat yards and other businesses whose business model requires access to the water.

This bill creates a Working Waterfront Grant program to help states protect and preserve these important areas. In order for states to be eligible for a working waterfront grant, the State must have a working waterfront plan that requires a thoughtful, collaborative, public process to identify the economic and social value of working waterfronts and the plan requires the states to be thoughtful and strategic in their use of federal money. This bill is not designed to require states to undergo a completely new or comprehensive planning process but rather to utilize existing information to the maximum extent practicable.

The program encourages states to use the best information they have available to develop their working waterfronts plan. It is not our intention to require a detailed or in-depth GIS study of the entire coast, an undertaking that may well be beneficial but also could delay and hinder the implementation of the program. We only ask that the coastal states give some thought to what makes a working waterfront in that state and why working waterfronts are particularly important or special to that state.

This bill not only protects working waterfronts and the jobs they provide, this bill also protects public access to our coastline. One of the conditions of the bill states that any working waterfront receiving a working waterfront grant must provide access to the water for the public. The bill makes an exception for commercial fishing if providing access would not be safe.

Those who live on or visit our coasts know how valuable coastal property is—and this is why traditional uses of working waterfronts are vulnerable. Eliminating working waterfronts fundamentally alters the economy, culture and heart of coastal communities. Please join me in supporting the Keep America’s Waterfronts

Working Act of 2009; help protect working waterfronts and the jobs they provide.

RECOGNIZING THE 75TH ANNIVERSARY OF HOSTELLING INTERNATIONAL USA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. OBERSTAR. Madam Speaker, I rise today in recognition of Hostelling International USA for 75 years of service to intercultural understanding and youth travel.

Hostelling International USA is a nonprofit organization founded in 1934 to promote hostels and hostel related programs in the United States, especially for young travelers. It has grown nationally and currently hosts nearly one million overnight stays by both domestic and foreign travelers. In doing so, it promotes cultural exchange through travel and supports tourism for local economies.

The Minnesota Council of Hostelling International USA operates the Mississippi Headwaters Hostel in Itasca State Park. Since 1992, in partnership with the Minnesota Department of Natural Resources, this hostel offers budget accommodations for families, schools, and youth groups. In addition, the Council promotes global travel to and cultivates cultural understanding in Minnesotans through educational programs in the Twin Cities.

I congratulate Hostelling International USA for its 75 years of service.

INTRODUCING THE RETIREMENT SAVINGS TRANSPARENCY ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Retirement Savings Transparency Act.

More than ever, Americans are relying on 401(k) plans to finance their retirements. Almost 50 million Americans have invested approximately \$2.7 trillion in 401(k) retirement plans.

Yet a recent study by the Government Accountability Office (GAO) has found that over 80 percent of Americans do not know what kind of fees are being charged on their hard earned retirement savings.

But even small differences in these 401(k) fees can lead to significant reductions in the amount of money retirees can expect to see.

For example, an increase of only one percent in 401(k) fees can lower a retiree’s savings by over \$32,000 over the course of a 30-year period.

The same reductions can take place because of even minor differences in the rates of return on a 401(k) investment portfolio.

One of the most persistent barriers to workers understanding their retirement options is the failure of financial disclosures to put these fees and returns in context.

When they are provided with information on fees and returns, consumers often have no frame of reference to which to make comparisons.

Yet these benchmarks are readily available in the marketplace and are regularly used by institutional investors in making their investment decisions.

I believe we need to make these same benchmarks available to all Americans saving for retirement.

We have an obligation to help workers make informed decisions when it comes to their precious retirement savings.

The legislation I am introducing today would provide workers with appropriate points of comparison for both the fees and returns associated with each investment option in their 401(k) accounts.

This will help Americans better understand their investment options and make the right decisions to maximize their retirement savings.

At the same time, the increased transparency in fees and returns will force plan providers to compete, driving down costs and increasing returns.

During the tough economic climate, Americans have already seen their retirements decline. Many retirees have seen their nest eggs evaporate and some are even being forced to go back to work after retirement.

It is even more important now than ever to help Americans squeeze every penny out of their retirement investments.

I hope we will pass this important legislation and empower Americans to make the most of their hard earned savings.

HONORING VICTORIA HAYES FOR
HER APPOINTMENT TO THE
UNITED STATES MERCHANT MA-
RINE ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young woman from Georgia's 11th Congressional District who has distinguished herself as an excellent student and leader and has committed to serving her country. I am proud to announce that Victoria Hayes from Acworth, Georgia has received an appointment to the United States Merchant Marine Academy.

For the past year, Victoria has attended New Mexico Institute in Roswell, N.M., which is the prep school for the Merchant Marine Academy. Victoria has worked very hard during her year in prep school and the results speak for themselves. Before the prep school, Victoria attended East Paulding County High School. Victoria was very involved with the East Paulding band program, and has continued to excel in music at the Merchant Marine prep school—participating in the marching, concert, and regimental bands. She also has the honor of being a Silver Taps bugler.

Victoria Hayes is an incredibly well-rounded young woman, and I am honored to have the privilege to nominate her for an appointment to the U.S. Merchant Marine Academy. I ask

that my colleagues take this time to congratulate Victoria as well as her parents, William and Mary Ellen Hayes, for her accomplishments. It is because of dedicated young people like Victoria that America has the finest military in the world. Our nation is fortunate to have her service.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. KIND. Madam Speaker, on June 8, 2009, I missed rollcall votes 311, 312, and 313 due to family reasons. Had I been present, I would have voted "aye" on each of those votes.

A TRIBUTE IN RECOGNITION OF
SANTOS CRESPO, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Santos Crespo, Jr., a visionary leader in New York City's labor community.

Santos Crespo, Jr. was first introduced to the labor movement at the age of 10, when his father, a delegate and executive board member of Local 6, H.E.R.E. (Hotel Employees & Restaurant Employees Union) brought him to meetings where he witnessed the struggles non-unionized employees must endure.

Santos Crespo, Jr. began community organizing at the age of 14 and was recognized by the late W. H. Booth, Chairman of the Committee on Human Rights under then Mayor John Lindsay. He was a founding member of the Black and Puerto Rican Student Union at Bronx Community College and was instrumental in introducing Black and Puerto Rican Studies there. He has received numerous awards, was named by the Daily News Viva as one of New York City's Influential Latinos, and has also served in numerous committees related to youth and substance abuse prevention and intervention.

Santos Crespo, Jr. is currently the Executive Vice President of the New York City Board of Education Employees Union, Local 372, DC 37, AFSCME, the largest local (26,000 members) within DC 37 and also serves as one of DC 37's Vice Presidents. He is also a member of the New York City Chapter of the Labor Council for Latin American Advancement (LCLAA), serves on its Executive Board, and also serves on the Executive Board of the national LCLAA, representing 1.4 million Latino Trade Unionists. He is also a member of many other labor organizations such as the Coalition of Black Trade Unionists (CBTU) and the Asian Pacific American Labor Alliance (APALA) along with civil rights organizations including the Congress for Puerto Rican Rights and the New York NAACP.

Madam Speaker, I would like to recognize Santos Crespo, Jr., a champion of New York City's many labor causes.

Madam Speaker, I urge my colleagues to join me in paying tribute to Santos Crespo, Jr.

CONGRATULATING DANA WYGLE,
RECIPIENT OF THE AHWATUKEE
FOOTHILLS CHAMBER OF COM-
MERCE 2009 WOMEN IN BUSINESS
SCHOLARSHIP

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate the achievements of Dana Wygle, who is the recipient of the 2009 Ahwatukee Chamber of Commerce Women in Business \$1,000 Scholarship. The Ahwatukee Foothills Chamber recently honored Dana at the Ahwatukee Women in Business Faces of Success event, which recognizes present and future businesswomen.

Dana recently graduated from Desert Vista High School. An active and involved student, she also worked at Barro's Pizza throughout high school. Dana danced, served as a team captain for the American Cancer Society's 24-hour Relay for Life in 2008 and 2009, and was a member of DECA, a student business organization. She plans to use the scholarship award to attend the W.P. Carey School of Business at Arizona State University. Her goal is to own and operate a sports bar.

Madam Speaker, please join me in congratulating Dana Wygle for her accomplishments and wishing her the best in all her future endeavors.

A TRIBUTE TO JIMMY DEE CLARK

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. NEUGEBAUER. Madam Speaker, I would like to take this time to recognize Jimmy Dee Clark for his dedication to the 19th Congressional District of Texas. Jimmy retires this month after 23 years of continuous service to the district.

Born to Leeman and Frances Clark on December 12, 1945, Jimmy was raised on a farm in Acuff, Texas. He graduated from Roosevelt High School in 1964 and just two years later, he married his childhood sweetheart, Rita Dunagan. After 20 years of running his family farm, Jimmy began an additional career in public service.

In 1986, my predecessor in Congress, Larry Combest, hired Jimmy as a district representative. As Chairman of the House Agriculture Committee in the 106th and 107th Congresses, Mr. Combest greatly shaped farm policy in this country, and Jimmy brought indispensable insight as a liaison between the farmers and ranchers of the 19th District and their representative. Jimmy was instrumental in helping Chairman Combest shepherd the 2002 Farm Bill through Congress.

Following Chairman Combest's retirement in 2003, Jimmy came to work for me as my District Director and Deputy Chief of Staff. Jimmy's experience and counsel have made him an invaluable asset to my staff. Most notable, however, is Jimmy's ability to relate to his fellow farmers in West Texas and to help ensure I understand their business, their concerns and their role in District 19's economy. Again, Jimmy's guidance and his role as the voice of the farmers of my district were essential in helping me during the 2008 Farm Bill.

Jimmy is also a strong Christian and family man. He and Rita have two daughters, Jill and Randee, and five grandchildren: Caden, Kacie, Josh, Steffanie, and Gabbie, that I know he will now get to spend more time with. A 32nd degree Mason, Jimmy's public service has reached more than just the farmers in West Texas. He has served as a past member and Commander of the Lubbock County Sheriff's Reserve. A licensed pilot, Jimmy's hobbies include flying and home remodeling.

I am enormously appreciative to Jimmy for his hard work and for his contributions to improving the course of agriculture policy in the United States and in West Texas. More important, I am proud to count him as a friend. Those in District 19, including myself, thank him for a job well-done and extend to him our best wishes for his retirement/retirement.

HONORING THE LIFE AND ACCOMPLISHMENTS OF NORMAN BRINKER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor the life and accomplishments of restaurateur Norman Brinker.

Brinker, the chairman emeritus and former chief executive of Brinker International, died June 9th at the age of 78.

Brinker, the founder of Steak and Ale restaurant in 1966, built Brinker International into a restaurant giant. He is most well known for turning Chili's Grill and Bar restaurant from a string of local restaurants into a national chain owned by Brinker International. Brinker's illustrious restaurant career began in my Dallas area district in 1965, opening Brink's Coffee Shop, and I am deeply saddened by the loss of someone so influential to the history of the city.

In his time in the restaurant industry, Mr. Brinker has changed American casual dining, while touching the lives of many in the restaurant industry. At one time or another, essentially every major restaurant chain in the country had as its leader a former employee of Brinker.

Aside from his commitment to the restaurant industry, Mr. Brinker also served as a board member and important counsel for the Susan G. Komen for the Cure foundation.

Mr. Brinker's legacy stands as a testament to interaction with the local community, and a foresight for changes in the restaurant community that would remain for years to come. I

ask my fellow members of Congress to join me in honoring Norman Brinker and his impact both in the Dallas area and nationwide.

RECOGNIZING MASSACHUSETTS FOR RESOLUTION

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. TSONGAS. Madam Speaker, as the House is soon to consider comprehensive climate change legislation, I would like to illustrate how individual states stand ready to lead the effort to combat global warming and are willing to take extremely ambitious and necessary stands. On March 12th, my home state of Massachusetts passed a resolution committing to re-power America with 100 percent clean electricity in the next ten years. The resolution was successful in large part because of the tireless efforts of Massachusetts Power Shift, a grassroots organization of climate advocates. Global warming is no longer an academic question for scientists to ponder. It's a very real crisis that requires American leadership. This is not a political issue; this is a critical generational responsibility that will take a commitment from every American. The renewable technologies to reduce greenhouse gas emissions and move towards energy independence exist; the societal will and desire to go green have been demonstrated; and the political climate to finally create sound public policy to do so is now present. Re-powering America with clean energy will create jobs, reduce our dependence on foreign oil, and help reduce greenhouse gas emissions—the clearest solution to preserving our natural treasures for future generations. I am proud to represent the Commonwealth of Massachusetts and congratulate its legislature for such a resolution.

CONDEMNING THE MURDER OF STEPHEN TYRONE JOHNS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mrs. BACHMANN. Madam Speaker, I rise to share in the nation's shock, outrage, and sorrow at the tragic shooting today at the U.S. Holocaust Museum here in Washington. My heart and prayers go out to the family of the young security guard, Stephen Tyrone Johns, who was killed in this senseless crime.

Senator FRANK LAUTENBERG, who serves on the board for the museum, noted the irony that this hateful act took place in this beautiful, peaceful place; a sort of thoughtful sanctuary dedicated to ensuring that the evil of the holocaust never again gains a foothold on this earth. How right he is. How many times must this museum serve to teach the world about the horrible power of hate?

Earlier this week, this body considered two resolutions, one condemning the killing of Dr. George Tiller and one condemning the killing

of Army Private William Long and the wounding of Army Private Quinton Ezeagwula. Like today's killing, these acts were simply reprehensible. The taking of innocent life cannot be justified.

Our society has traveled down a road that should never have been trodden. Human life has been devalued. Violence has been glorified. The gift of living has lost its meaning. In accepting his Nobel Prize, Dr. Martin Luther King said, "Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love." As a people, we must promote life, we must celebrate this miracle. And, as a Congress, we must lead the way with laws that protect all, particularly the most vulnerable amongst us, and that encourage loving, life-affirming ways.

46TH ANNIVERSARY OF EQUAL PAY ACT

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to acknowledge the anniversary of an important milestone in our American history.

Today marks the 46th anniversary of the passage of the Equal Pay Act.

In 1963, Congress passed the Equal Pay Act to prohibit employers from wage discrimination on the basis of someone's sex.

This groundbreaking shift was a game-changer for women who were before, and in many places still are, treated as unequals in the workplace.

It was important to level the playing field.

It was important to provide equal pay for equal work.

And it's important for us today to remember that we need more game-changers—that there are more wrongs to right, and that there are inequalities and injustices to remedy.

That those things over which we have no control—our race, our gender, our sexual orientation, our disabilities—should not divide us or preclude anyone from achieving success and providing for his or her family.

The enactment of the EPA was only the first step, and while women's salaries have risen dramatically, we have more work to do to end employment and pay discrimination.

Let's remember that all Americans are created equal and deserve equal treatment.

We should keep that in mind, not just today on this anniversary, but every day.

CONGRATULATING PATTY DURANT, RECIPIENT OF THE AHWATUKEE FOOTHILLS CHAMBER OF COMMERCE 2009 WOMEN IN BUSINESS PALO VERDE AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate the achievements of

Patty Durant as the recipient of the 2009 Women in Business Palo Verde Award. The Ahwatukee Foothills Chamber recently honored Patty at the Ahwatukee Women in Business Faces of Success event, which recognizes present and future businesswomen. The award is given to female Chamber members who are role models for other women in business.

Patty is involved with her local business community in many different ways. She is a long-time Ahwatukee Foothills Chamber of Commerce member, treasurer of the Board of Directors, and past chairwomen of its women in business committee. For the past two years, she has served on the Tukee Home Tour committee, a group which organizes events to allow participants the opportunity to view remodeled homes in the community. In addition to her involvement with the chamber, she is a sales representative for Ahwatukee Foothills and Tempe offices of Empire Title Agency.

Presently, Patty serves as a co-chair of the Chamber Scholarship sub-committee, evidence of her commitment to the support of future businesswomen. At the same event at which she was honored for her achievements, she presented 2009 Desert Vista High School graduate Dana Wygle with the Ahwatukee Chamber of Commerce Women in Business Scholarship award.

Madam Speaker, please join me in recognizing Patty Durant for her contributions to her local business community and her efforts to encourage the endeavors of future businesswomen.

RECOGNIZING THE RECIPIENTS OF
THE 2009 SHELTER HOUSE, INC.
VOLUNTEER AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Shelter House, Inc., and more particularly the contributions that its volunteers make in service to our community. Shelter House and its outstanding volunteers serve Northern Virginia by coming to the aid of some of those most in need of support and assistance. Volunteers are critical in helping Shelter House achieve its mission of breaking the cycle of homelessness by providing crisis intervention, temporary housing, training, counseling, and programs to promote self sufficiency.

Shelter House is a community-based, non-profit organization. It was formed in 1981 when several ecumenical groups came together to better serve low-income individuals and families. Shelter House operates two shelters, the Katherine K. Hanley Family Shelter and the Patrick Henry Family Shelter, which provide temporary housing for families in our community who find themselves homeless. In addition, Shelter House offers transitional housing services throughout Fairfax County. As part of the effort to stop the cycle of homelessness, the services provided by Shelter House continue even after individuals enter permanent housing.

Individuals, organizations, and businesses dedicate their time, money, and wherewithal to help Shelter House succeed in its efforts to end homelessness in Fairfax County. These relationships are critical assets to Shelter House and a leading cause for its successes. Shelter House has recognized the specific contributions from its partners and volunteers and named the following recipients of its 2009 Volunteer Awards: Ending Homelessness Award: Lord of Life Lutheran Church; Youth Volunteer Award: Simrun Soni; Unsung Hero Award: Mary Joyce; Special Events Award: Jack and Jill of Northern Virginia; Friend of Shelter House Kids Award for the Patrick Henry Family Shelter: Ira Kirschbaum; Friend of Shelter House Kids Award for the Katherine K. Hanley Family Shelter: Ron Koch; Community Partner Award for the Patrick Henry Family Shelter: Interior Redesign Industry Specialists, National Capitol Area; Community Partner Award for the Katherine K. Hanley Family Shelter: Clifton Community Women's Club; and Community Champion Awards: Miller and Smith; Junior League of Northern Virginia and Capital One.

The outstanding efforts of the above-mentioned individuals and organizations merit special recognition, but one must acknowledge the impact of all Shelter House volunteers who work to provide secure and structured environments for families and connect them with the supportive services they require. These volunteers help make Shelter House one of the most effective organizations in the battle to end homelessness by empowering families to reach their full potential.

Madam Speaker, I ask my colleagues to join me in expressing our gratitude for the efforts of these volunteers and their colleagues at Shelter House. The selfless commitment of these individuals provides enumerable benefits to Northern Virginia as a community as well as life-changing services to the individuals in need.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 11, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 16

- 9:30 a.m.
Armed Services
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for ballistic missile defense programs; to be possibly followed by a closed session in SVC-217.
SD-106
- Banking, Housing, and Urban Affairs
To hold hearings to examine new ideas for sustainable development and economic growth.
SD-538
- 10 a.m.
Finance
To hold hearings to examine climate change legislation, focusing on tax considerations.
SD-215
- 10:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nomination of Inez M. Tenenbaum, Chair, Consumer Product Safety Commission (CPSC).
SR-253
- 2 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine pandemic influenza preparedness and the federal workforce.
SD-342
- 2:15 p.m.
Foreign Relations
Business meeting to consider S. 962, to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people; to be immediately followed by a business meeting in SD-419, to consider the nominations of Nancy J. Powell, of Iowa, to be Director General of the Foreign Service, Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Kosovo, and Patricia A. Butenis, of Virginia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, all of the Department of State.
S-116, Capitol
- 2:30 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for Army modernization and management of the Future Combat Systems Program.
SR-222
- Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine cell phone text messaging rate increases and the state of competition in the wireless market.
SD-226
- Commerce, Science, and Transportation
To hold hearings to examine the nominations of Julius Genachowski, of the District of Columbia, to be Chairman,

and Robert Malcolm McDowell, of Virginia, to be a Member, both of the Federal Communications Commission. SR-253

Environment and Public Works
To hold hearings to examine the status and progress of New Orleans hurricane and flood prevention and coastal Louisiana restoration. SD-366

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Small Business Administration and the General Services Administration. SD-138

Health, Education, Labor, and Pensions
Business meeting to consider Affordable Health Choices Act, subcommittee assignments, and any pending nominations. SR-325

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2010 for the National Park Service and proposed expenditures under the American Recovery and Reinvestment Act. SD-366

Armed Services
SeaPower Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for Navy shipbuilding programs. SR-232A

JUNE 17

10 a.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine aviation safety, focusing on the role and responsibility of commercial air carriers and employees. SR-253

Judiciary
To hold an oversight hearing to examine the Department of Justice. SD-226

2 p.m.
Aging
To hold hearings to examine Social Security in the 21st Century. SD-562

2:30 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine over-the-counter derivatives, focusing on modernizing oversight to increase transparency and reduce risks. SD-538

Commerce, Science, and Transportation
To hold hearings to examine the consumer wireless experience. SR-253

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 409, to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, S. 782, to provide for the establishment of the National Volcano Early Warning and Monitoring System, S. 874, to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, S. 1139, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and S. 1140, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon. SD-366

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for military construction, environmental, and base closure programs. SR-222

JUNE 18

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for United States Special Operations Command. SR-222

JUNE 23

9:30 a.m.
Armed Services
Personnel Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-232A

11 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222

2 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222

3:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-232A

5:30 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222

JUNE 24

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-232A

Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs quality management activities. SR-418

2:30 p.m.
Armed Services
Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2010. SR-222

JUNE 25

9:30 a.m.
Armed Services
Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2010. SR-222

JUNE 26

9:30 a.m.
Armed Services
Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2010. SR-222

SENATE—Thursday, June 11, 2009

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God of love, whose plan for history is to bring unity to our world, bring unity to this legislative body. Lord, we don't ask for uniformity, which tries to find the lowest common denominator. We desire true unity with its bountiful diversity. Help our lawmakers to create an environment for such harmony. Give them the wisdom to appreciate each other and to honor their differences. May they see the good, even in those who oppose their views, knowing that out of differences can come the synthesis of truth and action that represents maximum wisdom and influence. Empower them to serve one another in a way that honors You. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 2009.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following the remarks of the leaders, the Senate will be in a period of morning business until 2 p.m. and Senators will be allowed to speak therein for up to 10 minutes each. The first hour is equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the next half.

Following morning business, the Senate will resume consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. The time until 2:30 will be equally divided and controlled between Senators DODD and ENZI or their designees, from 2 to 2:30. At 2:30, we will vote on passage of the bill.

MEASURES PLACED ON CALENDAR—S. 1232 and H.R. 2751

Mr. REID. Madam President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The majority leader is correct.

The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 1232) to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

A bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

Mr. REID. Madam President, one is the drug reimportation legislation that has been around for a number of years. We are trying to move forward on that legislation. Senators DORGAN, MCCAIN, SNOWE, and a number of people are very interested in that legislation. We are going to try to work it out and have this on the Senate floor on the earliest possible date. The other one is the so-called cash for clunkers bill.

I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

HONORING OFFICER STEPHEN T. JOHNS

Mr. REID. Madam President, yesterday, this city and our country experienced a terrible and horrifying tragedy. A man by the name of Stephen Johns went to work every day for the last 6 years at one of our Nation's most mov-

ing museums—a living memorial to one of our world's most horrific atrocities—the Holocaust Memorial Museum.

While standing guard yesterday at that U.S. Holocaust Memorial Museum, Mr. Stephen Johns was killed while protecting thousands of others who were inside the building from the same fate that he suffered. His death has shocked, upset, and angered the Senate, our Nation, and all who detest such senseless bloodshed.

Mr. Johns was murdered in a place built to memorialize humanity's most unspeakable murders. He was a victim of violence and hatred in a place dedicated to teaching us the evils of violence and hatred. He was a target of intolerance in a place created for reflection on the consequences of intolerance. His death reminds us that we have much more work to do.

Stephen Johns was just 39 years old. He had a wife and a son. He grew up in Temple Hills, MD, just a few miles south and east of where I stand today. He still lived in that community. Mr. Johns started working at the Holocaust Museum after spending a year in New Orleans in the aftermath of Hurricane Katrina.

Those who knew Mr. Johns called him "Big John" and "a gentle giant." Those who knew him describe him as caring, polite, friendly, and helpful. Even those who didn't know him are deeply saddened by his loss and inspired by his heroism.

In the spirit of the museum where every day he so bravely reported for duty, it is our duty to keep alive his memory. Today, the Holocaust Museum is closed. Its flags fly at half staff. When it opens tomorrow, it will continue to serve as one of our Nation's most poignant reminders of the inexcusable racism, hatred, violence, and cruelty that we must never stop trying to erase from our world. When it opens tomorrow, and every day thereafter, Stephen Johns' courage and courtesy will be missed.

HEALTH CARE

Mr. REID. Madam President, our plan to fix America's broken health care system is based on a simple premise: when it comes to keeping ourselves and our loved ones healthy, people—not corporations—should be in the driver's seat.

We have a plan to right that wrong. That plan is guided by three goals: One, lower the high costs of health care; two, ensure every American has access to that quality, affordable care;

three, let people choose their own doctors, hospitals, and health plans.

One of those choices should be a public option. This has two primary benefits: First, people can choose to get their insurance from someone other than a greedy private insurance company; second, the very existence of that public option means there is more competition in the market. As a result, the private options will have to serve their customers even better.

The Republicans often like to pretend the government will force you to take the public option. Every time you hear them say that, you know they are not interested in honest debate. After all, it is right in the name; it is a public "option." So talking about government forcing anybody to do anything is simply unfair and not accurate. It is a public option, meaning you have choices.

If you have coverage, and you like it, you can keep it. You should be able to choose the best coverage for your family. You should be able to compare benefits and prices instead of surrendering to out-of-control corporations. You, the individual, should be in control of your own family's health decisions.

I am confident that both private insurance companies and the option of a public plan can live in harmony. When you send a birthday present to a relative—say, I want to send something to one of my children in Nevada—the products that I choose can be sent by FedEx, UPS, DHL, or you can choose the U.S. Postal Service. The Postal Service may not be perfect, but because that public option is there, the private companies—FedEx, UPS, and DHL—know they cannot overcharge, rip you off, or slack in their service.

Just like our proposal for the health care system, you don't have to choose the Postal Service. But it is good to know it is there. For some, it is all they can afford. I hear every day from Nevadans who are asking for our help. They are people turned down for health coverage by insurance providers who care more about profits than people; people who lost their health coverage when they lost their jobs and now have no means of getting it back; people who play by the rules and rightly demand our health care system be guided by common sense.

Nearly two-thirds of all bankruptcies are caused by medical problems and the exorbitant bills that ensue. Many of the foreclosures are both a cause and an effect for the global credit crisis and can be traced back to health insurance costs.

If you agree we already have enough economic problems on our hands, if you agree we cannot wait another year while 50 million Americans live without any options to stay healthy, then you will agree now is the time for action, not partisan games.

Insurance companies are holding Americans' health hostage. Far too

many people cannot afford the ransom. If we are going to fix our broken health care system, we are going to have to return control to the people who need that care.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. McCONNELL. Madam President, the American people are frustrated with the U.S. health care system. But they are also increasingly concerned about some of the proposals coming from Washington. Now the alarms are beginning to sound. As reported in today's New York Times, the Nation's doctors are strongly opposed to the so-called government plan that appears to be gaining steam in Washington. The American Medical Association says the government plan threatens to restrict patient choice by putting out of business existing health plans that cover nearly 70 percent of Americans.

One estimate suggests that 119 million Americans could lose the private coverage they have as a consequence of the government plan. Moreover, the AMA, in its statement from yesterday, notes that "the corresponding surge in public plan participation would likely lead to an explosion of costs that would need to be absorbed by taxpayers."

Republicans and Democrats alike agree that health care reform is needed in this country. But a government plan is not the kind of reform the American people want. They want real reform for a system that's in serious need of it. Unfortunately, what some in Washington are proposing instead is the illusion of a reform that will replace what is good about health care in America with something that is far worse.

Instead of making health care more affordable and accessible, these proposals could make treatments and procedures that everyday Americans currently take for granted less accessible or even impossible to obtain—even as these proposals would add to the colossal and unsustainable debt that already burdens the Federal Government.

I have spoken repeatedly on the Senate floor about the dangers of a government-run health plan. By drawing on the experience of countries that have already adopted these government-run system I have pointed out the serious problems government-run health care creates for millions around the world. I have noted that a common defect of these government-run plans is that they deny, delay, and ration health care. And I have noted that the primary culprit in almost every case is the so-called government board that

these countries have established to decide which treatments and medicines patients in these countries can and cannot have. This morning I would like to focus again on these so-called government boards, so people have an idea of what they could expect from a government-run plan here in the U.S.

Britain's government board, the National Institute for Health and Clinical Excellence, or NICE, is responsible for setting guidelines on the use of drugs and treatments for patients in that country. The government bureaucrats at this agency are supposed to weigh the effectiveness of a medicine or a treatment against its cost to the government. If the government thinks that a drug is too expensive, it can refuse to make it available to patients, regardless of any potential benefits.

Last summer, the board in Great Britain denied patients in that country access to four kidney cancer drugs that have the potential to extend life. Here's the chilling explanation it gave to justify the move.

Although these treatments are clinically effective, regrettably the cost . . . is such that they are not a cost-effective use of . . . resources.

After a public outcry, NICE reversed its position on one of the drugs but affirmed its ban on the other three.

In New Zealand, a government board known as Pharmac reviews potential drugs and treatments and decides whether they should be prescribed to patients in that country. Pharmac says its goal is to use its "expertise" to "help . . . decide which new hospital medicines are cost-effective." And like the government board in Great Britain, if Pharmac does not think a drug's cost justifies its benefits, it can refuse to make it available to patients or doctors who want it.

One drug that Pharmac did not think was worth the cost was Herceptin, which had proven to be effective in fighting breast cancer. Although Pharmac began covering the drug for advanced breast cancer in 2002, it refused to fund the drug for early stage breast cancer. After a public outcry and a reevaluation of the decision, Pharmac finally relented and decided to allow the drug for early stage breast cancer in 2007, but only for a limited amount of treatments.

These kinds of decisions about which drugs should or should not be covered are based on a method commonly known as "comparative effectiveness." Comparative effectiveness is not alien to the U.S. health care system. Indeed, the stimulus bill Congress passed earlier this year included significant funding to lay the groundwork for just this kind of research in the United States. In my view, the more research we do on the effectiveness of drugs and treatments the better. Doctors should have as much good information as possible in dealing with their patients.

What Americans strenuously oppose, however, is the government using this information to deny access to treatment or procedures that patients and doctors choose to pursue—just as government agencies such as NICE and Pharmac do in Great Britain and New Zealand. Americans oppose this kind of government-mandated limitation on health care. They simply will not allow it.

That is why my friend, Senator KYL, will propose a bill that will prohibit the government from ever using comparative effectiveness in this way. It is a wise bill, and it should be included as a part of any health reform we consider. Americans want their doctors to have clinical information on which treatments work best and which ones do not. But government bureaucrats should not be able to use that information to determine what treatments Americans can or cannot get. That is a decision we currently leave between a patient and his or her doctor, and that is where it should remain.

Americans want to see changes in the health care system, but they don't want changes that deny, delay, or ration care. They want reforms that control costs, even as they protect patients. They want us to discourage frivolous medical liability lawsuits that limit access to care in places such as rural Kentucky. They want prevention and wellness programs that cut costs by helping people quit smoking, overcome obesity, and diagnose illnesses early. And they want us to address the needs of small businesses without imposing new mandates or taxes that kill jobs.

All of us want reform, but the government-run plan some are proposing in the United States is not the kind of change Americans are looking for. We should learn the lessons from problems we have seen in countries such as Great Britain and New Zealand. We should learn a lesson from the nightmares so many people in these countries and their families have endured as a result of government-run health care and the bureaucratic government boards that almost always come with it.

Madam President, I am about to yield the floor, but before I do that, I see my friend from Arizona is on the floor. I want to express to him my gratitude for his leadership on this very important issue. The most important issue we will be dealing with this year is the question of whether the government should literally take over and run 16 percent of our economy. We have seen the government take over banks, insurance companies, and automobile companies. Now it appears as if there is an effort underway to take over health care as well.

I thank my friend from Arizona for the contribution he has made on this important issue in the past and say we

are looking forward to working together on this in the future.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The Senator from Arizona.

HEALTH CARE REFORM

Mr. MCCAIN. Madam President, I rise to discuss two issues this morning, health care reform and also the pending supplemental spending bill that, according to news reports, does not include the Senate language that explicitly allowed President Obama to keep photos of detainee abuse during the Bush administration confidential.

I thank my friend from Kentucky, the Republican leader, who has shown such impressive leadership on, as he describes, probably the most important domestic issue that certainly will be addressed by this Congress. I look forward to working with my colleagues over the next few weeks on legislation reforming our current health care system.

Americans are looking to Congress to enact health care legislation that provides all Americans affordable access to health insurance and the ability to choose the health insurance policy that fits each American's needs. Yesterday, it was reported that 62 percent of Americans support Congress enacting a major overhaul of the U.S. health care system, according to a Diageo/Hotline poll.

I believe health care should be available to all and not limited to where you work or how much money you make. I believe any proposal must use competition to improve the quality, availability, and affordability of health insurance and match people's needs, lower prices, and promote portability. I believe American families, not Washington bureaucrats or insurance companies, should be in charge of any health care decision. But I don't believe we need to expand government's bureaucracy to control one-sixth of our economy to ensure the uninsured get health coverage. Nor do I believe Americans should be asked to pay more

in taxes to cover the costs of any comprehensive health care reform legislation.

Last month, the Wall Street Journal stated:

But now Democrats need the money to finance \$1.2 trillion or more for their new health insurance entitlement. . . .

A sampler:

End or limit the tax-exempt status of charitable hospitals. . . .

Make college students in work-study programs subject to the payroll tax. Also targeted are medical residents, perhaps on the principle that they'll one day be "rich doctors."

I agree that any real health care reform proposal must address the tax treatment of employer-provided health benefits, but not in such a way that would force Americans to fork over more of their hard-earned money to the Federal Government, particularly during these difficult times.

Today individuals who receive health insurance through their employer are not taxed on their health care benefits, as we know. However, those who purchase coverage on their own do not receive such a tax break. That is unfair and regressive. It hits those who need this tax break the most—the self-employed or working poor whose employer does not offer health insurance coverage.

To offset the taxable treatment of this income, I believe Americans should have funds returned to them to assist with the cost of acquiring health insurance. An approach such as this treats individuals equally, in stark contrast to the system we currently have.

Key to any proposal is a policy that allows people to have accessible, portable, and affordable health insurance coverage. Policies should also address what I hear from Americans everywhere I go—choice. Americans want choice. They want choice of their doctor, their care, their coverage, and employment freedom—freedom to seek employment that is not dependent on whether an employer provides insurance coverage. This is particularly important in today's difficult economic times when Americans are uncertain about whether they will have a job tomorrow. Some, including the President, criticize this approach. However, the New York Times reported:

The Obama administration is signaling to Congress that the President would support taxing some employee health benefits.

While I appreciate the President's and the Democrats' new consideration of such a proposal, it is not acceptable to turn this into a tax-and-spend health care reform. Any new resources derived from changing the existing tax treatment of private health insurance should be devoted to a fairer and more efficient mechanism for Americans to acquire private insurance.

The United States spends over \$2.4 trillion on health care. Health insurance premiums continue to rise as employer-based family coverage increased and Medicare and Medicaid spent \$818 billion in 2008 and is projected to reach \$1.7 trillion by 2018.

I also want to mention something that should trouble every American and every Member of this Chamber.

Last week, I spoke about what the special interests were doing to derail much needed health reform dealing with prescription drugs, a reform that is very bipartisan. Any Member in this Chamber knows I work across the aisle on policies that are important to the American people. Health reform is one issue that fundamentally must be bipartisan.

All Americans are affected by what we do here, so we should be working in a bipartisan manner. It is with extreme regret that I read in "Roll Call" this morning about a meeting that Democratic staff was threatening—let me repeat—threatening Democratic lobbyists or the organizations they represent against meeting with Republicans and that attending meetings with Republicans "will be viewed as a hostile act."

This is outrageous. I hope the article is inaccurate. I hope the staff on the other side does not view health reform as a process they control by threats and hostilities. I hope we are above that.

Madam President, I ask unanimous consent to have printed in the RECORD the "Roll Call" article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Roll Call, June 11, 2009]

BAUCUS AIDES WARN K STREET

(By David M. Drucker, Anna Palmer and Kate Ackley)

Top aides to Senate Finance Chairman Max Baucus (D-Mont.) called a last minute, pre-emptive strike on Wednesday with a group of prominent Democratic lobbyists, warning them to advise their clients not to attend a meeting with Senate Republicans set for Thursday.

Russell Sullivan, the top staffer on Finance, and Jon Selib, Baucus' chief of staff, met with a bloc of more than 20 contract lobbyists, including several former Baucus aides.

"They said, 'Republicans are having this meeting and you need to let all of your clients know if they have someone there, that will be viewed as a hostile act,'" said a Democratic lobbyist who attended the meeting.

"Going to the Republican meeting will say 'I'm interested in working with Republicans to stop health care reform,'" the lobbyists added.

Republican leaders have been meeting with health care stakeholders for months, with those sessions occurring "more frequently than once a month," according to a senior Senate GOP aide.

The stated purpose of Thursday's meeting, organized by Sen. John Thune (R-S.D.), is to discuss proposals for how to pay for health care reform.

But the underlying motivation for the get-together is to encourage health care lobbyists and stakeholders concerned about the Democrats' health care reform plans to speak out publicly.

"They need to speak up," one Senate Republican leadership aide said. "They need to help us help them."

Thune said Democrats are using threats and intimidation to keep unhappy stakeholders silent.

"If you don't engage on this thing, this train's leaving the station," Thune said. "If you want [Republicans] to have more influence, you've got to engage."

One longtime health care lobbyist agreed that the GOP frustration is spilling out of the Capitol and onto K Street.

"It is notable that Republicans are really finding their voice, and their level of frustration is building with the stakeholders' inability or refusal to speak out," this lobbyist said. "They're getting frustrated. Republicans are doing it themselves."

One senior Democratic source charged that Thune's meeting and the supposed motives behind it are in fact a smoke screen for killing health care reform altogether.

"While Democrats and many Republicans are working collaboratively to reform health care, a small group of Republicans appear all too eager to derail this promising, bipartisan effort," this source said. "It's politics as usual, it's disheartening and it's a shame."

Senate Republicans are opposed to plans by President Barack Obama and Congressional Democrats to implement a government-run, public plan option as a part of health care reform. They also are concerned with how Democrats plan to pay for reform.

Recognizing they don't have the votes to stop legislation on their own, Republicans are pushing their natural allies in the business community to help bring public pressure to bear as another way to influence the outcome.

Obama has set Oct. 15 as the deadline for approval of health care reform, and Democratic leaders in Congress are rushing to clear bills from their respective chambers by the end of July.

"Our effort has been to get these folks to speak their mind," one senior Senate Republican aide said.

After months of holding their tongues while inclusive, bipartisan negotiations continued in the Senate Finance and Health, Education, Labor and Pensions committees, the business community has now considered speaking out, given their displeasure with the HELP panel's reform bill, which was made public on Tuesday.

But with Baucus' office still warning dissenters that anyone who makes their opposition public could be permanently excluded from future negotiations, the groups representing businesses, health care providers, hospitals and similar stakeholders are still wavering on whether to voice their concerns publicly.

The lineup of lobbyists who attended the Wednesday session included a cast of Democratic insiders similar to that at previous meetings convened by Baucus' staff. The participants included: Jeff Forbes, a former Baucus chief of staff who lobbies at Cauthen Forbes & Williams; Jonathon Jones, a partner with Peck, Madigan, Jones & Stewart; Tarplin Strategies' Rich Tarplin, an assistant secretary at Health and Human Services in the Clinton administration; another former Baucus top aide, David Castagnetti, of Mehلمان Vogel Castagnetti and OB-C Group founder Larry O'Brien.

Democratic sources noted Wednesday that Baucus is courting Republican support and remains committed to treating all stakeholders fairly.

On Wednesday, he met with Senate Minority Leader Mitch McConnell (R-Ky.) in the Capitol, part of a marathon day of bipartisan meetings that included a session with his GOP colleagues at the White House and discussions with Republican members of the Finance Committee.

"Chairman Baucus wants to continue to keep health care stakeholders informed of the progress on health reform," said the Senator's Finance Committee spokesman, Scott Mulhauser. "This is a lengthy, transformative process, and meetings like these are an essential part of the ongoing, bipartisan effort to continue to keep everyone at the table working together."

One lobbyist who attended the Wednesday meeting with Baucus' staff said that the message was more bipartisan. "They said they anticipate having a bipartisan bill and that the process is going well with Republicans," this lobbyist said. But, the lobbyist added, Baucus' team did warn, "If your clients attack the process or the product, it's going to be hard to work with you."

As for Baucus, he told reporters earlier this week that he was not aware of health care stakeholders being threatened by his staff to play ball with the Finance Committee-led negotiations or risk being blackballed from the process.

"I'm sure they can all say what they want to say," Baucus said, referring to GOP accusations that health care lobbyists have been subject to intimidations and threats. "It's news to me. I don't think so. I don't know of any."

Republican lobbyists said they have not felt any threats from their party.

"For a while, Republicans have cautioned industry to be careful about getting in bed with the administration or Kennedy or Baucus too early," said Janet Grissom, a lobbyist at Peck, Madigan, Jones & Stewart, who was once a top aide to McConnell.

Mr. MCCAIN. Madam President, I ask unanimous consent for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DETAINEE PHOTOS

Mr. MCCAIN. Madam President, it appears the House Democrats, according to a "Roll Call" article this morning about the supplemental bill—I ask unanimous consent to have printed in the RECORD this morning's "Roll Call" article titled "Intraparty Fights PerVADE Agenda" concerning the war supplemental bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Roll Call, June 11, 2009]

INTRAPARTY FIGHTS PERVADE AGENDA

(By Steven T. Dennis and Emily Pierce, Roll Call Staff)

Democratic leaders appeared to clear the way Wednesday for passage of a \$100 billion war supplemental, even as they worked furiously to repair internal rifts over health care and climate change legislation.

The war bill, which has swollen with items including a cash-for-clunkers incentive, will

eliminate Senate language explicitly allowing President Barack Obama to keep photos of detainee abuse during the Bush administration confidential.

That language was included by the Senate and is backed by Obama and Republicans, but it has been a deal-breaker for House liberals like Financial Services Chairman Barney Frank (Mass.).

Frank and other Democrats who opposed the war bill originally, have committed to voting for it in order to help carry a \$108 billion package of loans to the International Monetary Fund, an Obama priority.

Assuming no Republican support, Democratic leaders need 18 of 51 anti-war Democrats to back the bill, a number that they appear likely to reach despite the continued opposition from leaders of the Congressional Progressive Caucus.

House Republican leaders had derided the IMF money as a "global bailout" and vowed to whip hard to defeat the supplemental with it included.

And even moderate House Republicans from auto industry states appeared unlikely to be won over by the inclusion of a cash-for-clunkers provision aimed at jump-starting the auto industry.

"That's going to have no bearing on people's votes on the bill," Rep. Fred Upton (R-Mich.) said. "They're not going to get hardly any Republican votes."

The outcome of any Senate vote on the supplemental conference report remains uncertain, given that Sens. Joe Lieberman (ID-Conn.) and Lindsey Graham (R-S.C.) threatened to not only filibuster the bill, but also block other Senate business if the supplemental did not include their language barring disclosure of the detainee abuse photos.

One senior Senate Democratic aide said Lieberman and Graham's threat to hold up the supplemental indefinitely was unlikely to last and predicted that Defense Secretary Robert Gates would likely pressure the two defense hawks to relent so that funding for the wars wouldn't run out.

The trickier problem is what delay tactics Graham and Lieberman might use to stymie Senate action on other bills. The senior Senate Democratic aide acknowledged that Senate Majority Leader Harry Reid (D-Nev.) and Speaker Nancy Pelosi (D-Calif.) might have to come up with a plan for passing the language on some other bill that would be able to pass the House, but this aide noted that Obama has the strongest hand in getting Graham and Lieberman to stand down.

Senate Democratic aides said the language to close the prison at Guantanamo Bay, Cuba, was designed to satisfy the Obama administration's need to transport terrorists for trial, as well as to ease, for the most part, Democrats' fear of political repercussions from having detainees permanently housed in the United States.

The language would allow terrorists to be in the U.S. for trial only, which the senior Senate Democratic aide said would "give Obama some flexibility while also mollifying those that have NIMBY problems."

But the supplemental has been largely a sideshow to the big push behind the scenes on health care, especially from the White House.

One House Democratic aide to a liberal lawmaker said left-leaning Members have been much more focused on health care reform and are generally happy with the direction negotiations on the issue are going.

"The debate is no longer whether there will be a public plan; it's over what the public plan will look like," the aide said.

Democratic House chairmen have dismissed a call from conservative Blue Dogs for a "trigger" option that would delay a government-sponsored health care plan, but there are still numerous fights going on behind the scenes—including on the makeup of the plan and how to pay for it.

Some Members fear that a Medicare-style plan that forces doctors to participate will provoke a revolt; others worry that a public plan may ultimately swallow up the entire marketplace.

But parochial concerns are also proving paramount, with individual lawmakers demanding answers on how it will affect their own districts. Rep. Dennis Cardoza (D-Calif.), a leading Blue Dog, said his district is plagued by a lack of doctors in part because of low reimbursement rates under government health programs.

"If that's not addressed, I'm not voting for the bill," he said. "We have huge amounts of details to put on the bones."

But health care isn't the only issue sparking Democratic intraparty battles.

The cap-and-trade bill limiting carbon emissions, largely negotiated behind closed doors in the House, has rural Democrats balking.

House Agriculture Chairman Collin Peterson (D-Minn.) said Wednesday that Democrats have reached an impasse on the climate change bill. He cast doubts that his committee would pass the bill by next week.

"I think it's very doubtful that we can get anything done by then," Peterson said.

Pelosi set a June 19 deadline for committee action on the bill, although she left open the possibility of an extension.

Peterson previously estimated that 45 Democrats would side with him in opposing the climate change measure if an agreement wasn't reached. On Wednesday, he said that number has likely grown.

"The more people look at this, the more problems they've got. My list has grown since I've been looking at it," Peterson said.

For his part, Energy and Commerce Chairman Henry Waxman (D-Calif.) said that there are "very constructive" discussions taking place and that he still wants the bill on the floor before the July Fourth recess.

House Majority Leader Steny Hoyer (D-Md.) said he expected to bring the war bill to the floor next week. The conference committee was scheduled to meet at 3 p.m. today.

Mr. MCCAIN. I quote from it:

The war bill, which has swollen with items including a cash-for-clunkers incentive, will eliminate Senate language explicitly allowing President Barack Obama to keep photos of detainee abuse during the Bush administration confidential.

The Graham-Lieberman amendment that would classify these photos was accepted by voice vote. In other words, any Senator who wanted to object or vote against it could have called for a vote. Instead, it was unanimously adopted.

According to the "Roll Call" article I quoted, that provision will be removed from the emergency supplemental. According to that article:

One senior Democratic aide said Lieberman's and Graham's threat to hold up the supplemental indefinitely [unless their provision was included] was unlikely to last and predicted that Defense Secretary Robert Gates would likely pressure the two defense hawks to relent so that funding for the wars wouldn't run out.

I think this Democratic aide highly underestimates Senator LIEBERMAN, Senator GRAHAM, and the rest of us.

I had a conversation with General Petraeus the day before yesterday. I believe those conversations are confidential, and I asked his agreement to quote from him: If these photos are released, it would harm the ability of the United States military to pursue our national security interests and could put American lives in danger. That is a serious statement from the most respected military leader this Nation has.

I want to point out something very important. Today the President of the United States could issue an Executive order classifying those photos and not allowing them to be released. He could do it today. It is time for the President of the United States to stand up to the leftwing of his party for the good of the national security of this Nation.

I join others, that if that supplemental comes over without the provision which was adopted unanimously by the Senate to make sure those photos are not released because of the harm it would do to America's effort in combating radical Islamic extremism throughout the world and put the lives of the men and women who are serving in our military in greater danger—I intend to join my friends Senator LIEBERMAN and Senator GRAHAM in doing everything we can to oppose such legislation.

This war supplemental is intended to help us win this battle, the war on terrorism, dare I say. It is supposed to help the men and women who are serving in Iraq and Afghanistan as they pursue an implacable and evil enemy and try to instill democracy and freedom in these countries. And if these photos are made public, it will harm their effort and put their lives in danger.

I urge my colleagues to join me in opposing a bill that would eliminate the provision that prevents these photos from being published, and I call on the President today to relieve this pressure and declare, by Executive order, that these photos are classified and not to be released to the world's public.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. BARRASSO. Madam President, the House of Representatives is prepared to pass the President's energy

tax. It is also known as the American Clean Energy and Security Act. The act, therefore, is known as ACES—American Clean Energy and Security Act. ACES is the right thing to call this particular bill because it gambles—it gambles—with the future of the American people. In blackjack, the dealer might have an ace that is showing, but one card in the dealer's hand is always hidden. In this case, the hidden card is the card that shows the real cost of this bill to the American taxpayer. What the taxpayer doesn't know is that the game is rigged. The taxpayer is going to lose. No matter how many times the majority adds to this hand another giveaway to special interests, another tax break to offset the monumental cost of this bill, the end will be just the same: The taxpayer goes bust and Washington will win the game.

ACES is the product of a supermajority that the Democrats have in the House of Representatives. Given the rules and given the procedures of the House, reasonable amendments are going to be defeated or even blocked from ever being considered. The final product will not be a real starting point to begin this debate on climate change.

ACES is going to have a devastating effect on our economy, and we will see there will be no environmental benefit from doing this bill—none. That is not just my belief or my assessment alone, it is also the belief of others.

Martin Feldstein, noted Harvard economist, in a recent Washington Post article stated:

ACES will have a trivially small effect on global warming while imposing substantial costs on all American households.

Let me repeat that: a trivially small effect, while imposing substantial costs. How big are the costs? Well, he cites the Congressional Budget Office, which estimated that the resulting increases in consumer prices needed to achieve just a 15-percent reduction in carbon dioxide—slightly less than the target of this bill—would raise the cost of living \$1,600 a year, every year, for every family in America. That is a \$1,600 tax on every American family every year.

The Heritage Foundation predicts that the ACES approach could cost the economy \$9.6 trillion and more than 1 million lost jobs into the future. And these are just the raw numbers. The real potential for economic pain goes much further.

David Sokol, chairman of MidAmerican Energy, points out that ACES—this bill—could be a bonanza. And for whom will it be a bonanza? For more Wall Street corruption and more Wall Street greed because ACES is going to deal in investment banks, it is going to deal in hedge funds and other speculators who want to speculate in the cap-and-trade market. David Sokol points out:

If you liked what credit default swaps did to our economy, you're going to love cap and trade.

Coincidentally, the House bill actually allows for credit default swaps.

He is not alone in his assessment. British scientist James Lovelock, who is a noted chemist and environmentalist, stated in January that:

Carbon trading, with its huge government subsidies, is just what the finance industry wanted. It'll make a lot of money for a lot of people and postpone the moment of reckoning.

So he is saying it will make a lot of money for a lot of people in the financial industry.

Carbon markets can also cause huge fluctuations. We can look to Europe as an example and what we saw happen there. In February of this year, the Financial Times wrote an article entitled "Fall in CO₂ Price a Risk to Green Investment." It seems that the price of carbon in the European Union had fallen so low that it no longer provided an incentive to lower the use of carbon.

So those are things happening not just for this country but around the world.

Another problem is the huge economic gamble ACES makes by bypassing cheaper, low-carbon fuels by heavily relying on unreliable expensive energy. This ACES legislation mandates that by 2020 the electric utilities meet 20 percent of their electricity demand through renewable energy sources and energy efficiency. This is the wrong approach. We need an all-of-the-above energy strategy to address our Nation's energy needs. We need to make America's energy as clean as we can, as fast as we can, without raising energy prices for American families. That is how you create and that is how you then sustain economic development. So I would say, let's develop all of our energy sources—wind, solar, geothermal, hydro, clean coal, nuclear, natural gas—all of the energy sources. Our Nation is so blessed with abundant energy resources. They are right here for us to use in a clean and environmentally friendly way. Coal is cheap and abundant in America. It is what is keeping our energy affordable today. Uranium is abundant in America too. Let's develop this proven zero-carbon resource. And, yes, let's develop all of the renewable energies—the wind, the solar, the hydropower. We need it all.

Lisa Jackson, Director of the Environmental Protection Agency, recently took a trip to Wyoming, and this is what she said while she was in my home State of Wyoming:

As a home of wind, coal, and natural gas, Wyoming is at the heart of America's energy future.

That is because Wyoming has it all. It has the coal, it has the wind, it has the natural resources of natural gas and oil and uranium for nuclear power. It has it all, and we need it all.

The bottom line is that the Democrats' cap-and-tax bill costs jobs and it raises energy prices. I don't understand why we can't make America's energy as clean as we can, as fast as we can, without raising energy prices on American families. The administration wants to take a different approach. Why are the American people being given this stacked deck, where all of the options hurt the economy, raise energy prices, and cost jobs? The President says we need green jobs. I agree. We also need red, white, and blue jobs—American energy, American energy sources.

The reality is, this partisan energy tax bill passing in the House is a bad bet for all of us. We shouldn't double down with any more taxpayer money to bail out the climate through an energy tax.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. Madam President, I understand we are in morning business, and I ask unanimous consent that I be recognized for about 12 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPERFUND IN KANSAS

Mr. ROBERTS. Madam President, I rise today to discuss an issue that is one of these "believe it or not" issues of waste and abuse concerning billions of tax dollars and stimulus funding. I have some good news and then I have some bad news to report.

First the good news. In the last 24 hours, we have been able to reverse a policy that would have used stimulus money to pave the same road twice within a matter of months. I said yesterday that did not pass the Kansas commonsense test or, for that matter, any State's commonsense test, and would be a huge abuse of taxpayer dollars. We have reversed this plan, this silly plan, in a bipartisan way.

I wish to personally thank Vice President BIDEN, the man charged with overseeing all of the stimulus spending, for taking action to correct this abuse after I contacted him. I really thank the Vice President because the White House moved and the Vice President moved in an expeditious fashion, and I, quite frankly, didn't expect they could move that fast, but they got the job done.

The Vice President will be in Kansas today, and I asked him to review this

rather ridiculous example of wasteful spending occurring in Cherokee County, KS, just a short 2-hour drive south on U.S. Highway 96 from where the Vice President will be. You see, a section of old Highway 96 would have been resurfaced with stimulus funds. Then portions of an EPA Superfund site would have been cleaned up with stimulus funds, and the heavy equipment used for the cleanup would have damaged the newly resurfaced highway, so they would have to go back in and do the highway again. Once this cleanup was complete, additional stimulus funds would have gone to repair the road damage caused by the heavy trucks. Taxpayers would have paid almost \$1 million to fix this road twice.

Fortunately, in working with the Vice President, we now have media reports that the Superfund cleanup will occur prior to any roadwork. That is the good news. Again, I credit the Vice President and his staff and his team.

Now for the bad news. While this spending issue has been fixed, there is a much larger spending issue affecting dozens of Kansas families in Cherokee County, KS, and that is still a major problem. I am going to urge the Vice President to again provide leadership. He is the self-proclaimed new sheriff in town. I am an honorary sheriff of Dodge City, KS, my hometown. So from one sheriff to another, I would simply say to the Vice President: Sheriff, I will ride shotgun or you can ride shotgun. We have the problem only half solved.

You see, in April, EPA Region 7 issued a press release saying Cherokee County would receive up to \$25 million from the stimulus. According to the press release:

By starting or speeding up cleanup at Superfund sites, the [stimulus] funding is also increasing the speed with which these sites are returned to productive use. When a Superfund site is redeveloped, it can offer significant economic benefits to local communities, including future job creation.

Unfortunately, for fewer than 100 residents living in the city of Treece, the stimulus funding for this project is literally going down a sinking hole. The city of Treece, KS, sits on the Kansas-Oklahoma border. This small, rural community was once a world leader in lead and zinc mining, mining that lasted for nearly 100 years. As the mining companies shut down in the 1970s, the groundwater began to rise and the pillars that supported the soil above the mine shafts began to collapse and you had a giant sinkhole. Shortly thereafter—in 1983, to be exact—the EPA placed over 500 square miles in southeast Kansas, northeast Oklahoma, and southwest Missouri on the National Priorities List of the Superfund list, including the city of Treece. In total, Cherokee County, KS, where Treece is located, has 115 square miles in the Superfund Program.

Last summer, during a listening tour of this part of Kansas, I saw firsthand how 100 men and women and children are living in absolute blight. They live day by day not knowing when—and I mean when, not if—their homes will collapse into the earth below into a giant sinkhole. They remain there despite the loss of businesses and infrastructure because their homes have no market value and they cannot sell them to fund a new home or even rent one.

As parts of Cherokee County have been on the Superfund list for the last 26 years, the EPA has removed and replaced contaminated topsoil. According to their stimulus press release, the EPA will continue to remove lead-contaminated residential soil at more than 380 acres in Baxter Springs and Treece. That probably sounds like an admirable thing to do, but as the ground below it caves in, the exposed soil that has not been cleaned up will rise, so essentially this is a never-ending process. You are cleaning up topsoil on a single home, and after the sinkhole sinks, obviously the topsoil is going to be contaminated with the contaminated soil underneath the new topsoil. If you get all that, I think you got the problem. This is a never-ending process.

I have worked very long and hard with other members of the Kansas delegation to determine how best to address this situation. The only satisfactory answer anyone has been able to give me is to relocate the town to protect the residents from a complete cave-in. The Federal Government needs to buy out the land from the remaining homes and business owners and then prohibit any future construction on the property affected by the contamination. This is exactly what we did with Pitcher, OK, on the other side of the State line, just a few years ago. Most estimates indicate we could relocate the entire town with \$3 million in Federal funding and \$500,000 in State funding—funding the State of Kansas has already set aside. During the previous Congress, I introduced legislation to address the Federal portion of this funding.

Fast forward to today, with an economy experiencing a lot of turbulence and a so-called stimulus bill that everyone in this body heard was an absolute necessity and not only a job maintainer but a job creator. So I asked the EPA to use \$3 million of already allocated stimulus funding to relocate the community—\$3 million. I was told no.

Instead of solving this problem and relocating the families of Treece to a safe facility, the EPA, with the assistance of the stimulus package, continues to spend even more money, \$25 million—eight times the amount needed to relocate the community, the 100 people who live in blight and fear that their homes will sink into a sinkhole—to put new soil—this is what they are

currently going to do—onto contaminated soil, which is then going to collapse and recontaminate all the soil. This doesn't make sense.

I have had an ongoing dialog with EPA, and they have told me:

The wastes are causing great environmental harm to southeast Kansas—

We, of course, knew that—

as evidenced by the documented impacts to birds, fish, mussels, macro-invertebrates, and horses. There is also evidence of harm to humans as it is related to elevated blood lead levels.

The letter went on to say:

EPA Region 7 believes the situation at the adjacent Region 6 Tar Creek Superfund site in Oklahoma materially differs from the Cherokee County Superfund site, and that is what drives different decisions for the Tar Creek Site.

I am going to refer to a couple of charts here.

This is a picture of Treece, KS, located right here. You can see all of these white objects here. Basically, that is the chat material that has come out of many mines over 100 years.

Here is Treece, KS, and here is Pitcher, OK. Here is a giant chat pile in between. I have been there. You see many little ponds and winding roads, and I advise you not to go fishing in any of those ponds. You might catch a three-eyed fish. At any rate, it is all contaminated, all a sinkhole, whether it is from Treece, KS, in Region 7 with the EPA or whether it is Pitcher, OK, in Region 6 in Dallas. I don't know what the difference is. If this is contaminated, and it is, and this is contaminated and looks the same, and it is, what the heck is the difference?

Let me show another angle so you can appreciate what I am talking about. This is what the people of Treece see every day as the Sun rises and sets. This is a giant chat mountain—all of this contaminated soil. This side of the chat mountain is Treece, the other side is Oklahoma—the same situation, same problem, same contaminated soil, same sinkhole, and the same thing on the other side, except EPA 7 in Kansas City can't get it through their heads that this is identical to the same problem over here.

Instead of spending \$25 million to clean up and put topsoil on contaminated soil that will sink, why can't we spend \$3 million to save the community of Treece and relocate these people? Basically, EPA Region 7 does not have a factual basis, according to them, "that would allow the use of regular or [stimulus] funds for a residential buy-out at the Treece subsite." Why? We were going to spend money for a road to be built twice. We are spending \$25 million to put topsoil on a sinkhole. Why can't we put \$3 million to relocate this town?

Here is my question. EPA acknowledged there is evidence of harm to humans. They listed a whole series of

other animals and wildlife, and so on and so forth, that they are worried about. I understand that. But why not provide assistance to relocate fewer than 100 people from harm's way?

Furthermore, EPA told me that "a 10-year timeframe is estimated for complete waste remediation." Due to the continual mine collapses, I wonder if the environmental cleanup will ever be completed.

I think it is in the best interests of all taxpayers to quit throwing money down sinkholes and provide an opportunity for 100 folks who have no other options to move, as their homes are worth nothing. We do not need to spend, again, \$25 million on a problem that will not be solved—topsoil on top of the sinkhole. We need to take care of these people and spend \$3 million to let them get on with their lives. While American taxpayers are spending untold millions to prevent mortgage collapses, I can see no better use for the stimulus plan than to get the residents of Treece into safe homes.

I said once before, I am an honorary sheriff of Dodge City. I have a badge. You can go to Dodge City and you can meet the marshal, you can see Miss Kitty. You can go down to the Long Branch. We are used to taking care of problems ourselves. Kansas has appropriated \$500,000 to do this. All we are asking for is \$3 million, not the \$25 million that I don't think is going to ever really result in any long-term cleanup.

You have to be there to realize just how bad this is, the pools of water and all. People will tell you: Senator, we are going to take you around this way. Don't walk this way.

So I would just ask Sheriff Joe, who is the self-declared sheriff on stimulus money, help me out here. Ride side-saddle or you can drive the stage. Help me get \$3 million. You have already stopped the ridiculous situation of building the road twice after we had destroyed it with stimulus money. That is the good news. But the rest of the story is that the citizens of Treece need to be relocated. We can do this for \$3 million.

This remains an awful way to treat any community. I think it is not a wise use of taxpayer money. It does not pass the Kansas commonsense smell test.

I yield the floor.

HEALTH CARE

Mr. BENNET. Madam President, I rise today to discuss the urgent need for health care reform. The people of Colorado, and the American people, have waited for too long for Washington to act.

We should begin with a basic principle: if you have coverage and you like it, you can keep it. We will not take that choice away from you.

But even as we keep what works, we must confront the challenges of soar-

ing health care costs and the lack of access to affordable, quality health care. The status quo is unacceptable. Every day, families in Colorado and across America face rising premiums. Their plans offer fewer benefits. They are denied coverage because of pre-existing conditions.

And until we fix the health care system, we will not be able to fix the fiscal mess in which we find ourselves.

Since 1970, the share of health care as a part of the GDP has gone from 7 percent to 17 percent. The United States spends over \$2 trillion in health care costs, including over \$400 billion on Medicare. President Obama has said the biggest threat to our nation's balance sheet is the skyrocketing cost of health care. He is right.

In Colorado, we have not waited on Washington. We have made real progress in showing how you can provide high quality health care at a lower cost. Last week, the New Yorker magazine published an article titled "The Cost Conundrum" that highlights the important work that has been done in Mesa County, CO. Over 30 years ago this community serving 120,000 people came together, doctors, nurses, and the nonprofit health insurance company. They agreed upon a system that paid doctors and nurses for seeing patients and producing better quality care. They realized that problems and costs go down when care is more patient-focused.

In Mesa County, the city of Grand Junction implemented an integrated health care system that provides follow-up care with patients. This follow-up care has helped lower hospital readmissions rates in Grand Junction to just 3 percent. Compare that to the 20 percent rate nationwide, and it is clear that our rural community on the Western Slope of Colorado is onto something groundbreaking.

High readmission rates are a large problem for our seniors. Nearly one in five Medicare patients who leave a hospital will be readmitted within the following month, and more than three-quarters of these readmissions are preventable. Rehospitalization costs Medicare over \$17 billion annually.

It is painful for patients and families to be caught up in these cycles of treatment. All too often, care is fragmented; you go from the doctor, to the hospital, to a nursing home, back to the hospital and then back to the doctor again. Patients are given medication instructions as they are leaving the hospital, many times after coming off of strong medications. They do not know whom to call, and they are not sure what to ask their primary care doctor.

The solution, both our Denver and Mesa County health communities have found, is to provide patients leaving the hospital with a "coach." This coach is a trained health professional

connecting home and the hospital. This coach teaches patients how to manage their health on their own.

Our Denver health community created a model based on this idea called the Care Transitions Intervention. Their work is the basis for the Medicare Care Transitions Act of 2009, a bill I introduced to implement this model on the national level. This legislation recognizes that patient care should not begin in a doctor's office and end at the hospital doors. Investing in coaching and transitional care now can head off huge costs down the road. It has the advantage of being both preventive and responsive.

Take 67-year-old Bill Schoens, from Littleton, CO, who recently suffered a heart attack. Before he was released from the hospital, registered nurse Becky Cline was assigned as his Transitions Coach. She made sure that he understood the medications that his doctors prescribed and everything else he needed to do to get healthy. Bill even pointed out, "When you are in the emergency room, you are all drugged up and can barely remember what to do. Confusion starts to set in."

Becky went through each step Bill needed to follow when he left the hospital. Becky evaluated Bill's ability to follow doctor's orders in his environment and helped him maintain his own Personal Health Record. With her help, when Bill visited the doctor, he did not have to remember everything that happened since he left the hospital; it was all in the book.

Bill said, "When people are in front of their doctor, their blood pressure goes sky high and they forget what they need to ask." He said he found the help and guidance he received from his Transitions Coach "invaluable and life-saving."

We need patient-centered coordinated care, care that views nurses, doctors and family members not as isolated caregivers, but as partners on a team whose ultimate goal is to make sure patients get the guidance and care they need. Hospitals are not the problem, primary care physicians are not the problem, and nurses are not the problem. Our fragmented delivery system of care is the problem.

This bill also makes sure that we are teaching patients to manage their own conditions at home.

Sixty-nine-year-old Frank Yanni of Denver, CO, had surgery for a staph infection of the spinal cord. After leaving the hospital, he noticed that the pain he was experiencing weeks after surgery was getting worse. Having been "coached," he identified the problem and knew to insist on visiting his doctor immediately. A hospital test showed that Mr. Yanni required a second surgery. His coach said that, "Had he let that go for even another week, he could have ended up in the ICU, septic and horribly sick."

Our Colorado transition of care model, reflected in our legislation, gives health care systems the choice of whether to create this program. But it allows existing patient-centered transitional care programs like the one in Mesa County, CO, to continue on.

We want communities and providers to think and work together to reduce readmission rates, reduce costs and provide better coordinated care to our patients. Other systems should look at Colorado and the systems in 24 States that have already begun to follow this model.

As we begin to emerge from the economic downturn, we must call upon existing health care professionals from all walks of life—nurses, nurse practitioners, social workers, long-term care, and community health workers—to serve as transitional coaches.

Colorado nurses like Becky Cline have found that focusing on transitional care has leveraged their skills, empowering them to take a more active role with patients. They are able to work with both patients and family caregivers. For too long, family caregivers have been “silent partners.” Some 50 million Americans provide care for a chronically ill, disabled or aged loved one. This bill recognizes their importance, connecting them with a coach who can teach them how to properly coordinate at-home care.

This bill is only a small part of the solution to the complex challenges of our fragmented health care system. The problems of rising costs and limited access affect people from all walks of life.

Skip Guarini of Parker, CO, is a self-employed private consultant and retired U.S. Marine. After years of regular doctors' visits, Skip's dentist discovered a lump on his thyroid during a routine exam that had gone undetected by his physician despite 10 previous exams.

Skip underwent a CT/MRI scan, ultrasound, and biopsy, all of which were inconclusive. A second series of tests 6 months later revealed that the lump had grown, and Skip underwent surgery. During the surgery, doctors found cancer. Skip was then sent to an endocrinologist who ordered more tests. All tests came back negative. A second full body scan revealed no sign of cancer anywhere in Skip's body.

All these exams and screenings cost Skip \$122,000.

Since then, Skip has maintained perfect health, but he cannot obtain private insurance because of the thyroid surgery. He now relies on COBRA and is paying a monthly premium of \$1,300. This coverage is set to expire in less than 1 year, at which point Skip will have no insurance.

Hollis Berendt is a small business owner in Greeley, CO. She is covered through her husband's employer, which is “a luxury many other small business owners don't have,” she said.

After graduating from Colorado State University in 2004, their daughter Abby found a job with a large company in New York City. She was told she could not get health care coverage until she had been working for the company 1 year. At 10 months of employment, she was diagnosed with an ovarian tumor that would require surgery. The expenses were too much for Abby, so her parents had to take out a second mortgage to pay her medical bills.

Hollis shared that “this experience brought to light, all too clearly, how close we all are to losing everything due to a health issue.”

The current system is hurting our small business people and their employees. Take Bob Montoya of Pueblo, CO, who runs Cedar Ridge Landscape in Pueblo with his brother Ron. They are torn between providing health care coverage for employees and keeping the business afloat.

Last year, the business paid out \$36,000 for a health care plan to cover Bob and Ron's families and one other employee. The other 12 employees and their families do not get coverage through their work. Bob said, “As business owners, we want to do right by the people who work for us, but if all our employees opted into our health care plan and paid their 50 percent, we would be forced out of business.”

He said it is an “impossible situation” for him and his employees.

Like too many small business owners, Bob can not find good health care coverage at a cost he can afford.

He said, “The longer it takes to pass comprehensive health care reform, the more jobs will be lost as small businesses shut their doors due to rising costs.”

These Coloradans speak for countless others across the nation. All they ask for is a health care system that works for them, a health care system that does not crush them with unreasonable costs, and a health care system that does not deny them coverage just because they have pre-existing conditions. I am hopeful.

I am hopeful that we can keep what works in our system and fix what is broken. I am hopeful that this Congress, working with our President, will finally deliver on the promise of health care reform. The people of Colorado deserve it. The American people deserve it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I understand we are in morning

business. I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFSHORE DRILLING

Mr. NELSON of Florida. Mr. President, the Senate Energy Committee has just approved an energy bill that adopted a very controversial amendment that would allow oil to be drilled 10 miles off of the coast of Florida.

I wish to refer to this chart. Here is the peninsula of Florida. This is the panhandle of Florida, including Pensacola, Fort Walton Beach, Panama City, and Cape San Blas. Some of our largest military installations in America are here: the Pensacola Naval Air Station, the big complex of the Air Force, Eglin Air Force Base in that area of Fort Walton Beach. Down here in Panama City is Tyndall Air Force Base, where they are training all of the F-22 pilots. As one can see on this map, the rest of the gulf coast of the United States includes Alabama, Mississippi, Louisiana, and then Texas.

This chart illustrates what the Dorgan amendment does to Florida. It shows the western planning area of the gulf, the central planning area, and what is known as the eastern planning area. The chart shows that in legislation we passed in 2006, a compromise was struck whereby the oil industry could drill in an additional 8.3 million acres, in addition to the 33 million acres they have under lease in the central and western gulf—33 million that they have under lease that they had not drilled. We worked out an additional 8.3 million acres in this tan area called lease sale 181. In exchange, the compromise was for the protection of the Gulf of Mexico, everything east of this longitude line known as the military mission line. Why? Because everything east of this line is the largest testing and training area for the U.S. military in the world. It is where we are training our F-22 pilots out of Tyndall Air Force Base, it is where we are training our Navy pilots in Pensacola, and it is where we are testing some of the most sophisticated weapons systems in the world that are under the test and evaluation component of Eglin Air Force Base.

This is the area. It is also where we are training our Navy squadrons at Key West Naval Air Station. They will send in a squadron down here to Key West, and when they lift off from the Boca Chica runway, within 2 minutes they are over protected airspace. So they don't have a lot of travel time. They don't spend a lot of gas getting to their training area, which is out here. So we see that we have this area that is now protected.

I wish to have printed in the RECORD a letter from the Secretary of Defense—and this is actually from the

previous Secretary of Defense, Secretary Rumsfeld—in which he says the use of this for oil and gas production would be incompatible with the needs of the U.S. military in this test and training area.

I ask unanimous consent to have this letter printed in the RECORD, if I may.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, November 30, 2005.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, Russell Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of October 7, 2005, concerning the potential effect of Department of Interior-administered oil and gas leasing on military training and readiness in the Eastern Gulf of Mexico. The Department of Defense (DoD) fully supports the national goal of exploration and development of our nation's offshore oil and gas resources. The DoD, the Department of the Interior, and affected states have worked together successfully for many years to ensure unrestricted access to critical military testing and training areas, while also enabling oil and gas exploration in accordance with applicable laws and regulations.

DoD conducts essential military testing and training in many of the 26 Outer Continental Shelf (OCS) planning areas. Prior analysis and existing agreements with Interior recognize that areas east of the 86° 41' line in the Gulf of Mexico (commonly known as the "Military Mission Line") are especially critical to DoD due to the number and diversity of military testing and training activities conducted there now, and those planned for the future. In those areas east of the Military Mission Line, drilling structures and associated development would be incompatible with military activities, such as missile flights, low-flying drone aircraft, weapons testing, and training.

As the planning process for Interior's new 5-year OCS oil and gas leasing program proceeds, DoD will continue both to evaluate its military requirements and to work with Interior to ensure the 2007–2012 oil and gas program, and any future lease sales resulting from it, strike the proper balance between our nation's energy and national security goals.

Sincerely,

DONALD RUMSFELD.

Mr. NELSON of Florida. Mr. President, here is what people don't understand. The committee that adopted this amendment, 13 to 10, doesn't realize this is the largest testing and training area for the U.S. military. That is why in the legislation in law we protect everything east of that line that we passed 3 years ago. In return, we gave the oil boys an additional 8.3 million acres in lease sale 181 and lease sale 181 south. That, by the way, is in addition to their 33 million acres they have under lease here, and here, as shown on this map, that they have not drilled.

Why do the oil companies want to have this additional lease area when, in fact, they have a lot of leases they haven't drilled—33 million acres plus another 8 million acres? Well, it is be-

cause a lease has a legal value. If there is estimated to be any oil or gas there, that has a value, and those leases then become a part of the assets of the company, which increases the value of the company, which, of course, then makes their stock worth more. But what we struck in the compromise 3 years ago that everybody out here on this Senate floor agreed to—agreed to, I might say, with Senator MARTINEZ and me—was in exchange for getting that additional area, they would leave the military mission test and evaluation and training area alone.

In the last round of BRAC, which is the Base Realignment and Closure Commission, the "r" of BRAC stands for realignment. Is it any wonder that in that round of evaluating military bases they decided to send all the pilot training for the new stealth fighter—the F-22—that they brought it here to Tyndall Air Force base at Panama City? Why? Because they have that area.

Listen, this fighter does a dog fight at 1.5 Mach, twice what an F-16 and an F-15 does a dog fight at. They are doing a dog fight, doing tight turns at about .75 Mach. The new F-22 stealth fighter will go into and engage another aircraft at 1.5 Mach. When you do turns at twice the speed of an F-15 and F-16, you have a much wider radius of a turn. That is why they need all that area. When they are dropping on targets, they are dropping live ordnance.

When we are testing long-range weapons systems at Eglin Air Force Base—some that we release from airplanes, some that are shot from ships—we need hundreds of miles of range. That is why the operative policy of the Department of Defense is that you can't have oil rigs out here to interfere with national security preparation, but, apparently, that is not the way 13 Members of the Senate Energy Committee understood this argument.

Now there is another argument. By the way, I might point out that in that realignment of the bases, they are bringing into Eglin Air Force base all the pilot training for the new F-35. That is the Joint Strike Fighter that is still being developed, but that will be coming out within the next few years. That is the Joint Strike Fighter for the Navy, the Marines, and the Air Force. That Joint Strike Fighter will be sold to some of our allies.

Where is the pilot training? Right here because of the restrictions, it being a test, a training, and an evaluation area. That is why the U.S. military brought these new assets into this area.

There is another reason now that I get so exercised about this, other than the fact of the agreements that were set, that were agreed to; the compromises that were struck 3 years ago are now being abrogated.

That is, they now bring oil rig leasing within 10 miles of the world's most

beautiful beaches. There are not too many Americans who don't know that the beaches running from Pensacola all the way through Panama City to Mexico Beach are some of the world's most beautiful beaches. They are sugary white sand, and people from all over go to enjoy this extraordinary valuable resource. It is God's way of giving us a blessing on Earth that people enjoy when they want to go to the beach.

Can you imagine, what the Energy Committee has passed, allowing oil rigs 10 miles off the world's most beautiful beaches? Environmentally, that is one thing, but let's look at the economy of Florida. The economy of Florida—we are a peninsula. We have more coastline than any other State, save Alaska, but Alaska doesn't have a lot of beaches. We have more beaches than almost—not almost—than any other State. Is it any wonder we want to protect our economy, which is a \$60 billion-a-year tourism industry, particularly at a time when the economy is being savaged as much as it is?

Yet the Senate Energy Committee would say they are not only going to ignore the military tests and training range that has been off-limits in the law, but now they are going to run rigs up to 10 miles offshore and threaten those sugary white beaches.

Well, let me tell you a few points about this wise energy policy they have supposedly adopted. We all know increased domestic drilling is not going to decrease U.S. dependence on foreign oil. That has been shown over and over. Why? Because if there was oil there, you are not going to get it into production for 10 years. So using the scare tactics of the gas prices going up and up doesn't do a bit for decreasing U.S. dependence on foreign oil and helping gas prices. But let's say it would. Even though bad oil spills and shipping accidents take place, let's say, for a moment, the technological innovations now have made all drilling operations safe; and if the United States wishes to remain dependent on oil, well, shouldn't we drill anywhere we can find oil? How about Colorado for oil shale? But, oh, no, that is off-limits.

How about the five Great Lakes? They should have plenty of black gold. But, no, that is off-limits. How about the oil-rich Arctic National Wildlife Refuge? That is off-limits. This Senator has supported keeping that off-limits. No, the reality is that, instead, some of my colleagues in the Senate want to come—it is kind of like: don't tax you, don't tax me, go tax that "fella" under the tree. They want to go and hit somebody else. They want to cut the heart and the lungs out of the U.S. military testing area. They want to come in and start fouling up the most beautiful beaches in the world, the northwest Florida coast.

Three years ago, we opened that additional 8.3 million acres. We didn't

allow any drilling any closer than 100 miles off Pensacola, 125 miles off Panama City, 237 miles off Tampa Bay, and over 300 miles off Naples. Why are some people pushing to change this so soon after that compromise that was struck 3 years ago? It is the oil industry, that is why. The oil industry has those 33 million acres out here in the central and western gulf. It is leased, it is not being drilled, but that is not enough for them. Even though the industry hand-picked areas opened here in the 2006 compromise, it now feels it can make more of a profit by drilling closer to Florida's coast.

I don't think we should have to trash our coastline and our economy and the U.S. military so big oil can increase its profit margin. There are serious national security implications if this were to become law. I wish to show you something else. Look at this picture. This is a beach in Pinellas County, Florida after an oil spill. You know what that is—that is oil mixing with white, sugary, powdery, white sand.

Drilling 10 miles off the coast of Florida would destroy the economy of the Nation's fourth largest State. It would convert Florida's world-class beaches to an industrial coastline. We would trade the world's top beaches and the tourist attractions for an industrial waste line dotted with transmission pipes, storage tanks, and oil rigs. We would take away the U.S. military's last unfettered testing and training range—and take it away during a time of war.

Supporters of opening the eastern gulf say we need to do it to help get America off foreign oil. Tell me, then, why isn't there a clause in the drilling amendment passed specifying that all oil and natural gas that would be produced in the eastern gulf has to stay in the United States for domestic consumption?

But, no, that is not there because, the truth is, any oil that would be drilled could be sent to any other country in the world, reducing our use of foreign oil not by one single drop.

If we wish to reduce our dependence on foreign oil—and you have heard me say this ad infinitum—we need to increase our use of alternative energy, energy-efficient cars and appliances.

Mr. President, is my time coming to a close?

The PRESIDING OFFICER. Yes.

Mr. NELSON of Florida. I ask unanimous consent to proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Recently, we have seen how gas prices have started to rise. Why? Last year, the price of oil went up to \$147 a barrel. Why, in 1 day, did the price of oil rise \$37 for a barrel of oil? It is because those greedy speculators on unregulated futures commodities markets had been able to bid up

crude oil prices in part due to a legal loophole, called the Enron loophole, which, in effect, unleashed insider trading similar to condo flipping since 2001.

Some Gulf Coast States, such as Louisiana, have embraced drilling. Congress even agreed to prop them up with revenue sharing. But because Louisiana doesn't have beaches—or has beaches that are left such as this one in the picture—and they don't have a tourism economy like Florida's, it isn't worth the risk to the jobs and the revenue and the economy of Florida.

Florida's Gulf Coast has some of the most beautiful beaches in the world. These beaches account for a substantial portion of the \$60 billion-a-year tourism economy.

Would you visit a beach with oil operations along its shores? Would you want to go to a beach that looks like this photo? I'll tell you a little more about it. This photo is of a relatively small oil spill that occurred as a result of a shipping accident in Pinellas County, FL, in 1993. It simply doesn't make sense to jeopardize Florida's tourism industry and put the coastline at risk of ending up like this.

I will close by reading a timely editorial that appeared in today's St. Petersburg Times. That is one of Florida's largest newspapers. This was so poignant I think it is worth me inserting it into the RECORD, which I will.

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Petersburg Times, June 11, 2009]

AGAIN, WITH FEELING: NO NEW DRILLING

There is a rhythm to summer that has become as predictable in Washington as it is predatory and senseless: Schools let out, vacation season begins, gas prices rise and opportunists in Congress—encouraged by Big Oil—cite the pain at the pump to push for expanding offshore drilling, jeopardizing Florida's priceless coastline.

Do any of the 13 members of the Senate Energy and Natural Resources Committee who voted to expand drilling Tuesday realize that the nation is moving in the opposite direction and seeking to reduce reliance on fossil fuels with a cleaner energy policy?

The committee approved an amendment to a Senate energy bill that would allow gas and oil drilling just 45 miles off Florida's west coast and even closer off the Florida Panhandle. It would wipe out a 2006 congressional compromise that bans drilling within 230 miles of Tampa Bay and 100 miles of the Panhandle through 2022. That exclusion zone is a reasonable line of defense. Florida's beaches are vital to the state's status as a world-class tourist destination.

Allowing drilling within 10 miles off the eastern Gulf Coast also would jeopardize an important training area for the Air Force and Navy.

As an energy strategy, the measure makes the Senate look hopelessly out of date. Twenty-eight states, in the absence of leadership in Washington, have set targets for renewable energy production. The purpose of energy legislation in both houses of Congress

is to fashion a way to leverage billions of tax dollars to curb emissions of global-warming greenhouse gases, build more fuel-efficient cars and to foster investment in alternative energies.

The drilling amendment is an example of a time-honored tactic of tacking on something distasteful to broadly supported legislation. The bill, which committee members expect to pass today, also unfortunately encourages some Republican state legislators who have unsuccessfully sought to open state waters in the gulf to drilling. If the 2006 federal line falls, there will be no stopping the shortsighted in Tallahassee.

Sen. Bill Nelson, D-Fla., has vowed to filibuster the bill if it comes to that. The state's congressional delegation needs to show united opposition, and House members need to demand Speaker Nancy Pelosi stand by her commitment to the 2006 drill-free zone. Gov. Charlie Crist, who is running to succeed Sen. Mel Martinez, R-Fla., also needs to quit waffling and oppose this. And Defense Secretary Robert Gates should explain the implications for naval training and national security should offshore rigs and their attendant infrastructure spring up along the training ranges for America's military pilots. The energy bill is supposed to chart a new strategy going forward. The Senate is headed backward.

Mr. NELSON of Florida. This is what the article says:

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The St. Petersburg Times editorial continues:

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The committee approved an amendment to a Senate energy bill that would allow gas and oil drilling just 45 miles off Florida's west coast and even closer off the Florida Panhandle. It would wipe out a 2006 congressional compromise that bans drilling. . . .

And it goes on to cite the numbers I told you, basically keeping that eastern area off-limits.

The editorial continues:

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The editorial concludes by saying:

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some Republican state legislators who have unsuccessfully sought to open state waters in the gulf to drilling. If the 2006 federal line falls, there will be no stopping the short-sighted in Tallahassee.

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I thank the Presiding Officer for her indulgence that I could get this off my chest. I don't want to mess up the Energy bill. It is critical for us. I am supportive of many of its provisions. But I am simply going to have to assert my rights under the Senate rules if they try to bring this as a part of that Energy bill.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Ms. KLOBUCHAR. Madam President, the time for health care reform is now. We cannot afford to wait any longer. For some time, Peter Orszag, now President Obama's Budget Director, has warned that rising health costs are unsustainable and represent the central fiscal challenge facing the country.

At \$2.4 trillion per year, health care spending represents close to 17 percent of the American economy, and it will exceed 20 percent by 2018 if current trends continue. Hospitals and clinics are also providing an estimated \$56 billion in uncompensated care. Meanwhile, businesses are squeezed on the bottom line, forced to reduce or drop health coverage for their employees. Without action, costs will continue to rise and waste will proliferate.

We need to make health care affordable for everyone, and we need to reduce the waste and fraud that plagues the current system.

To my colleagues who are conjuring up reasons not to pass reform this year, using scare tactics about nationalized health care and engaging in fear mongering, I say we cannot stay where we are. We cannot stay where we are. They must be getting different mail than I am. I am getting mail, and I am getting people coming up to me all over the State. Even though our State has some of the most affordable health

care in the country, people know their money is being spent in other States that are not as efficient. They know health care coverage when the economy is tough is very difficult to come by, and that is what they are coming up to me and talking about. They are not saying let's stay the way we are. They are saying reform this system.

In 2008, employee health premiums increased by 5 percent, two times the rate of inflation, and the annual premium for an employer health plan covering a family of four averaged nearly \$12,700.

Families cannot continue to bear the burden of runaway health costs. If we do not act, these costs are going to break the backs of the American people. We must remain committed to enacting a uniquely American solution to our Nation's health care problem. We must keep what works and fix what is broken.

As Congress prepares to take up landmark health care legislation, many in Washington are looking to my State, the State of Minnesota, as a leader. Among them is the President of the United States. President Obama has provided leadership and vision on this issue, and in a recent weekly radio address, he has highlighted how the Mayo Clinic and other innovative health care organizations succeed in providing high-quality care at relatively low cost. As he has said, we should learn from the successes and promote the best practices, not the most expensive ones.

In Minnesota, the Mayo Clinic is not alone. Health partners Park Nicollet and Essensia Health are already among those working to deliver the best health care at the least price. At 92 percent of the State covered by some kind of health care insurance, Minnesota has a strong history making sure the health care system promotes both quality care and access—92 percent coverage.

Minnesota, Washington, Wisconsin, Iowa, Utah, and North Dakota are just a few of the States that can help provide leadership to help Congress and the administration as we work to develop a quality integrated health care system that reduces cost to the taxpayer and improves health care outcomes.

It is no coincidence that as we speak, the President is in Wisconsin, another State that understands to have high-quality care, you do not necessarily have to have high prices. In fact, it is the opposite.

I will distill this cost issue into some understandable language. I grew up watching the Minnesota Vikings. Year after year, our State has waited for the Vikings to win the Super Bowl. We have been to the Super Bowl four times, and we have never won the Super Bowl. All during that same amount of time, the people of our coun-

try have been waiting for health care reform. They have been waiting for something to happen to make health care more affordable. The people of this country cannot wait any longer. We might be able to wait on the Vikings; the people cannot wait any longer.

The importance of Minnesota's best practices can be outlined in a game plan for national health care reform with a few key pointers: rewarding quality, not quantity; promoting coordinated, integrated care; and focusing on prevention and disease management.

We are never going to be able to move the ball for that next first down unless we start talking about costs; otherwise, we are simply going to have different people pay for the same expensive health care but not do anything to reduce the cost.

First, our game plan for health care reform to reduce costs is to be sure to keep score. That means measuring outcomes and rewarding providers who deliver quality results. Right now in many places, we are not getting our money's worth from our health care dollars. In Miami, Medicare spends twice as much on the average patient as it does in Minneapolis, even though quality is much better in Minnesota—twice as much.

If we look at this chart, we will see that the areas in dark blue are the higher spending regions of the country. They receive the lion's share of Medicare payments. The light blue areas—States such as Minnesota, Montana, and Iowa—are areas where Medicare spending is low but quality of care is often high.

In a recent New York Times article, some explained these differences in spending as they were trying to explain how can this happen that you have twice the Medicare, twice the taxpayers' dollars for the same kind of medical treatments as you would in another part of the country. Some said it is a difference in cost of living, sicker people, more teaching hospitals. But research shows those factors only explain 18 percent of the variation in spending.

It is no surprise. Most health care is purchased on a fee-for-service basis, so more tests and more surgeries mean more money. Quantity, not quality, pays.

According to research at Dartmouth Medical School, nearly \$700 billion per year is wasted on unnecessary or ineffective health care—\$700 billion per year. That is 30 percent of total health care spending. So to my colleagues who are fear mongering and saying we should do nothing, I say how about \$700 billion, 30 percent of total health care spending that we have the opportunity to change around to benefit the people of this country?

Just look at this fact, if you want to look at quality care. The Mayo Clinic

ranked as one of the highest quality institutions in this country. If you look at the last 4 years of the lives of chronically ill patients, some of the most difficult times for people in this country, an independent study from Dartmouth came out after they looked at what the Mayo Clinic did. They have a team of doctors working together with quality ratings incredibly high. Then they looked at what was going on in other regions of the country.

If all the hospitals in this country used the same protocol that Mayo Clinic used in the last 4 years of a patient's life, where the quality rating is incredibly high, we would save \$50 billion every 5 years in Medicare spending—\$50 billion.

So, no, I don't think the answer is just to throw away health care reform and do a lot of fear mongering. I think the answer is to work together to bring this kind of cost savings to the rest of the country.

There is general consensus that Medicare should reward value, and value consists of both quality and efficiency. However, value is not taken into account when Medicare determines payment for providers.

To begin reining in costs, we need to have all health care providers aiming for high quality, cost-effective results. That is why I plan to introduce legislation with Senator CANTWELL and others that would authorize the U.S. Health and Human Services Secretary to create a value index as part of a formula used to determine Medicare's fee schedule—paying for value. This indexing will help regulate overutilization because those who produce more volume will need to also improve care or the increased volume will negatively impact fees. You have to have those incentives in place in how you do the payments or you are never going to reduce costs.

In adding a value index, my bill would give physicians a financial incentive to maximize quality and value of their services instead of volume. Linking rewards to the outcomes for the entire payment area creates the incentive for physicians and hospitals to work together to improve quality and efficiency.

I am also interested in the idea that the President has proposed to give increased consideration to recommendations made by the Medicare Payment Advisory Committee, MedPAC, a commission created by a Republican Congress. MedPAC's recommendations for payment reform include bundling, which has potential significant cost savings. Giving the recommendations made by experts increased authority could be a valuable tool to help rein in health care spending and improve quality in a responsible way.

So the first part of our game plan for reducing costs for health care is focusing on value. The second part of the

game plan for making health care more affordable is to focus on teamwork.

Understandably, patients like it when their health care providers talk with one another and even work together. This means higher quality care, as well as more efficient care. In too many places, however, patients must struggle against a fragmented delivery system where providers duplicate services and sometimes work at cross-purposes—an x ray here, an x ray there, an expert here, an expert there. It is like a football team with 11 quarterbacks but no wide receivers, no running backs and no offensive line. This does not work in football, and it is not going to work in health care.

The beauty of integrated care systems is that a patient's overall care is managed by a primary care physician in coordination with specialists, nurses, and other care providers as needed. It is one-stop shopping. In our rural communities, critical access hospitals utilize this model and provide quality health care for residents in their community with a team of providers.

To better reward and encourage this collaboration, we also need to have better coordination of care and less incentive to bill Medicare by volume. Increasing the bundling of services in Medicare's payment system has the potential to deliver savings and start encouraging quality, integrated care.

When it comes to improving care, changing who pays a doctor will make no more difference. The lesson of high-quality, efficient States such as Minnesota and Wisconsin is that someone has to be responsible for the care of the patient from start to finish, from one goal line to the other. Bundling will ensure that practice is rewarded.

This is a very interesting chart. It does not look interesting, but it is. A lot of people think the more you pay, the better quality care you get. This was a MedPAC analysis of county level fee-for-service expenditures, a national study.

Do you know what they found? They found that those areas of the country, those counties that had low utilization—in other words, maybe someone called a nurse line or a doctor referred them to one specialist instead of them going to three on their own—they found they had the highest quality care. Why is that? It makes sense. You have one primary doctor who knows exactly what is going on, is checking your charts and can send them to one specialist so mistakes are not made. You go to one specialist who does not know you are taking a certain medication and you are allergic to another. High-quality care with low utilization; lowest quality care with high utilization.

That is probably the opposite of what most people in this country think. But, literally, you get the highest quality

care in those parts of the country where you are paying less money.

As I said, if people start to say our area of the country is so expensive, only 18 percent of that difference with the high-quality, low-cost States and the low-quality, high-cost States can be attributed to cost of living.

Research has shown that moving toward a better integrated and coordinated delivery system would save Medicare alone up to \$100 billion per year. So if people don't want to talk about reform and they want to make a bunch of fear-mongering statements, let them explain to the American people why we are not going to save \$100 billion per year.

Finally, the last game pointer is that the best offense is a good defense. My dad covered football his whole life for the newspaper, and this is what he would always say to me: It works on the football field and it works in health care. It is a lot better for both the patient and the patient's pocketbook if a chronic medical problem can be prevented or managed early to stave off complications and the need for costly care. Right now, physicians are paid to treat diseases, not prevent them. Yet a payment system that encourages prevention and disease management could generate enormous savings because a large portion of health care spending is devoted to treating a relatively small number of people with chronic medical conditions.

Let me give an example of this. This is Health Partners, which is a clinic in Minnesota—all over our State. A lot of patients are members of it. They started looking at how can we do a better job with diabetes. They did this back in the fourth quarter of 2004 compared to the fourth quarter of 2008. You see here an increase in quality for the patients, an increase in percentage of patients with optimal diabetes control, because they put in some practical protocols.

What do you see with costs? You see an actual major decrease in the cost per patient. That is the green line. The yellow line is an increase in the patients with optimal diabetes control, as the doctors determined. The green line is a decrease in cost. The red line is patients with diabetes who had asked that they recommend Health Partners clinics. So even as they saw this dramatic reduction in cost, they were still on the up in terms of recommending using Health Partners clinics. Most people don't like their HMOs very much. They always have reasons to complain. So I think this is amazing that they were able to show this kind of result.

At Park Nicollet in Minnesota, they have implemented a congestive heart failure program with Medicare. In the 3 years since the program began, Park Nicollet has saved nearly \$5,000 per patient, per year.

Diabetes, congestive heart disease, and back problems all contribute to

the excessive cost and growth in our health care system and cause decreased productivity in our economy. One study found that the most costly 20 percent of Medicare patients in a given year account for 84 percent of total Medicare spending. By contrast, the least costly 40 percent of Medicare patients accounted for just 1 percent of overall spending. As the examples from Minnesota and other places demonstrate, effectively managing these and other chronic illnesses is essential to health care reform.

A recent New Yorker magazine article showcased the Mayo Clinic in the context of health care's cost conundrum.

Madam President, I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. According to the author, a physician, we are in "a battle for the soul of American medicine." On one side is a fragmented, volume-driven model that too often crosses into profiteering. There are good parts about our health care system, believe me. I know this because I live in Minnesota. We have to maintain those. But we have to fix this broken cost structure. On the other side, you see this model offered by Mayo and other peer institutions across the country where doctors collaborate to provide the best, most efficient care for their patients.

On one side is more of the same, which is both financially and morally unsustainable; on the other side is a new direction that promises to curb cost while expanding affordable coverage. It is time to choose sides. For the sake of our fiscal health and for the sake of millions of Americans struggling to afford the care they need, I urge my colleagues to choose the latter.

Yesterday, I met with a bipartisan group of Senators, and I have to tell you I still have hope that we are going to get this done and I have hope that there will be bipartisan support for this. What I am talking about today—cost reduction, putting these incentives in place—isn't a Democratic issue or a Republican issue. It is an American issue. This is an American cause, and we can find a uniquely American solution to this problem so that we can reduce costs and make health care better quality. I can tell you, having spent my entire life in the State of Minnesota and having a daughter who was born very sick, who couldn't even swallow when she was born, I know we can get high-quality health care at lower cost. They do it every day in my State, and we can do it in the rest of the country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, when it comes to health care, Republicans

want reform that respects patient freedom and choice. We want to maintain the sanctity of the doctor-patient relationship. We believe doctors, not Washington, should tailor an individual's care. Washington-run health care would delay or deny care and would displace millions of Americans who are happy with their current health insurance. Federal bureaucracies are not known for being efficient, innovative, or hassle-free.

On Wednesday, the majority whip said:

Those who come to the floor of the Senate defending the health insurance companies and saying they want no change in the health care system have to defend the indefensible.

Well, who exactly has come to the floor and said that? Who in the Senate has come to the floor and said they want no change? I know of no one who has done that. This is a straw man argument, usually made when you can't win an argument on the merits, but it has become a familiar refrain from some of our friends on the other side of the aisle. They present a false choice between doing what they want and doing nothing. When they don't want to listen to Republican ideas, they accuse us of wanting to do nothing. It happened with the stimulus bill, and it is happening now with health care.

Republicans want health care reform. I have said this repeatedly, and so has Senator MCCONNELL. I have noted that there are abundant problems in our current system, that a routine visit to the doctor can be surprisingly expensive. Too many people have to go without basic care for a host of reasons, whether they are unemployed or work for a business that doesn't have health care or perhaps have a preexisting condition.

The task before us is to ensure that all Americans have access to quality health care without degrading the quality of care for anyone. In other words, those who are happy with their care—and that is the majority of Americans—don't want to have to sacrifice their care in order to take care of the problem of those who are having issues. And by access to care, I don't mean access to a government waiting list.

There are two ways to approach health care reform while trying to keep costs in line. One, which President Obama says he rejects, is to create a competitive marketplace in which consumers get to pick the plan that works the best for their families. Competition helps the consumer. The more competition, the better. And this concept does not include a Washington-run plan.

The other is for the government to ration care by deciding what treatments you can get and which medications you can have. Yes, you can cut costs this way, but it is not right, it is not what Americans want, nor is it

what physicians want. The American Medical Association, an organization of 250,000 of America's physicians, said in a recent statement that it does not "... believe that creating a public health insurance option for non-disabled individuals under the age of 65 is the best way to expand health insurance coverage and lower costs." I agree. The doctors—those who provide the care—are concerned about what a Washington-run health care would mean for their patients and for the uninsured Americans who need to get in to see them.

Republicans have been discussing the state of health care in Canada and the United Kingdom because those countries have government-run health care and they delay or deny treatment for many of their citizens in order to keep costs under control. The Canadian and British Governments created these systems with the best of intentions, but government-run care is not serving their citizens' needs, and we don't need to replicate their problems here in the United States. In fact, in Canada, Claude Castonguay, chair of the commission which recommended that Quebec establish a government-run system in the 1960s, declared last year that "the system is in crisis"—his words. Private clinics are opening all over Canada at the rate of one per week to treat those who are on waiting lists at the public hospitals. Many Canadians who have the resources to get out of the bureaucratic government have chosen to do so.

As the Republican leader pointed out today, Britain's National Institute for Health and Clinical Excellence—the entity responsible for setting guidelines on pharmaceuticals and treatments for British patients—last year denied patients in that country access to four kidney cancer drugs that have the potential to elongate patients' lives. The institute explained it this way:

Although these treatments are clinically effective, regrettably, the cost is such that they are not a cost-effective use of resources.

A chilling statement, indeed. The stories of patients being denied treatment by their governments are real.

President Obama and some of my colleagues in the Senate have argued—as the majority whip has—that a public or a government-run option can compete with other insurers and that this government-run option would be only one choice of many. My question is, Why is it needed?

And what will it do? Government-run health care would crowd out other insurers, quickly becoming a monopoly. I have cited these statistics from the Lewin Group, which has made this point. Someone who has insurance through his or her company could be forced into the government's plan if the employer decides it is simpler and cheaper to pay a fine to the government and eliminate its coverage. A

company might say: Why bother with the paperwork and administration when we can just pay a fine and tell people to get onto the government insurance rolls? As I said, that is what health experts say will happen. The Lewin Group I cited before has estimated that 119 million people will be shifted from a private plan onto a government plan if it is created. That would affect two-thirds of the 170 million Americans who currently have private insurance, all but ending private insurance in America.

President Obama said recently:

If we don't get this done this year we're not going to get it done.

Well, why is that? Why does that have to be so? Could it be because the President would prefer that we rush a bill through before Americans get a chance to absorb what Washington-run health care would mean for their families? If this is worth doing, it is worth doing right. It is worth taking the time to do it right.

Americans are compassionate, and we want coverage for our neighbors just as much as we want it for our own families. But I will tell you that my constituents worry about the cost, and they do not want the Federal Government to cover others at their expense, both in cost and in the form of rationed care. So one of the first questions for this program is, How much is it going to cost and who is going to pay it? Another question is, What is going to be the effect on seniors who are in Medicare? Do they have anything to worry about? And my answer to that is, absolutely, because some of the conversation has to do with "reforming the way our seniors get their health care."

We haven't heard much about the exact price of government-run health care, but we know the cost will be extremely high. And whatever we spend, it won't be enough to ensure all Americans get the care they need. So when we begin talking about cost and being more concerned about the cost than the quality of care, as was the institute in Britain I just quoted, then we get into a situation where we are going to have to ration care, and that is something neither our seniors nor families with coverage today want at all.

We need a real marketplace of options. Choice, freedom, and competition should be guiding principles for the health care reform we all want.

I reiterate that Republicans as well as Democrats want reforms in our health care system. There are people who need coverage, and we all understand there are ways we can save money. The question is, Do we do this through more government control, more government bureaucracy, government-run insurance companies, fines on employers, and raising taxes in order to add 40 or 50 million more people to insurance rolls or do we try to achieve the results through removing

barriers to competition which currently exist?

Republicans have noted a whole series of laws right now that could either be reformed or repealed in order to allow more competition, in order to reduce prices for those already in the market and give patients more choice. I don't know why the resistance to this insurance reform. I don't know of anybody who likes the way insurance companies always do their business. I know I don't. So why not reform and enable those who would do it the way people want to have products that could be offered to the public and which presumably the public would buy if they are concerned about the way their insurance is currently being offered?

So this is not a matter of one side wanting reform and the other side not; it is a matter of different approaches. And from my constituents, I can tell you they are concerned about what they have and they are concerned about what they are going to have to pay. As much as they want to help other people have the same kind of coverage they do, they don't want it at the expense of their families, by having care rationed to them and their families as a result of the fact that it would cost more money than we are currently paying.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOB LOSS CRISIS

Mr. BROWN. Madam President, in my State of Ohio and States such as Michigan, Indiana, Pennsylvania, middle-class families already hit by a terrible recession are facing a new wave of devastating job losses and plant closings. Some 400,000 Ohioans are employed, directly or indirectly, because of the auto industry. The auto industry crisis is a crisis especially in my State and in Michigan and in the other States in the region.

As Congress works to help the industry through these most difficult times, the industry must do all it can to keep jobs here at home. That is why it was welcome news when GM announced that rather than start more small car production in China and Mexico, which they have done in the past, they would open a new small car manufacturing plant somewhere in one of these auto States.

This crisis has hit home in my State, especially in Mansfield, where GM has one of its best stamping plants. Workers at this plant were asked to make

concessions over the past 2 years, and they did. They were asked to produce in an exceptionally efficient manner, and they now rank at or near the top, across a range of performance standards. The Mansfield GM Fisher Body Stamping Plant played by the rules, did all that was expected of them, and they made it to the top, literally to the top of GM's stamping plants. Yet GM has decided to close this facility.

GM's decision not to include the Mansfield stamping plant in the New GM, this new coming-out-of-bankruptcy company, one that is focused on building fuel-efficient cars for the 21st century, is troubling, it is more than troubling to employees and members of the Mansfield community and to me.

Yesterday, I met with GM officials who were direct and polite and are trying to do their best. I met with GM officials to try to understand their decision. I am not convinced this makes sense for the New GM, to close this Mansfield Fisher Body Stamping Plant. I know it does not make sense for Ohio. GM's own scorecard shows the Mansfield plant has met nearly 100 percent of its targets and has a productivity rate of 94 percent. According to GM's records, it is the single highest ranked stamping plant in GM.

The plant that is a very close second is 70 miles away, north of Mansfield, in Parma, OH. By GM's own records, those are the two top-rated stamping plants. It makes little sense to me and to the town and GM workers at Mansfield that the company would not want its best and brightest to embark on its new path toward success.

The auto crisis hit home in Twinsburg, OH. Twinsburg is the home of the most modern stamping plant in Chrysler's network. It ranks among the highest in safety and productivity. Yet Twinsburg's workers and their families got the rug pulled out from under them last month. The crisis is playing itself out every day as auto suppliers struggle to find credit.

So it is not just Mansfield and Twinsburg, it is not just the loss of fewer than 100, but 80 or 90 people in families in the Columbus area who lost jobs when a GM supply center announced it was closing. It is also what happens to those companies that supply the auto companies, and they, frankly, employ more workers than the auto companies themselves do.

The crisis plays itself out every single day as auto suppliers struggle to find credit. If a manufacturer has auto customers, banks seem to put them on a black list and do not want to extend any loans, even those backed by the Small Business Administration.

The crisis plays itself out in Warren and Dayton, where Delphi salaried workers, who played by the rules, are left without the pensions they deserve. These stories from Mansfield, from Twinsburg, from Warren, from Dayton,

from smaller communities are, unfortunately, not unique. There are more stories, from small Ohio towns such as Trotwood, near Dayton; Van Wert, on the Indiana border; and Greenwood and from other cities across Ohio and the Midwest.

That is why it angered me when I sat in the Banking Committee as I was chairing, as Chairman DODD was working on health care issues, when I heard these restructuring proposals for Chrysler and GM portrayed by my more conservative colleagues in this body as “giveaways” to workers. When they label this as “everybody sacrificed except the workers,” the workers have seen tens of thousands of lost jobs. We have seen a \$7-an-hour cut in compensation for these workers. That is a \$14,000 a year hit that these workers are taking. They are far from giveaways.

American autoworkers, their families, and their communities are all in this together and have suffered with their communities perhaps more than anybody.

Just 3 years ago there were a quarter million members of the UAW. After these GM and Chrysler restructurings in the auto industry, that number of worker members will be below 100,000. These are men and women who make up our Nation’s middle class, the heart-beat of America, if you will.

They work hard, they support their families. They are watching as their chance at the American dream goes up in smoke. It is an American tragedy. Anyone who dismisses it otherwise should be ashamed.

Wages have decreased for entry-level workers. Wages have been frozen. Key health care benefits were eliminated for both active and retired workers. Understand, the much maligned legacy costs that companies are burdened with, if you will, these legacy costs, health care and pensions, were negotiated at the bargaining table when workers said: We will take less money in salary and wages today if you put that money aside for pensions and health care—for health care now and for pensions later. So they gave up dollars at the bargaining table. That is what these legacy costs are.

These concessions, combined with swapping GM’s contributions owed to the VEBA with stock, a step that will increase risks for retirees, will save General Motors billions. That is a good idea because we want this company to survive and thrive.

Every facet of this restructuring has an impact on hard-working Americans, on their communities, their States, their Nation as a whole. We should ask yourselves this: Is the government doing everything it can to protect and create American jobs? Is the government ensuring that top-performing segments of Chrysler and GM are not sacrificed because of expediency or politics or information gaps or favoritism?

I held a conference call with mayors from Ohio’s auto communities recently. Nearly all of them raised the fact that they may need to eliminate police and fire and their other local government entities, eliminating teaching positions and others, because of the shortfall in tax revenue from plant closings. Some mayors have already done that.

The worry from these mayors reminds us we are talking more about jobs and bottom line. We are talking about our Nation’s manufacturing future. We are talking about our Nation’s middle class.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. CASEY. Mr. President, I rise this afternoon to speak of a subject that is on the minds of so many Americans. It is also the subject of a lot of attention and work here in Washington, and that issue is health care. I won’t try today to cover every aspect of it and to cover all of the details that are being debated here in Washington, but I rise to begin a series of speeches that I and others will be giving on this topic.

I don’t think I need to recite the challenge the people of Pennsylvania and America face when it comes to their health care. I do believe there is some consensus, not only here in Washington but around the country, about what we have to do. We have to take action, and as we take action, we have to be very clear about what we tell people and what is in the legislation: that if you like the health care you have, you can keep it; if you don’t like what you have or you don’t have any health care, we are going to put a bill in front of the American people—in front of the Senate and the House, and then legislation before the American people—which will allow that kind of choice.

I believe there is consensus about that. There is consensus about some fundamental keys to reform. No. 1 is the question of cost reduction. We can’t get through this process and not get a handle on costs, especially for the future. No. 2: I think there is a great consensus about choice, preserving the kinds of choices people have now and in fact enhancing the choices that people

have in their health care decisions. No. 3: To ensure quality, affordable health care for all Americans. The nature of that issue is that we can build on our current system, but that we have too many people—as many as almost 50 million—who are uninsured.

There are a lot of people to thank here in Washington for the work that has been done already. I know we are a long way off. We have a lot more to do. There are weeks and weeks of work still ahead of us, but a few bear mentioning. Obviously, the President of the United States, President Obama, has made this a central issue of his Presidency and has worked very hard and has continued to make this a priority. We want to commend his leadership. It is essential. We cannot move this legislation without his help.

Senator KENNEDY, who has worked on this issue for more than four decades, I guess, now, has given tremendous leadership and inspiration. Whether he is here physically or whether he is not, he is providing that and has provided that for the American people for a generation on health care.

Senator BAUCUS, the head of the Finance Committee, has worked not just months but years on this. Especially in the last year, in the last 6 months, he has been working very hard to get it right on that essential committee.

Senator DODD has stepped into the Health, Education, Labor and Pensions Committee leadership role because Senator KENNEDY hasn’t always been able to be here because of his own health challenges.

I also wish to commend the bipartisan spirit that I think is evident on both sides of the aisle. People want to get this done, and they want to get it done in a bipartisan manner.

What I will speak about today is an aspect of this challenge which I think is not getting enough attention and enough focus and, therefore, may not get enough resolution in the legislation, and that is the issue of what happens to our children, especially children who are poor or those with disabilities, those with special needs. I believe the theme—not just the theme and not just the goal but the ironclad promise that we should make when we talk about reforming health care and getting legislation passed—the ironclad promise should be as follows: No child worse off. No child in America should be worse off at the end of this process, especially poor children and especially those who have special needs, those with a disability.

Despite all of the great work—and I could cite a long list of people to thank for children’s health insurance—the legislation that was passed in the 1990s and the reauthorization is great news: 6 million kids covered, plus 4 million more who will be covered, so almost 10 million—almost 11 million, actually—more than 10 million children are covered by that. That is wonderful. We

should be happy about that. We got that done this year. Here is the problem: There are still 5 million more who are not covered. So I rise today to speak about coverage and a focus on those children.

Here is what I believe when it comes to children in our society. I believe every child born in America is born with a light inside them. For some children, the reach of that light will be boundless. It will be scintillating. You won't be able to see it, it will be so bright, because of that child's potential or because of his or her circumstances, but their potential and, therefore, the light within them is boundless. For some other children, that light will be a little more limited because of circumstance, or because of other limitations they may have. No matter what the situation that child is in, no matter how brightly or not so brightly that light is shining, we have to make sure we are there for them, especially when it comes to health care. So I believe that light has to continue to shine, and one of the reasons I am so grateful for the work that has been done already is that in our committee, we have made children a priority.

The Health, Education, Labor and Pensions Committee has not only produced a bill already—it is from one side of the aisle, the Democratic side; we are working with our Republican colleagues now—but the Affordable Health Choices Act is now on the table for debate. We are working on it today, hours and hours yesterday and today, and we will continue that with our Republican colleagues.

There are a number of provisions in there for children that speak directly to this concern I have. Senator DODD has shown tremendous leadership on this issue of helping our children through this legislation. But I believe we have to focus the attention of the country on the challenge, and that is why I have introduced S. Res. 170.

I ask unanimous consent that the entire resolution be printed in the RECORD as a part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. 170

Whereas Medicaid is a cornerstone of the Nation's health care infrastructure, providing critical health coverage to Americans who have the greatest needs: children and adults whose financial means are very modest and people who are in poorer health compared to the population at-large, including individuals with significant disabilities and those with multiple chronic illnesses;

Whereas Medicaid provides health coverage to $\frac{1}{4}$ of the Nation's children and more than $\frac{1}{2}$ of all low-income children;

Whereas because minority children are more likely to be from low-income families, Medicaid has been shown to reduce racial and ethnic disparities in health care, as it provides coverage for 2 out of every 5 African-American and Hispanic children;

Whereas by limiting cost-sharing and premiums, Medicaid provides a comprehensive

benefit package and ensures that children have access to affordable coverage and the health care services they need to stay healthy and meet developmental milestones;

Whereas Medicaid is designed to meet the complex health care needs of low-income and special needs children by including a wide range of essential and comprehensive services that many private insurers do not cover;

Whereas Medicaid provides developmental assessments for infants and young children (including well-child visits, vision and hearing services, and access to a wide range of therapies to manage developmental disorders and chronic illnesses) and coverage for in-home support, long-term care for special needs children, and transportation services;

Whereas Medicaid provides a care coordination benefit that supports at-risk children by coordinating State health services, thereby furthering the ability of States to effectively coordinate medical and social services that are provided by multiple organizations and agencies;

Whereas administrative spending is lower in Medicaid than through private insurance;

Whereas Medicaid is critical for ensuring that children have access to safety-net providers in their local communities and for training health care professionals, including pediatricians; and

Whereas Medicaid provides low-income children with the full complement of services they need to meet their unique health and developmental needs: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should ensure that reform of our Nation's health care system shall benefit all children and that no child shall be worse off, particularly the most vulnerable low-income children and children with disabilities; and

(2) strengthening our Nation's Medicaid program should be a priority and that low-income children should not be moved into a health care exchange system that could disrupt and diminish their benefits, cost-sharing protections, availability of care standards and protections, and access to supports, services, and safety-net providers.

Mr. CASEY. S. Res. 170 is cosponsored by Senators DODD, ROCKEFELLER, BROWN, WHITEHOUSE, and SANDERS. I will highlight some of the features of it.

First, it starts with a recognition that the Medicaid Program is a cornerstone of the Nation's health insurance infrastructure. It notes in the resolution that Medicaid covers a quarter of all children in the country—one-quarter—and half of all poor children. It notes as well that Medicaid has been shown to reduce racial and ethnic disparities in health care and provides coverage for two out of every five African-American and Hispanic children.

Medicaid is a comprehensive benefit package. It provides developmental assessments for infants and young children. It has care coordination benefits in support of at-risk children, and Medicaid's administrative spending is lower than that through private insurance.

Here is the end of the resolution, and I am summarizing here: It is the intent of this resolution to say that the Nation's health care system shall benefit

all children—all children—and that no child shall be worse off at the end of this debate. Low-income children should not be moved into a health care exchange system that could disrupt and diminish their benefits. That is S. Res. 170.

I believe it is critically important to emphasize this idea, that no child should be worse off as a result of health care reform—not a single child—and in particular, those who have special needs or who happen to be poor.

We know from our research that children are not small adults. They have different challenges. They have developmental and health care needs that are very different from adults. The challenges they have, the problems they encounter can be exacerbated if children face economic challenges or have any kind of special needs. These needs must be met, and if they are not met, the whole trajectory for the future of that child will be changed for the worse.

Let me say in conclusion, we have seen throughout our history that there are some people who cannot do something on their own, that they need the help of a program, they need the help of a government, and thank goodness we made the determination a long time ago that our health care system is part of that equation. When I think about health care and when we think about the health care of children, no matter what income level their family happens to be in, but especially if they are poor or have special needs, and you think of the love of a mother, with the kind of love that a mother provides to a child, there are so many things that one mother can provide for her child. She can help with that child's education. She can provide nurturing and care and love to make sure that child develops in the way we would hope. She can even help somewhat in that child's health care. But no matter how much a mother loves her child, no matter how skilled she is, no matter how dedicated she is to the welfare of her child, and no matter how much she loves that child, she cannot—cannot—provide the kind of protections that health insurance provides and the kind of medical attention that a good hospital or a good doctor or a good health care professional can provide.

So we have a choice. We can have health reform legislation, and everyone will pat each other on the back and we will all be happy we got it done. That would be wonderful. But if we get this bill passed and we have fallen short with regard to our children, especially those who are poor and have special needs, I think we will have failed not only those children, of course, but we will have failed the obligation we have to make sure that every child comes through this with the kind of protections and the kind of help they should have a right to expect, and that that

mother can have a sense that this country, this government has made a full commitment—not a partial commitment but a full commitment—to children.

Let us, as we go forward, remember the love that a mother has for her child and the limitations—no matter how much that mother loves that child and what she is able to do—that we must help her with in this debate. Let us not forget, and let us make sure that the legislation we pass on health care reform has as one of its ironclad promises: no child worse off.

Mr. President, I yield the floor and would note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the business before the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided and controlled between the Senator from Connecticut, Mr. DODD, and the Senator from Wyoming, Mr. ENZI, or their designees.

Mr. DODD. Mr. President, I see my friend from Ohio, Senator BROWN, who has been a champion of this issue, not only as a Member of this body but as a former Member of the other body. He has spoken eloquently on this already. I will defer to him whatever time he may wish to use. I am told Senator ENZI will be here shortly. We will go back and forth between now and 2:30.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. I thank the Senator.

Mr. President, I have watched with great admiration Senator DODD's work on this bill. I also worked on this bill

with HENRY WAXMAN in the House of Representatives. Senators KENNEDY, DODD, DURBIN, and Congressman WAXMAN have helped to bring these issues forward, and they have never given up.

I boil this issue down to basically almost one sentence. I remember sitting in front of the Health Subcommittee in the House years ago and seeing the tobacco company executives swear to tell the truth, and they didn't exactly tell the truth when they talked about nicotine not being an addiction. I learned one simple concept at that hearing—and we have known this for a number of years—which is that 400,000 Americans die every year from tobacco-related illnesses. On average, that means more than 1,000 Americans die every day from tobacco-related illnesses.

If you are a tobacco executive, you think about this: You have lost 400,000 customers every year, more than a thousand customers every day, and you need to replenish your customer base. What do you do? You need to find 400,000 new customers every year. You don't go to people of Senator DODD's and my generation; you don't even go to my children's age group; they are in their late twenties. You aim your marketing campaign at the young men and women sitting in front of me, the pages on the steps in front of the Presiding Officer's chair. You aim at people 14, 15, 16, 17, 18 years old. You have to find 400,000 new customers every year and more than 1,000 customers every day. And they are pretty successful at it.

I heard Senator DODD talk a few minutes ago in another meeting, and he said something like 3,000 new young people start smoking every day. Of those 3,000, for many it becomes a lifelong habit and many will die as a result of smoking. So the key point about this legislation—what makes the legislation Chairman DODD brought forward today so important—is to have the FDA finally be involved in tobacco-related illness and regulation. What makes it so important is we need somebody to stand between the very well-paid drug company marketing executives and these 13-, 14-, 15-, and 16-year-olds who aren't nearly as sophisticated. We need some assistance in making sure those targeting efforts cannot get those young people addicted.

One thousand Americans every day die from tobacco-related illnesses. They need 1,000 new customers every day to replenish their customer base. This legislation will help stop that. That is why this is important, and the Senate needs to pass this legislation. That is why this 15-year effort to do this right finally is coming to fruition. We need to pass this and get it to the President. He is eager to sign it. It will matter greatly in affecting America's public health in the decades ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank my colleague from Ohio for his remarks and for his efforts over the years. This has been a long journey. It goes back 50 years. Back then, the Surgeon General of the United States warned of the health effects of smoking—a half century ago.

I know we will have a big vote at 2:30, and that is great news. Sometimes a large vote such as this minimizes the impact of the decision. This has been a very long battle. Somebody told me the other day the issue to ban smoking on airplanes only passed the Congress by one vote. Imagine today if somebody tried to restore the right, or privilege, to smoke on airplanes. I doubt you would find one vote in favor. Even smokers object to smoking on airplanes today. So only by a one-vote margin did Congress vote to ban that practice.

On Monday, we had a cloture vote. People can vote for a lot of different reasons. I don't suggest that everybody who voted against cloture was in favor of continuing to allow the tobacco industry to be unregulated. But by a 1-vote margin, basically, 61 votes, on a bipartisan basis, we terminated that debate, which is bringing us to the vote in 20 minutes. While it may seem like another vote on this day, June 11, 2009, it is a significant vote. I don't know of another vote in the last number of years as important as this one. We are going to start a markup in the next week—my friend from Wyoming has been involved in this and is passionate about the issue of smoking. We are going to mark up bills and fashion a major health care reform debate in this country. What better way to begin that debate than by the vote we are going to take in a few minutes.

For the first time in the history of our country, we will insist that tobacco products be regulated by the FDA. To put this into perspective, the FDA regulates not only all the food and other products we ingest, it regulates cosmetics, mascara, lipstick, and all sorts of products that we not only ingest but that we also use on our bodies. It also controls the products your pets consume, such as cat food, dog food, hamsters, and whatever else; the FDA has the power to regulate that.

But for 50 years, the tobacco industry has successfully fought the ability to regulate tobacco products. Yet 3,000 to 4,000 kids start smoking every day in this country; 400,000 a year die, as you have heard from Senator BROWN. It is incredible to me that for more years than many want to believe or count, we have had an industry that has gone basically unregulated. Of course, the idea that you can put cherry flavors and strawberry flavors in a cigarette and use cartoon figures to market it, that is not aimed at the 30- and 40-year-old tobacco user, it is aimed at children. One thousand of those children become addicted every day, and

one-third that number will die prematurely from smoking.

I will guarantee you there is not an adult smoker who wishes their child would begin smoking. I guarantee you that virtually 100 percent of adult smokers have many wishes for their children and one is that their children never start the habit that they did. We are told by health officials, experts, that the average person who smokes and tries to quit, tries seven times before effectively kicking the habit. I am a former smoker. Let me tell you, it is hard. I know others have not smoked, and my colleague from Wyoming talks about his own family smoking. He never did, but he grew up in a family that did. My mother smoked cigarettes and my father smoked cigars and pipes in our house with six children. Many of my siblings smoked growing up, all of whom have stopped. But it is hard.

Today, in the name of my colleague from Massachusetts, Senator KENNEDY, who for four decades championed this, as well as HENRY WAXMAN in the House, DICK DURBIN of Illinois, SHERROD BROWN of Ohio, MIKE ENZI of Wyoming, and many others who have fought this battle, we will vote at 2:30. It will go through overwhelmingly, and we will go on to the next matter.

Our leader, HARRY REID, insisted we stay on this matter. That is leadership. He could have easily said let's move on to another issue, it is taking too long—3 weeks to get it done. But because HARRY REID and DICK DURBIN and MIKE ENZI stayed with us and insisted we go through a normal process, which is right to do in our committee, with the good staff people who have worked hard on this, we are going to get this done today. We might move on to the next issue then.

For the first time, we will make a difference by requiring that the FDA regulate the production, the sale, and the marketing of these products. That is history. I cannot tell you how proud I am to be involved in it, in the name of TED KENNEDY and the others who came before us, including Mike DeWine of Ohio, Tom Davis, HENRY WAXMAN and many others and the thousands of organizations that joined us in this effort today.

Mr. DURBIN. Will the Senator yield?
Mr. DODD. Yes.

Mr. DURBIN. I thank the Senator from Connecticut for his leadership on this issue. Just a few weeks ago, he had the legislation on credit card reform.

I thank Senator ENZI for making this a true bipartisan effort. We would not be here today without his cooperative effort.

I thank Senator DODD for invoking the name of our great hero, TED KENNEDY, who started this fight.

In just a few minutes, this Senate will make a historic decision, and I think it will make the right decision. Joe Camel will be given a life sentence

and put away forever, and we are going to give our kids and families across America a fighting chance for a better life.

This bill is historic. It has been a long time coming. I thank my colleagues for all their work to make it possible.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today in support of the Family Smoking Prevention and Tobacco Control Act. I have thought long and hard about this legislation, and after a lot of work and a few good improvements, I believe this bill is the only bill we will consider seriously that will make it difficult for kids to get tobacco, make it difficult for them to start smoking, and that is the important point.

I want to be clear, I still do not think there is enough in this bill to stop smoking. One smoker is too many. But maintaining the current state of tobacco regulations is not acceptable to me.

One issue we have not discussed much is the cost of tobacco use to non-smokers. Many smokers say it is their business what they put into their bodies. Ordinarily, they would be right. But when it comes to tobacco, we all pay for what smokers put into their bodies and breathe out into the air. We all bear the increased financial costs of the diminished health of smokers. When one of your colleagues smokes, health insurance premiums go up for everybody. Every senior who uses tobacco creates a further strain on Medicare, and since you pay for that, too, through your taxes, it puts a strain on your wallet.

If smokers were the only ones who paid the price for smoking, we would not be having this debate at all. But since the extra costs get shifted to the rest of us, it becomes our problem too. Secondhand smoke penalizes those who do not smoke, particularly the families of smokers. I hope they listen to that and realize that.

Unfortunately, I know a lot about this since my parents' smoking impacted me. My mom, we thought, quit, but she became a closet smoker, which goes with Senator DODD's comment that it is hard to give it up, and I understand how hard it is to give it up. When she quit smoking and was not smoking around me, my doctor told me he was glad I quit smoking. I said I never did. He showed me the lung x rays he had taken the year before at my athletic physical and that year at my athletic physical. When they quit smoking around me, I also got over extreme hay fever.

Nearly 22 million U.S. children aged 3 to 11 are exposed to secondhand smoke. Approximately 30 percent of indoor workers in the United States are not covered by smoke-free workplace poli-

cies. Those numbers are just too high. We cannot keep paying that price.

I also have concerns about the long-term financial health of this new center at FDA. The bill gives FDA increases in funding for this program for the first 10 years but leaves it flat after that. I think Congress will have to revisit that issue or this program will wither on the vine and we will not have meaningful tobacco regulation. We cannot let that happen.

This bill does contain three important provisions for which I fought; increased fines on tobacco companies, larger color graphic warning labels, and reporting to Congress on how the program is going. I would like to talk about each of these for a moment.

We know from decades of experience that the tobacco companies are not inclined to follow the law. They do not have a history of being forthcoming with the health information in their possession. Just 2 weeks ago, the U.S. Court of Appeals for the District of Columbia found that the tobacco companies were guilty of "... a decades-long conspiracy to deceive the American public about the health effects and addictiveness of smoking cigarettes."

I am pleased I was able to add a measure to the bill that increased civil penalties for violations of the new law and sends a strong message that we are serious about expecting compliance from the tobacco industry.

The new larger color graphic warning labels provision I authored will do a lot to reduce smoking. Everyone from the World Health Organization to the Congressional Budget Office says these warnings work. Research shows these warnings have a big impact. One-fifth of the participants reported smoking less as a result of the labels. Only 1 percent reported smoking more.

We should want kids who are thinking about taking up this deadly habit to have a bit of a shock just by looking at the package. We should want smokers to think about these health issues each time they light up. Any tool in our arsenal that makes people think twice about taking up tobacco should not be an option, it should be a requirement. Now these labels are a requirement.

Finally, we now require reports on the performance of FDA's tobacco center and on the financial situation of the program. Without this regular reporting, Congress would have little insight into the operation and status of this new program. These reports play an important role in establishing the health of the programs and FDA's performance in carrying out the law.

I want to make sure the agency is doing what it is supposed to do and that the fees are paying for FDA's tobacco control activities. These reports will help us do just exactly that.

I have always stood against tobacco. The footing would have been better if

changes such as my phase-out amendment to reduce tobacco use over 100 years was accepted. I know how addictive it is. I did not want to make it too short a period of time. I thought 100 years was plenty reasonable. We did not have a chance to debate that or look at it. I actually offered that a little more than a year ago. It was a new amendment then. New amendments have trouble getting traction, except in New Zealand. New Zealand liked this approach to stopping smoking and looked at it in their legislature. They even called it the Enzi bill. Of course, you have to realize that is how it sounds and that is the way they spelled it, but in New Zealand, "NZ" stands for their country. I think they were talking about their country's bill rather than something I had written. It was kind of fun to watch anyway.

I think we need to look at some approaches such as that idea where the tobacco companies have to reduce the number of cigarettes they are selling each and every year or purchase a number from another company to make up for the increase in cigarettes they sold, which would reduce smoking at least in one part and over a long period of time would eliminate this problem.

This bill is just one step toward the goal I know we all share, which is reducing the public health toll of tobacco use. I urge my colleagues not to rest on their laurels and think this bill is enough to combat tobacco. I intend to continue the fight against tobacco, and I ask my colleagues to join me.

I thank Senator DODD, who has been chairing this effort and working on this bill with me, for giving us a voice and taking the bill through the whole process. It was extremely important, extremely valuable. The floor discussion took longer but with less debate than I anticipated. I know some parliamentary issues got in the way of that. We could have had more success, but there were some additional amendments that could not be resolved.

I always ask people to do relevant or germane amendments to the bills. When they talk about doing other ones, it sometimes slows our process down dramatically and usually does not result in any of those amendments happening anyway.

I also wish to thank all the staff who worked on this bill. They, too, have been very diligent, have looked at everything, have done tremendous research. I particularly thank Amy Muhlberg for her efforts on this legislation. I think she knows the tobacco bill and other proposals better than probably anybody. She has real diligence and passion for it. I also thank Greg Dean of my staff for his efforts. He has a legal mind that helps us on these issues.

I thank Senator BARR for his hard work during this process. Although he

ultimately was not successful, his efforts helped advance the debate and highlight some areas where improvement is needed. He put considerable time and energy into preparing a viable alternative, and I appreciate the way he created options.

Chris Wall of Senator BARR's staff was extremely helpful during the markup and floor debate, and I thank him and compliment his work with my staff and others on this bill. Jeff Teitz and Ben Olinsky of Senator KENNEDY's staff, and Jim Fenton and Jeremy Sharp of Senator DODD's staff were also critical to our progress on this bill. Finally, Megan Hauck from the Republican leader's office and the floor staff for their assistance.

I do intend to continue the fight against tobacco. I ask my colleagues to join me in this fight. I thank Senator DODD for all of his efforts. There is true passion.

I yield the floor.

REGULATING TOBACCO WAREHOUSES

Mr. WARNER. Mr. President, the bill before us grants standby authority to the Secretary of Health and Human Services to regulate "tobacco warehouses." Because the bill already draws a bright line between tobacco companies that actually manufacture tobacco products and those, including growers and "tobacco warehouses," that do not manufacture, I would expect that the Secretary would utilize the standby authority to regulate tobacco warehouses only under unforeseen and unanticipated circumstances that give rise to public health concerns.

Mr. DODD. That is my general understanding of the provision.

Mr. WARNER. I thank the Senator.

PESTICIDE REGULATION

Mr. CHAMBLISS. Mr. President, the EPA's Office of Pesticide Programs has been protecting the environment, agricultural workers and the public health by regulating pesticides for many years. These chemicals are commonly used in agriculture, including the production of tobacco leaf. EPA approves the use of all pesticides in the United States under the authority of the Federal Insecticide, Fungicide and Rodenticide Act—FIFRA. I would ask Senator HARKIN if this bill would in any way limit the authority of the Administrator of the Environmental Protection Agency to regulate pesticides under FIFRA.

Mr. HARKIN. I would respond to the Senator from Georgia that it is my understanding that nothing in the Family Smoking Prevention and Tobacco Control Act would restrict the Administrator's authority provided under FIFRA.

Mr. DODD. I agree with my colleagues from the Committee on Agriculture, Nutrition and Forestry.

Mr. AKAKA. Mr. President, I support the Family Smoking Prevention and Tobacco Control Act. Tobacco products kill approximately 400,000 people each

year. The Food and Drug Administration, FDA, must be provided with the authority to regulate deadly tobacco products, restrict advertising, and further restrict access of tobacco to children.

The Campaign for Tobacco-Free Kids estimates that almost 10 percent of Hawaii high school students smoke. Flavored cigarettes are one of the repulsive methods used by tobacco companies to get children and teenagers to start smoking. In 2004, R.J. Reynolds Tobacco Company tried to exploit images of my home state of Hawaii and the name of one of our islands in an attempt to make smoking more attractive. One of the cigarettes, which was named Kauai Kolada, was flavored with hints of pineapple and coconut. Another lime-flavored cigarette was featured in the predatory marketing campaign. It was extraordinarily offensive that a manufacturer of such a deadly product would exploit and taint the images and names from Hawaii in an attempt to attract young smokers. This is just one example of some of the products and marketing used to attract young people to become smokers.

This legislation includes a long overdue prohibition on fruit and candy flavored cigarettes. It also will permit the FDA to restrict advertising, marketing, and sales practices in an attempt to further limit the access of tobacco products to children. This bill will help protect our children and improve the public health of our country. We must prevent tobacco companies from cultivating another generation of smokers so that they can increase sales and reap more profits at the expense of the health and well-being of our families.

In order to supplement the loss in revenue from this bill, the House added provisions to increase revenue through the introduction of a Roth-like option for Thrift Savings Plan participants. The additional revenue also covered a number of annuity enhancement, correction, and equity provisions for Federal employees. The Lieberman amendment included these provisions as well as the Non-Foreign Area Retirement Equity Assurance Act, to provide Federal employees in Alaska, Hawaii, and the territories locality pay. I strongly supported the Lieberman amendment and all the Federal employee annuitant provisions, and I am very disappointed that a lack of cooperation for this bipartisan amendment led to its defeat. I am hopeful that we will be able to address these critical issues to Federal employees very soon.

I appreciate all of the work done on this important issue by my friend from Massachusetts, Senator KENNEDY, and my friends from Connecticut, Senators DODD and LIEBERMAN. I look forward to the enactment of this vital legislation.

Mr. LEAHY. Mr. President, I am pleased the Senate is moving once

again to pass legislation to regulate tobacco products in the United States. Senator KENNEDY's lifetime efforts to improve the public's health are exemplified in his fight to pass the Family Smoking Prevention and Tobacco Control Act. Despite many setbacks, Senator KENNEDY has worked tirelessly to pass this legislation and I am proud to join him again as a cosponsor of this bill. This legislation is long overdue and I look forward to it being signed into law.

The health risks associated with smoking are undisputed and cost hundreds of thousands of Americans their lives every year. Tobacco products will kill one out of three long-term smokers, leading to over 400,000 deaths per year. The Surgeon General has determined that smoking causes lung cancer, heart disease, and other serious illnesses. Deaths from tobacco products exceed deaths from HIV/AIDS, illegal drug use, alcohol use, car accidents, suicides, and murders combined.

Despite the dangers of smoking, we have seen that children have the greatest risk of becoming addicted to tobacco. Each day more than 3,500 children will try a cigarette for the first time and 1000 of those kids will become regular smokers. Among adult smokers, 90 percent started smoking as children and teens under the age of 18. In my home State of Vermont, more than 18 percent of high school students smoke. According to the Campaign for Tobacco-Free Kids, 12,000 children in Vermont will ultimately die from smoking if smoking rates remain unchanged.

These statistics are horrifying but perhaps not surprising given the historic lack of regulation of the tobacco industry. At a congressional hearing as late as 1994, tobacco industry chairmen and CEOs testified that nicotine is not addictive, even though decades of evidence showed otherwise. In fact, the tobacco industry has increased the nicotine levels in cigarettes by more than 11 percent from 1998 to 2005, increasing the risk of cigarette addiction. If enhanced nicotine levels in cigarettes is not enough to convince us that the tobacco industry should be regulated, a new study released this spring showed that changes the tobacco industry has made to cigarette design over the years has increased the risk of lung cancer for those who smoke.

In addition to making their products more potent and addictive, study after study has shown how the tobacco industry continues to successfully target advertising to minors to get them hooked for life on smoking. Each year, the tobacco industry spends over \$13 billion in advertising—that is \$36 million every day. Studies have showed that children are three times more sensitive to tobacco advertising than adults and are more likely to be influenced to start smoking by cigarette marketing than by peer pressure.

This bill addresses these shameful business practices by giving the United States Food and Drug Administration the authority for the first time to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco. It will require manufacturers to better disclose the contents and consequences of their products in new, stronger warning labels on packages. It will also prohibit cigarette companies from labeling their brands as reduced risk "lite" or "ultra-lite" unless the government can certify that those claims are true. The very purpose of the Food and Drug Administration is to protect the interests and safety of consumers and this legislation will finally allow the FDA to hold the tobacco industry accountable for their products.

A recent ruling by the District of Columbia Circuit Court highlights the need for serious regulation of the tobacco industry. The DC Appeals Court confirmed the district court's ruling, which found that the tobacco industry had for decades engaged in deceptive marketing tactics to conceal the negative health impacts of smoking. The ruling confirmed that tobacco companies had not changed the way their products were marketed in response to the Master Settlement Agreement, and instead the industry has more than doubled spending on marketing campaigns that included spurious claims of "healthier" cigarettes that are "light" or "low-tar." The ruling did not, however, require that the tobacco industry surrender profits that resulted in the misleading advertising or stop the industry from adding flavors to make products more appealing to kids or to manipulate nicotine levels to increase addictiveness and harm. The tobacco industry must be regulated to create transparency in the contents of tobacco products and to help stop hundreds of thousands of preventable deaths each year.

For far too long, the tobacco industry has been given free rein to mislead the public and encourage children and teens to take up smoking. The passage of this bill will give the FDA the authority it needs to effectively protect children from smoking and improve consumer awareness of tobacco industry practices, which will in turn save American lives. I urge all Senators to support passage of the Family Smoking Prevention and Tobacco Control Act.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleagues. We are getting close to the time of the vote. I would be remiss if I did not also mention our staff. I often say in a time such as this, Senators get the opportunity to stand at a podium and be heard, but there are literally dozens of people whose names most Americans will never know who make

these moments happen. They deserve public recognition because they worked tirelessly, late nights, weekends, around the clock negotiating, working with each other trying to iron out provisions of the bill.

On Senator KENNEDY's staff: Jeff Teitz, Michael Myers, Ben Olinsky, Terri Roney, Shawn Daugherty, and Portia Wu. Some are in the Chamber. I thank them immensely on behalf of Senator KENNEDY.

Senator DURBIN's staff: Tom Falletti and Sara Singleton have been terrific in this effort. We thank Tom and Sara for their work.

Senator ENZI's staff: Greg Dean and Amy Muhlberg. We thank them immensely. They worked hard on this bill.

Finally I want to thank Jim Fenton from my office, Rachael Holt, Jeremy Sharp, who is sitting next to me, and Monica Feit. I have gotten a lot of help in this effort, with Senator KENNEDY's staff and Senator ENZI's staff.

There are members of the majority leader's staff who deserve our thanks as well. We always have to thank Lula, Tim, and others who make it all possible. We thank them all very much for what they do.

Again, as Senator DURBIN said, and Senator ENZI and others have said, this is a historic moment for our Chamber to be able to do something. Fifty years ago the Surgeon General warned us of tobacco use, and a half century later we are about to insist the agency in charge of food, drugs, cosmetics, and pet food also be able to include tobacco. We are about to do that.

The House and Senate bills are similar, and I believe we will have a Presidential signature on this legislation very quickly.

On behalf of millions of families across this country and as the father of a 4-year-old and a 7-year-old who do not know anything about tobacco yet, and whose mother does not smoke, never did, and a father who did but stopped, on behalf of my children and millions of children around this country, we are told by the Congressional Budget Office that an 11-percent reduction in youth smoking can happen immediately with the passage of this bill. That may not seem like much, but it is a beginning. We may just reach the goal of my colleague from Wyoming of a 100-percent reduction of young people smoking. My hope is that certainly will be the case.

Mr. President, with a little bit of time remaining, I am prepared to yield back the time, and at the appropriate moment, I will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Wyoming has 3 minutes 30 seconds remaining.

Mr. ENZI. Mr. President, I yield back the remainder of my time.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Under the previous order, the bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BOND).

Further, if present and voting, the Senator from Missouri (Mr. BOND) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—79

Akaka	Grassley	Nelson (FL)
Barrasso	Gregg	Pryor
Baucus	Harkin	Reed
Bayh	Hutchison	Reid
Begich	Inouye	Risch
Bennet	Johanns	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Sessions
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Shelby
Cardin	Landrieu	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lincoln	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Martinez	Vitter
Crapo	McCain	Voivovich
Dodd	McCaskey	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Feingold	Murkowski	Wyden
Feinstein	Murray	
Gillibrand	Nelson (NE)	

NAYS—17

Alexander	Coburn	Inhofe
Bennett	DeMint	Isakson
Brownback	Ensign	Kyl
Bunning	Graham	McConnell
Burr	Hagan	Roberts
Chambliss	Hatch	

NOT VOTING—3

Bond	Byrd	Kennedy
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The bill (H.R. 1256), as amended, was passed, as follows:

H.R. 1256

Resolved, That the bill from the House of Representatives (H.R. 1256) entitled "An Act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.", do pass with the following amendment:

Strike all after the enacting clause and insert the following:

DIVISION A—FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Family Smoking Prevention and Tobacco Control Act".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Scope and effect.
- Sec. 5. Severability.
- Sec. 6. Modification of deadlines for Secretarial action.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

- Sec. 101. Amendment of Federal Food, Drug, and Cosmetic Act.
- Sec. 102. Final rule.
- Sec. 103. Conforming and other amendments to general provisions.
- Sec. 104. Study on raising the minimum age to purchase tobacco products.
- Sec. 105. Enforcement action plan for advertising and promotion restrictions.
- Sec. 106. Studies of progress and effectiveness.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

- Sec. 201. Cigarette label and advertising warnings.
- Sec. 202. Authority to revise cigarette warning label statements.
- Sec. 203. State regulation of cigarette advertising and promotion.
- Sec. 204. Smokeless tobacco labels and advertising warnings.
- Sec. 205. Authority to revise smokeless tobacco product warning label statements.
- Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

- Sec. 301. Labeling, recordkeeping, records inspection.
- Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

- (1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.
- (2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.
- (3) Nicotine is an addictive drug.
- (4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.
- (5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.
- (6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.
- (7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.
- (8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.
- (9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

ability for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year, and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco-induced disease. Such a reduction in youth smoking would also result in approximately \$75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2005, the cigarette manufacturers spent more than \$13,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children,

who tend to be more price sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615-44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the first amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration, and the restriction on the sale and distribution of, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this division.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion play a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both do-

mestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that "low tar" and "light" cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking "low tar" and "light" cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from "low tar" and "light" cigarettes, and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in ensuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be reviewed in advance of marketing, and to require that the evidence relied on to support claims be fully verified.

(44) The Food and Drug Administration is a regulatory agency with the scientific expertise to identify harmful substances in products to which consumers are exposed, to design standards to limit exposure to those substances, to evaluate scientific studies supporting claims about the safety of products, and to evaluate the impact of labels, labeling, and advertising on consumer behavior in order to reduce the risk

of harm and promote understanding of the impact of the product on health. In connection with its mandate to promote health and reduce the risk of harm, the Food and Drug Administration routinely makes decisions about whether and how products may be marketed in the United States.

(45) The Federal Trade Commission was created to protect consumers from unfair or deceptive acts or practices, and to regulate unfair methods of competition. Its focus is on those marketplace practices that deceive or mislead consumers, and those that give some competitors an unfair advantage. Its mission is to regulate activities in the marketplace. Neither the Federal Trade Commission nor any other Federal agency except the Food and Drug Administration possesses the scientific expertise needed to implement effectively all provisions of the Family Smoking Prevention and Tobacco Control Act.

(46) If manufacturers state or imply in communications directed to consumers through the media or through a label, labeling, or advertising, that a tobacco product is approved or inspected by the Food and Drug Administration or complies with Food and Drug Administration standards, consumers are likely to be confused and misled. Depending upon the particular language used and its context, such a statement could result in consumers being misled into believing that the product is endorsed by the Food and Drug Administration for use or in consumers being misled about the harmfulness of the product because of such regulation, inspection, approval, or compliance.

(47) In August 2006 a United States district court judge found that the major United States cigarette companies continue to target and market to youth. *USA v. Philip Morris, USA, Inc.*, et al. (Civil Action No. 99-2496 (GK), August 17, 2006).

(48) In August 2006 a United States district court judge found that the major United States cigarette companies dramatically increased their advertising and promotional spending in ways that encourage youth to start smoking subsequent to the signing of the Master Settlement Agreement in 1998. *USA v. Philip Morris, USA, Inc.*, et al. (Civil Action No. 99-2496 (GK), August 17, 2006).

(49) In August 2006 a United States district court judge found that the major United States cigarette companies have designed their cigarettes to precisely control nicotine delivery levels and provide doses of nicotine sufficient to create and sustain addiction while also conceding much of their nicotine-related research. *USA v. Philip Morris, USA, Inc.*, et al. (Civil Action No. 99-2496 (GK), August 17, 2006).

SEC. 3. PURPOSE.

The purposes of this division are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products as provided for in this division;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco-related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this division (or an amendment made by this division) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this division (or an amendment made by this division) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

(c) REVENUE ACTIVITIES.—The provisions of this division (or an amendment made by this division) which authorize the Secretary to take certain actions with regard to tobacco products shall not be construed to affect any authority of the Secretary of the Treasury under chapter 52 of the Internal Revenue Code of 1986.

SEC. 5. SEVERABILITY.

If any provision of this division, of the amendments made by this division, or of the regulations promulgated under this division (or under such amendments), or the application of any such provision to any person or circumstance is held to be invalid, the remainder of this division, such amendments and such regulations, and the application of such provisions to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

SEC. 6. MODIFICATION OF DEADLINES FOR SECRETARIAL ACTION.

(a) DELAYED COMMENCEMENT OF DATES FOR SECRETARIAL ACTION.—

(1) IN GENERAL.—Except as provided in subsection (c), with respect to any time periods specified in this division (or in an amendment made by this division) that begin on the date of enactment of this Act, within which the Secretary of Health and Human Services is required to carry out and complete specified activities, the calculation of such time periods shall commence on the date described in subsection (b).

(2) LIMITATION.—Subsection (a) shall only apply with respect to obligations of the Secretary of Health and Human Services that must be completed within a specified time period and shall not apply to the obligations of any other person or to any other provision of this division (including the amendments made by this division) that do not create such obligations of the Secretary and are not contingent on actions by the Secretary.

(b) DATE DESCRIBED.—The date described in this subsection is the first day of the first fiscal

quarter following the initial 2 consecutive fiscal quarters of fiscal year 2010 for which the Secretary of Health and Human Services has collected fees under section 919 of the Federal Food, Drug, and Cosmetic Act (as added by section 101).

(c) EXCEPTION.—Subsection (a) shall not apply to any time period (or date) contained—

(1) in section 102, except that the reference to “180 days” in subsection (a)(1) of such section shall be deemed to be “270 days”; and

(2) in sections 201 through 204 (or the amendments made by any such sections).

(d) ADJUSTMENT.—The Secretary of Health and Human Services may extend or reduce the duration of one or more time periods to which subsection (a) applies if the Secretary determines appropriate, but no such period shall be extended for more than 90 days.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(rr)(1) The term ‘tobacco product’ means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

“(2) The term ‘tobacco product’ does not mean an article that is a drug under subsection (g)(1), a device under subsection (h), or a combination product described in section 503(g).

“(3) The products described in paragraph (2) shall be subject to chapter V of this Act.

“(4) A tobacco product shall not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetic, medical device, or a dietary supplement).”

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 910 as sections 1001 through 1010; and

(3) by inserting after chapter VIII the following:

“CHAPTER IX—TOBACCO PRODUCTS

“SEC. 900. DEFINITIONS.

“In this chapter:

“(1) ADDITIVE.—The term ‘additive’ means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring or coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

“(2) BRAND.—The term ‘brand’ means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, packaging, logo, registered trademark, brand name, identifiable pattern of colors, or any combination of such attributes.

“(3) CIGARETTE.—The term ‘cigarette’—

“(A) means a product that—

“(i) is a tobacco product; and

“(ii) meets the definition of the term ‘cigarette’ in section 3(1) of the Federal Cigarette Labeling and Advertising Act; and

“(B) includes tobacco, in any form, that is functional in the product, which, because of its

appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

“(4) CIGARETTE TOBACCO.—The term ‘cigarette tobacco’ means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements applicable to cigarettes under this chapter shall also apply to cigarette tobacco.

“(5) COMMERCE.—The term ‘commerce’ has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act.

“(6) COUNTERFEIT TOBACCO PRODUCT.—The term ‘counterfeit tobacco product’ means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(i)(1).

“(7) DISTRIBUTOR.—The term ‘distributor’ as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

“(8) ILLICIT TRADE.—The term ‘illicit trade’ means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

“(9) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given such term in section 1151 of title 18, United States Code.

“(10) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act.

“(11) LITTLE CIGAR.—The term ‘little cigar’ means a product that—

“(A) is a tobacco product; and

“(B) meets the definition of the term ‘little cigar’ in section 3(7) of the Federal Cigarette Labeling and Advertising Act.

“(12) NICOTINE.—The term ‘nicotine’ means the chemical substance named 3-(1-Methyl-2-pyrrolidiny) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

“(13) PACKAGE.—The term ‘package’ means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

“(14) RETAILER.—The term ‘retailer’ means any person, government, or entity who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

“(15) ROLL-YOUR-OWN TOBACCO.—The term ‘roll-your-own tobacco’ means any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

“(16) SMALL TOBACCO PRODUCT MANUFACTURER.—The term ‘small tobacco product manufacturer’ means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence, the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer.

“(17) SMOKE CONSTITUENT.—The term ‘smoke constituent’ means any chemical or chemical

compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

“(18) **SMOKELESS TOBACCO.**—The term ‘smokeless tobacco’ means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

“(19) **STATE; TERRITORY.**—The terms ‘State’ and ‘Territory’ shall have the meanings given to such terms in section 201.

“(20) **TOBACCO PRODUCT MANUFACTURER.**—The term ‘tobacco product manufacturer’ means any person, including any repacker or relabeler, who—

“(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

“(B) imports a finished tobacco product for sale or distribution in the United States.

“(21) **TOBACCO WAREHOUSE.**—

“(A) Subject to subparagraphs (B) and (C), the term ‘tobacco warehouse’ includes any person—

“(i) who—

“(I) removes foreign material from tobacco leaf through nothing other than a mechanical process;

“(II) humidifies tobacco leaf with nothing other than potable water in the form of steam or mist; or

“(III) de-stems, dries, and packs tobacco leaf for storage and shipment;

“(ii) who performs no other actions with respect to tobacco leaf; and

“(iii) who provides to any manufacturer to whom the person sells tobacco all information related to the person’s actions described in clause (i) that is necessary for compliance with this Act.

“(B) The term ‘tobacco warehouse’ excludes any person who—

“(i) reconstitutes tobacco leaf;

“(ii) is a manufacturer, distributor, or retailer of a tobacco product; or

“(iii) applies any chemical, additive, or substance to the tobacco leaf other than potable water in the form of steam or mist.

“(C) The definition of the term ‘tobacco warehouse’ in subparagraph (A) shall not apply to the extent to which the Secretary determines, through rulemaking, that regulation under this chapter of the actions described in such subparagraph is appropriate for the protection of the public health.

“(22) **UNITED STATES.**—The term ‘United States’ means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

“SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

“(a) **IN GENERAL.**—Tobacco products, including modified risk tobacco products for which an order has been issued in accordance with section 911, shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V.

“(b) **APPLICABILITY.**—This chapter shall apply to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

“(c) **SCOPE.**—

“(1) **IN GENERAL.**—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or in sections 101(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be

construed to affect, expand, or limit the Secretary’s authority over (including the authority to determine whether products may be regulated), or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

“(2) **LIMITATION OF AUTHORITY.**—

“(A) **IN GENERAL.**—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer’s capacity as a manufacturer. The exception in this subparagraph shall not apply to a producer of tobacco leaf who grows tobacco under a contract with a tobacco product manufacturer and who is not otherwise engaged in the manufacturing process.

“(C) **RULE OF CONSTRUCTION.**—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

“(d) **RULEMAKING PROCEDURES.**—Each rulemaking under this chapter shall be in accordance with chapter 5 of title 5, United States Code. This subsection shall not be construed to affect the rulemaking provisions of section 102(a) of the Family Smoking Prevention and Tobacco Control Act.

“(e) **CENTER FOR TOBACCO PRODUCTS.**—Not later than 90 days after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish within the Food and Drug Administration the Center for Tobacco Products, which shall report to the Commissioner of Food and Drugs in the same manner as the other agency centers within the Food and Drug Administration. The Center shall be responsible for the implementation of this chapter and related matters assigned by the Commissioner.

“(f) **OFFICE TO ASSIST SMALL TOBACCO PRODUCT MANUFACTURERS.**—The Secretary shall establish within the Food and Drug Administration an identifiable office to provide technical and other nonfinancial assistance to small tobacco product manufacturers to assist them in complying with the requirements of this Act.

“(g) **CONSULTATION PRIOR TO RULEMAKING.**—Prior to promulgating rules under this chapter, the Secretary shall endeavor to consult with other Federal agencies as appropriate.

“SEC. 902. ADULTERATED TOBACCO PRODUCTS.

“(A) tobacco product shall be deemed to be adulterated if—

“(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or added deleterious substance that may render the product injurious to health;

“(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

“(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

“(4) the manufacturer or importer of the tobacco product fails to pay a user fee assessed to such manufacturer or importer pursuant to section 919 by the date specified in section 919 or by

the 30th day after final agency action on a resolution of any dispute as to the amount of such fee;

“(5) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

“(6)(A) it is required by section 910(a) to have premarket review and does not have an order in effect under section 910(c)(1)(A)(i); or

“(B) it is in violation of an order under section 910(c)(1)(A);

“(7) the methods used in, or the facilities or controls used for, its manufacture, packing, or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

“(8) it is in violation of section 911.

“SEC. 903. MISBRANDED TOBACCO PRODUCTS.

“(a) **IN GENERAL.**—A tobacco product shall be deemed to be misbranded—

“(1) if its labeling is false or misleading in any particular;

“(2) if in package form unless it bears a label containing—

“(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

“(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

“(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

“(D) the statement required under section 920(a),

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

“(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

“(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

“(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

“(6) if it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

“(7) if, in the case of any tobacco product distributed or offered for sale in any State—

“(A) its advertising is false or misleading in any particular; or

“(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

“(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued

by the manufacturer, packer, or distributor with respect to that tobacco product—

“(A) a true statement of the tobacco product’s established name as described in paragraph (4), printed prominently; and

“(B) a brief statement of—

“(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

“(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

“(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

“(10) if there was a failure or refusal—

“(A) to comply with any requirement prescribed under section 904 or 908; or

“(B) to furnish any material or information required under section 909.

“(b) **PRIOR APPROVAL OF LABEL STATEMENTS.**—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product to ensure that such statements do not violate the misbranding provisions of subsection (a) and that such statements comply with other provisions of the Family Smoking Prevention and Tobacco Control Act (including the amendments made by such Act). No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act.

“SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

“(a) **REQUIREMENT.**—Each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

“(1) Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

“(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(e) of the Federal Cigarette Labeling and Advertising Act.

“(3) Beginning 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all constituents, including smoke constituents as applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 3 years after such date of enactment, the manufacturer, importer, or agent shall comply with

regulations promulgated under section 915 in reporting information under this paragraph, where applicable.

“(4) Beginning 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, all documents developed after such date of enactment that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

“(b) **DATA SUBMISSION.**—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

“(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

“(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

“(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

“(c) **TIME FOR SUBMISSION.**—

“(1) **IN GENERAL.**—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

“(2) **DISCLOSURE OF ADDITIVE.**—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

“(3) **DISCLOSURE OF OTHER ACTIONS.**—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

“(d) **DATA LIST.**—

“(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e).

“(2) **CONSUMER RESEARCH.**—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appro-

priate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

“(e) **DATA COLLECTION.**—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish, and periodically revise as appropriate, a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. The Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

“SEC. 905. ANNUAL REGISTRATION.

“(a) **DEFINITIONS.**—In this section:

“(1) **MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.**—The term ‘manufacture, preparation, compounding, or processing’ shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

“(2) **NAME.**—The term ‘name’ shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

“(b) **REGISTRATION BY OWNERS AND OPERATORS.**—On or before December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person. If enactment of the Family Smoking Prevention and Tobacco Control Act occurs in the second half of the calendar year, the Secretary shall designate a date no later than 6 months into the subsequent calendar year by which registration pursuant to this subsection shall occur.

“(c) **REGISTRATION BY NEW OWNERS AND OPERATORS.**—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person’s name, place of business, and such establishment.

“(d) **REGISTRATION OF ADDED ESTABLISHMENTS.**—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

“(e) **UNIFORM PRODUCT IDENTIFICATION SYSTEM.**—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

“(f) **PUBLIC ACCESS TO REGISTRATION INFORMATION.**—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

“(g) **BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.**—Every establishment registered with the Secretary under this section shall be subject to inspection under section 704 or subsection (h), and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers

or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

“(h) REGISTRATION BY FOREIGN ESTABLISHMENTS.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

“(i) REGISTRATION INFORMATION.—

“(1) PRODUCT LIST.—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which have not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

“(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

“(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

“(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

“(2) CONSULTATION WITH RESPECT TO FORMS.—The Secretary shall consult with the Secretary of the Treasury in developing the forms to be used for registration under this section to minimize the burden on those persons required to register with both the Secretary and the Tax and Trade Bureau of the Department of the Treasury.

“(3) BIENNIAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

“(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be ac-

companied by the other information required by paragraph (1).

“(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

“(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

“(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

“(j) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

“(1) IN GENERAL.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of February 15, 2007, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

“(A) the basis for such person’s determination that—

“(i) the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007, or to a tobacco product that the Secretary has previously determined, pursuant to subsection (a)(3) of section 910, is substantially equivalent and that is in compliance with the requirements of this Act; or

“(ii) the tobacco product is modified within the meaning of paragraph (3), the modifications are to a product that is commercially marketed and in compliance with the requirements of this Act, and all of the modifications are covered by exemptions granted by the Secretary pursuant to paragraph (3); and

“(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

“(2) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 21 months after such date of enactment.

“(3) EXEMPTIONS.—

“(A) IN GENERAL.—The Secretary may exempt from the requirements of this subsection relating to the demonstration that a tobacco product is substantially equivalent within the meaning of section 910, tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

“(i) such modification would be a minor modification of a tobacco product that can be sold under this Act;

“(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

“(iii) an exemption is otherwise appropriate.

“(B) REGULATIONS.—Not later than 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

“SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

“(a) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

“(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking or other notification under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

“(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

“(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

“(c) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or otherwise obtained by the Secretary or the Secretary’s representative under section 903, 904, 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

“(d) RESTRICTIONS.—

“(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

“(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

“(3) LIMITATIONS.—

“(A) IN GENERAL.—No restrictions under paragraph (1) may—

“(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

“(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

“(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of tobacco products, shall be considered as adult-written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult-written publications.

“(4) REMOTE SALES.—

“(A) IN GENERAL.—The Secretary shall—

“(i) within 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, promulgate regulations regarding the sale and distribution of tobacco products that occur through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products to individuals who have not attained the minimum age established by applicable law for the purchase of such products, including requirements for age verification; and

“(ii) within 2 years after such date of enactment, issue regulations to address the promotion and marketing of tobacco products that are sold or distributed through means other than a direct, face-to-face exchange between a retailer and a consumer in order to protect individuals who have not attained the minimum age established by applicable law for the purchase of such products.

“(B) RELATION TO OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to take additional actions under the other paragraphs of this subsection.

“(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

“(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

“(A) IN GENERAL.—In applying manufacturing restrictions to tobacco, the Secretary shall, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point methodology, as prescribed in such regulations to assure that the public health is protected and that the tobacco product is in compli-

ance with this chapter. Such regulations may provide for the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established.

“(B) REQUIREMENTS.—The Secretary shall—

“(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

“(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

“(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A);

“(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices; and

“(v) not require any small tobacco product manufacturer to comply with a regulation under subparagraph (A) for at least 4 years following the effective date established by the Secretary for such regulation.

“(2) EXEMPTIONS; VARIANCES.—

“(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

“(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

“(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

“(iii) contain such other information as the Secretary shall prescribe.

“(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

“(i) the date the petition was submitted to the Secretary under subparagraph (A); or

“(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee,

whichever occurs later, the Secretary shall by order either deny the petition or approve it.

“(C) APPROVAL.—The Secretary may approve—

“(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

“(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manu-

facture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

“(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

“(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

“(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the end of the 3-year period following the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

“(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes.

“SEC. 907. TOBACCO PRODUCT STANDARDS.

“(a) IN GENERAL.—

“(1) SPECIAL RULES.—

“(A) SPECIAL RULE FOR CIGARETTES.—Beginning 3 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Nothing in this subparagraph shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this subparagraph.

“(B) ADDITIONAL SPECIAL RULE.—Beginning 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a tobacco product manufacturer shall not use tobacco, including foreign grown tobacco, that contains a pesticide chemical residue that is at a level greater than is specified by any tolerance applicable under Federal law to domestically grown tobacco.

“(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (c).

“(3) TOBACCO PRODUCT STANDARDS.—

“(A) IN GENERAL.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health.

“(B) DETERMINATIONS.—

“(i) CONSIDERATIONS.—In making a finding described in subparagraph (A), the Secretary shall consider scientific evidence concerning—

“(I) the risks and benefits to the population as a whole, including users and nonusers of tobacco products, of the proposed standard;

“(II) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(III) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(ii) ADDITIONAL CONSIDERATIONS.—In the event that the Secretary makes a determination, set forth in a proposed tobacco product standard in a proposed rule, that it is appropriate for

the protection of public health to require the reduction or elimination of an additive, constituent (including a smoke constituent), or other component of a tobacco product because the Secretary has found that the additive, constituent, or other component is or may be harmful, any party objecting to the proposed standard on the ground that the proposed standard will not reduce or eliminate the risk of illness or injury may provide for the Secretary's consideration scientific evidence that demonstrates that the proposed standard will not reduce or eliminate the risk of illness or injury.

"(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

"(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

"(i) for nicotine yields of the product; "(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product; or "(iii) relating to any other requirement under subparagraph (B);

"(B) shall, where appropriate for the protection of the public health, include—

"(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

"(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

"(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

"(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

"(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d);

"(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product; and

"(D) shall require tobacco products containing foreign-grown tobacco to meet the same standards applicable to tobacco products containing domestically grown tobacco.

"(5) PERIODIC REEVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

"(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

"(A) use personnel, facilities, and other technical support available in other Federal agencies;

"(B) consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting entities; and

"(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary's judgment can make a significant contribution.

"(b) CONSIDERATIONS BY SECRETARY.—

"(1) TECHNICAL ACHIEVABILITY.—The Secretary shall consider information submitted in

connection with a proposed standard regarding the technical achievability of compliance with such standard.

"(2) OTHER CONSIDERATIONS.—The Secretary shall consider all other information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or nontobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand.

"(C) PROPOSED STANDARDS.—

"(1) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

"(2) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

"(A) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

"(B) invite interested persons to submit a draft or proposed tobacco product standard for consideration by the Secretary;

"(C) invite interested persons to submit comments on structuring the standard so that it does not advantage foreign-grown tobacco over domestically grown tobacco; and

"(D) invite the Secretary of Agriculture to provide any information or analysis which the Secretary of Agriculture believes is relevant to the proposed tobacco product standard.

"(3) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

"(4) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

"(d) PROMULGATION.—

"(1) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under subsection (c) respecting a tobacco product standard and after consideration of comments submitted under subsections (b) and (c) and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

"(A) if the Secretary determines that the standard would be appropriate for the protection of the public health, promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in subsection (c); or

"(B) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

"(2) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade. In establishing such effective date or dates, the Secretary shall consider information submitted in connection with a proposed product standard by interested parties, including manufacturers and tobacco growers, regarding the technical achievability of compliance with the standard, and including information concerning the existence of patents that make it impossible to comply in the timeframe envisioned

in the proposed standard. If the Secretary determines, based on the Secretary's evaluation of submitted comments, that a product standard can be met only by manufacturers requiring substantial changes to the methods of farming the domestically grown tobacco used by the manufacturer, the effective date of that product standard shall be not less than 2 years after the date of publication of the final regulation establishing the standard.

"(3) LIMITATION ON POWER GRANTED TO THE FOOD AND DRUG ADMINISTRATION.—Because of the importance of a decision of the Secretary to issue a regulation—

"(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll-your-own tobacco products; or

"(B) requiring the reduction of nicotine yields of a tobacco product to zero, the Secretary is prohibited from taking such actions under this Act.

"(4) AMENDMENT; REVOCATION.—

"(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person, may by a regulation, promulgated in accordance with the requirements of subsection (c) and paragraph (2), amend or revoke a tobacco product standard.

"(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

"(5) REFERRAL TO ADVISORY COMMITTEE.—

"(A) IN GENERAL.—The Secretary may refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard to the Tobacco Products Scientific Advisory Committee for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment.

"(B) INITIATION OF REFERRAL.—The Secretary may make a referral under this paragraph—

"(i) on the Secretary's own initiative; or "(ii) upon the request of an interested person that—

"(I) demonstrates good cause for the referral; and

"(II) is made before the expiration of the period for submission of comments on the proposed regulation.

"(C) PROVISION OF DATA.—If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the Advisory Committee with the data and information on which such proposed regulation is based.

"(D) REPORT AND RECOMMENDATION.—The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation under this paragraph and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation.

"(E) PUBLIC AVAILABILITY.—The Secretary shall make a copy of each report and recommendation under subparagraph (D) publicly available.

"(e) MENTHOL CIGARETTES.—

"(1) REFERRAL; CONSIDERATIONS.—Immediately upon the establishment of the Tobacco Products Scientific Advisory Committee under section 917(a), the Secretary shall refer to the Committee for report and recommendation, under section 917(c)(4), the issue of the impact of the use of menthol in cigarettes on the public

health, including such use among children, African-Americans, Hispanics, and other racial and ethnic minorities. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsections (a)(3)(B)(i) and (b).

“(2) REPORT AND RECOMMENDATION.—Not later than 1 year after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act applicable to menthol.

“(f) DISSOLVABLE TOBACCO PRODUCTS.—

“(1) REFERRAL; CONSIDERATIONS.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee for report and recommendation, under section 917(c)(4), the issue of the nature and impact of the use of dissolvable tobacco products on the public health, including such use among children. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsection (a)(3)(B)(i).

“(2) REPORT AND RECOMMENDATION.—Not later than 2 years after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act at any time applicable to any dissolvable tobacco product.

“SEC. 908. NOTIFICATION AND OTHER REMEDIES.

“(a) NOTIFICATION.—If the Secretary determines that—

“(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

“(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk, the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

“(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

“(c) RECALL AUTHORITY.—

“(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of

such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

“(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

“(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

“(B) NOTICE.—An amended order under subparagraph (A)—

“(i) shall not include recall of a tobacco product from individuals; and

“(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

“(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a).

“SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

“(a) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

“(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

“(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

“(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

“(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

“(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

“(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

“(b) REPORTS OF REMOVALS AND CORRECTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

“(A) to reduce a risk to health posed by the tobacco product; or

“(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

“(2) EXCEPTION.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

“SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.

“(a) IN GENERAL.—

“(1) NEW TOBACCO PRODUCT DEFINED.—For purposes of this section the term ‘new tobacco product’ means—

“(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007; or

“(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007.

“(2) PREMARKET REVIEW REQUIRED.—

“(A) NEW PRODUCTS.—An order under subsection (c)(1)(A)(i) for a new tobacco product is required unless—

“(i) the manufacturer has submitted a report under section 905(j); and the Secretary has issued an order that the tobacco product—

“(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007; and

“(II) is in compliance with the requirements of this Act; or

“(ii) the tobacco product is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

“(B) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—Subparagraph (A) shall not apply to a tobacco product—

“(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

“(ii) for which a report was submitted under section 905(j) within such 21-month period, except that subparagraph (A) shall apply to the tobacco product if the Secretary issues an order that the tobacco product is not substantially equivalent.

“(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

“(A) IN GENERAL.—In this section and section 905(j), the term ‘substantially equivalent’ or ‘substantial equivalence’ means, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

“(i) has the same characteristics as the predicate tobacco product; or

“(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

“(B) CHARACTERISTICS.—In subparagraph (A), the term ‘characteristics’ means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

“(C) LIMITATION.—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

“(4) HEALTH INFORMATION.—

“(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

“(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

“(b) APPLICATION.—

“(1) CONTENTS.—An application under this section shall contain—

“(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

“(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

“(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

“(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

“(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

“(F) specimens of the labeling proposed to be used for such tobacco product; and

“(G) such other information relevant to the subject matter of the application as the Secretary may require.

“(2) REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

“(A) may, on the Secretary’s own initiative; or

“(B) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting the application, together with all underlying data and the reasons or basis for the recommendation.

“(c) ACTION ON APPLICATION.—

“(1) DEADLINE.—

“(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under subsection (b)(2), shall—

“(i) issue an order that the new product may be introduced or delivered for introduction into interstate commerce if the Secretary finds that none of the grounds specified in paragraph (2) of this subsection applies; or

“(ii) issue an order that the new product may not be introduced or delivered for introduction into interstate commerce if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

“(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order under subparagraph (A)(i) may require that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

“(2) DENIAL OF APPLICATION.—The Secretary shall deny an application submitted under subsection (b) if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

“(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

“(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

“(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

“(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, and there is a lack of adequate information to justify the deviation from such standard.

“(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to remove such application from deniable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

“(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether the marketing of a tobacco product for which an application has been submitted is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(5) BASIS FOR ACTION.—

“(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

“(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product, the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

“(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

“(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing for a tobacco product for which an order was issued under subsection (c)(1)(A)(i), issue an order withdrawing the order if the Secretary finds—

“(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

“(B) that the application contained or was accompanied by an untrue statement of a material fact;

“(C) that the applicant—

“(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

“(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

“(iii) has not complied with the requirements of section 905;

“(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was reviewed, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

“(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was reviewed, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

“(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such order was issued, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which was a condition to the issuance of an order relating to the application, and that there is a lack of adequate information to justify the deviation from such standard.

“(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing an order issued pursuant to subsection (c)(1)(A)(i) may, by petition filed on or before the 30th day after the date upon which

such holder receives notice of such withdrawal, obtain review thereof in accordance with section 912.

“(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an order would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the authority of the manufacturer to market the product. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

“(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

“(1) in person by any officer or employee of the department designated by the Secretary; or

“(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant’s last known address in the records of the Secretary.

“(f) RECORDS.—

“(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an order issued pursuant to subsection (c)(1)(A)(i) for an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such order.

“(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge of custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

“(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

“SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

“(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless an order issued pursuant to subsection (g) is effective with respect to such product.

“(b) DEFINITIONS.—In this section:

“(1) MODIFIED RISK TOBACCO PRODUCT.—The term ‘modified risk tobacco product’ means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

“(2) SOLD OR DISTRIBUTED.—

“(A) IN GENERAL.—With respect to a tobacco product, the term ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ means a tobacco product—

“(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

“(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

“(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

“(III) the tobacco product or its smoke does not contain or is free of a substance;

“(ii) the label, labeling, or advertising of which uses the descriptors ‘light’, ‘mild’, or ‘low’ or similar descriptors; or

“(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product’s label, labeling, or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

“(B) LIMITATION.—No tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’, except as described in subparagraph (A).

“(C) SMOKELESS TOBACCO PRODUCT.—No smokeless tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ solely because its label, labeling, or advertising uses the following phrases to describe such product and its use: ‘smokeless tobacco’, ‘smokeless tobacco product’, ‘not consumed by smoking’, ‘does not produce smoke’, ‘smokefree’, ‘smoke-free’, ‘without smoke’, ‘no smoke’, or ‘not smoke’.

“(3) EFFECTIVE DATE.—The provisions of paragraph (2)(A)(ii) shall take effect 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act for those products whose label, labeling, or advertising contains the terms described in such paragraph on such date of enactment. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with paragraph (2)(A)(ii).

“(c) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section if it has been approved as a drug or device by the Food and Drug Administration and is subject to the requirements of chapter V.

“(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

“(1) a description of the proposed product and any proposed advertising and labeling;

“(2) the conditions for using the product;

“(3) the formulation of the product;

“(4) sample product labels and labeling;

“(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

“(6) data and information on how consumers actually use the tobacco product; and

“(7) such other information as the Secretary may require.

“(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

“(f) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this section.

“(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Secretary.

“(g) MARKETING.—

“(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall, with respect to an application submitted under this section, issue an order that a modified risk product may be commercially marketed only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

“(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

“(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

“(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

“(A) IN GENERAL.—The Secretary may issue an order that a tobacco product may be introduced or delivered for introduction into interstate commerce, pursuant to an application under this section, with respect to a tobacco product that may not be commercially marketed under paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

“(i) such order would be appropriate to promote the public health;

“(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b) is limited to an explicit or implicit representation that such tobacco product or its smoke does not contain or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

“(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

“(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is reasonably likely in subsequent studies.

“(B) ADDITIONAL FINDINGS REQUIRED.—To issue an order under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

“(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

“(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the reasonably likely overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

“(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

“(I) is or has been demonstrated to be less harmful; or

“(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

“(iv) issuance of an order with respect to the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

“(C) CONDITIONS OF MARKETING.—

“(i) IN GENERAL.—Applications subject to an order under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

“(ii) AGREEMENTS BY APPLICANT.—An order under this paragraph shall be conditioned on the applicant’s agreement to conduct postmarket surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the order on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the order was based in accordance with a protocol approved by the Secretary.

“(iii) ANNUAL SUBMISSION.—The results of such postmarket surveillance and studies described in clause (ii) shall be submitted annually.

“(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

“(A) the scientific evidence submitted by the applicant; and

“(B) scientific evidence and other information that is made available to the Secretary.

“(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

“(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

“(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

“(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

“(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

“(E) comments, data, and information submitted by interested persons.

“(h) ADDITIONAL CONDITIONS FOR MARKETING.—

“(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the marketing of a product under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

“(2) COMPARATIVE CLAIMS.—

“(A) IN GENERAL.—The Secretary may require for the marketing of a product under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average

value of the top 3 brands of an established regular tobacco product).

“(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

“(3) LABEL DISCLOSURE.—

“(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

“(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

“(4) TIME.—An order issued under subsection (g)(1) shall be effective for a specified period of time.

“(5) ADVERTISING.—The Secretary may require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product.

“(i) POSTMARKET SURVEILLANCE AND STUDIES.—

“(1) IN GENERAL.—The Secretary shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the applicant conduct postmarket surveillance and studies for such a tobacco product to determine the impact of the order issuance on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

“(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health.

“(j) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g) if the Secretary determines that—

“(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

“(2) the application failed to include material information or included any untrue statement of material fact;

“(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

“(A) a tobacco product standard is established pursuant to section 907;

“(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

“(C) any postmarket surveillance or studies reveal that the order is no longer consistent with the protection of the public health;

“(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or subsection (i); or

“(5) the applicant failed to meet a condition imposed under subsection (h).

“(k) CHAPTER IV OR V.—A product for which the Secretary has issued an order pursuant to subsection (g) shall not be subject to chapter IV or V.

“(l) IMPLEMENTING REGULATIONS OR GUIDANCE.—

“(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

“(A) to the extent that adequate scientific evidence exists, establish minimum standards for scientific studies needed prior to issuing an order under subsection (g) to show that a substantial reduction in morbidity or mortality among individual tobacco users occurs for products described in subsection (g)(1) or is reasonably likely for products described in subsection (g)(2);

“(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

“(C) establish minimum standards for postmarket studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

“(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception;

“(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product; and

“(F) establish a reasonable timetable for the Secretary to review an application under this section.

“(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

“(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

“(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and which the applicant seeks to commercially market under this section.

“(m) DISTRIBUTORS.—Except as provided in this section, no distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

“SEC. 912. JUDICIAL REVIEW.

“(a) RIGHT TO REVIEW.—

“(1) IN GENERAL.—Not later than 30 days after—

“(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

“(B) a denial of an application under section 910(c).

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

“(2) REQUIREMENTS.—

“(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

“(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

“(i) the record of the proceedings on which the regulation or order was based; and

“(ii) a statement of the reasons for the issuance of such a regulation or order.

“(C) DEFINITION OF RECORD.—In this section, the term “record” means—

“(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

“(ii) all information submitted to the Secretary with respect to such regulation or order;

“(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

“(iv) any hearing held with respect to such regulation or order; and

“(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

“(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

“(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

“(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

“(e) REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

“SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.

“The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

“SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

“(a) JURISDICTION.—

“(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

“(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

“(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986—

“(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

“(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

“SEC. 915. REGULATION REQUIREMENT.

“(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations under this Act that meet the requirements of subsection (b).

“(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a)—

“(1) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and subbrand that the Secretary determines should be tested to protect the public health, provided that, for purposes of the testing requirements of this paragraph, tobacco products manufactured and sold by a single tobacco product manufacturer that are identical in all respects except the labels, packaging design, logo, trade dress, trademark, brand name, or any combination thereof, shall be considered as a single brand; and

“(2) may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco-related disease.

“(c) AUTHORITY.—The Secretary shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

“(d) SMALL TOBACCO PRODUCT MANUFACTURERS.—

“(1) FIRST COMPLIANCE DATE.—The initial regulations promulgated under subsection (a) shall not impose requirements on small tobacco product manufacturers before the later of—

“(A) the end of the 2-year period following the final promulgation of such regulations; and

“(B) the initial date set by the Secretary for compliance with such regulations by manufacturers that are not small tobacco product manufacturers.

“(2) TESTING AND REPORTING INITIAL COMPLIANCE PERIOD.—

“(A) 4-YEAR PERIOD.—The initial regulations promulgated under subsection (a) shall give

each small tobacco product manufacturer a 4-year period over which to conduct testing and reporting for all of its tobacco products. Subject to paragraph (1), the end of the first year of such 4-year period shall coincide with the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers or the end of the 2-year period following the final promulgation of such regulations, as described in paragraph (1)(A). A small tobacco product manufacturer shall be required—

“(i) to conduct such testing and reporting for 25 percent of its tobacco products during each year of such 4-year period; and

“(ii) to conduct such testing and reporting for its largest-selling tobacco products (as determined by the Secretary) before its other tobacco products, or in such other order of priority as determined by the Secretary.

“(B) CASE-BY-CASE DELAY.—Notwithstanding subparagraph (A), the Secretary may, on a case-by-case basis, delay the date by which an individual small tobacco product manufacturer must conduct testing and reporting for its tobacco products under this section based upon a showing of undue hardship to such manufacturer. Notwithstanding the preceding sentence, the Secretary shall not extend the deadline for a small tobacco product manufacturer to conduct testing and reporting for all of its tobacco products beyond a total of 5 years after the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers.

“(3) SUBSEQUENT AND ADDITIONAL TESTING AND REPORTING.—The regulations promulgated under subsection (a) shall provide that, with respect to any subsequent or additional testing and reporting of tobacco products required under this section, such testing and reporting by a small tobacco product manufacturer shall be conducted in accordance with the timeframes described in paragraph (2)(A), except that, in the case of a new product, or if there has been a modification described in section 910(a)(1)(B) of any product of a small tobacco product manufacturer since the last testing and reporting required under this section, the Secretary shall require that any subsequent or additional testing and reporting be conducted in accordance with the same timeframe applicable to manufacturers that are not small tobacco product manufacturers.

“(4) JOINT LABORATORY TESTING SERVICES.—The Secretary shall allow any 2 or more small tobacco product manufacturers to join together to purchase laboratory testing services required by this section on a group basis in order to ensure that such manufacturers receive access to, and fair pricing of, such testing services.

“(e) EXTENSIONS FOR LIMITED LABORATORY CAPACITY.—

“(1) IN GENERAL.—The regulations promulgated under subsection (a) shall provide that a small tobacco product manufacturer shall not be considered to be in violation of this section before the deadline applicable under paragraphs (3) and (4), if—

“(A) the tobacco products of such manufacturer are in compliance with all other requirements of this chapter; and

“(B) the conditions described in paragraph (2) are met.

“(2) CONDITIONS.—Notwithstanding the requirements of this section, the Secretary may delay the date by which a small tobacco product manufacturer must be in compliance with the testing and reporting required by this section until such time as the testing is reported if, not later than 90 days before the deadline for reporting in accordance with this section, a small tobacco product manufacturer provides evidence to the Secretary demonstrating that—

“(A) the manufacturer has submitted the required products for testing to a laboratory and has done so sufficiently in advance of the deadline to create a reasonable expectation of completion by the deadline;

“(B) the products currently are awaiting testing by the laboratory; and

“(C) neither that laboratory nor any other laboratory is able to complete testing by the deadline at customary, nonexpedited testing fees.

“(3) **EXTENSION.**—The Secretary, taking into account the laboratory testing capacity that is available to tobacco product manufacturers, shall review and verify the evidence submitted by a small tobacco product manufacturer in accordance with paragraph (2). If the Secretary finds that the conditions described in such paragraph are met, the Secretary shall notify the small tobacco product manufacturer that the manufacturer shall not be considered to be in violation of the testing and reporting requirements of this section until the testing is reported or until 1 year after the reporting deadline has passed, whichever occurs sooner. If, however, the Secretary has not made a finding before the reporting deadline, the manufacturer shall not be considered to be in violation of such requirements until the Secretary finds that the conditions described in paragraph (2) have not been met, or until 1 year after the reporting deadline, whichever occurs sooner.

“(4) **ADDITIONAL EXTENSION.**—In addition to the time that may be provided under paragraph (3), the Secretary may provide further extensions of time, in increments of no more than 1 year, for required testing and reporting to occur if the Secretary determines, based on evidence properly and timely submitted by a small tobacco product manufacturer in accordance with paragraph (2), that a lack of available laboratory capacity prevents the manufacturer from completing the required testing during the period described in paragraph (3).

“(f) **RULE OF CONSTRUCTION.**—Nothing in subsection (d) or (e) shall be construed to authorize the extension of any deadline, or to otherwise affect any timeframe, under any provision of this Act or the Family Smoking Prevention and Tobacco Control Act other than this section.

“SEC. 916. PRESERVATION OF STATE AND LOCAL AUTHORITY.

“(a) **IN GENERAL.**—

“(1) **PRESERVATION.**—Except as provided in paragraph (2)(A), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, tribal, or local taxation of tobacco products.

“(2) **PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.**—

“(A) **IN GENERAL.**—No State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

“(B) **EXCEPTION.**—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as a trade secret and confidential information by the State.

“(b) **RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.**—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

“SEC. 917. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

“(a) **ESTABLISHMENT.**—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 12-member advisory committee, to be known as the Tobacco Products Scientific Advisory Committee (in this section referred to as the ‘Advisory Committee’).

“(b) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—

“(A) **MEMBERS.**—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

“(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

“(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

“(iii) 1 individual as a representative of the general public;

“(iv) 1 individual as a representative of the interests of the tobacco manufacturing industry;

“(v) 1 individual as a representative of the interests of the small business tobacco manufacturing industry, which position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee; and

“(vi) 1 individual as a representative of the interests of the tobacco growers.

“(B) **NONVOTING MEMBERS.**—The members of the committee appointed under clauses (iv), (v), and (vi) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

“(C) **CONFLICTS OF INTEREST.**—No members of the committee, other than members appointed pursuant to clauses (iv), (v), and (vi) of subparagraph (A) shall, during the member’s tenure on the committee or for the 18-month period prior to becoming such a member, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products.

“(2) **LIMITATION.**—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as *ex officio* members.

“(3) **CHAIRPERSON.**—The Secretary shall designate 1 of the members appointed under clauses

(i), (ii), and (iii) of paragraph (1)(A) to serve as chairperson.

“(c) **DUTIES.**—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

“(1) as provided in this chapter;

“(2) on the effects of the alteration of the nicotine yields from tobacco products;

“(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

“(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

“(d) **COMPENSATION; SUPPORT; FACA.**—

“(1) **COMPENSATION AND TRAVEL.**—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(2) **ADMINISTRATIVE SUPPORT.**—The Secretary shall furnish the Advisory Committee clerical and other assistance.

“(3) **NONAPPLICATION OF FACA.**—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

“(e) **PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.**—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

“SEC. 918. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

“(a) **IN GENERAL.**—The Secretary shall—

“(1) at the request of the applicant, consider designating products for smoking cessation, including nicotine replacement products as fast track research and approval products within the meaning of section 506;

“(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

“(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

“(b) **REPORT ON INNOVATIVE PRODUCTS.**—

“(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, after consultation with recognized scientific, medical, and public health experts (including both Federal agencies and nongovernmental entities, the Institute of Medicine of the National Academy of Sciences, and the Society for Research on Nicotine and Tobacco), shall submit to the Congress a report that examines how best to regulate, promote, and encourage the development of innovative products and treatments (including nicotine-based and non-nicotine-based products and treatments) to better achieve, in a manner that best protects and promotes the public health—

“(A) total abstinence from tobacco use;

“(B) reductions in consumption of tobacco; and

“(C) reductions in the harm associated with continued tobacco use.

“(2) **RECOMMENDATIONS.**—The report under paragraph (1) shall include the recommendations of the Secretary on how the Food and Drug Administration should coordinate and facilitate the exchange of information on such innovative products and treatments among relevant offices and centers within the Administration and within the National Institutes of Health, the Centers for Disease Control and Prevention, and other relevant agencies.

“SEC. 919. USER FEES.

“(a) **ESTABLISHMENT OF QUARTERLY FEE.**—Beginning on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall in accordance with this section assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products subject to this chapter. The fees shall be assessed and collected with respect to each quarter of each fiscal year, and the total amount assessed and collected for a fiscal year shall be the amount specified in subsection (b)(1) for such year, subject to subsection (c).

“(b) **ASSESSMENT OF USER FEE.**—

“(1) **AMOUNT OF ASSESSMENT.**—The total amount of user fees authorized to be assessed and collected under subsection (a) for a fiscal year is the following, as applicable to the fiscal year involved:

“(A) For fiscal year 2009, \$85,000,000 (subject to subsection (e)).

“(B) For fiscal year 2010, \$235,000,000.

“(C) For fiscal year 2011, \$450,000,000.

“(D) For fiscal year 2012, \$477,000,000.

“(E) For fiscal year 2013, \$505,000,000.

“(F) For fiscal year 2014, \$534,000,000.

“(G) For fiscal year 2015, \$566,000,000.

“(H) For fiscal year 2016, \$599,000,000.

“(I) For fiscal year 2017, \$635,000,000.

“(J) For fiscal year 2018, \$672,000,000.

“(K) For fiscal year 2019 and each subsequent fiscal year, \$712,000,000.

“(2) **ALLOCATIONS OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.**—

“(A) **IN GENERAL.**—The total user fees assessed and collected under subsection (a) each fiscal year with respect to each class of tobacco products shall be an amount that is equal to the applicable percentage of each class for the fiscal year multiplied by the amount specified in paragraph (1) for the fiscal year.

“(B) **APPLICABLE PERCENTAGE.**—

“(i) **IN GENERAL.**—For purposes of subparagraph (A), the applicable percentage for a fiscal year for each of the following classes of tobacco products shall be determined in accordance with clause (ii):

“(I) Cigarettes.

“(II) Cigars, including small cigars and cigars other than small cigars.

“(III) Snuff.

“(IV) Chewing tobacco.

“(V) Pipe tobacco.

“(VI) Roll-your-own tobacco.

“(ii) **ALLOCATIONS.**—The applicable percentage of each class of tobacco product described in clause (i) for a fiscal year shall be the percentage determined under section 625(c) of Public Law 108–357 for each such class of product for such fiscal year.

“(iii) **REQUIREMENT OF REGULATIONS.**—Notwithstanding clause (ii), no user fees shall be assessed on a class of tobacco products unless such class of tobacco products is listed in section 901(b) or is deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter.

“(iv) **REALLOCATIONS.**—In the case of a class of tobacco products that is not listed in section 901(b) or deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter, the amount of user fees that would otherwise be assessed to such class of tobacco products shall be reallocated to the classes of tobacco

products that are subject to this chapter in the same manner and based on the same relative percentages otherwise determined under clause (ii).

“(3) **DETERMINATION OF USER FEE BY COMPANY.**—

“(A) **IN GENERAL.**—The total user fee to be paid by each manufacturer or importer of a particular class of tobacco products shall be determined for each quarter by multiplying—

“(i) such manufacturer's or importer's percentage share as determined under paragraph (4); by

“(ii) the portion of the user fee amount for the current quarter to be assessed on all manufacturers and importers of such class of tobacco products as determined under paragraph (2).

“(B) **NO FEE IN EXCESS OF PERCENTAGE SHARE.**—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the percentage share of such manufacturer or importer.

“(4) **ALLOCATION OF ASSESSMENT WITHIN EACH CLASS OF TOBACCO PRODUCT.**—The percentage share of each manufacturer or importer of a particular class of tobacco products of the total user fee to be paid by all manufacturers or importers of that class of tobacco products shall be the percentage determined for purposes of allocations under subsections (e) through (h) of section 625 of Public Law 108–357.

“(5) **ALLOCATION FOR CIGARS.**—Notwithstanding paragraph (4), if a user fee assessment is imposed on cigars, the percentage share of each manufacturer or importer of cigars shall be based on the excise taxes paid by such manufacturer or importer during the prior fiscal year.

“(6) **TIMING OF ASSESSMENT.**—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under this subsection for each quarter of each fiscal year. Such notifications shall occur not later than 30 days prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made by the last day of the quarter involved.

“(7) **MEMORANDUM OF UNDERSTANDING.**—

“(A) **IN GENERAL.**—The Secretary shall request the appropriate Federal agency to enter into a memorandum of understanding that provides for the regular and timely transfer from the head of such agency to the Secretary of the information described in paragraphs (2)(B)(ii) and (4) and all necessary information regarding all tobacco product manufacturers and importers required to pay user fees. The Secretary shall maintain all disclosure restrictions established by the head of such agency regarding the information provided under the memorandum of understanding.

“(B) **ASSURANCES.**—Beginning not later than fiscal year 2015, and for each subsequent fiscal year, the Secretary shall ensure that the Food and Drug Administration is able to determine the applicable percentages described in paragraph (2) and the percentage shares described in paragraph (4). The Secretary may carry out this subparagraph by entering into a contract with the head of the Federal agency referred to in subparagraph (A) to continue to provide the necessary information.

“(C) **CREDITING AND AVAILABILITY OF FEES.**—

“(1) **IN GENERAL.**—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, subject to paragraph (2)(D). Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropria-

tion account for salaries and expenses with such fiscal year limitation.

“(2) **AVAILABILITY.**—

“(A) **IN GENERAL.**—Fees appropriated under paragraph (3) are available only for the purpose of paying the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter and the Family Smoking Prevention and Tobacco Control Act (referred to in this subsection as ‘tobacco regulation activities’), except that such fees may be used for the reimbursement specified in subparagraph (C).

“(B) **PROHIBITION AGAINST USE OF OTHER FUNDS.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), fees collected under subsection (a) are the only funds authorized to be made available for tobacco regulation activities.

“(ii) **STARTUP COSTS.**—Clause (i) does not apply until October 1, 2009. Until such date, any amounts available to the Food and Drug Administration (excluding user fees) shall be available and allocated as needed to pay the costs of tobacco regulation activities.

“(C) **REIMBURSEMENT OF START-UP AMOUNTS.**—

“(i) **IN GENERAL.**—Any amounts allocated for the start-up period pursuant to subparagraph (B)(ii) shall be reimbursed through any appropriated fees collected under subsection (a), in such manner as the Secretary determines appropriate to ensure that such allocation results in no net change in the total amount of funds otherwise available, for the period from October 1, 2008, through September 30, 2010, for Food and Drug Administration programs and activities (other than tobacco regulation activities) for such period.

“(ii) **TREATMENT OF REIMBURSED AMOUNTS.**—Amounts reimbursed under clause (i) shall be available for the programs and activities for which funds allocated for the start-up period were available, prior to such allocation, until September 30, 2010, notwithstanding any otherwise applicable limits on amounts for such programs or activities for a fiscal year.

“(D) **FEE COLLECTED DURING START-UP PERIOD.**—Notwithstanding the first sentence of paragraph (1), fees under subsection (a) may be collected through September 30, 2009 under subparagraph (B)(ii) and shall be available for obligation and remain available until expended. Such offsetting collections shall be credited to the salaries and expenses account of the Food and Drug Administration.

“(E) **OBLIGATION OF START-UP COSTS IN ANTICIPATION OF AVAILABLE FEE COLLECTIONS.**—Notwithstanding any other provision of law, following the enactment of an appropriation for fees under this section for fiscal year 2010, or any portion thereof, obligations for costs of tobacco regulation activities during the start-up period may be incurred in anticipation of the receipt of offsetting fee collections through procedures specified in section 1534 of title 31, United States Code.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amount specified in subsection (b)(1) for the fiscal year.

“(d) **COLLECTION OF UNPAID FEES.**—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(e) **APPLICABILITY TO FISCAL YEAR 2009.**—If the date of enactment of the Family Smoking Prevention and Tobacco Control Act occurs during fiscal year 2009, the following applies, subject to subsection (c):

"(1) The Secretary shall determine the fees that would apply for a single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1)(A) of such subsection (referred to in this subsection as the 'quarterly fee amounts')."

"(2) For the quarter in which such date of enactment occurs, the amount of fees assessed shall be a pro rata amount, determined according to the number of days remaining in the quarter (including such date of enactment) and according to the daily equivalent of the quarterly fee amounts. Fees assessed under the preceding sentence shall not be collected until the next quarter."

"(3) For the quarter following the quarter to which paragraph (2) applies, the full quarterly fee amounts shall be assessed and collected, in addition to collection of the pro rata fees assessed under paragraph (2)."

(c) CONFORMING AMENDMENT.—Section 9(1) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408(i)) is amended to read as follows:

"(1) The term 'smokeless tobacco' has the meaning given such term by section 900(18) of the Federal Food, Drug, and Cosmetic Act."

SEC. 102. FINAL RULE.

(a) CIGARETTES AND SMOKELESS TOBACCO.—

(1) IN GENERAL.—On the first day of publication of the Federal Register that is 180 days or more after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final rule regarding cigarettes and smokeless tobacco, which—

(A) is deemed to be issued under chapter 9 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this division; and

(B) shall be deemed to be in compliance with all applicable provisions of chapter 5 of title 5, United States Code, and all other provisions of law relating to rulemaking procedures.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection in accordance with this division and the amendments made by this division;

(B) strike Subpart C—Labels and section 897.32(c);

(C) strike paragraphs (a), (b), and (i) of section 897.3 and insert definitions of the terms "cigarette", "cigarette tobacco", and "smokeless tobacco" as defined in section 900 of the Federal Food, Drug, and Cosmetic Act;

(D) insert "or roll-your-own paper" in section 897.34(a) after "other than cigarettes or smokeless tobacco";

(E) include such modifications to section 897.30(b), if any, that the Secretary determines are appropriate in light of governing First Amendment case law, including the decision of the Supreme Court of the United States in Lorillard Tobacco Co. v. Reilly (533 U.S. 525 (2001));

(F) become effective on the date that is 1 year after the date of enactment of this Act; and

(G) amend paragraph (d) of section 897.16 to read as follows:

"(d)(1) Except as provided in subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products (as such term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act).

"(2)(A) Subparagraph (1) does not prohibit a manufacturer, distributor, or retailer from dis-

tributing or causing to be distributed free samples of smokeless tobacco in a qualified adult-only facility.

"(B) This subparagraph does not affect the authority of a State or local government to prohibit or otherwise restrict the distribution of free samples of smokeless tobacco.

"(C) For purposes of this paragraph, the term 'qualified adult-only facility' means a facility or restricted area that—

"(i) requires each person present to provide to a law enforcement officer (whether on or off duty) or to a security guard licensed by a governmental entity government-issued identification showing a photograph and at least the minimum age established by applicable law for the purchase of smokeless tobacco;

"(ii) does not sell, serve, or distribute alcohol;

"(iii) is not located adjacent to or immediately across from (in any direction) a space that is used primarily for youth-oriented marketing, promotional, or other activities;

"(iv) is a temporary structure constructed, designated, and operated as a distinct enclosed area for the purpose of distributing free samples of smokeless tobacco in accordance with this subparagraph;

"(v) is enclosed by a barrier that—

"(I) is constructed of, or covered with, an opaque material (except for entrances and exits);

"(II) extends from no more than 12 inches above the ground or floor (which area at the bottom of the barrier must be covered with material that restricts visibility but may allow airflow) to at least 8 feet above the ground or floor (or to the ceiling); and

"(III) prevents persons outside the qualified adult-only facility from seeing into the qualified adult-only facility, unless they make unreasonable efforts to do so; and

"(vi) does not display on its exterior—

"(I) any tobacco product advertising;

"(II) a brand name other than in conjunction with words for an area or enclosure to identify an adult-only facility; or

"(III) any combination of words that would imply to a reasonable observer that the manufacturer, distributor, or retailer has a sponsorship that would violate section 897.34(c).

"(D) Distribution of samples of smokeless tobacco under this subparagraph permitted to be taken out of the qualified adult-only facility shall be limited to 1 package per adult consumer containing no more than 0.53 ounces (15 grams) of smokeless tobacco. If such package of smokeless tobacco contains individual portions of smokeless tobacco, the individual portions of smokeless tobacco shall not exceed 8 individual portions and the collective weight of such individual portions shall not exceed 0.53 ounces (15 grams). Any manufacturer, distributor, or retailer who distributes or causes to be distributed free samples also shall take reasonable steps to ensure that the above amounts are limited to one such package per adult consumer per day.

"(3) Notwithstanding subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of smokeless tobacco—

"(A) to a sports team or entertainment group;

or

"(B) at any football, basketball, baseball, soccer, or hockey event or any other sporting or entertainment event determined by the Secretary to be covered by this subparagraph.

"(4) The Secretary shall implement a program to ensure compliance with this paragraph and submit a report to the Congress on such compliance not later than 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

"(5) Nothing in this paragraph shall be construed to authorize any person to distribute or

cause to be distributed any sample of a tobacco product to any individual who has not attained the minimum age established by applicable law for the purchase of such product."

(3) AMENDMENTS TO RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with chapter 5 of title 5, United States Code.

(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with chapter 5 of title 5, United States Code, the regulation promulgated pursuant to this section, including the provisions of such regulation relating to distribution of free samples.

(5) ENFORCEMENT OF RETAIL SALE PROVISIONS.—The Secretary of Health and Human Services shall ensure that the provisions of this division, the amendments made by this division, and the implementing regulations (including such provisions, amendments, and regulations relating to the retail sale of tobacco products) are enforced with respect to the United States and Indian tribes.

(6) QUALIFIED ADULT-ONLY FACILITY.—A qualified adult-only facility (as such term is defined in section 897.16(d) of the final rule published under paragraph (1)) that is also a retailer and that commits a violation as a retailer shall not be subject to the limitations in section 103(q) and shall be subject to penalties applicable to a qualified adult-only facility.

(7) CONGRESSIONAL REVIEW PROVISIONS.—Section 801 of title 5, United States Code, shall not apply to the final rule published under paragraph (1).

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document titled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents" (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document titled "Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act" (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document titled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document titled "Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination" (61 Fed. Reg. 44619–45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting "tobacco product," after "device,";

(2) in subsection (b), by inserting “tobacco product,” after “device.”;

(3) in subsection (c), by inserting “tobacco product,” after “device.”;

(4) in subsection (e)—

(A) by striking the period after “572(i)”;

(B) by striking “or 761 or the refusal to permit access to” and inserting “761, 909, or 920 or the refusal to permit access to”;

(5) in subsection (g), by inserting “tobacco product,” after “device.”;

(6) in subsection (h), by inserting “tobacco product,” after “device.”;

(7) in subsection (j)—

(A) by striking the period after “573”;

(B) by striking “708, or 721” and inserting “708, 721, 904, 905, 906, 907, 908, 909, or 920(b)”;

(8) in subsection (k), by inserting “tobacco product,” after “device.”;

(9) by striking subsection (p) and inserting the following:

“(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(g)(2) or 905(i)(3).”;

(10) by striking subsection (q)(1) and inserting the following:

“(q)(1) The failure or refusal—

(A) to comply with any requirement prescribed under section 518, 520(g), 903(b), 907, 908, or 915;

(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or 920; or

(C) to comply with a requirement under section 522 or 913.”;

(11) in subsection (q)(2), by striking “device,” and inserting “device or tobacco product.”;

(12) in subsection (r), by inserting “or tobacco product” after the term “device” each time that such term appears; and

(13) by adding at the end the following:

“(oo) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).”

“(pp) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

“(qq)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

“(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

“(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

“(rr) The charitable distribution of tobacco products.

“(ss) The failure of a manufacturer or distributor to notify the Attorney General and the Secretary of the Treasury of their knowledge of tobacco products used in illicit trade.

“(tt) Making any express or implied statement or representation directed to consumers with respect to a tobacco product, in a label or labeling or through the media or advertising, that either conveys, or misleads or would mislead consumers into believing, that—

“(1) the product is approved by the Food and Drug Administration;

“(2) the Food and Drug Administration deems the product to be safe for use by consumers;

“(3) the product is endorsed by the Food and Drug Administration for use by consumers; or

“(4) the product is safe or less harmful by virtue of—

(A) its regulation or inspection by the Food and Drug Administration; or

(B) its compliance with regulatory requirements set by the Food and Drug Administration; including any such statement or representation rendering the product misbranded under section 903.”.

(c) SECTION 303.—Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) in paragraph (5)—

(A) by striking “paragraph (1), (2), (3), or (4)” each place such appears and inserting “paragraph (1), (2), (3), (4), or (9)”;

(B) in subparagraph (A)—

(i) by striking “assessed” the first time it appears and inserting “assessed, or a no-tobacco-sale order may be imposed.”;

(ii) by striking “penalty” the second time it appears and inserting “penalty, or upon whom a no-tobacco-sale order is to be imposed.”;

(C) in subparagraph (B)—

(i) by inserting after “penalty,” the following: “or the period to be covered by a no-tobacco-sale order.”; and

(ii) by adding at the end the following: “A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order.”; and

(D) by adding at the end the following:

“(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.”;

(2) in paragraph (6)—

(A) by inserting “or the imposition of a no-tobacco-sale order” after the term “penalty” each place such term appears; and

(B) by striking “issued.” and inserting “issued, or on which the no-tobacco-sale order was imposed, as the case may be.”; and

(3) by adding at the end the following:

“(8) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1). Prior to the entry of a no-sale order under this paragraph, a person shall be entitled to a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer’s request a hearing by telephone, or at the nearest regional or field office of the Food and Drug Administration, or at a Federal, State, or county facility within 100 miles from the location of the retail outlet, if such a facility is available.

“(9) CIVIL MONETARY PENALTIES FOR VIOLATION OF TOBACCO PRODUCT REQUIREMENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), any person who violates a requirement of this Act which relates to tobacco products shall be liable to the United States for a civil penalty in an amount not to exceed \$15,000 for each such violation, and not to exceed \$1,000,000 for all such violations adjudicated in a single proceeding.

“(B) ENHANCED PENALTIES.—

“(i) Any person who intentionally violates a requirement of section 902(5), 902(6), 904, 908(c), or 911(a), shall be subject to a civil monetary penalty of—

“(I) not to exceed \$250,000 per violation, and not to exceed \$1,000,000 for all such violations adjudicated in a single proceeding; or

“(II) in the case of a violation that continues after the Secretary provides written notice to such person, \$250,000 for the first 30-day period (or any portion thereof) that the person continues to be in violation, and such amount shall double for every 30-day period thereafter that the violation continues, not to exceed \$1,000,000 for any 30-day period, and not to exceed \$10,000,000 for all such violations adjudicated in a single proceeding.

“(ii) Any person who violates a requirement of section 911(g)(2)(C)(ii) or 911(i)(1), shall be subject to a civil monetary penalty of—

“(I) not to exceed \$250,000 per violation, and not to exceed \$1,000,000 for all such violations adjudicated in a single proceeding; or

“(II) in the case of a violation that continues after the Secretary provides written notice to such person, \$250,000 for the first 30-day period (or any portion thereof) that the person continues to be in violation, and such amount shall double for every 30-day period thereafter that the violation continues, not to exceed \$1,000,000 for any 30-day period, and not to exceed \$10,000,000 for all such violations adjudicated in a single proceeding.

“(iii) In determining the amount of a civil penalty under clause (i)(II) or (ii)(II), the Secretary shall take into consideration whether the person is making efforts toward correcting the violation of the requirements of the section for which such person is subject to such civil penalty.”.

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking “and” before “(D)”;

(B) by striking “device.” and inserting the following: “device, and (E) Any adulterated or misbranded tobacco product.”;

(2) in subsection (d)(1), by inserting “tobacco product,” after “device.”;

(3) in subsection (g)(1), by inserting “or tobacco product” after the term “device” each place such term appears; and

(4) in subsection (g)(2)(A), by inserting “or tobacco product” after “device”.

(e) SECTION 505.—Section 505(n)(2) (21 U.S.C. 355(n)(2)) is amended by striking “section 904” and inserting “section 1004”.

(f) SECTION 523.—Section 523(b)(2)(D) (21 U.S.C. 360m(b)(2)(D)) is amended by striking “section 903(g)” and inserting “section 1003(g)”.

(g) SECTION 702.—Section 702(a)(1) (U.S.C. 372(a)(1)) is amended—

(1) by striking “(a)(1)” and inserting “(a)(1)(A)”;

(2) by adding at the end the following:

“(B)(i) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with this paragraph to carry out inspections of retailers within that State in connection with the enforcement of this Act.

“(ii) The Secretary shall not enter into any contract under clause (i) with the government of any of the several States to exercise enforcement authority under this Act on Indian country without the express written consent of the Indian tribe involved.”.

(h) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting “tobacco product,” after the term “device,” each place such term appears; and

(2) by inserting “tobacco products,” after the term “devices,” each place such term appears.

(i) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)—

(A) by striking “devices, or cosmetics” each place it appears and inserting “devices, tobacco products, or cosmetics”;

(B) by striking “or restricted devices” each place it appears and inserting “restricted devices, or tobacco products”; and

(C) by striking “and devices and subject to” and all that follows through “other drugs or devices” and inserting “devices, and tobacco products and subject to reporting and inspection under regulations lawfully issued pursuant to section 505 (i) or (k), section 519, section 520(g), or chapter IX and data relating to other drugs, devices, or tobacco products”;

(2) in subsection (b), by inserting “tobacco product,” after “device,”; and

(3) in subsection (g)(13), by striking “section 903(g)” and inserting “section 1003(g)”.

(j) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting “tobacco products,” after “devices,”.

(k) SECTION 709.—Section 709 (21 U.S.C. 379a) is amended by inserting “tobacco product,” after “device,”.

(l) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting “tobacco products,” after the term “devices,”;

(B) by inserting “or section 905(h)” after “section 510”; and

(C) by striking the term “drugs or devices” each time such term appears and inserting “drugs, devices, or tobacco products”;

(2) in subsection (e)(1)—

(A) by inserting “tobacco product” after “drug, device,”; and

(B) by inserting “, and a tobacco product intended for export shall not be deemed to be in violation of section 906(e), 907, 911, or 920(a),” before “if it—”; and

(3) by adding at the end the following:

“(p)(1) Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

“(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

“(B) the public health implications of such exports, including any evidence of a negative public health impact; and

“(C) recommendations or assessments of policy alternatives available to Congress and the executive branch to reduce any negative public health impact caused by such exports.

“(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.”.

(m) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(b)) is amended—

(1) by striking “and” after “cosmetics,”; and

(2) inserting “, and tobacco products” after “devices”.

(n) SECTION 1009.—Section 1009(b) (as redesignated by section 101(b)) is amended by striking “section 908” and inserting “section 1008”.

(o) SECTION 409 OF THE FEDERAL MEAT INSPECTION ACT.—Section 409(a) of the Federal Meat Inspection Act (21 U.S.C. 679(a)) is amended by striking “section 902(b)” and inserting “section 1002(b)”.

(p) RULE OF CONSTRUCTION.—Nothing in this section is intended or shall be construed to expand, contract, or otherwise modify or amend the existing limitations on State government authority over tribal restricted fee or trust lands.

(q) GUIDANCE AND EFFECTIVE DATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term “repeated violation”, as used in section 303(f)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)(8)) as amended by subsection (e), as including at least 5 violations of particular requirements over a 36-

month period at a particular retail outlet that constitute a repeated violation and providing for civil penalties in accordance with paragraph (2);

(B) providing for timely and effective notice by certified or registered mail or personal delivery to the retailer of each alleged violation at a particular retail outlet prior to conducting a followup compliance check, such notice to be sent to the location specified on the retailer’s registration or to the retailer’s registered agent if the retailer has provided such agent information to the Food and Drug Administration prior to the violation;

(C) providing for a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer’s request a hearing by telephone or at the nearest regional or field office of the Food and Drug Administration, and providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing that civil money penalties for multiple violations shall increase from one violation to the next violation pursuant to paragraph (2) within the time periods provided for in such paragraph;

(F) providing that good faith reliance on the presentation of a false government-issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device; and

(G) providing for the Secretary, in determining whether to impose a no-tobacco-sale order and in determining whether to compromise, modify, or terminate such an order, to consider whether the retailer has taken effective steps to prevent violations of the minimum age requirements for the sale of tobacco products, including the steps listed in subparagraph (F).

(2) PENALTIES FOR VIOLATIONS.—

(A) IN GENERAL.—The amount of the civil penalty to be applied for violations of restrictions promulgated under section 906(d), as described in paragraph (1), shall be as follows:

(i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, \$0.00 together with the issuance of a warning letter to the retailer;

(II) in the case of a second violation within a 12-month period, \$250;

(III) in the case of a third violation within a 24-month period, \$500;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

(ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, \$250;

(II) in the case of a second violation within a 12-month period, \$500;

(III) in the case of a third violation within a 24-month period, \$1,000;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

(B) TRAINING PROGRAM.—For purposes of subparagraph (A), the term “approved training program” means a training program that complies with standards developed by the Food and Drug Administration for such programs.

(C) CONSIDERATION OF STATE PENALTIES.—The Secretary shall coordinate with the States in enforcing the provisions of this Act and, for purposes of mitigating a civil penalty to be applied for a violation by a retailer of any restriction promulgated under section 906(d), shall consider the amount of any penalties paid by the retailer to a State for the same violation.

(3) GENERAL EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), and (4) of subsection (c) shall take effect upon the issuance of guidance described in paragraph (1) of this subsection.

(4) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (c)(1) shall take effect on the date of enactment of this Act.

(5) PACKAGE LABEL REQUIREMENTS.—The package label requirements of paragraphs (3) and (4) of section 903(a) of the Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on the date that is 12 months after the date of enactment of this Act. The package label requirements of paragraph (2) of such section 903(a) for cigarettes shall take effect on the date that is 15 months after the issuance of the regulations required by section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201 of this division. The package label requirements of paragraph (2) of such section 903(a) for tobacco products other than cigarettes shall take effect on the date that is 12 months after the date of enactment of this Act. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 903(a) (2), (3), and (4) and section 920(a) of the Federal Food, Drug, and Cosmetic Act.

(6) ADVERTISING REQUIREMENTS.—The advertising requirements of section 903(a)(8) of the Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on the date that is 12 months after the date of enactment of this Act.

SEC. 104. STUDY ON RAISING THE MINIMUM AGE TO PURCHASE TOBACCO PRODUCTS.

The Secretary of Health and Human Services shall—

(1) convene an expert panel to conduct a study on the public health implications of raising the minimum age to purchase tobacco products; and

(2) not later than 5 years after the date of enactment of this Act, submit a report to the Congress on the results of such study.

SEC. 105. ENFORCEMENT ACTION PLAN FOR ADVERTISING AND PROMOTION RESTRICTIONS.

(a) ACTION PLAN.—

(1) DEVELOPMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall develop and publish an action plan to enforce restrictions adopted pursuant to section 906 of the Federal Food, Drug, and Cosmetic Act, as added

by section 101(b) of this division, or pursuant to section 102(a) of this division, on promotion and advertising of menthol and other cigarettes to youth.

(2) **CONSULTATION.**—The action plan required by paragraph (1) shall be developed in consultation with public health organizations and other stakeholders with demonstrated expertise and experience in serving minority communities.

(3) **PRIORITY.**—The action plan required by paragraph (1) shall include provisions designed to ensure enforcement of the restrictions described in paragraph (1) in minority communities.

(b) **STATE AND LOCAL ACTIVITIES.**—

(1) **INFORMATION ON AUTHORITY.**—Not later than 3 months after the date of enactment of this Act, the Secretary shall inform State, local, and tribal governments of the authority provided to such entities under section 5(c) of the Federal Cigarette Labeling and Advertising Act, as added by section 203 of this division, or preserved by such entities under section 916 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this division.

(2) **COMMUNITY ASSISTANCE.**—At the request of communities seeking assistance to prevent underage tobacco use, the Secretary shall provide such assistance, including assistance with strategies to address the prevention of underage tobacco use in communities with a disproportionate use of menthol cigarettes by minors.

SEC. 106. STUDIES OF PROGRESS AND EFFECTIVENESS.

(a) **FDA REPORT.**—Not later than 3 years after the date of enactment of this Act, and not less than every 2 years thereafter, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning—

(1) the progress of the Food and Drug Administration in implementing this division, including major accomplishments, objective measurements of progress, and the identification of any areas that have not been fully implemented;

(2) impediments identified by the Food and Drug Administration to progress in implementing this division and to meeting statutory timeframes;

(3) data on the number of new product applications received under section 910 of the Federal Food, Drug, and Cosmetic Act and modified risk product applications received under section 911 of such Act, and the number of applications acted on under each category; and

(4) data on the number of full time equivalents engaged in implementing this division.

(b) **GAO REPORT.**—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of, and submit to the Committees described in subsection (a) a report concerning—

(1) the adequacy of the authority and resources provided to the Secretary of Health and Human Services for this division to carry out its goals and purposes; and

(2) any recommendations for strengthening that authority to more effectively protect the public health with respect to the manufacture, marketing, and distribution of tobacco products.

(c) **PUBLIC AVAILABILITY.**—The Secretary of Health and Human Services and the Comptroller General of the United States, respectively, shall make the reports required under subsection (a) and (b) available to the public, including by posting such reports on the respective Internet websites of the Food and Drug Administration and the Government Accountability Office.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

(a) **AMENDMENT.**—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

“SEC. 4. LABELING.

“(a) LABEL REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

“WARNING: Cigarettes are addictive.

“WARNING: Tobacco smoke can harm your children.

“WARNING: Cigarettes cause fatal lung disease.

“WARNING: Cigarettes cause cancer.

“WARNING: Cigarettes cause strokes and heart disease.

“WARNING: Smoking during pregnancy can harm your baby.

“WARNING: Smoking can kill you.

“WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.

“WARNING: Quitting smoking now greatly reduces serious risks to your health.

“(2) PLACEMENT; TYPOGRAPHY; ETC.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise the top 50 percent of the front and rear panels of the package. The word ‘WARNING’ shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c).

“(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

“(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) ADVERTISING REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

“(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar,

nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under subsection (c). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that—

“(A) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

“(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

“(4) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

“(c) MARKETING REQUIREMENTS.—

“(1) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(2) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with

a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(3) REVIEW.—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

“(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(4) APPLICABILITY TO RETAILERS.—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection and subsection (b).

“(d) GRAPHIC LABEL STATEMENTS.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations that require color graphics depicting the negative health consequences of smoking to accompany the label statements specified in subsection (a)(1). The Secretary may adjust the type size, text and format of the label statements specified in subsections (a)(2) and (b)(2) as the Secretary determines appropriate so that both the graphics and the accompanying label statements are clear, conspicuous, legible and appear within the specified area.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 15 months after the issuance of the regulations required by subsection (a). Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by subsection (a).

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

(a) PREEMPTION.—Section 5(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334(a)) is amended by striking “No” and inserting “Except to the extent the Secretary requires additional or different statements on any cigarette package by a regulation, by an order, by a standard, by an authorization to market a product, or by a condition of marketing a product, pursuant to the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), or as required under section 903(a)(2) or section 920(a) of the Federal Food, Drug, and Cosmetic Act, no”.

(b) CHANGE IN REQUIRED STATEMENTS.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

“(d) CHANGE IN REQUIRED STATEMENTS.—The Secretary through a rulemaking conducted under section 553 of title 5, United States Code, may adjust the format, type size, color graphics, and text of any of the label requirements, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.”

SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

“(c) EXCEPTION.—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.”

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

“SEC. 3. SMOKELESS TOBACCO WARNING.

“(a) GENERAL RULE.—

“(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

“WARNING: This product can cause mouth cancer.

“WARNING: This product can cause gum disease and tooth loss.

“WARNING: This product is not a safe alternative to cigarettes.

“WARNING: Smokeless tobacco is addictive.

“(2) Each label statement required by paragraph (1) shall be—

“(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

“(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

“(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

“(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

“(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) REQUIRED LABELS.—

“(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accord-

ance with the requirements of this section, one of the labels specified in subsection (a).

“(2)(A) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph.

“(B) For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall comprise at least 20 percent of the area of the advertisement.

“(C) The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type.

“(D) The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

“(E) The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements.

“(F) The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement.

“(G) The label statements shall be in English, except that—

“(i) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

“(ii) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(C) The Secretary shall review each plan submitted under subparagraphs (A) and (B) and approve it if the plan—

“(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection.

“(4) The Secretary may, through a rulemaking under section 553 of title 5, United

States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

“(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by subsection (a).

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

(a) IN GENERAL.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 204, is further amended by adding at the end the following:

“(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.”.

(b) PREEMPTION.—Section 7(a) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4406(a)) is amended by striking “No” and inserting “Except as provided in the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), no”.

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by sections 201 and 202, is further amended by adding at the end the following:

“(e) TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE.—

“(1) IN GENERAL.—The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary’s sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the

type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

“(2) RESOLUTION OF DIFFERENCES.—Any differences between the requirements established by the Secretary under paragraph (1) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

“(3) CIGARETTE AND OTHER TOBACCO PRODUCT CONSTITUENTS.—In addition to the disclosures required by paragraph (1), the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act.

“(4) RETAILERS.—This subsection applies to a retailer only if that retailer is responsible for or directs the label statements required under this section.”.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

“SEC. 920. LABELING, RECORDKEEPING, RECORDS INSPECTION.

“(a) ORIGIN LABELING.—

“(1) REQUIREMENT.—Beginning 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of tobacco products other than cigarettes for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement ‘sale only allowed in the United States’. Beginning 15 months after the issuance of the regulations required by section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201 of Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of cigarettes for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement ‘Sale only allowed in the United States’.

“(2) EFFECTIVE DATE.—The effective date specified in paragraph (1) shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with such paragraph.

“(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

“(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for in-

spection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products.

“(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

“(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

“(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

“(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products. The Secretary shall not authorize an officer or employee of the government of any of the several States to exercise authority under the preceding sentence on Indian country without the express written consent of the Indian tribe involved.

“(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—

“(1) NOTIFICATION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

“(A) imported, exported, distributed, or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

“(B) imported, exported, distributed, or diverted for possible illicit marketing, the manufacturer or distributor shall promptly notify the Attorney General and the Secretary of the Treasury of such knowledge.

“(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term ‘knowledge’ as applied to a manufacturer or distributor means—

“(A) the actual knowledge that the manufacturer or distributor had; or

“(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

“(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Attorney General of the United States and the Secretary of the Treasury, as appropriate.”.

SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising; and

(3) collect data on the health effects (particularly with respect to individuals under 18 years of age) resulting from cross-border trade in tobacco products, including the health effects resulting from—

(A) the illicit trade of tobacco products and the trade of counterfeit tobacco products; and
(B) the differing tax rates applicable to tobacco products.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

(c) DEFINITION.—In this section:

(1) The term “cross-border trade” means trade across a border of the United States, a State or Territory, or Indian country.

(2) The term “Indian country” has the meaning given to such term in section 1151 of title 18, United States Code.

(3) The terms “State” and “Territory” have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

DIVISION B—FEDERAL RETIREMENT REFORM ACT

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Federal Retirement Reform Act of 2009”.

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

DIVISION B—FEDERAL RETIREMENT REFORM ACT

Sec. 100. Short title; table of contents.

TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

Sec. 101. Short title.

Sec. 102. Automatic enrollments and immediate employing agency contributions.

Sec. 103. Qualified Roth contribution program.

Sec. 104. Authority to establish mutual fund window.

Sec. 105. Reporting requirements.

Sec. 106. Acknowledgment of risk.

Sec. 107. Subpoena authority.

Sec. 108. Amounts in Thrift Savings Funds subject to legal proceedings.

Sec. 109. Accounts for surviving spouses.

Sec. 110. Treatment of members of the uniformed services under the Thrift Savings Plan.

TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

Sec. 201. Increase in monthly amount of special survivor indemnity allowance for widows and widowers of deceased members of the Armed Forces affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.

TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

SEC. 101. SHORT TITLE.

This title may be cited as the “Thrift Savings Plan Enhancement Act of 2009”.

SEC. 102. AUTOMATIC ENROLLMENTS AND IMMEDIATE EMPLOYING AGENCY CONTRIBUTIONS.

(a) IN GENERAL.—Section 8432(b) of title 5, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“(2)(A) The Executive Director shall by regulation provide for an eligible individual to be automatically enrolled to make contributions under subsection (a) at the default percentage of basic pay.

“(B) For purposes of this paragraph, the default percentage shall be equal to 3 percent or such other percentage, not less than 2 percent nor more than 5 percent, as the Board may prescribe.

“(C) The regulations shall include provisions under which any individual who would otherwise be automatically enrolled in accordance with subparagraph (A) may—

“(i) modify the percentage or amount to be contributed pursuant to automatic enrollment, effective not later than the first full pay period following receipt of the election by the appropriate processing entity; or

“(ii) decline automatic enrollment altogether.

“(D)(i) Except as provided in clause (ii), for purposes of this paragraph, the term ‘eligible individual’ means any individual who, after any regulations under subparagraph (A) first take effect, is appointed, transferred, or reappointed to a position in which that individual becomes eligible to contribute to the Thrift Savings Fund.

“(ii) Members of the uniformed services shall not be eligible individuals for purposes of this paragraph.

“(E) Sections 8351(a)(1), 8440a(a)(1), 8440b(a)(1), 8440c(a)(1), 8440d(a)(1), and 8440e(a)(1) shall be applied in a manner consistent with the purposes of this paragraph.”.

(b) TECHNICAL AMENDMENT.—Section 8432(b)(1) of title 5, United States Code, is amended by striking the parenthetical matter in subparagraph (B).

SEC. 103. QUALIFIED ROTH CONTRIBUTION PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting after section 8432c the following:

“§8432d. Qualified Roth contribution program

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘qualified Roth contribution program’ means a program described in paragraph (1) of section 402A(b) of the Internal Revenue Code of 1986 which meets the requirements of paragraph (2) of such section; and

“(2) the terms ‘designated Roth contribution’ and ‘elective deferral’ have the meanings given such terms in section 402A of the Internal Revenue Code of 1986.

“(b) AUTHORITY TO ESTABLISH.—The Executive Director shall by regulation provide for the inclusion in the Thrift Savings Plan of a qualified Roth contribution program, under such terms and conditions as the Board may prescribe.

“(c) REQUIRED PROVISIONS.—The regulations under subsection (b) shall include—

“(1) provisions under which an election to make designated Roth contributions may be made—

“(A) by any individual who is eligible to make contributions under section 8351, 8432(a), 8440a, 8440b, 8440c, 8440d, or 8440e; and

“(B) by any individual, not described in subparagraph (A), who is otherwise eligible to make elective deferrals under the Thrift Savings Plan;

“(2) any provisions which may, as a result of enactment of this section, be necessary in order to clarify the meaning of any reference to an ‘account’ made in section 8432(f), 8433, 8434(d), 8435, 8437, or any other provision of law; and

“(3) any other provisions which may be necessary to carry out this section.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432c the following:

“8432d. Qualified Roth contribution program.”.

SEC. 104. AUTHORITY TO ESTABLISH MUTUAL FUND WINDOW.

(a) IN GENERAL.—Section 8438(b)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period and inserting “; and”; and

(3) by adding after subparagraph (E) the following:

“(F) a service that enables participants to invest in mutual funds, if the Board authorizes the mutual fund window under paragraph (5).”.

(b) REQUIREMENTS.—Section 8438(b) of title 5, United States Code, is amended by adding at the end the following:

“(5)(A) The Board may authorize the addition of a mutual fund window under the Thrift Savings Plan if the Board determines that such addition would be in the best interests of participants.

“(B) The Board shall ensure that any expenses charged for use of the mutual fund window are borne solely by the participants who use such window.

“(C) The Board may establish such other terms and conditions for the mutual fund window as the Board considers appropriate to protect the interests of participants, including requirements relating to risk disclosure.

“(D) The Board shall consult with the Employee Thrift Advisory Council (established under section 8473) before authorizing the addition of a mutual fund window or establishing a service that enables participants to invest in mutual funds.”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 8438(d)(1) of title 5, United States Code, is amended by inserting “and options” after “investment funds”.

SEC. 105. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—The Board shall, not later than June 30 of each year, submit to Congress an annual report on the operations of the Thrift Savings Plan. Such report shall include, for the prior calendar year, information on the number of participants as of the last day of such prior calendar year, the median balance in participants’ accounts as of such last day, demographic information on participants, the percentage allocation of amounts among investment funds or options, the status of the development and implementation of the mutual fund window, the diversity demographics of any company, investment adviser, or other entity retained to invest and manage the assets of the Thrift Savings Fund, and such other information as the Board considers appropriate. A copy of each annual report under this subsection shall be made available to the public through an Internet website.

(b) REPORTING OF FEES AND OTHER INFORMATION.—

(1) IN GENERAL.—The Board shall include in the periodic statements provided to participants under section 8439(c) of title 5, United States Code, the amount of the investment management fees, administrative expenses, and any other fees or expenses paid with respect to each investment fund and option under the Thrift Savings Plan. Any such statement shall also provide a statement notifying participants as to how they may access the annual report described in subsection (a), as well as any other information concerning the Thrift Savings Plan that might be useful.

(2) USE OF ESTIMATES.—For purposes of providing the information required under this subsection, the Board may provide a reasonable and representative estimate of any fees or expenses described in paragraph (1) and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year’s experience.

(c) DEFINITIONS.—For purposes of this section—

(1) the term “Board” has the meaning given such term by 8401(5) of title 5, United States Code;

(2) the term "participant" has the meaning given such term by section 8471(3) of title 5, United States Code; and

(3) the term "account" means an account established under section 8439 of title 5, United States Code.

SEC. 106. ACKNOWLEDGMENT OF RISK.

(a) IN GENERAL.—Section 8439(d) of title 5, United States Code, is amended—

(1) by striking the matter after "who elects to invest in" and before "shall sign an acknowledgment" and inserting "any investment fund or option under this chapter, other than the Government Securities Investment Fund,"; and

(2) by striking "either such Fund" and inserting "any such fund or option".

(b) COORDINATION WITH PROVISIONS RELATING TO FIDUCIARY RESPONSIBILITIES, LIABILITIES, AND PENALTIES.—Section 8477(e)(1)(C) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (C)(i); and

(2) by adding at the end the following:

"(ii) A fiduciary shall not be liable under subparagraph (A), and no civil action may be brought against a fiduciary—

"(I) for providing for the automatic enrollment of a participant in accordance with section 8432(b)(2)(A);

"(II) for enrolling a participant in a default investment fund in accordance with section 8438(c)(2); or

"(III) for allowing a participant to invest through the mutual fund window or for establishing restrictions applicable to participants' ability to invest through the mutual fund window."

SEC. 107. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8479 the following:

"§8480. Subpoena authority

"(a) In order to carry out the responsibilities specified in this subchapter and subchapter III of this chapter, the Executive Director may issue subpoenas commanding each person to whom the subpoena is directed to produce designated books, documents, records, electronically stored information, or tangible materials in the possession or control of that individual.

"(b) Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any individual, domestic or foreign corporation or upon a partnership or other unincorporated association for such production.

"(c) When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an order directing that person to comply with the subpoena. The court may punish as contempt any disobedience of its order.

"(d) The Executive Director shall prescribe regulations to carry out subsection (a)."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8479 the following:

"§8480. Subpoena authority."

SEC. 108. AMOUNTS IN THRIFT SAVINGS FUNDS SUBJECT TO LEGAL PROCEEDINGS.

Section 8437(e)(3) of title 5, United States Code, is amended in the first sentence by striking "or relating to the enforcement of a judgment for the physically, sexually, or emotionally abusing a child as provided under section

8467(a)" and inserting "the enforcement of an order for restitution under section 3663A of title 18, forfeiture under section 8432(g)(5) of this title, or an obligation of the Executive Director to make a payment to another person under section 8467 of this title".

SEC. 109. ACCOUNTS FOR SURVIVING SPOUSES.

Section 8433(e) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) Notwithstanding section 8424(d), if an employee, Member, former employee, or former Member dies and has designated as sole or partial beneficiary his or her spouse at the time of death, or, if an employee, Member, former employee, or former Member, dies with no designated beneficiary and is survived by a spouse, the spouse may maintain the portion of the employee's or Member's account to which the spouse is entitled in accordance with the following terms:

"(A) Subject to the limitations of subparagraph (B), the spouse shall have the same withdrawal options under subsection (b) as the employee or Member were the employee or Member living.

"(B) The spouse may not make withdrawals under subsection (g) or (h).

"(C) The spouse may not make contributions or transfers to the account.

"(D) The account shall be disbursed upon the death of the surviving spouse. A beneficiary or surviving spouse of a deceased spouse who has inherited an account is ineligible to maintain the inherited spousal account.

"(3) The Executive Director shall prescribe regulations to carry out this subsection."

SEC. 110. TREATMENT OF MEMBERS OF THE UNIFORMED SERVICES UNDER THE THRIFT SAVINGS PLAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) members of the uniformed services should have a retirement system that is at least as generous as the one which is available to Federal civilian employees; and

(2) Federal civilian employees receive matching contributions from their employing agencies for their contributions to the Thrift Savings Fund, but the costs of requiring such a matching contribution from the Department of Defense could be significant.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to Congress on—

(1) the cost to the Department of Defense of providing a matching payment with respect to contributions made to the Thrift Savings Fund by members of the Armed Forces;

(2) the effect that requiring such a matching payment would have on recruitment and retention; and

(3) any other information that the Secretary of Defense considers appropriate.

TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

SEC. 201. INCREASE IN MONTHLY AMOUNT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR WIDOWS AND WIDOWERS OF DECEASED MEMBERS OF THE ARMED FORCES AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) PAYMENT AMOUNT PER FISCAL YEAR.—Paragraph (2) of section 1450(m) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking "and" after the semicolon; and

(2) by striking subparagraph (F) and inserting the following new subparagraphs:

"(F) for months during fiscal year 2014, \$150; "(G) for months during fiscal year 2015, \$200; "(H) for months during fiscal year 2016, \$275; and

"(I) for months during fiscal year 2017, \$310."

(b) DURATION.—Paragraph (6) of such section is amended—

(1) by striking "February 28, 2016" and inserting "September 30, 2017"; and

(2) by striking "March 1, 2016" both places it appears and inserting "October 1, 2017".

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. REID. Mr. President, this will be the last vote of the week. We have a lot of work going on in the committees and that will continue on Monday. The next vote will be Tuesday morning. I will confer with the distinguished Republican leader as to what time we will do that and what it is going to be on for sure. We think we know, but there will be a vote Tuesday morning.

Everyone has been notified, but to make sure that people understand, when we come back after the July 4 recess, we are going to be in session for 5 weeks. The House will be in session for only 4 weeks. We have 5 weeks and we are going to work very hard during that period of time. I have had requests from the managers of the bill, the health care bill, Senator BAUCUS and DODD, that we need every day of that break so there is only going to be 1 day that there will be no votes—Mondays and Fridays there will be votes—which is Friday, July 17.

The first day we get back we are going to have a Monday morning vote, to show everybody we are serious about this. So the day we get back there will be a Monday morning vote. We have a tremendous amount of work to do. We not only have health care, which is going to take so much of our time, but we are in the appropriations process. The House is going to pass all their appropriations bills by the end of the July recess. I don't know if we can meet that schedule—it is somewhat doubtful—but we are going to pass some bills. We are going to try to get to one this work period.

Without going into more detail, the next work period is going to be extremely long, arduous, and extremely important.

I suggest the absence of a quorum. The PRESIDING OFFICER. Will the leader withhold his request for a quorum call?

Mr. REID. I withhold. The PRESIDING OFFICER. The Senator from New Mexico is recognized.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BINGAMAN. Mr. President, I wish to propound a unanimous consent

request. I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hilary Chandler Tompkins to be Solicitor of the Department of Interior, the nomination be confirmed, the motion to reconsider be laid on the table with no further motion to be in order, that any statements related to the nomination be printed in the RECORD, and upon confirmation the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. With all due respect to my colleague from New Mexico, I am advised that the nomination has not yet been cleared on this side. We are going to keep working on it, but at this time I must object and I do object.

The PRESIDING OFFICER. Objection is noted.

The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I know my friend, the distinguished Senator from Texas, wishes to speak for up to 20 minutes, is that right?

Mr. CORNYN. That is my wish.

Mr. REID. We have Senators on this side. What I would ask consent to do is have Senator BINGAMAN be recognized for up to 3 minutes, Senator CORNYN be recognized for up to 20 minutes, and then I will be recognized following his statement. Following me, Senator DORGAN be recognized.

I ask we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes, with the exceptions I noted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

NOMINATION OF HILARY CHANDLER TOMPKINS

Mr. BINGAMAN. Mr. President, let me state I am disappointed to see the objection still raised to the confirmation of Hilary Chandler Tompkins to be the Solicitor for the Department of Interior. She is extremely well qualified. No one has raised any question about her qualifications. Our former colleague, now Secretary Salazar, needs a Solicitor in the Department of Interior.

We reported her nomination out of our committee on April 30, nearly 6 weeks ago now. There has been something of a rolling hold on her nomination.

I know Senator BENNETT had an objection at one point; that has been sat-

isfied. Senator COBURN had an objection; that has been satisfied. Senator BUNNING had an objection; that has been satisfied. Now I am informed there are additional objections.

I hope very much my colleagues on the Republican side will go ahead and approve her for confirmation quickly so that Secretary Salazar can get on with the important business of the Department of Interior.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

HEALTH CARE REFORM

Mr. CORNYN. Mr. President, I want to spend a few minutes talking about the importance and challenge of health care reform, something that is on the fast track in the Senate.

Recently, as I traveled my State of 24 million people, I heard many similar themes from my constituents. What they told me is that our top priority ought to be reducing the cost of health care because, of course, by reducing the cost it becomes more affordable by more people and we attack what is one of the other principal concerns, and certainly one of mine, and that is too many people who are uninsured in this country.

We know cost is one reason why 46 million people are not insured in this country, some of whom have good jobs that pay well, but if they are young they would rather put the money in their pocket than pay for health care. Others have different circumstances, maybe small businesses that are priced out of the market.

It is a fact that American families have seen their health care premiums double over the last 10 years. My constituents and the American people generally are also very concerned about our future. As they see so much borrowing and so much spending here in Washington, they worry about the fact that Medicare, which is the health care program for seniors, has an unfunded liability of \$38 trillion. So, to understand, while we have roughly \$2 trillion in annual deficits running, we also have \$38 trillion in unfunded Federal liabilities for Medicare and the trust fund is anticipated to go insolvent by the year 2017, less than 8 years from now.

I appreciate the urgency of focusing on health care reform. We have been working under Chairman BAUCUS and Ranking Member GRASSLEY on the Finance Committee. I know other Senators have been working hard at this as well—Senator KENNEDY and Senator ENZI on the HELP Committee.

I urge us to keep working very hard to work through all the complexities and moving parts of this very challenging problem. I also want to say that I think how we discuss health care reform is very important, but I am also

concerned that some voices are greeted with derision or even implicit threats that suggest they better keep quiet if they know what is good for them.

A tremendous amount of work has gone into the series of three Finance Committee roundtables and walk-throughs. But I am disturbed by some reports that perhaps Senators, certainly staff, have urged key stakeholders in the health care reform debate to keep their mouths shut. Every American citizen has a right to petition their government. This is a right every American citizen has, and no American should be told to keep quiet on the subject of health care reform, in particular. We know reforming health care is an urgent priority, as I said, and more than 300 million Americans have a stake in our success.

The Congress needs to take the time given the fact that this represents 17 percent of our gross domestic product and is so complex. We need to take the time and get the input from everyone who has something to offer as we undertake this massive task. We have a highly complex, \$2.6 trillion system, and we need to take time to get the reforms done right. I am not talking about peddling in place, I am not talking about wasting time, I am talking about doing what the American people expect us to do; that is, get it right, not try to rush according to some arbitrary timetable.

So I am pleased to say that some stakeholders are standing up against this notion that this deal ought to be cut in a closed back room somewhere. The American Medical Association, for example, has announced its opposition to a government-run plan. The U.S. Chamber of Commerce and the National Federation Of Independent Businesses have expressed concerns about some aspects of the legislation that has been proposed by the President and by leadership here in Congress. But more voices, not less—indeed all voices—deserve to be heard on something of such fundamental importance to our country. The American people deserve a transparent and open debate about the reforms, the various proposals that are on the table, so they can judge for themselves whether Washington elites have their best interest in mind or, to the contrary, whether they believe something else is going on.

I also express my appreciation for the professionals at the Congressional Budget Office for refusing to compromise their integrity and for continuing to provide objective analysis of all reform proposals. That is their job. Their job is not to make policy, but it is their job to give us unvarnished, objective information about costs so we can determine what policy makes sense and what policies we can afford.

In particular, I commend the Director of the Congressional Budget Office, Dr. Doug Elmendorf, who I read was

quoted as saying that the Congressional Budget Office “will never adjust our views to make people happy.” That demonstrates the kind of integrity and objectivity we would want to inform our decisions. We are the ones who are elected to make those decisions on the part of the American people. We are the ones who should be held accountable for those policies. But we have to get good, objective, unbiased information from professionals with integrity such as Dr. Elmendorf and his staff at the CBO.

Some, it has been suggested, do not like the big price tag the Congressional Budget Office has put on some of their proposals. But the solution is not for the Congressional Budget Office to get creative, it is for Senators to get real and deal with the reality and to use that information in order to craft decisions that work.

I wish to speak in particular about the only bill that has actually been rolled out, more or less, or provisions, and that is the bill proffered by our colleague, Senator TED KENNEDY.

Senator KENNEDY has been a leader in the health care reform debate for more than four decades. I appreciate the fact that he is the first Democrat on either end of Pennsylvania Avenue who has actually put out a proposal with some detail for us to evaluate and react to. While more details are certainly needed, and I hope they will be forthcoming, we already know there are some red lines, some hot spots, some areas that, if embraced by the Democratic leadership, will result in failure, not in success. I think we all should be invested in the goal of bipartisan success. In fact, there are some provisions in the Kennedy bill that would make things worse, in my view and in the view of others.

I think there is one thing we should do; that is, take the Hippocratic Oath, the same oath medical practitioners take to “do no harm.” I think we should take a legislative Hippocratic Oath to first do no harm as we undertake this massive reform. For example, in the Kennedy bill, it describes a plan called “a public health insurance plan operated by the Federal Government with a payment scale that is set in statute and based on Medicare.” I believe “Medicare for all” or a government-run health plan is a disaster in the making for the millions of Americans who will depend upon us to get this right. Let me explain why.

First, a government-run plan will ultimately take away the health insurance people have right now. Last year, President Obama campaigned on the promise that if you like what you have, you will be able to keep it. I agree with him. That ought to be our goal. But with a so-called government plan, that will not happen because we all know that the government is not just the regulator, but it is also the one paying

the bills; that ultimately, the government cannot be calling the balls and strikes even as it takes to the field to be a so-called competitor.

Let me put a finer point on it. One group of analysts, the Lewin Group, said a government plan would take away, ultimately, current health benefits from 119 million Americans and force 130 million into a Washington-run health care plan. How does that happen? Well, ostensibly you would have the government competing with the private sector to provide health care. But we know the government ultimately would provide a more generous package and could do so, of course, at taxpayer expense and save the difficulty of having to compete in the marketplace. Ultimately, as the Lewin Group concluded, it would undercut private competitors, leaving people with no choices and ultimately leaving everyone, or at least 130 million Americans, on a Washington-run health care plan—not a good idea, in my opinion.

Secondly, we know a government plan would drive up costs for those who remain with private insurance. How does that happen? Well, we know there is a phenomenon in health care called cost shifting. That is because Medicare and Medicaid pay submarket rates and health care providers have to make it up somewhere else. Where do they make it up? They end up making it up from people who have insurance. And how do they do that? By people who have insurance paying more than they ultimately receive because the costs are literally shifted from Medicare and Medicaid onto private insurance.

According to a respected actuary, Milliman, commercial payers subsidize the cost of Medicare and Medicaid by nearly \$90 billion a year in cost shifting. This represents a hidden tax on American families and small businesses. Milliman estimates that the average private health care premium is more than \$1,500 higher per family, more than 10 percent higher than it would be without this government cost-shifting phenomenon. A new government program would increase this cost shifting dramatically and increase the health care premiums of every American family who continues on their private health insurance plan.

Third, we know this Medicare-for-all or government-run plan would basically be like Medicare and Medicaid on steroids. Lest anybody be confused, that is not a good thing. I believe Medicare illustrates what happens when the government takes over health care delivery. For example, first of all, it is not fiscally sustainable. As I mentioned, Medicare is going to go insolvent in 2017 and currently has \$38 trillion in unfunded liabilities.

Low reimbursement rates—and frankly, that is how Medicare and Medicaid try to deal with costs. They cut payments to providers—hospitals and

doctors—below the otherwise market rates. These low reimbursement rates reduce patient choice and increase wait times for the physicians they see. Many providers, as I am sure the distinguished occupant of the chair, in his State, knows—we know many doctors are not even taking new Medicare patients and new Medicaid patients because lower reimbursement rates are the problem. Every year, Congress has to come back and reverse the cuts to physician payments under the Medicare sustainable growth rate formula, and those cuts, unless we act to reverse them, will cut physician payments by 20 percent this January.

According to the Washington Post last fall, taxpayers also pay up to \$60 billion a year in fraudulent claims on Medicare. So in addition to being fiscally unsustainable, in addition to rationing or providing unrealistically low payments, denying people access to health care, we have \$60 billion in fraud and waste in the Medicare Program—hardly a model for Medicare, for a government-run option.

Well, Medicaid has even more problems. Medicaid provides coverage, but it does a poor job of providing access. In one way, this is really a ruse that is being perpetrated on the American people under Medicare and Medicaid. We say: Yes, you have coverage. But if you cannot find a doctor or a health care provider who will provide you access at that price, then their coverage does not do you any good.

According to a recent Wall Street Journal article, Medicaid’s low reimbursement rates, which are actually lower than Medicare, have resulted in 40 percent of physicians restricting access to patients in the program. So it is no wonder, as the journal Health Affairs said last month, that “physicians typically have been less willing to take on new Medicaid patients than patients covered by other types of health insurance.”

Medicaid reimbursement rates, as I said, are even lower than Medicare, more than 25 percent lower than Medicare. The story of Pediatrix Medical Group, which has a significant presence in my State, illustrates the problem.

Pediatrix has more than 1,300 physicians and 500 advanced practice nurses. They specialize in the care of newborns and other very vulnerable children. Pediatrix has noted that “the lack of appropriate reimbursement is among the common reasons for physicians to refuse to accept new Medicaid patients.” They have noted that within their own national neonatal and hospitalist patient population, the current government rates pay an average of 28.7 percent less than rates from private insurers. No wonder it is hard for Medicaid beneficiaries—notwithstanding what Congress does, it is hard for them to find a physician who will actually see them at that kind of rate.

Pediatrics has said, "We believe a public plan structured [after Medicare and Medicaid] would ultimately erode the availability of private health and negatively impact patient access to needed health care."

The fourth problem I have with the plan in the Kennedy bill is that the government plan would ultimately lead to a rationing of health care. What does that mean? Well, that means delay or denying access to treatment. All we have to do is look at Canada.

A recent op-ed by Dr. David Gratzner in the Wall Street Journal this last week talked about what a government-run plan in Canada has done. Thousands of our friends to the north, of course, come to America each year for lifesaving surgery, if they can afford it, after their government has told them they will just have to wait. Various studies indicate that Canadians, especially the poor, are less healthy under socialized medicine than those in our country. More and more Canadians want to reduce the role of government and expand private options for health care, even as the elites in Washington want to move America in the opposite direction.

The fifth reason a government plan is not a good idea is it would lead to poorer health outcomes. Many Canadians are realizing that socialized medicine is not working for them, and so are many folks in Europe. According to a piece in the Washington Examiner this week, breast cancer rates in Europe, under nationalized health care systems, are significantly higher than they are here in the United States. European women are much more likely to have breast cancer than are American women. Currently, the United States leads the world in treating breast cancer. Women in our country with breast cancer have a 14-percent better chance of survival than those in Europe. Compared to the United States, breast cancer mortality is 52 percent higher in Germany and 88 percent higher in the United Kingdom. This is not something we should want to emulate.

We also see some poor health care outcomes in the United States under government-run health care. For example, numerous studies have documented the poor patient outcomes under the Medicaid Program relative to patients in private plans. For example, Medicaid patients are more than 50 percent more likely to die of coronary bypass surgery than patients with private coverage or Medicare.

There are other problems with the bill that the distinguished Senator from Massachusetts has proposed. Again, I credit him with being the first one to lay out a plan. We have not yet seen one from any other source. But the fact is, the Kennedy bill is not paid for. We don't know how much additional borrowing or how much higher our taxes will have to go up in order to

pay the price. It also includes a concept known as pay or play for small businesses. In other words, if you don't have health care coverage for your employees and are a small business, you will have to pay a punitive tax.

The bill also provides very generous Federal subsidies to individuals making as much as \$110,000 a year. We are all for a safety net for people who are low income and can't otherwise provide for themselves. But why should taxpayers be forced to pay higher taxes to subsidize health care for people making over \$100,000 a year. It doesn't make sense.

The bill also includes an innocuous-sounding council called the Medical Advisory Council, which in effect would give the government power over personal health care decisions, particularly to unelected and unaccountable bureaucrats. Of course, the bill creates new entitlements, which we have no hope of paying for, at the same time when unfunded liabilities for so much of our entitlement programs remain unpaid for. Frankly, while I applaud the distinguished Senator from Massachusetts and his leadership on this issue, I worry that this is a bill that has no bipartisan input. I applaud Senator BAUCUS, chairman of the Finance Committee, and other Democrats on that committee who said we need to come up with a bipartisan solution. When I raised this concern this morning in the Finance Committee, the Kennedy bill was described as more of a wish list than anything else.

The bill reflects very few ideas from Republicans, which we have offered to discuss and would hope to include in any comprehensive health care reform. It includes several provisions which Republicans have made clear are off the table, if our colleagues want a truly bipartisan bill. I mentioned the government plan option which kills bipartisanship because Republicans cannot support a policy that will lead to a Washington takeover of our health care system. There are better alternatives, alternatives which empower individuals and preserve the individual choice each of us has to make health care decisions, in consultation with our physician or family doctor, in the best interest of our families. Empowering people rather than government is a much better solution than this proposal we see under the Kennedy bill.

Innovators in both government and the private sector have learned that by empowering patients and providing them some incentives, they can actually see costs lowered.

There are a lot of good ideas out there. Unfortunately, the partisan proposal we have from the HELP Committee is not one of them. We hope we can continue to work together, on a bipartisan basis, toward a successful outcome.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The majority leader.

TRAVEL PROMOTION ACT OF 2009— MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 71, S. 1023, the Travel Promotion Act of 2009, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 71, S. 1023, the Travel Promotion Act of 2009.

Byron L. Dorgan, Tom Udall, Patrick J. Leahy, Barbara Boxer, Kay R. Hagan, Kirsten E. Gillibrand, Robert P. Casey, Jr., Roland W. Burris, Benjamin L. Cardin, Bill Nelson, John D. Rockefeller, IV, Daniel K. Inouye, Blanche L. Lincoln, Ron Wyden, Bernard Sanders, Sheldon Whitehouse, Ben Nelson.

Mr. REID. Mr. President, I now ask unanimous consent that on Tuesday, June 16, following a period of morning business, the Senate resume consideration of the motion to proceed to S. 1023 and there be 1 hour of debate prior to a vote on the motion to invoke cloture on the motion to proceed, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to a vote on the motion to invoke cloture on the motion to proceed, with the mandatory quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, the legislation described by my colleague, the Travel Promotion Act, is legislation I wish to discuss. The Travel Promotion Act is a bipartisan piece of legislation I have introduced with Senators ENSIGN, INOUE, MARTINEZ, KLOBUCHAR, REID, and many others. I believe in the last session of Congress, when we introduced this, we had over 50 cosponsors. Let me describe what its purpose is.

Who can be against travel promotion? Here is what has happened to our country with respect to the jobs and economic growth that comes with a decline in foreigners traveling to the United States. Measures put in place quickly after the 2001 attack on 9/11 had a significant impact on travel to the United States by foreign travelers.

We, obviously, wanted to be careful about whom we allowed into our country. We still do. But what happened following that is, instead of reaching out to the world to say: Visit the United

States, this is a great place, we encourage you to come here, to vacation here, to see what the United States is all about, we backed away from that. Other countries have not. Here is what we have experienced. I have a chart here showing overseas travel between 2000 and 2008.

Since 2000 and 2008, there has been a 3-percent decrease in foreign visitors to the United States. At the same time, there has been a 40-percent increase in visitors to other countries around the world. Think of the consequences of that to our economy. A foreign visitor, overseas visitor, coming to our country spends on average \$4,500 per visit—that is a lot of economic activity, a lot of economic growth and jobs. But inbound travel has decreased in our country and substantially increased in others. Why is that the case?

The rest of the world is very anxious to attract destination visitors to their country, international travelers, to say: We want you to come to our country as a destination for your trip. Take India—one special reason to visit India is this advertisement saying:

“Incredible India, any time is a good time to visit the land of Taj, but there is no time like now.”

Not unusual to see this. It is not only India.

Australia’s says: “Arrived looking for an experience to remember. Departed with adventure we will never forget. Australia, come to Australia.” If you are an overseas traveler, deciding where to visit, be sure and come to Australia.

Ireland says: “Go where Ireland takes you.”

Pretty straightforward—makes you want to go to Ireland. Great Britain, Italy, Spain, France, Australia, India, Ireland, they say: Come to our country. Travel to our country. See what our country is about.

We are not doing that.

As a result, in the last 8 years, we have seen a 3-percent decrease in travel by foreign visitors to the United States, while the rest of the world has had a 40-percent increase in travelers destined to those other areas. It makes a big difference. It is very negative in terms of our country’s economic opportunity that comes from travel and tourism.

I showed the examples of what other countries are saying in their very explicit campaigns around the world, to say to people: If you are traveling abroad, if you are planning a vacation, a trip, come to our country. Come and see Italy, Great Britain, Ireland, India.

Let me show you what is happening with respect to our country. Headlines such as these: The Sydney Sunday Morning Herald: “Coming to America Isn’t Easy.” From The Guardian: “America: More Hassle Than It’s Worth?” From The Sunday Times in London: “Travel to America? No Thanks.”

There is a perception that it is difficult to come to our country, hard to get a visa, and tourists will experience long waiting lines. Many of these problems have been corrected or improved. In the construction of this legislation, we address the need to better communicate our entry and exit procedures and their improvements. We don’t want these negative headlines to be the message to the rest of the world—in fact, quite the opposite.

What a large group of us in the Congress want is for our country to be engaged internationally, to say to people around the world: Come to our country. To see the United States is to understand the wonder of this great country. Come here. Stay here. Vacation here. Understand what America is about.

I can’t think of anything better, in terms of our position in the world and how people think of this great country, than to invite them and encourage them to come here. That is why we have introduced this bipartisan piece of legislation called the Travel Promotion Act of 2009.

Interestingly enough, the Congressional Budget Office has said this piece of legislation will reduce the Federal budget deficit by \$425 million between 2010 and 2019. We don’t bring many pieces of legislation to the floor of the Senate in which the Congressional Budget Office says:

This will make money. This is a net positive. This will reduce the Federal budget deficit. That is what this bill is about.

Let me explain, for a moment, what we are trying to do with the legislation. The Travel Promotion Act will attempt to create international travel opportunities for people from all around the world to come to this country. It will set up a nationally coordinated travel promotion campaign run in a public-private partnership to communicate to the world our country’s travel policies and, more importantly, communicate to the world: We want you here. We want you to explore what this great country has to offer. This public-private partnership is an ideal method for us to improve any negative perceptions out there, particularly as we work on visas and any remaining delays in entry procedures which we have corrected, in large part. This combines public sector accountability with private sector enterprise.

This bill establishes a Corporation for Travel Promotion, an independent, nonprofit corporation, with an 11-member board of directors appointed by the Secretary of Commerce. It creates an Office of Travel Promotion in the Department of Commerce to work with that nonprofit corporation. It sets up a travel promotion fund, financed by a public-private matching program. Federal contributions will be financed by a \$10 fee paid by foreign travelers from visa waiver countries and collected in

what is called the Electronic System for Travel Authorization.

Many other countries impose fees for people coming and going: Australia, \$37 departure fee, an entry fee of \$19 to \$70; Mexico, an \$11 departure fee, up to \$38; New Zealand, \$16 to \$19 on the departure fee; United Kingdom, \$80 to \$160. There are a lot of fees around for people traveling internationally. We propose to fund this with a very modest fee of \$10.

This is very simple. It should be non-controversial. There are many of us who have worked on this and worked very hard.

My colleague from Minnesota is here, Senator KLOBUCHAR, who has worked with us on this legislation. This is a piece of legislation Senator REID has worked on. Senator ENSIGN is the lead Republican cosponsor. Other cosponsors include Senator MARTINEZ and Senator NELSON of Florida. We have cosponsors across the political spectrum because this issue of asking people from around the world to come to America is not controversial and benefits every State. It cannot possibly be partisan, and it certainly is job creating.

Now here is what some newspapers around the country have said about the legislation.

The Sacramento Bee:

This country needs to reclaim its status as a global magnet for visitors . . . and Congress can help by passing the Travel Promotion Act.

The Los Angeles Times:

Considering that the U.S. spends hundreds of millions of dollars on public diplomacy with dubious results and nearly nothing on promoting tourism, we might do well to invest a little money in wooing travelers.

The Detroit Free Press:

Doesn’t it make sense to encourage—at no cost to taxpayers—foreign visitors to come here and leave us some money? There’s no good reason not to pass this bill.

The Dallas Morning News:

The Travel Promotion Act is a sensible first step toward putting the welcome mat back on America’s doorstep.

And the list goes on.

I do not come from Hawaii or Florida or California, I come from the northern Great Plains. And we have a lot of tourist destinations: the Badlands in North Dakota, some of the most beautiful areas in our country. Tourism is North Dakota’s second largest industry. There are so many destinations with such wonder to attract people to our region of the country.

It is where Lewis and Clark, in their epic adventure, decided to spend the winter in area about 40 miles north of Bismarck, ND. We celebrated the 200th anniversary, the bicentennial, of the Lewis and Clark Expedition, and we had a lot of people come from around the world to see that.

The fact is, every State in this country has something it is anxious to show

the world, to say: Look at us. Look at what we are doing here. Look how beautiful this part of America is.

So what has happened is, we have been unilaterally disarmed since 9/11, to say: Well, we are worried about who is going to come into this country. We certainly want to keep terrorists out. We sure do, absolutely. But that message ought not be mixed with a message that we do not want to encourage foreign travelers to come to this country to vacation and to experience America.

So at long last a group of us, Republicans and Democrats, have said: If we disagree on so much, how about if we agree on tourism? Can we agree on promoting travel? To say to the English, the Italians, the Spaniards, the French, the folks from India and Thailand and China and elsewhere: You are welcome in this country. We want you to come to this country. We want you to see what our country is about?

To experience this country is to have a sense of wonder about the greatest democracy, the most significant and longest surviving democracy on Earth. We want them to go home with that understanding of what a great country this is. That is what we want.

By the way, we do not believe our nearest neighbors—Mexico and Canada—are irrelevant. We have a lot of people coming from Mexico and Canada, and God bless them. They are great neighbors. We welcome them. We are told they spend, on average, about \$900 per trip.

The foreign travelers from overseas, by contrast, spend about \$4,500 per trip. That is why this is such an unbelievable job generator. People who come here and spend significant money and purchase the hotel rooms and the rental cars and go to the tourist attractions and do the things people who want to experience America routinely do not only create a lot of jobs and boost economic activity, but their travel also gives us the opportunity to show the rest of the world this is an extraordinary place where they can go home and tell their neighbors they just went to one of the greatest places on Earth.

So as to the Travel Promotion Act of 2009, my hope is—after having battled here on so many different issues, and having cloture votes on everything, and then 30 hours post-cloture while we all stand around with our hands in our pockets and shuffling our shoes—my hope is, perhaps this is the issue, this is the one time, this is the occasion where everybody might say: Do you know something. There is something we can agree on that is noncontroversial, that makes sense. It creates jobs, it expands the economy, and represents the best of sending American values abroad; and that is, the Travel Promotion Act.

If, perhaps, next week we get to that point, I think the American people will

have believed we have done something good. So I am pleased to be the lead sponsor. We introduced this in the last Congress and did not get it passed. In this Congress I believe we will.

I give my commendation to the majority leader and thank him for putting this on the agenda. I give my thanks to Senator ENSIGN as the lead cosponsor on the Republican side. But so many Republicans and Democrats have said: Yes, this makes sense. Count us in. We want to be part of expanding this economy and creating jobs and giving an opportunity for the people in the rest of the world to understand we welcome them here.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am here today to speak in support of the Travel Promotion Act, which is bipartisan legislation. I first want to thank Mr. DORGAN, the Senator from North Dakota. I have visited the Teddy Roosevelt Park, and I want to thank him for his great leadership on this bill over many years. I also want to thank Senator ENSIGN for his leadership. I believe this legislation will help our economy to do better, to create jobs without any taxpayer expense.

As the chair of the Commerce Subcommittee that includes tourism, I recently held a hearing—a well-attended hearing—with many Senators and people there to examine the state of our tourism industry during these troubled economic times. I want to thank my ranking Republican member, Senator MARTINEZ. We did it together. I also held a field hearing in Duluth, MN, to highlight the importance of tourism to midsize and smaller towns in the United States.

During the hearings, we heard about the importance of tourism and travel to our economy and the urgent need to increase international travel to the United States.

As the Presiding Officer, Senator UDALL, knows, coming from Colorado, America has so much to offer our travelers: whether it is the mountains of Colorado or—Senator KAUFMAN is here—the beaches of Delaware or the stunning national landmarks, such as the Grand Canyon, Mount Rushmore, and the Statue of Liberty or the oceans, lakes, and rivers or our mountains, forests, and beaches or our scenic country towns or the bright lights of the big cities or centers of fun and entertainment such as Las Vegas or Disney World or Duluth.

From the heartland to the coasts, every State has an economic stake in the tourism industry, which is now a major part of the American economy. Throughout the United States, many communities have discovered and developed the economic potential of travel and tourism.

I keep using the example of Duluth because at some point in the 1970s, the

economy was so bad there they actually had a billboard, so when you drove out of town, it said: The last one to leave, please turn off the lights.

Well, that billboard is not there anymore, as tourism is the biggest part of their economy, on beautiful Lake Superior, with beautiful museums and an aquarium and a children's museum. It has changed the life of that town. Tourism creates good jobs that cannot be outsourced.

Mr. President, one out of every eight Americans is employed in our travel economy. Each year, travel and tourism contribute approximately \$1.3 trillion to the American economy. International visitors, as Senator DORGAN just noted, spend an average of \$4,500 per person.

In economic terms, international tourism to the United States counts as an export. Instead of shipping our product to a customer overseas, the customer is coming here to spend money on our goods and our services.

Last year, travel and tourism exports accounted for 8 percent of all U.S. exports and 26 percent of all U.S. services exports. In fact, tourism is one of the few economic sectors where we enjoy a substantial trade surplus.

Travel is a part of the fabric of our State and our country. But over the past decade, we know it has been stretched to the brink. While more people around the world are traveling, a smaller percentage of them are visiting the United States.

This is not just about our troubled economy right now. This was going on long before that. It actually started after 9/11, where, for good reasons, security measures were put in place. But some of those good reasons have turned into very difficult times for tourists to come to this country, and that needs to be fixed. That is part of this bill: to make it easier for tourists to visit our country.

Since 2000, the U.S. share of the world travel market has decreased by nearly 20 percent, costing us hundreds of thousands of jobs and billions of dollars in revenue.

Last year, nearly 200,000 travel-related jobs were lost. The Commerce Department predicts we will lose another 247,000 jobs this year. Remember, this is not about airport CEOs. This is about the janitors who work at the airports. This is about the maids who are doing the beds. This is about the waitresses who are working at the restaurants. This is about the people who do the flowers for the hotels and for the banquets and for the business travelers. These are real jobs in America.

This has always been a country that has opened its arms to people from around the world. That is why we are so great. We have to bring that back. We have to bring people in to visit this country.

The Travel Promotion Act will do just that. By boosting travel to the

United States it will also give a boost to our economy. So it is a win-win for the tourism industry, for jobs for America, and for the American people.

Senator DORGAN went through the bill. I do want to emphasize that not only will this consist of travel promotion and promoting our country, like other countries have been doing for years that have been leapfrogging us in this market, additionally, this legislation will establish the Office of Travel Promotion in the Department of Commerce to work with the Corporation for Travel Promotion and the Secretaries of State and Homeland Security to encourage travel and to make sure international visitors are processed efficiently.

It does not cost taxpayers a cent, as Senator DORGAN pointed out, and economists expect it to generate billions for our economy.

According to an analysis by Oxford Economics, this tourism program is estimated to attract 1.6 million new international visitors annually and create \$4 billion in new spending in our country, creating 40,000 new jobs.

We know we need to bring back business travel. We should not let a few bad actors influence the decisions of good companies around this country. We know we have to look, this summer, for affordable deals for our families, and people are staying close to home. We want our Minnesotans to go fishing in Minnesota.

I say to the Presiding Officer, I would love to ask you if you know how much money people spend alone in Minnesota on bait and worms every year. I will tell you the answer. It has probably never been uttered before in this Chamber: \$50 million a year. Minnesotans and visitors to our State spend \$50 million a year on bait and worms for recreational fishing—just to give you an idea of what we are talking about when we talk about tourism spending.

I strongly urge my colleagues to support this important piece of legislation. I am proud to be a cosponsor. I look forward to working on this bill on the floor in the days to come.

MORNING BUSINESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF SONIA SOTOMAYOR

Mr. KAUFMAN. Mr. President, I rise today to discuss President Obama's nomination of Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

Judge Sonia Sotomayor has impeccable legal credentials and a record of excellence and integrity. Equally important, she has the experience not only to make an excellent Justice but also to have a significant impact on a Court that today reflects too narrow a slice of America.

Judge Sonia Sotomayor's deep appreciation for how the law affects the lives of ordinary Americans is born from her compelling personal background, as well as her time as an assistant district attorney, a commercial litigator, and later as a judge.

Once confirmed, she will become the first Hispanic Justice, and just the third woman, to serve on the Nation's highest Court.

What are we to make, then, of the assaults on the character and record of this seemingly exemplary nominee?

Unfortunately, they seem to be a remnant of more than two decades of "culture wars" over Supreme Court nominees.

As someone who was present for the beginning of these wars, I have seen them develop into elaborate political dances, where both sides trade charges that are predictable and often baseless.

Some of these attacks, such as charges of racism and bigotry, deeply undermine our national dialog.

I am encouraged to note that my colleagues on the other side of the aisle have chosen not to join in these attacks, and many, in fact, have condemned them.

Other attacks are equally predictable, from the general charge of "extremist" to particular instances of political "gotcha"—wrenching statements out of context in order to paint a distorted picture of the nominee's record.

At some level, partisan assaults are expected in the Supreme Court nomination process. But in the case of Judge Sotomayor, they are especially divorced from this body's good-faith exercise of its duty to advise and consent.

It is one thing to attack a nominee's judicial philosophy when the President is trying to reshape the Court based on judicial philosophy, when the balance of the Court is at stake, or when the Senate and the President are deeply divided.

None of those situations apply to this nomination.

Judge Sotomayor is a well-qualified, mainstream jurist who does not threaten to tip the balance of the Court and who is likely to be confirmed by a substantial majority.

Although these partisan attacks take many forms, today I would like to ad-

dress one persistent, unhelpful, and often baseless charge—that of so-called "judicial activism."

What is especially unhelpful about calling someone a judicial activist is that many times it is an empty epithet, divorced from a real assessment of judicial temperament.

As conservative jurist Frank Easterbrook puts it, the charge is empty:

Everyone wants to appropriate and apply the word so that his favored approach is sound and its opposite "activist." Then "activism" just means judges behaving badly—and each person fills in a different definition of badly.

In other words, the term activist, when applied to the decisions of a Supreme Court nominee, is generally nothing more than politically charged shorthand for decisions that the accuser disagrees with.

That is not to say that the term "judicial activism" is necessarily without content. If we want to take it seriously, it might mean a failure to defer to the elected branches of government, it might mean disregard for long-established precedent, or it might mean deciding cases based on personal policy preferences rather than the law.

I think it is fair to say that based on any of these definitions, the Supreme Court's current conservative majority has been highly activist.

Let me give just a few examples.

In *United States v. Morrison*, decided in 2000, the Rehnquist court struck down a key provision of the Violence Against Women Act. Rather than deferring to the considered judgment and extensive fact-finding of a democratically elected Congress, the Court went out of its way to impose its own judgment. This body held extensive hearings, made explicit findings, and voted 95 to 4 in favor of the bill. An activist Court chose to ignore all that and substitute its own, constricted view of the proper role of the national government for that shared by both Congress and the States.

That same year, the Court decided *Kimel v. Florida Board of Regents*. The five-Justice majority concluded that States could not be sued by private citizens for age discrimination without their consent because of a general principle of sovereign immunity.

This is another decision that was, simultaneously, "conservative" in terms of policy outcome and "activist" in terms of judging.

It was conservative because it expanded States rights and contracted antidiscrimination rights.

It was activist both because it struck down the considered judgment of Congress and because it was based not at all on the text of the Constitution but instead on the policy preferences of five Justices.

In his dissent in *Kimel*, Justice Stevens said:

The kind of judicial activism manifested in such cases represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises.

With the addition of Chief Justice Roberts and Justice Alito, the conservative majority of the current Court has continued to be highly activist, even though the two newest Justices are not always candid about what they are doing.

In fact, that charge has been leveled against Justices Alito and Roberts by no less an authority than Justice Scalia.

In the campaign finance case, *Federal Election Commission v. Wisconsin Right to Life*, the Court struck down key provisions of the Bipartisan Campaign Reform Act, again substituting its view of good public policy for that of Congress.

But this was more than a failure to defer to a democratically elected body. The Court effectively overruled controlling precedent—*McConnell v. FEC*—while pretending that it was doing no such thing. Justice Scalia called this “faux judicial restraint.”

In much the same vein, in a case called *Hein v. Freedom from Religion Foundation*, Justices Roberts and Alito were part of a majority that in effect overruled longstanding precedent on taxpayer standing, while again claiming that they were not doing so.

Again, Justice Scalia called their bluff, attacking Justice Alito’s opinion for falsely claiming to honor *stare decisis*.

Of course, in both cases Justice Scalia wanted to overrule the cases in question expressly, but at least he was honest about his intentions.

Then there’s *Parents Involved in Community Schools v. Seattle School District No. 1*.

In that case the Court rejected local community authority in the area of voluntary integration of public schools. Chief Justice Roberts’ plurality opinion for the four-person conservative bloc gave the back of the hand to a long line of desegregation precedents, beginning with *Brown v. Board of Education*.

Remember that this is the same Justice who, during his confirmation hearing, repeatedly professed his allegiance to *stare decisis*.

If not for the opinion concurring in the judgment by Justice Kennedy, communities that want some modest measure of racial integration in their schools would be virtually powerless to act.

Another recent case, this time in the anti-trust area, again shows that activism is in the eye of the beholder. In *Leegin v. PSKS*, the Court, with the addition of Justices Roberts and Alito, overruled 96 years of unbroken precedent on vertical price-fixing.

This case, plain and simple, represents the elevation of big manufac-

turers’ interests over those of the consumer. And this Court rejected nearly a century of precedent because the majority of its members decided to embrace a particular economic theory different from the one that prevailed at the time the Sherman Antitrust Act became law.

I want to mention one final example of conservative judicial activism, though there are plenty more I could cite.

Pending before the Supreme Court right now is a case that involves a constitutional challenge to section 5 of the Voting Rights Act. As my colleagues in this body know, section 5 requires some States and political subdivisions, because of a history of racial discrimination, to “pre-clear” new voting rules with either the Justice Department or a Federal court.

The claim made by the Texas voting district in the case seems to be that section 5 has outlived its usefulness.

Before voting to reauthorize the Voting Rights Act in 2006, the Congress undertook an extensive and thorough review of the current nature and extent of discrimination against minority voters, and of the continued need for section 5.

It held 21 hearings and accumulated 16,000 pages of testimony over the course of 10 months. And at the end of that process, Congress concluded that section 5 is still necessary, and passed the bill by a vote of 98-to-0 in the Senate and 390-to-33 in the House.

Though the Court has not yet ruled in this case, the questioning from the bench during oral argument should give us concern, and does give us more evidence of conservative judicial activism.

Some members of the conservative wing of the Court, including Justices Scalia and Roberts, suggested by their questions that they intend to disregard the entire CONGRESSIONAL RECORD.

In discussing the provisions of the act that allow jurisdictions to “bail out” of section 5 coverage, by showing that they no longer need to be covered, Justice Scalia argued that bailing out was impractical.

When the attorney for the United States explained that Congress had considered and rejected that argument, Justice Scalia responded: “The question is whether it is right, not whether Congress rejected it.” So much for deference to legislative fact-finding.

What makes this apparent substitution of a justice’s assessment of the facts for that of Congress particularly troubling is the language of the Constitution itself.

Remember that congressional authority for the Voting Rights Act comes from the 15th amendment, which not only guarantees the right of citizens of the United States to vote, but also says in section 2. “The Congress shall have power to enforce this article by appropriate legislation.”

So here we have Congress operating at the height of its power, and members of the Supreme Court seeming to want to decide the case based on their own view of good policy.

I think I have given enough examples to suggest that judicial activism is a two-way street.

As my Judiciary Committee colleague from Oklahoma said during the confirmation hearing for Chief Justice Roberts, “We each have our own definition of judicial activism.”

So what does the “activism” charge add to the debate? I would say, very little.

Let’s take a look at the charge that Judge Sotomayor is a judicial activist.

To support that claim, critics point to a single, much-publicized case involving New Haven firefighters. But this attack is not only disingenuous it is upside down.

In that case, Judge Sotomayor was part of a 3-0 decision based on settled circuit court precedent.

Her panel’s decision supported the trial court judge’s ruling and the decision of the local government regarding the best way to determine promotions for firefighters.

Later, a majority of the entire court of appeals ruled to let the panel’s decision stand.

There is no doubt that the case addresses a difficult set of issues, and that the Supreme Court may come out the other way, though likely by a razor-thin margin.

But Judge Sotomayor’s decision to defer to the democratically accountable, local New Haven government and rule along with the majority of her court not to upset settled precedent cannot meet any definition of judicial activism. In fact, the complaint seems to be that she was not activist enough.

The truth of the matter is that Judge Sotomayor, far from being an extremist, is very much in the mainstream.

Other than the firefighters case, she has decided 88 cases involving claims of race discrimination while on the court of appeals. In 78 of those cases, Judge Sotomayor and the panel rejected the claim of discrimination.

Of the 10 cases favoring claims of discrimination, 9 were unanimous, and of those 9, in 7 the unanimous panel included at least one Republican-appointed judge.

I am not so naive as to believe we can eliminate entirely the partisan exploitation of the confirmation process.

Maybe, though, we can put to rest the tired and un-illuminating charge of judicial activism.

After all, that charge is rarely meant as a genuine claim about the exercise of judicial power. Instead, it is generally just an established part of an elaborate and tired script, a claim that we can expect no matter who the nominee may be.

So let’s focus on substance rather than empty code words. Let’s debate

the quality and merits of Judge Sotomayor's judicial philosophy and approach rather than hurl epithets or engage in demagoguery.

Next month, the Judiciary Committee will hold a confirmation hearing, at which Senators from both sides of the aisle will be able to question Judge Sotomayor directly and publicly.

Because Supreme Court Justices are not elected but rather appointed for life, the qualifications of every nominee should be carefully examined, not only by Senators but also by the public at large.

This is the time when the public should be and will be paying close attention. We do not do ourselves, or the public, any favors if we rely on meaningless labels left over from the culture wars.

Mr. President, I urge my colleagues to reconsider what the charge of "judicial activism" brings to our debate.

Judge Sotomayor deserves our careful consideration, but I hope that my colleagues here in the Senate will continue to abstain from the culture wars and name calling that too often have characterized our judicial nominations over recent years.

HEALTH CARE REFORM

Mr. KAUFMAN. Mr. President, I wish to speak today about reforming our health care system. As I said last week, most Americans are satisfied with the health care they receive, but if we want to maintain and improve the quality of affordable health care, we need to act now. We must get health care costs under control while preserving choice. We must reform health care to make it more affordable for businesses and patients and less cumbersome for providers. Health care reform has been delayed for too long, and it cannot wait any longer.

If anyone needs reasons as to why health care reform is necessary, all they have to do is read some of the studies that have been released recently that show the dire consequences for our health care system and our economy if we refuse to act. For example, if we allow the status quo to persist, the White House Council of Economic Advisers has estimated that the sheer gross domestic product devoted to health care will rise from 18 percent in 2009 to 28 percent in 2030 and 34 percent in 2040. This trajectory is simply unsustainable.

Businesses in America have to compete against companies from other countries. Many of these foreign companies pay nothing for health care for their workers or retirees. Others pay far less than what many of our larger corporations pay. This puts many of our businesses at a disadvantage in the global marketplace.

A recent report by the Robert Wood Johnson Foundation and the Urban In-

stitute reiterates the pressure that American businesses face in supplying health care benefits to their employees. These researchers prepared analyses using a simulation model estimating how coverage and cost trends would change between now and 2019. Looking at three different scenarios, the worst case would be where there is a slow growth in incomes and continuing high growth rates for health care costs; an intermediate case where there would be some faster growth in incomes but a lower growth rate for health care costs; and the best case would be where there is full employment, faster income growth, and even slower growth in health care costs.

Under all three scenarios, the report showed a tremendous strain on business owners and their employees over the next decade if no reform is enacted. If health care reform is not enacted, the report projects that within 10 years, the cost of health care of a business can double from approximately \$430 billion for employee premiums in 2009 to \$885 billion in 2019. Even in the best case scenario, employer spending on health insurance premiums would rise by 72 percent.

This would most likely result in fewer Americans being offered employer-sponsored insurance, with a likely drop from 56 percent of employees getting coverage through their employer in 2009 to as few as 49 percent by 2019.

If no changes are made, and the number of people with employer sponsored insurance continues to decrease, that also means the ranks of the uninsured will increase. And the projections are not pretty.

Under the same scenarios, the number of uninsured will reach just over 53 million under the best case and as high as 66 million under the worst case.

Unfortunately, when those without insurance do receive care—most likely in an emergency room—the costs for treating them are passed on to those of us who are fortunate enough to have health insurance.

Providers and hospitals charge insurers more for the services provided to patients who do have health insurance to make up for the cost of treating the uninsured.

These cost shifts result in a "hidden tax" of higher premiums for patients and businesses.

Right now, this hidden tax results in an increase of about \$1,000 for premiums for family coverage.

It is time for reform.

Over the last decade, Americans have watched their health insurance premiums double at a growth rate six times faster than their wages, threatening their financial stability.

If we do not reform health care, if health care premiums continue to rise at 4 percent per year, in 2025 premiums for family coverage will cost more than \$25,000 per year.

Can you imagine how that dollar amount will affect American families?

On top of this, a recent study published in the American Journal of Medicine showed that bankruptcies involving medical bills now account for more than 60 percent of U.S. personal bankruptcies, an increase of 50 percent in just 6 years. And it is not the uninsured that is driving this increase.

In fact, more than 75 percent of families needing to enter bankruptcy because of health care costs actually have health insurance. Most are middle class, well educated, and own their homes.

They just cannot keep up with the alarming rise in out-of-pocket costs associated with medical care.

It is time for reform.

Our current health care system is rampant with bureaucracy, inefficiency and waste.

An example of this is the amount of time physicians must spend filling out various forms required by insurance plans.

A national survey of physician practices found that, on average, doctors are spending 3 hours per week—the equivalent of 3 workweeks per year just on administrative tasks required by health plans.

The study showed that the cost of interacting with insurance plans amounts to \$31 billion annually and approximately 7 percent of all U.S. expenditures for physician and clinical services.

More importantly, on a personal level, this is 3 weeks less time annually that physicians have to spend with their patients discussing their treatment options, explaining the pros and cons of various procedures, learning the fears and anxieties of their patients, furthering the patient-doctor relationship.

It is time for reform.

We have attempted to reform our health care system several times in the past to no avail. But this year it is different.

This time, the call for reform is coming from people and organizations that previously opposed reform.

This time, because of the reasons I have mentioned, businesses, along with unions that represent their workers, are asking for reform.

This time, patient advocacy organizations and provider groups are calling for health reform.

Make no mistake, reforming health care is not an easy task, and it is one that will require true compromise from everyone across the ideological spectrum.

But it is a task that must be done.

Our country, and the health of its citizens as well as the economy, cannot afford to maintain the status quo.

Next week, the members of the Senate Health, Education, Labor and Pensions Committee and the Senate Finance Committee will begin deliberations on legislation to reform health care.

As the members of these committees gather to discuss and ultimately mark up legislation, I want to take this opportunity to again voice my support for a public option in a menu of insurance options from which people may choose.

I believe a public option is imperative in providing a true choice for all Americans.

Let me stress: this would be a purely voluntary option.

If you like your current plan, you keep it.

But there are too many Americans who do not have real choices when it comes to health insurance, especially those who live in rural areas.

In addition, many large urban areas are dominated by one or two insurers that serve more than 60 percent of the market. In fact, there are seven states where one insurer has over 75 percent of the market share.

A public option can help Americans expand their choice of an insurance provider.

A public option could take various forms, and I think the committees are the proper place to determine the appropriate contours of a public option.

But I want to point out again that right now, today, there are more than 30 State governments that offer their employees a choice between traditional private insurance and a plan that is self-insured by the State. Some States have had them for more than 15 years.

In these 30 States, the market share of the self-funded plans within the market for State employees typically ranges from 25 to 40 percent. This shows a healthy competition between the public option and private insurers, not domination by either type of insurer.

And I want to point out that these arrangements do not seem to be a problem or incite ideological issues at the State level.

Why then, should it be so when discussing health reform on a national level?

A public option can go a long way in bringing more innovation to the delivery system and introducing new measures to reduce cost and improve quality.

A public option can serve as a benchmark for all insurers, setting a standard for cost, quality and access within regional or national marketplaces.

It can have low administrative costs and can have a broad choice of providers. It can give Americans a better range of choices, make the health care market more competitive, and keep insurance companies honest.

And again, the key to all this is that a public option will be just that, an option, not a requirement.

Some people will choose it; others will not. If you like the insurance plan you have now, you keep it.

If you are happy with the insurance you get with your employer, or even the individual insurance market, you stay enrolled in that insurance plan. And if you are unsatisfied with the public option, you have the option to switch back to private insurers.

Americans firmly support the ability to choose their own doctor and value their relationships with their providers. So do I. It is key to any health care plan that Americans have a right to choose their doctor.

An overriding goal of health reform is to increase a patient's access to affordable, quality health care—offering a public option can help increase Americans' choices.

Mr. President, it is time for reform that protects what works and fixes what is broken.

It is time to reform health care so that American businesses can afford to offer health care to their employees.

It is time to reform health care so that all Americans have access to quality, affordable care, regardless of pre-existing medical conditions.

It is time to reform health care so that physicians and other providers have less redtape to deal with and more time to spend with patients.

It is time to reform health care so we place a higher priority on prevention and wellness, saving lives as well as money.

It is time to reform health care so all Americans can compare the costs and benefits of different health insurance policies.

And, it is time to reform health care so Americans have more choices and can retain the right to choose their own doctors.

For all these reasons and more, it is time for health care reform.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent for the quorum call to be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

SMALL NUCLEAR REACTORS

Mr. ALEXANDER. Mr. President, I would like to report a tremendous historic development in the ability of our country to have clean air, an effective way to deal with climate change, and enough low-cost, reliable electricity to help keep jobs in this country. Yesterday I attended a press conference from a company, Babcock & Wilcox. Also included was the Tennessee Valley Authority. The company and TVA an-

nounced that Babcock & Wilcox will soon make an application to the Nuclear Regulatory Commission for permission to start building and selling a small nuclear reactor that can be built in a factory, shipped by railway to a site, and put together like Lego blocks at the site. The nuclear reactor is a 125-megawatt reactor. That compares with the large nuclear plants, of which we have 104 today in the United States. Those plants produce, on average, 1,000 megawatts of electricity. This would be 125. So the real prospect exists that we will be able to have, in this country, nuclear reactors for electricity that might cost as little as one-tenth as much to build, can be built in 3 years instead of 6, and will produce, as I said, 125 megawatts instead of 1,000—making it easier to integrate them into our electric grid—and can be built in a factory and shipped to a customer.

The reason I am excited about this prospect is it has a real chance of happening. No one has built more small reactors in the world than Babcock & Wilcox, and the Tennessee Valley Authority is the largest public utility in the United States and the only utility in the United States that is currently building a nuclear powerplant.

Republicans and, I am sure, many Democrats, but certainly Republicans in the Senate and the House, unanimously believe our goal as a country ought to be to build 100 new large nuclear powerplants over the next 20 years, while we figure out renewable electricity. The reason we want to do that is we want to deal with climate change. We want clean air, but we want to be able to keep jobs here at the same time. If climate change is the inconvenient problem, nuclear power is the inconvenient solution.

Why is that? Climate change is caused by carbon that comes from coal plants and from a variety of other sources. Forty percent of the carbon that is produced in the United States comes from coal-fired powerplants. But if we are looking for a way to produce electricity in a way that is pollution free and carbon free, 70 percent of all the pollution-free, carbon-free electricity we have today comes from our nuclear plants. Six percent of our clean electricity comes from the Sun, the wind, and the Earth.

One day it may be that we are able to make more of our electricity from the Sun, the wind, and the Earth. But at the moment, not much is available. It is expensive and the Sun is only available when the Sun shines and the wind is only available when the wind blows. If you are wanting to operate your computer, or manufacture an automobile in Illinois or Tennessee, or turn on your light at night, you don't want to have to pray that the wind is blowing or that the Sun is shining. You want reliable, low-cost electricity.

In Tennessee, we are excited about the prospect of, one day, solar energy

making a bigger difference in our electrical grid. In fact, two big new plants have moved into our State to make polysilicon, which is the product that goes into the solar cells that go on the top of your house. Each of those plants uses 120 megawatts of electricity. Where will they get that electricity? One reason they are in Tennessee is because the TVA supplies a lot of low-cost, reliable electricity. That comes from coal and nuclear power and a little bit from natural gas in our State. That is pretty much the way it is around the country. Solar power is not yet low-cost, reliable electricity. You can't run the plant making the solar energy products on solar power or wind power today. One day we may, but in the meantime, while we are trying to rebuild the auto industry in Michigan and Illinois and Wisconsin and Tennessee, we want low-cost, reliable electricity. We want our Alcoa plant to stay open in Blount County, in Maryville, where I am from in Tennessee. Why is it closed? The cost of the electricity. What will open it? A 20-year contract on low-cost, reliable electricity. If we say to the Alcoa plant: We will sell you a lot of wind power, they will say: But the wind doesn't blow in our area. If we say: We will sell you solar power, they will say: It is four times as much and we might like to operate a night shift and you can't store it.

But what we will be able to say, in light of this new development we heard about yesterday—we can say to the Alcoa plant, we can say it to Eastman Chemical in Kingsport, we can say it to the two plants making materials for solar cells: We can move in a 125-megawatt nuclear reactor, put it near your site, and supply all the low-cost, reliable electricity you need.

Another use for this new reactor could be to help us clean up our coal plants. We have a clean air problem in Tennessee, as does much of America. I am very much hopeful the Environmental Protection Agency or the Congress or some combination will reinstate the CAIR rule to deal with nitrogen and sulfur and mercury, for our health in this country.

The small reactor might be used as a substitute for coal plants. Some of the coal plants we have in the TVA system and around the country are very old and very dirty. The newest ones are much more efficient and a lot cleaner. It might make sense to take the nuclear reactor, the small one, and put two of them together where an existing coal plant is. There are a lot of possibilities for this. Instead of 100 nuclear plants in 20 years, we may have another option. We may be able to have 400 or 500 small nuclear reactors in 20 years. They may be 125 megawatts here or two together or three together.

My fellow Tennessean, Al Gore, who won the Nobel Prize for his campaign

on the dangers of global warming, has a line he often uses about nuclear power. "Nuclear power may have a role to play," Al says, "but unfortunately, nuclear reactors come only in one size—extra large."

Until yesterday, you couldn't disagree with the former Vice President. Ever since President Eisenhower beached a 65-megawatt Navy submarine reactor at Shippingport, PA, in 1967, under the Atoms for Peace Program, we have been building reactors bigger and bigger. Most of the ones on the drawing board today, as I mentioned, are at least 1,200 megawatts. I believe we have 17 applications now for new nuclear powerplants. Also, one is being built right now and that is completing an old plant at Watts Bar.

We have not built a traditional large nuclear power plant from start to finish in the last 30 years in the United States. That is quite an irony. We invented the technology. We have used it successfully since the 1950s and without incident in our nuclear Navy. Twenty percent of our electricity comes from our older plants, the ones we built more than 30 years ago. They produce 20 percent of our electricity today and 70 percent of our clean electricity. But for 30 years we have not been building them.

In the meantime, France—that we don't usually like to emulate—has. France is 80 percent nuclear, and they have among the lowest carbon emissions—that contribute to global warming—in the European Union and among the lowest electric rates in the European Union. They are even selling electricity to Germany, which has invested money in solar energy and windmills and stopped nuclear but has found they do not have enough electricity to keep their jobs.

India and China, with our help, are building nuclear powerplants because they want clean, reliable electricity at a low cost.

We have appropriated money to help do that and sign treaties to help do that. Now even our President said the other day that Iran has a right to build nuclear powerplants. Well, if Iran has a right to do it, why don't we do it? We invented it. We are the ones who want low-cost, clean electricity. Let's go ahead and do it. So it will be 20 years, but it takes a long time to get one of those projects through the Nuclear Regulatory Commission. I mentioned there were 17 applications. It takes another 5 or 6 years after you get through the 2- or 3-year process at the Nuclear Regulatory Commission to build these big plants. So that is a long ways.

If you are a utility and all you really need is 300 new megawatts to meet growing demand, this new, more flexible approach—this smaller reactor—is going to lower costs and open the door to more widespread use of nuclear power. It will help us achieve the goal

of building 100 new nuclear powerplants in the next 20 years in order to deal with climate change.

To those who are still skeptical of nuclear power, we must say, if global warming is an inconvenient problem, then nuclear power is the inconvenient solution.

Babcock & Wilcox and TVA have shown us this new approach. They have proposed a reactor that can be built in a factory in 3 years, shipped to the site on rails, and fit together like Lego blocks. That is a very original idea. The larger reactors are still going to be necessary. We are going to need the power. But as B&W and the TVA have reminded us, there is more than one way to skin a cat. What we are seeing here today is what the business schools call a disruptive technology. I hope the public and the press will appreciate how the Tennessee Valley Authority is fulfilling its mission as a public utility by taking such a progressive stance on technology.

America's nuclear technology has been falling behind. Of that, there is no doubt. The French, the Japanese, and the Russians are all selling reactors out in the world, to India and China and other places. This is going to make them sit up and take notice because the concept we saw yesterday is perfect for developing nations that do not have the infrastructure to handle the larger reactors. It is perfect for small towns and factories all over America that may need only 125 megawatts and cannot afford something larger. It is what is called "distributed generation"—producing electricity onsite instead of wheeling it from deserts or mountaintops hundreds or thousands of miles away. As the old saying goes, "Small is beautiful."

One of the things we are going to have to face as we think about what kind of electricity we want for the future is the landscape of America. You know, landscape is a part of our environment as well, and the landscape becomes a real concern. When we look at the energy sprawl that could be created by some of the renewable energy projects, it takes a lot of space to produce a little bit of electricity.

For example, a big nuclear plant can be located on about 1 square mile. That is one that produces 1,000 megawatts. To get that much electricity from biomass, which means woodchips or dead trees, you would need a forest the size of the Great Smoky Mountains National Park—that is 550,000 acres—and the number of trucks that would be coming in and out to haul the stuff in and back out would be in the hundreds every day. You would be talking about millions of tons of woodchips and dead trees a year. So that is for just one big nuclear plant equivalent of electricity. On the other hand, to create the same

amount of electricity from wind turbines that you would get from one nuclear plant, you would have to cover about 270 square miles.

In our part of the world, in the foothills of the Great Smoky Mountains, we do not really want to see these 50-story towers with blades that are as long as football fields, with flashing lights on top that can be seen for 20 miles. We do not want to see them along the foothills of the Smokies, and I doubt the people of Virginia want to see them along the Blue Ridge Parkway, and I doubt they want to see them in Pennsylvania or in the White Mountains. And in the Eastern United States, they only work on the ridgetops, and they do not work very well. That is why there is only one wind farm in the entire Southeastern United States. It is in Tennessee and only operates 18 percent of the time, and part of that time is at night when we have a lot of extra electricity. So that does not work very well.

The Senator from California, Mrs. FEINSTEIN, with whom I work on the Appropriations Interior Subcommittee, has expressed her concern about the size of the solar thermal plants proposed for the Mojave Desert, which she has tried to protect for years. They would have to be 5 miles on each side in order to get a decent amount of electricity, and that is only during the daytime.

You have the wind and you have the Sun, but you still need either the coal plant or the nuclear plant. So I believe there is a place for wind: far offshore, the middle of Lake Michigan, or in parts of the wind corridor. I believe there is a great future for solar because solar power comes during the peak times, during the day when we can use it. Perhaps we can use our rooftops to provide the space. So we think that is more promising for our area. I think biomass is useful, but I have already expressed how large an area it would take to produce a little electricity. And we might be able to get a few hundred megawatts out of the Mississippi River by putting turbines in the water.

So how are we going to reindustrialize America over the next 25 years? How are we going to keep those auto suppliers and assembly plants and aluminum plants and even the new plants making solar in our country if we have sky-high costs of unreliable electricity? We need another option.

While we are cleaning up the coal plants, while we are figuring out renewable electricity, we now have another way to skin the cat; that is, the small nuclear reactor, 125 megawatts. That is about the size of electricity that is produced by Fort Loudoun Dam in our State. It is significant, but it is a lot smaller than the big ones we are used to.

What I really hope is that when Americans see this user-friendly reac-

tor sitting underground—that is another aspect: A lot of it, including the storage of the waste, goes underground. Another aspect is it is only two stories tall. Most people think nuclear plants, the big ones—they see these big cooling towers. That is to cool the water that has to be used. But these small ones are air-cooled, so they don't use much water. That is a great advantage. And they are not an eyesore, they are two stories tall. I mean, remember, the wind turbines are 50-stories tall, producing almost no electricity in a consistent way. The nuclear reactor is producing low-cost energy 90 percent of the time, and it is two stories tall.

So I think with this development people may begin to rethink nuclear power. It is already happening out there. People are recognizing that the dangers of nuclear have been widely exaggerated, there is nothing to be fearful about, and once we realize that, we are going to see nuclear power for what it is: an appropriate technology that will enable us to meet our future energy needs without overwhelming the world with pollution and warming the planet.

So I hope my colleagues in the Senate will join me in saying congratulations to Babcock & Wilcox and especially to the Tennessee Valley Authority for leading the country in this renaissance of nuclear energy. Congratulations, good luck, and I hope there are many of these projects on the drawing boards.

This is the way for us to clean the air, deal with global warming, and at the same time have low-cost, reliable electricity in large amounts so that we can keep our jobs here.

There is one other aspect to this that I ought to mention. As we talk about the different forms of energy, people worry that so much of what it takes to build the wind turbines or the solar plants or even the large nuclear plants, and how they may be manufactured overseas and that the jobs are there and not here. All of the jobs for the small nuclear reactors will be in the United States—virtually all of them. So this is not only American-made energy, all of the parts that go to building what I hope will be hundreds of these small reactors over time can be made and will be made right here in the United States.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THUNE pertaining to the introduction of S. 1242 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HEALTH CARE REFORM

Mr. THUNE. Madam President, I wish to say I have great concern not just about the ownership interests the Federal Government already has in financial institutions and in auto companies and in insurance companies but also about what we are hearing might happen with health care.

My view is, having a government plan, a government takeover of health care would again be an intervention into the marketplace on a scale and on a level I don't think most Americans want to see. It is referred to around here as a public plan option, but let's call it what it is: It is a government plan. It is a government-run health care system. The more you have the government involved in the decisions with respect to health care, the more the government is going to dictate many of the decisions that are going to be made and traditionally are made between a patient and a physician, in consultation with each other, between a consumer and a health care provider. Those types of interactions occur today in the marketplace. If the government is imposed into that particular situation, it seems to me at least we are going to have the government making more and more decisions with respect to health care: Which treatments are going to be approved; which ones are effective; which ones are cost-effective. And that critical, fundamental relationship between a physician and a patient, we could be creating barriers in that relationship that are not going to provide for the high quality, optimum level of health care and treatment we have experienced in this country for a long time.

Clearly, I think we all have to acknowledge there are things that need to improve in the health care system in this country. We need to reform our health care system. We need to bring the costs down. We need to figure out ways to make health care available and accessible to more Americans so that many of those who don't have health care have access to it and to get costs under control. But there are lots of ways that can be done by building upon the strengths we have in the current system; not throwing it completely away in exchange for a government-run system, which would ration health care, limit the amount of choices Americans would have, and cost the taxpayers an awful lot of money. Because I think, at the end of the day, most of the estimates that have been done—and it is hard to know because

we don't have a specific proposal out there yet that has been costed or a revenue source that has been identified for it, but I think all the estimates we have seen so far suggest that this plan, the health care plan that is being proposed by the President and by the Democratic leadership in the Congress, is going to cost somewhere in the neighborhood of \$1 trillion to \$2 trillion. We don't know exactly. I have heard \$1.2 trillion, \$1.5 trillion. I have heard up to \$2 trillion, but we know that is an enormous amount of money, and that revenue has to come from somewhere. One-sixth of the American economy today, one-sixth of our economy, entire economy in this country is health care, headed toward one-fifth. So we are going to hand the keys over to the Federal Government and allow them to control an enormously large component of the American economy—one-sixth of it today and it will be one-fifth in just a few years. It seems to me that would be a bad precedent and something, again, that would lead us further and further down a path of greater control for the Federal Government in our private economy. I don't think that is good for health care for Americans. I don't think that is good again for American business, for the economy or for our ability to create jobs.

The bill I introduced, as I said, is designed to get at the TARP moneys that are going to be paid back in and hopefully getting the government out of the car business, the government out of the banking business, and the government out of the insurance business, but I also view those as almost what I would characterize as gateway drugs that are going to lead the way for the nationalization or the government takeover of health care. A government plan is not a good way to do business, and it is certainly not in the best interests of Americans, who, I think, even though there may be those who want to see the costs of our current health care system come down, those who have coverage today, most of them would argue we have a system that is pretty effective; that when you need to get seen by a doctor, when you need to get treated, when you need to use some of the modern equipment and technology we have available and that is there today—and I think that is very much in jeopardy if you allow the government to intervene and to impose itself into that decision-making process and begin to ration care.

DEBT AND DEFICITS

Mr. THUNE. Madam President, one final point I wish to make is all of this sort of ties back to what I think is the pattern, the precedent we have seen so far in this Congress, and that is incredible amounts of spending, incredible amounts of borrowing. The stimulus

bill started it off to the tune of about \$800 billion. The budget we passed this year on the discretionary, nondefense domestic side was 8.9 percent more year over year than the previous year. The omnibus bill we passed—which was unfinished business from the last Congress—was 8.3 percent over the previous year, which, again, more than doubled the rate of inflation. We have all these Federal obligations and liabilities that are being created by virtue of these interventions in the marketplace. We have the TARP program; we have all this taxpayer exposure out there, all this spending, and this year we know we are going to have a \$1.8 trillion deficit which dwarfs anything we have ever seen in history and as far as the eye can see. For the next decade, we are looking at about a \$1 trillion, on average, annual deficit.

Our debt to GDP is headed to historically high levels if predictions are accurate. I think the predictions are optimistic in terms of what we are going to see in economic growth, unemployment, inflation, and interest rates. Even if the projections with respect to the economic indicators are accurate, we are going to see, 10 years from now, the public debt, as a percent of the GDP, reach over 80 percent—a rate we have not seen literally since the end of World War II.

These are very troubling signs. I think they should be warning flags, warning signs to the people in this country that this level of borrowing, the amount of spending, the amount of taxation, with the new obligations in the health care bill, is too much for our economy to bear and for the American taxpayer to bear.

What the President came out with earlier this week is a new announcement that, all of a sudden, we have gotten religion, and we are going to submit all of the new spending and all of these programs now to what is known as pay-go. I will submit for the RECORD an editorial from the Wall Street Journal from a couple days ago.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 11, 2009]

THE "PAYGO" COVERUP

Some things in politics you can't make up, such as President Obama's re-re-endorsement Tuesday of "pay-as-you-go" budgeting. Coming after \$787 billion in nonstimulating stimulus, a \$410 billion omnibus to wrap up fiscal 2009, a \$3.5 trillion 2010 budget proposal, sundry bailouts and a 13-figure health-care spending expansion still to come, this latest vow of fiscal chastity is like Donald Trump denouncing self-promotion.

Check that. Even The Donald would find this one too much to sell.

But Mr. Obama must think the press and public are dumb enough to buy it, because there he was Tuesday re-selling the same "paygo" promises that Democrats roll out

every election. Paygo is "very simple," the President claimed. "Congress can only spend a dollar if it saves a dollar elsewhere."

That's what Democrats also promised in 2006, with Nancy Pelosi vowing that "the first thing" House Democrats would do if they took Congress was reimpose paygo rules that "Republicans had let lapse." By 2008, Speaker Pelosi had let those rules lapse no fewer than 12 times, to make way for \$400 billion in deficit spending. Mr. Obama repeated the paygo pledge during his 2008 campaign, and instead we have witnessed the greatest peacetime spending binge in U.S. history. As a share of GDP, spending will hit an astonishing 28.5% in fiscal 2009, with the deficit hitting 13% and projected to stay at 4% to 5% for years to come.

The truth is that paygo is the kind of budget gimmick that gives gimmickry a bad name. As Mr. Obama knows but won't tell voters, paygo only applies to new or expanded entitlement programs, not to existing programs such as Medicare, this year growing at a 9.2% annual rate. Nor does paygo apply to discretionary spending, set to hit \$1.4 trillion in fiscal 2010, or 40% of the budget.

This loophole matters, because on the very day Mr. Obama was hailing paygo the House Appropriations Committee was gleefully approving a 12% increase in 2010 nondefense discretionary spending, the third year running that Democrats have proposed double-digit increases. Or consider that the 2010 budget resolution included a \$2 billion increase for low-income heating assistance as an entitlement change that should be subject to paygo. But Congressional Democrats simply classified it as discretionary spending, thereby avoiding the need for \$2 billion in cuts elsewhere. C'est-la-paygo.

Mr. Obama's new proposal includes even more loopholes. There's an exception for Congress's annual alternative-minimum tax "patch," which is worth at least \$576 billion over 10 years; for any of the Bush tax cuts that Mr. Obama decides he wants to extend past 2010; and to protect against planned cuts in Medicare doctor payments. These carve-outs alone spare Democrats from having to come up with some \$2.5 trillion in spending cuts or new taxes. To add insult to profligacy, the rules also allow the Administration to run huge early deficits for its looming health-care bonanza, and only pay for it later—say, after 2012.

The President also revived the myth that paygo was somehow responsible for eliminating budget deficits during the Clinton years. In fact, that brief era of balanced budgets was due to: mid-decade spending reductions by a GOP Congress elected on a balanced-budget pledge; an excessive cut in defense spending to 3% from 5% of GDP across the decade; and an unsustainable revenue boom due to the dot-com bubble. But harking back to the 1990s lets Mr. Obama avoid having to defend his own spending record.

The real game here is that the President is trying to give Democrats in Congress political cover for the health-care blowout and tax-increase votes that he knows are coming. The polls are showing that Mr. Obama's spending plans are far less popular than the President himself, and Democrats in swing districts are getting nervous. The paygo ruse gives Blue Dog Democrats cover to say they voted for "fiscal discipline," even as they vote to pass the greatest entitlement expansion in modern history. The Blue Dogs always play this double game.

The other goal of this new paygo campaign is to make it easier to raise taxes in 2011,

and impossible to cut taxes for years after that. In the near term, paygo gives Mr. Obama another excuse to let the Bush tax cuts he dislikes expire after 2010, while exempting those (for lower-income voters) that he likes. In the longer term, if a GOP Congress or President ever want to cut taxes, paygo applies a straitjacket that pits those tax cuts against, say, spending cuts in Medicare. The Reagan tax reductions would never have happened under paygo.

The main political question now is when Americans will start to figure out Mr. Obama's pattern of spend, repent and repeat. The President is still sailing along on his charm and the fact that Americans are cheering for an economic recovery. But eventually they'll see that he isn't telling them the truth, and when they do, the very Blue Dogs he's trying to protect will pay the price. And they'll deserve what they get.

(Mr. BEGICH assumed the Chair.)

Mr. THUNE. Mr. President, I will make a couple of observations they made in that editorial, as well as similar observations made by some of my colleagues in the Senate, since this announcement was made—that pay-go is going to now be enforced—statutory pay-go.

This editorial from the Wall Street Journal said:

The truth is that paygo is the kind of budget gimmick that gives gimmickry a bad name. As Mr. Obama knows but won't tell voters, paygo only applies to new or expanded entitlement programs, not to existing programs such as Medicare, which this year is growing at a 9.2 percent annual rate. Nor does paygo apply to discretionary spending, set to hit \$1.4 trillion in fiscal year 2010, or 40 percent of the entire [Federal] budget.

Mr. President, the thing that strikes me about this announcement is, it seems it is, as is often said, too much, too little, too late. We already passed an \$800 billion stimulus bill, which we financed by borrowing from the next generation. That wasn't subject to pay-go nor have many of the spending programs in the past couple of years been subject to pay-go.

When the Democrats took control of the Congress after the 2006 elections, it was announced by Speaker PELOSI that they were going to enact pay-go—saying pay-go is going to be the policy, the rule followed in terms of the spending done by the Federal Government. But that was quickly ignored. As I said before, if we look at the reality of what happened in the last few years, despite all the lipservice paid to pay-go, it doesn't apply all that much. It applies to new entitlement programs and to tax cuts, but as far as I can tell, it doesn't apply to discretionary spending, to current entitlement spending, which, as I said earlier, is growing—Medicare at about a 9.2-percent annual clip. So what is it really good for?

Well, it seems to me it is a statutory excuse to raise taxes. If we continue to exempt more and more things—one of the things we debated in the last year or two is whether an extension or exemption will be afforded to taxpayers from the AMT, which would capture

more taxpayers, and whether it ought to be offset and paid for and the pay-go rules ought to apply to it.

Well, the President, in his announcement a couple days ago, went so far as to say he is going to exempt the AMT fix from pay-go. That is a \$576 billion ticket item over a 10-year period. The AMT would be exempted. The physician fee fix would be exempted, which is something we have had to do recently in Congress on a regular basis to protect doctors from the cuts that would occur under statutes passed many years ago. So we come in and we do what we call a physician fee fix. That will be exempted from the pay-go rules.

So we would be carving out big chunks of Federal spending, of tax relief, and there were a couple of other exemptions that were mentioned that would be exempt from pay-go. If we take them off the table, and if we take entitlement spending off the table—at least current, present entitlement spending—and we take discretionary spending off the table, it seems to me all we have done is, again, created this gimmick that is trying to pull the wool over the eyes of the American people that we are really doing something serious about fiscal responsibility which, in fact, we all know is not the case.

Mr. President, I hope we get serious about fiscal responsibility here. It means we have to get our arms around spending. We cannot fix the fiscal problems in this country when we exempt everything and say we are going to continue to spend—in fact, the appropriations bill passed in the House of Representatives the other day; they passed one of their appropriations bills with a 12-percent increase over last year. How can we justify that when we have a \$1.8 trillion deficit this year and an economy that is in recession? The Federal Government is supposed to be leading the way, setting the example, and we cannot even live within our means. We say we are going to implement pay-go and, boom, before the ink is even dry on whatever statement they may have signed, we have a House Appropriations subcommittee passing an appropriations bill with a 12-percent year-over-year increase. And, again, because discretionary spending is exempt from pay-go, what difference does this announcement on pay-go really make, other than to try to pull the wool over the eyes of the American people?

I hope the American people figure that out. I think they will. I certainly know, around here at least, we get new data all the time about the size of the deficit and what we are going to look at in the foreseeable future. It is a very disturbing picture. That is why I think it is so important we get spending under control, that we get the Federal Government out of the private ownership of American business, and let

American business do what it does best: create jobs and make their own management decisions, not the Federal Government, because it controls such a big part of these businesses, intervening and trying to impose their political will on this decisionmaking process, and that we do everything we can to prevent a government takeover of our health care system, at a cost of somewhere between \$1 trillion and \$2 trillion, which will inevitably lead to much higher taxes.

Somebody has to pay. These things all have to be paid for or we can borrow it, which is what we did with the stimulus bill. So we can have higher taxes or more borrowing. I argue the spending has to stop. That is the only way we are going to get our fiscal house in order and make it clear to the American people we are serious in Washington about getting spending under control. I hope we get a vote on my exit plan, my bill. I think we need a plan to exit the scene and get government out of the ownership of large parts of the private economy and private businesses in this country. I hope we will do everything we can to prevent a government takeover of our health care system, which is one-sixth of our economy.

I also hope we will not fall for dumb gimmicks like pay-go, which do nothing to address, fundamentally, the financial and fiscal problems our country faces, but that we will get serious about getting spending under control and putting America on a fiscal path toward fiscal discipline that is fair and responsible to the people in this country, who pay these bills, the American taxpayers.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSION OF APPRECIATION

Mr. REID. Mr. President, I walked in the Chamber and saw you presiding. And I said to Lula Davis, who helps us so much here, what a terrific addition you have been to the Senate. That is really true. The people of Alaska are so fortunate to have you in the Senate.

You are very constructive. You protect the State of Alaska like no one I have ever seen look out for the interests of a State.

And I think everyone in the Senate recognizes what a fine person you are, and as the days go on, you are going to get even better. So on a personal note, I appreciate all of your good work.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

FLAG DAY

• Mr. BYRD. Mr. President, our flag is the most recognizable symbol of the United States, an instant wordless message freighted with history and meaning. The Stars and Stripes is much more than a war banner. Each flag carries visions of smoke-clouded battles, to be sure, but also visions of brave explorers venturing into new lands, astronauts landing on the moon, athletes celebrating Olympic victories, and of coffins carried on somber caissons to a final honored resting place. Old Glory also marks every great American moment, from presidential inaugurations that celebrate the peaceful transition of power in our democracy to the defiant unfurling of flags over the battered ruins of the Pentagon and the Twin Towers.

June 14 is Flag Day. Although flags fly every day in front of many Federal, State and local office buildings every day, and many flags are displayed on other holidays such as the Fourth of July, Memorial Day, and Veterans Day, only on Flag Day do we honor the flag itself.

The first national observance of Flag Day was in 1877, though it was not until 1949 that President Truman signed into law legislation recognizing the anniversary of the adoption, on June 14, 1777, by the Continental Congress, of the Stars and Stripes as the official flag of the United States.

In earlier years, much more was done to mark the occasion of Flag Day. Schools educated students on the rituals and principles of citizenship, and held patriotic programs to honor the flag. These days, it is enough to mark the day by flying the flag. I hope that many Americans will do so, and do it properly—hoisting the flag up smartly, bringing it down reverently, and folding it away again properly. Once it is up and flapping in the breeze, take just a moment to admire it, or to say the Pledge of Allegiance.

On June 14, 1777, a congressional committee established the design of our flag in a few short words. The record notes simply that “. . . the flag of the thirteen United States be thirteen stripes alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.” In the years since, the number of stars in that constellation has expanded, but the brave ideals that it represents—that all men were created equal, endowed by their Creator with certain unalienable rights including life, liberty and the pursuit of happiness—shine as true today as they have since 1776.

Our flag is a symbol that goes well beyond the cloth out of which it is fashioned. It is America, and long may it wave.

I close with a favorite poem of mine, by Henry Holcomb Bennett, that I like to recite on Flag Day. It never fails to stir my spirits, as I hope it does for those listening.

THE FLAG GOES BY

(By Henry Holcomb Bennett)

Hats off!
 Along the street there comes
 A blare of bugles, a ruffle of drums,
 A flash of color beneath the sky:
 Hats off!
 The flag is passing by!
 Blue and crimson and white it shines,
 Over the steel-tipped, ordered lines.
 Hats off!
 The colors before us fly;
 But more than the flag is passing by.
 Sea-fights and land-fights, grim and great,
 Fought to make and to save the State:
 Weary marches and sinking ships;
 Cheers of victory on dying lips;
 Days of plenty and years of peace;
 March of a strong land's swift increase;
 Equal justice, right, and law,
 Stately honor and reverend awe;
 Sign of a nation, great and strong
 Toward her people from foreign wrong:
 Pride and glory and honor,—all
 Live in the colors to stand or fall.
 Hats off!
 Along the street there comes
 A blare of bugles, a ruffle of drums;
 And loyal hearts are beating high:
 Hats off!
 The Flag is passing by!•

XLIV COMPLIANCE

Mrs. LINCOLN. Mr. President, paragraph 4 of rule XLIV of the Standing Rules of the Senate provides that, “If during consideration of a bill or joint resolution, a Senator proposes an amendment containing a congressionally directed spending item, limited tax benefit, or limited tariff benefit which was not included in the bill or joint resolution as placed on the calendar or as reported by any committee, in a committee report on such bill or joint resolution, or a committee report of the Senate on a companion measure, then as soon as practicable, the Senator shall ensure that a list of such items (and the name of any Senator who submitted a request to the Senator for each respective item included in the list) is printed in the CONGRESSIONAL RECORD.”

The term “congressionally directed spending item” is broadly defined to include “a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.” In accordance with rule XLIV, I provide the following information relating

to my amendment. No. 1181, that was adopted by the Senate during consideration of H.R. 2346. The amendment will modify interest limitations allowable in a State, as defined in 12 USC 1831 u(f), where the maximum rate of interest is not more than 5 percent above the Federal Reserve discount rate—Arkansas. Specifically, it will relax the maximum rate of interest allowed, increasing it to seventeen percent, effective from date of enactment through December 31, 2010. The provision is generally applicable to any lending occurring within that state that is not conducted by an insured depository institution. I am the principal sponsor of the amendment.

Mrs. HUTCHISON. Mr. President, I submit pursuant to paragraph 4(a) of rule XLIV of the Standing Rules of the Senate the following congressionally directed spending item that I requested during consideration of H. R. 2346, the fiscal year 2009 supplemental appropriations bill, and I ask that it be printed in the RECORD.

The material follows.

For purposes of qualification for loans made under the Disaster Assistance Direct Loan Program as allowed under Public Law 111-5 relating to disaster declaration DR-1791 (issued September 13, 2008) the base period for tax determining loss of revenue may be fiscal year 2009 or 2010.

Mr. President, I submit pursuant to paragraph 4(a) of rule XLIV of the Standing Rules of the Senate the following congressionally directed spending item that I requested during consideration of H. R. 2346, the fiscal year 2009 supplemental appropriations bill, and I ask that it be printed in the RECORD.

The material follows.

For areas affected under FEMA-1791-DR, 100 percent federal funding under the Public Assistance Program for debris removal, 90 percent federal funding for all other categories of public assistance, and 90 percent federal funding for Hazard Mitigation.

SBIR/STTR REAUTHORIZATION ACT OF 2009

Ms. SNOWE. Mr. President, I rise today to speak on support of S. 1233, the SBIR/STTR Reauthorization Act of 2009, a bipartisan measure I recently introduced with Senator LANDRIEU. As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long championed critical small business programs such as the Small Business Administration's Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs, which direct more than \$2 billion in Federal research and development—R&D—funding each year to small businesses across our nation to encourage them to innovate and commercialize new technologies, products, and services. Our legislation would provide key improvements to the SBIR

and STTR programs, which were last reauthorized in 2000 and 2001, respectively.

As our Nation emerges from this devastating recession, the worst since World War II, we must ensure that America once again brings to bear the kind of ingenuity, creativity, and innovation that made America and our free market economy the greatest, most powerful on Earth. Indeed, innovation is the “space race” of the 21st century—only this time it is not the U.S. versus Russia; it is the U.S. versus every nation that is jockeying for the lead position and an economic foothold.

The bill we have introduced will greatly help America win this race. It is structured upon a comprehensive measure that our committee passed unanimously, on a bipartisan basis in both the 109th and 110th Congresses. Our legislation includes commonsense enhancements intended to incentivize more small businesses to participate in these vital programs. The bill would increase the size of phase I program awards from \$100,000 to \$150,000, and phase II awards from \$750,000 to \$1 million. It would also peg future award increases to inflation. These pivotal reforms represent a well-spring of indispensable technological-fuel to the small business engines that drive our Nation’s innovation.

Since the SBIR program was created in 1982, small technology firms have received more than 77,000 awards worth approximately \$24 billion. The SBIR program has tremendous job creation potential. A recent National Academy of Sciences study, which focused on firms winning phase II SBIR awards in fiscal years 1992 through 2002 found that, as a result of their SBIR award, small firms were able to hire an average of 2.4 employees, retain 2.1 more, and over time these firms, on average, each generated 30 jobs.

Our legislation would increase the SBIR allocation—currently 2.5 percent of Federal agencies’ extramural R&D funds—by 1 percent over 10 years and double the STTR allocation over 5 years to 0.6 percent. By doubling the percentage of Federal R&D dollars that the STTR program receives each year, and increasing the SBIR percentage by 1 percent over 10 years, we will infuse another \$1 billion into the small business economy. With our economy reeling, the SBIR and STTR programs are more essential than ever, if we are to capitalize on the groundbreaking capacities of our Nation’s pioneering small businesses.

While innovation in areas such as genomics, biotechnology, and nanotechnology present new opportunities, converting these ideas into marketable products involves substantial funding challenges. Many small businesses simply cannot afford the exorbitant cost of developing and bringing a product into

the marketplace. In order to confront this challenge, this legislation offers a compromise solution to the venture capital issue that has recently divided members of this committee and the SBIR community. Last Congress, I worked with Senators KERRY, BOND, LIEBERMAN, COLEMAN, and others, to develop a key compromise on this issue that would permit limited venture capital investment in the SBIR program.

Our bill retains this bipartisan compromise and would allow limited involvement of firms majority-owned by venture capital companies in the SBIR program. Specifically, a maximum of 18 percent of SBIR funding at the National Institutes of Health and 8 percent at all other qualifying agencies may be directed to small firms majority-owned by venture capital companies. Our compromise was strongly supported by the stakeholder community, and is consistent with the recent findings of the National Academy of Sciences and Government Accountability Office regarding venture capital investment in SBIR awardees. Additionally, we leave in place well-established SBA “affiliation” rules designed to preserve the intent of the SBIR program by limiting participation to small businesses.

Other key provisions in this vital legislation include the reauthorization and enhancement of my SBIR Defense Commercialization Pilot Program. Senator KERRY and I created this program in the 108th Congress to encourage the award of contracts to SBIR firms. In addition, we would offer this program to all other participating agencies. The bill also would reauthorize and increase funding from \$2 million to \$5 million for the Federal and State partnership program which would allow each state—including Maine—to receive funding in the form of a grant to make available an array of services in support of the SBIR program.

Now, more than ever, we in Congress must do everything within our power to help small businesses drive the recovery of our economy. It is imperative that we reauthorize the SBIR and STTR programs, particularly before the program terminates at the end of July. I look forward to working with my colleagues on both sides of the aisle to pass this vital measure in the committee and full Senate, as we move forward to reauthorize these vital programs.

NOMINATION OF STANLEY MCCHRYSAL

Mr. FEINGOLD. Mr. President, I oppose the nomination of LTG Stanley McChrystal to command U.S. forces in Afghanistan for two reasons. The first relates to a classified matter about which I have serious concerns. I have conveyed those concerns in a letter to

the President. The second issue is interrogation.

At his public confirmation hearing, General McChrystal responded to a question from Chairman LEVIN regarding interrogation policies that “included stress positions, the use of dogs and nudity” by stating that “[s]ome of them were in use when I took over, sir, and then, as we immediately began to reduce that.” When asked whether he was “uncomfortable with some of the techniques” in use, he replied “[w]hen I took over, I was.”

However, following the hearing, Chairman LEVIN sent General McChrystal a question for the record describing many of the 14 interrogation techniques not listed in the Army Field Manual that were authorized under General McChrystal’s command, up until May 6, 2004, when CENTCOM Commander General John Abizaid suspended the use of all such techniques. Chairman LEVIN’s question then described a request from General McChrystal, submitted 3 weeks after the suspension, to continue using a number of these techniques, including “sleep management,” “environmental manipulation,” and “control positions.” The request defined “control positions” as “requiring the detainee to stand, sit, kneel, squat, maintain sitting position with back against the wall, bend over chair, lean with head against wall, lie prone across chairs, stand with arms above head or raised to shoulders, or other normal physical training positions” and requested that “in the most exceptional circumstances, and on approval from [the commander]” interrogators be allowed to “use handcuffs to enforce the detainee’s position.”

Asked to square his public testimony with this record, General McChrystal responded that, when he took command in 2003, he reviewed the interrogation program and, in March 2004, “reduc[ed] the frequency of use of several of the techniques” by requiring high-level approval. He also looked to “increase the effectiveness of the entire process and make it more humane” but offered no specifics other than “improved facilities” and improvements in the use of other, non-“enhanced” techniques. General McChrystal then acknowledged that he personally requested approval from General Abizaid to continue using several of the techniques that had just been suspended, including “control positions.” General Abizaid rejected the use of “control positions,” and, according to the Senate Armed Services Committee report, the use of “hooding.”

I have numerous concerns, both about this history and about General McChrystal’s public testimony. I have long opposed any interrogation techniques, whether conducted by the U.S. military or the intelligence community, that are not authorized by the

Army Field Manual. I am thus dismayed by General McChrystal's personal support for the use of some of these techniques, particularly the so-called control positions, and by his efforts to continue the techniques after they had been suspended. And, while I have no reason to believe that General McChrystal would not adhere to current law and policy, I am troubled by his failure to express any regret for his previous positions. Finally, I am concerned about General McChrystal's public testimony, which sought to convey that he was "uncomfortable" with various interrogation techniques and sought to "reduce" their use. Given the full history of his approach to interrogations, this testimony appears to be incomplete, at best.

NORTHWESTERN'S NCAA CHAMPIONS

Mr. BURRIS. Mr. President, it is with great pleasure and sincere pride that I congratulate the Northwestern University women's lacrosse team on winning another NCAA Championship.

As a lifelong Illinoisan and an avid sports fan, I am happy to celebrate the tremendous accomplishments of these young women.

In a crowded field of worthy contenders from across the Nation, this Wildcat team rose to the occasion and claimed a fifth straight national title.

Their consistency, grit, and determination is exemplified by their perfect record for the season: 23 to 0, capped off by a resounding victory over the third-ranked North Carolina Tar Heels.

The Northwestern women's lacrosse team also consistently ranks in the top 10 to 15 percent of academic achievement in the NCAA's Annual Academic Report.

It is clear from their record that the Wildcats excelled every time they took the field, but, more importantly, they excelled in the classroom and in the community.

I am proud of this team because they recognized that "student" is supposed to come before "athlete" in the phrase "student athlete."

For many athletes, college sports have become a launching pad for fame and fortune, but on this team you may find doctors, lawyers, and maybe even a senator or two.

Although the games may not have been broadcast to a national audience or as widely covered by the media, the women's lacrosse team deserves just as much recognition as their male counterparts.

They have sacrificed sleep for early morning workouts, weekends for competition, and played a sport that practically requires the commitment of a full-time job, but all the while, they continued to attend class and maintain their studies.

College athletics require a remarkable amount of dedication, and this team deserves notable recognition even if their scores weren't reported on the nightly news or the front page of newspapers. Their demonstrated character and sportsmanship marks them as role models for aspiring athletes throughout the State. Their athletic performance and strong record of academic achievement place them at the pinnacle of intercollegiate success. Although several players may be honored with individual awards, this national title belongs to each and every member of the team.

This victory reminds us that we have the chance to shine only with the support of our comrades, our friends, our teammates. It is through persistent and concerted effort that we reach our potential, and when we inevitably fall, it is only through the strength and grace of our friends that we can pick ourselves up and journey onward.

The teamwork displayed by these young women throughout the season, even under mounting pressure and enormous expectations, allowed them to carry the day. They have done their university, and their State, proud. We should all draw inspiration from their fine example.

With this championship, the Northwestern Wildcats have cemented their position as the top Lacrosse program in the country. They are quickly approaching the record of seven consecutive titles currently held by Maryland, and, like many Illinoisans, I can hardly wait for what will surely be an exciting season next year.

It is with great pride that Senator DURBIN and I come together to celebrate this national championship. And we are proud to offer a Senate resolution congratulating these talented athletes.

In the spirit of good sportsmanship displayed by the Northwestern women's lacrosse team throughout the season, I ask my colleagues to join with us in congratulating these student athletes on their remarkable accomplishment.

ADDITIONAL STATEMENTS

COMMENDING JOSHUA FAIRLEY

• Mr. COCHRAN. Mr. President, I would like to continue the efforts of Senator KAUFMAN and the Partnership for Public Service by honoring an outstanding federal employee in Mississippi.

Public servants fulfill remarkable duties in the government, and their accomplishments deserve grateful recognition.

Mr. Joshua Fairley, an employee at the U.S. Army Corps of Engineers, Engineer Research and Development Center, USACE-ERDC, in Vicksburg, is a

distinguished public servant for his development of new technology to improve the detection accuracy of improvised explosive devices for our Armed Forces. Improvised explosive devices are commonly used in terrorist attacks and have become a principal source of fatalities for men and women in the U.S. Armed Forces.

Mr. Fairley's new technology has resulted in a 75 percent improvement rating for detection accuracy. This Mississippian has used his intelligence to serve our country and protect our troops.

Mr. Fairley was inspired to become a Federal employee because of his desire to make a difference, and he has done so by recognizing challenges and using his skills to overcome them.

I am glad that Senator KAUFMAN has initiated this effort; our Federal employees deserve recognition for the important role they fill.

Mr. Fairley is committed to our Nation, and his contributions have made him the prime example of an outstanding Federal employee.●

125TH ANNIVERSARY OF BLUNT, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I recognize the community of Blunt, SD, on reaching the 125th anniversary of its founding. Blunt is a rural community infused with hospitality, beauty, and an exceptional quality of life.

The city of Blunt was settled in 1884 and named after the chief engineer of the Chicago and Northwestern railway, Mr. John E. Blunt. Few early railroad towns in South Dakota were able to boast of the wide variety of early establishments, including 6 hotels, 12 grocers, 9 lumber yards, 5 saloons, and 4 bakeries.

Today, Blunt has come a long way from its days as a railroad supply center. The town still boasts a variety of businesses, including those in both the service and manufacturing sectors. The Graham Mentor Museum and the REA building are just two examples of continuous efforts to bring the community closer.

The people of Blunt celebrate this momentous occasion on the weekend of June 26-28, 2009. South Dakota's small communities are the bedrock of our economy and vital to the future of our State. It is especially because of our small communities, and the feelings of loyalty and familiarity that they engender, that I am proud to call South Dakota home. Towns like Blunt and its citizens are no different and truly know what it means to be South Dakotan. One hundred and twenty-five years after its founding, Blunt remains a vital community and a great asset to the wonderful State of South Dakota. I am proud to honor Blunt on this historic milestone.●

150TH ANNIVERSARY OF ELK
POINT, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 150th anniversary of the founding of the community of Elk Point, SD. After 150 years, this historic community will have a chance to reflect on its past accomplishments and its future goals, and I congratulate this thriving community for all it has done.

Elk Point's colorful history begins with the Lewis & Clark expedition of 1804 when the explorers camped in this area in 1804 and again in 1806. Eli Wixson built a cabin in 1859, becoming the first citizen of Elk Point.

Today, Elk Point's location makes it an ideal location for a variety of businesses with two Interstate 29 exits, a railway hub with service in three directions, and close proximity to the Missouri River for both economic and entertainment purposes. This thriving town is the county seat of Union County, the ninth fastest growing county in the United States in terms of family income.

Elk Point exemplifies a traditional South Dakota community with its close-knit community with a high quality of life. The citizens are independent and welcoming, and the educational system is advanced with modern technology and advanced placement classes.

The citizens of Elk Point will be celebrating their rich heritage June 26-28, 2009 with an All-Class Reunion, Amy's Race for breast cancer research, and various games and entertainment. I congratulate the citizens of Elk Point on their accomplishments over the last 150 years and look forward to seeing their future endeavors.●

125TH ANNIVERSARY OF IMMANUEL
LUTHERAN CHURCH OF
CANOVA, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I recognize Immanuel Lutheran Church of Canova, SD, on reaching the 125th anniversary of its founding. This historic church has been a cornerstone of both the community and the Synod. Immanuel Lutheran Church has seen its share of struggles, but has always grown stronger from them. Today, I pay tribute to both the anniversary of the church and to the members who have kept its traditions of service and faith alive for 150 years.

The church was founded in 1884 with Rev. J. Reyhout as its pastor. The members, mainly German immigrants, joined the Ohio Synod and built the first church in 1891. The current church was completed in 1914. Known as the "German Church" or "German Lutheran", the congregation's welcome spirit for recent immigrants led to services being held in German. In 1940, they transitioned to every other week in English and German. In 1952, Ger-

man services were discontinued. Immanuel joined the Evangelical Lutheran Church in America in 1988 on its founding.

Although changes have been coming to this community since its founding, Immanuel Lutheran Church has held steady to the core values that it was founded on. With outreach to the prison, food shelters, and the community, these members have maintained the initial ideals of service and devotion. I congratulate this congregation on reaching this monumental anniversary, and look forward to the future as they continue their traditions.●

125TH ANNIVERSARY OF LEBANON,
SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I recognize the community of Lebanon, SD, on reaching the 125th anniversary of its founding. This historic anniversary gives the community the chance to reflect on their strong history as well as their optimistic future.

Lebanon was founded by farmers in 1883. Small businesses quickly sprung up in the town and continued to grow for 50 years. In 1926, they built an outdoor swimming pool, which is the oldest of its type today. Lebanon was given two cedar trees by the government of the Country of Lebanon, one of which still lives today.

To celebrate the town's achievement, there will be a weekend of festivities from June 20-21, 2009, with a parade, tractor pull, and various entertainers. While the population of Lebanon has declined, the spirit of the town maintains their strong work ethic and united spirit. Small towns like Lebanon are the backbone of South Dakota, and the people of this community make me proud to represent them.●

100TH ANNIVERSARY OF
McLAUGHLIN, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I rise in order to pay tribute to the community of McLaughlin on reaching its 100th year. This strong town was founded as a railroad community for refueling and replenishment, as well as a center for Indian trade. In celebration of their centennial, there will be a tractor pull, parade, and entertainment throughout the weekend of June 18-21, 2009.

The citizens created a thriving business community soon after it was settled. Large cattle operations were run through the area and McLaughlin became a center for many activities, including trade with residents, both Indian and non-Indian. In 1889, the Standing Rock Reservation was formed, with McLaughlin at the center of the reservation on the South Dakota side. The town was named after MAJ James McLaughlin, a superintendent of Standing Rock, and the town was offi-

cially incorporated October 7, 1909. This community now has a grain elevator complex as well as a livestock auction market in town and continues as a traditional hub for its residents. The home of the Mighty Midgets has long been successful, both in the classroom and athletics.

As they reach this monumental anniversary, McLaughlin will have the opportunity to reflect on its diverse and enriched past as well as the opportunities for its future. This community has been noted for its shared history and I congratulate them on reaching their centennial.●

125TH ANNIVERSARY OF REVILLO,
SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I recognize the community of Revillo, SD, on reaching the 125th anniversary of its founding. Revillo is a warm community, filled with historical beauty and a strong sense of hospitality.

The town of Revillo was founded on the homestead of John Hillstrom in 1884 when the Minneapolis and St. Louis Railway entered the area. The Revillo flour mill was built in 1904, where farmers would bring their wheat crop to have it made into Monogram flour to meet their annual needs. In the years before World War I, Revillo was booming with businesses, including two implement dealers, a drug store, two banks, three elevators, and an Opera House.

Today, Revillo is maintaining its history with four churches in town, many members having a lineal connection to those who first established the churches. This thriving community is also looking forward with a modern school and lighted athletic field, the Revillo Farmers Co-op elevator, and a maintainer for the Grant County highway department.

The people of Revillo are celebrating their heritage and their accomplishments June 20-21, 2009. One hundred and twenty-five years after its founding, Revillo holds its history close while continually looking to the future, demonstrating what is great about South Dakota, and why I am proud to call this great State home.●

125TH ANNIVERSARY OF SENECA,
SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Seneca, South Dakota. After 125 years, this agrarian community will have the chance to reflect on both its industrious history as well as the potential of its future.

Beginning with a sod shanty that served as a stopping post as well as the local post office, Seneca began to thrive after the Chicago and Northwestern Railroad pushed west and created the town in 1886. After drawing

the name Seneca from a hat, the town immediately began to boom with local businesses being brought in from the surrounding towns. Seneca transitioned from a cattle range to a farming community, with progressive modern conveniences including a notable water system.

This strong town has bound together throughout the years to accomplish whatever came their way. From sending engraved gold rings with their soldiers to World War I in 1917, to building a community center for one thousand dollars in 1937, the citizens of Seneca support their town and its people. This spirit of unity has sustained Seneca through one hundred and twenty-five years of changes and will support them as they move forward. I congratulate the people of Seneca on reaching this historic anniversary.●

COMMENDING 153RD INFANTRY OF THE ARKANSAS NATIONAL GUARD

● Mrs. LINCOLN. Mr. President, today I wish to recognize the outstanding humanitarian assistance recently provided by Company C, 153rd Infantry of the Arkansas National Guard.

In early April, Mena, AR, was hit by an F3 tornado which devastated this small town in western Arkansas. These severe storms killed 3, injured more than 100, and left thousands of residents without power. The tornado also damaged important emergency response centers in the town and county, including the hospital, the police and fire departments, and the courthouse, which houses the 911 emergency dispatch center.

However, under the leadership of CPT Rodney Lay, Company C of the 153rd Infantry, including team leaders 1LT Brian Lawrence Inman, 1SG Eric Schnell, SSG James Schnell, SSG Jacob Sullivan, SSG Neal Badger, and WO Jeffrey Shores, helped to immediately restore order to the devastated community. Company C provided downtown security during the aftermath of the tornado and went door to door to check on area citizens. In addition, they provided aid to victims of the storm that could not be transported to the city's hospital.

Our military simply could not function without the thousands of reservists and guardsmen on bases and armories in communities across this country. Since September 11, 2001, they have been called upon to serve in unprecedented numbers. We honor the tremendous service they provide in preserving our freedoms, but we must also not forget the critical role they play in responding on the homefront in communities like Mena that desperately need their help in restoring order and stability in their time of need.

I am honored to recognize the outstanding service of these citizen soldiers to the State of Arkansas and to

the thousands of others who have helped provide assistance and support to communities in need.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:44 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House: Mr. OBEY, Mr. MURTHA, Ms. DELAURO, Mrs. LOWEY, Mr. EDWARDS, Mr. LEWIS of California, Mr. YOUNG of Florida, and Ms. GRANGER.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1232. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

H.R. 2751. An act to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

MEASURES HELD AT THE DESK

The following concurrent resolution was ordered held at the desk, by unanimous consent:

S. Con. Res. 26. Concurrent resolution apologizing for the enslavement and racial segregation of African Americans.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1912. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Docket No. APHIS-2009-0036) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1913. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Eggplant from Israel" (Docket No. APHIS-2007-0153) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1914. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triflumizole; Pesticide Tolerances" (FRL No. 8414-6) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1915. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus AF36 on Pistachio; Extension of Temporary Exemption from the Requirement of a Tolerance" (FRL No. 8416-7) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1916. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Residues of Silver in Foods from Food Contact Surfaces Sanitizing Solutions; Exemption from the Requirement of Tolerance" received in the Office of the President of the Senate on June 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1917. A communication from the Chairman of the Joint Chiefs of Staff, Department of Defense, transmitting, pursuant to law, a report relative to Reachback Distributed Decision Support; to the Committee on Armed Services.

EC-1918. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board"; to the Committee on Energy and Natural Resources.

EC-1919. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, a Uniform Resource Locator (URL) for a document entitled "The Ground Water Rule Implementation Guidance" received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1920. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, a Uniform Resource Locator (URL) for a document entitled "The Ground Water Rule Triggered and Representative Source Water Monitoring Public Review Guidance" received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1921. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

“Approval and Promulgation of Air Quality Implementation Plans; Indiana” (FRL No. 8900-5) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1922. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan; Monterey Bay Unified Air Pollution Control District and Placer County Air Pollution Control District” (FRL No. 8900-8) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1923. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan; Antelope Valley Air Quality Management District and South Coast Air Quality Management District” (FRL No. 8902-1) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1924. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans for Designated Facilities and Pollutants; Davidson, Knox, and Memphis-Shelby Counties, Tennessee” (FRL No. 8912-3) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1925. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans for Designated Facilities and Pollutants; State of Tennessee and Commonwealth of Kentucky” (FRL No. 8912-4) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1926. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans for Designated Facilities and Pollutants; Jefferson County, Kentucky; Forsyth County, North Carolina; and Knox and Davidson Counties, Tennessee” (FRL No. 8912-5) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1927. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Outer Continental Shelf Air Regulations Consistency Update for California” (FRL No. 8912-7) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1928. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans for Designated Facilities and Pollutants; City of Memphis, Tennessee; Control of Emissions from Existing Hospital/Medical Infectious Waste Incinerators” (FRL No. 8912-9) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1929. A communication from the Director, Regulatory Management Division, Envi-

ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Georgia: State Implementation Plan Revision” (FRL No. 8915-7) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1930. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Hawaii” (FRL No. 8915-8) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1931. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Debt Collection Authorities under the Debt Collection Improvement Act of 1996” (RIN1510-AB19) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Finance.

EC-1932. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Disbursing Official Offset” (RIN1510-AB22) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Finance.

EC-1933. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Finance.

EC-1934. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0074—2009-0075); to the Committee on Foreign Relations.

EC-1935. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1936. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC-1937. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Appendix A to 31 CFR Chapter V” received in the Office of the President of the Senate on June 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1938. A communication from the General Counsel and Senior Policy Advisor, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, (4) reports relative to vacancy announcements within the Office of Management and Budget; to the Committee on Homeland Security and Governmental Affairs.

EC-1939. A communication from the Acting Senior Procurement Executive, Office of the

Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2005-29, Amendment-4” (FAR Case 2007-013) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1940. A communication from the Acting Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1941. A communication from the Acting Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1942. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1943. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Attorney General’s Semiannual Management Report and the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1944. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Sea World June Fireworks; Mission Bay, San Diego, California” ((RIN1625-AA00)(Docket No. USG-2009-0267)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1945. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Sea World Fireworks Season Kickoff; Mission Bay, San Diego, California” ((RIN1625-AA00)(Docket No. USG-2009-0279)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1946. A communication from the Chief Executive Officer, United States Olympic Committee, transmitting, pursuant to law, a report relative to the Ted Stevens Olympic and Amateur Sports Act; to the Committee on Commerce, Science, and Transportation.

EC-1947. A communication from the Acting Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Administration’s Capital Investment Plan for Fiscal Years 2010 through 2014; to the Committee on Commerce, Science, and Transportation.

EC-1948. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Operation Regulation; Sturgeon Bay Ship Canal, Sturgeon Bay, WI” ((RIN1625-AA09)(Docket No. USCG-2009-0385)) received in the Office of the President

of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1949. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Marine Events Regattas; Annual Marine Events in the Eighth Coast Guard District" ((RIN1625-AA08)(Docket No. USCG-2008-0386)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1950. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Buffalo, New York" (MB Docket No. 09-46) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1951. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; South Bend, Indiana" (MB Docket No. 08-102) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1952. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Yuma, Arizona" (MB Docket No. 08-163) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1953. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Fort Wayne, Indiana" (MB Docket No. 08-208) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1954. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Williston, North Dakota" (MB Docket No. 08-140) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 813. A bill to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

H.R. 837. A bill to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SCHUMER for the Committee on Rules and Administration.

*John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2013.

By Mr. LEAHY for the Committee on the Judiciary.

Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit.

Mary L. Smith, of Illinois, to be an Assistant Attorney General.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

*Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself, Mr. ENSIGN, Mr. NELSON of Florida, Mr. COCHRAN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. BURR, Mr. VITTER, and Mr. BUNNING):

S. 1234. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. SPECTER, and Mr. BAYH):

S. 1235. A bill to amend the Public Health Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1236. A bill to amend title XVIII of the Social Security Act to transition to the use of metropolitan statistical areas as fee schedule areas for the physician fee schedule in California under the Medicare program; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. JOHNSON, and Mr. REED):

S. 1237. A bill to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program

for reintegration of homeless women veterans and homeless veterans with children, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISAKSON (for himself, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. THUNE, and Mr. VITTER):

S. 1238. A bill to amend the Workforce Investment Act of 1998 to make non-union training programs eligible for Federal funding under the Green Jobs program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. THUNE, and Mrs. GILLIBRAND):

S. 1239. A bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT:

S. 1240. A bill to provide for the reform of health care, the Social Security system, the tax code for individuals and business, and the budget process; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. TESTER):

S. 1241. A bill to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. COBURN, Mr. INHOFE, Mr. VITTER, Mr. JOHANNIS, Mr. CORNYN, Mr. KYL, Mr. MCCONNELL, Mr. BARRASSO, and Mr. ENSIGN):

S. 1242. A bill to prohibit the Federal Government from holding ownership interests, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mrs. LINCOLN):

S. 1243. A bill to require repayments of obligations and proceeds from the sale of assets under the Troubled Asset Relief Program to be repaid directly into the Treasury for reduction of the public debt; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 1244. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Ms. SNOWE):

S. 1245. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

By Mr. SANDERS:

S. 1246. A bill to establish a home energy retrofit finance program; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mr. LEAHY):

S. 1247. A bill to amend the Immigration and Nationality Act to promote family unity, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 1248. A bill to establish a program in the Department of Energy to encourage consumers to trade-in older vehicles for more fuel-efficient vehicles and motorcycles, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Ms. CANTWELL, and Mr. GREGG):

S. 1249. A bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. CRAPO, Mr. BINGAMAN, Mr. BENNET, Mr. MARTINEZ, Mr. CARDIN, and Mr. BROWNBACK):

S. 1250. A bill to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Finance.

By Mr. WARNER:

S. 1251. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care management services for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. INOUE, and Ms. CANTWELL):

S. 1252. A bill to promote ocean and human health and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORKER (for himself, Mr. NELSON of Florida, Mrs. SHAHEEN, Ms. SNOWE, Mr. ISAKSON, and Mr. WICKER):

S. 1253. A bill to address reimbursement of certain costs to automobile dealers; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. GRAHAM):

S. 1254. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1255. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself and Mr. KOHL):

S. 1256. A bill to amend title XIX of the Social Security Act to establish financial incentives for States to expand the provision of long-term services and supports to Medicaid beneficiaries who do not reside in an institution, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Ms. STABENOW):

S. 1257. A bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY (for himself, Mr. SESSIONS, Mr. ISAKSON, and Mr. CHAMBLISS):

S. Res. 183. A resolution celebrating the life and achievements of Millard Fuller, the founder of Habitat for Humanity; considered and agreed to.

By Mr. CARDIN (for himself, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. REID, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 184. A resolution offering deepest condolences to the family and friends of Officer Stephen T. Johns and calling on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred; considered and agreed to.

By Mr. HARKIN (for himself, Mr. BROWNBACK, Mr. LEVIN, Mr. DURBIN, Mr. KENNEDY, Mr. LAUTENBERG, Ms. STABENOW, Mr. BOND, and Mr. COCHRAN):

S. Con. Res. 26. A concurrent resolution apologizing for the enslavement and racial segregation of African Americans; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in com-

memoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Florida (Mr. NELSON), the Senator from Kentucky (Mr. BUNNING), the Senator from Vermont (Mr. SANDERS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 604

At the request of Mr. SANDERS, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 636

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 822

At the request of Mr. SANDERS, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. LEAHY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 822, a bill to support the recruitment and retention of volunteer firefighters and emergency medical services personnel, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1026, a bill to amend the

Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1050

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1050, a bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent chil-

dren to coverage provided to other eligible designated beneficiaries of employees.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1184

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1184, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 1198

At the request of Mr. ALEXANDER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1198, a bill to limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1223

At the request of Mr. JOHANNIS, the names of the Senator from North Carolina (Mr. BURR), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1223, a bill to require prior Congressional approval of emergency funding resulting in Government ownership of private entities.

S. 1225

At the request of Mr. SANDERS, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1225, a bill to require the Commodity Futures Trading Commission

to take certain actions to prevent the manipulation of energy markets, and for other purposes.

S. 1232

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1232, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Colorado (Mr. UDALL), the Senator from Montana (Mr. BAUCUS), the Senator from Nevada (Mr. ENSIGN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mrs. McCASKILL), the Senator from Arkansas (Mr. PRYOR), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. JOHNSON), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 14

At the request of Mr. BARRASSO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 24

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Michigan (Mr. LEVIN), the Senator from Florida (Mr. NELSON), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Con. Res. 24, a concurrent resolution to direct the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current

patients and to every American who lacks access to preventive and primary care services.

S. RES. 159

At the request of Mr. BURRIS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Michigan (Mr. LEVIN), the Senator from Kansas (Mr. BROWNBACK) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 159, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 170

At the request of Mr. CASEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 170, a resolution expressing the sense of the Senate that children should benefit, and in no case be worse off, as a result of reform of the Nation's health care system.

S. RES. 179

At the request of Mr. KAUFMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 179, a resolution congratulating the American Society of Mechanical Engineers on its 125 years of codes and standards development.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1236. A bill to amend title XVIII of the Social Security Act to transition to the use of metropolitan statistical areas as fee schedule areas for the physician fee schedule in California under the Medicare program; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to correct a longstanding flaw in the Medicare Geographic Practice Cost Index, GPCI, system that negatively impacts physicians in California and several other states.

This legislation will base California physician payments on Metropolitan Statistical Areas, MSAs. Hospital payments are developed this way, and it makes sense to pay our doctors in the same manner.

It holds harmless the counties, predominately rural ones, whose locality average would otherwise drop as other counties are reclassified.

Congressman SAM FARR, along with several California colleagues, is introducing companion legislation.

The Medicare Geographic Practice Cost Index measures the cost of providing a Medicare covered service in a geographic area. Medicare payments are supposed to reflect the varying costs of rent, malpractice insurance,

and other expenses necessary to operate a medical process. Counties are assigned to "payment localities" that are supposed to accurately capture these costs.

Here is the problem. Some of these payment localities have not changed since 1997. Others have been in place since 1966. Many areas that were rural even 10 years ago have experienced significant population growth, as metropolitan areas and suburbs have spread. Many counties now find themselves in payment localities that do not accurately reflect their true practice costs.

These payment discrepancies have a real and serious impact on physicians and the Medicare beneficiaries they are unable to serve. My home State of California has been hit particularly hard.

San Diego County physicians are underpaid by 4 percent. A number of physicians have left the county and 60 percent of remaining San Diego physicians report that they cannot recruit new doctors to their practices.

Santa Cruz County receives an 8.6 percent underpayment, and as a result, no physicians are accepting new Medicare patients. Instead, they are moving to neighboring Santa Clara, which has similar practice cost expense, but is reimbursed at a much higher rate. This means that seniors often need to travel at least 20 miles to see a physician.

Sacramento County, a major metropolitan area, is underpaid by 2.7 percent. The county's population has grown by 9.6 percent, while the number of physicians has declined by 11 percent.

Sonoma County physicians are paid at least 6.2 percent less than their geographic practice costs. They have experienced at 10 percent decline in specialists and a 9 percent decline in primary care physicians.

Health care coverage is not the same as access to health care. Seniors' Medicare cards are of no value if physicians in their community cannot afford to provide them with health care.

Physicians deserve to be fairly compensated for the work they perform. California doctors simply want to be compensated at the correct rate for the practice expenses they face.

This is not too much to ask.

The underpayment problem grows more severe every year, and the longer we wait to address it, the more drastic the solution will need to be. This legislation provides a common sense solution, increasing payment for those facing the most drastic underpayments, while protecting other counties from cuts in the process.

This is an issue of equity. It costs more to provide health care in expensive areas, and physicians serving our seniors must be fairly compensated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1236

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “GPCI Justice Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) From 1966 through 1991, the Medicare program paid physicians based on what they charged for services. The Omnibus Reconciliation Act of 1989 required the establishment of a national Medicare physician fee schedule, which was implemented in 1992, replacing the charge-based system.

(2) The Medicare physician fee schedule currently includes more than 7000 services together with their corresponding payment rates. In addition, each service on the fee schedule has three relative value units (RVUs) that correspond to the three physician payment components of physician work, practice expense, and malpractice expense.

(3)(A) Each geographically adjusted RVU measures the relative costliness of providing a particular service in a particular location referred to as a locality. Physician payment localities are primarily consolidations of the carrier-defined localities that were established in 1966.

(B) When physician payment localities were redesignated in 1997, the Administrator of the Centers for Medicare & Medicaid Services acknowledged that the new payment locality configuration had not been established on a consistent geographic basis. Some were based on zip codes or Metropolitan Statistical Areas (MSAs) while others were based on political boundaries, such as cities, counties, or States.

(C) The Medicare program has not revised the geographic boundaries of the physician payment localities since the 1997 revision.

(4) Medicare’s geographic adjustment for a particular physician payment locality is determined using three GPCIs (Geographic Practice Cost Indices) that also correspond to the three Medicare physician payment components of physician work, practice expense, and malpractice expense.

(5) The major data source used in calculating the GPCIs is the decennial census which provides new data only once every 10 years.

(6) This system of geographic payment designation has resulted in more than half of the current physician payment localities having counties within them with a large payment difference of 5 percent or more. A disproportionate number of these underpaid counties are located in California, Georgia, Minnesota, Ohio, and Virginia.

(7) For purposes of payment under the Medicare program, hospitals are organized and reimbursed for geographic costs according to MSAs.

(8) Studies by the Medicare Payment Advisory Commission (MedPAC) in 2007, the Government Accountability Office (GAO) in 2007, the Urban Institute in 2008, and Acumen LLC in 2008 have all documented this physician GPCI payment discrepancy—specifically that more than half of the current physician payment localities had counties within them with a large payment difference (that is, a payment difference of 5 percent or more) between GAO’s measure of physicians’ costs and Medicare’s geographic adjustment for an area. All these objective studies have recommended changes to the locality system to correct the payment discrepancies.

(9) A common recommendation among the GPCI payment discrepancy studies referred

to in paragraph (8) is to eliminate the county-based locality and replace it with one determined by Metropolitan Statistical Area.

SEC. 3. REDESIGNATING THE GEOGRAPHICAL PRACTICE COST INDEX (GPCI) LOCALITIES IN CALIFORNIA.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C.1395w-4(e)) is amended by adding at the end the following new paragraph:

“(6) TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.—

“(A) IN GENERAL.—

“(i) REVISION.—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2010, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

“(I) The Secretary shall configure the physician fee schedule areas using the Core-Based Statistical Areas-Metropolitan Statistical Areas (each in this paragraph referred to as an ‘MSA’), as defined by the Director of the Office of Management and Budget, as the basis for the fee schedule areas. The Secretary shall employ an iterative process to transition fee schedule areas. First, the Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a ‘GAF’) in descending order. In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of the group of remaining MSAs in the State. If the ratio of the GAF of the highest cost MSA to the weighted-average GAF of the rest of State is 1.05 or greater then the highest cost MSA becomes a separate fee schedule area.

“(II) In the next iteration, the Secretary shall compare the MSA of the second-highest GAF to the weighted-average GAF of the group of remaining MSAs. If the ratio of the second-highest MSA’s GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA becomes a separate fee schedule area. The iterative process continues until the ratio of the GAF of the highest-cost remaining MSA to the weighted-average of the remaining lower-cost MSAs is less than 1.05, and the remaining group of lower cost MSAs form a single fee schedule area. If two MSAs have identical GAFs, they shall be combined in the iterative comparison.

“(iii) TRANSITION.—For services furnished on or after January 1, 2010, in the State of California, after calculating the work, practice expense, and malpractice geographic indices described in clauses (i), (ii), and (iii) of paragraph (1)(A) that would otherwise apply through application of this paragraph, the Secretary shall increase any such index to the county-based fee schedule area value on December 31, 2009, if such index would otherwise be less than the value on January 1, 2010.

“(B) SUBSEQUENT REVISIONS.—

“(i) PERIODIC REVIEW AND ADJUSTMENTS IN FEE SCHEDULE AREAS.—Subsequent to the process outlined in paragraph (1)(C), not less often than every three years, the Secretary shall review and update the California Rest-of-State fee schedule area using MSAs as defined by the Director of the Office of Management and Budget and the iterative methodology described in subparagraph (A)(i).

“(ii) LINK WITH GEOGRAPHIC INDEX DATA REVISION.—The revision described in clause (i) shall be made effective concurrently with

the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California for 2012 and subsequent periods. Upon request, the Secretary shall make available to the public any county-level or MSA derived data used to calculate the geographic practice cost index.

“(C) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2010, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to an MSA in the State.”.

(b) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking “The term” and inserting “Except as provided in subsection (e)(6)(C), the term”.

By Mr. BINGAMAN (for himself,
Mr. THUNE, and Mrs. GILLI-
BRAND):

S. 1239. A bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from South Dakota, Sen. THUNE, to introduce the 340B Program Improvement and Integrity Act of 2009. This legislation is designed to address the growing burden faced by our Nation’s health care safety net institutions in being able to provide adequate pharmaceutical care to the most vulnerable patient populations.

Communities across the country rely on public and non-profit hospitals to serve as the health care “safety net” for low-income, uninsured, and underinsured patients. With the ever-increasing cost of pharmaceuticals, these institutions are struggling more and more to provide basic pharmaceutical care to those least able to afford it.

Fortunately, many safety net hospitals are currently able to participate in the federal 340B Drug Discount Program, which enables them to purchase outpatient drugs for their patients at discounted prices. These hospitals, known as “covered entities” under the 340B statute, include high-Medicaid disproportionate share hospitals, DSH, large and small urban hospitals, and certain rural hospitals.

I am introducing legislation today, the 340B Program Improvement and Integrity Act of 2009, which would extend discounted drug prices currently mandated only for outpatient drugs to inpatient drugs purchased by covered entities under the 340B program. Although the Medicare Modernization Act (MMA) of 2003 permitted pharmaceutical manufacturers to offer 340B drug discounts to covered entities, this legislation did not include a mandate. Without a mandate we have seen very little willingness on the part of manufacturers to offer 340B drug discounts

for inpatient drugs. As the prices of pharmaceutical drugs continue to increase sharply, the need for these inpatient discounts grows more and more acute.

My legislation would also allow expanded participation in the program to a subset of rural hospitals that, for a variety of reasons, cannot currently access 340B discounts. These newly eligible rural hospitals include: critical access hospitals, sole community hospitals, and rural referral centers. In proposing this modest expansion to the program, we have struck an important balance between ensuring a close nexus with low-income and indigent care, ensuring that a significant portion of savings are passed on to the Medicaid program, and strengthening the integrity of the program.

Specifically, newly eligible rural hospitals would have to meet appropriate standards demonstrating their "safety net" status, as do all hospitals that currently participate in the program. For example, sole community hospitals and rural referral centers, all of which are paid under the prospective payment system, would be required under this legislation to serve a significant percentage of low-income and indigent patients, have public or non-profit status, and, if privately owned and operated, to have a contract with state or local government to provide a significant level of indigent care. All standards are designed to reinforce the obligation of these covered entities to continue serving low-income and uninsured patients.

This legislation would also generate savings for the Medicaid program by requiring participating hospitals to credit to their State Medicaid program a percentage of their savings on inpatient drugs. It would address the overall efficiency and integrity of the 340B program through improved enforcement and compliance measures with respect to manufacturers and covered entities. This is designed to improve program administration and to prevent and remedy instances of program abuse.

The 340B Program Improvement and Integrity Act of 2009 would help safety net providers stretch their limited resources through increased access to discounted pharmaceuticals, enhance 340B program integrity by making sure participants are complying with program rules, and improve the care provided to this Nation's most vulnerable populations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1239

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "340B Program Improvement and Integrity Act of 2009".

SEC. 2. EXPANDED PARTICIPATION IN SECTION 340B PROGRAM.

(a) EXPANSION OF COVERED ENTITIES RECEIVING DISCOUNTED PRICES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following:

"(M) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act which would meet the requirements of subparagraph (L), including the disproportionate share adjustment percentage requirement under clause (ii) of such subparagraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

"(N) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of subparagraph (L)(1).

"(O) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of subparagraph (L)(i) and has a disproportionate share adjustment percentage equal to or greater than 8 percent."

(b) EXTENSION OF DISCOUNTS TO INPATIENT DRUGS.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended—

(1) in subsection (a), by striking "outpatient" each place that such appears in paragraphs (2), (5), (7), and (9); and

(2) in subsection (b)—

(A) by striking "In this section" and inserting the following:

"(A) IN GENERAL.—In this section"; and

(B) by adding at the end the following:

"(B) COVERED DRUG.—In this section, the term 'covered drug'—

"(i) means a covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act); and

"(ii) includes, notwithstanding paragraph (3)(A) of such section 1927(k), a drug used in connection with an inpatient or outpatient service provided by a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4) that is enrolled to participate in the drug discount program under this section.

"(C) PURCHASING ARRANGEMENTS FOR INPATIENT DRUGS.—The Secretary shall ensure that a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4) that is enrolled to participate in the drug discount program under this section shall have multiple options for purchasing covered drugs for inpatients including by utilizing a group purchasing organization or other group purchasing arrangement, establishing and utilizing its own group purchasing program, purchasing directly from a manufacturer, and any other purchasing arrangements that the Secretary may deem appropriate to ensure access to drug discount pricing under this section for inpatient drugs taking into account the particular needs of small and rural hospitals."

(c) PROHIBITION ON GROUP PURCHASING ARRANGEMENTS.—Section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended—

(1) in paragraph (4)(L)—

(A) in clause (i), by adding "and" at the end;

(B) in clause (ii), by striking ";" and inserting a period; and

(C) by striking clause (iii); and

(2) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E); respectively; and

(B) by inserting after subparagraph (B), the following:

"(C) PROHIBITING THE USE OF GROUP PURCHASING ARRANGEMENTS.—

"(i) IN GENERAL.—A hospital described in subparagraphs (L), (M), (N), or (O) of paragraph (4) shall not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement, except as permitted or provided for pursuant to clauses (ii) or (iii).

"(ii) INPATIENT DRUGS.—Clause (i) shall not apply to drugs purchased for inpatient use.

"(iii) EXCEPTIONS.—The Secretary shall establish reasonable exceptions to clause (i)—

"(I) with respect to a covered outpatient drug that is unavailable to be purchased through the program under this section due to a drug shortage problem, manufacturer noncompliance, or any other circumstance beyond the hospital's control;

"(II) to facilitate generic substitution when a generic covered outpatient drug is available at a lower price; or

"(III) to reduce in other ways the administrative burdens of managing both inventories of drugs subject to this section and inventories of drugs that are not subject to this section, so long as the exceptions do not create a duplicate discount problem in violation of subparagraph (A) or a diversion problem in violation of subparagraph (B)."

(d) MEDICAID CREDITS ON INPATIENT DRUGS.—Section 340B(a)(5) of the Public Health Service Act (42 U.S.C. 256b(a)(5)) is amended by adding at the end the following:

"(E) MEDICAID CREDITS.—Not later than 90 days after the date of filing of the hospital's most recently filed Medicare cost report, the hospital shall issue a credit as determined by the Secretary to the State Medicaid program for inpatient covered drugs provided to Medicaid recipients."

(e) INTEGRITY IMPROVEMENTS.—Subsection (c) of section 340B of the Public Health Service Act (42 U.S.C. 256b(c)) is amended to read as follows:

"(c) IMPROVEMENTS IN PROGRAM INTEGRITY.—

"(1) MANUFACTURER COMPLIANCE.—

"(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

"(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

"(i) The development of a system to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

"(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

"(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

"(III) Performing spot checks of sales transactions by covered entities.

"(IV) Inquiring into the cause of any pricing discrepancies that may be identified and

either taking, or requiring manufacturers to take, such corrective action as is appropriate in response to such price discrepancies.

“(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

“(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

“(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time, both in routine instances of retroactive adjustment to relevant pricing data and exceptional circumstances such as erroneous or intentional overcharging for covered drugs.

“(iii) The provision of access through the Internet website of the Department of Health and Human Services to the applicable ceiling prices for covered drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

“(iv) The development of a mechanism by which—

“(I) rebates and other discounts provided by manufacturers to other purchasers subsequent to the sale of covered drugs to covered entities are reported to the Secretary; and

“(II) appropriate credits and refunds are issued to covered entities if such discounts or rebates have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

“(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

“(vi) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards established in regulations to be promulgated by the Secretary within 180 days of the date of enactment of the 340B Program Improvement and Integrity Act of 2009;

“(II) shall not exceed \$5,000 for each instance of overcharging a covered entity that may have occurred; and

“(III) shall apply to any manufacturer with an agreement under this section that knowingly and intentionally charges a covered entity a price for purchase of a drug that exceeds the maximum applicable price under subsection (a)(1).

“(2) COVERED ENTITY COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(5).

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The development of procedures to enable and require covered entities to regularly update (at least annually) the information on the Internet website of the Department of Health and Human Services relating to this section.

“(ii) The development of a system for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

“(iii) The development of more detailed guidance describing methodologies and op-

tions available to covered entities for billing covered drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(5)(A).

“(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered drugs under this section, including the processing of chargebacks for such drugs.

“(v) The imposition of sanctions, in appropriate cases as determined by the Secretary, additional to those to which covered entities are subject under subparagraph (a)(5)(E), through one or more of the following actions:

“(I) Where a covered entity knowingly and intentionally violates subparagraph (a)(5)(B), the covered entity shall be required to pay a monetary penalty to a manufacturer or manufacturers in the form of interest on sums for which the covered entity is found liable under paragraph (a)(5)(E), such interest to be compounded monthly and equal to the current short term interest rate as determined by the Federal Reserve for the time period for which the covered entity is liable.

“(II) Where the Secretary determines a violation of subparagraph (a)(5)(B) was systematic and egregious as well as knowing and intentional, removing the covered entity from the drug discount program under this section and disqualifying the entity from re-entry into such program for a reasonable period of time to be determined by the Secretary.

“(III) Referring matters to appropriate Federal authorities within the Food and Drug Administration, the Office of Inspector General of Department of Health and Human Services, or other Federal agencies for consideration of appropriate action under other Federal statutes, such as the Prescription Drug Marketing Act.

“(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the 340B Program Improvement and Integrity Act of 2009, the Secretary shall promulgate regulations to establish and implement an administrative process for the resolution of claims by covered entities that they have been overcharged for drugs purchased under this section, and claims by manufacturers, after the conduct of audits as authorized by subsection (a)(5)(D), of violations of subsections (a)(5)(A) or (a)(5)(B), including appropriate procedures for the provision of remedies and enforcement of determinations made pursuant to such process through mechanisms and sanctions described in paragraphs (1)(B) and (2)(B).

“(B) DEADLINE AND PROCEDURES.—Regulations promulgated by the Secretary under subparagraph (A) shall—

“(i) designate or establish a decision-making official or decision-making body within the Department of Health and Human Services to be responsible for reviewing and finally resolving claims by covered entities that they have been charged prices for covered drugs in excess of the ceiling price described in subsection (a)(1), and claims by manufacturers that violations of subsection (a)(5)(A) or (a)(5)(B) have occurred;

“(ii) establish such deadlines and procedures as may be necessary to ensure that claims shall be resolved fairly, efficiently, and expeditiously;

“(iii) establish procedures by which a covered entity may discover and obtain such in-

formation and documents from manufacturers and third parties as may be relevant to demonstrate the merits of a claim that charges for a manufacturer's product have exceeded the applicable ceiling price under this section, and may submit such documents and information to the administrative official or body responsible for adjudicating such claim;

“(iv) require that a manufacturer conduct an audit of a covered entity pursuant to subsection (a)(5)(D) as a prerequisite to initiating administrative dispute resolution proceedings against a covered entity;

“(v) permit the official or body designated under clause (i), at the request of a manufacturer or manufacturers, to consolidate claims brought by more than one manufacturer against the same covered entity where, in the judgment of such official or body, consolidation is appropriate and consistent with the goals of fairness and economy of resources; and

“(vi) include provisions and procedures to permit multiple covered entities to jointly assert claims of overcharges by the same manufacturer for the same drug or drugs in one administrative proceeding, and permit such claims to be asserted on behalf of covered entities by associations or organizations representing the interests of such covered entities and of which the covered entities are members.

“(C) FINALITY OF ADMINISTRATIVE RESOLUTION.—The administrative resolution of a claim or claims under the regulations promulgated under subparagraph (A) shall be a final agency decision and shall be binding upon the parties involved, unless invalidated by an order of a court of competent jurisdiction.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal year 2010, and each succeeding fiscal year.”

(f) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY ACT.—Section 1927 of the Social Security Act (42 U.S.C. 1396r-8), is amended—

(A) in subsection (a)(5)—

(i) in subparagraph (A), by striking “covered outpatient drugs” and inserting “covered drugs (as defined in section 340B(b)(2) of the Public Health Service Act)”;

(ii) by striking subparagraph (D); and

(iii) by redesignating subparagraph (E) as subparagraph (D);

(B) in subsection (c)(1)(C)(i), by redesignating subclauses (II) through (IV) as subclauses (III) through (V), respectively and by inserting after subclause (I) the following new subclause:

“(II) any prices charged for a covered drug (as defined in section 340B(b)(2) of the Public Health Service Act);”;

(C) in subsection (k)(1)—

(i) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (D)”;

(ii) by adding at the end the following new subparagraph:

“(D) CALCULATION FOR COVERED DRUGS.—With respect to a covered drug (as defined in section 340B(b)(2) of the Public Health Service Act), the average manufacturer price shall be determined in accordance with subparagraph (A) except that, in the event a covered drug is not distributed to the retail pharmacy class of trade, it shall mean the average price paid to the manufacturer for the drug in the United States by wholesalers for drugs distributed to the acute care class of trade, after deducting customary prompt

pay discounts. The Secretary shall establish a mechanism for collecting the necessary data for the acute care class of trade from manufacturers.”.

(2) PUBLIC HEALTH SERVICE ACT.—Section 340B(a) of such Act (42 U.S.C. 256b(a)) is amended—

(A) in subsection (a)(1), by adding at the end the following: “Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the ‘ceiling price’), and shall require that the manufacturer offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.”; and

(B) in the first sentence of subsection (a)(5)(E), as so redesignated by subsection (c)(2), by inserting “after an audit as described in subparagraph (D), and” after “finds.”.

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this Act shall take effect on January 1, 2010, and shall apply to drugs purchased on or after January 1, 2010.

(b) EFFECTIVENESS.—The amendments made by this Act shall be effective, and shall be taken into account in determining whether a manufacturer is deemed to meet the requirements of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) and of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r-8(a)(5)), notwithstanding any other provision of law.

By Mr. INHOFE (for himself and Mr. TESTER):

S. 1241. A bill to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, I am introducing legislation today with Senator TESTER to lessen the burdens for small commercial filming on public lands. Specifically, this legislation provides special permitting to small film crews, defined in the bill as 5 persons or fewer, to simply pay a reasonable annual fee to be able to film on public lands.

Our Nation’s public lands are an incredible natural resource, and the professional outdoor media industry is a valuable way to bring awareness to our Nation’s resources and bring about awareness of the value of conservation of our Nation’s land and resources through documentaries, sporting programs, and other productions. Small filming crews can be negatively affected by the current permitting and fee schedule because the business of wildlife filming is done on a speculative basis and often relies on unpredictable factors requiring much patience and time. Last Congress, Chairman RAHALL held a Natural Resources Com-

mittee hearing on the fees for filming and photography on public lands. At that hearing, Steve Scott, an independent television producer from Norman, OK, and Chairman of the Professional Outdoor Media Association, probably best described the work of small outdoor filming operations. He testified, “By its very nature, wildlife photography is extremely time consuming, often done in the harshest conditions. . . . While large film and television production crews need relatively little time on public lands to complete their project, our nation’s professional outdoor media may spend weeks or months in the field in order to capture a few magic seconds of unstaged Nature in its pristine state. And when outdoor media members spend time in the field, under the current fee structure, we also spend money, and lots of it.” The small professional outdoor filming industry has enough natural barriers; The Federal Government should not impose itself as another through daily fees adding to the expense.

Last Congress, my colleague from Oklahoma, Congressman DAN BOREN, and DON YOUNG, introduced H.R. 5502 to accomplish the same aim of the legislation Senator TESTER and I are introducing today. That legislation was supported by nearly 30 outdoors and sportsmen’s organizations.

Those organizations supporting last Congress’ legislation include the American Fisheries Society, the American Sportfishing Association, the Archery Trade Association, Bass Pro Shops, the Berkley Conservation Institute, Boone and Crockett Club, Bowhunting Preservation Alliance, Campfire Club of America, Catch-A-Dream Foundation, the Congressional Sportsmen’s Foundation, Conservation Force, Dallas Safari Club, Mule Deer Foundation, the National Assembly of Sportsmen’s Caucuses, the National Rifle Association, the National Shooting Sports Foundation, the National Wild Turkey Federation, the North American Bear Foundation, the North American Grouse Partnership, Pheasants Forever, Pure Fishing, Quality Deer Management Association, Quail Forever, the Ruffed Grouse Society, Safari Club International, the Texas Wildlife Association, the Theodore Roosevelt Conservation Partnership, the U.S. Sportsmen’s Alliance, the Wild Sheep Foundation, and Wildlife Forever.

This Congress, Congressmen BOREN, RYAN, COURTNEY, MILLER, PUTNAM, and ROSS introduced H.R. 2031 on April 22, 2009, which is identical legislation to the legislation Senator TESTER and I are introducing today. I am sure it will enjoy the same support from our outdoor and sportsmen’s organizations, and I look forward to its consideration in the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1241

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

SECTION 1. PURPOSE.

The purpose of this Act is to provide commercial film crews of 5 persons or fewer access to film in areas designated for public use during public hours on Federal lands and waterways.

SEC. 2. ANNUAL PERMIT AND FEE FOR FILM CREWS OF 5 PERSONS OR FEWER.

(a) IN GENERAL.—Section (1)(a) of Public Law 106-206 (16 U.S.C. 4601-6d) is amended by—

(1) redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) striking “The Secretary of the Interior” and inserting “(1) IN GENERAL.—Except as provided by paragraph (3), the Secretary of the Interior”;

(3) inserting “(2) OTHER CONSIDERATIONS.—” before “The Secretary may include other factors”; and

(4) adding at the end the following new paragraph:

“(3) SPECIAL RULES FOR FILM CREWS OF 5 PERSONS OR FEWER.—

“(A) For any film crew of 5 persons or fewer, the Secretary shall require a permit and assess an annual fee of \$200 for commercial filming activities or similar projects on Federal lands and waterways administered by the Secretary. The permit shall be valid for commercial filming activities or similar projects that occur in areas designated for public use during public hours on all Federal lands and waterways administered by the Secretary for a 12-month period beginning on the date of issuance of the permit.

“(B) For persons holding a permit described in this paragraph, the Secretary shall not assess, during the effective period of the permit, any additional fee for commercial filming activities and similar projects that occur in areas designated for public use during public hours on Federal lands and waterways administered by the Secretary.

“(C) In this paragraph, the term ‘film crew’ includes all persons present on Federal land under the Secretary’s jurisdiction who are associated with the production of a certain film.

“(D) The Secretary shall not prohibit, as a mechanized apparatus or under any other purposes, use of cameras or related equipment used for the purpose of commercial filming activities or similar projects in accordance with this paragraph on Federal lands and waterways administered by the Secretary.”.

(b) RECOVERY OF COSTS.—Section (1)(b) of Public Law 106-206 (16 U.S.C. 4601-6d) is amended by—

(1) striking “collect any costs” and inserting “recover any costs”; and

(2) striking “similar project” and inserting “similar projects”.

By Mr. THUNE (for himself, Mr. COBURN, Mr. INHOFE, Mr. VITTER, Mr. JOHANNIS, Mr. CORNYN, Mr. KYL, Mr. MCCONNELL, Mr. BARRASSO, and Mr. ENSIGN):

S. 1242. A bill to prohibit the Federal Government from holding ownership interests, and for other purposes; to

the Committee on Banking, Housing, and Urban Affairs.

Mr. THUNE. Mr. President, over the past 15 months, the Federal Government has taken unprecedented actions to stabilize the U.S. economy. Unfortunately, these actions include the Federal Government acquiring direct ownership stakes in private companies, which exposes the American taxpayer to significant liabilities and creates a dangerous conflict of interest between the Federal Government and the private sector.

Thanks to the fact that the government has intervened in all these private companies, we now have about 500 banks, we have auto manufacturers, financial institutions, and insurance companies that the government now has an ownership interest in. President Obama has become a de facto CEO managing large segments of our economy, and Congress is now acting as a 535-Member board of directors.

I think it is fair to say when you combine business with politics, it inevitably leads to harmful conflicts of interest—which we are already beginning to see—because political decisions get substituted for business decisions.

As everyone in this Chamber knows all too well, government control of private business hampers investments. It hampers innovation, job creation. It diminishes the entrepreneurial spirit on which our economy is based.

Having the Federal Government call the shots for private industry is plain bad for business. It is bad for the economy, and it is bad for the American taxpayer.

So today I am introducing a piece of legislation, S. 1242, which gives the Federal Government an exit plan, a way of exiting the scene from the ownership that the Federal Government now has in all these various private companies in our economy. It essentially has four basic provisions.

The first provision is that upon enactment of the legislation, the Treasury Department may not purchase any additional ownership stake of private entities, such as warrants, preferred stock, or common stock purchased through the TARP program.

The second provision is this: The legislation would require the Treasury to sell any ownership stake of a private entity by July 1, 2010. Any revenue that comes in from the sale of those TARP assets would have to be used for debt reduction.

The third provision of the bill is that if the Treasury Secretary determines the assets are undervalued and there is a reasonable expectation that the assets will increase to their original purchase value, the Secretary may hold the assets for up to 1 additional year.

Finally, the fourth provision of the bill is that beyond July 1 of 2011, the Treasury Secretary may not hold any direct ownership of private companies

unless Congress grants additional authority.

Essentially, what we are doing is saying that all this ownership interest the Federal Government now has acquired in all these private companies would have to be wound down, if you will, divested, by that July 1 deadline in the year 2010. If the Treasury Department determines that, in fact, doing so would impair the ability of the Treasury to recover the full value of those assets or if those assets are expected to appreciate, there is an additional year, up to a year of flexibility—essentially a waiver—from the July 1, 2010, deadline that would extend it to July 1, 2011. So it buys an additional year. But it does put a time certain out there, a deadline, if you will, by which the Federal Government has to dispose of and divest itself of all these ownership interests it has in our private economy.

The other issue I think is important is it prevents the Federal Government from acquiring an ownership stake going into the future. As I said before, any funds that are returned to the Treasury as a result of these assets being sold would have to be used for debt reduction. They cannot be recycled; they cannot be reused; they cannot go into some fund that is going to be used for additional acquisition of private sector assets.

I think the reason why this is important is if you look at what Secretary Geithner has said, he has indicated before that their intention is that when some of these funds come back into the Treasury—and we saw this recently with banks that agreed to pay this money back—they are going to reuse it. I don't believe that is what was intended in the first place. I don't think this was at any point designed to become a slush fund that could be used for the acquisition of other assets; it was designed to be used—at least initially, the way it was presented—for the purchase of toxic assets, illiquid assets on the balance sheets of many of our financial institutions. It quickly evolved into something else. It became a fund that was used to acquire an equity stake, equity interest in many of these companies. So I don't think that was the purpose for which it was intended.

I think a lot of people who made votes assumed at the time it wouldn't be used to buy toxic assets. It ended up being used to buy an ownership interest in these companies, and I think, again, the American people are uncomfortable with the notion of the Federal Government owning a big share of our private economy. I also do not think it was intended in the first place to be used to buy the assets of other types of industries—essentially, to do industrial policy, as some people have referred to it—to acquire assets of auto manufacturers, for example; it was designed specifically for the financial services industry.

There is no real exit strategy out there. In fact, Secretary Geithner was asked in front of the Senate Banking Committee a couple weeks ago about whether there was a plan to dispose of some of these assets, and he said there isn't a plan; it is not necessary at this point.

Well, I think we need to have an exit strategy. Everybody talks about an exit strategy. The President needs an exit strategy in Iraq. It seems to me we need to have an exit strategy that would allow the American taxpayer to recover funds they have been investing through the TARP program in all these various companies that would get the Federal Government out of the way of these companies and out of the day-to-day decisionmaking and management of these companies. My bill would prohibit that as well, in addition to some of these other provisions I mentioned.

It would prohibit or bar the Federal Government from dictating to these companies with respect to hiring decisions when it comes to senior executives, when it comes to boards of directors, when it comes to where to relocate or locate or close certain plants. Those are decisions that should not be made by politicians in Washington. They should not be made by bureaucrats in Washington, DC. They ought to be business decisions and not political decisions.

The bill, as I said, is very straightforward.

There are a number of folks who have commented on, made observations about what is happening in the economy right now, and this sort of proliferation of companies in which the Federal Government now has an ownership share. I wish to read for my colleagues some of what has been said by folks who I think know a lot about the private economy and whether it is a good idea to have the Federal Government owning and controlling as much as they do currently of some of these companies. If you look at the various percentages, they are significant. Of course, we know most recently General Motors, a \$50 billion investment there gets the taxpayer ownership interest to about 60 percent; Chrysler, about 12 percent; Citibank, about 36 percent, and you can go down the list of all these various private companies in which the government now has an ownership interest.

There was an editorial in the Kansas City Star that said that:

What's worrisome is that while the administration said it isn't interested in running car companies, it has said little on an exit strategy.

It went on to say:

Any government bailout of private industry should be temporary and as brief as possible.

Anne Mulcahy, chief executive of Xerox—I am sure I just butchered the name—said recently:

I think all of us understand the need for the government to intervene and to take the actions they did, but I also think there's a need for an exit plan.

Jim Owens, who is the chief executive at Caterpillar, said:

I think that's fundamentally unhealthy. The Federal Government needs to be in and out.

Google's Eric Schmidt noted that the U.S. stimulus package was designed to cover a 2-year period. He said:

It's very important that government get out of business and let business do its thing. The most important thing to remember, I think, is that jobs, wealth, are created in the private sector. That's about capitalism.

In a Wall Street Journal opinion piece, Paul Ingrassia argues:

... must have a clear exit timetable for the government to sell its shares for both Chrysler and GM and get the companies back in the hands of private investors. Mr. Obama has an exit strategy for Iraq; he needs one for Detroit, too.

So there are a lot of people who have a lot of experience when it comes to running companies who have concluded that the government does, in fact, need an exit strategy. I think, as I said before, it is fair to say that one doesn't exist today, and when Secretary Geithner testified in front of the Senate Banking Committee a couple weeks back he admitted as much, that there isn't an exit plan.

What my bill does is it gives us an exit plan. It gives us an exit plan with a deadline, with a little flexibility in the deadline, some ability to provide a waiver for the Treasury Department that would allow for an additional year, if necessary; if those assets the government holds are considered to be assets that could appreciate over time and, therefore, yield a higher return for the Federal Government but, at some point, we have to say enough is enough. We have to put an end to this practice we have gotten involved with, this precedent we have now created of having the Federal Government own more and more of our private economy.

I would argue, again, that is not good for business, it is not good for the economy, it is not good for job creation; it stifles the entrepreneurial spirit which has built this country and made it great, and I don't think it does anything to create jobs and get our economy back on track.

I hope we will have an opportunity to debate this. It seems to me at least that in the days ahead there will be various bills that will be debated on the floor of the Senate that would give us a chance to debate this issue. I intend to offer this, if I can't get some interest in moving it as a freestanding bill, as an amendment to other vehicles that might be moving through the Senate in the days and the weeks and the months ahead. But I do think it is important. I think it is important to the American taxpayer. I think it is important to the American economy. I think

it is important to American business that the Federal Government have an exit strategy. We have a plan whereby we can move and get away from this practice we have undertaken now with great regularity and great frequency of acquiring even more and more interests in American business.

By Mr. HATCH (for himself and Mrs. LINCOLN):

S. 1243. A bill to require repayments of obligations and proceeds from the sale of assets under the Troubled Asset Relief Program to be repaid directly into the Treasury for reduction of the public debt; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HATCH. Mr. President, I rise today to introduce the Stop TARP Asset Recycling Act, or the STAR Act, a bill that would require any funds returned to the Treasury Department that were originally allocated under the Troubled Asset Relief Program, TARP, to be placed in the general fund rather than being put back into TARP. I am proud to say that this is a bipartisan bill, cosponsored by my friend from Arkansas, Senator LINCOLN.

It is apparent that TARP has become a slush fund for the Obama administration to acquire banks, insurance companies and auto manufacturers. We need to ensure that the original purpose of TARP is maintained and Treasury is prevented from unilaterally and arbitrarily nationalizing our nation's private sector.

The Emergency Economic Stabilization Act, which was signed into law last October, created TARP. This act authorized TARP to purchase up to \$700 billion in troubled assets from financial institutions "to restore liquidity and stability to the financial system." However, since its inception, TARP has taken on a different role in our free enterprise system. It seems to have become the go-to solution for all of our problems. It has been used to bail out banks, insurance companies and automobile manufacturers. What is next, Mr. President?

Some of our healthier banks are now returning this money because, I believe, of the unreasonable regulations that have been and could be placed on firms with TARP funds. While it is clear that proceeds from TARP sales must be placed in the general fund to pay down our increasing debt, it is unclear under the law whether or not the original investment from TARP must be placed in the general fund or can be recycled back into TARP. The latter option would result in an ever-revolving slush fund for TARP and could provide this administration with the means to pick and choose which company it would next like to nationalize.

For example, the Treasury Department recently used \$30 billion to purchase up to 60 percent of General Motors' shares. If, in the future, Treasury

sells these shares at a gain, let us say \$32 billion, the \$2 billion profit must be put back into the general fund, but it is unclear whether the original \$30 billion investment recovered from the sale can be put back into TARP.

I do not believe any of my colleagues intended TARP to get this out of control. It is time that we reestablish the purpose of TARP by requiring Treasury to put the original investment back into the general fund. Congress must no longer stand by and watch Treasury amass an everlasting fund it can use to bail out any industry it deems "too big to fail" without congressional approval.

Ten large banks have recently received Treasury approval to repay \$68 billion received under TARP. I believe now is the time to start restricting Treasury's access to these funds. My bill would force Treasury to put this money back into the general fund once it is used. It would not prevent Treasury from using up to \$700 billion already authorized under TARP, but it would force Treasury to make sure that the taxpayers' investment is spent wisely.

The American taxpayer has been told to foot the bill for rescuing the financial sector, but now they are being forced to bail out any company at the discretion of the Department of Treasury. Many Utahns are saying it is time to be fiscally conservative, and I agree. So do millions elsewhere across the Nation.

I hope my colleagues would agree as well and support this legislation; otherwise, we have not only written a blank check to Treasury, but we have delegated an enormous amount of power over our free enterprise system. This money belongs to the people, not the Obama administration. I think it is time Congress acts to ensure that TARP is being used for its intended purpose.

By Mr. MERKLEY:

S. 1244. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding; to the Committee on Finance.

Mr. MERKLEY. Mr. President, I rise today to discuss a bill to help promote and protect breastfeeding in the workplace.

The science is undisputable—babies who are breastfed the first 6 months of life have a greatly reduced risk for acute and chronic disease—yet only ten percent of all infants receive this nourishment that they need to remain healthy. One of the primary reasons for this is that working moms face real and serious challenges to expressing milk when they return to work.

Well, today is a day to change that. In Oregon, we have enacted strong legislation to make sure that working

moms are afforded the time and space they need at work to express milk. In fact, my first event as a candidate for U.S. Senate was at a luncheon celebrating the success of Oregon's breastfeeding promotion law. I said that day that I would work to expand Oregon's efforts nationwide, and today we take the important first step towards enacting legislation to protect working moms across the country.

First, I want to thank Representative CAROLYN MALONEY of New York for her strong leadership on this issue. For years, she has been a champion for working moms everywhere, and I applaud her determination to make it easier for women.

We know that 72 percent of moms work full time, and that number is growing. In fact, according to the Center on Work and Family at Boston College, the fastest-growing segment of the U.S. workforce is women with children under three years of age.

Women who decide to breastfeed often face unique challenges and at times, social stigmas, for trying to give their baby the healthiest start in life.

In an environment where mothers return to work as early as 3 to 6 weeks post-partum, often driven by economic necessity, it is simply an act of human decency to protect their right to continue breastfeeding after they return to work to help meet their basic needs with regard to the care and nourishment of their children. But for most, it is an unachievable goal.

If we are to have any hope of increasing the number of babies being breastfed, we need to implement a strategy that addresses workplace conditions.

The Breastfeeding Promotion Act that Representative MALONEY and I are introducing today is a measured step in this direction.

It protects breastfeeding women from discrimination in the workplace, provides tax credits to employers who make accommodations for breastfeeding moms, and most importantly, it affords working moms with the time, space, and privacy they need to express milk.

Many of these changes have been successfully implemented in my home State of Oregon where we have seen a tremendous difference in the experiences of mothers, as well as positive impacts for employers, as a result of this type of legislation.

Tonya Hirte, a senior customer service representative in Portland, said that before the law took effect, she had to express breast milk in a bathroom on a separate floor from her worksite, but that after implementation of the law, her company converted a storage closet into a private, simply-furnished room, bringing dignity to her experience as a mother, and helping her feel valued as an employee.

A Lane County employee said that having a breastfeeding-friendly work-

place allowed her to focus better on her work, knowing her daughter's needs were being met emotionally and physically because the work breaks to express breast milk facilitated their breastfeeding relationship when they were together.

But it's not just the employees who are seeing positive changes as a result of the Oregon law. Jim Rochs, General Manager of Carinos Italian Restaurant in Bend, Oregon, says that they create a better team overall if they take care of one another. The time and space his employee needed to express breast milk was not difficult to provide.

Gretchen Peterson, Human Resources Manager for Hanna Andersson clothing design, manufacturer and retail store, said that "legislation to encourage longer-term breastfeeding by eliminating potential workplace barriers has been successfully passed and implemented in Oregon with no negative impact to business." She goes on to say, "Without this opportunity, our employees may have made the choice to stay at home or choose to work for another company which would have caused a significant disruption to our business."

Research from the Maternal Child Health Bureau demonstrates a significant return on investment when businesses support worksite lactation programs.

The Mutual of Omaha insurance company conducted a study that found health care costs for newborns to be three times lower for babies whose mothers participate in their company's maternity and lactation program. Per person health care costs were \$2,146 more for employees who did not participate in the program, with a yearly savings of \$115,881 in health care claims for the breastfeeding mothers and babies.

This is truly a public health issue. Encouraging breastfeeding for working mothers will help alleviate the negative effects of low breastfeeding rates, including a 21 percent greater infant mortality rate for babies not exclusively breastfed for 6 months, and greater risk over a lifetime for many illnesses including asthma, diabetes, obesity, and certain cancers.

Finally, the timing could not be better as we ramp up our efforts to reform our health care system and work to contain costs. A 2001 USDA study found that if half of the babies in the U.S. were exclusively breastfed for 6 months, we would realize a savings of \$3.6 billion in health care costs for the three leading childhood illnesses alone. According to the U.S. Breastfeeding Committee, if we replicate that study based on current breastfeeding statistics, the savings could reach nearly \$14 billion in health care costs for all childhood illnesses.

Colleagues, I look forward to passing the Breastfeeding Promotion Act to

help make it easier for moms to breastfeed, which will lead to healthier babies, stronger families, and happier workers.

Mr. WHITEHOUSE (for himself and Ms. SNOWE):

S. 1245. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today along with my friend Senator WHITEHOUSE to introduce the Home Lead Safety Tax Credit Act. Unfortunately, lead paint remains a serious risk to families across the country and poses an especially dangerous hazard for children. According to the Department of Housing and Urban Development, HUD, 23 million homes in the United States currently have a significant amount of lead-based paint, and exposure has caused 240,000 children under the age of six to have blood-lead levels high enough to cause irreversible neurological damage and learning disabilities.

The current Federal abatement programs are simply inadequate to address the home repair requirements of millions of families who remain exposed to lead. In fiscal year 2008, HUD's Lead Hazard Control Program provided for lead abatement of only 12,600 homes. It doesn't take an advanced degree in mathematics to know that 12,600 is an insufficient abatement number when 240,000 children have already been exposed to harmful levels of lead-based paint.

The tax credit in the Whitehouse-Snowe bill would be worth up to \$3,000 per eligible housing unit for abatement costs or up to \$1,000 for each unit for interim control costs—which reduce but do not eliminate the hazard. These incentives will encourage property owners to make their homes and properties lead-safe. According to the Maine Indoor Air Quality Council, almost 80 percent of homes and apartments in Maine built before 1978 could have lead paint. That being said, the tax credit in our legislation will help greatly reduce that number and in turn reduce the number of children who require medical treatment as a result of lead exposure.

The Whitehouse-Snowe bill will provide a powerful tax incentive to landlords and make a much greater impact in reducing household lead exposure. It is no surprise that many of our poorest residents are the most affected by lead-based paint illnesses. Whatever their economic situation, no family should be forced to choose between affordability and the safety of their children. Our citizens are facing a multitude of difficult financial decisions in the midst of the current recession, and many people are unable to bear the costs of lead abatement.

It is not news that health care costs are spiraling out of control, and Congress is working hard to find a solution to this complicated problem. Lead-based paint does not require such a complicated solution, and the Home Lead Safety Tax Credit Act takes a proactive role in preventing an illness that doesn't have to exist at all. Children exposed to lead-based paint will pay thousands of dollars in health care costs. Our legislation will not only save the lives of children across our country, but help mitigate the unnecessary burden of lead-based paint poisoning on our health care system. We must do everything in our power to encourage landlords and property owners to rid homes of harmful lead-based paint and I hope my colleagues will join us in supporting this legislation.

By Mr. SANDERS:

S. 1246. A bill to establish a home energy retrofit finance program; to the Committee on Energy and Natural Resources.

Mr. SANDERS. Mr. President, I am pleased to introduce legislation to establish a Home Energy Retrofit Finance Program. My office has worked closely with a number of stakeholders and experts in developing this Program. It is supported by the Vermont Energy Investment Corporation, the National Trust for Historic Preservation, Green for All, the Apollo Alliance, and the Union of Concerned Scientists, because they know that improving residential sector energy use is a strategy to address global warming, save families on their utility bills, and create jobs.

Households across the Nation will be able to lower their energy bills and generate their own renewable energy through the Program. It would provide initial capital to States, according to the established State energy program formula, to set up state revolving finance funds. These State funds would in turn provide financial support for local government programs, such as clean energy district financing, and energy utility programs, such as on-bill financing.

There are already a number of innovative programs to help finance residential energy efficiency and renewable energy across the country. For example, States such as Vermont, New Mexico, California, Virginia, Texas, and Maryland have authorized local governments to provide financing to homeowners for energy improvements. Homeowners then can pay back the cost of the improvements over time on their property tax bills.

The Home Energy Retrofit Finance Program would give these efforts a boost by supporting local government and utility programs that provide households with cost-effective financing for energy efficiency measures and renewable energy. This Program offers

a win-win situation where we can achieve our economic and environmental goals. I ask that my colleagues consider the merits of the Home Energy Retrofit Finance Program as we move forward with comprehensive energy and climate change legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1246

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home Energy Retrofit Finance Program Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) many families lack access to upfront capital to make cost-effective energy improvements to homes and apartments;

(2) a number of States, local governments, and energy utilities are considering enacting, or have already enacted, innovative energy efficiency and renewable energy finance programs;

(3) home retrofits create and support jobs in the United States in a number of fields, including jobs for electricians, heating and air conditioning installers, carpenters, construction, roofers, industrial truck drivers, energy auditors and inspectors, construction managers, insulation workers, renewable energy installers, and others;

(4) cost-effective energy improvements pay for themselves over time and also save consumers energy, reduce energy demand and peak electricity demand, move the United States towards energy independence, reduce greenhouse gas emissions, and improve the value of residential properties;

(5) modeling has shown that—

(A) energy efficiency and renewable energy upgrades in just 15 percent of residential buildings in the United States would require \$280,000,000,000 in financing; and

(B) the upgrades described in subparagraph (A) could reduce carbon dioxide emissions by more than a gigaton; and

(6) home retrofits—

(A) are a key strategy to reducing global warming pollution; and

(B) create and support green jobs.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ELIGIBLE PARTICIPANT.**—The term "eligible participant" means a homeowner, apartment complex owner, residential cooperative association, or condominium association that finances energy efficiency measures and renewable energy improvements to homes and residential buildings under this Act.

(2) **ENERGY EFFICIENCY MEASURE AND RENEWABLE ENERGY IMPROVEMENT.**—The term "energy efficiency measure and renewable energy improvement" means any installed measure (including products, equipment, systems, services, and practices) that would result in a reduction in—

(A) end-use demand for externally supplied energy or fuel by a consumer, facility, or user; and

(B) carbon dioxide emissions, as determined by the Secretary.

(3) **PROGRAM.**—The term "program" means the Home Energy Retrofit Finance Program established under section 4(a).

(4) **QUALIFIED PROGRAM DELIVERY ENTITY.**—The term "qualified program delivery entity" means a local government, energy utility, or any other entity designated by the Secretary that administers the program for a State under this Act.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Energy.

SEC. 4. HOME ENERGY RETROFIT FINANCE PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary shall provide Home Energy Retrofit Finance Program grants to States for the purpose of establishing or expanding a State revolving finance fund to support financing offered by qualified program delivery entities for energy efficiency measures and renewable energy improvements to existing homes and residential buildings (including apartment complexes, residential cooperative associations, and condominium buildings under 5 stories).

(b) **FUNDING MECHANISM.**—In carrying out the program, the Secretary shall provide funds to States, for use by qualified program delivery entities that administer finance programs directly or under agreements with collaborating third party entities, to capitalize revolving finance funds and increase participation in associated financing programs.

(c) **ELIGIBILITY OF QUALIFIED PROGRAM DELIVERY ENTITIES.**—

(1) **IN GENERAL.**—The Secretary shall provide guidance to the States on application requirements for a local government or energy utility that seeks to participate in the program, including criteria that require, at a minimum—

(A) a description of a method for determining eligible energy professionals who can be contracted with under the program for energy audits and energy improvements, including a plan to provide preference for entities that—

(i) hire locally;

(ii) partner with State Workforce Investment Boards, labor organizations, community-based organizations, and other job training entities; or

(iii) are committed to ensuring that at least 15 percent of all work hours are performed by participants from State-approved apprenticeship programs; and

(B) a certification that all of the work described in subparagraph (A) will be carried out in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(2) **REPAYMENT OVER TIME.**—To be eligible to participate in the program, a qualified program delivery entity shall establish a method by which eligible participants may pay over time for the financed cost of allowable energy efficiency measures and renewable energy improvements.

(d) **ALLOCATION.**—In making funds available to States for each fiscal year under this Act, the Secretary shall use the allocation formula used to allocate funds to States to carry out State energy conservation plans under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) **USE OF FUNDS.**—Of the amounts in a State revolving finance fund—

(1) not more than 20 percent may be used by qualified program delivery entities for interest rate reductions for eligible participants; and

(2) the remainder shall be available to provide direct funding or other financial support to qualified program delivery entities.

(f) **STATE REVOLVING FINANCE FUNDS.**—On repayment of any funds made available by qualified program delivery entities under the

program, the funds shall be deposited in the applicable State revolving finance fund to support additional financing to qualified program delivery entities for energy efficiency measures and renewable energy improvements.

(g) **COORDINATION WITH STATE ENERGY EFFICIENCY RETROFIT PROGRAMS.**—Home energy retrofit programs that receive financing through the program shall be carried out in accordance with all authorized measures, performance criteria, and other requirements of any applicable Federal home energy efficiency retrofit programs.

(h) **PROGRAM EVALUATION.**—

(1) **IN GENERAL.**—The Secretary shall conduct a program evaluation to determine—

(A) how the program is being used by eligible participants, including what improvements have been most typical and what regional distinctions exist, if any;

(B) what improvements could be made to increase the effectiveness of the program; and

(C) the quantity of verifiable energy savings and renewable energy deployment achieved through the program.

(2) **REPORTS.**—

(A) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the program evaluation required under this subsection, including any recommendations.

(B) **STATE REPORTS.**—Not less than once every 2 years, States participating in the program shall submit to the Secretary reports on the use of funds through the program that include any information that the Secretary may require.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2010 through 2015.

(b) **ADMINISTRATIVE EXPENSES.**—An amount not exceeding 5 percent of the amounts made available under subsection (a) shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act.

By Mr. CASEY:

S. 1248. A bill to establish a program in the Department of Energy to encourage consumers to trade in older vehicles for more fuel-efficient vehicles and motorcycles, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to introduce the Green Transportation Efficiency Act of 2009. This bill would establish a voucher program in the Department of Energy to encourage American consumers to trade in their older, less fuel-efficient vehicles for new, more fuel-efficient vehicles, including motorcycles.

This act is very similar to other “cash for clunkers” bills offered in the House and Senate in that it will help stimulate the economy by providing a much needed boost to our struggling automobile industry, but will go a step further by bolstering the U.S. motorcycle industry as well. After 14 straight years of growth, sales of motorcycles in the U.S. declined eight percent in

2007, and, 10 percent in 2008. Due in large part to the downturn in our economy, motorcycle sales have dropped 30 percent in the first quarter of 2009, according to the Motorcycle Industry Council. In my home State of Pennsylvania, Harley-Davidson has had to cut production and reduce its work force as a result of these declines in motorcycle sales. Established in 1973, the Harley-Davidson assembly plant in York, PA, is the company’s largest manufacturing facility and is the third largest employer in York County, PA, employing over 2,200 people. It has been reported that it is probably the leanest time that Harley has faced since the company went public in 1986. Harley-Davidson, like the auto makers and other manufacturing sectors, is fighting hard to maintain its workforce and to continue to produce a high quality, American-made product during these tough economic times. However, the specter of further reductions in motorcycle sales could lead to further job losses in my State, a State already hard hit by the current economic crisis.

Indeed, the economic impact of the American motorcycle industry also extends far beyond the direct employment at facilities such as the Harley-Davidson manufacturing plants in Pennsylvania, Missouri, or Wisconsin. Many of the same parts suppliers that provide the critical supply chain for our American auto manufacturers, in States such as Michigan, Indiana, Ohio, and many others, also rely upon motorcycle manufacturers as critical customers. These parts manufacturers and suppliers will also be aided by increased motorcycle sales. The effect of increased motorcycle sales will be immediate and meaningful. For example, Harley-Davidson utilizes “Just In Time” manufacturing principles, meaning they do not hold parts inventories. So, every new bike ordered triggers new orders for parts—there is very little elasticity in the supply chain, so the economic benefit down the line is immediate.

Finally, in terms of economic activity, this act recognizes the challenges faced by our auto dealerships and the best way to help those dealerships is to encourage the purchasing of new, more fuel-efficient vehicles. The same principle applies to our motorcycle dealers.

In addition to helping to spur economic recovery and protect manufacturing jobs in Pennsylvania and other parts of the country where motorcycles and motorcycle parts are manufactured and assembled, the inclusion of motorcycles in this act will help America move away from its dependence on foreign sources of oil. Motorcycles are inherently fuel efficient. Average miles-per-gallon for motorcycles ranges from 40–50 MPG, even higher for smaller bikes.

Allowing consumers the option of trading in their older, inefficient vehi-

cles for newer, more fuel efficient cars, trucks, and motorcycles will help the Nation achieve the dual goals of reducing our demand for imported oil and reducing our emissions of greenhouse gases—both critical components of our energy future. Just as importantly, the act will provide a much needed jump start to the auto and motorcycle industries at a time when their sales are at historic lows, plants are closing, and jobs are being lost.

I urge all of my colleagues to join me in support of this Act so that consumers are given a strong signal from Washington to trade in their older, inefficient vehicles and purchase new, high-fuel-efficient cars, trucks, or motorcycles.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1248

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Green Transportation Efficiency Act of 2009”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **AUTOMOBILE.**—The term “automobile” has the meaning given the term in section 32901(a) of title 49, United States Code.

(2) **CATEGORY 1 TRUCK.**—

(A) **IN GENERAL.**—The term “category 1 truck” means a non-passenger automobile that has a combined fuel economy value of at least 18 miles per gallon.

(B) **EXCLUSION.**—The term “category 1 truck” does not include a category 2 truck.

(3) **CATEGORY 2 TRUCK.**—The term “category 2 truck” means a non-passenger automobile that is a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled “Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008”.

(4) **CATEGORY 3 TRUCK.**—The term “category 3 truck” means a work truck.

(5) **COMBINED FUEL ECONOMY VALUE.**—The term “combined fuel economy value” means—

(A) in the case of a qualifying vehicle, the number, expressed in miles per gallon, centered below the term “Combined Fuel Economy” on the label required to be affixed or caused to be affixed on a qualifying vehicle pursuant to part 600 of title 40, Code of Federal Regulations (or comparable regulations);

(B) in the case of an eligible trade-in vehicle, the equivalent of the number described in subparagraph (A) that is posted—

(i) under the term “Estimated New EPA MPG” and above the term “Combined” for vehicles of model years 1984 through 2007; or

(ii) under the term “New EPA MPG” and above the term “Combined” for vehicles of model year 2008 or later on the fuel economy website of the Environmental Protection Agency for the make, model, and year of the vehicle; or

(C) in the case an eligible trade-in vehicle manufactured during model years 1978

through 1984, the equivalent of the number described in subparagraph (A), as determined by the Secretary (and posted on the website of the National Highway Traffic Safety Administration) using data maintained by the Environmental Protection Agency for the make, model, and year of the eligible trade-in vehicle.

(6) DEALER.—The term “dealer” means a person licensed by a State who engages in the sale of new automobiles to ultimate purchasers.

(7) ELIGIBLE TRADE-IN VEHICLE.—The term “eligible trade-in vehicle” means an automobile, work truck, or motorcycle that, at the time the automobile, work truck, or motorcycle is presented for trade-in under this Act—

(A) is in drivable condition;

(B) has been continuously insured consistent with the applicable State law and registered to the same owner for a period of not less than 1 year immediately prior to the trade-in;

(C) was manufactured less than 25 years before the date of the trade-in; and

(D) in the case of an automobile, has a combined fuel economy value of 18 miles per gallon or less.

(8) MOTORCYCLE.—The term “motorcycle” means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground.

(9) NEW FUEL-EFFICIENT AUTOMOBILE.—The term “new fuel-efficient automobile” means a passenger automobile, category 1 truck, category 2 truck, or category 3 truck—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer’s suggested retail price of \$45,000 or less;

(C) that—

(i) in the case of a passenger automobile, category 1 truck, or category 2 truck, is certified to applicable standards established under section 86.1811–04 of title 40, Code of Federal Regulations (or a successor regulation); or

(ii) in the case of a category 3 truck, is certified to the applicable vehicle or engine standards established under section 86.1816–08, 86.007–11, or 86.008–10 of title 40, Code of Federal Regulations (or successor regulations); and

(D) that has the combined fuel economy value of—

(i) in the case of a passenger automobile, 22 miles per gallon;

(ii) in the case of a category 1 truck, 18 miles per gallon; and

(iii) in the case of a category 2 truck or a category 3 truck, 15 miles per gallon.

(10) NEW FUEL-EFFICIENT MOTORCYCLE.—The term “new fuel-efficient motorcycle” means a motorcycle—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer’s suggested retail price of not less than \$7,000 and not more than \$20,000; and

(C) that has a manufacturer’s estimated combined fuel economy of at least 40 miles per gallon.

(11) NON-PASSENGER AUTOMOBILE.—The term “non-passenger automobile” has the meaning given the term in section 32901(a) of title 49, United States Code.

(12) PASSENGER AUTOMOBILE.—The term “passenger automobile” means a passenger automobile (as defined in section 32901(a) of title 49, United States Code) that has a com-

bined fuel economy value of at least 22 miles per gallon.

(13) PROGRAM.—The term “Program” means the Green Transportation Efficiency Program established by section 3.

(14) QUALIFYING LEASE.—The term “qualifying lease” means a lease of an automobile for a period of not less than 5 years.

(15) QUALIFYING VEHICLE.—The term “qualifying vehicle” means—

(A) a new fuel-efficient automobile; or

(B) a new fuel-efficient motorcycle.

(16) SCRAPPAGE VALUE.—The term “scrappage value” means the amount received by the dealer for a vehicle on transferring title of the vehicle to the person responsible for ensuring the dismantling and destroying of the vehicle.

(17) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(18) ULTIMATE PURCHASER.—The term “ultimate purchaser” means, in the case of any qualifying vehicle, the first person who in good faith purchases the qualifying vehicle for purposes other than resale.

(19) VEHICLE IDENTIFICATION NUMBER.—The term “vehicle identification number” means the 17-character number used by the automobile industry to identify individual automobiles.

(20) WORK TRUCK.—The term “work truck” has the meaning given the term in section 32901(a) of title 49, United States Code.

SEC. 3. GREEN TRANSPORTATION EFFICIENCY PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy a voluntary program to be known as the “Green Transportation Efficiency Program” under which the Secretary, in accordance with this section and regulations issued under subsection (h), shall—

(1) authorize the issuance of an electronic voucher in accordance with subsection (c) to offset the purchase price, or lease price for a qualifying lease, of a qualifying vehicle on the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

(2) certify dealers for participation in the Program—

(A) to accept vouchers in accordance with this section as partial payment or down payment for the purchase or qualifying lease of any qualifying vehicle offered for sale or lease by the dealer; and

(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer to an entity for disposal;

(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for vouchers accepted by the dealers, in accordance with the regulations issued under subsection (h);

(4) in consultation with the Secretary of the Treasury, provide for the payment of rebates to persons who qualify for a rebate under subsection (c)(3); and

(5) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Energy, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—

(1) IN GENERAL.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price, or lease price for a qualifying lease, of a qualifying vehicle in accordance with this subsection.

(2) NEW FUEL-EFFICIENT AUTOMOBILES.—

(A) \$3,500 VALUE.—A voucher may be used to offset the purchase price or lease price of a new fuel-efficient automobile by \$3,500 if the new fuel-efficient automobile is—

(i) a passenger automobile and the combined fuel economy value of the passenger automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) a category 1 truck and the combined fuel economy value of the category 1 truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(iii) a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

(I) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel-efficient automobile is at least 1 mile per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(II) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

(iv) a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel-efficient automobile, as determined in a manner prescribed by the Secretary.

(B) \$4,500 VALUE.—A voucher may be used to offset the purchase price or lease price of the new fuel-efficient automobile by \$4,500 if the new fuel-efficient automobile is—

(i) a passenger automobile and the combined fuel economy value of the passenger automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) a category 1 truck and the combined fuel economy value of the category 1 truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(iii) a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of the category 2 truck is 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle and the eligible trade-in vehicle is a category 2 truck.

(3) NEW FUEL-EFFICIENT MOTORCYCLES.—A voucher may be used to offset the purchase price of the new fuel-efficient motorcycle by \$2,500 if—

(A) the new fuel-efficient motorcycle is street-use approved; and

(B) the manufacturer’s estimated combined fuel economy is at least 15 miles higher than the combined fuel economy value of the eligible trade-in vehicle.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only for the purchase or qualifying lease of a qualifying vehicle that occurs during the period—

(i) beginning on January 1, 2009; and

(ii) ending on the date that is 3 years after the date on which the regulations issued under subsection (h) are issued.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—

(i) SINGLE PERSON.—Not more than 1 voucher may be issued for a single person.

(ii) JOINT REGISTERED OWNERS.—Not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or qualifying lease of a qualifying vehicle.

(D) LIMITATION ON FUNDS FOR CATEGORY 3 TRUCKS AND MOTORCYCLES.—Not more than

7.5 percent and 15 percent of the total funds made available for the Program shall be used for vouchers for the purchase or qualifying lease of category 3 trucks and motorcycles, respectively.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a qualifying vehicle shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive the voucher.

(F) NO ADDITIONAL FEES.—A dealer participating in the Program may not charge a person purchasing or leasing a qualifying vehicle any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts made available for vouchers under subsection (i).

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—Subject to subparagraph (B), for each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by regulation, that the dealer—

(i) has not and will not sell, lease, exchange, or otherwise dispose of the eligible trade-in vehicle for use as an automobile in the United States or in any other country; and

(ii) will transfer the eligible trade-in vehicle (including the engine and drive train), in such manner as the Secretary prescribes, to an entity that will ensure that the eligible trade-in vehicle—

(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SALE OF PARTS.—Nothing in subparagraph (A) prevents a person who dismantles or disposes of an eligible trade-in vehicle from—

(i) selling any parts of the disposed eligible trade-in vehicle other than the engine block and drive train (unless the engine or drive train has been crushed or shredded); or

(ii) retaining the proceeds from the sale.

(C) COORDINATION.—

(i) IN GENERAL.—The Secretary shall coordinate with the Attorney General and the Secretary of Transportation to ensure that the National Motor Vehicle Title Information System and other publicly accessible systems are appropriately updated on a timely basis to reflect the crushing or shredding of eligible trade-in vehicles under this section and appropriate reclassification of the titles of the eligible trade-in vehicles.

(ii) ACCESS TO VINS.—The commercial market shall have electronic and commercial access to the vehicle identification numbers of eligible trade-in vehicles that have been disposed of on a timely basis.

(3) ELIGIBLE PURCHASES OR LEASES PRIOR TO DATE OF ENACTMENT.—A person who purchased or leased a qualifying vehicle after January 1, 2009, and before the date of the enactment of this Act, shall be eligible for a cash rebate equivalent to the amount described in subsection (b)(2)(A) if the person proves to the satisfaction of the Secretary that—

(A)(i) the person was the registered owner of an eligible trade-in vehicle; or

(ii) if the person leased the qualifying vehicle, the lease was a qualifying lease; and

(B) the eligible trade-in vehicle has been disposed of in accordance with paragraph (2)(A).

(d) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to knowingly violate this section (including a regulation issued pursuant to subsection (h)).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than \$15,000 for each violation.

(e) INFORMATION TO CONSUMERS AND DEALERS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act and promptly on the updating of any applicable information, the Secretary shall make available on an Internet website and through other means determined by the Secretary information about the Program, including—

(A) how to determine if a vehicle is an eligible trade-in vehicle;

(B) how to participate in the Program, including how to determine participating dealers; and

(C) a comprehensive list, by make and model, of qualifying vehicles meeting the requirements of the Program.

(2) PUBLIC AWARENESS CAMPAIGN.—Once information described in paragraph (1) is available, the Secretary shall conduct a public awareness campaign to inform consumers about the Program and where to obtain additional information.

(f) RECORDKEEPING AND REPORT.—

(1) DATABASE.—The Secretary, in coordination with the Secretary of Transportation, shall maintain a database of the vehicle identification numbers of all qualifying vehicles purchased or leased and all eligible trade-in vehicles disposed of under the Program.

(2) REPORT.—Not later than 60 days after the termination date described in subsection (c)(1)(A)(ii), the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the efficacy of the Program, including—

(A) a description of Program results, including—

(i) the total number and amount of vouchers issued for purchase or lease of qualifying vehicles by manufacturer (including aggregate information concerning the make, model, model year, and category of automobile and motorcycle);

(ii) aggregate information regarding the make, model, model year, and manufacturing location of eligible trade-in vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(g) EXCLUSION OF VOUCHERS AND REBATES FROM INCOME.—

(1) FOR PURPOSES OF ALL FEDERAL PROGRAMS.—A voucher issued under the Program or a cash rebate issued under subsection (c)(3) shall not be regarded as income and shall not be regarded as a resource for the month of receipt of the voucher or rebate and the following 12 months, for purposes of determining the eligibility of the recipient of the voucher or rebate (or the spouse or other family or household member of the re-

ipient) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program.

(2) FOR PURPOSES OF TAXATION.—A voucher issued under the Program or a cash rebate issued under subsection (c)(3) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

(h) REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, not later than 30 days after the date of the enactment of this Act, the Secretary shall issue final regulations to implement the Program, including regulations that—

(1) provide for a means of certifying dealers for participation in the Program;

(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for both the amount of the vouchers and any reasonable administrative costs incurred by the dealer as soon as practicable but not later than 10 days after the submission to the Secretary of a voucher for a qualifying vehicle;

(3) allow the dealer to use the voucher in addition to any other rebate or discount offered by the dealer or the manufacturer for a qualifying vehicle and prohibit the dealer from using the voucher to offset any such other rebate or discount;

(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of the vehicle and to permit the dealer to retain \$50 of any amounts paid to the dealer for scrappage of the eligible trade-in vehicle as payment for any administrative costs to the dealer associated with participation in the Program;

(5) establish a process by which persons who qualify for a rebate under subsection (c)(3) may apply for the rebate;

(6) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in the disposal to ensure that the eligible trade-in vehicles are disposed of in accordance with the requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, anti-freeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with procedures established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal and State requirements;

(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred to an entity that will ensure that the eligible trade-in vehicle is disposed of, in accordance with the requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the qualifying vehicle purchased with each voucher; and

(C) a list of entities to which dealers may transfer eligible trade-in vehicles for disposal;

(7) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in the disposal to ensure that the eligible trade-in vehicles are disposed of in accordance with the requirements and procedures; and

(8) provide for the enforcement of the penalties described in subsection (d).

(i) FUNDING.—From the amounts made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the Director of the Office of Management and Budget may allocate such sums as the Director determines are necessary to carry out this Act.

By Mr. NELSON, of Florida (for himself, Mr. CRAPO, Mr. BINGAMAN, Mr. BENNET, Mr. MARTINEZ, Mr. CARDIN, and Mr. BROWNBACK):

S. 1250. A bill to amend the Internal Revenue code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce, with several of my colleagues, the Algae-based Renewable Fuel Promotion Act.

The energy, environmental, and food supply challenges confronting our nation are immense. The United States imports roughly 60 percent of the crude oil consumed domestically, much of it from unstable parts of the world. As global demand continues to rise, price shocks in oil markets are increasingly common, causing economic pain and hardship for American consumers. Our overwhelming reliance on traditional fossil fuels contributes to unsustainable greenhouse gas emissions levels and the damaging effects of global warming. Ethanol made from corn or soybean—also called first generation biofuels—serve an important function in diversifying our energy base, but their benefits are largely offset by their adverse effects on food prices and the environment.

Addressing these challenges requires a multi-faceted strategy that invests in renewable and alternative energy sources, green technology, and conservation measures. If we succeed, the payoff will be a cleaner, healthier, and more economically prosperous future.

I was pleased that the economic stimulus legislation enacted earlier this year included important investments in renewable energy and green technology programs. It also included a number of expanded tax incentives, including tax credits for renewable energy sources, such as wind, geothermal, hydropower, and biomass; energy-efficient home improvements; and plug-in electric vehicles, to name just a few.

The legislation I am introducing today with six of my colleagues in the Senate—three on each side of the aisle—builds on these investments and incentives by recognizing the powerful potential of a new and emerging energy source, algae.

After years of basic research at the academic and governmental level, new algae-based fuels are poised to move from the experimentation stage to commercial development. These fuels

have the potential to make a significant contribution to our energy future. Algae are one of nature's most prolific and efficient photosynthetic organisms. They have a short growing cycle, high oil content, and can require little land or potable water. An algae-based fuel needs only sunlight, CO₂, and in some cases, other nutrient inputs to produce biomass that can be converted into readily usable liquid transportation fuels—gasoline, jet fuel, and diesel. Unlike some of the other energy sources currently under development, algae-based fuels are “drop-in” fuels, that is to say, they can be incorporated into our existing energy infrastructure, including our pipelines, terminals, and our fleet of trucks, cars and jets.

For example, over the past several months, commercial airlines have flown four successful test flights using a variety of biofuel jet fuel blends, including a Continental Airlines flight using a blend of algae- and jatropha-derived biofuel and a Japan Airlines flight using a similar blend that also included camelina.

Moreover, some algae-based fuel production processes even sequester and consume CO₂. Algae production facilities can use CO₂ emitted by a coal-fired electric utility as a feedstock for the production of the fuel. As a result, algae-based fuels can help transform the energy landscape by shifting our energy consumption to a renewable, home-grown fuel that is carbon neutral or better.

Unfortunately, current Federal tax policy inhibits the production of algae-based fuels by failing to provide a level playing-field relative to other alternative and renewable fuels. Tax incentives currently apply to the production of liquefied petroleum gas, compressed or liquefied natural gas, ethanol, liquefied hydrogen, biodiesel, liquid fuels derived from coal, and other alternative fuels. Many of these incentives were added to the tax code well before recent technological developments demonstrated the extraordinary promise of algae as a renewable fuel source. In order to ensure that Federal tax incentives stimulate the most promising and environmentally beneficial energy sources available, the tax code should be updated to incorporate and promote algae-based fuel production.

The Algae-based Renewable Fuel Promotion Act would make two modest changes to the tax code to promote the development and commercialization of algae-based fuels in the U.S. First, the bill would expand the \$1.01 per gallon income tax credit for cellulosic biofuels to cover algae-based biofuels. The bill retains the current law December 31, 2012, expiration date for the cellulosic biofuel producer credit. Second, the bill would extend the capital investment tax incentives for cellulosic biofuels to cover equipment used to

produce algae-based fuels. Specifically, the bill would modify the 50 percent bonus depreciation provision for property used to produce cellulosic biofuel by extending the provision to qualified algae-based biofuel plant property. The bill retains the current law requirement that qualified property must be placed in service before January 1, 2013. By ensuring that algae-based fuels fully benefit under Federal tax policies that promote renewable and alternative fuels, the legislation will encourage investment in this sustainable energy source and make an important contribution to our energy landscape for years to come.

Algae-based fuels are just one of the many renewable and alternative energy sources under development by aggressive and entrepreneurial start-up firms. These firms seek to capitalize on the commercial opportunities presented by the transition away from reliance on fossil fuels. It is critical that we regularly review the tax code to ensure that it encourages and promotes the most promising renewable energy sources available. The Algae-based Renewable Fuel Promotion Act is one step in this direction. I encourage my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1250

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Algae-based Renewable Fuel Promotion Act of 2009”.

SEC. 2. INCLUSION OF ALGAE-BASED BIOFUEL IN DEFINITION OF CELLULOSIC BIOFUEL.

(a) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) GENERAL RULE.—Paragraph (4) of section 40(a) of the Internal Revenue Code of 1986 is amended by inserting “and algae-based” after “cellulosic”.

(2) DEFINITIONS.—Paragraph (6) of section 40(b) of such Code is amended—

(A) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading,

(B) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The cellulosic and algae-based biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of—

“(i) qualified cellulosic biofuel production,

and

“(ii) qualified algae-based biofuel production.”,

(C) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (I), (J), and (K), respectively,

(D) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading of subparagraph (I), as so redesignated,

(E) by inserting “or algae-based biofuel, whichever is appropriate,” after “cellulosic biofuel” in subparagraph (J), as so redesignated,

(F) by inserting “and qualified algae-based biofuel production” after “qualified cellulosic biofuel production” in subparagraph (K), as so redesignated, and

(G) by inserting after subparagraph (E) the following new subparagraphs:

“(F) QUALIFIED ALGAE-BASED BIOFUEL PRODUCTION.—For purposes of this section, the term ‘qualified algae-based biofuel production’ means any algae-based biofuel which is produced by the taxpayer, and which during the taxable year—

“(i) is sold by the taxpayer to another person—

“(I) for use by such other person in the production of a qualified algae-based biofuel mixture in such other person’s trade or business (other than casual off-farm production),

“(II) for use by such other person as a fuel in a trade or business, or

“(III) who sells such algae-based biofuel at retail to another person and places such algae-based biofuel in the fuel tank of such other person, or

“(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified algae-based biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

“(G) QUALIFIED ALGAE-BASED BIOFUEL MIXTURE.—For purposes of this paragraph, the term ‘qualified algae-based biofuel mixture’ means a mixture of algae-based biofuel and gasoline or of algae-based biofuel and a special fuel which—

“(i) is sold by the person producing such mixture to any person for use as a fuel, or

“(ii) is used as a fuel by the person producing such mixture.

“(H) ALGAE-BASED BIOFUEL.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘algae-based biofuel’ means any liquid fuel, including gasoline, diesel, aviation fuel, and ethanol, which—

“(I) is produced from the biomass of algal organisms, and

“(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

“(ii) ALGAL ORGANISM.—The term ‘algal organism’ means a single- or multi-cellular organism which is primarily aquatic and classified as a non-vascular plant, including microalgae, blue-green algae (cyanobacteria), and macroalgae (seaweeds).

“(iii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.”

(3) CONFORMING AMENDMENTS.—

(A) Subparagraph (D) of section 40(d)(3) of such Code is amended—

(i) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading,

(ii) by inserting “or (b)(6)(F)” after “(b)(6)(C)” in clause (ii), and

(iii) by inserting “or algae-based” after “such cellulosic”.

(B) Paragraph (6) of section 40(d) of such Code is amended—

(i) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading, and

(ii) by striking the first sentence and inserting “No cellulosic and algae-based biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic or algae-based biofuel unless such cellulosic or algae-based biofuel is produced in

the United States and used as a fuel in the United States.”

(C) Paragraph (3) of section 40(e) of such Code is amended by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading.

(D) Paragraph (1) of section 4101(a) of such Code is amended—

(i) by inserting “or algae-based” after “cellulosic”, and

(ii) by inserting “and 40(b)(6)(H), respectively” after “section 40(b)(6)(E)”.

(b) SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.—Subsection (1) of section 168 of the Internal Revenue Code of 1986 is amended—

(1) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading,

(2) by inserting “and any qualified algae-based biofuel plant property” after “qualified cellulosic biofuel plant property” in paragraph (1),

(3) by redesignating paragraphs (4) through (8) as paragraphs (6) through (10), respectively,

(4) by inserting “or qualified algae-based biofuel plant property” after “cellulosic biofuel plant property” in paragraph (7)(C), as so redesignated,

(5) by striking “with respect to” and all that follows in paragraph (9), as so redesignated, and inserting “with respect to any qualified cellulosic biofuel plant property and any qualified algae-based biofuel plant property which ceases to be such qualified property.”,

(6) by inserting “or qualified algae-based biofuel plant property” after “cellulosic biofuel plant property” in paragraph (10), as so redesignated, and

(7) by inserting after paragraph (3) the following new paragraphs:

“(4) QUALIFIED ALGAE-BASED BIOFUEL PLANT PROPERTY.—The term ‘qualified algae-based biofuel plant property’ means property of a character subject to the allowance for depreciation—

“(A) which is used in the United States solely to produce algae-based biofuel,

“(B) the original use of which commences with the taxpayer after December 31, 2008,

“(C) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after December 31, 2008, but only if no written binding contract for the acquisition was in effect on or before such date, and

“(D) which is placed in service by the taxpayer before January 1, 2013.

“(5) ALGAE-BASED BIOFUEL.—

“(A) IN GENERAL.—The term ‘algae-based biofuel’ means any liquid fuel which is produced from the biomass of algal organisms.

“(B) ALGAL ORGANISM.—The term ‘algal organism’ means a single- or multi-cellular organism which is primarily aquatic and classified as a non-vascular plant, including microalgae, blue-green algae (cyanobacteria), and macroalgae (seaweeds).”

(c) EFFECTIVE DATES.—

(1) CELLULOSIC BIOFUEL PRODUCER CREDIT.—The amendments made by subsection (a) shall apply to fuel produced after December 31, 2008.

(2) SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.—The amendments made by subsection (b) shall apply to property purchased and placed in service after December 31, 2008.

Mr. CRAPO. Mr. President, I rise today to speak in support of the Algae-based Renewable Fuel Promotion Act.

I would first like to thank Senator BILL NELSON for his leadership on this extraordinary piece of legislation,

which gives algae-based biofuels the same tax incentives that cellulosic biofuels currently enjoy. Specifically, the bill would provide a \$1.01 per gallon tax credit and offer 50 percent bonus depreciation for property used in the production of algae-based biofuels. In short, this legislation will level the playing field for algae, resulting in enhanced development and commercialization.

Recent technological advances have showcased the tremendous potential of algae as a renewable fuel source. Algae-based biofuels can be refined into gasoline, jet fuel and diesel. These fuels are renewable, have a low-carbon footprint, and can fit seamlessly into our existing energy infrastructure. Additionally, algae does not compete for arable land or potable water. Algae grows best in very sunny climates, making the desert an ideal place for production, and it utilizes saltwater, not freshwater, to grow. It also has a short-life cycle and high oil content.

Algae-based renewable fuels will play an important role in America’s clean energy portfolio, and provide an answer to the question of how we will decrease our dependence on foreign oil and increase our domestic security. Again, I thank my colleague, Senator BILL NELSON, and I look forward to working with my colleagues in the Senate on this important piece of legislation.

By Mr. WARNER:

S. 1251. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care management services for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce legislation to help seniors navigate through a complicated and often overwhelming health care delivery system. Because of the fragmented nature of our healthcare system, we often fail to provide patients, their families, and caregivers with the necessary tools, information, and support to age well and with dignity in the setting of their preference. I believe that if we provide patients with better information about advance care planning in non-crisis situations, they will make decisions for themselves and their families that result in better care and better quality of life.

Our health care system is in need of sweeping reforms that will not only provide broader coverage but will also increase value and efficient access to quality care. As we provide meaningful reforms for the healthcare system, we should take the opportunity to refine and enhance those parts of the Medicare system that work well for seniors.

Currently, Medicare beneficiaries with advanced illnesses have a good option in the Medicare hospice benefit to receive care, family support, and counseling during the last six months of

life. For those who are ill or in need of advanced illness care, but are not eligible for the hospice benefit, there are very few options for counseling and services that would help them make informed choices about their care options. Often, they are left in the dark about their treatment alternatives and without the support they and their family members need to prepare and plan for the care they want and need. Frankly, it is unconscionable to leave it to families to resolve these extraordinarily difficult decisions, often in moments of crisis, without appropriate information, materials and supportive services. The Senior Navigation and Planning Act of 2009 will help seniors and their families navigate through an extremely complex system and will help them make informed medical decisions.

My legislation would provide access to an advanced illness care management benefit, increase the awareness of advance care planning through a national education campaign and clearinghouse, reduce legal hurdles to the enforcement of advance directives, create incentives for hospitals and physicians to get accredited and certified in palliative care, increase compliance with medical orders and discharge instructions, educate entities including faith-based organizations on advance care planning issues, and increase integration and coordination between the Medicare and Medicaid programs. Collectively, these initiatives will create a more accessible environment for seniors to receive the care they need, when they need it, in the setting they prefer.

Specifically, the advanced illness care management benefit would allow Medicare beneficiaries who have been diagnosed with a life expectancy of 18 months or less to have access to the guidance and expertise of a hospice team and receive services such as consultations on palliative care, advance care planning that is patient-centered, and counseling, respite, and care giving training for their family members. This new advanced illness care management benefit will provide seniors with the support they need to make informed decisions.

This initiative builds upon the efforts of the hospice community and the private sector. For example, United Health Group has created an Advanced Illness model in their benefit design and offers this program to the seniors they serve in Medicare Advantage and Special Needs Plans. They have found by providing access to the hospice and palliative care teams earlier, patients experience an increase in the quality of their life and duplicative or futile care is reduced. Aetna and Kaiser Permanente have also implemented these types of programs with similar results.

In addition to the impact a lack of advance care planning and access to

supportive services has on a patient's quality of life, inadequate access to advance care planning services contributes to 27 percent of Medicare costs spent in the last year of life. Advanced illness, palliative, and hospice care have been shown to improve quality of care at a reduced cost. Specifically, studies demonstrate that if an additional 2 percent of hospitalized Medicare beneficiaries received palliative care, direct cost savings to the Medicare program would be \$1.57 billion. Given health care costs are growing at an alarming rate and that seniors may not be getting the necessary information they need to make appropriate treatment decisions, we need to act now to provide them with access to advanced illness and advance care planning services.

I believe that rather than deny or withhold healthcare services, overall health reform should include a thoughtful process that informs patients, their families, and caregivers on how to navigate and think through decisions about when and how long to pursue treatments at the end-of-life. By doing this, we will provide a culture in which all of us will have the ability to age well, with dignity, in the setting of our choosing.

It is my hope that this legislation will be incorporated into the broader health care reform effort that is underway in the Finance and Health, Education, Labor, and Pensions Committees. I look forward to working with Chairmen BAUCUS and KENNEDY to implement these meaningful reforms so seniors have access to the information and services they need to receive the care they deserve.

By Mr. ROCKEFELLER (for himself, Mr. INOUE, and Ms. CANTWELL):

S. 1252. A bill to promote ocean and human health and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, oceans affect human health both directly and indirectly from the water quality at our beaches to the safety of seafood at U.S. markets; therefore, it is important to understand the relationship between environmental stressors, coastal conditions, climate change, and human health. Over the last several decades ocean and coastal waters have become channels for environmental threats to human health including infectious disease, harmful toxins from algae, and chemical pollutants from contact with contaminated seafood, polluted drinking water, and dirty beaches. Since the 1960s, scientists have realized that marine plants, animals, and microbes can also produce substances that benefit human health, such as anticancer, anti-inflammatory, and antibiotic medicines.

Through well designed research and monitoring programs, we can maximize

the health benefits derived from the oceans, improve the safety of American seafood, reduce beach closures, and detect emerging threats to human health in a proactive rather than reactive manner.

In 2004, Congress enacted the Oceans and Human Health Act which authorized the National Oceanic and Atmospheric Administration, the National Science Foundation, and the National Institutes of Health to conduct research to improve understanding of the connection between the oceans and public health. Today, Senator INOUE, Senator CANTWELL, and I are introducing the Oceans and Human Health Reauthorization Act of 2009.

This legislation would direct the President, working through the National Science and Technology Council, to coordinate a national research program to improve understanding of the role of the oceans, coasts and Great Lakes in human health and deliver information, products, and services to assist the nation in reducing public health risks, including those related to climate change, and enhancing health benefits from the ocean. It would establish the Oceans and Human Health Task Force that will include a number of federal agencies, such as the National Oceanic and Atmospheric Administration, the National Institutes of Health, the National Science Foundation, the National Institute for Environmental Health Science, and the Center for Disease Control. It would direct the Interagency Oceans and Human Health Task Force to develop an implementation plan that: establishes the goals and priorities for federal research that advance scientific understanding of the connections between oceans and human health; provides information for the prediction, surveillance, and forecasting of marine-related public health problems, including those related to climate change; and uses the biological and chemical potentials of the oceans to develop new products for the prevention and treatment of diseases and to increase our understanding of the biological properties of ocean resources. The legislation would also reauthorize the National Oceanic and Atmospheric Administration's Oceans and Human Health Initiative and establish a Distinguished Scholars program for scientists to work with the National Oceanic and Atmospheric Administration on the oceans and human health initiative.

Importantly, this bill would recognize the effects of climate change on oceans and human health. The effects of climate change do not stop with sea level rise and increased water temperatures. Without physical and ecological boundaries, climate change causes a cascade of effects throughout ocean environments that can result in surprising impacts on ocean and human

health. This reauthorization bill would include climate change and oceans and human health as a new research area.

Our oceans impact every American and they are a foundation of America's economy. The research and monitoring supported by this bill will help make sure we have healthy oceans where people can swim, fish, play, and eat seafood. It will also help us develop new blue jobs in marine natural products and lead to new discoveries in medicines to cure deadly diseases.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1252

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans and Human Health Reauthorization Act of 2009".

SEC. 2. INTERAGENCY OCEANS AND HUMAN HEALTH RESEARCH PROGRAM.

(a) **COORDINATION.**—Subsection (a) of section 902 of the Oceans and Human Health Act (33 U.S.C. 3101) is amended by striking "in human health." and inserting ", coasts, and Great Lakes in human health and deliver information, products, and services to assist the nation in reducing public health risks, including those related to climate change, and enhancing health benefits from the ocean."

(b) **IMPLEMENTATION PLAN.**—Subsection (b) of section 902 of the Oceans and Human Health Act (33 U.S.C. 3101) is amended—

(1) by amending the matter preceding paragraph (1) to read as follows:

"(b) **IMPLEMENTATION PLAN.**—Not later than 5 years after the date of the enactment of the Oceans and Human Health Reauthorization Act of 2009, an Interagency Oceans and Human Health Task Force or working group established by the National Science and Technology Council, through the Director of the Office of Science and Technology Policy, shall revise and update the 2007 'Interagency Oceans and Human Health Research Implementation Plan' and submit to the Congress the updated Plan. Nothing in this subsection is intended to duplicate or supersede the activities of the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia established under section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (Public Law 105-383; 16 U.S.C. 1451 note). The updated plan shall—

(2) in paragraph (1)—

(A) by inserting ", surveillance, and forecasting" after "prediction";

(B) by inserting ", including problems related to climate change," after "health problems";

(C) by inserting "and chemical" after "biological"; and

(D) by inserting "products for the prevention and" after "new";

(3) in paragraph (2), by striking "and participation;" and all that follows through the end and inserting "participation in national and international research and outreach efforts, and outreach to the medical community and the public;";

(4) in paragraph (3), by inserting ", including joint efforts," after "departments";

(5) in paragraph (4), by striking "preventive" and inserting "preventing";

(6) in paragraph (5), by inserting "Resources" after "the Ocean";

(7) in paragraph (6), by striking "and" at the end;

(8) by amending paragraph (7) to read as follows:

"(7) estimate funding needed for research, surveillance, education, and outreach activities to be conducted within or supported by Federal agencies and departments under the program."; and

(9) by at the end the following:

"(8) build on, and complement, the research, surveillance, and outreach activities of the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Institutes of Health, the Centers for Disease Control and Prevention, the National Institute of Environmental Health Sciences, and other departments and agencies.".

(c) **PROGRAM SCOPE.**—Subsection (c) of section 902 of the Oceans and Human Health Act (33 U.S.C. 3101) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Interdisciplinary research among the ocean, atmospheric, and medical sciences, and coordinated research and activities to improve understanding of processes within the ocean that may affect human and marine animal health and to explore the potential contribution of marine organisms to medicine and research, including—

"(A) vector-, water-, and food-borne diseases of humans and marine organisms, including marine mammals, corals, and fish;

"(B) health effects for both humans and marine animals associated with harmful algal blooms and hypoxia (in collaboration with the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia);

"(C) health effects for humans and marine organisms associated with climate change impacts in ocean, coastal, and Great Lakes waters;

"(D) marine-derived pharmaceuticals and other natural products;

"(E) marine organisms and habitats as models for biomedical research and as indicators of human health and well being and marine environmental health;

"(F) marine environmental microbiology;

"(G) legacy and emerging chemicals of concern, including bioaccumulative and endocrine-disrupting chemical contaminants;

"(H) predictive models based on indicators of marine environmental health or public health threats; and

"(I) social, economic, and behavioral studies of relationships between the condition of oceans, coasts, and Great Lakes and human health and well-being.";

(2) by amending paragraph (2) to read as follows:

"(2) Coordination with any appropriate interagency working group of the Joint Subcommittee on Ocean Science and Technology, or its successor body, through the National Science and Technology Council, to ensure that any integrated ocean and coastal observing system provides information necessary to monitor and reduce marine public health problems, including climate change information, health-related data on biological populations, and detection of toxins and contaminants in marine waters and seafood."; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "genomics and proteomics" and inserting "genomics, proteomics, metabolomics, and other related sciences";

(B) by amending subparagraph (C) to read as follows:

"(C) in situ, laboratory, and remote sensors—

"(i) to detect, quantify, and predict the presence, distribution, concentration, toxicity, or virulence of infectious microbes, harmful algae, toxins, and chemical contaminants in ocean, coastal, and Great Lakes waters, sediments, organisms, and seafood; and

"(ii) to identify new genetic resources for biomedical purposes;"; and

(C) in subparagraph (E), by striking "equipment and technologies" and inserting "equipment, technologies, and methodologies".

(d) **BIENNIAL REPORT.**—Subsection (d) of section 902 of the Oceans and Human Health Act (33 U.S.C. 3101) is amended—

(1) in the heading, by striking "ANNUAL" and inserting "BIENNIAL";

(2) in the material preceding paragraph (1)—

(A) by striking "24 months after the date of enactment of this Act" and inserting "12 months after the date of the enactment of the Oceans and Human Health Reauthorization Act of 2009";

(B) by striking "each year an annual" and inserting "alternate years a biennial"; and

(C) by striking "year," and inserting "years.";

(3) in paragraph (1), by striking "year;" and inserting "years;";

(4) in paragraph (4), by striking "that preceding fiscal year;" and inserting "the preceding two fiscal years;" and

(5) in paragraph (5), by inserting ", funding needs," after "action".

SEC. 3. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEANS AND HUMAN HEALTH INITIATIVE.

(a) **ESTABLISHMENT.**—Subsection (a) of section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended—

(1) in the matter preceding paragraph (1), by striking the second sentence, and inserting "In carrying out this section, the Secretary shall consult with other Federal agencies and departments conducting integrated oceans and human health research and disease surveillance activities and research in related areas, including the National Science Foundation, the National Institutes of Health, the Centers for Disease Control and Prevention, the National Institute of Environmental Health Sciences, and other agencies and departments."; and

(2) in paragraph (2), by inserting "external" after "an".

(b) **ADVISORY PANEL.**—Subsection (b) of section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended—

(1) by striking "is authorized to" and inserting "shall"; and

(2) by striking "sciences," and inserting "sciences, including public health practitioners.".

(c) **NATIONAL CENTERS.**—Subsection (c) of section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended—

(1) in paragraph (1), by striking "for"; and

(2) by amending paragraph (2) to read as follows:

"(2) The centers shall focus on—

"(A) areas related to agency missions, including use of marine organisms and habitats as indicators for marine environmental health, impacts of climate change on ocean

health threats, ocean pollutants, marine toxins and pathogens, harmful algal blooms, hypoxia, seafood safety and quality, identification of potential marine products, and biology and pathobiology of marine mammals, corals, and other marine organisms; and

“(B) supporting disciplines including marine genomics, marine environmental microbiology, ecological chemistry, and conservation medicine.”.

(d) EXTRAMURAL RESEARCH GRANTS.—Subsection (d) of section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended by adding at the end the following:

“(3) Grants under this subsection shall support research to improve understanding of processes within the ocean that may affect human and marine animal health and to explore the potential contribution of marine organisms to medicine and research, including—

“(A) vector-, water-, and food-borne diseases of humans and marine organisms, including marine mammals, corals, and fish;

“(B) health effects for humans and marine organisms associated with climate change impacts in ocean, coastal, and Great Lakes waters;

“(C) marine-derived pharmaceuticals and other natural products;

“(D) marine organisms and habitats as models for biomedical research and as indicators of human health and well being and marine environmental health;

“(E) marine environmental microbiology;

“(F) legacy and emerging chemicals of concern, including bioaccumulative and endocrine-disrupting chemical contaminants;

“(G) predictive models based on indicators of marine environmental health or public health threats;

“(H) cataloging and interpreting microbes and understanding microbial functions in ecosystems and impacts on human and marine health; and

“(I) social, economic, and behavioral studies of relationships between the condition of oceans, coasts, and Great Lakes, and human health and well-being.”.

(e) DISTINGUISHED SCHOLARS; COOPERATIVE AGREEMENTS.—Section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended by adding at the end the following:

“(f) DISTINGUISHED SCHOLARS.—The Secretary of Commerce is authorized to establish a competitive program to recognize highly distinguished external scientists in any area of oceans and human health research and to involve those scientists in collaborative work with the Oceans and Human Health Initiative of the National Oceanic and Atmospheric Administration.

“(g) COOPERATIVE AGREEMENTS.—The Secretary of Commerce may execute and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out this section.”.

SEC. 4. PUBLIC INFORMATION AND OUTREACH.

(a) IN GENERAL.—Subsection (a) of section 904 of the Oceans and Human Health Act (33 U.S.C. 3103) is amended by striking “program,” and inserting “and institutions of higher education.”.

(b) REPORT.—Subsection (b) of section 904 of the Oceans and Human Health Act (33 U.S.C. 3103) is amended to read as follows:

“(b) REPORT.—

“(1) REQUIREMENT.—The Secretary of Commerce shall submit to Congress a biennial report reviewing the results of the research, assessments, and findings developed under the Oceans and Human Health Initiative of the National Oceanic and Atmospheric Administration. Each such report shall—

“(A) describe the projects, products, and programs funded under the Initiative;

“(B) describe the work of the Advisory Committee and the manner in which the program is meeting development and implementation recommendations for the program; and

“(C) include recommendations for improving or expanding the program.

“(2) COMBINED REPORTS.—Each report required by paragraph (1) may be combined with the National Ocean and Atmospheric Administration’s input to the biennial inter-agency report required by section 902(d).”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 905 of the Oceans and Human Health Act (33 U.S.C. 3104) is amended—

(1) by striking “2005 through 2008” and inserting “2010 through 2014”; and

(2) by inserting “, distinguished scholar,” after “grant”.

By Mr. CORKER (for himself, Mr. NELSON of Florida, Mrs. SHAHEEN, Ms. SNOWE, Mr. ISAKSON, and Mr. WICKER):

S. 1253. A bill to address reimbursement of certain costs to automobile dealers; to the Committee on the Judiciary.

Mr. CORKER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1253

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Automobile Dealers Assistance Act of 2009”.

SEC. 2. REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agency, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer’s or distributor’s proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer’s distributor for—

(1) the cost incurred by such dealers during the 9-month period preceding the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer’s distributor is commenced, in acquisition of all parts and inventory in the dealer’s possession on on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer’s distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer’s distributor arising during that 9-month period, including, without limitation, franchise agreement or dealer agreements.

(b) INCLUSION IN TERMS.—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer’s distributor and the Government (or any agency, department, or

subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer’s distributor to obtain credit under section 364 of title 11, United States Code, unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) EFFECTIVENESS OF REJECTION.—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer’s distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

By Ms. CANTWELL (for herself and Mr. KOHL):

S. 1256. A bill to amend title XIX of the Social Security Act to establish financial incentives for States to expand the provision of long-term services and supports to Medicaid beneficiaries who do not reside in an institution, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Home and Community Balanced Incentives Act of 2009, together with my colleague from Wisconsin, Senator KOHL. As we in the Senate embark on reforming America’s health care system, we cannot forget those who are dependent on daily care in order to survive: those in long-term care. Long-term care provides health care and daily living services to the elderly and disabled population, providing them with the ability to live happy, productive lives that age, illness and disability would otherwise prevent.

In 2007, the U.S. spent close to \$109 billion on long term institutional care services under the Medicaid program; in my state of Washington it was approximately \$2 billion. This amount represents more than 30 percent of all Medicaid payments, and is a number we can easily reduce. This legislation seeks to rebalance how states handle long term care by providing the tools they need to shift people out of expensive institutional care facilities and into home and community based care, where they can remain vibrant, active members of their community.

As Dorothy from the Wizard of Oz once said: There is no place like home. I could not agree more, which is why I believe in providing individuals and families with the option to remain in their home, where studies have shown the overall quality of life is far superior to that in an institutional facility. Additionally, home and community based care is far more cost efficient than institutional care; by diverting just 5 percent of the long term care community away from institutional care and into home and community based services, we would see a net savings of more than \$10 billion dollars

over five years. In a time when rising health care spending plays such a pivotal role in the health of the overall economy, these savings represent a giant step towards reining in unnecessary health care spending.

The Home and Community Balanced Incentives Act would achieve the goal of transitioning to home and community based services by offering states modest increases to their federal medical assistance payment, FMAP, for home and community based services. States would have to use these increases to develop the programs needed to provide effective home and community based services. These services will reduce barriers that currently prohibit people from accessing home and community based services.

This bill succeeds in not only saving the Medicaid program a significant amount of money, but it will empower families to make informed decisions about their long term care needs.

Specifically, this bill would: improve case management to help people remain in their homes and communities and out of nursing homes; provide consumer empowerment helping to put individuals in charge of their care; provide a coordinated transition structure for those wishing to leave institutional care and return to their homes and communities; create a clear and well coordinated system for providing long term care information and support; improve methodology for determining eligibility and tracking provider data on services and quality outcomes.

Senator KOHL and I are excited to introduce this important legislation and to begin working with our colleagues on improving the long term care system in America.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1256

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Home and Community Balanced Incentives Act of 2009”.

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

Sec. 1. Short title; table of contents.

TITLE I—BALANCING INCENTIVES

Sec. 101. Enhanced FMAP for expanding the provision of non-institutionally-based long-term services and supports.

TITLE II—STRENGTHENING THE MEDICAID HOME AND COMMUNITY-BASED STATE PLAN AMENDMENT OPTION

Sec. 201. Removal of barriers to providing home and community-based services under State plan amendment option for individuals in need.

Sec. 202. Mandatory application of spousal impoverishment protections to recipients of home and community-based services.

Sec. 203. State authority to elect to exclude up to 6 months of average cost of nursing facility services from assets or resources for purposes of eligibility for home and community-based services.

TITLE III—COORDINATION OF HOME AND COMMUNITY-BASED WAIVERS

Sec. 301. Streamlined process for combined waivers under subsections (b) and (c) of section 1915.

TITLE I—BALANCING INCENTIVES

SEC. 101. ENHANCED FMAP FOR EXPANDING THE PROVISION OF NON-INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.

(a) **ENHANCED FMAP TO ENCOURAGE EXPANSION.**—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in the first sentence of subsection (b)—
 (A) by striking “, and (4)” and inserting “, (4)”;

(B) by inserting before the period the following: “, and (5) in the case of a balancing incentive payment State, as defined in subsection (y)(1), that meets the conditions described in subsection (y)(2), the Federal medical assistance percentage shall be increased by the applicable number of percentage points determined under subsection (y)(3) for the State with respect to medical assistance described in subsection (y)(4)”;

(2) by adding at the end the following new subsection:

“(y) **STATE BALANCING INCENTIVE PAYMENTS PROGRAM.**—For purposes of clause (5) of the first sentence of subsection (b):

“(1) **BALANCING INCENTIVE PAYMENT STATE.**—A balancing incentive payment State is a State—

“(A) in which less than 50 percent of the total expenditures for medical assistance for fiscal year 2009 for long-term services and supports (as defined by the Secretary, subject to paragraph (5)) are for non-institutionally-based long-term services and supports described in paragraph (5)(B);

“(B) that submits an application and meets the conditions described in paragraph (2); and

“(C) that is selected by the Secretary to participate in the State balancing incentive payment program established under this subsection.

“(2) **CONDITIONS.**—The conditions described in this paragraph are the following:

“(A) **APPLICATION.**—The State submits an application to the Secretary that includes the following:

“(i) A description of the availability of non-institutionally-based long-term services and supports described in paragraph (5)(B) available (for fiscal years beginning with fiscal year 2009).

“(ii) A description of eligibility requirements for receipt of such services.

“(iii) A projection of the number of additional individuals that the State expects to provide with such services to during the 5-fiscal year period that begins with fiscal year 2011.

“(iv) An assurance of the State’s commitment to a consumer-directed long-term services and supports system that values quality of life in addition to quality of care and in which beneficiaries are empowered to choose providers and direct their own care as much as possible.

“(v) A proposed budget that details the State’s plan to expand and diversify medical

assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) during such 5-fiscal year period, and that includes—

“(I) a description of the new or expanded offerings of such services that the State will provide; and

“(II) the projected costs of the services identified in subclause (I).

“(vi) A description of how the State intends to achieve the target spending percentage applicable to the State under subparagraph (B).

“(vii) An assurance that the State will not use Federal funds, revenues described in section 1903(w)(1), or revenues obtained through the imposition of beneficiary cost-sharing for medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) for the non-federal share of expenditures for medical assistance described in paragraph (4).

“(B) **TARGET SPENDING PERCENTAGES.**—

“(i) In the case of a balancing incentive payment State in which less than 25 percent of the total expenditures for home and community-based services under the State plan and the various waiver authorities for fiscal year 2009 are for such services, the target spending percentage for the State to achieve by not later than October 1, 2015, is that 25 percent of the total expenditures for home and community-based services under the State plan and the various waiver authorities are for such services.

“(ii) In the case of any other balancing incentive payment State, the target spending percentage for the State to achieve by not later than October 1, 2015, is that 50 percent of the total expenditures for home and community-based services under the State plan and the various waiver authorities are for such services.

“(C) **MAINTENANCE OF ELIGIBILITY REQUIREMENTS.**—The State does not apply eligibility standards, methodologies, or procedures for determining eligibility for medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) that are more restrictive than the eligibility standards, methodologies, or procedures in effect for such purposes on December 31, 2010.

“(D) **USE OF ADDITIONAL FUNDS.**—The State agrees to use the additional Federal funds paid to the State as a result of this subsection only for purposes of providing new or expanded offerings of non-institutionally-based long-term services and supports described in paragraph (5)(B) (including expansion through offering such services to increased numbers of beneficiaries of medical assistance under this title).

“(E) **STRUCTURAL CHANGES.**—The State agrees to make, not later than the end of the 6-month period that begins on the date the State submits and application under this paragraph, such changes to the administration of the State plan (and, if applicable, to waivers approved for the State that involve the provision of long-term care services and supports) as the Secretary determines, by regulation or otherwise, are essential to achieving an improved balance between the provision of non-institutionally-based long-term services and supports described in paragraph (5)(B) and other long-term services and supports, and which shall include the following:

“(i) **‘NO WRONG DOOR’—SINGLE ENTRY POINT SYSTEM.**—Development of a statewide system to enable consumers to access all long-term services and supports through an agency, organization, coordinated network, or portal,

in accordance with such standards as the State shall establish and that—

“(I) shall require such agency, organization, network, or portal to provide—

“(aa) consumers with information regarding the availability of such services, how to apply for such services, and other referral services; and

“(bb) information regarding, and make recommendations for, providers of such services; and

“(II) may, at State option, permit such agency, organization, network, or portal to—

“(aa) determine financial and functional eligibility for such services and supports; and

“(bb) provide or refer eligible individuals to services and supports otherwise available in the community (under programs other than the State program under this title), such as housing, job training, and transportation.

“(ii) PRESUMPTIVE ELIGIBILITY.—At the option of the State, provision of a 60-day period of presumptive eligibility for medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) for any individual whom the State has reason to believe will qualify for such medical assistance (provided that any expenditures for such medical assistance during such period are disregarded for purposes of determining the rate of erroneous excess payments for medical assistance under section 1903(u)(1)(D)).

“(iii) CASE MANAGEMENT.—Development, in accordance with guidance from the Secretary, of conflict-free case management services to—

“(I) address transitioning from receipt of institutionally-based long-term services and supports described in paragraph (5)(A) to receipt of non-institutionally-based long-term services and supports described in paragraph (5)(B); and

“(II) in conjunction with the beneficiary, assess the beneficiary’s needs and, if appropriate, the needs of family caregivers for the beneficiary, and develop a service plan, arrange for services and supports, support the beneficiary (and, if appropriate, the caregivers) in directing the provision of services and supports, for the beneficiary, and conduct ongoing monitoring to assure that services and supports are delivered to meet the beneficiary’s needs and achieve intended outcomes.

“(iv) CORE STANDARDIZED ASSESSMENT INSTRUMENTS.—Development of core standardized assessment instruments for determining eligibility for non-institutionally-based long-term services and supports described in paragraph (5)(B), which shall be used in a uniform manner throughout the State, to—

“(I) assess a beneficiary’s eligibility and functional level in terms of relevant areas that may include medical, cognitive, and behavioral status, as well as daily living skills, and vocational and communication skills;

“(II) based on the assessment conducted under subclause (I), determine a beneficiary’s needs for training, support services, medical care, transportation, and other services, and develop an individual service plan to address such needs;

“(III) conduct ongoing monitoring based on the service plan; and

“(IV) require reporting of collect data for purposes of comparison among different service models.

“(F) DATA COLLECTION.—Collecting from providers of services and through such other means as the State determines appropriate the following data:

“(i) SERVICES DATA.—Services data from providers of non-institutionally-based long-term services and supports described in paragraph (5)(B) on a per-beneficiary basis and in accordance with such standardized coding procedures as the State shall establish in consultation with the Secretary.

“(ii) QUALITY DATA.—Quality data on a selected set of core quality measures agreed upon by the Secretary and the State that are linked to population-specific outcomes measures and accessible to providers.

“(iii) OUTCOMES MEASURES.—Outcomes measures data on a selected set of core population-specific outcomes measures agreed upon by the Secretary and the State that are accessible to providers and include—

“(I) measures of beneficiary and family caregiver experience with providers;

“(II) measures of beneficiary and family caregiver satisfaction with services; and

“(III) measures for achieving desired outcomes appropriate to a specific beneficiary, including employment, participation in community life, health stability, and prevention of loss in function.

“(3) APPLICABLE NUMBER OF PERCENTAGE POINTS INCREASE IN FMAP.—The applicable number of percentage points are—

“(A) in the case of a balancing incentive payment State subject to the target spending percentage described in paragraph (2)(B)(i), 5 percentage points; and

“(B) in the case of any other balancing incentive payment State, 2 percentage points.

“(4) ELIGIBLE MEDICAL ASSISTANCE EXPENDITURES.—

“(A) IN GENERAL.—Subject to subparagraph (B), medical assistance described in this paragraph is medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) that is provided during the period that begins on October 1, 2011, and ends on September 30, 2015.

“(B) LIMITATION ON PAYMENTS.—In no case may the aggregate amount of payments made by the Secretary to balancing incentive payment States under this subsection during the period described in subparagraph (A), or to a State to which paragraph (6) of the first sentence of subsection (b) applies, exceed \$3,000,000,000.

“(5) LONG-TERM SERVICES AND SUPPORTS DEFINED.—In this subsection, the term ‘long-term services and supports’ has the meaning given that term by Secretary and shall include the following:

“(A) INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.—Services provided in an institution, including the following:

“(i) Nursing facility services.

“(ii) Services in an intermediate care facility for the mentally retarded described in subsection (a)(15).

“(B) NON-INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.—Services not provided in an institution, including the following:

“(i) Home and community-based services provided under subsection (c), (d), or (i), of section 1915 or under a waiver under section 1115.

“(ii) Home health care services.

“(iii) Personal care services.

“(iv) Services described in subsection (a)(26) (relating to PACE program services).

“(v) Self-directed personal assistance services described in section 1915(j)’. ”

(b) ENHANCED FMAP FOR CERTAIN STATES TO MAINTAIN THE PROVISION OF HOME AND COMMUNITY-BASED SERVICES.—The first sentence of section 1905(b) of such Act (42 U.S.C. 1396d (b)), as amended by subsection (a), is amended—

(1) by striking “, and (5)” and inserting “, (5)”;

(2) by inserting before the period the following: “, and (6) in the case of a State in which at least 50 percent of the total expenditures for medical assistance for fiscal year 2009 for long-term services and supports (as defined by the Secretary for purposes of subsection (y)) are for non-institutionally-based long-term services and supports described in subsection (y)(5)(B), and which satisfies the requirements of subparagraphs (A) (other than clauses (iii), (v), and (vi)), (C), and (F) of subsection (y)(2), and has implemented the structural changes described in each clause of subparagraph (E) of that subsection, the Federal medical assistance percentage shall be increased by 1 percentage point with respect to medical assistance described in subparagraph (A) of subsection (y)(4) (but subject to the limitation described in subparagraph (B) of that subsection)”.

(c) GRANTS TO SUPPORT STRUCTURAL CHANGES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall award grants to States for the following purposes:

(A) To support the development of common national set of coding methodologies and databases related to the provision of non-institutionally-based long-term services and supports described in paragraph (5)(B) of section 1905(y) of the Social Security Act (as added by subsection (a)).

(B) To make structural changes described in paragraph (2)(E) of section 1905(y) to the State Medicaid program.

(2) PRIORITY.—In awarding grants for the purpose described in paragraph (1)(A), the Secretary of Health and Human Services shall give priority to States in which at least 50 percent of the total expenditures for medical assistance under the State Medicaid program for fiscal year 2009 for long-term services and supports, as defined by the Secretary for purposes of section 1905(y) of the Social Security Act, are for non-institutionally-based long-term services and supports described in paragraph (5)(B) of such section.

(3) COLLABORATION.—States awarded a grant for the purpose described in paragraph (1)(A) shall collaborate with other States, the National Governor’s Association, the National Conference of State Legislatures, the National Association of State Medicaid Directors, the National Association of State Directors of Developmental Disabilities, and other appropriate organizations in developing specifications for a common national set of coding methodologies and databases.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2010 through 2012.

(d) AUTHORITY FOR INDIVIDUALIZED BUDGETS UNDER WAIVERS TO PROVIDE HOME AND COMMUNITY-BASED SERVICES.—In the case of any waiver to provide home and community-based services under subsection (c) or (d) of section 1915 of the Social Security Act (42 U.S.C. 1396n) or section 1115 of such Act (42 U.S.C. 1315), that is approved or renewed after the date of enactment of this Act, the Secretary of Health and Human Services shall permit a State to establish individualized budgets that identify the dollar value of the services and supports to be provided to an individual under the waiver.

(e) OVERSIGHT AND ASSESSMENT.—

(1) DEVELOPMENT OF STANDARDIZED REPORTING REQUIREMENTS.—

(A) STANDARDIZATION OF DATA AND OUTCOME MEASURES.—The Secretary of Health and

Human Services shall consult with States and the National Governor's Association, the National Conference of State Legislatures, the National Association of State Medicaid Directors, the National Association of State Directors of Developmental Disabilities, and other appropriate organizations to develop specifications for standardization of—

(i) reporting of assessment data for long-term services and supports (as defined by the Secretary for purposes of section 1905(y)(5) of the Social Security Act) for each population served, including information standardized for purposes of certified EHR technology (as defined in section 1903(t)(3)(A) of the Social Security Act (42 U.S.C. 1396b(t)(3)(A)) and under other electronic medical records initiatives; and

(ii) outcomes measures that track assessment processes for long-term services and supports (as so defined) for each such population that maintain and enhance individual function, independence, and stability.

(2) ADMINISTRATION OF HOME AND COMMUNITY SERVICES.—The Secretary of Health and Human Services shall promulgate regulations to ensure that all States develop service systems that are designed to—

(A) allocate resources for services in a manner that is responsive to the changing needs and choices of beneficiaries receiving non-institutionally-based long-term services and supports described in paragraph (5)(B) of section 1905(y) of the Social Security Act (as added by subsection (a)) (including such services and supports that are provided under programs other than the State Medicaid program), and that provides strategies for beneficiaries receiving such services to maximize their independence;

(B) provide the support and coordination needed for a beneficiary in need of such services (and their family caregivers or representative, if applicable) to design an individualized, self-directed, community-supported life; and

(C) improve coordination among all providers of such services under federally and State-funded programs in order to—

(i) achieve a more consistent administration of policies and procedures across programs in relation to the provision of such services; and

(ii) oversee and monitor all service system functions to assure—

(I) coordination of, and effectiveness of, eligibility determinations and individual assessments; and

(II) development and service monitoring of a complaint system, a management system, a system to qualify and monitor providers, and systems for role-setting and individual budget determinations.

(3) MONITORING.—The Secretary of Health and Human Services shall assess on an ongoing basis and based on measures specified by the Agency for Healthcare Research and Quality, the safety and quality of non-institutionally-based long-term services and supports described in paragraph (5)(B) of section 1905(y) of that Act provided to beneficiaries of such services and supports and outcomes with regard to such beneficiaries' experiences with such services. Such oversight shall include examination of—

(A) the consistency, or lack thereof, of such services in care plans as compared to those services that were actually delivered; and

(B) the length of time between when a beneficiary was assessed for such services, when the care plan was completed, and when the beneficiary started receiving such services.

(4) GAO STUDY AND REPORT.—The Comptroller General of the United States shall

study the longitudinal costs of Medicaid beneficiaries receiving long-term services and supports (as defined by the Secretary for purposes of section 1905(y)(5) of the Social Security Act) over 5-year periods across various programs, including the non-institutionally-based long-term services and supports described in paragraph (5)(B) of such section, PACE program services under section 1894 of the Social Security Act (42 U.S.C. 1395eee, 1396u–4), and services provided under specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act.

TITLE II—STRENGTHENING THE MEDICAID HOME AND COMMUNITY-BASED STATE PLAN AMENDMENT OPTION

SEC. 201. REMOVAL OF BARRIERS TO PROVIDING HOME AND COMMUNITY-BASED SERVICES UNDER STATE PLAN AMENDMENT OPTION FOR INDIVIDUALS IN NEED.

(a) PARITY WITH INCOME ELIGIBILITY STANDARD FOR INSTITUTIONALIZED INDIVIDUALS.—Paragraph (1) of section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)) is amended by striking “150 percent of the poverty line (as defined in section 2110(c)(5))” and inserting “300 percent of the supplemental security income benefit rate established by section 1611(b)(1)”.

(b) ADDITIONAL STATE OPTIONS.—Section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)) is amended by adding at the end the following new paragraphs:

“(6) STATE OPTION TO PROVIDE HOME AND COMMUNITY-BASED SERVICES TO INDIVIDUALS ELIGIBLE FOR SERVICES UNDER A WAIVER.—

“(A) IN GENERAL.—A State that provides home and community-based services in accordance with this subsection to individuals who satisfy the needs-based criteria for the receipt of such services established under paragraph (1)(A) may, in addition to continuing to provide such services to such individuals, elect to provide home and community-based services in accordance with the requirements of this paragraph to individuals who are eligible for home and community-based services under a waiver approved for the State under subsection (c), (d), or (e) or under section 1115 to provide such services, but only for those individuals whose income does not exceed 300 percent of the supplemental security income benefit rate established by section 1611(b)(1).

“(B) APPLICATION OF SAME REQUIREMENTS FOR INDIVIDUALS SATISFYING NEEDS-BASED CRITERIA.—Subject to subparagraph (C), a State shall provide home and community-based services to individuals under this paragraph in the same manner and subject to the same requirements as apply under the other paragraphs of this subsection to the provision of home and community-based services to individuals who satisfy the needs-based criteria established under paragraph (1)(A).

“(C) AUTHORITY TO OFFER DIFFERENT TYPE, AMOUNT, DURATION, OR SCOPE OF HOME AND COMMUNITY-BASED SERVICES.—A State may offer home and community-based services to individuals under this paragraph that differ in type, amount, duration, or scope from the home and community-based services offered for individuals who satisfy the needs-based criteria established under paragraph (1)(A), so long as such services are within the scope of services described in paragraph (4)(B) of subsection (c) for which the Secretary has the authority to approve a waiver and do not include room or board.

“(7) STATE OPTION TO OFFER HOME AND COMMUNITY-BASED SERVICES TO SPECIFIC, TARGETED POPULATIONS.—

“(A) IN GENERAL.—A State may elect in a State plan amendment under this subsection to target the provision of home and community-based services under this subsection to specific populations and to differ the type, amount, duration, or scope of such services to such specific populations.

“(B) 5-YEAR TERM.—

“(i) IN GENERAL.—An election by a State under this paragraph shall be for a period of 5 years.

“(ii) PHASE-IN OF SERVICES AND ELIGIBILITY PERMITTED DURING INITIAL 5-YEAR PERIOD.—A State making an election under this paragraph may, during the first 5-year period for which the election is made, phase-in the enrollment of eligible individuals, or the provision of services to such individuals, or both, so long as all eligible individuals in the State for such services are enrolled, and all such services are provided, before the end of the initial 5-year period.

“(C) RENEWAL.—An election by a State under this paragraph may be renewed for additional 5-year terms if the Secretary determines, prior to beginning of each such renewal period, that the State has—

“(i) adhered to the requirements of this subsection and paragraph in providing services under such an election; and

“(ii) met the State's objectives with respect to quality improvement and beneficiary outcomes.”.

(c) REMOVAL OF LIMITATION ON SCOPE OF SERVICES.—Paragraph (1) of section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)), as amended by subsection (a), is amended by striking “or such other services requested by the State as the Secretary may approve”.

(d) OPTIONAL ELIGIBILITY CATEGORY TO PROVIDE FULL MEDICAID BENEFITS TO INDIVIDUALS RECEIVING HOME AND COMMUNITY-BASED SERVICES UNDER A STATE PLAN AMENDMENT.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVIII), by striking “or” at the end;

(B) in subclause (XIX), by adding “or” at the end; and

(C) by inserting after subclause (XIX), the following new subclause:

“(XX) who are eligible for home and community-based services under needs-based criteria established under paragraph (1)(A) of section 1915(i), or who are eligible for home and community-based services under paragraph (6) of such section, and who will receive home and community-based services pursuant to a State plan amendment under such subsection;”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting “1902(a)(10)(A)(ii)(XX),” after “1902(a)(10)(A)(ii)(XIX),”.

(B) Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (xii), by striking “or” at the end;

(ii) in clause (xiii), by adding “or” at the end; and

(iii) by inserting after clause (xiii) the following new clause:

“(xiv) individuals who are eligible for home and community-based services under needs-based criteria established under paragraph (1)(A) of section 1915(i), or who are eligible for home and community-based services under paragraph (6) of such section, and who will receive home and community-based

services pursuant to a State plan amendment under such subsection.”.

(e) **ELIMINATION OF OPTION TO LIMIT NUMBER OF ELIGIBLE INDIVIDUALS OR LENGTH OF PERIOD FOR GRANDFATHERED INDIVIDUALS IF ELIGIBILITY CRITERIA IS MODIFIED.**—Paragraph (1) of section 1915(i) of such Act (42 U.S.C. 1396n(i)) is amended—

(1) by striking subparagraph (C) and inserting the following:

“(C) **PROJECTION OF NUMBER OF INDIVIDUALS TO BE PROVIDED HOME AND COMMUNITY-BASED SERVICES.**—The State submits to the Secretary, in such form and manner, and upon such frequency as the Secretary shall specify, the projected number of individuals to be provided home and community-based services.”; and

(2) in subclause (II) of subparagraph (D)(ii), by striking “to be eligible for such services for a period of at least 12 months beginning on the date the individual first received medical assistance for such services” and inserting “to continue to be eligible for such services after the effective date of the modification and until such time as the individual no longer meets the standard for receipt of such services under such pre-modified criteria”.

(f) **ELIMINATION OF OPTION TO WAIVE STATEWIDENESS; ADDITION OF OPTION TO WAIVE COMPARABILITY.**—Paragraph (3) of section 1915(i) of such Act (42 U.S.C. 1396n(3)) is amended by striking “1902(a)(1) (relating to statewideness)” and inserting “1902(a)(10)(B) (relating to comparability)”.

(g) **EFFECTIVE DATE.**—The amendments made by this section take effect on the first day of the first fiscal year quarter that begins after the date of enactment of this Act.

SEC. 202. MANDATORY APPLICATION OF SPOUSAL IMPOVERISHMENT PROTECTIONS TO RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.

(a) **IN GENERAL.**—Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r-5(h)(1)(A)) is amended by striking “(at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI)” and inserting “is eligible for medical assistance for home and community-based services under subsection (c), (d), (e), or (i) of section 1915”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect on October 1, 2009.

SEC. 203. STATE AUTHORITY TO ELECT TO EXCLUDE UP TO 6 MONTHS OF AVERAGE COST OF NURSING FACILITY SERVICES FROM ASSETS OR RESOURCES FOR PURPOSES OF ELIGIBILITY FOR HOME AND COMMUNITY-BASED SERVICES.

(a) **IN GENERAL.**—Section 1917 of the Social Security Act (42 U.S.C. 1396p) is amended by adding at the end the following new subsection:

“(i) **STATE AUTHORITY TO EXCLUDE UP TO 6 MONTHS OF AVERAGE COST OF NURSING FACILITY SERVICES FROM HOME AND COMMUNITY-BASED SERVICES ELIGIBILITY DETERMINATIONS.**—Nothing in this section or any other provision of this title, shall be construed as prohibiting a State from excluding from any determination of an individual’s assets or resources for purposes of determining the eligibility of the individual for medical assistance for home and community-based services under subsection (c), (d), (e), or (i) of section 1915 (if a State imposes an limitation on assets or resources for purposes of eligibility for such services), an amount equal to the product of the amount applicable under subsection (c)(1)(E)(ii)(II) (at the time such determination is made) and such number, not to exceed 6, as the State may elect.”.

(b) **RULE OF CONSTRUCTION.**—Nothing in the amendment made by subsection (a) shall be

construed as affecting a State’s option to apply less restrictive methodologies under section 1902(r)(2) for purposes of determining income and resource eligibility for individuals specified in that section.

TITLE III—COORDINATION OF HOME AND COMMUNITY-BASED WAIVERS

SEC. 301. STREAMLINED PROCESS FOR COMBINED WAIVERS UNDER SUBSECTIONS (B) AND (C) OF SECTION 1915.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall create a template to streamline the process of approving, monitoring, evaluating, and renewing State proposals to conduct a program that combines the waiver authority provided under subsections (b) and (c) of section 1915 of the Social Security Act (42 U.S.C. 1396n) into a single program under which the State provides home and community-based services to individuals based on individualized assessments and care plans (in this section referred to as the “combined waivers program”). The template required under this section shall provide for the following:

(1) A standard 5-year term for conducting a combined waivers program.

(2) Harmonization of any requirements under subsections (b) and (c) of such section that overlap.

(3) An option for States to elect, during the first 5-year term for which the combined waivers program is approved to phase-in the enrollment of eligible individuals, or the provision of services to such individuals, or both, so long as all eligible individuals in the State for such services are enrolled, and all such services are provided, before the end of the initial 5-year period.

(4) Examination by the Secretary, prior to each renewal of a combined waivers program, of how well the State has—

(A) adhered to the combined waivers program requirements; and

(B) performed in meeting the State’s objectives for the combined waivers program, including with respect to quality improvement and beneficiary outcomes.

By Ms. CANTWELL (for herself and Ms. STABENOW):

S. 1257. A bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce Project 2020: Building on the Promise of Home and Community-Based Services Act with my colleague from Michigan, Senator STABENOW. By the year 2020, almost 1 in 6 Americans will be over the age of 65 and the population of people over the age of 85, the fastest growing segment of the population, will double. Our current long term care financing structure is unsustainable as the population in need of such services rapidly increases. As such, we must turn our focus to reforming the long term care system to provide the best care available to this vulnerable population.

The average cost of a nursing home in this country is \$70,000 a year, mak-

ing this an unrealistic option for most Americans. In fact, most people who end up in a nursing home last just six months before they have spent so much they become poor enough to qualify for Medicaid. This situation is expensive for consumers, for states, and for the federal government. Fortunately, there is a clear answer. It costs Medicaid one third as much to provide someone with home and community based care as it would cost to care for them in a nursing home. In addition, most people want to stay in their own home or community whenever possible. An independent analysis conducted by the Lewin Group shows that Project 2020 would reach over 40 million Americans, while simultaneously reducing Medicare and Medicaid costs by more than \$2.8 billion over 5 years.

Project 2020 addresses the urgent need to shift away from institutional care and towards home and community based services in three distinct ways: through enhanced nursing home diversion; by increasing the use of person-centered access to information; and by utilizing evidence-based disease and injury prevention. As I previously mentioned, increased nursing home diversion will not only provide significant savings to the Medicaid program, it will also allow families to stay together and let people be active members of their communities. Through the creation of a person-center access point to information, consumers, family members, and caregivers will be given the tools necessary to make well informed decisions about long term care. Finally, this bill will provide for programs that help consumers get proven education about avoiding preventable diseased and injuries, such as falls and malnutrition, which result in thousands of unnecessary hospitalizations every year.

As you can see, these three programs constitute a common-sense, multifaceted approach to improving the quality of life of individuals and their families, while providing a substantial amount of savings to the health care system.

I am pleased to introduce this important legislation along with my colleague Senator STABENOW and I look forward to working with the rest of my Senate colleagues to provide families with the long term care services and support they need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1257

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Project 2020: Building on the Promise of Home and Community-Based Services Act of 2009”.

SEC. 2. LONG-TERM SERVICES AND SUPPORTS.

The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following:

“TITLE XXII—LONG-TERM SERVICES AND SUPPORTS**“SEC. 2201. DEFINITIONS.**

“Except as otherwise provided, the terms used in this title have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

“Subtitle A—Single-Entry Point System Program**“SEC. 2211. STATE SINGLE-ENTRY POINT SYSTEMS.**

“(a) DEFINITIONS.—In this title:

“(1) LONG-TERM SERVICES AND SUPPORTS.—The term ‘long-term services and supports’ means any service (including a disease prevention and health promotion service, an in-home service, or a case management service), care, or item (including an assistive device) that is—

“(A) intended to assist individuals in coping with, and, to the extent practicable, compensating for, functional impairment in carrying out activities of daily living;

“(B) furnished at home, in a community care setting, including a small community care setting (as defined in section 1929(g)(1)) and a large community care setting (as defined in section 1929(h)(1)), or in a long-term care facility; and

“(C) not furnished to diagnose, treat, or cure a medical disease or condition.

“(2) SINGLE-ENTRY POINT SYSTEM.—The term ‘single-entry point system’ means any coordinated system for providing—

“(A) comprehensive information to consumers and caregivers on the full range of available public and private long-term services and supports, options, service providers, and resources, including information on the availability of integrated long-term care, including consumer directed care options;

“(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

“(C) consumers and caregivers access to the range of publicly supported and privately supported long-term services and supports that are available.

“(b) PROGRAM.—The Secretary shall establish and carry out a single-entry point system program. In carrying out the program, the Secretary shall make grants to States, from allotments described in subsection (c), to pay for the Federal share of the cost of establishing State single-entry point systems.

“(c) ALLOTMENTS.—

“(1) ALLOTMENTS TO INDIAN TRIBES AND TERRITORIES.—

“(A) RESERVATION.—The Secretary shall reserve from the funds made available under subsection (g)—

“(i) for fiscal year 2010, \$1,962,456; and

“(ii) for each subsequent fiscal year, \$1,962,456, increased by the percentage increase in the Consumer Price Index for All Urban Consumers, between October of the fiscal year preceding the subsequent fiscal year and October, 2007.

“(B) ALLOTMENTS.—The Secretary shall use the funds reserved under subparagraph (A) to make allotments to—

“(i) Indian tribes; and

“(ii) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

“(2) ALLOTMENTS TO STATES.—

“(A) IN GENERAL.—

“(i) AMOUNT.—The Secretary shall allot to each eligible State for a fiscal year the sum of the fixed amount determined under subparagraph (B), and the allocation determined under subparagraph (C), for the State.

“(ii) SUBGRANTS TO AREA AGENCIES ON AGING.—

“(I) IN GENERAL.—Each State agency receiving an allotment under clause (i) shall use such allotment to make subgrants to area agencies on aging that can demonstrate performance capacity to carry out activities described in this section whether such area agency on aging carries out the activities directly or through contract with an aging network or disability entity. An area agency on aging desiring a subgrant shall establish or designate a collaborative board to ensure meaningful involvement of stakeholders in the development, planning, implementation, and evaluation of a single-entry point system consistent with the following:

“(aa) The collaborative board shall be composed of—

“(AA) individuals representing all populations served by the agency’s single-entry point system, including older adults and individuals from diverse backgrounds who have a disability or a chronic condition requiring long-term support;

“(BB) a representative from the local center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)), and representatives from other organizations that provide services to the individuals served by the system and those who advocate on behalf of such individuals; and

“(CC) representatives of the government and non-governmental agencies that are affected by the system.

“(bb) The agency shall work in conjunction with the collaborative board on—

“(AA) the design and operations of the single-entry point system;

“(BB) stakeholder input; and

“(CC) other program and policy development issues related to the single-entry point system.

“(cc) An advisory board established under the Real Choice Systems Change Program or for an existing single-entry point system may be used to carry out the activities of a collaborative board under this subclause if such advisory board meets the requirements under item (aa).

“(II) SUBGRANTS TO OTHER ENTITIES.—A State agency may make subgrants described in subclause (I) to other qualified aging network or disability entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

“(III) SUBGRANTEE RECIPIENT SUBGRANTS.—An administrator of a single-entry point system established by a State receiving an allotment under clause (i) shall make any necessary subgrants to key partners involved in developing, planning, or implementing the single-entry point system. Such partners may include centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)).

“(B) FIXED AMOUNTS FOR STATES.—

“(i) RESERVATION.—The Secretary shall reserve from the funds made available under subsection (g)—

“(I) for fiscal year 2010, \$15,759,000; and

“(II) for each subsequent fiscal year, \$15,759,000, increased by the percentage increase in the Consumer Price Index for All

Urban Consumers, between October of the fiscal year preceding the subsequent fiscal year and October, 2007.

“(ii) FIXED AMOUNTS.—The Secretary shall use the funds reserved under clause (i) to provide equal fixed amounts to the States.

“(C) ALLOCATION FOR STATES.—The Secretary shall allocate to each eligible State for a fiscal year an amount that bears the same relationship to the funds made available under subsection (g) (and not reserved under paragraph (1) or subparagraph (B)) for that fiscal year as the number of persons who are either older individuals or individuals with disabilities in that State bears to the number of such persons or individuals in all the States.

“(D) DETERMINATION OF NUMBER OF PERSONS.—

“(i) OLDER INDIVIDUALS.—The number of older individuals in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Secretary.

“(ii) INDIVIDUALS WITH DISABILITIES.—The number of individuals with disabilities in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the American Community Survey, and other reliable demographic data satisfactory to the Secretary, on individuals who have a sensory disability, physical disability, mental disability, self-care disability, go-outside-home disability, or employment disability.

“(3) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for an aging and disability resource center is eligible for a grant under this section.

“(4) DEFINITION.—In this subsection, the term ‘State’ shall not include any jurisdiction described in paragraph (1)(B)(ii).

“(d) APPLICATIONS.—

“(1) IN GENERAL.—To be eligible to receive an initial grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, centers for independent living in the State, if any, and area agencies on aging in the State, if any, submit an application to the Secretary at such time, in such manner, and containing the following information:

“(A) Evidence of substantial involvement of stakeholders and agencies in the State that are administering programs that will be the subject of referrals.

“(B) The applicant’s plan for providing—

“(i) comprehensive information on the full range of available public and private long-term services and supports options, providers, and resources, including building awareness of the single-entry point system as a resource;

“(ii) objective, neutral, and personal information, counseling, and assistance to individuals and their caregivers in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care to meet their needs;

“(iii) for eligibility screening and referral for services;

“(iv) for stakeholder input;

“(v) for a management information system; and

“(vi) for an evaluation of the effectiveness of the single-entry point system.

“(C) A specification of the period of the grant request, which shall include not less than 3 consecutive fiscal years in the 5-fiscal-year-period beginning with fiscal year 2010.

“(D) Such other information as the Secretary determines appropriate.

“(2) APPLICATION FOR CONTINUATION.—

“(A) IN GENERAL.—A State that receives an initial grant under this section shall apply, after consulting and coordinating with the area agencies on aging, for a continuation of the initial grant, which includes a description of any significant changes to the information provided in the initial application and such data concerning performance measures related to the requirements in the initial application as the Secretary shall require.

“(B) EFFECT.—The requirement under subparagraph (A) shall be in effect through fiscal year 2020.

“(e) USE OF FUNDS.—

“(1) IN GENERAL.—A State that receives a grant under this section shall use the funds made available through the grant to—

“(A) establish a State single-entry point system, to enable older individuals and individuals with disabilities and their caregivers to obtain resources concerning long-term services and supports options; and

“(B) provide information on, access to, and assistance regarding long-term services and supports.

“(2) SERVICES.—In particular, the State single-entry point system shall be the referral source to—

“(A) provide information about long-term care planning and available long-term services and supports through a variety of media (such as websites, seminars, and pamphlets);

“(B) provide assistance with making decisions about long-term services and supports and determining the most appropriate services through options counseling, future financial planning, and case management;

“(C) provide streamlined access to and assistance with applying for federally funded long-term care benefits (including medical assistance under title XIX, Medicare skilled nursing facility services, services under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), the services of Aging and Disability Resource Centers), and State-funded and privately funded long-term care benefits, through efforts to shorten and simplify the eligibility processes for older individuals and individuals with disabilities;

“(D) provide referrals to the State evidence-based disease prevention and health promotion programs under subtitle B;

“(E) allocate the State funds available under subtitle C and carry out the State enhanced nursing home diversion program under subtitle C; and

“(F) and provide information about, other services available in the State that may assist an individual to remain in the community, including the Medicare and Medicaid programs, the State health insurance assistance program, the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), and the Low-Income Home Energy Assistance Program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), and such other services, as the State shall include.

“(3) COLLABORATIVE ARRANGEMENTS.—

“(A) CENTER FOR INDEPENDENT LIVING.—Each entity receiving an allotment under subsection (c) shall involve in the planning and implementation of the single-entry point system the local center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)), which provides information, referral, assistance, or services to individuals with disabilities.

“(B) OTHER ENTITIES.—To the extent practicable, the State single-entry point system shall enter into collaborative arrangements with aging and disability programs, service providers, agencies, the direct care work force, and other entities in order to ensure that information about such services may be made available to individuals accessing the State single-entry point system.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (b) shall be 75 percent.

“(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in-kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

“(g) FUNDING.—

“(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (2) to make the grants described in subsection (b).

“(2) FUNDING.—There are authorized to be appropriated to carry out this section—

“(A) \$30,900,000 for fiscal year 2010;

“(B) \$38,264,000 for fiscal year 2011;

“(C) \$48,410,000 for fiscal year 2012;

“(D) \$53,560,000 for fiscal year 2013;

“(E) \$63,860,000 for fiscal year 2014;

“(F) \$69,010,000 for fiscal year 2015;

“(G) \$74,160,000 for fiscal year 2016;

“(H) \$79,310,000 for fiscal year 2017;

“(I) \$84,460,000 for fiscal year 2018;

“(J) \$89,610,000 for fiscal year 2019; and

“(K) \$95,790,000 for fiscal year 2020.

“(3) AVAILABILITY.—Funds appropriated under paragraph (2) shall remain available until expended.

“**Subtitle B—Healthy Living Program**

“**SEC. 2221. EVIDENCE-BASED DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS.**

“(a) PROGRAM.—The Secretary shall establish and carry out a healthy living program. In carrying out the program, the Secretary shall make grants to State agencies, from allotments described in subsection (b), to pay for the Federal share of the cost of carrying out evidence-based disease prevention and health promotion programs.

“(b) ALLOTMENTS.—

“(1) ALLOTMENTS TO INDIAN TRIBES AND TERRITORIES.—

“(A) RESERVATION.—The Secretary shall reserve from the funds made available under subsection (g)—

“(i) for fiscal year 2010, \$1,500,952; and

“(ii) for each subsequent fiscal year, \$1,500,952, increased by the percentage increase in the Consumer Price Index for All Urban Consumers, between October of the fiscal year preceding the subsequent fiscal year and October, 2007.

“(B) ALLOTMENTS.—The Secretary shall use the reserved funds under subparagraph (A) to make allotments to—

“(i) Indian tribes; and

“(ii) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

“(2) IN GENERAL.—

“(A) AMOUNTS.—

“(i) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall allot to each eligible State for a fiscal year an amount that bears the same relationship to the funds made available under this section and not reserved under paragraph (1) for that fiscal year as the number of older individuals in the State bears to the number of older individuals in all the States.

“(ii) OLDER INDIVIDUALS.—The number of older individuals in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Secretary.

“(B) SUBGRANTS.—

“(i) IN GENERAL.—Each State agency that receives an amount under subparagraph (A) shall award subgrants to area agencies on aging that can demonstrate performance capacity to carry out activities under this section whether such area agency on aging carries out the activities directly or through contract with an aging network entity.

“(ii) SUBGRANTS TO OTHER ENTITIES.—A State agency may make subgrants described in clause (i) to other qualified aging network entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

“(3) MINIMUM ALLOTMENT.—No State shall receive an allotment under this section for a fiscal year that is less than 0.5 percent of the funds made available to carry out this section for that fiscal year and not reserved under paragraph (1).

“(4) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for evidence-based disease prevention is eligible for a grant under this section.

“(c) APPLICATIONS.—To be eligible to receive a grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, and area agencies on aging in the State, if any, submit an application to the Secretary at such time, in such manner, and containing the following information:

“(1) A description of the evidence-based disease prevention and health promotion program.

“(2) Sufficient information to demonstrate that the infrastructure exists to support the program.

“(3) A specification of the period of the grant request, which shall include not less than 3 consecutive fiscal years in the 5 fiscal year period beginning with fiscal year 2010.

“(4) Such other information as the Secretary determines appropriate.

“(d) APPLICATION FOR CONTINUATION.—

“(1) IN GENERAL.—A State that receives an initial grant under this section shall apply, after consulting and coordinating with the area agencies on aging, for a continuation of the initial grant, which application shall include—

“(A) a description of any significant changes to the information provided in the initial application; and

“(B) such data concerning performance measures related to the requirements in the initial application as the Secretary shall require.

“(2) EFFECT.—The requirement under paragraph (1) shall be in effect through fiscal year 2020.

“(e) USE OF FUNDS.—A State that receives a grant under this section shall use the funds made available through the grant to carry out—

“(1) an evidence-based chronic disease self-management program;

“(2) an evidence-based falls prevention program; or

“(3) another evidence-based disease prevention and health promotion program.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 85 percent.

“(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in-kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

“(g) FUNDING.—

“(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (2) to make the grants described in subsection (a).

“(2) FUNDING.—There are authorized to be appropriated to carry out this section—

“(A) \$36,050,000 for fiscal year 2010;

“(B) \$41,200,000 for fiscal year 2011;

“(C) \$56,650,000 for fiscal year 2012;

“(D) \$77,250,000 for fiscal year 2013;

“(E) \$92,700,000 for fiscal year 2014;

“(F) \$103,000,000 for fiscal year 2015;

“(G) \$118,450,000 for fiscal year 2016;

“(H) \$133,900,000 for fiscal year 2017;

“(I) \$149,350,000 for fiscal year 2018;

“(J) \$157,590,000 for fiscal year 2019; and

“(K) \$173,040,000 for fiscal year 2020.

“(3) AVAILABILITY.—Funds appropriated under paragraph (2) shall remain available until expended.

“Subtitle C—Diversion Programs

“SEC. 2231. ENHANCED NURSING HOME DIVERSION PROGRAMS.

“(a) DEFINITION.—In this section:

“(1) LOW-INCOME SENIOR.—The term ‘low-income senior’ means an individual who—

“(A) is age 75 or older; and

“(B) is from a household with a household income that is not less than 150 percent, and not more than 300 percent, of the poverty line.

“(2) NURSING HOME.—The term ‘nursing home’ means—

“(A) a skilled nursing facility, as defined in section 1819(a); or

“(B) a nursing facility, as defined in section 1919(a).

“(b) PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish and carry out a diversion program. In carrying out the program, the Secretary shall make grants to States, from allotments described in subsection (c), to pay for the Federal share of the cost of carrying out enhanced nursing home diversion programs.

“(2) COHORTS.—The Secretary shall make the grants to—

“(A) a first year cohort consisting of one third of the States, for fiscal year 2010;

“(B) a second year cohort consisting of the cohort described in subparagraph (A) and an additional one third of the States, for fiscal year 2011; and

“(C) a third year cohort consisting of all the eligible States, for fiscal year 2012 and each subsequent fiscal year.

“(3) READINESS.—In determining whether to include an eligible State in the first year, second year, or third year and subsequent year cohort, the Secretary shall consider the readiness of the State to carry out an enhanced nursing home diversion program under this section. Readiness shall be determined based on a consideration of the following factors:

“(A) Availability of a comprehensive array of home- and community-based services.

“(B) Sufficient home- and community-based services provider capacity.

“(C) Availability of housing.

“(D) Availability of supports for consumer-directed services, including whether a fiscal intermediary is in place.

“(E) Ability to perform timely eligibility determinations and assessment for services.

“(F) Existence of a quality assessment and improvement program for home and community-based services.

“(G) Such other factors as the Secretary determines appropriate.

“(c) ALLOTMENTS.—

“(1) IN GENERAL.—

“(A) AMOUNT.—The Secretary shall allot to an eligible State (within the applicable cohort) for a fiscal year an amount that bears the same relationship to the funds made available under subsection (1) for that fiscal year as the number of low-income seniors in the State bears to the number of low-income seniors within States in the applicable cohort for that fiscal year.

“(B) LOW-INCOME SENIORS.—The number of low-income seniors in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the American Community Survey, and other reliable demographic data satisfactory to the Secretary.

“(2) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for a nursing home diversion is eligible for a grant under this section.

“(d) APPLICATIONS.—To be eligible to receive a grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, and area agencies on aging in the State, if any, submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a specification of the period of the grant request, which shall include not less than 3 consecutive fiscal years in the 5 fiscal year period beginning with the fiscal year prior to the year of application.

“(e) APPLICATION FOR CONTINUATION.—

“(1) IN GENERAL.—A State that receives an initial grant under this section shall apply, after consulting and coordinating with the area agencies on aging, for a continuation of the initial grant, which application shall include—

“(A) a description of any significant changes to the information provided in the initial application; and

“(B) such data concerning performance measures related to the requirements in the initial application as the Secretary shall require.

“(2) EFFECT.—The requirement under paragraph (1) shall be in effect through fiscal year 2020.

“(f) USE OF FUNDS.—

“(1) IN GENERAL.—A State that receives a grant under this section shall carry out the following:

“(A) Use the funds made available through the grant to carry out an enhanced nursing home diversion program that enables eligible individuals to avoid admission into nursing homes by enabling the individuals to obtain alternative long-term services and supports and remain in their communities.

“(B) Award subgrants to area agencies on aging that can demonstrate performance capacity to carry out activities under this section whether such area agency on aging carries out the activities directly or through contract with an aging network entity. A State may make subgrants to other qualified aging network entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

“(2) CASE MANAGEMENT.—

“(A) IN GENERAL.—The State, through the State single-entry point system established under subtitle A, shall provide for case management services to the eligible individuals.

“(B) USE OF EXISTING SERVICES.—In carrying out subparagraph (A), the State agency or area agency on aging may utilize existing case management services delivery networks if—

“(i) the networks have adequate safeguards against potential conflicts of interest; and

“(ii) the State agency or area agency on aging includes a description of such safeguards in the grant application.

“(C) CARE PLAN.—The State shall provide for development of a care plan for each eligible individual served, in consultation with the eligible individual and their caregiver, as appropriate. In developing the care plan, the State shall explain the option of consumer directed care and assist an individual, who so requests, with developing a consumer-directed care plan that shall include arranging for support services and funding. Such assistance shall include providing information and outreach to individuals in the hospital, in a nursing home for post-acute care, or undergoing changes in their health status or caregiver situation.

“(g) ELIGIBLE INDIVIDUALS.—In this section, the term ‘eligible individual’ means an individual—

“(1) who has been determined by the State to be at high functional risk of nursing home placement, as defined by the State agency in the State agency’s grant application;

“(2) who is not eligible for medical assistance under title XIX; and

“(3) who meets the income and asset eligibility requirements established by the State and included in such State’s grant application for approval by the Secretary.

“(h) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (b) shall be, for a State and for a fiscal year, the sum of—

“(A) the Federal medical assistance percentage applicable to the State for the year under section 1905(b); and

“(B) 5 percentage points.

“(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in-kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

“(i) FUNDING.—

“(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (2) to make the grants described in subsection (b).

“(2) FUNDING.—There are authorized to be appropriated to carry out this section—

“(A) \$111,825,137 for fiscal year 2010;

“(B) \$337,525,753 for fiscal year 2011;

“(C) \$650,098,349 for fiscal year 2012;

“(D) \$865,801,631 for fiscal year 2013;

“(E) \$988,504,887 for fiscal year 2014;

“(F) \$1,124,547,250 for fiscal year 2015;

“(G) \$1,276,750,865 for fiscal year 2016;

“(H) \$1,364,488,901 for fiscal year 2017;

“(I) \$1,466,769,052 for fiscal year 2018;

“(J) \$1,712,755,702 for fiscal year 2019; and

“(K) \$1,712,755,702 for fiscal year 2020.

“(3) AVAILABILITY.—Funds appropriated under paragraph (2) shall remain available until expended.

“Subtitle D—Administration, Evaluation, and Technical Assistance

“SEC. 2241. ADMINISTRATION, EVALUATION, AND TECHNICAL ASSISTANCE.

“(a) ADMINISTRATION AND EXPENSES.—For purposes of carrying out this title, there are

authorized to be appropriated for administration and expenses—

- “(1) of the area agencies on aging—
- “(A) \$16,825,895 for fiscal year 2010;
- “(B) \$39,246,141 for fiscal year 2011;
- “(C) \$50,766,948 for fiscal year 2012;
- “(D) \$66,999,101 for fiscal year 2013;
- “(E) \$76,979,152 for fiscal year 2014;
- “(F) \$87,163,513 for fiscal year 2015;
- “(G) \$98,780,562 for fiscal year 2016;
- “(H) \$106,063,792 for fiscal year 2017;
- “(I) \$114,324,642 for fiscal year 2018;
- “(J) \$123,312,948 for fiscal year 2019; and
- “(K) \$133,215,845 for fiscal year 2020;
- “(2) of the State agencies—
- “(A) \$8,412,948 for fiscal year 2010;
- “(B) \$19,623,071 for fiscal year 2011;
- “(C) \$25,383,474 for fiscal year 2012;
- “(D) \$33,499,551 for fiscal year 2013;
- “(E) \$38,489,576 for fiscal year 2014;
- “(F) \$43,581,756 for fiscal year 2015;
- “(G) \$49,390,281 for fiscal year 2016;
- “(H) \$53,031,896 for fiscal year 2017;
- “(I) \$57,162,321 for fiscal year 2018;
- “(J) \$61,656,474 for fiscal year 2019; and
- “(K) \$66,607,923 for fiscal year 2020; and
- “(3) of the Administration—
- “(A) \$2,103,237 for fiscal year 2010;
- “(B) \$4,905,768 for fiscal year 2011;
- “(C) \$6,345,868 for fiscal year 2012;
- “(D) \$8,374,888 for fiscal year 2013;
- “(E) \$9,622,394 for fiscal year 2014;
- “(F) \$10,895,439 for fiscal year 2015;
- “(G) \$12,347,570 for fiscal year 2016;
- “(H) \$13,257,974 for fiscal year 2017;
- “(I) \$14,290,580 for fiscal year 2018;
- “(J) \$15,414,118 for fiscal year 2019; and
- “(K) \$16,651,981 for fiscal year 2020.

“(b) EVALUATION AND TECHNICAL ASSISTANCE.—

“(1) CONDITIONS TO RECEIPT OF GRANT.—In awarding grants under this title, the Secretary shall condition receipt of the grant for the second and subsequent grant years on a satisfactory determination that the State agency is meeting benchmarks specified in the grant agreement for each grant awarded under this title.

“(2) EVALUATIONS.—The Secretary shall measure and evaluate, either directly or through grants or contracts, the impact of the programs authorized under this title. Not later than June 1 of the year that is 6 years after the year of the date of enactment of the Project 2020: Building on the Promise of Home and Community-Based Services Act of 2009 and every 2 years thereafter, the Secretary shall—

“(A) compile the reports of the measures and evaluations of the grantees;

“(B) establish benchmarks to show progress toward savings; and

“(C) present a compilation of the information under this paragraph to Congress.

“(3) TECHNICAL ASSISTANCE GRANTS.—The Secretary shall award technical assistance grants, including State specific grants whenever practicable, to carry out the programs authorized under this title.

“(4) TRANSFER.—There are authorized to be appropriated for such evaluation and technical assistance under this subsection—

- “(A) \$4,206,474 for fiscal year 2010;
- “(B) \$9,811,535 for fiscal year 2011;
- “(C) \$8,461,158 for fiscal year 2012;
- “(D) \$11,166,517 for fiscal year 2013;
- “(E) \$12,829,859 for fiscal year 2014;
- “(F) \$14,527,252 for fiscal year 2015;
- “(G) \$16,463,427 for fiscal year 2016;
- “(H) \$17,677,299 for fiscal year 2017;
- “(I) \$19,054,107 for fiscal year 2018;
- “(J) \$20,552,158 for fiscal year 2019; and
- “(K) \$22,202,641 for fiscal year 2020.

“(c) AVAILABILITY.—Funds appropriated under this section shall remain available until expended.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 183—CELEBRATING THE LIFE AND ACHIEVEMENTS OF MILLARD FULLER, THE FOUNDER OF HABITAT FOR HUMANITY

Mr. SHELBY (for himself, Mr. SESSIONS, Mr. ISAKSON, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas Millard Fuller was born on January 3, 1935, in the small cotton-mill town of Lanett, in Chambers County, Alabama, and would later graduate from Auburn University and the University of Alabama School of Law;

Whereas Millard Fuller became a self-made millionaire by the age of 29 and could have lived out the rest of his life in comfort, but instead he and his wife sold all of their possessions, donated the proceeds to the poor, and began searching for a new purpose for their lives;

Whereas Millard Fuller and his wife established Habitat for Humanity in Americus, Georgia, in 1976;

Whereas Habitat for Humanity has constructed more than 300,000 homes for 1,500,000 people and has a presence in all 50 States, the District of Columbia, Guam, Puerto Rico, and more than 90 countries around the world;

Whereas Habitat for Humanity's noteworthy accomplishments include building 263 houses across the United States in 1 week and massive rebuilding efforts in New Orleans following Hurricane Katrina;

Whereas in 2005, Millard Fuller established The Fuller Center for Housing, which works with local organizations to provide support and guidance to repair and build homes for impoverished individuals and is located in 24 States and 15 countries on 5 continents;

Whereas Millard Fuller provided 3 decades of leadership and service to Habitat for Humanity and The Fuller Center for Housing, committing his life to philanthropy and service to others while raising global concern for homelessness and poverty;

Whereas Millard Fuller was honored with over 50 honorary doctorate degrees by colleges and universities throughout the United States and was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, by President William Jefferson Clinton in 1996; and

Whereas Millard Fuller passed away on February 3, 2009, leaving behind a loving wife, a proud family, and a legacy that will extend far beyond his life: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the life and achievements of Millard Fuller;

(2) acknowledges the millions of people he and his organization have served and the inspiration he has given to so many; and

(3) encourages all the people of the United States to recognize and pay tribute to Millard Fuller's life by following the example of service that he set.

SENATE RESOLUTION 184—OFFERING DEEPEST CONDOLENCES TO THE FAMILY AND FRIENDS OF OFFICER STEPHEN T. JOHNS AND CALLING ON THE LEADERS OF ALL NATIONS TO SPEAK OUT AGAINST THE MANIFESTATIONS OF ANTI-SEMITISM, BIGOTRY, AND HATRED

Mr. CARDIN (for himself, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. McCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. REID, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 184

Whereas the United States Holocaust Memorial Museum was established as a “living memorial that stimulates leaders and citizens to confront hatred, prevent genocide, promote human dignity, and strengthen democracy”;

Whereas, since the dedication of the United States Holocaust Memorial Museum in 1993, the United States Holocaust Memorial Museum has welcomed nearly 30,000,000 visitors, including more than 8,000,000 school children and 85 heads of state;

Whereas, on June 10, 2009, in an assault at the entrance of the United States Holocaust Memorial Museum, Officer Stephen T. Johns of Temple Hills, Maryland, was fatally wounded and died heroically in the line of duty;

Whereas, in the wake of this heinous act of violence, the people of the United States should renew the commitment to end bigotry, intolerance, and hatred; and

Whereas there is no place in the society of the United States for individuals who seek to harm or deny rights to others, especially based on religion, race, or ethnic identity: Now, therefore, be it

Resolved, That the Senate—

(1) offers deepest condolences to the family and friends of Officer Stephen T. Johns;

(2) commends the staff members of the United States Holocaust Memorial Museum for their courage and bravery in responding to the attack on June 10, 2009;

(3) condemns anti-Semitism and all forms of religious, ethnic, and racial bigotry;

(4) condemns acts of physical violence against, and harassment of, people based on race, gender, ethnicity, or religious affiliation; and

(5) calls on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred.

SENATE CONCURRENT RESOLUTION 26—APOLOGIZING FOR THE ENSLAVEMENT AND RACIAL SEGREGATION OF AFRICAN AMERICANS

Mr. HARKIN (for himself, Mr. BROWNBACK, Mr. LEVIN, Mr. DURBIN, Mr. KENNEDY, Mr. LAUTENBERG, Ms. STABENOW, Mr. BOND, and Mr. COCHRAN) submitted the following concurrent resolution; which was ordered held at the desk:

S. CON. RES. 26

Whereas, during the history of the Nation, the United States has grown into a symbol of democracy and freedom around the world;

Whereas the legacy of African Americans is interwoven with the very fabric of the democracy and freedom of the United States;

Whereas millions of Africans and their descendants were enslaved in the United States and the 13 American colonies from 1619 through 1865;

Whereas Africans forced into slavery were brutalized, humiliated, dehumanized, and subjected to the indignity of being stripped of their names and heritage;

Whereas many enslaved families were torn apart after family members were sold separately;

Whereas the system of slavery and the visceral racism against people of African descent upon which it depended became enmeshed in the social fabric of the United States;

Whereas slavery was not officially abolished until the ratification of the 13th amendment to the Constitution of the United States in 1865, after the end of the Civil War;

Whereas after emancipation from 246 years of slavery, African Americans soon saw the fleeting political, social, and economic gains they made during Reconstruction eviscerated by virulent racism, lynchings, disenfranchisement, Black Codes, and racial segregation laws that imposed a rigid system of officially sanctioned racial segregation in virtually all areas of life;

Whereas the system of de jure racial segregation known as “Jim Crow”, which arose in certain parts of the United States after the Civil War to create separate and unequal societies for Whites and African Americans, was a direct result of the racism against people of African descent that was engendered by slavery;

Whereas the system of Jim Crow laws officially existed until the 1960’s—a century after the official end of slavery in the United States—until Congress took action to end it, but the vestiges of Jim Crow continue to this day;

Whereas African Americans continue to suffer from the consequences of slavery and Jim Crow laws—long after both systems were formally abolished—through enormous damage and loss, both tangible and intangible, including the loss of human dignity and liberty;

Whereas the story of the enslavement and de jure segregation of African Americans and the dehumanizing atrocities committed against them should not be purged from or minimized in the telling of the history of the United States;

Whereas those African Americans who suffered under slavery and Jim Crow laws, and their descendants, exemplify the strength of the human character and provide a model of courage, commitment, and perseverance;

Whereas, on July 8, 2003, during a trip to Goree Island, Senegal, a former slave port, President George W. Bush acknowledged the continuing legacy of slavery in life in the United States and the need to confront that legacy, when he stated that slavery “was . . . one of the greatest crimes of history . . . The racial bigotry fed by slavery did not end with slavery or with segregation. And many of the issues that still trouble America have roots in the bitter experience of other times. But however long the journey, our destiny is set: liberty and justice for all.”;

Whereas President Bill Clinton also acknowledged the deep-seated problems caused by the continuing legacy of racism against African Americans that began with slavery, when he initiated a national dialogue about race;

Whereas an apology for centuries of brutal dehumanization and injustices cannot erase the past, but confession of the wrongs committed and a formal apology to African Americans will help bind the wounds of the Nation that are rooted in slavery and can speed racial healing and reconciliation and help the people of the United States understand the past and honor the history of all people of the United States;

Whereas the legislatures of the Commonwealth of Virginia and the States of Alabama, Florida, Maryland, and North Carolina have taken the lead in adopting resolutions officially expressing appropriate remorse for slavery, and other State legislatures are considering similar resolutions; and

Whereas it is important for the people of the United States, who legally recognized slavery through the Constitution and the laws of the United States, to make a formal apology for slavery and for its successor, Jim Crow, so they can move forward and seek reconciliation, justice, and harmony for all people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the sense of the Congress is the following:

(1) APOLOGY FOR THE ENSLAVEMENT AND SEGREGATION OF AFRICAN-AMERICANS.—The Congress—

(A) acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws;

(B) apologizes to African Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws; and

(C) expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty, and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices,

injustices, and discrimination from our society.

(2) DISCLAIMER.—Nothing in this resolution—

(A) authorizes or supports any claim against the United States; or

(B) serves as a settlement of any claim against the United States.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the business meeting of the Committee on Energy and Natural Resources that reconvened on Thursday, June 11, 2009, will resume in SD-366 of the Dirksen Senate Office Building, on Tuesday, June 16, 2009, at 10:15 a.m., until 11 a.m.

The business meeting will then reconvene on Wednesday, June 17, 2009, at 9 a.m. until 10 a.m.

The purpose of the business meeting is to consider pending energy legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2 p.m. to hold a hearing entitled “North Korea Back at the Brink?”.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Healthcare Reform” on Thursday,

June 11, 2009. The hearing will commence at 3 p.m. in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 11, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 11, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on June 11, 2009, at 3 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Exploring the National Criminal Justice Commission Act of 2009."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, June 11, 2009 at 11 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the

Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2:30 p.m. to conduct a hearing entitled, "S. 372—The Whistleblower Protection Enhancement Act of 2009."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Ryan Douglas, Christian Fjeld, and Lisa Hone, Congressional fellows with the Commerce Committee, be allowed floor privileges during the consideration of S. 1023.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 26

Mr. REID. I ask unanimous consent that on Thursday, June 18, following a period of morning business, the Senate proceed to the consideration of S. Con. Res. 26, a concurrent resolution submitted earlier today, and relating to slavery apology; that the concurrent resolution be held at the desk; that there be 60 minutes for debate with respect to the concurrent resolution, with the time equally divided and controlled between the two leaders or their designees; that no amendments be in order to the concurrent resolution or preamble; that upon the use or yielding back of time, the Senate proceed to vote on adoption of the concurrent resolution; that upon adoption, the preamble be agreed to; and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we expect this resolution to be voted on by voice.

CELEBRATING THE LIFE AND ACHIEVEMENTS OF MILLARD FULLER

Mr. REID. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 183.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 183) celebrating the life and achievements of Millard Fuller, the founder of Habitat for Humanity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 183

Whereas Millard Fuller was born on January 3, 1935, in the small cotton-mill town of Lanett, in Chambers County, Alabama, and would later graduate from Auburn University and the University of Alabama School of Law;

Whereas Millard Fuller became a self-made millionaire by the age of 29 and could have lived out the rest of his life in comfort, but instead he and his wife sold all of their possessions, donated the proceeds to the poor, and began searching for a new purpose for their lives;

Whereas Millard Fuller and his wife established Habitat for Humanity in Americus, Georgia, in 1976;

Whereas Habitat for Humanity has constructed more than 300,000 homes for 1,500,000 people and has a presence in all 50 States, the District of Columbia, Guam, Puerto Rico, and more than 90 countries around the world;

Whereas Habitat for Humanity's noteworthy accomplishments include building 263 houses across the United States in 1 week and massive rebuilding efforts in New Orleans following Hurricane Katrina;

Whereas in 2005, Millard Fuller established The Fuller Center for Housing, which works with local organizations to provide support and guidance to repair and build homes for impoverished individuals and is located in 24 States and 15 countries on 5 continents;

Whereas Millard Fuller provided 3 decades of leadership and service to Habitat for Humanity and The Fuller Center for Housing, committing his life to philanthropy and service to others while raising global concern for homelessness and poverty;

Whereas Millard Fuller was honored with over 50 honorary doctorate degrees by colleges and universities throughout the United States and was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, by President William Jefferson Clinton in 1996; and

Whereas Millard Fuller passed away on February 3, 2009, leaving behind a loving wife, a proud family, and a legacy that will extend far beyond his life: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the life and achievements of Millard Fuller;

(2) acknowledges the millions of people he and his organization have served and the inspiration he has given to so many; and

(3) encourages all the people of the United States to recognize and pay tribute to Millard Fuller's life by following the example of service that he set.

OFFERING CONDOLENCES TO THE FAMILY AND FRIENDS OF OFFICER STEPHEN T. JOHNS

Mr. REID. I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 184.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 184) offering deepest condolences to the family and friends of Officer Stephen T. Johns and calling on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, today I have submitted a resolution condemning yesterday's heinous, horrific act of violence at the U.S. Holocaust Memorial Museum.

I want to offer my deepest condolences to the family and friends of Officer Stephen Tyrone Johns. Officer Johns, of Temple Hills, in Prince George's County, MD, died in the line of duty. He ably served as a guard of the museum for 6 years. He was just 39 and leaves behind a grieving family. He gave his life to save the lives of numerous others. We must perpetually honor that ultimate sacrifice. I also want to commend all the staff of the U.S. Holocaust Memorial Museum and the authorities who responded to the scene for their bravery.

I have visited the Holocaust Memorial Museum many times with my family and friends. It is clear that the gunman's despicable rampage was intended to frighten and intimidate all people who care about equality and liberty.

I introduced this resolution to affirm my commitment to ending the bigotry and hatred that led to this heinous act. There is no place in our society for individuals who would harm or deny rights to others, especially based on religion, race, gender, or ethnic identity. It is heartening that each and every U.S. Senator has cosponsored this resolution.

Let there be no mistake about it, anti-Semitism and other hate crimes remain a pressing problem in our society. Anti-Semitism spawns from centuries of hatred, persecution, and the repeated attempts to destroy the Jewish people from their early days of slavery, through the Inquisition to the Holocaust and beyond. Hate crimes send a powerful message because they affect more than the individual victims; they are meant to intimidate and instill fear in entire groups of people. They create a sense of vulnerability and insecurity in others who may share characteristics with the victims. And that is precisely the intent of those who commit these crimes.

I am privileged to be chairman of the Helsinki Commission and a member of the Senate Judiciary Committee. In those capacities, and as a U.S. Senator generally, I am afforded numerous opportunities to speak out against the scourge of anti-Semitism, racial bigotry, and ethnic hatred worldwide. Part of the battle is to publicize the intolerance and hateful activity. As Oliver Wendell Holmes remarked,

The mind of a bigot is like the pupil of an eye. The more light you shine on it, the more it will contract.

This resolution is meant to be such a light and I am grateful that each and every other Senator has seen fit to cosponsor it. We truly speak as one in our anguish at the tragic event yesterday and in our determination to root out its causes so that it will not be repeated.

Mr. BURRIS. Mr. President, it is with deep sadness that I rise to mark the death of security guard Stephen Tyrone Johns, whose senseless murder yesterday afternoon at the U.S. Holocaust Memorial Museum shocked us all.

My heart goes out to his family and friends on this tragic day and to his colleagues and fellow security officers who must return to a workplace that will surely never be quite the same.

Even as we mourn his death, we must commend Officer Johns, his colleagues, and all emergency personnel who responded quickly to prevent additional violence and protect the safety of museum visitors.

In the aftermath of this killing, how can we make sense of that which can only be described as senseless?

How can we comprehend the forces that would drive a person to such hatred, to such violence?

The simple truth is that most of us will never be able to fully understand this tragedy. We can only comfort one another as we struggle to confront a world in which Officer Johns has been taken from us far before his time.

The same incomprehensible hatred to which the Holocaust Memorial Museum bears silent witness.

We must honor the memory of Officer Johns by continuing the work he supported at the museum, preventing further violence, and standing tall in the face of intolerance.

It will not be easy to move on, but we can start by asking ourselves what we can do to prevent guns from falling into the hands of killers, to stop those who would commit hate crimes before more innocent people are slain. That is what we owe the legacy of Officer Stephen Tyrone Johns. That is how we can celebrate his memory, honor his sacrifice, and pay tribute to the spirit of his work and the continuing mission of the place where he died.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 184) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 184

Whereas the United States Holocaust Memorial Museum was established as a "living memorial that stimulates leaders and citi-

zens to confront hatred, prevent genocide, promote human dignity, and strengthen democracy";

Whereas, since the dedication of the United States Holocaust Memorial Museum in 1993, the United States Holocaust Memorial Museum has welcomed nearly 30,000,000 visitors, including more than 8,000,000 school children and 85 heads of state;

Whereas, on June 10, 2009, in an assault at the entrance of the United States Holocaust Memorial Museum, Officer Stephen T. Johns of Temple Hills, Maryland, was fatally wounded and died heroically in the line of duty;

Whereas, in the wake of this heinous act of violence, the people of the United States should renew the commitment to end bigotry, intolerance, and hatred; and

Whereas there is no place in the society of the United States for individuals who seek to harm or deny rights to others, especially based on religion, race, or ethnic identity: Now, therefore, be it

Resolved, That the Senate—

(1) offers deepest condolences to the family and friends of Officer Stephen T. Johns;

(2) commends the staff members of the United States Holocaust Memorial Museum for their courage and bravery in responding to the attack on June 10, 2009;

(3) condemns anti-Semitism and all forms of religious, ethnic, and racial bigotry;

(4) condemns acts of physical violence against, and harassment of, people based on race, gender, ethnicity, or religious affiliation; and

(5) calls on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred.

ORDERS FOR MONDAY, JUNE 15, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1:45 p.m., Monday, June 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, earlier today I filed a cloture motion on the motion to proceed to S. 1023, the travel promotion legislation. That cloture vote will occur prior to the recess for the caucus luncheons on Tuesday, June 16. As previously announced, there will be no rollcall votes next Monday.

ADJOURNMENT UNTIL MONDAY, JUNE 15, 2009, AT 1:45 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Monday, June 15, 2009, at 1:45 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL ENERGY REGULATORY COMMISSION

JOHN R. NORRIS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2012, VICE JOSEPH TIMOTHY KELLIHER, RESIGNED.

DEPARTMENT OF STATE

MICHAEL ANTHONY BATTLE, SR., OF GEORGIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

DONALD STERNOFF BEYER, JR., OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

MARtha LARZELERE CAMPBELL, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

DONALD HENRY GIPS, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

GORDON GRAY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

ALFONSO E. LENHARDT, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

JOHN R. NAY, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

RICHARD J. SCHMIERER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

PAMELA JO HOWELL SLUTZ, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

VINAI K. THUMMALAPALLY, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROCCO LANDESMAN, OF NEW YORK, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS, VICE DANA GIOIA, RESIGNED.

DEPARTMENT OF DEFENSE

JOSEPH W. WESTPHAL, OF NEW YORK, TO BE UNDER SECRETARY OF THE ARMY, VICE NELSON M. FORD.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

JOHN M. WIGHTMAN

To be major

MARK H. BAUMGARTNER
JOHN F. FRELLER
SHANNON L. MCCAMEY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

MICHELLE BONGIOVI

To be major

JOSEF F. DOENGES
JENNIFER A. KORKOSZ

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

SCOTT M. BAKER
MARIO L. REPETA

DEE A. WEED

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MICHAEL L. STEINBERG

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

PAUL W. MAETZOLD

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SHERYL L. DACY
JAMES M. LEITH

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES R. FINLEY
EDWARD E. HILDRETH III
MARK A. STRYKER
CRAIG M. WEAVER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

OSCAR T. ARAUCO
DAVID S. BAUM
KEITH N. CROOM
JIMMY C. DAVIS, JR.
ALBERT L. DOWNING
BARTH G. EDISON
CHARLES M. FIELDS
STEVEN R. GORGE
WILLIAM E. GODWINSTREMLER
BILLY N. HAWKINS, JR.
TERRENCE E. HAYES
CAROL D. HIGSMITH
WALTER G. HOSKINS
TIMOTHY L. HUBBS
YVONNE C. HUDSON
HARRY C. HUEY, JR.
JAY S. JOHNS III
NORMAN W. JONES
KLON K. KITCHEN, JR.
MICHAEL T. KLEIN
SAMUEL S. LEE
SUK J. LEE
TRENTON E. LEWIS
PEDRO R. MARTINEZ
ANTONIO J. MCELROY
JOHN J. MURPHY
KIM M. NORWOOD
JOHN S. PECK
DOUGLAS L. PRENTICE
ALLEN L. PUNDT
KWON PYO
JOHN H. RASMUSSEN
TERRY L. SIMMONS
KENNETH R. SORENSON
TERRENCE M. WALSH
ROBERT E. WICHMAN
KENNETH R. WILLIAMS, JR.
MICHAEL D. WOOD
D070807

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

DENNIS K. BENNETT
MICHAEL R. BRANTLEY
CHERYL L. CAVES
LAWRENCE J. CRAFTS
AUSTIN S. HAMNER
JEROME E. KUCZERO
SHERMAN S. LACOST
DONALD S. NELSON
JANINA T. REYES
LONNIE E. SLADE
WILLIAM R. SPENGLER

To be major

JEREMIAH A. AESCHLEMAN
ERIK M. BAUER
RICHARD J. BROWN
RUSSELL B. BROWNFIELD
SHAWN E. CARPENTER
ISABEL M. CASSLE
EDWARD G. DOUGLAS
MONTGOMERY C. ERFORTH
NATHAN M. GRAY

CARLOS I. MARTINEZ
PAUL NAVAS III
PHILIP R. RUSIECKI
RACHEL D. SULLIVAN
JAMES C. SULLIVAN
MICHAEL F. TREMBLAY
JOSE M. VARGAS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

ERNEST T. FORREST
EDWARD B. MCKEE
MARK L. VANDRIE

To be lieutenant colonel

ROBERT A. ALBINO
BRIAN D. ALLEN
JONATHAN E. ALLEN
STEVEN ANGERTHAL
NEIL C. ARNOLD
DOUGLAS J. BELL
DOUGLAS B. BELLET
MARC B. CAROLAN
CHARLES R. CHAPPELL
WILLIE P. COLLINS
DAVID C. COOK
CHARLES F. CORSON
JESSE T. CRUZ
JAMES H. DONAHUE
TIMOTHY A. DOYLE
ANTHONY B. DUCKSWORTH
MALCOLM E. EARLES
JEFFREY L. EDMONDS
DAVID A. FAHY
FRED V. FLYNN
DAVID W. FREEMAN
IVA R. GRAHEK
MICHAEL HAMPTON
THOMAS M. HEBERT
DAVID E. HICKEY
PLINT W. HICKMAN
BASIL R. HOWARD
FOSTER E. HUDSON
PAUL H. JAMES
MARY C. JOHANNIS
JOHN K. JOHNSON
ROBERT V. KENNINGTON
JEREMY S. KOTKIN
JEFFREY J. KYBURZ
MICHAEL O. LALLAS
EDWARD P. LOCKE
TERRY O. MARBURY
FRANK M. MARTIN
RENE C. MARTINEZ
MICHAEL E. METELKO
EDWIN MOTT
BRIDGET C. NIEHUS
MORANT PITTMAN
WILLIAM A. RASKIN
DAVID F. RITTEP
EUGENIO R. RIVERA
RICHARD A. RODRIGUES
BONNIE F. ROGERS
RICHARD A. SANDERS
CHARLES G. SIMPSON
STEVEN M. SPANGLER
STEPHEN F. STCLAIR
DANIEL M. SWANSON
JERRY D. THOMAS
DANIEL R. VALENTE
VERNON N. VANDYNE
FAHNESTOCK C. VON
DONALD S. WALKER
TERESA A. WARDELL
JOSEPH W. WEIGMAN
MICHAEL L. WILLIAMS

To be major

KEVIN J. AGEN
LAWRENCE W. BITTNER
ANGELA L. BOWIE
SHAWN L. BROWN
PETER C. CHEN
EDWARD V. CHESSER
SHANE A. CIPOLLA
JAMES G. CLARK
ANDREW W. COLLINS
TERENCE J. CONNOLLY
PHILIP C. COSTLEY
CLIFTON B. CRIBB
SCOTT A. CRUMP
RAFAEL CRUZGARCIA
MICHELLE A. DAILING
SCOTT L. DOWNING
TIMOTHY A. DOYLE
MICHAEL R. EASON
MONTGOMERY C. ERFORTH
ADAM T. FAIN
GUY A. GASSER
ARTHUR G. GIRALDI
GARY L. GOOD
MICHAEL K. GOODWIN
MICHAEL K. GRISWOLD
KRISJON A. HANSON
MICHAEL T. HEATON
MICHAEL V. HICKMAN
DELANE L. HOLLIS
SEUNGHONG
EDWARD K. HOOKS

TREVOR W. HOUGH
KENGI A. HUTCHINS
STEVEN HUTCHISON
TODD A. JOHNSON
TINA R. JONESFAISON
GAIDRA U. JOSEPH
LLOYD D. JUNGHANS
THOMAS D. KELLEY
LARRY D. KIMBRELL
JEFFREY T. LAKEY
STUART E. LAWRENCE
TODD M. LEITSCHUH
AARON M. LEONARD
BRIAN A. LESIAK
LINDA K. LEWIS
ARTURO Z. LINCON
JOHN C. LING
LISA J. LIVINGOOD
CHRISTOPHER S. LUTZKANIN
STEVEN L. MAKARSKY
PATRICK L. MALLETT
ALICIA M. MASSON
NATHAN E. MCCAULEY
CAROL A. MCCLELLAND

WAYNE E. MCCORMICK
JOHN K. MCGEE
DETRICE D. MOSBY
JOHN C. MULHALL
MARC H. NGUYEN
PAUL NIX
ALI N. OMUR
SHERRILYN W. ONEAL
STEPHEN W. OWEN
MATTHEW D. PEDERSEN
RICHARD S. PEEKE
DAVID L. POSTON
PETER G. QUEYREL
MARCUS R. REINHART
DONOVAN A. RICKEL
WILLIE R. ROSEMAN
ERIC F. SAUER
LORNE V. SERPA
DAVID A. SETTJE
ERIC A. SHAW
DANA L. SMITH
JOHN E. SMITH
JENNIFER J. SMITTHEYS
JAMES T. SOPER

GREGORY C. SPEAKER
MARSHALL L. STEPHENSON
GRANT W. STOBNER
CHRISTOPHER O. STOECKLIN
BRET A. STOVALL
WILLIAM E. SUMNER
MICHAEL D. TAYLOR
MICHAEL S. TOKAR
JOSE M. TORRES
TIMOTHY J. TREAT
JOHN F. VANSTEENBURGH
GILBERTO R. VAZQUEZ
TERRY R. VEENEMAN
MARK A. VERDI
ANGELA Y. WALKER
PAUL M. WHITE
THEODORE O. WHITE
LILIEETH R. WHYTE
TROY H. WINCAPAW
TERRY A. WINDMILLER
DEAN W. WOOD
WILLIAM H. WOOD
WALTON D. ZIMMERMAN

HOUSE OF REPRESENTATIVES—Thursday, June 11, 2009

The House met at 10 a.m.

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

We confess, Lord God Almighty, that we often accept countless blessings in life and forget to give You thanks. Faithfully surrounded with the support of family and friends, we do not always remember to be grateful. We enjoy food on our tables and cherish freedom, yet we can easily neglect those around this land and other parts of the world who have neither.

Fulfilling our daily duties and responsibilities on Capitol Hill can make such a difference in this world and provide a sense of personal satisfaction because each day grants us great opportunities. Remind us, ever-present God, to be grateful and gracious. Help us to find ways to show our appreciation by sharing our many blessings with others and never forgetting to offer thanksgiving to You each day for every day.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mrs. TAUSCHER). Will the gentlewoman from Massachusetts (Ms. TSONGAS) come forward and lead the House in the Pledge of Allegiance.

Ms. TSONGAS led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

REMEMBERING JOHN HENNING

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

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to a leader for working men and women, a distinguished diplomat and a great American

John Henning, known to us as Jack, who passed away on June 4, 2009. Jack Henning will be long remembered for his distinguished career on the front lines of the labor movement, fighting passionately for justice, equality, human rights and jobs in California, across America and throughout the world.

A native San Franciscan, Jack began his career working for the Association of Catholic Unionists. He joined his first union, the United Federal Workers of the CIO, after graduation from college. Jack served for decades as a dedicated leader of working people, rising to be the president of the California Labor Federation. In that role, Jack represented millions of California's workers with great distinction. Not only union members, but millions of Americans who never belonged to a union enjoy better wages, safer workplaces, greater rights and more secure retirements because of the battles waged by union leaders such as Jack Henning.

Jack was a close ally of legendary farm worker organizers Cesar Chavez and Dolores Huerta. He cited among his proudest accomplishments the passage in 1975 of the landmark Agricultural Labor Relations Act, which our colleague Mr. HOWARD BERMAN was so much a part of, and provided tough labor protections for those who have been abused and mistreated for decades in California's pastures of plenty.

Jack Henning ended his farewell speech from the California Labor Federation in 1996 with, And if by a suspension of the laws of nature I were young again, I would follow no other course, no other flag, but the flag of America and the flag of labor. The labor movement was blessed to have him as a leader.

As distinguished as he was on behalf of workers, Jack made many other contributions to his State and this Nation for which we are all grateful. Before taking the presidency of the California Federation of Labor, Jack served Presidents Kennedy and Johnson as Under Secretary of Labor and was appointed by President Johnson as Ambassador to New Zealand in 1967. Jack was also a distinguished regent at the University of California for a dozen years during which he helped lead the fight for expanded opportunities for minority students and demanded that the university divest its investments in apartheid South Africa. That divestment initiative helped bring about the peaceful end of apartheid and the new day of majority rule in South Africa.

We will all miss Jack greatly, but none more than his sons Brian, Daniel, John Jr., Patrick and Thomas; his daughters Mary and Nancy; his 12 grandchildren and his great-grandchildren. We also remember his beloved wife Betty, who preceded him in death. I hope it is a comfort to his family that so many people mourn their loss and are praying for them at this sad time.

Jack Henning was a proud American, a devout Catholic, passionate about his Irish roots and a great friend and mentor to many of us. Mr. Speaker, I join Jack Henning's family, friends and workers worldwide to honor his legacy, celebrate his life and remember his illustrious contributions to the State of California and to our great Nation. Later today, thousands of people will gather in California to do just that, celebrate his life and pay tribute to him.

PROTECTING PRIVATE HEALTH INSURANCE

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

Mr. SAM JOHNSON of Texas. Many Americans don't have access to affordable health care, and we can and need to do better for all Americans. I support a system that gives Americans more affordable health care choices so they can pick the coverage that best fits their needs. The core part of the Democrat proposal is a new government-run program that will not only put bureaucrats between you and your doctor but would force more than 100 million people, Americans, out of the health coverage they currently receive through their jobs.

We need a plan that really does let Americans who like their health care coverage keep it, a plan that doesn't add new taxes or new mandates or drive up costs or drive people out of health care. We must give all Americans the freedom to choose their health plan, not force them into a government-run, one-size-fits-all plan. Private plans are great. Let's protect them.

INTRODUCTION OF THE SAFETY IN DEFENSE CONTRACTING ACT OF 2009

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

Ms. SHEA-PORTER. Madam Speaker, today I am introducing the Safety

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

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

in Defense Contracting Act of 2009. When our servicemembers or civilian personnel put their lives at risk while deployed overseas, they should not have to worry about the safety of their living and working quarters. Unfortunately, due to shoddy contractor work, they do. American personnel have been injured or killed by electric shocks. That same deficient work has resulted in hundreds of fires, one which destroyed the largest dining hall in Iraq. Gross negligence by contractors is unacceptable.

That is why I am introducing the Safety in Defense Contracting Act to protect our military and civilian personnel by debarring grossly negligent or reckless defense contractors found guilty of causing death or injury to our personnel. Such contractors do not deserve further government contracts worth millions of dollars for performing the same work.

To make matters worse, defense contractors who are guilty of dangerously deficient work have been receiving award and incentive fees. My bill denies them these fees. They should no longer be rewarded for poor performance at the expense of the taxpayers. It will take time to rebuild our contractor oversight capabilities, but I ask my colleagues to join me in this bill.

CLEAN ENERGY—NUCLEAR POWER

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

Mr. POE of Texas. Madam Speaker, many countries, including China and European nations, are continuing to move to clean energy, such as nuclear power. The United States, the nuclear power pioneer, lags far behind in the development of new generating plants. The United States could and should move to the licensing and development of more nuclear power plants.

Nuclear power is an efficient and a cheaper way of providing clean energy to America's manufacturing sector. We should streamline the long cumbersome process of power plant applications that use safe reactor designs, designs that have already been approved by the Nuclear Regulatory Commission.

Progress, safety and costs have advanced to a state that America can safely store spent nuclear fuel rods and also recycle fuel. One of America's most impressive plants is the North Anna Nuclear Station here in nearby Virginia. Nuclear power is responsible for 20 percent of our energy, but in France 80 percent of their energy comes from nuclear energy. Nuclear power will keep jobs in America and help free us from the shackles of foreign control of our energy.

And that's just the way it is.

OUR CLEAN AND SUSTAINABLE ENERGY FUTURE

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

Ms. TSONGAS. Madam Speaker, global warming is no longer an academic question for scientists to ponder. It's a very real crisis that requires our leadership. This is not a political issue. This is a critical generational responsibility that will take a commitment from Congress and from every person in our society. We have a real opportunity this year to prove our commitment by voting for H.R. 2454, the American Energy and Security Act.

The renewable technologies to reduce greenhouse gas emissions exist. The societal will and desire to go clean have been demonstrated, and the political climate to finally create sound public policy is now present. The cost of inaction on this critical challenge is unacceptable and the price too high. A recent study concluded that unchecked effects of climate change could result in a cost of \$271 billion per year by 2025. Failure to act is intolerable when considering the economic and job creation opportunities a clean energy economy presents. The American Energy and Security Act provides a path that leads us to a clean, sustainable energy future.

THE REPUBLICAN ANSWER TO THE ENERGY CHALLENGES WE FACE

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

Mr. PENCE. The American economy is hurting. Gasoline prices are on the rise. Utility rates threaten to go higher, imposing even greater hardship on working families. The American people are looking for answers in these times to the challenges we face in energy. The Democrat answer you have just heard is a national energy tax that will lead to higher energy prices and massive job losses for the American people.

The President said it best a year ago when he said, if the cap-and-trade plan were to pass, utility rates—his words now—would, quote, necessarily skyrocket.

Some estimates suggest job losses between 1.8 and 7 million. Well, Republicans have a better plan, the American Energy Act. It's an all-of-the-above plan that offers energy independence, more jobs and a cleaner environment without imposing a national energy tax. Our energy solution focuses on more domestic exploration for oil and natural gas, a renewed commitment to build 100 nuclear power plants in the next 20 years, investments in renewables, alternative energy technologies and creating incentives for conservation. You can read all about it on the editorial page of the Wall Street Journal today.

The American people want energy independence and a cleaner environment without a national energy tax. The American Energy Act offered by House Republicans is the answer the American people are looking for.

EXPRESSING OUTRAGE FOR THE MURDER OF OFFICER STEPHEN T. JOHNS

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

Ms. JACKSON-LEE of Texas. Madam Speaker, as an advisory board member of the Holocaust Museum of Houston, I rise with a deep sense of sympathy and outrage for the terrible tragic incident that happened, as The Washington Post reported, at a monument of sorrow and also a standing edifice for peace.

I offer my deepest sympathy to the family of Security Officer Stephen T. Johns. As a believer and an advocate of our Constitution and our First Amendment rights, I stand here in outrage to express my opposition to the idea that protected speech equals protected violence. This was a dastardly act, and we don't know how many other targets this hateful-minded person might have been engaged in.

We must continue to stand against hate. We must continue to promote the passage of the hate crimes legislation; but frankly, we must say to those who we mourn, by putting forward a Holocaust Museum, many across the Nation and in my town of Houston, that we stand with them in solidarity.

To my good friend Peter Berkowitz and Fred Zeidman, who chairs the Holocaust Museum here in Washington, a Houstonian, you have my deepest sympathy, my respect, and I stand in solidarity with you.

□ 1015

PAYING TRIBUTE TO THE STATE CHAMPION NEEDVILLE BLUE JAYS GIRLS HIGH SCHOOL SOFTBALL TEAM

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

Mr. OLSON. Madam Speaker, I rise today to pay tribute to the Needville Blue Jays, who defeated the Celina Bobcats 3-1 at McCombs Field in Austin to win the Texas class 3A girls high school championship last week.

The Blue Jays played their hearts out and have made all Texas proud. Only 3 years ago, six members of the Needville team played in the 2006 Junior Softball World Series, where they finished third overall. This State championship victory was the result of exceptional teamwork and years of practice and dedication.

The Blue Jays' defense was superb in the finals. Celina had five hits, but

Needville made no errors and kept the Bobcats' base runners in check.

I would also like to compliment the coach of the Blue Jays, C.J. Mazac. The best teams are always the result of exceptional coaching, and Coach Mazac has clearly inspired and motivated his players.

I would like to send a big congratulations to the graduating seniors, and I would also like to recognize all of the team members who made this victory possible. Great job to each of you.

The Blue Jays' final record for the season was an impressive 34-8. All residents of Needville and Fort Bend County, Texas, are extremely proud of our Blue Jays, and I extend my congratulations to these talented young athletes.

SOLVING THE CRISIS IN AMERICAN MEDICINE

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

Mr. BLUMENAUER. Forty-nine years ago, the 1960 October Harpers Magazine cover story was "The Crisis in American Medicine." Well, we are still in crisis, but change is in the air.

The facts are clear: High costs, more procedures, tests, and hospitalization is not better care; it is a symptom of poor care. Every major Nation spends less, and most have better outcomes than the United States.

Getting 50 million Americans health insurance and giving the rest of Americans with insurance, stability, will cost more, but about half of this cost can be achieved by reforming the system, and having the government pay the balance will cost far less for business and people with insurance over the next 10 years than business as usual.

With a President who gets it, a Congress listening to what the people want and a public plan to keep the system honest, it means that there won't be a cover story 50 years from now about American medicine still in crisis.

A LACK OF BIPARTISANSHIP IN HEALTH CARE REFORM

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, an overhaul of our Nation's health care system is under way, and I am glad that people in my district are engaged in this critical issue. Unfortunately, the Democrats have shared very few details of the plan, except that there will be a public plan, which I have to tell you most people are frightened of.

While I realize that we are in the minority party, I still have nearly 1 million constituents to represent, including more Medicare beneficiaries than any other Member of Congress. My Re-

publican colleagues and I have made numerous attempts to reach across the aisle to share our ideas on how to improve the health care system and make it more affordable. So we are drafting our own bill.

When President Obama invites Members of Congress to the White House to craft health care bills, he invites only Democrats. He has met with industry representatives but never with Republicans. Recently, the President sent a letter saying he expects a bureaucratic-run health system to be included in the final option, but again, he sent the letter only to Democrats. Hardly a gesture of bipartisanship.

THE NEED FOR PASSING HATE CRIMES LEGISLATION

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

Mr. COHEN. Madam Speaker, like Representative JACKSON-Lee before me, I was shocked at hearing of the shooting at the Holocaust Museum yesterday. Indeed, it is a place of special reverence and a place where you wouldn't think violence would occur, but deranged minds do deranged things, and the man who did the shooting had a history of hate towards African Americans and toward Jews and toward our government, it appears, even though he served in our Armed Forces.

It reminds me of the need for passing hate crimes legislation because hate today still exists in people's hearts, and when people hate any group, they generally hate all different minorities. They don't understand the America of tolerance and inclusion that we celebrate and upon which we were founded.

It also reminds me of the need to have a COPS bill passed to have more protection, and the cops that were approved in the ARRA protect our society from these types of attacks.

Yesterday there was to be a play debuted at the Holocaust Museum by Janet Langhart Cohen, wife of former Secretary of Defense Bill Cohen, about an imaginary conversation between Emmett Till and Anne Frank. It will debut on Friday at George Washington University and talk about tolerance and peace and the results of hate.

SUPPORT AN ALL-OF-THE-ABOVE ENERGY PLAN

(Mr. BROWN of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. BROWN of South Carolina. Madam Speaker, for years my Republican colleagues and I have focused on implementing an all-of-the-above energy plan to cut the ties of foreign oil and create affordable American energy. However, the Democrat cap-and-tax plan will actually serve as a national energy tax, resulting in fewer jobs and more government control.

More than \$3,100 will be added to the annual energy costs of American families, a financial hardship that will greatly impact the poor, who spend a large part of their income on energy. These taxes will directly impact farmers in South Carolina as everyday costs of fuel and fertilizer become too expensive for them to afford.

Additionally, our State's clean-energy production will be excessively taxed, forcing companies to move to countries with less stringent standards, resulting in little progress towards protecting our environment. The relocation of these businesses could result in the loss of up to 7 million jobs, increasing unemployment and placing further economic strains on the American families, all for a policy that won't even achieve its initial goal of reducing carbon emissions.

Americans are sick of this energy roller coaster. I encourage my colleagues to support an all-of-the-above energy plan that will not tax us to death.

COMMENDING HODGDON YACHTS OF EAST BOOTHBAY, MAINE

(Ms. PINGREE of Maine asked and was given permission to revise and extend her remarks.)

Ms. PINGREE of Maine. Madam Speaker, I want to talk to you this morning about Hodgdon Yachts of East Boothbay, Maine. Hodgdon Brothers opened for business in 1816 and is the oldest continually operated shipyard in the United States. Tim Hodgdon is a fifth-generation boat builder, continuing a long and proud tradition.

Hodgdon has taken Maine's tradition of world-class craftsmanship and combined it with new technology and advances in composites to build their business and create good paying, sustainable jobs in our State.

For example, in the small town of Richmond, Maine, Hodgdon has created a facility to build boat interiors. Between 60 and 70 new jobs have been created there in the last 6 months alone, and Hodgdon believes they can double the size of that operation in the next year.

And just this week, Hodgdon was given a Maine Technology Institute grant for nearly \$4 million to take the first steps towards building a 30,000-square-foot facility that would create hundreds of more jobs building high-speed patrol boats of the future.

Hodgdon Yachts is just one example of the innovative companies doing business in Maine, aggressively using new technology to create good, quality jobs that can't be exported.

CAP-AND-TRADE

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

Mr. PITTS. Madam Speaker, in a couple of weeks the House is going to consider the cap-and-trade legislation that has enormous implications for our economy. This 926-page bill, as introduced and considered by the committee, has 50 pages on lightbulbs and two sentences on nuclear power.

Recently, I saw a Rasmussen poll of likely voters that indicates 30 percent of likely voters have no idea what cap-and-trade means. Twenty-nine percent of them also thought it was some sort of Wall Street regulation, and 17 percent thought it had to something to do with health care. Only 24 percent had any idea of what it was.

Cap-and-trade puts a cap or a limit on greenhouse gas emissions, including CO₂, carbon dioxide. When you breathe in, that is oxygen. When you breathe out, that is carbon dioxide, CO₂.

According to this legislation, CO₂ is pollution. According to the bill, if foreign countries don't cap emissions, their goods can be hit with tariffs which they call "border adjustments." The loss of jobs that will go overseas as a result of this bill is being called "leakage."

Breathing as pollution, border adjustments, leakage—this bill is a massive, bureaucratic, regulatory taxation scheme on energy, linguistic obfuscation to cover up the harmful impacts it will have on our economy.

LEADERSHIP CHANGES IN HENDERSON, NEVADA

(Ms. TITUS asked and was given permission to revise and extend her remarks.)

Ms. TITUS. Madam Speaker, I rise today to recognize Henderson Mayor Jim Gibson who, after 12 years of excellent service to our community, led his final city council meeting on Tuesday night. I also want to thank Jack Clark, who has served not only as a Henderson council member for the past 16 years, but also as a member of the Las Vegas Metropolitan Police Department.

Jim Gibson guided Henderson during a critical time in its history when it experienced unprecedented growth. Under his leadership, the city met the challenges and the opportunities that growth brings.

Mayor Gibson provided a vision and a plan for the city that promoted development while also preserving valuable open space and recreation areas. In addition, he was instrumental in bringing Nevada State College to Henderson.

As the City of Henderson turns a page after more than a decade of leadership from these two outstanding public servants, I want to congratulate our new mayor, Andy Hafen, and new City Councilwoman Kathleen Boutin. I look forward to working closely with them and wish them all the best in their new positions.

THE WAR SUPPLEMENTAL BILL

(Mr. COFFMAN of Colorado asked and was given permission to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Madam Speaker, I rise today to share my concerns about H.R. 2346, the war supplemental bill. Our troops deserve nothing less than a clean war supplemental bill, free from unrelated spending. We must give our troops the resources necessary to ensure victory in Iraq and Afghanistan.

I visited Iraq over the Memorial Day recess, my first trip back since having served there with the United States Marine Corps in al Anbar province. I cannot, with that trip still fresh in my memory, allow the needed support for our troops to be used as the hook to carry unneeded and distasteful spending.

The bill now requires the United States to borrow money that we don't have to loan it to the International Monetary Fund. The International Monetary Fund can then loan this money to nations like Iran and Venezuela.

Madam Speaker, it is inappropriate to use our troops to cram through overseas bailouts. I will vote against this and ask my colleagues to join me.

BRINGING DOWN HEALTH CARE COSTS

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

Mr. ALTMIRE. Madam Speaker, this week, both Houses of Congress put forward the initial draft of a long-overdue effort to cut health care costs in this country. And while we still have to come to agreement on all the details, there can be no doubt that the American people expect us to act to bring down health care costs.

The cost of health care affects every business and every family in this country. It is one of the leading drivers of our long-term deficit, it makes our businesses less globally competitive, and it adds uncertainty to millions of American families who are one accident, illness or job loss away from losing everything. And while we debate how best to fix what doesn't work in our health care system, we must preserve what works and build upon the best aspects of our uniquely American system.

We will spend the summer debating the details of the plan, but one thing is certain: the American people will not accept the status quo as health care costs continue to skyrocket. "No" is not an answer.

MEDIA GIVING PRESIDENT OBAMA PASS ON ECONOMY

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the national media have given President Obama a free pass on the economy. Earlier this year, the Obama administration said Congress needed to pass the President's stimulus package to keep the unemployment rate below 8 percent. Since Congress has passed the President's nonstimulus stimulus, the economy has lost more than 1.5 million jobs, and unemployment has jumped to 9.4 percent.

Despite the massive layoffs, the President claimed this week that the stimulus has saved jobs. The national media have allowed the Obama administration to get away with spinning jobs lost as jobs saved, and the national media have continued to ignore the Congressional Budget Office's conclusion that the stimulus bill actually would reduce output—reduce output.

The media should scrutinize the President's words and actions, not give him a free pass.

□ 1030

RESEARCH AND DEVELOPMENT

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

Mr. TONKO. Madam Speaker, we make great strides towards solving our future energy needs by focusing on a process that has been virtually ignored for the past 8 years, research and development. Time and again, our economy has been pushed forward by a spirit of innovation. It has been pushed forward by a spirit that a century ago ignited an energy revolution started right in the heart of the 21st Congressional District with General Electric. Less than half a century ago, President Kennedy announced the space race in response to Sputnik. We now have that opportunity again. But when one considers the global context, it's easy to see that the United States is falling woefully behind.

The House of Representatives is considering the American Clean Energy and Security Act, which would create millions of clean energy jobs, put America on the path to energy independence, and cut global warming pollution. China is investing \$12.6 million every hour towards clean energy. With this kind of deficit, we stand to lose our place in the world as it relates to our energy security, and that is a finished product we simply cannot afford to import.

QUALITY HEALTH CARE COVERAGE

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

Mr. BLUNT. Madam Speaker, earlier this week I talked about the principles

that we need to follow for Americans to have a better health care system. The first of those principles was to make quality health care coverage affordable and accessible for every American, regardless of preexisting conditions.

Today I want to talk for a minute, now less than a minute, about why we need to protect our system from a government-run health care alternative. What that alternative would do would eliminate coverage for more than 100 million Americans who currently receive their coverage through their job. It would limit your choice of doctors and medical treatment options, and it would result in the Federal Government taking control of health care.

Yesterday, the American Medical Association embraced all of those reasons not to have a public option, not to have a government-run option, not to have a government takeover of health care.

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY ASSISTANCE COMMISSION

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 5, 111th Congress, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the House Democracy Assistance Commission:

Mr. PRICE, North Carolina, Chairman
Mrs. CAPPS, California
Mr. HOLT, New Jersey
Mr. SCHIFF, California
Ms. SCHWARTZ, Pennsylvania
Mr. PAYNE, New Jersey
Mr. POMEROY, North Dakota
Mr. FARR, California
Mr. ELLISON, Minnesota
Ms. HIRONO, Hawaii
Ms. ROYBAL-ALLARD, California

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 2009.

Hon. NANCY PELOSI,
*Speaker, U.S. Capitol,
Washington, DC.*

DEAR SPEAKER PELOSI: Pursuant to section 4(b) of House Resolution 5, 111th Congress, I am pleased to appoint the following Members to the House Democracy Assistance Commission.

The Honorable David Dreier of California.
The Honorable John Boozman of Arkansas.
The Honorable Jeff Fortenberry of Nebraska.
The Honorable Judy Biggert of Illinois.
The Honorable Bill Shuster of Pennsylvania.
The Honorable Kay Granger of Texas.
The Honorable Charles W. Boustany, Jr. of Louisiana.

The Honorable K. Michael Conaway of Texas.

The Honorable Vern Buchanan of Florida.
All Members have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

MOTION TO INSTRUCT CONFEREES ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.
Mr. LEWIS of California. Madam Speaker, I have a motion at the desk.
The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:
Mr. Lewis of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2346 be instructed as follows:

- (1) To agree, within the scope of conference, to funding levels that will result in a total funding level in the conference report that does not exceed the total funding level provided in the Senate amendment.
- (2) To insist on the House funding levels for each account under title I of the House bill (related to defense matters).
- (3) To insist on the House funding levels for each account under chapter 9 of title II of the House bill (related to military construction).
- (4) To recede to section 1305 of the Senate amendment (related to detainee photographic records protection).
- (5) To not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 48 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, let me begin my remarks by saying that I'm pleased that until last week, we appeared to be following regular order by actually having an open meeting of House and Senate conferees.

As I and the vast majority of Republicans have suggested several times

through this process, we want this troop funding bill to be an up-and-down vote and, ideally, a bipartisan vote.

I want to commend my colleagues, Chairman OBEY and Chairman MURTHA, for producing a bill that accurately reflected the real needs and priorities of the troops deployed in Iraq and Afghanistan. While the House-passed bill wasn't perfect, it did garner bipartisan support, including that of 168 Republican Members.

Unfortunately, what I'm hearing and reading about, the final "deal" that was struck between Chairman OBEY and Senator INOUE leads me to believe that the final package will not enjoy the same bipartisan support. As reported, the deal struck by the two Appropriations chairmen would do the following:

First, cut over \$4.6 billion from Defense and MilCon from the House-passed levels.

Further, it would increase foreign operations funding by \$5.2 billion over the House-passed levels, and \$2.6 billion over the Senate-passed bill.

Further, it would include \$5 billion in funding for the IMF to secure a whopping \$108 billion of loans; in essence, the IMF would be funded at levels some \$30 billion above the troop funding level. So we have troop funding, on the one hand, that has been reduced, and we've got a sizable expansion of foreign aid.

Further, the bill includes \$1 billion of new spending for what we have been calling "Cash for Clunkers" on the floor. That amount was not in the bill as it passed the House either.

Now, let me shift gears and briefly explain the motion before us. It's a straightforward motion that insists on the House funding levels of \$84.5 billion for the defense and military construction portions of the supplemental.

Further, it also insists on the lower top line for overall funding levels of \$91.3 billion contained in the Senate-passed bill for the entire supplemental.

Further, it requires the text of the conference agreement be available in an electronic, downloadable and searchable form for 48 hours prior to consideration by the House. This language is identical to the motion unanimously adopted and subsequently ignored by my friends in the majority when considering our massive stimulus bill.

Finally, this motion insists on the Senate position regarding prohibition on the release of detainee photos sponsored by Senators GRAHAM and LIEBERMAN.

Clearly, the focus of this supplemental funding bill should be on the troops, not IMF, not foreign aid funding, not Cash for Clunkers, or just using the emergency circumstances to buy down fiscal year 2010 spending.

Madam Speaker, I urge the adoption of the motion.

I reserve my time.

Mr. OBEY. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I don't particularly care how people vote on this motion. Motions to instruct conferees are notorious, and they have been for many years, for simply being a device by which we either make political statements around here or express first preferences. I don't really have any objection to either. I think it's a legitimate thing to do in a legislative body.

I intend to vote "no" on the amendment, but I don't have any problem with any Member who decides that there are certain pieces of this motion that they would like to send a message to the conferees on. And so, as far as I'm concerned, people can vote any way they want.

Mr. LEWIS of California. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. LEWIS of California. In view of your delightful mood today, we could probably bypass all this discussion and, as you've said, expedite the schedule. I do want to recognize my friend, Mr. LUNGREN, but if you want to, you know—

Mr. OBEY. I think that would be a very good idea. It would give us more time to do our real work, which is to prepare for the conference this afternoon.

Mr. LEWIS of California. You've got the floor, Mr. Chairman.

Mr. OBEY. I thank the gentleman for his very wise comments.

Let me simply say that I don't have any objection to several provisions in this motion. I do have to say one thing, however. The effect of this motion would be to substantially increase the likely amount of money approved by the conference for the Defense Department, and to substantially reduce the amount of money provided for the State Department.

I have always had difficulty understanding why people are willing to spend hundreds of billions of dollars to wage war but are resistant to spending a tiny amount in comparison in order to prevent war or to extricate ourselves from war. In fact, the conference report that is likely to come back will probably exceed the numbers in this motion for bringing State Department personnel more immediately into Iraq, into Afghanistan and into Pakistan. We are trying to convert that operation from, essentially, a military operation to a much more balanced operation, which includes much greater effort on the diplomatic side to extricate ourselves from that war. That requires money. It requires facilities. As many military experts have said, you cannot win this if you just deal with it militarily.

So, with that one point, I would simply say, Madam Speaker, that I would reserve the balance of my time until the gentleman is ready to close.

Mr. LEWIS of California. Madam Speaker, I am pleased to recognize the gentleman from California, DAN LUNGREN, for 4 minutes.

Mr. DANIEL E. LUNGREN of California. I thank my ranking member.

Madam Speaker, I rise in support of this motion to instruct for the reasons articulated by the gentleman from California.

□ 1045

But let me talk about another subject that is covered in this bill and one that is of extreme importance. It goes to the question of how we handle those who are at Guantanamo at the present time.

This issue has erupted around this country because people are beginning to understand the ramifications of closing Guantanamo and bringing people here to the United States whose only connection to the United States is that they were caught on the battlefield with the intention of killing Americans. Now, why is it important whether or not we keep Guantanamo open or whether we bring these people to the United States?

We got a little bit of an insight into why it's important by the report by a colleague of ours, Mr. ROGERS from Michigan, who, when he was in Afghanistan recently and visited our base there, went to the prison there where we are holding people who we actually captured on the battlefield. He observed the fact that now we have FBI agents Mirandizing, that is, giving Miranda rights statements to those we have found on the battlefield.

In other words, Madam Speaker, what we have done is we have transposed the universe in which these people are being detained from one of a combat atmosphere to one of a criminal proceeding in the United States.

Now, why is that important? It's important because this is happening for the first time in the history of the United States. We did not do this, obviously, during the Revolutionary War. We did not do it during any war we fought, not the Civil War, not World War I, not World War II. If we had followed this same thinking in World War II, our courts would have been overwhelmed. People forget we have had 2 million POWs that we held during World War II, over 400,000 of them in the United States. Never was it thought that they had all of the rights under the Constitution.

But this question has basically been treated by Federal courts in the past with this perspective: the connection you have to the United States is what determines your coverage under the Constitution. That's why someone coming over the border illegally doesn't have the right to all of the constitutional protections because the only connection to the United States is trying to get in illegally.

Here we have people sitting at Guantanamo whose only connection to the United States is that we have reason to believe that they wanted to kill Americans anywhere in the world. So now what we're saying is if we take them from Guantanamo and put them in the United States, they have a connection to the United States. They were brought here involuntarily. And the legal arguments that for years have presented a barrier from their obtaining all constitutional rights, that barrier is pulled down.

So while this bill has language in it, this conference report, as it's being worked on, has language in it with respect to Guantanamo, I don't think we have focused in on what this means. Yes, there's a concern about the threat they may pose to Americans, and that arises out of the fact that some say, well, they could escape from the prisons and then we're told, oh, we've got these prisons they can't escape from.

But it is more than that. It is that they may be released at the direction of Federal judges, and the only reason they would be released is that they somehow now have access to all of our constitutional rights.

So the American people need to understand that we may have a President who says, no, we don't want to release them. We have an Attorney General who testified, no, we're going to make sure they're not released based on everything we do.

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

Mr. LEWIS of California. Madam Speaker, I yield the gentleman another 2 minutes.

Mr. DANIEL E. LUNGREN of California. The Attorney General can testify before our committee, as he did 2 weeks ago, that they're going to take all steps to make sure people aren't released in the United States who are suspected terrorists. They cannot promise that. Once they bring them to the United States and the judgment of the Federal courts is they are now under the protection of all constitutional rights, we are no longer talking about them as illegal enemy combatants, who never before have gotten the protection of the Geneva Convention. The Geneva Convention, in part, says you will have these protections so long as you act under the laws that have been recognized for warfare. One of them is wear a uniform. One of them is don't attack innocent civilians as a particular strategy and tactic.

So what we're doing is we're turning it all upside down and we're saying somehow we are protecting our values by doing something we have never done before. We are jeopardizing the national security interests of the United States. We are putting Americans, innocent Americans, at risk by doing this.

Mr. LEWIS of California. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I will be happy to yield.

Mr. LEWIS of California. I very much appreciate the point that the gentleman is making. It's an important one. The issue, per se, has almost been denied by the other side when we had these discussions in committee and otherwise.

It should be known by your public and my public that four of these people were released to Bermuda just this morning, we've learned. Now, that's a British entity. But, indeed, what's next? Our territories? And indeed further, we know that Ghailani was sent to New York for trial. So these people, very dangerous people, could be in serial released in the United States.

Madam Speaker, I would be glad to yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. I appreciate that.

And here's what people have to understand. There is a difference between holding someone to try them for war crimes or any other crime, and then you do have them within a criminal justice system. In the past it's been a military tribunal. Remember what happened when Abraham Lincoln was assassinated. We established a military tribunal here in the District of Columbia that actually tried those individuals, and they were executed. That was a military tribunal. For what? Murdering a President of the United States in time of war. Now what we are saying is those rights were not sufficient. If that were to happen today, suddenly we would say we have to do it now within the context of the full panoply of constitutional rights, and we are directing that by voluntarily saying we're going to close down Guantanamo.

If anybody has looked at the prisons and jail systems across the United States and compared it with Guantanamo, it is of the highest standard of any of our incarceration units there is. Guantanamo happens to be a place that is not sovereign American territory. That's the important distinction.

I thank the gentleman for his time.

Mr. LEWIS of California. Madam Speaker, it's my intention to yield to Mr. FRELINGHUYSEN, but I would like to make this point to the Speaker as well as to the Members: the words just spoken were the words of the former Attorney General of California, DAN LUNGREN. I would suggest that all of us read them with care in the CONGRESSIONAL RECORD.

Madam Speaker, I am proud to yield 4 minutes to my colleague RODNEY FRELINGHUYSEN of New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of the motion to instruct conferees providing for supplemental appropriations for ongoing operations in Afghanistan and Iraq.

I support the portion of these instructions that would require the Secretary of Defense to certify if the release of photographs of detainees would endanger citizens of the U.S. or members of the armed services. We send our soldiers, sailors, marines, and airmen abroad to protect our security. We owe it to them to make sure that we do not do anything that puts them in needless jeopardy.

And I also strongly support the notion that we need to endorse the higher House funding levels for defense and military construction. Absolutely needed. If we are going to believe the administration and congressional leadership, this will be the last supplemental bill to fund the needs of our soldiers in Iraq and, may I add, their mission, those soldiers' mission, expanded mission, in Afghanistan. Personally, I find that hard to believe.

This supplemental should not be considered in a vacuum. What should not be lost in all of this is that our President is proposing a defense budget that barely keeps up with inflation and specifically contains a significant cut in our ballistic missile program, at a time when North Korea and Iran are testing their capabilities and, quite honestly, testing our resolve.

And, lastly, Madam Speaker, I have concerns about the expanded spending authority of the International Monetary Fund, who would be eligible to tap that fund in terms of drawing rights. And what's more bizarre is that under the recent agreements that we've been reading about, the United States of America now is eligible, shall we say, like other Third World countries, to have its own drawing rights, which is totally bizarre and inappropriate.

Madam Speaker, our first responsibility as Members is to protect our constituents, including those in the military. This motion to instruct helps achieve that mission and other important missions.

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

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 3 minutes to my colleague from the committee, JACK KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding.

Madam Speaker, I stand in support of this amendment and certainly appreciate the gentleman for introducing it. But I wanted to talk specifically about the Guantanamo Bay prison and why that's important because I strongly believe that if we did not have it, we would need to invent it. It is that important to American security. Mr. LUNGREN has talked about it a little bit.

We have had about 500 prisoners there who have been processed and released and sent back to their countries either to be detained in their countries or to be watched by host countries. Twelve percent of those have actually

gone back into combat, which is disturbing. But we have had 500 prisoners move in and out. We have got about 240 left, and they're the worst of the worst. These are folks who were basically caught in an act of war trying to kill American citizens.

Our foreign allies, particularly those in Europe, who have given so much criticism about closing Guantanamo Bay, none of them have opened up their doors and said, hey, we'll take these Sunday school teachers and Boy Scouts, because they know that they're not Sunday school teachers and Boy Scouts. So I think that not closing down Guantanamo Bay is the right thing to do. But I also wanted to talk about the points Mr. LUNGREN made about the Miranda rights of prisoners.

Prior to 9/11, America generally treated acts of terrorism as breaking the law. Case in point: the 1993 bombing of the World Trade Center and the USS Cole. These were not seen as acts of war. Therefore, the perpetrators of those crimes got lawyers. They had Miranda rights. They had all the courtesies of the U.S. Government, the U.S. justice system. That is not what we need to be doing right now. After 9/11 we realized that these acts of terrorism weren't just tactical but strategic acts of war, and therefore we have moved over to let's treat soldiers as they are, war criminals.

Mr. LUNGREN had mentioned that the assassins of Abraham Lincoln were tried by a military tribunal. It's the same situation when President Roosevelt was President: we found six Nazi spies on Long Island, and I believe five of them were actually executed, the sixth one cooperated, but it was all through a military tribunal. So what is it that President Obama sees that President Lincoln and President Roosevelt and really all our entire U.S. judicial history, all the judges have signed off on it? Why is it that suddenly we want to go over to Afghanistan and Iraq and give Miranda rights to prisoners of war?

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

Mr. LEWIS of California. Madam Speaker, I am glad to yield the gentleman 1 additional minute.

Mr. KINGSTON. I thank the chairman.

Therefore, the first thing they're going to be trying to say is, I am not going to say anything until you give me a lawyer. And then they're going to come home to America and they're going to be all lawyered up. It's going to cost taxpayers money. It's going to hurt our investigations and interrogations. We're not going to be able to get the intelligence that we need, the background information that will prevent future terrorist attacks.

There was a lot of criticism by this administration about the Bush-Cheney administration, but I will say one

thing about it: during 9/11, and I think those of us on the floor, most of us, were here then, we felt assured that we would have another attack on American soil. That did not happen. And I remember those dark days. We all felt like there would be another domestic attack. That was prevented, in part, because of what we were able to find out from prisoners who were being held and detainees at Guantanamo Bay.

So I wanted to make those points, Madam Speaker, and I thank the gentleman for yielding the floor.

Mr. LEWIS of California. Madam Speaker, I am proud to yield 3 minutes to my colleague from Missouri, ROY BLUNT.

□ 1100

Mr. BLUNT. I thank the gentleman for yielding.

Madam Speaker, I certainly want to talk about the comments that have already been made on Guantanamo. It's a facility that should be kept open. Clearly, a campaign promise is easier to make than is the reality of the world we live in. Nobody wants these people. Nobody in my State, nobody in any neighboring State. Other countries don't want these people. They are dangerous. They are enemies of the United States. They are not people who have a right, with the actions they've taken, to have the protections that have already been so well-discussed by Mr. KINGSTON, by Mr. LUNGREN and by others. Frankly, the fact that there is not money in this supplemental, at least as I understand at this point, to close that facility is a good thing. I'm glad the chairman and the others worked to see that that was not in there. This is a debate that suddenly is a lot harder, from the administration's point of view, than it was during the campaign.

Troops in the field need our support. The House acted quickly. It was a large bipartisan vote to support the troops in the field. Where is that bill now? That bill is in a committee somewhere. They're trying to figure out what else can be added to a bill designed to support our troops. People talking on those topics understand that Members of Congress have a history of supporting our troops in the field—our troops in Iraq, our troops in Afghanistan.

So, suddenly, well, maybe, we could also put more money in the International Monetary Fund, a fund in which we would put that money by increasing our debt. We all know that one of the sources of that debt right now is foreign borrowing, borrowing from foreign countries. Some of those countries we borrow from, like China, actually would then qualify to get the money back under the IMF. To borrow money from China to give it to China is not what we ought to be doing. If we were even going to talk about that, it shouldn't be in a military supple-

mental. It should be in a bill focused on that specific promise that the President apparently has recently made, and it deserves a debate of its own.

I hope it does not come back to the floor as part of this bill. I hope we get the job done of supporting our troops.

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Thank you. I appreciate that.

Madam Speaker, I want to speak briefly about the narrow aspect of the motion to instruct that would require us to recede to the Senate language in the Senate amendment that would restrict access to the photographs of detainees that have been swept up in the field of battle since 2001. These photographs are of a sensational nature. They will be used to spur actions by radical jihadists that will be dangerous to our troops.

If you will remember back recently, there was a cartoon that was very disrespectful to Mohammed. The reaction to that cartoon was irrational given the nature of what went on. How much worse would the reaction be to these actual photographs of the detainees and of their being treated however they were treated? Our own commanders on the ground, General Petraeus and General Odierno, have both said, in their professional judgment, that the release of these photographs will help recruit additional terrorists—additional jihadists—to the team and that the release of these photographs will be used to spur actions against our military and against our troops in the field, who might not otherwise be there. So I don't think it's too much of a stretch to say that the release of these photographs, in all likelihood, will result in additional deaths and injuries to American troops that don't have to occur.

The Senate language would restrict access to these photographs, which is the right issue, and the White House has agreed that these photographs should not be released. I encourage my colleagues on both sides of the aisle to support our motion to instruct because it does make sense not to release these photographs.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I would like to touch on the issue of Gitmo as well. I've been there a couple of times. Those people are well-treated, particularly when you consider that they are enemy combatants, that they are part of a group that has declared war on this country. Throughout the history of mankind, when a group declares war on another group and the group on which they've declared war is humane enough to take prisoners, then they are held until the group of which they're a part says that we're no longer at war.

Here, there are people in this country and in the administration who do not understand that these people still want to kill us. Look at the pleading of Khalid Sheikh Mohammed. In his words: We are terrorists to the bone.

You release those people. You bring them into the United States. We've already heard that the Supreme Court majority is wanting to give them rights to which they're not or should not be entitled. That is why Justice Scalia said in his dissent, This opinion will cost American lives. That was a bold statement by Scalia, but he is right. We should not allow this to hurt American soldiers and American people and put innocent lives at risk even though it may get some applause overseas from people who would not mind seeing America disappear.

I want to touch very quickly on the photographs. We believe in America that guilty people should be punished and that people who torture prisoners inhumanely have been punished and are being punished; but if those photographs are released, there will be blood on this administration's hands for punishing innocent soldiers who had nothing to do with it, and we should not have or allow this administration to hurt innocent soldiers.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to a member of the Appropriations Committee, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I appreciate the opportunity to speak on the supplemental. It's actually something that I voted on not so long ago, but things have changed. Things have changed radically. In fact, it seems that the Obama administration has included in this supplemental a request for \$108 billion, taking money away from defense and putting it into the International Monetary Fund. Now, they call that the IMF. A lot of people don't know what the IMF is, but here we are taking money away from our defense spending, away from our soldiers and away from our taxpayers, and we're going to put it into this International Monetary Fund.

Exactly what does that do?

Well, that allows some of our good friends, like Iran and Venezuela, to access this money to build their country and their programs and to use it according to the dictates of the way they run their countries. These are not only our competitors, but they are the countries that do the most they can to cause us trouble. So why in the world do we want to levy more taxes on our taxpayers, take the money that was for defense and give it away to our enemies? It doesn't make any sense.

This should not be included in the defense supplemental. This should be about taking care of our men and women in uniform. It should be about taking care of their equipment, their needs, their education, and the training that they need, not about giving

money away to the international community to be used in who knows what way by who knows what country.

So as strong as I am on defense—and I've always been a strong defender. I've been on the Armed Services Committee for 9 years. I have three sons who've graduated from the Naval Academy. This will not stand. I will not vote for a supplemental that is giving money to some foreign country, money that should go to our soldiers.

GENERAL LEAVE

Mr. LEWIS of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the motion to instruct.

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

There was no objection.

Mr. LEWIS of California. Madam Speaker, if I could inquire of my colleague: Do you have any additional speakers?

Mr. OBEY. Just one briefly, myself.

Mr. LEWIS of California. Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I had not wanted to take a lot of time here today, but I am moved to take a couple of minutes to respond to a couple of things that I've heard on the floor today.

We have heard several lectures about the President's fiscal policy and about his economic policy and about his international economic policy. I find it kind of difficult to take economic lectures from the same folks who have driven this country's economy into the ditch.

The President has inherited a very dicey situation both internationally and domestically. It is always hard in life to clean up other people's messes. It is especially hard to do that when you have the responsibilities as heavy as those that weigh on the shoulders of the President of the United States.

I don't understand why he should be expected to take lectures from the people who helped put the economy into the ditch or, for that matter, to take lectures from the same people who brought us the most unnecessary war in America's history, the people who took \$6 trillion in projected budget surpluses and turned them into the largest deficits in the history of the Republic, the people who are now sniping at virtually everything that the President does to try to deal with both his international challenges and his domestic challenges.

I don't think anybody wants to see any of those prisoners at Guantanamo "released" into the United States. I do think we have a legitimate question about where they should be tried and

about where they should be imprisoned after they are found guilty. Because we wanted to have more specific answers from the administration on that score, this committee has already removed all of the money that could be used to close Guantanamo until we do get a specific plan from the administration.

Having said that, I would suggest that the average American family is much more in danger of being hit by the flu pandemic than they are of actually being hit by any person who would be imprisoned in a maximum security prison here in the United States. I, frankly, would be kind of interested to see some of those terrorists exposed to the wonderful "charms" of some of our prison inmates in our own prisons. I don't think they would like the experience very much; but nonetheless, that is not what is at issue here.

What is at issue is simply whether or not we will go about our business of going to conference and of producing a supplemental appropriation bill that will meet the basic needs of our troops and that will meet our basic diplomatic necessities as well. That's why I think there is a problem with this motion.

This motion, by the time it sets aside money for military construction and defense, would not leave us with enough money on the table to respond sufficiently to the pandemic flu problem. It would not leave us with enough money on the table to deal with the necessity to provide assistance to Mexico in order to deal with the drug problem there, which is certainly a national security threat to us, and it certainly would not leave us with sufficient funds to strengthen and buttress our political and diplomatic activities in Afghanistan and in Pakistan. It would not leave us with enough money, for instance, to fully fund the funding for the new Embassy in Pakistan, which is desperately needed given the fact that we just had a bombing in Peshawar of the Pearl Hotel where most of the American diplomats stayed. We need to protect diplomats just as much as we need to protect soldiers. That's what the conference will try to do if we can ever get to it.

So I would simply say, Madam Speaker, as I said earlier, I intend to vote against this motion, but I am not going to be particularly bothered if other people want to vote for it because they supported one piece or another of this proposal. I, myself, would probably support two of the provisions in here but not all of them. So Members are certainly free to vote however they prefer. This is a place where we like to state our first preferences as often as possible, but sooner or later, we have to compromise. That means most of us, including the ranking member and the Chair, will not be able to get all of the first preferences that we would prefer.

So, if the gentleman is prepared to close, I will yield back my time.

□ 1115

Mr. LEWIS of California. Madam Speaker, I, for one, am looking forward to a number of celebrations. One of those celebrations that I hope to very much participate in in the near future will involve the gentle lady who happens to be the Speaker at this moment.

But having talked about celebrations, I think it would be most interesting when we reach the point where the leadership on the other side of the aisle, including my own committee, would stop presuming that every problem in the world can easily be set aside because you can blame the past President about this. As I remember, I think we had a vote in the House in which there was broadly based bipartisan support, for example, for the incursion of Iraq in support of the then-President.

I must say we have had a lot of conversation about items that are not directly in this bill today having to do with Guantanamo. If I'm not mistaken, that issue would not be before us if the current President had not decided that he was going, and publicly committed, to his closing of Guantanamo. That's creating this horrendous problem.

Setting all that aside as I close, Madam Speaker, the bill before us or the item before us is an item that involves the conference that's about to take place between the Senate and the House having to do with the supplemental funding that was designed originally to give support for our efforts in Afghanistan and Iraq and, indeed, a very bipartisan support here in the House.

My consternation is that it appears as though we've set aside that bipartisan support for the convenience of the leadership and, indeed, will have a conference with the Senate that involves two things: a significant reduction of about \$5 billion in the money available to support our troops; and, above and beyond that, for all intents and purposes, about that sum of money is transferred for foreign aid, for funding for IMF, for providing access to all kinds of countries who are not friendly to the United States by way of funding that would be supported by our taxpayers.

Mr. VAN HOLLEN. Madam Speaker, I rise today in support of the President's decision not to make these photographs public for the reasons he has already expressed. Namely, the publication of these photos would not provide us with any additional benefit and may inflame anti-American sentiment and endanger our troops. However, the proper mechanism for this is through the courts or by issuing a Presidential Executive order, not through Congress.

The Freedom of Information Act (FOIA) has been an essential tool for promoting a more open, transparent, and accountable government. The Congress should not be addressing each separate FOIA request on an ad hoc basis. Amending FOIA through the legislative process sets an unwise precedent. I would

urge my colleagues to allow the courts to rule on this very important matter.

Mr. SHERMAN. Madam Speaker, I voted against the motion. One of my concerns about the Supplemental as passed by the Senate is the fact that it contains funding for the International Monetary Fund without language designed to ensure that the IMF provide no assistance to countries that support terrorism, raise proliferation concerns, or are major human rights abusers, most notably Iran. Proponents of the motion mentioned their objections to the IMF funding; some raised similar concerns that the IMF could assist some of the worst regimes. However, a close reading of the motion reveals that conferees could implement the instructions without any cut to IMF funding and without adding any preconditions that the IMF would have to meet before obtaining \$109 billion. Given the political realities, I believe that this is the direction the conferees would take to implement these instructions in the event they did not ignore them altogether. Thus this motion does not instruct conferees to do anything at all to IMF funding and, if implemented will lead to cuts to worthy domestic and international accounts. For these reasons, I could not support the motion.

Mr. LEWIS of California. With that, Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. LEWIS).

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

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

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

Accordingly (at 11 o'clock and 18 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1155

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 11 o'clock and 55 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on questions previously postponed.

Votes will be taken in the following order: motion to instruct on H.R. 2346, and motion to suspend on H.R. 1687.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

MOTION TO INSTRUCT CONFEREES ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct on H.R. 2346, offered by the gentleman from California (Mr. LEWIS) which the Chair will put de novo.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 267, nays 152, not voting 14, as follows:

[Roll No. 329]

YEAS—267

Abercrombie Cardoza Granger
Aderholt Carney Graves
Adler (NJ) Carter Griffith
Akin Cassidy Guthrie
Alexander Castle Hall (NY)
Altmire Chaffetz Hall (TX)
Arcuri Chandler Halvorson
Austria Childers Harper
Bachmann Coble Hastings (WA)
Bachus Coffman (CO) Heller
Barrett (SC) Cole Hensarling
Barrow Conaway Hergert
Bartlett Cooper Herseth Sandlin
Barton (TX) Costa Hinojosa
Bean Costello Hodes
Berry Courtney Hoekstra
Biggart Crenshaw Holden
Bilbray Cuellar Hunter
Bilirakis Culberson Inglis
Bishop (GA) Dahlkemper Issa
Bishop (NY) Davis (AL) Jenkins
Bishop (UT) Davis (KY) Johnson (GA)
Blackburn Davis (TN) Johnson, Sam
Blunt Deal (GA) Jordan (OH)
Bocchieri Dent Kaptur
Boehner Diaz-Balart, L. King (IA)
Bonner Diaz-Balart, M. King (NY)
Bono Mack Donnelly (IN) Kingston
Boozman Dreier Kirk
Boren Driehaus Kirkpatrick (AZ)
Boucher Edwards (TX) Kissell
Boustany Ehlers Klein (FL)
Boyd Ellsworth Kline (MN)
Brady (TX) Emerson Kosmas
Bright Fallin Kratochvil
Broun (GA) Flake Lamborn
Brown (SC) Fleming Lance
Brown, Corrine Forbes Latham
Brown-Waite, Fortenberry LaTourette
Ginny Foyx Latta
Buchanan Franks (AZ) Lee (NY)
Burgess Frelinghuysen Lewis (CA)
Burton (IN) Gallegly Linder
Buyer Garrett (NJ) Lipinski
Calvert Gerlach LoBiondo
Camp Giffords Lucas
Campbell Gingrey (GA) Luetkemeyer
Cantor Gumert Lummis
Cao Goodlatte Lungren, Daniel
Capito Gordon (TN) E.

Mack Nye Sessions
Maffei Olson Shadegg
Manzullo Ortiz Shea-Porter
Marchant Paulsen Shimkus
Markey (CO) Pence Shuler
Marshall Perlmutter Shuster
Massa Perriello Simpson
Matheson Peters Skelton
McCarthy (CA) Peterson Smith (NE)
McCarthy (NY) Petri Smith (NJ)
McCaul Pitts Smith (TX)
McClintock Platts Smith (WA)
McCotter Poe (TX) Souder
McHenry Posey Space
McHugh Price (GA) Spratt
McIntyre Putnam Stearns
McKeon Rahall Tanner
McMahon Rehberg Taylor
McMorris Reichert Teague
Rodgers Reyes Terry
McNerney Rodriguez Thompson (MS)
Meeke (FL) Roe (TN) Thompson (PA)
Melancon Rogers (AL) Thornberry
Mica Rogers (KY) Tiahrt
Miller (FL) Rogers (MI) Tiberi
Miller (MI) Rohrabacher Titus
Miller (NC) Rooney Turner
Miller, Gary Ros-Lehtinen Upton
Minnick Roskam Walden
Mitchell Ross Walz
Moore (KS) Royce Wamp
Moran (KS) Ryan (OH) Westmoreland
Murphy (CT) Ryan (WI) Wexler
Murphy (NY) Salazar Whitfield
Murphy, Patrick Scalise Wilson (OH)
Murphy, Tim Schauer Wilson (SC)
Murtha Schmidt Wittman
Myrick Schock Wolf
Neugebauer Scott (GA) Young (AK)
Nunes Sensenbrenner Young (FL)

NAYS—152

Ackerman Harman Pascrell
Andrews Hastings (FL) Pastor (AZ)
Baird Heinrich Paul
Baldwin Higgins Payne
Becerra Hinchey Pingree (ME)
Berkley Hirono Polis (CO)
Berman Holt Pomeroy
Blumenauer Honda Price (NC)
Brady (PA) Hoyer Quigley
Braley (IA) Inslee Rangel
Butterfield Israel Rothman (NJ)
Capps Jackson (IL) Roybal-Allard
Capuano Jackson-Lee Ruppersberger
Carnahan (TX) Rush
Carson (IN) Johnson (IL) Sanchez, Loretta
Castor (FL) Johnson, E. B. Sarbanes
Clarke Jones Schakowsky
Clay Kanjorski Schiff
Cleaver Kildee Schrader
Clyburn Kilpatrick (MI) Schwartz
Cohen Kilroy Scott (VA)
Connolly (VA) Kind Serrano
Conyers Kucinich Sestak
Crowley Langevin Sherman
Cummings Larsen (WA) Sires
Davis (CA) Larson (CT) Slaughter
Davis (IL) Lee (CA) Levin
DeFazio Loeb sack Speier
DeGette Lofgren, Zoe Stupak
DeLauro Lowey Sutton
Dicks Lujan Tauscher
Dingell Lujan Lynch Thompson (CA)
Doggett Maloney Tierney
Doyle Maloney Tonko
Duncan Markey (MA) Towns
Edwards (MD) Matsui Tsongas
Engel McCollum Van Hollen
Eshoo McDermott Velázquez
Etheridge McGovern Vislosky
Farr Meeke (NY) Wasserman
Fattah Michaud Schultz
Filner Miller, George Waters
Foster Mollohan Watson
Frank (MA) Moore (WI) Watt
Fudge Moran (VA) Waxman
Gonzalez Nadler (NY) Weiner
Grayson Napolitano Welch
Green, Al Neal (MA) Oberstar
Green, Gene Oberstar Obey
Grijalva Obey Woolsey
Gutierrez Olver Wu
Hare Pallone Yarmuth

NOT VOTING—14

Baca	Himes	Richardson
Boswell	Kagen	Sánchez, Linda
Delahunt	Kennedy	T.
Ellison	Lewis (GA)	Stark
Hill	Radanovich	Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1223

Messrs. KILDEE, CUMMINGS, PAYNE, SCOTT of Virginia, RUPERSBERGER, BLUMENAUER, BECERRA, AL GREEN of Texas, ROTHMAN, CLEAVER, CROWLEY, TOWNS, GUTIERREZ, FATTAH, PAL-LONE, NADLER of New York, LARSON of Connecticut, JONES, ENGEL, ACKERMAN, Ms. MCCOLLUM, Mrs. MALONEY, Ms. VELÁZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WASSERMAN SCHULTZ, Ms. FUDGE, and Ms. ESHOO changed their vote from “yea” to “nay.”

Messrs. WITTMAN, ALTMIRE, WALZ, SALAZAR, BROUN of Georgia, RAHALL, Mrs. HALVORSON, and Ms. CORRINE BROWN of Florida changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER

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

There was no objection.

RALPH REGULA FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1687, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. BOCCIERI) that the House suspend the rules and pass the bill, H.R. 1687, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 330]

YEAS—416

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

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

NOT VOTING—18

Baca	Himes	Sánchez, Linda
Boswell	Kagen	T.
Braley (IA)	Kennedy	Sherman
Delahunt	Lewis (GA)	Slaughter
Garrett (NJ)	McHenry	Sullivan
Hensarling	Radanovich	
Hill	Richardson	

□ 1232

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

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the ‘Ralph Regula Federal Building and United States Court-house.’”

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Without objection, the Chair appoints the following conferees on H.R. 2346:

Messrs. OBEY, MURTHA, Ms. DeLAURO, Mrs. LOWEY, Messrs. EDWARDS of Texas, LEWIS of California, YOUNG of Florida, and Ms. GRANGER.

PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009

Mr. BERMAN. Mr. Speaker, pursuant to House Resolution 522, I call up the bill (H.R. 1886) to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill. The SPEAKER pro tempore. Pursuant to House Resolution 522, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House report 111-143, is adopted and the bill, as amended, is considered read.

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

H.R. 1886

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009” or the “PEACE Act of 2009”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Declaration of principles.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN

- Sec. 101. Purposes of assistance.
- Sec. 102. Authorization of assistance.
- Sec. 103. Multilateral support for Pakistan.
- Sec. 104. Pakistan Democracy and Prosperity Fund.
- Sec. 105. Authorization of appropriations.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

- Sec. 201. Sense of Congress.
- Sec. 202. Purposes of assistance.
- Sec. 203. Authorization of assistance.
- Sec. 204. Pakistan Counterinsurgency Capabilities Fund.
- Sec. 205. Exchange program between military and civilian personnel of Pakistan and certain other countries.
- Sec. 206. Limitation on United States military assistance to Pakistan.
- Sec. 207. Authorization of appropriations.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Comprehensive regional security strategy.
- Sec. 302. Monitoring and evaluation of assistance.
- Sec. 303. Auditing.
- Sec. 304. Requirements for civilian control of United States assistance for Pakistan.
- Sec. 305. Sense of Congress.
- Sec. 306. Reports.
- Sec. 307. Sunset.

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—Except as otherwise provided in this Act, the term “appropriate congressional committees” means the Committees on Appropriations and Foreign Affairs of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate.

(2) **COUNTERINSURGENCY.**—The term “counterinsurgency” means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) **COUNTERTERRORISM.**—The term “counterterrorism” means efforts to combat—

- (A) al Qaeda; and
- (B) other terrorist organizations, as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).

(4) **FATA.**—The term “FATA” means the Federally Administered Tribal Areas of Pakistan.

(5) **FCR.**—The term “FCR” means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) **NWFP.**—The term “NWFP” means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The Islamic Republic of Pakistan has been a critical ally of the United States for more than 4 decades.

(2) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule after almost 9 years under a military dictatorship.

(3) After the September 11, 2001, terrorist attacks against the United States, Pakistan chose to partner with the United States in the fight against al Qaeda, the Taliban, and other extremist and terrorist groups.

(4) Since 2001, the United States has contributed more than \$12,000,000,000 to Pakistan to strengthen Pakistan’s governance, economy, education system, healthcare services, and military, so as to bring freedom and opportunities to the people of Pakistan while helping to combat terrorism and to counter a domestic insurgency.

(5) The United States requires a balanced, integrated, countrywide strategy that provides assistance throughout Pakistan and does not disproportionately focus on military assistance or one particular area or province.

(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—Pakistan’s FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) Pakistan’s security forces have recently begun taking concerted action against those who threaten Pakistan’s security and stability, with military operations in the Bajour agency in the FATA and in the Swat, Buner, and Dir districts in the NWFP.

(8) The displacement of over 1,000,000 Pakistanis poses a grave humanitarian crisis and requires the immediate attention of the United Nations, and the strong support of donor nations, to provide food, water, shelter, medicine, sanitation and other emergency services and supplies to the displaced, along with longer-term development assistance. The humanitarian crisis highlights the need for Pakistan to develop an effective national counterinsurgency strategy, in order to mitigate such displacement.

SEC. 4. DECLARATION OF PRINCIPLES.

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and material well-being of the people of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan’s own efforts in building a stable, secure, and prosperous Pakistan, and United States assistance will be wholly ineffective without Pakistan’s own serious efforts to improve the health, education, and living standards of its population, including maintaining or increasing the financial resources devoted to such efforts.

(3) The United States supports Pakistan’s struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,600 soldiers since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(4) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, through strengthening Pakistan’s parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote long-term development and infrastructure projects, including in healthcare, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) to encourage sustainable economic development in Pakistan and the integration of Pakistan into the global economy in order to improve the living conditions of the people of Pakistan;

(E) to ensure that the people of Pakistan, including those living in areas governed by the FCR, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(F) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(G) to ensure transparency of and provide effective accountability for all United States assistance and reimbursements provided to Pakistan;

(H) to take steps to improve Pakistan’s counterterrorism financing and anti-money laundering laws to comply with international standards, to include applying for “Financial Action Task Force” observer status and adhering to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(I) to establish a counterinsurgency and counterterrorism strategy to prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere, and ensure that madrasas in Pakistan are not used to incite terrorism;

(J) to ensure that Pakistan has strong and effective law enforcement and national defense forces, under civilian leadership, with sufficient and appropriate security equipment and training to effectively defend Pakistan against internal and external threats;

(K) to ensure access of United States investigators to individuals suspected of engaging in

worldwide proliferation of nuclear materials, as necessary, and restrict such individuals from travel or any other activity that could result in further proliferation;

(L) to help Pakistan meet its commitment to not support any person or group that conducts violence, sabotage, or other activities meant to instill fear or terror in Pakistan's neighboring countries; and

(M) to help Pakistan gain control of its undergoverned areas and stop any support, direction, guidance to, or acquiescence in the activities of, any person or group that engages in acts of violence or intimidation against civilians, civilian groups, or governmental entities.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN

SEC. 101. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to demonstrate unequivocally the long-term commitment of the United States to the people of Pakistan and Pakistan's democratic institutions;

(2) to support the consolidation of democracy, good governance, and the rule of law in Pakistan;

(3) to help build the capacity of law enforcement forces in Pakistan to combat terrorism and violent militancy and expeditiously investigate, arrest, and prosecute alleged criminals, consistent with the rule of law and due process;

(4) to further the sustainable and effective economic and social development of Pakistan and the improvement of the living conditions of the people of Pakistan, especially in areas of direct interest and importance to their daily lives;

(5) to strengthen regional ties between Pakistan and its neighbors by offering concrete non-military assistance for issues of mutual economic and social concern;

(6) to strengthen Pakistan's public education system, increase literacy, expand opportunities for vocational training, and help create an appropriate national curriculum for all schools in Pakistan;

(7) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods;

(8) to strengthen respect for internationally recognized human rights in efforts to stabilize the security environment in Pakistan; and

(9) to promote the rights and empowerment of women and girls in Pakistan, including efforts to increase access to basic healthcare services to address Pakistan's high maternal mortality rate and to increase girls' and women's access to education.

SEC. 102. AUTHORIZATION OF ASSISTANCE.

(a) *IN GENERAL.*—To carry out the purposes of section 101, the President is authorized to provide assistance for Pakistan to support the activities described in subsection (b).

(b) *ACTIVITIES SUPPORTED.*—Activities that may be supported by assistance under subsection (a) include the following:

(1) *FORTIFYING DEMOCRATIC INSTITUTIONS.*—To support, notwithstanding any other provision of law, democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen the National Parliament of Pakistan, including—

(i) assistance to parliamentary committees to enhance the capacity to conduct public hearings and oversee government activities, including national security issues and the military budget, to solicit input on key public policy issues, and to oversee the conduct of elections;

(ii) support for the establishment of constituency offices and otherwise promote the responsibility of members of parliament to respond to constituents; and

(iii) strengthening of the role of parliamentary leadership;

(B) support for voter education and civil society training, including training with grassroots organizations to enhance the capacity of the organizations to advocate for the development of public policy;

(C) support for political parties, including increasing their capacity and protecting their right to carry out political activities without restriction (other than reasonable administrative requirements commonly applied in democratic countries) and fostering the responsiveness of such parties to the needs of the people of Pakistan;

(D) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities, including supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector, audit offices, inspectors general offices, third party monitoring of government procurement processes, whistle-blower protections, and anti-corruption agencies; and

(E) in particular, support for efforts by the Government of Pakistan to promote governance reforms in the FATA, including—

(i) extension of the Political Parties Act;

(ii) local experimentation with methods to transition from the FCR; and

(iii) long-term development of durable and responsive political institutions.

(2) *ENHANCEMENT AND STRENGTHENING OF THE JUDICIAL SYSTEM AND LAW ENFORCEMENT.*—To support, notwithstanding any other provision of law, Pakistan's efforts to expand the rule of law and build the capacity, transparency, and trust in government institutions, at the national, provincial, and local levels, including assistance such as—

(A) support for the rule of law and systemic improvement of judicial and criminal justice institutions, including—

(i) management of courts;

(ii) enhanced career opportunities and professional training for judges, public defenders, and prosecutors; and

(iii) efforts to enhance the rule of law to all areas in Pakistan where the writ of the government is under heightened challenge by terrorists and militants, including through innovations in the delivery of judicial services that enhance the legitimacy of state institutions;

(B) support for professionalization of the police, including—

(i) training regarding use of force;

(ii) education and training regarding human rights;

(iii) training regarding evidence preservation and chain of custody; and

(iv) training regarding community policing;

(C) support for independent law enforcement agencies, such as the Intelligence Bureau of the Ministry of Interior, responsive to civilian control, including—

(i) enhanced coordination with judicial processes;

(ii) enhancement of forensics capabilities;

(iii) data collection and analyses;

(iv) case tracking and management;

(v) financial intelligence functions; and

(vi) maintenance of data systems to track terrorist of criminal activity; and

(D) strengthening the capacity of the police and other civilian law enforcement agencies to provide a robust response to threats from extremists and terrorists along the frontier and elsewhere in Pakistan, including—

(i) the development of an elite rapid reaction force which could be deployed on short notice to secure areas that are threatened by militancy; and

(ii) facilitating improved counterterrorism and counterinsurgency coordination between local

government officials, the police, paramilitary, and military leaders.

(3) *SUPPORT FOR BROAD-BASED AND SUSTAINABLE ECONOMIC DEVELOPMENT.*—To support economic development in Pakistan by—

(A) promoting energy sector reform and development;

(B) expanding assistance for agricultural and rural development, including farm-to-market roads, systems to prevent spoilage and waste, and other small-scale infrastructure improvements that will enhance supply and distribution networks;

(C) increasing employment opportunities, including support to small and medium enterprises, microfinance and microenterprise activities, and in particular programs to improve the lives of women and girls;

(D) preventing youth from turning to extremism and militancy, and promoting the renunciation of such tactics and extremist ideologies, by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth; and

(E) increasing investment in infrastructure, including construction of roads, water resource management systems, irrigation channels, and continued development of a national aviation industry and aviation infrastructure.

(4) *SUPPORT TO INCREASE LOCAL CAPACITY.*—To increase the capacity and improve the sustainability of Pakistan's national, provincial, and local governmental and nongovernmental institutions, including assistance to—

(A) increase and improve the capacity of Pakistan's national, provincial, and local governmental institutions by—

(i) providing technical assistance to all ministries to improve transparency and ability to respond to the needs of the people of Pakistan; and

(ii) promoting the implementation of fiscal and personnel management, including revenue tracking and expenditure systems; and

(B) enhance the capacity of Pakistan's nongovernmental and civil society organizations to respond to the needs of the people of Pakistan by—

(i) increasing support for local nongovernmental organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations in Pakistan;

(ii) providing training and education to local nongovernmental and civil society organizations on ways to identify and improve the delivery of services to the people of Pakistan; and

(iii) promoting local ownership and participation, including encouraging communities to contribute a percentage of the value of United States projects or activities carried out under this title in the form of labor, in-kind materials, or other provisions.

(5) *SUPPORT FOR PUBLIC EDUCATION SYSTEM.*—To support Pakistan's public education system, including—

(A) implementation of a national education strategy, to include both primary and secondary education, focused on literacy and civic education, including—

(i) programs to assist development of modern, nationwide school curriculums for public, private, and religious schools that incorporate relevant subjects, such as math, science, literature, and human rights awareness, in addition to agricultural education and training;

(ii) enhancement of civic education programs focused on political participation, democratic institutions, and tolerance of diverse ethnic and religious groups; and

(iii) support for the proper oversight of all educational institutions, including madrasas, as required by Pakistani law, including registration with the Ministry of Education and regular

monitoring of curriculum by the Ministry of Education to ensure students in Pakistan receive a comprehensive education;

(B) initiatives to enhance the access to education for women and girls, and to increase women's literacy, with special emphasis on helping girls stay in school;

(C) funding to the Government of Pakistan to use to increase immediately teacher salaries and to recruit and train teachers and administrators, as well as develop formalized salary scales with merit-based pay increases;

(D) establishment of vocational and technical programs to enhance employment opportunities;

(E) encouragement of United States and Pakistani public-private partnerships to increase investment in higher education and technical training opportunities;

(F) construction and maintenance of libraries and public schools, including water sanitation, perimeter walls, and recreation areas;

(G) provision of textbooks and other learning materials and food assistance for student meals; and

(H) provision of software to educational institutions and students at the lowest possible cost, specifically targeting universities that specialize in information technology, and women's colleges and women's secondary schools.

(6) **SUPPORT FOR HUMAN RIGHTS.**—To promote respect for and compliance with internationally recognized human rights, including assistance such as—

(A) programs to strengthen civil society organizations that promote internationally recognized human rights, including religious freedom, freedom of expression, and freedom of association, and that support human rights monitoring;

(B) promotion of education regarding internationally recognized human rights;

(C) programs designed to end traditional practices and punishments that are inconsistent with internationally recognized human rights norms and protections, such as honor killings and other forms of cruel and unusual punishments;

(D) promotion of freedom of religion and religious tolerance, protection of religious minorities, and promotion of freedom of expression and association, including support for responsible independent media;

(E) promotion of nongovernmental organizations that focus on the protection of women and girls, including women-led organizations and programs that support the participation of women in the national, provincial, and local political process, and programs to end violence against women, including rape;

(F) technical, legal, and law enforcement assistance for the investigation of past disappearances of individuals in Pakistan and the development of a national data base of such individuals; and

(G) programs in support and protection of the rights of ethnic minorities in Pakistan, including Baluchis, Sindhis, and Pashtuns, to preserve their language, culture, traditional areas of inhabitancy, and to fight any direct or indirect discrimination.

(7) **SUPPORT FOR REFUGEES AND INTERNALLY DISPLACED PERSONS.**—It is the sense of Congress that—

(A) counterinsurgency operations being carried out by the Government of Pakistan should be designed to minimize civilian casualties and collateral damage to the people of Pakistan and to provide security for the delivery of humanitarian assistance to the affected civilian population;

(B) the United States should continue to provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence;

(C) the United States should support international efforts to coordinate assistance to refu-

gees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(D) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, health, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

(E) the Administrator of the United States Agency for International Development should evaluate the effectiveness of the livelihoods projects in the FATA in order to determine whether systems need to be put into place to improve programming in this key sector.

(8) **SUPPORT FOR HEALTHCARE EFFORTS.**—To provide urgently needed healthcare assistance to the people of Pakistan, including assistance to supplement the Government of Pakistan's efforts to eliminate diseases, including hepatitis, and to reduce the nation's high maternal and under-five mortality rates, including—

(A) support for repairing and building healthcare infrastructure, including purchase of equipment and training of health professionals, to ensure adequate access to healthcare for Pakistan's population, especially among its rural, poor, marginalized and disadvantaged segments; and

(B) promotion of efforts by the Government of Pakistan to reduce maternal mortality, including through the provision of maternal and newborn health services and development of community-based skilled birth attendants.

(9) **SUPPORT FOR PUBLIC DIPLOMACY.**—To implement a more effective public diplomacy strategy in Pakistan in order to ensure that the Pakistani public recognizes that it is in Pakistan's own interest to partner with the United States and other like-minded countries to combat militant extremism, as well as to promote a better understanding of the United States, including through the following:

(A) Partnering with the Government of Pakistan to highlight the negative behavior of insurgent groups and to encourage civil society, respected scholars, and other leaders to speak out against militancy and violence.

(B) Providing technical assistance to the Government of Pakistan to both disrupt and provide alternatives to the illegal FM radio stations used by insurgent groups in the FATA and adjacent districts of the NWFP.

(C) Expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue.

(D) Expansion of sister institution programs between United States and Pakistani schools and universities, towns and cities, and other organizations in such fields as medicine and healthcare, business management, environmental protection, information technology, and agriculture.

(E) Additional scholarships to enable students to study in the United States.

SEC. 103. MULTILATERAL SUPPORT FOR PAKISTAN.

To the extent that Pakistan continues to evolve toward civilian control of the government and to develop and implement comprehensive economic reform programs, the President should do the following:

(1) **MULTILATERAL SUPPORT.**—Take the lead in mobilizing international financial institutions, in particular the International Monetary Fund and affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Pakistan.

(2) **STABILIZATION ASSISTANCE.**—In conjunction with other governments and international financial institutions (including the International Monetary Fund), support the implementation of a plan of the Government of Pakistan to attack structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Pakistan.

(3) **CURRENCY STABILIZATION LOANS.**—Provide leadership in supporting multilateral agreements to provide government-to-government loans for currency stabilization in Pakistan if the loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

SEC. 104. PAKISTAN DEMOCRACY AND PROSPERITY FUND.

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a fund to be known as the "Pakistan Democracy and Prosperity Fund" (hereinafter in this section referred to as the "Fund"), consisting of such amounts as may be appropriated or transferred to the Fund as provided in this section and which may be used for purposes of this title.

(b) **TRANSFERS TO FUND.**—The Fund shall consist of the following:

(1) Amounts appropriated to carry out this title.

(2) Amounts appropriated on or after the date of the enactment of this Act for "Development Assistance", "Global Health and Child Survival", and the "Economic Support Fund" for assistance for Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) that are transferred by the President to the Fund pursuant to subsection (d).

(3) To the extent or in the amounts provided in advance in appropriations Acts, amounts accepted by the President under subsection (c) that are transferred by the President to the Fund pursuant to subsection (d).

(c) **ACCEPTANCE OF AMOUNTS FROM OUTSIDE SOURCES.**—The President may accept funds from non-United States Government sources, including foreign governments, nongovernmental organizations, private business entities, and private individuals, for purposes of carrying out this title.

(d) **STATUS OF AVAILABILITY OF AMOUNTS IN FUND.**—The President is authorized to transfer to the Fund amounts under paragraphs (2) and (3) of subsection (b). Such amounts shall be merged with and shall be available for any purpose for which any of the amounts so transferred are available.

(e) **REPORT.**—The President shall transmit to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2018, a report on programs, projects, and activities carried out using amounts obligated and expended from the Fund.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the President to carry out this title \$1,500,000,000 for each of the fiscal years 2010 through 2013.

(b) **AVAILABILITY.**—Amounts authorized to be appropriated to carry out this title for a fiscal year are—

(1) authorized to remain available until September 30 of the succeeding fiscal year; and

(2) in addition to amounts otherwise available for such purposes.

(c) **SENSE OF THE CONGRESS.**—It is the sense of Congress that United States assistance provided under this title should be made available on a proportional and equitable basis between the FATA and other regions of Pakistan.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

SEC. 201. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) United States security assistance for Pakistan should be used to improve relationships between United States military and Pakistani military personnel, including outreach to the “lost generation” of Pakistan’s officers who did not attend United States-sponsored training as a result of restrictions placed on United States assistance for Pakistan due to Pakistan’s possession of a nuclear device; and

(2) United States security assistance for Pakistan should be fully accountable, should be contingent on Pakistan ending support for terrorist groups, and should meet the national security needs of Pakistan.

SEC. 202. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to support Pakistan’s paramount national security need to fight and win the ongoing counterinsurgency within its borders;

(2) to work with the Government of Pakistan to protect and secure Pakistan’s borders and prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to develop knowledge of and appreciation for democratic governance and a military that is controlled by and responsible to democratically elected civilian leadership.

SEC. 203. AUTHORIZATION OF ASSISTANCE.

(a) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out this title not less than \$4,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013 are authorized to be made available for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as “E-IMET”).

(2) USE OF FUNDS.—Not less than 30 percent of the amount made available to carry out this subsection for a fiscal year may be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) FOREIGN MILITARY FINANCING PROGRAM.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out this title, not less than \$300,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013 are authorized to be made available for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) USE OF FUNDS.—Not less than 75 percent of the amount made available to carry out this subsection for a fiscal year may be used for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan. Such articles, services, and military education and training may include the following:

(A) Aviation maintenance and logistics support for United States-origin and United States-supported rotary wing aircraft and upgrades to such aircraft to include modern night vision and targeting capabilities.

(B) Intelligence, surveillance, and reconnaissance (ISR) ground and air manned and unmanned platforms, including sustainment.

(C) Command and control capabilities.

(D) Force protection and counter improvised explosive device capabilities, including protection of vehicles.

(E) Protective equipment, such as body armor and helmets, night vision goggles, and other individual equipment, including load-bearing equipment, individual and unit level first aid equipment, ballistic eye protection, and cold weather equipment.

(F) Appropriate individual and unit level medical services and articles for the Pakistan Army, the Pakistan Frontier Corps, and other appropriate security forces.

(G) Assistance to enable the Pakistani military to distribute humanitarian assistance and establish a tactical civil-military operations capability, including a civil affairs directorate.

(3) RESTRICTION RELATING TO F-16 PROGRAM.—

(A) CONGRESSIONAL FINDING.—In accordance with the Letters of Offer and Acceptance signed between the United States and Pakistan in 2006, Congress finds that the Government of Pakistan is responsible for making the remaining payments on the 2006 sales relating to F-16 fighter aircraft and associated equipment with its own national funds, including the mid-life updates and munitions for such aircraft included in such Letters of Offer and Acceptance.

(B) RESTRICTION.—Subject to subparagraph (C), amounts authorized to be made available under this subsection for a fiscal year may not be used for the purchase of, or upgrade to, F-16 fighter aircraft or munitions for such aircraft.

(C) EXCEPTION.—Amounts authorized to be made available under this subsection for a fiscal year are authorized to be used for military construction pursuant to the security plan contained in the Letters of Offer and Acceptance signed between the United States and Pakistan in 2006.

(D) WAIVER.—The President may waive the restriction under subparagraph (B) with respect to amounts authorized to be made available under this subsection for a fiscal year, other than amounts authorized to be made available under paragraph (2) of this subsection, if the President certifies to the appropriate congressional committees not later than 15 days prior to exercising the authority of this subparagraph that the waiver is important to the national security interests of the United States.

(4) SECURITY ASSISTANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for the proposed use of amounts authorized to be made available under this subsection for each of the fiscal years 2010 through 2013. Such plan shall include an assessment of how the use of such amounts complements or otherwise is related to amounts described in section 204.

(5) ADDITIONAL AUTHORITY.—Except as provided in section 3(a)(2) of the Arms Export Control Act and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

(6) DEFINITIONS.—In this section, the terms “defense articles”, “defense services”, and “military education and training” have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate Pakistan’s establishment of a program to enable the Pakistani military to provide reconstruction assistance in areas damaged by combat operations.

SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.

(a) FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—For fiscal year 2010, the Department of State’s Pakistan Counterinsurgency Capability Fund, hereinafter in this section referred to as the “Fund”, shall consist of the following:

(A) Amounts appropriated to carry out this subsection.

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) PURPOSES OF FUND.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense’s Pakistan Counterinsurgency Fund.

(B) TREATMENT OF TRANSFERRED FUNDS.—Subject to the requirements of paragraph (4), transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense’s Pakistan Counterinsurgency Fund.

(C) RELATION TO OTHER AUTHORITIES.—The authority to make transfers from the Fund under subparagraph (A) is in addition to any other transfer of funds authority of the Department of State. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) NOTIFICATION.—The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer.

(4) RESTRICTION.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund made available to carry out this subsection for any fiscal year may not be used to purchase F-16 fighter aircraft, to purchase mid-life updates for such aircraft, or to make payments on the sales of F-16 fighter aircraft and associated equipment described in section 203(b)(3)(A).

(B) EXCEPTION.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used for military construction activities.

(C) WAIVER.—The President may waive the restriction under subparagraph (A) with respect to amounts described in subparagraph (A) if the President certifies to the appropriate congressional committees not later than 15 days prior to exercising the authority of this subparagraph that the waiver is important to the national security interests of the United States.

(5) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010, \$300,000,000 is hereby authorized to be appropriated to carry out this subsection.

(b) SUBMISSION OF NOTIFICATIONS.—Any notification required by this section shall be submitted in classified form, but may include a unclassified annex if necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

SEC. 205. EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.

(a) IN GENERAL.—The Secretary of State is authorized to establish an exchange program between—

(1) military and civilian personnel of Pakistan, and

(2)(A) military and civilian personnel of countries determined by the Secretary of State to be in transition to democracy, or

(B) military and civilian personnel of North Atlantic Treaty Organization member countries, in order to foster greater respect for and understanding of the principle of civilian rule of Pakistan’s military. The program established under this subsection shall be known as the “Pakistan Military Transition Program”.

(b) ELEMENTS OF PROGRAM.—The program authorized under subsection (a) may include—

(1) conferences, seminars, and other events;

(2) distribution of publications; and

(3) reimbursement of expenses of foreign military personnel participating in the program, including transportation expenses, translation services expenses, and administrative expenses relating to the program.

(c) ROLE OF NONGOVERNMENTAL ORGANIZATIONS.—Amounts authorized to be appropriated to carry out this title for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under subsection (a).

SEC. 206. LIMITATION ON UNITED STATES MILITARY ASSISTANCE TO PAKISTAN.

(a) PROHIBITION ON USE OF FUNDS.—None of the funds authorized to be appropriated for military assistance to Pakistan for fiscal year 2011 and each fiscal year thereafter may be obligated or expended if the President has not made the determinations described in subsection (b) for such fiscal year.

(b) DETERMINATIONS REGARDING ENHANCED COOPERATION BETWEEN THE UNITED STATES AND PAKISTAN.—The determinations referred to in subsection (a) are—

(1) a determination by the President at the beginning of each fiscal year that the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, including, as necessary, providing direct access to Pakistani nationals associated with such networks; and

(2) a determination by the President at the beginning of each fiscal year that the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and making progress towards combating terrorist groups, including taking into account the progress the Government of Pakistan has made with regard to—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

(B) closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets;

(C) preventing cross-border attacks into neighboring countries; and

(D) strengthening counter-terrorism and anti-money laundering laws.

(c) WAIVER.—The President may waive the restriction under subsection (a) for any fiscal year if the President certifies to the appropriate congressional committees 15 days before the Presi-

dent exercises the authority of this subsection that the provision of military assistance to Pakistan is important to the national security interests of the United States.

(d) CONSULTATION AND WRITTEN JUSTIFICATION.—Not later than 5 days prior to making a determination described in subsection (b), the President shall consult with the appropriate congressional committees and, upon making such determination, shall submit to the appropriate congressional committees a written justification that specifies the basis upon which the President made such a determination, including an acknowledgment of the extent to which the Government of Pakistan has made progress with regard to subsection (b)(2). The justification shall be unclassified but may include a classified annex.

(e) GAO ANALYSIS AND REPORT.—Not later than 120 days after the President makes the determinations described in subsection (b), the Comptroller General of the United States shall conduct an independent analysis of each of the determinations under subsection (b) and written justifications for such determinations under subsection (d) and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

(f) DEFINITIONS.—For purposes of this section—

(1) the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the term “military assistance”—

(A) means assistance authorized under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program), including assistance authorized under section 203(b) of this Act and assistance authorized under part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.), other than assistance authorized under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.); but

(B) does not include assistance authorized under any provision of law that is funded from accounts within budget function 050 (National Defense).

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title, other than section 204, \$400,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013.

(b) RELATION TO OTHER AVAILABLE FUNDS.—Amounts authorized to be appropriated to carry out this title for a fiscal year are in addition to amounts otherwise available for such purposes.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. COMPREHENSIVE REGIONAL SECURITY STRATEGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan’s long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(b) COMPREHENSIVE REGIONAL SECURITY STRATEGY.—The President shall develop a comprehensive regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Gov-

ernment of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, NWFP, parts of Balochistan, and parts of Punjab.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the comprehensive regional security strategy required under subsection (b).

(2) CONTENTS.—The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(d) DEFINITION.—For purposes of this section, the term “appropriate congressional committees” means the Committees on Foreign Affairs and Armed Services of the House of Representatives and the Committees on Foreign Relations and Armed Services of the Senate.

SEC. 302. MONITORING AND EVALUATION OF ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION RESEARCH.—The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(2) OPERATIONS RESEARCH.—The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) PROGRAM MONITORING.—The term “program monitoring” means the collection, analysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to successfully enhance democracy and the rule of law in Pakistan, defeat extremist elements, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under title I of this Act;

(2) long-term solutions to Pakistan’s security problems depend on increasing the effectiveness and responsiveness of civilian institutions in Pakistan, including the parliament and judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the Government of Pakistan.

(c) IMPACT EVALUATION RESEARCH, OPERATIONS RESEARCH AND PROGRAM MONITORING OF ASSISTANCE.—The President shall establish and implement a program to assess the effectiveness of assistance provided under title I of this Act through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and

effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance.

(d) **REQUIREMENTS.**—The program required under subsection (c) shall include—

(1) a delineation of key impact evaluation research and operations research questions for main components of assistance provided under title I of this Act;

(2) an identification of measurable performance goals for each of the main components of assistance provided under title I of this Act to be expressed in an objective and quantifiable form at the inception of the program;

(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to the assistance to enhance the impact of the assistance.

(e) **ASSISTANCE TO ENHANCE THE CAPACITY OF PAKISTAN.**—In carrying out the program required under subsection (c), the President is authorized to provide assistance to enhance the capacity of the Government of Pakistan to monitor and evaluate programs carried out by the national, provincial, and local governments in Pakistan in order to maximize the long-term sustainable development impact of such programs.

(f) **CONSULTATION WITH CONGRESS.**—Not later than 120 days after the date of the enactment of this Act, the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(g) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated under section 105 for each of the fiscal years 2010 through 2013, up to 5 percent of such amounts for such fiscal year is authorized to be made available to carry out this section for the fiscal year.

SEC. 303. AUDITING.

(a) **ASSISTANCE AUTHORIZED.**—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development shall audit, investigate, and oversee the obligation and expenditure of funds to carry out title I of this Act.

(b) **REQUIREMENT FOR IN-COUNTRY PRESENCE.**—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff from each of the Offices of the Inspector General in Pakistan respectively to carry out subsection (a).

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

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated under section 105 for each of the fiscal years 2010 through 2013, not less than \$2,000,000 for each fiscal year is authorized to be made available to the Office of the Inspector General of the Department of State and not less than \$2,000,000 for each fiscal year is authorized to be made available to the Office of the Inspector General of the United States Agency for International Development to carry out this section.

(2) **RELATION TO OTHER AVAILABLE FUNDS.**—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 304. REQUIREMENTS FOR CIVILIAN CONTROL OF UNITED STATES ASSISTANCE FOR PAKISTAN.

(a) **REQUIREMENTS.**—Any direct assistance provided or payments made on or after January 1, 2010, by the United States to the Government

of Pakistan, and any information required by the United States prior to providing the assistance or making the payments, may only be provided or made to, or received from, civilian authorities of a government of Pakistan constituted through a free and fair election. For purposes of this subsection, a government of Pakistan constituted through a free and fair election is a government that is determined by the President to have been elected in a free and fair manner, taking into account the laws and constitution of Pakistan and internationally recognized standards.

(b) **WAIVER.**—The President may waive—

(1) the requirements under subsection (a), or

(2) the requirements under any other provision of law that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, as such provision of law applies with respect to the Government of Pakistan,

if the President certifies to the appropriate congressional committees that the waiver is important to the national security interests of the United States.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall apply with respect to any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(d) **DEFINITION.**—In this section, the term “appropriate congressional committees” means the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

SEC. 305. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of State, with the concurrence of the Secretary of Defense, should establish a coordinated, strategic communications strategy to engage the people of Pakistan—one that is fully funded, staffed, and implemented—to help ensure the success of the measures authorized by this Act; and

(2) the strategy should have clear and achievable objectives, based on available resources, and should be overseen by the United States Chief of Mission in Pakistan.

SEC. 306. REPORTS.

(a) **REPORT BY PRESIDENT.**—

(1) **IN GENERAL.**—The President shall transmit to the appropriate congressional committees a report on assistance provided under titles I and II of this Act during the preceding fiscal year. The first report shall be transmitted not later than 180 days after the date of the enactment of this Act and subsequent reports shall be transmitted not later than December 31 of each year thereafter.

(2) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following:

(A) A detailed description of the assistance by program, project, and activity, as well as by geographic area.

(B) A general description of the performance goals established under section 302 and the progress made in meeting the goals.

(C) An evaluation of efforts undertaken by the Government of Pakistan to—

(i) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

(ii) close terrorist camps, including those of Jamaat-ud-Dawa, Lashkar-e-Taiba, and Jaish-e-Mohammed;

(iii) cease all support for extremist and terrorist groups;

(iv) prevent cross-border attacks;

(v) increase oversight over curriculum in madrasas, including closing madrasas with direct links to the Taliban or other extremist and terrorist groups; and

(vi) improve counter-terrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and steps taken to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism.

(D) A detailed description of Pakistan’s efforts to prevent proliferation of nuclear-related material and expertise.

(E) An assessment of whether assistance provided to Pakistan pursuant to this Act has directly or indirectly aided the expansion of Pakistan’s nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program.

(F) A description of the transfer or purchase of military equipment pursuant to title II of this Act, including—

(i) a list of equipment provided; and

(ii) a detailed description of the extent to which funds obligated and expended pursuant to section 203(b) meet the requirements of such section.

(G) An analysis of a suitable replacement for the AH-1F and AH-1S Cobra attack helicopters, which includes recommendations for sustainment, training, and any other matters determined to be appropriate.

(H) An assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) **REPORT BY COMPTROLLER GENERAL.**—

(1) **IN GENERAL.**—Not later than April 1, 2011, the Comptroller General of the United States shall submit to the appropriate congressional committees a report evaluating the effectiveness of security assistance provided to Pakistan under title II of this Act during fiscal years 2010 and 2011.

(2) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following:

(A) A detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program).

(B) An assessment of the impact of the assistance on the security and stability of Pakistan.

(C) An evaluation of any issues of financial impropriety on behalf of personnel implementing the assistance.

(D) An assessment of the extent to which civilian authorities are involved in administration of the assistance provided by the United States.

SEC. 307. SUNSET.

The authority of this Act, other than section 104 and title IV of this Act, shall expire after September 30, 2013.

TITLE IV—DUTY-FREE TREATMENT FOR CERTAIN GOODS FROM RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN AND PAKISTAN

SEC. 401. SHORT TITLE.

This title may be cited as the “Afghanistan-Pakistan Security and Prosperity Enhancement Act”.

SEC. 402. DEFINITIONS; PURPOSES.

(a) **DEFINITIONS.**—In this title:

(1) **AGREEMENT ON TEXTILES AND CLOTHING.**—The term “Agreement on Textiles and Clothing” means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) **CATEGORY; TEXTILE AND APPAREL CATEGORY NUMBER.**—The terms “category” and “textile and apparel category number” mean the number assigned under the U.S. Textile and Apparel Category System of the Office of Textiles and Apparel of the Department of Commerce, as listed in the HTS under the applicable heading or subheading (as in effect on September 1, 2007).

(3) **CORE LABOR STANDARDS.**—The term “core labor standards” means—

(A) freedom of association;

(B) the effective recognition of the right to bargain collectively;

(C) the elimination of all forms of compulsory or forced labor;

(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

(E) the elimination of discrimination in respect of employment and occupation.

(4) **ENTERED.**—The term “entered” means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(5) **ENTITY.**—The term “entity” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, whether or not for profit;

(B) any governmental entity or instrumentality of a government; and

(C) any successor, subunit, or subsidiary of any entity described in subparagraph (A) or (B).

(6) **HTS.**—The term “HTS” means the Harmonized Tariff Schedule of the United States.

(7) **NAFTA.**—The term “NAFTA” means the North American Free Trade Agreement concluded between the United States, Mexico, and Canada on December 17, 1992.

(8) **RECONSTRUCTION OPPORTUNITY ZONE.**—The term “Reconstruction Opportunity Zone” means any area that—

(A) solely encompasses portions of the territory of—

(i) Afghanistan; or

(ii) 1 or more of the following areas of Pakistan:

(I) the Federally Administered Tribal Areas;

(II) areas of Pakistan-administered Kashmir that the President determines were harmed by the earthquake of October 8, 2005;

(III) areas of Baluchistan that are within 100 miles of Pakistan’s border with Afghanistan; and

(IV) the North West Frontier Province;

(B) has been designated by the competent authorities in Afghanistan or Pakistan, as the case may be, as an area in which merchandise may be introduced without payment of duty or excise tax; and

(C) has been designated by the President as a Reconstruction Opportunity Zone pursuant to section 403(a).

(b) **PURPOSES.**—The purposes of this title are—

(1) to stimulate economic activity and development in Afghanistan and the border region of Pakistan, critical fronts in the struggle against violent extremism;

(2) to reflect the strong support that the United States has pledged to Afghanistan and Pakistan for their sustained commitment in the global war on terrorism;

(3) to support the 3-pronged United States strategy in Afghanistan and the border region of Pakistan that leverages political, military, and economic tools, with Reconstruction Opportunity Zones as a critical part of the economic component of that strategy; and

(4) to offer a vital opportunity to improve livelihoods of indigenous populations of Reconstruction Opportunity Zones, promote good governance, improve economic and commercial ties

between the people of Afghanistan and Pakistan, and strengthen the Governments of Afghanistan and Pakistan.

SEC. 403. DESIGNATION OF RECONSTRUCTION OPPORTUNITY ZONES.

(a) **AUTHORITY TO DESIGNATE.**—The President is authorized to designate an area within Afghanistan or Pakistan described in section 402(a)(8) (A) and (B) as a Reconstruction Opportunity Zone if the President determines that—

(1) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (b);

(2) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(c)) for designation as a beneficiary developing country under that section and is not ineligible under subsection (b) of such section; and

(3) designation of the area as a Reconstruction Opportunity Zone is appropriate taking into account the factors listed in subsection (c).

(b) **ELIGIBILITY CRITERIA.**—Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in this subsection if that country—

(1) has established, or is making continual progress toward establishing—

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) economic policies to—

(i) reduce poverty;

(ii) increase the availability of health care and educational opportunities;

(iii) expand physical infrastructure;

(iv) promote the development of private enterprise; and

(v) encourage the formation of capital markets through microcredit or other programs;

(D) a system to combat corruption and bribery, such as ratifying and implementing the United Nations Convention Against Corruption; and

(E) protection of core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety;

(2) is eliminating or has eliminated barriers to trade and investment, including by—

(A) providing national treatment and measures to create an environment conducive to domestic and foreign investment;

(B) protecting intellectual property; and

(C) resolving bilateral trade and investment disputes;

(3) does not engage in activities that undermine United States national security or foreign policy interests;

(4) does not engage in gross violations of internationally recognized human rights;

(5) does not provide support for acts of international terrorism; and

(6) cooperates in international efforts to eliminate human rights violations and terrorist activities.

(c) **ADDITIONAL FACTORS.**—In determining whether to designate an area in Afghanistan or Pakistan as a Reconstruction Opportunity Zone, the President shall take into account—

(1) an expression by the government of the country of its desire to have a particular area designated as a Reconstruction Opportunity Zone under this title;

(2) the capability of the country to establish a program in the area meeting the requirements of

section 407(d)(3) based on assessments undertaken by the Secretary of Labor and the government of the country of such factors as—

(A) the geographical suitability of the area for such a program;

(B) the nature of the labor market in the area;

(C) skills requirements and infrastructure needs for operation of such a program in the area; and

(D) all other relevant information;

(3) whether the government of the country has provided the United States with a monitoring and enforcement plan outlining specific steps the country will take to cooperate with the United States to—

(A) facilitate legitimate cross-border commerce;

(B) ensure that articles for which duty-free treatment is sought pursuant to this title satisfy the applicable rules of origin described in section 404 (c) and (d) or section 405 (c) and (d), whichever is applicable; and

(C) prevent unlawful transshipment, as described in section 406(b)(4);

(4) the potential for such designation to create local employment and to promote local and regional economic development;

(5) the physical security of the proposed Reconstruction Opportunity Zone;

(6) the economic viability of the proposed Reconstruction Opportunity Zone, including—

(A) whether there are commitments to finance economic activity proposed for the Reconstruction Opportunity Zone; and

(B) whether there is existing or planned infrastructure for power, water, transportation, and communications in the area;

(7) whether such designation would be compatible with and contribute to the foreign policy and national security objectives of the United States, taking into account the information provided under subsection (d); and

(8) the views of interested persons submitted pursuant to subsection (e).

(d) **INFORMATION RELATING TO COMPATIBILITY WITH AND CONTRIBUTION TO FOREIGN POLICY AND NATIONAL SECURITY OBJECTIVES OF THE UNITED STATES.**—In determining whether designation of a Reconstruction Opportunity Zone would be compatible with and contribute to the foreign policy and national security objectives of the United States in accordance with subsection (c)(7), the President shall take into account whether Afghanistan or Pakistan, as the case may be, has provided the United States with a plan outlining specific steps it will take to verify the ownership and nature of the activities of entities to be located in the proposed Reconstruction Opportunity Zone. The specific steps outlined in a country’s plan shall include a mechanism to annually register each entity by a competent authority of the country and—

(1) to collect from each entity operating in, or proposing to operate in, a Reconstruction Opportunity Zone, information including—

(A) the name and address of the entity;

(B) the name and location of all facilities owned or operated by the entity that are operating in or proposed to be operating in a Reconstruction Opportunity Zone;

(C) the name, nationality, date and place of birth, and position title of each person who is an owner, director, or officer of the entity; and

(D) the nature of the activities of each entity;

(2) to update the information required under paragraph (1) as changes occur; and

(3) to provide such information promptly to the Secretary of State.

(e) **OPPORTUNITY FOR PUBLIC COMMENT.**—Before the President designates an area as a Reconstruction Opportunity Zone pursuant to subsection (a), the President shall afford an opportunity for interested persons to submit their views concerning the designation.

(f) NOTIFICATION TO CONGRESS.—Before the President designates an area as a Reconstruction Opportunity Zone pursuant to subsection (a), the President shall notify Congress of the President's intention to make the designation, together with the reasons for making the designation.

SEC. 404. DUTY-FREE TREATMENT FOR CERTAIN NONTTEXTILE AND NONAPPAREL ARTICLES.

(a) IN GENERAL.—The President is authorized to proclaim duty-free treatment for—

(1) any article from a Reconstruction Opportunity Zone that the President has designated as an eligible article under section 503(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(A));

(2) any article from a Reconstruction Opportunity Zone located in Afghanistan that the President has designated as an eligible article under section 503(a)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(B)); or

(3) any article from a Reconstruction Opportunity Zone that is not a textile or apparel article, regardless of whether the article has been designated as an eligible article under section 503(a)(1)(A) or (B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1) (A) or (B)), if, after receiving the advice of the International Trade Commission pursuant to subsection (b), the President determines that such article is not import-sensitive in the context of imports from a Reconstruction Opportunity Zone.

(b) ADVICE CONCERNING CERTAIN ELIGIBLE ARTICLES.—Before proclaiming duty-free treatment for an article pursuant to subsection (a)(3), the President shall publish in the Federal Register and provide the International Trade Commission a list of articles which may be considered for such treatment. The provisions of sections 131 through 134 of the Trade Act of 1974 (19 U.S.C. 2151 through 2154) shall apply to any designation under subsection (a)(3) in the same manner as such sections apply to action taken under section 123 of the Trade Act of 1974 (19 U.S.C. 2133) regarding a proposed trade agreement.

(c) GENERAL RULES OF ORIGIN.—

(1) IN GENERAL.—The duty-free treatment proclaimed with respect to an article described in paragraph (1) or (3) of subsection (a) shall apply to any article subject to such proclamation which is the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones if—

(A) that article is imported directly from a Reconstruction Opportunity Zone into the customs territory of the United States; and

(B)(i) with respect to an article that is an article of a Reconstruction Opportunity Zone in Pakistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan,

(II) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan, and

(III) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the article at the time it is entered into the United States; or

(ii) with respect to an article that is an article of a Reconstruction Opportunity Zone in Afghanistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan,

(II) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation,

(III) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan, and

(IV) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the article at the time it is entered into the United States.

(2) DETERMINATION OF 35 PERCENT FOR ARTICLES FROM RECONSTRUCTION OPPORTUNITY ZONES IN PAKISTAN AND AFGHANISTAN.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35-percent appraised value requirement under clause (i) or (ii) of paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(d) RULES OF ORIGIN FOR CERTAIN ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—

(1) IN GENERAL.—The duty-free treatment proclaimed with respect to an article described in paragraph (2) of subsection (a) shall apply to any article subject to such proclamation which is the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan if—

(A) that article is imported directly from a Reconstruction Opportunity Zone in Afghanistan into the customs territory of the United States; and

(B) with respect to that article, the sum of—

(i) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Afghanistan,

(ii) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation,

(iii) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and

(iv) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the product at the time it is entered into the United States.

(2) DETERMINATION OF 35 PERCENT FOR ARTICLES FROM RECONSTRUCTION OPPORTUNITY ZONES IN PAKISTAN AND AFGHANISTAN.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35-percent appraised value requirement under paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(e) EXCLUSIONS.—An article shall not be treated as the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones, and no material shall be included for purposes of determining the 35-percent appraised value requirement under subsection (c)(1) or (d)(1), by virtue of having merely undergone—

(1) simple combining or packaging operations;

or

(2) mere dilution with water or with another substance that does not materially alter the characteristics of the article or material.

(f) DIRECT COSTS OF PROCESSING OPERATIONS.—

(1) IN GENERAL.—As used in subsections (c)(1)(B)(i)(II), (c)(1)(B)(ii)(III), and (d)(1)(B)(ii), the term "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the article, including—

- (i) fringe benefits;
(ii) on-the-job training; and
(iii) costs of engineering, supervisory, quality control, and similar personnel; and
(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the article.

(2) EXCLUDED COSTS.—As used in subsections (c)(1)(B)(i)(II), (c)(1)(B)(ii)(III), and (d)(1)(B)(iii), the term "direct costs of processing operations" does not include costs which are not directly attributable to the article or are not costs of manufacturing the article, such as—

- (A) profit; and
(B) general expenses of doing business which are either not allocable to the article or are not related to the growth, production, manufacture, or assembly of the article, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions, or expenses.

(g) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section. The regulations may provide that, in order for an article to be eligible for duty-free treatment under this section, the article—

(1) shall be wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones; or

(2) shall be a new or different article of commerce which has been grown, produced, or manufactured in 1 or more Reconstruction Opportunity Zones.

SEC. 405. DUTY-FREE TREATMENT FOR CERTAIN TEXTILE AND APPAREL ARTICLES.

(a) DUTY-FREE TREATMENT.—The President is authorized to proclaim duty-free treatment for any textile or apparel article described in subsection (b), if—

(1) the article is a covered article described in subsection (b); and

(2) the President determines that the country in which the Reconstruction Opportunity Zone is located has satisfied the requirements set forth in section 406.

(b) COVERED ARTICLES.—A covered article described in this subsection is an article in 1 of the following categories:

(1) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES.—An article that is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

Table with 3 columns: Category Number, HTS Number, and HTS Number. Rows include 237, 330, 331, 333, 334, 335, 336, 341, 342, 350, 351, 353, 354, 360, 361, 362, 363, 369, 465, 469, 630, 631, 633, 634, 635, 636.

(2) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—The article is the product of 1 or more Reconstruction Opportunity Zones in Afghanistan and falls within the scope of 1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

201 439 459
414 440 464
431 442 670
433 444 800
434 445 810
435 446 870
436 448 871
438

(3) CERTAIN OTHER TEXTILE AND APPAREL ARTICLES.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers as set forth in the HTS (as in effect on September 1, 2007) and is covered by the corresponding description for such category:

(A) CATEGORY 239.—An article in category 239 (relating to cotton and man-made fiber babies' garments) except for baby socks and baby booties described in subheading 6111.20.6050, 6111.30.5050, or 6111.90.5050 of the HTS.

(B) CATEGORY 338.—An article in category 338 (relating to men's and boys' cotton knit shirts) if the article is a certain knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.20.1026, 6110.20.2067 or 6110.90.9067 of the HTS.

(C) CATEGORY 339.—An article in category 339 (relating to women's and girls' cotton knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.20.1031, 6110.20.2077, or 6110.90.9071 of the HTS.

(D) CATEGORY 359.—An article in category 359 (relating to other cotton apparel) except swimwear provided for in subheading 6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010, or 6211.12.8020 of the HTS.

(E) CATEGORY 632.—An article in category 632 (relating to man-made fiber hosiery) if the article is panty hose provided for in subheading 6115.21.0020 of the HTS.

(F) CATEGORY 638.—An article in category 638 (relating to men's and boys' man-made fiber knit shirts) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.30.2051, 6110.30.3051, or 6110.90.9079 of the HTS.

(G) CATEGORY 639.—An article in category 639 (relating to women's and girls' man-made fiber knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.30.2061, 6110.30.3057, or 6110.90.9081 of the HTS.

(H) CATEGORY 647.—An article in category 647 (relating to men's and boys' man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and is provided for in subheading 6203.43.3510, 6210.40.5031, or 6211.20.1525 of the HTS.

(I) CATEGORY 648.—An article in category 648 (relating to women's and girls' man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and is provided for in subheading 6204.63.3010, 6210.50.5031, or 6211.20.1555 of the HTS.

(J) CATEGORY 659.—An article in category 659 (relating to other man-made fiber apparel) except for swimwear provided for in subheading

6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, or 6211.12.1020 of the HTS.

(K) CATEGORY 666.—An article in category 666 (relating to other man-made fiber furnishings) except for window shades and window blinds provided for in subheading 6303.12.0010 or 6303.92.2030 of the HTS.

(4) CERTAIN OTHER ARTICLES.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following statistical reporting numbers of the HTS (as in effect on September 1, 2007):

4202.12.8010 6210.20.3000 6304.99.1000
4202.12.8050 6210.20.7000 6304.99.2500
4202.22.4010 6210.30.3000 6304.99.4000
4202.22.7000 6210.30.7000 6304.99.6030
4202.22.8070 6210.40.3000 6306.22.9010
4202.92.3010 6210.40.7000 6306.29.1100
4202.92.6010 6210.50.3000 6306.29.2100
4202.92.9010 6210.50.7000 6306.40.4100
4202.92.9015 6211.20.0810 6306.40.4900
5601.29.0010 6211.20.0820 6306.91.0000
5702.39.2090 6211.32.0003 6306.99.0000
5702.49.2000 6211.33.0003 6307.10.2030
5702.50.5900 6211.42.0003 6307.20.0000
5702.99.2000 6211.43.0003 6307.90.7200
5703.90.0000 6212.10.3000 6307.90.7500
5705.00.2090 6212.10.7000 6307.90.8500
6108.22.1000 6212.90.0050 6307.90.8950
6111.90.7000 6213.90.0500 6307.90.8985
6113.00.1005 6214.10.1000 6310.90.1000
6113.00.1010 6216.00.0800 6406.99.1580
6113.00.1012 6216.00.1300 6501.00.6000
6115.29.4000 6216.00.1900 6502.00.2000
6115.30.1000 6216.00.2600 6502.00.4000
6115.99.4000 6216.00.3100 6502.00.9060
6116.10.0800 6216.00.3500 6504.00.3000
6116.10.1300 6216.00.4600 6504.00.6000
6116.10.4400 6217.10.1010 6504.00.9045
6116.10.6500 6217.10.8500 6504.00.9075
6116.10.9500 6301.90.0020 6505.10.0000
6116.92.0800 6302.29.0010 6505.90.8015
6116.93.0800 6302.39.0020 6505.90.9050
6116.99.3500 6302.59.3010 6505.90.9076
6117.10.4000 6302.99.1000 9404.90.2000
6117.80.3010 6303.99.0030 9404.90.8523
6117.80.8500 6304.19.3030 9404.90.9523
6210.10.2000 6304.91.0060 9404.90.9570
6210.10.7000

(c) RULES OF ORIGIN FOR CERTAIN COVERED ARTICLES.—

(1) GENERAL RULES.—Except with respect to an article listed in paragraph (2) of subsection (b), duty-free treatment may be proclaimed for an article listed in subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones;

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in, or (ii) the continuous filament fiber is extruded in, 1 or more Reconstruction Opportunity Zones;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones; or

(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones from its component pieces.

(2) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES

AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones shall be considered to meet the rules of origin of this subsection.

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the rules of origin of this subsection if the fabric in the article is both dyed and printed in 1 or more Reconstruction Opportunity Zones, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(D) FABRICS OF SILK, COTTON, MAN-MADE FIBER, OR VEGETABLE FIBER.—Notwithstanding paragraph (1)(C), a fabric classifiable under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the rules of origin of this subsection if the fabric is both dyed and printed in 1 or more Reconstruction Opportunity Zones, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(d) RULES OF ORIGIN FOR COVERED ARTICLES THAT ARE PRODUCTS OF 1 OR MORE RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—

(1) GENERAL RULES.—Duty-free treatment may be proclaimed for an article listed in paragraph (2) of subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone in Afghanistan and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan,

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in, or (ii) the continuous filament fiber is extruded in, 1 or more Reconstruction Opportunity Zones in Afghanistan;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones in Afghanistan; or

(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones in Afghanistan from its component pieces.

(2) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones in Afghanistan shall be considered to meet the rules of origin of this subsection.

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the rules of origin of this subsection if the fabric in the article is both dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(D) FABRICS OF SILK, COTTON, MAN-MADE FIBER OR VEGETABLE FIBER.—Notwithstanding paragraph (1)(C), a fabric classifiable under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the rules of origin of this subsection if the fabric is both dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(E) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section.

SEC. 406. PROTECTIONS AGAINST UNLAWFUL TRANSSHIPMENT.

(a) DUTY-FREE TREATMENT CONDITIONED ON ENFORCEMENT MEASURES.—

(1) IN GENERAL.—The duty-free treatment described in section 405 shall not be provided to covered articles that are imported from a Reconstruction Opportunity Zone in a country unless the President determines that country meets the following criteria:

(A) The country has adopted—

(i) an effective visa or electronic certification system; and

(ii) domestic laws and enforcement procedures applicable to covered articles to prevent unlawful transshipment of the articles and the use of false documents relating to the importation of the articles into the United States.

(B) The country has enacted legislation or promulgated regulations that would permit U.S. Customs and Border Protection verification teams to have the access necessary to investigate thoroughly allegations of unlawful transshipment through such country.

(C) The country agrees to provide U.S. Customs and Border Protection with a monthly report on shipments of covered articles from each producer of those articles in a Reconstruction Opportunity Zone in that country.

(D) The country will cooperate fully with the United States to address and take action necessary to prevent circumvention, as described in Article 5 of the Agreement on Textiles and Clothing.

(E) The country agrees to require each producer of a covered article in a Reconstruction Opportunity Zone in that country to register with the competent government authority, to provide that authority with the following information, and to update that information as changes occur:

(i) The name and address of the producer, including the location of all textile or apparel facilities owned or operated by that producer in Afghanistan or Pakistan.

(ii) The telephone number, facsimile number, and electronic mail address of the producer.

(iii) The names and nationalities of the producer's owners, directors, and corporate officers, and their positions.

(iv) The number of employees the producer employs and their occupations.

(v) A general description of the covered articles of the producer and the producer's production capacity.

(vi) The number and type of machines the producer uses to produce textile or apparel articles at each facility.

(vii) The approximate number of hours the machines operate per week.

(viii) The identity of any supplier to the producer of textile or apparel goods, or fabrics, yarns, or fibers used in the production of textile or apparel goods.

(ix) The name of, and contact information for, each of the producer's customers in the United States.

(F) The country agrees to provide to U.S. Customs and Border Protection on a timely basis all of the information received by the competent government authority in accordance with subparagraph (E) and to provide U.S. Customs and Border Protection with an annual update of that information.

(G) The country agrees to require that all producers and exporters of covered articles in a Reconstruction Opportunity Zone in that country maintain complete records of the production and the export of covered articles, including materials used in the production, for at least 5 years after the production or export (as the case may be).

(H) The country agrees to provide, on a timely basis, at the request of U.S. Customs and Border Protection, documentation establishing the eligibility of covered articles for duty-free treatment under section 405.

(2) DOCUMENTATION ESTABLISHING ELIGIBILITY OF ARTICLES FOR DUTY-FREE TREATMENT.—For purposes of paragraph (1)(H), documentation establishing the eligibility of a covered article for duty-free treatment under section 405 includes documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, and certification from both the producer and the exporter.

(b) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) IN GENERAL.—

(A) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall promulgate regulations setting forth customs procedures similar in all material respects to the requirements of article 502(1) of the NAFTA as imple-

mented pursuant to United States law, which shall apply to any importer that claims duty-free treatment for an article under section 405.

(B) DETERMINATION.—In order for articles produced in a Reconstruction Opportunity Zone to qualify for the duty-free treatment under section 405, there shall be in effect a determination by the President that Afghanistan or Pakistan, as the case may be—

(i) has implemented and follows, or

(ii) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(2) CERTIFICATE OF ORIGIN.—A certificate of origin that otherwise would be required pursuant to the provisions of paragraph (1) shall not be required in the case of an article imported under section 405 if such certificate of origin would not be required under article 503 of the NAFTA, as implemented pursuant to United States law, if the article were imported from Mexico.

(3) PENALTIES.—If the President determines, based on sufficient evidence, that an entity has engaged in unlawful transshipment described in paragraph (4), the President shall deny for a period of 5 years beginning on the date of the determination all benefits under section 405 to the entity, any successor of the entity, and any other entity owned, operated, or controlled by the principals of the entity.

(4) UNLAWFUL TRANSSHIPMENT DESCRIBED.—For purposes of this section, unlawful transshipment occurs when duty-free treatment for a covered article has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for duty-free treatment under section 405.

(5) MONITORING AND REPORTS TO CONGRESS.—U.S. Customs and Border Protection shall monitor and the Commissioner responsible for U.S. Customs and Border Protection shall submit to Congress, not later than March 31 of each year, a report on the effectiveness of the visa or electronic certification systems and the implementation of legislation and regulations described in subsection (a) and on measures taken by Afghanistan and Pakistan to prevent circumvention as described in article 5 of the Agreement on Textile and Clothing.

(c) ADDITIONAL CUSTOMS ENFORCEMENT.—U.S. Customs and Border Protection shall—

(1) make available technical assistance to Afghanistan and Pakistan—

(A) in the development and implementation of visa or electronic certification systems, legislation, and regulations described in subsection (a)(1)(A) and (B); and

(B) to train their officials in anti-transshipment enforcement;

(2) send production verification teams to Afghanistan and Pakistan as necessary; and

(3) to the extent feasible, place Afghanistan and Pakistan on a relevant e-certification program.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out subsection (c), there are authorized to be appropriated to U.S. Customs and Border Protection \$10,000,000 for each of the fiscal years 2010 through 2023.

SEC. 407. TECHNICAL ASSISTANCE, CAPACITY BUILDING, COMPLIANCE ASSESSMENT, AND REMEDIATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Finance and the Committee on Armed Services of the Senate; and

(B) the Committee on Ways and Means and the Committee on Armed Services of the House of Representatives.

(2) **TEXTILE OR APPAREL PRODUCER.**—The term “textile or apparel producer” means a producer of a covered article described in section 405(b) that is located in a Reconstruction Opportunity Zone.

(b) **ELIGIBILITY.**—

(1) **PRESIDENTIAL CERTIFICATION OF COMPLIANCE BY AFGHANISTAN OR PAKISTAN WITH REQUIREMENTS.**—Upon the expiration of the 16-month period beginning on the date on which the President designates an area within Afghanistan or Pakistan, as the case may be, as a Reconstruction Opportunity Zone under section 403(a), duty-free treatment proclaimed under section 404(a) or 405(a) for articles from such Reconstruction Opportunity Zone may remain in effect only if the President determines and certifies to Congress that Afghanistan or Pakistan, as the case may be—

(A) has implemented the requirements set forth in subsections (c) and (d) with respect to such Reconstruction Opportunity Zone; and

(B) has agreed to require textile or apparel producers in such Reconstruction Opportunity Zone to participate in the program described in subsection (d) and has developed a system to ensure participation in such program by such producers, including by developing and maintaining the registry described in subsection (c)(2)(A).

(2) **EXTENSION.**—

(A) **INITIAL EXTENSION.**—The President may extend the period for compliance by Afghanistan or Pakistan under paragraph (1) for an initial 6-month period if the President—

(i) determines that Afghanistan or Pakistan, as the case may be, has made a good faith effort toward implementing the requirements set forth in paragraph (1) (A) and (B) and has agreed to take additional steps towards implementing such requirements that are satisfactory to the President; and

(ii) provides to the appropriate congressional committees, not later than 30 days before the last day of the 16-month period specified in paragraph (1), a report identifying the additional steps that Afghanistan or Pakistan, as the case may be, has agreed to take as described in clause (i).

(B) **SUBSEQUENT EXTENSIONS.**—The President may extend the period for compliance by Afghanistan or Pakistan under paragraph (1) for subsequent 6-month periods if, with respect to each such extension, the President—

(i) provides an opportunity for public comment and a public hearing on the possible extension not later than 45 days before the last day of the existing 6-month extension;

(ii) consults with the Secretary of Labor and the appropriate congressional committees with respect to the possible extension not later than 45 days before the last day of the existing 6-month extension;

(iii) determines, taking into account any public comments and input received during the public hearing described in clause (i) and the consultations described in clause (ii), that extraordinary circumstances exist that preclude Afghanistan or Pakistan, as the case may be, from meeting the requirements set forth in paragraph (1) (A) and (B); and

(iv) publishes in the Federal Register a notice that describes—

(I) the extraordinary circumstances described in clause (iii);

(II) the reasons why the extraordinary circumstances preclude Afghanistan or Pakistan, as the case may be, from meeting the requirements set forth in paragraph (1) (A) and (B); and

(III) the steps Afghanistan or Pakistan, as the case may be, will take during the 6-month period of the extension to implement the requirements set forth in paragraph (1) (A) and (B).

(3) **CONTINUING COMPLIANCE.**—

(A) **TERMINATION OF DUTY-FREE TREATMENT.**—If, after making a certification under paragraph (1), the President determines that Afghanistan or Pakistan is no longer meeting the requirements set forth in paragraph (1) (A) and (B), the President shall terminate the duty-free treatment proclaimed under section 404(a) or 405(a).

(B) **CONTINUATION OF DUTY-FREE TREATMENT NOTWITHSTANDING NONCOMPLIANCE.**—

(i) **INITIAL 6-MONTH CONTINUATION.**—Notwithstanding subparagraph (A), if, after making a certification under paragraph (1), the President determines that Afghanistan or Pakistan is no longer meeting the requirements set forth in paragraph (1) (A) and (B), the President may extend the duty-free treatment proclaimed under section 404(a) or 405(a) for an initial 6-month period if the President—

(I) determines, after consultation with the Secretary of Labor and the appropriate congressional committees, that extraordinary circumstances exist that preclude Afghanistan or Pakistan, as the case may be, from continuing to meet the requirements set forth in paragraph (1) (A) and (B); and

(II) publishes in the Federal Register a notice, not later than 30 days after making the determination under subclause (I), that describes—

(aa) the extraordinary circumstances described in subclause (I); and

(bb) the reasons why the extraordinary circumstances preclude Afghanistan or Pakistan, as the case may be, from continuing to meet the requirements set forth in paragraph (1) (A) and (B).

(ii) **SUBSEQUENT 6-MONTH CONTINUATION.**—The President may extend the duty-free treatment proclaimed under section 404(a) or 405(a) for a subsequent 6-month period if, with respect to such extension, the President makes a determination that meets the requirements of clause (i)(I) and publishes in the Federal Register a notice that meets the requirements of clause (i)(II).

(C) **SUBSEQUENT COMPLIANCE.**—If the President, after terminating duty-free treatment under subparagraph (A), determines that Afghanistan or Pakistan, as the case may be, is implementing the requirements set forth in paragraph (1) (A) and (B) and meets the requirements of section 403, the President shall reinstate the application of duty-free treatment proclaimed under section 404(a) or 405(a).

(c) **LABOR OFFICIAL.**—

(1) **IN GENERAL.**—The requirement under this subsection is that Afghanistan or Pakistan, as the case may be, has designated a labor official within the national government that—

(A) reports directly to the President of Afghanistan or Pakistan, as the case may be;

(B) is chosen by the President of Afghanistan or Pakistan, as the case may be, in consultation with labor unions and industry associations; and

(C) is vested with the authority to perform the functions described in paragraph (2).

(2) **FUNCTIONS.**—The functions of the labor official shall include—

(A) developing and maintaining a registry of textile or apparel producers, and developing, in consultation and coordination with any other appropriate officials of the Government of Afghanistan or Pakistan, as the case may be, a system to ensure participation by such producers in the program described in subsection (d);

(B) overseeing the implementation of the program described in subsection (d);

(C) receiving and investigating comments from any interested party regarding the conditions

described in subsection (d)(2) in facilities of textile or apparel producers listed in the registry described in subparagraph (A) and, where appropriate, referring such comments or the result of such investigations to the appropriate authorities of Afghanistan or Pakistan, as the case may be, and to the entity operating the program described in subsection (d);

(D) assisting, in consultation and coordination with any other appropriate authorities of Afghanistan or Pakistan, as the case may be, textile or apparel producers listed in the registry described in subparagraph (A) in meeting the conditions set forth in subsection (d)(2); and

(E) coordinating, with the assistance of the entity operating the program described in subsection (d), a tripartite committee comprised of appropriate representatives of government agencies, employers, and workers, as well as other relevant interested parties, for the purposes of evaluating progress in implementing the program described in subsection (d), and consulting on improving core labor standards and working conditions in the textile and apparel sector in Afghanistan or Pakistan, as the case may be, and on other matters of common concern relating to such core labor standards and working conditions.

(d) **TECHNICAL ASSISTANCE, CAPACITY BUILDING, COMPLIANCE ASSESSMENT, AND REMEDIATION PROGRAM.**—

(1) **IN GENERAL.**—The requirement under this subsection is that Afghanistan or Pakistan, as the case may be, in cooperation with the entity designated by the Secretary of Labor under paragraph (3)(A)(i), has established a program meeting the requirements under paragraph (3)—

(A) to assess compliance by textile or apparel producers listed in the registry described in subsection (c)(2)(A) with the conditions set forth in paragraph (2) and to assist such producers in meeting such conditions; and

(B) to provide assistance to improve the capacity of the Government of Afghanistan or Pakistan, as the case may be—

(i) to inspect facilities of textile or apparel producers listed in the registry described in subsection (c)(2)(A); and

(ii) to enforce national labor laws and resolve labor disputes, including through measures described in paragraph (5).

(2) **CONDITIONS DESCRIBED.**—The conditions referred to in paragraph (1) are—

(A) compliance with core labor standards; and

(B) compliance with the labor laws of Afghanistan or Pakistan, as the case may be, that relate directly to core labor standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

(3) **REQUIREMENTS.**—The requirements for the program are that the program—

(A) is operated by an entity that—

(i) is designated by the Secretary of Labor, in consultation with appropriate officials of the Government of Afghanistan or Pakistan, as the case may be;

(ii) operates independently of the Government of Afghanistan or Pakistan, as the case may be;

(iii) has expertise relating to monitoring of core labor standards;

(iv) if the entity designated under clause (i) is an entity other than the International Labor Organization, is subject to evaluation by the International Labor Organization at the request of the Secretary of Labor, including—

(I) annual review of the operation of the program; and

(II) annual recommendations to the entity operating the program, the Government of Afghanistan or Pakistan, as the case may be, and the Secretary of Labor to improve the operation of the program;

(v) prepares the annual report described in paragraph (4);

(B) is developed through a participatory process that includes the labor official described in subsection (c) of Afghanistan or Pakistan, as the case may be, and appropriate representatives of government agencies, employers, and workers;

(C) assess compliance by each textile or apparel producer listed in the registry described in subsection (c)(2)(A) with the conditions set forth in paragraph (2) and identify any deficiencies by such producer with respect to meeting such conditions, including by—

(i) conducting site visits to facilities of the producer;

(ii) conducting confidential interviews with workers and management of the facilities of the producer; and

(iii) providing to management and workers, and where applicable, worker organizations of the producer, on a confidential basis—

(I) the results of the assessment carried out under this subparagraph; and

(II) specific suggestions for remediating any such deficiencies;

(D) assist the textile or apparel producer in remediating any deficiencies identified under subparagraph (C);

(E) conduct prompt follow-up site visits to the facilities of the textile or apparel producer to assess progress on remediation of any deficiencies identified under subparagraph (C); and

(F) provide training to workers and management of the textile or apparel producer, and where appropriate, to other persons or entities, to promote compliance with paragraph (2).

(4) ANNUAL REPORT.—The annual report referred to in paragraph (3)(A)(v) is a report, by the entity operating the program, that is published (and available to the public in a readily accessible manner) on an annual basis, beginning 1 year after Afghanistan or Pakistan, as the case may be, has implemented a program under this subsection, covering the preceding 1-year period, and that includes the following:

(A) The name of each textile or apparel producer listed in the registry described in subsection (c)(2)(A) that has been in operation in the Reconstruction Opportunity Zone for at least 1 year and has been identified as having met the conditions under paragraph (2).

(B) The name of each textile or apparel producer listed in the registry described in subsection (c)(2)(A) that has been in operation in the Reconstruction Opportunity Zone for at least 1 year and has been identified as having deficiencies with respect to the conditions under paragraph (2), and has failed to remedy such deficiencies.

(C) For each textile or apparel producer listed under subparagraph (B)—

(i) a description of the deficiencies found to exist and the specific suggestions for remediating such deficiencies made by the entity operating the program;

(ii) a description of the efforts by the producer to remediate the deficiencies, including a description of assistance provided by any entity to assist in such remediation; and

(iii) with respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this subparagraph.

(D) For each textile or apparel producer identified as having deficiencies with respect to the conditions described under paragraph (2) in a prior report under this paragraph, a description of the progress made in remediating such deficiencies since the submission of the prior report, and an assessment of whether any aspect of such deficiencies persists.

(5) CAPACITY BUILDING.—The assistance to the Government of Afghanistan or Pakistan referred to in paragraph (1)(B) shall include programs—

(A) to review the labor laws and regulations of Afghanistan or Pakistan, as the case may be,

and to develop and implement strategies for improving such labor laws and regulations;

(B) to develop additional strategies for protecting core labor standards and providing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, including through legal, regulatory, and institutional reform;

(C) to increase awareness of core labor standards and national labor laws;

(D) to promote consultation and cooperation between government representatives, employers, worker representatives, and United States importers on matters relating to core labor standards and national labor laws;

(E) to assist the labor official of Afghanistan or Pakistan, as the case may be, designated pursuant to subsection (c) in establishing and coordinating operation of the committee described in subsection (c)(2)(E);

(F) to assist worker representatives in more fully and effectively advocating on behalf of their members; and

(G) to provide on-the-job training and technical assistance to labor inspectors, judicial officers, and other relevant personnel to build their capacity to enforce national labor laws and resolve labor disputes.

(e) COMPLIANCE WITH ELIGIBILITY CRITERIA.—

(1) COUNTRY COMPLIANCE WITH CORE LABOR STANDARDS ELIGIBILITY CRITERIA.—In making a determination of whether Afghanistan or Pakistan is meeting the eligibility requirement set forth in section 403(b)(1)(E) relating to core labor standards, the President shall consider any reports produced under subsection (d)(4) and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

(2) PRODUCER ELIGIBILITY.—

(A) IDENTIFICATION OF PRODUCERS.—

(i) IN GENERAL.—Except as provided in clause (ii), beginning 2 years after the President makes the certification under subsection (b)(1), the President shall identify on a biennial basis whether a textile or apparel producer listed in the registry described in subsection (c)(2)(A) and in operation for at least 1 year has failed to comply with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards.

(ii) EXCEPTION.—The President may identify a textile or apparel producer at any time under clause (i) if the evidence warrants such a review.

(B) ASSISTANCE TO PRODUCERS; WITHDRAWAL, ETC., OF DUTY-FREE TREATMENT.—For each textile or apparel producer that the President identifies under subparagraph (A), the President shall seek to assist such producer in coming into compliance with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards. If, within a reasonable period of time, such efforts fail, the President shall withdraw, suspend, or limit the application of duty-free treatment to textile and apparel covered articles of such producer.

(C) REINSTATING DUTY-FREE TREATMENT.—If the President, after withdrawing, suspending, or limiting the application of duty-free treatment under subparagraph (B) to articles of a textile or apparel producer, determines that such producer is complying with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards, the President shall reinstate the application of duty-free treatment under section 405 to the textile and apparel covered articles of such producer.

(D) CONSIDERATION OF REPORTS.—In making the identification under subparagraph (A) and

the determination under subparagraph (C), the President shall consider the reports made available under subsection (d)(4).

(f) REPORTS BY THE PRESIDENT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this section during the preceding 1-year period.

(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall include the following:

(A) An explanation of the efforts of Afghanistan and Pakistan, the President, and entity designated by the Secretary of Labor to carry out this section.

(B) A summary of each report produced under subsection (d)(4) during the preceding 1-year period and a summary of the findings contained in such report.

(C) Identifications made under subsection (e)(2)(A) and determinations made under subsection (e)(2)(C).

(g) EVALUATION AND REPORT BY SECRETARY OF LABOR.—

(1) EVALUATION.—The Secretary of Labor shall evaluate the monitoring program established under this section to determine ways to improve adoption and adherence to core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety. To the extent that producers of nontextile or nonapparel articles described in section 404 have established operations in Reconstruction Opportunity Zones, the report shall also evaluate options for expanding the program to include such producers.

(2) REPORT.—Not later than 1 year after the date on which Afghanistan or Pakistan, as the case may be, has implemented a program under this section, the Secretary of Labor shall submit to the appropriate congressional committees a report that contains the results of the evaluation required under paragraph (1) and recommendations to improve the program under this section and, if applicable, to expand the program to include producers of nontextile or nonapparel articles.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out this subsection.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (g)) \$20,000,000 for the period beginning on October 1, 2009, and ending on September 30, 2023.

SEC. 408. PETITION PROCESS.

Any interested party may file a request to have the status of Afghanistan or Pakistan reviewed with respect to the eligibility requirements listed in this title, and the President shall provide for this purpose the same procedures as those that are provided for reviewing the status of eligible beneficiary developing countries with respect to the designation criteria listed in subsections (b) and (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)).

SEC. 409. LIMITATIONS ON PROVIDING DUTY-FREE TREATMENT.

(a) IN GENERAL.—

(1) PROCLAMATION.—Except as provided in paragraph (2), and subject to subsection (b) and the conditions described in sections 403 through 407, the President shall exercise the President's authority under this title, and the President shall proclaim any duty-free treatment pursuant to that authority.

(2) WAIVER.—The President may waive the application of this title if the President determines that providing such treatment is inconsistent with the national interests of the United

States. In making such determination, the President shall consider—

(A) obligations of the United States under international agreements;

(B) the national economic interests of the United States; and

(C) the foreign policy interests of the United States, including the economic development of Afghanistan and the border region of Pakistan.

(b) **WITHDRAWAL, SUSPENSION, OR LIMITATION OF DUTY-FREE TREATMENT.**—The President may withdraw, suspend, or limit the application of the duty-free treatment proclaimed under this title upon consideration of the factors set forth in section 403 (b) and (c) of this Act, and section 502 (b) and (c) of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)). In taking any action to withdraw, suspend, or limit duty-free treatment with respect to producers receiving benefits under section 404 or 405, the President shall consider the information described in section 403(d) relating to verification of the ownership and nature of the activities of such producers and any other relevant information the President determines to be appropriate.

(c) **NOTICE TO CONGRESS.**—The President shall advise Congress—

(1) of any action the President takes to waive, withdraw, suspend, or limit the application of duty-free treatment with respect to Reconstruction Opportunity Zones in Afghanistan or Pakistan or enterprises receiving benefits under section 404 or 405; and

(2) if either Afghanistan or Pakistan fails to adequately take the actions described in section 403 (b) and (c) of this Act or section 502 (b) and (c) of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)).

SEC. 410. TERMINATION OF BENEFITS.

Duty-free treatment provided under this title shall remain in effect through September 30, 2024.

SEC. 411. CUSTOMS USER FEES.

(a) **IN GENERAL.**—The Secretary of the Treasury shall increase the amount of fees charged and collected under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) for the provision of customs services in connection with imports and travel from Afghanistan and Pakistan as necessary to meet the requirements of subsection (b).

(b) **MINIMUM AMOUNT.**—The amount of the increase in fees charged and collected under the authority of subsection (a)—

(1) shall not be less than \$12,000,000 for the period beginning on the date of the enactment of this Act and ending at the close of September 30, 2014; and

(2) shall not be less than \$105,000,000 for the period beginning on the date of the enactment of this Act and ending at the close of September 30, 2019.

(c) **RULE OF CONSTRUCTION.**—The amount of the increase in fees charged and collected under the authority of subsection (a) shall be in addition to the amount of fees that would otherwise be charged and collected under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) for the provision of customs services in connection with imports and travel from Afghanistan and Pakistan.

(d) **TERMINATION OF AUTHORITY.**—The authority provided under subsection (a) terminates at the close of the date on which the aggregate amount of the increase in fees charged and collected under the authority of subsection (a) equals \$105,000,000.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment in the nature of a sub-

stitute printed in part B of the report, if offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) or her designee, which shall be considered read, and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1886.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, at this time I would like, for purposes of opening general debate, to yield to the chairman of the House Armed Services Committee, whom we have worked very closely with in putting together a bill that we can now bring to the floor, a very good bill. His help and the help of his staff, working with our staff, has really been just indispensable to the progress of this effort.

I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the chairman of the House Armed Services Committee.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Speaker, this measure before the House today is very well one of the most important pieces of legislation that we will pass regarding national security.

I first must compliment the chairman, compliment his staff, as well as the staff of the Armed Services Committee, who worked diligently to craft this piece of legislation. It's very important because Pakistan is very important. Pakistan is important to the Middle East and our intentions there. Their cooperation, of course, is so very, very important. This legislation gives economic and democratic development assistance to that country.

What is, of course, of great interest to me is the security assistance that we have given Pakistan, some \$400 million. I will leave it to the chairman, the very able chairman, to go into the details, but I must say that it not only provides for training and financing, one part that seems to be overlooked so often is the part that deals with the international military education, which has for a period of time missed out with this country of Pakistan, which again is back on our radar, and hopefully will be of great benefit to them as well as to us. It requires certain milestones to be met.

Under the able leadership of this chairman, this is an excellent bill. I

wholly endorse it. I certainly hope that we will get a very, very strong vote because the future of Pakistan is a centerpiece that we need to be successful for our efforts in that part of the world.

With that, I again thank the chairman and compliment him, as well as all those who worked on it.

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Missouri, the chairman of the committee, for his kind comments, and I yield myself 3 minutes.

Mr. Speaker, the United States has an enormous stake in the security and stability of Pakistan. We can't allow al Qaeda or any other terrorist group that threatens our national security to operate with impunity in the tribal regions or any other part of Pakistan. Nor can we permit the Pakistani state and its nuclear arsenal to be taken over by the Taliban.

To help prevent this nightmare scenario, we need to forge a true strategic partnership with Pakistan and its people, strengthen Pakistan's democrat government, and work to make Pakistan a source of stability in a volatile region. H.R. 1886 is designed to help achieve these critical goals.

This legislation would significantly expand democratic, economic, and social development assistance to help lay the foundation for a stronger, more stable Pakistan. The bill provides funding to strengthen the capacity of Pakistan's democratic institutions including its Parliament, judicial system, and law enforcement agencies. It calls for increased assistance for Pakistan's public education system, emphasis on access for women and girls. To help ensure that U.S. assistance actually reaches the Pakistani people, it requires increased auditing, greater monitoring, and better evaluation.

H.R. 1886 also provides critical security assistance to help the government of Pakistan in its fight against the extremists that threaten the national security of both Pakistan and the United States. To strengthen civilian control of the military, H.R. 1886 requires that all assistance flow through the Pakistan's elected civilian government. And to support the administration's request for additional flexibility to address Pakistan's urgent security needs, the bill authorizes funds for the Pakistan Counterinsurgency Capability Fund, or PCCF. The legislation includes some important accountability provisions to ensure that Pakistan is using our security assistance in a manner consistent with U.S. national security interests. An annual Presidential determination is required that determines whether or not Pakistan is cooperating with the United States on nonproliferation, is meeting its commitment to combat terrorist groups, and has made progress towards that end.

Contrary to what some have suggested, these are not rigid or inflexible conditions that severely constrain the military. We appreciate the urgency of the situation in Pakistan and the need for appropriate flexibility. We are simply asking Pakistan to follow through with the commitments it has already made. If their President is unable to make these determinations, then we should be asking ourselves much deeper questions about what we really hope to achieve in Pakistan.

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

Mr. BERMAN. I yield myself 1 additional minute.

If their President is unable to make these determinations, as I mentioned, we should be asking the deeper question of why are we doing this. By including these accountability provisions in this bill, we lay down an important marker that Congress will no longer provide a blank check. We've had extensive conversation with the administration, with the Armed Services Committee, as I mentioned earlier, and have made a number of changes to make this legislation and this effort work better.

I want to re-enforce the notion this is not a partisan product. This is a bipartisan bill. We are honored to have two of the most thoughtful and experienced Members from the minority side, Mr. ROYCE and Mr. KIRK, as original cosponsors of this legislation, and we hope that their actions and this debate will persuade a majority of both parties that this is an effort worth supporting.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in opposition to H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, and I yield myself such time as I may consume.

Mr. Speaker, at the beginning of this debate, it's important to emphasize that Congress and the administration are united in our goals toward Pakistan. We want a long-term partnership with a modern, a prosperous, a democratic Pakistan that is at peace with itself and at peace with its neighbors. And we want a Pakistan that does not provide safe haven to al Qaeda, the Taliban, and other militant extremist groups.

□ 1245

Mr. Speaker, I appreciate the hard work that has gone into my good friend Chairman BERMAN's bill. I also recognize that both amendments in committee, as well as the manager's amendment, have made this a somewhat less objectionable instrument than it was at the outset, but it is still worthy of being objected to.

However, concerns remain, and these are not just my concerns, but they are

concerns that, I understand, the White House, the Defense Department and our own intelligence agencies continue to have with H.R. 1886. These concerns are particularly acute in light of the current Pakistani military offensive against the Taliban and against other extremists in the North-West Frontier Province as well as the fact that the new policy is still evolving.

Rather than a forward-looking bill that addresses the current leadership and the current dynamics in Pakistan, this bill before us, H.R. 1886, focuses on past actions and failures attributed to the Pakistani Government, punishing the new leadership for the sins of its predecessors. That is why I will be offering a comprehensive substitute which parallels the results of the administration's strategic review and which fully funds its request for critical nonmilitary and certain military assistance to Pakistan.

Unlike the underlying bill, our measure provides the necessary flexibility for all U.S. agencies to respond quickly and to respond effectively to rapidly unfolding developments on the ground while still retaining robust accountability and congressional oversight of these programs.

As Members will recall, on March 27, the President announced a new strategy to guide U.S. policy in Afghanistan and Pakistan. This strategy focused our efforts, the U.S. efforts, toward meeting a core goal: to disrupt, to dismantle and to defeat al Qaeda and its safe havens in Pakistan, and to prevent their return to Afghanistan or Pakistan.

As our intelligence agencies have made clear, the threats emanating from al Qaeda and from their allies in Pakistan directly endanger our homeland security, the survival of Pakistan as a modern nation-state and the security of our friends and allies around the world.

The President as well as all of his top advisers, including Secretary of State Clinton and Secretary of Defense Gates, insist that this new strategy is intended to be a framework, not a straitjacket, for U.S. policy. That is why Secretary Clinton has emphasized that the democratically-elected government in Pakistan shares our goals with respect to tackling militancy, and that is why she urged that Congress not legislate onerous conditionality that might undercut our efforts to work with Pakistanis who share the interests of the United States. That is also why Ambassador Holbrooke noted before our committee this May that certain legislative conditionality could prove seriously counterproductive.

While the authors of H.R. 1886 may have sought to empower our Pakistani partners to undertake the formidable task of fighting and winning against violent extremists, it does the opposite. Further, accountability measures

for Afghanistan and Pakistan must be tightly linked to the new U.S. strategy for the region rather than outdated assessments of the situation in Pakistan and preconceived notions about the response from our Pakistani partners.

Mr. Speaker, we have gone down this road before. I recall during the Iraq debate in the last Congress Members expressed great distrust for the judgment of General Petraeus, and they sought to prejudice the surge strategy before it could even be implemented. Let us hope that this will not be repeated with respect to Pakistan and Afghanistan, as General Petraeus is now the chief of Central Command, leading the efforts of the Department of Defense in these countries and, in fact, in the broader theater.

Why does the executive branch need great flexibility in trying to execute a strategy in Pakistan? Look what is happening on the ground right now. Six weeks of fighting between the Pakistani troops and the Taliban insurgencies have forced 2 million people from their homes in the Swat Valley and in other northwestern areas.

According to Islamabad, since the operation began on April 26, 1,305 militants have been killed; 120 have been arrested; 105 soldiers have died; and 306 have been injured. In response, the extremists have launched a wave of suicide bombings and other attacks in Lahore and elsewhere across the country.

As one Pakistani writer noted, "The terrorist backlash is principally aimed at draining public support from the army's offensive in Swat and to rattle the political and military establishments, weaken national resolve and erode public support for the anti-militancy campaign."

Fortunately, Pakistan's democratic government has responded with firmness and with new resolve to persevere and to succeed in our mission. Perhaps even more importantly, anti-Taliban sentiment among the Pakistani people appears to be increasing in response to the mayhem that has been unleashed by the militants. But these gains are fragile, Mr. Speaker. Winning the peace could yet prove elusive. There could be little doubt that the political and military challenges ahead for the government and for the people of Pakistan are, indeed, profound.

That is why it is so important to provide this administration with flexible authorities to carry out its new strategy for Afghanistan and Pakistan, focusing on the strategic importance of Pakistan to the United States and to the world and focusing on the need for increased security, for increased governance and for development assistance to help us meet these vitally important goals.

Finally, the rule for this bill made in order a self-executing mechanism whereby House Resolution 1318, a bill

to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones, ROZs, in Afghanistan and Pakistan, will be incorporated into the text of H.R. 1886 even though that legislation has never even been marked up in committee.

While I support the concept of ROZs, this highly irregular maneuver is not the appropriate approach to take on this serious matter. Although we share the majority's goal, we believe that the Republican substitute that I will offer later in this debate affords the best means for the United States Congress and for the U.S. administration to work together to develop an integrated and effective assistance plan to advance our mutual interests in a democratic, stable and prosperous Pakistan that is a strong partner in the struggle against extremism and that maintains responsible controls over its nuclear weapons technology.

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

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 3 minutes to the chairman of the Middle East and South Asia Subcommittee, the gentleman with whom I just traveled to Pakistan, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the legislation before us. I want to thank Chairman BERMAN for allowing me to work closely with him on this bill and, more importantly, for his producing such an excellent piece of legislation.

Some may be surprised that I am an enthusiastic supporter of this bill to assist Pakistan. Over the years, I have been, unashamedly, one of the most persistent and aggressive critics of Pakistan's government and of the previous administration's policies for dealing with it. I remain deeply concerned about much of Islamabad's behavior, ranging from its cozy relations with native terrorist groups to its obsessive belief that India intends to devour Pakistan. None of Pakistan's governments have demonstrated a persuasive commitment to internal political or economic reform or to anything approaching real acceptance of the rule of law.

Pakistan has been, at best, an obstreperous partner on the subject of proliferation, and like many, I fail to understand what possible reason they could have that could justify the stonewalling we've faced regarding the A.Q. Khan proliferation network. I continue to believe that Pakistan's interest in F-16 aircraft is akin to a fetish.

Nevertheless, I am a strong supporter of the bill. Why? Very simply, it is time our partnership with Pakistan connects directly to the Pakistani people. Our previous strategy of depending wholly upon the government of Pakistan to fight a war most of its people detest is not sustainable, and I believe

it has contributed significantly to the political instability in that country.

This bill sets the stage for the United States to work with Pakistan to promote long-term development and infrastructure projects in all areas of Pakistan, to establish a real counterinsurgency and counterterrorism strategy and to ensure U.S. access to individuals suspected of engaging in nuclear proliferation. This legislation will help Pakistan gain control of its under-governed areas, and it will ensure accountability for all U.S. assistance to Pakistan.

In addition to requiring the President to develop a real security strategy and to regularly report back to Congress on the effectiveness of our military assistance, the act prohibits such assistance until Pakistan demonstrates its commitment to shared security goals. There are also strong oversight and audit requirements for the State Department and for USAID, and there is a requirement for the U.S. Comptroller General to report independently on the effectiveness of our security assistance.

This bill is a tremendous step forward for us in our efforts to bring peace and stability to South Asia. I would hope that every Member would support this legislation. I thank the chairman.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time, I am pleased to yield 5 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Subcommittee on the Middle East and South Asia.

Mr. BURTON of Indiana. Mr. Speaker, first of all, let me congratulate our chairman on crafting a bill that, in large part, is very good. It increases aid to Pakistan by triple in some areas, and I think it's very positive. It deals with economic and humanitarian assistance that will help Pakistan build schools, roads and hospitals, and it will help Pakistan's economic infrastructure. All of that is good. I know that the President and the administration support that as well.

But unfortunately—here comes the “but” part—unfortunately, the chairman and our Democrat colleagues decided to load this bill up with ill-conceived provisions to micromanage U.S. security assistance to Pakistan, as the ranking member just said. This is not just my opinion. The Secretary of Defense, Mr. Gates, and the chairman of the Joint Chiefs of Staff, Mr. Mullen, wrote the Armed Services Committee last month. Here is what they said:

“The degree of conditionality and limitations on security assistance to Pakistan” in H.R. 1886 “severely constrains the flexibility necessary for the executive branch and the Department of Defense given the fluid and dynamic environment that exists in Pakistan.”

Mr. BERMAN. Will the gentleman yield? After yesterday, why wouldn't you?

Mr. BURTON of Indiana. I will in a minute. Do you remember last night when I asked you to yield? But that's okay. I will yield to you in a minute just to show you what kind of a guy I am.

Anyhow, this is a very difficult time over there. I would like to say to my chairman, if he could see this—Mr. Chairman, I hope that you can see this. It's very important that we look at the situation on the ground in Pakistan right now.

The green area is the area that the government controls. The brown area is the area that the Taliban controls. The tan area is where there is a strong Taliban presence. The yellow is where there are federally supported tribal areas. Of course, up here in the north is the blue North-West Frontier Province.

If we lose this, if we lose this here, you've got a heck of a problem in Afghanistan. That's the entire border with Afghanistan. If you lose that, then the President's goal to stabilize and to win the war in Afghanistan is going to go right down the tubes, and this micromanaging that you're doing in this bill is not going to be helpful.

Now, in the past, I have not agreed with Senator KERRY. In fact, I can't remember ever agreeing with Senator KERRY. But just to let you know that there is some bipartisan opposition, I want to read to you what he said. Senate Foreign Relations Chairman JOHN KERRY, Democrat of Massachusetts, the author of similar Senate legislation, Senate bill 962, said, it's “overly restrictive” and “counterproductive.”

“It sends a message in the Pakistani body politic that the people of Pakistan say, ‘Well . . . we're just doing their (U.S.) bidding, we're their lackeys, we're not in control.’”

I think that's counter to the kind of message that we want to send to Pakistan right now.

□ 1300

This is a very difficult time. This is not just a debate between the chairman and the ranking member and me. This is war and peace. It's the survivability of Pakistan as an independent country. It's winning or losing the war in Afghanistan. And we have to remember that Pakistan is a nuclear power. If the Taliban is successful in this area, not only will Afghanistan go down the tubes, but in likelihood, they will have control of some nuclear weapons. I know we've got precautions that are being taken to stop that. But in the event this takes place and we lose control of those nuclear weapons, we've got a real possible conflagration for the whole area in that part of the world.

So I would like to say to the chairman, and I hope in conference committee this is changed, that this micromanaging that you're doing to try the tell the Pakistani Government how to conduct its military operations in

Pakistan, that that is limited or stopped.

Mr. BERMAN. Will the gentleman yield?

Mr. BURTON of Indiana. I will be happy to yield.

Mr. BERMAN. This isn't for a polemic. It's really just to take what you said.

Number one, I agree completely with the urgency of it. If I didn't—we don't have a lot of money—we would not be authorizing these sums. We share your sense of the urgency of the situation.

Secondly, the letter you cite is correct. The letter is not correct, but the existence of the letter is correct. But it was addressed to a bill that had been introduced. Since the introduction of the bill, we have gone through elaborate negotiations with the House Armed Services Committee. To deal with some of the issues that letter was concerned about, we have worked through, both in the supplemental and in the authorizing committee—

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

Ms. ROS-LEHTINEN. I will give the gentleman an additional 1 minute because we do want to clarify Senator KERRY's statements.

Mr. BURTON of Indiana. Let me just say to my colleague that there is an unnecessary limitation relating to Pakistan's F-16 program that could be dealt with by nonlegislative means, which you're dealing with that in this bill. It shows that there is no trust: a limitation on State Department-funded assistance unless Pakistan meets certain conditions relating to non-proliferation, counterterrorism, and other issues.

Mr. BERMAN. Good things.

Mr. BURTON of Indiana. I don't understand you.

Mr. BERMAN. Ensuring that the mission that we are equipping and training for is committed to a counterinsurgency, not an arms race in South Asia.

Mr. BURTON of Indiana. All I can say, if you read the bill and you listen to the debate and listen to even what Senator KERRY says, with whom I don't agree with very much, you see that there is too much micromanaging in this bill.

This is a war over there, and we should be supporting our ally in every way possible so the Taliban isn't victorious.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield to someone who, like the previous speaker, the gentleman from Indiana, has spent a great deal of time in Pakistan looking at the situation. She chairs the Pakistan Caucus. She joined our congressional delegation in Pakistan in the month of April and speaks with great knowledge and experience on this subject, the gentlelady from Texas, Ms. SHEILA JACKSON-LEE, for 3 minutes.

Ms. JACKSON-LEE of Texas. I thank very much the distinguished chairman

of the full committee for both his insight and his leadership, and my good friend, the subcommittee chairman, Mr. ACKERMAN, and my doubly good friend, Mr. BURTON, who was just on the floor of the House who shares with me this commitment to Pakistan.

Mr. Speaker, the reason why we must go forward today is for the very reason that our colleagues have been addressing themselves to our colleagues, if you will. We have a crisis, a dire crisis in Pakistan. There is no time for us to quarrel over what really are minimal differences, if you will. Right now, as we speak, 2½ million people are homeless. They are fleeing the conflicts in the Swat area that has been initiated by the Pakistani Government that is standing not for America, but is standing for the freedom of her people. And we must applaud these actions.

We must look to the leadership of the President, the leadership of the Secretary of State, who has a strong commitment to Pakistan, the policies of this new government. Our government is to recognize Pakistan as an ally. And so 1886 is a bill that recognizes comprehensively that we have an equal ally that is fighting against terrorism within their borders.

I have been to Peshawar, Islamabad, and any number of the sites visiting with leaders around the Nation. I have been to the schools that are trying to replace the madrasas. And in this legislation, we have, for example, a Pakistan development and prosperity fund.

Just 3 weeks ago, a hundred-plus members of the Pakistani community met in New York to talk about how they can provide social services to that nation. As we speak, there are medical doctors from the Pakistani-American community that are leaving their homes here in the United States to go to Pakistan to help these refugees.

So let us look at the big picture that this legislation provides. The prosperity fund, yes, there are conditionalities, but I would suggest that they are refrained from the issues that the distinguished Member in the other body spoke to, and we're going to work even further.

But if our colleagues appreciate the fact that there are dire conditions that the Pakistan military is fighting the terrorists, they will help us pass 1886. This bill refers, itself, to the nuclear materials and requires the protecting of those materials. Do we want to leave that willy-nilly?

This particular legislation also, in essence, helps to protect women and girls, to provide more resources for women and girls. It helps to deradicalize the youth. This legislation is a stopgap to the crisis and the emergency.

I ask my colleagues to read it. This bill should be passed.

I urge you to support H.R. 1886, The Pakistan Enduring Assistance and Cooperation

Enhancement Act. H.R. 1886 establishes a new, more positive framework for U.S.-Pakistan relations. The legislation establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship. The bill is comprised of three titles.

The first title provides Economic, Social and Democratic Development Assistance for Pakistan; the second title provides Security Assistance for Pakistan; and the third title requires the President to develop a regional security strategy; provides for enhanced monitoring, evaluation, and auditing of U.S. assistance; requires a Presidential report on Pakistan, including an evaluation on Pakistan's progress in counterterrorism and an assessment of whether assistance provided to Pakistan is in any way facilitating the expansion of Pakistan's nuclear weapons program; and requires that all assistance to Pakistan be provided through a civilian government in Pakistan established by free and fair elections.

Pakistan is a critical ally of the United States. For too long, however, our relationship with Pakistan has been one of fits and starts, depending on events in the region and who happens to be in power in Pakistan. It is time for us the United States to forge a truly strategic partnership with Pakistan, one that goes beyond our mutual interest today in counterinsurgency and counterterrorism and speaks to the everyday needs of the average Pakistani.

H.R. 1886 accomplishes these objectives. The legislation would significantly expand economic, social and democracy assistance to help lay the foundation for a stronger, more stable Pakistan. In particular, the bill authorizes a Pakistan Democracy and Prosperity Fund, a permanent fund in the U.S. Treasury for which the United States, along with other interested nations, nongovernmental organizations and even private citizens, can contribute to the prosperous future of Pakistan. The fund also provides additional flexibility to the State Department in order to provide such assistance, thereby responding to the ever dynamic situation Pakistan faces with its on going efforts to counter a domestic insurgency and provide humanitarian care for its displaced people.

As much as we must focus on the internal conflicts in Pakistan, we must not forget the external issues affecting the region as a whole and the need for stabilization.

Over the years, U.S. assistance to Pakistan has fluctuate with political events, sending mixed messages and leading most Pakistanis to question both our intentions and our staying power. Today, many Pakistanis believe the United States will cut and run when it serves our purpose, a belief which undermines our longterm efforts to defeat extremists, foster democratic change, and support transparent and accountable institutions that promote security and stability in Pakistan.

However, the status quo is not working: many in the United States believe we are paying too much and getting too little—and most Pakistanis believe exactly the opposite. Without changing this baseline, there is little likelihood of drying up popular tolerance for anti-U.S. terrorist groups or persuading Pakistani

leaders to devote the political capital necessary to deny such groups sanctuary and covert material support.

The bill helps bridge a sustainable U.S.-Pakistan partnership through an increased focus on public diplomacy and engagement. H.R. 1886 authorizes a new exchange program for Pakistani civil servants and military officers in order to foster greater respect for and understanding of the principle of civilian rule in Pakistan's military. By building bridges to Pakistan and its people, the legislation is intended to provide a new, more positive framework for U.S.-Pakistan relations. Finally, the bill authorizes an extensive increase in military assistance to help Pakistan wage an effective counterinsurgency campaign against those forces that threaten Pakistan's national security.

This legislation establishes a new, more positive framework for U.S.-Pakistan relations. The legislation establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship.

RECONSTRUCTION OPPORTUNITY ZONES

It is important to note that the rule incorporated into this bill a modified version of H.R. 1318, Afghanistan-Pakistan Security and Prosperity Enhancement Act. These provisions create Reconstruction Opportunity Zones (ROZs) in Afghanistan and Pakistan, where non-trade-sensitive exports would be permitted to enter the U.S. duty-free.

From a broader foreign policy perspective, the ROZ initiative constitutes an affirmation of the importance of the United States attaches to Pakistan and Afghanistan via a long term effective economic program that is directly aimed at improving the lives of its people. ROZs work toward achieving counterinsurgency policy goals, as job creation in these areas would counter al-Qaeda and Taliban recruitment efforts by offering alternatives to joining the insurgency. Such job creation and will serve as positive reinforcement for young people on a path toward building a solid future in Pakistan where these young people would otherwise turn to extremism as their way of life.

Moreover, it should be noted that the AFL-CIO does not oppose ROZs, as these zones assist in achieving the delicate balance of helping Pakistan establish a better economy, while simultaneously respecting trade restrictions here in the United States. On the premise of a new friendship between the United States and Pakistan, we need to support H.R. 1886. The ROZ initiative open avenues for employment and job growth in Afghanistan and Pakistan, and its impact will help shut down paths that lead to terrorism, warlords and the drug trade. Additionally, I was a co-sponsor of the original ROZ bill and maintain its importance.

AMENDMENT LANGUAGE

I have worked tirelessly with Chairman BERMAN to include several key provisions in this important legislation. First, I am pleased that the Chairman has included language from my past amendments in the legislation which states that the United States recognizes the recent major efforts that Pakistan has taken in the SWAT area. Second, my language in-

cluded in the former manager's amendment includes language on page 40 in section 206 which states that any limitations on the dispensation of military funds to Pakistan should be modified or reconsidered if Pakistan has made rapid compliance with the objectives contained in the section (i.e., those objectives that lead to cooperation with the United States). Additionally, the legislation includes important language on page 19 that funding for education must be used for the education of school girls between the ages of 10-20 and that the money should be used to make sure that these girls stay in school.

I have also worked closely on the Manager's Amendment to H.R. 1886, which includes important language that funding for rehabilitation programs is designed to deter military insurgency. It is imperative that United States security assistance for Pakistan should be used for the creation of militant rehabilitation programs designed to rehabilitate insurgents and to prevent youth from turning to militancy from the onset. Such militant rehabilitation programs shall be implemented by moderate Islamic clerics, in keeping with Islamic tradition. United States security assistance for Pakistan should further be used to create incentives for steering insurgents away from militancy by providing financial support and job assistance for those militants who effectively renounce their subscription to militancy. I would urge that my colleagues support the Manager's Amendment. I believe that it contains language that would be of benefit to the Pakistani people.

CODELS TO PAKISTAN

I have been to Pakistan many times. My belief in this country and its relationship with the United States drove me to co-chair the Pakistan Caucus. This year alone, I have participated in two Congressional Delegation Trips to Pakistan, and I am very passionate about diplomatic relations between our two countries.

Benazir Bhutto, shortly before her death, said that "The next few months are critical to Pakistan's future direction as a democratic state committed to promoting peace, fighting terrorism and working for social justice. Democracy is necessary to peace and to undermining the forces of terrorism." I had the pleasure of knowing the late Benazir Bhutto and losing her in death was truly a tragedy felt beyond Pakistan. She made this statement over two years ago, yet is relevant today more than ever.

On May 19, 2009, Secretary of State Hillary Clinton announced \$110 million in emergency assistance for the South Asia nation of Pakistan, including aid for civilians fleeing a military offensive against Taliban militants in the northwest. The United Nations refugee agency issued a report stating that more than 1.4 million people in the North West Frontier Province (NWFP) have been registered as displaced since May 2, describing the flood as the largest and swiftest to take place anywhere in the world in recent years.

The newly-registered internally displaced persons (IDP) took the total number of those who have fled their homes in the SWAT valley and surrounding areas to 2 million.

I am hopeful that the \$110 million in emergency assistance will get to the people on

ground and will be of assistance to them. It is important that the people of Pakistan see that the aid is coming from America to give a face to this aid. It is essential to global security and the security of the United States.

The surge of IDPs followed the launch of a military offensive in late April. President Asif Ali Zardari acted after U.S. officials stepped up warnings that Islamabad's willingness to tolerate and negotiate peace deals with the militants was endangering both Pakistan and the wider region. The Taliban fighting spread to NWFP districts and SWAT.

President Obama's new approach to Pakistan is different than anything that has been tried before. America has expressed that it will support the democratically-elected government and it will have a clear and transparent relationship.

In conclusion, I urge you to support H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act, which seeks to and effectively establishes a new, more positive and enduring framework for U.S.-Pakistan relations.

Ms. ROS-LEHTINEN. Before yielding time to my distinguished friend from Florida, I would like to clarify that Senator KERRY was indeed referring to the bill as amended to the text we're considering today. And further, much reference has been made to the Armed Services Committee, as the gentleman knows from Florida, but the Armed Services minority did not sign off on the bill before us due to pending concerns.

And with that, I am proud to yield 5 minutes to the gentleman from Florida (Mr. MILLER), the ranking member on the Armed Services Subcommittee on Terrorism and Unconventional Threats.

Mr. MILLER of Florida. I thank the ranking member, and I appreciate you bringing up the fact that our friends on the majority are, again, talking about the bipartisan efforts that have been made with the Armed Services Committee, all of the extensive negotiations that have taken place. I serve on the Armed Services Committee. I am the ranking member, as Ms. ROS-LEHTINEN just said. There has been absolutely no negotiation with any member of the minority side of the House Armed Services Committee.

You know, it sounds like a great thing to support when you look at the bill, at least the title of the bill, but when you start looking at it, reading it, listening to the people who it actually is going to affect, like General David Petraeus who I met at CENTCOM last week and had an opportunity to talk to him about these specific issues, he said it is going to tie their hands, not allow us to do what we need to do and the military needs to do to train and assist in this very important issue.

Nobody, I think, has any qualms or quarrels with the majority side saying this is something that needs to be done. The issue is a jurisdictional problem with regards to whether State or

DOD has input or actually controls what goes on in this program.

Look, I've been to Pakistan and Afghanistan three times in the last year. I understand what's going on there. I know how hard the Pakistanis are fighting to control what's going on in their country. We need to do what we can do to help with the counterinsurgency problem. But it's my understanding that the President does not support this particular piece of legislation and, as has already been said on the floor today, that Senator KERRY does not support this particular piece of legislation.

So those are the facts. Others may not want to necessarily address those facts and say that they are, in fact, true, but they are. And I heard a Member on the floor of the House yesterday trying desperately to get Members to understand and believe that Foreign Service members, as a whole, are actually on the front lines.

Look, the State Department cannot compel any State Department employee to go into a combat zone. This is a DOD issue. This is a counterinsurgency issue. It needs to be in the basket, if you will, of the Department of Defense. The majority's tendency to use diplomacy for every single thing should not result in a career State Department bureaucrat running a military counterinsurgency operation. It just shouldn't be so.

Look, as I said, they can't legally compel their people to go into a combat zone, but what they do is they use money for programs to fly Muslim people from the United States of America to Sweden to talk about issues in regards to Islamic outreach, which I have serious concerns with that particular program, but that's the State Department and that's what they want to do. I think they probably would have thought that the diplomatic efforts that Pakistan made in the Swat Valley was the thing that we should have done. It was not something that should have been done, and we know the Taliban broke the truce real quickly after that was done.

But look, the Department of State should not be taking the lead in this vital issue. It should be the Department of Defense. And I think that, ultimately, Members of this body on both sides of the aisle understand that.

So I urge a defeat of this flawed particular piece of legislation.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. ACKERMAN) may control the time of the gentleman from California (Mr. BERMAN).

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from California (Ms. WATSON.)

Ms. WATSON. I rise today in support of H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act, called PEACE, of 2009.

Since President Barack Obama took the reins of our Nation, he has begun to lead us in a new era of foreign policy based on the theme: listen, learn, then lead.

This bill introduced by Chairman BERMAN is the beginning of this new era of American foreign policy which will give the President the tools he needs to bring peace and long-lasting stability to Pakistan. The PEACE Act authorizes the President to provide assistance for Pakistan to enhance economic development, human rights, cultural and educational programs, the judicial system, and democratic institutions in order to strengthen civilian rule and long-term stability.

This bill does not allow Pakistan to use any of this assistance to upgrade or buy new F-16s or upgrade its nuclear arsenal. The reporting requirements in the PEACE Act provide the necessary oversight provisions which require Pakistan's government and the Obama administration to inform Congress on the progress and uses of our assistance.

I urge my colleagues to support H.R. 1886.

Ms. ROS-LEHTINEN. I reserve the balance of our time.

Mr. ACKERMAN. Mr. Speaker, I am pleased at this time to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague, Mr. Speaker, and I rise in support of H.R. 1886, the Pakistan Enduring Assistance Cooperation Act, and I congratulate our chairman, Mr. BERMAN, for his leadership.

This bill is a national security bill. It authorizes military assistance to help Pakistan disrupt and defeat al Qaeda and insurgent elements, including the Taliban, and requires that the majority of such assistance be focused on critical counterinsurgency and counterterrorism efforts.

□ 1315

Additionally, the bill requires that all military assistance flow through the democratically elected Government of Pakistan.

The legislation includes accountability measures for military assistance, including a requirement that the Government of Pakistan demonstrate a sustained commitment to combating terrorism. The bill aligns Pakistan's defense goals with ours by conditioning military aid. Specifically, the bill provides \$400 million a year in military aid on the condition that Pakistan cooperate in dismantling nuclear supply networks and fighting terrorist groups. The bill will not provide funding for Pakistan to build its forces on the eastern border with India, as the real threat lies on the western border. To this end, the bill would bar the use of foreign military financing to buy or upgrade F-16 fighter jets with the exception of money to finish a 2006 deal.

I understand the concerns about Pakistan's commitment to fighting terrorism. I myself have concerns about Pakistan's nuclear arsenal and its past history of proliferation. This is why, at my request, the report language accompanying this bill specifically mentions the A.Q. Khan proliferation network as a source of concern in the United States and that representatives of the United States must have access to him because they have not interviewed him.

Pakistan, Mr. Speaker, is a key partner in South Asian security. Clearly, recent events in the Swat Valley demonstrate that stability in the region is not just an American concern. We must move ahead with clear expectations and goals, as this bill enumerates, to ensure that U.S. aid is being used in the most effective manner possible. Ultimately, this will benefit both the Pakistani people and U.S. strategic interests. This bill, H.R. 1886, does that; and I urge my colleagues to support it.

Ms. ROS-LEHTINEN. Mr. Speaker, before yielding to my good friend from Texas, I would like to point out, as the previous speaker noted, this is supposed to be a national security bill, yet the majority tagged on a trade bill to it, and then, under the rule, attaches it to the State bill.

I am proud to yield 2 minutes to the gentleman from Texas (Mr. BRADY), the ranking member on the Ways and Means Subcommittee on Trade.

Mr. BRADY of Texas. Mr. Speaker, I rise in opposition to this bill due to the last-minute addition of the Pakistan Afghanistan Recovery Opportunity Zone bill.

While I commend Congressman VAN HOLLEN for his hard work and his strong commitment to this very important legislation, I am concerned the bill fails to encourage significant investment in the Afghan and Pakistan regions under the new trade program. And I say that as someone who believes that trade can be a powerful tool to help developing countries lift themselves up out of poverty. Unfortunately, I believe this bill will discourage economic development and investment because it includes some dangerous eligibility criteria that will drive away investment and require each firm, including U.S. firms, there to meet labor standards that could exceed U.S. law in such a way that will create a dangerous precedent that could be applied to our own free-trade agreements, making U.S. labor laws vulnerable to challenge from foreign countries.

And the scope of the eligible products in the bill, unfortunately, have been whittled down—I know there have been difficult negotiations to try and broaden that—and it imposes fees on certain Pakistan products in return for sales of others; again, sort of, I think, a trade-off that has been difficult to swallow.

I am concerned that this measure, despite its excellent intentions—and again, very hard work from Congressman VAN HOLLEN—will fall short of its objectives to bring economic stability to this very difficult region.

I would point out, too, we are doing a lot to open up America to foreign countries. We've had six votes to open up America to foreign sales, but no votes to open up other countries to what we sell. It's not enough to buy American; we need to sell American products throughout the world. And in this economic recession, we have three pending trade agreements that would allow us to sell \$11 billion of American products around the world to create jobs here in the United States that are being held up, not brought to a vote on the floor. We need to get our priorities right. As we help lift countries up, let's lift American jobs up as well.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. BERMAN) reclaims his time from the gentleman from New York (Mr. ACKERMAN).

There was no objection.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 3 minutes to the ranking member of the Terrorism Non-proliferation and Trade Subcommittee of the Foreign Affairs Committee, a cosponsor of the legislation and another member of the congressional delegation that went to Pakistan last month. In fact, everybody who went to Pakistan with me is supporting this bill. I should have taken more people. But I yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I rise in support of this very important legislation, and I think there are a few points that we should keep in mind.

The first is that Pakistan is a tinderbox; its government is very weak, and social and economic trends are moving in the wrong direction and that is fostering extremism. The Pakistan Government has killed many militants over the last few weeks, but the insurgency remains potent. And, clearly, Pakistan is going to be troubled for some time.

Second, this region is the center of international terrorism. And most importantly, Pakistan has a growing nuclear arsenal. Now, we can either stay engaged and try to shape events, or go to the sidelines and see a bad situation become a possible disaster.

Third, to date, Pakistan has taken us for a ride. Since 9/11, we have provided Pakistan with some \$12.3 billion. We spent billions before that. I've been to Pakistan a number of times; I have seen what has happened without conditions. I have also seen the need there. A school that I visited in the North-West Frontier has now been blown up, and madrasas now educate kids there in jihad. I have been to Peshawar. I've been to the regions where this militancy has to be confronted.

Little has improved without conditions, and there has been significant waste and corruption. So this legislation is the proposal we have with the best conditions. It best conditions that aid. It takes the position that while we must work with the Pakistani Government, our experience demands greater accountability from that government. No blank checks. That the Pakistan Government denounces this bill's conditions, frankly, should be a selling point.

I do, however, have one significant reservation. The trade provision that the Rules Committee majority added to this bill is sheer window dressing. As this bill goes to conference with the Senate, as the process continues, this trade provision must be liberalized. Increasing trade should be an important goal.

In short, the situation in Pakistan is dire, and with its nuclear arsenal, the stakes could not be any higher. We need all the accountability we can get. And that's why I support this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so proud to yield 3 minutes to the gentleman from Michigan (Mr. CAMP), the ranking member on the Committee on Ways and Means.

Mr. CAMP. I thank the gentlewoman for yielding.

I strongly oppose H.R. 1886, in particular, language inserted at the Rules Committee to create a new, but poorly designed, trade preference program for Afghanistan and Pakistan.

While I would support a well-designed program to create jobs and spur economic development, this legislation is deeply flawed. First, it brings virtually no economic benefit because the product mix is stingy—an economic fig leaf that should fool no one.

My second objection is even more fundamental. While the bill is light on commercial benefits, it is heavy on intrusive, impractical labor requirements that could exceed U.S. law. Now, I very much support improving labor conditions; but these new, unnecessarily onerous labor criteria would impede investment and won't improve labor conditions.

Specifically, this legislation requires the Secretary of Labor to designate any entity to conduct firm-level inspections in Afghanistan and Pakistan to ensure compliance with "core labor standards," even an NGO hostile to trade. This vague language subjects firms to arbitrary standards that could exceed U.S. law—I repeat, that could exceed U.S. law. Given the dire security situation there, having inspectors go from door to door, even cottage to cottage, to enforce such standards strains credibility.

Moreover, this standard exceeds the labor provisions in other preference programs and even our trade agreements negotiated under the bipartisan May 10 standard for FTAs both lauded

by the Speaker and Chairman RANGEL. It could be viewed as a precedent to justify the inclusion of similar language, not only in new trade agreements, but perhaps even in efforts to revise existing ones, which would, of course, apply to us as well, leaving the United States vulnerable to challenges that our labor laws don't meet this standard.

I am also concerned about the pay-for. For every dollar of duty relief that reconstruction opportunity zone exports from these countries receive, other Pakistani and Afghan exports have to pay at least that amount in increased fees, making these countries potentially worse off than they are right now.

Lastly, I am disappointed that this is my first opportunity to explain my concerns. This bill was not even considered by the Ways and Means Committee, which, again, it's not about the committee but again this denies the American people their voice. This is not the return to regular order we were promised by the Speaker. And I fear this is not the last time this month I will be on the floor raising that concern.

The provision also subverts the prerogatives out of the House by turning an aid bill into a revenue measure, ripe for mischief when it gets to the other side of the Capitol.

Because of all of this, I strongly oppose the legislation in its current form. I urge my colleagues to vote against the measure.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the principal cosponsor of the legislation, the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank the chairman.

I want to praise the chairman and his team for putting together a bipartisan bill regarding our assistance to Pakistan. This is a very critical region for the United States and assistance is authorized under this legislation, and necessary. But as was stated before, when Colin Powell called the President of Pakistan right after September 11, he offered a choice: you're either with us or against us. And President Musharraf picked well. Under that arrangement, we did provide \$12 billion to Pakistan but largely without strings attached. And the Pakistani effort against the militants, especially in the frontier autonomous region, was initially aggressive but then petered out. The United States was providing \$16 million a month to the Pakistani military but after 2005 was receiving little benefit.

Under the new government, that is, unquestionably, a democratic government, I think we have a more stable partner to deal with in the war on terror, specifically in what the Pentagon would call the "al Qaeda core." With this new government really representing the essence of the Pakistani

middle class, we now take on their true aspirations in which the central issue for the long term is not nuclear competition with India, but how quickly Pakistan is falling behind India's rising economic growth.

In that view, then, a bunch of radicals ruining the economic and business climate of Pakistan is a mortal danger to the future income of Pakistanis. On that basis, a war on terror is solidly grounded in democracy, in the Pakistani middle class, and the joint interest to the United States. But this bill reflects what we have learned over the last 5 years, that strings should be attached, that benchmarks should be established, that we should have accountability in that very difficult part of the world.

I will also praise this bill because it is probably the only free trade bill this Congress will adopt, and it represents a true bipartisan will that will help add to the employment of Pakistan and stability of that country.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the vice Chair of the Subcommittee on Terrorism, Nuclear Nonproliferation, and International Trade of the Foreign Affairs Committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, thank you very much.

This is really the most critical, the most important piece of legislation facing us right now. The situation in Pakistan is very tenuous; it is very critical. We have before us a very significant piece of legislation that has been expertly crafted. Yes, trade is a part of it because trade is important at this time to make sure that we are able to help sustain the economy of Pakistan at this very critical time.

Pakistan is in a fragile situation. Military aid is in here, yes, because Pakistan needs this. But we have the safeguards here because, let me just say, the other side mentioned something a little while back about the Department of Defense and their role. Let us go back for an example in Afghanistan.

In Afghanistan, we do not want another repeat of the very significant problem that the Department of Defense had in Afghanistan with losing—yes, losing—significant military equipment to the Taliban.

□ 1330

The U.S. taxpayers deserve better, and in this bill we are giving them better. We are giving the oversight. In essence, we are making sure that aid that we give to Pakistan is properly used, that oversight is in place, that benchmarks are in place. We're making sure that any entity that is being used, whether it's military or certainly their nuclear weapons, do not fall into terrorists' hands or into other hands. We've made sure, under the leadership

of Ms. LEE, who's on this committee, with the chairman's manager's amendment, that we have safeguards in here to make sure that none of these funds are used to even expand their nuclear capacity.

This is an extraordinary bill at an extraordinary time. It is heavily bipartisan, and I commend the chairman on an excellent piece of legislation.

The SPEAKER pro tempore. The gentleman from California has 7½ minutes remaining. The gentlewoman from Florida has 6½ minutes remaining.

Ms. ROS-LEHTINEN. I yield myself as much time as I may consume.

Mr. Speaker, as we have noted here on the floor, too often the relationship between the United States and Pakistan has been characterized by mutual frustration engendered by a growing trust gap. And while the leaderships of the two countries place a high value on our relationship, their publics and their legislatures have viewed each other with suspicion and depicted each other as unreliable allies. But with the advent of a new administration, both in Pakistan and in the United States, we're offered a window of opportunity to redefine, to recalibrate relations.

Both sides need to guard against unrealistic expectations but be prepared to engage in an honest dialogue; and therein lies the rub, Mr. Speaker. As a Pakistani civil society leader and a close confidant of the late Benazir Bhutto has said, "Conditioning aid turns on its head the very rationale for assistance to stabilize Pakistan and empower it to deal more effectively with security challenges. An approach that treats Pakistan from the paradigm of 'hired help' rather than 'valued ally' is deeply counterproductive. It only reinforces the transactional nature of ties that are so resented by Pakistanis."

Mr. Speaker, our overarching goal should and, indeed, must be—do no harm. Unfortunately, the bill before us could hamper, rather than help, vital U.S. security and strategic objectives regarding Pakistan and Afghanistan.

With that, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 2 minutes to a member of the committee, my friend from California, the gentlewoman BARBARA LEE.

Ms. LEE of California. Mr. Speaker, first let me thank the chairman for his very effective work on this bill and for your leadership and for really bringing this forward to the committee so that all of us could have an opportunity to weigh in, and talk about, and amend, and include many of the provisions that we believe allowed us to come to this floor today to support this bill.

I believe, like many believe, that addressing Pakistan, rather than an escalation of the war in Afghanistan, is a much more effective way to address

terrorism and our national security. I'm greatly encouraged by the goals of this legislation, which aims to put United States "smart power" to work, which many of us have been talking about for many years. The smart power. This helps to reshape our relationship with Pakistan based on a long-term commitment to social, economic and political development. The legislation integrates key benchmarks and limitations absent in previous aid packages which resulted in really \$10 billion in United States aid since 2001, yielding little or no results or progress on many fronts in Pakistan. So you can imagine why some of us initially were very skeptical of this.

This legislation also seeks to reshape the U.S.-Pakistan relationship by shifting unconditional United States military assistance away from this historical trend of exclusively unconditional military assistance. I want to make that point very clear. This is not unconditional. This is conditional. And it also provides a two-to-one ratio in terms of the development assistance, economic assistance, social and democratic priorities, which we all believe we should support.

Simply put, this bill really reflects the sentiments shared by many of my colleagues, that the national security of our Nation hinges upon much more than military might. Instead, it hinges upon the success of diplomatic and development efforts around the globe.

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

Mr. BERMAN. I yield the gentlewoman 30 additional seconds.

Ms. LEE of California. Let me just say that as a supporter of nonproliferation efforts all of my life, I am very pleased and want to thank Chairman BERMAN for working with myself and other members of the committee to address the concerns regarding the potential expansion of Pakistan's nuclear program. I wanted to make sure that the possible fungibility of these funds was not a factor. In President Obama's bold and brilliant speech in Cairo last week, he strongly reaffirmed America's commitment to seek a world in which no nation holds nuclear weapons. So we wanted to make sure that that was the case here with Pakistan in this bill and that we minimized any type of fungibility of funds.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from California (Mr. ROHRABACHER), the ranking member of the Subcommittee on International Organizations, Human Rights and Oversight.

Mr. ROHRABACHER. I rise in opposition to this effort to send billions of more dollars to Pakistan. I have reached my threshold with Pakistan. We have sent them billions upon billions of dollars, and we still have an anti-American sentiment all the way

through that government. They were our friends during the Cold War. Yes, they sided with us against the Soviet Union. The Cold War is over. It is long over. And since that time, the leaders of Pakistan have allied themselves with the most radical elements of Islam who hate the United States; and the Pakistani officials and the ISI, their CIA, have been working in conjunction with these radical Islamicists in Saudi Arabia and elsewhere ever since. We should not be sending them billions and billions of more dollars. We should be seeking, instead, to start relying on relationships with India, Russia and other countries that will be more reliable allies. I'm sorry that I'm having to say that we should be writing off a country like this. Let's focus on Afghanistan and quit sending billions of dollars to Pakistanis.

Mr. BERMAN. Mr. Speaker, I yield myself 15 seconds.

Just remember, a decision at this point to give up on Pakistan, it is Pakistan that is providing sanctuary for the people who are fighting us in Afghanistan. It is Pakistan who has nuclear weapons.

I now yield 2 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Mr. Chairman.

I'm supporting this legislation because it addresses both war and peace. And if I may, I'd like to focus on the peace initiative because, truth be told, the great issue of our time is not whether a superpower can police the world. A superpower can police the world. The great issue of our time is whether a superpower can bring peace to the world.

This piece of legislation helps us not only with war but also with peace because it helps us with economic development. It helps us to give people the opportunity to take care of themselves and sustain themselves, but it also helps us with education. The wealth of a nation is the education of its people. It helps us to bring the peace and stability that will be needed when the war is over. War can help us to provide a certain degree of security, but it won't provide the salvation that we need to have the peace.

I support this bill because it helps us when the war is over to have the peace and stability that Pakistan will need. I thank you, Mr. Chairman. It's a great piece of legislation.

The SPEAKER pro tempore. The gentleman from Florida has 3½ minutes remaining.

Ms. ROS-LEHTINEN. At this point I am very pleased to yield 2 minutes to Mr. HUNTER of California.

Mr. HUNTER. Mr. Speaker, let me say this: I have served in Iraq two times as a United States Marine, and I served in Afghanistan once. When I was over there in 2007, I was fighting, and in October of 2007, word came across

from here in the States that said several hundred State Department employees expressed their resentment over a policy that could force them to serve in Iraq or they might lose their jobs. They actually called going over to Iraq and Afghanistan a potential death sentence. So these are State Department employees, diplomats—the same ones we're asking to go to Pakistan and Afghanistan, which is arguably the most dangerous area right now in the entire world. We're asking them to go over, the exact same people who called going over to Iraq a potential death sentence.

I would equate this to sending diplomats to Katrina-destroyed New Orleans in 2005 instead of the National Guard. We're going to send diplomats to Louisiana. We aren't going to send the National Guard. We aren't going to send emergency services. We're going to send diplomats. So as opposed to giving General Petraeus, as the President asked for, funding to help out in Pakistan and Afghanistan, we're going to send diplomats so they can talk to the Taliban and they can talk to al Qaeda. They can talk to the mad men who cut off people's heads. That's what the State Department is going to do.

This is the wrong move. The Republicans have it right this time. Give the President full authority. Let him come up with a plan, and let General Petraeus implement that. The Republican substitute is the right way to go. We need to make sure that Pakistan is fighting for Pakistan and that Pakistan doesn't think it's only fighting for American dollars. That's what we need to do.

Once more, as a United States Marine that saw State Department ineptness and cowardice while I was in Afghanistan, it's almost personally insulting that we're going to pull the funding from General Petraeus and give it to those State Department cronies.

The SPEAKER pro tempore. The gentleman from Florida has 1½ minutes remaining. The gentleman from California has ¾ minutes remaining.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman who has made a significant contribution to this legislative effort, the gentleman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Speaker, I want to thank Chairman BERMAN for working with me so closely to include provisions in H.R. 1886 to ensure that the empowerment, protection and human rights of women are an important purpose for our aid to Pakistan and to help address the high rate of maternal mortality in Pakistan.

As Secretary of State Clinton noted earlier this year, the status of women and girls is a key indicator of whether or not progress is even possible in a society. We simply can't solve the global

problems confronting us—from the worldwide financial crisis to the risk of climate change, chronic hunger, disease, poverty—when the energies and talents of hundreds of millions of people, half the world's population is left behind.

According to the World Health Organization, maternal mortality is an indicator of disparity and inequity between men and women and reflects a woman's so-called place in society and their ultimate access to social health, nutritional services and to economic opportunities. In this case, Pakistan's maternal mortality rate speaks of the great challenges facing Pakistani women.

□ 1345

Over 400 women die per 100,000 live births in Pakistan, and, for comparison, that is compared to 11 per 100,000 in the United States.

It is the aim of my amendment to make clear that the U.S. aid authorized in this bill addresses this challenge. We need to make it unmistakably clear, Mr. Speaker, that addressing that nation's high child and maternal mortality rates is a key part of our assistance to Pakistan. We know that these interventions will save these women's lives and ultimately save the nation.

Again, I thank the chairman for his support.

The SPEAKER pro tempore. The gentleman from California (Mr. BERMAN) has 1¼ minutes remaining and the right to close, and the gentleman from Florida (Ms. ROS-LEHTINEN) has 1½ minutes remaining.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I feel like I am experiencing *deja vu*. The seemingly same arguments that opponents of General Petraeus and his Iraq surge strategy used just under 2 years ago about Iraqis and the Iraqi government and their commitment to fighting extremist groups, they are making an appearance today in this Chamber with respect to Pakistan.

U.S. commanders have just begun to assess the situation on the ground to determine the need to implement that new strategy, and some of the speakers today are already tying the U.S.' hands while prejudging the response of Pakistan. We should be focusing on success, on prevailing against al Qaeda, prevailing against the Taliban, not anticipating failure.

While the authors of this bill seek to empower our Pakistani partners to confront insurgency and militarism, I feel that this bill will actually inadvertently have a counterproductive impact by potentially making the Pakistani government appear subservient to the United States, as Senator KERRY suggested. This bill could weaken Pakistani democracy as well as could potentially fuel paranoia, wild conspiracy

theories that help give rise to that country's visceral and deep-seated anti-American feelings.

So I urge my colleagues to look at this bill, examine carefully what we are doing to our military, what we are doing to this new administration, and come to the correct conclusion that they should oppose this bill.

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

Mr. Speaker, just a few points. There was reference here to the F-16s. There is nothing in this bill that prohibits the Pakistanis from deciding to buy more F-16s. Two years ago they signed a contract indicating that that is what they were going to do. What this legislation does is say other than some specific adjustments particularly to deal with utilizing the F-16s they already have, in the counterinsurgency, we are not going to give our taxpayer dollars for a weapons system, an airplane, whose counterinsurgency interests are far less important than other equipment or training we could be providing.

Secondly, Admiral Mullen came to see me about the problems of utilizing the traditional security assistance program for providing the kind of equipment that is needed for the counterinsurgency in Pakistan. As a result of the case he made, we have created and worked with the Armed Services Committee to create an entire fund that waives every provision of law in the foreign military financing program so that we can get this equipment and training to the Pakistanis.

Pakistan is an urgent problem, but doing it right, not just doing it carelessly, is the way to go. I urge that this bill be supported.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for affording me this opportunity to address the Rules Committee and explain my amendment to H.R. 1886, the "Pakistan Enduring Assistance and Cooperation Act".

My amendment is a simple but important addition to this important legislation, which I believe can be supported by every member of this Committee.

My amendment would foster counterterrorism efforts in Pakistan with the creation of militant rehabilitation programs designed to rehabilitate insurgents and to prevent youth from turning to militancy from the onset. Financial support and job opportunities will be provided to graduates of the rehabilitation programs as incentives for steering insurgents away from militancy.

H.R. 1886 establishes a new, more positive framework for U.S.-Pakistan relations. The legislation establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship. The bill is comprised of three titles.

The first Title provides Economic, Social and Democratic Development Assistance for Pakistan; the second Title provides Security Assistance for Pakistan; and the third Title requires the President to develop a regional se-

curity strategy; provides for enhanced monitoring, evaluation, and auditing of U.S. assistance; requires a Presidential report on Pakistan, including an evaluation on Pakistan's progress in counterterrorism and an assessment of whether assistance provided to Pakistan is in any way facilitating the expansion of Pakistan's nuclear weapons program; and requires that all assistance to Pakistan be provided through a civilian government in Pakistan established by free and fair elections.

I urge you to support my amendment.

Mr. DRIER. Mr. Speaker, this week we are considering a number of foreign policy bills that affect critically important issues. Yesterday we considered H.R. 2410, the State Department Reauthorization Act. Today we are considering two proposals, which have been joined together in one bill, H.R. 1886, to provide assistance to Pakistan. The first proposal provides funding to help Pakistan develop its institutions and provide economic development for its people, in order to help combat the growing terrorist threat that is within its borders and that fuels the conflict in Afghanistan. The second proposal also seeks to bolster development in Pakistan, as well as Afghanistan, by creating duty-free zones along their shared border to encourage new investment and provide access to the U.S. market.

These are all very worthy ideas. Foreign assistance, particularly capacity building, plays a critical role in bolstering our national security, when it is done right. By helping our partners in the developing world to strengthen the rule of law, build transparent and accountable institutions, and spur the kind of economic development that improves standards of living, we help to tear down the foundations of terrorism and tyranny and combat the radicalism that threatens the safety of all Americans.

Our efforts in Pakistan are particularly important, not only because of the implications for the war in Afghanistan, where our troops are in harm's way, but because it is a nuclear-armed state. The stakes couldn't be higher. If Pakistan's democratically elected government were to be taken over by the terrorists in their midst, the consequences would be almost unthinkable. Creating economic opportunity and real alternatives to terrorism in Pakistan and elsewhere in the developing world is a vital national security concern. Unfortunately, the bills that we are considering this week are fundamentally flawed. The State Department Reauthorization bill, rather than pursuing meaningful reform to make our foreign assistance more effective, simply expanded government spending and bureaucracy at an untenable rate. It also included a number of highly controversial provisions, yet the rule did not provide for debate or consideration of amendments on those issues. As a result, I could not support this bill.

The two proposals on Pakistan before us today are even more problematic. The first, while providing vital funding in a key region, ties the hands of our military and attempts to micromanage interagency efforts from 7000 miles away. This is a counterproductive and potentially fatal error to make. The second proposal, which proposes new duty-free zones for textile and household products, is counterproductive as well.

While the idea behind it is a very good one, the actual program proposed has three key

flaws—it excludes the top products that are made in Pakistan, rendering the program ineffective; it imposes such restrictive and unworkable labor provisions that it undermines the proposed program and sets a very bad precedent for future trade preference bills; and finally, it imposes new tariffs on the very Pakistani businesses that we are trying to help, in order to pay for the elimination of tariffs in other categories of products. This bill would take with one hand while it attempts to appear to give with the other. This is not a workable proposal. It will not spur development in Pakistan, and could actually hurt those companies that are currently creating the only economic opportunity that exists in Pakistan. It would also set a very dangerous precedent for future attempts to spur development and poison our efforts to create opportunity elsewhere in the developing world.

All three foreign policy proposals before us this week represent nothing more than three very unfortunate missed opportunities. I am truly disappointed that we have not had the opportunity to get these bills right, as they deal with such critically important issues. I hope very much that in the future, we can have an open, bipartisan process that allows us to effectively and appropriately deal with the key national security issue of foreign assistance.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of the Afghanistan-Pakistan Security and Prosperity Enhancement Act. The legislation, originally introduced as H.R. 1318, was subsequently incorporated into H.R. 1886, to authorize Democratic, Economic and Social Development Assistance for Pakistan, introduced by Congressman BERMAN, the Chairman of the Committee on Foreign Affairs. This legislation is aimed at protecting our homeland and those of our allies in the fight against Al-Qa'ida and the Taliban in Afghanistan and Pakistan by providing tools for economic development.

We worked with the Bush Administration to craft the framework of this legislation. This initiative was subsequently embraced by President Obama who specifically incorporated it into his counterinsurgency strategy for Pakistan and Afghanistan. This bill authorizes the President of the United States to designate specific trade zones, known as Reconstruction Opportunity Zones (ROZs), in Afghanistan and in certain regions of Pakistan to create economic opportunities.

These ROZs will allow qualified businesses duty-free access into U.S. markets for designated products, thereby providing significant employment opportunities where few currently exist. A ROZ program could go a long way to bolster economic development in this critical region of the world where extremists have tried to exploit the lack of economic opportunities to gain recruits for their radical agenda.

Enhanced security efforts by the United States, as well as a strong foreign and military assistance program, are needed to disrupt and weaken Al-Qa'ida and the Taliban. These extremist groups exploit the poor socio-economic conditions, such as high unemployment, in the border areas, to gain adherents to their nefarious causes. With no meaningful alternatives, young men in particular are vulnerable to their entreaties.

This legislation was endorsed by the Washington Post in an editorial on March 22, 2009. Moreover, in a letter to the Speaker this week, Ambassador Richard Holbrooke, the State Department, Special Representative for Afghanistan and Pakistan, reiterated the Administration's support and noted that "ROZs are an important component of the President's comprehensive national security strategy in Afghanistan and Pakistan, and we need enactment of ROZ legislation as quickly as possible to help facilitate success."

I urge all Members of the House to support this valuable program and vote for this bill today. I ask unanimous consent to insert, into the RECORD, the speech of President Obama, the letter of Ambassador Holbrooke and the Washington Post editorial with my statement.

DEPARTMENT OF STATE,
Washington, DC, June 10, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives.

DEAR MADAM SPEAKER: Thank you for giving me the opportunity on Monday to discuss legislation creating Reconstruction Opportunity Zones (ROZs) in Afghanistan and Pakistan, and to reiterate the Administration's support. As you know, the House version (H.R. 1318) of this bipartisan legislation is sponsored by Representative Chris Van Hollen. Allow me to reaffirm, in writing, the key points, in the hope they will be useful as you proceed.

First, let me emphasize that ROZs are a vital component of our policy toward Pakistan in a moment of great challenge, indeed crisis, for that critically important nation. Pakistan's stability and security are directly related to our own national security and the ROZ legislation addresses issues central to the very area in which, at present, there are well over 2 million internal refugees and in which the Taliban and al-Qaeda are operating.

Military power alone cannot bring peace to Afghanistan and Pakistan. ROZs are an important component of the President's comprehensive national security strategy in Afghanistan and Pakistan, and we need enactment of ROZ legislation as quickly as possible to help facilitate success. As the President put it earlier this year in calling for Congress to enact this bipartisan bill, ROZs will "develop the economy [in the border regions] and bring hope to places plagued by violence."

By spurring economic growth and job creation, ROZs will provide legitimate job opportunities in high-unemployment, high-poverty areas in Pakistan and Afghanistan where livelihood choices are extremely limited. We need ROZs now—economic opportunities must be expanded to quickly follow up military operations with economic development to prove to populations in critical targeted areas that there are benefits to defeating the militants. Simply put, ROZs are crucial to the "build" part of our "clear-hold-build" counterinsurgency efforts and will help us to assist the Governments of Pakistan and Afghanistan to create conditions on the ground that will help marginalize the insurgents.

ROZs will enhance our "whole of government" strategy and will be a highly visible example of U.S. commitment to the long-term prosperity of the Afghan and Pakistani peoples. On my trips to Pakistan and Afghanistan, I hear a constant refrain from all quarters in these societies about the importance of this legislation, including the signal its passage would send about the strength of

the long-term relationships between our peoples.

Thank you again for your leadership. I am committed to working with you and other Congressional leaders to quickly enact Pakistan and Afghanistan ROZs into law.

Sincerely,

RICHARD C. HOLBROOKE,
Special Representative for
Afghanistan and Pakistan.

[From the Washington Post, Mar. 22, 2009]

—
PLOWSHARES FOR PEACE

As the Obama administration formulates its strategy for Pakistan and Afghanistan, pretty much everyone agrees that spurring the economy in both countries—creating jobs—is key to defusing militancy. The usual prescription is more foreign aid, which is sure to figure in any new plan. But what doesn't always get acknowledged in these discussions is that such aid often doesn't do much good. The United States wasted billions of dollars in Iraqi reconstruction aid, and given the dangerous environment—which discourages inspection and monitoring—you can expect a rerun in Afghanistan and Pakistan. A more effective way to boost both economies would be to allow them to export their products tariff-free into the United States. But that idea arouses the enmity of U.S. labor unions, which means that it's not going to get far in a Democratic Congress.

Enter Rep. Chris Van Hollen, Montgomery County Democrat and member of the House leadership, with a practical alternative. Mr. Van Hollen, with co-sponsors, has introduced legislation to create "reconstruction opportunity zones" within both countries. Certain products, including some (not all) textiles, produced within the zones would enjoy duty-free access to the U.S. market for 15 years. This would encourage investment by local businessmen, who best know the terrain, and create jobs. There's no better formula for discouraging Taliban recruitment.

It's not a magic formula, of course. The investment areas have to be drawn widely enough to make the prospect of investment realistic; if you limit them to the most intense battle zones, you're not going to see many jobs created. The bigger they are, though, the likelier the bill will arouse union opposition, so the politics are tricky. Mr. Van Hollen and his co-sponsors—including Reps. Sander M. Levin (D-Mich.), Peter Hoekstra (R-Mich.) and Mark Steven Kirk (R-Ill.)—have tried to find the sweet spot, and their bill also insists that any factories in the zones meet core international standards in their treatment of workers.

Maybe the strongest argument for the opportunity zones is that there is no down side; the worst that could possibly happen is they don't trigger much investment. But they would immediately provide a signal of U.S. commitment—the governments of both countries strongly support the idea—and they could have a substantial positive effect reasonably quickly, at almost no cost to the U.S. Treasury. Congress and the administration should get behind this idea.

—
OBAMA ANNOUNCES NEW AFGHANISTAN,
PAKISTAN STRATEGIES

President BARACK OBAMA. Good morning. Please be seated.

Before I begin today, let me acknowledge, first of all, Your Excellencies, all the ambassadors who are in attendance. I also want to acknowledge both the civilians and our military personnel that are about to be deployed to the region. And I am very grateful to all of you for your extraordinary work.

I want to acknowledge General David Petraeus, who's here, and has been doing an outstanding job at CENTCOM. We appreciate him. I want to thank Bruce Riedel. Bruce is down at the end here, who has worked extensively on our strategic review.

I want to acknowledge Carl Eikenberry, who's here, and is our ambassador designate to Afghanistan, and to my national security team. Thanks for their outstanding work.

Today, I'm announcing a comprehensive new strategy for Afghanistan Pakistan. And this marks the conclusion of careful policy review led by Bruce that I ordered as soon as I took office. My administration has heard from our military commanders as well as our diplomats. We consulted with the Afghan and Pakistani governments, with our partners, and our NATO allies and with other donors and international organizations. We've also worked closely with members of Congress here at home.

And now I'd like to speak clearly and candidly to the American people. The situation is increasingly perilous. It's been more than seven years since the Taliban was removed from power yet war rages on and insurgents control parts of Afghanistan and Pakistan. Attacks against our troops, our NATO allies, and the Afghanistan government has risen steadily.

And, most painfully, 2008 was the deadliest year of the war for American forces. Many people in the United States and many in partner country that have sacrificed so much have a simple question. What is our purpose in Afghanistan? Of so many years, they ask why do our men and women still fight and die there? They deserve a straightforward answer.

So let me be clear. Al Qaida and its allies, the terrorists who planned and supported the 9/11 attacks are in Pakistan and Afghanistan. Multiple intelligence estimates have warned that Al Qaida is actively planning attacks on the United States homeland from its safe haven in Pakistan. And if the Afghan government falls to the Taliban or allows Al Qaida to go unchallenged, that country will again be a base for terrorists who want to kill as many of our people as they possibly can.

The future of Afghanistan is inextricably linked to the future of its neighbor Pakistan. In the nearly eight years since 9/11, Al Qaida and its extremist allies have moved across the border to remote areas of the Pakistani frontier. This almost certainly includes Al Qaida's leadership, Osama bin Laden and Ayman al-Zawahiri. They have used this mountainous terrain as a safe haven to hide, to train terrorists, and communicate with followers, to plot attacks, and to send fighters to support the insurgency in Afghanistan.

For the American people, this border region has become the most dangerous place in the world. But this is not simply an American problem, far from it. It is, instead, international security challenge of the highest order.

Terrorist attacks in London, in Bali were tied to Al Qaida and its allies in Pakistan as were attacks in North Africa and the Middle East, in Islamabad and in Kabul. If there is a major attack on an Asian, European, or African city it, too, is likely to have ties to Al Qaida leadership in Pakistan.

The safety of people around the world is at stake. For the Afghan people, the return to Taliban rule would condemn their country to brutal governance, international isolation, a paralyzed economy, and the denial of basic human rights to the Afghan people, especially, women and girls.

A return in force of Al Qaida terrorists who would accompany the core Taliban leadership would cast Afghanistan under the shadow of perpetual violence.

Obama: As president, my greatest responsibility is to protect the American people. We are not in Afghanistan to control that country or to dictate its future. We are in Afghanistan to confront a common enemy that threatens the United States, our friends, and our allies and the people of Afghanistan and Pakistan who have suffered the most at the hands of violent extremists.

So I want the American people to understand that we have a clear and focused goal to disrupt, dismantle, and defeat Al Qaida in Pakistan and Afghanistan and to prevent their return to either country in the future. That's the goal that must be achieved. That is a cause that could not be more just.

And to the terrorists who oppose us, my message is the same. We will defeat you.

To achieve our goals, we need a stronger, smarter, and comprehensive strategy. To focus on the greatest threat to our people, America must no longer deny resources to Afghanistan because of the war in Iraq. To enhance the military, governance, and economic capacity of Afghanistan and Pakistan, we have to marshal international support. And to defeat an enemy that heeds no border or laws of war, we must recognize the fundamental connection between of future of Afghanistan and Pakistan which is why I've appointed Ambassador Richard Holbrooke, who is here, to serve as special representative from both countries and work closely with General Petraeus to integrate our civilian and military efforts.

Let me start by addressing the way forward in Pakistan. The United States has great respect for the Pakistani people. They have a rich history and have struggled against long odds to sustain their democracy. The people of Pakistan want the same things that we want. An end to terror, access to basic services, the opportunity to live their dreams and the security that can only come with the rule of law. The single greatest threat to that future comes from Al Qaida and their extremist allies. And that is why we must stand together.

The terrorist within Pakistan's border are not simply enemies of America or Afghanistan. They are a grave and urgent danger to the people of Pakistan. Al Qaida and other violent extremists have killed several thousand Pakistanis since 9/11. They've killed many Pakistani soldiers and police. They assassinated Benazir Bhutto. They've blown up buildings, derailed foreign investment, and threatened the stability of the state.

So make no mistake, Al Qaida and its extremist allies are a cancer that risks killing Pakistan from within.

It's important for the American people to understand that Pakistan needs our help in going after Al Qaida. This is no simple task. The tribal regions are vast, they are rugged, and they are often ungoverned. And that's why we must focus on military assistance on the tools, training, and support that Pakistan needs to root out the terrorists.

And after years of mixed results, we will not and cannot provide a blank check. Pakistan must demonstrate its commitment to rooting out Al Qaida and the violent extremists within its borders.

We will insist that action be taken, one way or another, when we have intelligence about high-level terrorist targets. The government's ability to destroy these safe havens is tied to its own strength and security. To help Pakistan weather the economic cri-

sis, we must continue to work with the IMF, the World Bank, and other international partners.

To lessen tensions between two nuclear-armed nations that too often teeter on the edge of escalation and confrontation, we must pursue constructive diplomacy with both India and Pakistan. To avoid the mistakes of the past, we must make clear that our relationship with Pakistan is grounded in support for Pakistan's democratic institutions and the Pakistani people.

And to demonstrate through deeds as well as words a commitment that is enduring, we must stand for lasting opportunity.

Now a campaign against extremism will not succeed with bullets or bombs alone. Al Qaida offers the people of Pakistan nothing but destruction. We stand for something from the time.

So, today, I'm calling upon Congress to pass a bipartisan bill co-sponsored by John Kerry and Richard Lugar that authorizes \$1.5 billion in direct support to the Pakistani people every year over the next five years, resources that will build schools, roads, and hospitals, and strengthen Pakistan's democracy.

I'm also calling on Congress to pass a bipartisan bill co-sponsored by Maria Cantwell and Chris Van Hollen and Peter Hoekstra that creates opportunity zones in the border regions to develop the economy and bring hope to places plagued with violence.

And we will ask our friends and allies to do their part, including, at the donors' conference in Tokyo next month.

Obama: I don't ask for this support lightly. These are challenging times. Resources are stretched. But the American people must understand that this is a down payment on our own future because the security of American and Pakistan is shared. Pakistan's government must be a stronger partner in destroying these safe havens, and we must isolate Al Qaida from the Pakistani people.

These steps in Pakistan are also indispensable to our efforts in Afghanistan which will see no end to violence if insurgents move freely back and forth across the border. Security demands a new sense of shared responsibility, and that's why we will launch a standing, trilateral dialogue among the United States, Afghanistan, and Pakistan.

Our nations will meet regularly with Secretaries Clinton and Secretary Gates leading our effort. Together, we must enhance intelligence sharing and military cooperation along the border while addressing issues of common concern like trade, energy, and economic development.

This is just one part of a comprehensive strategy to prevent Afghanistan from becoming the Al Qaida safe haven that it was before 9/11. To succeed, we and our friends and allies must reverse the Taliban's gains and promote a more capable and accountable Afghan government.

Our troops have fought bravely against a ruthless enemy. Our civilians have made great sacrifices. Our allies have born a heavy burden. Afghans have suffered and sacrificed for their future. But for six years, Afghanistan has been denied the resources that it demands because of the war in Iraq.

Now, we must make a commitment that can accomplish our goals. I've already ordered the deployment of 17,000 troops that have been requested by General McKiernan for many months. These soldiers and Marines will take the fight to the Taliban in the south and the east and give us a great capacity to partner with Afghan security forces and to go after insurgents along the border.

This push will also help provide security in advance of the important presidential elections in Afghanistan in August. At the same time, we will shift the emphasis of our mission to training and increasing the size of Afghan security forces so that they can eventually take the lead in securing their country.

Mr. STARK. Mr. Speaker, I rise today in opposition to the Pakistan Enduring Assistance and Cooperation Enhancement Act (H.R. 1886). I do commend the strong funding levels for development assistance, education, and health care contained in the legislation and if the bill consisted only of this type of humanitarian support I would gladly vote for it. I cannot, however, support authorizing over \$1 billion per year in military aid to a nation that has already suffered under a military dictatorship and continues to experience daily violence.

The people of Pakistan do need our help to strengthen their democratic institutions, educate their citizens, and provide social and economic opportunity. What they do not need is an influx of guns, tanks, and other weapons that will lead to further destabilization and violence.

I urge all of my colleagues to stand for peace and vote against this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, today we will vote on a historic piece of legislation that will refocus American foreign policy and forge a true partnership with Pakistan and its people. H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, will triple U.S. economic assistance to Pakistan, with a focus on the rights of women and religious minorities, strengthening democratic institutions, and improving Pakistan's public education system.

I am especially proud to pass this bill because of its focus on public education. The Enduring Assistance and Cooperation Enhancement Act will help Pakistan develop a national curriculum for public, private and religious schools and will expand educational opportunities for women and girls. I recently read a very important book; *Three Cups of Tea* is an inspirational story about a journey to Pakistan and the feats of one of the most inspirational people of our generation: Greg Mortenson. Upon my visit to Afghanistan several months ago, I saw the truth in Mortenson's message: that the poverty and lack of opportunity in countries like Pakistan and Afghanistan can incite hatred against the United States and lead to acts of terrorism. That is why I am proud of my colleagues for realizing that sticks, alone, will not fight terrorism. We can also fight terrorism by building schools, buying books, and helping children—especially girls—increase life's prospects through education. I commend Chairman BERMAN for introducing this important bill and urge my colleagues to join me in passing it and helping bring peace, stability, and opportunity to Pakistan's people.

Mr. KUCINICH. Mr. Speaker, I rise in opposition to H.R. 1886. Though the bill takes steps in the right direction by providing badly needed assistance to Pakistan, it also includes a dangerous trade provision that undermines the otherwise benevolent parts of the bill. The bill grants duty free treatment for textiles and clothing produced in certain regions of Pakistan and Afghanistan called Reconstruction Opportunity Zones (ROZs).

With the existing instability in war-torn Afghanistan and the increasingly unstable conditions in ROZ designated areas of Pakistan, there is little reason to think that labor and environmental protections that are critical in any trade environment can be adequately enforced.

The United States has granted this sort of trade preference before. In 2006, The New York Times reported that U.S. trade preferences in the country of Jordan for textiles and apparel beginning in 1994, followed by a Free Trade Agreement in 2001, had brought about sweatshop conditions for a guest workforce imported from Bangladesh and China. Trade preferences will not benefit local populations in Afghanistan and Pakistan if an imported workforce is employed in factories producing duty-free goods.

This bill imposes a U.S. trade policy with a track record of undermining stability and economic security on nations for which the U.S. purports to provide stability and security. Our foreign policy should promote economic stability worldwide, thereby eliminating the true roots of terrorism: desperation. The bill calls on the Obama Administration to put forth a comprehensive security strategy that will eliminate U.S. concerns about terrorist threats and safe havens in Pakistan and the region. But it includes a trade provision that undermines stated U.S. foreign policy goals in Pakistan. As such, I must oppose H.R. 1886.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I have a substitute amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute offered by Ms. ROS-LEHTINEN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States-Pakistan Security and Stability Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress supports the following elements outlined in the President’s White Paper of the Interagency Policy Group’s Report on United States Policy Toward Afghanistan and Pakistan:

(A) The core goal of the United States must be to disrupt, dismantle, and defeat al Qaeda and its affiliated networks and their safe havens in Pakistan.

(B) The threat that al Qaeda poses to the United States and its allies in Pakistan—including the possibility of extremists obtaining fissile material—is all too real.

(C) The United States must overcome its trust deficit with Pakistan and demonstrate that it is a reliable, long-term partner.

(2) The Government of Pakistan is facing significant security and socio-economic challenges that set the conditions for greater radicalization and may threaten Pakistan’s viability. Such challenges include the following:

(A) Al Qaeda’s and other extremist groups’ campaign of violent attacks throughout

Pakistan, including the Red Mosque incident, the assassination of Benazir Bhutto, and the bombing of the Marriott Hotel in Islamabad.

(B) Pakistan’s population growth at a rate of approximately 2 percent a year, with nearly half of its 172 million residents illiterate, under the age of 20, and living near or below the poverty line.

(3) Security and stability to Pakistan is further complicated given the prevalence of ungoverned spaces between Pakistan and Afghanistan in which state control has not been fully exercised given ethnic and tribal affiliations.

(4) The security and stability of Pakistan is vital to the national security of the United States, and the consequences of failure poses a grave threat to the security of the American people, the region, and United States allies.

(5) The objectives of United States policy toward Pakistan are to empower and enable Pakistan to—

(A) develop into a prosperous and democratic state that is at peace with itself and with its neighbors;

(B) actively confront, and deny safe haven to, al Qaeda, the Taliban, and other extremists;

(C) implement the economic, legal, and social reforms required to create an environment that discourages violent Islamic extremism; and

(D) maintain robust command and control over its nuclear weapons technology.

SEC. 3. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR PAKISTAN.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the Supplemental Appropriations Act of 2009, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan which shall be composed of the elements specified in subsection (b).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required by subsection (a) shall contain at least the following elements:

(1) A description of how United States assistance described in section 4 will be used to achieve the objectives of United States policy toward Pakistan.

(2) Progress toward the following:

(A) Assisting efforts to enhance civilian control and a stable constitutional government in Pakistan and promote bilateral and regional trade and economic growth.

(B) Developing and operationally enabling Pakistani security forces so they are capable of succeeding in sustained counter-insurgency and counter-terror operations.

(C) Shutting down Pakistani safe havens for extremists.

(D) Improving Pakistan’s capacity and capability to “hold” and “build” areas cleared of insurgents to prevent their return.

(E) Developing and strengthening mechanisms for Pakistan-Afghanistan cooperation.

(3) A financial plan and description of the resources, programming, and management of United States foreign assistance to Pakistan, including the criteria used to determine their prioritization.

(4) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(c) INTELLIGENCE SUPPORT.—The President, after consultation with the Director of Na-

tional Intelligence, shall provide intelligence support to the development of the comprehensive interagency strategy and implementation plan required by subsection (a).

(d) UPDATES OF STRATEGY.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required by subsection (a), as necessary.

SEC. 4. AUTHORIZATION OF ASSISTANCE FOR PAKISTAN.

(a) FOREIGN ASSISTANCE ACT OF 1961.—There is authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), \$1,500,000,000 or such sums as may be necessary for each of the fiscal years 2010 through 2013.

(b) PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.—There is authorized to be appropriated to the President, for the purposes of building a more effective counterinsurgency capability in Pakistan’s security forces, up to \$700,000,000 for the Pakistan Counterinsurgency Capability Fund, for fiscal year 2010.

(c) USE OF FUNDS.—Amounts authorized to be appropriated under this section or otherwise made available to carry out this Act shall be used to the maximum extent practicable as direct expenditures for programs, projects, and activities, subject to existing reporting and notification requirements.

SEC. 5. CONGRESSIONAL BRIEFING AND NOTIFICATION REQUIREMENTS.

(a) BRIEFING.—Not later than 30 days after the date of the transmission of the comprehensive interagency strategy and implementation plan required by section 3, and quarterly thereafter through December 1, 2013, the President, acting through the Secretary of State and the Secretary of Defense, shall brief the appropriate congressional committees on the status of the comprehensive interagency strategy and implementation plan.

(b) NOTIFICATION.—The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any assistance described in section 4 as budgetary support to the Government of Pakistan or to any persons, agencies, instrumentalities, or elements of the Government of Pakistan and shall describe the purpose and conditions attached to any such budgetary support assistance. The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any other type of assistance described in section 4.

SEC. 6. DEFINITION.

In this Act, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

Amend the title so as to read: “A bill to require the President to develop a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan, and for other purposes.”.

The SPEAKER pro tempore. Pursuant to House Resolution 522, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the substitute amendment reflects input from, and was drafted in coordination with, the ranking members of the Committees on Appropriations, on Armed Services, on Homeland Security and Intelligence. In so doing, this approach emulated to some degree the administration's inter-agency strategic review.

The substitute recognizes that of all the foreign policy challenges facing the United States, stabilizing and reforming Pakistan may be one of the most daunting. Given the enormous complexities and the ever-changing nature of the situation in Pakistan, we believe that it is critical at this stage that the administration retain the necessary flexibility to craft policies that offer the best chance of successfully partnering with the people of Pakistan, with the government of Pakistan, and with the military of Pakistan to defeat violent extremism.

At the same time, the substitute requires an ongoing policy dialogue between the administration and the Congress regarding U.S. policy toward Pakistan, as well as robust legislative oversight of our strategy, of our implementation plan, as well as allocation and expenditure of U.S. assistance.

The Republican substitute requires that not later than 30 days after the enactment of the Supplemental Appropriations Act for 2009, the President submit to Congress a comprehensive interagency strategy and implementation plan for U.S. efforts to eliminate safe havens and help toward the long-term security and stability in Pakistan.

Let me repeat that again, Mr. Speaker. Thirty days after enactment of the current supplemental under discussion, the President is required to produce a comprehensive interagency strategy and implementation plan. This is more timely than what is in the underlying bill, and it seeks to address immediate as well as evolving dynamics.

The Republican substitute relies on the President's leadership and his commitment in providing the strategy and implementation plan to the Congress, but does require that plan to include a description of how the U.S. assistance will be used in order to achieve our U.S. foreign policy objectives.

What does that include? Enhancing stable democratic governments, making sure that we have economic growth, developing Pakistani counterinsurgency capabilities, success in shutting down safe havens for extremists, improving the capacity and capability of Pakistan to hold and build areas cleared of insurgents to prevent their return, and developing and strengthening mechanisms for Paki-

stan-Afghanistan cooperation, for they cannot be separated.

The substitute also requires that the report include a detailed financial plan of the resources, of the programming and of the management of U.S. assistance to Pakistan and the criteria used to determine their need and value in advancing our U.S. objectives.

This substitute seeks to ensure that congressional oversight and notification keeps pace with changing conditions on the ground, and in turn, changes in strategy and their implementation.

The Republican substitute also fully funds the administration's request for the critically important new Pakistan counterinsurgency capability fund.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California is recognized for 15 minutes.

Mr. BERMAN. Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from California, the author of her own legislation on security assistance and the question of the proliferation network in Pakistan.

Ms. HARMAN. I thank the chairman for yielding to me and I rise in strong opposition to this Republican substitute, and in strong support of the underlying bill, H.R. 1886, to provide long-term nonmilitary aid to a country in the crosshairs of the effort by the Taliban to expand its reach in South Asia.

H.R. 1886 will help persuade the Pakistani people that their future lies with a stable and moderate democratic government and not with an authoritarian, theocratic terrorist organization. But a key to doing this is important language in the bill ensuring access of U.S. investigators to persons suspected of engaging in nuclear proliferation. This issue is critical, this language must become law, and I disagree strongly with some in this House and in the other Chamber who say these requirements are overly restrictive and counterproductive.

Pakistan's history of nuclear weapons development has contributed to instability in South Asia and paved the way for A.Q. Khan's insidious and highly profitable proliferation network. Additional and substantial nonmilitary support provided by the U.S. must assure that the security threat to the U.S., which is represented by this network, is minimized.

For at least a decade, A.Q. Khan's illicit network was the most attractive shortcut for nations and rogue organizations interested in acquiring the materials and know-how to build a nuclear device. After illegally securing the capability for Pakistan, which made him a hero at home and a pariah abroad, Khan and his network sold it to

Iran, Libya and North Korea. Despite billions of U.S. dollars in aid, former Pakistani President Musharraf pardoned Khan, and earlier this year the Islamabad High Court released him from house arrest.

H.R. 1886, but not the Republican substitute, declares that the U.S. will work with Pakistan to ensure our investigators access to suspected proliferators and to restrict proliferators from travel or other activity that could result in further proliferation. It also incorporates, as the chairman said, language from a bill introduced by several of us to require a presidential assessment and restrict military aid in the future.

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

Mr. BERMAN. I yield the gentlewoman 30 additional seconds.

Ms. HARMAN. I thank the gentleman.

It will restrict military aid in the future unless Pakistan cooperates in efforts to dismantle its nuclear weapons supplier networks.

It is the right thing to do, and I thank the committee for doing it. The world cannot afford another Libya, Iran or North Korea, and we certainly don't want a new nuclear power called al Qaeda.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican substitute, as I was saying, also fully funds the administration's request for the critically important new Pakistan Counterinsurgency Capability Fund, PCCF. Forging an effective partnership with Pakistan's military and intelligence apparatus has not been a straightforward affair. Although the United States has enjoyed some success, our efforts have also been hampered by a series of exceptionally difficult problems.

One is a matter of a threat perception and divergent strategic priorities, with Pakistan almost obsessively focused on their traditional rival in India.

Another problem is the legacy of mistrust on both sides, a trust deficit, as I discussed earlier, that continues to greatly complicate our bilateral relations.

A third problem is a limited Pakistani ability to conduct modern counterinsurgency, and to some degree counterterrorism operations, against al Qaeda and their allies in the tribal areas. There is no question, for example, that Pakistan needs to fully cooperate with New Delhi in holding accountable all of those responsible for the brutal assault in Mumbai as well as work with the U.S. and others on critical nonproliferation concerns.

We do not disagree with the overarching goals and the strategic priorities that we want to achieve in relation to Pakistan. Our disagreement is

that at this juncture we believe that the best way to achieve critical interests is to give the administration the scope to develop intensive, multiple approaches to rebuild, to strengthen relationships with Pakistan, and address threats common to both of our nations.

We believe the Republican substitute is a more workable basis than the underlying bill for being a partner with Pakistan at this critical time.

□ 1400

The substitute heeds the concerns raised by Secretary Gates and the Joint Chiefs Chairman, Admiral Mullen, who wrote about this underlying bill.

The Department is concerned about aspects of this bill, in particular, those provisions that impose conditions on the furnishing of military assistance that may undermine current administration authorities such as the Global Train and Equip authority. And furthermore, this will allow the Department to use the funds expeditiously and effectively without these purse strings, as evolving circumstance may warrant, in an effort to implement the President's strategy for the region most effectively.

And I think that this Republican substitute gets to what the Department of Defense wishes to do, what the Obama administration wants to achieve, what our democratic allies in Pakistan and here, our strong military in the U.S., wants to achieve; a robust, free and democratic Pakistan upon which we can build that level of trust again.

I hope our colleagues support our Republican substitute.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. MORAN), very knowledgeable on issues affecting Pakistan and U.S.-Pakistan relations.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of the underlying bill proposed by the International Relations Committee, and in opposition to the Republican substitute because, however you spin it, it's basically a continuation of the Republicans' blank check policy towards Pakistan. And what has that gotten us after 8 years of that policy?

Well, it's time to assess it. Twelve billion dollars of taxpayers' money has been spent, and we have nearly half a million Pakistani troops on the border with India, our ally, and one brigade fighting the Taliban and al Qaeda, our enemy. Their principal defense priority is F-16s, which is a combat aircraft. Our enemy doesn't have combat aircraft.

We don't want to be funding a nation to fight against another ally. We want them to fight with us against our enemy.

What this bill does is to enable the children of Pakistan to have a decent

public education and not be forced to go to the madrasas where they learn violent extremism against India and against modernity. This enables the women of Pakistan, particularly the young girls, to grow up to be women of influence and power and consequence.

This enables Pakistan to develop economically, not to use its resources into a military posture against India, but to use its resources to become a full-fledged, first world nation.

Pakistan is our ally, and this bill will enable it to stand on its own two feet, not to be able to fight India, not to be able to engage in nuclear proliferation, but to help us fight against the forces of violent extremism.

Pakistan is a valued ally. This will give them the resources so that we can count on that ally to do the right thing.

And to continue the same blank check policy which has made matters worse rather than better, I think, is a terrible mistake.

I urge defeat of the amendment.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the ranking member on the House Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Speaker, I would like to thank my colleague for yielding the time.

You know, Pakistan and Afghanistan are very difficult parts of the world. As we develop the strategies, I think many of us have the same goals and objectives in mind, but we need to take a look at exactly what we're doing today.

I'm proud to support the Republican amendment to the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009. Interestingly, I believe that this substitute supports our current President's direction that he has outlined for Pakistan and Afghanistan. It supports President Obama's strategy to address the situation in Pakistan, to restore peace and stability to that region.

Maybe, once again, this is another foreign policy initiative where President Obama has decided that perhaps following some of the direction outlined under the Bush administration may not be a bad idea.

I'm one of many Republican ranking members to come forward today to express concern about the majority's bill and to urge support for the Republican substitute. The Democratic bill places too many restrictions on the ability of the President's advisors and the U.S. military to conduct diplomacy and military operations in the region.

In a letter to the Armed Services Committee, Secretary of Defense Gates and Chairman of the Joint Chiefs of Staff Mullen raised their concern about the majority's bill, noting that "The degree of conditionality and limita-

tions on security assistance to Pakistan" in H.R. 1886 "severely constrains the flexibility necessary for the executive branch and the Department of Defense given the fluid and dynamic environment that exists in Pakistan."

But obviously, they're saying, our troops in Afghanistan and the military in Pakistan and our support of the military efforts in Pakistan require more flexibility than what this bill will allow.

From intelligence briefings, I understand how volatile the situation is in Pakistan. Just on Tuesday, there was a hotel bombing, 18 people killed. The Pakistan Army has been engaged in a battle in the Swat Valley against Taliban militants. Any legislation on Pakistan must give the administration both flexibility to react to the fast-paced developments and the opportunity to develop a plan on how it will implement its strategy for Pakistan and Afghanistan.

Instead of flexibility, this bill is full of restrictive and intrusive provisions that I'm not sure we'd even apply to the United States, where the Democrat majority is trying to dictate and micromanage the President's administration's Pakistan policy. Their bill even includes language to increase Pakistani teacher salaries. It goes into the detail of the level of assistance for student meals.

Wow. That doesn't sound like we're giving the Paks a whole lot of flexibility to even run their own country. This down-in-the-weeds language may represent a new low for congressional micromanagement, not to mention a distraction from the crucial issue of bringing peace and stability to the region.

We need to defeat al Qaeda and the Taliban in Pakistan. That is our goal. That is our mission. This Congress shouldn't be dictating to the Pakistanis teacher salaries and the level of assistance that it needs to provide students for meals in Pakistan.

Republicans have been unfairly criticized in the press as being the party of "no." Not only are the Republicans being the party of "yes" on this bill, we're also being more supportive of the Obama administration's Pakistan policy than the Democrat majority.

We support President Obama's efforts in the region. We want them to succeed. I believe the Republican amendment presents the best way Congress can ensure and move toward success in Pakistan and, at the same time, make sure that we stay united on foreign policy, because this amendment, this substitute supports the President's Pakistan strategy.

So let's stand with the President. Let's move forward. Let's make sure that we're united, Republicans and Democrats, House, Senate and the administration, in supporting this President's direction for Pakistan.

I ask my colleagues to support the Republican substitute.

Mr. BERMAN. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Michigan (Mr. HOEKSTRA) just spoke in behalf of the Republican substitute, but he's a major cosponsor of the Reconstruction Opportunity Zones. Unlike the bill in front of us, the Republican substitute does not contain the ROZs, the reconstruction zones. I'm wondering how the gentleman squares that with his position.

I now yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), who has done remarkable work on the issue of how the \$12 billion given to Pakistan over the past 7 years has been spent.

Mr. TIERNEY. Mr. Speaker, I sometimes wonder, listening to this particular substitute, whether some people here, whether it's the administration or whether it's our friends on the other side of the aisle, have been sleepwalking through history. If you want to see a repeat of the last 8 years then, fine, let's get rid of all the accountability.

A billion and a half dollars now for the next 5 years is going to be given to the Pakistanis on the civil side of things. In the past, there's been tens of billions of dollars since their independence. We have maybe a structure that's supposed to be a school or a structure that's supposed to be a clinic standing somewhere but no teachers, no nurses, no doctors, no systems that actually work because there's been a total lack of accountability. This substitute amendment would continue that lack of accountability.

On the security side of things, we have a situation where we have \$6.2 billion given in the coalition support funds which, essentially, were a blank check to General Musharraf and the military over there. What we got in return, when we finally started doing some oversight in January of 2007 and afterwards, was a determination that some 40 percent of that had vaporized, cannot be accounted for. It was supposed to be going for things that are counterinsurgency, weaponry that would help fight a common problem of extremists in that country, and disappeared somewhere else.

This particular bill that the substitute is trying to undermine would put in place the accountability provisions. They are flexible enough. They simply say that you have to fight those extremists that are mutual problems. You have to make sure you stop people from going over the border to create problems in Afghanistan. You have to cooperate on nuclear nonproliferation, reasonable things.

The American people have a right to expect that their Representatives are going to be accountable for the billions of dollars. We are supposed to be having a partnership and a mature rela-

tionship with the Pakistanis. Then let's get over that notion that we're going to offend their sensibilities so that they won't actually cooperate with us if we want to put some conditions to make sure that our mutual problems are addressed with the billions of dollars of American citizens' money.

We've had 8-plus years of not having accountability on funds to that country and others. We've had times since 2002 where we had totally no accountability. Let's stop sleepwalking. Let's get the problem resolved. Let's make sure we have accountability.

I say vote against the substitute; vote for the underlying bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 1 additional minute to the ranking member on the Intelligence Committee, Mr. HOEKSTRA.

Mr. HOEKSTRA. I thank my colleague for yielding, but I felt I needed to respond as my name was brought up from my colleagues on the other side of the aisle.

You know, the ROZs in this rule process, regardless of the underlying bill, will be part of the final package that moves through. What happens with the Democrat base bill here is they undercut many of the things and put in a lot of restrictions that, as Congressman VAN HOLLEN and I tried to craft the bill together, we wanted to make sure that there was enough freedom for these programs to be successful. And the important thing here is you can vote for the substitute. The ROZs become part of the program when the substitute passes on final passage, after it replaces the underlying Democrat amendment.

So I thank you. I think I understand the rule, but to say that I was not supportive of the ROZs because I was supporting the substitute I don't believe is an accurate indication.

Mr. BERMAN. Mr. Speaker, I yield myself 15 seconds.

The gentleman's point is, I know, inadvertently and unintentionally incorrect.

The Republican substitute replaces the entire bill and, therefore, were the Republican substitute to pass, the ROZs the gentleman has fought for would not be part of the bill that was sent to the Senate.

□ 1415

Mr. Speaker, I am pleased to yield 1 minute to a member of the committee, the delegate from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I thank the chairman for yielding me time to speak on this important issue.

Mr. Speaker, I have tremendous respect for the gentlewoman from Florida, my dear friend. But on her proposal for this substitute, however, I must respectfully disagree with her on this issue.

I rise in opposition to the substitute version. While like the underlying bill, the substitute provides \$1.5 billion in nonmilitary assistance to Pakistan for fiscal year 2010, regrettably the substitute requires no oversight, no accountability, and no meaningful role for Congress to play.

Like my colleagues, I'm appreciative that Pakistan has provided some support for the U.S.-led anti-terror coalition, and I believe Pakistan should be commended for assisting the U.S. in its efforts to hunt down al Qaeda and Taliban insurgents and for allowing the U.S. military to use bases within its country.

However, I do not believe we should provide billions in aid to Pakistan without some sort of accountability. H.R. 1886 includes robust monitoring, evaluations, and auditing provisions to ensure that assistance is actually reaching the Pakistani people and that U.S. taxpayer dollars are being spent wisely.

The SPEAKER pro tempore (Mr. WEINER). The time of the gentleman has expired.

Mr. BERMAN. I yield the gentleman an additional 10 seconds.

Mr. FALEOMAVAEGA. I urge my colleagues to oppose the substitute.

Unfortunately, the previous Administration spent the past 8 years writing blank checks to Pakistan and turned a blind eye, while A.Q. Khan transferred nuclear technology to rogue nations and while General Musharraf failed to keep good on his promises to hold free, fair and transparent elections.

By contrast, this Administration is committed to making Pakistan a success while holding Pakistan accountable. H.R. 1886 as offered by Chairman BERMAN is the way forward to making sure U.S. security assistance is spent in a manner consistent with our national security objectives.

I urge my colleagues to vote "no" on the Republican substitute and to vote "yes" for H.R. 1886, the Pakistan Enduring Assistance and Cooperation Act of 2009.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield on the Republican substitute 2 minutes to the chairman of the Subcommittee of the Middle East and South Asia, the vice chairman of the committee, Mr. ACKERMAN.

Mr. ACKERMAN. Mr. Speaker, the Ros-Lehtinen substitute is not just a step back in policy; it's a step back in time. It attempts to reinstate the failed Bush-Cheney-Rumsfeld model for managing the wars in Iraq and Afghanistan. Under this Congress, it gives the President a massive blank check and then walks away from its responsibility as a co-equal branch of government.

The Ros-Lehtinen substitute strips out all policy from the bill and has no provisions to encourage Pakistan to change its behavior; it has no provisions to ensure U.S. dollars are being effectively accounted for; it has no provisions for keeping Congress involved

in the process; and it has no guidance whatsoever for the President about how taxpayer dollars ought to be spent. This is not legislation; this is abdication.

Is Pakistan cooperating with the U.S. to dismantle nuclear supplier networks? Apparently it doesn't matter in the Republican substitute. Is Pakistan ending its support to extremist groups and closing terrorist camps in the Fatah? Judging by the Republican substitute, who cares? Is Pakistan working to prevent cross-border attacks on its neighbors and strengthening its counterterrorism laws? If the Republican substitute is any guide, in the words of Jackie Mason, "This is not my business."

We have tried the minority approach. It is completely devoid of policy. It encourages abuse. It doesn't work. But it does have one advantage: it allows Members of Congress to avoid any responsibility for the war in Afghanistan.

Mr. Speaker, it's too late to go back to "stratagery."

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes on the Republican substitute to the Chair of the Pakistan Caucus, the gentlewoman from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for yielding.

We cannot wait, and I just suggest to my colleagues that they would look quickly at these pictures where the Pakistan military is fighting terrorism, and these are the activities that are happening in that area. People are fleeing terrorism and the people that are in these camps are suffering. We cannot wait for this legislation.

I oppose the Republican substitute because I want not an isolation of Pakistan, I want a regional response, a comprehensive regional strategy, including the role of countries outside the region in supporting Pakistan's efforts to combat al Qaeda and the Taliban, a global effort. The Republican substitute has a one-on-one effort. We need a global effort.

Let me also suggest that there is important language in this legislation because if we suggest that the Pentagon is not favorable, the Pentagon has indicated that they are aware of the counterinsurgency efforts that the Pakistan military is engaging in and they're satisfied with the structure of this legislation that would help them continue to fight terrorism. We can work out some of the kinks, but are we going to wait while people are suffering?

This legislation also has a recognition that we are establishing a new relationship with Pakistan and the United States, a friendship relationship. We are acknowledging the recent efforts of the Pakistan military in Swat, and we're also suggesting that if there are changes in Pakistan, we will reconsider some of the requirements or

some of the structures that we put in place.

I would also say to my colleagues that I hope the Republicans who are so interested in making sure the International Monetary Fund is funded like the President would like it to be and that they will join in that support because they're so strongly in support of Pakistan, which got money from it in the last year.

In addition, there are issues dealing with trade, but the AFL-CIO is supporting it because of the way the structure is. We have an effective balance of helping them establish a better economy but at the same time respecting our trade requirements over here in the United States. This is the way to address this issue. But I can't imagine that my colleagues want to leave Pakistan and the people of Pakistan in these dire conditions.

Pakistan Americans recognize we are establishing a new friendship, and on that new friendship we need to oppose the Republican substitute and support H.R. 1886.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself 1 minute.

We fully agree with the chairman that much of the prior investment in Pakistan has failed to yield all of the results that we hoped for and that it is appropriate to require the administration to develop scientific, specific, meaningful performance-based measures.

Where we differ, Mr. Speaker, is that we do not mandate that the executive branch follow a specific new congressionally mandated methodology, which may not even be technically correct, even before the new administration has had time to operationalize their new South Asia strategy.

Our substitute, therefore, requires that as part of the comprehensive interagency strategy and implementation plan mandated by the legislation that the administration put forth a robust and detailed financial plan, a description of the resources, of the programming, of the management of the United States foreign assistance to Pakistan, including the criteria used to determine this prioritization. We believe that this is the correct approach.

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

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take up the balance of my time.

Mr. Speaker, our Republican substitute will allow for the development of specific, credible measures of effectiveness that are tightly linked to the President's strategy for the region and are therefore preferable to those that

stem from the legislation. And I would like to just briefly address, and I don't have much time, some of the issues raised in favor of the underlying bill and against my substitute.

First, some of the speakers are seeking to fuel distrust between Pakistan and India, and they use the Congress' strong support for the world's largest democracy, India, to create the impression that U.S. assistance has been and would be used against India. That is counterproductive. It is not correct. It is dangerous and disingenuous.

I urge my colleagues to adopt the Republican substitute and reject the underlying bill.

Mr. BERMAN. Mr. Speaker, I will include in the RECORD a letter from the Premier Pakistani American organization, the Pakistani American Leadership Center, endorsing H.R. 1886.

PAKISTANI AMERICAN LEADERSHIP

CENTER,

Washington, DC, June 6, 2009.

Hon. HOWARD BERMAN,

Chair, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN BERMAN: On behalf of the Pakistani American Leadership Center (PAL-C) and other team members listed below, I am writing to express our strong support for H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009. PAL-C was established in 2004 to mobilize the Pakistani-American community to be more conversant with the U.S. political process and to promote greater understanding of Pakistan by building lasting ties with the U.S.

H.R. 1886 reflects our deep commitment to developing a strong U.S.-Pakistan relationship and will be instrumental in strengthening Pakistan's democratic government, promoting economic and social development for Pakistan's citizens, and creating the foundation for a stronger, more stable Pakistan.

We are particularly pleased that H.R. 1886 accentuates investments in Pakistan's healthcare, education, and infrastructure and includes a requirement that all U.S. security assistance be provided through the elected civilian government. PAL-C also applauds the requirements for enhanced monitoring, evaluation and auditing of U.S. economic assistance. These aspects of the bill will assure the most impactful application of the funds, create the greatest long term leverage from the assistance package, and establish the needed transparency in distribution of money.

We thank you for your hard work and visionary leadership on this critical legislation and hope that its passage will initiate the beginning of a new, more positive and enduring era in U.S.-Pakistan relations. We also stand ready to continue doing our part as proud Pakistani Americans in offering U.S. congress special insights into Pakistan, based on our deep rooted perspective.

Sincerely,

PERVAIZ LODHIE.

Pervaiz Lodhie, Founder/President, LEDtronics; Salim Adaya, Chairperson, IDS Real Estate Group; Muhammad Adaya, IDS Real Estate Group; Najeeb Ghauri, Chairman/CEO, Netsol; Dr. Satter Abbasi, Prof. Clinical Medicine, UCLA; Jamal Khawaja, Director, JFK Import & Export; Dr. Salman Nagvi, COS, Kindred Hospital OC; Adnan

Khan, President, CIDP Inc.; Fiza Shah, Founder/CEO, DIL; Ghazala Khan, Principal, GK & Associates; Shezad Rokerya, Chairman, The Interlink Group; Taha Gaya, Exec. Dir., PAL-C; Jim Moody, Chairman AFHD/NCHD; Salman Ahmed, UN Goodwill Ambassador, Artist.

Mr. Speaker, I rise to strongly oppose the Republican substitute. I'm pleased to see that the substitute does support the President's request for \$1.5 billion a year in nonmilitary assistance for Pakistan, the same amount as the underlying bill. But that's where the similarity ends.

With all due respect to my colleagues on the other side of the aisle, this substitute amounts to nothing more than a blank check. It requires no real oversight, no serious accountability, no congressional role beyond getting briefings on what we could ask for without any new law.

Since 9/11, I repeat again, we have poured more than \$12 billion into Pakistan, with very little to show for it. This substitute is simply a continuation of the same failed policy.

H.R. 1886, on the other hand, expresses our sense of priorities for democratic, economic, and social development assistance without tying the President's hands. Unlike the substitute, our bill provides robust monitoring and evaluation to ensure that the assistance is reaching the Pakistani people. Why would you support another \$1.5 billion in economic assistance unless you knew it wasn't just going for ghost schools and to disappear into unspecified budget support? You need the monitoring and evaluation kinds of provisions that we haven't had in the past and that our bill provides and the Republican substitute doesn't.

The Republican substitute treats Pakistan in virtual isolation with a brief mention of the Afghan-Pakistan cooperation. H.R. 1886 requires a comprehensive regional strategy, including the role of countries outside the region in supporting Pakistan's efforts to combat al Qaeda and the Taliban. A global effort is required to make Pakistan a success, and the substitute's failure to recognize this salient fact is another serious flaw.

Read the bill. Please read the bill. Our accountability provisions are not rigid. They're not inflexible. We state very clearly simply that we expect Pakistan to make progress in their fight against the extremists and to sustain their commitment. If the President can't tell us that Pakistan is meeting with that very minimal standard, we should be asking ourselves much deeper questions about what we're really trying to achieve here. The onus is on our minority colleagues to explain why, given Pakistan's recent history, we should provide more weapons without making sure the equipment is being used properly.

In this context I find it curious that the substitute is totally inconsistent

with the arguments that my friends made just yesterday during debate on the State Department authorization bill. Then all the repeated arguments were more accountability, we need stricter accountability for critical foreign policy priorities. Here we have the most critical foreign policy priority and in the Republican substitute the absence of any provisions regarding accountability, evaluation, auditing, or monitoring.

This substitute begs the question, why does the minority support total flexibility for President Obama in Pakistan but everywhere else in the foreign policy or domestic sphere, they try to constrain him? This is at the top of our list of national security challenges. Our approach is the better approach.

I urge defeat of the substitute.

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

□ 1430

The SPEAKER pro tempore. Pursuant to House Resolution 522, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

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

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 173, nays 246, not voting 14, as follows:

[Roll No. 331]

YEAS—173

Aderholt	Chaffetz	Hensarling
Akin	Coble	Herger
Alexander	Coffman (CO)	Hoekstra
Austria	Cole	Hunter
Bachmann	Conaway	Inglis
Bachus	Crenshaw	Issa
Barrett (SC)	Culberson	Jenkins
Bartlett	Davis (KY)	Johnson (IL)
Barton (TX)	Deal (GA)	Johnson, Sam
Biggart	Dent	Jones
Bilbray	Diaz-Balart, L.	Jordan (OH)
Bilirakis	Diaz-Balart, M.	King (IA)
Blackburn	Dreier	King (NY)
Boehner	Duncan	Kingston
Bonner	Ehlers	Kirk
Bono Mack	Emerson	Kline (MN)
Boozman	Fallin	Lamborn
Boustany	Flake	Lance
Brady (TX)	Fleming	Latham
Broun (GA)	Forbes	LaTourette
Brown (SC)	Fortenberry	Latta
Brown-Waite,	Fox	Lee (NY)
Ginny	Franks (AZ)	Lewis (CA)
Buchanan	Frelinghuysen	Linder
Burgess	Gallely	LoBiondo
Burton (IN)	Garrett (NJ)	Luetkemeyer
Buyer	Gerlach	Lummis
Calvert	Gingrey (GA)	Lungren, Daniel
Camp	Gohmert	E.
Campbell	Goodlatte	Mack
Cantor	Granger	Manzullo
Cao	Graves	Marchant
Capito	Guthrie	Marshall
Carter	Hall (TX)	McCarthy (CA)
Cassidy	Harper	McCaul
Castle	Hastings (WA)	McClintock

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

NAYS—246

Abercrombie	Farr	McCarthy (NY)
Ackerman	Fattah	McCollum
Adler (NJ)	Filner	McDermott
Altmire	Foster	McGovern
Andrews	Frank (MA)	McIntyre
Arcuri	Fudge	McMahon
Baird	Giffords	McNerney
Baldwin	Gonzalez	Meek (FL)
Barrow	Gordon (TN)	Meeks (NY)
Bean	Grayson	Melancon
Becerra	Green, Al	Michaud
Berkley	Green, Gene	Miller (NC)
Berman	Griffith	Miller, George
Berry	Grijalva	Minnick
Bishop (GA)	Gutierrez	Mitchell
Bishop (NY)	Hall (NY)	Mollohan
Blumenauer	Halvorson	Moore (KS)
Bocchieri	Hare	Moore (WI)
Boren	Harman	Moran (VA)
Boswell	Hastings (FL)	Murphy (CT)
Boucher	Heinrich	Murphy (NY)
Boyd	Heller	Murphy, Patrick
Brady (PA)	Herseth Sandlin	Murtha
Braley (IA)	Higgins	Nadler (NY)
Bright	Hill	Napolitano
Butterfield	Hinches	Neal (MA)
Capps	Hinojosa	Nye
Capuano	Hirono	Obey
Cardoza	Hodes	Olver
Carnahan	Holden	Ortiz
Carney	Holt	Pallone
Carson (IN)	Honda	Pascarell
Castor (FL)	Hoyer	Pastor (AZ)
Chandler	Inslee	Payne
Childers	Israel	Perlmutter
Clarke	Jackson (IL)	Perriello
Clay	Jackson-Lee	Peters
Cleaver	(TX)	Peterson
Clyburn	Johnson (GA)	Pingree (ME)
Cohen	Johnson, E. B.	Polis (CO)
Connelly (VA)	Kanjorski	Pomeroy
Conyers	Kaptur	Price (NC)
Cooper	Kildee	Quigley
Costa	Kilpatrick (MI)	Rahall
Costello	Kilroy	Rangel
Courtney	Kind	Reyes
Crowley	Kirkpatrick (AZ)	Rodriguez
Cuellar	Kissell	Rohrabacher
Cummings	Klein (FL)	Ross
Dahlkemper	Kosmas	Rothman (NJ)
Davis (AL)	Kratovil	Royal-Allard
Davis (CA)	Kucinich	Ruppersberger
Davis (IL)	Langevin	Rush
Davis (TN)	Larsen (WA)	Ryan (OH)
DeFazio	Larson (CT)	Salazar
DeGette	Lee (CA)	Sanchez, Loretta
DeLauro	Levin	Sarbanes
Dicks	Lipinski	Schakowsky
Dingell	Loeback	Schauer
Doggett	Lofgren, Zoe	Schiff
Donnelly (IN)	Lowe	Schrader
Doyle	Lujan	Schwartz
Driehaus	Lynch	Scott (GA)
Edwards (MD)	Maffei	Scott (VA)
Edwards (TX)	Maloney	Serrano
Ellison	Markey (CO)	Sestak
Ellsworth	Markey (MA)	Shea-Porter
Engel	Massa	Sherman
Eshoo	Matheson	Shuler
Etheridge	Matsui	Sires

Skelton	Teague	Wasserman
Slaughter	Thompson (CA)	Schultz
Smith (WA)	Thompson (MS)	Waters
Snyder	Tierney	Watson
Space	Titus	Watt
Speier	Tonko	Waxman
Spratt	Towns	Weiner
Stark	Tsongas	Welch
Stupak	Van Hollen	Wexler
Sutton	Velázquez	Wilson (OH)
Tanner	Visclosky	Woolsey
Tauscher	Walz	Wu
Taylor		Yarmuth

NOT VOTING—14

Baca	Himes	Oberstar
Bishop (UT)	Kagen	Richardson
Blunt	Kennedy	Sánchez, Linda
Brown, Corrine	Lewis (GA)	T.
Delahunt	Lucas	Sullivan

□ 1453

Messrs. TEAGUE, SCHRADER, MOORE for Kansas, RUSH, SESTAK and Ms. SHEA-PORTER changed their vote from “yea” to “nay.”

Mr. HALL of Texas changed his vote from “nay” to “yea.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

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

MOTION TO RECOMMIT

Mr. ROGERS of Michigan. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Michigan. Yes, I am. The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rogers of Michigan moves to recommit the bill H.R. 1886 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR LONG-TERM SECURITY AND STABILITY IN PAKISTAN

SEC. 101. SHORT TITLE.

This title may be cited as the “United States-Pakistan Security and Stability Act”.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Congress supports the following elements outlined in the President’s White Paper of the Interagency Policy Group’s Report on United States Policy Toward Afghanistan and Pakistan:

(A) The core goal of the United States must be to disrupt, dismantle, and defeat al Qaeda and its affiliated networks and their safe havens in Pakistan.

(B) The threat that al Qaeda poses to the United States and its allies in Pakistan—including the possibility of extremists obtaining fissile material—is all too real.

(C) The United States must overcome its trust deficit with Pakistan and demonstrate that it is a reliable, long-term partner.

(2) The Government of Pakistan is facing significant security and socio-economic chal-

lenges that set the conditions for greater radicalization and may threaten Pakistan’s viability. Such challenges include the following:

(A) Al Qaeda’s and other extremist groups’ campaign of violent attacks throughout Pakistan, including the Red Mosque incident, the assassination of Benazir Bhutto, and the bombing of the Marriott Hotel in Islamabad.

(B) Pakistan’s population growth at a rate of approximately 2 percent a year, with nearly half of its 172 million residents illiterate, under the age of 20, and living near or below the poverty line.

(3) Security and stability to Pakistan is further complicated given the prevalence of ungoverned spaces between Pakistan and Afghanistan in which state control has not been fully exercised given ethnic and tribal affiliations.

(4) The security and stability of Pakistan is vital to the national security of the United States, and the consequences of failure poses a grave threat to the security of the American people, the region, and United States allies.

(5) The objectives of United States policy toward Pakistan are to empower and enable Pakistan to—

(A) develop into a prosperous and democratic state that is at peace with itself and with its neighbors;

(B) actively confront, and deny safe haven to, al Qaeda, the Taliban, and other extremists;

(C) implement the economic, legal, and social reforms required to create an environment that discourages violent Islamic extremism; and

(D) maintain robust command and control over its nuclear weapons technology.

SEC. 103. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR PAKISTAN.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the Supplemental Appropriations Act of 2009, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan which shall be composed of the elements specified in subsection (b).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required by subsection (a) shall contain at least the following elements:

(1) A description of how United States assistance described in section 104 will be used to achieve the objectives of United States policy toward Pakistan.

(2) Progress toward the following:

(A) Assisting efforts to enhance civilian control and a stable constitutional government in Pakistan and promote bilateral and regional trade and economic growth.

(B) Developing and operationally enabling Pakistani security forces so they are capable of succeeding in sustained counter-insurgency and counter-terror operations.

(C) Shutting down Pakistani safe havens for extremists.

(D) Improving Pakistan’s capacity and capability to “hold” and “build” areas cleared of insurgents to prevent their return.

(E) Developing and strengthening mechanisms for Pakistan-Afghanistan cooperation.

(3) A financial plan and description of the resources, programming, and management of United States foreign assistance to Pakistan, including the criteria used to determine their prioritization.

(4) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(c) INTELLIGENCE SUPPORT.—The President, in developing the comprehensive interagency strategy and implementation plan required by subsection (a), shall consult with the Director of National Intelligence.

(d) UPDATES OF STRATEGY.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required by subsection (a), as necessary.

SEC. 104. AUTHORIZATION OF ASSISTANCE FOR PAKISTAN.

(a) FOREIGN ASSISTANCE ACT OF 1961.—There is authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), \$1,500,000,000 or such sums as may be necessary for each of the fiscal years 2010 through 2013.

(b) PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.—There is authorized to be appropriated to the President, for the purposes of building a more effective counterinsurgency capability in Pakistan’s security forces, up to \$700,000,000 for the Pakistan Counterinsurgency Capability Fund, for fiscal year 2010.

(c) USE OF FUNDS.—Amounts authorized to be appropriated under this section or otherwise made available to carry out this title shall be used to the maximum extent practicable as direct expenditures for programs, projects, and activities, subject to existing reporting and notification requirements.

SEC. 105. CONGRESSIONAL BRIEFING AND NOTIFICATION REQUIREMENTS.

(a) BRIEFING.—Not later than 30 days after the date of the transmission of the comprehensive interagency strategy and implementation plan required by section 103, and quarterly thereafter through December 1, 2013, the President, acting through the Secretary of State and the Secretary of Defense, shall brief the appropriate congressional committees on the status of the comprehensive interagency strategy and implementation plan.

(b) NOTIFICATION.—The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any assistance described in section 104 as budgetary support to the Government of Pakistan or to any persons, agencies, instrumentalities, or elements of the Government of Pakistan and shall describe the purpose and conditions attached to any such budgetary support assistance. The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any other type of assistance described in section 104.

SEC. 106. DEFINITION.

In this title, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

TITLE II—COMPREHENSIVE INTER-AGENCY STRATEGY AND IMPLEMENTATION PLAN FOR LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN

SEC. 201. SHORT TITLE.

This title may be cited as the “United States-Afghanistan Security and Stability Act”.

SEC. 202. FINDINGS.

Congress finds the following:

(1) Congress supports the following elements outlined in the President’s White Paper of the Interagency Policy Group’s Report on United States Policy Toward Afghanistan and Pakistan:

(A) The United States has a vital national security interest in addressing the current and potential security threats posed by extremists in Afghanistan and Pakistan.

(B) The United States homeland, Pakistan, Afghanistan, India, Europe, Australia, and United States allies in the Middle East remain targets of al Qaeda and other extremist groups.

(C) At the same time, the Taliban and related organizations seek to reestablish their old sanctuaries in Afghanistan.

(2) Afghanistan is a central front in the global struggle against al Qaeda and other affiliated networks. A stable Afghanistan that is free from al Qaeda, the Taliban, and extremist influence and ideology will require a patient, long-term, integrated political, military, and economic strategy that is adequately resourced to accomplish its objectives.

(3) Allowing Afghanistan to revert to its pre-September 11, 2001, status of control by al Qaeda and the Taliban is not an option for United States policy.

(4) Security and stability in Afghanistan is further complicated given the prevalence of ungoverned space between Afghanistan and Pakistan in which state control has not been fully exercised given ethnic and tribal affiliations.

(5) The United States will continue to demonstrate its long-term commitment to the people of Afghanistan by—

(A) sustained civilian assistance and providing United States commanders with the troops and resources needed to conduct counterinsurgency operations with the support of the Government and people of Afghanistan; and

(B) continuing to engage the Afghan people in ways that demonstrate United States commitment to promoting a legitimate and capable Afghan government.

(6) The objectives of United States policy toward Afghanistan are to empower and enable Afghanistan to—

(A) develop into secure and stable state with a government that exercises full control and authority over all the country; and

(B) develop increasingly reliable and capable Afghan security forces that can actively confront, and deny safe haven to al Qaeda, the Taliban, and other extremists and eventually lead the counterinsurgency and counterterrorism fight with reduced United States assistance.

SEC. 203. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR AFGHANISTAN.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the Supplemental Appropriations Act, 2009, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan for long-term security and stability in Afghanistan which shall be composed of the elements specified in subsection (b).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required by subsection (a) shall contain at least the following elements:

(1) A description of how United States assistance described in section 204 will be used to achieve the objectives of United States policy toward Afghanistan.

(2) Progress toward the following:

(A) Executing and resourcing an integrated civilian-military counterinsurgency strategy in Afghanistan.

(B) Disrupting terrorist networks in Afghanistan and Pakistan to degrade any ability such networks have to plan and launch international terrorist attacks.

(C) Resourcing and prioritizing civilian assistance in Afghanistan.

(D) Promoting a more capable, accountable, and effective government in Afghanistan that serves the Afghan people.

(E) Expanding the Afghan National Security Forces and developing self-reliant security forces that can lead the counterinsurgency and counterterrorism fight with reduced United States assistance.

(F) Supporting Afghanistan in disrupting and dismantling narco-traffickers and breaking the narcotics-insurgency nexus.

(G) Ensuring that nations and various international organizations that have pledged to provide multilateral and bilateral assistance to support efforts to rebuild Afghanistan fulfill their commitment.

(H) Developing and strengthening mechanisms for Afghanistan-Pakistan cooperation.

(3) A financial plan and description of the resources, programming, and management of United States foreign assistance to Afghanistan, including the criteria used to determine their prioritization.

(4) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(c) INTELLIGENCE SUPPORT.—The President, in developing the comprehensive interagency strategy and implementation plan required by subsection (a), shall consult with the Director of National Intelligence.

(d) UPDATES OF STRATEGY.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required by subsection (a), as necessary.

SEC. 204. AUTHORIZATION OF ASSISTANCE FOR AFGHANISTAN.

(a) IN GENERAL.—There is authorized to be appropriated to the President, for the purposes of providing assistance to Afghanistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), \$2,800,000,000 or such sums as may be necessary for each of the fiscal years 2010 through 2013.

(b) USE OF FUNDS.—Amounts authorized to be appropriated under this section or otherwise made available to carry out this title shall be used to the maximum extent practicable as direct expenditures for programs, projects, and activities, subject to existing reporting and notification requirements.

SEC. 205. CONGRESSIONAL BRIEFING AND NOTIFICATION REQUIREMENTS.

(a) BRIEFING.—Not later than 30 days after the date of the transmission of the comprehensive interagency strategy and implementation plan required by section 203, and quarterly thereafter through December 1, 2013, the President, acting through the Secretary of State and the Secretary of Defense, shall brief the appropriate congressional committees on the status of the comprehen-

sive interagency strategy and implementation plan.

(b) NOTIFICATION.—The President shall notify the appropriate congressional committees not later than 30 days before obligating any assistance described in section 204 as budgetary support to the Government of Afghanistan or to any persons, agencies, instrumentalities, or elements of the Government of Afghanistan and shall describe the purpose and conditions attached to any such budgetary support assistance. The President shall notify the appropriate congressional committees not later than 30 days before obligating any other type of assistance described in section 204.

SEC. 206. DEFINITION.

In this title, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) is recognized for 5 minutes in support of his motion.

Mr. ROGERS of Michigan. Mr. Speaker, I commend my friend, Mr. BERMAN, for his efforts on this bill, as I do Congresswoman ROS-LEHTINEN on her efforts on what I think is the most pressing national security issue we face today, Pakistan. And when you look at the troubles that they face and what a unique country it is, they are a nuclear-armed sovereign nation that has expressed concern about its eastern neighbors, the Indians, and all of the effort, both diplomatic, economic, militarily, intelligence, that they apply to what they view as a problem sect.

And to the west of that country, even in their Constitution, they treat differently. They give it special autonomy: the Federally Administered Tribal Areas. And that’s the area that has caused Afghanistan and the United States untold misery, danger, something we ought to worry about.

And this bill in the most arrogant way says, You know what? We know better than you, Pakistan. We’re going to make you set up a teachers’ pay scale if you want our Federal money, if you want U.S. money to help us in the fight against terrorism that is ongoing today by people like Batula Masood, who are trying to kill Americans today and make further unstable the Pakistani Government, or Fazlullah, who has moved into the Swat area, the first time somebody from the tribal areas has taken this effort.

□ 1500

Fazlullah, for the first time, took some settled areas. It used to be a great area—as a matter of fact, a tourist area in Pakistan, the Swat Valley—and the military has had difficulty in trying to extract them from what is a settled area in Pakistan. That is real trouble.

Many of you have quoted “The 60 Miles from Islamabad.” That was the Swat Valley movement, and it was done by Fazlullah, 30-something years old, rabid Taliban leader, who was able to, in just a very short period of time, take over most of the police stations.

You have al Qaeda senior leadership moving freely with the Haqqani network supporting their abilities in the tribal areas of Pakistan. Batula Masood, as I said before, has been engaged in terrorist acts not only against us, but the Pakistanis.

Their government is at risk, their people are dying. This bill arrogantly says, listen, we want you to help us in terrorism, but let me tell you what’s important, your teacher pay scales. Those are important.

This is a sovereign nation. As a matter of fact, Senator KERRY—we don’t often agree with Senator KERRY—an interesting quote: “Well”—I won’t use all of his language—“we’re just doing their bidding. We’re their lackeys. We’re not in control. You guys (the Pakistani Government) are an American puppet, blah, blah, blah.” What he was saying is, don’t put all these arbitrary caveats on this bill.

Let’s support President Obama. He hasn’t been there that long. He wants to implement his policy. He says he needs flexibility. I agree with him. This is one of the most complicated, complex problems we will face when it comes to national security.

You even, in this bill—and I don’t think you’re thinking about what the implications are—through your labor agreements in this bill, inspectors are to publish reports listing the names and locations of every firm in the program. This is a nation beleaguered by terrorists. Why would you give them a list of targets in Pakistan published by the United States Government? It makes no sense whatsoever.

You often talked about the arrogance of the previous administration telling people how they ought to live and telling them how they ought to govern. This is the most intrusive, most arrogant approach to providing someone assistance that is actually helping us fight terrorism in the most difficult area I can find in the world today.

I am going to ask you to please take a look at this motion to recommit. It puts a little common sense back in it and says, you know what, we’ll get to the teacher pay scale and merit-based system that you would like to get to maybe another day, but today we are worried about the safety and security

of our soldiers in Afghanistan who are under attack from Taliban leaders, headquartered the Shura Council in Quetta, Pakistan. We are worried about the Haqqani network, who is developing the logistical support that they need through arms and other things to help target our soldiers in Afghanistan. We are worried about Fazlullah’s efforts in his first settled areas of Pakistan. That ought to be our watch today.

We are getting ready to send thousands and thousands of fresh United States troops to this region. Our focus has to be national security; it has to be their security. It has to say, Pakistan, we are a partner, not your mother. We are not going to hold your hand in this. We are going to be your equal partner in your fight on terror. Thank you for your commitment.

We’re going to stand up for those folks.

I yield back the remainder of my time.

Mr. BERMAN. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. I made a mistake earlier. I objected to the reading of the motion to recommit. I should have asked for a reading of the bill. As much as I admire the gentleman, the one thing that is clear to me from his comments is he didn’t read the bill.

We have absolutely no conditions or restrictions or efforts to earmark or tie up any of the economic assistance in this bill. Why you would say that is only because someone told you that. Because when you look at the bill, we have some principles, we have suggestions, we lay out things that need to be done to build democratic institutions in Pakistan, to build a school system.

We know that we are providing up to \$12 billion, much of it in economic assistance for schools that have no teachers. We’re providing money for teachers who have no education and don’t know how to teach science and math. So we suggest in this bill some guidelines and tie no one’s hands. We don’t tie the Secretary’s hands; we don’t tie the Pakistanis’ hands.

Now, the state of play is that when we put together our Pakistan bill, we went to the minority and said, let’s work on a Pakistan/Afghanistan bill. They weren’t interested. The problem with the minority’s way to do a motion to recommit is the leadership meets in some office—they don’t bring in the Republicans from the committee—and they come up with a motion to recommit, let’s join Afghanistan with Pakistan. We’ve been trying to do that for 4 months in our committee, but the minority didn’t want to do it that way.

And by the way, we just had a little vote. We had a vote on a Republican substitute that, on security assistance,

had no monitoring provisions, no auditing provisions, no evaluation provisions. This is in the context of \$12 billion that’s been spent, a huge amount on reimbursements for which there are no receipts for money, that we cannot find what it went for. If you like what’s been going on there, you’re praising the right of Pakistan to do what it wants to do.

When Musharraf kept making appeasement agreements with different elements of the Taliban, was that a wise thing to be encouraging? I don’t think so. The only thing we provide any benchmarks on is the security assistance. And what we say there is, Mr. President, look at how that money is being spent and make a determination whether or not Pakistan has a commitment—that they are now, by the way, demonstrating—to combating the insurgency and fighting the terrorists, and whether they’re making progress. And are they cooperating in the efforts to dismantle the proliferation regime, and are they doing things to secure it? And, Mr. President, you make the determination and you make the decision.

We have worked with the leadership of the Armed Services Committee to make sure that the security assistance gets to the Pakistani military as quickly as possible, but not equipment that has nothing to do with the counterinsurgency. We want the equipment, the helicopters, the night-vision goggles, the training, the IMET programs to go as fast as they can. So in our bill, not in yours, but in our bill we waive all the traditions that now exist on traditional security assistance programs.

So this is a motion to recommit that includes an Afghan bill that says, continue as usual, where the lack of end-use monitoring has meant that we have been arming the Taliban because they steal the guns we provide and use them against our forces and the Afghan forces, and repeat in toto the Republican substitute we just rejected.

Let’s vote against it. We did it once; let’s do it again. Let’s try to reestablish some sense of bipartisan collaboration. These differences aren’t that great. We can work them out if the majority and the minority cooperate. I say, as the chairman of the committee with jurisdiction over these issues, I would love to put together a bipartisan approach. Maybe we can start working on that for the conference committee.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 164, noes 245, not voting 24, as follows:

[Roll No. 332]

AYES—164

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

NOES—245

Abercrombie	Boucher	Clyburn
Ackerman	Boyd	Cohen
Adler (NJ)	Brady (PA)	Connolly (VA)
Altmire	Braley (IA)	Conyers
Andrews	Bright	Cooper
Arcuri	Butterfield	Costa
Baird	Capps	Costello
Baldwin	Capuano	Courtney
Barrow	Cardoza	Crowley
Bean	Carnahan	Cuellar
Berkley	Carney	Cummings
Berman	Carson (IN)	Dahlkemper
Berry	Castor (FL)	Davis (AL)
Bishop (GA)	Chaffetz	Davis (CA)
Bishop (NY)	Chandler	Davis (IL)
Blumenauer	Childers	Davis (TN)
Bocchieri	Clarke	DeFazio
Boren	Clay	DeGette
Boswell	Cleaver	DeLauro

Dicks	Kosmas	Quigley
Dingell	Kratovil	Rahall
Doggett	Kucinich	Rangel
Donnelly (IN)	Langevin	Reyes
Doyle	Larsen (WA)	Rodriguez
Driehaus	Larson (CT)	Rohrabacher
Duncan	Lee (CA)	Ross
Edwards (MD)	Levin	Rothman (NJ)
Edwards (TX)	Lipinski	Roybal-Allard
Ellison	Loeb sack	Ruppersberger
Ellsworth	Lofgren, Zoe	Rush
Engel	Lowe y	Ryan (OH)
Eshoo	Lujan	Salazar
Etheridge	Lungren, Daniel	Salazar, Loretta
Farr	E.	Sarbanes
Fattah	Lynch	Schakowsky
Filner	Maffei	Schauer
Foster	Maloney	Schiff
Frank (MA)	Markey (CO)	Schrader
Fudge	Markey (MA)	Schwartz
Giffords	Marshall	Scott (GA)
Gonzalez	Massa	Scott (VA)
Gordon (TN)	Matheson	Serrano
Grayson	Matsui	Sestak
Green, Al	McCarthy (NY)	Shea-Porter
Green, Gene	McCollum	Sherman
Grijalva	McDermott	Shuler
Gutierrez	McGovern	Sires
Hall (NY)	McMahon	Skelton
Halvorson	McNerney	Smith (WA)
Hare	Meek (FL)	Snyder
Harman	Meeks (NY)	Space
Hastings (FL)	Michaud	Speier
Heinrich	Miller (NC)	Spratt
Heller	Miller, George	Stark
Herse th Sandlin	Mitchell	Stupak
Higgins	Mollohan	Sutton
Hill	Moore (KS)	Tanner
Hinche y	Moore (WI)	Tauscher
Hinojosa	Moran (VA)	Taylor
Johnson (SC)	Murphy (CT)	Teague
Hodes	Murphy (NY)	Thompson (CA)
Holden	Murphy, Patrick	Thompson (MS)
Holt	Murtha	Tierney
Honda	Nadler (NY)	Titus
Hoyer	Napolitano	Towns
Inslee	Neal (MA)	Tsongas
Israel	Nye	Van Hollen
Jackson (IL)	Oberstar	Velázquez
Jackson-Lee	Obey	Walz
(TX)	Oliver	Wasserman
Johnson (GA)	Ortiz	Schultz
Johnson (IL)	Pallone	Waters
Johnson, E. B.	Pascrell	Watson
Jones	Pastor (AZ)	Watt
Kanjorski	Paul	Waxman
Kaptur	Payne	Weiner
Kildee	Perlmutter	Welch
Kilpatrick (MI)	Perriello	Wexler
Kilroy	Peters	Wilson (OH)
Kind	Pingree (ME)	Woolsey
Kirkpatrick (AZ)	Polis (CO)	Wu
Kissell	Pomeroy	Yarmuth
Klein (FL)	Price (NC)	

NOT VOTING—24

Baca	Kennedy	Sánchez, Linda
Becerra	King (IA)	T.
Blunt	Lewis (GA)	Schmidt
Brown, Corrine	Lucas	Slaughter
Cassidy	Luetkemeyer	Sullivan
Delahunt	McIntyre	Tonko
Goodlatte	Minnick	Visclosky
Himes	Peterson	
Kagen	Richardson	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they now have less than 2 minutes remaining.

□ 1523

Mr. WESTMORELAND changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 332 I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 332 I was detained in the Committee on Agriculture during a question and answer exchange with Secretary of Agriculture Vilsack and was not able to reach the floor before the vote was closed. Had I been present, I would have voted “aye.”

Mr. CASSIDY. Mr. Speaker, on rollcall No. 332 I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. TONKO. Mr. Speaker, on rollcall No. 332 I was unable to vote due to the fact that I was meeting with constituents. Had I been present, I would have voted “no.”

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 332 I was unable to vote due to the fact that I was meeting with constituents. Had I been present, I would have voted “no.”

Mr. BECERRA. Mr. Speaker, I was unavoidably detained earlier today and missed rollcall vote 332. If present, I would have voted “no.” (By unanimous consent, Mr. UPTON was allowed to speak out of order.)

ANNOUNCING THE DEATH OF FORMER MEMBER
CARL PURSELL OF MICHIGAN

Mr. UPTON. Mr. Speaker, as dean of the Michigan Republican delegation, I have the sad duty to relay the news that our former colleague Carl Pursell from Michigan passed away this morning. He was the ranking member on the Labor-HHS appropriations subcommittee for many years. He retired in 1993.

I would yield to Mr. MCCOTTER who represents Plymouth, Michigan.

Mr. MCCOTTER. I thank the gentleman.

I grew up in Carl's district. We watched as he went from a Wayne County commissioner to a Michigan State Senator and then into this illustrious body. As a young person growing up getting interested in politics, Carl's example was an inspiration. It showed that a fine and decent gentleman could come from the small town of Plymouth, retain his Main Street truths, and do the people's business in this, the people's House.

The last several years have not been kind to Carl. He is in a far better place, and we are all diminished. Our best goes out to his family, and we would appreciate it if you keep him in your prayers.

Mr. UPTON. Mr. Speaker, I would ask for a moment of silence.

The SPEAKER pro tempore. Members will rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

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

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

RECORDED VOTE

Mr. UPTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 234, noes 185, not voting 14, as follows:

[Roll No. 333]

AYES—234

Ackerman Grijalva Obey
Adler (NJ) Gutierrez Olver
Altmire Hall (NY) Ortiz
Andrews Halvorson Pallone
Baird Hare Pascrell
Baldwin Harman Pastor (AZ)
Barrow Hastings (FL) Payne
Bean Heinrich Perlmutter
Becerra Herseht Sandlin Peters
Berkley Higgins Peterson
Berman Hill Pingree (ME)
Berry Hinchey Polis (CO)
Bishop (GA) Hinojosa Pomeroy
Bishop (NY) Hirono Price (NC)
Blumenauer Hodes Quigley
Bocchieri Holden Rahall
Boren Holt Rangel
Boswell Honda Reichert
Boucher Hoyer Reyes
Boyd Insee Rodriguez
Brady (PA) Israel Ross
Braley (IA) Jackson (IL) Rothman (NJ)
Butterfield Jackson-Lee Roybal-Allard
Cao (TX) Royce
Capps Johnson (GA) Ruppersberger
Capuano Johnson, E. B. Conaway
Cardoza Kanjorski Costello
Carnahan Kildee Crenshaw
Carney Kilpatrick (MI) Culberson
Carson (IN) Kilroy Sarbanes
Castor (FL) Kind Schakowsky
Chandler Kirk Schauer
Childers Kirkpatrick (AZ) Schiff
Clarke Klein (FL) Schrader
Clay Kosmas Schwartz
Cleaver Kratovil Scott (GA)
Clyburn Langevin Scott (VA)
Cohen Larsen (WA) Serrano
Connolly (VA) Larson (CT) Sestak
Cooper Lee (CA) Shea-Porter
Costa Levin Sherman
Courtney Loeb sack Sires
Crowley Lofgren, Zoe Skelton
Cuellar Lowey Slaughter
Cummings Lujan Smith (WA)
Dahlkemper Lungren, Daniel Snyder
Davis (AL) E. Space
Davis (CA) Lynch Speier
Davis (IL) Maffei Spratt
Davis (TN) Maloney Stupak
DeFazio Markey (CO) Sutton
DeGette Markey (MA) Tanner
DeLauro Marshall Tauscher
Dicks Matheson Taylor
Dingell Matsui Teague
Donnelly (IN) McCarthy (NY) Thompson (CA)
Doyle McCollum Thompson (MS)
Driehaus McGovern Tierney
Edwards (MD) McHugh Titus
Edwards (TX) McIntyre Tonko
Ehlers McMahan Towns
Ellison Mc Nerney Tsongas
Ellsworth Meek (FL) Upton
Engel Meeks (NY) Van Hollen
Eshoo Melancon Velázquez
Etheridge Miller (NC) Visclosky
Farr Miller, George Walz
Fattah Mitchell Wasserman
Filner Mollohan Schultz
Foster Moore (KS) Watson
Frank (MA) Moore (WI) Watt
Fudge Moran (VA) Waxman
Giffords Murphy (NY) Weiner
Gonzalez Murphy, Patrick Welch
Gordon (TN) Murtha Wexler
Grayson Nadler (NY) Wilson (OH)
Green, Al Neal (MA) Woolsey
Green, Gene Nye Wu
Griffith Oberstar Yarmuth

NOES—185

Abercrombie Alexander
Aderholt Arcuri
Akin Austria Bachmann
Bachus
Barrett (SC)

Bartlett Barton (TX) Gohmert
Biggart Granger Goodlatte
Bilbray Graves Granger
Bilirakis Guthrie
Bishop (UT) Hall (TX)
Blackburn Harper
Boehner Hastings (WA)
Bonner Heller
Bono Mack Hensarling
Boozman Herger
Boustany Hoekstra
Brady (TX) Hunter
Bright Inglis
Broun (GA) Issa
Brown (SC) Jenkins
Brown-Waite, Ginny Johnson, Sam
Buchanan Jordan (OH)
Burgess Kaptur
Burton (IN) King (IA)
Buyer King (NY)
Calvert Kingston
Campbell Kissell
Cantor Kline (MN)
Capito Kucinich
Carter Lamborn
Cassidy Lance
Castle Latham
Chaffetz LaTourette
Coble Latta
Coffman (CO) Lee (NY)
Cole Lewis (CA)
Conaway Lipinski
Conyers LoBiondo
Costello Lucas
Crenshaw Luetkemeyer
Culberson Lummis
Davis (KY) Mack
Deal (GA) Manzullo
Dent Marchant
Diaz-Balart, L. Massa
Diaz-Balart, M. McCarthy (CA)
Doggett McCaul
Dreier McClintock
Duncan McCotter
Emerson McDermott
Fallin McHenry
Flake McKeon
Fleming McMorris
Forbes Rodgers
Fortenberry Mica
Foxy Michaud
Franks (AZ) Miller (FL)
Frelinghuysen Miller (MI)
Gallegly Miller, Gary
Garrett (NJ) Minnick
Gerlach Moran (KS)
Gingrey (GA) Murphy, Tim

NOT VOTING—14

Baca Johnson (IL)
Blunt Kagen
Brown, Corrine Kennedy
Delahunt Lewis (GA)
Himes Murphy (CT) Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1534

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 333, H.R. 1886 would provide an element of stability in the troubled Middle East, but its cost, in these economic times, is excessive. As a result, I determined a "present" vote to be appropriate. I was present on the House floor for all votes prior to and after this vote on final passage; and due to a malfunction in the voting process, I was shown as "Not Voting." This explanation

is filed due to the unusual nature of the substance of the issue, and my position and rec- ordation of same.

The SPEAKER pro tempore. Without objection, H.R. 1886 is laid on the table.

There was no objection.

AUTHORIZING SPEAKER TO ENTERTAIN MOTION TO SUSPEND THE RULES ON TODAY

Mr. BERMAN (during consideration of H.R. 1886). Mr. Speaker, I ask unanimous consent that the Speaker be authorized on this legislative day to entertain motions that the House suspend the rules relating to House Resolution 529.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 1256. An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

The message also announced that the Senate passed a bill of the following title in which the concurrence of the House is requested:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2254

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 2254.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 848

Ms. NORTON. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 848, the Performance Rights Act.

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

There was no objection.

CONDEMNING SHOOTING AT U.S.
HOLOCAUST MUSEUM

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 529) condemning the violent attack on the United States Holocaust Memorial Museum on June 10, 2009 and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 529

Whereas, on June 10, 2009, an armed assailant with ties to white supremacist organizations, a conviction for a violent crime and a history of anti-Semitic and racist activities opened fire at the U.S. Holocaust Memorial Museum;

Whereas, the gunman was a convicted felon and obtained a firearm in violation of Federal law;

Whereas, security personnel at the U.S. Holocaust Memorial Museum, U.S. Park Police, and other emergency responders, responded quickly and valiantly to ensure the safety of museum visitors and staff and other bystanders;

Whereas, Officer Stephen Tyrone Johns, who had worked at the Museum for six years, was fired upon by the gunman and later tragically succumbed to his wounds;

Whereas, the U.S. Holocaust Memorial Museum was established by the U.S. Holocaust Memorial Council, which was created by Congress in 1980 (Public Law 96-388) and mandated to create a permanent living memorial museum to the victims of the Holocaust;

Whereas, the U.S. Holocaust Memorial Museum was dedicated on April 22, 1993 and has since welcomed nearly 30 million visitors, including more than 8 million school children and 85 heads of state;

Whereas, the primary mission of the U.S. Holocaust Memorial Museum is "to advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy."

Whereas, the U.S. Holocaust Memorial Museum serves as one of the world's leading authorities on the Holocaust;

Whereas, the U.S. Holocaust Memorial Museum, created to remind us of what happened and what could happen when hatred turns into violence, has tragically become a target itself;

Whereas, the attack at the U.S. Holocaust Memorial Museum is a horrific reminder of the violence that can stem from anti-Semitism, racism, hatred, intolerance, and Holocaust denial;

Whereas, President Obama stated, "This outrageous act reminds us that we must remain vigilant against anti-Semitism and prejudice in all its forms. No American institution is more important to this effort than the Holocaust Museum, and no act of violence will diminish our determination to honor those who were lost by building a more peaceful and tolerant world": Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the violent attack on the U.S. Holocaust Memorial Museum on June 10, 2009;

(2) honors the bravery and dedication of the employees and security personnel at the United States Holocaust Memorial Museum and rededicates itself to the safety and the security of the Museum and its visitors;

(3) offers its condolences to the family of Officer Stephen Tyrone Johns who was killed in the line of duty;

(4) redoubles its commitment to advance the mission of the U.S. Holocaust Memorial Museum to educate people about the Holocaust and fight against anti-Semitism, racism, hatred and intolerance; and

(5) urges the American people to join the Hour of Representatives in condemning this act of hateful violence and intolerance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. RAHALL. Mr. Speaker, this resolution places this body on record as condemning yesterday's violent attack on the U.S. Holocaust Memorial Museum, while also praising the bravery and sacrifice of those who defended against this attack. The resolution further recognizes the powerful and vital role that the memorial museum plays in the world and rededicates this Congress to assisting wherever possible in helping the museum to accomplish its mission of education and enlightenment.

First and foremost, let me join my colleagues in expressing our deep sadness and heartfelt condolences to the family and friends of Security Officer Stephen Tyrone Johns. It is our hope that, despite what must be nearly unbearable grief, those who loved Officer Johns are also filled with enormous pride at the service he rendered during his distinguished career and the sacrifice he has now made.

Everyone involved in the tragic events of yesterday proved something about themselves. Officer Johns, along with the security and other emergency personnel who responded, proved that training, dedication and bravery in the face of life-threatening events can save lives.

Officer Johns in particular reminds us that there are those among us who volunteer to stand watch over us, even knowing that they are risking their own lives.

The perpetrator of yesterday's attack proved something as well. His actions demonstrate that ignorance and hatred still exist and too often lead to vio-

lence. By his actions, this man demonstrated that the very evil which led to the Holocaust, the very evil he had sought in the past to deny, still exists and still must be resisted vigilantly.

And going forward, the U.S. Holocaust Memorial Museum will prove something as well. There was a time when people with hatred in their hearts were powerful, a time when those who devalued others based on race or religion held in their hands the levers of power. Those days are over.

The museum has suffered a great loss, but the museum will continue in its important work. This attack has no power over the museum, its supporters or its mission.

Hatred can no longer beat back the forces of justice and equality. Whatever the dark aims of the attacker may have been, there is no question that he has failed, and those like him will always fail as long as organizations like the U.S. Holocaust Memorial Museum are standing.

I ask my colleagues to support this important resolution.

I reserve the balance of my time.

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

Mr. Speaker, I join with Chairman RAHALL to support this resolution to condemn the tragic shooting at the United States Holocaust Memorial Museum yesterday. Our prayers go out to the family of Security Officer Steven Tyrone Johns, an innocent victim of this outrage.

Mr. Speaker, that this violent act and needless death occurred at a memorial erected to peace and tolerance by reminding the world of the deaths and horrors of the Holocaust is, to me, simply unspeakable.

So, Mr. Speaker, I simply urge all of my colleagues to support this resolution.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am honored to yield 2 minutes to the main sponsor of this resolution, the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentleman from West Virginia.

Mr. Speaker, I rise today to urge my colleagues to support H. Res. 529, a bipartisan resolution that I authored with Mr. PENCE, Mr. WAXMAN, Mr. SMITH and Mr. ENGEL, and I thank the Speaker for promptly bringing it to the floor today with the input and guidance from many other Members of this Chamber, as well as the bipartisan Congressional Task Force Against Anti-Semitism.

I rise today in great sorrow as this Nation mourns the loss of Officer Stephen T. Johns, who was killed in the line of duty yesterday at the United States Holocaust Memorial Museum at the hands of a hateful white supremacist.

Today I offer condolences to the family of Officer Johns and condemn in the strongest possible way the vicious attack on the Holocaust Memorial Museum and all that it represents.

The museum is a place of reflection, an expression of the adage "never again." The museum seeks a world without racism, anti-Semitism, Holocaust denial and intolerance.

The target may have been the museum and Jews, but this vicious attack hurt all Americans. A hate crime in every sense, this attack violates all of us. Acts of hatred and violence cannot and will not be tolerated in our country. Today, the lessons of the Holocaust are more relevant than ever before. Officer Johns died protecting those values, and he is a hero to all of us.

Americans stand today together to redouble our commitment to advance the mission of the United States Holocaust Memorial Museum, to advance Holocaust education and fight against anti-Semitism, racism, hatred and intolerance in the United States and throughout the world. Only by standing together can we begin to heal and fight against future acts of hatred.

I thank both the Democrat and Republican leadership of the House, Mr. RAHALL and Mr. HASTINGS, for their support. I urge my colleagues to support this resolution.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished Republican Caucus Chair, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of House Resolution 529, condemning the violent attack on the Holocaust Memorial Museum that occurred in shocking dimensions yesterday here in our Nation's Capital.

I want to single out my colleague in the majority, RON KLEIN of Florida, for his swift and thoughtful legislative work in bringing this resolution to the floor and for allowing me to coauthor this bipartisan resolution before the House today. It has been my distinct pleasure to serve together with Mr. KLEIN as the cochairman of the Bipartisan Congressional Task Force Against Anti-Semitism that was founded, I say with deep admiration, by the late Tom Lantos of California, who understood the importance of this body and this Nation speaking with one voice against the venom of anti-Semitism.

Today, we mourn the loss of Special Police Officer Steven Tyrone Johns, and I offer my personal condolences to his family. He lost his life while defending civilians, visitors and staff of the Holocaust Memorial Museum. Officer Johns died upon arrival at the George Washington Hospital after being shot by an assailant with strong

ties to white supremacist organizations. Officer Johns died while bravely defending museum visitors from around the world, and I honor his service and courage and the sacrifice that he exemplified. He will be remembered.

We rise today to condemn the violent attacks of yesterday that ravaged Washington, D.C.'s, permanent living memorial to the victims of the Holocaust. For those who have visited, we know the U.S. Holocaust Memorial Museum serves as one of the world's leading authorities on the Holocaust. And let me say with no small measure of American pride, it has become an essential stop for every American visiting our Nation's Capital, with few exceptions.

It was dedicated on April 22, 1993, and has since welcomed nearly 30 million children, including 8 million school-children and 85 heads of state.

The museum's mission is simply this: to "advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy." Anyone who has wandered those solemn hallways knows that the United States Holocaust Memorial Museum accomplishes that mission.

□ 1545

This attack at the U.S. Holocaust Memorial Museum is a horrific reminder of the violence that can stem from unchecked hatred, intolerance, anti-Semitism, as well as the denial of history that is often manifested in that sentiment.

Let me be clear. No act of violence will ever diminish our determination to honor those who lost their lives in the Holocaust, and neither will yesterday.

And as we condemn intolerance and racism in our Capital City, we should ponder today, Mr. Speaker, what anti-Semitic hatred and rage could mean on the international stage. I say with a heavy heart today, with the deepest respect for the families affected by yesterday's tragic events, we would do well, as a Nation, to reflect, if one man can walk in the Holocaust museum with a rifle, motivated by anti-Semitic rage and bring about violence and death, what could a nation, armed with the same anti-Semitic rage, do with a nuclear weapon?

The American people deserve to know that the same hatred that drove this one, lonely and deranged man to open fire at the U.S. Holocaust Memorial Museum, I believe, resides in the hearts of some of the most powerful leaders in an ancient nation of the world. And I am confident that when the time comes, this Congress, this government, this Nation, and our cher-

ished ally, will do what is necessary to prevent a global manifestation of anti-Semitic violence.

The best way to honor the lives of victims of hatred is to stand in the path of those who would continue the violence. Let Officer Johns' sacrifice be an example for each of us in our personal lives, and an example for this Nation in the exercise of courage and determination in the defense of liberty on the world stage.

Let us stand in the path of hatred, come together as a Congress and a Nation.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlelady from the District of Columbia, in whose district this terrible attack occurred, ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Speaker, on Tuesday the majority leader announced that he had not been able to muster enough votes to pass a civil rights bill, the District of Columbia Voting Rights Bill, which had a gun amendment which would wipe away the District's gun laws leaving us defenseless.

Yesterday, a brave young man, Stephen Tyrone Johns, a guard at the Holocaust Museum, one of our most popular museums because it is so moving, lost his life.

There are political considerations that keep us from moving directly against gun laws. I ask us to show that we are not defenseless to protect official Washington, not paralyzed when it comes to gun safety, by at least passing, but not allowing gun amendments to stop unrelated laws like the District of Columbia Voting Rights Act and opening the city to gun carnage of the kind we saw yesterday.

Let this be the last gun carnage of its kind. Let the District of Columbia Voting Rights Act pass this year.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I do appreciate the bringing of this resolution. This is a time when we should join our hearts and minds together in condemning the violent act that occurred at, of all places, the Holocaust museum, a place that I, with countless others, in my case, multiple occasions going to the museum, have been touched to tears to just try to get your mind around the inhumanity of man to man.

This is a Nation that was brought together as a Nation, fought hard, so that within this Nation we could have civility. And one of the Founding Fathers' favorite lines was often to quote Voltaire in saying, I disagree with what you say, but I will defend to the death your right to say it.

The criminal who invoked and created this violence in the Holocaust museum should be properly punished, and I am thankful that we have laws that will punish him. I wouldn't mind seeing

a death penalty as a possibility in the case of such violence, but in this town that is, apparently, not an option. But violence of this nature within this country must not be tolerated.

But it also must not minimize the commitment, the love and devotion of Officer Stephen Tyrone Johns, who gave his life in doing his job in devotion to others and to this country and all it stands for.

So we thank Stephen Tyrone Johns. We thank his memory. We thank his family, and we will pray for their peace and healing during this very, very difficult time.

We condemn the attack, such a violent nature, encourage all to understand that in this Nation, in every State, in the District of Columbia, no matter how someone may disagree with someone else, provoking words are never a defense to violence. Violence must be condemned, no matter what someone deems to be the provocation in their own mind.

We must be and we must make this a Nation of civility. We can disagree. Disagreement is a good and healthy thing. When there's disagreement, it means we're not all useless. But we must never allow this kind of violence to go unaddressed.

So we pay tribute to the Johns family—our prayers will be with them—and condemn the violent attack at the Holocaust museum, of all places, and appreciate this resolution being brought forward.

Mr. RAHALL. Mr. Speaker, Officer Johns resided in the district of our next speaker, to whom I'm going to yield 2 minutes, the gentlelady from Maryland, Ms. DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in support of House Resolution 529.

Mr. Speaker, it's with great sadness that I rise today to honor the life and memory of Stephen Tyrone Johns, the security officer who courageously gave his life protecting the lives of others during yesterday's shooting at the Holocaust Memorial Museum.

Officer Johns' quick action and sacrifice may indeed have saved the lives of people at the Holocaust Memorial Museum yesterday and certainly enabled his fellow officers to secure the museum.

The armed assailant, who had connections with the white supremacist organizations and a long history of anti-Semitic and racist activities, walked into the Holocaust museum and opened fire, resulting in the tragic murder of Officer Stephen Tyrone Johns. This was a murder based on hate and malice, and took the life of a good man.

A security officer for 6 years at the Holocaust Memorial Museum and resident of Temple Hills, Maryland, which is the district which I represent, Officer Johns was beloved by his family

and friends. Colleagues called Officer Johns "Big John." He was known as a gentle giant, and remembered for his friendliness, soft-spoken nature and gentle demeanor.

This morning, I had the opportunity to speak to Officer Johns' mother and stepfather. The entire family is grieving this senseless loss. Above all, the family wanted America to know that Stephen was dedicated to his job and his family. His mother said he loved his job, and he took his duty at the Holocaust Memorial Museum very seriously, so seriously that he ended up paying the ultimate sacrifice.

As we join Officer Johns' family in struggling to find answers, the truth is that this was a senseless act and a senseless murder that has resulted in a great loss. Officer Johns' sacrifice is a stark reminder of the threat of hate and intolerance to our humanity.

I want the family of Officer Johns to know that I, along with my colleagues here in Congress, am grieving with them, and America is grieving with them.

In addition to his family and friends, Officer Johns leaves an 11-year-old son, Stephen Tyrone Johns, Jr., to mourn his loss. So it is with a heavy and sad heart that I offer my sincere condolences to the family of Officer Stephen Tyrone Johns. He will always be remembered as a dedicated and beloved hero.

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire how much time is on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 10 minutes remaining, and the gentleman from West Virginia has 12½ minutes remaining.

Mr. HASTINGS of Washington. My understanding is my friend from West Virginia has more requests for time than I do, and I'd be more than happy to yield him 9 of those 10 minutes to dispense with as he sees fit, with the understanding, if I do get some Members, I can reclaim some of that time. And I ask unanimous consent that he control that 9 minutes.

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

There was no objection.

Mr. RAHALL. I thank the distinguished gentleman from Washington (Mr. HASTINGS).

I now yield 1 minute to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I rise today profoundly troubled and deeply saddened by yesterday's senseless acts of violence that occurred at the United States Holocaust Memorial Museum in Washington.

My thoughts and prayers are with the family of Stephen T. Johns, the security officer whose life was taken in that tragic event. I am so grateful for

his service and the service of all the security officers who work to keep us safe.

Yesterday's action was a shocking reminder of the progress we have yet to make against bigotry, ignorance and hate. The gunman's attack was not only against one man, but against an important idea of human dignity for all.

However, as a Nation, our resolve must remain strong, and our response must be very clear. There is no place for anti-Semitism and racism in the United States of America.

I urge my colleagues to join me in renewing our commitment to ending hatred and violence by supporting House Resolution 529.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlelady from California, Ms. BARBARA LEE.

Ms. LEE of California. Mr. Speaker, let me first say thank you to the gentleman from Florida for introducing this resolution, and I rise in strong support of it.

The Congressional Black Caucus extends our heartfelt condolences to the family of Officer Stephen Johns. He was an American hero. He was an African American. He was slain in this senseless act of violence at the Holocaust museum, which preserves the memory of a period in the world, a period borne of violence, of hatred, of death, a period that must not be forgotten.

The death of Officer Johns reminds us, however, that racism and anti-Semitism in all its ugly forms must be condemned and fought at every, every turn.

We extend to Mr. Johns' family our deepest sympathy as you mourn the loss of your loved one. He will be a hero in all of our minds who we will remember and who will remind us of the unfinished business of our country. We offer our condolences and our assistance to the family, should the family need us during this time of need.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlelady from California, Ms. SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, I join my colleagues in supporting this resolution.

The Holocaust museum offers more than an important education opportunity for so many people worldwide. It is a symbol of the need to continue our efforts to reduce intolerance, prejudice and hatred in the world.

It was over 15 years ago when I led a group of young people from San Diego to visit the newly opened museum, a group of high school students from all walks of life who were participating in a mentoring program. I was the executive director of that program and made it a point to put a visit to the Holocaust museum on our agenda.

□ 1600

It was such an emotional moment for many of these teenagers who until that

day had never fully comprehended what the Holocaust meant.

So I want to add my voice in expressing heartfelt condolences to the family of museum guard Stephen Tyrone Johns. His courage and his sacrifice will not be forgotten in a place that we always say "Never again."

Also to be recognized and praised are the security guards who subdued the gunman and prevented a tragic incident from becoming even more tragic.

This incident hit me hard yesterday because I happened to be standing at the museum 2 days before the very time that this incident occurred, and it was so pleasing to see the people who were gathering there and who flock to it all the time.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, Mr. HANK JOHNSON.

Mr. JOHNSON of Georgia. Mr. Speaker, yesterday a despicable act occurred. By now everyone knows what it was and why it was; so I won't belabor that, other than to say that hatred is something that leads to violence. So we should all be looking deeply within our hearts to remove hatred and to try to value humanity.

Officer Stephen Johns leaves an 11-year-old son, whom I saw on TV yesterday, and I don't think he could cry, he was so overwhelmed, and then his mother and his grandmother were too distraught to talk. So they need our prayers, and I send out my condolences to the family.

It happened yesterday that a black man, doing his duty at the U.S. Holocaust Memorial Museum, was killed. Our communities have worked so diligently in the past. We have such strong bonds, and so we are there for each other.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Mr. Speaker, I rise today to add my voice to this tragedy and to honor the family of Mr. Johns, who was tragically killed yesterday at the Holocaust museum.

When I come to the floor and when I think about this job and what we are trying to do, to send a message to our children across this country, it is a message of tolerance. It is a message of trying to wipe out hatred, trying to wipe out the hatred that exists against different races, different religions, different cultures. It is about learning to accept and appreciate the cultures.

The Holocaust museum stands as a tribute and helps us better understand the tragedies that occur when intolerance runs amok. I stand with my fellow colleagues and the people of this body in honor of Mr. Johns to say we believe in tolerance, we believe in acceptance, and we thank him and his family and we mourn with them.

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Nevada, Ms. SHELLEY BERKLEY.

Ms. BERKLEY. I thank the gentleman for yielding, and I thank my colleagues Mr. WAXMAN and Mr. KLEIN for putting this resolution together.

Mr. Speaker, the shooting at the United States Holocaust Memorial Museum is a sad reminder of how anti-Semitism, intolerance, and hatred can lead to senseless acts of violence and death.

My deepest condolences go out to the family of our security officials, Officer Johns, who was killed while defending the visitors and staff of the museum. His bravery and actions in the line of duty are to be commended and will long be remembered.

This disturbing attack on Washington's Holocaust Memorial Museum and the accompanying loss of life underscore the importance of teaching each new generation about the causes of the Holocaust and how we must work together to prevent the spread of intolerance and hatred based on religion, ethnicity, race, color, anything you choose. This shocking and horrific hate crime should be condemned by all Americans. We must speak with one voice that this is unacceptable and will not be tolerated in the United States of America.

This resolution is a worthy first step in this effort. I urge unanimous vote in favor of this resolution by my colleagues.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio, MARY JO KILROY.

Ms. KILROY. Mr. Speaker, to the grieving family of Stephen Tyrone Johns, I offer my deepest sympathy. You are in our thoughts and prayers.

And to the men and women in blue, especially those serving here on Capitol Hill, I offer my condolences at the loss of your brother officer and recognize the courage and devotion to duty he displayed at the cost of his life. I know that our Nation's police forces stand ready each and every day to serve and to protect.

This particular outrage is all the more heinous because of the place of the crime, our National Holocaust Memorial Museum, and because its perpetrator had a repeated history of public expressions of racism and anti-Semitism.

It is long past time for us to come together as a Nation and put an end to racism, to put an end to anti-Semitism, to put an end to homophobia, and to eliminate hate crimes; to come together and say that hatred and intolerance should not be allowed, that we should be able to end this as a community and come together in a Nation that respects each other for the true gift of the individual that each of us is.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank the gentleman for yielding time.

Mr. Speaker, yesterday a terrible tragedy happened right here in Washington, D.C. It's sad when we see that there are people in this country that have so much hate in their hearts, and it's sad that this person went out to try to kill as many people as possible and being at the Holocaust museum.

Stephen Johns was there to protect the people in the museum, and he lost his life. He lost his life being a hero, by trying to save as many people there as possible.

Mr. Speaker, each and every day, there are killings; there is hatred that leads to these kinds of killings. It's got to stop. We can stop it here in Congress if the American people would actually put their voices a little bit higher and tell their Representatives the violence needs to stop. Violence on every level is totally wrong. Violence to innocent people is totally wrong. We need to do a better job in stopping the hate in this country.

I rise today in support of H. Res. 529, the resolution condemning the violent attack yesterday at the United States Holocaust Memorial Museum.

My heart goes out to the victim's family. This innocent man was going about his workday and his life was taken in a despicable act of violence.

But Steven Johns' selflessness and heroism saved the lives of others who could have been caught up in the violence.

The U.S. Holocaust Memorial Museum serves as a powerful rebuke of the violence and hatred that resulted in the loss of millions of lives during World War II.

Yesterday's events then serve as a painful reminder of the importance of combating violence in any form.

The U.S. Holocaust Memorial Museum has educated millions of Americans about the horrors and hate crimes of the Holocaust.

Sadly, yesterday, the Holocaust Museum became known for another tragic hate crime.

Hate crimes and hate groups are on the rise in our Nation.

Hate groups have terrorized too many Americans.

This horrible act also serves as another example of the need to end gun violence in the United States.

We need to make sure that we do everything we can to prevent similar tragedies in the future.

The suspect in this terrible crime was a convicted felon and should never have been able to get his hands on a gun.

Too many of the wrong people have access to guns.

We are seeing more and more of these senseless crimes take place.

The rate of gun violence in this country is totally unacceptable.

There is something that we can do.

We can pass sensible gun laws in this Nation that will save lives.

We need to keep guns out of the hands of the people that can do the most harm with them such as convicted felons and the mentally ill.

We also need to close the gun show loophole, which allows people to buy guns without any background check at all.

And Congress should pass my bill, the No Fly No Buy Act, which prohibits people who are on the TSA's "No Fly List" as known or suspected terrorists from purchasing guns.

We can never prevent every gun death in this country, but we do have tools that can limit gun violence and would be effective now. I urge my colleagues to work together with me to make sure that we do everything we can to limit gun violence in this country.

Please support this resolution so that we can send a strong message that hate and violence will not be tolerated by this Congress.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, it's nearly a decade ago that in my district a hate-monger came with a gun and pointed it at young men and women, people, families who were leaving their synagogue at the beginning of the Sabbath. And when he wasn't able to kill anybody there, he drove down the street and saw an African American standing in front of his house with his children in Skokie, Illinois, and shot and killed Ricky Birdsong, a community leader and a beloved member of that community.

We've made some progress in extinguishing anti-Semitism and hatred. We have certainly worked toward it. And yet yesterday at the Holocaust museum, a place dedicated to remembering the lives of senselessly killed millions of people, another shooter was there.

But standing in his way was Officer Johns, Officer Stephen Tyrone Johns, who died in defense of tolerance in our country, against intolerance in our country, and saved probably the lives of many, many people in doing so because that shooter was going on to kill others.

We owe him and his family a debt of gratitude and send condolences to those who loved him.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the distinguished Speaker of the House, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding, and I thank all of those who are involved, Mr. KLEIN of Florida and members of the House Anti-Semitism Caucus and others, certainly the chairman of the committee, Mr. RAHALL, and others for giving us an opportunity to speak on the floor to express our grief and our outrage over what happened yesterday.

When the news came to the Capitol of what had happened at the U.S. Holocaust Memorial Museum, we were shaken, shaken to the core that this could possibly happen.

The resolution today allows us to express some of the grief that we have and the strongest denunciation of the despicable hate crime perpetrated yesterday and to express our strong support for the work of the U.S. Holocaust Memorial Museum.

Some of us were there that rainy, rainy day when the Holocaust Memo-

rial Museum was dedicated. Elie Wiesel spoke to us so profoundly about what it meant, not only in terms of memory and never forgetting what happened in the Holocaust, but what our responsibility is to the future. At the time the Bosnian crisis was happening. So while the Holocaust Memorial Museum is about something that happened in the past, it is a memorial and a reminder to us about ridding our societies of these kinds of attitudes.

So how ironic, how ironic that this person, this individual, would go into that museum with hate in his heart, a gun in his hand, and kill this beautiful man, Stephen Johns, who really gave his life. He guarded others with his life. And I would like to take a moment to pay special tribute to Stephen Johns, whose life was cruelly taken yesterday.

Stephen was known to his colleagues as "a soft-spoken, gentle giant." Stephen loved his hometown football team, the Redskins, and he loved to travel across the United States. Sad to say—well, it was a happy moment for him—but sad that it was such a short time ago he had married and moved to Temple Hills, Maryland, just 10 minutes away from his mother.

Stephen died in the line of duty, doing his job to protect those who came to the United States Holocaust Memorial Museum. We honor him today. We honor his sacrifice and his service.

In the U.S. Holocaust Memorial Museum, anyone who has visited there knows there is a flame that burns in remembrance to all who died in the Holocaust. It lights the room over a coffin of Earth gathered from the death camps, concentration camps, sites of mass execution and ghettos in Nazi-occupied Europe and from cemeteries of American and European soldiers who fought and died to defeat Nazi Germany.

Engraved above the flame, it says, from Deuteronomy 4:9: "Only guard yourself and guard your soul carefully, lest you forget the things your eyes saw, and lest these things depart your heart all the days of your life, and you shall make them known to your children, and your children's children."

Today we commit to telling our future generations the truth shared at the Holocaust museum. This heinous act was committed at the entrance to sacred ground to us, the Holocaust museum, as I described, where some of the Earth was gathered from. This is a severe blow to all of us who care about these issues, and I would include that to be everyone in the Congress of the United States and in our great country and those throughout the world who promise never to forget.

□ 1615

So we commit never to forget, and we commit to continue our work to build a world free of hatred.

Again, I thank our colleagues for giving us a time to publicly mourn this horrible, horrible event; to extend our condolences to the family of that brave guard and also to acknowledge, like Stephen Johns, our own Capitol Police and many others who make this area safer for people to visit from all over the world, who make it safer for us to do our jobs here, who make it safer for the press to cover us, who make it safer for our staffs to work, we express our deep gratitude to them. For us, the words Gibson and Chestnut are forever ablaze in our hearts—two of those committed to guard the Capitol whose lives were taken over 10 years ago. We will add to that list Stephen Johns and never forget the sacrifice he made and never forget our responsibility again to end the world of hatred.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to a valued member of our Committee on Natural Resources, the gentleman from American Samoa, Mr. ENI FALEOMAVAEGA.

Mr. FALEOMAVAEGA. I want to thank Chairman RAHALL and our ranking member, DOC HASTINGS, and the members of the committee for bringing this important resolution to the floor. I also want to commend both gentlemen, Congressman KLEIN and Congressman PENCE, as co-Chairs of our Caucus on anti-Semitism. Of course, the memory of Tom Lantos evokes all of the understanding that we have and appreciation for this important issue.

Mr. Speaker, I want to personally express my deepest condolences and sympathies to the family and friends of Officer Johns, who was killed unexpectedly yesterday as a result of a shooting by a man who harbored so much hatred against members of our Jewish community.

Officer Johns, for some 6 years, served faithfully as a security officer there at the museum. He was doing his job. He made the ultimate sacrifice, and we are here to honor him and his life. He gave his life in order to save the lives of others.

Mr. Speaker, I hope that every person who visits our Nation's Capital makes it a point—a must—to visit the Holocaust Memorial Museum. This revered museum is a symbol of our Nation to the world that racism, bigotry, ignorance, and hatred have no place in our country. This museum reminds the world of the suffering of some 6 million Jews, and we should never forget that, if it happened to them, it could also happen to us.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois, Mr. JESSE JACKSON.

Mr. JACKSON of Illinois. Last night, Mr. Speaker, I tried to explain this horrific event to my daughter when she asked me why. I tried to tell her that African Americans fought for our country in World War II, and a Holocaust survivor once said and told the story of

how survivors of the Holocaust knew they had been freed when African Americans showed up, knowing full well, because of their race, that they could not be Nazis even if some African Americans had to fight under a different flag.

African Americans and Jewish Americans banded together in many of our Nation's great campaigns for social justice. Martin Luther King, Jr., used to often quote Rabbi Abraham Heschel. Schwerner, Goodman, and Chaney—two Jews and a black killed for registering people to vote in Mississippi.

Stephen Tyrone Johns lost his life defending visitors at a Holocaust Museum in the hands of a white supremacist. As I believe President Lincoln would paraphrase: Their sacrifice as martyrs is far above our own ability to add or detract.

I would hope in this moment that we would recognize that the ties of human decency and dignity that bind us and the blood that unites us are stronger than the hatred and the demagoguery and the acts of violence that divide us. It is my sincere hope, Mr. Speaker, that we might find some shining moment in recognizing that we have more in common in working together than we do in fighting and in being apart.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from California, Ms. JANE HARMAN.

Ms. HARMAN. I thank the gentleman for yielding.

Mr. Speaker, less than a mile from this Chamber, a hate crime occurred yesterday. It occurred in a place of remembrance—a sanctuary. That sanctuary, the Holocaust Museum, has meaning for everyone here. It has special meaning for me because my father was a refugee from that Holocaust, and most of his family was killed in it. One exhibit in the Holocaust Museum is a wall of shoes taken from innocent men, women and children before they were gassed to death. Who were they? What lives would they have led? Would their children have ended up serving here as I have?

In the memory of Officer Johns and 6 million innocent Jews, it is time, past time, to end hate.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee, Mr. STEVE COHEN.

Mr. COHEN. Mr. Speaker, Mr. JACKSON expressed much of what I've thought about as to the events of yesterday.

People who hate—and this assailant hated Jews and blacks in particular—hate all people and minorities.

With that in mind, I think it's important that people reflect and do something positive with their children and with themselves in the future as an antidote to the type of hate that we saw. That is to bring your children to the Holocaust Museum. Let them learn about the horrors of the Nazis and of

the camps. Come to Memphis to the Civil Rights Museum and learn about civil rights. Go to Atlanta where Dr. King is buried, and learn about Dr. King and nonviolence. Take steps to learn about ways to make the world better.

It's unfortunate what happened yesterday. It's so awful at that site, but it is awful that it happened anywhere and that Mr. Johns did lose his life. We must appreciate all the guards who protect American order and liberty.

The SPEAKER pro tempore (Mr. SERRANO). The Chair will note that the gentleman from West Virginia has 7 minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Michigan, Mr. GARY PETERS.

Mr. PETERS. Mr. Speaker, my district is the home of the first free-standing Holocaust Museum in the United States of America. For 25 years, it has stood as a reminder of the horrific consequences of extremism and hate.

Just a few months ago, the founder of that museum, Rabbi Charles Rosenzweig, passed away. Although he is gone, his life's work will educate future generations about the horrors of the Holocaust so that such senseless violence should never again be repeated. Last month, this body passed a resolution honoring his life and memory.

So it is with an especially heavy heart today that I come to the floor to urge the passage of Resolution 529, a resolution condemning the violent attack on the United States Holocaust Memorial Museum on June 10.

The Holocaust Museum exists as a place to reflect and to mourn murderous prejudice and hatred. Yet, yesterday, a senseless attack, motivated by the same prejudice and hatred, resulted in the tragic death of a security guard, Stephen T. Johns. It is a sad reminder that we must all remain vigilant in continuing the work of Rabbi Rosenzweig—to purge discrimination and hatred from this world.

I thank Congressman KLEIN for sponsoring this important resolution.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, I rise today to add my voice to all of those who have denounced the hatred and violence in condemning yesterday's tragic attack at the U.S. Holocaust Museum and to extend my thoughts and prayers to the family and friends of Officer Stephen Johns.

Racism, anti-Semitism and other forms of hatred are not new. Sadly, they continue to impact too many people here and around the world. As a child of a Holocaust survivor, I know all too well the destruction and suffering that hate can bring. This same kind of intolerance that my mother faced in Austria in the 1930s still feeds

the actions of foreign terrorists and domestic hate groups.

The United States Holocaust Memorial Museum is more than a museum—it feels like a sacred space. It is a place that enables us to acknowledge and remember the horror that was the Holocaust—and it is a place for reflection on the horrific consequences that hate can bring and a reminder that we must remain ever-vigilant against hate's many manifestations. Yesterday's despicable act reinforces the need for the important work done by the Holocaust Museum.

We all have a role to play in combating bigotry and intolerance wherever it may be, and it is a sad reminder of the work we still have to do that yesterday's tragic crime occurred so soon after President Obama's historic trip and his strong rebuttal of those who deny the Holocaust.

So it is with a heavy heart that I join my colleagues in offering my sympathies to the family of Officer Johns, and that I commend the work—the wonderful work, the important work—of the U.S. Holocaust Memorial Museum, and that I pledge to do my part in never forgetting.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota, Mr. KEITH ELLISON.

Mr. ELLISON. Mr. Speaker, I rise today to do two things: one, to offer condolences and thanks to the family of Officer Johns for his brave sacrifice and, also, to point out that Officer Johns dedicated his life to protecting the staff and visitors of an institution dedicated to remembering both the depths of human depravity and the heights of courage and bravery, as we must understand that the Holocaust Museum was not simply a place to remember loss, awful loss, but also courage in standing up to great adversity.

May we all celebrate the life of Officer Johns and of the 6 million Jews who were murdered and memorialized in the Holocaust Museum by going to the Holocaust Museum, by supporting that museum and by showing defiantly that we will not be cowards and that we will not be deterred from standing up for what is right.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from California, Ms. DIANE WATSON.

Ms. WATSON. Mr. Speaker, lest we forget, we must constantly be vigilant that we have people in this country who still harbor hate. As we go looking around the world for those who would do mass carnage, we need to look right inside of ourselves and see what is happening among too many of our people.

Officer Johns was there. I understand he opened the door for the person who shot him, but he represented a minority, and the shooter went to a place where he could show his anger, his hate, his hostility. As long as these kinds of people allow this to grow within them, we are all at risk. As long as we let guns go unregistered and let

them out there and in the hands of these people, each and every one of us is at risk.

So it is now the time not only to give our condolences to the family of Officer Johns, but to take a step in the right direction for the right policy that will keep this in our minds every day of our lives.

Mr. Speaker, I rise today in support of House Resolution 529, condemning the violent attack on the United States Holocaust Memorial Museum on June 10, 2009, and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel.

I express my deepest sympathy to the family, friends, and colleagues of Officer Stephen Tyrone Johns who lost his life as he stood guard at the museum. Officer Johns was only 39 years old; and standing six feet, six inches tall, was known as a "gentle giant". He was lovingly called "Little Stephen" by his family and "Big John" by his colleagues. Officer Johns must always be remembered in our hearts and minds as a hero.

Mr. Speaker, hatred must not be tolerated, and acts of violence must be prosecuted to the fullest extent of the law.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from New York, Mr. ELIOT ENGEL.

Mr. ENGEL. I thank the gentleman, my friend from West Virginia, for yielding to me.

Mr. Speaker, I rise, of course, in support of this resolution. We are all shocked and saddened about what happened yesterday. The Holocaust Memorial Museum is a museum dedicated to victims of genocide, and to have any kind of hatred perpetrated in that museum is an absolute disgrace. My heart goes out to Officer Johns and to Officer Johns' family in that he was doing what so many wonderful people do—protect the public and protect us. His life should not have been taken.

Mr. Speaker, hatred is a terrible thing. The person who did the shooting reportedly has a long history of hating Jews, of hating African Americans, of hating Catholics—of just about hating everybody. We need to do something about that. We need to teach our children that hatred isn't a part of mainstream anything and that people need to respect our fellow human beings.

I also want to say something about guns, because we really need to deal with the problem of guns in this country. I would like to know why the assassin who served in prison for 6 years as a felon and who was a known hatemonger was able to get ahold of a gun. This is a problem, and we need to deal with it.

So I thank my friend, and I rise in support of this resolution.

Mr. RAHALL. Mr. Speaker, I would advise Mr. HASTINGS that I am prepared to close with one final speaker if he wishes to use the balance of his time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Speaker, this is a good resolution, and it is responsive to what happened yesterday at a place where something like this should never happen. So I urge my colleagues to vote "yes" for the resolution.

I yield back the balance of my time. Mr. RAHALL. Mr. Speaker, I yield the remainder of my time to the sponsor of this resolution and commend him for the quickness with which he has brought this to the floor, the gentleman from Florida (Mr. KLEIN).

The SPEAKER pro tempore. The gentleman from Florida is recognized for 2 minutes.

□ 1630

Mr. KLEIN of Florida. I thank the gentleman from Washington and the gentleman from West Virginia for giving us the opportunity, as well as the Speaker, for allowing us to very promptly bring this to the attention of the House.

I thank the Members, the Democrat and Republican Members, who have all been here today, as well as the entire Chamber for reacting and acknowledging this horrific act. Again, we just acknowledge and extend our condolences to the family.

We rededicate ourselves to the necessity of teaching, of educating our public in the United States and around the world about what happens when racism and intolerance are allowed to fester from generation to generation, and we know that we will commit ourselves to continue that education process to the lessons of the Holocaust and the lessons of, unfortunately, what happened yesterday to make sure that it doesn't happen again.

Mr. LEVIN. Mr. Speaker, I stand with so many of my colleagues today in condemnation of yesterday's appalling attack at the U.S. Holocaust Memorial Museum and the tragic death of Officer Stephen Tyrone Johns, who was killed in the line of duty.

Bigotry, racism and intolerance must be condemned wherever they occur, but especially at a memorial to the Holocaust that challenges visitors to confront hatred and promote human dignity. The Holocaust Museum is a hollowed symbol of the cost of this type of hatred to all of humanity. The Museum teaches millions of people about the dangers of unchecked hatred. We do not need further examples of hate and prejudice within its walls—or anywhere else.

The events of yesterday serve as a reminder that the Museum, and all of us, have more work to do to confront hatred and intolerance in our society.

I urge all my colleagues to join me in voting for the resolution and also in expressing condolences to the family of Officer Johns.

Mr. MORAN of Kansas. Mr. Speaker, I am deeply saddened by the news of yesterday's shooting at the Holocaust Memorial Museum and express my condolences to the victim's family.

It is unfortunate that, even in today's world, there are still individuals who choose to deny

the tragic events of the Holocaust. In the face of those who adhere to hatred, we must continue to stress the importance of knowledge over ignorance, with the hope that we can prevent future tragedies such as this.

And that is just what the Holocaust Museum strives to do. Each year, some 2 million people from around the world visit the museum where they are confronted with a record of the horrors of the Holocaust so that no one can deny its existence. The museum not only reminds us of the atrocities of the Holocaust, but it shows us what happens when hatred, intolerance, and ignorance are allowed to direct the actions of men. The museum calls each one of us to recognize the humanity in all people, regardless of our differences. Its role in educating visitors about the responsibilities each individual has and its efforts to promote tolerance, understanding, and acceptance continue to be needed.

I wish to express my condolences to the family, friends and coworkers of Stephen T. Johns. The outstanding courage demonstrated by Mr. Johns and all those who serve to protect citizens should not be taken for granted. My thoughts and prayers are with them.

Mr. MEEK of Florida. Mr. Speaker, it is with great sadness that I rise to pay tribute to Mr. Stephen T. Johns, an innocent man who lost his life while securing the countless people who stream into one of the national treasures in our capital city, the United States Holocaust Memorial Museum.

In the building that was erected to preserve the memory of the martyrs and heroes of the Holocaust, the ugly face of bigotry cast a dark shadow over the U.S. Holocaust Memorial Museum on June 10, 2009. The Museum is a place of stillness and personal reflection, and that calm was broken by a gunman who shattered that silence. People from around the country and the world come to that location to learn what the powerful phrase 'Never Again' really means. Visitors take that message to their home communities to serve as spokespeople against bigotry, racism and hatred. That message needs to resonate throughout this country even more so today.

Though this senseless and hateful act of violence is deplorable and has tainted the Museum's stance as a poignant reminder of the millions of innocent people who lost their lives in the Holocaust, it is my hope that the hate that continues to exist in our country will soon cease.

The heroic security officers who put themselves in harm's way to protect the lives of Museum staff and patrons should be commended. Their courageous actions within a building that is synonymous with remembrance and a monument to those millions who died victimized by irrational hatred, saved more lives from being lost to that very same hatred.

Mr. Speaker, I ask you and all the members of this esteemed legislative body to join me in extending heartfelt condolences to the family of Mr. Stephen T. Johns. His life, service and ultimate sacrifice will not be forgotten. Our nation must remain vigilant in our effort to defend against bigotry and heinous attacks such as this. I appreciate this opportunity to pay tribute before the United States House of Representatives.

Ms. MARKEY of Colorado. Mr. Speaker, Holocaust survivor Elie Wiesel once said, "I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented." I rise today to do my part to prevent that silence. I rise today to condemn the horrific attack on the United States Holocaust Memorial Museum and to extend my deepest thanks and sympathy to the family of Officer Stephen Johns and to all those at the Holocaust Museum. These men and women spend their days educating visitors from across the world about the tragic events of the Holocaust. The museum and its staff keep alive the memories of those lost and act as a reminder to our society's conscience of the devastating acts that humans are capable of. The events that occurred at the museum yesterday should only strengthen our resolve to combat anti-Semitism and the prejudices that still pervade our society. We must carry the memory of both the Holocaust and yesterday's events with us as we seek to form a more tolerant world. It is only in creating positive from the abhorrent that we can properly honor the lives of those who were lost.

Mr. POSEY. Mr. Speaker, I join my colleagues in condemning yesterday's shooting at the National Holocaust Museum which claimed the life of museum security guard Stephen Tyrone Johns. My thoughts and prayers are with Mr. Johns' family and friends during this difficult time.

Mr. Johns' bravery and self-sacrifice saved lives—many innocent lives. His actions prevented this unthinkable attack from further harming the many families, including many young children, who were visiting the museum yesterday.

Mr. Johns' successfully defended our Nation's most prominent monument built to religious and ethnic tolerance from the worst kind of hate and delusion. Anti-Semitism and harming innocent civilians have no place in a civilized society. He will be remembered always as an American hero and his family should be proud of his sacrifice for others.

Mr. HOYER. Mr. Speaker, I pause today to honor the memory of Stephen Tyrone Johns of Temple Hills, Maryland, who died yesterday defending the United States Holocaust Memorial Museum against an anti-Semitic gunman.

Although the gunman appears to have been a hardened denier of the Holocaust, his crime only brings home the high value of that museum of remembrance, which preserves the historical memory of a people whose communities and institutions have so often been the target of terroristic violence.

That memory is preserved, in ways large and small, by the dedication of people like Officer Johns.

In the wake of yesterday's killing, Mark Blumenthal, an on-line editor, shared the story of his wife's visit to the Holocaust Museum:

"She arrived at the end of a busy workday, in a rush, just a few minutes before closing time. Unfortunately, given the late hour, they had run out of the candles usually provided in the Hall of Remembrance for visitors to light and leave in the niches of the outer walls.

Already feeling emotional . . . she broke down sobbing. A staffer nearby immediately

came to her assistance, asking if she needed help. She explained, and the gentleman asked her to wait. He soon returned with a candle, explaining with a conspiratorial wink that he kept his own special supply for such emergencies."

In gestures as simple and kind as that, and acts as courageous as officer Johns's, we can find ways to carry on the duty of memory.

Yesterday's crime may have been intended to scare us away from the Holocaust Museum; may it fail.

May visitors return in force to bear witness to yesterday's loss and to the historical facts whose denial remains, in the words of President Obama, "baseless . . . ignorant, and . . . hateful."

Mr. WAXMAN. Mr. Speaker, the U.S. Holocaust Memorial Museum was created as a sanctuary for tolerance and understanding. It was established by Congress to memorialize the millions of Jews and others who perished during the Holocaust and to educate people about the hatred and intolerance that led to their murders. Yesterday, it was tragically the victim of those same evil impulses.

Today we mourn the death of Officer Stephen Tyrone Johns who was killed in the line of duty and extend our condolences to his family. He will be remembered not only as a protector of the staff and visitors who crossed his path, but also as a defender of the noble ideals the museum stands for.

What transpired yesterday is a horrific reminder of the violence that can stem from racism, anti-Semitism, and Holocaust denial. It was a hate crime in the truest sense—an attack fomented by hatred of Jews, African Americans, and all who seek to embrace diversity, tolerance and understanding.

The gunman who perpetrated this attack had a life-long obsession with his hateful views. We can and must do more to prevent future generations from falling victim to a life consumed by hate.

The most powerful response we can take is to reinforce the Museum's mission to educate and inspire people to fight prejudice in all its forms. With President Obama's recent visit to Buchenwald and the Pope's recent trip to Yad Vashem, we must emphasize the value of Holocaust education as a potent antidote to the vicious venom spread from Internet chat rooms and beyond.

Congress has been a partner of the U.S. Holocaust Museum from the very beginning. We will be forever committed to its safety and its success.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise today with great sadness to address the horrible attack which took place yesterday afternoon at the United States Holocaust Memorial Museum here in Washington. My thoughts and prayers are with the family of Officer Stephen Tyrone Johns, who was killed yesterday in the line of duty while heroically performing the job to which he had dedicated himself—protecting innocent people. The Museum is appropriately closed today in his honor, with flags flown at half mast in memory of this brave and selfless man.

We sometimes have a tendency to slip into a false sense of security and denial when we hear about violence and internecine strife around the world. "That won't happen here",

we assure ourselves, "We have moved beyond that." But every so often we are painfully reminded that even in this country of freedom and opportunity there are those who would seek to do harm to their neighbors, deny the Holocaust and spew hateful and racist speech designed to divide us.

Of course, our Jewish friends, family, and neighbors were stunned by yesterday's shooting, as it took place in the very hallowed space that our country has dedicated in memoriam to one of the greatest crimes in history, the Holocaust. It is especially saddening that this sacred place, a monument devoted to peace and the prevention of bigotry and crimes against humanity, was defiled in such a tragic manner.

For many Jewish Americans, yesterday's attacks surely summoned up thoughts about other crimes against Jews throughout history, both here in the United States and elsewhere. Of course, we can never forget that Israel itself has faced intense and continuing security threats since its inception over 60 years ago. American Jews are an integral part of the fabric of American society, and irrational actions such as yesterday's attack should serve as an opportunity to bring the American family closer together.

The man who opened fire yesterday at the Holocaust Museum reportedly has been a longtime adherent to a twisted white supremacist ideology. The perverse logic that says the human race is divided and segmented between superior and inferior genetic groups not only runs contrary to our founding concept—"all men are created equal"—it is in fact a cancer upon our society. Ideologies that would place one group of us above others are an affront to the core values that our society was created to defend.

At this moment in our history, when we are confronted by incredible difficulties, we are also filled with hope. We recently witnessed the election to our highest office a man whom at the time of our nation's founding would not even have been permitted to cast a vote. We have seen increasing numbers of women and minorities serving at the highest levels of our government. These developments give us hope, even in the dark moments such as yesterday's murderous attack.

I also would like to note that students from my home state of Massachusetts were in the Holocaust Museum yesterday when the gunman opened fire. I commend the Museum staff and the school chaperones for quickly shepherding the students to safety, ensuring that none was injured in the attack. The fact that millions of schoolchildren visit the Museum and learn the truth about the Holocaust is a rebuke to those, like the deranged killer, who seek to deny that the Holocaust occurred.

As Reverend Martin Luther King taught us, "the arc of the moral universe is long but it bends toward justice." We will continue to work to move our nation inexorably in the direction of justice and equality, because those are the values which tie us together. Yesterday, an immoral and evil act took the life of a brave officer. As we express our sadness and respect for Officer Johns, we also remain undeterred in our efforts to achieve and put into practice our nation's highest ideals—that all men and women are created equal, with inalienable rights that no person can abridge.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today to express my heartfelt condolences to the family of Officer Stephen Tyrone Johns, who fell victim to yesterday's fatal shooting at the United States Holocaust Memorial Museum in Washington, D.C. This tragic outburst of violence and hatred turned the Holocaust Memorial Museum, a "Monument of Sorrow" (reported in the Washington Post), into monumental sorrow as we mourn the senseless loss of a brave man who died because of the color of his skin. I sit on the Advisory Board of the Houston Holocaust Museum, and I understand that such a museum should be a dwelling of honor and respect, not a house of violence and hatred. It should be a place that mourns those who died in the horrific Holocaust, as well as a place that seeks to promote peace. This violent act can not be tolerated.

I would like to express my outrage at this racially-motivated killing, and my concern for Officer Johns' family, who is left to comprehend a void that will never again be filled. I would also like to express my concern to the patrons of the Holocaust Memorial Museum in our Nation's Capital, who were subject to baseless and tragic violence yesterday. Despite the strides the United States has made in the arena of Civil Rights, and the progress we continue to make with respect to tolerance, yesterday's hate crime indicates we have not come far enough. We always seek to protect speech, that is part of our American values, but we can not ignore and protect the violence that comes because Americans believe in the right of free speech.

Let this tragic loss be an alarm for the United States that we must do more to promote respect and understanding among the people of our diverse nation, rather than allow ignorance to manifest within our country. Let Officer Stephen Tyrone Johns' legacy be marked as a renewed commitment to fighting racism and bigotry. Let this time be one of new hope between the African-American, Jewish communities, and all communities, that together we shall weave a fabric of tolerance and peace, and that together we shall overcome hatred today. I urge passage of this important Resolution.

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, as Ranking Member of the Africa Subcommittee, I joined several colleagues at an important Foreign Affairs Committee meeting with Prime Minister Morgan Tsvangirai of Zimbabwe.

It was an extraordinary opportunity to discuss Zimbabwe's progress towards democracy and away from dictatorship, hyperinflation, and multiple health crises, including cholera—and obtain a fuller understanding of what additional steps the U.S. can take to help.

That meeting, however, occurred at precisely the same time the House considered H. Res. 529, a resolution condemning the June 10th violent attack on the Holocaust Memorial Museum—a despicable anti-Semitic act that killed Officer Stephen Tyrone Johns. As so eloquently articulated by many colleagues yesterday, I—we—salute officer Johns for his bravery and courage and extend our deepest condolences to his family.

I rise today to not only express my support for H. Res 529 but also to thank my friend and

colleague Mr. Klein for introducing it and for including me as a co-sponsor.

Mr. Speaker, the Holocaust Memorial Museum is a noble and vitally necessary attempt to remember and honor the victims of the Holocaust. The memorial itself is a witness to truth and promotion of human dignity and tolerance.

Wednesday's attack on that museum by a crazed, hate-filled gunman is yet another chilling reminder that our society still harbors a dangerous collection of bigots and racists who hate Jews.

Unparalleled since the dark days of the Second World War, Jewish communities around the world are facing violent attacks against synagogues, Jewish cultural sites, cemeteries and individuals. Anti-Semitism is an ugly reality that won't go away by ignoring or wishing it away. It must be combated with resolve and tenacity.

The sad deeply troubling reality is that James von Brunn cannot be dismissed as an aberration, but is connected to a whole hate-promoting movement that results in violence against Jews in America and around the world on practically a daily basis.

The Anti-Defamation League recently issued its annual Audit of Anti-Semitic Incidents. While the ADL is to be congratulated for its careful research on an unpleasant but absolutely necessary subject, the ugly facts that the report documents make for painful reading.

In 2008, the ADL noted 1,352 reported incidents of vandalism, harassment, and physical assaults on Jewish people or Jewish-owned property nationwide.

Sadly and shamefully, my own state of New Jersey had more reported anti-Semitic incidents—238—than any other state.

But the attack on the Holocaust Memorial Museum, Mr. Speaker, is the most ominous aspect of this wave of evil. The Holocaust Memorial Museum is a unique institution. It is a memorial, a museum, a center of Holocaust scholarship, and a promoter of tolerance and preventer of genocide. It is a very powerful symbol of the solidarity of America with those murdered in the Holocaust, and with the Jewish people.

Mr. Speaker, at this critical moment we need government officials at all levels to denounce, without hesitation or delay, every anti-Semitic act wherever and whenever it occurs. No exceptions. At this moment, not to speak out enables the purveyors of hate. They never take a holiday or grow weary, nor should we.

Just as Mr. Brunn attacked the Holocaust Memorial Museum and murdered a courageous security officer tasked with its protection, Holocaust remembrance and tolerance education must dramatically expand, and we need to ensure that our respective laws punish those who hate and incite violence against Jews.

Finally, if we are to protect our children from the evil of anti-Semitism, we must reeducate ourselves and systematically educate our children. While that starts in our homes, the classroom must be the incubator of tolerance. It seems to me that only the most hardened racist can remain unmoved by Holocaust education and remembrance. Only the most crass, evil, and prejudiced among us can

study the horrors of the Holocaust and not cry out: Never again!

Mr. VAN HOLLEN. Mr. Speaker, it is with a heavy heart that I rise today in support of House Resolution 529, condemning the violent attack on the United States Holocaust Memorial Museum on June 10, 2009 and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel. I also rise to pay tribute to officer Stephen Johns.

A Maryland resident, Officer Johns was a devoted husband and father. He was a man who lived his life protecting other people, and worked every day to ensure the safety and security of the patrons of the National Holocaust Museum, a place devoted to the pursuit of peace and the end of intolerance. It was a responsibility Officer Johns took very seriously, and one he gave his life to uphold.

Moments like these are the most painful of reminders that when hate results in violence, it robs us of our family members, neighbors, and friends. It claims the best and bravest among us. Yesterday, in a place dedicated to ending such bigotry, a well-liked and thoughtful man was stolen from us.

Mr. Speaker, please join me in honoring the life of Stephen Johns and in renewing our vow to be united in our effort to extinguish the flames of bigotry and intolerance in this country and around the world once and for all.

Mr. AL GREEN of Texas. Mr. Speaker, I rise in strong support of H. Res. 529 and to express my outrage at the violent attack on the United States Holocaust Memorial Museum on June 10, 2009, along with my deepest sympathies to all of those who knew Stephen T. Johns, the brave and honorable security guard who tragically died in the attack.

Stephen T. Johns, 39, died tragically in the line of duty as he defended the Holocaust Memorial Museum from an attack by acknowledged white supremacist, racist and anti-Semite James von Brunn. He leaves behind his sister, his wife and his 11-year-old son.

It is tragic that, as this incident demonstrates all too vividly, racism and anti-Semitism are still alive in America. It is tragic whenever there is a revolting act of violence that takes the life of an innocent person. It is especially tragic that, in this situation, the forces of hate and violence were unleashed at this august institution that is dedicated to memorializing and preventing a recurrence of the Holocaust that appallingly took the lives of millions of innocent civilians.

Mr. Johns and all the rest of the security guards in the Holocaust Memorial Museum deserve our fullest commendation, as they acted heroically to prevent the museum's despicable attacker from enacting even more harm.

I condemn the shooting completely, fully and without reservation. This type of attack is totally unacceptable, as are the racist and anti-Semitic motivations underlying it. I thank my friend, Rep. KLEIN, for introducing this important resolution.

Ms. FOXX. Mr. Speaker, when a crazed and racist gunman takes the life of an innocent museum guard there are no words to fully convey both our shock and sorrow. But disgust with this act of violence and great sympathy for the loved ones of Stephen Johns are

nonetheless our nation's response to yesterday's senseless and ugly act of violence. While we cannot undo the despicable crime of a racist murderer, I want to express my deep condolences to the family and friends of Stephen Johns, the 39-year-old guard who gave his life in the line of duty at the U.S. Holocaust Memorial Museum this past Wednesday.

The shots of an anti-Semitic gunman have tragically ended the life of Mr. Johns, but no gunman can silence the truth of history enshrined in the Holocaust Memorial Museum here in Washington, D.C. When Stephen Johns lost his life to the bullet of an anti-Semite on Wednesday he was joining the hallowed ranks of those before him who stood in the way of hatred and violence against Jews.

This nation will never tolerate the violence and hatred of anti-Semitism and we will preserve the memory of people like Stephen Johns who refused to give an inch to the forces of hatred. We must never allow the sort of racist misinformation and twisted, violent lies that apparently led a gunman down a violent path to gain credence here in America. I pray that this criminal is swiftly brought to justice for this senseless act.

Mr. Johns' fellow museum guards who prevented this tragedy from turning into an even deadlier event also deserve great praise. Their skill, bravery and professionalism no doubt saved lives during yesterday's shooting. My hope is that thanks to their bravery and the dedicated work of the many employees and volunteers at the Holocaust Museum that many millions of Americans will continue to be exposed to the story of the Holocaust. One gunman cannot stop the educational mission of this museum to ensure that acts of genocide like the Holocaust do not happen again.

Mr. HOLT. Mr. Speaker, I rise today in strong support of House Resolution 529 and with deep regret that this measure is necessary. I am saddened deeply by the tragic events that took place yesterday at the United States Holocaust Museum. Especially upsetting was the loss of Mr. Stephen Tyrone Johns, who loyally served and protected those visiting the Holocaust Museum for six years. Mr. Johns was known as a warm, friendly individual who was well-respected by his colleagues. My sincerest condolences and my most heartfelt prayers are with his family and friends, whose lives have been devastated so unfairly.

While yesterday's violence appears to have been the act of single individual, similar actions rooted in hatred and intolerance are not unknown to our society or our local communities. I am distressed by a recent report from the Anti-Defamation League, which indicated that my own state of New Jersey experiences the highest number of anti-Semitic incidents in the country. The persistence of these unacceptable acts throughout our nation indicates that the sinister notions of anti-Semitism, racism, and intolerance continue to plague our society. The Holocaust Museum stands as a testament to the tragedy and suffering that can occur when hatred goes unchallenged and turns to violence. It is also a place to reflect upon tremendous bravery and heroism. Yesterday's events, and the sacrifices made by Mr. Johns and his loved ones, are a profound reminder that we cannot be complacent.

We must remain vigilant against prejudice and work together to promote peace and tolerance in our hometowns, across the nation, and around the world.

Finally, I would note that yesterday's events bring to mind the stirring call to action by President Obama at the Holocaust Days of Remembrance Ceremony in April, and I ask that they be printed in the RECORD in their entirety.

REMARKS BY THE PRESIDENT AT THE HOLOCAUST DAYS OF REMEMBRANCE CEREMONY, UNITED STATES CAPITOL, WASHINGTON, DC.

The PRESIDENT. Thank you. Please be seated. Thank you very much. To Sara Bloomfield, for the wonderful introduction and the outstanding work she's doing; to Fred Zeidman; Joel Geiderman; Mr. Wiesel—thank you for your wisdom and your witness; Speaker Nancy Pelosi; Senator Dick Durbin; members of Congress; our good friend the Ambassador of Israel; members of the United States Holocaust Memorial Council; and most importantly, the survivors and rescuers and their families who are here today. It is a great honor for me to be here, and I'm grateful that I have the opportunity to address you briefly.

We gather today to mourn the loss of so many lives, and celebrate those who saved them; honor those who survived, and contemplate the obligations of the living.

It is the grimmest of ironies that one of the most savage, barbaric acts of evil in history began in one of the most modernized societies of its time, where so many markers of human progress became tools of human depravity: science that can heal used to kill; education that can enlighten used to rationalize away basic moral impulses; the bureaucracy that sustains modern life used as the machinery of mass death—a ruthless, chillingly efficient system where many were responsible for the killing, but few got actual blood on their hands.

While the uniqueness of the Holocaust in scope and in method is truly astounding, the Holocaust was driven by many of the same forces that have fueled atrocities throughout history: the scapegoating that leads to hatred and blinds us to our common humanity; the justifications that replace conscience and allow cruelty to spread; the willingness of those who are neither perpetrators nor victims to accept the assigned role of bystander, believing the lie that, good people are ever powerless or alone, the fiction that we do not have a choice.

But while we are here today to bear witness to the human capacity to destroy, we are also here to pay tribute to the human impulse to save. In the moral accounting of the Holocaust, as we reckon with numbers like 6 million, as we recall the horror of numbers etched into arms, we also factor in numbers like these: 7,200—the number of Danish Jews ferried to safety, many of whom later returned home to find the neighbors who rescued them had also faithfully tended their homes and businesses and belongings while they were gone.

We remember the number five—the five righteous men and women who join us today from Poland. We are awed by your acts of courage and conscience. And your presence today compels each of us to ask ourselves whether we would have done what you did. We can only hope that the answer is yes.

We also remember the number 5,000—the number of Jews rescued by the villagers of Le Chambon, France—one life saved for each of its 5,000 residents. Not a single Jew who came there was turned away, or turned in.

But it was not until decades later that the villagers spoke of what they had done—and even then, only reluctantly. The author of a book on the rescue found that those he interviewed were baffled by his interest. "How could you call us 'good'?" they said. "We were doing what had to be done."

That is the question of the righteous—those who would do extraordinary good at extraordinary risk not for affirmation or acclaim or to advance their own interests, but because it is what must be done. They remind us that no one is born a savior or a murderer—these are choices we each have the power to make. They teach us that no one can make us into bystanders without our consent, and that we are never truly alone—that if we have the courage to heed that "still, small voice" within us, we can form a minyan for righteousness that can span a village, even a nation.

Their legacy is our inheritance. And the question is, how do we honor and preserve it? How do we ensure that "never again" isn't an empty slogan, or merely an aspiration, but also a call to action?

I believe we start by doing what we are doing today—by bearing witness, by fighting the silence that is evil's greatest co-conspirator.

In the face of horrors that defy comprehension, the impulse to silence is understandable. My own great uncle returned from his service in World War II in a state of shock, saying little, alone with painful memories that would not leave his head. He went up into the attic, according to the stories that I've heard, and wouldn't come down for six months. He was one of the liberators—someone who at a very tender age had seen the unimaginable. And so some of the liberators who are here today honor us with their presence—all of whom we honor for their extraordinary service. My great uncle was part of the 89th Infantry Division—the first Americans to reach a Nazi concentration camp. And they liberated Ohrdruf, part of Buchenwald, where tens of thousands had perished.

The story goes that when the Americans marched in, they discovered the starving survivors and the piles of dead bodies. And General Eisenhower made a decision. He ordered Germans from the nearby town to tour the camp, so they could see what had been done in their name. And he ordered American troops to tour the camp, so they could see the evil they were fighting against. Then he invited congressmen and journalists to bear witness. And he ordered that photographs and films be made. Some of us have seen those same images, whether in the Holocaust Museum or when I visited Yad Vashem, and they never leave you. Eisenhower said that he wanted "to be in a position to give firsthand evidence of these things, if ever, in the future, there develops a tendency to charge these allegations merely to propaganda."

Eisenhower understood the danger of silence. He understood that if no one knew what had happened, that would be yet another atrocity—and it would be the perpetrators' ultimate triumph.

What Eisenhower did to record these crimes for history is what we are doing here today. That's what Elie Wiesel and the survivors we honor here do by fighting to make their memories part of our collective memory. That's what the Holocaust Museum does every day on our National Mall, the place where we display for the world our triumphs and failures and the lessons we've learned from our history. It's the very opposite of silence.

But we must also remember that bearing witness is not the end of our obligation—it's just the beginning. We know that evil has yet to run its course on Earth. We've seen it in this century in the mass graves and the ashes of villages burned to the ground, and children used as soldiers and rape used as a weapon of war. To this day, there are those who insist the Holocaust never happened; who perpetrate every form of intolerance—racism and anti-Semitism, homophobia, xenophobia, sexism, and more—hatred that degrades its victim and diminishes us all.

Today, and every day, we have an opportunity, as well as an obligation, to confront these scourges—to fight the impulse to turn the channel when we see images that disturb us, or wrap ourselves in the false comfort that others' sufferings are not our own. Instead we have the opportunity to make a habit of empathy; to recognize ourselves in each other; to commit ourselves to resisting injustice and intolerance and indifference in whatever forms they may take—whether confronting those who tell lies about history, or doing everything we can to prevent and end atrocities like those that took place in Rwanda, those taking place in Darfur. That is my commitment as President. I hope that is yours, as well.

It will not be easy. At times, fulfilling these obligations require self-reflection. But in the final analysis, I believe history gives us cause for hope rather than despair—the hope of a chosen people who have overcome oppression since the days of Exodus; of the nation of Israel rising from the destruction of the Holocaust; of the strong and enduring bonds between our nations.

It is the hope, too, of those who not only survived, but chose to live, teaching us the meaning of courage and resilience and dignity. I'm thinking today of a study conducted after the war that found that Holocaust survivors living in America actually had a higher birthrate than American Jews. What a stunning act of faith—to bring a child in a world that has shown you so much cruelty; to believe that no matter what you have endured, or how much you have lost, in the end, you have a duty to life.

We find cause for hope as well in Protestant and Catholic children attending school together in Northern Ireland; in Hutus and Tutsis living side by side, forgiving neighbors who have done the unforgivable; in a movement to save Darfur that has thousands of high school and college chapters in 25 countries, and brought 70,000 people to the Washington Mall—people of every age and faith and background and race united in common cause with suffering brothers and sisters halfway around the world.

Those numbers can be our future—our fellow citizens of the world showing us how to make the journey from oppression to survival, from witness to resistance, and ultimately to reconciliation. That is what we mean when we say “never again.”

So today, during this season when we celebrate liberation, resurrection, and the possibility of redemption, may each of us renew our resolve to do what must be done. And may we strive each day, both individually and as a nation, to be among the righteous. Thank you, God bless you, and God bless the United States of America.

Mr. NADLER of New York. Mr. Speaker, I rise in support of House Resolution 529 and to condemn in the strongest possible terms the shooting yesterday at the United States Holocaust Memorial Museum in Washington.

Mr. Speaker, a just society has no place for acts of violence, and such acts deserve our

strong condemnation. It is a terrible tragedy any time innocent people are terrorized or murdered, and we must always speak out against such senseless conduct.

Yet the shooting at the Holocaust Memorial Museum was uniquely horrific, and deserving of special repudiation, for it threatened an entire group of people. It was the entire Jewish community which was the target of the deranged shooter, Mr. James Wenneker von Brunn. This hateful man has long held vicious anti-Semitic and white supremacist views, and tragically yesterday he acted on this demented outlook.

It is all the more disgusting that Mr. von Brunn carried out his evil act at the Holocaust Memorial Museum. It is there that we honor the millions of Jews and other victims of the Nazi Holocaust. It is there that we educate thousands of people each day about this genocide, with the goal that it never be forgotten and never happen again. Committing an act of anti-Semitic violence at such a hallowed place is gross beyond words.

Mr. Speaker, House Resolution 529 rightfully condemns the vicious shooting that took place yesterday at the Holocaust Memorial Museum. It also urges the American people to join us in condemning this horrific event, offers the condolences of the House of Representatives to the family of Officer Stephen Tyrone Johns, and reaffirms our commitment to further the mission of the United States Holocaust Memorial Museum. I urge all Members to support it.

Mr. Speaker, let me close by thanking Representative RON KLEIN for sponsoring this resolution and repeating my emphatic denunciation of the horrific shooting. I also want to take this opportunity to offer both my personal condolences to the family of Officer Johns and my appreciation for his heroic actions and those of the other museum employees.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 529.

The question was taken.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 334]

YEAS—413

Broun (GA)	Gohmert	Marchant
Brown (SC)	Gonzalez	Markey (CO)
Brown-Waite,	Goodlatte	Markey (MA)
Ginny	Gordon (TN)	Marshall
Buchanan	Granger	Massa
Burgess	Graves	Matheson
Burton (IN)	Grayson	Matsui
Butterfield	Green, Al	McCarthy (CA)
Buyer	Green, Gene	McCarthy (NY)
Calvert	Griffith	McCaul
Camp	Grijalva	McClintock
Campbell	Guthrie	McCollum
Cantor	Gutierrez	McCotter
Cao	Hall (NY)	McDermott
Capito	Hall (TX)	McGovern
Capps	Halvorson	McHenry
Capuano	Hare	McHugh
Cardoza	Harman	McIntyre
Carnahan	Harper	McKeon
Carney	Hastings (FL)	McMahon
Carson (IN)	Hastings (WA)	McMorris
Carter	Heinrich	Rodgers
Cassidy	Heller	McNerney
Castle	Hensarling	Meek (FL)
Castor (FL)	Hergert	Meeks (NY)
Chaffetz	Herseth Sandlin	Melancon
Chandler	Higgins	Mica
Clarke	Hill	Michaud
Clay	Hinchey	Miller (FL)
Cleaver	Hinojosa	Miller (MI)
Clyburn	Hodes	Miller (ND)
Coble	Hoekstra	Miller, Gary
Coffman (CO)	Holden	Miller, George
Cohen	Holt	Minnick
Cole	Honda	Mitchell
Conaway	Hoyer	Mollohan
Connolly (VA)	Hunter	Moore (KS)
Conyers	Inglis	Moore (WI)
Cooper	Inslee	Moran (KS)
Costa	Israel	Murphy (CT)
Costello	Issa	Murphy (NY)
Courtney	Jackson (IL)	Murphy, Patrick
Crenshaw	Jackson-Lee	Murphy, Tim
Crowley	(TX)	Murtha
Cuellar	Jenkins	Myrick
Culberson	Johnson (GA)	Nadler (NY)
Cummings	Johnson (IL)	Napolitano
Dahlkemper	Johnson, E. B.	Neal (MA)
Davis (AL)	Johnson, Sam	Neugebauer
Davis (CA)	Jones	Nye
Davis (IL)	Jordan (OH)	Oberstar
Davis (KY)	Kanjorski	Obey
Davis (TN)	Kaptur	Olson
Deal (GA)	Kildee	Olver
DeFazio	Kilpatrick (MI)	Ortiz
DeGette	Kilroy	Pallone
DeLauro	Kind	Pascarell
Dent	King (IA)	Pastor (AZ)
Diaz-Balart, L.	King (NY)	Paul
Diaz-Balart, M.	Kingston	Paulsen
Dicks	Kirk	Payne
Dingell	Kirkpatrick (AZ)	Pelosi
Doggett	Kissell	Pence
Donnelly (IN)	Klein (FL)	Perlmutter
Doyle	Kline (MN)	Perriello
Dreier	Kosmas	Peters
Driehaus	Kratovil	Peterson
Duncan	Kucinich	Petri
Edwards (MD)	Lamborn	Pingree (ME)
Edwards (TX)	Lance	Pitts
Ehlers	Langevin	Platts
Ellison	Larsen (WA)	Polis (CO)
Ellsworth	Larson (CT)	Pomeroy
Emerson	Latham	Posey
Engel	LaTourette	Price (GA)
Eshoo	Latta	Price (NC)
Etheridge	Lee (CA)	Putnam
Fallin	Lee (NY)	Quigley
Farr	Levin	Radanovich
Fattah	Lewis (CA)	Rahall
Filner	Lipinski	Rangel
Flake	LoBiondo	Rehberg
Fleming	Loeback	Reichert
Forbes	Lofgren, Zoe	Reyes
Fortenberry	Lowey	Rodriguez
Foster	Lucas	Roe (TN)
Fox	Luetkemeyer	Rogers (AL)
Frank (MA)	Lujan	Rogers (KY)
Franks (AZ)	Lummis	Rogers (MI)
Frelinghuysen	Lungren, Daniel	Rohrabacher
Fudge	E.	Rooney
Gallely	Lynch	Ros-Lehtinen
Garrett (NJ)	Mack	Roskam
Gerlach	Maffei	Ross
Giffords	Maloney	Rothman (NJ)
Gingrey (GA)	Manzullo	Roybal-Allard

Abercrombie	Bartlett	Bocchieri
Aderholt	Barton (TX)	Boehner
Adler (NJ)	Bean	Bonner
Akin	Becerra	Bono Mack
Alexander	Berkley	Boozman
Altmire	Berman	Boren
Andrews	Berry	Boswell
Arcuri	Biggert	Boucher
Austria	Bilbray	Boustany
Bachmann	Bilirakis	Boyd
Bachus	Bishop (GA)	Brady (PA)
Baird	Bishop (NY)	Brady (TX)
Baldwin	Bishop (UT)	Braley (IA)
Barrow	Blumenauer	Bright

Royce	Slaughter	Turner
Rush	Smith (NE)	Upton
Ryan (OH)	Smith (NJ)	Van Hollen
Ryan (WI)	Smith (TX)	Velázquez
Salazar	Smith (WA)	Visclosky
Sanchez, Loretta	Snyder	Walden
Sarbanes	Souder	Walz
Scalise	Space	Wamp
Schakowsky	Speier	Wasserman
Schauer	Spratt	Schultz
Schiff	Stark	Waters
Schmidt	Stearns	Watson
Schock	Stupak	Watt
Schrader	Sutton	Waxman
Schwartz	Tanner	Weiner
Scott (GA)	Tauscher	Welch
Scott (VA)	Taylor	Westmoreland
Sensenbrenner	Teague	Wexler
Serrano	Terry	Whitfield
Sessions	Thompson (CA)	Wilson (OH)
Sestak	Thompson (MS)	Wilson (SC)
Shadegg	Thompson (PA)	Wittman
Shea-Porter	Thornberry	Wolf
Sherman	Tiahrt	Woolsey
Shimkus	Tiberi	Wu
Shuler	Tierney	Yarmuth
Shuster	Titus	Young (AK)
Simpson	Tonko	Young (FL)
Sires	Towns	
Skelton	Tsongas	

NOT VOTING—21

Ackerman	Himes	Poe (TX)
Baca	Hirono	Richardson
Barrett (SC)	Kagen	Ruppersberger
Blackburn	Kennedy	Sánchez, Linda
Blunt	Lewis (GA)	T.
Brown, Corrine	Linder	Sullivan
Childers	Moran (VA)	
Delahunt	Nunes	

□ 1655

Mr. HONDA and Ms. SPEIER changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACA. Madam Speaker, if I would have been here, I would have voted in support of Motion to go to Conference on H.R. 2346—Supplemental Appropriations Act, 2009, H.R. 1886—Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, H.R. 1687 and H. Res. 529.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1256, FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-145) on the resolution (H. Res. 532) providing for consideration of the Senate amendment to the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING THE MOORESTOWN HIGH SCHOOL GIRLS LACROSSE TEAM

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

Mr. ADLER of New Jersey. Mr. Speaker, on behalf of all Burlington County residents, I rise today to congratulate the Moorestown High School girls' lacrosse team for winning their 10th straight New Jersey State Championship.

As a father of four boys, I understand the importance of having sports and extracurricular activities in a young person's life. It encourages teamwork, a sense of pride and accomplishment, and responsibility. The Moorestown High School girls lacrosse team embodies all those attributes.

Led by senior captains Karli Tobin and Alyssa Ogle, Moorestown High School beat Mountain Lakes High School 11-8. Junior Katrina Martinelli led the team in scoring with four goals and two assists, while Alyssa Ogle scored three goals, including the game winner.

Head coach Deanna Knobloch has been with the team for 18 years. Winning 10 straight championships is no easy task, and I applaud her and her assistants, KC Knobloch, Julie Catrambone, and Courtney Legath. This championship marks the 210th win over New Jersey opponents over a full 10 seasons.

Moorestown moves within one State title of tying the longest State championship winning streak. Again, congratulations to Moorestown High School girls lacrosse team, especially those seniors. I look forward to seeing you break that record.

Go Quakers.

□ 1700

INTRODUCTION OF REPEAL THE STIMULUS ACT

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

Mr. TIAHRT. Mr. Speaker, earlier this year the Obama administration told us the stimulus bill was the salvation to our economic woes. They predicted, if passed, unemployment would top out at 7 percent and claimed jobs would be created or saved immediately. It was passed, but yesterday's promises are in stark contrast to what we see today—unemployment is at 9.4 percent, and just this morning CNN reported that America saw \$1.3 trillion of wealth vaporize in the first quarter of 2009.

Despite massive government spending, foreclosures continue, car dealerships are closing, layoffs continue, and the stock market and home values continue to decline. The government is borrowing money it does not have, in-

flating programs it does not need and making promises it cannot keep. Taxpayers don't understand why so much money is being wasted so quickly with nothing to show for it.

I understand. This week I offered a simple solution. Rescind unobligated money from the stimulus bill and save the taxpayers over \$250 billion. That's money we won't have to borrow from the Chinese. Unfortunately, the amendment failed on a party-line vote.

Today I am introducing the Repeal the Stimulus Act of 2009, and I urge my colleagues to join with me to repeal the stimulus bill and the spending schemes of the current administration and cut back on the amount of money we have to borrow from China.

SUPPORTING LEGISLATION TO HELP AUTOMOBILE DEALERSHIPS STAY IN BUSINESS

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

Mr. PAULSEN. Mr. Speaker, the bankruptcy filings of both GM and Chrysler are threatening local auto dealers as both companies are able to bypass State franchise laws that are designed to protect small dealerships. Shutting the doors on these small businesses will mean more job losses at a time when we can ill afford them. It's incredible to many of us here in Congress that these decisions can be justified if it isn't saving a single job and is, in fact, eliminating jobs.

That's why I'm cosponsoring legislation that was introduced this week that would protect these jobs by restoring the franchise agreement between the auto dealerships and GM and Chrysler. Mr. Speaker, this would ensure that the dealers themselves, not the government or the big automakers that are controlled by the government, are able to decide the future of their operations. Let's pass this legislation and help local entrepreneurs keep the businesses they've worked so hard to build.

SPECIAL ORDERS

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

SUPPORTING A SOLAR CARVE-OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Ms. GIFFORDS) is recognized for 5 minutes.

Ms. GIFFORDS. Mr. Speaker, our Nation today is facing many great challenges, but there are three in particular that specifically I think are of

great concern to the American people: Achieving energy independence, addressing climate change and stimulating our economy. These are all significant challenges, but they also present great opportunities. As we confront these issues, we have the chance to make our world stronger, safer and more prosperous.

One of the best ways to do this is by deploying renewable energy. Renewable energy sources, especially solar, our Nation's most abundant renewable energy source, offers a real solution to these challenges I just mentioned. Our solar resource is vast, it's domestic, and it's free. It is clean, and it generates electricity without greenhouse gas emissions. In addition, the solar power industry is growing and creating good-paying jobs. For all of these reasons, solar is important to America.

This is why I'm concerned about the way that solar power is treated in the energy and climate bill that recently emerged from the Energy and Commerce Committee. I commend Chairman WAXMAN and MARKEY and their committee colleagues for their persistence and skill in moving the legislation forward. However, I have to express my deep concern that this bill does not do nearly enough to promote solar power, one of the best solutions for our Nation's energy and climate challenges. The current Waxman-Markey legislation would establish a Federal renewable electricity standard, or RES, of 20 percent by 2020, and that's a good goal. The State of Arizona is 15 percent by 2025. However, the bill fails to establish a carve-out for any specific type of renewable like solar; and in my view, this constitutes an enormous missed opportunity. The primary reason to establish a RES is to create an assured level of demand for renewable electricity. This assured demand allows renewable technologies to increase production, learn by doing and bring their prices down. This allows them to become cost competitive with traditional energy sources. However, without carve-outs for different resources, the RES will fall short of its own potential. Instead of creating demand for all renewables, it's going to give preference to those that cost the least, and currently that is wind and biomass. Without assured demand, solar will miss out on an opportunity that the RES was designed to create. It will not grow as fast as it otherwise could, and it will not become as cost competitive as quickly as it needs to.

Now I have nothing against wind and biomass. But if we develop these resources at the expense of a more diverse portfolio, we will lose our opportunity to stimulate our domestic solar industry that can compete in a global marketplace. I understand the reluctance to pick technology winners and losers. In fact, I agree with that. But I'm not talking about picking a tech-

nology. I'm talking about picking a resource, and that is a big difference. It is impossible to imagine a future powered by renewables that does not include a significant amount of solar energy. We may not yet know what that best type of solar technology will ultimately be, but we do know and the rest of the world knows that we want it to come from the sun, and we want it to be solar. Therefore, it's in our national interest to ensure that the U.S. solar industry is the strongest in the world, and we should do so by continuing to promote and innovate. Solar power, yes, is in its infancy today; but we need to make sure that in the future it really drives America.

Thank you for the opportunity, Mr. Speaker. And as we work towards implementing solar technology in our legislation, I just want to thank my colleagues for spending time to learn about this important resource.

To do that, we should establish an effective incentive in the form of a 20 percent solar carve-out within the RES.

A couple weeks ago, researchers at the University of Arizona in my hometown of Tucson were awarded a \$15 million grant to create an Energy Frontier Research Center. They are working to develop ultrathin solar panels that use dyes to create electricity from sunlight. This project is tremendously exciting, but as we invest in these technologies, we must ensure we are creating a market to use them.

In the race to become the global solar leader, the clock is ticking and the competition is fierce. America does not have time to waste with poorly designed policies. This is why I call on my colleagues to support a solar carve-out within the RES. It is a proven mechanism to develop a truly diverse renewable portfolio that includes solar power.

STATE OF THE UNION'S FINANCES: A CITIZEN'S GUIDE

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

Mr. BURTON of Indiana. Mr. Speaker, in the past couple of weeks, two of our colleagues, FRANK WOLF of Virginia, a Republican, and JIM COOPER of Tennessee, a Democrat, sent this booklet around to all of the Members. We get a lot of correspondence and a lot of books and leaflets; but I would just like to say to my colleagues tonight, I hope you read this. It doesn't take very long, but it's extremely important because it deals with not only today but with our future and our kids' future and our posterity. What it talks about is the debt that we have in this country and where we're going.

In the last 10 years, we've gone from \$5.5 trillion in debt to over \$11 trillion in debt, and the debt is escalating at a very rapid rate. In fact, right now the projected deficit in the future is up to \$56 trillion. The reason for expected expenditures is for the programs that

have been proposed and have been passed into law by this body and the other body. Right now explicit liabilities include publicly held debt, military and civilian pensions, and retiree health benefits, plus other things, that's \$12.2 trillion; \$1.3 trillion is for Federal insurance loan guarantees, leases and so forth; and then the big one, \$42.9 trillion, is Medicare hospital insurance, which is \$12.7 trillion; Medicare outpatient, \$15.7 trillion; Medicare prescription drugs, \$7.9 trillion; and Social Security, \$6.6 trillion, for a total of \$56.4 trillion. And that does not include what's going on today. We're going into debt right now at about \$1 to \$2 trillion a year, and it's going to continue like that because of the programs we're talking about.

Over the past few months since this new administration has taken office, we have seen proposed a socialized medicine approach to health, a national health care program. Lord only knows how much that's going to cost, but it's going to be in the billions and billions and probably the trillions of dollars. Much of that will be added to the national debt because we don't have that money. The auto industry—there's been bailouts of the auto industry, and it hasn't really worked. They still had to file chapter 11, and over \$50 billion went to the auto industry.

The banking and financial institutions. There was a big bailout of those in the TARP bill, I believe it was. And then the energy bill that they're talking about, the cap-and-trade, is going to cost a tremendous amount of money to the taxpayers not only from the tax money we get here, but also what they are going to have to spend in their homes for higher electric bills and everything else in the future.

Let me just say, Mr. Speaker, this is something my colleagues really ought to read. It talks about our future, our kids' futures and our grandkids' futures. If we continue down the path we're on, there's no doubt in my mind that this country will go bankrupt, and we'll go the way of great civilizations that we have seen in the past, like Rome. There's just no question about it in my mind. Right now the debt that's held by China, Japan, England and other countries is out of sight. They don't want to buy our debt anymore because the value of the dollar has been plummeting because we're printing so much money. Right now we're talking about printing trillions of dollars more because they won't buy our debt, and we don't have that money. When that printing press gets out of control like it is right now, down the road we're going to see very high inflation, very high taxes and an economy that's unsustainable.

So I hope my colleagues will read this. The book is called *State of the Union's Finances: A Citizen's Guide*, put out by my good friends FRANK

WOLF and JIM COOPER, and it is from the Pete Peterson Foundation. It's on your desk. I hope all of you will read it.

ECONOMIC TROUBLES IN THE 17TH CONGRESSIONAL DISTRICT OF OHIO

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

Mr. RYAN of Ohio. Mr. Speaker, I would like to rise today to speak about an issue that is important to our community in Northeast Ohio, specifically, the city of Warren and the city of Youngstown dealing with the auto task force and the bankruptcies that have been going on in the auto industry. The community that I come from has been adversely affected not just over the past few months or few years but really over the past 30 years. We've seen the loss of a tremendous amount of jobs. The home of Delphi, the original Delphi, the original Packard Electric, started many years ago by the Packard brothers; a General Motors plant in Lordstown; steel mills, all have been adversely affected over the past 30 years, but specifically over the past few months and few years, given the new problems in the auto industry.

And every day that we wake up, and we read The Warren Tribune or The Youngstown Vindicator, we've been getting bad news about layoffs—Severstal Steel goes idle, 1,000 jobs; General Motors plant takes off the third shift, takes off the second shift, few left on the first shift. Delphi went from 15,000 employees 20 or 30 years ago down to just a few today. A group that has also been adversely affected with maybe not as much attention as it should have been given are the Delphi salaried employees, who many have spent two-thirds of their careers working for Delphi, working under the General Motors umbrella; and helping with the engineering, the designing, the running of this company, have spent their lives, spent a lot of their time, missed a lot of baseball games, missed a lot of kids' events over the course of their careers, dedicating their lives to this company.

□ 1715

They are now finding themselves in a very difficult position as we go through this restructuring to where many of them have taken a buyout and were promised a supplemental to get them to Social Security, and now through the restructuring they may not only lose their pensions, but they are also going to lose their supplemental. They are also losing their health care. And this is a group of people that contributed to this company, contributed to this country, for many, many years, and deserve to be heard.

Our community that has suffered all of these blows can only stand so much.

And here are another 15,000 salaried workers across the country, but probably about 1,000 in our community, that have done the right thing, have paid their taxes, paid their property taxes to fund the schools and the libraries, supported the communities, did the right thing, and now are being extremely hurt by the situation.

So I, along with many others in the Ohio delegation, Senator BROWN and others, Representative BOCCIERI and Representative CHARLIE WILSON, MARCIA FUDGE, a lot of others, have been spending time trying to raise awareness and push the auto task force to consider these 15,000 people across this great country who have contributed in such a significant way to the auto industry, and we want to make sure that the auto task force recognizes that as these decisions are being made, some already are made, that they are made fairly and equitably; that these people who have served the company as significantly as others get the same kind of recognition, the same kind of support, and they are not asked to bear the brunt of the whole burden.

As the new GM tries to reinvent itself and get back up on its feet, it is important that they don't lose, and I think it is important for the auto task force to recognize this, Mr. Speaker, that they don't lose a core constituency of General Motors consumers. Former employees who have been loyal to the company, 15,000 of them, should not only be considered, but it is a basic tactic for marketing purposes. These are people who want to be loyal to General Motors, who want to be supportive of General Motors, and feel like they are being forced to bear a major brunt of this.

Again, I rise today because I have lived and worked here, and these are people who have coached me growing up and been involved in all of our lives and are such a critical component to our community. Many times I have risen on this House floor to talk about the workers and the unions and how the Amwells and the Youngstown Steel Doors and the UAW workers and the steelworkers have been hurt, but workers are workers, and these people deserve to be heard just as much as anyone else.

TOUGH LOVE FOR CALIFORNIA

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

Mr. MCCLINTOCK. Mr. Speaker, the Governor of my home State of California has called for the Federal Government to underwrite as much as \$15 billion of revenue anticipation notes that the State has to issue to avoid bankruptcy. I think that would be a colossal mistake. Such an act would not only put at risk billions of dollars that

our country cannot afford, it would actually make California's fiscal condition worse.

Today, California faces a paradox. Despite record levels of spending and record levels of borrowing, it can no longer produce a decent road system or educate its kids or lock up its prisoners. Those who blame the recession for California's budget crisis profoundly misunderstand the nature of that crisis.

Even before California's revenue began to shrink, the State government was running a chronic \$10 billion deficit and piling up unprecedented debt. The recession was merely the catalyst. The underlying cause is rampant mismanagement of the State's resources.

California spends about \$43,000 to house a prisoner per year, while many States spend just half of that. California spends over \$11,000 per pupil, but only a fraction of that ever reaches the classroom. California has one of the most expensive welfare systems in the country, and yet one of the worst records in moving people off of welfare.

That has never seemed to bother California's legislature or its Governor. They are like the shopkeeper who leased out too much space, ordered too much inventory, hired too many people and paid them too much. Every moment that shopkeeper covers his shortfalls with borrowing and bookkeeping tricks.

Ultimately he is going to reach a tipping point, where anything he does makes the situation worse. Borrowing costs are eating him alive and he is running out of credit. Raising prices causes his sales to decline and there is only so much discretionary spending that he can cut.

That is California's predicament in a nutshell. California's borrowing costs now exceed the budget of the entire University of California, and the reason for their loan guarantees is their credit is exhausted. They have just imposed the biggest tax increase by any State in American history, and it has actually reduced their revenues and made the budget gap wider.

Although there are many obsolete, duplicative or low-priority programs and expenditures that the State can and should abolish, there aren't enough of them to come anywhere close to closing California's deficit without directly impacting basic services.

Sadly, California has reached the terminal stage of a bureaucratic state, where government has become so large and so tangled that it can no longer perform even basic functions, a warning to all of us here in this House, I might add. Simply stated, there is now no substitute for a fundamental restructuring of the State's major service delivery systems and restoring the efficiencies that once produced a far higher level of service at far lower costs than what we see today.

Now, restoring that efficiency is going to require the Governor and the legislature to wrest control from the public employee unions, to dismantle the enormous bureaucracies that have grown up over the service delivery system, and to decentralize administration and decisionmaking, to contract out services that the private sector can provide more efficiently, to rescind the recent tax increases that are actually costing the State money, and to roll back the regulatory obstacles to productive enterprise.

These are the changes that cannot be implemented overnight and that will not begin to produce results for some time, and that brings us to the fine point of the matter. What Churchill called history's "chilling words" are about to be pronounced on California's failed leadership: Too late.

The Federal loan guarantee or bailout may be the only way to buy time for the restructuring of California's bureaucracies to take effect, but the discussion remains academic until and unless the State actually adopts the replacement structures, actually unburdens its shrinking productive sector and presents a credible plan to redeem the State's crushing debt and looming obligations. Without these actions, Federal intervention will only make California's problems worse by postponing reform, continuing unsustainable spending and piling up still more debt that the State cannot redeem.

In short, if California won't help itself, the Federal Government cannot and it should not and it must not.

OUR WONDERFUL HISTORY WITH PAKISTAN

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me acknowledge the very hard work that was accomplished by the Foreign Affairs Committee of the House, Chairman BERMAN and Subcommittee Chairman ACKERMAN, and say that we did the right thing today. By passing the Pakistan Enduring Assistance and Cooperation Enhancement Act, the American people have made a few more steps toward their own personal security, their own ensuring of the security of the homeland, and recognizing a long-standing relationship that has had, frankly, its hills and valleys.

Many of us don't know the history of other countries, and obviously we have our own wonderful history. But, interestingly enough, when Pakistan was founded by a person named Muhammad Ali Jinnah, it was founded on democratic principles, and we have had a longstanding 50-plus year relationship, although it has been uneven.

So today we have restored that relationship, and I hope Pakistani Americans and their own Embassy that is here representing Pakistan really realizes that we made a strong statement today for the respect and for the relationship of this nation.

We have in essence put together a document that would enhance significantly economic, social and democratic assistance for Pakistan. We have recognized the importance of public diplomacy and engagement. That is a reinvestment, a reordering of the relationship.

We have also recognized the importance of a regional process or coordination between Afghanistan, India and Bangladesh, recognizing that this area, South Asia, is an important part of our security and their security. We must recognize that the people of Pakistan love democracy. And, yes, what we have seen over the last couple of days really has given us pause.

Well, I want you to know that the Pakistan military under their Secretary of the army is doing something they don't usually do. Their structure has been that they have been monitoring or, if you will, watching the border. That has been their task. For the first time, they have accepted the responsibility of internally ridding their country of the terrorists, the ones who have taken over the Swat, who have undermined them, people whose faith may have drawn them to a particular situation where they thought the government wasn't functioning, so they allowed the Taliban and insurgents to take over.

And this is what we have, frankly, the devastation of 2.5 million people who are now moving from one place to the next. But the army is fighting the terrorists. And do you know what is more important? The people are standing up against the terrorists.

The legislation we have today will provide an investment through a prosperity fund. It will have certain criteria for Federal funding, for taxpayers' dollars to go to Pakistan. They must ensure that their nuclear materials are protected. They must make sure that they are fighting radicalism. And we can stop this kind of human devastation.

We know the international help that came to us during Hurricane Katrina. We know what we did with the tsunami. This is a terrorist tsunami. And I want to say that the Government, whether we agree or disagree with its strength, I believe they love democracy. These conditionalities that may be opposed will work their way through Congress. But if we didn't act today, we would continue to have the burials of so many people that are going on in this country, the kind of massive bombing that the terrorists think they can do to intimidate the people of Pakistan.

So, as a co-Chair of the Pakistan Caucus, I am grateful that we made a first step. I want the American people to know that your neighbors are Pakistani Americans. They are doctors, they are entrepreneurs, they are retailers. They love this country, and they want to help their country as well. I am glad we made this first step.

Let me move quickly to a domestic issue and put an explanation point on what we did right for Pakistan and say that I stand here today and support a restoration and bailout for automobile dealers. We missed the boat. We have dealerships who have gotten these ugly letters saying that even though you are a pillar of the community, you are in good financial shape, you can sell the cars, you must close.

Mr. Speaker, I stand against it, and I believe that as we move forward, we must have a carve-out for our automobile dealers who in fact can maintain their independence, who can sell cars. Whether or not it is by Fiat or whether or not it is someone else, Chrysler and GM cannot close by caveat, despite the bankruptcy structuring, the reordering, the reorganization under chapter 11. They cannot come and close hardworking automobile dealerships, and we as Americans and Members of Congress cannot forget them.

I will be looking forward to supporting legislation and writing legislation for automobile dealers carve-out and bailout.

RAMMING A DANGEROUS AND CONTROVERSIAL AGENDA THROUGH CONGRESS

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

Mr. OLSON. Mr. Speaker, I rise today to express my growing alarm with the Democrat leadership's clear intention to use the conference report on the war supplemental appropriations bill to ram a dangerous and controversial agenda through this Congress.

It is now clear that Senate and House Democrats have decided to let their own political agenda subvert a bipartisan agreement on providing the men and women of our military with the support they need to continue the fight against terrorism in Iraq and Afghanistan.

□ 1730

I proudly supported the House version of this bill when it originally passed this Chamber. However, Democrats are now preparing to use the conference report, which cannot, cannot be amended, to add unrelated, politically motivated poison pills to the measure.

My Democrat colleagues are proposing to add up to \$108 billion for the International Monetary Fund as part

of the global bailout for foreign nations. Not only is this a bad idea on its own, I have yet to hear any explanation of how on Earth this will benefit our troops in Iraq and Afghanistan.

In fact, this money will have precisely the opposite effect. Iran, which the State Department has repeatedly certified as “the most active state sponsor of terrorism in the world,” would be eligible for these funds. Venezuela’s Hugo Chavez, who describes America as “the biggest menace on our planet” and supports narcoterrorists in neighboring nations, he, too, would be eligible for these funds.

The purpose of this bill is to make sure our Armed Forces have the men and material they need to defeat terrorists. That this bill would include funding that could benefit the sponsors of terrorism, it’s outrageous.

All of this being said, I’d welcome an honest, open debate and vote in this Chamber on the IMF funding, but my Democrat colleagues apparently would rather not risk a separate up-or-down vote. Therefore, they’ve resorted to playing games with funding for our troops by shoe-horning this measure in a war spending bill with no opportunity for debate here in the people’s House.

And it won’t end there. Unbelievably, reports are that Democrats are looking to include language to permit the transfer of terrorists being held in Guantanamo Bay to the United States, and they intend to require the immediate release of photographs of detained terrorists, likely, likely inflaming Islamists across the globe and further endangering our Armed Forces deployed overseas.

And again, I will happily debate these wrongheaded measures on the floor of this body any day of the week, but this attempt to ram these unacceptable provisions through the House without a debate or a vote is simply wrong. And I can’t think of a more demoralizing message to send to our fighting forces than that a majority of Congress is willing, for political expediency’s sake, to load down a war funding bill with unrelated, unpopular provisions.

When I served in the United States Navy, we feared the annual games politicians played with military funding. It made us angry to know that we were tasked with a mission, and then politicians played politics with the resources we needed to complete that mission.

Mr. Speaker, I did not come here to play that game. There is no honor in a vote that conditions the funding for our soldiers, sailors, airmen, marines and coastguardsmen on satisfying an unrelated political agenda. This Congress must not cheapen and degrade our military to simply move forward with political interests.

HONORING THE SERVICE OF MARINE CORPORAL JOE PIRAM

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

Mr. PAULSEN. Mr. Speaker, I rise to pay tribute to a truly great American, Marine Corporal Joe Piram of Eden Prairie, Minnesota. We literally owe our way of life to people like him.

It’s important for us to remember, Mr. Speaker, that every freedom we enjoy, every moment of safety and every dream we have for the future that we hold was purchased with the blood and sacrifice of our military families. We should not only be thankful for the reality of our quality of life, but for those who laid theirs down to make it possible.

We’re aware of the things that make our society run—electricity, gasoline, money, jobs, for example—but our society also runs on values, honesty, integrity, service and sacrifice. Our national progress can truly be measured by the quality of our spirit. Here again, our military families epitomize these essential American values. They’re role models for all of us to follow.

So with that introduction, I want to highlight the service of one of the thousands of brave men and women who do amazing things for the rest of us every day.

Joe Piram graduated from Eden Prairie High School in 2004. Joining the Marines had been something he wanted to do all of his life, and the passion was fueled by the tragedy of September 11, which played a key role in his decision.

We talk about the threat that al Qaeda represents to our world, and we deplore their savagery and their ruthlessness. Corporal Piram chose to go out and fight them over there so that we could be safe here. He’s now served two tours in Iraq and one in Afghanistan. His unit was called “The Lions of the Desert” because of the courage and the strength and heart with which they carried out their missions.

Near the end of his most recent tour, however, just about a year ago, he was injured by an IED. He suffered burns over almost 40 percent of his body. In the months since then, he’s put the same determination in his recovery that he put into his military service. With the strong support of his family and his own resilient spirit, he’s making great progress and doing well. As a matter of fact, when a reporter from the Eden Prairie newspaper called and spoke with him recently, he had just completed a 5K race at an event in Florida.

Joe’s recovery is going well, and he’s making ambitious plans for when he leaves the military. It’s no surprise that he’s looking for new ways to use his talents and his values to serve our country in law enforcement, and maybe running for political office.

We have a tremendous country here in the United States. We’re not perfect, but we’re still the envy of a large majority of people around the world.

Through all the generations of American history, people like Joe have quietly stepped forward to take on the Nation’s toughest jobs. They don’t do it for fame or for fortune. They simply do it because they love their country, and they translate that love into a sense of duty and service.

Corporal Joe Piram, I honor you and I thank you. We all thank you. We also appreciate your family who raised you, who supported you in your recovery and, in a very tangible way, has also served with you.

With you in mind, we here in Washington can try a little harder today to make this country worthy of the price you have paid to make it great.

IN MEMORY OF SERGEANT JEFFREY JORDAN

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

Mr. GINGREY of Georgia. Mr. Speaker, this week the residents of a small town in Georgia’s 11th Congressional District are grieving together as they say goodbye to a native son who died while bravely serving his Nation in Afghanistan.

Sergeant Jeffrey W. Jordan was killed in action on June 4, 2009, near Kapisa, Afghanistan, of wounds suffered from an improvised explosive device and small arms fire.

Jeffrey was born and raised in Floyd County and, after high school, he settled in a very close-knit town of Cave Springs, Georgia, with his wife, Lacey, and his son, Tailor. Tragically, the Jordan family marked Tailor’s first birthday on the very same day his father gave his life in defense of our Nation.

Jeffrey is remembered as a loving husband, father, son, brother, grandson, friend and patriot whose sacrifice for our Nation will never be forgotten.

Mr. Speaker, Sergeant Jordan leaves behind his wife, Lacey Lambert Jordan, his son, Tailor Jordan; his parents, Mary Lou and Tracy Lorin Dowdy; his brothers, Robert Jordan and J.R. Thomason; a sister, Candice Dials; and his grandparents, C.W. and Barbara White, and Mrs. Delores Thomason and Mrs. Delane Ingram; also a great-grandmother, Mrs. Ruth Wilson, as well as so many aunts and uncles and nieces and nephews and in-laws. Tomorrow, I will join this group of Sergeant Jordan’s family, friends and supporters at his funeral to honor the life of this brave soldier.

Mr. Speaker, my prayers go out to his family, and my deepest gratitude goes out to Sergeant Jordan for his selfless sacrifice, yes, for our Nation.

I ask all Members, please join me in honoring the distinguished memory of Sergeant Jeffrey W. Jordan.

CLIMATE CHANGE HEARING

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

Mr. GOODLATTE. Mr. Speaker, as we speak here on the floor of the House right now, the House Agriculture Committee is holding a hearing on the legislation reported out of the Energy and Commerce Committee, the so-called cap-and-trade legislation. Many of us know it as cap-and-tax or a massive new energy tax on the American people.

The Agriculture Committee has wisely decided to hold a hearing on this complex legislation and, in fact, the Secretary of Agriculture, Secretary Vilsack, has been answering questions from Members on both sides of the aisle for the past 3½ hours, as Members are almost uniformly opposed to the legislation, regardless of their party status, and have expressed grave concerns about the impact that this will have on America's farmers and ranchers, that it will have on rural America and, indeed, the devastating impact that it will have on our economy and jobs and our standard of living as a whole. And I want to bring to the attention of the Members of the House some of the concerns that we have raised.

The impact that this legislation will have on our economy and our very lives is extensive, and we should make sure that not just the Energy and Commerce Committee, but every committee in the House fully vets this bill.

The cap-and-trade proposal is really an \$846 billion national energy tax that will hit nearly every American. Moving into a cap-and-trade system will place the United States economy at a distinct competitive disadvantage because it would place significant additional costs on every American business, farmer, manufacturer, and American family.

This bill will raise electric bills across the country by hindering the development of traditional energy sources while also, ironically, limiting the development of renewable energy.

Coal provides the majority of electricity generation in our country, and this bill will effectively stop coal-fired power plants from being built in the United States at a time when one new coal-fired electric generating power plant a week is being built in India and China. They will use those coal-fired power plants to power the growth in their economy, taking jobs away from the United States and putting the same CO₂ gas into the atmosphere that we are passing this legislation to try to stop in this country. It makes no sense.

Nuclear power is the second largest source of electricity generation and the largest source of CO₂-free energy, and it is effectively ignored by this bill, notwithstanding the fact that it will

reduce CO₂ gas emissions by a far greater measure than any of the other alternatives that are being discussed.

Also concerning to me is the one-size-fits-all renewable electric standard. This legislation assumes that all States have the exact same amount of renewable resources and can develop them and penalizes States when they cannot.

Furthermore, the legislation excludes far too many people who should be able to participate in the renewable energy market. I know I speak for members on both sides of our committee when I say that the biomass definition in this bill is inadequate. Woody biomass is a clean, sustainable form of energy that deserves encouragement from the Federal Government, not unneeded restrictions. Given the restrictions already placed on woody biomass by the Renewable Fuels Standard, we should not be repeating the same mistake in this legislation.

We must keep in mind that agriculture is an extensive energy-intensive industry, and this legislation will make the cost of energy even higher. It's estimated that the Waxman legislation will raise electricity rates 90 percent after adjusting for inflation, gas prices 74 percent, and natural gas prices 55 percent.

There is no doubt that this legislation will also raise the cost of fertilizer, chemical, and equipment which farmers use daily. This will cause serious economic harm for the American farmer. According to the Heritage Foundation, farm income is expected to drop because of this legislation by \$8 billion in 2012, \$25 billion in 2024, and over \$50 billion in 2035. These are decreases of 28 percent, 60 percent and 94 percent, respectively. I do not know how we can expect American farmers to survive when we cut their farm income by 94 percent.

What I find even more frustrating is that the impetus for this legislation is to reduce carbon emissions, yet it does not recognize the role that agriculture and forestry can play in sequestering carbon.

□ 1745

The legislation does not specifically provide for agricultural or forestry offsets but rather leaves eligible offsets to the discretion of the Environmental Protection Agency. To add insult to injury, over 30 pages of this bill are devoted to developing international forestry offsets, including provisions to send American taxpayer money overseas to forest owners in developing countries while disregarding our own forest owners.

I urge my colleagues to look at this legislation closely and to soundly reject it.

Quite frankly, leaving these offsets at the discretion of the EPA makes me nervous. The EPA is not known to have the best working re-

lationship with farmers and ranchers. USDA has a long record of working with farmers and ranchers, and they have the extensive expertise in agriculture and forestry that will make an agricultural offset program successful. This legislation needs to be amended to allow the USDA, not the EPA, to be in charge of administering agricultural offsets.

This legislation has far reaching consequences for every person, farmer, and business in the country. We cannot ignore that America's economy is intrinsically linked to the availability and affordability of energy. During this economic slow-down we should be adopting policies that seek to rebuild our economy and create more jobs; we need reliable and affordable energy supplies. Unfortunately, cap and trade legislation would only further cripple our economy. Instead of government mandates and bureaucracy we should focus on policies that support technological advances and consumer choices. The bottom line is that we need policies which encourage investment in environmentally sound, cost-effective practices without stifling innovation and setting our economy further back. The simple truth behind the Waxman energy plan is that it raises taxes, kills jobs and will lead to more government intrusion.

SPENDING

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

Mr. CARTER. Mr. Speaker, I would like to start first by apologizing to Mr. RYAN, whom I just wandered in here and inadvertently walked in front of while he was speaking. So before I start with my speech, I want to apologize to Mr. RYAN for that inappropriate thing I did.

I agree with President Obama when he said this about spending in May of 2008 while on the campaign trail in North Dakota: President Obama, the candidate at that time, said: "\$9 trillion of debt, that's just bad. That's not fiscally conservative. And so we're going to have to change our policies. The first thing you do when you're in a hole is what?"

And the crowd reacted, "Stop digging."

Unfortunately, what President Obama said is not what he has done. In fact, not only did we not stop digging, we threw away our shovel and got a backhoe and started digging double time because in 2008, the debt was too high; but now President Obama has increased spending so much that we have broken historical records on spending.

We started off with the stimulus bill of \$787 billion to stimulate the economy. It was promised that its big goal was to cap unemployment at 8 percent. We weren't going to go above 8 percent unemployment, and that's why we had to spend all that money. But, unfortunately, we are sitting here today with 9.4 percent unemployment and rising.

The debt that we have accumulated since the President has come into office has been unbelievable. The \$8.5 trillion in 2009 will grow to \$16 trillion in 2019. In only 5 months, President Obama and the Democratic majority have managed to spend and borrow more public debt than in the entire history of the United States. That's the past 233 years. So in less than 150 days, they have obligated this country in debt more than the past 233 years.

A couple of weeks ago, I was on the floor of the House talking about the proposed bailout of the automobile industry, which I still contend is an unconstitutional takeover of private industry, based upon the Youngstown case. The administration has recklessly used the taxpayers' money to basically put the administration in charge of General Motors, Chrysler, AIG, Citibank, and the list goes on and on and on.

I don't think the change the American people were looking for when we heard that change was coming was the change where the government took over the micro-management of industry. I really don't believe that was the change Americans were looking for, and yet that's the change we got.

Even worse, when these people who see where the government is going, where the Democrats are taking this country, they say, We'll give our money back. We don't need your bailout money. We want to give it back to you. And they are having trouble trying to give it back. The Obama administration won't take it.

So with all this accumulated debt and with all this spending that we have done, between now and probably the end of July, we are going to take up basically a government health care plan which is going to include another \$1 trillion in entitlement health care spending at a time when all experts agree that Medicare, as we have it right now, has real problems and is going to eventually go broke because there are a whole lot more people taking out of the program than are paying into the program and it only gets worse as the baby boomers grow. So we are going to add to that \$1 trillion and, don't worry, we'll figure it out. And, of course, we just heard about the energy tax that's coming our way.

You know the real money that we ought to be worrying about? It's not these folks we are bailing out. Who we ought to be worried about are those guys who have lost their jobs. That's the money we ought to be worried about, and that's what the folks back home are worried about.

THE PROGRESSIVE CAUCUS MESSAGE: ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Min-

nesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, this is the Progressive Message. The Progressive Message is the Progressive Caucus' effort to come before the American people at least once a week for 60 minutes or so to talk about a progressive vision for America. Not a vision based on fear, not a vision based on a denial of science, not a vision based on division, not a vision based on scapegoating some minority group. But instead a vision that is inclusive, that says we all matter and we all count. A vision that says science is something we should rely on and have some faith in and some real confidence in because we understand that whether you come from a faith tradition or whether you don't, we have minds that we should use and it's human nature to discover and inquire and find out the facts.

A vision that says that, yes, we are entrusted with this Earth and we, as human beings, are responsible for it and that where we have gone astray, we should try to correct the situation for the sake of our children and all life on the planet.

A progressive vision where we come together every week and talk about things like civil rights, equal opportunity in the economy; where we talk about the struggle to end global warming, or at least try to slow it down; where we come and talk about progressive issues like peace, like demilitarizing our society, like promoting dialogue, diplomacy, and development, by trying to resolve war through dialogue and not through conflict and fighting. These are the themes that we come together with the Progressive Message every week.

This is the Progressive Caucus that brings this message. And we have a Web site, cpc.grijalva.house.gov. It's very important to stay in touch with this critical Web site because it is this Web site that we rely on to communicate with the community around the country.

Tonight with the Progressive Message, we are going to come and talk about our Nation's energy future. America has to embrace this idea that carbon emissions must be cut and must be cut drastically. It won't due just to act like there's no such thing as global warming and deny the science that proves that not only does it exist but it's caused by human behavior. We are here tonight to say it doesn't make sense to say that, look, we can't do anything about global warming because it might in some way hurt our reliance on coal because some people make a lot of money selling coal.

If coal and the use of coal is out of step with the needs of our environment, then we have to find alternative sources of energy in order to make it. If nuclear energy cannot be safely used

and there's no way to store it, we should look for other ways and incentivize other ways in order to make energy.

The fact is by whipping out fear, hysteria around cap-and-trade and coming up with clever slogans, which I am not even going to repeat or dignify, the fact is that we are simply delaying the inevitable, which is the gradual acidification of our oceans; the acceleration of melting of our Arctic ice caps; of expansion of desert; of loss of species, of animals, and plants; of intensification of hurricanes and all these very serious problems. The scientists all agree. Only people who don't want to listen to science don't agree, and, yes, we have some of them here.

The fact is addressing carbon emissions, addressing global warming, is not going to hurt our economy. It's going to actually bring jobs. It's not going to hurt our farm economy. And it's certainly not going to be the devastating thing that some people on the other side of the aisle claim that it is. The fact is tonight I just want to talk to people who know that global warming and the acidification of our oceans is a very dangerous and serious problem for all the world and want to do something about it for a change, want to do something serious about it and are not willing to just let this Earth continue to heat up and the oceans continue to acidify and the species continue to die out and the ice in the northern and southern regions of our world continue to melt.

People who want to do something about it, we have a bill that's been marked up and it has been reported out of the Energy and Commerce Committee. We need to hear from you on this bill.

The fact is that right now we have been in Congress focusing on the health care bill. We have been focusing on marking up other important pieces of legislation. And I personally am not confident that we are focused enough on this energy bill. We're not focused enough on the cap-and-trade bill that's coming out. So we want to encourage people to respond and offer their views.

And I want to say this: those of you who yearn for change, who know that carbon emissions are killing our planet, I hope that you understand that your engagement in this process is very important. We need people to give us the feedback we need because there has been a bill reported out. It's not the law yet. It hasn't even been brought to the floor yet. But it is being shaped and crafted every day. And without the active engagement of good ideas coming forth, we will not get the bill that we need.

I want to give a lot of credit to the Members of Congress who have worked hard on the bill. Congressman WAXMAN and Congressman MARKEY have been doing a good job. But I dare say that

the legislative process is engaged, involved, and that everybody has to have a say-so in this thing. And those two leaders in the area of carbon emissions have not denied that. In fact, they have welcomed it.

I just want to give a background on the bill that exists so far. It's called the American Clean Energy and Security Act, and it's referred to ACES. And this bill was reported out of the Energy and Commerce Committee on May 21, 2009, and it passed by a vote of 33 to 25. That's not a big margin. The legislation will create millions of new clean energy jobs, in my opinion and based on the facts, and it will enhance America's energy independence and protect the environment.

Another thing that the bill will do is it will signal to the world community that America is serious about cutting carbon emissions. America is leading the way in the world to cut carbon emissions. And, therefore, countries like India and China and other nations of the world that are big emitters, and we're the number one emitter, but there are others that emit a lot of carbon as well, they now have to bring their economy in line with the needs of our planet.

□ 1800

This bill does represent a new beginning for America's energy environmental future. By saying so, I don't mean to imply that it's a perfect bill or that it can't stand improvement—I'm asking you to help improve it right now—but it does represent a real stark departure from the past.

The bill requires electric utilities to meet 20 percent of their electricity demand through renewable energy sources and energy efficiency by the year 2020. It reduces carbon emissions from major U.S. sources by 17 percent by 2020. It reduces carbon emissions by 80 percent by 2050 compared to 2005 levels. Complementary measures in the legislation, such as investments and preventing tropical deforestation, will achieve a significant additional reduction in carbon emissions.

The bill invests in new clean-energy technologies and in energy efficiency, including energy efficiency and renewable energy that is to the tune of \$90 billion in new investments by 2025. It invests \$20 billion in electric and other advanced technology vehicles. It invests \$20 billion in basic scientific research and development, and it protects consumers from high energy prices. According to estimates of the Environmental Protection Agency, the reductions in carbon pollution required by the legislation will cost American families less than the cost of a postal stamp per day.

The fact is I don't come before you today to say that this bill is wrapped up in a bow. I come to you, asking you to engage in the process that is going

on in Congress right now, to be part of this debate, to be part of this dialogue, and to offer your views so that we can come up with the best product available.

I also come to you to say do not let the perfect be the enemy of the good. If we have a good bill here—and it is pretty good—even though it's not perfect, we want your support, and we want your ideas, but it's time to engage and to focus on this energy bill. It's coming. It's marked up in committee. It's in the Ag Committee now, and it's going to need American participation and input.

I want to let our fellow Americans know, who are committed to cleaning up our environment and to decreasing our dependence on harmful fossil fuels, that the Progressive Caucus is proud of the progress that the legislation has made so far. We don't believe that it's done—it's not close—but we're proud of the progress that has been made. We want everyone to know it's not finished and that your input is needed. There is much work to be done.

While we consider this particular legislation as a good start and as a foundation to build on, we are continuing to push for greater expansion in the creation of clean, renewable energy sources like wind and solar. We are continuing to push for the increased regulation of industries that pollute at taxpayer expense, and we are continuing to put America back to work by creating green-collar jobs that cannot be outsourced.

The general Progressive principles for energy legislation are going to be that we need a sharp departure from the past, that we need to move quickly to secure greater progress, that we need to protect individuals as well as communities, and it has got to be based on science and not on politics.

Now, I just want to say again that these are some of the basic ideas of what the bill will do. I'm going to talk about some of the mechanics of the bill in a moment, but I want to make it clear that the fact is that what we have had in the past simply will not work. We've got to have that change. In order to have that change, we've got to have a lot of public input, and this is the time to offer it.

I just want to take a few questions as we move on because a lot of people have responded to my plea that we should have a fully blown, strong conversation around America so that people can offer their views on this critically important topic. There was a question asked at Progressivecongress.org, and 4,887 people asked this question:

Why is EPA oversight of the coal industry being gutted?

Well, let me say that the reason those provisions regarding the EPA oversight of the coal industry are not strong enough is simply because we

haven't heard from you enough. We need input on this point. We need you to talk about how you feel about this. We need oversight on everything, but we need your input on what we should be doing to have oversight on coal, and we need your input on how this bill needs to be changed to make sure that the coal industry is being properly monitored. This is a critical thing for you to talk about—I know—and I can tell you that coal-fired power plants are, in my view, a serious problem.

I think it's a basic minimum that they have the technology necessary to clean them up as much as possible. The fact is, even with the best technology we have so far, we still have coal releasing particulate matter into the air—lead, barium, cadmium, mercury emissions, and serious things like that—and into our water that make our fish polluted and inedible.

We've got to have oversight on coal, and I am here tonight to ask you to get engaged in this debate, to get involved in this conversation and to put your ideas up here. Why is the EPA oversight of the coal industry being gutted? You know what? It's because we're not engaging in this debate and are not shaping this debate. It's because we're not calling our Members of Congress and telling them what we want. So I ask you to do that. It's very important that we engage in this conversation. It's ongoing now.

I'll get to more questions in a moment, but let me just speak a little bit about what some of the key provisions of the bill will be. We've talked about one of the provisions that people are concerned about.

Key provisions of the bill include requiring electric utilities to meet 20 percent of their electricity demand through renewable energy sources and energy efficiency by 2020. Now, that is one of the provisions of the bill, and I thought I would make that point before I got to the next question, and 1,871 people asked this question:

Why is Congress refusing to support Obama in his call to get 25 percent of our electricity from renewables?

The bill marked up so far is 5 percent lower on the renewable energy standard than we need. I think 25 percent is a better number, and I hope that we get it, but without political force behind it, we won't. So call up your Congressman, and let him know how you feel about a 25 percent renewable energy standard.

I'll tell you this: Based on the history that we've had so far, I'm happy with the 20 percent renewable energy standard. A 20 percent renewable energy standard is better than the status quo, but it's still not good enough, and it's not as good as we can do. So I think it's very important that we hear from everybody about the importance of a 25 percent renewable energy standard. It's very important that we hear

from people about why that 5 percent higher and more ambitious standard would be better than the 20 percent. I think it's obvious why it would be better than the 20 percent. It's 5 percent higher. Yet what does it give us? What does it bring us? What kind of assets and benefits do we get by pushing for that higher renewable energy standard?

At the end of the day, we need to hear from everybody on this point, and we need to hear from you. If we don't hear from you, we're all going to be poorer for it.

Another key provision of the bill is that it invests in new, clean-energy technologies in energy efficiency, including energy efficiency in renewable energy, carbon capture sequestration, electric, other advanced technology vehicles, and in basic scientific research. In this category of investment, we're talking about a significant investment. We're talking about over \$190 million. This is a lot of money. The fact is, because the proceeds will be from the cap-and-trade system, this bill is PAYGO neutral. It's very important to bear that in mind as well. The bill will mandate new energy-saving standards for buildings, appliances and industry.

Addressing this issue of buildings is very important. A lot of people know, and more people need to know, that a tremendous amount of energy is lost through the roofs of our buildings. We need stronger building standards, and we need more energy-saving technology and incentives to get us there with this legislation. If you believe they're not sufficient, we need to hear from you right now. There was a question asked:

Are initiatives for future government buildings to be built green? If not, why not?

The answer is we do have initiatives for future government buildings to be built green. We also have other bills separate from this bill in Congress to incentivize the building of green homes, particularly in HUD homes. There is a bill winding its way through Congress now, and the author of that is ED PERLMUTTER from Colorado. I'm an author on that bill, and I'm happy to be. So that bill, called the GREEN Act, is a very good bill.

Another important part of the bill is to reduce carbon emissions from major U.S. sources by 17 percent by 2020 and by over 80 percent by 2050 compared to 2005 levels. Complementary measures in this legislation, such as investments in preventing tropical deforestation, will achieve significant additional reductions.

Now, again, this is another important piece of the puzzle. The United States needs to do its part. I hear many friends—well, people from the other side of the aisle—always say: Well, what about China and India? What about Europe? What about other

places? The fact is, if America sets a marker down there that we are going to cut our carbon emissions, that sends a powerful signal; it enhances our ability to talk to our neighbors around the world and say they've got to cut theirs, too.

So I am very proud that America is leading and is trying to be out there in front and is doing the right thing and is not simply saying, We're not going to change our carbon emissions until other countries change theirs. To me, that's not the American attitude. The United States needs to take responsibility and help lead the way. So it's very important, and I'm very happy that the United States is taking its own responsibility to reduce carbon emissions by U.S. sources by 17 percent.

Let me talk about the renewable energy standard in the bill. The American Clean Energy and Security Act, ACES, as I said before, requires retail electric suppliers to meet a growing percentage of their load with electricity generated from renewable sources. The combined renewable electricity and electricity savings requirement begins at 6 percent in 2012. That's coming up. It gradually rises to 20 percent in 2020. At least three-quarters, 75 percent, of the requirement must be met by renewable energy except that, upon receiving a petition from the Governor, the Federal Energy Regulatory Commission can reduce the renewable requirement to three-fifths, or 60 percent. In 2020, 15 percent of the electricity load in each State must be met with renewable electricity and 5 percent with electricity savings. Upon receiving a petition from the Governor, the renewable requirement can be reduced to 12 percent, and the electricity savings can be increased to 8 percent.

It is important to keep this in mind. This is sort of an essential part of this bill, the renewable energy standard that we've set forth. Can it be better? Yes, I think it can, but we need to hear from you to make it better. As I said, this bill is being marked up and is going through committee as we speak, and it will likely be on the floor before you know it, so please don't miss your opportunity to be a part of this conversation. It can't just be a Beltway conversation. It has to be a conversation that engages Americans from Minnesota—my own State—from California, Oklahoma, Texas, and from all over. We've got to hear from America. We've got to hear from America's progressive community on these issues.

Let me also talk about the importance of this bill. We talked about the investments in clean energy, and we talked about the money allocated for that. I did not mention yet that this bill will promote the deployment of smart-grid technology, and it will enhance transmission planning. This is an important part of the bill. This

smart-grid technology and the promotion of the use of it will help cut carbon emissions. It will help in having a more reliable grid, and it will improve our energy usage, which is an important part of our bill.

I mentioned energy-efficiency measures, which include building standards. As to one of the questions we already had, which was regarding our initiatives for future government buildings to be built green, and if not, why not, the ACES bill establishes new standards for building efficiency, requiring new buildings to be 30 percent more efficient by 2012 and 50 percent more efficient by 2016. States are offered allowances that they can sell to support the adoption and enforcement of the new standards. The Department of Energy must enforce standards in States that do not incorporate building standards into their State building codes.

Also, we have appliance standards. ACES mandates new efficiency standards in lighting products, in commercial furnaces and in other appliances. We have vehicle standards. The ACES discussion draft has included provisions to harmonize Federal fuel economy standards with EPA carbon emission standards and California standards for light-duty vehicles. These provisions were dropped in the reported bill after the administration reached an agreement on light-duty fuel economy standards with automakers in California.

□ 1815

That's not all. There are other fuel-efficiency standards. We not only have to reduce emissions—and this bill tries to do that. Does it do it enough? Probably not. But guess what? We need your input and your advice.

The bill also has three primary programs for reducing dangerous carbon emissions that cause global warming: One, a cap on large domestic sources; two, a program to reduce tropical deforestation; and three, an offset program.

Let me talk a little bit about the carbon-capping emissions from large sources.

Starting in 2012, ACES establishes an annual tonnage limit on emissions of carbon and other global warming pollutants from large U.S. sources like electric, utilities, and oil refineries. Under these limits, carbon pollution from large sources must be reduced by 17 percent below 2005 levels by 2020; 83 percent below 2005 levels by 2050. This is an aggressive carbon-capping program, and I am proud that we've come this far. I think we can do better, but this is, I think, progress. If it's not enough progress, I think we need to hear from you.

So these are just a few of the features of the bill. The bill is being marked up. You can see it online. And we hope that people will continue to offer their views on what we should do.

Let me go to another question. So 3,455 people asked this question on progressivecongress.org, that's 3,455 on progressivecongress.org. What is being done to decrease our dependence on oil, such as wind, solar, and other clean energies?

Well, that's what the bill is supposed to do: decrease our dependence on oil and allow us to generate energy from wind, solar, and other clean energies. That's really the point of the bill, through the renewable energy standard, by capping carbon forces, by promoting efficiency and also conservation. That's what we're actually trying to do here.

The fact is there are a number of critics of the existing bill, and I want to address a few of them before I go on to some more questions.

One of the critiques we've heard, particularly from other folks on the other side of the aisle, is that a cap-and-trade bill is an energy tax. First, the plan is to repower America with clean energy jobs and efficient savings, not just drop a tax. As for capping global warming pollution, this plan is simple. It helps polluters pay and helps clean companies prosper so they can hire more workers.

When the folks on the other side of the aisle say that this bill will be a job killer, my only question to them is, Don't you believe in the ingenuity of the American people? You know, they said when we had auto efficiency standards that it would somehow kill jobs. Well, it didn't. They said that when we began to stop acid rain and use cap-and-trade for that purpose, that that would cause job losses. It didn't. The fact is is that innovation and ingenuity—when brainpower will solve this problem—and I think we should have a little faith in Americans to solve this problem.

And as I said a moment ago, it's the same solution we put successfully with acid rain in 1990 after which time electricity rates fell 10 percent and the U.S. economy added 16 million new jobs.

They're thinking inside the box and don't understand that we've got people who are thinking of new boxes to make. It's important to point out that the acid rain solution had bipartisan support and was signed by the first President Bush. Well, those days of bipartisanship I guess we would like to see come back a little bit more.

Another attack on the bill is won't this "energy tax" raise electricity rates. Even Obama said cap-and-trade will make energy prices "skyrocket."

Saving consumers money is not a tax. Saving businesses money is not a tax. Sending \$400 billion dollars a year to other countries is a tax, and the fact is, it's a tax that Americans are tired of paying.

This plan, this ACES bill, even in its unfinished form, declares energy inde-

pendence and puts America on the path to middle class recovery. The President spoke of transitioning to a clean-energy economy that will create jobs, make homes, buildings and vehicles more efficient, and protect consumers. In his inaugural address, remember he said we will harness the sun and the winds and the soil to fuel our cars and our factories, and I'm glad he's doing that.

Let me offer just a few numbers in terms of jobs. Clean-energy job provisions, the RES, or Renewable Electricity Standard, will create over 300,000 new jobs. The efficiency saving measures, which is the Energy Efficiency Resource Standard, will create over 222,000 jobs by the year 2020. Cutting waste, saving money. The Clean Energy Jobs provisions, RES standard alone, will result in nearly a hundred billion dollars in savings for consumers and businesses, which we can put in other things, which we can invest in other ways. And the efficiency measures alone will result in \$170 billion in utility savings by 2020.

It's very important to understand that the fear and the scare tactics—people who don't want to take us into the future are always going to try to say what's going to cost money, this is going to go wrong, that's going to go wrong. That's the very essence of a conservative position. They don't want to try anything new. They would rather stay in the status quo than go forward into a better future. But the Progressive vision for our country is not that. The Progressive vision is to deal head-on with this problem, face the problems head-on and create a better situation for all Americans.

Let me just say that this bill, which has been criticized by folks on the other side of the aisle, really is, in many ways, a bill that, of course, is designed to scare some people, because the only solutions we've seen while the House was controlled by Republicans is tax breaks for oil companies who posted record profits, massive increases in greenhouse gas emissions, and erratic spikes in gas and energy prices.

We know that gas prices have been going up over the last several months, but don't you remember only a short while ago they were astronomical last summer, 4 bucks, stuff like that? Well, they're creeping up.

If we go green and really address the greenhouse gas emissions, what will happen is we will see a flattening of these kind of spikes in our energy prices. We will derive savings, and we will have alternative forms of energy and greater control over oil prices.

Marginal increases in renewable energy development. While the rest of the world engages and passes us on, we haven't seen real increases in renewable energy development, just tiny little incremental ones, and a greater dependence on foreign oil.

The fact is is that since 1973, America's dependence upon oil from outside of America has skyrocketed, has absolutely skyrocketed. And this period, much of which was between 1994 right on up to 2006, the House was controlled by Republicans, and for much of that time they had the House, the Senate, and the Presidency and did nothing about this problem; it just got worse. Now we are going to do something about it.

So tonight, we've spent some time talking about energy. The message tonight is twofold. One is that the American Clean Energy Security Act is being developed now. It's a sharp break from the past. It's better than what we have now. It improves the status quo. But Progressive voices have never been satisfied with just doing marginally better. Progressive voices have always said we've got to do way better, we've got to do as well as we can do, not just as well as what we might be able to scrape by with. So I invite people who have a vision for a clean energy future to step forward with their proposals.

The other point is that is not just limited to the bill. It's focused on the idea that this is an opportunity for basic civic engagement and real Democratic participation in our society. As we are now having multiple debates not only on health care but also on foreign assistance reforms, the State Department—as we're talking about appropriation bills, which are probably going to keep us really busy over the next 3 days, the fact is we will be addressing this ACES bill as well, and we cannot allow the advocates for a clean energy, green energy future to not be a part of this critical conversation.

So let me just go through a few more questions, and then we'll begin to wrap up for tonight. It's Thursday night and we're going to move on out, but let me just make sure that everybody who wrote in and addressed our Web site, as we asked them to do, gets their question answered.

What can we do to make it easier for homeowners to become self-sufficient with wind or solar power? We could support the provisions that are in the ACES bill, which address heavy polluters, give American entrepreneurs and innovators the tools they need to stay competitive, which increase production of cleaner renewable energy sources, which reduces our dependence on fossil fuels and creates millions of new jobs. And we can follow the new building standards and we can follow the new vehicle standards.

Why can't we create better tax incentives for business and consumers to use alternative energy? Well, 4,118 people asked this question, and I quite agree. We need to take a close look at the incentives for businesses and consumers to use alternative energy, and I think that we can do better than we're doing right now. And I invite you to engage

in that conversation. Essentially, the answer is the politics of the situation have landed us where we are now, and if you want better, you have got to get involved in the debate.

Hawaii is looking for 100 percent clean energy in 10 years. Can every State be urged to push the limits? That question was asked by 728 people on progressivecongress. The fact is the States, much power in the States, great incentives in the States. Each State, all 50 of them, can get out there and set tough, renewable energy standards so that each State can do well. And let me tell you, a State can be a laboratory for the Nation. If States get out there and show that it can be done, that we really can have 100 percent clean energy in 10 years—like they will try to do in Hawaii—and say, Look, we did it. You can do it. Here's how we did it. We can make it happen.

So hats off to Hawaii for their ambitious goal. If you live in a State where you think renewable energy standards like this can be reached, we urge you to get out there and try to make it happen.

Why are we expanding highways when rail transportation would provide greener alternatives to commuters? I quite agree, and 2,799 people asked this question on progressivecongress. We appreciate you putting that question in.

As a person who's really into light-rail transit, bike paths—we're having this debate right now as we're talking about the transportation reauthorization bill. This is a bill that's only reauthorized every 6 years, and I think people should have community forums on this bill all over America. It's not just the ACES bill that can help us get into a greener future, but also the transportation bill and other bills that are coming up can help us get there.

This question, Why are we expanding highways when rail transportation will provide greener alternatives to the commuters? Great question. I agree that this is what we should be doing. I think that highways have been incentivized and given unfair advantage over rail transit, and I would like to see them compete on equal footing.

So let me say, don't be afraid of the future. The future is coming anyway. Those who stand up and say, Well, we can't have a bill that's going to help America get off fossil fuels and cut greenhouse gas emissions because it's nothing but a tax, understand that the folks who told you about tax-and-spend liberals and all of that—look, we've only had a President and a Democratic Congress for a few months. This stuff wasn't inherited. You want to talk about spenders and debt accumulators? Those guys sit on the other side of this Chamber.

□ 1830

The fact is, the progressive future this country needs is in the hands of

the people who are going to help America get into a green, clean future.

This bill, this ACES bill that is being marked up right now, that has already gone through Energy and Commerce, that is in the Agriculture Committee now. This bill is undone and needs the input of all America, people who have a progressive vision for America, people who aren't afraid of the future, not people who cling to the status quo and what happened yesterday, but people who want something better for tomorrow and are willing and have the courage to try to get it.

That's the Progressive Message for tonight. I want to thank everybody for tuning in.

Mr. Speaker, I yield back.

HEALTHCARE REFORM

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

Mr. KIRK. Mr. Speaker, tonight, what we would like to talk about is a new and positive medical reform agenda as Congress prepares to debate health care in the United States.

I want to focus this discussion on what we should be for—a bipartisan and centrist agenda for the United States—and compare our country to plans in other countries to make sure that we take the best of all medical care around the world but don't replicate some of the problems that we see both here and abroad.

When we look at a comprehensive reform agenda that would receive widespread support both in the House of Representatives and the Senate, we basically unify around eight major themes.

First, we want to make sure that we guarantee that medical decisions are kept in the hands of patients and their doctors and not a new government bureaucracy.

Second, we want to lower the cost of insurance to make sure that the competitive advantage that the United States could enjoy would be realized, and that also individual costs for all American families are lowered.

We want to increase the number of Americans who have health insurance to make sure that more and more families have the peace of mind that they need to protect their family incomes, their health, and most importantly, their lives.

We want to allow Americans to keep the insurance they like because we know that over 80 percent of Americans—and especially voters—report that they are either satisfied or extremely satisfied with the health insurance plan they have.

And we want to make sure that we replicate the doctor's principle, that

first we should do no harm. And in the Congress, on health care policy, we should follow that advice.

Fifth, we would like to improve quality and accountability and make sure that especially the cost of defensive medicine is reduced and that we know exactly what we are doing with regard to health care outcomes to make sure that we are maximizing the treatment and cures provided when a patient presents in a health care facility.

We want to increase personal responsibility, especially for many of the decisions Americans are making because we know that if they lose weight, quit smoking, and stop drinking, their health care will improve dramatically.

And, finally, we want to lower demand for more Federal borrowing at a time when the United States is already reporting that it will borrow \$1.8 trillion this year. It is difficult to argue that we should turn every family's health care over to the Federal Government, an institution which is already, as the President says, "out of money."

When we look at health care across the world, we see that the percentage of patients who wait more than 2 months to see a specialist is not a dramatic issue in the United States, but this is front-page news in both Canada and the United Kingdom. According to the Commonwealth Fund International Health Policy Survey of Sicker Adults, they report that about 10 percent of Americans wait more than 2 months to see a specialist, but one-third of Britons do, and approaching half of Canadians wait a long time for health care.

We know that health care delayed is health care denied. And imagine—especially if the specialist that you need is an oncologist, someone who treats cancer—what a 42-week wait would be as compared to what we see in the United States.

Secondly, we know from asking Americans, What is the most important thing you would like to see in health care?, they say lowering the cost of their health insurance. Many in this body also say the number one priority is to expand health care coverage so that Americans who do not have health insurance can get it. I would say those two goals are very important, but the most important goal of health care is to determine whether you live or die, to make sure that, especially if you are facing health care challenges of the most severe degree, you have the greatest chance for you or a member of your family to survive. This is most clear in the case of cancer.

When you or I or a member of our family gets that terrible diagnosis from a doctor that you will be fighting cancer, the question is often asked, How much time do I have? Will I be able to survive? When we look at The Lancet, Britain's number one medical journal, they did a ground-breaking study of cancer survival rates across

Europe, Canada, and the United States and found that you are more likely to survive in the United States than you are in especially European countries.

They looked at a number of different cancers. For example, prostate cancer: a 78 percent survival rate in Europe—which is fairly good—but a 99 percent survival rate if found in the United States. Bladder cancer: only 66 percent of Europeans survive bladder cancer, 81 percent of Americans. Breast cancer: 79 percent of Europeans will survive breast cancer, but 90 percent of Americans. And uterine cancer: 78 percent of Europeans will survive, but 82 percent of Americans.

Why is it that Americans are doing so much better against cancer than Europeans? Part of it is because in Canada and Europe advanced oncology medicines to fight cancer are restricted; and especially imagery to find cancer, either through x rays, MRIs or CAT scans, are much more available in the United States to find cancer, especially at its earlier stage, which means that Americans, bottom line, have a greater chance of surviving cancer than Europeans.

When we look at 5-year survival rates, overall the picture is also stark. Women fighting cancer have a 63 percent chance of surviving if they are treated in the United States. That survival rate drops to just 56 percent in Europe. For men, the difference is even starker. Sixty-six percent of American men will survive a cancer diagnosis, only 47 percent of European men.

Bottom line, once again we see, across both men and women, you are much more likely to survive cancer in the United States than in European countries. And much of the reason why is because in countries in which the government controls more of the health care sector, they restrict access to oncology medicine and to imagery. That means that cancer is found later and is fought with less aggressive drugs, meaning that Europeans will die at a higher rate than Americans.

When we look at high-tech medical procedures in Britain, Canada, and the United States, many people would say that health care costs are derived by too much access to high-tech medical care. But what we see here is that survival rates are higher in the United States, meaning high-tech is good. And the chance of your family member surviving improves when you have access to oncology medicine and MRIs.

We see the differences between Britain, Canada, and the United States most clearly here where Britain, who has had the longest record of socialized government-controlled medicine, has very low rates of providing dialysis care as opposed to the United States. In coronary bypass, we see even Canadian rates are much lower. And especially in coronary angioplasty, the United States far outdistances coun-

tries with socialized medicine, leading to higher survival rates and better outcomes for Americans over patients who face socialized medicine.

When we look at quality outcomes, this is another study showing the amount of time that you have to wait to see a specialist doctor. In this Commonwealth study, they rated the percentage of people that had to wait more than 4 weeks to see a specialist doctor. This is not a critical issue in the United States, but once again, front page news in the U.K. where we see the rate of patients that have to wait and, therefore, are denied care is three times the rate of the U.S. rate in Canada and in the United Kingdom as opposed to the U.S. And only Germany has a level somewhat equaling the U.S. record of getting you to see the specialist you need when you need to see it without a wait.

This is another chart which shows patients having very long waits. We see that in the United States, only 8 percent of Americans have to wait more than 4 months to see a key specialist, but 41 percent of people in Britain. Imagine getting a diagnosis of cancer, knowing that it is in your body, and being told that you had to wait more than 4 months before you could even see the specialist that you need to survive. This is why we are quite worried about the restrictions that would be caused and denial of care in a socialized system.

Remember also that since the U.S. Government is \$1.8 trillion in debt just this year, if you give control of your health care to the government and the government is already out of money, how will it try to save money to rectify the deficit? If it's in control of your health care, it may do what the Canadians and Britons do, which is control your access to care.

I am very happy to be joined by my co-Chair of The Tuesday Group, Congressman DENT from Pennsylvania, who has been a leader on health care and has engaged in a number of these international comparisons.

Mr. DENT. Thank you, Congressman KIRK, for your leadership on health care. As you know, we have been working diligently to come up with some alternative ideas. And the chart that you have just identified in terms of cancer survivability rates as well as health care costs, I think really drives home the point that Americans all across this country understand: that we have a health care crisis, we particularly have a crisis in cost. And they understand, too, that depending on how we engage in health care reform could impact the care they receive.

Americans are concerned about medical breakthroughs, innovation, and quality. They're also concerned about the ability to get the care they need when they need it because they understand that if care is delayed, care is denied.

And you pointed out some interesting cancer survivability statistics from Canada. Interestingly enough, an anecdote: there is a member of Parliament in Canada, I believe she was a member of the Liberal Party. She is a great proponent of the Canadian health care system. And what happened is that she contracted breast cancer, and for whatever reason, she decided she needed her care in the United States. It created quite a controversy in Canada because it really spoke to the issue in Canada, which was that the Canadian system was good enough for all the Canadians, but not for this particular member of Parliament. And it spoke to the issue of two tiers of system, one for those who are in Canada, and those who, when they can't get the care that they need when they need it, they simply go south—because much of the Canadian population lives within 50 miles of the American border. So the second tier of Canadian health care can be provided across the border, and people pay top dollar.

So I think that's something that we have to talk about quite a bit as we engage in this discussion: that we understand that care delayed is care denied, that people understand that the costs are rising, and that we have to come up with solutions.

I am going to be, at some point tonight, talking about medical liability reform, why we need that. And that is a major cost driver. Defensive medicine costs have gone up significantly because of the tort system in the United States. We understand that there is just too much money being spent in the courtroom and not in the operating room. I think we all understand that.

We are also joined tonight by our friend and colleague from western Pennsylvania, TIM MURPHY, Dr. MURPHY, who has a background in psychology, and also has a great deal of interest on this issue.

At this time, I would be happy to yield to my friend and colleague from western Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. I thank my friend from Pennsylvania and also thank Congressman KIRK of Illinois for putting together this important session tonight to talk about health care.

One of the concerns that comes up repeatedly when you talk about health care is the cost. And one of the things that happens, as Washington deals with it, is two approaches: one, they say health care is expensive, let's have the government pay for it, which means you raise taxes. And the other one they say, health care is expensive, let's deal with insurance issues, perhaps some tax credits, which means it's still taxes that pay for it. And I understand in both cases we are trying to lower health care cost, but neither one really gets to the root of that, and that is, dealing with some of the issues that

have to do with improving the quality of health care to make it more affordable and accessible. So I would like to focus a little bit on some comments tonight that specifically address this issue of how we lower health care costs.

As part of the plan that Congressman KIRK and Congressman DENT have led here for our group in coming up with some cost savings in health care, one of them has to do with trying to make sure we are providing health care to those who are not able to afford it. We know that currently the government provides assistance for those who have a low income through Medicaid, for the elderly through Medicare, for veterans through the VA; but for those just above the level of Medicaid income, that's the group that we are really deeply concerned about because we want to make sure they get the care they need.

□ 1845

One thing that's also important then is to make sure they have a health care home. Those who have a doctor or a specialist they can go to when they have an illness are much more likely to have that illness treated in a timely manner to provide a cure for them. Care delayed, care denied. When we look at how Medicaid and Medicare operate, that it really sometimes takes an act of Congress to get something done, that's care delayed. Let me give you a couple of examples about how there are problems with that. Let's say you have a stroke and an ambulance takes you to a suburban hospital. Sometimes those hospitals do not have a neurologist. Many times they don't have a neurologist on staff 24/7 or a radiologist. So what happens? Wouldn't it be great—imagine a world whereby a neurologist, through telemedicine, for example, could connect up with the patient, looking at them on a video camera, the patient seeing the doctor. That doctor could be half a country away or could be 20 miles away, whatever it may be, doing the exam with the assistance of a nurse on site. Look at the signs, look at the way the patient responds, and be able to diagnose and offer, does that patient get one type of treatment, which is if there are blocked arteries in the brain leading to the stroke, or another type of treatment which might be hemorrhagic, that is, a burst artery. Each one critically different life-saving treatments. It could mean the difference between the patient who lives and dies. Also it could make a difference between the patient who has years and years of physical therapy, occupational therapy, and speech therapy or one who has a shorter recovery time. Because when you have a stroke, time is brain. That would make sense if we imagined that, but Medicare doesn't cover that. Instead, it's going to take an act in Con-

gress—I know our friend and colleague Lois Capps from California has been pushing a bill for a while to allow Medicare to do that. This is not a new idea, but we have to take an act of Congress to do this. Or how about this—if you are going to get something called home infusion therapy to provide an IV line, to provide some medical treatments to you, you could do that at home, in many cases, with insurance companies, but not necessarily with Medicare and Medicaid because they want you to go to hospital where you have to go all the way to the hospital, and your risk for problems could increase. It's also going to take an act of Congress to make it so that hospitals actually have to state what their infection and complication rates are. I always find it amazing, you can go online and you can find out, if you are shopping for a new car, everything about that car. You want to shop for clothes, you can go all over the place, checking out the quality reports, consumer reports, all those things on that. If you want to look up the records on a hospital, am I more likely to get sicker or better when I am there, you can't find out that information. As my friends know, for a number of years I put forth a bill to provide transparency in this area, whereby you could look up and find out the infection rate of a hospital. This is critically important because nosocomial infections, that is infections you pick up in a hospital or clinic, kill 100,000 people each year, cost \$50 billion, and there are 2 million cases. Sadly, Senator BYRD, one of our colleagues in Congress, is right now suffering a staph infection; and many of our colleagues have had a family member who has faced the same problem. It would be nice to know, and the advantage of having that information out there is that you can look it up, and you could find out. Hospitals that have paid attention to this have actually reduced some of their infection rates to near zero. That's what we want to see, but it's going to take an act of Congress to change that.

Mr. KIRK. I think one of the key lessons that we want is, we want Americans to have health insurance as good as a Congressman, but we don't want them to have to call their Congressman to get good health care. One of the things that we've also seen is that the United States really stands out in a couple of areas that drive health care costs up. We have very little to no Federal lawsuit reform in the United States for health care, meaning that defensive medicine is the practice of the day in our country as opposed to other countries because doctors are so likely to be sued. Another is that, yes, Americans generally have a higher degree of obesity as compared to other countries. And so the Congress and the President, on a bipartisan basis I think, will have a lot of common

ground in working and encouraging a reduction in weight by Americans because this will lower health care costs. One of our key experts on how lawsuits drive health care costs up is our colleague from Pennsylvania as well, Congressman DENT.

Mr. DENT. I thank the gentleman for yielding. In Pennsylvania, of course, we have been in a crisis state for some time with respect to medical liability. In fact, my colleague Tim Murphy remembers the great debates we had in Pennsylvania about the need for joint and several liability reform, to make sure that the award would be basically proportional to the degree of fault. We felt that that was something that was absolutely essential. Caps on non-economic damages, another area we were greatly in need of reform in Pennsylvania. Also the notion of a periodic payment as opposed to one big lump-sum award. One could pay those payments out over a period of time. Something that, again, was absolutely essential. In the city of Philadelphia, in particular, we had a very real crisis. In fact, at the time a group called Jury Verdict Research had done a number of studies about the jury awards and settlements coming out of the city of Philadelphia. The average jury award at that time was somewhere around \$1 million. The rest of the State, on average, was a bit less than \$500,000. In fact, it got so bad one year that there were more awards and payouts out of the city of Philadelphia than in the entire State of California; and the city of Philadelphia has a population of about 1.5 million people. So what we had to do was find ways to get cases out of the city of Philadelphia, out of those courts. So Congressman MURPHY and I actually passed legislation that would have essentially required the cases be heard in the county where the alleged malpractice incident occurred, and we supported it in Harrisburg. So that made complete and total sense. Consequently, we tried to pass it legislatively, but we ended up having the Supreme Court establish a rule to essentially provide that kind of a remedy. What happened is, we saw the number of cases heard in Philadelphia drop dramatically as a result of that. So that was just another example of the problems.

Also, we have many people in this country who must go to an emergency room for care. They go to the emergency room, and oftentimes emergency room physicians and staff are the subject of lawsuits. But those same physicians must provide care under Federal law, something called EMTALA; and essentially what that means is that they must provide care. So I think what we should do is provide medical liability relief to those emergency room physicians by treating them as Federal employees, not that they're going to be on the Federal payroll. But

for tort purposes, in the Federal Tort Claims Act, they would be relieved from those types of lawsuits. Because we've had situations across this country where trauma rooms have been forced to close down. It's dramatic. We also had a situation where we met an obstetrician recently from one of the hospitals in the city of Philadelphia who actually said, The only reason why we deliver babies is to train our students. We lose money. There are many doctors who choose not to deliver babies these days because of liability. And in Philadelphia I know one hospital, I think it was Methodist Hospital, stopped delivering babies. One of the teaching institutions only delivers just so that they can train their residents. They lose money, and it's very costly to them. But they do it as a service and as a way of training physicians. But that's a very sad state of affairs when we can't deliver babies because of the high costs.

Mr. KIRK. I think the gentleman's point is well taken, especially in comparing two States and the average premium for health care in these two States. In New Jersey, the average premium totals over \$6,000 per person, a State that has very little lawsuit reform; and a number of the other reforms that we are talking about in our reform bill that we will be outlining next Tuesday from the GOP centrists are not there in New Jersey. In California, a number of the successful reforms that we've put forward are there; and the average cost of our premium is just \$1,885, meaning that if you back the kind of reforms that will be in the outline bill that we put forward next Tuesday, you can drop the cost of health care by thousands of dollars per patient.

Mr. TIM MURPHY of Pennsylvania. As an important part of this, we're trying to drive the point that the losses themselves do not guarantee quality. But it's quality that is very important. I believe you have a chart up there about some tests and procedures. I wonder if you could explain and comment on them a little bit.

Mr. KIRK. When we're looking at preventive care, which is so essential, in many countries with government-controlled systems, because these systems are generally out of money, as governments generally are, they have restricted access to preventive care. So particularly in a Pap smear and a mammogram, two essential procedures in finding cancer in women early, we see that 89 percent of American women will have had a Pap smear within the last 3 years, but only 77 percent of Britons. In a mammogram as well, American women are 86 percent, whereas women in the United Kingdom are 77 percent. All of these major industrialized powers, allies of the United States, have much lower access to care, even though they have government systems.

Mr. TIM MURPHY of Pennsylvania. That brings up an important point of how in the U.S. system we handle such things as dealing with breast cancer and cervical cancer. One of the sad stories in this country is, more often than is necessarily believed, the U.S. handles lumps, et cetera, by providing mastectomies to women. Other countries may not do that. In part, it may be that the tests come much lower, are much more difficult to get in other countries; but it also brings up the other point. We need to make sure that physicians are empowered to provide that ongoing primary care so they can monitor the patients, get the tests they need. Unfortunately we have a system that pays for quantity, not quality; that pays for defensive medicine, not really working on prevention.

Let me read you an important quote. This comes from the New Yorker magazine, an article entitled The Cost Conundrum by Atul Gawande. It's about Texas towns. It says that between 2001 and 2005, critically ill Medicare patients received almost 50 percent more specialist visits in McAllen, Texas, than in El Paso and were two-thirds more likely to see 10 or more specialists in a 6-month period. Why? It was a different approach to care and, that is, providing more care, providing more surgical procedures, et cetera, doing more tests that were not necessarily warranted. You have another area, like where the Mayo Clinic is up in Rochester, Minnesota, where that dominates the scene. They have fantastically high levels of all this technological capability and quality; but its Medicare spending is in the lowest 15 percent in the country, \$6,000 per enrollee in 2006, which is \$8,000 less than the figure from McAllen, Texas. I bring that up to say that in the U.S., it is a part of what you are describing that patients need access to these tests in a timely manner, number one; but number two, we also need to make sure the physicians and nurses and all medical specialists are getting the information they need to make sure the quality is what we're driving here. When you are dealing with just issues of insurance or just issues of defensive medicine, you are not necessarily driving quality. You are driving more tests.

Mr. KIRK. One of the other things that we've been concerned about is the increasing price of medical malpractice insurance in the United States. Especially if you look between 2000 and 2002 for obstetricians and gynecologists, for physicians, for internists in general, you've got an explosion in the cost of buying insurance. We do not have 30 percent more malpractice in America in just 2 years, but what we may have is a 30 percent greater chance of being sued in America, the most litigious society on earth. All of this drives health care costs up, as physicians have to cover the cost of malpractice insurance

and, of course, over-prescribe tests and other procedures.

Mr. DENT. I would like to get in a few statistics about this. This is a very interesting and pertinent subject, this whole discussion of the cost of health care and why it's rising. Defensive medicine costs the U.S. as much as \$126 billion per year. That was out of a 2003 HHS study. One-third of the orthopedists, obstetricians, trauma surgeons, emergency room doctors and plastic surgeons can expect to be sued in any given year. The data for 2006 shows 71 percent of the medical liability cases are dropped or dismissed. Only 1 percent of the cases result in a verdict.

Mr. KIRK. So 71 percent are dropped, but a payment is still made because it's a settlement, and that's going to drive up insurance rates anyway.

Mr. DENT. And the physicians and hospitals have to hire attorneys to defend themselves. So there's a lot of time, effort and money expended just to prepare and fight this battle, only to have it dropped. So there is still a cost incurred even though the case is dropped.

Mr. TIM MURPHY of Pennsylvania. Another issue with regard to this bill we've introduced has to do with allowing doctors to volunteer their services. And here is something that only the United States would mess up in our government. Community health centers, which provide great health care at home for people with lots of different services from primary medical care, dental, mental health, pediatric care, et cetera. But they are strapped for money. In many cases they have a 15 to 20 percent shortage of family physicians, OB/GYNs, et cetera. The doctors are covered under the Federal Tort Claims Act. The Federal Government handles their malpractice at a lower cost for them. But if a doctor wants to volunteer, they're not covered. Basically if a doctor says, I would like to give my time to work a couple days a month, offer my time on a volunteer basis, the clinic has to turn them away because they cannot afford the full price of their malpractice insurance. It is the opposite in a free clinic, where if a doctor is paid, they have to cover their own insurance. But if they volunteer, they are covered under the Federal Tort Claims Act.

We have a bill we've been trying to get in for a number of years to allow doctors to volunteer. The advantages people have at health care home, it is a much lower cost. It even reduces the cost for Medicaid patients to go there by some 30 percent, and it focuses on getting the doctor near the patient and the patient near the doctor and eliminating any incentive of defensive medicine, any incentive to do lots and lots of tests just to make up for the losses.

Mr. DENT. Before we get on to our next topic, I just want to mention one

thing. What's the point of this whole discussion? I was talking about the rising costs. But in Philadelphia, premiums rose 221 percent for OB/GYNs in the city of Philadelphia. That is between 2000 and 2008. Premiums rose 149 percent for general surgeons in New Jersey. Premiums rose 348 percent for internists in Connecticut over that 2000–2008 period.

Mr. KIRK. But does it mean though that doctors in Connecticut were 300 percent worse 2 years later?

Mr. DENT. Absolutely not.

□ 1900

The point is, this drives up costs, not just in terms of the liability payments that the doctors and the hospitals must incur, and many physicians are now working in hospital-based practices in part because they can't afford liability insurance, so the hospital must pick up that bill and they are struggling to make these payments.

The point is, it raises costs not just for the doctors and the hospitals, but the tests that are going to be prescribed and administered and treatments perhaps proposed just to protect themselves. This will drive costs up. They are protecting themselves against lawsuits.

What is the other issue? Access to care is a consequence, that there will be less access, that doctors won't deliver babies in the city of Philadelphia. That means people don't have access to an OB. That is important. I think that is the point. It drives up costs and it limits access, and Americans want access to health care and need the care when they must get it.

Mr. KIRK. The bill that we are going to be putting forward by the centrists on Tuesday has a number of liability reform provisions authored by Congressman DENT, and community health center and volunteer liability provisions authored by Congressman MURPHY.

One of the things we talk about is access to care. A critical issue coming up is the uninsured. Now, the Census Bureau indicates that there are about 45.7 million, about 46 million people in the country who are lacking insurance. Of those, about 9.5 million are non-citizens, and the question we have to ask is, should we provide taxpayer-funded care to those people who are not legally present in the United States?

About 12 million of the currently uninsured are already eligible for public programs. Because of lifestyle or because of their choice, they haven't even signed up for the health care that the government already will provide them. About 7.3 million have higher incomes than most Americans. They make over \$84,000 a year. And about 9 million are only temporarily uninsured.

As you can see here from an older chart showing 49 million uninsured, a large number of the uninsured were un-

insured temporarily, only 5 months, and another 25 percent were uninsured for only 6 months, leaving about 53 percent of this cohort uninsured for a long time, a group we all agree should be addressed.

When you take 45.7 million people uninsured, remove the noncitizens, remove the people who haven't signed up for the government programs they have already been eligible for, remove people who have higher incomes than most Americans and should buy it anyway, and remove the temporarily uninsured, you get down to a number of only 7.8 million. But this might not be a big enough number for a government takeover.

Mr. DENT. If the gentleman will yield, one of the interesting demographics with respect to the uninsured population, I think we really need to focus on this like a laser beam. Over half, I believe, 55 percent of the people lacking coverage in America are under the age of 35. Many of them are insurable. Those college-age kids up to age 35, they tend to be more insurable than much of the rest of the population.

So I believe we do have some suggestions and proposals as a way to cover that population, get them into an affordable catastrophic coverage that they will need in the event that something dramatic happens in their life where they need that kind of coverage. I would like to talk about that a little later. But that is another statistic I don't think we talk enough about.

Also, there are a large number of people uninsured who are currently eligible for programs, whether they be Medicaid or the Children's Health Insurance Program.

Mr. TIM MURPHY of Pennsylvania. If the gentleman will yield. As you know, many of those younger folks you are talking about consider themselves to be the invulnerables. They don't need insurance, they are never going to get sick. The problem becomes one that when they don't do that and they do get sick and they do end up in the emergency room, we pay for it. It is important that we remove any barriers and provide every encouragement and incentive for them to purchase that insurance that many times the employer does offer.

Mr. KIRK. I want to just point out, and I do want to go on to expanding health care insurance, we find for many small businesses they lack health insurance for their employees, and we ought to allow small businesses to join together. For example, the Libertyville Chamber of Commerce Association Health Plan is right now prohibited under Federal law. We should allow small businesses to band together to create large insurance pools on their own, because we know half of all Americans work for small businesses, and many don't have a plan through their employer, and that will be included in our legislation.

Mr. DENT. And that is a very important point. You know, there are so many people out there who need coverage, and there are so many things we can do to help. You just mentioned the idea of allowing employers to reach across State lines and realize greater discounts. That is critical.

But the other issue, too, to help the uninsured, we know that employers receive favorable tax treatment. They get a tax exclusion that is very beneficial to helping them provide health care coverage to their employees. That is a good thing. We want to protect that. There are about 165 million Americans that have health care through their employers in many respects, and what we should do is give the individual who lacks insurance, if his employer cannot provide it to them or if they are self-employed or on their own, give them the opportunity to buy health insurance and give the same kind of favorable tax treatment to the individual that we currently give to the business. That would do a lot to help cover particularly that younger population that is relatively healthy and insurable.

Mr. TIM MURPHY of Pennsylvania. In addition to that, it has to do with how they purchase it. The Federal Government recognizes that if we allow people of low income to pool together they can negotiate better prices. The VA does this all the time. They combine the purchasing power of the VA to purchase for veterans across the Nation. Yet we don't let individuals do that.

We don't let a small business that only has half a dozen employees or 20 or 50 employees to join other businesses of the same type, and that wall placed by insurance companies and by the government leads to higher costs. We ought to allow businesses to do the same thing the Federal Government does and use that as a mechanism to drive down costs substantially.

Mr. KIRK. One of the things that you have put forward, Congressman MURPHY, is the need for public health clinics, et cetera. I think that puts forward a critical point right now missing in the debate.

We know that of the uninsured, by this estimate 44.7 million, of the uninsured, currently 14.7 million are already eligible for public coverage.

Mr. DENT. That would be Medicaid and SCHIP.

Mr. KIRK. That is right, Medicaid, SCHIP and other State programs. But as we found in the State of Massachusetts, when a mandate that everyone has to buy health insurance is put forward, what they have generally found is that a technical and legal solution is not adequate.

They thought that by putting a health insurance signup machine at the entrance of every emergency room in the State they would register and collect the required number of people who

hadn't yet signed up for the public assistance that they were eligible for.

What they found is, for a small percentage of the most difficult patients, either because of alcohol, drug abuse or law enforcement problems, these patients were not registering under similar names, not registering under similar addresses, and were failing to report for appointments and other preventive care, meaning for that very small percentage of Americans, we need to provide an open public clinic.

It is the much-more appropriate health delivery system than an insurance system, because for this small group of Americans we have different names, different addresses and different lifestyles, and yet we still want to provide care. But having a 100 percent insurance mandate didn't do it. You needed to do it through a public health clinic.

Mr. TIM MURPHY of Pennsylvania. And as you described, it brings the thought too that in addition to people having this hodgepodge of how disjointed a difficult system that does not allow individuals or employers to purchase insurance is, we oftentimes look upon other solutions and think, well, they are not purchasing it for other reasons, and we artificially keep those things high, and we keep a system that also incentivizes lots of tests, we incentivize a system that is really dysfunctional.

In that I bring to my colleagues' attention an article published by the New England Health Care Institute that said out of this \$2.4 trillion health care system, this Nation wastes about \$700 billion a year, and all these inefficiencies have to do with care delivery, even beyond that of what we are talking about here, with the tax, the incentives, the insurance and barriers we set up too.

Mr. KIRK. One of the things that we want to make sure is sometimes in this debate when you hear about the uninsured, you may have the impression that the Federal Government doesn't spend any money already providing health care to low-income and needy Americans.

As this chart, already somewhat outdated from 2004 shows, it is a total of almost \$35 billion in assistance given to cover the uninsured. But one of the problems has been that some of the patients directly eligible for these government programs don't sign up.

Mr. DENT. The gentleman, Mr. KIRK from Illinois, pointed out an interesting point. He mentioned the Massachusetts health care experiment. What they did in Massachusetts, they had a universal mandate for coverage, but they did not do anything to deal with the cost issue.

So what happened in Massachusetts is while the numbers of those who were being provided coverage through the various programs in Massachusetts

through the mandates, those costs rose, but the ability of the taxpayers to meet those rising costs, of course, was limited. So what does the government do? It restricts care, it denies treatment, it denies service, it rations care. That is sort of a microcosm in Massachusetts of what happens in perhaps some other Western European countries or perhaps even Canada.

I am not here to either praise or condemn those systems in Western Europe and the United Kingdom or in Canada or anywhere else. They are different systems. And people need to understand that what happens in those systems when the costs continue to rise for health care and there aren't the tax dollars to meet those costs, they deny care. I think we all know that people are concerned about cures and not treatments. They want to be treated like human beings and not numbers.

Unfortunately, that can happen in those systems where you have a single-payer system. You take a number, wait for your dialysis, wait for your hip replacement, if you can wait that long. If you are a Canadian, if you have the money, you come across the border and get the care you need when you need it. We need to have this very sober discussion.

Mr. KIRK. By the way, the gentleman points out Canada, a country that has basically a two-tier health care system, the Canadian health care system, and then when you are denied care, which is especially prevalent in any care needing advanced imagery or new oncology medicines to fight cancer, the relief valve is they come to the United States. Some Canadian doctors call it "Fargo-ing a patient," meaning when a patient is denied care or care is going to be tremendously delayed under the Canadian system, they will then refer that patient to Fargo, North Dakota, where they will immediately get care under the U.S. system.

The concern I have though is if we have the government take over health care, where will we be able to drive? Where will we be able to go? That is why in our legislation that we will be outlining on Tuesday, it includes the Medical Rights Act, and the Medical Rights Act says this: We guarantee the right of patients to carry out the decisions of their doctors without delay or denial of care by the government.

The legislation protects the right of each American to receive medical services as deemed appropriate by their doctor.

Mr. TIM MURPHY of Pennsylvania. Let me add to that. That is a great base to be moving from that what they do there does need to be these basic rights outlined, because we have a system that stands with huge barriers between doctor and patient and much of that barrier is the government.

The government through Medicare and Medicaid, for example, handles

cost controls by delaying care, by denying care and by denying or diminishing payment. So physicians and hospitals that are paid, for example, 30 or 40 percent less for Medicare services, or saying you are not allowed to do these other tests, we are not going to pay for it, end up promoting a situation that is more based on quantity than quality, and that actually increases many costs and increases the chances for fraud and abuse. In Pennsylvania, there was news in the paper of just millions of dollars again of abuse in this system.

What is so important is if you have the patient and the doctor in charge of their care, you incentivize quality, you make sure the doctor has timely information through electronic medical records, et cetera. Those are important things which we are not doing yet as part of this.

But then you look at other clinics, you look at a Mayo Clinic, you look at the Geisinger Plan, you look at the University of Pittsburgh Medical Center, ones that have really focused on. We are going to change the quality and delivery of care and focus on outcome—you actually see those costs go down. That is part of the focus we need to have.

With that, I yield back to my colleague.

Mr. KIRK. Let me just follow up. I want to talk about some of the solutions we are going to put forward, because what is lost sometimes in this debate is we agree with the President that we should lower costs. We agree with the President that we should expand health care. But we think we have a better way.

Many times in partisan debate people can say that we have no alternative. So we have spent about 90 percent of our time coming up with that alternative. We want to make sure that we guarantee the rights of each patient in the doctor-patient relationship so that you or a loved one in your family is allowed to carry out the decisions made by you and your doctor and not be interfered with by a government bureaucracy.

Also though we are focusing in our legislation coming up on lowering the cost of insurance through alliances, through equalizing the tax benefit for individuals so they get the same benefit that employers get when they buy health insurance, and obviously what we have talked about here, lawsuit reform.

Mr. DENT. That was the point I made a few moments earlier about equalizing the tax treatment. That is a point we are stating; that the 165 million Americans—I think that is about 60 percent of our population—has insurance through their employers, but those individuals who cannot afford insurance, and there are a lot of them out there, unfortunately, cannot afford their insurance, but they get no favorable tax treatment themselves. Their employer

receives it, as they should, that treatment, but the employee, the worker or the self-employed individual should get that same favorable treatment.

That is a way to really help particularly the younger population, some of whom have some capacity to purchase insurance. They may be relatively healthy, but they choose not to purchase it. Some use the term “the invincibles.” Obviously they are not. But they need insurance, and we can help that population afford a reasonable, comprehensive plan.

□ 1915

And that’s one of the major parts of the reform that you and I have worked on. And I think we can do this in a bipartisan manner. I think there are plenty of people in this room, on both sides of the aisle, that would be willing to vote for this type of commonsense reform that’s going to help people get access to care and coverage.

Mr. KIRK. And here’s what we’ve been working on. We want to equalize the benefit so that if you buy your own insurance, you get the same tax benefit that an employer gets when it buys for employees.

But here’s what I’m concerned about. There are ideas building in strength now, in the Congress and downtown, that talk about cutting the tax benefit that employers get for providing health insurance to their employees.

One study by the Llewellyn Group says that if that tax break that employers get for providing care to their employees is cut, 100 million Americans will lose their health insurance. And so a health reform bill, ironically, will cut the number of Americans who have their own insurance from 170 million to 70 million.

Our bill, our positive alternative, goes in exactly the opposite direction. We’re enhancing employer-provided coverage and making sure that it’s more available.

But I yield to the gentleman.

Mr. DENT. That’s an astounding statistic from the Llewellyn Group. When you talk about 100 million Americans potentially losing their health care, where will they go to get it? That’s really the issue. So that employer exclusion, that favorable tax treatment is absolutely essential to making sure that many Americans are able to maintain their coverage. And that’s the first thing we have to protect in this whole discussion. We have to protect that first.

And some of the proposals that are floating around this capital, as you correctly pointed out, would either eliminate that exclusion or severely limit it as a way to finance whatever kind of program they’re advancing. And this is big money.

So I just wanted to share that with the American people, make sure they understand that that seems to be the

primary funding mechanism that many are looking at to finance whatever kind of health care system would be proposed, whether it’s a government option or some other proposal, single-payer. That’s something to be concerned about.

Mr. KIRK. That’s what we worry about. They’re talking about maybe a \$1 trillion cost of a government plan. And so the most obvious response with such a cost is a huge income tax increase, but we know most Americans oppose that.

Some, including Ezekiel Emanuel, one of the heads of the President’s advisory committee, has talked about a national sales tax on top of the other tax, but I think there’s significant opposition to that. So they’ve talked about cutting back on the tax benefit that employers get when they provide health care to their employees, but by this estimate, it could cost over 100 million Americans their health insurance.

I yield to the gentleman.

Mr. TIM MURPHY of Pennsylvania. As that goes, when we look at the government running a plan that costs \$1 trillion, that’s several hundred billion more than the Pentagon. And I’m not sure that people would say the Pentagon, for all the pride we have of all our soldiers, our sailors, our airmen and marines, I doubt that people would say that’s the model of economic efficiency.

Would they say that Social Security run by the Federal Government is the best investment system? Would they—I mean, pick a system that the Federal Government runs, and it’s hardly seen as the best. We know we have a lot of dedicated employees there, but oftentimes they are saddled and handcuffed by regulations.

We have a system that is still, after all these years, Medicaid, that has been around since the 1960s, so fraught with inefficiency that it invites waste, fraud and abuse. It has not been revamped.

An article that appeared in the *New England Journal of Medicine* a couple of weeks ago by Victor R. Fuchs was saying we’ve got to fix this system first; otherwise—and I go back to this article from the *New Yorker*. It says this: Providing health care is like building a house. The task requires experts, expensive equipment and materials, and a huge amount of coordination. Imagine that, instead of paying a contractor to pull a team together and keep them on track, you paid an electrician for every outlet he recommends, a plumber for every faucet and a carpenter for every cabinet. Would you be surprised if you got a house with 1,000 outlets, faucets and cabinets at three times the cost you expected, and the whole thing fell apart a couple of years later?

That’s where we are with our health care system. It must be focused on

quality and on outcome. And I worry that if we have a government-run system and this bureaucracy created, it’s going to be a matter between you and your doctor and this Congress. To get anything done, it’s going to take an act of Congress or bureaucracy. That’s going to be such a huge cost on top that all the people will say, well, it’s going to be less involved with regard to administrative cost. I don’t see how that is possible, given the track record we have.

Mr. KIRK. If the gentleman will yield, we also not only see other examples of the government poorly running the bureaucracies that it already has taken over, but recently the government took over the largest bond dealer, Bear Stearns. The government has taken over the largest insurance company, the American International Group, and the government has taken over the largest car manufacturer, GM. And I don’t think that any of us would argue that the government is running it better in their current states.

Mr. DENT. And if the gentleman would yield, to follow up on that point you were just making about government ownership and autos and financial services and elsewhere, let’s talk a moment about health care. And there’s an idea being floated about called a government option, which needs to be, I think, fully understood and vetted before the public. But that government option many fear may become the only option for insurance because a government option coverage perhaps would be able to offer it at a much lower cost than any kind of a private sector insurance product. And the fear is that you would have a backdoor government takeover of our health system through this government option, a very real concern.

And again, I just don’t think that we should lose sight of the fact that if we—this turns into a backdoor, single-payer system or a government takeover of health care, what will soon follow will be rationed care, that is, waiting lines, delays, denials of care.

Mr. KIRK. I want to emphasize the point the gentleman raises. Not only, if we create a government health care program, will it compete and may be the lowest cost option because it has a taxpayer subsidy, but that taxpayer subsidy may be paid for by ending some of the tax break that employers have in providing health care to their employees.

Mr. DENT. 165 million Americans.

Mr. KIRK. Right. And so, employers seeing that they don’t get a tax break anymore for giving health care to their employees will simply cancel your health insurance program, and then the government will be your only option.

Mr. TIM MURPHY of Pennsylvania. As this goes, I mean, I believe the government does have a role in terms of

providing regulations, standards of clinical excellence, and pushing companies toward this constantly. Provide the oversight that says, if you're going to be spending the taxpayers' money on Medicaid, Medicare and the VA, we want to see quality measures.

So, if the Federal Government's going to put up money for electronic medical records, to say we need to see you driving constantly towards interoperability, towards intelligence systems, towards integrated systems, towards ones that are highly interactive with the physician. If the Federal Government can play a role in pushing people towards higher quality, I worry if the Federal Government is the prime owner of this, will the Federal Government, itself, push things towards that, and that's where I have trouble reckoning that.

Mr. KIRK. I am going to keep this on the positive side because what we're doing is we're putting together a positive alternative. And one of the other reforms that we will be outlining is to dramatically expand the number of Americans who can have a health savings account, very much like an IRA, so that they can save, especially in their younger, more healthy years, in a tax deferred account that they will use to make up for their deductible expenses and their health insurance.

Over time, as with our IRAs, an account balance will build up. And then, if each of us reaches the age of Medicare, at 65, with a balance in that account, that account either can become part of our retirement plan or eventually a part of our estate to our children.

This is a much more flexible way of providing health care and, more importantly, it's owned by you, not by a government bureaucracy.

I yield to the gentleman.

Mr. DENT. Well said. And I think we should focus on solutions. We've talked a lot about the challenges and the problems and the costs, but it does come down to solutions. And I think to sum up what we've been talking about tonight in terms of our solutions, you, Congressman KIRK, have been a great leader on the Medical Rights Act. And to make sure that that sacred relationship between doctor and patient is not violated, we have to protect that principle, and that notion must be protected up front.

As we lower the cost of insurance, we've talked about some ideas about making sure that businesses can reach across State lines, they can reach across State lines, realize greater discounts so they can provide more affordable coverage to their employees. That's a cost issue.

Medical liability reform, and we've given some specific examples of things we can do on medical liability reform to help lower the cost of care. Absolutely critical.

We want the States to be innovative. We want them to be innovative. And many States, I believe 34 States, have high risk pools, some of which work reasonably well, and others are not very effective. And so how can we help States innovate, to provide ways to make sure people receive coverage, particularly that uninsured population I think we're all generally concerned about. That's that population that is chronically uninsured, and maybe it's about 10 million people. I don't have the statistics in front of me, but somewhere around 10 million people are chronically uninsured. They're not that under-35 population, but people who really need help and may have a preexisting condition that prevents them from getting picked up. Or a person, right now, let's face it, a lot of people are more—what they're afraid of more than losing their jobs is losing their health care coverage. And I think we have to make sure that we take care of that population, uninsured who have a preexisting condition. We need to help them, particularly if they're high risk. And that's where we can use the States, I think, to be very, very innovative.

And the other thing that we have to talk about too, and we don't talk enough about it, but I think people want to see medical breakthroughs in the United States. They want quality and they want innovation, and they don't want an average system.

And I've always been struck. I visited the country of Ecuador once with my family a few years ago, and I was struck. The tour guide was telling me about their national system, and then we drove by the hospitals. They're right next to each other, the public hospital and the private hospital, and you could tell which was which visually. The private hospital looked like a hotel, a very inviting place. The public hospital, unfortunately, looked like a building that was somewhat dilapidated. And that's what just frightened me, two tiers of care. Now, this is a Latin American country. Some might call it a third world country. But nevertheless, that's what I saw, and I would never want to see that happen in America.

Mr. KIRK. If the gentleman would yield. What you heard tonight is focusing on positive outcomes, making sure we reform health care, less defensive medicine, deploy health information technology, health individual savings accounts.

We have spent far less time criticizing the President and far more time outlining a new positive agenda. But to close tonight, I'd like to turn to Dr. MURPHY, who's been more in the health care system than all of us, to finish us out.

Mr. TIM MURPHY of Pennsylvania. When I look at this, I want Americans and all of us to imagine a system that's

based upon cures and based upon outcome, a system where doctors are in charge of your health care, not insurance companies, not the government. And I know that both sides of the aisle are deeply concerned about this. It is not that one side or the other wants insurance companies or the government to win. We all want patients to win, Democrats and Republicans alike. But we must have a system that's focused upon this, not that creates incentives because we're paying people so low to do more and more tests, not to promote more and more medical procedures, but to really focus on this outcome. We can do this through these things we're doing, the patient and doctor in charge. Don't create more barriers. Make sure we have all the efficiency there for quality. We can do those things. Imagine what can happen. Imagine the possibilities. And let's just not throw it out and say it's too difficult; let the government run it.

With that, I yield back to my colleague, Congressman DENT.

Mr. DENT. Just in conclusion, I just think we want to say a few things. I think in our health care system we certainly want our system to be focused on prevention, not maintenance. We want cures, not treatments. The system should be about doctors, not lawyers. We want patients to be treated like they want to be treated, like human beings. They want to be treated like people and not some number, something abstract. They want to be treated like a human being.

And so, because at the end of the day, we all want our loved ones to be cared for. You don't want them to have to wait. You don't want to see your mother, like mine, who's 80 years old be told that she's contributed her whole life, relatively healthy, we don't want to tell her, I'm sorry, we're going to discard you now that you've reached a certain age. That's what we are concerned about.

So we're going to try to work, I think, in a bipartisan manner, try to work in a way that embraces a lot of ideas that we can all share. And short of a government takeover of our system, I think we can do that. We have the capacity to do it. The American people expect it of us, and I look forward to working with all my colleagues to come to that kind of result.

Mr. KIRK. I thank the gentleman, and we will be outlining a positive set of reforms that we think can attract tremendous bipartisan support this Tuesday, from the centrists.

Mr. PETRI. Mr. Speaker, today, President Obama is in my home state of Wisconsin conducting a town hall meeting to promote his health care agenda.

I know that the residents of my home state will tell him that they are struggling to keep up with the rising cost of their health care premiums, while others are simply unable to afford health care coverage.

Many people in my state have lost their jobs and fear that they won't be able to afford their children's medication or that an unforeseen illness will bankrupt them.

Some individuals who have insurance are simply staying in a job they don't like because their next job may not offer health care insurance.

Others who are happy with their insurance worry that any drastic reform will force them into a system that will limit their choice of doctor or access to medical treatment.

I agree with the President that it is time to fix the health care system in the United States so that all Americans, all my constituents, have access to quality affordable health care coverage.

However, I strongly believe that any reform that we consider in the House must be based on a few important principles.

First, it must give everyone access to quality and affordable health care.

All individuals should have the freedom to choose the health plan that best meets their needs.

Second, any reform should ensure a patient centered system.

Patients in consultation with their doctors should be in control of their health care decisions and not government bureaucrats or insurance agents.

If your child or parent is sick, you should have access to timely tests and treatments and not subject to waiting lists or treatment decisions dependent on anyone other than you and your doctor.

Third, our health care system must emphasize prevention and wellness.

Chronic diseases account for 75 percent of our nation's medical costs. By implementing programs focused on preventing such things as smoking and obesity-related diseases, we will not only save lives, but reduce health care costs.

And lastly, any reform needs to focus on getting rid of the waste, fraud and abuse that plagues our current system. Approximately \$60 billion is lost due to fraud in the Medicare program alone. We can't afford to multiply that number through a government takeover of our entire health care system.

Our health care system needs to prioritize efficiency, transparency, and results.

I look forward to working with Members of both parties to ensure that these principles guide any legislation we will consider in the future.

GENERAL LEAVE

Mr. KIRK. Mr. Speaker, I would like to ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore (Mr. BRIGHT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from

Pennsylvania (Ms. SCHWARTZ) is recognized for 60 minutes.

Ms. SCHWARTZ. Mr. Speaker, I rise this evening to begin what I hope will be a Special Order time with my colleagues. It's a little earlier than we thought, so we're going to see as they make their way to the floor. Hopefully they will be joining me.

But, as you know, there has been a great deal of discussion about health care reform. We just heard a Special Order now from my colleagues on the other side of the aisle talking about health care reform and some of their thoughts about it, and I think sometimes we focus very much on controversial issues and some of the difficult decisions we have to make as we move forward, and let me start with what we're trying to do on health care reform, on this.

What we want to talk about tonight is some of the very important work we want to do as we really meet the President's goals.

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He has laid out to us the goals for health care reform, and they are really threefold. They are to make sure that we contain costs. The fact is that our businesses have said to us that the high cost of health coverage, providing health benefits for their employees, has gone up almost double digits every year. And what that really means is that we have doubled the cost of health care benefits to our companies in the last 10 years. That's unsustainable for our businesses, whether they are small businesses that are trying to be economically competitive in their communities or very large businesses that are really functioning on the global marketplace and really competing with companies that are in countries where health care is not an individual employer's responsibility and where costs are more controlled. So we know it's an economic competitive issue. There's no question about that.

We also know that it is an issue for government. I serve on the Budget Committee. The costs, and we talk about this, for Medicare is really unsustainable if we don't do a better job of containing costs and improving quality and improving outcomes for our seniors. We're going to talk more about that this evening.

But we also know that it's a huge problem for our families. We hear all the time from our constituents about families that have break in coverage and then suddenly find themselves faced with buying a family policy with a preexisting condition, someone in their family with a preexisting condition, and the cost of that policy, if they can find one, is too high for them to be able to afford.

Typically, I know in the Philadelphia area, a decent insurance policy costs anywhere from \$12,000 to \$15,000 a year.

Well, a family that's earning even \$50,000, \$60,000 a year, after paying their mortgage and paying their expenses and maybe trying to save something for their children to go to college and meeting all the taxes, local and State, really just don't have those kinds of dollars left for them to find \$12,000 to buy a decent policy. So they're shut out, completely shut out, which is really a very significant problem when they want to go for health coverage. So we know cost is absolutely a major issue for our businesses, for our families, and for our government.

So what can we do about it? How can we actually ensure that we will contain costs and improve quality and also be able to extend coverage for the 47, almost 48, million Americans who do not have ongoing health insurance coverage? And the fact is we can do numbers of things, and we have been working hard on this to make sure that we create the kind of market reforms that will enable people to buy meaningful coverage that is affordable for them and that they will have the kind of coverage that will really matter.

We also know that we need to make some real changes in the delivery system. And, again, that's what we are hoping to focus on tonight. And what I mean by that, if for all of us who go to see doctors and nurses and spend time at all in a doctor's office either for ourselves or for our loved ones, we know, and our numbers bear this out, that, in fact, we tend to go to more specialists. We have very fragmented care. What we don't have is access to a primary care provider who knows us, who follows us, works with us when we get a serious disease, helps us know what it is that we need to be doing, helps us comply with recommendations, and really also helps us sort through if we need to see numbers of specialists.

So whether you are basically fairly healthy or have a major health care crisis or a chronic disease, we know that we cannot only get better quality care, help improve health status for all of us and each of us, but also contain costs.

And I'm happy to give you some of the numbers that we have in terms of some of the primary care shortages. We often talk about primary care physicians, but the fact is we also have a shortage of nurses, nurse practitioners, physician assistants, and so many of the health care providers that really should be there for us and want to be there for us but there is simply not enough of them.

The Council on Physician and Nurse Supply says the United States may lack as many as 200,000 needed physicians by 2020. So here we are saying that we want you to go see the primary care physician or nurse practitioner. We don't want to go to the emergency room. Look at the Massachusetts experience where they really worked very

hard and effectively to extend coverage to the uninsured. What they found was people were still going to the emergency room because there simply were not enough primary care providers or clinics or community health centers in their communities for them to go to.

Let me go on with some other numbers, if I may. They estimate that there could be a shortage of 800,000 nurses by 2020; 46,000 of those physicians and nurses need to be primary care providers. The U.S. population rose 31 percent between 1980 and 2003, but the number of medical school graduates remained the same. So the population is growing. We're looking at a 30 percent growth in population, and the number of physicians is the same. And what is so interesting about that is I think for a long time we've heard we have enough physicians but they're just not in the right place. Well, I think we've gotten that a little bit wrong. There are simply not enough primary care practitioners, physicians, or other practitioners.

Interestingly, the number of medical students who are choosing primary care is steadily declining. Even amongst those who are specializing in internal medicine, I will say that in 1985, half of all internal medicine residents chose primary care; now only 20 percent do.

I was at a press conference this morning with Congresswoman KATHY CASTOR and Congressman JOHN SARBANES and a young woman who has just graduated from osteopathic school. And she talked about the statistics, and she said that most medical school graduates graduate with almost \$200,000 in debt. Their first job as a resident, and still training actually, is usually paid about \$40,000. So how do you train for another 3 or 4 years, make \$40,000 a year, and pay \$200,000? That's just medical school. You may have a course debt from college as well. So it is a major issue going forward to make sure that we have more primary care physicians.

Older Americans also are seeking primary care services twice as often as other age groups. So as the population is aging, and we know the baby boomers are coming, and we are talking about them, of course, in terms of Social Security, but the fact is we know that as we are aging and needing more health services, it is very, very important for us to have access to primary care providers.

Let me also talk about one of the reasons we need primary care providers, and that is all of us, but particularly those with chronic conditions. We think about needing health care when we get sick and have an episodic experience where we might need to go to the hospital and might need to see a physician, might even end up in the emergency room. But for many people, they have chronic conditions,

and they need to have an ongoing relationship with health care providers so that they can get the kind of care they need, get the advice, get the right prescriptions, and then be able to work with their medical practitioners to be able to comply with that advice and to be able to make sure that they are healthy. And the number out there is that only 50 percent of Americans who do get health care comply with the recommended health care that they're told to comply with. So obviously we need some work here.

This is a shared responsibility. This is not only a responsibility of those who pay for health services and are reimbursed for health services and those providers but, of course, for patients as well.

So let me just say on chronic conditions, some of these numbers may surprise us. But the five most costly chronic conditions are cardiovascular disease, cancer, diabetes, asthma, and mental health disorders. Over 133 million Americans suffer from at least one of these chronic diseases, and over 75 percent of all Medicare expenditures can be attributed to patients with five or more chronic conditions. Just 10 years ago, these beneficiaries accounted for only 50 percent of the Medicare costs.

So something's wrong. We have to fix this problem. We have to make sure that people can hopefully prevent some of these chronic disease. We might be able to do that in a number of ways. I know there's a lot of discussion about wellness programs for prevention. We have seen some very good models. Particularly some of the larger employers, smaller employers, some of the insurance companies are really working hard to try to incentivize people to eat right, to exercise to be able to prevent some of these conditions and some of these conditions from worsening. But clearly we have a long way to go and we have much work to do to make sure we, again, help folks with chronic diseases be able to be healthier, to get better, to not have the disease get any worse. And, of course, in that process it will save them money and it will save all of us the high cost of taking care of patients.

Any of us who has ever visited a renal dialysis center knows that if we can do more to make sure that somebody who, for example, is diagnosed early as a diabetic follows the prescribed treatment, does try to eat right, exercise, really takes care of themselves, and gets good consistent health care and can prevent themselves from becoming more seriously ill and, of course, going into any kind of renal failure and needing renal dialysis is something that would save them many problems and would save us all a lot of the costs involved.

Just a few more numbers because I think they're pretty telling. Chronic

conditions cost American businesses nearly \$1 trillion each year in lost productivity. We don't even think about the number of dollars that are lost as workers take time off for serious illnesses. About \$125 billion of this is due to lost workdays, and the balance is due to diminished capacity while they are at work. So for businesses it's not only the cost of the insurance and the benefits, but it's also a cost when their own workers are not being able to really work at the full scale of their potential and their capacity.

So we know that we can do more. Economic conditions, the health benefits, really taking serious action to make sure that we have enough primary care providers, and that we do a much better job of coordinating care for those with chronic diseases will really have a dramatic impact on the health status of Americans and on the cost to all of us. And that's really what we want to do.

I think that we have heard some others talking earlier about the need to do medical research. We believe very strongly in that, and we have already made a very good commitment to doing that by putting \$10 billion more into NIH. We did that in the Recovery and Reinvestment Act, and that was very significant. Of course, we want to see better treatments and we do want to see cures. That takes dollars for medical research and a real commitment to the science of biomedical research into some of the new products and devices. But it also takes prevention and it also takes better coordination of care.

Patients with chronic diseases need to have access to primary care providers. We talked a bit about that. We need to be able to make sure that they get good ongoing chronic disease management.

And I have introduced legislation. It's House bill 2350, and I have to say it's got enormous support here in the House, 100 cosponsors. I'm very proud of that. And many others are looking another it, and I have only introduced it just a couple of weeks ago. The idea of that legislation is to make sure that we preserve patient access to primary care. And one way to do that is to increase the number of primary care providers by increasing the number of residency program slots for primary care. We're going to hopefully do that. And for more nurse practitioners and more nurses in this country. That would be very helpful. But another concept, and I see another colleague of mine is going to join us, which is just great, but just to finish this thought, there's also reimbursement for a concept called "medical home." This isn't a place. This is a group of services. It's a commitment on behalf of the provider, the doctor, the nurse practitioner, the physician assistant to be able to provide a medical home so that

you know you have ongoing care, particularly when you have a chronic disease. And we can talk more about that going forward.

But I want to thank my colleague for joining me. I see Congressman JASON ALTMIRE has joined us. He's also from Pennsylvania, from the other side of the State, from a community, Pittsburgh, which is known for its medical care, medical schools, and it has a lot of health care providers. But I bet and would imagine that Congressman ALTMIRE has some of the same experiences I do, that while we have great quality health care, it is also too often fragmented and is too often not accessible and too often not affordable for too many of our constituents.

So we're here tonight to talk about health care reform, particularly the commitment that we're making as we move forward on health care reform to expand and extend access to more Americans, to make it more affordable. It also means a commitment to fixing our delivery system, and that means a commitment to primary care.

I want to thank Congressman ALTMIRE for joining us, and I welcome his comments.

Mr. ALTMIRE. I thank the gentlewoman for yielding. It's been a pleasure working with the gentlewoman as part of the New Democratic Coalition. We are the co-Chairs of that group.

The gentlewoman hit it right on the head, that we do have the best health care system anywhere in the world if you can afford to get it. If you have access, and there are millions of Americans that have insurance and they like it and they have access to the system, our medical innovation, as the gentlewoman said, our research, our technology far exceeds anything available anywhere else in the world. Our quality at the high end exceeds anything available anywhere else. It's why people come from all over the world to the United States to get their transplants, to get their heart taken care of, to get their high-end, high-tech care because we do it better than anybody else, and there is no question about that.

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The problem is the costs are skyrocketing with our health care system. Every family, every business, every individual in this country is impacted by the cost of health care and not just with what you're paying directly for your health care costs—what your co-payment, your premium or your deductible is. The cost of everything that you buy in this country is higher because of health care costs. We use the example of an American-made car. \$1,500 of the price of every car made in this country goes to health care costs—to the health care costs of the workers who are involved in putting that car together.

It's more than that. It's every level of the supply chain, every segment. If

you think about the company that manufactures the good, the people who ship the good, the people who receive it and stock the shelves, and the people who sell it, at every level, there is a component of cost that is increased because of health care costs of the companies involved in that. This is at every level of the supply chain.

If you think about every segment of our lives, health care is a part of that. What we are trying to grapple with here in this Congress over the next few months is how to preserve what works in our current system, because we don't want to throw the baby out with the bath water. We don't want to lose the good things about our health care system, but we do want to address the things that don't work. So we think about the fact that we spend \$2.5 trillion a year on health care in this country, far more than in any other country in the world.

Yet, with some things, we don't get mediocre results; we get bottom-of-the-pack results when compared with other countries—in life expectancy and in infant mortality. We're not in the middle of the pack. We're at the bottom of the pack. We can do better. We're not getting our moneys worth, especially when you consider the 50 million Americans who don't have any health insurance at all. Now, when they show up at the emergency rooms, they get covered; they get treated, but the bill gets passed to the millions of Americans who do have health care coverage. The reason you pay \$10 for an aspirin at a hospital is due to the cost shift that takes place, making up for the difference of the people who can't afford their health care. There are tens of millions more who live in fear of losing their coverage. They are one accident, illness or job loss away from losing everything, and that, in the United States of America, is unacceptable.

So we have very high quality at the high end, but we have very high costs, way more than any other country. We have millions of Americans who have coverage and who appreciate their coverage and who like it, but we have tens of millions more who don't have coverage or who are underinsured.

So the challenge we have as a Congress is how to fix what doesn't work—what's broken—and how to preserve what does work. We've put forward a plan, and we're in the very beginning stages. There is a lot of negotiation that's going to go into this, both in the House and in the other body, to talk about how we can achieve that goal—but make no mistake. As the gentlewoman knows, we are not going to fail. We are going to pass a health care bill this year because the American people have demanded that we do that.

As I said, it affects everybody in this country. The cost increases that are double and triple the rate of inflation every single year are simply

unsustainable. We are never going to get ourselves out of the budget crisis that we have over the long term, our annual budget deficit and our structural debt that we have, unless, as the President says, we bend that cost curve on health care. We have to bring costs more into line with the rate of general inflation.

Ms. SCHWARTZ. Would the gentleman yield for just a moment?

I think, when some of our constituents hear some of those words, they really want to know—and I think that's one of the things that we're really interested in pursuing here. They want to know: Well, does it mean I'm going to get less health care? Does it mean I'm not going to get what I need? Does it mean I'm going to go to the emergency room, and they're going to turn me away?

The fact is we're trying to be smarter than that. We want to say no. What we're saying instead is that we want to make sure you get the right services when you need them. I'm sure you hear from constituents who find that they don't go to emergency rooms because there simply aren't doctors in their communities. I remember when I was growing up that there was a general practitioner down the street. We all went to him. I'll bet there's no general practitioner there anymore. I know, in parts of my own district, we've seen some hospital units close. We've seen doctors' offices close. It just isn't the way medicine is practiced right now.

The truth is, with reimbursement to insurance companies and with what we've done under Medicare, we've not created any incentive for doctors or nurse practitioners to go and open offices in small communities and provide those kinds of services. Instead, we've encouraged them to become specialists, to really do the fancy kinds of things. While we need them and while we want to make sure we have those specialized physicians there and available for us and while that has got to be covered, if we only cover that, if we only focus on that, we've really forgotten sort of the simple things, you know, which are:

How do you really talk to patients and make sure that they understand what they need to do? How do we actually make sure that we have a shared responsibility instead of a patient's saying: Oh, I'm sure I can just go and get a pill for that. Wouldn't we all love that, to be able to take a pill and we'd all be fine. It takes more personal responsibility, and it takes a patient-doctor relationship. That's often what's missing is that ongoing relationship with primary care providers—that's both physicians and nurse practitioners—and it's one of the things we want to address.

I'm sure that the gentleman has heard the concept of medical homes. Maybe you'll want to talk about that, about the idea of an ongoing relationship, about the fact that we're really

interested in this health care form of creating a new opportunity to reimburse primary care practitioners for that kind of ongoing relationship with patients so that they know which specialists to see and so that they can help people sort through the many medications they take. I was just going to give you one number, which my staff gave me earlier, which I was really quite struck by.

It said that medical beneficiaries with 5 or more chronic conditions see an average of 13 different physicians per year and are prescribed an average of 50 different prescriptions.

That's a lot to sort through if you're not an expert. It really is. Think about actually having someone you can talk to and say: Wait a minute, do I really need to take these? Should I still be taking these? Shouldn't I? You know, who do I ask about this?

I'm sure you've heard some of these stories from your own constituents and probably from some of your own providers as well.

Mr. ALTMIRE. I have, and I thank the gentlewoman.

There is a lot to talk about just with this one concept, with this one component of health care. Part of the issue that we'll, I'm sure, get into is that of computerized medical records, of having an electronic health record that you carry with you everywhere so you avoid this situation that the gentlewoman described where you have, as a consumer, 50 different medications when you show up at a provider's somewhere that's out of your hometown.

If I go to San Diego and put my ATM card in the machine, I can pull up all of my financial records safely and securely. I never think about privacy. If on that same trip I end up in the emergency room, they don't have my medical history. They don't have my family's medical history. They don't have my allergies, my prescription drug regimen. They don't have any imaging that I might have had taken—x rays and so forth.

There is no reason that health care has to be the only industry in the country that hasn't gone to an interconnected/interoperable health information technology system, which is part of where the gentlewoman is going.

The other part—and this is a great point—is we have to begin to have our reimbursement system structured in a way that we incentivize the quality of care rather than the volume of care. We should not just talk about how often the patient goes to see a doctor and then reimburse based solely on that. We should be reimbursed based on: What is the appropriate setting for the patient? Where would the patient rather be? Where is the patient going to get the highest quality care?

We don't do that right now in our health care system. If you have a

chronic disease, there are some cases—and certainly it would be on an individual basis and in conversation with your physician—where it shouldn't be determined based on reimbursement, based on money, as to what setting in which you're going to get that care. It should be: What is the best outcome likely based on the setting that you get? If home- and community-based care is the best setting, we shouldn't provide a financial disincentive to get it there. If that's the most appropriate, cost-effective setting and, most importantly, that's where the patient wants to be and that's where his family wants the patient to be, then, by all means, we should incentivize that setting. We're not doing that today.

Ms. SCHWARTZ. If the gentleman would yield, I appreciate very much your raising the issue of health information technology. You're absolutely right.

The health industry has been so slow to really be involved—to really use the computer, to use information technology—in a way that so many other industries have been. As any of us know who started out in our professional careers not using computers, I think we sometimes were slow or were anxious to do it. We were nervous about that.

I remember someone who worked for me a number of years ago who resisted it completely. She said: Don't be silly, I know exactly what I'm doing. I take notes. I do fine. We finally told her she had to use a computer. We just told her that we were doing it. Just a few months later, I remember the computer system went down, and she was like: Oh, my goodness. How can I function?

Well, you can imagine this in health care, which has been so paper-driven and so labor-intensive, the idea that physicians would have this at their fingertips even within their own city or even within their own medical practice sometimes. I was talking with a medical practitioner who said: Sometimes—I don't know—a patient could have been in my office, seeing another doctor the day before, and because the notes weren't transcribed yet, I don't know happened—or 3 days ago.

Another example: A patient who is just visiting Geisinger health system in Pennsylvania—a great model. The primary care physician has the ability to see the hospital records while patients are in the hospital. So they don't have to wait 3 weeks for specialists who saw them in the hospital to write them a summary, have it dictated and mailed to the primary care physician 3 weeks later or 4 weeks later.

It turns out those 3 or 4 weeks are incredibly important, after discharge, for the patient to be following the advice of the physician and knowing what to do. It's a very uncertain time. You

need to be able to have contact with your primary care physician during that time, and the primary care physician needs to know firsthand what happened to you.

An electronic medical record is extremely important in helping a primary care physician provide the right care for you and prevent a re-admission, which is a huge cost for all of us. We've talked a lot about that in terms of infections, but there are a lot of reasons people get re-admitted to the hospital. If we can prevent that by the right kind of home care, as you pointed out, or by the right care and attention from a primary care physician, that is not only going to help that person stay healthier, but it is also going to help that person get the care he wants.

I know we talked about this, too, which is, in terms of improving quality, there are now critical protocols. We like to think that every one of our physicians knows exactly what to do for us. By and large, most of our physicians, fortunately, are pretty good. As for all of us, if you have to do five things for somebody when one comes to you because one has some particular health condition and you tend to do four of those five most of the time, you're probably pretty good. It turns out, if you actually do all five every time, your patients are going to be a whole lot better off for it.

So, you know, maybe we're not used to the fact that the doctor might actually look that up on the electronic medical record and have to check it off, but it turns out that it really makes a big difference when you really did remember to remind one to stop smoking and when you really did remember to tell a parent to put a child in a seatbelt. I mean all of those things may not seem so directly connected to what a physician was seeing one for, but it enables the physician to make sure one gets the care one needs: Remind them about mammograms. It's time. If a woman hasn't had a mammogram for 3 or 4 years, maybe it's time, not to mention making sure that they take the right medications and follow the right orders.

So electronic medical records are what—you're right—the new Dems have really championed, and we have, of course, a President who has championed it as well. We put in \$19 billion in the Recovery and Reinvestment Act to really help push this forward in a much more ambitious way—the use of electronic medical records in our physicians' offices and in our hospitals and having them be secure, private and interoperable. It's absolutely key.

I don't know if you wanted to comment on that or on other issues related to primary care or on other things that we can do with the delivery system that really will help us be able to contain costs and to give better care to people.

Mr. ALTMIRE. I wanted to comment, following up on the gentlewoman's comment on quality of care and medical errors.

According to the Institute of Medicine, there are 100,000 people every year who lose their lives due to a preventable medical error. Needless to say, with each one of those individuals, there is a tragic component to their personal stories—to their families or certainly to their own losses of life. There is also a burden to the health care system of medical errors because there are hundreds of thousands more who, because of preventable medical errors, are injured. Their treatment costs more, and each one of those individuals, more importantly, has suffered a severe medical setback. Their families are impacted by that. Their lives may never be the same.

In the aggregate, when we talk about cost reduction, something as simple as preventing infection, as the gentlewoman talked about, or as simple as preventing medical errors through the use of information technology, these are things that are going to save billions of dollars for our health care system in the aggregate. More importantly, they're going to increase quality for every individual who enters our health care system and will prevent these medical errors.

So the gentlewoman is correct that, when you look at even that one segment of health care reform, you're talking about billions of dollars. You're talking about the quality component—impacting lives in a way that is exponential throughout the health care system, not just involving one person.

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Ms. SCHWARTZ. I was going to mention something else, too, that I think that's a really important and good point is that one of the other points that we make that we're also trying to do in health care reform in terms of prevention and chronic disease management is that so many health policies that people buy, the up-front costs are really on them and so that preventative services—the screening, the early intervention, the simple doctor visits that can reduce the incidents of disease and keep you out of the hospital and keep you healthy—sometimes that's what you have to pay out of pocket for.

Some people say, Good. You should pay out of pocket. I think we have to understand what we're doing in health care reform is very much about a shared responsibility.

We were talking about providing some subsidies for lower-income working people. Everybody is going to have to pay into the system. We're going to keep the employer-based system. We're going to help those who really are at a lower income be able to pay on a sliding-scale basis for health insurance ei-

ther in the private system or public option. But the fact is that we should be creating incentives to get early care: not wait too long, not wait until they're sick, not wait until they go to the emergency room. And that's what we're going to do as well.

So I did want to just finish up by saying that this health care reform effort that we are engaged in is complicated, but it's also very important. We want to make sure that, again, our businesses are able to continue to provide health coverage for their employees, that families can afford it if they're on their own, and small businesses or individuals can afford to pay for health care, and that government can continue to meet our obligations under Medicare for our seniors, something so important.

And we're only going to be able to do that if we do a better job of incentivizing, providing reimbursement, for delivery systems, medical providers, doctors and nurses, and all of the many health care practitioners that are so important to us. We have to make sure that they have the reimbursement, they have the tools to be able to provide the care in the right settings in the community to help us, have the information we need, have the right medical device to work with us to be healthier.

At the end of the day, our hope, I believe, is not only that we will extend coverage, not only that we will contain costs, not only that we will improve quality, but at the end of the day, Americans will be healthier. And if Americans are healthier, we will, in fact, contain costs and be able to afford to make sure that we have no child in America without health coverage, that we don't have families who are bankrupt as a result of health coverage, that we don't have families worrying every day because they have one family member with a chronic disease and they can't get insurance and that they can't act responsibly. That is certainly something that we want to do.

It's a goal that the President has set out. It's a goal that many of us have worked for years on. We're working hard right now to make it happen, and I look forward to standing on this floor to have the opportunity to vote for comprehensive health care reform that will contain costs, that will improve quality, that will help enable every American to have access to affordable, meaningful health coverage in this country.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HIMES (at the request of Mr. HOYER) for today on account of death in the family.

Mr. HILL (at the request of Mr. HOYER) for today until 1 p.m. on account of personal reasons.

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for today after 2 p.m. on account of district business.

Mr. BACA (at the request of Mr. HOYER) for today and June 12 on account of a death in the family.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today after 4 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POLIS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. GIFFORDS, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. MCCLINTOCK) to revise and extend their remarks and include extraneous material:)

Mr. PAULSEN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, June 18.

Mr. POE of Texas, for 5 minutes, June 18.

Mr. JONES, for 5 minutes, June 18.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. CARTER, for 5 minutes, today.

ADJOURNMENT

Ms. SCHWARTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Friday, June 12, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2106. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles and services to the United Kingdom, Germany, the Netherlands, Sweden, Luxembourg, Belgium, France and Kazakhstan (Transmittal

No. DDTC 022-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2107. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to the United Kingdom, Russia, Germany, the Netherlands, Sweden, Luxembourg, Belgium, France and Kazakhstan (Transmittal No. DDTC 023-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2108. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Mexico (Transmittal No. DDTC 015-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2109. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Israel (Transmittal No. DDTC 039-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2110. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 033-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2111. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 031-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2112. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Mexico (Transmittal No. DDTC 029-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2113. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 035-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2114. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with the United Arab Emirates (Transmittal No. DDTC 019-09), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

2115. A letter from the Secretary, Department of Energy, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2116. A letter from the Acting Administrator, General Services Administration, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2117. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XO38) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2118. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Directed Fishing With Trawl Gear by American Fisheries Act Catcher Processors in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XO63) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2119. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No.: 060525140-6221-02] (RIN: 0648-XO46) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2120. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 2 [Docket No.: 061228342-7068-02] (RIN: 0648-XO47) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2121. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XO32) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2122. A letter from the Secretary, Department of Transportation, transmitting the Department's 2008 Biennial Report to Congress and the National Transportation Safety Board on the regulatory status of open safety recommendations relating to several safety issues, pursuant to 49 U.S.C. 1135(d), amended by Public Law 108-168, section 9; to the Committee on Transportation and Infrastructure.

2123. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Construction Grant Program Notice of Availability of Funds [Docket No.: 080411556-8593-01] received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2124. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Technology Innovation Program (TIP) Notice of Availability of Funds and Announcement of Public Meeting (Proposers' Conference) [Docket No.: 090318324-9325-01] (RIN: 0693-ZA89) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 532. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes (Rept. 111-145). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCGOVERN (for himself, Mrs. EMERSON, Mr. MOORE of Kansas, and Mr. JACKSON of Illinois):

H.R. 2817. A bill to address global hunger and improve food security through the development and implementation of a comprehensive governmentwide global hunger reduction strategy, the establishment of the White House Office on Global Hunger and Food Security, and the creation of the Permanent Joint Select Committee on Hunger, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Agriculture, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNERNEY (for himself and Mrs. BONO MACK):

H.R. 2818. A bill to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mrs. CAPPs, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. LEVIN, Mr. MEEKS of New York, Ms. KAPTUR, Mr. SNYDER, Ms. SCHWARTZ, and Mr. MORAN of Virginia):

H.R. 2819. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to provide for a performance standard for breast pumps; and to provide tax incentives to encourage breastfeeding; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. BILBRAY, Mrs. BONO MACK, Mrs. CAPPs, Mrs. DAVIS of California, Ms. ESHOO, Mr. FILNER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. MATSUI, Ms. WOOLSEY, Mr. BACA, and Mr. THOMPSON of California):

H.R. 2820. A bill to amend title XVIII of the Social Security Act to transition to the use

of metropolitan statistical areas as fee schedule areas for the physician fee schedule in California under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky (for himself and Mr. WHITFIELD):

H.R. 2821. A bill to direct the Secretary of the Army to assist entities adversely affected by a Corps of Engineers rehabilitation project relating to the Wolf Creek Dam, Kentucky, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Georgia (for himself, Ms. JACKSON-LEE of Texas, and Mr. GRAYSON):

H.R. 2822. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

By Mr. COFFMAN of Colorado (for himself, Mr. LAMBORN, Mr. ROONEY, and Mr. HARPER):

H.R. 2823. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to enhance and improve certain procedures relating to voting by absent members of the uniformed services, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mr. HERGER, and Mr. BOUSTANY):

H.R. 2824. A bill to enhance the conduct and support of federally funded comparative effectiveness research relating to health care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER (for herself, Ms. MOORE of Wisconsin, Mr. CARNAHAN, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. NYE, and Mr. BISHOP of New York):

H.R. 2825. A bill to require the Secretary of Defense to debar from contracting with the Department of Defense any company found to have jeopardized the health or safety of Government personnel or found guilty of contract fraud, and for other purposes; to the Committee on Armed Services.

By Ms. BEAN (for herself, Mr. CARSON of Indiana, Mr. RODRIGUEZ, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. HIMES, and Ms. SHEA-PORTER):

H.R. 2826. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the cost of teleworking equipment and expenses; to the Committee on Ways and Means.

By Mr. BUTTERFIELD:

H.R. 2827. A bill to amend the Digital Television Transition and Public Safety Act of 2005 to provide for a coupon program for television antennas; to the Committee on Energy and Commerce.

By Mr. BISHOP of Utah (for himself, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BONNER, Mr. BOOZMAN, Mr.

BOUSTANY, Mr. BRADY of Texas, Mr. BROWN of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CARTER, Mr. CASSIDY, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CULBERSON, Ms. FALLIN, Mr. FLEMING, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GINGREY of Georgia, Mr. GOODLATTE, Mr. HARPER, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Ms. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. LAMBORN, Mr. LATTI, Mr. LEE of New York, Mr. LINDER, Mr. LUCAS, Mrs. LUMMIS, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCKEON, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. POE of Texas, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. REHBERG, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. SESSIONS, Mr. SIMPSON, Mr. SMITH of Texas, Mr. SOUDER, Mr. SULLIVAN, Mr. THOMPSON of Pennsylvania, Mr. THORBERRY, Mr. WAMP, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 2828. A bill to provide the United States with a comprehensive energy package to place Americans on a path to a secure economic future through increased energy innovation, conservation, and production; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, Energy and Commerce, Science and Technology, Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Indiana (for himself, Mr. KENNEDY, Mr. STARK, Mr. DAVIS of Illinois, Ms. NORTON, Mr. RUSH, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Ms. LEE of California, Ms. FUDGE, Ms. EDWARDS of Maryland, and Mr. MEEKS of New York):

H.R. 2829. A bill to ensure prompt access to supplemental security income, Social Security disability, and Medicaid benefits for persons released from certain public institutions; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY:

H.R. 2830. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to give priority to unemployed veterans in furnishing hospital care, medical services, and nursing home care to certain veterans assigned to priority level 8; to the Committee on Veterans' Affairs.

By Mrs. DAHLKEMPER (for herself, Mr. LANCE, Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. DENT, Mr. SCOTT of Virginia, Mr. HIMES, and Mr. SIREN):

H.R. 2831. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require the option of extension of dependent coverage for unmarried, uninsured children under 30 years of age under group health plans and under group and individual health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committee

on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS of Texas:

H.R. 2832. A bill to require the Secretary of the Treasury to develop a strategy and timeline for the repayment of assistance received by financial institutions under the Troubled Asset Relief Program, and for other purposes; to the Committee on Financial Services.

By Mr. ELLISON (for himself, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mr. JOHNSON of Georgia):

H.R. 2833. A bill to require a minimum loss ratio for 90 percent for health insurance coverage offered through an insurance exchange; to the Committee on Energy and Commerce.

By Mr. FALCOMAVALGA:

H.R. 2834. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. BLUMENAUER, Mr. FARR, Mr. MCDERMOTT, Mr. PAUL, Ms. WOOLSEY, Mr. ROHRBACHER, Mr. GRIJALVA, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. STARK, Mr. HINCHEY, Mr. OLVER, and Ms. BALDWIN):

H.R. 2835. A bill to provide for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. HODES (for himself and Ms. SHEA-PORTER):

H.R. 2836. A bill to amend the National Defense Authorization Act for Fiscal Year 2008 to improve and expand suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program; to the Committee on Armed Services.

By Mr. ISSA:

H.R. 2837. A bill to amend section 276 of the Immigration and Nationality Act to impose mandatory sentencing ranges with respect to aliens who reenter the United States after having been removed, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON (for herself and Mr. CLAY):

H.R. 2838. A bill to authorize the Secretary of the Interior to enter into a long-term ground lease for the operation and maintenance of Rock Creek, Langston, and East Potomac as golf courses, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself, Mr. PIERLUISI, Mr. CROWLEY, Mrs. MALONEY, Mr. SIREN, Mr. MICA, and Mr. TOWNS):

H.R. 2839. A bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the earned income tax credit; to the Committee on Ways and Means.

By Mr. SARBANES (for himself, Mr. TOWNS, Mr. DINGELL, Mr. MCGOVERN, Mr. WU, Mr. BLUMENAUER, Mrs. CAPPAS, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Ms. DEGETTE, Ms. SCHAKOWSKY, Ms. HARMAN, Ms. BALDWIN, and Ms. CASTOR of Florida):

H.R. 2840. A bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics; to the Committee on Energy and Commerce.

By Mr. SPACE (for himself and Mr. BOCCIERI):

H.R. 2841. A bill to amend the Internal Revenue Code of 1986 to make permanent the enhanced charitable deduction for contributions of food inventory; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. SIMPSON, Mr. JONES, Mr. LAMBORN, and Mr. ROHRBACHER):

H.R. 2842. A bill to rescind all stimulus funds that remain unobligated; to the Committee on Appropriations.

By Mrs. MCCARTHY of New York (for herself, Mr. BISHOP of Georgia, Ms. KILPATRICK of Michigan, Mr. LOBIONDO, Mr. CUMMINGS, Ms. BALDWIN, and Ms. BORDALLO):

H. Con. Res. 147. Concurrent resolution expressing the sense of Congress regarding people in the United States with bleeding disorders; to the Committee on Energy and Commerce.

By Mr. DAVIS of Kentucky (for himself and Mrs. DAVIS of California):

H. Con. Res. 148. Concurrent resolution expressing the sense of Congress that comprehensive national security reform is urgently needed to enable our government to meet the novel and complex challenges of the 21st century, and calling on the Executive Branch to implement reforms that achieve greater agency integration for the effective use of the Nation's power, military and nonmilitary; to the Committee on Armed Services.

By Mr. FORBES (for himself, Mr. CONNOLLY of Virginia, Mr. BOOZMAN, Mr. ROTHMAN of New Jersey, Mr. WAMP, Mr. CALVERT, Mr. HERGER, Mr. LAMBORN, Mr. GARRETT of New Jersey, and Mr. MARSHALL):

H. Con. Res. 149. Concurrent resolution calling upon the Capitol Preservation Commission and the Office of the Architect of the Capitol to place the Lincoln-Obama Bible and a copy of Lincoln's Second Inaugural Address on permanent display upon the Lincoln table at the Capitol Visitor Center for the benefit of all its visitors to fully understand and appreciate America's history and Godly heritage; to the Committee on House Administration.

By Ms. KILPATRICK of Michigan (for herself, Mr. MCGOVERN, and Mr. SEXTAK):

H. Con. Res. 150. Concurrent resolution supporting the goals and ideals of African American Bone Marrow Awareness Month; to the Committee on Energy and Commerce.

By Mr. KLEIN of Florida (for himself, Mr. WAXMAN, Mr. PENCE, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. CANTOR, Mr. RAHALL, Ms. BERKLEY, Mr. HODES, Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, Ms. SCHWARTZ, Mr. ROTHMAN of New Jersey, Ms. GIFFORDS, Ms. SCHAKOWSKY, Ms. HARMAN, Mrs. MCCARTHY of New York, Mr. NADLER of New York, Ms. EDWARDS of Maryland, Mr. SHERMAN, Mrs. LOWEY, Mr. WEINER, Mr. LATOURETTE, Mr. YARMUTH, Mr. LEVIN, Mr. HASTINGS of Florida, Ms. NORTON, Mr. WEXLER, Mr. SCHIFF, Mr. BERMAN, Mr. POLIS, and Mr. ISRAEL):

H. Res. 529. A resolution condemning the violent attack on the United States Holo-

caust Memorial Museum on June 10, 2009 and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel; to the Committee on Natural Resources; considered and agreed to.

By Mr. DRIEHAUS (for himself and Mr. CONYERS):

H. Res. 530. A resolution commending the purpose of the third annual Civil Rights Baseball Game and recognizing the historical significance of the location of the game in Cincinnati, Ohio; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY:

H. Res. 531. A resolution congratulating the Northwestern University Wildcats on winning the 2009 NCAA women's lacrosse championship, and to commend Northwestern University for its pursuit of athletic and academic excellence; to the Committee on Education and Labor.

By Ms. LEE of California:

H. Res. 533. A resolution recognizing Helen Thomas for her pioneering career as a woman in journalism, her lifelong commitment to journalistic independence as an essential pillar of American democracy, and her unflinching and honest coverage of every President of the United States since John F. Kennedy; to the Committee on Oversight and Government Reform.

By Ms. EDWARDS of Maryland (for herself, Mrs. MILLER of Michigan, Mr. MASSA, and Mr. CONNOLLY of Virginia):

H. Res. 534. A resolution supporting the goals and ideals of "National Children and Families Day"; to the Committee on Oversight and Government Reform.

By Mr. FALCOMA (for himself, Mr. MANZULLO, Mr. RANGEL, Mr. RAHALL, Mr. MCKEON, Mr. CROWLEY, Ms. HIRONO, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of South Carolina, Ms. BERKLEY, Mr. MEEKS of New York, Mr. ISSA, Mr. FLAKE, Mr. TIBERI, Mr. CAO, Mrs. BONO MACK, Ms. WATSON, Mr. PAYNE, Mr. HINCHEY, Mr. SABLON, Mr. SIREN, Mr. MCDERMOTT, and Mr. ABERCROMBIE):

H. Res. 535. A resolution commending the Congress of Leaders of World and Traditional Religions for calling upon all nations to live in peace and mutual understanding; to the Committee on Foreign Affairs.

By Mr. NEAL of Massachusetts (for himself and Mr. WILSON of South Carolina):

H. Res. 536. A resolution expressing support for the HHT Foundation International's designation of a "National Hereditary Hemorrhagic Telangiectasia (HHT) Month" and supporting efforts to educate the public about HHT; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan:

H. Res. 537. A resolution requesting that the President and directing that the Attorney General transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

72. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to HOUSE RESOLUTION No. 6022 supporting the Airborne Laser Program and urging the United States Congress to provide the necessary funding for the ongoing development and operation of the program; to the Committee on Armed Services.

73. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial 8003 respectfully praying that Congress institute a date certain, no later than January 1, 2013, at which time all vendors, suppliers, and manufacturers of health information technology must comply with a uniform national standard of interoperability, such that all electronic medical and health records can be readily shared and accessed across all health care providers and institutions while at the same time preserving the proprietary nature of health information technology producers that will encourage future innovation and competition; to the Committee on Energy and Commerce.

74. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial 8012 respectfully praying that President Obama and Secretary Clinton place the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in the highest category of priority in order to accelerate the treaty's passage through the Senate Foreign Relations Committee and the United States; and that the Washington State Legislature urge the Senate Foreign Relations Committee to pass this treaty favorably out of Committee and recommend it be approved by the full United States Senate; to the Committee on Foreign Affairs.

75. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial 4005 respectfully praying that the United States Postal Service issue a postage stamp in commemoration of the Nisei veterans' service in the United States Armed Forces during the Second World War; to the Committee on Oversight and Government Reform.

76. Also, a memorial of the Senate of the State of Alaska, relative to Senate Resolve No. 5 Reaffirming support for the environmentally responsible development of the Kensington Gold Mine; and urging the governor to encourage and facilitate the prompt continuation or reinstatement, reactivation, and period extension of permits authorizing the construction and operation of the Kensington Gold Mine upon a decision by the United States Supreme Court in favor of the Kensington Gold Mine; to the Committee on Natural Resources.

77. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 45 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT THE HEARING AID ASSISTANCE TAX CREDIT ACT; to the Committee on Ways and Means.

78. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 45 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PASS AND THE PRESIDENT OF THE UNITED STATES TO SIGN LEGISLATION THAT WILL PROVIDE FLEXIBILITY IN PROVIDING CARE FOR MEDICARE AND MEDICAID DUAL ELIGIBLES AND SHARE MEDICARE SAVINGS; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 21: Mr. SESTAK, Mr. HIMES, and Ms. CASTOR of Florida.
- H.R. 22: Mr. QUIGLEY and Mr. TIBERI.
- H.R. 24: Mr. CAO, Ms. DELAURO, Mr. FRELINGHUYSEN, Mr. LATTA, Mr. CROWLEY, Mr. LUCAS, Mrs. CAPPS, Mr. DANIEL E. LUNGREN of California, Mr. HONDA, Mr. BLUNT, Ms. GRANGER, and Mr. FRANK of Massachusetts.
- H.R. 104: Mr. CARSON of Indiana.
- H.R. 179: Mr. PRICE of North Carolina and Mr. LANGEVIN.
- H.R. 235: Mr. BARROW and Mr. MURPHY of New York.
- H.R. 303: Mr. TAYLOR and Mr. MCINTYRE.
- H.R. 444: Mr. FARR and Mr. BOOZMAN.
- H.R. 503: Ms. TITUS.
- H.R. 556: Mr. SESTAK, Mr. HOLT, and Mr. SMITH of New Jersey.
- H.R. 558: Mr. SCOTT of Virginia.
- H.R. 574: Mr. PRICE of North Carolina and Mr. BRALEY of Iowa.
- H.R. 622: Mr. DEFazio.
- H.R. 644: Mr. MCNERNEY, Mr. SNYDER, and Mr. VAN HOLLEN.
- H.R. 646: Mrs. MALONEY.
- H.R. 664: Mr. LATHAM.
- H.R. 676: Mr. HARE.
- H.R. 722: Mr. CAO.
- H.R. 729: Mr. DOYLE, Mrs. MCCARTHY of New York, Mr. ARCURI, Mr. PASCRELL, Mr. MOORE of Kansas, Mr. CARNEY, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. MURTHA, Mr. BISHOP of Georgia, Mr. MILLER of North Carolina, Mr. RYAN of Ohio, Mr. MAFFEI, Mr. BOCCIERI, Mr. SCOTT of Virginia, and Mr. FARR.
- H.R. 734: Ms. HERSETH SANDLIN.
- H.R. 775: Mr. GRAVES, Mr. DRIEHAUS, Ms. KILROY, Mr. HUNTER, Mr. MCCLINTOCK, Mr. MCKEON, and Mrs. KIRKPATRICK of Arizona.
- H.R. 780: Mr. MANZULLO, Ms. JENKINS, Mr. CASTLE, Mr. LEE of New York, Mr. WILSON of South Carolina, Mr. MCKEON, Mr. DAVIS of Kentucky, Mr. UPTON, Mrs. MYRICK, Mr. ROGERS of Alabama, Mr. BARTLETT, Mr. ALEXANDER, Mr. MILLER of Florida, Mr. AKIN, Mrs. BIGGERT, Mr. COBLE, Mr. WHITFIELD, Mr. KINGSTON, Mrs. McMORRIS RODGERS, Mr. LANCE, Mr. DENT, Mr. EHLERS, Mr. MCHENRY, Mr. LATTA, and Mr. ISSA.
- H.R. 795: Mr. DELAHUNT.
- H.R. 836: Mr. MEEKS of New York, Mr. BILIRAKIS, Mr. SIREs, Mr. COFFMAN of Colorado, Mr. ROONEY, Mr. THORNBERRY, Mr. POLIS, Mr. THOMPSON of Mississippi, Mr. ORTIZ, and Mr. ETHERIDGE.
- H.R. 904: Ms. BALDWIN.
- H.R. 934: Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. CAO, Mrs. CAPPS, Mr. AL GREEN of Texas, Ms. LEE of California, Ms. HIRONO, Mr. HONDA, and Mr. SCOTT of Virginia.
- H.R. 949: Mr. ELLISON.
- H.R. 952: Ms. DELAURO and Mr. PATRICK J. MURPHY of Pennsylvania.
- H.R. 984: Mrs. MALONEY.
- H.R. 1016: Ms. WOOLSEY.
- H.R. 1017: Mr. LATHAM and Mr. TERRY.
- H.R. 1018: Mr. GEORGE MILLER of California.
- H.R. 1030: Mr. GENE GREEN of Texas.
- H.R. 1064: Mr. ANDREWS, Mr. BRALEY of Iowa, Mr. WALZ, Mr. COURTNEY, Mr. YARMUTH, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, Mr. KISSELL, Mr. MOLLOHAN, Mr. MURTHA, Mr. KANJORSKI, Mr. CUELLAR, Mr. STUPAK, Mr. ELLSWORTH, and Mr. SMITH of New Jersey.
- H.R. 1080: Mr. BROWN of South Carolina.
- H.R. 1132: Mr. THOMPSON of Pennsylvania, Mr. DOYLE, Mr. LEE of New York, Mr. EHLERS, Ms. FALLIN, and Mr. BERRY.
- H.R. 1173: Mr. THOMPSON of Pennsylvania.
- H.R. 1182: Mr. CRENSHAW, Mr. BONNER, Mr. PUTNAM, Mr. MINNICK, Mr. STEARNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MEEK of Florida.
- H.R. 1193: Ms. BALDWIN.
- H.R. 1207: Mr. WOLF, Ms. CORRINE BROWN of Florida, Ms. SPEIER, Mr. KING of Iowa, Ms. EDWARDS of Maryland, Mr. BRIGHT, Mr. CAO, Mr. POLIS, Mr. KUCINICH, Mr. MCKEON, Mr. COBLE, Mr. BRALEY of Iowa, and Mrs. SCHMIDT.
- H.R. 1250: Ms. MARKEY of Colorado, Mr. HONDA, and Ms. FUDGE.
- H.R. 1330: Mr. COHEN.
- H.R. 1339: Mr. SPRATT, Mrs. LOWEY, and Mr. ALEXANDER.
- H.R. 1351: Mr. CHAFFETZ.
- H.R. 1352: Mr. DOYLE and Mr. LATHAM.
- H.R. 1360: Mr. SESTAK.
- H.R. 1361: Mr. PRICE of North Carolina.
- H.R. 1402: Mr. GENE GREEN of Texas, Mr. KAGEN, and Mr. SIREs.
- H.R. 1405: Mrs. MALONEY.
- H.R. 1441: Mr. CARTER and Mr. KENNEDY.
- H.R. 1466: Ms. WATSON.
- H.R. 1600: Ms. BORDALLO.
- H.R. 1612: Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. SESTAK, and Mr. DELAHUNT.
- H.R. 1616: Mr. TIERNEY, Mr. WU, Mr. KLEIN of Florida, and Ms. GIFFORDS.
- H.R. 1619: Mr. GENE GREEN of Texas.
- H.R. 1646: Mr. LATHAM, Mr. BRALEY of Iowa, Mr. SCHIFF, Mr. JACKSON of Illinois, Mr. DELAHUNT, and Mr. SESTAK.
- H.R. 1670: Mr. TOWNS, Mr. MAFFEI, Mr. DELAHUNT, Ms. MCCOLLUM, Mr. HOLDEN, and Mr. MURPHY of Connecticut.
- H.R. 1677: Mr. COSTELLO, Ms. SCHWARTZ, Mr. KIND, Mr. MICHAUD, Mrs. LOWEY, and Mr. WELCH.
- H.R. 1692: Mr. BOOZMAN.
- H.R. 1718: Mr. EHLERS.
- H.R. 1740: Mr. ROGERS of Michigan, Mr. GOODLATTE, Mr. CONAWAY, and Mr. SCHOCK.
- H.R. 1743: Mr. MCCOTTER.
- H.R. 1791: Mr. CAMPBELL.
- H.R. 1821: Mr. MEEK of Florida.
- H.R. 1829: Mr. DAVIS of Alabama.
- H.R. 1843: Ms. EDWARDS of Maryland.
- H.R. 1855: Mr. AUSTRIA.
- H.R. 1868: Mr. BARRETT of South Carolina and Mr. PLATTS.
- H.R. 1894: Mr. TOWNS, Mr. DAVIS of Illinois, Mrs. MYRICK, Mr. HINCHEY, and Mr. MORAN of Kansas.
- H.R. 1961: Mr. CONNOLLY of Virginia.
- H.R. 1970: Ms. DEGETTE.
- H.R. 1990: Mr. LUCAS.
- H.R. 2029: Mr. MORAN of Virginia.
- H.R. 2030: Mr. RUSH, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. CLAY, Ms. LEE of California, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. TOWNS, Ms. WATERS, Mr. WATT, and Ms. WOOLSEY.
- H.R. 2054: Mr. DELAHUNT and Mr. PALLONE.
- H.R. 2060: Mr. GUTTERREZ and Ms. ROYBAL-ALLARD.
- H.R. 2083: Mr. MARSHALL.
- H.R. 2084: Mr. KILDEE.
- H.R. 2095: Ms. DEGETTE, Ms. FUDGE, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. WATT, Mr. CLEAVER, Ms. WATSON, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ELLISON, Mr. THOMPSON of Mississippi, Mr. FALEOMAVAEGA, Ms. KILPATRICK of Michigan, Mr. DAVIS of Alabama, Mr. CUMMINGS, Mr. SCOTT of Georgia, Mr. JACKSON of Illinois, Mr. FATTAH, Ms. EDWARDS of Maryland, Ms. WOOLSEY, Mr. CONYERS, Ms. RICHARDSON, and Mr. CLYBURN.
- H.R. 2097: Mr. FARR, Mr. GRAYSON, Mr. CAO, Mr. LEWIS of California, Mr. FRANKS of Arizona, Mr. JACKSON of Illinois, Mr. MOLLOHAN, Mr. RODRIGUEZ, and Mr. TAYLOR.
- H.R. 2110: Mr. COLE.
- H.R. 2116: Mr. ADLER of New Jersey.
- H.R. 2124: Mr. MILLER of Florida, Mr. DELAHUNT, and Mr. GUTHRIE.
- H.R. 2125: Mr. LIPINSKI.
- H.R. 2139: Mr. EHLERS, Mr. PLATTS, Mr. MCMAHON, Mr. KIND, Mr. LOEBSACK, Ms. CLARKE, and Ms. MOORE of Wisconsin.
- H.R. 2194: Mr. SHUSTER, Mr. CHAFFETZ, Mr. AUSTRIA, Mr. THOMPSON of Pennsylvania, Mrs. MCCARTHY of New York, Mr. FORBES, Mr. BRADY of Pennsylvania, Mr. COFFMAN of Colorado, Mr. YOUNG of Alaska, Mr. MOORE of Kansas, Mr. BOCCIERI, Mr. DEAL of Georgia, Mr. BROWN of South Carolina, Mr. PUTNAM, Mr. FOSTER, Ms. TITUS, Mr. SHADEGG, Mr. SMITH of Washington, and Mr. WALDEN.
- H.R. 2209: Mr. DAVIS of Illinois.
- H.R. 2245: Mr. LUJÁN, Mr. MITCHELL, Mr. GENE GREEN of Texas, Mr. ROSKAM, Mr. LARSON of Connecticut, Ms. MATSUI, Mr. BRALEY of Iowa, Ms. MOORE of Wisconsin, Ms. MARKEY of Colorado, Mr. BROWN of South Carolina, and Mr. COSTA.
- H.R. 2248: Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, and Mr. GUTTERREZ.
- H.R. 2254: Mr. DOYLE and Mr. FRANK of Massachusetts.
- H.R. 2263: Mr. GRAYSON.
- H.R. 2269: Ms. ROS-LEHTINEN.
- H.R. 2272: Ms. DELAURO.
- H.R. 2273: Mr. SESTAK.
- H.R. 2277: Mr. YOUNG of Alaska and Mr. ROGERS of Kentucky.
- H.R. 2287: Mr. BUCHANAN, Mr. DUNCAN, and Mr. MCCLINTOCK.
- H.R. 2299: Ms. LINDA T. SÁNCHEZ of California.
- H.R. 2304: Mr. ABERCROMBIE, Mr. ROE of Tennessee, Mrs. TAUSCHER, Mr. WILSON of South Carolina, Mr. REHBERG, and Mr. FILNER.
- H.R. 2314: Mr. KILDEE and Mr. SABLAN.
- H.R. 2329: Mr. GENE GREEN of Texas.
- H.R. 2345: Mr. BUYER and Mr. YOUNG of Florida.
- H.R. 2350: Mr. ALTMIRE, Mr. SCHIFF, Mr. FILNER, and Mr. CARSON of Indiana.
- H.R. 2358: Ms. DEGETTE and Ms. BALDWIN.
- H.R. 2393: Mr. LAMBORN and Ms. GRANGER.
- H.R. 2403: Mr. GRAYSON.
- H.R. 2452: Mr. ETHERIDGE, Mr. HUNTER, and Mr. HENSARLING.
- H.R. 2472: Mr. AKIN.
- H.R. 2478: Mr. PRICE of North Carolina.
- H.R. 2488: Mr. MURPHY of New York.
- H.R. 2493: Mr. HALL of New York and Mr. SHADEGG.
- H.R. 2499: Mr. CAPUANO, Mr. HEINRICH, and Mr. DOGGETT.
- H.R. 2502: Mr. GRAYSON.
- H.R. 2512: Mr. FORTENBERRY and Mrs. SCHMIDT.

H.R. 2547: Mr. BOOZMAN.
 H.R. 2551: Mr. HODES.
 H.R. 2560: Ms. SCHAKOWSKY and Mr. MACK.
 H.R. 2570: Ms. DEGETTE and Mr. DEFazio.
 H.R. 2574: Mr. KLEIN of Florida, Ms. EDWARDS of Maryland, and Mr. LARSON of Connecticut.
 H.R. 2595: Mr. HINCHEY.
 H.R. 2607: Mr. MACK, Mr. AKIN, Mr. COLE, Ms. FALLIN, Mr. FORBES, Mr. GOHMERT, Mr. HUNTER, Mr. OLSON, Mr. PAULSEN, Mr. POSEY, Mrs. SCHMIDT, Mr. WAMP, and Mr. BONNER.
 H.R. 2648: Mr. GRAYSON, Mr. ELLISON, and Mr. LOEBSSACK.
 H.R. 2657: Mr. DEFazio.
 H.R. 2669: Mr. DEFazio and Mr. MEEKS of New York.
 H.R. 2676: Mr. EDWARDS of Texas.
 H.R. 2691: Ms. MOORE of Wisconsin and Ms. SCHAKOWSKY.
 H.R. 2695: Mr. HONDA.
 H.R. 2696: Mr. MEEK of Florida and Mr. MCGOVERN.
 H.R. 2736: Mr. RAHALL, Mr. MOORE of Kansas, Mr. COHEN, Mr. WELCH, and Mr. CLEAVER.
 H.R. 2743: Ms. JACKSON-LEE of Texas, Mr. GRAYSON, Mr. KING of Iowa, Mr. SHIMKUS, Ms. WASSERMAN SCHULTZ, Mr. SCOTT of Georgia, Mr. LATHAM, Mr. POE of Texas, Mr. ACKERMAN, Mr. BERRY, Mr. REHBERG, Mr. FARR, Mr. DRIEHAUS, Mr. HONDA, Mr. SHULER, Mr. BUTTERFIELD, Mr. COSTA, Mr. CARNEY, Mr. BURTON of Indiana, Mr. HINOJOSA, Mr. TIBERI, and Mr. BARROW.
 H.R. 2765: Ms. JACKSON-LEE of Texas, Mr. SHERMAN, Mr. JOHNSON of Georgia, and Mr. MAFFEL.

H.R. 2779: Mr. MORAN of Virginia.
 H.R. 2796: Mr. MCHUGH and Mr. BURTON of Indiana.
 H.J. Res. 42: Mr. DANIEL E. LUNGREN of California and Mr. PAULSEN.
 H.J. Res. 47: Mrs. LUMMIS, Mr. BUYER, Mr. TIM MURPHY of Pennsylvania, Mr. BOEHNER, and Mr. BLUNT.
 H. Con. Res. 51: Mr. FALEOMAVAEGA.
 H. Con. Res. 112: Ms. BALDWIN and Mr. HONDA.
 H. Con. Res. 118: Mr. PRICE of North Carolina.
 H. Con. Res. 128: Ms. WATSON and Ms. WOOLSEY.
 H. Con. Res. 132: Mr. LAMBORN.
 H. Con. Res. 143: Mr. INGLIS.
 H. Res. 90: Mr. CAO.
 H. Res. 130: Mr. LARSEN of Washington.
 H. Res. 175: Mr. DANIEL E. LUNGREN of California.
 H. Res. 193: Mr. SPRATT and Mr. ALEXANDER.
 H. Res. 241: Mr. PAYNE.
 H. Res. 245: Mr. BURTON of Indiana and Mrs. HALVORSON.
 H. Res. 288: Ms. MARKEY of Colorado, Mr. EDWARDS of Texas, Mr. BISHOP of Georgia, and Mr. HONDA.
 H. Res. 314: Mr. DOYLE, Mr. KRATOVIL, Mr. MELANCON, Mr. BARROW, Mr. WELCH, Mr. INSLEE, and Mr. SPACE.
 H. Res. 350: Mr. MCINTYRE.
 H. Res. 366: Mr. MCINTYRE, Mr. PAYNE, Mr. MILLER of Florida, and Mr. HOEKSTRA.
 H. Res. 397: Mr. BARRETT of South Carolina.
 H. Res. 443: Mr. GRAYSON.

H. Res. 494: Mr. COBLE.
 H. Res. 507: Mr. OBEY, Ms. ESHOO, Mr. BISHOP of New York, Mr. HIMES, and Ms. SHEA-PORTER.
 H. Res. 512: Mr. MARKEY of Massachusetts, Mr. BRIGHT, Mr. GUTHRIE, Mr. OBERSTAR, Mr. DELAHUNT, Mr. MASSA, Mr. MCMAHON, Ms. MCCOLLUM, Mr. MCGOVERN, and Mr. BRALEY of Iowa.
 H. Res. 519: Mr. GUTIERREZ, Ms. KILPATRICK of Michigan, Mr. SARBANES, Mr. POE of Texas, and Ms. MCCOLLUM.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 848: Ms. NORTON.
 H.R. 2254: Mr. STEARNS.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

48. The SPEAKER presented a petition of the California State Lands Commission, relative to A RESOLUTION OPPOSING THE U.S. DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICES' DRAFT PROPOSED 5-YEAR OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM FOR 2010-2015; to the Committee on Natural Resources.

EXTENSIONS OF REMARKS

TO HONOR THE 350TH ANNIVERSARY OF THE INCORPORATION OF THE CITY OF NORWICH, CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. COURTNEY. Madam Speaker, I rise today to recognize the 350th anniversary of the incorporation of the city of Norwich, Connecticut. Founded in 1659 and known as the "Rose of Connecticut," Norwich will be celebrating its 350th birthday and rich history throughout the month of June.

During the American Revolution, Norwich supported the cause for independence by supplying soldiers, ships, and munitions. One of the most infamous figures of the Revolution, Benedict Arnold, was born in Norwich. Other well-known Colonial era individuals include Samuel Huntington, Christopher Leffingwell, and Daniel Lathrop. Today, Norwich is a thriving city and a center of commerce and manufacturing, with a wide range of municipal services, a modern industrial park, and a positive outlook for residential and business growth.

As part of the celebration, the city will be presenting several events with participants from across the globe. The city green will host various reenactments of history with period uniforms and equipment as they demonstrate lifestyles of days past. There will be historic talks, as well as tours of historical and present-day landmarks, historic homes, factories, gardens, places of worship, and other areas of preservation. Norwich will offer "museum days" with free access to all of the city museums, and will also sponsor a time capsule to be opened on the 400th anniversary of the city.

The 350th Commemorative Quilt, to be known as a historical work of art, will be on display. Additionally, city citizens will perform in "Rose on the River," a compilation of short plays written by local playwrights. Special musical performances will add to the festivities. The National Association for the Advancement of Colored People (NAACP) will host a parade and festival to commemorate both Norwich's 350th and the NAACP's 100th anniversaries.

Madam Speaker, I am proud and pleased to honor the City of Norwich. Three hundred fifty years after incorporation, from its colonial origins through its modern evolution, Norwich represents the very best of Connecticut. I ask my colleagues to join with me and my constituents in honoring and celebrating Norwich's semiseptcentennial anniversary and welcome many more to come.

INTRODUCTORY REMARKS FOR THE AFRICAN AMERICAN BONE MARROW AWARENESS MONTH ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. KILPATRICK of Michigan. Madam Speaker, as I rise today in support of the African American Bone Marrow Awareness Month Act, I am reminded of two things—the thousands of lives that bone marrow donations save each year, and the distance we have to travel to increase the participation of minorities, especially African Americans, in the National Marrow Donor Program. The African American Bone Marrow Awareness Month Act, by urging all Americans to initiate, organize and participate in programs to increase the collective consciousness of African Americans to become bone marrow donors.

Since the inception of the National Marrow Donor Program registry, over 24,000 people have received bone marrow transplants. African Americans make up only eight percent, or 450,000 of the more than six million people currently registered in the National Marrow Donor Program. Worse, African Americans have received a little more than four percent—one out of every 24—of these transplants. While it is possible for an African American patient to get a match for a bone marrow donor from any racial or ethnic group, the most likely match for a transplant is from another African American. All it takes is a single drop of blood to help determine a match.

Madam Speaker, this legislation will encourage all people, but particularly African Americans, to organize a bone marrow registration drive in their community. The collective work under this legislation will promote donor awareness and increase the number of African Americans registered with the National Marrow Donor Program throughout our nation. I urge all Members of Congress to begin the need for awareness, importance and value of bone marrow awareness, and urge its quick adoption by Congress.

MARKING THE 100TH BIRTHDAY OF MR. RUDOLF SMITH JUNE 12, 2009

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. BUTTERFIELD. Madam Speaker, on June 12, 2009 Nash County, North Carolina native and resident Mr. Rudolf Smith will be celebrating his 100th birthday. To mark this milestone, family and friends will be gathering for a party in his honor.

Mr. Smith was born on June 12, 1909, to sharecroppers, Mr. Willis Smith II and Mrs. Willie M. Smith on Joe Ellison's farm near Dortches in Nash County, North Carolina. He was kept home from school after the fourth grade because he was needed to work the crops.

Working six and a half days a week, Mr. Smith was barely tall enough to keep the plow in the field when he started farming.

Mr. Smith was married to Patty Alston in 1933. Together, they had six children.

Currently, he resides at Knight's Family Care Homes where he enjoys reminiscing about his past, walking, and eating anything he wants. He lives a healthy and fulfilled life.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in wishing Mr. Smith a very happy 100th birthday.

INTRODUCING LEGISLATION TO SUPPORT SMALL BUSINESSES IN SOUTHERN AND EASTERN KENTUCKY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. ROGERS of Kentucky. Madam Speaker, today I rise with my colleague and fellow Kentuckian, Congressman ED WHITFIELD, to raise awareness about an important issue impacting a number of small businesses in our region of the country.

Scenic Lake Cumberland has been the hub of economic development in our area of southern Kentucky for years. Some 4 million visitors stop by every year to take advantage of the lake's many attractions—world class bass fishing, relaxing atop a custom built houseboat, or boating with family and friends. These visitors pump over \$70 million into our local economy, benefiting a wide array of businesses in the surrounding counties. However, with our nation's economy floundering and the Commonwealth's unemployment rate of nearly 10 percent hovering above the national average, the houseboat and marina industries surrounding Lake Cumberland are hemorrhaging—and so too are our people whose livelihoods rely on the lake as a lifeline.

While the overall economy is part of the problem, business conditions at Lake Cumberland have suffered an even greater share in large part due to a long delayed and deferred federal rehabilitation and construction project at Wolf Creek Dam. An unfortunate consequence of construction at the dam has been the necessity to temporarily lower the pool of the lake from the traditional level of 720 feet to 680 feet. This significant drawdown has had a substantial adverse impact on the ten local concessionaries leasing marina

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

space from the Corps of Engineers. Many marinas have had to incur tremendous expenses to accommodate the lower pool, such as relocation and investments in additional infrastructure, and these unanticipated expenses have significantly disrupted their cash flow. The legislation we've introduced today ensures that the federal government fulfills its obligation to those concessionaries with which it has entered into leasing agreements and provides some relief for these unforeseeable expenses that have the potential to set back the economy of an entire region. These measures include suspending burdensome rental payments until it is safe to restore the lake level, as well as reimbursing marina operators for expenses directly tied to this continued draw-down. Finally, the bill makes whole the surrounding communities that rely heavily on these rental payments.

The U.S. Army Corps of Engineers has been tasked and is hard at work with correcting structural issues with the dam to shore up the dam for future generations to enjoy, and Congress has diligently provided vital funds for the continuation of this project. I have no argument with this work or the funding. However, no relief has been made available to those who have tied their livelihoods to this lake and who, through no fault of their own, are enduring a government-induced hardship. The bill introduced today will correct this and provide some measure of relief to the hardworking small business owners scattered along beautiful Lake Cumberland.

TRIBUTE TO LT COL KENNETH
BOW, USAR RET

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. CAMP. Madam Speaker, I rise today to pay tribute to LT COL Kenneth Bow, USAR RET, in recognition of his 70th birthday this Saturday, June 13, 2009.

Kenneth Bow retired from the U.S. Army Reserves in 1993 with the rank of LT COL. He joined the ROTC at Michigan State in 1958. After graduation as an Electrical Engineer, he began his active duty as a Second Lieutenant at Aberdeen Proving Ground. Later, from 1963 to 1965, he was stationed in Stuttgart, Germany. After being honorably discharged, he immediately joined the 578th Research and Development Unit in the USAR in Midland, Michigan.

On active-duty training assignments over his army career, he served in many Mobilization Designee positions, mainly in the Ft. Belvoir Research Development and Engineer Center. His training projects were highly technical and engineering-oriented, such as standardization of controls across an electrical generator family and related self diagnosis; and the impact of chlorofluorocarbon, CFC, regulations on users. In addition, LT COL Bow co-chaired management of selected engineering and financial teams assembled to conceptualize the design of a state-of-the-art, \$100 million automated logistical center/warehouse at Sharpe Army Depot in California.

In his more than twenty-eight years serving the USAR, LT COL Bow was highly decorated with the following awards: Meritorious Service Medal, Army Commendation Medal, USAR Achievement Medal with three Bronze Oak Leaves, National Defense Service Medal, and Armed Forces Reserve Medal with Hour-Glass Device.

In 1965, Kenneth Bow joined the Dow Chemical Company in Midland, Michigan, rising to the highest research professional rank of Research Scientist at the time of his retirement in 2007.

On behalf of the Fourth Congressional District of Michigan, I am honored today to recognize LT COL Kenneth Bow in celebration of his 70th birthday. I hope the year to come will bring him health, happiness, and special times with family and friends. Birthdays are a time to reminisce over good memories and make new ones. I hope that his is special.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. WOOLSEY. Madam Speaker, on June 10, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 317. Had I been present I would have voted:

Rollcall No. 317—"yes"—Providing for consideration of H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement (PEACE) Act; and providing for consideration of H.R. 2410, the Foreign Relations Authorization Act, FYs 2010 and 2011.

INTRODUCTION OF THE
BREASTFEEDING PROMOTION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mrs. MALONEY. Madam Speaker, today I am reintroducing an important piece of legislation, the Breastfeeding Promotion Act with my colleagues Mrs. CAPPS, Mr. OLVER, Mr. FRANK, Ms. ROYBAL-ALLARD, Mr. LEVIN, Mr. MEEKS, Ms. KAPTUR, Mr. SNYDER, Ms. SCHWARTZ, and Mr. MORAN.

Statistical surveys of families show that over 50 percent of mothers with children less than one year of age are in the labor force. Whereas women with infants and toddlers are a rapidly growing segment of the labor force today, arrangements must be made to allow a mother's expressing of milk if mother and child must separate.

The American Academy of Pediatrics recommends that mothers breastfeed exclusively for six months but continuing for at least the first year of a child's life. Research studies show that children who are not breastfed have higher rates of mortality, meningitis, some types of cancers, asthma and other respiratory illnesses, bacterial and viral infections, diarrhoeal diseases, ear infections, allergies, and obesity. There have also been numerous

benefits to mothers shown, including improved bone mineralization, an earlier return to pre-pregnancy weight, and decreased risk of certain cancers.

Our bill will encourage and promote breastfeeding by removing common obstacles to breastfeeding and expressing milk in the workplace that many women face by: (1) amending the Civil Rights Act of 1964 to protect breastfeeding in the workplace, (2) providing tax incentives for businesses that establish private lactation areas in the workplace, (3) providing for a performance standard for breast pumps, (4) allowing breastfeeding equipment to be tax deductible for families, and (5) protecting the privacy of breastfeeding mothers.

We urge all of our colleagues to support this important legislation.

RECOGNIZING THE 100TH ANNIVERSARY OF WATKINS BROTHERS MEMORIAL CHAPEL

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the 100th anniversary of Watkins Brothers Memorial Chapel, the oldest African-American owned business of Missouri's Fifth Congressional District, which I am honored to represent. The Watkins Brothers Memorial Chapel will celebrate its centennial milestone beginning this weekend on Saturday, June 13th, when they will have the first series of events dedicated to the great service this business has bestowed upon Missouri's Fifth Congressional District. I am privileged to have been asked to partake in these celebrations.

The Watkins Brothers Memorial Chapel has been an influential and unwavering force since founders John "J.T." and Theron "T.B." Watkins first opened the chapel's doors in spring of 1909. After John's premature death, Theron remained determined to carry on the business and the vision that he and his brother had worked so hard to make a reality. The Watkins Brothers Memorial Chapel has now seen five generations of Watkins run the family business. The chapel is known throughout the greater Kansas City metropolitan area for its excellent service and the high level of care and concern it affords both the families and the individuals involved.

The Watkins family has been highly influential in the arena of Kansas City politics. Since the beginning, Theron was very involved in neighborhood development; so much so that there is now an important housing project in Kansas City named in his honor. From 1941 to 1948, Theron sat on the Housing Authority Board of Commissioners. The story of Theron filling up one of his funeral cars with coal and delivering the coal to families in desperate need during the peak of the Great Depression signifies his deep commitment to those around him. His heightened awareness of the needs of others led him to encourage his son, Bruce Watkins, Sr., to pursue a career in service and politics.

Bruce Watkins, Sr. spent most of his adult life relentlessly pursuing the greater good through political service. He was one of the co-founders of Freedom Incorporated, an African-American political organization that worked to increase their community's influence by generating votes for candidates they felt would best empower African-Americans. Bruce Watkins, Sr. was also one of the first two African-Americans elected in 1963 to serve on Kansas City's City Council. In 1979, he became the first African-American councilperson to run for mayor of Kansas City. Though he lost, his progressive views of African-American leadership and political influence endured. His legacy lives on in the form of Bruce Watkins Drive, a 10.2 mile long stretch of highway that connects the southern, suburban part of Kansas City to its northern, urban counterpart.

Throughout the years, the Watkins family has remained active in the Kansas City community. Working alongside the CODA Jazz Fund, the Watkins family provides financial assistance for dignified funeral services to jazz musicians who have passed. Individual members of the family are involved in organizations ranging from the Mutual Musicians Fund to the Boys and Girls Club.

The Watkins family has remained true to their philosophy and goal "to serve humanity, persons of all faiths, under all circumstances, with dignity, respect, and understanding, with attention to he needs and desires of each family."

Considering their tremendous contribution to Missouri's Fifth Congressional District and surrounding areas, it is an honor and a privilege to recognize the Watkins Brothers Memorial Chapel and the Watkins family for their one hundred years of excellent service to the Kansas City area. Madam Speaker, please join me in celebrating and expressing our gratitude to this family and their incredible dedication to both their business and their community. The African-American community has long benefited from figures such as Theron Watkins, Bruce Watkins, Sr., and the many other members of the Watkins family. Due to their unyielding persistence, they helped change the reality of African-Americans' political power and influence. The Watkins family is one to revere and respect, and they truly are role models that the Missouri Fifth Congressional District is proud to call our own.

HONORING RICHARD E. MURRAY, FACHE, FOR HIS SERVICE AS THE PRESIDENT/CEO OF KENNEDY MEMORIAL HEALTH SYSTEM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor Mr. Richard E. Murray, FACHE. He has played an integral role in New Jersey's First District through his administration of multiple health care systems. Mr. Murray has demonstrated a history of compassion throughout the community and for this he deserves great praise.

Mr. Murray has served as the President/Chief Executive Officer of Kennedy Memorial Health System since 1980. Kennedy Memorial Health System consists of three acute-care hospitals, multiple outpatient clinics and various wellness programs.

Mr. Murray's leadership has led to many advances within the Kennedy Memorial Health System. Since 1998, Kennedy Memorial Hospital has opened a free-standing outpatient Dialysis Center, a Sleep Center, a 10-bed Ronald McDonald House Pediatric Unit, a Cancer Center and Outpatient Medical Imaging Center, an Emergency Department, a Center for Wound Healing, a Neonatal Intensive Care Unit, a 40-bed Progressive Care Unit, a 12-bed Innovative Hospice Care Center, a Stroke Program, a Maternity Center, a PET/CT Center, a Family Health Services Center, a Maternal-Fetal Medicine Unit, a Surgical Unit, and an Intensive Care Unit.

Aside from the structural upgrades, Mr. Murray has overseen multiple projects that have improved the quality of care within the Kennedy Memorial Health System. These projects include the creation of an "Invensivist Program" to ensure the oversight of health care providers and patient safety, the purchase of the high-tech DaVinci Robot for use in minimally invasive surgical procedures, and the creation of programs for diabetes control and a smoke free environment at all facilities. Without the hard work and exceptional guidance provided by Mr. Murray, none of these things would have been possible.

Mr. Murray has received multiple awards commemorating his service to the South Jersey community. In 2005, he received the New Jersey Hospital Association's Distinguished Service Award, presented annually to an individual with more than 15 years of service in health care who "consistently demonstrates strength, integrity, professionalism and a relentless commitment to a hospital or health care system." In 2006, he was honored by March of Dimes for his positive influence and contribution to the community. In 2007, he was honored with the New Jersey Institute for Nursing EPIC Award, which honors exceptional individuals for their contributions to New Jersey communities and the advancement of health care for the profession of nursing.

Madam Speaker, Mr. Murray's service to New Jersey's First Congressional District should not go unrecognized. I want to personally thank Dick Murray for the exceptional guidance he has provided his staff, the community service he has provided to members of the community, and the lives that he has changed throughout New Jersey. I congratulate Mr. Murray and wish him the best of luck in the future.

TRIBUTE TO WINSTON SPENCER WATERS II

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Winston Spencer Waters II, a senior at Elmont Memo-

rial High School. Winston was named a semifinalist in the Intel Science Talent Search Competition, becoming the first Elmont student to be named a semifinalist in the competition.

The Intel Science Talent Search is America's most prestigious science research competition for high school seniors. Each year 300 students are selected as semifinalists nationwide. Winston's project, "Separating the Roles of HIF-1 α and HIF-2 α in Tumorigenesis through Downregulation of HIF-2 α by RNA Interference." This project studied Von Hippel Lindau, or VHL, disease which is a form of kidney cancer. Winston was selected as a semifinalist from over 1,000 students who entered projects into the competition.

This is a remarkable achievement for Winston, for the Elmont Memorial High School and for the entire Elmont Community. Winston has not only excelled in science, but has worked hard to remain a well balanced student. As President of the senior class, member of the Future Business Leaders of America and the Math, Science and National Honor Societies, he has certainly been able to accomplish that goal.

As a Member of the Committee for Education and Labor, I commend Winston and congratulate him for his dedication to his education. I would like to wish him the best of luck as he prepares to attend Harvard University in the fall, where he plans to study biomedical sciences and engineering as well as economics or finance.

Madam Speaker, it is with pride and admiration I offer my congratulations and best wishes to Winston Spencer Waters II and his entire family.

IN RECOGNITION OF REVEREND DOUGLAS PAUL JONES OF WELCOME MISSIONARY BAPTIST CHURCH

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. PETERS. Madam Speaker, I rise to recognize Reverend Douglas Paul Jones, on the occasion of his twentieth anniversary as Senior Pastor of the Welcome Missionary Baptist Church in the City of Pontiac, Michigan. Since June 18, 1989, when Pastor Jones was first installed, he has been a tireless leader—both within the church, and in the greater Pontiac community.

Throughout Pastor Jones' tenure at Welcome Missionary Baptist Church, he has grown the membership of the church by more than three thousand members. As the Senior Pastor of the church, he has touched countless lives through developing well respected ministries and mentorship programs supporting men, women, and young adults, as well as those individuals struggling with drug addiction, domestic violence and HIV/AIDS.

Outside of the church, Pastor Jones is a member of various chambers of commerce, business associations and youth programs. Of note, he founded the Greater Pontiac Community Coalition with the mission to collectively exercise actions and advocacy to generate individual, social, and institutional change. His

outreach sews the fabric of the religious, social, educational, business, and artistic communities together with the steadfastness of a person of faith and foresight of a true leader.

Pastor Jones, I congratulate you on this significant anniversary. I salute your untiring commitment to Welcome Missionary Baptist Church and the greater City of Pontiac community. I am proud to call you not only a partner in serving our community, but also a dear friend. I look forward to the next twenty years working with you and the congregation at Welcome Missionary Baptist Church.

IN HONOR OF J. NICHOLAS
COUNTER III UPON HIS RETIRE-
MENT AS PRESIDENT OF THE
ALLIANCE OF MOTION PICTURE
& TELEVISION PRODUCERS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. BERMAN. Madam Speaker, I rise to share some observations about the historic career of J. Nicholas ("Nick") Counter III upon his retirement from the Alliance of Motion Picture and Television Producers, "AMPTP". AMPTP is the multi-employer bargaining agent for more than 350 production companies in their collective bargaining negotiations with more than 20 labor organizations. The production companies include the major motion picture studios and independent production companies. The labor organizations with whom AMPTP engages in collective bargaining include the Directors Guild of America, the Screen Actors Guild, the American Federation of Radio and Television Artists, the Writers Guild of America, East and West, the International Brotherhood of Teamsters, the International Brotherhood of Electrical Workers, the American Federation of Musicians, and the International Alliance of Theatrical Stage Employees, which is the umbrella union for all unions which represent those workers behind the camera—from costumers and make-up artists to art directors and animators. AMPTP negotiates 80 industry-wide collective bargaining agreements, covering some 250,000 industry workers in the United States and Canada.

Nick joined the AMPTP when it was established in 1982 as its first president and has served in that capacity for the past 27 years. During his tenure, he has successfully concluded 312 collective bargaining agreements with the major entertainment industry guilds and unions. Throughout the vast majority of Nick's tenure, the motion picture and television industry enjoyed unprecedented labor peace and stability. In addition, the industry has thrived with growth in employment and wages and consistently improved working conditions under Nick's leadership. He has presided over dramatic changes in the motion picture industry, from the growth of home entertainment to new media, and he has led producers at the bargaining table through these momentous transformations. Many in Hollywood say Nick has had the hardest job in Hollywood—to maintain unity among the producers and face

off with some of the most professional and creative workers in any business.

He has been well-suited to the job. He learned about labor relations up close while working summers at a Colorado steel mill where his father spent his career. An amateur boxer and high school star football player, he graduated from the University of Colorado with a degree in electrical engineering and a record of accomplishment as half-back on the football team. Then he detoured to law school, graduating from Stanford University and made his home in Los Angeles.

Nick's accomplishments go beyond his role at the bargaining table. It is well known that motion picture industry jobs come with good benefits—health insurance and pensions. Nick has played a critical role in ensuring those benefits are secure. He serves as a trustee on fourteen guild and union health and pension funds. He is also a trustee on the Motion Picture and Television Fund, a past president and current member of the Board of Directors of the International Foundation of Employee Benefit Plans, and a past chair of the Entertainment Industry Foundation. And he has provided his experience and wisdom to many national groups examining health care issues that face our nation. He has also engaged on safety and environmental issues that affect the industry.

After such a distinguished career, Nick has earned his opportunity to live the next chapter. He will give up the all night bargaining sessions for more time with his family—his wife, Jackie; his son Nick IV; his daughter, Samantha, and her husband, Alex Kurtzman, and their son, Jack. As he embarks on this well-deserved retirement, I ask my colleagues to join me in expressing our appreciation for the work he has done and wishing him and his family well.

RECOGNIZING MIMI GARDNER
GATES

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. McDERMOTT. Madam Speaker, today, I rise to offer special recognition of Mimi Gardner Gates on the occasion of her retirement as the Illsley Ball Nordstrom Director of the Seattle Art Museum. During her tenure, the Seattle Art Museum has become the premier art museum in the Pacific Northwest, distinguished by its splendid exhibitions and its commitment to the arts communities of our region. Under Mrs. Gates' leadership, the Seattle Art Museum has increased its endowment, its attendance, and its membership; it has diversified its board, staff, and audience; created a conservation department and studio; and added to its collections more than 6,500 works of art from a wide variety of cultures. And, thanks to Mimi Gates' vision and tireless effort, the Museum has created the Olympic Sculpture Park, a nationally and internationally acclaimed outdoor display that brings an exciting new dimension to Seattle's arts environment. Seattle and the entire Pacific Northwest region have benefited immeasurably from

Mimi Gates' talent and dedication to public art, and I am privileged now to acknowledge her outstanding work and to thank her for her many years of exceptional service.

Mrs. Gates also has made considerable contributions to the arts in the classroom, and she has held leadership positions with several arts organizations. She served on the staff of the Yale University Art Gallery, where she currently is a member of the Governing Board, and is a fellow of the Yale Corporation. A past president of the Association of Art Museum Directors, she also chaired the Federal Indemnity panel at The National Endowment for the Arts, and served as a member of the Advisory Board of the Getty Leadership Institute. Mrs. Gates is also an adjunct faculty member in the Department of Art at the University of Washington, and she serves on the boards of directors of the Northwest African American Museum, the Greater Seattle YWCA, the Downtown Seattle Association, and Copper Canyon Press.

Madam Speaker, Mimi Gates has been an enormous asset to the Seattle arts and civic communities. The people of Seattle, including thousands of patrons, students, and professionals, are grateful for the guidance and leadership she has shown, and I join them in thanking Mrs. Gates for her service, and in wishing her the best in her future endeavors.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. MOORE of Kansas. Madam Speaker, on March 11, 2009, I inadvertently failed to cast a recorded vote on rollcall vote 121, concerning H. Res. 226, recognizing the plight of the Tibetan people on the 50th anniversary of His Holiness the Dalai Lama being forced into exile and calling for a sustained multilateral effort to bring about a durable and peaceful solution to the Tibet issue. Had I cast my vote, I would have voted "aye."

On March 31, I inadvertently failed to cast a recorded vote on rollcall vote 166, concerning H. Res. 296, providing for the consideration of the Senate Amendments to H.R. 1388. Had I cast my vote, I would have voted "aye."

On May 7, I inadvertently failed to cast a recorded vote on rollcall vote 238, concerning H.R. 1728, the Mortgage Reform and Anti-predatory Lending Act. Had I cast my vote, I would have voted "aye."

On May 12, I inadvertently failed to cast a recorded vote on rollcall vote 244, concerning H. Res. 413, supporting the goals and ideals of "IEEE Engineering the Future" Day on May 13, 2009, and for other purposes. Had I cast my vote, I would have voted "aye."

On May 14, I inadvertently failed to cast a recorded vote on rollcall vote 260, concerning H.R. 2187, the amendment to the title of the 21st Century Green High-Performing Public School Facilities Act. Had I cast my vote, I would have voted "no."

IN RECOGNITION OF THE 10TH
ANNIVERSARY OF CAREER GEAR

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. NADLER of New York. Madam Speaker, I rise today in recognition of Career Gear. In June of 2009, Career Gear is celebrating its 10th Anniversary by hosting its Capital PerSuit Awards Dinner in New York, NY.

Career Gear, a grassroots 501(c)(3) non-profit organization, was founded in New York City in 1998 to promote the gainful employment and self-sufficiency of disadvantaged men who are actively seeking employment. The organization began with the goal of providing appropriate business clothing for those seeking jobs and has grown to provide services and resources that help clients retain employment and advance in the workplace.

Once employed, a client is encouraged to participate in an alumni program that is designed to provide peer support and networking opportunities to others in need. This program affects other non-employment issues like budgeting and financial management, emotional coping skills, as well as family and child support. All of these matters impact an individual's ability to remain employed.

Over the past 10 years, Career Gear has provided clients with assistance in starting a new chapter of their lives. The success over the past decade is evident by the fact that through the good work of Career Gear, 18,000 men have reentered the workforce with a renewed sense of confidence and have become self-sufficient members of their communities. It is for this attitude of empowerment that I rise today and commend Career Gear.

A SPECIAL TRIBUTE TO ROGER
ANDERSON

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding citizen in Ohio's Fifth Congressional District. Roger Anderson is an individual who is dedicated to serving the public and has given much of his time and expertise in helping community groups achieve success.

Madam Speaker, there is no question that our citizens are the foundation of our country. From the earliest day of our nation's history, the men and women of the United States have worked to create opportunities that would provide a better life for future generations.

Roger Anderson has contributed to our community as a volunteer for various clubs and committees, as an educator, an advocate for non-profit organizations, and a public servant. Mr. Anderson served as a Bowling Green City Councilman from 1976–1980 and was a member of Bowling Green's Planning and Zoning, Public Lands, and Building Committees.

Roger Anderson has also held a leadership role in twelve different organizations including the Bowling Green Kiwanas Club, the Ohio Council of Higher Education Retirees, the WSOS Community Action Commission, and most recently, the League of Women Voters, where he was elected the first ever male president.

Madam Speaker, I ask my colleagues to join me in paying special tribute to Roger Anderson. Mr. Anderson's selfless commitment and dedication to the betterment of his community have set an example for future generations to follow. On behalf of the people of the Fifth District of Ohio, I am proud to recognize the service of Roger Anderson.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. HOLT. Madam Speaker, on Wednesday, June 10, 2009 I was in a meeting and missed the vote on the Kirk amendment to the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011. Had I been present I would have voted "yes" on the Kirk Amendment No. 19 to H.R. 2410 (Rollcall 326).

ON THE FIFTIETH ANNIVERSARY
OF AMERICAN HONDA MOTOR
COMPANY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. HARMAN. Madam Speaker, I rise today to recognize American Honda Motor Company—whose North American headquarters is located in my Congressional District—on the occasion of its 50th anniversary. Established on June 11, 1959 in a small Los Angeles storefront, a handful of Honda associates began selling motorcycles. Fifty years later, American Honda has grown from a single office into a company with significant investments throughout the U.S. and is a leader in fuel economy, safety and environmental technology.

In the midst of the of 1973 oil crisis, Honda introduced the fuel-efficient Civic, marking its official entry into the U.S. market. Two years later, it began market research and new model development activities in America, which today encompass 13 facilities with the capability of complete product creation.

Fast forward to the 1990s, when Honda continued its environmental leadership through investment in advanced internal combustion engines and the introduction in 1999 of the first mass-produced hybrid vehicle in the U.S. On Earth Day of this year, Honda launched the 2010 Insight, a price competitive and exciting new hybrid design.

Starting with eight sales associates in 1959, Honda today employs nearly 28,000 direct employees whose jobs include design, development, manufacturing, sales and service of

products ranging from automobiles, motorcycles, ATVs, personal watercraft, outboard marine engines, power equipment and an advanced light jet. Honda's flagship office in Torrance, California employs almost 2,400 people at its sprawling and energy efficient campus.

American Honda has 11 manufacturing plants in the U.S. with two more under construction, 13 research and development facilities, and regional sales, parts, service and finance offices across America. Honda buys parts and materials from 545 U.S. companies in 34 states with annual purchases exceeding \$17.5 billion in 2008.

More than just a carmaker, Honda prides itself on community stewardship. Its U.S. charity arm provided over \$1.8 million in grants last year—including \$75,000 for a local firefighter program.

I offer my hearty congratulations to American Honda, which has established a half century of commitment to investing in this country, innovation and strong environmental leadership. May the next 50 years be just as productive.

RESOLUTION SUPPORTING A "NATIONAL HEREDITARY HEMORRHAGIC TELANGIECTASIA (HHT) MONTH"

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce a resolution that affects families across America. This resolution expresses support for the designation of a "National Hereditary Hemorrhagic Telangiectasia, HHT, Month" as well as other efforts to increase public awareness of the disease. Hereditary Hemorrhagic Telangiectasia (HHT) is complex genetic disorder of the blood vessels affecting approximately 70,000 Americans. It is characterized by malformations that occur in major organs, including the lungs, brain, and liver. If left untreated, it can lead to chronic health problems or even sudden death due to the rupture of blood vessels in major organs.

Unfortunately, due to a widespread lack of knowledge of the disorder, approximately 90 percent of Americans suffering from HHT currently remain undiagnosed. These people are at risk of sudden death or becoming disabled. However, tests exist for the early detection and diagnosis of HHT and certain treatments are available for those suffering from the disease. It is estimated that between 20 and 40 percent of deaths and disabilities resulting from HHT would have been preventable if the condition had been diagnosed.

This resolution aims to reduce future HHT-related deaths and disabilities. The HHT Foundation International's designation of a "National Hereditary Hemorrhagic Telangiectasia, HHT, Month" and other efforts to educate the public should increase public awareness of the disease, leading to more HHT testing and fewer instances of undiagnosed HHT. Additionally, support for further research will improve outcomes, reduce costs, and increase

the quality of life for those living with HHT, while also searching for a cure for the disorder.

This important bill will decrease the suffering of families affected by this devastating disease. It is my goal to improve the quality of life of the approximately 70,000 Americans suffering from HHT. I urge my colleagues to support this resolution to make the public aware of this national health problem.

RECOGNIZING THE 25TH ANNIVERSARY OF THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. HASTINGS of Florida. Madam Speaker, on June 9, 2009, the National Center for Missing and Exploited Children celebrated its 25th anniversary. I stand here today to express my gratitude to an organization that continues to help so many children all across this nation.

In 1984, President Ronald Regan established the National Center for Missing and Exploited Children. Twenty-five years later, the center has a missing child recovery rate of 97 percent. Within my own district, the organization established The Adam Walsh Child Resource Center, having collected fingerprint data from over 50,000 children, providing help to victim parents, and creating victim prevention programs for south Florida—all steps towards making Florida and American families safer.

A price cannot be placed upon the safety of our children and it is essential that, as lawmakers, we continue to support those organizations who strive to great lengths to protect America's youth. As a Member of Congress, it is imperative that we do everything in our power to ensure the safety and protection of our children.

Madam Speaker, as national security threats continue to grow, threatening our freedom and livelihoods, we must recognize the domestic problems which threaten our society and always be vigilant of those who wish to cause harm to others. I applaud the National Center for Missing and Exploited Children whose efforts over the past twenty-five years have undoubtedly been at the forefront of keeping our children safer from abduction and sexual exploitation.

INTRODUCTION OF THE GOLF COURSE PRESERVATION AND MODERNIZATION ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. NORTON. Madam Speaker, today, I introduce the Golf Course Preservation and Modernization Act to renovate and modernize the three National Park Service, NPS, golf courses in the District of Columbia. Several

years of research, investigation and consulting on ways to improve these courses demonstrate this bill is necessary to turn around the deterioration of these unique and valuable federal assets. Langston Golf Course, Rock Creek Golf Course and East Potomac Golf Course are in desperate need of capital investment to maintain and preserve their historic features and to reverse decades of deterioration.

East Potomac Golf Course was built in 1920 and included three courses that accommodated all levels of play, with an 18-hole tournament level course and two 9-hole practice courses. East Potomac was initially segregated, with African Americans permitted to play only on Mondays. The course was desegregated in 1941 by the Secretary of the Interior, Harold Ickes, following pressure from an African American women golfers club, the Wake Robin Golf Club. Rock Creek Golf Course opened in 1923 as a 9-hole golf course and an additional nine holes were added to make Rock Creek an 18-hole tournament level course in 1926. Langston Golf Course opened in 1939 as a segregated golf facility for African Americans and is listed in the National Register of Historic Places. Langston was the home course to the Royal Golf Club and the Wake Robin Golf Club, the nation's first clubs for African American men and women golfers respectively. Langston was named for John Mercer Langston, the first African American Congressman from Virginia elected in 1888. Originally a 9-hole course, Langston's expansion to an 18-hole course began in 1955, but was not completed until the mid 1980s.

The courses were built and have been administered by the NPS since the early 20th century for the enjoyment of the general public. However, despite their best efforts, NPS has had a constant struggle to maintain the courses. None has been modernized and all three courses have fallen into disrepair and lack the amenities necessary to serve the public today. As a result, they are underused considering their value to the public.

NPS was created by Congress to “. . . conserve the scenery and the natural and historical objects and the wild life therein, and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.” (16 U.S.C. 1) However, NPS's own backlog of repairs, its chronic funding limitations, and the continuing use of concession contracts that are inappropriate for the unique capital investment required for golf courses militate against appropriate maintenance, historic preservation and the NPS mission “to leave them unimpaired for the public enjoyment.” This bill will restore the original intent of Congress, consistent with this important NPS mission.

The three courses together constitute an undervalued public asset that, if appropriately funded, could be renovated and modernized, facilitating affordable recreation, attracting significantly more golfers, and perhaps producing new revenue for the United States Treasury. Unlike other NPS facilities, golf courses require unique and continuing significant capital investment to keep them not only maintained but operational. As a result for nearly 100

years, the courses have had problems associated with upkeep and insufficient capital investment. Without a ready source for capital investment, apart from appropriations, NPS has continuously struggled to manage and maintain each of these courses since their inception. There is no prospect that the necessary federal funds for capital investment and improvement of golf will be available today or in the future. Moreover, the current fee to play at the golf courses, as established in the concessions contract process, must remain affordable and cannot generate sufficient revenue for NPS or the concessioners to keep the courses properly maintained, or to make the capital investment required for a golf course today. In fact, NPS owes millions of dollars to the concessioner of the golf courses for necessary improvements.

General Services Administration land and real estate professionals and other experts advise that the best option consistent with federal law and practices is to create a long-term ground lease that bundles all three of the courses into a single contract and then to request proposals that allow for response with ideas and alternatives for modernization and maintenance consistent with anticipated use and affordability. This bill requires that historic features of the courses be preserved and that two of the three courses remain affordable to the general public.

The confines of federal concession law inhibited NPS and the concessioner from making improvements to the courses because Federal concession laws are incompatible with golf course operations. Historically, the restrictions of NPS concessions law have been a direct cause of disrepair and capital disinvestment, reducing the quality of play and jeopardizing the historic preservation of the courses. However, the NPS joined two of the three golf courses together for the next seven years under a proposed concession contract that was issued on October 23, 2007. The contract requires only that the next concessioner be able to perform routine repair and maintenance consistent with NPS practice and the limits imposed by concession law. The contract does not and could not impose any requirement that capital improvements be made to the courses, usually guaranteeing that these courses will stay in the same poor condition until 2015. East Potomac was excluded from the proposed concession contract because its concession contract expires next year, not for any reason associated with maintaining and improving the courses for public use. This separates East Potomac, the only financially viable golf course, from Langston and Rock Creek, the two that need subsidy for their operations. The effect will leave Langston and Rock Creek worse off than they are today. Now the contract for East Potomac is expected to be put out this fall.

This bill would require the new lease for East Potomac to be set to expire on the same date as Langston and Rock Creek leases, binds the three courses into one contract and exempts these golf courses from concession law. This approach applies another vehicle commonly used by the federal government to allow for more creative solutions consistent with the NPS mission to preserve general public access and preserve the historic qualities of

the courses. The single long-term ground lease for all three courses, designed outside of the constraints of concession law, provided by this bill would encourage private investment in these courses, improve the quality of the courses, ensure affordable play, and preserve their historic nature.

I urge my colleagues to support this legislation.

TRIBUTE TO RAÚL H. CASTRO

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRIJALVA. Madam Speaker, I rise today to recognize Raúl H. Castro, Arizona's first Hispanic Governor, who has devoted his life to ensuring democracy for all.

To review the lifelong commitments of Governor Castro is to describe the epitome of the American Dream.

Born in Mexico, he immigrated to a community near Douglas, AZ in his teenage years. The son of a copper miner and a midwife, he overcame great poverty and adversity as a young adult. He was always committed to his family and the need to do something great with his life. In high school he was a stellar athlete and student, which taught him discipline and earned him an athletic scholarship for college. In college, he was an undefeated boxer, winning mostly by knockout and earning the name the "Douglas Destroyer."

Governor Castro worked diligently through school, completing his first degree in higher education in 1939, the same year he became a United States citizen. He worked for the U.S. State Department as a Foreign Service officer in Agua Prieta, Sonora for a period of time, then applied and was accepted at the University of Arizona, where he earned his Juris Doctor degree.

He then practiced law in Tucson, AZ, became deputy Pima County Attorney and was elected Pima County Superior Court Judge. In his six years on the Superior Court bench, he gained a reputation of being fair and grew further respected in the community for his work and commitment to justice.

It wouldn't take long for the country to notice the young judge from Pima County. President Lyndon Johnson appointed Raúl as U.S. Ambassador to El Salvador in 1964, where he served until 1968. He then served as Ambassador to Bolivia from 1968–1969, and returned to Tucson to specialize in international law.

His work abroad became a benefit for the state of Arizona. He continued his commitment to his country by becoming active in Arizona Democratic Party politics, and ultimately won a spirited campaign for the governorship in 1974, becoming Arizona's first Hispanic governor.

Governor Castro wouldn't complete his term, President Jimmy Carter selected him to represent the United States again and serve as Ambassador to Argentina, where he served until 1980.

Governor Castro returned to Arizona and devoted more than two decades to practicing law. He has recently retired to Nogales, AZ where he remains involved in the community.

Governor Castro's story is one of inspiration for young and old alike. He has shown all aspects of the American Dream, to work hard, care about your community and success will follow. Arizona and this nation have been blessed by his commitment to democracy and justice.

Madam Speaker, I rise to honor Governor Castro and thank him for being a role model for so many of us.

PERSONAL EXPLANATION

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. HIRONO. Madam Speaker, on rollcall No. 334, had I been present, I would have voted "yes."

HONORING THE LIFE OF G.A. GINDICK

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. NUNES. Madam Speaker, I rise today to celebrate the life of G.A. Gindick—an inspirational community leader and philanthropist who touched the lives of all who knew her.

Madam Speaker, I had the honor of representing Mrs. Gindick in Congress. I witnessed her impact on the community of Visalia first-hand. She and her late husband Frank were instrumental in starting the Visalia Boys and Girls Club—an organization that has touched the lives of both the young and young at heart. She was a true booster—a financial supporter and active volunteer.

Mrs. Gindick's dedication to Visalia was full-time. She was a powerful advocate for local art and cultural institutions and was constantly engaged in the defense of Visalia's heritage and quality of life.

She was a tenacious woman; a woman it was hard to say no to; a woman who understood what community meant, and always strove to help those in need.

Madam Speaker, Mrs. Gindick will be sorely missed. But because of her enormous heart and lifelong commitment to others, she will not be forgotten.

A SPECIAL TRIBUTE TO EASTWOOD HIGH SCHOOL BOYS TRACK AND FIELD TEAM

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding high school track and field team in Ohio's Fifth Congressional District. The young men of Eastwood High School's Track and Field team have represented their school and families ably on their way to achieving their first ever State Track and Field Championship.

In their effort to surpass all other teams in the Division II State Track and Field Championship, the Eastwood Eagles overcame the challenges posed by injuries and intense competition.

In their bid for the State Title, the Eastwood High Boys Team produced 4 All-Ohio performances from individuals on the team. In winning the Ohio State Division II Track and Field Championship, the members of this very special team have shown that their sport requires an individual effort for a team result. As a direct consequence of their hard work and dedication on and off the track, both their efforts and their results were outstanding.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Eastwood High School Boys Track Team. Our communities are well served by the type of effort and perseverance demonstrated by these young men. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great achievement.

NICOLE MOLUMBY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicole Molumby of Saint Joseph, Missouri. Nicole is active in the community through her school and has been chosen to receive the YWCA Women of Excellence Future Leader Award.

Nicole Molumby possesses a 4.0 GPA on a 4.0 scale and is ranked #1 in a class of 364 students while volunteering more than 300 hours to the community during her high school career. Nicole has lettered three times, been a member of the All-District Choir and has been involved in Show Choir for three years. She is a member of the Spanish and Forum clubs. Nicole was inducted into the International Thespian Society and the National Honor Society and participated in the People to People Student Ambassador Program touring Italy and Greece. She has been a Freshman Mentor for two years. Nicole has volunteered for America's Second Harvest Backpack Buddies program and the United Cerebral Palsy preschool. She is active in her church's youth group and choir. After Hurricane Katrina, she participated in a mission trip to New Orleans to assist in clean up efforts. Nicole is much more than an honor student and role model, she is an asset to the community in which she lives and the high school she attends.

Madam Speaker, I proudly ask you to join me in recognizing Nicole Molumby. She has made an amazing impact on countless individuals in and beyond the St. Joseph Community. I am honored to represent her in the United States Congress.

BJ OFFICE PRODUCTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize BJ Office Products of Saint Joseph, Missouri. This business has been chosen to receive the YWCA Women of Excellence Award for Employer of Excellence.

In the 1979's, Barbara Burns worked for a small office supply company. She soon borrowed enough to buy the company and build it into BJ Office Products, which 30 years later remains a fixture in the St. Joseph business community. She most recently won the American Business Women's Business Woman of the Year Award. As an employer, she is compassionate to daily life struggles in her employees' families. She is a member of the Eastside Rotary Club and the St. Joseph Chamber of Commerce. Barbara started her business by taking a huge gamble and has worked tirelessly to keep her business running while always making time for her family and her community.

Madam Speaker, I proudly ask you to join me in recognizing BJ Office Products. They are a tremendous asset to the St. Joseph Community. I am honored to represent this business in the United States Congress.

BARBARA SPRONG

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Barbara Sprong of Saint Joseph, Missouri. Barbara is active in the community and she has been chosen to receive the YWCA Women of Excellence Lifetime Achievement Award: Woman in Volunteerism.

After graduating from Central High School, Barbara received a degree in elementary education from Northwest Missouri State University. She then moved to Independence, volunteering as a docent to the Harry Truman Library, and to the Nelson Atkins Museum of Art, and becoming a member of the Junior Service League of Independence, the University of Kansas City Ambassadors, and the American Association of University Women.

Upon returning to Saint Joseph, Barbara worked with Heartland Regional Medical Center to develop its first volunteer program, and later joined the Board of Directors of Heartland Health, and the Heartland Foundation Board. She has served on the Family Guidance Center of Behavioral Health Care Board of Directors and the Community Living Services Board.

Barbara helped develop the Missouri Western Ambassadors program, and later served on the University's Board of Regents. She served as director of the Profit in Education program, and as a member of the Saint Joseph School District Foundation Board of Directors. She has also supported the United

Way, having served on its Board of Directors, the Albrecht Kemper Museum of Art, the PEO, and is a member of the Wyatt Park Baptist Church.

Madam Speaker, I proudly ask you to join me in recognizing Barbara Sprong. She has made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

BECKY SHELLITO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Becky Shellito of Saint Joseph, Missouri. Becky is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Woman in Support Services.

Becky Shellito married after attending Missouri Western State University; nevertheless, this high school valedictorian lived up to the expectations of that designation in her life. While raising two young daughters, she was active in the Parent Teacher Association and was elected as president of that organization. She went to work part-time for the Grace Evangelical Church while her youngest daughter was in middle school and today serves as Office Manager, handling all administrative functions for a staff of six pastors, four secretaries and two custodians. Becky is a great coach and strong administrator. She has assisted families who have faced tragedy, knowing all too well the challenges faced by families who have lost loved ones. Seventeen years ago, Becky and her family lost their two daughters in a tragic automobile accident. It is not simply her testimony, but her life that brings hope to individuals who face the most difficult circumstances. Her leadership and professionalism are shadowed only by her strong resolve and perseverance.

Madam Speaker, I proudly ask you to join me in recognizing Becky Shellito. She has made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. McDERMOTT. Madam Speaker, I would like to state for the record that I inadvertently voted against a bill which I had cosponsored and intended to support.

H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act, provides for a new framework for U.S. assistance to Pakistan in a relationship characterized by commitment. It is especially urgent that the United States and Pakistan pull together during these critical times in Pakistan. As co-

Chair of the India Caucus, I was pleased to see provisions that would focus American assistance to Pakistan on the threats it faces from various terrorist groups, instead of allowing for military aid that could inflame tensions with India. It is vital that our assistance demonstrates that we support the people of Pakistan and contributes to stability and the rule of law—this will be a help to all the people of the region.

I encourage the continued progress of H.R. 1886 through the remainder of the legislative process, and I regret losing the opportunity to demonstrate my support for the measure with my vote in the House.

JULIA RUPP

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Julia Rupp of Saint Joseph, Missouri. Julia is active in the community through work and in her spare time and she has been chosen to receive the YWCA Women of Excellence Lifetime Achievement Award: Woman in the Workplace.

Julia Rupp has devoted much of her life toward bettering the St. Joseph community. Following her marriage to John Rupp, the two started Rupp Funeral Home in 1939. Julia was instrumental in the formation of the South Side Fall Festival and was the First Grand Marshall of the event, which has grown each year since its beginning in 1989. Julia is a charter member, past president, and treasurer of the South Side Business Woman's Association. For 21 years, she has been a member of the South St. Joseph Progressive Association, which seeks funding for projects to better St. Joseph. Julia served as a member of the InterServ Community Housing Board, and gave leadership in the development of King Hill Apartments, the first senior housing in South St. Joseph.

She is a past member of the Board of Regents of Missouri Western State University, a member of the Missouri Funeral Directors and Embalmers Association, and the National Funeral Directors Association. Julia is also a member of the St. James Catholic Church. She is active in the Altar Society and is a member of the Daughters of Isabella. At the Fourth annual Winter Splendor, hosted by Catholic Charities, she was honored for her work in the business community.

Madam Speaker, I proudly ask you to join me in recognizing Julia Rupp. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

JODI BLOEMKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jodi Bloemker of Missouri.

Jodi is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Emerging Leader Award.

Jodi Bloemker has accomplished much in the ten years since graduating from Central High School. She graduated from Missouri State University in 2002 and received a Master of Public Administration from American University in Washington, D.C. in 2005. While in graduate school, Jodi worked for a U.S. Congressman as a Legislative Correspondent and later as Director of Research and Firm Administrator for U.S. Strategies Corporation.

Upon returning to St. Joseph, Jodi has worked with the Community Action Partnership as a Community Development Specialist and with the United Way of Greater St. Joseph as Director of Community Investment. Jodi has lent considerable time and talent to several projects bringing education and career opportunities to students in our community. She has served with the Heartland Foundation's Healthy Communities Investor Council, the St. Joseph Employment Coalition. She has served on the Preschool-20 Education Council-Northwest Missouri, and the My Success Event Steering Committee. Jodi is a member of the 2009 class of Leadership St. Joseph and is a member of Rotary Club #32 Downtown St. Joseph.

Madam Speaker, I proudly ask you to join me in recognizing Jodi Bloemker. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

KAREN WOODBURY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Karen Woodbury of Saint

Joseph, Missouri. Karen is active in the community and she has been chosen to receive the YWCA Women of Excellence Award for Woman in Volunteerism.

Karen Woodbury is the Master of Social Work Off-Campus Coordinator in Northwest Missouri for the University of Missouri School of Social Work. As a social worker, Karen has translated her professional commitment to community advocacy into meeting many needs of the St. Joseph community through countless hours of volunteerism. Karen was a pioneer in establishing the Choices program in the St. Joseph School District middle schools for the YWCA. She served on the YWCA St. Joseph Board of Directors for several years and is a past co-chair of the steering committee of Women of Excellence.

Karen has assisted several organizations to develop programs to meet community needs. She helped the Buchanan County Juvenile Office to create a program for young teen women to divert them from the juvenile justice system and was awarded the Missouri Juvenile Justice Award of Excellence in 1998 for this program. She has served on the St. Joseph Safety Council, the United Cerebral Palsy Board of Board of Directors and on the Buchanan County Social Welfare Board. Karen also helped to establish the Social Welfare Board's counseling program for indigent clients. She was awarded the Roy Blunt Citation for Literacy in 1998 for her work with middle school age girls.

Madam Speaker, I proudly ask you to join me in recognizing Karen Woodbury. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

LAURA BAKKEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Laura Bakken of Saint Joseph, Missouri. Laura is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Woman in the Workplace.

Laura Bakken serves as the Spanish interpreter for the Head Start at Community Action Partnership, and is certified in "Los Ninos Bien Educados," a nationally acclaimed curriculum for strengthening Hispanic families and enhancing parenting success. Laura recruits low income Hispanic families to participate in the Head Start program. She was nominated by her peers for excellence in performance and is currently training colleagues about cultural diversity. Laura uses her interpretation skills throughout the community to assist children and families. "To make a community better, it starts with the people. If everyone can adopt one family, and help that one, and get them on their feet, then it'll be a chain reaction." Laura has faced the challenge of overcoming an abusive childhood, homelessness as a teenager, breast cancer, and physical disability to become a survivor and a nurturer. As her nominator describes her, "She defies the odds and simply gets the job done, making the world a brighter, prettier place just by the doing."

Madam Speaker, I proudly ask you to join me in recognizing Laura Bakken. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

HOUSE OF REPRESENTATIVES—Friday, June 12, 2009

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 12, 2009.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord of the Sabbath, ever attentive to our prayers, may this weekend provide the Members of Congress, their families and their friends the joy of Your presence in their midst. May they find the respite they need for both their bodies and their souls.

So renewed in energy and spirit, may they safely return to serve You and the people of their districts with greater vigor and determination. Then blessed by You, may they accomplish great deeds for this Nation, calling upon Your Holy Name, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

FUNDING FOR STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

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

Mr. MITCHELL. Mr. Speaker, I rise today to protest the 25 percent cut proposed this week to the State Criminal Alien Assistance Program, otherwise known as SCAAP. SCAAP reimburses States and localities for the arrest, incarceration and transportation of undocumented immigrants who commit crimes in our communities. When State and local governments are forced to step in and do the Federal Government's job, it is only fair that they be reimbursed.

Last year, the Arizona Department of Corrections received \$12.8 million from the Federal Government to house up to 5,600 criminal illegal immigrants in State prisons, only 10 percent of what Arizona spent to house illegal inmates that year. This cut is wrong, and as this legislation moves to the floor next week, I urge my colleagues to help me fight this cut.

If we are serious about immigration enforcement, we must restore SCAAP funding and reimburse Arizona for keeping criminal alien immigrants behind bars.

CONCERNS ABOUT CAP-AND-TRADE

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

Mr. CHAFFETZ. Mr. Speaker, I rise with deep concern about the so-called cap-and-trade. If the Democrats and President Obama get their way, we will have one of the single largest tax increases in the history of the United States imposed upon the American people at a time when we are struggling for jobs. We need to remember in this country that manufacturing is good. It is good.

Now the administration will tell you that rebates will come for those that are in the middle class, but the bill cuts off assistance for families making more than \$42,000 or individuals making as little as \$23,000. The Congressional Budget Office expects major increases in bureaucracy, adding some \$800 million in administration costs annually for just the first 10 years.

Let us remember that the cap-and-trade is one of the largest tax increases in the history of the United States, this despite the President's promise that 95 percent of Americans would not see one dime in new taxes.

HELPING AMERICANS ACQUIRE AND RETAIN HEALTH INSURANCE

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

Mr. PALLONE. Mr. Speaker, the House in the next few weeks is about to unveil a health reform plan that will seek to cover all Americans, reduce costs and basically improve the quality of our health care system. When I talk to my constituents, they tell me how it is increasingly difficult for them to find affordable health insurance either because their employer will not provide it or they go on the individual market, and it's simply too expensive. The current system is simply unsustainable. We want people to be able to keep their health insurance if they like it and if they can afford it, but we must provide alternatives for people that can't find health insurance or find it increasingly difficult to afford the health insurance that they want. I think this is a real priority for the American people, and it will be a priority for this Congress because we understand that the average American increasingly sees health insurance as an economic issue, something that's making it increasingly difficult for them to get through the day if they can't find an affordable plan. So I'm looking forward to this. I think it's going to be a major achievement for this Congress.

HEALTH CARE RATIONING COULD RESULT IN DEATH PENALTY IN THE UNITED KINGDOM

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

Mr. POE of Texas. Mr. Speaker, do we really want to nationalize health care and let it be run by the government? Well, here's what's going on in England with their nationalized system. Recently, a British medical ethics expert proclaimed that people who suffer from dementia have a patriotic duty to die. Baroness Warnock, the government medical adviser, says that "the care dementia requires is very expensive and drains the government resources for health care." This government decision-maker says that people will "soon be licensed to put others down if they are unable to look after themselves." She goes on, "If you're demented, you're wasting people's lives, your family's lives, and you're wasting government resources."

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

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

Mr. Speaker, when the government controls health care, it's expensive, inefficient and ultimately provides poor care. In Britain, it results in the government's rationing of services. The government picks winners and losers in the United Kingdom, and the government picks who lives and who dies. That doesn't seem to be a healthy solution for health care.

And that's just the way it is.

INTRODUCING THE RECIDIVISM REDUCTION ACT

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

Mr. CARSON of Indiana. Mr. Speaker, yesterday I introduced the Recidivism Reduction Act, a bill that will quickly restore Federal disability and health benefits to eligible individuals after they are released from incarceration.

As a former law enforcement officer, I have seen firsthand how critical these benefits can be to successful reentry into the community. Currently, however, these benefits are regularly suspended or terminated upon incarceration and take considerable time to be reinstated after an individual is released. Without the health coverage they so desperately need, many newly released individuals cannot fully focus on securing gainful employment and developing a supportive home life. My colleagues should rest assured that this legislation will not provide new benefits to recently released individuals. Rather, it ensures that individuals receive the timely benefits they need to begin breaking the cycle of recidivism.

Join me, please, in supporting the Recidivism Reduction Act.

MIRANDA RIGHTS ON THE BATTLEFIELD

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, "You have the right to remain silent. Anything you say may be used against you. You have the right to an attorney." Those are things that are said when arresting officers make an arrest in the United States. But now we understand that under the Obama administration, we now have something known as the concept of global justice in which we are now giving Miranda warnings to those that we have found on the battlefield whose only connection to the United States is that they wish to kill Americans.

Isn't that nonsensical? What are we going to do now? Are we going to train our enlisted men and women in the Armed Forces that when they're on the battlefield, instead of shooting, they

should pull out their card with the Miranda warnings to make sure that if the person they're encountering is captured, they have to give them those rights? How about preserving the crime scene? This is nonsense.

RENEWABLE ENERGY WILL HELP THE ECONOMIC RECOVERY

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

Mr. POLIS. Mr. Speaker, I rise today in support of the American Clean Energy and Security Act of 2009. I had the opportunity to visit a factory 2 weeks ago in my district. They're hiring 400 people to make solar panels. They're exporting some of those solar panels to China. When we talk about an economic recovery and getting our economy going, renewable energy is going to be one of the most important growth sectors to do that.

The American Clean Energy and Security Act will save families money. A new study shows that the average family will save \$750 a year within 10 years on their power bills monthly and almost \$4,000 over 20 years. The incentives and help that this bill puts in place to help families conserve energy and reduce their energy needs in their own home will not only improve our national security by ending our reliance on foreign oil, will not only address global warming and climate change but will also mean money back in the pockets of American families.

One of the most important things that we can do to recover from this recession and to grow good jobs for the middle class and for the American people is to ensure that we have continued growth in the renewable energy sector. This bill is critical. That is why hundreds of companies support this bill.

ATTACHING IRRELEVANT SPENDING TO THE IRAQ AND AFGHANISTAN SUPPLEMENTAL

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

Mr. WITTMAN. Mr. Speaker, the current debate over the Iraq and Afghanistan supplemental is a perfect example of what frustrates Americans about Washington. The folks in my district and across the country want Congress to pass a clean funding bill for the troops, plain and simple. They certainly don't want us playing politics with a bill to fund men and women currently in harm's way. Yet that is exactly what some in Congress are trying to do, using the oldest trick in the book by attaching billions of dollars in barely relevant spending to an emergency war funding bill. But it's not just the American people that we're frustrating with these political games.

How must Congress look in the eyes of those that we have sent to fight on our behalf? This body should not attempt to tie troop funding to controversial programs. Furthermore, we must refrain from the temptation to squander limited funds on objectives unrelated to the combat efforts in Afghanistan and Iraq. How do we claim to be responsible stewards of the taxpayers' money when Congress can't pass an emergency supplemental for our combat forces without loading it up like a Christmas tree?

NATIONAL ENERGY TAX

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

Ms. FOXX. Mr. Speaker, the Democrats' climate change "compromise" bill passed by the Energy and Commerce Committee is still a job killer that will hit every American with a national energy tax. This plan will have a devastating impact on the price at the pump and utility bills across the country. One estimate for a similar proposal found that families would pay more than \$3,100 a year in extra energy costs.

Representative JOHN DINGELL said it best: "Nobody in this country realizes that cap-and-trade is a tax, and it's a great big one." Even the President admitted that his energy plan would cause energy prices to "necessarily skyrocket" and that the costs will be passed on to consumers. Various estimates suggest anywhere between 1.8 and 7 million American jobs could be lost. Manufacturing jobs will relocate to countries with less stringent environmental regulations like China and India, inflicting greater harm on American families and small businesses while doing even greater damage to the environment.

The American people know we can do better. Republicans also support a clean environment and have a comprehensive energy solution that lessens our dependence on foreign oil and leads us to a stronger economy.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2300

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to have all the cosponsors on H.R. 2300 withdrawn.

The names of the cosponsors are as follows:

Mr. Akin
Mr. Alexander
Mrs. Bachmann
Mr. Bonner
Mr. Boozman
Mr. Boustany
Mr. Brady of Texas
Mr. Broun of Georgia
Mr. Brown of South Carolina
Mr. Burton
Mr. Carter

Mr. Cassidy
 Mr. Chaffetz
 Mr. Coffman
 Mr. Conaway
 Mr. Culberson
 Mrs. Fallin
 Mr. Fleming
 Mrs. Foxx
 Mr. Franks
 Mr. Gallegly
 Mr. Gingrey
 Mr. Goodlatte
 Mr. Harper
 Mr. Heller
 Mr. Hensarling
 Mr. Herger
 Mr. Hoekstra
 Mr. Hunter
 Mrs. Jenkins
 Mr. Sam Johnson of Texas
 Mr. Jordan
 Mr. Lamborn
 Mr. Latta
 Mr. Lee of New York
 Mr. Linder
 Mr. Lucas
 Mrs. Lummis
 Mr. Manzullo
 Mr. Marchant
 Mr. McCaul
 Mr. McCotter
 Mr. McHenry
 Mr. McKeon
 Mrs. Myrick
 Mr. Neugebauer
 Mr. Pence
 Mr. Pitts
 Mr. Poe
 Mr. Price of Georgia
 Mr. Radanovich
 Mr. Rehberg
 Mr. Ryan of Wisconsin
 Mr. Scalise
 Mr. Sessions
 Mr. Simpson
 Mr. Smith of Texas
 Mr. Souder
 Mr. Sullivan
 Mr. Thompson of Pennsylvania
 Mr. Thornberry
 Mr. Wamp
 Mr. Westmoreland
 Mr. Young of Alaska

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

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1256, FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 532 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 532

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and

for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Energy and Commerce or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

□ 0915

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

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 532 provides for consideration of the Senate amendment to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Mr. Speaker, I rise in support of the rule, House Resolution 532, and the underlying bill, the Family Smoking Prevention and Tobacco Control Act. I thank Chairman WAXMAN and my colleagues who serve on the Energy and Commerce Committee for their leadership in this bipartisan effort.

This legislation, which passed the House by a margin of more than three to one last July and again passed the House by a vote of 298-112 this past April will finally give the U.S. Food and Drug Administration the authority to regulate the advertising, marketing and manufacturing of tobacco products, and it will also allow them to take additional critical steps to protect the public health. Putting a stop to the tobacco industry from designing products that entice young people and developing programs to help adult smokers quit is the first step in prevention.

Tobacco is currently the number one cause of preventable death in America. It is responsible for about one in five deaths annually, or 443,000 deaths per year, according to the Centers for Disease Control. Smoking-related deaths account for more deaths than AIDS, alcohol, cocaine, heroin, homicide, suicide, motor vehicle crashes and fires

combined. Approximately 8.6 million Americans also suffer from chronic illnesses that are related to smoking.

And yet every day, more than 3,500 youth try a cigarette for the first time and another 1,000 will become new, regular, daily smokers. One-third of these youth will eventually die prematurely as a result. America's youth face intense pressure every day from friends, fancy advertisements, and irresponsible adults to make bad decisions that will affect their long-term health and their families.

A 2006 study conducted by the Substance Abuse and Mental Health Services Administration found that 90 percent of all adult smokers began while they were in their teens or earlier, and two-thirds of adult smokers became regular daily smokers before they reached the age of 19. A shocking number of American children are at least casual smokers before they can even drive a car.

As a cosponsor of the Family Smoking Prevention and Tobacco Control Act, I am strongly committed to seeing this figure drastically reduced, and this bill is an important step. Congress must work to help make our children's lives safer and their daily choices easier.

The history of low tar cigarettes illustrates the grave danger to public health caused by fooling consumers by making false and unsubstantiated claims that one kind of cigarette is substantially safer than another.

Millions of Americans switched to low tar cigarettes, believing they were reducing their risk of lung cancer. Many were convinced to switch instead of quit. It wasn't until decades later that we learned through the deaths of those smoking low tar cigarettes that low tar cigarettes were just as dangerous as full tar cigarettes.

Mr. Speaker, as you may recall during the last debate, I spoke of my fellow Coloradan, David Hughes, who as a teenager began smoking and then died last year at the age of 52. I had the chance to speak to his widow.

In 2002, after his first cancer diagnosis, throat cancer, he immediately quit smoking and became one of Colorado's fiercest anti-smoking advocates. His optimism and strength never went unnoticed as he volunteered for Smoke-Free Loveland. His mission was to prevent others from dying from cancer due to smoking, prevent others from making mistakes, prevent others from making the wrong choices that ultimately cost him his life.

David and so many others of our friends, our brothers, our sisters, our cousins, our relatives personify the humanity of tobacco addiction, and this is why we must ensure that protections are put in place and this bill is passed and sent to President Obama so that we can fulfill David's mission and honor the way that so many others have lived and died.

Under this legislation, by empowering the FDA to regulate tobacco products, we will not have to wait until the deaths of millions of more Americans to learn whether a so-called safer cigarette is really what it claims to be. The bottom line: we have an interest in making sure our constituents know the facts, all of them, before making potentially deadly choices.

America must also be made aware of the dramatic health risks associated with smokeless tobacco. Many still believe that chewing tobacco and snuff are safe alternatives to smoking cigarettes.

This bill will require warning labels that indicate that smokeless tobacco causes mouth and gum cancer, serious oral diseases and tooth loss.

A study by Brown University reveals that just a few weeks of chewing tobacco can develop leukoplakia of the cheeks and gums, which is the formation of leathery patches of diseased tissue on those parts of the mouth. The most shocking figure is that one in 20 of these cases of leukoplakia develop into oral cancer.

The American Dental Association, who strongly supports this legislation, calls tobacco use the number one cause of preventable disease in the United States. It should be a no-brainer to responsibly regulate such a dangerous product.

I also want to stress that the bill fully funds FDA tobacco activity through user fees on tobacco product manufacturers. All tobacco product-related FDA costs are allocated among the manufacturers of cigarettes, cigarette tobacco, and smokeless tobacco products that are sold in the United States based on the manufacturer's respective share of the United States market.

The Congressional Budget Office estimates if this bill is passed, we will reduce youth smoking by 11 percent over the next decade and adult smoking by 2 percent, a small step in the right direction; but there is much more work ahead of us.

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

Ms. FOXX. Mr. Speaker, I appreciate my colleague yielding time.

This bill is being brought to the floor by the majority in a manner that is closed again, adding to the record number of closed rules in this and the last Congress. Concurring in the Senate amendment blocks the minority from offering a motion to recommit. By choosing to operate in this way, the majority has cut off the minority from having any input into the legislative process and is simply not the way we should be operating in this country.

I would now like to yield such time as he may consume to my distinguished colleague, the gentleman from North Carolina (Mr. COBLE), the dean of the North Carolina delegation.

Mr. COBLE. Mr. Speaker, I thank the gentlelady from North Carolina for the time. She and I share opposition to this proposal.

I rise in continued opposition, Mr. Speaker, to the Family Smoking Prevention and Tobacco Control Act. During my tenure in the Congress, I have consistently opposed granting the Food and Drug Administration the authority to regulate tobacco. I do so based upon my philosophical beliefs and the ramifications this legislation would have upon my congressional district and my State.

It is my firm belief, Mr. Speaker, that allowing the FDA to regulate tobacco in any capacity would inevitably lead to FDA regulating the family farm. Of course, that is the potential. This could create uncertainty for family farmers at a time when they are already struggling during the current economic downturn.

I have spoken to tobacco farmers in my district, Mr. Speaker, and if this matter is enacted, they see the door ajar, and their fear is tobacco today, the family farm tomorrow. I don't think this is a knee-jerk reaction. I think it is realistic.

I also have concerns, Mr. Speaker, regarding the negative impact the measure would have upon tobacco manufacturers and their employees, retailers, and wholesalers. Previously this Congress has voted to implement a 62-cent tobacco tax increase to fund children's health insurance. Today we consider legislation that will create further hardship for the tobacco industry and consumers who use tobacco products.

I have said this countless times before, Mr. Speaker, but I will reiterate it today: we are talking about a product that is lawfully grown, lawfully manufactured, lawfully marketed, lawfully advertised and lawfully consumed.

Mr. Speaker, H.R. 1256 remains a misguided piece of legislation. It does not achieve the goals identified by the proponent of regulating tobacco content, marketing and advertising. Indeed, it will further exacerbate an already-stretched FDA, negatively impact manufacturers and farmers and create a strain on Federal revenues to the national Treasury.

In my State and in my district and in the district of the distinguished lady from North Carolina, H.R. 1256 will result in job losses to the beleaguered tobacco manufacturing and farming interests, and it will compromise an already overburdened FDA. I cannot in good conscience support this measure.

I again thank the gentlewoman from North Carolina.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you for yielding.

Mr. Speaker, I rise in support of the rule and in strong support of H.R. 1256.

I want to take this opportunity to thank Chairman WAXMAN for his many years of hard work on this legislation. We would not be here today passing this landmark bill without his and Senator KENNEDY's unwavering commitment to have tobacco regulated and their leadership.

As a physician and Chair of the Congressional Black Caucus Health Brain Trust, as well as a parent and grandparent, I give my full support to the Family Smoking Prevention and Tobacco Control Act.

Today, tobacco is the leading cause of preventable death in this country. It accounts for nearly one in five deaths each year and kills more people than AIDS, fires, cocaine, heroin, alcohol, homicide, car accidents and suicide combined. It is a major public health issue and a key driver of the country's high health care costs.

This bill empowers States and communities to prevent aggressive tobacco marketing that has the greatest negative impact in the hardest hit communities and among our most vulnerable. It bans the additives used to manufacture flavored cigarettes which are marketed to children. And while it does not ban menthol immediately, it gives the FDA the authority to do so and sets up a commission to make a recommendation on this issue, so important to the African American community, within a year. Additionally, it speeds up the development of smoking cessation and nicotine replacement therapies, which are key to helping millions of Americans overcome nicotine addiction.

So this bill will help save millions of lives, and in doing so, it will also jumpstart and complement our efforts to improve health and save millions more lives through the broader health care reform bill that will also soon be on the President's desk.

I am pleased that we are taking this bold step necessary to finally address this issue in a comprehensive and thoughtful manner, a step that has not come easy nor one that has come without controversy, but a step nonetheless worth taking.

I urge passage of the rule and H.R. 1256.

Ms. FOXX. Mr. Speaker, you know, in many cases, the titles of bills here since the Democrats have been in control have been backwards from what they do, but this bill I think does have a partially appropriate title. It is called the Family Smoking Prevention and Tobacco Control Act.

I think it is emblematic of the concern and the attempt by the majority party to control every aspect of our lives. Everything that we do in this country, they are trying to control. They think they have the answers to everything and that what they want us to do is what should be done. So the emphasis should be on control, because

that is what they are trying to do, is control our lives.

We know that this legislation will have little impact on overall tobacco use. The Congressional Budget Office has estimated that if this bill is enacted, smoking by adults would decline by only 2 percent after 10 years. This marginal reduction does not warrant this legislation's significant intrusion on free speech rights and expansion of government-run regulatory bureaucracy.

I strongly oppose this bill and this rule and urge my colleagues to vote against both of them.

Mr. Speaker, I yield 15 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I thank the gentleman for yielding.

Herbert Hoover in the last century referred to the Volstead Act as a noble experiment. It was grounded on the sincere desire to rid society of the ills of alcohol. It was designed to improve health, cut crime and relieve taxpayers of a portion of the burden of subsidizing prisons. The problem is we know it as Prohibition. It failed to take into account human nature and the truism that things are apt to go wrong when government tinkers too much with personal choices.

□ 0930

We are about to repeat history. There will be speeches here on the floor, I just heard one, about how this bill is going to help children, how this bill is going to improve public health. Unfortunately, the Kennedy bill that has now just come from the Senate back to the House here is not going to be able to achieve the goals which it desires.

What I will do here this morning, and as I also manage the bill itself, is bring up some of the highlights and concerns. The first highlight and concern is that Members need to do their due diligence and read the legislation that is coming to the floor. Please. There is a herd mentality that is occurring right now whereby there is blind faith that is given to leadership, and people are just voting for things. They have no idea what is truly in the legislation.

So I'm going to highlight some of the great concerns, because we need to be a responsible legislative body. A responsible legislative body is one that doesn't kick or punt the tough questions to the Supreme Court, and that's exactly what we're doing.

I'm going to address the Supreme Court in the First Amendment and Fifth Amendment issues. I'm going to address the same "quit or die" strategies of abstinence that are being applied to smoking. I'll also address harm reduction that should have been incorporated, claimed to be incorporated but is not. I'll also mention how this bill further burdens the FDA and its core mission while, at the same time, the

majority is talking about how the FDA cannot protect the American people with regard to tainted food and adulterated and counterfeit drugs. I also would like to mention how this bill actually locks the marketplace to prevent innovation and competition. We are truly on the wave of socialism in this country.

So, first let me refer to the First Amendment. The Kennedy bill directs the Secretary of HHS to promulgate an interim final rule that is identical to the FDA's 1996 rule which legal experts from across the political spectrum have stated would violate the First Amendment. While these expert views should carry great weight, even more dispositive of the fact that the United States Supreme Court has also weighed in on various provisions of the rule, finding them already unconstitutional—they've already ruled—yet we're going to go ahead and put them right back in legislation. Not very responsible.

So before Members get down here and start pounding their chests as though they're doing great things, this is irresponsible for this body.

In *Lorillard Tobacco Company v. Reilly*, the United States Supreme Court struck down a Massachusetts statute that was similar in many ways to the FDA's proposed rule. The statute banned outdoor ads within 1,000 feet of schools, parks and playgrounds, and also restricted point-of-sale advertising for tobacco products. The Court held that this regulation ran afoul of the tests established in the *Central Hudson* case, which defines the protection afforded commercial speech under the First Amendment, as it was not sufficiently narrowly tailored and would have disparate impacts from community to community.

The Court then noted that since the Massachusetts statute was based on the FDA's rule, the FDA rule would have similar unconstitutional effects on a nationwide basis. As Justice Sandra Day O'Connor wrote for the Court, "the uniformly broad sweep of the geographical limitation demonstrates a lack of tailoring."

Additionally, the proposed rule in the Kennedy bill would require ads to use only black text on white background. Again, the United States Supreme Court found a similar provision unconstitutional in *Zauderer v. Office of Disciplinary Counsel*. In that case, dealing with advertisers for legal services, the Court held that the use of colors and illustrations in ads are entitled to the same First Amendment protections given verbal commercial free speech.

Justice Byron White, in his opinion for the Court, wrote that pictures and illustrations and ads cannot be banned "simply on the strength of the general argument that the visual content of advertising may, under some circumstances, be deceptive or manipulative."

There are numerous other speech restrictions in this legislation that raise serious First Amendment issues and will create a swarm of lawsuits that will only divert us from trying to develop more effective approaches to tobacco use in the United States.

To put forward speech restrictions that a broad range of experts have stated is almost certain to be struck down would be highly counterproductive, and should not be done by this legislative body. Actually, there probably will be a record time between when this bill is signed into law and when lawsuits begin to be filed in Federal court.

Now, I referred in my opening to these "quit or die" strategies. The "quit or die" strategy, the reason I call it that is this is an abstinence approach to tobacco, meaning, you either quit or, if you continue to use the product, you die. That's their abstinence approach.

The previous speaker even talked about, well, this bill is going to promote nicotine therapies, and we're going to move people toward these nicotine therapies and they'll get a chance to quit.

Nicotine therapies work for less than 7 percent of the American smokers who use them to quit smoking. Each year, approximately 20 million smokers use nicotine replacement therapies in an attempt to quit smoking.

Now, think about this. You've got over 40 million smokers. Two million try to quit, and there's a 7 percent success rate. This bill locks in the 7 percent success rate and does not allow the marketplace to exercise innovation as a gateway of smokers to smokeless-type products in a harm reduction strategy to lower in a continuum of risk.

Seven percent? So individuals are going to come here to the floor and claim that a 7 percent success rate is wonderful; 7 percent success rate is failure. Failure. Why should we, as a body, embrace failure? We should not.

This legislation, the Kennedy legislation, locks down the marketplace. It locks it down. And it says whoever has what particular market share, that's it. That's where it's going to be.

With regard to introduction of new products, oh, no, no, no, no. We're going to create a 2-tier standard. You have to be able to show, with regard to that product, its impact upon the individual and then the population at large. In order to do that, that is a hurdle. It is called a "bridge too far." When you create a 2-tier standard that is a barrier, as an entry barrier of new products to the market, you lock down innovation. You secure competition in a present pattern, and then, with regard to these therapies, we're saying okay, this is cool, this is good. We're doing something great for public health. We're going to lock in a 7 percent success rate. Wow.

Now, Members are also going to come to the floor and say oh, this is really great. We're really going to be helping people quit smoking.

Are you kidding me?

You know what this bill does?

This bill increases the success rate, now, of quitting smoking by two-tenths of 1 percent. Two-tenths of 1 percent. You're proud of that? Two-tenths of 1 percent.

Now, let's talk about what is two-tenths of 1 percent? Well, let's go to our friends, one of our strongest allies in our transatlantic alliance, Great Britain. The Royal College of Physicians, also looking at this issue in their report, and they're looking also to solutions to the smoking epidemic, they write, in their review of other countries, it indicates that the best conventional tobacco control measures reducing smoking prevalence is between .5 and 1 percentage point per year. Whoa. Great Britain went out there and looked at all these other countries around the world and found that other countries that are taking aggressive measures are able to reduce smoking prevalence by .5 to 1 percentage points per year. And none of them have even taken into account what Mr. MCINTYRE and I presented to the floor for harm reduction strategies.

So, great. The rest of the world is at .5 and 1, and we're going to be at two-tenths of 1 percent, and you're going to claim that's success. We're doing great things to improve public health.

Are you kidding me? We are not. We're continuing failure. Failure. So don't come to the floor and act like someone is the champion here, because we're not. Two-tenths of 1 percent.

Mr. POLIS. Will the gentleman yield?

Mr. BUYER. I'll yield to help you with math.

Mr. POLIS. I'm asking you the source.

Mr. BUYER. It's two-tenths of 1 percent.

Mr. POLIS. Will the gentleman yield for a moment?

Mr. BUYER. Two-tenths of 1 percent, 2 percent. You think that's great.

Mr. POLIS. I'd like to yield to ask your source.

Mr. BUYER. What?

Mr. POLIS. I'd like to ask your source.

Mr. BUYER. Sure. It's the Royal College of Physicians.

Mr. POLIS. That's from another country?

Mr. BUYER. Absolutely.

Mr. POLIS. Is the gentleman aware the Congressional Budget Office estimates it will reduce youth smoking by 11 percent over the next 10 years, and adult smoking by 2 percent? Those are our own estimates.

Mr. BUYER. The Royal College of Physicians, I'm indicating, with regard to the reduction of prevalence of smok-

ing of .5 and 1 percentage point per year of places around the world. Two percent CRS? Yeah, this is CBO. I don't know where you're getting your facts. This is CBO. Last time I checked, CBO is in the United States, you think? Yeah. CBO is in the United States.

Now, let me also move to harm reduction strategies. Here's why I'm really upset. I'm upset because what we really should be doing, if we really had an interest in improving public health, we should be migrating populations, moving populations. And when you move populations, you also want to inform people with regard to choices and the risk associated with products. We do that every day in the types of automobiles which we buy, whether you're going to wear your seatbelt. I suppose, I don't know, if you want to wear a helmet—did you wear a helmet to work when you drove your car today? I guess that's a choice you could make. People make harm reduction choices every day. In the foods we eat, what we drink, whatever we consume, we make these decisions every day. But how come we don't apply harm reduction strategies to tobacco? We should.

So, in the marketplace right now, there are many types of products. Now, what is unique about what's happening here is that this legislation doesn't even touch that which is most harmful, which are cigars and pipes. Cigars and pipes, you can directly ingest these toxins and carcinogens in a far greater strength into the body, and it is more harmful. But that's not even touched in this legislation.

So let's just talk about what's touched. If you look at the continuum of risk and the choice of available products that are out there today, the most harmful, which would be under this bill, are the non-filtered cigarettes. That's why I put them at the 100 percent.

Next is if you actually put a filter on that cigarette. We're beginning to reduce the harm.

Then you've got tobacco-heated cigarettes. But we don't understand all the science about the tobacco-heated cigarettes.

Then you have an electronic cigarette, whereby it's a nicotine delivery device. Yet we know that when you don't ingest the smoke, that you have a less harmful product.

Then there are the U.S. smokeless products. Now we can reduce the risk by 90 percent and say to an individual that you can obtain your nicotine you want, but guess what? You can reduce the harm by 90 percent. But these are still all harmful products.

Then you can go to a Swedish snus, and now you can reduce almost 98 percent of the risk. The difference here is one is fermented, and the other is pasteurized.

Then you can go to dissolvable tobacco products that have no

nitrosamines. And then you can go to almost a 99.5 percent reduction of the risk. So you can actually get your nicotine by either an orb or a strip you lay on your tongue, or you can have a stick that kind of looks like a toothpick and you can roll it and you can obtain your nicotine, and you can remove 99 percent of the health risk. Ninety-nine percent.

But this legislation is going to say no to these types of innovations. No; that somehow we're going to lock into that which is the most harmful, instead of permitting a migration.

Now, what we want is, as individuals migrate, and you've got then the therapeutics and medicinal types of nicotine, what you really want is them to quit. And when you migrate them, you migrate them to eventually quit smoking.

□ 0945

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

Ms. FOXX. I yield the gentleman another 1 minute.

Mr. BUYER. What we have in the bill is abstinence. It mentions harm reduction, but because there is a two-tiered approach to the approval process for the introduction of new tobacco products, it is truly an entry barrier, so we've locked down the marketplace. When you lock down the marketplace, you do not improve public health in this country, and that is the greatest concern that I have here today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. POLIS. Mr. Speaker, currently a head of lettuce receives more regulation than tobacco products. I would simply ask: Which is more dangerous to the American people? I would like to quote from The New York Times today, which endorsed, through an editorial, this bill, and it has been supported in the past as well.

"It has now been proved beyond a shadow of a doubt that cigarette makers have spent decades making false statements, suppressing evidence of harm, and manipulating the design of cigarettes to increase their addictiveness. Federal regulators should be able to stop many of these abuses—and we hope help prevent more Americans from losing their lives to smoking."

This bill is the first step.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Thank you, I thank my colleague from the Rules Committee for allowing me to speak for 3 minutes.

Mr. Speaker, I respectfully disagree with my colleague and member of the Energy and Commerce Committee from Indiana. I rise in strong support of H.R. 1256, the Family Smoking Prevention

and Tobacco Control Act. I am an original cosponsor of the bill, and I am pleased that we will finally send this piece of legislation to the President. Again, I respectfully disagree with some of the statements earlier.

For many years, Congress has tried to address tobacco use and the impact it has on our country and on our people. Nearly 21 percent of Americans smoke cigarettes, which is actually a reduction over the past few years, but almost 23 percent of high school students are smokers—23 percent.

According to the Substance Abuse and Mental Health Services Administration, every day, 1,140 young adults start smoking. Over 1,000 young people start smoking. Every day that these young adults start smoking, they're entering a lifelong addiction. Therefore, the number of young adults who start smoking every day is tragic, especially when you consider that cigarette smoking is a leading cause of preventable death in our country. Once you're addicted to tobacco, it's with you for life and death. Most smokers start at 13, 14 or 15 years old.

The Family Smoking Prevention and Tobacco Control Act will give the Food and Drug Administration, the FDA, the authority to regulate tobacco for the first time. As was said earlier, we don't regulate tobacco now. We're finally giving the Food and Drug Administration the authority to regulate it.

This bill is fully paid for, and the FDA activity on tobacco will be fully funded through a user fee, not through the FDA's existing budget. These new funds will not take away or affect any of the FDA's current activities. This bill will also subject all new tobacco products to premarket review. It will give the Secretary of Health and Human Services the ability to restrict the sale, distribution and promotion of tobacco products. The Secretary will be able to establish tobacco product standards and require manufacturers to provide the Secretary with a list of harmful ingredients in tobacco products. We don't even know what we're smoking today. The bill will establish new labeling requirements to tobacco products.

I believe the bill is long overdue, and I am pleased that this bill has the support of tobacco manufacturers such as Philip Morris as well as public health groups like the American Cancer Society and the Campaign for Tobacco-Free Kids. The Family Smoking Prevention and Tobacco Control Act is a step in the right direction to address the issue of smoking in our country.

I ask Members of Congress: How many loved ones and constituents do you know who have died from lung cancer caused by smoking?

This bill can help those 13-, 14- and 15-year-olds, who are growing up now, not to become addicted to tobacco. I strongly support the bill, and I urge my colleagues to support it as well.

Ms. FOXX. Mr. Speaker, I would like to point out a couple of issues.

It seems to me that, if a head of lettuce has more rules than tobacco, then I think we should reduce the regulations on lettuce. I think we're going in the wrong direction in terms of this issue.

The other thing I would like to point out is something that my colleague from Indiana pointed out. This bill focuses totally on the issue of abstinence. It's interesting to me that I've been in so many debates where the majority party completely puts aside abstinence education when it comes to sex education in the schools. They say abstinence education has absolutely no benefit, and we know the research shows the opposite. Yet, on this issue, they'd like to go totally for abstinence education.

I would now like to yield 2 minutes to my colleague, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would just like to bring up two points.

During my presentation, the gentleman brought up the 11 percent issue. After I gave my remarks, I immediately went to the Congressional Budget Office. It was a very clever attempt, Mr. Speaker, of the Rules Committee to try to confuse the American people, so I'll read directly from the CBO report so the record is clear.

"Based on information from academic and other researchers, CBO estimates that H.R. 1256," which is the Waxman bill, which is not being heard here—it is the Kennedy bill which is being referred to here—"would result in a further reduction in the number of underage tobacco users of 11 percent by 2019."

Here is the other part, the rest of the story, that the Rules Committee did not share with the country.

"CBO also estimates that implementing H.R. 1256 would lead to a further decline in smoking by adults by about 2 percent after 10 years." Wow. Wow.

Now let me refer to the other. Too often, we should be careful about being cute here on the House floor. "Cute" means the reference with regard to lettuce, so I'll follow your logic. If you were to take that lettuce, dry it, roll it, and go ahead and smoke your lettuce, do you realize that you would end up with similar problems than if you were smoking tobacco? It's not the nicotine that kills. It's the smoke that kills. It's the inhalation of the smoke. That's what causes and is responsible for the pandemic of cancers, of heart disease, of respiratory disease, and of other factors. It's the smoke. So, as for the migration of people from smoke into smokeless and into other forms of therapies, if they want to obtain their nicotine, it's okay. Mr. WAXMAN, himself, would say, I do not want to outlaw tobacco.

Mr. POLIS. Mr. Speaker, I think that one of the differences between smoking lettuce—and I have to admit that this is the first time I've heard of smoking lettuce—and smoking tobacco is that tobacco, because of its nicotine content, is highly addictive. Again, there is evidence, undisputable evidence, that companies have deliberately increased the levels of addictive nicotine within those products and that American lives have been lost as a result.

One of the other important aspects of this bill is ending the practice of many of these tobacco products which are targeted specifically to children—barring the sale of flavored tobacco products, such as fruit and cloves and chocolate, with names that entice children, like "Very Berry." This would ensure that those are properly regulated.

Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding, and I rise in support of this rule and of the bill, as amended, by the Senate.

Mr. Speaker, as they say in the intelligence world, "this is a slam dunk." I have experienced the tragedy that afflicts many tobacco users and their families. Both of my parents were chain smokers. My father, a physician, quit when I was young, but our house reeked of secondhand smoke, and my mother continued to smoke until she could no longer hold a cigarette. After long illnesses, both parents died from lung cancer. It was a nightmare and one I would spare other families. As a grandmother of three, I hope my grandkids will never smoke.

Approximately 4,000 children try a cigarette for the first time each day. By the end of this week, thousands of Americans will have died from tobacco-related diseases, and thousands more will become new, regular users. We can take a big step forward in breaking this deadly cycle by giving the FDA the authority to regulate tobacco products. That's all this bill does, and it is long overdue.

The legislation we are voting on today is the product of a decades-long crusade by our colleague HENRY WAXMAN, by Senator EDWARD KENNEDY, by the Campaign for Tobacco-Free Kids, and by scores of public health groups. It is a big downpayment on health care reform.

Mr. Speaker, California alone spends over \$9 billion annually treating tobacco-related diseases. This critical funding could be put towards our failing health care infrastructure and towards making health care more affordable for everyone. With its passage today, I hope this bill will become law promptly, and I hope that the CBO will find the way to score the savings that come from this and from other preventative health measures.

If we can do this, we can find a way to cut the cost of health care reform, of

national health care reform, which is urgently needed this year. So, as I see it, this is a downpayment on health care reform, and it's a downpayment on the health of our children and of our grandchildren. This bill will save lives and scarce resources. This bill is a slam dunk. Vote "aye" on the rule and on the underlying legislation.

Ms. FOXX. Mr. Speaker, I would like to yield briefly to my colleague, the gentleman from Indiana (Mr. BUYER), who has a very important point to make on this issue.

Mr. BUYER. Mr. Speaker, I would just say to my good friend from California that I am not an advocate of smoking at all. What I'm trying to do here on the floor is to help improve the public health of our Nation, and this is a bill that actually locks down the marketplace.

To the speaker, as to my reference to Ms. HARMAN, I want you to know that that is my sincere effort here. How do we improve public health?

Other nations around the world are all struggling, like we are, for good, sound public policy in how we regulate a legal product by adult users. There are restrictions with regard to access to children. Then, with regard to adult users, countries around the world are beginning to look at harm reduction and at applying those strategies to tobacco.

We had an opportunity to do that. It failed here on the floor, and I recognize that. It's probably something that's new. I welcome the opportunity to join with the gentlewoman from California, as we've worked really well together our entire time we've been here, and I would love to work with you on harm reduction strategies. I'll just read this from the American Association of Public Health Physicians. Since, Mr. Speaker, the Rules Committee doesn't want me to cite the Royal College of Physicians, I'll cite an American institution.

The American Association of Public Health Physicians found, in practical terms, the enhancement of current policies based on the premise that all tobacco products are equally risky will yield only small and barely measurable reductions in tobacco-related illness and death. The addition of a harm reduction component, however—and that's why I want to work with Ms. HARMAN—could yield a 50 to 80 percent reduction in tobacco-related illness and death over the first 10 years and a likely reduction of up to 90 percent within 20 years.

That's why I'm so passionate about a harm reduction strategy. I embrace your personal story, and that's why I am so sincere about a harm reduction.

Ms. HARMAN. Will the gentleman yield?

Mr. BUYER. I would yield to the gentlewoman.

Ms. HARMAN. I appreciate what you've said, and I do appreciate long

years of collaboration on very important issues, especially affecting the military, like sexual harassment and this wave of sexual assault and rape against women. I appreciate that very much.

On this issue, sure, let's work together on a harm reduction strategy. I think this bill, which I'm for and you're obviously against, goes only partway. There is a lot more to do, and a lot of people have terrible stories like mine, and I embrace the fact that you're against smoking. I surely hope that becomes a much more prevalent practice by our young kids. That's what my purpose here is. I never want anyone else to have the kind of tragedy that I had with parents who were addicted like mine.

□ 1000

Mr. BUYER. Reclaiming my time, I will embrace that, and probably what we need to do if the President signs this bill into law, I offer to work with the gentlewoman and we'll introduce a bill to incorporate harm reduction. I agreed earlier when I had spoken with Chairman WAXMAN, he recognizes that a pragmatic approach is truly incorporation of harm reduction with abstinence. And when we're talking about teenage sex or the use of tobacco, if we really, truly want a hand, four fingers and a thumb don't make a hand without a palm. So you have to use pragmatism along with new science.

And I will welcome the opportunity to work with the gentlewoman.

Mr. POLIS. I want to highlight that this legislation is supported by over 1,000 public health, faith, and other organizations, including the American Cancer Society Action Network, the American Heart Association, American Dental Association, and American Lung Association. I would also like to think that the recent dialogue between the Representative from California and the Representative from Indiana, that, of course, this bill is just a start.

With regard to many strategies that need to be used and employed to reduce youth smoking, certainly the banning of targeted marketing towards youth and tobacco products that clearly have names that affect youth, creating a regulatory structure for the first time around tobacco products, are constructive steps; and I would agree with the gentleman from Indiana not mutually inconclusive steps, mutually inconsistent steps with many other things that we need to do for the common goal that we share to reducing youth smoking.

Madam Speaker, I would like to yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, the tobacco industry has been feeding us a line. In addition to selling tobacco, the industry is now selling us a story. They would have us believe that this bill,

which will allow the FDA to regulate their tobacco, will ruin their industry, shut down small farms, and hurt already-hurting farmers who just want to earn a living.

The truth is the tobacco industry has lied for decades about the addictive nature of tobacco. They have targeted our children as prime consumers of their deadly product, and they have produced and marketed a product that is the leading cause of preventable death in the United States, killing an estimated 438,000 people each year.

It is past time to empower the FDA to step up and stop the tobacco companies from continuing to make false claims about tobacco and start telling the truth. For too many years, the tobacco industry has sold us a line. They've attempted to tell us what they're selling, but in reality, the only thing they've been selling us is sickness and death.

Ms. FOXX. Madam Speaker, I want to say that Mr. BUYER has brought up again the issue that the Republicans have alternatives that are proven more effective. But those alternatives are not being properly considered by the majority party. Department of Health and Human Services Secretary Levin has noted that this legislation could be also viewed by foreign countries as a hostile trade action.

Many of the cloves and other flavored cigarettes that are banned under this bill are manufactured in foreign countries. However, this bill expressly permits production of menthol cigarettes. This could lead Indonesia or other foreign governments to file complaints at the World Trade Organization claiming discrimination against their products. Ultimately, retaliatory measures could be taken against American-made products which could lead to unnecessary trade disputes with a negative effect on economic growth.

As Mr. BUYER again pointed out earlier, most of us do not want to encourage smoking. But we oppose this bill on the basis that it is establishing a new Federal authority for the regulation of the tobacco industry in putting the FDA in charge of this. The tobacco industry should continue to be regulated at the State level. We should not expand the Federal Government to add another layer of bureaucracy to the already overburdened Food and Drug Administration and another layer of regulation to American consumers and lives. This is not the direction we need to go, but it is the direction, again, that the administration and the majority party want to go, that is, more and more control of the lives of Americans.

And with that, Madam Speaker, I yield back.

Mr. POLIS. Madam Speaker, this bill is not a hostile trade action. Every sovereign State, every country has the full ability to regulate public health issues. Tobacco is a killer: 443,000 deaths per

year. Smoking-related deaths, as I mentioned earlier, are more than the deaths caused by AIDS, alcohol, cocaine, heroin, homicide, suicide, motor vehicle crashes, and fires combined. It is a matter of national sovereignty, a concept that I know the gentlewoman from North Carolina is also a strong supporter of, that countries have the ability, in fact a duty, to regulate public health issues.

Madam Speaker, this bill specifically achieves critical public health goals. This legislation would ensure that tobacco products are not advertised or sold to children. And as I mentioned, 90 percent of adult smokers start before the age of 19.

Addiction to tobacco begins almost universally in childhood and adolescence. Tobacco companies have long taken advantage of this vulnerability by promoting their products through cartoon advertisements, free, tobacco-themed merchandise that appeals to kids, and sponsorships of sports and entertainment events.

By reinstating the FDA's 1996 rule, we will be able to ban all outdoor tobacco advertising within 1,000 feet of schools and playgrounds. Again, common sense. We will ban free giveaways of any nontobacco items with the purchase of a tobacco product that appeals to children; we restrict vending machines and self-service displays to adult-only facilities; and require retailers to verify age for all over-the-counter sales and provide for Federal enforcement and penalties for retailers who sell to minors.

Barring the sale of certain flavored tobacco products, such as fruits and chocolate, will protect the health of children who are lured to smoking by these candy-like flavors with little, if any, impact on adult enjoyment of tobacco.

The opponents of this legislation often cite the American value of individual or personal responsibility. Certainly informed adults are responsible for making their own choices and dealing with the consequences, including the choice of whether to smoke. Where we differ is our treatment of the fact that 90 percent of the Americans who smoke began as teenagers between the ages of 12 and 17. Opponents ask kids to make grave, health-related choices with incomplete information and hold those kids responsible for childhood mistakes with their lives. When 80 percent of kids smoke the most heavily advertised brands, it's easy to infer the influence of advertising on children.

Big Tobacco claims they don't market to kids. Nevertheless, they do a remarkably and suspiciously good job of getting kids to use their products. This has to change.

This legislation will also require that tobacco products marketed as safer and claims to be safer are in fact demonstrated to be safer by scientific

proof. No more will consumers be duped into believing there is such a thing as healthy cigarettes, light or low tar. By imposing scientifically backed, new labeling requirements for such products, this bill will ensure that tobacco consumers not only receive accurate information about what is in such products, but also are protected from poisonous substances that are injurious to health.

Madam Speaker, I would like to inquire as to how much time remains.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman has 10 minutes remaining.

Mr. POLIS. Madam Speaker, I would like to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my friend from Colorado.

I rise in support of the underlying legislation, and I thank my friend from Colorado for his passion on the subject.

We know that if we can deter teenage smoking, we can deter a lifetime of health risks and health costs.

I must confess, Madam Speaker, some concern about accepting the Senate provision here. There were other provisions in the House bill that I passionately supported that protect our Federal workforce, and I specifically refer to the provision allowing the counting of sick leave for retirement and allowing those who are under the Federal Employment Retirement Service to re-employ, pick up where they left off. These are important provisions, Madam Speaker, because the Federal workforce, as we look out to the future, is going to be challenged with a brain drain.

The baby boom generation is going to be retiring. As many as 40 percent of the current workforce will be retiring over the next decade. In order to attract talent for the future Federal workforce, we need more flexible work rules; we need to provide more amenities for that workforce. I was disappointed that the Senate, on an amendment by Mr. DEMINT of South Carolina, dropped those provisions from this bill that were carefully crafted from the Committee on Oversight and Government Reform here in the House, and I hope we can revisit those issues in the future.

But the underlying bill with respect to tobacco is a very important bill. And, again, I thank Mr. POLIS from Colorado for his leadership and passion to the subject.

Mr. POLIS. I would like to thank the gentleman from Virginia for bringing up another important issue that is no longer included in this bill, and hopefully he and other of our colleagues can work to ensure that we have a competitive workforce for our Federal Government.

Madam Speaker, tobacco is the deadliest product on the market today. It kills over 400,000 Americans every year.

Despite that grim statistic, tobacco companies have enjoyed a great deal of influence over public policy—indeed, a privileged state—avoiding the appropriate oversight of their dangerous business. By giving the Food and Drug Administration the authority to exercise their proper oversight duties, we strip Big Tobacco of their special privileges and power.

We owe consumers the same levels of protection with regard to tobacco use as we do with food and drink consumption, prescription and over-the-counter drugs, and even makeup and cosmetics. Why should tobacco, such an obviously harmful product, not be subject to the same scrutiny as a head of lettuce or mascara or a drink?

The FDA is more than capable of handling this new responsibility. We entrust the most sensitive regulation and oversight efforts already to the FDA: the regulation of what we put in our own bodies. We must give this agency the opportunity to succeed, providing the necessary resources to get the job done; and this bill does that.

By providing the Health and Human Services Secretary with the authority to regulate tobacco product standards and product testing based on scientific evidence, this legislation will promote and protect the Nation's public health. And as my friend and colleague and Representative from California, Ms. HARMAN, said, this is an important nexus in the health care debate in reducing costs and helping ensure that Americans are healthier.

For far too long we have not followed doctors' orders with regard to tobacco use. Science tells us a great deal about the causes of disease and the risks of certain behaviors. This legislation puts those scientific findings at the forefront of policymaking for the Department of Health and Human Services.

Mr. BUYER. Will the gentleman yield?

Mr. POLIS. Yes.

Mr. BUYER. I want to make sure the record is clear.

Earlier in your remarks you referred to the issue on spiking. Spiking was an allegation that was made in a newspaper article; the investigation had taken place. Former FDA Commissioner Kessler found that spiking allegations of nicotine were found to be false.

Mr. POLIS. Thank you for clarifying.

This bill also promotes public health by requiring the Health and Human Services Secretary to consider placing tobacco replacement product on a fast-track FDA approval process. If we want Americans to stop smoking, we must provide them with the help they need to kick the habit. Holding up these smoking cessation aids, in an age of bureaucratic red tape, is no longer an option. I believe that that's a concept that's consistent with the harm-reduction strategy that my colleague from Indiana had discussed earlier.

By creating a special category of small tobacco product manufacturers, the bill will ensure that small businesses have the assistance they need from the FDA to comply with the new regulations. Supported by over 1,000 health and faith-based groups from across the country, including the American Cancer Association, the American Heart Association, the American Lung Association, The Campaign for Tobacco Free Kids, and the American Dental Association. This bill also preserves States rights by not preempting State tobacco laws. It's extremely important to respect that many States, including my own home State of Colorado, already recognize the dangers of smoking and the role that regulation can play and have excellent laws on the books that keep cigarettes out of the hands of children and also regulates second-hand smoke.

I'm very proud to say that my home State of Colorado is recognized as a leader in tobacco control, as demonstrated by our leadership in enacting a comprehensive smoke-free law that includes casinos. Additionally, Colorado is working on enacting a youth-access policy statewide. A senator from my district, the State senator, introduced a bill last year that required ID checks for tobacco purchases and prohibited youths from possessing tobacco products.

I would like to highlight, in conclusion, a story of a hero in the cancer awareness movement from my district, a type of heroism that, unfortunately, is all too common.

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Susan DeWitt was a typical soccer mom from Superior, Colorado. She made a DVD video about the struggles of her family during her 8-year battle with cancer that ultimately cost her her life. She had earlier worked as a reporter in Boulder County. She had been a light smoker in her teens and continued into her twenties, and she quit in 1992, in her early thirties.

She passed away at the age of 42 from lung cancer. She created "Through My Children's Eyes" as a legacy, and her family founded the Susan DeWitt Foundation to continue her work.

How many more Susan DeWitts must there be in this country? This plague has touched almost all American lives. How many of us have lost a friend or relative to lung cancer and to smoking?

This bill is a critical important first step in finally creating a regulatory structure to discourage young people from ever beginning to smoke and regulating the safety of tobacco products.

Madam Speaker, I urge a "yes" vote on the rule and the underlying bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. WAXMAN. Madam Speaker, pursuant to House Resolution 532, I call up from the Speaker's table the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes, with a Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

DIVISION A—FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This division may be cited as the "Family Smoking Prevention and Tobacco Control Act".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purpose.

Sec. 4. Scope and effect.

Sec. 5. Severability.

Sec. 6. Modification of deadlines for Secretarial action.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

Sec. 101. Amendment of Federal Food, Drug, and Cosmetic Act.

Sec. 102. Final rule.

Sec. 103. Conforming and other amendments to general provisions.

Sec. 104. Study on raising the minimum age to purchase tobacco products.

Sec. 105. Enforcement action plan for advertising and promotion restrictions.

Sec. 106. Studies of progress and effectiveness.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warnings.

Sec. 202. Authority to revise cigarette warning label statements.

Sec. 203. State regulation of cigarette advertising and promotion.

Sec. 204. Smokeless tobacco labels and advertising warnings.

Sec. 205. Authority to revise smokeless tobacco product warning label statements.

Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

Sec. 301. Labeling, recordkeeping, records inspection.

Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year, and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco-induced disease. Such a reduction in youth smoking would also result in approximately \$75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2005, the cigarette manufacturers spent more than \$13,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the first amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration, and the restriction on the sale and distribution of, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this division.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion play a

crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that "low tar" and "light" cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking "low tar" and "light" cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from "low tar" and "light" cigarettes, and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do

not in fact reduce risk are so high that there is a compelling governmental interest in ensuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be reviewed in advance of marketing, and to require that the evidence relied on to support claims be fully verified.

(44) The Food and Drug Administration is a regulatory agency with the scientific expertise to identify harmful substances in products to which consumers are exposed, to design standards to limit exposure to those substances, to evaluate scientific studies supporting claims about the safety of products, and to evaluate the impact of labels, labeling, and advertising on consumer behavior in order to reduce the risk of harm and promote understanding of the impact of the product on health. In connection with its mandate to promote health and reduce the risk of harm, the Food and Drug Administration routinely makes decisions about whether and how products may be marketed in the United States.

(45) The Federal Trade Commission was created to protect consumers from unfair or deceptive acts or practices, and to regulate unfair methods of competition. Its focus is on those marketplace practices that deceive or mislead consumers, and those that give some competitors an unfair advantage. Its mission is to regulate activities in the marketplace. Neither the Federal Trade Commission nor any other Federal agency except the Food and Drug Administration possesses the scientific expertise needed to implement effectively all provisions of the Family Smoking Prevention and Tobacco Control Act.

(46) If manufacturers state or imply in communications directed to consumers through the media or through a label, labeling, or advertising, that a tobacco product is approved or inspected by the Food and Drug Administration or complies with Food and Drug Administration standards, consumers are likely to be confused and misled. Depending upon the particular language used and its context, such a statement could result in consumers being misled into believing that the product is endorsed by the Food and Drug Administration for use or in consumers being misled about the harmfulness of the product because of such regulation, inspection, approval, or compliance.

(47) In August 2006 a United States district court judge found that the major United States cigarette companies continue to target and market to youth. *USA v. Philip Morris, USA, Inc., et al.* (Civil Action No. 99–2496 (GK), August 17, 2006).

(48) In August 2006 a United States district court judge found that the major United States cigarette companies dramatically increased their advertising and promotional spending in ways that encourage youth to start smoking subsequent to the signing of the Master Settlement Agreement in 1998. *USA v. Philip Morris, USA, Inc., et al.* (Civil Action No. 99–2496 (GK), August 17, 2006).

(49) In August 2006 a United States district court judge found that the major United States cigarette companies have designed their cigarettes to precisely control nicotine delivery levels and provide doses of nicotine sufficient to create and sustain addiction while also concealing much of their nicotine-related research. *USA v. Philip Morris, USA, Inc., et al.* (Civil Action No. 99-2496 (GK), August 17, 2006).

SEC. 3. PURPOSE.

The purposes of this division are—
 (1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products as provided for in this division;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco-related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) **INTENDED EFFECT.**—Nothing in this division (or an amendment made by this division) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or tribal court, or any agreement, consent decree, or contract of any kind.

(b) **AGRICULTURAL ACTIVITIES.**—The provisions of this division (or an amendment made by this division) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

(c) **REVENUE ACTIVITIES.**—The provisions of this division (or an amendment made by this division) which authorize the Secretary to take certain actions with regard to tobacco products shall not be construed to affect any authority of the Secretary of the Treasury under chapter 52 of the Internal Revenue Code of 1986.

SEC. 5. SEVERABILITY.

If any provision of this division, of the amendments made by this division, or of the reg-

ulations promulgated under this division (or under such amendments), or the application of any such provision to any person or circumstance is held to be invalid, the remainder of this division, such amendments and such regulations, and the application of such provisions to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

SEC. 6. MODIFICATION OF DEADLINES FOR SECRETARIAL ACTION.

(a) **DELAYED COMMENCEMENT OF DATES FOR SECRETARIAL ACTION.**—

(1) **IN GENERAL.**—Except as provided in subsection (c), with respect to any time periods specified in this division (or in an amendment made by this division) that begin on the date of enactment of this Act, within which the Secretary of Health and Human Services is required to carry out and complete specified activities, the calculation of such time periods shall commence on the date described in subsection (b).

(2) **LIMITATION.**—Subsection (a) shall only apply with respect to obligations of the Secretary of Health and Human Services that must be completed within a specified time period and shall not apply to the obligations of any other person or to any other provision of this division (including the amendments made by this division) that do not create such obligations of the Secretary and are not contingent on actions by the Secretary.

(b) **DATE DESCRIBED.**—The date described in this subsection is the first day of the first fiscal quarter following the initial 2 consecutive fiscal quarters of fiscal year 2010 for which the Secretary of Health and Human Services has collected fees under section 919 of the Federal Food, Drug, and Cosmetic Act (as added by section 101).

(c) **EXCEPTION.**—Subsection (a) shall not apply to any time period (or date) contained—

(1) in section 102, except that the reference to “180 days” in subsection (a)(1) of such section shall be deemed to be “270 days”; and

(2) in sections 201 through 204 (or the amendments made by any such sections).

(d) **ADJUSTMENT.**—The Secretary of Health and Human Services may extend or reduce the duration of one or more time periods to which subsection (a) applies if the Secretary determines appropriate, except that no such period shall be extended for more than 90 days.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) **DEFINITION OF TOBACCO PRODUCTS.**—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(rr)(1) The term ‘tobacco product’ means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

“(2) The term ‘tobacco product’ does not mean an article that is a drug under subsection (g)(1), a device under subsection (h), or a combination product described in section 503(g).

“(3) The products described in paragraph (2) shall be subject to chapter V of this Act.

“(4) A tobacco product shall not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetic, medical device, or a dietary supplement).”

(b) **FDA AUTHORITY OVER TOBACCO PRODUCTS.**—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 910 as sections 1001 through 1010; and

(3) by inserting after chapter VIII the following:

“CHAPTER IX—TOBACCO PRODUCTS

“SEC. 900. DEFINITIONS.

“In this chapter:

“(1) **ADDITIVE.**—The term ‘additive’ means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring or coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

“(2) **BRAND.**—The term ‘brand’ means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, packaging, logo, registered trademark, brand name, identifiable pattern of colors, or any combination of such attributes.

“(3) **CIGARETTE.**—The term ‘cigarette’—

“(A) means a product that—

“(i) is a tobacco product; and

“(ii) meets the definition of the term ‘cigarette’ in section 3(1) of the Federal Cigarette Labeling and Advertising Act; and

“(B) includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

“(4) **CIGARETTE TOBACCO.**—The term ‘cigarette tobacco’ means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements applicable to cigarettes under this chapter shall also apply to cigarette tobacco.

“(5) **COMMERCE.**—The term ‘commerce’ has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act.

“(6) **COUNTERFEIT TOBACCO PRODUCT.**—The term ‘counterfeit tobacco product’ means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(i)(1).

“(7) **DISTRIBUTOR.**—The term ‘distributor’ as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

“(8) **ILLICIT TRADE.**—The term ‘illicit trade’ means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

“(9) **INDIAN COUNTRY.**—The term ‘Indian country’ has the meaning given such term in section 1151 of title 18, United States Code.

“(10) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act.

“(11) **LITTLE CIGAR.**—The term ‘little cigar’ means a product that—

“(A) is a tobacco product; and

“(B) meets the definition of the term ‘little cigar’ in section 3(7) of the Federal Cigarette Labeling and Advertising Act.

“(12) **NICOTINE.**—The term ‘nicotine’ means the chemical substance named 3-(1-Methyl-2-

pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

“(13) **PACKAGE.**—The term ‘package’ means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

“(14) **RETAILER.**—The term ‘retailer’ means any person, government, or entity who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

“(15) **ROLL-YOUR-OWN TOBACCO.**—The term ‘roll-your-own tobacco’ means any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

“(16) **SMALL TOBACCO PRODUCT MANUFACTURER.**—The term ‘small tobacco product manufacturer’ means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence, the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer.

“(17) **SMOKE CONSTITUENT.**—The term ‘smoke constituent’ means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

“(18) **SMOKELESS TOBACCO.**—The term ‘smokeless tobacco’ means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

“(19) **STATE; TERRITORY.**—The terms ‘State’ and ‘Territory’ shall have the meanings given to such terms in section 201.

“(20) **TOBACCO PRODUCT MANUFACTURER.**—The term ‘tobacco product manufacturer’ means any person, including any repacker or relabeler, who—

“(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

“(B) imports a finished tobacco product for sale or distribution in the United States.

“(21) **TOBACCO WAREHOUSE.**—

“(A) Subject to subparagraphs (B) and (C), the term ‘tobacco warehouse’ includes any person—

“(i) who—

“(I) removes foreign material from tobacco leaf through nothing other than a mechanical process;

“(II) humidifies tobacco leaf with nothing other than potable water in the form of steam or mist; or

“(III) de-stems, dries, and packs tobacco leaf for storage and shipment;

“(ii) who performs no other actions with respect to tobacco leaf; and

“(iii) who provides to any manufacturer to whom the person sells tobacco all information related to the person’s actions described in clause (i) that is necessary for compliance with this Act.

“(B) The term ‘tobacco warehouse’ excludes any person who—

“(i) reconstitutes tobacco leaf;

“(ii) is a manufacturer, distributor, or retailer of a tobacco product; or

“(iii) applies any chemical, additive, or substance to the tobacco leaf other than potable water in the form of steam or mist.

“(C) The definition of the term ‘tobacco warehouse’ in subparagraph (A) shall not apply to the extent to which the Secretary determines,

through rulemaking, that regulation under this chapter of the actions described in such subparagraph is appropriate for the protection of the public health.

“(22) **UNITED STATES.**—The term ‘United States’ means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

“**SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.**

“(a) **IN GENERAL.**—Tobacco products, including modified risk tobacco products for which an order has been issued in accordance with section 911, shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V.

“(b) **APPLICABILITY.**—This chapter shall apply to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

“(c) **SCOPE.**—

“(1) **IN GENERAL.**—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or in sections 101(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect, expand, or limit the Secretary’s authority over (including the authority to determine whether products may be regulated), or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

“(2) **LIMITATION OF AUTHORITY.**—

“(A) **IN GENERAL.**—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer’s capacity as a manufacturer. The exception in this subparagraph shall not apply to a producer of tobacco leaf who grows tobacco under a contract with a tobacco product manufacturer and who is not otherwise engaged in the manufacturing process.

“(C) **RULE OF CONSTRUCTION.**—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

“(d) **RULEMAKING PROCEDURES.**—Each rulemaking under this chapter shall be in accordance with chapter 5 of title 5, United States Code. This subsection shall not be construed to affect the rulemaking provisions of section 102(a) of the Family Smoking Prevention and Tobacco Control Act.

“(e) **CENTER FOR TOBACCO PRODUCTS.**—Not later than 90 days after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish within the Food and Drug Administration the Center for Tobacco Products, which shall report to the Commissioner of Food and Drugs in the same manner as the other agency centers within the Food and Drug Administration. The Center shall be responsible for the implementation of this chapter and related matters assigned by the Commissioner.

“(f) **OFFICE TO ASSIST SMALL TOBACCO PRODUCT MANUFACTURERS.**—The Secretary shall establish within the Food and Drug Administration an identifiable office to provide technical and other nonfinancial assistance to small tobacco product manufacturers to assist them in complying with the requirements of this Act.

“(g) **CONSULTATION PRIOR TO RULEMAKING.**—Prior to promulgating rules under this chapter, the Secretary shall endeavor to consult with other Federal agencies as appropriate.

“**SEC. 902. ADULTERATED TOBACCO PRODUCTS.**

“A tobacco product shall be deemed to be adulterated if—

“(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or added deleterious substance that may render the product injurious to health;

“(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

“(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

“(4) the manufacturer or importer of the tobacco product fails to pay a user fee assessed to such manufacturer or importer pursuant to section 919 by the date specified in section 919 or by the 30th day after final agency action on a resolution of any dispute as to the amount of such fee;

“(5) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

“(6)(A) it is required by section 910(a) to have premarket review and does not have an order in effect under section 910(c)(1)(A)(i); or

“(B) it is in violation of an order under section 910(c)(1)(A);

“(7) the methods used in, or the facilities or controls used for, its manufacture, packing, or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

“(8) it is in violation of section 911.

“**SEC. 903. MISBRANDED TOBACCO PRODUCTS.**

“(a) **IN GENERAL.**—A tobacco product shall be deemed to be misbranded—

“(1) if its labeling is false or misleading in any particular;

“(2) if in package form unless it bears a label containing—

“(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

“(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

“(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

“(D) the statement required under section 920(a),

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

“(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

“(4) if it has an established name, unless its label bears, to the exclusion of any other non-proprietary name, its established name prominently printed in type as required by the Secretary by regulation;

“(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

“(6) if it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

“(7) if, in the case of any tobacco product distributed or offered for sale in any State—

“(A) its advertising is false or misleading in any particular; or

“(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

“(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

“(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

“(B) a brief statement of—

“(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

“(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

“(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

“(10) if there was a failure or refusal—

“(A) to comply with any requirement prescribed under section 904 or 908; or

“(B) to furnish any material or information required under section 909.

“(b) **PRIOR APPROVAL OF LABEL STATEMENTS.**—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product to ensure that such statements do not violate the misbranding provisions of subsection (a) and that such statements comply with other provisions of the Family Smoking Prevention and Tobacco Control Act (including the amendments made by such Act). No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act.

“SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

“(a) **REQUIREMENT.**—Each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

“(1) Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

“(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(e) of the Federal Cigarette Labeling and Advertising Act.

“(3) Beginning 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all constituents, including smoke constituents as applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 3 years after such date of enactment, the manufacturer, importer, or agent shall comply with regulations promulgated under section 915 in reporting information under this paragraph, where applicable.

“(4) Beginning 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, all documents developed after such date of enactment that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

“(b) **DATA SUBMISSION.**—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

“(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

“(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

“(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

“(c) **TIME FOR SUBMISSION.**—

“(1) **IN GENERAL.**—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

“(2) **DISCLOSURE OF ADDITIVE.**—If at any time a tobacco product manufacturer adds to its to-

bacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

“(3) **DISCLOSURE OF OTHER ACTIONS.**—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

“(d) **DATA LIST.**—

“(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e).

“(2) **CONSUMER RESEARCH.**—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

“(e) **DATA COLLECTION.**—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish, and periodically revise as appropriate, a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. The Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

“SEC. 905. ANNUAL REGISTRATION.

“(a) **DEFINITIONS.**—In this section:

“(1) **MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.**—The term ‘manufacture, preparation, compounding, or processing’ shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

“(2) **NAME.**—The term ‘name’ shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

“(b) **REGISTRATION BY OWNERS AND OPERATORS.**—On or before December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person. If enactment of the Family Smoking Prevention and Tobacco Control Act occurs in the second half of the calendar year, the Secretary shall designate a date no later than 6 months into the subsequent calendar year by which registration pursuant to this subsection shall occur.

“(c) **REGISTRATION BY NEW OWNERS AND OPERATORS.**—Every person upon first engaging in the manufacture, preparation, compounding, or

processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person's name, place of business, and such establishment.

“(d) **REGISTRATION OF ADDED ESTABLISHMENTS.**—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

“(e) **UNIFORM PRODUCT IDENTIFICATION SYSTEM.**—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

“(f) **PUBLIC ACCESS TO REGISTRATION INFORMATION.**—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

“(g) **BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.**—Every establishment registered with the Secretary under this section shall be subject to inspection under section 704 or subsection (h), and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

“(h) **REGISTRATION BY FOREIGN ESTABLISHMENTS.**—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

“(i) **REGISTRATION INFORMATION.**—

“(1) **PRODUCT LIST.**—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which have not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

“(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

“(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and,

upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

“(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

“(2) **CONSULTATION WITH RESPECT TO FORMS.**—The Secretary shall consult with the Secretary of the Treasury in developing the forms to be used for registration under this section to minimize the burden on those persons required to register with both the Secretary and the Tax and Trade Bureau of the Department of the Treasury.

“(3) **BIENNIAL REPORT OF ANY CHANGE IN PRODUCT LIST.**—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

“(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

“(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

“(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

“(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

“(j) **REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.**—

“(1) **IN GENERAL.**—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of February 15, 2007, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

“(A) the basis for such person's determination that—

“(i) the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007, or to a tobacco product that the Secretary has previously determined, pursuant to subsection (a)(3) of section 910, is substantially equivalent and that is in compliance with the requirements of this Act; or

“(ii) the tobacco product is modified within the meaning of paragraph (3), the modifications are to a product that is commercially marketed and in compliance with the requirements of this Act, and all of the modifications are covered by exemptions granted by the Secretary pursuant to paragraph (3); and

“(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

“(2) **APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.**—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 21 months after such date of enactment.

“(3) **EXEMPTIONS.**—

“(A) **IN GENERAL.**—The Secretary may exempt from the requirements of this subsection relating to the demonstration that a tobacco product is substantially equivalent within the meaning of section 910, tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

“(i) such modification would be a minor modification of a tobacco product that can be sold under this Act;

“(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

“(iii) an exemption is otherwise appropriate.

“(B) **REGULATIONS.**—Not later than 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

“SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

“(a) **IN GENERAL.**—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

“(b) **INFORMATION ON PUBLIC ACCESS AND COMMENT.**—Each notice of proposed rulemaking or other notification under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

“(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

“(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

“(c) **LIMITED CONFIDENTIALITY OF INFORMATION.**—Any information reported to or otherwise obtained by the Secretary or the Secretary's representative under section 903, 904, 907, 908, 909,

910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

“(d) RESTRICTIONS.—

“(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

“(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

“(3) LIMITATIONS.—

“(A) IN GENERAL.—No restrictions under paragraph (1) may—

“(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

“(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

“(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of tobacco products, shall be considered as adult-written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult-written publications.

“(4) REMOTE SALES.—

“(A) IN GENERAL.—The Secretary shall—

“(i) within 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, promulgate regulations regarding the sale and distribution of tobacco products that occur through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products to individuals who have not attained the minimum age established by applicable law for the purchase of such products, including requirements for age verification; and

“(ii) within 2 years after such date of enactment, issue regulations to address the promotion and marketing of tobacco products that are sold

or distributed through means other than a direct, face-to-face exchange between a retailer and a consumer in order to protect individuals who have not attained the minimum age established by applicable law for the purchase of such products.

“(B) RELATION TO OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to take additional actions under the other paragraphs of this subsection.

“(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

“(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

“(A) IN GENERAL.—In applying manufacturing restrictions to tobacco, the Secretary shall, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point methodology, as prescribed in such regulations to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Such regulations may provide for the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established.

“(B) REQUIREMENTS.—The Secretary shall—

“(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

“(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

“(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A);

“(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices; and

“(v) not require any small tobacco product manufacturer to comply with a regulation under subparagraph (A) for at least 4 years following the effective date established by the Secretary for such regulation.

“(2) EXEMPTIONS; VARIANCES.—

“(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

“(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

“(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

“(iii) contain such other information as the Secretary shall prescribe.

“(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

“(i) the date the petition was submitted to the Secretary under subparagraph (A); or

“(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee, whichever occurs later, the Secretary shall by order either deny the petition or approve it.

“(C) APPROVAL.—The Secretary may approve—

“(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

“(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

“(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

“(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

“(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the end of the 3-year period following the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

“(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes.

“SEC. 907. TOBACCO PRODUCT STANDARDS.

“(a) IN GENERAL.—

“(1) SPECIAL RULES.—

“(A) SPECIAL RULE FOR CIGARETTES.—Beginning 3 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Nothing in this subparagraph shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this subparagraph.

“(B) ADDITIONAL SPECIAL RULE.—Beginning 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a tobacco product manufacturer shall not use tobacco, including foreign grown tobacco, that contains a pesticide chemical residue that is at a level greater than is specified by any tolerance

applicable under Federal law to domestically grown tobacco.

“(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (c).

“(3) TOBACCO PRODUCT STANDARDS.—

“(A) IN GENERAL.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health.

“(B) DETERMINATIONS.—

“(i) CONSIDERATIONS.—In making a finding described in subparagraph (A), the Secretary shall consider scientific evidence concerning—

“(I) the risks and benefits to the population as a whole, including users and nonusers of tobacco products, of the proposed standard;

“(II) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(III) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(ii) ADDITIONAL CONSIDERATIONS.—In the event that the Secretary makes a determination, set forth in a proposed tobacco product standard in a proposed rule, that it is appropriate for the protection of public health to require the reduction or elimination of an additive, constituent (including a smoke constituent), or other component of a tobacco product because the Secretary has found that the additive, constituent, or other component is or may be harmful, any party objecting to the proposed standard on the ground that the proposed standard will not reduce or eliminate the risk of illness or injury may provide for the Secretary’s consideration scientific evidence that demonstrates that the proposed standard will not reduce or eliminate the risk of illness or injury.

“(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

“(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

“(i) for nicotine yields of the product;

“(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product; or

“(iii) relating to any other requirement under subparagraph (B);

“(B) shall, where appropriate for the protection of the public health, include—

“(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

“(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

“(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

“(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

“(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d);

“(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product; and

“(D) shall require tobacco products containing foreign-grown tobacco to meet the same standards applicable to tobacco products containing domestically grown tobacco.

“(5) PERIODIC REEVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

“(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

“(A) use personnel, facilities, and other technical support available in other Federal agencies;

“(B) consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting entities; and

“(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary’s judgment can make a significant contribution.

“(b) CONSIDERATIONS BY SECRETARY.—

“(1) TECHNICAL ACHIEVABILITY.—The Secretary shall consider information submitted in connection with a proposed standard regarding the technical achievability of compliance with such standard.

“(2) OTHER CONSIDERATIONS.—The Secretary shall consider all other information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or nontobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand.

“(c) PROPOSED STANDARDS.—

“(1) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

“(2) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

“(A) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

“(B) invite interested persons to submit a draft or proposed tobacco product standard for consideration by the Secretary;

“(C) invite interested persons to submit comments on structuring the standard so that it does not advantage foreign-grown tobacco over domestically grown tobacco; and

“(D) invite the Secretary of Agriculture to provide any information or analysis which the Secretary of Agriculture believes is relevant to the proposed tobacco product standard.

“(3) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

“(4) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

“(d) PROMULGATION.—

“(1) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under subsection (c) respecting a tobacco product standard and after consideration of comments submitted under subsections (b) and (c) and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

“(A) if the Secretary determines that the standard would be appropriate for the protection of the public health, promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in subsection (c); or

“(B) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

“(2) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade. In establishing such effective date or dates, the Secretary shall consider information submitted in connection with a proposed product standard by interested parties, including manufacturers and tobacco growers, regarding the technical achievability of compliance with the standard, and including information concerning the existence of patents that make it impossible to comply in the timeframe envisioned in the proposed standard. If the Secretary determines, based on the Secretary’s evaluation of submitted comments, that a product standard can be met only by manufacturers requiring substantial changes to the methods of farming the domestically grown tobacco used by the manufacturer, the effective date of that product standard shall be not less than 2 years after the date of publication of the final regulation establishing the standard.

“(3) LIMITATION ON POWER GRANTED TO THE FOOD AND DRUG ADMINISTRATION.—Because of the importance of a decision of the Secretary to issue a regulation—

“(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll-your-own tobacco products; or

“(B) requiring the reduction of nicotine yields of a tobacco product to zero, the Secretary is prohibited from taking such actions under this Act.

“(4) AMENDMENT; REVOCATION.—

“(A) AUTHORITY.—The Secretary, upon the Secretary’s own initiative or upon petition of an interested person, may by a regulation, promulgated in accordance with the requirements of subsection (c) and paragraph (2), amend or revoke a tobacco product standard.

“(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

“(5) REFERRAL TO ADVISORY COMMITTEE.—

“(A) IN GENERAL.—The Secretary may refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard to the Tobacco Products Scientific Advisory Committee for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment.

“(B) INITIATION OF REFERRAL.—The Secretary may make a referral under this paragraph—

“(i) on the Secretary’s own initiative; or

“(ii) upon the request of an interested person that—

“(I) demonstrates good cause for the referral; and

“(II) is made before the expiration of the period for submission of comments on the proposed regulation.

“(C) **PROVISION OF DATA.**—If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the Advisory Committee with the data and information on which such proposed regulation is based.

“(D) **REPORT AND RECOMMENDATION.**—The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation under this paragraph and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation.

“(E) **PUBLIC AVAILABILITY.**—The Secretary shall make a copy of each report and recommendation under subparagraph (D) publicly available.

“(e) **MENTHOL CIGARETTES.**—

“(1) **REFERRAL; CONSIDERATIONS.**—Immediately upon the establishment of the Tobacco Products Scientific Advisory Committee under section 917(a), the Secretary shall refer to the Committee for report and recommendation, under section 917(c)(4), the issue of the impact of the use of menthol in cigarettes on the public health, including such use among children, African-Americans, Hispanics, and other racial and ethnic minorities. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsections (a)(3)(B)(i) and (b).

“(2) **REPORT AND RECOMMENDATION.**—Not later than 1 year after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

“(3) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act applicable to menthol.

“(f) **DISSOLVABLE TOBACCO PRODUCTS.**—

“(1) **REFERRAL; CONSIDERATIONS.**—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee for report and recommendation, under section 917(c)(4), the issue of the nature and impact of the use of dissolvable tobacco products on the public health, including such use among children. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsection (a)(3)(B)(i).

“(2) **REPORT AND RECOMMENDATION.**—Not later than 2 years after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

“(3) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act at any time applicable to any dissolvable tobacco product.

“SEC. 908. NOTIFICATION AND OTHER REMEDIES.

“(a) **NOTIFICATION.**—If the Secretary determines that—

“(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

“(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk, the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons

and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

“(b) **NO EXEMPTION FROM OTHER LIABILITY.**—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

“(c) **RECALL AUTHORITY.**—

“(1) **IN GENERAL.**—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

“(2) **AMENDMENT OF ORDER TO REQUIRE RECALL.**—

“(A) **IN GENERAL.**—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

“(B) **NOTICE.**—An amended order under subparagraph (A)—

“(i) shall not include recall of a tobacco product from individuals; and

“(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

“(3) **REMEDY NOT EXCLUSIVE.**—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a).

“SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

“(a) **IN GENERAL.**—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

“(1) may require a tobacco product manufacturer or importer to report to the Secretary

whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

“(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

“(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

“(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

“(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

“(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

“(b) **REPORTS OF REMOVALS AND CORRECTIONS.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

“(A) to reduce a risk to health posed by the tobacco product; or

“(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

“(2) **EXCEPTION.**—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

“SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.

“(a) **IN GENERAL.**—

“(1) **NEW TOBACCO PRODUCT DEFINED.**—For purposes of this section the term ‘new tobacco product’ means—

“(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007; or

“(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in

the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007.

“(2) **PREMARKET REVIEW REQUIRED.**—

“(A) **NEW PRODUCTS.**—An order under subsection (c)(1)(A)(i) for a new tobacco product is required unless—

“(i) the manufacturer has submitted a report under section 905(j); and the Secretary has issued an order that the tobacco product—

“(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007; and

“(II) is in compliance with the requirements of this Act; or

“(ii) the tobacco product is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

“(B) **APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.**—Subparagraph (A) shall not apply to a tobacco product—

“(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

“(ii) for which a report was submitted under section 905(j) within such 21-month period,

except that subparagraph (A) shall apply to the tobacco product if the Secretary issues an order that the tobacco product is not substantially equivalent.

“(3) **SUBSTANTIALLY EQUIVALENT DEFINED.**—

“(A) **IN GENERAL.**—In this section and section 905(j), the term ‘substantially equivalent’ or ‘substantial equivalence’ means, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

“(i) has the same characteristics as the predicate tobacco product; or

“(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

“(B) **CHARACTERISTICS.**—In subparagraph (A), the term ‘characteristics’ means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

“(C) **LIMITATION.**—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

“(4) **HEALTH INFORMATION.**—

“(A) **SUMMARY.**—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

“(B) **REQUIRED INFORMATION.**—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

“(b) **APPLICATION.**—

“(1) **CONTENTS.**—An application under this section shall contain—

“(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

“(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

“(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

“(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

“(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

“(F) specimens of the labeling proposed to be used for such tobacco product; and

“(G) such other information relevant to the subject matter of the application as the Secretary may require.

“(2) **REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.**—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

“(A) may, on the Secretary’s own initiative; or

“(B) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting the application, together with all underlying data and the reasons or basis for the recommendation.

“(c) **ACTION ON APPLICATION.**—

“(1) **DEADLINE.**—

“(A) **IN GENERAL.**—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under subsection (b)(2), shall—

“(i) issue an order that the new product may be introduced or delivered for introduction into interstate commerce if the Secretary finds that none of the grounds specified in paragraph (2) of this subsection applies; or

“(ii) issue an order that the new product may not be introduced or delivered for introduction into interstate commerce if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

“(B) **RESTRICTIONS ON SALE AND DISTRIBUTION.**—An order under subparagraph (A)(i) may require that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

“(2) **DENIAL OF APPLICATION.**—The Secretary shall deny an application submitted under subsection (b) if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

“(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

“(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

“(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

“(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, and there is a lack of adequate information to justify the deviation from such standard.

“(3) **DENIAL INFORMATION.**—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to remove such application from deniable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

“(4) **BASIS FOR FINDING.**—For purposes of this section, the finding as to whether the marketing of a tobacco product for which an application has been submitted is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(5) **BASIS FOR ACTION.**—

“(A) **INVESTIGATIONS.**—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

“(B) **OTHER EVIDENCE.**—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product, the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

“(d) **WITHDRAWAL AND TEMPORARY SUSPENSION.**—

“(1) **IN GENERAL.**—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing for a tobacco product for which an order was issued under subsection (c)(1)(A)(i), issue an order withdrawing the order if the Secretary finds—

“(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

“(B) that the application contained or was accompanied by an untrue statement of a material fact;

“(C) that the applicant—

“(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

“(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

“(iii) has not complied with the requirements of section 905;

“(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before

the Secretary when the application was reviewed, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

“(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was reviewed, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

“(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such order was issued, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which was a condition to the issuance of an order relating to the application, and that there is a lack of adequate information to justify the deviation from such standard.

“(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing an order issued pursuant to subsection (c)(1)(A)(i) may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with section 912.

“(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an order would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the authority of the manufacturer to market the product. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

“(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

“(1) in person by any officer or employee of the department designated by the Secretary; or

“(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

“(f) RECORDS.—

“(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an order issued pursuant to subsection (c)(1)(A)(i) for an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such order.

“(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge of custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

“(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of

this chapter under such conditions as the Secretary may by regulation prescribe.

“SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

“(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless an order issued pursuant to subsection (g) is effective with respect to such product.

“(b) DEFINITIONS.—In this section:

“(1) MODIFIED RISK TOBACCO PRODUCT.—The term ‘modified risk tobacco product’ means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

“(2) SOLD OR DISTRIBUTED.—

“(A) IN GENERAL.—With respect to a tobacco product, the term ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ means a tobacco product—

“(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

“(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

“(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

“(III) the tobacco product or its smoke does not contain or is free of a substance;

“(ii) the label, labeling, or advertising of which uses the descriptors ‘light’, ‘mild’, or ‘low’ or similar descriptors; or

“(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling, or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

“(B) LIMITATION.—No tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’, except as described in subparagraph (A).

“(C) SMOKELESS TOBACCO PRODUCT.—No smokeless tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ solely because its label, labeling, or advertising uses the following phrases to describe such product and its use: ‘smokeless tobacco’, ‘smokeless tobacco product’, ‘not consumed by smoking’, ‘does not produce smoke’, ‘smokefree’, ‘smoke-free’, ‘without smoke’, ‘no smoke’, or ‘not smoke’.

“(3) EFFECTIVE DATE.—The provisions of paragraph (2)(A)(ii) shall take effect 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act for those products whose label, labeling, or advertising contains the terms described in such paragraph on such date of enactment. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with paragraph (2)(A)(ii).

“(c) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking

cessation, is not a modified risk tobacco product under this section if it has been approved as a drug or device by the Food and Drug Administration and is subject to the requirements of chapter V.

“(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

“(1) a description of the proposed product and any proposed advertising and labeling;

“(2) the conditions for using the product;

“(3) the formulation of the product;

“(4) sample product labels and labeling;

“(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

“(6) data and information on how consumers actually use the tobacco product; and

“(7) such other information as the Secretary may require.

“(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

“(f) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this section.

“(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Secretary.

“(g) MARKETING.—

“(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall, with respect to an application submitted under this section, issue an order that a modified risk product may be commercially marketed only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

“(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

“(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

“(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

“(A) IN GENERAL.—The Secretary may issue an order that a tobacco product may be introduced or delivered for introduction into interstate commerce, pursuant to an application under this section, with respect to a tobacco product that may not be commercially marketed under paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

“(i) such order would be appropriate to promote the public health;

“(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b) is limited to an explicit or implicit representation that such tobacco product or its smoke does not contain or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

“(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

“(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is reasonably likely in subsequent studies.

“(B) ADDITIONAL FINDINGS REQUIRED.—To issue an order under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

“(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

“(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the reasonably likely overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

“(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

“(I) is or has been demonstrated to be less harmful; or

“(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

“(iv) issuance of an order with respect to the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

“(C) CONDITIONS OF MARKETING.—

“(i) IN GENERAL.—Applications subject to an order under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

“(ii) AGREEMENTS BY APPLICANT.—An order under this paragraph shall be conditioned on the applicant's agreement to conduct postmarket surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the order on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the order was based in accordance with a protocol approved by the Secretary.

“(iii) ANNUAL SUBMISSION.—The results of such postmarket surveillance and studies described in clause (ii) shall be submitted annually.

“(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

“(A) the scientific evidence submitted by the applicant; and

“(B) scientific evidence and other information that is made available to the Secretary.

“(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

“(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

“(B) the increased or decreased likelihood that existing users of tobacco products who

would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

“(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

“(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

“(E) comments, data, and information submitted by interested persons.

“(h) ADDITIONAL CONDITIONS FOR MARKETING.—

“(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the marketing of a product under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

“(2) COMPARATIVE CLAIMS.—

“(A) IN GENERAL.—The Secretary may require for the marketing of a product under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

“(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

“(3) LABEL DISCLOSURE.—

“(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

“(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

“(4) TIME.—An order issued under subsection (g)(1) shall be effective for a specified period of time.

“(5) ADVERTISING.—The Secretary may require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product.

“(i) POSTMARKET SURVEILLANCE AND STUDIES.—

“(1) IN GENERAL.—The Secretary shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the applicant conduct postmarket surveillance and studies for such a tobacco product to determine the impact of the order issuance on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

“(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health.

“(j) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g) if the Secretary determines that—

“(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

“(2) the application failed to include material information or included any untrue statement of material fact;

“(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

“(A) a tobacco product standard is established pursuant to section 907;

“(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

“(C) any postmarket surveillance or studies reveal that the order is no longer consistent with the protection of the public health;

“(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or subsection (i); or

“(5) the applicant failed to meet a condition imposed under subsection (h).

“(k) CHAPTER IV OR V.—A product for which the Secretary has issued an order pursuant to subsection (g) shall not be subject to chapter IV or V.

“(l) IMPLEMENTING REGULATIONS OR GUIDANCE.—

“(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

“(A) to the extent that adequate scientific evidence exists, establish minimum standards for scientific studies needed prior to issuing an order under subsection (g) to show that a substantial reduction in morbidity or mortality among individual tobacco users occurs for products described in subsection (g)(1) or is reasonably likely for products described in subsection (g)(2);

“(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

“(C) establish minimum standards for postmarket studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

“(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception;

“(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product; and

“(F) establish a reasonable timetable for the Secretary to review an application under this section.

“(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

“(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

“(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and which the applicant seeks to commercially market under this section.

“(m) DISTRIBUTORS.—Except as provided in this section, no distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

“SEC. 912. JUDICIAL REVIEW.

“(a) RIGHT TO REVIEW.—

“(1) IN GENERAL.—Not later than 30 days after—

“(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

“(B) a denial of an application under section 910(c),

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

“(2) REQUIREMENTS.—

“(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

“(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

“(i) the record of the proceedings on which the regulation or order was based; and

“(ii) a statement of the reasons for the issuance of such a regulation or order.

“(C) DEFINITION OF RECORD.—In this section, the term ‘record’ means—

“(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

“(ii) all information submitted to the Secretary with respect to such regulation or order;

“(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

“(iv) any hearing held with respect to such regulation or order; and

“(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

“(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5,

United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

“(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

“(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

“(e) REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

“SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.

“The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

“SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

“(a) JURISDICTION.—

“(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

“(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

“(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986—

“(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

“(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

“SEC. 915. REGULATION REQUIREMENT.

“(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations under this Act that meet the requirements of subsection (b).

“(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a)—

“(1) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and subbrand that the Secretary determines should be tested to protect the public health, provided that, for purposes of the testing requirements of this paragraph, tobacco products manufactured and sold by a single tobacco product manufacturer that are identical in all

respects except the labels, packaging design, logo, trade dress, trademark, brand name, or any combination thereof, shall be considered as a single brand; and

“(2) may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco-related disease.

“(c) AUTHORITY.—The Secretary shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

“(d) SMALL TOBACCO PRODUCT MANUFACTURERS.—

“(1) FIRST COMPLIANCE DATE.—The initial regulations promulgated under subsection (a) shall not impose requirements on small tobacco product manufacturers before the later of—

“(A) the end of the 2-year period following the final promulgation of such regulations; and

“(B) the initial date set by the Secretary for compliance with such regulations by manufacturers that are not small tobacco product manufacturers.

“(2) TESTING AND REPORTING INITIAL COMPLIANCE PERIOD.—

“(A) 4-YEAR PERIOD.—The initial regulations promulgated under subsection (a) shall give each small tobacco product manufacturer a 4-year period over which to conduct testing and reporting for all of its tobacco products. Subject to paragraph (1), the end of the first year of such 4-year period shall coincide with the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers or the end of the 2-year period following the final promulgation of such regulations, as described in paragraph (1)(A). A small tobacco product manufacturer shall be required—

“(i) to conduct such testing and reporting for 25 percent of its tobacco products during each year of such 4-year period; and

“(ii) to conduct such testing and reporting for its largest-selling tobacco products (as determined by the Secretary) before its other tobacco products, or in such other order of priority as determined by the Secretary.

“(B) CASE-BY-CASE DELAY.—Notwithstanding subparagraph (A), the Secretary may, on a case-by-case basis, delay the date by which an individual small tobacco product manufacturer must conduct testing and reporting for its tobacco products under this section based upon a showing of undue hardship to such manufacturer. Notwithstanding the preceding sentence, the Secretary shall not extend the deadline for a small tobacco product manufacturer to conduct testing and reporting for all of its tobacco products beyond a total of 5 years after the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers.

“(3) SUBSEQUENT AND ADDITIONAL TESTING AND REPORTING.—The regulations promulgated under subsection (a) shall provide that, with respect to any subsequent or additional testing and reporting of tobacco products required under this section, such testing and reporting by a small tobacco product manufacturer shall be conducted in accordance with the timeframes described in paragraph (2)(A), except that, in the case of a new product, or if there has been a modification described in section 910(a)(1)(B) of any product of a small tobacco product manufacturer since the last testing and reporting required under this section, the Secretary shall require that any subsequent or additional testing

and reporting be conducted in accordance with the same timeframe applicable to manufacturers that are not small tobacco product manufacturers.

“(4) **JOINT LABORATORY TESTING SERVICES.**—The Secretary shall allow any 2 or more small tobacco product manufacturers to join together to purchase laboratory testing services required by this section on a group basis in order to ensure that such manufacturers receive access to, and fair pricing of, such testing services.

“(e) **EXTENSIONS FOR LIMITED LABORATORY CAPACITY.**—

“(1) **IN GENERAL.**—The regulations promulgated under subsection (a) shall provide that a small tobacco product manufacturer shall not be considered to be in violation of this section before the deadline applicable under paragraphs (3) and (4), if—

“(A) the tobacco products of such manufacturer are in compliance with all other requirements of this chapter; and

“(B) the conditions described in paragraph (2) are met.

“(2) **CONDITIONS.**—Notwithstanding the requirements of this section, the Secretary may delay the date by which a small tobacco product manufacturer must be in compliance with the testing and reporting required by this section until such time as the testing is reported if, not later than 90 days before the deadline for reporting in accordance with this section, a small tobacco product manufacturer provides evidence to the Secretary demonstrating that—

“(A) the manufacturer has submitted the required products for testing to a laboratory and has done so sufficiently in advance of the deadline to create a reasonable expectation of completion by the deadline;

“(B) the products currently are awaiting testing by the laboratory; and

“(C) neither that laboratory nor any other laboratory is able to complete testing by the deadline at customary, nonexpedited testing fees.

“(3) **EXTENSION.**—The Secretary, taking into account the laboratory testing capacity that is available to tobacco product manufacturers, shall review and verify the evidence submitted by a small tobacco product manufacturer in accordance with paragraph (2). If the Secretary finds that the conditions described in such paragraph are met, the Secretary shall notify the small tobacco product manufacturer that the manufacturer shall not be considered to be in violation of the testing and reporting requirements of this section until the testing is reported or until 1 year after the reporting deadline has passed, whichever occurs sooner. If, however, the Secretary has not made a finding before the reporting deadline, the manufacturer shall not be considered to be in violation of such requirements until the Secretary finds that the conditions described in paragraph (2) have not been met, or until 1 year after the reporting deadline, whichever occurs sooner.

“(4) **ADDITIONAL EXTENSION.**—In addition to the time that may be provided under paragraph (3), the Secretary may provide further extensions of time, in increments of no more than 1 year, for required testing and reporting to occur if the Secretary determines, based on evidence properly and timely submitted by a small tobacco product manufacturer in accordance with paragraph (2), that a lack of available laboratory capacity prevents the manufacturer from completing the required testing during the period described in paragraph (3).

“(f) **RULE OF CONSTRUCTION.**—Nothing in subsection (d) or (e) shall be construed to authorize the extension of any deadline, or to otherwise affect any timeframe, under any provision of this Act or the Family Smoking Prevention and Tobacco Control Act other than this section.

“SEC. 916. PRESERVATION OF STATE AND LOCAL AUTHORITY.

“(a) **IN GENERAL.**—

“(1) **PRESERVATION.**—Except as provided in paragraph (2)(A), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, tribal, or local taxation of tobacco products.

“(2) **PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.**—

“(A) **IN GENERAL.**—No State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

“(B) **EXCEPTION.**—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as a trade secret and confidential information by the State.

“(b) **RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.**—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

“SEC. 917. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

“(a) **ESTABLISHMENT.**—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 12-member advisory committee, to be known as the Tobacco Products Scientific Advisory Committee (in this section referred to as the ‘Advisory Committee’).

“(b) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—

“(A) **MEMBERS.**—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

“(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

“(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

“(iii) 1 individual as a representative of the general public;

“(iv) 1 individual as a representative of the interests of the tobacco manufacturing industry;

“(v) 1 individual as a representative of the interests of the small business tobacco manufacturing industry, which position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee; and

“(vi) 1 individual as a representative of the interests of the tobacco growers.

“(B) **NONVOTING MEMBERS.**—The members of the committee appointed under clauses (iv), (v), and (vi) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

“(C) **CONFLICTS OF INTEREST.**—No members of the committee, other than members appointed pursuant to clauses (iv), (v), and (vi) of subparagraph (A) shall, during the member’s tenure on the committee or for the 18-month period prior to becoming such a member, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products.

“(2) **LIMITATION.**—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as *ex officio* members.

“(3) **CHAIRPERSON.**—The Secretary shall designate 1 of the members appointed under clauses (i), (ii), and (iii) of paragraph (1)(A) to serve as chairperson.

“(c) **DUTIES.**—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

“(1) as provided in this chapter;

“(2) on the effects of the alteration of the nicotine yields from tobacco products;

“(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

“(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

“(d) **COMPENSATION; SUPPORT; FACA.**—

“(1) **COMPENSATION AND TRAVEL.**—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(2) **ADMINISTRATIVE SUPPORT.**—The Secretary shall furnish the Advisory Committee clerical and other assistance.

“(3) **NONAPPLICATION OF FACA.**—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

“(e) **PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.**—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

“SEC. 918. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

“(a) **IN GENERAL.**—The Secretary shall—

“(1) at the request of the applicant, consider designating products for smoking cessation, including nicotine replacement products as fast track research and approval products within the meaning of section 506;

“(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

“(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

“(b) REPORT ON INNOVATIVE PRODUCTS.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, after consultation with recognized scientific, medical, and public health experts (including both Federal agencies and nongovernmental entities, the Institute of Medicine of the National Academy of Sciences, and the Society for Research on Nicotine and Tobacco), shall submit to the Congress a report that examines how best to regulate, promote, and encourage the development of innovative products and treatments (including nicotine-based and non-nicotine-based products and treatments) to better achieve, in a manner that best protects and promotes the public health—

“(A) total abstinence from tobacco use;

“(B) reductions in consumption of tobacco; and

“(C) reductions in the harm associated with continued tobacco use.

“(2) RECOMMENDATIONS.—The report under paragraph (1) shall include the recommendations of the Secretary on how the Food and Drug Administration should coordinate and facilitate the exchange of information on such innovative products and treatments among relevant offices and centers within the Administration and within the National Institutes of Health, the Centers for Disease Control and Prevention, and other relevant agencies.

“SEC. 919. USER FEES.

“(a) ESTABLISHMENT OF QUARTERLY FEE.—Beginning on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall in accordance with this section assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products subject to this chapter. The fees shall be assessed and collected with respect to each quarter of each fiscal year, and the total amount assessed and collected for a fiscal year shall be the amount specified in subsection (b)(1) for such year, subject to subsection (c).

“(b) ASSESSMENT OF USER FEE.—

“(1) AMOUNT OF ASSESSMENT.—The total amount of user fees authorized to be assessed and collected under subsection (a) for a fiscal year is the following, as applicable to the fiscal year involved:

“(A) For fiscal year 2009, \$85,000,000 (subject to subsection (e)).

“(B) For fiscal year 2010, \$235,000,000.

“(C) For fiscal year 2011, \$450,000,000.

“(D) For fiscal year 2012, \$477,000,000.

“(E) For fiscal year 2013, \$505,000,000.

“(F) For fiscal year 2014, \$534,000,000.

“(G) For fiscal year 2015, \$566,000,000.

“(H) For fiscal year 2016, \$599,000,000.

“(I) For fiscal year 2017, \$635,000,000.

“(J) For fiscal year 2018, \$672,000,000.

“(K) For fiscal year 2019 and each subsequent fiscal year, \$712,000,000.

“(2) ALLOCATIONS OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

“(A) IN GENERAL.—The total user fees assessed and collected under subsection (a) each fiscal year with respect to each class of tobacco products shall be an amount that is equal to the applicable percentage of each class for the fiscal

year multiplied by the amount specified in paragraph (1) for the fiscal year.

“(B) APPLICABLE PERCENTAGE.—

“(i) IN GENERAL.—For purposes of subparagraph (A), the applicable percentage for a fiscal year for each of the following classes of tobacco products shall be determined in accordance with clause (ii):

“(I) Cigarettes.

“(II) Cigars, including small cigars and cigars other than small cigars.

“(III) Snuff.

“(IV) Chewing tobacco.

“(V) Pipe tobacco.

“(VI) Roll-your-own tobacco.

“(ii) ALLOCATIONS.—The applicable percentage of each class of tobacco product described in clause (i) for a fiscal year shall be the percentage determined under section 625(c) of Public Law 108-357 for each such class of product for such fiscal year.

“(iii) REQUIREMENT OF REGULATIONS.—Notwithstanding clause (ii), no user fees shall be assessed on a class of tobacco products unless such class of tobacco products is listed in section 901(b) or is deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter.

“(iv) REALLOCATIONS.—In the case of a class of tobacco products that is not listed in section 901(b) or deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter, the amount of user fees that would otherwise be assessed to such class of tobacco products shall be reallocated to the classes of tobacco products that are subject to this chapter in the same manner and based on the same relative percentages otherwise determined under clause (ii).

“(3) DETERMINATION OF USER FEE BY COMPANY.—

“(A) IN GENERAL.—The total user fee to be paid by each manufacturer or importer of a particular class of tobacco products shall be determined for each quarter by multiplying—

“(i) such manufacturer's or importer's percentage share as determined under paragraph (4); by

“(ii) the portion of the user fee amount for the current quarter to be assessed on all manufacturers and importers of such class of tobacco products as determined under paragraph (2).

“(B) NO FEE IN EXCESS OF PERCENTAGE SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the percentage share of such manufacturer or importer.

“(4) ALLOCATION OF ASSESSMENT WITHIN EACH CLASS OF TOBACCO PRODUCT.—The percentage share of each manufacturer or importer of a particular class of tobacco products of the total user fee to be paid by all manufacturers or importers of that class of tobacco products shall be the percentage determined for purposes of allocations under subsections (e) through (h) of section 625 of Public Law 108-357.

“(5) ALLOCATION FOR CIGARS.—Notwithstanding paragraph (4), if a user fee assessment is imposed on cigars, the percentage share of each manufacturer or importer of cigars shall be based on the excise taxes paid by such manufacturer or importer during the prior fiscal year.

“(6) TIMING OF ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under this subsection for each quarter of each fiscal year. Such notifications shall occur not later than 30 days prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made by the last day of the quarter involved.

“(7) MEMORANDUM OF UNDERSTANDING.—

“(A) IN GENERAL.—The Secretary shall request the appropriate Federal agency to enter into a memorandum of understanding that provides for the regular and timely transfer from the head of such agency to the Secretary of the information described in paragraphs (2)(B)(ii) and (4) and all necessary information regarding all tobacco product manufacturers and importers required to pay user fees. The Secretary shall maintain all disclosure restrictions established by the head of such agency regarding the information provided under the memorandum of understanding.

“(B) ASSURANCES.—Beginning not later than fiscal year 2015, and for each subsequent fiscal year, the Secretary shall ensure that the Food and Drug Administration is able to determine the applicable percentages described in paragraph (2) and the percentage shares described in paragraph (4). The Secretary may carry out this subparagraph by entering into a contract with the head of the Federal agency referred to in subparagraph (A) to continue to provide the necessary information.

“(c) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, subject to paragraph (2)(D). Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) AVAILABILITY.—

“(A) IN GENERAL.—Fees appropriated under paragraph (3) are available only for the purpose of paying the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter and the Family Smoking Prevention and Tobacco Control Act (referred to in this subsection as ‘tobacco regulation activities’), except that such fees may be used for the reimbursement specified in subparagraph (C).

“(B) PROHIBITION AGAINST USE OF OTHER FUNDS.—

“(i) IN GENERAL.—Except as provided in clause (ii), fees collected under subsection (a) are the only funds authorized to be made available for tobacco regulation activities.

“(ii) STARTUP COSTS.—Clause (i) does not apply until October 1, 2009. Until such date, any amounts available to the Food and Drug Administration (excluding user fees) shall be available and allocated as needed to pay the costs of tobacco regulation activities.

“(C) REIMBURSEMENT OF START-UP AMOUNTS.—

“(i) IN GENERAL.—Any amounts allocated for the start-up period pursuant to subparagraph (B)(ii) shall be reimbursed through any appropriated fees collected under subsection (a), in such manner as the Secretary determines appropriate to ensure that such allocation results in no net change in the total amount of funds otherwise available, for the period from October 1, 2008, through September 30, 2010, for Food and Drug Administration programs and activities (other than tobacco regulation activities) for such period.

“(ii) TREATMENT OF REIMBURSED AMOUNTS.—Amounts reimbursed under clause (i) shall be available for the programs and activities for which funds allocated for the start-up period were available, prior to such allocation, until September 30, 2010, notwithstanding any otherwise applicable limits on amounts for such programs or activities for a fiscal year.

“(D) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding the first sentence of

paragraph (1), fees under subsection (a) may be collected through September 30, 2009 under subparagraph (B)(ii) and shall be available for obligation and remain available until expended. Such offsetting collections shall be credited to the salaries and expenses account of the Food and Drug Administration.

“(E) OBLIGATION OF START-UP COSTS IN ANTICIPATION OF AVAILABLE FEE COLLECTIONS.—Notwithstanding any other provision of law, following the enactment of an appropriation for fees under this section for fiscal year 2010, or any portion thereof, obligations for costs of tobacco regulation activities during the start-up period may be incurred in anticipation of the receipt of offsetting fee collections through procedures specified in section 1534 of title 31, United States Code.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amount specified in subsection (b)(1) for the fiscal year.

“(d) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(e) APPLICABILITY TO FISCAL YEAR 2009.—If the date of enactment of the Family Smoking Prevention and Tobacco Control Act occurs during fiscal year 2009, the following applies, subject to subsection (c):

“(1) The Secretary shall determine the fees that would apply for a single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1)(A) of such subsection (referred to in this subsection as the ‘quarterly fee amounts’).

“(2) For the quarter in which such date of enactment occurs, the amount of fees assessed shall be a pro rata amount, determined according to the number of days remaining in the quarter (including such date of enactment) and according to the daily equivalent of the quarterly fee amounts. Fees assessed under the preceding sentence shall not be collected until the next quarter.

“(3) For the quarter following the quarter to which paragraph (2) applies, the full quarterly fee amounts shall be assessed and collected, in addition to collection of the pro rata fees assessed under paragraph (2).”.

(c) CONFORMING AMENDMENT.—Section 9(1) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408(i)) is amended to read as follows:

“(1) The term ‘smokeless tobacco’ has the meaning given such term by section 900(18) of the Federal Food, Drug, and Cosmetic Act.”.

SEC. 102. FINAL RULE.

(a) CIGARETTES AND SMOKELESS TOBACCO.—

(1) IN GENERAL.—On the first day of publication of the Federal Register that is 180 days or more after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final rule regarding cigarettes and smokeless tobacco, which—

(A) is deemed to be issued under chapter 9 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this division; and

(B) shall be deemed to be in compliance with all applicable provisions of chapter 5 of title 5, United States Code, and all other provisions of law relating to rulemaking procedures.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services

in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection in accordance with this division and the amendments made by this division;

(B) strike Subpart C—Labels and section 897.32(c);

(C) strike paragraphs (a), (b), and (i) of section 897.3 and insert definitions of the terms “cigarette”, “cigarette tobacco”, and “smokeless tobacco” as defined in section 900 of the Federal Food, Drug, and Cosmetic Act;

(D) insert “or roll-your-own paper” in section 897.34(a) after “other than cigarettes or smokeless tobacco”;

(E) include such modifications to section 897.30(b), if any, that the Secretary determines are appropriate in light of governing First Amendment case law, including the decision of the Supreme Court of the United States in *Lorillard Tobacco Co. v. Reilly* (533 U.S. 525 (2001));

(F) become effective on the date that is 1 year after the date of enactment of this Act; and

(G) amend paragraph (d) of section 897.16 to read as follows:

“(d)(1) Except as provided in subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products (as such term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act).

“(2)(A) Subparagraph (1) does not prohibit a manufacturer, distributor, or retailer from distributing or causing to be distributed free samples of smokeless tobacco in a qualified adult-only facility.

“(B) This subparagraph does not affect the authority of a State or local government to prohibit or otherwise restrict the distribution of free samples of smokeless tobacco.

“(C) For purposes of this paragraph, the term ‘qualified adult-only facility’ means a facility or restricted area that—

“(i) requires each person present to provide to a law enforcement officer (whether on or off duty) or to a security guard licensed by a governmental entity government-issued identification showing a photograph and at least the minimum age established by applicable law for the purchase of smokeless tobacco;

“(ii) does not sell, serve, or distribute alcohol;

“(iii) is not located adjacent to or immediately across from (in any direction) a space that is used primarily for youth-oriented marketing, promotional, or other activities;

“(iv) is a temporary structure constructed, designated, and operated as a distinct enclosed area for the purpose of distributing free samples of smokeless tobacco in accordance with this subparagraph;

“(v) is enclosed by a barrier that—

“(I) is constructed of, or covered with, an opaque material (except for entrances and exits);

“(II) extends from no more than 12 inches above the ground or floor (which area at the bottom of the barrier must be covered with material that restricts visibility but may allow airflow) to at least 8 feet above the ground or floor (or to the ceiling); and

“(III) prevents persons outside the qualified adult-only facility from seeing into the qualified adult-only facility, unless they make unreasonable efforts to do so; and

“(vi) does not display on its exterior—

“(I) any tobacco product advertising;

“(II) a brand name other than in conjunction with words for an area or enclosure to identify an adult-only facility; or

“(III) any combination of words that would imply to a reasonable observer that the manu-

facturer, distributor, or retailer has a sponsorship that would violate section 897.34(c).

“(D) Distribution of samples of smokeless tobacco under this subparagraph permitted to be taken out of the qualified adult-only facility shall be limited to 1 package per adult consumer containing no more than 0.53 ounces (15 grams) of smokeless tobacco. If such package of smokeless tobacco contains individual portions of smokeless tobacco, the individual portions of smokeless tobacco shall not exceed 8 individual portions and the collective weight of such individual portions shall not exceed 0.53 ounces (15 grams). Any manufacturer, distributor, or retailer who distributes or causes to be distributed free samples also shall take reasonable steps to ensure that the above amounts are limited to one such package per adult consumer per day.

“(3) Notwithstanding subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of smokeless tobacco—

“(A) to a sports team or entertainment group;

or

“(B) at any football, basketball, baseball, soccer, or hockey event or any other sporting or entertainment event determined by the Secretary to be covered by this subparagraph.

“(4) The Secretary shall implement a program to ensure compliance with this paragraph and submit a report to the Congress on such compliance not later than 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

“(5) Nothing in this paragraph shall be construed to authorize any person to distribute or cause to be distributed any sample of a tobacco product to any individual who has not attained the minimum age established by applicable law for the purchase of such product.”.

(3) AMENDMENTS TO RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with chapter 5 of title 5, United States Code.

(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with chapter 5 of title 5, United States Code, the regulation promulgated pursuant to this section, including the provisions of such regulation relating to distribution of free samples.

(5) ENFORCEMENT OF RETAIL SALE PROVISIONS.—The Secretary of Health and Human Services shall ensure that the provisions of this division, the amendments made by this division, and the implementing regulations (including such provisions, amendments, and regulations relating to the retail sale of tobacco products) are enforced with respect to the United States and Indian tribes.

(6) QUALIFIED ADULT-ONLY FACILITY.—A qualified adult-only facility (as such term is defined in section 897.16(d) of the final rule published under paragraph (1)) that is also a retailer shall not be subject to the limitations in section 103(q) and shall be subject to penalties applicable to a qualified adult-only facility.

(7) CONGRESSIONAL REVIEW PROVISIONS.—Section 801 of title 5, United States Code, shall not apply to the final rule published under paragraph (1).

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document titled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents" (60 Fed. Reg. 41314-41372 (August 11, 1995)).

(2) The document titled "Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act" (60 Fed. Reg. 41453-41787 (August 11, 1995)).

(3) The preamble to the final rule in the document titled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (61 Fed. Reg. 44396-44615 (August 28, 1996)).

(4) The document titled "Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination" (61 Fed. Reg. 44619-45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting "tobacco product," after "device,";

(2) in subsection (b), by inserting "tobacco product," after "device,";

(3) in subsection (c), by inserting "tobacco product," after "device,";

(4) in subsection (e)—

(A) by striking the period after "572(i)"; and
(B) by striking "or 761 or the refusal to permit access to" and inserting "761, 909, or 920 or the refusal to permit access to";

(5) in subsection (g), by inserting "tobacco product," after "device,";

(6) in subsection (h), by inserting "tobacco product," after "device,";

(7) in subsection (j)—

(A) by striking the period after "573"; and
(B) by striking "708, or 721" and inserting "708, 721, 904, 905, 906, 907, 908, 909, or 920(b)";

(8) in subsection (k), by inserting "tobacco product," after "device,";

(9) by striking subsection (p) and inserting the following:

"(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(i)(3).";

(10) by striking subsection (q)(1) and inserting the following:

"(q)(1) The failure or refusal—

(A) to comply with any requirement prescribed under section 518, 520(g), 903(b), 907, 908, or 915;

(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or 920; or

(C) to comply with a requirement under section 522 or 913.";

(11) in subsection (q)(2), by striking "device," and inserting "device or tobacco product,";

(12) in subsection (r), by inserting "or tobacco product" after the term "device" each time that such term appears; and

(13) by adding at the end the following:

"(oo) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

(pp) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

"(qq)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

"(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

"(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

"(rr) The charitable distribution of tobacco products.

"(ss) The failure of a manufacturer or distributor to notify the Attorney General and the Secretary of the Treasury of their knowledge of tobacco products used in illicit trade.

"(tt) Making any express or implied statement or representation directed to consumers with respect to a tobacco product, in a label or labeling or through the media or advertising, that either conveys, or misleads or would mislead consumers into believing, that—

"(1) the product is approved by the Food and Drug Administration;

"(2) the Food and Drug Administration deems the product to be safe for use by consumers;

"(3) the product is endorsed by the Food and Drug Administration for use by consumers; or

"(4) the product is safe or less harmful by virtue of—

"(A) its regulation or inspection by the Food and Drug Administration; or

"(B) its compliance with regulatory requirements set by the Food and Drug Administration; including any such statement or representation rendering the product misbranded under section 903.";

(c) SECTION 303.—Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) in paragraph (5)—

(A) by striking "paragraph (1), (2), (3), or (4)" each place such appears and inserting "paragraph (1), (2), (3), (4), or (9)";

(B) in subparagraph (A)—

(i) by striking "assessed" the first time it appears and inserting "assessed, or a no-tobacco-sale order may be imposed,"; and

(ii) by striking "penalty" the second time it appears and inserting "penalty, or upon whom a no-tobacco-sale order is to be imposed,";

(C) in subparagraph (B)—

(i) by inserting after "penalty," the following: "or the period to be covered by a no-tobacco-sale order,"; and

(ii) by adding at the end the following: "A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order."; and

(D) by adding at the end the following:

"(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.";

(2) in paragraph (6)—

(A) by inserting "or the imposition of a no-tobacco-sale order" after the term "penalty" each place such term appears; and

(B) by striking "issued." and inserting "issued, or on which the no-tobacco-sale order was imposed, as the case may be."; and

(3) by adding at the end the following:

"(8) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1). Prior to the entry of a no-sale order under this paragraph, a person shall be entitled to a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer's request a hearing by telephone, or at the nearest regional or field office of the Food and Drug Administration, or at a Federal, State, or county facility within 100 miles from the location of the retail outlet, if such a facility is available.

"(9) CIVIL MONETARY PENALTIES FOR VIOLATION OF TOBACCO PRODUCT REQUIREMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), any person who violates a requirement of this Act which relates to tobacco products shall be liable to the United States for a civil penalty in an amount not to exceed \$15,000 for each such violation, and not to exceed \$1,000,000 for all such violations adjudicated in a single proceeding.

"(B) ENHANCED PENALTIES.—

"(i) Any person who intentionally violates a requirement of section 902(5), 902(6), 904, 908(c), or 911(a), shall be subject to a civil monetary penalty of—

"(I) not to exceed \$250,000 per violation, and not to exceed \$1,000,000 for all such violations adjudicated in a single proceeding; or

"(II) in the case of a violation that continues after the Secretary provides written notice to such person, \$250,000 for the first 30-day period (or any portion thereof) that the person continues to be in violation, and such amount shall double for every 30-day period thereafter that the violation continues, not to exceed \$1,000,000 for any 30-day period, and not to exceed \$10,000,000 for all such violations adjudicated in a single proceeding.

"(ii) Any person who violates a requirement of section 911(g)(2)(C)(ii) or 911(i)(1), shall be subject to a civil monetary penalty of—

"(I) not to exceed \$250,000 per violation, and not to exceed \$1,000,000 for all such violations adjudicated in a single proceeding; or

"(II) in the case of a violation that continues after the Secretary provides written notice to such person, \$250,000 for the first 30-day period (or any portion thereof) that the person continues to be in violation, and such amount shall double for every 30-day period thereafter that the violation continues, not to exceed \$1,000,000 for any 30-day period, and not to exceed \$10,000,000 for all such violations adjudicated in a single proceeding.

"(iii) In determining the amount of a civil penalty under clause (i)(II) or (ii)(II), the Secretary shall take into consideration whether the person is making efforts toward correcting the violation of the requirements of the section for which such person is subject to such civil penalty.";

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking "and" before "(D)"; and

(B) by striking "device," and inserting the following: "device, and (E) Any adulterated or misbranded tobacco product.";

(2) in subsection (d)(1), by inserting "tobacco product," after "device,";

(3) in subsection (g)(1), by inserting "or tobacco product" after the term "device" each place such term appears; and

(4) in subsection (g)(2)(A), by inserting "or tobacco product" after "device".

(e) SECTION 505.—Section 505(n)(2) (21 U.S.C. 355(n)(2)) is amended by striking “section 904” and inserting “section 1004”.

(f) SECTION 523.—Section 523(b)(2)(D) (21 U.S.C. 360m(b)(2)(D)) is amended by striking “section 903(g)” and inserting “section 1003(g)”.

(g) SECTION 702.—Section 702(a)(1) (U.S.C. 372(a)(1)) is amended—

(1) by striking “(a)(1)” and inserting “(a)(1)(A)”; and

(2) by adding at the end the following:

“(B)(i) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with this paragraph to carry out inspections of retailers within that State in connection with the enforcement of this Act.

“(ii) The Secretary shall not enter into any contract under clause (i) with the government of any of the several States to exercise enforcement authority under this Act on Indian country without the express written consent of the Indian tribe involved.”.

(h) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting “tobacco product,” after the term “device,” each place such term appears; and

(2) by inserting “tobacco products,” after the term “devices,” each place such term appears.

(i) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)—

(A) by striking “devices, or cosmetics” each place it appears and inserting “devices, tobacco products, or cosmetics”;

(B) by striking “or restricted devices” each place it appears and inserting “restricted devices, or tobacco products”; and

(C) by striking “and devices and subject to” and all that follows through “other drugs or devices” and inserting “devices, and tobacco products and subject to reporting and inspection under regulations lawfully issued pursuant to section 505 (i) or (k), section 519, section 520(g), or chapter IX and data relating to other drugs, devices, or tobacco products”;

(2) in subsection (b), by inserting “tobacco product,” after “device,”; and

(3) in subsection (g)(13), by striking “section 903(g)” and inserting “section 1003(g)”.

(j) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting “tobacco products,” after “devices,”.

(k) SECTION 709.—Section 709 (21 U.S.C. 379a) is amended by inserting “tobacco product,” after “device,”.

(l) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting “tobacco products,” after the term “devices,”;

(B) by inserting “or section 905(h)” after “section 510”; and

(C) by striking the term “drugs or devices” each time such term appears and inserting “drugs, devices, or tobacco products”;

(2) in subsection (e)(1)—

(A) by inserting “tobacco product” after “drug, device,”; and

(B) by inserting “, and a tobacco product intended for export shall not be deemed to be in violation of section 906(e), 907, 911, or 920(a),” before “if it—”; and

(3) by adding at the end the following:

“(p)(1) Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

“(A) the nature, extent, and destination of United States tobacco product exports that do

not conform to tobacco product standards established pursuant to this Act;

“(B) the public health implications of such exports, including any evidence of a negative public health impact; and

“(C) recommendations or assessments of policy alternatives available to Congress and the executive branch to reduce any negative public health impact caused by such exports.

“(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.”.

(m) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(b)) is amended—

(1) by striking “and” after “cosmetics,”; and

(2) inserting “, and tobacco products” after “devices”.

(n) SECTION 1009.—Section 1009(b) (as redesignated by section 101(b)) is amended by striking “section 908” and inserting “section 1008”.

(o) SECTION 409 OF THE FEDERAL MEAT INSPECTION ACT.—Section 409(a) of the Federal Meat Inspection Act (21 U.S.C. 679(a)) is amended by striking “section 902(b)” and inserting “section 1002(b)”.

(p) RULE OF CONSTRUCTION.—Nothing in this section is intended or shall be construed to expand, contract, or otherwise modify or amend the existing limitations on State government authority over tribal restricted fee or trust lands.

(q) GUIDANCE AND EFFECTIVE DATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term “repeated violation”, as used in section 303(f)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)(8)) as amended by subsection (c), as including at least 5 violations of particular requirements over a 36-month period at a particular retail outlet that constitute a repeated violation and providing for civil penalties in accordance with paragraph (2);

(B) providing for timely and effective notice by certified or registered mail or personal delivery to the retailer of each alleged violation at a particular retail outlet prior to conducting a followup compliance check, such notice to be sent to the location specified on the retailer’s registration or to the retailer’s registered agent if the retailer has provided such agent information to the Food and Drug Administration prior to the violation;

(C) providing for a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer’s request a hearing by telephone or at the nearest regional or field office of the Food and Drug Administration, and providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing that civil money penalties for multiple violations shall increase from one violation to the next violation pursuant to paragraph (2) within the time periods provided for in such paragraph;

(F) providing that good faith reliance on the presentation of a false government-issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device; and

(G) providing for the Secretary, in determining whether to impose a no-tobacco-sale order and in determining whether to compromise, modify, or terminate such an order, to consider whether the retailer has taken effective steps to prevent violations of the minimum age requirements for the sale of tobacco products, including the steps listed in subparagraph (F).

(2) PENALTIES FOR VIOLATIONS.—

(A) IN GENERAL.—The amount of the civil penalty to be applied for violations of restrictions promulgated under section 906(d), as described in paragraph (1), shall be as follows:

(i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, \$0.00 together with the issuance of a warning letter to the retailer;

(II) in the case of a second violation within a 12-month period, \$250;

(III) in the case of a third violation within a 24-month period, \$500;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

(ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, \$250;

(II) in the case of a second violation within a 12-month period, \$500;

(III) in the case of a third violation within a 24-month period, \$1,000;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

(B) TRAINING PROGRAM.—For purposes of subparagraph (A), the term “approved training program” means a training program that complies with standards developed by the Food and Drug Administration for such programs.

(C) CONSIDERATION OF STATE PENALTIES.—The Secretary shall coordinate with the States in enforcing the provisions of this Act and, for purposes of mitigating a civil penalty to be applied for a violation by a retailer of any restriction promulgated under section 906(d), shall consider the amount of any penalties paid by the retailer to a State for the same violation.

(3) GENERAL EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), and (4) of subsection (c) shall take effect upon the issuance of guidance described in paragraph (1) of this subsection.

(4) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (c)(1) shall take effect on the date of enactment of this Act.

(5) PACKAGE LABEL REQUIREMENTS.—The package label requirements of paragraphs (3) and (4) of section 903(a) of the Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on the date that is 12 months after the date of enactment of this Act. The package label requirements of paragraph (2) of such section 903(a) for cigarettes shall take effect on the date that is 15 months after the issuance of the regulations required by section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201 of this division. The package label requirements of paragraph (2) of such section 903(a) for tobacco products other than cigarettes

shall take effect on the date that is 12 months after the date of enactment of this Act. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 903(a) (2), (3), and (4) and section 920(a) of the Federal Food, Drug, and Cosmetic Act.

(6) **ADVERTISING REQUIREMENTS.**—The advertising requirements of section 903(a)(8) of the Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on the date that is 12 months after the date of enactment of this Act.

SEC. 104. STUDY ON RAISING THE MINIMUM AGE TO PURCHASE TOBACCO PRODUCTS.

The Secretary of Health and Human Services shall—

(1) convene an expert panel to conduct a study on the public health implications of raising the minimum age to purchase tobacco products; and

(2) not later than 5 years after the date of enactment of this Act, submit a report to the Congress on the results of such study.

SEC. 105. ENFORCEMENT ACTION PLAN FOR ADVERTISING AND PROMOTION RESTRICTIONS.

(a) **ACTION PLAN.**—

(1) **DEVELOPMENT.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall develop and publish an action plan to enforce restrictions adopted pursuant to section 906 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this division, or pursuant to section 102(a) of this division, on promotion and advertising of menthol and other cigarettes to youth.

(2) **CONSULTATION.**—The action plan required by paragraph (1) shall be developed in consultation with public health organizations and other stakeholders with demonstrated expertise and experience in serving minority communities.

(3) **PRIORITY.**—The action plan required by paragraph (1) shall include provisions designed to ensure enforcement of the restrictions described in paragraph (1) in minority communities.

(b) **STATE AND LOCAL ACTIVITIES.**—

(1) **INFORMATION ON AUTHORITY.**—Not later than 3 months after the date of enactment of this Act, the Secretary shall inform State, local, and tribal governments of the authority provided to such entities under section 5(c) of the Federal Cigarette Labeling and Advertising Act, as added by section 203 of this division, or preserved by such entities under section 916 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this division.

(2) **COMMUNITY ASSISTANCE.**—At the request of communities seeking assistance to prevent underage tobacco use, the Secretary shall provide such assistance, including assistance with strategies to address the prevention of underage tobacco use in communities with a disproportionate use of menthol cigarettes by minors.

SEC. 106. STUDIES OF PROGRESS AND EFFECTIVENESS.

(a) **FDA REPORT.**—Not later than 3 years after the date of enactment of this Act, and not less than every 2 years thereafter, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning—

(1) the progress of the Food and Drug Administration in implementing this division, including major accomplishments, objective measure-

ments of progress, and the identification of any areas that have not been fully implemented;

(2) impediments identified by the Food and Drug Administration to progress in implementing this division and to meeting statutory timeframes;

(3) data on the number of new product applications received under section 910 of the Federal Food, Drug, and Cosmetic Act and modified risk product applications received under section 911 of such Act, and the number of applications acted on under each category; and

(4) data on the number of full time equivalents engaged in implementing this division.

(b) **GAO REPORT.**—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of, and submit to the Committees described in subsection (a) a report concerning—

(1) the adequacy of the authority and resources provided to the Secretary of Health and Human Services for this division to carry out its goals and purposes; and

(2) any recommendations for strengthening that authority to more effectively protect the public health with respect to the manufacture, marketing, and distribution of tobacco products.

(c) **PUBLIC AVAILABILITY.**—The Secretary of Health and Human Services and the Comptroller General of the United States, respectively, shall make the reports required under subsection (a) and (b) available to the public, including by posting such reports on the respective Internet websites of the Food and Drug Administration and the Government Accountability Office.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

(a) **AMENDMENT.**—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

“SEC. 4. LABELING.

“(a) LABEL REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

“WARNING: Cigarettes are addictive.

“WARNING: Tobacco smoke can harm your children.

“WARNING: Cigarettes cause fatal lung disease.

“WARNING: Cigarettes cause cancer.

“WARNING: Cigarettes cause strokes and heart disease.

“WARNING: Smoking during pregnancy can harm your baby.

“WARNING: Smoking can kill you.

“WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.

“WARNING: Quitting smoking now greatly reduces serious risks to your health.

“(2) PLACEMENT; TYPOGRAPHY; ETC.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise the top 50 percent of the front and rear panels of the package. The word ‘WARNING’ shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white back-

ground, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c).

“(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

“(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) ADVERTISING REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

“(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under subsection (c). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that—

“(A) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

“(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

“(4) **ADJUSTMENT BY SECRETARY.**—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

“(c) **MARKETING REQUIREMENTS.**—

“(1) **RANDOM DISPLAY.**—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(2) **ROTATION.**—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(3) **REVIEW.**—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

“(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(4) **APPLICABILITY TO RETAILERS.**—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection and subsection (b).

“(d) **GRAPHIC LABEL STATEMENTS.**—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations that require color graphics depicting the negative health consequences of smoking to accompany the label statements specified in subsection (a)(1). The Secretary may adjust the type size, text and format of the label statements specified in subsections (a)(2) and (b)(2) as the Secretary determines appropriate so that both the graphics and the accompanying label statements are clear, conspicuous, legible and appear within the specified area.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 15 months after the issuance of the regulations required by subsection (a). Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by subsection (a).

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

(a) **PREEMPTION.**—Section 5(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334(a)) is amended by striking “No” and inserting “Except to the extent the Secretary requires additional or different statements on any cigarette package by a regulation, by an order, by a standard, by an authorization to market a product, or by a condition of marketing a product, pursuant to the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), or as required under section 903(a)(2) or section 920(a) of the Federal Food, Drug, and Cosmetic Act, no”.

(b) **CHANGE IN REQUIRED STATEMENTS.**—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

“(d) **CHANGE IN REQUIRED STATEMENTS.**—The Secretary through a rulemaking conducted under section 553 of title 5, United States Code, may adjust the format, type size, color graphics, and text of any of the label requirements, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.”

SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

“(c) **EXCEPTION.**—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.”

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

(a) **AMENDMENT.**—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

“SEC. 3. SMOKELESS TOBACCO WARNING.

“(a) **GENERAL RULE.**—

“(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

“WARNING: This product can cause mouth cancer.

“WARNING: This product can cause gum disease and tooth loss.

“WARNING: This product is not a safe alternative to cigarettes.

“WARNING: Smokeless tobacco is addictive.

“(2) Each label statement required by paragraph (1) shall be—

“(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

“(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of

such warning area is occupied by the label statement.

“(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

“(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

“(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) **REQUIRED LABELS.**—

“(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

“(2)(A) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph.

“(B) For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall comprise at least 20 percent of the area of the advertisement.

“(C) The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type.

“(D) The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

“(E) The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements.

“(F) The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement.

“(G) The label statements shall be in English, except that—

“(i) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

“(ii) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed

in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(C) The Secretary shall review each plan submitted under subparagraphs (A) and (B) and approve it if the plan—

“(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection.

“(4) The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

“(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by subsection (a).

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

(a) IN GENERAL.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 204, is further amended by adding at the end the following:

“(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would pro-

mote greater public understanding of the risks associated with the use of smokeless tobacco products.”.

(b) PREEMPTION.—Section 7(a) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4406(a)) is amended by striking “No” and inserting “Except as provided in the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), no”.

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by sections 201 and 202, is further amended by adding at the end the following:

“(e) TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE.—

“(1) IN GENERAL.—The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary's sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

“(2) RESOLUTION OF DIFFERENCES.—Any differences between the requirements established by the Secretary under paragraph (1) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

“(3) CIGARETTE AND OTHER TOBACCO PRODUCT CONSTITUENTS.—In addition to the disclosures required by paragraph (1), the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act.

“(4) RETAILERS.—This subsection applies to a retailer only if that retailer is responsible for or directs the label statements required under this section.”.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

“SEC. 920. LABELING, RECORDKEEPING, RECORDS INSPECTION.

“(a) ORIGIN LABELING.—

“(1) REQUIREMENT.—Beginning 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of tobacco products other than cigarettes for introduction or delivery for introduction into interstate commerce in the United States shall bear the state-

ment ‘sale only allowed in the United States’. Beginning 15 months after the issuance of the regulations required by section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201 of Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of cigarettes for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement ‘Sale only allowed in the United States’.

“(2) EFFECTIVE DATE.—The effective date specified in paragraph (1) shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with such paragraph.

“(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

“(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products.

“(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

“(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

“(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

“(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products. The Secretary shall not authorize an officer or employee of the government of any of the several States to exercise authority under the preceding sentence on Indian country without the express written consent of the Indian tribe involved.

“(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—

“(1) NOTIFICATION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

“(A) imported, exported, distributed, or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

“(B) imported, exported, distributed, or diverted for possible illicit marketing,

the manufacturer or distributor shall promptly notify the Attorney General and the Secretary of the Treasury of such knowledge.

“(2) **KNOWLEDGE DEFINED.**—For purposes of this subsection, the term ‘knowledge’ as applied to a manufacturer or distributor means—

“(A) the actual knowledge that the manufacturer or distributor had; or

“(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

“(e) **CONSULTATION.**—In carrying out this section, the Secretary shall consult with the Attorney General of the United States and the Secretary of the Treasury, as appropriate.”.

SEC. 302. STUDY AND REPORT.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising; and

(3) collect data on the health effects (particularly with respect to individuals under 18 years of age) resulting from cross-border trade in tobacco products, including the health effects resulting from—

(A) the illicit trade of tobacco products and the trade of counterfeit tobacco products; and

(B) the differing tax rates applicable to tobacco products.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

(c) **DEFINITION.**—In this section:

(1) The term “cross-border trade” means trade across a border of the United States, a State or Territory, or Indian country.

(2) The term “Indian country” has the meaning given to such term in section 1151 of title 18, United States Code.

(3) The terms “State” and “Territory” have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

DIVISION B—FEDERAL RETIREMENT REFORM ACT

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This division may be cited as the “Federal Retirement Reform Act of 2009”.

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

DIVISION B—FEDERAL RETIREMENT REFORM ACT

Sec. 100. Short title; table of contents.

TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

Sec. 101. Short title.

Sec. 102. Automatic enrollments and immediate employing agency contributions.

Sec. 103. Qualified Roth contribution program.

Sec. 104. Authority to establish mutual fund window.

Sec. 105. Reporting requirements.

Sec. 106. Acknowledgment of risk.

Sec. 107. Subpoena authority.

Sec. 108. Amounts in Thrift Savings Funds subject to legal proceedings.

Sec. 109. Accounts for surviving spouses.

Sec. 110. Treatment of members of the uniformed services under the Thrift Savings Plan.

TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

Sec. 201. Increase in monthly amount of special survivor indemnity allowance for widows and widowers of deceased members of the Armed Forces affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.

TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

SEC. 101. SHORT TITLE.

This title may be cited as the “Thrift Savings Plan Enhancement Act of 2009”.

SEC. 102. AUTOMATIC ENROLLMENTS AND IMMEDIATE EMPLOYING AGENCY CONTRIBUTIONS.

(a) **IN GENERAL.**—Section 8432(b) of title 5, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“(2)(A) The Executive Director shall by regulation provide for an eligible individual to be automatically enrolled to make contributions under subsection (a) at the default percentage of basic pay.

“(B) For purposes of this paragraph, the default percentage shall be equal to 3 percent or such other percentage, not less than 2 percent nor more than 5 percent, as the Board may prescribe.

“(C) The regulations shall include provisions under which any individual who would otherwise be automatically enrolled in accordance with subparagraph (A) may—

“(i) modify the percentage or amount to be contributed pursuant to automatic enrollment, effective not later than the first full pay period following receipt of the election by the appropriate processing entity; or

“(ii) decline automatic enrollment altogether.

“(D)(i) Except as provided in clause (ii), for purposes of this paragraph, the term ‘eligible individual’ means any individual who, after any regulations under subparagraph (A) first take effect, is appointed, transferred, or reappointed to a position in which that individual becomes eligible to contribute to the Thrift Savings Fund.

“(ii) Members of the uniformed services shall not be eligible individuals for purposes of this paragraph.

“(E) Sections 8351(a)(1), 8440a(a)(1), 8440b(a)(1), 8440c(a)(1), 8440d(a)(1), and 8440e(a)(1) shall be applied in a manner consistent with the purposes of this paragraph.”.

(b) **TECHNICAL AMENDMENT.**—Section 8432(b)(1) of title 5, United States Code, is amended by striking the parenthetical matter in subparagraph (B).

SEC. 103. QUALIFIED ROTH CONTRIBUTION PROGRAM.

(a) **IN GENERAL.**—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting after section 8432c the following:

“§8432d. Qualified Roth contribution program

“(a) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘qualified Roth contribution program’ means a program described in paragraph (1) of section 402A(b) of the Internal Revenue Code of 1986 which meets the requirements of paragraph (2) of such section; and

“(2) the terms ‘designated Roth contribution’ and ‘elective deferral’ have the meanings given such terms in section 402A of the Internal Revenue Code of 1986.

“(b) **AUTHORITY TO ESTABLISH.**—The Executive Director shall by regulation provide for the inclusion in the Thrift Savings Plan of a qualified Roth contribution program, under such terms and conditions as the Board may prescribe.

“(c) **REQUIRED PROVISIONS.**—The regulations under subsection (b) shall include—

“(1) provisions under which an election to make designated Roth contributions may be made—

“(A) by any individual who is eligible to make contributions under section 8351, 8432(a), 8440a, 8440b, 8440c, 8440d, or 8440e; and

“(B) by any individual, not described in subparagraph (A), who is otherwise eligible to make elective deferrals under the Thrift Savings Plan;

“(2) any provisions which may, as a result of enactment of this section, be necessary in order to clarify the meaning of any reference to an ‘account’ made in section 8432(f), 8433, 8434(d), 8435, 8437, or any other provision of law; and

“(3) any other provisions which may be necessary to carry out this section.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432c the following:

“8432d. Qualified Roth contribution program.”.

SEC. 104. AUTHORITY TO ESTABLISH MUTUAL FUND WINDOW.

(a) **IN GENERAL.**—Section 8438(b)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period and inserting “; and”; and

(3) by adding after subparagraph (E) the following:

“(F) a service that enables participants to invest in mutual funds, if the Board authorizes the mutual fund window under paragraph (5).”.

(b) **REQUIREMENTS.**—Section 8438(b) of title 5, United States Code, is amended by adding at the end the following:

“(5)(A) The Board may authorize the addition of a mutual fund window under the Thrift Savings Plan if the Board determines that such addition would be in the best interests of participants.

“(B) The Board shall ensure that any expenses charged for use of the mutual fund window are borne solely by the participants who use such window.

“(C) The Board may establish such other terms and conditions for the mutual fund window as the Board considers appropriate to protect the interests of participants, including requirements relating to risk disclosure.

“(D) The Board shall consult with the Employee Thrift Advisory Council (established under section 8473) before authorizing the addition of a mutual fund window or establishing a service that enables participants to invest in mutual funds.”.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 8438(d)(1) of title 5, United States Code, is amended by inserting “and options” after “investment funds”.

SEC. 105. REPORTING REQUIREMENTS.

(a) **ANNUAL REPORT.**—The Board shall, not later than June 30 of each year, submit to Congress an annual report on the operations of the Thrift Savings Plan. Such report shall include, for the prior calendar year, information on the number of participants as of the last day of such prior calendar year, the median balance in participants’ accounts as of such last day, demographic information on participants, the percentage allocation of amounts among investment funds or options, the status of the development and implementation of the mutual fund window, the diversity demographics of any company, investment adviser, or other entity retained to invest and manage the assets of the Thrift Savings

Fund, and such other information as the Board considers appropriate. A copy of each annual report under this subsection shall be made available to the public through an Internet website.

(b) REPORTING OF FEES AND OTHER INFORMATION.—

(1) **IN GENERAL.**—The Board shall include in the periodic statements provided to participants under section 8439(c) of title 5, United States Code, the amount of the investment management fees, administrative expenses, and any other fees or expenses paid with respect to each investment fund and option under the Thrift Savings Plan. Any such statement shall also provide a statement notifying participants as to how they may access the annual report described in subsection (a), as well as any other information concerning the Thrift Savings Plan that might be useful.

(2) **USE OF ESTIMATES.**—For purposes of providing the information required under this subsection, the Board may provide a reasonable and representative estimate of any fees or expenses described in paragraph (1) and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year's experience.

(c) **DEFINITIONS.**—For purposes of this section—

(1) the term “Board” has the meaning given such term by 8401(5) of title 5, United States Code;

(2) the term “participant” has the meaning given such term by section 8471(3) of title 5, United States Code; and

(3) the term “account” means an account established under section 8439 of title 5, United States Code.

SEC. 106. ACKNOWLEDGMENT OF RISK.

(a) **IN GENERAL.**—Section 8439(d) of title 5, United States Code, is amended—

(1) by striking the matter after “who elects to invest in” and before “shall sign an acknowledgment” and inserting “any investment fund or option under this chapter, other than the Government Securities Investment Fund,”; and

(2) by striking “either such Fund” and inserting “any such fund or option”.

(b) **COORDINATION WITH PROVISIONS RELATING TO FIDUCIARY RESPONSIBILITIES, LIABILITIES, AND PENALTIES.**—Section 8477(e)(1)(C) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (C)(i); and

(2) by adding at the end the following:

“(ii) A fiduciary shall not be liable under subparagraph (A), and no civil action may be brought against a fiduciary—

“(I) for providing for the automatic enrollment of a participant in accordance with section 8432(b)(2)(A);

“(II) for enrolling a participant in a default investment fund in accordance with section 8438(c)(2); or

“(III) for allowing a participant to invest through the mutual fund window or for establishing restrictions applicable to participants' ability to invest through the mutual fund window.”.

SEC. 107. SUBPOENA AUTHORITY.

(a) **IN GENERAL.**—Chapter 84 of title 5, United States Code, is amended by inserting after section 8479 the following:

“§8480. Subpoena authority

“(a) In order to carry out the responsibilities specified in this subchapter and subchapter III of this chapter, the Executive Director may issue subpoenas commanding each person to whom the subpoena is directed to produce designated books, documents, records, electronically stored information, or tangible materials in the possession or control of that individual.

“(b) Notwithstanding any Federal, State, or local law, any person, including officers,

agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any individual, domestic or foreign corporation or upon a partnership or other unincorporated association for such production.

“(c) When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an order directing that person to comply with the subpoena. The court may punish as contempt any disobedience of its order.

“(d) The Executive Director shall prescribe regulations to carry out subsection (a).”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8479 the following:

“§8480. Subpoena authority.”.

SEC. 108. AMOUNTS IN THRIFT SAVINGS FUNDS SUBJECT TO LEGAL PROCEEDINGS.

Section 8437(e)(3) of title 5, United States Code, is amended in the first sentence by striking “or relating to the enforcement of a judgment for the physically, sexually, or emotionally abusing a child as provided under section 8467(a)” and inserting “the enforcement of an order for restitution under section 3663A of title 18, forfeiture under section 8432(g)(5) of this title, or an obligation of the Executive Director to make a payment to another person under section 8467 of this title”.

SEC. 109. ACCOUNTS FOR SURVIVING SPOUSES.

Section 8433(e) of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(e)”; and

(2) by adding at the end the following:

“(2) Notwithstanding section 8424(d), if an employee, Member, former employee, or former Member dies and has designated as sole or partial beneficiary his or her spouse at the time of death, or, if an employee, Member, former employee, or former Member, dies with no designated beneficiary and is survived by a spouse, the spouse may maintain the portion of the employee's or Member's account to which the spouse is entitled in accordance with the following terms:

“(A) Subject to the limitations of subparagraph (B), the spouse shall have the same withdrawal options under subsection (b) as the employee or Member were the employee or Member living.

“(B) The spouse may not make withdrawals under subsection (g) or (h).

“(C) The spouse may not make contributions or transfers to the account.

“(D) The account shall be disbursed upon the death of the surviving spouse. A beneficiary or surviving spouse of a deceased spouse who has inherited an account is ineligible to maintain the inherited spousal account.

“(3) The Executive Director shall prescribe regulations to carry out this subsection.”.

SEC. 110. TREATMENT OF MEMBERS OF THE UNIFORMED SERVICES UNDER THE THRIFT SAVINGS PLAN.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) members of the uniformed services should have a retirement system that is at least as generous as the one which is available to Federal civilian employees; and

(2) Federal civilian employees receive matching contributions from their employing agencies for their contributions to the Thrift Savings Fund, but the costs of requiring such a matching contribution from the Department of Defense could be significant.

(b) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to Congress on—

(1) the cost to the Department of Defense of providing a matching payment with respect to contributions made to the Thrift Savings Fund by members of the Armed Forces;

(2) the effect that requiring such a matching payment would have on recruitment and retention; and

(3) any other information that the Secretary of Defense considers appropriate.

TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

SEC. 201. INCREASE IN MONTHLY AMOUNT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR WIDOWS AND WIDOWERS OF DECEASED MEMBERS OF THE ARMED FORCES AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **PAYMENT AMOUNT PER FISCAL YEAR.**—Paragraph (2) of section 1450(m) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking “and” after the semicolon; and

(2) by striking subparagraph (F) and inserting the following new subparagraphs:

“(F) for months during fiscal year 2014, \$150;

“(G) for months during fiscal year 2015, \$200;

“(H) for months during fiscal year 2016, \$275;

and

“(I) for months during fiscal year 2017, \$310.”.

(b) **DURATION.**—Paragraph (6) of such section is amended—

(1) by striking “February 28, 2016” and inserting “September 30, 2017”; and

(2) by striking “March 1, 2016” both places it appears and inserting “October 1, 2017”.

MOTION OFFERED BY MR. WAXMAN

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

The Clerk read as follows:

Mr. Waxman moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 532, the motion shall be debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

The gentleman from California (Mr. WAXMAN) and the gentleman from Indiana (Mr. BUYER) each will control 30 minutes.

The Chair recognizes the gentleman from California.

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

It is hard to believe that we have finally reached this day. After more than a decade of effort and with countless delays and defeats along the way, at last we are about to enact truly historic legislation to protect the public health and to end the tobacco epidemic.

I am proud that we have made it to this point, but it has taken us far too long. It has been more than 45 years since the landmark Surgeon General report that found that cigarette smoking was responsible for a 70 percent increase in the mortality rate of smokers

over nonsmokers and a 10 to 20 times greater risk of developing lung cancer. Forty-five years. That delay is a tragic testament to the power and influence of Big Tobacco in our country and on Congress. But that power is fading. Times have changed. Public opinion has changed. And the tobacco industry's ability to block essential public health legislation has come to an end.

Today is a day when strong and effective regulation finally is established as the crucial counterweight to the efforts and even deceptive practices of this industry. This is the day when Americans can begin to truly kick the habit with the full force of our laws marshaled to protect consumers, and especially our young people.

Many of us remember vividly the milestones that have led us to this moment. In 1994, tobacco executives stood up before my subcommittee and swore under oath that nicotine was not addictive. In 1996, the FDA tried to regulate tobacco products, but the Supreme Court told them they needed Congress to give them that specific legal authority. And now, 13 years later, here we are finally giving FDA that authority to regulate the leading preventable cause of death in America.

Regulating tobacco is the single most important thing that we can do right now to curb this deadly toll. And FDA is the only agency with the right combination of scientific expertise, regulatory experience, and public health mission to oversee these products effectively.

I am pleased that the Senate acted quickly and sent us back legislation nearly identical to what we passed 2 months ago with overwhelming support in this House. This legislation will direct FDA to end marketing and sales of tobacco to kids, to stop manufacturers from calling cigarettes "light" or "less dangerous" when they're not, and to require changes to what is in a cigarette, like toxic ingredients such as formaldehyde, benzene, radioactive elements, and other deadly chemicals.

Some have objected that this bill is too big a challenge for an already overburdened FDA. I disagree. It's clear to me that FDA's recent struggles are primarily a result of years of chronic underfunding and a failure of leadership in the last administration.

This history does not mean that FDA, with the strong and committed leadership it now has, cannot take on this critical role of protecting the country against the harm from cigarettes and other tobacco products. It simply means that when we give the agency this new responsibility, we must also give it the resources necessary to do the job and to do it well.

We have ensured that this will happen. The tobacco program will be fully funded through new user fees paid for by the industry. That money will go exclusively to the new tobacco center

and will be enough for FDA to handle this task well. Furthermore, by setting up this system, we have ensured that the new tobacco program will have no impact on other vital programs at FDA. In fact, the agency's new commissioner, Dr. Margaret Hamburg, has expressed her enthusiastic support for the bill as a "major advance in protecting the public health."

In a recent letter to Senator KENNEDY about this legislation, Commissioner Hamburg made clear that FDA is eager to begin carrying out its new responsibilities under this law. President Obama has also praised this legislation as both historic and common sense, describing it as an integral part of his plan to protect America's children and reform our health care system. It's clear that this administration and FDA itself are more than ready to take this on, and we just need to give them the law that will allow them to begin.

In the bill, we have provided everything necessary to take this historic step: a comprehensive and flexible set of new authorities and full, certain funding. The final ingredient is the political will to do the right thing. For the first time in many years, we have finally got that, too.

The breadth of support for this bill is remarkable; it includes over 1,000 medical, public health, faith and community groups from AARP to the American Academy of Pediatrics, from the Southern Baptist Convention to the Islamic Society of North America. It is supported by the American Lung Association, the American Heart Association, the American Cancer Society, the groups that are best situated to understand the damage caused by tobacco and to recognize that a renewed FDA can and must take on this new authority.

The diversity of support for this bill shows just how critical it is to all Americans. Tobacco does not discriminate when it robs people of their health, their productivity, and their lives. That is why we must come together to rob tobacco of its influence over Americans.

Finally, I want to note that this bill reflects a number of changes made throughout the process to respond to specific concerns that we've heard. In committee consideration of this bill over the past 2 years, we made changes to ensure fairness and flexibility for convenience stores, tobacco growers, and small manufacturers. We worked with Republican colleagues to incorporate their suggestions. We worked with members of the Congressional Black Caucus to ensure that menthol cigarettes will be an early focus of attention by the agency, and that the agency has the authority to deal with these and other products.

I know that the Senate also has made changes to further strengthen the bill

in response to input from both sides of the aisle. I want to thank my colleague, Representative TODD PLATTS, for his strong leadership on this legislation, as well as Representatives JOHN DINGELL and FRANK PALLONE for their diligent work in moving this bill forward over the years.

I also want to thank Representatives ED TOWNS, STEPHEN LYNCH and IKE SKELTON, all of whom were critical in getting us to this point. Each of these individuals made this possible and produced a great victory for public health.

Today is a tremendous day. I am proud to be part of this historic moment when Congress finally stands up to Big Tobacco and stands up for the health of all Americans. That is the task before us as we send this bill on to the President of the United States.

Madam Speaker, I wish to reserve the balance of my time.

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

I would like to congratulate HENRY WAXMAN and Senator KENNEDY and others with regard to their tenacity and persistence over the years. What is unfortunate is that we were not able to incorporate harm reduction strategies. It is also unfortunate that we are continuing to place more burdens and responsibilities upon FDA.

What I had sought to do is to regulate tobacco. I do not smoke, I do not encourage anyone to smoke. The health risks associated with smoking, I believe people recognize them and are cognizant.

Tobacco is an adult product. It's legal. And we are faced with this question of moralism versus pragmatism. And you have to be careful when you go down this path in weighing the balance of moralism versus pragmatism. So what I had sought to do was choose the pragmatic side of the equation and to incorporate a harm reduction strategy with the abstinence approach in the Kennedy-Waxman legislation.

While the authors of the bill, Madam Speaker, would say, Well, STEVE, we have harm reduction in the bill. Well, it is mentioned in the bill, but there is a 2-tier standard in the bill that has been cleverly written in a manner to be an entry barrier to new innovative tobacco products. And that 2-tier standard is one that first must be achieved at the individual level, and then you must achieve this standard at the public at large. And the purpose is truly an entry barrier.

Now, if we wanted to work together and truly have a new scientific, pragmatic approach to improve the public health of our country, we would be doing both; we would be doing abstinence along with harm reduction. You see, that's exactly what HENRY WAXMAN and others in this body do when it comes to teenage sex. They say, okay, by this body, Democrats and Republicans enjoin, we have both; we promote abstinence while also we have

policies that promote harm reduction in our efforts to lower sexually transmitted diseases.

With regard to HIV, there are needle-exchange programs while we also try to promote abstinence. But all of a sudden now, when it comes to tobacco, approaches that we take in other forms of public health, whether it's in sanitary issues or whether it's in teenage sex issues or in HIV issues, all of a sudden we don't want to apply it to tobacco. It is a curious thing for me that we don't want to apply harm reduction strategies to tobacco.

So I would say to my good friend, Mr. WAXMAN, I think where we are is that you can have your day in the light, you have earned it, but we are going to have to come back to the table because what we have done is we have locked down the marketplace. You have given a big checkmark to Phillip Morris and said that your market share is okay. And when you lock down the marketplace, and we then stifle innovation and we do not have competition in that marketplace, we truly don't have the ability, then, for these companies to track at-risk capital to make investments in a harm reduction strategy whereby we can migrate people down the continuum of risk.

□ 1030

So if this bill becomes law, we've got some real challenges in front of us. One of them is how do we stand up this new mission within FDA, an agency that is already very stressed and underresourced, and we're already going to be addressing issues in the committee regarding food safety and drug safety while we pile on more missions.

So I would say to my good friend that as soon as this bill is signed into law, a couple of things are going to happen. Number one, the lawyers will make a run to the Federal courts, and the Supreme Court will be back sitting in judgment over the provisions on advertising restrictions, not only potential unconstitutional provisions on the First Amendment with regard to the regulation of commercial speech, but also in the Fifth Amendment with regard to whether it's a constitutional taking or not.

So while that is going on, I will introduce legislation, I'll work with Ms. HARMAN, I'll work with others, I'll work with the chairman, on how we can best incorporate these harm-reduction strategies to truly improve public health.

Madam Speaker, I embrace the sincerity of Mr. WAXMAN and Mr. KENNEDY that they truly want to improve public health in the country, but this legislation, when we lock ourselves down to only what is presently available and that these nicotine replacement therapies only have a 7 percent success rate, I don't believe anyone here would en-

dorse a 7 percent success rate as a good thing. It's failure. So we are going to have to go back to the drawing board here and figure out how we do a harm-reduction strategy to improve public health.

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I want to inform my colleagues that there is a section in this bill that gives the FDA authority to develop harm-reduction strategies, and I think that's where it ought to be, in the hands of people who will follow the science in order to protect the public health.

Madam Speaker, I yield, at this time, 2 minutes to the chairman of our Health Subcommittee of the Energy and Commerce Committee, who has been a staunch supporter of this legislation and has looked after all the health matters that come before the Congress, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I want to thank Chairman WAXMAN for his tireless work on this tobacco legislation. Madam Speaker, today is long overdue, and he should be so proud of the fact that this is finally passing today and going to the President's desk.

As we pursue serious and historical health care reform, this legislation comes at the right time. Smoking kills. Smoking also is a major cause of cardiovascular disease, cancer, and a host of other illnesses. Almost half a million Americans die from their own cigarette smoking a year. And even more alarming, studies have estimated that more than 6 million children alive today will ultimately die from smoking.

In President Obama's call for health care reform, he cited the need to use our resources wisely and efficiently. Tobacco is a health care issue that taxes and burdens our health care system. The costs to private and public payers are over \$96 billion annually. Regulating tobacco products is a win-win for our Nation's health and our need to be fiscally responsible in a time of economic hardship.

This bill will finally give the FDA the authority to regulate tobacco products, restrict tobacco marketing, especially the marketing techniques designed to entice and addict our children. They are vulnerable and impressionable, and the tobacco industry exploits that.

I was proud to be an original cosponsor of this bill in the House, and I'm even prouder to vote for this bill today because I know that it is long overdue.

Mr. BUYER. Madam Speaker, I yield myself 30 seconds to respond to my good friend Mr. WAXMAN.

To say that harm-reduction strategies are best left to the FDA gives me great concern. If you truly believe that, then you should have never set a 2-tiered standard and built a paradigm

in which they are to make judgments, if you truly believe that they're the ones who should have designed the strategies to improve public health. So I would be more than happy to work with the gentleman to repeal the 2-tiered standard if we're going to let them set the standard based on sound science to improve public health.

Madam Speaker, I now yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I appreciate the gentleman's yielding time to me, especially given that we have different views on this piece of legislation.

Madam Speaker, I rise in strong support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. I appreciate the Senate's swift consideration of this bill. After many years of consideration, I'm pleased that this important public health legislation will finally be signed into law.

As one of the deadliest products on the market, tobacco must be subject to the same serious regulation and oversight that most other products consumed by Americans are subject to. This bill will help to ensure that Americans are fully aware of the harmful effects posed by tobacco products.

Most importantly, this legislation will ensure that tobacco products are not advertised to or sold to children. Addiction to tobacco begins almost universally in childhood and adolescence. Tobacco companies have long taken advantage of this vulnerability by promoting their products through such tactics as cartoon advertisements, free tobacco-themed merchandise that appeals to kids, and sponsorship of sporting and entertainment events. With health care costs spiraling out of control every year, the cost of treating these smokers later in life is fast becoming prohibitively expensive. Prohibiting advertising to children will go a long way in preventing young people in America from starting to smoke and will save billions of dollars and, most importantly, countless lives in the years to come.

It is important to emphasize that this bill does not ban tobacco products. Rather, H.R. 1256 allows the FDA to scientifically evaluate the health benefits and risks posed by ingredients in cigarettes and takes steps to reduce the harm caused by tobacco products. This legislation preserves an adult's choice to smoke and makes sure that tobacco products marketed as safe alternatives to cigarettes are, in fact, scientifically safer.

I am pleased to have worked with my colleague, the distinguished chairman of the House Energy and Commerce Committee, HENRY WAXMAN, the gentleman from California, on this legislation. I commend him for his leadership on this issue as well as former Congressman Tom Davis.

I encourage a "yes" vote.

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

It is nicotine that causes the consumption of tobacco. So I understand how truly, in my words, outraged then Chairman WAXMAN was and still is with regard to testimony that occurred years ago when he was the chairman of the Subcommittee on Health.

Now, if it is the nicotine from which adult users receive their satisfaction, the real issue is how do they gain access to nicotine in a manner that reduces their health risk? That's the issue. That's my passion.

I am not a smoker. I don't advocate for people to smoke. My charge and challenge is how do we improve public health in our country? And I don't want this abstinence-only approach. So if it's nicotine for which people want to gain access to and it's an adult product, then shouldn't we be trying to figure out methods or products where people can gain access to nicotine that is less harmful?

During the debate on the rule, Madam Speaker, I would share to my colleague, Chairman WAXMAN, an individual brought up a head of lettuce and said that there is more regulation on a head of lettuce than tobacco. And I guess it was an effort to be cute, but the real point here is what I shared, Madam Speaker, and to my friend Mr. WAXMAN, you could have smoked that lettuce and you would still end up with the same problems. You could cut the grass in your yard, dry it and roll it up in a cigarette and smoke it, and you're still going to have a lot of problems. It is the smoke that kills, not the nicotine. It's the smoke.

So when you look and you say, well, if the smoke is the killer because of the inhalation of the tobacco smoke, that's responsible for the pandemic of cancers, heart disease, respiratory disease, and these deadly results.

So I'm going back to this harm reduction. So despite decades of intense efforts to eradicate smoking, more than 40 million adults continue to smoke cigarettes, and they're likely to continue because we don't have this ability to migrate them to other products. It's extremely important, when we talk about a harm-reduction strategy, that not only is it the access to a particular product, it is the education of the people at large as to what type of products that they can avail themselves to that have less harmful health results. That should be our goal and that has been embraced.

The American Association of Public Health Physicians noted last year, Enhancement of current policies based on the premise that all tobacco products are equally risky will yield only small and barely measurable reductions in tobacco-related illness and death.

So in the public debate, there is sort of this presumption that all tobacco products are harmful. Well, all tobacco

products have a degree of health hazards, but some are more harmful than others. So cigar and pipe are not subject to this legislation; yet they are the most harmful to the human body of all of the carcinogens that can be inhaled.

So how do we migrate people? And I think that's what is extremely important. And let's stop this premise that all tobacco products are equally risky; that Swedish snus, even though it's 98 percent less harmful than an unfiltered cigarette, should not be treated as though they're both just as harmful. They're not. If you're able to pasteurize and take away the nitrosamines, yet people can gain access to their nicotine, you know what? That ought to be something we should talk about. That ought to be something we should promote.

And the reason, Madam Speaker, that if we just turn this over to the FDA, like Chairman WAXMAN has just suggested, and let them come up with these strategies, it's not going to be able to get into the hands of the American people because of the 2-tiered standard that has been set in this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield 3 minutes to my esteemed colleague from the State of Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding, my good friend and colleague of 34 years ago. We entered Congress together.

I do not propose to read this entire document, but it is the report of the hearings, the committee report conducted by my predecessor in Congress, John Blatnik, in 1957 on false and misleading advertising among a number of products and the failure of the Federal Trade Commission to intervene on behalf of the public.

The leading testimony on false and misleading advertising on filter-tipped cigarettes was a statement of Dr. Kyler Hammond, Director of Statistical Research for the American Cancer Society: We found lung cancer death rates to be extremely low among non-smokers and high among heavy cigarette smokers; 2,665 excess deaths, and this was 1957, among smokers. The conclusion of Dr. Hammond: The sum total of scientific evidence establishes beyond reasonable doubt that cigarette smoking is a causative factor in the rapidly increasing incidence of human epidermoid carcinoma of the lung.

Fifty-two years ago and we still have people in this Chamber and in the other body saying it's not a problem.

□ 1045

The report of the committee goes on to say, Benzpyrene is one of the substances containing carcinogenic agents. A known cancer-producing

agent has been found in the smoke from cigarette paper and an amount from the tobacco itself. This component is known as 3,4-benzpyrene.

The report of the committee concludes:

The cigarette manufacturers have deceived the American public through their advertising of filter-tip cigarettes. Ironically, while denying the alleged health hazards of cigarette smoking, the industry has, in its advertising, made these charges appear true. Filter gives you more of what a filter is for, clean smoking; snowy white; pure; miracle tip; 20,000 filter traps, gives you more of what you changed to a filter for.

The committee concludes:

The Federal Trade Commission has failed to approach the problem of false and misleading advertising.

They failed then, 52 years ago. They failed us today. It is way long past time, many millions of deaths later, for this Congress to act decisively in the public interest. And also as a tribute to my predecessor, John Blatnik, who led this charge 52 years ago and who was rewarded with dissolution of his subcommittee for having rung the bell on false and misleading advertising by the cigarette companies.

Mr. WAXMAN. Madam Speaker, I am pleased at this time to yield to one of the people without whom this bill would not even be possible, and that is the Speaker of the House, NANCY PELOSI, who has been such a strong leader for advancing the public health.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Madam Speaker, I thank the gentleman for his generous recognition and rise to say, as a mother and a grandmother, what an important day this is for America's children and to say thank you to Mr. DINGELL. Some of the giants of the Congress have worked to help the children of America. Mr. DINGELL, Mr. WAXMAN, and Mr. PALLONE on the committee. On the Senate side, this legislation passing also is a real tribute to the leadership of Senator TED KENNEDY. It's really a great day. It's momentous. It's historic. We can't say that all the time about the legislation that we pass here. It would be impossible to exaggerate the importance of what is happening here today.

Today we have an opportunity to protect public health and prevent disease; and today we have an opportunity to honor our responsibility to our children, to protect them from the harm that can come to them from the use of tobacco.

Madam Speaker, tobacco is the number one cause of preventable deaths in the United States. According to the Centers for Disease Control, it is responsible for about one in five, or 443,000, deaths annually. Again, I want

to acknowledge the great work of Chairman WAXMAN, Chairman DINGELL and Chairman PALLONE. We passed this bill before Easter. Happily last night, yesterday, it passed the Senate so that we can now pass the bill and send it to the President's desk for his signature.

Mr. OBERSTAR, in his role on Transportation and understanding how we had to get smoking out of Transportation, spelled out for us what the study told us and how it has been 52 years since we should have taken action. There is so much support on the outside of the Congress as well. A thousand organizations, everyone from the American Cancer Society, which we would suspect, the Campaign For Tobacco-Free Kids, the AARP, and the Presbyterian Church, just to name a few. They believe that passing this bill will save lives.

Every day Americans benefit from the oversight of the FDA on foods that we eat and medicines we take. That's their jurisdiction. Yet despite the fact that tobacco is one of the deadliest products in America, the FDA has had no authority to regulate it. This is just not right, and today we can correct that wrong. Right now tobacco is exempt from standards that apply to a can of soda or a box of pasta. Tobacco makers are exempt from critical and basic consumer protections, such as ingredient disclosure, product testing and restrictions on marketing to children.

This legislation grants the FDA the authority to regulate tobacco products. It also requires detailed disclosure of tobacco product ingredients and restricts tobacco marketing and sales to young people, among other things. And this legislation does all of this in a fiscally responsible way, funding the FDA tobacco activity through a user fee on tobacco manufacturers.

Because of lost productivity and health care expenditures, cigarette smoking costs our Nation more than \$193 billion a year, almost \$200 billion a year. By reducing the number of smokers, not only will this legislation save lives and reduce chronic disease, it will also reduce health care costs.

Today, approximately 3,500 young people will try a cigarette for the first time and another 1,000 will become addicted and become new regular, daily smokers. One-third of those children will eventually die prematurely because of smoking. We must do all that we can to prevent premature death from smoking, and today we have that opportunity.

Madam Speaker, I urge all of my colleagues to support the aptly named Family Smoking Prevention and Tobacco Control Act. I hope that the children of America will see a strong bipartisan vote. This legislation deserves it, and then we can send it on to the President to be signed into law hopefully no later than next week.

Again, Mr. DINGELL, as a mother and a grandmother, I'm deeply in your debt for what you're doing for America's children. Mr. WAXMAN, thank you so much for bringing this bill to the floor. We went into session in January. Before Easter this bill had passed the House. Thank you for your leadership. Mr. PALLONE was very much a part of it. Again, Mr. OBERSTAR, thank you for your leadership.

But let's just say about Senator KENNEDY, this has been part of his life's work. He's worked on this for a very long time, of itself, discretely, the tobacco and smoking issue and then, of course, just as with Mr. DINGELL, the larger health issue for America. Today in passing this legislation, enabling the FDA to regulate tobacco, we are taking a giant step forward in making America healthier. Thank you all for your leadership.

Mr. BUYER. Madam Speaker, I yield myself as much time as I may consume.

It is with great disappointment that I hear the words of the Speaker because she is truly endorsing a 7 percent success rate as an acceptable level of success for those who are trying to quit smoking. Also, if we really wanted to try to help children, then she should have endorsed what I sought to do; that is, put tobacco on an equal plain as alcohol to make it illegal to possess. But we're not doing that today.

I also said that the States, with regard to the MSA, the Master Settlement Agreement, the States are not spending the money like they should. In the last 10 years, States have spent just 3.2 percent of their tobacco-generated revenue on prevention and cessation programs. In the current fiscal year, no State is funding tobacco prevention programs at levels recommended by the CDC. So I had offered an opportunity here to the body to strengthen and truly protect children, yet it was not adopted by this body. So be very careful about coming to the floor and saying we're doing it for the children when, in fact, the opportunity was there and you did not.

I now yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

Madam Speaker, I don't think anybody can argue at all with the intentions of the proposal of this bill. There is no question that cigarettes are very harmful. The question for me here is the process, and I find the process here atrocious because it assumes that authoritarianism is right, proper and that it works and that volunteerism, education, self-reliance and depending on oneself to take care of oneself is a proper approach. We totally reject our free society and assume that if we just have tobacco police roaming the country, that all of a sudden bad habits are going to be cleared up. We're dealing

with bad habits, and these are bad for health. But let me tell you, I can bring you a list here of dozens and dozens of bad habits that lead to death. As a matter of fact, one of the things that we ought to consider is, how many people die from our drug war? We have a drug war, and about 3,000 people die from the use of illegal drugs. So we have a drug war going on, and tens of thousands of people die.

It's so exasperating at times because we always have two proposals here, or we have two ways of solving problems or dealing with tobacco. For decades, what did we do? We subsidized tobacco, and now we want to prohibit tobacco. Why don't we just let the people decide. This whole idea of either having to subsidize something or prohibit something shows a shallowness that I think we ought to challenge.

One part of this bill that I find particularly bad, but it is pervasive in so much of what we do, about 100 years ago we took the First Amendment and freedom of speech and chopped it into two pieces. We have political speech. Of course we like that. We're in the business of politics. But we take commercial speech, and we put it over here, and we regulate the living daylights out of commercial speech. That's not a First Amendment. That's chopping freedom in half, and that just leads to more problems. But this will lead to prohibition, and it won't work. This will just give us a lot more trouble.

You say, Well, how will these problems be handled if we just permit people to advertise? Well, you are not allowed to commit fraud; you are not allowed to commit slander; you are not allowed to commit any libel or slander or fraud. So there are prohibitions. But this approach can't work. It is assumed that people are total idiots, that they won't respond to education, that we have to be the nanny state. We want to expand the war on drugs, which is a total failure.

And look at what happened to the prohibition of alcohol. You say, Well, no, this is not going to be a prohibition. It is going to be prohibition. This is a form of prohibition. When you have prohibition or even approach prohibition, what do you create? You create the black market. We will see the black market come. Already the taxes are opening up the doors of the black market.

All I ask for is people to reconsider, believe that freedom, self-reliance and individualism can solve these problems a lot better than a bunch of politicians, bureaucrats and tobacco police here from Washington, D.C.

Mr. BUYER. I yield myself 30 seconds.

I would say that the gentleman and I are not always in total agreement. The substitute that I brought to the floor actually sought to regulate tobacco, and I know you did not agree with my

substitute. I believe in the regulation of tobacco. I sought to do that. I just don't believe it should be done in FDA. We tried to create a harm reduction center to do that. But I respect the gentleman's views.

I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I am pleased at this time to yield 3 minutes to the very distinguished chairman emeritus of the Energy and Commerce Committee, the gentleman from Michigan (Mr. DINGELL), who has played an essential role in fighting against tobacco and getting us to this day today.

Mr. DINGELL. I thank my good friend and colleague, the chairman of the committee, Mr. WAXMAN; and I commend him for his leadership on this matter. I am also delighted that we have this bill on the floor today. I urge my colleagues to support the Family Smoking Prevention and Tobacco Control Act. I would point out that we will be shortly following it up with legislation to protect Americans from dangerous foods and to give the Food and Drug Administration the authority and the money which it needs. That will be followed by additional legislation to address the question of pharmaceuticals.

I urge my colleagues to recognize that this not only does what needs doing, but it also gives to the Food and Drug Administration the authority and the money which it needs and the personnel which it needs to carry forward its mission as it goes about its business. I would point out, for too long we have starved them for authority, resources and personnel. It is time something be done about this. I am not going to give you an argument about this situation—that will be in my written extended remarks—but I want to tell my colleagues that the graveyards are full of people who occupy those places because they smoked and because we tried volunteerism.

□ 1100

Well, volunteerism filled the graveyards, and the constant attacks that have been made on the Food and Drug Administration and the deprivation of proper authority to carry forward its responsibilities and the personnel it needs have brought us to the situation where we have to do the kind of thing that we are saying.

So don't talk to me about volunteerism. Understand that it has failed calamitously and people are dying every day because they have smoked.

Having said that, I want to tell you a little story about when we passed the first legislation to begin to warn people about the dangers of tobacco that were found by the Surgeon General in his report to the United States and to the Congress.

A little guy came before the committee, and he testified before my dear

friend John Moss and I, who were the major proponents of that particular legislation at that time. He said, Now, you don't know me, but I am a pathologist and an internal medicine man. That means that I can tell you why you are going to die, or I can tell you why you did die.

He said, I don't have a prepared statement here today, but I do have a number of exhibits I would like to present to the committee.

So he reached in his briefcase and he pulled out a human lung. He said, Now, this is a normal person's human lung. It had a certain life to it.

The next exhibit he pulled out was one of a fellow who had died of squamous cancer. He said, These are squamous cells. It looked like a bowl of caviar, a painful way to go.

He then showed us the lung of somebody who had died of emphysema. It was white. It lacked life. He said, This man literally strangled because he did not have the ability to derive the oxygen from the air.

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

Mr. WAXMAN. I yield an additional 1 minute.

Mr. DINGELL. I thank the gentleman.

He pulled out another lung. He said, Now, this is the lung of a smoker. It was black, dirty and nasty, and you would not want to have it inside of you.

He said, Now, my message to the committee is very simple. If you smoke long enough, you are going to die of cancer of the lung or you are going to die of some other kind of ailment which is induced by your smoking, whether it is of the lung or whether it is of some other organ, including the mouth, the throat, or another part of the body as far away as the fingertips.

I just want my colleagues to understand, finally we are doing something. If a person wants to be silly enough to smoke, he can still do so; but he is going to get a warning, and the tobacco companies are going to have to provide proper, decent, honorable behavior, and they are going to have to do the things that warn the American people of this.

We have a responsible agency which this legislation will properly fund and finance. We will give them the authority and the personnel and the capabilities of doing what they need to do. We are going to follow it with other legislation.

I urge my colleagues to support this and support the other legislation when it comes.

I rise today in strong support of the Senate Amendment to H.R. 1256, "Family Smoking Prevention and Tobacco Control Act".

The decision to vote in favor of today's bill is a very easy one. It was an easy one, because I am convinced that the "Family Smoking Prevention and Tobacco Control Act" will go a long way in regulating the most unregu-

lated consumer product on the market today. A product which:

Is the leading preventable cause of death in the United States;

Kills more than 400,000 Americans annually; and

Accounts for more than \$96 billion in health care costs every year.

Every day, approximately 3,500 kids will try a cigarette for the first time, and another 1,000 we become new, regular habituate smokers.

The legislation will restrict marketing and sales to youth; grant FDA authority to restrict tobacco marketing; require detailed disclosure of ingredients; and allow FDA to require changes to tobacco products to protect the public health.

I commend Chairman WAXMAN and my dear friend, Senator KENNEDY, for their persistent leadership on this legislation in the Congress. I am honored to have my name associated with the legislation and for the opportunity I had to work with them on this issue.

Madam Speaker, I know firsthand that the "Family Smoking Prevention and Tobacco Control Act" is good piece of legislation. I had the distinct pleasure of shepherding it through the Energy and Commerce Committee last year. Today's legislation largely reflects the work we did then.

Madam Speaker, this legislation has been in the works for a long time. Nothing stands in our way to send it to the President's desk. I urge my colleagues to vote in favor of the "Family Smoking Prevention and Tobacco Control Act"—the American people need it and they deserve it.

Mr. BUYER. Madam Speaker, I now yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Madam Speaker, many years ago, author and commentator Bruce Herschensohn made the point that for every pleasure in life, there is a corresponding risk. I think that is a universal truth: for every pleasure in life, there is a corresponding risk.

And he pointed out it is true that with enough taxes and laws and restrictions and regulations and penalties and lectures, government can produce a virtually risk-free society, but it will also be one of the most colorless, pleasureless, tedious, and miserable societies ever conceived by the mind of man.

I think that is the case. The health dangers of smoking are real and they are well-documented. We all agree on that. It is a very bad thing to do.

Our schools rightly make a concerted effort to inform every child of the health risks associated with tobacco products, and they do a good job of it.

Our government warns every adult of the risks associated with tobacco products, and they do a good job of it, too.

As a result, I don't believe there is a single individual in the United States today who doesn't well and fully comprehend the health dangers of tobacco. But once those warnings are issued, how much further should government

go to make individual decisions for rational adults as they weigh the risks of smoking for themselves? Personally, I think they are making a very bad decision, but they probably think others are making bad decisions when they decide to go skiing or bungee jumping or sky diving or thousands of other pleasures that incur corresponding and calculated risks.

I would ask today, whatever happened to the notion of individual responsibility? And whatever happened to the notion, as Jefferson put it, of a wise and frugal government, which shall restrain men from injuring one another, but shall leave them otherwise free to regulate their own pursuits of industry and improvement?

Mr. WAXMAN. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Health Subcommittee.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. I do it with enormous gratitude to Chairman WAXMAN for working for years to get legislation of this sort that would improve public health by strengthening the regulation of tobacco products.

There are a lot of diseases that we don't have the cure for today. There are lots of resources put into medical research that hopefully will find a cure to cancer and to AIDS and other terrible diseases. But we do know how we can prevent over 435,000 tobacco-related deaths that occur each year, and that is by preventing smoking.

There are over 44 million smokers in the United States of America. In Illinois alone, 24.3 percent of adults and 29.2 percent of youth smoke tobacco. In Illinois, 16,000 people die from smoking-related illnesses and 29,000 adults and children die of secondhand smoke in Illinois. In addition, \$3.2 billion is spent in direct medical expenditures related to smoking in Illinois. And every day 4,000 kids try their cigarette, and about half of them become addicted.

Finally, we have legislation giving the FDA the power and resources to regulate the tobacco industry and safeguard the public health and our children. It would lessen the cost of smoking-related medical illnesses and prevent adolescents and teens from smoking at a young age.

In Illinois, I want to congratulate Alexandra Slane, an elementary school student from Peoria, Illinois, who won the Tar Wars anti-smoking annual poster contest with her drawing of a light bulb shaped as a human head. She wrote the caption in the human-shaped light bulb warning America, "Be Bright, Don't Light."

Let's start by passing H.R. 1256.

Mr. WAXMAN. May I inquire how much time each side has.

The SPEAKER pro tempore. The gentleman from California has 9½ minutes

remaining. The gentleman from Indiana has 10 minutes remaining.

Mr. WAXMAN. We have no other requests for speakers and I would like to close the debate. We continue to reserve our time.

Mr. BUYER. Madam Speaker, there are a couple of issues that I would like to address that I mentioned in my opening. The last two issues that I will address are, one, on the constitutionality, and, secondly, is the FDA the right agency.

While we all agree that steps need to be taken to help lessen the use of tobacco products by underage youth, we must not do so in ways that clearly violate the First Amendment. Unfortunately, the bill in front of us I believe fails to meet that test.

The speech restrictions in this bill are clearly the most sweeping in the history of the United States for any legal product. Numerous top legal experts from every point of the political spectrum have looked at these provisions and declared that they will not meet First Amendment scrutiny.

During the debate on the rule, I questioned the responsibility of this body. I believe it is irresponsible for us to pass legislation that is prima facie unconstitutional.

What we are doing in this body is two things: we are taking the regs from the 1996 rule that the Supreme Court found unconstitutional and we are making them statutory, which means, attention to lawyers in America: you have an access and avenue right back to Federal Court immediately upon the President's signature of this legislation.

Also under the Constitution, private speech, private speech and the regulation of private speech among individuals, that is, companies, if individuals seek to restrict their speech between themselves or how they seek to communicate, they can do that in the private marketplace between themselves. Where the First Amendment comes in is when governments, States, municipalities or the Federal Government then step in and begin to regulate speech.

In this case, it is commercial speech, and that is what we are doing. When we take the MSA, the master settlement agreement, and also place these restrictions and then make them statutory, bang, we are right back to the Supreme Court. And I just find that very bothersome.

Larry Tribe, the noted constitutional expert and Harvard University law professor, commenting on the types of provisions in this legislation, stated, "Given the extensive regulation of tobacco manufacturing (for example, the creation of manufacturing standards, the regulation of cigarette ingredients, and so on) elsewhere in the proposed legislation, and the mandates for new and improved warnings, it would be dif-

ficult to defend the sweeping restrictions on advertising as being narrowly tailored to an important governmental interest. The paternalistic view that tobacco advertising must be restricted because consumers might find it pervasive is antithetical to the assumption on which the First Amendment is based."

Wow. Now you are going to find me quoting the American Civil Liberties Union. You may want to listen to this, because it is probably the first time I have ever cited the ACLU.

They also said in their testimony on identical language contained in this legislation, they stated if this type of legislation were to be passed, it would be "wholly unprecedented" and "will most likely fail to withstand constitutional challenge."

On the other side of the spectrum, the Washington Legal Foundation and Judge Bork also have called these proposals "patently unconstitutional." Numerous other legal scholars have taken similar positions.

Now, in our zeal here to restrict tobacco products, there have been these comments by some, Madam Speaker, to say we are doing it for the children. It is wonderful. We can say we are doing it for the children. What does the Court say about that?

The Supreme Court has already examined one of the provisions in the FDA proposal, and that is the 1,000 foot ban on outdoor adds, and has suggested it violates the First Amendment because it is not narrowly tailored.

The Supreme Court rejected the efforts of the Massachusetts Attorney General to "childproof" the flow of information in our society. Children deserve to be protected from inappropriate or harmful material, but the government may not use the guise of protecting children to impose sweeping restrictions on information intended for adults.

So we come to the floor and we say we are doing it for the children. Yet we are taking provisions which the Supreme Court has already found to be unconstitutional, i.e., commercial speech that is not merely tailored to a legitimate government interest.

In *Bolger v. Youngs Drug Products Corporation*, the court stated that efforts to restrict advertising cannot lower disclosure in society "to the level of the sandbox," and cited in the case *Butler v. Michigan* that "government may not reduce the adult population to reading only that which is fit for children."

So the type of drastic speech censorship that is contained in this legislation is almost certain to lead to challenges in the Federal courts, and I find that troubling and counterproductive.

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Let me move to the FDA. This bill establishes a general standard that actions by FDA are in the best interest of

public health, that they're the ones, that they can reasonably be likely to have measured scientific results.

What do we mean by results?

Substantial reductions in morbidity and mortality rates among smokers. That's what we seek to achieve.

So the great challenge that I have here is that, in the committee, we are now looking at legislation with regard to food safety and drug safety. The FDA is charged with approving medical products based on scientific evidence that benefits of the products outweigh the risks. Tobacco products are inherently risk products that cause disease when used as directed.

Now, we're going to turn to the FDA and say, we want you to regulate the tobacco product. So we take the gold standard of the FDA now, and apply it to tobacco, and now there is this inference that somehow the FDA has said that tobacco's a safe product. That is something we should not be doing. It's why I sought to create a separate agency, rather than the FDA, creating a mission that is counter to their present mission.

You see, if you use a cigarette and follow the instructions, and you do that every day, it will kill you. Now, think about that. It will kill you. We don't want the FDA to create some type of inference into society that somehow it's okay.

President Obama stated on March 14 of this year that 95 percent of America's 150,000 food processing plants and warehouses go uninspected each year. Wow. Each year, 74 million people in the United States are sickened by tainted food, and about 5,000 die, according to the CDC. That's on food alone.

Then, with regard to drugs, I look forward to working with Chairman WAXMAN, Madam Speaker, and with Mr. DINGELL, with regard to drug safety because right now we have 11 international mail facilities by the United States Government. You count the three private carriers that also have international mail facilities, and they are taking up to around 30,000 drug packages that are coming into our country by people who are going on to the Internet. Every time we do an inspection of those mail packages, we find that 80 percent of them are either counterfeit knockoffs or adulterated drugs. When, in fact, you do the math and you say, okay, wow, take that 14 times 30,000 times 365, then times 80 percent, we are looking at 96 million. Think about that. 96 million drug packages coming in. So what we're doing now is we're lumping this onto FDA, and FDA is a challenged, a very challenged agency.

I urge individuals to vote "no" on this legislation. There is a better way to regulate tobacco.

Mr. WAXMAN. So, Madam Speaker, it's come down to this, a musing that

perhaps FDA is not the right agency; we ought to create a brand new one, but don't give them any power to do anything.

Or what we need is harm reduction, even though this legislation gives the FDA the ability to look for ways to reduce the harm from cigarette smoking.

But the best way, the best way is not to smoke. And the best way is to make sure that people don't start smoking. And if they do smoke, to give it up.

And then the next argument, it's not constitutional. And my colleague has cited the fact that he believes the Supreme Court, when they ruled on the issue of the regulations being proposed by the FDA, that they said that those were unconstitutional.

Well, the truth of the matter is the Supreme Court said FDA did not have the legal authority and that Congress had to vote to give them the legal authority to adopt those regulations. That is what we are about to do today.

I've been working on the issue of tobacco for over three decades, and in fact, I thought about this issue as I prepared a book that's going to be coming out on a lot of different issues in the next couple of weeks.

And I remember the hearings we had where the tobacco industry had so-called scientists argue there really wasn't any harm from cigarette smoking. It was just coincidental.

I remember well when the CEOs came before our committee, and that was a real turning point. And they took an oath to tell the truth, and they said, no harm from cigarette smoking; it's not connected to cancer; it's not connected to heart disease; it's not connected to all these other problems; it's only a coincidence. They said cigarette smoking was not addictive because nicotine is not addictive. They swore that under oath. They said they didn't manipulate the nicotine to make it even stronger and more addictive a product. And they said, with righteous indignation, they certainly wouldn't target kids to smoke.

Well, after that appearance in 1994, we pierced the veil that hung over the industry and started to find out what they were saying in their own corporate boardrooms and what their own scientists understood the case to be.

We later had a hearing where a scientist that worked for the tobacco industry told us he understood the harm. The industry wanted to know what harm it did, and they knew that, in fact, it caused a tremendous amount of death and disease in this country. They were looking at ways to patent new ways to raise the nicotine levels so they can keep people smoking, because they were very well aware of the fact that nicotine was addictive and they could, in fact, make sure that nicotine grabbed on to those smokers and kept them captive to that habit.

And the Joe Camel advertising campaign was marketed in France to see if

it really got kids to be loyal to that brand. And in their boardroom they discussed how important it was to get kids to start smoking at 14 or 15 years of age because then they would be loyal to that brand, let alone addicted to the product.

We later found out how the tobacco industry spent millions and millions of dollars on a phony operation to say that they were studying whether the harm was there from cigarette smoking, and what they did was manipulated the media, deceived the American people, to argue the science wasn't really there to claim cigarettes was a problem. The science is still out.

By the way, we hear this about global warming today. Even though the overwhelming consensus was there from reputable scientists, they tried to make people believe, don't worry about it, you can continue to smoke; it's not going to do you harm.

And they tried so hard and successfully, for decades, to keep secret the fact that nonsmokers were harmed by simply being in the presence of smokers.

I remember the power of the tobacco industry that kept the Congress from acting, and it was by one vote that the House of Representatives decided to try and experiment to see if we could have airplane flights, commercial airplane flights of an hour or less, without any smoking permitted. And Members stood up on the floor of the House and said smokers would never tolerate such a thing.

Well, it was so widely popular that it's hard to find any airline in the world that allows smoking on airplane flights of whatever length it may be.

The public has come to understand this industry, and they know the dishonesty of this industry, and they know that the clout of this industry kept the government from acting for decades.

But people now don't realize how it was 30 years ago. Thirty years ago people who smoked felt they had the right to light up a cigarette, no matter where they were.

We've heard the argument that the Court may look at the constitutionality of any free speech matter that might relate to advisories about cigarette smoking.

Well, it's hard for me to believe that a Supreme Court that once said the Constitution does not mean that the freedom of speech allows people to yell "fire" in a crowded room would now come to the point where they'd say it would be unconstitutional to prohibit an industry from trying to get children to smoke a product that's illegal for them to buy in any State of the Union.

I think we are, today, at the last gasp of the tobacco industry's efforts to protect their profits at the expense of the health and lives of the American people and to get children to take up this

habit. We're moving away from it fast in this country. The FDA will help us succeed in ending this tobacco epidemic.

My heart goes out to people around the world as American tobacco companies are telling people in other countries, be like Americans. If you're a woman, you can smoke—don't let your culture keep you from taking up this habit. As they tell children around the world, start smoking. You can be more like Americans who you so admire. You can be cool, and all the stuff that was blabbered out in the decades in the United States to get so many millions of people to smoke.

Madam Speaker, this bill, authored by Senator KENNEDY in the Senate and by myself in the House, has come a long way. It took us a long time to get here. But we're here now, and I urge my colleagues to vote for passage of this legislation.

Mr. VAN HOLLEN. Madam Speaker, this is a very important and historic day for the American people. I rise in strong support of the bipartisan Family Smoking Prevention and Tobacco Control Act, of which I am a proud original cosponsor. I want to thank and acknowledge the leadership of Chairman WAXMAN, Senator KENNEDY, and so many others who have fought the battles for so many years to see this day happen.

Granting the Food and Drug Administration the authority to regulate tobacco products is long overdue. The legislation is a critical step in protecting the health and well being of millions of Americans from the deadly effects of tobacco use. It is a shame that tobacco products were not regulated in this country. Though the FDA has the authority to regulate products that are not addictive, we always had this gap in their regulatory authority when it came to the very addictive products of nicotine and tobacco products.

For far too long, the tobacco companies have taken advantage of this loophole and have exploited it by marketing their deadly products to young people. Generation after generation, the tobacco companies knowingly targeted our kids through flavored cigarettes, manipulating the ingredients in their products, false advertising and other deceiving methods—all to ensure that their profit margins remained high. In fact, they had to do that. In order for these companies to continue to make their profits, they had to find ways to hook people on tobacco products.

I am very proud of the efforts Maryland has taken to curb the effects of tobacco use. It has increased the tobacco tax and youth smoking has declined. Maryland also passed a comprehensive smokefree indoor air law in 2007. I am also proud that the Congress took steps earlier this year to decrease tobacco use by increasing federal excise taxes on cigarettes as part of the reauthorization of the State Children's Health Insurance Program.

Let's make sure that future generations of young people do not get addicted to tobacco products. Addiction to tobacco products has had a huge cost to our society in terms of lives and money by killing over 400,000 Americans each year. This legislation will save lives

and money. I strongly urge my colleagues to join me in putting an end to this deadly cycle and vote yes on this very important bill.

Ms. FOXX. Madam Speaker, this bill includes more than \$5 billion in new tax increases on tobacco companies and gives sweeping control of the tobacco market to the FDA. Chairman DINGELL, discussing the salmonella outbreak last summer, was quoted in *The Wall Street Journal* as saying that "there's a total inability of the FDA to carry out its mission." This isn't the first Democrat to raise questions about the effectiveness of the FDA. It is therefore highly hypocritical of them to extend the agency's regulatory authority to a multi-billion dollar industry of which the FDA has no expertise.

This bill undermines the established purpose of the FDA. As FDA Commissioner Andrew von Eschenbach testified before the House Energy and Commerce Committee in October 2007, the FDA is an agency intended to promote and protect the public health. In the Commissioner's opinion, requiring the FDA to "approve" tobacco products as a result of this bill would dramatically change the agency's focus. Mr. von Eschenbach stated that "Associating any agency whose mission is to promote public health with the approval of inherently dangerous products would undermine its mission and likely have perverse incentive effects."

While establishing FDA authority to regulate tobacco products, this bill would also retain the FTC's federal authority to regulate tobacco advertising and circulation. It would provide only limited pre-emption of state laws, allowing more rigid state restrictions on tobacco advertising.

This bill imposes undue bureaucratic and logistical hardships on tobacco manufacturers by burying them under multiple layers of regulation. It is important to remember that the sale of tobacco is legal in the United States and is credited with hundreds of thousands of jobs across the country. We cannot afford to lose more American jobs especially when we are facing such economic challenges.

FDA regulation will have a devastating economic impact on small tobacco companies, their employees, associated businesses, and the largely rural communities which they support. Under this legislation they will not be able to comply with and afford what is sure to be a costly and complex regulatory regime.

There are some 350 small tobacco manufacturing companies throughout the United States. Together with their suppliers, vendors, distributors and tobacco growers, these companies employ thousands of people. Tobacco growing in particular has long been an important part of rural communities. As most of these companies are located in rural, economically depressed areas, the jobs, employee health and pension benefits and revenue they provide is critical to our local economies. While large tobacco companies can absorb the cost of FDA regulation, many of these smaller companies cannot. This legislation will force them to close their doors, leaving their employees jobless.

Ms. LEE of California. Madam Speaker; I rise in strong support of the Senate Amendments to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

I want to thank Chairman WAXMAN and his staff, and Senator KENNEDY for their tireless work over the years to ensure that we could get to this moment.

The federal regulation of tobacco has been a long time coming. I'm pleased that today's action will complete consideration of this bill and send it on to the President to finally get it enacted into law.

According to the Centers for Disease Control and Prevention, smoking is the leading cause of premature death in the United States. More than one in five Americans smoke, and according to the CDC's most recent report, in 2004 this included about 21 percent of adults and more than 22 percent of high school students.

Each year about 1 in 5 deaths, about 443,000 people, are a result of smoking or exposure to secondhand smoke. And for each person who dies from a smoking related disease about 20 more are living with a smoking attributable chronic illness—or about 8.6 million people.

In addition to the significant effects of smoking on the health of our constituents, the estimated costs of smoking-related medical expenses and loss of productivity exceed \$167 billion annually.

Thankfully, in my state of California we have known the dangers of smoking for a long time, and we were one of the first states to move forward in banning indoor smoking in public places, including bars and restaurants. As a result our State has the second lowest prevalence level of smoking among both adults and youth, at 14.8 percent and 13.2 percent respectively.

It is long past time that we try to take a national approach to address the dangers of smoking.

I'm pleased that this bipartisan legislation will grant the Food and Drug Administration authority to regulate the advertising, marketing, and manufacturing of tobacco products. And I'm also pleased that it takes steps to ban flavor additives, including menthol, as well as further restricting marketing directed to our children.

But passage of this bill really is just the first step. We've also got to make sure that we follow through on the regulatory authority provided in this bill to help encourage smokers to quit, and to provide help to those who choose to do so.

However I'm pleased that we are finally taking this action today, and I'm convinced that it will help to improve public health and reduce costs to our health care system in the long run.

I urge my colleagues to support this bill.

Mr. McINTYRE. Madam Speaker, I rise today to express grave concerns about H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

This bill will grant the Food and Drug Administration (FDA) wide authority to dictate to manufacturers and growers dramatic changes in product design and leaf cultivation, a concern that has been raised repeatedly by the tobacco growers in my district. The last thing we want is government bureaucrats coming on the farm!

The tobacco industry contributes over \$36 billion to the U.S. economy each year, employing over 19,000 individuals nationwide. In

my home state of North Carolina, over 8,600 people are employed by the industry with a statewide economic impact of over \$23.9 billion.

The manufacturing provisions and “FDA on the farm” provisions of this bill will put many companies and growers out of business. In this time of economic uncertainty, we can’t afford to lose more jobs!

In addition, the FDA is already overburdened with its food safety and drug approval mission. Placing another large regulatory burden on an already overwhelmed agency will further divert attention away from the FDA’s primary role of protecting our food supply and regulating prescription drugs.

Mr. TOWNS. Madam Speaker, today, I rise in support of H.R. 1256 because of the public health benefits this legislation will provide to the country.

I am deeply troubled, however, that the legislation we are voting on today does not include many provisions of great importance to Federal employees. These provisions were adopted unanimously by this chamber and were included in the tobacco legislation that was sent to the Senate.

The Oversight and Government Reform Committee worked closely with the sponsors of H.R. 1256 in crafting this legislation. The bill modernizes the Federal Employee Thrift Savings Plan, and these changes to the TSP provide the revenue that covers the cost of new tobacco prevention programs. As a matter of simple fairness, a portion of this revenue generated by Federal employees was devoted to simple fixes to the Federal retirement system that will make it more fair and efficient for Federal employees and management.

The House-passed legislation included provisions to eliminate inconsistency in how part-time service, breaks in service, and unused sick leave are considered in calculating retirement benefits. These provisions would help encourage highly-talented individuals to return to government service at a time when we need to be attracting such individuals to prepare for a wave of upcoming retirements, and would help that wave of retirements be more predictable and orderly.

Unfortunately, the Senate amendments to this bill left out these critical provisions. It is very disappointing, and unfair to Federal employees, that they are used to generate the revenue for these important changes, but that a portion of that revenue will not fund important reforms that will make the Federal personnel system more efficient. I will continue to work with my colleagues to ensure that these inequities and inefficiencies in the Federal retirement system are addressed.

Mr. WU. Madam Speaker, I rise today in support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, and ask my colleagues to agree to the Senate amendments.

The statistics being heard on this floor are handed out on this floor like candy. Because numbers are often passed off as nothing more than empty words, we fail to recognize what they mean—in this Speaker, I rise today in support case we are talking about people’s lives. It was Irving Selikoff, a medical researcher who co-discovered a cure for tuberculosis who said, “Statistics are real people with the tears wiped away.”

For instance, smoking-related diseases cause an estimated 440,000 American deaths each year. And a 2004 study by the CDC’s National Center for Chronic Disease Prevention and Health Promotion found that cigarette smoke contains over 4,800 chemicals, 69 of which are known to cause cancer.

Ninety percent of adult smokers are addicted to tobacco before they reach the age of 18; 50 percent before the age of 14. Currently the average age of initiation to tobacco is 11.

Forty-eight million adults smoke in the U.S., which is 22.9 percent of the population overall, and 33 percent of youth currently smoke.

Those real people are our parents and children, our family and friends, who suffer the consequences of addiction to tobacco. I want my children to grow up healthy and to make healthy decisions. To help that happen, H.R. 1256 will put in place the proper authority for the Food and Drug Administration to establish regulations over tobacco products. We need the FDA to protect our population from the harmful effects of cigarettes and tobacco products by being able to provide sound, scientific regulations governing these products.

Even with all the warnings, and the money spent on education campaigns, kids are still picking up smoking at the alarming rate of 3,000 a day in the United States.

The health concerns that will face these children are costly, painful, and deadly.

But they are also ultimately preventable.

I am acutely concerned that tobacco companies have used Portland, Oregon, as a test market for new smokeless tobacco products. Products like snus, or other tobacco-based nicotine delivery products have been repeatedly tested in markets like Portland.

Many of these products look like candy and taste sweet. They are an addictive tobacco trap for children and should be either banned or heavily regulated away from kids.

I ask my colleagues to agree to the Senate amendments to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, and send this bill to the President’s desk for him to sign.

Mr. PRICE of North Carolina. Madam Speaker, I thank Chairman WAXMAN for his leadership on this important legislation—and on the whole range of public health issues before the Congress—and have talked extensively with him about the intention of the use of the term “small business tobacco manufacturing industry” as it concerns the Scientific Advisory Committee established in Section 917(b)(1).

H.R. 1256 provides for the establishment of a 12-member Tobacco Products Scientific Advisory Committee and stipulates that one of the members of the Committee shall be a “representative of the interests of the small business tobacco manufacturing industry” that may be filled on rotating, sequential basis by representatives of different “small business tobacco manufacturers.”

For the purpose of phrasing in compliance with certain requirements of this act Section 900(16) of the bill defines “small tobacco product manufacturers” as those having fewer than 350 employees. However, the bill does not define what constitutes a “small business tobacco manufacturer” as it relates to the SAC.

Chairman WAXMAN has assured me that I am correct in concluding that the term in section 917(b)(1) regarding membership on the Advisory Committee is different from—and need not be interpreted as the same as—the one used in proposed new section 900(16).

Additionally, Chairman WAXMAN has assured me that when section 917(b)(1) says that one member of the Scientific Advisory Committee must be a representative of the “small business tobacco manufacturing industry” that does NOT mean that the person must be a representative of a “small tobacco products manufacturer” as defined in section 900(16).

I appreciate the chair’s effort to ensure that small manufacturers have a seat at the table on the Scientific Advisory Committee. The passage of this important legislation is a victory for public health and our nation’s children. I have supported this bill in both this and the last Congress because I believe we must place a far greater emphasis on youth smoking prevention and the elimination of tobacco advertising aimed at children. The Food and Drug Administration is the logical agency to take on the new regulatory responsibilities, and Congress and the Obama Administration need to make sure they have adequate support to carry out this important job.

Mr. MCINTYRE. Madam Speaker, I rise to discuss a technical but important matter. H.R. 1256 would permit the use of brand names and logos on roll-your-own paper, as well as cigarettes and smokeless tobacco. The U.S. Congress has correctly recognized the necessity of allowing RYO manufacturers to put their brand names on the paper that is used to assemble RYO cigarettes. However, I am concerned that language only naming one component and not the other necessary components could lead to a prohibition on branding for tubes, rollers, injectors and filters. These are items that are used by individuals in their homes for purposes of making their own cigarettes, and not seen by others. They have none of the attributes which have caused the restriction of the use of logos on other items such as t-shirts.

For more than 100 years, these types of RYO making components have been marketed with company brand names and logos. This practice helps consumers easily identify which components and accessories to use and helps companies establish good-will with their customers. Yet, this practice will unnecessarily be forced to come to an end unless components other than RYO paper are included within the FDA’s final rule on product branding. The intent of this legislation dictates that the branding prohibition does to not apply to entities that do not meet the definition of a manufacturer or importer of cigarettes or smokeless tobacco. Any final rule promulgated by FDA should recognize that RYO papers and all necessary components are permitted branding authority.

Ms. MCCOLLUM. Madam Speaker, I rise in strong support of the Family Smoking Prevention and Tobacco Control Act (H.R. 1256). Today is a historic day for the prevention of disease and promotion of public health in America. I commend Chairman WAXMAN, Chairman DINGELL, and Chairman PALLONE for their leadership in advancing this legislation.

Tobacco use is the single most preventable cause of death in the United States. More

than 400,000 people die in the U. S. each year from tobacco use, including 5,600 Minnesotans. Another 8.6 million Americans are living with a serious illness caused by smoking. Unfortunately, the problem continues to grow. Every day, more than 3,500 young Americans try a cigarette for the first time. One third of these individuals will eventually die prematurely as a result of long-term tobacco use. Even those who do not choose to smoke tobacco are put in harms way—for every eight smokers who die from using tobacco, one non-smoker also loses their life.

The Food and Drug Administration, FDA, is charged with ensuring the safety of food and medicine sold in the United States, but lacks the authority to regulate one of the deadliest products in America—tobacco. This is a loophole American families cannot afford.

The Family Smoking Prevention and Tobacco Control Act, of which I am an original cosponsor, would grant the FDA the authority to regulate the advertising, marketing, and manufacturing of tobacco products, particularly for young people. By prohibiting the colorful marketing of tobacco products to children, we can help prevent countless young Americans from becoming victims of deceptive advertising. This bill will also allow the Secretary of Health and Human Services to approve all label statements and to restrict the sale, promotion, and distribution of tobacco products for the protection of public health. This legislation will also accomplish all of these important goals in a fiscally responsible manner—funding for FDA tobacco activity will be provided through a user fee on tobacco manufacturers.

I urge my colleagues to support this bill to pass this bill and send it to the President to be signed into law. This is an important step to moving towards a healthier America.

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

The SPEAKER pro tempore. Pursuant to House Resolution 532, the previous question is ordered.

The question is on the motion offered by the gentleman from California (Mr. WAXMAN).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 307, nays 97, not voting 30, as follows:

[Roll No. 335]

YEAS—307

Abercrombie	Bishop (GA)	Cantor
Altmire	Bishop (NY)	Cao
Andrews	Blumenauer	Capito
Arcuri	Boccheri	Capps
Austria	Bono Mack	Capuano
Bachus	Boren	Cardoza
Baird	Boswell	Carnahan
Baldwin	Boucher	Carney
Barrow	Boyd	Carson (IN)
Bartlett	Brady (PA)	Cassidy
Bean	Brady (TX)	Castle
Becerra	Braley (IA)	Castor (FL)
Berkley	Brown (SC)	Chandler
Berman	Brown-Waite,	Clarke
Berry	Ginny	Clay
Biggert	Burton (IN)	Cleaver
Bilbray	Butterfield	Clyburn
Bilirakis	Camp	Cohen

Connolly (VA)	Kilroy	Quigley
Conyers	Kind	Rahall
Cooper	King (NY)	Rangel
Costa	Kirk	Rehberg
Costello	Klein (FL)	Reichert
Courtney	Kosmas	Reyes
Crenshaw	Kratovil	Richardson
Crowley	Kucinich	Rodriguez
Cuellar	Lance	Rogers (AL)
Cummings	Langevin	Ros-Lehtinen
Dahlkemper	Larsen (WA)	Roskam
Davis (AL)	Larson (CT)	Ross
Davis (CA)	LaTourette	Rothman (NJ)
Davis (IL)	Lee (CA)	Roybal-Allard
DeFazio	Lee (NY)	Rush
DeGette	Levin	Ryan (OH)
DeLauro	Lipinski	Salazar
Dent	LoBiondo	Sánchez, Linda
Dicks	Loebsack	T.
Dingell	Lofgren, Zoe	Sarbanes
Doggett	Lowe	Schakowsky
Donnelly (IN)	Luján	Schauer
Doyle	Lungren, Daniel	Schiff
Dreier	E.	Schock
Driehaus	Lynch	Schrader
Duncan	Maffei	Schwartz
Edwards (MD)	Maloney	Scott (GA)
Edwards (TX)	Manzullo	Scott (VA)
Ellison	Markey (CO)	Serrano
Ellsworth	Markey (MA)	Sestak
Emerson	Marshall	Shea-Porter
Engel	Massa	Sherman
Etheridge	Matheson	Shimkus
Fallin	Matsui	Simpson
Farr	McCarthy (CA)	Sires
Fattah	McCarthy (NY)	Skelton
Finer	McCaul	Slaughter
Fleming	McCollum	Smith (NJ)
Fortenberry	McDermott	Smith (TX)
Foster	McGovern	Smith (WA)
Frank (MA)	McKeon	Snyder
Frelinghuysen	McMahon	Space
Fudge	McMorris	Speier
Gerlach	Rodgers	Spratt
Giffords	McNerney	Stark
Gonzalez	Meek (FL)	Stearns
Gordon (TN)	Meeke (NY)	Stupak
Granger	Melancon	Sutton
Grayson	Michaud	Tanner
Green, Al	Miller (MI)	Tauscher
Green, Gene	Miller (NC)	Taylor
Griffith	Miller, George	Teague
Grijalva	Minnick	Terry
Gutierrez	Mitchell	Thompson (CA)
Hall (NY)	Mollohan	Thompson (MS)
Hall (TX)	Moore (KS)	Tiberi
Halvorson	Moore (WI)	Tierney
Hare	Moran (VA)	Titus
Harman	Murphy (CT)	Tonko
Harper	Murphy (NY)	Towns
Hastings (FL)	Murphy, Patrick	Tsongas
Heinrich	Murphy, Tim	Turner
Herseth Sandlin	Murtha	Upton
Higgins	Nadler (NY)	Van Hollen
Hill	Napolitano	Velázquez
Himes	Neal (MA)	Visclosky
Hincheby	Nye	Walden
Hinojosa	Oberstar	Walz
Hirono	Obey	Wamp
Hodes	Olver	Wasserman
Holden	Ortiz	Schultz
Honda	Pallone	Waters
Hoyer	Pascarell	Watson
Inslee	Pastor (AZ)	Watt
Israel	Paulsen	Waxman
Jackson (IL)	Payne	Weiner
Jackson-Lee	Pelosi	Welch
(TX)	Perlmutter	Wexler
Johnson (GA)	Peters	Wittman
Johnson (IL)	Pingree (ME)	Wolf
Johnson, E. B.	Platts	Woolsey
Kagen	Poe (TX)	Wu
Kanjorski	Polis (CO)	Yarmuth
Kaptur	Pomeroy	Young (AK)
Kildee	Price (NC)	Young (FL)
Kilpatrick (MI)	Putnam	

NAYS—97

Aderholt	Boehner	Burgess
Akin	Bonner	Buyer
Alexander	Boozman	Calvert
Bachmann	Boustany	Campbell
Barton (TX)	Bright	Carter
Bishop (UT)	Broun (GA)	Chaffetz

Coble	King (IA)	Pitts
Coffman (CO)	Kingston	Posey
Cole	Kirkpatrick (AZ)	Price (GA)
Conaway	Kissell	Radanovich
Culberson	Lamborn	Roe (TN)
Davis (KY)	Latham	Rogers (KY)
Davis (TN)	Latta	Rohrabacher
Diaz-Balart, L.	Lewis (CA)	Rooney
Diaz-Balart, M.	Linder	Royce
Flake	Lucas	Ryan (WI)
Forbes	Lummis	Scalise
Fox	Mack	Schmidt
Franks (AZ)	McClintock	Sensenbrenner
Garrett (NJ)	McCotter	Sessions
Goodlatte	McHenry	Shadegg
Graves	McHugh	Shuler
Guthrie	McIntyre	Shuster
Heller	Mica	Smith (NE)
Hensarling	Miller (FL)	Souder
Herger	Moran (KS)	Thompson (PA)
Hoekstra	Myrick	Thornberry
Hunter	Neugebauer	Tiahrt
Inglis	Olson	Westmoreland
Issa	Paul	Whitfield
Jenkins	Pence	Wilson (SC)
Schrader	Perriello	
Johnson, Sam	Petri	
Jordan (OH)		

NOT VOTING—30

Ackerman	Ehlers	Lewis (GA)
Adler (NJ)	Eshoo	Luetkemeyer
Baca	Gallegly	Marchant
Barrett (SC)	Gingrey (GA)	Miller, Gary
Blackburn	Gohmert	Nunes
Blunt	Hastings (WA)	Rogers (MI)
Brown, Corrine	Holt	Ruppersberger
Buchanan	Jones	Sanchez, Loretta
Childers	Kennedy	Sullivan
Deal (GA)	Kline (MN)	Wilson (OH)

□ 1154

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ESHOO. Madam Speaker, I was not present during Senate Amendment to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, on June 12, 2009. Had I been present I would have voted "yea."

GENERAL LEAVE

Mr. WAXMAN. I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted a privileged report (Rept. No. 111-146) on the resolution (H. Res. 449) of inquiry requesting the President to provide certain documents in his possession to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare, which was referred to the House Calendar and ordered to be printed.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted a privileged report (Rept. No. 111-147) on the resolution (H. Res. 462) requesting that the President transmit to the House of Representatives all information in his possession relating to specific communications with Chrysler LLC ("Chrysler"), which was referred to the House Calendar and ordered to be printed.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY. Madam Speaker, I ask unanimous consent that the managers on the part of the House may have until 11:59 p.m. on June 12, 2009, to file a conference report on H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

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

There was no objection.

PERMISSION TO FILE PRIVILEGED REPORT ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2010

Mr. OBEY. Madam Speaker, I ask unanimous consent that the Committee on Appropriations may have until 11:59 p.m. on June 12, 2009, to file a privileged report on a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved.

□ 1200

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend for yielding.

On Monday, Madam Speaker, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Tuesday, the Former Members Association will have their annual meeting on the floor at 8:30 a.m. The House will then meet at 10:30 a.m. for morning-hour debate and 12 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. And on Friday, as is unusual, the House will meet at 9 a.m. for legislative business.

Madam Speaker, we will consider several bills under suspension of the rules. A complete list of suspension bills will be noted by the end of the day.

In addition, we will consider a conference report on H.R. 2346, the Supplemental Appropriations Act on the 2010 Commerce, Justice, Science, and Related Agencies Appropriation Act and the 2010 Homeland Security Appropriations Act. And I yield back.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

I would say to the gentleman that he has noticed two appropriations bills for next week: Commerce, Justice and Science; and the Homeland Security appropriations bills. Madam Speaker, I would ask the gentleman, does he expect the House, as is its custom, to consider these bills under an open rule? And I yield.

Mr. HOYER. I thank the gentleman for yielding.

It certainly would be our intent to proceed with an open rule on the consideration of the Commerce, Justice and State bill—I guess it's Science now. The intent, of course, as the gentleman knows based upon our discussions, is that we will finish all 12 appropriation bills individually between now and the 30th of July. This will give the Senate and the House the opportunity to agree on a conference report on the 12 appropriation bills and hopefully enact those bills and send them to the President prior to the onset of the fiscal year October 1. If we do that, of course, it will be unusual, and it is an ambitious schedule. But because of that, it will be necessary for us to consider these bills in an effective, but also efficient, fashion and stay within time constraints that will allow us to accomplish those 12 bills within that time frame. I am hopeful that as Mr. OBEY and Mr. LEWIS proceed and the subcommittee Chairs proceed, that we can agree on that occurring.

As the gentleman and I have discussed, we will see how the first bill goes, or the second or third, and hopefully they will go in that fashion. The only constraint that we want is to utilize the time so we can effect the objective of passing these bills by the August break so we will have time to finish them before the beginning of the fiscal year.

I would tell my friend that, in addition to that, there would be one, however, additional request that the chairman of the Appropriations Committee

has made—with which I strongly agree and that I think is fair to all the Members and to the committee Chairs and subcommittee Chairs—and that is that there will be a requirement for preprinting an amendment. There will be no selection in the CJS bill of amendments, but there will be a requirement that they be preprinted and included in the RECORD.

If, however, I want to assure the gentleman, there is some problem with the RECORD reflecting an amendment that has been prefiled but doesn't make it in the RECORD, we would proceed as if that had been included in the printed RECORD.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

As the gentleman knows, in 2005 this House did abide by a schedule such as the one that he proposes, and did so under an open rule on each bill.

I ask the gentleman if, given this preprinting requirement that we are proceeding under, if there is a need for a perfecting amendment that comes upon the adoption of an amendment, how is it that we will be necessarily guaranteeing Members' perfecting amendments the right to be heard? Will there be a UC granted for such a perfecting amendment? I yield.

Mr. HOYER. I thank my friend for yielding.

I have discussed this matter with the chairman of the Appropriations Committee, and it is his view—and I share that view, certainly—that in that instance granting a unanimous consent would be appropriate. Obviously, if the circumstances change and such an amendment were necessary, I think the gentleman will find that the chairman is inclined—and I believe the subcommittee chairman will be inclined—to give unanimous consent to achieve that objective.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would say to the gentleman that the Speaker of the House has announced a goal of considering the cap-and-trade bill on the floor prior to the July 4 recess. I would ask the majority leader, does he expect the Speaker's goal to be met? And I yield.

Mr. HOYER. I thank the gentleman for yielding.

We certainly hope so. The Speaker and I have both indicated, with respect to the energy bill, which seeks to not only address the conservation of our energy and making us energy independent, but also seeks to address the global warming challenge that confronts our globe, to pass that legislation in a timely fashion. It passed out of committee, as the gentleman knows, the week when we left for the Memorial Day break, so it has been pending now for at least 3 weeks.

It is our hope that we can move forward on this as early, perhaps, as the last week in June, which would be immediately before the July 4 break.

Time and circumstances will dictate whether or not that is possible, but we certainly do hope to consider that in the near term.

In addition, as the gentleman undoubtedly knows, we also have under consideration the health care bill, which the President has made a very high priority and which we have made a very high priority. So that bill will also, we hope, be considered prior to the August break.

So those two bills are major pieces of legislation that we hope to consider, but I don't want to give an exact date on those because they are complicated pieces of legislation. We hope that we can reach agreement on—and we would like to reach agreement across the aisle as well—if not all facets, at least some facets of that bill. I'm sure your side has considerations that will help us perfect a bill. I think we will probably have some agreements, but, nevertheless, we hope to move forward together on both bills.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

I would like to ask a followup of the majority leader, specifically for the benefit of the Members who serve on the Ways and Means and the Agriculture Committees. Will we anticipate that those two committees will have an opportunity to hear and mark up the cap-and-trade bill? And I yield.

Mr. HOYER. I thank the gentleman for yielding.

I have discussed this matter with the chairmen of both committees. Certainly they will have the opportunity. Whether they will avail themselves of that opportunity I can't say at this point in time. What I mean by that is that there are clearly concerns that both committees have and have been expressed. But whether or not they're going to actually go to a markup of the bill or try to perfect it in other ways on the floor or in working with the Energy and Commerce Committee I don't think has been decided by either committee at this point in time.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I now would like to point out to the gentleman, as all of us know, that our troops in Iraq and Afghanistan have spent the last 29 days waiting for this Congress to authorize the funding that they need to execute their mission to maintain not only their own safety, but the safety of us here at home. We have heard reports since last night that the war funding bill and its provision and primary mission of funding the troops has now been somewhat eclipsed by provisions which have no relation to protecting and supporting our troops in the field. So I would ask the gentleman, could he confirm, number one, that \$108 billion—scored at \$5 billion by the Congressional Budget Office—whether that money for the IMF will be included in the troop funding bill? Number two,

are the reports correct which have indicated that the provisions prohibiting the release of detainee photos has now been stripped from the measure that we will consider? And thirdly, could the gentleman confirm that the conference report coming to the House will now allow for the transfer of the Guantanamo detainees into the United States?

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman recalls, we had a relatively robust discussion about this last week.

Let me, first of all, say that the principle purpose of this bill was, is, and will be on Tuesday the funding of our troops in the field, providing them with the resources necessary to complete successfully or pursue successfully the task that we've given them and to provide for their safety and well-being to the possible extent we can. So that was the intent, it is the intent, and will remain the intent.

Now, let me make a suggestion that providing for some of the poorest nations in the world to be more successful economically will not only be beneficial to our country and to the international economy generally, but also to the safety of our troops, very frankly. It is, obviously, in deep poverty and frustration from which many of the terrorists that we have seen have been recruited. To the extent we provide for the economies of these small, troubled countries, we may well be a safer world, not only economically better off, but from a security standpoint better off. So we perceive the IMF as an integral part of a process of seeking security.

I might say that the IMF, as I quoted last week, very strongly supported by Ronald Reagan, very strongly supported by both President Bushes, but particularly President Bush the First, where they said investing in the IMF was an investment in the well-being of the international community and our own country.

As you indicate, the \$108 billion scores at \$5 billion because it's a loan guarantee; it's not a giveaway. We believe that the IMF is a very important part of it, and in answer to your question, the IMF will, in fact, be a part—as I think the gentleman probably knows—of the conference report that will be filed perhaps later tonight.

With respect to your second question regarding—well, I guess your third question because your first was about the security of the troops—the third question of Guantanamo, let me, first of all, read a letter, a paragraph of a letter dated June 11 to Mr. OBEY and Mr. INOUE, the Senate chairman of the Appropriations Committee, from President Obama.

□ 1215

He says, On May 13 I announced I would resist the release of additional

detainee photos because I did not believe it would add any additional benefit to our understanding of what happened in the past and that the most direct consequences of releasing them would be to further inflame anti-American opinion and put our troops in greater danger. Earlier today the Second Circuit granted the government's motion that will stay the earlier court order to release the detainees' photos, and we will now move forward with a petition to the Supreme Court to appeal the case.

He goes on to say, I deeply appreciate all you have done to help with the effort to secure funding for the troops, and I assure you that I will continue to take every legal and administrative remedy available to me to ensure that the DOD detainee photographs are not released. Should a legislative solution prove necessary, I am committed to working with the Congress to enact legislation that achieves the objectives we share.

With respect, lastly, Mr. Whip, to the detainees, as you know, one detainee was, in fact, transferred to the United States, to New York, for the purposes of trial. That is not unusual. As the gentleman knows, many terrorists have been tried in the New York District Court in which this trial will occur. In addition to that, four Uyghurs have been ordered released by the court because the court concluded there was no proof of terrorist activity by the Uyghurs. They've been released to Bermuda.

One Iraqi detainee, Mr. Sadkhan, was returned to Iraq. One Chadian detainee was returned to Chad. And Mr. Ghailani, to whom I have referred to earlier, has been transferred to New York City, where there is a standing indictment against him. He'll be tried for his role in the 1998 attacks in Tanzania and Kenya in which the father and brother of one of my constituents, Edith Bartley, were killed, Julian and Jay Bartley. So I, for one, am pleased that this gentleman, and I use that term loosely, unfortunately, but this individual will be tried and brought to justice.

All four Biscoe conspirators have been found guilty and are serving out sentence in the U.S. supermax prison. It has been agreed under the language, as I understand it, that has been adopted that detainees would be brought to the United States for no other purpose than prosecution.

Mr. CANTOR. I thank the gentleman.

And, Madam Speaker, I would respond by going back to the gentleman's original statement concerning the principal purpose of the war funding bill, and that he said, if I could paraphrase, the intent of the bill is to fund our troops. So I am at somewhat of a loss to understand why we have taken 29 days. We've already had one strong bipartisan vote in this House with

nearly unanimity on our side of the aisle to provide the necessary funding for our troops, so I'm at somewhat of a loss to understand why the delay.

The gentleman speaks of the urgent need for us, as U.S. taxpayers, to fund a global bailout, and the gentleman said that there is indication that somehow if we address the issue of poverty that we will then be lessening the number of terrorists. I don't know, Madam Speaker, if all of us would agree with that or not. No question, reducing poverty is a laudable goal, but we are also in the business here in Washington of setting priorities. Priority one should be the funding of our troops and to secure this country and its citizens. And thank God we have our men and women in uniform there. They should be our priority in executing in terms of advocating for the safety and fighting for the security of this country.

So I am still, to use the gentleman's word from last week, confounded as to why it is we cannot have the IMF funding go through regular order in this House. As you know, reports have indicated that actions have been taken by this administration, especially Secretary Geithner, to cast a vote in favor of increasing access to money and credit for the member nations of the IMF. That is done without congressional approval. And we're talking here specifically about the special drawing rights of nations at the IMF. We have also found out that the nation of Iran will have the ability to access funding of over a billion dollars through this process. To me, that calls for congressional oversight and action. It doesn't warrant delaying this bill. It doesn't warrant putting on the backs of our troops the funding of nations, frankly, that are providing support for the destruction of our efforts and endangering our troops on the ground in Iraq and in the region.

So I have a question to the gentleman of why it is so important that we go ahead and fund a global bailout when the primary mission is to fund our troops.

And I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding to me.

The gentleman articulates a number of premises that I reject, I don't agree with. Nobody is putting anything on the back of the troops. The gentleman has been in this body for some period of time, and he knows that from time to time the other body adds amendments to bills and it is incumbent upon us to consider those amendments. As the gentleman knows, when we passed the bill through the House, it did not have the IMF funding in the bill. The Senate added it to the bill. It was a subject of the conference report. The President of the United States has asked for the IMF funding. We happen to agree with the President of the United States that the IMF funding is appropriate funding

and does, in fact, as I will restate for the gentleman, we believe, add a security component to the troop funding that is the primary purpose of this bill.

Secondly, I reject your premise that somehow this money is going to go to people who are going to harm us. In fact, of course, as I told you last week, the last time Iran, which you mentioned, received money was when Ronald Reagan was President of the United States in 1984. There is no expectation, in my opinion, that Iran, while it may be eligible technically, is going to get any money, as it has not for the last quarter of a century.

I would reiterate what I said last week in quoting Ronald Reagan, no individual who wanted to give aid and comfort to the enemy. Very forthright in his confrontation of communism and despotism. He said, "I have an unbreakable commitment to increase funding for the IMF." As I cited to you, he said that on September 7, 1983. He went on to say, "The IMF is the linchpin of the international financial system."

The gentleman and his side of the aisle continue, in my opinion, to misrepresent what is intended by that funding. The President of the United States, whether it was Ronald Reagan, George Bush the First, George Bush the Second, or any other President, that goes to an international meeting with 19 of the other large industrial nations in the world and they sit down together and attempt to try to bring the global economy back to vibrancy and agree that, in part, what is needed is some assistance to the poorest nations in this world who are themselves being dragged down and, in the process, adversely affecting the global markets generally agree to make a substantial commitment of loan guarantees available. As the gentleman knows, the United States has about a 20 percent vote on this, and this is about a 20 percent contribution that the President has agreed to. The other 19 nations agreed to come up with 80 percent of these dollars. All of them agreed that this is in the best interest of restoring our global economy and, I suggest to you as well, stabilizing the security situation that confronts the international community.

President Bush said—and this is the last quote I'll give. You may be tired of hearing these quotes, but your side of the aisle has been making a great hue and cry as if IMF is some specious, dangerous pursuit. This is not a bailout. This is an assistance to people to try to grow back and be positive, contributing members of the international global marketplace.

George Bush said this: "The IMF and World Bank, given their central role in the world economy, are key to helping all of us through this situation by providing a combination of policy advice and financial assistance." George Bush

said that on September 25, 1990, a time of economic stress internationally for the same reason that President Obama and the 19 other industrialized nations of the world agreed that this was an appropriate step to take.

I would hope the gentleman would urge his party to support this, consistent with the principles of Ronald Reagan and George Bush.

Mr. CANTOR. I thank the gentleman. Madam Speaker, I think, as the gentleman knows, we are probably going to have to leave this topic and agree to disagree. It is very concerning, given the new times we are in, and, frankly, the facts and information have come forward about the special drawing rights about the fact and knowledge that we have at this point knowing U.S. taxpayer dollars will help facilitate countries like Iran, Venezuela, Burma, and others to access more money to do what it is that they think is in their interest and certainly not in the interest of the U.S.

But I would like to turn the gentleman's attention back to his statement about the intention of this bill and the primary purpose of the war funding bill, which, again, to loosely paraphrase, was to provide for troop safety and security, and that's the underlying purpose. The gentleman indicated that the President has already taken the same position that most of us, I believe, in this House have taken so far as these photos are concerned and the release of the photos of the detainees. So I am again at somewhat of a loss to understand why it is that even if the White House and the President himself have sided with what I think the majority of the American people feel as well as the Members of this House, why it is that we are doing the opposite in the text of the report that we will be voting on.

And I would say to the gentleman, Commander Ray Odierno, General Odierno, Commander of the Multi-national Forces in Iraq, someone that I'm sure the gentleman has had occasion to meet and I as well, who we know is a very respected and serious leader of our troops, he said just a few weeks ago, I strongly believe the release of these photos will endanger the lives of U.S. soldiers, airmen, marines, sailors, and civilians, as well as the lives of our Iraqi partners. Certain operating units are at particular risk of harm from release of the photos. And he went on to describe those particular risks that are specific.

The gentleman, I think, can agree with me it is not in the interest of securing the safety of our troops for us to remain silent or for us not to take congressional action ensuring that nothing occurs for us to possibly harm our troops in this bill. That is why I ask the gentleman again, how have we sat here and delayed consideration of the bill because now we had to ensure inclusion in the bill the stripping of the

provision which provides the safety of our troops?

And I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Maybe one of the answers is we have less enthusiasm on this side of the aisle for interposing in cases that the court is considering. I was called back on a Sunday by your side of the aisle many years ago to do exactly that. It ended up having no effect.

There are a lot of people on my side of the aisle who believe that the objective that is being sought, which the President of the United States and, to this extent, General Odierno agrees with the Commander in Chief that these photos ought not to be released, as I pointed out to you in the paragraph that I read from the President's letter. In fact, the court has stayed the release of those pending a review by the Supreme Court of the United States. This matter is under consideration. There was general concern about obviating FOIA, the Freedom of Information Act, generally as opposed to specifically. But the President has made it very clear, the Commander in Chief, and obviously General Odierno agrees with the Commander in Chief on this issue, that he is going to take such steps as are necessary to ensure that these photos are not released, to the extent that he and General Odierno both agree that the release of those pictures may, in fact, have an adverse effect on the safety of our troops. So what I simply respond to the gentleman is that the President of the United States and General Odierno are both in an agreement and the President of the United States is taking action to effect that agreement.

□ 1230

Mr. CANTOR. I thank the gentleman, Madam Speaker.

I would simply point to the vote taken yesterday in the House on the motion to instruct conferees, 267 Members of this House support the inclusion of the language barring release of the photos. So I am at a loss to understand the thinking behind this action when we bring this report to the floor that strips that language.

Not only the majority, by far the Members of this House on both sides of the aisle said that they think that language is important. The American people do. It is counterintuitive to think at all that Congress should not take action to secure the safety of our troops and stop the release of those photos.

Lastly, Madam Speaker, I would just say to the gentleman, we have been somewhat dismayed again about the clouding of the issues and the underlying principle of this bill, which is to fund our troops and provide for their safety, and we've seen this process delayed over unrelated items. It is unfor-

tunate. And I'm hopeful that our troops are not getting the wrong message, that somehow their safety, security and the funding of their efforts doesn't come first.

I would just lastly like to ask the gentleman: How is it that when we left the House and we had the broad bipartisan support of the provisions which fenced off the money so that we would not endanger the citizens and the communities of the targeted facilities that the detainees from Guantanamo would come to that we took that fencing off of the money to preclude the funding of shipping terrorists here, to now say that we're going to be safer, it is a better policy for us to try and achieve the rights and protect the rights of the terrorists at the potential expense of endangering U.S. citizens?

I yield to the gentleman.

Mr. HOYER. As the gentleman knows, there's no money in here for transferring. The \$80 million that was requested was not included in the House; was not included in the Senate; it's still not included. The bill prohibits current detainees from being released in the continental United States, Alaska, Hawaii or D.C., as the gentleman knows. It prohibits current detainees from being transferred to the current United States, Alaska, Hawaii or D.C., except to be prosecuted and only after Congress receives a plan detailing: risks involved and a plan for mitigating such risk; cost of the transfer; legal rationale and court demands; and a copy of the notification provided to the Governor of the receiving State 14 days before a transfer with a certification by the Attorney General that the individual poses little or no security risk.

In addition, the bill provides current detainees cannot be transferred or released to another country unless the President submits to Congress 15 days prior to such transfer: the name of the individual and the country the individual will be transferred to; an assessment of risks posed and actions taken to mitigate such risks; and the terms of the transfer agreement with the other country, including any financial assistance.

Lastly, it requires the President to submit a report to Congress describing the disposition of each current detainee before the facility can be closed.

But let me say in the final analysis, many Republicans, including the former Secretary of State, Colin Powell, Chairman of the Joint Chiefs of Staff, adviser to a number of Republican Presidents, said on a news program almost a year ago now that he believed that Guantanamo ought to be closed; he believed it should have been closed yesterday when he was speaking. That was a year ago. The President of the United States has indicated he thinks Guantanamo ought to be closed. There is disagreement on that.

I understand that. But if it's going to be closed, a plan has to be effected for the purpose of dealing with those who are at Guantanamo, and the President is working on such a plan. The Congress in both bodies made a determination until we have such plan, we're not going to take action to facilitate that. That's what I think the conference agreement sets forth, and I think it sets forth protections that can give the American people a confidence level.

Let me say something additional to the gentleman. I'm older than the gentleman. When I was a child, approximately 4 or 5 years of age, I was living in Mexia, Texas. My father, born in Denmark, served in the U.S. Army. He was in his forties and wasn't sent overseas. He was the finance officer at a POW camp in Mexia, Texas. Mexia, Texas is a town of about 7,500 people—apparently then and now. I asked somebody about it just recently. There were 4,000 Nazi troops in a POW camp in Mexia, Texas. They were kept there. They were not necessarily terrorists. We need to take special precautions.

But in the pursuance of the policies enunciated by the President of the United States when he ran for office, when he was substantially elected by the American people, he told them exactly what he thought ought to be done. He is pursuing what he said to the American people he would do. He is doing it in my opinion in a thoughtful way that will protect the American public and will bring to justice those who have committed international crimes. I think that is something that we are trying to work through.

I want to reiterate. The gentleman has now mentioned so many times that we have allowed the funding of the troops to get caught up with other issues. Surely the gentleman, I know, does not mean, because he's been here long enough to know, that when the House and the Senate and the Presidency were in the hands of his party, the funding of the troops got tied up from time to time with other issues. That's the nature of the legislative process. But I'm hopeful that the gentleman, because he's so focused on getting this money to the troops quickly, will urge all of his colleagues on Tuesday to join with us in voting to fund the troops.

Mr. CANTOR. I thank the gentleman and his plea for support in his bill, knowing good and well that this bill did not go out of this House without some support from Republicans that were necessary for its passage in its original form.

I would just say to the gentleman and thank him for his description of the POW camp in Texas. But here we are dealing with individuals who are not necessarily soldiers of war, they're enemy combatants, an entirely different set of circumstances that we have today.

Mr. HOYER. Will my friend yield on that question?

Mr. CANTOR. I will yield.

Mr. HOYER. I thank the gentleman for yielding.

He and I are probably two of the strongest supporters in this body. Those POWs were part of a regime that killed 6 million people. I remind him, and the gentleman doesn't need reminding of that, but these were not simply soldiers of a regime that was pursuing a war that you and I might view in a different way.

Mr. CANTOR. Reclaiming my time, I would just say to the gentleman, as he does know, there were applicable provisions at law which govern the treatment of soldiers at war and there is a much less definitive, more nebulous environment in which we are to look towards enemy combatants, which is my point. Because with the trial of enemy combatants on U.S. soil, we are confronting, as the gentleman knows, cases of first impression at every turn, and we are confronting uncertainty as to the disposition of these cases which brings up potential harm for U.S. citizens.

I would just go back to the gentleman's plea that he would like to see us support this bill. If the primary purpose is to maintain, promote the security and safety of our troops and provide them with funding, it is a reach for me to understand how allowing for a release of photos, how allowing for the transfer of enemy combatants—terrorists—to U.S. soil furthers that end.

So I would say in closing, Madam Speaker, if the gentleman is satisfied with deferring to the White House and deferring to this President on the very core purpose of securing this country at all levels and doesn't feel the Congress should take affirmative action, then I believe his support of this bill is well put. But it is certainly the opinion of many of us in this House as indicated by votes as late as yesterday that we can do better, that we can take action to secure our troops, get them the money they need and get rid of the unrelated items in this bill.

Mr. HOYER. I simply want to observe, as I pointed out in the five or six points I made, particularly that current detainees cannot be transferred or released to another country without notice to us, nor can they be released here in the United States without further action. So that the gentleman's premise is, I think, not correct, that this President has the authority to, or the intent to release people at this time in the United States before or after trial.

Having said that, I would say, the gentleman continues to talk about the add-ons, but I will tell the gentleman, as the gentleman knows, over 80 percent of this bill deals with the funding and security of our troops and the prosecution of the effort to defeat ter-

rorism. Over 80 percent of this bill. It is in that context that I would hope the gentleman would see his way clear to urging his colleagues to join with us in passing this needed legislation.

Mr. CANTOR. Madam Speaker, I thank the gentleman very much for his suggestion and counsel, and I yield back the balance of my time.

ADJOURNMENT TO MONDAY, JUNE 15, 2009

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday June 16, 2009, for morning-hour debate.

The SPEAKER pro tempore (Ms. KILROY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

MESSAGE FROM THE PRESIDENT

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

COMMENDING SOUTH ORANGETOWN SCHOOLS SUPERINTENDENT KEN MITCHELL

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

Mr. ENGEL. Madam Speaker, I rise today to commend South Orangetown Schools Superintendent Ken Mitchell in Rockland County in my district for his quick reaction and his bravery as he singlehandedly prevented what could have been a terrible tragedy in South Orangetown Middle School.

According to reports, a man came into the school, stormed past security and demanded at gunpoint that Mr. Mitchell make changes to a letter on swine flu. He certainly picked the wrong person to threaten when he took on Mr. Mitchell, a former hockey player and coach. The 55-year-old superintendent was able to tackle him and disarm him before police were able to break into the locked office to apprehend the suspect.

Thankfully, no one was hurt.

Why someone would enter a school with a gun is something I will never understand. It's disturbing to even fathom what could lead someone to choose to do that. However, it is heartening to realize that someone like Ken Mitchell is standing in their way.

The dedication shown by Mr. Mitchell to the children should be an example to all. Our Nation has witnessed too many deaths of our children in their

schools. The people of the South Orangetown school system and the community as a whole owe him a huge debt of gratitude.

Hero is an overused word in today's world, but I can think of fewer situations which more warrant that word than protecting children in their classrooms. Ken Mitchell is truly a hero.

VIETNAM MUST RESPECT THE RULE OF LAW

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

Mr. CAO. Madam Speaker, although we live in the 21st century, many people today are still deprived of life, liberty or property without due process of law by governments that lack the rule of law. One such government is the Socialist Republic of Vietnam.

About 10 years ago, the Vietnamese Ministry of Labor, War Invalids, and Social Affairs directly oversaw and operated two state-owned labor companies that were involved in the largest human trafficking case ever prosecuted by the U.S. Department of Justice. The case thoroughly documented the exploitation and abusive conditions faced by more than 230 workers at the Daewoosa factory in American Samoa. These victims were beaten, starved, sexually harassed and threatened with deportation. The High Court of American Samoa subsequently found these state-owned labor agencies liable for the atrocities and made them pay \$3.5 million to the victims. Almost 10 years after the ruling, Vietnam still refuses to acknowledge its part in these atrocities and pay.

Madam Speaker, I ask that the U.S. Congress demand that the Vietnamese government pay the damages and respect the rule of law.

□ 1245

CONTINUING BONUSES FOR BANKERS

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

Ms. KAPTUR. Madam Speaker, since January, the American people have endured another loss of \$1.33 trillion of their wealth, having already faced the worst drop in wealth since 1951 in the prior quarter. Yet despite being at the root of our economy's tailspin, Wall Street continues to issue huge bonuses.

For example, Merrill Lynch has issued \$4 billion in bonuses to the very bankers and financiers who created this mess that are now nested over at the Bank of America. This is yet another sign that America needs to rein in the false money wizards and reward those who create real wealth in our society, starting with hardworking Americans.

So let me ask the question, when will Wall Street's profits translate into a better life for everyone else? With wealth declining and unemployment rising, America should not be hollowed out by Wall Street. Rather, Wall Street's business should translate into a better way of life for the American Republic. We have wandered far from that mark.

AMERICANS' NET WORTH SHRINKS \$1.33 TRILLION IN 1Q

(By Jeannine Aversa)

WASHINGTON.—American households lost \$1.33 trillion of their wealth in the first three months of the year as the recession took a bite out of stock portfolios and dragged down home prices.

The Federal Reserve reported Thursday that household net worth fell to \$50.38 trillion in the January-March quarter, the lowest level since the third quarter of 2004. The first-quarter figure marked a decline of 2.6 percent, or \$1.33 trillion, from the final quarter of 2008.

Net worth represents total assets such as homes and checking accounts, minus liabilities like mortgages and credit card debt.

The damage to wealth in the first quarter came from the sinking stock market. The value of Americans' stock holdings dropped 5.8 percent from the final quarter of last year.

The stock market began to rally from 12-year lows in early March after Citigroup Inc. reported it was profitable in the first two months of the year. Since peaking in October 2007, it had been the worst bear market since the aftermath of the crash of 1929.

Another hit came from falling house prices. The value of household real-estate holdings fell 2.4 percent, according to the Fed report.

Collectively, homeowners had only 41.4 percent equity in their homes in the first quarter. That was down from 42.9 percent in the fourth quarter and was the lowest on records dating to 1945.

The Case-Shiller national home price index, a closely watched barometer, last month estimated that house prices dropped 7.5 percent during the first quarter. Prices have fallen 32.2 percent since peaking in the second quarter of 2006.

The latest snapshot of Americans' balance sheets was contained in the Fed's quarterly report called the flow of funds.

Despite the drop, the speed at which net worth shrunk slowed at the start of the year. During the recession's deepest point in the October-December period, Americans' net worth fell a record 8.6 percent, according to revised figures. That was the largest drop on records dating to 1951.

With wealth declining and unemployment rising, there are questions about how consumers—the lifeblood of the economy—will behave in the coming months.

If they continue to spend, even at a subdued pace, the recession likely will end this year as predicted by Fed Chairman Ben Bernanke and other economists. However, if consumers hunker down and cut spending again, that could delay any recovery. In the final quarter of last year, Americans slashed spending at an annualized rate of 4.3 percent, the most in 28 years.

Still, there was some encouraging news on consumer spending Thursday.

Retail sales rose 0.5 percent in May, following two straight monthly declines, the Commerce Department reported. Meanwhile,

the number of newly laid-off workers filing for unemployment benefits fell last week by 24,000 to 601,000, the lowest level since late January.

DON'T GIVE TERRORISTS CONSTITUTIONAL RIGHTS

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

Mr. SMITH of Texas. Madam Speaker, "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney present during questioning. If you cannot afford an attorney, one will be appointed for you."

American citizens are read these rights when they are taken into police custody. But the Obama administration has decided to give these rights to suspected terrorists overseas.

Why would the Obama administration give terrorists the same rights as American citizens? Members of al Qaeda and the other terrorist groups should be treated as what they are, America's enemies engaged in a war against the United States.

Giving terrorists constitutional rights is like giving a burglar the key to your house.

CONCERNS WITH A GOVERNMENT-RUN HEALTH CARE PLAN

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

Mr. WILSON of South Carolina. Madam Speaker, Republicans are committed to health care reform, and we have and will continue to offer positive solutions to achieve accessible, affordable health care for all Americans. Unfortunately, as Democrats sat behind closed doors to develop their plan, it appears they have failed to answer some troubling concerns about what seems quite likely to be an unwarranted government takeover of the health care system.

So in the spirit of honest debate, I ask my Democrat colleagues how they expect to pay for a government insurance plan without raising taxes or driving up the national debt. How will a government-run health plan not lead to the same rationing of care that we have seen in other countries? How will a government-run health plan protect the doctor-patient relationship, when Washington will now be empowered to pick and choose what procedures and treatments are, in their opinion, cost beneficial?

Before we turn congressional offices into waiting rooms, I hope my Democrat colleagues will answer these questions.

In conclusion, God bless our troops, and we will never forget September the 11th and the Global War on Terrorism.

NO NEW TAXES, NO NEW SPENDING, NO NEW DEBT

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

Mr. CULBERSON. Madam Speaker, I just finished speaking to the Bunker Hill and Wilchester Elementary School students, and I want to bring to the attention of the people here in the audience and out there the cover of the new Economist magazine which expresses beautifully the terrible, terrible burden that this Congress, this liberal majority, is passing on to our kids.

Now, there was debt run up under the previous administration. I as a member of the fiscally conservative minority voted against \$2.3 trillion worth of new spending under the previous administration. I already voted against \$1.6 trillion in this administration. And no matter who you are, fiscal conservative or liberal, each one of us needs to remember as parents, as husbands, as responsible citizens, that we cannot pass on a burden of debt to our kids.

On every vote on every issue, we need to remember that our children are inheriting the biggest debt and the biggest deficit in our Nation's history. As bad as the deficit was under Mr. Bush, the Economist points out it will quadruple this year and stay over \$1 trillion a year out into the future.

Madam Speaker, on every vote on every issue, this Congress needs to cut spending. No new taxes, no new spending, and no new debt.

SPECIAL ORDERS

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

THE WAR FOR THE BORDER CONTINUES

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

Mr. POE of Texas. Madam Speaker, the out-of-control violence along our border is made up of more complex elements than most people realize. The criminal cartels controlling our southern border are a lot more powerful than we are led to believe. They are international organized crime cartels that make money off the weaknesses of others. They traffic drugs, money, weapons and human beings across our southern border. They leave death, doom, and destruction in their wake.

Make no mistake about it, there is corruption on both sides of the border that facilitates the lawlessness that is taking place there. Just last month the former sheriff of Starr County, Texas,

Rey Guerra, pled guilty to Federal narcotics charges. He admitted to facilitating intelligence that helped Mexican drug traffickers invade the United States and evade counternarcotics efforts. That included trying to find out the identity of confidential informants.

Madam Speaker, he needs to be locked up forever for his betrayal of this country and law enforcement. But he is just one of a growing number of recruits from both sides of the border that are facilitating this avalanche of corruption and anarchy along the southern frontier.

The Mexican criminal cartels have added a layer of intelligence that better resembles foreign recruitment of spies during the Cold War than a traditional criminal enterprise. The huge amounts of money paid to these officials allow these criminals to traffic people and drugs into our land.

There is a huge difference in the size and scope of these international criminal activities and the typical domestic law enforcement agencies and their duties. As more and more of the violence spills over into Texas and other border States, there is an urgent need to get this lawlessness under control.

The cost of this culture of crime is hammering border States. The FBI is stretched too thin, they don't have the manpower to address this cross-border corruption, and they are fighting domestic Federal crime and jihadists.

Right now we are asking local sheriffs in border States to do double duty, as if they are agents of Interpol. Our domestic police forces should be freed up to do what they do best, fight crime in their counties and their communities.

Our Drug Enforcement Agency is doing a noble effort to control these international criminal cartels that more and more resemble an army at the border than the Cosa Nostra, but the FBI has not been given enough American resources. The Border Patrol is overrun, outmanned, and outgunned.

Our government has limited their rules of engagement. Their standard operating procedure is nonconfrontational. Heavily armed bad guys come through with their contraband of drugs and humans, and yet little is done when they confront our Border Patrol. These cartels are made up of a hybrid of many of the worst elements of organized crime. They include terrorist cells, international espionage agencies, and a foreign military.

But why are we acting as if we can no longer defend our borders and citizens from this lawlessness? It is the philosophy of some that we should wave the white flag of surrender and lessen, not strengthen, our border security. This is absolute nonsense. The Mexican organized criminal cartels are sophisticated, and they are deadly. Maybe it is time to put the United States military on the border. There is no higher duty

for the American military than to protect the borders of its own Nation from international criminal invasion.

It is interesting, Madam Speaker. We use our military thousands of miles away to fight the drug war in Afghanistan, but we won't use them at home. Why not? There is no answer from the administration.

We should rotate deployments of our military to the southern border. Our brave men and women are routinely deployed for desert training. Why not concentrate these deployments on the border? This frees up our domestic law enforcement to do the job they should be doing, which is rooting out corruption on our side of the border.

Madam Speaker, I have flown with the National Guard along the Texas-Mexico border. They do a tremendous job working with the Border Patrol and the DEA. But a handful of helicopters is not enough to secure the border. The Air National Guard needs more equipment, more money and more troops to capture the outlaw cartel gangs. The U.S. gave Mexico \$1.5 billion to fight the cartels. That money should have been given to our border protectors, not the culture of corruption on the Mexican side of the border.

A lot of attention has been rightly focused on our southern border over the past few years. We have increased the boots on the ground, installed some cameras and erected some barriers and fences and sensors. The efforts have not sealed the border, however.

As the violence gets worse in Mexico, we must get a border strategy in place now before it erupts into a level of widespread violence and more corruption that engulfs our own citizens.

It is not going away, Madam Speaker. The drug cartels are in it for the long haul because of their lust for money. There is a war against drugs going on on the border, even though we are told now that we should not, because of political correctness, use that term.

The first duty of government is to protect the people. The government needs to focus on border protection. Meanwhile, the border war continues.

And that's just the way it is.

ENDING MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN

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

Ms. WOOLSEY. Madam Speaker, the supplemental appropriations bill to continue our military operations in Iraq and in Afghanistan will soon return to the House for another vote. I voted against it in the first place, and I am going to vote against it again. I cannot support it because it will prolong our military involvement in Iraq and it will increase our military buildup in Afghanistan.

I would gladly vote to fund the safe withdrawal of our troops and contractors out of Iraq. But the supplemental gives me a feeling of *deja vu*. Haven't we been there before, voting to include billions of dollars for the occupation of Iraq?

Congress has voted to increase funding for Iraq many times, even though the American people want the occupation to end, and it seems the Iraqi people want us out of their country as well.

The supplemental also calls for sending more troops to a foreign land, this time Afghanistan, with no exit strategy. Talk about repeating past mistakes. Talk about *deja vu*. Afghanistan feels exactly the same as Iraq did to me.

President Obama has said that a campaign against extremism will not succeed with bullets and bombs alone. He is absolutely correct about that. But the money in the supplemental is overwhelmingly devoted to military operations. It includes very little for the economic development, humanitarian aid, and diplomatic efforts that we really need to stop extremists in Afghanistan and in Pakistan.

The ratio is 90-10, 90 percent to the Department of Defense, 10 percent to the smart alternatives. I believe the supplemental also violates the spirit of President Obama's historic speech in Cairo where he offered the Muslim world the hand of friendship. In that speech he said that we must leave Iraq to the Iraqis. But the supplemental will only delay the return of sovereignty to the Iraqi people.

And then there is the little matter of the recession, Madam Speaker. When the American people are feeling such great pain and need so much help right here at home, we can't afford to squander another \$100 billion on foreign military adventures that will not make our country safe.

□ 1300

Instead of approving the supplemental bill, the House should be urging the administration to fundamentally change our mission in Iraq, and our mission in Afghanistan. We can do this in several ways.

First, we should support the bill offered by JIM MCGOVERN of Massachusetts, which calls upon the administration to submit an exit strategy for Afghanistan.

Second, I urge my colleagues to consider the plan that I have offered in House Resolution 363. It's called the Smart Security Platform For the 21st Century. Smart Security attacks the root causes of violence by fighting poverty and giving people hope for a better future. It controls the spread of nuclear and conventional weapons of mass destruction, and it strengthens our national security by reducing our dependence on foreign oil.

And finally, we should insist that at least 80 percent of all future funding for Afghanistan be devoted to the Smart Security I just described. Right now, the supplemental, as I told you, devotes more than 90 percent of its dollars to purely military efforts, efforts that are getting us nowhere.

Madam Speaker, we must not repeat the mistakes of the past. We've got to stop writing more blank checks for open-ended occupations. This is what the American people want, and Congress must listen.

HONORING WILLIAM C. "DUB" McCARTY

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

Mr. HENSARLING. Madam Speaker, I rise today to honor the life of William C. "Dub" McCarty, and recognize his commitment and service to his community, the State of Texas and to our great Nation.

Dub, a resident of Athens, Texas, passed away last month. He was a loving husband of 58 years to JoAnn. He was a proud father to daughters Cynthia and Mary Lou. He was a devoted grandfather of Cole, Kyle, and Michelle, and great grandfather of Kristen, Preston, and Daniel. And finally, Madam Speaker, he was my dear friend.

Dub was born in 1929 in Scurry County, Texas, and graduated from Lamesa High School. After graduation, Dub proudly, proudly defended our Nation during the Korean war by serving in the United States Army.

When his service ended, Dub began what became a legacy of leadership in our free enterprise system and service to his community.

Dub returned to Lamesa to work and eventually own his own clothing business. He gave back to his small West Texas community by shaping the lives of younger men as an Order of DeMolay Dad and as a longtime Boy Scout leader in Lamesa.

Dub then moved to my hometown of Dallas, Texas, where he began a long career in corporate group insurance management. After that though, he set his sights eastward to the pine trees and lakes of East Texas, and began a fire and casualty insurance business in Henderson County.

As a business owner, he helped countless members of his community achieve their American dream, and he took great pride in his community. His record of service today is still unmatched in East Texas. He served as the Cedar Creek Chamber of Commerce president. He helped establish the Cedar Creek Library. He was a charter member of the library's board of directors, and he and his wife, JoAnn, worked tirelessly to support and grow

that library. He led the Cedar Creek Kiwanis Club and was Division 26 lieutenant governor for over two years.

He served as secretary treasurer of the Athens Kiwanis Club. He took a leadership in their annual pancake breakfast. He was an active member of the Athens Rotary Club. And, Madam Speaker, the list of community service goes on and on.

Now, we all know across America that the Rotary motto is "service above self." Dub lived those words every day of his life. He led by example, and his example represents the best of the American character.

Madam Speaker, Dub was not indifferent to the direction of his State and Nation either. He cared passionately about faith and family and free enterprise and freedom, and he chose to put his principles into action by serving as chairman of the Henderson County Republican party for 8 years. That's where I first met Dub McCarty, this kind, giving, caring individual. He was always upbeat. He always had a smile on his face and he always knew that if we worked together, that America's best days would lay ahead of her. He made a difference.

As the congressman for the Fifth District of Texas, I'm honored and, frankly, humbled to recognize my good friend, Dub McCarty. On behalf of all the constituents of the Fifth District of Texas, and a grateful Nation, I would like to extend our heartfelt condolences and prayers to JoAnn and the family.

Dub will be greatly missed, but I take solace in knowing that his contributions will live on, and that the people who had their lives touched by Dub McCarty will never forget.

Madam Speaker, I am one of those people.

Godspeed to Dub McCarty. He has left us, but he has gone on to now hear those words in a different place, "Well done, good and faithful servant."

DENOUNCING THE MURDEROUS ATTACK ON THE HOLOCAUST MEMORIAL MUSEUM

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

Mr. SMITH of New Jersey. Madam Speaker, yesterday, as ranking member of the Africa Subcommittee, I joined several colleagues at an important Foreign Affairs Committee meeting with Prime Minister Morgan Tsvangirai of Zimbabwe. It was an extraordinary opportunity to discuss Zimbabwe's progress towards democracy and away from dictatorship, its problems with hyperinflation, and multiple health crises, including cholera, and to obtain a fuller understanding of what additional steps the United States can take right now to help.

That meeting, however, occurred at precisely the same time that the House considered H. Res. 529, a resolution condemning the June 10th violent attack on the Holocaust Memorial Museum, a despicable anti-Semitic act that killed Officer Stephen Tyrone Johns. And as so eloquently articulated by so many of my colleagues yesterday during that debate, we salute Officer Johns for his bravery and his courage, and extend our deepest condolences to his family.

I rise today not only to express my support for H. Res. 529, but also to thank my good friend and colleague, Mr. KLEIN, for introducing it and for including me as a cosponsor.

Madam Speaker, the Holocaust Memorial Museum is a noble and vitally necessary attempt to remember and honor the victims of the Holocaust. The memorial itself is a witness to truth and the promotion of human dignity and tolerance.

Wednesday's attack on that museum by a crazed, hate-filled gunman is yet another chilling reminder that our society still harbors a dangerous collection of bigots and racists who hate Jews.

Unparalleled since the dark days of the Second World War, Jewish communities around the world are today facing violent attacks against synagogues, Jewish cultural sites, cemeteries and individuals. Anti-Semitism is an ugly reality that won't go away by ignoring it or by wishing it away. It must be combated with resolve and tenacity, and it must be defeated.

The sad and deeply troubling reality is that James von Brunn cannot be dismissed as an aberration, but is connected to a whole hate-promoting movement that results in violence against Jews in America and around the world on practically a daily basis.

The Anti-Defamation League recently issued its annual audit of anti-Semitic incidents. While the ADL is to be congratulated for its careful research on an unpleasant but absolutely necessary subject, the ugly facts that the report documents makes for painful reading.

In 2008, the ADL noted 1,352 reported incidents of vandalism, harassment, and physical assaults on Jewish people or Jewish-owned property nationwide. Sadly, and shamefully, my own State of New Jersey had more reported anti-Semitic incidents, 238, than any other State in the Union.

The attack on the Holocaust Museum is the most ominous aspect of this evil wave that we have seen worldwide and in our own country. The Holocaust Museum is a unique institution. It is a memorial, a museum, a center of Holocaust scholarship, and a promoter of tolerance and preventer of genocide. It is a very powerful symbol of the solidarity of America with those murdered in the Holocaust, and with the Jewish people as well.

Madam Speaker, at this critical moment, we need government officials at all levels to denounce, without hesitation or delay, every anti-Semitic act, wherever and whenever it occurs, no exceptions. At this moment, not to speak out enables the purveyors of hate. They never take a holiday. They never grow weary, nor should we.

Just as Mr. Brunn attacked the Holocaust Memorial Museum and murdered a courageous security officer tasked with its protection, Holocaust remembrance and tolerance education must dramatically expand, and we need to ensure that our respective laws punish those who hate and incite violence against Jews.

Finally, if we are to protect our children from the evil of anti-Semitism, we must re-educate ourselves and systematically educate our children. While that starts at our homes, the classroom must be the incubator of tolerance as well. It seems to me that only the most hardened racist can remain unmoved by Holocaust education and remembrance. Only the most crass, evil and prejudiced among us can study the horrors of the Holocaust and not cry out: Never again!

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT OF BELARUS AND OTHER PERSONS THAT UNDERMINE DEMOCRATIC PROCESSES OR INSTITUTIONS IN BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-47)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2009.

Despite some positive developments during the past year, including the release of internationally recognized political prisoners, the actions and policies of certain members of the Govern-

ment of Belarus and other persons that have undermined democratic processes or institutions, committed human rights abuses related to political repression, and engaged in public corruption pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus.

BARACK OBAMA,
THE WHITE HOUSE, June 12, 2009.

COUNCIL ON AMERICAN-ISLAMIC RELATIONS—CAIR

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

Mr. WOLF. Madam Speaker, as ranking member on the Commerce, Justice, Science Appropriation Subcommittee, which last week considered the fiscal year 2010 appropriations bill, I have a keen interest in and oversight responsibility for a host of counterterrorism and related initiatives.

The bill which is expected to come before the full House next week includes \$7.7 billion to support the work of the Federal Bureau of Investigation, the FBI, whose top priorities include protecting and defending the United States against terrorism and foreign intelligence threats.

□ 1315

The FBI was intimately involved in a 15-year investigation, which culminated last fall in the Holy Land Foundation and five of its former organizers being found guilty of illegally funneling more than \$12 million to the terrorist group Hamas.

A Department of Justice press release issued May 27, 2009, reported, "U.S. District Judge Jorge A. Solis sentenced the Holy Land Foundation for Relief and Development and five of its leaders following their convictions by a Federal jury in November 2008 on charges of providing material support to Hamas, a designated foreign terrorist organization." The sentences range from 15 years to 65 years in prison.

According to the Department of Justice, "From its inception, the Holy Land Foundation existed to support Hamas. The government's case included testimony that, in the early 1990s, Hamas' parent organization, the Muslim Brotherhood, planned to establish a network of organizations in the U.S. to spread a militant Islamist message and raise money for Hamas. The defendants sent Holy Land Foundation-raised funds to Hamas-controlled zakat

committees and charitable societies West Bank and Gaza."

Among the unindicted conspirators in the case is an organization which, over the last several years, has been granted access to the highest levels of the U.S. Government—an organization which is routinely elevated in the press as a voice of mainstream Muslim Americans. This organization is the Council on American-Islamic Relations, or CAIR.

Tawfik Hamid, according to his bio, is an "Islamist thinker and reformer and onetime Islamist extremist from Egypt. He was a member of a terrorist Islamic organization, Jemaah Islamiyah, with Dr. Ayman al-Zawahiri, who became later the second in command of al Qaeda.

On May 25 of 2007, in a Wall Street Journal op-ed, Hamid wrote the following, "In America, perhaps the most conspicuous organization to persistently accuse opponents of Islamophobia is the Council of [sic] American Islamic Relations." The observations of Mr. Tawfik, himself a Muslim, are particularly relevant in light of recent news reports.

On January 30, 2009, Fox News reported that the FBI was "severing its once close ties with the Nation's largest Muslim advocacy group, the Council on American-Islamic Relations, amid mounting evidence that it has links to a support network for Hamas."

Given that Hamas is on the current list of U.S.-designated foreign terrorist organizations, this was obviously a serious claim and one which, if true, would rightly inform a shift in FBI policy. However, the Fox News piece left me with some unanswered questions, questions which, given the seriousness of the report, necessitated further inquiry. Such questions of the executive branch are a common congressional practice and, in fact, are the responsibility of the legislative branch of government and are the intended purpose of our system of checks and balances.

For 6 years, from 2001-2006, I served as chairman of the appropriations subcommittee which has oversight of the FBI. This year, I resumed a leadership role as the lead Republican on the subcommittee.

According to the Congressional Research Service, "Congressional oversight refers to the review, monitoring and supervision of Federal agencies, programs, activities, and policy implementation. It is an integral part of the American system of checks and balances."

A young Woodrow Wilson, before becoming President, put it this way. He said, "Quite as important as legislation is vigilant oversight of administration."

Needless to say, I take very seriously the responsibility of congressional oversight, especially in matters with potential national security implications. In this spirit of oversight, I

wrote to the FBI on February 2, seeking additional information and clarification regarding the Bureau's decision about its relationship with CAIR.

For the RECORD, I submit a copy of the letter.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2009.

Mr. MICHAEL J. HEIMBACH,
Assistant Director, Counter Terrorism Division,
Federal Bureau of Investigation, Wash-
ington DC.

DEAR MR. HEIMBACH: I write regarding the bureau's position on meeting with the Council on American Islamic Relations (CAIR). Over the weekend I saw a FOX News report (enclosed) that the Federal Bureau of Investigation (FBI) has cut off ties with CAIR "amid mounting evidence that it has links to a support network for Hamas." Given that Hamas is on the current list of U.S. designated foreign terrorist organizations, this is obviously a serious claim, one which would rightly inform a shift in FBI policy.

In response to this report, I request answers to the following questions:

Has the FBI severed ties with CAIR? If so, how is the FBI planning to formally notify Members of Congress and other government officials of this decision?

If FBI policy has changed with regard to CAIR, is there any indication that this decision is being revisited by the new administration? If so, what new evidence would justify a change in course?

Is CAIR's national office still in contact with the FBI?

The report quotes Assistant Director John Miller from the FBI Office of Public Affairs as saying: "The FBI has had to limit its formal contact with CAIR field offices until certain issues are addressed by CAIR's national headquarters." What specifically are the "certain issues" which you have raised with CAIR? Is there still informal contact with any field offices? If so, what is the distinction between formal and informal and why is there a distinction between field offices?

To your knowledge, does CAIR receive financial contributions from foreign sources? If so, which ones and how much?

I look forward to your timely response, and to working with you in the days ahead in my new role as ranking member of the House Commerce-Justice-Science Appropriations subcommittee.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

The Fox News piece, which prompted my initial interest, quoted the assistant director of the Office of Public Affairs at the Bureau as saying, "The FBI has had to limit its formal contact with CAIR field offices until certain issues are addressed by CAIR's national headquarters."

I found this statement to be vague. While perhaps sufficient from a public affairs vantage, I believed it to be an insufficient explanation for Members of Congress, none of whom, to my knowledge, had been informed of this policy shift, and it was just that—a policy shift.

The FOX piece noted later that the FBI has "long been close to CAIR. The agency has previously invited CAIR to

give training sessions for agents and used it as a liaison with the American Muslim community."

I was one of several Members of Congress, both Democrat and Republican, who wrote the Bureau in the days following this report. Some, such as Republican Senator JON KYL of Arizona and Democratic Senator CHUCK SCHUMER of New York, voiced their support for the Bureau's decision, which was a step further than my initial letter; but they, too, desired to "understand the situation more fully" as Senators KYL and SCHUMER wrote.

When I received a response from the FBI on March 9, only 1 of the 10 questions I posed was answered, which prompted me to send a second letter restating the original questions and pressing the FBI for a timely and detailed response.

I submit a copy of that letter for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2009.

Mr. MICHAEL J. HEIMBACH,
Assistant Director, Counter Terrorism Division,
Federal Bureau of Investigation, Pennsyl-
vania Ave., NW, Washington DC.

DEAR MR. HEIMBACH: I was deeply disappointed with the FBI's response—hand-delivered to my office last Friday—to my letter of February 2 inquiring about the Bureau's position on meeting with the Council on American Islamic Relations (CAIR). It took the Bureau more than a month to respond, and the letter I received provides only a partial answer to one of the 10 questions I posed.

In 1998 I authored the legislation that created the National Commission on Terrorism. Regrettably its recommendations were not implemented until after the attacks on 9/11. I take seriously the responsibility of congressional oversight, especially in matters with potential national security implications. For six years I served as chairman of the appropriations subcommittee with jurisdiction over the FBI and count myself among the Bureau's strongest supporters. Having resumed a leadership role this year as ranking member on the Commerce-Justice-Science Appropriations subcommittee, it is important to me that the FBI provide timely and detailed responses. And so again, I request answers to the following straightforward questions:

Has the FBI severed ties with CAIR? If so, how is the FBI planning to formally notify Members of Congress and other government officials of this decision?

If FBI policy has changed with regard to CAIR, is there any indication that this decision is being revisited by the new administration? If so, what new evidence would justify a change in course?

Is CAIR's national office still in contact with the FBI?

The FOX News report I referenced in my original letter quotes Assistant Director John Miller from the FBI Office of Public Affairs as saying: "The FBI has had to limit its formal contact with CAIR field offices until certain issues are addressed by CAIR's national headquarters." What specifically are the "certain issues" which you have raised with CAIR? Is there still informal contact with any field offices? If so, what is the distinction between formal and informal and

why is there a distinction between field offices?

To your knowledge, does CAIR receive financial contributions from foreign sources? If so, which ones and how much?

I would like these questions fully answered by this Friday, March 13, and by someone who works on counter-terrorism, rather than a public affairs officer. Other members of Congress, both House and Senate, have expressed interest in and additional information about the Bureau's position as it relates to CAIR. I would think the Bureau would be embarrassed to send the insufficient response I received.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

Days after my second letter, CAIR launched a public attack against me, claiming in a March 12 press release that I "abused" my "office" by "seeking to pressure the FBI to produce negative information" about the organization.

Those assertions are patently untrue and would not even warrant a response were they not symptomatic of what I believe to be a larger pattern of intimidation undertaken by CAIR—intimidation which is of great consequence given the national security matters at stake.

As my letters to the FBI indicate, I was seeking to better understand the Bureau's position and access information about what led to this decision. It is a conclusion which—and I agree with my Senate colleagues—is absolutely appropriate based on reports I have read for years but which, again, marks a change in course for the Bureau and, as such, deserved further explanation.

It is noteworthy that, on April 28, following my initial unsatisfactory reply from the Bureau, Senator KYL received a more substantive response from the FBI to his letter. In the letter to Senator KYL, the Bureau was more detailed in explaining and in validating the original news report regarding its relationship with CAIR.

The letter reads, "As you know, CAIR was named as an unindicted co-conspirator of the Holy Land Foundation for Relief and Development in the United States v. Holy Land Foundation, et al.

"During that trial, evidence was introduced that demonstrated a relationship among CAIR, individual CAIR founders, including its current president emeritus and its executive director, and the Palestinian committee. Evidence was also introduced that demonstrated a relationship between the Palestinian committee and Hamas, which was designated a terrorist organization in 1995. In light of that evidence, the FBI suspended all formal contacts between CAIR and the FBI.

"The FBI's decision to suspend formal contacts was not intended to reflect a wholesale judgment of the organization and its entire membership. Nevertheless, until we can resolve

whether there continues to be a connection between CAIR or its executives and Hamas, the FBI does not view CAIR as an appropriate liaison partner."

I submit a copy of the Bureau's response to Senator KYL for the RECORD.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, April 28, 2009.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: This responds to your letter to Director Mueller dated February 24, 2009, regarding your interest in reports that the FBI has severed its liaison relationship with the Council on Islamic Relations (CAIR). I apologize for the delay in responding to your inquiry. For your information an identical letter has been sent to Senator Schumer and to Senator Coburn, M.D.

As you know, CAIR was named as an unindicted co-conspirator of the Holy Land Foundation for Relief and Development in United States v. Holy Land Foundation et al. (Cr. No. 3:04-240-P (N.D.TX.)). During that trial, evidence was introduced that demonstrated a relationship among CAIR, individual CAIR founders (including its current President Emeritus and its Executive Director) and the Palestine Committee. Evidence was also introduced that demonstrated a relationship between the Palestine Committee and HAMAS, which was designated as a terrorist organization in 1995. In light of that evidence, the FBI suspended all formal contacts between CAIR and the FBI.

The FBI's decision to suspend formal contacts was not intended to reflect a wholesale judgment of the organization and its entire membership. Nevertheless, until we can resolve whether there continues to be a connection between CAIR or its executives and HAMAS, the FBI does not view CAIR as an appropriate liaison partner. It is important to note, however, that although the FBI has suspended all formal outreach activities with CAIR at this time, CAIR, its officers, and members have been encouraged to report any hate crime, violation of federal civil rights or suspicious activity to the FBI.

The FBI made its own decision vis-a-vis outreach activities with this particular group. Any questions regarding broader executive branch outreach activities would be better answered by the Administration.

Please do not hesitate to contact my office if we may be of additional assistance.

Sincerely yours,

RICHARD C. POWERS,
Assistant Director, Office of
Congressional Affairs.

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AE
SUBJECT: VISIT BY COUNCIL ON AMERICAN ISLAMIC RELATIONS (CAIR) TO UAE

1.(U) On May 21, the Council on American Islamic Relations (CAIR) paid a courtesy call on the Ambassador to discuss the organization's issues, outreach strategies, and its visit to the CAE. The UAE press has reported that Sheikh Hamdan bin Rashid al-

Maktoum, Deputy Ruler of Dubai and UAE Minister of Finance and Industry, "has endorsed a proposal to build a property in the U.S. to serve as an endowment for CAIR." DCM, PAO and MEPI Regional Director also participated in the meeting.

2.(U) The group expressed ideas about countering negative stereotypes about Muslims in the U.S. ("Islamophobia") and addressing anti-Americanism in the Middle East. They mentioned previous meetings with State Department officials, U/S Karen Hughes and A/S David Welch, their attendance at the Secretary's Iftar, and spoke of a possible meeting with President Bush in the future.

3.(U) Mr. Don Myers, representing Washington, D.C. public relations firm Hill & Knowlton, provided a short demonstration of a PR campaign designed to support CAIR's overall organizational objectives defined as: 1) political empowerment of Muslims, 2) grassroots effort by CAIR to improve community relations with non-Muslims, 3) launching of an effective, long-term (5 year) advertising/outreach campaign to counter negative stereotypes about Muslims.

4.(U) Members of the CAIR delegation included: Hon. Larry Shaw, Senator (North Carolina General Assembly); Hon. Paul Findley, Former U.S. Representative; Don Myers, Washington, D.C. public relations firm Hill & Knowlton; Nihad Awad, CAIR Executive Director and Co-Founder; Cary (Ibrahim) Hooper, CAIR Communication Director and Co-Founder; Dr. Parvez Ahmed, CAIR Board Chairman; and Dr. Nabil Sadoun, CAIR Board Member.

5.(U) CAIR delegation also paid a call earlier in the day on Sheikh Sultan bin Muhammad al-Qassimi, Ruler of Sharjah, which was covered in the press.

6.(U) Sheikh Ali al-Hashemi, UAE Presidential Adviser on Islamic affairs, is hosting a reception at his house this evening, May 22, in honor of the CAIR group; Ambassador and Poloff to attend. Al-Hashemi also thanked the Ambassador for receiving the CAIR delegation.

7.(SBU) Comment: CAIR Executive Director Nihad Awad told us that while they were pleased with the results of the meeting with Sheikh Hamdan bin Rashid, they had no concrete information on the size of the endowment or when it might be forthcoming. Awad also mentioned that the Bin Hamoodah Group, a \$500 million/year trading company, founded by three Emirati brothers and representing Halliburton, IBM, FMC Corporation and General Motors, is CAIR's main benefactor in the UAE. One newly-rich stock trader, Talal Khoori (UAE national of Iranian origin), is believed to have donated one million dollars to CAIR.

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TAGS: SCUL, KDEM, KISL, PGOV, PHUM, SOCI, SA
SUBJECT: VISIT BY COUNCIL ON AMERICAN ISLAMIC RELATIONS (CAIR) TO SAUDI ARABIA
REF: ABU DHABI 2127

1.(U) Following up on a similar visit to the UAE in May (reftel), a delegation from the U.S.-based Council on American Islamic Relations (CAIR) visited the Kingdom of Saudi

Arabia (KSA) in June. On June 22 the group paid a courtesy call on the Embassy to discuss the organization's issues and outreach strategies. In the Ambassador's absence, DCM received the group, along with the PA Counselor and Poloff (notetaker).

2.(SBU) Prior to coming to Riyadh, the CAIR group visited Mecca and Jeddah. Although they apparently were not received at the highest levels of the SAG, the group assured the Embassy that "King Abdullah knows CAIR very well" and receives regular updates on the group's projects. After recalling the success of their visit to the UAE in May, the group predicted that they would be back in the region by fall to visit Kuwait and Qatar. The group also mentioned that they had been well-received in Washington by senior State Department officials, including Secretary Rice and Undersecretary Hughes.

3.(U) The core delegation consisted of CAIR Board Chairman Dr. Parvez Ahmed, Executive Director Nihad Awad, and Communications Director Cary (Ibrahim) Hooper. Accompanying them were former U.S. Representative Paul Findley and Don Myers, a former DoD official now with Hill and Knowlton public relations.

4.(U) During their hour-long meeting in the Embassy, the group presented various projects that CAIR is working on to counter negative stereotypes about Muslims in the U.S. ("Islamophobia"), linking their work to concern over growing anti-Americanism in the Middle East. One of the current CAIR projects they discussed was the presentation of "accurate books about Islam" to schools and libraries in the U.S.

5.(SBU) Mr. Don Myers, representing Hill and Knowlton, gave a short demonstration of a CAIR-funded media campaign to support CAIR's overall information outreach effort. According to Myers, this private campaign will emphasize both grassroots outreach to improve American non-Muslim understanding of Muslims and the encouragement of political engagement by American Muslims. The multi-year broadcast and print campaign is to be entitled "Let the Conversation Begin" and is aimed at countering negative stereotypes about Muslims within the broad American public.

6.(SBU) One admitted reason for the group's current visit to the KSA was to solicit \$50 million in governmental and non-governmental contributions. PA Counselor noted that private outreach activities can provide valuable support to USG efforts to build mutual understanding overseas but cautioned that USG Public Diplomacy (PD) funds cannot be used or associated with efforts to target American audiences. The delegation was interested to hear of the Embassy's PD exchange and activities within the KSA and offered to help support them in any appropriate way. The group did not share, however, any details of their success or lack thereof in fundraising within the KSA.

Oberwetter.

AMERICAN MUSLIMS COMMEND FBI FOR REJECTION OF CAIR

Thirty years have passed since the Iranian revolution and 29 years since the first Islamist murder in the U.S.—that of 'Ali Akbar Tabataba'i in a Washington, D.C., suburb. More than seven years ago, America received a wake-up call, on September 11, 2001, about radical Islam. However straightforwardly evil these events, they left U.S. authorities mostly baffled by extremism among American Muslims.

One disturbing example of this confusion has involved the Federal Bureau of Investigation and the Council on American-Islamic Relations (CAIR).

Almost from CAIR'S founding in 1994, the FBI has worked with the organization, which successfully presented itself as the "Muslim NAACP," letting CAIR train bureau personnel and serve as a liaison to the American Muslim community. CAIR concentrated on terror-related law enforcement such as sensitivity in investigating extremist suspects and allegations of profiling.

Now, at last, the FBI-CAIR relationship has changed.

In a letter dated March 9, 2009, FBI Assistant Director John Miller wrote to U.S. Rep. Frank R. Wolf (R-Va) confirming that the bureau has "suspended any formal engagement with Council on American-Islamic Relations (CAIR) field offices around the country." He explained that this adjustment "comes in part as a result of evidence gathered through FBI investigation and presented in connection with the Holy Land Foundation trial. CAIR was listed as an undicted co-conspirator in that case."

Miller referred to the Holy Land Foundation, or HLF, having been convicted of terror financing in November 2008.

CAIR and its allies in the "Wahhabi lobby" reacted aggressively to the FBI's decision to distance itself from CAIR. Ten extremist Muslim groups announced on March 17, 2009, that they are "considering suspending outreach relations with the FBI" based on vague claims that "American mosques and Muslim groups have been targeted." CAIR's supporters included American Muslims for Palestine, the Islamic Circle of North America, and the Muslim Students Association, as well as the leading pro-Iranian Muslim element in America, the Islamic Educational Center of Orange County, Ca.

We, the undersigned American Muslims, have long known the true character of CAIR and its allies. Therefore:

We observe that they denounce "terrorism" in general terms but not the specific actions of Islamist groups like Hamas or Hezbollah. They denounce violence but not the ideologies behind it.

We observe their commitment to radical aims, their attempts to chill free speech by calling critics of radical Islam "Islamophobes," and their false, ugly accusations against moderate American Muslims who disagree with their agenda.

We reject any claim that CAIR and its supporters are legitimate civil liberties advocates or appropriate partners between the U.S. government and American Muslims.

We congratulate the FBI for adopting a firmer attitude toward CAIR, as a defense of Americans of all faiths from the menace of radical Islam, including Muslims of all backgrounds—Sunni, Shia, Sufi, secular, etc.

We call on the U.S. Department of Justice to affirm and continue this decision.

We call on the entire United States government to follow suit in rejecting relations with the Council on American-Islamic Relations.

Dr. Kemal Silay, President, Center for Islamic Pluralism, www.islamicpluralism.org;
Supna Zaidi, Assistant Director, Islamist Watch, www.islamist-watch.org;

M. Zuhrdi Jasser, American Islamic Forum for Democracy, www.aifdemocracy.org;

Imaad Malik, Fellow, Center for Islamic Pluralism;

Dr. Ahmed Subhy Mansour, International Quranic Center, www.ahl-alquran.com;

Khalim Massoud, reformislam@gmail.com;

Nawab Agha Mousvi, American Muslim Congress and Center for Islamic Pluralism;

Kiran Sayyed, Council for Democracy and Tolerance, <http://cfdnt.com/>;

Stephen Suleyman Schwartz, Executive Director, Center for Islamic Pluralism;

Shia.Protest@yahoo.com;

Dr. Jalal Zuberi, Southern U.S. Director, Center for Islamic Pluralism.

I plan to take the remainder of my time to explore many of these same concerns and talk about why everything I've read, studied and observed has led me to believe that the Bureau's decision is not only defensible but advisable and that it ought to, in fact, inform the actions of other public officials, policymakers and the press, many of whom consistently—and I would argue mistakenly—look to CAIR to speak for mainstream Muslim Americans.

Zhudi Jasser, himself a Muslim and president of the Islamic Forum for Democracy, makes a critical distinction between "Islam" and "Islamism." "Islam" is, of course, a faith which has an estimated worldwide following of over 1 billion people. "Islamism," however, according to Mr. Jasser, is "a coercive governmental and political construct that seeks to impose shar'ia—Islam jurisprudence—upon society."

In 2007, in the publication *Family Security Matters*, Jasser wrote that CAIR uses "the protection of religion when the facts are not on their side. They use the discourse of politics when they want to push forth their Islamist agenda with the presumption of speaking for all Muslims. They will delve into the political only on their own terms in both foreign and domestic policy, but when they are on the receiving end of political criticism, they run for cover under the guise of victimization." A dispassionate look at CAIR's public posture shows that Mr. Jasser's observations ring true.

In 1998, I authored the legislation that created the National Commission on Terrorism. That same year, in CAIR's own words from a press release, it "asked Muslims to contact leaders of a House-Senate conference committee and urge them to amend or eliminate new legislation that would create a National Commission on Terrorism." This was a misguided lobbying effort at best. Fortunately, it was unsuccessful, and the bipartisan commission was authorized to conduct its work.

A Congressional Research Service report described the main finding of the commission this way: "It calls on the U.S. Government to prepare more actively to prevent and deal with a future mass casualty, catastrophic terrorist attack." Regrettably, the commission's recommendations, sent to Congress in June 2000, were generally ignored until after the attacks of September 11, 2001, when 3,000 people were killed, including 30 from my congressional district.

Following the commission's public report, CAIR's executive director, Nihad Awad, said in a June 4 press release, "The fight against terrorism is

one that should be undertaken, but that struggle should not be based on stereotypes, false assumptions or the political agendas of foreign governments. If the past is any indication, all or most of these new provisions will be used to target Muslims in this country and worldwide. It is American Muslim groups whose fund-raising will be restricted. It is Muslim students who will be monitored."

Indeed, the FBI has restricted the fund-raising of some Muslim groups, but only when those organizations have been found to be a cover for terrorist financing, as was true most notably with the Holy Land Foundation.

When the Holy Land Foundation was shuttered 3 months after 9/11, CAIR warned in a December 4, 2001, press release that this was an "unjust and counterproductive move that can only damage America's credibility with Muslims in this country and around the world and could create the impression that there has been a shift from a war on terrorism to an attack on Islam." This purported "attack on Islam" proved to be baseless in the face of the Holy Land Foundation verdicts.

A November 25, 2008, Department of Justice press release following the initial verdicts in the foundation case quotes Patrick Rowan, Assistant Attorney General for National Security. He says, "For many years, the Holy Land Foundation used the guise of charity to raise and funnel millions of dollars to the infrastructure of the Hamas terrorist organization. This prosecution demonstrates our resolve to ensure that humanitarian relief efforts are not used as a mechanism to disguise and enable support for terrorist groups."

As I noted earlier, CAIR was named as an undicted coconspirator in the Holy Land Foundation case, which makes its cautionary word about the "injustice" of closing the "charity" suspect.

In a Federal court filing from December 2007, Federal prosecutors described CAIR as "having conspired with other affiliates of the Muslim Brotherhood to support terrorists." The government also stated "proof that the conspirators used deception to conceal from the American public their connections to terrorists was introduced" in the Holy Land Foundation trial.

□ 1330

In a footnote, government prosecutors pointed out: "From its founding by Muslim Brotherhood leaders, CAIR conspired with other affiliates of the Muslim Brotherhood to support terrorists."

Further, according to Senate testimony, CAIR received a \$5,000 donation for the Holy Land Foundation. Initially, in written testimony submitted September 10, 2003, to the Senate Subcommittee on Terrorism, Technology

and Homeland Security, CAIR denied that this was the case. Specifically, Mr. Awad said claims to the contrary were “an outright lie. Our organization did not receive any seed money from the” Holy Land Foundation. But when confronted with the IRS form on which the Holy Land Foundation disclosed the contribution, Mr. Awad changed his position in supplemental testimony submitted to the subcommittee saying that the amount in question was a donation like any other.

CAIR ultimately filed an amicus brief seeking removal from the list of unindicted coconspirators in the Holy Land Foundation case. In September of 2007, prosecutors made several arguments in favor of maintaining CAIR status, saying: “CAIR has been identified by the government at trial as a participant in an ongoing and ultimately unlawful conspiracy to support a designated terrorist organization, a conspiracy from which CAIR never withdrew.”

The Holy Land Foundation trial revealed more about CAIR than simply its ties to that particular entity. Rather, the trial brought to light, in the public square, the genesis of the organization. According to an October 14, 2008, Dallas Morning News story: “Testimony has suggested that CAIR’s founder Omar Ahmad and its current executive director, Nihad Awad, participated in a 1993 meeting of purported Hamas sympathizers. Some Holy Land defendants attended the Philadelphia meeting, bugged by the FBI.”

A day later, the Dallas Morning News reported that FBI special agent Lara Burns testified during the Holy Land Foundation case that CAIR “was formed in the aftermath of a 1993 meeting by Palestinian activists in America who brainstormed ways to spread pro-Hamas messages here without attracting too much attention.”

A Department of Justice press release issued on November 24, 2008, when the Holy Land Foundation verdicts came down: “The government case included testimony that in the early 1990s, Hamas’ parent organization, the Muslim Brotherhood, planned to establish a network of organizations in the U.S. to spread a militant Islamist message and to raise money for Hamas. . . . HLF became the chief fundraising arm for the Palestine Committee in the U.S. created by the Muslim Brotherhood to support Hamas. According to a wiretap of a 1993 Palestine Committee meeting in Philadelphia, former Holy Land Foundation President and CEO Shukri Abu Baker spoke about playing down Hamas’ ties in order to keep raising money in the U.S. Another wiretapped phone call included Abdulrahman Odeh, Holy Land Foundation’s New Jersey representative, referring to a suicide bombing as ‘a beautiful operation.’”

According to a National Review article in the pre-CAIR days, both Nihad

Awad and Omar Ahmad were top officers in the Islamic Association for Palestine. Former FBI counterterrorism chief Oliver “Buck” Revell called Awad’s former employer, the Islamic Association for Palestine, “a front organization for Hamas that engages in propaganda for Islamic militants.”

A September 24, 2001, L.A. Times story described the connection between the Islamic Association of Palestine and the Holy Land Foundation this way: “The IAP and the Holy Land were founded and funded by Mousa abu Marzook. . . . He’s also the political leader of the terrorist group Hamas.”

Andrew McCarthy, a formal Federal prosecutor who led the 1995 prosecution against Sheik Omar Abdel Rahman, the “blind sheik” who was found guilty of planning the 1993 World Trade Center bombing, in a National Review article notes that there are “several persons connected to CAIR who have been convicted of Federal felonies including terrorism.”

McCarthy includes in the group Ghassan Elashi, one of the founding members of CAIR’s Dallas-area chapter, and also co-founder and former chairman of the Holy Land Foundation. According to July 9, 2007, Dallas Morning News report, Elashi was sentenced to “nearly 7 years in prison for doing business with a terrorist and violating export laws.” In a 1994 forum discussion videotaped at Barry University, CAIR’s Mr. Awad said, “I’m in support of the Hamas movement.” CAIR has subsequently sought to discredit his video on his Web site by saying this quote was in response to a specific question and that Hamas was only designated a “foreign terrorist organization,” in January 1995 and did not commit its first wave of suicide bombings until late 1994 after Mr. Awad made the comment. It is noteworthy that Hamas’ 1988 covenant describes itself as “one of the wings in the Muslim Brotherhood in Palestine” and says that “the day of judgment will not come about until Muslims fight Jews and kill them.”

CAIR’s defense and Mr. Awad’s quote based simply on chronology is wanting in light of Hamas’ founding principles which clearly embrace violence. As the Washington Post’s Richard Cohen wrote in April of 2009: “Read the Hamas charter. It is not some uplifting cry of a downtrodden people seeking its freedom but a repellant anti-Semitic screed.”

CAIR’s mission statement focuses on protecting the civil rights of Muslims in America and on improving Islam’s image. But CAIR’s action under the umbrella of civil rights raises troubling questions.

In November 2006, US Airways removed six imams from a flight following passenger reports of unusual behavior. An Investor’s Business Daily piece described the imams’ action this

way: “At the gate before boarding, they angrily cursed the U.S. Then they bowed to Mecca and prayed ‘very loud’ shouting ‘Allah Allah, Allah’ according to the gate agent and another witness. On the plane, they didn’t take their assigned seats and instead fanned out to the front, the middle, and the rear of the plane. . . . Some ran back and forth speaking to each other in Arabic. Adding to suspicions, most of them asked for seatbelt extensions even though they didn’t need them—or even use them.”

“Following the incident, the imams and CAIR filed a lawsuit against US Airways, the Minneapolis-St. Paul Metropolitan Airports Commission and ‘John Doe’ passengers,” meaning the passengers on the plane.

Omar Mohammedi, the New York attorney who represented the imams, was a former president for the board of directors for CAIR, New York. The suit charged that the John Doe passengers “may have made false reports against plaintiffs solely with the intent to discriminate against them on the basis of their race, religion, ethnicity and national origin.”

CAIR subsequently called on the Department of Justice to investigate violations of civil liberties for the six religious leaders taken off the plane.

The then-president of the Becket Fund for Religious Liberty, a Washington, DC public interest-based law firm protecting the free expression of all religious traditions, wrote the following letter to CAIR regarding suit against the John Doe passengers:

“This is a first for us. We have never opposed someone else’s claim for religious discrimination but this tactic of threatening suit against ordinary citizens is so far beyond the traditions of civil rights litigation in the United States that we must oppose it to defend the good name of religious liberty itself.”

It is noteworthy that the Becket Fund has successfully argued cases for Muslims including securing a place for Muslim public school students in Texas to pray. In March of 2007, the Arizona Republic called the suit against ordinary citizens “intimidation by lawsuit.” On April 9, 2007, the San Francisco Chronicle reported that CAIR’s Ibrahim Hooper had a notably different take: “It is wrongheaded for observers to be suspicious of innocent behavior. Praying or asking for a seatbelt extension—simply because a Muslim ‘That Muslim is wearing a tie,’ Hooper scoffed. ‘He can take it off and strangle someone.’”

The U.S. Department of Transportation conducted an investigation following the passenger complaints and found that US Airways did not discriminate against the six imams when it removed them. In a letter to CAIR’s acting legal director, the assistant general counsel for Aviation Enforcement

and Proceedings wrote the following: "We find the decision to remove the imams from the aircraft was based on information available to the captain at the time and was reasonable . . . it appears that the captain decided to remove the imams because of security concerns as a result of the sum of the imams' actual and perceived behavior, not their race or ethnicity. The fact that the captain's concerns were not borne out in hindsight does not make the action that he took discriminatory."

CAIR's approach in this case was not simply an inconvenience. Rather, it had potential security implications as well. Airports nationwide implore travelers to report suspicious activities. Signs on major highways, bridges and tunnels throughout America do the same. New York Metropolitan Transit Authority introduced an ad campaign which has been adopted by municipalities around the country as part of their own anti-terrorism campaign. The ad features the following admonition: if you see something, say something.

But CAIR would have had Americans thinking, If you see something, think twice before you say something, lest you get mired in a lawsuit. USA Today editorialized in the days following the imams' suit and said: "This legal tactic seems designed to intimidate passengers willing to do exactly what authorities have requested—say something about suspicious activity." The paper went on to report that "the imams want to know the names of an elderly couple who turned around to watch and then made cell phone calls presumably to authorities."

In a response to the incident at the Minneapolis Airport, Congressman PETER KING, the ranking member on the House Homeland Security Committee, and Congressman Steve Pearce first moved to provide immunity to those on public transportation who report suspicious activity through a recommitment motion to the Rail and Public Transportation Security Act of 2007, which the House overwhelmingly passed in March 2007 by a vote of 304-121.

Later in the 110th Congress, despite CAIR's public lobbying effort, Mr. KING and Senator JOE LIEBERMAN were successful in adding a section to the 9/11 Commission Implementation Act, Public Law 11053, which provides legal immunity to individuals who report terrorists or suspicious activity which they see on trains or planes to law enforcement.

In what has become a familiar refrain, Nihad Awad, on FOX News, March 31, 2007, said that PETER KING's legislative efforts were encouraging Islamophobia. In fact, the bill language had the potential to encourage other John Does who encounter suspicious activity to report it to authorities.

CAIR's funding is also a source of interest. Apart from the financial link

with Holy Land Foundation, there is much that is unclear as to whether and to what degree CAIR is receiving contributions from foreign governments. In a March 2007 interview with the Chicago Tribune, Ahmed Rehab, CAIR-Chicago's executive director, said, "Neither CAIR chapters nor the national office solicits or accepts money from any foreign government."

A January 2007 open letter on CAIR's Web site says they are "proud to receive support of every individual, whether Muslim, Christian, Jewish, or of another faith background, who supports the mission of promoting justice and mutual understanding as long as they are not an official of any foreign government and there are no strings attached to the request."

Yet in a sensitive, but unclassified, May 2006 State Department cable which was brought to my attention, U.S. embassy staff in Abu Dhabi cabled that the UAE press was reporting that "Sheikh Hamdan bin Rashid al-Maktoum, deputy ruler of Dubai and UAE Minister of Finance and Industry has endorsed a proposal to build a property in the U.S. to serve as an endowment for CAIR."

□ 1345

In another sensitive, but unclassified, June 2006 State Department cable, U.S. Embassy staff in Saudi Arabia reported the following after meeting with a CAIR delegation. The cable said, "One admitted reason for the group's current visit to the KSA (Kingdom of Saudi Arabia) was to solicit \$50 million in governmental and nongovernmental contributions." I submit both cables for the RECORD.

According to the June 2006 cable, "The core delegation consisted of CAIR Board Chairman Dr. Pareh Ahmed, Executive Director Nihad Awad, and Communications Director Cary (Ibrahim) Hooper." On an MSNBC talk show with Tucker Carlson in September 2006, just 3 months after the trip, Ibrahim Hooper claimed, "To my knowledge, we don't take money from the Government of Saudi Arabia."

I want to make it clear that it is important to understand that American Muslims, like all Americans, are entitled to organize, advocate, and engage in the political process; such are the makings of a vibrant democracy. They have taken advantage of the opportunity America provides for every background. They are teachers, doctors, policemen, they are mothers and fathers and neighbors.

I am reminded of a young Pakistani American who is Muslim that I had the privilege of meeting during one of my visits to Walter Reed Hospital. I met him when he was in the midst of his physical therapy, therapy that was necessary because he had lost both legs while in combat in Iraq. Despite his tremendous sacrifice, he was com-

mitted to the hard work of rehabilitation, in part because he hoped to go back to Iraq. He was a patriot of the sort that ought to give us pause and ought to make us proud.

I want to be absolutely clear that concerns I have with CAIR are specific to the organization and not to the Muslim faith. Even a passing glance at my record in Congress should put any thought to the contrary to rest.

In Sudan, Chechnya, China, Bosnia, and Kosovo, I have spoken out in defense of people of the Muslim faith. I have been to Sudan five times, including leading the first congressional delegation to Darfur, where nearly all the victims of the genocide are Muslim.

I was the only Member of Congress to visit Chechnya during the fighting in 1995. When I returned, I condemned the violence against the Chechen people, most of whom were Muslim, and called for a cease-fire.

I was one of the only Members to visit Muslim men in a Serb-run prisoner of war camp in Bosnia, where I saw evidence of a modern-day Holocaust taking place. And very early on, I began speaking out against the ethnic cleansing and the culture of genocide against the Bosnian people. I spoke out in favor of lifting the arms embargo against Bosnia so that the Muslim Bosnian Government could defend itself. I have visited Kosovo five times, and I voted and spoke out on the floor to approve the bombing campaign to stop the Serbian atrocities against Muslims in Kosovo.

I was one of the first Members to raise concerns about the persecution of Muslims in China, and continue to speak out when few others do.

Further, I was the author of the International Religious Freedom Act which created the U.S. Commission on International Religious Freedom as well as the International Religious Freedom Office at the State Department. Central to the act was the assertion that "freedom of religious beliefs and practices is a universal human right and fundamental freedom." The legislation, and ultimately the offices it created, strengthens the United States' advocacy on behalf of individuals persecuted in foreign countries on account of religion, which, of course, includes persecuted Muslims.

America is an imperfect Nation, but a great Nation, a "shining city on a hill" as described by our Founders, a beacon of hope for persecuted and oppressed people. For centuries, the "huddled masses" depicted in the iconic poem at the base of the Statue of Liberty have arrived on these shores seeking a better life for themselves and their families.

My grandparents immigrated to America from Germany. My father served in World War II. Part of the reason he did so was that he felt a need to show that his loyalty was to America.

Even though my grandparents were both native German speakers, when World War I broke out, my grandmother decided from that day forward only English would be spoken in their home.

I share this bit of personal history to illustrate that I am sensitive to the challenges facing new immigrants, especially during times of war. There have been instances in our Nation's history, especially when our country has been under attack, where the civil liberties of certain groups of people have been violated because other people were afraid. This is inexcusable. But this is the exception, not the rule.

Our experiment in self-governance has been marked by an unwavering commitment to basic freedoms for all people, among them the right to worship according to the dictates of your conscience. Many American Muslims left countries where such freedom is unimaginable; however, in a pluralistic society like ours, these principles are paramount. To silence or otherwise repress people of faith is inimical to the American way. In a public discourse, to accuse someone of religious bigotry or intolerance is a sure way to stifle debate.

On October 4, 2008, the editorial page editor of *The Columbus Dispatch* spoke to CAIR's bent toward accusation as a means of muzzling debate. They said, "For many years, CAIR has waged a campaign to intimidate and silence anyone who raises alarms about the dangers of Islamic extremism. CAIR's rationale is that discussions of Islamic extremism lead to animosity not just toward those who twist Islam into a justification for terrorism, but toward all who practice Islam.

"CAIR's concern is understandable, but its response is unreasonable." They went on to say, "The group acts properly when it hammers home the point that only a small number of Muslims support religiously motivated violence, and that targeting law-abiding Muslims is wrong. Where CAIR errs is in labeling anyone who discusses Islamic terrorism a bigot and hater, an Islamophobe, to use CAIR's favorite slur." Ironically, some of CAIR's most pointed attacks have in fact been aimed at other Muslims who dare to have differing views.

In a 2006 Philadelphia *Inquirer* piece, CAIR's Hooper is quoted as saying Zuhdi Jasser, President of the American Islamic Forum for Democracy, who has been critical of CAIR, was "providing others with an opportunity to advance an agenda that is hostile to the American Muslim community."

Given CAIR's genesis, its associations with known terrorist entities and individuals, and its tactics—namely, attempting to discredit anyone who dares to speak out against its organization—their cries of victimization and accusations of religious bigotry appear disingenuous.

And given the dangerous world in which we live today, any attempt to literally silence honest discourse about the nature of the threats facing our country is intolerable and must be addressed.

I stand today with other elected officials who have raised questions about CAIR. Senator SCHUMER describes CAIR as an organization "which we know has ties to terrorism." Democratic Senator DICK DURBIN has said that CAIR is "unusual in its extreme rhetoric and its association with groups that are suspect."

Democratic Senator BARBARA BOXER withdrew an award she gave to an official at a local CAIR chapter because she "had concerns about statements by some CAIR officials and about claims of financial links to terrorism." And other Senators, including Republicans JON KYL and TOM COBURN, have voiced support for the FBI's actions in severing ties with CAIR.

I stand today with counterterrorism experts, including Steven Pomerantz, the FBI's former chief of counterterrorism, who has stated, "CAIR, its leaders, and its activities effectively give aid to international terrorist groups."

And perhaps most importantly, I stand with thousands of American Muslims for whom CAIR does not speak. In June, 2007, the *Washington Times* published a report which analyzed CAIR's tax documents and found that CAIR's membership has declined by 90 percent since 9/11. Zuhdi Jasser of the American Islamic Forum for Democracy was quoted in the article as saying, "This is the untold story in the myth that CAIR represents the American Muslim population. They only represent their membership and donors."

In 1999, the Islamic Supreme Council of America, ISCA, issued an open letter to all Muslims after Shaykh Kabbani, Chairman of the ISCA, spoke at a State Department open forum on Islamic extremism and subsequently came under public attack by several organizations, including CAIR. In the open letter, ISCA says the organizations attacking Kabbani, among them CAIR, "have not quoted a single statement of Shaykh Kabbani in full or in context. Moreover, the statements were augmented with emotionally charged words like 'promoted and generalized an allegation,' 'outrageous statements,' and 'Islamophobic,' thereby thwarting his original intention and message." The letter goes on to say, "In their action alerts, CAIR has a chronic tendency to negatively juxtapose Islam and Americans."

Consider, too, the words of Dr. Hedieh Mirahmadi, then general secretary of the Islamic Supreme Council of America, quoted in a 1999 ISCA press release following this same incident. She remarked, "The carefully orchestrated and calculated plot to intimi-

date Shaykh Kabbani into retracting his statements only goes to prove the unwillingness to tolerate differences of opinion and belief, as well as the extent to which they would go to silence the voice of opposition."

Or consider the testimony of Zeyno Baran, a prominent Turkish American scholar who is presently a senior fellow at the Hudson Institute. In July of 2008, speaking before the Senate Committee on Homeland Security and Governmental Affairs, she stated that she believed CAIR "was created by the Muslim Brotherhood to influence the U.S. Government, Congress, and NGOs, along with academic and media groups" and lamented that, "despite being founded by leading Islamists, CAIR has successfully portrayed itself as a mainstream Muslim organization over the past 15 years and has been treated as such by many U.S. Government officials."

Or most recently, an April 2009 advertisement in *Weekly Standard* authored by "American Muslims," applauded the FBI for rejecting CAIR. The signatories included representatives of six different organizations, and I submit a copy of the ad for the RECORD. The signatories wrote, "We observe that they (CAIR) denounce 'terrorism' in general terms, but not the specific actions of Islamic groups like Hamas or Hezbollah. They denounce violence, but not the ideologies behind it." Further, the group acknowledged CAIR's "attempts to chill free speech by calling critics of radical Islam 'Islamophobes.'"

Finally, I would like to close my speech by recognizing the men and women of the FBI and the hard work they do every day to keep this country safe, and to restate the FBI's own words, "Until we can resolve whether there continues to be a connection between CAIR or its executives and Hamas, the FBI does not view CAIR as an appropriate liaison partner."

I completely agree.
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TAGS: KISL, SOCI, PHUM, PGOV, KDEM,
AE
SUBJECT: VISIT BY COUNCIL ON AMERICAN ISLAMIC RELATIONS (CAIR) TO UAE

1.(U) On May 21, the Council on American Islamic Relations (CAIR) paid a courtesy call on the Ambassador to discuss the organization's issues, outreach strategies, and its visit to the UAE. The UAE press has reported that Sheikh Hamdan bin Rashid al-Maktoum, Deputy Ruler of Dubai and UAE Minister of Finance and Industry, "has endorsed a proposal to build a property in the U.S. to serve as an endowment for CAIR." DCM, PAO and MEPI Regional Director also participated in the meeting.

2.(U) The group expressed ideas about countering negative stereotypes about Muslims in the U.S. (“Islamophobia”) and addressing anti-Americanism in the Middle East. They mentioned previous meetings with State Department officials, U/S Karen Hughes and A/S David Welch, their attendance at the Secretary’s Iftar, and spoke of a possible meeting with President Bush in the future.

3.(U) Mr. Don Myers, representing Washington, D.C. public relations firm Hill & Knowlton, provided a short demonstration of a PR campaign designed to support CAIR’s overall organizational objectives defined as: 1) political empowerment of Muslims, 2) grassroots effort by CAIR to improve community relations with non-Muslims, 3) launching of an effective, long-term (5 year) advertising/outreach campaign to counter negative stereotypes about Muslims.

4.(U) Members of the CAIR delegation included: Hon. Larry Shaw, Senator (North Carolina General Assembly); Hon. Paul Findley, Former U.S. Representative; Don Myers, Washington, D.C. public relations firm Hill & Knowlton; Nihad Awad, CAIR Executive Director and Co-Founder; Cary (Ibrahim) Hooper, CAIR Communication Director and Co-Founder; Dr. Parvez Ahmed, CAIR Board Chairman; and Dr. Nabil Sadoun, CAIR Board Member.

5.(U) CAIR delegation also paid a call earlier in the day on Sheikh Sultan bin Muhammad al-Qassimi, Ruler of Sharjah, which was covered in the press.

6.(U) Sheikh Ali al-Hashemi, UAE Presidential Adviser on Islamic affairs, is hosting a reception at his house this evening, May 22, in honor of the CAIR group; Ambassador and PoOff to attend. Al-Hashemi also thanked the Ambassador for receiving the CAIR delegation.

7.(SBU) Comment: CAIR Executive Director Nihad Awad told us that while they were pleased with the results of the meeting with Sheikh Hamdan bin Rashid, they had no concrete information on the size of the endowment or when it might be forthcoming. Awad also mentioned that the Bin Hamoodah Group, a \$500 million/year trading company, founded by three Emirati brothers and representing Haliburton, IBM, FMC Corporation and General Motors, is CAIR’s main benefactor in the UAE. One newly-rich stock trader, Talal Khoori (UAE national of Iranian origin), is believed to have donated one million dollars to CAIR.

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 SUBJECT: VISIT BY COUNCIL ON AMERICAN ISLAMIC RELATIONS
 (CAIR) TO SAUDI ARABIA
 REF: ABU DHABI 2127

1.(U) Following up on a similar visit to the UAE in May (reftel), a delegation from the U.S.-based Council on American Islamic Relations (CAIR) visited the Kingdom of Saudi Arabia (KSA) in June. On June 22 the group paid a courtesy call on the Embassy to discuss the organization’s issues and outreach strategies. In the Ambassador’s absence, DCM received the group, along with the PA Counselor and Poloff (notetaker).

2.(SBU) Prior to coming to Riyadh, the CAIR group visited Mecca and Jeddah. Although they apparently were not received at the highest levels of the SAG, the group assured the Embassy that “King Abdullah knows CAIR very well” and receives regular updates on the group’s projects. After recalling the success of their visit to the UAE in May, the group predicted that they would be back in the region by fall to visit Kuwait and Qatar. The group also mentioned that they had been well-received in Washington by senior State Department officials, including Secretary Rice and Undersecretary Hughes.

3.(U) The core delegation consisted of CAIR Board Chairman Dr. Parvez Ahmed, Executive Director Nihad Awad, and Communications Director Cary (Ibrahim) Hooper. Accompanying them were former U.S. Representative Paul Findley and Don Myers, a former DoD official now with Hill and Knowlton public relations.

4.(U) During their hour-long meeting in the Embassy, the group presented various projects that CAIR is working on to counter negative stereotypes about Muslims in the U.S. (“Islamophobia”), linking their work to concern over growing anti-Americanism in the Middle East. One of the current CAIR projects they discussed was the presentation of “accurate books about Islam” to schools and libraries in the U.S.

5.(SBU) Mr. Don Myers, representing Hill and Knowlton, gave a short demonstration of a CAIR-funded media campaign to support CAIR’s overall information outreach effort. According to Myers, this private campaign will emphasize both grassroots outreach to improve American non-Muslim understanding of Muslims and the encouragement of political engagement by American Muslims. The multi-year broadcast and print campaign is to be entitled “Let the Conversation Begin” and is aimed at countering negative stereotypes about Muslims within the broad American public.

6.(SBU) One admitted reason for the group’s current visit to the KSA was to solicit \$50 million in governmental and non-governmental contributions. PA Counselor noted that private outreach activities can provide valuable support to USG efforts to build mutual understanding overseas but cautioned that USG Public Diplomacy (PD) funds cannot be used or associated with efforts to target American audiences. The delegation was interested to hear of the Embassy’s PD exchange and activities within the KSA and offered to help support them in any appropriate way. The group did not share, however, any details of their success or lack thereof in fundraising within the KSA.

Oberwetter.

AIG BONUSES

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes.

Mr. LATOURETTE. Madam Speaker, we have been coming to the floor for about 4 months now in an attempt to get to the bottom of one or two mysteries. I had hoped to be able to come to the floor today to indicate that one of those mysteries had been solved or that we were closer to its resolution.

The Speaker will recall that earlier this year the United States Congress passed a stimulus bill that was re-

quested by the new President of the United States, about \$789 billion. And whether you agreed with that legislation or not, during its path through the legislative process there was great concern—and continues to be great concern; I heard one of my colleagues give a Special Order this afternoon about the bonuses, the millions of dollars of bonuses that are being paid to executives on Wall Street, executives who work for companies who, in some instances, have led to the mess we find ourselves in financially.

When the stimulus bill was being crafted over in the other body, the United States Senate, two Senators—one Republican and one Democrat, the Republican is OLYMPIA SNOWE of Maine, the Democrat is RON WYDEN of Oregon—they crafted language that would have put strings on, would have said maybe when things aren’t going so good and we’re giving billions of dollars of taxpayer money to these Wall Street firms, maybe we should have some conditions under which the bonuses are paid and how they’re paid and how much they can get. But then a funny thing happened. The House passed its version, the Senate passed its version. Madam Speaker, you know that when we have bills that pass each Chamber and there are some differences in them, we have to appoint a conference committee, and they meet and work out the differences and then send back to us a conference report.

□ 1400

Somehow, somewhere in that conference committee, the language that was put in by Senator SNOWE and Senator WYDEN was taken out of the bill and about 40 words that are located on the easel to my left were inserted into the bill. And, Madam Speaker, as you read that language, not only were there no longer any strings on those bonuses, but this paragraph specifically protected any bonus that was given to any official, including the ones that became controversial a little later, AIG, and said any bonus that was agreed to before February 11, and February 11 was the day that the stimulus bill was passed, so anything agreed to before that day was protected. Then about a week later, the news came out that AIG, the insurance company that’s received billions of dollars of taxpayers’ money, was going to pay its executives \$173 million in bonuses.

And you should have heard the hue and cry around this place, Madam Speaker. Everybody was shocked. The President of the United States was shocked. Members of Congress were shocked. Members of the United States Senate were shocked. People at the Department of Treasury were shocked.

Well, they shouldn’t have been shocked because, after this language was inserted, the bill came back to both the House and the Senate. Every

Republican voted against it; every Democrat, save 11, voted for the stimulus bill that included this paragraph that protected the \$173 million in bonuses.

We have been coming to the floor for the last several months to try to find out, because nobody's fessing up. Nobody has said, Hey, you know what? I took out the first language and I put in this language, and maybe you could tell us why. But nobody will do that. Everybody wants this issue to go away. And as a matter of fact, people were so shocked that their reaction, the majority's reaction, was to come up with really a stupid bill, and that was to tax these bonuses, rather than going back and doing the right thing and taking out their mistake, to tax these bonuses at 90 percent.

And I will tell you why I call that a stupid bill, Madam Speaker. I call it a stupid bill because the person who got the biggest bonus at AIG got \$6.4 million. I think it was a man. So if you're really mad at that guy, why just take away 90 percent of his bonus? Why don't you take away 100 percent of his bonus? So that stupid piece of legislation, and, thankfully, President Obama didn't think much of it and neither did the Senate, but the legislation over here still would have left that guy at AIG with \$640,000. Well, Madam Speaker, in my district in northeastern Ohio, it would take 16 years for somebody making \$40,000 a year to make \$640,000. So again, rather than correcting the mistake, they came up with—it wasn't even a fig leaf, it was a fig tree to pretend that they were really mad about the bonuses that they authorized with their vote.

So we, myself and other Members, Mr. McCOTTER from Michigan, have been coming to the floor. And I grew up playing a game called Clue, a very wonderful game to play around the kitchen table with your kids. Hasbro, I think, is the manufacturer of it. And so with apologies to Hasbro, we came up with "Clue," because if you play Clue, and, Madam Speaker, I don't know if you're a Clue player or not, but the way Clue works is you start with a murder has been committed. In this case, it wasn't a murder. It was pretty bad, but it wasn't a murder. You start with what happened, and what happened is that somebody put in a bill in the middle of the night language that protected these bonuses that everybody became shocked about. So that's the crime in this particular instance. So you have to find out who did it. You have to find out where it happened in Clue, and you have to find out where the weapon is.

Now, the great news is that we know what the weapon is. It wasn't a gun or the lead pipe or the rope or any of that stuff. It was a pen. Somebody took a pen, took out the language that would have prohibited the bonuses, and then

took the pen and wrote this paragraph into the bill.

So we got a third of the way there and I was feeling pretty good about it. And in our subsequent discussions here on the floor, we've pretty much narrowed it down. Here you have the Banking Committee, the Speaker's office, the conference room. And pretty clearly, it either happened in the Speaker's office or in the conference room. We get that from published reports, the shuttle diplomacy. I wish I could tell you that there was a Republican suspect in this, but there weren't any Republicans permitted into the conference room. So we believe, and I think for the purpose of this exercise we're going to say, that it happened in the conference room.

The missing piece and where I really thought we were getting close was who did it. Let's finish Clue, that it was Colonel Mustard with a pen in the conference room. And around this board we have the people that we believe, we know, were in the room and were capable of making this insertion. Madam Speaker, I know you know who they are. But just sort of running around the board here, down here CHARLIE RANGEL, the distinguished chairman of the Ways and Means Committee. Here, a former colleague of ours, Rahm Emanuel, who is President Obama's Chief of Staff. Up here is Mr. Orszag, the OMB Director, the fellow that's the bean counter down at the White House. Over here is Senator DODD from Connecticut, who is the chairman of the Banking Committee over in the Senate. In the upper corner is Ms. PELOSI, the distinguished Speaker of the House of Representatives, and Mr. HARRY REID, the distinguished majority leader over in the United States Senate. So we have narrowed it down to one of these folks.

And the question mark down there, and this is really a disappointment to me, sadly, some are just saying that it was some staffer that put the thing in. So the question mark is this staffer who apparently has the power to change law and make law. And it may have been a staffer who was using the pen, but clearly a staffer had to be directed by somebody to do that.

We thought originally that Senator DODD, the chairman of the Banking Committee, might be the person we should focus in on. He's made some public statements, but the public statements now have gone back and forth. His office says that they put it into the bill at the request of the Treasury. The Treasury says that they put it in at the request of Senator DODD.

So here's what we did. Being the sleuths that we're attempting to be, we went out and filed a bill that basically would have required these folks to hand over some documents and fess up and tell us why they did it. It went to the Financial Services Committee here

in the House. And to his credit, one of the heroes of this Clue game is Congressman BARNEY FRANK of Massachusetts, who chairs the Financial Services Committee. He called up the resolution, and that committee voted for it 64-0. So I'm feeling pretty good about it now. I think that we're actually going to get someplace. But, sadly, the way that this place works is that when legislation is reported out of the committee, it doesn't come here to the floor for discussion or debate unless it is scheduled by the distinguished majority leader of this body, Mr. HOYER of Maryland. And even though that event occurred a couple of months ago, Mr. HOYER has apparently determined that we are too busy here in the House of Representatives to deal with this issue. And we're going to talk a little bit about how busy we've been in a couple of minutes. But we've had a setback.

So Chairman FRANK, again, deserves credit because, even though the majority leader won't bring this bill to the floor so we can figure it out with documents, Chairman FRANK said to the Treasury, Look, just sit down with the people that are interested in finding out the truth here and hand things over.

So we had some conversations, and, sadly, I have to report to the House, Madam Speaker, that we've had a setback. And while I wanted very much to come and be able to solve this game so we could get on to something else, but there was a meeting, a conversation, on June 3 between representatives of the Financial Services Committee and a fellow by the name of Damon Munchus, M-u-n-c-h-u-s, who is the Deputy Assistant Secretary for Legislative Affairs. He indicated at this meeting where we were talking about it, and I was promised a letter talking about who did this, he indicated in that conversation that the Treasury thought that that meeting was to talk about policy options and had nothing to do with this particular issue. And he then stated that if the true goal of the meeting was to reconstruct conversations between Treasury and Senator DODD and his staff regarding this bonus provision and how they got into the stimulus bill—and I would say duh. I mean, what have we been trying to do here for the last 3 months?—that on the advice of counsel, the Treasury Department would be unable to provide any documents about those conversations.

So, again, it becomes kind of important that we have the majority leader schedule this resolution so we can get the documents so we can figure it out and we can move on to something else.

And I see my friend from Michigan is here, and I yield to Mr. McCOTTER of Michigan.

Mr. McCOTTER. I thank the gentleman for yielding through the Chair.

Just two quick inquiries of the distinguished gentleman from Ohio. First,

I was wondering if you considered the response from Mr. Munchus to be indicative of the most transparent administration in history. And, secondly, I would like to commend you for putting the question mark signifying the poor staffer who will be blamed if we continue this, unless, of course, someone confesses or the media actually looks into the matter, because I remember growing up and I watched reruns of Star Trek. Whenever the captain and Bones or Spock would get on that transporter platform, there would always be somebody you didn't recognize, and you knew they weren't coming back. So when I see that question mark, I just think of the poor staffer that, at the direction of someone else, actually utilized the pen, because if this inquiry continues, as it will, you know that he may not be coming back.

Mr. LATOURETTE. I thank the gentleman. And the answer to the first part of your question is clearly this is not indicative of transparency.

Look, all we want to do is move on and find out why somebody felt it necessary in a dark room in the dark of night to put in language that protected these \$173 million worth of bonuses and why they did it. They may have a great explanation. I doubt it, but they may have a great explanation. We just want them to come forward and tell us "I did it" and why they did it.

So I can't report, Madam Speaker, that we have solved this particular episode of Clue. And, sadly, we have another mystery that has sort of reared its ugly head here on Capitol Hill.

Mr. McCOTTER. I thank the gentleman for yielding through the Chair.

Let's also put out that we have, in fact, understood from the White House, in fairness to them, that the President has taken responsibility for the AIG bonus. He said so, which I think is only appropriate since he signed the bill that executed it into law. But what we are really looking for is that shadowy figure between the President of the United States, who may or may not have known the bonus was in the bill, and the poor staffer that may have been directed to do this. So we want to point out that we are trying to be fair. We have not determined whether the President even knew the AIG bonus was in the stimulus bill, which was rushed in a crisis atmosphere upon a deadline that he set, and the staffer who may potentially receive all the culpability unfairly.

Mr. LATOURETTE. I thank the gentleman for that.

And I would go a step further. I am certain that President Obama did not know that this had been inserted into the stimulus bill because he appeared on television after the bonuses were given and said he was shocked that these bonuses have been given, and people in his administration said they were going to do everything within

their power to get this money back. So I agree with you 100 percent. The President did not know, to the best of my knowledge, that this was occurring. And even our colleagues in the House, Mr. McCOTTER, the Democrats who voted for the stimulus bill, except for 11 of them, I don't think they knew it either.

I'm not just trying to be a nitpicker. I will tell you that one of the problems is you may remember that stimulus bill that spent \$789 billion of our constituents' money. It was about a thousand pages long. So it was like the phone book of New York City. And as that bill was coming to the floor that week, one of our colleagues on the Republican side made a motion and came up with this novel idea about how about if we have 48 hours, 2 days, to read the thousand pages, and here's another novel idea, what if we put it on the Internet so that our constituents, who are paying \$789 billion, they have 2 days to sort of digest it and call their Representatives and express their views? That was Tuesday. The problem is the bill was taking a little longer than people anticipated. The President had promised that he was going to sign it by President's Day, so the bill was filed Thursday at midnight.

Now, I've apologized to my constituents for not being up Thursday at midnight to immediately begin reading the thousand pages. But when we arrived at work the next day, on Friday, we were told, You're not going to have 48 hours to read the bill; you're going to have 90 minutes to read the bill that spends \$789 billion, and good luck to you. Now, I have been here 15 years, and I would suggest to you when you legislate that way, silly things happen. And I think a lot of our friends on the Democratic side of the aisle who voted for the stimulus bill that protected those bonuses didn't know it either, in fairness.

□ 1415

But that's why it's important, I think, to protect the integrity of the House and both Republicans, Democrats, the President of the United States—who did it and why did they do it. Just tell us and then we'll be done.

But we've come to, sadly, a second mystery and this one is more catastrophic when it comes to the lives of people in this country. As you know, Mr. Speaker, the auto industry is in big trouble, and we are now faced with the bankruptcies of Chrysler and General Motors, Chrysler going first.

In the days leading up to the filing of the bankruptcy for Chrysler, there were a number of events occurring that I want to describe. On April 30 at 11:30, the White House orchestrated a conference call with Members of Congress, Governors, Senators, anybody that was interested in what was going on with Chrysler, and in that conference call

they indicated, This is a great day, we're saving 30,000 jobs and everything's going to be okay. I mean, there's going to be some pain but everything's going to be okay.

At noon that day, the President of the United States took to the airwaves and made the announcement that the bankruptcy was the way we were going to go. Over here on the far easel are President Obama's exact words: No one should be confused about what a bankruptcy process means. It will not disrupt the lives of the people who work at Chrysler or live in the communities that depend on it.

And then at 1 o'clock, after the President had his press event, there was a second conference call with Robert Nardelli, who was the chief executive officer at Chrysler, with again the same group of Governors, Members, that were interested in it, and the first question on that conference call came from Governor Granholm, the Democratic Governor of the State of Michigan where my friend Mr. McCOTTER is from. She was concerned, because the President's announcement said 30,000 jobs had been saved. And while everybody was celebrating that fact, we all knew that there are more than 30,000 people that work for Chrysler in the United States of America.

Governor Granholm said, Well, listen, we congratulate you, we congratulate the President, I think this is really good news, but I hope that the President wasn't speaking in code. The President said that 30,000 jobs had been saved and we know that the number is about 39,000. So was he, you know, sort of just giving good news and we'll find out about the bad news later? Or have really all of the jobs been saved? And will there, in fact, be no plant closures?

Well, in response to that, Mr. Nardelli indicated that, Oh, no, no, no, no, the President was just using a round number. We don't expect plant closures and we don't expect any difficulties.

Now Governor Granholm did what I did. I don't know what my friend the gentleman from Michigan did but I issued a press release praising the administration, praising the auto task force and saying this is wonderful news, because I in fact had—I used to have—a Chrysler stamping plant in my district in a place called Twinsburg, Ohio. So I sent out a notice saying this is really good news. Well, sadly, that afternoon, and it's kind of a famous picture now, but this guy with a cart is taking all these banker boxes into the bankruptcy court up in New York. In that filing and clearly they weren't written between the President's announcement at noon and 3 o'clock when they were filed, located in there is an affidavit from a guy named Robert Manzo, who is one of Chrysler's consultants, and in there they identify eight plants that are going to be shuttered and 9,000 people, mostly United

Auto Worker members, that are going to be out of jobs.

Now imagine, if you go with the scenario that I just indicated, that there were some people that were a little surprised. There are two more observations I want to make about that. We serve with a Member by the name of GWEN MOORE who is a Democrat from Wisconsin—Milwaukee. During the course of that phone call, she specifically said, Hey, you know what, I have this auto plant in Kenosha, Wisconsin, a Chrysler plant in Kenosha, Wisconsin. I just want to ask you, under this plan, are we going to be okay?

And Mr. Nardelli went on and waxed on about how important the Kenosha plant was and the 800 people that work there, and, yeah, you need to rest easy, it's going to be okay.

Well, sadly, after the bankruptcy documents were filed, Kenosha, Wisconsin's engine plant was on the list of closures. Again, I think Representative MOORE had some questions, as did the Governor of Wisconsin, saying, Well, what are you talking about? You told us you weren't going to close Kenosha.

Not to be outdone, Mr. Nardelli sent a letter of apology. He said, I want to begin by expressing my apologies. He goes on to say that in response to Congresswoman MOORE's question about Kenosha, I mistakenly conveyed the status of the Kenosha plant with Trenton, Michigan. Trenton, Michigan, doesn't sound like Kenosha, Wisconsin to me. It's not only not a sound-alike, they're in different States for crying out loud.

Mr. Speaker, I would like to put Mr. Nardelli's letter of May 7 into the RECORD.

CHRYSLER LLC,
Auburn Hills, MI, May 7, 2009.

Hon. Governor JIM DOYLE,
East State Capitol,
Madison, WI.

DEAR GOVERNOR DOYLE: I want to start by expressing my sincere apologies about the confusion surrounding comments I made on a conference call with you and other elected officials about the Kenosha Engine Plant on April 30, 2009.

In response to a question from Congresswoman Moore regarding the future of the Kenosha Plant, I mistakenly conveyed the status of the Phoenix investment in Trenton, MI. The facts I described were accurate for Trenton and not Kenosha, WI. I recognize this has added further confusion to an already difficult situation.

I would like to take this opportunity to clarify the Phoenix Engine Program production status.

In 2006, DaimlerChrysler started a program for a new V6 engine family. Based on industry volumes and forecasted demand, the initial planning volumes were 1.76 million units. In order to achieve this level of production, a site selection process was initiated that included four new locations in Michigan, Ohio, Wisconsin and Mexico.

Before site selection was finalized, the engine volume planned for the combined company was reduced when the common engine program with Daimler was redefined as a Chrysler only engine. This reduced the number of production sites to three.

These three sites would have the capability of producing 1.3 million V6 engines. Early in 2007, for a variety of reasons, the Corporation was required to reduce its capital investments in all programs which required a new production strategy for the Phoenix engine. Therefore, Chrysler decided to reduce the number of greenfield plant locations to two. In May and June of 2007 the Company chose those two sites and announced the greenfield investments of \$730 million in Trenton and \$570 million in Saltillo and broke ground on the construction of the facilities. The greenfield decisions were based on the adjacency of the proposed plants to the point-of-use assembly locations.

In February of 2007, Chrysler notified the State of Wisconsin and Kenosha officials that a greenfield site was no longer viable, but rather that a retool of the existing Kenosha Engine Plant was under consideration. The Kenosha retooling plan resulted in necessary capital savings; however, it required the Kenosha site to continue to produce its current engines through 2013.

In late 2007 and 2008, deterioration in industry volume resulted in a drop of the 1.3 million unit demand to 880,000. This reduction in volume and the need for Kenosha to produce its current engines resulted in the company deciding to defer the retooling strategy.

Chrysler kept Kenosha Area Business Alliance updated on the status of the retool through 2008. As the market began to collapse through late 2008 and 2009, a decision was made to idle the Kenosha Engine Plant in December of 2010. This and other restructuring actions were included in the Chrysler LLC February 17, 2009 Viability Plan submission to the United States Treasury and the President's Auto Task Force. The specific plant actions, including Kenosha Engine Plant, were not made public because it would have been presumptuous to assume that the plan was going to be approved and inappropriate to communicate prior to thorough discussion with the United Auto Workers union.

On April 3, 2009, Chrysler officials met with the Kenosha Task Force and reiterated the need to defer the Phoenix Program. Upon emergence from Chapter 11, plans are to continue to produce the current engine families through December of 2010 at the Kenosha Engine Plant in order to support our current products. The Trenton Engine site has been completely facilitated and will launch when we exit from Chapter 11. The Saltillo Engine site has also been facilitated and is scheduled to launch mid-to-late 2010.

We would have hoped to have been able to convey this information to you and the community in a more timely fashion, but circumstances simply did not afford us an opportunity to do so. It is expected that virtually all employees associated with Kenosha and the other closures announced in our Chapter 11 filings will be offered employment with the new company.

While the company continues to address difficult market conditions, we expect that the Chrysler Fiat alliance will ultimately provide customers and dealers a broader competitive line of fuel-efficient vehicles and technology, and will result in the preservation of more than 30,000 jobs in the United States along with thousands of employees at dealers and suppliers.

Again, please accept my sincere apologies for the confusion. We will continue to work with the people of Kenosha to ensure an orderly transition.

Sincerely,

BOB NARDELL,
Chairman and CEO.

Then the other thing that occurred is, you may remember, Mr. Speaker, that the UAW, the United Auto Workers, were asked by Chrysler to enter into a new contract—a contract that gave up benefits, gave up wages, gave up off days. But they were told that if they supported this new contract, that was going to lead to a new, vibrant Chrysler where their jobs would be secure. And so they voted on April 28. All the Chrysler workers went to the polls on April 28 to say whether or not they approved or disapproved this new contract. I don't know all of the election results, but I do know in my little community of Twinsburg, Ohio that has 1,200, or did have 1,200 UAW members, 88 percent of their members voted for it, voted to give up benefits, give up wages, as long as it helped the company that they worked for survive.

So they voted for it, the thing passed, and then the next day they find out that they're out of a job. Mr. Doug Rice, who's the president of UAW Local 122 which covers Twinsburg, indicated that, his quote was, "I don't know if I was told the whole truth on everything. I don't feel like I was. It would be a shame if this was something that was known for some time. If they kept this back from people, that's wrong. That's wrong."

He was then asked, What do you think would have happened if you had known that you were going to be out of a job by approving this contract? He said, "Needless to say, people ain't going to vote to eliminate their jobs."

And I think that's right. I don't think any of these 9,000 people who worked at the eight plants would have said, hey, let's approve this new contract and vote ourselves out of a job.

I would like to put Mr. Rice's quotes from the Cleveland Plain Dealer on May 1 into the RECORD, Mr. Speaker.

"I don't know if I was told the whole truth on everything," said Doug Rice, president of United Auto Workers Local 122. "I don't feel like I was. It would be a shame if this was something that was known for some time. If they kept this back from people, that's wrong. That's wrong."—PD May 1

Host: Would that vote have been the same had you had the information you have now?

"No. Needless to say, people ain't going to vote to eliminate their jobs," said Doug Rice, President of UAW Local 122 in Twinsburg—WCPN (Public Radio, Sound of Ideas), May 5, 2009

And then the mayor of Twinsburg, Ohio, and, Mr. Speaker, if you haven't been to Twinsburg, I will tell you, you may want to come this summer, or any summer. Twinsburg is famous for its Twins Festival and twins from cradle to very elderly twins show up. Last year I think we had 4,000 sets of twins. If you think you're seeing double, you will see double in Twinsburg during their Twins Festival.

Their mayor wrote to Mr. Bloom, Ron Bloom, who is on the President's automobile task force and basically

said, What happened? She was on the call, she heard that everything was going to be okay and now all of a sudden she finds that a Chrysler plant that provides 13 percent of her city's tax base is going to be closed and 1,200 people are going to be out of work.

Basically she said, Look, I watched the President. I was on these telephone calls. What happened?

Mr. Bloom, in a letter dated May 6, writes back that what the President's comments were meant to convey, they meant to convey the message that the bankruptcy of Chrysler had in no way changed these plans.

I would like to put this into the RECORD as well.

MAY 6, 2009.

DEAR MAYOR PROCOP: Thank you for the note. Hopefully I can clarify the situation at hand regarding the Twinsburg Plant. On February 17th, Chrysler developed a viability plan which proposed several plant closures, including a closure of the Twinsburg Stamping Plant. The decision to close the Twinsburg Plant was not in any way driven or influenced by the U.S. Government. It was identified based on an assessment by Chrysler's management of what was necessary to reduce Chrysler's manufacturing capacity in the face of extremely poor market conditions.

While the original 2/17 plan submitted by Chrysler was not deemed viable by the Task Force, the more recently proposed Fiat/Chrysler alliance plan has been approved. This plan included the same plant closure schedule as the one originally proposed by Chrysler, and the President's comments were meant to convey the message that the bankruptcy of Chrysler had in no way changed these plans.

We realize how unfortunate this situation is, especially for the citizens of Twinsburg whose livelihoods are tied so directly to the Chrysler plant. The current economic environment has forced many communities to make sacrifices that seem unequal and unfair, and the Task Force is working actively to mitigate the impacts of these sacrifices. During his viability determination on March 30, the President announced Dr. Ed Montgomery, former Deputy Labor Secretary as Director of Recovery for Auto Communities. Since his announcement Ed has been going into communities and hearing people's concerns and he has been assembling an inter-agency effort to support communities and workers and promote new job-creating initiatives.

Ed's role is to work with the communities that have been negatively affected, my role is to work with Chrysler and GM in their efforts to restructure, so that we can once again see a strong and competitive domestic auto industry.

Sincerely,

RON BLOOM.

What these plans are that they're talking about is, both car companies, Chrysler and GM, filed viability plans with the task force in February. February 17, I believe. They were both rejected. But somewhere in conversations between the auto task force and Chrysler, it was indicated that there were going to have to be some plant closures. But nobody told anybody. There was no public document, no public discussion, no notification to the United

Auto Workers—at least at the local level—that plants were going to be closed. That was the response from Mr. Bloom.

I yield to the gentleman for his thoughts.

Mr. MCCOTTER. I appreciate that recap of exactly what happened. And now subsequent to these events which have had such a devastating effect upon my community, Michigan, the entire Midwest and America's manufacturing base, we hear the administration and the task force saying that they did not determine which plants would be closed. They did not determine which dealerships would be closed. That is a factually true statement. But by omission they do not add that they determined how many plants would be closed and how many jobs would be lost and how many dealerships would be closed. Because when they rejected those viability reports, they said they did not go deeply enough quickly enough to provide viability to Chrysler or a path forward for General Motors.

Put in terms of the human cost, that means more people had to lose their jobs, more plants had to close, more dealers had to be culled from the franchise ranks.

So I would hope that in the future with the task force, again that the most transparent administration in United States history by its own profession would be honest with the American people as to where the decision for these lost jobs came from, not merely which ones faced the ax.

Mr. LaTOURETTE. I thank the gentleman.

That leads to the next point. Because Mr. Bloom from the President's task force testified yesterday, or the day before, in the United States Senate. But first let me finish this point.

Going back to the plant closures, what is now on that far easel, that's a paragraph that was in the UAW contract that people were asked to approve, and it specifically was bargained for by the people in my district in Twinsburg. This paragraph certainly doesn't tell them that their plant's going to close the next day, but it indicates that Chrysler's going to bring more work to the stamping plant.

So when my folks went to vote, they voted not thinking they were going to be out of work, they thought that more work was going to be coming via the agreement with Chrysler.

What the gentleman is now referring to is in addition to the 9,000 people put out of work and the eight Chrysler plants and, on top of that, I think it's 14 General Motors plants, we have now been told. For some reason in this bankruptcy, somebody has come up with a brainy idea that you can have better car companies if you don't have any auto dealers. And so the initial request in the bankruptcy was that

Chrysler close 789 car dealerships in its network. We now know that General Motors is going to close about 2,600 of theirs. According to the National Automobile Dealers Association, about 60 people work at every car dealership. If you take the combined closings of car dealerships at Chrysler and General Motors, it's north of 200,000 people are going to be thrown out of work that work at these dealerships.

What my friend Mr. MCCOTTER was referring to is that when you question the administration, and again not the President. I want to be crystal clear about this. When President Obama said on April 30, this statement, that nobody's going to be negatively impacted, no communities are going to be negatively impacted, I believe he meant it and I believe he believed it to be so.

I don't think, however, that his automobile task force has served him well. By that I mean, Mr. Bloom testified yesterday, or the day before, in the United States Senate and Senator HUTCHISON of the State of Texas said, Hey, I don't understand a couple of things. First of all, it's a strange business model that you can sell more stuff with less stores. I never learned that in Econ 101 or anywhere else while I was in school.

□ 1430

But we don't think that car dealers cost the car companies any money.

But this issue has come up. Who said that all these car dealers costing 200,000 people to lose their jobs needed to be closed? And the gentleman's point is this: When Chrysler and GM submitted their studies about how they wanted to proceed, they had a plan, an orderly closeout of dealerships and consolidations, and they were told they weren't aggressive enough.

Specifically, Mr. Bloom testified over in the Senate that when they rejected the plans, he said, I think we said that General Motors is burdened by excess capacity. We said that their plant footprint, the manufacturing plants, has excess capacity, their dealer network has excess capacity, and the white and blue collar people that work there need to be downsized, and we told General Motors and Chrysler when we rejected their February 17 plan, you need to go back and you need to take a more aggressive approach. And, yes, that included dealers, but it included plants and a white collar head count.

So, it is parsing of words to say, and I have never said and I don't think my friend from Michigan has ever said, that Mr. Bloom said you have to close the dealership in Milwaukee, Wisconsin. They didn't do that. But they did determine the parameters and they did indicate that you had to get down to a certain size, which then led to and will lead to 200,000 people being out of work.

I yield to my friend.

Mr. McCOTTER. I thank the gentleman for yielding.

Again, it cannot be emphasized enough that while we talk about jobs and numbers, and we have talked about the jobs that the United Auto Workers will lose, I can attest to you that throughout this bankruptcy process the people of my community, the people of Michigan, the people at Chrysler and the people at GM thought that we had a chance to avoid a bankruptcy, that that was the hope we were given.

We were given it by the first Bush administration, which initially granted the bridge loan to the autos. Early on in the process, we were told that the auto industry would not be walked away from. Early on in the process we started to get signals, however, that the bankruptcy might become a more and more likely option.

Yet we were never told, as reports are starting to come out, that early on the administration's Auto Task Force had made the decision that bankruptcy would be the best option. And as we watched Chrysler and as we now watch GM, two of the big three domestic auto makers in bankruptcy, we see that clearly that best option was pursued and promoted.

But, again, as the gentleman from Ohio points out, these are figures. These are facts. Throughout this process there was a cruel uncertainty that affected the people of my district, that affected the people of Michigan and throughout the manufacturing sector. No one knew when the bell would toll for them.

So as the process continued, especially if you talk about the United Auto Workers who ratified the agreement, as you got closer to the point of Chrysler going into bankruptcy, when you signed that agreement without any indication that you were going to lose your job and that you might actually be a part of Fiat and Chrysler going forward, to learn in the blink of an eye that all that hope was gone, after you had done everything you could, after your union president and their team had done everything they could to save as many jobs as they possibly could, to lose it all at that point is exceedingly cruel.

I have talked to them. They feel this in my district. I have talked to auto dealers who, after a lifetime of work in the industry, of being pillars of their community, in the blink of an eye have lost everything that they have worked for, who have talked on the phone in tears or in person been on the verge of tears about what happened to them and why they cannot get an answer.

So through the Chair to the gentleman from Ohio, we see a pattern emerging. Again, I absolutely agree with the gentleman from Ohio. I believe that the President had no idea his administration had put the AIG bonuses in the stimulus bill. I truly be-

lieve the President of the United States had absolutely no idea about what would follow the consequences of the Chrysler and GM bankruptcies in terms of the human cost to the working people of America.

But what I cannot figure out is that if that is the case, if we are correct in our assessment, why the President of the United States, A, does not want to find out who in his administration put him in that position, and more importantly who put the people of the auto companies and the workers in that position, or the taxpayers of America in that position, and then as the most transparent administration in American history does not want to tell the American people who those actors were. It would seem to me that would serve the country well and it would serve our President well.

I yield back.

Mr. LATOURETTE. I thank the gentleman. And just to continue talking about the dealers and the 200,000 people, and you know what? It is more than 200,000 people, because I assume most of them have families, husbands, wives, children, grandchildren, whatever the case may be.

The other interesting thing about car dealers, at least in my part of the world in Ohio, if you go to one of your children's Little League games or soccer games, you always see that it is a car dealer that has sponsored the team. The car dealer sponsors the chamber of commerce. The car dealer gives to charity. The car dealer does the food drive. So you are talking about not only displacing 200,000 people; you are talking about ripping the heart out of a number of communities.

You could understand it if these dealerships were somehow a drain on Chrysler and GM. But on June 3, Amy Brown, who is a lawyer for the affected Chrysler dealers, had the opportunity to cross-examine the aforementioned Mr. Nardelli, who was the chief executive officer of Chrysler, and was asked why it was necessary to eliminate the franchises when neither the government nor Fiat, the group that is buying Chrysler out of bankruptcy, asked for it to happen.

Mr. Nardelli said the 789 dealers represent a host of expenses. But then he was asked to quantify how much those things cost the automaker, and Mr. Nardelli said he couldn't, and he wasn't sure if his company had ever determined those exact costs.

At a hearing last week up in bankruptcy court they had a number of dealers in, and there are a number of dealers here on Capitol Hill testifying in front of the Energy and Commerce Committee. But just three quotes from car dealers who testified up in New York in the bankruptcy court.

Leo Jerome, who owns a car dealership in Lansing: "I just want my day in court and give me a fair hearing. After

I had a 10-month supply of cars, they gave me three weeks to sell them all. I think the White House Mafia is trying to run this thing through."

Tony Manicotti, who has a car dealership in Sterling Heights, Michigan, said, "They've ripped our heart and soul out. It's been part of me since I was a child. It's hard to believe what the government has done. They are supposed to save employment—not create unemployment."

And an Orleans Dodge Chrysler Jeep dealer, Mike Comiskey, who was responding to a question by the bankruptcy judge, Judge Gonzalez, his dealership had been ruined by Hurricane Katrina but he reopened it 5 months later. During the course of Hurricane Katrina, he provided fleet vehicles to police departments and fire stations in every parish of Louisiana that was affected by the hurricane, and also provided vehicles for the State of Louisiana and the City of New Orleans.

Mr. Comiskey says, "I will probably end up living out of my car as a result of this set of decisions."

Now, it brings me to I think where the gentleman was going, and that is the Clue travel edition: Who is this task force and who made the decision to close eight Chrysler plants without telling the workers that it was going to happen, throwing 9,000 people out of work? Who made the decision to be more aggressive and throw 200,000 people out of work that work for auto dealers?

Now, before I talk about the Auto Task Force qualifications and where we are going to go with the game of Clue, I have to tell you I have mentioned Mr. Manzo, who is the Chrysler restructuring expert, and you may recall, Mr. Speaker, there was some discussion about bondholders. God forbid someone could take some of their money and invest it in a company in this country and be told that they were secured creditors.

The secured creditors at Chrysler had invested money. And you know what? They have since been characterized as "unpatriotic" or "not wanting to go with the flow."

But the one group that was most prominent in this is the Indiana State Teachers Pension Fund. So the Indiana State Teachers Pension Fund thought that buying Chrysler stock was a good investment and they couldn't lose, because as bondholders they were first in line should something like a bad bankruptcy happen. Well, we have rewritten the 200 years of bankruptcy law, and it doesn't matter if you are a secured creditor or not.

But Mr. Manzo called Matthew Feldman, who is an attorney for the President's Auto Task Force, on the day before this announcement was made, and he basically said, Hey, I think I have a way that we can avoid the bankruptcy of Chrysler and restructure some of

this debt and work with the bondholders.

Sadly, this is from an email submitted in the bankruptcy court up in New York. Mr. Feldman's first response by email, not real grownup, it says: "I'm not now talking to you. You went where you shouldn't."

Well, Mr. Manzo apologizes in a subsequent email, and it comes back, "It's over. The President doesn't negotiate second rounds. We have given and lent billions of dollars so your team could manage this properly. And now you're telling me to bend over to a terrorist like Lauria?" Mr. Lauria is the lawyer that represents the Indiana teachers' pension fund. "That's BS."

Of course, the next day we have the bankruptcy.

But you say, you know, maybe this task force of the President's, which I believe is not serving the President well, is made up of people who are really knowledgeable in business, in the car industry, in the car dealership industry, and so we should probably defer, because I don't happen to be any of those things. So maybe we should defer to their judgment in this matter.

The gentleman has a thought he would like to share?

Mr. MCCOTTER. Yes. Through the Speaker to the gentleman from Ohio, first I caution you that if you continue to quote Mr. Feldman, you may get a PG-13 rating for your Special Order.

But I would also like to point out that many of us in Detroit had grave concerns when the membership of the Auto Task Force was announced because of the absence of an understanding of the auto industry and manufacturing, and, to be quite honest with you, the absence of some of the Members owning cars.

I yield back.

Mr. LATOURETTE. I thank the gentleman, and that is where we were going to go next. There was a hearing here on Capitol Hill about 3 weeks ago in the Judiciary Committee and the witnesses were asked by a colleague of ours who joined us the last time we did this, Mr. JORDAN of Ohio, Do any of these individuals on the Auto Task Force have any expertise in how car manufacturing or car dealership businesses operate? The witness indicated the answer is none; they have no experience. He went on to say that The Wall Street Journal actually did a survey of the members of the Auto Task Force and discovered that a substantial portion of them don't even own cars.

Now, I want to be fair, because I think that witness was talking without all of the facts. But there is an article that appeared in the Detroit News, close to the gentleman's home, on February 23, and that is not quite right. Of the 10 senior policy aides who work on the President's task force, two own American cars and the rest either own no cars or they own cars manufactured in other countries, foreign cars.

Does the gentleman have a thought on that?

Mr. MCCOTTER. Yes. I would just like to go back to the quotes from the emails, because it is very important that we catch one of the underlying sub-texts to this entire situation.

We were told that it was the investors that forced Chrysler into bankruptcy due to their obstinacy and greed. And yet from the emails we see here, this is precisely one of those investors who is seeking to come to an agreement with the Auto Task Force to preclude that bankruptcy.

I relate this back to what the gentleman showed us from the UAW, who had gone through a very grueling, excruciating process to find an agreement with the Auto Task Force. And yet when Chrysler went into bankruptcy, which was clearly the intent not to do everything possible to avoid, people started to pit the investors and the auto workers against each other.

I would submit to all that it was the process of the Auto Task Force, its arbitrary nature and its lack of accountability that pitted workers and investors against each other in a race to beat the inevitable bankruptcy which would occur.

I think that is one of the crucial things that needs to be pointed out, and I think it also bears repeating, why the individual, the distinguished gentleman from Ohio, Mr. KUCINICH, as well as yourself and other Members of this body, sent a letter to the administration saying we wanted the Auto Task Force to revert back to an advisory capacity. Because many of us remember the 1970s when a congressionally led assistance of the Chrysler Motor Corporation brought the stakeholders together in an equitable process and resulted not only in the survival of the company, but Lee Iacocca presenting a check with interest for those loans to President Ronald Reagan.

□ 1445

Mr. LATOURETTE. I thank the gentleman very much. Mr. Speaker, could I inquire as to how much time is left?

The SPEAKER pro tempore. The gentleman has 14 minutes.

Mr. LATOURETTE. I want to finish Clue the travel edition and get to something I talked about at the beginning of the hour. But just to finish it, again, the game of Clue, manufactured by Hasbro, we know that the weapon, in this case, not the pen, but the ax, an ax has been used to get about 210,000 people, make them unemployed in this country. And again, we have the same rooms. It happened in one of these rooms. And around the board, down there is Mr. Nardelli, the former chief executive officer of Chrysler, Larry Summers, senior adviser on the economy to the President, President Obama, of course. Over here is Ron

Bloom, who I've talked about. Here is Mr. Geithner, who is the Secretary of the Treasury, and here is former President Bush. So this group forms our new Clue travel edition. And as we move forward, I think, again, it is important that the American public know who made the call to force these car companies into bankruptcy; who made the call to lie to 9,000 auto workers at 8 plants across the country, and who made the call that, even though they don't cost anybody any money, that we have to close all these dealerships and put people out of work.

And I keep hearing, and the gentleman has heard it too, that this task force doesn't want to run the day-to-day operations of Chrysler and GM. But sadly, for them, there is an article that appeared on May 11 out of Detroit that indicated that Chrysler wanted to spend \$134 million in advertising during the period of its bankruptcy, and this unelected task force told them they couldn't spend any money on advertising. Now, they finally relented and said okay, you can spend half of it. But for a bunch of folks that are claiming they don't want to run the car company, they've now set up the situation where they didn't want them to advertise and they didn't want them to have as many stores as they used to have to sell their cars. Again, that's a strange, strange business model.

So we will be back, Mr. Speaker, as we move forward during the course of these discussions, to try and figure out who did it and what room it happened in and why they did it.

I want to move now to the observation that I made at the beginning of the hour. At the beginning of the hour I talked about the AIG bonuses and the fact that legislation that was approved in a bipartisan fashion, 64-0, has not been brought to the House floor by the distinguished majority leader for discussion and debate. And we keep hearing how busy we are here, and we heard that last year. And my colleagues will remember last year, when gasoline was going through the roof and our phones were ringing off the hook and people said, Hey, can you give us a national energy policy, for crying out loud? We're dying. We can't afford to put gas in our car and drive to work. We were told as well that we were too busy. And I get that. This is the most deliberative body in the world. We have a lot of important work to do. And if the majority truly feels we were too busy to deal with the national energy policy, I would have taken them at their word. But sadly, here is a chart, and then we'll go to the second chart.

When the new majority became the majority, we Republicans did such a bang-up job that the voters threw us out and they installed the Democrats as the majority party beginning on January 29 of 2007. At the time the retail price of gas in the country was

\$2.22. And on that day the most important thing that they could come up with to debate on the floor was to commend the University of California Santa Barbara soccer team. I like soccer. I congratulate them. And gas isn't so bad—\$2.22.

It goes up to \$2.84, and the most important thing that the majority can schedule to be on the floor is to declare October National Passport Month. A lot of my constituents didn't know what National Passport Month, what month it occurred in. Now they know.

Gas goes up to \$3.03 a gallon. We're not debating the price of gas or a national energy policy. We're commending the Houston Dynamo soccer team.

Now, those of us in public life are told that you don't get elected unless you get the soccer moms. So I guess, you know, while gas is going up to \$3.03, we've got the soccer moms; we're all squared away.

Gas goes up to \$3.77. The most important thing the majority can put on the floor is declaring National Train Day.

It's getting serious—\$3.84. A lot of people are calling me saying, Hey, what are you doing? We passed Great Cats and Rare Canids Day. And I have to tell you, I didn't even know what a rare canid was, but I Googled it, and it's a dog. So when my constituents were paying \$3.84 cents a gallon, we were doing cats and dogs here in the United States Congress.

It goes over \$4, and you think, man, we're going to get to the bottom of it now. But the majority determined that the most important thing we could do on that day was declare the International 2008—a lot of my constituents didn't know this either—2008 was the International Year of Sanitation.

Gas crested at \$4.14 a gallon in my part of the world on June 17 of 2008. Surely we're going to talk about energy; surely we're going to talk about gas. No, we were too busy. We had to pass the Monkey Safety Act on that particular day.

So we thought maybe folks had learned as a result of that because, clearly, when gas has gone up to that price, the Monkey Safety Act isn't the foremost thing on my constituents' minds.

So we come to this year. And this year, as we've talked about during this hour, there are a lot of people at Chrysler losing their jobs. So at the beginning of this Congress, January, 4,000 people at Chrysler are losing their jobs. And you'd think that we'd have a discussion here. I would think. But we're too busy because on that day we needed to honor the life of Claiborne Pell, who was a former Senator. He deserves to be honored. But why are we taking floor time to do that when 4,000 people are out of work just at Chrysler.

It goes up to 9,500. The most important thing that we can do on that day

is to support the goals and ideals of national teen dating, an issue that we're all concerned about certainly, but now we have 9,500 Chrysler workers out of work.

It goes up to just shy of 10,000 and, son of a gun, we have to, we've got time to come back, this year, and pass the Monkey Safety Act again. And I want to be clear. I don't want anyone to read my words in the CONGRESSIONAL RECORD and think that I want monkeys who aren't safe. I want safe monkeys. But when you've got 10,000 people out of work at Chrysler, maybe we could do something other than save monkeys.

And son of a gun, and now you're up to 13,000 people, and I guess the Senate didn't pass the cat and dog legislation, so we have to consider that again.

Sixteen thousand people are out of work; the most important thing they can schedule on the floor is honoring Arnold Palmer. I like Arnold Palmer, Latrobe, Pennsylvania, great golfer, deserves to be honored. But how about dealing with the people that are losing their jobs and their livelihoods at Chrysler, General Motors, and the people at the auto dealers?

And then it sort of peaks with the announcement, 18,365 people, just at Chrysler, out of work. And again, all we can do is National Train Day.

Now, I want to be fair to the majority because we do do other stuff here. And I don't want anybody to believe that all we do is monkeys and cats and dogs. Just since the beginning of this year, when Chrysler and General Motors are going belly up and bankrupt, we have also named, and I have to add to this list because we did a couple this week, we've named post offices. And so these 16 post offices, we took an hour of debate here in the House of Representatives, 16 hours, to make sure that—and if anybody, Mr. Speaker, who happens to see this list, they live in these towns, they should feel assured that they can now go in and buy those 44 cent stamps because the United States Congress has named their post office.

And again, it's an important part of what we do here, honoring people who deserve to be honored. But 16 hours, when we could have been talking about Chrysler, when we could have been talking about General Motors, when we could have been talking about the dealers, instead we were naming post offices. And I don't think that the country is better off for that enterprise.

But then again, to be fair, let's say that you're in the majority and that you didn't see this coming and that perhaps, you know, you didn't recognize it was going to be as serious as it was.

We came back last week and went back into session last week. Surely, over the Memorial Day recess, people got an earful from their constituents, saying, What are you going to do about

these car companies? What are you going to do about the dealerships? Yet, when we came back last week, you know, maybe we weren't quite ready. Maybe we hadn't formalized how to get at the problem. We passed bills directing fish stocking in the lakes of Washington; we recognized the 75th anniversary of the Great Smoky Mountains; and we shifted from soccer to basketball, and we honored the University of Tennessee Women's Basketball Team.

Then you say, okay, that was the first week back. Everybody is a little sleepy. We haven't quite gotten up to speed with our legislative agenda. This week, rather than dealing with Chrysler, rather than asking some questions of the unelected task force appointed by the President and that doesn't own cars, we recognized that this was National Physical Education and Sport Week.

Also, I didn't know this, but maybe my colleagues know this—and I apologize for being ignorant. June 10 is National Pipeline Safety Day, and we spent an hour of time here on the floor making sure that everybody understood that June 10 is National Pipeline Safety Day.

Mr. Speaker, this is a big problem. I mean we have a double delegation here. The Congress has punted to the President. The President has punted to this task force of people who don't own American cars, the majority of them, or they don't own any cars, and they have no experience in the car business. They are making decisions that affect hundreds of thousands of Americans.

Mr. MCCOTTER talked about the letter that we sent to the President. Thirty-six of us sent a letter to the President, saying, Mr. President, please pull these people back. Let's have a dialogue. Let's bring the best and the brightest.

You know, Mr. MCCOTTER talked about Chrysler. We made \$35 million on the Chrysler deal in 1979. The only problem was nobody expected it, and Congress didn't know how to spend the money. Now, people need to rest easy. We figured it out, but nobody knew how to spend that money. Let's talk about it, and let's do this the right way. Let's not have this unelected group of people who have no experience run roughshod over the American worker.

I yield to the gentleman.

Mr. MCCOTTER. May I inquire as to how much time is available?

The SPEAKER pro tempore (Mr. MASSA). There are 30 seconds remaining.

Mr. LATOURETTE. I give you 30 seconds.

Mr. MCCOTTER. Thank you for the 30 seconds.

I just want to point out that, while all of this has been lighthearted, this is very important. We have twice seen the President unaware of what his own administration has done. We hear calls

for alacritous action. We hear people saying that we must rush to do health care, that we must rush to do climate change legislation. Let us never forget that government haste makes taxpayer waste. Due deliberateness and prudence are always the best course of action in legislative affairs. We should do a lot more of it here.

I yield back.

Mr. LATOURETTE. I thank the gentleman. I thank the Chair.

I yield back.

CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY submitted the following conference report and statement on the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes:

CONFERENCE REPORT (H. REPT. 111-151)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", \$700,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 101. Notwithstanding any other provision of law, amounts made available to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2202) and unobligated as of the date of the enactment of this Act shall be available to the Secretary of Agriculture, until expended, for expenses under that program related to recovery efforts in response to natural disasters.

SEC. 102. (a) For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: direct farm ownership loans, \$360,000,000; direct operating loans, \$400,000,000; and unsubsidized guaranteed operating loans, \$50,201,000.

(b) For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, \$22,860,000; direct operating loans, \$47,160,000; and unsubsidized guaranteed operating loans, \$1,250,000.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", \$40,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading shall be for Trade Adjustment Assistance for Communities under subchapter A, chapter 4, title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) and Trade Adjustment Assistance for Firms under chapter 3, title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.).

DEPARTMENT OF JUSTICE

DETENTION TRUSTEE

For an additional amount for "Detention Trustee", \$60,000,000, to remain available until September 30, 2010.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses", \$1,648,000, to remain available until September 30, 2010.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses", \$15,000,000, to remain available until September 30, 2010.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$10,000,000, to remain available until September 30, 2010.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$1,389,000, to remain available until September 30, 2010.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$35,000,000, to remain available until September 30, 2010.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$20,000,000, to remain available until September 30, 2010.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$14,000,000, to remain available until September 30, 2010.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$5,038,000, to remain available until September 30, 2010.

GENERAL PROVISION—THIS TITLE

(INCLUDING RESCISSION)

SEC. 201. (a) Of the funds appropriated in chapter 2 of title I of Public Law 110-252 under the heading "Office of Inspector General", \$3,000,000 is rescinded.

(b) For an additional amount for "Office of Inspector General", \$3,000,000, to remain available until September 30, 2010.

TITLE III

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$11,750,687,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,627,288,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$1,524,947,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,500,740,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$418,155,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$39,478,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$29,179,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$14,943,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$1,775,733,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$45,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$13,769,418,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$2,274,903,000.

OPERATION AND MAINTENANCE, MARINE CORPS
For an additional amount for "Operation and Maintenance, Marine Corps", \$1,034,366,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$5,980,386,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
For an additional amount for "Operation and Maintenance, Defense-Wide", \$5,101,696,000, of which:

(1) not to exceed \$12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed \$1,000,000,000, to remain available until expended, for payments to reimburse key cooperating nations, for logistical, military, and other support including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: Provided, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$110,017,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$25,569,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$30,775,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$34,599,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$178,446,000.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", \$3,606,939,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation.

PAKISTAN COUNTERINSURGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the "Pakistan Counterinsurgency Fund". For the "Pakistan Counterinsurgency Fund", \$400,000,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, notwithstanding any other provision of law, for the purpose of allowing the Secretary of Defense, or the Secretary's designee, to provide assistance to Pakistan's security forces; including program management and the provision of equipment, supplies, services, training, and funds; and facility and infrastructure repair, renovation, and construction to build the counterinsurgency capability of Pakistan's military and Frontier Corps, and of which up to \$2,000,000 shall be available to provide urgent humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for Pakistani security forces receiving assistance under the "Pakistan Counterinsurgency Fund" and to assist the Government of Pakistan in creating such a program beginning in fiscal year 2010: Provided further, That the authority to provide assistance under this provision is in addition to any other authority to pro-

vide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such amounts as the Secretary may determine from the funds provided herein to any appropriations available to the Department of Defense or, with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account to accomplish the purposes provided herein: Provided further, That funds so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That the authority of the Secretary of Defense to obligate or transfer funds pursuant to this paragraph shall apply only to funds appropriated for such purposes in this Act (including funds appropriated by another paragraph of this Act that are transferred to the "Pakistan Counterinsurgency Fund" by such other paragraph), and such authority shall not be continued beyond the expiration date specified in the matter preceding the first proviso, except with respect to funds so transferred to the "Pakistan Counterinsurgency Fund" by another paragraph of this Act: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the Committees on Appropriations in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$1,192,744,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$704,041,000, to remain available until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,983,971,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$230,075,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$7,113,742,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$636,669,000, to remain available until September 30, 2011.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$29,498,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$348,919,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$197,193,000, to remain available until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$1,526,447,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$4,592,068,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$49,716,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$158,684,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$1,802,083,000, to remain available until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$237,868,000, to remain available until September 30, 2011.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", \$500,000,000, to remain available until September 30, 2011: Provided, That such funds may be used only to procure high priority items of equipment that may be used by reserve component units for combat missions and units' missions in support of the State governors: Provided further, That the Chiefs of the National Guard and of the Reserve components shall, not later than 60 days after the enactment of this Act, individually submit to the congressional defense committees a listing of items of equipment to be procured for their respective National Guard or Reserve component.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Mine Resistant Ambush Protected Vehicle Fund", \$4,543,000,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$52,935,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$136,786,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$160,474,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$483,304,000, to remain available until September 30, 2010.

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$861,726,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE
PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, \$1,055,297,000, of which \$845,508,000 is for operation and maintenance; of which \$50,185,000, to remain available until September 30, 2011, is for procurement; and of which \$159,604,000, to remain available until September 30, 2010, is for research, development, test and evaluation: Provided, That up to \$14,360,000,000 appropriated for operation and maintenance under this heading or any prior Act may be available for contracts entered into under the Tricare program.

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$120,398,000, to remain available until September 30, 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT
FUND

For an additional amount for “Joint Improvised Explosive Device Defeat Fund”, \$1,116,746,000, to remain available until September 30, 2011.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, \$9,551,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2009.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to \$2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329) except for the fourth proviso.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(INCLUDING TRANSFER OF FUNDS)

SEC. 304. During fiscal year 2009 and from funds in the “Defense Cooperation Account”, as established by 10 U.S.C. 2608, the Secretary of Defense may transfer not to exceed \$6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 305. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or “Afghanistan Security Forces Fund” provided in this title, and executed in direct support of the overseas contingency operations in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING RESCISSIONS)

SEC. 306. (a)(1) Of the funds appropriated in chapter 2 of title IX of Public Law 110-252 under the heading, “Iraq Security Forces Fund”, \$1,000,000,000 is rescinded.

(2) For an additional amount for “Iraq Security Forces Fund”, \$1,000,000,000, to remain available until September 30, 2010: Provided, That funds may not be obligated or transferred from this fund until 15 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(b) Notwithstanding any other provision of this Act, each amount in this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 307. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment unit cost of not more than \$500,000: Provided further, That the Secretary shall report to the Congress all purchases made pursuant to this authority within 30 days of using the authority.

SEC. 308. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of \$75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

(RESCISSIONS)

SEC. 309. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That none of the amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

“Procurement, Marine Corps, 2007/2009”, \$54,400,000;

“Other Procurement, Army, 2008/2010”, \$29,300,000;

“Procurement, Marine Corps, 2008/2010”, \$10,300,000;

“Aircraft Procurement, Air Force, 2008/2010”, \$44,000,000;

“Research, Development, Test and Evaluation, Navy, 2008/2009”, \$11,300,000;

“Research, Development, Test and Evaluation, Air Force, 2008/2009”, \$36,107,000;

“Research, Development, Test and Evaluation, Defense-Wide, 2008/2009”, \$169,124,000;

“Operation and Maintenance, Army, 2009/2009”, \$352,359,000;

“Operation and Maintenance, Navy, 2009/2009”, \$881,481,000;

“Operation and Maintenance, Marine Corps, 2009/2009”, \$54,466,000;

“Operation and Maintenance, Air Force, 2009/2009”, \$925,203,000;

“Operation and Maintenance, Defense-Wide, 2009/2009”, \$267,635,000;

“Operation and Maintenance, Army Reserve, 2009/2009”, \$23,338,000;

“Operation and Maintenance, Navy Reserve, 2009/2009”, \$62,910,000;

“Operation and Maintenance, Marine Corps Reserve, 2009/2009”, \$1,250,000;

“Operation and Maintenance, Air Force Reserve, 2009/2009”, \$163,786,000;

“Operation and Maintenance, Army National Guard, 2009/2009”, \$57,819,000;

“Operation and Maintenance, Air National Guard, 2009/2009”, \$250,645,000;

“Aircraft Procurement, Army, 2009/2011”, \$22,600,000;

“Procurement of Ammunition, Army, 2009/2011”, \$107,100,000;

“Other Procurement, Army, 2009/2011”, \$245,000,000;

“Procurement, Marine Corps, 2009/2011”, \$10,300,000;

“Other Procurement, Air Force, 2009/2011”, \$17,500,000;

“Procurement, Defense-Wide, 2009/2011”, \$6,400,000;

“Research, Development, Test and Evaluation, Army, 2009/2010”, \$187,710,000;

“Research, Development, Test and Evaluation, Navy, 2009/2010”, \$217,060,000; and

“Research, Development, Test and Evaluation, Air Force, 2009/2010”, \$287,567,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 310. (a) RETROACTIVE STOP-LOSS SPECIAL PAY COMPENSATION TO ELIGIBLE CLAIMANTS.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$534,400,000 is appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That such funds shall be available to the Secretaries of the military departments only to make payment of claims specified in subsection (b) to members of the Armed Forces, including members of the reserve components, and former and retired members under the jurisdiction of the Secretary who, at any time during the period beginning on September 11, 2001, and ending on September 30, 2009, served on active duty while the members’ enlistment or period of obligated service was extended, or whose eligibility for retirement was suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a “stop-loss authority”) authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) CLAIMS SUBMISSION REQUIRED.—Claims for retroactive Stop-Loss Special Pay compensation under this section shall be submitted to the Secretary of the Military Department concerned not later than 1 year after the date on which the implementing rules of subsection (d) take effect. Notwithstanding any other provision of law, the Secretaries of the military departments may not pay claims that are submitted more than 1 year after the date on which the implementing rules of subsection (d) take effect.

(c) PAYMENT AMOUNT.—The amount to be paid under subsection (a) to or on behalf of an eligible member, retired member, or former member described in such subsection shall be \$500 per month for each month or portion of a month during the period specified in such subsection that the member was retained on active duty as a result of application of the stop-loss authority.

(d) **RULEMAKING.**—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall issue rules to expedite the payment of claims under subsection (b).

(e) **TREATMENT OF DECEASED MEMBERS.**—If an eligible member, retired member, or former member described in subsection (a) dies before the payment required by this section is made, the Secretary concerned shall make the payment in accordance with section 2771 of title 10, United States Code.

(f) **EXCLUSION OF CERTAIN FORMER MEMBERS.**—A former member of the Armed Forces is not eligible for a payment under this section if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(g) **RELATION TO OTHER STOP-LOSS SPECIAL PAY.**—A member, retired member, or former member may not receive a payment under this section and stop-loss special pay under section 8116 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329; 122 Stat. 3646) for the same month or portion of a month during which the member was retained on active duty as a result of application of the stop-loss authority.

(h) **REPORT ON EXECUTION.**—The Secretary of Defense shall provide a report to the congressional defense committees on the implementation of the retroactive stop-loss benefit. The report shall include the following: the number of claims filed, the number of claims approved, the number of claims denied, the number of claims still pending, the amount of funding that has been obligated, the amount of funding still available for this purpose, and the average payment provided. This report is due 1 year after the date on which the implementing rules of subsection (d) take effect, and every 6 months thereafter until all funding provided for this purpose has been obligated and all submitted claims have been processed.

SEC. 311. (a) Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1392) is repealed.

(b) Notwithstanding any other provision of law, the Secretary of the Air Force may retire C-5A aircraft from the inventory of the Air Force 15 days after certifying to the congressional defense committees that retiring the aircraft will not significantly increase operational risk of not meeting the National Defense Strategy, provided that such retirements may not reduce total strategic airlift force structure inventory below the 292 strategic airlift aircraft level identified in the Mobility Capability Study 2005 (MCS-05) unless otherwise addressed in the fiscal year 2010 National Defense Authorization Act.

SEC. 312. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109-364).

SEC. 313. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2008 or 2009 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 314. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 315. None of the funds appropriated or otherwise made available by this or any other

Act shall be obligated or expended by the United States Government for the purpose of establishing any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 316. (a) **REPORT ON IRAQ TROOP DRAW-DOWN STATUS, GOALS, AND TIMETABLE.**—In recognition and support of the policy of President Barack Obama to withdraw all United States combat brigades from Iraq by August 31, 2010, and all United States military forces from Iraq on December 31, 2011, Congress directs the Secretary of Defense (in consultation with other members of the National Security Council) to prepare a report that identifies troop drawdown status and goals and includes—

(1) a detailed, month-by-month description of the transition of United States military forces and equipment out of Iraq; and

(2) a detailed, month-by-month description of the transition of United States contractors out of Iraq.

(b) **ELEMENTS OF REPORT.**—At a minimum, the Secretary of Defense shall address the following:

(1) How the Government of Iraq is assuming the responsibility for reconciliation initiatives as the mission of the United States Armed Forces transitions.

(2) How the drawdown of military forces complies with the President's planned withdrawal of combat brigades by August 31, 2010, and all United States forces by December 31, 2011.

(3) The roles and responsibilities of remaining contractors in Iraq as the United States mission evolves, including the anticipated number of United States contractors to remain in Iraq after August 31, 2010, and December 31, 2011.

(c) **SUBMISSION.**—

(1) Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through September 30, 2010, the Secretary of Defense shall submit the report required by subsection (a) and a classified annex to the report, as necessary.

(2) The Secretary may submit the report required by subsection (a) separately as provided in paragraph (1) or include the information required by this report when submitting reports required of the Secretary under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2410).

(d) **EXTENSION OF RELATED REPORTING REQUIREMENT.**—Section 9204(a) of the Supplemental Appropriations Act, 2008 is amended by striking “fiscal year 2009” and inserting “fiscal year 2010”.

SEC. 317. (a) **REPEAL OF SECRETARY OF DEFENSE REPORTS ON TRANSITION READINESS OF IRAQ AND AFGHAN SECURITY FORCES.**—Subsection (a) of section 9205 of Public Law 110-252 (122 Stat. 2412) is repealed.

(b) **MODIFICATION OF REPORTS ON USE OF CERTAIN SECURITY FORCES FUNDS.**—

(1) **PREPARATION IN CONSULTATION WITH COMMANDER OF CENTCOM.**—Subsection (b)(1) of such section is amended by inserting “the Commander of the United States Central Command,” after “the Secretary of Defense;”.

(2) **PERIOD OF REPORTS.**—Such subsection is further amended by striking “not later than 120 days after the date of the enactment of this Act and every 90 days thereafter” and inserting “not later than 45 days after the end of each fiscal year quarter”.

(3) **FUNDS COVERED BY REPORTS.**—Such subsection is further amended by striking “and ‘Afghanistan Security Forces Fund’” and inserting “, ‘Afghanistan Security Forces Fund’, and ‘Pakistan Counterinsurgency Fund’”.

(c) **NOTICE NEW PROJECTS AND TRANSFERS OF FUNDS.**—Subsection (c) of such section is amended by striking “the headings” and all that follows and inserting “the headings as follows:

“(1) ‘Iraq Security Forces Fund’.

“(2) ‘Afghanistan Security Forces Fund’.

“(3) ‘Pakistan Counterinsurgency Fund’.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 318. (a) Section 1174(h)(1) of title 10, United States Code, is amended to read as follows:

“(1) A member who has received separation pay under this section, or separation pay, severance pay, or readjustment pay under any other provision of law, based on service in the armed forces, and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay so paid.”.

(b) Section 1175(e)(3)(A) of title 10, United States Code, is amended to read as follows:

“(3)(A) A member who has received the voluntary separation incentive and who later qualifies for retired or retainer pay under this title shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of voluntary separation incentive so paid. If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced as the Secretary of Defense shall specify.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any repayments of separation pay, severance pay, readjustment pay, special separation benefit, or voluntary separation incentive, that occur on or after the date of enactment, including any ongoing repayment actions that were initiated prior to this amendment.

SEC. 319. (a) **REPORTS REQUIRED.**—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter, the President shall submit to the members and committees of Congress specified in subsection (b) a report on the prisoner population at the detention facility at Naval Station Guantanamo Bay, Cuba.

(b) **SPECIFIED MEMBERS AND COMMITTEES OF CONGRESS.**—The members and committees of Congress specified in this subsection are the following:

(1) The majority leader and minority leader of the Senate.

(2) The Chairman and Ranking Member on the Committee on Armed Services of the Senate.

(3) The Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

(4) The Chairman and Vice Chairman of the Committee on Appropriations of the Senate.

(5) The Speaker of the House of Representatives.

(6) The minority leader of the House of Representatives.

(7) The Chairman and Ranking Member on the Committee on Armed Services of the House of Representatives.

(8) The Chairman and Vice Chairman of the Permanent Select Committee on Intelligence of the House of Representatives.

(9) The Chairman and Ranking Member of the Committee on Appropriations of the House of Representatives.

(c) **MATTERS TO BE INCLUDED.**—Each report submitted under subsection (a) shall include the following:

(1) The name and country of origin of each detainee at the detention facility at Naval Station Guantanamo Bay, Cuba, as of the date of such report.

(2) A current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Naval Station Guantanamo Bay.

(3) A current accounting of all the measures taken to transfer each detainee listed under paragraph (1) to the individual's country of citizenship or another country.

(4) A current description of the number of individuals released or transferred from detention at Naval Station Guantanamo Bay who are confirmed or suspected of returning to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(5) An assessment of any efforts by al Qaeda to recruit detainees released from detention at Naval Station Guantanamo Bay.

(d) **ADDITIONAL MATTERS TO BE INCLUDED IN INITIAL REPORT.**—The first report submitted under subsection (a) shall also include the following:

(1) A description of the process that was previously used for screening the detainees described by subsection (c)(4) prior to their release or transfer from detention at Naval Station Guantanamo Bay, Cuba.

(2) An assessment of the adequacy of that screening process for reducing the risk that detainees previously released or transferred from Naval Station Guantanamo Bay would return to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(3) An assessment of lessons learned from previous releases and transfers of individuals who returned to terrorist activities for reducing the risk that detainees released or transferred from Naval Station Guantanamo Bay will return to terrorist activities after their release or transfer.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters, \$42,875,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of natural disasters as authorized by law, \$754,290,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use \$315,290,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to natural disasters: Provided further, That the Secretary of the Army is directed to use \$439,000,000 of the amount provided under this heading for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: Provided further, That this work shall be carried out at full Federal expense: Provided

further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

DEPARTMENT OF ENERGY ENERGY PROGRAMS STRATEGIC PETROLEUM RESERVE (TRANSFER OF FUNDS)

For an additional amount for "Strategic Petroleum Reserve", \$21,585,723, to remain available until expended, to be derived by transfer from the "SPR Petroleum Account" for site maintenance activities.

ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities", \$30,000,000, to remain available until expended, to be divided among the three national security laboratories of Livermore, Sandia and Los Alamos and other entities to fund a sustainable capability to analyze nuclear and biological weapons intelligence: Provided, That the Secretary of Energy, in cooperation with the Director of National Intelligence, shall provide a written report to the Appropriations Committees of the House of Representatives and the Senate, the Armed Services Committees of the House of Representatives and the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate within 90 days of enactment of this Act on how the Department of Energy will invest these resources to sustain technical and core analytical capabilities.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", \$55,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE LIMITED TRANSFER AUTHORITY

SEC. 401. Section 403 of title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking all of the text and inserting the following:

"SEC. 403. LIMITED TRANSFER AUTHORITY.

"The Secretary of Energy may transfer up to 0.5 percent from each amount appropriated to the Department of Energy in this title to any other appropriate account within the Department of Energy, to be used for management and oversight activities: Provided, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any transfer: Provided further, That any funds so transferred under this section shall remain available for obligation until September 30, 2012."

WAIVER OF FEDERAL EMPLOYMENT REQUIREMENTS

SEC. 402. Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2008" and inserting "September 30, 2009".

CORPS OF ENGINEERS TECHNICAL FIX

SEC. 403. (a) **IN GENERAL.**—Section 3181 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1158) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (11) as paragraphs (5), (6), (8), (9), (10), (11), (12), and (13), respectively;

(B) by inserting after paragraph (3) the following:

"(4) **NORTHEAST HARBOR, MAINE.**—The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12)."; and

(C) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

"(7) **TENANTS HARBOR, MAINE.**—The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275)."; and

(2) in subsection (h)—

(A) by striking paragraphs (15) and (16); and

(B) by redesignating paragraphs (17) through (29) as paragraphs (15) through (27), respectively.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1041).

CORPS OF ENGINEERS REPROGRAMMING AUTHORITY

SEC. 404. Unlimited reprogramming authority is granted to the Secretary of the Army for funds provided in title IV—Energy and Water Development of Public Law 111-5 under the heading "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil".

BUREAU OF RECLAMATION REPROGRAMMING AUTHORITY

SEC. 405. Unlimited reprogramming authority is granted to the Secretary of the Interior for funds provided in title IV—Energy and Water Development of Public Law 111-5 under the heading "Bureau of Reclamation, Water and Related Resources".

COST ANALYSIS OF TRITIUM PROGRAM CHANGES

SEC. 406. No funds in this Act, or other previous Acts, shall be provided to fund activities related to the mission relocation of either the design authority for the gas transfer systems or tritium research and development facilities during the current fiscal year and until the Department can provide the Senate Appropriations Committee an independent technical mission review and cost analysis by the JASON's as proposed in the Complex Transformation Site-Wide Programmatic Environmental Impact Statement.

CORPS OF ENGINEERS PROJECT COST CEILING INCREASE

SEC. 407. The project for ecosystem restoration, Upper Newport Bay, California, authorized by section 101(b)(9) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of \$50,659,000, with an estimated Federal cost of \$32,928,000 and a non-Federal cost of \$17,731,000.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 408. The matter under the heading "Title 17 Innovative Technology Loan Guarantee Program" of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 619) is amended in the ninth proviso—

(1) by striking "or (d)" and inserting "(d)"; and

(2) by striking "the guarantee" and inserting "the guarantee; (e) contracts, leases or other agreements entered into prior to May 1, 2009 for front-end nuclear fuel cycle projects, where such project licenses technology from the Department of Energy, and pays royalties to the federal government for such license and the amount of such royalties will exceed the amount of federal spending, if any, under such contracts, leases or agreements; or (f) grants or cooperative agreements, to the extent that obligations of such grants or cooperative agreements have been recorded in accordance with section 1501(a)(5) of title 31, United States Code, on or before May 1, 2009".

TITLE V

EXECUTIVE OFFICE OF THE PRESIDENT
AND FUNDS APPROPRIATED TO THE
PRESIDENTNATIONAL SECURITY COUNCIL
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$2,936,000, of which \$800,000 shall remain available until expended and \$2,136,000 shall remain available until September 30, 2010.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Salaries and Expenses”, \$10,000,000, to remain available until September 30, 2010: Provided, That notwithstanding section 302 of division D of Public Law 111–8, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives.

INDEPENDENT AGENCIES

FINANCIAL CRISIS INQUIRY COMMISSION
SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21), \$8,000,000, to remain available until February 15, 2011.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

For an additional amount for necessary expenses for the Securities and Exchange Commission, \$10,000,000, to remain available until September 30, 2010, for investigation of securities fraud.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. (a) IN GENERAL.—Section 3(c)(2)(A) of Public Law 110–428 is amended—

(1) in the matter before clause (i), by striking “4-year” and inserting “5-year”; and

(2) in clause (i), by striking “1-year” and inserting “2-year”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public Law 110–428.

SEC. 502. The fourth proviso under the heading “District of Columbia Funds” of title IV of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 655) is amended by striking “and such title” and inserting “, as amended by laws enacted pursuant to section 442(c) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 798), and such title, as amended.”.

SEC. 503. Title V of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended under the heading “Federal Communications Commission” by striking the first proviso and inserting the following: “Provided, That of the funds provided, not less than \$3,000,000 shall be available for developing a national broadband plan pursuant to title VI of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for carrying out any other responsibility pursuant to that title.”.

EXTENSION OF LIMITATIONS

SEC. 504. (a) IN GENERAL.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking “evidence of debt by any insured” and inserting the following: “evidence of debt by—

“(A) any insured”; and

(3) by striking the period at the end and inserting the following: “; and

“(B) any nondepository institution operating in such State, shall be equal to not more than the greater of the State’s maximum lawful annual percentage rate or 17 percent—

“(i) to facilitate the uniform implementation of federally mandated or federally established programs and financings related thereto, including—

“(I) uniform accessibility of student loans, including the issuance of qualified student loan bonds as set forth in section 144(b) of the Internal Revenue Code of 1986;

“(II) the uniform accessibility of mortgage loans, including the issuance of qualified mortgage bonds and qualified veterans’ mortgage bonds as set forth in section 143 of such Code;

“(III) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

“(aa) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

“(bb) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

“(cc) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any provision of law to further the same; and

“(ii) to facilitate interstate commerce generally, including consumer loans, in the case of any person or governmental entity (other than a depository institution subject to subparagraph (A) and paragraph (2)).”.

(b) EFFECTIVE PERIOD.—The amendments made by subsection (a) shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$46,200,000, to remain available until September 30, 2010, of which \$6,200,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which \$40,000,000 shall be for response to border security issues on the Southwest border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS,
MAINTENANCE, AND PROCUREMENT

For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement”, \$5,000,000, to remain available until September 30, 2010, for response to border security issues on the Southwest border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$66,800,000, to remain available until September 30, 2010, of which \$11,800,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which \$55,000,000 shall be for response to border security issues on the Southwest border of the United States.

COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$139,503,000; of which \$129,503,000 shall

be for Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and of which \$10,000,000 shall be available until September 30, 2010, for High Endurance Cutter maintenance, major repairs, and improvements.

FEDERAL EMERGENCY MANAGEMENT AGENCY
STATE AND LOCAL PROGRAMS

For an additional amount for “State and Local Programs”, \$30,000,000 shall be for Operation Stonegarden.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. Notwithstanding sections 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with appropriate endorsement for engaging in the coastwise trade in the State of Alabama for the drydock ALABAMA (United States official number 641504).

SEC. 602. Notwithstanding sections 55101, 55103, and 12112 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel MARYLAND INDEPENDENCE (official number 662573). The coastwise endorsement issued under authority of this section is terminated if—

(1) the vessel, or controlling interest in the person that owns the vessel, is conveyed after the date of enactment of this Act; or

(2) any repairs or alterations are made to the vessel outside of the United States.

(INCLUDING RESCISSION OF FUNDS)

SEC. 603. (a) RESCISSION.—Of amounts previously made available from “Federal Emergency Management Agency, Disaster Relief” to the State of Mississippi pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, an additional \$100,000,000 are rescinded.

(b) APPROPRIATION.—For “Federal Emergency Management Agency, State and Local Programs”, there is appropriated an additional \$100,000,000, to remain available until expended, for a grant to the State of Mississippi for an interoperable communications system required in the aftermath of Hurricane Katrina.

SEC. 604. The Department of Homeland Security Appropriations Act, 2009 (Public Law 110–329) is amended under the heading “Federal Emergency Management Agency, Management and Administration” after “the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)” by adding “Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583).”.

SEC. 605. Notwithstanding any provision under (a)(1)(A) of 15 U.S.C. 2229a specifying that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security may, in making grants described under 15 U.S.C. 2229a for fiscal year 2009 or fiscal year 2010, grant waivers from the requirements of subsection (a)(1)(B), subsection (c)(1), subsection (c)(2), and subsection (c)(4)(A), and may award grants for the hiring, rehiring, or retention of firefighters.

SEC. 606. The Administrator of the Federal Emergency Management Agency shall extend through March 2010 reimbursement of State-run case management programs related to Hurricanes Katrina and Rita for individuals in such programs on April 30, 2009.

SEC. 607. Section 552 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110–161) is amended by striking “local educational agencies” and inserting “primary or secondary school sites” and by inserting “and section 406(c)(2)” after “section 406(c)(1)”.

SEC. 608. For purposes of qualification for loans made under the Disaster Assistance Direct

Loan Program as allowed under Public Law 111-5 relating to disaster declaration FEMA-1791-DR (issued September 13, 2008) the base period for tax determining loss of revenue may be fiscal year 2009 or fiscal year 2010.

SEC. 609. (a) FEDERAL SHARE OF DISASTER ASSISTANCE.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), for damages resulting from Hurricane Ike (FEMA-1791-DR and FEMA-1792-DR), shall be 90 percent of the eligible costs under such section and shall be 100 percent of such costs under sections 403 and 407 of such Act (42 U.S.C. 5170b and 5173).

(b) Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), for FEMA-1841-DR shall be 90 percent of the eligible costs under such section and shall be 100 percent of such costs under sections 403 and 407 of such Act (42 U.S.C. 5170b and 5173).

(c) Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), for FEMA-1838-DR shall be 90 percent of the eligible costs under such section and shall be 100 percent of such costs under sections 403 and 407 of such Act (42 U.S.C. 5170b and 5173).

(d) APPLICABILITY.—The Federal share provided by subsections (a), (b), and (c) shall apply to disaster assistance provided before, on, or after the date of enactment of this Act.

TITLE VII

DEPARTMENT OF THE INTERIOR

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, \$50,000,000, to remain available until expended: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Forest Service, \$200,000,000, to remain available until expended: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That the Secretary of Agriculture may transfer not more than \$50,000,000 of these funds to the Secretary of the Interior if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities.

GENERAL PROVISION—THIS TITLE

SEC. 701. Public Law 111-8, division E, title III, Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxic Substances and Environmental Public Health is amended by inserting “per eligible employee” after “\$1,000”.

TITLE VIII

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance” for necessary expenses for unaccompanied alien children as authorized by section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, \$82,000,000, to remain available through September 30, 2011.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools and to assist international efforts and respond to international needs relating to the 2009-H1N1 influenza outbreak, \$1,850,000,000, to remain available until expended: Provided, That no less than \$350,000,000 shall be for upgrading State and local capacity: Provided further, That no less than \$200,000,000 shall be transferred to the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response, and quarantine: Provided further, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services (“Secretary”), be deposited in the Strategic National Stockpile under section 319F-2 of the Public Health Service Act: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccine and other biologics, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologics: Provided further, That funds appropriated in this paragraph and not specifically designated in this paragraph may be transferred to, and merged with, other appropriation accounts of the Department of Health and Human Services and other Federal agencies, as determined by the Secretary to be appropriate, to be used for the purposes specified in this paragraph and to the fund authorized by section 319F-4 of the Public Health Service Act: Provided further, That transfers to other Federal agencies shall be made in consultation with the Director of the Office of Management and Budget: Provided further, That 15 days prior to transferring any funds in this paragraph, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate of any such transfer and the planned uses of the funds: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act.

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools and to

assist international efforts and respond to international needs, \$5,800,000,000, to remain available until expended: Provided, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2 of the Public Health Service Act: Provided further, That funds provided in this paragraph shall be available for obligation only in the amounts designated by the President in one or more written notices to the Congress as emergency funds required to address critical needs related to emerging influenza viruses: Provided further, That funds appropriated in this paragraph may be transferred to, and merged with, other appropriation accounts of the Department of Health and Human Services and other Federal agencies to be used for the purposes specified in this paragraph and to the fund authorized by section 319F-4 of the Public Health Service Act: Provided further, That transfers to other Federal agencies shall be made in consultation with the Director of the Office of Management and Budget: Provided further, That none of the funds provided in this paragraph shall be made available for obligation until 15 days following the submittal of a detailed obligation plan to the Committees on Appropriations of the House of Representatives and the Senate by the Department of Health and Human Services or any other Federal agency receiving funds: Provided further, That such plan shall be coordinated with the Executive Office of the President, shall identify the amounts and the activities for which funds are specified by the President, and shall be subject to reprogramming procedures: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act.

GENERAL PROVISIONS—THIS TITLE

(TRANSFER OF FUNDS)

SEC. 801. Section 801(a) of division A of Public Law 111-5 is amended by inserting “, and may be transferred by the Department of Labor to any other account within the Department for such purposes” before the end period.

SEC. 802. Title II of division F of the Omnibus Appropriations Act, 2009 (Public Law 111-8) is amended under the heading “Children and Families Services Programs”—

(1) by striking the first proviso in its entirety; and

(2) by striking “Provided further” the first place it appears and inserting “Provided”.

SEC. 803. The Commissioner of the Rehabilitation Services Administration, or the Director of a designated State unit that has approval to make awards under section 723 of the Rehabilitation Act, may allocate funds appropriated under the American Reinvestment and Recovery Act of 2009 (Public Law 111-5) (“ARRA”) for the Centers for Independent Living Program among centers in a State without regard to the priority in section 722(e)(3) or section 723(e)(3) of the Rehabilitation Act of 1973 for funding new centers if the allocation is consistent with the provisions of the State plan submitted under section 704 of the Rehabilitation Act and approved by the Commissioner. Such funds and other Independent Living funds available under ARRA that are being set aside by the Department of Education for competitive grants may be used to support multi-year grants of up to 5 years and may be expended by any recipients of such multi-year grants during the project period of the grant, notwithstanding any provision in the Rehabilitation Act limiting the period of availability for obligation or expenditure by the grantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 804. (a) Notwithstanding any other provision of law, during the period from September 1

through September 30, 2009, the Secretary of Education shall transfer to the Career, Technical, and Adult Education account an amount not to exceed \$10,260,000 from amounts that would otherwise lapse at the end of fiscal year 2009 and that were originally made available under the Department of Education Appropriations Act, 2009 or any Department of Education Appropriations Act for a previous fiscal year.

(b) Funds transferred under this section to the Career, Technical, and Adult Education account shall be obligated by September 30, 2009.

(c) Any amounts transferred pursuant to this section shall be for carrying out Adult Education State Grants, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that program for fiscal year 2009 that were at least 9.9 percent less than those States received under that program for fiscal year 2008.

(d) The Secretary shall use these additional funds to increase those States' allocations under that program up to the amount they received under that program for fiscal year 2008.

(e) The Secretary shall notify the Committees on Appropriations of both Houses of Congress of any transfer pursuant to this section.

TITLE IX
LEGISLATIVE BRANCH
CAPITOL POLICE
GENERAL EXPENSES

For an additional amount for "Capitol Police, General Expenses", \$71,606,000, to purchase and install a new radio system for the U.S. Capitol Police, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CONGRESSIONAL BUDGET OFFICE
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$2,000,000, to remain available until September 30, 2010.

TITLE X
DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION, ARMY
(INCLUDING RESCISSION)

For an additional amount for "Military Construction, Army", \$1,326,231,000, of which \$680,850,000 shall remain available until September 30, 2010, and of which \$645,381,000 for child development centers, warrior in transition facilities, hurricane damage repair, and planning and design shall remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed \$68,081,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefinancing statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program: Provided further, That, notwithstanding any other provision of this Act, of the funds provided under this heading, \$143,242,000 are designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res.

13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 110-252, \$143,242,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE
CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", \$235,881,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed \$11,000,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$281,620,000, of which \$258,150,000 shall remain available until September 30, 2010, and of which \$23,470,000 for child development centers and planning and design shall remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed \$12,070,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefinancing statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", \$661,552,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: Provided further, That of the amount provided under this heading, \$169,500,000 shall be for the construction of a National Security Agency data center and \$488,000,000 shall be for the construction of hospitals: Provided further, That \$1,589,500,000 is hereby authorized for the National Security Agency data center for fiscal years 2009 through 2013 for the purposes of this appropriation: Provided further, That not later than 30 days after the enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for hospital construction under this heading.

NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM

For an additional amount for "North Atlantic Treaty Organization Security Investment Program", \$100,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, such funds are authorized for the North Atlantic Treaty Security Investment Program for purposes of section 2806 of title 10, United States Code, and section 2502 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417).

DEPARTMENT OF DEFENSE BASE CLOSURE
ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$263,300,000, to remain available until expended: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out operation and maintenance, planning and design and military construction projects not otherwise authorized by law.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. None of the funds appropriated in this or any other Act may be used to disestablish, reorganize, or relocate the Armed Forces Institute of Pathology, except for the Armed Forces Medical Examiner and the National Museum of Health and Medicine, until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center, and the Joint Pathology Center is demonstrably performing the minimum requirements set forth in section 722 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 1002. (a) ENTITLEMENT.—Section 3311 of title 38, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(9) An individual who is the child of a person who, on or after September 11, 2001, dies in line of duty while serving on active duty as a member of the Armed Forces."; and

(2) by adding at the end the following new subsection:

"(f) MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.—

"(1) IN GENERAL.—Educational assistance payable by reason of paragraph (9) of subsection (b) shall be known as the 'Marine Gunnery Sergeant John David Fry scholarship'.

"(2) DEFINITION OF CHILD.—For purposes of that paragraph, the term 'child' includes a married individual or an individual who is above the age of twenty-three years."

(b) AMOUNT.—Section 3313(c)(1) of such title is amended by striking "section 3311(b)(1) or 3311(b)(2)" and inserting "paragraph (1), (2), or (9) of section 3311(b)".

(c) TIME LIMITATION FOR USE.—Section 3321(b) of such title is amended by adding at the end the following new paragraph:

"(4) APPLICABILITY TO CHILDREN OF DECEASED MEMBERS.—The period during which an individual entitled to educational assistance by reason of section 3311(b)(9) may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's eighteenth birthday."

(d) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2009.

(2) APPLICABILITY.—The Secretary of Veterans Affairs shall begin making payments to individuals entitled to educational assistance by reason of paragraph (9) of section 3311(b) of title 38, United States Code, as added by subsection (a), by not later than August 1, 2010. In the case of an individual entitled to educational assistance by reason of such paragraph for the period beginning on August 1, 2009, and ending on July 31, 2010, the Secretary shall make retroactive payments to such individual for such period by not later than August 1, 2010.

TITLE XI

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, \$997,890,000, to remain available until September 30, 2010, of which \$146,358,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to \$137,600,000 of the funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That of the funds appropriated under this heading, up to \$10,000,000 for public diplomacy activities may be transferred to, and merged with, funds made available under the heading “International Broadcasting Operations” for broadcasting activities to the Pakistan-Afghanistan border region.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of Inspector General”, \$24,122,000, to remain available until September 30, 2010, of which \$7,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and \$7,200,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: Provided, That the Special Inspector General for Afghanistan Reconstruction may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section) for funds made available for fiscal years 2009 and 2010: Provided further, That the Inspector General of the United States Department of State and the Broadcasting Board of Governors, the Special Inspector General for Iraq Reconstruction, the Special Inspector General for Afghanistan Reconstruction, and the Inspector General of the United States Agency for International Development shall coordinate and integrate the programming of funds made available under this heading in fiscal year 2009 for oversight of programs in Afghanistan, Pakistan and Iraq: Provided further, That the Secretary of State shall submit to the Committees on Appropriations, within 30 days of completion, the annual comprehensive audit plan for the Middle East and South Asia developed by the Southwest Asia Joint Planning Group in accordance with section 842 of Public Law 110–181.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for “Embassy Security, Construction, and Maintenance”, \$921,500,000, to remain available until expended, for worldwide security upgrades, acquisition, and construction as authorized, and shall be made available for secure diplomatic facilities and housing for United States mission staff in Afghanistan and Pakistan, and for mobile mail screening units.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$721,000,000, to remain available until September 30, 2010.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT
FUNDS APPROPRIATED TO THE PRESIDENT
OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$157,600,000, to remain available until September 30, 2010.

CAPITAL INVESTMENT FUND

For an additional amount for “Capital Investment Fund”, \$48,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$3,500,000, to remain available until September 30, 2010, for oversight of programs in Afghanistan and Pakistan.

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for “Global Health and Child Survival”, \$150,000,000, to remain available until September 30, 2010: Provided, That \$50,000,000 shall be made available for pandemic preparedness and response: Provided further, That \$100,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria: Provided further, That notwithstanding any other provision of law, to include minimum funding requirements or funding directives, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the H1N1 virus is efficient and sustained, severe, and is spreading internationally, funds made available under the headings “Global Health and Child Survival”, “Development Assistance”, “Economic Support Fund”, and “Millennium Challenge Corporation” in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to combat the H1N1 virus: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$270,000,000, to remain available until expended.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Economic Support Fund”, \$2,973,601,000, to remain available until September 30, 2010: Provided, That of the funds made available under this heading for assistance for the West Bank and Gaza, \$2,000,000 shall be transferred to, and merged with, funds available under the heading “United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General” to conduct oversight of programs in the West Bank and Gaza: Provided further, That of the amounts made available for assistance for the West Bank and Gaza, not more than \$200,000,000 may be made available for cash transfer assistance to the Palestinian Authority: Provided further, That none of the funds made available under this heading for cash transfer assistance to the Palestinian Authority may be obligated for salaries of personnel of the Palestinian Authority located in Gaza: Provided further, That of the funds appropriated under this heading, up to \$10,000,000 may be made available for humanitarian assistance in Burma for individuals and communities

impacted by Cyclone Nargis, notwithstanding any other provision of law: Provided further, That of the funds appropriated under this heading for assistance for Afghanistan and Pakistan, assistance may be provided notwithstanding any provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics, and shall be administered by the Special Representative for Afghanistan and Pakistan at the Department of State: Provided further, That none of the funds appropriated in this title for democracy and civil society programs may be made available for the construction of facilities in the United States.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for “Assistance for Europe, Eurasia and Central Asia”, \$272,000,000, to remain available until September 30, 2010, of which \$242,000,000 shall be available for assistance for Georgia: Provided, That funds appropriated under this heading may be made available for assistance for other Eurasian countries to meet unanticipated requirements only if the Secretary of State determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States: Provided further, That of the funds appropriated under this heading, \$30,000,000 may be made available for assistance for the Kyrgyz Republic to provide a long-range air traffic control and safety system to support air operations in the Kyrgyz Republic, including at Manas International Airport, notwithstanding any other provision of law: Provided further, That funds appropriated under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$487,500,000, to remain available until September 30, 2010: Provided, That not less than \$160,000,000 shall be made available for assistance for Mexico to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of any funds appropriated under this heading: Provided further, That none of the funds appropriated in this title may be made available for the cost of fuel for aircraft provided to Mexico, or for operations and maintenance of aircraft purchased by the Government of Mexico: Provided further, That in order to enhance border security and cooperation in law enforcement efforts between Mexico and the United States, funds appropriated in this title that are available for assistance for Mexico may be made available for the procurement of law enforcement communications equipment only if such equipment utilizes open standards and is compatible with, and capable of operating with, radio communications systems and related equipment utilized by Federal law enforcement agencies in the United States to enhance border security and cooperation in law enforcement efforts between Mexico and the United States.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING
AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, \$102,000,000, to remain available until September 30, 2010, of which up to \$77,000,000 may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction, and shall remain available until expended: Provided, That funds made available for the Nonproliferation and Disarmament Fund shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: Provided further, That the Secretary of State shall work assiduously to facilitate the regular flow of people and licit goods in and out of Gaza at established border crossings.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$390,000,000, to remain available until expended.

INTERNATIONAL SECURITY ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, \$185,000,000, to remain available until September 30, 2010: Provided, That up to \$168,000,000 may be made available for assistance for Somalia, of which up to \$115,900,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia: Provided further, That of the funds appropriated under this heading, \$15,000,000 shall be made available for assistance for the Democratic Republic of the Congo and \$2,000,000 shall be made available for the Multinational Force and Observer mission in the Sinai.

INTERNATIONAL MILITARY EDUCATION AND
TRAINING

For an additional amount for “International Military Education and Training”, \$2,000,000, to remain available until September 30, 2010, for assistance for Iraq.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$1,294,000,000, to remain available until September 30, 2010: Provided, That not less than \$260,000,000 shall be made available for assistance for the Mexican Navy and shall be available notwithstanding section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8): Provided further, That funds made available pursuant to the previous proviso shall be available notwithstanding section 36(b) of the Arms Export Control Act: Provided further, That of the funds appropriated under this heading, not less than \$150,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than \$555,000,000, shall be available for grants only for Israel and shall be disbursed not later than October 30, 2009: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which \$145,965,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated under this heading, not less than \$260,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: Provided further, That funds appro-

riated pursuant to the previous proviso estimated to be outlaid for Egypt shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York not later than October 30, 2009: Provided further, That up to \$69,000,000 may be made available for assistance for Lebanon.

PAKISTAN COUNTERINSURGENCY CAPABILITY FUND
(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States a special account to be known as the “Pakistan Counterinsurgency Capability Fund”. For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act for counterinsurgency activities in Pakistan, \$700,000,000, which shall become available on September 30, 2009, and remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense, notwithstanding any other provision of law, for the purpose of providing assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistani security forces (including the Frontier Corps), to include program management and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: Provided further, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counterinsurgency operations and may be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred, or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: Provided further, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, and the congressional defense and foreign affairs committees, in writing of the details of any such transfer: Provided further, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report summarizing, on a project-by-project basis, the transfer of funds from this appropriation: Provided further, That upon determination by the Secretary of Defense or head of other Federal department or agency, with the concurrence of the Secretary of State, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: Provided further, That any required notification or report may be submitted in classified or unclassified form.

GENERAL PROVISIONS—THIS TITLE
EXTENSION OF AUTHORITIES

SEC. 1101. Funds appropriated in this title may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

AFGHANISTAN

SEC. 1102. (a) IN GENERAL.—Funds appropriated in this title under the heading “Economic Support Fund” that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and em-

phasizes the participation of Afghan women and directly improves the security, economic and social well-being, and political status, of Afghan women and girls.

(b) ASSISTANCE FOR WOMEN AND GIRLS.—

(1) Funds appropriated in this title for assistance for Afghanistan shall comply with sections 7062 and 7063 of Public Law 111–8, and shall be made available to support programs that increase participation by women in the political process, including at the national, provincial, and sub-provincial levels, and in efforts to improve security in Afghanistan.

(2) Of the funds appropriated for assistance for Afghanistan in fiscal year 2009 under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement”, not less than \$150,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women’s Affairs, and for women-led nongovernmental organizations.

(c) PROCUREMENT OF AFGHAN PRODUCTS AND SERVICES.—

(1) IN GENERAL.—Funds made available for assistance for Afghanistan in this title and in prior acts appropriating funds for Department of State, foreign operations, and related programs, may be used to conduct procurements and to award assistance instruments in which—

(A) competition is limited to products, services, or sources that are from Afghanistan;

(B) procedures other than competitive procedures are used to award a contract or assistance instrument to a particular source or sources from Afghanistan; or

(C) a preference is provided for products, services, or sources that are from Afghanistan.

(2) PRODUCTS, SERVICES, AND SOURCES FROM AFGHANISTAN.—For the purposes of this section:

(A) A product is from Afghanistan if it is mined, produced, or manufactured in Afghanistan.

(B) A service is from Afghanistan if it is performed in Afghanistan by citizens or permanent resident aliens of Afghanistan.

(C) A source is from Afghanistan if it—

(i) is located in Afghanistan; and

(ii) offers products or services that are from Afghanistan.

(3) REPORTING AND CONSULTING REQUIREMENT.—Not less than 180 days after enactment of this Act the Secretary of State shall submit a report to the Committees on Appropriations on efforts undertaken by the Department of State and the United States Agency for International Development (USAID) to utilize this authority in order to enhance participation by Afghan entities in development activities in Afghanistan: Provided, That the Secretary of State and the Administrator of USAID shall consult with the Committees on Appropriations regarding the exercise of the authority of this subsection and prior to submitting the report required by this paragraph: Provided further, That the exercise of such authority in excess of \$15,000,000 for any single contract or assistance instrument is subject to the regular notification procedures of the Committees on Appropriations.

(d) ANTICORRUPTION.—Ten percent of the funds appropriated under the heading “International Narcotics Control and Law Enforcement” that are available for assistance for the Government of Afghanistan shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan is implementing a policy to promptly remove from office any government official who is credibly alleged to have engaged in narcotics trafficking, gross violations of human rights, or other major crimes.

(e) ACQUISITION OF PROPERTY.—Not more than \$20,000,000 of the funds appropriated in

this title should be made available to pay for the acquisition of property for diplomatic facilities in Afghanistan.

(f) UNITED NATIONS DEVELOPMENT PROGRAM.—Funds appropriated in this title may be made available for programs and activities of the United Nations Development Program (UNDP) in Afghanistan if the Secretary of State reports to the Committees on Appropriations that UNDP is fully cooperating with efforts of the United States Agency for International Development (USAID) to investigate expenditures by UNDP of USAID funds associated with the Quick Impact Program in Afghanistan.

(g) NATIONAL SOLIDARITY PROGRAM.—Of the funds appropriated in this title under the heading “Economic Support Fund” that are available for assistance for Afghanistan, not less than \$70,000,000 shall be made available for the National Solidarity Program.

(h) AIRWINGS.—The uses and oversight of aircraft purchased or leased by the Department of State and the United States Agency for International Development by funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs shall be coordinated under the authority of the United States Chief of Mission in Afghanistan: Provided, That such aircraft may be used to transport Federal and non-Federal personnel supporting the Department of State and United States Agency for International Development programs and activities: Provided further, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

ALLOCATIONS

SEC. 1103. (a) Funds appropriated in this title for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint statement accompanying this Act:

- (1) “Diplomatic and Consular Programs”.
- (2) “Embassy Security, Construction, and Maintenance”.
- (3) “Economic Support Fund”.
- (4) “International Narcotics Control and Law Enforcement”.

(b) For the purposes of implementing this section, and only with respect to the tables included in the joint statement accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1104. (a) SPENDING PLAN.—Not later than 45 days after the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated in this title, except for funds appropriated under the headings “International Disaster Assistance” and “Migration and Refugee Assistance”.

(b) NOTIFICATION.—Funds made available in this title shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

GLOBAL FINANCIAL CRISIS

SEC. 1105. (a) IN GENERAL.—Of the funds appropriated in this title under the heading “Economic Support Fund”, not more than \$255,601,000 may be made available for assistance for vulnerable populations in developing

countries severely affected by the global financial crisis that—

(1) have a 2007 per capita Gross National Income of \$3,705 or less;

(2) have seen a contraction in predicted growth rates of 2 percent or more since 2007; and

(3) demonstrate consistent improvement on the democracy and governance indicators as measured by the Millennium Challenge Corporation 2009 Country Scorebook.

(b) TRANSFER AUTHORITIES.—Of the funds appropriated in this title under the heading “Economic Support Fund” for developing countries impacted by the global financial crisis—

(1) up to \$29,000,000 may be transferred and merged with “Development Credit Authority”, for the cost of direct loans and loan guarantees notwithstanding the dollar limitations in such account on transfers to the account and the principal amount of loans made or guaranteed with respect to any single country or borrower: Provided, That such transferred funds may be available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$2,000,000,000: Provided further, That the authority provided by the previous proviso is in addition to authority provided under the heading “Development Credit Authority” in Public Law 111–8: Provided further, That up to \$1,500,000 may be for administrative expenses to carry out credit programs administered by the United States Agency for International Development; and

(2) up to \$20,000,000 may be transferred to, and merged with, “Overseas Private Investment Corporation Program Account”: Provided, That the authority provided in this paragraph is in addition to authority provided in section 7081 in Public Law 111–8.

(c) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, funds appropriated under the heading “Millennium Challenge Corporation” (MCC) in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for programs and activities to assist vulnerable populations severely affected by the global financial crisis in a country that has signed a compact with the MCC or has been designated by the MCC as a threshold country: Provided, That such a modification of a compact or threshold program by the MCC should be made, if practicable, prior to making available additional assistance for such purposes: Provided further, That the MCC shall consult with the Committees on Appropriations prior to exercising the authority of this subsection.

(d) REPORT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit a spending plan not later than 45 days after the date of enactment of this Act to the Committees on Appropriations, and prior to the initial obligation of funds appropriated for countries impacted by the global economic crisis, detailing the use of all funds on a country-by-country, and project-by-project basis: Provided, That for each project, the report shall include (1) the projected long-term economic impact of providing such funds; (2) the name of the entity or implementing organization to which funds are being provided; (3) whether funds will be provided as a direct cash transfer to a local or national government entity; and (4) an assessment of whether USAID has reviewed its existing programs in such country to determine reprogramming opportunities to increase assistance for vulnerable populations: Provided further, That funds transferred to the Development Credit Authority and the Overseas Private Investment Corporation are subject to the reporting requirements in section 1104.

IRAQ

SEC. 1106. (a) IN GENERAL.—Funds appropriated in this title that are available for assistance for Iraq shall be made available, to the maximum extent practicable, in a manner that utilizes Iraqi entities.

(b) MATCHING REQUIREMENT.—Funds appropriated in this title for assistance for Iraq shall be made available in accordance with the Department of State’s April 9, 2009, “Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects”.

(c) OTHER ASSISTANCE.—Of the funds appropriated in this title under the heading “Economic Support Fund”, not less than \$15,000,000 shall be made available for targeted development programs and activities in areas of conflict in Iraq, and the responsibility for policy decisions and justifications for the use of such funds shall be the responsibility of the United States Chief of Mission in Iraq.

PROHIBITION ON ASSISTANCE TO HAMAS

SEC. 1107. (a) None of the funds appropriated in this title may be made available for assistance to Hamas, or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(b) Notwithstanding the limitation of subsection (a), assistance may be provided to a power-sharing government only if the President certifies in writing and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961.

(c) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this section.

(d) Whenever the certification pursuant to subsection (b) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent, are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961. The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

TERMS AND CONDITIONS

SEC. 1108. Unless otherwise provided for in this Act, funds appropriated or otherwise made available in this title shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), except that sections 7070(e), with respect to funds made available for macroeconomic growth assistance for Zimbabwe, and 7042(a) and (c) of such Act shall not apply to funds made available in this title.

MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS

SEC. 1109. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following: “SEC. 24. FIFTEENTH REPLENISHMENT.

“(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States \$3,705,000,000 to the fifteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there

are authorized to be appropriated, without fiscal year limitation, \$3,705,000,000 for payment by the Secretary of the Treasury.

“SEC. 25. MULTILATERAL DEBT RELIEF.

“(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$356,000,000 to the International Development Association for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the fifteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$356,000,000 for payment by the Secretary of the Treasury.

“(c) In this section, the term ‘Multilateral Debt Relief Initiative’ means the proposal set out in the G8 Finance Ministers’ Communiqué entitled ‘Conclusions on Development,’ done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.”

(b) **AFRICAN DEVELOPMENT FUND.**—The African Development Fund Act (22 U.S.C. 290 et seq.) is amended by adding at the end thereof the following:

“SEC. 219. ELEVENTH REPLENISHMENT.

“(a) The United States Governor of the African Development Fund is authorized to contribute on behalf of the United States \$468,165,000 to the eleventh replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$468,165,000 for payment by the Secretary of the Treasury.

“SEC. 220. MULTILATERAL DEBT RELIEF INITIATIVE.

“(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$26,000,000 to the African Development Fund for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the eleventh replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$26,000,000 for payment by the Secretary of the Treasury.”

PROMOTION OF POLICY GOALS AT THE WORLD BANK GROUP

SEC. 1110. Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end thereof the following:

“SEC. 1626. REFORM OF THE ‘DOING BUSINESS’ REPORT OF THE WORLD BANK.

“(a) The Secretary of the Treasury shall instruct the United States Executive Directors at the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation of the following United States policy goals, and to use the voice and vote of the United States to actively promote and work to achieve these goals:

“(1) Suspension of the use of the ‘Employing Workers’ Indicator for the purpose of ranking or scoring country performance in the annual Doing Business Report of the World Bank until

a set of indicators can be devised that fairly represent the value of internationally recognized workers’ rights, including core labor standards, in creating a stable and favorable environment for attracting private investment. The indicators shall bring to bear the experiences of the member governments in dealing with the economic, social and political complexity of labor market issues. The indicators should be developed through collaborative discussions with and between the World Bank, the International Finance Corporation, the International Labor Organization, private companies, and labor unions.

“(2) Elimination of the ‘Labor Tax and Social Contributions’ Subindicator from the annual Doing Business Report of the World Bank.

“(3) Removal of the ‘Employing Workers’ Indicator as a ‘guidepost’ for calculating the annual Country Policy and Institutional Assessment score for each recipient country.

“(b) Within 60 days after the date of the enactment of this section, the Secretary of the Treasury shall provide an instruction to the United States Executive Directors referred to in subsection (a) to take appropriate actions with respect to implementing the policy goals of the United States set forth in subsection (a), and such instruction shall be posted on the website of the Department of the Treasury.

“SEC. 1627. ENHANCING THE TRANSPARENCY AND EFFECTIVENESS OF THE INSPECTION PANEL PROCESS OF THE WORLD BANK.

“(a) **ENHANCING TRANSPARENCY IN IMPLEMENTATION OF MANAGEMENT ACTION PLANS.**—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to seek to ensure that World Bank Procedure 17.55, which establishes the operating procedures of Management with regard to the Inspection Panel, provides that Management prepare and make available to the public semi-annual progress reports describing implementation of Action Plans considered by the Board; allow and receive comments from Requesters and other Affected Parties for two months after the date of disclosure of the progress reports; post these comments on World Bank and Inspection Panel websites (after receiving permission from the requestors to post with or without attribution); submit the reports to the Board with any comments received; and make public the substance of any actions taken by the Board after Board consideration of the reports.

“(b) **SAFEGUARDING THE INDEPENDENCE AND EFFECTIVENESS OF THE INSPECTION PANEL.**—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to continue to promote the independence and effectiveness of the Inspection Panel, including by seeking to ensure the availability of, and access by claimants to, the Inspection Panel for projects supported by World Bank resources.

“(c) **EVALUATION OF COUNTRY SYSTEMS.**—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to request an evaluation by the Independent Evaluation Group on the use of country environmental and social safeguard systems to determine the degree to which, in practice, the use of such systems provides the same level of protection at the project level as do the policies and procedures of the World Bank.

“(d) **WORLD BANK DEFINED.**—In this section, the term ‘World Bank’ means the International Bank for Reconstruction and Development and the International Development Association.”

CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING

SEC. 1111. Title XIII of the International Financial Institutions Act (22 U.S.C. 262m et seq.) is amended by adding at the end thereof the following:

“SEC. 1308. CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING.

“(a) **USE OF GREENHOUSE GAS ACCOUNTING.**—The Secretary of the Treasury shall seek to ensure that multilateral development banks (as defined in section 1701(c)(4) of this Act) adopt and implement greenhouse gas accounting in analyzing the benefits and costs of individual projects (excluding those with de minimus greenhouse gas emissions) for which funding is sought from the bank.

“(b) **EXPANSION OF CLIMATE CHANGE MITIGATION ACTIVITIES.**—The Secretary of the Treasury shall work to ensure that the multilateral development banks (as defined in section 1701(c)(4)) expand their activities supporting climate change mitigation by—

“(1) significantly expanding support for investments in energy efficiency and renewable energy, including zero carbon technologies;

“(2) reviewing all proposed infrastructure investments to ensure that all opportunities for integrating energy efficiency measures have been considered;

“(3) increasing the dialogue with the governments of developing countries regarding—

“(A) analysis and policy measures needed for low carbon emission economic development; and

“(B) reforms needed to promote private sector investments in energy efficiency and renewable energy, including zero carbon technologies; and

“(4) integrate low carbon emission economic development objectives into multilateral development bank country strategies.

“(c) **REPORT TO CONGRESS.**—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit a report on the status of efforts to implement this section to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.”

MULTILATERAL DEVELOPMENT BANK REFORM

SEC. 1112. (a) **BUDGET DISCLOSURE.**—The Secretary of the Treasury shall seek to ensure that the multilateral development banks make timely, public disclosure of their operating budgets including expenses for staff, consultants, travel and facilities.

(b) **EVALUATION.**—The Secretary of the Treasury shall seek to ensure that multilateral development banks rigorously evaluate the development impact of selected bank projects, programs, and financing operations, and emphasize use of random assignment in conducting such evaluations, where appropriate and to the extent feasible.

(c) **EXTRACTIVE INDUSTRIES.**—The Secretary of the Treasury shall direct the United States Executive Directors at the multilateral development banks to promote the endorsement of the Extractive Industry Transparency Initiative (EITI) by these institutions and the integration of the principles of the EITI into extractive industry-related projects that are funded by the multilateral development banks.

(d) **REPORT.**—Not later than September 30, 2009, the Secretary of the Treasury shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations and the Committee on Financial Services of the House of Representatives detailing actions taken by the multilateral development banks to achieve the objectives of this section.

(e) **COORDINATION OF DEVELOPMENT POLICY.**—The Secretary of the Treasury shall consult with the Secretary of State, the Administrator of the United States Agency for International Development, and other Federal agencies, as appropriate, in the formulation and implementation of United States policy relating to the development activities of the World Bank Group.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

SEC. 1113. (a) Subject to such regulations prescribed by the Secretary of State, including with respect to phase-in schedule and treatment as basic pay, and notwithstanding any other provision of law, funds appropriated for this fiscal year in this or any other Act may be used to pay an eligible member of the Foreign Service as defined in subsection (b) of this section a locality-based comparability payment (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code if such member's official duty station were in the District of Columbia.

(b) A member of the Service shall be eligible for a payment under this section only if the member is designated class 1 or below for purposes of section 403 of the Foreign Service Act of 1980 (22 U.S.C. 3963) and the member's official duty station is not in the continental United States or in a non-foreign area, as defined in section 591.205 of title 5, Code of Federal Regulations.

(c) The amount of any locality-based comparability payment that is paid to a member of the Foreign Service under this section shall be subject to any limitations on pay applicable to locality-based comparability payments under section 5304 of title 5, United States Code.

REFUGEE PROGRAMS AND OVERSIGHT
(INCLUDING TRANSFER OF FUNDS)

SEC. 1114. (a) FUNDING.—Of the funds appropriated in this title under the heading "Migration and Refugee Assistance", up to \$119,000,000 may be made available to the United Nations Relief and Works Agency for activities in the West Bank and Gaza.

(b) OVERSIGHT.—Of the funds made available in this title under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, \$1,000,000 shall be transferred to, and merged with, funds available under the heading "Administration of Foreign Affairs, Office of Inspector General" for oversight of programs in the West Bank, Gaza and surrounding region.

TECHNICAL AND OTHER PROVISIONS

SEC. 1115. (a) MODIFICATION.—Title III of division H of Public Law 111–8 is amended under the heading "Economic Support Fund" in the second proviso by striking "up to \$20,000,000" and inserting "not less than \$20,000,000".

(b) NOTIFICATION REQUIREMENT.—Funds appropriated by this Act that are transferred to the Department of State or the United States Agency for International Development from any other Federal department or agency shall be subject to the regular notification procedures of the Committees on Appropriations, notwithstanding any other provision of law.

(c) REEMPLOYMENT OF ANNUITANTS.—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)(1) by inserting ", Pakistan," after "Iraq" each place it appears; and, in subsection (g)(2) by striking "2009" and inserting instead "2010".

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)(1) by adding ", Pakistan," after "Iraq" each place it appears; and, in subsection (a)(2) by striking "2008" and inserting instead "2010".

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)(A) by adding ", Pakistan," after "Iraq" each place it appears; and, in subsection (j)(1)(B) by striking "2008" and inserting instead "2010".

(d) INCENTIVES FOR CRITICAL POSTS.—Notwithstanding sections 5753(a)(2)(A) and 5754(a)(2)(A) of title 5, United States Code, appropriations made available by this or any other

Act may be used to pay recruitment, relocation, and retention bonuses under chapter 57 of title 5, United States Code to members of the Foreign Service, other than chiefs of mission and ambassadors at large, who are on official duty in Iraq, Afghanistan, or Pakistan. This authority shall terminate on October 1, 2010.

(e) Of the funds appropriated under the heading "Foreign Military Financing Program" in Public Law 110–161 that are available for assistance for Colombia, \$500,000 may be transferred to, and merged with, funds appropriated under the heading "International Narcotics Control and Law Enforcement" to provide medical and rehabilitation assistance for members of Colombian security forces who have suffered severe injuries.

AFGHANISTAN AND PAKISTAN COMMITMENT AND CAPABILITIES REPORT

SEC. 1116. (a) REPORTING REQUIREMENT.—Not later than the date of submission of the fiscal year 2011 budget request, the President shall submit a report to the appropriate congressional committees, in classified form if necessary, assessing the extent to which the Afghan and Pakistani governments are demonstrating the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President's policy announced on March 27, 2009, to include:

(1) the level of political consensus and unity of purpose across ethnic, tribal, religious and political party affiliations to confront the political and security challenges facing the region;

(2) the level of government corruption that undermines such political consensus and unity of purpose, and actions taken to eliminate it;

(3) the actions taken by respective security forces and appropriate government entities in developing a counterinsurgency capability, conducting counterinsurgency operations and establishing security and governance on the ground;

(4) the actions taken by respective intelligence agencies in cooperating with the United States on counterinsurgency and counterterrorism operations and in terminating policies and programs, and removing personnel, that provide material support to extremist networks that target United States troops or undermine United States objectives in the region;

(5) the ability of the Afghan and Pakistani governments to effectively control and govern the territory within their respective borders; and

(6) the ways in which United States Government assistance contributed, or failed to contribute, to achieving the actions outlined above.

(b) POLICY ASSESSMENT.—The President, on the basis of information gathered and coordinated by the National Security Council, shall advise the appropriate congressional committees on how such assessment requires, or does not require, changes to such policy.

(c) DEFINITION.—For purposes of this section, "appropriate congressional committees" means the Committees on Appropriations, Foreign Relations and Armed Services of the Senate, and the Committees on Appropriations, Foreign Affairs and Armed Services of the House of Representatives.

UNITED STATES POLICY REPORT ON AFGHANISTAN AND PAKISTAN

SEC. 1117. (a) STATEMENT OF OBJECTIVES.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a clear statement of the objectives of United States policy with respect to Afghanistan and Pakistan, and the metrics to be utilized to assess progress toward achieving such objectives.

(b) REPORTING REQUIREMENT.—Not later than March 30, 2010 and every 180 days thereafter until September 30, 2011, the President, in con-

sultation with Coalition partners as appropriate, shall submit to the appropriate congressional committees a report, in classified form if necessary, setting forth the following:

(1) a description and assessment of the progress of United States Government efforts, including those of the Department of Defense, the Department of State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan in subsection (a);

(2) any modification of the metrics in subsection (a) in light of circumstances in Afghanistan or Pakistan, together with a justification for such modification; and

(3) recommendations for the additional resources or authorities, if any, required to achieve such objectives for Afghanistan and Pakistan.

(c) CLASSIFICATION.—Any report submitted in classified form shall include an unclassified annex or summary of the matters contained in the report.

(d) DEFINITION.—For purposes of this section, "appropriate congressional committees" means—

(1) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security and Governmental Affairs, and the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, Foreign Affairs, Homeland Security, and the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE XII

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available under Public Law 111–8 and funds authorized under subsection 41742(a)(1) of title 49, United States Code, to carry out the essential air service program, to be derived from the Airport and Airway Trust Fund, \$13,200,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, \$13,200,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2008.

GENERAL PROVISIONS—THIS TITLE

SEC. 1201. Section 1937(d) of Public Law 109–59 (119 Stat. 1144, 1510) is amended—

(1) in paragraph (1) by striking "expenditures" each place that it appears and inserting "allocations"; and

(2) in paragraph (2) by striking "expenditure" and inserting "allocation".

SEC. 1202. A recipient and subrecipient of funds appropriated in Public Law 111–5 and apportioned pursuant to section 5311 and section 5336 (other than subsection (i)(1) and (j)) of title 49, United States Code, may use up to 10 percent of the amount apportioned for the operating costs of equipment and facilities for use in public transportation or for eligible activities under section 5311(f): Provided, That a grant obligating such funds on or after February 17, 2009, may be amended to allow a recipient and subrecipient to use the funds made available for operating assistance: Provided further, That applicable chapter 53 requirements apply, except for the Federal share which shall be, at the option of the recipient, up to 100 percent.

SEC. 1203. Public Law 110-329, under the heading "Project-Based Rental Assistance", is amended by striking "project-based vouchers" and all that follows up to the period and inserting "activities and assistance for the provision of tenant-based rental assistance, including related administrative expenses, as authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.), \$80,000,000, to remain available until expended: Provided, That, such funds shall be made available within 60 days of the enactment of this Act: Provided further, That in carrying out the activities authorized under this heading, the Secretary shall waive section (o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B))."

SEC. 1204. Public Law 111-5 is amended by striking the second proviso under the heading "HOME Investment Partnerships Program" and inserting "Provided further, That the housing credit agencies in each State shall distribute these funds competitively under this heading and pursuant to their qualified allocation plan (as defined in section 42(m) of the Internal Revenue Code of 1986) to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under sections 42(h) and 1400N of the Internal Revenue Code of 1986:".

SEC. 1205. Notwithstanding Section 1606, amounts made available under Division A of Public Law 111-5 for the "Public Housing Capital Fund" to carry out capital and management activities for public housing agencies as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) shall be subject to 42 U.S.C. 1437j; for the "Community Development Fund" to carry out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) shall be subject to 42 U.S.C. 5310 (or a waiver under 42 under 42 U.S.C. 5307(e)(2)); for "Native American Housing Block Grants," as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.) ("NAHASDA") shall be subject to 25 U.S.C. 4114(b); and for a housing entity eligible to receive funding under title VIII of NAHASDA (25 U.S.C. 4221 et seq.) shall be subject to 25 U.S.C. 411(b); and for a housing entity eligible to receive funding under title VIII of NAHASDA (25 U.S.C. 4221 et seq.) shall be subject to 25 U.S.C. 4225(b).

TITLE XIII—CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

SEC. 1301. SHORT TITLE.

This title may be cited as the "Consumer Assistance to Recycle and Save Act of 2009".

SEC. 1302. CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the "Consumer Assistance to Recycle and Save Program" through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

(2) register dealers for participation in the Program and require that all registered dealers—

(A) accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of any new fuel efficient automobile offered for sale or lease by that dealer; and

(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surren-

dered to the dealer under the Program to an entity for disposal;

(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for eligible transactions by such dealers, in accordance with the regulations issued under subsection (d); and

(4) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile as follows:

(1) \$3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$3,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 1 mile per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(ii) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel efficient automobile as determined in a manner prescribed by the Secretary.

(2) \$4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$4,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle and the eligible trade-in vehicle is a category 2 truck.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only in connection with the purchase or qualifying lease of new fuel efficient automobiles that occur between July 1, 2009 and November 1, 2009.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be ap-

plied toward the purchase or qualifying lease of a single new fuel efficient automobile.

(D) CAP ON FUNDS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the total funds made available for the Program shall be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive such a voucher.

(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—For each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that the dealer—

(i) has not and will not sell, lease, exchange, or otherwise dispose of the vehicle for use as an automobile in the United States or in any other country; and

(ii) will transfer the vehicle (including the engine block), in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle—

(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who is responsible for ensuring that the vehicle is crushed or shredded from—

(i) selling any parts of the disposed vehicle other than the engine block and drive train (unless with respect to the drive train, the transmission, drive shaft, or rear end are sold as separate parts); or

(ii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible systems are appropriately updated on a timely basis to reflect the crushing or shredding of vehicles under this section and appropriate reclassification of the vehicles' titles. The commercial market shall also have electronic and commercial access to the vehicle identification numbers of vehicles that have been disposed of on a timely basis.

(d) REGULATIONS.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(1) provide for a means of registering dealers for participation in the Program;

(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for the amount of the vouchers as soon as practicable but no longer than 10 days after the submission of information supporting the eligible transaction, as deemed appropriate by the Secretary;

(3) require the dealer to use the voucher in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for the new fuel efficient automobile and prohibit the dealer from using the voucher to offset any such other rebate or discount;

(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain \$50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

(5) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal or State requirements;

(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher;

(C) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from entities engaged in vehicle disposal; and

(D) a list of entities to which dealers may transfer eligible trade-in vehicles for disposal; and

(6) provide for the enforcement of the penalties described in subsection (e).

(e) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to violate any provision under this section or any regulations issued pursuant to subsection (d) (other than by making a clerical error).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than \$15,000 for each violation. The Secretary shall have the authority to assess and compromise such penalties, and shall have the authority to require from any entity the records and inspections necessary to enforce this program. In determining the amount of the civil penalty, the severity of the violation and the intent and history of the person committing the violation shall be taken into account.

(f) INFORMATION TO CONSUMERS AND DEALERS.—Not later than 30 days after the date of the enactment of this Act, and promptly upon the update of any relevant information, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make available on an Internet website and through other means determined by the Secretary information about the Program, including—

(1) how to determine if a vehicle is an eligible trade-in vehicle;

(2) how to participate in the Program, including how to determine participating dealers; and

(3) a comprehensive list, by make and model, of new fuel efficient automobiles meeting the requirements of the Program.

Once such information is available, the Secretary shall conduct a public awareness cam-

aign to inform consumers about the Program and where to obtain additional information.

(g) RECORD KEEPING AND REPORT.—

(1) DATABASE.—The Secretary shall maintain a database of the vehicle identification numbers of all new fuel efficient vehicles purchased or leased and all eligible trade-in vehicles disposed of under the Program.

(2) REPORT ON EFFICACY OF THE PROGRAM.—Not later than 60 days after the termination date described in subsection (c)(1)(A), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efficacy of the Program, including—

(A) a description of Program results, including—

(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(ii) aggregate information regarding the make, model, model year, and manufacturing location of vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(h) EXCLUSION OF VOUCHERS FROM INCOME.—

(1) FOR PURPOSES OF ALL FEDERAL AND STATE PROGRAMS.—A voucher issued under this program or any payment made for such a voucher pursuant to subsection (a)(3) shall not be regarded as income and shall not be regarded as a resource for the month of receipt of the voucher and the following 12 months, for purposes of determining the eligibility of the recipient of the voucher (or the recipient's spouse or other family or household members) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal or State program.

(2) FOR PURPOSES OF TAXATION.—A voucher issued under the program or any payment made for such a voucher pursuant to subsection (a)(3) shall not be considered as gross income of the purchaser of a vehicle for purposes of the Internal Revenue Code of 1986.

(i) DEFINITIONS.—As used in this section—

(1) the term "passenger automobile" means a passenger automobile, as defined in section 32901(a)(18) of title 49, United States Code, that has a combined fuel economy value of at least 22 miles per gallon;

(2) the term "category 1 truck" means a non-passenger automobile, as defined in section 32901(a)(17) of title 49, United States Code, that has a combined fuel economy value of at least 18 miles per gallon, except that such term does not include a category 2 truck;

(3) the term "category 2 truck" means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled "Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008";

(4) the term "category 3 truck" means a work truck, as defined in section 32901(a)(19) of title 49, United States Code;

(5) the term "combined fuel economy value" means—

(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words "Combined Fuel Economy" on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40, Code of Federal Regulations;

(B) with respect to an eligible trade-in vehicle, the equivalent of the number described in sub-

paragraph (A), and posted under the words "Estimated New EPA MPG" and above the word "Combined" for vehicles of model year 1984 through 2007, or posted under the words "New EPA MPG" and above the word "Combined" for vehicles of model year 2008 or later on the fueleconomy.gov website of the Environmental Protection Agency for the make, model, and year of such vehicle; or

(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1985, the equivalent of the number described in subparagraph (A) as determined by the Secretary (and posted on the website of the National Highway Traffic Safety Administration) using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle.

(6) the term "dealer" means a person licensed by a State who engages in the sale of new automobiles to ultimate purchasers;

(7) the term "eligible trade-in vehicle" means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this section—

(A) is in drivable condition;

(B) has been continuously insured consistent with the applicable State law and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in;

(C) was manufactured less than 25 years before the date of the trade-in; and

(D) in the case of an automobile, has a combined fuel economy value of 18 miles per gallon or less;

(8) the term "new fuel efficient automobile" means an automobile described in paragraph (1), (2), (3), or (4)—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer's suggested retail price of \$45,000 or less;

(C) that—

(i) in the case of passenger automobiles, category 1 trucks, or category 2 trucks, is certified to applicable standards under section 86.1811-04 of title 40, Code of Federal Regulations; or

(ii) in the case of category 3 trucks, is certified to the applicable vehicle or engine standards under section 86.1816-08, 86-007-11, or 86.008-10 of title 40, Code of Federal Regulations; and

(D) that has the combined fuel economy value of at least—

(i) 22 miles per gallon for a passenger automobile;

(ii) 18 miles per gallon for a category 1 truck;

or

(iii) 15 miles per gallon for a category 2 truck;

(9) the term "Program" means the Consumer Assistance to Recycle and Save Program established by this section;

(10) the term "qualifying lease" means a lease of an automobile for a period of not less than 5 years;

(11) the term "scrappage value" means the amount received by the dealer for a vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destroying of the vehicle;

(12) the term "Secretary" means the Secretary of Transportation acting through the National Highway Traffic Safety Administration;

(13) the term "ultimate purchaser" means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale;

(14) the term "vehicle identification number" means the 17 character number used by the automobile industry to identify individual automobiles; and

(15) the term "voucher" means an electronic transfer of funds to a dealer based on an eligible transaction under this program.

(j) APPROPRIATION.—There is hereby appropriated to the Secretary of Transportation \$1,000,000,000, of which up to \$50,000,000 is available for administration, to remain available until expended to carry out this section.

TITLE XIV

OTHER MATTERS

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL MONETARY PROGRAMS

UNITED STATES QUOTA, INTERNATIONAL

MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 4,973,100,000 Special Drawing Rights, to remain available until expended: Provided, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): Provided further, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: Provided further, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

LOANS TO INTERNATIONAL MONETARY FUND

For loans to the International Monetary Fund under section 17(a)(2) and (b)(2) of the Bretton Woods Agreements Act (Public Law 87-490, 22 U.S.C. 286e-2), as amended by this Act pursuant to the New Arrangements to Borrow, the dollar equivalent of up to 75,000,000,000 Special Drawing Rights, to remain available until expended, in addition to any amounts previously appropriated under section 17 of such Act: Provided, That if the United States agrees to an expansion of its credit arrangement in an amount less than the dollar equivalent of 75,000,000,000 Special Drawing Rights, any amount over the United States' agreement shall not be available until further appropriated: Provided further, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): Provided further, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: Provided further, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

GENERAL PROVISIONS—INTERNATIONAL ASSISTANCE PROGRAMS

SEC. 1401. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e-2) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before “In order to”; and

(B) by adding at the end the following:

“(2) In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, established pursuant to the decision of January 27, 1997 referred to in paragraph (1) above, and to make other amendments to the New Arrangements to Borrow to achieve an expanded and more flexible New Arrangements to Borrow as contemplated by paragraph 17 of the G-20 Leaders' Statement of April 2, 2009 in London, the Secretary of the Treasury is authorized to instruct the United States Executive Director to consent to such amendments notwithstanding subsection (d) of this section, and to make loans, in an amount not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section and limited to such amounts as are provided in advance in appropriations Acts, except that prior to activation, the Secretary of the Treasury shall report to Congress on whether supplementary resources are needed to forestall or cope with an impair-

ment of the international monetary system and whether the Fund has fully explored other means of funding, to the Fund under article VII, section 1(i), of the Articles of Agreement of the Fund: Provided, That prior to instructing the United States Executive Director to provide consent to such amendments, the Secretary of the Treasury shall consult with the appropriate congressional committees on the amendments to be made to the New Arrangements to Borrow, including guidelines and criteria governing the use of its resources; the countries that have made commitments to contribute to the New Arrangements to Borrow and the amount of such commitments; and the steps taken by the United States to expand the number of countries so the United States share of the expanded New Arrangements to Borrow is representative of its share as of the date of enactment of this Act: Provided further, That any loan under the authority granted in this subsection shall be made with due regard to the present and prospective balance of payments and reserve position of the United States.”.

and

(2) in subsection (b)—

(A) by inserting “(1)” before “For the purpose of”;

(B) by inserting “subsection (a)(1) of” after “pursuant to”; and

(C) by adding at the end the following:

“(2) For the purpose of making loans to the International Monetary Fund pursuant to subsection (a)(2) of this section, there is hereby authorized to be appropriated not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section, except that prior to activation, the Secretary of the Treasury shall report to Congress on whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to remain available until expended to meet calls by the Fund. Any payments made to the United States by the Fund as a repayment on account of the principal of a loan made under this section shall continue to be available for loans to the Fund.”.

SEC. 1402. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

“SEC. 64. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

“The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolutions numbered 63-2 and 63-3 of the Board of Governors of the Fund which were approved by such Board on April 28, 2008 and May 5, 2008, respectively.

“SEC. 65. QUOTA INCREASE.

“(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 4,973,100,000 Special Drawing Rights.

“(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“SEC. 66. APPROVAL TO SELL A LIMITED AMOUNT OF THE FUND'S GOLD.

“(a) The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the sale of up to 12,965,649 ounces of the Fund's gold acquired since the second Amendment to the Fund's Articles of Agreement, only if such sales are consistent with the guidelines agreed to by the Executive Board of the Fund described in the Report of the Managing Director to the International Monetary and Financial Com-

mittee on a New Income and Expenditure Framework for the International Monetary Fund (April 9, 2008) to prevent disruption to the world gold market: Provided, That at least 30 days prior to any such vote, the Secretary shall consult with the appropriate congressional committees regarding the use of proceeds from the sale of such gold: Provided further, That the Secretary of the Treasury shall seek to ensure that:

“(1) the Fund will provide support to low-income countries that are eligible for the Poverty Reduction and Growth Facility or other low-income lending from the Fund by making available Fund resources of not less than \$4,000,000,000;

“(2) such Fund resources referenced above will be used to leverage additional support by a significant multiple to provide loans with substantial concessionality and debt service payment relief and/or grants, as appropriate to a country's circumstances:

“(3) support provided through forgiveness of interest on concessional loans will be provided for not less than two years; and

“(4) the support provided to low-income countries occurs within six years, a substantial amount of which shall occur within the initial two years.

“(b) In addition to agreeing to and accepting the amendments referred to in section 64 of this Act relating to the use of proceeds from the sale of such gold, the United States Governor is authorized, consistent with subsection (a), to take such actions as may be necessary, including those referred to in section 5(e) of this Act, to also use such proceeds for the purpose of assisting low-income countries.

“SEC. 67. ACCEPTANCE OF AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE FUND.

“The United States Governor of the Fund may agree to and accept the amendment to the Articles of Agreement of the Fund as proposed in the resolution numbered 54-4 of the Board of Governors of the Fund which was approved by such Board on October 22, 1997: Provided, That not more than one year after the acceptance of such amendments to the Fund's Articles of Agreement, the Secretary of the Treasury shall submit a report to the appropriate congressional committees analyzing Special Drawing Rights, to include a discussion of how those countries that significantly use or acquire Special Drawing Rights in accordance with Article XIX, Section 2(c), use or acquire them; the extent to which countries experiencing balance of payment difficulties exchange or use their Special Drawing Rights to acquire reserve currencies; and the manner in which those reserve currencies are acquired when utilizing Special Drawing Rights.”.

SEC. 1403. (a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury, in consultation with the Executive Director of the World Bank and the Executive Board of the International Monetary Fund (the Fund), shall submit a report to the appropriate congressional committees detailing the steps taken to coordinate the activities of the World Bank and the Fund to avoid duplication of missions and programs, and steps taken by the Department of the Treasury and the Fund to increase the oversight and accountability of the Fund's activities.

(b) For the purposes of this title, “appropriate congressional committees” means the Committees on Appropriations, Banking, Housing, and Urban Affairs, and Foreign Relations of the Senate, and the Committees on Appropriations, Foreign Affairs, and Financial Services of the House of Representatives.

(c) In the next report to Congress on international economic and exchange rate policies,

the Secretary of the Treasury shall: (1) report on ways in which the Fund's surveillance function under Article IV could be enhanced and made more effective in terms of avoiding currency manipulation; (2) report on the feasibility and usefulness of publishing the Fund's internal calculations of indicative exchange rates; and (3) provide recommendations on the steps that the Fund can take to promote global financial stability and conduct effective multilateral surveillance.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

SEC. 1404. Title XVI of the International Financial Institutions Act (22 U.S.C. 262p-262p-8) is amended by adding at the end the following: "The Secretary of the Treasury shall instruct the United States Executive Director at each of the International Financial Institutions (as defined in section 1701(c)(2) of this Act) to use the voice and vote of the United States to oppose the provision of loans or other use of the funds of the respective institution to any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act, to be a government that has repeatedly provided support for acts of international terrorism."

GENERAL PROVISIONS—THIS ACT AVAILABILITY OF FUNDS

SEC. 14101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 14102. (a) OVERSEAS DEPLOYMENTS DESIGNATIONS.—Except as provided in subsections (b) and (c), each amount in this Act is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EMERGENCY DESIGNATIONS.—Each amount in titles I, II, IV, V, VII, VIII, IX, XII, XIII, XIV, and VI except for amounts under the heading "Coast Guard Operating Expenses" is designated as necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) Subsection (a) shall not apply to the amounts rescinded in section 309 for "Operation and Maintenance, Marine Corps", "Operation and Maintenance, Air Force", and "Operation and Maintenance, Army Reserve".

SEC. 14103. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained as of the date of enactment of this Act, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia.

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained as of the date of enactment of this Act, at Naval Station, Guantanamo Bay, Cuba, for the purpose of detention in the continental United States, Alaska, Hawaii, or the District of Columbia, except as provided in subsection (c).

(c) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of the date of enactment of this Act, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan detailed in subsection (d) is received.

(d) The President shall submit to the Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of the date of enactment of this Act. Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A plan for mitigation of any risk described in paragraph (1).

(5) A copy of a notification to the Governor of the State to which the individual will be transferred or to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(e) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of the date of enactment of this Act, to the country of such individual's nationality or last habitual residence or to any other country other than the United States, unless the President submits to the Congress, in classified form 15 days prior to such transfer, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

This Act may be cited as the "Supplemental Appropriations Act, 2009".

And the Senate agree to the same.

DAVID R. OBEY,
JOHN P. MURTHA,
NITA M. LOWEY,
ROSA L. DELAURO,
CHET EDWARDS,

Managers on the Part of the House.

DANIEL K. INOUE,
ROBERT C. BYRD,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,

RICHARD J. DURBIN,
TIM JOHNSON,
MARY L. LANDRIEU,
JACK REED,
FRANK R. LAUTENBERG,
E. BENJAMIN NELSON,
MARK PRYOR,
JON TESTER,
ARLEN SPECTER,
THAD COCHRAN,
KIT BOND,
MITCH MCCONNELL,
JUDD GREGG,
ROBERT F. BENNETT,
LAMAR ALEXANDER,
SUSAN COLLINS,
GEORGE V. VOINOVICH,
LISA MURKOWSKI,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment to the text deleted the entire House bill after the enacting clause and inserted the Senate bill, as amended. This conference agreement includes a revised bill.

Report language included by the House in the report accompanying H.R. 2346 (H. Rept. 111-105) and included by the Senate in the report accompanying S. 1054 (S. Rept. 111-20) should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

CYBER SECURITY

On May 29, 2009, the Administration released its cyberspace policy review. The conferees direct the Office of Management and Budget to submit to the Committees on Appropriations an unclassified report, no later than July 15, 2009, including a comprehensive explanation of the resources requested in the President's fiscal year 2010 budget related to cyber security, and any budget amendments that might be necessary due to the findings of the review. Classified annexes shall be provided as necessary to the individual Subcommittees regarding programs in their jurisdiction. Users of cyberspace have differing requirements, operating policies, philosophies, and cost tradeoffs. Therefore, the report shall include an explanation of how the requested resources will provide additional security for the distinct users of cyberspace including: federal, state, and local governments; the private sector, including critical infrastructure sectors; academia and education; and the general public. Upon transmittal of the report, the White House Cyber Security Policy Coordinator shall provide a classified briefing to the Committees on Appropriations.

TITLE I

DEPARTMENT OF AGRICULTURE FOREIGN AGRICULTURAL SERVICE Public Law 480 Title II Grants

The conference agreement provides \$700,000,000 for Public Law 480 Title II grants

as proposed by the Senate, instead of \$500,000,000 as proposed by the House.

GENERAL PROVISIONS

Section 101. The conference agreement includes language making available funding for the Emergency Conservation Program.

Section 102. The conference agreement provides \$71,270,000 to support \$360,000,000 in direct farm ownership loans, \$400,000,000 in direct farm operating loans and \$50,201,000 in unsubsidized guaranteed operating loans.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The agreement includes \$40,000,000 to provide grants under Trade Adjustment Assistance to communities and firms adversely impacted by trade. Within 60 days of the enactment of this Act, the Department is directed to submit a plan to the House and Senate Committees on Appropriations as to how this program will be implemented.

DEPARTMENT OF JUSTICE

DETENTION TRUSTEE

The agreement provides \$60,000,000 for detention costs due to increased enforcement activities along the United States-Mexico border.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The agreement provides \$1,648,000 for the Criminal Division to supplement existing training and assistance provided to investigators, prosecutors, judges and other parts of the criminal justice systems of Iraq and Afghanistan.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The agreement provides \$5,000,000 for the United States Attorneys for ongoing litigation expenses associated with terrorism prosecutions of national importance. The agreement also provides \$10,000,000 to prosecute mortgage fraud, financial fraud and market manipulation.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The agreement provides \$10,000,000 for the United States Marshals Service. Of the funds provided, \$4,000,000 is for enhanced judicial security in districts along the southwest border, \$5,000,000 is for the apprehension of criminals who have fled to Mexico, and \$1,000,000 is to upgrade surveillance equipment used to monitor drug cartels and violent gang members.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

The agreement includes \$1,389,000 for the National Security Division to continue to

support terrorism prosecutions of national importance.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The agreement provides \$35,000,000 for the Federal Bureau of Investigation to investigate mortgage fraud, predatory lending, financial fraud and market manipulation.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The agreement includes \$20,000,000 for the Drug Enforcement Administration to expand its Sensitive Investigation Unit program in Mexico.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The agreement includes \$4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for training and technical assistance on improved explosives devices in Iraq. The agreement also includes \$4,000,000 to upgrade technology for ballistics evidence sharing with Mexico and \$6,000,000 for Project Gunrunner firearms trafficking activities along the southwest border.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The agreement includes \$5,038,000 for the Federal Prison System to monitor and translate the communications of incarcerated terrorists and disseminate relevant information to law enforcement agencies, as appropriate.

GENERAL PROVISION, THIS TITLE

(INCLUDING RECISSION)

The agreement includes the following general provision for this title:

Section 201 rescinds \$3,000,000 appropriated to the Department's Office of Inspector General in Chapter 2 of Title I, P.L. 110-252, and reappropriates these funds to extend their availability.

TITLE III—DEFENSE MATTERS

DEPARTMENT OF DEFENSE

The conference agreement recommends \$77,161,439,000 for the Department of Defense, instead of \$81,299,888,000, as proposed by the House, and \$73,023,506,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense.

Chapter	Conference recommendation
Military Personnel	\$18,726,150,000
Operation and Maintenance	32,547,114,000
Procurement	25,846,718,000
Research, Development, Test and Evaluation	833,499,000
Revolving and Management Funds	861,726,000
Other Department of Defense Programs	2,301,992,000

CLASSIFIED ANNEX

The recommendations for intelligence activities are published in a separate and de-

tailed classified annex. The intelligence community, Department of Defense and other organizations are expected to fully comply with the recommendations and directions in the classified annex accompanying this Act.

REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days of enactment of this Act on the allocation of the funds within the accounts listed in this title. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this title are no longer available for obligation. The conferees direct that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this title by program and subactivity group for the continuation of military operations in Iraq and Afghanistan, and a listing of equipment procured using funds provided in this title. The conferees expect that, in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this title. Additionally, the conferees direct that the Department continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution report as required by Department of Defense Financial Management Regulation, chapter 23, volume 12. The conferees further direct the Department to continue to provide the Cost of War Reports to the congressional defense committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE

The conferees agree to redirect the funds requested for the Joint Rapid Acquisition Cell to high priority requirements identified by the Intelligence, Surveillance and Reconnaissance Task Force. The funds are distributed to appropriations accounts in the same manner as described in Senate Report 111-20.

MILITARY PERSONNEL

The conference agreement recommends \$18,726,150,000 for military personnel.

The recommendations for each military personnel account are shown below:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
Military Personnel, Army				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
BASIC PAY	1,211,678	1,211,678	1,211,678	1,211,678
RETIRED PAY ACCRUAL	274,287	274,287	274,287	274,287
BASIC ALLOWANCE FOR HOUSING	302,627	302,627	302,627	302,627
BASIC ALLOWANCE FOR SUBSISTENCE	43,987	43,987	43,987	43,987
INCENTIVE PAYS	13,188	13,188	13,188	13,188
SPECIAL PAYS	263,375	247,000	275,769	275,679
Hardship Duty Pay-Deferred from H.R. 2638		7,560	7,650	7,560
Hostile Fire Pay-Deferred from H.R. 2638		4,744	4,744	4,744
Retention Bonus-Excess to Requirement		-28,679		0
ALLOWANCES	68,778	68,778	68,778	68,778
SEPARATION PAY	22,612	22,612	22,612	22,612
SOCIAL SECURITY TAX	92,693	92,693	92,693	92,693
TOTAL BA-1	2,293,225	2,276,850	2,305,619	2,305,529
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL				
BASIC PAY	2,478,940	2,478,940	2,478,940	2,478,940
RETIRED PAY ACCRUAL	552,332	552,332	552,332	552,332
BASIC ALLOWANCE FOR HOUSING	1,070,269	1,070,269	1,070,269	1,070,269
INCENTIVE PAYS	26,865	26,865	26,865	26,865
SPECIAL PAYS	1,213,374	928,784	1,199,651	1,134,651
Hardship Duty Pay-Deferred from H.R. 2638		45,000	45,000	45,000
Hostile Fire Pay-Deferred from H.R. 2638		16,277	16,277	16,277
Enlistment Bonus-Excess to Requirement		-36,200		0
Enlistment Bonus-Anniversary Payments		-81,700		0
Enlistment Bonus-Residual Payments		-75,300		0
Reenlistment Bonus-Excess to Requirement		-152,667		0
Recruiting and Reenlistment Bonuses-Excess to Requirement			-75,000	-140,000
ALLOWANCES	301,146	301,146	301,146	301,146
SEPARATION PAY	89,259	89,259	89,259	89,259
SOCIAL SECURITY TAX	189,823	189,823	189,823	189,823
TOTAL BA-2	5,922,008	5,637,418	5,908,285	5,843,285
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL				
BASIC ALLOWANCE FOR SUBSISTENCE	520,905	520,905	520,905	520,905
SUBSISTENCE-IN-KIND	986,145	986,145	986,145	986,145
TOTAL BA-4	1,507,050	1,507,050	1,507,050	1,507,050
BA-5: PERMANENT CHANGE OF STATION TRAVEL				
OPERATIONAL TRAVEL	82,714	82,714	82,714	82,714
ROTATIONAL TRAVEL	68,271	68,271	68,271	68,271
TOTAL BA-5	150,985	150,985	150,985	150,985
BA-6: OTHER MILITARY PERSONNEL COSTS				
INTEREST ON UNIFORMED SERVICE SAVINGS	21,780	21,780	21,780	21,780
DEATH GRATUITIES	71,000	71,000	71,000	71,000
UNEMPLOYMENT BENEFITS	65,334	65,334	65,334	65,334
RESERVE INCOME REPLACEMENT PROGRAM	8,200	8,200	8,200	8,200
SGLI EXTRA HAZARD PAYMENTS	155,524	155,524	69,524	69,524
Excess to Requirement			-86,000	-86,000
TOTAL BA-6	321,838	321,838	235,838	235,838

	Budget Request	House	Senate	Conference
UNDISTRIBUTED ADJUSTMENT		1,030,500	1,348,000	1,708,000
Year of Execution/Rate Changes		1,030,500	953,100	1,313,100
Funds Requested in Legislative Provisions			394,900	394,900
Total Military Personnel, Army	10,195,106	10,924,641	11,455,777	11,750,687
Military Personnel, Navy				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
BASIC PAY	263,985	263,985	263,985	263,985
RETIRED PAY ACCRUAL	67,109	67,109	67,109	67,109
BASIC ALLOWANCE FOR HOUSING	87,995	87,995	87,995	87,995
BASIC ALLOWANCE FOR SUBSISTENCE	8,896	8,896	8,896	8,896
INCENTIVE PAYS	1,110	1,110	1,110	1,110
SPECIAL PAYS	25,690	29,335	29,335	29,335
Hardship Duty Pay-Deferred from H.R. 2638		1,463	1,463	1,463
Imminent Danger Pay-Deferred from H.R. 2638		2,182	2,182	2,182
ALLOWANCES	15,251	15,251	15,251	15,251
SEPARATION PAY	6	6	6	6
SOCIAL SECURITY TAX	20,195	20,195	20,195	20,195
TOTAL BA-1	490,237	493,882	493,882	493,882
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL				
BASIC PAY	310,721	310,721	310,721	310,721
RETIRED PAY ACCRUAL	79,966	79,966	79,966	79,966
BASIC ALLOWANCE FOR HOUSING	158,257	158,257	158,257	158,257
INCENTIVE PAYS	539	539	539	539
SPECIAL PAYS	92,732	100,132	120,132	100,132
Hardship Duty Pay-Deferred from H.R. 2638		7,400	7,400	7,400
Imminent Danger Pay-Deferred from H.R. 2638			20,000	0
ALLOWANCES	29,212	29,212	29,212	29,212
SEPARATION PAY	3,578	3,578	3,578	3,578
SOCIAL SECURITY TAX	23,770	23,770	23,770	23,770
TOTAL BA-2	698,775	706,175	726,175	706,175
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL				
BASIC ALLOWANCE FOR SUBSISTENCE	35,127	35,127	35,127	35,127
SUBSISTENCE-IN-KIND	12,766	12,766	12,766	12,766
TOTAL BA-4	47,893	47,893	47,893	47,893
BA-5: PERMANENT CHANGE OF STATION TRAVEL				
ACCESSION TRAVEL	4,855	4,855	4,855	4,855
OPERATIONAL TRAVEL	26,222	26,222	26,222	26,222
ROTATIONAL TRAVEL	28,096	28,096	28,096	28,096
SEPARATION TRAVEL	2,919	2,919	2,919	2,919
TOTAL BA-5	62,092	62,092	62,092	62,092
BA-6: OTHER MILITARY PERSONNEL COSTS				
DEATH GRATUITIES	2,600	2,600	2,600	2,600
UNEMPLOYMENT BENEFITS	18,244	18,244	18,244	18,244
RESERVE INCOME REPLACEMENT PROGRAM	50	50	50	50
SGLI EXTRA HAZARD PAYMENTS	34,891	34,891	11,991	11,989
Excess to Requirement			-22,900	-22,902
TOTAL BA-6	55,785	55,785	32,885	32,883

	Budget Request	House	Senate	Conference
UNDISTRIBUTED ADJUSTMENT		351,000	202,300	284,363
Year of Execution/Rate Changes		351,000	202,300	284,363
Total Military Personnel, Navy	1,354,782	1,716,827	1,565,227	1,627,288
Military Personnel, Marine Corps				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
BASIC PAY	97,044	97,044	97,044	97,044
RETIRED PAY ACCRUAL	22,989	22,989	22,989	22,989
BASIC ALLOWANCE FOR HOUSING	32,756	32,756	32,756	32,756
BASIC ALLOWANCE FOR SUBSISTENCE	3,530	3,530	3,530	3,530
SPECIAL PAYS	49,906	50,175	50,175	50,175
Hardship Duty Pay-Deferred from H.R. 2638		269	269	269
ALLOWANCES	8,445	8,445	8,445	8,445
SOCIAL SECURITY TAX	7,423	7,423	7,423	7,423
TOTAL BA-1	222,093	222,362	222,362	222,362
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL				
BASIC PAY	482,113	482,113	482,113	482,113
RETIRED PAY ACCRUAL	121,588	121,588	121,588	121,588
BASIC ALLOWANCE FOR HOUSING	123,749	123,749	123,749	123,749
SPECIAL PAYS	210,228	212,830	212,830	212,830
Hardship Duty Pay-Deferred from H.R. 2638		2,602	2,602	2,602
ALLOWANCES	46,656	46,656	46,656	46,656
SEPARATION PAY	2,953	2,953	2,953	2,953
SOCIAL SECURITY TAX	36,758	36,758	36,758	36,758
TOTAL BA-2	1,024,045	1,026,647	1,026,647	1,026,647
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL				
BASIC ALLOWANCE FOR SUBSISTENCE	54,056	54,056	54,056	54,056
TOTAL BA-4	54,056	54,056	54,056	54,056
BA-5: PERMANENT CHANGE OF STATION TRAVEL				
ACCESSION TRAVEL	4,010	4,010	4,010	4,010
OPERATIONAL TRAVEL	51,356	51,356	51,356	51,356
TOTAL BA-5	55,366	55,366	55,366	55,366
BA-6: OTHER MILITARY PERSONNEL COSTS				
DEATH GRATUITIES	3,400	3,400	3,400	3,400
UNEMPLOYMENT BENEFITS	24,500	24,500	24,500	24,500
SGLI EXTRA HAZARD PAYMENTS	36,519	36,519	25,619	10,422
Excess to Requirement			-10,900	-26,097
TOTAL BA-6	64,419	64,419	53,519	38,322
UNDISTRIBUTED ADJUSTMENT		155,000	52,403	128,194
Year of Execution/Rate Changes		155,000	52,403	128,194
Total Military Personnel, Marine Corps	1,419,979	1,577,850	1,464,353	1,524,947

	Budget Request	House	Senate	Conference
Military Personnel, Air Force				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
BASIC PAY	190,254	190,254	190,254	190,254
RETIRED PAY ACCRUAL	40,144	40,144	40,144	40,144
BASIC ALLOWANCE FOR HOUSING	59,781	59,781	59,781	59,781
BASIC ALLOWANCE FOR SUBSISTENCE	7,514	7,514	7,514	7,514
SPECIAL PAYS	15,425	23,636	23,636	23,636
Hostile Fire Pay-Deferred from H.R. 2638		6,670	6,670	6,670
Hardship Duty Pay-Deferred from H.R. 2638		1,541	1,541	1,541
ALLOWANCES	6,831	6,831	6,831	6,831
SOCIAL SECURITY TAX	14,555	14,555	14,555	14,555
TOTAL BA-1	334,504	342,715	342,715	342,715
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL				
BASIC PAY	480,101	480,101	480,101	480,101
RETIRED PAY ACCRUAL	101,302	101,302	101,302	101,302
BASIC ALLOWANCE FOR HOUSING	175,182	175,182	175,182	175,182
SPECIAL PAYS	53,841	93,284	93,284	93,284
Hostile Fire Pay-Deferred from H.R. 2638		31,855	31,855	31,855
Hardship Duty Pay-Deferred from H.R. 2638		7,588	7,588	7,588
ALLOWANCES	22,457	22,457	22,457	22,457
SEPARATION PAY	4,818	4,818	4,818	4,818
SOCIAL SECURITY TAX	36,728	36,728	36,728	36,728
TOTAL BA-2	874,429	913,872	913,872	913,872
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL				
BASIC ALLOWANCE FOR SUBSISTENCE	39,590	39,590	39,590	39,590
SUBSISTENCE-IN-KIND	69,864	69,864	69,864	69,864
TOTAL BA-4	109,454	109,454	109,454	109,454
BA-5: PERMANENT CHANGE OF STATION TRAVEL				
OPERATIONAL TRAVEL	5,790	5,790	5,790	5,790
TOTAL BA-5	5,790	5,790	5,790	5,790
BA-6: OTHER MILITARY PERSONNEL COSTS				
UNEMPLOYMENT BENEFITS	16,573	16,573	16,573	16,573
SGLI EXTRA HAZARD PAYMENTS	49,804	49,804	13,204	11,811
Excess to Requirement			-36,600	-37,993
TOTAL BA-6	66,377	66,377	29,777	28,384
UNDISTRIBUTED ADJUSTMENT				
Year of Execution/Rate Changes		345,000	67,565	100,525
		345,000	67,565	100,525
Total Military Personnel, Air Force	1,390,554	1,783,208	1,469,173	1,500,740
Reserve Personnel, Army				
BA-1: UNIT AND INDIVIDUAL TRAINING				
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	116,901	116,901	116,901	116,901
SPECIAL TRAINING	167,254	167,254	164,254	164,254
Ready Response Reserve Units-Excess to Requirement			-3,000	-3,000
TOTAL BA-1	284,155	284,155	281,155	281,155
UNDISTRIBUTED ADJUSTMENT				
Year of Execution/Rate Changes		97,000	106,000	137,000
Funds Requested in Legislative Provisions		97,000	39,000	70,000
			67,000	67,000

	Budget Request	House	Senate	Conference
Total Reserve Personnel, Army	284,155	381,155	387,155	418,155
Reserve Personnel, Navy				
BA-1: UNIT AND INDIVIDUAL TRAINING				
SCHOOL TRAINING	5,166	5,166	5,166	5,166
SPECIAL TRAINING	33,805	33,805	33,805	33,805
ADMINISTRATION AND SUPPORT	507	507	507	507
TOTAL BA-1	39,478	39,478	39,478	39,478
Total Reserve Personnel, Navy	39,478	39,478	39,478	39,478
Reserve Personnel, Marine Corps				
BA-1: UNIT AND INDIVIDUAL TRAINING				
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	8,662	8,662	8,662	8,662
SPECIAL TRAINING	20,517	20,517	20,517	20,517
TOTAL BA-1	29,179	29,179	29,179	29,179
Total Reserve Personnel, Marine Corps	29,179	29,179	29,179	29,179
Reserve Personnel, Air Force				
BA-1: UNIT AND INDIVIDUAL TRAINING				
SPECIAL TRAINING	16,943	16,943	14,943	14,943
Underexecution of End Strength			-2,000	-2,000
TOTAL BA-1	16,943	16,943	14,943	14,943
Total Reserve Personnel, Air Force	16,943	16,943	14,943	14,943
National Guard Personnel, Army				
BA-1: UNIT AND INDIVIDUAL TRAINING				
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	538,586	487,726	538,586	538,586
Grow the Army		-50,860		0
SPECIAL TRAINING	330,947	330,947	330,947	330,947
ADMINISTRATION AND SUPPORT	569,800	116,600	504,800	481,200
Enlistment Bonus-Excess to Requirement		-88,600		0
Enlistment Bonus-Anniversary Payments		-123,900		0
Enlistment Bonus-Residual Payments		-240,700		0
Recruiting and Reenlistment Bonuses-Excess to Requirement			-65,000	-88,600
TOTAL BA-1	1,439,333	935,273	1,374,333	1,350,733
UNDISTRIBUTED ADJUSTMENT		438,000	168,000	425,000
Year of Execution/Rate Changes		438,000	159,000	416,000
Funds Requested in Legislative Provisions			9,000	9,000
Total National Guard Personnel, Army	1,439,333	1,373,273	1,542,333	1,775,733

	Budget Request	House	Senate	Conference
National Guard Personnel, Air Force				
BA-1: UNIT AND INDIVIDUAL TRAINING				
SPECIAL TRAINING	17,860	17,860	17,860	17,860
TOTAL BA-1	17,860	17,860	17,860	17,860
UNDISTRIBUTED ADJUSTMENT		83,500	29,000	27,140
Year of Execution/Rate Changes		83,500	29,000	27,140
Total National Guard Personnel, Air Force	17,860	101,360	46,860	45,000

MILITARY PERSONNEL SHORTFALL

The conference agreement includes an additional \$2,810,222,000 for identified shortfalls resulting from unbudgeted additional end strength, which were a result of better-than-

projected recruiting and retention levels; recent rate increases in Basic Pay, Retired Pay Accrual, Basic Allowance for Housing, and Basic Allowance for Subsistence; and unanticipated programmatic adjustments such as increased clothing and education costs.

OPERATION AND MAINTENANCE

The conference agreement recommends \$32,547,114,000 for operation and maintenance.

The recommendations for each operation and maintenance account are shown below:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1	Budget Request	House	Senate	Conference
Operation and Maintenance, Army				
135 ADDITIONAL ACTIVITIES	13,024,499	12,740,961	12,838,899	12,681,761
Hire Iraqis to Perform Contract Services		-111,121		-111,121
Hire Iraqis to Perform LOGCAP		-138,296		-138,296
Subsistence Costs		-34,121	-25,000	-34,121
Rapid Fielding Initiative Overstatement			-184,200	-184,200
FY09 Stryker Requirements Based on SBCT to OEF			103,600	150,000
Contractor Price Growth			-30,000	0
Army Asymmetric Warfare Office--Baseline Budget Requirement			-50,000	-25,000
136 COMMANDER'S EMERGENCY RESPONSE PROGRAM	453,000	453,000	453,000	453,000
TOTAL BA-1	13,477,499	13,193,961	13,291,899	13,134,761
421 SERVICEWIDE TRANSPORTATION	50,197	246,282	50,197	50,197
Increased Cost of Route to Afghanistan		196,085		
9999 OTHER PROGRAMS	591,705	584,460	591,705	584,460
Classified Adjustment		-7,245		-7,245
TOTAL BA-4	641,902	830,742	641,902	634,657
Total Operation and Maintenance, Army	14,119,401	14,024,703	13,933,801	13,769,418
Operation and Maintenance, Navy				
1A1A MISSION AND OTHER FLIGHT OPERATIONS	574,597	562,720	577,097	562,720
Hire Iraqis to Perform Contract Services		-1,277		-1,277
S-3 ISR Detachment		-10,600		-10,600
Counter Piracy Expenses			2,500	0
1A2A FLEET AIR TRAINING	9,194	9,194	9,194	9,194
1A3A AVIATION TECHNICAL DATA & ENGINEERING SERVICE	3,744	3,744	3,744	3,744
1A4A AIR OPERATIONS AND SAFETY SUPPORT	6,992	6,992	6,992	6,992
1A4N AIR SYSTEMS SUPPORT	16,722	14,157	16,722	14,157
Hire Iraqis to Perform Contract Services		-2,565		-2,565
1A5A AIRCRAFT DEPOT MAINTENANCE	53,317	53,317	53,317	53,317
1B1B MISSION AND OTHER SHIP OPERATIONS	224,172	224,172	253,872	244,172
Counter Piracy Expenses			29,700	20,000
1B2B SHIP OPERATIONS SUPPORT & TRAINING	13,140	13,140	13,140	13,140
1B4B SHIP DEPOT MAINTENANCE	155,123	155,123	345,123	320,123
Increase for Ship Repairs Due to Recent Incidents				165,000
USS Port Royal Ship Repair and Related Damages			67,000	0
USS Hartford Ship Repair			121,000	0
USS New Orleans Ship Repair			2,000	0
1B5B SHIP DEPOT OPERATIONS SUPPORT	125	125	125	125
1C1C COMBAT COMMUNICATIONS	7,196	7,196	7,196	7,196
1C2C ELECTRONIC WARFARE	57,523	57,523	57,523	57,523
1C4C WARFARE TACTICS	5,661	5,661	5,661	5,661
1C5C OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	5,953	5,953	5,953	5,953
1C6C COMBAT SUPPORT FORCES	638,709	633,769	628,809	620,769
Hire Iraqis to Perform Contract Services		-4,940		-4,940
Fleet Forces Command-NAVEUR-Africa Partnership Station--Baseline Budget Requirement			-13,000	-13,000
Counter Piracy Expenses			3,100	0
1C7C EQUIPMENT MAINTENANCE	108	108	108	108
1CCH COMBATANT COMMANDERS CORE OPERATIONS	1,278	1,278	0	0
Technical Adjustment			-1,278	-1,278
1CCM COMBATANT COMMANDERS DIRECT MISSION	13,751	13,751	4,476	4,476
Technical Adjustment			-9,275	-9,275
1D3D IN-SERVICE WEAPONS SYSTEMS SUPPORT	23,995	23,995	23,995	23,995
1D4D WEAPONS MAINTENANCE	64,188	64,188	64,188	64,188

O-1	Budget Request	House	Senate	Conference
1D7D OTHER WEAPON SYSTEMS SUPPORT	7,738	7,738	7,738	7,738
BSM1 SUSTAINMENT, RESTORATION AND MODERNIZATION	12,887	12,887	12,887	12,887
BSS1 BASE OPERATING SUPPORT	148,102	148,102	148,102	148,102
TOTAL BA-1	2,044,215	2,024,833	2,245,962	2,186,280
2A1F SHIP PREPOSITIONING AND SURGE	9,618	9,618	9,618	9,618
2C1H FLEET HOSPITAL PROGRAM	1,514	1,514	1,514	1,514
2C3H COAST GUARD SUPPORT	131,547	131,547	2,044	2,044
Transfer to Department of Homeland Security			-129,503	-129,503
TOTAL BA-2	142,679	142,679	13,176	13,176
3B1K SPECIALIZED SKILL TRAINING	36,384	36,384	11,384	11,384
Unjustified Growth			-25,000	-25,000
TOTAL BA-3	36,384	36,384	11,384	11,384
4A1M ADMINISTRATION	1,257	1,257	1,257	1,257
4A2M EXTERNAL RELATIONS	162	162	162	162
4A4M MILITARY MANPOWER AND PERSONNEL	2,220	2,220	2,220	2,220
4A5M OTHER PERSONNEL SUPPORT	851	851	851	851
4A6M SERVICEWIDE COMMUNICATIONS	7,546	7,546	7,546	7,546
4B1N SERVICEWIDE TRANSPORTATION	73,762	73,762	73,762	73,762
4B3N ACQUISITION AND PROGRAM MANAGEMENT	11,213	11,213	11,213	11,213
4B7N SPACE AND ELECTRONIC WARFARE SYSTEMS	1,057	1,057	1,057	1,057
4C1P NAVAL INVESTIGATIVE SERVICE	25,768	22,993	25,768	22,993
CNO Nodal Analysis		-2,775		-2,775
9999 OTHER PROGRAMS	43,002	43,002	43,002	43,002
TOTAL BA-4	166,838	164,063	166,838	164,063
Historical Execution Adjustment			-100,000	-100,000
Total Operation and Maintenance, Navy	2,390,116	2,367,959	2,337,360	2,274,903
Operation and Maintenance, Marine Corps				
1A1A OPERATIONAL FORCES	731,707	712,646	678,707	672,771
Hire Iraqis to Perform Contract Services		-3,995		-3,995
Intelligence Equipment Readiness		-1,941		-1,941
Angel Fire		-13,125	-13,000	-13,000
Unjustified Growth in Pre-Deployment Training			-40,000	-40,000
1A2A FIELD LOGISTICS	120,593	120,593	120,593	120,593
1A3A DEPOT MAINTENANCE	108,600	108,600	108,600	108,600
1B1B MARITIME PREPOSITIONING	5,942	5,942	5,942	5,942
TOTAL BA-1	966,842	947,781	913,842	907,906
3B4D TRAINING SUPPORT	60,000	60,000	60,000	60,000
TOTAL BA-3	60,000	60,000	60,000	60,000
4A3G SERVICEWIDE TRANSPORTATION	64,000	76,300	64,000	66,460
Increased Cost of Route to Afghanistan		12,300		2,460
TOTAL BA-4	64,000	76,300	64,000	66,460
Total Operation and Maintenance, Marine Corps	1,090,842	1,084,081	1,037,842	1,034,366
Operation and Maintenance, Air Force				
011A PRIMARY COMBAT FORCES	1,091,423	1,091,423	1,001,423	1,001,423
Reduce Operating Support Growth To Be Consistent With Flying Hour Growth			-90,000	-90,000
011B PRIMARY COMBAT WEAPONS	35,340	35,340	35,340	35,340

O-1	Budget Request	House	Senate	Conference
011C COMBAT ENHANCEMENT FORCES	442,514	442,514	460,214	460,214
Afghan ISR Infrastructure			2,200	2,200
LEC PED (Project Liberty)			15,500	15,500
011D AIR OPERATIONS TRAINING	41,984	41,984	41,984	41,984
011E COMBAT COMMUNICATIONS	567,503	551,503	517,503	501,503
Air Force DCGS		-16,000		-16,000
Reduce Historical End of Year Spending			-50,000	-50,000
011M DEPOT MAINTENANCE	457,219	457,219	457,219	457,219
011Z BASE SUPPORT	633,119	583,091	583,119	583,119
Unjustified Growth		-50,028		
Reduce Historical End of Year Spending			-50,000	-50,000
012A GLOBAL C3I AND EARLY WARNING	116,948	116,948	116,948	116,948
012B NAVIGATION/WEATHER SUPPORT	9,784	9,784	9,784	9,784
012C OTHER COMBAT OPS SPT PROGRAMS	252,481	252,481	252,481	252,481
012E MANAGEMENT/OPERATIONAL HQ	133,718	130,149	83,718	105,149
Hire Iraqis to Perform Contract Services		-3,569		-3,569
Operation Earnest Voice			-50,000	-25,000
012F TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	881	881	881	881
013A LAUNCH FACILITIES	5,700	5,700	5,700	5,700
013B LAUNCH VEHICLESs	40	40	40	40
013C SPACE CONTROL SYSTEMS	4,407	4,407	4,407	4,407
013D SATELILITE SYSTEMS	1,602	1,602	1,602	1,602
013E OTHER SPACE OPERATIONS	24,502	24,502	24,502	24,502
013R SUSTAINMENT, RESTORATION AND MODERNIZATION	4,989	4,989	4,989	4,989
013Z BASE SUPPORT	14,509	14,509	14,509	14,509
TOTAL BA-1	3,838,663	3,769,066	3,616,363	3,621,794
021A AIRLIFT OPERATIONS	1,514,035	1,514,035	1,514,035	1,514,035
021B AIRLIFT OPERATIONS C3I	37,755	37,755	37,755	37,755
021D MOBILIZATION PREPAREDNESS	115,681	115,681	115,681	115,681
021M DEPOT MAINTENANCE	65,329	65,329	65,329	65,329
021R SUSTAINMENT, RESTORATION AND MODERNIZATION	1,164	1,164	1,164	1,164
021Z BASE SUPPORT	5,504	5,504	5,504	5,504
TOTAL BA-2	1,739,468	1,739,468	1,739,468	1,739,468
031B RECRUIT TRAINING	2,748	2,748	2,748	2,748
031Z BASE SUPPORT	683	683	683	683
032A SPECIALIZED SKILL TRAINING	1,036	1,036	1,036	1,036
032B FLIGHT TRAINING	141	141	141	141
032C PROFESSIONAL DEVELOPMENT EDUCATION	1,155	1,155	1,155	1,155
032D TRAINING SUPPORT	660	660	660	660
032R SUSTAINMENT, RESTORATION AND MODERNIZATION	106	106	106	106
032Z BASE SUPPORT	5,164	5,164	5,164	5,164
TOTAL BA-3	11,693	11,693	11,693	11,693
041A LOGISTICS OPERATIONS	226,025	226,025	226,025	226,025
041B TECHNICAL SUPPORT ACTIVITIES	18,958	18,958	18,958	18,958
041C SERVICEWIDE TRANSPORTATION	133,824	150,655	133,824	137,190
Increased Cost of Route to Afghanistan		16,831		3,366
041Z BASE SUPPORT	23,100	23,100	23,100	23,100
042A ADMINISTRATION	4,532	4,532	4,532	4,532
042B SERVICEWIDE COMMUNICATIONS	51,912	51,912	51,912	51,912
042C PERSONNEL PROGRAM	775	775	775	775
042G OTHER SERVICEWIDE ACTIVITIES	75,482	75,482	4,876	4,876
Removal of One Time FY 08 Cost for GeoBase Maintenance Contract			-70,606	-70,606

O-1	Budget Request	House	Senate	Conference
042H OTHER PERSONNEL SUPPORT	2,630	2,630	2,630	2,630
042Z BASE SUPPORT	7,890	7,890	7,890	7,890
043A Security Programs	152,283	127,747	143,283	122,747
Classified Adjustment		-24,536	-9,000	-29,536
044A INTERNATIONAL SUPPORT	6,796	6,796	6,796	6,796
TOTAL BA-4	704,207	696,502	624,601	607,431
Total Operation and Maintenance, Air Force	6,294,031	6,216,729	5,992,125	5,980,386
Operation and Maintenance, Defense-Wide				
JOINT CHIEFS OF STAFF	25,000	10,000	12,500	12,500
Combatant Commander's Initiative Fund Program		-15,000	-12,500	-12,500
SPECIAL OPERATIONS COMMAND	1,448,401	1,448,401	1,408,401	1,448,401
Strategic Communications			-40,000	0
DEFENSE MEDIA ACTIVITY	11,185	11,185	11,185	11,185
DEFENSE CONTRACT AUDITING AGENCY	7,600	7,600	7,600	7,600
DEFENSE CONTRACT MANAGEMENT AGENCY	15,000	15,000	15,000	15,000
DEFENSE HUMAN RESOURCES ACTIVITY	7,300	7,300	7,300	7,300
DEFENSE INFORMATION SYSTEMS AGENCY	118,705	118,705	118,705	118,705
DEFENSE LEGAL SERVICES AGENCY	82,626	58,600	82,626	82,626
Office of Military Commissions		-24,026		0
DEPARTMENT OF DEFENSE EDUCATION AGENCY	682,740	807,840	682,740	776,740
Family Advocacy Program		125,100		94,000
DEFENSE SECURITY COOPERATION AGENCY	1,430,000	1,040,000	1,200,000	1,150,000
Coalition Support Funds	1,050,000	-240,000		-50,000
Lift and Sustain	350,000	-150,000	-200,000	-200,000
Manas Air Base Radar -- Transfer to Department of State	30,000		-30,000	-30,000
DEFENSE THREAT REDUCTION AGENCY	15,200	15,200	6,700	6,700
OFFICE OF THE SECRETARY OF DEFENSE	96,472	96,472	96,472	96,472
NATIONAL GUARD BORDER SECURITY	350,000	350,000	0	0
OTHER PROGRAMS	1,377,254	1,367,398	1,366,554	1,368,467
Classified Adjustment		-9,856	-10,700	-8,787
Total Operation and Maintenance, Defense-Wide	5,667,483	5,353,701	5,065,783	5,101,696
Operation and Maintenance, Army Reserve				
113 ECHELONS ABOVE BRIGADE	7,831	7,831	7,831	7,831
121 FORCE READINESS OPERATIONS SUPPORT	27,200	13,500	27,200	27,200
Tuition Assistance		-13,700		0
122 LAND FORCES SYSTEMS READINESS	29,600	29,600	29,600	29,600
131 BASE OPERATIONS SUPPORT	46,286	46,286	41,286	41,286
Other Personnel Support Projected Execution			-5,000	-5,000
TOTAL BA-1	110,917	97,217	105,917	105,917
434 RECRUITING AND ADVERTISING	4,100	4,100	4,100	4,100
TOTAL BA-4	4,100	4,100	4,100	4,100
Total Operation and Maintenance, Army Reserve	115,017	101,317	110,017	110,017
Operation and Maintenance, Navy Reserve				
1A1A MISSION AND OTHER FLIGHT OPERATIONS	9,769	9,769	9,769	9,769
1A3A INTERMEDIATE MAINTENANCE	21	21	21	21
1A5A AIRCRAFT DEPOT MAINTENANCE	2,329	2,329	2,329	2,329
1B1B MISSION AND OTHER SHIP OPERATIONS	1,251		1,251	1,251
Unjustified Fuel Cost Increase		-1,251		0

O-1	Budget Request	House	Senate	Conference
1C1C COMBAT COMMUNICATIONS	1,460	1,460	1,460	1,460
1C6C COMBAT SUPPORT FORCES	8,830	8,830	8,830	8,830
BSSR BASE OPERATING SUPPORT	1,909	1,909	1,909	1,909
TOTAL BA-1	25,569	24,318	25,569	25,569
Total Operation and Maintenance, Navy Reserve	25,569	24,318	25,569	25,569
Operation and Maintenance, Marine Corps Reserve				
1A1A OPERATING FORCES	30,775	30,775	30,775	30,775
TOTAL BA-1	30,775	30,775	30,775	30,775
Total Operation and Maintenance, Marine Corps Reserve	30,775	30,775	30,775	30,775
Operation and Maintenance, Air Force Reserve				
011A PRIMARY COMBAT FORCES	7,424	7,424	20,424	20,424
Flying Hours			20,000	20,000
Operating Support Projected Execution			-7,000	-7,000
011G MISSION SUPPORT OPERATIONS	27,175	27,175	14,175	14,175
Individual Medical Readiness Projected Execution			-13,000	-13,000
TOTAL BA-1	34,599	34,599	34,599	34,599
Total Operation and Maintenance, Air Force Reserve	34,599	34,599	34,599	34,599
Operation and Maintenance, Army National Guard				
111 MANEUVER UNITS	48,172	48,172	48,172	48,172
116 AVIATION ASSETS	58,367	58,367	58,367	58,367
131 BASE OPERATIONS SUPPORT	22,000	22,000	22,000	22,000
135 ADDITIONAL ACTIVITIES	74,860	49,907	74,860	49,907
Unjustified Growth for Acceleration of Grow the Army		-24,953		-24,953
TOTAL BA-1	203,399	178,446	203,399	178,446
Total Operation and Maintenance, Army National Guard	203,399	178,446	203,399	178,446
Iraq Freedom Fund				
Transportation of Fallen Heroes -- transfer to Transportation Working Capital Fund	15,000	15,000		0
Disposition of Guantanamo Detainees -- unspecified increase	50,000			0
Joint Rapid Acquisition Cell -- transfer to Procurement and RDT&E accounts	350,000	350,000		0
Total Iraq Freedom Fund	415,000	365,000	0	0
Iraq Security Forces Fund	0	0	1,000,000	0
Afghanistan Security Forces Fund				
Infrastructure	437,035		437,035	437,035
Equipment and Transportation	1,248,484		1,248,484	1,248,484
Training and Operations	130,634		130,634	130,634
Sustainment	765,698		765,698	765,698
Subtotal, Afghan National Army	2,581,851		2,581,851	2,581,851
Infrastructure	253,575		253,575	253,575
Equipment and Transportation	35,225		35,225	35,225

O-1	Budget Request	House	Senate	Conference
Training and Operations	312,067		312,067	312,067
Sustainment	381,045		381,045	381,045
Subtotal, Afghan National Police	981,912		981,912	981,912
Detainee Operations -- Training and Operations	2,116		2,116	2,116
COIN Activities	41,060		41,060	41,060
Subtotal, Related Activities	43,176		43,176	43,176
Total Afghanistan Security Forces Fund	3,606,939	3,606,939	3,606,939	3,606,939
Pakistan Counterinsurgency Fund				
Equipment and Transportation	322,377		322,377	322,377
Training and Operations	12,150		12,150	12,150
Subtotal, Defense Security Forces	334,527		334,527	334,527
Infrastructure	12,000		12,000	12,000
Equipment and Transportation	43,373		43,373	43,373
Training and Operations	8,100		8,100	8,100
Subtotal, Frontier Corps	63,473		63,473	63,473
Humanitarian Assistance	2,000		2,000	2,000
Total Pakistan Counterinsurgency Fund	400,000	400,000	400,000	400,000

PAKISTAN COUNTERINSURGENCY FUND

The conferees support the Administration's efforts to increase the counterinsurgency capability of the Pakistani security forces. The conferees believe that international military operations against al-Qaeda and the Taliban in Afghanistan cannot succeed without a strong counterinsurgency effort by security forces in Pakistan. However, the conferees are concerned about providing the Department of Defense with the authority and funding to conduct an assistance program which would traditionally fall under the purview of the Department of State. The conferees believe the Pakistan Counterinsurgency Fund (PCF) should reside within the Department of State but understand the near term needs of the Pakistan Security Forces and the lack of capacity within the State Department warrant an exception to traditional lines of authority. Therefore, the conferees support the Administration's request for this fund under the Department of Defense, but direct the Secretary of Defense and the Secretary of State to jointly develop a plan for transitioning the PCF from the Department of Defense to the Department of State by fiscal year 2010 and to be fully executed by the Department of State by fiscal year 2011. The plan should identify the resources, personnel, and authorities required to facilitate the transfer to the State Department, as well as goals and objectives for the successful completion of this program. In addition, the Secretary of

Defense is directed to follow the same reporting requirements that Congress has required for the Afghanistan and Iraq Security Forces Funds as outlined in section 317 of this Act.

The conferees believe civil-military operations are a key component of successful counterinsurgency efforts. However, the conferees do not support the creation of a Commander's Emergency Response Program (CERP) or similar program for Pakistan, and have neither authorized nor provided funding for such a program anywhere in this Act. The conference agreement has made available \$2,000,000 from the Pakistan Counterinsurgency Fund to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises carried out with Pakistan's security forces through this fund. Finally, the conferees direct the Department to work with the Government of Pakistan to establish a funding mechanism beginning in fiscal year 2010, using Pakistani funds, which can be applied to humanitarian needs in support of counterinsurgency operations conducted inside of Pakistan.

FAMILY ADVOCACY PROGRAM

The conference agreement provides \$708,842,000 for family advocacy programs to provide counseling and family assistance including child psychologists, and other intervention efforts which is \$94,000,000 above the request in order to enhance the activities of the Family Advocacy Program and provide

for children and families managing the difficult challenges of military service. The funding is provided for, but not limited to, child care, counseling, spouse certification and licensure, and Joint Family Assistance Centers. Funding is also available for the Warrior Family Community Partnership to provide assistance to all soldiers and families.

COMBAT UNIFORMS

The conferees understand that soldiers deployed to Afghanistan have serious concerns about the current combat uniform which they indicate provides ineffective camouflage given the environment in Afghanistan. Accordingly, the conferees direct that within funding made available the Department of Defense take immediate action to provide combat uniforms to personnel deployed to Afghanistan with a camouflage pattern that is suited to the environment of Afghanistan. The conferees further direct the Secretary of the Army to provide a report on the program plans and budgetary adjustments necessary to provide appropriate uniforms to deployed and deploying troops to Afghanistan. The report shall be submitted to the congressional defense committees by the end of fiscal year 2009.

PROCUREMENT

The conference agreement recommends \$25,846,718,000 for procurement.

The recommendations for each procurement account are shown below:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
Aircraft Procurement, Army				
6 UH-60 BLACKHAWK (MYP) Battle losses only (2 UH-60, 1HH-60)	81,400	81,400	48,840 -32,560	48,840 -32,560
8 CH-47 HELICOPTER (MYP) Provides funding for one additional CH-47 aircraft for expanded aviation requirements in Overseas Contingency Operations Battle losses only	120,000	210,000 90,000	60,000 -60,000	150,000 30,000 0
18 GUARDRAIL MODS (MIP)	39,700	39,700	39,700	39,700
20 AH-64 MODS Provides funding for conversion of one Army National Guard AH-64A battalion from A to D model aircraft No battle losses	354,360	787,060 432,700	0 -354,360	787,060 432,700 0
22 CH-47 CARGO HELICOPTER MODS (MYP)	9,760	9,760	9,760	9,760
32 ASE INFRARED COUNTERMEASURES	132,800	132,800	132,800	132,800
35 AIRCREW INTEGRATED SYSTEMS	3,584	3,584	3,584	3,584
36 AIR TRAFFIC CONTROL Transfer for execution	21,000	21,000	0 -21,000	0 -21,000
37 AIRBORNE COMMUNICATIONS Transfer for execution			21,000	21,000
Total Aircraft Procurement, Army	762,604	1,285,304	315,684	1,192,744
Missile Procurement, Army				
5 HELLFIRE SYSTEM SUMMARY Aligns production scheduling and capacity Unit cost adjustment to procure 2,603 missiles	228,430	208,430 -20,000	207,430 -21,000	207,430 -21,000
6 JAVELIN (AAWS-M) SYSTEM SUMMARY Aligns production scheduling and capacity Unit cost adjustment to procure 924 AURs	119,327	99,327 -20,000	117,327 -2,000	109,327 -8,000 -2,000
7 TOW 2 SYSTEM SUMMARY Aligns production scheduling and capacity Revised program management administration costs	349,684	299,684 -50,000	342,584 -7,100	317,584 -25,000 -7,100
8 GUIDED MLRS ROCKET (GMLRS)	69,700	69,700	69,700	69,700
Total Missile Procurement, Army	767,141	677,141	737,041	704,041
Procurement of Weapons and Tracked Combat Vehicles (W&TCV), Army				
4 STRYKER VEHICLE Provides funding to procure additional Stryker vehicles	112,734	451,134 338,400	112,734	312,734 200,000
10 BRADLEY PROGRAM (MOD) Provides funding in support of Bradley Fighting Vehicle Reset requirements	541,000	784,600 243,600	541,000	784,600 243,600
12 IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) Excess to combat loss/reset requirement	236,800	236,800	0 -236,800	121,800 -115,000
15 M1 ABRAMS TANK (MOD) Aligns funding with Overseas Contingency Operations Requirements	378,000	346,500 -31,500	378,000	362,500 -15,500
16 ABRAMS UPGRADE PROGRAM	100,000	100,000	100,000	100,000
20 M240 MEDIUM MACHINE GUN (7.62MM)	22,837	22,837	22,837	22,837
31 COMMON REMOTELY OPERATED WEAPONS STATION (CROWS)	279,500	279,500	279,500	279,500

	Budget Request	House	Senate	Conference
20 M240 MEDIUM MACHINE GUN (7.62MM)	22,837	22,837	22,837	22,837
31 COMMON REMOTELY OPERATED WEAPONS STATION (CROWS)	279,500	279,500	279,500	279,500
36 M2 50 CAL MACHINE GUN MODS Funded ahead of need	12,500	12,500	0 -12,500	0 -12,500
Total Procurement of W&TCV, Army	1,683,371	2,233,871	1,434,071	1,983,971
Procurement of Ammunition, Army				
1 CTG, 5.56MM, ALL TYPES	3,000	3,000	3,000	3,000
2 CTG, 7.62MM, ALL TYPES	8,600	8,600	8,600	8,600
4 CTG, .50 CAL, ALL TYPES	56,600	56,600	56,600	56,600
6 CTG, 30MM, ALL TYPES	10,000	10,000	10,000	10,000
7 CTG, 40MM, ALL TYPES	25,750	25,750	25,750	25,750
16 PROJ 155MM EXTENDED RANGE XM982	35,000	35,000	35,000	35,000
17 MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL TYPES	20,000	20,000	20,000	20,000
23 SHOULDER LAUNCHED MUNITIONS, ALL TYPES	20,000	20,000	20,000	20,000
24 ROCKET, HYDRA 70, ALL TYPES	26,000	26,000	26,000	26,000
25 DEMOLITION MUNITIONS, ALL TYPES	525	525	525	525
26 GRENADES, ALL TYPES	10,000	10,000	10,000	10,000
28 SIMULATORS, ALL TYPES	3,000	3,000	3,000	3,000
30 NON-LETHAL AMMUNITION, ALL TYPES	1,800	1,800	1,800	1,800
39 CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL TYPES	9,800	9,800	9,800	9,800
Total Procurement of Ammunition, Army	230,075	230,075	230,075	230,075
Other Procurement, Army				
1 TACTICAL TRAILERS/DOLLY SETS	107,426	107,426	107,426	107,426
2 SEMITRAILERS, FLATBED: Excess to combat loss/reset requirement	60,686	60,686	0 -60,686	0 -60,686
4 HI MOB MULTI-PURP WHLD VEH (HMMWV) Excess to combat loss/reset requirement	842,456	842,456	680,056 -162,400	680,056 -162,400
5 FAMILY OF MEDIUM TACTICAL VEH (FMTV) Excess to combat loss/reset requirement	574,121	574,121	188,100 -386,021	188,100 -386,021
7 FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	967,221	967,221	967,221	967,221
9 ARMORED SECURITY VEHICLES (ASV)	137,583	137,583	137,583	137,583
10 MINE PROTECTION VEHICLE FAMILY	704,956	704,956	704,956	704,956
12 TRUCK, TRACTOR, LINE HAUL, M915/M916	5,548	5,548	5,548	5,548
13 HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERVICE PROGRAM	351,296	351,296	351,296	351,296
14 HMMWV RECAPITALIZATION PROGRAM	119,781	119,781	119,781	119,781
15 MODIFICATION OF IN SERVICE EQUIPMENT Reduce funding for ASV retrofit enhancement	441,000	441,000	321,000 -120,000	441,000 0
18 HEAVY ARMORED SEDAN	1,700	1,700	1,700	1,700
19 PASSENGER CARRYING VEHICLES	8,350	8,350	8,350	8,350
20 NONTACTICAL VEHICLES, OTHER	50	50	50	50
23 WIN-T - GROUND FORCES TACTICAL NETWORK Reduce funding for Increment 1	400,590	400,590	141,290 -259,300	141,290 -259,300
28 NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	5,800	5,800	5,800	5,800
31 GLOBAL BRDCST SVC - GBS	2,400	2,400	2,400	2,400
35 SINGGARS - GROUND Funding ahead of need	100,000	0 -100,000	100,000	50,000 -50,000
47 RADIO, IMPROVED HF (COTS) FAMILY	170,700	170,700	170,700	170,700

	Budget Request	House	Senate	Conference
50 TSEC - ARMY KEY MGT SYS (AKMS)	140	140	140	140
51 INFORMATION SYSTEM SECURITY PROGRAM-ISSP	110,332	110,332	110,332	110,332
55 WORLD WIDE TECHNICAL CONTROL IMPROVEMENT PROGRAM	298,400	298,400	298,400	298,400
56 INFORMATION SYSTEMS	100,120	100,120	100,120	100,120
62 ALL SOURCE ANALYSIS SYS (ASAS) (MIP)	21,200	21,200	21,200	21,200
65 TACTICAL UNMANNED AERIAL SYS (TUAS) (MIP)	236,780	316,780	316,780	316,780
Provides funding for one Quick Reaction Capability		80,000		0
Fund multi-band receivers			80,000	80,000
66 SMALL UNMANNED AERIAL SYSTEM (SUAS)	27,547	27,547	27,547	27,547
72 TROJAN (MIP)	24,700	24,700	24,700	24,700
73 MOD OF IN-SVC EQUIP (INTEL SUPPORT)			3,250	3,250
Fund acoustic UGS sensors			3,250	3,250
75 SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM	19,687	0	19,687	0
Requirement being met with available funding		-19,687		-19,687
77 LIGHTWEIGHT COUNTER MORTAR RADAR	34,500	25,900	34,500	25,900
Adjusted requirement		-8,600		-8,600
78 WARLOCK	354,500	354,500	354,500	354,500
79 COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	169,799	169,619	169,799	169,619
Classified adjustment		-180		-180
83 NIGHT VISION DEVICES	82,500	82,500	82,500	101,500
Transfer from Research, Development, Test and Evaluation, Army, Line 93, Heterogeneous Airborne Reconnaissance Team, for execution				19,000
88 COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	157,700	157,700	157,700	157,700
89 BASE EXPEDITIONARY TARGETING AND SURVEILLANCE SYSTEM	280,500	280,500	280,500	280,500
90 ARTILLERY ACCURACY EQUIPMENT	4,500	4,500	4,500	4,500
93 PROFILER	1,600	1,600	1,600	1,600
94 MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	11,053	11,053	11,053	11,053
95 FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	135,000	135,000	135,000	135,000
104 FIRE SUPPORT C2 FAMILY	10,800	10,800	10,800	10,800
107 AIR & MSL DEFENSE PLANNING & CONTROL SYSTEM (AMD PCS)	3,932	3,932	3,932	3,932
108 KNIGHT FAMILY	54,000	54,000	54,000	54,000
110 AUTOMATIC IDENTIFICATION TECHNOLOGY	3,000	3,000	3,000	3,000
111 TC AIMS II	1,000	0	0	0
Reduced requirement		-1,000		0
Delete funds for baseline need			-1,000	-1,000
116 SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	4,900	0	4,900	0
Fielding delayed		-4,900		-4,900
118 MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)	18,000	18,000	18,000	18,000
121 AUTOMATED DATA PROCESSING EQUIP	72,856	51,700	0	0
Funding provided supports Overseas Contingency Operations requirements		-21,156		0
Delete funds for baseline need			-72,856	-72,856
122 CSS COMMUNICATIONS	48,254	41,554	48,254	41,554
Reduced requirement		-6,700		-6,700
123 OTHER PROGRAMS	573	573	573	573
133 TACTICAL BRIDGING	96,000	96,000	96,000	96,000
136 GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS)	146,240	146,240	146,240	146,240
137 EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT	700	700	700	700
141 LAUNDRIES, SHOWERS AND LATRINES	2,200	2,200	2,200	2,200

	Budget Request	House	Senate	Conference
142 LAND WARRIOR	700	700	700	700
149 CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	8,700	8,700	8,700	8,700
151 ITEMS LESS THAN \$5M (ENG SPT)	5,929	5,929	5,929	5,929
153 DISTRIBUTION SYSTEMS, PETROLEUM & WATER	4,600	4,600	4,600	4,600
155 COMBAT SUPPORT MEDICAL	2,934	2,934	2,934	2,934
156 MOBILE MAINTENANCE EQUIPMENT SYSTEMS	2,689	2,689	2,689	2,689
158 GRADER, ROAD MTZD, HVY, 6X4 (CCE)	7,514	7,514	0	5,014
Delete funds for baseline need			-7,514	-2,500
163 LOADERS	21,650	21,650	0	10,650
Delete funds for baseline need			-21,650	-11,000
165 TRACTOR, FULL TRACKED	13,088	13,088	13,088	13,088
168 HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FAMILY OF SYSTEMS	27,250	27,250	0	0
Delete funds for baseline need			-27,250	-27,250
174 GENERATORS AND ASSOCIATED EQUIP	17,000	17,000	17,000	17,000
175 ROUGH TERRAIN CONTAINER HANDLER (RTCH)	20,200	40,200	20,100	20,100
Transfer from All Terrain Lifting Army System		20,000	20,000	20,000
Delete funds for baseline need			-20,100	-20,100
176 ALL TERRAIN LIFTING ARMY SYSTEM	21,000	1,000	1,000	1,000
Transfer to Rough Terrain Container Handler		-20,000	-20,000	-20,000
177 COMBAT TRAINING CENTERS SUPPORT	40,700	40,700	0	20,000
Delete funds for baseline need			-40,700	-20,700
178 TRAINING DEVICES, NONSYSTEM	22,741	22,741	22,741	22,741
185 RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	305,200	305,200	309,000	309,000
Additional Persistent Threat Detection Systems			15,900	15,900
Unjustified Request			-12,100	-12,100
186 PHYSICAL SECURITY SYSTEMS (OPA3)	25,000	25,000	25,000	25,000
190 BUILDING, PRE-FAB, RELOCATABLE	40,000	40,000	40,000	40,000
Total Other Procurement, Army	8,121,572	8,039,349	7,029,145	7,113,742
Aircraft Procurement, Navy				
10 UH-1Y/AH-1Z	102,400	277,400	102,400	202,400
Procure four additional combat loss replacement aircraft		175,000		100,000
12 MH-60S (MYP)	46,100	46,100	46,100	46,100
32 AV-8 SERIES	40,580	40,580	40,580	40,580
33 F-18 SERIES	32,834	26,434	32,834	26,434
Excessive IDECM delivery time		-6,400		-6,400
34 H-46 SERIES	18,300	18,300	9,500	9,500
Delete titanium nitride funding, baseline item			-8,800	-8,800
36 H-53 SERIES	16,920	16,920	10,620	10,620
Delete kapton harness funding, baseline item			-6,300	-6,300
XX P-3 SERIES		100,000	246,400	50,200
50 SPECIAL PROJECT AIRCRAFT	84,645	0	84,645	84,645
Excessive delivery time		-84,645		
55 COMMON ECM EQUIPMENT	163,390	163,390	163,390	163,390
59 V-22 (TILT/ROTOR ACFT) OSPREY	1,830	0	1,830	0
Non-emergency modification		-1,830		-1,830
60 SPARES AND REPAIR PARTS	16,000	2,800	16,000	2,800
Excess initial spares funding		-13,200		-13,200
61 COMMON GROUND EQUIPMENT	78,000	0	0	0
Non-emergency trainer procurement		-78,000	-78,000	-78,000
Total Aircraft Procurement, Navy	600,999	691,924	754,299	636,669

		Budget Request	House	Senate	Conference
Weapons Procurement, Navy					
10	HELLFIRE	27,500	27,500	25,300	25,300
	Unit cost adjustment			-2,200	-2,200
28	FIRST DESTINATION TRANSPORTATION	1,905	0	1,905	0
	Excess funding		-1,905		-1,905
29	SMALL ARMS AND WEAPONS	4,198	4,198	4,198	4,198
36	MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM	65,937	0	0	0
	Aligns Shadow UAV TDCL upgrade with Army plan		-65,937		-65,937
	Program Delay			-65,937	0
Total Weapons Procurement, Navy		99,540	31,698	31,403	29,498
Procurement of Ammo, Navy & Marine Corps					
1	GENERAL PURPOSE BOMBS	30,359	30,359	30,359	30,359
3	AIRBORNE ROCKETS, ALL TYPES	24,899	24,899	24,899	24,899
7	AIR EXPENDABLE COUNTERMEASURES	16,200	16,200	16,200	16,200
11	OTHER SHIP GUN AMMUNITION	907	907	907	907
12	SMALL ARMS & LANDING PARTY AMMO	1,205	1,205	1,205	1,205
13	PYROTECHNIC AND DEMOLITION	351	351	351	351
15	SMALL ARMS AMMUNITION	34,902	34,902	34,902	34,902
16	LINEAR CHARGES, ALL TYPES	12,819	12,819	12,819	12,819
17	40 MM, ALL TYPES	25,129	25,129	25,129	25,129
18	60MM, ALL TYPES	20,197	20,197	20,197	20,197
19	81MM, ALL TYPES	42,275	42,275	42,275	42,275
20	120MM, ALL TYPES	34,310	34,310	34,310	34,310
22	GRENADES, ALL TYPES	16,066	16,066	16,066	16,066
23	ROCKETS, ALL TYPES	5,380	5,380	5,380	5,380
24	ARTILLERY, ALL TYPES	63,752	63,752	63,752	63,752
26	DEMOLITION MUNITIONS, ALL TYPES	13,533	13,533	13,533	13,533
27	FUZE, ALL TYPES	4,477	4,477	4,477	4,477
28	NON LETHALS	2,158	2,158	2,158	2,158
Total Procurement of Ammo, Navy & Marine Corps		348,919	348,919	348,919	348,919
Other Procurement, Navy					
40	SURTASS	2,500	0	0	0
	Non-emergency modification		-2,500		-2,500
	Change to requirement			-2,500	0
43	SHIPBOARD IW EXPLOIT	14,400	14,400	14,400	14,400
56	MATCALs	59,243	0	33,598	33,598
	Non-emergency modification/Grow the Force		-59,243		0
	Grow the Force initiative - baseline requirement			-25,645	-25,645
66	GCCS-M EQUIPMENT TACTICAL/MOBILE	7,350	7,350	7,350	7,350
67	COMMON IMAGERY GROUND SURFACE SYSTEMS	24,518	0	3,518	0
	Non-emergency TES upgrades		-24,518		-24,518
	Change to requirement			-21,000	0
76	SHIP COMMUNICATIONS AUTOMATION	7,600	6,350	7,600	6,350
	Excessive growth		-1,250		-1,250
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	29,460	29,460	29,460	29,460
123	CONSTRUCTION & MAINTENANCE EQUIP	33,000	33,000	33,000	33,000
125	TACTICAL VEHICLES	1,823	1,823	1,823	1,823
135	COMMAND SUPPORT EQUIPMENT	13,482	13,482	13,482	13,482
140	OPERATING FORCES SUPPORT EQUIPMENT	5,220	0	5,220	0

	Budget Request	House	Senate	Conference
140 OPERATING FORCES SUPPORT EQUIPMENT	5,220	0	5,220	0
Non-emergency equipment		-5,220		-5,220
141 C4ISR EQUIPMENT	3,000	3,000	3,000	3,000
143 PHYSICAL SECURITY EQUIPMENT	63,230	63,230	54,730	54,730
Change to requirement - biometric device			-8,500	-8,500
Total Other Procurement, Navy	264,826	172,095	207,181	197,193
Procurement, Marine Corps				
1 AAV7A1 PIP	37	37	37	37
4 LAV PIP	158,590	158,590	158,590	158,590
8 155MM LIGHTWEIGHT TOWED HOWITZER	69,000	69,000	303,000	186,000
Unfunded requirement			234,000	117,000
9 HIGH MOBILITY ARTILLERY ROCKET SYSTEM	34,830	34,830	34,830	34,830
10 WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	10,829	10,829	10,829	10,829
11 MODULAR WEAPON SYSTEM	1,739	1,739	1,739	1,739
12 MODIFICATION KITS	83,894	83,894	83,894	83,894
13 WEAPONS ENHANCEMENT PROGRAM	32,461	32,461	9,461	9,461
Excess funding on hand			-23,000	-23,000
15 JAVELIN	35,548	35,548	35,548	35,548
18 MODIFICATION KITS	62,698	62,698	62,698	62,698
19 UNIT OPERATIONS CENTER	29,334	29,334	82,534	82,534
OEF UUNS			53,200	53,200
20 REPAIR AND TEST EQUIPMENT	46,145	46,145	46,145	46,145
21 COMBAT SUPPORT SYSTEM	1,648	1,648	1,648	1,648
23 ITEMS UNDER \$5 MILLION (COMM & ELEC)	2,282	2,282	2,282	2,282
24 AIR OPERATIONS C2 SYSTEMS	1,064	1,064	1,064	1,064
25 RADAR SYSTEMS	19,520	19,520	19,520	19,520
26 FIRE SUPPORT SYSTEM	3,005	3,005	3,005	3,005
27 INTELLIGENCE SUPPORT EQUIPMENT	68,770	68,770	68,770	68,770
30 NIGHT VISION EQUIPMENT	48,883	48,883	28,883	28,883
Contract cost savings			-20,000	-20,000
31 COMMON COMPUTER RESOURCES	58,903	42,703	43,903	42,703
Reduction of account for base bill items		-16,200		-16,200
Execution delays			-15,000	0
32 COMMAND POST SYSTEMS	14,517	14,517	14,517	14,517
XX COMM & ELECT INFRASTRUCTURE SUPPORT			2,250	2,250
RDA Leave behind-acoustics UGS			2,250	2,250
33 RADIO SYSTEMS	45,675	45,675	0	0
Execution delays			-45,675	-45,675
34 COMM SWITCHING & CONTROL SYSTEMS	16,400	16,400	24,400	22,400
Unfunded requirement			8,000	6,000
38 5/4T TRUCK HMMWV (MYP)	153,180	153,180	103,180	103,180
Non-combat losses			-50,000	-50,000
39 MOTOR TRANSPORT MODIFICATIONS	15,855	15,855	45,855	38,355
Lightweight Mine Rollers			30,000	22,500
40 MEDIUM TACTICAL VEHICLE REPLACEMENT	29,891	29,891	29,891	29,891
41 LOGISTICS VEHICLE SYSTEM REP	23,814	23,814	0	0
Program adjustment			-23,814	-23,814
42 FAMILY OF TACTICAL TRAILERS	4,060	4,060	4,060	4,060
44 ITEMS LESS THAN \$5 MILLION	1,389	1,389	1,389	1,389
45 ENVIRONMENTAL CONTROL EQUIP ASSORT	4,619	4,619	4,619	4,619
46 BULK LIQUID EQUIPMENT	3,962	3,962	3,962	3,962
47 TACTICAL FUEL SYSTEMS	11,436	11,436	11,436	11,436
48 POWER EQUIPMENT ASSORTED	25,377	25,377	25,377	25,377

	Budget Request	House	Senate	Conference
49 AMPHIBIOUS SUPPORT EQUIPMENT	545	545	15,545	11,545
Unfunded requirements			15,000	11,000
50 EOD SYSTEMS	110,680	110,680	75,680	75,680
Unvalidated requirement			-35,000	-35,000
51 PHYSICAL SECURITY EQUIPMENT	160,070	47,870	48,070	47,870
Reduced by amount of GBOSS reprogramming - program complete		-112,200		-112,200
Previously funded requirement			-112,000	0
53 MATERIAL HANDLING EQUIP	59,593	59,593	59,593	59,593
55 FIELD MEDICAL EQUIPMENT	11,243	11,243	11,243	11,243
56 TRAINING DEVICES	50,927	50,927	50,927	50,927
57 CONTAINER FAMILY	1,079	1,079	1,079	1,079
58 FAMILY OF CONSTRUCTION EQUIPMENT	105,990	105,990	107,990	107,990
Unfunded requirements			2,000	2,000
59 FAMILY OF INTERNALLY TRANSPORTABLE VEHICLES (ITV)	12,000	12,000	12,000	12,000
61 RAPID DEPLOYABLE KITCHEN	1,287	1,287	1,287	1,287
62 ITEMS LESS THAN \$5 MILLION	617	617	617	617
63 SPARES AND REPAIR PARTS	5,000	5,000	5,000	5,000
Total Procurement, Marine Corps	1,638,386	1,509,986	1,658,347	1,526,447

Aircraft Procurement, Air Force

4 F-22A	600,000	600,000	498,000	600,000
Full funding for fiscal year 2009			45,000	0
Delete shut down funding			-147,000	0
XX C-17A		2,245,200		2,170,200
Provides for 8 C-17 aircraft		2,245,200		2,170,200
XX C-130		904,200		504,000
Provides for 3 MC-130J and 4 HC-130J		904,200		504,000
20 C-12 A	45,000	45,000	45,000	45,000
29 MQ-9 UAV	195,858	305,858	195,858	195,858
Provides for MQ-9 Reaper aircraft		110,000		0
XX A-10			150,000	0
Provide additional re-wing kits			150,000	0
36 F-16	63,200	63,200	63,200	63,200
39 C-5	104,800	59,800	104,800	82,300
Provides funding for C-5A defensive systems and limited LAIRCM systems due to inability of Air Force to install within the next 12 months		-45,000		-22,500
42 C-17A	230,200	0	0	0
Provides no funding for LAIRCM systems due to inability of Air Force to install within the next 12 months		-230,200		-230,200
Funded ahead of need			-230,200	0
52 C-12	89,000	111,500	105,000	105,000
C-12 Modifications transferred from line 89		45,000	45,000	45,000
Pricing correction on sensor kits		-22,500		0
Funded ahead of need			-29,000	-29,000
56 C-130	189,910	118,410	118,410	118,410
Provides funding for only 11 LAIRCM systems due to inability of Air Force to install within the next 12 months		-71,500	-71,500	-71,500
60 DARP	6,250	6,250	6,250	6,250
66 RQ-4 UAV MODS	32,000	0	0	0
Groundbased Radar for Beale (doesn't deliver until 2012)		-32,000	-32,000	-32,000
69 MQ-1 MODS	49,500	49,500	49,500	49,500

	Budget Request	House	Senate	Conference
70 MQ-9 MODS	114,700	32,700	114,700	32,700
WAAS/Gorgon Stare Unjustified Request		-82,000		-82,000
XX COMMON SUPPORT EQUIPMENT		6,250		6,250
Ten COTS Aircraft Air Conditioning Systems for Mobility aircraft in the CENTCOM AOR		6,250		6,250
89 OTHER PRODUCTION CHARGES	641,000	573,000	596,000	596,000
Transfer C-12 modifications to Line 52		-45,000	-45,000	-45,000
Classified adjustment		-23,000		0
92 DARP	17,400	17,400	17,400	17,400
Total Aircraft Procurement, Air Force	2,378,818	5,138,268	2,064,118	4,592,068
Missile Procurement, Air Force				
5 PREDATOR HELLFIRE MISSILE	57,416	57,416	49,716	49,716
Unit cost adjustment			-7,700	-7,700
Total, Missile Procurement, Air Force	57,416	57,416	49,716	49,716
Procurement of Ammunition, Air Force				
1 ROCKETS	5,600	5,600	5,600	5,600
2 CARTRIDGES	21,884	21,884	21,884	21,884
3 PRACTICE BOMBS	21,200	21,200	21,200	21,200
4 GENERAL PURPOSE BOMBS	36,700	36,700	36,700	36,700
5 JOINT DIRECT ATTACK MUNITION	85,400	85,400	40,000	60,400
Funds ahead of need			-45,400	-25,000
7 EXPLOSIVE ORDNANCE DISPOSAL (EOD)	3,000	3,000	3,000	3,000
12 FUZES	6,800	6,800	6,800	6,800
13 SMALL ARMS	3,100	3,100	3,100	3,100
Total Procurement of Ammunition, Air Force	183,684	183,684	138,284	158,684
Other Procurement, Air Force				
XX PASSENGER CARRYING VEHICLES	0	0	12,555	0
Transferred from OPAF, Other Programs		12,555		12,555
Extremely low FY08 and FY09 execution		-12,555		-12,555
2 MEDIUM TACTICAL VEHICLE	15,000	0	15,000	0
Extremely low FY08 and FY09 execution		-15,000		-15,000
4 SECURITY AND TACTICAL VEHICLES	17,500	0	4,100	0
Extremely low FY08 and FY09 execution		-17,500		-17,500
Non-combat losses			-12,696	0
Pricing change			-704	0
5 FIRE FIGHTING/CRASH RESCUE VEHICLES	9,566	0	7,734	0
Extremely low FY08 and FY09 execution		-9,566		-9,566
Non-combat losses			-1,832	0
7 RUNWAY SNOW REMOV AND CLEANING EQUIPMENT	1,544	1,544	1,544	1,544
XX OTHER PROGRAMS	12,555	0	0	0
Transferred to OPAF, Passenger Carrying Vehicles		-12,555		-12,555
12 INTELLIGENCE COMM EQUIPMENT	6,570	6,570	6,570	6,570
14 NATIONAL AIRSPACE SYSTEM	19,100	19,100	19,100	19,100
15 THEATER AIR CONTROL SYSTEMS IMPROVEMENT	4,540	4,540	0	0
Unjustified request			-4,540	-4,540
16 WEATHER OBSERVATION FORECAST	2,780	2,780	2,780	2,780
25 C3 COUNTERMEASURES	1,600	1,600	1,600	1,600

	Budget Request	House	Senate	Conference
29 BASE INFO INFRASTRUCTURE	20,000	0	0	0
Combat Information System (unjustified request)		-20,000		-20,000
Early to need			-20,000	
30 USCENTCOM	8,100	8,100	20,900	20,900
Afghan ISR infrastructure			12,800	12,800
42 RADIO EQUIPMENT	7,000	7,000	0	0
Premature funding request			-7,000	-7,000
46 COMM ELECT MODS	6,415	6,415	4,277	4,277
Funded at maximum production rate			-2,138	-2,138
47 NIGHT VISION GOGGLES	18,128	18,128	18,128	18,128
50 BASE PROCURED EQUIPMENT	3,500	3,500	3,500	3,500
54 ITEMS LESS THAN \$5,000,000	20,000	20,000	20,000	20,000
60 DEFENSE SPACE RECONNAISSANCE PROGRAM	52,000	52,000	72,000	72,000
XX OTHER PROGRAMS	1,609,055	1,594,484	1,700,555	1,631,684
Classified adjustment		-14,571	91,500	22,629
Total Other Procurement, Air Force	1,834,953	1,745,761	1,910,343	1,802,083
Procurement, Defense-Wide				
XX OTHER PROGRAMS	183,071	183,071	223,871	223,871
69 SOF ORDNANCE REPLENISHMENT	1,000	1,000	1,000	1,000
71 COMMUNICATIONS EQUIPMENT AND ELECTRONICS	3,100	3,100	3,100	3,100
72 SOF INTELLIGENCE SYSTEMS	8,100	8,100	8,100	8,100
95 SOF OPERATIONAL ENHANCEMENTS	1,797	4,797	1,797	1,797
Tactical Combat Casualty Care Equipment		3,000		0
Total Procurement, Defense-Wide	197,068	200,068	237,868	237,868

STRYKER VEHICLES

The conference agreement supports continuation of the Stryker vehicle program which has demonstrated excellent performance in combat operations in the Central Command area of operations. The conference agreement provides \$200,000,000 above the budget request to procure additional Stryker vehicles. Funds may be used to procure additional medical evacuation vehicles, engineer squad vehicles and other Stryker variants, based on Army needs, and to sustain continued production. As part of the Department of Defense Quadrennial Defense Review, the Army is undertaking a major analysis of its tracked and tactical wheeled vehicle needs. This review will set the course for the future force and help establish the specific vehicle requirements. The conferees direct the Secretary of the Army to provide a report to the congressional defense committees, no later than September 30, 2009 with the plan to sustain Stryker vehicle production and the details on which vehicles (variant and quantity) will be procured with the provided funding.

RAPID EQUIPPING FORCE

The conference agreement provides \$309,000,000 for the Army Rapid Equipping Force (REF), including \$99,000,000 for Counter Sniper and Soldier Wearable Acoustic Targeting Sniper Systems. This amount should satisfy numerous emergency requests from forward deployed and forward deploying units. The conferees direct the Secretary of the Army to provide an acquisition objective and basis of issue plan for both vehicular and soldier wearable sniper detection equipment

within 60 days after enactment of this Act. If shortfalls still exist, the Army is expected to reprogram the necessary funds to accommodate the shortfalls.

WEAPONS ENHANCEMENT PROGRAM

The budget request included \$32,461,000 for various force protection items and weapons upgrades in Procurement, Marine Corps. The conferees note that the Congress previously provided \$23,000,000 in this procurement line for a requirement that was subsequently not validated and directs the Marine Corps to apply those funds toward the requirements in the fiscal year 2009 supplemental request for weapons enhancements.

COMBAT OPERATIONS CENTERS

The conferees understand that subsequent to the budget submission, an Urgent Universal Needs Statement for additional Combat Operations Centers for Marine units in support of operations in Afghanistan was validated. The conference agreement provides \$53,200,000 in Procurement, Marine Corps to fully satisfy this requirement.

EXPLOSIVE ORDNANCE DISPOSAL SYSTEMS

The budget request includes \$35,000,000 for a U.S. Central Command Urgent Universal Needs Statement for a Standoff Suicide Bomber Detection System in Procurement, Marine Corps. The conferees have been informed that the Urgent Universal Needs Statement was suspended following the budget submission and therefore provide no funds for this effort.

PHYSICAL SECURITY EQUIPMENT

The budget request includes \$112,200,000 in Procurement, Marine Corps for physical se-

curity requirements that were previously funded. The conferees deny the redundant funds.

F-22 AIRCRAFT

The Air Force has informed the Congress that funding in the amount of \$45,000,000 is required for the F-22 Raptor program to avoid a work stoppage in material processing and fabrication activities during fiscal year 2009. The conferees direct the Secretary of the Air Force to use \$45,000,000 from within the funds provided to ensure that work proceeds on schedule. None of the funds provided in this Act shall be used to finance activities to shut-down the F-22A production line. Funds may be used to explore options to develop an export variant of the F-22A.

NATIONAL GUARD AND RESERVE EQUIPMENT

The National Guard and Reserve components traditionally receive less than a proportionate share of funding to resource their equipment needs. As a result, the conferees recommend funding of \$500,000,000 for the National Guard and Reserve forces. Of that amount, \$300,000,000 is for the Army National Guard; \$50,000,000 for the Air National Guard; \$75,000,000 for the U.S. Army Reserve; \$25,000,000 for the Navy Reserve; \$25,000,000 for the Marine Corps Reserve; and \$25,000,000 for the Air Force Reserve to meet urgent equipment needs that may arise this fiscal year. This funding will allow the National Guard and Reserve components to procure high priority equipment that may be used by these units for both their combat missions and their missions in support of State governors.

[In thousands of dollars]

	Budget request	House	Senate	Conference
Army National Guard		300,000	300,000	300,000
Air National Guard		50,000	50,000	50,000
U.S. Army Reserve		75,000	75,000	75,000
Navy Reserve		25,000	25,000	25,000
Marine Corps Reserve		25,000	25,000	25,000
Air Force Reserve		25,000	25,000	25,000
Total National Guard and Reserve Equipment Account		500,000	500,000	500,000

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

The conferees recommend \$4,543,000,000 for the Mine Resistant Ambush Protected Vehicle Fund, an increase of \$1,850,000,000 above the request and direct that the additional funds shall be for the procurement and fielding of Mine Resistant Ambush Protected All Terrain Vehicles (M-ATV) only. M-ATVs are

urgently needed to protect servicemembers against improvised explosive devices and other threats in Afghanistan. These new, lightweight MRAPs operate better than current vehicles in the close urban environments and challenging terrain of Afghanistan. The conferees expect that the Joint Program Office will move rapidly to field these critical force protection assets to the Warfighter.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement recommends \$833,499,000 for research, development, test and evaluation.

The recommendations for each research, development, test and evaluation account are shown below:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
Research, Development, Test & Evaluation, Army				
61 SOLDIER SUPPORT AND SURVIVABILITY	6,944	6,944	2,645	2,645
Unjustified request			-4,299	-4,299
93 NIGHT VISION SYSTEMS - SDD	64,500	64,500	68,900	49,900
Kabul Persistent Threat Detection System			4,400	4,400
Transfer to Other Procurement, Army Line 83, Heterogeneous Airborne Reconnaissance Team, for execution				-19,000
134 EXPLOITATION OF FOREIGN ITEMS	390	390	390	390
162 INFORMATION SYSTEMS SECURITY PROGRAM	1,900	1,900	0	0
Unjustified requirement			-1,900	-1,900
Total Research, Development, Test & Evaluation, Army	73,734	73,734	71,935	52,935
Research, Development, Test & Evaluation, Navy				
91 V-22A	3,900	0	3,900	0
Non-emergency development effort		-3,900		-3,900
122 INTELLIGENCE ENGINEERING	1,850	0	1,850	0
CNO Nodal analysis		-1,850		-1,850
180 MARINE CORPS COMMUNICATIONS SYSTEMS	8,700	0	0	0
Non-emergency development effort		-8,700		-8,700
CESAS-continue deployment on MRAP			-8,700	0
202 MANNED RECONNAISSANCE SYSTEMS	8,855	0	26,700	35,555
Excessive delivery time		-8,855		0
Unjustified request			-8,855	0
Saber Focus			26,700	26,700
XXX OTHER PROGRAMS	121,231	96,231	109,231	101,231
Program Adjustment				-20,000
Total Research, Development, Test & Evaluation, Navy	144,536	96,231	141,681	136,786
Research, Development, Test & Evaluation, Air Force				
86 LINK 16 SUPPORT AND SUSTAINMENT			61,000	61,000
Interim Gateway/Battlefield Airborne Communication Node			61,000	61,000
XXX OTHER PROGRAMS	108,259	92,574	113,259	99,474
Program Adjustment				-8,785
Total Research, Development, Test & Evaluation, Air Force	108,259	92,574	174,259	160,474

	Budget Request	House	Senate	Conference
Research, Development, Test & Evaluation, Defense-Wide				
23 SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT		2,000		2,000
Freeze-Dried Platelet and Plasma Development		2,000		2,000
124 WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE STAFF OFFICE	15,645	15,645	15,645	15,645
139 GENERAL SUPPORT TO USD (INTELLIGENCE)	17,250	11,500	17,250	11,500
Program Adjustment		-5,750	0	-5,750
OTHER PROGRAMS	2,001	0	2,001	0
Program Adjustment		-2,001		-2,001
210 DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	1,545	1,545	1,545	1,545
XXX OTHER PROGRAMS	446,927	428,701	461,727	452,614
Program Adjustment		-18,226	14,800	5,687
Total Research, Development, Test & Evaluation, Defense- Wide	483,368	459,391	498,168	483,304

KINETIC ENERGY INTERCEPTOR

The conferees understand a stop work order on the Kinetic Energy Interceptor (KEI) was issued May 11, 2009. However, the KEI program had a booster flight test scheduled in Fall 2009 that could provide an important understanding of the technology risk for any future interceptor development. The conferees further understand that the KEI program has already produced valuable technical accomplishments. The conferees

strongly encourage the Missile Defense Agency to execute this test, within funds that have been made available for KEI, to gain significant technical knowledge for this program.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement recommends \$861,726,000 for the Defense Working Capital Fund accounts. This supports funding of

\$443,200,000 for the Defense Working Capital Fund, Army, to re-stock spare and repair parts essential to the operational readiness of the Army; \$15,000,000 for the Defense Working Capital Fund, Air Force, for the transportation of Fallen Heroes from the theater of operations; and \$403,526,000 for the Defense Working Capital Fund, Defense-Wide, for contingency operations costs for the Defense Information Systems Agency and the Defense Logistics Agency.

(In thousands of dollars)

	Budget request	House	Senate	Conference
WCF—Army:				
Spare Parts	443,200	443,200	443,200	443,200
Total, Working Capital Fund, Army	443,200	443,200	443,200	443,200
WCF—Air Force:				
TWCF for Transportation of Fallen Heroes (transfer from IFF)		0	15,000	15,000
Total, Working Capital Fund, Air Force		0	15,000	15,000
WCF—Defense-Wide:				
DLA Distribution Depots	33,600	33,600	33,600	33,600
DLA DRMS Operations	34,416	34,416	34,416	34,416
DLA Supply Management	322,410	322,410	322,410	322,410
DISA Information Services	13,100	13,100	13,100	13,100
Total, Working Capital Fund, Defense-Wide	403,526	403,526	403,526	403,526
Grand Total, Working Capital Funds	846,726	846,726	861,726	861,726

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement recommends \$1,055,297,000 for the Defense Health Program.

The recommendations for the Defense Health Program are shown below:

(In thousands of dollars)

	Budget request	House	Senate	Conference
Operation and Maintenance	845,508	845,508	845,508	845,508
In-House Care	178,828	178,828	178,828	178,828
Private Sector Care	579,243	579,243	579,243	579,243
Consolidated Health Care	68,196	68,196	68,196	68,196
Information Management/IT	5,700	5,700	5,700	5,700
Education and Training	9,119	9,119	9,119	9,119
Base Operations and Communications	4,422	4,422	4,422	4,422
Procurement	30,185	50,185	30,185	50,185
Rehabilitation Equipment		20,000		20,000
Research, Development, Test & Evaluation	33,604	201,604	33,604	159,604
Psychological Health and Traumatic Brain Injury		100,000		75,000
Orthopedic Research		68,000		51,000

TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH RESEARCH

The conference agreement provides \$75,000,000 for Traumatic Brain Injury (TBI) and Psychological Health peer-reviewed and/or competitively awarded research, development, test and evaluation efforts. The funding provided is to be allocated as recommended in the House Report 111-105 to validate emergent approaches and technologies and to accelerate on-going programs for early diagnosis, assessment and treatment of TBI and Psychological Health, including spinal cord injury, and complementary and alternative medicine.

ORTHOPEDIC RESEARCH

The conference agreement provides \$51,000,000 for orthopedic and other trauma research, treatment and rehabilitation in-

cluding regenerative medicine. This funding will continue and expand the existing orthopedic trauma research program, amputee rehabilitation and reset research, and restoration of function. Serious limb trauma, vascular injuries, major limb tissue damage, and blood flow disruption contribute heavily to United States military casualties in Iraq and Afghanistan. The Department of Defense estimates indicate that nearly two thirds of injuries sustained in combat in Iraq and Afghanistan are musculoskeletal. Extremity injuries are the most prevalent injury, and amputations following battlefield injury now occur at twice the rate as in past wars. Understanding how to treat and facilitate rapid recovery from orthopedic injuries should be one of the top priorities for the Military Health System.

(In thousands of dollars)

	Budget request	House	Senate	Conference
Afghanistan	57,308	57,308	57,308	57,308
Pakistan	25,800	25,800	10,000	10,000
Frontier Headquarters Construction			-11,800	-11,800
Mi-17 Overhaul			-4,000	-4,000
Tajikistan	18,940	18,940	16,940	16,940
English Language Lab			-2,000	-2,000
Turkmenistan	2,850	2,850	2,850	2,850
Kyrgyzstan	21,520	21,520	21,520	21,520
Kazakhstan	10,580	10,580	10,580	10,580
Uzbekistan	4,000	0	4,000	1,000
Other regional support	200	200	200	200

REHABILITATION EQUIPMENT

The conference agreement provides \$20,000,000 to procure equipment for rehabilitation facilities currently under construction. The equipment will enable continued state-of-the-art care for soldiers with various types of injuries to recover to their full potential and return to a more normal way of life.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement recommends \$120,398,000 for the Drug Interdiction and Counter-Drug Activities, Defense program.

The recommendations for the Drug Interdiction and Counter-Drug Activities, Defense program are shown below:

[In thousands of dollars]

	Budget request	House	Senate	Conference
Total Drug Interdiction and Counter-Drug Activities, Defense	141,198	137,198	123,398	120,398

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement recommends \$1,116,746,000 for the Joint Improvised Explosive Device Defeat Fund.

The recommendations for the Joint Improvised Explosive Device Defeat Fund are shown below:

[In thousands of dollars]

	Budget request	House	Senate	Conference
Attack the network	499,830	499,830	349,830	349,830
Excess to requirement			-150,000	-150,000
Defeat the device	607,389	457,389	457,389	457,389
Excess to requirement		-150,000	-150,000	-150,000
Train the force	333,527	333,527	283,527	283,527
Excess to requirement			-50,000	-50,000
Staff and infrastructure	26,000	26,000	26,000	26,000
Total Joint Improvised Explosive Device Defeat Fund	1,466,746	1,316,746	1,116,746	1,116,746

OFFICE OF THE INSPECTOR GENERAL

The conference agreement recommends \$9,551,000 for the Office of the Inspector General.

GENERAL PROVISIONS

Title III contains several general provisions, many of which extend or modify war-related authorities included in previous Acts. A brief description of the recommended provisions follows:

The conferees agree to retain sections 10001 and 301, as proposed by the House and the Senate, which establish the period of availability for obligation for appropriations provided in this title and that funds made available in this title are in addition to amounts appropriated or made available for the Department of Defense for fiscal year 2009.

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to retain and amend sections 10002 and 302, as proposed by the House and the Senate, which provide special transfer authority for funds made available in this Act for the Department of Defense.

The conferees agree to retain and amend sections 10003 and 303, as proposed by the House and the Senate, which provide for the obligation and expenditure of funds related to activities pursuant to section 504(a)(1) of the National Security Act of 1947.

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to retain and amend sections 10004 and 304, as proposed by the House and the Senate, which provide for transfers from the Defense Cooperation Account.

The conferees agree to retain and amend sections 10005 and 305, as proposed by the House and the Senate, which provide that, for construction projects in Afghanistan funded with operation and maintenance funds, supervisory and administrative costs may be obligated when the contract is awarded.

(INCLUDING RESCISSIONS)

The conferees agree to retain and amend section 10006, as proposed by the House, which provides a two year period of availability for the Iraq Security Forces Fund.

The conferees agree to retain sections 10007 and 306, as proposed by the House and the Senate, which provide authority to use operation and maintenance appropriations to purchase items having an investment item unit cost of not more than \$250,000, or upon determination by the Secretary of Defense that the operational requirements of a Com-

mander of a Combatant Command engaged in contingency operations overseas can be met, funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

The conferees agree to delete section 10008 as proposed by the House regarding Commander's Emergency Response Program.

The conferees agree to delete section 10009 as proposed by the House regarding military spouse career transition assistance internship program.

The conferees agree to delete section 10010 as proposed by the House regarding the Air Safety System for the Kyrgyz Republic.

The conferees agree to retain sections 10011 and 307 as proposed by the House and the Senate, which provide for the procurement of passenger motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan.

The conferees agree to retain and amend sections 10012 and 308 as proposed by the House and the Senate regarding rescissions. The rescissions agreed to are:

(RESCISSIONS)

2007 Appropriations:	
Procurement, Marine Corps:	
Training Devices	\$53,200,000
CAC2S	1,200,000
2008 Appropriations:	
Other Procurement,	
Army:	
Combat ID	4,100,000
SAT Term, EMUT	4,500,000
LRAS3	8,400,000
Smoke & Obscurant	
Family	8,000,000
Heaters and ECUs	4,300,000
Procurement, Marine Corps:	
CAC2S	10,300,000
Aircraft Procurement,	
Air Force:	
F-22A	7,676,000
Common Support	
Equipment	36,324,000
Research, Development,	
Test and Evaluation,	
Navy:	
Classified	5,000,000
Silent Guardian	6,300,000
Research, Development,	
Test and Evaluation,	
Air Force:	
CSAR-X RDT&E	36,107,000
Research, Development,	
Test and Evaluation,	
Defense-Wide:	
DARPA: Undistributed	150,000,000

DARPA: Sensor Technology	650,000
DARPA: Guidance Technology	9,270,000
General Support to USD/I	9,204,000
2009 Appropriations:	
Operation and Maintenance, Army:	
Fuel	352,359,000
Operation and Maintenance, Navy:	
Fuel	881,481,000
Operation and Maintenance, Marine Corps:	
Fuel	54,466,000
Operation and Maintenance, Air Force:	
Fuel	925,203,000
Operation and Maintenance, Defense-Wide:	
Fuel	81,135,000
Classified	5,000,000
Classified	181,500,000
Operation and Maintenance, Army Reserve:	
Fuel	23,338,000
Operation and Maintenance, Navy Reserve:	
Fuel	62,910,000
Operation and Maintenance, Marine Corps Reserve:	
Fuel	1,250,000
Operation and Maintenance, Air Force Reserve:	
Fuel	163,786,000
Operation and Maintenance, Army National Guard:	
Fuel	57,819,000
Operation and Maintenance, Air National Guard:	
Fuel	250,645,000
Aircraft Procurement, Army:	
Common Ground Equipment	11,000,000
Airborne Avionics	11,600,000
Procurement of Ammunition, Army:	
CTG, Tank, 120MM, All Types	46,800,000
Signals, All Types	50,100,000
Mine, Clearing Charge, All Types	2,000,000
Ammo Components (Renovation)	8,200,000

Other Procurement, Army:	
Force XXI Battle Command Brigade & Below	50,000,000
Modification of In-Service Equipment (OPA3)	30,200,000
Defense Enterprise Wideband SATCOM System	6,000,000
Long Range Advanced Scout Surveillance ...	47,300,000
Night Vision Thermal Weapon Sight	41,500,000
Field Feeding Equipment	7,000,000
Close Combat Tactical Trainer	8,000,000
Lightweight Laser Designator Rangefinder	55,000,000
Procurement, Marine Corps:	
CAC2S	10,300,000
Other Procurement, Air Force:	
Base Information Infrastructure	17,500,000
Procurement, Defense-Wide:	
Unmanned Vehicles	6,400,000
Research, Development, Test and Evaluation, Army:	
Aerial Common Sensor Rapid Equipping Force Armed Reconnaissance Helicopter	157,710,000
	20,000,000
Research, Development, Test and Evaluation, Navy:	
Fuel	30,510,000
VH-71	47,000,000
CG (X)	73,600,000
Harpoon Upgrades	11,450,000
Aerial Common Sensor Classified	30,000,000
	24,500,000
Research, Development, Test and Evaluation, Air Force:	
Fuel	15,098,000
Transformational SATCOM	150,000,000
CSAR-X RDT&E	92,469,000
Single Integrated Air Picture	20,000,000
MILSATCOM Terminals	10,000,000

The conferees agree to delete section 10013 as proposed by the House regarding the transfer of \$150,600,000 from various Army procurement accounts to military personnel accounts.

The conferees agree to delete section 10014 as proposed by the House which rescinds unobligated balances from Operation and Maintenance, Defense-Wide.

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to retain and amend section 10015 as proposed by the House which provides for retroactive Stop Loss payments.

The conferees agree to retain section 10016 as proposed by the House which provides for authority to retire certain aircraft.

The conferees agree to retain sections 10017 and 309, as proposed by the House and the Senate, which prohibit obligation or expenditure of funds contrary to the provisions of Section 814 of the National Defense Authorization Act, Fiscal Year 2007 (P.L. 109-364).

The conferees agree to retain sections 10018 and 310, as proposed by the House and the Senate, which prohibit the use of funds available in this Act for the Department of

Defense to finance projects denied by the Congress in the fiscal year 2008 or fiscal year 2009 Department of Defense Appropriations Acts.

The conferees agree to retain section 10019 as proposed by the House, which bans the establishment of permanent bases in Iraq or U.S. control over oil resources.

The conferees agree to retain section 10020 and 311, as proposed by the House and the Senate, which prohibit the obligation of expenditure of funds in this or any other Act to establish a permanent base in Afghanistan.

The conferees retain and amend section 10021 as proposed by the House which requires a report on Iraq troop draw down.

The conferees agree to retain section 312 as proposed by the Senate, which modifies reporting requirements on Iraq and Afghanistan Security Forces funds to include the Pakistan Counterinsurgency Fund.

The conferees agree to retain and amend section 313 as proposed by the Senate, which modifies section 1174(h)(1), title 10 U.S.C. to allow recoupment of special pay, special separation benefits and voluntary separation incentives.

The conferees agree to delete section 314 as proposed by the Senate which designated funding as being for overseas deployment and other activities.

The conferees agree to retain and amend section 315 as proposed by the Senate regarding a study of the detention facility at Naval Station Guantanamo Bay.

TITLE IV—SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

The conference agreement provides \$42,875,000 for Operation and Maintenance, instead of \$38,375,000 as proposed by the Senate. The House proposed no funding for this account.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides \$754,290,000 for Flood Control and Coastal Emergencies as proposed by the Senate. The House proposed no funding for this account. Within the funds provided, \$315,290,000 is for the Corps to prepare for flood, hurricane, and other natural disasters; support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law; and repair and rehabilitate eligible projects that were affected by natural disasters. An additional \$439,000,000 is provided for barrier island restoration and ecosystem restoration along the Mississippi Gulf Coast.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

STRATEGIC PETROLEUM RESERVE

(TRANSFER OF FUNDS)

The conference agreement provides \$21,585,723 for Strategic Petroleum Reserve to be derived by transfer from the SPR Petroleum Account as proposed by the House and Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY

ADMINISTRATION

WEAPONS ACTIVITIES

The conference agreement provides \$30,000,000 to sustain a program at the nuclear weapons laboratories and other entities to analyze nuclear and biological weapons intelligence. The Senate bill proposed

\$34,500,000 for such activities. The House proposed no funding for this account. With this funding, the Secretary of Energy, in cooperation with the Director of National Intelligence, shall develop and implement a plan for investing these funds and sustaining this critical analytical capability.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides \$55,000,000 for Defense Nuclear Nonproliferation as proposed by the House and Senate.

GENERAL PROVISIONS—THIS TITLE

The conference agreement includes a provision proposed by the Senate concerning Department of Energy Limited Transfer Authority. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning Federal Employment Requirements. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate amending section 3181 of Public Law 110-114 to deauthorize two Corps of Engineers projects. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning reprogramming of funds provided in Public Law 111-5 to the Corps of Engineers. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning reprogramming of funds provided in Public Law 111-5 to the Bureau of Reclamation. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate restricting spending on mission relocation of either the design authority for the gas transfer systems or tritium research and development facilities until an independent technical mission review and cost analysis is performed. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate increasing the cost ceiling for a Corps of Engineers project. The House proposed no similar provision.

The conference agreement deletes a provision proposed by the Senate concerning deconstruction of a Corps of Engineers project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning the Innovative Technology Loan Guarantee Program in the Energy Department. The House proposed no similar provision.

TITLE V

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

The conference agreement includes an additional appropriation of \$2,936,000 for the National Security Council, as proposed by both the House and the Senate.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides an additional appropriation of \$10,000,000 for the Federal Judiciary, as proposed by the Senate, available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives. The House did not include funding for this purpose.

INDEPENDENT AGENCIES

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

The conference report appropriates \$8,000,000, to remain available until February 15, 2011, for the necessary expenses of the Financial Crisis Inquiry Commission established by section 5 of Public Law 111-21 (enacted on May 20, 2009). The Senate bill provided \$4,000,000 for this purpose, appropriated to the Department of the Treasury for transfer to the Commission. Now that the authorization has become law, the conferees decided to make the appropriation directly to a new account for the Commission. In addition, the conference agreement makes the funds available through February 15, 2011, rather than through December 31, 2010 as proposed by the Senate, in order to improve consistency with the authorizing legislation. The House bill did not include funding for this new Commission.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes an additional appropriation of \$10,000,000, as proposed by the Senate, for the Securities and Exchange Commission for investigation of securities fraud. The House bill did not include funding for this purpose.

GENERAL PROVISIONS—THIS TITLE

Section 501 of the conference report makes a technical correction to Public Law 110-428 relating to judicial survivors' annuities. This provision was proposed by the Senate; the House had no comparable language.

Section 502 of the conference report amends the appropriation of District of Columbia funds in the Financial Services and General Government Appropriations Act, 2009 to incorporate any subsequent budget amendments adopted by the District of Columbia Council. This provision was proposed by the Senate; the House had no comparable language.

Section 503 of the conference report alters the set aside of not less than \$3,000,000 in the fiscal year 2009 appropriation for the Federal Communications Commission, to make that amount available for developing a national broadband plan pursuant to the American Recovery and Reinvestment Act instead of for a State Broadband Data and Development matching grants program. This provision was proposed by the Senate; the House had no comparable language.

Section 504 of the conference report includes language proposed by the Senate amending the Federal Deposit Insurance Act so as to preempt certain state interest rate ceilings, effective through December 31, 2010. The House had no comparable provision.

PANDEMIC INFLUENZA

The conference agreement does not contain provisions proposed by the Senate making appropriations within the Executive Office of the President for pandemic influenza preparedness and response. Rather, this matter is addressed in the Labor-HHS-Education and State/Foreign Operations titles of the conference agreement, as in the House version of the bill.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The agreement provides \$46,200,000 for U.S. Customs and Border Protection (CBP) Salaries and Expenses as proposed by the Senate. The House bill contained no similar funding. Of this, \$6,200,000 shall be to care for and

transport unaccompanied illegal alien children (UAC); \$30,000,000 shall be to fund the hiring of up to 125 CBP Officers, as well as other personnel, equipment, facilities and operations costs for additional deployment to Southwest border ports of entry; and \$10,000,000 shall be to procure competitively non-intrusive inspection equipment, all as described in the Senate report. The Secretary of Homeland Security shall submit an expenditure plan to the committees on Appropriations prior to obligating these funds, and not later than 30 days after the date of enactment of this Act.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The agreement provides \$5,000,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement as proposed by the Senate. The House bill contained no similar funding. The Secretary shall submit an expenditure plan to the Committees on Appropriations prior to obligating these funds, and not later than 30 days after the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The agreement provides \$66,800,000 for U.S. Immigration and Customs Enforcement (ICE) Salaries and Expenses as proposed by the Senate. The House bill contained no similar funding. Included in this total is \$11,800,000 for increased costs of ICE to care for and transport UAC to the Department of Health and Human Services (HHS), pursuant to the requirements in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457). In addition, the bill includes \$55,000,000 for response to border security issues, as discussed in the Senate report. Prior to obligation of the funds, the Secretary shall submit an expenditure plan to the Committees on Appropriations not later than 30 days after the date of enactment of this Act.

The Department of Homeland Security (DHS) is directed, jointly with HHS, to brief the Committees on Appropriations no later than July 3, 2009, on the fiscal year 2009 costs to date for handling UAC pursuant to P.L. 110-457 and the estimated costs for the same activity in fiscal year 2010.

COAST GUARD

OPERATING EXPENSES

The agreement provides \$139,503,000 for Coast Guard Operating Expenses as proposed by the Senate. The House bill contained \$129,503,000 within the Navy Operations and Maintenance appropriation and no funding for maintenance of High Endurance Cutters. Of this total, \$129,503,000 is for support of overseas contingency operations, and \$10,000,000 is for addressing the High Endurance Cutter maintenance backlog. The Coast Guard is directed to provide a briefing by July 15, 2009, on how it plans to apply the cutter maintenance funds.

FEDERAL EMERGENCY MANAGEMENT AGENCY STATE AND LOCAL PROGRAMS

The agreement provides \$30,000,000 for State and Local Programs for Operation Stonegarden as proposed by the Senate. The House bill contained no similar funding.

GENERAL PROVISIONS—THIS TITLE

Section 601. The agreement includes and modifies a provision proposed by the House permitting the Coast Guard to issue a certificate of documentation for the drydock ALABAMA to engage in coastwise trade and waives certain sections of the Jones Act.

Section 602. The agreement includes a provision proposed by the House permitting the Coast Guard to issue a certificate of documentation for the vessel MARYLAND INDEPENDENCE to engage in coastwise trade and waives certain sections of the Jones Act. This authority is terminated if the vessel is conveyed or repairs or alterations are made to the vessel outside the United States.

(INCLUDING RECISSION OF FUNDS)

Section 603. The agreement includes a provision proposed by the Senate rescinding and appropriating funds previously allocated to the State of Mississippi.

Section 604. The agreement includes a provision proposed by the Senate amending language under the heading Federal Emergency Management Agency, Management and Administration, Public Law 110-329.

Section 605. The agreement includes a provision proposed by the Senate permitting the Secretary to waive certain requirements of the Federal Fire Prevention and Control Act of 1974. The House bill contained a similar provision under the heading Federal Emergency Management Agency, Firefighter Assistance Grants.

Section 606. The agreement includes a provision proposed by the Senate regarding State-run case management programs related to Hurricanes Katrina and Rita.

Section 607. The agreement includes a provision proposed by the Senate that amends Section 552 of Public Law 110-161 pertaining to primary or secondary schools damaged by Hurricanes Katrina and Rita.

Section 608. The agreement includes a provision proposed by the Senate pertaining to Disaster Assistance Direct Loans made pursuant to P.L. 111-5 for FEMA-1791-DR.

Section 609. The agreement includes a new provision pertaining to debris removal and public assistance for damages associated with FEMA-1791-DR, FEMA-1792-DR, FEMA-1841-DR, AND FEMA-1838-DR.

DEPARTMENT OF THE INTERIOR

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$50,000,000 as requested for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, available only if other available funds will be exhausted imminently. If it enhances the efficiency or effectiveness of Federal wildland fire suppression activities, the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture for similar activities. The Committee notes that although wildfire suppression projections are challenging this early in the season, models and experience indicate that it is highly likely that existing available funds will not be sufficient if another fire season like the past three occurs.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$200,000,000 as requested for wildfire suppression and emergency rehabilitation activities of the Forest Service, available only if other available funds will be exhausted imminently. If it enhances the efficiency or effectiveness of Federal wildland fire suppression activities, the Secretary of Agriculture may transfer not more than \$50,000,000 of these funds to the Secretary of the Interior for similar activities. The Committee notes that

although wildfire suppression projections are challenging this early in the season, models and experience indicate that it is highly likely that existing available funds will not be sufficient if another fire season like the past three occurs.

GENERAL PROVISIONS—THIS TITLE

Sec. 701. The conference agreement includes a technical correction as proposed by the Senate that amends Public Law 111-8 concerning training of staff at the Agency for Toxic Substances and Disease Registry. The House had no similar provision.

The conference agreement does not include a provision proposed by the Senate that exempts youth conservation employment programs in the Department of the Interior and the Forest Service from Section 1606 of division A, title XVI of Public Law 111-5. The conferees have been assured by the Department of the Interior officials that they have legal authorities to conduct youth projects under the American Recovery and Reinvestment Act with appropriate entities, such as the Youth Conservation Corps and Public Lands Corps.

TITLE VIII

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes \$82,000,000 for refugee and entrant assistance, as proposed by the Senate. The House proposed these funds within the Department of Defense, including transfer authority to other Federal agencies. The conferees intend that these funds be used for the care and custody of unaccompanied alien children, to allow the Office of Refugee Resettlement to implement the provisions of Public Law 110-457, the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. The conferees direct the Department of Health and Human Services, in conjunction with the Department of Homeland Security, to provide a briefing to the Committees on Appropriations no later than July 3, 2009 on the increased costs in fiscal year 2010 associated with implementing the TVPRA.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$1,850,000,000 for pandemic influenza preparedness and response as proposed by the House. The Senate proposed \$1,500,000,000 in the Executive Office of the President. Funding is available until expended, as proposed by the House, rather than until September 30, 2010 as proposed by the Senate.

The conference agreement concurs in the House recommendation and does not specify amounts within this appropriation for Federal government agencies outside of the Department of Health and Human Services (HHS). The Senate recommended a number of transfers to other Federal agencies.

The conferees recognize the high level of uncertainty associated with the current H1N1 influenza virus strain and other circulating flu viruses and the urgent need to provide increased resources to Federal, State, and local agencies on the frontlines of responding to disease outbreaks. Lessons learned from past influenza pandemics indicate that influenza can strike a community, affect many individuals, and then return with a vengeance to strike the community months later.

HHS has nearly exhausted all prior appropriated influenza pandemic funds to respond to the current H1N1 influenza outbreak. Supplemental funding is needed to continue to address this current outbreak, but also to prepare for the potential of future outbreaks, increased severity of the virus, or for a new flu strain to emerge. As such, this funding may be used for an array of pandemic influenza preparedness and response activities, including the development and purchase of vaccines, antiviral drugs, medical supplies and personal protective equipment, diagnostic and vaccine delivery equipment, for upgrading State and local public health capacity, and domestic and international surveillance. Additionally, funding may be used to support the activities for which prior funding was provided, but has been diverted to address the current outbreak.

As proposed by the House, the conference agreement includes bill language that permits the Secretary of HHS to transfer funding to other Federal agencies to be used to prepare for and respond to an influenza pandemic. Funds may also be transferred to the Covered Countermeasure Process Fund for the purpose of administering compensation claims for individuals who may experience adverse reactions caused by the administration or use of a covered countermeasure, such as vaccines and antiviral drugs. Such transfers shall be made in consultation with the Director of the Office of Management and Budget (OMB). Not later than 15 days prior to transferring any funds, the Secretary must notify the Committees on Appropriations of the House of Representatives and the Senate of the planned uses of the funds. The Senate did not propose similar language. Additionally, the conferees direct the Secretary to consult with the Director of OMB when making funding allocations within HHS.

Within the total, the conference agreement includes no less than \$200,000,000 for the Centers for Disease Control and Prevention (CDC) as proposed by the House. The Senate did not include a similar provision. CDC is the lead Federal agency involved with detecting, preparing for, and responding to infectious disease outbreaks. Funding will be used for such activities as U.S. and global disease detection and surveillance, laboratory capacity and research, diagnostic capabilities, risk communication, rapid response, distribution of medical supplies and treatments from the Strategic National Stockpile, guidance development, and assistance to State and local governments.

Also within the total, the conference agreement includes no less than \$350,000,000 for upgrading State and local capacity as proposed by the House. The Senate did not include a similar provision. State and local public health systems have been challenged by the economic downturn. These funds will be used to support State and local public health and emergency response infrastructure, such as workforce, laboratory capacity, public communications, and community mitigation guidance and planning.

As proposed by the House, the conferees request that the Secretary of HHS, together with the Director of CDC, examine HHS' response to the early stages of the H1N1 outbreak in Mexico and the laboratory confirmation process to ascertain whether improvements are needed in its current disease detection policies and procedures. HHS should submit a report to the Committees on Appropriations of the House of Representatives and the Senate no later than 90 days after the enactment of this Act. The Senate did not request a similar report.

As proposed by the House, the conferees direct the Secretary of HHS to provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate updating the status of actions taken and funds obligated in this and previous appropriations Acts for pandemic influenza preparedness and response activities. These reports should be provided no later than 15 days after the end of each month. Further, the Secretary shall include appropriations provided in this Act when preparing the semi-annual report to Congress on influenza pandemic preparedness spending. The Senate did not propose similar language.

Contingent emergency appropriation

The conference agreement includes an additional \$5,800,000,000 as a contingent emergency appropriation to provide Federal, State, and local public health and emergency response agencies with resources to effectively respond should an escalation of the H1N1 virus or another emergent influenza virus require a national vaccination program. On June 2, 2009, the President submitted a request for \$2,000,000,000 in contingent funds, plus authority to transfer and redirect Recovery Act and other prior appropriations for this purpose. The conferees agree that additional, substantial, and flexible resources should be provided to respond to this emerging situation; however, the conferees believe they should be provided in a more efficient manner.

Moreover, to ensure that these resources are used for urgent needs, with oversight and accountability, this funding is available for obligation only if the President provides written notice to Congress that emergency funds are required to address critical needs related to emerging influenza viruses. Funds may be transferred to other appropriation accounts of the Department of Health and Human Services and other Federal agencies in consultation with the Director of the Office of Management and Budget. Further, none of the funds provided through this contingent emergency appropriation shall be made available for obligation until 15 days following the submittal of detailed obligation plans to the Committees on Appropriations of the House of Representatives and the Senate. Such plans shall identify the amounts and the activities for which funds are specified by the President, shall be prepared by HHS or any other Federal agency receiving funds, and shall be coordinated with the Executive Office of the President.

GENERAL PROVISIONS—THIS TITLE

(TRANSFER OF FUNDS)

Sec. 801. The conference agreement includes a provision as proposed by the Senate to provide the Department of Labor expanded transfer authority for administrative funding appropriated in the American Recovery and Reinvestment Act. The House bill did not include a similar provision.

Sec. 802. The conference agreement includes a provision as proposed by the House to make a technical correction to the fiscal year 2009 Omnibus Appropriations Act to permit the higher foster care children adoption incentive payments to States authorized by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). The Senate bill did not include a similar provision.

Sec. 803. The conference agreement includes bill language, not in either House or Senate bills, to enable the Department of Education to expedite the awarding of American Recovery and Reinvestment Act (ARRA) funding available for the Centers for

Independent Living program and allow multiple year awards. The conferees expect that this authority will help the Department begin to make ARRA awards under this program in the current fiscal year and request monthly reports to the Committees on Appropriations of the House of Representatives and the Senate on actions taken to make all awards under this program.

(INCLUDING TRANSFER OF FUNDS)

Sec. 804. The conference agreement includes a provision that permits the Secretary of Education to transfer up to \$10,260,000 to the Career, Technical, and Adult Education account for carrying out Adult Education State Grants from amounts that would otherwise lapse at the end of fiscal year 2009, with notification to the Committees on Appropriations. The Senate proposed language authorizing a transfer of up to \$17,678,270 for this purpose, while the House bill did not include similar language.

TITLE IX

Legislative Branch
U.S. CAPITOL POLICE
GENERAL EXPENSES

The agreement includes \$71,606,000 for the acquisition and installation of a new radio

system for the U.S. Capitol Police as proposed by both the House and the Senate. This is the same amount as the supplemental request. The Government Accountability Office will support the Capitol Police in the execution of this critical project and have been requested by the House and Senate Appropriations Committees to provide regular updates of progress in meeting critical system deadlines and performance standards.

The agreement accepts the Senate structure of the appropriations language which deletes a proviso included in the House bill and the supplemental request that would have placed \$6,500,000 of this amount in a contingency reserve.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

The agreement includes \$2,000,000 as proposed by the Senate for the Congressional Budget Office. These funds remain available until September 30, 2010. The funding provides increased resources to expedite CBO's evaluation and scoring of major legislation expected to be considered during the remainder of fiscal year 2009 and will accelerate staffing increases proposed in the fiscal year

2010 budget request. These funds were not in the supplemental request or the House bill.

SEC. 901—GENERAL PROVISION

The agreement does not include a general provision proposed by the Senate related to Committee funding. The House included no similar language.

TITLE X

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

The conferees agree to provide \$1,326,231,000 for Military Construction, Army, instead of \$1,407,231,000 as proposed by the House and \$1,278,731,000 as proposed by the Senate. The conferees also recommend a rescission of \$143,242,000 from a prior year appropriation due to the cancellation of military construction projects in Iraq. The agreement includes a provision as proposed by the Senate to require a prefinancing statement for each project in Afghanistan be submitted to NATO before funds can be obligated or expended. The funds are provided as follows:

Location	Project description	Request (\$000)	Conference agreement (\$000)
CO: Fort Carson	Child Development Center	11,200	11,200
CO: Fort Carson	Child Development Center	11,500	11,500
KY: Fort Knox	CDC Connector	1,100	1,100
MS: Mississippi AAP	Hurricane Damage Repair		49,000
NC: Fort Bragg	Warrior in Transition Complex	88,000	88,000
TX: Fort Bliss	Child Development Center (additional funds)	4,700	4,700
TX: Fort Bliss	Child Development Center (additional funds)	3,900	3,900
TX: Fort Bliss	Child Development Center (additional funds)	4,700	4,700
TX: Fort Bliss	Child Development Center	14,200	14,200
TX: Fort Hood	Warrior in Transition Complex	64,000	64,000
TX: Fort Sam Houston	Warrior in Transition Complex	87,000	87,000
VA: Fort Belvoir	Warrior in Transition Complex	76,000	76,000
WA: Fort Lewis	Warrior in Transition Complex	110,000	110,000
Afghanistan: Airborne	Troop Housing	5,600	5,600
Afghanistan: Altinur	Troop Housing	3,500	3,500
Afghanistan: Bagram AB	SOF Alpha Ramp Facilities	10,800	10,800
Afghanistan: Bagram AB	Power Plant Expansion	33,000	33,000
Afghanistan: Bagram AB	Drainage System, Phase 1	18,500	18,500
Afghanistan: Bagram AB	Troop Housing, Phase 2	20,000	20,000
Afghanistan: Bagram AB	Troop Housing, Phase 3		22,000
Afghanistan: Dwyer	Contingency Housing, Phase 1		8,600
Afghanistan: Dwyer	Contingency Housing, Phase 2		6,900
Afghanistan: Frontenac	Contingency Housing		3,800
Afghanistan: Gardez	Contingency Housing		8,400
Afghanistan: Garmisr	Medical Facility	2,000	2,000
Afghanistan: Helmand	Brigade Headquarters	7,800	7,800
Afghanistan: Jalalabad	Contingency Housing		6,900
Afghanistan: Joyce	Troop Housing	5,200	5,200
Afghanistan: Kandahar	Troop Housing, Phase 1	8,700	8,700
Afghanistan: Kandahar	Troop Housing, Phase 2		4,250
Afghanistan: Kandahar	South Park Drainage, Phase 1	16,500	16,500
Afghanistan: Kandahar	Utilities, Phase 1	27,000	27,000
Afghanistan: Kandahar	Medical Facility	1,950	1,950
Afghanistan: Kandahar	Rotary Wing Ramps and Taxiway, Phase 2	49,000	49,000
Afghanistan: Kandahar	Command & Control Headquarters Facility	23,000	23,000
Afghanistan: Maywand	Troop Housing	10,800	10,800
Afghanistan: Maywand	Rotary Wing Ramps and Taxiway, Phase 1	26,000	26,000
Afghanistan: Shank	Fuel Distribution System	8,000	8,000
Afghanistan: Shank	Fuel Distribution System	8,000	8,000
Afghanistan: Shank	Troop Housing, Phase 1	7,800	7,800
Afghanistan: Shank	Troop Housing, Phase 2		8,600
Afghanistan: Shank	Aviation Hangar & Maintenance Facilities	11,200	11,200
Afghanistan: Shank	Brigade Headquarters	7,800	7,800
Afghanistan: Shank	Rotary Wing Ramps and Taxiways, Phase 2	24,000	24,000
Afghanistan: Sherana	Aviation Hangar & Maintenance Facilities	11,200	11,200
Afghanistan: Sherana	Rotary Wing Ramps and Taxiways, Phase 1	39,000	39,000
Afghanistan: Sherana	Rotary Wing Ramps and Taxiways, Phase 2	29,000	29,000
Afghanistan: Tarin Kowt	Rotary Wing Ramps and Taxiways, Phase 1	26,000	26,000
Afghanistan: Tarin Kowt	Fuel Distribution System	8,000	8,000
Afghanistan: Tombstone/Bastion	Role 2 Medical Facility	4,200	4,200
Afghanistan: Tombstone/Bastion	Troop Housing	8,700	8,700
Afghanistan: Tombstone/Bastion	Troop Housing, Phase 2		5,200
Afghanistan: Tombstone/Bastion	Troop Housing, Phase 3		3,250
Afghanistan: Tombstone/Bastion	Troop Housing, Phase 4		3,800
Afghanistan: Tombstone/Bastion	Rotary Wing Ramps and Taxiways, Phase 2	49,000	49,000
Afghanistan: Tombstone/Bastion	Aviation Hangar & Maintenance Facilities	11,200	11,200
Afghanistan: Tombstone/Bastion	Brigade Headquarters	7,800	7,800
Afghanistan: Tombstone/Bastion	Fuel Distribution System	8,000	8,000
Afghanistan: Wolverine	Troop Housing	8,900	8,900
Afghanistan: Various Locations	CIED Road, Kapisa Supply Route	68,000	52,000
Germany: Ansbach	Child Development Center (Storck Barracks)	9,800	9,800
Germany: Ansbach	Child Development Center (Katterbach)	13,300	13,300
Germany: Landstuhl	Child Youth Services Center	5,500	5,500
Italy: Vicenza	Child Youth Services Center	12,000	12,000
Netherlands: Schinnen	Child Development Center (Emma Mine)	11,400	11,400
Worldwide: Unspecified	Planning and Design	81,081	68,081
Total		1,229,731	1,326,231

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

Corps as proposed by the House, instead of \$243,083,000 as proposed by the Senate. The funds are provided as follows:

The conferees agree to provide \$235,881,000 for Military Construction, Navy and Marine

Location	Project description	Request (\$000)	Conference agreement (\$000)
CA: Camp Pendleton	Child Development Center	15,420	15,420
CA: Camp Pendleton	Marine Resources and Recovery Center	24,990	24,990
CA: Camp Pendleton	Wounded Warrior Battalion HQ	9,900	9,900
DC: Washington Navy Yard	Child Development Center	9,340	9,340
HI: Pearl Harbor NS	Child Development Center	32,280	32,280
MD: Annapolis NSA	Child Development Center Expansion	9,720	9,720
MD: Patuxent River NAS	Child Development Center	13,150	13,150
MD: Patuxent River NAS	Child Development Center Addition	3,850	3,850
NC: Camp Lejeune	Child Development Center	13,970	13,970
NC: Camp Lejeune	Marine Resource and Recovery Center	24,960	24,960
NC: Camp Lejeune	Wounded Warrior Battalion HQ	3,601	3,601
NC: New River MCAS	Child Development Center Addition	2,670	2,670
SC: Parris Island MCRD	Child Development Center	14,670	14,670
VA: Little Creek NAB	Child Development Center	15,360	15,360
VA: Quantico MCB	Child Development Center	17,440	17,440
WA: Whidbey Island NAS	Child Development Center	13,560	13,560
Worldwide: Unspecified	Planning and Design	14,150	11,000
Total		239,031	235,881

MILITARY CONSTRUCTION, AIR FORCE

The conferees agree to provide \$281,620,000 for Military Construction, Air Force, instead

of \$279,120,000 as proposed by the House and \$265,470,000 as proposed by the Senate. The agreement includes a provision as proposed by the Senate to require a prefinancing

statement for each project in Afghanistan be submitted to NATO before funds can be obligated or expended. The funds are provided follows:

Location	Project description	Request (\$000)	Conference agreement (\$000)
Afghanistan: Bagram AB	CAS Apron	32,000	32,000
Afghanistan: Kandahar	Strategic Airlift Apron	84,000	84,000
Afghanistan: Tarin Kowt	Airlift Apron	9,400	9,400
Afghanistan: Tarin Kowt	Runway	18,500	18,500
Afghanistan: Tombstone/Bastion	CAS Apron	43,000	43,000
Afghanistan: Tombstone/Bastion	Fuels Operation & Storage	2,250	2,250
Afghanistan: Tombstone/Bastion	Expand Munitions Storage Area	51,000	51,000
Germany: Spangdahlem AB	Child Development Center	11,400	11,400
Qatar: Al Udeid AB	Temporary West Munitions Storage Area	15,500	
Qatar: Al Udeid AB	Relocate South Munitions Storage Area		18,000
Worldwide: Unspecified	Planning and Design	13,920	12,070
Total		280,970	281,620

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conferees agree to provide \$661,552,000 for Military Construction, Defense-Wide, instead of \$1,086,968,000 as proposed by the House and \$181,500,000 as proposed by the Senate. Within the amount, the conferees agree to provide \$488,000,000 for construction of hospitals, \$169,500,000 for construction of a National Security Agency data center, and \$4,052,000 for construction to support the Vision Center of Excellence at the National Naval Medical Center, Bethesda. The conferees also agree to include language as proposed by the Senate to authorize the full cost of construction of the data center at \$1,589,500,000.

National Security Agency Data Center.—The conferees agree to incrementally fund and fully authorize the National Security Agency Data Center at Camp Williams, Utah. The conferees direct the National Security Agency to submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the progress of design and construction of the project, beginning with the end of the fourth quarter of fiscal year 2009 and continuing through the quarter of project completion. This report shall include, at minimum, the amounts of obligated and expended to date, the percent-

age of authorized construction completed, an updated construction and equipment installation timetable, and proposed changes, if any, to the submitted form 1391. The Agency is also directed to promptly notify the committees of any material changes in requirements, cost, or scope. The report and any associated notifications may be submitted in classified form if necessary.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conferees agree to provide \$100,000,000 for the North Atlantic Treaty Organization Security Investment Program as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The conferees agree to provide \$263,300,000 as proposed by the House instead of \$230,900,000 as proposed by the Senate.

GENERAL PROVISIONS—THIS TITLE

The conferees agree to include a modified provision (Sec. 1001) as proposed by the Senate related to the Armed Forces Institute of Pathology.

The conferees do not include a provision proposed by the Senate related to the designation of funds in this title.

The conferees agree to include a provision (Sec. 1002) to amend title 38 to provide for certain education benefits to the children of a member of the Armed Forces who dies while on active duty.

TITLE XI

INTRODUCTION

The conference agreement provides \$9,700,213,000 for Department of State, Foreign Operations, and Related Programs, which is \$2,652,069,000 above the request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes \$997,890,000 for Diplomatic and Consular Programs, to support operations and security requirements for Afghanistan, Pakistan, and Iraq; and to address increased requirements for global activities, which is \$403,575,000 above the request. Within the amount provided, \$146,358,000 is for worldwide security protection. The funds made available under this heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications:

DIPLOMATIC AND CONSULAR PROGRAMS

(Budget authority in thousands of dollars)

Activity	Request	House	Senate	Conference
Afghanistan				
Operations	123,900	169,800	173,000	159,100
Air Mobility (non-add)	[17,000]	—	[57,000]	[42,000]
Public Diplomacy (non-add)	[22,100]	[33,000]	[31,000]	[32,100]
Worldwide Security Protection	101,545	121,545	101,545	116,545

DIPLOMATIC AND CONSULAR PROGRAMS—Continued

(Budget authority in thousands of dollars)

Activity	Request	House	Senate	Conference
Other Agencies	137,600	157,600	135,629	137,600
Subtotal—Afghanistan	363,045	448,945	410,174	413,245
Pakistan				
Operations	36,462	36,462	36,462	36,462
Public Diplomacy (non-add)	[30,900]	[30,900]	[30,900]	[30,900]
Worldwide Security Protection	9,078	9,078	9,078	9,078
Subtotal—Pakistan	45,540	45,540	45,540	45,540
Iraq				
Operations and Security	150,000	486,000	150,000	486,000
Public Diplomacy (non-add)	[900]	[900]	[900]	[900]
Subtotal—Iraq	150,000	486,000	150,000	486,000
Global Programs				
Envoys and Special Representatives—Operations	28,370	28,370	28,370	28,370
Public Diplomacy—Arab Youth Programs	0	0	4,000	4,000
Worldwide Security Protection	7,360	7,360	7,360	20,735
Subtotal—Global Programs	35,730	35,730	39,730	53,105
Total, D&CP	594,315	1,016,215	645,444	997,890

The conferees require prior notification of funds appropriated in this title for other Federal agencies, as proposed by the Senate, and direct that with respect to these inter-agency funds, the spending plan required in section 1104 of this title will be developed in consultation with the heads of the relevant Federal agencies, as proposed by the House.

Afghanistan.—The conference agreement includes \$159,100,000 for Afghanistan operations, including \$42,000,000 for Department of State air mobility requirements. This includes \$25,000,000 for the procurement of additional air wing assets contained in the fiscal year 2010 budget request.

The conference agreement includes language in section 1102 requiring that the uses and oversight of aircraft purchased or leased by the Department of State and USAID shall be coordinated under the authority of the Chief of Mission in Afghanistan. The conferees include this language, modified from the Senate, to ensure oversight, coordination and efficient use of resources.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act on the steps taken to ensure the interoperability of aircraft communications equipment and procedures for the use of air assets by the three primary agencies in Afghanistan—the Department of State, the United States Agency for International Development (USAID) and the Department of Defense.

Iraq.—The conference agreement includes \$486,000,000 for Iraq operations, of which \$336,000,000 is for activities contained in the fiscal year 2010 budget request to assist in the transition to regularize diplomatic operations.

The conferees require that the Secretary of State submit to the Committees on Appropriations a report on the facilities lease plan for Iraq not later than 90 days after enactment of this Act, as proposed by the House, and direct the Chief of Mission in Iraq to

conduct a right-sizing exercise, as proposed by the Senate.

Global Operations.—The conferees require the Secretary of State to submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act accounting for the staff positions and resources dedicated to supporting special envoys, special representatives, coordinators, and similar positions and direct that any transfer of these positions to other bureaus and offices within the Department of State, or any reorganization affecting these positions, is subject to the regular notification procedures of the Committees on Appropriations, as proposed by the House. In addition, funding under this heading for global operations should be provided to support the Special Envoy for Sudan and the special representative and policy coordinator for Burma.

Public Diplomacy.—The conference agreement includes the transfer of up to \$10,000,000 to “International Broadcasting Operations” of the Broadcasting Board of Governors for broadcasting activities to the Pakistan-Afghanistan border region, as proposed by the Senate and similar to that proposed by the House. The conferees recommend that up to \$4,000,000 of the funds appropriated in this title for public diplomacy programs be made available through an open and competitive process for new Arabic language television programs for broadcast to Arabic-speaking countries, as proposed by the Senate.

Personnel Report.—The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act on the promotion process at the Department as it relates to any preferential consideration given for service in Iraq, Afghanistan, and Pakistan as compared to other hardship posts, as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$24,122,000 for Office of Inspector General,

which is \$16,921,000 above the request. Of the funds provided under this heading, the conferees include language transferring \$7,200,000 to the Special Inspector General for Afghanistan Reconstruction (SIGAR) and \$7,000,000 for the Special Inspector General for Iraq Reconstruction (SIGIR). The balance of the funds, \$9,922,000, is for oversight requirements of the Inspector General of the Department of State, as proposed by the House and similar to that proposed by the Senate.

The conference agreement requires that the Inspector General of the United States Department of State and the Broadcasting Board of Governors, the SIGIR, the SIGAR, and the USAID Inspector General coordinate and integrate the programming of funds made available in fiscal year 2009 for oversight of programs in Afghanistan, Pakistan and Iraq, and direct the Secretary of State to submit to the Committees on Appropriations the annual comprehensive audit plan for Southwest Asia developed by the Southwest Asia Joint Planning Group in accordance with section 842 of Public Law 110–181, as proposed by the House.

The conference agreement also extends to the SIGAR the temporary hiring authority of section 3161 of title 5 of the United States Code, as proposed by both the House and Senate.

EMBASSY SECURITY, CONSTRUCTION, AND
MAINTENANCE

The conference agreement includes \$921,500,000 for urgent embassy security, construction, and maintenance costs, which is \$22,772,000 above the request. The funds made available under this heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications:

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

(Budget authority in thousands of dollars)

Activity	Request	House	Senate	Conference
Afghanistan:				
Land Acquisition and Site Development	87,028	87,028	10,000	20,000
Subtotal—Afghanistan	87,028	87,028	10,000	20,000
Pakistan:				
Islamabad—Construction/Renovation	736,500	736,500	735,500	735,500
Lahore—Acquisition, Mitigation and Development	29,600	29,600	29,500	29,500

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE—Continued

(Budget authority in thousands of dollars)

Activity	Request	House	Senate	Conference
Peshawar—NOB and Housing	40,100	131,000	40,000	131,000
Subtotal—Pakistan	806,200	897,100	805,000	896,000
Global Programs:				
Mobile Mail Screening Units	5,500	5,500	5,500	5,500
Subtotal—Global Programs	5,500	5,500	5,500	5,500
Total, ESCM	898,728	989,628	820,500	921,500

Civilian Surge.—The conferees urge the Secretary of State to ensure that both office and housing plans accommodate the surge in civilian personnel under the recently announced strategy for Afghanistan and Pakistan. The conferees direct the Secretary of State to ensure that the spending plan required in section 1104 includes detailed information about facilities plans in Afghanistan and Pakistan and how such plans are integrated into the current strategy, as proposed by both the House and Senate.

Property Acquisition in Afghanistan.—The conferees are concerned about the request for the acquisition of land for the expansion of the United States Mission in Afghanistan and direct the Department of State to continue negotiations with the Government of Afghanistan concerning land acquisition for this purpose and notify the Committees on Appropriations on the outcome of these negotiations prior to the obligation of funds for such purpose.

Pakistan facilities.—The conference agreement includes \$896,000,000 for the construction of safe and secure facilities in Pakistan, of which \$90,900,000 is contained in the fiscal year 2010 request for housing and offices in Peshawar, as proposed by the House.

INTERNATIONAL ORGANIZATIONS
CONTRIBUTIONS FOR INTERNATIONAL
PEACEKEEPING ACTIVITIES

The conference agreement includes \$721,000,000 for Contributions for International Peacekeeping Activities (CIPA), which is \$115,900,000 below the request. Funding for programs and activities for Somalia is included under the heading "Peacekeeping Operations."

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT
FUNDS APPROPRIATED TO THE PRESIDENT
OPERATING EXPENSES

The conference agreement includes \$157,600,000 for Operating Expenses, which is \$5,000,000 above the request. Of the total, \$140,000,000 is for Afghanistan operations (including \$40,000,000 for aircraft operations); \$7,600,000 is for Pakistan operations; and \$10,000,000 is for West Bank and Gaza operations.

The conferees direct the USAID Administrator to ensure that the spending plan required in section 1104 includes information about the proposed additional personnel and operating costs for USAID operations in Afghanistan and Pakistan.

Afghanistan Airwing.—USAID should undertake efforts to ensure that its airwing is

interoperable and its procedures are consistent with those of the Department of State and the Department of Defense.

Personnel Report.—The conferees direct the USAID Administrator to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act on USAID's promotion process as it relates to any preferential consideration given for service in Iraq, Afghanistan, and Pakistan as compared to other hardship posts, as proposed by the Senate.

CAPITAL INVESTMENT FUND

The conference agreement includes \$48,500,000 for Capital Investment Fund, which is the same as the request.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$3,500,000 for Office of Inspector General for increased oversight of programs in Afghanistan and Pakistan, which is \$3,500,000 above the request. In addition, the agreement includes language under the heading "Economic Support Fund" transferring \$2,000,000 to the Office of Inspector General for oversight of USAID activities in the West Bank and Gaza.

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

The conference agreement includes \$150,000,000 for Global Health and Child Survival, which is \$150,000,000 above the request.

Global Pandemic Preparedness and Response.—The conference agreement provides \$50,000,000 to support global pandemic preparedness and response, similar to that proposed by the House. In addition, the conferees expect additional funds to be transferred to USAID for global pandemic preparedness and response activities from the amounts provided under title VIII of this Act.

The conferees include language, proposed by the House, providing authority to the President to use funds appropriated under the headings "Global Health and Child Survival", "Development Assistance", "Economic Support Fund", and "Millennium Challenge Corporation" to combat an H1N1 influenza pandemic, if he determines that the human-to-human transmission of the virus is virulent, efficient and sustained, severe, spreading internationally to multiple regions, and has been designated by the World Health Organization (WHO) to be at the highest phase of the Global Influenza Pandemic Alert. The conferees are aware of ongoing efforts to clarify the WHO's pan-

dem definition and reiterate that this authority is only for use if H1N1 is a severe global threat. In the event that the President exercises this authority, the conferees expect the Office of Management and Budget to seek replenishments for any funds reprogrammed from these accounts.

Global Fund.—The conference agreement also includes \$100,000,000 for an additional United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, as proposed by the House. The Senate had proposed \$50,000,000.

DEVELOPMENT ASSISTANCE

The conference agreement includes no funding for Development Assistance, which is \$38,000,000 below the request. Funding for Kenya is provided under the "Economic Support Fund" heading.

Sri Lanka.—The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act detailing incidents during the conflict in Sri Lanka that may constitute violations of international humanitarian law or crimes against humanity, and, to the extent practicable, identifying the parties responsible.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement includes \$270,000,000 for International Disaster Assistance, which is \$40,000,000 above the revised request, of which not less than \$55,000,000 is intended to meet the growing needs of internally displaced persons in Pakistan. The balance of funds is available to meet basic needs of internally displaced persons in Africa, the Middle East, and South and Central Asia, and to respond to other humanitarian crises.

The conferees urge USAID and the Department of State to ensure the provision of humanitarian assistance to those displaced in Sri Lanka. In addition, the conferees encourage the Secretary of State and the USAID Administrator to support, through other relevant assistance accounts, programs that increase and integrate the participation of Tamils in Sri Lankan society and foster reconciliation between ethnic Tamil and Sinhalese communities.

ECONOMIC SUPPORT FUND

The conference agreement includes \$2,973,601,000 for Economic Support Fund, which is \$30,899,000 above the revised request. Funds made available under the heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications:

ECONOMIC SUPPORT FUND

(Budget authority in thousands of dollars)

Country/program and activity	Request	House	Senate	Conference
Countries				
Afghanistan:				
Afghan Civilian Assistance Program	0		11,000	12,000
Afghan Reconstruction Trust Fund	85,000		115,000	115,000

ECONOMIC SUPPORT FUND—Continued

[Budget authority in thousands of dollars]

Country/program and activity	Request	House	Senate	Conference
National Solidarity Program (non-add)	(20,000)	[70,000]	[70,000]	[70,000]
Agriculture	85,000		100,000	100,000
Alternative Development	55,000		65,000	65,000
Cross Border Development Program (non-add)	0		[10,000]	[10,000]
Widows Assistance	0		5,000	5,000
Women NGOs	0		30,000	30,000
Capacity Building (non-add)	0		[5,000]	[5,000]
Program Support (non-add)	0		[25,000]	[25,000]
Subtotal, Allocated	225,000	0	326,000	327,000
Unallocated	614,000	839,000	540,000	534,000
Subtotal, Afghanistan	839,000	839,000	866,000	861,000
Pakistan:				
Democracy Programs			10,000	10,000
Humanitarian Assistance/Protection for Vulnerable Populations	8,000		50,000	125,000
Baluchistan and East Indus River Development Programs			5,000	5,000
Cross Border Development Program (non-add)			[10,000]	[10,000]
Subtotal, Allocated Pakistan	8,000	0	65,000	140,000
Unallocated	551,500	529,500		399,000
Subtotal, Pakistan	559,500	529,500	439,000	539,000
Iraq:				
Community Action Program (CAP)	35,000		50,000	50,000
Democracy and Civil Society	112,000		118,000	118,000
USIP (non-add)		[7,000]		[7,000]
Iraq Cultural Antiquities	0		2,000	2,000
Marfa Fund	3,500		10,000	10,000
Targeted Stability Programs	0		20,000	15,000
Widows Assistance	5,000		5,000	5,000
Subtotal, Allocated	155,500	0	205,000	200,000
Unallocated	293,500	442,000	234,000	239,000
Subtotal, Iraq	449,000	449,000	439,000	439,000
West Bank and Gaza	556,000	556,000	556,000	551,000
Subtotal, West Bank and Gaza	556,000	556,000	556,000	551,000
Other Countries				
Burma	13,000	13,000	13,000	13,000
Democratic Republic of the Congo	0	0	10,000	10,000
Egypt	0	50,000	0	50,000
Jordan	0	100,000	150,000	150,000
Kenya	0	18,000	0	35,000
North Korea	95,000	0	0	0
Somalia	0	10,000	10,000	10,000
Sudan	0	15,000	0	10,000
Yemen	0	0	15,000	10,000
Zimbabwe	45,000	28,000	45,000	40,000
Subtotal, Other Countries	153,000	234,000	243,000	328,000
Program				
Assistance to Developing Countries Affected by the Global Financial Crisis	448,000	300,000	285,000	255,601
Subtotal, Program	448,000	300,000	285,000	255,601
Total—ESF	3,004,500	2,907,500	2,828,000	2,973,601

Africa

Democratic Republic of the Congo (DRC).—The conference agreement includes \$10,000,000 for programs and activities to assist victims of gender-based violence in the DRC.

Somalia.—The conference agreement includes \$10,000,000 to support programs to provide employment opportunities for youth and to support capacity building of governmental institutions and civil society organizations to promote good governance.

East Asia and Pacific

Burma.—The conference agreement includes \$13,000,000 for assistance for Burma, of which \$10,000,000 is for continuing humanitarian assistance to Cyclone Nargis-affected areas inside Burma and \$3,000,000 is for humanitarian assistance for refugees, migrants in Thailand, and internally displaced persons. The conferees direct the Department of State and USAID to ensure that no assistance flows to or through the Burmese government, its bureaucracy, or regime-affiliated organizations, such as government-organized NGOs.

The conferees direct the Comptroller General of the United States to conduct an assessment of the assistance provided by the United States in response to Cyclone Nargis in Burma, as proposed by the Senate, as well

as an assessment of the methods of delivery, effectiveness, and accountability of humanitarian and development assistance for Burma from other donors.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 30 days after enactment of this Act that details the findings and recommendations of the Department of State's review of United States policy toward Burma.

Near East

Iraq.—The conference agreement includes \$439,000,000 for assistance for Iraq. The conferees direct the Department of State and USAID to clarify to the Committees on Appropriations the funding streams for democracy and governance program implementers in the fiscal year 2010 budget request.

The conference agreement includes \$2,000,000 for the preservation of Iraqi cultural antiquities to be administered by the Ambassador's Fund for Cultural Preservation, and directs the Department of State to consult with the Committees on Appropriations prior to the obligation of funds for these activities.

The conferees are concerned about the treatment of women in Iraq, and urge the Department of State and USAID to continue efforts to encourage the incorporation of

women in stabilizing Iraq and creating its government institutions. The conferees are also concerned about the plight of women and religious minorities, including Iraqi Christians, amongst displaced and refugee populations and urges that programs of support for displaced and refugee populations take into account the needs of these minority groups.

Jordan.—The conference agreement includes \$150,000,000 for assistance for Jordan to help mitigate the impact of the global economic crisis including for health, education, water and sanitation, and other impacts resulting from refugee populations in Jordan.

West Bank and Gaza.—The conference agreement includes not more than \$551,000,000 for economic and humanitarian assistance for the West Bank and Gaza, which is \$5,000,000 below the request. The conferees note that \$5,000,000 for USAID administrative expenses are included under the heading "Operating Expenses". Of the amount provided, up to \$200,000,000 is available for cash transfer assistance to the Palestinian Authority in the West Bank. The conferees continue the prohibition on salaries for personnel of the Palestinian Authority located in Gaza. The conferees continue all terms and conditions of division H of

Public Law 111-8 with respect to assistance for the West Bank and Gaza.

Yemen.—The conference agreement includes \$10,000,000 for assistance for Yemen to support education and other programs and activities administered by USAID, consistent with the Tribal Engagement Plan.

South and Central Asia

Afghanistan.—The conference agreement includes \$861,000,000 for Afghanistan, and provides that not less than \$150,000,000 appropriated in fiscal year 2009 for assistance for Afghanistan under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” shall be made available to support programs that directly address the needs of Afghan women and girls. The conferees direct USAID and the Special Envoy for Afghanistan and Pakistan to consult with the Department of State’s Ambassador-at-Large for Global Women’s Issues concerning the use of these funds. The conferees direct USAID to increase its support for Afghan women’s organizations that address the needs and rights of Afghan women and girls. The conference agreement provides not less than \$5,000,000 for capacity building for Afghan women-led nongovernmental organizations, and not less than \$25,000,000 to support programs and activities of such organizations, including to provide legal assistance and training for Afghan women and girls about their rights, and to promote women’s health (including mental health), education, and leadership.

The conferees also direct that not less than \$70,000,000 shall be made available for the National Solidarity Program in Afghanistan.

Pakistan.—The conference agreement includes \$539,000,000 for assistance for Pakistan. The conferees recognize that funds may be considered for direct budget support for the Government of Pakistan, and direct that a bilateral agreement be in place prior to the provision of any direct budget support. Such an agreement should be structured to provide maximum accountability and oversight, and should contain conditions for disbursements of funds and detailed monitoring and reporting requirements. Funds should be deposited in a separate, traceable account and be allocated toward operations in specific

sectors. The Secretary of State is directed to consult with the Committees on Appropriations prior to the provision of any budget support, including on the amounts, uses and oversight of such funds as well as on the bilateral agreement.

The conferees intend that the majority of the \$399,000,000 in unallocated assistance for Pakistan be used to support programs in the Federally Administered Tribal Areas and the North-West Frontier Province to counter the influence of violent extremists through local initiatives, including infrastructure, health, education, governance, rule of law, and employment opportunities. USAID’s Office of Transition Initiatives should be utilized to the maximum extent practicable in implementing such programs.

The conferees direct the USAID Administrator to consult with the Committees on Appropriations on the use of up to \$5,000,000 to establish and implement a program in Pakistan modeled on the Afghan Civilian Assistance Program, to assist families and communities that suffer losses as a result of the military operations.

The conferees also direct the Secretary of State to submit a report not later than 180 days after enactment of this Act detailing a multi-year strategy to promote democracy and good governance in Pakistan, including funding requirements to implement such a strategy.

Cross Border Programs.—The conferees recommend up to \$20,000,000 from within the amounts provided for Afghanistan and Pakistan for a new cross border stabilization and development program between Afghanistan and Pakistan or between either country and the Central Asian republics to strengthen governance and the rule of law, enhance access to media, support small-scale energy development, create educational and employment opportunities particularly for Afghan and Pakistani youth, and promote regional cooperation, stability, and security. The Special Representative for Afghanistan and Pakistan at the Department of State shall administer these funds, in consultation with USAID and the Department of Defense.

Other

Global Financial Crisis.—The conference agreement includes \$255,601,000 for assistance for vulnerable populations in developing countries affected by the global financial crisis. The Department of State and USAID are directed to report to the Committees on Appropriations not later than 45 days after enactment of this Act and prior to the obligation of funds on implementation of this program, including on the transfer of funds to the Overseas Private Investment Corporation and to the Development Credit Authority. The report should include detailed information on the programming of funds and the results of a review, and reprogramming, if appropriate, of existing USAID programs in targeted countries.

In addition, the conferees direct that funding provided to the Millennium Challenge Corporation (MCC) in prior acts may be reprogrammed to mitigate the impact of the global financial crisis in MCC compact or threshold countries.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

The conference agreement includes \$272,000,000 for Assistance for Europe, Eurasia and Central Asia, of which \$242,000,000 is for assistance for Georgia, and \$30,000,000 is for assistance for the Kyrgyz Republic to improve air traffic control and safety, as proposed by the Senate, which is \$29,500,000 above the request. The conference agreement includes permissive authority to expand the availability of funds to other Eurasian countries allowing flexibility to the Department of State to address unanticipated events.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement includes \$487,500,000 for International Narcotics Control and Law Enforcement, which is \$98,000,000 above the request. Funds made available under the heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications:

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(Budget authority in thousands of dollars)

Country/Activity	Request	House	Senate	Conference
Afghanistan:				
Good Performers Initiative	23,000	23,000	20,000	23,000
Combating Violence Against Women and Girls			10,000	10,000
Unallocated		106,000	103,000	100,000
Subtotal, Afghanistan	129,000	129,000	133,000	133,000
Iraq	20,000	20,000	20,000	20,000
Mexico	66,000	160,000	66,000	160,000
Pakistan	65,500	65,500	65,500	65,500
West Bank and Gaza	109,000	109,000	109,000	109,000
Total—INCLE	389,500	483,500	393,500	487,500

Afghanistan.—The conferees remain concerned with continuing reports of violence against women and girls in Afghanistan, who lack adequate protection by the police or recourse from the Afghan judicial system. The conference agreement provides not less than \$10,000,000 to train and support Afghan women investigators, police officers, prosecutors and judges with specific responsibility for investigating, prosecuting, and punishing crimes of violence against women and girls.

The conferees intend that the Secretary of State and the USAID Administrator, in cooperation with the Secretary of Defense, will

ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations. The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act, detailing how such training addresses current and future civilian-military coordination requirements.

Mexico.—The conference agreement includes \$160,000,000 for assistance for Mexico, and requires the Department of State to submit to the Committees on Appropriations a

spending plan for such funds not later than 45 days after enactment of this Act.

The conference agreement provides that none of the funds appropriated in this title shall be used for the cost of fuel for aircraft purchased with funds provided in this title for Mexico, or to support the operations and maintenance costs of aircraft purchased by the Government of Mexico.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act detailing actions taken by the Government of Mexico since June 30, 2008, to investigate, prosecute, and punish

violations of internationally recognized human rights by members of the Mexican Federal police and military forces, and to support a thorough, independent, and credible investigation of the murder of American citizen Bradley Roland Will.

Palestinian Security Forces.—The conferees support continued funding for the training of Palestinian Security Forces, and direct the Secretary of State to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act, in classified form if necessary, on the use of assistance provided by the United States for the training of Palestinian security forces, including the training, curriculum, and equipment provided, an assessment of the effectiveness of the training and the performance of forces after training is completed, and an assessment of factors that limit the operational capabilities of forces trained.

NONPROLIFERATION, ANTI-TERRORISM,
DEMINEING AND RELATED PROGRAMS

The conference agreement includes \$102,000,000 for Nonproliferation, Anti-Terrorism, Demining and Related Programs, which is \$20,000,000 below the request. Within the total, \$77,000,000 is provided for the Nonproliferation and Disarmament Fund for nuclear dismantlement and related activities, as well as for border security equipment, training, and program management to prevent smuggling of illicit goods into Gaza.

The conference agreement includes a provision that the Secretary of State shall work assiduously to facilitate the regular flow of people and licit goods in and out of Gaza at established border crossings. The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and every 90 days thereafter until September 30, 2010, detailing progress in this effort.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement includes \$390,000,000 for Migration and Refugee Assistance, which is \$57,000,000 above the revised request to respond to urgent humanitarian requirements for refugees and internally displaced persons (IDPs) in the Middle East, South and Central Asia, including Pakistan and Sri Lanka, Southeast Asia, Africa, Colombia and other refugees and IDPs around the world.

United Nations Relief and Works Agency (UNRWA).—The conference agreement provides up to \$119,000,000 for UNRWA for activities in the West Bank and Gaza. The Secretary of State is to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, on whether UNRWA is: (1) utilizing Operations Support Officers in the West Bank and Gaza to inspect UNRWA installations and report any inappropriate use; (2) acting promptly to deal with any staff or beneficiary violations of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961; (3) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961; (4) continuing regular reporting to the Department of State on actions it has taken to ensure conformance with the conditions of section 301(c) of the Foreign Assistance Act of 1961; (5) taking steps to improve the transparency of all educational materials currently in use in UNRWA-administered schools; (6) using curriculum materials in UNRWA-supported

schools and summer camps designed to promote tolerance, non-violent conflict resolution and human rights; (7) not engaging in operations with financial institutions or related entities in violation of relevant United States law and is enhancing its transparency and financial due diligence and working to diversify its banking operations in the region; and (8) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

INTERNATIONAL SECURITY ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
PEACEKEEPING OPERATIONS

The conference agreement includes \$185,000,000 for Peacekeeping Operations (PKO), which is \$135,000,000 above the request. The conferees do not include the transfer authority to allow funds to be shifted between accounts, as proposed by the Senate.

Democratic Republic of the Congo (DRC).—The conference agreement includes \$15,000,000 for the DRC, which is \$5,000,000 above the request, for training costs and procurement of equipment to support a professional rapid reaction force, as proposed by the Senate. The conferees direct that any training of a rapid reaction force provided with the use of PKO funding from this or prior acts, shall ensure that all members and units be trained in the fundamental principles of respect for human rights and protection of civilians with a focus on the prevention of rape and other sexual abuse.

Multinational Force and Observer Mission (MFO).—The conference agreement provides \$2,000,000 for the MFO in the Sinai for activities that facilitate communications between the parties to the Treaty of Peace.

Somalia.—The conference agreement provides \$168,000,000 for assistance for Somalia, of which \$115,900,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia and \$52,100,000 may be used for security sector reform.

The conferees are concerned with the recent surge of piracy off the coast of the Horn of Africa and direct the Secretary of State to submit a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, on the feasibility of creating an indigenous maritime capability in Somalia to combat piracy.

INTERNATIONAL MILITARY EDUCATION AND
TRAINING

The conference agreement includes \$2,000,000 for International Military Education and Training, which is the same as the request, for education and training of Iraqi Security Forces.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement includes \$1,294,000,000 for Foreign Military Financing Program (FMF), which is \$1,195,600,000 above the request.

Mexico.—The conference agreement includes \$260,000,000 to expand aviation support for the Mexican Navy, and includes language to ensure the expeditious delivery of such equipment.

Lebanon.—The conference agreement includes \$69,000,000 for assistance for Lebanon. The conferees direct that no assistance may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on the vetting procedures in place to determine eligibility to participate in United States training and assistance programs funded under this account.

The conferees direct the Secretary of State to report on the procedures in place to ensure that no funds are provided to any individuals or organizations that have any known links to terrorist organizations including Hezbollah, and mechanisms to monitor the use of the funds.

The conferees direct that the Department of State consult with the Committees on Appropriations prior to the obligation of funds provided for assistance for Lebanon in this title.

Security Assistance to Near East Countries.—The conference agreement includes funding for a portion of the fiscal year 2010 budget request for security assistance for Jordan, Egypt, and Israel, the amounts of which are not in addition to the funds requested for fiscal year 2010.

Jordan.—The conference agreement provides \$150,000,000 for assistance for Jordan, as proposed by the House. The fiscal year 2010 budget request, based upon a Memorandum of Understanding between the United States and Jordan, totals \$300,000,000.

Egypt.—The conference agreement provides \$260,000,000 for FMF grants for Egypt, which shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York not later than October 30, 2009, similar to that proposed by the House. The fiscal year 2010 budget request totals \$1,300,000,000.

Israel.—The conference agreement provides \$555,000,000 for FMF grants for Israel, which shall be available not later than October 30, 2009, similar to that proposed by the House. The fiscal year 2010 budget request, based upon a Memorandum of Understanding between the United States and Israel, totals \$2,775,000,000. The conference agreement provides that to the extent that the Government of Israel requests that FMF grant funds for Israel be used for such purposes, and as agreed by the United States and Israel, funds may be made available for advanced weapons systems, of which \$145,965,000 shall be available for the procurement in Israel of defense articles and services, including research and development.

PAKISTAN COUNTERINSURGENCY CAPABILITY
FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$700,000,000 for a new Pakistan Counterinsurgency Capability Fund (PCCF) under the Department of State, which becomes available on September 30, 2009 and remains available through fiscal year 2011. The conferees support the Administration's efforts to increase the counterinsurgency capability of the Pakistani security forces to help Pakistan defeat the extremist networks that are operating within its territory. As the Secretary of State is the principal adviser to the President on foreign policy matters, the conferees believe the PCCF should be under the authority of the Department of State. The conferees believe that the Department of State possesses the institutional capacity to manage this account, working in close coordination with the Department of Defense. The conferees also provide funding for the PCCF for fiscal year 2009 to the Department of Defense and direct the Secretary of State and the Secretary of Defense to jointly develop a plan for transitioning the PCCF from the Department of Defense to the Department of State for fiscal year 2010. The conferees expect the Department of State to consult closely on the uses of the PCCF to ensure that the funds are obligated and expended in a timely manner, and sufficient oversight mechanisms exist.

GENERAL PROVISIONS, THIS TITLE

The conference agreement includes the following general provisions for this title:

EXTENSION OF AUTHORITIES

The conference agreement extends certain authorities necessary to expend Department of State and foreign assistance funds.

AFGHANISTAN

The conference agreement imposes certain conditions and limitations on assistance for Afghanistan, including assistance for Afghan women and girls, contracts and grants, acquisition of land, United Nations Development Program (UNDP), the National Solidarity Program, airwing implementation, and anti-corruption. The conferees are aware of the efforts by UNDP and USAID to resolve concerns related to program implementation and these efforts should continue.

ALLOCATIONS

The conference agreement requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this joint statement, as proposed by the Senate and similar to that proposed by the House. Any change to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

SPENDING PLAN AND NOTIFICATION PROCEDURES

The conference agreement requires the Secretary of State to provide detailed spending plans to the Committees on Appropriations on the uses of funds appropriated in this title, similar to that proposed by the House and Senate. These funds are also subject to the regular notification procedures of the Committees on Appropriations.

GLOBAL FINANCIAL CRISIS

The conference agreement provides for assistance for countries severely affected by the global financial crisis, requires the Secretary of State to submit a report prior to making assistance available, and provides authority to transfer funds to the Development Credit Authority and the Overseas Private Investment Corporation. The provision includes reprogramming authority to the MCC.

IRAQ

The conference agreement provides certain conditions and limitations relating to assistance for Iraq, including matching funds, as proposed by the Senate.

PROHIBITION ON ASSISTANCE TO HAMAS

The conference agreement prohibits assistance to Hamas or any entity effectively controlled by Hamas, and further prohibits assistance to any power-sharing government of which Hamas is a member unless such government, including all of its ministers or such equivalent, has met certain conditions. The conferees believe that a public acceptance should be an acceptance in writing by such government and its ministers, as proposed by the House and Senate.

TERMS AND CONDITIONS

The conference agreement stipulates that unless designated otherwise in this title, the terms and conditions contained in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated by this title, except sections 7070(e) with respect to funds made available for macroeconomic growth assistance for Zimbabwe, and 7042(a) and (c), as proposed by the House and similar to that proposed by the Senate.

MULTILATERAL DEVELOPMENT BANKS REPLENISHMENTS

The conference agreement amends permanent law to authorize appropriations for the

fifteenth replenishment of the International Development Association and the eleventh replenishment of the African Development Fund, including the Multilateral Debt Relief Initiative, as proposed by the Senate.

PROMOTION OF POLICY GOALS AT THE WORLD BANK GROUP

The conference agreement amends permanent law regarding the World Bank's "Doing Business Report" and World Bank policies relating to the Inspection Panel, as proposed by the Senate.

CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING

The conference agreement amends permanent law regarding World Bank policies relating to greenhouse gas accounting and climate change mitigation, as proposed by the Senate.

MULTILATERAL DEVELOPMENT BANK REFORM

The conference agreement requires the Secretary of the Treasury to seek to ensure that the multilateral development banks disclose their operating budgets, rigorously evaluate their programs and financing, and endorse the Extractive Industry Transparency Initiative. It also requires coordination between the Secretary of the Treasury, Secretary of State, USAID Administrator, and other relevant Federal agencies, on United States policy relating to the development activities of the World Bank Group, as proposed by the Senate.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

The conference agreement authorizes locality pay adjustments for fiscal year 2009 for members of the Foreign Service stationed overseas comparable to that if such member's official duty station were in the District of Columbia, as proposed by the Senate.

REFUGEE PROGRAMS AND OVERSIGHT

The conference agreement provides that up to \$119,000,000 from funds appropriated under the "Migration and Refugee Assistance" heading in this title may be made available to UNRWA for the West Bank and Gaza and transfers \$1,000,000 of the funds made available under the "Economic Support Fund" heading to the Inspector General of the Department of State for oversight of activities in the West Bank and Gaza and surrounding region, similar to that proposed by the House. The agreement includes the UNRWA report requirement proposed by the House in modified form under the "Migration and Refugee Assistance" heading in this joint statement.

TECHNICAL AND OTHER PROVISIONS

The conference agreement includes the following technical and other provisions: subsection (a) of this provision modifies a limitation in current law regarding assistance for Egypt, similar to that proposed by the Senate; subsection (b) applies the regular notification procedures to funds that are transferred to the Department of State or USAID, similar to that proposed by the Senate; subsection (c) authorizes USAID to recruit retired Civil Service employees as re-employed annuitants to serve in Iraq, Afghanistan, or Pakistan through 2010, similar to that proposed by the Senate; and subsection (d) authorizes a financial incentive to employees who agree to remain in these posts for an additional year through 2010, similar to that proposed by the Senate; and subsection (e) provides certain transfer authority, as proposed by the Senate.

AFGHANISTAN AND PAKISTAN COMMITMENT AND CAPABILITIES REPORT

The conference agreement requires that the President report to the Committees on

Appropriations on whether the Governments of Afghanistan and Pakistan are demonstrating the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President's policy announced on March 27, 2009, similar to that proposed by the House.

UNITED STATES POLICY REPORT ON AFGHANISTAN AND PAKISTAN

The conference agreement requires a report on the objectives of United States policy in Afghanistan and Pakistan, metrics to assess progress in achieving the objectives, an assessment of progress, and recommendations for additional resources or authorities, if any, as proposed by the Senate.

The conference agreement does not include a provision proposed in the request providing the availability of assistance for Burma and Afghanistan notwithstanding any other provision of law. The conference agreement includes limited notwithstanding authority for Burma under the heading "Economic Support Fund" and a limited notwithstanding authority for Zimbabwe in section 1108. The conferees also provide limited notwithstanding authority for Afghanistan. The conference agreement does not include House sections 21006 (Somalia) and Senate sections 1103 (Burma), 1108 (Mexico), 1115 (Assistance for Pakistan), 1116 (Special Authority), 1120 (Overseas Deployments), and 1122 (Additional Amount for Assistance for Georgia).

TITLE XII

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

The agreement provides \$13,200,000 from the Airport and Airway Trust Fund to remain available until expended to carry out the essential air service program as proposed by the Senate. The House did not include a similar provision.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The agreement rescinds \$13,200,000 in excess Grants-in-Aid for Airports contract authority, as proposed by the Senate. The House did not include a similar provision.

GENERAL PROVISIONS—THIS TITLE

Section 1201 removes a limitation that prevents the State of North Dakota from spending more than \$10,000,000 of highway funding from the emergency relief program in any given year on the repair and strengthening of the roads surrounding Devils Lake, as proposed by the Senate. The House did not include a similar provision.

Section 1202 allows transit agencies to use up to 10 percent of the formula grants provided in the American Recovery and Reinvestment Act (ARRA) for operating expenses. The conferees modified the original Senate language to clarify that 10 percent of the funds provided in ARRA for intercity bus service shall also be available to cover operating expenses which is consistent with existing law. The House did not include a similar provision.

Section 1203 includes a provision proposed by the Senate which replaces the \$50,000,000 allocation provided in Public Law 110-329 with an \$80,000,000 allocation, and designates this funding for tenant-based Section 8 funding for all areas affected by Hurricanes Katrina and Rita. The House did not include a similar provision.

Section 1204 clarifies that eligible recipients for the funds provided in ARRA for gap

financing include owners of affordable housing tax credits under section 1400N of the Internal Revenue Code of 1986, known as “disaster credits” or “Go Zone” credits, as well as owners of projects that receive low income housing tax credits under section 42(h) of the Internal Revenue Code of 1986, as proposed by the Senate. The House did not include a similar provision.

Section 1205 includes a new provision which clarifies prevailing wage requirements for housing funds provided in ARRA.

TITLE XIII—CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT

The conference agreement includes a new title providing \$1 billion for vouchers of \$3,500 or \$4,500 to be applied toward the purchase or lease of a new fuel efficient automobile or truck from July 1–November 1, 2009. To qualify for a voucher under this authority the vehicle turned in must be scrapped, and the purchased vehicle must achieve greater fuel efficiency than the vehicle to be turned in.

TITLE XIV—OTHER MATTERS INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL MONETARY PROGRAMS UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND

The conference agreement provides for an increase in the United States quota in the International Monetary Fund (the Fund), as requested, of approximately 5 billion in Special Drawing Rights (SDRs), valued at approximately \$8,000,000,000, in order to maintain its current voting share and veto power within the organization, as proposed by the Senate.

LOANS TO INTERNATIONAL MONETARY FUND

The conference agreement provides for loans to the Fund, as requested, of the dollar equivalent of up to 75 billion SDRs. This will enable the United States to increase its share of the New Arrangements to Borrow, which establishes a set of credit lines extended to the Fund, from approximately \$10,000,000,000 (6.6 billion SDRs) to the equivalent of \$100,000,000,000, as proposed by the Senate.

GENERAL PROVISIONS—INTERNATIONAL ASSISTANCE PROGRAMS

SEC. 1401. The conference agreement includes a provision, as requested, authorizing the Secretary of the Treasury to instruct the United States Executive Director of the Fund to consent to amendments to the New Arrangements to Borrow and to make loans, in an amount not to exceed the dollar equivalent of 75 billion SDRs, in addition to amounts previously authorized, as proposed by the Senate.

SEC. 1402. The conference agreement includes a provision, as requested, authorizing the United States Governor of the Fund to agree to and accept amendments to the Articles of Agreement of the Fund as proposed in resolutions approved by the Fund’s Board on April 28, 2008 and May 5, 2008. The provision further authorizes the United States Governor of the Fund, as requested, to consent to an increase in the United States quota in the Fund equivalent to 43,973,100,000 SDRs. The provision also authorizes the Secretary of the Treasury, as requested, to instruct the United States Executive Director of the Fund to agree to the sale of 12,965,649 ounces of the Fund’s gold. Since the Fund relies primarily on income from lending operations to finance lending activities and expenses, the sale of gold will finance an endowment, the return on which will finance a portion of its

administrative expenses. The conferees direct the Secretary of Treasury to seek to ensure that the Fund provides support to low-income countries by making available Fund resources of not less than \$4,000,000,000 and that such resources should be provided as loans with substantial concessionality and debt service payment relief and/or grants, as proposed by the Senate.

SEC. 1403. The conference agreement requires the Secretary of the Treasury, in consultation with the United States Executive Director of the World Bank and the Executive Board of the Fund, to submit a report detailing the steps taken to coordinate the activities of the World Bank and the Fund to avoid the duplication of missions, and steps taken by the Department of the Treasury and the Fund to increase the oversight and accountability of Fund activities. The conference agreement requires the United States Executive Director of the Fund to use the voice and vote of the United States to oppose any loan, project, agreement, or other activity that imposes budget constraints, and to promote social spending in the country. All provisions were proposed by the Senate.

SEC. 1404. The conference agreement includes a provision that amends the International Financial Institutions Act to require the United States Executive Director at each of the International Financial Institutions (as defined in section 1701(c)(2) of this Act) to use the voice and vote of the United States to oppose the provision of loans or other use of the funds of the respective institution to any country the government of which as repeatedly provided support for acts of international terrorism.

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

Sec. 14101. The conference agreement includes a provision proposed by both the House and Senate that limits the availability of funds provided in this Act.

OVERSEAS DEPLOYMENTS AND EMERGENCY DESIGNATIONS

Sec. 14102. The conference agreement includes a global designation, as proposed by the House, providing that each amount in titles I, II, IV, V, VII, VIII, IX, XII, XIII, XIV, and VI, except amounts under the heading “Coast Guard Operating Expenses”, is designated as necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. The agreement also includes a global designation, as proposed by the House, providing that all other amounts in the bill, except certain amounts rescinded in section 309 of the conference report, are designated as being for overseas deployment and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress). The Senate included emergency and overseas deployment designations on an account-by-account basis.

RESTRICTIONS AND REQUIREMENTS REGARDING THE TRANSFER AND RELEASE OF GUANTANAMO BAY DETAINEES

Sec. 14103. The conference agreement includes language prohibiting current detainees from being released in the continental United States, Alaska, Hawaii or D.C. The agreement also prohibits current detainees from being transferred to the U.S., except to be prosecuted, and only 45 days after Congress receives a plan detailing the risks involved and a plan for mitigating such risk; cost of the transfer; legal rationale and court demands; and a copy of the notification pro-

vided to the Governor of the receiving state (or the Mayor of the District of Columbia) 14 days before a transfer with a certification by the Attorney General that the individual poses little or no security risk.

Under the conference agreement, current detainees cannot be transferred or released to another country unless the President submits to Congress 15 days prior to such transfer: (a) the name of the individual and the country to which the individual will be transferred; (b) an assessment of risks posed and actions taken to mitigate such risks; and (c) the terms of the transfer agreement with the other country, including any financial assistance. Finally, the agreement includes language requiring the President to submit a report to Congress describing the disposition of each current detainee before the facility can be closed.

The conference agreement deletes the language included in title II of the Senate amendment that prohibited the use of funds appropriated or made available by this or any prior Act to transfer, release or incarcerate Guantanamo detainees to or within the U.S.

The conference agreement also deletes a provision proposed by the House that required the President to submit to Congress by October 1, 2009 a comprehensive plan on the proposed disposition of the Guantanamo Bay detention facilities.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2009 recommended by the Committee of Conference, comparisons to the 2009 budget estimates, and the House and Senate bills for 2009 follow:

[In thousands of dollars]

Budget estimates of new (obligational) authority, fiscal year 2009	92,145,120
House bill, fiscal year 2009	96,716,971
Senate bill, fiscal year 2009	91,283,119
Conference agreement, fiscal year 2009	105,850,549
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2009	+13,705,429
House bill, fiscal year 2009	+9,133,578
Senate bill, fiscal year 2009	+14,567,430

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (S. Con. Res. 13) agreed to by Congress for fiscal year 2010 includes provisions relating to the notification of emergency spending. These provisions require a statement of how the emergency provisions contained in the conference agreement meet the criteria for emergency spending as identified in the budget resolution.

The conference agreement contains emergency funding for fiscal year 2009 primarily for natural disasters and the threat of pandemic influenza. Funding for natural disasters includes, but is not limited to, wildland fires, flooding in the Upper Midwest and Pacific Northwest, for ice storms, for Katrina hurricane recovery and subsequent storms, including Hurricanes Ike and Gustav in the gulf coast region, and for other needs. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically prevention of pandemic influenza and other disasters. These needs meet the criteria for emergencies.

DISCLOSURE OF CONGRESSIONAL EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of

the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each House Member, Delegate, Resident Commissioner, or Senator who submitted a

request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules.

TITLE IV—ENERGY AND WATER DEVELOPMENT
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
Flood Control and Coastal Emergencies	Mississippi Barrier Island Restoration	\$439,000,000	Cochran, Wicker
General Provision	Upper Newport Bay, California		Feinstein

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
General Provision	Amendment to Federal Deposit Insurance Act—Interest rate ceilings		Lincoln

TITLE VI—HOMELAND SECURITY
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
General Provision	Jones Act Waiver—Drydock ALABAMA, AL		Bonner, Shelby
General Provision	Jones Act Waiver—Vessel MARYLAND INDEPENDENCE, MD		Ruppersberger
General Provision	Communications System, MS		Cochran, Wicker
General Provision	Hurricanes Katrina/Rita—Case Management, MS		Cochran
General Provision	Hurricanes Katrina/Rita—Primary and Secondary School Repair Reimbursement, LA		Landrieu
General Provision	Hurricane Ike—Disaster Assistance Direct Loans, TX		Hutchison
General Provision	Reimbursements for Presidentially Declared Disasters—TX, LA, KY, WV *		Edwards (TX), Culberson, Hutchison, Melancon, Alexander (LA), Landrieu, Vitter, Rogers (KY), Byrd

TITLE X—MILITARY CONSTRUCTION
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
Military Construction, Army	Mississippi Army Ammunition Plant Hurricane Damage Repair	\$49,000,000	Cochran, Taylor
Military Construction, Navy	Vision Center of Excellence, Maryland	4,052,000	Murray, Boozman, Nye, Walz

TITLE XII—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
Federal-aid Highway Program, Emergency Relief	Devils Lake Roads, North Dakota		Dorgan, Conrad

* Item was neither committed to the conference committee by either House nor in a report of a committee of either House on either bill.

DAVID R. OBEY,
JOHN P. MURTHA,
NITA M. LOWEY,
ROSA L. DELAURO,
CHET EDWARDS,

Managers on the Part of the House.

DANIEL K. INOUE,
ROBERT C. BYRD,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
RICHARD J. DURBIN,
TIM JOHNSON,
MARY L. LANDRIEU,
JACK REED,
FRANK R. LAUTENBERG,
E. BENJAMIN NELSON,
MARK PRYOR,
JON TESTER,
ARLEN SPECTER,
THAD COCHRAN,
KIT BOND,
MITCH MCCONNELL,

JUDD GREGG,
ROBERT F. BENNETT,
LAMAR ALEXANDER,
SUSAN COLLINS,
GEORGE V. VOINOVICH,
LISA MURKOWSKI,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOLT (at the request of Mr. HOYER) for today.

Ms. ESHOO (at the request of Mr. HOYER) for today.

Mr. CHILDERS (at the request of Mr. HOYER) for today on account of district business.

Mr. ROGERS of Michigan (at the request of Mr. BOEHNER) for today on account of the promotion ceremony of his brother, Brigadier General James Rogers, to the rank of Major General in the United States Army.

Mr. GINGREY of Georgia (at the request of Mr. BOEHNER) for today on account of attending the memorial service for Sergeant Jeffrey W. Jordan, which will be held in Rome, Georgia. Sergeant Jordan made the ultimate sacrifice for our Nation in Afghanistan on June 4, 2009.

Mr. JONES (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. HENSARLING, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, June 15, 16, 17, 18 and 19.

Mr. POE of Texas, for 5 minutes, June 19.

Mr. JONES, for 5 minutes, June 19.

Mr. FLAKE, for 5 minutes, today.

Mr. FLEMING, for 5 minutes, June 18.

ENROLLED JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 40. Joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

ADJOURNMENT

Mr. LATOURETTE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, June 15, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2125. A communication from the President of the United States, transmitting a request for FY 2010 budget amendments for the Departments of Commerce, Defense, Education, Health and Human Services, Homeland Security, Justice, and State, and Other International Programs, as well as the District of Columbia; (H. Doc. No. 111-48); to the Committee on Appropriations and ordered to be printed.

2126. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services (Transmittal No. 09-21), pursuant to 22 U.S.C. 36(b)(1); to the Committee on Foreign Affairs.

2127. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Iraq, the United Kingdom, and the United Arab Emirates (Transmittal No. DDTC 032-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2128. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Mexico (Transmittal No. DDTC 011-09), pursuant to 22 U.S.C. 39, section 36(c) and (d); to the Committee on Foreign Affairs.

2129. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2130. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2131. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2132. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2133. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2134. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2135. A letter from the Chairman, United States Postal Service, transmitting the Semiannual Report of the Inspector General on the Audit, Investigative, and Security Activities of the Postal Service (SAR) for the period of October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2136. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch [Docket No.: 090123054-9591-02] (RIN: 0648-XM12) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2137. A letter from the Deputy Assistant Administrator For Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to the Pollock Trip Limit Regulations in the Gulf of Alaska [Docket No.: 080310410-9585-02] (RIN: 0648-AW54) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2138. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Fisheries of the Exclusive Economic Zone Off Alaska, Groundfish of the Gulf of Alaska; Correction [Docket No.: 080721859-9592-03] (RIN: 0648-AX01) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2139. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XO73) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2140. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 Georges Bank Cod Hook Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch [Docket No.: 090122047-9252-02] (RIN: 0648-XM11) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2141. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's report entitled, "Privacy Office Second Quarter Fiscal Year 2009 Report to Congress", pursuant to Public Law 110-53; to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. House Resolution 449. Resolution of inquiry requesting the President to provide certain documents in his possession to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare (Rept. 111-146). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. House Resolution 462. Resolution requesting that the President transmit to the House of Representatives all information in his possession relating to specific communications with Chrysler LLC ("Chrysler") (Rept. 111-147). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. Report on the Allocation of Budget Allocations for Fiscal Year 2010. (Rept. 111-148). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOLLOHAN: Committee on Appropriations. H.R. 2847. A bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-149). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 2247. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act (Rept. 111-150). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee of Conference. Conference report on H.R. 2346. A bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes (Rept. 111-151). Ordered to be printed.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Concurrent Resolution 131. Resolution directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of "In God We Trust" in the Capitol Visitor Center (Rept. 111-152). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Concurrent Resolution 135. Resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes (Rept. 111-153). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. WASSERMAN SCHULTZ (for herself, Mr. ADERHOLT, Mr. EHLERS, Mr. DANIEL E. LUNGREN of California, Mr. BRADY of Pennsylvania, Mr. LATHAM, and Mr. WAMP):

H.R. 2843. A bill to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the Majority and Minority Leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. BRALEY of Iowa, Mr. BLUMENAUER, Mr. WALZ, and Mr. INSLEE):

H.R. 2844. A bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of Arizona (for himself, Mr. GRIFFITH, Mr. TURNER, Mr. MARSHALL, Mr. SESSIONS, and Mr. LAMBORN):

H.R. 2845. A bill to direct the Secretary of Defense to deploy ground-based interceptors as part of the missile defense system, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER,

Mr. AUSTRIA, Mrs. BACHMANN, Mr. BAGHUS, Mr. BARTON of Texas, Mrs. BICHERT, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mr. BOUSTANY, Mr. BROWN of Georgia, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Mrs. CAPITO, Mr. CASSIDY, Mr. CHAFFETZ, Mr. COBLE, Mr. COLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. CULBERSON, Mr. DREIER, Mr. DUNCAN, Ms. FALLIN, Mr. FLEMING, Mr. FORBES, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES, Mr. HALL of Texas, Mr. HARPER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. ISSA, Ms. JENKINS, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LEE of New York, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. MARCHANT, Mr. MCCAUL, Mr. MCHENRY, Mrs. MCMORRIS RODGERS, Mrs. MYRICK, Mrs. MILLER of Michigan, Mr. NEUGEBAUER, Mr. NUNES, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mr. POE of Texas, Mr. REHBERG, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Mr. ROONEY, Mr. SCALISE, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SMITH of Texas, Mr. SOUDER, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. UPTON, Mr. WAMP, and Mr. COFFMAN of Colorado):

H.R. 2846. A bill to increase energy independence and job creation by increasing safe American energy production, encouraging the development of alternative and renewable energy, and promoting greater efficiencies and conservation for a cleaner environment; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Ways and Means, Energy and Commerce, Armed Services, Oversight and Government Reform, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 2848. A bill to amend the Controlled Substances Act with regard to penalties for trafficking in high potency marijuana, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ:

H.R. 2849. A bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare Program relating to the Special Disability Workload project; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. LATOURETTE, Mr. MCHUGH, Mr. FRANK of Massachusetts, and Mr. GRIJALVA):

H.R. 2850. A bill to provide for enhanced retirement benefits for administrative law

judges; to the Committee on Oversight and Government Reform.

By Mr. BRADY of Texas (for himself, Mr. SESSIONS, and Mr. AUSTRIA):

H.R. 2851. A bill to amend the Internal Revenue Code of 1986 to exclude certain gains on single-family residential rental property from gross income; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself and Mr. SARBANES):

H.R. 2852. A bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence-based disease prevention and health promotion programs, and enhanced nursing home diversion programs; to the Committee on Energy and Commerce.

By Mr. BRALEY of Iowa:

H.R. 2853. A bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. CANTOR:

H.R. 2854. A bill to require the Secretary of the Treasury to redesign \$1 Federal reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse side of such notes; to the Committee on Financial Services.

By Ms. EDWARDS of Maryland (for herself, Mr. SERRANO, Mr. HINCHEY, Mr. PIERLUISI, Mr. GRIJALVA, and Mr. LANGEVIN):

H.R. 2855. A bill to reduce deaths occurring from drug overdoses; to the Committee on Energy and Commerce.

By Ms. FALLIN (for herself, Mr. TURNER, Mr. BISHOP of Utah, Mr. BOREN, Mr. MCCOTTER, Mr. BARTLETT, Mr. SAM JOHNSON of Texas, Mr. ABERCROMBIE, Mr. COLE, Mr. SKELTON, Mr. MCKEON, Mr. KLINE of Minnesota, Mr. FLEMING, and Mr. HUNTER):

H.R. 2856. A bill to amend title 10, United States Code, to require that military decorations, ribbons, badges, medals, insignia, and other uniform accouterments used by the Armed Forces be produced in the United States; to the Committee on Armed Services.

By Mr. FORBES (for himself, Mr. BOOZMAN, Mr. SMITH of Texas, Mr. FRANKS of Arizona, and Mr. WOLF):

H.R. 2857. A bill to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. BURGESS, and Ms. BALDWIN):

H.R. 2858. A bill to amend titles XI and XVIII of the Social Security Act to modernize the quality improvement organization (QIO) program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 2859. A bill to amend title XIX of the Social Security Act to provide for application of an enhanced Federal matching rate for children under the Medicaid Program if certain conditions are met; to the Committee on Energy and Commerce.

By Mr. MURPHY of Connecticut (for himself and Mr. COURTNEY):

H.R. 2860. A bill to amend title XVIII of the Social Security Act to provide for a Medicare operated prescription drug plan option to deliver a meaningful drug benefit and lower prescription drug prices under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERS (for himself, Ms. WATERS, Mr. DINGELL, Mr. WELCH, Mr. HOLT, Mr. DEFAZIO, and Mr. CAPUANO):

H.R. 2861. A bill to amend the Securities Exchange Act of 1934 to provide for rules and standards relating to the election of boards of directors and certain requirements relating to compensation of executives; to the Committee on Financial Services.

By Mr. SPACE:

H.R. 2862. A bill to direct the Administrator of the Small Business Administration to provide education and resources to small business concerns that assist such concerns to protect themselves from phishing, and for other purposes; to the Committee on Small Business.

By Ms. WOOLSEY (for herself and Mr. BISHOP of New York):

H.R. 2863. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for treatment of certain deferred executive compensation arrangements which is comparable to certain funding-based limits on benefits and benefit accruals imposed on defined benefit pension plans under the Pension Protection Act of 2006; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 2864. A bill to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring and description of coastal changes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 2865. A bill to ensure safe, secure, and reliable marine shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MINNICK (for himself and Mr. MCCOTTER):

H. Con. Res. 151. Concurrent resolution expressing the sense of Congress that China release democratic activist Liu Xiaobo from imprisonment; to the Committee on Foreign Affairs.

By Mrs. MALONEY (for herself, Mr. GEORGE MILLER of California, and Mr. BRADY of Texas):

H. Con. Res. 152. Concurrent resolution commending the Bureau of Labor Statistics on the occasion of its 125th anniversary; to the Committee on Education and Labor.

By Ms. RICHARDSON:

H. Con. Res. 153. Concurrent resolution honoring the 111th anniversary of the independence of the Philippines; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY (for herself, Mr. SHIMKUS, Mr. COSTELLO, Mr. QUIGLEY, Mr. GUTIERREZ, Ms. BEAN, Mr. FOSTER, Mrs. HALVORSON, Mr. HARE, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. LIPINSKI, Mr. KIRK, Mr.

SCHOCK, Mr. MANZULLO, and Mr. RUSH):

H. Res. 538. A resolution supporting Olympic Day on June 23, 2009, and encouraging the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games; to the Committee on Foreign Affairs.

By Mrs. MCMORRIS RODGERS (for herself, Mr. LARSEN of Washington, Mr. BAIRD, Mr. DICKS, and Mr. REICHERT):

H. Res. 539. A resolution commending Sonora Smart Dodd for her contribution in recognizing the importance of Father's Day and recognizing the important role fathers play in our families; to the Committee on Education and Labor.

By Mr. ETHERIDGE (for himself, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. JONES, and Mr. BUTTERFIELD):

H. Res. 540. A resolution expressing condolences to the families, friends, and loved ones of the victims of the catastrophic explosion at the ConAgra Foods plant in Garner, North Carolina, and for other purposes; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H. Res. 541. A resolution recognizing and honoring the restoration and renovation of the Bishop Museum's historic Hawaiian Hall, the Nation's premier showcase for Hawaiian culture and history, on the occasion of the Museum's 120th anniversary; to the Committee on Natural Resources.

By Mr. GARRETT of New Jersey (for himself, Mr. MORAN of Kansas, Mr. KISSELL, and Mr. MCGOVERN):

H. Res. 542. A resolution condemning the ongoing attacks by the Lord's Resistance Army (LRA) which have affected innocent civilians in Uganda, South Sudan, Central African Republic, and the Democratic Republic of Congo, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. HALVORSON (for herself, Mr. DINGELL, Mr. MASSA, Mr. HILL, Ms. MATSUI, Mr. HALL of Texas, Mr. HINCHHEY, Mrs. MALONEY, Mr. MCGOVERN, Ms. BEAN, Mr. CONNOLLY of Virginia, Mr. ISRAEL, Mr. MEEKS of New York, Mr. TEAGUE, Mr. LIPINSKI, Mr. DAVIS of Illinois, and Mr. WOLF):

H. Res. 543. A resolution expressing support for designation of June as "Home Safety Month"; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

79. The SPEAKER presented a memorial of the Senate of Pennsylvania, relative to Senate Resolution No. 32 urging the Citizens Stamp Advisory Committee to recommend and the United States Postal Service to issue a "Forever Stamp" honoring recipients of the Purple Heart; to the Committee on Oversight and Government Reform.

80. Also, a memorial of the House of Representatives of the Northern Mariana Islands, relative to H.J.R. No. 16-24 To support and advocate the passage of H.R. 934 now pending before the 111th United States Congress; to the Committee on Natural Resources.

81. Also, a memorial of the Sixty-first Legislative Assembly of North Dakota of North Dakota, relative to HOUSE CONCURRENT

RESOLUTION NO. 3063 affirming North Dakota's sovereignty under the 10th Amendment to the Constitution of the United States and to demand the federal government halt its practice of assuming powers and imposing mandates on the states for purposes not enumerated in the Constitution of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Ms. SUTTON.
 H.R. 49: Mr. REHBERG.
 H.R. 156: Mr. MORAN of Kansas.
 H.R. 330: Ms. KILPATRICK of Michigan.
 H.R. 364: Mr. MCCOTTER.
 H.R. 391: Mr. ROONEY.
 H.R. 403: Ms. DELAUNO and Mr. BACA.
 H.R. 474: Mr. FILNER.
 H.R. 502: Mr. GARRETT of New Jersey.
 H.R. 560: Mr. CHAFFETZ.
 H.R. 600: Mr. BACA.
 H.R. 646: Mr. JACKSON of Illinois.
 H.R. 676: Mr. HOLT and Mr. MARKEY of Massachusetts.
 H.R. 708: Mr. YOUNG of Alaska and Mr. HERGER.
 H.R. 764: Mr. SAM JOHNSON of Texas.
 H.R. 780: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. CRENSHAW, Ms. ROS-LEHTINEN, Mr. ROGERS of Kentucky, Mr. BOOZMAN, Mr. MCCARTHY of California, Mr. ROE of Tennessee, Mr. GERLACH, Mr. PAULSEN, and Mr. CAMP.
 H.R. 815: Ms. GIFFORDS.
 H.R. 816: Mr. BRIGHT, Mr. DOYLE, Mr. GRAVES, and Mr. WELCH.
 H.R. 879: Mrs. MCMORRIS RODGERS.
 H.R. 952: Mr. BERMAN and Mr. MARKEY of Massachusetts.
 H.R. 964: Mr. MCCOTTER.
 H.R. 968: Mr. INGLIS.
 H.R. 1024: Mr. RANGEL.
 H.R. 1054: Mr. BISHOP of Utah.
 H.R. 1079: Mr. BURGESS, Mr. PLATTS, and Mr. SESTAK.
 H.R. 1173: Mr. PLATTS.
 H.R. 1177: Mr. PUTNAM and Mr. BISHOP of New York.
 H.R. 1205: Mr. LYNCH, Mr. JACKSON of Illinois, Mr. CULBERSON, Mr. ACKERMAN, Mr. GRIJALVA, and Mr. TONKO.
 H.R. 1207: Mr. SHULER, Mr. TEAGUE, and Mr. NUNES.
 H.R. 1222: Mr. BERRY.
 H.R. 1245: Mr. MASSA, Mrs. BONO MACK, Mr. COLE, and Mr. FLEMING.
 H.R. 1305: Mr. WITTMAN.
 H.R. 1326: Ms. TITUS, Ms. ZOE LOFGREN of California, and Mr. WEINER.
 H.R. 1328: Mr. GERLACH.
 H.R. 1330: Mr. RYAN of Ohio.
 H.R. 1362: Mr. CAO and Mr. HODES.
 H.R. 1389: Mr. PERLMUTTER.
 H.R. 1405: Ms. HIRONO.
 H.R. 1441: Mr. CLAY.
 H.R. 1466: Mr. CUMMINGS.
 H.R. 1479: Mr. DOGGETT, Mr. BRADY of Pennsylvania, and Ms. EDWARDS of Maryland.
 H.R. 1503: Mr. CARTER, Mr. CULBERSON, and Mr. NEUGEBAUER.
 H.R. 1521: Mr. BRADY of Pennsylvania and Mr. CONAWAY.
 H.R. 1528: Ms. CLARKE, Mr. CUMMINGS, and Mr. FRANK of Massachusetts.
 H.R. 1530: Ms. CLARKE.
 H.R. 1531: Ms. CLARKE.
 H.R. 1548: Mr. BOYD, Ms. MARKEY of Colorado, Mr. MICHAUD, Mr. GRAYSON, and Mr. TIBERI.

- H.R. 1600: Mrs. McMORRIS RODGERS.
H.R. 1612: Mr. DEFazio, Mr. CUMMINGS, and Mr. MCGOVERN.
H.R. 1615: Mr. HOLT.
H.R. 1618: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROS-LEHTINEN, and Ms. DELAURO.
H.R. 1625: Mrs. MILLER of Michigan and Mr. DAVIS of Alabama.
H.R. 1633: Mr. BAIRD.
H.R. 1684: Mr. LUETKEMEYER.
H.R. 1686: Mr. WU, Ms. ZOE LOFGREN of California, Mr. MITCHELL, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mr. JOHNSON of Georgia, and Mr. SIREs.
H.R. 1776: Ms. SCHWARTZ.
H.R. 1799: Mr. SHUSTER and Mr. DENT.
H.R. 1815: Mr. COFFMAN of Colorado.
H.R. 1835: Mr. TIBERI and Mr. ROTHMAN of New Jersey.
H.R. 1870: Mr. WOLF.
H.R. 1912: Ms. BALDWIN.
H.R. 1964: Ms. NORTON.
H.R. 1977: Mr. CARNAHAN and Mr. CASSIDY.
H.R. 1980: Mr. SHIMKUS, Mr. POSEY, and Mr. PLATTS.
H.R. 1992: Mr. REYES.
H.R. 2074: Ms. SUTTON, Mr. FILNER, Mr. SESTAK, Mr. JACKSON of Illinois, Mr. VAN HOLLEN, and Mr. PAYNE.
H.R. 2097: Mr. OLVER, Mr. CAPUANO, and Mr. HINCHEY.
H.R. 2105: Ms. BALDWIN.
H.R. 2106: Ms. BALDWIN.
H.R. 2203: Mr. BARTLETT, Mr. BROUN of Georgia, Mr. COLE, Mr. ELLSWORTH, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. GRIMALVA, Mr. MACK, Mr. PAUL, Mr. PAULSEN, Mr. POSEY, and Mr. WILSON of South Carolina.
H.R. 2227: Mr. FOSTER, Mr. SAM JOHNSON of Texas, and Mr. CRENSHAW.
H.R. 2256: Mr. MORAN of Virginia.
H.R. 2262: Mr. LYNCH, Mr. POLIS, Mr. SPACE, Mr. ROTHMAN of New Jersey, and Mr. MICHAUD.
H.R. 2266: Mr. DRIEHAUS and Mr. GRIMALVA.
H.R. 2267: Mr. DRIEHAUS, Mr. POLIS, Mr. GRIMALVA, and Mr. ISRAEL.
H.R. 2287: Mr. TIAHRT, Mr. WILSON of South Carolina, and Mr. TAYLOR.
H.R. 2314: Mr. COLE.
H.R. 2324: Mr. FRANK of Massachusetts and Mrs. MALONEY.
H.R. 2336: Mr. KLEIN of Florida, Mr. WILSON of Ohio, Mr. MCGOVERN, and Mr. FILNER.
H.R. 2350: Ms. SHAKOWSKY and Mr. PRICE of North Carolina.
H.R. 2365: Ms. WOOLSEY.
H.R. 2368: Ms. ESHOO.
H.R. 2373: Ms. MARKEY of Colorado, Mr. PRICE of North Carolina, Mr. ROGERS of Alabama, and Mr. COURTNEY.
H.R. 2376: Mr. McCOTTER.
H.R. 2389: Mr. BISHOP of New York.
H.R. 2393: Mr. CASTLE.
H.R. 2401: Mrs. MALONEY.
H.R. 2404: Mr. HIMES.
H.R. 2406: Mr. BARTON of Texas, Ms. JENKINS, Mr. WILSON of South Carolina, Mr. DENT, Mr. GINGREY of Georgia, Mr. WITTMAN, Mr. BOUSTANY, Mr. POSEY, and Mr. GOODLATTE.
H.R. 2414: Ms. SLAUGHTER.
H.R. 2421: Mr. MCKEON.
H.R. 2483: Mrs. MCCARTHY of New York, Mr. COSTA, Mrs. LOWEY, and Mr. BACA.
H.R. 2490: Mr. RUSH.
H.R. 2497: Ms. RICHARDSON, Ms. CLARKE, Mr. MEEKS of New York, and Mr. HALL of New York.
H.R. 2521: Mr. BOCCIERI and Mr. RUSH.
H.R. 2523: Mr. FILNER.
H.R. 2531: Mr. DELAHUNT.
H.R. 2560: Mr. BURGESS.
H.R. 2562: Mr. BISHOP of New York and Mrs. McMORRIS RODGERS.
H.R. 2567: Mr. COHEN.
H.R. 2570: Ms. BALDWIN.
H.R. 2575: Mr. KAGEN.
H.R. 2586: Mr. FRANKS of Arizona.
H.R. 2635: Mr. COHEN, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Ms. DELAURO, and Mr. NADLER of New York.
H.R. 2667: Mr. COOPER and Ms. HIRONO.
H.R. 2670: Mr. PETERS.
H.R. 2682: Mr. MANZULLO and Mr. BOOZMAN.
H.R. 2688: Mrs. CAPPS.
H.R. 2689: Mr. GOODLATTE.
H.R. 2712: Mr. BOEHNER, Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, Mr. SHUSTER, Mr. SAM JOHNSON of Texas, Mr. RADANOVICH, Mr. MILLER of Florida, Mr. ROONEY, Mr. KING of New York, Ms. GRANGER, Mr. DENT, Mr. BROUN of Georgia, and Mr. LAMBORN.
H.R. 2724: Mr. HINCHEY, Ms. NORTON, and Mr. MCGOVERN.
H.R. 2743: Mr. LARSON of Connecticut, Mr. BROUN of Georgia, Mr. PASCARELL, Mr. KISSELL, Ms. WATERS, Mr. SCHOCK, Mrs. HALVORSON, Mr. BLUMENAUER, Ms. SPEIER, Mr. RYAN of Ohio, Mr. LAMBORN, Mrs. CAPITO, Mr. LUJÁN, Mr. SESTAK, Mr. ROE of Tennessee, Mr. MURPHY of Connecticut, and Ms. MOORE of Wisconsin.
H.R. 2745: Mr. POSEY, Mr. HERGER, Ms. FALLIN, Mrs. BACHMANN, Mr. LATTA, Mr. POE of Texas, Mr. HUNTER, Mr. COLE, Mr. HARPER, Mr. FORBES, Mr. BRADY of Texas, Mr. GARRETT of New Jersey, Mr. PRICE of Georgia, Mr. WILSON of South Carolina, Mr. JORDAN of Ohio, Mr. PITTS, Mr. BONNER, Mr. CHAFFETZ, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. GOHMERT, Mr. LAMBORN, Mr. KING of Iowa, Mr. FLAKE, Mr. OLSON, Ms. FOXX, Mr. MARCHANT, and Mr. SMITH of Texas.
H.R. 2777: Ms. WATERS.
H.R. 2817: Ms. NORTON.
H.R. 2831: Mr. WELCH and Ms. SCHWARTZ.
H.R. 2842: Mr. INGLIS.
H.J. Res. 50: Mr. ROE of Tennessee and Mr. BUYER.
H.J. Res. 54: Mrs. McMORRIS RODGERS, Mr. BARTLETT, Mr. JONES, Mr. MARCHANT, and Mr. MCHENRY.
H. Con. Res. 44: Ms. CLARKE, Mr. CLAY, Mr. CONYERS, and Ms. WATERS.
H. Con. Res. 48: Mr. FRANK of Massachusetts.
H. Con. Res. 128: Mr. INGLIS.
H. Con. Res. 131: Mr. BRADY of Texas, Mr. PAULSEN, Mr. ROGERS of Kentucky, Ms. ROSLEHTINEN, Mr. ADERHOLT, Mrs. BIGBERT, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BONNER, Ms. GINNY BROWN-WAITE of Florida, Mr. BUYER, Mr. CALVERT, Mr. CAO, Mrs. CAPITO, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DENT, Mr. DUNCAN, Mr. FLEMING, Ms. FOXX, Mr. GERLACH, Mr. GOHMERT, Mr. GOODLATTE, Mr. HASTINGS of Washington, Mr. HUNTER, Mr. INGLIS, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LATOURETTE, Mr. LEWIS of California, Mr. LINDER, Mr. LUCAS, Mrs. LUMMIS, Mr. MARCHANT, Mr. McCOTTER, Mr. MCHENRY, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. NUNES, Mr. PLATTS, Mr. POE of Texas, Mr. PRICE of Georgia, Mr. REHBERG, Mr. REICHERT, Mr. ROONEY, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. SCHOCK, Mr. SESSIONS, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. TERRY, Mr. TURNER, Mr. UPTON, Mr. WALDEN, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. GRAVES, Mr. PETRI, Mr. BARTLETT, Mr. BOEHNER, and Mr. THOMPSON of Pennsylvania.
H. Con. Res. 144: Mr. ALEXANDER, Mr. KENNEDY, Mr. GEORGE MILLER of California, Ms. SHEA-PORTER, Mr. THOMPSON of Mississippi, Mr. CAO, Mr. GUTIERREZ, Mr. SCOTT of Virginia, Ms. BORDALLO, and Ms. GIFFORDS.
H. Res. 69: Mr. INSLEE and Ms. GIFFORDS.
H. Res. 111: Mr. WEINER.
H. Res. 260: Mr. ROTHMAN of New Jersey.
H. Res. 285: Mr. ROYCE.
H. Res. 330: Mr. SHULER, Mr. ROSS, Mr. GRIFFITH, Mr. SESTAK, and Mr. KISSELL.
H. Res. 366: Mr. CONAWAY, Mr. NEUGEBAUER, Mr. OLSON, Mr. HENSARLING, Mr. BRADY of Texas, Mr. HALL of Texas, Mr. GOHMERT, Mr. CULBERSON, Mr. MCCAUL, Mr. CARTER, Ms. GRANGER, Mr. THORNBERRY, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. BARTON of Texas, Mr. TIAHRT, Mr. WALDEN, Mr. SHADEGG, Mrs. BIGBERT, Mr. BUCHANAN, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. WHITFIELD, Mr. ROSKAM, Mr. LOBIONDO, Mrs. McMORRIS RODGERS, Mr. DANIEL E. LUNGREN of California, Mr. HUNTER, Mr. SIMPSON, Mr. FRELINGHUYSEN, Mr. GERLACH, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. UPTON, Mr. ROONEY, Mr. DAVIS of Kentucky, Mr. MICA, Mr. BARRETT of South Carolina, Mrs. CAPITO, Mr. CAO, Mr. SHUSTER, Mr. REICHERT, Mr. BISHOP of Utah, Mr. AKIN, Mr. YOUNG of Alaska, Mr. ISSA, Mr. RADANOVICH, Mrs. BLACKBURN, Mrs. CAPPS, Ms. DEGETTE, Mr. SCALISE, Mr. STEARNS, Mr. SHIMKUS, and Mr. THOMPSON of Pennsylvania.
H. Res. 409: Mr. WILSON of South Carolina.
H. Res. 480: Ms. EDWARDS of Maryland.
H. Res. 521: Mrs. BLACKBURN, and Mr. SABLAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. R. 2300: Mr. PRICE of Georgia, Mr. SMITH of Texas, Mr. McCOTTER, Mr. RYAN of Wisconsin, Ms. JENKINS, Mr. LAMBORN, Mrs. MYRICK, Mr. CULBERSON, Mr. BROWN of South Carolina, Mr. BONNER, Mr. SCALISE, Mr. BOUSTANY, Mr. GALLEGLY, Mr. SOUDER, Mr. CONAWAY, Mr. HERGER, Mrs. BACHMANN, Mr. PENCE, Mr. SULLIVAN, Mr. JORDAN of Ohio, Mr. COFFMAN of Colorado, Mr. LINDER, Mr. BROUN of Georgia, Mr. MCHENRY, Mr. CARTER, Mr. CHAFFETZ, Mr. WAMP, Mr. THOMPSON of Pennsylvania, Ms. FALLIN, Mr. AKIN, Mr. SAM JOHNSON of Texas, Mr. FLEMING, Mr. LUCAS, Mr. HOEKSTRA, Mr. YOUNG of Alaska, Mr. MANZULLO, Mr. BRADY of Texas, Ms. FOXX, Mr. HARPER, Mr. HENSARLING, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. GINGREY of Georgia, Mrs. LUMMIS, Mr. MARCHANT, Mr. MCKEON, Mr. NEUGEBAUER, Mr. PITTS, Mr. SIMPSON, Mr. HELLER, Mr. POE of Texas, Mr. LEE of New York, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. REHBERG, Mr. ALEXANDER, Mr. GOODLATTE, Mr. CASSIDY, Mr. RADANOVICH, Mr. LATTA, Mr. MCCAUL, Mr. SESSIONS, Mr. BOOZMAN, and Mr. THORNBERRY.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

49. THE SPEAKER presented a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 106-09 urging both the California State Legislature and United States Congress to establish a Do Not Mail Registry; which was referred to the Committee on Oversight and Government Reform.

DISCHARGE PETITIONS—
ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 3 by Mr. LATOURETTE on House Resolution 359: Fred Upton, Mac Thornberry, Kenny Marchant, Candice S. Miller, Todd Russell Platts, John Campbell, and George Radanovich.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2847

OFFERED BY: MR. OLSON

AMENDMENT NO. 1. In the item relating to “Bureau of Census—periodic censuses and programs”, after the first dollar amount insert “(reduced by \$566,500,000)”.

In the item relating to “National Aeronautics and Space Administration—explo-

ration”, after the first dollar amount insert “(increased by \$566,500,000)”.

H.R. 2847

OFFERED BY: MR. PAULSEN

AMENDMENT NO. 2. At the end of the bill (before the short title) insert the following new section:

SEC. ____ . None of the funds made available in this Act may be used to try an individual who is detained at Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, in any United States court.

EXTENSIONS OF REMARKS

A TRIBUTE IN RECOGNITION OF
DR. EDISON O. JACKSON

HON. EDOLPHUS TOWNS-

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Edison O. Jackson, the President of Medgar Evers College of the City University of New York and a foremost leader in higher education who is now retiring after twenty years with the College.

Dr. Jackson was born in Heathsville, Virginia. He received a Bachelor of Science degree in Zoology, a Master of Arts degree in Counseling from Howard University, a Master of Divinity degree from New York Theological Seminary, and a Doctorate in Education from Rutgers University with an emphasis on the philosophy, function, role, and administration of urban educational institutions.

After an impressive twenty years in higher education, Dr. Jackson was welcomed to Medgar Evers College as its 5th President. He quickly formulated and implemented a new vision for the College's future, spearheading the creation of the Freshman Year Program, increasing student retention, creating three new academic schools, and restoring the institution's senior college status in 1994.

To increase the enrollment and academic success of African American males, Dr. Jackson established the nationally recognized Male Development and Empowerment Center to groom and guide men through their higher education career and to prepare them for the workforce. Consequently, Medgar Evers has increased its enrollment of African American men by 13 percent.

Dr. Jackson has served and/or holds membership in a number of prominent civic, educational, and community organizations. He has also written on issues of concern to educators regarding minority students, including student retention and the role of spiritual leadership in higher education.

Dr. Jackson has been honored for his decades of service and achievements from scores of elected officials, educational institutions, and community organizations.

Madam Speaker, I would like to recognize Dr. Edison O. Jackson, a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Dr. Edison O. Jackson.

CENTRAL DAVIDSON—THREE
TIMES A CHAMPION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. COBLE. Madam Speaker, a softball team at a high school in our congressional district proved this year that even when you lose your key player for a large part of the season, when the whole team pulls together, greatness can still be achieved. Despite losing 2008 News & Record All-Area Player of the Year Chelsea Leonard to a knee injury on November 25, 2008, the Central Davidson High School softball team came together and finished its 21-7 season with a championship title. "We've been through some tough times this year," Coach Gene Poindexter told The Dispatch. "Got knocked down a couple times. Got black eyes a couple of times. We just kept fighting, and we worked hard to get back in the playoffs; I can't say enough about all these freshmen, sophomores and juniors. They're a great bunch of kids who worked their tails off." On behalf of the citizens of the Sixth District of North Carolina, we wish to congratulate the Spartans for winning their third consecutive 2A state softball championship.

The Spartans defeated Richlands by a score of 1-0 on Saturday, June 6, 2009. Freshman extraordinaire Carley Tysinger ripped a 1-0 pitch into left for a single to drive in the biggest run of the season and the only run of the title game. And that one-run lead was all that was needed with senior Chelsea Leonard on the mound. Leonard returned in time for the postseason and was named tournament MVP. Leonard threw a one-hitter with 19 strikeouts against Richlands in the title game.

The championship season was a team effort led by seniors Kelsey Rountree and Chelsea Leonard, juniors Haley Hanes, Laura Fritts, Haley Thore, Nicole Perry, and Mindi Morris, sophomores Kara Lohr, Whitney Lohr, Jazmine Charles, Emma Comer, and Megan Yountz, and freshmen Charity McGath, Carley Tysinger, Allie Stovall, and Lauren Bryant.

Also assisting the team during this season were assistant coaches Jim Welborn, Bryan Starnes, Greg Leonard, Sterling Charles, Mike Pickett, Jordan Stogner, Jodi Duncan, the voice of the Spartans, announcer Stuart Joontz, scorekeeper Mitzi Tysinger and last but not least, manager Xavier "Sabby" Rosales.

Again, on behalf of the Sixth District, we would like to congratulate Principal Emily Lipe, Athletic Director and Head Coach Gene Poindexter, and everyone affiliated with the Spartans. Congratulations to Central Davidson on a spectacular season and for winning its third consecutive 2A state softball championship.

TRIBUTE TO MICHAEL J. WOOTTEN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to pay tribute to an exceptional man. On Wednesday, June 10th, the federal government and, in particular, the General Services Administration lost an exemplary public servant, a genuine and trusted friend, and a devoted husband and father. On that day Michael J. Wootten, lost his courageous battle with cancer. Mike was the epitome of a fine public servant. He was accurate, detailed, inquisitive, and thorough in his work. He left our federal government and federal workforce the richer for his service.

He began his legal career as a law clerk, serving the office of the 5th district solicitor, Richland County, South Carolina. When he arrived in Washington D.C., Mike served as Majority Staff Counsel to the Committee on the Judiciary of the United States Senate. As full Committee staff counsel, Mike was responsible for issues of Administrative Law and Procedures, Courts, and Juvenile Justice.

Mike then moved on to the Department of Justice, where he spent three years in the Civil Division as Assistant Director of the Office of Policy and Legislation and Special Assistant to the Assistant Attorney General. One of Mike's accomplishments as Special Counsel was assisting in the confirmation of Justice Anthony Kennedy to the U.S. Supreme Court. Before departing Justice to join GSA, Mike served briefly as the Acting General Counsel for the President's Commission on Privatization.

Upon his arrival at the General Services Administration, Mike quickly became the "go to" lawyer for advice and counsel on real property law and legislative matters involving the Federal Property and Administrative Services Act of 1949. For almost 20 years Mike served in the Office of the General Counsel. In addition, he served as counsel to the Office of Congressional Affairs, the Public Buildings Service, the Office of Government-wide Policy, and the Office of the Chief Financial Officer. In 2009, Mike was appointed to the Senior Executive Service. His list of opinions was endless, and his advice was sought after and followed.

Mike was justifiably proud of his legal contributions to GSA. However, his pride in his legal career was always exceeded by his pride in his family, his loving wife Shereen and his two outstanding sons, Mitchell and Corey. As a parent and husband, he was immensely proud of their accomplishments, their community involvement, and their love for each other. Mike made and maintained legions of friendships. His friends, who will cherish his memory and joyful spirit, will join me today with honor and great sadness to pay tribute to Michael J. Wootten.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

RECOGNIZING THE UNITED STATES BORDER PATROL'S 85TH ANNIVERSARY

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Ms. GIFFORDS. Madam Speaker, I would like to recognize the brave men and women of the United States Border Patrol on the occasion of their agency's 85th anniversary.

The Border Patrol is the first line of defense for our nation. When it was established in the early part of the last century, its only posts were in Detroit, Michigan, and El Paso, Texas. The first agents were issued a badge and a revolver but they had to provide their own horses and saddles. Fortunately, the federal government paid for the feed.

Since its founding in 1924, the Border Patrol has grown and become a modern agency in every way. While some Border Patrol agents still ride horses, they all now use technology that their predecessors could not have imagined. Their tools and strategies have changed over time but their original mission remains the same. Each day they put on their uniforms and go out to protect and defend our borders.

Representing the 8th Congressional District in Southeastern Arizona, I have had the privilege of witnessing first-hand the Border Patrol's important work. It has been a highlight of my time in Congress to meet the men and women of the Tucson Sector of the Border Patrol who serve in one of the most challenging regions in our country. While the Tucson Sector represents only 13 percent of our border with Mexico, it accounts for close to 50 percent of the Border Patrol's apprehensions and drug seizures.

Under the exceptional leadership of Tucson Sector Chief Patrol Agent Robert Gilbert, great progress has been achieved in making our border more secure. Chief Gilbert has assembled an outstanding top management team including Deputy Chief Patrol Agent Robert Boatwright and Division Chiefs John Fitzpatrick and Jeanne Ray-Condon. In addition to implementing effective new strategies to deal with the high volume of drug and human smuggling, they have been responsive to my inquiries on behalf of constituents and they have reached out to establish partnerships with local residents, ranchers and business owners.

The daily work of the Border Patrol is conducted by a force of hard working agents who carry out their duty with honor and distinction in some of the most rugged territory in the nation. I am proud of the relationship we have established with the Executive Board of the National Border Patrol Council, Local 2544, which represents the agents who work in the Tucson Sector. The agents on the ground are capably represented by Edward Tuffly, Local 2544 President, and the members of his Executive Board, Richard Martinez, Arturo Del Cueto, David Hull and Kurt Kelley. They keep me apprised of the needs and concerns of their members so that I can better fight for the resources that they must have to safely and effectively do their jobs.

My 9,000-square mile district includes 114 miles of international border. The Border Pa-

trol's Tucson Sector is ground zero for the trafficking of humans and drugs into our country. Each day, the agents stationed here confront extraordinary risks to keep us safe. They face armed smugglers, harsh desert terrain and weather extremes. Each day, they illustrate what it means to be dedicated to duty and to country. Border Patrol agents serve us with patriotism and commitment and, as a nation, we owe them a tremendous debt of gratitude.

On behalf of the people of Arizona's 8th Congressional District, I extend my deepest appreciation to the men and women of the Tucson Sector of the Border Patrol and to their colleagues who work all across our borders.

COMMEMORATING REAR ADMIRAL BENNETT S. "BUD" SPARKS, U.S.C.G.

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the memory of Rear Admiral Bennett "Bud" Sparks, who passed away May 22 after a lifetime of service to our country in the Coast Guard. Admiral Sparks' dedication to our country and his devotion to his family and his community deserve the highest commendation.

Admiral Sparks was born on October 10, 1925, and enlisted in the Coast Guard Reserve in 1942. His service spanned the globe and he saw action in the Atlantic, Pacific and European theaters of operations while flying as a combat aircrewman on both antisubmarine and air-sea rescue missions. After the War, he transferred to the active Coast Guard, where he received a field promotion to ensign in 1957 after having served in all enlisted ranks through chief petty officer.

He later flew mapping missions over Alaska from 1946 to 1957 for the Coast Guard and as a civilian. In 1966 he took up his first of nine consecutive commands over 23 years. During this time, he served as commanding officer of four Coast Guard Units, three Coast Guard Groups and two U.S. Navy Maritime Defense Zone Sectors. He attained flag rank in 1985, and received his second star in 1987.

Throughout his career, Admiral Sparks received numerous decorations for his service. Among them are the Navy Distinguished Public Service medal, two Coast Guard Distinguished Public Service medals, the Legion of Merit, Meritorious Service medal, two Coast Guard commendation medals, the Coast Guard Achievement medal, the Arctic Service medal and, of course, his Coast Guard Combat Air Crew Wings.

Admiral Sparks was also a dedicated advocate for other reserve officers, fellow veterans and his community. He has served as both president of the Reserve Officer's Association of the United States—the first Coast Guard officer to hold this position—and as Chief of the U.S. Delegation to the Inter-Allied Confederation of Reserve Officers at NATO headquarters in Brussels, Belgium. He also chaired

the California Veterans Board, where he worked tirelessly to ensure and enhance the rights and benefits of California Veterans, and was active on the board of the North Bay Chapter of the Alzheimer's Association of Northern California and Nevada.

However, perhaps the most enduring legacy of Admiral Sparks will be as the devoted husband of his wife Betty and as a loving father and grandfather. He is survived by four of his children; Bennett Jr., James, John and Julieann, his sister Doris, as well as his 11 grandchildren, 22 great-grandchildren and one great-great-grandchild.

Madam Speaker, it is fitting at this time that we honor the life, service and memory of Admiral Sparks. His dedication to his country, his family and community are a testament to a great man who will long be remembered by those who knew him. We are lucky to have had him as a neighbor, a friend and an inspiration.

SOUTHWESTERN RANDOLPH—
CLOSE TO PERFECTION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. COBLE. Madam Speaker, perfection is difficult to achieve in life—and perhaps even more so in sports—so it is noteworthy when any team comes so close to that achievement. A high school softball team in our congressional district came within one win of a perfect season. Even with that one loss, the team captured a state championship. On behalf of the citizens of the Sixth District of North Carolina, we wish to congratulate the softball team of Southwestern Randolph High School for winning the North Carolina 3A state championship. This is the second 3A title in three years the Cougars have won.

The team was led by Head Coach Steve Taylor who was able to bring the team together and make them believe they were capable of anything. As a result, the Cougars finished the season with an impressive 30-1 record that was capped with a 5-2 win over Asheville T.C. Roberson High School on June 6, 2009.

The championship season was a team effort led by seniors Anna Maness, Holly Berry, and Brittany Jones, juniors Erin Billups, Olivia Hickman, Cheryl Coley, and Hanna Hughes, sophomores Cynthia Hayes, Julia Callicutt, Sydney Hyden, Kelsey Hoover, Victoria Hunt, and Sloan King, and freshmen Dee Chriscoe, Paige Parrish, Brooke Hayes, Kaylee King, and Hayleigh Clapp.

Also assisting the team during this outstanding 30-1 season were assistant coaches Bobby Berry, Robert Hayes, Wendal Seawell, and Angela Hoover.

Again, on behalf of the Sixth District, we would like to congratulate Principal Dr. Chris Vecchione, Athletic Director Randy Key, Head Coach Steve Taylor, and all who contributed to this outstanding season. Congratulations to Southwestern Randolph High School on a spectacular season and for winning the North Carolina 3A state championship.

A TRIBUTE IN REMEMBRANCE OF
DR. DANIEL C. UDOJI

HON. EDOLPHUS TOWNS-

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Daniel C. Udoji, a self-employed medical provider in Brooklyn.

Dr. Udoji was born in Egbu-Owerri, Eastern Nigeria to Chief Benjamin and Mrs. Dorothy Udoji and lived there until 1954. Dr. Udoji left Nigeria for London in 1957 for further education at University College Ibadan and graduated with a M.B./B.S. in 1964.

During the Nigerian-Biafra Civil War, from 1967 to 1970, Dr. Udoji provided medical and surgical services to refugees and displaced persons. After his commendable medical assistance during the Nigerian-Biafra Civil War, Dr. Udoji proceeded to the United Kingdom for postgraduate Medical Studies at Postgraduate Medical School in Scotland and University Hospital of Wales in Wales. After completion of his studies, Dr. Udoji travelled to the United States to complete his residency at V.A. Hospital and Downstate Medical Center and at Long Island Jewish Medical Center & Queens Hospital.

Following his residency, Dr. Udoji worked as an internist at V.A. Medical Center in Brooklyn from 1978 to 1986. From 1988 to 1992, Dr. Udoji provided medical services to senior citizens at the Senior Citizen Center on Bergen Street in Brooklyn. Dr. Udoji has been providing medical services to the homeless population in Brooklyn since 1989 at the Salvation Army under the auspices of Catholic Charities. Dr. Udoji has over forty years of experience and continues to work in the Brooklyn area.

Dr. Udoji is married to Obiageli with whom he has five grown children and two grandchildren. His hobbies include gardening and photography.

Madam Speaker, I urge my colleagues to join me in recognizing Dr. Daniel C. Udoji.

CONGRATULATING RALPH CROSBY
FOR BEING NAMED BOSS OF THE
YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to honor Ralph Crosby for being named "Boss of the Year" for 2009 by the Top-Side Aviation Club. The "Boss of the Year" is one of the club's most prestigious honors, and Ralph is most deserving of this award in recognition of his tireless efforts on behalf of EADS North America. He is one of those rare, one-in-a-million type of individuals whom, I am fortunate to know and call my friend.

Throughout his entire life, Ralph's work ethic, his love of family, country, and God have all contributed to his success and to receiving this prestigious award.

A native of Greenville, South Carolina, Ralph was appointed to West Point by Sen-

ator Strom Thurmond. He graduated first in his class in engineering and was in the top 2 percent of his overall class. He went on to earn two Master's degrees, one from the acclaimed JFK School of Government at Harvard University, where he graduated with a perfect 4.0, and the other, where he achieved the highest academic mark ever recorded at the time from the Graduate Institute of International Studies in Geneva.

After graduating from West Point, Ralph had a distinguished military career where he was selected as Officer of the Year of the 2nd Armored Cavalry Regiment and served tours in Germany, Vietnam and the United States. During his last military assignment, he served as the military staff assistant to Vice President Walter Mondale.

In 1981, Ralph resigned his commission as major in the U.S. Army and joined Northrop Grumman where he enjoyed a 21-year career and rapidly rose up the company ladder. He was among the youngest vice presidents ever appointed in the company's 60 year history, and he ran the B-2 program—arguably one of the most important assets in our nation's strategic arsenal.

On September 1, 2002, Ralph assumed leadership of EADS North America, one of the world's largest aerospace and defense companies. As chairman and chief executive officer, he has been directly responsible for the company's activities—and substantial growth—in the United States over the last seven years.

He established a significant aerospace presence in neighboring Mississippi where EADS North America produces the Light Utility Helicopter for the U.S. Army. All have been delivered on schedule and under budget. EADS has become a major employer across the United States supporting more than 190,000 jobs in 17 states and contributing over \$9 billion to the U.S. economy annually.

Alabama—and certainly the city of Mobile—has developed a close relationship with Ralph and EADS over the past several years. Under Ralph's leadership, EADS selected Brookley Air Field in Mobile as the home for its U.S. production facility for the next-generation aerial refueling tanker. EADS also partnered with Northrop Grumman to launch a joint bid to provide America's warfighters with the very best equipment, technology, and training to do their jobs and complete their missions.

In recognition of his impressive career and many accomplishments, Ralph was Aviation Week and Space Technology magazine's runner-up for Person of the Year last year.

Madam Speaker, I would like to offer my personal congratulations to Ralph Crosby for being named the Boss of the Year for 2009 and, in so doing, recognize him for his many outstanding accomplishments.

I ask my colleagues to join me in congratulating a dedicated professional and friend. I know his family—his wife, Mary Grace; their children, Ralph and Laura Grace; and their beautiful grandchildren—as well as his many friends and colleagues join me in praising his accomplishments and extending thanks for his many efforts over the years.

HONORING ALEX ADAMEK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alex Adamek, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the many years Alex has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alex Adamek for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall #335 on the final passage of H.R. 1234, I am not recorded. Had I been present, I would have voted "nay."

HIGH POTENCY MARIJUANA SENSITIZING ENHANCEMENT ACT OF 2009

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. KIRK. Madam Speaker, popular culture often romanticizes casual marijuana use, and those who warn that marijuana is a "gateway drug" that can lead to use of other, harder drugs are ridiculed as being out of the mainstream. The reality is that marijuana today is vastly different than the marijuana that was prevalent in the '60s. According to the National Drug Intelligence Center, the average THC content of seized marijuana was less than 4 percent in the early 1990s. By 2007 that level rose to nearly 10 percent.

Local police in my district are now reporting a new threat from "Kush," street slang for a strain of highly potent marijuana with a THC content of at least 20 percent. The rise of Kush mirrors the increasing trend of high-THC marijuana, which has become more accessible with the rise of hydroponics. Drug growers are able to strictly control light, temperature and humidity and can cross-breed to maximize THC content. According to the Drug Enforcement Administration, Kush has been known to sell for as high as \$600 per ounce—creating the same profit potential as crack cocaine.

Today I am introducing legislation to bring federal penalties for trafficking high-potency

marijuana in line with penalties for cocaine, heroin, and hashish, all of which have similar retail prices on the street. The gangs and cartels trafficking Kush are the same trafficking cocaine and heroin, and the profits they realize represent an equal danger to the public. In my view, the penalties for trafficking this dangerous drug should also be equalized.

HONORING SANDY REMPE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. GRAVES. Madam Speaker, I proudly rise today to recognize Sandy Rempe of the Missouri Department of Public Safety. Her direction of the Juvenile Justice Program and the dedication and compassion she has for today's youth is to be commended. Due to her exemplary leadership, she has earned the prestigious Tony Gobar Award, an honor that recognizes excellence in the field of juvenile justice.

Ms. Rempe has worked as the manager of the Department of Public Safety's Juvenile Justice Program for twelve years. Under her leadership, the program distributes federal grants that provide funding to sixty state and local agencies in Missouri to help support juvenile justice and delinquency prevention initiatives. Additionally, grant funds are utilized for training on juvenile justice, system improvements, and intervention programs. Ms. Rempe also serves on many groups, committees and commissions including the Mental Health Transformation Leadership Work Group and the Drug Court Commission.

Madam Speaker, I proudly ask you to join me in commending Sandy Rempe for this prestigious accomplishment with the Missouri Department of Public Safety and for her tireless efforts in helping Missouri's youth.

IN HONOR OF ELLEN PSENICKA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Ellen Psenicka, whose forty-year tenure as reporter, editor and publisher of the award-winning Neighborhood News, continues to enlighten, entertain and unite Cleveland's southeast community every Wednesday, highlighting current events along our city streets—from the neighborhoods of Slavic Village, to the streets of Garfield Heights, to the steps of Cleveland City Hall.

Ellen grew up in Sandusky, Ohio and went on to attend Ohio University, where she earned a Bachelor's degree in Journalism. Shortly following graduation, in June, 1969, Ellen was hired as a reporter by Jim Psenicka, publisher of the Neighborhood News. A few years later, Jim and Ellen were married, and they worked in dedication to each other, to the newspaper and to the community until Jim's

passing in 2001. At that time, Ellen accepted the torch of leadership passed to her by Jim, and she continues to carry on his legacy of excellence in journalism, and his commitment to the Greater Cleveland Community.

Ellen's spirit of volunteerism and focus on the betterment of the community is evident throughout Southeast Cleveland and its suburbs. Her kind and humble nature draws people to her, and she has garnered the admiration and respect of everyone she knows. She is a longtime member of the Garfield Heights Historical Society and serves as a board member for Cleveland Central Catholic High School. She is currently serving her second term as President of the Kiwanis of Southeast Cleveland. As a member and leader in Kiwanis, Ellen has been instrumental in leading several fundraising efforts aimed at local student scholarship awards, and recently, a fundraiser and recognition dinner honoring Dr. Javier Lopez which raised greatly-needed funds for his medical missions to Central America. Ellen has always reached out with a generous heart wherever and whenever needed. Her efforts in volunteerism also include her tireless dedication in her efforts to save St. Michael's hospital.

Madam Speaker and colleagues, please join me in honor and recognition of Ellen Psenicka, as she celebrates her 40th Anniversary with the Neighborhood News. The Neighborhood News is read by tens of thousands of people weekly, and continues to inform and unite us all. Ellen's commitment to bringing us the news of the neighborhood and her generosity as a community leader and volunteer serves to brighten and strengthen our entire community.

IN RECOGNITION OF THE ACHIEVEMENTS OF ANTHONY APPELWHITE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to congratulate Anthony Applewhite of Boy Scout Troop 1577 on being promoted to the rank of Eagle Scout. Fewer than 2% of all scouts have mastered the skills necessary to achieve this honor. Anthony's achievement of this rank is even more extraordinary because, at the age of just 13, he is one of the youngest Eagle Scouts ever in the 100 year history of Boy Scouts of America.

For his Eagle Scout Service Project, Anthony designed, planned and managed the construction of a picnic area at The Kings Chapel in Clifton, Va. This picnic area was completed efficiently and now is enjoyed by community members as well as the children who attend the The Kings Chapel pre-school. This is just a recent example of Anthony's scouting achievements. Anthony also was recognized for his leadership and service in his Boy Scout Troop with membership in the Order of the Arrow, the National Honor Society of Scouting.

In addition to his success within the Boy Scouts, Anthony is an Honor Roll Student at

Rocky Run Middle School. He excels in science, math and technology and would like to attend the Massachusetts Institute of Technology. Anthony plans a dual career of game designer and neurosurgeon where he can utilize many of his impressive abilities. Anthony's scholastic abilities were highlighted when he captained his Odyssey of the Mind teams for the creative problem solving competitions. He also enjoys travel soccer as well as the violin.

Anthony has set many short- and long-term goals for himself ranging from continuing his involvement in the Scouts where he hopes to be selected to attend the 2010 National Jamboree and the 2012 World Jamboree to a career in the medical and technological fields.

Madam Speaker, I ask my colleagues to join me in congratulating Anthony on being one of the youngest Eagle Scouts in scouting history and in wishing him the very best in what promises to be a very bright future. I would also like to ask my colleagues to join me in expressing our thanks to Anthony's family, friends and troop leaders for the support that they have given Anthony which has allowed and encouraged his development as a fine young citizen.

BIPARTISAN CONGRESSIONAL DELEGATION TO NATO PARLIAMENTARY ASSEMBLY MEETINGS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. TANNER. Madam Speaker, during the period May 22–31, 2009, I led a bipartisan House delegation to NATO Parliamentary Assembly (NATO PA) meetings in Oslo, Norway and to additional bi-lateral meetings in Helsinki, Finland and Stockholm, Sweden. The co-chair of the NATO PA delegation is the Hon. JOHN SHIMKUS. The delegation also included Representatives JO ANN EMERSON, DENNIS MOORE, JOHN BOOZMAN, MIKE ROSS, DAVID SCOTT, KENDRICK MEEK, JEFF MILLER, BEN CHANDLER, MIKE TURNER and staff. The NATO PA delegation had a highly successful trip in which a wide range of political, economic and security issues on NATO's agenda, as well as issues involving the U.S.–Finland and U.S.–Sweden bi-lateral relationships, were examined. Accompanying the delegation on the visits to Finland and Sweden was Mr. David Hobbs, Secretary General of the NATO Parliamentary Assembly, who provided invaluable assistance with respect to Finland and Sweden's participation in the NATO PA and issues related to their cooperation with NATO in numerous Alliance operations.

The NATO Parliamentary Assembly consists of parliamentarians from all 28 NATO member states. The NATO PA provides a unique forum for elected officials to analyze and debate issues that the NATO leadership discusses in Brussels. In addition to the 28 member parliaments, parliamentarians from countries such as Russia, Georgia, Afghanistan, and others also participate in the sessions as associate states or observers. Through these sessions, delegates have the opportunity to learn firsthand the views and concerns that other countries have over the key security issues of the

day. An invaluable aspect of the meetings is the chance to meet and come to know members of parliaments who play important roles in their own countries in shaping the security agenda that their governments pursue at NATO. These contacts can endure through a career, and can provide an invaluable private avenue for insights into each ally's particular views on an issue.

In early April, NATO celebrated its 60th anniversary at a summit in Strasbourg, France and Kehl, Germany. The key issues on the agenda of the Alliance included the broader issue of the future of NATO and more specific issues including relations with Russia, energy security, missile defense, the conflict in Afghanistan, and emerging challenges such as piracy and cyber security. Each of these issues was also on the NATO PA agenda in Oslo and many were vigorously debated by the parliamentarians. Relations with Russia and the new strategy towards Afghanistan and Pakistan were two of the issues that dominated the session. Many members of the Alliance questioned whether Russia has begun to implement an increasingly assertive security policy including efforts to intimidate neighboring states, through the threat of force. There was also concern expressed that Russia would continue to use its energy supplies as a political lever to influence European policy. It was clear from our meetings that not only the United States and NATO, but the European Union as well, are concerned about Moscow's posture on a variety of issues. And, while there were differences of opinion over how to structure future relations between NATO and Russia and the NATO PA and the Russian delegates to the Assembly, most felt that dialogue between NATO, the NATO PA, and Russia was important and should continue. Many delegates welcomed the U.S. commitment to a new, constructive relationship with Moscow and expressed hope that through those promising relations, Russia's attitude toward NATO could become more positive. On Afghanistan, there was continued support for the ISAF mission among the allies and a willingness to provide the additional civilian and financial support necessary for the reconstruction effort there. However, we did detect an undercurrent of concern among some allies that through the commitment of 21,000 additional U.S. troops to Afghanistan and the replacement of U.S./ISAF Commander, General McKiernan, the process of the "Americanization" of the war was underway and that NATO could be pushed aside by the United States. Our delegation was clear that this is not the case and that NATO's role in Afghanistan continues to be a critical one that needs to be carried out in an effective and efficient manner.

Before the opening sessions of the Assembly's plenary the U.S. delegation received a detailed briefing from the new U.S. Ambassador to NATO, Ivo Daalder, who had been in his new role for four days. He prepared us for the nuances involved in some of the issues that would be debated during the NATO PA sessions, particularly regarding Russia and NATO's on-going role in Afghanistan. In addition to the briefing by Ambassador Daalder, we also had the opportunity to meet with the new Deputy Chief of Mission to NATO, Mr.

John Heffern who represented the United States at the joint NATO PA/North Atlantic Council (NAC) session at the conclusion of the plenary. Another highlight was a private meeting our delegation held with NATO Secretary General Jaap de Hoop Scheffer who was attending his last NATO Parliamentary Assembly session as Secretary General. He gave an overview of the most critical challenges confronting the alliance and thanked the U.S. delegation for its continued support for NATO. Later he addressed the NATO PA's plenary session. The Foreign Minister of Norway, Jens Stoltenberg also addressed the plenary and spoke about the continued importance of the Alliance and the need for a clear direction for NATO's future. The Assembly also received a mixed report on current conditions in Afghanistan from Mr. Kai Eide, the head of the United Nations Assistance Mission in Afghanistan. Mr. Eide stressed the need for a sustained commitment of assistance from the international community. We also heard comments from the Speakers of the Albanian and Croatian Parliaments on their nation's status as the newest members of the Alliance.

Over two days of the NATO PA session, intense meetings of the Assembly's committees took place. There are five NATO PA committees. In each, parliamentarians presented reports on issues before the Alliance. The reports were debated by all members of the committee who often made counter-arguments or suggestions for amending a report. Members of the U.S. delegation were present and active in each committee meeting.

The Political Committee heard two very interesting presentations. One on the future relevancy of NATO by Jonas Gahr Store, Minister of Foreign Affairs of Norway. A second presentation on Iran generated some interesting questions and debate. The Committee received presentations on three reports, one from our colleague, MIKE ROSS who was a rapporteur for a report on possible transatlantic cooperation on Pakistan. Mr. ROSS's presentation was well received by the Committee. Other reports debated included "Resetting Relations with Russia" that featured several interesting comments from the Russian delegates, and "NATO's relationship with Georgia" that included a discussion on the recent Russia-Georgia conflict. There were still differences of opinion on who actually was responsible for starting the war in Georgia and how to deal with Georgia's aspirations for eventual membership in NATO.

The Committee on the Civil Dimension of Security is currently chaired by our colleague, JO ANN EMERSON. The Committee heard three interesting presentations. One covered civil-military relations in Afghanistan and another attempted to discuss how NATO could best communicate the importance of the Alliance and its missions to the general populations of the alliance members. There was also a very interesting presentation on the food-security nexus by Josette Sheeran, Executive Director of the United Nations World Food Program. The Committee then debated a report on the growing threat of piracy to regional and global security. Our colleague, DAVID SCOTT, who had recently visited Somalia, offered several comments on the relationship between the unstable political and economic situation in So-

malia and the growing use of Somalia as a base for pirate activity. A report on the current political situation in Moldova was also presented.

The Defense and Security Committee heard two reports on NATO's ongoing operations in Afghanistan, including a report by NATO's senior civilian representative in Afghanistan, Ambassador Fernando Gentilini. The Committee also received a report on the need for NATO to reinforce its mission of territorial defense. Our colleague JOHN SHIMKUS countered the idea that Afghanistan was becoming an "American" war by pointing out that the United States' new Afghanistan/Pakistan strategy, which does include additional U.S. military forces, was developed in part with European input.

The Economics and Security Committee debated three reports, including one on food prices and their implications for security and another on energy production in Central Asia and its potential contribution to transatlantic energy security. The Committee also had a long discussion on a third report that addressed the global financial crisis and its impact on member nations. In that discussion, a number of members suggested that it would be useful to explore how the financial crisis was impinging on national defense budgets in allied countries. The Committee also heard presentations on the security aspects of food-related crises, global energy market trends, and managing defense budgets in times of global recession.

Finally, the Science and Technology Committee heard three reports, including one particularly interesting report on climate change and its relationship to national security. Another addressed the current efforts being used to combat the spread of weapons of mass destruction. A third report provided a look at the resurgence of nuclear power as a source of clean energy.

On Tuesday, the final day of the plenary, the general assembly had the extraordinary opportunity to hear a presentation from the NATO Secretary General in his last address to the Assembly and to participate in a formal meeting with the North Atlantic Council (NAC) in which the Ambassadors to NATO of all 28 Alliance members answered questions from the delegates.

Madam Speaker, as you know, the NATO PA Plenary session also happened to be held over our own Memorial Day. For the members of the U.S. delegation, the highlight of our visit to Oslo was the opportunity to honor the men and women of our armed forces who made the ultimate sacrifice on behalf of their country. As it happened, a U.S. Navy warship was able to make a port call in Oslo that served as the venue for a Memorial Day observance. For that, I wish to thank Admiral Charles Leidig, Commander Ed Recavarren, Assistant U.S. Naval Attache in Oslo, the ship's Captain, Michael Feyedelem and the entire ship's crew for welcoming us aboard for the memorial service. I also wish to thank U.S. Ambassador to Norway, Benson Whitney, for hosting the reception for our delegation, the ship's crew, the Mayor of Oslo, and other dignitaries to share this special moment with us. The members of our delegation were also able to visit with sailors and marines whose stateside

homes included many of the states represented by Members of our delegation.

In sum, Madam Speaker, the spring session of the NATO Parliamentary Assembly in Oslo was a success and as President of the Assembly, I took pride in the deliberations and participation of the delegates from all 28 member nations and our associate and observer members. For Members of the House or Senate interested in reading the Committee reports or presentations mentioned in this statement, they are all available on the NPA web site at www.nato-pa.int. I also want to take this opportunity to again thank U.S. Ambassador Whitney, our control officer, Auden McKernan, and all of the fine men and women of our embassy in Oslo for the wonderful job they did assisting the delegation.

Following the NATO PA plenary, the U.S. delegation traveled to Bergen, Norway. Norway was celebrating the 100th anniversary of the Norwegian submarine fleet and a U.S. submarine had visited Bergen as part of that celebration. The U.S. delegation was given a tour of the submarine and an informal briefing on the cooperation between the Norwegian and U.S. navies. The delegation would like to thank Commander Ed Recavarren, Scott Sommers, our Bergen control officer and U.S. Defense Attache in Oslo, Captain Russell Smith, for their assistance in making this visit a successful one.

After departing Norway, the delegation flew to Helsinki, Finland for bi-lateral meetings with government and parliamentary representatives. On Wednesday, after a country team briefing given by our Charge in Helsinki, Thaddeus Plosser, our Control Officer, Scott Brandon and other staff, we were hosted for a roundtable discussion by the Chairmen of the Committees of Foreign Affairs and Defense. Other committee members participated, including Johannes Koskinen, the Deputy Speaker of the Finnish Parliament and head of Finland's delegation to the NATO Parliamentary Assembly. The discussions covered a number of issues including Finland's carefully managed relationship with Russia. Finland and Russia share an 800 mile border, fought two wars, and experience close to 8 million border crossings each year. Russia is Finland's largest trading partner and primary energy supplier, including 100% of Finland's natural gas supplies. The Finns seem surprisingly at ease with their "complex and unpredictable" neighbor and do not see a "Georgia-type" threat from Russia.

The Finns pursue their security interests through the EU, Nordic defense cooperation with Sweden, Norway, and Denmark, and through close cooperation with NATO. While there is growing support among some in the government for possible future NATO membership, the majority of the general public is not yet in favor of such a decision. Finland has been active in Afghanistan (currently 100 troops, soon to reach 200), and participates in the Swedish-led Provincial Reconstruction Team (PRT) in northern Afghanistan. Other issues discussed included the current global economic and financial crisis which has hit Finland, climate change, and cooperation on issues involving the "high north" and the arc-

Our delegation also held policy discussions with representatives of the government, includ-

ing the Under-Secretary of State at the Ministry of Foreign Affairs (MFA), the principle policy advisor to the Prime Minister, the Deputy Director of the Political Department in the MFA, the head of the office for North American affairs at the MFA, and the Deputy Director at the Ministry of Defense. Again, a wide range of issues including Russia, NATO, and the economy were discussed.

On May 28, our delegation traveled to Stockholm, Sweden for bi-lateral meetings. The visit to Sweden was also important as the Swedes will take over the rotating presidency of the European Union on July 1, 2009. We were met by U.S. Charge, Robert Silverman and control officer, Jonas Wechsler who briefed the delegation on relations between Sweden and the United States. That evening we were warmly welcomed at a reception at the Ambassador's residence that included guests from the government of Sweden, the Parliament, and others. Lively discussions followed on the new U.S. administration and its views on transatlantic relations, the differences between the European and U.S. views of the world, the future role of NATO, relations with Russia, and the conflicts in Iraq and Afghanistan.

The next day, the delegation met with Sten Tolgfors, the Minister of Defense for Sweden. The Minister briefed us on Sweden's global outlook, their participation with NATO in the Balkans and Afghanistan (they have 290 troops and lead a PRT in the north), Russia, and the reforms they have instituted within the defense establishment, including the decision to pursue an all-volunteer professional military (they, like the Finns, have a conscript military). Sweden, like Finland, does entertain the possibility of future NATO membership but the Minister told the delegation that currently the parliament is split on the idea and so it is not on the government's current agenda. The delegation then proceeded to a working lunch hosted by Ms. Karin Enstrom, head of the Swedish delegation to the NATO Parliamentary Assembly and attended by other parliamentarians. The discussion was lively and covered the entire spectrum of U.S.-Swedish relations. Following lunch, the delegation met with State Secretary Frank Belfrage from the Ministry of Foreign Affairs. Discussions centered on Russia, Afghanistan, and Sweden's upcoming presidency of the European Union. One of Sweden's priorities will be climate change and preparing the EU's positions for the Copenhagen Conference on climate change that will be held in December. The Secretary expressed his hope that the United States and EU will work closely together on this issue and to help forge a consensus on the follow-on efforts to the Kyoto Climate agreement.

Madam Speaker, the NATO Parliamentary Assembly provides a unique opportunity for Members of Congress to engage in serious discussions on critical issues with our colleagues from other NATO member states, associate and observer states. I believe our delegation, and thus this Congress, benefits greatly from the information we exchange and the personalities we meet during these meetings. I look forward to our next NATO PA session in November in Edinburgh, Scotland.

In conclusion, I would like to again acknowledge the hard work and dedication of our Em-

bassy staffs in Oslo, Helsinki, and Stockholm, and the men and women of the U.S. Navy vessels we visited while in Norway. I especially want to thank our entire military escort group from the United States Air Force, including the pilots. Our diplomatic corps and military personnel provide a quiet but invaluable service in ensuring our safety and this group of diplomats, servicemen and women was no exception. I thank them for their hard work and their dedication to duty.

HONORING SISTER FRANCINE
LAGOCKI, PRINCIPAL OF SAINT
RICHARD SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Sister Francine Lagocki, Principal of Saint Richard School in recognition of her career of devoted service. Sister Lagocki's retirement at the end of the 2009 school year will mark the end of nearly seven decades of selfless service to our nation's youth. Today, I ask my colleagues to join me in honoring Sister Lagocki's outstanding commitment to educational excellence. Sister Lagocki embodies the positive influence that teachers and school administrators can be on students every day across this great country.

In Sister Lagocki's accomplished career as an educator, she served as a classroom teacher in three parish schools before becoming assistant principal at Good Council High School. Sister Lagocki then served as principal of St. Mary School and St. Roman School in Milwaukee, Wisconsin, before returning to Illinois to serve as Principal for St. Wenceslas in Chicago, and then finally St. Richard School on the Southwest Side.

St. Richard School is a Catholic school that serves the parish community and is both an expression of and a witness to the faith of its people. Believing that a child's development best occurs within the framework of a positive and structured environment, St. Richard School offers innovative and high quality educational programs. The aim of these programs is to challenge each student while teaching basic skills, within a Christian atmosphere where mutual respect, order, and values are high priorities.

It is my honor to recognize Sister Francine Lagocki, who served as an example of one of the best in K-8 school leadership and helped foster a greater understanding of the principal's key role in meeting the challenging responsibility of educating children.

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding

project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Commerce, Justice and Science Appropriations Bill

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Washington Parish Sheriff's Office

Address of Requesting Entity: 1002 Main Street, Franklinton, Louisiana 70438

Description of Request: I have secured \$291,000 for the Washington Parish Sheriff's Office. The funding will provide law enforcement equipment, and provide proactive and reactive law enforcement activities for the safety of citizens and law enforcement officials engaged in law enforcement activities. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Commerce, Justice and Science Appropriations Bill

Account: Department of Justice, Office of Justice Programs—Juvenile Justice

Legal Name of Requesting Entity: Boys Town Louisiana

Address of Requesting Entity: 700 Frenchman Street, New Orleans, LA 70116

Description of Request: I have secured \$147,000 for Boys Town Louisiana, New Orleans, LA. The funding would be to expand an integration of the Boys Town Treatment Family Home program and its Home Family Services program to serve more at-risk girls and boys and their families. I certify that neither I nor my spouse has any financial interest in this project.

ENERGY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Ms. LEE of California. Madam Speaker, I would first like to thank Rep. ELLISON for holding this special order tonight as Congress works to break away from business-as-usual with regards to our nation's energy future.

I would also like to thank the Chairs of the Congressional Progressive Caucus, Representatives WOOLSEY and GRIJALVA, for your leadership and your tireless efforts to promote proper stewardship of our communities by protecting the environment.

It is so important that we continue to call for action on these issues surrounding global warming and the continued degradation of our environment that is perpetuated by our dependence on fossil fuels.

As I have said time and time again—there is no denying the interconnection between our stewardship of the environment and the state of the economy, public health, and our communities.

The drastic acceleration of greenhouse gas emissions has often been concentrated in low-income and minority communities, putting

these vulnerable populations on the "front lines" of the fight against environmental degradation and global climate change.

Simply put, climate change has, and will continue to exacerbate the problem of poverty and inequality, and none of us can afford to take this lightly.

The health of our community and our neighbors affects all of us.

Let me take a moment to reflect upon the urgent need to finally put a price on carbon emissions and make polluters pay for the pollution they produce.

As a member of the Congressional Progressive Caucus, I look forward to working with my colleagues here in Congress to pass responsible and comprehensive climate legislation that will establish a price for carbon emissions and spur the development of clean, renewable energy and the deployment of much-needed energy efficient technologies.

Legislation which sets us on the path toward energy independence and a new, low-carbon economy will help to maintain the United States position as a leader in innovation while at the same time creating hundreds of thousands of good paying green jobs.

The biggest misconception out there today regarding our environment is that the public isn't engaged, or willing to transition to a sustainable, environmentally-friendly economy.

In reality, the shift to a low-carbon economy represents an economic opportunity for individuals across this country.

One of the most exciting and inclusive solutions to the many issues facing environmental health is the possibility afforded to us by promoting Green Jobs Training and the growth of the Green Economy in America.

To that end, I have reintroduced legislation entitled the Metro Economies Green Act, or MEGA, H.R. 330, which establishes grant programs to encourage energy-efficient economic development and green job training and creation.

This legislation would also create a national institute to serve as a clearinghouse for best practices information in order to facilitate the successful expansion of the green jobs movement on a national scale.

As the Representative of California's 9th Congressional District, I would also like to take a moment to recognize the role that California's East Bay is playing at the forefront of the Green Jobs and Green Industry movement.

We have a number of innovative initiatives in my district in particular, including the East Bay Green Corridor Initiative, the Oakland Green Jobs Corps, the Joint Bio Energy Institute, the Lawrence Berkeley National Laboratory, and the Energy Biosciences Institute at Berkeley.

I recently visited the site of the Oakland Green Jobs Corps with Special Advisor to President Obama on Energy and Climate Change, Carol Browner, in order to show her a truly groundbreaking example of green-collar workforce development already up and running in Oakland, CA.

The Oakland Green Job Corps is a partnership of community organizations, trade unions, private companies, and the City of Oakland. It provides Oakland residents with the necessary training, support, and work experience to independently pursue careers in the new energy economy.

The fact is, "Green" has already become the fifth largest industry in the nation—80 percent of venture capital investments in 2008 were in the clean energy and energy efficiency sector.

Between 1998 and 2007, job growth in the clean-energy economy outperformed total job growth in 38 states and the District of Columbia, and we are just beginning to tap into our nation's clean energy potential.

Passing comprehensive clean energy and climate legislation, especially one which includes a robust Renewable Energy Standard, is essential to delivering cleaner energy and good-paying jobs to communities across the nation.

A strong Renewable Energy Standard will spur innovation and the expansion of economic opportunities surrounding the green movement.

The current draft of the American Clean Energy and Security Act sets America on a path to meet 20 percent of our electricity demand through renewable energy sources and energy efficiency by 2020.

This is an important start, but I am also confident we can do more.

It is the time to think big, not small, and I urge my colleagues to consider strengthening this standard so that we might take full advantage of the enormous renewable energy potential across this country.

This is only one of many important priorities we must address in order to ensure no communities are left behind in the transition to a low-carbon economy.

There is no doubt in my mind that a greener future will lead to a more prosperous future for our communities, the Nation, and the world.

I urge my colleagues to act swiftly to move America beyond its dependency on oil, address the climate crisis, and help protect America's natural resources for our children's future.

RECOGNIZING MORGAN ARANDA

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Morgan Aranda, a student of Newberry Academy in Chicago. She has come to Washington, D.C. this week to compete in the 2009 National History Day Contest at the University of Maryland.

National History Day was started in 1974 with the intent of improving the historical literacy and research skills of junior high and high school aged children. Despite its name, National History Day has a variety of programs year-round, including its week-long national contest in which Morgan is a chosen participant. With the guidance and support of countless parents, teachers and friends, 500,000 students are able to participate in National History Day events annually. As Morgan and her fellow young historians would likely agree, the National History Day's motto, "it's not just a day, it's an experience," rings true.

Morgan has been selected to represent Illinois for her junior individual performance entitled "Alexander Polikoff and the Fight for Fair

Housing." Her work is the culmination of many hours of research and multiple public performances. Morgan's dedication, discipline and talent are undeniable.

I'm honored to recognize Morgan and her achievements as a young historian. What she has accomplished already in her life are the beginnings of a bright and successful future and I wish her the best of luck at the competition and onward.

HONORING FRED CORUM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. DUNCAN. Madam Speaker, I rise today to honor a gentleman who has left an impact on every county in Congressional District and touched the lives of everyone in East Tennessee, whether they may know it or not.

Fred Corum exemplifies the concept of government and community service. As the Director of the Tennessee Department of Transportation's Region One, Fred has devoted a long career to the safety and quality-of-life of east Tennesseans.

Fred is celebrating his much earned retirement today with a gift back to the people he served: the completion of SmartFix40. This project is the most expensive in state history, reconfiguring Interstate 40 as it crosses through downtown Knoxville. SmartFix40 is not a venture he took lightly.

This massive project required the closure of Interstate 40—a main east to west coast corridor—for fourteen months. The night before the closure, Fred says he could not sleep, and there were plenty more sleepless nights to come. We can only hope that all government servants devote such care and commitment to their work.

Every project Fred has overseen is a true testament to his character, and there was no one more qualified than him to lead the SmartFix40 project. Fred has been on the job with the Tennessee Department of Transportation since 1954, a career that has spanned 53 years and 10 Governors.

As an entry-level worker in 1954, Fred planted stakes in the ground to mark the route of future roads for \$150 a month. Eventually, he was promoted to maintenance supervisor for a large portion of my Congressional District, back in a time when there was a lot more snow to deal with. As his career spanned the 1980s, Fred witnessed the advent of the age of conservation, navigating water pollution issues, wildlife preservation, and erosion.

Governor Lamar Alexander appointed Fred the Director of Region One in 1985, and although he thought his job would be up at the end of the Governor's term, he was kept in the position through three more administrations.

Today, decades after he drove his first stake into the ground, Fred is on hand for the reopening of Interstate 40 and the completion of SmartFix40. He goes out at the top of his game, leaving for all East Tennesseans a reconfigured, aesthetically pleasing, and modern stretch of highway.

Fred's ascent through the ranks of the Tennessee Department of Transportation to Direc-

tor of Region One is an example to all who enter government service. His wife, Loretta, their two sons, four grandchildren, and great-grandson have reason to be very proud.

Madam Speaker, in closing, I would like to call the remarkable service of Fred Corum to the attention of my colleagues and other readers of the RECORD, and wish Fred a very happy retirement.

PERSONAL EXPLANATION

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. LUETKEMEYER. Madam Speaker, I would like to state for the record my position on the following vote I missed due to being delayed at a committee hearing.

On Thursday, June 11, 2009, I missed roll-call vote No. 332. Had I been present, I would have voted "aye" on rollcall vote No. 332.

TRIBUTE TO THE LIFE OF
LADISLAO "TANNY" BACA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. BACA. Madam Speaker, I rise today to ask Congress to pay special tribute to the life of a loving husband and grandfather, my brother, Ladislao "Tanny" Baca, of Barstow, CA. Tanny passed away June 6, 2009, at the age of 69 after complications with a brave life-long battle with diabetes.

Born in Las Nuetras, New Mexico January 8, 1940, Tanny made an impressionable impact on all he came in contact with. Tanny was widely admired by family, friends and colleagues. He was hard-working, dedicated, committed, disciplined, loving, supporting. Even though his bark was worse than his bite, he was a kind and loving brother, husband, father and grandfather.

For 16 years he worked as a Switch Man and Local Engineer for the Santa Fe Railroad in Barstow, CA. He worked and retired after 19 years as a Local Engineer at the Marine Base in Yermo, CA. Tanny also honorably served 16 years with the National Guard.

He is remembered by most as a generous man who always had time to share with others. His giving spirit will be missed by his community. He loved his brothers and sisters especially Florenio, Morris, Raymond, Lupe and Theresa. He enjoyed spending time loving us all. He was everything you would want in a brother, son, husband, and grandfather. Tanny enjoyed spending time in his garage. He and his brothers, Florenio and Morris would love to hang out and just enjoy their time there. Tanny also spent time in his garage helping teenagers, seniors and others with limited resources work on their cars. He was less worried about being paid and always happy to help those in need. He was that kind of man. Even though he was Lupe Napier's little brother, he would help take care of her. He

was always willing to give her a hand with her car, and moving whatever she needed, he was always there to help her.

On behalf of my brother I would like to share a message from him to his children, Toby, Nick, and Liz. "Even though we were separated, in my heart I never stopped loving and caring for you." To all his children, he loved you all very much.

I would also like to share a few memories from his wife and several of his children.

The thing I remember most is when we went to Las Vegas to get married and the judge said, "Do you take this man Ladislao Baca as your husband?" and I said, "What?" because I only knew him as Tanny. Later we all laughed about it because we thought it was funny and the judge thought that she wants to marry this man and she does not even know his name. Edwina Baca, Wife.

Dad no matter what, you were always there for us, through good and bad times, we always will respect and love you, and you will be in our hearts forever. Liz Pullen, Toby and Nick Connolly, Daughter and Sons.

My dad was a caring and loving man. He never let anyone be without what they needed and his garage was always open for anyone. He and his friends would sit out there for hours talking. He will surely be missed. Angel Baca, Daughter.

Dad, you are the best and you will always be in my heart. You were always there for me. You touched many lives. I will always remember when you were by my side when I really needed you. Eloisa Madero, Daughter.

Memories I have of my dad growing up are going to work with him everyday as a child and riding the trains with him. Another good memory was all the bar-be-que we had and how he always had enough food to feed all the family and the whole neighborhood and still had plenty of leftovers. Lisa Baca, Daughter.

The things I remember most about my dad is when he took me hunting and he lost me and he did not want me to tell my mom because then I would never be able to go with Dad again. I also remember the time I dug a hole on the side of the house and filled it with water and was playing in the mud. Oh man, did I ever get in trouble. Tim Baca, Son.

I remember most about my dad is when my mom went out of town and dad tried to cook us spaghetti and he just threw everything in a pot all together and said it was just like our mom's and it tasted nothing like how mom made it. Penny Gray, Daughter.

He will be remembered by his grandchildren as someone who was always able to bring a smile to their face and share a lot of love and time with them.

He was an active outdoorsman who enjoyed fishing and hunting various game; including deer, antelope, and bear. When he wasn't enjoying the great outdoors he could be found enjoying Spanish music and dining at his favorite restaurant, "Del Taco".

He also loved to get his family together through his cooking. Barbequing was his way of having family reunions to enjoy barbequed cow and pig. He enjoyed bringing us together; he was always about family.

Tanny was a devoted Catholic and attended St. Joseph's Catholic Church in Barstow with his wife Edwina.

From Las Nuetras, New Mexico to Barstow, California, Tanny's life was dedicated to family, friends, and his community. His memory

lives on in our thoughts and prayers. We say "goodbye. God bless you, we love you, and we will miss you".

Tanny is survived by his wife, Edwina Baca; his children, Angel Baca, Eloisa Madero, Penny Gray, Tim Baca, Lisa Baca, Nick Connolly, Toby Connolly, and Liz Pullen; brothers and sisters, Florenio Baca, Lupe Napier, Morris Baca, Raymond Baca, Joe Baca and Theresa Perea; his grandchildren and by a large extended family who share in the loss.

The thoughts and prayers of my wife Barbara and children, Councilman Joe Baca, Jr., Jeremy, Natalie and Jennifer and I are with the family at this time.

CELEBRATING THE 234TH
ANNIVERSARY OF THE U.S. ARMY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to call attention to an upcoming anniversary that is significant to our national security and history. This Sunday, June 14th, members of the Active Duty Army, Army Reserve, and Army National Guard will celebrate the United States Army's 234th birthday.

The celebrations began this morning with the annual Department of the Army cake-cutting ceremony at the Pentagon. There is also an Army Birthday Ball and events for children, such as book readings. Celebrations like this will take place at garrisons and communities around the world.

One of these communities is Virginia's Fort Belvoir, where the Army is building a National Museum of the United States Army supported by the Army Historical Foundation. For too long the United States Army has been our only service that does not have a comprehensive place where its proud heritage can be shared with the American public. The National Museum of the United States Army will serve this purpose.

More than 30 million men and women, including many members of Congress, have served in the oldest and largest of our armed forces. Since the founding of the Continental Army of the United States in 1775, the selfless service and personal sacrifices of our Soldiers has been woven into the fabric and culture of this great country. I encourage my colleagues to take June 14th, 2009—the occasion of the Army's 234th birthday, to let our Soldiers know that they have our thanks and our appreciation and that a great Army deserves a great National Museum.

IN HONOR OF THE LIFE'S WORK
OF CHUCK MACK

HON. JACKIE SPEIER-

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Ms. SPEIER. Madam Speaker, I rise today in recognition of the outstanding contributions of retiring Teamsters Union Western Region Vice President Chuck Mack.

Mr. Mack began his work with the Teamsters in 1962, loading and driving trucks in Oakland, California. Just a few years later, he was elected business agent of Teamsters Local 70 and was re-elected with the largest number of votes in the Local's history. So began his 43-year career of dedicated service as one of the top leaders in the international Teamsters Union. Mr. Mack was elected Secretary-Treasurer of Local 70 in 1972, President of Joint Council 7 in 1982 and, finally, Western Region Vice President in 1998—all positions he held until his retirement this year.

As the Western Region Vice President, Chuck was a champion for millions of American workers, even as he maintained a personal commitment to local laborers and the unions who represent them in my District and in California. Following his retirement, he will continue his commitment to the Teamsters, taking up leadership of the Western Conference Teamster Pension Trust.

Madam Speaker, I have known and worked with Chuck Mack for as long as I have been in public service and I know that he is much more than just a union leader. In addition to his tireless fight for the welfare of workers, Chuck maintained a fierce commitment to environmental and economic justice. An early booster of the Los Angeles Clean Trucks Program, Mr. Mack led the fight for sustainable and accountable transportation, keeping our communities safe and healthy for generations to come.

But no leader, however capable, acts alone. Chuck's family, including his wonderful wife Marlene, his four daughters—Tammy, Kelly, Kerry and Shannon, and Chuck's eight grandchildren, who loaned their husband, dad and grandfather to the cause of working men and women everywhere, must be recognized as well. Chuck Mack's life-long dedication to the health, livelihood and safety of workers around our country and across the globe is something his family will look back on for generations with pride and admiration. The same can be said of his vast extended family, those fortunate enough to be in the Brotherhood—and Sisterhood—of Teamsters.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. NUNES. Madam Speaker, on the legislative day of Thursday June 11, 2009, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 334—"yea".

CELEBRATING 100 YEARS OF
AMERICAN BOY SCOUTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. RANGEL. Madam Speaker, I rise today in tribute to our nation's youngest and littlest

public servants—in stature, perhaps, but certainly not in heart—the Boy Scouts of America. For a century, these young boys and their counselors have been on the front lines, safeguarding and protecting America and her values: democracy, tolerance, compassion, and generosity, just to name a few. Heralded as the largest youth scouting organization, the Boy Scouts has inspired and motivated a cadre of young men to love this country, to work—tirelessly and humbly—without ingratitude, and to give of themselves to their communities and to the downtrodden. The organization has left its mark, a mark that runs a full century deep into the annals of this country's history, touching the lives of generations of boys and of those they have helped.

Next February 8, the Boy Scouts will celebrate its centennial anniversary, honoring its inception in February of 1910 by a Chicago publisher, William Boyce. Since that day, 111 million men have joined the ranks of the Scouts, committing to 12 hours of community service every year. America benefits from 30 million hours every year due to the toil of these youngsters. That means more hands at our airports, and ports, and schools, and hospitals. It means greater numbers of servers at a soup kitchen, of planters at a forestation drive, of readers at a local school. It means America is that much stronger, that much safer, and that much more prosperous because of the sacrifice of a dedicated few. They have earned our gratitude and deepest respect.

The adult volunteers who these kids look up to deserve unique and emphatic praise themselves. Youngsters are eager to have role models—and in some quarters of our country, there are not many to choose from. Men and women willing to dedicate the time and care to lead these kids at a time of overwhelming change and insecurity are heroes and heroines. They have, no doubt, saved lives, and there can be no greater gift than setting right a life heading wayward.

May we speak with one voice today in salute to these boys, many of whom are now men raising sons and grandsons of their own, and mark February 8, 2010 as the day for recognition of the Boy Scouts.

HONORING THE ACHIEVEMENTS OF
DR. ESTEBAN FERNANDEZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I would like to honor one of South Florida's most distinguished residents, Dr. Esteban Fernandez. Through his extreme devotion to the field of publishing and his intense belief in the Christian faith, Dr. Fernandez has facilitated the diffusion of Christian ideas between differing languages and cultures, and dedicated himself to knowledge.

Dr. Fernandez holds a doctorate in Philosophy with an emphasis in leadership and organization. He also holds a degree of licentiate in Theology awarded by the Faculty of Theological and Religious Studies of Casa

Sobre La Roca. In addition, Dr. Fernandez has been awarded an honorary Doctorate of Sacred Literature from Logos Christian College and an honorary Doctorate of Christian Counseling by Rhema University.

His tenure at Editorial Vida saw into fruition the Spanish language version of several important Christian texts, the most notable of which is La Biblia Nueva Version Internacional. Dr. Fernandez also organized the translation and publication of Rick Warren's A Purpose Driven Life.

He was also recognized as one of the ten best executives for his leadership at Editorial Vida in 2007. The great success that Dr. Esteban Fernandez has achieved is a result of his passionate devotion to his field and faith and I am truly grateful to call him a friend.

HONORING LIEUTENANT JOHN
FINN ON HIS 100TH BIRTHDAY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. HUNTER. Madam Speaker, it is with great honor I rise today to pay tribute to United States Navy veteran Lieutenant John Finn on his 100th birthday. Lt. Finn is the oldest living Medal of Honor recipient and the last living Medal of Honor recipient from the Japanese attack on Pearl Harbor. His actions in combat and life reflect bravery and courage of the highest level and I am proud to bring recognition to his accomplishments.

John Finn was born in Los Angeles, California on July 23, 1909, and at the age of 17, with the permission of his mother, he enlisted in the United States Navy. His Navy career started aboard American gunboats patrolling the rivers of Inland China, and in 1940 he was assigned to the Naval Air Station at Kaneohe Bay in Oahu. On December 7, 1941 came the infamous attack on Pearl Harbor, and it was this event that presented Lt. Finn with an opportunity to display his extraordinary valor.

As the first attack on the harbor began, Lt. Finn managed to secure and man a .50-caliber machine gun mounted on an instruction stand on a completely exposed section of a parking ramp under intense enemy fire. Lt. Finn, with no regard for his own safety, vigorously fired upon Japanese aircraft with success. Although he was hit many times by enemy strafing fire, Lt. Finn refused to leave his post until the attack ended. It was only under a direct order that he left for the hospital to treat his 21 shrapnel and bullet wounds. However, after receiving medical attention, and despite a great deal of pain and difficulty moving, he returned to repair and rearm returning planes.

John Finn served through the rest of World War II with great distinction and retired from the United States Navy in 1956. He and wife Alice retired to their ranch in Southern California where he continues to live today.

In addition to the Medal of Honor, Finn holds the Purple Heart, Navy Unit Commendation, Good Conduct with 2 bars, Yangtze Service Medal, American Defense, American Campaign, Pacific Campaign, and the World War II Victory Medal.

Madam Speaker, John Finn has never seen himself as a hero, but that's what he is; as his Medal of Honor inscription reads, John Finn truly went above and beyond the call of duty. It was his tenacity and zeal that embodied the American resolve that set the tone for the rest of the war. Men and women like John Finn are responsible for the success of our Armed Forces. To John Finn, we are forever grateful for your heroism and service. You are truly a great American hero.

PERSONAL EXPLANATION

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. HIMES. Madam Speaker, I want to state for the record that on June 11, 2009, I was attending the funeral of my father-in-law who recently passed away, and I therefore missed the six rollcall votes of the day.

Had I been present, I would have voted "yea" on rollcall vote number 329, on the Motion to Instruct Conferees on H.R. 2346, the Supplemental Appropriations Act.

Had I been present, I would have voted "yea" on rollcall vote number 330, on H.R. 1687, a bill to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW, Canton, OH, as the "Ralph Regula Federal Building and United States Courthouse."

Had I been present, I would have voted "nay" on rollcall vote number 331, the Ros-Lehtinen substitute amendment to H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009.

Had I been present, I would have voted "nay" on rollcall vote number 332, the Motion to Recommit H.R. 1886, the Pakistan Enduring Assistance and Cooperation Act of 2009.

Had I been present, I would have voted "yea" on rollcall vote number 333, final passage of H.R. 1886, the Pakistan Enduring Assistance and Cooperation Act of 2009.

Lastly, had I been present, I would have voted "aye" on rollcall vote number 334, on H. Res. 529, condemning the violent attack on the United States Holocaust Memorial Museum on June 10, 2009, and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel.

HAPPY 234TH BIRTHDAY, U.S.
ARMY

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Ms. KILPATRICK of Michigan. Madam Speaker, I rise today to honor the 234th birthday of the United States Army. As the oldest branch of the U.S. military, the United States Army has established the tradition of duty, honor and country that has been the standard of excellence, not only in the military but also in private industry.

Two hundred and thirty-four years ago, the United States Army was established to defend our Nation. From the Revolutionary War to our current challenges, Global War on Terror, our soldiers remain Army Strong with a deep commitment to our core values and beliefs. This 234th birthday commemorates America's Army—soldiers, families and civilians—who are achieving a level of excellence that is truly Army Strong both here and abroad. Their willingness to sacrifice to build a better future for others and to preserve our way of life is without a doubt, the strength of our Nation.

Additionally, in recognition of their commitment to service and willingness to make great sacrifices on behalf of our Nation, the Secretary of the Army established 2009 as Year of the Non Commissioned Officer, NCO.

Since 1775, the Army has set apart its NCOs from other enlisted Soldiers by distinctive insignia of grade.

With more than 200 years of service, the U.S. Army's Noncommissioned Officer Corps has distinguished itself as the world's most accomplished group of military professionals. Historical and daily accounts of life as an NCO are exemplified by acts of courage and a dedication and a willingness to do whatever it takes to complete the mission. NCOs have been celebrated for decorated service in military events ranging from Valley Forge to Gettysburg, to charges on Omaha Beach and battles along the Ho Chi Minh Trail, to current conflicts in Afghanistan and Iraq.

Today I wish to celebrate the strength of our Nation and the strength of our Army by saluting our Non Commissioned Officer Corps and the Army's soldiers, families and civilians by wishing them a happy 234th Birthday!

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. POE of Texas. Madam Speaker, due to other Congressional business, I unfortunately missed a recorded vote on the House floor on Thursday, June 11, 2009.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "yea" on rollcall vote No. 334.

CONGRATULATING CHIEF GEORGE
CARPENTER OF WILMETTE POLICE
DEPARTMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. KIRK. Madam Speaker, I rise today to honor Wilmette Police Chief George Carpenter, one of the finest public servants in my congressional district. Next month, Chief Carpenter will retire after 35 years of service to the people of Wilmette, serving as Chief of Police for the last 18 years.

The police chiefs of the 10th District work closely together to address their shared concerns. I've had the good fortune to work with

them and their departments to help combat gangs, drugs and weapons that make their way into the suburbs, and the respect that Chief Carpenter has among his peers is testament to what kind of a leader he is.

As chief, he spearheaded education reforms in the Wilmette Police Department and leaves a legacy of forward-thinking, well-trained officers who will continue to serve the Village. He steadily increased recruitment of women, minorities, and those with foreign-language ability to diversify and bring new skills to law enforcement. These policies have resulted in increased approval ratings of the performance of the Wilmette Police Department, reflecting a high level of public trust.

He helped form task forces to counteract the growing sophistication of criminals in our area which created a more united regional police force. His dedication to quality and service has been a great example for other communities in the 10th District. This is particularly crucial as Illinois now has the most gang members per capita in the nation. I know we are better prepared to meet this emerging threat because of Chief Carpenter's service.

On behalf of the people of the 10th Congressional District, I thank Wilmette Police Chief George Carpenter for his outstanding public service and wish him the best in his future endeavors. Our community is safer and stronger because of his leadership.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. GALLEGLY. Madam Speaker, I was unavoidably absent for the rollcall vote on H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Had I been present, I would have voted for H.R. 1256.

THE MIRANDA WARNING

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. GARRETT of New Jersey. Madam Speaker, there are forty-four words that anyone who has ever watched a police show is no doubt familiar with:

"You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney present during questioning. If you cannot afford an attorney, one will be appointed for you."

The Miranda Warning, which reminds suspects in police custody of their rights under the Constitution, has become a staple of our criminal justice system, and is a vanguard of Fifth Amendment protection. This warning, however, was never meant to be applied to terrorists captured on the battlefield who are endangering American interests and American lives.

Recently, my colleague from Michigan, Mr. ROGERS, returned from Afghanistan, where he learned that the FBI may be reading Miranda rights to suspected terrorists at U.S. military detention facilities. If this report is true, it is deeply troubling and a variety of questions come to mind.

First, if FBI agents are granting enemy combatants a right to silence and counsel, how then are operatives expected to accomplish their goal of obtaining actionable intelligence in the field? Second, how many detainees have been read the Miranda Warning? Third, on what date was this policy established? Fourth, what are the factors which influence the FBI's decision about when to grant Miranda rights?

For obvious reasons, a suspect who has availed himself of silence and counsel is far less likely to surrender valuable intelligence that can help us in winning the war on terror. While we have an obligation to treat captured combatants in a way that respects their human dignity, we are under no obligation to consider them U.S. citizens. It is dangerous to provide detainees with the same protections enjoyed by Americans. Furthermore, it is unwise to grant detainees the rights enshrined in the very Constitution they seek to destroy.

We must recognize that there is a difference between police powers and war powers. The capture, interrogation, and trial of terror suspects in Afghanistan and Iraq clearly fall into the latter category. FBI involvement in this process can only lead to captured combatants being held, tried, and imprisoned in U.S. civilian facilities, thereby making our prison system an enclave for al-Qaeda operatives.

One of the primary objectives of American operatives in the Middle East is to anticipate and prevent future attacks against U.S. soldiers and U.S. cities. Treating terror suspects as rank-and-file street criminals is a dangerous policy with grave implications for our domestic security and foreign interests.

President Obama has repeatedly stated that he would govern his administration with transparency. However the ranking member on the House intelligence subcommittee learned of a serious FBI policy shift almost by accident.

In waging this war, the White House must be accountable to this body—the people's elected representatives. I thank the gentleman from Michigan for bringing this issue to the House's attention, and I join him in calling on the Department of Defense to disclose the timeline and justification for this policy shift.

REGARDING PRESIDENT OBAMA'S ADDRESS TO THE MUSLIM AND ARAB WORLDS FROM CAIRO, EGYPT

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. BOREN. Madam Speaker, President Obama made some very important points in his address last week in Cairo, Egypt. It is important that he spoke directly to the Muslim and Arab worlds and stated as fact that 6 million Jews were killed in the Holocaust. The President should be applauded for making clear that threatening Israel is wrong and that anti-Semitism, which remains prevalent in the Arab media, is ignorant, hateful and wrong.

Unfortunately, the President's speech left an impression that Israel was founded in response to anti-Semitism and the Holocaust. While these reasons were necessary for the creation of an Israeli state, a Jewish bond to the land of Israel is deeply rooted in history.

Many in the Muslim and Arab worlds deny that a Jewish connection to the land of Israel and Jerusalem exists. For example, at the Camp David meetings conducted by President Clinton, Yasser Arafat denied that the Jewish Temple was located in Jerusalem. However, a Jewish connection to Jerusalem and to the land of Israel reaches far back into ancient history and precedes the Holocaust. This bond is not 60 years old; it is more than 3,000 years old, pre-dating Islam and even Christianity.

President Obama is to be congratulated for reaching out to the Muslim and Arab worlds. As we do so, it is imperative that we stand with Israel. Only then will we achieve peace and stability in this troubled region of the world.

SENATE—Monday, June 15, 2009

The Senate met at 1:45 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator and upholder of our lives, we can't escape from Your presence or control, nor do we desire to do so. We stand in awe of Your power, mercy, and majesty. Our thoughts of Your goodness banish our fears. Today give to the Members of the Senate a high sense of the common purpose that unites them. Deliver them from that stubborn pride that imputes to itself infallibility and that pits partisanship against national interest. Father of all, guide our lawmakers through discussion, debate, and confrontation to the solutions so desperately needed in our land. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 15, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period for the transaction of morning business for Senators to speak for up to 10 minutes each. There will be no roll-call votes today. Tomorrow Senators should expect a cloture vote on the motion to proceed to the Travel Promotion Act. That will be prior to our weekly caucus luncheons.

This week, we are going to do the best we can to complete the Travel Promotion Act and the supplemental bill. We should be able to do that and, hopefully, get some nominations done. Next week, we have other things we need to do, including the Homeland Security appropriations bill. I spoke with the Republican leader on a number of occasions on that issue. To get to it next week, we need a consent agreement because the House will not act on it until probably Wednesday of next week or something like that. It does not give us enough time, and we need to start earlier. We will work on that and see what we can come up with.

We have announced before that the 5 weeks after we get back from the Fourth of July recess will be very busy with a lot of work. The HELP Committee and the Finance Committee are going to have their bills reported out of their committees before we leave a week from Friday so we can start working on the health care legislation in the Senate.

The next work period will be very heavy, although we have—I cannot complain—we have been able to complete a tremendous amount of legislation. I was told over the weekend the work we have been able to do to this point is as much as any President has ever accomplished and Congress has accomplished with the President during the first 5 months of a legislative session but for the first time of Roosevelt.

We passed some major legislation. We should all feel good about that. But there is so much more to do. We have to roll up our sleeves and work even harder with health care and energy not far down the road.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

The Senator from Virginia is recognized.

SENIOR NAVIGATION AND PLANNING ACT OF 2009

Mr. WARNER. Mr. President, I rise today to talk about legislation to help seniors navigate through a complicated and often overwhelming health care delivery system. Because of the fragmented nature of our health care system, we often fail to provide patients, their families, and caregivers with the necessary tools, information, and support to both age well and with dignity in the setting of their preference, oftentimes their homes.

I believe if we provide patients with better information about advanced care planning in noncrisis situations, they will make decisions for themselves and their families that result in better care and a better quality of life.

Today I am introducing the Senior Navigation and Planning Act of 2009 to help seniors and their families navigate through a complex system and to help them make informed medical decisions. My legislation would provide access to an advanced illness care management benefit, a benefit that does not exist currently in our health care delivery system.

My legislation, as well, would increase the awareness of advanced care planning through a national education campaign and clearinghouse. It would also reduce legal hurdles to the enforcement of advanced directives. It would create incentives for hospitals and physicians to get accredited and certified in palliative care. It would increase compliance with medical orders and discharge instructions. Too often a patient may leave a hospital, not do the appropriate actions afterwards, and not follow the discharge information, which can result in the patient being readmitted to the hospital or ending up with their health care provider not having the appropriate followup. We have to make sure we put an end to that.

My legislation would also educate entities, including faith-based organizations, on advanced care planning issues. Oftentimes an individual or

family, when dealing with end-of-life issues, will turn not only to their medical provider but oftentimes to their priest or rabbi or minister. We want to make sure folks in the faith-based community understand the challenges and opportunities people have with advanced care planning.

My legislation, as well, would increase coordination and integration between the Medicare and Medicaid Programs. Too often these programs that both deal with seniors, their health care issues, and aging issues do not cooperate or collaborate.

Collectively, these initiatives will create a more accessible environment for seniors to receive the care they need when they need it, and in the setting they prefer.

Let me be clear, this legislation does not deny or withhold services. However, it does recognize that overall health reform should include a thoughtful process that informs patients, their families, and caregivers on how to navigate and think through difficult decisions about when and how to pursue treatments at the end of life.

By enacting these reforms, we will begin to develop a culture in which all of us will have the ability to age well, with dignity, and, again, in the setting of our choosing.

I ask unanimous consent to have printed in the RECORD letters of support from the following organizations: the AARP, the Alzheimer's Foundation, the Duke University Divinity School, the Institute on Care at the End of Life, the National Hospice and Palliative Care Organization, UnitedHealth Group, and Aetna.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HOSPICE
AND PALLIATIVE CARE ORGANIZATION,
June 12, 2009.

Senator MARK WARNER,
*Russell Senate Office Building,
Washington, DC.*

Dear SENATOR WARNER: On behalf of hospice programs across the nation, their professionals, volunteers and most importantly, the patients and families they serve, the National Hospice and Palliative Care Organization is writing to express our support for your Senior Navigation and Planning Act of 2009. This health reform legislation will strengthen the quality of end-of-life care, and make it more cost-efficient through enhanced resources to allow more informed choices and prevent unnecessary and costly medical procedures.

Research has shown that individuals who have discussions about end-of-life care have less invasive medical treatments, and a higher quality of life. We are pleased that your bill enhances access to additional resources for end-of-life care planning, including: a new transitional benefit delivered by hospice teams for patients with advanced illnesses, an expanded use of advance directives, and increased public awareness of the importance of end-of-life planning. These tools implemented nationwide could help reduce Medicare spending by \$15 billion over 10 years.

Your legislation will ensure that patients and families are able to navigate the journey at the end of life with the necessary information and support that will bring dignity, quality care, and hope when they are most needed. For more than 30 years, hospices have been providing high-quality care to people at one of life's most challenging times—and research has shown hospice saves Medicare more than \$2 billion every year. This legislation uses the knowledge and expertise of the hospice and palliative care community in a valuable way.

The Senior Navigation and Planning Act of 2009 will give patients and their families coping with life-limiting illnesses the kind of information and services they need. The National Hospice and Palliative Care Organization strongly endorses your bill, and appreciates your support of strengthening high-quality and compassionate end-of-life care for the 1.4 million Americans who choose hospice each year.

Sincerely,
J. DONALD SCHUMACHER, PSYD,
President/CEO.

DUKE INSTITUTE ON
CARE AT THE END OF LIFE,
June 11, 2009.

Senator MARK R. WARNER,
*Russell Senate Office Building,
Washington, DC.*

Re The Senior Navigation and Planning Act of 2009.

DEAR SENATOR WARNER: In my career as a pain and palliative care physician, I have become convinced that innovative models of care that can leverage both community desire and community assets for engagement in the care of the ill and dying—including the involvement and assets of faith communities—are urgently needed.

Almost all patients and families experience illness within their community and receive episodic acute care in the hospital. Meeting the needs of patients requires an approach that raises public awareness, provides training and resources to family members and loved ones, and connects the resources of the hospital environment with care resources in the community. Faith communities are logically and historically positioned to be a locus of effective care for the ill and the dying and are a relatively untapped resource to meet the health care needs in the community.

The Senior Navigation and Planning Act of 2009 provides the groundwork that can spark such innovative models and has tremendous potential to improve care for the rapidly growing numbers of individuals with advanced illness or who are at the near end of life. I applaud this effort and offer you my wholehearted support for its passage.

Sincerely,
RICHARD PAYNE, M.D.,
Professor of Medicine and Divinity.

ALZHEIMER'S FOUNDATION OF AMERICA,
June 9, 2009.

Hon. MARK R. WARNER,
*U.S. Senate, Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR WARNER: The Alzheimer's Foundation of America (AFA) is pleased to endorse the Senior Navigation and Planning Act of 2009. On behalf of AFA and its members, thank you for your leadership in introducing this important legislation.

AFA was formed in February 2002 "to provide optimal care and services to individuals confronting dementia, and to their caregivers and families—through member organi-

zations dedicated to improving quality of life." Today, the Alzheimer's Foundation of America's membership consists of more than 1,200 member organizations that provide hands-on programs and services from coast to coast, including grassroots nonprofit organizations, healthcare facilities, government agencies, public safety departments, and long-term care communities.

Dignity, respect, and quality of life are the treatment goals for individuals in the end stage of Alzheimer's disease and related dementias; as well as support, training and respite for family caregivers. The Senior Navigation and Planning Act would greatly help those with dementia and their families by establishing a new transitional care benefit through hospice for Medicare and/or Medicaid beneficiaries with a life expectancy of 18 months or less. Valuable services provided under this new benefit would include: palliative care consultation services; care planning services; counseling of individual and family members; discussions regarding the availability of supportive services including information on advanced directives and other end-of-life planning tools; encouragement of patient-centered care; family conference services; respite services up to 16 hours per month; and caregiver training provided at the caregivers' home focused on providing effective personal and technical care.

For the millions of Americans with Alzheimer's disease or a related dementia, advance directive planning services are essential. To address this challenge, the Senior Navigation and Planning Act would create a national awareness campaign of advance directive planning. It would also establish a toll-free telephone line and clearinghouse that the public and health care professionals may access to find out about state-specific information regarding advance directives and end-of-life planning decisions.

This legislation will allow eligible beneficiaries and their family caregivers to receive the information they need about advance directive and other end-of-life planning tools directly from their physicians. In addition, hospitals, skilled nursing facilities, home health agencies, and hospice programs will be required to provide the opportunity to discuss the general course of treatment expected, the likely impact on the length of life and function, and the procedures they should use to secure help if an unexpected situation arises. Such services will not only help improve quality of life, but will also help to reduce the stigma and fear of facing end-of-life issues in general.

The Senior Navigation and Planning Act would further protect the rights of individuals by requiring providers to honor written medical orders as a condition of payment. The bill would also provide incentives for hospice and palliative care accreditation and certification by providing bonus payments for those facilities with programs in place and a payment cut for facilities that do not have an accredited palliative program in place by 2020.

Beneficiaries with Alzheimer's disease and related dementias place heavy demands on the health care system. Because of the unique nature of their disease, individuals with cognitive impairment must rely on family caregivers and others to identify and obtain the right mix of services and supports to maintain their health and to live in the community as long as possible. This legislation would take the much-needed step of creating an Office of Medicare/Medicaid Integration to align program policies. The Office would simplify dual eligible access to Medicare and Medicaid program benefits and

services; improve care continuity and ensure safe and effective care transitions; eliminate cost shifting between programs and among related care providers; eliminate regulatory conflicts; and improve total cost and quality.

Faith-based organizations often play a key role in end-of-life decision-making and planning for those with terminal illnesses. The Senior Navigation and Planning Act would empower the Secretary to create web-based materials as well as to establish end-of-life home-based service, training and education grants specifically for faith-based organizations. For individuals with end stage Alzheimer's disease and related dementias and their family caregivers in particular, faith-based services, training and support can make a world of difference in an otherwise isolating situation.

AFA is the face of care for individuals and their families who are affected by Alzheimer's disease and related dementias. We are proud to support the Senior Navigation and Planning Act and we look forward to working with you to advance this important legislation. If you have any further questions, please feel free to contact me, or have your staff contact Sue Peschin, AFA vice president of public policy.

Sincerely,

ERIC J. HALL,
President and Chief Executive Officer.

UNITEDHEALTH GROUP,
PENNSYLVANIA AVENUE, NW.,
Washington DC, June 11, 2009.

Hon. MARK WARNER,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WARNER: I am writing to express UnitedHealth Group's strong support for your legislation, the Senior Navigation and Planning Act of 2009, which better equips seniors with the necessary tools, information and support needed to make informed medical decisions and ensure they receive the highest quality care.

Your legislation will fundamentally transform the way terminally ill patients and their families navigate the difficult decisions encountered at the end-of-life. We understand that when the elderly and their families are provided with relevant information and resources about care options such as hospice, palliative care, and the use of advanced directives, they are able to make more informed and personally appropriate decisions. By combining the best practices found in the public and private sectors, this legislation will go a long way in ensuring that patients facing the end-of-life are provided—through shared decision making with their physicians and caregivers—the most appropriate and sensitive care. UnitedHealth Group strongly supports patient-centered care, support services and planning tools for those with advanced illnesses. We applaud your focus on this important issue within the health reform debate.

UnitedHealth Group has a strong commitment to patient-centered end-of-life care, as demonstrated by the following programs and options that we offer to both Medicare beneficiaries and commercially-insured people:

Evercare Hospice and Palliative Care which operates in ten states and serves more than 1,200 people a day for their end-of-life needs.

The Advanced Illness Care Model which is offered through our Medicare Advantage and Special Needs Plans. This model provides coordinated care for patients with advanced illnesses and supports education for patients and their families regarding their clinical

condition and the management of quality of life treatment issues in the last twelve months of life.

The Evercare Institutional Special Needs Plans (SNPs), which are specialized health plans that deploy nurse practitioners in nursing homes to assist in coordination of care and other planning services.

The UnitedHealth Care Hospice benefit which is an industry leader in the comprehensiveness of its plan offerings.

As a result of this accumulated experience, we understand that providing access to early and comprehensive hospice and palliative care services results in an increase in the quality of life for patients and reduction in futile and duplicative clinical interventions.

In conclusion, we are especially encouraged that your bill:

Creates a transitional care benefit to increase access to palliative care;

Establishes a national education campaign and clearinghouse providing advanced care planning resources;

Assures portability of advanced directives across states;

Creates incentives for hospitals and physicians to get accredited and certified in hospice and palliative care; and

Increases integration and coordination between the Medicare and Medicaid programs.

Thank you for your strong leadership in the U.S. Senate on this issue of critical importance to the entire health care system. We look forward to working with you to advance the Senior Navigation and Planning Act of 2009 and on other areas to strengthen our health care system.

Sincerely,

REED V. TUCKSON, MD,
*Executive Vice President and
Chief of Medical Affairs.*

AETNA,
FARMINGTON AVENUE,
Hartford, CT, June 15, 2009.

Hon. MARK R. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: Aetna is pleased to support the Senior Navigation and Planning Act of 2009. This legislation will strengthen the quality of counseling, support services, and care management for patients and families coping with life-limiting illnesses. We commend you for your leadership on these critical issues.

Aetna, itself, has been a leader in advocating for compassionate care in the face of life-threatening illness. In April 2004, Aetna announced a comprehensive program of case management support and expanded benefits to help Aetna members and their families cope more effectively with the complex medical and emotional issues associated with the end of life. In an innovative move, Aetna provided coverage for hospice benefits while allowing members to continue with curative care, and to do so with a life expectancy of twelve months instead of the six months Medicare allows. Aetna also pioneered a comprehensive program of case management provided by nurses trained in advance illness and in coordinating care in a manner that respects ethnic and cultural traditions.

Member reaction to Aetna's Compassionate Care Program has been gratifying. Ninety-six percent of participants' caregivers said they believed the member's needs for pain management and symptom relief were met in the final months of life. Sixty-three percent of program members accessed hospice, a significant increase over traditional Medicare.

In the pursuit of curative care, we too often fail to engage patients and loved ones in discussions of additional options for dealing with advanced illness and to support them in their choices. This legislation will help change that by facilitating the ability of patients and families to make informed decisions at times of stress and vulnerability. Aetna supports this legislation, and hopes to collaborate in the realization of its goals. We look forward to working with you and your Congressional colleagues to advance the quality of health care for all Americans.

Sincerely,

LONNY REISMAN, MD,
Chief Medical Officer.
RANDALL KRAKAUER, MD,
*Head of Medicare
Medical Management.*

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDGE SOTOMAYOR HEARINGS

Mr. MCCONNELL. Mr. President, it was less than 3 weeks ago that the President announced his intentions to nominate Judge Sonia Sotomayor to the Supreme Court. In announcing her nomination, the White House made much of the fact that the judge had the lengthiest judicial record in recent memory. Last week, in a departure from past practice, the Democratic leadership of the Judiciary Committee unilaterally scheduled her hearing without even notifying the ranking member. Because of this unwise and unfair approach, Judge Sotomayor's hearing will begin just 3 weeks from today. As I understand it, her questionnaire is still incomplete. Among other deficiencies, she has not provided materials from 17 cases she handled as a prosecutor, nor has she provided materials from any appellate cases she handled, and she has not provided materials from over 100 speeches she has given.

During the Roberts and Alito hearings, our Democratic friends repeatedly told us it was more important to do it right than to do it quick. Now that there is a Democratic President, it appears the attitude is to just do it. They want the shortest confirmation process in recent memory for a nominee with the longest judicial record in recent memory. There is clearly a double standard at play here—one that undermines our ability to fulfill one of the Senate's most important and solemn responsibilities.

HEALTH CARE REFORM

Mr. McCONNELL. Mr. President, as the national discussion over health care intensifies, one thing is already clear: Both Republicans and Democrats agree health care is in serious need of reform. The only thing that remains to be seen is what kind of reform we will deliver. Americans are increasingly worried about what they are hearing from Washington.

Americans want lower costs, and they want the freedom to choose their own doctors and their own care. What they do not want is a Washington takeover of health care along the lines of what we have already seen with banks, insurance companies, and the auto industry. Americans don't want a government-run system that puts bureaucrats between patients and doctors. They certainly don't want the kind of government boards that exist in places such as New Zealand and Great Britain that deny, delay, and ration treatments that are currently available to Americans.

Americans want change, but they do not want changes that will make existing programs worse. That is exactly what a government-run system would do.

Unfortunately, the notion of a government-run plan has been gaining steam. Over the past couple weeks, one Democratic leader after another has insisted that it be included as a part of any reform. The reaction to this should tell us something.

Among those who have begun to mobilize in opposition to America's plans are America's doctors who warn it would limit access to care and could lead to nearly 70 percent of Americans being kicked off the health plans they currently have.

The U.S. Chamber of Commerce, which represents about 3 million businesses in this country, has warned that the creation of a government plan would lead to a government-run health care system. The CEO of the renowned Mayo Clinic warned that some of the best providers could go out of business. The National Federation of Independent Businesses, one of the Nation's leading associations of small businesses, has also expressed its concerns about a government-run plan.

Americans don't want the kind of government-run system that some in Washington have proposed. They do not want politicians to use the real problems we have in our health care system as an excuse to tear down the whole thing, take away everything that is good about it, and replace it with something worse. They want practical solutions to specific problems, and that is what the rest of us are proposing.

Here are some commonsense proposals: We all agree health care in this country is too expensive. Americans don't think basic procedures should

break the bank, and American families shouldn't have to worry about going bankrupt if a family member becomes ill.

But government-run health care will only make matters worse. If our experience with Medicare shows us anything, it is that the government health plans are not—I repeat are not—cost effective.

Over the weekend, the administration proposed making cuts to Medicare as a way of defraying the cost of a new government plan. That is exactly the wrong approach. America's seniors expect Congress to stabilize Medicare so it continues to serve their needs, not drain its resources to pay for another, even bigger government plan. Changes to Medicare should be used to make Medicare solvent for seniors today and for those who are paying into it and who will rely on the system tomorrow, not to build a brandnew government plan on top of one that is already on an unsustainable course. If we want to cut costs and rein in debt, then extending a Medicare-like system to everyone in America is exactly the wrong prescription. We need to make Medicare itself solvent and find ways to improve the current health care system.

One way to do that is to implement reforms that we know will save money. We could start with illness prevention programs that encourage people to quit smoking and to control their weight. It is no mystery that smoking and obesity are leading causes of the kinds of chronic diseases that are driving up health care costs. And finding ways to reduce these illnesses would also reduce costs. We should allow employers to create incentives for workers to adopt healthier lifestyles.

We should also encourage the same kind of robust competition in the health insurance market that has worked so well in the Medicare prescription drug benefit, Part D. We can enact long-overdue reforms to our Nation's medical liability laws. For too long, the threat of frivolous lawsuits has caused insurance premiums for doctors to skyrocket. Doctors then pass these higher costs on to patients, driving up the cost of care. Well, most people think health care dollars ought to be spent on health care, not insurance premiums. Yet doctors all across America are not only passing along the costs of higher and higher premiums, they are also ordering expensive and unnecessary tests and procedures to protect themselves against lawsuits.

One study suggests that roughly 9 out of 10 U.S. doctors in high-risk specialties practice some form of defensive medicine such as this—and the cost to patients is massive. Some doctors simply shut their practices or discontinue services as a result of these pressures. Patients such as Rashelle Perryman of Crittenden County Hospital are the ones who lose out. Rashelle's first two

babies were born in Crittenden County Hospital, about 10 minutes from her home. But her third child had to be delivered about 40 miles away because rising malpractice rates caused doctors at Crittenden County Hospital to stop delivering babies altogether.

This isn't an isolated problem, and it is not just obstetricians. According to a report by the Kentucky Institute of Medicine, Kentucky is nearly 2,300 doctors short of the national average—a shortage that could be reduced, in part, by reforming medical malpractice laws.

Comprehensive health care reforms are long overdue—reforms that lower cost and increase access to care. But a government-run plan isn't the way to do it. There are other solutions that address our problems without undermining our strengths.

Over the past few weeks, I have warned about the dangers of government-run health care by pointing to the problems this kind of government-run system has created in places such as Britain, Canada, and New Zealand. These countries are living proof that when the government is in charge, health care is denied, delayed, and rationed. As I have noted, the main culprits in every case are the government boards that decide what procedures and medicines patients can and cannot have.

I have discussed how Britain's government board has denied care to cancer patients because the treatments were too expensive. In one case, bureaucrats in Britain refused to prescribe cancer drugs that were proven to extend the lives of patients because they cost too much. The government board explained it this way:

Although these treatments are clinically effective, regrettably the cost . . . is such that they are not a cost effective use of . . . resources.

I have also discussed how the government-run health care system in Canada routinely delays care. Today, the average wait for a hip replacement at one hospital in Kingston, Ontario, is about 196 days. Knee replacement surgery at the same hospital takes an average of 340 days. The American people don't want to be told they have to wait 6 months for a hip replacement or a year for a knee replacement, but that is what could very well happen in a government-run health care system.

Finally, I have discussed how New Zealand's government board has rationed care by deciding which new hospital medicines are cost effective. In one case, government bureaucrats in that country denied patients access to a drug that was proven to be effective in fighting breast cancer because they thought it was too expensive. As one cancer doctor in the country put it:

New Zealand is a good tourist destination, but options for cancer treatment are not so attractive there right now.

Americans want health care reform, but they don't want the kind of reform that denies, delays, and rations care, such as the government-run systems in New Zealand, Britain, and Canada. They don't want to be forced into a government plan that replaces the freedoms and choices they now enjoy with bureaucratic hassles, hours spent on hold, and politicians in Washington telling them how much care and what kind of care they can have. They want health care decisions left to doctors and patients, not remote bureaucrats. But if some in Washington get their way and enact a government takeover of health care, that is exactly what Americans can expect.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. KYL pertaining to the introduction of S. 1259 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ADDITIONAL STATEMENTS

COMMENDING THE LOTHSPREICH BROTHERS

• Mr. CONRAD. Mr. President, I want to take a moment to honor a North Dakota family filled with heroes. Even in a State where sacrifice is more than a slogan and service is a way of life, the Lothspeich family stands out. When their nation needed them, every single one of the nine Lothspeich brothers rose to answer the call to duty.

Today we recognize the service of the three brothers who are still with us, and honor the memory of those who are not. In times of crisis, it is our best and bravest that step forward, risking it all, to come to the defense of our Nation. The honorable service of each of these nine brothers epitomizes the story of our Nation's veterans.

Eugene was a machine gunner in Italy in the Second World War, where he was awarded the Purple Heart. Harold served in the Philippines, where he earned two battle stars. Edward served in the Pacific with the Navy, Donald served in Germany at the peak of the Cold War, Gerald worked with the atomic bomb program here in the U.S. Lyle was a rifle instructor helping to train the next generation of our Nation's servicemembers, and Spike served in the Air Force Medical Service Corps in Japan.

From World War II through the Korean conflict and the Cold War, for 15

years running, at least one of these nine men could be found in uniform, serving their country in the Army, in the Navy, and in the Air Force. It is truly a remarkable story. We owe a deep debt of gratitude to them and to all of our veterans.

Years ago our forefathers founded this country with a vision of freedom for all. It was that vision that inspired the Lothspeich brothers to leave Park River, ND, to travel to Italy, Germany, Japan and the Philippines in defense of this great land. We honor them, and we honor all of our brave veterans and all of those who serve our country in uniform today. Without selfless service by those like the Lothspeichs, we simply would not have the freedoms we hold most dear.●

CONGRATULATING RICKEY HENDERSON

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in congratulating Rickey Henderson on his induction into the National Baseball Hall of Fame on July 26, 2009. During a remarkable 25-year career, Rickey Henderson's keen batting eye and unique combination of speed and power earned him the recognition as one of the greatest leadoff hitters in the game's long and storied history.

Born on Christmas day in 1958, Rickey Henderson and his family moved to Oakland, CA, when he was 2 years old. He was a standout athlete at Oakland Technical High School, where he excelled at basketball, baseball and football. Though his exploits on the gridiron as an All-American running back earned him dozens of scholarship offers, Rickey chose to pursue a professional baseball career and follow his dream to don the green and gold of his hometown Oakland Athletics.

Rickey Henderson made his Major League debut on June 24, 1979. Over the course of the next 25 seasons, he would compile one of the most impressive resumes in baseball history. In a game which defines greatness by statistics, Rickey Henderson's name can be found at or near the top of some of the more hallowed records in baseball history. The 10-time All Star retired as the all-time leader in career walks and holds the career records for runs scored and stolen bases as well as the single-season stolen base record. The 8 stolen bases that he amassed during his Most Valuable Player performance in the 1989 American League Championship Series remains the record for most stolen bases in a single postseason series. A year after spearheading the Oakland A's 1989 World Series title, Rickey was named the American League Most Valuable Player in 1990.

Rickey Henderson's induction into the National Baseball Hall of Fame will see him join Joe Morgan and Frank Robinson as a legend of the

game who honed his skills and love for America's pastime during his formative years in Oakland. During three separate stints with his hometown team, Rickey established a bond with generations of loyal Oakland A's fans that remains as strong today as when Rickey stole 130 bases in 1982. Speaking after his election into the Hall of Fame, he said that, "in my eyes, I wanted to see the fans in Oakland enjoy the game as much as I enjoyed it . . . playing in front of friends and family there gave me a little bit more of a boost. It helped me out in my career, and I was proud to go out there and represent the Oakland area." Judging from his achievements on the field and his devotion to the fans, it is clear to see why Rickey Henderson is one of the most beloved sports figures in the bay area and a worthy exemplar of the rich history of major league baseball in Oakland.

As his teammates and fans would attest, Rickey Henderson is a deserving inductee into the National Baseball Hall of Fame. Throughout his career in baseball, Rickey has consistently achieved excellence on the field and conducted himself with integrity and character off the field.

I congratulate Rickey Henderson on his induction in the National Baseball Hall of Fame, and wish him continued success in his future endeavors.●

50TH ANNIVERSARY OF THE SISTER CITY RELATIONSHIP

• Mr. INOUE. Mr. President, today I would like to recognize the 50th anniversary of the sister city relationship between the city and county of Honolulu and the city of Hiroshima.

Mr. President, 1959 was an eventful and significant year in history. Not only was Hawaii admitted into the Union as the 50th State, but on May 19, 1959, the city and county of Honolulu Council passed a resolution inviting the city of Hiroshima into a sister city agreement. Established by former U.S. President Dwight Eisenhower, the "People to People" program was to promote peace and mutual understanding between citizens of different countries. Many of Hawaii's residents were of Japanese ancestry or were originally from Hiroshima. With this in mind, the Honolulu Council thought a relationship between Honolulu and Hiroshima would be a fitting one, brought together through similarities and a resonance of cultural familiarity. This "sister city" agreement holds special significance for me and my family, as I was born in Honolulu and my maternal grandparents were from the Hiroshima Prefecture.

Fifty years later, this relationship, as well as the overall United States—Japan relationship, has formed into an enduring partnership of nations. This valued alliance has matured through

the years, and it is my privilege to serve as honorary chairman of the 50th anniversary committee for the sister city relationship. I ask my colleagues to join me in recognition of this momentous occasion.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13405 OF JUNE 16, 2006, WITH RESPECT TO BELARUS, AS RECEIVED DURING ADJOURNMENT OF THE SENATE ON JUNE 12, 2009—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2009.

Despite some positive developments during the past year, including the release of internationally recognized political prisoners, the actions and policies of certain members of the Government of Belarus and other persons that have undermined democratic processes or institutions, committed human rights abuses related to political repression, and engaged in public corruption pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus.

BARACK OBAMA.

THE WHITE HOUSE, June 12, 2009.

MESSAGE FROM THE HOUSE

At 1:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 1687. An act to designate the federally occupied building located at McKinley

Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse".

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 40. A joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. REID).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1687. An act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1955. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "South American Cactus Moth; Quarantine and Regulation" (Docket No. APHIS-2006-0153) received in the Office of the President of the Senate on June 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1956. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Norman R. Seip, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1957. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John L. Hudson, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1958. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Frances C. Wilson, United States Marine

Corps, and her advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1959. A communication from the Chief, Congressional Inquiry Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a final decision on the public-private competition affecting the Central Heat Plant Function, 341st Space Wing, Malmstrom Air Force Base, Montana on May 21, 2009; to the Committee on Armed Services.

EC-1960. A communication from the General Counsel of the Department of Defense, transmitting, a report on proposed legislation entitled "Extension of Temporary, Limited Authority to Use Operation and Maintenance Funds for Contingency Construction Projects Outside the United States"; to the Committee on Armed Services.

EC-1961. A communication from the General Counsel of the Department of Defense, transmitting, a report on proposed legislation entitled "Travel and Transportation Allowances for Designated Individuals of Wounded, Ill, or Injured Members for Duration of Inpatient Treatment"; to the Committee on Armed Services.

EC-1962. A communication from the General Counsel of the Department of Defense, transmitting, a report on proposed legislation entitled "Exemption from Federal Advisory Committee Act for Combatant Command Advisory Bodies that Include Foreign Government or Foreign Military Members"; to the Committee on Armed Services.

EC-1963. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2008; to the Committee on Armed Services.

EC-1964. A communication from the Commissioners of the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, the Commission's Interim Report to Congress; to the Committee on Armed Services.

EC-1965. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule Amending 31 CFR Part 538 to Expand the Scope of the Authorization for Sudanese Diplomatic Missions in the United States" received in the Office of the President of the Senate on June 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1966. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003" (RIN1550-AC30) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1967. A communication from the General Counsel of the Department of Defense, transmitting, the report of a legislative proposal relative to the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-1968. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, a report entitled "Federal Reserve System Monthly Report on Credit and Liquidity Programs and the Balance Sheet"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1969. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier 1 Issue: I.R.C. Section 118 Abuse Directive Number 8" (LMSB-4-0509-130) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Finance.

EC-1970. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cox v. Commissioner, 514 F.3d 1119 (10th Cir. 2008), rev'g 126 T.C.237 (2006)" (AOD2009-22) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Finance.

EC-1971. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 409A(a)(2)(A)(v) on certain transactions pursuant to the EESA of 2008" (Notice 2009-49) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Finance.

EC-1972. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier 1 Issue: I.R.C. Section 118 Abuse Directive Number 7" (LMSB-4-0509-023) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Finance.

EC-1973. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nonbusiness Energy Property Credit" (Notice 2009-53) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Finance.

EC-1974. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electric Reliability Organization Interpretations of Specific Requirements of Frequency Response and Bias and Voltage and Reactive Control Reliability Standards" (Docket No. RMO8-16-000) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Energy and Natural Resources.

EC-1975. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Diego Air Pollution Control District" (FRL 8906-1) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1976. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "International Air Pollution Prevention (IAPP) Certificates" ((RIN1625-AB31)(Docket No. USCG-2008-0014)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC-1977. A communication from the Deputy Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Removing References to Filing Locations and Obsolete References to

Legacy Immigration and Naturalization Service; Adding a Provision to Facilitate the Expansion of the Use of Approved Electronic Equivalents of Paper Forms" (RIN1615-AB56) received in the Office of the President of the Senate on June 8, 2009; to the Committee on the Judiciary.

EC-1978. A communication from the Deputy Chief of Staff, National Security Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Justice Department Regulations Regarding Countries Whose Agents Do Not Qualify for the Legal Commercial Transaction Exemption Provided in 18 U.S.C. 951(d)(4)" (AG Order No. 3018-2008) received in the Office of the President of the Senate on June 10, 2009; to the Committee on the Judiciary.

EC-1979. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Tapentadol into Schedule II" (Docket Number DEA-319F) received in the Office of the President of the Senate on June 9, 2009; to the Committee on the Judiciary.

EC-1980. A communication from the Acting Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1981. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1982. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1983. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-78, "Transportation Infrastructure Improvements GARVEE Bond Financing Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-1984. A communication from the Secretary of the Department of the Treasury, transmitting, pursuant to law, the Semiannual Reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1985. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Pension Management Center Manager" (RIN2900-AN22) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Veterans' Affairs.

EC-1986. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Severance Pay, Separation Pay, and Special Separation Ben-

efits" (RIN2900-AN25) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Veterans' Affairs.

EC-1987. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Servicemembers' Group Life Insurance Traumatic Injury Protection Program" (RIN2900-AN00) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Veterans' Affairs.

EC-1988. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sea World Fourth of July Fireworks Display; Mission Bay, San Diego, California" ((RIN1625-AA00)(Docket No. USG-2009-0103)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1989. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sea World Memorial Day Fireworks; Mission Bay, San Diego, California" ((RIN1625-AA00)(Docket No. USG-2009-0625)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1990. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Mission Bay Yacht Club Fourth of July Fireworks; Mission Bay, San Diego, California" ((RIN1625-AA00)(Docket No. USG-2009-0124)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1991. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Big Bay Fourth of July Fireworks; San Diego, California" ((RIN1625-AA00)(Docket No. USG-2009-0123)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1992. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ocean Beach Fourth of July Fireworks; Pacific Ocean, San Diego, California" ((RIN1625-AA00)(Docket No. USG-2009-0122)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1993. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Coronado Fourth of July Fireworks; San Diego Bay, San Diego, California" ((RIN1625-AA00)(Docket No. USG-2009-0120)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1994. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ocean City Air Show, Atlantic Ocean, Ocean City, Maryland" ((RIN1625-AA00)(Docket No. USG-2009-0064)) received in

the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1995. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Underwater Object, Massachusetts Bay, Massachusetts" ((RIN1625-AA00)(Docket No. USG-2008-1272)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1996. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Dutch Shoe Regatta; San Diego Harbor, San Diego, California" ((RIN1625-AA00)(Docket No. USG-2008-1253)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1997. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Patuxent River, Patuxent River, Maryland" ((RIN1625-AA08)(Docket No. USG-2009-0107)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1998. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District" ((RIN1625-AA08)(Docket No. USG-2009-0106)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1999. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska" (RIN0648-XP21) received in the Office of the President of the Senate on June 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2000. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XP22) received in the Office of the President of the Senate on June 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2001. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Catcher Processors in the Gulf of Alaska" (RIN0648-XP23) received in the Office of the President of the Senate on June 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2002. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law,

the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XP29) received in the Office of the President of the Senate on June 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2003. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Crustacean Fisheries; Deep-water Shrimp" (RIN0648-AV29) received in the Office of the President of the Senate on June 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2004. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Amendment 27" (RIN0648-AW73) received in the Office of the President of the Senate on June 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2005. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Refugio, Texas" ((RIN2120-AA66)(Docket No. FAA-2009-0241)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2006. A communication from the Program Analyst, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Roof Crush Resistance; Phase-in Reporting Requirements" (RIN2127-AG51) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2007. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Revisions of the Procedures for Handling Petitions for Emergency Waiver of Safety Regulations and the Procedures for Disqualifying Individuals from Performing Safety-Sensitive Functions" ((RIN2130-AC02)(Docket No. FRA-2009-0006; Notice No.1)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2008. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney (PW) JT9D-7R4 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2006-23742)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-10-02)) received

in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 and -300 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0419)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 685. A bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes (Rept. No. 111-26).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 1258. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and chapter 89 of title 5, United States Code, to require coverage for the treatment of infertility; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself, Mr. MCCONNELL, Mr. ROBERTS, and Mr. CRAPO):

S. 1259. A bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Mr. GRAHAM):

S. 1260. A bill to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LEAHY, Mr. TESTER, Mr. BAUCUS, and Mr. CARPER):

S. 1261. A bill to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CANTWELL:

S. 1262. A bill to amend title VII of the Public Health Service Act and titles XVIII and XIX of the Social Security Act to provide additional resources for primary care

services, to create new payment models for services under Medicare, to expand provision of non-institutionally-based long-term services, and for other purposes; to the Committee on Finance.

By Mr. WARNER:

S. 1263. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care management services for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1264. A bill to require the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado and provide grants to, and enter into cooperative agreements with, the Southern Ute Indian tribe to assess, repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; to the Committee on Indian Affairs.

By Mr. CORNYN (for himself, Mr. BEGICH, and Mr. VITTER):

S. 1265. A bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes; to the Committee on Rules and Administration.

By Ms. KLOBUCHAR (for herself, Mr. WARNER, and Mrs. LINCOLN):

S. 1266. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to require that broadband conduit be installed as part of certain highway construction projects, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEMINT (for himself, Mr. BARASSO, Mr. BROWBACK, Mr. BUNNING, Mr. BYRD, Mr. CRAPO, Mr. ENZI, Mr. INHOFE, Mr. THUNE, and Mr. WICKER):

S. Con. Res. 27. A concurrent resolution directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of "In God we trust" in the Capitol Visitor Center; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 405

At the request of Mr. LEAHY, the name of the Senator from Massachu-

setts (Mr. KERRY) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 511

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 572

At the request of Mr. WEBB, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 649

At the request of Mr. KERRY, the name of the Senator from South Da-

kota (Mr. THUNE) was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 769

At the request of Mrs. LINCOLN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 841

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 879

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 879, a bill to amend the Homeland Security Act of 2002 to provide immunity

for reports of suspected terrorist activity or suspicious behavior and response.

S. 891

At the request of Mr. BROWNBACk, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 950

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 950, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. SANDERS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1174

At the request of Ms. CANTWELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1174, a bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and primary care providers and to improve patient access to primary care services, and for other services.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1242

At the request of Mr. THUNE, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. BROWNBACk) were added as cosponsors of S. 1242, a bill to prohibit the Federal Government from holding ownership interests, and for other purposes.

S. 1253

At the request of Mr. CORKER, the names of the Senator from Kentucky (Mr. McCONNELL) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1253, a bill to address reimbursement of certain costs to automobile dealers.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Virginia (Mr. WARNER), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 26

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution apologizing for the enslavement and racial segregation of African Americans.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself, Mr. McCONNELL, Mr. ROBERTS, and Mr. CRAPO):

S. 1259. A bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response; to the Committee on Health, Education, Labor, and Pensions.

Mr. KYL. Mr. President, I wish to talk about a bill Senator McCONNELL and I introduced today. I think a companion bill will also be introduced by some of the leadership in the House of Representatives. The number of the bill is S. 1259, and this bill is called the PATIENTS Act—"patient" as in doctor-patient. The idea is to focus on health care as it relates to patients.

Health care reform should be patient centered. Nothing should come between the physician and the patient. We are concerned there is something being done that we need to stop because it could, in fact, insert government bureaucracies between the patient and the physician. What has happened is that in the stimulus bill, the Congress appropriated \$1.1 billion for something called comparative effectiveness research. Comparative effectiveness research has been used for years by physicians and hospitals. Medical schools do research, and they determine what kinds of treatments are best. For example, if you have two different drugs for the same condition, they will do testing to see which one seems to work the best. It is called clinical trials. They do clinical research, and physicians and hospitals frequently use that research as recommended for the best way to treat a particular condition. It is not mandatory. Obviously, what is

good for most patients may not be good for all patients. So it is not something that is obviously forced upon people, but it provides good information. The problem is that too many people now who are proposing health care reform want to use comparative effectiveness research to end up rationing care, to have a Federal entity or even a State entity, or I should say a private entity, use that research in ways that would end up rationing care, to say some care is just too expensive for you to have, and since the government is paying for it, the government is not going to give it to you.

What our bill would do is make it clear that comparative effectiveness research cannot be used to deny coverage of either a health care service or treatment by the Secretary of HHS. And we say the Secretary of Health and Human Services because all of the various entities that might do that in the Federal Government are part of HHS. So we simply prohibit the Secretary of HHS from using this comparative effectiveness research to deny health care service or treatment. You would think that would be uncontroversial, and I am hoping at the end of the day that it is not controversial. Nobody wants their health care rationed by somebody here in Washington, DC.

It would also require that comparative effectiveness research account for differences in the preference of patients and their treatment response to personalized medicine on something called genomics.

Genomics is the breakdown of the genes in the body into all of the different elements which make us unique as individuals. What genomics research focuses on is, what exactly is it in your gene composition, the human genome, that might be different from someone else's that means that a personalized treatment would work for you whereas it might not work for someone else. They are actually finding that they can tailor specific drugs to treat specific genes in such a way that, if they know your human composition, they can find a way to treat your condition—say, a cancer—potentially slightly differently than they would treat someone else's cancer, whether it is in the dosage of the medicine or in the specific kind of medicine or however it might be—the point being that not everyone is the same. In fact, we are all different, we are all unique, and one of the things medicine must recognize is our uniqueness as individuals and not get into the habit of saying that there is a sort of a size that fits all here, and we are going to say that if doctors will treat everyone with this particular medical device or drug or treatment, then we will pay for it, but we are not going to pay for it if they do anything else. That would not be good medicine. That inserts the government between

the doctor and the patient. So we say that can't be done using this comparative effectiveness research.

By the way, the bill also makes clear that nothing prohibits the FDA Commissioner from responding to drug safety concerns under his authority. Obviously, if a drug is not safe, the FDA needs to say the drug is not safe and the Federal Government is not going to pay for it. That is obvious.

But the point is that this comparative effectiveness research should not be used by the government to deny or delay or to ration care. The reason for it is, obviously, we all want to be in charge of our own health care with our doctor. We want the choice. If a doctor says: We think you need this kind of treatment and we can get coverage for that from our insurance, we want to be able to get that care. If we cannot, we want to try to find insurance that will provide that kind of coverage for us. At least at a minimum, we want to be able to pay for the treatment, if nothing else. What we do not want is for the Federal Government to say that it does not matter if you want to pay for it, it does not matter if you are covered, you cannot get it because the Federal Government says so.

This is especially important if we have a government-run insurance company, which is what many on the other side of the aisle are talking about.

The President has said he wants a so-called public option so there will be a government insurance company that will be a place where everybody could go for coverage if they don't have it. I happen to think there are better ways of getting everybody covered. To the extent we have some people who need help in getting coverage, the government can provide that help without changing the kind of coverage all the rest of us have. Surveys show, by about two to one, Americans believe we should help people get insurance who don't have it. But by the same rough numbers, everybody says: However, you don't need to affect my coverage in order to do that. In other words, I have insurance. I like it. I want to keep it. I don't want to change. I don't want to have to pay through my insurance or through having care rationed in order to make sure somebody else gets care. The bottom line is, we all want that sacred doctor-patient relationship maintained.

One might ask: Why would we be worried that this comparative effectiveness research might be used to ration care? Is there anything in the legislation that suggests this is going to happen? As it turns out, in both the bill that came from the HELP Committee and the legislation that will be drafted in the Finance Committee, there are organizations that are going to do this research that could, in fact, ration care. In the HELP Committee bill, there is a specific provision that a

government entity is going to be created to conduct this research and nothing whatsoever prohibits that entity from denying care based upon the application of rationing. The same is true under the plan talked about in the Finance Committee. There a private entity is organized, but there is nothing that would prevent the Federal Government from rationing the care that is researched by the private entity.

The HELP Committee creates what it calls the agency for health care research and quality in the Department of Health and Human Services. In the Finance Committee, it is a private research entity. But in neither case is the Federal Government prohibited from using this comparative effectiveness research in rationing care.

In addition, the HELP Committee bill establishes a medical advisory council. The medical advisory council is specifically given very broad authority to make recommendations on health benefits coverage; in other words, what is covered by the Federal Government. Obviously, when the Federal Government sets rules, insurance companies frequently apply those same kind of rules. We don't want the government, rather than patients and doctors, making decisions about how much health care or what health care one would have.

Another point I have tried to make to colleagues is, if they think the Federal Government isn't considering this, think about what some people have said in the Federal Government about allocating treatment based upon cost. No less than the Acting Director of the National Institutes of Health, Raynard Kington, announced that the NIH could use this stimulus money, money in the so-called stimulus bill that pays for comparative effectiveness research, to ration care just as is done in other countries. The NIH released a list of research topics and called for the inclusion of rigorous cost effectiveness analysis because "cost effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic diseases." "Allocation of resources" is a euphemism for rationing of health care. Similar statements have been made by Larry Summers. Frankly, the President himself has talked about this, not in those specific terms, but in a recent interview with the New York Times he said:

What I think government can do effectively is to be an honest broker in assessing and evaluating treatment options.

If the government is going to be a broker in treatment options, that also is a euphemism for deciding what it is going to pay for and what it will not. In other words, what one can and cannot get.

When a former Senator and at one point candidate for HHS Secretary

talked about this, he acknowledged in a book he wrote that doctors and patients might resent any encroachment on their ability to use certain treatments, but he called for the same kind of body in his book that would, in effect, allocate treatments based upon this kind of cost research.

There are many others who have spoken about it as well. We know from experience that this hasn't worked out so well in countries that have tried it such as Great Britain and Canada. In fact, I will quote one other individual who has talked about this, a professor at the Harvard Business School. Regina Herzlinger said that the comparative effectiveness research in the stimulus bill could easily morph into what she called "an instrument of health care rationing by the federal government."

There are comparisons to what is being done in Great Britain and other European countries and Canada; ironically, at a time when those countries are actually turning away from the federal monopoly or the national monopoly because of the fact that it has resulted in rationing of care that the citizens of those countries don't like.

A former head of the American Medical Association, which has endorsed the legislation Senator McCONNELL and I are introducing, said in an op-ed in the Chicago Tribune today, talking about the British agency, for which, ironically, the acronym is NICE:

For example, the agency that makes these decisions in the United Kingdom determined that we are all worth \$22,750 or six months of life or \$125 a day. I'm sorry. But \$125 is the cost of a nice date with my wife, not the value of my life.

What he is talking about is something called quality adjusted life years which is the British definition of the value they are going to place on a life for the purpose of comparing the cost done by this cost effectiveness research to see whether the cost of the treatment outweighs the value of the life. Think about that. Let me quote from the NICE Web site. It stands for National Institute for Health and Clinical Excellence, NICE. Here is what it says on Great Britain's Web site:

With the rapid advances in modern medicine, most people accept that no publicly funded health care system, including the NHS, can possibly pay for any new medical treatment that becomes available.

If the Federal Government has a monopoly, it probably doesn't have enough money to pay for every treatment that becomes available. It goes on to say:

The enormous costs involved mean that choices have to be made.

That is why they ration care in Great Britain. It goes on:

The QALY [quality-adjusted life year] method helps us measure these factors so we can compare different treatments for the same and different conditions.

It is an idea of how much extra months or years of life of reasonable

quality a person might gain as a result of the treatment.

Each drug is considered on a case-by-case basis. Generally, however, if a treatment costs more than 20,000 to 30,000 pounds per [quality-adjusted life year], then it would not be considered cost effective.

And they don't give it to you.

We have many examples of people in Great Britain who are denied care because the government has decided that the cost of the treatment is more than the quality-adjusted life year. This is adjusted for age so that the older you get, even though the treatment may cost less, you are less likely to get it because of your age. Think about that for a moment. If something costs \$20,000 in the United States and you are 65 years of age and they decide that they can't afford to pay for it, is that what the United States of America is all about? Is that what our government should be telling us? Should the government have the right to say: Based on this research we have done, you can't have that treatment?

If you believe that can't happen in the United States, I think it can. It has happened in Great Britain and Canada. Our legislation says it can't. So what is the harm in adopting our legislation? That is the question I will be asking of anyone who says it is not necessary.

I want to put the question: Then what harm does it do to say that this research can't be used by the Federal Government to deny or delay treatment? I hope my colleagues will appreciate that health care is the most important thing to all of us for our families. Whatever else we may think needs to be done to reform health care, the one thing we can all agree on is, it should not result in rationing of health care for Americans. Our legislation is one step in that process. It doesn't preclude rationing of health care in other ways. But at least it says comparative effectiveness research cannot be used in order to ration care. I hope our colleagues will view this legislation as an important step we can take.

Let me give a couple examples I said I would provide. There is a fellow by the name of Rocky Fernandez, a kidney cancer patient in Britain. He was given 2 months to live when the cancer spread to his lungs. His doctor wanted to prescribe a drug called Sutent, a new drug for advanced kidney cancer, but the government said no. He and thousands of other cancer patients protested the government's decision. This is what you would have to do, I gather. The government ultimately reversed its decision and, fortunately, he was able to begin taking the drug. The British health authorities knew this wasn't the end, that as more costly life extending drugs would become available, patients would demand access to the drugs and the government would be faced with increasingly difficult decisions. So faced with a finite pot of re-

sources, the British health authorities decided that expensive drugs like Sutent would only be approved under specific conditions: They must extend life by 3 months, and they must be used for illnesses that affect fewer than 7,000 patients a year.

Is that what we want in the United States? Before you could get a drug that would give you better quality of life or extend your life, the government is going to run through tests like this. And if it doesn't meet the test, you don't get the drug? This is the danger of a government-run system. In effect, bureaucrats in the government become health care cops. We don't want that in America.

In the reform legislation that we end up acting on, I hope we can all agree that one of the things we can do to prevent this rationing is to at least say we will do no harm. We will not allow this comparative effectiveness research to be used by the Federal Government to deny our care.

I ask unanimous consent to print in the RECORD the op-ed from the Chicago Tribune by Dr. Palmisano from which I quoted earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 15, 2009]

REFORM MEASURES SHOULD NOT WEAKEN OUR HEALTH CARE

(By Donald J. Palmisano)

Over the past several decades, our nation has built the finest health-care system in the world. From birth to death we value and care for life. Surgeons can perform life-saving heart surgery on a child that is still in utero. Expert trauma doctors can save the life of a mother who was badly hurt in a car crash. And end-of-life specialists can provide compassionate palliative care to seniors to ensure their last days are spent in comfort.

This didn't all just magically happen. But it could all magically go away.

Swirling around us is a great debate that will decide the future of medical care in America. There are those who desire a single-payer system, although the "single payer" would be the 100 million Americans who pay taxes. It would leave the government in charge of our medical choices. But since single-payer advocates know the majority of Americans oppose such a system, they have decided to advance an alternative—known as the public option.

Either approach would seriously weaken the health-care system we enjoy today. The public option would cost \$1.2 trillion to \$1.8 trillion to set up. Is that something our nation can afford, especially considering the latest estimates that Medicare is going to be bankrupt in 10 years?

Is it the goal of some individuals to eventually wipe out all private insurance plans and house all health care under the umbrella of the federal government? These types of government-controlled systems already exist in other countries, and all have stories of patients who had to wait months to see specialists. It's common to hear of patients who were not allowed to get the treatment their doctor prescribed because a bureaucratic decision was made on the value of their life. For example, the agency that makes these

decisions in the United Kingdom determined that we are all worth \$22,750 for six months of life—or \$125 a day. I'm sorry, but \$125 is the cost of a nice date with my wife, not the value of life.

The American Medical Association, representing more than 250,000 physicians, and an organization I once led, recently came out in opposition to the proposed public plan, saying that it "threatens to restrict patient choice" and that it "would likely lead to an explosion of costs that would need to be absorbed by taxpayers."

That position comes from studying government-controlled health care elsewhere. During my year as president of the AMA, I was able to visit and see firsthand the success and failures of other health-care systems. I recall meeting with the chairman of the British Medical Association in June 2003, when he characterized his nation's single-payer health-care system as "the stifling of innovation by excessive, intrusive audit . . . the shackling of doctors by prescribing guidelines, referral guidelines and protocols . . . the suffocation of professional responsibility by target-setting and production line values that leave little room for the professional judgment of individual doctors or the needs of individual patients."

And what else will happen when the government asserts its control over health care? Medical creativity, discovery and innovation—the same creativity and discovery and innovation that we have relied on for generations—will dry up. Today, millions of Americans rely on statins to reduce their risk of heart attack. The new da Vinci surgical system is already revolutionizing the way surgery is performed in operating rooms across the country. And wounded veterans are being fitted with next-generation prosthetic limbs so they can walk again.

Only in America.

We must find ways to expand access to affordable health care to the uninsured. America can solve the current problems with a system that expands insurance coverage through tax credits, consumer choice and market enhancements. However, in the process of expanding care, we cannot create a weaker system for the 80 percent of Americans who are happy with their coverage. It would be a serious mistake to have a government-controlled micromanaged medical system that would result in diminished quality of care, long waiting lines for doctors' visits and surgical care, a lack of access to emerging technologies and the virtual end to new and hopeful medical discovery. Health care shouldn't be dictated to us by a faceless bureaucrat in Washington.

A lot is at stake as the nation engages in the health-care debate. Will we have a system that puts the patient in control with the doctor as trusted adviser, or a government-run system that ultimately rations care and stifles innovation and self-determination? I hope it's the former.

Mr. KYL. We have actually seen the danger in using this kind of research for rationing of care in another context. When we created Medicare Part D, which provides drugs to seniors, we saw the danger of rationing of drugs, and so we specifically provided, in the Medicare Modernization Act, an explicit provision that says you can't use cost-effective analysis to allocate the drugs. It is prohibited there. What we should do is take that same policy and apply it to the rest of our health care, to seniors who are on Medicare and to

the rest of the population, to the extent the Federal Government will be able to dictate its care. We have not provided that same protection for any other care, and that is what our legislation, the PATIENTS Act, would do.

The final thing I wish to discuss is the notion that we can have a government-run insurance plan and that somehow that will be healthy for Americans. Stop and think, a government-run option or government option would be the Federal Government making decisions about care. So while you may decide it is a lot cheaper because the Federal Government can subsidize the insurance plan, the government will actually be deciding what kind of coverage you get. This is one of the areas we are concerned about in using this comparative effectiveness research. Because clearly the so-called public option, in order to keep costs down, could end up rationing care. That is OK if it is merely an option and people figured out, wait a minute, even though it is cheaper, I don't want this. But what Lewin and Associates, a health care consulting group, says is that unfortunately, because private employers are likely to dump their employees into the government-run system, about two-thirds of the people who have insurance today, 119 million people, would end up with the government-run plan rather than the private insurance they have today. When the President says, if you like your insurance coverage, you get to keep it, I hope what he means is that we won't do anything in our legislation to make that more difficult.

But if, in fact, the predictions of consulting groups such as Lewin come true, what will happen is, employers, faced with the situation where it is much cheaper for them to insure their employees through this government-run plan, will take 119 million people and transfer them from private insurance to government insurance. At that point, you do not have any option. So the government-run plan is not like it is an option for you, unless you want to change jobs to an employer that is willing to maintain the coverage. And those are going to be few and far between. The same thing is true with the individual health care market.

The bottom line is, when people say to you: Well, if you like your coverage, you are going to be able to keep it, that is not true. Incidentally, under the bill that is being written by the Finance Committee, that is explicitly not true either. That is why we are concerned about this. Because even though you may like the insurance you have today and say: The Federal Government can't tell me what care I can get, it will not be too much longer before that may not be true. You will have the government insurance, and it will tell you what care it can give you.

When we talk about the fact that we are eager for health reform, what we

are talking about is allowing people to keep their current coverage; allowing them to take their coverage with them; that is to say, it is portable when you leave one job and you go to another job, to make sure you cannot be denied care because you have a preexisting condition; and if you need financial help in getting insurance, to find a way to provide that financial help.

We believe those are better solutions to making sure everyone is insured than providing a public option. It is a little like the government taking over General Motors. The only difference is, it is one thing if the people who are now running General Motors make a mistake. It is usually not going to be a life-or-death situation. But it is a whole new ball game if the government is deciding you cannot get a particular drug or a particular kind of surgery that your doctor says you need.

The bottom line is, Washington-run health care has significant dangers in it—more than if you are going to run the insurance companies or the car companies or the banks. When you have a Medical Advisory Council, as the HELP Committee legislation provides, or a National Institute for Health and Clinical Excellence—NICE—as in Great Britain, it is anything but nice when your health care is denied to you.

What we are trying to prevent by this legislation, for the final time, is a situation where the government is in a position to tell you that you cannot have a certain drug or treatment or device your doctor has said you need because they use this comparative effectiveness research to say: Well, in your case, you are not going to live much longer anyway. It is not cost effective for us to buy that for you.

That is not the American way. As I said, it is ironic countries such as Canada and Great Britain are actually beginning to now provide private alternatives because they know they cannot take care of all their citizens, and they know there is a revolt going on in their countries about people who are not getting the care they need. So the safety valve for that is to provide an option for the private sector to actually provide for this coverage.

Why would we want to replicate their basic mistake in so-called health care reform? There are easier, less costly, and less harmful ways to do that than the legislation that is being proposed that would allow comparative effectiveness research to ration your care.

I hope my colleagues will take a look at our legislation, S. 1259. If they would like to cosponsor it, we would love to have support because when this issue gets to the floor, we will want our colleagues to weigh in and send a very strong message that comparative effectiveness research is great but it is not good if it is used to deny care or to ration care to the American people. That

we have to put an absolute stop to right now, and our legislation would do that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1259

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preserving Access to Targeted, Individualized, and Effective New Treatments and Services (PATIENTS) Act of 2009” or the “PATIENTS Act of 2009”.

SEC. 2. PROHIBITION ON CERTAIN USES OF DATA OBTAINED FROM COMPARATIVE EFFECTIVENESS RESEARCH; ACCOUNTING FOR PERSONALIZED MEDICINE AND DIFFERENCES IN PATIENT TREATMENT RESPONSE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services—

(1) shall not use data obtained from the conduct of comparative effectiveness research, including such research that is conducted or supported using funds appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), to deny coverage of an item or service under a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f))); and

(2) shall ensure that comparative effectiveness research conducted or supported by the Federal Government accounts for factors contributing to differences in the treatment response and treatment preferences of patients, including patient-reported outcomes, genomics and personalized medicine, the unique needs of health disparity populations, and indirect patient benefits.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act.

Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LEAHY, Mr. TESTER, Mr. BAUCUS, and Mr. CARPER):

S. 1261. A bill to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver’s licenses and identification documents, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I am, along with Senators VOINOVICH, LEAHY, TESTER, BAUCUS, and CARPER, introducing the Providing for Additional Security in States’ Identification Act of 2009, or the PASS ID Act.

This bill represents a pragmatic approach to resolving many of the most troubling aspects of the REAL ID Act, which has been in place for the past 4 years. REAL ID was intended to imple-

ment the 9/11 Commission’s recommendation for enhancing the security of drivers’ licenses. I support the 9/11 Commission’s recommendation, but I have been a long-time opponent of the existing REAL ID Act due to the tremendous financial burden it imposes on States and the serious privacy risks it creates.

Initially, DHS estimated the cost of implementing REAL ID to be \$23 billion, of which \$14 billion would be borne by the States. In the final regulations, DHS’s overall cost estimate decreased to \$10 billion, \$4 billion of which States would have to pay. Many States are facing serious budget shortfalls and simply cannot afford this cost.

Additionally, REAL ID calls for all States to store copies of individuals’ documents such as birth certificates and their photographs in databases and to provide all other State Departments of Motor Vehicles with access to that information. REAL ID does not require any privacy protection of these State databases, which would contain massive amounts of personal information. These databases could provide one-stop shopping for identity thieves and the backbone for a national identification database.

Because of these problems, the Department of Homeland Security has been forced to provide a series of extensions for compliance. All 50 States plus the District of Columbia and the territories were granted extensions until December 31, 2009. DHS may automatically grant States further extensions to May 11, 2011, if they meet certain benchmarks for compliance. Under the final regulations, complete implementation is required by December 1, 2017. Even under this drawn out timeline, it is unclear if many States will comply. Several States, including Hawaii, have passed resolutions expressing their opposition to REAL ID. Eleven States have outright rejected REAL ID, putting millions of Americans at risk of not being able to enter Federal facilities or board commercial airplanes next year if they do not meet DHS benchmarks. Americans’ personal information could also be compromised if REAL ID were to fully take effect in its current form. This simply cannot be allowed to happen.

Because of my grave concerns with the REAL ID program, during the last Congress, I along with several of my colleagues introduced the Identity Security Enhancement Act, which would have repealed the REAL ID Act and replaced it with a negotiated rulemaking process that would have enhanced the security of State driver’s licenses while also providing for strong privacy protections. Unfortunately, this bill did not advance, and we are now closer than ever to forcing states to ensure compliance with REAL ID.

I along with my colleagues, the Department of Homeland Security, pri-

vacy and civil liberties groups, and the National Governors Association and National Council of State Legislators—representing a broad range of views on REAL ID—have been working together to develop a bill that will address the onerous problems with REAL ID in a practical manner that can win bipartisan support. I believe that the bill we are introducing represents a pragmatic alternative to REAL ID, which will save States considerable money and address the most troubling aspects of the REAL ID Act.

The PASS ID Act does exactly what the 9/11 Commission recommended: it sets strong security standards for the issuance of identification cards and driver’s licenses. What it does not do is go far beyond that recommendation by requiring the collection of Americans’ personal information and storing it in a centralized repository accessible by any State government. This legislation starts with repealing the existing flawed REAL ID Act, and replaces it with a modification of the original act that peels away the most troubling aspects that add high costs without real security benefits, and implements strong new protections to protect the privacy rights of individuals.

Perhaps the most important improvement in the PASS ID Act is the removal of the mandate that States share all of their driver’s license data with each of the other States. This provision created a clear risk to the privacy of all Americans’ personal information and posed a great risk for identity theft and fraud. Moreover, it was this provision that raised the specter of a national database of all Americans’ personal information. The PASS ID Act instead will allow States to continue to maintain their own individual databases with more stringent security requirements.

In addition, the PASS ID Act includes all of the privacy protections called for in my previous bill, the Identity Security Enhancement Act. The bill calls on the States to put procedures in place to protect information that is stored or transmitted in an electronic format. The bill also for the first time protects any machine readable data stored on identification cards and driver’s licenses themselves. In particular, Social Security numbers, which are not allowed to be printed on the face of a license, would no longer be allowed to be stored in the machine readable zone, MRZ, of a license either.

Because of the ability of licenses to hold more and more electronic information, it is also important to institute important new protections for the use of the data stored on licenses. A new industry is growing up surrounding the collection and sale of data stored in MRZs for marketing purposes. Often people are not informed that their personal information is being collected and might be tracked

with their purchases or sold to third parties. This bill would allow scanning of licenses to support law enforcement purposes but not for other purposes. For example, a store would be able to scan a driver's license to double check that the patron is old enough to buy alcohol, but it would not be allowed to sell the information on the card to marketers. This is an important step forward to ensure that privacy and security protections keep pace with technology, while still ensuring that the MRZ can be used for its intended purposes.

The other change that I want to point out is the clarification of Americans' right to travel on commercial aircraft and to enter Federal buildings. The current law restricts these rights by requiring a REAL ID to board commercial aircraft and to enter Federal buildings. This bill recognizes the importance of secure identification to increase the safety and security of commercial air travel and a narrower range of Federal buildings. Compliant State identification will remain the preferred method to board an aircraft, but the PASS ID Act will clarify that people cannot be denied boarding solely because they lack secure identification. The Transportation Security Administration will resolve any security concerns with people lacking a PASS ID the same way they resolve other security issues—with additional screening or other inquiries as needed. Additionally, PASS ID would narrow the secure identification requirement from all Federal buildings to only Federal facilities containing mission functions critical to homeland security, national security, or defense.

This bill does not address all of my concerns with REAL ID. Some others will be disappointed that it does not address all of their concerns. However, the reality that we face is that in less than a year, States will be required to comply with a law on the books that simply is overly burdensome and unworkable. I believe that the legislation introduced today is the best bill that can garner broad bipartisan support. It represents a strong step toward fixing the most serious shortfalls in the REAL ID Act and would introduce long-overdue, important new protections. We cannot let the perfect be the enemy of the good, especially when we are working to address a seriously flawed law already on the books.

I urge my colleagues to talk to your Governors and other State government officials, your constituents, and to privacy experts to understand just how much this legislation does to improve existing law. By taking the time to work with all stakeholders, I think that we have achieved a solution that leaves us much better off than we are today.

As always, my goal remains to ensure the privacy rights of all Ameri-

cans, and I will continue to work closely with the Department of Homeland Security to ensure that privacy rights are protected fully during the implementation of PASS ID.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1261

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Providing for Additional Security in States' Identification Act of 2009" or the "PASS ID Act".

SEC. 2. REPEAL.

Title II of the REAL ID Act of 2005 (Division B of Public Law 109-13) is repealed.

SEC. 3. IDENTIFICATION SECURITY.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"Subtitle E—Improved Security for Driver's Licenses and Personal Identification Cards

"SEC. 241. DEFINITIONS.

"In this subtitle:

"(1) DRIVER'S LICENSE.—The term 'driver's license' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

"(2) IDENTIFICATION CARD.—The term 'identification card' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.

"(3) MATERIALLY COMPLIANT.—A State is 'materially compliant' if the State has certified to the Secretary that the State has commenced issuing driver's licenses and identification cards that are compliant with the requirements of this subtitle.

"(4) OFFICIAL PURPOSE.—The term 'official purpose' means—

"(A) accessing Federal facilities that contain mission functions critical to homeland security, national security, or defense;

"(B) accessing nuclear power plants; or

"(C) boarding federally regulated commercial aircraft.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(6) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 242. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

"(a) MINIMUM STANDARDS FOR FEDERAL USE.—

"(1) IN GENERAL.—Beginning 1 year after the date on which final regulations are issued to implement this subtitle, pursuant to section 5 of the PASS ID Act—

"(A) a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is materially compliant; and

"(B) no person shall be denied boarding a commercial aircraft solely on the basis of failure to present a driver's license or identification card issued pursuant to this subtitle.

"(2) AGENCY ACCEPTANCE.—Beginning 6 years after the date on which final regulations are issued to implement this subtitle,

pursuant to section 5 of the PASS ID Act, a Federal agency may not accept, for any official purpose, a driver's license or identification card unless the license or card complies with subsection (b).

"(3) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

"(4) CERTIFICATION OF OTHER IDENTIFICATION DOCUMENTS.—The Secretary may certify any driver's license or identification card, including an Enhanced Driver's License designated by the Secretary under section 7209 of the 9/11 Commission Implementation Act of 2004, as compliant with the requirements of this subtitle if the Secretary, after review, determines such license or card meets the requirements of this subtitle.

"(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

"(1) The person's legal name.

"(2) The person's date of birth.

"(3) The person's gender.

"(4) The person's driver's license or identification card number.

"(5) A digital photograph of the person.

"(6) The person's address of principal residence, except—

"(A) as provided for under section 827 of the Violence Against Women Act (Public Law 109-162); or

"(B) for any individual who a State determines should be exempted from the requirement under this paragraph to protect the safety or security of the applicant.

"(7) The person's signature.

"(8) A combination of security features designed to protect the physical integrity of the document, including the prevention of tampering, counterfeiting, or duplication of the document for fraudulent purposes.

"(9) A common machine-readable technology, containing the data elements available on the face of a driver's license or identification card. A person's social security number may not be included in these data elements.

"(10) A unique symbol designated by the Secretary to indicate compliance with the requirements under this section.

"(c) MINIMUM ISSUANCE STANDARDS.—

"(1) IN GENERAL.—To meet the requirements of this section, for all driver's licenses and identification cards issued under this subtitle at least 1 year after the date on which final regulations are issued to implement this subtitle, pursuant to section 5 of the PASS ID Act, a State shall require, at a minimum, presentation and validation of the following information before issuing a driver's license or identification card to a person:

"(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full name and date of birth.

"(B) Documentation showing the person's date of birth.

"(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

"(D) Documentation showing the person's name and address of principal residence.

"(2) SPECIAL REQUIREMENTS.—

“(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

“(B) EVIDENCE OF LAWFUL STATUS.—Before issuing a driver’s license or identification card to a person, a State shall verify that the person—

“(i) is a citizen or national of the United States;

“(ii) has been granted lawful permanent residence in the United States;

“(iii) has been granted asylum or withholding of removal, or has been admitted into the United States as a refugee;

“(iv) has been granted temporary residence in the United States;

“(v) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), subject to such exceptions as the Secretary, in the Secretary’s unreviewable discretion, may prescribe for aliens paroled into the United States for prosecution or other categories of paroled aliens;

“(vi) is a lawful nonimmigrant in the United States;

“(vii) has a pending application for asylum or withholding of removal and has been granted employment authorization;

“(viii) has been granted temporary protected status in the United States or has a pending application for temporary protective status and has been granted employment authorization;

“(ix) has been granted deferred action status;

“(x) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States;

“(xi) has otherwise been granted employment authorization in the United States; or

“(xii) is otherwise an alien lawfully present in the United States, as determined by the Secretary in the Secretary’s unreviewable discretion.

“(C) TEMPORARY DRIVER’S LICENSES AND IDENTIFICATION CARDS.—

“(i) IN GENERAL.—If a person presents evidence under any of clauses (iv) through (xii) of subparagraph (B), the State may only issue a temporary driver’s license or temporary identification card to the person that is valid for a time period ending not later than the expiration date of the applicant’s authorized stay in the United States or, if there is no such expiration date, for a period not to exceed 1 year. The Secretary may, in the Secretary’s unreviewable discretion, authorize the issuance of temporary driver’s licenses or temporary identification cards, for periods longer than 1 year, to employees of international organizations and to other nonimmigrant aliens who are authorized to remain in the United States for an indefinite period.

“(ii) DISPLAY OF EXPIRATION DATE.—A temporary driver’s license or temporary identification card issued pursuant to this subparagraph shall clearly state the date on which it expires.

“(iii) RENEWAL.—A temporary driver’s license or temporary identification card issued pursuant to this subparagraph may be renewed only upon verification of the applicant’s current lawful status.

“(3) VALIDATION OF DOCUMENTS.—To meet the requirements of this section, a State—

“(A) shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2); and

“(B) not later than 1 year after the date on which final regulations are issued to implement this subtitle, pursuant to section 5 of the PASS ID Act, shall enter into a memorandum of understanding with the Secretary to routinely utilize the automated system known as Systematic Alien Verification for Entitlements established under section 121 of the Immigration Reform and Control Act of 1986 (Public Law 99–603), to verify the legal presence status of a person, other than a United States citizen or national, who is applying for a driver’s license or identification card.

“(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of driver’s licenses and identification cards:

“(1)(A) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferrable format for at least as long as the applicable driver’s license or identification card is valid; or

“(B) retain paper copies of source documents for at least as long as the applicable driver’s license or identification card is valid.

“(2) Subject each person who submits an application for a driver’s license or identification card to mandatory facial image capture.

“(3) Establish an effective procedure to confirm or verify a renewing applicant’s information.

“(4) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver’s license or identification card, the State may use any appropriate procedures to resolve nonmatches.

“(5) Establish an effective procedure to confirm that a person submitting an application for a driver’s license or identification card is terminating or has terminated any driver’s license or identification card issued pursuant to this section to such person by a State.

“(6) Provide for the physical security of locations where driver’s licenses and identification cards are produced and the security of document materials and papers from which driver’s licenses and identification cards are produced.

“(7) Establish appropriate administrative and physical safeguards to protect the security, confidentiality, and integrity of personally identifiable information collected and maintained at locations at which driver’s licenses or identification documents are produced or stored, including—

“(A) procedures to prevent the unauthorized access to, or use of, personally identifiable information;

“(B) public notice of security and privacy policies, including the use, storage, access to, and sharing of personally identifiable information;

“(C) the establishment of a process through which individuals may access, amend, and correct, as determined appropriate by the State, their own personally identifiable information.

“(8) Subject all persons authorized to manufacture or produce driver’s licenses and identification cards to appropriate security clearance requirements.

“(9) Establish fraudulent document recognition and document validation training programs for appropriate employees engaged

in the issuance of driver’s licenses and identification cards.

“(10) Limit the period of validity of all driver’s licenses and identification cards that are not temporary to a period that does not exceed 8 years.

“(e) EXCEPTIONS PROCESS.—

“(1) IN GENERAL.—States shall establish an exceptions process to reasonably accommodate persons who, for extraordinary reasons beyond their control, are unable to present the necessary documents listed in subsection (c)(1).

“(2) ALTERNATIVE DOCUMENTS.—Alternative documents accepted under an exceptions process established pursuant to paragraph (1) may not be used to demonstrate lawful presence under subsection (c)(2) unless such documents establish that the person is a citizen or national of the United States.

“(3) REPORT.—States shall include a report on the use of exceptions made under this subsection, which shall not include any personally identifiable information, as a component of the certification required under subsection (a)(3).

“(f) USE OF FEDERAL SYSTEMS.—States shall not be required to pay fees or other costs associated with the use of the automated systems known as Systematic Alien Verification for Entitlements and Social Security On-Line Verification, or any other Federal electronic system, in connection with the issuance of driver’s licenses or identification cards, in accordance with this subtitle.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State from issuing driver’s licenses and identification cards that do not comply with the requirements of this section.

“SEC. 243. USE OF FALSE DRIVER’S LICENSE AT AIRPORTS.

“(a) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver’s license at an airport.

“(b) DEFINITIONS.—In this section:

“(1) AIRPORT.—The term ‘airport’ has the meaning given such term under section 40102 of title 49, United States Code.

“(2) FALSE.—The term ‘false’ has the meaning given such term under section 1028(d) of title 18, United States Code.

“SEC. 244. GRANTS TO STATES.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a State Driver’s License Enhancement Grant Program to award grants to assist States in conforming to the minimum standards set forth in this subtitle.

“(2) DISTRIBUTION OF GRANTS.—The Secretary, through the Administrator of the Federal Emergency Management Agency, shall distribute grants awarded under this section to States that submit an application as follows:

“(A) PROPORTIONAL ALLOCATION.—Not less than ⅔ of the amounts appropriated for grants under this section shall be allocated to each State in the ratio that—

“(i) the number of driver’s licenses and identification cards issued by such State in the most recently ended calendar year; bears to

“(ii) the number of driver’s licenses and identifications cards issued by all States in the most recently ended calendar year.

“(B) REMAINING ALLOCATION.—The Secretary may allocate to States any amounts appropriated for grants under this section that are not allocated under subparagraph

(A) in such manner as, in the Secretary's discretion, will most effectively assist in achieving the goals of this subtitle.

“(C) MINIMUM ALLOCATION.—In allocating funds under this section, the Secretary shall ensure that for each fiscal year—

“(i) except as provided under clause (ii), each State receives not less than an amount equal to 0.35 percent of the total funds appropriated for grants under this section for that fiscal year; and

“(ii) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive not less than an amount equal to 0.08 percent of the total funds appropriated for grants under this section for that fiscal year.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for each of the fiscal years 2010 through 2015, such sums as may be necessary to carry out this section.

“SEC. 245. STATE-TO-STATE ONE DRIVER, ONE LICENSE DEMONSTRATION PROJECT.

“(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Transportation, shall establish a State-to-State 1 driver, 1 license demonstration project.

“(b) PURPOSE.—The demonstration project established under this section shall include an evaluation of the feasibility of establishing an electronic system to verify that an applicant for a driver's license or identification card issued in accordance with this subtitle does not retain a driver's license or identification card issued in accordance with this subtitle by another State.

“(c) REQUIREMENTS.—The demonstration project shall include a review of—

“(1) the costs affiliated with establishing and maintaining an electronic records system;

“(2) the security and privacy measures necessary to protect the integrity and physical security of driver's licenses; and

“(3) the appropriate governance structure to ensure effective management of the electronic records system, including preventing the unauthorized use of information in the system, and ensuring the security and confidentiality of personally identifiable information.

“(d) SAVINGS PROVISION.—Nothing in this section may be construed to—

“(1) authorize the creation of a national database of driver's license information; or

“(2) authorize States direct access to the motor vehicle database of another State.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2010 through 2012 such sums as may be necessary to carry out this section.

“SEC. 246. AUTHORITY.

“(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this subtitle shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

“(b) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 242(a)(1) if the State provides adequate justification for noncompliance.

“SEC. 247. LIMITATION ON STATUTORY CONSTRUCTION.

“Nothing in this subtitle may be construed to—

“(1) affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code; or

“(2) preempt State privacy laws that are more protective of personal privacy than the requirements of this subtitle or the standards or regulations promulgated to implement this subtitle, provided that such State laws are consistent with this subtitle and the regulations prescribed pursuant to this subtitle.”

(b) TECHNICAL AMENDMENT.—Section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296) is amended by inserting after the item relating to section 235 the following:

“Subtitle E—Improved Security for Driver's Licenses and Personal Identification Cards

“Sec. 241. Definitions.

“Sec. 242. Minimum document requirements and issuance standards for Federal recognition.

“Sec. 243. Use of false driver's license at airports.

“Sec. 244. Grants to States.

“Sec. 245. State-to-State one driver, one license demonstration project.

“Sec. 246. Authority.

“Sec. 247. Limitation on statutory construction.”

SEC. 4. USE OF DRIVER'S LICENSE OR IDENTIFICATION CARD DATA BY PRIVATE ENTITIES.

Chapter 123 of title 18, United States Code is amended—

(1) in section 2722, by adding at the end the following:

“(c) COPYING INFORMATION FROM DRIVERS LICENSES OR IDENTIFICATION CARDS.—It shall be unlawful for any person, knowingly and without lawful authority—

“(1) to scan the information contained in the machine readable component of a driver's license or identification card; or

“(2)(A) to resell, share or trade that information with any other third parties;

“(B) track the use of a driver's license or identification card; or

“(C) store the information collected.”;

(2) in section 2724(a), by inserting “driver's license, or identification card,” after “motor vehicle record.”;

(3) in section 2725—

(A) by redesignating paragraph (2) as paragraph (6), and adding “and” at the end;

(B) by redesignating paragraph (3) as paragraph (7);

(C) by redesignating paragraph (4) as paragraph (3), and striking “and” at the end;

(D) by redesignating paragraph (5) as paragraph (2), and striking the period at the end and inserting a semicolon;

(E) by redesignating paragraph (1) as paragraph (5);

(F) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘driver's license’ means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code;”;

(G) by inserting after paragraph (3), as redesignated, the following:

“(4) ‘identification card’ means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.”

SEC. 5. RULEMAKING.

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Secretary, after providing notice and an opportunity for public comment shall issue final regulations to implement subtitle E of title II of the Homeland Security Act of 2002, as added by section 3.

(b) CONTENT.—The regulations issued pursuant to subsection (a)—

(1) shall include procedures and requirements that—

(A) protect the privacy rights of individuals who apply for and hold a driver's license or personal identification card;

(B) protect the constitutional rights and civil liberties of individuals who apply for and hold a driver's licenses or personal identification card;

(2) shall include procedures to protect any personally identifiable information electronically transmitted;

(3) shall establish a process through which individuals may access, amend, and correct, as determined appropriate by the Secretary, their own personally identifiable information in any Federal databases used in complying with this Act;

(4) may not require a single design or numbering system to which driver's licenses or personal identification cards issued by all States shall conform; and

(5) shall only apply to driver's licenses or identification cards issued pursuant to subtitle E of title II of the Homeland Security Act of 2002, as added by section 3.

SEC. 6. SAVINGS PROVISION.

(a) EFFECT OF REPEAL.—Nothing in section 2 shall affect the amendment or the repeal set forth in sections 203(a) and 206 of the REAL ID Act of 2005.

(b) EFFECT OF COMPLETED ADMINISTRATIVE ACTIONS.—Completed personnel actions, agreements, grants, and contracts undertaken by an agency—

(1) shall not be affected by any provision of this Act, or any amendment made by this Act; and

(2) shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States, by a court of competent jurisdiction, or by operation of law.

By Ms. CANTWELL:

S. 1262. A bill to amend title VII of the Public Health Service Act and titles XVIII and XIX of the Social Security Act to provide additional resources for primary care services, to create new payment models for services under Medicare, to expand provision of non-institutionally-based long-term services, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Medical Efficiency and Delivery Improvement of Care Act, MEDIC, a bill which provides common-sense solutions to many of the most critical problems besetting our health care system. As we embark on reforming health care in America, we are faced with restructuring a system as complex as it is important—a system which includes not only doctors and patients but medical schools, nursing homes, hospitals and community health centers. While every piece of the health care puzzle requires individual attention, one common thread connects them all: the need for improved efficiency among providers though increased access to primary care physicians. They are the ones who can provide coordinated care for patients, leading to better quality and a more efficient system. That is why I am introducing this bill as a vehicle for proposals which increase the efficiency and coordination across the health care

spectrum to improve health and save money.

In my State of Washington doctors and hospitals provide some of the a highest quality and most cost-efficient care in the nation. However, instead of rewarding our State for reining in unnecessary costs and improving the health of patients, the current system actually penalizes them. Under the current fee-for-service structure we have today, health care providers are rewarded for maximizing the number of services they provide rather than focusing primarily on health outcomes. This provides a financial disincentive to efficient care because such efficiencies actually result in decreased payments. My bill addresses this issue by linking physician payments to the quality of care they provide, not the amount of services they perform. At the same time, the bill recognizes the need to allow for the differences in the cost of doing business across different regions. The resulting policy creates a fair payment system that increases the overall quality of care while resulting in a savings of \$55 billion a year off the Medicare rolls.

The backbone of our health care system is comprised of the men and women who devote their lives to the practice of medicine. While our nation's physician workforce is the best in the world, current policies have left our primary care network woefully lacking, leaving many families—especially those in rural areas—without access to basic care. As few as 2 percent of medical students opt for careers in family medicine and general surgery primarily due to the low pay associated with such specialties. Therefore, a fundamental goal of reform must be expanding the primary care workforce. My legislation includes provisions which provide financial incentives for medical students and teaching hospitals—such as interest-free loans and scholarships for students going into primary care, and increased funding for small and rural hospitals to improve their primary care residency programs. The bill also calls for increasing payments to primary care physicians currently in practice. These policies will result in an improved primary care infrastructure throughout the nation, providing for quality primary care today and well into the future.

Finally, we cannot address health care reform without addressing the needs the individuals who require it the most: those in long-term care. For many older Americans and people with disabilities, long-term care is not a luxury but a necessity, a required service needed to maintain their overall quality of life. Traditionally this care has been provided in institutions such as nursing homes, which can cost upwards of \$70,000 a year. While some people require the around-the-clock care provided in nursing homes, many of

those in need of long-term care would be better off remaining in their homes where they can continue to be active members of the community. Home- and community-based services provide people the care they need in non-institutional settings, which, in addition to saving a significant amount of money, allows for the freedom and independence to which people are accustomed. This legislation contains several provisions which provide States with the resources they need to move away from institutional long-term care and towards home- and community-based services, such as increasing Federal Medicaid dollars to transition to home- and community-based services, and providing incentives to create consolidated information centers so consumers and their families can make well-informed decisions about long-term care options. If we gave just 5 percent of those who go into nursing homes the ability to receive care in their own homes and communities, the Federal Government would see a net savings of more than \$10 billion over 5 years. This significant savings can be achieved while simultaneously providing better care; a truly win-win situation.

In introducing this bill I am reminding my colleagues that reforming health care need not be a zero-sum game. We can achieve our goals of improving the health care workforce, stabilizing the physician payment structure, improving access to needed care and decreasing the financial and emotional burdens associated with long-term care while simultaneously providing significant savings throughout the health care system. I look forward to working with my colleagues in the Senate to ensure these critical reforms are enacted.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1262

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medical Efficiency and Delivery Improvement of Care Act (MEDIC) of 2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—LOAN PROGRAM PROVISIONS

- Sec. 1001. Short title.
- Sec. 1002. Hospital residency loan program.

TITLE II—PRIMARY CARE PROVISIONS

- Sec. 2001. Short title.
- Sec. 2002. Findings.
- Sec. 2003. Definitions.

Subtitle A—Medical Education

- Sec. 2101. Recruitment incentives.

- Sec. 2102. Debt forgiveness, scholarships, and service obligations.
- Sec. 2103. Deferment of loans during residency and internships.
- Sec. 2104. Educating medical students about primary care careers.
- Sec. 2105. Training in family medicine, general internal medicine, general geriatrics, general pediatrics, physician assistant education, general dentistry, and pediatric dentistry.
- Sec. 2106. Increased funding for National Health Service Corps Scholarship and loan repayment programs.

Subtitle B—Medicaid Related Provisions

- Sec. 2201. Transformation grants to support patient-centered medical homes under Medicaid and CHIP.

Subtitle C—Medicare Provisions

PART I—PRIMARY CARE

- Sec. 2301. Reforming payment systems under Medicare to support primary care.
- Sec. 2302. Coverage of patient-centered medical home services.
- Sec. 2303. Medicare primary care payment equity and access provision.
- Sec. 2304. Additional incentive payment program for primary care services furnished in health professional shortage areas.
- Sec. 2305. Permanent extension of Medicare incentive payment program for physician scarcity areas.
- Sec. 2306. HHS study and report on the process for determining relative value under the Medicare physician fee schedule.

PART II—PREVENTIVE SERVICES

- Sec. 2311. Eliminating time restriction for initial preventive physical examination.
- Sec. 2312. Elimination of cost-sharing for preventive benefits under the Medicare program.
- Sec. 2313. HHS study and report on facilitating the receipt of Medicare preventive services by Medicare beneficiaries.

PART III—OTHER PROVISIONS

- Sec. 2321. HHS study and report on improving the ability of physicians and primary care providers to assist Medicare beneficiaries in obtaining needed prescriptions under Medicare part D.
- Sec. 2322. HHS study and report on improved patient care through increased caregiver and physician interaction.
- Sec. 2323. Improved patient care through expanded support for limited English proficiency (LEP) services.
- Sec. 2324. HHS study and report on use of real-time Medicare claims adjudication.
- Sec. 2325. Ongoing assessment by MedPAC of the impact of medicare payments on primary care access and equity.
- Sec. 2326. Distribution of additional residency positions.
- Sec. 2327. Counting resident time in outpatient settings.
- Sec. 2328. Rules for counting resident time for didactic and scholarly activities and other activities.
- Sec. 2329. Preservation of resident cap positions from closed and acquired hospitals.

Sec. 2330. Quality improvement organization assistance for physician practices seeking to be patient-centered medical home practices.
Subtitle D—Studies

Sec. 2401. Study concerning the designation of primary care as a shortage profession.

Sec. 2402. Study concerning the education debt of medical school graduates.

Sec. 2403. Study on minority representation in primary care.

TITLE III—MEDICARE PAYMENT PROVISIONS

Sec. 3001. Short title.

Sec. 3002. Findings.

Sec. 3003. Value index under the Medicare physician fee schedule.

TITLE IV—LONG-TERM SERVICES PROVISIONS

Sec. 4001. Short title.

Subtitle A—Balancing Incentives

Sec. 4101. Enhanced FMAP for expanding the provision of non-institutionally-based long-term services and supports.

Subtitle B—Strengthening the Medicaid Home and Community-Based State Plan Amendment Option

Sec. 4201. Removal of barriers to providing home and community-based services under State plan amendment option for individuals in need.

Sec. 4202. Mandatory application of spousal impoverishment protections to recipients of home and community-based services.

Sec. 4203. State authority to elect to exclude up to 6 months of average cost of nursing facility services from assets or resources for purposes of eligibility for home and community-based services.

Subtitle C—Coordination of Home and Community-Based Waivers

Sec. 4301. Streamlined process for combined waivers under subsections (b) and (c) of section 1915.

TITLE V—HOME AND COMMUNITY-BASED SERVICES PROVISIONS

Sec. 5001. Short title.

Sec. 5002. Long-term services and supports.

TITLE I—LOAN PROGRAM PROVISIONS

SEC. 1001. SHORT TITLE.

This title may be cited as the “Physician Workforce Enhancement Act of 2009”.

SEC. 1002. HOSPITAL RESIDENCY LOAN PROGRAM.

Subpart 2 of part E of title VII of the Public Health Service Act is amended by adding at the end the following new section:

“SEC. 771. HOSPITAL RESIDENCY LOAN PROGRAM.

“(a) ESTABLISHMENT.—Not later than January 1, 2010, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a loan program that provides loans to eligible hospitals to establish residency training programs.

“(b) APPLICATION.—No loan may be provided under this section to an eligible hospital except pursuant to an application that is submitted and approved in a time, manner, and form specified by the Administrator of the Health Resources and Services Administration. A loan under this section shall be on such terms and conditions and meet such

requirements as the Administrator determines appropriate, in accordance with the provisions of this section.

“(c) ELIGIBILITY; PREFERENCE FOR RURAL AND SMALL URBAN AREAS.—

“(1) ELIGIBLE HOSPITAL DEFINED.—For purposes of this section, an ‘eligible hospital’ means, with respect to a loan under this section, a hospital that, as of the date of the submission of an application under subsection (b), meets, to the satisfaction of the Administrator of the Health Resources and Services Administration, each of the following criteria:

“(A) The hospital does not operate a residency training program, has not previously operated such a program, and has not taken any significant action, such as the expenditure of a material amount of funds, before July 1, 2009, to establish such a program.

“(B) The hospital has secured initial accreditation by the American Council for Graduate Medical Education or the American Osteopathic Association.

“(C) The hospital provides assurances to the satisfaction of the Administrator of the Health Resources and Services Administration that such loan shall be used, consistent with subsection (d), only for the purposes of establishing and conducting an allopathic or osteopathic physician residency training program in at least one of the following medical specialties, or a combination of the following:

“(i) Family medicine.

“(ii) Internal medicine.

“(iii) Emergency medicine.

“(iv) Obstetrics or gynecology.

“(v) General surgery.

“(vi) Preventive Medicine.

“(vii) Pediatrics.

“(viii) Behavioral and Mental Health.

“(D) The hospital enters into an agreement with the Administrator that certifies the hospital will provide for the repayment of the loan in accordance with subsection (e).

“(2) PREFERENCE FOR RURAL AND SMALL AREAS.—In making loans under this section, the Administrator of the Health Resources and Services Administration shall give preference to any applicant for such a loan that is a hospital located in a rural areas (as such term is defined in section 1886(d)(2)(D) of the Social Security Act) or an urban area that is not a large urban area (as such terms are respectively defined in such section).

“(d) PERMISSIBLE USES OF LOAN FUNDS.—A loan provided under this section shall be used, with respect to a residency training program, only for costs directly attributable to the residency training program, except as otherwise provided by the Administrator of the Health Resources and Services Administration.

“(e) REPAYMENT OF LOANS.—

“(1) REPAYMENT PLANS.—For purposes of subsection (c)(1)(D), a repayment plan for an eligible hospital is in accordance with this subsection if it provides for the repayment of the loan amount in installments, in accordance with a schedule that is agreed to by the Administrator of the Health Resources and Services Administration and the hospital and that is in accordance with this subsection.

“(2) COMMENCEMENT OF REPAYMENT.—Repayment by an eligible hospital of a loan under this section shall commence not later than the date that is 18 months after the date on which the loan amount is disbursed to such hospital.

“(3) REPAYMENT PERIOD.—A loan made under this section shall be fully repaid not later than the date that is 24 months after

the date on which the repayment is required to commence.

“(4) LOAN PAYABLE IN FULL IF RESIDENCY TRAINING PROGRAM CANCELED.—In the case that an eligible hospital borrows a loan under this section, with respect to a residency training program, and terminates such program before the date on which such loan has been fully repaid in accordance with a plan under paragraph (1), such loan shall be payable by the hospital not later than 45 days after the date of such termination.

“(f) NO INTEREST CHARGED.—The Administrator of the Health Resources and Services Administration may not charge or collect interest on any loan made under this section.

“(g) LIMITATION ON TOTAL AMOUNT OF LOAN.—The cumulative dollar amount of a loan made to an eligible hospital under this section may not exceed \$1,000,000.

“(h) PENALTIES.—The Administrator of the Health Resources and Services Administration shall establish penalties to which an eligible hospital receiving a loan under this section would be subject if such hospital is in violation of any of the criteria described in subsection (c)(1).

“(i) REPORTS.—Not later than January 1, 2014, and annually thereafter (before January 2, 2020), the Administrator of the Health Resources and Services Administration shall submit to Congress a report on the efficacy of the program under this section in increasing the number of residents practicing in each medical specialty described in subsection (c)(1)(C) during such year and the extent to which the program resulted in an increase in the number of available practitioners in each of such medical specialties that serve medically underserved populations.

“(j) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing amounts for loans under this section, there are authorized to be appropriated \$25,000,000 for the period of fiscal years 2010 through 2020.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

“(3) REPAID LOAN AMOUNTS.—Any amount repaid by, or recovered from, an eligible hospital under this section on or before the date of termination described in subsection (k) shall be credited to the appropriation account from which the loan amount involved was originally paid. Any amount repaid by, or recovered from, such a hospital under this section after such date shall be credited to the general fund in the Treasury.

“(k) TERMINATION OF PROGRAM.—No loan may be made under this section after December 31, 2019.”.

TITLE II—PRIMARY CARE PROVISIONS

SEC. 2001. SHORT TITLE.

This title may be cited as the “Preserving Patient Access to Primary Care Act of 2009”.

SEC. 2002. FINDINGS.

Congress makes the following findings:

(1) Approximately 21 percent of physicians who were board certified in general internal medicine during the early 1990s have left internal medicine, compared to a 5 percent departure rate for those who were certified in subspecialties of internal medicine.

(2) The number of United States medical graduates going into family medicine has fallen by more than 50 percent from 1997 to 2005.

(3) In 2007, only 88 percent of the available medicine residency positions were filled and only 42 percent of those were filled by United States medical school graduates.

(4) In 2006, only 24 percent of third-year internal medicine resident intended to pursue

careers in general internal medicine, down from 54 percent in 1998.

(5) Primary care physicians serve as the point of first contact for most patients and are able to coordinate the care of the whole person, reducing unnecessary care and duplicative testing.

(6) Primary care physicians and primary care providers practicing preventive care, including screening for illness and treating diseases, can help prevent complications that result in more costly care.

(7) Patients with primary care physicians or primary care providers have lower health care expenditures and primary care is correlated with better health status, lower overall mortality, and longer life expectancy.

(8) Higher proportions of primary care physicians are associated with significantly reduced utilization.

(9) The United States has a higher ratio of specialists to primary care physicians than other industrialized nations and the population of the United States is growing faster than the expected rate of growth in the supply of primary care physicians.

(10) The number of Americans age 65 and older, those eligible for Medicare and who use far more ambulatory care visits per person as those under age 65, is expected to double from 2000 to 2030.

(11) A decrease in Federal spending to carry out programs authorized by title VII of the Public Health Service Act threatens the viability of one of the programs used to solve the problem of inadequate access to primary care.

(12) The National Health Service Corps program has a proven record of supplying physicians to underserved areas, and has played an important role in expanding access for underserved populations in rural and inner city communities.

(13) Individuals in many geographic areas, especially rural areas, lack adequate access to high quality preventive, primary health care, contributing to significant health disparities that impair America's public health and economic productivity.

(14) About 20 percent of the population of the United States resides in primary medical care Health Professional Shortage Areas.

SEC. 2003. DEFINITIONS.

(a) GENERAL DEFINITIONS.—In this title:

(1) CHRONIC CARE COORDINATION.—The term “chronic care coordination” means the coordination of services that is based on the Chronic Care Model that provides on-going health care to patients with chronic diseases that may include any of the following services:

(A) The development of an initial plan of care, and subsequent appropriate revisions to such plan of care.

(B) The management of, and referral for, medical and other health services, including interdisciplinary care conferences and management with other providers.

(C) The monitoring and management of medications.

(D) Patient education and counseling services.

(E) Family caregiver education and counseling services.

(F) Self-management services, including health education and risk appraisal to identify behavioral risk factors through self-assessment.

(G) Providing access by telephone with physicians and other appropriate health care professionals, including 24-hour availability of such professionals for emergencies.

(H) Management with the principal non-professional caregiver in the home.

(I) Managing and facilitating transitions among health care professionals and across settings of care, including the following:

(i) Pursuing the treatment option elected by the individual.

(ii) Including any advance directive executed by the individual in the medical file of the individual.

(J) Information about, and referral to, hospice care, including patient and family caregiver education and counseling about hospice care, and facilitating transition to hospice care when elected.

(K) Information about, referral to, and management with, community services.

(2) CRITICAL SHORTAGE HEALTH FACILITY.—The term “critical shortage health facility” means a public or private nonprofit health facility that does not serve a health professional shortage area (as designated under section 332 of the Public Health Service Act), but that has a critical shortage of physicians (as determined by the Secretary) in a primary care field.

(3) PHYSICIAN.—The term physician has the meaning given such term in section 1861(r)(1) of the Social Security Act.

(4) PRIMARY CARE.—The term “primary care” means the provision of integrated, high-quality, accessible health care services by health care providers who are accountable for addressing a full range of personal health and health care needs, developing a sustained partnership with patients, practicing in the context of family and community, and working to minimize disparities across population subgroups.

(5) PRIMARY CARE FIELD.—The term “primary care field” means any of the following fields:

(A) The field of family medicine.

(B) The field of general internal medicine.

(C) The field of geriatric medicine.

(D) The field of pediatric medicine

(6) PRIMARY CARE PHYSICIAN.—The term “primary care physician” means a physician who is trained in a primary care field who provides first contact, continuous, and comprehensive care to patients.

(7) PRIMARY CARE PROVIDER.—The term “primary care provider” means—

(A) a nurse practitioner; or

(B) a physician assistant practicing as a member of a physician-directed team; who provides first contact, continuous, and comprehensive care to patients.

(8) PRINCIPAL CARE.—The term “principal care” means integrated, accessible health care that is provided by a physician who is a medical subspecialist that addresses the majority of the personal health care needs of patients with chronic conditions requiring the subspecialist's expertise, and for whom the subspecialist assumes care management, developing a sustained physician-patient partnership and practicing within the context of family and community.

(9) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(b) PRIMARY MEDICAL CARE SHORTAGE AREA.—

(1) IN GENERAL.—In this title, the term “primary medical care shortage area” or “PMCSA” means a geographic area with a shortage of physicians (as designated by the Secretary) in a primary care field, as designated in accordance with paragraph (2).

(2) DESIGNATION.—To be designated by the Secretary as a PMCSA, the Secretary must find that the geographic area involved has an established shortage of primary care physicians for the population served. The Secretary shall make such a designation with

respect to an urban or rural geographic area if the following criteria are met:

(A) The area is a rational area for the delivery of primary care services.

(B) One of the following conditions prevails within the area:

(i) The area has a population to full-time-equivalent primary care physician ratio of at least 3,500 to 1.

(ii) The area has a population to full-time-equivalent primary care physician ratio of less than 3,500 to 1 and has unusually high needs for primary care services or insufficient capacity of existing primary care providers.

(C) Primary care providers in contiguous geographic areas are overutilized.

(c) MEDICALLY UNDERSERVED AREA.—

(1) IN GENERAL.—In this title, the term “medically underserved area” or “MUA” means a rational service area with a demonstrable shortage of primary healthcare resources relative to the needs of the entire population within the service area as determined in accordance with paragraph (2) through the use of the Index of Medical Underservice (referred to in this subsection as the “IMU”) with respect to data on a service area.

(2) DETERMINATIONS.—Under criteria to be established by the Secretary with respect to the IMU, if a service area is determined by the Secretary to have a score of 62.0 or less, such area shall be eligible to be designated as a MUA.

(3) IMU VARIABLES.—In establishing criteria under paragraph (2), the Secretary shall ensure that the following variables are utilized:

(A) The ratio of primary medical care physicians per 1,000 individuals in the population of the area involved.

(B) The infant mortality rate in the area involved.

(C) The percentage of the population involved with incomes below the poverty level.

(D) The percentage of the population involved age 65 or over.

The value of each of such variables for the service area involved shall be converted by the Secretary to a weighted value, according to established criteria, and added together to obtain the area's IMU score.

(d) PATIENT-CENTERED MEDICAL HOME.—

(1) IN GENERAL.—In this title, the term “patient-centered medical home” means a physician-directed practice (or a nurse practitioner directed practice in those States in which such functions are included in the scope of practice of licensed nurse practitioners) that has been certified by an organization under paragraph (3) as meeting the following standards:

(A) The practice provides patients who elect to obtain care through a patient-centered medical home (referred to as “participating patients”) with direct and ongoing access to a primary or principal care physician or a primary care provider who accepts responsibility for providing first contact, continuous, and comprehensive care to the whole person, in collaboration with teams of other health professionals, including nurses and specialist physicians, as needed and appropriate.

(B) The practice applies standards for access to care and communication with participating beneficiaries.

(C) The practice has readily accessible, clinically useful information on participating patients that enables the practice to treat such patients comprehensively and systematically.

(D) The practice maintains continuous relationships with participating patients by

implementing evidence-based guidelines and applying such guidelines to the identified needs of individual beneficiaries over time and with the intensity needed by such beneficiaries.

(2) RECOGNITION OF NCQA APPROVAL.—Such term also includes a physician-directed (or nurse-practitioner-directed) practice that has been recognized as a medical home through the Physician Practice Connections—patient-centered Medical Home (“PPC-PCMH”) voluntary recognition process of the National Committee for Quality Assurance.

(3) STANDARD SETTING AND QUALIFICATION PROCESS FOR MEDICAL HOMES.—The Secretary shall establish a process for the selection of a qualified standard setting and certification organization—

(A) to establish standards, consistent with this subsection, to enable medical practices to qualify as patient-centered medical homes; and

(B) to provide for the review and certification of medical practices as meeting such standards.

(4) TREATMENT OF CERTAIN PRACTICES.—Nothing in this section shall be construed as preventing a nurse practitioner from leading a patient-centered medical home so long as—

(A) all of the requirements of this section are met; and

(B) the nurse practitioner is acting consistently with State law.

(e) APPLICATION UNDER MEDICARE, MEDICAID, PHSA, ETC.—Unless otherwise provided, the provisions of the previous subsections shall apply for purposes of provisions of the Social Security Act, the Public Health Service Act, and any other Act amended by this title.

Subtitle A—Medical Education

SEC. 2101. RECRUITMENT INCENTIVES.

Title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.) is amended by adding at the end the following:

“PART VI—MEDICAL EDUCATION RECRUITMENT INCENTIVES

“SEC. 786. MEDICAL EDUCATION RECRUITMENT INCENTIVES.

“(a) IN GENERAL.—The Secretary is authorized to award grants or contracts to institutions of higher education that are graduate medical schools, to enable the graduate medical schools to improve primary care education and training for medical students.

“(b) APPLICATION.—A graduate medical school that desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(c) USES OF FUNDS.—A graduate medical school that receives a grant under this section shall use such grant funds to carry out 1 or more of the following:

“(1) The creation of primary care mentorship programs.

“(2) Curriculum development for population-based primary care models of care, such as the patient-centered medical home.

“(3) Increased opportunities for ambulatory, community-based training.

“(4) Development of generalist curriculum to enhance care for rural and underserved populations in primary care or general surgery.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of the fiscal years 2010 through 2012.”.

SEC. 2102. DEBT FORGIVENESS, SCHOLARSHIPS, AND SERVICE OBLIGATIONS.

(a) PURPOSE.—It is the purpose of this section to encourage individuals to enter and continue in primary care physician careers.

(b) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

“Subpart XX—Primary Care Medical Education

“SEC. 340A. SCHOLARSHIPS.

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to critical shortage health facilities to enable such facilities to provide scholarships to individuals who agree to serve as physicians at such facilities after completing a residency in a primary care field (as defined in section 3(a)(5) of the Preserving Patient Access to Primary Care Act of 2009).

“(b) SCHOLARSHIPS.—A health facility shall use amounts received under a grant under this section to enter into contracts with eligible individuals under which—

“(1) the facility agrees to provide the individual with a scholarship for each school year (not to exceed 4 school years) in which the individual is enrolled as a full-time student in a school of medicine or a school of osteopathic medicine; and

“(2) the individual agrees—

“(A) to maintain an acceptable level of academic standing;

“(B) to complete a residency in a primary care field; and

“(C) after completing the residency, to serve as a primary care physician at such facility in such field for a time period equal to the greater of—

“(i) one year for each school year for which the individual was provided a scholarship under this section; or

“(ii) two years.

“(c) AMOUNT.—

“(1) IN GENERAL.—The amount paid by a health facility to an individual under a scholarship under this section shall not exceed \$35,000 for any school year.

“(2) CONSIDERATIONS.—In determining the amount of a scholarship to be provided to an individual under this section, a health facility may take into consideration the individual’s financial need, geographic differences, and educational costs.

“(3) EXCLUSION FROM GROSS INCOME.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received as a scholarship under this section.

“(d) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subpart III of part D shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Scholarship Program established in such subpart.

“(e) DEFINITIONS.—In this section:

“(1) CRITICAL SHORTAGE HEALTH FACILITY.—The term ‘critical shortage health facility’ means a public or private nonprofit health facility that does not serve a health professional shortage area (as designated under section 332), but has a critical shortage of physicians (as determined by the Secretary) in a primary care field.

“(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual who is enrolled, or accepted for enrollment, as a full-time student in an accredited school of medicine or school of osteopathic medicine.

“SEC. 340B. LOAN REPAYMENT PROGRAM.

“(a) PURPOSE.—It is the purpose of this section to alleviate critical shortages of primary care physicians and primary care providers.

“(b) LOAN REPAYMENTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a program of entering into contracts with eligible individuals under which—

“(1) the individual agrees to serve—

“(A) as a primary care physician or primary care provider in a primary care field; and

“(B) in an area that is not a health professional shortage area (as designated under section 332), but has a critical shortage of primary care physicians and primary care providers (as determined by the Secretary) in such field; and

“(2) the Secretary agrees to pay, for each year of such service, not more than \$35,000 of the principal and interest of the undergraduate or graduate educational loans of the individual.

“(c) SERVICE REQUIREMENT.—A contract entered into under this section shall allow the individual receiving the loan repayment to satisfy the service requirement described in subsection (a)(1) through employment in a solo or group practice, a clinic, a public or private nonprofit hospital, or any other appropriate health care entity.

“(d) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subpart III of part D shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Scholarship Program established in such subpart.

“(e) DEFINITION.—In this section, the term ‘eligible individual’ means—

“(1) an individual with a degree in medicine or osteopathic medicine; or

“(2) a primary care provider (as defined in section 3(a)(7) of the Preserving Patient Access to Primary Care Act of 2009).

“SEC. 340C. LOAN REPAYMENTS FOR PHYSICIANS IN THE FIELDS OF OBSTETRICS AND GYNECOLOGY AND CERTIFIED NURSE MIDWIVES.

“(a) PURPOSE.—It is the purpose of this section to alleviate critical shortages of physicians in the fields of obstetrics and gynecology and certified nurse midwives.

“(b) LOAN REPAYMENTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a program of entering into contracts with eligible individuals under which—

“(1) the individual agrees to serve—

“(A) as a physician in the field of obstetrics and gynecology or as a certified nurse midwife; and

“(B) in an area that is not a health professional shortage area (as designated under section 332), but has a critical shortage of physicians in the fields of obstetrics and gynecology or certified nurse midwives (as determined by the Secretary), respectively; and

“(2) the Secretary agrees to pay, for each year of such service, not more than \$35,000 of the principal and interest of the undergraduate or graduate educational loans of the individual.

“(c) SERVICE REQUIREMENT.—A contract entered into under this section shall allow the individual receiving the loan repayment to satisfy the service requirement described in subsection (a)(1) through employment in a solo or group practice, a clinic, a public or

private nonprofit hospital, or any other appropriate health care entity.

“(d) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subpart III of part D shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Scholarship Program established in such subpart.

“(e) DEFINITION.—In this section, the term ‘eligible individual’ means—

- “(1) a physician in the field of obstetrics and gynecology; or
- “(2) a certified nurse midwife.

“SEC. 340D. REPORTS.

“Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report that describes the programs carried out under this subpart, including statements concerning—

- “(1) the number of enrollees, scholarships, loan repayments, and grant recipients;
- “(2) the number of graduates;
- “(3) the amount of scholarship payments and loan repayments made;
- “(4) which educational institution the recipients attended;
- “(5) the number and placement location of the scholarship and loan repayment recipients at health care facilities with a critical shortage of primary care physicians;
- “(6) the default rate and actions required;
- “(7) the amount of outstanding default funds of both the scholarship and loan repayment programs;
- “(8) to the extent that it can be determined, the reason for the default;
- “(9) the demographics of the individuals participating in the scholarship and loan repayment programs;
- “(10) the justification for the allocation of funds between the scholarship and loan repayment programs; and
- “(11) an evaluation of the overall costs and benefits of the programs.

“SEC. 340E. AUTHORIZATION OF APPROPRIATIONS.

“To carry out sections 340I, 340J, and 340K there are authorized to be appropriated \$55,000,000 for fiscal year 2010, \$90,000,000 for fiscal year 2011, and \$125,000,000 for fiscal year 2012, to be used solely for scholarships and loan repayment awards for primary care physicians and primary care providers.”

SEC. 2103. DEFERMENT OF LOANS DURING RESIDENCY AND INTERNSHIPS.

(a) LOAN REQUIREMENTS.—Section 427(a)(2)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(i)) is amended by inserting “unless the medical internship or residency program is in a primary care field (as defined in section 3(a)(5) of the Preserving Patient Access to Primary Care Act of 2009)” after “residency program”.

(b) FFEL LOANS.—Section 428(b)(1)(M)(i) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(i)) is amended by inserting “unless the medical internship or residency program is in a primary care field (as defined in section 3(a)(5) of the Preserving Patient Access to Primary Care Act of 2009)” after “residency program”.

(c) FEDERAL DIRECT LOANS.—Section 455(f)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)(A)) is amended by inserting “unless the medical internship or residency program is in a primary care field (as defined in section 3(a)(5) of the Preserving Patient Access to Primary Care Act of 2009)” after “residency program”.

(d) FEDERAL PERKINS LOANS.—Section 464(c)(2)(A)(i) of the Higher Education Act of

1965 (20 U.S.C. 1087dd(c)(2)(A)(i)) is amended by inserting “unless the medical internship or residency program is in a primary care field (as defined in section 3(a)(5) of the Preserving Patient Access to Primary Care Act of 2009)” after “residency program”.

SEC. 2104. EDUCATING MEDICAL STUDENTS ABOUT PRIMARY CARE CAREERS.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k) is amended by adding at the end the following:

“SEC. 749. EDUCATING MEDICAL STUDENTS ABOUT PRIMARY CARE CAREERS.

“(a) IN GENERAL.—The Secretary shall award grants to eligible State and local government entities for the development of informational materials that promote careers in primary care by highlighting the advantages and rewards of primary care, and that encourage medical students, particularly students from disadvantaged backgrounds, to become primary care physicians.

“(b) ANNOUNCEMENT.—The grants described in subsection (a) shall be announced through a publication in the Federal Register and through appropriate media outlets in a manner intended to reach medical education institutions, associations, physician groups, and others who communicate with medical students.

“(c) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

- “(1) be a State or local entity; and
- “(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to support State and local campaigns through appropriate media outlets to promote careers in primary care and to encourage individuals from disadvantaged backgrounds to enter and pursue careers in primary care.

“(2) SPECIFIC USES.—In carrying out activities under paragraph (1), an entity shall use grants funds to develop informational materials in a manner intended to reach as wide and diverse an audience of medical students as possible, in order to—

- “(A) advertise and promote careers in primary care;
 - “(B) promote primary care medical education programs;
 - “(C) inform the public of financial assistance regarding such education programs;
 - “(D) highlight individuals in the community who are practicing primary care physicians; or
 - “(E) provide any other information to recruit individuals for careers in primary care.
- “(e) LIMITATION.—An entity shall not use amounts received under a grant under this section to advertise particular employment opportunities.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2010 through 2013.”

SEC. 2105. TRAINING IN FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL GERIATRICS, GENERAL PEDIATRICS, PHYSICIAN ASSISTANT EDUCATION, GENERAL DENTISTRY, AND PEDIATRIC DENTISTRY.

Section 747(e) of the Public Health Service Act (42 U.S.C. 293k) is amended by striking paragraph (1) and inserting the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$198,000,000 for each of fiscal years 2010 through 2012.”

SEC. 2106. INCREASED FUNDING FOR NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.

(a) IN GENERAL.—There is authorized to be appropriated \$332,000,000 for the period of fiscal years 2010 through 2012 for the purpose of carrying out subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 2541 et seq.). Such authorization of appropriations is in addition to the authorization of appropriations in section 338H of such Act (42 U.S.C. 254q) and any other authorization of appropriations for such purpose.

(b) ALLOCATION.—Of the amounts appropriated under subsection (a) for the period of fiscal years 2010 through 2012, the Secretary shall obligate \$96,000,000 for the purpose of providing contracts for scholarships and loan repayments to individuals who—

- (1) are primary care physicians or primary care providers; and
- (2) have not previously received a scholarship or loan repayment under subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 2541 et seq.).

Subtitle B—Medicaid Related Provisions

SEC. 2201. TRANSFORMATION GRANTS TO SUPPORT PATIENT-CENTERED MEDICAL HOMES UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—Section 1903(z) of the Social Security Act (42 U.S.C. 1396b(z)) is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

“(G) Methods for improving the effectiveness and efficiency of medical assistance provided under this title and child health assistance provided under title XXI by encouraging the adoption of medical practices that satisfy the standards established by the Secretary under paragraph (2) of section 3(d) of the Preserving Patient Access to Primary Care Act of 2009 for medical practices to qualify as patient-centered medical homes (as defined in paragraph (1) of such section).”; and

(2) in paragraph (4)—

- (A) in subparagraph (A)—
- (i) in clause (i), by striking “and” at the end;
- (ii) in clause (ii), by striking the period at the end and inserting “; and”; and
- (iii) by inserting after clause (ii), the following new clause:

“(iii) \$25,000,000 for each of fiscal years 2010, 2011, and 2012.”; and

(B) in subparagraph (B), by striking the second and third sentences and inserting the following: “Such method shall provide that 100 percent of such funds for each of fiscal years 2010, 2011, and 2012 shall be allocated among States that design programs to adopt the innovative methods described in paragraph (2)(G), with preference given to States that design programs involving multipayers (including under title XVIII and private health plans) test projects for implementation of the elements necessary to be recognized as a patient-centered medical home practice under the National Committee for Quality Assurance Physicians Practice Connection-PCMH module (or any other equivalent process, as determined by the Secretary).”

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2010.

Subtitle C—Medicare Provisions
PART I—PRIMARY CARE

SEC. 2301. REFORMING PAYMENT SYSTEMS UNDER MEDICARE TO SUPPORT PRIMARY CARE.

(a) INCREASING BUDGET NEUTRALITY LIMITS UNDER THE PHYSICIAN FEE SCHEDULE TO ACCOUNT FOR ANTICIPATED SAVINGS RESULTING FROM PAYMENTS FOR CERTAIN SERVICES AND THE COORDINATION OF BENEFICIARY CARE.—Section 1848(c)(2)(B) of the Social Security Act (42 U.S.C. 1395w-4(c)(2)(B)) is amended—

(1) in clause (ii)(II), by striking “(iv) and (v)” and inserting “(iv), (v), and (vii)”; and

(2) by adding at the end the following new clause:

“(vii) INCREASE IN LIMITATION TO ACCOUNT FOR CERTAIN ANTICIPATED SAVINGS.—

“(I) IN GENERAL.—Effective for fee schedules established beginning with 2010, the Secretary shall increase the limitation on annual adjustments under clause (ii)(II) by an amount equal to the anticipated savings under parts A, B, and D (including any savings with respect to items and services for which payment is not made under this section) which are a result of payments for designated primary care services and comprehensive care coordination services under section 1834(m) and the coverage of patient-centered medical home services under section 1861(s)(2)(FF) (as determined by the Secretary).

“(II) MECHANISM TO DETERMINE APPLICATION OF INCREASE.—The Secretary shall establish a mechanism for determining which relative value units established under this paragraph for physicians’ services shall be subject to an adjustment under clause (ii)(I) as a result of the increase under subclause (I).

“(III) ADDITIONAL FUNDING AS DETERMINED NECESSARY BY THE SECRETARY.—In addition to any funding that may be made available as a result of an increase in the limitation on annual adjustments under subclause (I), there shall also be available to the Secretary, for purposes of making payments under this title for new services and capabilities to improve care provided to individuals under this title and to generate efficiencies under this title, such additional funds as the Secretary determines are necessary.”.

(b) SEPARATE MEDICARE PAYMENT FOR DESIGNATED PRIMARY CARE SERVICES AND COMPREHENSIVE CARE COORDINATION SERVICES.—

(1) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(n) PAYMENT FOR DESIGNATED PRIMARY CARE SERVICES AND COMPREHENSIVE CARE COORDINATION SERVICES.—

“(1) IN GENERAL.—The Secretary shall pay for designated primary care services and comprehensive care coordination services furnished to an individual enrolled under this part.

“(2) PAYMENT AMOUNT.—The Secretary shall determine the amount of payment for designated primary care services and comprehensive care coordination services under this subsection.

“(3) DOCUMENTATION REQUIREMENTS.—The Secretary shall propose appropriate documentation requirements to justify payments for designated primary care services and comprehensive care coordination services under this subsection.

“(4) DEFINITIONS.—

“(A) COMPREHENSIVE CARE COORDINATION SERVICES.—The term ‘comprehensive care coordination services’ means care coordination services with procedure codes established by the Secretary (as appropriate) which are fur-

nished to an individual enrolled under this part by a primary care provider or principal care physician.

“(B) DESIGNATED PRIMARY CARE SERVICES.—The term ‘designated primary care service’ means a service which the Secretary determines has a procedure code which involves a clinical interaction with an individual enrolled under this part that is inherent to care coordination, including interactions outside of a face-to-face encounter. Such term includes the following:

“(i) Care plan oversight.

“(ii) Evaluation and management provided by phone.

“(iii) Evaluation and management provided using internet resources.

“(iv) Collection and review of physiologic data, such as from a remote monitoring device.

“(v) Education and training for patient self management.

“(vi) Anticoagulation management services.

“(vii) Any other service determined appropriate by the Secretary.”.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to items and services furnished on or after January 1, 2010.

SEC. 2302. COVERAGE OF PATIENT-CENTERED MEDICAL HOME SERVICES.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (DD), by striking “and” at the end;

(2) in subparagraph (EE), by inserting “and” at the end; and

(3) by adding at the end the following new subparagraph:

“(FF) patient-centered medical home services (as defined in subsection (hhh)(1));”.

(b) DEFINITION OF PATIENT-CENTERED MEDICAL HOME SERVICES.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

“Patient-Centered Medical Home Services

“(hhh)(1) The term ‘patient-centered medical home services’ means care coordination services furnished by a qualified patient-centered medical home.

“(2) The term ‘qualified patient-centered medical home’ means a patient-centered medical home (as defined in section 3(d) of the Preserving Patient Access to Primary Care Act of 2009).”.

(c) MONTHLY FEE FOR PATIENT-CENTERED MEDICAL HOME SERVICES.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended by adding at the end the following new subsection:

“(p) MONTHLY FEE FOR PATIENT-CENTERED MEDICAL HOME SERVICES.—

“(1) MONTHLY FEE.—

“(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall establish a payment methodology for patient-centered medical home services (as defined in paragraph (1) of section 1861(hhh)). Under such payment methodology, the Secretary shall pay qualified patient-centered medical homes (as defined in paragraph (2) of such section) a monthly fee for each individual who elects to receive patient-centered medical home services at that medical home. Such fee shall be paid on a prospective basis.

“(B) CONSIDERATIONS.—The Secretary shall take into account the results of the Medicare medical home demonstration project under section 204 of the Medicare Improvement and Extension Act of 2006 (42 U.S.C. 1395b-1 note; division B of Public Law 109-432) in estab-

lishing the payment methodology under subparagraph (A).

“(2) AMOUNT OF PAYMENT.—

“(A) CONSIDERATIONS.—In determining the amount of such fee, subject to paragraph (3), the Secretary shall consider the following:

“(i) The clinical work and practice expenses involved in providing care coordination services consistent with the patient-centered medical home model (such as providing increased access, care coordination, disease population management, and education) for which payment is not made under this section as of the date of enactment of this subsection.

“(ii) Ensuring that the amount of payment is sufficient to support the acquisition, use, and maintenance of clinical information systems which—

“(I) are needed by a qualified patient-centered medical home; and

“(II) have been shown to facilitate improved outcomes through care coordination.

“(iii) The establishment of a tiered monthly care management fee that provides for a range of payment depending on how advanced the capabilities of a qualified patient-centered medical home are in having the information systems needed to support care coordination.

“(B) RISK-ADJUSTMENT.—The Secretary shall use appropriate risk-adjustment in determining the amount of the monthly fee under this paragraph.

“(3) FUNDING.—

“(A) IN GENERAL.—The Secretary shall determine the aggregate estimated savings for a calendar year as a result of the implementation of this subsection on reducing preventable hospital admissions, duplicate testing, medication errors and drug interactions, and other savings under this part and part A (including any savings with respect to items and services for which payment is not made under this section).

“(B) FUNDING.—Subject to subparagraph (C), the aggregate amount available for payment of the monthly fee under this subsection during a calendar year shall be equal to the aggregate estimated savings (as determined under subparagraph (A)) for the calendar year (as determined by the Secretary).

“(C) ADDITIONAL FUNDING.—In the case where the amount of the aggregate actual savings during the preceding 3 years exceeds the amount of the aggregate estimated savings (as determined under subparagraph (A)) during such period, the aggregate amount available for payment of the monthly fee under this subsection during the calendar year (as determined under subparagraph (B)) shall be increased by the amount of such excess.

“(D) ADDITIONAL FUNDING AS DETERMINED NECESSARY BY THE SECRETARY.—In addition to any funding made available under subparagraphs (B) and (C), there shall also be available to the Secretary, for purposes of effectively implementing this subsection, such additional funds as the Secretary determines are necessary.

“(4) PERFORMANCE-BASED BONUS PAYMENTS.—The Secretary shall establish a process for paying a performance-based bonus to qualified patient-centered medical homes which meet or achieve substantial improvements in performance (as specified under clinical, patient satisfaction, and efficiency benchmarks established by the Secretary). Such bonus shall be in an amount determined appropriate by the Secretary.

“(5) NO EFFECT ON PAYMENTS FOR EVALUATION AND MANAGEMENT SERVICES.—The monthly fee under this subsection shall have

no effect on the amount of payment for evaluation and management services under this title.”

(d) COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking “and” before “(W)”;

(2) by inserting before the semicolon at the end the following: “, and (X) with respect to patient-centered medical home services (as defined in section 1861(hhh)(1)), the amount paid shall be (i) in the case of such services which are physicians’ services, the amount determined under subparagraph (N), and (ii) in the case of all other such services, 80 percent of the lesser of the actual charge for the service or the amount determined under a fee schedule established by the Secretary for purposes of this subparagraph”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2012.

SEC. 2303. MEDICARE PRIMARY CARE PAYMENT EQUITY AND ACCESS PROVISION.

(a) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4), as amended by section 2302(c), is amended by adding at the end the following new subsection:

“(q) PRIMARY CARE PAYMENT EQUITY AND ACCESS.—

“(1) IN GENERAL.—Not later than January 1, 2010, the Secretary shall develop a methodology, in consultation with primary care physician organizations and primary care provider organizations, the Medicare Payment Advisory Commission, and other experts, to increase payments under this section for designated evaluation and management services provided by primary care physicians, primary care providers, and principal care providers through 1 or more of the following:

“(A) A service-specific modifier to the relative value units established for such services.

“(B) Service-specific bonus payments.

“(C) Any other methodology determined appropriate by the Secretary.

“(2) INCLUSION OF PROPOSED CRITERIA.—The methodology developed under paragraph (1) shall include proposed criteria for providers to qualify for such increased payments, including consideration of—

“(A) the type of service being rendered;

“(B) the specialty of the provider providing the service; and

“(C) demonstration by the provider of voluntary participation in programs to improve quality, such as participation in the Physician Quality Reporting Initiative (as determined by the Secretary) or practice-level qualification as a patient-centered medical home.

“(3) FUNDING.—

“(A) DETERMINATION.—The Secretary shall determine the aggregate estimated savings for a calendar year as a result of such increased payments on reducing preventable hospital admissions, duplicate testing, medication errors and drug interactions, Intensive Care Unit admissions, per capita health care expenditures, and other savings under this part and part A (including any savings with respect to items and services for which payment is not made under this section).

“(B) FUNDING.—The aggregate amount available for such increased payments during a calendar year shall be equal to the aggregate estimated savings (as determined under subparagraph (A)) for the calendar year (as determined by the Secretary).

“(C) ADDITIONAL FUNDING AS DETERMINED NECESSARY BY THE SECRETARY.—In addition to any funding made available under sub-

paragraph (B), there shall also be available to the Secretary, for purposes of effectively implementing this subsection, such additional funds as the Secretary determines are necessary.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services furnished on or after January 1, 2010.

SEC. 2304. ADDITIONAL INCENTIVE PAYMENT PROGRAM FOR PRIMARY CARE SERVICES FURNISHED IN HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

“(x) ADDITIONAL INCENTIVE PAYMENTS FOR PRIMARY CARE SERVICES FURNISHED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—

“(1) IN GENERAL.—In the case of primary care services furnished on or after January 1, 2010, by a primary care physician or primary care provider in an area that is designated (under section 332(a)(1)(A) of the Public Health Service Act) as a health professional shortage area as identified by the Secretary prior to the beginning of the year involved, in addition to the amount of payment that would otherwise be made for such services under this part, there also shall be paid (on a monthly or quarterly basis) an amount equal to 10 percent of the payment amount for the service under this part.

“(2) DEFINITIONS.—In this subsection:

“(A) PRIMARY CARE PHYSICIAN; PRIMARY CARE PROVIDER.—The terms ‘primary care physician’ and ‘primary care provider’ have the meaning given such terms in paragraphs (6) and (7), respectively, of section 3(a) of the Preserving Patient Access to Primary Care Act of 2009.

“(B) PRIMARY CARE SERVICES.—The term ‘primary care services’ means procedure codes for services in the category of the Healthcare Common Procedure Coding System, as established by the Secretary under section 1848(c)(5) (as of December 31, 2008 and as subsequently modified by the Secretary) consisting of evaluation and management services, but limited to such procedure codes in the category of office or other outpatient services, and consisting of subcategories of such procedure codes for services for both new and established patients.

“(3) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869, 1878, or otherwise, respecting the identification of primary care physicians, primary care providers, or primary care services under this subsection.”

(b) CONFORMING AMENDMENT.—Section 1834(g)(2)(B) of the Social Security Act (42 U.S.C. 1395m(g)(2)(B)) is amended by adding at the end the following sentence: “Section 1833(x) shall not be taken into account in determining the amounts that would otherwise be paid pursuant to the preceding sentence.”

SEC. 2305. PERMANENT EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS.

Section 1833(u) of the Social Security Act (42 U.S.C. 1395l(u)) is amended—

(1) in paragraph (1)—

(A) by inserting “or on or after July 1, 2009” after “before July 1, 2008”; and

(B) by inserting “(or, in the case of services furnished on or after July 1, 2009, 10 percent)” after “5 percent”; and

(2) in paragraph (4)(D), by striking “before July 1, 2008” and inserting “before January 1, 2010”.

SEC. 2306. HHS STUDY AND REPORT ON THE PROCESS FOR DETERMINING RELATIVE VALUE UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) STUDY.—The Secretary shall conduct a study on the process used by the Secretary for determining relative value under the Medicare physician fee schedule under section 1848(c) of the Social Security Act (42 U.S.C. 1395w-4(c)). Such study shall include an analysis of the following:

(1)(A) Whether the existing process includes equitable representation of primary care physicians (as defined in section 2003(a)(6)); and

(B) any changes that may be necessary to ensure such equitable representation.

(2)(A) Whether the existing process provides the Secretary with expert and impartial input from physicians in medical specialties that provide primary care to patients with multiple chronic diseases, the fastest growing part of the Medicare population; and

(B) any changes that may be necessary to ensure such input.

(3)(A) Whether the existing process includes equitable representation of physician medical specialties in proportion to their relative contributions toward caring for Medicare beneficiaries, as determined by the percentage of Medicare billings per specialty, percentage of Medicare encounters by specialty, or such other measures of relative contributions to patient care as determined by the Secretary; and

(B) any changes that may be necessary to reflect such equitable representation.

(4)(A) Whether the existing process, including the application of budget neutrality rules, unfairly disadvantages primary care physicians, primary care providers, or other physicians who principally provide evaluation and management services; and

(B) any changes that may be necessary to eliminate such disadvantages.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

PART II—PREVENTIVE SERVICES

SEC. 2311. ELIMINATING TIME RESTRICTION FOR INITIAL PREVENTIVE PHYSICAL EXAMINATION.

(a) IN GENERAL.—Section 1862(a)(1)(K) of the Social Security Act (42 U.S.C. 1395y(a)(1)(K)) is amended by striking “more than” and all that follows before the comma at the end and inserting “more than one time during the lifetime of the individual”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2010.

SEC. 2312. ELIMINATION OF COST-SHARING FOR PREVENTIVE BENEFITS UNDER THE MEDICARE PROGRAM.

(a) DEFINITION OF PREVENTIVE SERVICES.—Section 1861(ddd) of the Social Security Act (42 U.S.C. 1395w(dd)) is amended—

(1) in the heading, by inserting “; Preventive Services” after “Services”; and

(2) in paragraph (1), by striking “not otherwise described in this title” and inserting “not described in subparagraphs (A) through (N) of paragraph (3)”; and

(3) by adding at the end the following new paragraph:

“(3) The term ‘preventive services’ means the following:

“(A) Prostate cancer screening tests (as defined in subsection (oo)).

“(B) Colorectal cancer screening tests (as defined in subsection (pp)).

“(C) Diabetes outpatient self-management training services (as defined in subsection (qq)).

“(D) Screening for glaucoma for certain individuals (as described in subsection (s)(2)(U)).

“(E) Medical nutrition therapy services for certain individuals (as described in subsection (s)(2)(V)).

“(F) An initial preventive physical examination (as defined in subsection (ww)).

“(G) Cardiovascular screening blood tests (as defined in subsection (xx)(1)).

“(H) Diabetes screening tests (as defined in subsection (yy)).

“(I) Ultrasound screening for abdominal aortic aneurysm for certain individuals (as described in subsection (s)(2)(AA)).

“(J) Pneumococcal and influenza vaccine and their administration (as described in subsection (s)(10)(A)).

“(K) Hepatitis B vaccine and its administration for certain individuals (as described in subsection (s)(10)(B)).

“(L) Screening mammography (as defined in subsection (jj)).

“(M) Screening pap smear and screening pelvic exam (as described in subsection (s)(14)).

“(N) Bone mass measurement (as defined in subsection (rr)).

“(O) Additional preventive services (as determined under paragraph (1)).”

(b) COINSURANCE.—

(1) GENERAL APPLICATION.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 2302, is amended—

(i) in subparagraph (T), by striking “80 percent” and inserting “100 percent”;

(ii) in subparagraph (W), by striking “80 percent” and inserting “100 percent”;

(iii) by striking “and” before “(X)”;

(iv) by inserting before the semicolon at the end the following: “, and (Y) with respect to preventive services described in subparagraphs (A) through (O) of section 1861(ddd)(3), the amount paid shall be 100 percent of the lesser of the actual charge for the services or the amount determined under the fee schedule that applies to such services under this part”.

(2) ELIMINATION OF COINSURANCE FOR SCREENING SIGMOIDOSCOPIES AND COLONOSCOPES.—Section 1834(d) of the Social Security Act (42 U.S.C. 1395m(d)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting “, except that payment for such tests under such section shall be 100 percent of the payment determined under such section for such tests” before the period at the end; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) in clause (i)—

(aa) by striking “(i) IN GENERAL.—Notwithstanding” and inserting “Notwithstanding”;

(bb) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and moving such clauses 2 ems to the left; and

(cc) in the flush matter following clause (ii), as so redesignated, by inserting “100 percent of” after “based on”;

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting “, except that payment for such tests under such section shall be 100 percent of the payment determined under such section for such tests” before the period at the end; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) in clause (i)—

(aa) by striking “(i) IN GENERAL.—Notwithstanding” and inserting “Notwithstanding”;

and

(bb) by inserting “100 percent of” after “based on”.

(3) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking “and diagnostic mammography” and inserting “, diagnostic mammography, and preventive services (as defined in section 1861(ddd)(3))”.

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking “and” after the semicolon at the end;

(ii) in subparagraph (G)(ii), by adding “and” at the end; and

(iii) by adding at the end the following new subparagraph:

“(H) with respect to preventive services (as defined in section 1861(ddd)(3)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(W) or (1)(X), as applicable;”.

(c) WAIVER OF APPLICATION OF DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(1) in clause (1), by striking “items and services described in section 1861(s)(10)(A)” and inserting “preventive services (as defined in section 1861(ddd)(3))”;

(2) by inserting “and” before “(4)”;

(3) by striking “, (5)” and all that follows up to the period at the end.

SEC. 2313. HHS STUDY AND REPORT ON FACILITATING THE RECEIPT OF MEDICARE PREVENTIVE SERVICES BY MEDICARE BENEFICIARIES.

(a) STUDY.—The Secretary, in consultation with provider organizations and other appropriate stakeholders, shall conduct a study on—

(1) ways to assist primary care physicians and primary care providers (as defined in section 2003(a)) in—

(A) furnishing appropriate preventive services (as defined in section 1861(ddd)(3) of the Social Security Act, as added by section 2312) to individuals enrolled under part B of title XVIII of such Act; and

(B) referring such individuals for other items and services furnished by other physicians and health care providers; and

(2) the advisability and feasibility of making additional payments under the Medicare program to physicians and primary care providers for—

(A) the work involved in ensuring that such individuals receive appropriate preventive services furnished by other physicians and health care providers; and

(B) incorporating the resulting clinical information into the treatment plan for the individual.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

PART III—OTHER PROVISIONS

SEC. 2321. HHS STUDY AND REPORT ON IMPROVING THE ABILITY OF PHYSICIANS AND PRIMARY CARE PROVIDERS TO ASSIST MEDICARE BENEFICIARIES IN OBTAINING NEEDED PRESCRIPTIONS UNDER MEDICARE PART D.

(a) STUDY.—The Secretary, in consultation with physician organizations and other appropriate stakeholders, shall conduct a study on the development and implementation of mechanisms to facilitate increased efficiency relating to the role of physicians and primary care providers in Medicare beneficiaries obtaining needed prescription drugs under the Medicare prescription drug program under part D of title XVIII of the Social Security Act. Such study shall include an analysis of ways to—

(1) improve the accessibility of formulary information;

(2) streamline the prior authorization, exception, and appeals processes, through, at a minimum, standardizing formats and allowing electronic exchange of information; and

(3) recognize the work of the physician and primary care provider involved in the prescribing process, especially work that may extend beyond the amount considered to be bundled into payment for evaluation and management services.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 2322. HHS STUDY AND REPORT ON IMPROVED PATIENT CARE THROUGH INCREASED CAREGIVER AND PHYSICIAN INTERACTION.

(a) STUDY.—The Secretary, in consultation with appropriate stakeholders, shall conduct a study on the development and implementation of mechanisms to promote and increase interaction between physicians or primary care providers and the families of Medicare beneficiaries, as well as other caregivers who support such beneficiaries, for the purpose of improving patient care under the Medicare program. Such study shall include an analysis of—

(1) ways to recognize the work of physicians and primary care providers involved in discussing clinical issues with caregivers that relate to the care of the beneficiary; and

(2) regulations under the Medicare program that are barriers to interactions between caregivers and physicians or primary care providers and how such regulations should be revised to eliminate such barriers.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 2323. IMPROVED PATIENT CARE THROUGH EXPANDED SUPPORT FOR LIMITED ENGLISH PROFICIENCY (LEP) SERVICES.

(a) ADDITIONAL PAYMENTS FOR PRIMARY CARE PHYSICIANS AND PRIMARY CARE PROVIDERS.—Section 1833 of the Social Security Act (42 U.S.C. 1395l), as amended by section 2304, is amended by adding at the end the following new subsection:

“(y) ADDITIONAL PAYMENTS FOR PROVIDING SERVICES TO INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—

“(1) IN GENERAL.—In the case of primary care providers’ services furnished on or after January 1, 2010, to an individual with limited English proficiency by a provider, in addition to the amount of payment that would otherwise be made for such services under this part, there shall also be paid an appropriate amount (as determined by the Secretary) in order to recognize the additional time involved in furnishing the service to such individual.

“(2) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869, 1878, or otherwise, respecting the determination of the amount of additional payment under this subsection.”.

(b) NATIONAL CLEARINGHOUSE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a national clearinghouse to make available to the primary care physicians, primary care providers, patients, and States translated documents regarding patient care and education under the Medicare program, the Medicaid program, and the State Children’s Health Insurance Program under titles XVIII, XIX, and XXI, respectively, of the Social Security Act.

(c) GRANTS TO SUPPORT LANGUAGE TRANSLATION SERVICES IN UNDERSERVED COMMUNITIES.—

(1) AUTHORITY TO AWARD GRANTS.—The Secretary shall award grants to support language translation services for primary care physicians and primary care providers in medically underserved areas (as defined in section 2003(c)).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to award grants under this subsection, such sums as are necessary for fiscal years beginning with fiscal year 2010.

SEC. 2324. HHS STUDY AND REPORT ON USE OF REAL-TIME MEDICARE CLAIMS ADJUDICATION.

(a) STUDY.—The Secretary shall conduct a study to assess the ability of the Medicare program under title XVIII of the Social Security Act to engage in real-time claims adjudication for items and services furnished to Medicare beneficiaries.

(b) CONSULTATION.—In conducting the study under subsection (a), the Secretary consult with stakeholders in the private sector, including stakeholders who are using or are testing real-time claims adjudication systems.

(c) REPORT.—Not later than January 1, 2011, the Secretary shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 2325. ONGOING ASSESSMENT BY MEDPAC OF THE IMPACT OF MEDICARE PAYMENTS ON PRIMARY CARE ACCESS AND EQUITY.

The Medicare Payment Advisory Commission, beginning in 2010 and in each of its subsequent annual reports to Congress on Medicare physician payment policies, shall provide an assessment of the impact of changes in Medicare payment policies in improving access to and equity of payments to primary care physicians and primary care providers. Such assessment shall include an assessment of the effectiveness, once implemented, of the Medicare payment-related reforms required by this Act to support primary care as well as any other payment changes that may be required by Congress to improve access to and equity of payments to primary care physicians and primary care providers.

SEC. 2326. DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

(a) IN GENERAL.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(F)(i), by striking “paragraph (7)” and inserting “paragraphs (7) and (8)”;

(2) in paragraph (4)(H)(i), by striking “paragraph (7)” and inserting “paragraphs (7) and (8)”;

(3) by adding at the end the following new paragraph:

“(8) DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.—

“(A) ADDITIONAL RESIDENCY POSITIONS.—

“(i) REDUCTION IN LIMIT BASED ON UNUSED POSITIONS.—

“(I) IN GENERAL.—The Secretary shall reduce the otherwise applicable resident limit for a hospital that the Secretary determines had residency positions that were unused for all 5 of the most recent cost reporting periods ending prior to the date of enactment of this paragraph by an amount that is equal to the number of such unused residency positions.

“(II) EXCEPTION FOR RURAL HOSPITALS AND CERTAIN OTHER HOSPITALS.—This subparagraph shall not apply to a hospital—

“(aa) located in a rural area (as defined in subsection (d)(2)(D)(ii));

“(bb) that has participated in a voluntary reduction plan under paragraph (6); or

“(cc) that has participated in a demonstration project approved as of October 31, 2003, under the authority of section 402 of Public Law 90-248.

“(i) NUMBER AVAILABLE FOR DISTRIBUTION.—The number of additional residency positions available for distribution under subparagraph (B) shall be an amount that the Secretary determines would result in a 15 percent increase in the aggregate number of full-time equivalent residents in approved medical training programs (as determined based on the most recent cost reports available at the time of distribution). One-third of such number shall only be available for distribution to hospitals described in subclause (I) of subparagraph (B)(ii) under such subparagraph.

“(B) DISTRIBUTION.—

“(i) IN GENERAL.—The Secretary shall increase the otherwise applicable resident limit for each qualifying hospital that submits an application under this subparagraph by such number as the Secretary may approve for portions of cost reporting periods occurring on or after the date of enactment of this paragraph. The aggregate number of increases in the otherwise applicable resident limit under this subparagraph shall be equal to the number of additional residency positions available for distribution under subparagraph (A)(ii).

“(ii) DISTRIBUTION TO HOSPITALS ALREADY OPERATING OVER RESIDENT LIMIT.—

“(I) IN GENERAL.—Subject to subclause (II), in the case of a hospital in which the reference resident level of the hospital (as defined in clause (ii)) is greater than the otherwise applicable resident limit, the increase in the otherwise applicable resident limit under this subparagraph shall be an amount equal to the product of the total number of additional residency positions available for distribution under subparagraph (A)(ii) and the quotient of—

“(aa) the number of resident positions by which the reference resident level of the hospital exceeds the otherwise applicable resident limit for the hospital; and

“(bb) the number of resident positions by which the reference resident level of all such

hospitals with respect to which an application is approved under this subparagraph exceeds the otherwise applicable resident limit for such hospitals.

“(II) REQUIREMENTS.—A hospital described in subclause (I)—

“(aa) is not eligible for an increase in the otherwise applicable resident limit under this subparagraph unless the amount by which the reference resident level of the hospital exceeds the otherwise applicable resident limit is not less than 10 and the hospital trains at least 25 percent of the full-time equivalent residents of the hospital in primary care and general surgery (as of the date of enactment of this paragraph); and

“(bb) shall continue to train at least 25 percent of the full-time equivalent residents of the hospital in primary care and general surgery for the 10-year period beginning on such date.

In the case where the Secretary determines that a hospital no longer meets the requirement of item (bb), the Secretary may reduce the otherwise applicable resident limit of the hospital by the amount by which such limit was increased under this clause.

“(III) CLARIFICATION REGARDING ELIGIBILITY FOR OTHER ADDITIONAL RESIDENCY POSITIONS.—Nothing in this clause shall be construed as preventing a hospital described in subclause (I) from applying for additional residency positions under this paragraph that are not reserved for distribution under this clause.

“(iii) REFERENCE RESIDENT LEVEL.—

“(I) IN GENERAL.—Except as otherwise provided in subclause (II), the reference resident level specified in this clause for a hospital is the resident level for the most recent cost reporting period of the hospital ending on or before the date of enactment of this paragraph, for which a cost report has been settled (or, if not, submitted (subject to audit)), as determined by the Secretary.

“(II) USE OF MOST RECENT ACCOUNTING PERIOD TO RECOGNIZE EXPANSION OF EXISTING PROGRAM OR ESTABLISHMENT OF NEW PROGRAM.—If a hospital submits a timely request to increase its resident level due to an expansion of an existing residency training program or the establishment of a new residency training program that is not reflected on the most recent cost report that has been settled (or, if not, submitted (subject to audit)), after audit and subject to the discretion of the Secretary, the reference resident level for such hospital is the resident level for the cost reporting period that includes the additional residents attributable to such expansion or establishment, as determined by the Secretary.

“(C) CONSIDERATIONS IN REDISTRIBUTION.—In determining for which hospitals the increase in the otherwise applicable resident limit is provided under subparagraph (B) (other than an increase under subparagraph (B)(ii)), the Secretary shall take into account the demonstrated likelihood of the hospital filling the positions within the first 3 cost reporting periods beginning on or after July 1, 2010, made available under this paragraph, as determined by the Secretary.

“(D) PRIORITY FOR CERTAIN AREAS.—In determining for which hospitals the increase in the otherwise applicable resident limit is provided under subparagraph (B) (other than an increase under subparagraph (B)(ii)), the Secretary shall distribute the increase to hospitals based on the following criteria:

“(i) The Secretary shall give preference to hospitals that submit applications for new primary care and general surgery residency positions. In the case of any increase based

on such preference, a hospital shall ensure that—

“(I) the position made available as a result of such increase remains a primary care or general surgery residency position for not less than 10 years after the date on which the position is filled; and

“(II) the total number of primary care and general surgery residency positions in the hospital (determined based on the number of such positions as of the date of such increase, including any position added as a result of such increase) is not decreased during such 10-year period.

In the case where the Secretary determines that a hospital no longer meets the requirement of subclause (II), the Secretary may reduce the otherwise applicable resident limit of the hospital by the amount by which such limit was increased under this paragraph.

“(ii) The Secretary shall give preference to hospitals that emphasizes training in community health centers and other community-based clinical settings.

“(iii) The Secretary shall give preference to hospitals in States that have more medical students than residency positions available (including a greater preference for those States with smaller resident-to-medical-student ratios). In determining the number of medical students in a State for purposes of the preceding sentence, the Secretary shall include planned students at medical schools which have provisional accreditation by the Liaison Committee on Medical Education or the American Osteopathic Association.

“(iv) The Secretary shall give preference to hospitals in States that have low resident-to-population ratios (including a greater preference for those States with lower resident-to-population ratios).

“(E) LIMITATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), in no case may a hospital (other than a hospital described in subparagraph (B)(ii)(I), subject to the limitation under subparagraph (B)(ii)(III)) apply for more than 50 full-time equivalent additional residency positions under this paragraph.

“(ii) INCREASE IN NUMBER OF ADDITIONAL POSITIONS AVAILABLE FOR DISTRIBUTION.—The Secretary shall increase the number of full-time equivalent additional residency positions a hospital may apply for under this paragraph if the Secretary determines that the number of additional residency positions available for distribution under subparagraph (A)(ii) exceeds the number of such applications approved.

“(F) APPLICATION OF PER RESIDENT AMOUNTS FOR PRIMARY CARE AND NONPRIMARY CARE.—With respect to additional residency positions in a hospital attributable to the increase provided under this paragraph, the approved FTE resident amounts are deemed to be equal to the hospital per resident amounts for primary care and nonprimary care computed under paragraph (2)(D) for that hospital.

“(G) DISTRIBUTION.—The Secretary shall distribute the increase to hospitals under this paragraph not later than 2 years after the date of enactment of this paragraph.”.

(b) IME.—

(1) IN GENERAL.—Section 1886(d)(5)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v)), in the second sentence, is amended—

(A) by striking “subsection (h)(7)” and inserting “subsections (h)(7) and (h)(8)”; and

(B) by striking “it applies” and inserting “they apply”.

(2) CONFORMING PROVISION.—Section 1886(d)(5)(B) of the Social Security Act (42

U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following clause:

“(x) For discharges occurring on or after the date of enactment of this clause, insofar as an additional payment amount under this subparagraph is attributable to resident positions distributed to a hospital under subsection (h)(8)(B), the indirect teaching adjustment factor shall be computed in the same manner as provided under clause (ii) with respect to such resident positions.”.

SEC. 2327. COUNTING RESIDENT TIME IN OUTPATIENT SETTINGS.

(a) D-GME.—Section 1886(h)(4)(E) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(E)) is amended—

(1) by striking “under an approved medical residency training program”; and

(2) by striking “if the hospital incurs all, or substantially all, of the costs for the training program in that setting” and inserting “if the hospital continues to incur the costs of the stipends and fringe benefits of the resident during the time the resident spends in that setting”.

(b) IME.—Section 1886(d)(5)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended—

(1) by striking “under an approved medical residency training program”; and

(2) by striking “if the hospital incurs all, or substantially all, of the costs for the training program in that setting” and inserting “if the hospital continues to incur the costs of the stipends and fringe benefits of the intern or resident during the time the intern or resident spends in that setting”.

(c) EFFECTIVE DATES; APPLICATION.—

(1) IN GENERAL.—Effective for cost reporting periods beginning on or after July 1, 2009, the Secretary of Health and Human Services shall implement the amendments made by this section in a manner so as to apply to cost reporting periods beginning on or after July 1, 2009.

(2) APPLICATION.—The amendments made by this section shall not be applied in a manner that requires reopening of any settled hospital cost reports as to which there is not a jurisdictionally proper appeal pending as of the date of the enactment of this Act on the issue of payment for indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) or for direct graduate medical education costs under section 1886(h) of such Act (42 U.S.C. 1395ww(h)).

SEC. 2328. RULES FOR COUNTING RESIDENT TIME FOR DIDACTIC AND SCHOLARLY ACTIVITIES AND OTHER ACTIVITIES.

(a) GME.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)), as amended by section 2327(a), is amended—

(1) in paragraph (4)(E)—

(A) by designating the first sentence as a clause (i) with the heading “IN GENERAL” and appropriate indentation and by striking “Such rules” and inserting “Subject to clause (ii), such rules”; and

(B) by adding at the end the following new clause:

“(ii) TREATMENT OF CERTAIN NONHOSPITAL AND DIDACTIC ACTIVITIES.—Such rules shall provide that all time spent by an intern or resident in an approved medical residency training program in a nonhospital setting that is primarily engaged in furnishing patient care (as defined in paragraph (5)(K)) in non-patient care activities, such as didactic conferences and seminars, but not including research not associated with the treatment or diagnosis of a particular patient, as such time and activities are defined by the Sec-

retary, shall be counted toward the determination of full-time equivalency.”;

(2) in paragraph (4), by adding at the end the following new subparagraph:

“(I) In determining the hospital’s number of full-time equivalent residents for purposes of this subsection, all the time that is spent by an intern or resident in an approved medical residency training program on vacation, sick leave, or other approved leave, as such time is defined by the Secretary, and that does not prolong the total time the resident is participating in the approved program beyond the normal duration of the program shall be counted toward the determination of full-time equivalency.”; and

(3) in paragraph (5), by adding at the end the following new subparagraph:

“(M) NONHOSPITAL SETTING THAT IS PRIMARILY ENGAGED IN FURNISHING PATIENT CARE.—The term ‘nonhospital setting that is primarily engaged in furnishing patient care’ means a nonhospital setting in which the primary activity is the care and treatment of patients, as defined by the Secretary.”.

(b) IME DETERMINATIONS.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)), as amended by section 2326(b), is amended by adding at the end the following new clause:

“(xi)(I) The provisions of subparagraph (I) of subsection (h)(4) shall apply under this subparagraph in the same manner as they apply under such subsection.

“(II) In determining the hospital’s number of full-time equivalent residents for purposes of this subparagraph, all the time spent by an intern or resident in an approved medical residency training program in non-patient care activities, such as didactic conferences and seminars, as such time and activities are defined by the Secretary, that occurs in the hospital shall be counted toward the determination of full-time equivalency if the hospital—

“(aa) is recognized as a subsection (d) hospital;

“(bb) is recognized as a subsection (d) Puerto Rico hospital;

“(cc) is reimbursed under a reimbursement system authorized under section 1814(b)(3); or

“(dd) is a provider-based hospital outpatient department.

“(III) In determining the hospital’s number of full-time equivalent residents for purposes of this subparagraph, all the time spent by an intern or resident in an approved medical residency training program in research activities that are not associated with the treatment or diagnosis of a particular patient, as such time and activities are defined by the Secretary, shall not be counted toward the determination of full-time equivalency.”.

(c) EFFECTIVE DATES; APPLICATION.—

(1) IN GENERAL.—Except as otherwise provided, the Secretary of Health and Human Services shall implement the amendments made by this section in a manner so as to apply to cost reporting periods beginning on or after January 1, 1983.

(2) DIRECT GME.—Section 1886(h)(4)(E)(ii) of the Social Security Act, as added by subsection (a)(1)(B), shall apply to cost reporting periods beginning on or after July 1, 2009.

(3) IME.—Section 1886(d)(5)(B)(xi)(III) of the Social Security Act, as added by subsection (b), shall apply to cost reporting periods beginning on or after October 1, 2001. Such section, as so added, shall not give rise to any inference on how the law in effect prior to such date should be interpreted.

(4) APPLICATION.—The amendments made by this section shall not be applied in a manner that requires reopening of any settled

hospital cost reports as to which there is not a jurisdictionally proper appeal pending as of the date of the enactment of this Act on the issue of payment for indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act or for direct graduate medical education costs under section 1886(h) of such Act.

SEC. 2329. PRESERVATION OF RESIDENT CAP POSITIONS FROM CLOSED AND ACQUIRED HOSPITALS.

(a) GME.—Section 1886(h)(4)(H) of the Social Security Act (42 U.S.C. Section 1395ww(h)(4)(H)) is amended by adding at the end the following new clauses:

“(vi) REDISTRIBUTION OF RESIDENCY SLOTS AFTER A HOSPITAL CLOSES.—

“(I) IN GENERAL.—Subject to the succeeding provisions of this clause, the Secretary shall, by regulation, establish a process under which, in the case where a hospital with an approved medical residency program closes on or after the date of enactment of the Balanced Budget Act of 1997, the Secretary shall increase the otherwise applicable resident limit under this paragraph for other hospitals in accordance with this clause.

“(II) PRIORITY FOR HOSPITALS IN CERTAIN AREAS.—Subject to the succeeding provisions of this clause, in determining for which hospitals the increase in the otherwise applicable resident limit is provided under such process, the Secretary shall distribute the increase to hospitals located in the following priority order (with preference given within each category to hospitals that are members of the same affiliated group (as defined by the Secretary under clause (ii)) as the closed hospital):

“(aa) First, to hospitals located in the same core-based statistical area as, or a core-based statistical area contiguous to, the hospital that closed.

“(bb) Second, to hospitals located in the same State as the hospital that closed.

“(cc) Third, to hospitals located in the same region of the country as the hospital that closed.

“(dd) Fourth, to all other hospitals.

“(III) REQUIREMENT HOSPITAL LIKELY TO FILL POSITION WITHIN CERTAIN TIME PERIOD.—The Secretary may only increase the otherwise applicable resident limit of a hospital under such process if the Secretary determines the hospital has demonstrated a likelihood of filling the positions made available under this clause within 3 years.

“(IV) LIMITATION.—The aggregate number of increases in the otherwise applicable resident limits for hospitals under this clause shall be equal to the number of resident positions in the approved medical residency programs that closed on or after the date described in subclause (I).

“(vii) SPECIAL RULE FOR ACQUIRED HOSPITALS.—

“(I) IN GENERAL.—In the case of a hospital that is acquired (through any mechanism) by another entity with the approval of a bankruptcy court, during a period determined by the Secretary (but not less than 3 years), the applicable resident limit of the acquired hospital shall, except as provided in subclause (II), be the applicable resident limit of the hospital that was acquired (as of the date immediately before the acquisition), without regard to whether the acquiring entity accepts assignment of the Medicare provider agreement of the hospital that was acquired, so long as the acquiring entity continues to operate the hospital that was acquired and to furnish services, medical residency programs, and volume of patients similar to the

services, medical residency programs, and volume of patients of the hospital that was acquired (as determined by the Secretary) during such period.

“(II) LIMITATION.—Subclause (I) shall only apply in the case where an acquiring entity waives the right as a new provider under the program under this title to have the otherwise applicable resident limit of the acquired hospital re-established or increased.”.

(b) IME.—Section 1886(d)(5)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v)), in the second sentence, as amended by section 2326(b), is amended by striking “subsections (h)(7) and (h)(8)” and inserting “subsections (h)(4)(H)(vi), (h)(4)(H)(vii), (h)(7), and (h)(8)”.

(c) APPLICATION.—The amendments made by this section shall not be applied in a manner that requires reopening of any settled hospital cost reports as to which there is not a jurisdictionally proper appeal pending as of the date of the enactment of this Act on the issue of payment for indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) or for direct graduate medical education costs under section 1886(h) of such Act (42 U.S.C. 1395ww(h)).

(d) NO AFFECT ON TEMPORARY FTE CAP ADJUSTMENTS.—The amendments made by this section shall not affect any temporary adjustment to a hospital’s FTE cap under section 413.79(h) of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 2330. QUALITY IMPROVEMENT ORGANIZATION ASSISTANCE FOR PHYSICIAN PRACTICES SEEKING TO BE PATIENT-CENTERED MEDICAL HOME PRACTICES.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall revise the 9th Statement of Work under the Quality Improvement Program under part B of title XI of the Social Security Act to include a requirement that, in order to be an eligible Quality Improvement Organization (in this section referred to as a ‘QIO’) for the 9th Statement of Work contract cycle, a QIO shall provide assistance, including technical assistance, to physicians under the Medicare program under title XVIII of the Social Security Act that seek to acquire the elements necessary to be recognized as a patient-centered medical home practice under the National Committee for Quality Assurance’s Physician Practice Connections-PCMH module (or any successor module issued by such Committee).

Subtitle D—Studies

SEC. 2401. STUDY CONCERNING THE DESIGNATION OF PRIMARY CARE AS A SHORTAGE PROFESSION.

(a) IN GENERAL.—Not later than June 30, 2010, the Secretary of Labor shall conduct a study and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions a report that contains—

(1) a description of the criteria for the designation of primary care physicians as professions in shortage as defined by the Secretary under section 212(a)(5)(A) of the Immigration and Nationality Act;

(2) the findings of the Secretary on whether primary care physician professions will, on the date on which the report is submitted, or within the 5-year period beginning on such date, satisfy the criteria referred to in paragraph (1); and

(3) if the Secretary finds that such professions will not satisfy such criteria, rec-

ommendations for modifications to such criteria to enable primary care physicians to be so designated as a profession in shortage.

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary of Labor shall consider workforce data from the Health Resources and Services Administration, the Council on Graduate Medical Education, the Association of American Medical Colleges, and input from physician membership organizations that represent primary care physicians.

SEC. 2402. STUDY CONCERNING THE EDUCATION DEBT OF MEDICAL SCHOOL GRADUATES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to evaluate the higher education-related indebtedness of medical school graduates in the United States at the time of graduation from medical school, and the impact of such indebtedness on specialty choice, including the impact on the field of primary care.

(b) REPORT.—

(1) SUBMISSION AND DISSEMINATION OF REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study required by subsection (a) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, and shall make such report widely available to the public.

(2) ADDITIONAL REPORTS.—The Comptroller General may periodically prepare and release as necessary additional reports on the topic described in subsection (a).

SEC. 2403. STUDY ON MINORITY REPRESENTATION IN PRIMARY CARE.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall conduct a study of minority representation in training, and in practice, in primary care specialties.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall submit to the appropriate committees of Congress a report concerning the study conducted under subsection (a), including recommendations for achieving a primary care workforce that is more representative of the population of the United States.

TITLE III—MEDICARE PAYMENT PROVISIONS

SEC. 3001. SHORT TITLE.

This title may be cited as the “Medicare Payment Improvement Act of 2009”.

SEC. 3002. FINDINGS.

Congress makes the following findings:

(1) The health care delivery system must be realigned to provide better clinical outcomes, safety, and patient satisfaction at lower cost. This should be a common goal for all health care professionals, hospitals, and other groups. Today’s reimbursement system pays the most to those who perform the most services, and therefore can provide disincentives to efficient and high-quality providers.

(2) The regional inequities in Medicare reimbursement penalize areas that have cost-effective health care delivery systems and reward those States that have high utilization rates and provide inefficient care.

(3) According to the Dartmouth Health Atlas, over the past 10 years, a number of studies have explored the relationship between higher spending and the quality and outcomes of care. The findings are remarkably consistent, concluding that higher

spending does not result in better quality of care.

(4) New payment models should be developed to move away from paying for quantity and instead paying for improving health and truly rewarding effective and efficient care.

SEC. 3003. VALUE INDEX UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) IN GENERAL.—Section 1848(e)(5) of the Social Security Act (42 U.S.C. 1395w-4 (e)) is amended by adding at the end the following new paragraph:

“(6) VALUE INDEX.—

“(A) IN GENERAL.—The Secretary shall determine a value index for each fee schedule area. The value index shall be the ratio of the quality component under subparagraph (B) to the cost component under subparagraph (C) for that fee schedule area.

“(B) QUALITY COMPONENT.—

“(i) IN GENERAL.—The quality component shall be based on a composite score that reflects quality measures available on a State or fee schedule area basis. The measures shall reflect health outcomes and health status for the Medicare population, patient safety, and patient satisfaction. The Secretary shall use the best data available, after consultation with the Agency for Healthcare Research and Quality and with private entities that compile quality data.

“(ii) ADVISORY GROUP.—

“(I) IN GENERAL.—Not later than 60 days after the date of enactment of the Medicare Payment Improvement Act of 2009, the Secretary shall establish a group of experts and stakeholders to make consensus recommendations to the Secretary regarding development of the quality component. The membership of the advisory group shall at least reflect providers, purchasers, health plans, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality.

“(II) DUTIES.—In the development of recommendations with respect to the quality component, the group established under subclause (I) shall consider at least the following areas:

“(aa) High cost procedures as determined by data under this title.

“(bb) Health outcomes and functional status of patients.

“(cc) The continuity, management, and coordination of health care and care transitions, including episodes of care, for patients across the continuum of providers, health care settings, and health plans.

“(dd) Patient, caregiver, and authorized representative experience, quality and relevance of information provided to patients, caregivers, and authorized representatives, and use of information by patients, caregivers, and authorized representatives to inform decision making.

“(ee) The safety, effectiveness, and timeliness of care.

“(ff) The appropriate use of health care resources and services.

“(gg) Other items determined appropriate by the Secretary.

“(iii) REQUIREMENT.—In establishing the quality component under this subparagraph, the Secretary shall—

“(I) take into account the recommendations of the group established under clause (ii)(I); and

“(II) provide for an open and transparent process for the activities conducted pursuant to the convening of such group with respect to the development of the quality component.

“(iv) ESTABLISHMENT.—The quality component for each fee schedule area shall be the

ratio of the quality score for such area to the national average quality score.

“(v) QUALITY BASELINE.—If the quality component for a fee schedule area does not rank in the top 25th percentile as compared to the national average (as determined by the Secretary) and the amount of reimbursement for services under this section is greater than the amount of reimbursement for such services that would have applied under this section if the amendments made by section 2 of the Medicare Payment Improvement Act of 2009 had not been enacted, this section shall be applied as if such amendments had not been enacted.

“(vi) APPLICATION.—In the case of a fee schedule area that is less than an entire State, if available quality data is not sufficient to measure quality at the sub-State level, the quality component for a sub-State fee schedule area shall be the quality component for the entire State.

“(C) COST COMPONENT.—

“(i) IN GENERAL.—The cost component shall be total annual per beneficiary Medicare expenditures under part A and this part for the fee schedule area. The Secretary may use total per beneficiary expenditures under such parts in the last two years of life as an alternative measure if the Secretary determines that such measure better takes into account severity differences among fee schedule areas.

“(ii) ESTABLISHMENT.—The cost component for a fee schedule area shall be the ratio of the cost per beneficiary for such area to the national average cost per beneficiary.”

(b) CONFORMING AMENDMENTS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)(1)(C), by striking “geographic” and inserting “geographic and value”; and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in the heading, by inserting “AND VALUE” after “GEOGRAPHIC”; and

(ii) in subparagraph (A), by striking clause (iii) and inserting the following new clause:

“(iii) a value index (as defined in paragraph (6)) applicable to physician work.”;

(iii) in subparagraph (C), by inserting “and value” after “geographic” in the first sentence;

(iv) in subparagraph (D), by striking “physician work effort” and inserting “value”;

(v) by striking subparagraph (E); and

(vi) by striking subparagraph (G);

(B) by striking paragraph (2) and inserting the following new paragraph:

“(2) COMPUTATION OF GEOGRAPHIC AND VALUE ADJUSTMENT FACTOR.—For purposes of subsection (b)(1)(C), for all physicians’ services for each fee schedule area the Secretary shall establish a geographic and value adjustment factor equal to the sum of the geographic cost-of-practice adjustment factor (specified in paragraph (3)), the geographic malpractice adjustment factor (specified in paragraph (4)), and the value adjustment factor (specified in paragraph (5)) for the service and the area.”; and

(C) by striking paragraph (5) and inserting the following new paragraph:

“(5) PHYSICIAN WORK VALUE ADJUSTMENT FACTOR.—For purposes of paragraph (2), the ‘physician work value adjustment factor’ for a service for a fee schedule area, is the product of—

“(A) the proportion of the total relative value for the service that reflects the relative value units for the work component; and

“(B) the value index score for the area, based on the value index established under paragraph (6).”.

(c) AVAILABILITY OF QUALITY COMPONENT PRIOR TO IMPLEMENTATION.—The Secretary of Health and Human Services shall make the quality component described in section 1848(c)(6)(B) of the Social Security Act, as added by subsection (a), for each fee schedule area available to the public by not later than July 1, 2011.

(d) EFFECTIVE DATE.—Subject to subsection (e), the amendments made by this section shall apply to the Medicare physician fee schedule for 2012 and each subsequent year.

(e) TRANSITION.—Notwithstanding the amendments made by the preceding provisions of this section, the Secretary of Health and Human Services shall provide for an appropriate transition to the amendments made by this section. Under such transition, in the case of payments under such fee schedule for services furnished during—

(1) 2012, 25 percent of such payments shall be based on the amount of payment that would have applied to the services if such amendments had not been enacted and 75 percent of such payment shall be based on the amount of payment that would have applied to the services if such amendments had been fully implemented;

(2) 2013, 50 percent of such payment shall be based on the amount of payment that would have applied to the services if such amendments had not been enacted and 50 percent of such payment shall be based on the amount of payment that would have applied to the services if such amendments had been fully implemented; and

(3) 2014 and subsequent years, 100 percent of such payment shall be based on the amount of payment that is applicable under such amendments.

TITLE IV—LONG-TERM SERVICES PROVISIONS

SEC. 4001. SHORT TITLE.

This title may be cited as the “Home and Community Balanced Incentives Act of 2009”.

Subtitle A—Balancing Incentives

SEC. 4101. ENHANCED FMAP FOR EXPANDING THE PROVISION OF NON-INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.

(a) ENHANCED FMAP TO ENCOURAGE EXPANSION.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in the first sentence of subsection (b)—

(A) by striking “, and (4)” and inserting “,

(4)”;

(B) by inserting before the period the following: “, and (5) in the case of a balancing incentive payment State, as defined in subsection (y)(1), that meets the conditions described in subsection (y)(2), the Federal medical assistance percentage shall be increased by the applicable number of percentage points determined under subsection (y)(3) for the State with respect to medical assistance described in subsection (y)(4)”;

(2) by adding at the end the following new subsection:

“(y) STATE BALANCING INCENTIVE PAYMENTS PROGRAM.—For purposes of clause (5) of the first sentence of subsection (b):

“(1) BALANCING INCENTIVE PAYMENT STATE.—A balancing incentive payment State is a State—

“(A) in which less than 50 percent of the total expenditures for medical assistance for fiscal year 2009 for long-term services and

supports (as defined by the Secretary, subject to paragraph (5)) are for non-institutionally-based long-term services and supports described in paragraph (5)(B);

“(B) that submits an application and meets the conditions described in paragraph (2); and

“(C) that is selected by the Secretary to participate in the State balancing incentive payment program established under this subsection.

“(2) CONDITIONS.—The conditions described in this paragraph are the following:

“(A) APPLICATION.—The State submits an application to the Secretary that includes the following:

“(i) A description of the availability of non-institutionally-based long-term services and supports described in paragraph (5)(B) available (for fiscal years beginning with fiscal year 2009).

“(ii) A description of eligibility requirements for receipt of such services.

“(iii) A projection of the number of additional individuals that the State expects to provide with such services to during the 5-fiscal year period that begins with fiscal year 2011.

“(iv) An assurance of the State’s commitment to a consumer-directed long-term services and supports system that values quality of life in addition to quality of care and in which beneficiaries are empowered to choose providers and direct their own care as much as possible.

“(v) A proposed budget that details the State’s plan to expand and diversify medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) during such 5-fiscal year period, and that includes—

“(I) a description of the new or expanded offerings of such services that the State will provide; and

“(II) the projected costs of the services identified in subclause (I).

“(vi) A description of how the State intends to achieve the target spending percentage applicable to the State under subparagraph (B).

“(vii) An assurance that the State will not use Federal funds, revenues described in section 1903(w)(1), or revenues obtained through the imposition of beneficiary cost-sharing for medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) for the non-federal share of expenditures for medical assistance described in paragraph (4).

“(B) TARGET SPENDING PERCENTAGES.—

“(i) In the case of a balancing incentive payment State in which less than 25 percent of the total expenditures for home and community-based services under the State plan and the various waiver authorities for fiscal year 2009 are for such services, the target spending percentage for the State to achieve by not later than October 1, 2015, is that 25 percent of the total expenditures for home and community-based services under the State plan and the various waiver authorities are for such services.

“(ii) In the case of any other balancing incentive payment State, the target spending percentage for the State to achieve by not later than October 1, 2015, is that 50 percent of the total expenditures for home and community-based services under the State plan and the various waiver authorities are for such services.

“(C) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—The State does not apply eligibility standards, methodologies, or procedures for determining eligibility for medical assist-

ance for non-institutionally-based long-term services and supports described in paragraph (5)(B) that are more restrictive than the eligibility standards, methodologies, or procedures in effect for such purposes on December 31, 2010.

“(D) USE OF ADDITIONAL FUNDS.—The State agrees to use the additional Federal funds paid to the State as a result of this subsection only for purposes of providing new or expanded offerings of non-institutionally-based long-term services and supports described in paragraph (5)(B) (including expansion through offering such services to increased numbers of beneficiaries of medical assistance under this title).

“(E) STRUCTURAL CHANGES.—The State agrees to make, not later than the end of the 6-month period that begins on the date the State submits and application under this paragraph, such changes to the administration of the State plan (and, if applicable, to waivers approved for the State that involve the provision of long-term care services and supports) as the Secretary determines, by regulation or otherwise, are essential to achieving an improved balance between the provision of non-institutionally-based long-term services and supports described in paragraph (5)(B) and other long-term services and supports, and which shall include the following:

“(i) ‘NO WRONG DOOR’—SINGLE ENTRY POINT SYSTEM.—Development of a statewide system to enable consumers to access all long-term services and supports through an agency, organization, coordinated network, or portal, in accordance with such standards as the State shall establish and that—

“(I) shall require such agency, organization, network, or portal to provide—

“(aa) consumers with information regarding the availability of such services, how to apply for such services, and other referral services; and

“(bb) information regarding, and make recommendations for, providers of such services; and

“(II) may, at State option, permit such agency, organization, network, or portal to—

“(aa) determine financial and functional eligibility for such services and supports; and

“(bb) provide or refer eligible individuals to services and supports otherwise available in the community (under programs other than the State program under this title), such as housing, job training, and transportation.

“(ii) PRESUMPTIVE ELIGIBILITY.—At the option of the State, provision of a 60-day period of presumptive eligibility for medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) for any individual whom the State has reason to believe will qualify for such medical assistance (provided that any expenditures for such medical assistance during such period are disregarded for purposes of determining the rate of erroneous excess payments for medical assistance under section 1903(u)(1)(D)).

“(iii) CASE MANAGEMENT.—Development, in accordance with guidance from the Secretary, of conflict-free case management services to—

“(I) address transitioning from receipt of institutionally-based long-term services and supports described in paragraph (5)(A) to receipt of non-institutionally-based long-term services and supports described in paragraph (5)(B); and

“(II) in conjunction with the beneficiary, assess the beneficiary’s needs and, if appro-

priate, the needs of family caregivers for the beneficiary, and develop a service plan, arrange for services and supports, support the beneficiary (and, if appropriate, the caregivers) in directing the provision of services and supports, for the beneficiary, and conduct ongoing monitoring to assure that services and supports are delivered to meet the beneficiary’s needs and achieve intended outcomes.

“(iv) CORE STANDARDIZED ASSESSMENT INSTRUMENTS.—Development of core standardized assessment instruments for determining eligibility for non-institutionally-based long-term services and supports described in paragraph (5)(B), which shall be used in a uniform manner throughout the State, to—

“(I) assess a beneficiary’s eligibility and functional level in terms of relevant areas that may include medical, cognitive, and behavioral status, as well as daily living skills, and vocational and communication skills;

“(II) based on the assessment conducted under subclause (I), determine a beneficiary’s needs for training, support services, medical care, transportation, and other services, and develop an individual service plan to address such needs;

“(III) conduct ongoing monitoring based on the service plan; and

“(IV) require reporting of collect data for purposes of comparison among different service models.

“(F) DATA COLLECTION.—Collecting from providers of services and through such other means as the State determines appropriate the following data:

“(i) SERVICES DATA.—Services data from providers of non-institutionally-based long-term services and supports described in paragraph (5)(B) on a per-beneficiary basis and in accordance with such standardized coding procedures as the State shall establish in consultation with the Secretary.

“(ii) QUALITY DATA.—Quality data on a selected set of core quality measures agreed upon by the Secretary and the State that are linked to population-specific outcomes measures and accessible to providers.

“(iii) OUTCOMES MEASURES.—Outcomes measures data on a selected set of core population-specific outcomes measures agreed upon by the Secretary and the State that are accessible to providers and include—

“(I) measures of beneficiary and family caregiver experience with providers;

“(II) measures of beneficiary and family caregiver satisfaction with services; and

“(III) measures for achieving desired outcomes appropriate to a specific beneficiary, including employment, participation in community life, health stability, and prevention of loss in function.

“(3) APPLICABLE NUMBER OF PERCENTAGE POINTS INCREASE IN FMAP.—The applicable number of percentage points are—

“(A) in the case of a balancing incentive payment State subject to the target spending percentage described in paragraph (2)(B)(i), 5 percentage points; and

“(B) in the case of any other balancing incentive payment State, 2 percentage points.

“(4) ELIGIBLE MEDICAL ASSISTANCE EXPENDITURES.—

“(A) IN GENERAL.—Subject to subparagraph (B), medical assistance described in this paragraph is medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) that is provided during the period that begins on October 1, 2011, and ends on September 30, 2015.

“(B) LIMITATION ON PAYMENTS.—In no case may the aggregate amount of payments made by the Secretary to balancing incentive payment States under this subsection

during the period described in subparagraph (A), or to a State to which paragraph (6) of the first sentence of subsection (b) applies, exceed \$3,000,000,000.

“(5) LONG-TERM SERVICES AND SUPPORTS DEFINED.—In this subsection, the term ‘long-term services and supports’ has the meaning given that term by Secretary and shall include the following:

“(A) INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.—Services provided in an institution, including the following:

“(i) Nursing facility services.

“(ii) Services in an intermediate care facility for the mentally retarded described in subsection (a)(15).

“(B) NON-INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.—Services not provided in an institution, including the following:

“(i) Home and community-based services provided under subsection (c), (d), or (i), of section 1915 or under a waiver under section 1115.

“(ii) Home health care services.

“(iii) Personal care services.

“(iv) Services described in subsection (a)(26) (relating to PACE program services).

“(v) Self-directed personal assistance services described in section 1915(j)”.

(b) ENHANCED FMAP FOR CERTAIN STATES TO MAINTAIN THE PROVISION OF HOME AND COMMUNITY-BASED SERVICES.—The first sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)), as amended by subsection (a), is amended

(1) by striking “, and (5)” and inserting “, (5)”;

(2) by inserting before the period the following: “, and (6) in the case of a State in which at least 50 percent of the total expenditures for medical assistance for fiscal year 2009 for long-term services and supports (as defined by the Secretary for purposes of subsection (y)) are for non-institutionally-based long-term services and supports described in subsection (y)(5)(B), and which satisfies the requirements of subparagraphs (A) (other than clauses (iii), (v), and (vi)), (C), and (F) of subsection (y)(2), and has implemented the structural changes described in each clause of subparagraph (E) of that subsection, the Federal medical assistance percentage shall be increased by 1 percentage point with respect to medical assistance described in subparagraph (A) of subsection (y)(4) (but subject to the limitation described in subparagraph (B) of that subsection)”.

(c) GRANTS TO SUPPORT STRUCTURAL CHANGES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall award grants to States for the following purposes:

(A) To support the development of common national set of coding methodologies and databases related to the provision of non-institutionally-based long-term services and supports described in paragraph (5)(B) of section 1905(y) of the Social Security Act (as added by subsection (a)).

(B) To make structural changes described in paragraph (2)(E) of section 1905(y) of the State Medicaid program.

(2) PRIORITY.—In awarding grants for the purpose described in paragraph (1)(A), the Secretary of Health and Human Services shall give priority to States in which at least 50 percent of the total expenditures for medical assistance under the State Medicaid program for fiscal year 2009 for long-term services and supports, as defined by the Secretary for purposes of section 1905(y) of the Social Security Act, are for non-institutionally-based long-term services and supports described in paragraph (5)(B) of such section.

(3) COLLABORATION.—States awarded a grant for the purpose described in paragraph (1)(A) shall collaborate with other States, the National Governor’s Association, the National Conference of State Legislatures, the National Association of State Medicaid Directors, the National Association of State Directors of Developmental Disabilities, and other appropriate organizations in developing specifications for a common national set of coding methodologies and databases.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2010 through 2012.

(d) AUTHORITY FOR INDIVIDUALIZED BUDGETS UNDER WAIVERS TO PROVIDE HOME AND COMMUNITY-BASED SERVICES.—In the case of any waiver to provide home and community-based services under subsection (c) or (d) of section 1915 of the Social Security Act (42 U.S.C. 1396n) or section 1115 of such Act (42 U.S.C. 1315), that is approved or renewed after the date of enactment of this Act, the Secretary of Health and Human Services shall permit a State to establish individualized budgets that identify the dollar value of the services and supports to be provided to an individual under the waiver.

(e) OVERSIGHT AND ASSESSMENT.—

(1) DEVELOPMENT OF STANDARDIZED REPORTING REQUIREMENTS.—

(A) STANDARDIZATION OF DATA AND OUTCOME MEASURES.—The Secretary of Health and Human Services shall consult with States and the National Governor’s Association, the National Conference of State Legislatures, the National Association of State Medicaid Directors, the National Association of State Directors of Developmental Disabilities, and other appropriate organizations to develop specifications for standardization of—

(i) reporting of assessment data for long-term services and supports (as defined by the Secretary for purposes of section 1905(y)(5) of the Social Security Act) for each population served, including information standardized for purposes of certified EHR technology (as defined in section 1903(t)(3)(A) of the Social Security Act (42 U.S.C. 1396b(t)(3)(A)) and under other electronic medical records initiatives; and

(ii) outcomes measures that track assessment processes for long-term services and supports (as so defined) for each such population that maintain and enhance individual function, independence, and stability.

(2) ADMINISTRATION OF HOME AND COMMUNITY SERVICES.—The Secretary of Health and Human Services shall promulgate regulations to ensure that all States develop service systems that are designed to—

(A) allocate resources for services in a manner that is responsive to the changing needs and choices of beneficiaries receiving non-institutionally-based long-term services and supports described in paragraph (5)(B) of section 1905(y) of the Social Security Act (as added by subsection (a)) (including such services and supports that are provided under programs other than the State Medicaid program), and that provides strategies for beneficiaries receiving such services to maximize their independence;

(B) provide the support and coordination needed for a beneficiary in need of such services (and their family caregivers or representative, if applicable) to design an individualized, self-directed, community-supported life; and

(C) improve coordination among all providers of such services under federally and State-funded programs in order to—

(i) achieve a more consistent administration of policies and procedures across programs in relation to the provision of such services; and

(ii) oversee and monitor all service system functions to assure—

(I) coordination of, and effectiveness of, eligibility determinations and individual assessments; and

(II) development and service monitoring of a complaint system, a management system, a system to qualify and monitor providers, and systems for role-setting and individual budget determinations.

(3) MONITORING.—The Secretary of Health and Human Services shall assess on an ongoing basis and based on measures specified by the Agency for Healthcare Research and Quality, the safety and quality of non-institutionally-based long-term services and supports described in paragraph (5)(B) of section 1905(y) of that Act provided to beneficiaries of such services and supports and the outcomes with regard to such beneficiaries’ experiences with such services. Such oversight shall include examination of—

(A) the consistency, or lack thereof, of such services in care plans as compared to those services that were actually delivered; and

(B) the length of time between when a beneficiary was assessed for such services, when the care plan was completed, and when the beneficiary started receiving such services.

(4) GAO STUDY AND REPORT.—The Comptroller General of the United States shall study the longitudinal costs of Medicaid beneficiaries receiving long-term services and supports (as defined by the Secretary for purposes of section 1905(y)(5) of the Social Security Act) over 5-year periods across various programs, including the non-institutionally-based long-term services and supports described in paragraph (5)(B) of such section, PACE program services under section 1894 of the Social Security Act (42 U.S.C. 1395eee, 1396u-4), and services provided under specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act.

Subtitle B—Strengthening the Medicaid Home and Community-Based State Plan Amendment Option

SEC. 4201. REMOVAL OF BARRIERS TO PROVIDING HOME AND COMMUNITY-BASED SERVICES UNDER STATE PLAN AMENDMENT OPTION FOR INDIVIDUALS IN NEED.

(a) PARITY WITH INCOME ELIGIBILITY STANDARD FOR INSTITUTIONALIZED INDIVIDUALS.—Paragraph (1) of section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)) is amended by striking “150 percent of the poverty line (as defined in section 2110(c)(5))” and inserting “300 percent of the supplemental security income benefit rate established by section 1611(b)(1)”.

(b) ADDITIONAL STATE OPTIONS.—Section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)) is amended by adding at the end the following new paragraphs:

“(6) STATE OPTION TO PROVIDE HOME AND COMMUNITY-BASED SERVICES TO INDIVIDUALS ELIGIBLE FOR SERVICES UNDER A WAIVER.—

“(A) IN GENERAL.—A State that provides home and community-based services in accordance with this subsection to individuals who satisfy the needs-based criteria for the receipt of such services established under paragraph (1)(A) may, in addition to continuing to provide such services to such individuals, elect to provide home and community-based services in accordance with the

requirements of this paragraph to individuals who are eligible for home and community-based services under a waiver approved for the State under subsection (c), (d), or (e) or under section 1115 to provide such services, but only for those individuals whose income does not exceed 300 percent of the supplemental security income benefit rate established by section 1611(b)(1).

“(B) APPLICATION OF SAME REQUIREMENTS FOR INDIVIDUALS SATISFYING NEEDS-BASED CRITERIA.—Subject to subparagraph (C), a State shall provide home and community-based services to individuals under this paragraph in the same manner and subject to the same requirements as apply under the other paragraphs of this subsection to the provision of home and community-based services to individuals who satisfy the needs-based criteria established under paragraph (1)(A).

“(C) AUTHORITY TO OFFER DIFFERENT TYPE, AMOUNT, DURATION, OR SCOPE OF HOME AND COMMUNITY-BASED SERVICES.—A State may offer home and community-based services to individuals under this paragraph that differ in type, amount, duration, or scope from the home and community-based services offered for individuals who satisfy the needs-based criteria established under paragraph (1)(A), so long as such services are within the scope of services described in paragraph (4)(B) of subsection (c) for which the Secretary has the authority to approve a waiver and do not include room or board.

“(7) STATE OPTION TO OFFER HOME AND COMMUNITY-BASED SERVICES TO SPECIFIC, TARGETED POPULATIONS.—

“(A) IN GENERAL.—A State may elect in a State plan amendment under this subsection to target the provision of home and community-based services under this subsection to specific populations and to differ the type, amount, duration, or scope of such services to such specific populations.

“(B) 5-YEAR TERM.—

“(i) IN GENERAL.—An election by a State under this paragraph shall be for a period of 5 years.

“(ii) PHASE-IN OF SERVICES AND ELIGIBILITY PERMITTED DURING INITIAL 5-YEAR PERIOD.—A State making an election under this paragraph may, during the first 5-year period for which the election is made, phase-in the enrollment of eligible individuals, or the provision of services to such individuals, or both, so long as all eligible individuals in the State for such services are enrolled, and all such services are provided, before the end of the initial 5-year period.

“(C) RENEWAL.—An election by a State under this paragraph may be renewed for additional 5-year terms if the Secretary determines, prior to beginning of each such renewal period, that the State has—

“(i) adhered to the requirements of this subsection and paragraph in providing services under such an election; and

“(ii) met the State's objectives with respect to quality improvement and beneficiary outcomes.”.

(c) REMOVAL OF LIMITATION ON SCOPE OF SERVICES.—Paragraph (1) of section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)), as amended by subsection (a), is amended by striking “or such other services requested by the State as the Secretary may approve”.

(d) OPTIONAL ELIGIBILITY CATEGORY TO PROVIDE FULL MEDICAID BENEFITS TO INDIVIDUALS RECEIVING HOME AND COMMUNITY-BASED SERVICES UNDER A STATE PLAN AMENDMENT.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVIII), by striking “or” at the end;

(B) in subclause (XIX), by adding “or” at the end; and

(C) by inserting after subclause (XIX), the following new subclause:

“(XX) who are eligible for home and community-based services under needs-based criteria established under paragraph (1)(A) of section 1915(i), or who are eligible for home and community-based services under paragraph (6) of such section, and who will receive home and community-based services pursuant to a State plan amendment under such subsection;”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting “1902(a)(10)(A)(ii)(XX),” after “1902(a)(10)(A)(ii)(XIX),”.

(B) Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (xii), by striking “or” at the end;

(ii) in clause (xiii), by adding “or” at the end; and

(iii) by inserting after clause (xiii) the following new clause:

“(xiv) individuals who are eligible for home and community-based services under needs-based criteria established under paragraph (1)(A) of section 1915(i), or who are eligible for home and community-based services under paragraph (6) of such section, and who will receive home and community-based services pursuant to a State plan amendment under such subsection.”.

(e) ELIMINATION OF OPTION TO LIMIT NUMBER OF ELIGIBLE INDIVIDUALS OR LENGTH OF PERIOD FOR GRANDFATHERED INDIVIDUALS IF ELIGIBILITY CRITERIA IS MODIFIED.—Paragraph (1) of section 1915(i) of such Act (42 U.S.C. 1396n(i)) is amended—

(1) by striking subparagraph (C) and inserting the following:

“(C) PROJECTION OF NUMBER OF INDIVIDUALS TO BE PROVIDED HOME AND COMMUNITY-BASED SERVICES.—The State submits to the Secretary, in such form and manner, and upon such frequency as the Secretary shall specify, the projected number of individuals to be provided home and community-based services.”; and

(2) in subclause (II) of subparagraph (D)(ii), by striking “to be eligible for such services for a period of at least 12 months beginning on the date the individual first received medical assistance for such services” and inserting “to continue to be eligible for such services after the effective date of the modification and until such time as the individual no longer meets the standard for receipt of such services under such pre-modified criteria”.

(f) ELIMINATION OF OPTION TO WAIVE STATEWIDENESS; ADDITION OF OPTION TO WAIVE COMPARABILITY.—Paragraph (3) of section 1915(i) of such Act (42 U.S.C. 1396n(3)) is amended by striking “1902(a)(1) (relating to statewideness)” and inserting “1902(a)(10)(B) (relating to comparability)”.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the first day of the first fiscal year quarter that begins after the date of enactment of this Act.

SEC. 4202. MANDATORY APPLICATION OF SPOUSAL IMPOVERISHMENT PROTECTIONS TO RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.

(a) IN GENERAL.—Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r-5(h)(1)(A)) is amended by striking “(at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI)” and inserting “is eligi-

ble for medical assistance for home and community-based services under subsection (c), (d), (e), or (i) of section 1915”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2009.

SEC. 4203. STATE AUTHORITY TO ELECT TO EXCLUDE UP TO 6 MONTHS OF AVERAGE COST OF NURSING FACILITY SERVICES FROM ASSETS OR RESOURCES FOR PURPOSES OF ELIGIBILITY FOR HOME AND COMMUNITY-BASED SERVICES.

(a) IN GENERAL.—Section 1917 of the Social Security Act (42 U.S.C. 1396p) is amended by adding at the end the following new subsection:

“(i) STATE AUTHORITY TO EXCLUDE UP TO 6 MONTHS OF AVERAGE COST OF NURSING FACILITY SERVICES FROM HOME AND COMMUNITY-BASED SERVICES ELIGIBILITY DETERMINATIONS.—Nothing in this section or any other provision of this title, shall be construed as prohibiting a State from excluding from any determination of an individual's assets or resources for purposes of determining the eligibility of the individual for medical assistance for home and community-based services under subsection (c), (d), (e), or (i) of section 1915 (if a State imposes an limitation on assets or resources for purposes of eligibility for such services), an amount equal to the product of the amount applicable under subsection (c)(1)(E)(ii)(II) (at the time such determination is made) and such number, not to exceed 6, as the State may elect.”.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed as affecting a State's option to apply less restrictive methodologies under section 1902(r)(2) for purposes of determining income and resource eligibility for individuals specified in that section.

Subtitle C—Coordination of Home and Community-Based Waivers

SEC. 4301. STREAMLINED PROCESS FOR COMBINED WAIVERS UNDER SUBSECTIONS (B) AND (C) OF SECTION 1915.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall create a template to streamline the process of approving, monitoring, evaluating, and renewing State proposals to conduct a program that combines the waiver authority provided under subsections (b) and (c) of section 1915 of the Social Security Act (42 U.S.C. 1396n) into a single program under which the State provides home and community-based services to individuals based on individualized assessments and care plans (in this section referred to as the “combined waivers program”). The template required under this section shall provide for the following:

(1) A standard 5-year term for conducting a combined waivers program.

(2) Harmonization of any requirements under subsections (b) and (c) of such section that overlap.

(3) An option for States to elect, during the first 5-year term for which the combined waivers program is approved to phase-in the enrollment of eligible individuals, or the provision of services to such individuals, or both, so long as all eligible individuals in the State for such services are enrolled, and all such services are provided, before the end of the initial 5-year period.

(4) Examination by the Secretary, prior to each renewal of a combined waivers program, of how well the State has—

(A) adhered to the combined waivers program requirements; and

(B) performed in meeting the State's objectives for the combined waivers program, including with respect to quality improvement and beneficiary outcomes.

TITLE V—HOME AND COMMUNITY-BASED SERVICES PROVISIONS

SEC. 5001. SHORT TITLE.

This Act may be cited as the "Project 2020: Building on the Promise of Home and Community-Based Services Act of 2009".

SEC. 5002. LONG-TERM SERVICES AND SUPPORTS.

The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following:

"TITLE XXII—LONG-TERM SERVICES AND SUPPORTS

"SEC. 2201. DEFINITIONS.

"Except as otherwise provided, the terms used in this title have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

"Subtitle A—Single-Entry Point System Program

"SEC. 2211. STATE SINGLE-ENTRY POINT SYSTEMS.

"(a) DEFINITIONS.—In this title:

"(1) LONG-TERM SERVICES AND SUPPORTS.—The term 'long-term services and supports' means any service (including a disease prevention and health promotion service, an in-home service, or a case management service), care, or item (including an assistive device) that is—

"(A) intended to assist individuals in coping with, and, to the extent practicable, compensating for, functional impairment in carrying out activities of daily living;

"(B) furnished at home, in a community care setting, including a small community care setting (as defined in section 1929(g)(1)) and a large community care setting (as defined in section 1929(h)(1)), or in a long-term care facility; and

"(C) not furnished to diagnose, treat, or cure a medical disease or condition.

"(2) SINGLE-ENTRY POINT SYSTEM.—The term 'single-entry point system' means any coordinated system for providing—

"(A) comprehensive information to consumers and caregivers on the full range of available public and private long-term services and supports, options, service providers, and resources, including information on the availability of integrated long-term care, including consumer directed care options;

"(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

"(C) consumers and caregivers access to the range of publicly supported and privately supported long-term services and supports that are available.

"(b) PROGRAM.—The Secretary shall establish and carry out a single-entry point system program. In carrying out the program, the Secretary shall make grants to States, from allotments described in subsection (c), to pay for the Federal share of the cost of establishing State single-entry point systems.

"(c) ALLOTMENTS.—

"(1) ALLOTMENTS TO INDIAN TRIBES AND TERRITORIES.—

"(A) RESERVATION.—The Secretary shall reserve from the funds made available under subsection (g)—

"(i) for fiscal year 2010, \$1,962,456; and

"(ii) for each subsequent fiscal year, \$1,962,456, increased by the percentage increase in the Consumer Price Index for All

Urban Consumers, between October of the fiscal year preceding the subsequent fiscal year and October, 2007.

"(B) ALLOTMENTS.—The Secretary shall use the funds reserved under subparagraph (A) to make allotments to—

"(i) Indian tribes; and

"(ii) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

"(2) ALLOTMENTS TO STATES.—

"(A) IN GENERAL.—

"(i) AMOUNT.—The Secretary shall allot to each eligible State for a fiscal year the sum of the fixed amount determined under subparagraph (B), and the allocation determined under subparagraph (C), for the State.

"(ii) SUBGRANTS TO AREA AGENCIES ON AGING.—

"(I) IN GENERAL.—Each State agency receiving an allotment under clause (i) shall use such allotment to make subgrants to area agencies on aging that can demonstrate performance capacity to carry out activities described in this section whether such area agency on aging carries out the activities directly or through contract with an aging network or disability entity.

"(II) SUBGRANTS TO OTHER ENTITIES.—A State agency may make subgrants described in subclause (I) to other qualified aging network or disability entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

"(III) SUBGRANTEE RECIPIENT SUBGRANTS.—An administrator of a single-entry point system established by a State receiving an allotment under clause (i) shall make any necessary subgrants to key partners involved in developing, planning, or implementing the single-entry point system. Such partners may include centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)).

"(B) FIXED AMOUNTS FOR STATES.—

"(i) RESERVATION.—The Secretary shall reserve from the funds made available under subsection (g)—

"(I) for fiscal year 2010, \$15,759,000; and

"(II) for each subsequent fiscal year, \$15,759,000, increased by the percentage increase in the Consumer Price Index for All Urban Consumers, between October of the fiscal year preceding the subsequent fiscal year and October, 2007.

"(ii) FIXED AMOUNTS.—The Secretary shall use the funds reserved under clause (i) to provide equal fixed amounts to the States.

"(C) ALLOCATION FOR STATES.—The Secretary shall allocate to each eligible State for a fiscal year an amount that bears the same relationship to the funds made available under subsection (g) (and not reserved under paragraph (1) or subparagraph (B)) for that fiscal year as the number of persons who are either older individuals or individuals with disabilities in that State bears to the number of such persons or individuals in all the States.

"(D) DETERMINATION OF NUMBER OF PERSONS.—

"(i) OLDER INDIVIDUALS.—The number of older individuals in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Secretary.

"(ii) INDIVIDUALS WITH DISABILITIES.—The number of individuals with disabilities in any State and in all States shall be deter-

mined by the Secretary on the basis of the most recent data available from the American Community Survey, and other reliable demographic data satisfactory to the Secretary, on individuals who have a sensory disability, physical disability, mental disability, self-care disability, go-outside-home disability, or employment disability.

"(3) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for an aging and disability resource center is eligible for a grant under this section.

"(4) DEFINITION.—In this subsection, the term 'State' shall not include any jurisdiction described in paragraph (1)(B)(ii).

"(d) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive an initial grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, and area agencies on aging in the State, if any, submit an application to the Secretary at such time, in such manner, and containing the following information:

"(A) Evidence of substantial involvement of stakeholders and agencies in the State that are administering programs that will be the subject of referrals.

"(B) The applicant shall establish or designate a collaborative board to ensure meaningful involvement of stakeholders in the development, planning, implementation, and evaluation of a single-entry point system consistent with the following:

"(i) The collaborative board shall be composed of—

"(I) individuals representing all populations served by the applicant's single-entry point system, including older adults and individuals from diverse backgrounds who have a disability or a chronic condition requiring long-term support;

"(II) a representative from the local center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)), and representatives from other organizations that provide services to the individuals served by the system and those who advocate on behalf of such individuals; and

"(III) representatives of the government and non-governmental agencies that are affected by the system.

"(ii) The applicant shall work in conjunction with the collaborative board on—

"(I) the design and operations of the single-entry point system;

"(II) stakeholder input; and

"(III) other program and policy development issues related to the single-entry point system.

"(iii) An advisory board established under the Real Choice Systems Change Program or for an existing single-entry point system may be used to carry out the activities of a collaborative board under this subparagraph if such advisory board meets the requirements under clause (i).

"(C) The applicant's plan for providing—

"(i) comprehensive information on the full range of available public and private long-term services and supports options, providers, and resources, including building awareness of the single-entry point system as a resource;

"(ii) objective, neutral, and personal information, counseling, and assistance to individuals and their caregivers in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care to meet their needs;

"(iii) for eligibility screening and referral for services;

“(iv) for stakeholder input;
“(v) for a management information system; and

“(vi) for an evaluation of the effectiveness of the single-entry point system.

“(D) A specification of the period of the grant request, which shall include not less than 3 consecutive fiscal years in the 5-fiscal-year-period beginning with fiscal year 2010.

“(E) Such other information as the Secretary determines appropriate.

“(2) APPLICATION FOR CONTINUATION.—

“(A) IN GENERAL.—A State that receives an initial grant under this section shall apply, after consulting and coordinating with the area agencies on aging, for a continuation of the initial grant, which includes a description of any significant changes to the information provided in the initial application and such data concerning performance measures related to the requirements in the initial application as the Secretary shall require.

“(B) EFFECT.—The requirement under subparagraph (A) shall be in effect through fiscal year 2020.

“(e) USE OF FUNDS.—

“(1) IN GENERAL.—A State that receives a grant under this section shall use the funds made available through the grant to—

“(A) establish a State single-entry point system, to enable older individuals and individuals with disabilities and their caregivers to obtain resources concerning long-term services and supports options; and

“(B) provide information on, access to, and assistance regarding long-term services and supports.

“(2) SERVICES.—In particular, the State single-entry point system shall be the referral source to—

“(A) provide information about long-term care planning and available long-term services and supports through a variety of media (such as websites, seminars, and pamphlets);

“(B) provide assistance with making decisions about long-term services and supports and determining the most appropriate services through options counseling, future financial planning, and case management;

“(C) provide streamlined access to and assistance with applying for federally funded long-term care benefits (including medical assistance under title XIX, Medicare skilled nursing facility services, services under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), the services of Aging and Disability Resource Centers), and State-funded and privately funded long-term care benefits, through efforts to shorten and simplify the eligibility processes for older individuals and individuals with disabilities;

“(D) provide referrals to the State evidence-based disease prevention and health promotion programs under subtitle B;

“(E) allocate the State funds available under subtitle C and carry out the State enhanced nursing home diversion program under subtitle C; and

“(F) and provide information about, other services available in the State that may assist an individual to remain in the community, including the Medicare and Medicaid programs, the State health insurance assistance program, the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), and the Low-Income Home Energy Assistance Program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), and such other services, as the State shall include.

“(3) COLLABORATIVE ARRANGEMENTS.—

“(A) CENTER FOR INDEPENDENT LIVING.—Each entity receiving an allotment under subsection (c) shall involve in the planning and implementation of the single-entry point system the local center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)), which provides information, referral, assistance, or services to individuals with disabilities.

“(B) OTHER ENTITIES.—To the extent practicable, the State single-entry point system is encouraged to enter into collaborative arrangements with aging and disability programs, service providers, agencies, the direct care work force, and other entities in order to ensure that information about such services may be made available to individuals accessing the State single-entry point system.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (b) shall be 75 percent.

“(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in-kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

“(g) FUNDING.—

“(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (2) to make the grants described in subsection (b).

“(2) FUNDING.—There are authorized to be appropriated to carry out this section—

“(A) \$30,900,000 for fiscal year 2010;

“(B) \$38,264,000 for fiscal year 2011;

“(C) \$48,410,000 for fiscal year 2012;

“(D) \$53,560,000 for fiscal year 2013;

“(E) \$63,860,000 for fiscal year 2014;

“(F) \$69,010,000 for fiscal year 2015;

“(G) \$74,160,000 for fiscal year 2016;

“(H) \$79,310,000 for fiscal year 2017;

“(I) \$84,460,000 for fiscal year 2018;

“(J) \$89,610,000 for fiscal year 2019; and

“(K) \$95,790,000 for fiscal year 2020.

“(3) AVAILABILITY.—Funds appropriated under paragraph (2) shall remain available until expended.

“Subtitle B—Healthy Living Program

“SEC. 2221. EVIDENCE-BASED DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS.

“(a) PROGRAM.—The Secretary shall establish and carry out a healthy living program. In carrying out the program, the Secretary shall make grants to State agencies, from allotments described in subsection (b), to pay for the Federal share of the cost of carrying out evidence-based disease prevention and health promotion programs.

“(b) ALLOTMENTS.—

“(1) ALLOTMENTS TO INDIAN TRIBES AND TERRITORIES.—

“(A) RESERVATION.—The Secretary shall reserve from the funds made available under subsection (g)—

“(i) for fiscal year 2010, \$1,500,952; and

“(ii) for each subsequent fiscal year, \$1,500,952, increased by the percentage increase in the Consumer Price Index for All Urban Consumers, between October of the fiscal year preceding the subsequent fiscal year and October, 2007.

“(B) ALLOTMENTS.—The Secretary shall use the reserved funds under subparagraph (A) to make allotments to—

“(i) Indian tribes; and

“(ii) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

“(2) IN GENERAL.—

“(A) AMOUNTS.—

“(i) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall allot to each eligible State for a fiscal year an amount that bears the same relationship to the funds made available under this section and not reserved under paragraph (1) for that fiscal year as the number of older individuals in the State bears to the number of older individuals in all the States.

“(ii) OLDER INDIVIDUALS.—The number of older individuals in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Secretary.

“(B) SUBGRANTS.—

“(i) IN GENERAL.—Each State agency that receives an amount under subparagraph (A) shall award subgrants to area agencies on aging that can demonstrate performance capacity to carry out activities under this section whether such area agency on aging carries out the activities directly or through contract with an aging network entity.

“(ii) SUBGRANTS TO OTHER ENTITIES.—A State agency may make subgrants described in clause (i) to other qualified aging network entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

“(3) MINIMUM ALLOTMENT.—No State shall receive an allotment under this section for a fiscal year that is less than 0.5 percent of the funds made available to carry out this section for that fiscal year and not reserved under paragraph (1).

“(4) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for evidence-based disease prevention is eligible for a grant under this section.

“(c) APPLICATIONS.—To be eligible to receive a grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, and area agencies on aging in the State, if any, submit an application to the Secretary at such time, in such manner, and containing the following information:

“(1) A description of the evidence-based disease prevention and health promotion program.

“(2) Sufficient information to demonstrate that the infrastructure exists to support the program.

“(3) A specification of the period of the grant request, which shall include not less than 3 consecutive fiscal years in the 5 fiscal year period beginning with fiscal year 2010.

“(4) Such other information as the Secretary determines appropriate.

“(d) APPLICATION FOR CONTINUATION.—

“(1) IN GENERAL.—A State that receives an initial grant under this section shall apply, after consulting and coordinating with the area agencies on aging, for a continuation of the initial grant, which application shall include—

“(A) a description of any significant changes to the information provided in the initial application; and

“(B) such data concerning performance measures related to the requirements in the initial application as the Secretary shall require.

“(2) EFFECT.—The requirement under paragraph (1) shall be in effect through fiscal year 2020.

“(e) USE OF FUNDS.—A State that receives a grant under this section shall use the funds

made available through the grant to carry out—

“(1) an evidence-based chronic disease self-management program;

“(2) an evidence-based falls prevention program; or

“(3) another evidence-based disease prevention and health promotion program.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 85 percent.

“(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in-kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

“(g) FUNDING.—

“(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (2) to make the grants described in subsection (a).

“(2) FUNDING.—There are authorized to be appropriated to carry out this section—

“(A) \$36,050,000 for fiscal year 2010;

“(B) \$41,200,000 for fiscal year 2011;

“(C) \$56,650,000 for fiscal year 2012;

“(D) \$77,250,000 for fiscal year 2013;

“(E) \$92,700,000 for fiscal year 2014;

“(F) \$103,000,000 for fiscal year 2015;

“(G) \$118,450,000 for fiscal year 2016;

“(H) \$133,900,000 for fiscal year 2017;

“(I) \$149,350,000 for fiscal year 2018;

“(J) \$157,590,000 for fiscal year 2019; and

“(K) \$173,040,000 for fiscal year 2020.

“(3) AVAILABILITY.—Funds appropriated under paragraph (2) shall remain available until expended.

“Subtitle C—Diversion Programs

“SEC. 2231. ENHANCED NURSING HOME DIVERSION PROGRAMS.

“(a) DEFINITION.—In this section:

“(1) LOW-INCOME SENIOR.—The term ‘low-income senior’ means an individual who—

“(A) is age 75 or older; and

“(B) is from a household with a household income that is not less than 150 percent, and not more than 300 percent, of the poverty line.

“(2) NURSING HOME.—The term ‘nursing home’ means—

“(A) a skilled nursing facility, as defined in section 1819(a); or

“(B) a nursing facility, as defined in section 1919(a).

“(b) PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish and carry out a diversion program. In carrying out the program, the Secretary shall make grants to States, from allotments described in subsection (c), to pay for the Federal share of the cost of carrying out enhanced nursing home diversion programs.

“(2) COHORTS.—The Secretary shall make the grants to—

“(A) a first year cohort consisting of one third of the States, for fiscal year 2010;

“(B) a second year cohort consisting of the cohort described in subparagraph (A) and an additional one third of the States, for fiscal year 2011; and

“(C) a third year cohort consisting of all the eligible States, for fiscal year 2012 and each subsequent fiscal year.

“(3) READINESS.—In determining whether to include an eligible State in the first year, second year, or third year and subsequent year cohort, the Secretary shall consider the readiness of the State to carry out an enhanced nursing home diversion program under this section. Readiness shall be determined based on a consideration of the following factors:

“(A) Availability of a comprehensive array of home- and community-based services.

“(B) Sufficient home- and community-based services provider capacity.

“(C) Availability of housing.

“(D) Availability of supports for consumer-directed services, including whether a fiscal intermediary is in place.

“(E) Ability to perform timely eligibility determinations and assessment for services.

“(F) Existence of a quality assessment and improvement program for home and community-based services.

“(G) Such other factors as the Secretary determines appropriate.

“(c) ALLOTMENTS.—

“(1) IN GENERAL.—

“(A) AMOUNT.—The Secretary shall allot to an eligible State (within the applicable cohort) for a fiscal year an amount that bears the same relationship to the funds made available under subsection (i) for that fiscal year as the number of low-income seniors in the State bears to the number of low-income seniors within States in the applicable cohort for that fiscal year.

“(B) LOW-INCOME SENIORS.—The number of low-income seniors in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the American Community Survey, and other reliable demographic data satisfactory to the Secretary.

“(2) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for a nursing home diversion is eligible for a grant under this section.

“(d) APPLICATIONS.—To be eligible to receive a grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, and area agencies on aging in the State, if any, submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a specification of the period of the grant request, which shall include not less than 3 consecutive fiscal years in the 5 fiscal year period beginning with the fiscal year prior to the year of application.

“(e) APPLICATION FOR CONTINUATION.—

“(1) IN GENERAL.—A State that receives an initial grant under this section shall apply, after consulting and coordinating with the area agencies on aging, for a continuation of the initial grant, which application shall include—

“(A) a description of any significant changes to the information provided in the initial application; and

“(B) such data concerning performance measures related to the requirements in the initial application as the Secretary shall require.

“(2) EFFECT.—The requirement under paragraph (1) shall be in effect through fiscal year 2020.

“(f) USE OF FUNDS.—

“(1) IN GENERAL.—A State that receives a grant under this section shall carry out the following:

“(A) Use the funds made available through the grant to carry out an enhanced nursing home diversion program that enables eligible individuals to avoid admission into nursing homes by enabling the individuals to obtain alternative long-term services and supports and remain in their communities.

“(B) Award subgrants to area agencies on aging that can demonstrate performance capacity to carry out activities under this section whether such area agency on aging car-

ries out the activities directly or through contract with an aging network entity. A State may make subgrants to other qualified aging network entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

“(2) CASE MANAGEMENT.—

“(A) IN GENERAL.—The State, through the State single-entry point system established under subtitle A, shall provide for case management services to the eligible individuals.

“(B) USE OF EXISTING SERVICES.—In carrying out subparagraph (A), the State agency or area agency on aging may utilize existing case management services delivery networks if—

“(i) the networks have adequate safeguards against potential conflicts of interest; and

“(ii) the State agency or area agency on aging includes a description of such safeguards in the grant application.

“(C) CARE PLAN.—The State shall provide for development of a care plan for each eligible individual served, in consultation with the eligible individual and their caregiver, as appropriate. In developing the care plan, the State shall explain the option of consumer directed care and assist an individual, who so requests, with developing a consumer-directed care plan that shall include arranging for support services and funding. Such assistance shall include providing information and outreach to individuals in the hospital, in a nursing home for post-acute care, or undergoing changes in their health status or caregiver situation.

“(g) ELIGIBLE INDIVIDUALS.—In this section, the term ‘eligible individual’ means an individual—

“(1) who has been determined by the State to be at high functional risk of nursing home placement, as defined by the State agency in the State agency’s grant application;

“(2) who is not eligible for medical assistance under title XIX; and

“(3) who meets the income and asset eligibility requirements established by the State and included in such State’s grant application for approval by the Secretary.

“(h) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (b) shall be, for a State and for a fiscal year, the sum of—

“(A) the Federal medical assistance percentage applicable to the State for the year under section 1905(b); and

“(B) 5 percentage points.

“(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in-kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

“(i) FUNDING.—

“(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (2) to make the grants described in subsection (b).

“(2) FUNDING.—There are authorized to be appropriated to carry out this section—

“(A) \$111,825,137 for fiscal year 2010;

“(B) \$337,525,753 for fiscal year 2011;

“(C) \$650,098,349 for fiscal year 2012;

“(D) \$865,801,631 for fiscal year 2013;

“(E) \$988,504,887 for fiscal year 2014;

“(F) \$1,124,547,250 for fiscal year 2015;

“(G) \$1,276,750,865 for fiscal year 2016;

“(H) \$1,364,488,901 for fiscal year 2017;

“(I) \$1,466,769,052 for fiscal year 2018;

“(J) \$1,712,755,702 for fiscal year 2019; and

“(K) \$1,712,755,702 for fiscal year 2020.

“(3) AVAILABILITY.—Funds appropriated under paragraph (2) shall remain available until expended.

“**Subtitle D—Administration, Evaluation, and Technical Assistance**

“**SEC. 2241. ADMINISTRATION, EVALUATION, AND TECHNICAL ASSISTANCE.**

“(a) ADMINISTRATION AND EXPENSES.—For purposes of carrying out this title, there are authorized to be appropriated for administration and expenses—

- “(1) of the area agencies on aging—
 - “(A) \$16,825,895 for fiscal year 2010;
 - “(B) \$39,246,141 for fiscal year 2011;
 - “(C) \$50,766,948 for fiscal year 2012;
 - “(D) \$66,999,101 for fiscal year 2013;
 - “(E) \$76,979,152 for fiscal year 2014;
 - “(F) \$87,163,513 for fiscal year 2015;
 - “(G) \$98,780,562 for fiscal year 2016;
 - “(H) \$106,063,792 for fiscal year 2017;
 - “(I) \$114,324,642 for fiscal year 2018;
 - “(J) \$123,312,948 for fiscal year 2019; and
 - “(K) \$133,215,845 for fiscal year 2020;
- “(2) of the State agencies—
 - “(A) \$8,412,948 for fiscal year 2010;
 - “(B) \$19,623,071 for fiscal year 2011;
 - “(C) \$25,383,474 for fiscal year 2012;
 - “(D) \$33,499,551 for fiscal year 2013;
 - “(E) \$38,489,576 for fiscal year 2014;
 - “(F) \$43,581,756 for fiscal year 2015;
 - “(G) \$49,390,281 for fiscal year 2016;
 - “(H) \$53,031,896 for fiscal year 2017;
 - “(I) \$57,162,321 for fiscal year 2018;
 - “(J) \$61,656,474 for fiscal year 2019; and
 - “(K) \$66,607,923 for fiscal year 2020; and
- “(3) of the Administration—
 - “(A) \$2,103,237 for fiscal year 2010;
 - “(B) \$4,905,768 for fiscal year 2011;
 - “(C) \$6,345,868 for fiscal year 2012;
 - “(D) \$8,374,888 for fiscal year 2013;
 - “(E) \$9,622,394 for fiscal year 2014;
 - “(F) \$10,895,439 for fiscal year 2015;
 - “(G) \$12,347,570 for fiscal year 2016;
 - “(H) \$13,257,974 for fiscal year 2017;
 - “(I) \$14,290,580 for fiscal year 2018;
 - “(J) \$15,414,118 for fiscal year 2019; and
 - “(K) \$16,651,981 for fiscal year 2020.

“(b) EVALUATION AND TECHNICAL ASSISTANCE.—

“(1) CONDITIONS TO RECEIPT OF GRANT.—In awarding grants under this title, the Secretary shall condition receipt of the grant for the second and subsequent grant years on a satisfactory determination that the State agency is meeting benchmarks specified in the grant agreement for each grant awarded under this title.

“(2) EVALUATIONS.—The Secretary shall measure and evaluate, either directly or through grants or contracts, the impact of the programs authorized under this title. Not later than June 1 of the year that is 6 years after the year of the date of enactment of the Project 2020: Building on the Promise of Home and Community-Based Services Act of 2009 and every 2 years thereafter, the Secretary shall—

- “(A) compile the reports of the measures and evaluations of the grantees;
- “(B) establish benchmarks to show progress toward savings; and
- “(C) present a compilation of the information under this paragraph to Congress.

“(3) TECHNICAL ASSISTANCE GRANTS.—The Secretary shall award technical assistance grants, including State specific grants whenever practicable, to carry out the programs authorized under this title.

“(4) TRANSFER.—There are authorized to be appropriated for such evaluation and technical assistance under this subsection—

- “(A) \$4,206,474 for fiscal year 2010;
- “(B) \$9,811,535 for fiscal year 2011;
- “(C) \$8,461,158 for fiscal year 2012;

- “(D) \$11,166,517 for fiscal year 2013;
- “(E) \$12,829,859 for fiscal year 2014;
- “(F) \$14,527,252 for fiscal year 2015;
- “(G) \$16,463,427 for fiscal year 2016;
- “(H) \$17,677,299 for fiscal year 2017;
- “(I) \$19,054,107 for fiscal year 2018;
- “(J) \$20,552,158 for fiscal year 2019; and
- “(K) \$22,202,641 for fiscal year 2020.

“(c) AVAILABILITY.—Funds appropriated under this section shall remain available until expended.”.

By Mr. UDALL, of Colorado (for himself and Mr. BENNET):

S. 1264. A bill to require the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado and provide grants to, and enter into cooperative agreements with, the Southern Ute Indian Tribe to assess, repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; to the Committee on Indian Affairs.

Mr. UDALL of Colorado. Mr. President, today I rise to discuss a bill that I introduced, which seeks to rehabilitate an important irrigation and flood control system that is vital to serving the agricultural and flood protection needs in Southwestern Colorado.

More than 100 years ago, both Indian and non-Indian communities utilized the water from the Los Pinos or Pine River to irrigate areas of Southwest Colorado. As the population and local agriculture grew, so did the need for more advanced infrastructure. In 1936, the Pine River Indian Irrigation Project was authorized by Congress in the Department of Interior Appropriation Act, and in 1937 the project grew the system’s capacity to provide water for over 63,000 acres of land. The development of this project provided much needed protection for crops and communities from spring floods and summer drought.

Today, similar forces of population growth and a steady demand for irrigated water are exacerbated by aging and deteriorating infrastructure, creating a need for a stronger system. The Government Accountability Office has found the deterioration of key project facilities to be severe. As deferred maintenance and upkeep mount, there is a growing threat to water conservation efforts, a reliable water supply, growth in agricultural production, economic sustainability, a safe community, and, equally important, the preservation of culture and livelihood of the Southern Ute Indian Tribe. Though the Southern Ute Tribe and others who live along the Pine River understand the hazards presented by aging infrastructure, more needs to be done to comprehend the full extent of these hazards.

Tribal members, who would like to bring idle lands back into agricultural production and continue as good stewards of the land, cannot be sure if much-needed water will get to their lands as a result of failed structures,

overdue maintenance, and inadequate funding. Now, the estimated costs to rehabilitate the system far exceed the ability of water users to pay for improvements while managing profitable operations.

The Pine River Indian Irrigation Project Act of 2009 would fix decades of neglect and inadequate funding for the Pine River Indian Irrigation Project. This legislation would direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to fully assess the needs of the Pine River Indian Irrigation Project. It would also grant the authority to the Secretary of the Interior to provide grants to, and enter into cooperative agreements with the Southern Ute Indian Tribe of Colorado to assess and repair infrastructure so that it more suitably meets user needs. The funding that would be provided in this bill is an essential step toward assuring that both Indians and non-Indians have access to the water they need, when they need it. I look forward to working with my colleagues on both sides of the aisle to move this bill toward passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1264

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pine River Indian Irrigation Project Act of 2009”.

SEC. 2. FINDINGS; PURPOSE.

- (a) FINDINGS.—Congress finds that—
 - (1) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including on the Southern Ute Indian Reservation in southwestern Colorado;
 - (2)(A) a report of the Government Accountability Office dated 2006 identified significant issues with the Pine River Indian Irrigation Project, including the issue that, at the time of the study, the Bureau of Indian Affairs estimated that total deferred maintenance costs for the Project exceeded \$20,000,000; and
 - (B) other estimates have placed those costs at more than \$60,000,000;
 - (3) the report of the Government Accountability Office demonstrates that key facilities of the Project are severely deteriorated;
 - (4) operations and maintenance fees are not sufficient to address the condition of the Project, even though the Bureau of Indian Affairs has sought to double those fees, from \$8.50 to \$17, in recent years;
 - (5) the report of the Government Accountability Office also notes that a prior study done by the Bureau of Reclamation determined that water users could not afford to pay operations and maintenance fees of \$8.50 and operate a profitable farming operation;
 - (6) the benefits of rehabilitating and repairing the irrigation infrastructure of the Project include—
 - (A) water conservation;
 - (B) extending available water supply;
 - (C) increased agricultural production;

(D) economic benefits;
 (E) safer facilities; and
 (F) the preservation of the culture of the Southern Ute Indian Tribe;

(7) while, as of the date of enactment of this Act, the Project is managed by the Bureau of Indian Affairs, the Southern Ute Indian Tribe also receives water from facilities owned or operated by the Bureau of Reclamation; and

(8) rehabilitation and repair of the infrastructure of the Project by the Bureau of Reclamation would improve—

(A) overall water management; and
 (B) the ability of the Southern Ute Indian Tribe and the Bureau of Reclamation to address potential water conflicts.

(b) PURPOSE.—The purpose of this Act is to require the Secretary of the Interior—

(1) to assess the condition of infrastructure of the Pine River Indian Irrigation Project;

(2) to establish priorities for the rehabilitation of irrigation infrastructure within the Project according to specified criteria; and

(3) to implement rehabilitation activities for the irrigation infrastructure of the Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) PROJECT.—The term “Project” means the Pine River Indian Irrigation Project.

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

(3) STATE.—The term “State” means the State of Colorado.

(4) TRIBAL COUNCIL.—The term “Tribal Council” means the Southern Ute Indian Tribal Council.

(5) TRIBE.—The term “Tribe” means the Southern Ute Indian Tribe.

SEC. 4. STUDY OF IRRIGATION INFRASTRUCTURE OF PROJECT.

(a) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, in consultation with the Tribe, shall—

(A) conduct a study of the irrigation infrastructure of the Project; and

(B) based on the results of the study, develop a list of activities (including a cost estimate for each activity) that are recommended to be implemented during the 10-year period beginning on the date of completion of the study to repair, rehabilitate, or reconstruct that irrigation infrastructure.

(2) FACTORS FOR CONSIDERATION.—

(A) IN GENERAL.—In developing the list under paragraph (1)(B), the Secretary shall give priority to activities based on—

(i) a review of the priority factors described in subparagraph (B) with respect to the activity;

(ii) recommendations of the Tribe, if any; and

(iii) a consideration of the projected benefits of each activity on completion of the Project.

(B) PRIORITY FACTORS.—The priority factors referred to in subparagraph (A)(i) are—

(i) any threat to the health and safety of—

(I) a member of the Tribe;

(II) an employee of the irrigation operations and maintenance program of the Bureau of Indian Affairs; or

(III) the general public;

(ii) the extent of disrepair of the irrigation infrastructure of the Project and the effect of the disrepair on the ability of users of the Project to irrigate agricultural land using that irrigation infrastructure;

(iii) whether, and the extent to which, the repair, rehabilitation, or reconstruction of the irrigation infrastructure of the Project

would provide an opportunity to conserve water;

(iv)(I) the economic and cultural impacts the irrigation infrastructure of the Project that is in disrepair has on the Tribe; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of that irrigation infrastructure would have on the Tribe;

(v) the opportunity to address water supply or environmental conflicts if the irrigation infrastructure of the Project is repaired, rehabilitated, or reconstructed; and

(vi) the overall benefits of the activity to efficient water operations on the land of the Tribe.

(3) CONSULTATION.—In carrying out the study under this subsection, the Secretary shall consult with the Assistant Secretary for Indian Affairs and other relevant Federal and local officials to evaluate the extent to which programs under the jurisdiction of each Federal and local agency may be used to develop—

(A) the list of activities under paragraph (1)(B); or

(B) the report under subsection (b).

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Tribe a report that includes—

(A) the list of activities recommended for implementation under subsection (a)(1)(B); and

(B) any findings of the Secretary with respect to—

(i) the study under subsection (a);

(ii) consideration of the factors described in subsection (a)(2); and

(iii) any consultation required under subsection (a)(3).

(2) BIENNIAL REVIEW.—Not later than 2 years after the date on which the Secretary submits the report under paragraph (1) and every 2 years thereafter, the Secretary, in consultation with the Tribe, shall—

(A) review the report; and

(B) update the list of activities under subsection (a)(1)(B) in accordance with each factor described in subsection (a)(2), as the Secretary determines to be appropriate.

SEC. 5. IRRIGATION INFRASTRUCTURE GRANTS AND AGREEMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may provide grants to, and enter into cooperative agreements with, the Tribe to plan, design, construct, or otherwise implement any activity to repair, rehabilitate, reconstruct, or replace irrigation infrastructure of the Project, if the activity is recommended for implementation on the list under section 4(a)(1)(B).

(b) LIMITATION.—Assistance provided under subsection (a) shall not be used for any on-farm improvement.

(c) CONSULTATION AND COORDINATION.—In providing assistance under subsection (a), the Secretary shall—

(1) consult with, and obtain the approval of, the Tribe;

(2) consult with the Assistant Secretary for Indian Affairs; and

(3) as appropriate, coordinate the activity with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(d) COST SHARING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the total cost of carrying out an activity using assist-

ance under subsection (a) shall be not more than 75 percent.

(2) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under paragraph (1) on request of the Tribe.

SEC. 6. EFFECT OF ACT.

(a) WATER RIGHTS OF TRIBE.—Nothing in this Act (including the implementation of any activity carried out in accordance with this Act) affects any right of the Tribe to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(b) STATE WATER LAW.—Nothing in this Act preempts or affects—

(1) any provision of water law of the State; or

(2) any interstate compact governing water.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) STUDY.—There is authorized to be appropriated to carry out the study under section 4 \$4,000,000.

(b) IRRIGATION INFRASTRUCTURE GRANTS AND AGREEMENTS.—There is authorized to be appropriated to carry out section 5 \$10,000,000 for each of fiscal years 2010 through 2015.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 27—DIRECTING THE ARCHITECT OF THE CAPITOL TO ENGRAVE THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO OF “IN GOD WE TRUST” IN THE CAPITOL VISITOR CENTER

Mr. DEMINT (for himself, Mr. BARASSO, Mr. BROWNBACK, Mr. BUNNING, Mr. BYRD, Mr. CRAPO, Mr. ENZI, Mr. INHOFE, Mr. THUNE, and Mr. WICKER) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 27

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ENGRAVING OF PLEDGE OF ALLEGIANCE TO THE FLAG AND NATIONAL MOTTO IN CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of “In God we trust” in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that the majority leader be authorized to sign duly enrolled bills or joint resolutions from Monday, June 15 to Wednesday, June 18.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 16, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, June 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the

Republicans controlling the final half, with Senators permitted to speak for up to 10 minutes each; finally, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Under a previous order, following morning business tomorrow, the Senate will resume consideration of the motion to proceed to S. 1023, the Travel Promotion Act of 2009. There

will be up to 1 hour for debate prior to a cloture vote on the motion to proceed to the bill. Senators should expect the cloture vote to begin as early as 11:45 a.m. tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:31 p.m., adjourned until Tuesday, June 16, 2009, at 10 a.m.

HOUSE OF REPRESENTATIVES—Monday, June 15, 2009

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 15, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

THE ECONOMY AND ENERGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, among the most important issues facing us today are the twin issues of the economy and energy. And unfortunately, in this body and across the other Chamber, we often discuss those two issues separately, as if they had no connection with one another; and yet they have a very, very important link with one another.

When the economy is down, it has an impact on the energy, and when energy prices go up or when energy prices go down, it has an immediate impact on the economy. The strange thing is that as we look at an energy policy that's going to be presented to us by way of a bill from the majority shortly, there appears to be a lack of appreciation for changes in energy policy and their impact on our economy. There seems to be some sort of question as to whether or not we ought to exercise our responsibilities to utilize those energy sources that are most abundant in these United States.

Coal appears to be one of those things that we're going to wrap up, close up, put on the shelf, not allow ourselves to use it. Rather than a real effort for clean coal energy, there appears to be an effort to try and demonize coal and not allow it to be utilized. That makes about as much sense as Saudi Arabia making an announcement tomorrow that they're going to close off all of their production of petroleum. Why do I say it makes about as much sense? Because we are the Saudi Arabia of coal.

Similarly, with tar sands, shale oil, those sorts of things that we have in abundance in North America, we appear to be saying we ought not to take a look at those.

Similarly, we have abundant sources of petroleum offshore: offshore my State of California, offshore some of our other States in this Union. And yet we have a policy which basically says we ought not to utilize American technology, which has been utilized around the world, to safely extract petroleum.

If you look at my State in California, you go to Santa Barbara, you will see historically there have been leaks from the bottom of the ocean there because of the pressure, because of the petroleum that lies under the ocean floor. We can actually take some of that pressure off by drilling and producing there.

Lastly, I would say someone would have to be a hermit somewhere, stuck in a cave, not to understand that we have a terrible economic problem in California, a terrible problem with our budget, terrible deficits. And one of the ways that we could achieve some sort of stability with our budget in California, our State budget, would be to allow offshore drilling and take those royalties that would come to the State as a result of having that offshore drilling, bringing those moneys into the State Treasury.

We would do two things. We would help increase the security of this Nation with respect to energy on the one hand because this would be U.S. energy production; and secondly, we would have royalties going to the State of California in the billions of dollars, helping take off some of the pressure that we have currently as to which services we're going to cut. Classroom size is going up in the State of California. There are the suggestions that a lot of services will be cut, some severely, and yet we continue to turn a blind eye to the possibility of environmentally safe extraction of petroleum products offshore.

As one who basically was born just a stone's throw from the ocean, who lived the first half of my life—actually, more than that—the first 42 years as a resident of Long Beach, California, as someone who enjoys the beauty of my home State and the beauty of the coastline, I also understand that American technology, American ingenuity, American creativity that's applied elsewhere in the world can be applied here in the United States to produce energy.

Why will we have an energy policy brought forward on this floor that ignores some of the most abundant sources of energy for this Nation makes no sense to me. Surely I support the alternative sources of energy, wind and solar; the traditional ones of hydroelectric, thermal power. But we cannot forget the abundance of natural resources we have in this country.

RECESS

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

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: As people of faith, we often pray to You, Lord God Almighty, out of a sense of need.

Aware of our personal limitations physically and emotionally, each of us cries out in frustration to You as our refuge and as healer. Prayer helps us, whether we are leaders or just ordinary Americans, to live our lives with greater integrity and meet our daily responsibilities.

Sometimes we are more conscious of our common needs. It is then prayer helps us identify with one another, feel compassion toward others in need and pray for them. We all desire peace of heart, health, and wisdom, as well as prudence, to make the right decisions needed each day whether we are in public service or work in the private sector.

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

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

In all cases, through prayer, Lord, You help us to see ourselves more honestly and suspend judgment of others so we can work together and more freely give You the glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

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

HEALTH CARE

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

Ms. FOXX. Mr. Speaker, the health care debate has begun in Washington and across the country. Unfortunately, the plan Democrats have in store for the American people will do little to improve our health care situation. In fact, it will make the problem worse.

When Democrats talk about health care reform, what they really mean is a government takeover of health care. With few details available, some reports suggest the plan for this government takeover will cost upwards of \$1.2 trillion. As Robert Samuelson noted in today's Washington Post, all of this new Federal spending still will not fix the "crux of our health care dilemma."

The American people deserve a plan that makes health care more affordable and accessible to all and that allows those who like their current health care coverage to keep it.

While Democrats support raising taxes and rationing care, Republicans support health care reform that controls spending and that ensures patients and doctors make health care decisions, not a bunch of bureaucrats in Washington.

RECOGNIZING THIS WEEK AS HIGH-PERFORMANCE BUILDING WEEK

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

Mr. CARNAHAN. Mr. Speaker, last week, the House passed House Resolution 492, recognizing this week as High-

Performance Building Week. The resolution aims to provide greater public awareness about the benefits of high-performance buildings, and it works to increase education about the impact buildings have on our environment.

Each year, our homes, offices, schools, and other buildings consume 70 percent of our electricity, 60 percent of all raw materials, and they emit 40 percent of all CO₂ emissions in the U.S. By designing and building high-performance buildings, we reduce energy consumption and our carbon footprint. We save both water and raw materials. We save demolition and construction debris from going into landfills. Most importantly, high-performance building construction creates good-paying jobs that give workers the valuable skills they need to excel in a clean energy economy.

It is my hope that Members will use this week to highlight the importance that buildings have on our environment and for Congress to continue to support future research, development and the deployment of high-performance building technologies.

EMPOWER PATIENTS, NOT GOVERNMENT

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

Mr. WILSON of South Carolina. Mr. Speaker, President Obama and his Democrat allies in Congress have said that they want those who currently like their health care plans to keep them. Then they publicly endorse a government-run health care insurance plan that would crowd out and eliminate the private insurance plans millions of Americans currently enjoy. They cannot have it both ways.

The Democrat big government proposals claim to increase access and affordability by letting government determine what will and will not be paid for. As the only game in town, a government insurance plan would be the sole provider and decider of the quality of health care available. Conversely, Republicans have long argued that health care reform should focus on expanding access so more Americans can afford a higher quality of care.

We should be focused on empowering more individuals and families to afford the level of care they want. If Congress chooses to empower the government and itself in crafting a new government-run insurance plan, it will directly undermine the doctor-patient relationship that is the foundation of quality American health care.

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

HONORING THE SERVICE OF FAYETTEVILLE SUPERINTENDENT, MR. BOBBY NEW

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Mr. Bobby New, who has devoted his life to the education of our youth. Mr. New is retiring from 35 years of public education, 13 of which were as the superintendent of the Fayetteville School District.

During his time as superintendent, he provided the school district with the ideas and the innovation required for a growing area, including updating the grading structure and increasing technology throughout the district.

We are blessed to have educational professionals like Mr. New. I commend him for his service as a superintendent of the Fayetteville Public Schools, for his passion in educating our youth and for his commitment to improving our schools. I wish him success in his future endeavors.

Today, I ask my colleagues to join me in honoring Mr. New, an educator and friend whose continued devotion to the Third District of Arkansas has not gone unnoticed and will never be forgotten.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

PROVIDING ADDITIONAL AUTHORITIES TO SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 615) to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 615

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

SECTION 1. ADDITIONAL PERSONNEL AUTHORITIES FOR THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 381) is amended by

striking paragraph (1) and inserting the following:

“(1) PERSONNEL.—

“(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

“(B) ADDITIONAL AUTHORITIES.—

“(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

“(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

“(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

“(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Florida (Mr. BILLIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of Senate bill 615, legislation that provides critical personnel authority for the Special Inspector General for Afghanistan, known as SIGAR.

Since 2001, the United States has devoted \$32 billion in humanitarian and reconstruction assistance to Afghanistan. In an effort to combat waste, fraud and abuse with regard to the expenditure of these funds, Congress created the Special Inspector General for Afghanistan Reconstruction, commonly known as SIGAR, in the National Defense Authorization Act of 2008.

That legislation empowers SIGAR to conduct audits, inspections, and investigations of all U.S. assistance programs in Afghanistan. Congress intended that SIGAR would exercise its authority swiftly. It came into existence in July of 2008 with an authorization to hire 18 auditors, 13 inspectors and 3 investigators; but from the beginning, SIGAR has been hindered by cer-

tain limitations contained in standard Federal Government personnel authorities and by the difficulty of attracting qualified candidates to work in the difficult security environment of Afghanistan. A year after its creation, SIGAR has conducted only one independent audit and has only hired nine auditors, five inspectors and three investigators.

This resolution would help resolve this problem by granting SIGAR a special hiring authority under 5 U.S.C., section 3161. Section 3161 would allow SIGAR a more flexible, excepted service authority and would empower the office to select, appoint, and employ the necessary staff to fulfill its duties. In particular, section 3161 would grant return rights to Federal employees, provide interagency detail authority and permit the setting of pay rates above the caps established by GS-15, step 10, under which SIGAR is currently required to operate.

This has proven to be a vital asset for SIGAR's counterpart in Iraq, SIGIR, which has long relied upon this enhanced hiring authority to attract its dedicated core of professional staff.

After conducting an in-depth review, the Department of Defense and the Office of Personnel Management have concluded that the proposed legislation is necessary to allow SIGAR to meet its responsibilities.

□ 1415

This bill represents a vital step in allowing SIGAR to fulfill its critical duties of the oversight of U.S. assistance programs in Afghanistan. I support the bill and urge my colleagues to support it as well.

I reserve the balance of my time.

Mr. BILLIRAKIS. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of this legislation. The United States has committed over \$30 billion in assistance to Afghanistan since 2001, and with the President's stated intention to increase the size and scope of our efforts, it is necessary that we provide all of our inspectors general operating in Afghanistan the authorities and resources necessary to mitigate fraud, waste, and abuse in these programs. However, the Office of the Special Inspector General for Afghanistan Reconstruction, or SIGAR, currently lacks such authorities and resources.

Despite its establishment nearly 1 year ago, SIGAR officials have reportedly had difficulty hiring individuals for this unique and challenging assignment, and the staffing shortfall has contributed to the lack of an independent audit or investigation by the office thus far.

This legislation would amend the National Defense Authorization Act for fiscal year 2008 to provide to SIGAR personnel authorities similar to those given to the Special Inspector General for Iraq Reconstruction. The legisla-

tion would expedite the standard hiring process for civil service provisions by permitting SIGAR to use employment authorities granted to heads of temporary organizations. Such authorities allow organizations to hire staff for limited terms, notwithstanding the requirements normally applicable to civil service positions.

This legislation is intended to help the SIGAR quickly hire experienced, well-qualified employees to conduct necessary oversight of reconstruction efforts in Afghanistan. Employees hired under this new authority could serve until the termination of the SIGAR office.

I strongly urge my colleagues to support this legislation which gives the SIGAR additional hiring authorities to facilitate his ability to quickly hire experienced, well-qualified employees to fill critical positions.

I reserve the balance of my time.

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

I thank my good friend, the gentleman from Florida, for his comments in support of this legislation. And I do also want to thank the gentlelady, the good Senator from Maine, Senator COLLINS, for her authorship to this bill. Thirty-two billion dollars is no pennies certainly to be given some sense of responsibility in knowing where the American taxpayers' money has gone in terms of the appropriations and the funding that we've given to Afghanistan and as well as to any other country, for that matter.

So again, I really commend the gentlelady, the good Senator from Maine, Senator COLLINS, for her authorship of this bill, and I thank my good friend from Florida also in helping us manage this bill on the floor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank you for your leadership in bringing this legislation to the floor today. I want to also thank Senator COLLINS for introducing this legislation in the Senate.

Mr. Speaker, I stand here today to support Amending the National Defense Authorization Act for Fiscal Year 2008 to authorize the Special Inspector General for Afghanistan Reconstruction (SIGAR) to exercise certain employment and employment-related authorities currently permitted for the heads of temporary organizations established by law or executive order.

As a member of the Homeland Security Committee, and Co-Chair of the US-Afghan Caucus, I am deeply concerned about this matter and want to ensure that the Inspector General's staffing needs are fulfilled in order for him to successfully carry out the responsibilities of his position. In order to be successful in Afghanistan and defeat the insurgents, we must make sure that we have a fully staffed SIGAR who is able to complete the duties of his position in a timely and accurate manner. The security of our troops and the success of our mission in Afghanistan depends upon it.

Since 2001, the U.S. has provided approximately \$32 billion in humanitarian and reconstruction assistance to Afghanistan. In addition, the international community has provided a further \$25.3 billion for the rebuilding of Afghanistan. Since its inception in 2001, the SIGAR's mission has been to enhance oversight of programs for the reconstruction of Afghanistan by conducting independent and objective audits, inspections, and investigations on the use of taxpayer dollars and related funds by keeping the Congress, as well as the Secretaries of State and Defense, currently informed of reconstruction progress and weaknesses.

Amending this defense bill reflects our commitment to support the men and women who fight to secure not only our citizen's freedom but the freedom of others. This bill will provide the necessary resources to protect the American people and our national interests at home and abroad. With this extended personnel authority, the SIGAR has now become a formidable and compelling instrument to make oversight of reconstruction efforts in Afghanistan a reality.

Mr. BILIRAKIS. I yield back my time.

Mr. FALEOMAVAEGA. I yield my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the Senate bill, S. 615.

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

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES TO ITALIAN EARTHQUAKE VICTIMS

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 430) expressing condolences to the citizens of Italy and support for the Government of Italy in the aftermath of the devastating earthquake that struck the Abruzzo region of central Italy, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 430

Whereas, in the early morning hours of April 6, 2009, a 6.3 magnitude earthquake struck the Abruzzo region of central Italy, killing over 250 people, damaging or destroying up to 15,000 buildings, and leaving tens of thousands homeless;

Whereas the epicenter of the quake was the town of L'Aquila, located 60 miles northeast of Rome, and massive destruction was reported in 26 surrounding cities, towns, and villages;

Whereas rescue workers, who heroically pulled over 100 survivors from the rubble, continued to find survivors amongst the wreckage days after the quake struck;

Whereas strong aftershocks continued to rock the region and created hazardous conditions for residents and rescue workers;

Whereas this was Italy's deadliest quake since 1980;

Whereas the earthquake damaged centuries old landmarks including churches and castles;

Whereas humanitarian aid agencies in the United States and around the world mobilized to provide much needed assistance to the relief and recovery efforts;

Whereas President Barack Obama expressed his condolences, and those of the people of the United States, to families that have lost loved ones and assured Italian Prime Minister Berlusconi that the United States stood ready to help Italy at this time of need; and

Whereas Prime Minister Berlusconi said that Italy would accept the support offered by President Obama and would devote it to preserving the region's cultural and artistic heritage and educational institutions: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the loss of life and expresses its deepest condolences to the families of those killed and injured in the earthquake;

(2) recognizes the deep ties between the United States and Italy and expresses continued solidarity with the people of Italy during this time of crisis;

(3) applauds the courageous response of Italian rescue workers;

(4) supports President Obama's offer of United States assistance to Italy in response to this catastrophic event;

(5) urges the people of the United States to generously support those humanitarian aid agencies working to assist the people of Italy in this time of need;

(6) commends the many United States organizations, including the National Italian-American Foundation, working to demonstrate support and solidarity with the Italian people and raising funds to provide needed help; and

(7) expresses gratitude to the people of the United States who have generously supported those humanitarian aid agencies working to assist the people of Italy in this time of need.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution which expresses condolences to the citizens and the Government of Italy in the aftermath of the devastating earthquake in the Abruzzo region.

Mr. Speaker, I wish to thank my good friend and my colleague, Mr. PAS-

CRELL from the great State of New Jersey, for introducing this important resolution that allows the House to add its voice to the international outpouring of sympathy for the Italian people in the wake of this natural disaster.

On April 6, the Abruzzo region of central Italy was struck by a 6.3 magnitude on the Richter scale earthquake. Nearly 300 people were killed while tens of thousands were left homeless. In addition to the terrible loss of life and livelihood, the earthquake damaged nearly 15,000 buildings, including hundreds of churches, castles, and heritage sites.

The U.S. Embassy in Rome immediately provided \$50,000 in emergency relief funding while President Obama expressed his condolences and offered additional American assistance. Italian Prime Minister Berlusconi, the host of the next G-8 meeting, has relocated the July summit to the town of L'Aquila that was at the center of the devastation. As he explained, "The G-8 in L'Aquila represents the message of hope for the entire region struck by the earthquake."

It is appropriate that the House pauses today, Mr. Speaker, as Prime Minister Berlusconi is in Washington, DC, to express its deepest condolences to the families killed and injured in the earthquake. We also reaffirm the deep ties shared between our people and two countries. I strongly support this resolution, and I urge all of my colleagues to do likewise.

I reserve the balance of my time.

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

I rise today in support of this resolution which expresses our condolences and sympathy for the people of Italy following the terrible loss of life which occurred in the central Abruzzo region last April which was struck by a powerful earthquake. Tragically, the 6.3 magnitude earthquake, which struck in the early morning of April 6, killed over 250 people. Tens of thousands more were left homeless as their family properties were destroyed. Over 15,000 buildings rich in culture and history were obliterated in just moments by the powerful shocks.

I note that despite the danger from the strong aftershocks after the earthquake, heroic Italian rescue workers nevertheless entered the unstable buildings at risk to themselves and pulled hundreds of survivors to safety.

Mr. Speaker, when we think of Italy, our first thoughts are of the beauty, the history, the culture, and especially the warmth and kindness of its people. As a Nation, America also has a tremendous affinity for Italy since our country has been greatly enriched by those Italian immigrants who came to our shores, became part of our American Nation, and contributed so much

to our culture and economic prosperity. And so in the wake of that immense disaster, Americans mourned in sympathy with the people in Italy over their tremendous loss and committed to stand with them as they work to rebuild and recover.

I'm pleased to support this resolution which expresses our deepest condolences to the Italian people and note that with the support of American citizens, humanitarian organizations are continuing to provide assistance in the rebuilding of those cities that were affected by the earthquake. I urge my colleagues to support passage of this resolution.

I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 18½ minutes.

Mr. FALEOMAVAEGA. At this time, I yield all of the time that he may want to consume to my good friend and colleague and the author of this legislation, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Thank you, Mr. Chairman.

Mr. Speaker, just a short while ago I returned from Afghanistan. The fifth largest contingency in NATO is from Italy, so we have many reminders through history and specifically now of what our relationship is between the United States and Italy. So we rise to support this resolution, H. Res. 430, expressing our deepest sympathies to the citizens of Italy.

This earthquake was devastating, Mr. Speaker. It ruined a large part of the Abruzzo part of Italy. The magnitude of this earthquake is understood by many Americans. The university town of L'Aquila, along with 26 other surrounding cities, towns, and villages, suffered massive destruction. You already have heard of how many people were killed; 15,000 buildings destroyed. They were historic. They were cultural landmarks. Seventy thousand people were displaced. So we extend our deepest sympathies. The homes and churches can be rebuilt, but we can never replace loved ones.

Despite the aftershocks that continued to devastate the region for days after, rescue workers demonstrated true heroism by pulling over 100 survivors from the wreckage. Their efforts, along with those of humanitarian aid organizations around the globe who continue to work tirelessly to return people to their homes and rebuild the region, deserve commendation. After traveling to Italy earlier this year, I can attest to the resiliency and the strength of the Italian people. And I remind us again of the 2,350 troops that fight alongside our brave men and women in Afghanistan.

It is trying times like these that allow us to recognize the deep and binding ties between our nations, the

United States of America and Italy. This tragedy only brings our two nations closer together.

I would like to take this opportunity to sincerely thank the many organizations in the United States, including the National Italian American Foundation, NIAF, who are continuously working to raise funds to aid the rebuilding efforts in Abruzzo. The Italian American community's support and solidarity with the nation of Italy has only increased in the aftermath of this natural disaster.

I also want to commend the Italian Ambassador, Giovanni Castellaneta, for his leadership and commitment to the Italian American community.

I urge my colleagues to join me in passing this resolution to offer our sincere condolences to the nation of Italy for its tremendous loss as well as pledge our continued support to the Italian Government. I will do so also this afternoon when I greet President Berlusconi.

The G-8 summit is being held July 8, 9, and 10, and that has been moved to L'Aquila in the Abruzzo region to redirect funding to that region to help with the general reconstruction. Canada, France, Germany, Japan, Russia, the United Kingdom, the United States, of course, and our President, President Obama, will be there with our Italian friends.

I urge the passage of this legislation. I want to thank the chairman and the Speaker. I want to thank the ranking member for all of your courtesies. This is something we need to get involved in, to commend American organizations for reaching out to our brothers and sisters.

Ms. PELOSI. Mr. Speaker, today the Congress expresses its deepest condolences for those who suffered because of the earthquake in Abruzzo in April, and the Congress expresses its strongest support for Italy as it rebuilds from this crisis.

Soon after this disaster struck, I called Prime Minister Berlusconi on behalf of my colleagues in the Congress to express our deepest condolences to the families and loved ones of those lost. President Obama and other leaders from around the world have offered assistance to those affected. Prime Minister Berlusconi and the Italian government have the steadfast support of the American people as they help the people of Abruzzo rebuild.

As someone who can trace my family's roots back to Venice, Genoa, Campobasso, Sicily, and Abruzzo, I am personally committed to ensuring that the United States provides all possible assistance.

In 1980, I had the opportunity to visit Southern Italy in the aftermath of another earthquake as part of a U.S. delegation. I saw firsthand the courage of the Italian people in the face of a similar tragedy. The world saw Italy emerge from this crisis stronger than before.

America is a land discovered by an Italian, named for an Italian, and built by millions of Italian Americans.

The bond between the United States and Italy is uniquely strong because of the vital role daughters and sons of Italy have played in the United States from its discovery to today.

Today, we mourn those lost in Abruzzo and those struggling to rebuild their lives. And today, as in times of both crisis and calm, we stand beside each other as allies and friends.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 430, "Expressing condolences to the citizens of Italy and support for the Government of Italy in the aftermath of the devastating earthquake that struck the Abruzzo region of central Italy," which was introduced by my distinguished colleague Representative PASCRELL. This legislation is important to ensure that we remember those who lost their lives in this tragic natural disaster.

On April 6, 2009, an earthquake with a magnitude of 6.3 shook central Italy, causing serious damage in the mountainous Abruzzo region east of Rome. This is the worst earthquake in Italy since a 6.9-magnitude earthquake struck Eboli, south of Naples, in 1980, killing more than 2,700 people.

The earthquake caused damage to between 3,000 and 11,000 buildings, the majority of which are in the medieval city of L'Aquila and the surrounding villages. 297 people were killed by the earthquake, 20 of which were children, and approximately 1,000 people were injured. 66,000 people were made homeless. Nearly 11,700 rescue workers provided emergency relief.

Texas is no stranger to the effects of a natural disaster. In 2008, Hurricane Ike, which was the third most destructive hurricane to ever make landfall in the United States, caused the deaths of 37 people while dozens are still missing. In Houston, eight deaths have been blamed on Hurricane Ike.

Texas sustained major damage due to Hurricane Ike: an estimated 100,000 homes were flooded; many trees were uprooted; bus stop shelters were mangled; Houston's theater district was flooded; flights in and out of Houston's two major airports were suspended; most of Houston's roads were clogged for nearly two weeks; and many residents remained without power for several weeks after the hurricane. As the representative from Houston, I can truly sympathize with the Italian people and express my sincere sympathy to every life that was touched by this tragedy.

Additionally, this legislation mourns the loss of life and expresses condolences to the families of those killed and injured in the earthquake that struck the Abruzzo region of Italy. It also applauds the response of Italian rescue workers, recognizes the deep ties between the United States and Italy and expresses continued solidarity with the people of Italy during this time of crisis.

Furthermore, this legislation supports President Obama's offer of U.S. assistance to Italy in response to this event and expresses gratitude to the people of the United States who have supported those humanitarian aid agencies working to assist the people of Italy in this time of need. The U.S. Embassy in Rome has provided \$50,000 in emergency relief funding and President Obama has pledged to devote resources to preserving the region's cultural

and artistic heritage. Additionally, as part of the U.S. effort to support the Italian people, the U.S. Department of State and the National Italian American Foundation (NIAF) formed a public-private partnership to respond to the educational needs of the University of L'Aquila, and will strive to help the students and other human resource needs. The students are key to the future of the region, and the University is the economic lifeblood of the city of L'Aquila. It is therefore vital to help this sector recover in this time of need.

The Abruzzo earthquake is a tragedy that has affected lives all over the world, the least we can do as a Congress, and as a nation, is to recognize those involved in this tragedy and those who are helping Italy to rebuild. We cannot withhold this honor from those victims that perished in the tragedy. As honored Members of Congress, we have the opportunity to ensure that proper recognition is given to those involved in the earthquake.

I firmly believe that we must pass this legislation in order to demonstrate our support of those people who lost their lives and those people who lost their loved ones, and I urge my colleagues to do the same.

Mr. TIBERI. Mr. Speaker, as co-chair of the Italian-American delegation it is my pleasure to offer my support of H. Res. 430—Expressing condolences to the citizens of Italy and support for the Government of Italy in the aftermath of the devastating earthquake that struck the Abruzzo region of central Italy.

As the son of Italian immigrants from Abruzzo, I am pleased my colleagues agreed that we should stand behind Italians as they begin the process of rebuilding areas damaged by the earthquake. H. Res. 430 serves to reaffirm the deep ties between the United States and Italy, and show the Italian people our nation's support in their time of need.

I hope the reconstruction efforts will be completed quickly so the region's cultural and artistic heritage will be restored, while homes, businesses, and schools can be rebuilt. Abruzzo is truly a beautiful region and I look forward to its revival.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 430, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1430

CALLING ON NORTH KOREA TO
END HOSTILE RHETORIC AND
ACTIVITY TOWARD SOUTH
KOREA

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 309) expressing the sense of the House of Representatives that North Korea should immediately stop any hostile rhetoric and activity towards the Republic of Korea and engage in mutual dialogue to enhance inter-Korean relations, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 309

Whereas North Korea's nuclear tests and missile activities, and their suspected proliferation, are threatening peace and stability in Northeast Asia and beyond;

Whereas the North Korean leadership continues to pursue its nuclear ambitions while up to 2,000,000 North Koreans reportedly starved to death during the late 1990s and hundreds of thousands fled North Korea in search of freedom and food;

Whereas, on October 18, 2004, H.R. 4011, the North Korean Human Rights Act, became Public Law 108-333, bringing attention to the human rights conditions in North Korea and to provide United States support for North Korean refugees;

Whereas, on October 9, 2006, North Korea detonated a nuclear explosive device prompting the United Nations Security Council to adopt military and economic sanctions against North Korea through Resolution 1718;

Whereas, on June 30, 2008, H.R. 2642, the Supplemental Appropriations Act, became Public Law 110-252, granting the President the authority to waive the Glenn Amendment sanctions in order to facilitate North Korea's denuclearization process and to provide heavy fuel oil energy assistance to North Korea in support of the Six-Party Talks;

Whereas, on October 7, 2008, the North Korean Human Rights Reauthorization Act became Public Law 110-346;

Whereas, on October 11, 2008, North Korea was removed from the United States list of state sponsors of terrorism;

Whereas, on October 15, 2008, the Naval Vessel Transfer Act became Public Law 110-429 and included provisions to upgrade the Republic of Korea's foreign military sales status to that of "NATO plus three";

Whereas, on January 30, 2009, North Korea announced that it would nullify all inter-Korean agreements that are in pursuit of putting an end to the state of political and military confrontations and abrogate the agreements on the Sea Demarcation Line, known as the "Northern Limit Line";

Whereas, on February 3, 2009, President Barack Obama stated, in a call with the Republic of Korea's President Lee Myung-bak, that recent events underscore the need for the United States and the Republic of Korea to work together even more closely to achieve complete and verifiable denuclearization of North Korea;

Whereas, on February 10, 2009, Secretary of State Hillary Clinton stated that North Korea must understand that all of the countries in East Asia have made it clear that

North Korea's recent behavior is viewed as unacceptable;

Whereas, on February 20, 2009, Secretary of State Hillary Clinton stated, in a joint press conference with the Republic of Korea's Foreign Minister Yu Myung-hwan, that the United States and the Republic of Korea maintain a joint resolve to bring about the complete and verifiable denuclearization of North Korea through the Six-Party Talks and that North Korea is not going to get a different relationship with the United States while insulting and refusing dialogue with the Republic of Korea;

Whereas for more than a year, North Korea has refused proposals from the Republic of Korea for mutual dialogue and also has refused to fully implement the Six-Party agreements on denuclearization;

Whereas, on April 5, 2009, North Korea launched a missile in clear violation of United Nations Security Council Resolution 1718 prompting a statement by President Obama condemning the launch;

Whereas, on April 13, 2009, the United Nations Security Council adopted a Presidential Statement condemning the launch;

Whereas, on April 14, 2009, North Korea declared that it would withdraw from the Six-Party Talks and resume its nuclear program, and subsequently expelled International Atomic Energy Agency inspectors at the Yongbyon facility;

Whereas, on April 29, 2009, North Korea announced that unless the United Nations Security Council promptly apologize for infringing the sovereignty of North Korea, and withdraw resolutions and decisions adopted against North Korea, it would conduct nuclear tests and test-firings of intercontinental ballistic missiles, and build a light water reactor plant and start the technological development for ensuring self-production of nuclear fuel;

Whereas, on May 25, 2009, North Korea announced that it has conducted a second nuclear test and in successive days, North Korea has launched six short-range missiles and threatened to abrogate the July 27, 1953, armistice ending the Korean War;

Whereas, on May 29, 2009, North Korea announced that it would "take additional self-defense measures" if the United Nations Security Council takes any further actions against North Korea;

Whereas, on June 12, 2009, the United Nations Security Council unanimously adopted Resolution 1874, which condemns North Korea in the strongest terms, and imposes stronger sanctions on North Korea by introducing measures to conduct cargo inspections, to restrict North Korea's Weapons of Mass Destruction-related financial transactions, and to strengthen the arms embargo; and

Whereas in face of serious security challenges on the Korean Peninsula, including the recent North Korean hostilities towards the Republic of Korea, the alliance between the United States and the Republic of Korea remains resilient and firm, based on shared values, mutual trust, and common interests: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) North Korea should immediately stop any hostile rhetoric and activity towards the Republic of Korea and engage in mutual dialogue to enhance inter-Korean relations;

(2) North Korea should fully implement the Six-Party joint statement of September 19, 2005, verifiably abandon all of its nuclear weapons and existing nuclear programs, and return to the Non-Proliferation Treaty at an early date;

(3) North Korea should comply with United Nations Security Council Resolutions 1718 of 2006 and 1874 of 2009;

(4) the United States remains committed to the promotion of inter-Korean dialogue and cooperation; and

(5) the strategic importance of the strong alliance between the United States and the Republic of Korea, in promoting peace and prosperity on the Korean Peninsula and in Northeast Asia, should be recognized.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

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

Mr. Speaker, I rise in strong support of this resolution expressing the sense of the House of Representatives that North Korea should immediately stop its hostile activities and instead return to dialogue.

Mr. Speaker, as I said earlier of my strong support of H. Res. 309, it is a thoughtful, timely, and relevant resolution offered by my dear friend and colleague, the gentleman from New York (Mr. KING). I also wish to recognize the contributions and efforts of my colleague, Mr. MEEKS, also from New York. He was the principal Democratic lead cosponsor and is a member of my Subcommittee on Asia, the Pacific and the Global Environment.

Mr. Speaker, this important and bipartisan resolution shares, at its substantive core, three key principles. First, it expresses a unified sense of the Congress that North Korea should cease all hostile and destabilizing activity on the Korean Peninsula. Second, it calls on North Korea to re-engage in dialogue with South Korea, as well as with the Six-Party Talks. And, third, it reaffirms our unconditional and unwavering commitment to our alliance partnership with the Republic of Korea.

As we are all aware, North Korea's recent hostile activities have once again brought world attention to the fragile peace and tenuous security framework on the Korean Peninsula. In a span of less than 3 months, North Korea conducted another nuclear test, launched several intercontinental ballistic missiles, and suspended or nullified all major inter-Korean agreements, including the armistice that has maintained peace between North and South Korea since 1953.

Even more alarming, Mr. Speaker, North Korea removed IAEA inspectors at Yongbyon and announced that it was restarting its plutonium production program with the ultimate aim of weaponizing its nuclear material. Meanwhile, amid the hostile brinksmanship, two American journalists, Euna Lee and Laura Ling, were

captured, tried, and sentenced to 12 years in prison for reform by hard labor.

North Korea's leader, Kim Jong Il, has let it be known that his 26-year-old son, Kim Jong Un, will succeed him as he succeeded his own father. North Korea's communist leadership regime is being solidified into a totalitarian, hereditary, authoritarian regime.

These startling events have unquestionably precipitated the necessity of a unified congressional response to North Korea's hostile acts, while also sending a message of strong solidarity and support for our close friend and ally, the Republic of Korea.

Just last Friday, the United Nations Security Council unanimously adopted a resolution condemning "in the strongest terms possible" North Korea's nuclear test, imposing new sanctions, demanding that the Democratic People's Republic of Korea not conduct any further nuclear test or any launch using ballistic missile technology, and urging Pyongyang to come back to the Six-Party Talks without preconditions.

House Resolution 309 before us today will reinforce the Security Council's message that Pyongyang's recent actions are unacceptable, and it will also reinforce a message President Obama and Secretary of State Clinton both underscored regarding the strength of our alliance with South Korea.

The administration and the international community have sent clear messages to North Korea about its provocations, and it is time that Congress also follows suit.

Mr. Speaker, our consideration of House Resolution 309 today is rendered all the more relevant by the visit of President Lee Myung-bak to Washington. I understand that his incredibly busy schedule will include a summit with President Obama and meetings with Cabinet officials and the House and Senate leadership. I was also made aware that President Lee will receive the honorary doctorate degree from George Washington University, where he was a visiting scholar 10 years ago.

Mr. Speaker, it is always a special occasion when Korea's President visits the United States, and I certainly would like to extend a sincere welcome and best wishes to President Lee, whom I had the honor of meeting with last year in Seoul.

Mr. Speaker, for almost 1½ years now, since his inauguration last February, President Lee has continually emphasized the importance of a strategic alliance with the United States, and this has been manifested through several notable achievements. Most recently, South Korea joined the Proliferation Security Initiative aimed at preventing the spread of weapons of mass destruction. In November of last year, Korea formally acceded to the Visa Waiver Program. In October, a

currency swap agreement was signed between our two countries to stem the liquidity issues in the global financial markets. And through legislation passed by our Congress last September, Korea's Foreign Military Sales status was officially upgraded to the level of NATO plus three.

President Lee was also instrumental in arranging for the resumption of the importation of beef imports from the U.S. to Korea after diffusing a sensitive political situation that temporarily halted our imports of beef to South Korea. His determination to settle the beef issue underscores the important commercial ties between Korea and the United States.

Mr. Speaker, I wish to close my remarks by offering a few thoughts on the importance of reaffirming our alliance partnership with Korea. The history of relations between our two countries, which can be tracked back to a treaty of friendship more than 25 years ago, has been marked by consistency and mutual solidarity between our two nations.

Mr. Speaker, I ask my colleagues to support this resolution.

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

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

I rise in strong support of this resolution put forward in March by my good friend and Homeland Security ranking member, PETER KING, to show solidarity with our South Korean allies in their hour of need. Its consideration is timely; it is timed to coincide with tomorrow's Washington summit meeting with the President of the Republic of Korea.

North Korea is fast becoming a foreign policy crisis spiraling out of control. In April, there was a long-range missile launch; in May, there was another underground nuclear test. Only 1 week ago, a Pyongyang kangaroo court took the provocative and morally reprehensible act of sentencing captured U.S. citizen journalists Laura Ling and Euna Lee to 12 years in a labor camp. North Korea also continues to hold a South Korean citizen as a hostage. Our thoughts and prayers are with those captives and their families.

The United Nations Security Council has finally passed a resolution with some teeth. Unfortunately, U.N. Resolution 1718, passed in 2006 after Pyongyang's first nuclear test, was ignored when North Korea returned to the negotiating table.

North Korea's response to this latest U.N. resolution has been more bluster and brinkmanship. The North Koreans revealed, to no one's surprise, that they have maintained a highly enriched uranium program all along, in addition to their plutonium program. They now threaten the world with more bombs and possible nuclear war.

Earlier this month, Kim Jong Il sent a patrol boat into South Korean waters

to back up his threats made against our South Korean ally. Some are now convinced that there will be a future military confrontation along the DMZ or in the Yellow Sea. And today, 28,500 U.S. military personnel still stand guard in South Korea, a country often called "the last frontier of the Cold War."

The "Dear Leader" is obviously testing the mettle of this President and this Congress. Kim Jong Il has responded to the outstretched hand of President Obama's inaugural address with missiles, nuclear bombs, the seizure of American citizens, and a threat of war. He is preparing to launch yet another long-range missile, one that could reportedly reach the United States and is likely to conduct yet another underground nuclear test.

I say enough is enough. Now is the time for the consequences which our current North Korean Special Envoy, Stephen Bosworth, promised after the April 5 missile launch. Last week, Secretary Clinton raised the re-listing of North Korea as a state sponsor of terrorism as one possible consequence. But a few days later, the House Rules Committee refused to allow consideration of an amendment to the Foreign Relations Authorization Act, offered by my good friend and ranking member, Representative ROS-LEHTINEN, which would have done just that. It is unfortunate that Secretary Clinton would consider this, but not the House leadership.

The time for hesitancy is over, Mr. Speaker. America needs to respond to North Korea.

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

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

Mr. BILIRAKIS. Mr. Speaker, I yield to the ranking member, Mr. KING from New York, as much time as he may consume.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Florida for yielding.

At the outset, let me thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for the support they have given me on this resolution and for bringing it to the House floor. Also, let me thank my colleague from New York (Mr. MEEKS) for being the prime cosponsor of the bill and for his support in pushing it forward. And of course Mr. FALCOMA, who does a truly outstanding job as chairman of the subcommittee, I want to thank him as well.

Mr. Speaker, when I first introduced this resolution back in March, it was clear then, obviously, that Korea was a major threat to world stability and a major threat to the national security of the United States, and of course also to its Asian neighbors. Well, since then, the situation has only gotten worse. As Mr. BILIRAKIS pointed out, it

has been step after step of aggressive action, provocative action, action defying world opinion, defying resolutions of the United Nations, and absolutely defying agreements that have been made with the Six Parties over the previous years.

Mr. Speaker, President Clinton reached out and tried to engage North Korea, President Bush obviously reached out and tried to engage North Korea, began the Six-Party Talks, made China a part of that process; and yet at every stage, when it comes to weaponizing uranium, plutonium and moving forward, North Korea has refused to respond in good faith. And when they do make a feeble attempt at good faith, it is obviously a ploy, and they renege as soon as any concession is made by the United States or any of our allies. So, Mr. Speaker, I think it is important that we send a message to the North Korean Government.

And let's be clear about this. When we are talking about the North Korean Government, we're really talking about an organized crime family masquerading as a state. Kim Jong Il defies every standard of decency that is built up in the community of nations. I think it is important to realize that, especially when North Korea is contrasted with the Republic of Korea, which has become a model democracy and it is such a strong and staunch ally of the United States.

So as we go forward, Mr. Speaker, I think it is important for the President and the Secretary of State to know that Congress will stand behind them if they have to take stronger action, if they have to really lean back and push back against North Korea. I think everything should be on the table. The fact is that we now have a situation where, with going forward with its nuclear program, North Korea really puts its neighbors in jeopardy, and perhaps soon after that Europe and the United States, with their missile system, with the delivery system, with the nuclear relationships. And I think everything should be on the table, including a very strong missile defense system. And we should have an open debate, put partisanship aside and stand together as Americans to confront what could be a mortal danger to our allies and also causing the situation in Asia to spiral out of control. I certainly think when Japan sees what North Korea is doing, as far as advancing its nuclear program, we could well see Japan considering a nuclear program. We have strong friends, such as Taiwan, who now will be in danger.

Also, it is time for China to realize that they have a major role to play in solving this crisis. The fact is, North Korea could not survive if it did not receive its energy and its food supplies from China. And China should realize that this game can only go on for so long where they somehow take a cer-

tain delight in North Korea antagonizing the United States. And also, they feel they can buy off North Korea with their food and energy, and they don't want refugees streaming across their border. But this has now gone beyond the stage where we are just talking and sitting down; we are talking about the very security of the United States being in danger here.

So, Mr. Speaker, I urge the adoption of this resolution. Yes, we have to continue constructive dialogue, we have to engage, to the extent we can, with North Korea; but the fact is that, as Mr. BILIRAKIS said, when the President reached out in good faith—President Clinton, President Bush, and now President Obama have reached out in good faith—the response to them has been an iron fist, it's been missiles, it's been rockets, and it's been weaponizing of nuclear fissile material.

□ 1445

So rather than be caught short, rather than our being victims of something which we should anticipate now, let us stand together, and I certainly reach out across the aisle so that all of us, as Republicans and Democrats and as Americans, can stand with the President as he goes forward, and hopefully he will, to stand up to this really blatant aggression, I believe, by North Korea and send a message to Kim Jong Il, whether it's him or his son, no matter who ends up controlling or calling the shots in North Korea, that it will be met by concerted action from the United States. And also call on countries such as China to start doing what they should be doing, and to reassure our allies such as Japan and Taiwan that the United States will do all it can to prevent and stop North Korea from becoming a nuclear power.

I urge adoption of the resolution.

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

I want to commend and thank my good friend, the gentleman from New York for his sponsorship, again, of this important resolution and certainly thank him for his insights and understanding of the current situation that we're faced with as far as dealing with North Korea.

Mr. Speaker, the geopolitical situation now, the realities and the development as a result of North Korea's latest activities now, makes it absolutely necessary for the United States to strengthen our alliance and partnership with South Korea.

The security alliance between the United States and Korea has been pivotal ever since it was forged through much shedding of blood during the Korean War some 60 years ago. As I recall, over 33,000 of our men and women in military uniform died as a result of that terrible conflict known as the Korean War.

Without question, South Korea has remained a steadfast U.S. ally, especially in our time of need, whether it be the horrific conflict of Vietnam, where I personally served at the time, where some 50,000 South Korean soldiers were right there fighting alongside the members of our Armed Forces there at that time. When we needed assistance in Iraq, Afghanistan, Lebanon, and other global hotspots, South Korea responded affirmatively and dependably as our ally. The foundation of our friendship and alliance is unshakeable. Through our shared values and common history, we are able to meet global challenges together, ranging from terrorism to the current crisis in North Korea.

Mr. Speaker, our economic and trade relationship with South Korea is one of the strongest in Asia, and currently South Korea is our seventh-largest trading partner in the world. In 2007 our two countries concluded a free trade agreement that now awaits approval by our Congress as well as the Korean National Assembly.

In my opinion, Mr. Speaker, the U.S.-Korea Free Trade Agreement will bring tremendous benefits to both of our countries. The International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the agreement would increase our GDP by about \$11 billion a year. The agreement will also eliminate regulatory and other nontariff barriers that have historically restricted access by farmers, manufacturers, and service providers. And to the South Korean market, with growing difficulties and the health of our economy, in my opinion, this proposed agreement will be a win-win situation: a win for our workers, a win for our businesses, and a win for our consumers.

But perhaps the most compelling argument supporting a free trade agreement with this important ally of ours is the very reason that we are gathered here in support of House Resolution 309. The geopolitical factors in East Asia and North Korea's recent destabilizing actions necessitates a firm and tangible U.S. commitment in the region. And realizing that the free trade agreement would send the right message to both North and South Korea that we seek an even stronger and more comprehensive economic and trade relationship with our important ally, the Republic of Korea.

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

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the ranking member of the Subcommittee on Terrorism, Nonproliferation and Trade, the Member from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of Congressman PETER KING of New York's

legislation. I think it's very important at this point in time to recognize, as we have discussed today, the importance of that relationship that we have with South Korea and to recognize also just how much of a test North Korea's provocative actions have been for our allies in South Korea.

If we think back to the aftereffect of the Korean War and how South Korea lay in ruins and think today about the fact that South Korea has one of the highest per-capita incomes in the world and yet we look at North Korea and it has the lowest, it is truly dramatic. I have been in North Korea, and it's phenomenal to me to see the kind of devastation that that misrule has led to in terms of the population, the stunted growth, the malnutrition that you can see when you meet people. But particularly for our friends in South Korea, who today are one of our strongest trading partners, particularly for them at this point in time, when we see this North Korean foreign policy, which has always been aggressive but lately has included long-range missile tests; has included three-stage ICBMs; includes booting U.N. inspectors from the country; the sentencing of Laura Ling and Euna Lee, two young American journalists, sentencing them to 12 years hard labor; the ongoing counterfeiting of U.S. \$100 bills; missile proliferation out of North Korea; drug trafficking and other illicit activities, so many illicit activities that I think some of us are confounded by the fact that almost half of the hard currency that goes into that regime is money they make through illicit activities. And now North Korea has conducted a second underground nuclear test in 3 years. We are in the midst of a leadership struggle, and many expect as a result more provocations, more missile tests, even more nuclear tests perhaps over the ensuing months.

Weeks after the North Korean test, the U.N. Security Council has passed a watered-down resolution. And just as the previous administration did after North Korea's October 2006 nuclear test, this U.N. action will be touted. It will be touted by our spokesman as an effective response. Well, we've heard this story before, unfortunately. It is not an effective response, and it is because, frankly, with the lowest common denominator U.N. resolution approach, where China and Russia get that opportunity to water down that resolution so that it won't be enforced effectively, frankly, we come to a conclusion. And the conclusion for me—and I've followed this issue for many years—is that the United States can achieve an awful lot by deploying measures to further undercut North Korea's economy and to target its proliferation activities. We have found that the source of doing that before; we should do it again.

Past attempts to squeeze the wallet of North Korea have proven very suc-

cessful. When banks from across Asia refused to do business with the North Koreans after a bank in Macau was shut down by U.S. sanctions for laundering counterfeit U.S. currency for North Korea, it brought enormous pressure. It was at a point in North Korea where the previous ruler, Kim Jong Il, temporarily the ruler, could not pay his generals. And that was until this effort was dropped with the belief that North Korea would bargain its nuclear program away. Those sanctions were lifted. North Korea got back on its feet. The work that they were doing on missile proliferation could begin again because they had the hard currency again.

There were reports that North Korean counterfeiting of our \$100 bills has been ramped up in recent months. News reports indicate that South Korea has given us the information on between 10 and 20 North Korean bank accounts, most of them in China, one of them in Switzerland. One former U.S. official has called that Macau bank—and I have been in Macau and we have seen those \$100 bills—he calls that the tip of the iceberg of North Korean illicit activity.

We know what to do now. We know what worked in terms of shutting them down when we were willing to do it. So if we have the will, we can do that again.

Mr. Speaker, North Korea's second nuclear test in 3 years offers a silver lining: clarity of the intentions of that regime. In case we didn't know it before, in case we didn't suspect it when we found that they were helping Syria on the banks of the Euphrates, when they were helping Syria develop a nuclear program, North Korea has dropped the pretense of being willing to negotiate away its nuclear program. We have learned, as PETER KING, our colleague from New York, has told us, about the work done on uranium enrichment in addition to the plutonium program. They had a secret underground program that they never divulged to us.

South Korean President Lee Myung-bak, who will be visiting Washington this week, advocated for a new approach with respect to the Six-Party Talks in a weekend interview. That South Korea, our ally for over 60 years, is pressing for a fresh approach should speak volumes to us, and I hope we are listening.

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

I want to thank my good friend and colleague the gentleman from California for his comments, certainly one of the most recognized experts that we have in the House as far as issues dealing with the Korean Peninsula. I do thank him for his thoughts and sentiments on this important issue.

Once again, Mr. Speaker, I wish to thank my good friend the gentleman

from New York (Mr. KING) and also Mr. MEEKS for offering this important resolution and especially also the chairman of our committee, Mr. BERMAN, and also our senior ranking member, Ms. ROS-LEHTINEN, for their leadership and their support in bringing this bill before the floor.

I ask my colleagues to join me in supporting this resolution and offering President Lee our best wishes for a pleasant visit to Washington and a successful summit with President Obama sometime this week.

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

Mr. BILIRAKIS. Once again, I want to thank my good friend PETER KING, the ranking member of the Homeland Security Committee, for introducing this very important resolution, very timely as well. And I urge quick and unanimous passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today to convey the importance of the passage of H. Res. 309, which urges North Korea to cease all hostile rhetoric and activity toward the Republic of Korea. In the interest of the Korean people, it is imperative that Korea begin to engage in a dialogue in an effort to improve inter-Korean relations. Development can only come about with sincere and diplomatic communication via inter-Korean engagement.

North Korea's nuclear and missile program, and their suspected proliferation, is one of the gravest threats to international peace and stability in Northeast Asia and beyond. The time has come for the North Korean regime to abandon its nuclear weapons and all nuclear programs, and revert to the Non-Proliferation Treaty (NPT) post haste. Yet North Korean leadership continues to pursue its nuclear ambitions while up to 2,000,000 North Koreans reportedly starved to death during the late 1990s and hundreds of thousands fled North Korea in search of freedom and food.

Given the urgency of timing and development on the issue of North Korea's nuclearization, President Obama noted in a call with the Republic of Korea's President Lee Myung-Bak on February 3, 2009, that recent events underscore the immediate need for the United States and the Republic of Korea to work together even more closely to achieve complete and verifiable denuclearization of North Korea. As North Korea continues to pursue proliferation, time is running out for the plausibility of comprehensive denuclearization. On February 10, 2009, Secretary of State Hillary Clinton stated that North Korea needs to understand that all of the countries in East Asia have made it clear that North Korea's recent behavior is viewed as unacceptable. Furthermore, on February 20, 2009, Secretary of State Hillary Clinton stated, in a joint press conference with the Republic of Korea's Foreign Minister Yu Myung-hwan, that the United States and the Republic of Korea maintain a joint resolve to bring about the complete and verifiable denuclearization of North Korea through the Six-Party Talks. Secretary of State Clinton also stated that North Korea will not be establishing a new and different relationship with the United States while simultaneously in-

sulting and refusing dialogue with the Republic of Korea.

H. Res. 309 additionally requires North Korea's compliance with U.N. Security Council Resolution 1718, which prevents a range of goods from entering or leaving the Democratic People's Republic of Korea and imposes an asset freeze and travel ban on persons related to the nuclear-weapon program, should North Korea's pursuit of nuclearization not cease immediately. The strategic importance of the strong alliance between the United States and the Republic of Korea cannot be overstated. Such an alliance is necessary in promoting peace and prosperity on the Korean Peninsula and in Northeast Asia, and should be recognized.

In conclusion, we have reached a point in time where North Korea must cease their proliferation efforts. Additionally, North Korean leadership should scale back their weapons program by aiming to prevent illicit trafficking in nuclear, chemical or biological weapons. In order to implement change for the people of Korea and improve its image in the international arena, it is necessary that North Korea engage in inter-Korean dialogue. I urge passage of this important resolution.

Mr. GARRETT of New Jersey. Mr. Speaker, yesterday morning, President Barack Obama welcomed to our nation's capital Lee Myung-bak, President of the Republic of Korea (South Korea). President Lee's friendship and alliance with this country is an integral part of the United States' policy in Northeast Asia, specifically as it relates to the Democratic People's Republic of Korea (North Korea). I join President Obama in welcoming President Lee to the United States. On behalf of the Fifth District of New Jersey, I thank President Lee for his leadership in the region and wish him and his nation well.

Though separated by an ocean, the interests of our two nations are joined in the face of current events. The nuclearization of North Korea poses a danger to the security of both the United States and South Korea. There can be no mistake: the threats of Pyongyang cannot be ignored, nor can they be tolerated. North Korea must cease its pursuit of nuclear technology and reengage in dialogue with its neighbor on the Korean Peninsula.

On Monday, the House passed H. Res. 309, of which I was pleased to be an original co-sponsor. This bipartisan resolution calls on North Korea to cease its hostile rhetoric, discontinue its nuclear program, and engage in mutual dialogue with South Korea. An immediate end to North Korean aggression is the only acceptable resolution to this conflict.

Continued North Korean hostility will only serve to harden inter-Korean relations and result in the further destabilization of the region. The policy of the U.S. must be to reject any nuclear aspirations or antagonistic rhetoric on the part of North Korea and its leadership. We should not relent, nor should we apologize for implementing economic sanctions against the North. Rather, we should make it clear that additional economic and diplomatic consequences are in store if North Korea continues its reckless course.

North Korean hostility not only endangers South Korea, the United States, and our allies; it poses a danger to the North Korean people

as well. Kim Jong-il has drawn his people into a conflict they have not sought. While the dictator pursued nuclear arms and other weaponry, millions of North Koreans have starved to death in the last two decades. The posture of their leader is a poor representation of the North Korean people.

I support President Obama in the steps he has taken to censure North Korea's recent hostilities. I now urge the Administration to continue using diplomatic pressure to disarm North Korea and encourage bilateral discussions between the North and the South.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALDOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 309, as amended.

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

A motion to reconsider was laid on the table.

HONORING SUMO WRESTLER TAKAMIYAMA DAIGORO

Mr. FALDOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 479) honoring the contributions of Takamiyama Daigoro to Sumo and to United States-Japan relations.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 479

Whereas Takamiyama Daigoro was born Jesse Kuhaulua in Maui, Hawaii, on June 16, 1944;

Whereas Takamiyama Daigoro entered professional Sumo, an ancient Japanese sport with origins spanning over several centuries;

Whereas Takamiyama Daigoro was the first United States born sumo wrestler and also became the first foreigner to win the top division championship of Sumo in 1972;

Whereas upon his 1972 victory, United States Ambassador Robert Ingersoll read a congratulatory message from President Richard Nixon, marking the first time English words were spoken at a sumo tournament;

Whereas Takamiyama Daigoro competed in over 1400 matches, established numerous records, and earned many awards over his 20-year career;

Whereas Takamiyama Daigoro became the first and only foreign born wrestler to become an oyakata, or training master, by establishing a training stable for sumo wrestlers;

Whereas Takamiyama Daigoro paved the way for Polynesian and other foreign wrestlers to compete in this traditional ancient sport including Saleva'a Atisano'e, also known as Konishiki, who became the first foreigner to reach ozeki, the second highest sumo rank, Chad Rowan, also known as

Akebono, who became the first foreigner to reach yokozuna, the highest sumo rank, and Fiamalu Penitani, also known as Musashimaru, who became the second foreigner to reach yokozuna; and

Whereas Takamiyama Daigoro is retiring on June 16, 2009, at the mandatory retirement age of 65; Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Takamiyama Daigoro's achievements to Sumo and his contributions to enhancing United States-Japan relations; and

(2) encourages the international community to recognize the successes of Takamiyama Daigoro in Sumo.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

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

I rise in strong support of this resolution, recognizing the contributions of Takamiyama Daigoro to the sport of sumo wrestling, the most ancient sport in Japan, and to the U.S.-Japan relationship.

Mr. Speaker, June 15, 2009, marks the day before Takamiyama's 65th birthday, when those in sumo must retire.

Over the course of this exceptional 45-year career, Takamiyama Daigoro not only achieved great success as a sportsman but also built enduring bridges between the United States and the people and the Government of Japan.

Jesse Kuhaulua, that is his real Hawaiian name, known professionally in Japan as Takamiyama Daigoro, was a trailblazer in the sport of sumo wrestling in every sense of the word.

□ 1500

He was born in the great State of Hawaii and became the first U.S.-born wrestler to enter the sport of sumo in Japan. When he came to Japan to enter the dohyo, the sumo wrestling ring, he was new to Japan; and despite having no prior experience in Japan with sumo wrestling, he quickly mastered the sport's physical and unique traditions. He also mastered the Japanese language and the nuances of the Japanese culture. Takamiyama competed in over 1,400 matches, winning 12 kinboshi or gold stars, and 11 sansho, or special prizes. In 1972 he became the first foreigner to win the Emperor's Cup, the

top division championship in the sport of sumo wrestling. After that victory, U.S. Ambassador Ingersoll read a congratulatory message from President Nixon, marking the first time English words were ever spoken at a sumo tournament. Takamiyama Daigoro to this day is the first and only foreigner to open his own training stable for sumo wrestlers. I urge my colleagues to support the passage of this resolution.

I reserve the balance of my time.

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

I rise in support of this resolution, which gives long overdue recognition to the accomplishments of sumo champion Takamiyama Daigoro, who won Japan's top division sumo championship in 1972. This native son of Hawaii, also known as Jesse Kuhaulua, was the first foreigner to achieve this distinction since competitive sumo tournaments first appeared in the 16th century. Athletes have long been recognized as goodwill ambassadors who can often promote international understanding more effectively than professional diplomats. For example, 2 years ago former Secretary of State Condoleezza Rice named baseball legend Cal Ripken, Jr. as a goodwill ambassador to expand the role of athletes in diplomacy. Mr. Daigoro, who retires tomorrow from the professional ring at age 65, has spent three and a half decades using his athletic skills to promote understanding and friendship between the people of the United States and the people of Japan. I, therefore, join Ms. HIRONO and my congressional colleagues from the Aloha State in supporting this resolution, which offers congratulations and thanks to this outstanding athlete for his remarkable record in sumo, for his role in diversifying that which had previously been exclusively a Japanese sport, and for his service as an athletic goodwill ambassador to our close ally, Japan, for the past 37 years.

Happy birthday, Jesse. Thank you for your many accomplishments, and good luck in your future endeavors.

I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, at this time I would like to yield all the time that she may want to consume to the chief sponsor of this bill, my good friend, the gentlelady from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I would like to thank the chairman for yielding time and for being an original cosponsor of my bill, along with my colleague NEIL ABERCROMBIE. I would also like to thank the previous speaker for his very kind and knowledgeable remarks, and you pronounced his name correctly, too, which is wonderful. Thank you.

H. Res. 479 recognizes the contributions of Jesse Kuhaulua, known professionally as Takamiyama Daigoro, a trailblazer in the sport of sumo wres-

ting. Maui born and a graduate of Baldwin High School in Wailuku, Jesse made his debut as an aspirant in Japan's national sport in the winter of 1964 in Osaka. At the time he knew little of the Japanese language and the subtleties of the sport itself. In this initial test, he wondered if his stay in Japan would be counted in weeks or months. Today Takamiyama Daigoro will retire from a 45-year long sumo career filled with historic milestones. This marks the day before his 65th birthday when senior members of the sport must retire. Takamiyama Daigoro was the first United States-born wrestler to enter the sport of sumo. In 1972 he became the first foreigner to win the Emperor's Cup, a top division championship in the sport. He was also the first foreign-born wrestler to climb to sumo's third-highest rank of sekiwake. Takamiyama also stands as the only foreigner to open his own heya, or stable, in order to train future generations in the sport after he stopped actively competing himself. Takamiyama opened the door for others from Hawaii to join him in this most ancient of sports. This group includes Saleva'a Atisano'e, also known as Konishiki, who became the first foreigner to reach the second-highest rank of ozeki; Chad Rowen, also known as Akebono, who became the first foreigner to hold the highest rank of sumo, that of yokozuna; and Fiamalu Penitani, also known as Musashimaru, who became the second foreigner to hold the title of yokozuna. Today foreigners from other countries, such as Mongolia, Russia and Georgia, have attained higher rankings and remarkable acclaim in this most ancient of Japanese sports.

I urge my colleagues to support this recognition of Jesse Kuhaulua, a true ambassador of the aloha spirit.

Mahalo nui loa.

Mr. FALEOMAVAEGA. Will the gentlelady yield?

Ms. HIRONO. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend and thank my good friend, my colleague from Hawaii, for sharing with us her statement concerning these outstanding athletes. It may be known to my colleagues in the House, but just to give you an indication of what these gentlemen look like—Takamiyama, he is about 6'4", and he weighed 350 pounds at the height of his ability to do sumo wrestling; Konishiki, who happens to be a relative of mine, weighed only 560 pounds, and he was about 6'0" in height; Akebono, Chad Rowens, is about 6'8", and he weighed almost 500 pounds and so was Musashimaru, both yokozunas, which is the highest level of the championship in Japanese sumo wrestling. Musashimaru, Fiamalu Penitani, was about 6'4" and weighed almost 500 pounds as well. Don't be

misled by the fact that these gentlemen may be heavy. They say that in sumo wrestling, with one little push or shove from one arm, they can literally hurt you. I've personally seen the training that these gentlemen go through, about 6 or 7 hours a day, in building their—and they have to do the splits. So believe it or not, these gentlemen can do the splits just like you would in doing ballet dancing, if you will, in terms of the conditioning and the ability that they have to really strengthen themselves when they go to the mat and conduct this ancient sport of sumo wrestling.

Again, I do want to thank my good friend, the gentlewoman from Hawaii.

Ms. HIRONO. I would like to note in closing that a very famous singer, who sadly has passed away, named Israel Kamakawiwo'ole wrote a wonderful song about our Hawaiian sumo wrestlers, calling them gentle giants.

Mr. FALÉOMAVAEGA. I also want to note to the gentlelady that Konishiki and I had prepared one of our relatives who was about 18 years old, is only about 6'10", and he weighed 450 pounds. For one whole year, we tried to get him into sumo wrestling; and unfortunately, the Sumo Federation refused to allow more Polynesians to participate in this ancient sport of wrestling.

With that, Mr. Speaker, I also want to again thank my good friend for her sponsorship and the many sponsors of this important resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALÉOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 479.

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

A motion to reconsider was laid on the table.

LAREDO VETERANS POST OFFICE

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2325) to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2325

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

SECTION 1. LAREDO VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, shall be known and designated as the "Laredo Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Laredo Veterans Post Office".

The SPEAKER pro tempore (Ms. HIRONO). Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

Mr. LYNCH. I now yield myself as much time as I may consume.

Madam Speaker, I am pleased to present for consideration H.R. 2325, which is legislation to designate the United States postal facility located at 1300 Matamoros Street in Laredo, Texas, as the Laredo Veterans Post Office. Introduced by my colleague Representative HENRY CUELLAR of Texas on May 7, 2009, and reported out of the Oversight Committee by unanimous consent on June 4, 2009, H.R. 2325 enjoys the support of the entire Texas House congressional delegation. As evidenced by the short title of the bill, the legislation before us seeks to pay tribute to all the brave men and women from the city of Laredo, Texas, as well as the State of Texas and across the United States who have served our Nation in the United States military both at home and abroad. Over 23 million American military veterans are currently living in the United States, including nearly 2 million veterans living in the State of Texas alone. These fine Americans as well as those that are no longer with us have devoted their lives to the defense and security of our Nation, notwithstanding the great personal risk and sacrifice they must endure. We are eternally in their debt and forever grateful for their noble and selfless dedication to our Nation and the preservation of its founding principles.

Madam Speaker, I again want to thank the gentleman from Texas (Mr. CUELLAR) for being the lead sponsor of this legislation and offering such a thoughtful and considerate measure in honor of his constituents. With that, let us also pay tribute to the distinguished service of our veterans from the city of Laredo, from the State of Texas and across the Nation by designating the Laredo Post Office in their honor. I urge my colleagues to join me and Representative CUELLAR in supporting H.R. 2325.

I reserve the balance of my time.

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

Today I urge passage of the bill designating the facility of the United States Postal Service in Laredo, Texas, as the Laredo Veterans Post Office.

Madam Speaker, the deeds, accomplishments and the many services of the individuals of Texas who have served our Armed Forces are written in the archives of American history. Their deeds and these military personnel occupy an important role in our own history; and in this regard, the citizens of Texas and the city of Laredo set a high standard for courage and for service for those of us in this country. Today I ask that we honor these brave Texans for their service and commitment and heroism in defense of America, thus designating the United States post office in Laredo in their honor.

Madam Speaker, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, at this time I would like to yield 5 minutes to the lead sponsor of this legislation, the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Thank you, Mr. LYNCH. I appreciate the leadership that you've shown not only on this bill but on the committee also. We thank you for the work that you've done. Mr. BILBRAY, thank you also for the work that you've done; and thank you, again, for serving in a bipartisan way on the Oversight Committee.

I rise in support of H.R. 2325 to name the post office at 1300 Matamoros Street in Laredo, Texas, as the Laredo Veterans Post Office. When you look at the history of Texas, the State of Texas, the city of Laredo, you will see that in that history, the veterans have played a very important role.

□ 1515

The veterans of Laredo, Texas, have served in a very distinguished way in many of the wars we have had. Many of them have sacrificed in World War I, World War II, the Vietnam War and Korea, and in other conflicts we have had, up to the latest war we have.

I think it is only appropriate that we name the post office, which is in front of a plaza where it is also recognized as a way that we have recognized the veterans. It is placed in an appropriate place.

Madam Speaker, I would ask Members to please join me in support of H.R. 2325, where we name the post office at 1300 Matamoros Street after the brave men and women that we have in Laredo, to be named as the Laredo Veterans Post Office.

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

Mr. LYNCH. Madam Speaker, I just urge our colleagues to join with Congressman CUELLAR in naming this post office in memory and in honor of our United States and Texas veterans.

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

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

the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2325.

The question was taken.

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

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

The yeas and nays were ordered.

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

KILE G. WEST POST OFFICE BUILDING

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2422) to designate the facility of the United States Postal Service located at 702 East University Avenue in Georgetown, Texas, as the "Kyle G. West Post Office Building", as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2422

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

SECTION 1. KYLE G. WEST POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, shall be known and designated as the "Kyle G. West Post Office Building".

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 2422, as amended, for consideration this afternoon.

The bill before us will designate the United States postal facility located at 702 East University Avenue in Georgetown, Texas, as the "Kile G. West Post Office Building." Introduced by our

colleague Representative JOHN CARTER of Texas on May 14, 2009, and reported out of the Oversight and Government Reform Committee on June 4th, 2009, by unanimous consent, H.R. 2422 enjoys the support of the entire Texas House delegation.

A resident of Hutto, Texas, First Lieutenant Kile G. West bravely served in support of Operation Iraqi Freedom with the United States Army's 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, out of Fort Hood, Texas.

On Memorial Day, May 28, 2007, First Lieutenant West and four fellow members of his unit were killed in Abu Sayda, Iraq, when their Bradley Fighting Vehicle was struck by an improvised explosive device. The soldiers had been out on a rescue mission in support of comrades who had been downed in a helicopter.

After graduating in 2001 from Hutto High School in Texas, First Lieutenant West attended Blinn College and subsequently received a degree in business management from Stephen F. Austin State University in 2005.

In pursuit of his lifelong dream to serve in the United States military, First Lieutenant West joined the ROTC program at Stephen F. Austin as a junior, and eventually rose to sergeant in the Texas National Guard out of Lufkin, Texas. Included among Kile's National Guard duties were assisting in the Columbia shuttle recovery efforts in 2003, as well as serving in Louisiana following Hurricane Katrina. Kile was commissioned into the United States Army as a second lieutenant on the eve of his college graduation ceremony and subsequently deployed to Iraq on October 3, 2006.

In addition to his dedication to his unit and his country, Kile is equally remembered for his devotion to his family and to his friends. As recalled in a May 31, 2007, article in the Austin American-Statesman, Kile was a devoted son, a protective big brother, and a loyal friend who is still known in his old neighborhood for rounding up friends to take care of a local grackle problem while all the adults were at work.

Mr. Speaker, First Lieutenant Kile West's life stands as a testament to the bravery and devotion of the heroic men and women who have served and continue to serve our Nation at home and abroad. It is my sincere hope that we can honor this young soldier through the passage of H.R. 2422 and rename the Georgetown, Texas, postal facility as the Lieutenant Kile G. West Post Office Building. I urge my colleagues to do the same.

I reserve the balance of our time.

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

Mr. Speaker, I rise today in support of this bill to designate the facility of the United States Postal Service located at 2300 Scenic

Drive in Georgetown, Texas as the "Kile G. West Post Office Building."

Kile Grant West was born on July 12, 1983, in Pasadena, Texas. He was an all American guy who enjoyed Texas country music, a good barbeque, football, and his friends and family. He was known as a goal orientated individual who from the very early age of four, when he started playing army, knew he wanted to join the military.

Always a team player, he played four sports at Hutto High School where he learned leadership and the ability to succeed in a group.

Lieutenant West attended Blinn Junior College his freshman year and transferred to Stephen F. Austin State University where he joined the SFA ROTC program as a junior and simultaneously became a sergeant in the National Guard in Lufkin.

He was also very active on campus as the secretary of Delta Chi Fraternity where he was asked to serve as president, but he declined to focus on his military career.

After graduating from college in 2005, he was assigned to Fort Hood and was deployed for Iraq on October 3, 2006. While stationed in Iraq, Lieutenant West was promoted to 1st lieutenant on Memorial Day, 2007. Sadly, that was the last day of life for this brave young soldier. During combat action in Abu Sayda, Iraq, Lieutenant West died while attempting to rescue the flight crew of a downed aircraft.

As a result of his heroic actions on that day, May 28th, 2008, he was awarded the Army Bronze Star for Heroism and the Purple Heart.

The citizens of the United States and Lieutenant West's family and friends will forever be proud of this man who stood and fought so bravely for his country. With gratitude for his bravery and sacrifice to his country, I ask all members to join me in supporting H.R. 2422, so his memory, like those who served before him, will not be forgotten.

Mr. LYNCH. Mr. Speaker, I reserve my time.

Mr. BILBRAY. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the great State of Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I thank the gentleman for yielding, and I thank both of my colleagues for going forward on this resolution today for First Lieutenant Kile G. West.

As has been said, Kile G. West died with four other soldiers on May 28, 2007, in Abu Sayda, Iraq. This happened when an improvised explosive device struck their vehicle.

Kile graduated from Hutto High School in Williamson County, Texas, and went on to achieve the rank of sergeant in the Texas National Guard while serving as a cadet in the ROTC program at Stephen F. Austin University and serving as secretary of the Delta Chi fraternity.

He graduated and took his oath into the United States Army as a second lieutenant in December of 2005. In January of 2006, Lieutenant West went to Fort Sill, Oklahoma, for officers training, and then in June of 2006 was assigned to Fort Hood, Texas, where he was a field artillery officer for the 1st

Cavalry Division, 3rd Brigade, 6th Squadron, 9th Regiment, Apache Troop. Kile deployed to Iraq on October 4th, 2006, and was promoted to first lieutenant the morning before his death on Memorial Day, May 28, 2007.

On a voluntary rescue mission to save the crew of a downed helicopter, his Bradley was hit by an IED en route to save the pilots. Kile was due home for R&R 2 weeks before his death and 6 weeks before his 24th birthday. Kile received the Purple Heart and Bronze Star among his awards. He was also honored with the Valor Award from his fraternity, Delta Chi.

This young man is one of those many, many American heroes that we have seen go out and stand up for freedom in the name of the United States of America. I would ask that we pass H.R. 2422, naming the post office in Georgetown, Texas, after this young warrior.

Mr. BILBRAY. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I just join with the gentleman from Texas (Mr. CARTER) for the purpose of supporting this measure which will honor First Lieutenant Kile West.

I yield back the balance of our time.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2422, as amended.

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

The title was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the 'Kile G. West Post Office Building'."

A motion to reconsider was laid on the table.

LIEUTENANT COMMANDER ROY H. BOEHM POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2470) to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2470

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

SECTION 1. LIEUTENANT COMMANDER ROY H. BOEHM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, shall be known and designated as

the "Lieutenant Commander Roy H. Boehm Post Office Building".

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I stand for the consideration of H.R. 2470, legislation that designates the United States Postal Service facility located at 19190 Cochran Boulevard, FRNT, in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building".

Introduced by Representative THOMAS J. ROONEY on May 18, 2009, and reported out of the Government Reform and Oversight Committee on June 4, 2009, by unanimous consent, H.R. 2470 enjoys the support of Florida's entire House congressional delegation.

A longtime resident of Punta Gorda, Florida, Lieutenant Commander Roy Boehm served with distinction in the United States Navy for over 30 years. Lieutenant Commander Boehm enlisted in the United States Navy in April of 1941 at the age of 17. His subsequent and remarkable Navy career included service in World War II, the Korean War and the Vietnam War, and resulted in his receipt of nearly 30 military awards, including the Purple Heart, the Bronze Star with Valor Device and the Meritorious Service Medal.

Notably, Lieutenant Commander Boehm's extensive combat experience over the course of three wars led him to determine that highly specialized and diverse training would give his men a significant tactical advantage in the conduct of unconventional warfare. Accordingly, in 1960, Lieutenant Commander Boehm began developing, designing and assembling an elite special operations unit within the United States Navy that would later become known as the Navy SEALs. In fact, Commander Boehm was the first officer in charge of the Navy SEAL team, which is why he became known as the first United States Navy SEAL.

United States Navy Admiral Whitey Taylor acknowledged Lieutenant Com-

mander Boehm's influence on the SEAL program in a 1997 letter to Boehm where it says, "John F. Kennedy was right. The U.S. Navy SEALs will bear your mark as long as they and the freedom they fight for continues to exist," wrote Admiral Taylor.

In addition to his distinguished military service, Lieutenant Commander Boehm was equally admired for his longstanding support of military veterans within his Punta Gorda community.

Regrettably, Lieutenant Commander Boehm passed away on December 30, 2008, at his Punta Gorda home at the age of 84. It is my hope that we can somehow honor his outstanding legacy and service to our country through the passage of H.R. 2470 and by designating the Port Charlotte Postal Facility on Cochran Boulevard in his honor.

I urge my colleagues to join me in supporting H.R. 2470.

I reserve the balance of my time.

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

I rise today in support of H.R. 2470, legislation to have the United States Post Office Building located at Port Charlotte, Florida, designated as the Lieutenant Commander Roy H. Boehm Post Office.

Mr. Speaker, there are many accomplishments that Lieutenant Commander Boehm made as he served this country in many ways, as the gentleman from Massachusetts has pointed out. But for me personally, as somebody who grew up in a neighborhood full of United States SEAL team members, the San Diego area and specifically the Coronado area, I would just like to say that Commander Boehm is going to go down in history as a man who transformed what was the UDT, basically the Underwater Demolition Team, transformed that concept into what we know today as the SEALs.

I think today that we need to take this action not just for the commander, but for the men that serve every day as SEAL team members out there that you will not hear about. But their deeds are great and many. But we don't hear about them, mostly because so many of them are covert.

□ 1530

I have to say that from everything, from saving the victims of piracy to defending our camps around the world, the SEALs have proven their value to this country. Commander Boehm made this possible, and I think that is why it's so appropriate that we join today in naming this post office. Today the Navy SEALs are known around the world, but when the commander started, nobody even hardly knew what a UDT member was. And largely because of Commander Boehm, we can thank the entire service that we know now today as the SEALs.

I ask my fellow Members of Congress to join me in honoring Commander

Boehm by recognizing his many life achievements, his valor, his contribution to the armed services of the United States and, particularly, through his participation in the creation of that group the world knows as the United States Navy SEALs.

I reserve my time.

Mr. LYNCH. Mr. Speaker, we have no further speakers on this. I continue to reserve our time.

Mr. BILBRAY. Mr. Speaker, at this time I will yield back the remainder of my time.

Mr. LYNCH. I thank the gentleman from California for his words in support of this measure.

I also want to thank Congressman ROONEY for being the lead sponsor here, the gentleman from Florida.

In closing, I again urge my colleagues to join me in honoring Lieutenant Commander Roy Boehm for his good work through the passage of H.R. 2470.

Mr. ROONEY. Mr. Speaker, I think it is appropriate that my first bill to be considered on the House floor is to honor a distinguished veteran who passed away in December of last year. Lieutenant Commander (LCDR) Roy Boehm was a true American hero and longtime resident of Punta Gorda, FL which I am honored to represent.

Mr. Boehm was a retired Navy Lt. Commander and was the first officer in charge of SEAL Team 2, one of the original Navy SEAL teams. Many would say that he was the first SEAL.

H.R. 2470 names the post office located at 19190 Cochran Blvd. in Port Charlotte after Lieutenant Commander Boehm. LCDR Boehm enlisted in the Navy in 1941 and fought during World War II, Korea and Vietnam. In 1942, he participated in the Battle of Cape Esperance and Guadalcanal during WWII. He also was involved in action in Kerama Reto and Okinawa.

During his service, LCDR Boehm obtained qualifications in deep sea diving, deep submergence rescue chamber operator for submarine rescue, experimental diving, and salvage diving. He graduated from both Airborne and Ranger Training.

In 1961, under orders from President Kennedy LCDR Boehm developed and launched the Navy's elite Sea, Air, and Land forces unit known as the SEALs. LCDR Roy Boehm set the standard for the Navy SEALs of today and he is missed.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2470.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING HILLEL FOUNDATION

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 493) recognizing the significant contributions of Hillel: The Foundation for Jewish Campus Life to college campus communities in the United States and around the world.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 493

Whereas Hillel: The Foundation for Jewish Campus Life was founded at the University of Illinois, Urbana-Champaign in 1923 and has become the world's largest Jewish campus organization, serving Jewish college students on over 500 campuses across the globe;

Whereas Hillel has been an important partner to universities by providing resources, programs, and other forms of support to the entire campus community;

Whereas Hillel has been at the forefront of breaking down discriminatory barriers to students of all backgrounds on college campuses for 85 years;

Whereas Hillel has contributed to the Nation's preeminence in science, industry, and the humanities by helping generations of students attain the dream of higher education;

Whereas Hillel has contributed to United States history by providing armed service personnel with counseling prior to World War II, welcoming GIs back to campus following the war, and sponsoring European refugees on campuses during and after the war, including the late Chairman of the House Foreign Affairs Committee Tom Lantos;

Whereas Hillel has educated students about American values and has helped them to provide leadership for social justice causes, including the civil rights movement, the campaign to free Soviet Jewry, the effort to stop the genocide in Darfur, and the promotion of AIDS Awareness and interfaith understanding;

Whereas Hillel has been at the forefront of educating campuses about Israel, an ally of the United States;

Whereas Hillel has helped to provide students with the tools to combat anti-Semitism on campus; and

Whereas Hillel continues to contribute enormously to civil society by providing service-learning opportunities for thousands of students in the United States and abroad: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports Hillel's mission of service to Jewish college students and partnership with the campus community; and

(2) congratulates the students, lay leaders, and professionals of the Hillel movement on reaching its milestone 85th birthday.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 493 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

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

Mr. Speaker, I rise today to recognize the significant contributions that Hillel: The Foundation for Jewish Campus Life has made towards colleges and universities around the United States.

Hillel began as an organization 85 years ago at the University of Illinois Urbana-Champaign. Benjamin Frankel developed the organization as an opportunity for Jewish students to affirm their heritage during a time of anti-Semitism. The advent of World War II, and the horror of the Holocaust, only further justified the need for Hillel as a campus organization.

During the war, Hillel counseled soldiers, welcomed GIs back to campus, and sponsored European refugees. One of these refugees was the late chairman of the House Foreign Affairs Committee, Tom Lantos.

Today Hillel is the largest Jewish campus organization in the world. Hillel's mission is to enrich the lives of Jewish undergraduate and graduate students so that they may enrich the Jewish people and the world. The organization helps students grow spiritually, intellectually, and socially throughout their college years. Hillel prepares thousands of young adults to enter the world upholding the important ideals of the Jewish faith.

In addition to serving the Jewish community, Hillel serves as a beacon for social justice causes that extend far beyond the Jewish community. The organization champions civil rights, ending the genocide in Darfur, AIDS awareness, and interfaith dialogue and understanding. Hillel is also an important campus advocate for Israel, educating college students about their country's important relationship with Israel. Through these outreach and advocacy efforts, Hillel communicates to our Nation and the world the highest values of the Jewish community.

Mr. Speaker, I encourage everyone to take a moment and appreciate the contributions made by Hillel. I urge my colleagues to pass this resolution.

I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 493, which would recognize the significant contributions of Hillel: The Foundation for Jewish Campus Life to college campus communities in the United States around the world.

Hillel is a Jewish Campus Life organization that has provided support and education to Jewish and non-Jewish students around the world. It was originally named after a sage who moved from Babylonia to Palestine in the first century. His wisdom is the foundation upon which this organization was built.

It was founded in 1923 at the University of Illinois Urbana-Champaign. It provided support to Jewish students throughout the Depression, World War II, and the Holocaust. In 1988 Hillel was reorganized, adopted a new mission statement, and became the organization we recognize today.

For 85 years, Hillel has supported Jewish expression and helped to break discriminatory barriers. Its mission is to enrich the lives of Jewish undergraduate and graduate students so that they may enrich the Jewish people around the world. It provides resources to college students, including grants, educational peer-organized trips and Jewish content. It also educates non-Jewish students to help break down religious and cultural barriers. Hillel is open to any interested college student.

Today, Hillel foundations are found in Israel, South America, and the former Soviet Republics. Affiliated organizations are found in Australia, Canada and Great Britain. Hillel students around the world connect Jewish people and understand Jewish life. Over 600 Hillel professionals are at work around the world engaging Jewish students.

By engaging Jewish students and promoting understanding of non-Jewish students, Hillel has been in the forefront of combating anti-Semitism. In light of recent occurrences at the Holocaust Museum, we are reminded of how important organizations such as Hillel are. Organizations that encourage today's young people to understand each other and to fight discrimination are invaluable to future generations.

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

Mr. SABLAN. Mr. Speaker, does the gentlewoman from Washington have any further speakers?

Mrs. McMORRIS RODGERS. I have no additional requests for time. I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I would like to thank the gentlewoman from Washington also for her fine statement and support of H. Res. 493.

I have no further speakers. I encourage our Members to support H. Res. 493.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H. Res. 493, recognizing the significant contributions of Hillel: The Foundation for Jewish Campus Life on college campus communities in the United States and around the world. I would like to thank my colleague Congressman KLEIN for in-

roducing this important resolution and for all of his work to celebrate Jewish life and fight anti-Semitism.

This past weekend, Hillel marked its 85th anniversary. Every day, for the past 85 years, Hillel has worked to fulfill its mission of enriching the lives of Jewish undergraduate and graduate students, helping them to become leaders in their communities.

Founded at the University of Illinois, Urbana-Champaign in 1923 by Rabbi Benjamin Frankel, Hillel has grown to over 500 campuses around the world. Today, Hillel of Illinois is active on 17 campuses across the state, including three in my district alone, providing opportunities for Jewish students to explore their Jewish identity and create vibrant Jewish life on campuses.

Hillel plays a critical role in encouraging students to be leaders in their communities, championing causes including human rights and social justice. Hillel students have been active on issues ranging from civil rights to freeing Soviet Jewry; from halting genocide in Darfur to promoting the U.S.-Israel relationship. Hillel provides students with the opportunity to engage in their communities and around the world.

Today, 85 years after its founding, Hillel is the largest Jewish campus organization in the world. The organization has supported the broader Jewish community during times of trouble and tragedy and has celebrated the community's triumphs. For the past eight decades, Hillel has helped Jewish students connect with their history, culture, and identity at a crucial moment of self-discovery in their own lives.

I urge my colleagues to join me in supporting this resolution to recognize Hillel on its 85th anniversary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today to urge the passage of H. Res. 493, which recognizes the significant contributions of Hillel: The Foundation for Jewish Campus Life to college campus communities in the United States and around the world. The Hillel program was founded at the University of Illinois, Urbana-Champaign in 1923 and has become the world's largest Jewish campus organization, serving Jewish college students on over 500 campuses worldwide. Since its inception, Hillel has been an important partner to universities by providing resources, programs, and other forms of support to the entire campus community. For over 80 years, Hillel has been at the forefront of breaking down discriminatory barriers to students of all backgrounds on college campuses. Hillel has sought to promote racial tolerance and equality, and for its accomplishments in this arena, Hillel should be recognized.

Moreover, Hillel has been at the forefront in contributing to the Nation's achievements in science, industry, and the humanities by helping generations of students attain the dream of higher education. This incredible and multi-faceted program has made its mark on United States history by providing armed service personnel with counseling prior to World War II, welcoming GIs back to campus following the war, and sponsoring European refugees on campuses during and after the war, including the late Chairman of the House Foreign Affairs Committee, Tom Lantos.

In the realm of social justice issues, Hillel has educated students and has helped them to provide leadership for the civil rights movement, the campaign to free Soviet Jewry, the effort to stop the genocide in Darfur. As a Member of the Foreign Affairs Committee, and Subcommittee on Africa and Global Health, I have worked tirelessly to pass legislation that will halt the genocide in Darfur. The crimes being committed against the people of Sudan are unimaginable, and we must not for a moment forget that they are ongoing. This is an issue I hold near to me, and I commend Hillel for taking on this important and necessary reform.

Hillel has continued to promote AIDS Awareness and interfaith understanding, and has been at the forefront of educating campuses about Israel, an ally of the United States. Such wide reaching tenets of social reform are to be commended, applauded and recognized. H. Res. 493 achieves all three.

In further promulgation of tolerance and respect, Hillel has helped to provide students with the tools to combat anti-Semitism on campus; and Hillel continues to contribute enormously to civil society by providing service-learning opportunities for thousands of students in the United States and abroad.

I stand here today, as a supporter of Hillel's mission of service and education to Jewish college students and beyond, and as a partner with college campus communities, and I congratulate the students, lay leaders, and professionals who are part of the Hillel movement on reaching its milestone 85th birthday.

Mr. KLEIN of Florida. Mr. Speaker, I rise to support the passage of H. Res. 493, a resolution to honor the 85th anniversary of Hillel: the Foundation for Jewish Campus Life.

I would like to thank Congressman TIM JOHNSON for co-authoring this resolution with me. Congressman JOHNSON's district is the home of the first Hillel, founded in 1923.

As my colleagues know well, Hillel is the world's largest Jewish college campus organization, serving students on over 500 campuses around the world.

Last night, with dozens of house parties and celebrations, Hillel celebrated its 85th anniversary.

Hillel has been an important partner to universities by providing resources, programs and other forms of support to the entire campus community. Hillel members, professional staff and lay leaders have educated students about American values and have helped them to provide leadership for causes, including the civil rights movement, the campaign to free Soviet Jewry, the effort to stop the genocide in Darfur, and the promotion of the U.S.-Israel relationship.

I would like to recognize Wayne Firestone, the President of Hillel, originally from South Florida and a University of Miami Hillel alumnus, for his tireless work on behalf of the many causes that Hillel students advance. I would also like to commend Josh Kram, originally from South Florida and a Hillel alumnus at the University of Florida, for helping to coordinate a successful birthday celebration.

Hillel is an important institution that has provided numerous benefits to young people and their communities. It is only appropriate that on this anniversary, Congress recognize

Hillel's achievements in giving back to this country and the world.

I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 493.

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

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS OF FATHERS

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 428) recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 428

Whereas fathers factor significantly in the lives of children;

Whereas fathers play an important role in teaching their children life lessons and preparing them to succeed in school and in life;

Whereas children with involved fathers are more likely to do well in school, have a better sense of well-being, and have fewer behavioral problems;

Whereas supportive fathers promote the positive physical, social, emotional, moral, and mental development of children;

Whereas promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;

Whereas, when fathers are actively involved in the upbringing of children, the children demonstrate greater self-control and a greater ability to take initiative;

Whereas responsible fatherhood can help reduce child poverty;

Whereas responsible fatherhood strengthens families and communities; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the millions of fathers who serve as a wonderful, caring parent for their children;

(2) calls on fathers across the United States to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children;

(3) urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the mental, moral, social, academic, emotional, physical, and spiritual development of children; and

(4) encourages active involvement of fathers in the rearing and development of their

children, including the devotion of time, energy, and resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 428 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 428, which recognizes the immeasurable contributions fathers make in the healthy development of children. On June 21, our Nation will celebrate Father's Day. Many times fathers know just what to say at the most delicate times in our lives. They encourage their children to do their best and show them their dreams are possible. Fortunately, involved fathers can help prepare children to succeed in school, enhance children's emotional development, and reduce childhood poverty. By playing a significant role in the lives of children, active fathers provide additional support for children to succeed.

Fathers create great memories with their children. By going to ball games, ballet recitals, school events, and other similar activities, fathers can generate lasting memories for their kids. Fathers, as role models and mentors, help youth reach their potential.

Unfortunately, many children grow up without fathers. Actually, 25 million children, one out of three, grow up in homes in which their biological fathers do not live. These children are significantly more likely to live in poverty, drop out of school, and engage in risky behavior.

It's imperative that our Nation support parents in their efforts to raise their children. Parenting is an essential part of a child's development, and both mothers and fathers should be best equipped to raise their children.

Today, home visiting programs are great ways to inform parents about the resources they have available. These programs work closely with parents to help fathers and mothers support their children's development.

H. Res. 428 commends the millions of fathers who serve as a wonderful, caring parent for their children. As Father's Day approaches on June 21, this legislation asks fathers to take time out to reconnect with their children.

Father's Day can be used to express love and support for their children.

I also want to note that my wife, Andrea, and my daughter, Patricia, are here in the House gallery today. My son, Jesse, will be here soon as well. Celebrating Father's Day with the three of them here in Washington will make the holiday especially meaningful for me this year, and I am grateful to have this time to spend with my children.

Let us celebrate Father's Day and recognize our Nation's great fathers who, every day, are making important contributions in the lives of their children.

Mr. Speaker, once again, I express my support of House Resolution 428, wish fathers across this country a very happy Father's Day, and acknowledge the importance of fathers in the United States.

I want to thank Representative MCINTYRE for bringing this resolution forward.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 428, which recognizes the immeasurable contributions of fathers in the healthy development of children, supporting reasonable and responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day.

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Here is a quote: "One father is more than a hundred schoolmasters."

George Herbert, the English clergyman and poet, made this statement hundreds of years ago, but it still rings true today. The presence of a father is one of the most important factors in a child's life. In fact, research has consistently shown that the presence of two committed, involved parents directly contributes to better academic performance, reduced substance abuse, less crime and delinquency, fewer emotional and other behavioral problems, less risk of abuse or neglect, and a lower risk of teen suicide.

Research conducted by the National Fatherhood Initiative shows that 24 million children do not live with their biological fathers, that nearly 20 million live in single-parent households and that about 40 percent of children in father-absent homes have not seen their fathers at all in the past year; 26 percent of absent fathers live in different States than their children, and 50 percent of children living absent their fathers have never set foot in their fathers' homes.

These figures are sobering and serve to remind us all of the importance of promoting fatherhood in the country. Our communities, churches and families must work to ensure that every

child in the United States grows up with the love, involvement and commitment of a responsible father.

Fathers also have a responsibility to set aside quality time with their children in ways that can contribute to the well-being of their sons and daughters. Fathers need to realize that the time they spend with their children is really an investment in them. While each father is a unique person who parents in his own style, there are some characteristics that good fathers have in common.

We all know that fathers play a significant role in shaping the characters of their children. By spending time with their sons and daughters, being stern yet fair disciplinarians and by listening to their experiences, fathers mold and shape children into the men and women the children will become. As advisers and role models, fathers help their children to understand the difference between right and wrong and how the decisions they make today can affect the rest of their lives. By demonstrating true leadership, fathers instill important values and prepare their children for the challenges and opportunities ahead. Their love and devotion inspire the future generation of Americans to achieve their dreams and demonstrate the true spirit of our country.

A father is one of the most important influences in a child's life. I want to commend the millions of fathers who are wonderful, caring parents to their children. I also want to challenge those who are not to reconnect and to rededicate themselves to their children's lives. I urge all fathers to understand the level of responsibility they have emotionally, physically and spiritually. On Father's Day and every day, we honor our fathers and celebrate them.

I am honored to rise today to support this resolution. I ask my colleagues to support it.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, does the gentlewoman from Washington have any further speakers?

Mrs. McMORRIS RODGERS. No, I do not.

Does the gentleman have anymore speakers?

Mr. SABLAN. No, I do not.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I have no additional requests for time. I urge my colleagues to support the resolution.

I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I would just like to commend the gentlewoman from Washington for such eloquent statements about fathers, which brings back this close memory of my father, who is 8,000 miles away at this time. I will call him up after this, later on today.

I have no further speakers. I do encourage everyone to please support H. Res. 428.

Mr. MCINTYRE. Mr. Speaker, I rise in strong support of H. Res. 428, a resolution that recognizes the immeasurable contributions of fathers in the healthy development of children, supports responsible fatherhood, and encourages greater involvement of fathers in the lives of their children, especially on Father's Day.

Six days from now, our nation will celebrate the special place that fathers have in our country.

From helping with homework to playing ball to reading a book to offering advice and support and to just listening, each and every day fathers of all ages contribute to the mental, moral, and spiritual development of children, teenagers, and adults.

According to the National Fatherhood Initiative, children with involved, loving fathers are significantly more likely to do well in school, have a healthy self esteem, exhibit empathy and good behavior, and avoid high risk activity such as drug use and criminal activity.

H. Res. 428 recognizes the commitment of fathers, and the wonderful work that both parents do on behalf of their kids, and I encourage my colleagues to join with us as we all recommit ourselves to being the best father we can to children everywhere.

And in conclusion, I would like to publicly thank my father for the great example he has been to me and for the dedication and support he has shown in my every endeavor.

It is because of his support and love that I have been a devoted son to my father who taught me so much, as well as finding great joy in being a committed father of two.

Ms. WATERS. Mr. Speaker, I rise in strong support of House Resolution 428. This statement is of great importance because it recognizes the true commitment of fatherhood. House Resolution 428 commends the millions of fathers who embrace their parental responsibilities by providing love and support to their children. Raising children is by no means an easy task, but those who have dedicated their lives to provide for their offspring play a vital role in their development. Fathers are teachers and protectors who impart life lessons in preparation for the future. This is a very important, timely bill, and I commend Representative MIKE MCINTYRE for bringing this resolution before the House.

House Resolution 428 recognizes the impact fathers have on their children. We must encourage responsible fatherhood because it can reduce the amount of impoverished children, many with one parent who are unable to afford the resources necessary to raise a family. Children who are fortunate enough to have an involved father have a greater chance of excelling in school and have less of a chance of exhibiting behavioral problems. The influence of a father promotes healthy development of a child in every aspect. Children are so easily influenced and proper guidance utilizing both parents can spur growth and future accomplishments.

Mr. Speaker, I am pleased to add my voice and support in recognition of our nation's fathers. We must use this opportunity to praise accountable fathers because they provide strength to their families and communities. I will work diligently with my colleagues to acknowledge their commitment and continue to

encourage men who are not as engaged in the lives of their children to start fresh on Father's Day to become positive and strong influences in their child's development.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 428.

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

A motion to reconsider was laid on the table.

PHYLICIA'S LAW

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 729) to help keep students safe on school-run, overnight, off-premises field trips, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 729

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

SECTION 1. SHORT TITLE.

This Act may be cited as "Phylicia's Law".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Students achieve their full academic potential when they have the ability to learn in a safe and secure environment.

(2) Off-campus school trips comprise an integral part of the educational experience for our Nation's students. Each year millions of students enjoy these trips, which provide them with invaluable learning opportunities outside the classroom.

(3) There exists no Federal law requiring public schools to develop safety plans for off-premises, overnight, school-sponsored trips.

SEC. 3. SCHOOL SAFETY PLAN.

(a) REQUIREMENTS FOR LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) shall develop and make publicly available a written school safety policy for off-premises, overnight field trips.

(b) GUIDANCE FROM SECRETARY OF EDUCATION.—Congress encourages the Secretary of Education to provide guidance to local educational agencies described in subsection (a) by taking the steps necessary, such as hosting a conference of interested parties, to assist in developing a model school safety policy that meets the requirements described in such subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H.R. 729 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 729, which is a bill that helps keeps students safe on school-run, overnight, off-premises field trips.

In April 2007, Phylcia Moore, a high school senior, died while participating in a field trip in Ghana. Her death, ruled an accident by authorities in Ghana, is undergoing further investigation by the Federal Bureau of Investigation. The tragedy of Phylcia's death exposed a flaw in the system, and it has served as a reminder of the importance of having procedures in place when students participate in overnight field trips.

The legislation put forward today will go a long way towards keeping students safe. This bill requires school districts to receive money through the Safe and Drug-Free Schools program to develop and make public school safety policy for off-premises, overnight field trips. The bill would further encourage the Secretary of Education to develop model school safety plans and to disseminate those best practices to school districts.

Trips, like the one that Phylcia took to Ghana, are intended to change students' lives for the better. It is important to expose our young people to learning experiences outside the classroom, but we must ensure their safety at the same time. Phylcia had worked a part-time job to cover the cost of the trip, and had raised money for an orphanage and for an AIDS charity in Ghana. Unfortunately, she was never able to experience the country. She passed away on the first night of the trip.

I want to thank Lola and Douglas Moore, the parents of Phylcia, whose hard work has brought national attention to this issue. They have worked through their grief and, fueled by the tragic loss of their child, have toiled tirelessly to keep other parents from experiencing a similar loss. With passage of this bill, Congress has the opportunity to join with this family to prevent future tragedies.

Mr. Speaker, once again, I express my support for Phylcia's Law. I thank Representative ROTHMAN for his dedication in bringing this bill to the floor, and I urge my colleagues to pass this important law.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 729, Phylcia's Law, which would require school districts that receive funds under the Safe and Drug-Free Schools program to develop and make public a written, district-wide

school safety plan governing off-premises, overnight field trips.

As I am sure many of my colleagues are aware, school field trips are an important component of student learning in the education system. Almost every school in the country has programs in place that take elementary and secondary school students to parks, to museums, to nature centers, and to other outdoor settings that provide an important contribution to the learning process.

Researchers have documented the cognitive and effective benefits of field trips, including an increased motivation for learning, a more positive attitude towards science and the acquisition of knowledge and skills. Further, field trips can stimulate interest in a student's future career and can result in an improved attitude toward school.

At the same time, many schools and school districts also sponsor overnight field trips, such as overnight camping trips or academic events, where students travel sometimes long distances to compete with other students. In these situations, it is vitally important that school districts have safety plans in place so that the students can feel safe. It is important that there are policies in place to address emergency situations that may occur.

The sobering reality of the reason this bill is on the floor today is due to the tragic circumstances that came to light after a student lost her life while on a 2-week field trip to Ghana with her class. Eighteen-year-old Phylcia Moore was last seen at 10:30 p.m. on April 15, 2007, when she left a group around a hotel pool to go to her room to change. She was found 11 hours later at the bottom of the pool. Chaperones initially said they had checked on the students in their rooms the night before, but later admitted they had not. Phylcia would probably be here today if the buddy system or other protections had been in place.

Experts say that there are a number of best practices a school should follow while on a field trip. It is important for chaperones to know the children in their care. All chaperones should have a concise list of the participants' names, addresses and phone numbers so their parents or guardians can be reached during the hours the chaperones are responsible for their children. A student's information should identify whether he or she has mental, physical or emotional special needs. The more chaperones know about the students in their care the easier it will be for them to feel confident that they can head off potential trouble and can keep everyone on the field trip safe at all times.

A second key to field trip safety is having students look out for each other. It is important for chaperones to have their eyes on the children at every moment possible, but it is impos-

sible for them to respond to every question and to meet every need that arises. Regardless of age, having students use the buddy system is important so that someone is always accountable for the other's whereabouts.

Overnight trips should have reasonable curfews in place that are adhered to. Room checks should be conducted by chaperones on a regular basis, and emergency procedures should be in place should a serious injury or death occur. These policies will help ensure that the trip will be safe and enjoyable for all involved.

Mr. Speaker, this bill does not specify a particular policy that schools must follow when conducting a field trip, but it would merely require school districts that receive funds under the Safe and Drug-Free Schools program to develop and make public a written, district-wide school plan governing off-premises, overnight field trips. Whether on or off campus, we all know that students achieve their full academic potential when they have the ability to learn in a safe and secure environment. This bill will help ensure that learning opportunities outside the school campus can be experienced safely.

I would ask all of my colleagues to support H.R. 729.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I am pleased to recognize the gentleman from New Jersey (Mr. ROTHMAN) for 8 minutes.

Mr. ROTHMAN of New Jersey. I thank the gentleman for the time.

Mr. Speaker, today, we consider legislation that is an important step in protecting our young people as they come to explore this amazing world that we live in.

First, I want to take time to thank my friend, the Education and Labor Chairman GEORGE MILLER. Earlier this year, Chairman MILLER took time from his schedule to meet with Phylcia Moore's parents, Lola and Douglas Moore, and with Phylcia's brother, Christopher. Chairman MILLER heard their heartbreaking story. The legislation we have before us today is a testament to his leadership and to his compassion.

I also want to acknowledge the role played by Secretary of Education Arne Duncan. He also personally met with the Moores. He and his staff have suggested several important improvements to the bill. I am deeply grateful for his personal involvement.

I would also like to thank Ranking Member MCKEON and my colleagues on the other side of the aisle for their bipartisan support of this very important legislation.

I would also like to recognize and to express my gratitude for the endorsements of the National Parent Teacher Association, the National Education Association and the National School Boards Association for this important bill.

Phylicia's Law bears the name of a young woman from my district who was taken from us much too soon. Phylcia Moore was an 18-year-old high school student from Teaneck, New Jersey, who died in April 2007 while on a school-sponsored trip to Ghana.

Today, however, is not about the past. We are here to talk about the future and what we can do to help ensure that no more parents endure what Douglas and Lola Moore have gone through. It is the culmination of the Moores' hard work, the dedication to their daughter and to her memory, and their desire that no other parents suffer as they have that brings us to this moment on the floor of the United States House of Representatives.

As a parent myself, when I send my children to school, I expect them to be safe. I expect them to be just as safe when the school takes them on a field trip off school premises. Public school districts are now required to have safety plans and security procedures in place for the physical campus of their schools. However, there are no such requirements when schools take students off campus for field trips or for any other reason. Phylcia's Law will fix this dangerous omission.

□ 1600

Phylcia's Law will require school districts to develop a safety policy for overnight school trips. However, the bill as written still gives individual schools the leeway to determine their own plans and procedures, which parents will then be able to review before the parents decide if the school district has the right security plan for their child sufficient to allow a parent in good conscience to let their child take this off-campus school trip.

Given that schools already know how to devise their security plans for on-campus events, this new requirement for off-campus events should not be overly burdensome. On the contrary, I think this new requirement should be welcome as a plan and set of procedures that will help protect everyone on their trip.

With plans and procedures in place, there will be a blueprint for chaperones, for their trip leaders, for students, and for parents, all of whom will want to know what individual roles and responsibilities there are on this trip and what will happen should tragedy strike. We need Phylcia's Law to not only keep children safe but help schools to continue to offer important off-campus learning activities.

Off-campus school trips are an important part of the educational experience of our Nation's students. Each year, millions of our young people enjoy these trips. They provide students with invaluable learning opportunities outside the classroom. Keeping our students safe is paramount, but we also need to continue to provide these es-

sential off-campus educational experiences.

Phylcia Moore was in Ghana on a goodwill trip. She was there to help others. She was a good, caring person. She was brave. She was filled with light. When speaking with Phylcia's parents, Douglas and Lola Moore, it is easy to see how much loved Phylcia was. Douglas and Lola's love helped make Phylcia the wonderful young woman she had become. It is with a heavy heart that I stand here today because nothing will bring this wonderful young woman back. But I commend Phylcia's parents, Douglas and Lola Moore, coming to me about Phylcia's Law, for caring about other parents and children, and I hope that we can get Phylcia's Law passed for them, for their daughter, and to make sure that parents across the country never have to face the pain that the Moores will continue to live with.

I urge my colleagues to stand up for students and parents across this country by supporting this bill.

Mrs. McMORRIS RODGERS. Mr. Speaker, I would like to yield such time as he may consume to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, it is heartwarming and touching to hear the tribute to Phylcia Moore by my colleague from New Jersey, a very touching and well-deserved tribute. This bill obviously is borne out of the noblest of intentions and came, unfortunately, from a tragic consequence.

Obviously, the intention here is to safeguard our schoolchildren. Could there be any more noble intention? The effect, though, unfortunately, is to further take the Federal Government into the local schools—we've already intruded greatly into the local schools—and tell them what they must do.

Initially, it's to come up with a plan. There should be a plan. There should have been a plan. There should have been more direction from the local school, from the school board. I know from my own circumstances growing up going to school in a public school, the school board wouldn't allow us to take 2-week trips, and had anyone been allowed to take such a field trip, then they would likely have been defeated in the next school board election, because if you look at the Constitution, the Founders realized the best control is local control for so many of these issues.

There needs to be accountability. There should be accountability. I got into a rather testy discussion with our former Secretary of Education, Secretary Spellings, because Secretary Spellings, as did our immediately previous President, wanted to engage and dictate educational policy to the local schools. I didn't agree with that. I felt it was inappropriate.

Secretary Spellings at one point said, Well, if you liked what I did when I was

in Austin, you ought to love what I'm doing in Washington. I said, No, because the 10th Amendment says that if a power is not specifically enumerated, it's reserved to the States and the people. When you were in Austin, you were part of the State. It was a reserved power for you. At this time, though, you're acting outside that parameter, and I don't appreciate all of the dictation from Washington. It was true under the previous administration and it's true today. It was true when the Constitution was founded.

I think the tribute to Phylcia Moore is well-deserved. She sounds like a wonderful young lady, and there is no way there could be adequate compensation or action to lessen the hurt adequately of those who loved her and suffered from her loss. But here again, this would usurp further what the previous administration did in dictating local policy. And I understand the amendment now simply requires that a policy be put in place, and that's better, but we know in the days ahead how that normally works, then someone else more zealous comes forward and says, And the policy must include this and this and this.

So I still believe the best school control is local control, State control, and holding school board members responsible to the local electorate.

I would support any tribute to Phylcia Moore and to the efforts this wonderful young lady was trying to exert on behalf of others, but I would oppose another dictation from Washington on what a local school board must do. Let's keep that control back in the local school board.

And I see my friend from New Jersey is ready to speak. I yield to the gentleman.

Mr. ROTHMAN. I thank the gentleman.

The gentleman has expressed, I think, an important concern with regards to those powers that are not deemed already provided to the Federal Government with regards to the State should not be expanded. However, there are many, many instances—whether it be clean water standards or clean air standards or seatbelt standards for cars; the list is endless—to protect the public safety and good health of our people that the Federal Legislature, made up of 435 of us from all over the country, provide the minimum standards of safety that we wish to have in each of the 50 States.

But recognizing the general intention of the gentleman's objection, we changed the law to make it even more local community friendly this way. We said, We're not going to tell the local school districts what plan to have. Whatever plan they come up with is fine, period. All we require them to do is to have a plan or not have a plan but simply tell the parents, We have no plan, or, Here is our plan. This is to

empower parents to make an informed judgment as to whether they want to put their children's safety in the hands of this particular school district if and when the school district decides they want to go on a school trip. I think that's why it has received bipartisan support.

I'm a former local mayor, former judge myself, and I'm very sensitive to too much intrusion in the local decisionmaking. This simply says to the school districts have a plan or don't have a plan, but you have got to tell the parents and let them make their judgment on the validity of the plan so that they can decide, as a parent, then, whether they want to go forth.

This is not just a tribute to Phylcia, although it is in some part. It is an effort to prevent these tragedies from happening again. That's why the National Parent-Teacher Association, the National School Boards Association, and the National Education Association, as well as colleagues on both sides of the aisle, have supported it.

I thank the gentleman for yielding.

Mr. GOHMERT. Thank you, and reclaiming my time, I did want to yield to you because I wasn't sure with the way the conversation was going if you had adequate time to respond, and I wanted to give you the chance and have the time to do so.

And I do appreciate the gentleman's position. And I would say that if it pertained to school trips, field trips that crossed State lines, and particularly here where it went to another country, certainly I would join in support for perhaps even further requirements than the minimum that has been offered here.

But since that's not the case, I would be in opposition to a further dictation from Washington of any requirements and would encourage every single person, Mr. Speaker, in America to start monitoring your local school board. Hold them accountable, and if they're taking actions that are irresponsible, negligent, inappropriate, then fire them by electing someone else.

Mr. SABLAN. Does the gentlewoman from Washington have any additional speakers?

Mrs. McMORRIS RODGERS. I have no further speakers.

I urge my colleagues to support the resolution legislation.

I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, again, I urge my colleagues from both sides of the aisle to support H.R. 729, as amended.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 729, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

1615

STUDENT INTERNET SAFETY ACT
OF 2009

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 780) to amend the Elementary and Secondary Education Act of 1965 to promote the safe use of the Internet by students, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 780

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Internet Safety Act of 2009".

SEC. 2. PROMOTING THE SAFE USE OF THE INTERNET BY STUDENTS.

Each local educational agency that receives funds under part D of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6751 et seq.) or part A of title IV of such Act (20 U.S.C. 7101 et seq.) may use such funds to develop and implement programs that promote the safe use of the Internet by students, such as programs that—

- (1) educate students about appropriate online behavior, including interacting with individuals on social networking Web sites and in chat rooms;
- (2) protect students against online predators, cyberbullying, or unwanted exposure to inappropriate material; or
- (3) promote involvement by parents in the use of the Internet by their children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 780 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

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

Mr. Speaker, I rise today in support of the Student Internet Safety Act of 2009. In a world where we rely on the Internet for a variety of purposes, including education, we need to ensure

that today's youth are taught how to safely navigate the World Wide Web.

Recent research shows that 93 percent of all children between the ages of 12 and 17 are online. Additionally, the average child between the ages of 2 and 11 years old views more online video than his or her parents. Clearly, it is time that we ensure children are taught healthy, safe and smart ways to utilize their time online.

Too often our news is filled with stories of students falling victim to cyberbullying, cyberstalking, and other forms of online harassment. With students' use of online social networking sites growing at a very rapid pace and an abundance of material inappropriate for children on the Internet, these threats show no sign of decreasing. We must begin taking steps to provide our children with guidance and instructions on how to be safe in an increasingly digital world. By promoting programs that educate children on Internet safety and increased parental involvement, the Student Internet Safety Act will help us begin to stem the tide of these alarming threats to today's youth.

When navigated safely and correctly, the Internet can provide students with a remarkable resource to get help with homework, do research for school projects, virtually tour historical sites, explore special interests, and share information with peers around the world. Mr. Speaker, it is our responsibility to make sure children are protected from and educated about the numerous online threats in order to maximize the priceless opportunities to advance learning that the digital world provides.

According to a Microsoft survey of parents, at least 56 percent of children access the Internet from school for a variety of purposes. This number will increase as we move forward. This legislation is a vital step towards promoting the safe use of the Internet by students.

Mr. Speaker, I thank Representative PUTNAM of Florida for introducing this legislation, and I once again express my support for this legislation.

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

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 780, the Student Internet Safety Act of 2009, which was introduced by my friend and colleague, Representative ADAM PUTNAM.

This bill will allow local education agencies that receive Federal funds under the Safe and Drug Free Schools State Grants program and the Education Technology State Grants program to spend those dollars on developing and implementing programs that promote the safe use of the Internet by students. This important bill would

allow school districts to use Federal funds to educate their students about appropriate online behavior, including interacting with individuals on social networking Web sites and in chat rooms. They could also use the funds to protect students against online predators, cyberbullying, or unwanted exposure to inappropriate materials, or promote involvement by parents in the use of the Internet by their children.

The Internet is a technological advancement that can be extremely useful for students, educators, and parents. Today, almost every public school in the United States has Internet access, and 79 percent of high school students use the Internet on a daily basis, including looking for information to assist them with their school work. These statistics are impressive and would have been unheard of a decade ago, but they demonstrate the changing nature of technology in our Nation's schools.

Today's youngest generation is the first generation to be born into a world proliferated by the Internet. These students use the Internet almost every day. From email, to social networking sites, to online interactive teaching forums, online encyclopedias, the Internet provides students and teachers with numerous tools and benefits every day.

However, there are many dangers inherent with technology as well. Children, especially young children, are at risk of becoming victims of numerous Internet-related crimes, including child pornography, cyberstalking, predators posing as children, or even more heinous crimes, including murder and rape. In addition to falling victim to Internet-related crimes, children can be exposed to age-inappropriate or harmful materials while browsing the Internet or conducting research for homework.

We know that the most effective way to prevent children from becoming victims of Internet-related crimes is to educate them as to how to avoid dangerous situations. There are several Internet sites and software programs that advise parents on how to talk about the subject with their children: what the dangers are, how to teach children to avoid them, and how best to monitor their children's Internet activities at home and at school. And public schools that receive funds under the Educational Technology State Grant programs are required to have Internet filtering software that limits what sites children can access from school computers.

However, many schools struggle to provide some form of Internet safety education or purchase this important software which would protect students against Internet crimes. It is clear that while much is being done, much more is required of us as the use of technology continues to expand.

H.R. 780, the Student Internet Safety Act, will ensure that schools and school districts provide students with the tools they need to use the Internet in a safe and secure manner to further their education. In today's world of Internet technology and global communication, a child's safety must be our number one priority.

I want to thank my colleague, Mr. PUTNAM, for introducing this important piece of legislation. I am proud to rise in support of it and ask my colleagues to support this bill that will promote the safe use of the Internet by students.

Mr. Speaker, I have no additional requests for time. I urge my colleagues to support the legislation and yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I would like to say that the gentlewoman from Washington, I recognize her very fine eloquent statements about the Student Internet Safety Act of 2009. I urge my colleagues to support the passage of this act.

Mr. BURTON of Indiana. Mr. Speaker, I am proud to join my colleagues in supporting the "Student Internet Safety Act of 2009" (H.R. 780). H.R. 780 amends the Elementary and Secondary Education Act of 1965 to allow local educational agencies that receive Title II (teacher grants) funds and Safe and Drug-Free Schools and Communities funds, to develop and implement programs promoting safe Internet use by students (i.e. how to prevent online stalking and promoting parental involvement).

My colleague from Florida, Representative ADAM PUTNAM is the author of H.R. 780. I commend Representative PUTNAM in crafting thoughtful and much needed legislation to provide schools with the ability to teach children about the potential dangers associated with the Internet. Congressman PUTNAM said that "We teach our children how to look both ways before crossing the street; we also need to teach them the safety rules for the 'information superhighway.'" I could not agree more and that is why I was pleased that the House Leadership scheduled a vote on H.R. 780.

I have been a champion for parental rights and for the protection of children from violent and sexually explicit material for decades. I was one of the leading proponents of the "Parental Choice in Television Act" and the "Children's Protection from Violent Programming Act" which led to the enactment of the V-chip provision of the Telecommunications Act of 1996, (Public Law 104-104). Because of those efforts, today the V-chip is in practically every television in America and it has proven to be a very successful tool, in conjunction with the television rating system, for parents who want to protect their kids from violent or sexually explicit material on television.

Today, however, the problem is not television but the Internet and that is why H.R. 780 is so important. It will provide another avenue for children to learn about Internet safety. There are things parents can do to help to keep their kids safe on the Internet. For example the National Center for Missing & Exploited Children recommends that:

Parents choose search engines carefully. Some are specifically designed for kids, and others offer kid-safe options.

Parents tell kids when they come across any material making them feel scared, uncomfortable, or confused to immediately tell them or another trusted adult.

Parents help kids find information online. By searching the Internet together parents can help them find reliable sources of information and distinguish fact from fiction.

Parents talk with their Internet service providers (ISPs) as many offer filters to prevent kids from accessing inappropriate sites. As a consumer parents have a right to choose an ISP with the services meeting their family's needs.

There are more tips on safe Internet usage as well as tips on how kids can use e-mail and social networking sites safely on the National Center for Missing and Exploited Children's website at www.missingkids.com. And if a child has ever been sent inappropriate material by someone he or she met online or ever inadvertently encountered inappropriate material, a report of these types of incidents can be filed at www.CyberTipline.com or by calling 1-800-THE-LOST.

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

The SPEAKER pro tempore (Mr. ROTHMAN of New Jersey). The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 780, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING WINSTON CHURCHILL MEMORIAL IN FULTON, MISSOURI

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 390) recognizing the Winston Churchill Memorial and Library in Fulton, Missouri, as "America's National Churchill Museum," and commending its efforts to recognize the importance of the historic legacy of Sir Winston Churchill and to educate the people of the United States about his legacy of character, leadership, and citizenship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 390

Whereas the Winston Churchill Memorial and Library in Fulton, Missouri, was built in 1964 and opened to the public in 1969 to honor Sir Winston Churchill and to commemorate his famous speech, the "Sinews of Peace";

Whereas it was during the delivery of the "Sinews of Peace" speech on the campus of Westminster College, in Fulton, in 1946, that Sir Winston Churchill uttered the famous phrase, "an iron curtain has descended", capturing the essence of the emerging Cold War;

Whereas Westminster College built the original Winston Churchill Memorial, and is responsible for the finances, operations, and collections management of the Winston Churchill Memorial and Library;

Whereas the Winston Churchill Memorial and Library closed for significant renovations in 2005, and was transformed into a state-of-the-art museum that reopened on March 5, 2006, in recognition of the 60th anniversary of Sir Winston Churchill's delivery of the "Sinews of Peace" speech;

Whereas the Winston Churchill Memorial and Library now features many new exhibits and an expanded research library and archives, which more effectively incorporate the many thousands of historical resources that the Memorial and Library possesses;

Whereas the Winston Churchill Memorial and Library now better honors Sir Winston Churchill's contributions to the fields of art and literature and provides an enhanced historical and political analysis of his career because of the recent renovations and improvements;

Whereas the leadership of Sir Winston Churchill during World War I, World War II, and the Cold War played a vital role in shaping the history of the United States and the world, and sacrifices made by Sir Winston Churchill and other leaders during those conflicts preserved liberty, democracy, and other founding principles of the United States for generations to come;

Whereas the "Lessons of Leadership" educational outreach programs offered by the Winston Churchill Memorial and Library use the resources of the Memorial and Library to educate teachers and students about the life and leadership of Sir Winston Churchill throughout World War I, World War II, and the Cold War by means of on-site visits, classroom curriculum development, distance learning, and other educational initiatives;

Whereas Sir Winston Churchill's mother was a United States citizen and he was proud of his heritage from and connections to the United States; and

Whereas President John F. Kennedy, in 1963, declared Sir Winston Churchill an Honorary Citizen of the United States, the first person to be so honored: Now, therefore, be it

Resolved, That the House of Representatives recognizes—

(1) the Winston Churchill Memorial and Library in Fulton, Missouri, as "America's National Churchill Museum";

(2) the importance of the continuing collection, preservation, and interpretation of the historical materials held by the Winston Churchill Memorial and Library toward enhancing the knowledge and understanding of Sir Winston Churchill's historic legacy; and

(3) the immense historical importance of World War I, World War II, and the Cold War, and commends the "Lessons of Leadership" offered by the Winston Churchill Memorial and Library educational outreach programs about the life and leadership of Sir Winston Churchill during those conflicts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 390 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 390, which recognizes the Winston Churchill Memorial and Library for its work in honoring the historic legacy of the life and leadership of Sir Winston Churchill.

Winston Churchill was born in Blenheim Palace in Woodstock in November 1874. A lifetime military man and politician, Churchill had the vision to recognize the threat that Adolf Hitler posed to the world. He was a staunch critic of appeasement. He supported a strategy of rearmament and military alliance building. His early anti-Nazi position facilitated his transition to the premiership at a time when his countrymen needed him the most.

Winston Churchill contributed to the fields of art and literature. During his early days in the army, he composed military reports for the Daily Telegraph and penned several books, including, "The Story of the Malakand Field Force," "The River War," "London to Ladysmith," "Liberalism and the Social Problem," and "History of the English-Speaking Peoples."

The memorial and library was constructed in 1964 and opened to the public in 1969. It is housed in a historic Wren church in Fulton, Missouri, on the campus of Westminster College where Churchill delivered his famous "Sinews of Peace" speech. The facility is home to numerous artifacts and information on Sir Winston Churchill. In addition to the story it tells, the museum provides a venue for artistic and historical exhibits, in addition to numerous social and cultural exhibits. It is an important part of Westminster campus life, with students utilizing its resources for research.

I want to thank Representative LUETKEMEYER for his leadership in bringing this important resolution forward. I ask my colleagues to support this important resolution.

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

Mrs. McMORRIS RODGERS. Mr. Speaker, I would like to yield such time as he may consume to the gentleman from Missouri (Mr. LUETKEMEYER).

Mr. LUETKEMEYER. I am proud to rise today in support of House Resolution 390, a resolution recognizing the

Winston Churchill Memorial and Library in Fulton, Missouri, as "America's National Churchill Museum."

Before I discuss the details of the bill, I would like to thank the many folks who helped make this possible. First, I want to thank my predecessor in Congress, Kenny Hulshof, who first introduced this resolution in the 110th Congress. Kenny laid the groundwork for the passage of this bill, and I am honored to finish the work that he began.

Also, from the moment I first introduced the resolution, the Missouri delegation was at my side. To be sure, I am extremely pleased that every member of the Missouri delegation signed on as an original cosponsor of my resolution, and I want to thank them for all their continued support.

I also want to thank the many other Members of this body who supported me in this endeavor, many of whom are Churchill enthusiasts themselves. I am truly honored to be in such good company. I look forward to welcoming all of them to my district when they bring their families to visit America's National Churchill Museum.

Most of all, I want to thank President Forsythe, president of Westminster College, at whose campus the museum is located, and his dedicated staff, Angie Robinson, Rob Crouse, and countless others.

I also want to recognize the museum's executive director, Dr. Rod Havers, for his daily devotion, expertise, and passion to the upkeep and expansion of this remarkable museum.

Much has been written about one of the greatest figures of the 20th century, Sir Winston Churchill, a man with a literary bent and a deep devotion to public affairs. He was a Nobel Prize winner, an artist, a keen strategist, and a brilliant politician. He was also instrumental in bringing an end to World War II.

On March 5, 1946, Winston Churchill delivered his historic "Iron Curtain" speech on the campus of Westminster College in Fulton, Missouri. With a current population of close to 13,000 and a then-population of 7,000, Fulton was and still is the perfect stopover in the rolling green hills of central Missouri. There, the man Harry Truman called "that great world citizen," Winston Churchill, marked the beginning of the Cold War with the words that were heard around the globe. Today, the speech is regarded as perhaps one of the most important that Churchill ever delivered.

The speech contained certain phrases, "the special relationship," "the sinews of peace"—which at once entered into general use and which have since survived. However, it's Churchill's mention of the Iron Curtain that attracted immediate international attention and shaped public opinion in the United States and Western Europe. He said, "From Stettin in

the Baltic to Trieste in the Adriatic, an iron curtain has descended across the continent.”

Russian historians date the beginning of the Cold War from this speech. And in its drawing together of several themes to a climax, Churchill's speech may be regarded as one of the finest in the 20th century. It certainly changed the way the democratic West viewed the communist East.

The astounding achievements of Winston Churchill's life are a testament to his dedication to protecting liberty for all people. Churchill did not merely hate tyranny; he despised it, and he reviled communism.

□ 1630

The contempt he breathed for dictators renewed his Iron Curtain speech in Fulton, Missouri, and strengthened the West's faith in the superiority of democracy and the inevitability of its success.

The Winston Churchill Memorial and Library was founded in 1969. The museum is a 16th-century church designed by Christopher Wren that was painstakingly relocated, brick by brick, from London, England, to Fulton, Missouri, and is the only museum in the Nation that exists for the sole purpose of honoring the life and extraordinary legacy of Winston Churchill. I might mention that it underwent a multi-million dollar renovation just a couple years ago.

The bill we consider today recognizes this museum as the world-class facility that it is and the historical significance of the site.

I urge all my colleagues to join me in passing this important legislation.

Mrs. McMORRIS RODGERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, as I was listening to the gentleman from Missouri make a statement, I couldn't help but notice that the Winston Churchill Memorial and Library is actually a source of pride for him and for his constituents in Missouri, and I encourage my colleagues on both sides of the aisle to please support the passage of House Resolution 390.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 390, as amended.

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

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Oversight and Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 15, 2009.

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

DEAR SPEAKER PELOSI: This letter serves as my intention to resign from the House Committee on Oversight and Government Reform effective today. Thank you.

Sincerely,

TODD RUSSELL PLATTS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RECOGNIZING CIVIL RIGHTS BASEBALL GAME

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 530) commending the purpose of the third annual Civil Rights Baseball Game and recognizing the historical significance of the location of the game in Cincinnati, Ohio.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 530

Whereas the third annual Civil Rights Baseball Game is being held in Cincinnati, Ohio, at the Great American Ballpark on June 20, 2009;

Whereas the Cincinnati Reds, the host of the Civil Rights Baseball Game, are recognized as being the first professional baseball team in the United States;

Whereas the Major League Baseball Civil Rights Game was created to honor those who fought both on and off the field for the equal treatment of all people;

Whereas baseball was at the forefront of the civil rights movement and was integrated before either the Armed Forces or the public schools;

Whereas Cincinnati, Ohio, was home to the Negro League's Cincinnati Tigers from 1934 to 1937;

Whereas Cincinnati, Ohio, was an integral stop along the Underground Railroad as one of the first free "stations" slaves would encounter when escaping north; and

Whereas Cincinnati, Ohio, is home to the National Underground Railroad Freedom Center, which opened in 2004: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commend the purpose of the third annual Civil Rights Baseball Game; and

(2) recognize the historical significance of the location of the Civil Rights Baseball Game in Cincinnati, Ohio.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 530 commends the purpose of the third annual Civil Rights Baseball Game and recognizes the historic significance of the location of the Civil Rights Baseball Game in Cincinnati, Ohio.

I want to commend my colleague the gentleman from Cincinnati (Mr. DRIEHAUS) for introducing this legislation. The Civil Rights Baseball Game is an important event, and it deserves to be recognized by the House of Representatives.

The third annual Civil Rights Baseball Game will be played in Cincinnati, Ohio, at the Great American Ballpark on June 20, 2009, between the Cincinnati Reds and the Chicago White Sox. Many celebrities will be in attendance, including Hank Aaron, Muhammad Ali, Bill Cosby, and Bebe Winans. This Major League Baseball game was created to honor those who fought both on and off the field for equal treatment of all people.

The first Civil Rights Baseball Game was played in Memphis, Tennessee, in 2007, between the St. Louis Cardinals and the Cleveland Indians. It was organized as a preseason game, intended to commend the civil rights movement in the United States as part of a larger celebration of the civil rights movement. Memphis was selected for its important role in the history of the civil rights movement.

This year's host city, Cincinnati, Ohio, has a long and rich history in both the game of baseball and in the field of civil rights. Cincinnati was an important stop on the Underground Railroad and is the home of the National Underground Railroad Freedom Center located adjacent to the ballpark. Cincinnati was also home to the Negro League's Cincinnati Tigers from 1934 to 1937, and it was in Cincinnati that the first night baseball game was played in 1935.

Mr. Speaker, baseball has long been considered the great American pastime. It is part of our culture. It reflects the values of teamwork, competition, fair play, and the pursuit of excellence. Baseball was once segregated, as was most of the rest of the country, until Branch Rickey signed Jackie Robinson to play for the Brooklyn Dodgers in 1947. The rest of the Nation would follow in time, but it was on the diamond that we made the most

important steps towards ending Jim Crow. As Mr. Rickey said, "Prejudice has no place in sports, and baseball must recognize that truth if it is to maintain stature as a national game."

Mr. Speaker, I am pleased to join my colleague from Ohio in honoring the Civil Rights Baseball Game. I urge my colleagues to support this important resolution.

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

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

I do support House Resolution 530, commending the purpose of the third annual Civil Rights Baseball Game.

The third annual Civil Rights Game will be played, as indicated by my friend from Virginia, by the Reds and the White Sox on June 20 at the Great American Ballpark in Cincinnati. It serves as a celebration of the role of sports and the role that they played in advancing equal rights in America.

As part of that celebration, three great Americans will be honored at the game: Muhammad Ali, Bill Cosby, and Hank Aaron. They will receive awards as individuals "whose lives are emblematic of the spirit of the civil rights movement."

Mr. Ali was a 10-time heavyweight champion boxer. Since he left the sport, he has engaged in many humanitarian efforts and traveled the world on goodwill missions. Mr. Cosby has spent the last five decades as a comedian, entertainer, and, I would add, philosopher. His life has been a testament to proper handling of race issues. This extraordinary man just went about being the extraordinary person that he is. He has entertained, he has inspired, and he has taught me, for one, for most of my life.

He is the first comedian from whom I bought an album. As I recall, it was "To Russell, My Brother, Whom I Slept With." And I've loved the man ever since. I got to see him recently in concert in Tyler and was as excited as ever. What a delightful man. The way he causes us to realize we all have so many of the same strange, enigmatic traits, fears, aspirations, hopes. His television show was certainly inspirational. He makes us laugh at our faults and makes us want to improve them. As a great American, I look forward to his being recognized there at the Civil Rights Game as well.

Mr. Hank Aaron, as a Hall of Famer who was once the all-time home run leader with 755 home runs—and parenthetically I might add he'll always be my home run leader—but he was a Negro League baseball player before he played for the Braves in both Milwaukee and Atlanta. Mr. Aaron formed the Chasing the Dream Foundation with his wife in 1994 and has given financial support to hundreds of youths that enables them to pursue their talents in music, dance, arts, science, lit-

erature, and athletics. His wife, by the way, attended Texas College in Tyler, Texas, where she is on the board of directors. And it has been one of the highlights of my life to get to meet Mr. Aaron on more than one occasion.

It's heartbreaking, heart-rending, to hear some of the hell on Earth he was put through simply because of race. Yet he never wavered. He continued to give everything he had to those tasks put before him. People remember the home-run record, but many do not realize he had over a .300 batting average. .305, I believe, lifetime. Incredible. I once asked him for somebody who was a home-run hitter to hit over .300—most pro-players only dream of hitting .300. He hit home runs and hit over .300. How did you do that? Was there some secret ability you had?

And in his typical humble style, Mr. Aaron said, I was a good guess hitter.

Typical Hank Aaron, humility completely for such an extraordinarily gifted man who used his talents, developed them, and we all know he didn't get where he was without working, persevering. And the heartbreaking part, the assaults verbally and in other ways, the threats that the man endured simply because of the color of his skin, I look forward to him being honored at that game, as he rightfully should be.

The Civil Rights Game also includes a roundtable discussion and youth summit that highlights the role that baseball has played in the civil rights movement. The game has had only a short history itself as a Civil Rights Game, but I would expect it would develop into a fine tradition.

With that, I would urge my colleagues to join in supporting this resolution.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. DRIEHAUS), who represents Cincinnati and is the chief sponsor of the resolution.

Mr. DRIEHAUS. Mr. Speaker, it is certainly my privilege to rise today and bring to the floor this resolution honoring the third annual Civil Rights Game. It is the third annual Civil Rights Game, but it is the first time that this game has been played during the regular season. And we are honored in Cincinnati to have that game at Great American Ballpark. I know Congresswoman JEAN SCHMIDT and I will be looking forward to that event.

And as was mentioned earlier by several of my colleagues, it's not just a baseball game. It's also recognizing great leaders, great leaders who have broken down barriers. That includes at the luncheon that we will be holding Muhammad Ali, Hank Aaron, and Bill Cosby, three giants who have broken down so many barriers amongst them.

□ 1645

I applaud Major League Baseball. I applaud the Cincinnati Reds for choosing Cincinnati as the host of this event.

I would draw your attention to one other aspect of the game, Mr. Speaker, and that is to the Underground Railroad Freedom Center. The Underground Railroad Freedom Center is a stone's throw—a baseball's throw, if you will, from Great American Ballpark. The Underground Railroad Freedom Center, founded in 2002 in Cincinnati, is all about discussing freedom. It's all about being the champion of civil rights. And while it was established to draw attention to the role the city of Cincinnati played and that the people of Cincinnati played in the underground railroad, today it serves as the vehicle, it serves as the convener of conversations around injustices today and freedoms which are challenged today, making it relevant to you and I and all Americans as we discuss civil rights. So I'm proud to have the Underground Railroad Freedom Center being part of this celebration. I think it is very much appropriate that the Freedom Center is participating in the luncheon, celebrating our heroes. And I am proud to be a Cincinnati and to welcome this game to the city of Cincinnati. I join with the Cincinnati Reds in thanking Major League Baseball.

Mr. GOHMERT. Mr. Speaker, I continue to reserve my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. COHEN), who represents Memphis, the location of the first Civil Rights Baseball Game.

Mr. COHEN. I would like to thank Mr. SCOTT for the time.

I would like to congratulate Cincinnati on their good fortune to be the host of this game. Memphis was the host for the first two games. The final exhibition game of spring training, the only game that was televised on ESPN, and a great event in our city, where the National Civil Rights Museum exists and the site of civil rights struggles and civil rights victories. We really enjoyed the opportunity to have players honored there, Willie Mays, Minnie Minoso, my hero, and others over the years, who have brought great pride to the city of Memphis where we have the finest minor league baseball park ever constructed, AutoZone Park. We felt that the game should permanently stay in Memphis, but it has moved on.

I want to congratulate Cincinnati, and I congratulate Major League Baseball for having such a game. Jackie Robinson has been immortalized as a civil rights hero whose number 42 was retired by Major League Baseball in an appropriate manner. There were many great players in the Negro baseball leagues who we honored last year with

a resolution—such as Satchel Paige, who was written up, I think, in today’s New York Times—and the great careers they had, great ballplayers. So it’s appropriate that civil rights, which baseball and sports have contributed to so much, be remembered by Major League Baseball. I congratulate Major League Baseball and the city of Cincinnati.

I just want to say to my colleague from Texas—Noah.

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

In conclusion, I would encourage my colleagues to support House Resolution 530. My friend from Tennessee mentioned Satchel Paige. He had some great quotes. Many people quote him as saying, “Don’t look back. They may be gaining on you.” But I read a quote that I like even better than that, attributed to him later in life, when he said, “It’s okay to look back. Just don’t stare.” And it seems to me that that’s what this bill does. We look forward, but we look back. We don’t stare, but we recognize the greatness that has gotten us to where we are today.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself as much time as I may consume.

I thank the gentleman from Ohio for introducing the resolution. I urge my colleagues to support it.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 530.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 309, as amended.

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

There was no objection.

PROHIBITING ENFORCEMENT OF FOREIGN DEFAMATION JUDGMENTS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2765) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 2765

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

SECTION 1. RECOGNITION OF FOREIGN DEFAMATION JUDGMENTS.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

“CHAPTER 181—FOREIGN JUDGMENTS

“Sec.

“4101. Definitions.

“4102. Recognition of foreign defamation judgments.

“4103. Attorneys’ fees.

“§ 4101. Definitions

“In this chapter:

“(1) DOMESTIC COURT.—The term ‘domestic court’ means a Federal court or a court of any State.

“(2) FOREIGN COURT.—The term ‘foreign court’ means a court, administrative body, or other tribunal of a foreign country.

“(3) FOREIGN JUDGMENT.—The term ‘foreign judgment’ means a final judgment rendered by a foreign court.

“(4) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“§ 4102. Recognition of foreign defamation judgments

“(a) FIRST AMENDMENT CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation whenever the party opposing recognition or enforcement of the judgment claims that the judgment is inconsistent with the first amendment to the Constitution of the United States, unless the domestic court determines that the judgment is consistent with the first amendment. The burden of establishing that the foreign judgment is consistent with the first amendment shall lie with the party seeking recognition or enforcement of the judgment.

“(b) JURISDICTIONAL CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation if the party opposing recognition or enforcement establishes that the exercise of personal jurisdiction over such party by the foreign court that rendered the judgment failed to comport with the due process requirements imposed on domestic courts by the Constitution of the United States.

“(c) JUDGMENT AGAINST PROVIDER OF INTERACTIVE COMPUTER SERVICE.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation against the provider of an interactive computer service, as defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230), whenever the party opposing recognition or enforcement of the judgment claims that the judgment is inconsistent with such section 230, unless the domestic court determines that the judgment is consistent with such section 230. The burden of establishing that the foreign judgment is consistent with such section 230 shall lie with the party seeking recognition or enforcement of the judgment.

“(d) APPEARANCES NOT A BAR.—An appearance by a party in a foreign court rendering a foreign judgment to which this section applies for the purpose of contesting the for-

eign court’s exercise of jurisdiction in the case, moving the foreign court to abstain from exercising jurisdiction in the case, defending on the merits any claims brought before the foreign court, or for any other purpose, shall not deprive such party of the right to oppose the recognition or enforcement of the judgment under this section.

“§ 4103. Attorneys’ fees

“In any action brought in a domestic court to enforce a foreign judgment for defamation, the court may allow the party opposing recognition or enforcement of the judgment a reasonable attorney’s fee if such party prevails in the action on a ground specified in subsection (a), (b), or (c).”

(b) CLERICAL AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

“181. Foreign judgments 4101.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. First I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. COHEN. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 2765 prohibits U.S. courts from recognizing or enforcing foreign defamation judgments that are inconsistent with our First Amendment or fundamental due process. This legislation addresses what has come to be referred to as libel tourism, doing an end run around the First Amendment by suing American authors and publishers for defamation in the courts of foreign countries with more plaintiff-friendly defamation laws, particularly Britain. Britain has become a favorite destination for libel tourists for a number of reasons. First, British law lacks our constitutional free speech protections and instead, specifically disfavors speech critical of public officials and public figures.

Second, British libel law places the burden of proving the truth of the allegedly defamatory statement on the defendant. This distinction has drawn criticism not only from American defenders of free speech but also from the United Nations and even from some Members of the British Parliament.

And third, Britain takes a very expansive view of personal jurisdiction. A British court can exercise personal jurisdiction over a libel defendant if his or her statement, wherever it was made or aimed, can be said to cause “real or substantial” harm or injury to reputation in Britain.

Combined with the Internet, this expansive view has rendered American

authors and publishers especially vulnerable to libel suits in Britain. As one commentator has said, "In the Internet age, the British libel laws can bite you no matter where you live."

H.R. 2765 will deter libel tourists from taking advantage of these differences in the laws of Britain and other foreign jurisdictions and our precious First Amendment by imposing important limitations on the enforcement of foreign defamation judgments in our courts. Under the bill, a U.S. court cannot enforce a foreign defamation judgment inconsistent with the First Amendment to our Constitution or when the foreign court's exercise of personal jurisdiction over the defendant does not comport with our due process requirements. And a U.S. court cannot enforce a foreign defamation judgment against an interactive computer service if doing so is inconsistent with section 230 of the Communications Act of 1934. This will ensure that libel tourists cannot chill speech by suing a third-party interactive computer service rather than the actual author of the statement.

Finally, the bill allows a court to award attorney's fees to the party resisting enforcement of the foreign judgment if that party prevails. This puts some added teeth in the bill. That was a recommendation at our hearing on the bill. This will not only compensate the American author or publishers for the expense of defending a nonmeritorious enforcement action but will help dissuade the would-be libel tourist from putting them to that expense in the first place.

I am joined in introducing this legislation by my colleague DARRELL ISSA of California. Last year our bill passed the House overwhelmingly, and I ask my colleagues to support it again this year. I would like to thank Judiciary Committee Chairman JOHN CONYERS and Ranking Member LAMAR SMITH and all the cosponsors of this bill for their help and support in bringing it to this point.

I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I recognize myself for such time as I may consume.

Thomas Jefferson observed that "the only security of all is in a free press. The agitation it produces must be submitted to. It is necessary to keep the waters pure." Were he alive today, Jefferson would not take too kindly to libel tourists, the subject of H.R. 2765. Oh, it seems true that some U.S. media more recently have become fan clubs rather than objective pursuers of truth, but there are still some very dedicated journalists in the United States who should be free from harassment from inappropriate libel suits in overseas courts.

In the wake of 9/11, the American media have become increasingly alarmed over a phenomenon called

libel tourism. The term refers to the subject of a critical news story suing an American author or reporter of an article, story or book for defamation in a plaintiff-friendly overseas or foreign forum. These suits are filed mostly in Great Britain, as its libel and slander laws provide writers and journalists with less protection than those under the U.S. system that honors a First Amendment and a free press. Persons identified in news stories as terrorists or terrorist sympathizers have brought some of the higher-profile suits.

So how would American courts treat foreign judgments that clash with American legal values under this bill? A foreign judgment will not be enforced in the U.S. court when the foreign judgment is offensive to State public policy or the Constitution. And that's what this bill does.

Last September, as my friend from Tennessee indicated, the House passed a libel tourism bill that codified existing U.S. treatment of the subject. The other body did not act on the measure. So we revisit the issue today, better informed, thanks to a subcommittee hearing, full committee markup and substantial input by legal experts on the subject matter.

H.R. 2765 contains four major provisions, as my colleague from Tennessee has outlined.

Mr. Speaker, this bipartisan legislation provides appropriate and necessary protection for U.S. journalists and authors and represents the strongest constitutionally sound policy in response to libel tourism. The issue has been thoroughly considered by the Judiciary Committee, and I would urge Members to support H.R. 2765.

Mr. Speaker, I have no further speakers. So when my colleague across the aisle is ready to close, I will likewise be ready.

Mr. COHEN. Mr. Speaker, I would like to withdraw the motion.

The SPEAKER pro tempore. The motion to suspend the rules and pass H.R. 2765 is withdrawn.

PROHIBITING ENFORCEMENT OF FOREIGN DEFAMATION JUDGMENTS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2765) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2765

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

SECTION 1. RECOGNITION OF FOREIGN DEFAMATION JUDGMENTS.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 181—FOREIGN JUDGMENTS

"Sec.

"4101. Definitions.

"4102. Recognition of foreign defamation judgments.

"4103. Attorneys' fees.

"§ 4101. Definitions

"In this chapter:

"(1) DOMESTIC COURT.—The term 'domestic court' means a Federal court or a court of any State.

"(2) FOREIGN COURT.—The term 'foreign court' means a court, administrative body, or other tribunal of a foreign country.

"(3) FOREIGN JUDGMENT.—The term 'foreign judgment' means a final judgment rendered by a foreign court.

"(4) STATE.—The term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"§ 4102. Recognition of foreign defamation judgments

"(a) FIRST AMENDMENT CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation whenever the party opposing recognition or enforcement of the judgment claims that the judgment is inconsistent with the first amendment to the Constitution of the United States, unless the domestic court determines that the judgment is consistent with the first amendment. The burden of establishing that the foreign judgment is consistent with the first amendment shall lie with the party seeking recognition or enforcement of the judgment.

"(b) JURISDICTIONAL CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation if the party opposing recognition or enforcement establishes that the exercise of personal jurisdiction over such party by the foreign court that rendered the judgment failed to comport with the due process requirements imposed on domestic courts by the Constitution of the United States.

"(c) JUDGMENT AGAINST PROVIDER OF INTERACTIVE COMPUTER SERVICE.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation against the provider of an interactive computer service, as defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230), whenever the party opposing recognition or enforcement of the judgment claims that the judgment is inconsistent with such section 230, unless the domestic court determines that the judgment is consistent with such section 230. The burden of establishing that the foreign judgment is consistent with such section 230 shall lie with the party seeking recognition or enforcement of the judgment.

"(d) APPEARANCES NOT A BAR.—An appearance by a party in a foreign court rendering a foreign judgment to which this section applies for the purpose of contesting the foreign court's exercise of jurisdiction in the case, moving the foreign court to abstain from exercising jurisdiction in the case, defending on the merits any claims brought before the foreign court, or for any other purpose, shall not deprive such party of the right to oppose the recognition or enforcement of the judgment under this section.

"§ 4103. Attorneys' fees

"In any action brought in a domestic court to enforce a foreign judgment for defamation, the court may allow the party opposing

recognition or enforcement of the judgment a reasonable attorney's fee if such party prevails in the action on a ground specified in subsection (a), (b), or (c) of section 4102."

(b) CLERICAL AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

"181. Foreign Judgments 4101".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I once again ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

□ 1700

Mr. COHEN. Mr. Speaker, I reserve my time and ask if the gentleman from Texas would like to yield back his time, wherefore I will yield mine.

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

The comments I made previously were with regard to this bill, as amended, so I would ask that the RECORD so reflect, and since a lot of people have difficulty hearing me speak very long because of the accent, I won't repeat those comments.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I appreciate the gentleman from Texas, and I understand him clear and well. Some people don't understand us as well as we understand each other.

I would like to also request that the previous remarks that I made be incorporated by reference onto this bill.

Mr. KING of New York. Mr. Speaker, today I rise in support of H.R. 2765, legislation that would prohibit the recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services. This bill, like legislation (Free Speech Protection Act) that I introduced earlier this year attempts to deal with the issue of "libel tourism" that threatens not only Americans' first amendment freedom of speech but also their ability to inform the general public about existential threats; namely, who are the terrorists and who are their financial backers.

Let me begin by stating the main threat posed by libel tourism is not just the clever exploitation of foreign courts' libel laws to win financial judgments against American authors. It's not even the risk that Americans are losing their First Amendment guarantee of freedom of speech (although that is quite troubling). The danger is that foreign individuals are operating a scheme to intimidate authors and publishers from even exercising that right. And it's actually scarier because, in many of these

cases, the journalists are trying to write on topics of national and homeland security. Therefore it is imperative that Congress address the issue and pass legislation to stop this nefarious activity at once.

The issue of "libel tourism" threatens not only Americans' First Amendment freedom of speech but also their ability to inform the general public about existential threats; namely, the identity of terrorists and their financial supporters. As the Ranking Member of the Committee on Homeland Security, it is my duty to oversee policies for protecting our nation from potential terrorist attacks—a charge I take very seriously. I receive regular classified briefings on dangerous plots to attack the United States so I know just how grave these threats are. We cannot allow foreigners the ability to muzzle Americans for speaking the truth about these dangers!

Libel tourism is a recent phenomenon in which certain individuals attempt to obstruct the free expression rights of Americans (and the vital interest of the American people) by seeking out foreign jurisdictions ("forum shopping") that do not provide the full extent of free-speech protection that is enshrined in our First Amendment. Some of these actions are intended not only to suppress the free speech rights of journalists and others but also to intimidate publishers and other organizations from disseminating or supporting their work.

Unlike in the United States where the burden of proof is on the plaintiff to show that the publication was not only false but also malicious, in countries such as the United Kingdom it is actually the reverse. And some of these "tourists" claims of jurisdiction are tenuous at best. In many cases, not only are none of the individuals (author, litigant, or publisher) associated with the case living in the venue of jurisdiction, but the books aren't even published there. These "libel tourists" stretch the law by claiming a handful of copies of the book purchased over the internet and delivered to an address in a foreign country gives them standing.

Since the burden of proof is on the author in the United Kingdom, the author must then hire an attorney, travel to the foreign country, and defend herself or likely face a default judgment. Consequences include, but are not limited to, stiff fines, outrageous public apologies, the removal of books from bookstores and libraries, or even their destruction.

We cannot change other countries' (libel) laws, nor would we want to. We must respect their laws, as they ought to respect ours. However, we cannot allow foreign citizens to exploit these courts to endanger Americans' First Amendment protected speech; especially, when the subject matter is of such grave importance as terrorism and those who finance it.

Just to be clear, we're not talking about journalists who carelessly or maliciously slander an individual. In this case we're talking about authors who, after conducting exhaustive research and carefully sourcing their work, are providing us glimpses into a dark and secretive world. We ought to rely on a variety of sources for this information and we cannot allow foreign litigants or foreign courts to tell us what can be written or published in the United States. That is a dangerous path we do not want to follow.

Some of the plaintiffs bringing such suits are intentionally and strategically refraining from filing their suits in the United States, even though the speech at issue was published in the United States, to avoid the First Amendment protections that Americans enjoy.

But this issue is also very troubling for the authors, journalists, and even publishers who attempt to write on these subjects. Already we have seen examples of authors having difficulty getting their articles or books published because publishers fear of being sued overseas. Some companies have even gone as far as to pay large settlements at the mere threat of legal actions. So not only are authors being injured for the works they have previously written but they and their publishers are being intimidated from writing future articles on these important topics. The free expression and publication by journalists, academics, commentators, experts, and others of the information they uncover and develop through investigative research and study is essential to the formation of sound public policy and thus the security of Americans.

In turn, the American people are suffering concrete and profound harm because they, their representatives, and other government policymakers rely on the free expression of information, ideas, and opinions developed by responsible journalists, academics, commentators, experts, and others for the formulation of sound public policy, including national security policy.

Having said that, the United States respects the sovereign right of other countries to enact their own laws regarding speech, and seeks only to protect the First Amendment rights of Americans in connection with speech that occurs, in whole or part, in the United States.

That is why last year I introduced the Free Speech Protection Act (H.R. 1304) to defend U.S. persons who are sued for defamation in foreign courts. This legislation would allow U.S. persons to bring a federal cause of action against any person bringing a foreign libel suit if the writing did not constitute defamation under U.S. law. It would also bar enforcement of foreign libel judgments and provide other appropriate injunctive relief by U.S. Courts if a cause of action was established. H.R. 1304 would award damages to the U.S. person who brought the action in the amount of the foreign judgment, the costs related to the foreign lawsuit, and the harm caused due to the decreased opportunities to publish, conduct research, or generate funding. Furthermore, it would award treble damages if the person bringing the foreign lawsuit intentionally engaged in a scheme to suppress First Amendment rights. It would allow for expedited discovery if the court determines that the speech at issue in the foreign defamation action is protected by the First Amendment.

Nothing in H.R. 1304 would limit the rights of foreign litigants who bring good faith defamation actions to prevail against journalists and others who have failed to adhere to standards of professionalism by publishing false information maliciously or recklessly. The Free Speech Protection Act does, however, attempt to discourage those foreign libel suits that aim to intimidate, threaten, and restrict the freedom of speech of Americans. I am proud to have worked closely with Senators ARLEN

SPECTER, JOE LIEBERMAN, and CHUCK SCHUMER who introduced companion legislation in the Senate.

The King/Specter/Lieberman/Schumer legislation also has the backing of various organizations including the Association of American Publishers, College Art Association, Anti-Defamation League, American Jewish Congress, American Library Association, 9/11 Families for a Secure America, American Booksellers Foundation for Free Expression, and the American Civil Liberties Union. In addition, various columnists and editorial boards have written in support of our approach including Floyd Abrams, Andrew McCarthy, the New York Times, New York Post, and the Washington Times.

The impetus for a federal law is the case of Dr. Rachel Ehrenfeld, a U.S. citizen and Director of the American Center for Democracy. Dr. Ehrenfeld's 2003 book, "Funding Evil: How Terrorism is Financed and How to Stop it," which was published solely in the United States by a U.S. publisher, alleged that a Saudi Arabian subject and his family financially supported al-Qaeda in the years preceding the attacks of September 11, 2001. He sued Dr. Ehrenfeld for libel in England because under English law, it is not necessary for a libel plaintiff to prove falsity or actual malice as is required in the U.S. After the English court entered a judgment against Dr. Ehrenfeld, she sought to shield herself with a declaration from both federal and state courts that her book did not create liability under American law, but jurisdictional barriers prevented both the federal and New York State courts from acting. Reacting to this problem, the Governor of New York, on May 1, 2008, signed into law the "Libel Terrorism Protection Act", commonly known as "Rachel's Law."

As I said last year, I believe any libel tourism bill should include punitive measures to discourage these ridiculous lawsuits from being filed in the first place. It was my hope that during this new Congress we could work together to introduce a bill that would solve this problem once and for all, legislation which would not only ban the enforcement of these foreign libel judgments but would also create a federal cause of action allowing American authors and journalists to sue those foreign plaintiffs here in the United States. This should be the essential component of any libel tourism bill. The real issue here is not the judgment or even the libel case itself. Rather, it is the attempt by certain individuals to muzzle those who dare speak out about terrorism and the financiers of it. Lawyers are cleverly exploiting foreign libel laws not only to injure American authors and publishing companies, but more importantly to shut them up. And it is working. But we must stop it!

In September, I supported and the House passed H.R. 6146, legislation sponsored by Representative COHEN, to prohibit U.S. Courts from enforcing these outrageous defamation suits. At the time, I stated that I believed that bill did not go far enough to combat the threat of libel tourism and that pertains to H.R. 2765 as well.

Nevertheless, I will support H.R. 2765 because it prohibits U.S. (domestic) courts from enforcing these outrageous defamation suits. We must stand up to the terrorists and their

financiers, supporters, and sympathizers. However, this bill does not go far enough nor does it resolve the problem of "libel tourism." Foreign litigants will still be allowed to file these libel suits overseas with no worry of being countersued here in the U.S. If this bill were to be signed into law, the litigants would never see a dime of the judgments they are awarded, but it's not money they are after in the first place. They want the publicity, an apology, and they want these books to disappear. Most of all they want to intimidate authors and publishers. And it's working!

Finally, I will support H.R. 2765 because it is a first step in the right direction. H.R. 2765 is an important and necessary part of any "libel tourism" bill. Unfortunately, it doesn't put an end to the problem and doesn't provide any deterrence from these suits being filed in the first place. I regret that we could not have come up with a more comprehensive bill on the House side but I pledge to work with our Senate sponsors to improve this legislation over in the other Chamber.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to voice my support for House Resolution 2765, prohibiting recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services, introduced by Representative COHEN, which articulates the sense of Congress regarding the United States commitment to freedom of speech. I would also like to thank Congressman COHEN for this important legislation, his leadership in bringing this legislation forth and for working together to see that the First Amendment to the Constitution is not just something we talk about, but something that is achieved. The heart of this bill lies in interactive computer services.

Interactive computer services provide an opportunity for free enterprise to take place. "I am convinced," asserts RICHARD LUGAR "that the majority of American people do understand that we have a moral responsibility to foster the concepts of opportunity, free enterprise, the rule of law, and democracy. They understand that these values are the hope of the world".

TEXAS

In my state of Texas there are a variety of small interactive foreign computer service enterprises that are struggling to be valued resources in their community, a community full of individuals that struggle with all the woes of technology and deserve not only local businesses for their convenience but also their relationship.

Many of these businesses promise hope for many citizens unfamiliar with computers and technology by advocating that they do not treat their customers like another invoice number or item on a list of things to do.

CONCLUSION

I urge my colleagues to remember that certain companies that fall within the category of "interactive computer service" providers are extremely beneficial to the communities they serve. I do not advocate that all judgments against these providers are inappropriate, but we must remember the benefits of such a business and its legitimate concurrence with the First Amendment.

If we do not support the improvement of the technological community as it is then we

should not support this bill. However, if we are for access to quality computer services, if we are for greater understanding of the communities we serve, if we are for fair enforcement of judgments against and for hardworking American citizens, then we must give our full support to this bill.

I urge my colleagues to join me in support of Resolution 2765, which will work to effectively help Americans prepare for the future with the appropriate resources. This is just one more step to a more responsible society.

Mr. Speaker, I vote in support of House Resolution 2765.

Mr. COHEN. I yield the remainder my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 2765, as amended.

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

A motion to reconsider was laid on the table.

CONGRESSIONAL REVIEW ACT IMPROVEMENT ACT

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2247) to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2247

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Review Act Improvement Act".

SEC. 2. TECHNICAL AMENDMENTS TO THE CONGRESSIONAL REVIEW ACT.

(a) GOVERNMENT PAPERWORK REDUCTION.—Section 801 of title 5, United States Code, is amended as follows:

(1) REPEAL OF REQUIREMENT FOR SUBMITTAL OF TEXT OF RULES AND CERTAIN OTHER MATERIALS TO BOTH HOUSES OF CONGRESS.—Subsection (a)(1) is amended—

(A) by striking "each House of the Congress and to" in subparagraph (A);

(B) by striking "each House of", and inserting "on request" after "Congress", in subparagraph (B); and

(C) by striking subparagraph (C).

(2) LISTING IN CONGRESSIONAL RECORD OF EACH RULE RECEIVED BY THE COMPTROLLER GENERAL.—Subsection (e) is amended to read as follows:

"(e)(1) The Comptroller General shall submit to each House of Congress a weekly report containing a list of each rule received by the Comptroller General pursuant to subsection (a) since the last such report was submitted. The report shall include a notation for each such rule indicating whether or not the rule is a major rule.

"(2) The Speaker of the House of Representatives shall cause to be published in the Congressional Record, in that portion of

the Record relating to the proceedings of the House of Representatives, each report received from the Comptroller General under paragraph (1) since the last such publication in the House portion of the Record and, for each rule listed in such report, a statement of referral by the Speaker to the committee or committees of the House with responsibility for review of that rule.

“(3) There shall be published in the Congressional Record, in that portion of the Record relating to the proceedings of the Senate, each report received from the Comptroller General under paragraph (1) since the last such publication in the Senate portion of the Record and, for each rule listed in such report, a statement of the referral, if any, to the committee or committees of the Senate with responsibility for review of that rule.”.

(b) CONFORMING AMENDMENTS.—Chapter 8 of such title is further amended—

(1) in section 801(a)(3)(A)(i), by striking “Congress” and inserting “Comptroller General”;

(2) in section 801(a)(4), by striking “Congress” and inserting “the Comptroller General”;

(3) in section 801(d)(2)(B), by striking “Congress” and inserting “the Comptroller General”;

(4) in section 802(a), by striking “Congress” the first place it appears and inserting “the Comptroller General”; and

(5) in section 802(b)(2)(A), by striking “Congress” and inserting “Comptroller General”.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 2247, the Congressional Review Act Improvement Act, would cut governmental waste by reducing duplicative paperwork and relieving some of the administrative burdens currently mandated by the Congressional Review Act.

The Congressional Review Act is the congressional mechanism for reviewing agency rules. It currently requires that when an agency promulgates a rule, it must submit documents to both Houses of Congress and to the Comptroller General of the Government Accountability Office.

The agency must submit a report that contains a copy of the rule, a concise general statement describing it, and its proposed effective date. Thus, under current law, the same material

is submitted to, housed in, and printed by four different government entities.

This approach creates unnecessary burdens. For example, the House Parliamentarian has testified before the House Judiciary Subcommittee on Commercial and Administrative Law in three separate Congresses about the ever-increasing volume of executive branch communications under the Congressional Review Act and its overwhelming impact on the operations of the Parliamentarian's office.

This bill eliminates the requirement that agencies submit copies of rules with accompanying reports to each House of Congress. Instead, the House and Senate will receive a weekly list of all rules from the Comptroller General. The House and Senate would then have the list printed in the CONGRESSIONAL RECORD with a statement of referral for each rule.

Under the bill, the House and Senate retain the option to directly obtain reports on major rules. Importantly, the bill makes no changes to the authority of Congress under the Congressional Review Act to disapprove agency rules. What it basically does is it cuts out some unnecessary paperwork and saves forests.

I thank Judiciary Committee Chairman John Conyers, Ranking Member Lamar Smith, and Trent Franks, ranking member of the Subcommittee on Commercial and Administrative Law, for being original cosponsors of this bill with me.

This is a commonsense bill that rightfully has strong bipartisan support. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I join my colleague in support of H.R. 2247, the Congressional Review Act Improvement Act.

The Congressional Review Act provides Congress with a vital but underused tool to oversee how agencies exercise the legislative authority Congress delegates to them. This bipartisan reform, the Congressional Review Act Improvement Act, is an important first step towards improving the act's efficiency and effectiveness. It is a measure first proposed in the 106th Congress by the late Henry Hyde. It had bipartisan support then, just as it does today.

This legislation will streamline the House Parliamentarian's role under the Congressional Review Act, shifting some of the Parliamentarian's paperwork responsibilities to the Comptroller General.

The day-to-day volume of paperwork that the small staff of the Parliamentarian's office confronts under the act is large. By reducing this burden on the Parliamentarian, this bill will improve the efficiency of House operations while at the same time not hampering oversight of agency rules.

We obtained this measure's passage in the last Congress, but the Senate, unfortunately, did not act upon it. I urge the House to pass it again this term, and I am hopeful the Senate will pass it as well. The goal is to provide assistance to the overworked Parliamentarian's office.

I have remained grateful to the Parliamentarian's office ever since the first time in my first term here I went up to be Speaker pro tem and was advised by the Parliamentarian to be careful when I leaned back because the chair didn't have much back support, therefore averting me from on-camera falling back and flailing my arms, as I would have without the Parliamentarian's assistance.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 2247, the “Congressional Review Act Improvement Act.” I would like to thank my colleague, Congressman STEVE COHEN, for introducing this bill, and for providing leadership on this important issue.

I support this bill. It eliminates waste by requiring that federal agencies must submit specified information about a rule to both Houses of Congress before such rule can take effect; (thus requiring that the information be submitted to only the Comptroller General). Moreover, it requires the Comptroller General to submit to each House a weekly report containing a list of the rules received, including a notation identifying each major rule.

These reductions and minimization of waste standards provided by this bill should result in a substantial cost savings to the federal government. In times like we are in now, it is important that the government cut costs. I support this bill.

H.R. 2247 amends the current law. The primary purpose of the legislation is to have the Comptroller general replace congress. H.R. 2247 eliminates the requirement that agencies submit paper copies of their rules that are printed in the Federal Register to each House while continuing a referral of all rules printed in the Federal Register and the periodic indication of those referrals in the CONGRESSIONAL RECORD. Instead, the Comptroller General will send out the weekly list of rules to both the House and the Senate from the GAO, and then the Comptroller General would put that list in the CONGRESSIONAL RECORD.

This bill eliminates the excessive duplication and printing of rules. This bill adds a commonsense approach to rulemaking, the printing, publication and dissemination of those rules. It is simple and the reforms that it brings should yield a substantial cost savings to the U.S. Treasury.

I am proud to support this bill because it eliminates duplicative and needless paperwork and should provide a cost savings. I urge my colleagues to support this bill.

Mr. Speaker, I have no further speakers. I yield back the balance of my time and urge my colleagues to support this bill.

Mr. COHEN. Mr. Speaker, I too would yield the balance of my time and ask for a favorable vote on the proposition before us, as amended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 2247, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

COURT SECURITY ENHANCEMENT ACT OF 2009

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2661) to amend title 18, United States Code, to increase the penalty for violations of section 119 (relating to protection of individuals performing certain official duties), as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2661

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Security Enhancement Act of 2009".

SEC. 2. INCREASE OF PENALTY.

Section 119(a) of title 18, United States Code, is amended by striking "5 years" and inserting "10 years".

SEC. 3. RESOLVING A WORKLOAD REQUIREMENT FOR SENIOR JUDGE PARTICIPATION IN COURT GOVERNANCE.

Section 631(a) of title 28, United States Code, is amended by striking "(including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as may consume.

Mr. Speaker, H.R. 2661, the Court Security Enhancement Act, addresses improper public disclosure of private in-

formation regarding all Federal employees, Federal officers, and persons involved in the judicial system. Specifically, this bill addresses the public disclosure of private information with the intent to threaten, intimidate or incite violence against a Federal employee or officer, a person involved in the judicial system, or his or her family.

The safety of all who participate in our judicial process is essential to the integrity of our judicial system. Threats and attacks against citizens and court officials are also attacks on the fair and effective administration of justice.

It is already a felony to knowingly disclose with harmful intent restricted personal information, including a Federal employee's home address, home phone number or Social Security number. However, the maximum penalty is currently 5 years. This bill will increase that penalty to 10 years.

The United States Sentencing Commission has brought to our attention the disparity between the 5-year penalty for this crime and the 10-year penalty for another serious form of harassment and attack on Federal employees, that of filing false liens against the Federal employee.

The Sentencing Commission has asked whether or not we intended that disparity. We did not. To reduce the disparity and to bring the penalty for disclosing private information with a criminal intent in line with the seriousness of the offense, the Court Security Enhancement Act increases the penalty from 5 to 10 years.

This bill also corrects a conflict we inadvertently created last session in sections 503 and 504 of the Court Security Improvement Act of 2007. This bill eliminates that conflict and clarifies that senior judges must perform at least the equivalent of a 6-month workload of an active judge to participate in court governance matters, including the selection of magistrate judges.

I urge my colleagues to support this important legislation and thank the gentleman from Texas for introducing the bill.

I reserve the balance of my time.

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

On January 7th of last year, President Bush did sign into law a critical piece of legislation, the Court Security Improvement Act. I was pleased to join Chairman CONYERS and Chairman SCOTT as an original cosponsor of the bill.

This bipartisan, bicameral effort improves security for Federal judges, their staffs, victims, witnesses, and all those who participate in our Federal justice system. I had the honor and privilege to sit down with a number of judges and witnesses and victims and staff members to discuss this problem back before the legislation was origi-

nated and we were trying to address some of the problems that had been created.

In recent years, we have seen an increase in violence and threats against judges, prosecutors, defense counsel, law enforcement officers, and courthouse employees. According to the Administrative Office of the U.S. Courts, almost 700 threats a year are made against Federal judges. In numerous cases, it has been necessary to assign Federal judges security details for fear of attack by criminal defendants and disgruntled litigants.

We now have in place procedures to improve coordination between U.S. marshals and the Federal judiciary and strengthen security measures for Federal prosecutors handling dangerous trials against terrorists and drug organizations, as well as organized crime figures.

The law now also prohibits public disclosure on the Internet or other public sources of personal information about judges, law enforcement officers, victims and witnesses, and also protects Federal judges and prosecutors from organized efforts to harass and intimidate them through false filings of liens or other encumbrances against their personal property.

I introduced H.R. 2661, the Court Security Enhancement Act, to make two important corrections to the court security statutes. At the recommendation of the U.S. Sentencing Commission, the bill does increase, as my colleague from Virginia mentioned, the penalty for violations of section 119 of title 18 from a maximum of 5 to a maximum of 10 years.

This action prohibits the public disclosure of certain personal information of Federal judges, prosecutors, defense counsel, jurors, witnesses, or the family members of these individuals. This commonsense, straightforward change will conform the penalties for section 119 offenses to the penalties of the other comparable court security provisions.

At the recommendation of the U.S. Judicial Conference, the bill also eliminates an inconsistency unintentionally created by the Court Security Improvement Act pertaining to requirements for senior district court judge participation in court governance. This simple amendment will ensure consistent application of the statutes governing senior district court judges.

I do want to thank Chairman CONYERS, Chairman SCOTT and Ranking Member SMITH for their support and prompt consideration of the bill. It is imperative we continue to work together in a bipartisan effort to ensure that judges, witnesses, courthouse personnel, and law enforcement officers do not face threats and violence while carrying out their duties, and, if there is, that there are serious consequences.

With that, I urge my colleagues to support the bill.

Mr. JOHNSON of Georgia. Mr. Speaker. I rise today in strong support of H.R. 2661, the "Court Security Enhancement Act of 2009." I would like to thank my colleague Representative LOUIE GOHMERT for introducing this important piece of legislation, as well as the co-sponsors.

I stand in support of this legislation because it adds a simple amendment to title 18 of the United States Code, which will make a huge impact on the protection and safety of individuals performing certain official duties in the courts. This amendment will prohibit the public disclosure of certain personal information of federal judges, prosecutors, defense counsel, witnesses, or family members of these individuals. The bill will also clarify and eliminate an inconsistency that was unintentionally created by the Court Security Improvement Act, which pertained to the requirements for a Senior District Court Judge's participation in court governance. But most importantly this amendment will increase the penalty for those who violate Section 119(a) of title 18, from a maximum of five years to a maximum of ten years.

As a lawyer and a former county Magistrate Judge, as well as a Georgia State Court Judge, I hold this bill very dear to my heart. There is no time more important than the present, especially considering the recent hate crimes, like the shooting at the Holocaust Museum, that have occurred throughout the country. The United States Judiciary System stands to seek justice for all, so those who are opposed to equality for all Americans usually take their anger and hate out on innocent people. Therefore, it is only fair that there be maximum protection yielded to those who devote their careers to preserving and enforcing the founding principles of our forefathers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 2661, the "Court Security Enhancement Act of 2009." This legislation will go a long way toward enhancing the security and integrity of our judicial system and the able men and women who comprise the federal judiciary.

Mr. Speaker, let me quote the Chief Justice of the Texas Supreme Court: "Our democracy and the rule of law depend upon safe and secure courthouses." That is because an independent judiciary is essential for a regime based on the rule of law. Nothing can do more to undermine the independence of the judiciary than the very real threat of physical harm to members of the judiciary or their families to intimidate or retaliate. In 1979, U.S. District Court Judge John Wood, Jr., was fatally shot outside of his home by assassin Charles Harrelson. The murder contract had been placed by Texas drug lord Jamiel Chagra, who was awaiting trial before the judge.

In 1988, U.S. District Court Judge Richard Daronco was murdered at his house by Charles Koster, the father of the unsuccessful plaintiff in a discrimination case. The following year, U.S. Circuit Court Judge Richard Vance was killed by a letter bomb sent to his home. The letter bomb was attributed to racist animus against Judge Vance for writing an opinion reversing a lower-court ruling to lift an 18-year desegregation order from the Duval County, Florida, schools.

In this age of the global war on terror, the danger faced by federal judges, judicial offi-

cers, and court personnel is real, as illustrated by the three murders noted above. The recent and tragic murder of U.S. District Court Judge Joan Humphrey Lefkow's husband and mother reminds us that the danger has not abated.

Mr. Speaker, H.R. 2661 increases the penalty of violating Section 119(a) of title 18, United States Code to 10 years instead of 5 years. The original bill states that it is a crime to publish on the Internet restricted personal information concerning judges, law enforcement, public safety officers, jurors, witnesses or other officers in any United States Court. The penalty for a violation was a maximum term of imprisonment of 5 years. However, H.R. 2661 will make this maximum term of imprisonment 10 years.

Additionally, the original bill increases the maximum penalty for killing or attempting to kill a witness, victim or informant to obstruct justice or in retaliation for their testifying or providing information to law enforcement by increasing maximum penalties.

The original Act provides a three-pronged legislative response to the security challenges facing our judicial institutions and personnel. First, it directs the United States Marshals Service to consult with the Judicial Conference regarding the security requirements for the judicial branch, in order to improve the implementation of security measures needed to protect judges, court employees, law enforcement officers, jurors and other members of the public who are regularly in federal courthouses.

The original bill also extends authority to redact information relating to family members from a federal judge's disclosure statements required by the Ethics in Government Act and removes the sunset provision from the redaction authority, thus making the redaction authority permanent.

Mr. Speaker, the original bill also enhanced the security and protection of judicial personnel and their families by making it a criminal offense to maliciously record a fictitious lien against a federal judge or federal law enforcement officer. This new crime and punishment is intended to deter individuals from attempting to intimidate and harass federal judges and employees by filing false liens against their real and personal property.

All in all, Mr. Speaker, this bill makes a substantial contribution to the enhancement of security of judicial institutions and personnel by increasing the penalty for violators of this Act. I urge all members to join me in supporting this beneficial legislation.

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

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from Texas for introducing the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 2661, as amended.

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

The title was amended so as to read: "A bill to amend title 18, United States

Code, to increase the penalty for violations of section 119 (relating to protection of individuals performing certain official duties), and for other purposes."

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES TO THE FAMILIES OF VICTIMS OF THE CONAGRA FOOD PLANT EXPLOSION

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 540) expressing condolences to the families, friends, and loved ones of the victims of the catastrophic explosion at the ConAgra Foods plant in Garner, North Carolina, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 540

Whereas the people of North Carolina experienced a devastating tragedy when a massive explosion occurred at the ConAgra Foods plant in Garner, North Carolina, shortly before 11:30 a.m. on June 9, 2009;

Whereas the 500,000-square-foot plant, one of the largest owned by ConAgra Foods, employs 900 people, 300 of whom were on site when the blast occurred;

Whereas three workers lost their lives when the explosion ripped through the plant;

Whereas employee Louis Junior Watson reentered the building to help a coworker escape and both employees died when the structure caved in;

Whereas at least 40 employees were injured, some suffering from exposure to toxic ammonia fumes and at least four with critical burns;

Whereas three brave firefighters were treated for inhalation;

Whereas North Carolina's first responders, fire, police, and EMS, were quick to the scene and prevented any further loss of life or injury, and private citizens risked their well-being to come to the aid of their friends and neighbors;

Whereas the Garner Police and Fire Departments have cooperated with North Carolina Task Force 8 Urban Search and Rescue to search and secure the building and its periphery;

Whereas agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Wake County Fire Marshal, inspectors from the North Carolina Department of Labor, and agents with the United States Chemical Safety Board have combined efforts to investigate the cause of the explosion;

Whereas the United States Environmental Protection Agency has inspected the site of the explosion to ensure no contamination spreads from the plant;

Whereas the above mentioned agencies will continue to work together with private citizens to investigate the accident, provide assistance to families of the victims, and ensure public health and safety in this disaster's aftermath; and

Whereas ConAgra has established the ConAgra Foods Garner Plant Fund in memory of those lost in this tragedy, has set up assistance and relief services for the families of the victims, and is helping support surviving workers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses condolences to the families, friends, and loved ones of the victims of the explosion at the ConAgra Foods plant in Garner, North Carolina;

(2) honors Barbara McLean Spears of Dunn, North Carolina, Louis Junior Watson of Clayton, North Carolina, and Rachel Mae Poston Pulley of Clayton, North Carolina, who lost their lives in the explosion, and the 40 others who were injured;

(3) expresses sympathies to the people of Garner, the entire State of North Carolina, and the Nation who grieve for the victims; and

(4) commends the heroic actions of the Garner Police and Fire Departments, the quick response of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and all other first responders, emergency services personnel, and private citizens who responded to the crisis.

□ 1715

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes. The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, with this resolution, the House of Representatives acknowledges the tragedy that occurred at ConAgra on June 9, 2009, and extends our sympathies to the people of Garner, North Carolina, and to all of those who were touched by this tragedy. I thank the gentleman from North Carolina (Mr. ETHERIDGE) for introducing this important resolution about such a sad tragedy.

Shortly before 11:30 a.m. on June 9, last Tuesday, a massive explosion ripped through the ConAgra plant in North Carolina while about 300 employees were working. The explosion killed three employees and injured at least 38 others. Three of the responding firefighters were also treated for chemical inhalation.

We wish we could turn back the hands of time and prevent this terrible tragedy. Unfortunately, we can't. And, instead, we need to do all we can to understand the cause of the explosion so we can minimize the risk of explosions like it.

This past weekend, the ATF response team announced that the explosion was caused by a natural gas leak in a room that housed vacuum pumps used for sealing snacks.

According to news reports, the ATF has not found any evidence of criminal

activity. The Occupational Safety and Health Administration and the U.S. Chemical Safety Board, along with others, will continue with the investigation.

We express our deepest condolences to the families, friends and loved ones of the victims of this tragedy. We honor three employees who lost their lives in the explosion, Barbara McLean Spears of Dunn, North Carolina, Louis Junior Watson of Clayton, North Carolina, Rachel Mae Poston Pulley, of Clayton, North Carolina; and we also honor those who suffered injuries.

And, finally, we commend the heroic actions of the first responders, the Garner Police and Fire Departments, the emergency medical personnel, the North Carolina Task Force 8 Urban Search and Rescue, the ATF, and all other emergency services personnel and private citizens who came to the rescue. Their efforts, along with those of the ConAgra employees themselves, no doubt prevented further loss of life and injuries.

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

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

I rise in support of the resolution, which expresses the heartfelt condolences of this body to the families, friends and loved ones of the victims of the June 9 explosion at ConAgra Foods plant in Garner, North Carolina.

As the resolution notes, the people of North Carolina experienced a devastating tragedy with a massive explosion occurring at the plant shortly before 11:30 a.m. The 500,000 square foot plant employed about 900 people, 300 of whom were on-site when the blast occurred. As a result of the blast, three workers lost their lives when the explosion ripped through the plant.

One brave employee, Louis Junior Watson, selflessly re-entered the building to try to help a coworker escape. Tragically, neither employee was able to escape the plant before the structure collapsed.

Along with Mr. Watson, the resolution honors the memories of Barbara McLean Spears, Rachel Mae Poston Pulley, who were the other two people who perished in the plant. We know that at least 40 employees were injured in the accident. Some suffered from exposure to toxic ammonia fumes, and at least four received critical burns.

After the blast occurred, North Carolina's first responders, including firefighters, police officers, and emergency medical technicians, quickly arrived on the scene. Their timely efforts probably prevented many other losses of life or injury. This resolution, as my colleague from Virginia noted, commends them for their sacrifice and courage as well.

In addition to the first responders, we also recognize the private citizens

of the proud community of Garner who risked their well-being to come to the aid of the families and friends and neighbors of those in the tragedy.

I join Mr. ETHERIDGE, Chairman SCOTT, and my colleagues in the House to express our sincere sympathies to the people of Garner, the entire State of North Carolina, and the Nation who grieve for the victims.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the sponsor of the resolution, the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I want to thank my good friend, Chairman CONYERS, and Majority Leader HOYER for expediting this resolution to the floor today.

Mr. Speaker, last Tuesday, June 9, the town of Garner, in my district, changed forever. A natural gas leak, as you've heard, ignited a massive explosion at the ConAgra Food plant, causing the collapse of a significant portion of the structure. Three employees died in the explosion; and close to 40 others were injured, four, with critical burns.

This resolution remembers the lives of Barbara McLean Spears of Dunn, North Carolina, Louis Junior Watson and Rachel Mae Poston Pulley, both of Clayton. They were all hardworking Americans who did just what we do every day: they got up, they went to work on that fateful day, Tuesday, to make their lives better and to do their part to contribute to America's work force and success of this Nation.

One of those workers, Louis Junior Watson, was particularly heroic. Though he had a means of escape, Watson chose to remain in the building to aid his coworker, Barbara McLean Spears, who had fallen. This extraordinary man is truly a hero and exemplifies the spirit of community and kinship that has strengthened his community.

Mr. Watson and his wife, Terri, would have celebrated their wedding anniversary yesterday. They had a 14-year-old son, and 16-year-old and 18-year-old daughters. Louis Junior Watson was laid to rest at 11 a.m. today.

More than 1,000 people attended the Sunday funeral services held for Rachel Mae Poston Pulley. Ms. Pulley was a mother of seven and a grandmother of six.

Barbara McLean Spears, who was married one year ago to her partner of 15 years, Anthony Spears, also leaves behind her 61-year-old mother, Bertha McLean, two brothers and two nieces. She was also laid to rest yesterday.

Mr. Speaker, I ask my colleagues to join me in honoring their lives and their loved ones who are left behind.

This resolution also recognizes Mayor Williams and his staff, our first responders, fire, police, EMS, who were quick to the scene and prevented even

further loss of life or injury. Those emergency personnel worked tirelessly on behalf of our communities; and we thank all of them, including private citizens who stepped up in this great time of need. Four of those brave firefighters, as you've already heard, were injured in the line of duty on Tuesday, and we commend their heroic efforts.

The citizens in and around my district have come together in the wake of this devastation, and it has been remarkable. I'm heartened and encouraged by the show of support from my fellow North Carolinians.

Our small communities are enhanced by businesses like ConAgra, which employed 900 people at this plant. I'm pleased to learn that they've set up a recovery fund for the victims, and they've been distributing groceries to their employees in need.

I know that ConAgra is working to rebuild the plant, and I look forward to the day when the employees can return to their work. There's a great demand for the products that ConAgra is producing in Garner, and I am pleased that these snacks and other food products are made in the Second District of North Carolina.

Mr. Speaker, let us remember those who we have lost and be thankful for those who were saved. Our thoughts and prayers are with the victims and their families and the entire ConAgra community because they are suffering.

On Friday night I participated in a vigil in Garner to remember and honor the victims. I was honored to attend and pleased with the tremendous outpouring of support.

At 11:30 tomorrow, exactly 1 week after the accident, Mayor Williams, the city of Garner, and all the community will join together with other individuals in other communities who were touched by the accident in a moment of silence to commemorate this disaster. I hope that we will have Congress' voice represented there with the passage of this resolution, and I urge my colleagues to support this important and necessary and timely resolution.

Mr. GOHMERT. Mr. Speaker, I will continue to reserve.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to another colleague from North Carolina, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, I am pleased to join colleagues here today in offering condolences to the families and friends and coworkers of Barbara McLean Spears, Louise Junior Watson and Rachel Mae Poston Pulley, the three workers who tragically lost their lives in an explosion at the ConAgra plant in Garner, North Carolina on June 9.

This area, Garner, North Carolina, is an area that I formerly represented as their Congressman. It's now represented by our colleague, BOB

ETHERIDGE; and I want to thank BOB for sponsoring this resolution here today and enabling us to come together in this time of tribute.

Our sympathy goes out to the families of the victims, but also to the 40 other ConAgra employees who were injured in this plant's explosion and collapse. Some of them have severe burns. They have other serious injuries. We wish them a successful recovery, and we thank the medical providers, including the Burn Center at UNC Chapel Hill, who are doing so much to treat these victims.

Often it does take a tragedy like the ConAgra explosion to publicly highlight the courageous work of our first responders. We commend those who responded to this explosion. There are many stories of bravery that prevented further injury or loss of life. The firefighters, the police, the emergency medical services of Garner and Wake County and many surrounding communities that heeded the call to rescue the ConAgra plant employees in a quick and safe manner. So we're very indebted to them and grateful to them. These first responders put us first, put our communities first every day.

There are also many private citizens who risked their lives helping plant employees evacuate, who gave selfless assistance to their suffering neighbors. That's a testament to the character and the strength of Garner's community.

The ConAgra plant, as my colleague, Mr. ETHERIDGE, has said, is a cornerstone of the Garner and Wake County community. It was built as a sausage plant nearly 50 years ago. As we move forward, remembering the victims of this tragedy, and the way that this plant provided the livelihood for so many people, we do hope the plant is rebuilt, and that employees can return to work. And we're heartened that such plans seem to be under way.

We do need to remain vigilant, of course, in our efforts to improve workplace safety. The Bureau of Alcohol, Tobacco and Firearms has concluded their investigation, finding, fortunately, no evidence of criminal intent. The Chemical Safety Board investigation is ongoing. We need to get to the bottom of this. We need to understand what happened; and we need, of course, to adopt practices and policies that lead to safer facilities in the future and avoid this kind of tragedy.

So, Mr. Speaker, in closing, we honor the memories of those that we have lost, give thanks for those who have been spared, and join in sympathy for the victims and their families.

Mr. GOHMERT. Mr. Speaker, I would just urge my colleagues to support the resolution, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume and thank my colleagues from

North Carolina for bringing this tragedy to our attention and giving us the opportunity to convey our condolences.

I urge my colleagues to support the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 540.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 30 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. LEE of California) at 6 o'clock and 31 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-155) on the resolution (H. Res. 544) providing for consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-156) on the resolution (H. Res. 545) providing for consideration of the conference report to accompany the bill (H.R. 2346) making supplemental appropriations for

the fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 430; H.R. 2325; H.R. 729; and House Resolution 540, in each case by the yeas and nays.

Remaining postponed suspension votes will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING CONDOLENCES TO ITALIAN EARTHQUAKE VICTIMS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 430, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 430, as amended.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 53, as follows:

[Roll No. 336]

YEAS—381

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alkin
Altmore
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccheri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd

Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole

Conaway
Connolly (VA)
Conyers
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson

Lewis (CA)
Linder
Lipinski
LoBiondo
LoFgren, Zoe
Lowe
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Markey (CO)
Markey (MA)
Marra
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin

Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—53

Alexander
Bachmann
Barrett (SC)
Berry
Blackburn
Blunt
Bonner
Boucher
Brady (TX)
Broun (GA)
Brown, Corrine
Carter
Coble
Coffman (CO)
Cooper
Costello
Deal (GA)
Donnelly (IN)
Duncan
Engel
Frank (MA)
Gingrey (GA)
Graves
Grijalva
Hensarling
Hoekstra
Johnson (IL)
Johnson, E. B.
Kennedy
Kilroy
Lewis (GA)
Loeb sack
Maloney
Manzullo
Marchant
Marshall
McMahon
Michaud
Moran (VA)
Pingree (ME)
Putnam
Rogers (MI)
Rohrabacher
Rush
Sestak
Shadegg
Shuler
Simpson
Sires
Sullivan
Towns
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1856

Mr. SERRANO changed his vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COFFMAN of Colorado. Madam Speaker, on rollcall No. 336, I was unavoidably detained. Had I been present, I would have voted “yea.”

ANNUAL MEMBERS AND FORMER MEMBERS CHARITY GOLF TOUR- NAMENT

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

Mr. WAMP. Madam Speaker, this afternoon at the Army Navy Golf Club in Washington, D.C., we had the Annual Members and Former Members Charity Golf Tournament, where we raised a significant amount of money for the Wounded Warriors Project of the Disabled Sports Foundation.

We had nine of the wounded warriors, these patriotic Americans who are maimed or injured, playing with us today in the Annual Members and Former Members Golf Tournament. We raised a significant amount of money for the Wounded Warriors Disabled Foundation today.

We want to thank the majority leader, STENY HOYER, and the Republican leader, JOHN BOEHNER, who played on the same team today. There was civility. There was comity and respect because we stood together to honor these great Americans, these wounded warriors, and raise money for them today.

Our whip, JIM CLYBURN, was on my team. We had a great day. CHET EDWARDS was the captain of the Democratic team.

We do want to recognize a couple of scores from the golf tournament today. I know the trophy is over on the Republican side, and with the baseball

game on Wednesday night, we thought we had better enjoy a trophy being over here while we can because the Democrats are favored in baseball this year. That is on Wednesday night. But, today, Republicans did win the trophy.

The top 10 Republicans played the top 10 Democrats. I have to say that the low gross award went to STEVE BUYER of Indiana. The low net award went to CHRIS CARNEY. Second for low net, I have to say, was DON YOUNG. He got inched out by a stroke.

Everybody was a winner. We had tremendous support from the PGA and all of our sponsors. Most importantly, we raised money for the Wounded Warrior Fund. These guys are unbelievable, these guys that come back without limbs, some of them with severe head trauma, and today they played golf with us. They are learning to live with their injuries, and we supported them today.

I want to yield to the distinguished captain of the Democratic team, Mr. EDWARDS of Texas.

Mr. EDWARDS of Texas. Madam Speaker, it is with a heavy heart that I look at that trophy on the Republican side of the aisle. I want to congratulate Mr. WAMP, the captain of the Republican team, and the entire Republican team. But it is with inspiration that I say the real winners today were the servicemen and -women who have served our country and sacrificed greatly on behalf of our Nation. It was a tremendous privilege for each and every one of us to get to meet these great, great Americans.

I look forward to that trophy being back on this side of the aisle next year, Mr. WAMP. Congratulations to you.

Mr. WAMP. Thank you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

LAREDO VETERANS POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2325, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2325.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 0, not voting 59, as follows:

[Roll No. 337]
YEAS—374

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bocchieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxo
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Henger
Herseth Sandlin
Higgins
Hill
Himes
Hinchee
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)

Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Mafee
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeke (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)

Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Lucas
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer

Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)

Thompson (PA)
Thornberry
Tiahrt
Schrock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)

NOT VOTING—59

Alexander
Bachmann
Barrett (SC)
Blackburn
Blunt
Bonner
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown, Corrine
Capuano
Coble
Cooper
Costello
Deal (GA)
Donnelly (IN)
Duncan
Engel
Frank (MA)

Gingrey (GA)
Graves
Grijalva
Hensarling
Hoekstra
Johnson (IL)
Johnson, E. B.
Kennedy
Kilroy
Larson (CT)
Lewis (CA)
Lewis (GA)
Loeback
Maloney
Manzullo
Marchant
Marshall
McCarthy (NY)
Michaud
Moran (VA)

Olver
Pascrell
Pingree (ME)
Putnam
Rogers (MI)
Rohrabacher
Rush
Sestak
Shadegg
Shuler
Simpson
Sires
Smith (TX)
Space
Sullivan
Tiberi
Towns
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members have less than 2 minutes to record their vote.

□ 1906

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PHYLICIA'S LAW

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 729, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 729, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 319, nays 60, not voting 54, as follows:

[Roll No. 338]
YEAS—319

Abercrombie	Fleming	McHugh
Ackerman	Forbes	McIntyre
Aderholt	Fortenberry	McMahon
Adler (NJ)	Foster	McMorris
Altmire	Frelinghuysen	Rodgers
Andrews	Fudge	McNerney
Arcuri	Gerlach	Meek (FL)
Austria	Giffords	Meeks (NY)
Baca	Gonzalez	Melancon
Bachus	Goodlatte	Mica
Baird	Gordon (TN)	Miller (MI)
Baldwin	Grayson	Miller (NC)
Barrow	Green, Al	Miller, George
Bean	Green, Gene	Minnick
Becerra	Griffith	Mitchell
Berkley	Guthrie	Mollohan
Berry	Gutierrez	Moore (KS)
Billbray	Hall (NY)	Moore (WI)
Bilirakis	Hall (TX)	Murphy (CT)
Bishop (GA)	Halvorson	Murphy (NY)
Bishop (NY)	Hare	Murphy, Patrick
Blumenauer	Harman	Murphy, Tim
Bocieri	Hastings (FL)	Murtha
Bono Mack	Heinrich	Nadler (NY)
Boozman	Heller	Napolitano
Boren	Herger	Neal (MA)
Boswell	Herseth Sandlin	Nunes
Boustany	Higgins	Nye
Boyd	Hill	Oberstar
Brady (PA)	Himes	Obey
Bright	Hinchee	Olson
Brown (SC)	Hinojosa	Olver
Buchanan	Hirono	Ortiz
Butterfield	Hodes	Pallone
Calvert	Holden	Pascarell
Camp	Holt	Pastor (AZ)
Cao	Honda	Paulsen
Capito	Hoyer	Payne
Capps	Hunter	Perriello
Capuano	Insee	Peters
Cardoza	Israel	Peterson
Carnahan	Jackson (IL)	Petri
Carney	Jackson-Lee	Pitts
Carson (IN)	(TX)	Platts
Castle	Jenkins	Polis (CO)
Castor (FL)	Johnson (GA)	Pomeroy
Chandler	Jones	Posey
Childers	Kagen	Price (NC)
Clarke	Kanjorski	Quigley
Clay	Kildee	Rahall
Cleaver	Kilpatrick (MI)	Rangel
Clyburn	Kind	Rehberg
Coffman (CO)	King (NY)	Reichert
Cohen	Kirk	Reyes
Cole	Kirkpatrick (AZ)	Richardson
Connolly (VA)	Kissell	Rodriguez
Conyers	Klein (FL)	Roe (TN)
Costa	Kosmas	Rogers (AL)
Courtney	Kratovil	Rogers (KY)
Crenshaw	Kucinich	Rooney
Crowley	Lance	Ros-Lehtinen
Cuellar	Langevin	Roskam
Culberson	Larsen (WA)	Ross
Cummings	Larson (CT)	Rothman (NJ)
Dahlkemper	Latham	Roybal-Allard
Davis (AL)	LaTourette	Ruppersberger
Davis (CA)	Latta	Ryan (OH)
Davis (IL)	Lee (CA)	Salazar
Davis (TN)	Lee (NY)	Sánchez, Linda
DeFazio	Levin	T.
DeGette	Linder	Sanchez, Loretta
Delahunt	Lipinski	Sarbanes
DeLauro	LoBiondo	Scalise
Dent	Lofgren, Zoe	Schakowsky
Diaz-Balart, L.	Lowey	Schauer
Diaz-Balart, M.	Lucas	Schiff
Dicks	Luetkemeyer	Schmidt
Dingell	Luján	Schock
Doggett	Lynch	Schrader
Doyle	Mack	Schwartz
Drieheaus	Maffei	Scott (GA)
Edwards (MD)	Markey (CO)	Scott (VA)
Edwards (TX)	Markey (MA)	Sensenbrenner
Ehlers	Massa	Serrano
Ellison	Matheson	Shea-Porter
Ellsworth	Matsui	Sherman
Emerson	McCarthy (CA)	Shuster
Eshoo	McCarthy (NY)	Skelton
Etheridge	McCaul	Slaughter
Fallin	McCollum	Smith (NE)
Farr	McCotter	Smith (NJ)
Fattah	McDermott	Smith (TX)
Filner	McGovern	Smith (WA)

Snyder	Thompson (PA)	Watson
Space	Tiberi	Watt
Speier	Tierney	Waxman
Spratt	Titus	Weiner
Stark	Tonko	Welch
Stearns	Tsongas	Wexler
Stupak	Turner	Whitfield
Sutton	Upton	Wilson (OH)
Tanner	Van Hollen	Wilson (SC)
Tauscher	Velázquez	Wittman
Taylor	Visclosky	Wolf
Teague	Walz	Woolsey
Terry	Wamp	Wu
Thompson (CA)	Wasserman	Yarmuth
Thompson (MS)	Schultz	

NAYS—60

Akin	Franks (AZ)	Miller (FL)
Bartlett	Gallegly	Miller, Gary
Barton (TX)	Garrett (NJ)	Moran (KS)
Biggert	Gohmert	Myrick
Bishop (UT)	Granger	Neugebauer
Boehner	Harper	Paul
Brown-Waite,	Hastings (WA)	Pence
Ginny	Inglis	Poe (TX)
Burgess	Issa	Price (GA)
Heurton (IN)	Johnson, Sam	Radanovich
Buyer	Jordan (OH)	Royce
Campbell	King (IA)	Ryan (WI)
Cantor	Kingston	Sessions
Carter	Kline (MN)	Shimkus
Cassidy	Lamborn	Souder
Chaffetz	Lummis	Thornberry
Conaway	Lungren, Daniel	Tiahrt
Davis (KY)	E.	Walden
Dreier	McClintock	Westmoreland
Flake	McHenry	Young (AK)
Foxx	McKeon	

NOT VOTING—54

Alexander	Engel	Marshall
Bachmann	Frank (MA)	Michaud
Barrett (SC)	Gingrey (GA)	Moran (VA)
Berman	Graves	Perlmutter
Blackburn	Grijalva	Pingree (ME)
Blunt	Hensarling	Putnam
Bonner	Hoekstra	Rogers (MI)
Boucher	Johnson (IL)	Rohrabacher
Brady (TX)	Johnson, E. B.	Rush
Bralely (IA)	Kaptur	Sestak
Broun (GA)	Kennedy	Shadegg
Brown, Corrine	Kilroy	Shuler
Coble	Lewis (CA)	Simpson
Cooper	Lewis (GA)	Sires
Costello	Loebsack	Sullivan
Deal (GA)	Maloney	Towns
Donnelly (IN)	Manzullo	Waters
Duncan	Marchant	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have less than 2 minutes to record their votes.

□ 1914

Messrs. LAMBORN and ROYCE changed their vote from “yea” to “nay.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRALEY of Iowa. Madam speaker, on rollcall No. 338, had I been present, I would have voted “yea.”

Mr. PERLMUTTER. Madam Speaker, on rollcall No. 338, I accidentally missed the vote on “Phylacia’s Law”, H.R. 729. I would have voted “yes” on H.R. 729.

EXPRESSING CONDOLENCES TO THE FAMILIES OF VICTIMS OF THE CONAGRA FOOD PLANT EXPLOSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 540, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 540.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 52, as follows:

[Roll No. 339]

YEAS—381

Abercrombie	Childers	Gordon (TN)
Ackerman	Clarke	Granger
Aderholt	Clay	Grayson
Adler (NJ)	Cleaver	Green, Al
Akin	Clyburn	Green, Gene
Altmire	Coffman (CO)	Griffith
Andrews	Cohen	Guthrie
Arcuri	Cole	Gutierrez
Austria	Conaway	Hall (NY)
Baca	Connolly (VA)	Hall (TX)
Bachus	Conyers	Halvorson
Baird	Costa	Hare
Baldwin	Courtney	Harman
Barrow	Crenshaw	Harper
Bartlett	Crowley	Hastings (FL)
Barton (TX)	Cuellar	Hastings (WA)
Bean	Culberson	Heinrich
Becerra	Cummings	Heller
Berkley	Dahlkemper	Herger
Berman	Davis (AL)	Herseth Sandlin
Berry	Davis (CA)	Higgins
Biggert	Davis (IL)	Hill
Billbray	Davis (KY)	Himes
Bilirakis	Davis (TN)	Hinchee
Bishop (GA)	DeFazio	Hinojosa
Bishop (NY)	DeGette	Hirono
Bishop (UT)	DeLauro	Hodes
Blumenauer	DeLauro	Holden
Bocieri	Dent	Holt
Boehner	Diaz-Balart, L.	Honda
Bono Mack	Diaz-Balart, M.	Hoyer
Boozman	Dicks	Hunter
Boren	Dingell	Inglis
Boswell	Doggett	Insee
Boustany	Doyle	Israel
Boyd	Dreier	Issa
Brady (PA)	Drieheaus	Jackson (IL)
Bralely (IA)	Edwards (MD)	Jackson-Lee
Bright	Edwards (TX)	(TX)
Brown (SC)	Ehlers	Jenkins
Brown-Waite,	Ellison	Johnson (GA)
Ginny	Ellsworth	Johnson, Sam
Buchanan	Emerson	Jones
Burgess	Eshoo	Jordan (OH)
Burton (IN)	Etheridge	Kagen
Butterfield	Fallin	Kanjorski
Buyer	Farr	Kaptur
Calvert	Fattah	Kildee
Camp	Filner	Kilpatrick (MI)
Campbell	Flake	Kind
Cantor	Fleming	King (IA)
Cao	Forbes	King (NY)
Capito	Fortenberry	Kingston
Capps	Foster	Kirk
Capuano	Foxx	Kirkpatrick (AZ)
Cardoza	Franks (AZ)	Kissell
Carnahan	Frelinghuysen	Klein (FL)
Carney	Fudge	Kline (MN)
Carson (IN)	Gallegly	Kosmas
Carter	Garrett (NJ)	Kratovil
Cassidy	Gerlach	Kucinich
Castle	Giffords	Lamborn
Castor (FL)	Gohmert	Lance
Chaffetz	Gonzalez	Langevin
Chandler	Goodlatte	Larsen (WA)

Larson (CT)	Nadler (NY)	Scott (VA)
Latham	Napolitano	Sensenbrenner
LaTourette	Neal (MA)	Serrano
Latta	Neugebauer	Sessions
Lee (CA)	Nunes	Shea-Porter
Lee (NY)	Nye	Sherman
Levin	Oberstar	Shimkus
Lewis (CA)	Obey	Shuster
Linder	Olson	Skelton
Lipinski	Olver	Slaughter
LoBiondo	Pallone	Smith (NE)
Lofgren, Zoe	Pastor (AZ)	Smith (NJ)
Lowey	Paul	Smith (TX)
Lucas	Paulsen	Smith (WA)
Luetkemeyer	Payne	Snyder
Luján	Pence	Souder
Lummis	Perlmutter	Space
Lungren, Daniel E.	Perriello	Speier
Lynch	Peters	Spratt
Mack	Peterson	Stark
Maffei	Petri	Stearns
Markey (CO)	Pitts	Stupak
Markey (MA)	Platts	Sutton
Massa	Poe (TX)	Tanner
Matheson	Polis (CO)	Tauscher
Matsui	Pomeroy	Taylor
McCarthy (CA)	Posey	Teague
McCarthy (NY)	Price (GA)	Terry
McCaul	Price (NC)	Thompson (CA)
McClintock	Quigley	Thompson (MS)
McCollum	Radanovich	Thompson (PA)
McCotter	Rahall	Thornberry
McDemott	Rangel	Tiaht
McGovern	Rehberg	Tiberi
McHenry	Reichert	Tierney
McHugh	Richardson	Titus
McIntyre	Rodriguez	Tonko
McKeon	Roe (TN)	Tsongas
McMahon	Rogers (AL)	Turner
McMorris	Rogers (KY)	Upton
Rodgers	Rooney	Van Hollen
McNerney	Ros-Lehtinen	Velázquez
Meek (FL)	Roskam	Vislosky
Meeeks (NY)	Ross	Walden
Melancon	Rothman (NJ)	Walz
Mica	Roybal-Allard	Wamp
Miller (FL)	Royce	Wasserman
Miller (MI)	Ruppersberger	Schultz
Miller (NC)	Ryan (OH)	Watson
Miller, Gary	Ryan (WI)	Watt
Miller, George	Salazar	Waxman
Minnick	Sánchez, Linda T.	Weiner
Mitchell	Sanchez, Loretta	Welch
Mollohan	Sarbanes	Westmoreland
Moore (KS)	Scalise	Wexler
Moore (WI)	Schakowsky	Whitfield
Moran (KS)	Schauer	Wilson (OH)
Murphy (CT)	Schiff	Wilson (SC)
Murphy (NY)	Schmidt	Wittman
Murphy, Patrick	Schock	Wolf
Murphy, Tim	Schrader	Woolsey
Murtha	Schwartz	Wu
Myrick	Scott (GA)	Yarmuth
		Young (AK)

NOT VOTING—52

Alexander	Gingrey (GA)	Pascrell
Bachmann	Graves	Pingree (ME)
Barrett (SC)	Grijalva	Putnam
Blackburn	Hensarling	Reyes
Blunt	Hoekstra	Rogers (MI)
Bonner	Johnson (IL)	Rohrabacher
Boucher	Johnson, E. B.	Rush
Brady (TX)	Kennedy	Sestak
Broun (GA)	Kilroy	Shadegg
Brown, Corrine	Lewis (GA)	Shuler
Coble	Loeb sack	Simpson
Cooper	Maloney	Sires
Costello	Manzullo	Sullivan
Deal (GA)	Marchant	Towns
Donnelly (IN)	Marshall	Waters
Duncan	Michaud	Young (FL)
Engel	Moran (VA)	Ortiz
Frank (MA)	Ortiz	

□ 1920

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DONNELLY of Indiana. Madam Speaker, on June 15, 2009, I was unable to cast votes because of flight delays which prevented me from arriving in Washington on time. Had I been present, I would have voted accordingly: H. Res. 430—“yea”; H.R. 2325—“yea”; H.R. 729—“yea”; and H. Res. 540—“yea.”

SHAME ON IRAN'S ELECTION PROCESS

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

Ms. JACKSON-LEE of Texas. Madam Speaker, what did happen in Iran just a few days ago? I think this picture evidences that there were voters who felt that what happened did not capture the essence of those who sacrificed and went to vote. Young people, women and urbanites went in massive numbers to vote. In fact, this article suggests that there were polling places even in the United States where Iranian Americans went to vote to, in essence, declare they wanted freedom. They wanted to be able to have the opportunity to live in a democracy, to build their economy.

I would ask the so-called “elected person” to do the right thing or there is shame on this process. I ask for the NGOs of the world and the NDI to stand up and question the irregularities of this election. Stand for people who want peace and a democratic election. Let us raise our voices. The United Nations should raise its voice. No, we're not trying to select the next President of Iran. We're only asking for the people to elect the next President of Iran. Shame on Iran's election process.

HEALTH CARE

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I come to the floor today to discuss the issue of health care.

For 28 years, I was committed to delivering quality health care services as a health care professional. I came to Congress with the commitment of strengthening the quality, accessibility, and affordability of our health care system, which is already one of the best in the world.

Madam Speaker, the Democratic Party is intent on rushing a health care plan through Congress that expands government control and that will ultimately decrease access and quality.

While we consume the attention of Congress on this big government pro-

posal, we have ignored critical workforce health care issues. As the baby boomer generation retires, it will be increasingly difficult to find qualified health care providers to deliver services needed.

The debate on health care reform must focus on priority issues that truly impact services. A larger government health care bureaucracy is a cause, not a cure, to the problems of access, quality and affordability. Real health care issues, like health care workforce, is where our efforts should be focused.

NETWORKS IGNORE CAP-AND-TRADE'S COST TO AMERICANS

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

Mr. SMITH of Texas. Madam Speaker, the nonpartisan Congressional Budget Office has determined that cap-and-trade legislation will cost American families at least \$1,600 a year. Other studies have found that the cost of energy could be up to \$3,600 per family. It would be more accurate to call cap-and-trade “cap-and-tax,” but you are unlikely to hear about cap-and-tax and its cost by watching the news.

According to the Media Research Center, the three network evening news programs mentioned “cap-and-tax” in only four stories from January to May. None of the four stories explained cap-and-tax and its high cost to consumers. The price of gas and electricity will go up, as will the price of food. The media need to report the facts about cap-and-tax and need to tell the American people what it will cost them.

TAX THEM TO DEATH

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

Mr. POE of Texas. Madam Speaker, somewhere in the dank dungeons of the Federal Government, the taxacrats are loose, and now they're working on a new tax to tax the middle class out of existence. Death by a thousand taxes. This time, they're talking about taxing health care benefits that folks get from their employers. In other words, if you take care of your family by having health benefits, you're going to be punished for doing so.

I thought the goal was to make sure that everyone had affordable health care. That's what the taxacrats do tell us, but if that's the goal, it doesn't make any sense at all to make health care more expensive by taxing it. Someone is going to have to explain to me how raising taxes on working people is going to make things better for all of us.

The taxacrats are trying to convince people that taxing health insurance

won't affect very many people. Well, if that's true, experts say it's not going to be enough money to pay for the government-run health care socialized system we're going to. They also want to mandate coverage. That means that they'll tax anyone who doesn't buy insurance. Taxed if you do. Taxed if you don't. It's enough to make a person sick. That's not a very healthy health care plan.

And that's just the way it is.

HONORING TWO HIGH SCHOOL LACROSSE STATE CHAMPIONSHIP TEAMS

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

Mr. PAULSEN. Madam Speaker, I rise to pay tribute to two recent State championship teams from Minnesota's Third Congressional District.

My hometown Eden Prairie Eagles won the Minnesota High School Girls' Lacrosse Championship last week. Under coaches Judy Baxter and Beth Patterson, the Eagles claimed a come-from-behind victory over Blake to win their fifth State title in that sport.

The Minnetonka High School Boys' Lacrosse Team, led by coach Aaron Oliver, defeated Eastview to win their very first State championship—capping

off a fantastic year in which they were ranked number 1 for the entire season.

The hard work and dedication of these scholar athletes helped them achieve something that they will remember. I commend each of them, along with their coaches, trainers, educators, and parents who helped make these championships possible.

BLOOD IN THE STREETS OF IRAN

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

Mr. GOHMERT. Madam Speaker, you know there is blood in the streets in Iran tonight. It's the morning over there, but blood is running in the streets. People have been outraged at what they say was the stealing of an election.

So does it help to have a President who has continued to make clear he would meet with the ruthless denier of the Holocaust—with this totalitarian, mean-spirited, unjust, unfairly elected leader? It doesn't. Messages go around the world when you say you'll meet with a tyrant without preconditions.

May God be with those who are trying to see that justice is done, and may our leaders be led to keep their mouths shut when it hurts others.

□ 1930

SPECIAL ORDERS

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

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

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

Mr. SPRATT. Madam Speaker, Under section 423(a)(1) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit an adjustment to the budget aggregates and allocations for the Committee on Appropriations for each of the fiscal years 2009 and 2010. Section 423(a)(1) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for overseas deployments and other activities when these activities are so designated. Such a designation is included both in the conference report to accompany H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, and in the bill H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(A) ALLOCATION

[In millions of dollars]

	BA	OT
Current allocation:		
Fiscal Year 2009	1,391,471	1,220,843
Fiscal Year 2010	1,086,306	1,272,100
Changes for overseas deployment and other activities designations: H.R. 2346 (Supplemental Appropriations):		
Fiscal Year 2009	90,730	27,029
Fiscal Year 2010	11-	34,239
H.R. 2487 (Appropriations for Commerce, Justice, Science, and Related Agencies):		
Fiscal Year 2009	0	0
Fiscal Year 2010	101	81
Revised allocation:—		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,086,418	1,306,420

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2009	Fiscal year 2010	Fiscal year 2010–2014
Current Aggregates: ¹			
Budget Authority	3,668,777	2,882,107	n.a.
Outlays	3,354,482	2,998,218	n.a.
Revenues	1,532,571	1,653,682	10,499,809
Change for H.R. 2346 overseas deployment and other activities designation: ²			
Budget Authority	0	0	n.a.
Outlays	2,882	829	n.a.
Revenues	0	0	0
Revised Aggregates:—			
Budget Authority	3,668,777	2,882,107	n.a.
Outlays	3,357,364	2,999,047	n.a.
Revenues	1,532,571	1,653,682	10,499,809

n.a. = Not applicable because annual appropriations Acts for fiscal years 2011 through 2014 will not be considered until future sessions of Congress.
¹ Current aggregates do not include the disaster allowance assumed in the budget resolution, which if needed will be excluded from current level with an emergency designation (section 423(b)).
² Budget authority in the amount of the adjustment is already included in the resolution aggregates. The adjustment represents the difference in spendout rates between what was assumed in the budget resolution and the actual supplemental. Adjustments for outlays from 2010 designated budget authority will be made when needed.

HONORING DR. BOB FREDERICK

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

Mr. MORAN of Kansas. Madam Speaker, I rise this evening to announce the sad passing of Dr. Bob Frederick, a distinguished Kansan and exceptional human being.

Dr. Frederick served as athletic director at the University of Kansas for 14 years, the second longest tenure in the school history, and a period during which the Jayhawk athletics achieved 32 conference championships and generated 41 Academic All-Americans, the latter of which I'm sure meant the most to Dr. Frederick, as that is the kind of person he was.

Dr. Frederick felt most concerned about the well-being of student athletes. First as a coach and later as an athletic director, he showed that concern as he personally took an interest in the students at Kansas University that were also engaged in the intense dedication that it takes to be a college athlete today.

While very competitive by nature, he was as gracious in defeat and as much a class act as any athletic director there ever was. For Dr. Frederick, the bottom line was not about winning but, rather, about improving and advancing the lives of young men and women.

Dr. Frederick loved Kansas. As part of the university for 35 years, beginning with his bachelor's and master's degrees and walking onto the basketball team to his years of serving as assistant basketball coach, athletic director, and finally as administrator and assistant professor, it is clear Dr. Frederick and Kansans were meant for each other.

Dr. Frederick is perhaps best known for his bold hire of then-unknown assistant basketball coach Roy Williams in 1989. Williams, who would achieve the winningest decade of any first-time head coach in NCAA history, said of Dr. Frederick, "He is the finest gentleman I've ever known in my life."

A basketball coach himself at Russell and Lawrence High Schools, as well as Coffeyville Community College in Kansas, Dr. Frederick was cherished on all sides of our great State. I wish to offer this tribute to an outstanding gentleman, Dr. Bob Frederick, and express my sincere condolences to his wife, Margey, and his four sons. My thoughts and prayers are with his family.

CONGRATULATIONS TO THE NEWEST STANLEY CUP CHAMPIONS: THE PITTSBURGH PENGUINS

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

Mr. ALTMIRE. Madam Speaker, to borrow a catchphrase from Hall of

Fame hockey announcer Mike Lange, "You can buy Sam a drink and get his dog one, too, because Lord Stanley's Cup is making a return visit to the City of Champions." Pittsburgh now becomes the first city to ever be home to both the defending Super Bowl and Stanley Cup champions at the same time.

This past Friday, the Pittsburgh Penguins won their third Stanley Cup, and they did it the hard way, by coming from behind on the road in game 7 of the finals against last year's champion Detroit Red Wings.

Regular season scoring champion Evgeni Malkin won MVP honors by leading all playoff scorers, and goalie Marc-Andre Fleury once again proved he belonged among the game's elites with his dominating performance in net.

Head Coach Dan Bylsma took over in midseason when the team was out of playoff contention and led them not only to the playoffs but to a championship. And in winning the title, Sidney Crosby became the youngest team captain to hoist the Stanley Cup in the 115-year history of the trophy.

As in all successful organizations, the leadership of the Penguins starts at the top. The incomparable Mario Lemieux will now have his name engraved on the Cup for the third time, this time as team owner. Just as he did when he came into the league as a player, Mario Lemieux took control of a franchise threatened by bankruptcy and relocation. But from that, he built a championship team that leads the league in television ratings, merchandise sales, and sellouts.

Yes, Madam Speaker, these Penguins can fly. Congratulations go out to the entire organization for completing the hat trick of champions, winning their third straight Stanley Cup. The 2009 Pittsburgh Penguins have earned their well-deserved place alongside the greatest sports legends in the City of Champions.

REDESIGNATING THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY & MARINE CORPS

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

Mr. JONES. Madam Speaker, I am pleased to announce that 290 of my colleagues in the House from both parties have joined me as colleagues of cosponsors of H.R. 24—legislation to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. I'm grateful for the widespread support for this change among my House colleagues, and I also thank Chairman IKE SKELTON who will include the language of H.R. 24 in the National Defense Authorization Act markup tomorrow.

For the past 7 years, the language of this bill has been part of the House version of the National Defense Authorization Act. Each year, the full House of Representatives has supported this change. This year, I'm also grateful to have the support of Senator PAT ROBERTS, a former marine, who introduced the same bill in the Senate, S. 504. With his help, I'm hopeful that this will be the year that the Senate supports the House position and joins in bringing proper respect to the fighting team of the Navy and Marine Corps.

Over the course of the Marine Corps history, including their present-day service in Afghanistan and Iraq, those three words, "and Marine Corps," have been earned through blood and sacrifice. The Navy and Marine Corps have operated as one entity for more than two centuries, and H.R. 24 would allow the name of this department to illustrate that fight.

This legislation is not about changing the responsibilities of the Secretary of the Navy Department, reallocating resources, or altering missions. This change is all about respect and gratitude to the Marine Corps. As symbolic as this change might be, the Marine Corps has earned the right to be recognized in the Department's name. Over the past several years, this change has received support from three former Navy Secretaries, the Marine Corps League, Veterans of Foreign Wars, the Fleet Reserve Association, and many other individuals and groups.

In 2004, at a hearing before the House Armed Services Committee, Navy Admiral Stansfield Turner described his support for this change, and he said, "I think this change in title enhances the prestige and pride of the people in the Marine Corps, and it does not necessarily take anything away from the Navy in that process. I am particularly impressed today . . . [by] the degree of cooperation between the armed services of our country."

And Admiral Turner further stated, "Emphasizing that this is a Navy-Marine Corps team is a very important part of keeping that kind of sight on the objective of teamwork in combat."

Madam Speaker, the marines who are fighting today deserve this recognition.

In closing, I would like to show the change.

Madam Speaker, on this first poster was actually a letter that was sent by the Secretary of the Navy to a Marine wife who was killed. I certainly have taken out the name of the Marine Corps's wife's name, and I want to read this part to you and to those on the floor: On behalf of the Department of the Navy, please accept my very sincere condolences in the loss of your husband, Captain so-and-so, Marine.

Madam Speaker, the important part of reading this is this. If this bill becomes law, this fighting team will recognize this Marine family in this way:

The Secretary of the Navy and Marine Corps. Dear Marine Corps family, On behalf of the Department of the Navy and Marine Corps. Madam Speaker, that's all that it does, but it's very important that the Marine Corps receive this recognition.

And before closing, Madam Speaker, as I do frequently, I ask God to please bless our many men and women in uniform, I ask God to bless the families of our men and women in uniform, and I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And, Madam Speaker, I ask three times, God, please, God, please, God, please continue to bless America.

UNFAIR TREATMENT OF CAR DEALERSHIPS

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

Mr. BURTON of Indiana. Madam Speaker, this last weekend, I met with several auto dealers in my district, and it was very interesting to find out really what all of them are going through right now.

The Chrysler and General Motors companies are closing hundreds and hundreds of automobile dealerships across the country, and after talking to these dealers, I can't figure out why. It isn't costing the automobile companies anything. They sell the cars to the dealers and the dealers sell those to the consumer. And the dealers pay for those cars.

In addition, the dealers pay for the advertising, the dealers pay for the plant and equipment, their dealerships, the buildings. They pay the mechanics. They pay the sales people. So the car company, all they do is make the car and sell it to the dealer. And so why are they closing all of these dealerships? It seems to me, as you reduce your sales force across the country, you're going to reduce the amount of cars that are sold to the consumer. It just doesn't make any sense to me.

But let me tell you some of the things that these dealers are going through right now. One dealer told me that—it's a Chrysler dealer—he had a Dodge dealership. And Chrysler asked him a couple of years ago to buy another dealership that wasn't doing as well, and they asked him to not only buy the property but to upgrade the equipment and upgrade the property and upgrade the showroom.

So he put \$3 million into buying a property and upgrading the showroom in the mechanics area, the garage area. And after he did it, just recently, right after he got it done, had invested \$3 million, they closed him down. They closed him down. He lost \$3 million after they asked him, the company asked him, to invest that money in

purchasing and upgrading this other store.

Now, that's terrible. He put \$3 million in it as the company requested, and then they cut the legs off from under him and he loses \$3 million.

I talked to a Chevrolet dealer who was negotiating with a GMC dealer across the street. The GMC dealer and the Chevrolet dealer were right across the street from one other, and General Motors said, Why don't the two of you combine? And so the two companies were negotiating with one another on who would buy the other out, and it was a \$3 million to \$5 million purchase. Well, they couldn't reach agreement before the deal with General Motors took place, and they were going to close a whole bunch of dealerships. So what they did is they decided to close the dealership of the Chevrolet dealership down even though he was very profitable.

□ 1945

And what that means, simply, is the GMC dealer across the street is going to get this Chevrolet dealership that would have sold for \$3 million to \$5 million to him for nothing. And so this dealer is going out of business, and it's going to cost him \$3 million to \$5 million because they closed his dealership. He sold as many cars as they asked him to sell, he was up to snuff on his payments and everything else that was requested by the company, and they knocked the legs out from under him as well, and it cost him \$3 million to \$5 million.

There was a GM dealer that came to me at this meeting the other day, and he had eight dealerships, and they closed one of them down. It's going to cost him several million dollars. But he can't complain publicly because GM is going to be closing other dealerships down in the future, and he's afraid if he says anything they will close some of his other dealerships down and cost him more money.

You know, I just don't understand this. We have the government, the car czars, if you will, now taking control of the entire auto industry. They're forcing the executives of the companies out of office and replacing them with hand-picked people by our government through the car czar and the Auto Task Force. So the government is taking over the auto industry and closing these dealerships, putting hundreds of thousands of people out of work, closing thousands of dealerships across the country, and actually hurting the American auto industry's ability to sell cars when they're in competition with car companies around the world. It just doesn't make any sense to me.

So, once again, here we have the government taking over an industry, socializing the auto industry, and really killing an awful lot of the people who work in it—not to mention the res-

taurants and the stores that surround these car dealerships who have been in business as well, and it's going to cost them jobs.

Government control of the private sector just destroys the private sector. And they want to now take over our health care industry. They're taking over the banks. They want to take over the energy industry with cap-and-trade, which is going to cost every family in this country \$3,000 to \$4,000 more per year for energy.

We don't need socialism in this country. We certainly don't need it. And here's an example, the car industry, of what happens when government takes over.

CAP-AND-TRADE ALTERNATIVE

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

Mr. INGLIS. Madam Speaker, today I had interesting discussions in Greenville and Spartanburg, South Carolina. They were entitled, "What's wrong with cap-and-trade and what's right with using free enterprise to solve the challenge that we have?"

So what's wrong with cap-and-trade? We came to pretty solid agreement on that, Madam Speaker. It's a massive tax increase in the midst of a recession; it's a Wall Street trading scheme that really would make any trader on Wall Street that led us into this recent debacle blush; and it's really a proposal that's going to end up decimating American manufacturing because the tax on energy would be applied just domestically, it wouldn't be applied to imported goods. And the result is that we would export productive capacity from the United States to other countries that don't have a price on carbon. So it's a real problem, and it is something that we have got to stop in order to get to the better.

The better that we discussed is a proposal—actually, a bipartisan proposal at this point—that JEFF FLAKE and DAN LIPINSKI and I are supporting, which is a plan to basically do a revenue-neutral tax swap. It involves changing what we tax and causing free enterprise to fix the problem that some are trying to fix with cap-and-trade; but as I just pointed out, there are real problems with cap-and-trade.

So the way this revenue-neutral tax swap would work is we would reduce taxes on something we want more of, which is payroll, by reducing the payroll tax. That's 6.2 percent from the employer and 6.2 percent from the employee on the first \$106,800 worth of income. We would reduce that, and in an equal amount swap the tax, if you will, in an equal amount put a tax on carbon dioxide emissions. The result would be no additional take to the government, so it's revenue neutral. It would just

free of from taxation something you want more of, which is income and labor and industry, and impose a tax on something you want less of, which is carbon dioxide.

The point that I was making in Greenville and Spartanburg today is, even if you think climate change is a bunch of hooley and there is no need to reduce carbon dioxide, I think conservatives can jump at the opportunity to reduce taxes on income. Because if you reduce set payroll tax, you free up employers to employ more people and you free up the employee to have more of their own money. This is something conservatives should be very excited about. Even if we were switching to, say, a tax on sweet gumballs or sycamore balls, or acorns, it would be better than taxing payroll.

The problem with taxing payroll is you're punishing work. So what we do is free up from taxation payroll, impose a tax on carbon dioxide, and watch the free enterprise system, with that price signal, change where we are such that we would fix the national security problem we have—which is great exposure to OPEC and its control of our oil markets—and we would also create jobs by creating new industries in new kinds of technologies, and we would clean up the air.

The point that I was making in these meetings in Greenville and Spartanburg is, even if you think climate change is hooley, still the small particulates in coal would cause you to want to take action. The cleaner alternative of nuclear power will come to the market when the market says, oh, coal is now paying the full freight of its cost. If it is, nuclear becomes possible and we start building nuclear power plants.

Madam Speaker, the key to this is getting the economics right. If we do that, we can fix this problem. But it starts with stopping this cap-and-trade because cap-and-trade isn't the way to fix this problem. The free enterprise system is the way to fix it. And to win the triple play of this American century we can improve the national security of the United States, we can create jobs, and we can clean up the air. Madam Speaker, I say we come together and get that done after we stop cap-and-trade.

CONGRATULATING HUGH GRANT FOR WINNING 2009 KEYSTONE CENTER LEADERSHIP AWARD

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

Mr. AKIN. Madam Speaker, I rise today to congratulate the winner of the 2009 Keystone Center Leadership Award for Leadership in Industry, Mr. Hugh Grant, chairman, president, and CEO of Monsanto Corporation.

Keystone Awardees have contributed to society in ways that reflect the spirit and mission of the Keystone Center and have demonstrated a history of achievement with a strong sense of vision, a proven ability to motivate others, dedication to team work and consensus, and the drive and ability to initiate fundamental and long-term positive change.

I commend Mr. Grant's exemplary leadership and the 20,000-strong Monsanto team for their extraordinary efforts and positive influence on American agriculture, technological innovation, and generous contributions to international health, development, and their continued commitment to combating hunger.

Monsanto, under Grant's leadership, proves that free enterprise is the most effective way to solve seemingly intractable problems like hunger in sub-Saharan Africa. Not only has Monsanto provided a sustainable food source for hundreds of millions of people, but they have given hope to people who have been denied a future for far too long.

I ask my colleagues to join me in congratulating Hugh Grant and saying thank you to the entire Monsanto team. You put the power of innovation and enterprise to work for the world's poorest peoples and demonstrate true American compassion.

CONGRESSIONAL BLACK CAUCUS

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

GENERAL LEAVE

Mrs. CHRISTENSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this Congressional Black Caucus' Special Order this evening.

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

There was no objection.

Mrs. CHRISTENSEN. Madam Speaker, I am honored to rise today, along with my other colleagues, in honor of Caribbean American Heritage Month. This month marks the fourth anniversary of officially recognizing Caribbean American Heritage Month. And I want to applaud you, Madam Speaker, the Chair of the Congressional Black Caucus, for introducing the legislation and getting it passed in February of 2006. President Bush officially proclaimed it for the very first time in June of that year.

The efforts to get us to that point began long before, though, with the Institute for Caribbean Studies, which

started observing June as Caribbean American Heritage Month in 1999. So I want to also take this opportunity to applaud the work and leadership of its president, Dr. Claire Nelson, of Jamaican heritage.

I also want to recognize the Carib News Foundation for its work over the years to bring Caribbean and United States leaders together to discuss issues of common interest over the past 14 years. They filled an important gap.

Recent attempts to officially bridge this gap began in 1997, when President Clinton traveled to Barbados where the Bridgetown Declaration was crafted. This important declaration affirmed our common resolve to fight crime, violence, corruption, drug and illegal drug trafficking while, as President Clinton said, "promoting open and fair trade, protecting the environment, strengthening education, spreading telecommunications, and helping Caribbean countries diversify their economies and become more competitive as well."

Upon his return, he submitted the Caribbean Basin Trade Enhancement Act, which Congress passed. The cooperation was further affirmed with the historic meetings held in June of 2007 between the heads of Caribbean governments and the Bush-Cheney administration and this Congress. This commitment was renewed and reinvigorated at the Summit of the Americas held in the Caribbean nations of Trinidad and Tobago in April of this year with the active participation and leadership of our President, Barack Obama, who set a new tone for our relationship with the region.

But the relationship has even predated the birth of this Nation. In 1751, our very first President, George Washington, reported to have had family connections in Barbados, traveled there with his brother for a health-related matter in November of 1751. They stayed 2 months, and he is said to have been enchanted by the island and the Caribbean.

Over the years, many Congressional Black Caucus members have worked tirelessly to raise awareness and keep us focused and invested in ongoing affairs in the Caribbean. We have done this through Chairman RANGEL's efforts with the Caribbean Basin legislation and other initiatives, Congresswoman WATERS, who worked so hard to save the banana industry and who was then Chair of the Congressional Black Caucus. She and I traveled to Barbados in 1997 for that historic meeting.

I also want to recognize the special work done by Congressman DONALD PAYNE, who is the founding Chair of the Friends of the Caribbean Caucus, and Congressman KENDRICK MEEK, Congressman GREGORY MEEKS, and of course Congresswoman YVETTE CLARKE. But, truly, all of the Congressional Black Caucus members are

champions of the causes of the Caribbean.

Last year, one of our great achievements, led by Congressman DONALD PAYNE and you, Madam Speaker, Congresswoman LEE, in one of those great efforts, PEPFAR was extended to all of the Caribbean for the very first time. Two months ago, health ministers and CARICOM leaders met to draft the 5-year plan which would build on the PANCAP, the Pan Caribbean Partnership, to address HIV and AIDS in this region. The Shirley Chisholm United States Caribbean Educational Exchange Act of 2009, introduced, again, by Congressional Black Caucus chairwoman and Madam Speaker LEE, is now working its way through Congress. It will help to build a stronger Caribbean workforce and promote greater collaboration between the United States and the Caribbean, as well as a sharing of values and culture.

Madam Speaker, I do have a few colleagues here with me this evening, and I would like to yield some time to them so that they may bring some remarks about the special month that we're celebrating in which we are recognizing the contributions of people from the Caribbean to the United States.

So at this time, I will yield such time as she might consume to Congresswoman YVETTE CLARKE.

Ms. CLARKE. I would like to thank the gentlelady for yielding. And I would like to associate myself with your comments, your remarks, your historical context for this Congressional Black Caucus' hour commemorating Caribbean American History Month. I want to thank you, my colleague, DONNA CHRISTENSEN, for all of your work and advocacy being part of the U.S. Caribbean, the U.S. Virgin Islands.

Madam Speaker, I rise today to honor Caribbean American Heritage Month. I thank my friend, the gentlelady from California, Ms. BARBARA LEE, for her very hard work and her enduring commitment to the people of the CARICOM region and for ensuring that every June we bring recognition to the many contributions made by Caribbean Americans and people of Caribbean descent, and the issues facing the nations of CARICOM and the Caribbean American Diaspora.

□ 2000

I have the honor of representing New York's 11th Congressional District, previously represented, in part, by Shirley Chisholm, the first African American Member of Congress and the child of Caribbean American immigrants from Barbados and Guiana.

Other prominent Caribbean Americans that we may be aware of or have known throughout our history includes such luminaries as Jean Baptiste Point Du Sable, the founder of Chicago;

Founding Father Alexander Hamilton, who was born in Nevis; actor and social activist Harry Belafonte; revolutionary Marcus Garvey; noted journalist Gwen Ifill; Hazel Scott, the first woman of color to have her own television show; Malcolm X, revolutionary; our own Attorney General Eric Holder; former Secretary of State Colin Powell; super model Tyson Beckford; athlete and coach Patrick Ewing; boxer and athlete Lenox Lewis; and Wyclef Jean, performer and philanthropist. And the list goes on and on.

As a child of Jamaican immigrants, I have been an outspoken advocate for Caribbean Americans and Caribbean issues and concerns my entire public life and proudly carry forth my district's rich Caribbean heritage. The success of the Caribbean immigrant and their Caribbean American descendants has been evidenced in just about every field of endeavor.

While Caribbean Americans have made great strides and very historic contributions to the prosperity and strengthening of our Nation, there are still lingering issues that adversely affect Caribbean Americans in the United States. Caribbean immigrants often have very little money or access to resources when making their transition to the United States, making them vulnerable targets of immigration fraud. I have introduced H.R. 1992, the Immigration Fraud Prevention Act of 2009, making it a Federal crime to willfully misrepresent the immigration process through fraud and false representation.

I have also introduced H.R. 2071, which directs the Secretary of Commerce to include Caribbean descendants as an option on census questionnaires. I believe that this will bring recognition to the broad diversity of Caribbean natives and descendants that call our country home and ensure an accurate count and proper representation and resource.

I was also pleased this year to be present at the Summit of the Americas along with our own President Barack Obama earlier this year. That summit was the beginning of what I know will be an enduring commitment to a mutually beneficial relationship with our "third border." Our Nation's third border, shared with the CARICOM community, links not only families, not only travel and industry, but I believe the security of our own United States and our island-nation neighbors. In 2007 a joint report by the United Nations Office of Drug and Crime and the World Bank linked some of the rising crime rates in Caribbean nations to an increase in drug transshipment. In the previous Congress, I introduced H. Res. 1504, which calls for increased cooperation between the United States and Caribbean officials to combat this problem. Last week I stood proudly on this floor to express my support for provisions which were in H.R. 2410, the

Foreign Relations Authorization Act of 2009, which added the Caribbean community, or CARICOM, to the Merida Initiative. I also want to commend the Honorable BARBARA LEE for her work in establishing the Shirley A. Chisholm Educational Exchange Program authorized within the bill. These provisions promote security and education within the CARICOM region, fostering social and economic development abroad and keeping all of us safe here at home.

Madam Speaker, it is with great pride that I stand here, a descendant of Caribbean immigrants, able to stand in the House of Representatives' second generation representing a constituency that is the diaspora of the Caribbean, and I'm proud that we here in the U.S. Capitol take this time to commemorate the very accomplishments, the binding of our nations and our people, in making sure that we strengthen and build prosperity here in the United States and share that good wealth and democracy with the region from whence so many have come.

Mrs. CHRISTENSEN. Thank you, Congresswoman CLARKE, for your remarks this evening. And thank you, most of all, though, for your leadership on behalf of the Caribbean countries. We appreciate the work that you do both on your committee, the subcommittee that you Chair on Homeland Security, and in all of the work that addresses issues in the Caribbean. Thank you for joining us this evening.

I would like now to yield to the gentlewoman from Texas, Congresswoman SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the gentlewoman for yielding to me, and allow me to acknowledge as well the Congressional Black Caucus for the collective effort that they have made and thank our present chairwoman for the 2004 resolution, House Resolution 517, that ultimately was proclaimed by the President of the United States. This is an enriching day and an opportunity for us to emphasize the vastness of diversity that is in this country, and I stand here as a Caribbean American proudly exercising and relishing in the history of my ancestry.

Let me also acknowledge the work that we have collectively done. As the ranking member on the Immigration Subcommittee, we have had a history of working for the issues of parity as it relates to the opportunities for Haitians to become statused here in the United States, as we have seen the Cubans also have this opportunity through what we call the "wet foot, dry foot" provision. We have worked unending to ensure that that parity comes about. And as we look forward into the comprehensive immigration reform debate, I hope that language from the Save America comprehensive immigration legislation that I authored will be part of the debate so

that our reform will include all aspects of those who are seeking to be statused and particularly those from the Caribbean.

We have worked on issues that addressed the questions of many Caribbean leaders when there was massive deportation of individuals from the United States who had never been to the Caribbean, had never been to the countries of their birth, and therefore were coming and providing the need for extra resources by Caribbean leaders. This is paying attention to the issues of the Caribbean and recognizing that they are a vital ally to us. And that was recognized by the recent organization of the meeting in the Caribbean in Trinidad where many Caribbean nations came, and I believe the new relationship was cemented between this new President, this Congress, and the Caribbean leaders.

So as we speak about the greatness of Caribbean Americans, I want to emphasize that we should also be engaged with the Caribbean as our allies, as those who can participate with us in homeland security and securing the borders, as we look to Caribbean Americans who have made great strides here in this country.

Caribbean Americans are educators, linguists, actors, athletes, soldiers, politicians, economists, historians, activists, doctors, lawyers, and everyday men and women. There are those of us who enjoy the music of the Caribbean, and certainly one of our most famous poets and musicians is Bob Marley, whose reggae music continues to permeate the music channels and the ears of Americans. We are proud of the contributions of Caribbean Americans. Those like Kareem Abdul-Jabbar; those like Timothy "Tim" Theodore Duncan; those like Garcelle Beauvais-Nilon; those like Sidney Poitier; those like Stokely Carmichael and Marcus Garvey; and, of course, Colin Powell, the former Secretary of State, a Caribbean American; certainly the Honorable Shirley Chisholm, who herself ran as an African American woman for President of the United States of America. Bold, unashamed of their roots and history, ready to make a difference, that is the character of Caribbean Americans and those who live in the Caribbean.

Let me also thank JOHN CONYERS, whom I worked with as we visited Haiti and went to see many of those who have been incarcerated because of the, if you will, inconsistency of leadership in Haiti. We are delighted to see President Preval leading out. We visited many who were political prisoners and worked with the then-Bush administration to try to secure their freedom. I want to continue to express my appreciation to Chairman CONYERS for the work that he has continuously done working with the Jubilee that we celebrated in Haiti when we traveled there together.

So there are many aspects of the Caribbean that we can celebrate. I'm here to celebrate the great connection that I have had the privilege of having. And I'm delighted to be joined on the floor of the House by Congresswoman DONNA CHRISTENSEN as well as Congresswoman YVETTE CLARKE and Congressman DONALD PAYNE and the chairwoman, who is now serving as the Speaker pro tempore. We do this because we want to ensure that people realize how great America is, and it is only great because it relies upon the strength of those who come from different cultures and bring that wonderment to our wonderful Nation.

So I want to acknowledge the creation of the Institute of Caribbean Studies in 1994. I want to acknowledge the ad hoc Caribbean Council of Washington, D.C., that disbanded, and ICS takes over leadership of celebrating June as Caribbean American Heritage Month in Washington, D.C. This is just part of the history that was generated in the bill to make this the month that we celebrate Caribbean Heritage Month.

Finally, might I say proudly that I want to speak of my grandparents, Mr. and Mrs. Jackson. My grandmother and grandfather were true sons and daughters at that time of the King and Queen because Jamaica was then a colony of Great Britain. However, their dignity allowed them to know that Jamaica could be a free and democratic nation. And through the leadership of those in Jamaica who recognized that it could be a free nation, they secured their freedom, and what a celebratory time that was.

I want to acknowledge so many prime ministers, but former Prime Minister Manley, former Prime Minister Seaga, former Prime Minister P.J. Patterson, all great leaders that brought greatness to the Caribbean, and to acknowledge the present prime minister as he continues to work, to acknowledge the first woman Prime Minister as well that was in Jamaica for at least a time in the last 2 years. We know that she has been called with great love and affection Prime Minister Portia, but we respect the service that she has given.

My grandparents left Jamaica and went to work in Panama in the Panama Canal, and I had the privilege of going to the Panama Canal for a Homeland Security mission and seeing my grandfather's name listed as one of those who worked on the Panama Canal. As he came to the United States and then settled between South Carolina and Brooklyn, New York, to know that he was part of that wonderful tradition of history and heritage, the wonderful cuisine of oxtails and rice and peas and plantains and many other good things that we continue to enjoy culturally in my family that I raised my children on, that I was raised on, so

that this nexus of knowing your roots is so very key.

So what I say to all who are listening, this Nation is valuable because it respects the culture of all of us. And today we salute Caribbean Americans, and I have been privileged and proud to have served in the United States Congress with that history but also to work on a number of issues helping to make their land, their nation, better and creating a better partnership between the United States and Caribbean.

□ 2015

Mrs. CHRISTENSEN. Thank you, Congresswoman JACKSON-LEE, and thank you for your hard work, your service, and your support for all issues relating to the Caribbean. I know you are very proud of your Jamaican heritage because you speak of it very often. Thank you.

At this time I would like to yield such time as he might consume to the founding Chair of the Friends of the Caribbean Caucus, the gentleman from New Jersey, Congressman DONALD PAYNE.

Mr. PAYNE. Thank you. Let me commend the Congressional Black Caucus and its chairperson, leader this evening, BARBARA LEE from California, for the outstanding job that she is doing as Chair of the Congressional Black Caucus. As the caucus moves forward, being the conscience of the Congress, let me also commend Representative FUDGE, who is from the great State of Ohio, who continues to lead the Special Orders on our evenings, and of course our Caribbean queen, Delegate DONNA CHRISTIAN-CHRISTENSEN, who, as you know, is our representative from the U.S. Virgin Islands. Not only is she an expert on the Caribbean but, as we all know, she is an internist, a physician and has been very, very helpful as we move forward in very difficult health care reform. Her input is invaluable. I also want to commend her for the recent involvement in a documentary about the relationship between St. Croix and Puerto Rico that went through the history of the sugarcane industry back at the turn of the century in the late 1800s, early 1900s and the number of Puerto Ricans who came to St. Croix to work there. This was shown last weekend, will be shown in New York, and has received many praises for the interesting history that it brings about.

Let me just say that it's a pleasure to be here—as chairman of the Subcommittee on Africa and Global Health but also as Chair of the Caribbean Caucus, the bipartisan caucus that we have here—to kind of expand our relationship with the Caribbean. This Caribbean American Heritage Month is well deserved. It's recognizing the diversity and success of people from the Caribbean. You've heard other speakers talk

about the many people from the Caribbean who have been so outstanding. The achievements and impacts made from Caribbean people have continually made a positive contribution to the well-being of American society. We could go back to our beginning with Alexander Hamilton, who came from St. Kitts, our first Secretary of the Treasury. Secretary Colin Powell is from the Caribbean as well as Cicely Tyson, W.E.B. DuBois, James Weldon Johnson, Malcolm X, Harry Belafonte, Sidney Poitier, and, in my own district, two people that I might talk about here, Antoinette K. Ellis-Williams and Dr. Claire Nelson. Dr. Claire Nelson, the founder and president of the Institute of Caribbean Studies, is known for her leadership in making Caribbean Americans heard. I am proud to say I work with her on a regular basis, as many of us do; and we admire her and the great work that she does. We just had the opportunity to be with her last week, and we are extremely pleased at the outstanding work that the institute is doing. The second person that I mentioned, Dr. Antoinette K. Ellis-Williams, a leader in my congressional district, currently serves as president for the Essex Valley Health Care and serves on the board of East Orange General Hospital. She is a proactive member of the Caribbean Medical Mission, a nonprofit organization of doctors, nurses, health care workers, engineers and other professionals who give back to the community through their services. She is a founder and director of the Statewide Female Leadership Development Institute and Research Center at the New Jersey City Institute.

The Caribbean community's presence also plays a wide role in our elections, especially in my district, where the greater settlement of many people from the Caribbean in East Orange, Irvington and Newark make their voices heard. In past elections we have seen many people from the Caribbean community educate fellow Caribbean Americans about the U.S. political process and encourage their participation in the democratic process.

In recognizing June as Caribbean month, in my work with the caucus, this Congress has continually focused on enhancing relationships between the United States and the Caribbean states by reviewing proposals and pending legislation that have a direct impact on the Caribbean. I believe that by facilitating an ongoing dialogue, we can continue to recognize the Caribbean as America's third border for trade, for political stability, for the fight against drug trafficking and for economic development. We need to remember that the Caribbean is not just a place for vacationing, but it's a place in need of economic development. With the current open trade regime, the challenge for the Caribbean is to quickly develop

high productivity sectors that could drive the region's development. We know that the same problems that have stricken us in the U.S. have stricken the Caribbean. HIV and AIDS has become a problem, but we're very pleased that the PEPFAR program now has been expanded to 14 Caribbean countries. In 2005 an estimated 300,000 adults and children in the Caribbean were reported living with HIV, making it the leading cause of death among adults aged 15 to 44. We know that in Haiti, life expectancy has also been impacted tremendously by HIV and AIDS.

However, like I said, we have a tremendous relationship with our friends in the Caribbean. There are several problems that we need to help them with.

Deportation. As you know, in 1996 the U.S. law changed that anyone convicted of an offense had to face deportation from the United States; and as a result, many of these small nation countries have had to absorb persons who may have come to the United States as infants but have engaged in crime and now are sent back 20, 30, 40 years later as hardened criminals; and many of the countries in the Caribbean are having a difficult time dealing with these deportees. Another problem that we see is with the drug trafficking in Mexico. We're finding that they are pushing drug trafficking into the Caribbean, and we need to assist the Caribbean in fighting this and give them assistance with law enforcement, training and Coast Guard assistance. But we are very proud of many of the Haitians, as I mentioned. Track and field is something that they have excelled in. I recall when I was running back in the early fifties, George Rhoden was a quarter miler who won the gold medal in the Helsinki Olympics. George Rhoden and many other Jamaicans came up and went to Morgan State University. At the Penn Relays, these Jamaicans in the late forties and early fifties started to get recognition. And we know that in the Beijing Olympics, Usain Bolt, at 20, 21 years old, won the 100 meters and the 200 meters. He was one of the youngest persons to ever win those events, and the first person since Mr. Lewis from New Jersey to win both sprints in the Olympics. We have had many outstanding people that started politics in New York, Hulan Jack, way back, a fellow from St. Lucia. He was born in 1905, moved up to New York, a high school dropout, went to work for a company, and worked his way up from a janitor to become a vice president of the firm. He became active in politics, and he became a New York City Democratic political leader, loyal to the Tammany Hall operation, which was run then by a fellow named Carmine De Sapio. But in 1940 Hulan Jack won seven straight elections to the New York State Assembly, representing his Harlem district. And in 1953, Hulan

Jack was elected to borough president of Manhattan, becoming the first African American to hold the post. Elected more than a decade before the rise of big city black mayors in the sixties, Hulan Jack was the highest ranking African American municipal officer in the Nation. With an annual salary at that time of \$25,000, he was the highest paid black office holder in the country. He served as Manhattan Borough president for several terms; and because of his emerging strength, the powers that be interrupted his career, and he left office. But Hulan Jack showed that politics was something that many of our Caribbean folks brought to the leadership of politics in our country.

I'll just finally end with a person that we all admired so much and has been mentioned earlier, Mr. Michael Manley, son of Norman Manley who served as the Prime Minister from '59 to '62. Michael Manley came in and became a three-term Prime Minister from '72 to '80 and '89 to '92, and he stepped down because of bad health. But just look at what Michael Manley did in Jamaica: Minimum wage for all workers; free education at secondary and university level, to the extent that space was available; instituted a literacy campaign; subdivision of what he called idle land to poor blacks, a formation of agrarian cooperatives where they worked together; price control on numerous staples to benefit the poor; reduction of the voting age to 18, thus increasing the black vote that then was able to continue to move forward. Listen to this—institutionalizing paid maternity leave and free milk to mothers. This was way back then in Jamaica where, as you know, we are still fighting to get family leave instituted in some of our States in the United States of America 30 years later. A person like Mr. Michael Manley did such an outstanding job. So we're just pleased to celebrate this heritage month.

Once again, I certainly commend the gentlelady from the U.S. Virgin Islands for her leadership. I know that we will have a wonderful month as we celebrate the great attributes that people from the Caribbean have made not only to the United States, and Europe but of course the Caribbean.

Mrs. CHRISTENSEN. Thank you, Congressman PAYNE, and thank you for your leadership both as our leader on Africa and global health as well as for all of the work that you've done with us in the Caribbean Caucus. Thank you for joining us this evening.

There are so many men and women of Caribbean American heritage who have contributed greatly, and so many events that have created ties that forever bind us together. President Obama in his proclamation this year, recognizing Caribbean American Heritage Month wrote, "Generations of immigrants have preserved the traditions of

their homeland, and these traditions have defined our Nation's identity. This multi-lingual and multi-ethnic tradition has strengthened our social fabric and enriched the diversity of our Nation." He continues, "We are neighbors, partners and friends. We share the same aspirations for our children, and we strive for the very same freedoms. Together we can meet the common challenges we face."

I want to highlight several of those ties that bind. The birth of our Nation was supported by many Caribbean islands. Many do not know that the guns that were manned by the colonies during the American Revolution were gunpowdered by shipments from the Caribbean. While I believe most of it originated from St. Kitts, it was in the St. Croix Harbor in the then Danish West Indies where that gunpowder was loaded for shipment to the early colonies. In fact, it was also in that St. Croix Harbor, according to Robert Amandus Johnson in his book *Saint Croix 1770 to 1776*, that the first salute to the Stars and Stripes occurred in June of 1776.

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And, of course, there is the direct relationship between Haiti and New Orleans, the latter of which in the beginning of the 19th century was considered a minor adjunct to the island which was then considered France's most valuable possession. It was only after Napoleon failed to reconquer the colony after the Africans had won their freedom and begun to establish their republic, only then did he decide to sell the Louisiana Territory. Many from the island of Saint Domingue who had fled that island became early inhabitants of New Orleans, contributing to the culture which is so recognized and renowned today.

There are also many U.S. Virgin Islanders today and in the past and from the then Danish West Indies who have and who continue to contribute much to our Nation. I have spoken of many of them on several occasions, people like Casper Holstein. Congressman PAYNE mentioned Raymond Jones. Jon Lucien in music, Emile Griffith in boxing, Valmy Thomas, Horace Clarke and Tim Duncan in sports. There are many, many others.

One, Denmark Vesey, was born in St. Thomas and settled in Charleston, South Carolina, one of my favorite cities. He settled there in 1783. Seventeen years later he bought his freedom, and inspired, I am sure, by the 1733 African rebellion of St. John and the 1791 successful African rebellion in the Isle of Saint Domingue, now Haiti, he also planned a well-known slave uprising that was to have taken place in 1822, but was thwarted.

I would be truly remiss if I didn't speak briefly about Alexander Hamilton, who has been named several

times this evening, who was born in Nevis, which is now a part of the independent nation of St. Kitts and Nevis, and who spent his formative years in St. Croix before coming to New York and eventually becoming, as Ron Chernow puts it, "Arguably the most important figure in American history who never attained the Presidency, but had a far more lasting impact than many who did."

Alexander Hamilton was credited with having been Washington's aide-de-camp, a Revolutionary War hero, a member of the Constitutional Convention, the leading author of the *Federalist Papers* and head of the Federalist Party, as well as the first Secretary of the Treasury, who forged our tax and budget systems. I bet he would have let us budget for prevention, as we are trying to do in health care reform. He started the Customs Service, the Coast Guard, and the Central Bank.

We are proud that he was a Virgin Islander, a Crucian, and we are seeking to make his family home, the site where his mother was buried, a part of the National Park Service. It carries the same name as his home in New York City, Grange.

There have been many Caribbean men and women who have served in Congress and in our Nation's administration.

As a woman of Caribbean decent and a founding member of the Congressional Black Caucus, Shirley Chisholm led the way for Congresswoman YVETTE CLARKE and I. As a pioneering minority woman, her legacy holds the door open for many more African Americans and women.

Then there was Mervyn Dymally, Ron de Lugo, Melvin Evans, Victor Frazier, and all who have served as Resident Commissioners from Puerto Rico, as well as Members of Puerto Rican and Cuban heritage who are also Caribbean Americans and who serve today and have served in the past in this body.

Many more of our Nation's leaders trace their roots to the Caribbean, such as our former Secretary of State Colin Powell, Attorney General Eric Holder, Assistant Secretary of the Interior-designee Wilma Lewis, and Supreme Court nominee Sonia Sotomayor. But there are many others.

We may look back as far as the period to 1900 to 1920, which marked the initiation of mass labor migration from the Caribbean to the United States and the formation of the first large Caribbean communities here in this country.

We should not forget World War I, when the recruitment of labor from the Caribbean became imperative. More than 100,000 Caribbean laborers were recruited for agricultural and tedious jobs as part of war labor. We should acknowledge the Caribbean men and women who served our country and

those who continue to serve this country overseas in its conflicts today.

So I feel it has been an honor and privilege as a Caribbean American, whose roots lie in Cuba, Antigua, St. Kitts and the Danish Indies, now the Virgin Islands, to host this hour, where the Congressional Black Caucus has recognized and paid tribute to Caribbean American heritage.

Ms. LEE of California. Madam Speaker, I rise today recognizing June as National Caribbean American Heritage month and to acknowledge the important contributions Caribbean-Americans have made to our Nation's history.

Let me begin by thanking Congresswoman DONNA CHRISTENSEN of the Virgin Islands for anchoring tonight's CBC hour honoring Caribbean American Heritage Month.

I want to also thank Congresswoman YVETTE CLARKE, Congresswoman SHEILA JACKSON-LEE, and Congresswoman MAXINE WATERS for their tremendous leadership on Caribbean Issues.

I would like to acknowledge The Institute for Caribbean Studies and all the other Caribbean-American organizations that worked to make Caribbean-American Heritage Month a great success.

As a long time supporter of the Caribbean and a frequent visitor to the region, I was very proud to see us celebrate this important commemorative month for the third year. Since the resolution's initial passage by Congress in 2006, the President has issued a proclamation recognizing Caribbean-American Heritage Month in June 2006, 2007, and 2008.

People of Caribbean heritage reside in every part of our country. Since 1820, millions of people have emigrated from the Caribbean region to the United States.

Throughout U.S. history we have been fortunate to benefit from countless individuals of Caribbean descent, who have contributed to American government, politics, business, arts, education, and culture—including one of my personal heroes, the Honorable Congresswoman Shirley Chisholm.

Shirley Chisholm was a woman of Bajan and Guyanese descent, who never forgot her roots in the Caribbean. She was the first African American woman elected to Congress and the first woman to run for President.

My political involvement began as a volunteer during her historic presidential campaign in 1972. Through her mentorship, she strengthened my interest in addressing issues of importance to the African Diaspora both here in the U.S. and abroad.

In addition to Shirley Chisholm, during Caribbean-American Heritage Month, we also recognize people like Alexander Hamilton, Hazel Scott, Sidney Poitier, Wyclef Jean, Eric Holder, Colin Powell, Harry Belafonte, Celia Cruz, Congresswoman DONNA CHRISTENSEN, Congresswoman SHEILA JACKSON-LEE, Congresswoman YVETTE CLARKE, and many others who helped shape this country.

Caribbean-American Heritage Month also provided an opportunity for us to strengthen our long-term partnership with CARICOM nations through greater dialogue and engagement. From disaster preparedness, education, and the campaign against HIV/AIDS and other

health disparities, we share a number of mutual policy interests with our Caribbean neighbors.

For example, last year we were able to address these important issues regarding the Caribbean, through the Institute for Caribbean Studies' Caribbean-American Legislative Forum held on the Hill.

In addition, the Caribbean People International Collective Inc (CPIIC) held a roundtable discussion on health in the immigrant community. This event promoted the goals and ideals of National Caribbean-American HIV/AIDS Awareness Day (NCAHAAD).

Most recently, last year's global rise in food costs keenly affected the people of the Caribbean, particularly our friends in Haiti. The crisis highlighted the need for reengagement and opened the door for innovative policy solutions.

Last year, CARICOM Heads of State held their New York Conference on the Caribbean under the theme "A 20/20 Vision", where they met with regional policy makers, the academic community, private sectors and financial institutions, as well as members of the Caribbean Diaspora to better integrate policy interests between the U.S. and the Caribbean.

National Caribbean American Heritage month promotes the importance of recognizing that our policies in the Caribbean affect us in the United States. Caribbean-American Heritage Month reminded us of the large and diverse constituencies of Caribbean-Americans in our nation and provided an opportunity to send a message of good will to the Caribbean community both here and abroad.

Caribbean American Heritage Month also provided an opportunity to celebrate and share in the rich culture of our Caribbean neighbors, through showcases of Caribbean art, festivals, concerts, and film.

Just as we commemorate the achievements of the many diverse communities in our nation, the United States Government should encourage all people to celebrate the rich history and diversity of Caribbean Americans.

I ask all of my colleagues to join me in honoring the Caribbean-American community, and acknowledge their service to our society.

Mr. RANGEL. Madam Speaker, I rise today to promulgate the notion of a unified Caribbean, where an island nation may assist its neighbor nations in prospering culturally, economically, and socially. There is so much we can do together, so much that binds us—a common humanity, a desire for advancement, a love of country and culture. It is by staying true to these commonalities, while celebrating—not ignoring—our differences, that true cooperation and exchange can flourish in the Caribbean region. Our divisions are nowhere near as salient as those elements that draw us closer.

We are finally making headway in improving our relations with Cuba. After decades of turning a cold shoulder to the Cuban people, we are poised to allow more of our American essence to penetrate the Cuban bubble. Our Cuban American brothers and sisters are no longer hamstrung by a cruel travel ban that allowed them only one trip to the island every three years, forcing them to miss weddings, funerals, and births happening only 90 miles away. The Obama Administration has opened

itself up to talking with the Cuban government. Nothing has to be off the negotiation table, but we get nowhere when we outright reject all dialogue. Five decades of failed policy have mired us in the same 1960s arguments and rhetoric to the benefit of neither nation. It is time for a fresh, bold approach.

We should wholesale lift the travel ban for all of our citizens and legal residents. Whenever Americans travel, they bring their values, their morals, and democratic mores to bear. Cuba needs more of this, not less. We should end an embargo that has proven to be a scapegoat for the Cuban government and a detriment to the Cuban people—all the while our economy and our farmers suffer the brunt of an untapped market. We should be supplying the island with much-needed food, and medicines, and charity.

Cubans and Americans have had a love affair for decades. The affinity between the two peoples has developed naturally, from our shared musical influences to our predilection for baseball. The island has such a rich history of heroes and heroines, from independence fighters such as José Martí to salsa innovator Celia Cruz. May we celebrate the distinct Cuban cultural imprint, while looking forward to a new, improved Caribbean region that fosters intercultural ties and smart, responsible policy.

Mr. TOWNS. Madam Speaker, as a member of Congress I am proud to participate in the celebration of Caribbean American Heritage Month. It has been a long and slow road to the recognition of the contributions of Caribbean Americans since the establishment of the Caribbean American Heritage Awards in 1994. This declaration is well overdue since the establishment of the Caribbean American Heritage Awards 15 years ago and I am honored to be here to recognize the influential contributions of Caribbean Americans to American society. I would also like to commend my colleague Congresswoman LEE for her commitment to the recognition of the achievements of Caribbean Americans through her sponsorship and reintroduction of legislation to celebrate June as Caribbean American Heritage Month. Because of Congresswoman LEE's hard work President Bush issued a Proclamation on June 5, 2006 declaring June as Caribbean American Heritage Month. For over 100 years Caribbean Americans have enhanced American culture and diversity. Influential Caribbean Americans include Harry Belafonte, Shirley Chisholm, Sydney Poitier, Alexander Hamilton, and Malcolm X just to name a few. The influence and impact of Caribbean Americans extends far beyond this unexhausted list of notable Caribbean Americans. They have been leaders in public service, sports, entertainment, the arts, and many other fields. More importantly, Caribbean Americans are everyday men, women and children who aim to positively impact communities across America. Over five million Americans proudly share their Caribbean heritage. The Caribbean region remains an important regional partner due to its close proximity to the United States—evident in its collaborative work and strong economic, diplomatic, and strategic ties with the United States. During Caribbean American Heritage Month, we celebrate the contributions of Caribbean Amer-

icans to our country, and the common bonds and culture shared by the United States and Caribbean countries. America has thrived as a cultural melting pot, due in part to the spirit, morals, and skills of Caribbean Americans. I can not think of a better way to recognize and commemorate Caribbean Americans and the Caribbean region for their contributions to the United States than the celebration of Caribbean American Heritage Month. I, along with my colleagues, am honored to be a part of this celebration. Thank you, Madam Speaker.

Mr. RANGEL. Madam Speaker, I rise today in commemoration of Caribbean Heritage Month and in particular to bring to the forefront the island nation of the Dominican Republic which is the country of origin of and home to thousands of my constituents in northern Manhattan. As is the case with Puerto Rico, also the land of origin of a sizable part of my constituents, these islands are indeed in the Caribbean although in the Spanish speaking minority. I am calling upon all of the nations of the Caribbean regardless of the differences among them to come together especially in these times and form a solidarity which cannot be broken. It is through the common bonds of experience and tragedy that the lasting relationships of this world have been founded. The Caribbean itself is no stranger to struggle and tragedy regardless of what language they may speak. All of these nations have experienced the exploitations of slavery, the annihilation of its indigenous people and the colonization of a world power—yet they are still standing and striving to develop economies that can sustain development and compete under the new rules of globalization.

It is this common bond of fortitude and resilience that must be recognized and cherished. Nonetheless in an effort to solidify, we have become divisive. Something as powerful as language is often used as a tool to divide. The variety of cultures found within the Caribbean should not be used as boxes to contain the cultures of nations but rather as connecting bonds that will link them in a chain that will anchor their nations as a whole.

I call upon the Dominican Republic to be a leader in the Spanish speaking Caribbean and to pick up the torch to set ablaze the cauldron of solidarity amongst the Caribbean. Being Caribbean transcends the lines of language and ethnicity to the broader scope of history and culture. From the food—arroz y habichuelas or rice and peas, to the music—reggaeton or reggae, everywhere one can see the bonds that unite us. I believe that the Dominican Republic, as well as the Commonwealth of Puerto Rico, is in a strategic position to initiate this dialogue and I urge them to lead.

Mr. RANGEL. Madam Speaker, I stand before you today to pay homage to the Republic of Haiti, during this month when we celebrate Caribbean American Heritage Month. The country is of great significance to all who support the free world, as they stand as the second free nation in the history of the Western Hemisphere, second only to the United States. In addition, the Haitian Revolution also produced the first black republic in the world, which is acknowledged as a sense of pride and honor to all people of color around the world.

Haiti does not only share a historical relationship with the U.S., but has been a long-time friend and ally, even supporting us with additional troops during the American Revolution. This level of sacrifice by a country should not be forgotten, especially during times of economic need and hardship.

This is why it is particularly important for us to remember, at this time, the thousands of non-criminal Haitians who currently have "final orders of removal"—or stand to be deported back to a country that is in no position to receive them. Sending 30,000 Haitians back to a country that, in past hurricane season, has been ravaged by consecutive storms is un-American and will be a missed humanitarian opportunity. As Americans, we should support our President in this humanitarian effort by offering these Haitians the opportunity to work and provide food and clothing to their families.

Persons with final orders of removal are ineligible for work authorization. This means that there are approximately 30,000 Haitians living in the U.S. who are not permitted to earn a living to take care of their families in the U.S. and abroad. As you know, remittances make up 1/4 of Haiti's GDP so this is a direct impact on the economic stability in Haiti. Just last month, the Huffington Post reported that Haiti had seen a decrease in remittances with a "dramatic dip this January falling to \$69 million from \$104 million the previous month". The World Bank, IMF, Inter-American Development Bank and money transfer offices are all predicting a thinning flow of remittance money into Haiti in the coming months. Based on these facts, it is no coincidence that we are hearing about more Coast Guard interdictions. These individuals are obviously desperate to find ways to feed their families.

Haiti also played an indirect role in helping the United States grow, as a nation. The defeat of the French Napoleon Army by the Haitians, albeit indirectly, helped America expand its territories towards the West with the Louisiana Purchase. At the time, Haiti was the producer of 40 percent of the world's sugar, was the most profitable colony the French owned and in fact the wealthiest and most flourishing of the slave colonies in the Caribbean. This was a tremendous loss to the French, and as a result, France was forced to sell off some of their land in the new world. The outcome for the U.S. was significant—the land included in the purchase, now famously known as the "Louisiana Purchase", comprises of around 23 percent of the territory of the United States today.

The historical relationship and the humanitarian concerns are important facts to consider when developing policy towards the country of Haiti.

Madam Speaker, I hope that our government will take this time, during the month when we honor our Caribbean American Heritage, to make the right decision regarding the granting of Temporary Protective Status, TPS, for these Haitian nationals.

Haiti has been a friend of ours for many years, and I hope that we exercise our friendship during this time of hardship.

A LOT OF CZARS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Thank you, Madam Speaker. I want to thank you for recognizing me today. I have some stuff I think is kind of interesting to talk about.

Let's start with recently, while listening to the radio, I heard an announcement that President Obama was appointing a gentleman to be named the compensation czar, and that kind of threw me. Being an old criminal law trial judge, I remember the drug czars of the past. I remember I think a couple of Homeland Security czars. But I never had heard of a compensation czar.

So I started to look into it, and I always thought it was kind of peculiar for a democratic country to even use the term "czar." But others adopted it ahead of time, so I have no criticism of using the term "czar," though I think if you look up "czar" in the dictionary, you will find out the most popular version is a form of the Russian totally autocratic emperors of the old Imperial Russia. To me, I think it sounds a little funny for us to be comparing ourselves with that failed system. But, you know, I can't criticize it too much, because we have had multiple folks that have had the name "czar."

Exactly what are these czars that we create in this country? Well, the best I have been able to determine, these are people who are hired members of the executive branch of the government, but they are not like Secretary of Health, Education and Welfare or Secretary of Labor. But they are given sort of absolute authority in their field to give direction to the government and to advise the President as his personal kind of alter-Cabinet, if you will.

Now, the first thing that comes to mind when you wonder about that is, you say now, wait a minute, all these secretaries that become members of the Cabinet, they have to be confirmed by the Senate. Constitutionally, it is required that they be confirmed by the Senate.

We have these confirmation battles in every administration, and actually some issues have come up this time which caused people to withdraw their names before the issue of whether or not they be confirmed, for reasons like they didn't pay their taxes or some other reason that they felt they didn't want to go through that kind of an onerous process of getting to be the Secretary of Homeland Security or the Secretary of State, Secretary of Commerce or whatever Secretary it may be, which for a long time has been the historical heads of departments of the executive branch of the Federal Government. But now we have these new guys that are going to be czars.

Now, it wasn't so hard to figure out when you said, well, you have got an

Attorney General who is one of the Cabinet members, and he is confirmed by the Senate, just like the Constitution requires, and to have somebody who is totally focusing on the drug fight that we have. Maybe that might not be such a bad idea. So that is kind of the first concept of czar that I can recall, and I think probably at some time Ronald Reagan may have used that term. So, you can understand that.

But when you hear "czar," you think Russian. When you think of Russian czars, you think of the Romanov dynasty, which is the dynasty that was ultimately overthrown by the communist revolution. From its inception and for 300 years, the Romanov rule had 18 czars, and two or three of them didn't last very long, and in 146 days the Obama administration has 22 czars.

Now, these folks have lots of titles, these 22 czars, but if "czar" means what czar has sort of historically meant, it is designed to give them sort of an absolute in-charge position on a certain subject matter. And, remember, these folks are not ones who would have to be confirmed, the way I understand it, in order to hold a position. These are just hired folks that the President, through his presumed authority, gives them this power to do this. So, the Russians took 300 years and we took 146 days to create this "czardom," if you will.

Now, let's see who these folks are. The best I can tell, this is a pretty accurate list of our czars that have been created by the Obama administration.

We start off with the border czar, Alan Bersin, and then the energy czar, Carol Browner. I believe she was part of the EPA last time, maybe under Carter or Clinton, I'm not sure. Probably Clinton. I don't know all about all these people.

The urban czar is Adolfo Carrion. The infotech czar is Vivek Kundra. The faith-based czar is Joshua DuBois, at least it has been reported he is an atheist, but that is his faith, I suppose. Health reform czar, Nancy-Ann DeParle, I guess it is. TARP czar, we have all heard about the TARP, Herb Allison is the TARP czar. The stimulus accountability czar is Earl Devaney. The nonproliferation czar, Gary Samore. I may be mispronouncing these folks' names. Let me say right off, if I mispronounce anybody's name, it is because I am from Texas, and I just apologize for that.

The terrorist czar is John Brennan. The regulatory czar, there is an interesting one, Cass Sunstein. The drug czar, we have seen that one before. The drug czar is Gil Kerlikowske, it looks like. The Guantanamo closure czar, which is on the front page of all the papers, is Daniel Fried. The AF-PAK czar is Richard Holbrooke. The Mideast peace czar, George Mitchell. We are very familiar with him, former Senator Mitchell.

The Persian Gulf-Southwest Asia czar, Dennis Ross. The Sudan czar, J. Scott Gration. The climate czar, Todd Stern. The car czar, Steve Rattner. He has been all over the place. The economic czar, Paul Volcker, who is very famous. The executive pay czar, that is one of my favorites right there. The executive pay czar is Kenneth Feinberg. And then the cybersecurity czar, position to be announced, but they are going to have one.

Now, right off I wondered about the cybersecurity czar, because we have got an infotech czar up here, which is sort of both first cousins anyway, and I don't know whether they will be working together or what, but they are going to have absolute power in their field, whatever that means. I think this is something we ought to be curious about. That is so many czars.

You know what is interesting? The Russians gave nicknames to some of their czars based on their behavior. I wonder who is going to adopt some of the nicknames for some of the czars? I don't think anyone would like to be called Alan the Terrible. We had an Ivan the Terrible in the Russian Romanov dynasty. I am sure they would all like to be Peter the Great or Catherine the Great, have "the Great" after their name.

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But I guess we can make up names for them. But the question is, why? I think it's a question that the administration ought to have to answer.

You know, I'm not the only one asking these questions. A statement from Senator ROBERT BYRD said: "The rapid and easy accumulation of power by White House staff can threaten the constitutional system of checks and balances. At the worst, White House staff has taken direction and control of programmatic areas that are the statutory responsibility of Senate-confirmed officials."

And he's raising the same issue that I was raising just a few minutes ago, and that is, these people don't go through the confirmation process. There's no Senators looking and seeing what kind of reputation these people have, what they've done in the past, where their area of expertise is, whether or not this is the most qualified person, whether this is the person who would meet the constitutional requirements of serving our Nation. I know these are hired by the President. It's like there's this alternate universe that we're creating. We've got the Cabinet. I guess you leave the Cabinet and you go over to the czardoms and you meet with them, or maybe they all get in one room and battle it out. I don't know how it works. We'll see.

But this is sizably more czars than we've ever had. In fact, taking a look at President Ronald Reagan, he had one czar. President George Herbert

Walker Bush had one czar. President Bill Clinton had three czars. President George W. Bush had four czars. So we've gone 1, 1, 3, 4, 22.

If these czars are set up to target historically needed help for people in this country, I think it's done with a good heart. But I really think we should be, we as the American people, should start asking why. Why should you hire somebody, for instance, to be the border czar? Now, Allan may be a really nice guy and he may be smart as a whip.

We also have Ms. Napolitano, who is the head of Homeland Security, and it is her statutory responsibility to be in charge of defending the borders of this country. And, in fact, it's the constitutional responsibility of every Member of this House to defend our borders. But it's certainly her statutory responsibility to defend our Nation.

We have an Energy Department; and the Secretary of Energy, I think, the best I can figure out, is supposed to be responsible for the Energy Department. Now, I wonder why we have to have this energy czar.

Urban czar. Well, we've got a Department of Urban Development that's, you know, Housing and Urban Development, HUD. That's been around for an awful long time. That is a Cabinet post. So why all of a sudden do we need an urban czar? We never had one before.

Infotech czar. I don't know where that would fall in the purview of the established secretariats by the Constitution or by statute, but somewhere.

Faith-based czar, I can—we've dealt with the head of a faith-based initiative in the Bush White House that came under a lot of criticism from the now-majority; but they've created one, and at least it is reported, put an atheist in charge of that, which, seems to me seems rather strange.

The health reform czar should be active right now, because, as I understand it, the President spent his day today trying to convince people in various places that we needed this massive health reform that he's seeking to put up. And he wants to actually create, put the government in competition with private industry on health care, I would say, leading to the kind of health care, ultimately, maybe through the back door, but ultimately, I think there's no doubt, and most experts would say, the recommendations that they're making, that they're pushing forward between now and probably the 4th of July, are to set in motion the possibility of a single-pay health care system in the United States run by the government. And when we have that, we will see the quality of our health care plummet, and we will see people like me, people in Washington, making decisions as to what certain people are supposed to do for health care, and rationing that health care.

Now, if you ask our good friends and neighbors to the north in Canada, you say, we hear you've got the greatest health care system in the world. They said, it is good; it's real good as long as you're well. But if you get sick, you've got to get on a waiting list to get treated.

And, in fact, we have a greater cure rate for breast cancer in this country by about 30 points, percentage points, than they do in Canada because they wait too long to take action on the breast cancer issue. Same thing goes for prostate cancer for men. These are things we ought to be thinking about. We have somewhere in the 90 percentile success rate if we catch breast cancer early and aggressively pursue it. They're in the early 60s, like, 61, 63 percent. This is something that we ought to be concerned about.

If you get an orthopedic problem in Canada, say, a bad knee that you need to get fixed, you could wait 5 years before you get in to see the orthopedic surgeon, where, in the United States, you could probably see him day after tomorrow, and you could probably get surgery done next Monday. So we have to think about those things.

But we've got a health reform czar, and I'm sure she's going to tell us how it's going to work.

TARP czar, now that's particular and peculiar to what we're doing right now, and that's the TARP stuff. And there may be some understanding as to where that is. But, you know, we were told by two Secretaries of the Treasury that they were going to oversee this and they were going to make sure nothing bad happened. Okay. Now that's what they told us. We heard one under George Bush, and we now hear one under Barack Obama. And both these guys have told us that they're going to be looking out for our money over here. But we've got Mr. TARP czar is doing that.

And the stimulus accountability czar. Accountable to who? And what does that mean? But I'll tell you, there's no doubt about it now. This is true. The American people are sure worried about how this money's being spent and where it's going, and is there any waste, fraud and abuse involved in it as it comes out, because when you start throwing around billions and billions and billions of dollars until you reach trillions of dollars, it doesn't take a rocket scientist back home to figure out that much money is just a target for somebody to abuse the system. So maybe that's a good thing.

Nonproliferation czar. I assume that's nuclear proliferation. That's what you always hear connected to the proliferation word. But the question is, that's sort of new.

Terrorism czar. You know, when 9/11 happened, and this was before I came to Congress, when 9/11 happened, the Members of Congress here, in their

combined wisdom, in a very, very, bipartisan effort, which everybody wondered about bipartisanship, in a very bipartisan effort, created the Department of Homeland Security. And it wasn't just for borders. It was for all issues to protect the homeland of America. And they became the entity where we gathered experts on terrorism.

Of course, all of our military services intelligence divisions have always had information about terrorism, because that's part of their job. They know who has to clean up the mess after the mess is created. And so our military certainly has that information too.

But we created, I would argue, one of the largest, outside of the Defense Department, Departments in the entire United States, and it was created because of terrorism, but now we've got a terrorism czar.

The drug czar we've had, I'm pretty sure, in every administration for the last four administrations. And I know how that works, and I understand how that works. Now, whether or not we—drug czars have had the absolutism that the word "czar" seems to indicate, I don't know, and whether these folks are going to have that kind of absolute authority is anybody's guess.

Guantanamo closure czar. At least we know this guy is going to be out of work by the end of next year, that is, if the administration keeps their pledge. Now we've been told, absolutely, that by this time next year, Guantanamo will be closed. And so this guy's got a short—he's on a short leash.

The AFPAC czar, I don't even know what that does.

Middle East peace czar, well, you could just also call him an ambassador, a credentialed ambassador or whatever they call those people that go out and negotiate peace. And George Mitchell's done more than his share in his lifetime, and he's very competent. I'm not going into the competence of any of these people.

As far as I know, all these czars could be, ultimately, Allan the Great, Carol the Great, Adolfo the Great, Gary the Great, Jay Scott the Great. I mean, just like Peter the Great. We don't know how great these guys are going to be; but they could be one of those. And let's hope none of them end up being Ivan the Terrible, because that would be terrible.

Persian Gulf czar. Sudan czar. Now, we have an ambassador to Sudan, I think, and we have diplomats that work with Sudan. We have a Secretary of State who has an office that Sudan falls under, and I'm sure she has got some of the best experts on Sudan anywhere in the country, just like she does on the Persian Gulf, just like she does on the Middle East. The Secretary of State has the best people we can hire, and some of these people have been working in this field forever.

And now we've got a Sudan czar. This means this is the absolute monarch of Sudan experts? And what does it mean? Or is it just an associate of the administration that needs a job? I don't know. I don't know what it does.

Climate czar. It's not climate change czar. It's not global warming czar because we've had to change those terms. We started with climate, started with global warming and it started getting colder, so that's kind of dropped, and now we're at climate change czar. This guy doesn't even get the word change. He's got to be the climate czar.

You know, we always blame the weatherman for the weather. But, hey, we've got a czar we can blame now. This guy could very quickly become, that could be Steve the Terrible. Very quickly. How would you like to be responsible for the climate of the United States? I mean, that's tough. That's a tough job.

The Car czar. Well, if this guy doesn't do his job, he's going to have a whole lot less to be czar over, because the Federal Government now runs the car business and at least two of the largest three firms in our country, so he sort of could be the government auto czar because the government's now in the automobile industry. Heaven help us.

The Economic czar, and I know we've got a half a dozen people that serve in Cabinet or sub-Cabinet positions that we refer to as economic specialists, including, we've got the Federal Reserve that gives us advice on economics, and we've got the Secretary of the Treasury that gives us advice on economics, we have a board that gives us advice on economics, and there's an economist behind every bush. Probably the only thing more in Washington that we've got than economists is lawyers. Heaven help us.

But we've got an economic czar, and he's one we've heard of, Paul Volcker. And I guess Paul's going to tell us how it works.

Now, this one is the one that got me wondering about this czarship, executive pay czar.

□ 2100

There are an awful lot of people asking: What does that mean? We know at a minimum what it means is that we're going to decide what some of the big firms that took bailout money are going to pay their top executives. It has been all over the papers and on all of the TV shows about the various, huge, gigantic amounts of money that some CEOs and CFOs and others get paid with bonuses in some of these large corporations. It's really beyond most of our ability to conceive of how much money these folks get. So this guy is going to limit that.

Then the question becomes: If he is going to be the czar—the absolute monarch—over executive pay and that executive pay is going to be from any-

body who took government money, then does that mean anybody who got a tax break from the government could be kind of grandfathered into this deal? Does that mean for anybody who got a grant from the government and a big one—not the bailout money, not the TARP money or the other one, the stimulus money—that he's going to get to tell them what their pay is going to be? In fact, maybe the company that you work for has gotten some of this money. Is he going to be able to tell your company what you're going to get paid? Where does it stop?

So is this really a wage-fixing czar? Is that a better term for this than executive pay czar? I don't know.

Finally—and we haven't gotten the person's name yet—there's the cybersecurity czar. Then we've run out of space on the page. I guess the next thing we'll find out is that, instead of 22 czars, we may have 42 czars.

I tried to find out what these folks get paid, but I haven't been able to figure it out yet. Stay tuned. I'll try to come back to you and talk to you about what all of these czars are going to get paid. You know, if they're following in the Russian pattern, it's going to be pretty good because those czars lived in some pretty nice houses, and they did pretty well. So, in 300 years, the Romanovs had 18 czars. In 146 days, the Americans now have 22 czars.

I am very pleased to see that I'm not by myself today. I have a good friend. My good friend, colleague and classmate is here, STEVE KING from Iowa. STEVE is always ready to have some fun.

STEVE, what do you think about all of this? I'll yield to you as much time as you wish to consume.

Mr. KING of Iowa. Well, Judge CARTER, I so much appreciate your bringing this issue to the floor of the House of Representatives. I appreciate the chance to address Madam Speaker in this subject matter.

I have not seen this list of czars. Actually, I went home for the weekend, I think, with 19 czars and arrived back in Washington with 22 czars. There might have been 3 that materialized over the weekend. I look down through this list, and the first thing that hits me is, well, let's see: border czar. I'm the ranking member of the immigration subcommittee. I've never heard of him. I'll go right down the list. A few of them I've heard of but not very many, so I don't think they have a very high profile—but czar, czar, czar 22 times.

There were only 18 czars in all the history of the Romanovs. Did I get that right?

Mr. CARTER. That's correct.

Mr. KING of Iowa. It occurs to me, if you think about the flow and the continuum of history, all of the czars were precursors to the Marxist era of Russia. So I don't know if this is any kind

of thing we ought to be thinking about, but the implications that come with the nomenclature here of these people who are supposed to be managing these jobs for which we already have people to do causes me to think:

Is this a precursor for what's happening in a nation that has seen our major industries nationalized? Fannie Mae and Freddie Mac—nationalized. Large investment banks—nationalized. The largest insurance company—nationalized. I didn't see any czar here for de-nationalization, for one thing. I'm looking for that. I'd like to appoint that czar of de-nationalization. I could find just about anybody on the Republican side of the aisle who would make a good de-nationalization czar because, you know, I'll present this list that's in my head but that's not very well refined, and maybe we'll get it a little better.

It just occurs to me that there are, oh, 6, 7, 8, 9 or 10 different things that President Obama has engaged in without an exit strategy. That would be the nationalization of a list of our major investment banks. I don't know how many that is—four or five perhaps. It would be the nationalization of the largest insurance company, AIG. It would be the nationalization of Fannie Mae and Freddie Mac. So I may be up to about eight. We ought to research this list a little bit before we publish it as the final total because I could surely forget some. Now I'm to 8, 9 and 10. Let's put down Chrysler Motors and General Motors while we're at it. When you end up with a 60 percent share in General Motors that the taxpayers are holding—that's the American taxpayers—and another 12.5 percent held by the Canadian taxpayers, that would be 72.5 percent of General Motors that is owned by government. It would be 17.5 percent owned by the unions, and it would be, I think, around 12.5 percent owned by the bondholders, the part they were able to hold together of their secured interest.

Yes, we need a czar to figure out an exit strategy for all of these things that President Obama has engaged in without an exit strategy. It occurs to me that he was elected as President of the United States, in part, because of his relentless criticism of President Bush for going into Iraq without an exit strategy. Now I've just named 10 things that he has entered into without an exit strategy. By the way, for all of them, he said, I don't want the government to own them, and I don't want to have to manage them, and it's not my business to do so.

Turn around the next week and nationalize something else. Do a photo op with Hugo Chavez. That great nationalizer in Venezuela appears to me to be a piker compared to the one we have in the White House.

As for these 22 czars that we have, the ones that stand out and get my at-

tention are, for example, the executive pay czar—the payroll czar—the guy who sits there and figures out Joe's making too much money and Shannon's making enough, and we need to have some more people out here who are sacrificing for the good of the whole. I look at that. Then as I understood this, too, it went beyond those who had taken Federal money, but they were going to at least look at executive pay in all of the large corporations—at the CEOs—and make sure that that wasn't out of proportion.

Do you remember that number? About \$500,000 is plenty enough for anybody to make in a year or so. I think, theoretically, you could put a cap on all of that. It's harder to do so if there isn't Federal money involved, but it's not impossible to do so if you look at some of the impossible things that have already been accomplished by this administration.

Mr. CARTER. If the gentleman would yield, I would reclaim my time for just a moment.

Mr. KING of Iowa. I would be happy to yield.

Mr. CARTER. If the issue would be a Federal nexus, it would be hard to find an industry, really, that wouldn't have some connection with the Federal Government if they've gotten a grant, if they've gotten a fellowship, if they've gotten a guaranteed loan, if they've gotten a tax break that's designated for their industry that other industries didn't get. All of these categories could be quickly expanded to add to that stimulus czar, if you will.

So I'll yield back.

Mr. KING of Iowa. I thank the judge from Texas for pointing that out, because there is a Federal nexus in almost all business in America, and they can find a way to control it.

My father always told me there's a difference between "reasons" and "excuses." He knew the difference. I didn't always know the difference, but today, I think I do. These are excuses. Think of this: The executive pay czar—the payroll czar—looking in at CEOs. He fires the CEO of General Motors. He hires his guy. He appoints all but two members of General Motors' board of directors. He says, I don't want to run this company, but you're going to have to build a car that looks and runs like this, and you're going to have to stop building these cars, and we're going to make this all environmentally friendly in this fashion, and we're going to decide who gets paid and how much—who gets paid, because he fired the CEO, and how much.

By the way, we had the CEO of AIG, who was working for a dollar, who came to this Congress and who, I think, was treated disrespectfully by the members on the panel. He should have—and did—thrown the thing up. He was trying to do the right thing for America for \$1 a year, and that wasn't enough to satisfy them.

So I'm thinking: What Fortune 500 company would be exempt from the scrutiny of the executive pay czar—the payroll czar? I can't think of one, because they view these corporations as being evil capitalist corporations.

They still haven't looked over into Hollywood, for example, and decided that some of the actors, directors and producers are probably making too much money by their own standards here. They wrote a lot of checks to these people who are in the White House today, so you haven't seen that scrutiny that would come; but if you're going to be an executive pay czar, you should look at everybody's executive pay.

Then I suppose we get into the professional sports athletes, who do make a lot of money. Maybe, you know, you're playing, so that must be fun. It probably doesn't demand more than \$500,000 a year no matter how good you are. Pretty soon, America is no longer a meritocracy; it's a rate-regulated government entity that decides who gets paid and how much.

The payroll czar, outrageous. It is really outrageous. The climate czar. You know, I remember we did a dedication to a park we built in my hometown of Odebolt. We did it on the last Friday of October, which is a very risky thing to do outside in Iowa. I gave the opening speech before we cut the ribbon. Then Pastor Johnson stepped up. It was a beautiful day. It was 75 degrees on the last Friday in October. You just don't see that in Iowa. In my opening speech, I said, Well, I take credit for the weather. I planned this. After I took credit for the weather, Pastor Johnson stepped up to give the opening prayer, and he said, Now I'm going to give credit for the weather where it's due. I deserved it. He did it with the right tone, and I appreciate that exact correction.

The climate czar. I'd like to talk to the climate czar about the science involved in this. I'm not finding people who understand, who can explain and who can defend the science in this alleged global warming. By the way, this isn't even the climate change czar. He could have been the global warming czar a year and a half ago. Six months ago, he should have been the climate change czar, but now, since the climate is changing in the wrong direction, he's just the climate czar. So there is a sense of desperation that as this Earth seems to be flattening out or cooling marginally that their argument is disappearing, and they have to pass this cap-and-tax legislation before we get a longer track record of an Earth that's not warming.

I'll say this into the RECORD: These folks who are pushing—WAXMAN and MARKEY—are wrong on the science. They can't defend the science. They can't argue it against people who are of equal scientific training. They can't

even argue it against me. I'm happy to do that, by the way, and I'm happy to have that debate with Al Gore and with the rest of them who come along. Even if they were right on the science—and they're not—they're really, really wrong on the economics. This has almost become a religion. It has got political inertia.

We saw and heard from a Ph.D. from Spain. Spain embraced the green country. They wanted to be the leader in green energy for the world, in the industrialized world, so they set about doing that. They built a bunch of wind chargers, and they raised the cost of their electricity. They became the leader in renewable energy of the industrialized world. They also became the leader in unemployment at 17.5 percent. They became the leader in the increase of utility bills—20 percent to residents but a 100 percent increase for industry for electrical bills. This was over a 3-year period of time.

Even then, they couldn't keep up with the additional costs of electricity, so they had to bond them out on the international financial market. They didn't have the money to pay the bills, so they pledged the full faith and credit of the Spanish Government to later on pay off these bonds, which truly means that the cost of green energy in Spain was being passed down to the grandchildren. They couldn't even pay their electrical bills in this time.

So they lead the world in unemployment at 17.5 percent. They created a lot of green-collar jobs at the cost of \$770,000 a job and at the cost of 2.2 private-sector jobs that they lost.

So I'm hopeful that the climate czar, Mr. Todd Stern, will take a look at Spain. I would refresh the memory of the Speaker and of yourself, Judge. Take a look at Spain because President Obama has said we should learn from Spain and that we should emulate Spain. They have led this green revolution. I'm convinced that the climate czar had to have taken the oath to be supportive of such an idea or he wouldn't be the climate czar.

As I listened to our Secretary of Agriculture testify before the Ag Committee last Thursday, of all the logical questions we asked from both sides of the aisle, it looked to me like he had to take the oath to support the President's agenda on this Markey cap-and-tax legislation no matter how bad it is for agriculture and no matter how bad it is for our economy.

I wonder if all of these people believe that you can grow the economy by increasing the expenses of business in America, because that's what cap-and-tax does. So put the climate czar together with the economic czar together with the executive pay czar. I wouldn't worry about cybersecurity. I'd like to penetrate that and know what all they have to say and how they're really thinking about this convoluted approach.

□ 2115

But the payroll czar is the one that gets me the most, the one who can decide what everyone ought to be paid. And I'm wondering, before I yield back, that if they're going to control the pay of the neurosurgeons and what would a neurosurgeon be worth. Would he be capped at \$500,000 a year, too? Or could we just get a cheap lobotomy for some of the people who thought this up.

Mr. CARTER. This bottom of the page, you're right. The one thing I find good about the climate czar is the poor old weatherman is going to get a break, because when the weatherman on Sunday night says it's going to be a beautiful day all day long and it rains, who do they blame? The poor old weatherman. Now they can blame the climate czar.

You know, these folks here, here on the majority side, they would like all the center of the universe to be Washington, D.C., and there you go. Now, everybody in the country will be blaming the climate czar for bad weather. At least we've got centralized blame.

I'm sure that there are some people sitting at home saying—and in this body saying, Why are you talking about this? I think there is something really critical that we need to interject into this, and I said it briefly, but it really takes us out of the realm of humor and into the realm of seriousness.

When you realize the Founding Fathers that created this country, they assigned the government with checks and balances, and this circumvents that system. This puts absolute authority in these people's hands at this category. And they have not gone through any Senate confirmation, which the executive branch, those people are supposed—all of our Secretaries and Under Secretaries have to be confirmed by the Senate. We've got a good friend in this body that's going to be—that has been nominated for Secretary of the Army, and I certainly hope he gets confirmed by the Senate, and I'm sure he will, but he has to go through that.

These people don't go through that. There is nobody overseeing this but the executive department, but the President of the United States. So there's no congressional oversight. There's no judicial oversight, both of which were created by our Founding Fathers. No. The only real person they answer to is the President of the United States. And they work for the President of the United States. He hired them. He chose them. He put them in this position. I'm sure he's paying them good money. But they don't do what our Founding Fathers envisioned our country to be doing. So what does it create? It creates an executive department that is garnering power in every area.

I'm joined by my very good friend from Texas, LOUIE GOHMERT. I yield to

you however much time you wish to consume.

Mr. GOHMERT. I appreciate my friend, also former judge, for yielding. And your last comments were exactly what I would like to discuss as well, and that is these people are unelected. We were promised before the November elections that they would have unparalleled transparency, that you would know everything about the government, everything that was going on. We were going to be transparent. We were told if only we would elect the Obama administration, elect him President, and that would happen.

And we've heard people say in this body that there was a mandate, you know, that we got a mandate to do. No, he didn't. You barely got a majority that elected you to have transparency.

We were promised there would be change because this administration would stop the insane deficit spending. And some of us, including those of us here, were not happy with our own President Bush and his administration spending too much money. And they got enough of our colleagues to help them spend too much money on our side of the aisle, some from the other side of the aisle, but it was too much money. And the people voted him in to stop the insanity. So this is what we're getting.

And a czar, I would submit, is probably the proper term because they're not accountable. You know, the Senate tried to get Rattner to come over and testify. We don't know how much they're making. They have these closed-door meetings and they're making these incredible decisions about the future of the automobile.

Now, some people don't understand, but if you study enough history, you know that when you can no longer produce the essential things you need to conduct warfare to defend yourselves when you're attacked, then you're going to stop being a country. When you can no longer stomach doing what it takes to win to protect your country from nut cases around the world, then you lose the country. And here, we've got these people who are just ignoring the law.

And you look at what this czar did with cars. Now, he said, Well, we didn't tell them which dealerships to close. But this closed-door secret society appointed by President Obama meets behind closed doors, exerts pressure. We've already seen the pressure this administration brings to bear: Well, you do this or else we're going to go out and we're going to blacken your name among the media. And we've seen that happen.

We've seen the beating that secure creditors took when they simply said, You really ought to follow the law here. Well, they were being un-American. Those people, Madam Speaker,

those people were not being un-American. They were trying to follow Chapter 11 law. The law is clear. It has been for years. There's going to be a Chapter 11, there is going to be a plan. There's got to be disclosures about the plans. There's got to be hearings about the plans. There can be alternatives to the plan. You can have objections. You can have motions for relief from the State. You could have all of these kinds of hearings. Well, they just bypassed all that law, just bypassed it and said, We're going to turn the law upside down because we're secret-meeting czars who are not going to let people have their rights under the law. We're going to obliterate the law, which they did.

And then they found a bankruptcy judge who they believe would probably sign off on this plan because, let's face it, if you're a bankruptcy judge—of course, they come up for reappointment every 14 years. I don't know when this judge comes up again, but apparently he wants to be a judge for a while longer. But anyway, they found a judge who was interested in not having all the hearings the law requires to give the dealerships a fair hearing, to give the secured creditors a fair hearing, to give the unsecured creditors a fair hearing, to give all of those who had contractual relationships with those who were being addressed by this secretive czar meeting behind closed doors—there should have been hearings. There should have been transparency. That's what the voters voted for, and they didn't get any of that. Just turned the law upside down.

So I hope that my friends will be pleased to hear that since we're taking up the Commerce, Justice and Science appropriation bill this week, I've got an amendment in there. It's very simple. It says no money appropriated can be spent to pay the auto task force, including the car czar. If they're not going to tell us what they're doing behind closed doors to turn the laws upside down and to ignore the constitutional takings, which is occurring, and to ignore all of the contract law, the bankruptcy law, if they're just going to ignore the law, then we need to ignore paying them. And I hope that the Rules Committee, I feel like we'll have a lot of bipartisan support on this because I know people on both sides of the aisle want to know what's going on. We were promised transparency, and by golly, we gotta have it.

I appreciate the gentleman yielding, especially on this topic of czars, but we know what happened to the czars. People got sick of it and they threw them out. Now, I would never advocate what happened to the last czar and his family, totally inappropriate. But here in America we have another way of throwing out czars. We have elections, and the people have a choice. They were promised transparency, and this

kind of baloney is not it. And I hope the American people respond appropriately.

Mr. CARTER. Reclaiming my time, I thank my colleague for his passion.

I was on the floor of this House about 6 weeks ago talking about exactly the same thing. We like to tout the rule of law. We like to say—and, in fact, it's true—that what really makes America work is having the rule of law. That means when you make a contract, we honor that contract. When we have laws on the books, we follow those. We can depend—as an investor or a purchaser or an employee, we can depend upon those laws which have been written in the bankruptcy arena, for instance. And I agree wholeheartedly with my colleague that the way this has been handled, we have thrown the rule of law in bankruptcy law right out the window.

Mr. GOHMERT. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. GOHMERT. One further comment about that. By getting a bankruptcy judge to sign off on this, now this unelected, unaccountable, non-transparent body has gotten under the guise of one lazy bankruptcy judge's signature, they now have cover or color of the law.

Now, I thought when Justice Ginsburg stayed the sale to Fiat that we might finally get some rule of law, but it looks like so far the bankruptcy court on up to the Supreme Court has said, You know what? We're scared of these people, so let's just let these unelected czar people, let them run things. And judiciary, we're not going to hold them accountable.

And if this body, this Congress does not hold them accountable, then we have become a country run by czars because the Congress has not made them accountable, judiciary's not made them accountable. So they're just running things. And everybody has allowed them to usurp the things that the Founders fought and died and pledged their lives, their fortunes, and their sacred honor. We cannot let that happen.

Mr. CARTER. I thank the gentleman.

I believe my friend from Iowa (Mr. KING) would like some time. I'll yield 5 minutes to Mr. KING.

Mr. KING of Iowa. I thank the judge from Texas for yielding, and as I look at this list, a couple of things do come to mind. I'd go back and refresh two places there: the TARP czar, Herb Allison, and the stimulus accountability czar, Earl Devaney. Those two places there, add that up. We're at about, oh, let's see, \$1.5 trillion, in that neighborhood. Now very close to that.

And it might be good to ask them, Where's the money and where did it go? Now we've got a centralized place to at least ask the question on a level of accountability. Now, these people are not

accountable to the Senate for confirmation. They're not accountable for elections, and they are accountable only to the President, as far as we know. But the least we could do is put some pressure on them and ask for a full accounting of where's the TARP money and are we going to let all of the people who want to pay that back pay it back. And does the money come back to the Treasury, or are you going to roll that over into some other venture capital kind of government endeavor.

And the stimulus accountability czar, Mr. Earl Devaney, I would be really interested, Madam Speaker, if we could get an answer back from the stimulus accountability czar on where is all that money. How much of it has been spent and where? How much of that went into infrastructure? How much of it actually converted into jobs? How much of that infrastructure is going to be usable and useful and stimulate the economy? I would like to see the list.

And I understand that the number of those dollars that have actually gone into infrastructure is something like 3 to 4 percent of the overall \$787 billion that were appropriated in the stimulus plan, which was the same as the TARP funding. Hurry up and put the money out now because we're in an economic tailspin. We had a Chicken Little drill going on here in this Capitol a couple times in the last year, and that yielded \$1.5 trillion from the taxpayers that my grandkids are going to have to pay. And we still don't know where the money went, and we still don't know how it is that all of this money that's appropriated didn't get implemented right away.

And now we have this long-term debt for America, this long-term debt that once you take on that kind of debt, whatever your economic crisis is that you're in, taking on a lot of debt delays it, delays the recovery. That is the equation that takes place. And I think we should be able to have real-time accounting. There should be a Web site there. Here's your \$700 billion in TARP money, and here's where it all went. Here's a spreadsheet. Click on here and we'll give you a changing scene real-time.

□ 2130

I think there ought to be a Web site, also, for the stimulus accountability czar so that he could have that Web site up. We wouldn't have to be pressing for answers; America could just go to the Web site. They would contact us, and let us know what they think about how this money is being spent or not being spent.

But one thing we know is it has not been—and doesn't look like it's going to be—spent according to plan. And whether or not it's spent according to plan, the results don't look like what

they were designed to come out of either the TARP funding or the stimulus funding that came. And by the way, I'm proud of all my colleagues for voting "no" on that plan. Remember, it was one leg of a multi-legged stool that we had to construct in order to get us out of this economic crisis; that's what the President told us that day. It looks like a multi-legged stool has got to be a four-or-more-legged stool. If it was a three-legged stool, you would say so. I've never seen a two-legged stool and I've never talked to anybody that had ever seen a two-legged stool. That would defy logic, but so does this stimulus plan defy logic. So maybe it is a two-legged stool, but I think it's more like a four or more, at the cost of about \$2 trillion a leg, Madam Speaker.

So what do we get back for that? And these margins that were to come, we weren't going to see unemployment go up over 8 percent and now it's 9.4 percent. And I didn't see how the stock market closed today, but the last I looked at it, it was down 204 points; and I don't imagine how it had a good day. The level of confidence there, it seems it's less volatile than it was, it's more stable than it was, but we have a whole lot more debt than we had. When this all started, the Chinese were happy to buy our debt. I was never happy to sell it to them, but they were happy to buy it. Today, they're not happy to buy it, and I'm not happy to sell it to them.

We've got to find a way to tighten this belt. We've got to tighten this belt down, and we've got to slow down this spending, and we've got to get back to balancing our budget. I believe that every one of us here on this floor voted for a balanced budget this year. And in the face of all this economic crisis—those of us on the Republican side of the aisle, many of us supported a balanced budget—it's hard to put one together in this tailspin that we're in. We did that. We voted for it. And that sends the right message. And every year hereafter we've got to put a balanced budget out there and build the votes until we can actually get it balanced.

I yield back and thank the gentleman from Texas.

Mr. CARTER. I thank my friend for joining me.

As we sum this up here, Mr. KING mentioned something that I think is important. He mentioned we needed a denationalization czar or an exit strategy czar, or maybe both. In this world of proliferation of czars, maybe we need both. But the reality is, in seriousness, when the President of the United States came into office, he told us there is a drop-dead deadline we're going to get out of Iraq. This is it. There is a drop-dead deadline we're going to close Guantanamo Bay, and this is it. So this time next year, we won't even need the Guantanamo clo-

sure czar because it will be closed. And very clearly, we are going to draw down our soldiers in the war in Iraq.

The President has shown leadership. Whether you agree or disagree with him is for other times. But he certainly has become one who says there should be a drop-dead date, an exit strategy. I think it is important that this Congress, when we look at this massive increase in the executive department and we say to ourselves, They are not answerable to us except through the appropriations process, we can cut off the money, but other than that, they're answerable to the President.

We had nothing to say about who got hired. We had nothing to say about what the duties were. This was a creation of the executive department, and that would be the President of the United States and his staff. They owe this Nation and some of these areas a time to get out.

They say they don't want us to run the automobile industry. Well, we need to be planning on getting out of the automobile industry. We can't stay in there. The country doesn't want a government-made car. Just ask them; they don't want one. So we can get rid of the car czar, the executive pay czar, a lot of these other czars, if we would just say, this is their mission, here's when we expect that mission to be accomplished, as we did to our soldiers, and this is when we expect it to be accomplished, and by that date you either accomplish it or you're getting out.

You know, I personally think the way we look at this massive \$1.5 trillion worth of authorized spending, authorized by this House—mainly that side of the aisle—the way we look at that right now is we should be saying stimulus means rapid infusion into the economy. Anything that hasn't been rapidly infused this year we should halt. So if they haven't spent the \$787 billion—or whatever that number is—like right now, at least some papers report only \$25 billion of that money, or we'll say \$40 billion of that money has been used so far. And if you study some of those projects, many of those projects are for getting money to people for things that will not have an effect on our economy for years—3, 5, 7 years down the road. That's not stimulus. If they haven't gotten the thing done this year, we ought to say, de-authorize it at that point in time. It hasn't worked; try something that works. That's where we ought to be. That's the way this Congress needs to start thinking because we are creating a power structure that is outside the normal power structure of the executive branch of the government. These are things for us to think about.

Madam Speaker, I thank you for your courtesy tonight.

CLOSING GUANTANAMO

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the honor to be recognized and addressed here on the floor of the House of Representatives. And I appreciate the collaboration of my colleagues from Texas, the two judges from Texas, that addressed this subject matter of the czars in the last hour.

A lot has been said about the czars, and now maybe I will just transition from that into another subject matter, Madam Speaker. But the idea that we are going to see the end of the Gitmo closing czar, it's pretty interesting to me. We have an Attorney General that seemed to have gotten that assignment. I remember the look in his eye as he was trying to figure out what to do with that January 22, 2010, mandated closing date that was established by the President in his executive order.

I have also been down to Gitmo and seen down there in the commons area where the Gitmo inmates—the detainees, the enemy combatants, the terrorists, the worst of the worst—where they get in their communal area just off of where their little soccer field is, and it's an area where they play foosball and sit in the shade just off of where their big screen TV is, where they get their refreshments and their education in the English language and the cultural education that takes place. Just off of there, Madam Speaker—and not to set the scene too distinctly—there is a bulletin board just put up, it's a ply board. And on that ply board is the executive order, the President's executive order dated January 22, 2009. It's seven pages long, the English version of it, and that's set on this ply board. And then the Arabic version is about the same number of pages. And there is Plexiglas over the top of it. So these inmates, these worst of the worst—however many we have left down there—they can interrupt their soccer game, or stop, or if they're waiting their turn to play foosball, or whatever it might be, they can go over there and read or reread the executive order which says—it's a promise to the worst of the worst, the Gitmo detainees, that they're not going to be down there in Gitmo one day past January 22, 2010. That's the pledge to them.

When I looked at that, I had been involved in a lot of this discussion that had to do with the Gitmo detainees and the utter logic that says keep them there, don't close Guantanamo Bay. You couldn't have a better—no nation has treated the people they picked up in warfare as well as we have treated the Gitmo detainees.

So these individuals are down there, and they live in air conditioning. And they say their cultural temperature is

between 75 and 80 degrees, so they, essentially, are the ones that set the thermostat in their residences—which they are cells, private cells. They don't share a room. They have private cells with a nice little arrow on the floor that shows them where Mecca is. And our operations down there stop five times a day for 20 minutes each time—that's 100 minutes a day—while our guards stand respectfully and wait while the five prayers a day go on. This 100 minutes isn't interrupted by their opportunity to fill out the menu. They do that at a different time.

They get to choose from nine different items—five-times-a-day prayer, 100 minutes a day, nine different items on the menu every day they can choose from, check the box and decide which ones of these Islamicly approved meals do they want to eat in the three squares a day that they get—all within the air conditioning that they live in if it's not their desire to go outside in the fresh Caribbean air and play a little soccer and foosball and schmooze around a little bit.

So there is a pledge on that bulletin board, and that pledge is the executive order with the Plexiglas over the top of it. It is President Obama's executive order that is the commitment from the President of the United States that Gitmo will be closed.

Now, when I saw that, I came to the conclusion that no matter how much logic there is that supports sustaining Guantanamo Bay, no matter that it is the best place in the world for these Gitmo detainees, no matter that it's air conditioning and nine Islamic meals to choose from in a day and outside exercise and indoor climate control and arrows for prayer and the fancier prayer rugs that I don't know anybody that has rugs this fancy in their house, and a skull cap and a Koran—no Bibles, by the way. Out of the 800 or so inmates they've had down there, one of them requested a Bible, but it caused too much unrest among the rest of them so Bibles are not allowed. Neither are American guards allowed to touch a Koran. It comes in a special little bag carried in and everybody gets this Koran.

Well, of all of these things going on down there at Gitmo they have a promise, no matter how logical it is to keep it open, no matter how logical it is to process these enemy combatants through the procedures that this Congress has lawfully set up, Gitmo will be closed despite all logic. And it convinced me of that when I saw the bulletin board with the executive order on it. The President is not going to rescind an executive order that they have posted in front of the Gitmo detainees, the enemy combatants, the former terrorists. That is the strongest message that I picked up while I was there.

I will be happy to yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding.

As you were talking about Guantanamo Bay, it dawned on me that the world talks about American treatment of political prisoners, they call them. We call them enemy combatants, which I think, since we pick them up from the battlefield, we've got a pretty decent argument. We don't hear anybody talking about our enemies' treatment of our combatants when captured on the battlefield. There is a reason, I think. First off, we do everything in our power to make sure that we don't lose any of our soldiers, sailors, airmen and marines to the enemy. We even remove our dead. We leave no soldier on the battlefield; it's the pride of our military. But there is also an underlying principle here because, if you will recall, less than, I think, 3 or 4 years ago, they got their hands on some people and they dragged them behind cars and hung them from the bridge in Baghdad. They got their hands on another guy; and on television, with everybody watching, they cut his head off in front of anybody who wanted to watch it.

So let's compare nine selected menu items, temperature regulated to suit your lifestyle, and your religious material of choice treated with great respect—which is our way of dealing with prisoners versus decapitation, dragging, setting on fire, and hanging from a bridge. Where is the outcry? Well, there certainly can't be any comparison of treatment because we're doing our dangest not to see that happen again. And I'm proud to say that our guys are doing a great job on that; they're protecting Americans on the battlefield. It's because the enemy has no qualms with what they're going to do. Do you really think the enemy would be providing Bibles to the Christians that they captured? Do you really think, if they were from the border regions of Texas, one of their choices on the menu would be Mexican food? Give me a break. Anybody that's got any logic at all knows exactly what would happen to American prisoners that were captured, and that's why we fight so hard to keep them safe. I yield back.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Texas, I think it's an especially important point, and very illustrative, when you asked the question, Do you think the enemy will provide Bibles to any of our soldiers that they might one day capture as prisoners of war?

□ 2145

It sounds even ridiculous when you say it because it's so far out of the realm.

We are talking about one of the pieces that have to do with immigration, talking about renewing the religious workers visa, and we'll have about 5,000 religious workers come into

the United States each year. And they should be and generally are required to, and often it doesn't work out that way, be affiliated with existing religious observations. They might well come from countries like Saudi Arabia or other countries in the Middle East, for example, those countries that aren't very tolerant of our missionaries going in there. So it occurred to me that if we really wanted to have religious workers visas here in the United States, we should turn around and require reciprocity. Just simply say to them, Fine, send your imams here to the United States, but the condition is we're going to send you some Baptist ministers and Catholic priests.

I yield to the gentleman from Texas. Mr. CARTER. That's a very interesting position, and I agree with you actually. That would be the kind of world we would create. That's the fairness that Americans give to others. It's not the world of those we fight against. The world we fight against is an autocratic world in which it's their way or the highway.

One more thing I want to point out. I get kind of tired of hearing people say we've got to close Gitmo because it is the target for creating more terrorists. So let's see. What do you think is going to be the target if we take everybody out of Gitmo and put them in Leavenworth? Then next year the recruiting tool is going to be, guess what? Leavenworth. So now we're going to close Leavenworth, because it could cause people to go over to the terrorist side, and send them to La Tuna down in El Paso. But wait a minute. In a year that's going to be the target. That's going to be the evil Guantanamo. So eventually they're going to end up in the Williamson County Jail. But wherever you put them, until they are back home on the enemy terrorists' battlefield, they will recruit based on that holding facility. It's a ridiculous argument to say you have to close Guantanamo because it becomes a recruiting tool for terrorists, because if they were in Leavenworth, it would be the recruiting tool for terrorists.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Texas, I would add to that that the representation of Gitmo is something that's created by the liberal news media and the liberal mindset and the MoveOn.org people. Name a criticism of Gitmo, and chances are that criticism is just simply untrue. One of those is that there were people waterboarded at Gitmo. Not true. It didn't happen. It didn't ever happen. But the public believes it did. So if there's a rumor out there, if there's an urban legend that exists about something, do we go eradicate it because there's a rumor?

I don't understand what the criticism was of Gitmo in the first place. They had to go somewhere. It's a very humane thing to do. No, waterboarding

didn't take place at Guantanamo Bay, but some really evil people reside down there. And they are not just innocent people that randomly were picked up. These are not goat herders down there. These are evil terrorists who believe their path to salvation is in killing us. And they have a command-and-control structure even to the extent they could order a simultaneous attempt at suicide that took place a couple of years ago; four that tried, three succeeded. Exactly a year to the day, there was another attempt. One succeeded. Now we have them all on a suicide watch where no one down there that's an inmate goes more than 3 minutes without eyes on from at least one of our guards.

One of the other things that's happened is you think about abusive treatment of prisoners. I see nothing but a culture of—it bends over backwards. There's too much respect down there, in my view, for these evildoers that are there. But on the other side of this thing is that on an average of 20 times a day, these inmates attack our guards. Half of the time they're throwing feces in their face, and the other half of the time they're physically assaulting our guards. And the worst thing we can do to punish them is reduce their outdoor exercise time down to 2 hours a day. And this is an evil empire nation and we ought to close down Gitmo because MoveOn.org is critical and liberal socialist Western Europe is critical and the people on the other side of the great divide of Western civilization are critical?

Many of them have designs on working against the United States, and I certainly don't include Western Europe in that. But I did have a conversation with the leadership of the Germans, and they said, Well, we think that you ought to close Gitmo, and they have been pushing hard for that, and that we should disperse these, at the time 241, detainees around to other countries in the world. But the Germans aren't going to take any of them as long as they might pose a threat to Germany. And how do they measure this? Well, if we're not going to bring them to the United States, then they must be dangerous for us to bring here; so why would they take them there? In other words, they put a condition on us that says they won't be accepting any; they'll just be pressing us to close Guantanamo Bay.

My answer to that is if you won't take any of these inmates, then it looks to me like you don't have anything to say about Guantanamo Bay. Your opinion, I believe is invalid, along with most of the other criticism that flows out on the behavior.

A nation has got to be able to stand some criticism. We didn't elect a President to run around the world and apologize to every continent and do a contrition tour of the world. That's not

going to make people like us any better. And, by the way, I'm not so interested in being liked; I'm interested in being respected. And that's the thing that will bring about the right kind of results from the enemies we have. When they see us knuckle under and go wobbly because of a little criticism, and we'll close a place like Guantanamo Bay, thinking that then their criticism is going to move along because somebody said it's their best recruiting tool—who says, and why? And if that's their recruiting tool, there are many things that they can gin up over the Internet that would stimulate people to join their side.

What do they say? "Remember Guantanamo Bay"? Is that like "Remember the Alamo," a recruiting tool for 140 years or whatever it is? It doesn't hold water, in my analysis, and I just believe that this backpedaling from international criticism doesn't get you anything except more international criticism in a different area, and that's something that I think that the judge and I agree on.

Mr. CARTER. I thank the gentleman for yielding. Don't be comparing it to "Remember the Alamo." That's pretty sacred stuff from where I come from.

But, seriously, today I was watching the news, and I saw these four detainees who are now living in probably the most luxurious setting I believe I've ever seen in, I believe it's Bermuda. I mean it's a beautiful house overlooking the ocean with a swimming pool. It's like a three-part swimming pool, a swim area and I guess that's the lounging area or maybe a kiddie pool. I don't know what it is. And these guys are sitting there. Like the guy said the other night about what was reported on the money we were going to spend to send to Palau, where they were talking about putting some people out on that island. He said at that rate of spending, \$200 million for 12, I think it was, that were going to go to Palau, if that's the rate of spending, why don't we just buy the Waldorf Astoria and put them all in there because it would come out cheaper? And, you know, it would.

I think that the world is going to look and say, Look at how the administration is reacting to this criticism of Guantanamo. They're pulling them out of a state-of-the-art prison which has state-of-the-art rules and state-of-the-art treatment and they're moving them to the tune of \$200 million to an island out in the middle of nowhere?

By the way, none of these guys are on the no-fly list. Because I remember we voted on that less than 2 weeks ago to put them on the no-fly list, and the majority killed it in a big, big way.

Now, we pay \$200 million to Palau. They go out there and hang around a while until they kind of get their feet on the ground, and then they're on a great white jet headed anyplace they want to go. And they're not under de-

attention there. In the Bahamas where those four guys are, they've got freedom of the island. In the Bahamas you could get on a boat and go to the United States. We've got drug smugglers probably that smuggle that route.

But, seriously, this is ridiculous how we are overreacting to this thing and doing things that I'm sure the rest of the world has got to be saying, These guys are crazy in the United States, setting these guys up in a seaside resort in Jamaica. Insanity rules.

Mr. KING of Iowa. I thank the gentleman from Texas.

We were having a lot of discussions here about some things that were heretofore unimagined just a few months ago or even just a few years ago. And as we transitioned over into this discussion about Guantanamo Bay, this discussion will go on, but the bottom line of it comes out to be this: Yes, there are a few of them that could potentially be facing a death sentence. A few. I don't know how big that number is, and I can't get a definitive response. I guess I should pass my request over to the Gitmo closing czar and ask him how many are facing a death sentence.

But let's just look at it in this fashion: And that is that it looks like they are going to close Guantanamo Bay. They're going to disperse these people to places wherever they can get rid of them. Some of them are likely to be released in the free world, some into the United States of America. These are the worst of the worst. We have about a one-in-seven recidivism rate of those 558 that we'd released that were the nicest guys of the lot. The least dangerous is a more accurate way to describe them. And even out of those 558, we see a recidivism rate where they have turned around and attacked Americans and free people one out of seven that we know. And I don't know what percentage it is that we don't know. But if one out of seven will come back and attack Americans when you pick the best of the worst, what will be the attack rate on free people when you release the worst of the worst? It will be greater than one out of seven. And this number is 241. So divide your seven in there and multiply it by whatever that factor is, a two or a three or so, and you'll come up with a number. I think we're going to see 50 or more of them that will turn around and attack Americans or other free people.

The bottom line of the executive order is that most or all will eventually be released and they will attack free people and innocent people will die. And among those innocent people are likely to be Americans, and that will then be the news story that will come back. And then we will replay this and unravel it all the way backwards again, and it will be, well, only one or two or three mistakes that only cost 20 or 30 or 40 lives, so that we could avoid this criticism and shut

down an operation that has actually been built up to accommodate the people that are there now, including the Uyghurs, who are now wasting away in "MargaUyghurville" from what I understand. I can't even say it because I get Jimmy Buffett and Warren Buffett mixed up, I think.

Mr. CARTER. That's good. I like that.

Mr. KING of Iowa. If this subject matter has been utilized, I think, adequately, I want to take some of this discussion over, Madam Speaker, and talk a little bit about where we are with cap-and-trade and cap-and-tax.

It looks like this administration and the majority in this Congress are determined to push through a Waxman-Markey bill or some version of it, probably the version that came out of committee here a few weeks ago. And I have taken this position, and I hold it, and that is that they are wrong on the science, and they're wrong on the economics.

I want to address the science in a fairly short degree here, and it turns out to be this: Remember our history. This issue was brought before this Congress, I think the year was 1988, although I haven't referenced that. That's strictly from memory. It was a hearing on climate change. No, excuse me. It was a hearing on global warming. And the lead witness on that was Dr. James Hanson. By coincidence, he and I went to the same high school together. He was there ahead of me, and I don't recall him. But I understand that the testimony was midsummer. The room was not air conditioned. The humidity about matched the temperature. And as the Members of the Congress sat there and sweated, they were being told that this world was going to get warm and all kinds of calamities were going to take place. Well, 1988, that was only just a few years after we had all the interest in the ice age. There was a coming ice age that was published in some of the major national publications, and it was inevitable that the Earth was going to cool and we'd have to get ready for the glaciers to creep down from the north and push us off our cornfields, and Iowans were going to have to migrate to South Texas in order to avoid this. And that was 1970 and some of those years. And it's a fact that at least one and probably more than one of those scientists that were certain that we were going to undergo this ice age are now on the side of the argument that the Earth is going to get warmer, and it's going to get warmer fast—perhaps as much as 4 degrees centigrade over 100 years—and that anything that's a weather anomaly is going to be the result of global warming.

If you remember, a couple of years ago we had quite a few hurricanes, the result of global warming. A year ago hurricanes were way off, a result of

global warming. Everything is a result of climate change, whether it's more rain or less rain or whether it's warmer temperatures or cooler temperatures.

So I guess if you have a nice utility to blame it on, climate change blames everything on that's an anomaly. And you aren't going to have to be around when science actually evaluates the predictions that you make because none of us are going to live beyond 100 years. So if it doesn't get to be a 4-degree centigrade increase in the Earth's temperature 100 years from now, nobody is going to point at Dr. Jim Hanson and say, You're wrong, Doc, or to Al Gore and say, You're wrong, because they will be at the same place I will be at that point.

□ 2200

And so it is a handy little excuse to just shift it off on to climate change and then ask for this great growth in government.

Now, we had a meteorologist speak to the Conservative Opportunity Society a week ago last Wednesday morning, Dr. Roy Spencer. He is a NASA scientist. He is the one that is managing the satellite collection data that collects the Earth's temperatures from satellites. He has 25 years of data. And as he talked about this, and this was a fairly quick once-through so it wasn't like a semester course, but as he talked about this data, he explained to us that the climate change models that they are using to predict global warming, they have to have assumptions.

I asked the question, why is it that physicists tend to buy into the global warming argument more so than meteorologists do? He said, well, it is logical, because meteorologists understand the ambiguities. They are trying to predict the weather for tomorrow. The climate czar, he can't predict the weather for tomorrow, but they are predicting the temperature 100 years from now.

So, I posed the question, I have a son that is going to have an outdoor wedding in August and I would like to know what the weather is that day. Of course, the climate czar is not going to tell me. We can find out in a couple of months whether he is right or wrong. One hundred years from now he will make a prediction, but he won't tell you what it is going to be like next week. But the presumptions that are there, meteorologists understand the vagaries of predicting the weather even tomorrow, let alone 100 years from now.

Physicists have studied the exact sciences, so when they put together a climate change model, a computer calculation that brings in a lot of factors, there always has to be assumptions. The assumptions are plugged in by the meteorologists, and the numbers are calculated by the physicists and the other exact science people. They have

great confidence in their numbers. They understand the interrelationships of the factors that they put on their calculations, but it is still based on assumptions.

And the assumptions fall down to this. They assume that greenhouse gases emitted by industry in the world, a lot of it from the United States, bring about more clouds in our atmosphere. Now, I can't quite explain why that is, but they believe that is. So if it is more clouds in the atmosphere, that is one assumption.

The second assumption is more clouds make the Earth warmer. Now, that seems like an odd assumption to me, and they have been telling me this for years, and it never made sense to me.

Dr. Spencer explains it the other way. He says, no, his data shows that more clouds bring about a cooler Earth, and they have 25 years of satellite data that shows that. And that is what makes sense to me. If a cloud blocks out the sun, the Earth is not going to be as warm, and if the cloud goes away and the sun shines on the Earth, it absorbs the radiation from the sun and the Earth gets warmer. That is the simple part of this.

So if their assumptions are CO₂ gas primarily in the atmosphere increases clouds and more clouds warm the Earth, then you get one result, the Earth gets 4 degrees centigrade warmer in 100 years, or some variation of that.

If you turn around and use the data and you back-feed Dr. Spencer's data into the model, then it turns this argument around on its head. But even then Dr. Spencer is very conservative and careful. He thinks maybe that data shows not a 4-degree centigrade increase, but more about half-a-degree centigrade increase, and the argument can be made that the Earth will get cooler. Plus the data we have shows that the world has gotten actually marginally cooler or else the temperature has been flat since 2002.

Dr. Spencer argues or informs us that another 10 years this kind of data and it is going to be really hard for the alarmists to be able to make the argument that we are faced with this global warming that is only revokable if we follow their model.

So I look at that science and I understand Dr. Spencer's presentation. I do not understand Dr. Hansen's or Al Gore's presentation. It does not make sense to me with the science I have in my background.

So I simply asked the question, Madam Speaker, the foundational question: What are we trying to do here and with what? That would be the logical thing to ask.

So the first thing is, how big is our atmosphere? Well, our atmosphere happens to be, and they measure this in metric tons, it is 5.150 quadrillion metric tons of atmosphere. That is the

force of all the air on the planet pushing down on gravity. So that is just a lot. That is a lot of air in our atmosphere.

Then, so what is the cumulative total of all of the CO₂ that has gone into the atmosphere emitted by the United States of America since the dawn of the industrial revolution? About 45 percent of it goes into sinks, which means it disappears and they don't know where it went; 55 percent hangs out in the air and is accumulated. And that number sounds big, but not compared to our overall atmosphere.

So let's put this in a perspective. It works like this. If you draw a circle that represented the size the atmosphere of the Earth and have that be an 8-foot circle, so roughly the size of the wall in your house, two 4-by-8 sheets of drywall, and draw a circle around that big in diameter, that would represent all the Earth's atmosphere.

Then draw a circle in the middle of that to demonstrate the volume of the CO₂ that has accumulated in the Earth's atmosphere since the dawn of the Industrial Revolution emitted by the United States. Your 8-foot circle is the atmosphere. In the center of that you would draw a circle that is .56 inch in diameter, just a little over half an inch in diameter, the end of my little finger. That is all the bigger the circle would be that would be the cumulative total of all the CO₂ the U.S. has emitted that is in the atmosphere today.

And we are talking with Waxman-Markey about, well, that is 205 years of accumulation. So we want to take 1/205th of that and reduce that down by 20 percent a year for a little while, and then by 40, then by 60, then by 83 percent. With that tiny little bit in that 8 foot circle, we are going to set the Earth's thermostat and control the Earth's temperature?

What utter vanity to think in that tiny little bit, and we can adjust that tiny little half inch bit in an 8-foot circle only by a little bit, and we are going to change the whole temperature of all the atmosphere in the Earth, in spite of looking at these climate changes that we have always had over time. We have ice ages and warming periods and sunspots and more solar activity on the sun, and sometimes you will see the Earth cool because a volcano will erupt and cloud the Earth.

Why would we think that more clouds in the atmosphere would warm the Earth when more clouds in the atmosphere from a volcano cools the Earth?

Each of these questions are logical questions for third, fourth, fifth, sixth, seventh and eighth graders to ask, and even at that level we are not getting answers from the people that advocate this.

It is as "if" they had to create a convoluted science and back-figure it back to be able to justify their idea that

they want to do this cap-and-tax model, and the cap-and-tax model is a large taxation scheme that for every \$5 collected puts \$1 in the Treasury and wastes the other 4.

I yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for his description of just exactly what is going on. Just as you were saying, it came to mind some of the things that just in my lifetime I can remember.

If you study history, you learn when we put in the Panama Canal we had a horrible, horrible situation when we built the Panama Canal because of malaria and yellow fever that were insect-bearing diseases. We invented DDT, and we used DDT to hold down those bug populations, and by that we were able to build the Panama Canal.

As a child growing up in Houston, Texas, without air conditioning, the DDT truck went by every Friday night and sprayed the whole neighborhood. And yet a lady wrote a book called Silent Spring. She said that all the research shows—I hate it when people say "all the research shows"—all the research shows if we continue to use DDT, we will have no insect life on Earth and the birds will die and we will have a silent spring. When spring comes, the birds won't be singing, the crickets won't be cricketing, and they will go away.

And being loyal, progressive believers, we launched a campaign to get rid of DDT, and we got rid of it. It has been gone. But we now have one of the—we actually give millions, maybe even billions now, of dollars from this Congress to fight malaria. Something that was almost eradicated when I was a kid is now a major worldwide problem because we did away with DDT. And, guess what? Now the research, the real, present-day, 21st century research, says everything they said about DDT is just not true.

□ 2210

It was made up. And now, we're even finding out the lady knew she made it up. But she just didn't like DDT.

Now, you talked about global cooling. I can remember global cooling. I can remember people talking about why it was going to cool down. We were going to all be in the ice age. We were going to blame the Russians. It was going to be the Russians fault, okay? All this stuff. And we had to build big industries around global cooling.

You know, we told our people, you better quit propagating, because you're going to run out of space on this Earth. By the 21st century it will be standing room only on the Earth, unless you limit the number of children you have. And being good, college-educated progressives, we launched out to reduce the amount of children we had. And we did it with birth control. And later we did it with that horrid invention, abortion. But we limited our birth control,

and our Western European friends limited their birth control. We still replace ourselves. Well, I think 2.1 children to the family. But I believe the Europeans now, some of the countries over there are like 1.2. And I think some of the best countries over there are 1.8, so they're not even replacing their families with the number of children that they're having.

And then we wonder why 12 million people cross the Texas and Canadian border to come into the United States to fill jobs, because we don't have enough people to fill these jobs. And we wonder why that is.

And, hey, Europeans have got the same problem and they've had that problem—I can recall they had the problem in 1956. The Germans were importing Turks into Germany because they didn't have enough population.

Now, when you buy into a program, as you point out, down the road, if they're not telling you the truth, it has major consequences. And when you made that 10-year comment, at the present rate this Congress is going, 10 years from now, we may find ourselves sitting around trying to watch television by candle light, okay? Because we're using batteries for our television sets. Because, quite frankly, we are in the process of trying to tax our energy industry out of business, every form or fashion that has any kind of carbon connected. So 10 years from now we could have, we could be a Third World country and wonder why.

That's why this science is so very important. That's why knee jerk reaction, overreacting to things, which the government is famous for, I don't care if it's knee jerk conservatives or knee jerk liberals, any time you get in a hurry, bad things happen. And if you study the history of legislation in this country, it is absolutely true, and nobody will dispute it. You can look at slavery, you can look at the labor laws, you can look at the environmental laws, you can look at anything and see where knee jerk reaction and quick—that's why we have a Senate to slow things down because our Founding Fathers knew that knee jerk reaction created bad legislation. Well, we're about to knee jerk ourselves into the poor house if we're not careful.

I yield back.

Mr. KING of Iowa. I thank the gentleman from Texas. Watching this climate change argument unfold, and I think about this country that we are, the most successful Nation in the history of the world, strongest economic in the world, by far, strongest militarily. Our culture penetrates the rest of the world. We're kind of American-centric because we are self-sustaining for a lot of those reasons, militarily, economically, food, for example, and also culturally; and so we don't as often look at the United States from outside.

But I wonder what it must look like for, let's just say, Socrates, looking out across this country today. 3,000 years ago they sat around and in places like Athens, Socrates, Plato, Aristotle, and they carried on these conversations and they shaped the Age of Reason, the Age of Reason, which was the foundation for science and technology, the theorem, the hypotheses, and they built it into their culture to be proud of being able to rationalize, both deductive reasoning and inductive reasoning. And that rationale, and even though they didn't get their elements right, what did they have? Earth, wind and fire and maybe some other elements like that they used to argue with. They didn't have the tables to be able to put the atoms together and figure out the molecule, but they had a good rationale. The Age of Reason in Greece is the foundation of Western Civilization, and they took great pride in being able to think rationally.

And if they would transpose themselves, fast forward through history, 3,000 years, race through the Age of Enlightenment in Western Europe and primarily in France, and the dawn of the Industrial Revolution here, and how technology has flourished, and we've gone from an industrial economy to an information economy, and see all the things that we've developed from a technological standpoint, but yet, if they could look inside this Chamber and see where decisions are made in a civilized country today, and see how they're made, I think they'd be astonished that we have suspended the reason that they so carefully developed 3,000 years ago.

And now, we legislate by anecdote. We legislate by somebody's emotions, rather than legislate by empirical data. And Judge CARTER mentioned a few of those. Pulled DDT off the marketplace, and then watch what's happened with millions that died because of the malaria that came back during that period of time.

My mother read "Silent Spring" by Rachel Carson, and our lawn thereafter had to be full of dandelions, thistles, plant and leaf clover and African violets, but not much blue grass because we couldn't spray that anymore because it was going to kill the birds. Mom knew, though, the names of all of birds and what their songs were, and we had a lot of birds around. We'd have had them anyway without the weeds.

And the alar scare comes to mind as well, Madam Speaker, the apple issue that took a lot of apple producers out of business because there was the allegation that the spray they used on them that kept the apples looking good and staying fresh was somehow dangerous. I think a carcinogen.

These are scientific Malthusians. They are just simply always another calamity around the corner. They threaten, they scare people off the safe-

ty of our food. They tell us that the planet can only sustain about so many people. And these are the people that have determined that they're going to shut down, as Judge CARTER said, our energy production in this country. And we spent last August pounding away every day here on the floor of the House of Representatives, calling for an energy plan that opened up all of the above, all of the energy that we have. We're an energy-rich Nation, not an energy-poor Nation. We just do a poor job of managing the energy that we have.

And to give an example about how easy it should be to take this Nation to the next level of our economic determinism, if we just look over to countries like Japan and Korea, in the last 60 years or a little more, both of those nations, or at least their major cities, were destroyed in war. They've rebuilt their cities, transportation, telecommunications, the infrastructure that's there. They are modern, they're crisp, they're sharp, they work, they function. And yet in that 60 or so years, each of those countries have imported almost 100 percent of their energy and 60 percent of their food, and they still build modern technological societies.

And we are here in the United States of America, with a surplus of food, and the energy that we need, if we just manage it; and we can't discipline ourselves to utilize our own resources.

And we have a Speaker of the House who's trying to "save the planet." And please put that in quotes. Shut down energy production in America.

There are only about two or three kinds of energy that they would accept more of. One is wind, the other was solar, and the next one may be geothermal if you didn't have to use a drill rig to get it.

And by the way, wind is okay as long as you don't have to see it off of Nantucket. TEDDY KENNEDY's offended by looking at wind mills. And so we can only put them in places where some of the liberals aren't going to have to look at them. By the way, I can see 39 of them from my yard. And so that's all right.

But we need all of the above, and there is no way to meet this model on energy demand for this country, especially with electricity, under WAXMAN-MARKEY's bill. This has already, the intimidation effect and the existing regulations, have shut down any new coal-fired generation plants in America.

□ 2220

Now, we do have a nuclear generating plant that's under construction down in South Carolina. This plant is scheduled to come online in the year 2017. If my recollection is right, they've been working on it for 2 or more years by now, and in 2017, it will come on line. This is a beta model. This is the model

of nuclear generating plants. The engineering is not a problem. It's how do you jump through all of the regulatory hoops to get there? If they can get that done, then presumably it will be the cookie cutter so we can build more, yet not under the Obama administration.

The Obama administration goes over and says to Ahmadinejad—I haven't heard him say "congratulations" yet for his election victory, but maybe that came out today. They're relatively silent on those results. It was, Well, we can't tell a sovereign nation that they can't develop nuclear power. The United States can't do that. He essentially said to Iranians, You have the right to develop a nuclear capability even if you do announce to the world that you want to use it to annihilate Israel.

So, according to President Obama, Iran has a right to nuclear, but Americans don't. We can't build a nuclear power plant here to make up for the gap that's created by the regulatory constrictions that are coming out of the Left today in this energy plan. Those of us who produce energy from coal, for example, are punished States. Those States that do not are those that are recipients. If they put this on cap-and-trade, cap-and-tax, you will see a massive corruption bill within the United States as they trade the carbon credits.

To give you an example of what goes on, when Speaker PELOSI received the gavel here in 2007, she decided that the Capitol complex, which we stand in the middle of right now, should be a greenhouse gas-emitting neutral facility, so she ordered that the power plant that feeds this Capitol complex, which is fired by coal and natural gas and oil, be converted from coal to natural gas. It doubled the cost of our power to come into this Capitol, but we still found out that her carbon footprint—I say hers, I wasn't calculating it as mine—of this Capitol complex was still too great. So Speaker PELOSI went on the board in Chicago, and she bought some carbon credits: \$89,000 of our taxpayer dollars paid by carbon credits that were going to offset the carbon emissions here in this Capitol complex. That's designed to cause somebody to do something more to sequester this carbon that is going into the atmosphere from the natural gas that's feeding the power in the Capitol.

So I thought I'd chase that \$89,000 down and figure out where it went. Well, some of that money went to no-till farmers in North Dakota, to Farmers Union farmers, I believe, to people who had been no-till farmers for some time, I believe, to people whose behavior didn't change. So I don't think they went out and sequestered any more carbon. I think they just kept doing what they were doing, and they got a reward from the Speaker's checkbook—from our checkbook—for what they were doing.

By the way, when you no-till, you can sequester some carbon, but if you turn around and till, that carbon is released into the atmosphere anyway, and the net gain is almost zero. So, as long as you keep up the practice of no-till and it's a plus, then that's your measure for good atmosphere.

It didn't all go to the no-till farmers in North Dakota. Some of it went to a coal-fired generating plant in Chillicothe, Iowa. So I went there, and took a look at this coal-fired generating plant. What I saw was a good, well-run plant. Emissions were, I think, pretty good and were fairly modern, but they had received a government grant to set up an operation to be able to burn switchgrass and blend the switchgrass in with the coal at, I think it was, a 10 percent rate to be able to supplement the coal they were burning because switchgrass is carbon neutral. It sequesters it each year, and you burn it each year. Of course, coal is not.

Well, I went in there, and they had two big sheds. They still had a lot of big, round bales—about 1,500-pound bales of switchgrass. They were stacked in those sheds. There was a big hammer mill and a conveyor and a blower system to inject that all in and blend it with the coal. The place wasn't running, and it hadn't run in a while. I could tell by looking at the hay that it was old.

I asked: So how long has it been since you've burned any of the switchgrass here?

Well, about 2 years. We ran our experiment. Then we shut the experiment down.

So, first, they didn't have data for me for what they might have learned. The experiment hasn't yet yielded a result that we can utilize unless, maybe, they know and they haven't told us.

The second thing is that this money that went to them for sequestering the carbon to give an incentive to burn switchgrass didn't change anybody's behavior. They weren't going to burn any more or any less switchgrass because they got a check from the Speaker of the House. In fact, they had shut down their switchgrass burning 2 years earlier, and this was just a check that went into the treasury of the people who had burned some switchgrass, but we didn't learn anything from it yet.

Now, if that's the thing that's going to go on with cap-and-tax, cap-and-trade and Waxman-Markey, if the Speaker of the House can't get the transaction to work when you go out and buy carbon credits, how in the world are we going to do hundreds of billions of dollars of carbon credits on a massive scale and have any kind of accountability to see whether it actually brings about anything that might sequester more carbon and cause somebody to act in a more favorable way?

I think it is a bureaucratic impossibility, but we can learn from the

Spaniards. The Spaniards did this experiment. The Sicilian Mafia came in to manage it because they were the best at it. They were the ones who were brokering the permits to put up the wind chargers, and they were deciding who were going to be the contractors and subcontractors who built them. They decided who would be the suppliers of the materials that went into the wind chargers. So they got all wrapped up with the Sicilian Mafia.

By the way, with the political favors that were being handed out, the permits would be controlled by politicians in the end. Politicians were influenced by political contributions that came from the profits that were being extracted out of the construction and out of the operations of these wind chargers by the Sicilian Mafia, and it made a huge mess out of it all.

I mentioned in the previous hour that, for every green job they created, it cost 2.2 private-sector jobs because it sucked that much capital out of the economy, out of the private-sector economy. The cost per green job was \$770,000. The unemployment rate in Spain is the highest in the industrialized world—17.5 percent unemployed. The largest industries in Spain have left, and the ones that are left are looking at leaving. The electrical bills for the residents have gone up 20 percent, and the electrical bills for industry have gone up 100 percent in 3 years.

They hit the threshold where they couldn't demand any more for the electricity they were generating. They had raised the cost of the electricity that much. So they went out on the market to bond that, and they pledged the full faith and credit of their grandchildren—the Spanish Government: We'll pay the bills later, but we can't pay our electric bills today because the price is too high. This is an example.

President Obama has said we should learn from the Spanish. I agree. We should learn from the Spanish, but the lesson that I get from them is that it's a huge boondoggle that's full of corruption.

I asked them: Why don't you repeal it? Their answer was: We can't because so many people who are so influential and powerful are making a profit from it and are tied up in it. We would have to demand that our politicians would confess that they'd made a huge mistake 8 or 9 or 10 years ago.

Well, a lot of them are still there, and they can't make that confession because they'll lose their jobs.

So, once you get started into this, if we pass the cap-and-tax by Waxman-Markey—I'll tell you, at this point, the decisions made by this administration in this term, I believe, are reversible and are revokable by a Congress and a President who have cooler heads and a saner approach to economics. Yet, if we pass the Waxman-Markey cap-and-tax, that becomes an almost irreversible

policy because then you'll have so many people who will be profiting and who will be benefiting from the trading of these things that don't have any value in a real economy. There are so many political dollars that get infused into this process that you simply can't repeal it. That's my concern. That's my fear. I believe that Waxman-Markey is an irreversible policy.

So I'm here, speaking against it for two big reasons: One is they're wrong on the science. I'm happy to debate them. The other reason is they're really, really wrong on the economics.

When you have the Secretary of Agriculture who testifies before the Ag Committee that somehow he believes that increasing the costs to agriculture will result in more profits for agriculture because the innovative nature of American agriculture will overcome the handicaps that government is putting on them, that is an irrational degree of optimism to be stated by a Secretary of Agriculture who finds himself at odds with Democrats and Republicans on the Ag Committee in that hearing and in disagreement with it.

There is no economic model that I know of throughout the history of the free market system that would dictate or that would show a result where, if you increased the cost to a business—to any business or to a sector of the business world—that you would see profits go up. They would go down.

□ 2230

And this Waxman-Markey legislation increases the cost to, especially, our energy users. Those who are the most energy intensive, the highest energy-using industries in America will get the highest increases in their costs.

So let's just say that you're in the business of converting iron ore to iron and steel. Let's just say that you are in the business of converting natural gas to plastics or any other high energy-intensive operation, or let's just say you're a farmer and you use a lot of diesel fuel and you're looking at 88 cents a gallon added on to it by Waxman-Markey. All of these industries will see their costs go up. If you're generating electricity from burning coal, natural gas, fuel oil, for example, you'll see the cost of that electricity go up.

An MIT professor did a study and calculated the overall dollars increased by Waxman-Markey, or a policy very close to that, and we simply divided the number of households into it, and the bottom line came out to be this: Increased annual average household costs for energy, \$3,128 a year from Waxman-Markey's cap-and-tax bill. And as I said briefly earlier, for every \$5 collected by this cap-and-tax bill, only \$1 gets into the Treasury of the Federal Government. And the balance of that is consumed in the inefficiencies that are created.

This is the most insidious, complicated tax. It's a tax on everything we do because energy is required in everything that we do. It will tax every gallon of gas, every gallon of diesel fuel, every kilowatt of electricity. It will tax every cup of coffee, every pair of shoes, every piece of paper, every flower on Mother's Day, and every 2 by 4 that goes into your house.

And it transfers, Madam Speaker, America's industry, America's energy-intensive industry off to other countries in the world like India and China who have pledged not to participate in a cap-and-tax plan because they say that this is their century to become industrialized nations. The last century or two were our centuries to be industrialized. They say this is theirs.

They're building, between India and China, one new coal-fired generating plant a week belching smoke into the atmosphere. And these coal-fired generating plants do not meet the emission standards of American coal-fired generated plants. So for each time that we push industry out of the United States, we're pushing up coal-fired generating plants in India and in China. And if you're concerned about the atmosphere, this is creating a negative effect on our atmosphere as well.

But I'm concerned about the penalty to America's industry, to America's businesses adding costs to everyone burdening each one of these households and thinking somehow we can overcome that burden on our economy and prosper. It is wrong thinking; it is wrong-headed. They're wrong on the science, Madam Speaker, and they're really, really wrong on the economics.

And so as this debate unfolds here on the floor of the House and throughout the committees and subcommittees and through the media and through the living rooms of Americans, the American people need to understand and remember that if they can't make the case on the science, there is no sense of talking about the economics, because it falls on its face not having the science to underpin the argument.

Even if they could make the case on the science—and they haven't and can't. And 31,000 scientists have signed a petition saying they can't support the conclusions of these climate change models, and we're getting more and more that will step forward and say, I can't take you there, I can't be with you. And these are topnotch experts: meteorologists, physicists, people that really understand these issues in a scientific way. More of them are peeling off and walking away from this and saying Al Gore is wrong.

But even if they were right, even if one stipulated that—and I don't for a minute—but if one stipulated that the global warming models were right, the economic calamity that comes from adding to the cost of all of America's business is intolerable. And the burden

that it shifts onto future generations and what it does to our economy, our culture, and our civilization are intolerable, Madam Speaker. And so let them make the case.

Once as Muhammad Ali said after he fought Joe Frazier to a tie in 15 rounds was this: Well, you tied. How come you're still the world champ? Ali said, You got to whoop the champ.

Well, the champ is free enterprise. The champ is sound science. The champ is empirical data. The champ is the history of the United States succeeding by believing we can achieve and by making logical conclusions with the science we have and the economics we have. And by the way, it's free enterprise and it's not nationalization.

And let's add an extra czar or two to this list of 22. Let's do the denationalization czar and the exit-strategy czar. Put those two people together, and maybe they can get to work to eliminate all of the rest of these czars and get us back to sense, Madam Speaker.

And with that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DONNELLY of Indiana (at the request of Mr. HOYER) for today on account of travel delays.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today.

Ms. KILROY (at the request of Mr. HOYER) for today on account of flight was cancelled.

Ms. WATERS (at the request of Mr. HOYER) for today on account of personal reasons.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today and June 16 on account of illness in the family.

Mr. BONNER (at the request of Mr. BOEHNER) for today on account of attending events with Alabama's Governor and other elected leaders to recruit significant economic development projects for the First District and Alabama.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALTMIRE) to revise and extend their remarks and include extraneous material:)

Mr. SPRATT, for 5 minutes, today.

Mr. ALTMIRE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. INGLIS, for 5 minutes, today.

Mr. OLSON, for 5 minutes, June 18.

Mr. AKIN, for 5 minutes, today and June 18.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1256. An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 16, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2142. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Residues of Silver in Foods from Food Contact Surface Sanitizing Solutions; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0395; FRL-8412-1] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2143. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2006-0004; FRL-8900-5] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2144. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; City Of Memphis, Tennessee; Control of Emissions from Existing Hospital/Medical/Infections Waste Incinerators [EPA-R04-OAR-2008-0159(b); FRL-8912-9] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Davidson, Knox, and Memphis-Shelby Counties, Tennessee [EPA-R04-OAR-2008-0161; FRL-8912-3] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2146. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Tennessee and Commonwealth of Kentucky [EPA-R04-OAR-2008-0160; FRL-8912-4] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2147. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Jefferson County, Kentucky; and Forsyth County, North Carolina; and Knox and Davidson Counties, Tennessee [EPA-R04-OAR-2008-0158; FRL-8912-5] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2148. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: State Implementation Plan Revision [EPA-R04-OAR-2008-0831-200825(a); FRL-8915-7] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2149. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Hawaii [EPA-R09-OAR-2009-0323; FRL-8915-8] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2150. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for California [OAR-2004-0091; FRL-8912-7] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2151. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and South Coast Air Quality Management District [EPA-R09-OAR-2009-0142; FRL-8902-1] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2152. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District, Placer County Air Pollution Control District [EPA-R09-OAR-2009-0230; FRL-8900-8] received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2153. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Australia and Spain (Transmittal No. DDTC 041-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2154. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Greece and Qatar (Transmittal No. DDTC 004-09), pursuant to 22

U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2155. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Qatar (Transmittal No. DDTC 004-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2156. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the export of technical data, defense services, and defense articles to Canada (Transmittal No. DDTC 042-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2157. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the export of technical data, defense services, and defense articles to Japan (Transmittal No. DDTC 043-09), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

2158. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

2159. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2160. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2161. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report pursuant to the Anti-Economic Discrimination Act of 1994, part C of Title V, Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended by Pub. L. 103-236; to the Committee on Foreign Affairs.

2162. A letter from the Acting Assoc. Gen. Counsel for General Law, DHS Office of General Counsel, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2163. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2164. A letter from the Acting Chief Human Capital Officer, Department of Energy, Office of Assistant Secretary for Environmental Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2165. A letter from the Acting Chief Human Capital Officer, Department of Energy, Office of Policy and International Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2166. A letter from the Acting Chief Human Capital Officer, Department of Energy, Office of the General Counsel, transmitting a

report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2167. A letter from the Acting Chief Human Capital Officer, Department of Energy, Under Secretary for Science, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2168. A letter from the Acting Chief Human Capital Officer, Department of Energy, Under Secretary of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2169. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2170. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2171. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2172. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2173. A letter from the Acting Assoc. Gen. Counsel for General Law, FEMA, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2174. A letter from the Acting Assoc. Gen. Counsel for General Law, FEMA National Preparedness Directorate, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2175. A letter from the General Counsel & Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2176. A letter from the General Counsel & Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2177. A letter from the General Counsel & Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2178. A letter from the General Counsel & Senior Policy Advisor, Office of Management and Budget, Office of Information and Regulatory Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2179. A letter from the Acting Assoc. Gen. Counsel for General Law, U.S. Immigration and Customs Enforcement (ICE), transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2180. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Air Tractor, Inc. Models AT-400, AT-400A, AT-402, AT-402A, AT-402B, AT-502, AT-502A, AT-502B, AT-503A, AT-602, AT-802, and AT-802A Airplanes [Docket No.: FAA-2009-0473; Directorate Identifier 2009-CE-027-AD; Amendment 39-15915; AD 2009-11-05] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2181. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320 and A321 Series Airplanes [Docket No.: FAA-2009-0360; Directorate Identifier 2009-NM-039-AD; Amendment 39-15887; AD 2009-09-01] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2182. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No.: FAA-2009-0361; Directorate Identifier 2009-NM-046-AD; Amendment 39-15888; AD 2009-09-02] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2183. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines [Docket No.: FAA-2008-0975; Directorate Identifier 2008-NE-29-AD; Amendment 39-15905; AD 2009-08-51] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2184. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Models PW2037, PW2037(M), and PW2040 Turbofan Engines [Docket No.: FAA-2008-1131; Directorate Identifier 2008-NE-37-AD; Amendment 39-15903; AD 2009-10-08] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2185. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0448; Directorate Identifier 2009-NM-052-AD; Amendment 39-15906; AD 2009-10-10] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2186. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) JT9D-7R4 Series Turbofan Engines; Correction [Docket No.: FAA-2006-23742; Directorate Identifier 2005-NE-53-AD; Amendment 39-15896; AD 2009-10-01] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2187. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International S.A. Model CFM56 Turbofan Engines [Docket No.: FAA-2008-1245; Directorate Identifier 2008-NE-27-AD; Amendment 39-15912; AD 2009-11-02] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2188. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model 340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No.: FAA-2009-0035; Directorate Identifier 2008-NM-096-AD; Amendment 39-15909; AD 2009-10-13] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2189. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model 382, 382B, 382E, 382F, and 382G Series Airplanes [Docket No.: FAA-2009-0462; Directorate Identifier 2009-NM-063-AD; Amendment 39-15913; AD 2009-11-03] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2190. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Steel Hub Turbine Propellers [Docket No.: FAA-2009-0114; Directorate Identifier 2009-NE-03-AD; Amendment 39-15910; AD 2009-10-14] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2191. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No.: FAA-2009-0450; Directorate Identifier 2008-NM-182-AD; Amendment 39-15908; AD 2009-10-12] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2192. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-300, A340-200, and A340-300 Series Airplanes [Docket No.: FAA-2009-0449; Directorate Identifier 2008-NM-034-AD; Amendment 39-15907; AD 2009-10-11] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2193. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-400A, AT-402, AT-402A, AT-402B, AT-502, AT-502A, AT-502B, AT-503A, AT-602, AT-802, and AT-802A Airplanes [Docket No.: FAA-2009-0473; Directorate Identifier 2009-CE-027-AD; Amendment 39-15915; AD 2009-11-05] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2194. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report concerning the extension of waiver authority for Turkmenistan, pursuant to Public Law 93-618, Subsection 402(d)(1) and 409; (H. Doc. No. 111—49); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 2765. A bill to amend title 28,

United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services (Rept. 111—154). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 544. Resolution providing for consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111—155). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 545. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes (Rept. 111—156). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself, Mr. STEARNS, Mr. BERRY, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Mr. COHEN, Mr. CONAWAY, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DOYLE, Mr. GORDON of Tennessee, Mr. GENE GREEN of Texas, Ms. JENKINS, Mr. KING of New York, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. OLVER, Mr. PAUL, Mr. ROGERS of Alabama, Mr. ROSS, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. STARK, Mr. WAXMAN, Mr. WEXLER, and Mr. WHITFIELD):

H.R. 2866. A bill to provide for a disregard under the Supplemental Security Income program of compensation for participation in clinical trials for rare diseases or conditions; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. SEXTAK, Mr. FILNER, and Mr. HARE):

H.R. 2867. A bill to ensure access to basic broadcast television after the Digital Television Transition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. MARKEY of Massachusetts, Ms. CLARKE, and Mr. PASCRELL):

H.R. 2868. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself and Mr. WELCH):

H.R. 2869. A bill to require the Commodity Futures Trading Commission to take certain actions to prevent the manipulation of energy markets, and for other purposes; to the Committee on Agriculture.

By Mr. LIPINSKI:

H.R. 2870. A bill to standardize and clarify the dimensions of carry-on baggage and personal items on air carriers; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 2871. A bill to amend title 18, United States Code, to provide for punishment for killing a member of the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. DAVIS of Alabama (for himself, Ms. KILROY, and Mr. ISRAEL):

H.R. 2872. A bill to improve the quality and cost effectiveness of cancer care to Medicare beneficiaries by establishing a national demonstration project; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.R. 2873. A bill to provide enhanced enforcement authority to the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. CONNOLLY of Virginia:

H.R. 2874. A bill to amend the Servicemembers Civil Relief Act to improve the equitable relief available for servicemembers called to active duty, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. WILSON of South Carolina, Mr. SHUSTER, Mr. ROONEY, Mr. MILLER of Florida, Ms. GRANGER, Mr. MCKEON, Mr. PENCE, Mr. WITTMAN, Mr. HUNTER, Mr. AKIN, Mr. KLINE of Minnesota, Mr. FLEMING, Mr. BARTLETT, Mr. FORBES, Mr. LAMBORN, Mr. SHUSTER, Mr. BISHOP of Utah, Mr. PLATTS, Mr. COFFMAN of Colorado, Ms. FALLIN, Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. LATTA, Mr. MCCAUL, Mr. PRICE of Georgia, Mr. SMITH of Texas, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. CARTER, Mr. GERLACH, Mr. BUYER, Mr. CAMPBELL, Mr. WAMP, Mr. WESTMORELAND, Mr. ROSKAM, Mr. MCHENRY, and Mr. SMITH of Nebraska):

H.R. 2875. A bill to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Tennessee (for himself, Mr. DAVIS of Kentucky, Mr.

FRANK of Massachusetts, Mr. HODES, Mr. BOREN, Mr. RODRIGUEZ, Mr. MASSA, Mr. DAVIS of Alabama, Mr. WILSON of Ohio, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. FILNER, Mr. TONKO, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. SHULER, Mr. BOUCHER, and Mr. HINCHEY):

H.R. 2876. A bill to establish a program to preserve rural multifamily housing assisted under the Housing Act of 1949; to the Committee on Financial Services.

By Mr. HALL of New York (for himself, Mr. RANGEL, Mr. MCHUGH, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mr. HINCHEY, Mrs. LOWEY, Mr. ENGEL, Mr. MURPHY of New York, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. CROWLEY, Mr. HIGGINS, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mr. MAF-FEI, Mrs. MALONEY, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. MEEKS of New York, Mr. NADLER of New York, Mr. SERRANO, Mr. TONKO, Mr. TOWNS, and Mr. WEINER):

H.R. 2877. A bill to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office"; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL:

H.R. 2878. A bill to authorize microenterprise assistance for renewable energy projects in developing countries; to the Committee on Foreign Affairs.

By Mrs. KIRKPATRICK of Arizona (for herself and Mr. PERRIELLO):

H.R. 2879. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. PINGREE of Maine (for herself, Mr. SHULER, Mr. SCHRADER, Mr. HODES, and Mr. MICHAU):

H.R. 2880. A bill to require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emissions reductions on private agricultural and forestland of the United States, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Alabama (for himself, Mr. BACHUS, Mr. ADERHOLT, Mr. BONNER, Mr. GRIFFITH, Mr. BRIGHT, Mr. DAVIS of Alabama, Mr. GERLACH, Mrs. CHRISTENSEN, Mr. CARNEY, Mr. SMITH of New Jersey, and Mr. LANGEVIN):

H.R. 2881. A bill to amend titles II and XVIII of the Social Security Act to waive certain waiting periods for Social Security disability and Medicare benefits in the case of a terminally ill, disabled individual; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Con. Res. 154. Concurrent resolution expressing the sense of Congress that African-Americans and Jewish-Americans share common historical experiences and a commit-

ment to a society free from hatred and violence; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself, Mr. FILNER, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Ms. EDWARDS of Maryland, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Ms. RICHARDSON, Mr. CLAY, Mr. CUMMINGS, Ms. FUDGE, Ms. NORTON, Mr. CONYERS, Mr. COHEN, Mr. MASSA, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. RUPPERSBERGER, Mr. PIERLUISI, Mr. ELLISON, Mr. SNYDER, Mr. PASCRELL, Mr. FATTAH, Mr. TOWNS, Mr. PERRIELLO, Mr. PAYNE, Ms. BORDALLO, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Ms. LEE of California, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Ms. WOOLSEY, Mr. AL GREEN of Texas, Ms. WATERS, Mr. GRJALVA, Mr. HARE, Mr. GONZALEZ, Mr. RAHALL, and Mr. BACA):

H. Res. 546. A resolution recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; to the Committee on Oversight and Government Reform.

By Mr. DRIEHAUS:

H. Res. 547. A resolution supporting the goals and ideals of "National Internet Safety Month"; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

82. The SPEAKER presented a memorial of the State Senate of Michigan, relative to Senate Resolution No. 57 MEMORIALIZING THE UNITED STATES CONGRESS TO ENACT S. 1034, THE HEALTHY SCHOOLS ACT OF 2009, TO PROVIDE FUNDING FOR THE DEVELOPMENT AND OPERATION OF SCHOOL-BASED HEALTH CLINICS; to the Committee on Energy and Commerce.

83. Also, a memorial of the House of Representatives of Pennsylvania, relative to HOUSE RESOLUTION NO. 94 Urging the Congress of the United States and the Food and Drug Administration to encourage the use of reduced bisphenol-A in the manufacture of plastic food containers and bottles and to eliminate the importation, sale and advertising of polycarbonate baby bottles; to the Committee on Energy and Commerce.

84. Also, a memorial of the House of Representatives of Pennsylvania, relative to HOUSE RESOLUTION NO. 139 Memorializing Congress to conduct a full and complete investigation into all foreign and domestic factors affecting gasoline and diesel fuel prices in the United States; to the Committee on Energy and Commerce.

85. Also, a memorial of the State Senate of Idaho, relative to SENATE JOINT MEMORIAL NO. 101 urging the United States Congress to provide additional financial opportunities to fund medical residency programs to meet a growing and underfunded need; to the Committee on Energy and Commerce.

86. Also, a memorial of the Twenty-Fifth Legislature of Hawaii, relative to HOUSE CONCURRENT RESOLUTION NO. 303 SUPPORTING THE PEACE CORPS EXPANSION ACT OF 2009; to the Committee on Foreign Affairs.

87. Also, a memorial of the House of Representatives of Pennsylvania, relative to

HOUSE RESOLUTION NO. 67 Urging the Congress of the United States to designate a day each year in honor of the lifetime achievements of the late Roberto Clemente; to the Committee on Oversight and Government Reform.

88. Also, a memorial of the Twenty-Fifth Legislature of Hawaii, relative to HOUSE CONCURRENT RESOLUTION NO. 56 S.D. 1 REQUESTING THE UNITED STATES CONGRESS TO PROTECT WILDLIFE AND WILDERNESS BY OPPOSING OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND ON THE OUTER CONTINENTAL SHELF AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES; to the Committee on Natural Resources.

89. Also, a memorial of the State Senate of Oregon, relative to Senate Joint Memorial 2 urging the Congress of the United States to enact legislation that creates a statewide transportation system in Oregon that would provide transportation for Oregon veterans, particularly disabled veterans, to and from medical facilities; to the Committee on Veterans' Affairs.

90. Also, a memorial of the State Senate of Oregon, relative to Senate Joint Memorial 12 urging the Congress of the United States to immediately introduce and pass legislation to implement a tax refund intercept program similar to that proposed in the 110th Congress (H.R. 6172 and S. 1287); to the Committee on Ways and Means.

91. Also, a memorial of the House of Representatives of Alaska, relative to House Resolve No. 9 Requesting the United States Congress to permanently repeal the federal unified gift and estate tax; to the Committee on Ways and Means.

92. Also, a memorial of the Twenty-Fifth Legislature of Hawaii, relative to HOUSE CONCURRENT RESOLUTION NO. 34 REQUESTING CONGRESS TO RAISE MEDICAL CARE FEE SCHEDULE PAYMENT AMOUNTS FOR PHYSICIANS RENDERING SERVICES IN HAWAII; jointly to the Committees on Energy and Commerce and Ways and Means.

93. Also, a memorial of the Twenty-Fifth Legislature of Hawaii, relative to HOUSE CONCURRENT RESOLUTION NO. 158 STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; jointly to the Committees on Foreign Affairs and Energy and Commerce.

94. Also, a memorial of the Twenty-Fifth Legislature of Hawaii, relative to HOUSE CONCURRENT RESOLUTION NO. 46 S.D. 1 URGING CONGRESS TO PRESERVE FUNDING AND MAINTAIN PROGRAMS, LAWS, REGULATIONS, AND POLICIES THAT ASSIST VICTIMS OF DOMESTIC VIOLENCE; jointly to the Committees on the Judiciary and Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. FILNER.
H.R. 204: Mr. PALLONE, Mr. McDERMOTT, and Mr. COHEN.
H.R. 205: Mr. FLEMING and Mr. COFFMAN of Colorado.

H.R. 272: Mr. AKIN and Mr. ELLSWORTH.
H.R. 275: Mr. McMAHON, Mr. WEXLER, Mr. HENSARLING, and Ms. KOSMAS.
H.R. 327: Mr. FALEOMAVAEGA and Mr. HINOJOSA.
H.R. 422: Ms. FOXX and Ms. LINDA T. SÁNCHEZ of California.
H.R. 426: Mr. PAUL.
H.R. 442: Ms. GINNY BROWN-WAITE of Florida.
H.R. 467: Mr. BACA and Mr. FARR.
H.R. 502: Mr. PLATTS.
H.R. 503: Mr. CAO.
H.R. 517: Mr. GRAYSON.
H.R. 520: Mr. POLIS of Colorado.
H.R. 571: Mr. WEXLER, Mr. WHITFIELD, Mr. PASTOR of Arizona, and Mr. PETERS.
H.R. 574: Mr. REHBERG.
H.R. 578: Mr. McDERMOTT.
H.R. 610: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 618: Ms. SCHWARTZ.
H.R. 635: Mr. GRAYSON.
H.R. 646: Mr. CUMMINGS and Mr. SERRANO.
H.R. 676: Mr. DICKS.
H.R. 699: Mr. CONNOLLY of Virginia.
H.R. 716: Mr. PRICE of North Carolina, Mr. DELAHUNT, Mr. HINCHEY, and Mr. PLATTS.
H.R. 780: Mr. REHBERG.
H.R. 958: Mr. ARCURI, Mr. ALTMIRE, Mr. KLEIN of Florida, and Mr. RYAN of Ohio.
H.R. 997: Mr. TURNER.
H.R. 1024: Mr. QUIGLEY and Ms. WATSON.
H.R. 1026: Mr. SHADEGG.
H.R. 1032: Mr. ELLSWORTH.
H.R. 1064: Mr. ENGEL and Mr. LATOURETTE.
H.R. 1074: Mr. BROUN of Georgia.
H.R. 1084: Mr. ELLSWORTH.
H.R. 1086: Mr. GARRETT of New Jersey.
H.R. 1101: Mr. MICHAUD.
H.R. 1173: Mr. KISSELL.
H.R. 1177: Mr. MCGOVERN.
H.R. 1189: Mr. LOBIONDO.
H.R. 1207: Mr. SMITH of New Jersey and Mr. SARBANES.
H.R. 1240: Ms. KOSMAS.
H.R. 1255: Mrs. BIGGETT and Mr. RUSH.
H.R. 1408: Mr. GRIJALVA.
H.R. 1427: Mr. ARCURI.
H.R. 1441: Mr. INGLIS.
H.R. 1454: Mr. BOCCIERI and Ms. TITUS.
H.R. 1459: Mr. QUIGLEY.
H.R. 1466: Mr. QUIGLEY and Mr. HINCHEY.
H.R. 1469: Mr. MORAN of Virginia, Mrs. LOWEY, Ms. KILPATRICK of Michigan, and Mr. PASTOR of Arizona.
H.R. 1511: Mr. NADLER of New York.
H.R. 1521: Mr. THORNBERRY, Mr. PAULSEN, Mr. SCOTT of Virginia, and Ms. SPEIER.
H.R. 1528: Mr. CONYERS.
H.R. 1530: Mr. CONYERS.
H.R. 1531: Mr. CONYERS.
H.R. 1547: Mr. DELAHUNT and Mr. SHADEGG.
H.R. 1548: Mr. GARRETT of New Jersey and Mr. FARR.
H.R. 1560: Mr. DAVIS of Kentucky.
H.R. 1587: Mr. CAMPBELL.
H.R. 1600: Mr. MCGOVERN, Ms. KILPATRICK of Michigan, and Mr. SCHIFF.
H.R. 1612: Ms. SCHAKOWSKY, Mr. HINOJOSA, and Mr. BLUMENAUER.
H.R. 1616: Mr. WEXLER and Mr. DICKS.
H.R. 1670: Mr. CARNAHAN.
H.R. 1677: Mr. BISHOP of Georgia and Mr. PASTOR of Arizona.
H.R. 1691: Mrs. SCHMIDT.
H.R. 1721: Mr. CARNAHAN.
H.R. 1764: Mr. HINCHEY.
H.R. 1826: Mr. CONYERS.
H.R. 1843: Ms. CLARKE.
H.R. 1844: Mr. BISHOP of New York, Ms. HERSETH SANDLIN, Mr. HINCHEY, Mr. OLVER, and Mr. FRANK of Massachusetts.
H.R. 1874: Mr. MCGOVERN.

H.R. 1894: Mr. ABERCROMBIE.
H.R. 1925: Mr. PETERS and Mr. CLEAVER.
H.R. 1927: Mr. LOBIONDO.
H.R. 1941: Mr. McCLINTOCK.
H.R. 1988: Mr. GEORGE MILLER of California.
H.R. 1990: Mr. CARNEY and Mr. LOBIONDO.
H.R. 1993: Mr. WEXLER.
H.R. 2006: Ms. DEGETTE.
H.R. 2017: Mr. BISHOP of New York.
H.R. 2055: Ms. LEE of California, Mr. SEXTAK, Ms. ESHOO, and Ms. WOOLSEY.
H.R. 2063: Mr. JONES.
H.R. 2070: Mr. SCHIFF.
H.R. 2076: Ms. SPEIER.
H.R. 2097: Mr. BONNER.
H.R. 2102: Mr. ISRAEL, Mr. HINCHEY, Mr. PAYNE, Mr. CUELLAR, and Mr. GRIJALVA.
H.R. 2125: Mr. FILNER.
H.R. 2189: Mr. EHLERS, Mr. MANZULLO, and Mr. SOUDER.
H.R. 2194: Mr. GRAVES, Mr. PETERS, Mr. PITTS, Mr. BROUN of Georgia, and Mr. CASIDY.
H.R. 2196: Mr. ROONEY.
H.R. 2251: Mr. ALEXANDER, Mr. YOUNG of Florida, Mr. PASTOR of Arizona, Ms. ROSLEHTINEN, Mr. CLAY, and Mr. PASCRELL.
H.R. 2269: Mr. SCOTT of Virginia.
H.R. 2296: Mr. LUCAS, Mr. MCCOTTER, and Mr. LUETKEMEYER.
H.R. 2329: Mr. PAUL, Mr. WEXLER, Mr. KLEIN of Florida, and Mr. PAULSEN.
H.R. 2404: Mr. PASTOR of Arizona.
H.R. 2419: Mr. FILNER, Mr. HINCHEY, and Mr. HALL of New York.
H.R. 2427: Ms. TSONGAS.
H.R. 2438: Mr. MCCOTTER.
H.R. 2452: Mr. WEINER, Mr. DAVIS of Kentucky, and Mr. LINDER.
H.R. 2478: Ms. SCHWARTZ.
H.R. 2479: Mr. KAGEN.
H.R. 2497: Mr. HINCHEY and Ms. MOORE of Wisconsin.
H.R. 2499: Mr. CARNAHAN, Mr. RUPPERSBERGER, and Mr. FLEMING.
H.R. 2515: Mr. AL GREEN of Texas.
H.R. 2517: Mr. JOHNSON of Georgia.
H.R. 2560: Mr. McMAHON and Mr. ARCURI.
H.R. 2574: Mr. WEXLER.
H.R. 2632: Mr. COLE.
H.R. 2636: Mr. LAMBORN.
H.R. 2642: Mr. HERGER.
H.R. 2648: Mr. MEEK of Florida, Mr. FRANK of Massachusetts, and Ms. RICHARDSON.
H.R. 2669: Mr. HIGGINS.
H.R. 2676: Mr. TERRY.
H.R. 2681: Mr. HASTINGS of Florida.
H.R. 2692: Mr. TEAGUE, Mr. ARCURI, Mr. PAUL, Ms. MARKEY of Colorado, and Mrs. McMORRIS RODGERS.
H.R. 2724: Ms. SCHWARTZ, Mr. MORAN of Virginia, Mr. FILNER, and Mr. JOHNSON of Georgia.
H.R. 2729: Mr. BAIRD.
H.R. 2743: Mr. HUNTER, Mr. TEAGUE, Mr. ROSS, Mr. HASTINGS of Florida, Mr. TONKO, Mr. POMEROY, Mr. MARIO DIAZ-BALART of Florida, Mr. PAUL, Mr. THOMPSON of Mississippi, Mr. ROYCE, Mr. PALLONE, Mr. SCHRADER, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. YOUNG of Florida, Mr. JOHNSON of Georgia, Mr. DAVIS of Tennessee, Mr. SIRES, Mr. ELLISON, Mr. BOOZMAN, and Mr. GOHMERT.
H.R. 2745: Mr. SESSIONS.
H.R. 2750: Mr. BURTON of Indiana.
H.R. 2777: Mr. WEXLER.
H.R. 2817: Mr. MARKEY of Massachusetts, Mr. FARR, Mr. MORAN of Virginia, and Ms. SCHAKOWSKY.
H.R. 2835: Mr. ROTHMAN of New Jersey and Mr. WEXLER.
H.R. 2846: Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. SMITH of Nebraska.

H.R. 2850: Mr. CUMMINGS.
H. Con. Res. 59: Mr. CARNAHAN and Ms. CLARKE.

H. Con. Res. 74: Ms. JACKSON-LEE of Texas.
H. Con. Res. 131: Mr. BLUNT, Mr. CASSIDY, Mr. ISSA, Mr. MORAN of Kansas, Ms. JENKINS, Mr. CRENSHAW, Mr. SHUSTER, Mr. LUETKEMEYER, Mr. DREIER, Mr. TIBERI, Mr. GALLAGLY, and Mr. GUTHRIE.

H. Res. 81: Mr. WHITFIELD.
H. Res. 90: Mr. HINOJOSA.
H. Res. 101: Mr. KLEIN of Florida.
H. Res. 175: Mr. CLEAVER and Mr. HOLT.
H. Res. 241: Mr. ENGEL and Mr. FRANK of Massachusetts.

H. Res. 309: Mr. ROGERS of Alabama.
H. Res. 350: Mr. ROSKAM.
H. Res. 355: Mr. SESTAK.
H. Res. 393: Mr. COLE and Mr. TERRY.
H. Res. 419: Mr. SCOTT of Virginia and Mr. LEWIS of Georgia.

H. Res. 428: Mr. CALVERT.
H. Res. 493: Mr. SARBANES and Mrs. CAPPS.
H. Res. 507: Mr. NUNES, Ms. TSONGAS, and Mr. SNYDER.

H. Res. 512: Ms. SCHAKOWSKY and Mr. POE of Texas.

H. Res. 530: Mr. PAYNE, Mr. WILSON of Ohio, and Mr. JOHNSON of Georgia.

H. Res. 537: Mr. GARRETT of New Jersey, Mr. CULBERSON, and Mr. ROYCE.

H. Res. 538: Mrs. BIGGERT and Mr. LOEBSACK.

H. Res. 543: Mr. RAHALL, Mr. HINOJOSA, Ms. BORDALLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCMAHON, Mr. HALL of New York, Mr. HARE, and Ms. SCHAKOWSKY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

50. The SPEAKER presented a petition of the City of Miami, Florida, relative to Resolution: R-09-0179 URGING MEMBERS OF THE UNITED STATES SENATE AND THE UNITED STATES HOUSE OF REPRESENTATIVES TO SUPPORT PRESIDENT BARACK OBAMA'S GOALS OF MAKING HEALTH CARE MORE AFFORDABLE AND AVAILABLE TO ALL AMERICANS; FURTHER URGING INSURANCE COMPANIES, EMPLOYERS AND STATE GOVERNMENTS TO EMBRACE COMPREHENSIVE HEALTH CARE REFORM TO PROTECT AMERICAN FAMILIES; to the Committee on Energy and Commerce.

51. Also, a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 157-09 urging the United States Postal Service to issue a commemorative stamp in honor of Supervisor Harvey Milk; to the Committee on Oversight and Government Reform.

52. Also, a petition of the Town of Malabar, Florida, relative to RESOLUTION 10-2009 CLAIMING SOVEREIGNTY UNDER THE TENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OVER ALL POWERS NOT OTHERWISE GRANTED TO THE FEDERAL GOVERNMENT BY THE CONSTITUTION OF THE UNITED STATES EXCEPT AS LEGISLATED BY THE STATE OF FLORIDA; to the Committee on the Judiciary.

53. Also, a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 149-09 acknowledging immigrant contributions, denouncing Immigration and Customs Enforcement (ICE) raids, and supporting comprehensive immigration reform focused on family unity, worker justice, civil

rights and a path to legalization; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2847

OFFERED BY: MS. MOORE OF WISCONSIN

AMENDMENT No. 3: In title I, in the paragraph entitled "Salaries and Expenses" immediately following the heading "Departmental Management" insert "(reduced by \$4,000,000)" after "\$60,000,000".

Page 42, line 7, after "\$400,000,000" insert "(increased by \$4,000,000)".

In title II, in the paragraph entitled "Violence Against Women Prevention and Prosecution Programs" under the heading "State and Local Law Enforcement Activities Office on Violence Against Women" in the numbered item in the second proviso relating to legal assistance for victims as authorized by section 1201 of the 2000 Act, insert "(increased by \$4,000,000)" after "\$37,000,000".

H.R. 2847

OFFERED BY: MS. MOORE OF WISCONSIN

AMENDMENT No. 4: In title I, in the paragraph entitled "Salaries and Expenses" immediately following the heading "Departmental Management" insert "(reduced by \$8,000,000)" after "\$60,000,000".

Page 42, line 7, after "\$400,000,000" insert "(increased by \$8,000,000)".

In title II, in the paragraph entitled "Violence Against Women Prevention and Prosecution Programs" under the heading "State and Local Law Enforcement Activities Office on Violence Against Women" in the numbered item in the second proviso relating to legal assistance for victims as authorized by section 1201 of the 2000 Act, insert "(increased by \$8,000,000)" after "\$37,000,000".

H.R. 2847

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT No. 5: Under title II, in the paragraph captioned STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE, after the dollar amount, insert the following: "(increased by \$5,000,000)".

Under title II, after the paragraph captioned STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE, subsection (7), after the dollar amount, insert the following: "(increased by \$5,000,000)".

Under title IV, after the paragraph captioned LEGAL SERVICES CORPORATION, after the first dollar amount in the first sentence, inserting the following: "(decreased by \$5,000,000)".

H.R. 2847

OFFERED BY: MR. HENSARLING

AMENDMENT No. 6: In title IV, strike the heading "Legal Services Corporation" and both paragraphs under that heading including their subheadings.

H.R. 2847

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT No. 7: At the end of title V, before the short title, insert the following:

"SEC. . None of the funds made available in this Act may be used to make full or partial completion of the American Community Survey mandatory or to enforce civil penalties, including fines, for failure to complete the Survey in its entirety."

H.R. 2847

OFFERED BY: MR. SCHOCK

AMENDMENT No.8: Page 3, line 4, after the dollar amount, insert "(increased by \$500,000)".

Page 7, line 5, after the dollar amount, insert "(reduced by \$500,000)".

H.R. 2847

OFFERED BY: MR. SCHOCK

AMENDMENT No.9: Page 3, line 4, after the dollar amount, insert "(increased by \$500,000)".

Page 4, line 7, insert before the period at the end the following: "; *Provided further*, That of the amount appropriated under this heading \$500,000 shall be used by the International Trade Administration to conduct a study and submit to Congress not later than 60 days after the date of the enactment of this Act a report on the economic impact, including the loss of jobs in the United States, since April 7, 2007, resulting from the failure to implement the United States-Colombia Trade Promotion Agreement".

Page 7, line 5, after the dollar amount, insert "(reduced by \$500,000)".

H.R. 2847

OFFERED BY: MR. MANZULLO

AMENDMENT No.10: Page 3, line 4, after the dollar figure, insert "(increased by \$5,000,000)".

Page 78, line 17, after each dollar figure, insert "(reduced by \$5,000,000)".

H.R. 2847

OFFERED BY: MR. MOLLOHAN

AMENDMENT No.11: Page 3, line 4, after the dollar amount insert "(reduced by \$100,000)".

Page 23, line 18 and 19, after each dollar amount, insert "(reduced by \$21,132,000)".

Page 45, lines 1, 4, and 13, after each dollar amount, insert "(reduced by \$78,768,000)".

Page 47, line 22, after the dollar amount, insert "(increased by \$100,000,000)".

Page 48, line 17, after the dollar amount, insert "(increased by \$100,000,000)".

H.R. 2847

OFFERED BY: MR. MANZULLO

AMENDMENT No. 12: Page 3, line 4, after the dollar figure, insert "(increased by \$20,000,000)".

Page 78, line 17, after each dollar figure, insert "(reduced by \$20,000,000)".

H.R. 2847

OFFERED BY: MR. SCHOCK

AMENDMENT No. 13: Page 6, line 12, after the dollar amount insert "(increased by \$1,500,000)".

Page 17, line 12, after the dollar amount insert "(reduced by \$1,500,000)".

H.R. 2847

OFFERED BY: MRS. BIGGERT

AMENDMENT No. 14: Page 13, line 11, insert after the dollar amount "(reduced by \$25,491,000)".

Page 32, line 21, insert after the dollar amount "(increased by \$25,491,000)".

H.R. 2847

OFFERED BY: MR. ROE OF TENNESSEE

AMENDMENT No. 15: Page 13, line 11, after the dollar amount insert "(reduced by \$111,256,000)".

H.R. 2847

OFFERED BY: MR. LEE OF NEW YORK

AMENDMENT No. 16: Page 13, line 11, after the dollar amount insert "(reduced by \$129,000,000)".

H.R. 2847

OFFERED BY: MR. STEARNS

AMENDMENT No. 17: Page 13, line 11, after the dollar amount, insert "(reduced by \$100,000,000)".

Page 47, line 22, after the dollar amount, insert "(increased by \$100,000,000)".

Page 48, line 17, after the dollar amount, insert “(increased by \$100,000,000)”.

H.R. 2847

OFFERED BY: MRS. CAPITO

AMENDMENT No. 18: Page 13, line 11, insert “(reduced by \$10,000,000)” after “\$3,198,793,000”.

Page 13, line 24, insert “(reduced by \$10,000,000)” after “\$3,317,393,000”.

Page 13, line 25, insert “(reduced by \$10,000,000)” after “\$3,198,793,000”.

Page 48, line 21, insert “(increased by \$10,000,000)” after “\$30,000,000”.

H.R. 2847

OFFERED BY: MS. BORDALLO

AMENDMENT No. 19: Page 13, line 11, after the dollar amount insert “(increased by \$500,000)”.

Page 13, line 24, after the dollar amount insert “(increased by \$500,000)”.

Page 13, line 25, after the dollar amount insert “(increased by \$500,000)”.

Page 17, line 12, after the dollar amount insert “(reduced by \$500,000)”.

H.R. 2847

OFFERED BY: MR. HASTINGS OF WASHINGTON

AMENDMENT No. 20: Page 14, line 3, after the colon insert the following: “*Provided further*, For necessary expenses associated with the restoration of Pacific salmon populations, \$50,000,000 to remain available until September 30, 2010: *Provided further*, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, California, and Alaska and Federally-recognized tribes of the Columbia River and Pacific Coast for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds:”.

H.R. 2847

OFFERED BY: MR. MURPHY OF CONNECTICUT

AMENDMENT No. 21: Page 17, line 12, after the dollar amount, insert “(reduced by \$2,460,000)”.

Page 45, line 1, after the dollar amount, insert “(increased by \$2,460,000)”.

Page 45, line 4, after the dollar amount, insert “(increased by \$2,460,000)”.

H.R. 2847

OFFERED BY: MS. WATERS

AMENDMENT No. 22: Page 22, line 8, insert “(decreased by \$1,000,000)” after the dollar amount.

Page 49, line 16, insert “(increased by \$1,000,000)” after the dollar amount.

H.R. 2847

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 23: Page 32, line 21, insert “(increased by \$1,000,000) (decreased by \$1,000,000)” after the dollar amount.

H.R. 2847

OFFERED BY: MR. MARSHALL

AMENDMENT No. 24: Page 48, Line 17, after the dollar amount insert “(increased by \$100,000,000)”.

Page 67, Line 16, after the dollar amount insert “(decrease by \$25,000,000)”.

Page 68, Line 19, after the dollar amount insert “(decrease by \$25,000,000)”.

Page 69, Line 9, after the dollar amount insert “(decrease by \$25,000,000)”.

Page 70, Line 18, after the dollar amount insert “(decrease by \$25,000,000)”.

H.R. 2847

OFFERED BY: MR. ROE OF TENNESSEE

AMENDMENT No. 25: Page 38, line 13, after the dollar amount, insert “(reduced by \$97,400,000)”.

H.R. 2847

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 26: Page 38, line 13, after the dollar amount, insert “(reduced by \$97,400,000)”.

H.R. 2847

OFFERED BY: MR. CARDOZA

AMENDMENT No. 27: Page 38, line 13, after the dollar amount, insert “(increased by \$50,000,000)”.

Page 73, line 15, after the dollar amount, insert “(reduced by \$50,000,000)”.

Page 73, line 24, after the dollar amount, insert “(reduced by \$50,000,000)”.

H.R. 2847

OFFERED BY: MRS. BIGGERT

AMENDMENT No. 28: Page 42, line 7, after the dollar amount, insert “(increased by \$15,000,000)”.

Page 47, line 22, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 50, line 21, after the dollar amount, insert “(reduced by \$15,000,000)”.

H.R. 2847

OFFERED BY: MR. CARDOZA

AMENDMENT No. 29: Page 47, line 22, after the dollar amount, insert “(increased by \$15,000,000)”.

Page 52, line 4, after the dollar amount, insert “(increased by \$15,000,000)”.

Page 75, line 18, after the dollar amount, insert “(reduced by \$15,000,000)”.

H.R. 2847

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT No. 30: Page 47, line 22, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 49, line 19, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 78, line 17, after the first dollar amount, insert “(reduced by \$5,000,000)”.

H.R. 2847

OFFERED BY: MR. NADLER OF NEW YORK

AMENDMENT No. 31: Page 45, line 1, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 45, line 4, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 45, line 13, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 56, line 23, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 58, line 19, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 58, line 21, after the dollar amount, insert “(increased by \$5,000,000)”.

H.R. 2847

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT No. 32: Page 66, before line 15 (before the short title for title II), insert the following:

SEC. ____ For “Federal Prison System—Salaries and Expenses” for hiring additional corrections officers, and the amount otherwise provided by this Act for “State and Local Law Enforcement Assistance” for the

Tribal Courts Initiative is hereby reduced by, \$15,000,000.

H.R. 2847

OFFERED BY: MR. MCCARTHY OF CALIFORNIA

AMENDMENT No. 33: Page 68, line 19, insert “(increased by \$50,000,000)” after “\$3,293,200,000”.

Page 78, line 17, insert “(reduced by \$50,000,000)” after “\$440,000,000”.

Page 78, line 17, insert “(reduced by \$50,000,000)” after “\$414,400,000”.

H.R. 2847

OFFERED BY: MR. PERLMUTTER

AMENDMENT No. 34: Page 68, line 19, after the dollar amount insert “(increased by \$212,269,000)”.

Page 71, lines 17 and 24, after the dollar amount insert “(reduced by \$212,269,000)”.

H.R. 2847

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT No. 35: Page 75, line 7, insert “: *Provided further*, That not less than \$32,000,000 shall be available until expended for the Historically Black Colleges and Universities Undergraduate Program” before the period.

H.R. 2847

OFFERED BY: MR. BROWN OF GEORGIA

AMENDMENT No. 36: Page 78, line 17, insert “(reduced by \$5,000,000)” after “\$440,000,000”.

H.R. 2847

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 37: Page 78, line 17, after the first dollar amount, insert “(reduced by \$1)”.

Page 78, line 17, after the second dollar amount, insert “(reduced by \$1)”.

H.R. 2847

OFFERED BY: MR. HENSARLING

AMENDMENT No. 38: Page 78, strike line 14 and all that follows through line 5 on page 79.

H.R. 2847

OFFERED BY: MR. HENSARLING

AMENDMENT No. 39: Page 79, strike line 6 and all that follows through line 17.

H.R. 2847

OFFERED BY: MRS. MCCARTHY OF NEW YORK

AMENDMENT No. 40: Page 101, after line 20, insert the following:

TITLE VI

ADDITIONAL GENERAL PROVISIONS

SEC. 601. (a) None of the funds made available to the Attorney General in this Act may be used to destroy any identifying information submitted to any system to implement section 922(t) of title 18, United States Code, by or on behalf of an individual described in subsection (b) of this section.

(b) An individual is described in this subsection if the name of the individual appears in—

(1) the Violent Gang Terrorist Organization File maintained by the Department of Justice or

(2) the database of terrorist watch lists maintained by the Federal Bureau of Investigation.

H.R. 2847

OFFERED BY: MR. BOSWELL

AMENDMENT No. 41: In the item relating to “Department of Justice—General Administration—Salaries and Expenses”, after the first dollar amount, insert “(reduced by \$2,500,000)”.

In the item relating to the "National Criminal History Improvement" in paragraph (25) under the heading "State and Local Law Enforcement Assistance", after the dollar amount, insert "(increased by \$2,500,000)".

H.R. 2847

OFFERED BY: MR. ROSKAM

AMENDMENT No. 42: In the item relating to "Department of Justice—General Administration—Salaries and Expenses" after "\$118,488,000" insert "(increased by \$2,000,000) (reduced by \$2,000,000)".

H.R. 2847

OFFERED BY: MRS. BLACKBURN

AMENDMENT No. 43: In paragraph (1) of the item relating to "State and Local Law Enforcement Assistance", after the first dollar amount, insert "(increased by \$221,000,000)".

In the item relating to "National Science Foundation—Research and Related Activities", after the first dollar amount, insert "(reduced by \$221,000,000)".

H.R. 2847

OFFERED BY: MRS. BLACKBURN

AMENDMENT No. 44: In paragraph (1) of the item relating to "State and Local Law Enforcement Assistance", after the first dollar amount, insert "(increased by \$310,000,000)".

In the item relating to "National Science Foundation—Research and Related Activities", after the first dollar amount, insert "(reduced by \$310,000,000)".

H.R. 2847

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT No. 45: In the item relating to "Federal Prison System—Salaries and Expenses", after the dollar amount, insert "(reduced by \$10,000,000)".

In the item relating to "Office of Justice Programs—Weed and Seed Program Fund", after the dollar amount, insert "(increased by \$10,000,000)".

H.R. 2847

OFFERED BY: MR. NADLER OF NEW YORK

AMENDMENT No. 46: For "Violence Against Women Prevention and Prosecution Programs" for Jessica Gonzales Victim Assistants, as authorized by section 2001(b)(13) of part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)(13)), and the amount otherwise provided by this Act for "Department of Justice—General Administration—Salaries and Expenses" is hereby reduced by \$5,000,000.

H.R. 2847

OFFERED BY: MR. POSEY

AMENDMENT No. 47: In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—EXPLORATION", after the first dollar amount insert "(increased by \$566,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—SPACE OPERATIONS", after the first dollar amount insert "(increased \$250,000,000)", and after the third dollar amount insert "(increased by \$250,000,000)".

H.R. 2847

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 48: At the appropriate place in the bill insert the following

SEC. . . . The amount of the discretionary appropriations otherwise made available in this Act for any department or agency is hereby reduced by .5 percent.

H.R. 2847

OFFERED BY: MR. CASSIDY

AMENDMENT No. 49: Strike section 212.

H.R. 2847

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 50: At the appropriate place in the bill, insert the following:

SEC. . . . The amount of the discretionary appropriations otherwise made available in this Act for any department or agency is hereby reduced by an amount equal to the unobligated balance (on the date of the enactment of this Act) of the discretionary appropriations made available for such department or agency in division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

H.R. 2847

OFFERED BY: MR. HELLER

AMENDMENT No. 51: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act for the State Criminal Alien Assistance Program under the heading "State and Local Law Enforcement Assistance" may be used for any State or local government that has any law, policy, or procedure in effect that circumvents the enforcement of any Federal immigration law.

H.R. 2847

OFFERED BY: MR. BILBRAY

AMENDMENT No. 52: At the end of the bill (before the short title), insert the following:

SEC. 535. None of the funds made available in this Act may be used to provide funds to any State or local government entity in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 2847

OFFERED BY: MR. GOHMERT

AMENDMENT No. 53: At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. None of the funds made available in this Act may be used to pay salaries or expenses related to the Presidential Task Force on the Auto Industry.

H.R. 2847

OFFERED BY: MR. MCCAUL

AMENDMENT No. 54: At the end of the bill (before the short title), insert the following:

SEC. . . . None of the funds made available in this Act may be used for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

H.R. 2847

OFFERED BY: MR. WITTMAN

AMENDMENT No. 55: At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 2847

OFFERED BY: MR. WITTMAN

AMENDMENT No. 56: At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 2847

OFFERED BY: MR. WITTMAN

AMENDMENT No. 57: At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 2 percent.

H.R. 2847

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 58: At the end of the bill (before the short title) the following:

SEC. 534. None of the funds available in this Act may be used to carry out or enforce section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c).

H.R. 2847

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 59: At the end of the bill, before the short title, insert the following new section:

SEC. 535. None of the funds made available by this Act shall be used to establish or implement a National Climate Service.

H.R. 2847

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 60: At the end of the bill (before the short title), insert the following:

SEC. . . . None of the funds made available in this Act may, for purposes of carrying out the 2010 decennial census, be used to apply the statistical method known as "sampling".

H.R. 2847

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT No. 61: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used by the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives to pay the compensation of employees of the Bureau of Alcohol, Tobacco, Firearms and Explosives to test and examine firearms without written and published testing standards.

H.R. 2847

OFFERED BY: MR. QUIGLEY

AMENDMENT No. 62: At the end of the bill (before the short title), insert the following:

SEC. . . . None of the funds made available in this Act may be used for either the construction or rental of infrastructure that does not comply with both the General Services Administration Sustainable Design Program for Federal buildings and the Public Buildings Service Project Plan.

H.R. 2847

OFFERED BY: MR. NUNES

AMENDMENT No. 63: At the end of the bill (before the short title), insert the following:

SEC. . . . None of the funds made available in this Act may be used to implement the biological opinion entitled "Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project", issued by the National Marine Fisheries Service and dated June 4, 2009.

H.R. 2847

OFFERED BY: MR. POSEY

AMENDMENT No. 64: Amendment to the end of the bill:

ADDITIONAL GENERAL PROVISION

The amounts otherwise provided by this Act are revised by the following:

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—EXPLORATION", after the first dollar amount insert "(increased by \$566,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—SPACE OPERATIONS", after the first dollar amount insert "(increased by \$250,000,000)", and after the third dollar amount insert "(increased by \$250,000,000)".

H.R. 2847

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 65: At the end of the bill (before the short title), insert the following: SEC. ____ . None of the funds made available in this Act may be used to adjudicate or assist in a lawsuit about the definition of marriage as between a man and a woman.

H.R. 2847

OFFERED BY: MR. AKIN

AMENDMENT No. 66: At the end of the bill (before the short title), insert the following: SEC. ____ . None of the funds provided in this Act may be used by the Bureau of the Census to provide any grant to or contract with any organization that has been indicted, or employ or contract with any individual who has been indicted, for a violation under Federal law relating to an election for Federal office.

H.R. 2847

OFFERED BY: MR. STEARNS

AMENDMENT No. 67: At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. None of the funds made available in this Act for the Equal Employment Opportunity Commission may be used for litigation expenses incurred in connection with cases commenced after the date of the enactment of this Act against employers on the grounds that such employers require employees to speak English.

H.R. 2847

OFFERED BY: MR. STEARNS

AMENDMENT No. 68: At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 2847

OFFERED BY: MR. TIAHRT

AMENDMENT No. 69: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may be used to obligate, or pay the salary or expenses of personnel who obligate, funds made available under the following headings in title II of division A of Public Law 111-5:

(1) "Economic Development Administration—Economic Development Assistance Programs".

(2) "National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program".

(3) "National Institute of Standards and Technology—Construction of Research Facilities".

H.R. 2847

OFFERED BY: MR. CONAWAY

AMENDMENT No. 70: At the end of the bill (before the short title), insert the following:

SEC. ____ . It is the sense of the House of Representatives that any reduction in the

amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2847

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 71: At the end of the bill, before the short title, insert the following:

SEC. ____ . None of the funds made available in this Act may be used to relocate the Office of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

H.R. 2847

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 72: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may be used to adjudicate or assist in a lawsuit seeking to prevent the enforcement of the Defense of Marriage Act (Public Law 104-199).

H.R. 2847

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT No. 73: At the end of the bill (before the short title) insert the following:

SEC. 534. None of the funds available in this Act may be used to provide rights under *Miranda v. Arizona*, 384 U.S. 436 (1966) by the Department of Justice, including all component agencies, to detainees in the custody of the armed forces of the United States in Afghanistan.

H.R. 2847

OFFERED BY: MR. BARRETT OF SOUTH CAROLINA

AMENDMENT No. 74: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. ____ . None of the funds made available in this Act under the heading "Violence Against Women Prevention and Prosecution Programs" for grants to combat violence against women, as authorized by part T of the Omnibus Crime Control and Safe Streets Act of 1968, may be used to carry out any activity not authorized under part T of such Act.

H.R. 2847

OFFERED BY: MR. HENSARLING

AMENDMENT No. 75: At the end of the bill, before the short title, insert the following new section:

SEC. 535. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007.

H.R. 2847

OFFERED BY: MR. HENSARLING

AMENDMENT No. 76: At the end of the bill (before the short title), insert the following:

SEC.—None of the funds made available by this Act may be used the Maine Department of Marine Resources, Augusta, ME, for Maine Lobster Research and Inshore Trawl Survey.

H.R. 2847

OFFERED BY: MR. HENSARLING

AMENDMENT No. 77: At the end of the bill (before the short title), insert the following:

SEC.—None of the funds made available by this Act may be used by the Marine Mammal Center, Sausalito, CA, for Emergency Response and Health Investigations for Endangered and Threatened Pinniped Populations in the Pacific.

H.R. 2847

OFFERED BY: MR. HENSARLING

AMENDMENT No. 78: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used by the Woodstock Film Festival, Woodstock, NY, for the Woodstock Film Festival Youth Initiative/Youth at Risk.

H.R. 2847

OFFERED BY: MR. HENSARLING

AMENDMENT No. 79: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used by the Art Center of the Grand Prairie, Stuttgart, AR, for the Grand Prairie Arts Initiative.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 80: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Yukon River Drainage Fisheries Association, Anchorage, Alaska, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$100,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 81: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Oyster Hatchery Economic Pilot Program of the Morgan State University Estuarine Research Center, St. Leonard, Maryland, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$200,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 82: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Shrimp Industry Fishing Effort Research Continuation project of the National Marine Fisheries Service, Silver Spring, Maryland, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$700,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 83: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Natural Stream Design and Restoration project of the West Virginia Department of Natural Resources, Charleston, West Virginia, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$750,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 84: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be

available for the Institute for Seafood Studies project of the Nicholls State University Department of Biological Sciences, Thibodaux, Louisiana, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$325,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 85: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Aeronautics and Space Administration—Cross Agency Support" shall be available for the Drew University Environmental Science Initiative of Drew University, Madison, New Jersey, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$1,000,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 86: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Aeronautics and Space Administration—Cross Agency Support" shall be available for the Innovative Science Learning Center of ScienceSouth, Florence, South Carolina, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$500,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 87: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "Department of Justice—General Administration—National Drug Intelligence Center" shall be available for operations of the National Drug Intelligence Center, and the amount otherwise provided under such heading is hereby reduced by \$44,023,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 88: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Great Lakes Water Project of the Great Lakes Science Center, Cleveland, Ohio, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$250,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 89: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Eastern Kentucky PRIDE, Inc., project of Eastern Kentucky PRIDE, Inc., Somerset, Kentucky, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$1,000,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 90: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Maine Lobster Research and Inshore Trawl Survey of the Maine Department of Marine Resources, Augusta, Maine, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$200,000.

H.R. 2847

OFFERED BY: MR. FLAKE

AMENDMENT No. 91: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Science Education Through Exploration project of the JASON Project, Ashburn, Virginia, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$4,000,000.

H.R. 2847

OFFERED BY: MR. LAMBORN

AMENDMENT No. 92: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds appropriated by this Act may be used by the Bureau of Prisons to incarcerate individuals currently held in the Naval Station, Guantanamo Bay, Cuba.

H.R. 2847

OFFERED BY: MR. LINDER

AMENDMENT No. 93: At the end of the bill (before the short title), insert the following:

SEC. 534. None of the funds available in this Act may be used by the Department of Justice for carrying out or enforcing compliance with section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c).

H.R. 2847

OFFERED BY: MR. PENCE

AMENDMENT No. 94: At the end of the bill (before the short title), insert the following:

SEC. 535. None of the funds made available in this Act may be used to enforce any of the amendments made by subtitle A of title II of the Bipartisan Campaign Reform Act of 2002 (Public Law 107-155).

H.R. 2847

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 95: At the end of the bill (before the short title), insert the following:

SEC. ____ . Appropriations made in Title I of this Act are hereby reduced in the amount of \$100,000,000.

H.R. 2847

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 96: At the end of the bill (before the short title), insert the following:

SEC. ____ . Appropriations made in Title II of this Act are hereby reduced in the amount of \$100,000,000.

H.R. 2847

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 97: At the end of the bill (before the short title), insert the following:

SEC. ____ . Appropriations made in this Act are hereby reduced in the amount of \$644,150,000.

H.R. 2847

OFFERED BY: MR. HODES

AMENDMENT No. 98: At the end of the bill (before the short title), insert the following:

SEC. ____ . The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

H.R. 2847

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT No. 99: At the end of the bill, before the short title, insert the following:

SEC. ____ . None of the funds made available in this Act may be used to make full or partial completion of the American Community Survey mandatory or to enforce civil penalties, including fines, for failure to complete the Survey in its entirety.

H.R. 2847

OFFERED BY MR. JORDAN OF OHIO

AMENDMENT No. 100: At the end of the bill (before the short title), insert the following:

SEC. ____ . Appropriations made in this Act are hereby reduced in the amount of \$12,511,000,000.

H.R. 2847

OFFERED BY: MR. BISHOP OF UTAH

AMENDMENT No. 101: At the end of the bill (before the short title), insert the following:

SEC. 535. (a) None of the funds made available in this Act for the Bureau of the Census may be used for salaries and expenses of the Bureau of the Census unless, effective beginning with the 2010 decennial census of population, in taking any tabulation of total population by States under section 141(a) of title 13, United States Code, for purposes of the apportionment of Representatives in Congress among the several States, the Secretary of Commerce takes appropriate measures to ensure, to the maximum extent practicable, that all Americans residing abroad on the decennial census date are fully and accurately counted, and are properly attributed to their respective States.

(b) The measures described in subsection (a) shall include at least the following:

(1) One or more methods by which, at the request of a non-governmental organization, administrative records of such organization may, if such records satisfy such criteria as the Secretary may establish, be used to enumerate members of such organization who are residing overseas as of the decennial census date.

(2) One or more methods under which an international "Be Counted" form may be completed at an embassy of the United States by Americans residing overseas as of the decennial census date.

(c) Nothing in this section may be considered—

(1) to affect the methods used in the enumeration of any civilian or military personnel of the United States; or

(2) to permit or require that the data obtained under this subsection be used for any purpose other than the apportionment of Representatives in Congress among the several States.

H.R. 2847

OFFERED BY: MR. CUELLAR

AMENDMENT No. 102: At the end of the bill, before the short title, insert the following new section:

SEC. 535. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "Energy Star" or "Federal Energy Management Program" designation.

H.R. 2847

OFFERED BY: MR. McDERMOTT

AMENDMENT No. 103: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used in contravention of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

H.R. 2847

OFFERED BY: MR. CAMPBELL

AMENDMENT No. 104: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Minority Business Development Agency—Minority Business Development" shall be available for the Jamaica Chamber of Commerce, Jamaica, NY, for the Jamaica Export Center, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally designated items) are hereby reduced by \$100,000.

H.R. 2847

OFFERED BY: MR. CAMPBELL

AMENDMENT No. 105: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Training the Next Generation of Weather Forecasters project of San Jose State University, San Jose, California, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally designated items) are hereby reduced by \$180,000.

H.R. 2847

OFFERED BY: MR. CAMPBELL

AMENDMENT No. 106: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Steller Sea Lion Comanagement, Biosampling and Outreach/Education project of The Alaska Sea Otter and Steller Sea Lion Commission, Old Harbor, Alaska, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$500,000.

H.R. 2847

OFFERED BY: MR. CAMPBELL

AMENDMENT No. 107: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Oper-

ations, Research, and Facilities" shall be available for the Summer Flounder and Black Sea Initiative project of the Partnership for Mid-Atlantic Fisheries, Point Pleasant Beach, New Jersey, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$600,000.

H.R. 2847

OFFERED BY: MR. CAMPBELL

AMENDMENT No. 108: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "International Trade Administration—Operations and Administration" shall be available for the Textile Research Programs project of the Textile/Clothing Textile Corporation, Raleigh, North Carolina, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$965,000.

H.R. 2847

OFFERED BY: MRS. BLACKBURN

AMENDMENT No. 109: At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 2847

OFFERED BY: MR. CARDOZA

AMENDMENT No. 110: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. _____. For "Federal Prison System—Salaries and Expenses" for hiring additional corrections officers, and the amount otherwise provided by this Act for "National Science Foundation—Research and Related Activities" for the procurement of polar icebreaking services is hereby reduced by, \$50,000,000.

H.R. 2847

OFFERED BY: MRS. BLACKBURN

AMENDMENT No. 111: At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

H.R. 2847

OFFERED BY: MRS. BLACKBURN

AMENDMENT No. 112: At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 2 percent.

H.R. 2847

OFFERED BY: MR. REICHERT

AMENDMENT No. 113: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. _____. For "Office on Violence Against Women—Violence Against Women Preven-

tion and Prosecution Programs" for the Supporting Teens through Education and Protection program, as authorized by section 41204 of the Violence Against Women Act of 1994 (42 U.S.C. 14043c), and the amount otherwise provided by this Act for "Departmental management—Salaries and expenses" is hereby reduced by, \$5,000,000.

H.R. 2847

OFFERED BY: MR. REICHERT

AMENDMENT No. 114: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. _____. For "Office on Violence Against Women—Violence Against Women Prevention and Prosecution Programs" for the Supporting Teens through Education and Protection program, as authorized by section 41204 of the Violence Against Women Act of 1994 (42 U.S.C. 14043c), and the amount otherwise provided by this Act for "Departmental management—Salaries and expenses" is hereby reduced by, \$2,500,000.

H.R. 2847

OFFERED BY: MR. TIAHRT

AMENDMENT No. 115: At the end of the bill (before the short title), insert the following:

SEC. II. None of the funds made available in this Act may be used to pay the salary or expenses of personnel who obligate, funds made available under the following headings in title II of division A of Public Law 111-5:

- (1) "Economic Development Administration—Economic Development Assistance Programs".
- (2) "National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program".
- (3) "National Institute of Standards and Technology—Construction of Research Facilities".

H.R. 2847

OFFERED BY: MR. McHENRY

AMENDMENT No. 116: At the end of the bill, insert the following:

SEC. _____. None of the funds made available in this Act to the Department of Commerce or the Bureau of the Census may be used to carry out statistical sampling in violation of section 195 of title 13, United States Code.

H.R. 2847

OFFERED BY: MR. SCHOCK

AMENDMENT No. 117: At the end of the bill, before the short title, insert the following:

SEC. 534. None of the funds made available in this Act may be used to pay the salary of any individual currently participating on the entity known as the "Presidential Task Force on the Auto Industry".

H.R. 2847

OFFERED BY: MR. LEWIS OF CALIFORNIA

AMENDMENT No. 118: At the end of the bill (before the short title), insert the following:

"SEC. _____. None of the funds made available in this Act may be used to implement Executive Order 13492, issued January 22, 2009, titled "Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities"."

H.R. 2847

OFFERED BY: MR. LEWIS OF CALIFORNIA

AMENDMENT No. 119: At the end of the bill (before the short title), insert the following:

"SEC. _____. None of the funds made available in this Act may be used to implement Executive Order 13492 issued January 22, 2009, titled "Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities"."

H.R. 2847

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 120: At the end of the bill, before the short title, insert the following:

SECTION. ____ None of the funds made available by this Act shall be made available to the Association of Community Organizations for Reform Now, Acorn Beneficial Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn Children's Beneficial Assoc., Arkansas Community Housing Corp., Acorn Community Land Assoc., Inc., Acorn Community Land Assoc. of Illinois, Acorn Community Land Association of Louisiana, Acorn Community Land Assoc. of Pennsylvania, ACORN COMMUNITY LABOR ORGANIZING CENTER, ACORN Beverly LLC, ACORN Canada, ACORN Center for Housing, ACORN Housing Affordable Loans LLC, Acorn Housing 1 Associates, LP, Acorn Housing 2 Associates, LP, ACORN Housing 3 Associates LP, ACORN Housing 4 Associates, L.P., ACORN International, ACORN VOTES, Acorn 2004 Housing Development Fund Corporation, ACRMW, ACSI, Acorn Cultural Trust, Inc., American Environmental Justice Project, Inc., ACORN Fund, Inc., Acorn Fair Housing Organization, Inc., Acorn Foster Parents, Inc., Agape Broadcast Foundation Inc., Acorn Housing Corporation, Arkansas Acorn Housing Corporation, Acorn Housing Corp. of Arizona, Acorn Housing Corp. of Illinois, Acorn Housing Corp. of Missouri, New Jersey ACORN Housing Corporation, Inc., AHCNY, Acorn Housing Corp. of Pennsylvania, Texas ACORN Housing Corporation, Inc., American Institute for Social Justice, Acorn Law for Education, Rep. & Training, Acorn Law Reform Pac, Affiliated Media Foundation Movement, Albuquerque Minimum Wage Committee, Acorn National Broadcasting Network, Arkansas New Party, Arkansas Acorn Political Action Committee, Association for Rights of Citizens, Acorn Services, Inc., Acorn Television in Action for Communities, Acorn Tenants' Union, Inc., Acorn Tenant Union Training & Org. Project, AWA, Baltimore Organizing Support Center, Inc., Bronx Parent Leadership, Baton Rouge ACORN Education Project, Inc., Baton Rouge Assoc. of School Employees, Broad Street Corporation, California Acorn Political Action Committee, Citizens Action Research project, Council Beneficial Association, Citizens Campaign for Fair Work, Living Wage Etc., Citizens Consulting, Inc., California Community Network, Citizens for April Troope, Clean Government Pact, Chicago Organizing and Support Center, Inc., Council Health Plan, Citizens Services Society, Campaign For Justice at Avondale, CLOC, Community and Labor for Baltimore, Chief Organizer Fund, Colorado Organizing and Support Center, Community Real Estate Processing, Inc., Campaign to Reward Work, Citizens Services Incorporated, Elysian Fields Corporation, Environmental Justice Training Project, Inc., Franklin Acorn Housing Corporation, Flagstaff Broadcast Foundation, Floridians for All PAC, Fifteenth Street Corporation, Friends of Wendy Foy, Greenwell Springs Corporations, Genevieve Stewart Campaign Fund, Hammurabi Fund, Houston Organizing Support Center, Hospitality Hotel and Restaurant Org. Council, Iowa ACORN Broadcasting Corp., Illinois Home Day Care Workers Association, Inc., Illinois Acorn Political Action Committee, Illinois New Party, Illinois New Party Political Committee, Institute for Worker Education, Inc., Jefferson Association of Parish Employees, Jefferson Association of School Employees, Johnnie Pugh Campaign Fund, Louisiana ACORN Political Action Com-

mittee, Louisiana Acorn Fair Housing, Inc., Labor Neighbor Research & Training Center, Inc. Service Employee Int. UNION L100, Local 100 Health and Welfare Fund, Local 100 Political Action Committee, Local 100 Retirement Plan, Service Employees International Union L880, Local 880 SEIU Political Action Committee, Local 880 SEIU Power Political Action Committee, Massachusetts ACORN Political Action Committee, Maryland ACORN Political Action Committee, Mott Haven ACORN Housing Development Fund, Mutual Housing Association of New York, Inc., MHANY A/A/F Neighborhood Restore HDFC, MHANY 2003 HOUSING DEVELOPMENT FUND CORPORATION, Missouri Home Day Care Workers Association Inc., McClellan Multi Family Corporation, Minnesota ACORN Political Action Committee, Neighbors for Athelia Ray, Neighbors for Maria Torres, Neighbors for Ted Thomas, New Mexico ACORN Fair Housing, Inc., New Mexico ACORN Political Action Committee, New Mexico Organizing Support Center, New Orleans Campaign for a, New York Agency for Community Affairs, Inc., New York Acorn Political Action Committee, New York Organizing and Support Center, Oregon ACORN Political Action Committee, Pennsylvania ACORN Political Action Committee, Pugh Election Committee, People's Equipment Resource Corporation, Progressive Houston, Pennsylvania Institute for Community Affairs, Inc., Phoenix Organizing and Support Center, Inc., Progressive St. Louis, Referendum Committee for an Accountable Future, Rhode Island APAC, Sixth Avenue Corporation, San Jacinto Street Corp., St. Louis Organizing and Support Center, Inc., St. Louis Tax Reform Group, Inc., Service Workers Action Team, Texas United City-County Employees, Texas United School Employees, Inc., United Security Workers for America, Local, Volunteers for America, Inc., Voting for America, Inc., Washington ACORN Political Action Committee, WARN, Working Families Association, Inc., Wal-Mart Workers Association, 385 Palmetto or 650 Political Action Committee.

H.R. 2847

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 121: At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available by this Act under "Bureau of the Census" shall be made available to the Association of Community Organizations for Reform Now, Acorn Beneficial Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn Children's Beneficial Assoc., Arkansas Community Housing Corp., Acorn Community Land Assoc., Inc., Acorn Community Land Assoc. of Illinois, Acorn Community Land Association of Louisiana, Acorn Community Land Assoc. of Pennsylvania, ACORN COMMUNITY LABOR ORGANIZING CENTER, ACORN Beverly LLC, ACORN Canada, ACORN Center for Housing, ACORN Housing Affordable Loans LLC, Acorn Housing 1 Associates, LP, Acorn Housing 2 Associates, LP, ACORN Housing 3 Associates LP, ACORN Housing 4 Associates, L.P., ACORN International, ACORN VOTES, Acorn 2004 Housing Development Fund Corporation, ACRMW, ACSI, Acorn Cultural Trust, Inc., American Environmental Justice Project, Inc., ACORN Fund, Inc., Acorn Fair Housing Organization, Inc., Acorn Foster Parents, Inc., Agape Broadcast Foundation Inc., Acorn Housing Corporation, Arkansas Acorn Housing Corporation, Acorn Housing Corp. of Arizona, Acorn Housing Corp. of Illinois, Acorn Housing Corp. of Missouri, New Jersey

ACORN Housing Corporation, Inc., AHCNY, Acorn Housing Corp. of Pennsylvania, Texas ACORN Housing Corporation, Inc., American Institute for Social Justice, Acorn Law for Education, Rep. & Training, Acorn Law Reform Pac, Affiliated Media Foundation Movement, Albuquerque Minimum Wage Committee, Acorn National Broadcasting Network, Arkansas New Party, Arkansas Acorn Political Action Committee, Association for Rights of Citizens, Acorn Services, Inc., Acorn Television in Action for Communities, Acorn Tenants' Union, Inc., Acorn Tenant Union Training & Org. Project, AWA, Baltimore Organizing Support Center, Inc., Bronx Parent Leadership, Baton Rouge ACORN Education Project, Inc., Baton Rouge Assoc. of School Employees, Broad Street Corporation, California Acorn Political Action Committee, Citizens Action Research Project, Council Beneficial Association, Citizens Campaign for Fair Work, Living Wage Etc., Citizens Consulting, Inc., California Community Network, Citizens for April Troope, Clean Government Pac, Chicago Organizing and Support Center, Inc., Council Health Plan, Citizens Services Society, Campaign For Justice at Avondale, CLOC, Community and Labor for Baltimore, Chief Organizer Fund, Colorado Organizing and Support Center, Community Real Estate Processing, Inc., Campaign to Reward Work, Citizens Services Incorporated, Elysian Fields Corporation, Environmental Justice Training Project, Inc., Franklin Acorn Housing Corporation, Flagstaff Broadcast Foundation, Floridians for All PAC, Fifteenth Street Corporation, Friends of Wendy Foy, Greenwell Springs Corporations, Genevieve Stewart Campaign Fund, Hammurabi Fund, Houston Organizing Support Center, Hospitality Hotel and Restaurant Org. Council, Iowa ACORN Broadcasting Corp., Illinois Home Day Care Workers Association, Inc., Illinois Acorn Political Action Committee, Illinois New Party, Illinois New Party Political Committee, Institute for Worker Education, Inc., Jefferson Association of Parish Employees, Jefferson Association of School Employees, Johnnie Pugh Campaign Fund, Louisiana ACORN Political Action Committee, Louisiana Acorn Fair Housing, Inc., Labor Neighbor Research & Training Center, Inc., Service Employee Int UNION L100, Local 100 Health and Welfare Fund, Local 100 Political Action Committee, Local 100 Retirement Plan, Service Employees International Union L880 SEIU Political Action Committee, Local 880 SEIU Power Political Action Committee, Massachusetts ACORN Political Action Committee, Maryland ACORN Political Action Committee, Mott Haven ACORN Housing Development Fund, Mutual Housing Association of New York, Inc., MHANY A/A/F Neighborhood Restore HDFC, MHANY 2003 HOUSING DEVELOPMENT FUND CORPORATION, Missouri Home Day Care Workers Association, Inc., McClellan Multi Family Corporation, Minnesota ACORN Political Action Committee, Neighbors for Athelia Ray, Neighbors for Maria Torres, Neighbors for Ted Thomas, New Mexico ACORN Fair Housing, Inc., New Mexico ACORN Political Action Committee, New Mexico Organizing Support Center, New Orleans Campaign for a, New York Agency for Community Affairs, Inc., New York Acorn Political Action Committee, New York Organizing and Support Center, Oregon ACORN Political Action Committee, Pennsylvania ACORN Political Committee, Pugh Election Committee, People's Equipment Resource Corporation, Progressive Houston, Pennsylvania Institute for Community Affairs, Inc., Phoenix Organizing and Support

Center, Inc., Progressive St. Louis, Referendum Committee for an Accountable Future, Rhode Island APAC, Sixth Avenue Corporation, San Jacinto Street Corp., St. Louis Organizing and Support Center, Inc., St. Louis Tax Reform Group, Inc., Service Workers Action Team, Texas United City-County Employees, Texas United School Employees, Inc., United Security Workers for America, Local, Volunteers for America, Inc., Voting for America, Inc., Washington ACORN Political Action Committee, WARN, Working Families Association, Inc., Wal-Mart Workers Association, 385 Palmetto or 650 Political Action Committee.

H.R. 2847

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 122: At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

H.R. 2847

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 123: At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available by this Act under "Bureau of the Census" shall be made available to the Association of Community Organizations for Reform Now.

H.R. 2847

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 124: At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available under this Act shall be made available to the Association of Community Organizations for Reform Now.

H.R. 2847

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 125: At the end of the bill add the following new section:

Amendment to H.R. 2847, as reported
Offered by Ms. Jackson Lee of Texas

Page 98, beginning on line 21, strike "(a)" and all that follows, through line 25.

H.R. 2847

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 126: At the end of the bill add the following new section:

Amendment to H.R. 2847, as reported

Offered by Ms. Jackson Lee

Page 54, line 10 subsection (3), insert "(increased by \$10,000,000)" after "\$80,000,000".

Page 54, line 11, subsection (4) insert "(increased by \$10,000,000)" after "\$62,000,000".

Page 40, line 3, insert "(decreased by \$20,000,000)" after "\$96,744,000".

H.R. 2847

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 127: At the end of the bill add the following new section:

Amendment to H.R. 2847, as reported

Offered by Ms. Jackson Lee

Page 98, beginning on line 21, strike "(a)" and all that follows, through line 25.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. SMITH of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Homeland Security Appropriations Act.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY2010 Interior, Environment, and Related Agencies Appropriations Act

Account: EPA—STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Austin

Address of Requesting Entity: 301 West 2nd Street, Austin, TX 78701

Description of Request: I have secured \$500,000 for the City of Austin for sanitary sewer overflow prevention. These funds will be used for the Non-Structural SSO Prevention Project in association with our partnership with the Environmental Protection Agency (EPA). This past fall, EPA released the City's first Special Appropriations Grant XP-97677204 to allow expenditures on the City's ongoing "cured-in-place" sewer main slip lining contracts. This trenchless sewer rehabilitation technique eliminates infiltration and replaces the structural integrity of sewer mains without extensive excavation. Having EPA grant funds targeted to this activity frees up existing City financial resources to (1) expand sanitary sewer monitoring, cleaning and maintenance, (2) address both grease control and permanent root elimination from the sewer system and (3) expand use of trenchless sanitary sewer rehabilitation techniques to other areas of the sewer system. The requested funds will be used for a non-structural (trenchless) sanitary sewer overflow prevention project. The project will reduce sanitary sewer overflows that threaten the Colorado River watershed and the Edwards Aquifer. It will also demonstrate a non-structural approach to addressing sanitary sewer overflows that can be replicated nationally. I certify that neither I nor my spouse has any financial interest in this project.

A TRIBUTE TO FRED LOWE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. SCHIFF. Madam Speaker, I rise today to commend Mr. Fred Lowe for his extraordinary work and leadership as Business Man-

ager of the Laborers' International Union of North America, Local 777.

Fred Lowe was born in Cleveland, Ohio and raised in California's San Fernando Valley where, in 1966, he graduated from North Hollywood High School.

Mr. Lowe began his career as a freelance journalist in the early 1970s while actively participating in the anti-war movement during the Vietnam War. He became involved in the Labor Movement in 1976 while employed as a warehouse worker at a General Electric plant in San Jose, California. As a Shop Steward at General Electric, he helped organize his co-workers into Local 6 of the International Longshore and Warehouse Union.

Fred continued on to serve several unions, organizing and representing workers in both the public and private sector. He worked with individuals in skilled trades and service industries, as well as university professors and administrative and clerical workers. In the mid 1980s, he became involved in the Sanctuary Movement for refugees fleeing war and political oppression in El Salvador and Guatemala. In 1994, Fred Lowe served as an international observer to El Salvador's first democratic election.

By the mid 1990s, he returned to union organizing, finding his home within the Laborers' International Union of North America (L.I.U.N.A.). Working with the union's Organizing Department in 1996, Fred played an important role in managing a historic election of 5,200 Riverside County employees. With his leadership, L.I.U.N.A. gained its largest public sector organizing victory in the union's history. Shortly after the win, the union became known as L.I.U.N.A., Local 777.

Under Mr. Lowe's exceptional leadership as Business Manager, Local 777 has grown to represent over 8,000 members throughout both Riverside and Los Angeles counties. His determined efforts have shaped Local 777 into an outstanding example of political activism, helping to elect public officials who serve the needs of labor. For more than 30 years, Fred Lowe has worked as an effective advocate for laborers' rights in Southern California and has been instrumental in working toward equitable employee relations in Riverside and Los Angeles Counties. Fred and his wife Karen have three children, Luisa, Sonya, and Michael Scott.

On June 30, 2009, Mr. Lowe will retire from his position as Business Manager of L.I.U.N.A., Local 777. It is my great pleasure to recognize the extraordinary dedication and achievements of Mr. Fred Lowe and I ask all Members of Congress to join me in thanking him for his service.

SADDLE RIVER POLICE DEPARTMENT YOUTH LEADERSHIP PROGRAM GRADUATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. GARRETT of New Jersey. Madam Speaker, today, the Saddle River Police Department will hold its Youth Leadership Program graduation ceremony with the students of the Wandell Elementary School. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and gang violence. They have done this with the support of Chief of Police Timothy McWilliams and Superintendent Dr. David Goldblatt.

The Saddle River Youth Leadership Program allows children to defeat the negative cultural influences that they are challenged with daily by opening the lines of communication between law enforcement and youth, empowering them with the confidence and courage to say no to drugs.

I am proud of the young boys and girls who participated in this program at the Wendell School, and I would like to recognize them all for taking this step toward positive citizenship: Tiara Berry, Nina Butler, Gabriella Dedvukej, Samuel Edelman, John Engkvist, Samantha Fisher, Max Freedberg, Ekaterina Hardesty, Jodi Hinchin, Trey Kidd, Niko Kourgalis, Stephanie Lande, Alison Luing, Ohiragg Manchanda, Gianna Pace, Ryan Perle, Lelyzaveta Troschii, Derek Wafer, Isaiah Wright, Alexander Zahn, Claudia Baker, Evan Berker, Juliette Boyajian, Gregory Cecon, Carolina Earle, Sam Hajal, Harrison He, Candace Krauss, Anthony LaBarbiera, Nicholas LoPiccolo, Patrick Mello, Michael Morrissey, Connor Nicholson, Ana Ordenez, Matthew Perle, Kimberly Quinones, Jacqueline Rodgers, Samson Silberman, Sarah Taranto, Kyle Weber, and Alexis Weiner.

SHIPPENSBURG UNIVERSITY
WOMEN'S RUGBY CLUB TEAM

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. SHUSTER. Madam Speaker, I rise today to congratulate the Shippensburg University Women's Rugby Club Team on winning the 2009 USA Rugby National Guard Collegiate Championships. As national champions, the members of the rugby club team have shown the discipline and teamwork required to achieve greatness.

The championship is the second in a row for the club, who built on their success last year

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

to come back better and stronger and take the title again. The championship match at Stanford's Steuber Rugby Stadium was truly a wonderful accomplishment. The Division II rugby club beat Stonehill College in the final match 29-5. Through dedication and persistence the club was able to achieve this praiseworthy title.

The women of the Shippensburg rugby club team have shown great leadership, and each of these individuals has represented their school with distinction and honor. The club has brought great pride to not only Shippensburg University but to the greater community as well. I commend them on their teamwork and outstanding talents.

This is truly a distinguished achievement for the Shippensburg University Women's Rugby Club Team. I congratulate all of the players and coaches: Jenna Boggi, Danielle Dincher, Lauren Herbert, Lisa Hrunka, Melissa Hutchinson, Michelle Jeffcoat, Melissa Kahler, Stephanie Kern, Kathryn Krulac, Lauren Lamon, Shannon Lane, Lindsay Libengood, Meghan McCloud, Meaghan Meeker, Natalie Monroig, Sarah Mousetis, Brittany Myers, Jenna Romanowski, Kimberly Simmons, Melody Stouder, Stacie Stuart, Wendy Tanner, Angela Tyrrell, Ashley Tyrrell, Katelyn Waegener, and Jessica Walker. I believe that this championship will be one of many successes in the lives of these talented players and coaches, and I congratulate them for all their efforts.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. SMITH of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Homeland Security Appropriations Act.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY2010 Homeland Security Appropriations Act

Account: FEMA—Predisaster Mitigation

Legal Name of Requesting Entity: City of New Braunfels

Address of Requesting Entity: 424 South Castell Avenue, New Braunfels, TX 78130

Description of Request: I have secured \$500,000 for the City of New Braunfels for flood mitigation. The project is part of the City's FEMA-approved Local Hazard Mitigation Plan and the Regional Mitigation Action Plan. The project consists of (1) the construction of two large detention ponds along Walnut Avenue, (2) channel improvements along the North Tributary, and (3) the removal of several residential and commercial properties from the 100-year floodplain. This project is an important regional flood control initiative to reduce flooding along the North Tributary of the Guadalupe River and to protect numerous homes from future flood damage. For the entire project, the City is prepared to provide \$5,900,000, which is a 92% share of the

\$6,400,000 cost. The City is requesting \$500,000 in Federal funding, which would be 8% of the project cost. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY2010 Homeland Security Appropriations Act

Account: FEMA—State and Local Programs

Legal Name of Requesting Entity: City of Boerne Emergency Operations Center

Address of Requesting Entity: 214 West Nueva, San Antonio, TX 78207

Description of Request: I have secured \$250,000 for the City of Boerne for equipment for their Emergency Operations Center. Funding will be used to modernize the radio equipment to allow for interoperability between various public safety entities and multiple jurisdictions, and to equip the new Emergency Operations Center with equipment for such operations. The improvements will not only impact the City of Boerne but all of Kendall County and the City of Fair Oaks Ranch, which is located partially in Kendall, Comal and Bexar Counties. I certify that neither I nor my spouse has any financial interest in this project.

RECOGNIZING THE WINDY CITY GAY CHORUS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the Windy City Gay Chorus and all its current and past members on their 30th anniversary celebration.

Founded in 1979, the Windy City Gay Chorus is the oldest gay chorus in Illinois and the Midwest and one of the oldest in the country.

The Windy City Gay Chorus and its volunteer members have been distinguished for their commitment to professional-quality musical performances and their dedication to Chicago's LGBT community.

WCGC is respected nationally and internationally and is regarded by critics and audiences as one of the outstanding gay choruses. It performs a wide variety of music from pop, jazz and swing to classical. Its annual "Don We Now . . ." concert is one of the highlights of Chicago's holiday season.

The Windy City Gay Chorus has won numerous honors and awards, including first prize at the Johnny Mann Great American Choral Festival, the only gay group ever to do so.

It has been invited to perform at meetings of the American Choral Directors Association, at the inauguration of Chicago Mayor Richard M. Daley, and at two of the world's most famous concert halls, Orchestra Hall in Chicago and Avery Fisher Hall at Lincoln Center in New York.

The Windy City Gay Chorus and its affiliated choruses—Aria, Unison and Windy City Slickers—use the universal language of music to bridge the divisions that separate us and to bring joy, hope and pride not just to the LGBT community but to everyone who experiences their music.

The hard work and dedication of the Windy City Gay Chorus reminds us, especially during Gay Pride Month, of the enormous contributions that gay and lesbian Americans and the entire LGBT community have made to our country.

Madam Speaker, I congratulate and thank the Windy City Gay Chorus and all its members for their service to our community and wish them 30 more years of making beautiful and uplifting music.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting the following in regard to H.R. 2847:

Requesting Member: Congressman JERRY LEWIS

Project Name: San Bernardino County Sheriff Scientific Investigations

Account: COPS-Tech

Legal Name of Requesting Entity: San Bernardino County, CA

Address of Requesting Entity: San Bernardino County, 655 East Third Street, San Bernardino, CA 92415

Amount: \$500,000

Description of Request: The funds requested will be used to help the Sheriff's Department purchase equipment for the Crime Analysis Unit, including a Blood Alcohol Analysis System, Polarized Light Microscopes for Controlled Substance Analysis, Energy Dispersive X-Ray Spectrometer and a Skeletal Remains Predictive Profiling Research Program. San Bernardino County is the largest County in the United States, making law enforcement investigations a challenge. These equipment upgrades will help make investigations more efficient and effective.

Requesting Member: Congressman JERRY LEWIS.

Project Name: City of San Bernardino Project Phoenix Neighborhood Initiative

Account: OJP-Byrne

Legal Name of Requesting Entity: City of San Bernardino

Address of Requesting Entity: 300 North "D" Street, San Bernardino, CA 92418

Amount: \$500,000

Description of Request: The requested funds will support an at-risk youth center with an after-school program that includes tutoring, organized sports, teen clubs and open recreation. The youth centers are part of San Bernardino's comprehensive initiative to reduce the rate of violent crime in San Bernardino. The City of San Bernardino has been ranked the third most violent city in California and the 18th in the nation. Due to extremely high rates of foreclosure in the city, the city is facing massive budget cuts and the progress that Operation Phoenix has made in reducing juvenile and overall crime is threatened if these centers are forced to close.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Redlands Police Information Technology Infrastructure
Account: COPS-Tech Date
Legal Name of Requesting Entity: City of Redlands

Address of Requesting Entity: 35 Cajon Street, Redlands, CA 92373
Amount: \$350,000

Description of Request: The requested funds will be used to upgrade the Police Department's information technology (IT) infrastructure. This would include the creation of a consolidated and stable data center and the relocation of the Department's servers, along with other critical communications components. The City was forced to close its 50-year-old Safety hall last year due to seismic and environmental factors. This project is critical to allowing Redlands to work more efficiently and effectively with regional, state, and federal law enforcement officials.

Requesting Member: Congressman JERRY LEWIS.

Project Name: California Department of Justice Meth Interdiction in San Bernardino County

Account: COPS-Meth
Legal Name of Requesting Entity: California State Department of Justice

Address of Requesting Entity: 4949 Broadway, Sacramento, CA 95820
Amount: \$600,000

Description of Request: The requested funds will purchase equipment used in investigation and seizure of clandestine meth laboratories, for drug interdiction efforts, and other associated costs for the California Methamphetamine Strategy program in San Bernardino. In addition, funding would be used to train local law enforcement officers in San Bernardino County. California leads the nation in meth production and has also become a gateway for the trafficking of meth from Mexico across the United States, making enforcement efforts in California a critical part of any national strategy.

Requesting Member: Congressman JERRY LEWIS

Project Name: Banning Multi-Agency Interoperability Capability

Account: COPS Tech
Legal Name of Requesting Entity: City of Banning, CA

Address of Requesting Entity: 321 W. Ramsey Street, Banning, CA 92220
Amount: \$300,000

Description of Request: The requested funds would upgrade the Banning's public safety communication system to make it interoperable with the rest of the County. Riverside County is the only County in Southern California without interoperability capability. The region is working on a shared system that will lower operational costs.

Requesting Member: Congressman JERRY LEWIS

Project Name: Highland Police Technology Program

Account: COPS Tech
Legal Name of Requesting Entity: City of Highland, CA

Address of Requesting Entity: 27215 Base Line Highland, CA 92346
Amount: \$500,000

Description of Request: The requested funds will help equip the Highland Police force

with equipment to combat the rising tide of crime. The Police department is seeking matching federal funds to purchase a GPS-based graffiti tracking system and security equipment for the new police headquarters. The graffiti tracking system will provide a critical tool to law enforcement for monitoring gang related activity in the community.

Requesting Member: Congressman JERRY LEWIS

Project Name: Riverside County Sheriff's Department Digital Management System
Account: COPS Tech

Legal Name of Requesting Entity: Riverside County, CA

Address of Requesting Entity: 4095 Lemon Street, Riverside, CA 92501
Amount: \$450,000

Description of Request: The funds requested will be used for the acquisition of a secure, interconnected, evidence management network for the collection and storage of digital evidence, which will streamline operations and improve law enforcement service to the community. Currently digital evidence is handled in the same manner as physical evidence, resulting in a substantial loss of patrol office and investigator availability. The loss of time is estimated to be thousands of work hours per year.

Requesting Member: Congressman JERRY LEWIS

Project Name: Loma Linda University Space Radiation Health Research Program
Account: NASA-CAS

Legal Name of Requesting Entity: Loma Linda University Medical Center

Address of Requesting Entity: 11175 Campus Drive, Loma Linda, CA 92354
Amount: \$2.8 million

Description of Request: The LLU/NASA Lab exists to promote two goals: conducting investigations that clarify the space environment and how it will affect personnel and equipment, particularly for long duration missions; and, developing preclinical data for translation to clinical trials that ultimately will benefit patients treated with proton radiation. LLU is taking a leading role in developing and testing non-toxic countermeasures to protect human-kind from radiation exposure, whether that be from space flights, war, terrorist threats or radiation accidents. The LLU/NASA Radiobiology Lab epitomizes the NASA vision "improving life here, expanding life to there, and to find life beyond" and has been doing so on a cost-effective and timely basis.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am recording this statement in the CONGRESSIONAL RECORD.

Requesting Member: Congressman BILL SHUSTER (PA-9)

Bill Number: H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, FY 2010

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES PROJECTS

Project Name: Cambria 9th Public Service Providers, Patton, PA / Law Enforcement Technology and Equipment
Account: DOJ/COPS Tech

Legal Name of Requesting Entity: Cambria 9th Public Service Providers Association
Address of Requesting Entity: 496 Railroad Avenue, P.O. Box 203, Patton, PA 16668

Description of Request/Justification of Federal Funding: \$300,000 for Law Enforcement Technology and Equipment

It is my understanding that funding will be used to upgrade and purchase equipment for first responders in northern Cambria County, Pennsylvania. The Cambria 9th Public Service Providers Association is a coalition of police, fire, and EMS providers.

This project is a valuable use of taxpayer funds because it will assist local police, fire, and emergency medical service agencies enhance safety. Specifically, funding will enable first responders to integrate with recently upgraded communications infrastructure.

Project Name: Franklin County Emergency Services Alliance, Chambersburg, PA / Law Enforcement Technology and Equipment

Account: DOJ/COPS Tech
Legal Name of Requesting Entity: Franklin County Emergency Services Alliance

Address of Requesting Entity: 14 North Main Street, Chambersburg, PA 17201

Description of Request/Justification of Federal Funding: \$300,000 for Law Enforcement Technology and Equipment

The Franklin County Emergency Services Alliance is a coalition of police, fire, and EMS providers focused on interoperability solutions for local public safety units. It is my understanding that funding for this project would be used to purchase and upgrade equipment for first responders in Franklin County, Pennsylvania.

This project is a valuable use of taxpayer funds because it addresses communications problems between public safety entities by upgrading technology and equipment. Franklin County is home to a major freight transportation hub (CSX railway) and Army weapons depot (Letterkenny) within miles of each other. Franklin County first responders also play a "back-fill" role to the nearby major metropolitan areas of Washington, DC, Baltimore, MD, and Harrisburg, PA.

Project Name: Operation Our Town, Altoona, PA / Drug Treatment and Prevention
Account: DOJ / OJP-Byrne

Legal Name of Requesting Entity: Operation Our Town

Address of Requesting Entity: 5506 6th Avenue Rear, Altoona, PA 16602

Description of Request / Justification of Federal Funding: \$300,000 for Drug Treatment and Prevention

Operation Our Town is a non-profit group focused on coordinating resources in Blair County, Pennsylvania to reduce the threats faced by drugs and related crimes. This project is a valuable use of taxpayer funds because the City of Altoona has experienced a substantial increase in drug related incidents in recent years. It is my understanding that funding for the project would be used by Operation Our Town to facilitate partnerships between community and business leaders to

fight drug use and crime through proven law enforcement, treatment, and prevention strategies.

It is also my understanding that approximately 50 percent of funding would be used for law enforcement activities, approximately 45 percent of funding would be used for prevention and treatment activities, and approximately 5 percent of funding would be used for other costs.

EARMARK DECLARATION

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I rise today to submit the following information regarding earmarks I received as part of H.R. 2487—the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010.

The following earmarks were requested by my office and are listed for funding in this bill: County of Alpine & County of Calaveras—Law Enforcement Radio and Data Communications

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 2487

Account: COPS Tech

Requesting Agency: County of Calaveras

Agency Address: 891 Mountain Ranch Road, San Andreas, CA 95249

Amount: \$1,250,000

Description: This project creates an interoperable and tactical communications backbone between the Counties of Alpine and Calaveras. Full build out will also connect Counties as far away as San Francisco across the Sierras to the State of Nevada for secondary phone, data and radio interoperability and connectivity. The project fixes local radio operability and interoperability in the two counties in which the Federal Government is the majority land owner.

This project represents an appropriate use of taxpayer funds due to the imperative for interoperability in the provision of emergency services and administration of public safety in two counties in which the Federal Government is the majority land owner.

Folsom Emergency Operations Center

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 2487

Account: OJP-Byrne

Requesting Agency: City of Folsom

Agency Address: 50 Natoma Street, Folsom, CA 95630

Amount: \$250,000

Description: This project will expand the crucial capabilities of the Folsom EOC to function for both the City of Folsom and as the Alternative County Site. Best practices highlight the importance of having redundant emergency management capacity to ensure a balanced strategy for handling emergencies.

This project represents an appropriate use of taxpayer funds because it provides a critical capability to both the City of Folsom and California's State Capitol, ensuring emergency operations and first response measures are coordinated with the greatest ability.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" MCKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. MCKEON. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 2847, The "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2847, "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010"

Account: Department of Justice, Juvenile Justice Programs

Legal Name of Requesting Entity: The City of Victorville

Address of Requesting Entity: 14343 Civic Drive, PO Box 5001, Victorville, CA 92393

Description of Request: I requested and received a Member priority request totaling \$82,000 to assist with the Uturn Gang Prevention Program evaluation and assessment component. Uturn Gang Prevention Program will focus on elementary school age at-risk youth, along with their immediate families. The focal point will be three areas of accountability: home, school and community. The Uturn program aims to work with at-risk families willing to make a two-year commitment to involvement in services. The goal is to develop at-risk children's full personal potential so that they will not be attracted to gang involvement.

The City of Victorville will contract evaluation and assessment services through California State University San Bernardino, College of Social and Behavioral Sciences, Department of Social Work. Evaluation and assessment services will track participants' behavioral changes, school attendance, communication skills, academic trends, family involvement, and communication skill sets.

Ultimately this program will evaluate and assess the individual and collective development of the youth and families. This program will enhance the family structure and strengthen values. The progress of the program participants will be tracked every 6 months for a two year period insuring behavioral, emotional and family stability. The success of the program insuring gang life will be less attractive and irrelevant to the youth.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2847, "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010"

Account: Department of Justice, Juvenile Justice

Legal Name of Requesting Entity: CASA of Los Angeles County

Address of Requesting Entity: CASA of Los Angeles County, Lancaster office, 1040 West Avenue J, Room 1130 Lancaster, CA 93534-3329

Description of Request: I requested and received a Member priority request totaling \$300,000 for the Court Appointed Special Advocates (CASA) of Los Angeles County Lan-

caster program. The funding is specifically to recruit and train additional CASA volunteers to provide advocacy services to 120 additional abused and neglected foster children in the Antelope Valley area. CASA of Los Angeles County will provide any required match for this program.

CASA of Los Angeles services the needs of abused and neglected children in the foster care system through the recruitment, training, supervision and support of community volunteers who investigate the circumstances of each child, facilitate the provisions of services, monitor compliance with the orders of the court and advocate for the best interests of the child.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2847, "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010"

Account: Department of Justice, COPS Technology Grant

Legal Name of Requesting Entity: Inyo County, California

Address of Requesting Entity:

Description of Request: I requested and received a Member priority request totaling \$240,000 for an Emergency Operations Center for Inyo County. This project will expand an existing Inyo County Sheriff's Department facility that will serve as a dedicated Emergency Operations Center ensuring continuity and effective emergency management in the event of a disaster such as a wildfire or earthquake.

Aspects of this project include site preparation, installation and expansion of existing utilities and data communications, construction, radio communications, and an emergency backup electrical system for emergency operations.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2847, "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010"

Account: Department of Justice, Office of Justice Programs, Byrne Grant Program

Legal Name of Requesting Entity: The City of Adelanto, CA

Address of Requesting Entity: The City of Adelanto, 11600 Air Expressway, Adelanto, CA 92301

Description of Request: I requested and received a Member priority request totaling \$375,000 to establish an Emergency Operations Center within Adelanto, CA's existing City Hall. This center will serve as the central command and control facility in the event of a disaster and will be responsible for carrying out the protocols of an emergency situation, such as a wildfire or earthquake, and ensuring the continuity of operations.

Aspects of this project include structural renovations, network infrastructure installation, and purchases of equipment like computers, phones, a generator, 800MHz communication radios, and a mobile secondary/backup Emergency Operations Center.

IN SOLIDARITY WITH THE
FARCHANA MANIFESTO

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. CAPUANO. Madam Speaker, I rise to pay tribute to the courageous women of Darfur, refugees in the Farchana Camp in Chad, who issued their Farchana Manifesto one year ago this month. I honor also the efforts of Physicians for Human Rights who have worked to treat and comfort survivors of the Darfur genocide and support them in their struggles for human rights and personal dignity. No advocate, however, could speak more powerfully of their plight than the women themselves. The Manifesto has been translated into English and French from the handwritten Arabic original, posted in the Farchana Camp on June 10, 2008.

We, the women of Farchana Camp, have many concerns and problems with the lack of freedom and having the opportunity to speak about freedom.

We can assign these problems to a number of items, including the following:

1. Lack of opportunity for freedom of speech, and no one to listen to what women say.

2. Lack of freedom to go to work or engage in life's activities. If a woman is working in some occupations, responsibility is left to the woman alone in all cases, such as: illness, home activities, and responsibility for the children. While the man does what he wants with money, the responsibility is left to the woman.

3. Lack of women's equality. One man, if he has the notion, can have one wife or two or more wives.

4. Lack of freedom for women even with their own private property; for example: money, gold, household pots and pans, and livestock.

5. Women are not allowed to make contact with people outside the community. For example: visiting neighbors, family, and friends. And women are not allowed [illegible] to travel far, and if he allows her, he does not give her money, and he tells her, "This trip is of your own accord."

6. Lack of acceptance of higher education and universities to enable women to get ahead.

7. Failure to encourage girls in the schools and leaving the responsibility to the mothers.

8. Failure of fathers to take responsibility for girls. If something happens, the mother is blamed, and they make her hear harsh words from the family, and sometimes divorce even takes place.

9. Outside chores, such as: [illegible], provisions, construction, and feeding livestock—that is, all physical demands—are the responsibility of the woman.

10. Failure to show confidence in women, such as leaving the house without the man's knowledge and he tells her, "You went out to commit adultery."

11. Failure to value the life of the woman. They only value her in bed. They like a lot of births, but they do not like raising sons and children.

12. Early marriage for girls and compulsory marriage without consent.

13. In the case of meetings, women do not have the freedom to speak at organizations; only men's statements are heard.

14. Women do not know how to submit their complaints—the place and the organization that is concerned about them.

Thank you. We hope to achieve freedom for women in the whole world.

More than sixty years after the adoption of the Universal Declaration of Human Rights, the women of the Farchana Camp challenge us to realize its long-promulgated ideals.

RECOGNIZING THE 25TH ANNIVERSARY OF FATHER FRANCIS P. FOLEY'S ORDINATION

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Father Francis P. Foley on the 25th anniversary of his ordination.

In the spirit of John Cardinal O'Connor, who served both as a Philadelphia priest and as a U.S. Navy Chaplain, Father Foley has served his congregation and his country honorably. Father Foley attended St. Charles Borromeo Seminary in Wynnewood, Pennsylvania, just outside Philadelphia.

At the age of 23, Father Foley was so inspired by a mass at the Naval Academy in Annapolis that he decided to become a Navy Chaplain. He persevered in attaining the chaplaincy, despite the fact that it took him 5 years to convince the archdiocese to allow him to do so. He is a beacon of faith, kindness, and wisdom to all of those lucky enough to have come to know him in his 25 years of devoted service.

Ordained in May of 1984, Father Foley's first service was a mass of thanksgiving the very next day. On the 14th of this month, in tribute to his 25 years of unwavering dedication to his faith and his community, he will be honored during a Jubilee Mass at St. Athanasius in Philadelphia.

Madam Speaker, I am proud to recognize Father Francis P. Foley for his incredible service as a Navy Chaplain, and am extremely honored to serve as his Congressman.

PERSONAL EXPLANATION

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. LUETKEMEYER. Madam Speaker, While attending a funeral in Missouri, on Friday, June 12, 2009, I missed rollcall Vote No. 335. Had I been present, I would have voted "nay" on rollcall Vote No. 335.

EARMARK DECLARATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. WOLF. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science and Related Agencies Fiscal Year 2010 Appropriations Act.

Requesting Member: The Hon. FRANK R. WOLF

Provision: State and Local Law Enforcement Assistance, Byrne Justice Assistance Grant

Legal Name of Requesting Entity: Northern Virginia Regional Gang Task Force

Address of Requesting Entity: 880 Harrison Street SE, Leesburg, VA 20175

Description of Request: In response to increasing gang activity in northern Virginia, a multi jurisdictional law enforcement task force was established in 2003 to more effectively respond to gang activity. As a result of the task force's efforts, criminal gang activity has declined by more than 50 percent. In order to sustain and maintain these impressive results, the task force requested \$3 million in funding, which is included in H.R. 2847.

Requesting Member: The Hon. FRANK R. WOLF

Provision: State and Local Law Enforcement Assistance, Byrne Justice Assistance Grant

Legal Name of Requesting Entity: Northwest Virginia Regional Gang Task Force

Address of Requesting Entity: P.O. Box 49, Berryville, VA 22611

Description of Request: In response to increasing gang activity in the Shenandoah Valley, this task force was established to coordinate and share information with their counterparts at the Northern Virginia Regional Gang Task Force. According to the Federal Bureau of Investigation, the entire northern Virginia region is a hotbed of gang activity. In order to better fight gang activity in this area, the task force requested \$1 million in funding, which is included in H.R. 2847.

HONORING DR. GEORGE
SEIELSTAD

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. POMEROY. Madam Speaker, I rise today to honor the long and distinguished career of Dr. George Seielstad who is retiring from the John D. Odegard School of Aerospace Sciences at the University of North Dakota (UND) where he was a leading figure in UND's aerospace and earth systems science curriculum. It has been my privilege to have known Dr. Seielstad since he first started at UND. Since that time I have seen first hand the workings of his remarkable mind, his commitment to advancing scientific thought, and his innovative leadership in developing real world applications for spatial technologies.

Dr. Seielstad's tenure at UND will be recognized by his many achievements as well as the many distinguished titles he has held. Upon his arrival in 1993, Dr. Seielstad served as Assistant Dean for Academic Affairs and Professor of Space Studies and was later named the Associate Dean of the Center for Aerospace Science and Director of the Earth System Science Institute. In 1997, he was

named the first ever Oliver Benediktson Professor of Astrophysics. In recent years, Dr. Seielstad was appointed Senior Advisor to the President of UND and served in the position of Director for the Northern Great Plains Center for People and the Environment where he directs the Upper Midwest Aerospace Consortium (UMAC).

His cardinal accomplishment at UND came in founding and managing UMAC, which he established in 1994. UMAC is a preeminent research partnership between five universities in Montana, South Dakota, Idaho, and North Dakota working in collaboration in order to serve societal needs through the development of practical applications in Earth System Science information. UMAC has helped collect vital data on complex global environment and climate issues and has led to the development of real world products using satellite imaging, like Agriculture Cameral, which helps educate and bring about solutions for ranchers and farmers on a wide variety of agri-business issues. Multi-university consortiums are very rare because universities compete as much as they collaborate. The growth, success, and longevity of UMAC in large part is due to the vision, leadership, and commitment of Dr. Seielstad.

Even before his arrival at UND, Dr. Seielstad was a notable radio astronomer spending time at the University of Alaska, Caltech's Owens Valley Radio Observatory in Bishop, California, and the National Radio Astronomy Observatory at Green Bank, West Virginia. He graduated summa cum laude with a degree in Physics from Dartmouth College and received his PhD in Physics from the California Institute of Technology. More recently, he served as Chairman of the National Aeronautics and Space Administration's Deep Space Network Working Group and was appointed by the Secretary of the Interior to serve on the National Satellite Land Remote Sensing Data Active Archive Advisory. He has had over 70 published articles and is the author of two books and the editor of two more.

On a personal level, I have been privileged to enjoy George and his wonderful wife, Delores, as friends. For someone of his distinguished scientific and academic achievements, I have also found George and Delores to be warm hearted, caring, down to earth individuals who shared an extraordinary commitment to make things better. At an earlier point in his career, George almost won a seat in Congress. When that avenue to effect change was not available, he redoubled his efforts in his own work leaving a legacy of accomplishment that is truly incredible.

His impact will be felt by generations to come, by the students he taught, the people that he worked with, and all those who have had the time to get to know him. I wish George and Delores, all their family, the very best and offer my hope for continued success and happiness in the coming years.

PERSONAL EXPLANATION

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. ADLER of New Jersey. Madam Speaker, on Friday, June 12th, I was unable to vote on rollcall vote 335 because I was welcoming the New Jersey National Guard home from Iraq.

The pending matter was H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, which grants the FDA authority over the advertising and marketing of tobacco products.

This legislation is important to my constituents in New Jersey's Third Congressional District because tobacco is the number one cause of preventable death in America.

Had I been present, I would have voted in the following manner.

Roll call vote 335 (Motion to Concur in the Senate Amendment to H.R. 1256) I would have voted "yes."

HONORING ARCHBISHOP ROBERT J. CARLSON, ARCHBISHOP OF THE ARCHDIOCESE OF SAINT LOUIS

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. AKIN. Madam Speaker, I rise today to welcome Archbishop Robert J. Carlson who was installed as Archbishop of the Archdiocese of Saint Louis.

A native of Minneapolis, Minnesota, Archbishop Robert J. Carlson began his seminary education in 1962 at Saint Paul Seminary in Saint Paul, Minnesota, earning a Bachelor of Arts in Philosophy in 1966 and successfully completed his studies earning a Masters of Divinity degree in 1976.

Archbishop Carlson was ordained to the priesthood on May 23, 1970 and served the Archdiocese of St. Paul and Minneapolis for several years until 1977 when he began graduate studies at the Catholic University of America, where he earned a Licentiate in Canon Law.

Thirteen years after his ordination to the priesthood Archbishop Carlson was named Auxiliary Bishop of St. Paul and Minneapolis by His Holiness, Pope John Paul II, choosing for his episcopal motto: ANTE CRUCEM NIHIL DEFENSIONIS ("Before the Cross There Is No Defense"). Archbishop Carlson was later named Coadjutor of the Diocese of Sioux Falls in 1994 and succeeded Bishop Paul V. Dudley as the 7th Bishop of Sioux Falls in 1995. Less than ten years later he was named Bishop of Saginaw by His Holiness, Pope John Paul II in December 2004 and was installed as its 5th Bishop in February 2005 by Archbishop Gabriel Montalvo, Apostolic Nuncio to the United States of America.

Archbishop Robert J. Carlson was appointed Archbishop of St. Louis by His Holi-

ness, Pope Benedict XVI, on April 21, 2009. He is the 9th Archbishop and the 10th Bishop of St. Louis since its establishment as a diocese in 1826.

The St. Louis Archdiocese comprises more than one-half million Catholics, who worship at its 198 churches and chapels. More than 48,700 children attend the 152 Catholic schools in the Archdiocese.

I ask that my colleagues join me today in welcoming Archbishop Carlson and congratulating him on his new appointment.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information regarding funding included in H.R. 2487, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2487

Account: Department of Justice, Office of Justice Programs—Byrne Discretionary Grants
Legal Name of Recipient: Operation UNITE
Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide \$4,450,000 in directed funding to Operation UNITE, a comprehensive program to combat the scourge of drug abuse in southern and eastern Kentucky by coordinating federal, state and local efforts in law enforcement, treatment and education. Operation UNITE has arrested 3,028 drug dealers and removed over \$8.64 million worth of drugs off the street, including 86,068 prescription pills, 450 pounds of marijuana, 11.7 pounds of meth and 23 pounds of cocaine. Over 2,050 non-violent offenders have participated in UNITE-funded drug courts, and more than 1,430 individuals grappling with addiction have received vouchers for treatment. Funding in FY10 will be used to continue vital enforcement activities, effective treatment programs partnered with local governments, community organizations and faith-based groups, as well as expand an intensive education program to warn school children of the dangers of drug abuse.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2487

Account: NOAA—Operations, Research and Facilities

Legal Name of Recipient: Eastern Kentucky PRIDE, Inc.

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide \$1,000,000 in directed funding for Eastern Kentucky PRIDE, Inc., the first initiative specifically created to solve severe environmental degradation problems in southern and eastern Kentucky. PRIDE, a non-profit organization, unites citizens with the resources of federal, state and local governments in order to improve

water quality in the region, clean up illegal trash dumps and other solid waste, and promote environmental awareness and education to break the cycle of pollution. To date, PRIDE has recruited more than 287,720 volunteers, provided 28,089 homes with access to sanitary wastewater treatment, and cleaned up 588,161 bags and an additional 135,884 tons of trash. Funding in FY10 will be used to continue these vital environmental and educational initiatives in Appalachian Kentucky.

EARMARK DECLARATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. BURGESS. Madam Speaker, pursuant to the U.S. House of Representatives Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2487, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

(1) Denton Regional Public Safety Training Facility, Denton, TX—\$1,000,000—Byrne Discretionary/COPS Technology—Congressman MICHAEL C. BURGESS

The purpose of this project is to provide the new Denton Public Safety Training Facility with equipment and technology. The requested funding will help equip the facility, including fire simulation equipment, computerized firearm targeting systems, classroom-based virtual reality simulation equipment and administrative/classroom multimedia equipment. The total project cost is \$19,260,000—\$4,452,000 federal and \$14,808,000 City of Denton. The City of Denton has paid \$2.03 million for the 88-acre site of the facility, \$205,000 on the master plan for the facility and the City Council has approved \$12,600,000 to construct the facility.

City of Denton is located at 215 East McKinney, Denton, TX 76201

IN RECOGNITION OF THE LEADERSHIP TRAINING INSTITUTE OF AMERICA

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. BOOZMAN. Madam Speaker, it is my pleasure to recognize and commend the Leadership Training Institute of America for its outstanding contributions to the development of our nation's youth. This organization is changing the world and shaping the future by inspiring Christian leaders to develop their critical thinking skills, study world view agendas and strategies, influence their communities with a Biblical world view, and excel as leaders.

LTIA, headquartered in Fayetteville, Arkansas, is a cultural think tank that provides high school and college age students with training and opportunities in cultural dynamics and leadership values. This organization's mission is to identify, inspire, and instruct students for

world view leadership and it has done that with hundreds of youth around the world.

It is imperative for us to have organizations like this that are on the forefront of training youth in world view struggles, which enables them to defend their beliefs and to understand why traditional, conservative values are important to a free and secure society. These are the biblical values that our country was founded on.

The students are encouraged to apply and excel in leadership, critical thinking skills, scientific knowledge, historical facts, world view conflicts and strategies and Biblical wisdom. They are exposed to the major philosophies, views, and issues of our world today and are encouraged to pursue careers in influential sectors of society.

With great pride, I salute the Leadership Training Institute of America for its unrelenting dedication and commitment in training and equipping our youth for the challenges they will face tomorrow in the dynamic and ever changing world.

SHIPPENSBURG UNIVERSITY DISTANCE MEDLEY RELAY SQUAD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the accomplishments of the Shippensburg University Distance Medley Relay Squad, who won the Division II Track and Field National Championship and who were the top Division II team at the Penn State National Invitational—finishing second with only one Division I team finishing ahead of them in their event.

The team of four posted an awe-inspiring time of 11 minutes and 30 seconds at the Penn State Invitational, crushing the former conference and school records. Junior Mary Dell, junior Shannon Hare, sophomore Abby Huber, and freshman Neely Spence went on to the national championship meet where they also took home the title. They also succeeded in setting a new championship record of 11 minutes and 24 seconds, besting the previous record of 11 minutes 29 seconds. This exceptional win marks the second indoor track and field championship won by a women's team in Shippensburg University history.

The team has a history of record breaking. Last year the S.U. squad captured the Pennsylvania State Athletic Conference record, earning Dell, Huber, Hare and sophomore Jamie McCollum All-American status for their performance at the Division II National Championships. Through strength, perseverance, and devotion the team has proven to be leaders of not only the track and field team, but throughout the University. They have brought much pride to Shippensburg University, the surrounding community, family and friends.

I congratulate the Shippensburg University Distance Medley Relay Squad on their great accomplishments. I am sure that they will all continue to lead and inspire others through their dedication and hard work.

RECOGNIZING MEREDITH BUCK, 2009 RECIPIENT OF THE FLORENCE NIGHTINGALE AWARD

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Meredith Buck as a 2009 recipient of the Florence Nightingale Medal, the highest international honor in the nursing field. The Medal is awarded by the International Committee of the Red Cross for "exceptional courage and devotion to caring for the victims of armed conflict or other disasters, or exemplary services and a creative and pioneering spirit in the areas of public health or nursing education". Ms. Buck is one of only 28 nurses in the world receiving this honor in 2009.

Ms. Buck joined the Southeastern Pennsylvania Chapter of the Red Cross immediately following the attacks of September 11th, and has been dedicated to emergency relief ever since. Locally, she has responded to dozens of disasters, volunteering as a nurse and as a Disaster Action Team responder for various county organizations. Nationally, she has responded to twelve disasters in locations ranging from New York to Texas to Guam.

Ms. Buck has demonstrated remarkable leadership in her field, having served as an instructor for the Emergency Services Department. She is also the co-captain of the Disaster Health Services Team, a group comprised of 126 nurses, nursing assistants, EMTs, and other medical personnel trained to respond to disaster-affected clients utilizing Red Cross medical assistance.

Along with these accomplishments, Ms. Buck has repeatedly proven her dedication to the clients of the Red Cross. From mentoring new volunteers as a back-up on-call nurse every other day of the week to traveling to a disaster site in the middle of the night, Ms. Buck has regularly worked all hours for those in need of her care.

Madam Speaker, I am proud to recognize Ms. Meredith Buck for her outstanding commitment to her local community, as well as her country, and am extremely honored to serve as her Congressman.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. SMITH of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Commerce, Justice, Science and Related Agencies Appropriations Act.

Requesting Member: Congressman LAMAR SMITH
 Bill Number: H.R. 2487
 Account: DOJ—OJP—Byrne
 Legal Name of Requesting Entity: City of Austin

Address of Requesting Entity: 301 West 2nd Street, Austin, TX 78701

Description of Request: I have secured \$250,000 for the City of Austin to install security cameras in pedestrian-heavy and high-crime locations. This technology will allow the Austin Police Department (APD) to "expand its police force" by providing the capability to monitor activity from a central location. The requested funding may also be used to purchase temporary storage space for digital evidence obtained from security cameras and to purchase a mobile training facility. Police cameras have been shown to reduce crime and provide video evidence that bolsters the prosecution of criminal cases. APD will use the cameras to fight all crime, with a focus on potentially life-threatening crimes such as assaults and robberies which have recently increased in various City locations. Also, as the department grows, and on-going officer training is needed, the mobile facility will greatly enhance Austin's abilities to meet law enforcement standards. The versatility of the mobile facility would allow for both daytime and night fire training opportunities at a cost that is significantly less than the construction of a full scale range. The City of Austin will match any federal funds that the delegation secures for this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: H.R. 2487

Account: DOJ—COPS Technology

Legal Name of Requesting Entity: City of San Antonio, Texas, Police Department

Address of Requesting Entity: 214 West Nueva, San Antonio, TX 78207

Description of Request: I have secured \$1,100,000 for the City of San Antonio for the installation of a digital imagery capture and storage system, and in-car video equipment. The first phase will be the conversion of the current photographic evidence from current CD/DVD storage to a dual server and SAN storage system. This system would reside in two separate locations, for security purposes and protection against catastrophic loss. Additionally, current Evidence Unit cameras (photographic and video) would be upgraded to allow for compatibility with the new system. In order to allow instant downloading of evidence, the wireless connectivity between the Evidence Unit vehicles and the servers would be also be upgraded. The second part will be the installation of a video camera and transmitter-activated equipment in each patrol car and motorcycle assigned to the Police Department's Traffic Division. This Division is tasked with city wide traffic and other law enforcement activities and focuses along all major thoroughfares and arterials. By initiating the program with the Traffic Division, full coverage of the entire City will be achieved. The implementation of the digital image storage system and in car cameras will increase officer safety and provide high quality documentation and evidence of police activity. This will translate into an increase in successful prosecutions and citizen safety. Local funding shortage/issues have kept this program from being implemented. Due to the technical nature of the program, a full time position will be required to

manage and maintain the system. The City of San Antonio will hire a full time Technician as a matching portion of the program. Salary and benefits for such a position are estimated at \$55,000 per year. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: H.R. 2487

Account: DOJ—OJP—Byrne

Legal Name of Requesting Entity: Texas State University—San Marcos (on behalf of the City of Lakeway Police Department)

Address of Requesting Entity: 601 University Drive, San Marcos, TX 78666

Description of Request: I have secured \$1,300,000 for Texas State University's ALERRT Program. ALERRT seeks funding to train additional police officers and to further promote the nationally standardized format and train-the-trainer capacity to meet the training needs of the more than 16,000 police departments across the nation. This valuable training will allow first responding patrol officers to more effectively deal with acts of violence before they evolve into full-blown, national tragedies. Funding will allow for better-trained law enforcement agents and safer communities. ALERRT provides first responders with the tactics they will need to effectively respond to active shooter situations. Currently, there are 423 requests pending for ALERRT training. Additional funding for ALERRT would enable the program to train more patrol officers, including Lakeway Police Department, and thereby improve the safety of our nation's communities. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. ROHRBACHER. Madam Speaker, pursuant to the requirements of the Republican Conference of the House, I am submitting the following information regarding earmarks I received, which were included in the reported version of H.R. 2847, the "Commerce, Justice, Science and Related Agencies Appropriations Act of 2010."

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 2847

Name of Project: Virtual Interactive Training Simulator

Account: Department of Justice, OJP—Byrne

Legal Name of Requesting Entity: The Criminal Justice Training Center, Golden West College, Huntington Beach, CA

Address of Requesting Entity: 15744 Golden West Street, Huntington Beach, CA 92647

Description of Request: I received \$900,000 for Golden West College's Virtual Interactive Training Simulator. Funds will be used for purchase of a virtual training facility for regional law enforcement. The simulator offers a cost-effective approach by creating an engaging

virtual training solution. The system immerses the trainee in a realistic 3-D environment, with the sense of immersion being enhanced both by the high-fidelity situational rendering and by the ease of navigating through the environment using simple controls mounted on the tether-free simulated weapons. It is my understanding funds will be used consistent with the following manner:

For the system hardware, software and simulated weapons: \$463,432

For the trailer classroom: —\$252,221

Truck with towing package: \$66,623

Training of instructors on virtual training system: \$58,513

Twelve training databases and scenarios: \$109,211

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 2847

Name of Project: Asian Criminal Enterprise Initiative

Account: Department of Justice, OJP—Byrne

Legal Name of Requesting Entity: City of Westminster, CA

Address of Requesting Entity: 8200 Westminster Blvd., Westminster, CA 92683

Description of Request: I received \$290,000 for the city of Westminster's Asian Criminal Enterprise Initiative. Funding is for the third and final year of federal funding for the city of Westminster's Asian Criminal Enterprise Initiative. The detectives assigned to the Little Saigon Substation are already in operation, focusing on identifying, investigating and dismantling criminal enterprises, having both national and international implications, within the Little Saigon area. Under this project, the Westminster Police Department's Crimes Against Public Unit occupies office space within the Little Saigon district of Westminster, placing a powerful investigative engine into the heart of the area where Asian Criminal Enterprises operate. The city will provide a \$776,000 match. It is my understanding federal funds will be used in the following manner:

Office Space: \$60,000

Utilities: —\$12,000

Vehicles/Maintenance: \$44,000

Police Aides: \$31,700

Police Service Officer: \$96,000

IT Support: \$6,000

Travel/Training: \$15,000

Safety Equipment: \$10,000

Operational Funds: —\$15,000

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 2847

Name of Project: Mobile Live Scan Fingerprint Devices for LA and Orange Counties

Account: Department of Justice, COPS Tech

Legal Name of Requesting Entity: California Department of Justice, Sacramento CA

Address of Requesting Entity: 1300 I Street, Sacramento, CA 95814

Description of Request: I received \$100,000 for the California Department of Justice's Mobile Live Scan Fingerprint Devices. Funds will be used for a Justice Information Sharing initiative called "Vision 2015" that will significantly enhance the quality and usability of criminal justice identification and records information maintained by the state. The project

will include the deployment of mobile Live Scan devices for use in police vehicles that will allow officers to capture fingerprint identification and arrest information during the citation and/or arrest of a subject. It is my understanding the California Department of Justice has allocated \$3.8 million for this project. It is further my understanding that federal funds will be used consistent with the following manner:

\$210,000—purchase and deployment of live scan devices for law enforcement vehicles in LA and Orange Counties.

\$140,000—purchase and installation of necessary software/infrastructure for CA DOJ and local courts.

IN RECOGNITION OF THE PASSING
OF LANE GILCHRIST, MAYOR OF
GULF BREEZE, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor Lane Gilchrist, Mayor of Gulf Breeze, Florida, who passed away on June 12, 2009. Mayor Gilchrist served the people of Northwest Florida with honor and distinction, and I am humbled to recognize this community leader.

Lane Gilchrist spent a lifetime serving others. After graduating from Auburn University in 1958, Lane joined the United States Navy. He spent over twenty years both on active duty and in the reserve, retiring in 1979 as a Lieutenant Commander. He also began a career at Gulf Power, and quickly rose through the company to become Fuel and Environmental Affairs Manager. Mr. Gilchrist spent 35 years with Gulf Power, retiring in 1996.

In 1982, Lane Gilchrist was elected to the City Council of Gulf Breeze. With a salary of only one dollar a year, the city council is truly a place for those who want to give back to their community. After serving as Mayor Pro Tem for ten years, Mr. Gilchrist became mayor in 1992 where he remained ever since. In fact, Mayor Gilchrist was one of the longest serving active public officials in Florida. His dedication to the people of his community was superb. As mayor, Mr. Gilchrist guided Gulf Breeze through four devastating hurricanes—Erin and Opal in 1995, and Ivan and Dennis in 2004 and 2005. His leadership through these trying times will be forever remembered by our community.

The people of Gulf Breeze have many reasons to be proud of Lane Gilchrist, and I am honored to be able to recognize such a great leader and friend. My wife Vicki and I will keep his entire family, especially his wife, Suzie, and sons, Lane, Jr. and Michael, in our prayers. Mayor Gilchrist will be missed by all of us in Northwest Florida.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, KAY GRANGER, submit the following information regarding earmarks I received as part of the bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 20, 2010, and for other purposes (H.R. 2847).

For the project titled "Child Abuse Training Programs for Judicial Personnel: Victims Act Model Court Project" in H.R. 2847, OJP-Byrne Discretionary Grants account, the legal name and address of the requesting entity is the National Council of Juvenile and Family Court Judges, 1041 North Virginia Street, Third Floor, Reno, Nevada 89503. The \$1,875,000 in the bill for this project will be used in planning and programming for work in Model Courts and in jurisdictions nationwide, including site-based and local, regional and national interdisciplinary training programs; Model Court site visits; Model Court cross-site visits; All-Sites Meetings; outreach to national State Court Improvement Programs; direct technical assistance to Model Courts and other jurisdictions nationwide; mentoring of non-Model Court jurisdictions; publications for national dissemination; research to evaluate Model Court work; and networking with national organizations. This project focuses on improving court practice in handling child abuse and neglect cases in jurisdictions across the country, and will have significant impact on the over 513,000 children in the nation's foster care systems. This juvenile justice prevention model has provided the ability to courts to not only improve their practice, but to provide long-term solutions to children and families. Through judicial education, strategic planning, evaluation and technical assistance (TA), this project has resulted in reducing the time in the system for children in foster care and the numbers of children in care in jurisdictions across the country, and has improved the quality of care children receive while under the court's jurisdiction. The National Council of Juvenile and Family Court Judges is supported by a number of funders both federal, state and private; and national and state-based that supports related work. Supplemental funding for this project has been applied for in the past, as NCJFCJ continually seeks a variety of funding sources for its projects.

For the project titled "Advanced Law Enforcement Rapid Response Training (ALERRT)" in H.R. 2847, OJP-Byrne Discretionary Grants account, the legal name and address of the requesting entity is the Texas State University, 601 University Drive, San Marcos, Texas 78666. The \$1,300,000 in the bill for this project will enable Texas State University to build ALERRT's Train-The-Trainer capacity to meet the training needs of the more than 650,000 law enforcement agents across the nation. Since 2002, ALERRT has trained more than 16,000 first responding patrol officers. It is an ongoing project to ensure

that law enforcement officers have the most up-to-date training available on how to effectively respond to, address, and stop an active shooter. Funding will enable the program to be established as a national training system; to further build train-the-trainer capacity; to enhance retention of learned skill by former students; to provide valuable research and evaluation to improve first responder abilities; and to provide investigative training and support for evolving threats. Texas State will provide any required matching funds.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2487

Account: DOJ, OJP-Byrne

Legal Name of Requesting Entity: Criminal Justice Institute (CJI) at the University of Arkansas, 7723 Colonel Glen Road, Little Rock, AR 72204

Address of Requesting Entity: see above
Description of Request: The funding of \$600,000 for the Arkansas School Resource Officer Program will be used to create a uniform School Resource Officer Program for Arkansas, which currently has no uniform standards, training guidelines or certification requirements for School Resource Officers. The funds will provide education and training for SRO's and school officials and provide safe school on-site assessments of Arkansas schools.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2487

Account: DOJ, COPS-Meth

Legal Name of Requesting Entity: Criminal Justice Institute (CJI) at the University of Arkansas, 7723 Colonel Glen Road, Little Rock, AR 72204

Address of Requesting Entity: see above
Description of Request: The funding of \$575,000 for the Arkansas Methamphetamine Education and Training Project will be used to provide the Arkansas law enforcement community with methamphetamine-focused courses that emphasize officer awareness and safety, effective management and investigation of methamphetamine-related cases, and the identification and rescue of Arkansas's methamphetamine-affected children.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. GOHMERT. Madam Speaker, pursuant to the Republican Leadership standards on

earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Texas Cyber Security Research and Training Institute Project. Department of Justice, OJP—Byrne. The University of Texas at Tyler, 3900 University Boulevard, Tyler, Texas 75799, \$529,000 to conduct research in conjunction with Mississippi State University on petroleum industry computer security and train law enforcement personnel in computer forensics. As cyber technology has progressed and gained importance internationally, the risk of security breaches and cyber related crime has dramatically increased, putting our nation at extreme risk to neutralization of our ability to produce and utilize energy. This project provides for instruction and training to provide a line of defense against these increased technological risks.

EARMARK DECLARATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. ALEXANDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Commerce, Justice Science, and Related Agencies Appropriations Act, 2010, H.R. 2847.

Congressman RODNEY ALEXANDER
H.R. 2847

Department of Commerce—NOAA ORF
Louisiana State University located at 156 Thomas Boyd Hall, Baton Rouge, LA 70803.

The Louisiana Geodetic Spatial Reference Center; \$700,000. The goal of this project is to establish a Coastal Risk Management Institute to build the practices associated with living in coastal environments in the US and around the world through new partnerships in science, art and architecture and policy with engineering that reduces coastal hazards and enhances societal resiliency. This goal of the Institute is made possible by the alignment of coastal resiliency, infrastructure development and emergency management. Coastal resiliency is providing communities with accurate guidance on risks and ways that regional planning through housing development, landscape architecture, transportation systems and policy can be integrated to building smarter neighborhoods in the future to cope with increasing challenges of coastal landscapes. Infrastructure development includes designing both built and natural assets of coastal regions that must be integrated to provide protection, restoration, and economic development in ways that provide for more sustainable development. Emergency management includes forecasting, preparing, responding and mitigating the disaster events that occur in coastal regions. You can see how all three features of the proposed Coastal Risks Management Institute that is integrated to focus on reducing the risk of living and doing business in our critically important coastal margins is of na-

tional interests. The institute will consist of the following: LSU Coastal Sustainability Studio—A think tank that will harness earth, ecological and environmental systems research with engineering and landscape architecture to develop new concepts, knowledge, skills and problem solving approaches to be implemented in coastal regions around the world. LSU Hurricane Center—The Center will be leveraged with existing localized efforts in coastal hazards modeling and observation systems to provide the knowledge needed for a more integrated approach in coupling earth surface dynamics with storm surge modeling; work on toolkits to provide operational services and information during coastal hazard events; work with disaster management to improve community resilience and serve emergency managers in operational mode. LSU Coastal Systems Engineering Laboratory—CSE Laboratory is an integrated joint enterprise amount science, engineering and high-performance computing communities of the region that has implications for increased capability of forecasting dynamic earth systems using new investments in sensors, observations, modeling and cyber infrastructure. The CSE Laboratory will pioneer the development of an integrated modeling system to support the needs of coastal system science and engineering.

Congressman RODNEY ALEXANDER
H.R. 2847

Department of Commerce—NOAA ORF
Southern Regional Climate Center, 260 Howe-Russell Building, Baton Rouge, LA 70803.

NOAA Regional Climate Center program; \$850,000. The funding will be used to continue and enhance the vital climate data services performed by the NOAA Regional Climate Centers (RCC). The RCC program was authorized by the 1978 National Climate Program Act. The RCCs are administered by the National Environmental Satellite, Data, and Information Service (NESDIS) and the National Climatic Data Center (NCDC). The program has been in existence since the mid-1980's and has been funded by Congress every year since its inception. There are six regional centers located in New York, Illinois, Louisiana, Nebraska, Nevada and North Carolina. The six RCCs are an integral part of the NCDC's three tier national climate services support program, which includes the NCDC, the RCCs and state climatologists. The RCCs are the only entities in the country—public or private—that provide this type of climate data, analysis and information services. The Federal government, as well as State and local agencies, rely on the climate services the RCCs provide and have no other resource for this information. The funding is for ongoing program expenses, which include salaries/benefits, equipment, supplies, travel expenses, journal page charges, stakeholder workshops, and indirect costs.

Congressman RODNEY ALEXANDER
H.R. 2847

Department of Justice—COPS Tech
Louisiana Sheriff's Association, 1175 Nicholson Drive, Baton Rouge, LA 70802.

Law Enforcement Technology and Equipment; \$300,000. This funding request is for equipment for a new project and is a onetime expense. This funding is for the proposed LSA

Institute, which will serve as an education and training center for local and state law enforcement officers. This funding will serve dual purposes in providing critical technology such as video, audio and communication equipment used for training / education purposes and real life emergency responses. In addition, the LSA Institute will also serve as a hub for the Louisiana Sheriffs' Emergency Task Force, a task force comprised of deputies across the state who respond to emergency events when needed. The LSA Institute will be housed at 1175 Nicholson Drive, Baton Rouge, LA 70802. The LSA is uniquely positioned to perform this function as it is governed by the Sheriffs, and it is the Sheriffs who have the greatest Constitutional responsibility for law enforcement and public safety at the local level, and who have the manpower necessary to cover such functions. Additionally, the long history of cooperation and coordination among LSA, the Chiefs of Police, and other local first responder agencies, as well as the state, make this project a logical next step toward providing this training (i.e. emergency response, FEMA/DHS rules and regulations, etc.) and securing the resources necessary to respond to the next catastrophic event in a timely, well organized manner.

Congressman RODNEY ALEXANDER
H.R. 2847
Department of Justice—COPS Meth
City of Bastrop, LA, 202 East Jefferson,
Bastrop, LA 71221.

Bastrop-Morehouse Parish Meth Initiative; \$650,000. The City of Bastrop is seeking funds to expand efforts to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots"

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in H.R. 2487, the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Bill.

FLORIDA SILVER ALERT PROGRAM

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants
Legal name and address of requesting entity: Florida Department of Law Enforcement, 2331 Phillips Road

Description of request: \$100,000 is included in the bill for the Florida Department of Law Enforcement for the Florida Silver Alert Program, which is a standardized and coordinated law enforcement and state agency response to share information with the public to improve the chances of a safe recovery of a missing elderly person suffering from dementia. The Silver Alert program is designed to quickly disseminate descriptive information about a missing person who suffers from dementia, so that citizens can be on the lookout for the endangered elderly person and notify local law enforcement with any relevant information. The

program is a cooperative effort among Florida local and state law enforcement agencies, Department of Transportation, Department of Elder Affairs and the media. In partnership with these agencies, the Florida Department of Law Enforcement is requesting funding to improve the current system and to facilitate public awareness/education, and outreach. In October 2008 the Silver Alert Program became operational in Florida, administered by the Florida Department of Law Enforcement, Missing Endangered Person Information Clearinghouse hereinafter referred to as the "Clearinghouse". In the first six months, Silver Alerts have been activated 58 times resulting in the direct recovery of 10 elderly persons with dementia. As this is a relatively new program, not all local law enforcement agencies are aware of the program or the criteria to activate a Silver Alert. It is recommended that printed, laminated guides be distributed to patrol officers. These guides would include the criteria and resources available to law enforcement when an elderly person with dementia is reported missing. This is the first federal funding requested for this project.

NATIONAL CLEARING HOUSE FOR SCIENCE, TECHNOLOGY, AND THE LAW AT STETSON UNIVERSITY COLLEGE OF LAW

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants
Legal name and address of requesting entity: Stetson University College of Law, 1401 61st Street South, Gulfport, FL 33707

Description of request: \$400,000 is included in the bill for the National Clearing House for Science, Technology, and the Law at Stetson University College of Law to build and maintain the world's only searchable comprehensive bibliography on law, science, and technology. This database contains court decisions and commentary, scholarly publications, commercial applications, professional associations and institutions, and other resources about traditional and new forensic topics, such as Identity Theft, Intra and Interstate Tracking of Sexual Predators, Canine Sniff Detection, and Less Lethal Technologies. It contains 18 resource categories for each of 33 topics in science and technology. At present, it contains more than 65,000 records, and more than 1,500 entries a month are added. Visitors from more than 110 countries have visited the site. In addition, comprehensive Cold Case and Identifying the Missing resources have recently been added to the site. No other such national resource exists. The online database also includes a quarterly newsletter which focuses on the latest topics such as Methamphetamine, Shaken Baby Syndrome, Cyber Forensics, Post-Conviction DNA Testing, Bio-terror and the Physician, and Virtual Autopsies. Funding will also enable Stetson to continue building an important reference collection of law, science, and technology material to meet the needs of law enforcement personnel, legal professionals, crime lab personnel, national security professionals, medical examiners, and public health professionals. These professions face challenges due to a lack of access to information regarding new areas of science and technology. The Clearinghouse reference collection allows access via inter-library loan to physical materials not readily available at local libraries. Important forensic science collections are being donated to the

clearinghouse on a regular basis for use by these professionals. Stetson will use this funding for two new initiatives. The first is the development of training modules and primers to be made available through distance education technology. These cross-disciplinary modules will focus on training scientists in the complex workings of the legal system. They also provide lawyers with much needed education in various scientific and technological disciplines. Law 101 will focus on testimony skills for expert witnesses, scientists and law enforcement personnel. The primers, written by lawyers, scientists, and educators, will cover the basic elements of a science or technology and principles of law. They will provide practical advice regarding motions in limine, locating and qualifying an expert, direct and cross-examination of the expert, and legal issues that arise in such cases. The second initiative will be to support the federal DNA initiative. The goal of this project is to provide training about the applications and limitations of DNA evidence to defense counsel handling cases involving biological evidence, as stated in the President's DNA Initiative. To achieve this goal, the Clearinghouse is working closely with the National Institute of Justice (NIJ) and an expert Advisory Group to develop training that will provide defense attorneys with the general knowledge of the uses of DNA evidence in judicial proceedings as it pertains to discovery and ethics, proper closing arguments, case assessment, etc. The training will complement other forensic DNA evidence resources developed by NIJ, such as the "Officers of the Court" CD-ROM, which provides a foundational understanding of the science, technology, statistics, and other non-advocacy topics. Training will occur across the country and will incorporate "Train the Trainer" sessions to further broaden outreach efforts. Previous funding has been provided to Stetson for the National Clearinghouse in the following amounts: FY 2003—\$1,768,430, FY 2004—\$2,968,432, FY 2005—\$2,959,930, FY 2006—\$1,682,119, FY 2009—\$400,000.

NATIONAL FORENSIC SCIENCE TECHNOLOGY CENTER

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants
Legal name and address of requesting entity: The National Forensic Science Technology Center, 7881 114th Avenue North, Largo, FL 33773

Description of request: \$2,000,000 is included in the bill for the National Forensic Science and Training Center (NFSTC), which is a Department of Justice-selected Forensic Technology Center of Excellence. With these funds, the NFSTC will continue to provide for the Office of Justice Programs an assessment program to audit the capabilities and quality of DNA laboratories throughout the United States which receive agency funding. NFSTC not only assists laboratories in improving their performance in DNA analysis, but also provides grant recipients with an objective review of their use of federal funds. Previous funding has been provided to NFSTC, which employs 34 people in Pinellas County, Florida, in the following amounts: FY 2000—\$1,899,822, FY 2001—\$2,594,280, FY 2002—\$8,500,000, FY 2003—\$2,980,000, FY 2004—\$1,978,000, FY 2005—\$1,973,286, FY 2007—\$1,973,286, FY 2008—\$2,030,400, FY 2009—\$1,750,000.

NATIONAL TERRORISM PREPAREDNESS INSTITUTE AT ST. PETERSBURG COLLEGE

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants
Legal name and address of requesting entity: St. Petersburg College, 3200 34th St. South, St. Petersburg, FL 33711

Description of request: \$1,500,000 is included in the bill for the National Terrorism Preparedness Institute (NTPI) at St. Petersburg College, for training support programs for law enforcement and other emergency responders through the rapid research, development, and delivery of customized anti-terrorism training and professional development materials and scenario models. NTPI seeks to deliver the highest quality content and instructional technology delivery systems to meet the unique training needs and time constraints of the trainees. These materials are delivered through traditional classroom training or distance learning technologies and the topics are determined by and based on the needs of the Departments of Justice and Homeland Security. Areas that have been covered in the past include implementation of the National Infrastructure Protection Plan, expanding regional collaboration, implementation of the National Infrastructure Protection Plan, strengthening information sharing and collaboration capabilities, and enhancing Chemical, Biological, Radiological/Nuclear, and Explosive detection, response, and decontamination capabilities. Previous funding of \$800,000 was provided in FY 2009.

PINELLAS COUNTY AT-RISK YOUTH DIVERSION PROGRAM

Account: Department of Justice, Office of Juvenile Justice and Delinquency Prevention
Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756

Description of request: \$300,000 is included in the bill for the Pinellas County Juvenile Assessment Center to serve as a centralized point of entry for pre-arrest and arrested juveniles. The Center will coordinate an array of proven best practices and research-based methods of community-based treatment and ancillary services to enable law enforcement and social services to work together to access and determine the best needs and services for each youth. Juveniles will be screened to identify their unique needs and issues, including history, home environment and behavior for inclusion in the associated programs. Additional assessments will be administered for those with mental health and/or substance abuse issues. Case managers will be on call to assist youths with residential or outpatient services; mentoring and recreational activities; counseling; and aftercare. Low risk offenders between the ages of 7 and 14 will be assessed for referral to the Pinellas County Sheriff's On-Track early intervention program that provides guidance in an intensive and structured environment. The program serves at-risk youth, both male and female who are current students residing in Pinellas County. The youth who are between 7 and 14 years old are either first time offenders experiencing problems at school (truancy, violence, suspensions, other school problems) or are experiencing problems at home (ungovernable behavior). This program is expected to provide

new avenues and opportunities for both high risk and low risk youth. An evaluation of the program will be conducted including impact to recidivism for the high risk offenders. For the On-Track program, outcome rates of 50 percent reduction in unexcused absences and school related disciplinary referrals along with a 50 percent increase in community referrals for families and improvement in family communication skills are expected goals. The program is anticipated to have positive outcomes of both a human and economic nature. Currently, the county is housing over 50 youth a month in the detention center for Failure to Appear currently at \$178 per day. In December 2008, the average length of stay at the Juvenile Delinquency Center was nine days, which means for 50 juveniles with Failure to Appear violations, the detention costs of \$80,100 could be diverted to provide bed days and services to those who are currently in jail to be transferred to JDC. Diverting youth charged with such minor offenses away from the center will save on food and medical costs, and will free up space to accommodate juvenile offenders charged with more serious crimes, preventing them from being housed in an adult correctional facility. Additionally, diverting low risk youth and preventing future system involvement aids in reducing future youth detention. No previous federal funds were requested for this project.

PINELLAS COUNTY SHERIFF, JOINT-USE OUTDOOR FIRING RANGE

Account: Department of Justice, COPS Law Enforcement Technology

Legal name and address of requesting entity: Pinellas County Sheriff, 10750 Ulmerton Road, Largo, FL 33778

Description of request: \$250,000 is included in the bill for the Pinellas County Sheriff to develop an outdoor firing range for joint use by local, state, and federal agencies, including military and federal law enforcement personnel. The demonstrated need for such a range is the result of a survey of these agencies, including DEA, U.S. Marshall, U.S. Secret Service, Immigration and Customs Enforcement, FBI, U.S. Coast Guard, Florida National Guard, U.S. Air Force, NCIS, and U.S. Marine Corps which found that these agencies lack sufficient outdoor facilities to practice and qualify for firearms proficiency. The Pinellas County Board of County Commissioners has provided \$500,000 to complete pre-construction requirements including architectural services; civil engineering; environmental site assessment; structural engineering; mechanical, electrical and plumbing engineering; site surveying and geotechnical testing. \$500,000 was included in FY 2009.

EARMARK DECLARATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. PLATTS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I have received as part of H.R. 2487, the Commerce, Justice,

Science, and Related Agencies Appropriations Act, 2010.

Adams County Department of Emergency Services: Adams County Department of Emergency Services is the Public Safety Answering Point for Adams County. The entity provides Public Safety Communications to all Emergency Response Agencies within Adams County. Adams County would use this funding to develop a new, standards based wireless communication system that will operate in the 700 MHz and 800 MHz bands. This is a good use of taxpayer funds because the system would be capable of supporting all public safety operations in the County and would allow for increased interoperability. I certify that neither my spouse nor I have a direct or foreseeable financial interest in this project. (\$200,000 in the Community Oriented Policing Services Account)

Adams County Department of Emergency Services

230 Greenamyre Lane, Gettysburg, PA 17321

Carlisle Borough: Carlisle Borough is a municipal government located in Cumberland County. Carlisle Borough would use this funding to acquire between 25 and 50 surveillance cameras to be installed in public areas in downtown Carlisle. The cameras would be operated remotely at the Carlisle Police Department. Cameras would be of a mobile, wireless variety so that they can be relocated if necessary. This is a good use of taxpayer funds because Carlisle has experienced an increase in crime, specifically robberies, which pose a public safety threat. The project is expected to deter crime and assist in the apprehension of suspects. I certify that neither my spouse nor I have a direct or foreseeable financial interest in this project. (\$200,000 in the Community Oriented Policing Services Account)

Carlisle Borough

53 West South Street, Carlisle, PA 17031

Cumberland County Government: Cumberland County would use this funding to relocate and replace communications infrastructure that is essential to the operation of the Department of Public Safety, the Office of Emergency Preparedness (including the Emergency Operations Center), and the 911 Public Safety Answering Point. This is a good use of taxpayer funds because the County is a critical regional player in emergency planning and response and this facility would assist Cumberland County in executing these responsibilities. I certify that neither my spouse nor I have a direct or foreseeable financial interest in this project. (\$200,000 in the Community Oriented Policing Services Account)

Cumberland County Government
1 Courthouse Square, Room 200, Carlisle, PA 17013

Survivors, Inc: Survivors, Inc. is a 501(c)(3) not-for-profit organization which supports individuals who experience domestic violence or sexual assault. Survivors, Inc. provides a 24-hour crisis counseling hotline, shelter services, transitional housing, supportive counseling, support groups, and legal advocacy for individuals affected by domestic violence or sexual assault. Survivors, Inc. would use this funding to partially fund staff salaries, on-call stipends, and expenses for hotline provision. This is a good use of taxpayer funds because safety is

one of the most essential needs to both individuals and society. When an individual is not safe in their own home they must have resources available to them to meet their needs. I certify that neither my spouse nor I have a direct or foreseeable financial interest in this project. (\$25,000 in the Office of Justice Programs, Byrne Account)

Survivors, Inc.

233 West High Street, Gettysburg, PA 17325

York County Children's Advocacy Center: The York County Children's Advocacy Center is a 501(c)(3) not-for-profit organization that works to reduce the trauma of child abuse investigations, foster professional collaboration and cooperation, and promote education and advocacy regarding the prevention of child abuse within the community. The York County Children's Advocacy Center would use this funding to establish the Sexual Assault Forensic Examiners (SAFE) Team. SAFE Team members are registered nurses who have advanced education and clinical preparation in forensic examination of sexual assault victims. The SAFE Team would provide compassionate care to victims of child abuse by simultaneously gathering evidence of a crime. Funds would be used to purchase medical supplies and cover exam costs. This is a good use of taxpayer funds because York County ranks as the third highest county in our Commonwealth for substantiated cases of child abuse. Currently, less than 10% of the children involved in substantiated cases receive a forensic medical exam. I certify that neither my spouse nor I have a direct or foreseeable financial interest in this project. (\$60,000 in the Office of Justice Programs, Juvenile Justice Account)

York County Children's Advocacy Center
28 South Queen Street, York, PA 17403

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Commerce, Justice Science and Related Agencies Appropriations bill.

Requesting Member: Congressman JEFF MILLER

Project Name: Escambia Emergency Radio Infrastructure Replacement

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Escambia County, FL

Address of Requesting Entity: 221 Palafox Place, Suite 420, Pensacola, FL 32502

Description of Request: \$60,000—Escambia Emergency Radio Infrastructure Replacement, Escambia, Florida. I requested these funds for emergency radio infrastructure and equipment in Escambia County, Florida in Fiscal Year 2010. The entity to receive funding for this project is Escambia County, Florida located 221 Palafox Place, Suite 420, Pensacola, FL 32502. The funding would be used to

upgrade the county's emergency radio equipment and infrastructure and bring Escambia County into compliance with the Federal Communications Commission's mandated changes to the emergency radio spectrum. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

IN RECOGNITION OF THE 119TH ANNIVERSARY OF PARK EAST SYNAGOGUE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mrs. MALONEY. Madam Speaker, it is my pleasure to pay tribute to Park East Synagogue on its 119th anniversary, to honor the contributions of Rabbi Arthur Schneider and to recognize the achievements of the remarkable individuals the Synagogue is honoring at its annual gala.

Park East Synagogue was established in 1890 to serve the Jewish community of the Upper East Side of Manhattan. The Synagogue was originally called Congregation Zichron Ephraim in memory of the father of its first President, Jonas Weil. Today, Park East Synagogue is one of the nation's leading modern Orthodox congregations and an invaluable asset to New York City. Park East Synagogue plays a vital role in the cultural, civic and spiritual life of New York City, thanks to the dynamism of its congregants and its remarkable Rabbi, Arthur Schneider. Park East Synagogue provides the opportunity for spiritual growth, Jewish education and spiritual comfort for individuals, families, and the surrounding community, and fulfills its commitment to providing inspiring Jewish and general studies education to both children and adults.

The building in which the Synagogue is housed is an architectural jewel. Its Byzantine architectural style with dome-like cupolas, elaborately designed arched portico and large stained-glass windows make the building a beautiful historical landmark.

The Leon and Gina Fromer Park East Religious School and The Rabbi Arthur Schneider Park East Day School offer children an introduction to Jewish life in a nurturing and encouraging setting. The Day School, which Rabbi Schneider founded more than 25 years ago, offers children from early childhood through 8th grade a combined general academic and Jewish studies curriculum, with a decidedly global focus.

Rabbi Arthur Schneider is the heart and soul of Park East Synagogue, where he has been the Senior Rabbi since 1962. A Holocaust survivor, he is founder and president of the Appeal of Conscience Foundation, which is dedicated to promoting religious tolerance and freedom throughout the world. He has been

honored repeatedly for his efforts, including the U.S. Presidential Citizens Medal. Under his leadership, Park East Synagogue has expanded significantly and gained both national and international recognition. Most recently he has revitalized a tradition of cantorial music by bringing renowned Cantor Yitzhak Meir Helfgot of Jerusalem to Park East Synagogue as its Chief Cantor.

At tonight's Gala, Park East Synagogue is honoring several extraordinary individuals who have displayed their exceptional commitment and dedication to the Park East community.

Harry Lis is being honored as Patron of Education. Born in Munich and the son of Holocaust survivors, Harry has demonstrated his commitment to the Jewish communities in Germany, Israel, and the United States. He is a great supporter of education, and a dedicated member of Park East Synagogue. He serves on the Board of Trustees and is a patron of Park East Day School.

Barbara and Barry Zimmerman are receiving the Community Leadership Award for their involvement in the daily life of the Synagogue. Both have leadership roles in the Synagogue's organizations. Barbara is a Vice-President and a Director of Park East Sisterhood, and has been named "Woman of Achievement" by the Sisterhood. Barry is currently the President of the Park East Men's Club and has previously been honored as Men's Club Man of the Year and as a Chatan Torah of Park East.

Alla and Phil Weisberg are receiving the Parent Leadership Award for their dedication to Park East Day School. With two children at the Day School, the Weisbergs are an extremely involved family. Phil serves on the Day School Board of Education and Alla is a past co-President of the Parents Association. Their desire to make education accessible to all is visible through their generosity to the Day School Scholarship Fund.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the 119th anniversary of Park East Synagogue and in paying tribute to these outstanding individuals for their extraordinary commitment to the community of Park East Synagogue.

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. HARPER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 2847

Account: DOC, NOAA—ORF

Project Name: NOAA Northern Gulf Institute Recipient and Address: Mississippi State University, P.O. Box 9627, Mississippi State, MS 39762

Amount: \$700,000

Project Description: The NGI defines the Northern Gulf of Mexico region as the upland

and watershed, coastal zone, and coastal ocean areas from the Sabine River, LA in the west to the Suwannee River, FL in the east. The Northern Gulf is a rich and interdependent natural environment of great complexity and is important to the region and the nation. The riverine-dominated Northern Gulf ecosystems are under pressure from increasing population and coastal development, impacts from severe storms and climate variability, inland watershed and coastal wetlands degradation, and many other factors. NGI has chosen an approach to Northern Gulf Region issues, problems and opportunities that is closely aligned with NOAA's strategic and research priorities and its user community.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 2847

Account: DOJ, OJP—Byrne

Project Name: Regional Counterdrug Training Academy

Proposed Recipient and Address: Mississippi Military Department, FH—MS, P.O. Box 5027, Jackson, MS 39296

Amount: \$300,000

Project Description: Using the existing facilities, staff and support structure of the regional Counterdrug Training Academy, the CJS Byrne Grant funding will result in training an additional 300 first responders in prevention of terrorism and response to terrorist incidents.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science and Related Agencies Appropriations Act of 2010.

I requested two projects in H.R. 2847. They include:

\$800,000 for the Lake County Board of Commissioners located at 315 West Main St., P.O. Box 7800, Tavares, FL 32778. This funding will help Lake County to fund an 800 Mhz radio system and go towards equipment and technology for the Emergency Operations Center of Lake County.

\$200,000 for the Marion County Board of County Commissioners located at 601 SE 25th Avenue, Ocala, FL 34471. This funding will help to fund the purchase of technology that captures fingerprints required for FBI criminal background checks, through the rest of the patrol vehicles. The equipment and software will collect demographic data and fingerprint scans and submit both to the appropriate background check authority, which will, in turn, provide instant feedback. The request is in accordance with priorities established by the Florida Department of Law Enforcement, who has indicated a desire for all law enforcement agencies across the state to have consistency in the equipment used for fingerprinting.

EARMARK DECLARATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. PETRI. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

Requesting Member: The Honorable THOMAS E. PETRI

Bill Number: H.R. 2847

Account: Commerce, Justice, Science, and Related Agencies—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Waupun Police Department, Waupun, Wisconsin

Address of Requesting Entity: 16 E. Main St., Waupun, Wisconsin 53963

Description of Project: This \$30,000 from the COPS Law Enforcement Technology account will be used by the Waupun Police Department to purchase new communication equipment to become P25 compliant and more effectively respond and communicate with other jurisdictions in the area.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Account: Department Of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Greene County, MO

Address of Requesting Entity: 933 N. Robberson, Springfield, MO 65802

Description of Request: \$350,000 is included for the Greene County Emergency Operation Center. These funds will be used for the necessary equipment for emergency operations in Greene County, MO. The equipment will include computers, software, televisions, video conference equipment and other specialized equipment for the facility. The use of taxpayer funds is justified because this equipment is necessary for interoperability of all agencies in the event of any type of disaster.

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Jasper County Commission, Carthage, MO

Address of Requesting Entity: Jasper County Commission, 302 S. Main St., Carthage, MO 64836

Description of Request: \$250,000 is included for the Cornerstone Regional Justice Information System. These funds will be used to procure law enforcement information sharing and records management software, laptop

computers, high speed data cards, multi-modal biometric identification equipment, and network connectivity hardware for multiple counties in Southwest Missouri. The use of taxpayer funds is justified because this equipment will be used to enhance cooperative multi-jurisdictional law enforcement efforts by improving communications and criminal information sharing among local and state agencies in Southwest Missouri.

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Taney County Commission, Forsyth, MO

Address of Requesting Entity: Taney County Commission, 127 Main Street, Forsyth, MO 65653

Description of Request: \$400,000 is included for the White River Area Emergency Project. This funding will be used to create a data sharing network and purchase and implement the latest mobile data computers, network hardware, and criminal justice information sharing software for all law enforcement agencies in Taney County. This funding will enable Taney County, MO to purchase and implement a county wide, multi-jurisdiction public safety mobile data network as well as a criminal justice information sharing system. The use of taxpayer funds is justified because this project will greatly enhance overall investigations and increase officer safety by enabling instant access to critical time sensitive information on the street, when they need it most.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding projects that I support for inclusion in H.R. 2487, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Amount: \$500,000.

Account: U.S. Department of Justice—Office of Community Oriented Policing Services.

Entity receiving funds: City of Yakima located at 129 North 2nd Street, Yakima, WA 98901.

Description: These funds will be used to continue development of a system that allows all the public safety agencies in Yakima County to integrate their data communications and records systems. This system will provide comprehensive data to all local law enforcement officials, as well as federal and state agencies.

Amount: \$400,000.

Account: U.S. Department of Justice, Office of Justice Programs.

Entity receiving funds: Yakima County located at 128 North 2nd Street, Yakima, WA 98901.

Description: Funds will be used to develop and implement a county-wide comprehensive response to the serious and worsening youth gang problem in the region, including prevention, intervention, and suppression programs.

COMMEMORATING 150 YEARS OF OPERATION OF THE MISSOURI BOTANICAL GARDEN & CONGRATULATING THE WORK OF ITS CURRENT PRESIDENT, DR. PETER H. RAVEN

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. AKIN. Madam Speaker, I rise today to commemorate 150 years of operation by the Missouri Botanical Garden and to congratulate the work of its current president, Dr. Peter H. Raven.

The garden was the conception of a successful businessman, Henry Shaw, who moved to Saint Louis in the early nineteenth century to begin his career in the hardware business. His business grew along with the city as he outfitted pioneers, who were heading west into the newly purchased territories. As his wealth grew, Shaw turned his attention to his true passion, horticulture. He established and maintained a personal garden on his estate and on June 15th, 1859, he opened it to the public. Upon his death, Shaw's will established the Missouri Botanical Garden as a charitable trust on the grounds of his estate in south Saint Louis, where it remains to this day.

In continuing the vision and passion of its founder, the Missouri Botanical Garden has grown into one of the premier research institutions in the world. Throughout its history, the garden and its staff have contributed significantly to the scientific community, helping to establish a sound base of knowledge in the field of botany.

As the oldest continually operating botanical garden in the United States, Missouri Botanical Garden has provided Saint Louisans and visitors from across the globe with the best in horticultural displays. Recently, this home-grown institution received its re-accreditation from the American Association of Museums, the field's primary vehicle for quality assurance. The Missouri Botanical Garden was recognized for its commitment to excellence in all that it does: governance, collections stewardship, public programs, financial stability, high professional standards, and providing the best possible services to the public.

Today, 150 years after opening, the Missouri Botanical Garden is a National Historic Landmark and a center for science, conservation, education and horticultural display.

I ask that my colleagues join me today in congratulating the Missouri Botanical Garden for its achievements and thanking Dr. Raven for his stewardship of this national treasure.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. CULBERSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as

part of H.R. 2847, the FY2010 Commerce, Justice, and Science Appropriations bill:

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 2847

Account: Department of Justice, Office of Justice Programs, Byrne Grant account.

Legal Name and Address of Requesting Entity: Texas Border Sheriff's Coalition, 4141 Pinnacle Suite 213, El Paso, Texas 79902.

Description of Request: Provide an earmark of \$4,850,000 to the Texas Border Sheriff's Coalition. It is my understanding that the funding would be used to pay for overtime, hire additional deputies, and purchase equipment for the Sheriffs along the Texas-Mexico border to secure the border against drug and human smugglers. Texas Border Sheriff's Coalition was organized on May 4, 2005 and is represented by the Chief Law Enforcement Officer of each respective county along the Texas-Mexico border. Texas Sheriffs are empowered by the Texas Constitution to protect the lives, property, and the rights of the people, maintain order and security in the United States along the Texas border with the Republic of Mexico to enforce the law impartially, and provide police service in partnership with other law enforcement agencies and community partners. Sheriffs are totally accountable to the people of their county.

The Texas border county sheriffs have received funding from Congress in the last 3 appropriations cycles to defend our borders. They are using this funding to put more deputies on the streets, purchase equipment, and reduce illegal crossings.

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 2847

Account: Department of Justice, Office of Justice Programs, COPS account.

Legal Name and Address of Requesting Entity: City of Houston, Mayor's Office of Public Safety & Homeland Security, 900 Bagby, 2nd Floor, Houston, Texas 77002.

Description of Request: Provide an earmark of \$1,350,000 to the City of Houston to acquire interoperable communications equipment so that the city's first responders can communicate on a 700MHz trunked public safety radio system that will provide full and continuous interoperability with the 800MHz regional radio system. Communications in the Houston area are hampered by incompatible and aging equipment, disparate radio systems, and limited funding. First responders in Houston are responsible for protecting the highest density of critical infrastructure in Texas, including the Port of Houston, the petrochemical industry, the largest medical center in the world, and extensive commercial assets.

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 2847

Account: Department of Justice, Office of Justice Programs, Byrne Grant account.

Legal Name and Address of Requesting Entity: City of Houston, Mayor's Office of Public Safety & Homeland Security, 900 Bagby, 2nd Floor, Houston, Texas 77002.

Description of Request: Provide an earmark of \$350,000 for the Targeted Narcotics Enforcement Team (TNET) in Houston. TNET is an enforcement group whose mission is to

carry out investigations addressing the broad spectrum of drug trafficking in and through the Houston region. Their goal is to identify, target, and disrupt or dismantle major drug trafficking organizations operating on a regional scale. TNET also works through its coalition of investigators, attorneys, inspectors, and citizen groups to target the dealers and end users that make the drug trafficking organizations profitable. With drug violence spilling over into the streets of Houston, this funding will help provide resources needed for TNET to continue their mission.

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 2847 Account: Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research and Facilities account.

Legal Name and Address of Requesting Entity: The JASON Project, 44983 Knoll Square, Suite 150, Ashburn, VA 20147.

Description of Request: Provide an earmark for \$4,000,000 for the development of standards-based science curriculum for middle school students and professional development programs to increase teacher effectiveness. America's economic prosperity rests on scientific and technological prosperity. Every major organization representing education, business and government has documented the critical situation in U.S. science, technology, engineering and mathematics (STEM) education and issued a call for aggressive action. This initiative by The JASON Project will be used to develop a standards-based science curriculum for middle school students, and professional development programs to increase teacher effectiveness. These materials will help prepare U.S. students to enter a competitive global workplace in the STEM fields, enabling our nation to remain at the forefront in research, development and technology.

EARMARK DECLARATION

HON. CHRISTOPHER J. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Commerce and Justice, and Science Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 2847

Account: Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Requesting Entity: Genesee Community College

Address of Requesting Entity: One College Road, Batavia, NY 14020

Description of Request: Provide an earmark of \$537,000 for the Integrated Campus Security Initiative that will install digital surveillance cameras; a talk-a-phone emergency and paging system; fire and audio warning public address systems; and doors with keyless entry locks on all Genesee Community College campuses in Batavia, Albion, Arcade, Dansville, Medina, Lakeville, and Warsaw, NY.

Of the total project amount, approximately \$66,000 (or 11%) is for digital surveillance and security cameras; approximately \$75,000 (or 12%) is for emergency phones and paging system; approximately \$185,000 (or 30%) is for fire and audio systems; and approximately \$291,000 (or 47%) is for doors with keyless entry locks. This funding will complete the project. To date, Genesee Community College has established the network, the bandwidth necessary to achieve the project; formed necessary relationships with area law enforcement, including MOU's that define all roles; and set aside \$80,000 (or 13%) for the project.

The Integrated Campus Security Initiative will provide additional safety for all members of the College community and the right environment that enhances student learning and institution effectiveness. The College also trains local law enforcement officers for four counties and this project will present an additional training tool for these officers.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. HELLER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847 the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 2847

Account: DOJ—COPS Tech

Legal Name of Requesting Entity: Washoe County Sheriff's Department

Address of Requesting Entity: 911 Parr Boulevard, Reno NV 89512

Description of Request: \$500,000. Washoe County is the second most populous county in Nevada, occupying 6608 square miles. Washoe County Sheriff's Office Patrol Divisions will use this Federal funding to purchase In-Car Video Systems which have proven to be useful in the collection of evidence, increased perception of safety by Patrol Officers, and improved confidence in the law enforcement community by the citizenry. These systems have also proven useful during internal affairs investigations, reducing agency liability, evaluations of policies and procedures, as well as training. The use of a wireless In-Car Video System would satisfy all of these concerns for the Washoe County Sheriff's Office. —

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 2847

Account: DOJ—OJP—Juvenile Justice

Legal Name of Requesting Entity: National Council of Juvenile and Family Court Judges

Address of Requesting Entity: 1041 North Virginia Street, Third Floor, Reno, Nevada 89503

Description of Request: \$600,000. The National Council of Juvenile and Family Court

Judges (NCJFCJ), the nation's premier judicial education organization, has been providing critical education to members of the judiciary for decades. Located on the University of Nevada, Reno campus, its long and outstanding reputation for providing cutting-edge training for judges and other system professionals in areas related to court practice is nationally recognized. The National Council uses these Federal dollars to provide training to judges nationwide on child abuse and neglect, juvenile delinquency, divorce, custody and visitation, substance abuse, and mental health and educational needs of children, among other topics.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, FY2010 Commerce, Justice, Science, and Related Agencies Appropriations Act.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 2847

Account: COPS Technology

Legal Name of Requesting Entity: Oakland County Sheriff's Office

Address of Requesting Entity: 1201 N. Telegraph Road, Pontiac, MI 48341

Description of Request: Provide funding of \$1,025,000 for law enforcement technology to assist in fingerprinting and criminal identification. This funding would be used to complete a three part biometric identification enhancement project. \$450,000 would be used for software, \$125,000 would be used to upgrade patrol cars, and \$450,000 would be used for portable devices. The Oakland County Sheriff's Office is the lead agency for this request on behalf of "CLEMIS," a consortium of 105 law enforcement agencies located across nine counties in Southeastern Michigan. CLEMIS contributes wireless network technology to the mobile data computers in patrol vehicles.

IN SUPPORT OF THE TOWN OF
WILLIAMS, ARIZONA

HON. ANN KIRKPATRICK

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mrs. KIRKPATRICK of Arizona. Madam Speaker, I rise today in recognition of the great town of Williams, Arizona. Widely known as the Gateway to the Grand Canyon, Williams celebrated the 128th anniversary of its founding on Sunday, June 14th.

Named for William "Old Bill" Williams, the town has grown from a rough-and-rowdy frontier outpost to a thriving 21st-century community, already listed on the National Register of Historic Places and striving to make even more history.

In the words of Williams Main Street Association Manager Jean-Ellen Kegler, "I get to witness the daily, continuous 'founding' of our town. Every day I observe so many people choosing to put their small concerns aside in favor of a better quality of life for the greater community."

I congratulate Williams, Arizona on its 128 years of prosperity, and on behalf of this Congress wish the town 128 more.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 2847

Account: Department of Justice, Commerce, Science, Justice and Related Agencies

Name of Requesting Entity: City of Homestead

Address of Requesting Entity: 790 N. Homestead, FL, 33030

Description of Request: I have secured \$500,000 for Emergency Wireless Law Enforcement Technology. This funding will be used to install a city-wide Wi-Fi network that would enhance the City's public safety and emergency services communications. The City proposes to install 24 to 40 access points per mile throughout the 14 square miles of the City, which would serve as a supplement to Homestead's existing wired network, and would greatly enhance the City's ability to provide more efficient and cost effective services. This project will result in increased efficiency in public service and reduce response times to emergencies by providing easy access and communication to multiple agencies and response teams simultaneously. The use of wireless technology will also minimize exposure to dangerous weather during storm events and minimize the likelihood of loss of service during and after storm events. In addition to investment in public safety preparedness, deployment of city-wide Wi-Fi technology would spur economic development and e-commerce by aiding businesses and citizens by providing low cost internet access and services, which would also serve as a key component in bridging the digital divide for those citizens and businesses which lack internet access. The City anticipates the total cost of this project to be approximately \$2 million. However the project could be implemented in phases, with the first phase costing approximately \$500,000 and would create approximately 10 jobs in the local economy.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 2847

Account: Department of Justice, Commerce, Science, Justice and Related Agencies

Legal Name of Requesting Entity: The City of Doral

Address of Requesting Entity: 8300 NW 53rd St, Suite 100, Doral, FL 33166

Description of Request: I have secured \$750,000 for the City of Doral Public Safety &

Surveillance System. This federal funding would be used for the creation of a city-wide closed circuit video system, to be managed and monitored by the City's Police Department. The City of Doral Police Department serves the public safety and traffic needs of the rapidly-growing population and vibrant community. With the City's current population nearing 40,000 residents (and quickly growing), City of Doral public officials created a police department in 2008 to deal with the traffic influx and public safety concerns that come with any burgeoning city. It is anticipated that the City's current 71% growth rate will increase the population to 65,000 residents by the year 2012. The goal of this system is to provide added protection against commercial theft and increased security for all of Doral's residents and visitors. This project is estimated to create six new jobs in the City of Doral.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 2847

Account: Department of Justice, Commerce, Science, Justice and Related Agencies

Legal Name of Requesting Entity: City of Hialeah

Address of Requesting Entity: 501 Palm Avenue, Hialeah, FL 33010

Description of Request: I have secured \$250,000 for the Hialeah police Equipment Upgrades. This federal funding would be used for the City of Hialeah police department's current radio system which currently does not allow for radio interoperability among other law enforcement agencies. This is especially important during times of statewide response to natural disasters, domestic security incidents or multi-agency jurisdictional public safety efforts. The XPS radio system would bridge the current gap and achieve interoperability with the State of Florida by replacing and upgrading fixed end, portable and mobile radio communication equipment.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 2847

Account: Department of Justice, Commerce, Science, Justice and Related Agencies

Legal Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 E. Tamiami Trail, Naples, FL 34112

Description of Request: I have secured \$800,000 for the Collier County Emergency Services Technology. This Federal Funding would be used to support the acquisition of public safety technology equipment for the Collier County Emergency Services Center (ESC), which is being constructed on a 20-acre site on Lely Cultural Parkway, just south of Rattlesnake Hammock Road. The ESC will be approximately 130,000 square feet, four stories and includes a communications tower. Occupants will include the Emergency Management staff, Emergency Operations Center (EOC), Information Technology, Sheriff's Substation and 911 Center, and Clerk of Courts. Technology needs include GIS and improved interoperable communications.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 2847

Account: Department of Justice, Commerce, Science, Justice and Related Agencies

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st St., Suite 1032, Miami, FL 33128

Description of Request: I have secured \$150,000 for the Miami-Dade County Mortgage Fraud Task Force. This Federal Funding would be used for the creation of a mortgage fraud task force national model to train law enforcement individuals in those identified communities which represent the ten (10) highest concentrated areas affected by mortgage fraud. The Miami-Dade County MFTF will serve as a national model based on its proven performance. The national model will be coordinated by Miami-Dade County and administered by the United States Department of Justice. The anticipated benefits include a more effective process of dealing with and prosecuting mortgage fraud in Miami-Dade County and nationwide, and eventually, a decrease in the occurrence of mortgage fraud. This project has the support of the Miami-Dade County Board of County Commissioners, the Mayor of Miami-Dade County, and the Director of the County's Police Department (MDPD).

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 2847

Account: Department of Justice, Commerce, Science, Justice and Related Agencies

Legal Name of Requesting Entity: The ARISE Foundation

Address of Requesting Entity: 824 US Hwy 1, Suite 240, North Palm Beach, FL, 33408-3838

Description of Request: I have secured \$550,000 for the ARISE Life-Management Skills Intervention/Re-entry Program for High-Risk Youth. The funding will be used by The ARISE Foundation to provide juvenile justice facilities with specialized staff training and unique curricula to teach life lessons and develop thinking skills for incarcerated youth needed to break the cycle of violence and crime in order to reduce recidivism rates. The ARISE Intervention-Re-entry program provides Florida Juvenile Justice Staff on a statewide basis with in-depth training and specialized ARISE Life Management Skills lessons to conduct guided group discussions with incarcerated high-risk youth. Topics include anger and conflict management, how to get a job and keep it, why violence, substance abuse and gangs will wreck their lives and other vital subjects. The ARISE program has been developed so it is easily absorbed and understood by youth reading at very low levels often suffering from trauma and emotional problems. As a result of the comprehensive training, correctional staff who have never had to "stand and deliver" in front of a group often become more interested and motivated to take an active role in guiding these troubled youth away from a life of crime. The staff then conducts interactive ARISE groups with the youth in their charge. When the youth learn positive life and social skills, this information enables them to make better life choices, reduces the rate of recidivism, and decreases the rate of juvenile crime.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

As requested by me, Rep. Anh "Joseph" Cao, H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010, provides for the National Marine Fisheries Service, Silver Spring, MD in support of the Shrimp Industry Fishing Effort Research Continuation project. This is in the NOAA-ORF account in the amount of \$750,000. This will benefit the Southern Shrimp Alliance. P.O. Box 1577, Tarpon Springs, FL 34688 for funding for data collection to determine shrimp fishery compliance with federal regulations to reduce bycatch and rebuild red snapper. Specifically, the National Marine Fisheries Service (NMFS) has promulgated regulations to end overfishing and rebuild the Gulf red snapper fishery that require a 74% reduction in shrimp fishing effort to reduce bycatch in red snapper habitat areas. Failure to achieve this effort reduction triggers the closure of the shrimp fishery in these areas. Consequently, the regulations necessitate implementation of a program to closely monitor shrimp fishing effort which is the program funded by this ongoing appropriation. The principal tools used to measure shrimp fishing effort are Electronic Logbooks (ELBs). This funding would support the development, manufacture, and deployment of ELB technology in the US shrimp fleet and the collection and analysis of data generated, performed by a NMFS contractor (LGL Associates). Continued annual funding to further equip the entire active shrimp fleet (about 1200 vessels) is necessary to meet these regulatory requirements requiring 5–6 more years at \$1,500,000 per year. The program is able to operate through 2009 with prior year funding that will run out in FY2010, causing termination of the program well before it is fully implemented. This is a good use of taxpayer funding because this research is not only critical to achieving Federal statutory and regulatory fishery conservation requirements, it is crucial to the future survival of the shrimp fishery in all Louisiana coastal parishes and throughout the Gulf. Additionally, this will benefit Wild American Shrimp, Inc. 10 Wharfside Street, Charleston, SC 29401 for a marketing program for domestic warm water shrimp. Specifically, this marketing program by Wild American Shrimp, Inc. (WASI), is dedicated to securing a sustainable future for the U.S. Gulf and South Atlantic shrimp harvesting and processing industries by developing new products and implementing a quality assurance certification program that assures consumers that they are purchasing a premium product harvested from the wild in American waters. The funding will be used towards a national research and development program for new products, improved quality assurance and cer-

tification, and marketing of domestic wild shrimp from the states of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas. This is a good use of taxpayer funding because the domestic warm water shrimp industry remains an important part of coastal communities in these states (especially in Southeastern Louisiana) and the resource is healthy and the fishery is sustainable.

As requested by me, Rep. Anh "Joseph" Cao, H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010, provides for Boys Town, Louisiana, New Orleans, LA in support of Expansion of Boys Town Louisiana Projects project. This is in the OJP-JJ account in the amount of \$147,000. This project will benefit Boys Town of Louisiana 700 Frenchmen Street, New Orleans, LA 70116 for programs for at-risk youth. Specifically, these funds will be used to continue and expand an integration of the Boys Town Treatment Family Home program and its In-Home Family Services program to serve more at-risk girls and boys (in the juvenile justice system) and their families. It is expected that through these services, youth recidivism of criminal behavior will be greatly reduced as will the need for further out-of-home-placement, including that of a correctional or prison facility. This is a good use of taxpayer funds because these youth will be find alternative outlets to crime and will be more focused on education and other productive activities.

As requested by me, Rep. Anh "Joseph" Cao, H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010, provides for the New Orleans Crime Coalition/New Orleans Business in New Orleans, LA in support of the New Orleans Crime Coalition. This is in the OJP-JJ account in the amount of \$1,500,000. This project will benefit the New Orleans Crime Coalition New Orleans Business Council 1615 Poydras Street, Suite 986 for their comprehensive crime efforts. Specifically, the New Orleans area was devastated by Hurricane Katrina in 2005 and severely damaged again in 2008 by Hurricane Gustav. Crime—especially the murder rate—in the city continues to rise, and travelers to and residents of New Orleans are beginning to lose faith in the public safety of the city. For a city that depends on tourism and business travel, this would be devastating to the economy. The requested funding will provide much-needed crime fighting tools, resources, and infrastructure to help the community take back the streets in the struggle for post-Katrina recovery in New Orleans. Specifically, this funding will comprise elements of any or all of the following: additional staff for the New Orleans Police Department; D.A./Prosecutorial support; Juvenile Justice services, including training and day center facilities; additional Drug Court programs; and, additional staff for the Orleans Parish Public Defenders office. This is a valuable use of taxpayer funding because New Orleans is historically, economically, and culturally valuable to the United States, and assuring public safety is critical to maintaining the health of the city.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. BISHOP of Utah. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: ROB BISHOP

Bill number: H.R. 2847

Account: Office of Juvenile Justice and Delinquency Prevention

Legal name and address of requesting entity: Ogden City School District, located at 1950 Monroe Blvd., Ogden, Utah 84401.

Description of project: \$375,000 to the Ogden City School District for the Ogden Juvenile Delinquency Prevention Initiative, to collaborate with the district juvenile court and Morgan-Weber Mental Health Department to create a comprehensive delinquency, gang, and violence prevention program.

Requesting Member: ROB BISHOP

Bill number: H.R. 2847

Account: Edward Byrne Discretionary Grants

Legal name and address of requesting entity: Clearfield City, Utah, located at 55 South State Street, Clearfield, Utah 84015.

Description of project: \$425,000 to Clearfield City for the Digital Technology for Drug Enforcement Initiative, to purchase digital law enforcement equipment to help combat drug and gang-related problems in Clearfield.

Requesting Member: ROB BISHOP

Bill number: H.R. 2847

Account: COPS Meth account

Legal name and address of requesting entity: American Detoxification Foundation, located at 3090 S. Main Street, Salt Lake City, UT 84118.

Description of project: \$200,000 to the Utah Meth Cops Program, to treat law enforcement officers that are experiencing detrimental health effects from their exposure, during the course of duty, to chemicals involved with the production of methamphetamine.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2847, "Making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN.

Account: Department of Justice, Office of Justice Programs—Juvenile Justice

Project Amount: \$250,000.

Legal Name of Requesting Entity: Childhelp of East Tennessee, 2505 Kingston Pike, Knoxville, TN 37919.

Description of Request: This funding will be used to assist Childhelp in expanding its important services to more children in Knox County and the surrounding region who have suffered abuse. Specifically, the Children's Center of East Tennessee will expand its forensic interview capacity and related services to more Knox County children who have, in the past, been turned away, as well as its community based forensic interview and medical examination services.

Requesting Member: Congressman JOHN DUNCAN.

Account: Department of Justice, COPS Law Enforcement Technology.

Project Amount: \$750,000.

Legal Name of Requesting Entity: City of Maryville, 404 W. Broadway Avenue, Maryville, TN 37801.

Description of Request: This funding will be used to allow public safety and public works departments to co-function on the same network and would also allow these departments to communicate directly in an emergency with one another without interference from other users.

INTRODUCTION OF THE IMPROVING ACCESS TO CLINICAL TRIALS ACT OF 2009

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today to introduce the Improving Access to Clinical Trials Act. I would like to thank my colleague and fellow co-chair of the bipartisan Cystic Fibrosis Caucus, Mr. CLIFF STEARNS of Florida, for working with me on this important legislation.

Approximately 30,000 children and adults in the United States have cystic fibrosis, a life-threatening genetic lung disease for which there is no cure. In my home state of Massachusetts, nearly 800 families are affected by this horrible disease.

In the three years since we founded the bipartisan Congressional Cystic Fibrosis Caucus, I am proud to say that we have steadily increased the Caucus' membership and currently have 138 members, many of whom are joining us today as original cosponsors of this important bill.

Cystic fibrosis affects parents, who awaken in the middle of the night so they can pound on their child's chest to clear the abnormally thick, sticky mucus that makes breathing difficult. It affects their children, who cough and wheeze and are at constant risk for life-threatening lung infections. And it affects their loved ones, who want the child to have a healthy life but have to worry about the unpleasant alternative of a shortened life expectancy marked by frequent visits to the hospital.

But there is hope for these families. We are in a time of tremendous opportunity and hope in medical research. In the 1950s, children di-

agnosed with cystic fibrosis usually did not live long enough to enter kindergarten. Back then, there were no drugs for people with cystic fibrosis. Today, through advances in medical research, four respiratory drugs have been brought to market and the median age of survival is about 37 years.

These advances would not have been made without the important clinical research conducted by dedicated doctors and scientists from all around the world. In fact, there are more than 30 cystic fibrosis therapies currently in some stage of clinical trial research. Unfortunately, because cystic fibrosis affects a small population, many of these trials are having difficulties recruiting patients.

The Improving Access to Clinical Trials Act is designed to increase access to clinical trials for patients of rare diseases, like cystic fibrosis, by modifying Supplemental Security Income (SSI) eligibility rules. In accordance with established ethical standards, many clinical trials offer compensation for patient participation. Current eligibility rules for SSI count such compensation as income, making some individuals suffering from rare diseases ineligible for SSI benefits because compensation for participation in the trial would put their income over the SSI eligibility threshold. This forces patients to choose between participating in important clinical trials and keeping their SSI benefits—a cruel choice no one should ever have to make.

Our bill will encourage patients suffering from rare diseases to participate in promising clinical research that may lead to cures, better treatments, and ultimately, saved lives, without having to worry that they could lose the SSI benefits they depend on.

You know, they say that the most powerful four-letter word in the English language is HOPE.

Hope . . . that we can raise awareness of the families struggling with cystic fibrosis and other rare diseases.

Hope . . . that, through research, we will find better treatments and ultimately a cure.

Hope . . . that our children will have to turn to the history books to learn what cystic fibrosis was.

This bill will give hope to more patients who suffer from CF that they can access innovative therapies that could some day cure them of this dreadful disease.

I urge my colleagues to cosponsor and support this legislation.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Act, 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 2847
 Account: Department of Justice; Community Oriented Policing Services (COPS) Law Enforcement Technology

Legal Name of Requesting Entity: Cobb County (GA) Government

Address of Requesting Entity: 100 Cherokee St., Marietta, GA 30090

Description of Request: The project furthers the National Emergency Communications Plan Strategic goal of 2010, 2011, and 2013. Protecting the health, safety, and welfare of its citizens is a top priority for the local government. Cobb County is a key player in developing a regional interoperable communications system that covers 11 counties from Metro Atlanta to Alabama. The linking of like radio systems will expand coverage, coordinate responses, improve communication, and decrease response time in the event of natural or man-made disasters, including terrorism.

Cobb County continues to plan for, create, and promote communications interoperability. This fact is evident with the acquisition and installation of Homeland Security funded interoperability switch for Project 25 public safety radio systems' participation and connectivity to the Urban Area Security Initiative (UASI) interoperable communication system, working groups and governing body; intergovernmental cooperation with the City of Douglasville and the West Area Regional Radio System (WARRS); and participation and leadership in All Hazards Area 7 Communications Subcommittee for the State of Georgia.

This \$1,000,000 added to H.R. 2847 will be used in its entirety for the purchase of the necessary software, hardware, and microwave equipment to connect Project 25 radio systems in Forsyth and Cobb County to establish regional connectivity. These funds will be used to establish microwave connectivity, link systems together, and upgrade the radio system's operating platform so that all systems are functioning at the same level.

Specifically, the Fiscal Year 2010 will consist of the following budget items: Operating System Equipment and Software (\$400,000), Microwave Equipment (\$400,000), and Engineering and Installation Services (\$200,000).

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 2847
 Account: Department of Justice; Office of Justice Programs (OJP) Byrne Discretionary Grants

Legal Name of Requesting Entity: University of West Georgia

Address of Requesting Entity: 1601 Maple St., Carrollton, GA 30118

Description of request: Major incidents, whether they result from natural phenomena or are a result of criminal behavior, have devastating effects on learning and academic achievement. Federal studies show that emergency plans in many school districts remain unpracticed and are outside National Incident Management System (NIMS) guidelines. Furthermore, less than one third of school districts in the nation include any procedure for continuation of instruction in the event of extended school closure. This initiative would address these shortcomings and prescribe practical solutions.

The \$250,000 included in H.R. 2847 will allow the University of West Georgia to work

with K-12 schools in surrounding high crime neighborhoods to prevent and respond to incidents of crime in these schools. In particular, the University will work with schools such as Bremen High School, Paulding County Middle School, Chattooga High School, and Polk County High School.

The establishment of an emergency response capability will help K-12 schools and other colleges and universities in many ways. It will aid state agency, school district, and local school personnel develop emergency preparedness plans that will help insure the safety of an otherwise defenseless population. This funding will be used to (1) provide technical assistance to support schools and districts in developing comprehensive plans reflective of the all-hazards approach; (2) provide evaluation services to help schools and districts improve already developed plans and to determine the feasibility of partnerships (with first responders) and procedures (evacuation of special needs students) necessary for effective implementation; and (3) assist schools and districts in developing capacity for maintaining continuity of instruction in the event of prolonged school closure.

The Fiscal Year 2010 funds will consist of the following budget items: Project Manager (\$65,000), Equipment (\$46,000), Supplies (\$35,000), Training (\$30,000), Evaluation (\$44,000), and Administration and Accounting (\$30,000).

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, Commerce, Justice, Science, and Related Agencies Act, 2010:

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice; Juvenile Justice

Legal Name of Requesting Entity: Kids Voice

Address of Requesting Entity: 437 Grant Street, Suite 700, Pittsburgh, PA 15219

Amount: \$500,000

Description of Request: The funding would be used to increase their impact in the community and to support programs that are offered to abused and neglected children in Allegheny County.

In addition, KidsVoice seeks to increase its impact by expanding services that will help clients become productive adults, despite the obstacles they face. The funding will expand KidsVoice efforts in assisting foster youth to pursue post-secondary education, job training and employment. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The KidsVoice appropriation is of particular interest to my district and importance to my constituents.

HONORING THE GENEROSITY OF CLAYTON MACKAY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. ISRAEL. Madam Speaker, I rise today to pay tribute to the generosity displayed by one of my constituents, first-grader Clayton MacKay. His act of donating prize money to an Ecuadoran shelter was reported on Friday, June 12, 2009 in my hometown newspaper, Newsday. I am proud of the example he set and would ask that this article be submitted into the CONGRESSIONAL RECORD.

[From Newsday, June 12, 2009]

FIRST GRADER MAKING A DIFFERENCE

Frank J. Carasiti Elementary School first grader Clayton MacKay wanted to help people, so he decided to make a difference in the lives of others by donating \$20 in prize money he won at a recent Easter celebration to Blanca House, a shelter located in Ecuador. The Frank J. Carasiti Elementary School administration and staff recognized Clayton for his thoughtful donation during a monthly school assembly.

Teacher Cecilia Doolittle explained that she has been talking to the students about the school's participation in a program to ship children's books and medical supplies to this philanthropic organization. "He asked me if he should donate some of his money to Blanca House, but after our conversation he decided to donate all of his prize money to this organization," Ms. Doolittle commented. "We are really proud of Clayton."

MOURNING PASSING OF JUDGE SANDRA OTAKA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. HONDA. Madam Speaker, I rise today to mourn the passing of Judge Sandra Otaka, who died of natural causes at the age of 57 on the 6th of June, 2009. As the first Asian-American to be elected judge in Cook County, and the second in Illinois, she was a strong advocate for the Asian American and Pacific Islander community.

Born in California as a sansei, or third-generation Japanese American, she was a politically active young woman. She campaigned against the Vietnam War before enrolling as an undergraduate at UC Berkeley at the age of 28. During her time at Berkeley, Otaka worked to overturn the conviction of Fred Korematsu, a Japanese-American who was arrested in 1942 for not reporting to his designated assembly center for internment. Her fight for justice and equal opportunity continued during law school, where she protested the university's plan to scale back its affirmative action program. After graduating, Otaka

moved to Chicago to work for a commercial law firm and later as counsel for the U.S. Environmental Protection Agency.

After a racist comment by a Cook County Circuit Court Judge, Otaka, as co-chair of the judiciary committee of the Asian American Bar Association, led the effort to have him removed. She succeeded, with the judge failing to win the sixty percent of the vote required for retention.

In 2000, Sandra Otaka was appointed to the Cook County Circuit Court, and in 2002, she was reelected—the first Asian American judge in Cook County to do so.

Judge Otaka is remembered for her continual fight for the Asian American community and as an advocate for diversity on the bench. She is survived by her sister, Susan Smith, and her nephew, Jeffery, who she raised as her own after her brother's death.

In closing, Madam Speaker, I ask my colleagues to join me in mourning the passing of Sandra Otaka. She is truly deserving of our respect and admiration.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the Republican Leadership Standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487, the Commerce, Justice, Science and Related Agencies Appropriations Act of 2010.

I, Congresswoman McMORRIS RODGERS, requested \$500,000 on behalf of Washington State University, located at 1036 Wilson Road; Pullman, Washington 99164. The application submitted on Washington State University's behalf requested funding from the Department of Justice's Office of Justice Program's Edward Byrne Discretionary Grant Account. This funding will be applied to the Washington State University Research Center for the Study of Addiction: Methamphetamine, Prescription, and Other Drugs of Abuse.

The Washington State University Program of Excellence is known for its cutting-edge, world-class research into the treatment and prevention of methamphetamine abuse. This request will utilize existing infrastructure, which currently focuses on methamphetamine abuse, to focus on prescription drug abuse. Funds will be used to provide for one research fellow, including necessary equipment and materials, to be a faculty member in the Center of Excellence. The individual will be responsible for focusing on the effective treatment and prevention of prescription drug abuse.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. YOUNG of Alaska. Madam Speaker, pursuant to the Republican Leadership stand-

ards on earmarks, I am submitting the following information regarding earmarks I receive as part of H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Project Name: Steller Sea Lion Comanagement, Biosampling and Outreach/Education
Bill Number: H.R. 2487

Department of Commerce, NOAA—ORF
Legal name and address of entity receiving earmark:

Alaska Sea Otter and Steller Sea Lion Commission
6239 B Street, Suite 204
Anchorage, AK 99518

Description of how the money will be spent and why the use of federal taxpayer funding is justified: TASSC will take a two pronged approach to sea lion biosampling. First, TASSC will work with two high harvest communities to fund local monitors-local residents that will work with the hunters and facilitate sea lion biosampling and help to monitor and document the local environment. Secondly, TASSC will train approximately 25 coastal Alaska residents on proper sample collection techniques and protocols from those sea lions harvested for subsistence.

Subsistence hunted Steller sea lion biosamples are very valuable to the research community. Collection and analysis of these samples can provide critical information that no other source can provide. It is recognized as a top priority activity in the 1992 and soon to be finalized Steller Sea Lion Recovery Plan. The importance of collecting samples from animals taken for subsistence is widely recognized by such groups as the National Marine Mammal Lab, Alaska Department of Fish and Game, Alaska Sea Life Center and the University of Alaska.

Appropriated Amount: \$500,000
Detailed Finance Plan:
Personnel & Fringe Costs: \$312,300
Travel: \$89,000
Supplies: \$13,700
Contractual: \$50,000
Biosamplers: \$10,000
Printing: \$21,000
Sample Shipping: \$4,000
Project Name: Sexual Assault Response

Team Center
Bill Number: H.R. 2487
Department of Justice, OJP-Byrne
Legal name and address of entity receiving earmark:

The Sexual Assault Response Team (SART) Center
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Funding will be used for the continued development and operations of the Municipality of Anchorage Sexual Assault Response Team (SART) Center. This project will support victims through care while participating in investigation and prosecution and help in prosecution of sexual assault cases through professional evidence collection, documentation, preservation and processing.

The SART Center is essential in the collection of evidence through the forensic medical exam by the sexual assault nurse examiner

and its operations is essential in Anchorage's effort to reduce and eliminate sexual assault. The SART Iso responds to cases from other Alaskan jurisdictions that do not have SART programs, covering a large area, as the nearest SART Center is 200 miles away.

Appropriated Amount: \$400,000
Detailed Finance Plan:
Program Administration, Victim Advocacy, Forensic Investigation: \$340,000
Indirect/Communications: \$60,000
Project Name: The Yukon River Drainage Fisheries Association
Bill Number: H.R. 2487
Department of Commerce, NOAA—ORF
Legal name and address of entity receiving earmark:

The Yukon River Drainage Fisheries Association
725 Christensen Drive, Suite 3-B
Anchorage, AK 99508

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The Yukon River Drainage Fisheries Association (YRDFA) promotes healthy wild salmon fisheries along the Yukon River in Alaska. It manages programs to aid in the management through the gathering of data from subsistence harvests, Native Elders' knowledge and tracking fisheries issues impacting Yukon River salmon. The Yukon River Drainage Fisheries Association also educates fishers and managers in responsible usage and ensures both are able to work to steward the salmon fisheries.

The federal government is obligated to maintain sustainable salmon runs on the Yukon River through the Yukon River Salmon Agreement and to provide subsistence priority under the Alaska Native Interest Claims Act. YRDFA plays a key role in involving the users of the resources in maintaining the salmon runs for which the federal government is responsible for managing.

Appropriated Amount: \$100,000
Detailed Finance Plan:
Policy Monitoring; Board of Fisheries, Federal Subsistence Board: \$40,000
Yukon River subsistence and commercial fisheries revitalization: \$15,000
Salmon By-catch monitoring and reduction: \$10,000
Fisheries education and outreach: \$10,000
Habitat monitoring; climate change impacts: \$15,000

Project Name i-Safe e-Safety Education and Outreach Initiative
Bill Number: H.R. 2487
Department of Justice, OJP-Juvenile Justice
Legal name and address of entity receiving earmark:

i-SAFE, Inc.
5900 Pasteur Court, Suite 100
Carlsbad, CA 92008

Description of how the money will be spent and why the use of federal taxpayer funding is justified: This funding will allow i-SAFE to expand services to a projected 6.2 million students nationally by the end of the 2009 school year. It will also help to fund the i-SAFE initiatives that provide data to FBI, local law enforcement, schools and industry leaders such as USPTO, RIAA and ASCAP. This data is provided through the i-SAFE National Assessment Center—a compilation of student surveys that serve as the world's largest data base of student online behavior and attitudes.

Appropriated Amount: \$630,000

Detailed Finance Plan:

i-SAFE Inc. is the leading provider of e-Safety education and training in schools nationwide. i-SAFE also provides schools/districts behavioral statistical data regarding Internet behavior and usage by their students. i-SAFE programmatic assets address a broad range of e-Safety issues through a uniquely comprehensive and holistic framework that includes training of educators (i.e., Professional Development Program—i-SAFE has trained over 85,000 educators nationwide) both online and in-person, extensive community outreach programs towards parents, seniors, legal/law-enforcement officers and, most importantly, a world-class age-appropriate curriculum which features integrated teaching and learning activities for students in all grades from primary to secondary schools. i-SAFE has educated over 8.5 million students nationwide and has cooperative agreement with many of the State Dept. of Education(s) and Districts in all 50 states including schools in Washington DC to name a few: Sidwell Friends School; St. Patrick's Episcopal Day School; Woodridge Elementary; Woodridge High School & St. Peters Interparish School.

i-SAFE fulfills a vital role in the digital age and global information society, throughout the United States by empowering Internet users with the knowledge and awareness needed to garner the most benefit from Information and Communications Technologies (ICTs) and the Internet via safe, responsible, ethical and legal use.

Beginning in 2009 Congress mandated that elementary and secondary schools receiving E-Rate discounts must submit a certification to the Federal Communications Commission that as part of their Internet safety policy they are "educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. i-SAFE can provide to every school, throughout the United States the "E-Rate Certification Compliance Package". This package includes all classroom curriculum that is mandated to be taught through the Legislation mandate of the Broadband Act.

Funding will be used to expand the i-SAFE curriculum to more students and classrooms throughout the nation as well as implement the "E-Rate Compliance Package" into schools throughout the nation.

This request will also allow i-SAFE to provide, on a quarterly basis, student assessment data (i.e., metrics) to the district/schools upon request allowing them to have metrics on students behavioral attitudes towards online safety.

This Administration is focused on providing every student and school(s) the ability to communicate and learn through today's 21st century communication. Safety is a key component for schools that provide students with the means to access online information and services within their learning environment in the classroom. Education is the diadem to the success of students being empowered with the knowledge of learning safe and responsible tactics as a citizen in today's global economy. The only environment that is conducive for every student, regardless of age, race

or socio-economic, to deploy such global education, is that of the classroom. To date, over 8.5 million students nationwide have acquired the critical thinking and decision-making skills to ensure safe online behavior. The efficacy of the i-SAFE program has proven invaluable to the tax payers nationwide.

EARMARK DECLARATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. HUNTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce-Justice-Science Appropriations for FY 2010:

I requested \$250,000 for the California Department of Justice (CA DOJ) through the Department of Justice, Community Oriented Police Services Meth Account. Representatives BOB FILNER (CA-51) and SUSAN DAVIS (CA-53) also requested additional funding for this program and the total amount received is \$350,000. The entity to receive funding for this project is the California Department of Justice at 13001 I Street, Sacramento, CA 95814.

CA DOJ has made me aware that while California is the nation's leader in meth production, meth continues to be imported from Mexico across the San Diego border. Additionally, violent Mexican nationals are now setting up operations in California, including East County, due to the recent crackdown in Mexico. As a result of a lack of resources, law enforcement is not discovering meth labs until they have already been deserted, leaving the County to clean up. These funds will be used to purchase equipment used for investigation and seizure of meth labs, drug (all types) interdiction efforts, pay overtime to San Diego California Methamphetamine Strategy (CALMS) officers and train local law enforcement. Local law enforcement and first responders will be trained to deal with meth production, clean up and sales. San Diego County will benefit by also having additional CA DOJ enforcement teams in the County to combat drug sales and interdiction efforts.

I also requested \$250,000 for the County of San Diego, CA, through the Department of Justice, Office of Justice Programs—Byrne Discretionary Grants Account. The entity to receive funding for this project is the San Diego County Sheriff's Department at 9621 Ridgehaven Court, San Diego, CA 92123.

Funding for this program will be used to implement and replicate the North County Gang Enforcement Collaborative (NCGEC), which focuses on cooperation and communication among street level officers from numerous different law enforcement jurisdictions. NCGEC has successfully reduced violent crime, gangs and other activity and enterprises that result in violent crime and gang violence in the targeted region. Countywide, however, incidence and severity of gang and drug crime is on the rise (502 cases in 2007 to 616 cases in 2008), especially with gangs that serve as the distribution and enforcement arms of international

drug cartels, as well as those involved with weapon and human trafficking. The 52nd District comprises between 5 to 9 percent of all gang crime activity countywide. These numbers, however, do not actually reflect gang crimes because much of this activity goes unreported. Additionally, San Diego is the largest port of entry from Mexico, where cross border operation among gangs is routine and from San Diego, contraband is distributed nationally.

I met with the San Diego County Sheriff's office to discuss the types of other organized groups involved in criminal activity, e.g., outlaw motorcycle gangs, white supremacists, and skinheads in San Diego's East County. East County will serve as a test site to see if this type of program will reduce these types of gangs. From 2007 and 2008, there were 76 gang related prosecutions from the 52nd District. If successful, the program will be expanded nationally.

ON INTRODUCING A RESOLUTION REGARDING BLACK-JEWISH RELATIONS AND THE SHOOTING AT THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a resolution expressing the sense of Congress regarding Black-Jewish relations and the June 10, 2009 shooting at the United States Holocaust Memorial Museum in Washington, D.C. Special Police Officer Stephen Tyrone Johns, an African American, was shot dead by a white supremacist while defending an institution devoted to Jewish history and to the eradication of all forms of hatred and violence.

Madam Speaker, last week's tragic act of violence reminds us yet again that black Americans and Jewish Americans share a great deal in common. Our two communities have a long history of fighting injustice and hate, whether in the form of racism, anti-Semitism, xenophobia, or any other form of senseless hatred. We have so often stood together, united in our desire to create a world free from the kind of violence that plagued this nation last week. When Jewish Americans helped found the National Association for the Advancement of Colored People in 1909 and the Urban League in 1910, they did so out of a conviction that by mitigating the evils of racial intolerance all people would benefit from an America free of discrimination and committed to equal justice and equal opportunity for all. Indeed, W.E.B. Dubois told the Jewish Daily Forward in 1928 that "the Negro race looks to Jews for sympathy and understanding," referencing the sense amongst both communities that in their respective histories they had endured similar challenges.

A few decades later African Americans would denounce the Nazis' racial policies and fight against Hitler, while those of African descent were marginalized in Germany and, in a little-known twist of history, many African

Americans found themselves prisoners in concentration camps. Jewish Americans have always been deeply grateful to the members of the Armed Forces who liberated the concentration camps, including African American soldiers who took part not only in freeing the camps but seeing to the health and well being of Jewish refugees afterward.

Here in the United States, during the 1950s and 1960s, black Americans and Jewish Americans often stood side by side in the fight for civil rights and equal justice. Sometimes they even died for their efforts, as was the case with the infamous 1964 murders of civil rights workers James Chaney, Andrew Goodman, and Michael Schwerner in Mississippi. Over 50% of civil rights attorneys in the South during those years were Jewish, and the two communities and their various advocacy organizations were often united against the inflamed hatreds and acts of violence of that era.

Madam Speaker, last week's shooting exemplified the extent to which our two communities can be united on issues that profoundly and tragically affect us both. There is no doubt that the act of violence at the Holocaust Museum was directed against the very notions of equality, acceptance, and mutual respect that our communities constantly strive for. We both share a common historical narrative around discrimination, persecution, injustice, and hatred. But a significant part of that narrative also includes our efforts to overcome those hardships and together rise above the petty hatreds and tragic acts of violence that plague our communities.

I hope that last week's shooting at the Holocaust Museum will not be dismissed as the random ravings of a crazed lunatic. But let us also not forget that there have been many more acts of violence here in this country since last week, and it is incumbent upon both of our communities—indeed, our entire society—to boldly confront not only the white supremacists but also the gang violence, and not only the anti-Jewish screeds but also the horrific racial diatribes littering the social conscience. We must not only improve security at the Holocaust Museum and other Jewish institutions but also put more police on the streets in our urban neighborhoods; not only redouble our efforts on education, training, and outreach but also take concrete measures to expand opportunities like college, jobs, and health care to all Americans. Let us once again have African Americans and Jewish Americans stand together for justice and equality.

I urge my colleagues to support this resolution.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Departments of Commerce and

Justice, and Science, and Related Agencies Appropriations for FY2010.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 2847

Provision: Title I

Account: NOAA—ORF

Legal Name of Requesting Entity: "The University of Oklahoma"

Address of Requesting Entity: 100 E. Boyd St, Room 1110, Norman, OK 73019 USA

Description of Request: Provide an earmark of \$2,000,000 to support research and development for a Phased Array Radar system, with the capability of detecting forecasting advanced detection of tornadoes, and other forms of severe weather at the National Severe Storms Labs (NSSL) in Norman, OK. Approximately, \$800,000 is for Development of polarimetry and a phased array panel for advanced weather radar observations; \$700,000 for Fundamental research on imaging radar technology as a possibility for multi-function national radar coverage; and \$500,000 will be used for precision laboratory experiments for radio wave scattering of hydrometeors for advancements in numerical weather prediction.

Requesting Member: Congressman Tom Cole

Bill Number: H.R. 2847

Provision: Title II

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: "The Chickasaw Nation"

Address of Requesting Entity: 1130 West Main St., Ada, Ok 74820

Description of Request: Provide an earmark of \$750,000 to administer a law enforcement visual intelligence technology project for the Chickasaw and Choctaw Nations, which encompasses 22 counties in Southern and Southeastern Oklahoma. Approximately, \$39,000 will be used for program administration; \$688,000 will be used for image libraries; \$7,500 will be used for media distribution and equipment; and \$15,500 will be used for installation, training and customer support. For the first time, all federal, state, and local agencies operating within the aforementioned areas will have a common visual imagery tool to jointly manage emergencies. The project enhances public safety, officer safety, and puts sophisticated geospatial intelligence information into the hands of those responding to fire, crisis, 911 calls, and more. In this way, they can better respond to the situations at hand and do so more safely.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 2847

Provision: Title II

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: "City of Norman, Oklahoma"

Address of Requesting Entity: 201 West Gray, PO Box 370, Norman, OK, USA

Description of Request: Provide an earmark of \$250,000 to replace the state's current networking system for Computer Aided Dispatch, record management, mobile data access, mapping, and other software tools critical to disaster response. Of this amount, approximately \$135,000 would be used for application

software, \$56,000 would be used for support services, \$28,000 would be used for third party costs, \$17,000 would be used for custom software interfaces, and \$14,000 would be used for travel and living expenses for the contractors installing the system. The City's present system does not provide effective integration of these services and causes critical delays in disaster response. The City of Norman will provide a minimum of a 50/50 cost share and this funding will come directly from the City.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 2847

Provision: Title II

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: "Southeastern Oklahoma State University"

Address of Requesting Entity: 1405 N 4th Ave, PMB 4187, Durant, OK 74701

Description of Request: Provide an earmark of \$270,000 to enhance the Emergency response System at Southeastern Oklahoma State University. Approximately, \$20,000 is for a Campus-wide Panic Duress Systems; \$200,000 for engineering; \$75,000 for economic analysis; \$2,000 is for SMS text messaging software; \$50,000 will be used for a Campus-wide public announcement system; \$23,000 will be used for campus emergency call boxes; \$75,000 will be used for an emergency power generator; \$50,000 will be used for Equipment, Radios and Uniforms for public safety staff; and \$50,000 will be used for a fingerprint and document imaging scanner. This safety equipment will ensure that students feel safe on campus and will increase the response abilities of Southeastern State. This safety will also encourage more students to attend this college and therefore grow the local community.

EARMARK DECLARATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. REICHERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487, the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Act.

(1) \$500,000 for the Region 43, Pierce County Metropolitan Public Safety Communications Interoperable First Responder Emergency Communication System

Requesting Entity: Pierce County Sheriff Department, 930 Tacoma Avenue, Tacoma, WA 98402

Agency: Department of Justice

Account: COPS Tech

Funding Requested by: Rep. DAVE REICHERT

Currently, Pierce County has several disparate radio systems which do not allow easy interoperability, or only provide minimal interoperability. There is a drastic need for improved operable communications and interoperable communications in Pierce County which will take advantage of new technology.

Two critical components of this project involve a county-wide radio system and 911 dispatch centers. Pierce County will plan, purchase and build a county-wide interoperable radio communications system and two 911 dispatch centers (one police and one fire communications facilities), co-locating participating PSAPs into physically separate, fully redundant and survivable Fire and Police communications facilities. This project will solve the County's interoperability issues and establish the capacity to use operating funds, staff and equipment more efficiently.

Building a regional interoperable communications system with two consolidated PSAPs will dramatically improve the ability of first responders to respond to natural or manmade disasters within Pierce County and improve day-to-day operational capabilities. This project comes at a critical time due to sun-setting technology and FCC mandates. Additionally, this will enable all first responders to become interoperable. Citizens of Pierce County and the Puget Sound will benefit from first responders rapidly deploying to events and communicating effectively for life safety issues.

Additionally, an estimated 1,080 prevailing wage jobs will be created to construct facilities and communications sites. Further, in-state companies will have the opportunity to participate in supplying building materials, equipment, supplies and services. Local and state governments will benefit from sales tax revenues and permitting fees.

Finance Plan:

Site development:

Backhoe Excavation for Shelter Foundation	
Designs	6,000
Shelter Foundation 12 x 32	18,500
Generator Foundation	12,300
Fuel Tank Foundation	10,200
Shelter, Fuel Tank and Generator Placement	17,000
Utility Locate	1,100
High voltage electrical installation	30,000
Grounding for new shelter, generator, and tower components	17,000
Tower Ice Bridge	5,000
Design Construction Drawings	5,000
As Built Construction Drawings	1,650
Shelter, Generator and Tank and Tower Foundation design	5,000
Misc. Civil Construction (Includes extended Utility Trenching, Rock/Site Finish, Landscaping, Misc. Concrete and Bollards, Fuel Tank, install and fuel)	21,200
Site Acquisition and Zoning Services (Includes Building Permit Processing, Zoning submittal and Approval Process)	3,100
General Testing (Includes Soil Resistivity Test, Compact Test, Concrete Test, Grounding Test, Generator Load Test, and Special Inspections)	8,000
Construction Mgmt Services (includes Subcontractor's Construction Management, Project management Project Coordinator, Mobilization, Temp Facilities, Transportation of materials to Site and Close out Preparation)	26,100
Tower Foundation	95,000
Crane Rental	15,000
Site Topographical Survey	4,100
Standard Geotechnical Investigation	20,000
Tower Freight	18,500
Shelter Freight	31,000
Tower	98,000
12 x 32 Shelter w/aggregate ext. & twin A/C units	94,000
Tower Lighting	11,000

Self-Supporting Tower Erection	60,000
Fences/Gates	25,000
Building Permit review	3,000
Geotech	6,500
Site Drawings	2,000
Geotech Follow Up	2,000
Radio base stations (Includes antenna combiners, antennas, feedlines and lightning suppression	165,000
Microwave backhaul equipment	140,000
Multiplexers	20,000
Misc. Parts and Supplies	2,750
Site Development Total	1,000,000

(2) \$150,000 for the Valley Cities Public Safety Regional Broadband Network
 Requesting Entity: City of Auburn, 25 West Main Street, Auburn, WA 98001
 Agency: Department of Justice
 Account: COPS Tech
 Funding Requested by: Reps. DAVE REICHERT, ADAM SMITH

The Valley Cities completed a regional broadband network study in 2007 that recommended the development of a regional fiber optic ring that would connect the Cities, support public safety, and enhance interagency communications, law enforcement capabilities, and emergency response. Seven of the Valley Cities are supported by the Valley Communications 911 center. The development of a fiber ring between these cities, including the Valley Communications 911 center, provides the infrastructure to support interagency communications. Additional wireless access devices will support communications in the field.

This project also supports communications between public safety entities during mutual aid and disaster response, and will allow for future connectivity between regional 911 centers such as LESA in Tacoma and NorComm in the Northeast King County area.

The cities of the Valley, from Puyallup to Tukwila, account for more than 65 percent of all industrial, distribution and warehousing in the Puget Sound Region. Combined they are known as the Green River Valley Distribution Hub, an important and highly effective economic engine for the Puget Sound Region and the entire state of Washington. Currently, the Valley Cities employ more than 85,000 people and have a population of over 300,000. There are more than 12,400 acres of industrial lands, 164 miles of truck routes and 8,432 acres of commercial land in this economic region.

As the region grows, it is critical to maintain effective tools for law enforcement in their efforts to keep the community safe. The Auburn, Renton, Kent and Tukwila agencies own the Valley Communications 911 center, which also provides services to the Algona and Pacific agencies. The funding will streamline their communications and provide opportunities for communications in mutual aid or disaster response situations throughout the nine Valley Cities. In addition, City of Auburn provides Public Safety Records Management services for the Cities of Algona and Pacific. The secure fiber network between these nine agencies will allow the cities to have high speed communications and meet the ever expanding Criminal Justice Information Security (CJIS) requirements that mandate the securing and encryption of these data networks.

The Cops Technology grant program provides funding for the continued development

of technologies and automated systems that help local law enforcement agencies prevent, respond to, and investigate crime. As part of a technology upgrade to begin in 2009, 911 communications for the law enforcement capabilities and public safety community will be changed from radio to IP-based. This will require wired (fiber) communications between the Valley Communications 911 Center and public safety agencies, as well as wireless communications between agencies and mobile computers installed in law enforcement vehicles.

The project will provide 65 direct family wage jobs in the design and construction of this project. In addition, maintenance and operations of this fiber network will provide indirect jobs with regional vendors who will provide the support of the network.

Finance Plan:

Valley Cities Public Safety Regional Broadband Network Cost Estimate

Construction Budget Estimate:	
Segment A: Backbone	\$750,000
Segment B: Valley Communications	\$200,000
Segment C: Auburn City Hall	\$50,000
Segment D: Federal Way City Hall	\$500,000
Segment E: Kent City Hall	\$50,000
Segment F: Tukwila City Hall	\$50,000
Segment G: Renton City Hall	\$50,000
Segment H: Puget Sound Access	\$50,000
Segment I: Algona	\$90,000
Segment J: Pacific	\$90,000
Segment K: Auburn M&O Facility to Ellingson	\$200,000
Total of estimates	\$2,080,000

Project Management & Design Budget Estimate:	
Consultant design engineering	\$470,000
Consultant project management	\$450,000
Total of estimates	\$920,000
Estimated Total Project Cost	\$3,000,000

(3) \$1,500,000 for the Washington State Meth Initiative.

Requesting Entity: Pierce County Alliance, 510 Tacoma Ave. So., Tacoma, WA 98402.
 Agency: Department of Justice.
 Account: COPS Meth.

Funding Requested by: Reps. DAVE REICHERT, ADAM SMITH, RICK LARSEN, NORM DICKS, BRIAN BAIRD.

The methamphetamine epidemic in Washington State mandated an intensive, proactive approach to address the problem on every level, prompting the organization of the Washington State Methamphetamine Initiative in 1999. A coalition of concerned, public and private entities developed a comprehensive, integrated program incorporating a focused treatment component, community mobilization and prevention, and environmental and property damage remediation.

WSMI's main goals are to improve enforcement, abate production of methamphetamine, and provide prevention, treatment, and the necessary resources to mobilize communities state-wide. The program propagated an effective treatment model to deal with the severity of the drug and created "Meth Action Teams" (MATs) in every county, educating and organizing communities to combat the drug and all its related effects at the grassroots. Having effectively launched the program in 2001, WSMI seeks to continue to meet the compelling threat of methamphetamine in our state by pursuit of a proven, cost-effective strategy that has reduced the number of illicit meth labs and dump site discoveries by over 70%.

This funding is an ideal implementation of the COPS "Meth Hot Spots" funding because it directly targets the multi-faceted impacts of methamphetamine on our communities state-wide. The funding will also be critical to the retention of jobs related to the proactive investigation efforts related to methamphetamine trafficking across the state.

Finance Plan:

This finance plan reflects a continuation of federal funding for the Washington State Methamphetamine Initiative (WSMI), initiated in 2000. The funds are allocated as indicated below and the 2010 funding request will continue the current positions and activities of the Initiative.

Budget Item	Federal	County
Law Enforcement	961,000
Prevention	300,000
Treatment	460,544	228,320
Indirect Costs	278,456
Total	2,000,000	228,320

This office conducted site visits to meet with representatives from all three of the projects listed above.

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Title II: Department of Justice

The 11th Congressional District was directly impacted by the events of 9/11 and it is critical to continue to make direct investments to improve first responder and law enforcement communications and for like technology and equipment upgrades.

Bill Number: H.R. 2847

Account: Community Oriented Policing Services

Legal Name of Entity: Somerset County Office of Emergency Management

Address of Requesting Entity: 20 Grove Street, P.O. Box 3000, Somerville, NJ 08876

Funding Level: \$1,000,000

Description of Request: It is my understanding that the funding would be used for

police communication equipment upgrades and interoperability technology enhancements.

Bill Number: H.R. 2847

Account: Community Oriented Policing Services

Legal Name of Entity: Sussex County Office of Emergency Management

Address of Requesting Entity: 39 High Street, Newton, New Jersey 07860

Funding Level: \$1,000,000

Description of Request: It is my understanding that the funding would be used for police communication equipment upgrades and interoperability technology enhancements.

Bill Number: H.R. 2847

Account: Community Oriented Policing Services

Legal Name of Entity: Essex County Office of Emergency Management

Address of Requesting Entity: 50 Nelson Place—2nd Floor, New Courts Building, Newark, New Jersey 07102.

Funding Level: \$1,000,000

Description of Request: It is my understanding that the funding would be used for police communication equipment upgrades and interoperability technology enhancements.

Title IV: Science

Bill Number: H.R. 2847

Account: National Aeronautics and Space Administration, Cross-Agency Support Programs

Legal Name of Entity: Drew University

Funding Level: \$1,000,000

Address of Requesting Entity: 36 Madison Avenue, Madison, New Jersey 07940

Description of Request: It is my understanding the funding will be used for research and curricula enhancements, including GIS mapping and space imagery of the impact of climate change on forest resources and development of new environmental studies courses and for construction and improvements of science laboratories, for science equipment and technology, and for improvements to associated science classroom space.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487, FY2010 Commerce, Justice, Science and Related Agencies Appropriations Act.

Requesting Member: Congresswoman CATHY McMORRIS RODGERS

Bill Number: H.R. 2847

Account: Office of Justice—Edward Byrne Discretionary Grant Account

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: 1036 Wilson Road, Pullman, Washington 99164

Description of Request: The Washington State University Program of Excellence is known for its cutting-edge, world-class research into the treatment and prevention of

methamphetamine abuse. This request will utilize existing infrastructure, which currently focuses on methamphetamine abuse, to focus on prescription drug abuse. Funds will be used to provide for one research fellow, including necessary equipment and materials, to be a faculty member in the Center of Excellence. The individual will be responsible for focusing on the effective treatment and prevention of prescription drug abuse.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 2847—Commerce, Justice, Science Appropriations Act of 2010

Account: Office of Justice Programs—Juvenile Justice

Legal Name of Receiving Entity: PACE Center for Girls, Inc.

Address of Receiving Entity: 1 West Adams Street, Suite 301, Jacksonville, FL 32202

Description of Request: I have secured \$400,000 in funding in H.R. 2847 in the Office of Justice Programs—Juvenile Justice Account, under the Department of Justice for PACEWorks!

The purpose of this program is to help guide at-risk female youths away from the justice system and toward a productive and self-sustaining adulthood. This project is eligible for federal funding under the Department of Justice, Office of Justice Programs—Juvenile Justice Account. This transition program for at-risk girls and young women in Duval and Broward counties includes vocational education, integrated employment, continuing education, and independent living training.

Pace Center for Girls, Inc., will contribute \$430,000 to this project that will help curb the increasing amount of juvenile offenders. This project is eligible to receive a federal grant under the Department of Justice, Office of Justice Programs—Juvenile Justice Account.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 2847—Commerce, Justice, Science Appropriations Act of 2010

Account: Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Receiving Entity: City of Jacksonville, FL

Address of Receiving Entity: 117 W. Duval St., #400, Jacksonville, Florida 32202

Description of Request: I have secured \$1,250,000 in funding in H.R. 2847 in the Office of Justice Programs—Juvenile Justice Account under the Department of Justice for the At-Risk Youth Intervention Initiative.

Jacksonville, FL, has been the "murder capital" of Florida for nine years running, and 14 of the last 19 years, with the per capita homicide rate spiking at an alarming rate since 2001. More than 10 percent of the murders in Florida occur in Duval County, even though it

represents about 5 percent of the state population.

Jacksonville Journey's At-Risk Youth Intervention Initiative aims to reduce truancy, drop-out rates, and assess juveniles when initially entering the juvenile justice system. The three pronged approach will utilize Out-of-School Suspension Program, Juvenile Assessment Center, and the Team Up after school education program. This program will divert at-risk youth away from the criminal system and dramatically reduce the number of unsupervised youth, improve academic outcomes, and reduce crime.

This project is a valuable use of taxpayer funds because the At-Risk Youth Intervention Initiative aims to reduce truancy, drop-out rates, and provide after school education programs. This program will utilize Out-of-School Suspension Centers to provide a structured and safe environment for suspended juveniles. Youth arrested in Jacksonville will be taken to the Juvenile Assessment Center where counselors will determine an appropriate placement and intervention strategy. Team UP, one of the other partners in the initiative, is an after-school program that provides education and counseling services to low-income at-risk youth.

The Jacksonville Journey At-Risk Youth Intervention Initiative will be funded by local, state, and private funds totaling \$5,000,000. This project is eligible to receive a federal grant under the Department of Justice, Office of Justice Programs—Juvenile Justice Account.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 2847—Commerce, Justice, Science Appropriations Act of 2010

Account: Community Oriented Policing Services Technology

Legal Name of Receiving Entity: Jacksonville Sheriff's Office

Address of Receiving Entity: 501 East Bay Street, Jacksonville, Florida 32202

Description of Request: I have secured \$750,000 in funding in H.R. 2847 in the Community Oriented Policing Services Technology Account under the Department of Justice for the Jacksonville Sheriff's Office.

The Jacksonville Sheriff's Office is seeking the atmospheric detection equipment to monitor atmospheric conditions related to: Hazmat accidents, emergency situations and criminal activity. By providing funding for this project it will enhance the Jacksonville Sheriff's Office's detection capability and mitigate consequences to Hazmat accidents and crime scenes, increase public and officer safety.

This project will serve the Port of Jacksonville, DOD facilities based at the Port of Jacksonville, and all of Duval County. The Jacksonville Sheriff's Office responds to Atmospheric Emergency situations for both commercial and military facilities at the port of Jacksonville. Federal assets at the Port of Jacksonville do not have the capabilities for atmospheric detection that this project will provide.

The Jacksonville Police Department is contributing \$551,374 over a four year period for officer training and additional costs related to this project.

This project is eligible for federal funding under the Department of Justice, Community

Oriented Policing Services Technology Account.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 2847—Commerce, Justice, Science Appropriations Act of 2010

Account: Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Receiving Entity: Tallahassee Community College

Address of Receiving Entity: 444 Appleyard Drive, Tallahassee, FL 32304

Description of Request: I have secured \$245,000 in funding in H.R. 2847 in the Office of Justice Programs—Byrne Discretionary grant program under the Department of Justice for the Florida Public Safety Initiative at Tallahassee Community College.

After the September 11, 2001, tragic events, a concerted effort was begun by law enforcement agencies to reduce barriers that impede intelligence sharing so that future tragedies could be prevented.

The National Criminal Intelligence Sharing Plan (NCISP) was developed as a key tool that law enforcement agencies can employ to support crime-fighting and public safety efforts. The NCISP developed minimum criminal intelligence training standards for law enforcement personnel, and recommended that "training should be provided to all levels of law enforcement personnel involved in the criminal intelligence process."

The Florida Public Safety Institute (FPSI) at Tallahassee Community College initiated a project to update existing intelligence training programs at FPSI to enable law enforcement and other criminal justice agency personnel engaged in the planning, collection, collation, analysis, and dissemination of information and criminal intelligence to meet NCISP standards.

Tallahassee Community College will contribute \$394,000 to the project. This project is eligible for federal funding under the Department of Justice, Office of Justice Programs—Byrne Discretionary grant program.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 2847—Commerce, Justice, Science Appropriations Act of 2010

Account: Community Oriented Policing Services Technology

Legal Name of Receiving Entity: Union County, FL, Sheriff, Lake Butler, FL

Address of Receiving Entity: 55 W. Main St. Courthouse, #102, Lake Butler, FL 32054

Description of Request: I have secured \$500,000 in funding in H.R. 2847 in the Community Oriented Policing Services Technology Account under the Department of Justice for the Law Enforcement Visual Intelligence Tool.

The counties of Duval, Nassau, Union, Baker, Hamilton, Columbia, Leon and Madison in North Florida will greatly benefit from the availability of this Law Enforcement Visual Intelligence Tool. It will allow them to manage natural disasters, crime scenes, and emergencies. Within seconds, a law enforcement officer will be able to view and analyze any house, building, intersection, fire hydrant, tree or any feature in the county from their laptop, workstation, or mobile device.

The Union County Sheriff will administer the program for the following eight North Florida counties: Union, Baker, Nassau, Columbia,

Hamilton, Madison, Jefferson and Leon. The eight counties involved in this program will share the administrative and officer training costs incurred by this program.

This project is eligible for federal funding under the Department of Justice, Community Oriented Policing Services Technology Account.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 2847—Commerce, Justice, Science Appropriations Act of 2010

Account: NOAA—ORF

Legal Name of Receiving Entity: Southern Shrimp Alliance

Address of Receiving Entity: P.O. Box 1577, Tarpon Springs, FL 34688

Description of Request: I have secured \$700,000 in funding in H.R. 2847 in the National Oceanic Atmospheric Administration—Operations, Research and Facilities grant program under the Department of Commerce for the Shrimp Industry Fishing Effort Research Continuation.

This project will utilize Electronic Logbooks to fulfill federal regulations and statutory requirements to reduce bycatch, end overfishing, and rebuild overfished stocks including red snapper in federal waters. This project would deploy Electronic Logbooks in the U.S. shrimp fleet which helps administer the collection and analysis of data.

This project is eligible for federal funding under the Department of Commerce, National Oceanic and Atmospheric Administration—Operations, Research and Facilities Account.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 2847—Commerce, Justice, Science Appropriations Act of 2010

Account: Community Oriented Policing Services Technology

Legal Name of Receiving Entity: City of Jacksonville Beach, FL

Address of Receiving Entity: 11 North Third Street, Jacksonville Beach, FL 32250

Description of Request: I have secured \$250,000 in funding in H.R. 2847 in the Office of Justice Programs—Community Oriented Policing Law Enforcement Technology grant program under the Department of Justice for the City of Jacksonville Beach, FL to procure an Interoperability P-25 Compliant Radio System.

The City of Jacksonville Beach, FL, law enforcement will procure an Interoperability P-25 Compliant Radio System for public safety communications. This will enable the local law enforcement to communicate with all local first responders in the area.

The Jacksonville Beach Interoperability P-25 Compliant Radio System is a valuable use of taxpayer dollars because upgrading Jacksonville Beach's law enforcement public safety communications to a digital system will enable the local law enforcement to better communicate in case of natural disasters and emergencies.

This project is eligible for federal funding under the Department of Justice, Community Oriented Policing Services—Law Enforcement Technology Account.

HELPING ACTIVE DUTY DEPLOYED
ACT OF 2009**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, today I introduced the Helping Active Duty Deployed Act of 2009 to help the brave men and women in our armed forces as they prepare for deployment or change of station. The Helping Active Duty Deployed Act of 2009 (HADD Act), would relieve military personnel who are deploying or changing station from onerous penalties that they currently incur for early termination of private contracts. It is unconscionable that the members of our armed forces who put their lives on the line to protect our freedom are charged early termination penalties when facing deployment or change of station.

The HADD Act will make it illegal for a cell phone company to charge an early termination penalty to members of the military facing deployment or change of station. The 110th Congress provided that cellular telephone service entered into solely by the military member was not subject to an early termination penalty should the member receive change of station orders. However, many military members with families have more affordable family plans, and can still be charged early termination penalties. They are faced with two unpalatable options—continue to pay for a family plan they are no longer able to use, or pay an early termination penalty.

The HADD Act will make it illegal for a landlord to charge an early termination penalty to members of the military facing deployment or change of station. Although the current Servicemember Civil Relief Act permits members to legally terminate a residential lease, it does not exempt them from early termination penalties. Conversely, existing law expressly prohibits early termination penalties for terminating a motor vehicle lease.

The HADD Act will make it illegal for institutions of higher education to retain the unused portion of tuition a member of the military was forced to forgo due to deployment or change of station. Military personnel should receive a tuition refund if they are deployed mid-semester. The 110th Congress passed the expanded GI Bill, expressing its support for our veterans. I cannot believe that we would implicitly discourage their education during their years of service for fear that their tuition expenses may be lost if they are called upon to actively serve their country. The HADD Act will fix this disparity.

Madam Speaker, the HADD Act has the endorsement of the Iraq and Afghanistan Veterans of America and I will introduce a copy of their letter into the record. I hope my colleagues will join me in supporting our men and women in uniform, and outlaw the practice of penalizing our military for their service to our country.

IRAQ AND AFGHANISTAN VETERANS OF
AMERICAN HADD ACT LETTER OF SUPPORT
(By Patrick Campbell)

MAY 8, 2009.

Hon. GERALD E. CONNOLLY,
*Cannon House Office Building, Washington,
DC.*

DEAR CONGRESSMAN CONNOLLY: Iraq and Afghanistan Veterans of America (IAVA) is proud to offer our support for the Helping Active Duty Deployed Act of 2009 (HADD). The Servicemember Civil Relief Act must continue to be modernized to ensure that our men and women in uniform are focusing on their missions overseas and not bureaucratic morass back at home. Over 500,000 National Guard and Reservists have been deployed since 9/11 and nearly 1/5th of those are currently enrolled in college. Without federal protections these servicemembers who are deployed mid academic term face a patchwork of refund procedures which are confusing and inconsistent. HADD will require colleges to refund tuition paid by the servicemember for courses they could not complete due to a deployment. This legislation will also allow servicemembers who have cell phone contracts on a family plan to suspend their service while they are overseas. While I was in Iraq, I was required to pay a monthly fee to my cell phone provider in order to keep my cell phone contract current. I spent five hours of my first day back from Iraq in a Cingular Wireless store just trying to get my service restored. It took me over 7 months for the whole issue to get resolved and required filing a complaint to the FCC and switching service providers.

If we can be of help in securing passage of this bill, please feel free to contact me. We look forward to working with you.

Sincerely,

PATRICK CAMPBELL,
Chief Legislative Counsel.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847—Commerce, Justice, Science and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 2847—Commerce, Justice, Science and Related Agencies Appropriations Act, 2010

Project: Sam Houston State University Regional Crime Lab

Account: Office of Justice Programs, Byrne Discretionary Grants

Requesting Entity: Sam Houston State University

Address of Requesting Entity: 1803 Avenue I, Huntsville, TX 77341

Law enforcement agencies in rural communities experience long waits and backlogs when requesting services from major cities like Houston. This request allows Sam Houston State University—one of the nation's foremost criminal justice universities—to use its expertise in forensic science to begin operations of

the Regional Crime Laboratory started with funding I previously secured. This lab will provide important forensics services to local law enforcement such as identification of controlled substances, toxicology screening and fingerprint matching. The lab will be able to service communities in a 75-mile wide area.

The \$1,000,000 included in this bill for this project will be allocated to staff the SHSU Regional Crime Lab and make it operational for serving regional law enforcement agencies. Specific budget items include: capital outlays (54%); salaries and benefits for laboratory staff (37%); lab supplies (8%); and sub-contracts for staff training (1%).

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. SOUDER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, FY2010:

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 2847

Account: DOJ, COPS

Legal Name of Requesting Entity: Office of Prosecuting Attorney, Elkhart County

Address of Requesting Entity: 301 South Main Street Suite 100; Elkhart, IN 46516

Description of Request: Elkhart County is the eye of the storm for the Midwest when it comes to methamphetamine. Federal financial assistance on this project will allow Elkhart County to advance a protocol to effectively address Mexican cartels and local meth lab manufacturers that can be used as a model for Any Town, U.S.A. By reducing and/or eliminating organized criminal drug enterprises, confidence in the wellbeing of the community can be restored.

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 2847

Account: DOJ, COPS

Legal Name of Requesting Entity: City of Fort Wayne

Address of Requesting Entity: One Main Street; Fort Wayne, IN 46802

Description of Request: As part of its initiative to identify and apprehend criminal suspects, the City of Fort Wayne will obtain and operate an Automatic Fingerprint Identification System (AFIS) for Latent Palm Prints. This new equipment will allow the Fort Wayne Police Department to increase its ability to apprehend criminals and reduce the amount of time officers must spend in investigating crime scenes, testifying in court and filing police reports. Data gathered from around the country has shown that by adding palm print identification capabilities to an AFIS results in immediate positive identification of criminal suspects in 25% of cases. Better, more efficient identification methods will lead to more captures and prosecutions of criminals, keeping taxpayers and their property safer.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Commerce, Justice, Science

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 2847, the FY2010 Commerce, Justice, Science and Related Agencies Appropriations Act

Account: Department of Justice, COPS Law Enforcement Technology account

Legal Name of Requesting Entity: Miami-Dade County Public Schools

Address of Requesting Entity: 1450 NE Second Avenue, Miami, FL 33132

Description of Request: I have secured \$600,000 to upgrade law enforcement equipment for the Miami-Dade County Public Schools Police Department. In their mission to protect the children of our community, the MDCPS Police Department has increasingly turned to new technologies. In 2005, laptop computers were purchased through grants and installed in officer's vehicles. These upgrades allow officers to decrease paper-based work by 80% and spend considerably more time at the public schools.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 2847, the FY2010 Commerce, Justice, Science and Related Agencies Appropriations Act

Account: Department of Justice, Juvenile Justice account

Legal Name of Requesting Entity: Florida Venture Foundation

Address of Requesting Entity: 782 NW LeJeune Road, Suite 348, Miami, FL 33126

Description of Request: I have secured \$400,000 that will be used to provide economically disadvantaged young adults with the opportunities to obtain educational experience that will enhance their employment skills. The Youthbuild Outreach program complements high school education by providing on-site construction training to at-risk youth. Not only does Youthbuild Outreach help youth in distressed communities with needed skills, upon graduation the program assists in employment referrals and job placement. Local entrepreneurs will contribute to the program through the creation of mentoring and protégé relationships, including peer review groups. This community inclusive effort will benefit the Miami-Dade County and Broward County Public Schools, as well as local unemployment.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 2847, the FY2010 Commerce, Justice, Science and Related Agencies Appropriations Act

Account: Department of Justice, COPS account

Legal Name of Requesting Entity: City of Hialeah

Address of Requesting Entity: 501 Palm Avenue, Hialeah, FL 33010

Description of Request: I have secured \$250,000 to enhance the City of Hialeah police department's current radio system which does not allow for radio interoperability among other law enforcement agencies, especially important during times of statewide response to natural disasters, domestic security incidents or multi-agency jurisdictional public safety efforts. The XPS radio system would bridge the current gap and achieve interoperability with the State of Florida by replacing and upgrading fixed end, portable and mobile radio communication equipment.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 2847, the FY2010 Commerce, Justice, Science and Related Agencies Appropriations Act

Account: Department of Justice, Juvenile Justice account

Legal Name of Requesting Entity: ARISE Foundation, Inc.

Address of Requesting Entity: 824 US Hwy 1, Suite 240, North Palm Beach, FL 33408

Description of Request: I have secured \$550,000 which will be used to educate at-risk youth. Established in 1986, ARISE has trained over 5,800 certified life skills instructors who have gone on to teach over 4,000,000 documented hours of evidence-based life skills lessons. Specifically targeting high-risk youth, ARISE's goal is to stop the cycle of crime and violence while offenders are young enough to learn life lessons—and ultimately, to reduce rates of recidivism, drug abuse and violence while building skills to keep juveniles in school and out of harm's way. The ARISE Life Management Skills Lessons provide both training and program materials for teaching such lessons to incarcerated youth through interactive methods that help develop positive social and emotional skills needed to break the cycle of violence and crime that would otherwise doom many of today's juvenile offenders. Further, it provides demonstrable outcome measures on the value of expanding this statistically proven, award-winning, professionally managed intervention program.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 2847, the FY2010 Commerce, Justice, Science and Related Agencies Appropriations Act

Account: Department of Justice, Byrne Justice Assistance account

Legal Name of Requesting Entity: Miami-Dade County

Address of Requesting Entity: 111 NW 1st Street, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$150,000 to be used for the creation of a mortgage fraud task force (MFTF) national model to train law enforcement individuals in those identified communities which represent the ten highest concentrated areas affected by mortgage fraud. The Miami-Dade County MFTF will serve as a national model based on its proven performance. The national model will be coordinated by Miami-Dade County and administered by the United States Department of Justice. The anticipated benefits include a more effective process of dealing with and prosecuting mortgage fraud in Miami-Dade

County and nationwide, and eventually, a decrease in the occurrence of mortgage fraud.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 2847

Account: OJP—Byrne Discretionary Grants for Internet Safety Programs

Legal Name of Requesting Entity: The Village of Downers Grove

Address of Requesting Entity: 801 Burlington Ave, Downers Grove, IL 60515

Description of Request: Provide an earmark of \$5,000 to fund the implementation of four projects: the Bully Busters Program (4th grade), which focuses on how to handle bullies, including issues related to cyberbullying; the Home Alone Program (5th grade), which is designed for "latchkey" children and includes Internet safety; the Cyberbullying Program (7th grade), which was developed specifically for middle school students and focuses on the consequences of cyberbullying; and the Protecting Your Child From Predators Program, which is specifically for parents and includes a segment about keeping children safe from on-line threats.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. KING of Iowa. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: DOJ, COPS Meth

Amount: \$200,000

Legal Name of Requesting Entity: Heartland Family Services, Inc.

Address of Requesting Entity: 515 East Broadway, Council Bluffs, IA 51503

Description of Request: The requested funding will be used to continue the development of the Southwest Iowa Methamphetamine Treatment Program, which is a collaborative effort between Heartland Family Services, the Iowa Department of Human Services, the

courts, and other social service agencies. It is a clinically managed residential service for substance abuse patients, using Heartland Family Service's established residential treatment and counseling facilities. The program offers women a residential treatment service, and at the same time allows them to continue parenting their children. Treatment is directed toward applying recovery skills, preventing relapse, promoting personal responsibility and reintegrating the patient into work, education and family life. Services include individual, group and family therapy.

The need for the Southwest Iowa Methamphetamine Treatment Program centers around the epidemic of methamphetamine use. One in three child protective investigations in the Council Bluffs area involves this drug. Some babies are born with methamphetamine in their system, and children are exposed to use of the drug in their home. Some children live in homes where methamphetamine is being manufactured.

This level of care is a missing piece in the substance abuse treatment continuum of care in Southwest Iowa.

This type of residential treatment and targeted case management services will increase the likelihood of successful integration of services and abstinence, or reduced use of substances of abuse and a reduction of harm to the community. The program participant will progress through the described continuum of care, integrating the delivery of services, and through the ability of case managers, will access a vast array of community resources.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: DOJ, COPS Meth

Amount: \$800,000

Legal Name of Requesting Entity: City of Sioux City Police Department

Address of Requesting Entity: 601 Douglas Street, Sioux City, IA 51101

Description of Request: The requested funds will be used to continue the operations of the Sioux City Police Department's National Training Center (NTC). The NTC maintains a vision of providing the most current and relevant training in the area of narcotics law enforcement. Our mission is to support the overall effort to control and reduce methamphetamine production, trafficking and distribution on the local, regional and national level. The Sioux City Police Department is providing the leadership in developing training now and for the future.

The majority of the training done is geared toward the line level officer or investigator. The NTC not only offers classroom training, but puts an emphasis on scenario based training. This training allows officers to get as close to the real stresses they will be subjected to in a potentially deadly encounter without experiencing the real situation. By giving officers the chance to practice these types of scenarios during training, they will have an experience to draw upon should they find themselves in a similar situation during the course of their duties. These types of training experiences have been shown to increase those officers' chances of survival in a potentially deadly encounter.

With the experience gained through ten years of continuous operation, the training center has been able to make connections with the premier educators and trainers from across the country in fields of expertise related to methamphetamine, prevention, mitigation, enforcement and prosecution. During this period the federal government has made significant investment in the program and the reputation of the National Training Center has grown throughout the country. With the infrastructure in place, an experienced staff and contacts with leading instructors in the field, the National Training Center is ready to continue providing the high level of service law enforcement professionals have come to expect.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding projects that are listed in H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, FY2010:

Bill Number: H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, FY2010, Account: NOAA—Operations, Research and Facilities, Title: Delaware River Enhanced Flood Warning System, Legal Name of Requesting Entity: Delaware River Basin Commission, Address of Requesting Entity: 25 State Police Drive, PO Box 7360, West Trenton, NJ, 08628, Description of Request: This funding will be used by the Delaware River Basin Commission (DRBC), in conjunction with NOAA/NWS, USGS and the U.S. Army Corps of Engineers, to enhance the Delaware River Basin's flood warning system through upgrades to the existing precipitation and stream gage network, improvements of flash flood forecasting capabilities, flood warning education and outreach, and increased support of flood coordination.

Bill Number: H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, FY2010, Account: COPS Law Enforcement Technology, Title: Lehigh and Northampton Counties Interoperability Development Project, Legal Name of Requesting Entity: Allentown Police Department, Address of Requesting Entity: 425 Hamilton Street, Allentown, PA, 18101, Description of Request: This funding will be used to develop a cohesive, regional communications network of voice, data and video information sharing. This network will leverage the capabilities of Internet Protocol (IP) transport mechanisms to increase the exchange of all types of data information amongst numerous first responder agencies in the Lehigh Valley area. This project will allow multiple jurisdictions to perform day-to-day public safety operations, task force operations or large scale disaster situations through a seamless exchange of voice and data communications in real time circumstances. Multiple first responder agencies,

including the cities of Allentown and Bethlehem, are seeking to achieve interoperability and information sharing within jurisdictions throughout Lehigh and Northampton Counties. The goal of this project is to eliminate technology to technology barriers that prohibit voice and data sharing among neighboring communities in Pennsylvania's third largest metropolitan region. The ability to communicate and share information is critical to reducing crime and creating a safer environment for local residents.

Bill Number: H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, FY2010, Account: Office of Justice Programs, Juvenile Justice, Title: Adventure Challenge Education for Gang Prevention (ACE), Legal Name of Requesting Entity: Valley Youth House Committee, Inc., Address of Requesting Entity: 829 Linden Street, Allentown, PA 18101, Description of Request: This funding will be used to advance an intensive 21-week intervention for youth ages 15–17. The program will benefit young people who are at high risk for gang involvement due to family members' or neighbors' connection with gang activity or the youth's own delinquent behavior. As a result of their involvement in the proposed program, youth will develop positive decision making, problem solving and leadership skills, enhancing their ability to become responsible and productive members of the local community. The ACE program was developed in response to the increasing presence and threat of gang activity in the Lehigh Valley region, including the recent introduction of several national gangs. ACE was piloted as a four-week summer program in 2007 with federal funding through the 222 Corridor Anti-Gang Initiative. This funding would make it possible to repeat the program four times in 2010 and expand it to include an intensive follow-up component to increase impact and ensure that youth are able to sustain progress.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 16, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 17

9 a.m.
 Energy and Natural Resources
 Business meeting to consider pending energy legislation. SD-366

10 a.m.
 Commerce, Science, and Transportation
 Aviation Operations, Safety, and Security Subcommittee
 To hold hearings to examine aviation safety, focusing on the role and responsibility of commercial air carriers and employees. SR-253

Health, Education, Labor, and Pensions
 Business meeting to consider Affordable Health Choices Act, subcommittee assignments, and any pending nominations. SD-430

Judiciary
 To hold an oversight hearing to examine the Department of Justice. SD-226

2 p.m.
 Appropriations
 Homeland Security Subcommittee
 Business meeting to markup proposed budget estimates for fiscal year 2010 for Department of Homeland Security Appropriations bill. SD-192

Aging
 To hold hearings to examine Social Security in the 21st Century. SH-216

2:30 p.m.
 Commerce, Science, and Transportation
 To hold hearings to examine the consumer wireless experience. SR-253

Energy and Natural Resources
 Public Lands and Forests Subcommittee
 To hold hearings to examine S. 409, to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, S. 782, to provide for the establishment of the National Volcano Early Warning and Monitoring System, S. 874, to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, S. 1139, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and S. 1140, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon. SD-366

3 p.m.
 Armed Services
 Readiness and Management Support Subcommittee
 To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for military construction, environmental, and base closure programs. SR-222

JUNE 18

9:30 a.m.
 Banking, Housing, and Urban Affairs
 To hold hearings to examine the President's proposal to modernize the financial regulatory system. SH-216

Environment and Public Works
 Business meeting to consider S. 787, to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States, S. 878, to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, S. 937, to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, S. 690, to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act, S. 479, to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network, and S. 933, to amend the Federal Water Pollution Control Act and the Great Lakes Legacy Act of 2002 to reauthorize programs to address remediation of contaminated sediment. SD-406

Appropriations
 Transportation, Housing and Urban Development, and Related Agencies Subcommittee
 To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Transportation. SD-138

10 a.m.
 Judiciary
 Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 1107, to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and the nominations of Tristram J. Coffin, of Vermont, to be United States Attorney for the District of Vermont, Joyce White Vance, of Alabama, to be United States Attorney for the Northern District of Alabama, and Preet Bharara, of New York, to be United States Attorney for the Southern District of New York. SD-226

Small Business and Entrepreneurship
 Business meeting to markup S. 1233, to reauthorize and improve the SBIR and STTR programs and for other purposes, and S. 1229, to reauthorize and improve the entrepreneurial development programs of the Small Business Administration. SR-428A

10:15 a.m.

Appropriations
 Energy and Water Development Subcommittee
 To hold hearings to examine proposed budget estimates for fiscal year 2010 for the United States Army Corps of Engineers and the Bureau of Reclamation. SD-192

10:30 a.m.
 Appropriations
 Defense Subcommittee
 To hold hearings to receive testimony from outside witnesses. SD-124

2 p.m.
 Foreign Relations
 To hold closed hearings to examine treaty negotiations with Russia. Room to be announced
 Commission on Security and Cooperation in Europe
 To hold hearings to examine upcoming Kyrgyzstan elections. 1539, Longworth Building

2:30 p.m.
 Armed Services
 Emerging Threats and Capabilities Subcommittee
 To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for United States Special Operations Command. SR-222

Homeland Security and Governmental Affairs
 To hold hearings to examine state business incorporation practices, focusing on the Incorporation Transparency and Law Enforcement Assistance Act. SD-342

Commerce, Science, and Transportation
 Surface Transportation and Merchant Marine Subcommittee
 To hold hearings to examine freight transportation in America, focusing on options for improving the nation's network. SR-253

3 p.m.
 Appropriations
 Business meeting to markup the Homeland Security and Legislative Branch Appropriations Bills and the 302(b) Allocations for fiscal year 2010. SD-106

3:30 p.m.
 Intelligence
 To hold closed hearings to examine certain intelligence matters. S-407, Capitol

JUNE 22

3 p.m.
 Banking, Housing, and Urban Affairs
 Securities, Insurance and Investment Subcommittee
 To hold hearings to examine over-the-counter derivatives, focusing on modernizing oversight to increase transparency and reduce risks. SD-538

JUNE 23

9:30 a.m.
 Armed Services
 Personnel Subcommittee
 Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-232A

- 10 a.m.
 Commission on Security and Cooperation in Europe
 To hold hearings to examine religious liberty, media freedom, and the rule of law in Russia. SVC-203/202
- 10:30 a.m.
 Judiciary
 Crime and Drugs Subcommittee
 To hold hearings to examine S. 845, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State. SD-226
- 11 a.m.
 Armed Services
 Airland Subcommittee
 Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222
- 2 p.m.
 Armed Services
 Strategic Forces Subcommittee
 Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222
- 3:30 p.m.
 Armed Services
 Readiness and Management Support Subcommittee
 Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222
- 5:30 p.m.
 Armed Services
 SeaPower Subcommittee
 Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222
- JUNE 24
- 9:30 a.m.
 Armed Services
 Emerging Threats and Capabilities Subcommittee
 Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222
- JUNE 25
- 9:30 a.m.
 Armed Services
 Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010. SR-222
- JUNE 26
- 9:30 a.m.
 Armed Services
 Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010. SR-222
- posed National Defense Authorization Act for fiscal year 2010. SR-232A
- Veterans' Affairs
 To hold an oversight hearing to examine the Department of Veterans Affairs quality management activities. SR-418
- 2:30 p.m.
 Armed Services
 Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010. SR-222

SENATE—Tuesday, June 16, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, may our hearts be right with You so that our lives will honor You. Bless the Members of this body. Provide them with all the direction, defense, support, and consolation they need for life's journey. As they keep their minds on You, infuse them with Your wonderful peace. Lord, give them an abundant supply of Your spirit that they will submit to You in every trial, trusting You even when walking through the valley of shadows. Uphold them by Your might that they may move forward with faith and perseverance.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period for the transaction of morning business for an hour. Senators will be permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans will control the next 30 minutes. Following morning business, the Senate will resume consideration of the motion to proceed to S. 1023, the Travel Promotion Act. There will be 1 hour for debate prior to a cloture vote on that motion to proceed. Senators should expect the vote to begin as early as quarter to 12 today. The Senate will recess, as we do on every Tuesday, from 12:30 p.m. to 2:15 p.m. for our weekly caucus luncheons.

HEALTH CARE

Mr. REID. Mr. President, every day, like every Senator, I get mail from men and women across my State. People still write letters. It is not all over the Internet. People still send handwritten letters, lots of them. People offer advice, criticism, suggestions, and stories. They are making sure their representative democracy works the way they believe it should. Anyone who is watching at home and wondering whether the representatives you send to Washington actually read these letters, I can tell you that we do.

I can tell you that on no other issue have the letters my constituents have sent me underscored the urgent need to act more than the health care nightmares they have shared with me.

For example, Lisa lives in Gardnerville, NV, a beautiful place, right under the Sierra Nevada mountains. It is very scenic and beautiful. She lives in Gardnerville with her two daughters. One is 10 and one is 7. The youngest little girl suffers seizures, and her teachers think she has a learning disability. Because of her family history, Lisa, the mom, is at high risk for cervical cancer. Although she has been told by her doctors that she should get an exam every 3 months, she now goes once a year because she doesn't have the money to go every 3 months. When Lisa lost her job re-

cently, she lost her health coverage. Now both Lisa and her daughters miss out on the tests and preventive medicine to keep them healthy. Her long letter ended with a simple plea: "We want to go to the doctor."

Braden lives in Sparks, NV. The 55-hour weeks he works to support his family just barely cover his bills. He doesn't have enough money to buy health insurance for his family, so he doesn't buy it. Braden owes a hospital \$12,000 for a trip to the emergency room—the only place he could go because he has no health care. Braden is brave, though. In his letter, he doesn't dread the debt he carries or grumble about how hard he works, but he does fear, "If I was seriously sick or injured, I would lose it all."

Alysia is a 21-year-old woman from Las Vegas. She needs surgery for the kidney disease with which she has suffered since she was born, but because she recently lost her job, health care is not part of her life anymore. Alysia has done everything she can to try to get help. Medicaid tells her she doesn't qualify because she isn't pregnant, doesn't have children, doesn't have disability insurance. Insurance companies refuse to cover her, calling her kidney disorder a preexisting condition. Everyone else calls this a tragedy.

These stories are as real as they come. The letters are written by people who play by the rules and don't understand why the health care system doesn't play by the rules. They are written from the heart, and many are written through pain, tears, and uncertainty. Sadly, though, they are not unique. Many Americans like Lisa skip routine medical checkups or, like Braden, live one accident away from bankruptcy or one sickness away from bankruptcy or, like Alysia, fear for the worst as they fight through the red-tape.

Our Republican colleagues like things, obviously, just the way they are, the status quo. They have committed themselves to a strategy of misinformation and misrepresentation. I heard it again on the radio this morning—government health care. In fact, one Senator said that if he heard a Republican Senator say anything other than "government health care"—and he instructed them not to use "public choice" or "public option"—he jokingly said they will have to put some money in the kitty.

Misinformation and misrepresentation is not where we should be. This, together with their attempt to delay, is only going to hurt people like Alysia, Braden, and Lisa.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. McCONNELL. Mr. President, the health care system in this country is in urgent need of reform. People are frustrated with the soaring cost of care, and they are frustrated that so many of their fellow Americans lack the coverage they need that they should be able to expect in a nation as prosperous as ours. People are also worried about the enormous burden rising health care costs is placing on American businesses, which are being forced to put off pay increases and lay off workers to cope with rising insurance premiums. And now people are concerned that a new government health plan that is being talked about will make all of these problems even worse.

For weeks, many of us have been warning about plans for a government takeover of health care along the lines of takeovers we have seen in other areas of the private sector. Now the details of those plans are coming to light, and they raise two questions: How much is all this going to cost, and how are we going to pay for it?

Let's take just three proposals in the plan that is currently taking shape in the Health, Education, Labor, and Pensions Committee, the details of which are just beginning to emerge.

First, there is a massive expansion of Medicaid. Here is a program that was originally established as a partnership between the Federal Government and the States to assist the poor and disabled and which has become fiscally unsustainable. Yet, rather than reform this broken program, the HELP Committee is proposing a massive new expansion.

Second, the HELP Committee bill includes massive new subsidies for Americans with incomes higher than \$100,000 a year. The purpose of these subsidies is to help defray the cost of rising insurance premiums. We all know health insurance is too expensive, but we ought to be working to lower those premiums, not opening the Federal checkbook to drive them up even higher.

Third, the HELP Committee bill establishes a new so-called prevention and public health investment fund. The details of this fund are a little murky, but early indications are that it will direct billions of dollars to things such as having the government build sidewalks and government-subsidized farmers markets. The idea here is to use tax dollars to encourage healthier lifestyles. But at a time when Americans are buried under medical bills and frightened about losing the coverage they have, farmers markets and sidewalks are not the reforms they have in mind.

Americans want serious health care reform, not expansion of programs that are already fiscally unsustainable, subsidies that disguise rising costs instead of addressing their causes, and billions for sidewalks and asparagus. These are precisely the kinds of proposals that mask the underlying problems and cause people to lose faith in government solutions, and they are simply not acceptable.

The details we are seeing from the HELP Committee should make us more skeptical of a government health plan, not less, and they should underscore for every American the need for the kinds of real, comprehensive reforms some of us have been calling for over the last few weeks.

The irony in this whole debate is that we are being told that America's fiscal future will be jeopardized if we do not allow these people who are proposing these outrageous so-called reforms to take over the entire health care system.

Preliminary estimates for this flawed legislative proposal are simply staggering. Just yesterday, the Congressional Budget Office released an estimate of just part—just part—of the HELP Committee bill. Focusing on just this one section, the CBO determined the bill will spend \$1.3 trillion over 10 years, even though 37 million people would still be left without health insurance. Let me say that again, Mr. President. Just part of the HELP Committee bill would spend \$1.3 trillion over 10 years, after which 37 million Americans would still be uninsured. Let me say that again, as I just have. One section of the bill—one section—\$1.3 trillion, and 37 million still uninsured. And this isn't even a complete evaluation of the bill. Large proposals that will have a significant impact on the cost, such as the Medicaid expansion and a government-run plan, have not even been factored in yet.

Moreover, according to details of the HELP Committee plan, a new health care exchange would result in 15 million Americans losing the employer coverage they already have—further evidence if you like what you have, you may well lose it under a government-run plan.

How does the HELP Committee propose we pay for all this? Well, its proposal is full of creative new ways to spend taxpayer dollars, but it offers little in offsetting the cost of the overall bill. They will either charge the money to the national credit card or, more likely, raise taxes on working families. In other words, more spending, higher taxes, and even more debt. So far, some of the taxes under discussion include a new tax on soda, juice boxes, the creation of a new tax on jobs, and new limits on charitable deductions.

Based on the CBO estimate, these taxes would only be the beginning. The health care proposal being put together

is not only extremely defective, it will cost a fortune. And that cost will come straight out of the taxpayers' pocketbook.

The bottom line is this: Under the illusion of reform, Americans will be asked to give up the care they like for something worse, and then they will be taxed to the hilt to pay for it. Americans don't want changes that make the entire health care system as unsustainable as Medicaid, and they don't want to go broke covering the cost.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from New Jersey.

ORDER OF PROCEDURE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I be recognized for 15 minutes, after which the Senator from Illinois be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ACKNOWLEDGING ISRAEL'S HISTORY

Mr. MENENDEZ. Mr. President, last Wednesday, a few blocks down the street, a neo-Nazi opened fire at the Holocaust Museum. He murdered a security guard and terrorized the museum's visitors, including schoolchildren, who had come to learn, to express sympathy, and to pray. That evil act was the work of a killer who had made his hatred of other religions and ethnic groups well known. And it was a reminder that intolerance, ignorance, and anti-Semitism have not yet been defeated in our world.

This tragedy reminds us of the need of sound understanding of one of the darkest episodes in the history of the world. Far too many misrepresent the significance of the Holocaust, especially in regard to the State of Israel and her people. And far too many people deny it happened altogether, out of bigotry, hatred, and spite.

In the face of so much misunderstanding, I am compelled today to

speak up about the role of the Holocaust in Israel's history and Israel's challenges in preventing anti-Semitic murder from continuing to happen.

The Holocaust was the most sinister possible reminder that the Jewish population in exile was in constant jeopardy. It was a definitive argument that anti-Semitism could appear anywhere, and its horrors galvanized international support for the State of Israel. But let us be very clear: While the Shoah has a central role in Israel's identity, it is not the reason behind its founding and it is not the main justification for its existence.

The extreme characterization of this mistaken view is the following: The Western powers established Israel in 1948 based on their own guilt, at the expense of the Arab peoples who lived there. Therefore, the current state is illegitimate and should be wiped off the face of the map. This flawed argument is not only in defiance of basic human dignity but in plain defiance of history. It is in defiance of ancient history as told in biblical texts and through archeological evidence. It ignores the history of the last several centuries. Because of what is at stake, it is well worth reviewing this history in detail, and let me make a modest attempt at a very broad overview.

There has been a continuity of Jewish presence in the Holy Land for thousands of years. Jewish kings and governments were established in that area that is now Israel several millennia ago. After untold years of Jewish sovereignty, based in Jerusalem, the land of the Jewish people fell repeatedly to invaders—Assyrians, Persians, Greeks, Romans, and many others. Jews were repeatedly massacred and expelled, and the departure of so many from the land they had always called home developed into an unparalleled diaspora.

From the 16th century until the earliest 20th century, the land that is now Israel was under the control of a distant Ottoman caliphate based in Istanbul, and during this time, as earlier, many Jews returned to their ancestral homeland. The Ottoman Empire collapsed after World War I, and the treaty granted Great Britain a mandate over the area then known as Palestine.

The League of Nations endorsed and clarified this mandate in 1922, requiring Britain to reconstitute a Jewish national home within the territory they controlled, in accordance with the declaration made by British Foreign Secretary Balfour in 1917, making the restoration of Jewish communities in that area a matter of international law.

By the time World War II had ended, there were more than 600,000 Jews living in the British Mandate of Palestine. In 1947, the United Nations approved a plan to partition the territory into Arab and Jewish states. The Jew-

ish Agency accepted the plan. The Arabs did not. On May 14, 1948, the State of Israel declared its independence. On May 15, five Arab nations declared war. Despite being surrounded on all sides, Israel prevailed and expanded its borders, providing a small additional measure of security against attacks which were certain to come—and did.

So to be clear, the more than 700,000 Palestinians who left Israel were refugees of a war instigated by Arab governments, bent on seizing more land for themselves. But the Arabs who left Israel after its modern founding weren't the only displaced population in the Middle East. In addition to the hundreds of thousands of Jews who left Europe during and after the Holocaust in the 20th century, more than three-quarters of a million Jews fled or were expelled from their homes in Arab and Middle Eastern nations—in cities that many of their families had lived in for nearly a millennium. Their possessions were taken, their livelihoods were destroyed, victims of nationalism and hatred of Israel.

Several thousand years of history lead to an undeniable conclusion: The reestablishment of the State of Israel in modern times is a political reality with roots going back to the time of Abraham. And so the way to consider the immeasurable impact of the Holocaust in Israel is not to ask whether the State would exist otherwise. It is, at least in one sense, to imagine how even more vibrant Israel would be if millions upon millions had not been denied a chance to know it.

The attacks on Israel have barely stopped since 1948—not just attacks by armies but attacks by individuals, attacks by tanks and terrorists, attacks that have come in the form of stones and they have come in the form of speeches. Its enemies have attempted to assassinate its people with rockets and assassinate its national character with hateful rhetoric. Today it is still surrounded by hostility; its back is still to the sea. It is surrounded by hostility from Hezbollah in Lebanon and Hamas in the Gaza strip.

In looking at the threat Israel faces on its southwestern border, one fact must be absolutely, indisputably, unequivocally clear: There is no moral equivalency between Israel and Hamas. Israel is a sovereign democratic state of 7.5 million people—Jews, Muslims, and Christians. Hamas is a terrorist organization. It won control of Gaza after men in ski masks waged gun battles with another branch of Palestinian leadership. It used that control to launch rockets at sleeping children in the nearby Israeli cities of Ashkelon and Sderot. This is the thanks Israel got for withdrawing from Gaza.

Hamas does not recognize agreements that Palestinian leaders have reached with Israel in the past, it does

not recognize Israel's right to exist at all, and in fact it is ideologically committed to Israel's annihilation. Gaza's people thirst for freedom and opportunity but are held hostage to Hamas's thirst for destruction. And even today, after the consequences of menacing Israel became clear in a disastrous war, weapons are flowing freely through tunnels into Gaza, Hamas has rearmed and is readying itself for the day when it is going to take on Israel again.

Hamas and Hezbollah may be the head of the snake when it comes to terrorism, but the tail extends much further. The weapons terrorists use were sent from Iran. Money they received was sent from Iran. Propaganda supporting Hamas's campaign of terror and calling for Israel's destruction was conceived in, produced by, and broadcast from Iran.

The fundamentalist regime in Teheran isn't just an emerging threat. It doesn't just have the potential to be a threat to Israel's existence. It is a threat to Israel's existence. Under no circumstances whatsoever can we allow that conventional threat to become a nuclear one. Especially in light of the threat of Iran, and in light of the threat extremists pose to so many innocent civilians around the globe, the importance of Israel as a strategic ally and friend to the United States could not be clearer. It is hard to overstate the value of having such a stalwart democratic ally in such a critical part of the world—an ally in terms of intelligence gathering, economics, politics, and culture. Israel arose in a desert rampant with repression, a force of moderation against fundamentalism and extremism. It is an ally we can constantly depend on and count on to be with us in international fora and on the key decisions that affect the safety and security of Americans around the world.

For more than six decades, it has been a key U.S. trading partner and a scientific innovator. We have Israeli engineers to thank for everything from advances in solar power to cell phone technology to AOL Instant Messenger. Equipment we are using in Iraq to fight terrorism and keep American troops safe was developed in Israel. Medical treatments we are using in U.S. hospitals to fight cancer, heart disease, and chronic pain were developed in Israel. Israeli-born actors are stars of Hollywood, and an Israeli astronaut has accompanied Americans into space.

So it is not only in the interest of Israel to have its full history recognized, it is in the national interest and the national security interests of the United States. It is in our interests to fully remember the unbreakable bond that has made us both stronger over the last 61 years and to make it unmistakable that our commitment is as strong as ever.

The argument for Israel's legitimacy does not depend on what we say in

speeches. It has been made by history. It has been made by the men and women who have made the desert green, by Nobel prizes earned, by groundbreaking innovations and enviable institutions, by lives saved, democracy defended, peace made, and battles won. There can be no denying the Jewish people's legitimate right to live in peace and security on a homeland to which they have had a connection for thousands of years.

We can and must move forward in the peace process, and look for ways to reach agreement between all sides. But we cannot erase the moral distinctions between tyranny and freedom, and we must not edit history. If we stay true to history and follow our moral compass, I am optimistic that talks can lead to understanding and resolution of the very sensitive, detailed, and tough issues we face.

The next pages of Middle Eastern history are not doomed to be stained by an endless, senseless fight to the death. It doesn't have to be that way. Different peoples of vastly different backgrounds have peacefully thrived in the Middle East for generations upon generations, and this coexistence can happen once more.

Let us remember the words of Egyptian President Anwar al-Sadat in 1978, when he accepted the Nobel Prize for peace—words that not long before would have seemed incredibly unlikely. He said:

Let us put an end to wars, let us reshape life on the solid basis of equity and truth. And it is this call . . . of the great majority of the Arab and Israeli peoples, and indeed of millions of men, women, and children around the world that you are today honoring. And these hundreds of millions will judge to what extent every responsible leader in the Middle East has responded to the hopes of mankind.

I have been to Israel. I have shaken the hands of its citizens and visited its holy places. I know that in the heart of Israelis there is a strong desire for peace. We can never lose sight of why peace is so important. After the unspeakable horrors of the Holocaust, the Jewish people would forever be mindful that no one knows what turns history will take and every day we are mindful that anti-Semitism has not gone away, whether in the form of a firebombing of a French synagogue, defamatory comments of a government official in South Africa, or a senseless murder in Washington DC.

Israel is the one place in the world, the one place where anti-Semitism can be structurally impossible. It is a field of hope on which fear can be vanquished, an island of refuge that can stand firm no matter how stormy the sea of history turns. That is why we must always keep it safe and always keep it free.

The United States is not simply allied with a government, it is an ally of Israel's people. It is an ally of Israel's democratic ideals. It is an ally of its

history, of its aspirations for peace and prosperity, its can-do spirit, and amazing resilience in the face of threats from all sides. In that sense, we are not just Israel's allies, we are admirers, we are partners, and we are friends.

I plan to do everything I can to see that we support this friendship this year, next year, and every year thereafter.

Let me close by saying Martin Luther King said:

The arc of the moral universe is long, but it bends towards justice.

We know that in Israel's quest for security, there will be trials along the way, there will be setbacks, and there will be dangers too tremendous for words. But if we continue the work we do and continue to stay true to the values that drive our journey, then the long arc will eventually rest in place in the land of Israel and it is a just and lasting peace that will be at hand.

I yield whatever time I have, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

ORDER OF PROCEDURE

Mr. DURBIN. How much time is remaining in morning business on the Democratic side?

The ACTING PRESIDENT pro tempore. Sixteen minutes.

Mr. DURBIN. I am going to ask consent for an additional 5 minutes on both sides in morning business, and I will try to not use it if I can. I ask consent for an additional 5 minutes on both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent after my remarks the Senator from Oregon be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Could I amend the unanimous consent request that I follow Senator WYDEN?

Mr. DURBIN. I ask unanimous consent that on the Republican side, for their morning business, Senator MCCAIN be recognized first.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, this morning the Republican Senate leader, MITCH MCCONNELL of Kentucky, came to the floor to talk about health care. It is a timely conversation among Members of the Senate about the future of this important issue. I know Senator WYDEN of Oregon is going to address it as well.

Yesterday, in Chicago, IL, which I am honored to represent, the President

came to speak to the American Medical Association, a gathering of doctors from all over the United States, to address this same issue. It is an issue of paramount importance to these medical professionals. They understand, as we do, that we want to maintain the best quality health care in the world. In order to do that, we have to face the realities of the shortcomings of our current health care system.

Although we have many of the best hospitals and doctors and some of the best technology, we lead the world in the development of pharmaceuticals, we also know the cost of this system is spinning out of control. People feel it; whether it is individuals buying health insurance, businesses, governments—State and local and Federal governments—all understand that if the cost of health care continues to rise as it is currently going up, it will literally break the bank, not just for the Federal Government and all the health care programs we have but for individuals and families and businesses. That is the reality.

If we do nothing, if we ignore this reality, we are doomed to face a situation where more and more of the dollars we earn as employees will go toward health care protection and health care insurance and the protection itself will diminish each year—because that is the other reality. As the cost of health insurance goes up each year, the coverage goes down.

People know what I am talking about. When the health insurance company says we have a great plan for you but, incidentally, remember the cancer test you had last year, we will not cover anything related to cancer in the future, that is not much when it comes to insurance or protection or peace of mind.

They also know that many health insurance companies make this a deadly game of a battle between what your doctor says you need and what some insurance company bureaucrat is going to negotiate. You end up on the phone with some clerk in a distant location debating as to whether there is coverage and whether they can go ahead with the procedure they think is important for you or someone you love very much in your family. That is the reality of where we are today. We have to deal with cost and deal with it in a fashion that is appropriate.

How do we deal with it? First, this system has a lot of money in it. We spend twice as much as any other country on Earth when it comes to health protection and health care. Yet when you look at the results, the actual survival rates for many of the serious illnesses that face us, it turns out that countries that spend a fraction of what the United States spends get better results. There is a lesson to be learned. There is waste in this system.

One of the articles that is making the rounds on Capitol Hill was written

in the *New Yorker* magazine on June 1 by a Boston surgeon named Atul Gawande. He went to McAllen, TX, and tried to understand why the cost per Medicare patient there, at \$15,000 a year, was so high, dramatically higher than many other comparable cities in the State of Texas and around the Nation.

What he found, to his surprise and disappointment, was that the doctors and hospitals in those areas were bundling up and charging people as much as possible, ordering procedures that were unnecessary, doing things that were not called for. The reason was obvious: there was money to be made. As long as they kept piling the medical bills on the patients through Medicare, they received more reimbursement. They didn't have healthier people. They didn't have an outcome that justified it. But they made a lot more money in the process.

What the President has said to us is, with all this money in the system, we have to find ways to bring in more efficiency. It is one thing to say that 48 million Americans currently uninsured will receive protection. I think that is basic. That is moral. That should be one of our primary goals. But that costs money.

When the Republican leader comes up and argues this is going to be an expensive undertaking, what he is saying is we cannot afford to insure people in America. I think he is wrong. I think there are ways to do it, and we must do it because, honestly, if they don't have health insurance, they are still going to get sick. They are still going to a doctor or hospital and all of us are going to pay for it.

Right now we estimate that for an ordinary family in America, we are paying about \$1,000 a year more in health insurance premiums to cover those who are uninsured. In other words, the health insurance policy I have through the Federal Government with the Federal employees costs \$1,000 more than it ordinarily would so there is more money in the system to cover those uninsured. If we can bring those uninsured into insurance coverage, it gives them peace of mind, it relieves this hidden tax on families across America, and it means, frankly, that providers—hospitals, doctors, and others—are going to be adequately compensated for the care they offer to currently uninsured people.

When President Obama comes to the AMA and talks about covering the uninsured, there is usually a cheer. That is 48 million more paying customers, people who will actually pay into our system. But he also talks about something that is not as popular with many health care providers and that is reducing the cost of this system.

What happened in McAllen, TX, is unacceptable; that you can have health care providers trying to run up the bill

in an effort to make more money for themselves at the expense of the government, at the expense of health insurance companies but, frankly, not to the benefit of those who are being treated.

The Senator from Kentucky frequently comes here and talks about how much he dislikes—I will use that word—government-related health care. Let's make it clear. I do not know of anyone, including the President or leaders of Congress, calling for a government health care plan to cover everyone. That is not what we are asking for. We want to make sure there is private health insurance that is held accountable and is competitive so we can help bring down the cost. But to argue there is something fundamentally wrong with government-sponsored health care, even if it is just an option, a voluntary option for customers across America, is to ignore the obvious. There are 40 million Americans today protected by Medicare. Forty million seniors and disabled people who have quality health care because of a government plan that has been in place now for over 40 years. There are also a large number of our men and women who serve in the military protected by the veterans health care system, another government health care system, who believe—and I think rightly so—that they are receiving some of the best medical care in America. I do not believe the Senator from Kentucky is opposed to the Veterans' Administration and the health care it provides, but it is a government plan.

The same is true when it comes to the Children's Health Insurance Program. That is health insurance for individual children through private companies, but the Government has stepped in to make sure these kids are covered, and I, frankly, am very proud of the fact that when President Obama took office, we extended that coverage to 11 million uninsured children in America. That was a government effort to make the private health insurance effort in our country work better.

We have to get down to the bottom line here. Are we going to succeed or fail when it comes to health care reform? If we ignore the obvious and ignore the challenges, there is a genuine chance we may come up short. But if we accept this historic challenge to come together on both sides of the aisle, I think the American people will cheer us on. They want to maintain what is good about the current health care system and fix what is broken. They want to make sure, at the end of the day, if they have health insurance they like, a plan they think is right for them and their families, that they can keep that. They want to make sure the health care reform is centered on patients and families and the doctor-patient relationship, not on a government bureaucracy. They want to end

the health insurance company bureaucracies that are so frustrating and so expensive for families across America.

When the Senator from Kentucky, the Republican leader, comes to the floor and comes up with a series of criticisms about any attempt at reform, I have a question to ask him: What is your option? What would you do? Do you accept the status quo? Do you think this is as good as it can be? I do not. I agree with President Obama. We can do better.

The President said one last thing that I am going to say; that is, he said: If this were easy, it would have been done a long time ago. It is hard, and it will take bipartisan cooperation for it to succeed. I encourage my colleagues to join in that conversation at the Finance Committee, as well as at the HELP Committee, and I hope we can produce a product this year that shows we are going to move forward together to make sure we have affordable quality health care for every American.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time remains on the Democratic side?

The ACTING PRESIDENT pro tempore. There is 11 minutes 24 seconds.

Mr. WYDEN. Mr. President, many Senators on both sides of the aisle are working constructively to fix American health care. For several years, I have spent time listening to colleagues, going to the offices of 85 Senators and at least that many in the House, and to thousands of others in the public and private sectors, about their ideas for fixing American health care. My aim with these discussions has been to find common ground and to chart a path so that this Congress and this President can do something this country has never done before: enact real health reform.

Today, I come to the floor to lay out the specifics of real health care reform. The President said yesterday that there has never been a better opportunity to get the job done; to improve the lives of all Americans and guarantee quality, affordable coverage to all of our people.

The question now is will Democrats and Republicans in the Senate rise to this challenge? Will this Congress and the President overcome the fear tactics that have derailed past efforts? But maybe equally as important: Will this Congress and our President dare to pass real reform?

The pitfall, as I see it, is that too often we have been afraid of failure. If we draft legislation with an eye only on what we think can get passed, on what we think the American people will buy, if we play it too safe, my fear is that we will miss the opportunity for real reform. I believe that passing a reform bill that does not reform the

health care system is about as wrong as not passing any bill at all.

President Obama said yesterday he will only support legislation that “earns the title of reform.” I agree with the President, which is why I am going to use this morning to lay down a similar marker for what I believe is necessary to “earn the title of real reform.”

First, real reform means that all of us, and especially the powerful interest groups, must accept changes resisted in the past. Insurers are going to have to change the way they do business. Pharmaceutical companies will have to be more responsive to purchasers that insist on more value and transparency. Doctors and hospitals will be held accountable for the quality of care they provide. Malpractice suits will be held to stricter standards.

Individuals will have to take greater responsibility for their health. Real health reform means changing the way business is done in the private insurance market. It means an end to insurance companies cherry-picking, a practice where the companies take the healthy people and send sick people over to government programs more fragile than they are. No longer should anyone make money by denying care to someone who needs it. That is wrong, and this Congress will make it illegal.

Real reform means everyone is guaranteed coverage by their choice of insurer. Under any new system, insurance companies must be required to cover everyone and they must be required to price with fairness so you do not get discriminated against because of your gender or your health status or your age. It means you will no longer be denied coverage or charged more because you were sick 5 years ago or today or you might be sick 5 years from now.

Real health reform guarantees that all Americans can choose their doctor and their health plan. The President said yesterday: Real reform will give every American access to the insurance exchange where they can choose to keep the care they have or pick a better plan that meets their families' needs. That means if you like the care you have, you can keep it. But it also means that if you do not like the care you have, you can reject it. You can reject it and choose a better plan.

Real reform would not only cover the uninsured, but it will make the lives of all of those who have insurance coverage better. Right now the majority of Americans who are lucky enough to have employer coverage have no choice in where they get their insurance. I believe these Americans deserve choices too.

Some might say that this undermines the employer-based system. No, it does not. Rather, it makes the employer-based system more accountable

at the same time that it makes health care more portable. Real health reform means that if you leave your job or your job leaves you, you will not lose your health care coverage.

Real reform will once and for all end the entrepreneurial tax in which Americans are afraid to go into business for themselves because they cannot take their health care with them. The President himself said it best when he wrote in 2006, “With Americans changing jobs more frequently, more likely to go through spells of unemployment, and more likely to work part time or to be self-employed, health insurance can't just run through employers anymore, it must be portable.”

Real reform will guarantee that all Americans can afford quality health care. No longer should families be forced to pay more for their health insurance premiums than they pay for their housing. Our goal should not be to exempt those Americans who cannot afford to pay, our goal should be to guarantee that every American can afford the health care they need.

Real reform will be affordable for the Nation and for our taxpayers. It will reduce current costs and bring the rate of health care inflation in line with economic growth. Failure to meet this test would result in massive new government obligations and no means to pay for them.

Real reform must end the health care caste system in which low-income Americans are treated as second-class citizens. No longer should low-income Americans have less access to doctors than their Member of Congress or any other American. Today, 37 million adults and 10 million children effectively lack access to a primary care physician. Those are Americans who have health insurance but who cannot find a doctor to care for them. Real reform means ending the caste system in America that, in my view, discriminates against the most vulnerable and most impoverished among us. Real reform means that when you need a doctor you will be able to see one.

Real reform will reward Americans for making smart choices. Americans should be rewarded for choosing the right insurer for their families, and they should be rewarded for choosing a healthy lifestyle. This means creating a health system that no longer focuses primarily on sick care, but puts a priority on prevention as well.

Real reform will change the incentives that drive behavior in the American health system. It will reduce the demand and desire for unnecessary health care services. Health care institutions will no longer profit from the quantity of procedures they run up but will instead be rewarded for quality care.

Real reform will take an axe to administrative costs. Americans will sign up just once for health care. They will

have their premiums taken from their withholding so they do not have to worry about making payments. They will go into large efficient groups so they are no longer left on their own in the individual market.

In today's non-system, people are an afterthought to the self-perpetuating bureaucracy of medical billing, reimbursement fights, coverage fights, and outright fraud, waste, and abuse. Like the President said yesterday, real reform will: “Replicate best practices; incentivize excellence; close cost disparities.” In effect, he wants to see health care dollars go to pay for quality, efficient health care. And that is what I have described today.

Real reform means providing care. It means guaranteeing that all Americans have good, quality, affordable coverage, coverage that is portable. It means ensuring we end the caste system so all Americans can see doctors when they need one. And it means creating a system that is more intent on keeping people healthy than profiting from illness.

The central question, when it comes to real reform, is not who pays, but how we pay. Because everyone knows that ultimately the American taxpayer is the one footing the bill. It is now Congress's job to create an accountable system that puts the focus where it belongs, not on misguided incentives, not on shedding risk, not on quarterly profits, but on providing quality, efficient care for all our people.

That is what Americans want from this debate about health care reform. That is what I think can bring Democrats and Republicans together, working with the President under the banner of real reform. The country deserves it. It is time for this Congress to give it to our people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

HEALTH CARE

Mr. McCAIN. Mr. President, tomorrow the Committee on Health, Education, Labor and Pensions will begin consideration of a 615-page bill that seeks to reform our Nation's health care system. This bill, introduced by Senator KENNEDY and others last week, has very great ambitions.

We all agree that health care reform is necessary. We all agree that Congress must act. But we must not act recklessly. We must not act with haste and political expediency. Health care reform will affect each and every American and we must do it right. I strongly believe that we have to start over and act in a truly bipartisan manner to address the issue.

Unfortunately, the legislation before that committee seeks to enact a massive government-run health care program that intrudes into the lives of all

Americans by making decisions on each American's choice of doctors, employer health plans, and insurance providers, and it leaves major questions unanswered.

Every American should know the answer to how much will this massive expansion of government cost. And every taxpayer should have a clear answer to how are taxpayers going to pay for this massive government expansion.

Yesterday the Congressional Budget Office released a letter which stated that the Kennedy bill, the bill now pending for markup beginning tomorrow in committee, would insure only one-third—would insure only one-third—of the 47 million Americans who are currently uninsured, for a cost of \$1 trillion—\$1 trillion—over 10 years.

Again that only insures one-third of the uninsured. Let me quote from the Congressional Budget Office report. It says:

Once the proposal [that is the bill that we are now considering in the HELP Committee] was fully implemented, about 39 million individuals would obtain coverage through the new insurance exchanges. At the same time, the number of people who had coverage through an employer would decline by about 15 million or roughly 10 percent, and coverage from other sources would fall by about 8 million. So the net decrease in the number of people uninsured would be about 16 million, because 47 million are without health insurance in America.

So this matches an executive summary entitled "The Impact of the 2009 Affordable Health Choices Act" which was completed by the HSI Network, done by Steve Parente, Ph.D., and Lisa Tornai, M.S.

I ask unanimous consent that this report be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCAIN. This study authenticates the Congressional Budget Office, because what it says is, if you want to insure every American, it is going to be \$4 trillion—not \$1 but \$4 trillion—over a 10-year period.

So to insure coverage for all Americans, as proposed in the legislation, it would cost \$460 billion annually or \$4 trillion over the next 10 years, according to a report issued last week, as I mentioned.

The best we can tell, the cost of the legislation that we are now considering is \$4 trillion. How are we going to pay for that? How are we going to pay for it? Is there a proposal yet, besides eliminating fraud, abuse, and waste?

It is unacceptable. It is not health care reform. I believe the CBO letter should be a wake-up call to all of us in this Chamber to scrap the current bill and start all over, and start all over in a bipartisan fashion with true negotiations.

Yesterday the President of the United States said the opponents of his

legislation or his proposal were fear mongering. I cannot agree with that assessment nor do I accuse the proponents of this bill of that motivation. This is not health care reform. Any bill that strips 23 million Americans of their current health care coverage and insures a mere third of the 47 million uninsured Americans is not what Americans are looking for in legislation.

Let me say, Americans are not calling for a massive government expansion. They are not calling for a new government insurance plan that will do away with existing private insurance plans or an act of a broad government panel exerting command and control of individual, small group and large employer health care plans. They are not calling for new tax cuts to health care services or penalties to individuals or small businesses if health coverage does not comply with Washington's standards. They are not calling for \$1 to \$4 trillion to be spent to fund the appetite of some who are hungry for more government intrusion into the daily lives of Americans.

Americans need health insurance, good and complete health care coverage, the security of knowing they have a job, and even better, a job where an employer can afford to provide health care coverage. If the employer does not provide coverage, we need to make it easier and affordable to get health care coverage for an American.

Two ideas: One, give every American family a \$5,000 refundable tax credit and let them go out and get an insurance policy that meets their needs. And let them go across State lines if they feel like doing it. That is pretty simple. It is not real complicated. It can be done in a bipartisan way in a matter of weeks.

That is not what is happening here, despite all of their calls, along with the President's, for bipartisanship. But it can be done if we wanted to solve the problem for the American people.

I believe it is time for Democrats and Republicans to come together and draft a bill that gets Americans the health care coverage needed at affordable rates. This should be our goal, ensuring that all Americans have coverage, not just 16 million as the Congressional Budget Office study indicates, but have everybody covered, not an unsustainable government expansion.

Again, I am calling on the White House and the Democrats to scrap this unsustainable bill and sit down and let us start from scratch. According to news reports in New York, Robert Gibbs states this morning, "This is not the Administration's bill," after the CBO letter came out.

Well, where is the administration's bill? We are supposed to be enacting legislation before the end of July. Where is the administration's bill?

We cannot afford this one. We cannot afford the one that is supposedly going

to be enacted into legislation that will come to the floor of this Senate. It does not do justice to our taxpayers and their children. Forty-two percent of U.S. voters say cutting the deficit is the most important priority for the country. The bill that is being considered tomorrow in the HELP Committee is an extraordinary step in the wrong direction.

So let me just say, scrap this bad bill. Pay attention to the Congressional Budget Office. Understand it does not achieve the goal of coverage. Understand the costs would be around \$4 trillion over a 10-year period for which, so far, there is almost no provision to pay for it. Let's sit down together and work together in order to provide Americans with the health care they need at a reasonable cost.

EXHIBIT 1

EXECUTIVE SUMMARY

2009 AFFORDABLE HEALTH CHOICES ACT
Independent Assessment by HSI Network
LLC, for Public Dissemination
SUMMARY SNAPSHOT

The Senate Committee on Health, Education, Labor and Pensions (HELP) have proposed a health reform bill called the Affordable Health Choices Act (AHC) that seeks to reduce the number of uninsured and increase health system efficiency and quality. The draft legislation was introduced on June 9th, 2009. The proposal provided adequate information to suggest what the impact would be of AHC using the ARCOLA™ simulation model. AHC would include an individual mandate as well as a pay or plan provision. In addition, it would include a means-tested subsidy with premium supports available for those up to 500% of the federal poverty level. Public plan options in three tiers: Gold, Silver and Bronze are proposed in a structure similar to that of the Massachusetts Connector, except that it is called The Gateway. These public plan options would contain costs by reimbursing providers up to 10% above current reimbursement rates. There is no mention of removing the tax exclusion associated with employer sponsored health insurance. There is also no mention of changes to Medicare and Medicaid, other than fraud prevention, that could provide cost-savings for the coverage expansion proposed. Below, we summarize the impact of the proposed plan in terms of the reduction on uninsured, the 2010 cost, as well as the ten year cost of the plan in 2010 dollars.

HELP Affordable Health Choices Act

Insurance is reduced by 99% to cover approximately 47,700,000 people.

Subsidy—Tax Recovery = Net cost: \$279,000,000,000 subsidy to the individual market; \$180,000,000,000 subsidy to the ESI market with; Net cost: \$460,500,000,000 (annual); Net cost: \$4,098,000,000,000 (10 year)

Private sector crowd out: -79,300,000 lives.

The underlying simulation model used is ARCOLA™, a proprietary version of a health reform coverage and cost assessment analytic engine. A peer-reviewed presentation of the core model structure is summarized in the journal Health Affairs and a longer version is available as a DHHS report at www.ehealthplan.org

SCORING COMPONENTS

Major policy components considering for scoring:

Employers would have to offer health insurance or pay a tax not as yet specified.

Individuals would have to be covered by a qualified plan or pay a tax.

Medicaid for everyone up to 150% of poverty.

Sliding scale subsidy from 150% to 500% of poverty.

The government would define a qualified plan with 3 levels of coverage: gold, silver and bronze. We assume the subsidy would be priced at the silver level of benefit design.

All plans must use modified community rating: premiums can vary only by geographic region (to be defined), family structure, actuarial value of benefits, and age (maximum 2:1 range).

Public plan that pays Medicare rates +10%.
Small-employer tax subsidy

SUMMARY

The plan lowers the uninsured significantly, to less than 1% of the population, but not without a cost of over four trillion dollars over 10 years. There are no provisions in the legislation to offset this course. Even if

the most generous estimate of the employer sponsored tax exclusion (\$300 billion per year, including collecting FICA contributions from employers) were used and combined with fraud estimates and block granting all of Medicaid (acute and long term care), this would be a challenging proposal to finance with budget neutrality. Finally, the public plans will be quite successful in recruiting large numbers of Americans. They will also likely crowd out at 79 million individual contracts with existing private insurers.

Detailed Breakout of AHC Legislation Impact from ARCOLA™

	Status Quo Population	Proposal Population	Affordable Health Choices Act Impact	
			2010 Total Impact	Population Impact
Individual Market				
Insured	16,182,877	57,513,571	\$279,903,791,139	11,572,054
Uninsured	41,843,646	501,918	0	-41,341,728
		Subtotal	\$279,903,791,139	
Group Market				
Insured	162,665,411	168,980,727	\$180,626,259,236	-70,763,315
Uninsured	6,773,521	443,524	\$0	-6,329,997
		Subtotal	\$180,626,259,236	
		Total	\$460,530,050,376	
Total Market				
Insured	178,848,288	226,494,298	\$460,530,050,376	
Uninsured	48,617,167	945,442	0	-47,671,725

**2009 Affordable Health Choices Act
2010 Dollar Estimates by Plan Choices**

	Status Quo Population	2010 Population	2010 Fiscal Impact	Delta
Individual Market				
HSA	6,764,409	8,837,503	\$24,523,097,130	2,073,094
Public Gold	0	21,634	\$38,352,668	
Public Silver	0	15,384,939	\$85,340,451,551	
Public Bronze	0	14,352,067	\$80,151,337,191	
PPO High	57,525	1,121,641	\$7,691,906,410	1,064,116
PPO Low	9,009,693	6,569,646	\$18,899,814,008	-2,440,047
PPO Medium	351,250	11,226,141	\$63,258,832,181	10,874,891
Uninsured	41,843,646	501,918	\$0	-41,341,728
			\$279,903,791,139	
Group Market				
HMO	38,902,944	25,212,667	\$18,220,965,760	-13,690,277
HRA	4,628,425	3,584,030	\$2,636,475,136	-1,044,395
Employer-sponsored HSA	141,186	57,501	\$43,016,344	-83,684
Opt-out HSA	277,905	2,261,246	\$6,230,527,020	1,983,341
Public Gold	0	11,159,097	\$4,940,047,142	
Public Silver	0	38,123,622	\$47,241,576,558	
Public Bronze	0	27,795,913	\$32,108,463,133	
Opt-out PPO Low	245,762	651,234	\$398,087,278	405,472
PPO High	17,286,666	19,528,447	\$26,951,344,787	2,241,781
PPO Low	2,023,263	996,385	\$424,070,922	-1,026,878
PPO Medium	87,320,502	38,739,485	\$41,431,685,157	-48,581,017
Turned Down - Other Private	11,838,759	871,099	\$0	-10,967,659
Turned Down - No insurance	6,773,521	443,524	\$0	-6,329,997
			\$180,626,259,236	
		Total Subsidy:	\$460,530,050,376	

ARCOLA™ TECHNICAL DOCUMENTATION

The ARCOLA™ model is a national health policy impact micro-simulation model designed to estimate the impact of health policy proposals at federal and state levels. The model predicts individual adult responses to proposed policy changes and generalizes to the US population with respect to: (1) health insurance coverage and (2) financial impact of the proposed changes.

This model was first used for the Office of the Assistant Secretary (OASPE) of the Department of Health and Human Services (DHHS) to simulate the effect of the Medicare Modernization Act of 2003 (MMA) on take-up of high-deductible health plans in the individual health insurance market (Feldman, Parente, Abraham et al, 2005; Parente et al, Final Technical Report for DHHS Contract HHSP233200400573P, 2005). The model was later refined to incorporate the effect of prior health status on health plan choice—a necessary step if one wants to predict enrollment more accurately. The latest model also used insurance expenditures from actual claims data to refine premiums and then predict choices again with the new premiums. The model then iterates the choice model until premiums and choices converge, and then finds an equilibrium state. A subsequent change to the model permitted state-specific predictions of policy changes as well as total federal health policy impact.

MODEL COMPONENTS & DATA SOURCES

There are three major components to the ARCOLA™ model: (1) Model Estimation; (2) Choice Set Assignment and Prediction; and (3) Policy Simulation. Often, more than one database was required to complete the task. Integral to this analysis was the use of consumer directed health plan data from four large employers working with the study investigators.

The model estimation had several steps. As a first step, we pooled the data from the four employers offering CDHPs to estimate a conditional logistic plan choice model similar to our earlier work (Parente, Feldman and Christianson, 2004). In the second step we used the estimated choice-model coefficients to predict health plan choices for individuals in the MEPS-HC. In order to complete this step, it was necessary first to assign the number and types of health insurance choices that are available to each respondent in the MEPS-HC. For this purpose we turned to the smaller, but more-detailed MEPS Household Component-Insurance Component linked file, which contained the needed information. The third step was to populate the model with appropriate market-based premiums and benefit designs. The final step was to apply plan choice models coefficients to the MEPS data with premium information to get final estimates of take up and subsidy costs.

Mr. MCCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL PROMOTION ACT

Mr. MARTINEZ. Madam President, this week the Senate will be considering the Travel Promotion Act, which is an important bill for my home State of Florida.

Every year, millions of tourists travel to the United States from overseas, helping our economy, generating revenues for States and communities, and creating job opportunities for millions of Americans. But for most of this last decade there has been a huge dropoff in visitors to the United States from other countries. Between 2000 and 2008, the U.S. tourism industry has experienced an estimated 58 million lost arrivals, \$182 billion in lost spending, \$27 billion in lost tax receipts, and \$47 billion in lost payroll. We have also lost 245,000 jobs. One in eight Americans is directly or indirectly employed by the travel industry. The industry contributes \$1.3 trillion to the U.S. economy, and the industry contributes \$115 billion in tax revenue.

In Florida, home to Walt Disney World, Universal Studios, many beautiful beaches, the Everglades, some of the best fishing and snorkeling in the world, and the oldest settlements in North America, the tourism industry employs no less than 750,000 Floridians and accounts for nearly 25 percent of all of the State's sales tax collections. Last year, the United States had 633,000 fewer international travelers than we had in the year 2000. Florida has taken a harder hit, losing 1.3 million visitors over that same period of time.

Numbers do not lie. Our lack of attention to self-promotion is costing us money, jobs, and opportunities. And it is not that people are not traveling. The fact is, people are traveling to some destinations other than the United States. The world competition for the travel dollar is keen. Countries all over the world are doing all they can to attract visitors to their countries. We are competing in a world marketplace.

This is an alarming trend we are seeing in the United States, and it clearly hurts our economy. But it also has an impact on our image around the world. Studies show a person's opinion of our country is greatly improved when they visit our country. We are our own best ambassadors. But when fewer people visit here, there are fewer opportunities for others to see what our Nation has to offer and what we are all about. So increased travel to the United States is not only good for our Nation, it is also good for the way in which we portray ourselves to the world.

One of the best ways to address this is to create a comprehensive campaign to promote the United States as a travel destination. This is a way of reversing this current trend. This is a way of bringing back some of the declines to a better day so we can increase jobs and opportunities in our country.

Here is an example of what other nations spend to promote themselves in the tourism market around the world. Here is what we are competing against. This is what the United States is up against as we look to compete for the travel dollar. Our close neighbor of Mexico spent \$149 million promoting travel to Mexico. Our other close neighbor, Canada, spent \$58 million in promoting travel to its country. China spent \$60 million in promoting travel to its country. Australia spent \$113 million. The countries of the European Union collectively spent \$800 million on self-promotion. How much has the United States spent? We have spent absolutely nothing. We spend nothing in promoting our tourism.

For years, sectors within the agricultural industry have used so-called checkoff programs to promote their products. We have heard the slogans: "Pork, the other white meat." "Beef, it's what's for dinner." "Milk, it does a body good." These are familiar slogans created by industry-sponsored campaigns. Producers kick in their own money to create a marketing campaign that benefits all producers. We need the same thing for our tourism, which is why I urge my colleagues to support moving forward on the Travel Promotion Act. It will benefit our economy, it will complement our Nation's diplomatic efforts and, perhaps most importantly, it will help to create new jobs.

The Travel Promotion Act will enable the United States to become its own ambassador by establishing a public-private campaign to promote tourism abroad. The campaign would be led by an independent, not-for-profit corporation governed by an 11-member board of individuals appointed by the Secretary of Commerce. Each would represent the various regions around the Nation and bring their expertise in promoting international travel. The program will not use taxpayer money but will instead rely on user fees paid by foreign tourists and in-kind contributions from corporate partners.

Additionally, the act will increase coordination among the Commerce, State, and Homeland Security Departments to streamline the entry and departure procedures for our foreign tourists. You see, not only are we not promoting ourselves, we are also doing a lot to complicate travel to our country. Because of those things which were done as a necessity post-9/11, we have created a lot of layers of complication for foreign travelers to visit our country. We have to continue to have the kind of protection about who visits our land to protect our homeland, but at the same time we need to use some common sense about how this is done and incorporate some modern technologies to ensure that the travel experience to the United States is not cumbersome, is not complicated, and

that it is transparent and enjoyable for those who come to visit us.

In today's economy, every visitor counts. In the competitive world we live in, every competitive dollar that can be spent out there promoting travel to the United States will inure to the benefit of the job creation we will see in places such as my home State. When you consider that visitors from overseas spend an estimated \$4,500 every time they visit the United States, more visitors will mean more jobs for Americans at a time when unemployment continues to rise.

So I truly urge my colleagues to join me in supporting this bill as we work toward increasing our Nation's presence as a tourist destination around the world. I hope, as the week unfolds, we will have an opportunity to engage in conversation and discussion and debate about this very important tourism bill, which will help most States of this country.

The fact is we want Florida to be a significant tourism destination. We are proud of that in our State, but the fact is that States around the country all can benefit and do benefit greatly from foreign tourists visiting our country. It is a great, green way of promoting jobs and opportunities in our country and one I think is long overdue. If we are going to compete effectively with countries abroad, we must, in fact, also be competitive in how we promote and advertise ourselves to the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for up to 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, I am looking for a way to offer an amendment to the health care bill that would sentence every Senator who votes to increase Medicaid eligibility to 150 percent of the Federal poverty level to a term of 8 years as Governor in his or her home State, so they can have an opportunity to manage the program, to raise taxes, and to find a way to pay for that sort of proposal. If we Senators were to increase Medicaid in that way, and go home, we would find first that Medicaid is a terrible base upon which to build an improved health care system, because it is filled with lawsuits. It is filled with Federal court consent decrees that sometimes are 20 and 25 years old and take away from the Governor's and the legislature's authority to make decisions. It is filled with inefficiency. It is filled with delays. Governors request waivers to run their systems, and it may take a year or more for approval from the

Federal Government for relatively simple requests. And finally, it is filled with an intolerable waste of taxpayer money because of fraud that is documented by the Government Accountability Office. As much as 10 percent of the entire program—\$32 billion a year—according to the Government Accountability Office is lost to fraud. That is the Medicaid Program.

The second thing a Senator who goes home to serve as Governor for 8 years would find is that increasing coverage in this way will require much higher State taxes at a time when most every State is making a massive cut in services, and a few States are nearly bankrupt. For example, in my State of Tennessee, if the Kennedy bill were to pass, which would increase Medicaid expansion by 150 percent and increase reimbursement rates to 110 percent of Medicare, it would require, based on our estimates, a new State income tax of about 10 percent to pay for the increased costs just for our State, as well as perhaps adding another half a trillion dollars or so to the Federal debt.

Finally, if we were to base new coverage for the 58 million people now in Medicaid, and others who need insurance, upon this government-run Medicaid Program these Americans—who are the people we are talking about in this debate and who are the ones we hope will have more of the same kind of health care the rest of us have—we would find that a large number of them would have a hard time finding a doctor. Today 40 percent of doctors already refuse to provide full service to Medicaid patients because of the low reimbursement rates, and if we simply add more to that Medicaid Program, these people will have an even harder time getting served.

There is a better idea. Instead of expanding a failing government health care program which traps 58 million of our poorest citizens in that government-run program that provides substandard care, the better way to extend medical care to those low-income Americans now served by Medicaid is to give them government tax credits, or government subsidies, or vouchers, or money in their pockets they can use to purchase private health insurance of their choice. That sort of option for health care reform is before the Senate, if it could only be considered. It has been offered on one end by Senator COBURN and Senator BURR. It has been offered at the same time by Senator GREGG of New Hampshire. It has been offered in a bipartisan way by Senator WYDEN and Senator BENNETT who have offered a proposal that would basically give these dollars to the people who need help, let them buy their insurance, and according to the same Congressional Budget Office that said the Kennedy proposal costs at least 1 trillion more dollars, the CBO has said that Bennett-Wyden would cost zero more.

I ask that I am informed when I have 1 minute left.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 5 minutes remaining.

Mr. ALEXANDER. Madam President, during the last 6 months, the four words we have heard most in Washington are "more debt" and "Washington takeover," and all four words apply to the health care debate. We have seen a Washington takeover of banks, of insurance companies, of student loans, of car companies, and now, perhaps, of health care. The President insists on a government-run insurance option as part of a health care reform plan which would inevitably lead to a Washington-run health plan.

Why would it do that? Well, putting a government-run and subsidized plan in competition with our private health insurance plans would be like putting an elephant in a room with some mice and saying: OK, guys and gals, compete. I think we know what would happen. The elephant would win the competition and the elephant would be your only remaining choice.

As for more debt, the Congressional Budget Office, in a letter sent to Senator KENNEDY, estimated that his bill, which is the only legislation the Senate Health Committee is considering, would add another \$1 trillion during the next 10 years in order to cover 16 million uninsured Americans, leaving 30 million uninsured. That is another \$1 trillion over the next 10 years that, according to yesterday's Washington Post, already is nearly three times as much as was spent in all of World War II. The Post said the proposed new debt over the next 10 years, before we get to the health care bill, is three times as much as we spent in World War II. The Congressional Budget Office estimate didn't even consider the cost of the Kennedy bill's proposals to expand Medicaid coverage.

So let's talk about Medicaid. Every State offers it. It provides health care in a variety of ways to low-income Americans who are not eligible for Medicare. The Federal Government pays about 60 percent of the costs and writes most of the rules; the States pay the rest. Fifty-eight million low-income Americans are trapped in Medicaid. It is the only place of any significant size where we don't have competition in our health care system. Think of the elephant in the room.

It was my experience as Governor—I believe it is for most Governors—that it is not only an administrative mess with substandard care, the Medicaid Program, but its costs have spiraled out of control, threatening the viability of public universities and community colleges because there is no money left for the States to support them.

Here is what would happen in Tennessee if the Kennedy bill passed, according to the State of Tennessee's

Medicaid director. Our State costs would go up \$572 million if we increased coverage to 150 percent of Federal poverty. If the Fed pays for this, the Fed's cost would be \$1.6 billion—I mean the Federal budget paying for all of it, because normally the Federal budget pays two-thirds, the State one-third. If the State has to also provide Medicaid payments to physicians at 110 percent of Medicare, this would add another \$600 million in costs to the State of Tennessee. Thus, the proposal of the combination of the Health and the Finance Committees' bills that are being considered would be 1.2 billion new dollars for Tennessee. If you add the Federal Government's increase in costs just for the Tennessee program to which the Tennessee program was expanded, it would be \$3.3 billion.

So you can see why the Kennedy bill has been called so expensive. That is not all. The Finance Committee has been discussing turning back to the States by 2015 these increased costs, although the Finance Committee is talking about a smaller expansion of coverage. So imagine a Senator going home to the State of Tennessee—it won't be me, because I have already had the privilege of being Governor—but say if one went back to be Governor of Tennessee, what would one find if we passed the Kennedy bill as it is now proposed? We would find a bill by 2015 of 1.2 billion in today's dollars, and where would the Governor get the money? Well, when one Governor proposed a 4-percent State income tax in Tennessee in 2004, a 4-percent income tax would bring in 400 million new dollars. We need \$1.2 billion under the Kennedy bill to pay for the expansion of Medicaid. So to raise nearly \$1.2 billion, a new State income tax of more than 10 percent would be needed, if all other services were held flat, and the Governor has already said that most State functions will see a decrease in funding after the stimulus money goes away.

This same problem would be true for all States. The National Governors Association says if we assume that all individuals under 150 percent of poverty are covered and there is no change in reimbursement rates, the cost to the States would be \$360 billion more over the next 10 years. If you also increase the reimbursement rate for physicians from say 72 percent to 83 percent, the Governors Association says the new cost is \$500 billion more over 10 years.

Then there is the fraud in the Medicaid Program. The Government Accountability Office says 10 percent of it is fraud—\$32 billion a year—about three-fourths of the amount we spend on prescription drugs for all seniors. Then there is the problem of access of care, with 40 percent of doctors already not being willing to provide full service to patients who are on Medicaid. So why would we expand this government-

run program when it is filled with inefficiencies, delay, and waste, when it would bankrupt States, when it would add hundreds of billions of dollars to the Federal debt, and when it would provide substandard service when, instead, we could pass the Coburn-Burr bill, or the Gregg bill, or the Wyden-Bennett bill and give to the 58 million low-income Americans who are trapped in a failing government program the dollars they need to purchase private health insurance much like the rest of us have?

I hope I can find a way to offer an amendment that would require any Senator who votes for a 150-percent increase in Medicaid, who says that Medicaid expansion will go to 150 percent of the Federal poverty level, will be sentenced to go home and serve for 8 years as Governor of his or her State so they can find out what it is like to manage such a program or to raise taxes to pay for it.

I ask unanimous consent to have printed in the RECORD following my remarks the letter from Douglas Elmendorf of the Congressional Budget Office to Senator KENNEDY of June 15 stating that his bill would add \$1 trillion more over the next 10 years to the debt, and that doesn't even include the Medicaid expansions I have talked about.

I also ask unanimous consent that an article from the Wall Street Journal of yesterday talking about State budget gaps, which shows what dire straits many States are in be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 15, 2009.

HON. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education,
Labor, and Pensions, U.S. Senate, Wash-
ington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) and the staff of the Joint Committee on Taxation (JCT) have completed a preliminary analysis of the major provisions related to health insurance coverage that are contained in title I of draft legislation called the Affordable Health Choices Act, which was released by the Senate Committee on Health, Education, Labor, and Pensions (HELP) on June 9, 2009. Among other things, that draft legislation would establish insurance exchanges (called "gateways") through which individuals and families could purchase coverage and would provide federal subsidies to substantially reduce the cost of that coverage for some enrollees.

The attached table summarizes our preliminary assessment of the proposal's budgetary effects and its likely impact on insurance coverage. According to that assessment, enacting the proposal would result in a net increase in federal budget deficits of about \$1.0 trillion over the 2010-2019 period. Once the proposal was fully implemented, about 39 million individuals would obtain coverage through the new insurance exchanges. At the same time, the number of people who had coverage through an employer would decline by about 15 million (or

roughly 10 percent), and coverage from other sources would fall by about 8 million, so the net decrease in the number of people uninsured would be about 16 million.

It is important to note, however, that those figures do not represent a formal or complete cost estimate for the draft legislation, for reasons outlined below. Moreover, because expanded eligibility for the Medicaid program may be added at a later date, those figures are not likely to represent the impact that more comprehensive proposals—which might include a significant expansion of Medicaid or other options for subsidizing coverage for those with income below 150 percent of the federal poverty level—would have both on the federal budget and on the extent of insurance coverage.

KEY PROVISIONS RELATED TO HEALTH INSURANCE COVERAGE

Subtitles A through D of title I of the Affordable Health Choices Act would seek to increase the number of legal U.S. residents who have health insurance. Toward that end, the federal government would provide grants to states to establish insurance exchanges and—more importantly—would subsidize the purchase of health insurance through those exchanges for individuals and families with income between 150 percent and 500 percent of the federal poverty level; those subsidies would represent the greatest single component of the proposal's cost. The proposal would also impose a financial cost on most people who do not obtain insurance, the size of which would be set by the Secretary of the Treasury.

The draft legislation released by the HELP Committee also indicates that certain features may be added at a later date. Because they are not reflected in the current draft, however, CBO and the JCT staff did not take them into account. In particular, the draft legislation does not contain provisions that would change the Medicaid program, although it envisions that the authority to extend Medicaid coverage will be added during Senate consideration of the bill. (By itself, adding such provisions would increase the proposal's budgetary costs and would also yield a larger increase in the number of people who have health insurance.) The draft legislation also indicates that the committee is considering whether to incorporate other features, including a "public health insurance option" and requirements for "shared responsibility" by employers. Depending on their details, such provisions could also have substantial effects on our analysis. (A summary of the key provisions that were included in this analysis is attached.)

IMPORTANT CAVEATS REGARDING THIS PRELIMINARY ANALYSIS

There are several reasons why the preliminary analysis that is provided in this letter and its attachments does not constitute a comprehensive cost estimate for the Affordable Health Choices Act:

First, this analysis focuses exclusively on the major provisions on health insurance coverage contained in certain subtitles of title I of the draft legislation. Although other provisions in title I, along with provisions in the other five titles of the legislation, would have significant budgetary effects, the analysis contained in this letter and its attachment is limited to the provisions in subtitles A through D regarding health insurance coverage.

Second, CBO and the JCT staff have not yet completed modeling all of the proposed changes related to insurance coverage. For example, the proposal would allow parents to

cover children as dependents until they are 27 years old, and our analysis has not yet taken that provision into account. (Other instances are listed in the attachment.) Although this analysis reflects the proposal's major provisions, taking all of its provisions into account could change our assessment of the proposal's effects on the budget and insurance coverage rates—though probably not by substantial amounts relative to the net costs already identified. As our understanding of the provisions we have analyzed improves, that could also affect our future estimates.

Third, the analysis of the proposal's effects on the federal budget and insurance coverage reflects CBO's and the JCT staff's understanding of its key features and discussions with committee staff—but does not represent a full assessment of the legislative language that was released by the committee. Although our reading of the draft language has informed our analysis, we have not had time to complete a thorough review of that language, which could have significant effects on any subsequent analysis provided by CBO and the JCT staff.

In particular, the draft legislation includes a section on "individual responsibility" that would generally impose a financial cost on people who do not obtain insurance—but is silent about whether people are required to have such coverage. On the basis of our discussions with the committee staff, we understand that it was the committee's intent to impose a clear requirement for individuals to have health insurance, and this analysis reflects that intent. However, the current draft is not clear on this point, and if the language remains ambiguous, that would affect our estimate of its impact on federal costs and insurance coverage.

Fourth, some effects of the insurance proposals that we have modeled have not yet been fully captured. For example, we have not yet estimated the administrative costs to the federal government of implementing the proposal or the costs of establishing and operating the insurance exchanges, nor have we taken into account the proposal's effects on spending for other federal programs. Those effects could be noticeable but would not affect the main conclusions of this analysis.

Fifth, the budgetary information shown in the attached table reflects many of the major cash flows that would affect the federal budget as a result of the proposal and provides our preliminary assessment of its net effects on the federal budget deficit. Some cash flows would appear in the budget but would net to zero and not affect the deficit; CBO has not yet estimated all of those cash flows.

LIKELY EFFECTS OF THE PROPOSAL

The proposal would have significant effects on the number of people who are enrolled in health insurance plans, the sources of that coverage, and the federal budget.

Effects on Insurance Coverage. Under current law, the number of nonelderly residents (those under age 65) with health insurance coverage will grow from about 217 million in 2010 to about 228 million in 2019, according to CBO's estimates. Over that same period, the number of nonelderly residents without health insurance at any given point in time will grow from approximately 50 million people to about 54 million people—constituting about 19 percent of the nonelderly population. Because the Medicare program covers nearly all legal residents over the age of 65, our analysis has focused on the effects of proposals on the nonelderly population.

People obtain insurance coverage from a variety of sources. Under current law, about 150 million nonelderly people will get their coverage through an employer in 2010, CBO estimates. Similarly, another 40 million people will be covered through the federal/state Medicaid program or the Children's Health Insurance Program (CHIP). Other nonelderly people are covered by policies purchased individually in the "nongroup" market, or they obtain coverage from various other sources (including Medicare and the health benefit programs of the Department of Defense).

According to the preliminary analysis, once the proposal was fully implemented, the number of people who are uninsured would decline to about 36 million or 37 million, representing about 13 percent of the nonelderly population. (Roughly a third of those would be unauthorized immigrants or individuals who are eligible for Medicaid but not enrolled in that program.) That decline would be the net effect of several broad changes, which can be illustrated by examining the effects in a specific year. In 2017, for example, the number of uninsured would fall by about 16 million, relative to current-law projections. In that year, about 39 million people would be covered by policies purchased through the new insurance exchange. At the same time, about 147 million people would be covered by an employment-based health plan, 15 million fewer than under current law. Smaller net declines (totaling about 8 million) would occur in coverage under Medicaid and CHIP and in nongroup coverage because of the subsidies offered in the exchanges.

Budgetary Impact of Insurance Coverage Provisions. On a preliminary basis, CBO and the JCT staff estimate that the major provisions in title I of the Affordable Health Choices Act affecting health insurance coverage would result in a net increase in federal deficits of about \$1.0 trillion for fiscal years 2010 through 2019. That estimate primarily reflects the subsidies that would be provided to purchase coverage through the new insurance exchanges, which would amount to nearly \$1.3 trillion in that period. The average subsidy per exchange enrollee (including those who would receive no subsidy) would rise from roughly \$5,000 in 2015 to roughly \$6,000 in 2019. The other element of the proposal that would increase the federal deficit is a credit for small employers who offer health insurance, which is estimated to cost \$60 billion over 10 years. Because a given firm would be allowed to take the credit for only three consecutive years, the pattern of outlays would vary from year to year.

Those costs would be partly offset by receipts or savings from three sources: increases in tax revenues stemming from the decline in employment-based coverage; payments of penalties by uninsured individuals; and reductions in outlays for Medicaid and CHIP (relative to current-law projections).

The proposal would not change the tax treatment of health insurance premiums. Nevertheless, the reduction in the number of people receiving employment-based health insurance coverage, relative to current-law projections, would affect the government's tax revenues. Because total compensation costs are determined by market forces, CBO and the JCT staff estimate that wages and other forms of compensation would rise by roughly the amounts of any reductions in employers' health insurance costs. Employers' payments for health insurance are tax-preferred, but most of those offsetting changes in compensation would come in the

form of taxable wages and salaries. As a result, the shift in compensation brought about by the proposal would cause tax revenues to rise by \$257 billion over 10 years. (Those figures are generally shown as negative numbers in the attached table because increases in revenues reduce the federal budget deficit.)

The government would also collect the payments that uninsured individuals would have to make. CBO and the JCT staff assume that the annual amount, which would be set by the Treasury Secretary, would be relatively small (about \$100 per person). Moreover, individuals with income below 150 percent of the federal poverty level would not have to pay that amount. As a result, collections of those payments would total \$2 billion over 10 years.

Finally, although the proposal would not change federal laws regarding Medicaid and CHIP, it would affect outlays for those programs. CBO assumes that states that had expanded eligibility for Medicaid and CHIP to people with income above 150 percent of the federal poverty level would be inclined to reverse those policies, because those individuals could instead obtain subsidies through the insurance exchanges that would be financed entirely by the federal government. Reflecting those reductions in enrollment, federal outlays for Medicaid and CHIP would decline by \$38 billion over 10 years.

I hope this preliminary analysis is helpful for the committee's consideration of the Affordable Health Choices Act. If you have any questions, please contact me or CBO staff. The primary staff contacts for this analysis are Philip Ellis, who can be reached at (202) 226-2666, and Holly Harvey, who can be reached at (202) 226-2800.

Sincerely,

DOUGLAS W. ELMENDORF,

Director.

Attachments.

A SUMMARY OF THE KEY PROVISIONS OF THE HELP COMMITTEE'S PROPOSAL

Congressional Budget Office, June 15, 2009

Most of the proposal's key provisions would become operative in a state when that state establishes an insurance exchange (called a "gateway") through which its residents could obtain coverage; such exchanges might start offering health insurance in some states in 2012; all exchanges would be fully operational by 2014.

The proposal is assumed to require most legal residents to have insurance (though the draft language is not explicit in this regard). In general, the government would collect a payment from uninsured people, but individuals with income below 150 percent of the federal poverty level (FPL) would be exempt and the payment would be waived in certain other cases. The Congressional Budget Office (CBO) and the staff of the Joint Committee on Taxation (JCT) assumed that the annual payment amount, which would be set administratively, would be relatively small (about \$100 per person).

New health insurance policies sold in the individual and group insurance markets would be subject to several requirements regarding their availability and pricing. Insurers would be required to issue coverage to all applicants, and could not limit coverage for preexisting medical conditions. In addition, premiums for a given plan could not vary because of enrollees' health and could vary by their age to only a limited degree (under a system known as adjusted community rating). Existing policies that are maintained continuously would be "grandfathered."

There would be no change from current law regarding Medicaid or the Children's Health Insurance Program (CHIP).

Insurance policies covering required benefits that are sold through the exchanges would have actuarial values chosen by the Secretary of Health and Human Services from specified ranges within three tiers. (A plan's actuarial value reflects the share of costs for covered services that is paid by the plan.) CBO and the JCT staff assumed that the chosen actuarial values would be 95 percent (for the highest tier), 85 percent (for the middle tier), and 76 percent (for the lowest tier). Plans would be allowed to offer added coverage or benefits for an extra premium.

The subsidies available through the exchanges would be tied to the average of the three lowest premium bids submitted by insurers in each area of the country for each tier of coverage. For people with income between 150 percent and 200 percent of the FPL, the subsidies would apply to that average bid for the highest-tier plans; for people with income between 200 percent and 300 percent of the FPL, the subsidies would apply to that average bid for the middle-tier plans; and for people with income between 300 percent and

500 percent of the FPL, the subsidies would apply to that average bid for the lowest-tier plans.

The subsidies would cap premiums as a share of income on a sliding scale starting at 1 percent for those with income equal to 150 percent of the FPL, rising to 10 percent of income at 500 percent of the FPL. Those income caps would be indexed to medical price inflation, so that individuals would (on average) pay a higher portion of their income for exchange premiums over time. Individuals and families with income below 150 percent of the FPL would not be eligible for those subsidies. (The proposal envisions that Medicaid would be expanded to cover those individuals and families but the draft legislation does not include provisions to accomplish that goal.)

Subsidies would be delivered by the Department of Health and Human Services via the insurance exchanges with some provisions for income verification. Subsidy amounts would be determined using a measure of income for a previous tax year, implying that subsidies received for a given year (for example, in 2013) would be based on income received two years prior (for example,

in 2011). Individuals might be eligible for larger subsidies if their income declined significantly in the intervening period or if other extenuating circumstances arose. (The draft legislation's provisions regarding verification of income are unclear, which is reflected in the analysis.)

The proposal does not include a "public plan" that would be offered in the exchanges, nor does it contain provisions that would require employers to offer health insurance benefits or impose a fee or tax on them if they did not offer insurance coverage to their workers.

In general, individuals with an offer of employer-sponsored insurance would not be eligible for exchange subsidies under the proposal. However, employees with an offer from an employer that was deemed unaffordable could get those subsidies; because the exchange subsidies would limit the share of income that enrollees would have to pay (as described above), CBO and the JCT staff assumed that an "unaffordable" offer from an employer would be one that required the employee to pay a larger share of income for that plan than he or she would have to pay for coverage in an exchange.

6/15/2009

Preliminary Analysis of HELP Committee's Insurance Proposal
NOTE: Figures in table do not reflect all elements of the proposal (see text)

		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
EFFECTS ON COVERAGE OF NON ELDERLY PEOPLE^a (Millions of people, by calendar year)											
Current Law Coverage	Medicaid/CHIP	40	39	39	38	35	34	35	35	35	35
	Employer	150	153	156	158	161	162	162	162	162	162
	Nongroup	13	12	12	12	13	14	14	14	14	15
	Other	14	14	14	14	14	15	15	15	15	16
	Uninsured	50	51	51	51	51	51	52	53	53	54
	TOTAL	267	269	271	273	274	276	277	279	281	282
Change (+/-)	Medicaid/CHIP	-1	-1	*	1	-4	-3	-2	-2	-2	-2
	Employer	2	2	-1	-7	-14	-14	-15	-15	-15	-15
	Nongroup/Other	*	*	-1	-2	-5	-5	-5	-6	-6	-6
	Exchanges	0	0	5	17	38	38	38	39	39	40
	Uninsured	-1	-1	-3	-9	-15	-16	-16	-16	-17	-17
Post-Policy Uninsured ^b	Number of People	49	51	48	42	36	35	36	36	37	37
	as a Share of Non elderly	19%	19%	18%	15%	13%	13%	13%	13%	13%	13%

		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2010-2019
EFFECTS ON THE FEDERAL DEFICIT^{a,c} (Billions of dollars, by fiscal year)												
Exchange Subsidies		0	0	17	66	148	183	196	209	223	237	1,279
Employer Subsidies ^d		4	8	8	5	4	7	7	6	6	7	60
Payments by Uninsured Individuals		0	0	0	*	*	*	*	*	*	*	*
Medicaid/CHIP Outlays		-1	-2	-1	2	-6	-7	-6	-6	-6	-6	-38
Tax Revenue Effects of Coverage Changes ^e		1	2	-2	-15	-30	-37	-40	-43	-45	-48	-257
NET IMPACT		4	7	21	58	116	146	157	166	177	189	1,042

* = Less than 0.5 million people or spending/savings of less than \$0.5 billion

Notes: a. Components may not sum to totals because of rounding. b. The count of uninsured people includes unauthorized immigrants and people eligible for, but not enrolled in, Medicaid. c. Positive numbers indicate increases in the deficit, and negative numbers indicate reductions in the deficit. d. The effects on the deficit from employer subsidies include their impact on taxable compensation. e. Increases in tax revenues reduce the deficit.

Sources: Congressional Budget Office and Joint Committee on Taxation.

The proposal would offer subsidies to small employers whose workers have low average wages and who offer health benefits to those workers. The amount of the subsidy would vary with the size of the firm (up to a limit of 50 workers), and firms that contribute larger amounts toward their workers' health insurance would receive larger subsidies. The credit would be available indefinitely, but firms would be eligible to take the credit for only three consecutive years at a time.

KEY PROVISIONS NOT YET TAKEN INTO ACCOUNT

There are several features of the proposal that CBO and the JCT staff have not yet reflected in their budget estimates. The most significant features of the proposal that have not yet been estimated would do the following:

Require insurers to offer dependent coverage for children of policyholders who are less than 27 years of age.

Delegate authority to a Medical Advisory Council to establish minimum requirements for covered health benefits and to determine the level of coverage that individuals would need to obtain in order to qualify as having insurance.

Require insurers to maintain a minimum level of medical claims paid relative to premium revenues (otherwise known as a "medical loss ratio"), or to repay certain amounts to policyholders; the HHS Secretary would have the authority to set the minimum medical loss ratio.

Apply "risk adjustment" (a process that involves shifting payments from plans with low-risk enrollees to plans with high-risk enrollees) to all health insurance policies sold in the individual and group insurance markets.

Allow employers to buy health coverage through the exchanges.

Require health insurance plans participating in the new exchanges to adopt measures that are intended to simplify financial and administrative transactions in the health sector (such as claims processing).

[From the Wall Street Journal, June 15, 2009]

STATES' BUDGET GAPS ARE ANOTHER TEST FOR WASHINGTON

(By Jonathan Weisman)

As the White House eagerly scans the economic landscape for signs of recovery, a looming drought in the form of state budget deficits could make any "green shoots" wilt.

States face a cumulative shortfall of \$230 billion from this year through 2011, and there is little sign in bailout-weary Washington of any attempt to create yet another aid program to solve that problem. But if the federal government did want to hold that drought at bay, it has options: passing another stimulus plan; assisting states in the bond market; assuming a greater share of Medicaid payments. If the recovery stalls a few months from now, those may suddenly become central to the rescue efforts.

While discouraging talk right now of any federal response to state budget woes, the Obama administration is anxiously eyeing state efforts to close persistent budget gaps. So far, 42 U.S. states have slashed enacted budgets to cope with rising demand for services and plunging revenue, according to the National Governors Association. About half have also raised taxes.

Those policies run counter to Washington's efforts to prime the economic pump, with a \$787 billion stimulus plan, plus hundreds of billions of dollars more in new lending, mortgage relief and other efforts. About \$246 billion of the stimulus funds are already going to the states, to offset rising Medicaid

costs, stave off education cuts and help with infrastructure problems. Friday, the Treasury made \$25 billion in bond authority available for state and local governments under the Recovery Zone Bonds program, a little-known piece of the massive stimulus law.

But all that money will start drifting away next year, when the administration hopes a recovery will be taking hold. And that is exactly when states anticipate their fiscal problems could be even worse. "The states have so few options to respond," said Nick Johnson, director of the state fiscal project at the Center on Budget and Policy Priorities, a liberal think tank. "Drawing down reserve funds, various accounting gimmicks—those options are either gone or won't do enough. The remaining options threaten to slow the recovery."

If Washington were inclined to help, the easiest approach would be a second stimulus bill pouring more money directly into state coffers. But with a federal budget deficit approaching \$2 trillion, there is little chance of that.

So creativity is in order.

House Financial Services Committee Chairman Barney Frank has been searching for low-cost ways to step in. His staff has looked into a raft of measures to loosen state borrowing and lower the interest rates state governments must offer on their bonds. The Massachusetts Democrat would like to create a reinsurance fund, financed through premiums paid by bond sellers, which would offer bond purchasers additional assurance that their money is safe.

Legislation also could mandate that ratings companies such as Standard & Poor's would have to use the same criteria to rate state bonds as are used to rate corporate bonds—a requirement that doesn't exist now, sometimes to the disadvantage of states. "Where there's the full faith in credit behind these municipal bonds, where the full taxing power of a state or city is behind them, they never default," Mr. Frank said, yet the bonds are "treated as if they're risky."

In the short run, the Treasury or Federal Reserve could use existing programs established to prop up consumer borrowing to underwrite state bond offerings, he said. That would bring more lenders into the state bond market and lower interest costs for cash-strapped states.

President Barack Obama suggested in a recent C-SPAN interview that some kind of clever bond-market moves may be in the works. "We are talking to state treasurers across the country, including California, to figure out are there some creative ways that we can just help them get through some of these difficult times," he said.

But crafting the right balance would be tough.

Treasury officials have told California state legislators that the U.S. is monitoring the situation but isn't keen to provide assistance, according to people familiar with the matter. "It's hard to help just one state," says a government official. On the other hand, there is worry about setting up a broad short-term assistance program that some fret could turn into a permanent federal subsidy.

The move to bail out California—or any other state—is made harder by the current political climate, particularly opposition from home-state Republicans on Capitol Hill.

Rep. John Campbell, one of four California Republicans on Mr. Frank's committee, said a federal intervention would only halt state efforts to come to terms with budgets and

could create incentives to spend even more. "The states are kind of on their own because the bullets are out of the federal gun," he said, "not because they couldn't print some more money but because I hope there's a recognition that printing and borrowing more money is going to have extremely negative consequences."

In response, Mr. Frank shrugs: "How am I going to get representatives from Pennsylvania and New York to send money to California if Republicans from California are fighting it?"

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

EXTENSION OF MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that morning business be extended until 15 minutes from now.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mrs. BOXER. Madam President, I decided to come to the floor to talk about a couple of things. One is health care reform and the other is the stimulus package.

We are seeing attacks from the party of no, the Republican Party, every day on this floor, and I believe the purpose is to derail health care reform. I think it is perfectly legitimate to debate how we do it, but I think when everything is stripped away, you are going to see the Republicans as the party of the status quo.

In relation to health care reform, the status quo has to go, because it is hurting our people. I will put a couple of facts out there that are irrefutable; they are just facts. The fact is, if we don't act, soaring health care costs are unsustainable for our families. In this great Nation, we pay twice as much as any other nation for our health care. The fact is we must turn this around. As the wording is now, we must "bend that cost curve," because we cannot sustain the situation as it is. It is hurting our families. Premium rises are unbelievable. We all know it in our own circumstances. And we know the uninsured keep growing. Why? Because they cannot afford the premiums or maybe companies won't take them because they may have had high blood pressure or something, and they don't get the coverage they need. So they don't avail themselves of prevention.

We have too much obesity in this country among our kids and adults. We know that prevention in and of itself could bend that cost curve. If someone understands nutrition and diet, and they get help in making sure they change their lifestyle or that their kids don't eat sugar and fattening foods all

the time, it has an enormous impact on what happens to them when they get older. Diabetes is a major problem. We can turn that around, along with the heart risks that go with it later on, and the stroke risks that go with high blood pressure. These things can be controlled.

We took a first step in prevention when we passed the bill on smoking which, for the first time, will give the FDA the ability to regulate cigarettes and keep these products away from our kids, who are lured into smoking. You know how it is, because I am sure everybody knows someone who has this addiction, how very difficult it is—those folks who want to quit have such a hard time. Clearly, if we have prevention as the name of the game, we are going to see a decrease in costs, we are going to see healthier families, and we should see lower premiums.

The question is: If we do nothing, can we sustain what happened? If we do so, it ought to stress prevention and also make sure that the insurance companies are kept honest. How do you do that? It seems to me you want to make sure we have some kind of plan out there that has to live by the same rules as the private sector, be it a cooperative, a public plan, but it should live by the same rules so we can test and judge whether our people are getting ripped off when they get these huge increases in their premiums. We also need a plan that covers the uninsured, however we deal with it, because there is no question about it that when people are uninsured, they are still going to get the health care they need. No doctor is going to turn them away when they show up in the emergency room with a stroke or heart condition that probably has not been looked at for a long time. The signs of a stroke you can find through blood pressure taking. If they haven't done that, when they show up there, who pays for it? The fact is, those costs come right back home to us. Somebody has to pay for it. That is reflected in the premium.

So here is the point. I don't think it is that complicated. If you stress prevention, and if you have a plan out there—a nonprofit plan—that can keep the insurance companies honest and make sure they are not overcharging us, and if you cover the uninsured, I think those are the principles I am looking for. I don't think it is that complicated. But we hear our colleagues on the Republican side come out to the floor day in and day out bashing public plans.

Let the Republicans introduce a bill to repeal Medicare. That is a public plan. Our seniors love it. The Republicans fought it in the 1960s. The Democrats passed it under Lyndon Johnson.

Why don't they come here and say they want to repeal Medicare?

Another public plan is veterans' health care. It is a government plan. Why don't they come here and put forward a proposal to completely do away with veterans' health care? I will tell you, the veterans in this country will rise up—the Republican veterans, the Democratic veterans, the Independent veterans, the old and young veterans. Why don't they do that, instead of coming here and saying public plans are bad?

How about SCHIP, the public plan that allows our children to be covered, our poor kids? Why don't they come here and say our children should not be covered and let's repeal it?

How about our military? They get free health care through the public domain. Should we now cancel that and contract it out?

Look, I am for a robust debate. I am for a bipartisan bill. I want to work toward that. But let me tell you this: If we don't get 60 votes for something, we cannot quit around here. We cannot allow a terrible crisis toward the end of life bankrupt our families. More than half of our families who file bankruptcy do it because of a crisis in their health. We cannot afford that. The fact is that we are on the verge of being able to do something but not if the party of no comes here every day and bashes every idea and starts frightening the American people. They will have their chance, but I hope we won't stop. We will have to figure out a way to do it with a majority vote. That is my feeling. This is too important an issue. Our families cannot take it. They cannot take a circumstance where they are now already paying a third of their money for their mortgage. Are they going to pay another third, or half, for health care? What is left over to live a life and support their kids?

Come on, get over it, party of no. Come to the table and work with us. Don't bash every idea President Obama lays down on the table. He is the President. Give him a chance to move this forward.

THE STIMULUS PROGRAM

Mrs. BOXER. Madam President, speaking of bashing things, my last commentary until we vote is this:

Senator COBURN has put out a report in which he bashes the stimulus program. I think it is very important for the American people to understand a few things. One, a couple of his examples are right on target, and we always expect there will be a couple of things that would happen that were wrong. The administration is aware of that. We tried to get on top of it and stop it. But we lost over a trillion dollars from

our economy and we put in this stimulus package—about \$787 billion—so we can make sure that this great recession doesn't turn into a great depression. That is why we have I think 30 inspectors general overseeing this program.

Despite that, I understand Senator COBURN. He was never for the stimulus. He said let the American people work their way through it, that government should stay out. That is fair. Now he is bashing the stimulus program. All of the work he has done thus far has identified .7 percent—not even 1 percent—that was a problem. Some of those are way off base. I want to talk about some of them in California that he has highlighted and has bashed:

First, \$200,000 to place restrooms at a Black Butte Lake, California park. Excuse me. Maybe there is something wrong with me, but I think having a clean restroom in a State park that is safe and available is quite important. But he says that is ridiculous. It creates jobs to build that, and it is an important hygienic issue that I think needs to be addressed.

He talked also about a State park. This is near and dear to my heart. It is \$620,000 to build a State park for our children in Long Beach, CA. I don't know about Mr. COBURN in Oklahoma—they have fewer people there, true. I have a State of 37 million people. We have a lot of kids. We have a lot of kids who get in trouble after school and who drop out of school. We have a problem. They love to skateboard. As a matter of fact, we had a former gang in Oakland come forward and actually construct it themselves. Building a State park for our kids is not a boondoggle. It is a safe place for them to go, and you create jobs when you do it.

We are installing energy efficient runway guidance lights at the San Diego Airport. Yes, energy efficient lighting saves money. As a matter of fact, this thing has a payback. It cost \$5 million. It has a payback of 2 to 5 years. When you put in efficient lighting, there is a payback. It uses less electricity and it lowers the cost. But, no, Senator COBURN bashes that. Those are some examples of what he is bashing just in my State.

I ask unanimous consent to have printed in the RECORD a document entitled "Funding Notification By Program" for my State of California.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FUNDING NOTIFICATIONS BY PROGRAM

The table below presents breakdown of total dollars allocated to a state by program. Programs are identified by the Catalog of Federal Domestic Assistance (CFDA) number and the program title provided in the agency report.

STATE: CALIFORNIA

CFDA number	Program	Allocated
84.394	State Fiscal Stabilization Fund	\$5,960,267,431
93.778	MEDICAL ASSISTANCE PROGRAM	1,991,907,534
84.391	IDEA Part B Grants to States	1,226,944,052
84.389	Title I Grants to Local Educational Agencies	1,128,225,993
14.258	Tax Credit Assistance Program	325,877,114
14.317	Section 8 Housing Assistance Payments Program Special Allocations	305,037,547
66.458	Clean Water SRF	280,285,800
81.041	State Energy Program (A)	226,093,000
17.260	WIA Dislocated Workers	221,906,888
14.257	Homelessness Prevention and Rapid Re-Housing Program	189,086,299
17.259	WIA Youth Activities	186,622,034
81.042	Weatherization Assistance for Low-Income Persons (A)	185,811,061
66.468	Drinking Water SRF	159,008,000
16.803	Office of Justice Programs (OJP) Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program— http://www.ojp.usdoj.gov/BJA/recoveryact.html	135,641,945
14.885	Public Housing Capital fund Stimulus (Formula)	117,918,838
14.253	CDBG Entitlement Grants	112,675,396
16.804	Office of Justice Programs (OJP) Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program— http://www.ojp.usdoj.gov/BJA/recoveryact.html	89,712,677
17.258	WIA Adult Program	80,117,954
84.386	Educational Technology State Grants	70,805,622
93.703	Health Center Integrated Services Development Initiative	63,688,867
84.126	Vocational Rehabilitation State Grants	56,470,213
84.393	IDEA Part C Grants for Infants and Families	53,233,307
17.207	Employment Service/Wagner-Peyser Funded Activities	46,970,564
84.392	IDEA Part B Preschool Grants	41,028,219
84.033	Federal Work Study	20,657,189
93.659	Adoption Assistance	19,904,604
66.805	LUST Trust Fund Program	15,577,000
14.882	Native American Housing Block Grants (Formula)	15,033,342
14.907	Lead-based Paint Hazard Control in Privately-Owned Housing	14,999,190
93.658	Foster Care—Title IV-E	13,888,000
16.588	Office on Violence Against Women (OVW) Recovery Act STOP Violence Against Women Formula Grant Program— http://www.ovw.usdoj.gov/BJA/recovery.html	13,298,809
10.579	Child Nutrition Discretionary Grants Limited Availability	12,864,683
10.569	The Emergency Food Assistance Program (Food Commodities)	12,411,681
10.561	State Administrative Matching Grants for Supplemental Nutrition Assistance	10,795,187
14.255	CDBG State's Program and Non-Entitlement Grants in Hawaii	10,652,033
16.802	Office of Justice Programs (OJP) OVC FY09 VOCA Victim Compensation Formula Grant Program (Compensation)— http://www.ojp.usdoj.gov/BJA/recoveryact.html	8,110,055
93.707	ARRA—Aging Congregate Nutrition Services for States	6,585,441
17.235	Senior Community Service Employment Program	4,293,139
16.800	Office of Justice Programs (OJP) Internet Crimes Against Children Task Force Program— http://www.ojp.usdoj.gov/BJA/recoveryact.html	4,233,003
84.399	Services for Older Individuals who are Blind	3,707,078
93.705	ARRA—Aging Home-Delivered Nutrition Services for States	3,242,063
10.568	The Emergency Food Assistance Program (Administrative Costs)	3,110,696
16.801	Office of Justice Programs (OJP) OVC FY09 VOCA Victim Compensation Formula Grant Program (Assistance)— http://www.ojp.usdoj.gov/BJA/recoveryact.html	2,931,000
66.454	Water Quality Planning (604b)	2,830,700
14.908	Healthy Homes Demonstration Grants	2,624,992
66.040	State Clean Diesel Grant Program	1,730,000
84.398	Independent Living State Grants	1,623,087
84.401	Impact Aid Construction	1,428,766
17.265	Native American Employment and Training	\$236,970
Total		\$13,462,105,063

Mrs. BOXER. If you go through this, you will see in the largest State of the Union, which is suffering with an 11.2 percent unemployment rate, projects that are putting people to work today and doing good things. There is a medical assistance program; a clean water State revolving fund grant; a State energy program, which is putting people to work; weatherization assistance for low income; working with the youth; and it goes on and on. There are safe drinking water grants, a law enforcement grant, educational technology grant, adoption assistance grant, and a foster care grant.

Why is my colleague not coming down here and saying he did find less than 1 percent of a problem, but these other things are good, and these other things are putting people to work and they are saving our children, saving our environment, and saving energy?

It is the party of no. No, no, no, a thousand times no. The American people understand that we on this side of the aisle, and our President, in reaching across the aisle, are going to continue to work for change. Change means getting out of this mess we are in right now—this deep recession. We are going to continue to do it. They are going to say no, no, a thousand times

no. We will work with them when they want to work with us. If they don't, we have to figure out a way to bring the change and jobs to America, the energy efficiency to America, and all that is good that the American people deserve.

CONCLUSION OF MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

ORDER OF PROCEDURE

Mrs. BOXER. I ask unanimous consent that the hour for debate prior to the cloture vote on the motion to proceed to S. 1023 be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor.

TRAVEL PROMOTION ACT OF 2009—MOTION TO PROCEED—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII,

the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 71, S. 1023, the Travel Promotion Act of 2009.

Byron L. Dorgan, Tom Udall, Patrick J. Leahy, Barbara Boxer, Kay R. Hagan, Kirsten E. Gillibrand, Robert P. Casey, Jr., Roland W. Burris, Benjamin L. Cardin, Bill Nelson, John D. Rockefeller, IV, Daniel K. Inouye, Blanche L. Lincoln, Ron Wyden, Bernard Sanders, Sheldon Whitehouse, Ben Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1023, the Travel Promotion Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN) and the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The yeas and nays resulted— yeas 90, nays 3, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—90

Akaka	Feinstein	Merkley
Alexander	Gillibrand	Mikulski
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Pryor
Bennett	Hutchison	Reed
Bingaman	Inhofe	Reid
Bond	Inouye	Risch
Boxer	Isakson	Roberts
Brown	Johanns	Sanders
Brownback	Johnson	Schumer
Burr	Kaufman	Sessions
Burriss	Kerry	Shaheen
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Kyl	Specter
Casey	Landrieu	Stabenow
Chambliss	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
Cornyn	Lugar	Voivovich
Crapo	Martinez	Warner
Dodd	McCain	Webb
Dorgan	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feingold	Menendez	Wyden

NAYS—3

Bunning	Coburn	DeMint
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NOT VOTING—6

Byrd	Ensign	Kennedy
Durbin	Gregg	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 90, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent that any recess time or morning business time count postcloture.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. MERKLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, during these tough economic times,

American families expect and deserve that we will do everything we can to get the economy moving again. Of course, that involves investing in our country, investing in our infrastructure. It involves getting our financial system in order. It involves getting credit moving again. But we should not forget that one out of eight Americans is employed in the travel industry.

I chair the subcommittee of Commerce, that deals with tourism issues, and I cosponsored the bipartisan legislation to bring new visitors and new spending and new jobs to the United States. I thank Senator BYRON DORGAN for his leadership and hard work on this bill, and I also thank Senator ENSIGN for his leadership.

I spoke last week, when we first started talking about this bill, about the importance of the tourism and travel industry to our economy. Tourism creates good jobs that cannot be outsourced. It increases sales for local businesses, and it brings in tax revenue for local and State economies.

As I said, one out of every eight Americans is employed by our travel economy. Each year, travel and tourism contribute approximately \$1.3 trillion to the American economy. The travel economy contributes \$115 billion in tax revenues to State, local, and Federal Governments, and last year travel and tourism exports—which means the people coming into the U.S. to enjoy our beautiful country—accounted for 8 percent of all U.S. exports. In fact, tourism is one of the few economic sectors where we enjoy a substantial trade surplus.

But things are not going as well as they could or they should, especially when it comes to bringing international travel to the United States. I know you know that, Madam President, coming from the State of New York. I see the Senator from Michigan. I have seen their recent ad campaign on “Enjoying Pure Michigan.” But we need to bring more people to this country.

What does this mean? What is the problem? As you can see, while more people around the world are traveling—there were 48 million more global overseas travelers in 2008 than there were in 2000—633,000 fewer visited the United States. That is unfortunate. You can see more people around the world are traveling, but fewer are coming to our country. What does that really mean?

Since 2000, the U.S. share of the world travel market has decreased by nearly 20 percent, costing us hundreds of thousands of jobs and billions of dollars in revenue. You can see what happened here in our country. This chart is in millions of dollars—\$26 million brought in in 2000, only \$25.3 million in 2008; while for the rest of the world, \$124 million for the rest of the world in 2000—up to \$173 million in 2008.

When a traveler decides to visit another country, to visit someplace be-

sides the United States, there is a ripple effect across our economy. Fewer airline tickets are sold, fewer cars are rented, hotels and lodges rent fewer rooms, tourist attractions have fewer visitors, local businesses miss out on sales and opportunities, workers lose their jobs, and it goes on and on.

The decline in international travel, combined with the current economic downturn, is hitting our country’s travel industry hard. Last year, nearly 200,000 travel-related jobs were lost, and the Commerce Department predicts we will lose another 247,000 jobs this year. We are not talking about the CEOs of the airline companies. These are hard-working Americans—the people who work in the hotel rooms, the cooks, the janitors, the shop workers, the people who own little flower stores next to the hotels. They are the ones making the beds. They are the ones making the meals. These are the people we should think about when we talk about the bill before the Senate today.

The question before us today is how can we bring international visitors to the United States because—do you know how much they each spend when they come? Something like \$4,500 when they come to our country. That is \$4,500 that provides jobs for those janitors and maids and shop owners.

We have just as much, if not more, to offer travelers than anyplace else. We have stunning national landmarks, such as the Grand Canyon—and the Statue of Liberty in your home State of New York, Madam President—centers of fun and entertainment from Las Vegas to Disney World, scenic country towns and the bright lights of the big cities and those quiet moments in those little towns in my home State of Minnesota. But we need to do a better job of promoting the United States as a premier travel destination. We have to face it. We are in a competition for international travelers, but we are not competing.

Look at what is going on around the world when it comes to tourism. Here are some examples: Yemen has their own tourism promotion for their country. Of course, the Bahamas—I think many of us have seen those on TV. I certainly have. You see Tourism Australia. I have seen a few of those ads. South Africa, Taiwan, Scotland, India—these countries are promoting themselves internationally to bring in other visitors.

What do we have right now in our country? We do not have a centralized promotion of our country for tourism. Countries around the world make tourism a national priority because they see it brings jobs to their country. They spend millions of dollars on promotion and programs and senior officials to coordinate national tourism policy. For example, Vietnam, Egypt, New Zealand, Lebanon, and Jamaica have ministries of tourism. Germany

has a National Tourist Board, and Australia has a "Tourism Australia" program. In 2005, Greece spent more than \$150 million on travel promotion; France spent \$63 million. That is what we are up against.

The Travel Promotion Act would level the playing field so we can compete with the rest of the world and recapture that lost market share. It will create the Corporation for Travel Promotion, a public-private partnership to promote the United States as an international travel destination and finally establish a coordinated national travel program.

Under the direction of a board of directors made up of representatives from the States, the Federal Government, and the travel industry, the corporation would be in charge of a national travel promotion, a program with goals to encourage travel to the United States, to communicate our country's travel policies, and to promote international exposure for parts of America that do not have the resources to promote themselves.

As I mentioned earlier, our loss in the share of the world travel market is not a new phenomenon. It actually started after September 11, where, for good reasons, security measures were put into place, but some of those good reasons have turned into very difficult times for tourists to come over, and that is what needs to be fixed. That is why part of this bill would make it easier for tourists to get their visas, make it easier for them to visit the country. A lot of times it is just expediting the checks that need to be made, making sure they can get their visas, just as they can get one to go to Canada or Mexico or other countries.

The bill will establish the Office of Travel Promotion in the Department of Commerce to work with the Corporation for Travel Promotion and secretaries of state and homeland security to make sure that international visitors are processed efficiently.

America is a country that wraps its arms around those who come to visit us, and this bill will make sure international visitors know they are welcome and wanted. The Travel Promotion Act is about more than just encouraging travel. It is also about building our economy. This bill is expected to bring in 1.6 million new international visitors each year. Since international visitors, as I noted, spend an average of \$4,500 per person while they are here, this is a huge boost to our economy. That money from overseas coming into our economy, into our towns and cities, into our small businesses is new money. If they are not going to come and spend it here, they are going to go to one of these countries—to the Bahamas, South Africa, Australia. That is new money coming into our country.

The U.S. Travel Association estimates this bill will create 40,000 new

jobs, and economists at Oxford Economics expect the bill to generate \$4 billion in new spending and \$321 million in new tax revenue.

Just as important as how much it will generate is how much it will cost, which is zero for American taxpayers. This bill comes at no cost to the taxpayer. It will be paid for by a combination of private sector contributions and a \$10 fee on international travelers entering the United States of America—zero cost, big benefit.

The Congressional Budget Office just released a report that estimates that this bill will reduce budget deficits by \$425 million over the next 10 years—that is the bill pending before this body today. The math is undeniable. For no cost to the taxpayer, we can boost travel, boost the economy, and reduce the deficit. That is why this bill has such strong bipartisan support in the Senate. It also has the support of numerous organizations such as the U.S. Travel Association, the U.S. Conference of Mayors, and the U.S. Chamber of Commerce.

It has many newspaper endorsements. As you can see, newspapers in every part of the country support this legislation. I will read just a few. The Sacramento Bee:

The country needs to reclaim its status as a global magnet for visitors, even in the post 9/11 climate, and Congress can help by passing the Travel Promotion Act by the end of this year.

Dallas Morning News, September 6:

The Travel Promotion act is a sensible first step toward putting the welcome mat back on America's doorstep.

Orlando Sentinel:

Our position, charging international travelers \$10 to pay for promotion of travel to bring in all that money makes sense.

Detroit Free Press, September 25, 2008:

Doesn't it make sense to encourage, at no cost to taxpayers, foreign visitors to come here and leave some money? There's no good reason not to pass this bill.

Finally, I leave the best to last, Duluth News Tribune, Duluth, MN, May 18, 2009:

Ideas to bolster economic recovery without plunging the nation any deeper into debt would be welcomed by taxpayers from coast to coast.

I know firsthand how important tourism is for the city of Duluth. It has had some very difficult economic times in the seventies and eighties. At one point it was so bad there was a time there was a billboard that someone put outside Duluth that said, "The last one to leave, please turn off the lights."

That is what they were dealing with. They bolstered their economy through tourism.

I was just up there. I did a field hearing there and they have actually seen an increase in their convention and business travel this year. Maybe a few people are going to places such as Du-

luth. Businesses are cutting back a little. But the important part of this is that you have one town just like so many across the country that has benefited from tourism.

This is what we are talking about across the country. I wonder why we didn't pass this earlier, why we haven't been able to get this through. I can't answer this question. It makes no sense to me. Sometimes people don't want to talk about tourism because they don't think it is important, but when one out of eight Americans is employed in this business it is important.

I urge my colleagues to support it. I hope we can get it through intact. I hope we will have a minimum number of amendments and we can simply do something good in a bipartisan way that will help increase jobs in America where one out of eight people is employed.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Ms. KLOBUCHAR. I ask that the Senate recess until 2:15, as under the previous order.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

TRAVEL PROMOTION ACT OF 2009— MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, just prior to lunch, we had a vote on a cloture motion. The vote was 90 to 3. It was not some significant piece of public policy that will shake the Earth, it was a vote on the question of whether we could actually proceed to something called the Travel Promotion Act.

For those who do not know how the Senate works, you have to have a motion to proceed. Normally, a motion to proceed to a bill such as this would be done by unanimous consent and take just a nanosecond, no problem, a motion to proceed approved, proceed then to the bill, have a debate on the bill, and then vote on the bill.

But this is something called the Travel Promotion Act, which I will describe. It is bipartisan. I have offered it along with Senator JOHN ENSIGN, a Republican from Nevada. The two of us, along with many other cosponsors, Republicans and Democrats in the Senate, believe this is an important piece

of legislation for the Senate and for the Congress to pass. Despite that, we had to have a vote this morning on the motion to proceed: Shall we proceed to this? A cloture motion had to be filed. It took 2 days to ripen, and then we had a vote. It was 90 to 3. The answer was yes by 90 to 3. And now we have 30 hours postcloture that we have to wait until we can get to the bill. And then have another cloture motion filed. It is the most unbelievable, Byzantine example of how this place has sort of fallen off the rails—requiring cloture motions to be filed on things that then get a 90-to-3 vote, and then there is a requirement that we have to spend the next 30 hours waiting until we can actually get to the bill. Unbelievable. But it is an example of what has happened here. And the minority is requiring this of every single piece of legislation. It is a way to require the Senate to walk through wet cement and make almost no progress at all. I guess when you get nothing done and then you are able to boast that nothing has happened, maybe some people feel good. It does not make me feel very good.

But having complained about it, now let me at least describe what this bill is. We will get to the bill this week. It will have taken a difficult route to get there. Judging by the 90-to-3 vote, I assume ultimately, when the Senate passes this legislation, we will have very strong support because it is a bipartisan piece of legislation.

I am told Senator ENSIGN has had to leave today as a result of a family matter. I think Senator MARTINEZ will be coming to the floor, who is also a cosponsor of this legislation. I appreciate very much working with Senator ENSIGN and Senator MARTINEZ; on this side, Senator REID, the majority leader, a strong cosponsor, and so many others as well.

Let me describe what this issue is. The fact is, there is an effort to attract international tourism around this world. Why is that the case? Because international tourists; that is, people who visit other countries, spend a lot of money and create a lot of jobs. They support airlines, support hotels, support recreation facilities and theme parks. Plus, they have a chance to understand a little about that country before they go back home. So many countries around the world are very actively engaged in saying: Come to our country. They have very aggressive, very sophisticated promotion campaigns saying: Come to our country. We do not, but they do.

Here is an example of India: One special reason to visit India in 2009. Anytime is a good time to visit the land of Taj. But there is no time like now. Incredible India.

Well, India is very interested, very promotional, saying: Come to India.

But it is not just India. Here is Ireland, big promotional campaign: Go where Ireland takes you.

A beautiful photograph of the majesty of Ireland.

An example of Australia: Looking for an experience to remember? Arrived. Departed. An adventure we will never forget. Go find yourself in Australia.

All over the world we have campaigns now, very aggressive campaigns, saying: Come to Italy. Vacation in Italy. Come to Great Britain. Come to Spain. See the wonders of Spain.

Why are countries doing that? Well, it is interesting. The average international traveler spends about \$4,500 on an overseas trip. When they go to a country, they spend money. This creates jobs. So countries are aware of that, and they are very active in trying to encourage travelers to come to their country. Not so with our country so much since 9/11/2001. In fact, it is interesting that in 2008 we had 633,000 fewer people come to this country from overseas than we had in 2000. Let me say that again. In 2008, 633,000 fewer people from overseas came to visit our country than in the year 2000. In fact, here is an example of what is happening around the world: visitors to the United States—this is 2000 to 2008—a 3-percent decrease; visitors to other countries in international travel, a 40-percent increase. The fact is that we are losing ground and losing shares of the international travelers' tourism dollars and the ability also to explain to them a bit, by having them see this country, what America is all about.

Well, why is that happening? Headlines like this post-9/11/2001. We are very concerned about people coming into this country, and we tightened the visa requirements so that there were long lines and very long waits in order to try to come to this country. Here are some of the headlines:

Sydney Morning Herald: "Coming to America is not easy."

The Guardian: "America—more hassle than it's worth?"

The Sunday Times in London: "Travel to America? No thanks."

Look, the fact is, we want to change that.

This legislation is bipartisan. A group of us Republicans and Democrats who want to create jobs in this country and want to attract international tourism to this country want to change this perception that somehow international travelers are not welcome here.

So here is what we believe. We believe that to have people come to this country is to see its wonders. It is the only one like it on the face of this planet. It is an extraordinary place. There is so much to see and so much to do. And when we have done polling, and so on, when international travelers leave this country, they have an unbelievably positive impression of the United States of America, and that is very important. At a time when there has been so much discussion about our

country going it alone and doing this or that, we have suffered some in international areas. But the fact is, inviting international tourism to our country is job creating, it produces a boost to our economy, but it also allows people to come here and understand what this country is about and inevitably leave with a great impression.

Here is what we do with this piece of legislation. We set up a nationally coordinated travel promotion program. I might say that if somebody says: Well, you are going to set up something new, well, you know what, the Congressional Budget Office has a score for this. They have to decide what everything costs or what the consequences of everything will be.

This is one of the few pieces of legislation to be brought to the floor of the Senate that the Congressional Budget Office estimates would actually reduce the budget deficit by half a trillion dollars over the next 10 years. Let me say that again. This is one of the few pieces of legislation you are going to get a chance to vote on that reduces the Federal budget deficit by \$425 million in the next 10 years.

How does it do that? Well, the fact is, it creates a private-public partnership and it establishes a corporation for travel promotion which will be an independent nonprofit corporation governed by an 11-member board of directors appointed by the Secretary of Commerce. It also creates an Office of Travel Promotion in the Department of Commerce to develop programs to increase the number of international visitors to our country. It sets up a travel promotion fund, and that is financed by a private-public matching program. The Federal contributions will be financed by a \$10 fee paid by foreign travelers from visa waiver countries, and it will be collected in the electronic system for travel authorizations which already exists.

Let me make the point that many other countries do exactly this. It does not in any way retard international travel. Australia charges a \$37 departure fee; Guatemala, \$30; Mexico, \$11 to \$38; Thailand, a \$14 departure fee. And the list goes on. We are suggesting a very modest \$10 fee for international travelers, from the visa waiver countries, and that will finance this piece of legislation that we have had now to file a cloture motion on the motion to proceed to this issue and for which there was a 90-to-3 vote, an affirmative vote.

Here is some discussion about our legislation.

I introduced this in the last session of the Congress. We had over 50 cosponsors, Republicans and Democrats. We have reintroduced it now with wide bipartisan cosponsorship.

The Detroit Free Press says:

Doesn't it make sense to encourage, at no cost to taxpayers, foreign visitors to come

here and leave us with some money? There's no good reason not to pass this bill.

The Dallas Morning News says:

The Travel Promotion Act is a sensible first step toward putting the welcome mat back on America's doorstep.

The Orlando Sentinel says:

Our position, charging international travelers \$10 to pay for the promotion, makes sense.

The Los Angeles Times:

Considering that the U.S. spends hundreds of millions of dollars on public diplomacy with dubious results, and nearly nothing on promoting tourism, it might do well to invest a little money in wooing travelers.

The list goes on of newspapers that have endorsed the legislation.

This has been a pretty difficult decade for our country in many ways. Our country was attacked on 9/11/2001. Several thousand innocent Americans were killed by terrorists. Following that, we suffered a recession almost immediately, then a war in Afghanistan, and then a long protracted war in Iraq that cost an enormous amount of money and was very controversial all around the world. It has been a very difficult decade.

As I indicated when I started, 8 years later, we have so many fewer visitors coming to the United States. I think during part of this decade there was a notion by some that we were not welcoming visitors to the United States; we did not want them to come here very much.

That was not true, but I think that was a sense of some: You want to come to the United States, get in line, it is going to take a long time to get a visa. Why? Because we are concerned. We are screening everybody. We are doing all of these kinds of things. Well, the fact is, no one ever intended to decide we were not going to welcome people to this country. By far, the most effective way to describe to the world what America is about and the unbelievable values that exist and the openness and the wonders of this great democracy, by far, the best way to do that is to say to people from around the world: Come here. Vacation here. You are welcome here. We want you here, to experience and visit America and some of the best attractions and some of the best people and be a part of what we are and then go home and remember what the United States is about.

So that is what we are trying to do. It has been too long, but finally we are now putting together a piece of legislation that says: We are not willing to go through another 8 or 10 years like the last 8 or 10 years where our share of international tourism dramatically decreased.

We want the next 8 or 10 years to show a substantial increase in people from around the world coming to visit America. And the fact is, it will create substantial numbers of jobs. That is important. I mean, as you know, we

ran into a financial ditch, have an economic crisis of sorts. The number of unemployed Americans rises every month, and we are hoping that turns around soon. But in the meantime, this is something constructive and positive and concrete we can do to try to boost this economy. It does not even cost money. This will save almost half a trillion dollars in the next 10 years by reducing the Federal deficit.

Again, I wish some of my colleagues were not deciding to see if they could run everybody through the traps for the next few days before we get to what I think will be a very positive vote on a very constructive idea that will benefit this country. But if it takes 4 days or 2 days or 1 day, whatever the moment, I think most of us will feel as if we have done something good for the country.

In the midst of all of the other very controversial issues and very important issues, some of which are urgent, the questions of: How do you rein in increasing health care costs? What do you do about a country that is 70 percent dependent on oil that comes from foreign countries? What do you do about the issue of protecting our climate and climate change? How do you deal with the Federal budget deficit that seems galloping out of control? There are all these big issues.

In the middle of all that—all of which, in my judgment, we are required to address in order to put America on a different course toward a better future—in the middle of all that, this piece of legislation, the Travel Promotion Act of 2009, might be one small glimmer—just one small bit of hope—for more bipartisanship rather than less. Because this piece of legislation is so persuasive about the interests of this country, we have Republicans and Democrats who have come together to say: Let's do this. Let's do this in the interest of this country's economic future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may proceed for approximately 16 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. I thank the distinguished Acting President pro tempore.

HEALTH CARE REFORM

Mr. President, last week, I came to the Senate floor to talk about the

flawed process of our current attempts to reform the health care system in this country and the urgent need to fix those flaws.

Those efforts included a letter—my letter—which every Republican member of the Finance Committee and the HELP Committee—Health, Education, Labor, and Pensions Committee—signed requesting some very reasonable steps to be taken by Chairman BAUCUS, Chairman KENNEDY, and Senator DODD, who is standing in for our friend and colleague, Senator KENNEDY.

We asked the chairmen to release the details of their plans to reform health care. We asked them to do so in a timely manner to allow us time to read and understand the policies and to get reactions from our constituents, i.e., the people who will benefit or will not benefit, not to mention the providers of health care. We asked them to give us the estimates of how much their plans would cost and how it would impact everyday Americans. Finally, we asked them to identify how they intended to pay for these plans.

It was my sincere hope that by receiving this information we could better participate in the quest to ensure that every American—every American—has meaningful access to health care, not to mention patient choice.

Well, unfortunately, the health care reform process has been so corrupted by artificial timelines and a “hurry up” and a “riding hell for leather” mentality that it threatens to destroy a health care system that has served most Americans very well.

The American health care system represents one-sixth of our economy, which has been repeated many times on this Senate floor, offers health insurance coverage to 250 million Americans, and employs over 16 million people. It leads the world in medical innovations that save lives inside as well as far outside our borders. So this actually is an international health care bill.

President Obama has recognized that most people are happy with their health care. Obviously, they would like some changes, some reforms. But he has repeatedly assured them: If you like what you have, you can keep it.

Well, because changes to this system have the potential to impact every single American citizen and citizens of other nations, it seems to me we must ensure we protect the best of its features when we consider changes to shore up its deficiencies.

Careful consideration is required. That is why we ask for more details. That is why we ask for more time. To date, our requests for more information have not been met, and I think I am starting to understand why.

Yesterday afternoon, the Congressional Budget Office, the CBO, released its first preliminary analysis of the bill we are scheduled to begin marking up

in the HELP Committee tomorrow. Let me repeat this: Yesterday afternoon—less than 24 hours—if you are a HELP Committee staffer, you are looking at your watch, and you are wondering how come you do not have more time—the Congressional Budget Office released its first preliminary analysis of the bill that we are scheduled to begin marking up tomorrow.

I said in my previous speech, maybe we need a “process czar,” a “fair play czar” around here. We have 25 czars in the Obama administration. Maybe we need a czar around here to at least be fair, give us more time, give us more consideration, let us know what we are going to be voting on.

Before I talk about the results of the CBO’s analysis of the Kennedy-Dodd legislation, I need to point out this analysis is incomplete. It is incomplete because, despite our persistent requests for more information from our Democratic colleagues and friends, one day before the markup of possibly the most important health care bill ever to cross the Senate floor, they have not released the complete legislation.

In fact, even when the HELP Committee begins our markup tomorrow, we will not have a complete picture of what we are marking up. The most contentious components of the bill will not be released until sometime on Thursday morning—leaving us around 30 hours to digest these significant policies, vet them with our people back home, take the specifics back home to the health care providers and every constituent who certainly is interested and wants to know the details, and then file amendments to see if we can do better, see if we can actually correct some things we think are headed in the wrong direction.

I said it is hard to digest all of this in 30 hours. This is not digestion, this is not indigestion—this is heartburn. It may develop into a malady much more serious than that.

Most egregious perhaps is the fact that we will most likely be considering these major reforms without any idea of how much they will cost or how they will affect the current system. But, as I said, I am starting to wonder whether that is not part of the plan, which leads me back to yesterday’s CBO release analyzing the cost and effect of just one of the six titles to the Kennedy-Dodd health care reform bill—and an incomplete title at that.

According to CBO, the incomplete sections of title I will cost \$1 trillion—\$1 trillion. That is just for one incomplete title of this bill. What will we get for this staggering investment, for a title with a purpose ostensibly to expand health care coverage to the estimated 47 million Americans currently lacking insurance?

According to CBO, we will only cover 16 million more Americans. Let me say that again. According to CBO, we will

only cover 16 million more Americans. That does not seem like a very good return for a bill that seeks to cover three times that many people.

Instead of extending health insurance to 47 million uninsured, we are leaving tens of millions still uncovered. And the CBO says that figure is around 37 million people. So you can see we have some flaws in this approach on this bill.

In addition, CBO says that 15 million people would lose their employer-sponsored insurance and another 8 million—again, this is the CBO analysis—would lose coverage from their current source.

Whom are we going to trust around here? At least when we asked the CBO to give some specifics, they are providing some specifics; that is, 15 million people would lose their employer-sponsored insurance and another 8 million would lose coverage from their current source. That is 23 million people. That is a lot of folks. As I said, President Obama has consistently promised: If you like the health insurance plan you have, you can keep it. Not those 23 million.

Under the Kennedy-Dodd bill, 23 million Americans who may like what they have cannot, in fact, keep it—again, according to the CBO, non-partisan.

I cannot even imagine how much more this bill will cost taxpayers when CBO figures in the rest of the initiatives my friends across the aisle wish to add. I am positive, under the complete plan by my colleagues, millions more Americans will not be able to keep the insurance they like.

That is because in addition to the plans that have already been released, they want to establish a new government-run, taxpayer-financed insurance plan that is estimated to replace private insurance for over 100 million Americans. They want an expansion of Medicaid for everyone up to 150 percent of the Federal poverty level. They want to enact dozens upon dozens of new programs.

For example, title III of this bill includes—listen to this—a \$10 billion per-year-cost in mandatory spending—mandatory spending; this is on the appropriators’ side—for something called a Prevention and Public Health trust fund for the Appropriations Subcommittee on Health, with very little, if any, direction on what the money would be used for.

This is unprecedented and amounts, in my view, to a slush fund, regardless of any description.

Another section provides an unknown amount of money—“such sums as may be necessary”—to fund something called a community makeover—excuse me—a community transformation grant to build grocery stores, sidewalks, and jungle gyms.

Sidewalks, jungle gyms, grocery stores? This is a health care bill, not a

rural development bill. I am shocked by the numbers that have come out so far, and they are just the beginning.

Well, come to think of it, maybe it is related to health care. Maybe if you build a better sidewalk, people could walk on that sidewalk, pass the jungle gym, exercise on the jungle gym, go to the grocery store, have mandates to buy nothing but fruits and vegetables, come back past the jungle gym, exercise some more, and since the sidewalk is fixed, they could go home, and we would help cure the obesity factor we face today. Maybe that is the tie. Maybe that is the tie.

I am shocked, as I said, by the numbers.

One independent group—now listen again to this; you have to listen to this—the group called HSI Network in Minnesota has estimated that the cost of the Kennedy-Dodd bill in its entirety could be \$4 trillion—\$4 trillion. The Lewin Group has estimated that up to 119 million Americans could lose their private insurance coverage under a government-run plan.

I am willing to bet the American public will be as shocked as I am once they understand what has been lurking, lurking, lurking under the banner of reform. The refusal to release information such as this until the very last possible minute, under an unjustifiably accelerated timeline, leaving no time for Senators, let alone the American public, to examine the merits of this plan, makes me think the “health care emperor has no clothes.”

Let me repeat what the CBO has said. Sixteen million Americans newly insured—a good thing—but 37 million Americans still not insured. Twenty-three million Americans lose what they have for \$1 trillion. This is the wrong direction. This is the wrong direction. We ought to say: “Whoa.” Put a sign up in both committee rooms that says: “Whoa,” and put a sign underneath it that says: “Do no harm.”

To add to this concern I have and the frustration I have in regard to health care reform, CongressDaily reported Tuesday, June 16—that is today—that CBO scored a recent version of the Senate Finance Committee—this is Finance, this is not Health. This is not the one I am talking about; this is the Finance Committee, and I have the privilege of serving on both—that their overall proposal is at \$1.5 trillion over 10 years, not \$1 trillion, according to several sources. This is a typical news story. The committee’s timeline to release and mark up the legislation could slip on the news. Senate Finance Chairman MAX BAUCUS cautioned today the CBO numbers, which he did not confirm, were on a bill that is about 2 weeks old and the bill has evolved since then. The chairman indicated it is unlikely he will release a draft of his committee’s bill Wednesday, as he previously estimated—that is tomorrow.

The high score could add more credence to an insurance co-op proposal offered by Senate Budget Chairman KENT CONRAD as an alternative.

So we don't know. Is it \$1.5 trillion or is it \$1 trillion? We don't know. And if an offhand comment, which may or may not be private, but I don't think anymore anything should be private in regard to health care reform—the chairman indicated, I think, it was a comment in response to Senator SNOWE, who said, How do we vote for this bill in committee if we don't know how much it costs and how it is going to merge with the Health Committee's bill. Basically the answer coming back, as everybody knows is, This bill isn't going to be written here, this bill isn't going to be written in committee; it is going to be written in conference. It is called "trust me."

I don't see how we can have much trust when "the emperor has no clothes."

I yield the floor.

Mr. CASEY. Mr. President, first, I ask unanimous consent to be permitted to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. I also ask unanimous consent to be permitted to speak for what I hope will be 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Finally, I will have two separate subject matters I wish to cover.

Mr. President, I didn't plan on responding to my colleague from Kansas, and I won't today, but I still think on health care we have a long way to go. There is still a lot of work to be done in the committee I am a member of, the Health, Education, Labor and Pensions Committee, and an awful lot of work to do still in the Finance Committee. So we will leave that for another day. But in a general sense, I think what we are all trying to do—I know my colleagues on the Democratic side are trying to do this—is to make sure that at the end of this debate, the bill that emerges from the Congress has a couple of basic principles. One is it gives people choice in their health care. If you like what you have, you get to keep it, and if you don't like what you have, you have a choice; and that the bill also reflects a cost reduction which is essential if we are going to move forward; and finally, that we provide the kind of quality, affordable health care that every American has a right to expect that we would try to provide in this bill.

If we keep that in mind, I think we can get to the right place. We have an awful lot of work to do, and I think there are some conclusory statements that have been made in the last couple of days which don't reflect the reality,

which is we have a lot of proposals, we have draft bills, but we don't have a final product yet, so we have a way to go.

IRANIAN ELECTIONS

Mr. President, the first subject I wish to discuss is the Iranian elections. I wish to convey some brief remarks on the remarkable events we have been witnessing unfolding in Iran in the last couple of days. It is too soon to tell what will happen. We do not know if Iran's brittle theocratic regime will hear out the voices of reform emanating in such powerful fashion from the streets of Iran today. We do not know if a credible investigation of serious electoral irregularities will occur, but I am confident that the events of this past weekend will be recorded in the history books as a major milestone for the democratic aspirations of the Iranian people. While the hard-liners who continue to rule Iran today may further entrench their power in the coming days, they are only planting the seeds for their ultimate defeat by their response to the democratic voices with the kind of force and suppression we have seen play out on television.

It is a promising sign that Iran's supreme leader has called upon the all-powerful Guardian Council to review the electoral results and assess the claims of serious irregularities, including vote rigging and ballot fraud, in the national election. However, we should not get our hopes raised that justice is imminent.

In the last Iranian Presidential election in 2005, there were also serious questions of fraud raised after Mr. Ahmadinejad came out of nowhere to win the Presidency following a runoff vote. Yet the final results of that investigation were never published, and thereafter Mr. Ahmadinejad's declared victory stood firm. Because of that precedent, I am skeptical that the Iranian regime will engage in an honest review of this election count.

President Obama and his senior national security team have refrained from extensive commentary on the election in recent days. That is as it should be. The U.S. Government should not give the Iranian regime any flimsy rationales for further crackdown on protestors and reformist leaders. However, administration officials, led by Vice President BIDEN, have made clear that the strategy of diplomatic engagement with Iran's leadership to bring a peaceful resolution of Iran's nuclear program will continue, regardless of who may comprise that leadership or how they may have assumed power. That, I believe, is the right strategy. We must deal with Iran as it is, not as we may wish it to be. For far too long, the United States deprived itself of the power of its diplomacy on the mistaken insistence that Iran agree to a set of preconditions before talks could even commence. Talking to your enemy can

never be viewed as a concession. The United States spoke to the Soviet Union during the worst excesses of the Cold War, but diplomacy cannot be the only option that the United States pursues with Iran. The President knows this and has reaffirmed that other options are open to the United States on multiple occasions.

Any effective strategy toward Iran must offer the regime a clear choice when it comes to its nuclear program, and here is the choice; it is either one or the other. Come into compliance with the multiple United Nations Security Council resolutions and reap the benefits of economic engagement and warmer diplomatic ties, choice No. 1. Or choice No. 2 for the Iranian regime: Face continued economic sanctions and international isolation that will steadily worsen if Iran continues to engage in illicit nuclear activities. It is either one or the other, and the regime has a choice to make before the world. Effective diplomacy is successful if it can fully convey that choice to the decisionmakers in Iran.

The Congress can also play a useful role here in elucidating the consequences Iran faces when it makes its choice on its nuclear program. Some might call it the "good cop, bad cop" strategy; I simply prefer to call it diplomatic leverage that our negotiators can employ if and when they do sit down at the table with Iranian representatives.

For those reasons, I am proud to have joined my colleague SAM BROWNBACK in introducing the Iran Sanctions Enabling Act. This legislation would authorize State and local governments as they see appropriate to direct divestment from, and prevent future investment in, companies that hold investments of \$20 million or more in Iran's energy sector.

There is a growing divestment movement across the country in response to Iran's accelerating nuclear program, its support of Hamas and Hezbollah, and hateful statements against Israel perpetrated by its President and others in Iran's senior leadership. Unfortunately, the Federal courts have ruled that divestment actions undertaken against a single nation may not predict the President's constitutional authority to enjoy exclusive authority over our Nation's diplomatic relations; thus, State and local governments undertake divestment measures with some legal jeopardy. The Justice Department has taken legal action against State and local governments in cases involving other nations. This act, the Iran Sanctions Enabling Act, protects the rights of State and local governments to ensure that their pension funds and other investment funds are not invested in companies that do business with a regime such as Iran. It is carefully targeted to focus only on financial ties with Iran's energy sector,

to hit Iran where it is economically most vulnerable.

The bill includes a sunset provision to lift this authorization once the President certifies that Iran has ceased providing support for acts of international terrorism and has ceased the pursuit of weapons of mass destruction. I am proud to have assumed the lead Democratic role on this legislation, taking over for President Obama, then Senator Obama, who served in the lead role when he was in the Congress.

Secondly, let me also take a brief moment to comment on the Iran Refined Petroleum Sanctions Act of which I am proud to be a cosponsor with the majority of the Senate. The bill would clarify existing legal ambiguity by authorizing the President to sanction foreign firms involved in supplying Iran with refined gasoline and/or assisting Iran with increasing its refining capacity.

Iran is forced to import as much as 40 percent of its annual gasoline consumption due to the fact that much of its refining infrastructure was destroyed during the Iran-Iraq war in the 1980s. Economic sanctions in place since then have limited outside foreign investment. Targeting Iranian gasoline consumption is a promising venue for increasing our leverage on Iran's leadership. The Iranian people, I believe, may question why the regime prioritizes a nuclear program condemned by the international community at the cost of serious gasoline shortages in Iran.

The images in recent days have been stirring. Just yesterday we witnessed a procession of hundreds of thousands of Iranians, both young people dressed in modern attire and elderly women wearing traditional veils, marching in silence throughout downtown Teheran. Indeed, whenever a chant or shout emerged from the crowd, it was quickly hushed by the crowd, seeking to avoid any provocation for the riot police standing watch to move and break up the march. It is easy to forget, with all the incendiary rhetoric from leaders such as Mr. Ahmadinejad, that the Iranian people remain fundamentally pro-American and envy our democracy and personal liberties.

This week is a dark moment for the Iranian people as their legitimate aspirations for greater reform have been apparently sidetracked by the regime. But I am optimistic on their future and look forward to the day that the United States and Iran can once again be at peace and enjoy mutual respect for and with one another.

Mr. President, I would inquire as to the time remaining.

The ACTING PRESIDENT pro tempore. The Senator has used 11 minutes.

Mr. CASEY. So I have more time than I thought I did. That is good news.

AMERICAN RECOVERY AND REINVESTMENT ACT

Mr. President, I wish to move to a second topic in the remaining time I

have with regard to the American Recovery and Reinvestment Act, but especially in regard to some of the attacks that have been leveled in recent days.

In just over 100 days now, the Recovery and Reinvestment Act is already at work doing many things, such as providing immediate relief for hard-hit communities and families; secondly, creating and saving jobs; and thirdly, jump-starting thousands of shovel-ready projects across America. Our economic problems were not created in 100 days and they will not be solved in 100 days or even in a little more than 100 days. But thanks to the Recovery Act, we are meeting the greatest economic challenge in a generation head on.

There are early signs of progress across the country. Just a couple of examples of immediate relief measures under the act are providing stability for hard-hit families.

First, the Make Work Pay tax credit has increased take-home pay for 95 percent of working families; 95 percent of working families in America are benefiting from that. I note that in Pennsylvania the number is 4.8 million households are benefiting from that tax credit. Second, unemployment benefits have increased by \$25 a week. Third, COBRA health insurance premiums have been cut by 65 percent. Fifty-four million older citizens across the country have received \$250 in emergency relief checks in the mail. Finally, in this section, food assistance benefits have increased by 13 percent, just when vulnerable Americans need them.

Tax credit and other Recovery Act incentives are starting to drive new consumer spending and creating new product demand. Energy efficiency and renewable energy tax credits are providing fresh opportunities for manufacturers and contractors that make or install green products. And the \$8,000 first-time home buyer tax credit is proving to be a bright spot for the hard-hit housing industry.

The Recovery Act aid to State governments is helping to protect critical safety net programs and saving teaching and law enforcement jobs. Over half of the States have qualified for the State fiscal stabilization funds that are saving teaching jobs and improving education.

State governments are making up shortfalls in Medicaid funds, thanks to the Recovery Act.

Infrastructure improvement projects funded by the Recovery Act are bringing new jobs to hard-hit communities.

Over 20,000 Recovery Act projects across the country have been approved already. In Pennsylvania, just two quick examples: \$725 million for highway projects has been allocated and \$600,000 for airport grants.

The Recovery Act commitments to develop and commercialize new tech-

nologies that will be the foundation of the new economy are starting to boost confidence and spur some private sector investment across the country.

Businesses are converting crisis to opportunity because of the promise they see with the Recovery Act. The Recovery Act is already making life a little easier for families and businesses like these, and work is just getting started.

Last week, President Obama and Vice President BIDEN announced the Roadmap to Recovery, 10 new major projects that will define the next 3 months of the Recovery Act. Here is what the 10 are: help 1,129 health centers in 50 States and 8 territories provide expanded service to approximately 300,000 patients; begin work on 107 national parks; start rehabilitation and improvement projects at 98 airports and over 1,500 highway locations throughout the country; fund 135,000 education jobs, including teachers, principals, and support staff; begin improvements at 90 veterans medical centers across 38 States; hire or keep on the job approximately 5,000 law enforcement officers; start 200 new waste and water systems projects in rural America; begin or accelerate cleanup work at 20 Superfund sites from the National Priority List; create 125,000 summer youth jobs; finally, begin 2,300 construction and rehabilitation projects at 359 military facilities across the country.

Billions of dollars in Recovery Act programs that will shape the economy of the 21st century will launch in the weeks and months ahead—for example, \$8 billion for high-speed rail; \$4.7 billion to connect more Americans to broadband Internet; \$4.5 billion to make a nationwide smart energy grid a reality; \$800 million to accelerate the use of biofuels and bring them to market; and \$300 million to expand the Nation's fleet of alternative-fuel vehicles through the Clean Cities Program.

These investments will get our economy moving today in a way that will change our economy for tomorrow. The road to recovery is long and our economic problems won't be solved overnight, but with every dollar invested and every project started under the Recovery Act, we are getting one step closer.

I will conclude with one further comment. Just as was the case when we voted on the Recovery Act, it was a choice between are you for the Recovery Act or for the status quo? Fortunately, enough of us voted for it so we could jump-start the economy, get it out of the ditch and back on the road to recovery. We still have a long way to go, and there is a lot more work to do, but so far the news is positive in communities across the Commonwealth of Pennsylvania and I know in your home State of Illinois, Mr. President, and across the country.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I wish to applaud my colleague from Pennsylvania because he shared not only our dreams for the recovery—or, as we call it in Arkansas, the “jump-start” bill—but, more importantly, not just our dreams but the things that are actively happening in our States, the great things, whether it is highway projects or for us in Arkansas the new market tax credits, which have been a tremendous boost for capital infusion into small businesses and for entrepreneurs. We can also look at the SBA 7(a) Loan Program, which is tremendous for small businesses. Education alone—I met with principals and administrators last week when I was home, talking about the opportunities for education and the infusion of resources coming from the Recovery Act, along with water projects and broadband. The Senator from Pennsylvania did an excellent job in mentioning those and, most importantly, focusing on the fact that this will help us get our country and our economy back on track and get Americans back to work or keep them in the jobs they are clinging to. I appreciate him coming to the floor and mentioning some of that, all of which many of us have been seeing as we travel home to our States over the weekend or during the breaks.

Mr. CASEY. I thank the Senator.

(The remarks of Mrs. LINCOLN pertaining to the submission of S. Res. 186 are located in today's RECORD under “Submissions of Concurrent and Senate Resolutions.”)

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

SYSTEMIC RISK REGULATION

Mr. WARNER. Mr. President, I rise today to discuss the state of our financial system and to provide some thoughts on systemic risk regulation, as we set about crafting an overall reform to our financial regulatory approach.

Yesterday, Treasury Secretary Timothy Geithner and the Director of the National Economic Council, Lawrence Summers, published an editorial in the Washington Post laying out the broad outline of their proposal for regulatory reform. I share their views on how we arrived at this moment. I share the broader goals they discussed and look forward to working with the administration on comprehensive and timely regulatory reform. However, I wish to speak today about one area where I disagree, and that is how to address systemic risk.

Let me step back for a moment.

In the past 2 years we have witnessed events that have shaken our financial system to its core, altered our markets in ways that we still struggle to understand, and imposed costs that will burden our economy and our taxpayers for decades to come. We have grown numb to the news, but let me briefly recount these events.

The investment banking sector that built our capital markets has collapsed. Two of our largest investment banks have failed. Another has merged with a commercial bank to avoid failure. Two others became commercial banking organizations.

Our residential mortgage finance sector has collapsed. The largest mortgage banks in the country have failed. Our two largest savings and loan associations have failed. Our two largest housing GSEs are operating under Federal Government conservatorship.

Our commercial banking sector has avoided collapse only through the infusion of hundreds of billions of dollars in equity support from the U.S. Treasury and massive liquidity support from the FDIC and the Federal Reserve. And despite these interventions, some of our largest commercial banks continue to face an uncertain future and dozens of smaller commercial banks have failed. Our insurance sector has been badly damaged. The largest insurance organization in the United States has been nationalized to avoid collapse. Other major insurers have received billions of dollars from the Treasury.

The magnitude of the events of the past 2 years strains comprehension. I believe what we have seen over the last couple years is the equivalent, in economic terms, of the 100-year flood. Millions of families and retirees have lost their financial security. Millions of people are out of work. Each day, we read about more layoffs, more losses, more bankruptcies, and more bank failures. We call this a financial crisis, but for the American people it is a very personal crisis of lost homes, derailed careers, forgone education, deferred retirement, communities less cared for, and at its core, the confidence of the American people has been shaken.

This crisis has uncovered the flaws of our current regulatory model and has revealed a shadow financial system which lies beyond the current regulatory structure.

We all share the hope that we will soon return to healthy, competitive financial markets and a vibrant economy. We have seen some positive signs that markets are stabilizing. But for our long-term prosperity, we do need a new model. What has happened to our financial system and our economy should not have happened. We must find and adopt reforms that will ensure that it never happens again.

We cannot shrink from the needed reform because it will be difficult or be-

cause some will oppose it. Right now there is a lack of faith in our system or its long term prospects. You can see that in our bond markets. We are not turning to the financial sector as a source of positive innovation so that the broader economy can grow. You can see that in the lack of credit in our markets, and the jobs lost every month.

To innovate and create jobs, not only in the financial system but across our whole economy, we do need comprehensive reform. Quality will attract capital, but only change will restore the quality of our markets.

This is the fundamental challenge facing the Banking Committee, of which I am a new member. However, before I joined this Banking Committee, before I joined this August body, I did spend 20 years in the private sector around the financial system, taking companies public, looking at and learning about the markets. So I came to this body, I believe, with some background. But only since that time have I learned how complex the problems and the challenges are of trying to get financial reregulation or financial reform right.

Since joining the Banking Committee, I have been working to educate myself, meeting with a range of experts to learn more about the issues and to collect their thoughts on potential solutions to financial reregulation. There are a number of things we must do, including providing full regulatory coverage for all markets, ending too big to fail with a robust resolution authority, and ending regulatory arbitrage.

Today I would like to speak about one issue I discussed at length with these experts—systemic risk regulation. I hope, in the coming days, to come back to the floor and discuss other parts of securities and banking regulation.

“Systemic risk” is a term that, quite candidly, probably most of us even around the financial markets had not even heard of or thought very much about until the last couple years. Obviously, systemic risk is not the only area we need to address, but it is an area in which the current system has unequivocally failed.

Systemic risk is a tricky concept. Systemic risk is not a specific kind of risk at all. It is a catchall phrase that includes risks of all kinds, united only by the possibility that if left uncontrolled, they could have consequences for entire markets or even our entire financial system. Counterparty exposures can present systemic risk. So can interest rate shifts. So can bad laws and regulations. Because they come in all shapes and sizes, we should not expect to control systemic risks with a rigid, one-size-fits-all approach.

Our current system has failed to provide checks and balances and has replaced healthy competition with a system where a handful of firms are called

too large to fail, and these so-called too-large-to-fail firms can threaten the safety of the entire system and, unfortunately, enjoy an implicit or even now even more explicit government guarantee that destroys any notion of market competition.

Secretary Geithner and Professor Summers have proposed empowering the Federal Reserve to manage systemic risk. But as I have discussed this approach with a number of experts, they have raised a number what of what I think are very serious and legitimate concerns.

My primary concern with placing this added new responsibility with the Federal Reserve is structural. There are already tensions between the Federal Reserve's responsibilities for the conduct of monetary policy and its responsibilities for bank supervision. No less an authority on this matter than Paul Volcker told the Joint Economic Committee last year that broadening the Federal Reserve's responsibilities "would be a way of destroying the Federal Reserve in the long run, because it does need independence." Adding this additional responsibility on the Federal Reserve, I believe, is a step too far.

My other concern is rooted in the governing philosophy of this country, which I think has, quite honestly, served us well. That philosophy is that too much economic power placed in one place puts our system of government at risk.

Our Founding Fathers opposed that concentration of power, economic or otherwise, and favored a system of checks and balances. Thomas Jefferson famously wrote that "[t]he Central Bank is an institution of the most deadly hostility existing against the principles and form of our Constitution." That is why America, unlike so many European countries, never created a single, all-powerful national bank. We have, consequently, even since that time, resisted creating that all-powerful central bank. The experience of countries which have concentrated too much power in one entity I think should serve as cautionary tales.

Also, we should not ignore that the Fed has had some responsibility for systemic risk regulation under the current structure. Over the course of the past year, we have seen the Federal Reserve and the Treasury strike private deals with our largest and most powerful financial institutions—deals that might have protected the shareholders and creditors of those banks, but, consequently, by those actions, put smaller and less powerful and often better run institutions at a competitive disadvantage and undermining the long-term vitality of our financial system.

An old African proverb says that when elephants dance, the grass gets trampled. We have a trampled grass problem at this point, and I don't think

we can solve it with bigger elephants, whether those bigger elephants are regulators or institutions. If we do not give the Federal Reserve the responsibility for systemic risk regulation, what should we do instead?

I believe the answer to this question has two parts. The first part is that many systemic risks already lie squarely within the responsibilities of the day-to-day financial regulators. We did not just discover systemic risks. We have been discovering them for generations. We have passed laws to deal with them, and we have entrusted those laws to the administration of substantial regulatory agencies.

We need to make sure our current regulators, the folks who, for the most of the last century, have done their jobs well, have clear missions, including managing risks within their regulated institutions and markets, and we must ensure that these regulators do their jobs.

But that is only half the problem. Even if we get the day-to-day prudential regulator to be more efficient in evaluating particular institutions' risk profile, we have to recognize that some part of systemic risk may lay outside of the regulator's day-to-day responsibilities and actually fall between the cracks of our existing regulatory system.

Working with folks across the financial spectrum, they have suggested the creation of a systemic risk council. I don't mean to claim on this floor that a systemic risk council is a silver bullet, but it avoids the pitfalls of entrusting the systemic risk responsibility in one agency that already has responsibilities and can be a potential source of conflict. Instead, a council can see across the horizon and gather all the information and expertise can flow to it, thereby addressing our stovepipe problem of our various regulatory agencies and making sure, as well, by having this council, it would have the intrinsic conflicts that would come if you also have to have responsibility for monetary policy. Making sure we have this council would also avoid the very real challenge of regulatory capture. Let me briefly outline this concept.

Our belief would be the systemic risk council would consist of the Treasury Secretary, the Chairman of the Federal Reserve, and the heads of the major financial regulatory agencies. It would be charged with the responsibility for working to improve our understanding and control of systemic risks and, in a narrow set of circumstances or emergencies, it would have the ability to act.

People would say: What does this look like? It builds on the model of the President's working group on financial markets. The idea is, the systemic risk council would have an independent chair appointed by the President and approved by the Congress and sup-

ported by a permanent staff. The best analogy of the systemic risk council might be the resemblance it might bear to the National Transportation Safety Board or the National Security Council. Just as the NTSB leaves rule-making on a day-to-day basis to the FAA, the systemic risk council would leave most of the day-to-day rule-making to the financial regulatory agency.

I understand criticism of the council's approach today is we don't just want a debating society at moments of crisis. That is why it needs this independent chair, independent staff, and resources. We must ensure it could act.

It would have the authority to review every bit of information that the individual, prudential, day-to-day Federal regulatory agencies possess, to require those agencies to collect information from the institutions they regulate.

It would also have, as I mentioned, an independent staff capable of analyzing this data, understanding how the pieces of the regulatory system work together, and then at that council level, at that staff level, feed that information up to the council so it could identify weaknesses or gaps within our system or potential systemic risks that might be arising outside the purview of the independent Federal regulatory agency.

The council would also have the authority to require the financial regulators to develop clear, written plans for dealing with potential financial crises. In effect, it would have the potential to ask any institution to come forward with a winddown resolution plan for its particular circumstances. These plans would be created in advance of any crisis, maintained and even simulated from time to time to make sure they are adequate.

Again, if we put in place these kinds of credible plans to handle the potential failure of every systemically important financial institution, then we will no longer have the excuse that we have constantly heard over the last few months: Gosh, it is tough we have to put up this much public money to support this institution, but it is too big to fail.

As we have seen time and again in this crisis, because we didn't have these plans in place, unfortunately, the American taxpayers have taken on unfounded, quite honestly, financial risk in shoring up these institutions.

Because a systemic risk council would not directly interact with our major financial institutions on a day-to-day basis, it would be less prone to capture than the financial regulatory agencies. During normal times, the council could help to determine how to regulate new products and markets in order to minimize regulatory gaps, regulatory arbitrage, and the blind spots that currently exist in our system. As we know at this point, too many of

those blind spots exist and have allowed the creation of some of the financial products that led to the financial meltdown we have seen.

The council will not identify firms that are too big or too large to fail but instead will work to prevent firms from becoming too large to fail. It would do this specifically in two ways.

First, it would have the authority to establish systemwide, counterparty exposure limits, increased capital requirements, reduced leverage, and strengthened risk management requirements—all of these, in effect, to put not an absolute prescription but at least barriers on those institutions that choose to get so large that they might potentially fall into that “too big to fail” category.

Second, it would ensure that the resolution authority would be able to resolve any institution that got to that size and then potentially posed a systemic risk.

In a crisis, the council could work with its member organizations to promote coordinated and comprehensive responses. The systemic risk council’s responsibilities would be clear and focused. Systemic risk would be its only job.

Using a council, prudential regulators would remain empowered and responsible for systemic risks that arose in their jurisdiction. If they encountered a risk that extended beyond their authority they could go to the council to ensure coordinated and comprehensive action. On top of that, if the evidence of risk is spread across different agencies like pieces of a puzzle, the council would have the information and expertise to spot it, and the ability to coordinate action in order to address it.

What I am proposing today boils down to a simple, commonsense idea. If we want to do something constructive about systemic risk, we should create a mechanism that can help ensure our regulators do their jobs on a day-to-day basis, avoid conflicts of interest, and fully leverage our existing regulatory resources to promote the proactive identification and control of systemic risks.

Let me acknowledge at the outset that there are many details that still need to be worked out, and I will, as I mentioned, have a series of other ideas of how we can modernize our financial system in the coming weeks ahead. But I believe the general approach I have outlined today, in terms of a systemic risk council, hopefully, will spark the debate so we do not simply default to further empowering an already extraordinarily important and critical institution, in terms of the Federal Reserve, without a thorough debate about this issue.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

HEALTH CARE

Mr. KYL. Mr. President, the problems with the current state of health care in America are well known. Republicans do not need to be convinced of a case for reform. We hear from our constituents who have concerns about their own health care dilemmas and those of their neighbors and we all agree the millions of uninsured Americans need access to high-quality health care. But though we all agree on the need for reform, we have disagreements on how best to accomplish our goals.

Republicans favor a patient-centered approach that allows individuals to choose their own insurance, keep it if they like it, and never have to get permission from a Washington bureaucrat to get the test or treatment their doctor says they need. President Obama wants Congress to pass a sweeping new Washington-run health care system that we believe would jeopardize the care most Americans already have. Such a system would likely lead to the collapse of private insurance and replace it with an enormous Washington bureaucracy that would ration health care for all Americans.

I have discussed my concerns that Washington-run health care would diminish Americans’ access to quality care, lead to denials, shortages, and long delays for treatment, and would give power to Washington to dictate what medications and procedures Americans could get and when they could get them. It is already in the works.

A recent National Institutes of Health project description states:

Cost-effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic conditions.

“Allocation of health resources” is a euphemism for rationing—denying care based on cost. To that end, Senator MCCONNELL and I have introduced legislation that would bar the Federal Government from using comparative effective research to delay or deny care to anyone. That is a bare minimum that we should do to prevent rationing of care. Our bill, incidentally, is endorsed by the American Medical Association.

Mr. President, government-run and rationed approaches have caused much pain to people in other countries—in Canada, for example. In an article for the Manhattan Institute’s *City Journal*, Dr. David Gratzter wrote of the long waits that Canadians endure for just about any procedure or diagnostic test: seniors who lay on stretchers for 5 days in a hospital waiting room; a 3-year wait list for a hernia operation; a 2-year delay for sleep apnea treatment; a year-long delay for a hip replacement, and so on.

It is one thing for Washington to take over car companies. Getting it

wrong there usually would not lead to life-or-death problems. But it is an entirely different matter to allow Washington to go into business as the Nation’s health care provider. Who is going to protect you when they get it wrong? To whom are you going to appeal?

In his health care speeches, President Obama has stressed that if you like your current health care, you can keep it if you don’t want to get on the Washington-run plan. That sounds all well and good, but it would not play out that way, according to health experts.

The Lewin Group produced a study that shows, if enacted, the President’s public option—the government-run insurance company—would displace 119 million happily insured Americans. Their companies could take the easy route and simply pay a fine, tell their employees to sign up for Washington-run health care, even if they do not want it. How does that square with the President’s assurances that patients will get to keep what they have?

Most insured Americans like their coverage. A May 14 Rasmussen poll shows that 70 percent of Americans rated their coverage as excellent—70 percent. Another 23 percent rated it as fair. So most folks are happy with their current insurance and would not appreciate being pushed into Washington’s health care bureaucracy, with all of its complex rules and hours of waiting on hold and webs of impenetrable bureaucracy.

Then there is the matter of cost. How much will it cost to add 47 million people to the health care rolls? Who will pay? To not know the answers to these questions is to be fiscally irresponsible. Yet we don’t even have precise estimates from the Congressional Budget Office whose responsibility it is to tell Congress how much legislation will cost the taxpayers. The preliminary estimate of the Congressional Budget Office shows that only a part of the Health, Education, Labor and Pensions Committee bill will cost \$1 trillion, but it only reduces the number of uninsured by 16 million people—\$1 trillion for 16 million people. The remainder of the bill, by the way, has not even been scored.

My math shows that is \$62,250 per person, and that only covers about one-third of the 47 million who are said to lack insurance. It doesn’t take into account the estimated 119 million insureds who will be switched from the private coverage they currently have to the government program. So what will the total cost be?

Mr. President, there is another concern that hasn’t been much discussed but needs to be raised. It is a major concern for America’s seniors. Over the weekend, the administration proposed trimming Medicare’s budget to pay for this new public plan. This is exactly the wrong thing to do and can only

mean one thing: rationing and waiting lists for America's seniors. Seniors want Congress to strengthen Medicare, make it more efficient and, importantly, make it solvent. They want it to serve as intended—to pay for the health care of seniors. They do not want its resources drained to pay for a massive new plan for the 47 million uninsured, plus the 119 million currently insured but soon to be displaced into the government system.

Seniors rightly ask: Won't the new demands for care greatly diminish the quality of care seniors now receive and lead to dangerous waits for tests and treatment?

President Obama has acknowledged that Medicare's promises of treatment are financially unsustainable. We learned recently that Medicare's liability; that is, the amount of benefits promised that are not covered by taxes, is \$38 trillion over the next 75 years. One lesson we can draw from Medicare's financial troubles—and veterans health care, for that matter—is that health care plans run by Washington bureaucrats are not very efficient or cost effective. They have no incentive to be. In fact, the economic principle of "the tragedy of the commons" applies. Since the money doesn't belong to any one individual or group, no incentive exists to be cost efficient, to eliminate waste, or to streamline the bureaucracy.

Another way to say it is: Who washes their rent-a-car?

Mr. President, seniors and veterans, private insurance holders, small businesses, and employers that insure their workers, the uninsured—in fact, all Americans—should be given the chance to review, discuss, and provide feedback on any legislation as important as this health care reform. It will affect the way we all get our health care.

I look forward to an ongoing dialogue about the health care reform that we all want, but we must not rush to churn out and then hastily pass a plan that will lead to rationing and the displacement of millions from the insurance they currently enjoy. It is of paramount importance that the principles of quality care, choice, freedom, and putting patients first triumph in the reform we all want.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I think virtually everybody in our country understands that America is in the midst of a major health care crisis. We

have 46 million Americans without any health insurance. We have even more who are underinsured, and we have, in addition to all of that, some 60 million Americans—20 percent of our population—who do not have access to a doctor on a regular basis. The result of that particular fact is that we lose over 18,000 Americans every year, Americans who die needlessly—who should not die—because they do not go to the doctor when they should and get the treatment they need. That is six times every single year the number of people we lost on 9/11—people who should not die because they do not have access to a doctor.

Mr. President, in the midst of this horrendous lack of coverage—unique, I should mention, among major nations on Earth—the United States spends far more per capita on health care than any other nation, and those costs continue to soar. So when people make international comparisons of the United States with other nations on how well or not well we are doing—and that is good to do—we should always remember we are spending almost twice as much per capita on health care as any other country. There is certainly something wrong and dysfunctional about a system which spends so much and yet leaves so many people uninsured, underinsured, or without access to a doctor or a dentist or other preventive health care.

At \$2.4 trillion and 18 percent of our gross domestic product, the skyrocketing cost of health care in this country is unsustainable both from a personal point of view—the needs of individual Americans—and also from a macroeconomic perspective of what is happening to our entire economy. At the individual level, the average American today spends about \$7,900 per year on health care. Can you believe that? Close to \$8,000 per person on health care?

We all know folks who are out there making \$20,000, \$25,000, or \$30,000 a year, and we are spending, on average, almost \$8,000 per person.

Despite that huge outlay—unprecedented in the world—a recent study found that medical problems contributed to 62 percent of all bankruptcies in 2007. I should add that most of the people who went bankrupt had health insurance. They had health insurance. But what they had was inadequate health insurance.

From a business perspective—as opposed to the needs of an individual—General Motors spends more money on health care per automobile than they do on steel—more money on health care than on steel—which might lead us to understand why they are where they are today.

Small business owners in the State of Vermont and around this country are forced to divert hard-earned profits into health coverage for their employ-

ees rather than new business investments. Many small businesses are trying to do the right thing for their employees, spending more than they have for health coverage so they do not have the money available to make the investments they need to make their businesses grow. The result of that, of course, is as a result of soaring health care costs—going up 10, 15, 20 percent a year—many small- and medium-size businesses are cutting back drastically on their level of health care coverage or, in some cases, they are doing away with it entirely.

More and more businesses in America are simply saying: I cannot afford to provide health insurance to my workers. Despite all of that—that we spend almost twice as much per person on health care as any other country—people will say: Since you spend all that money, the results must be great. But that is not the case. The bottom line is we get poor value for what we spend.

According to the World Health Organization, the United States ranks 37th in terms of health system performance. We are far behind many other countries in terms of such important indices as infant mortality, life expectancy, and preventable deaths.

So we are spending almost double what any other country on Earth is spending. We have 46 million without any health insurance, we have more who are underinsured, we have thousands who die because they cannot get to a doctor, and then in many other health care outcomes we are behind many other countries around the world—some of which are spending far less per person than we are spending.

It seems to me, as the health care debate in Congress heats up, we as a nation have to ask two fundamental questions. Different people will have different answers to them, but here are the two questions I think we have to ask: First, as a nation, should all Americans be entitled to health care as a right? That is the first question.

Honest people will have differences of opinion. Some people will say: You know what. Some people have big cars, some people have small cars. Some people have big houses, some people have small houses. Some people have good health insurance, some people have no health insurance. That is the way life goes. Some people hold that view.

I do not. I think in America we should understand that every single person should be entitled to quality, comprehensive, affordable health care. In fact, I think most Americans believe the same thing.

Second, if we are to provide quality health care to every man, woman, and child in this country, how do we do it in a way that does not bankrupt the Nation? How do we do it in a cost-effective way? Those are the two questions that we have to ask ourselves.

I think the answer to the first question is pretty clear and, in fact, it is one of the reasons Barack Obama was elected President of the United States. Most Americans do believe all of us should have health care and nobody should be left out of the system. We have a hard time understanding that Joe Smith who works for one company has good health care, and his neighbor, Mary Evans, who works for another company, does not have any health insurance at all. What sense is that?

I think as a nation we are coming to understand all of our people are entitled to health care as a right, as Americans, and the challenge we face is how do we do it in a cost-effective way. In that regard, I think—and I obviously speak just for myself—the evidence is overwhelming that we must end the private insurance company domination of health care in our country and move toward a publicly funded, single-payer, Medicare-for-all approach. I think the evidence is overwhelming that if you want universal, comprehensive, quality health care for all people, that is actually the only way you can do it.

Our current private health insurance system is the most costly, wasteful, complicated, and bureaucratic in the world. Just today—not yesterday, just today—I spoke to an individual who has a law degree, a very smart guy. His wife has a Ph.D. They went through the Federal employee benefit package. Between a Ph.D. and a lawyer, they spent hours trying to figure out what particular program could work best for them.

All over America, people are spending countless hours trying to figure out: Is it this program? Is it that program? I am young; I might not get sick but, you know, I have a history of cancer in my family. Should I get comprehensive? Should I get a high deductible? If I am a small business I can only negotiate this, if I am General Motors I can self insure. What should I do?

The answer is, there are 1,300 separate private insurance companies in America peddling thousands and thousands of different plans. Let's be very clear, if in fact, anybody has not caught on yet; the function of a private health insurance company is not to provide health care. It is to make as much money as possible. That is what its reason for existence is about.

In fact, when a private health insurance company denies health care, it makes more money. In fact, the record is pretty clear that private health insurance companies have given bonuses to people, their own employees, who are successful in throwing people off of the insurance policy because those people were running up high health care costs. Thus, we have the insane phenomenon of something called a pre-existing condition.

What a term that is, preexisting condition—meaning a person cannot get

coverage for the illness they need to be covered for most. The person who had cancer 3 years ago and is worried about a recurrence of cancer—sorry, we can't provide insurance to you.

Then you have other circumstances where somebody gets really sick, runs up a high medical bill, and the insurance company says: Oh, we don't want to continue your policy because we had to pay out so much money. We want to go to some young guy who can run the marathon and promises us never to get sick. Those are the guys we want to cover.

This is an insane system. It is a wasteful system. It is a bureaucratic system. How many people are spending half their lives on the telephone, arguing with insurance companies to cover the claims they thought they were covered for? So people on one end of the phone are spending huge amounts of time and money doing that, and at the other end of the phone we are paying someone to tell us we don't have coverage for what we thought we did have coverage.

With thousands of different health benefit programs designed to maximize profits, not provide health care, private health insurance companies spend an incredible 30 percent of each health care dollar on administration and billing, exorbitant CEO compensation packages, advertising, lobbying, and campaign contributions.

One of the lovely things the insurance companies do and the pharmaceutical companies do is, after they rip you off and they make huge profits, they take some of that money to hire all these fancy guys in Washington, DC, to protect the status quo.

The bottom line is—and all of the evidence makes this clear—public programs such as Medicare, Medicaid, the SCHIP Program, and the Veterans' Administration are administered for far less money than are private health insurance companies.

In recent years, while we have experienced an acute shortage of primary health care doctors, nurses, and dentists, we are paying for a huge increase in health care bureaucrats and bill collectors. Here is the insanity, the dysfunctionality of the current system: We do not have enough primary health care doctors, we don't have enough nurses, we do not have enough medical personnel—we don't have enough of those people, but over the last three decades we have seen an explosion in the number of health care bureaucrats and people who are bill collectors.

To my mind, I would rather see somebody hired who can help somebody get well or prevent disease, not somebody on the telephone billing or arguing about what we owe or do not owe. The fact is, over the last three decades the number of administrative personnel has grown by 25 times the num-

bers of physicians—25 times more bureaucrats than physicians. We do not need health care bureaucrats pushing paper. We need primary health care doctors delivering babies, taking care of the elderly, and taking care of those people who are sick.

Not surprisingly, while health care costs are soaring, so are the profits of private health insurance companies. From 2003 to 2007, the combined profits of the Nation's major health insurance companies increased by 170 percent. Health care costs are soaring, profits of the health insurance companies are also soaring, and while more and more Americans are losing their jobs and health insurance, the top executives in the industry are receiving lavish compensation packages. It is not just William McGuire, the former head of United Health, who several years ago accumulated stock options worth an estimated \$1.6 billion.

OK, \$1.6 billion a few years ago for the CEO of United Health and we do not have enough money to provide health care to people who are uninsured? It is not just the head of Cigna, Edward Hanway, who made more than \$120 million in the last 5 years. The fact is, CEO compensation for the top private health insurance companies now averages over \$14 million apiece.

Moving toward a national health insurance program which provides cost-effective, universal, comprehensive, and quality health care for all will not be easy. It is the major political struggle that we face right now. The powerful special interests—and they are all over Capitol Hill. The lobbyists are here. In the midst of the recession, I would suggest that while unemployment in general is soaring, my strong guess is that unemployment for health care lobbyists and pharmaceutical industry lobbyists is going down. Those guys have plenty of work, and they are making plenty of money. I am quite confident that those lobbyists will wage an all-out fight to make sure we maintain the current dysfunctional system which enables them, the insurance companies and the drug companies, to make millions and billions of dollars in profits.

In recent years they have spent hundreds of millions on lobbying, campaign contributions, and advertising with unlimited resources. We have no reason to believe they will not continue to spend as much as they need. But at the end of the day, as difficult as it may be, the fight for a national health care program will prevail. Decade after decade, all over this country people fought for a civil rights movement which said we will judge human beings not on their color but on their character, who they are as a human being. The struggle for women's rights went on decade after decade before women had the right to vote or had a seat at the table.

In my view, the struggle for health care is the civil rights struggle of today, and I believe 30 years from now, 50 years from now, people will look back and say: I don't believe there was a time in America where people who got sick couldn't find a doctor, where people went bankrupt because they committed the crime of being sick or having cancer. I do not believe that.

Our job is to bring that day when every American has health care as a right in a comprehensive, cost-effective manner. Our job is to make that day come sooner rather than later. If we work together and if we have the courage to stand up to the big money interests who want to maintain the status quo, we, in fact, can do that.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

TREASURY BOND YIELD UPDATE

Mr. SESSIONS. Mr. President, about 2 weeks ago I spoke on the floor about the unprecedented budget deficits this country is now facing and the fact we are spending money we do not have. I specifically discussed the impact that is having on Treasury yields.

What we know is that President Obama's budget has been scored by the Congressional Budget Office, which is our group, and I think they do a pretty good job. They take pride in being independent and fair. The head of it was selected by the Democratic majority in the Senate. It is certainly not a Republican organization. They are just fair, trying to do the best they can to try to calculate the numbers.

What they calculated was that at the rate of deficit spending we are now undertaking, the total American debt will double in 10 years, from \$5.7 trillion to over \$11 trillion. In 10 years it will triple to \$17 trillion.

That is a lot of debt. You might ask how do you do that? How do you spend more money than you take in? The way we do it is we borrow it, just like other people do. The Government borrows it. The way it does is, it puts out an auction or sale of Treasury bonds or bills, T-bills they call them, and people buy those things if they choose to do so, and the Government pays them a certain interest rate, whatever the interest rate is at the time.

On short-term debt instruments—short term are under a few months—those interest rates are still rather low because people are panicked over the economic situation. They are afraid to put their money in the stock market, so they bought Treasury bills. Other people around the world did too. They are not getting much interest, but they believe the Government will pay them back in dollars, eventually.

So what has been happening to the 10-year Treasury bill, one of the foun-

dations of our borrowing, is the rate has continued to go up. Two weeks ago, I pointed out that the 10-year Treasury yield had increased 54 percent this year, at that time from 2.4 percent in January, to 3.7 percent. Barron's, a major financial publication, predicted a few weeks ago that Treasury yields could top 4 percent this year.

Well, guess what. Treasury yields topped 4 percent last week. The Wall Street Journal in a front-page article on June 11 said that the 10-year Treasury yield briefly hit 4 percent yesterday afternoon before closing at 3.94 percent. That would be a 67-percent increase in the Treasury bill interest rate just this year.

Why are the rates going up? It seems there is some disagreement between Washington and Wall Street. The Wall Street Journal article says this:

Many policymakers see the rise in Treasury yields as a sign that investors are optimistic that the economy is on the mend. But many market participants say higher long-term bond yields indicate investors are increasingly worried about inflation.

So I interpret that to mean that the Washington politico crowd, looking to see a positive vision here, say it is because the economy is doing better. And that could be a factor. But the folks on Wall Street, who are buying the T bills, say differently.

Is the government responsible for this increase in interest rates? It seems that is a real possibility. The Federal Reserve is creating inflation concerns through its massive asset purchase program. The Fed plans to purchase \$1.25 trillion in mortgage-backed securities, \$200 billion in Freddie Mac and Fannie Mae debt, and \$300 billion in Treasury bills this year. Since there are not enough people who want to buy the Treasury bills, the Federal Reserve is stepping in and buying them in an attempt to keep the rate down.

So far the Fed has purchased \$481 billion in mortgage-backed securities, and \$130 billion in Treasuries. The intention of the program is to reduce the Treasury yield and interest rates, but it may be backfiring. A Forbes.com article on May 28 quotes former Federal Reserve Governor Lawrence Meyer on how this kind of action could actually have a different impact. It could actually cause inflation and even cause a rise in the Treasury bond yield.

This is what he said:

This can become counterproductive. To the extent that you stoke inflation fears and you get an inflation risk premium built in [to the bond yield] you can't ease that away. You do have to be careful and more measured than that.

In other words, when there is a perception which may be reality that not enough people are willing to buy these Treasury bonds at lower rates, because they think even 4 percent may not be enough because they may fear that inflation is going to be 6 or 7 percent down the road, they do not want to

lock themselves in for 10 years at a 4-percent interest rate that is below the inflation rate. So the Fed steps in and buys some of this to keep it low, and that may be having the perverse incentive of causing a belief to occur in the marketplace that inflation is on the way, and scares people even more.

Also let me say this about the voluntary purchase of Treasury bills by citizens of the United States, people in China, the Middle East, and around the world. They do not have to buy Treasury bills. We are going to be offering amounts, these kinds of bills, in volume we have never offered before in the history of the Republic.

So the question is, who wants to buy them? Who wants to hold a mortgage on the United States? What if we inflate our currency? Maybe 4 percent is not enough. Maybe they want more. Maybe China, which had a huge trade surplus a few years ago, is deciding they are not going to buy so many Treasury bills in the United States. Maybe they decide they need to invest in their own economy, which is not doing as well as it has done in the past.

The same about the Middle East. They used to have huge reserves of American money as a result of the high price of gasoline and price of oil on the world market. That price dropped some. So perhaps they do not have as much money to buy our Treasury bills either.

So who is going to buy them? We are not talking about a little bit, we are talking about going from \$5 trillion in total debt today to \$11 trillion in 5 years, and \$17 trillion in 10 years. So we are talking about over \$10 trillion in new debt we have to sell to someone in the world market.

Also, what is the impact of the Federal Reserve, that entity we have created by law, when they buy Treasury bills? What occurs there? I remember hearing Mr. Bernanke, the Federal Reserve Chairman, talking about this on "60 Minutes." Some of you may have seen him being interviewed on that program. I went back and had the transcript of that program called up, and we reviewed it. It is what I thought he said. In response to reporter Scott Pelley's question, Chairman Bernanke said about the Fed's programs:

It's much more akin to printing money than it is to borrowing.

Mr. Pelley replied:

You've been printing money?

And Mr. Bernanke replied:

Well, effectively.

And he added:

And we need to do that, because our economy is very weak and inflation is very low.

So if you want to know the definition of printing money, that is it. Some people say that is not a fair thing to say; we are not printing money. Mr. Bernanke says we are printing money. He is the Chief of the Fed. He is the guy who does it.

Why does this matter to the average American? Even those who are not planning to buy a Treasury bill any time soon will be affected. That is because mortgage interest rates—what we pay to borrow money to buy a house with—track the 10-year Treasury yield. So as the 10-year Treasury goes up, mortgage rates go up too, and it is much harder for people to buy a home or to refinance. Or if you want to sell a home, it is harder for the person who wants to buy it to borrow the money. He has got to pay considerably more for a house in the interest rate. In fact, according to the Wall Street Journal, 30-year mortgage rates have gone up 16 percent in the past 2 weeks, from 5 percent to 5.79 percent. This is the money, when you go out, you have to borrow money to buy a house with. What we need to happen in America is people buying homes and taking them off the market.

There is a huge difference between 5 percent and 6 percent. On \$100,000, 5 percent interest would be \$5,000 a year you pay in interest; \$400-plus a month. On 6 percent interest, it is \$6,000 a year, or \$100 more a month on \$100,000. For a \$200,000 mortgage it would be twice that. It would be \$2,000 or \$3,000 more a year you would pay in interest alone because the rate went up a bit.

We were hoping that the interest rates would stay low to encourage people to buy homes, encourage people to refinance, and be able to live a better life. The Wall Street Journal article said that this increase—from 5 to almost 6 percent—will cut the number of people with an incentive to refinance their homes and save money by paying less interest by half.

Let me mention one more thing. One of the things that is interesting in all of this is the impact our spending has had on the economy. We all hoped it would have a pretty dramatic impact. But it is not being nearly as effective as people thought. Even I thought we would have some impact in the short term.

But I believe that CBO is correct. When we passed the \$800 billion stimulus package that was supposed to put money out into the economy to build roads and bridges, we found out only 4 percent of the money went to roads and bridges, 96 percent went to other kinds of government spending, but that \$800 billion was supposed to create a good bit of jobs and get this economy moving.

I want to say things are not going as well as we would like. I remain optimistic. The Fed is doing all of these things, the spending is coming along. Surely we are going to have a benefit from that in the near term.

But this shows the deficit surge. The deficit, by which I mean how much more money we are spending than we take in. This goes through March of this year. You can see how the deficit

is increasing, how much our shortfall is. And by March, it has already topped \$953 billion.

That is more than twice the biggest deficit President Bush ever had. And he was criticized for his deficit. That is twice. We have not gotten to the end of the fiscal year yet.

What the CBO projects—this is our own Congressional Budget Office, their numbers, and they are running the tally of how much we are spending and how much is coming in. They calculate by the end of the year the deficit will be \$1.8 trillion, which is about four times the highest deficit President Bush ever had.

I say that because people say: Well, President Bush had deficits too. Yes, he did. A lot of that was not justified, in my opinion. But we never had deficits like this in the history of the American Republic. And you do have to borrow this money.

This is in March. By September 30, we are looking at a deficit of \$1.8 trillion this year alone. And the whole debt of the American Republic, since its founding, is about 5.7 trillion before this year started. What is that? That is one-third in 1 year.

We hoped that spending and this activity would help improve the unemployment rate. But you can see, it is going up. It was 6.6 and it has gone up to 8.5. Well, it is not 8.5 percent. That was in March. The latest number is 9.4 percent.

So I do not know how much real boost we have gotten from this reckless spending. So much of it we knew was not job creating, and we debated that. It was clear that a lot of this was the kind of spending that would not create jobs. As I said, you heard about roads and bridges. Well, only 4 percent of the money went to roads and bridges. A lot of it went to all kinds of programs that are not job-creating programs. So I am concerned about that.

This is a vibrant country, and I think we have the capability of bouncing back from hard times. I will just say, we are at 9.4 percent unemployment. Unemployment in the early 1980s, under President Reagan, when they had to break the back of surging inflation, they broke the back of 13-percent inflation. Unemployment hit 10.8 percent. So it is not as bad as it was in the 1980s, and we bounced back from that, and we can bounce back from this.

But I have to say to my colleagues, if we do not have fiscal sanity in how we do our business, if we do not have a possibility of showing growth in revenues from economic growth and the containment of spending—and our deficits are surging for as far as the eye can see—then I am not sure we will have the kind of healthy, robust resurgence we would normally expect to occur after a recession.

Look at these numbers. This is very disturbing. We borrow all this money,

and we spend it today. I know a great lawyer who has written a book, "The Case for Character." He said: This is a question of character, what I am going to talk to you about here. It is a question about the moral character of the Congress and the President of the United States and how we approach our duties in a responsible manner.

In 2009, this year, we expect that the taxpayers of the United States—on the \$5.7 trillion we have borrowed—will pay \$170 billion in interest. That is a total loss. That is money that goes out to people who have loaned us money. It is interest, just like on your credit card or on your mortgage—\$170 billion. And look how it goes up. This is a chart I have of the interest each year. And 10 years from now, if we follow the President's budget, it will be \$806 billion, according to the Congressional Budget Office.

All right. That is just money. How much is that? How much is \$806 billion? Let me tell you what we do today. The Federal highway bill is about \$40 billion. The Federal aid to education in all its forms is about \$100 billion. So now, since we take money from the future, and we spend it today in a reckless way, I think, to get some sort of hope for stimulus we have not seen much of, we are going to saddle the people in 2019 with an annual debt payment of \$806 billion—10 times the Federal education budget, 20 times-plus the highway budget. So we do need to be focused on this issue.

Let me say one more thing. According to the Congressional Budget Office, the deficit is supposed to drop down in 2 or 3 years, but already it looks as if we will not meet those numbers. The economy is not as strong as they were projecting. It was a rosy scenario. But they project about \$600 billion is what the deficit will be 2 or 3 years from now—30, 40 percent higher than anything President Bush ever had—\$600 billion. Then it starts up again, and it goes up to the 10th year. And in the 10th year, under the scoring of the President's budget by the Congressional Budget Office, the deficit will be over \$1 trillion in that year—\$1.1 trillion.

That is not sustainable. And they are not projecting an economic slowdown. They are projecting modest growth over that period of time, solid growth for the last 5 years during this period. If we have a recession, presumably the deficits would be even larger than that.

I guess I would say to my colleagues, this is a matter we need to start thinking about. It cannot be ignored. Nothing comes from nothing. If you get money to spend today, you must spend every dollar of it with care because you have borrowed it from the future, and somebody has to pay it back. It is not free money. Maybe it feels as if it is free today because we did not have to pay higher taxes or we did not cut

some other spending program to get the money to do what we would like to do with it. We just borrowed it. But borrowing has consequences.

Every year from here on out, that \$806 billion will go up probably because in 2019 they expect not a balanced budget but an annual deficit of that year to be over \$1 trillion. So the thing is going to continue to worsen. If we do not make some changes, this will continue.

By the way, this does not include the spending we are talking about on health care, which you heard a speech about earlier. I will say this about it: the Health, Education, Labor and Pensions Committee has released details on a bill. According to CBO, what they have released so far scores at \$1 trillion. Oh, we just got another \$1 trillion not calculated in these numbers. "Well, everybody just needs to have health insurance." So who is going to pay for it?

We have to be smart. We have to see how we can improve health care, get more people insured, create a better system with the absolute lowest possible cost because we cannot continue this kind of reckless spending. Instead of learning a lesson from the already surging deficits, we seem to be blithely going on with a huge new spending program on top of that.

The American people, I think, are uneasy. They think we are out of control up here. They do not think they have ever seen anything like this: deficits the likes of which we have never seen in peacetime.

The U.S. Government passed a bill last fall that was supposed to buy toxic mortgages from banks, and now they bought a controlling share in General Motors. How did this happen? Did Congress ever vote on that? No. We did not vote on it. They took advantage of the language in that bill, which I was opposed to and voted against. One of the reasons I opposed it was because it was too broad and an unbelievable abrogation of congressional power to the Secretary of Treasury, who had already helped lead us into financial catastrophe. But people in panic, they all voted and gave him this power.

Did anybody know we were going to use that money to buy an automobile company? No. In fact, Secretary Paulson at one point was asked at a hearing: What about buying stock in banks? This was supposed to be helping the banks. In the House committee, he said, no, we did not want to buy stock in banks. But a week after that bill passed, he was buying stock in banks. And they have not yet begun to buy toxic mortgages. Maybe they will begin soon. They say they have a plan now.

I am saying the American people are right to be concerned about the reckless, irresponsible behavior of this government in Washington. I hope they will continue to watch what is going on. I hope the American people will

speak out and let the folks up here know they expect us to do something more than deal with the problem next week. They expect us to be thinking about the long-term health of the American economy.

I heard a well-known financial expert say: Well, you know what? I am not saying there will be reckless inflation occurring, although some people are predicting that. He said: After President Reagan broke inflation and we got the economy on a sound track, the economy grew at about 3 percent a year and inflation was about 2 percent. He said: What I am worried about is that what we are going to see in the next 10 years is inflation at about 3 percent and growth at about 2 percent. That is not good. You want your growth to exceed the inflation rate.

I do not know what will happen. I cannot predict it. But I know this: We are going to have less money to spend on the things we need because we are going to have to be paying a huge amount in interest. Those are real concerns. This matter is not going away. I believe the American people are becoming more and more attuned to these matters. That is what the Tea parties were about—a sort of spontaneous reaction by the American people saying: What are you guys doing up there? Surely you know this is not the way to handle America's business.

I will say, I am going to continue to report on things that are developing. Surely we will begin to see some improvement in the unemployment rate and maybe some economic growth in the weeks to come. You would normally expect that when you pump the kind of money we have pumped into this economy. But in the long run, this begins to drag down the gains you make in the short run. That is what I am saying.

In fact, the Congressional Budget Office said—analyzing the stimulus package alone—it would increase our GDP, our growth for 2 to 3 years, but if you took that over 10 years, the economy would grow less over the 10 years than if we had no stimulus package at all. That is because when you borrow money, not only do you have to pay interest on it, but it crowds out borrowing from the private sector.

If a corporation wants to borrow money through the issuance of bonds, they are having to compete with the Treasury bills that are now paying 4 percent, and they will have to pay a good bit more because people think the Treasury bills are better, safer investments than some private corporate bonds. It hurts the private sector because now they are paying considerably higher interest rates to get people to loan money to them instead of loaning it to the U.S. Government.

I thank the Presiding Officer for the opportunity to share this. I hope and pray we can all figure out a way to

work together to do a better job of being stewards of this economy. It is a high responsibility we have. No one knows everything. No one has a perfect answer to it. We are going to have to go through some tough times. I think that is clear, and there is no need to sugar-coat that.

I am not blaming President Obama for everything that has gone wrong, and he inherited so much of this. I have talked about Secretary Paulson. I do not think Secretary Geithner is any better. He was Secretary Paulson's top adviser when they came up with this plan last fall.

But, at any rate, we need to get our heads together and know one fundamental thing: Nothing comes from nothing. There is no free lunch. If you borrow money to spend today, there will be a cost in the future, and those costs can outweigh the benefits that are occurring today.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Illinois.

Mr. BURRIS. Mr. President, we live in a world divided. International tension, mistrust, and even war too often separate Nation from Nation. But every 2 years, 10,000 athletes from more than 200 countries come together to celebrate the human spirit. They meet in competition, arriving on the world stage from all five inhabited continents. Each of these five continents is represented by a single-colored circle—a ring intertwined with four others to form the familiar symbol worn by every Olympic athlete. The Olympic and the Paralympic games are a powerful force for world unity and a boon to any city that hosts them.

In 2016, the summer games will bring millions of dollars and the international spotlight to one of four world cities. Selected by the U.S. Olympic Committee from a broad field of candidate cities, Chicago is one of only four finalists for the 2016 Olympics, along with Madrid, Rio de Janeiro, and Tokyo. The International Olympic Committee will make their final selection this October.

We must work hard to bring the Olympic games back to the United States. There is no greater honor than representing your country on the world stage. I am convinced there is no greater city in the world than Chicago.

As President Obama and I can both attest, Chicago is a diverse and inclusive city. Situated on the banks of the beautiful Lake Michigan, it is the jewel of the Midwest. Chicago has always been a global leader in culture, art, architecture, commerce, sports, and even cuisine.

The Olympic spirit is alive and well in Chicago. The Chicago 2016 Olympic Committee recognizes the importance of the games and in renewing old friendships around the world, as well as establishing new ones. This ideal and

the value of the “friendship through sports,” is at the heart of the city’s Olympic bid. It is a city I am proud to call home, and it showcases much of what makes this country so great. That is why it is the ideal site for the Olympic and the Paralympic games.

For the athletes, world-class training facilities and event locations would be very close together, allowing for convenience and ease. For visitors, outstanding public transportation and modern infrastructure would make all events readily accessible and easy to attend. For residents of the city and people across the United States, Chicago would shine on the world stage, and millions of dollars would pour in from across the globe.

Especially if we pass S. 1023, promoting travel to the United States and relaying better information to visitors, Chicago will be the clear choice for the International Olympic Committee in October.

This important legislation, known as the Travel Promotion Act of 2009, would create a nonprofit corporation as well as a government Office of Travel Promotion. These organizations would work together to encourage business, leisure, and scholarly travel to the United States, restoring important components of our struggling economy.

Travel and tourism, which generates as much as \$1.3 trillion in the United States every year, has been on the decline since 2001, although the same industries have grown in many other countries. We must act swiftly to protect the 8.3 million American jobs that are directly related to travel and tourism. This means welcoming more overseas visitors each year—visitors who already spend \$142 billion inside the United States on an annual basis.

An increase in international tourism would increase the profile of the Chicago Olympic bid. The 2016 Olympics, in turn, would generate even more international tourism in Illinois and across the country. S. 1023 would help this massive influx of visitors travel into the United States with ease. This would create jobs, increase tax revenue, and build stronger friendships across the globe.

There are few international spectacles as singular and as inspiring as the Olympic and the Paralympic games. A force for unity in a world divided, these competitions have the power to bring us together as one people, celebrating the human spirit with one voice.

I urge my colleagues to join Senator DORGAN and Senator ENZI in supporting S. 1023. This legislation would help to bring visitors from all over the world to the United States and would also help bring the 2016 Olympics to Chicago, IL, because I have a special interest in bringing those Olympics to my hometown.

Thank you. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, every year thousands of people travel to Colorado to enjoy some of the most exciting recreation opportunities in the world. Although my home State is known for its skiing, we are a summertime destination with 4 national parks, 5 national monuments, and 41 State parks for travelers to enjoy. Visitors can go white-water rafting down the Colorado River or hike and climb in the magnificent Rockies. We have Wild West ghost towns, historic railroads, and American Indian cultural sites to visit.

Obviously, travel and tourism is an incredibly important sector of Colorado’s economy. For every \$1 million spent in Colorado by domestic and international travelers, 11 jobs are created. Travel and tourism generated \$13.7 billion in revenue in 2007 in Colorado alone, and almost 150,000 Coloradans owe their jobs to that industry.

That is why today I rise to express my support for the Travel Promotion Act of 2009. I am a proud cosponsor of this bill, which has strong support from Members across the aisle, and I look forward to voting for its passage later this week.

While I have listed just the beginning of the numerous reasons to visit Colorado, the truth is that our tourism and travel industry has suffered in recent years. Many people do not realize it, but across our great country our tourism industry never fully recovered after September 11, particularly when it comes to travel from outside our country into the United States. That compares with this fact: Travel around the world has dramatically increased in the past decade while travel to the United States has dropped. In 2008, we welcomed fewer visitors to our country than we did in the year 2000. Why? Part of the problem is that visitors from overseas have been confused by the new procedures for entering our country. Foreign visitors also say they don’t think we are making much of an effort to attract international travelers. That is costing communities across our country billions of dollars in lost revenue. In fact, one study suggested over \$182 billion has been lost since September 11, 2001.

In my State of Colorado, the travel and tourism industry is a strong economic engine. It is one we have to keep strong and in which we have to invest. Part of that is in changing the perception that the United States is not interested in hosting foreign tourists. That is the point of this legislation.

The legislation before us would help revive international travel to the United States so we can get that economic engine revved up to its full capacity.

The purpose of the bill is to sell travel to the United States to overseas tourists, including areas that are not well-known destinations. Of course, the Presiding Officer’s State is also a place where we want to attract people to its wonderful beaches and wonderful historical sites in the great State of Delaware.

Let me tell you quickly some of the details in this legislation. It would establish a Corporation for Travel Promotion which would be an independent, nonprofit corporation governed by an 11-member board that the Secretary of Commerce would appoint. It would create an Office of Travel Promotion in the Department of Commerce to develop the programs to increase the number of international visitors to the United States. And it would set up a travel promotion fund which would be financed by private-public matching dollars. Much of the cost would be borne by international travelers who would pay a \$10 fee collected through the electronic system for travel authorization.

Other countries are spending billions of dollars on travel promotions. Those of us who sponsored this legislation and hopefully will vote for it overwhelmingly at the end of this week think we should stay competitive with other countries. The Travel Promotion Act would directly contribute to the economic recovery of our travel and tourism industry. It would spur job growth, and it would contribute to the tax base of local, regional, and State governments, many of which are forced to make, as we know all too well, drastic cuts in this tough economic time.

As well, before I close, I wish to mention that there are nonfinancial benefits to international travel as well. I wish to quote that great American Mark Twain. He said:

Travel is fatal to prejudice, bigotry, and narrow-mindedness.

America’s image in the world, as we know, has suffered greatly over the past several years, but travel to our country, to America, is one of our most effective tools of public diplomacy. Studies have shown over and over that when people come to our country, they return home with a very positive view of not just our country as it is described in the books but the landscapes and the people and the way we live our lives. In addition to helping strengthen our economy, this bill would strengthen our place in the world.

I end by thanking and acknowledging the chairman of the Commerce Committee, Senator ROCKEFELLER, the ranking member, Senator HUTCHISON, and Senator DORGAN for quickly bringing this legislation to the floor. I look forward to the passage of the Travel

Promotion Act so we can continue to get travel and tourism and, of course, our economy back on track.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, once tourists come to West Virginia, they often return. From the Appalachian Trail to the Monongahela National Forest, the beauty of our State is unparalleled and our people are welcoming.

Tourism in West Virginia also creates jobs. As a result, our State spends money to promote West Virginia in the surrounding States as a tourist destination. But we surely would welcome more international tourists as well.

Increasing overseas travel and tourism is a shovel-ready economic stimulus that will create thousands of jobs across the country—including West Virginia. With the dollar at a low compared to other currencies, America is a bargain. We are open and ready for business. Unfortunately, the rest of the world doesn't know it.

Compared to other countries, the United States fails to effectively advertise and promote itself overseas as a tourism destination. In 1992, the United States attracted 9.4 percent of all international tourists; in 2007, the United States attracted only 6.8 percent. Since 2000, the United States' share of international travelers has declined by 20 percent.

Meanwhile, the rest of the world is promoting itself—often employing the best Madison Avenue techniques used for marketing heart medications and luxury cars. We all see enticing television advertisements to visit Italy, Greece, Jamaica, Ireland, Canada, Australia and Brazil. But few residents of those countries see advertisements enticing them to come to the United States—and to spend their money in the United States.

If the United States had simply kept pace with global travel trends, 58 million more overseas travelers would have visited the United States between 2000 and 2008. Those travelers would have generated 245,000 tourism jobs in 2008 alone.

The average overseas visitor to the United States spends \$4,500 per visit. That means every 23,000 overseas visitors pump \$100 million into the U.S. economy.

We have spent billions of dollars to prevent the collapse of industries and billions of dollars to put people to work. But today, through the Travel Promotion Act of 2009, just \$10 million will plant the seeds for leveraging private sector investment to increase the number of U.S.-based tourism jobs.

Americans always have had a healthy skepticism about the role of government—what it should do and what it shouldn't do. To promote travel and tourism, we have long thought that the

private sector—the companies that make money from tourism—should promote themselves. And some of the larger private sector players have promoted their specific interests overseas.

But a private sector effort to fund a general "Come to America" campaign targeting overseas travelers has never fully materialized. When a resort or theme park spends advertising money overseas, they want the viewers to visit their destination, not just the United States. Some of our larger States promote themselves overseas. But, as you would expect, the advertisements entice foreigners to visit their States.

As a result, potential tourists overseas may not be aware that the United States has far more to offer than California, New York, and Florida. They likely have never heard of hiking, rafting, or fishing in the mountains of West Virginia. For anyone who has not enjoyed those activities in my State, you are really missing something special.

Because the hotels and tourist destinations of States like West Virginia cannot effectively launch their own international promotional campaigns, we must find a mechanism to pool and leverage resources so that these States become part of the international tourism economy.

After the terrorist attacks of 2001, the subsequent security measures deterred overseas tourists. Many of those entry problems have been corrected now. But the negative perception still remains. Potential foreign tourists still are reluctant to deal with what they believe will be a difficult time entering the United States. No private sector company—and certainly not the hotels and tourist destinations in the States I have mentioned—will spend their own money to promote the improved process for entering the United States. Only a national, coordinated campaign—with some help from the Federal Government—can accomplish that goal.

We have occasionally appropriated one-shot advertising campaigns to promote the United States overseas. But the Travel Promotion Act of 2009 will create a sustained and stable public-private sector partnership in which Federal seed money is leveraged to increase private investment to promote tourism overseas.

The bill would establish a travel promotion fund that is capitalized by a \$10 fee paid by foreign travelers from visa-waiver countries. The bill would require the travel industry to match those contributions—50 percent in 2011 and 100 percent thereafter. The fund would receive \$10 million in Federal seed money for 2010. The new fee for foreign travelers would cumulatively provide the means to lure them to the United States, but is too small to have any impact on an individual's decision whether to come to the United States.

The funds would be used for overseas advertising campaigns to promote travel to the United States, including to areas not traditionally visited by overseas tourists. More importantly, the advertising campaigns would educate potential foreign travelers about U.S. visa and entry policies. Removing fears about entering the United States would dramatically increase tourism among overseas residents who might consider a range of vacation choices. If foreign tourists better understand U.S. entry and visa policies, the more likely it is that they will come to the United States—and the more likely it is that they will spend their money here, creating the jobs we so desperately need.

Drug companies and luxury automakers spend billions of dollars on advertising for one reason: it works. The State of Florida estimates that its own State travel promotion campaign returns \$3 in increased sales tax revenue for every dollar spent on promotion. The countries advertising foreign tourist destinations on American television every night would not spend the money to do it but for one reason: it works. The United States—with so many spectacular destinations—must embark on its own worldwide promotion program because it will work.

A sustained and stable tourism promotion program is a small investment that will generate huge dividends when foreign tourists spend their money in the United States, generating jobs and local revenue. Foreigners visiting the first time have the potential to become repeat visitors and will tell their friends to visit as well.

In addition to stimulating jobs, we will improve America's image around the world through tourism. People who visit the United States are more likely to have a favorable opinion of America when they return home. Developing that kind of good will in a changing world makes travel promotion worthwhile.

I would like to thank the sponsors of this bill: Senator DORGAN, Senator INOUE, Senator REID, Senator KLOBUCHAR, Senator BEGICH, Senator MIKULSKI, Senator BENNET, Senator UDALL of New Mexico, Senator UDALL of Colorado, Senator ENSIGN, Senator MARTINEZ, and Senator VITTER.

America is open for business. The people who work in our tourism industries are ready to work. Now we need to tell the world. •

VOTE EXPLANATION

Mr. DURBIN. Mr. President, on vote No. 208, had I been present for the vote, I would have voted aye on the motion to invoke cloture on the motion to proceed to the Travel Promotion Act of 2009, S. 1023.

JEFFERSON AWARD RECIPIENTS

Mr. KAUFMAN. Mr. President, I rise to honor this year's winners of the annual Jefferson Award for Public Service and particularly four winners from my home State of Delaware.

The Jefferson Awards were created in 1972 to serve as a kind of Nobel Prize for voluntarism and community service in America. Named for our third President, whose embodiment of our Nation's spirit of community and service continues to inspire, these awards are presented annually for both national and State winners.

The mission of the State Jefferson Awards is to recognize unsung heroes in our communities who give their time and their care in service to others. On the national level, Jefferson Awards are bestowed upon those who have contributed significantly to advancing these principles. Past winners include Colin Powell, Bill and Melinda Gates, Oprah Winfrey, and Sandra Day O'Connor.

This year, four outstanding Delawareans have won Jefferson Awards. They have contributed to voluntarism in the "First State" through innovative programs and a dedication to inspiring their fellow citizens to service.

Elaine Chester, of Wilmington, has won a Jefferson Award for creating a program through the Delaware Division of Family Services to help low-income children receive new, wrapped holiday gifts. She matched local children in need with Delmarva Power employees interested in sending gifts.

Over the last few years, under Elaine's leadership, this program has expanded to become one of the largest corporate gift drives in Delaware. It benefits hundreds of children annually, including those who are terminally ill. Since its expansion to nursing homes, the elderly now receive gifts from Delmarva Power employees as well.

Leonard Young, also of Wilmington, earned his Jefferson Award for his tireless promotion of public health and wellness initiatives. His encouragement of others to get regular preventive health screenings has led many Delawareans to incorporate healthy living into their daily routines.

Leonard has spent a great number of hours educating youth about the dangers of substance abuse and how to prevent violent behavior in relationships. He is a leader in the community, and his involvement in various public health endeavors is far-reaching.

I am especially proud that this year's national winner of the Jefferson Award for Outstanding Service by a High School is the Salesianum School in Wilmington, DE. Its efforts were led by two seniors, Robert Liszkiewicz and Dominic Taglione.

The two led their classmates in an effort to increase youth voluntarism, and they gave their time to mentoring local students, volunteering with the Blue/Gold Foundation for Delawareans with intellectual disabilities, and helping at the local Ronald McDonald House for families with children undergoing medical treatment. The efforts of Robert, Dominic, and their fellow stu-

dents at Salesianum have established a lasting program for youth voluntarism based on the principles of the Jefferson Awards.

I am privileged to have the opportunity to meet Elaine, Leonard, Robert, and Dominic at a Senate reception today honoring Jefferson Award winners from across the country. I hope my colleagues will join me in celebrating their achievements, their commitment to serving local communities, and their embodiment of that greatest American quality of service above self.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRANIAN ELECTIONS

Mr. CARDIN. Mr. President, as Chairman of the U.S. Helsinki Commission, which has had decades of experience monitoring election and promoting democracy and human rights, I would like to take a moment to speak on a troubling matter that has filled headlines around the world in the last few days.

We have all seen the images. Violence and mass protests are erupting across Iran following the hasty vote count of a deeply flawed presidential election process in that country. Yet another unfortunate chapter is unfolding before our eyes that reinforces Iran's record as a police state and totalitarian regime more concerned with keeping its tight grip on power than yielding to the will of the people.

I stand with President Obama calling for the government to exercise restraint and the violence to end. Regrettably, at least seven people have been killed and countless others injured. We may never know the true results of this election, given the lack of international monitoring. But what we do know is that in the last few days we have witnessed tens of thousands of Iranians raise their voices in protest to ensure that their vote meant something.

On Friday, voters in Iran lined up in unprecedented numbers to choose their next president. I, like many others, was dismayed on Saturday to hear the ruling clerics rush to announce that Mahmoud Ahmadinejad had won reelection by a large margin. Regardless of the limited official scope of his duties, President Ahmadinejad's consistent pattern of noxious remarks and

his belligerent attitude inject understandable tension around the Middle East and beyond. He has used the presidential podium to instigate conflict with the international community, pursue acquisition of nuclear weapons, and spew hatred and intolerance toward Israel and the United States.

I cannot say and will not say what could have been or should have been if any other candidate was elected, but there is no doubt whatsoever as to Ahmadinejad's unfitness as a leader.

Equally troubling were the almost immediate reports coming from Tehran and elsewhere around Iran that there were deep flaws in this election. Elections do not equal democracy, nor do they guarantee that the will of the people will be reflected in their government. But this was not a free and fair election from the start.

In Iranian Presidential elections, only a select group of candidates approved by a 12-person Council of Guardians are eligible to run. The Iranian regime, headed by Supreme Leader Ali Khamenei, continues to severely restrict civil liberties including freedom of speech, expression, assembly, and association. Freedom to discuss ideas without threat of oppression is a fundamental human right that is essential to a government truly reflecting the will of its people. This freedom is absent in Iran. Typically, Iranian elections and public expressions are carefully monitored and manipulated by the ruling regime to prevent challenges to their authority.

The last few days seem somewhat different. The tens of thousands of people lining the streets of Tehran—in an incredible rebuttal to the ruling powers—want to know that the votes they did cast are counted properly. The deliberate lack of transparency in the vote tabulation and the blatant attempts to block mass communications among citizens, particularly youth, are too glaring to ignore. Even Supreme Leader Khamenei has been forced to backtrack on his immediate approval of the results and has called for at least the appearance of a recount in some disputed areas.

Americans know something about wanting to have their votes counted accurately. The difference between our two nations: when the results of a U.S. election were in dispute, the world spotlight shined bright on the process and the people involved in resolving the conflict—peacefully. Transparency and openness is not a hallmark of Iranian elections.

Even before the presidential election took place, Iran's totalitarian regime blocked personal communications like texting and access to the Internet. Media have been confined to Tehran, if they haven't been asked to leave the country. The regime's ongoing attempts to curtail communication and silence protests—often with brutal

force—demonstrate the regime's fear of losing a grip on power.

Allegations of a fraudulent vote count are a symptom of a regime that has survived by an authoritarian power structure that oppresses its people. On June 12, the people of Iran did not vote for the Supreme Leader of their country. Under the current system, the Supreme Leader and his supporters will continue to dictate policy to the President of Iran, regardless of who that president is and whatever policy decisions the president is authorized to make.

The people of Iran want their voices to be heard and they should be assured that the world is listening. I urge those in power in Iran also to listen and implement the reforms necessary to allow the will of the people to be expressed.

I look forward to a future when the people of Iran have an opportunity for a free and fair election of leaders of their choosing. It is my sincere hope that one day this vision will be realized, and the voice of the Iranian people will truly be heard.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN.) Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITI REFORESTATION ACT OF 2009

Mr. DURBIN. Madam President, in December 2008, Senator BINGAMAN, Congressman MEEK, and I visited Haiti. We went to see the public health, economic, environmental, and political situation in that impoverished Caribbean nation.

We traveled for hours into rural Haiti to the town of Cange to observe the incredible work being done by Partners in Health providing AIDS treatment and teaching mothers with newborns how to purify water.

We visited a school in Cite de Solei—a teeming slum in the capital Port au Prince—where Father Hagan and the organization Hands Together is providing schooling and meals for some of Haiti's most vulnerable children.

Unfortunately, despite these programs and the efforts of U.N. peace-

keeping forces to bring some measure of security, the living conditions for average Haitians remain desperate: It is the poorest country in the Western Hemisphere, with nearly 80 percent of its population out of work; one-half of its 8.2 million people live in extreme poverty; Haiti's infant mortality rate is the highest in our hemisphere; 1 in 10 children dies before the age of 5 due to malnutrition; the HIV/AIDS situation in Haiti is among the most frightening in the world; the average life expectancy of a citizen of Haiti is 61 years, the lowest in the region.

To add to these already desperate conditions, Haiti has been devastated in recent years by tropical storms and hurricanes. In 2004, Hurricane Jeanne struck Haiti, killing nearly 3,000 residents, and displacing over 200,000 more.

Last year, the island of Hispaniola, which Haiti shares with the Dominican Republic, was hit by four major storms. These storms caused massive flooding and landslides that cut off land routes and hampered the delivery of aid to its desperate citizens. Nearly 800 Haitians lost their lives and as many as 1 million were left homeless.

The world quickly responded to these catastrophes with millions of dollars worth of emergency food aid and disaster assistance. The United States alone provided \$29 million in aid. This assistance helped Haiti cope with these immediate challenges.

But one of the underlying causes of this devastation—and contributor to Haiti's larger challenge with poverty and disease—is the deforestation of the country's once plentiful tropical forests.

This satellite image provided by NASA shows the stark difference between the amount of forest cover in Haiti and the Dominican Republic—countries that share the same island.

The black line shows the border between the two nations. When you look at the lush green of the Dominican Republic and compare it to the stark desolation on Haiti's side of the border, it is easy to see why Haiti is so much more vulnerable than the Dominican Republic to the devastating effects of soil erosion, landslides, and flooding.

It was not always that way. In fact, 85 years ago Haiti's tropical forest covered 60 percent of the country. Today less than 2 percent of those forests remain. In the past 5 years, the deforestation rate has accelerated by more than 20 percent.

Some 30 million trees are cut down every year in Haiti. This staggering level of deforestation happens because 60 percent of the population of Haiti relies on charcoal produced from cutting down trees for cooking fuel and two-thirds rely on inefficient, small-scale subsistence farming for survival.

While understandable, this deforestation has had terrible, unintended consequences. The soil erosion that has re-

sulted from cutting down all of these trees has had the perverse effect of substantially reducing Haiti's already scarce agricultural land and leaving what remains less productive.

This soil erosion also makes the island more vulnerable to floods and mudslides like the ones that devastated the country last year. The reality of this effect is that far more Haitians than Dominicans lost their lives and their homes during last year's storms.

Haiti's tropical forests, if protected and re-grown, would fight the destructive effects of soil erosion. Saving old and growing new tropical forests would help protect Haiti's freshwater sources from contaminants, safeguard Haiti's remaining irrigable land, and save lives during hurricane season. Helping Haiti deal with its deforestation is something we can help do.

Today, Senator BROWBACK joins me in introducing the Haiti Reforestation Act of 2009 in an effort to attack this deforestation. The bill aims to end within 5 years deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990.

While it is important to start putting trees in the ground, this bill is about more than just planting trees. Our government has tried that approach in the past and has failed miserably.

This bill brings the expertise of the both the US AID and the International Programs Office of the US Department of Agriculture's Forest Service to help Haiti manage in a measurable, verifiable, and reportable way its conservation and reforestation efforts. It does this in three ways.

First, the bill empowers these agencies to work with the Haitian Government to develop Haiti-appropriate forest-management ideas that can be implemented in an incremental way.

Second, the bill seeks to bring to Haiti market-based reforestation projects that have been successful in other regions of the world. These projects are successful because they share certain characteristics. They: secure the cooperation and engagement of local communities and organizations; provide incentives to protect trees through sustainable, yet income-generating growth; and provide hands-on management and oversight of replanting efforts.

Conservation groups such as Planting Empowerment, which is doing just this type of work in Panama, provide a model of success and this bill will encourage such groups to bring their efforts to Haiti.

Third, the bill expands the ability of conservation groups to work with the Haitian Government and international creditors to trade Haiti's international debt for revenue in what are known as debt-for-nature swaps.

Groups such as Conservation International, World Wildlife Fund, and The

Nature Conservancy have successfully used this mechanism globally to save other tropical forests—this bill will encourage such groups to bring their efforts to Haiti.

Preservation of what remains of Haiti's tropical forest, and helping re-grow some of what has been lost, has numerous benefits for all of us, not just for Haiti. Tropical forests: play a critical role as carbon sinks to reduce greenhouse gases in the atmosphere; harbor a major portion of the Earth's biological and terrestrial resources; and provide habitats for an estimated 10 to 30 million plant and animal species, including species essential to medical research and agricultural productivity.

But attacking the desperate effect of deforestation in Haiti is the main purpose of this bill. As Haiti's Prime Minister, Michèle Pierre-Louis, recently said:

The whole country is facing an ecological disaster. We cannot keep going on like this. We are going to disappear one day. There will not be 400, 500 or 1,000 deaths [from hurricanes]. There are going to be a million deaths.

We must act to ensure that that day never comes. I urge my colleagues to support the Haiti Reforestation Act of 2009.

234TH ANNIVERSARY OF THE U.S. ARMY

Mr. CHAMBLISS. Madam President, on June 14, we celebrate the 234th birthday of the U.S. Army. For more than two centuries, the Army has fought to preserve the principles of democracy both here in the United States and around the globe.

It was 234 years ago today that the U.S. Army was established to defend our Nation. From the Revolutionary War to operations in Afghanistan and Iraq, our soldiers have served with honor and a deep commitment to our Nation's core values and beliefs.

In 1946, during an Army Day speech in Chicago, GEN Dwight D. Eisenhower said:

This day of tribute to the men and women of the United States Army is a day of national rededication to the ideals they served so well. The Army believes in strength without arrogance; in firmness without discourtesy; in loyalty without servility. It lives with pride in its cherished traditions of service to our commander-in-chief and to the people to whom it belongs.

This quote is as true today as it was then. Our all-volunteer force has performed superbly during these challenging times and has lived up to and exceeded our greatest expectations.

This Army birthday is special because it is also the Year of the Non Commissioned Officer. Since 1775, the Army has set apart its NCOs from other enlisted soldiers by distinctive insignia of grade.

Throughout the Army's history, the noncommissioned officer corps has dis-

tinguished itself as the world's most accomplished group of military professionals. Historical and daily accounts of life as an NCO are exemplified by acts of courage and a dedication and a willingness to do whatever it takes to complete the mission.

I also pay tribute to the families of our Army soldiers who give so much of their lives for our Nation. The important role families play is vital to the Army's success. They have our Nation's deepest appreciation for the support and devotion they provide to our men and women in uniform.

Today I wish to celebrate the strength of our Nation and the strength of our Army by saluting our noncommissioned officer corps and the Army's soldiers, families and civilians by wishing them a happy 234th birthday!

THANKS TO BERMUDA

Mr. LEAHY. Madam President, last Thursday Bermuda welcomed to freedom four men who had been wrongly detained at Guantanamo Bay for more than 7 years. The men are ethnic Uighurs—a minority group from western China that has long suffered discrimination and oppression by China's Government. Their release is welcome news—our own Federal courts had cleared them for release, as did both the Bush and Obama administrations. Bermudian Prime Minister Dr. Ewart Brown and the Bermudian people have done a humanitarian service, and should be praised for it.

I strongly support President Obama's decision to close Guantanamo, which became a rallying cry for al-Qaida and other terrorist groups seeking recruits. I am disappointed that the United States did not find a way to resettle the Uighurs here, as there are Uighur communities in several States that would have welcomed them and helped them become productive members of society. It would also have been an important gesture to other countries that we are asking to accept Guantanamo detainees. All the more reason that we should offer our sincere thanks to Bermuda for helping to put this sorry episode behind us.

ADDITIONAL STATEMENTS

COMMENDING THE GATTON ACADEMY OF MATH AND SCIENCE

• Mr. BUNNING. Madam President, I would like to take this time to congratulate the Gatton Academy of Math and Science in Bowling Green, KY.

Newsweek magazine recently published a list of schools recognized for challenging students. Separate from the top 1,500 public high schools in the country, Newsweek magazine published its list of 15 schools known as the Pub-

lic Elites. The Gatton Academy of Math and Science was one of the distinguished 15 members of this list and marks the first time a school from Kentucky has earned a spot among the Public Elites.

The Gatton Academy of Math and Science is a selected group of high school juniors and seniors from around Kentucky who attend the Western Kentucky University. Their selection is based on test scores, grades, and submitted essays. Students in the program earn college credit at the Western Kentucky University in addition to completing their high school education.

As a supporter of education, I appreciate the opportunity to recognize the performance of this great educational facility.●

COMMENDING NORTH OLDHAM HIGH SCHOOL

• Mr. BUNNING. Madam President, I would like to take this time to congratulate North Oldham High School in Goshen, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as one of 15 schools from Kentucky on this list, North Oldham High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of North Oldham High School. Their commitment to education is a fine example for the entire Commonwealth, and I take pride in recognizing them on the floor of the Senate.●

125TH ANNIVERSARY OF REVILLO, SOUTH DAKOTA

• Mr. THUNE. Madam President, today I recognize Revillo, SD. Founded in 1884, the town of Revillo will celebrate its 125th anniversary this year.

Located in Grant County, Revillo possesses the strong sense of community that makes South Dakota such an outstanding place to live and work. Throughout its rich history, Revillo has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Revillo has much to be proud of and I am confident that Revillo's success will continue well into the future.

The town of Revillo will commemorate the 125th anniversary of its founding with celebrations held on June 19 thru June 21. I would like to offer my congratulations to the citizens of Revillo on this milestone anniversary and wish them continued prosperity in the years to come.●

150TH ANNIVERSARY OF ELK
POINT, SOUTH DAKOTA

• Mr. THUNE. Madam President, today I recognize Elk Point, SD. Founded in 1859, the city of Elk Point will celebrate its 150th anniversary this year.

Located in Union County, Elk Point serves as the county seat. The name Elk Point originates from the Lewis and Clark expedition campsite near present day Elk Point. As one of South Dakota's oldest communities, Elk Point possesses a rich history that continues to be a strong reflection of South Dakota's greatest values and traditions. The city of Elk Point has much to be proud of and I am confident that Elk Point's success will continue well into the future.

I would like to offer my congratulations to the citizens of Elk Point on this milestone anniversary and wish them continued prosperity in the years to come.●

100TH ANNIVERSARY OF
McLAUGHLIN, SOUTH DAKOTA

• Mr. THUNE. Madam President, today I recognize McLaughlin, SD. Founded in 1909, the city of McLaughlin will celebrate its 100th anniversary this year.

Named after COL James McLaughlin, the city of McLaughlin is located in Corson County. McLaughlin possesses the strong sense of community that makes South Dakota a great place to work and live. Throughout its rich history, McLaughlin has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of McLaughlin has much to be proud of and I am confident that McLaughlin's success will continue well into the future.

I would like to offer my congratulations to the citizens of McLaughlin on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF LEBANON,
SOUTH DAKOTA

• Mr. THUNE. Madam President, today I recognize Lebanon, SD. Founded in 1884, the town of Lebanon will celebrate its 125th anniversary this year.

Located in Potter County, Lebanon possesses the strong sense of community that makes South Dakota such an outstanding place to live and work. Throughout its rich history, Lebanon has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Lebanon has much to be proud of and I am confident that Lebanon's success will continue well into the future.

The town of Lebanon will commemorate the 125th anniversary of its founding with celebrations held on June 20 and June 21. I would like to offer my congratulations to the citizens of Leb-

anon on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:14 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1256. An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

At 2:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 729. An act to help keep students safe on school-run, overnight, off-premises field trips.

H.R. 2325. An act to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office".

H.R. 2422. An act to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the "Kile G. West Post Office Building".

H.R. 2661. An act to amend title 18, United States Code, to increase the penalty for violations of section 119 (relating to protection of individuals performing certain official duties), and for other purposes.

H.R. 2765. An act to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

The message also announced that the House has passed the following bill, without amendment:

S. 615. An act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 729. An act to help keep students safe on school-run, overnight, off-premises field trips; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2325. An act to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2422. An act to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the "Kile G. West Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H. R. 2661. An act to amend title 18, United States Code, to increase the penalty for violations of section 119 (relating to protection of individuals performing certain official duties), and for other purposes; to the Committee on the Judiciary.

H.R. 2765. An act to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-47. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take such actions as are necessary to maintain the current incentives for the exploration and production of domestic oil and natural gas; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 15

Whereas, Louisiana is a key energy state where over three hundred twenty thousand Louisianians are employed in the energy sector, and these jobs support over twelve billion dollars a year in household income; and

Whereas, these jobs are from numerous small businesses and include welders, pipe fitters, barge workers, and engineers, and an estimated fifty thousand indirect workers support the energy sector; and

Whereas, the current federal budget proposal includes eight separate tax hikes on the energy economy totaling over thirty billion dollars, new fees on energy leases in the Gulf of Mexico, excise taxes on Gulf production, and also repeals several important tax incentives for Louisiana energy producers; and

Whereas, ninety percent of domestic oil and natural gas wells are developed by small, independent businesses that would encounter a devastating impact from any change in policy to reduce incentives; and

Whereas, these tax increases also reduce our nation's energy security by discouraging new investment in domestic oil and natural gas production and refining capacity and pushing those investments abroad; and

Whereas, a reduction in incentives would reduce the amount of domestically produced natural gas and deprive the American people of a clean energy source. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United

States to take such actions as are necessary to maintain the current incentives for the exploration and production of domestic oil and natural gas. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM-48. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take such actions as are necessary to appropriate funds specifically for the storm-proofing of interior pump stations in the parishes of St. Bernard and Plaquemines; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 51

Whereas, in 2006, the United States Congress, under the Flood Control and Coastal Emergency Act, appropriated two hundred fifty million dollars for storm-proofing interior pump stations in the Greater New Orleans area in order to ensure the operability of the stations during hurricanes, storms, and high water events; and

Whereas, four years after hurricanes Katrina and Rita, only pump stations in the parishes of Jefferson and Orleans have been storm-proofed pursuant to this appropriation; and

Whereas, it is the belief of the public that the pump stations in the parishes of St. Bernard and Plaquemines have not been storm-proofed because the Corps of Engineers underestimated the cost of the storm-proofing and, therefore, interpreted the "Greater New Orleans area" to include only the parishes of Jefferson and Orleans; and

Whereas, storm-proofing interior pump stations in the parishes of St. Bernard and Plaquemines is desperately needed in order to ensure the operability of the stations as well as to provide safe housing for personnel required to remain on duty to operate the pump stations during hurricanes, storms, and high water events. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to appropriate funds specifically for the storm-proofing of interior pump stations in the parishes of St. Bernard and Plaquemines. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 669. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes (Rept. No. 111-27).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 153. A resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and Communist eras.

S. Res. 182. A resolution recognizing the democratic accomplishments of the people of

Albania and expressing the hope that the parliamentary elections on June 28, 2009, maintain and improve the transparency and fairness of democracy in Albania.

S. Con. Res. 23. A concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Andrew J. Shapiro, of New York, to be an Assistant Secretary of State (Political-Military Affairs).

*Eric P. Schwartz, of New York, to be an Assistant Secretary of State (Population, Refugees, and Migration).

*Bonnie D. Jenkins, of New York, for the rank of Ambassador during her tenure of service as Coordinator for Threat Reduction Programs.

*Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security.

*Kurt M. Campbell, of the District of Columbia, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

*Eric P. Goosby, of California, to be Ambassador at Large and Coordinator of United States Government Activities to Combat HIV/AIDS Globally.

Nominee: Eric Paul Goosby.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Eric Goosby.

Spouse: Nancy Truelove.

US Congresswoman Barbara Lee, California: \$100 USD (2006) \$100 USD (2007) \$50 USD (2008) \$100 USD (2009)

Mayor Ron Dellums, Oakland, California: \$200 USD (2007)

Hillary R. Clinton Presidential Candidate: \$200 USD (2007-08) \$100 USD (2009—debt fund)

Barack Obama Presidential Candidate: \$300 USD (2008)

Woody Myers, MD Congressional Candidate, Indiana's 7th District: \$100 USD (2008)

US Congressman Jessie Jackson for Congress, Illinois: \$500 USD x 2 (est 2004-5)

2. Children: Eric N. Goosby; Zoe A. Goosby: no contributions.

3. Parents: Zuretti L. Goosby, Sr.: deceased 2000: no contributions.

Jackie I. Goosby—2005-2009 contributions: Jane Morrison for DCCC—\$100 USD (2005); Barack Obama—\$50 USD (2008); Eric Mar for San Francisco Supervisor—\$35 USD; Obama Victory Fund—\$250 USD (2008); San Francisco Democratic Party—\$100 USD (2006-07); Barbara Lee for Congress—\$100 USD (2007-08); John Burton Children Without Homes—\$50 USD (2005); Ursula Reed, San Leandro City Council—\$75 USD (2007); Washington DC, Martin Luther King Jr. National Memorial; Project Foundation, Inc.—\$150 USD (2006-07); Friends of Barbara Boxer—\$200 USD (2008); Hillary R. Clinton Campaign -\$50 USD (2008); Nancy Pelosi—\$200 USD (2006-08); Maxwell for San Francisco Board of Supervisor—\$50 USD; Maxwell for San Francisco Board of Supervisors—\$50 USD; Jane Morrison for DCCC (SF) City and County Community College Board—\$100 USD; Sue Bierman

for DCCC (SF City and County Community College Board—\$100 USD; San Francisco Democratic Party—\$135 USD; Dianne Feinstein (Senator, California)—\$100 USD; John Burton (California State Senator) Children Without Homes Fund—\$50 USD; Kamala Harris for San Francisco District Attorney—\$100 USD; Tom Ammiano—\$50 USD; Nancy Pelosi, Congresswoman, San Francisco—\$300 USD; Hillary R. Clinton Debt Fund—\$50 USD; Obama Presidential Campaign—\$50 USD (2008); John Burton, Children Without Homes Fund—\$100 USD; Hillary R. Clinton Presidential Campaign—\$100 USD (2008).

Grandparents: maternal and paternal grandparents died: no contributions > 4 yrs. Paternal Grandfather: Felix Goosby, died 1966.

Paternal Grandmother: Eva Goosby, died 1978.

Maternal Grandmother: Nola Smith, died 1988 (est).

Maternal Grandfather: not known, died 1962 (est).

5. Brothers and. Spouses: Kevin R. Goosby: No contributions > 4 yrs; Zuretti L. Goosby; Brenda Goosby (wife).

Obama Presidential Campaign < \$2Q0.00, estimate (2008); (they are on extended travel for the next 3 weeks and I am unable to confirm, but I do not think it is above \$200 USD going back to 2004)

6. Sisters: None

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Marvin F. Burgos and ending with Stephen Alan Cristina, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 2009. (minus 1 nominee: Terence Jones)

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Jeffrey D. Zients, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself and Mr. CASEY):

S. 1267. A bill to amend title V of the Social Security Act to provide grants to establish or expand quality programs providing home visitation for low-income pregnant

women and low-income families with young children, and for other purposes; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. MARTINEZ, Mr. SCHUMER, Mrs. GILLIBRAND, Ms. STABENOW, and Mr. LAUTENBERG):

S. 1268. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the additional standard deduction for real property taxes for nonitemizers; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. CHAMBLISS, and Mr. DURBIN):

S. 1269. A bill to provide for enhanced foodborne illness surveillance and food safety capacity, to establish regional food safety centers of excellence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1270. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 1271. A bill to amend the Wild and Scenic Rivers Act to add certain segments to the Rogue River designation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1272. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Ms. STABENOW, Mr. UDALL of Colorado, and Mr. ISAKSON):

S. 1273. A bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 1274. A bill to amend title 46, United States Code, to ensure that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER:

S. 1275. A bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 1276. A bill to require investment advisers to private funds, including hedge funds, private equity funds, venture capital funds, and others to register with the Securities and Exchange Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER:

S. Res. 185. A resolution supporting the goals and ideals of National Alzheimer's Disease Awareness Month and National Memory Screening Day, including the development of a national health policy on dementia screening and care; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. PRYOR, and Mr. LIEBERMAN):

S. Res. 186. A resolution condemning the murder of Army Private William Andrew "Andy" Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army-Navy Career Center in Little Rock, Arkansas on June 1, 2009; considered and agreed to.

By Mr. NELSON of Nebraska (for himself and Mrs. FEINSTEIN):

S. Con. Res. 28. A concurrent resolution supporting the goals of Smart Irrigation Month, which recognizes the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water resources more efficiently and encourages the adoption of smart irrigation practices throughout the United States to further improve water-use efficiency in agricultural, residential, and commercial activities; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. LEAHY, and Mr. BROWNBACK):

S. Con. Res. 29. A concurrent resolution expressing the sense of the Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 148, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 211

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 244

At the request of Mr. BOND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from New Hamp-

shire (Mrs. SHAHEEN) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 497

At the request of Mr. DURBIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 497, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 534

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 534, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 604

At the request of Mr. SANDERS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 663

At the request of Mr. NELSON of Nebraska, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Colorado (Mr. UDALL) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 750

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 750, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 756

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 756, a bill to provide for prostate cancer imaging research and education.

S. 795

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 823

At the request of Ms. SNOWE, the names of the Senator from Texas (Mr. CORNYN), the Senator from Ohio (Mr. BROWN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 908

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr.

CONRAD) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 962

At the request of Mr. KERRY, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 962, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1052

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1073

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1073, a bill to provide for credit rating reforms, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii

(Mr. AKAKA) was added as a cosponsor of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1135

At the request of Ms. STABENOW, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1135, a bill to establish a voluntary program in the National Highway Traffic Safety Administration to encourage consumers to trade-in older vehicles for more fuel efficient vehicles, and for other purposes.

S. 1144

At the request of Mr. JOHNSON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1144, a bill to improve transit services, including in rural States.

S. 1150

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1150, a bill to improve end-of-life care.

S. 1153

At the request of Mr. SCHUMER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1155

At the request of Ms. COLLINS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1155, a bill to amend title 38, United States Code, to establish the

position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1168

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1168, a bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

S. 1230

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 1235

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1235, a bill to amend the Public Health Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1242

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1242, a bill to prohibit the Federal Government from holding ownership interests, and for other purposes.

S. 1244

At the request of Mr. MERKLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1254

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1254, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1259

At the request of Mr. KYL, the names of the Senator from Louisiana (Mr.

VITTER), the Senator from Oklahoma (Mr. COBURN) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 1259, a bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response.

S. 1265

At the request of Mr. CORNYN, the names of the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Maine (Ms. SNOWE) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 23

At the request of Mr. KERRY, his name was added as a cosponsor of S. Con. Res. 23, a concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. Con. Res. 23, supra.

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Con. Res. 23, supra.

S. CON. RES. 24

At the request of Mrs. LINCOLN, the names of the Senator from Nevada (Mr. REID) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Con. Res. 24, a concurrent resolution to direct the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Vermont

(Mr. LEAHY) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 26

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alaska (Mr. BEGICH), the Senator from Florida (Mr. NELSON), the Senator from Pennsylvania (Mr. CASEY), the Senator from Delaware (Mr. CARPER), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Con. Res. 26, a concurrent resolution apologizing for the enslavement and racial segregation of African Americans.

S. RES. 153

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 153, a resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and Communist eras.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1270. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, part of my job as a Senator from a beautiful State like Oregon is to keep that beauty protected for the next generation of Oregonians. Today it is my pleasure to introduce three bills to add environmental protections for three of Oregon's special natural resources. I have introduced two of these bills before. The Oregon Caves National Monument Boundary Adjustment Act of 2009 and the Lower Rogue Wild and Scenic Rivers Act of 2009 were introduced in 2008 but unfortunately there was not an opportunity to move them beyond the Energy Committee. This year, I look forward to moving these two bills forward to final passage, along with a third bill, the Devil's Staircase Wilderness Act of 2009. I am pleased to introduce two of these bills with my colleague from Oregon, Senator MERKLEY. My colleague in the House of Representatives, Representative DEFAZIO, will also be introducing companion legislation today, joined by Representatives Blumenauer and Wu.

The first bill I am introducing, S. 1270, the Oregon Caves National Monument Boundary Adjustment Act of 2009, will expand the boundary of the National Park Service land to create the Oregon Caves National Monument and Preserve. Under this bill, the stunning majesty of both the underground and the above-ground treasures found at this National Monument site will be protected for future generations.

Established by a Presidential Proclamation in 1909, the Oregon Caves National Monument is a 480-acre natural wonder located in the botanically-rich Siskiyou Mountains. It was originally set aside because of its unusual scientific interest and importance. Oregon Caves has a unique geologic history and is particularly known as the longest marble cave open to the public west of the Continental Divide.

A perennial stream, the "River Styx"—an underground portion of Cave Creek—flows through part of the cave and is one of the dynamic natural forces at work in the National Monument. The cave ecosystem provides habitat for numerous plants and animals, including some state-sensitive species such as Townsend's big-eared bats and several cave-adapted species of arthropods found only in only one place on Earth: the Oregon Caves. The caves possess a significant collection of Pleistocene aged fossils, including jaguar and grizzly bear. In 1995, grizzly bear bones found in the cave were estimated to be at least 50,000 years old, the oldest known from either North or South America.

Today, I am proposing legislation that will enhance the protection for treasures such as these found within the Oregon Caves National Monument and that will increase public recreation opportunities by adding surrounding lands to the National Park Service site. My bill would expand the park site by 4,084 acres to include the entire Cave Creek Watershed, and transfer management of the land from the U.S. Forest Service to the National Park Service. The newly acquired lands will be designated as a Preserve so that hunters can still use them. In addition, my legislation would designate at least 9.6 miles of rivers and tributaries as Wild, Scenic, or Recreational, under the federal Wild and Scenic Rivers Act, including the first subterranean Wild and Scenic River, the River Styx. This bill would also authorize the retirement of existing grazing allotments.

When the Oregon Caves National Monument was established in 1909, the focus was on the unique subsurface resources, and the small rectangular boundary was thought to be adequate to protect the cave. Through the years, however, scientific research and technology have provided new information about the cave's ecology, and the impacts from the surface environment and the related hydrological processes.

The current 480-acre boundary simply cannot adequately protect this cave system. The National Park Service has formally proposed a boundary modification numerous times, first in 1939, again in 1949, and most recently in 2000. Today, I am happy to again propose legislation to enact that boundary adjustment into law.

The Oregon Caves National Monument makes a unique contribution to Southern Oregon's economy and to the national heritage. The Monument receives over 80,000 visitors annually and a larger Monument boundary will help showcase more fully the recreational opportunities on the above-ground lands within the proposed Monument boundary. The Monument's above-ground lands in the Siskiyou Mountains possess a beauty and diversity that is unique in America, and indeed the world. The Oregon Caves National Monument's approximately 500 plants, 5,000 animals, 2,000 fungi, and over a million bacteria per acre that make the spot have one of the highest concentrations of biological diversity anywhere.

Expanding the Monument's boundary will also preserve the caves' resources by protecting the water that enters the cave. By granting the National Park Service the ability to safeguard these resources, and by providing for a voluntary donation of grazing permits, my legislation will be able to better protect these resources. Over the decades, the number of allowed livestock has diminished, but the livestock still has an impact on the drinking water supply and the water quality of this natural gem. The current grazing permittee, Phil Krouse's family, has had the Big Grayback Grazing Allotment, 19,703 acres, since 1937. Mr. Krouse has publicly stated that he would look favorably upon retirement with private compensation for his allotment, which my legislation will allow to proceed.

The second bill I am introducing is, S. 1271, the Lower Rogue Wild and Scenic Rivers Act of 2009, which expands the Wild and Scenic River protections to Oregon's iconic Rogue River and its tributaries.

The Rogue River is one of our nation's premier recreation destinations, famous for its free flowing waters and the many rafting and fishing opportunities it offers. The headwaters of this great river start in one of Oregon's other great gems—Crater Lake National Park—and ultimately empty into the Pacific Ocean near Gold Beach on the southwest Oregon coast. Along that stretch, the Rogue River flows through one of the most spectacular canyons and diverse natural areas in the U.S. The river is home to runs of coho, spring and fall chinook, winter and summer steelhead, and has the special distinction of being one of only a few rivers in the country with runs of green sturgeon.

The Rogue River received its first protections in the original Wild and Scenic Rivers Act in 1968. A narrow stretch of land was protected along the river banks. Since that time, a great deal has been learned about the importance of protecting the tributaries that feed into the main stem of the Rogue. Protecting the Wild and Scenic tributaries to the Rogue River is essential to protecting the backbone of one of Oregon's most important sport and commercial fisheries.

In 2008, American Rivers named the Rogue and its tributaries as the second most endangered river in the U.S. I'm hoping to change that today by introducing legislation to protect 143 miles of Wild and Scenic tributaries that feed the Rogue River with cold clean water. The protected tributaries would include Galice Creek, Little Windy Creek, Jenny Creek, Long Gulch—and 36 other tributaries of the Rogue.

By protecting the tributaries that feed this mighty river, I hope that future generations can enjoy the Rogue River as Oregonians and visitors to our State do today.

The third bill I am introducing is, S. 1272, the Devil's Staircase Wilderness Act of 2009, which designates approximately 29,650 acres surrounding the Wasson Creek area as Wilderness.

Devil's Staircase personifies what Wilderness in Oregon is all about. It is rugged, wild, pristine and remote. So rugged, in fact, that land managers have repeatedly withdrawn this landslide-prone forest from all timbering activity and intrepid hikers must follow elk and deer trails and keep a sharp eye on a compass. The proposed Devil's Staircase Wilderness is the finest old-growth forest remaining in Oregon's Coast Range, boasting huge Douglas fir, cedar and hemlock and a wealth of threatened and endangered species. Wildlife include threatened marbled murrelets and the highest density of Northern Spotted Owls in the coastal mountains.

My proposal would not only protect the forests surrounding Wasson Creek but would also designate approximately 4.5 miles of Franklin Creek and approximately 10.1 miles of Wasson Creek as Wild and Scenic Rivers. Franklin Creek, a critically important tributary to the Umpqua River, is one of the best examples of pristine salmon habitat left in Oregon. Together with Wasson Creek, these two streams in the Devil's Staircase area deserve Wild and Scenic River designation by Congress.

The ecological significance of this treasure is apparent. The land is protected as a Late-Successional Reserve by the Northwest Forest Plan, as critical habitat for the northern spotted owl, and as an Area of Critical Environmental Concern by the Bureau of Land Management. Preserving these majestic forests as Wilderness for their

wildlife and spectacular scenery matches the goals of the existing land management plans. I look forward to protecting this gem for future generations.

Finally, I want to express my thanks to the conservation, recreation and business communities of southern and coastal Oregon, and Phil Krouse for his strong conservation ethic. All of them have worked diligently to protect these special places. I look forward to working with Senator MERKLEY, Representative DEFAZIO, and my House colleagues and the bill's other supporters to keep up the fight for these unique places in Oregon and get these pieces of legislation to the President's desk for his signature.

By Mr. REED:

S. 1276. A bill to require investment advisers to private funds, including hedge funds, private equity funds, venture capital funds, and others to register with the Securities and Exchange Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Private Fund Transparency Act of 2009, which requires investment advisers to private funds, including hedge funds, private equity funds, venture capital funds, and others, to register with the Securities and Exchange Commission, SEC.

The current financial crisis has reinvigorated my long-held concern that the regulation of hedge funds and other pooled investment vehicles should be improved to provide more information to regulators to help them address fraud and prevent systemic risk in our capital markets.

Hedge funds and other private investment funds generally operate under exemptions in federal securities laws that recognize that not all investment pools require the same close scrutiny demanded of retail investment products like mutual funds. Hedge funds generally cater to more sophisticated investors who are responsible for ensuring the integrity of their own investments, and as a result are permitted to pursue somewhat riskier investment strategies. Indeed, these funds play an important role in enhancing liquidity and efficiency in the market, and subjecting them to fewer limitations on their activities has been and continues to be a reasonable policy choice.

However, the existing regulatory regime for these funds has enabled them to operate largely outside the framework of the financial regulatory system even as they have become increasingly interwoven with the rest of the country's financial markets. As a result, there is no data on the number and nature of these firms or ability to calculate the risks they pose to America's broader economy. Over the past decade the SEC has recognized there

are risks to our capital markets posed by some of these entities, and it has attempted to require at a minimum that advisers to these funds register under the Investment Advisers Act so that SEC staff can collect basic information from and examine these private pools of capital. The SEC's rulemaking in this area, however, was rejected by a federal court in 2006. As a result, without statutory changes, the SEC is currently unable to examine private funds' books and records or to take sufficient action when it suspects fraud. In addition, no regulator is currently able to collect information on the size and nature of hedge funds or other funds to identify and act on systemic risks that may be created by these pools of capital.

The bill I introduce today is crafted carefully to eliminate these regulatory gaps without unnecessarily limiting the beneficial aspects of such pools. It would require all hedge fund and other investment pool advisers that manage more than \$30 million in assets to register as investment advisers with the SEC. It would also provide the SEC with the authority to collect information from these entities, including information about the risks they may pose to the financial system. Finally, it authorizes the SEC to require hedge funds and other investment pools to maintain and share with other Federal agencies any information necessary for the calculation of systemic risk.

The financial crisis is a stark reminder that transparency and disclosure are essential in today's marketplace. Improving oversight of hedge funds and other private funds is vital to their sustainability and to our economy's stability. These statutory changes will help modernize our outdated financial regulatory system, protect investors, and prevent fraud. I hope my colleagues will join me in improving the oversight of hedge funds and other private pools of capital by cosponsoring this legislation and supporting its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1276

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Fund Transparency Act of 2009".

SEC. 2. DEFINITION OF FOREIGN PRIVATE ADVISERS.

Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by adding at the end the following:

"(29) The term 'foreign private adviser' means any investment adviser who—

"(A) has no place of business in the United States;

"(B) during the preceding 12 months has had—

"(i) fewer than 15 clients in the United States; and

"(ii) assets under management attributable to clients in the United States of less than \$25,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title; and

"(C) neither holds itself out generally to the public in the United States as an investment adviser, nor acts as an investment adviser to any investment company registered under the Investment Company Act of 1940, or a company which has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940, and has not withdrawn its election."

SEC. 3. ELIMINATION OF PRIVATE ADVISER EXEMPTION; LIMITED EXEMPTION FOR FOREIGN PRIVATE ADVISERS.

Section 203(b)(3) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)(3)) is amended to read as follows:

"(3) any investment adviser that is a foreign private adviser;"

SEC. 4. COLLECTION OF SYSTEMIC RISK DATA; ANNUAL AND OTHER REPORTS.

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) in subsection (a), by adding at the end the following: "The Commission is authorized to require any investment adviser registered under this title to maintain such records and submit such reports as are necessary or appropriate in the public interest for the supervision of systemic risk by any Federal department or agency, and to provide or make available to such department or agency those reports or records or the information contained therein. The records of any company that, but for section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940, would be an investment company, to which any such investment adviser provides investment advice, shall be deemed to be the records of the investment adviser if such company is sponsored by the investment adviser or any affiliated person of the investment adviser or the investment adviser or any affiliated person of the investment adviser acts as underwriter, distributor, placement agent, finder, or in a similar capacity for such company.";

(2) adding at the end the following:

"(d) CONFIDENTIALITY OF REPORTS.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any supervisory report or information contained therein required to be filed with the Commission under subsection (a). Nothing in this subsection shall authorize the Commission to withhold information from Congress or prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the report or information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552."

SEC. 5. ELIMINATION OF PROVISION.

Section 210 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-10) is amended by striking subsection (c).

SEC. 6. CLARIFICATION OF RULEMAKING AUTHORITY.

Section 211(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-11) is amended—

(1) by striking the second sentence; and

(2) by striking the period at the end of the first sentence and inserting the following: “, including rules and regulations defining technical, trade, and other terms used in this title. For the purposes of its rules and regulations, the Commission may—

“(1) classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters; and

“(2) ascribe different meanings to terms (including the term ‘client’) used in different sections of this title as the Commission determines necessary to effect the purposes of this title.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 185—SUPPORTING THE GOALS AND IDEALS OF NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH AND NATIONAL MEMORY SCREENING DAY, INCLUDING THE DEVELOPMENT OF A NATIONAL HEALTH POLICY ON DEMENTIA SCREENING AND CARE

Mr. WARNER submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 185

Whereas Alzheimer's disease is a slow, progressive disorder of the brain that results in loss of memory and other cognitive function and, eventually, death;

Whereas Alzheimer's disease is the sixth leading cause of death in the United States and currently affects an estimated 2,400,000 to 4,500,000 people in the United States;

Whereas the stigma associated with the disease results in a delay of diagnosis, in some cases up to 6 years;

Whereas Alzheimer's disease takes an enormous toll on family members, with an estimated 1 in 4 people in the United States acting as caregivers for each individual with the disease;

Whereas caregivers for individuals with Alzheimer's disease suffer more stress, depression, and health problems than caregivers of people with other illnesses;

Whereas recent advancements in scientific research have demonstrated the benefits of early medical treatment for individuals with Alzheimer's disease, as well as the benefits of early access to counseling and other support services for their caregivers;

Whereas with early diagnosis, individuals with the disease can avoid or correct contributing medical problems, commence available therapy, organize current and future care, and enhance self-determination, and caregivers can identify and embrace community support services;

Whereas in direct response to research breakthroughs, National Memory Screening Day was established by the Alzheimer's Foundation of America (“AFA”) as a collaborative effort with local organizations and health care professionals across the country to promote awareness, early detection, and early diagnosis of memory impairment, so that individuals can obtain proper medical treatment, social services, and other resources related to their condition;

Whereas National Memory Screening Day is held by AFA each November in recognition of National Alzheimer's Disease Awareness Month and on this day, qualified health

care professionals administer free, confidential, face-to-face memory screenings at thousands of sites throughout the United States;

Whereas memory screening is not used to diagnose any illness but is used as an indicator to determine whether a person might benefit from further examination by a qualified health care provider;

Whereas memory screenings are a safe and cost-effective intervention to direct at-risk individuals to appropriate clinical resources, thus reducing the costs of long-term care or hospitalization resulting from undiagnosed complications; and

Whereas screenings also greatly benefit those with normal scores, by checking their memory, allaying fears, and promoting chronic disease prevention and successful aging: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the seriousness of Alzheimer's disease and the toll it takes on individuals with the disease and their caregivers;

(2) acknowledges that more outreach and education is needed to eliminate the stigma associated with the disease and assist individuals and their caregivers in identifying available screenings, treatments and support;

(3) encourages all people in the United States with memory concerns or who want to check their memory to have annual memory screenings at National Memory Screening Day sites or by other qualified health care professionals;

(4) congratulates State and local organizations representing individuals with memory problems, caregivers, and health care professionals for their commitment to improve the quality of life of individuals and families confronting dementia by providing optimal care and services; and

(5) supports the goals and ideals of National Alzheimer's Disease Awareness Month and National Memory Screening Day, including the development of a national health policy on dementia screening and care.

Mr. WARNER. Mr. President, I rise today to introduce a resolution in support of the goals and ideals of National Alzheimer's Disease Awareness Month and National Memory Screening Day, including the development of a national health policy on dementia screening and care.

As co-chair of the bipartisan Congressional Task Force on Alzheimer's Disease, and as someone with a mother who has been diagnosed with disease, I strongly believe that our health care system needs to do a much better job of promoting early detection of dementia and other memory problems. Events such as National Memory Screening Day are a meaningful step in raising the awareness needed to move us in that direction.

The National Institute on Aging, NIA, estimates that between 2.4 million and 4.5 million Americans have Alzheimer's disease—a progressive degenerative disorder that attacks the brain's nerve cells, resulting in loss of memory, thinking and language skill, behavioral changes, and ultimately, death. Alzheimer's disease is not a normal part of aging; however, age is the greatest known risk factor with the incidence doubling for every, 5 year interval beyond age 65.

Alzheimer's disease exacts a huge toll on caregivers. Nearly 60 percent of individuals with the disease live at home under the care of family members. Caregivers of individuals with Alzheimer's disease face a variety of challenges and spend more time providing assistance than caregivers of people with other types of diseases, from helping loved ones with bathing and dressing to managing their legal and financial affairs.

Alzheimer's disease drains more than \$148 billion from the nation's economy each year. If the prevalence of Alzheimer's disease continues to increase as expected, the \$91 billion spent in 2005 on Medicare costs for care of individuals with Alzheimer's disease and dementia patients is projected to increase to \$189 billion by 2015.

There are serious deficiencies in our current healthcare system related to diagnosis of Alzheimer's disease and related dementias. A 2006 editorial in the *Journal of the American Geriatric Society* estimated that missed diagnoses represent greater than 25 percent of the dementia cases and may be as high as 90 percent. This precludes many from getting early treatment which most researchers agree leads to optimal therapy with available and emerging medications.

Screening is a simple and safe evaluation tool that assesses memory and other intellectual functions to determine whether additional testing is necessary. Memory screening can be done in a medical environment, e.g. dementia clinic, physician's office, or in a community setting, e.g. senior center, pharmacy. Such screenings are not a diagnosis, but can indicate whether a complete medical evaluation would be beneficial. Memory can be affected by a number of factors, ranging from stress, lack of sleep, vitamin deficiencies, depression and thyroid problems, to such illnesses as Alzheimer's disease and vascular dementia. In general, the earlier the diagnosis, the easier it is to treat these conditions.

Memory screenings are one of the major focal points of the Alzheimer's Foundation of America's, AFA, national initiatives. Since 2003, AFA has sponsored National Memory Screening Day, NMSD, annually in collaboration with community organizations to promote early detection of memory problems as well as Alzheimer's disease and related illnesses, and encourage appropriate intervention. It has been held each November to coincide with National Alzheimer's Disease Awareness Month. On November 18, 2008, qualified health care professionals at nearly 2,200 sites nationwide offered free confidential memory screenings to an estimated 54,000 participants, as well as follow-up resources and educational materials about dementia and successful aging. In 2009, AFA will hold National Memory Screening Day on November 17.

Most people are not inclined to discuss memory concerns with their health care providers. A survey conducted during AFA's 2007 National Memory Screening Day found that 68 percent of respondents had concerns about their memory. However, while more than 44 percent had visited their primary care physician within the last 6 months, fewer than one in four of those with self-identified memory problems had discussed the issue with their physician. Primary care providers might be more likely to recommend further evaluation if individuals presented their abnormal memory screening results from events like National Memory Screening Day. Community screenings such as National Memory Screening Day generally educate participants about questions to ask their health care providers and empower them to begin a dialogue.

With this resolution I hope we can draw attention to these efforts and further this important cause. I urge my colleagues to join me in support of National Alzheimer's Disease Awareness Month and National Memory Screening Day by cosponsoring this measure.

SENATE RESOLUTION 186—CONDEMNING THE MURDER OF ARMY PRIVATE WILLIAM ANDREW "ANDY" LONG AND THE WOUNDING OF ARMY PRIVATE QUINTON EZEAGWULA, WHO WERE SHOT OUTSIDE THE ARMY-NAVY CAREER CENTER IN LITTLE ROCK, ARKANSAS ON JUNE 1, 2009

Mrs. LINCOLN (for herself, Mr. PRYOR, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 186

Whereas on June 1, 2009, Private William Andrew "Andy" Long, aged 23, of Conway, Arkansas, was murdered outside the Army-Navy Career Center in Little Rock, Arkansas;

Whereas on June 1, 2009, Private Quinton Ezeagwula, aged 18, of Jacksonville, Arkansas, was wounded by gunfire outside the Army-Navy Career Center in Little Rock, Arkansas;

Whereas there are more than 1,400,000 active component and more than 1,200,000 reserve component members of the Armed Forces protecting the United States;

Whereas there are more than 8,000 Army and Army Reserve recruiters and more than 7,000 Navy recruiters serving at more than 1,500 military recruiting stations and centers in United States, Guam, Puerto Rico, and Europe;

Whereas the men and women of the Armed Forces risk their lives every day to preserve the freedoms cherished by people in the United States;

Whereas service in the Armed Forces demands extraordinary sacrifices from service members and their families and often places service members in harm's way;

Whereas members of the Armed Forces are the targets of violence not only abroad but in the United States as well; and

Whereas such violence is reprehensible and must not be tolerated: Now, therefore, be it Resolved, That the Senate—

(1) offers its condolences to the family of Private William Andrew "Andy" Long;

(2) hopes for a full recovery for Private Quinton Ezeagwula;

(3) urges swift prosecution to the fullest extent of the law of the perpetrator or perpetrators of this senseless shooting;

(4) urges the people of the United States to join the Senate in condemning acts of violence; and

(5) honors the service and sacrifice of all men and women in the Armed Services who protect and defend our freedom every day.

SENATE CONCURRENT RESOLUTION 28—SUPPORTING THE GOALS OF SMART IRRIGATION MONTH, WHICH RECOGNIZES THE ADVANCES IN IRRIGATION TECHNOLOGY AND PRACTICES THAT HELP RAISE HEALTHY PLANTS AND INCREASE CROP YIELDS WHILE USING WATER RESOURCES MORE EFFICIENTLY AND ENCOURAGES THE ADOPTION OF SMART IRRIGATION PRACTICES THROUGHOUT THE UNITED STATES TO FURTHER IMPROVE WATER-USE EFFICIENCY IN AGRICULTURAL, RESIDENTIAL, AND COMMERCIAL ACTIVITIES

Mr. NELSON of Nebraska (for himself and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 28

Whereas water is a finite resource that is vital to human life;

Whereas growing populations and changing climate mean increased pressure on limited water supplies;

Whereas well-maintained green spaces are important to the health and well-being of communities and individuals;

Whereas abundant supplies of affordable food and fiber raise the standard of living for all people of the United States;

Whereas appropriate irrigation technology, combined with best practices, can significantly improve water-use efficiency and reduce runoff while achieving greater agricultural yields per acre-foot of water used;

Whereas appropriate irrigation technology, combined with best practices, can significantly reduce water usage and runoff while creating healthy lawns, landscaping, and sports turf; and

Whereas because July is a peak month for the use of water for irrigation, July has been selected as Smart Irrigation Month: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals of Smart Irrigation Month, which are—

(1) to recognize the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water resources more efficiently; and

(2) to encourage the adoption of smart irrigation practices throughout the United States to further improve water-use efficiency in agricultural, residential, and commercial activities.

SENATE CONCURRENT RESOLUTION 29—EXPRESSING THE SENSE OF THE CONGRESS THAT JOHN ARTHUR "JACK" JOHNSON SHOULD RECEIVE A POSTHUMOUS PARDON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HISTORIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION

Mr. MCCAIN (for himself, Mr. LEAHY, and Mr. BROWNBAC) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 29

Whereas John Arthur "Jack" Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting white and African American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 white champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning white titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African American to hold the title of Heavyweight Champion of the World;

Whereas, the victory by Jack Johnson over Tommy Burns prompted a search for a white boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the "great white hope";

Whereas, in 1910, a white former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the "Battle of the Century";

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African Americans, and the racially-motivated murder of African Americans nationwide;

Whereas the relationships of Jack Johnson with white women compounded the resentment felt toward him by many whites;

Whereas, between 1901 and 1910, 754 African Americans were lynched, some for simply for being "too familiar" with white women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the "White Slave Traffic Act" or the "Mann Act") (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce "for the purpose of prostitution or debauchery, or for any other immoral purpose";

Whereas, in October 1912, Jack Johnson became involved with a white woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an "immoral purpose" in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman

refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas, Federal authorities persisted and summoned a white woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of "prostitution and debauchery";

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1303. Ms. LANDRIEU (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.; which was ordered to lie on the table.

SA 1304. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1305. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1306. Mr. CORKER (for himself, Mr. NELSON, of Florida, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1307. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1308. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1309. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1310. Mr. LIEBERMAN submitted an amendment intended to be proposed by him

to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1311. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1312. Mr. SANDERS (for himself, Mrs. GILLIBRAND, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1313. Mr. ALEXANDER (for himself, Mr. BENNETT, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. ROBERTS, Mr. KYL, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1314. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1315. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1316. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1317. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1318. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1319. Mr. VOINOVICH (for himself, Ms. KLOBUCHAR, Mr. TESTER, Ms. COLLINS, Mr. BINGAMAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1320. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1303. Ms. LANDRIEU (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 26, between lines 16 and 17, insert the following:

"(b) REPORT ON TOURISM AND RURAL COMMUNITIES.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Travel and Tourism Industries, in consultation with the Administrator of the Small Business Administration and the Secretary of Agriculture, shall report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Agriculture of the House of Representatives, and the Committee on Small Business of the House of Representatives on developing the tourism potential of rural communities.

"(2) CONTENT OF THE REPORT.—The report required by paragraph (1) shall—

"(A) identify existing Federal programs that provide assistance to rural small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas;

"(B) identify existing Federal programs that assist rural small business concerns in obtaining capital for starting or expanding businesses primarily serving tourists; and

"(C) include recommendations, if any, for improving existing programs or creating new Federal programs that may benefit tourism in rural communities.

SA 1304. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . ENERGY MARKET MANIPULATION PREVENTION.

(a) FINDINGS.—Congress finds that—

(1) in 1974, the Commodity Futures Trading Commission (referred to in this Act as the "Commission") was established as an independent agency with a mandate—

(A) to enforce and administer the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) to ensure market integrity;

(C) to protect market users from fraud and abusive trading practices; and

(D) to prevent and prosecute manipulation of the price of any covered commodity in interstate commerce;

(2) Congress has given the Commission authority under the Commodity Exchange Act (7 U.S.C. 1 et seq.) to take necessary actions to address market emergencies;

(3) the Commission may use the emergency authority of the Commission with respect to any major market disturbance that prevents the market from accurately reflecting the forces of supply and demand for a covered commodity;

(4) in section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)), Congress has declared that excessive speculation imposes an undue and unnecessary burden on interstate commerce;

(5) in May 2009, crude oil inventories in the United States were at the highest level of crude oil inventories on record;

(6) in May 2009, demand for oil in the United States dropped to the lowest level of demand in more than a decade;

(7) the national average price of a gallon of gasoline has jumped from \$1.64 per gallon in late December of 2008 to over \$2.61 per gallon as of June 8, 2009;

(8) crude oil prices have increased by over 70 percent since the middle of January 2009; and

(9) in May 2009, the International Energy Agency predicted that global demand for oil will decrease in 2009 to the lowest level of demand since 1981.

(b) DUTIES OF COMMISSION.—The Commission shall use the authority of the Commission, including the emergency authority of the Commission—

(1) to curb immediately the role of excessive speculation in any contract market—

(A) that is within the jurisdiction and control of the Commission; and

(B) on or through which energy futures or swaps are traded;

(2) to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that causes major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities;

(3) to classify immediately each bank holding company that engages in energy futures trading as a noncommercial participant, and subject the bank holding company to strict position limits;

(4) to require immediately that each hedge fund engaged in the trading of energy futures for the hedge fund, or on behalf of a client of the hedge fund—

(A) to register with the Commission as a noncommercial participant; and

(B) to be subject to strict speculation limits;

(5) to eliminate conflicts of interest that may arise in situations during which 1 entity owns or controls a unit that is—

(A) designed to predict the future price of oil;

(B) engaged in the operations of oil assets, including pipelines and storage facilities; and

(C) engaged in the buying or selling of energy derivatives for the unit, or on behalf of a client of the unit; and

(6) to revoke immediately each staff no-action letter that covers a foreign board of trade that has established trading terminals in the United States for the purpose of trading United States commodities to United States investors.

SA 1305. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ CONGRESSIONAL APPROVAL OF CERTAIN TARP EXPENDITURES.

Notwithstanding any other provision of law, including any provision of the Emergency Economic Stabilization Act of 2008, on and after May 29, 2009, no funds may be disbursed or otherwise obligated under that Act to any entity, if such disbursement would result in the Federal Government acquiring any ownership of the common or preferred stock of the entity receiving such funds, unless the Congress first approves of such disbursement or obligation.

SA 1306. Mr. CORKER (for himself, Mr. NELSON of Florida, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agen-

cy, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer's or distributor's proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer's distributor for—

(1) the cost incurred by such dealers during the 9-month period preceding the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer's distributor is commenced, in acquisition of all parts and inventory in the dealer's possession on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer's distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer's distributor arising during that 9-month period, including, without limitation, franchise agreement or dealer agreements.

(b) INCLUSION IN TERMS.—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer's distributor and the Government (or any agency, department, or subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer's distributor to obtain credit under section 364 of title 11, United States Code, unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) EFFECTIVENESS OF REJECTION.—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer's distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

SA 1307. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. EXTENSION OF PILOT PROGRAMS FOR EMPLOYMENT ELIGIBILITY CONFIRMATION FOR ALIENS.

Subsection (b) of section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking "11-year" and inserting "17-year".

SA 1308. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. EMPLOYMENT ELIGIBILITY CONFIRMATION FOR ALIENS.

(a) SHORT TITLE.—This section may be cited as the "Protecting American Workers Act of 2009".

(b) PILOT PROGRAMS FOR EMPLOYMENT ELIGIBILITY CONFIRMATION.—Subsection (b) of section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking "Unless" and all that follows.

(c) RESTRICTION ON USE OF FUNDS.—None of the funds made available in the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343; 122 Stat. 3765) or the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) may be used to enter into a contract with a person that does not participate in the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(d) REQUIRED PARTICIPATION BY UNITED STATES CONTRACTORS.—The head of each agency or department of the United States that enters into a contract shall require, as a condition of the contract, that the contractor participate in the pilot program described in 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-209; 8 U.S.C. 1324a note) to verify the employment eligibility of—

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

(2) all individuals assigned by the contractor to perform work within the United States under such contract.

(e) REDESIGNATION OF BASIC PILOT PROGRAM.—

(1) REDESIGNATION.—

(A) IN GENERAL.—Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are amended by striking "basic pilot program" each place that term appears and inserting "E-Verify Program".

(B) TECHNICAL AMENDMENT.—Subsection (a) of section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended in the heading by striking "BASIC PILOT" and inserting "E-VERIFY".

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 404(h) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking "under a pilot program" and inserting "under this subtitle".

(f) CHECKING THE IMMIGRATION STATUS OF EMPLOYEES.—Subparagraph (A) of section 403(a)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended—

(1) by striking "The person" and inserting the following:

"(i) UPON HIRING.—The person"; and

(2) by adding at the end the following:

"(ii) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of Homeland Security of such election.

"(iii) REQUIRED PARTICIPATION.—The Secretary of Homeland Security may require

any employer or class of employers to participate in the E-Verify Program with respect to individuals employed as of, or hired after, the date of the enactment of the Protecting American Workers Act of 2009 if the Secretary has reasonable cause to believe that the employer has engaged in material violations of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)."

(g) REVERIFICATION.—Subsection (a) of section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-08; 8 U.S.C. 1324a note) is amended by adding at the end the following:

"(5) REVERIFICATION.—Each employer participating in the E-Verify Program shall use the confirmation system to reverify the work authorization of any individual not later than 3 days after the date on which such individual's employment authorization is scheduled to expire, as indicated by the documents that the individual provided to the employer pursuant to section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), in accordance with the procedures otherwise applicable to the verification of a newly hired employee under this subsection."

SA 1309. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 19, strike line 13 and all that follows through page 25, line 10, and insert the following:

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

"(B) FEES.—

"(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

"(I) \$10 per travel authorization; and

"(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

"(ii) DISPOSITION OF AMOUNTS COLLECTED.—From the amounts collected under clause (i)(I), \$100,000,000 shall be credited to the Travel Promotion Fund established under section 4 of the Travel Promotion Act of 2009, and any additional amounts shall be used by the Secretary for travel security programs authorized under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including the Electronic System for Travel Authorization (ESTA) and the United States Visitor and Immigrant Status Indicator Technology (US-VISIT). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

"(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014."

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C.

1187(h)(3)) is amended by adding at the end the following:

"(E) STRATEGIC PLAN.—

"(i) SUBMISSION.—Not later than 180 days after the date of the enactment of the Travel Promotion Act of 2009, the Secretary of Homeland Security shall prepare and submit a strategic plan to the recipients listed under clause (ii) that describes how the full implementation of the System will ensure that all individuals traveling by airplane to the United States from a program country have their travel authorization verified before boarding the airplane.

"(ii) RECIPIENTS.—The strategic plan prepared under clause (i) shall be submitted to—

"(I) the Committee on Appropriations of the Senate;

"(II) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(III) the Committee on the Judiciary of the Senate

"(IV) the Committee on Appropriations of the House of Representatives;

"(V) the Committee on Homeland Security of the House of Representatives;

"(VI) the Committee on the Judiciary of the House of Representatives; and

"(VII) the Comptroller General of the United States.

"(iii) MILESTONES.—The strategic plan prepared under clause (i) shall include a detailed timeline that describes the specific actions that will be taken to achieve the following milestones:

"(I) Enrollment of all travelers from program countries into the System.

"(II) Incorporation of the airlines into the System.

"(III) Deployment of the technology of the System in all airports located in program countries, either through the use of stand-alone kiosks or through the participation of the airlines.

"(IV) Verification of travel authorizations of all aliens described in subsection (a) before they board an airplane bound for the United States.

"(V) Administration of the System solely with fees collected under subparagraph (B)(i)(II).

"(iv) COMMUNICATIONS STRATEGY.—The strategic plan prepared under clause (i) shall include—

"(I) an analysis of the System's communications strategy; and

"(II) recommendation for improving the communications strategy to ensure that all travelers to the United States from program countries are informed of the requirements under this section."

(2) GAO REVIEW.—Not later than 90 days after receiving a copy of the strategic plan under section 217(h)(3)(E) of the Immigration and Nationality Act, as added by paragraph (1), the Comptroller General shall complete a review of the plan to determine whether the plan addresses the main security risks associated with the Electronic System for Travel Authorization in an efficient, cost effective, and timely manner.

(c) FUNDING LIMITATION.—None of the amounts made available to the Secretary of Homeland Security under section 217(h)(3)(B)(i)(II) of the Immigration and Nationality Act, as added by subsection (a), to carry out the Electronic System for Travel Authorization authorized under section 217(h)(3) of such Act may be expended until the Secretary submits the strategic plan required by section 217(h)(3)(E) of such Act.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may

impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

"SEC. 202. OFFICE OF TRAVEL PROMOTION.

"(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

"(b) DIRECTOR.—

"(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

"(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

"(3) DUTIES.—The Director shall—

“(A) report to the Secretary;

“(B) ensure that the Office is effectively carrying out its functions; and

“(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation’s ports of entry and the processes through which individuals are admitted into the United States.

“(c) **FUNCTIONS.**—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) **REPORTS TO CONGRESS.**—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office’s work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).”.

SA 1310. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 20, strike line 3 and all that follows through page 25, line 10, and insert the following:

“(ii) **DISPOSITION OF AMOUNTS COLLECTED.**—From the amounts collected under clause (i)(I), \$100,000,000 shall be credited to the

Travel Promotion Fund established under section 4 of the Travel Promotion Act of 2009, and any additional amounts shall be used by the Secretary for travel security programs authorized under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including the Electronic System for Travel Authorization (ESTA) and the United States Visitor and Immigrant Status Indicator Technology (US-VISIT). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) **SUNSET OF TRAVEL PROMOTION FUND FEE.**—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”.

SEC. 6. ASSESSMENT AUTHORITY.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) **REFERENDA.**—

(1) **IN GENERAL.**—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) **PROCEDURAL REQUIREMENTS.**—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity’s relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) **COLLECTION.**—

(1) **IN GENERAL.**—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) **ENFORCEMENT.**—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) **INVESTMENT OF FUNDS.**—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obliga-

tions fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

“SEC. 202. OFFICE OF TRAVEL PROMOTION.

“(a) **OFFICE ESTABLISHED.**—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) **DIRECTOR.**—

“(1) **APPOINTMENT.**—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) **QUALIFICATIONS.**—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) **DUTIES.**—The Director shall—

“(A) report to the Secretary;

“(B) ensure that the Office is effectively carrying out its functions; and

“(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation’s ports of entry and the processes through which individuals are admitted into the United States.

“(c) **FUNCTIONS.**—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) **REPORTS TO CONGRESS.**—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs

of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).".

SA 1311. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 10, between lines 10 and 11, insert the following:

(4) REVIEW OF INFORMATION.—

(A) SUBMISSION.—The Corporation shall submit all information relating to United States Government travel and visa requirements proposed to be disseminated to foreign travelers under paragraphs (1)(A) and (3) to the Secretary of State and Secretary of Homeland Security for review in order to ensure that the travel promotion campaigns funded through the Travel Promotion Fund are factually accurate.

(B) REVIEW AND FEEDBACK.—Not later than 10 business days after receiving information from the Corporation under subparagraph (A), the Secretary of State and the Secretary of Homeland Security shall each—

(i) complete a review of the factual content of the information submitted by the Corporation under subparagraph (A); and

(ii) correct any factual errors discovered in such information.

(C) LIMITATION.—The Secretary of State and the Secretary of Homeland Security shall limit their review under this paragraph to the factual content of the information that the Corporation is proposing to disseminate.

(D) CHANGES.—The Corporation shall make all reasonable changes to the factual content of the information it proposes to disseminate to foreign travelers based on the feedback received from the Secretary of State and the Secretary of Homeland Security to ensure that such information is accurate.

(E) EFFECT OF FAILURE TO RESPOND.—If the Corporation does not receive a response from the Secretary of State or the Secretary of Homeland Security within 10 business days after the receipt of the information submitted under subparagraph (A), the factual content of the proposed information campaign shall be deemed to have been authorized by the Secretary of State and the Secretary of Homeland Security.

SA 1312. Mr. SANDERS (for himself, Mrs. GILLIBRAND, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 20, and all that follows through page 3, line 7, and insert the following:

(1) IN GENERAL.—The Corporation shall have a board of directors of 12 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce

(after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(A) I shall have appropriate expertise and experience in the agritourism sector;

SA 1313. Mr. ALEXANDER (for himself, Mr. BENNETT, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. ROBERTS, Mr. KYL, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.

(a) SHORT TITLE.—This section may be cited as the "Auto Stock for Every Taxpayer Act".

(b) PROHIBITION ON FURTHER TARP FUNDS.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(c) FIDUCIARY DUTY TO SHAREHOLDERS.—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile manufacturer pursuant to assistance provided under the Emergency Economic Stabilization Act of 2008, shall have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(d) REQUIRED ISSUANCE OF COMMON STOCK TO ELIGIBLE TAXPAYERS.—Not later than 1 year after the emergence of any designated automobile manufacturer from bankruptcy protection described in subsection (f)(1)(B), the Secretary shall direct the designated automobile manufacturer to issue through the Secretary a certificate of common stock to each eligible taxpayer, which shall represent such taxpayer's per capita share of the aggregate common stock holdings of the United States Government in the designated automobile manufacturer on such date.

(e) CIVIL ACTIONS AUTHORIZED.—A person who is aggrieved of a violation of the fiduciary duty established under subsection (c) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(f) DEFINITIONS.—As used in this section—

(1) the term "designated automobile manufacturer" means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008

(Public Law 110-343), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term "eligible taxpayer" means any individual taxpayer who filed a Federal taxable return for taxable year 2008 (including any joint return) not later than the due date for such return (including any extension);

(3) the term "Secretary" means the Secretary of the Treasury or the designee of the Secretary; and

(4) the terms "director", "issuer", "securities", and "securities laws" have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1314. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE I—COMMISSIONS ON WARTIME TREATMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Wartime Treatment Study Act".

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families, requiring them to carry Certificates of Identification and limiting their travel and personal property rights. At that time, these groups were the two largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, thousands of European Latin Americans, including German and Austrian Jews, were arrested, relocated to the United States, and interned. Many were later repatriated or deported to European Axis nations during World War II and exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the Armed Forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the German American and Italian American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930s and 1940s, the quota system, immigration regulations, visa requirements, and the time required to process

visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 103. DEFINITIONS.

In this title:

(1) **DURING WORLD WAR II.**—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) **EUROPEAN AMERICANS.**—

(A) **IN GENERAL.**—The term "European Americans" refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) **GERMAN AMERICANS.**—The term "German Americans" refers to United States citizens and resident aliens of German ancestry.

(C) **ITALIAN AMERICANS.**—The term "Italian Americans" refers to United States citizens and resident aliens of Italian ancestry.

(3) **EUROPEAN LATIN AMERICANS.**—The term "European Latin Americans" refers to persons of European ancestry, including German or Italian ancestry, residing in a Latin American nation during World War II.

(4) **LATIN AMERICAN NATION.**—The term "Latin American nation" refers to any nation in Central America, South America, or the Caribbean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. 111. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) **IN GENERAL.**—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the "European American Commission").

(b) **MEMBERSHIP.**—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) **TERMS.**—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) **REPRESENTATION.**—The European American Commission shall include 2 members

representing the interests of Italian Americans and two members representing the interests of German Americans.

(e) **MEETINGS.**—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) **QUORUM.**—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) **CHAIRMAN.**—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) **COMPENSATION.**—

(1) **IN GENERAL.**—Members of the European American Commission shall serve without pay.

(2) **REIMBURSEMENT OF EXPENSES.**—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 112. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) **IN GENERAL.**—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) **SCOPE OF REVIEW.**—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to United States laws and directives, including the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to these and other pertinent laws, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludes and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall also include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as "World War II detention facilities");

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin

Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(2) An assessment of the underlying rationale of the decision of the United States Government to develop the programs and policies described in paragraph (1), the information the United States Government received or acquired suggesting these programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(3) A brief review of the participation by European Americans in the United States Armed Forces, including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including public education programs and the creation of a comprehensive online database by the National Archives and Records Administration of documents related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) **FIELD HEARINGS.**—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) **REPORT.**—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 111(e).

SEC. 113. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) **IN GENERAL.**—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) **GOVERNMENT INFORMATION AND COOPERATION.**—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106-451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 114. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$600,000 to carry out this subtitle.

SEC. 116. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. 121. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the “Jewish Refugee Commission”).

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include two members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commis-

sion not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 122. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government’s refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission’s review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government’s decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government’s decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 121(e).

SEC. 123. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instru-

mentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law. For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the “Privacy Act of 1974”), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 124. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$600,000 to carry out this subtitle.

SEC. 126. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

Subtitle C—Funding Source

SEC. 131. FUNDING SOURCE.

Of the funds made available for the Department of Justice by the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), \$1,200,000 is hereby rescinded.

SA 1315. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and

scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 26, after line 20, add the following:
SEC. 9. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) **SHORT TITLE.**—This section may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(b) **DEFINITIONS.**—In this section:

(1) **COVERED RECORD.**—The term “covered record” means any record—

(A) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) **PHOTOGRAPH.**—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) **CERTIFICATION.**—

(1) **IN GENERAL.**—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall submit a certification to the President, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) **CERTIFICATION EXPIRATION.**—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) **CERTIFICATION RENEWAL.**—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) **NOTICE TO CONGRESS.**—A timely notice of the Secretary’s certification shall be submitted to Congress.

(d) **NONDISCLOSURE OF DETAINEE RECORDS.**—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) **EFFECTIVE DATE.**—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

SA 1316. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF AUTHORITY TO EXTEND THE TROUBLED ASSET RELIEF PROGRAM.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended—

(1) by striking subsection (b); and

(2) by striking “(a) TERMINATION.—”.

SA 1317. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. TERMINATION OF TARP.

Section 120(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230(b)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(2) by inserting before the first period the following: “, unless there is enacted by Congress, not later than 15 days after the date of receipt of such certification, a joint resolution of disapproval, as described in paragraph (2)”; and

(3) by adding at the end the following:

“(2) **JOINT RESOLUTION.**—For purposes of this subsection, the term ‘joint resolution’ means only a joint resolution—

“(A) that is introduced not later than 3 calendar days after the date on which the certification of the Secretary referred to in paragraph (1) is received by Congress;

“(B) which does not have a preamble;

“(C) the title of which is as follows: ‘Joint resolution relating to the disapproval of the extension of authority under the Emergency Economic Stabilization Act of 2008’; and

“(D) the matter after the resolving clause of which is as follows: ‘That Congress disapproves of the extension of the authorities described in section 120(a) of the Emergency Economic Stabilization Act of 2008.’”

“(3) **FAST TRACK.**—The provisions of subsections (d) through (f) of section 115 shall apply to a resolution of disapproval for purposes of this subsection.”.

SA 1318. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . TERMINATION OF TARP.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended—

(1) by striking subsection (b); and

(2) by striking “(a) TERMINATION.—”.

SA 1319. Mr. VOINOVICH (for himself, Ms. KLOBUCHAR, Mr. TESTER, Ms. COLLINS, Mr. BINGAMAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United

States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. PASSPORT CARD TRAVEL ENHANCEMENT.

(a) **PASSPORT CARD DEFINED.**—In this section, the term “passport card” means the document—

(1) known as a passport card that is issued to a national of the United States on the same basis as a regular passport; and

(2) that the Secretary of State began issuing during 2008.

(b) **PASSPORT CARDS FOR AIR TRAVEL.**—

(1) **REQUIREMENT TO ACCEPT PASSPORT CARDS FOR AIR TRAVEL.**—Notwithstanding any regulation issued by the Secretary of Homeland Security or the Secretary of State, the Secretary of Homeland Security and the Secretary of State shall permit a passport card issued to a national of the United States to serve as proof of identity and citizenship of such national if such national is departing from or entering the United States through an air port of entry for travel that terminates or originates in—

(A) Bermuda;

(B) Canada;

(C) a foreign country located in the Caribbean; or

(D) Mexico.

(2) **FEES FOR PASSPORT CARDS.**—Neither the Secretary of State or the Secretary of Homeland Security may increase, or propose an increase to, the fee for issuance of a passport card as a result of the requirements of paragraph (1).

(3) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland shall issue final regulations to implement this section.

SA 1320. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 3, strike lines 12 through 14 and insert the following:

(C) 1 shall have appropriate expertise and experience—

(i) with small business concerns (as that term is used in section 3 of the Small Business Act (15 U.S.C. 632)) or associations that represent small business concerns; and

(ii) in the retail sector or in associations representing that sector;

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 14, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 796, Hardrock

Mining and Reclamation Act of 2009 and S. 140, Abandoned Mine Reclamation Act of 2009.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Patty Beneke at (202) 224-5451 or Gina Weinstock at (202) 224-5684.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests. The hearing will be held on Wednesday, June 17, 2009, at 1:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 409, to secure Federal ownership and management of significant natural, scenic, and recreational resources; S. 782, to provide for the establishment of the National Volcano Early Warning and Monitoring System; S. 874, to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico; S. 1139, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon; and S. 1140, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Anna_fox@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Anna Fox at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate on June 16, 2009, at 9:30 a.m., to conduct a hearing entitled "Greener Communities, Greater Opportunities: New Ideas for Sustainable Development and Economic Growth."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, from 10:15-11 a.m. in room SD-366 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Climate Change Legislation: Tax Considerations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, June 16, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate on Tuesday, June 16, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Cell Phone Text Messaging Rate Increases and the State of Competition in the Wireless Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, June 16, 2009 at 10 a.m. to conduct a hearing entitled, "Protecting Our Employees: Pandemic Influenza Preparedness and the Federal Workforce."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 16, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, June 16, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that Jonathan Kolikant and Matthew Long of Senator BINGAMAN's office be granted the privilege of the floor for the pendency of the Travel Promotion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING THE MURDER OF PRIVATE WILLIAM ANDREW "ANDY" LONG AND THE WOUNDING OF PRIVATE QUINTON EZEAGWULA

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 186 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 186) condemning the murder of Army Private William Andrew "Andy" Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army-Navy Career Center in Little Rock, Arkansas on June 1, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. LINCOLN. Madam President, I rise today to pay tribute to a young man, Army PVT William Andrew Long, of Conway, AR. Last week, he was laid to rest at the Arkansas Veterans Cemetery in North Little Rock. He was buried with full military honors and was awarded the Army Commendation Medal and the Army Good Conduct Medal.

Private Long was a loving son, brother, and friend whose life was tragically cut short on June 1 in a senseless attack outside of an Army-Navy Career Center in Little Rock, AR. PVT Quinton Ezeagwula was also injured in the attack. Our thoughts and prayers are with him, and we hope he makes a very speedy recovery.

Private Long had recently finished Army training and was set to deploy to South Korea. He had been appointed to the Army's Hometown Recruiter Assistance Program in Little Rock and was at the Army recruiting office on that fateful day because he had volunteered to tell others about his experience in the U.S. military.

Known to his friends and family as Andy, Private Long will always be remembered by all of us and all of them for his boundless energy, his keen intelligence, his infectious smile, and his great sense of humor. His country and all Arkansans will remember him as a hero with the courage to serve his Nation during a time of war. He will also be remembered as a young man whose life was ended way too soon.

Private Long hailed from a fiercely patriotic family, with four generations of uniformed service to the United States. Andy's great grandfather and grandfather served. Both of his parents served, and his brother, PFC Triston Long, continues to serve today and will be deployed to Iraq later this summer. On behalf of my colleagues in the Senate and the people of Arkansas, I wish to take this moment to thank the Long family for their extraordinary dedication and service to our Nation.

On that tragic day, Andy was targeted in what I view as an act of terrorism because of the uniform he wore—a uniform that stands as a symbol of this great country.

Ours is a nation where we resolve our differences through debate and democratic elections, not through violence. This is a country where freedom is cherished and liberty is recognized as an inalienable right for all people.

Terrorism has absolutely no place in this country, and as elected representatives of the people, it is our duty to ensure we are doing everything we can to combat terrorism, bring justice to its perpetrators, and protect our communities and our families. That is why I stand here today to put forth a resolution condemning the murder of Private Long and condemning the use of violence to achieve political ends. Additionally, I call for the swift prosecution, to the fullest extent of the law, of the perpetrators of this senseless shooting.

The men and women of the U.S. Armed Forces risk their lives every day, both overseas and here on our own soil in the United States. Let it be known that their resolve will not and cannot be shattered. The ideals represented by the uniform worn by Andy Long, his parents, and the generations of brave American men and women before them, still serve to represent liberty and justice for all, and no act of terrorism can diminish that. It can only strengthen our resolve and reaffirm our commitment to America's most basic ideals and values.

Our country owes a great debt to Private Long for his service, as well as to the brave men and women in the Armed Forces who protect and defend the freedoms we cherish as Americans each and every day. Our thoughts and prayers go out to Private Long's family and to all of those who knew and loved him. We are a grateful nation for incredible individuals like Private Andy Long.

Mr. President, I yield the floor.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 186

Whereas on June 1, 2009, Private William Andrew "Andy" Long, aged 23, of Conway, Arkansas, was murdered outside the Army-Navy Career Center in Little Rock, Arkansas;

Whereas on June 1, 2009, Private Quinton Ezeagwula, aged 18, of Jacksonville, Arkansas, was wounded by gunfire outside the Army-Navy Career Center in Little Rock, Arkansas;

Whereas there are more than 1,400,000 active component and more than 1,200,000 reserve component members of the Armed Forces protecting the United States;

Whereas there are more than 8,000 Army and Army Reserve recruiters and more than 7,000 Navy recruiters serving at more than 1,500 military recruiting stations and centers in United States, Guam, Puerto Rico, and Europe;

Whereas the men and women of the Armed Forces risk their lives every day to preserve the freedoms cherished by people in the United States;

Whereas service in the Armed Forces demands extraordinary sacrifices from service members and their families and often places service members in harm's way;

Whereas members of the Armed Forces are the targets of violence not only abroad but in the United States as well; and

Whereas such violence is reprehensible and must not be tolerated: Now, therefore, be it Resolved, That the Senate—

(1) offers its condolences to the family of Private William Andrew "Andy" Long;

(2) hopes for a full recovery for Private Quinton Ezeagwula;

(3) urges swift prosecution to the fullest extent of the law of the perpetrator or perpetrators of this senseless shooting;

(4) urges the people of the United States to join the Senate in condemning acts of violence; and

(5) honors the service and sacrifice of all men and women in the Armed Services who protect and defend our freedom every day.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111-3

Mr. REID. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 16, 2009, by the President of the United States:

Protocol Amending the Tax Convention with New Zealand, Treaty Document 111-3.

I further ask that the treaty be considered as having been read the first time; it be referred, with accompanying papers, to the Committee on

Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol Amending the Convention between the United States of America and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed on December 1, 2008, at Washington (the "proposed Protocol"). I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Protocol.

The proposed Protocol provides for the elimination of withholding taxes on certain cross-border direct dividend payments and on cross-border interest payments to certain financial enterprises. The proposed Protocol reduces the existing Convention's 10-percent limit on withholding taxes on cross-border payments of royalties to 5 percent.

The proposed Protocol contains a comprehensive provision designed to prevent "treaty shopping," which is the inappropriate use of a tax treaty by third-country residents. The proposed Protocol also provides for the exchange of information between tax authorities of the two countries to facilitate the administration of each country's tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and give its advice and consent to ratification.

BARACK OBAMA.
THE WHITE HOUSE, June 16, 2009.

ORDERS FOR WEDNESDAY, JUNE 17, 2009

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow, Wednesday, June 17, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for

their use later in the day, and there be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half, with Senators permitted to speak for up to 10 minutes each.

Further, I ask that following morning business, the Senate resume consideration of the motion to proceed to S. 1023, the Travel Promotion Act of 2009, and that the time during any adjournment or period of morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. If we are required to use the full 30 hours of postcloture debate time, the Senate would proceed to the bill at approximately 6:15 tomorrow evening. As I have stated previously, we expect to turn to the consideration of the supplemental conference report when it becomes available.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

Thereupon, the Senate, at 6:02 p.m., adjourned until Wednesday, June 17, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

NICOLE A. AVANT, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

HOWARD W. GUTMAN, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211(A)(3):

To be lieutenant

CHRISTOPHER G. BUCKLEY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

IRA S. EADIE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JAMES C. EWALD

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PHILIP M. CHANDLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ALAN K. UEOKA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MARTIN W. KINNISON

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

MATTHEW J. BELLAIR
JAY D. BLJEAU
DANIEL E. CHARLTON
JOSHUA A. CHISHOLM
BRYAN J. CHRISTIANSEN
ERIK D. COPLIN
ROBERT P. CROCETTA II
JASON N. GLAB
JOSHUA A. HOOPS
EVAN J. LAFRANCE
KIMBERLY E. LEONARD
JESSE H. NICE
TIMOTHY M. PRATT
DAVID J. RUSSELL
MICHAEL K. SIMS
JOSEPH D. SINGER
DAVID J. TULOWIECKI
JUSTIN W. WESTFALL

DISCHARGED NOMINATION

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nomination pursuant to an order of the Senate of 03/10/2005 and the nomination was placed on the Executive Calendar:

*JO-ELLEN DARCY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—Tuesday, June 16, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PERLMUTTER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 16, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

WHERE ARE THE FISCAL CONSERVATIVES?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN. Mr. Speaker, we have now spent approximately \$200 billion, \$200 billion, on the war in Afghanistan against a foe that has almost no money and equipment, especially in comparison to ours. Now we are about to take up a supplemental appropriations bill later today to provide many billions more, all this in a place where even General Petraeus said we should remember has been known as the "graveyard of empires." This comes on top of approximately \$800 billion on the war in Iraq and hundreds of billions more in indirect costs for these two wars.

Then, in the supplemental bill that we'll take up later today, we have \$5 billion for the International Monetary Fund, and in this bill, there is a guarantee for \$100 billion in loans made by the IMF, loans being made to other countries. All this money will have to be borrowed because we are so many trillions in debt already that it is not even humanly comprehensible.

The bill also contains \$7.7 billion for swine flu vaccines. I heard a reporting

of a speech of our colleague, the gentleman from Texas, Dr. PAUL, made recently, in which he said during his first stay in the House, in I think it was 1976, that there was another swine flu scare, and that only he and one other person, probably the only other medical doctor in the House at that time, voted against the money for the swine flu scare. And one person died from swine flu that year, and many more died from taking the vaccine than died from the flu. This is a great overreaction in this area as well. Many thousands are dying from other diseases that we're not paying attention to.

This supplemental appropriations bill started out at \$85 billion, then it went to \$91 billion, then \$95 billion, and now, today, \$106 billion. And I ask you, are there no fiscal conservatives around here?

We read last year that the Pentagon had \$295 billion in cost overruns on just their 72 largest weapons systems. Now, that didn't count all the cost overruns that they might have had in all their thousands of other large-, medium-, and small-sized contracts, and we're having a hearing right today—in fact, it's going on right now, I was there earlier—in the Oversight and Government Reform Committee in which they said 74 percent of the private contracts that the Federal Government gives out are given out by the Pentagon. Are there no fiscal conservatives at the Pentagon?

I know everybody is trying to prove how patriotic they are today, and everybody feels that we shouldn't question anything the Defense Department wants. But to allow \$295 billion in cost overruns on just these 72 largest weapons systems, in my opinion, it's unpatriotic not to question that. And I ask again, are there no fiscal conservatives at the Pentagon?

The fact is, we've turned the Defense Department primarily into the "Department of Foreign Aid" now, and I believe very strongly in national defense. But we cannot afford to run the whole world, and we cannot afford to have the Department of Defense be the "Department of Foreign Aid."

All of this comes not long after we have raised our national debt limit to over \$13 trillion. Nobody can comprehend a figure like that, no one. That is an astounding figure. And yet on top of this debt that we already have, the President's budget in this year and the next 2 years will add over \$4 trillion of debt to that debt, \$4 trillion in this

year and the next two; three years' time, \$4 trillion added to our national debt.

And then this year, if I had told people 2 or 3 years ago that we would have a budget this year of \$3.6 trillion and that half of that, \$1.87 trillion, would be deficit, nobody would have believed that. They would have thought that I was ridiculous or that I was crazy in saying that.

I used to say to my colleagues that it was terrible what we were doing to our children and grandchildren. Now, I'm saying it's terrible what we're doing to ourselves because it's not going to be 5 or 10 years, if that long, before we're not able to pay all of our Social Security and veterans' pensions and all of the things that we have promised our own people.

We've got to stop trying to run the whole world. It's not isolationist to say that because I believe in trade and tourism, and cultural and educational exchanges, and I believe we should help during humanitarian crises. But we can't keep spending hundreds of billions of dollars in other countries, whether it's done by the Defense Department—and of course, it's also being done by every other department and agency in the entire Federal Government.

INTRODUCTION OF H.R. 1177, THE FIVE FIVE-STAR GENERAL COMMEMORATIVE COIN ACT

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The Chair recognizes the gentleman from Iowa (Mr. BOSWELL) for 5 minutes.

Mr. BOSWELL. Madam Speaker, before I get my chart and bring it up, if they'd bring it up for this situation, I just might respond to the previous speaker. He forgot to mention that they handed this mess to this new administration just a matter of a few months ago and went through 8 years of borrow and spend. So I hope the people take that with a grain of salt.

What I, Madam Speaker, would like to speak to you a few moments about today is to highlight an institution of great importance to our national security and to myself, the U.S. Army Command and General Staff College located at Fort Leavenworth, Kansas.

Most Americans are probably unaware of the role that this fine institution plays in keeping our Nation safe by training future generations of military leaders. The Command General Staff College plays a vital role, giving

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

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

our Nation's Army commanders the advanced technical and tactical education they need in order to effectively lead soldiers in battle. They have been doing so since its founding in 1881, and during the past 128 years, it has provided a first-rate military education to thousands of accomplished men and women who have defended our freedom. I'd like to commend the U.S. Army Command and General Staff College on its commitment to excellence, throughout history, in support of our military.

I'd like now to draw your attention, if I may, to a particularly distinguished group of alumni. The five war heroes you see beside me, Generals George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry Arnold, and Omar Bradley, served our country with valor and distinction during the Second World War and became household names through their renowned accomplishments.

It is a little-known fact, of which we are all proud, that these great men all were graduates of the Command General Staff College where they received their unique training and education needed to excel in leading our brave servicemembers into battle.

Since then, the college has continued to improve and adapt its training in response to the ever-evolving challenges of war. Though the specifics of the instruction may have changed, the honorable mission has not. I, too, am a graduate of, and a former instructor, at the U.S. Army Command General Staff College. Madam Speaker, I speak from personal experience of the pride and the satisfaction that comes from knowing that I received the best military leadership education our Nation has to offer and stood in the footsteps of these great men.

General George Marshall was the Army Chief of Staff under President Roosevelt and one of the chief architects of victory for our Greatest Generation and later served as the third Secretary of Defense.

General Douglas MacArthur bravely led our forces to victory in the Pacific theater.

General Dwight Eisenhower, our past President, was the Supreme Allied Commander in Europe and directed the D-day operation, whose anniversary was just celebrated, before going on to lead our Nation through some of the most trying times during the Cold War.

General Henry Arnold commanded the Army Air Corps in Europe and remains the only person ever to hold the title of General of the Air Force.

Last, but certainly not least, General Omar Bradley commanded the Allied forces on their march to victory in North Africa and became the first to hold the position of Chairman of the Joint Chiefs.

At this point, I'd like to make mention of an organization that provides

invaluable support to the U.S. Army Command General Staff College, which is the U.S. Army Command General Staff College Foundation. This organization is funded by private donations, and its mission is to enrich the academic experience of the college by providing resources in areas not covered by appropriations.

Since its inception, this foundation has established a number of awards for academic excellence for students of the college in recognition of their achievements in the fields of tactics, logistics, and military arts. It has supported professional development at the Harvard Business School for college faculty members. The Foundation has also sponsored the Colin Powell Academic Lecture Series, which began in April of 2008. General Powell is also an alumni of the college. Indeed, it is hard to overstate the degree to which the Foundation has enriched the experience of both students and staff at the college.

Its board of directors comprises retired officers, business and community leaders, all of whom have a keen interest in improving the quality of the education provided by the college. I would like to commend the Foundation's board and, in particular, its CEO, Colonel Robert Ulin—who is in the gallery I do believe—U.S. Army-Retired, for the invaluable work that he does to enhance the college and its future military leaders. Colonel Ulin is also a graduate and instructor of the college.

It is with this Foundation and the Command and General Staff College in mind today that I would like to mention H.R. 1177, the Five Five-Star General Commemorative Coin Act. This bill would authorize the U.S. Treasury to mint a series of commemorative \$5, \$1 and half-dollar coins bearing the likeness of these distinguished five generals. These coins would honor the historic contributions these men have made in defense of justice and freedom. Americans young and old could admire and collect them, and the stories of these great men might be reinforced in the popular imagination, perhaps even inspiring some to follow their lead.

This bill will honor the great soldiers of the past. Please sponsor H.R. 1177.

CAP-AND-TAX IS GOING TO BE NOTHING MORE THAN A NATIONAL ENERGY TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. LATTI) for 5 minutes.

Mr. LATTI. Madam Speaker, one of the issues that we've been talking a lot about on this floor and across this country has been about cap-and-tax, and cap-and-tax is nothing more than it is going to be a national energy tax.

Now, I have a very unique district in the Fifth Congressional District of Ohio. It's interesting in that I rep-

resent not only the largest manufacturing district in the State of Ohio, but I also represent the largest agricultural district in the State of Ohio.

I know we've been talking about this and there's been a lot of information that's being put out there by a lot of different groups. But I think it's interesting to point out that the Heritage Foundation and just last week the Brookings Institution has also put out how many jobs are going to be lost by this. The Heritage Foundation is estimating that you're looking at anywhere from over 1.5 million jobs being lost; carry out to the end date with the Brookings Institution, about 2.5 percent. We can't afford to have this happening in the United States.

When you look at what the Heritage Foundation did, they did a very interesting study. They did what they call a manufacturing vulnerability index. They took all 435 districts across the Congress. They said, What was the amount of energy that you use and what type of energy it was? In my case in the State of Ohio, 87 percent of our energy is coal-generated. Next door to my west is Indiana. They get 94 percent.

So they ranked all these districts together. The question was, Okay, where did you stand? And this is one of those times where you don't want to be at the top of the list. Of the top 20 districts in the United States, according to this manufacturing vulnerability index, 16 of the top 20 were from Ohio and Indiana. Unfortunately, in my case, I came in number three.

Number three, What's that going to mean? It means it's going to be tough to get jobs in northwest Ohio, north-central Ohio, and people are having a tough time right now because we have a manufacturing district. If we don't have those jobs and we don't have that electricity that we can turn on in the morning, make sure that those plants can run, we're not going to have people working.

It's not like it's just going to affect the folks on the industrial side and the manufacturing side. As I said, I also have the largest agricultural district in the State of Ohio. And one of the things that's tough out there is there are a lot of farmers in my district that not only farm full time, but they have a job also full time off the farm, and they have to balance the two together. They're working long, long hours, especially if they're on the livestock side. So these folks are worried about not only having to turn on the energy at the workplace but also the workplace on the farm.

And as we've seen some of these numbers being calculated as to what it might cost for a family of four with cap-and-tax, you're talking about in some cases right off the bat, \$1,500 additional for a family of four and all the way up in the out-years being calculated at up to \$4,800.

Let's also put this in context of what it's going to do on the farm income side. It's estimated by the Heritage Foundation that by the year 2012 you're going to see a drop of about \$8 billion in farm income; in 2024, \$25 billion; and in 2025, \$50 billion. So you're seeing decreases in farm income of 28, 60, and 94 percent respectively. You're going to see a total decrease from 2010 to 2035 of 57 percent and a total decrease in the baseline for farm income out there.

The question is, How is a farm going to survive in this country? It's going to be tough. Ag construction costs are estimated, because of cap-and-tax, they're going to go up 10 percent by the year 2034. By 2035—and here's a real tough one for farmers because of course, everything you're doing is out there in the field—gas and diesel prices are going to go up 58 percent; electricity costs on the farm, 90 percent. So when you're already out there struggling right there to make a living on the farm, it's going to be very difficult with these numbers to do it.

Then we have to think about this. Where are these young farmers going to go? We're going to try to get more younger people out on these farms, but we all know right now equipment costs are high. We all know that land prices are high. But then when you add all these costs up and you put these electricity costs and you put the energy costs and you put the fertilizer costs in, all these are all driven by energy costs. It's going to hit home real quick. We're going to have fewer and fewer people out on the farm. It's estimated we have less than 2 percent of Americans farming today, less than 2 percent. In Ohio, it's under 1 percent, but they're feeding us all, and we should be thankful for them.

The co-ops in my district and across not only my district but the State and the country are very fearful about this. These electric co-ops out there are worried because if they have to buy more green energy, those costs would have to be passed on to the end user. That's the farmer, the manufacturer, the senior, the family, and they are all worried about it.

But who's our competition? You know, last week, we had the Ag Secretary before us in the Agriculture Committee, and we asked questions about China. And China is not going to abide by cap-and-tax, and in fact, the day that we had that hearing, they said that they were not going to abide by cap-and-tax. I would ask that this legislation be defeated.

THE NEED FOR HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise in strong support of

long overdue health care reform. We've been talking about health care reform since the administration of Harry Truman. It's time for action.

Among the Jeffersonian rights enumerated in the Declaration of Independence, the first was the right to life. And yet, today, with health costs spiraling out of control for millions of Americans, that right to life becomes more and more difficult to manage.

While the need for some level of reform is clear, whatever reform the Nation agrees upon must respect the right of the individual to continue to select their own physician. Assisting some Americans in accessing health care must not come at the expense of restricting health care access to others. We cannot have a government-imposed regime. We must respect people's right to maintain control over their current health care access and health care insurance.

Having said that, America currently has the most expensive health care system in the world. In 2006, we ranked first at 15.3 percent of our gross domestic product in expenditures for health care. Runner-up was Sweden with a socialized health care system. It was at 11.3 percent.

On a per capita basis, we spend the most in the world, \$5,267 for every man, woman, and child in America; and yet, if you look at our outcomes, we are in the middling ranks of industrialized countries in terms of outcomes. We rank 50th out of 224 Nations in the world in terms of life expectancy. As a Nation, we are spending more on health care than everybody else, but we're not necessarily getting the outcomes we need.

Our challenge is to make health care costs obviously more affordable. A recent USA Today poll showed 21 percent of Americans struggling with health care costs, being able to manage it, significantly up from what it would have been a decade or 2 decades ago.

Those who currently have, and like their existing health care coverage, still nonetheless often lament the rapidly increasing costs of premiums and recognize that we all pay a cost for emergency room treatment for those without health care coverage. In fact, it is estimated that that costs everybody \$1,000 per capita per year because of our fellow 46 million Americans who lack health care coverage.

As we debate the various proposals, Madam Speaker, for reforming health care, I would like to propose five principles that certainly will guide me and I think many others as we move forward various proposals.

The first is, every child in America should have access to health care. No child should go in this country without having access to health care. We know that, for example, a child without health care who develops appendicitis has five times a negative outcome in

terms of losing his or her life than a child with health insurance. That's unacceptable, it seems to me, as Americans.

Secondly, nobody should be financially destroyed due to a catastrophic illness. It's challenging enough to combat a deadly medical condition, but tremendous expenses incurred can wipe out a family's savings and, indeed, cost them their livelihood and their home.

Third, insurance companies should not be allowed to cherry pick, and I'm a proud cosponsor of a bill that would prescribe that. The whole point of having health care insurance is to share the risk. Previous existing conditions affect 45 percent of all Americans today, and indeed, if we all live long enough, every one of us is going to end up with a previous existing medical condition. The health insurance companies shouldn't be allowed to disqualify people in that case.

Fourth, we must respect the right of our fellow citizens to choose the health care insurance and provider they want.

Fifth, we must move toward universality of health care coverage. Everyone in America should have access to health care in this wonderful country of ours.

Ultimately, we must address health care reform for a number of reasons: to provide broader coverage for those currently uninsured; to bring down the increasingly difficult costs to businesses, especially small businesses, families, and sole proprietors; to reduce the growing strain of health care costs on our Nation's deficit; and to improve the overall health of our Nation.

Fiftieth place is nothing to be proud of, Madam Speaker, and I hope all of my colleagues will join me in supporting a health care reform program that will reposition America as a competitive, successful, and healthy society.

WINE TO WATER CHANGES LIVES AROUND THE WORLD

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, this recession has been tough on my State of North Carolina. With high unemployment haunting our State, it is easy to lose sight of the inspiring stories of many who continue to work hard at doing good. One of those who committed to doing just that is Doc Hendley, the founder of a North Carolina nonprofit called Wine to Water based in Boone in the heart of the High Country.

Doc's vision for this organization is nothing short of inspiring. As a person who grew up carrying water, I am particularly sensitive to this issue. Doc started Wine to Water after doing some water sanitation work in Darfur,

Sudan, with Samaritan's Purse, another exceptional relief organization located in Boone, North Carolina. Wine to Water was founded on the premise of giving the more fortunate members of our society an opportunity to bring life-giving water to people without access to clean drinking water around the world.

Wine to Water, which takes its name from the first miracle performed by Jesus during his Earthly ministry, took an otherwise everyday event like a wine tasting and turned it on its head. By using wine events to raise money and awareness about the lack of clean drinking water in the developing world, Doc Hendley has harnessed a powerful social force and multiplied the generosity of many, including a corps of dedicated ASU students who volunteer with Wine to Water. Doc is, in essence, turning wine to water for some of the neediest people on the planet.

The work of Wine to Water in places like Sudan and Cambodia has already brought clean water to more than 25,000 people. Today, Doc's entrepreneurial spirit and dedication are helping to tap sustainable sources of clean water for communities beyond the reach of many traditional aid organizations.

Doc Hendley is setting a compelling example of the value of hard work and a vision to help others. He's taken a commonplace object and used it to mobilize communities in America to help suffering communities around the world.

He is truly an exceptional North Carolinian, and I want to praise him for his dedication to serving needy and suffering people. He has taken personal risks to do the hard work of providing water and clean water education in far-flung locations around the globe.

Thank you, Doc and all those who work with Wine to Water, for your inspiring example during these difficult times.

THE UPCOMING ENERGY LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. KLEIN) for 5 minutes.

Mr. KLEIN of Florida. Madam Speaker, by the end of this year, we hope to pass a comprehensive energy bill which will help this country move forward on clean, renewable, American energy, and certainly, will help fuel our economic recovery.

As co-Chair of the New Democratic Coalition on Energy, I believe now is the time for a robust, market-based approach to approach our Nation's energy needs. We have to pass legislation that will make smart investments in alternative energy, and I think every American understands the common sense behind that. These are the kinds of

things that will make us more viable and competitive, not only here in the United States but abroad, for our American companies.

It's also clear, as we know as we get into this energy debate, this is about our national security; the fact that we continue to import 60-plus percent of our oil from countries outside the United States, many of which, particularly in the Middle East, are not our friends and are funding our enemies.

We also know it's about, as I said, job creation, and it's also about good environmental policy.

Now, you've heard a lot about this energy bill so far. You may continue to hear a lot about it, and you hear studies on one side that say we're going to lose jobs; the other side saying we're going to create jobs. But I think there's quite a remarkable thing that's going on right now as I've worked on this with many other Members, on both the Democrat and Republican side.

There's a coalition of people out there, interested groups, that have come together and said we support the energy bill that is currently being presented by Congress. And I just want to name some of the companies and some of the groups because it just doesn't sound like the normal groups that would come together: BP, big oil company; Dow Chemical; ConocoPhillips, General Electric. You've got the entire labor union movement supporting this. You've got the League of Conservation Voters and the Sierra Club.

Now, I know not everyone's familiar with every one of these organizations, but suffice it to say, you have got some very large corporate businesses that have their view of the world and certainly the necessity to having an efficient energy policy. You've got some environmental groups that have come together and said, you know, we like this, this makes some sense to us. And you've got labor which doesn't always necessarily but sometimes agrees with the other two groups.

So what I like to think when I hear a study from this organization, sometimes I've heard of that organization, sometimes I haven't, and you have got another group that comes and says the opposite, I like to think of common sense when it comes to coming together and putting together logical and efficient legislation.

The fact that these three sort of disparate groups have come together and said, yeah, we support this, I think something is going on here that we should take a close look at and certainly consider in supporting.

I want to talk specifically about the jobs that will be created by this because I had a very unique conversation with the president of the largest utility company from Florida where I'm from. He was telling me they're building the largest solar plant in the world in Flor-

ida. Now, we like to call ourselves The Sunshine State, so we think that's a good place for it, but there are already a lot of solar plants in other parts of the world.

But they're building this in Florida, and what he told me was they were very unhappy about the fact that when they're building this huge plant, hundreds of millions of dollars, they're going to have to import the mirrors—that's the components to build the solar plant—from Germany. I said, Why is that? And he said, Well, we don't build them in the United States. There aren't the kind of incentives for businesses to do that here; but if you did build them in Florida or Georgia or California or Ohio, we would buy them here because they would be far less expensive. Just the shipping costs overseas of this very fragile equipment adds such an expensive piece to the equation.

That, to me, strikes at the heart of this whole point. Why aren't we doing everything we can to create these kinds of jobs in the United States and creating the incentives? Well, the good news is the American Recovery and Reinvestment Act, which we passed—that's the recovery bill—a few months ago has the kind of tax incentives and many of the components to begin to encourage this type of industry for creating jobs in the United States. I want these jobs to be in Florida or other parts of the United States because they're good quality jobs and will support a good industry.

Another area which I think we talked about, you know, nationally is wind power. A big part of what's going on around the world right now, a lot of that is built overseas, but here's another good example. A typical wind turbine has 8,000 parts and is made of 250 tons of steel. Americans make steel. We fabricate. We assemble. We can deliver that to a wind farm in the United States at far less of a cost than if it was done overseas. And guess what, you can't outsource the labor or the people that put these things together and install them. You can't do it from overseas. So, again, an idea whose time has come.

The great thing about this energy bill is this is the kind of forward-thinking that will create the next generation of jobs, whether it's wind or wave or solar or any combination of things that will make this country more energy secure, smarter, more efficient, and will advance us into the next generation of not only energy but make this country very strong from a national security point of view and a jobs point of view.

So I look forward to working with my colleagues to pass this bill, move this country forward, and make us more secure.

THE CAP-AND-TRADE BILL WILL DEFINITELY COST JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Madam Speaker, it's interesting to follow my colleague from Florida because this cap-and-trade bill that's going to the floor will definitely cost jobs, and I have a lot of examples to promote that and prove that.

The Pennsylvania Public Utility Commission said in a memo to members of his delegation that: However, if the Waxman-Markey bill were to pass, Pennsylvania is looking at a bleak scenario by 2020: a net loss of as many as 66,000 jobs, a sizeable hike in electricity bills of residential customers, an increase in natural grass prices.

You don't want to believe the public utility commission, just take JOHN DINGELL who is the chairman emeritus, having served here over 50 years. He's quoted as saying, Nobody in this country realizes that cap-and-trade is a tax and it's a big one.

And if you don't believe that, just listen to the comments made by now-President Barack Obama in January 2008: Under my plan, a cap-and-trade system, electricity costs would necessarily skyrocket.

Now, in economies like we have today, the last thing you want to do is affect jobs and cause the loss of jobs, either by moving away from the fossil fuel infrastructure that makes our country great or by raising electricity rates.

I always bring this poster to the floor. These are miners that lost their jobs in the last iteration of the Clean Air Act. This one mine had 1,200 miners. After the passage of the Clean Air Act they lost their jobs. This is Monterey 10 in Kincaid, Illinois.

Here's a report from the Illinois Department of Natural Resources. Listen to what happened after the Clean Air Act of 1990's amendment: Exxon Coal, Monterey 2, closed by market conditions brought about by the Clean Air Act; the next one, Ziegler Coal, Old Bin No. 24, market conditions by the Clean Air Act Amendments. We also have this one, Monterey 10, market conditions brought about by the Clean Air Act Amendments, and many more on this report.

What a cap-and-trade bill does is cap fossil fuel use. It says you cannot use this anymore. What is a fossil fuel? It's coal, it's natural gas, it's crude oil. It's what we use to create the strongest economy in this world, and if you cap it and we have electricity demands go up, only one thing can happen, higher electricity rates.

Now, if my friends on the other side were serious about carbon dioxide, in their bill they would forcefully push for the expansion and use of nuclear power. But is it there in their bill? No.

Nuclear power emits no carbon dioxide into the atmosphere. That's why many of us on our side really question the sincerity of our friends on the other side because there's no major promotion of nuclear power.

Republicans have an alternative. It's the All-American Energy Security Act. It's very simple. It says we like energy, we like to use it, and we want all comers to come into the market of ideas to compete for use by consumers, driving down prices.

These areas, the Outer Continental Shelf, are all natural gas. We would exploit natural gas and crude oil reserves. We would take the revenues to go to renewables, wind and solar power which is being exploited around the country right now. We would make fuel from coal. We would take coal, 250 years' worth of recoverable coal, turn it into liquid fuels, decreasing our reliance on imported crude oil. We would continue to move and exploit biofuels, which is soy diesel, corn, cellulosic, and the like.

And the great "add" in the All-American Energy Security Act from the Republicans is, we need to build 100 new nuclear power plants in the next 20 years. That is a commitment on lower electricity prices for the consumer, and that is a down payment on energy security. We have 31 permits now in the process of going through. We only have credits for three nuclear power plants to be built. That doesn't touch the increased demand that we're going to have.

So either you have job loss, higher prices, and a cap-and-tax demand-control economy energy future, or you have an all-of-the-above strategy which sets standards and says we want all comers to come and provide the energy that Americans need, bringing more supply and lower prices, and creating jobs.

WE ARE WITNESSING TIANANMEN IN TEHRAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

Mr. PENCE. Madam Speaker, I come to this floor at a time of extraordinary moment on the global stage. According to the Islamic Republic News Agency, the official news agency of Iran, President Mahmud Ahmadinejad, supposedly won the election over his primary opponent on 12 June 2009.

But from the very moment that that election result was announced, the international community and the international press called it into question, and the bases for that, even before the extraordinary demonstrations had begun to take place, is the fact that these were paper ballots, but the official government results of the election were announced literally within hours of the polls being closed.

Various media outlets around the world have questioned the authenticity of the results. Mr. Mousavi, the defeated candidate, has launched a legal appeal against the election results. On the day of the election, mobile phone communications were interrupted. Western media has reported "heavy electronic jamming" disturbing broadcasts. News Web sites were reportedly blocked by Iranian authorities, and the Iranian Government has allegedly arrested opposition political figures and journalists.

The Iranian Government has outlawed any protests following 2 days of extraordinary unrest. The BBC recently reported that recent rallies in the streets of Tehran were the biggest demonstrations in the Islamic Republic's 30-year history. The protests, according to news reports, became violent, and according to media reports, pro-government forces attacked demonstrators in the last 24 hours, causing at least one fatality.

We are witnessing a Tiananmen in Tehran, and the United States of America must stand in the gap on behalf of those brave Iranian citizens who are standing for free and fair elections, democracy, and basic rights. Freedom, in fact, may be flowering in Iran, as hundreds of thousands rally for democracy and free elections.

And while I appreciate President Obama's comments yesterday at the White House that he was "troubled by the violence," and his belief that the voices of the Iranian people should be "heard and respected," it seems by my likes that this administration has yet to express the unqualified support of the American people for those who are courageously taking to the streets for free elections and for democracy in Iran.

Let me say from my heart, the American cause is freedom, and in this cause, the American people will not be silent, here or abroad. If the President of the United States won't express the unqualified support of our Nation for the dissidents in the streets of Tehran, this Congress must.

Today, I am introducing a resolution that will do just that. It will express its concern regarding the reported irregularities of the presidential elections of 12 June 2009; condemn the violence against demonstrators by pro-government militias in Tehran in the wake of the election; it will affirm our belief in the universality of individual rights and the importance of democratic and fair elections; and lastly and most importantly, Madam Speaker, it will express the support of the American people for all Iranian citizens who struggle for freedom, civil liberties, and the protection of the rule of law.

Believe it or not, in my small town of Columbus, Indiana, I grew up next door to a Hungarian immigrant who fled Hungary in the wake of the Soviet repression of the Hungarian Revolution

in 1956. I sat often with Julius Perr, now passed away, and heard of the way the Hungarian people, inspired by our calls for freedom, stood up for their own freedom. And as Bret Stephens recounts in today's Wall Street Journal, We stood by idly, we didn't want to interfere, and the Soviet tanks rolled.

We cannot stand idly by, speak of Iran sovereignty, speak of their own right to choose their own leadership at a time when hundreds of thousands of Iranians are risking their liberty, and even their lives, to stand for free elections and democracy.

Ronald Reagan said, There is no arsenal or no weapon in the arsenals of the world so formidable as the will and moral courage of free men and women. All of us desire a fresh start with Iran, and it seems from news reports and the extraordinary images coming from the streets of Iran that millions of Iranians long for a new start in their government. There is a reformist movement afoot in Iran.

Today, I will introduce a resolution. I urge all of my colleagues in both parties to join me in expressing support for these brave and courageous men and women.

WHERE'S THE TRANSPARENCY?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 5 minutes.

Mr. GOHMERT. Madam Speaker, I do appreciate this opportunity.

You know, there's so many people out of work around this country. We know since President Obama took office 2 million more people have lost jobs. It's staggering and quite sobering.

I recently met with many people who are unemployed in a north Lufkin church, and I guess virtually all were African Americans. These were people that were ready to go to work, willing to go to work, good, strong work ethic, have families, deeply caring about their community and their families. And so it got me to looking and thinking what can I do to use my position to try to help people get jobs.

There's the Texas Workforce Commission that does a good job trying to have job fairs. It turned out by using my position, partnering with other groups, the Chamber, different groups, we were able to have 50 employers with over 1,000 jobs to offer, but even that doesn't satisfy all of the need for all of the jobs people are needing that are out of work.

But it did sensitize me to the fact, look around for job opportunities. Where is this Nation spending money that might go to help people who are unemployed? Where could they get jobs? We've got another job fair coming up in Longview in a couple of weeks, and we're hoping it will be as successful.

But as I look around and I see the millions of dollars being spent and I

hear from constituents, and having a heart, wanting to help them, I'm brought to the question after we hear about the Uyghurs, four of them going to Bermuda—although we were promised great transparency—and that was one of the things that appealed to the voters of the United States, that if we elect this administration we will have complete transparency, everything will be transparent, we'll know what they're spending money on, we will know what they're doing. Well, we don't know. They won't tell us what money has been sent to Bermuda to take four Uyghurs, but some are estimating \$12 million apiece. They don't think it's very much, maybe \$12 million apiece or so. We know that supposedly other Uyghurs are going from Guantanamo to Palau.

One report I read estimated that over the last 14 years, going back to the middle of the Clinton administration, we paid Palau about \$852 million just for aid. And so there's some question that we're going to pay them more millions to take these, or since their 15-year agreement is up, are they willing to take these?

The bottom line is millions and millions of dollars are being paid to take 17 Uyghurs, and for those that don't know, those are people in China who, because of their religious belief, are adverse to China. And we know that these 17 were captured in terrorist camps in Afghanistan. Some say, well, they weren't being trained to terrorize us, but they were in terrorist camps in Afghanistan.

So the question many are asking now is, for those 2 million of us who have lost our jobs since January of this year, what terrorist camp can we go to to train so that maybe we could spend the rest of our lives at U.S. expense on the beaches of Bermuda? We saw the people, the pictures of the four Uyghurs in Bermuda. They really seemed to be enjoying themselves, laughing, cutting up, out there on the beach, the waves crashing. Those Uyghurs who have gone to Palau, how many millions have been paid we don't know. But I have got a bunch of constituents who are willing to go train in terrorist camps, in Afghanistan if necessary, if our government will pay millions of dollars to send them to the beaches.

Also, one other point, we know there's been no transparency with the auto task force. We don't know what they're being paid. We just know that this group that has never run anything in the car business is running the car businesses and dictating what will happen. Well, I've got lots of people that are every bit as unqualified to run the car business in my district who are unemployed. They want that job. Where do they apply to run the car businesses of America and get on the auto task force? We want to know because they'd like that job.

RECESS

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

Accordingly (at 11 o'clock and 19 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at noon.

PRINTING OF PROCEEDINGS OF FORMER MEMBERS CEREMONY

Mrs. MALONEY. I ask unanimous consent that the proceedings during the former Members ceremony be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke have the privilege of revising and extending their remarks.

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

There was no objection.

The following proceedings were held before the House convened for morning hour debate:

UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS 2009 ANNUAL REPORT TO CONGRESS

Mr. HERTEL. It is an honor for me to introduce the gentleman from Maryland, who for over three decades has provided leadership in this House on behalf of the Democratic Party, on behalf of the State of Maryland but on behalf of our Nation, most importantly.

This session of Congress that we are in today has been the most productive in my lifetime. We see the many challenges that face us—on the economy, the war, on health care, on all the different issues that have faced the American public, and the majority leader, who has been forging ahead and working in a bipartisan way on these very important challenges, has had the time not only to play golf with us yesterday at our Wounded Warriors tournament but to come again this morning and take some time to welcome us.

Thank you very much, Majority Leader.

Mr. HOYER. Thank you very much, Mr. Vice President, Mr. Speaker. You know Bob Michel was my Speaker. You've heard my story on going up to Ray LaHood and saying, Ray—this is 1995, John—and I said to Ray, who was presiding—you know, Ray presided a lot and was an excellent presiding officer. I went up to him and told him—we had about 197 votes at that point in time. I said, you know, I'll get you 197, you get 21 and we'll elect Bob Michel the Speaker. He smiled. It probably

crossed his mind that that was a worthwhile endeavor but maybe he couldn't get there.

But in any event, it's always a pleasure to be with Bob Michel and all of you; my former colleague in the Maryland delegation, Connie Morella, who is one of your officers in this organization; John Rhodes, with whom I served. John, thank you very much for the great service you gave to this country and that your father gave to this country and that you continue to give to this country. We're blessed by that. And all of you with whom I have served over the years. As a matter of fact, most of the people as I look around here, it was a great pleasure to serve with you. Marty Russo, of course, I served with him as well and that was a little more of a trial.

Marty played golf yesterday. Dennis, he's really feeling badly. He shot six under par and he didn't win. He thinks it was fixed that the former Members were not allowed to win the tournament. He said, you know, what was the worth of playing in it.

I'm very pleased to be here with you. I try to join you every year. Your ranks seem a little smaller this year than they have in years past. Maybe some folks will be coming in.

I rose on the floor about 3 or 4 weeks ago just before the Memorial break and said, Look, when we come back, we're going to be more timely in the counting of the votes. We're going to try to keep the votes down to somewhere in the neighborhood of 20 minutes as opposed to, they were getting to average 25 minutes, which was, you do that over 10, 15, 20 votes over the course of a day, it really extends the day. The chairmen were having people waiting in their committees. We're struggling to get there. If I close it out—Alexis Covey-Brandt—Alexis, wave—she is now our floor director. And then sitting next to Alexis is someone I think probably all of you know, she is the granddaughter of a great American, a great Representative in this House, the former Speaker of the House, Tip O'Neill, Catlin O'Neill, who represents the Speaker on the floor and helps manage the floor. We're pleased to be here with you.

Dennis, you were very kind about reaching out in a bipartisan way. I lament the fact that when Bob Michel was here, we had reaching out more in a bipartisan fashion because both sides I think were inclined to do so. We had more golf tournaments, Bob, and we played more and spent more time with one another. I played golf yesterday with JOHN BOEHNER. I drove the cart. He rode along. He scored well. I tried to stay in the hunt. JOHN and I talked about trying to work things in a more bipartisan fashion, but very frankly as all of you have observed, the confrontation continues in a somewhat strident tone too often in this House. That was

not so early on when I came here but frankly almost every decade it has escalated and that's unfortunate.

But, on the other hand, I think Dennis is right. This may be the most productive 5 months that I've spent in the House. I don't mean that we haven't had other productive times—we have—but the agenda that we confronted as we took over at a time of crisis, with a brand new President, an historic President. 2008, an historic year. I think all of us are pleased that we were alive to watch what America did in 2008. I thought JOHN MCCAIN's best speech of the campaign was the night he lost. It was not only a gracious speech but it was a speech that tried to bring the country together in support of our newly elected President, and I thought it showed JOHN MCCAIN at his very best. Obama gave a speech that showed him at his very best. And frankly I think George Bush the next day, on Wednesday, gave a brief speech which showed him at his very best. And the three of them together showed America at its very best.

I tell people that one of the proudest days of my service in the House of Representatives and of my country was on the day that was one of my most disappointing. And that, of course, was January 20, 2001, when my side clearly thought it had won the election, had received a half a million more American votes than our opponent, George Bush, but notwithstanding that, by a 5-4 vote, the Supreme Court of the United States had brought the election to a close. And so as we sat there on the podium, I was about 10 feet from Bill Clinton, about 15 feet from George Bush, and within minutes—and it happened in seconds as you know—within minutes, the most power in one person that exists on the face of the Earth was passed peacefully, notwithstanding the extraordinary concerns that the then-incumbent President of the United States, who had that power in his grasp—it was in his grasp—notwithstanding that, he released it peacefully, without a shot being fired, without demonstrations in the streets on that day, and America showed the world once again that it was a nation of laws.

That was a proud day, I think, for all of us, a wrenching day for those of us who were on the losing side on that day but a proud day for our country. All of us in this Chamber have had the opportunity to serve in the people's House, the repository of that power to make the laws that govern, not of men but of laws.

And so I always take the opportunity to thank all of you. And we lament the fact that we've lost—I'm not sure how many people we've lost. John, I am sure there will be a recitation of that and a remembrance of those we've lost. But one person with whom I had the opportunity and I think most of you

had the opportunity to serve, we lost. In doing so, we lost a great spirit, not just a great former Member of the Congress. I'm not going to read all of it but I remember him quoting Teddy Roosevelt on a relatively regular basis. I've got the whole quote, but I'm just going to read you a few lines of it:

"It is not the critic who counts;
not the man who points out
how the strong man stumbles,
or where the doer of deeds
could have done them better.
The credit belongs to the man
who is actually in the arena."

I choose like I choose "all men are created equal" to consider "man" in that sense generic—for human beings.

It goes on to say:

"The credit belongs to the man
who is actually in the arena."

And then it concludes:

"Who at the best knows in the end
the triumph of high achievement,
and who at the worst, if he fails,
at least fails while daring greatly,
so that his place shall never be
with those cold and timid souls
who neither know victory nor defeat."

All of us got in the arena. We put our egos on the line. Sometimes those egos can be severely bruised in this business internally and certainly externally. But we got in the arena because we knew that that is where you could make a difference, for the people that were your neighbors, for your family and for your country. And for that, I think Americans honor each and every one of you, and I thank you for having learned from you, been impressed by you, using in many cases you as an example of how we ought to work together.

It's easier when you get out of Congress, I think, to adopt that premise, because you then look not so much on the differences but on the similarities. Far too often as human beings we look at the differences, that which divides us, as opposed to that which brings us together, the values that we have in common.

JOHN, before you came in, I mentioned the fact that you and I played golf together. We had a great time. We spent 4 or 5 hours riding around the course together, enjoying one another, learning from one another. JOHN's really a student of golf. He was helping me be a little better than normally I am. But we need to learn from those experiences and learn from people like Bob Michel, who lived life in Congress teaching all of us that.

So I thank you for staying active, keeping the faith, providing ongoing examples that simply being elected is not the only way to serve. You continue to serve in so many positive roles. I know on behalf of the Speaker, I know JOHN will speak for himself, we welcome you back to this Chamber which meant so much in your lives and

to which you meant so much in your service.

Thank you, Mr. President. Thank you, Mr. Vice President.

You know, I read that and of course I hope all of you know the person I was referring to was Jack Kemp—who reflected, I think, JOHN—I served with Jack on the Appropriations Committee for a significant period of time, and Jack always had that positive spirit, that hand reached out to include rather than to exclude. We miss Jack Kemp. He was a great servant in this House and a great servant of his party and a great servant of his country.

Mr. HERTEL. I want to thank the majority leader for taking the time with us. For someone of his stature and experience it means a great deal for those of us gone but not forgotten as he comes to see us and take the time out of his schedule. Today at noon, Majority Leader HOYER and Jack Kemp will be honored by the Victims of Communism Memorial program which is going to take place in the Visitors Center for all of their work in triumphing over communism. Leader HOYER was chairman of the Helsinki Commission which did so much to make a difference in this world that we have today because they brought down the Soviet Union and assisted all those people seeking freedom in Eastern Europe and around the globe. The Helsinki Commission's work is one of the most outstanding things this Congress has ever done and it was led by Majority Leader HOYER.

And now it is my great honor to recognize the distinguished minority leader, the gentleman from Ohio, our Republican leader, a great friend of ours who also took the time to spend with us yesterday at the Wounded Warriors golf match, Mr. JOHN BOEHNER.

Mr. BOEHNER. As I look around, most of you I know, not all of you but most of you, and on behalf of my colleagues and I, I just want to say welcome back. Your service here clearly was an honor or you probably wouldn't have come back, and clearly all of us have had an opportunity to work with you. But we do appreciate your service, we appreciate your coming back and appreciate what you do to help this institution that we have all had an opportunity to serve in. I think a special congratulations is in order for Lou today, having celebrated some 50 years in public service and will be receiving an award from all of you today.

STENY and I did play golf yesterday. We did have a wonderful time. And it really reminded me of kind of a motto that I learned from Bob Michel, and that is that you can disagree without being disagreeable. I think all of you know that there are some major things happening here and clearly there's not quite a consensus on those things moving ahead. And so part of my mantra to my colleagues on our side is that to

stand up and fight the fight but, you know, you don't have to be disagreeable in the process. There are plenty of facts to lay on the table.

I really do appreciate all of you being here and appreciate the work you do for our institution and glad to welcome all back.

Thank you.

Mr. HERTEL. I want to thank the Republican leader for taking the time but also the interest and the leadership in helping us with the Wounded Warriors project that was so very important. He's been there the last 2 years to lead the way and we've been able to raise over \$200,000 now for the Disabled Sports and Wounded Warriors project. We just can't thank our two leaders enough for participating because that will make the difference in getting more participation of sponsors and Members to come out to that tournament so it can be ongoing and benefit these veterans that have done so much for our country.

PLEDGE OF ALLEGIANCE

Mr. HERTEL. And now it is my privilege to ask our Republican leader, Bob Michel, to lead us in the Pledge of Allegiance.

Mr. Michel led the Pledge of Allegiance as follows:

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

Mr. HERTEL. The Clerk will now call the roll of former Members of Congress.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

Hon. Bill Alexander, AR
 Hon. Clarence Brown, OH
 Hon. Nancy Boyda, KS
 Hon. Jack Buechner, MO
 Hon. Bill Burlison, MO
 Hon. Joe DioGuardi, NY
 Hon. Ed Foreman, TX, NM
 Hon. Lou Frey, FL
 Hon. Ben Gilman, NY
 Hon. Dennis Hertel, MI
 Hon. William Hughes, NJ
 Hon. Barbara Kennelly, CT
 Hon. Ron Klink, PA
 Hon. Ernie Konnyu, CA
 Hon. Ken Kramer, CO
 Hon. Martin Lancaster, NC
 Hon. Ron Mazzoli, KY
 Hon. Matt McHugh, NY
 Hon. Bob Michel, IL
 Hon. Connie Morella, MD
 Hon. Jay Rhodes, AZ
 Hon. Phil Ruppe, MI
 Hon. Marty Russo, IL
 Hon. Jim Symington, MO
 Hon. Lindsey Thomas, GA

Mr. HERTEL. The Chair announces that 26 former Members of Congress have responded to their names.

The Chair now recognizes the gentleman from Arizona, the Honorable Jay Rhodes, the President of our Association.

Mr. RHODES. Dennis, thank you. Thank you very much for hobbling in. We appreciate the fact that it's not altogether easy for you at this particular point in your recovery. We very much appreciate all of your service to all of us. You are now in the category of wounded warrior. We're happy to see that you are at least making a slow but steady recovery.

I appreciate very much the fact that Mr. HOYER and Mr. BOEHNER took the time to come and be with us this morning. I think their comments were very, very pertinent and to the point. I especially would like to associate myself with Mr. HOYER's comments about the regrettable deterioration in relationships between the parties on the floor. It does call to mind the days when Bob Michel was our leader and when Tip O'Neill was the leader and the Speaker, and also the days frankly when my dad had preceded Bob. Mr. O'Neill, Mr. Rhodes, and Mr. Michel, some of their favorite stories deal with their relationships off the floor. I think it's a shame that the relationships off the floor here don't reflect the kind of camaraderie that even was in existence still in 1986 when Ernie Konnyu and Connie Morella and Jack Buechner and NANCY PELOSI and I came into this Chamber. I think that each of us could say that things were a lot better in 1986 and we can each say we saw them start to deteriorate from that point on. And it's sad. It's not good for the institution and it's not good for the country.

It is a pleasure to be back here and we appreciate the opportunity to present the annual report of the U.S. Association. I and some of my colleagues will report on our activities and projects that we have undertaken over the course of the past year and we will present our Distinguished Service Award.

As you all know, the Association is fiercely nonpartisan, or fiercely bipartisan. It was chartered by Congress but you know that we receive no public funding, no appropriations, no earmarks, nothing from the United States Congress in terms of funding the operations of this association. Our purpose is to promote public service and strengthen democracy, both abroad and at home. And when I say we promote public service, I want to emphasize that when we utilize one of our flagship programs, which is the Congress to Campus Program, that our purpose is not to go to college campuses and encourage young people to become politicians. Our purpose is to go to college campuses and encourage young people to consider public service as an honorable profession for their lives. And I think that we make a contribution in that regard. There are approximately 600 former Senators and Representatives who belong to this association. We reckon that there are probably about a thousand living persons who

have served in the past in either the House or the Senate and roughly 600 of them belong to our association. We are united to teach about Congress and the importance of representative democracy. All the activities which we are about to describe are financed either through dues, program-specific grants and sponsors, or our fundraising dinner. Our finances are sound, our projects are fully funded, and our 2008 audit, which was completed fairly recently by our outside accounting firm, comes back to us with a completely clean bill of health. We have had a very successful, active, and rewarding year. We have continued our work serving as a liaison between the current Congress and legislatures abroad; we have created partnerships with highly respected institutions in the area of democracy building and election monitoring; we have developed new projects which we are in the process of expanding, including our webcasting civics education program; and we again sent dozens of bipartisan teams of former Members to university campuses here in the United States and abroad as part of the Congress to Campus Program. I am sure that those of you who have participated in that program know that in the majority of the cases our members who come back from having participated say almost universally that they benefited more, the former Members benefited more than they think they brought benefit to the young people that we talked to. That is a reflection of the fact that our young population is much more sophisticated, much more educated and much more enthusiastic about their futures than they generally get credit for.

I am very pleased now to report on the program work as we've gone through this year. Our first report will be delivered by the gentlelady from Connecticut, Ms. Kennelly. Over the past 4 years, we have made it a priority to put unique capabilities inherent in our membership to productive use in the area of democracy building overseas and legislative strengthening overseas. I am pleased to announce today that we have a major new program to support these efforts. We have been awarded a grant by the U.S. Agency for International Development so that bipartisan teams of former Members can travel to emerging democracies and interact with their legislative branches on a peer-to-peer basis. Our teams will work with the bipartisan House Democracy Assistance Commission to conduct workshops, panels and presentations for the legislative branches of numerous countries around the globe. We not only talk to the elected legislative representatives but also to their staffs and silently we say to them, Do as we say, don't do as we do. But I think that we have lessons to impart to legislative branches, both Members and staff overseas, and I am

very happy to yield to the gentlelady from Connecticut to report on this.

BENEDICTION

Mr. HERTEL. Mr. President, we have been joined by the House Chaplain, Father Coughlin, and at this moment I would just ask before we go further with our report that we ask Father Coughlin, the House Chaplain, to give us a benediction.

Mr. RHODES. I would yield to the House Chaplain, Father Coughlin.

Rev. COUGHLIN. I am honored to be here with you.

Let us pray.

Almighty God, we praise You and bless You as the Lord of our lives. Each of us has a story to tell. For each of us this has been a journey, a journey with many ups, many downs, many prizes, many rewards, and at the same time many sacrifices.

Bless our constituents who brought us here. Bless all our family members who have stood by us at all times. Bless us now. Help us, Lord, to meet You at the present moment, for that's where You are always to be found. We thank You for all You have given us in the past, we praise You now and ask for health and happiness in the present that we may be your instruments of bringing good news, power, integrity, justice and goodness to this country.

Bless us that we may serve always, upholding the Constitution that holds us all together. Confirm us in liberty and in justice, now and forever. Amen.

Mr. HERTEL. Thank you, Father. Now I do recognize the gentleman from Arizona.

Mr. RHODES. I yield to the gentlelady from Connecticut.

Ms. KENNELLY. Thank you, Mr. President.

May I take this opportunity to thank you and our Executive Director, Pete Weichlein. These two gentlemen have worked so hard this year and as Dennis said, we've had really a very successful year and I think we're going into a whole new dimension and my report will show that.

Thank you, Jay, for your introduction and thank you for your leadership in securing the AID grant you just announced. The House Democracy Assistance Commission is an undertaking of the House of Representatives to strengthen democracy in those institutions by assisting parliaments in emerging democracies. One of the objectives of HDAC is to provide expert advice to members and staff of the parliaments of partner countries. HDAC is chaired by Congressmen DAVID PRICE of North Carolina and DAVID DREIER of California. It is an extension of the great work begun by former Congressmen Martin Frost and Gerry Solomon as past of the Frost-Solomon Task Force. We are pleased to be able to play an important part in this outstanding project.

Via the AID grant, bipartisan teams of former Members will travel to six

countries in 2009 and 2010. These countries probably will be Georgia, Kenya, Kosovo, Liberia, Peru and Ukraine. We will focus our projects on areas including legislative strengthening, legal reform, constituent representation, oversight and budget capacity. We will spend about one week in each country. In addition to meeting with legislators, we hope that each visit can include some time spent at local universities. It is one of the core beliefs of this organization that we need to reach out to the next generation of leaders, whether in the United States or abroad, and share some of our experiences and visions. This grant is a very exciting development for our organization and we look forward to reporting on these missions when we return to this great hall next year.

In addition to the HDAC project, we continue the good work commenced by Jack Buechner, former president of this organization. I am referring to the International Election Monitors Institute which we created in conjunction with our Canadian and European Union sister organizations. IEMI takes former legislators from the United States, Canada and Europe and trains them in proper election monitoring techniques and a code of conduct. To this end, we have been able to put together a 2-day training course which we have now administered six times in Ottawa. The course, as well as a host of other achievements for the Institute, was made possible via a 3-year grant from the Canadian International Development Agency. Dozens of United States, Canadian and European former legislators have gone through the training and are now well versed in the actual set of responsibilities and challenges that come with election observation. For the near future, we have identified two crucial elections, and these certainly are crucial elections, where we hope to have some of our observers present: August of this year in Afghanistan and January 2010 in Iraq. Our model is to partner with reputable like-minded organizations in the United States, Europe or Canada and funnel our trained former Members into their delegations. In the past we have used this model quite successfully, for example, by working with the National Democratic Institute during their observer missions to Morocco and Ukraine. Our colleague Dennis Hertel of Michigan is the current president of IEMI and we thank him for his leadership.

In addition to partnering with organizations such as NDI, IRI and IFES on election monitoring missions, we have just entered a new partnership with the State University of New York. SUNY Albany houses one of the leading democracy building NGOs in the country—the Center for International Development. Our association has entered into a partnership agreement with

SUNY to compete for a USAID contract which we expect will be announced in early 2010. This contract will focus on democracy and governance projects from 2010 through 2015 and only organizations which have been invited to compete are eligible to submit proposals. SUNY has an outstanding track record for these types of AID contracts and we are confident that via this new partnership our members will be able to engage in an even greater number of democracy building projects worldwide.

Mr. Speaker, we have made it our mission to create these important opportunities for our membership. Former Members of Congress can play a crucial role in these types of programs and it is quite rewarding that we are seeing the beginning of the fruits of our labor. I thank you for letting me give this report, Jay, and I say this looks very exciting and this organization is really moving.

Mr. RHODES. Barbara, thank you very much. And you're right—we are moving. And it's positive movement.

I am now pleased to recognize our colleague from Maryland, Ms. Morella, in her capacity as representative of the executive committee overseeing many of our international programs. We achieve our objectives through congressional study groups involving Germany, Turkey and Japan. We have arranged multiple special events in the Capitol for representatives of the parliaments of those countries, and we continue to plan for trips overseas for our congressional staff and for sitting Members to welcome sitting parliamentarians and staff people here to the United States.

I am pleased to yield to the gentlelady from Maryland, Connie Morella, my classmate, for her report on our study group events.

Ms. MORELLA. Thank you, Jay.

Yes, we were members of the 100th Congress and it's a privilege to be here with former Members and with good friends who are here. And thanks for your leadership, Jay.

The United States Association of Former Members of Congress has created invaluable opportunities for current Members of Congress to engage with their counterparts around the world through programming hundreds of special events in the U.S. Capitol for international delegations. The Association is pleased to oversee the congressional study groups on Germany, Turkey and Japan as well as to initiate the first trilateral renewable energy roundtable for lawmakers from India, Germany and the United States. The Association's flagship international program is the Congressional Study Group on Germany, which has been conducted by the Association for over 25 years. The first trip I ever took was with that particular study group to Germany in 1987. The Study Group on Germany is

one of the largest and the most active exchange programs involving the U.S. Congress and the parliament of another country. It is a bipartisan organization, with approximately one-third of the Members of the U.S. Congress participating. The House Chairs are Congressman RUSS CARNAHAN of Missouri and Congressman ROB BISHOP of Utah. The Senate Chairs are Senator EVAN BAYH of Indiana and Senator JEFF SESSIONS of Alabama.

The Congressional Study Group on Germany serves as a model for all other study groups under the umbrella of the FMC. The Study Group on Germany has three programming pillars: the Distinguished Visitors Program, which hosts guests from Germany at the U.S. Capitol; annual seminars allowing for in-depth discussions for the lawmakers of both countries; and a senior congressional staff study tour in Germany. In addition, the Congressional Study Group on Germany is a resource for Members of Congress to receive objective information on current U.S.-German relations. The study group also supports the Congress-Bundestag Youth Exchange Program. Nearly every month, the study group brings high-ranking German elected officials to Capitol Hill to meet with Members of Congress as part of its Distinguished Visitors Program. Recently honored guests include: the German Federal Minister for Labor, Olaf Scholz; the Chairman of the Bundestag's Foreign Affairs Committee, Ruprecht Polenz; and the German Federal Minister for Economics and Technology, Karl-Theodor zu Guttenberg.

The highlight of each programming year is the annual Congress-Bundestag seminar. Each year, the study group brings approximately eight Members of Congress together with German legislators for several days to reinforce friendships and examine pertinent topics in transatlantic relations, such as NATO, climate change, or trade. The parliamentarians are joined by former Members of the Congress and the Bundestag, officials of the two federal governments, think tank and foundation representatives and members of the German-American corporate community. The 26th annual seminar took place at the end of May in Berlin and Cologne. Highlights included meetings with Chancellor Angela Merkel and Foreign Minister Frank-Walter Steinmeier. A study tour for senior congressional staff is planned for the fall in conjunction with the 20th anniversary of the fall of the Berlin Wall.

The Congressional Study Group on Germany has received generous grants from the German Marshall Fund of the United States which has supported it for 25 years. The Association would like to thank Craig Kennedy, GMF's President, for his support of the Congressional Study Group on Germany. Additional funding to assist with ad-

ministrative expenses is received from a group of organizations whose representatives serve on a Business Advisory Council to the study group. The Business Advisory Council is chaired by former Member Tom Coleman of Missouri, who served as the chairman of the Congressional Study Group on Germany in the House in 1989. Current Business Advisory Council members are Airbus, Allianz, BASF, Daimler, Deutsche Telekom, Deutsche Post DHL, Eli Lilly, Fresenius, Lufthansa, RGIT, SAP, and Volkswagen. It's a large group.

Now there is a Congressional Study Group on Turkey, also. The Association established that congressional study group in 2005 and it has quickly become a major program for the Association. The Study Group on Turkey educates U.S. Members of Congress about the strategic relationship between the United States and Turkey and promotes increased cooperation between the two countries. Using the successful, long-running Congressional Study Group on Germany as a model, the Study Group on Turkey has become a highly relevant and unique forum for dialogue between U.S. and Turkish legislators and government officials. The Study Group on Turkey's House Chairs are Representative WEXLER of Florida and Representative WHITFIELD of Kentucky. Congressman COHEN of Tennessee and Congresswoman FOXX of North Carolina are the Vice Chairs.

Turkey is one of our strategic allies and is uniquely positioned to work with the United States on many important challenges such as peace in the greater Middle East and energy security. The Study Group on Turkey brings current Members of Congress together with their legislative peers, government officials and business representatives in Turkey and serves as a platform for all participants to learn about U.S.-Turkish relations firsthand.

Thanks to funding from the Economic Policy Research Foundation of Turkey, a nonpartisan foundation established by the Turkish business association TOBB, the German Marshall Fund of the United States and a group of corporate sponsors making up the Business Advisory Council, the Study Group on Turkey can carry out its mandate to strengthen cooperation between the United States and Turkey. The Business Advisory Council members are Coca-Cola, Eli Lilly, Philip Morris and the Turkish-American Business Council.

The Congressional Study Group on Turkey runs a Distinguished Visitors Program for Members of Congress featuring visiting dignitaries from Turkey. Recent guests for roundtable discussions include Turkish Foreign Minister Ahmet Davutoglu and Chairman Mercan of the Turkish Grand National Assembly's Foreign Affairs Committee.

The Congressional Study Group on Turkey also conduct an annual U.S.-Turkey seminar. In 2008, Representative STEVE COHEN from Tennessee hosted the annual seminar in Memphis. United States Members of Congress and Turkish parliamentarians participated in the seminar and discussed topics that included U.S.-Turkish trade relations, the integration of immigrants and energy security. The seminar is a conference for U.S. members of Congress to discuss areas of mutual concern with their legislative counterparts in Turkey. This year's U.S.-Turkey seminar is scheduled to take place during the first week of September in Ankara and in Istanbul. Members of Congress and their counterparts in the Turkish Grand National Assembly will discuss such issues as stability in the Middle East and prospects for Turkey's accession into the European Union.

There are other study groups. I would like to mention that the Association serves as the secretariat for the Congressional Study Group on Japan. Founded in 1993 in cooperation with the East-West Center in Hawaii, the Congressional Study Group on Japan is a bipartisan group of Members from the House and the Senate. The Congressional Study Group on Japan arranges opportunities for Members of Congress to meet with their counterparts in the Japanese Diet in addition to organizing discussions for Members to hear from American and Japanese experts on U.S.-Japanese relations. The House Chairs for the Congressional Study Group on Japan are Congressman JIM McDERMOTT of Washington and Congresswoman SHELLY MOORE CAPITO of West Virginia. In the Senate, Senators JIM WEBB of Virginia and LISA MURKOWSKI of Alaska take an active role in study group programming. The Congressional Study Group on Japan is funded by the Japan-U.S. Friendship Commission.

Finally, the Association is excited about the launch of a new program. Together with the Alliance for U.S. India Business, the Bertelsmann Foundation, the Robert Bosch Foundation, and TERI North America, we will hold the first Trilateral Renewable Energy Roundtable for lawmakers from Germany, India and the United States at the beginning of July. All three countries are major democratic economies from crucial regions of the globe that have a stake in world GDP as well as environmental sustainability. Lawmakers from each country will have the opportunity to exchange their policy views to find common approaches for promoting renewable energy. The House leadership for this new project is Congressman JAY INSLEE of Washington and Congressman MICHAEL BURGESS of Texas.

The Congressional Study Groups on Germany, Turkey and Japan as well as the Trilateral Roundtable demonstrate

the important role that the Former Members Association plays in assisting current Members in their foreign relations portfolio. I think the former Members can be very proud of the work they do to make these study groups possible and the opportunities they are in, and I consider it a privilege to participate in many of those activities.

I thank you for listening to this lengthy report that indicates some of the very important work being done by the Former Members Association. Thank you.

Mr. RHODES. Thank you, Connie. I think we can be proud of our excellent programming offered by our Congressional Study Groups.

Another program which our association and its members hold in very high esteem is the Congress to Campus Program. This wonderful program has been administered for the past 2 years internally by our staff. We have made the program grow and we have expanded it internationally. We've also reached out to community colleges and high schools. This growth was due to a large extent to a grant we received from the Joyce and Donald Rumsfeld Foundation. Let me take this opportunity to thank Secretary Rumsfeld for his invaluable support, which we really appreciate. We continue to work with the Stennis Center for Public Service, but all administration of this program is now done in-house by our staff.

I am very pleased to yield to a former president of our association, the Honorable MATT McHUGH of New York, who chairs the Congress to Campus Program.

MATT, thanks for all your work.

Mr. McHUGH. Thank you very much, JAY. It is always a pleasure to be here with our friends and colleagues.

Before giving my report on the program, I want to say it's a special pleasure to be here this year because we're giving our annual award to Lou Frey. I had the privilege of serving as vice president during Lou's tenure as president and he was a tremendously strong leader for us in those days and has since then been a leader of our association. I think no one really deserves the honor more than Lou and I note that he has Marcia his wife with him and many of his beautiful family members. And so we're delighted to be with you today, Lou, and to give you this long-deserved honor.

As JAY said, the Congress to Campus Program has been administered by the Association in cooperation with the Stennis Center for 2 years now. During that time, the program has experienced a marked growth and has expanded for the first time to include community colleges across the country. As most of you know, this program is the flagship program for our Members. It sends bipartisan teams of former Members to colleges, universities and high schools across the country to educate the next

generation of leaders on the importance of civic engagement. The participating students benefit, we think, from the interaction with our association members, whose knowledge and experience are truly a unique resource. Our members, as JAY said, benefit through their continued involvement in public service and the ability to engage young people on issues of importance to them.

During each visit, our bipartisan team conducts classes, meets individually with students and faculty, speaks to campus media, participates in both campus and community forums, and meets with local citizens. Institutions that we visit are encouraged to market the visit to the entire campus community, not just simply to students who major in political science, history or government. Over the course of 2½ days, hundreds of students are exposed to the former Members' message regarding the significance of public service.

The program has made both domestic and international visits this academic year, including two separate visits to campuses in the United Kingdom and one in Canada. Over the 2008-2009 academic year, the program has made 20 campus visits, including visits to institutions we had not previously visited, such as the U.S. Air Force Academy, the University of Montana, and a number of community colleges as I have mentioned. More than 30 former Members participated this year, and I want to thank all of you who took the time from your schedules to do so. I would also like to encourage those of you who have not had the opportunity to seriously consider participating. It's truly a great way to continue our public service after Congress.

I also want to extend our thanks to the faculty, the staff members and students who worked so diligently on each of these visits. Without their hard work, these visits would simply not have been possible. We rely heavily on the universities to take the lead in coordinating logistics related to each visit and appreciate the time they devote to ensuring that their students receive the full benefit of the program.

We have continued our relationship with the Stennis Center for Public Service, as JAY mentioned earlier, in the administration of this program and I think we owe a special debt of gratitude to Tracy Fine of our staff and to Brother Rogers of the Stennis Center for their fine work on this program. Our two staffs work very closely together to make the program such a success and we appreciate the continuing financial support we also receive from the Stennis Center. We look forward to working with the Center in the years ahead.

I would also like to take this opportunity to second JAY's note of thanks to the Joyce and Donald Rumsfeld Foundation for its generous financial

support for the program during this past year. The Foundation's generous grant enabled the program to reach an even wider array of students, including those at the community colleges that participated for the first time this year.

In addition to the expansion of the program to community colleges, the program has also commenced a concerted effort in partnership with the University of Central Florida and the Lou Frey Institute of Politics and Government to reach out to high school students via a series of webcasts, another example of the kind of work that Lou does consistently with younger people. These programs focus on specific issues and are designed as a tool for teachers to showcase the legislative process and encourage involvement in government. During the fall, the first in the series was piloted to high schools in Florida, and in 2009 and 2010 it will expand its reach to high schools in other States. Using this technology, the Association can reach a much larger audience and can make an even greater contribution to civics education. While these "virtual" visits cannot replace the person-to-person experience of a traditional Congress to campus visit, they can play an important supplemental role in teaching about representative democracy at the high school level.

We have also continued our working relationship with the People to People Ambassador Program which brings young people to our Nation's capital for a week of events centered on the concepts of character and leadership. These students are younger than those who participate in the Congress to Campus activities but they have already demonstrated a commitment to the ideals that Congress to Campus seeks to promote. The Association's involvement in this program allows our members living in this area, the Washington area, to speak to these younger students on the importance of public service and to answer their many questions about our government and our country. A number of our members continue to work full time, but this program permits them to continue their public service in this way. The events are typically held in the early morning at suburban locations, and I want to thank my colleagues who have participated in this program.

As some of you may know, the Association also partners with the Washington Center for Internships and Academic Seminars to organize panels of former Members of Congress to meet with students who are interning in the area, and to participate in seminars that address current issues and the relationship between the administration and the Congress. During the past academic year, the Washington Center and the Association convened six separate panels of former Members to speak

with the students. Since last year was an election year, the Washington Center held seminars at each of the party conventions at which former Members of Congress spoke to the students about the party platforms, the nomination process and other issues that the students were interested in. I also want to thank my colleagues who participated in these panels throughout the year.

Finally, I want to say again how really grateful we are to those who have made the Congress to Campus Program such a success and to strongly encourage all of my friends and colleagues to participate in the program either by making a visit to a school or by recommending a school to host the program. As all of us know, a democracy can prosper only if its citizens are both informed and engaged, and as former legislators we have a particular opportunity and responsibility to encourage such involvement. This program gives us a good chance to do so, particularly with our young people. Again, I thank those who have been part of it and encourage all of us to continue to participate.

Thank you very much.

Mr. RHODES. Thank you, MATT. I appreciate the time that you spend for the Association and for our projects and especially Congress to Campus which is one of our finest undertakings and at this point in time at least is the face of this organization publicly. That's where we are seen the most. I hope you will have a chance to read the article that was in Roll Call yesterday which should give you an indication in conjunction with the earlier reports about some of our international programs that we are going to try to expand the face so that it is recognized in areas other than the College to Campus Program. But College to Campus is clearly our flagship at this point and we really appreciate all the help we get, especially from MATT.

Now I need to talk to you a bit about the Statesmanship Dinner. Incidentally, in the Roll Call article, the only slight error that the reporter made in that the article was the implication that this is my swan song as president and that Dennis is taking over immediately after this meeting. I'm sorry to report to you, that's not true. You're stuck with me for another year. And Dennis is stuck up in that chair for another year. But next year he'll be up here lecturing you on how great we all are. We are chartered by Congress and receive no funding. The Association is responsible for finding our money to conduct our programs and one of the ways we do this is through our annual fundraising dinner. As part of this dinner, we recognize former and current Members of Congress for a particular achievement through our Statesmanship Award. In March of this year, we honored former and current Members

who preceded their service in Congress with their service in the military. The very first Congress included veterans of our revolutionary war and veterans have played a key role in the Congress ever since. This Congress in particular includes veterans from the Iraq war, and there are probably going to be some after the next election from the Afghan war. These are fine men and women who deserve our recognition. During the course of this dinner, four individuals, Representative BUYER, Senator JOHN MCCAIN, Congressman JOHN CONYERS and Senator DANIEL INOUE represented the different generations of Members who went from service in uniform to service in Congress. It was a very, very successful evening. It was very well received. And it was a successful fundraiser. This was our 13th fundraising dinner and the 13th time Lou Frey has chaired the undertaking. He deserves a special thanks for his tireless efforts on our behalf for this dinner. Lou is responsible for more ulcers amongst his dinner committee than he probably cares to acknowledge. A hard taskmaster he is, but he's a tremendous leader. He is outgrowing his own ulcers while he's making ours prosper as well. And he has promised me that he will not resign as dinner chairman while I am on the bridge. He is very disappointed to realize that there is another year, that he's got to do it another year. It's a solemn pledge.

Proceeds of the dinner help us with many of our projects. One of them is to collect the wisdom and experience of our members in book form. We have published one book called *Inside the House, Former Members Reveal How Congress Really Works*. It was heavily censored, but it has been widely received by political science departments in colleges and universities across the country. In a few weeks, we will be publishing volume 2 which is called *Political Rules of the Road*. This book collects various and sundry experiences and words of advice from people such as every single one of us in this room who has been through the caldron and have special stories to tell either because they are interesting or amusing, entertaining or enlightening. I am looking forward to seeing this book. We understand that 200 former and current Members participated and there are some 500 anecdotes contained in the volume. Another effort that we have undertaken is our annual golf tournament. Now we have had the annual golf tournament for 35 some years and it always involved sitting and former Members of Congress. Last year we expanded it to have a charitable role and we partnered with the Wounded Warriors Disabled Sports Foundation. Yesterday was the second tournament which involved the wounded warriors. As Dennis Hertel mentioned, we have been very successful in raising

money for the Wounded Warriors Disabled Sports Foundation. We receive no proceeds from this tournament. And we have raised approximately \$175,000 over the 2 years for the Wounded Warriors Disabled Sports Foundation.

There are many other things that we have been doing. We are running short on time. We need to move to one of the major reasons for being here, which is to honor Mr. Frey. We have continued the Life after Congress Seminar and we have sent a former Members delegation to Canada and our members had a chance to interact with colleagues in Ottawa, to strengthen that bond and that bond is very strong. We are organizing a similar mission to travel to Eastern Europe later this year. We will have a continuing relationship with the Web site project and next month, July, and I believe July 15 is the drop dead date, and I do mean drop dead date, for launching our new Web site. After July 15, I invite you to log on to www.usafmc.org and learn more than you probably want to know about all of us and all of you.

It is now my very distinct pleasure to present our 2009 Distinguished Service Award to our colleague from Florida, Mr. Frey.

For those of us who have known Lou for quite a few years, we can say without reservation, few people have the energy and the dedication that Lou commits to everything that he does. Few people have the boundless enthusiasm and his devotion to the task at hand and to the people he works with. He loves his country. He loves this institution. From the day he walked onto the House floor until this minute, he has always looked for ways to teach about Congress, to encourage the next generation of leaders, to help citizens become involved in their communities and in public service and in government. His work before, during and after his service has been distinguished and has made us a better and stronger institution and a better and stronger country. In addition, he has taken on a number of leadership positions within this organization, most of which have been alluded to. He has been our president, he has been our board member, he has been our taskmaster. We most of the time really, really appreciate him and when we don't, we are really, really not appreciating him. But most of the time we—I would not say, Lou, that you are the indispensable man, because we both know there is no such thing, but you are fairly close. Would you join me.

On behalf of the U.S. Association, it is my pleasure to present to you the 2009 Distinguished Service Award with plaque which is inscribed to Lou Frey. It says Congressman Lou Frey but "Congressman" is superfluous—it's just good old Lou—for his lifetime of exceptional public service. Both in and out of Congress, Lou Frey has dem-

onstrated his great love of country and the democratic process. Renting the State of Florida, he served in the leadership of his party in the House of Representatives. He dedicated his congressional career to the youth of America, for example, by sponsoring legislation that made higher education more financially attainable. After his tenure in Congress, he continued reaching out to America's high school and college students by establishing multiple programs that teach civic education. Thanks to Lou Frey, a new generation of leaders has become a better educated and engaged citizenry. Washington, D.C., June 16, 2009.

And it's got a gavel in it. I hope you don't think you're going to use that.

It is also my pleasure to give you a scrapbook of mementos from your friends and colleagues. I am happy to yield such time as he may consume, so long as it's not more than 10 minutes, to the Honorable Lou Frey.

Mr. FREY. Thank you, Mr. President, and thank you, all my friends. It's so great to see all of you and so many in the 91st Club back. I am so proud of my family who have helped so much. I guess there's 15 of them here. I hope you've had a chance to see them before. If not, they're up in the gallery and my bride is here which I'm not allowed to introduce but I will, anyway.

I went back before I looked at these remarks and read the speeches of Bob Michel and so many great people and what they felt about the House. I just can't match it. No way that I can match the eloquence of the words, Bob, that you and the other people did. So I thought what I would do is sort of talk about what I really care about and what I've been working on. I think we as former Members have a unique opportunity to do something that no one else can do because we're better at it where we sit in life right now than anybody, and that's the dream I had of young people and young people understanding what we've been given. It's amazing what our country has been given and it's amazing what we don't know about it. I guess I first ran into that when I started an intern program where young people come up and live with me or stay with Marcia and I, eight at a time. We would have them chaperoned. We'd go back and talk about it. And most of them were like me. I never went to my first political meeting until I was 25 years old. In school I had one course in civics. I never met a Member of Congress or a member of a State legislature basically until I started to run for office. I ran for office because I didn't want to be a State legislator and that's about all I knew. I got going on that path, I'm in Congress, and gee whiz, now what do you do, Coach? My leader wants me to play shortstop. What else can I do? I found as I got into it and spent more and more time that really our country

is civically illiterate. Just plain and simple, we don't know what the devil we have. So what we tried to do in Florida as a pilot program is figure out what we could do about it rather than just saying it really doesn't work.

If you go back and you look at Jefferson, we were at the monument the other night and the quotes. I went back and I found a letter he wrote in 1816. He said, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." This is going back pretty far, to 1816. When we look at our national landscape, there's a lot of studies that have been done, polls that have been out. A guy in Texas at the LBJ School looked at young people, and he said that the "lack of civic engagement and civic literacy among American youth is widespread. They know very little about even the basic of the American constitutional system and have no historical perspective on the development of the nation and its relations with the rest of the world." I'll use my State as an example but, let me tell you, your States aren't much better and some may even be worse. But I'll pick on Florida a little bit. Senator GRAHAM and I started a joint center of civics. We had some surveys done. Florida, of the 50 States, is 47th in the average rate of volunteerism, 49th in the percentage of people who attend public meetings, and 40th in the percentage of citizens who work with others to solve a problem. And overall of the 50 States, Florida is 47th from the top in terms of civic literacy. But, let me just add to that, we've had some national tests done, surveys done. These statistics really blow you away. Seventy-three percent of the students in fourth grade could not identify the Constitution from among four choices as the instrument that contains the basic rules. That's 73 percent of the students in fourth grade. Seventy-five percent of the students in fourth grade can't identify the three parts of the Federal Government out of four possible choices. Ninety-four percent of students in grade eight couldn't give two reasons why it would be useful for a country to have a Constitution. And on and on.

The studies that really make you cry are, for instance, the studies that were done by the University of Connecticut who tested 14,000 freshmen and seniors. The average grade of the senior in civics was 53 percent. Fifty-three percent. These are seniors in school. A Florida bar survey found out that 41 percent of adults in Florida couldn't identify the three branches of American government; 54 percent couldn't correctly describe the meaning of separation of powers; 39 percent couldn't describe the meaning of checks and balances. We have two U.S. Senators living in my hometown. Ninety percent of the kids couldn't name one of them. But they haven't been indicted, so that

sort of takes away from it, I guess, a little bit.

In the Florida primary in '06 which nominated a Governor and a Senator, the effective winning vote was 5.1 percent of the total Florida population. Really not a great turnout. Now there has obviously been a better turnout in the Presidential race. It was a nice spike. But when we surveyed the people there, they said, Well, we're not going to really do much after it. We don't intend to really do much. Over half the people said, yeah, they were going to vote and everything but they weren't going to do anything after it because politics just stunk.

So what you're looking at is a situation where really as a country we've been given this incredible gift and we don't know what we have and it's getting worse each year. It isn't getting better. We've been privileged to be here. There's been about 11,000 people who have ever served in the House. That's about half as many as you get at a national ball game these days. Not really very many people have ever had the privilege that we have here. We have an opportunity that is unique. Because as a Member of Congress you don't have any credibility. Right now there's a lot of fussing going on and so forth and so on and when you go out and teach in that, it's tough because as a Member of Congress you're rightly caring about your party and, you know, are you going to get reelected, are you going to get your party to stay in power. You have all these other things going. We've been in the big leagues. We've made it. All of us have been a product of the toughest system going and we've served in the greatest legislative body in the world. But our goal is different now. If our party's in, okay, fine. If it isn't, okay, we're going to survive it. We're not running for election. We are running, though, to change the young people and change what they believe and what they can do. Let me tell you, young people care. We've got a symposium. We've had 13 of them. We get about a thousand kids that come every 6 months to it. We put it on the Internet. Kids care if you give them a chance. We have a civics academy for high schools, for colleges and for elected officials, for local officials we have. We've created a civics academy in Leon County where for 3 years we're going to teach civics. We're trying to change the law in Florida so civics will be taught not just once but three or four times as we go along. People will come. Young people will come. And as former Members with what we're doing with the programs we have, University Press is here today with a new book coming out, with the program we're starting on the Internet which is going to reach across the country, there are a lot of things that we can do. We don't have to take second place to anybody. Because we are

on the frontlines and we can do it better, we have more knowledge, we've been through it, but we don't have a dog in the fight in terms of where it comes out. We just want young people, young Americans, to be exposed to what it is. We're not telling them to vote Republican, vote Democrat but we are telling them, look at what we have, look at the Constitution, look at what we've been given. It would be a shame to let this go away. And if we don't reach out to the young people, the young people coming along, it is going to continue to go away. And I think that's the challenge.

Tom Brokaw, when he gave Ford's eulogy, talked about the Greatest Generation who enlisted in the war and they went and they fought and they came back and they reenlisted. They reenlisted in this country. That's what I'm asking us to do, all of us. Let us reenlist like they did and make a difference and we can do it.

Thank you so much. I'm obviously humbled by the award. Everyone here could get, I recognize that. I thank you for it. I want to thank especially my family whom I dearly love and who has been with me all the way.

Thank you very much.

Mr. RHODES. Lou, thank you. It's leadership that our young people are looking for. With the efforts of people such as you and the people that you work with and the people you work with here, hopefully we are positioning ourselves to be able to assist in providing that leadership. A lot of the programs that you have instituted which we have been privileged to participate in, and I am particularly speaking of the civics education program and the webcasts, I think we have a very, very unique opportunity to reach young men and women who really are hungry to be told, not what to do but why they are free and why they have the opportunities that they have. And it is because of you and efforts of people like you that we are going to make that effort.

We thank you very much.

I now have a portion of the program that we will go through. It's not a happy one, but I will read to you the names of our former colleagues who have passed away during the course of the past year. Each of us probably knows at least some of these names, and some may know all of them. During the past year, the following individuals have gone to a greater reward:

Glenn Andrews of Alabama
Robert Cornell of Wisconsin
Tim Hall of Illinois
Frank Harrison of Pennsylvania
Jesse Helms of North Carolina
Jack Kemp of New York
David King of Utah
Horace Kornegay of North Carolina
Dan Kuykendall of Tennessee
Raymond Lederer of Pennsylvania
Clem McSpadden of Oklahoma

Bill Orton of Utah
William Patman of Texas
James Pearson of Kansas
Claiborne Pell of Rhode Island
Carl Pursell of Michigan
Matthew Rinaldo of New Jersey
Paul Rogers of Florida
John Seiberling of Ohio
Paul Todd of Michigan
Stephanie Tubbs-Jones of Ohio
Lionel Van Deerlin of California
Jerome Waldie of California
Lyle Williams of Ohio
Wendell Wyatt of Oregon.

I ask all of you, including those in the gallery, if you would rise for just a moment of silence to pay respect to their memories.

Thank you.

A new addition to our annual meeting is a memorial breakfast where we will further celebrate the lives and contributions of our past former colleagues. The breakfast is tomorrow morning at 9 a.m. at the Capitol Hill Club. Chaplain Coughlin will join us and it would be very nice to see as many of you there as possible. We are going to give opportunities for us to share memories, if we will, of some of those with whom we were particularly acquainted who have gone on.

Before I conclude, I need to make mention of the fact that we have two former parliamentarians from Canada who have joined us. Lou Duguay is my counterpart in the Canadian Association of Former Parliamentarians and Murad Velshi is a former member of the Ontario legislature. We are honored that you have joined us and hope that you will participate in the rest of our programs.

I want to thank other members of our executive committee: Vice President Hertel; Treasurer Morella; Secretary Kennelly; and our immediate Past President, Jim Slattery. I also want to pay special recognition to our special immediate Past President, Jack Buechner. When Mr. Slattery left Washington to go back to Kansas to run for the Senate, we were lacking an immediate Past President who is a valuable member of the executive committee, and we were able to prevail upon Jack to fill in, which he did, he did very ably and contributed very much to the Association's efforts during the course of time that Jim was not here. As we know, Mr. Slattery fell short in his campaign for the Senate and has returned to Washington and has resumed his duties as immediate Past President. But, Jack, thank you for your help. We needed it and we appreciate it.

I think that it would be appropriate for me to take a moment to recognize our staff. These are very, very talented professional, hardworking, dedicated people, and they work for us and they work very, very well for us. A lot of the things that we get accomplished we couldn't do without the assistance of our five staff personnel. They are:

Esra Alemdar, Jr., Program Officer
Whitney Novak, Member Services
Manager

Tracy Fine, Democracy Officer
Sudha David-Wilp, International Pro-
grams Director

Pete Weichlein, Executive Director.
Our thanks to all of you for every-
thing you do for us.

That is the end of my report. I want
to thank Leader HOYER and Leader
BOEHNER for giving us the opportunity
to be here on the floor today and
Speaker PELOSI for making the Cham-
ber available to us.

Mr. HERTEL. The Chair wants to
thank the president of our association,
the gentleman from Arizona, for all his
hard work and leadership, especially in
these difficult times. He does have this
extra burden to carry since the gentle-
man from Kansas ran for the Senate
and it's been in difficult times, espe-
cially in this economy. It's much hard-
er to get the people to volunteer to
contribute money. As we thank Lou
Frey for his leadership all these years,
it goes to such wonderful programs as
our Congress to Campus Program but
to Jay Rhodes for carrying this heavy
load.

I also wanted to recognize Mr.
Buechner who has done such a wonder-
ful job as President and Past President
in leading our group and with advice.
And also Matt McHugh, our former
President of the Association who is
here; and Phil Ruppe from my State of
Michigan. Because of all these gentle-
men, we've had such a great oppor-
tunity. We have also had women before
as Lindy Boggs, one of our outstanding
Presidents before of our association.
What a difference they have made in
getting people to participate and bring-
ing these programs to fruition. I have
to also thank Barbara Kennelly, our
treasurer, and Connie Morella for all
their hard work and all the time they
devoted, especially in this last year.

The Chair again wishes to thank all
the former Members of the House for
their presence here today. Before ter-
minating these proceedings, the Chair
would like to invite those former Mem-
bers who did not respond when the roll
was called to give their name to the
Clerk for inclusion on the roll. The
Chair wishes to thank the other former
Members of the House for their pres-
ence here today and all of their work in
contributing to all the programs that
we have been talking about for the last
hour and a half. As Lou Frey said, it's
only with the former Members that we
can continue to participate and have
these programs work internationally
and in over 40 campuses around our
country. And now with the Wounded
Warriors addition to make that dis-
abled sports program so successful.
Thank you again. We appreciate all the
work that you have done.

The meeting is adjourned.

PRAYER

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

Lord God, Who knows the truth when
it is still hidden from our mind's eye,
and Who reads our hearts, filled with
hidden desires, we bring our needs to
You in prayer.

Sometimes we are simply elated by
hope. Often we are overwhelmed by the
reality of daily concerns. Occasionally
we are totally blinded by the emotional
force field around us. Yet, we try to
clear the air with our prayer.

Help us, Lord, to humbly admit that
at times we are not fully conscious of
what is our greatest need.

Dealing with issues that are beyond
psychological admission or sociological
determination or political timing,
Lord, we are led to a deeper confidence
that You know us better than we know
ourselves.

You will help us if we simply call
upon Your Holy Name, and will answer
our deepest needs, even if we cannot
name them ourselves, for You are the
Creative One and Savior of Your peo-
ple, now and forever.

Amen.

THE JOURNAL

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

Pursuant to clause 1, rule I, the Jour-
nal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the
gentleman from California (Mr. HER-
GER) come forward and lead the House
in the Pledge of Allegiance.

Mr. HERGER led the Pledge of Alle-
giance as follows:

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

WAR SUPPLEMENTAL

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

Mr. KUCINICH. We're destroying our
Nation's moral and fiscal integrity
with the war supplemental. Instead of
ending wars in Iraq, Afghanistan, and
Pakistan now, by appropriating only
enough money to bring our troops
home, Congress abdicates its constitu-
tional authority, defers to the Presi-
dent and asks for a report. That's
right. All we're asking for is a report
on when the President will end the
war.

There's money, too, for the IMF, pre-
sumably to bail out private European
banks, billions for the IMF so they can
force low- and middle-income nations

to cut jobs, wages, health care and re-
tirement security, just like corporate
America does to our constituents.

And there's money to incentivize the
purchase of more cars, but not nec-
essarily from the U.S. because a "Buy
America" mandate was not allowed.
Another \$106 billion, and all we get is a
lousy war. Pretty soon, that's going to
be about the only thing made in Amer-
ica: war.

ELECTING CERTAIN MINORITY
MEMBERS TO CERTAIN STAND-
ING COMMITTEES OF THE HOUSE
OF REPRESENTATIVES

Mr. PENCE. Mr. Speaker, by direc-
tion of the Republican Conference, I
offer a privileged resolution and ask
for its immediate consideration.

The Clerk read the resolution, as fol-
lows:

H. RES. 548

Resolved, That the following Members be,
and are hereby, elected to the following
standing committee:

COMMITTEE ON ARMED SERVICES—Mr.
McKeon, to rank before Mr. Bartlett; Mr.
Platts.

Mr. PENCE (during the reading). Mr.
Speaker, I ask unanimous consent that
the resolution be considered as read.

The SPEAKER pro tempore. Is there
objection to the request of the gentle-
man from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on
the table.

BREAKING DOWN THE UNINSURED

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

Ms. FOXX. Mr. Speaker, earlier
today, and in the many days before, we
heard our colleagues talk over and over
and over again about how we have so
many people in this country who do
not have access to health care. That's
not accurate. They have access to
health care. What they're talking
about is people who are uninsured.

But let me talk about the numbers
that make up what they're talking
about as 45.7 million Americans who
are uninsured. That's not true either;
9.5 million of those are noncitizens; 12
million of them are eligible for public
programs such as Medicaid and Medi-
care; 7.3 million have incomes over
\$84,000 and choose not to purchase
health insurance; and 9.1 million are
only temporarily uninsured. That
brings us down to 7.8 million American
citizens, lower income, long-term unin-
sured, a much different figure from the
45 million they tout all the time. And
a preliminary report by CBO says that
they want to spend \$1 trillion on this.

HONORING THE LIFE OF SENIOR AIRMAN ASHTON GOODMAN

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

Mr. CARSON of Indiana. Mr. Speaker, I rise today to honor a fallen hero who was laid to rest in my district earlier this month.

Senior Airman Ashton Goodman was killed by a roadside bomb in Afghanistan on May 26. Her ultimate sacrifice is a stark reminder of the human cost of war. However, it is Ashton's life that should serve as a shining example of American achievement in Afghanistan.

While tasked with protecting vital reconstruction teams, Ashton worked to win over the hearts and minds of the Afghan people. She regularly mentored Afghan women, providing them with the guidance and skills needed to stand up against oppression and violence. Because of Ashton, many women are now combating the economic and social conditions that breed extremism.

Through her exceptional support of Afghan women and her sacrifice on behalf of her country, she has set a lasting example for our military and for all Americans.

THE CALIFORNIA CATASTROPHIC WILDFIRE PREVENTION AND COMMUNITY PROTECTION ACT OF 2009

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

Mr. HERGER. Mr. Speaker, today, I'm introducing legislation to address the dire situation facing my district and the State of California with respect to accumulation of forest fuels and the threat of catastrophic wildfires.

The California Catastrophic Wildfire Prevention and Community Protection Act of 2009 seeks to implement hazardous fuels reduction and other forest-thinning projects on Federal land that have been collaboratively developed and identified within a community's wildfire protection plan or county fire plan.

Since 2003, California has witnessed three of its worst fire seasons ever. This legislation would help address the only aspect of wildfire we can control: accumulation of forest fuels. Without action, our communities remain at risk to catastrophic wildfire.

I urge my fellow Members to support this commonsense solution.

AFFORDABLE HEALTH CARE FOR EVERYONE

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

Mr. KAGEN. Mr. Speaker, we've come to a point in time in American

history when it's past time for us to guarantee access to affordable health care for everyone.

Last week, Thursday, President Obama came to Green Bay, Wisconsin, and he didn't have to travel very far to find a health care story. At the airport restaurant there's Jeff. And Jeff is working 65 hours a week, two different jobs, and he doesn't have the health care coverage that he needs. He can't get health care coverage because he has a preexisting medical condition.

It's time for this House, on both sides of the aisle, to understand that Jeff isn't the only one who needs our help.

We need to have choices. We need to have the care that we require just to get through the day, and we have to have health care at a price we can all afford to pay. And we must guarantee that no citizen shall suffer any discrimination due to any preexisting medical conditions.

And I'll ask you this question: Isn't it time that we have a Federal standard, a standard health benefit plan, that's available to each and every American citizen and legal resident?

I think it's time, and so do the people of northeast Wisconsin.

A PEACEFUL FUTURE FOR IRAN

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

Mr. REICHERT. Mr. Speaker, halfway across the world today people are rioting in the streets. Violence, gunshots and even death have overtaken Iran's streets as its citizens protest the results of their recent election.

Iran's security affects the entire Middle East, and the riots there show how fragile their government really is. Recently, Iran successfully tested a long-range missile, and their intentions with their nuclear program are still unknown.

The United States must utilize every diplomatic, economic, and political tool at our disposal, including the further use of sanctions. Ultimately, our goal is peace for Iran, peace now and in the future. That's why I encourage Members of this body to join me in the support of the Iran Petroleum Sanctions Act. This legislation would use sanctions on refined petroleum to Iran in order to convince the government to give up its nuclear ambitions.

Our desire, all of us across the world, is to see a secure and peaceful future for the people of Iran, the greater Middle East and the world, but this cannot happen without some changes in Iran's policies, regardless of the outcome of their election.

COMBATING A NATIONAL PROBLEM

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I'm glad to report to the House about another blow made against the drug cartels who smuggle narcotics into the United States from Mexico.

Recently, two women from Michigan were arrested for driving a van filled with \$1 million dollars worth of marijuana down I-40 near Holbrook in my district. The Major Crimes Apprehension Team K-9 Unit pulled over the van for a traffic violation and discovered two occupants from Michigan carrying \$1 million worth of marijuana.

This case further demonstrates the important role that local law enforcement in Arizona and throughout the Southwest are playing in combating a national problem.

I commend Navajo County Sheriff K.C. Clark and his department for yet another successful operation.

COMMENTS MADE BY LEON PANETTA

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

Mr. COLE. Mr. Speaker, like many Americans, I cheered when CIA Director Leon Panetta recently defended the honor of his agency against unsubstantiated charges by the Speaker of the House that the CIA routinely lied to Americans and to the Congress of the United States.

Given those remarks, I was surprised to see his recent remarks about Vice President Cheney when he said, It's almost as if he wishes that this country would be attacked again in order to make his point.

Just as Mr. Panetta deserves an apology from the Speaker, Mr. Panetta owes one to the Vice President of the United States.

The Vice President was Vice President when this country was attacked. He and the President spent the next 7½ years making sure it didn't happen again. They deserve our thanks and our appreciation, not cheap shots and not questions about their motives when they address the critical issues before our country.

HEALTH CARE REFORM

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

Ms. SUTTON. Mr. Speaker, I rise today to stress the importance of reforming our health care system this year. Every day Americans with health concerns worry, not just about getting well, but whether they can afford to get well.

Statistics show that the average American family already pays an extra \$1,100 in premiums every year for a broken system that leaves 46 million uninsured Americans, and millions more

who are insured without the care they need when they need it.

Americans spend more than any other population on health care; yet we are no healthier for the investment. President Obama and this Congress want to change this dynamic.

We must make quality health care more affordable and accessible to every American: man, woman and child. We must enact a health care system, promote a health care system, ensure a health care system that will work for our constituents and be worthy of this great Nation.

□ 1215

TALKING ON THE PHONE TAX

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

Mr. POE of Texas. Mr. Speaker, "can you hear me now?"

That phrase repeated by cell phone users across the vast prairies and wide-open spaces of America soon may be taxed by the Feds.

That's right. The taxacrats want to tax citizens for their private cell phone use and for the use of mobile phones at work. It's a benefit, the taxacrats saith. So they want to tax it.

Don't think this new "talking on the phone tax" will ever leave. In 1898, Congress passed temporary phone taxes to fund the Spanish-American War, but Teddy Roosevelt and the Rough Riders had the 4-month war won even before the tax took effect. Guess what? Americans are still paying that temporary phone tax for that war 111 years ago.

Phone taxes never die. They don't even fade away. Americans are taxed enough already. Government addiction to spending should be cured cold turkey style. Citizens don't need more silly taxes to fund pet projects. Mr. Speaker, the people are weary of taxes. "Can you hear them now?" No more taxes. No "talking on the phone tax."

And that's just the way it is.

HONORING THE LIFE OF COACH JIM OWENS

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

Mr. DICKS. Mr. Speaker, today in Seattle, a memorial service is taking place for the University of Washington's legendary football coach, Jim Owens, who passed away on June 6, leaving a legacy that extends far beyond Husky Stadium where he coached for 18 years. In fact, that legacy extends here to the Nation's Capital because I was one of the many individuals he recruited, coached and counseled on and off the field, and we remained friends for nearly 50 years.

He was a remarkable leader, assuming the job of head coach at the univer-

sity at the age of 29. It was said that he brought a work ethic and a coaching style that would have intimidated a Marine Corps drill instructor. That was accurate. I can say that from personal experience. He had high expectations, and he could be tough. He once told me I was fine on defense as a linebacker, but I was the weakest weak guard on the team.

Most of all, he was a real leader, and he was successful. Three years after arriving at the University of Washington, he produced a Rose Bowl championship team, defeating Wisconsin, 44-8, in the 1960 Rose Bowl. I was proud to play for him the next year when we repeated a Rose Bowl victory over Minnesota, 17-7.

He was a great coach. Though he will be missed, his lessons will endure long beyond his death. Our prayers go out to the entire Owens family. They have lost a wonderful husband and father. His players will never forget him.

PEACEFUL DISSENT IN THE STREETS OF IRAN

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

Mrs. MALONEY. Mr. Speaker, I rise to join with President Obama, with Vice President BIDEN and with all of those around the world who have been expressing their most profound concern about the events in Iran and, in particular, about the violence being used against those people who have been peacefully dissenting in the streets of Iran.

There are news reports that at least seven have been killed. Others have been beaten and have been badly injured. Both the protests and the violent suppression have been spreading. It has been reported that there are instances of live fire being used by police in the cities. The Iranian authorities have now indicated that they will do a limited recount of the election results. I hope they are sincere and earnest in this offer.

As President Obama has said to those who have used their right to dissent: The world is watching and the world is inspired.

RECOGNIZING VIETNAM VETERANS FROM NEW MEXICO

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

Mr. TEAGUE. Mr. Speaker, during the Memorial Day weekend, there was a solemn moment for one family of New Mexico. Enrique Valdez, who served as a gunnery sergeant in the United States Marine Corps, was the 400th New Mexican to have his name added to the Vietnam Memorial here in Washington. Valdez was injured during his second tour of duty in South Vietnam.

Today, I would like to say that I am thankful for the service that Sergeant Valdez gave to his country. New Mexico has always had a proud military history from the Civil War to the Operations of Enduring and Iraqi Freedom.

New Mexico's sons and daughters have always answered their Nation's call. For those who served during the Vietnam war, we as a Nation have been lax in our gratitude and appreciation. As we remember Sergeant Enrique Valdez, let us not only honor his memory and sacrifice but also honor the price that was paid by all who served in Vietnam.

FISCAL CRISES

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

Mr. HIMES. Mr. Speaker, the U.S. is facing a fiscal crisis which we must soon begin to address. This will not be easy, but there are two clear things that we know we must do.

First, we know we must fix the spiraling cost of our health care system, and those who would point to our Federal deficits ignore the much larger numbers associated with the promises that we have made through Medicare and Social Security that we are going to have trouble keeping if we don't take a hard look at those things.

Secondly, as the economy recovers, this House must put the brakes on government spending. That's why I am delighted that, tomorrow, this House will take up pay-as-you-go legislation that would simply say: You pay for what you spend. You either have the guts to ask the citizenry to pay for it via taxation or you choose other things that you don't want to spend it on. We've seen PAYGO rules in place before, in the 1990s, when the government ran surpluses and when we saw unrivaled prosperity.

So we need to look back at that and have the discipline to pass that legislation so that we restore confidence in our fiscal probity and in the prosperity to our economy.

HEALTH CARE CRISIS

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

Ms. HIRONO. Mr. Speaker, it is time to stop playing politics and solve the health care crisis. Americans deserve a choice in quality health care that is affordable.

Health care reform will make sure that we have the option to keep the health care insurance we have, if we like it, or to choose a quality public health care option.

Health care reform will stop the insurance companies from denying coverage to those with preexisting conditions. You will also no longer be denied

care because of your age. Health care reform will make sure that you will have coverage that can never be denied or taken away. Our families need this peace of mind. We spend almost 50 percent more per person on health care than does the next most costly nation, but we are no healthier for it.

We cannot wait any longer to make health care reform a reality. Quality, affordable health care for all is long overdue.

HEALTH CARE REFORM

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

Mr. ELLISON. Mr. Speaker, the American people don't need to be told there is a health care crisis in America. They're the ones living it every day. They're the ones who, for decades, have seen the price they pay out of every paycheck for health insurance skyrocket while their coverage has shrunk or has been denied altogether. They've seen the increasing copays and premiums.

We can give every American a choice. We can offer an alternative to the mountains of medical debt that so often lead to bankruptcy. We can offer an alternative to the fear that they or their children might be denied a doctor visit simply because it is more profitable to deny them coverage than to see them get well.

I want to encourage all Americans to stand up to the same fear-mongering attacks that have prevented them for decades from getting the health care they deserve. We can offer a public option that helps all Americans. I implore the American people to remember that we are not the country of "no, we can't." We are America, the country of "yes, we can."

IRAN

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

Ms. SPEIER. Mr. Speaker, while we are often focused on the things that make us different from other cultures, the recent news in Iran illustrates that there are far more things that bind us than that divide us. Freedom of speech, democracy and respect for basic fairness are not uniquely American or Western values. They are hardwired into all of us and are as elemental to the human experience as is the need for food, water or love.

We will likely have political differences with the Government of Iran for years to come. Despite this, let us all remember that the Iranian people want many of the same things that Americans do. They want their voices to be heard just like us. They want their government to be just, open and

accessible just like us. They want their economy to be strong and for their country to work towards greater peace and understanding around the world just like us.

HEALTH CARE

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

Mr. ARCURI. Mr. Speaker, the health care crisis in our Nation is real. We need to step forward and take action to provide quality and affordable care for those who need it. With 46 million Americans uninsured in this country, there is no time to waste in offering hardworking families the option of health insurance while infusing competition into the health care market, which desperately needs it.

Our broken health care system also happens to be the most expensive health care system in the world. If we don't act now, the cost of health care in this country in 10, 20 or 30 years will bog down our economy. Reforming our health care system now makes economic sense.

Proposed health care reform is all about options. If you are happy with your current plans and with your current providers, keep them. The choice to have health insurance and the choice to get the best medical care you can possibly get is up to you. Health care should be a right for every American, and our current health care system in this country is broken. It is time for Congress to take the lead and to make the tough choices that we were sent to Washington to make.

DAY OF THE AFRICAN CHILD

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

Mr. PAYNE. Mr. Speaker, today, I rise to recognize the Day of the African Child, which has been celebrated on June 16 each year since 1991 when it was first initiated by the Organization of African Unity, the predecessor to the African Union.

This year, the African Union has designated child survival as the theme of this year's Day of the African Child.

According to the United Nations Children's Fund, sub-Saharan Africa remains the most difficult place in the world for a child to survive. Each year in sub-Saharan Africa, 1.2 million babies die in their first month of life. Roughly, one in every six children fails to reach his 5th birthday. In response to these shocking statistics, the African Union made child survival a theme for their 15th meeting coming up in 2010.

The top five killers of children under age 5 include neonatal causes such as respiratory infections, pneumonia, malaria, diarrhea, and HIV/AIDS.

So, Mr. Speaker, we encourage the legislators to support this, and I join in solidarity with UNICEF for the African child.

HEALTH CARE REFORM

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

Ms. RICHARDSON. Mr. Speaker, America cannot afford to wait for health care reform. Right now, more than three out of four Americans are dissatisfied with the total cost of health care. That is why Congress is working hard to craft legislation to fix the health care system for American families, for American businesses, for future generations, and of course, for our own fiscal survival.

Since 2000, wages have only increased 3 percent while health insurance has increased more than 50 percent. This has caused many families to delay visits to the doctor, to skip treatments and to allow their health coverage to lapse. Despite having the most expensive health care system in the world, Americans are no healthier than many of our global partners.

President Obama and this Congress are working together to provide adequate, accessible and affordable health care now.

GOVERNMENT HASTE MAKES TAXPAYER WASTE

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

Mr. McCOTTER. We are going to soon be facing a question of health care for Americans. We've heard about how important it is for fellow Americans to have access to quality, affordable health care, and we hear that government is the answer. We hear that, if we spend \$1 trillion, we may be able to insure one-third of our fellow citizens. Extrapolating from that, that means, to insure all of the uninsured, it will cost us \$3 trillion. We hear this must be done by August.

Government haste makes taxpayer waste. We must do this properly. We must do this correctly. We cannot do it properly or correctly with an arbitrary deadline set by people who have, to date, passed bills they have not read and that have yet to work for the American people, whose number one concern right now is keeping a job or finding one.

□ 1230

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings

today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

NATIONAL CONSUMER COOPERATIVE BANK ACT AMENDMENTS OF 2009

Mrs. MALONEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1674) to amend the National Consumer Cooperative Bank Act to allow for the treatment of the nonprofit corporation affiliate of the Bank as a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1674

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Consumer Cooperative Bank Act Amendments of 2009”.

SEC. 2. TREATMENT OF NATIONAL COOPERATIVE BANK AFFILIATE AS COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.

Section 211 of the National Consumer Cooperative Bank Act (12 U.S.C. 3051) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) TREATMENT AS COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—Notwithstanding any other provision of law, the nonprofit corporation established under this section shall be deemed to be a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994, unless, after the date of the enactment of the National Consumer Cooperative Bank Act Amendments of 2009, the Bank, or any affiliate (as defined in section 103(3) of the Community Development Banking and Financial Institutions Act of 1994) of the Bank, participates in depository institution incentives under section 114 of the Community Development Banking and Financial Institutions Act of 1994.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this particular legislation and to insert additional information.

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

There was no objection.

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 1674, the National Consumer Cooperative Bank Act Amendments of 2009. This legislation is necessary to make a technical correction to the statute of the National Consumer Cooperative Bank Act.

The National Consumer Cooperative Bank was created by Congress in 1978 and is dedicated to strengthening communities nationwide through the delivery of banking and financial services, complemented by a special focus on cooperative expansion and economic development.

The National Consumer Cooperative Bank Act of 1978 established a nonprofit corporation to reach further into low-income communities and to serve disadvantaged populations. NCB Capital Impact is that nonprofit, mission-driven subsidiary of NCB that works to provide housing, education, health care, cultural centers, small businesses, and social services in economically distressed communities.

In the last 10 years alone, NCB Capital Impact has invested more than \$600 million in assistance to low- and moderate-income communities. These funds helped finance more than 33,000 affordable housing units; 8,000 affordable assisted living units for seniors and persons with disabilities; 137,000 school seats; 2.9 million square feet of community health center space serving 350,000 patients; and helped create 25,000 jobs for low-income individuals.

In my home State of New York, NCB Capital Impact has played a significant role in providing housing finance. In fact, NCB has participated in more than 600 loans in my district alone. Most of these loans are for housing, including affordable housing, as well as loans for community facilities and loans to nonprofit organizations like the Council of New York Cooperatives and Condominiums. Together, these groups are able to provide assisted living, affordable housing and services to the frail and elderly.

Presently, NCB Capital Impact is working with five community-based organizations to help finance 17 projects that will create 558 housing units. Despite their good work in serving low-income communities and disadvantaged populations, NCB Capital Impact is not eligible for assistance authorized under the Community Development Banking and Financial Institutions Act of 1994, which is administered by the CDFI Fund. The fund has ruled it cannot certify NCB Capital Impact as a CDFI because of the corporate structure of its parent, NCB. In short, NCB Capital Impact is shut off from critical sources of financial awards that are needed to maintain their housing and community development efforts.

The interest of NCB Capital Impact in gaining CDFI certification is twofold. First, it has a track record that is

comparable to other organizations that receive CDFI status; its mission is dedicated to working with low-income populations and communities. Second, increasingly in the community development finance field, CDFI certification is viewed as a Good Housekeeping Seal of Approval in working with other Federal agencies and other public and private institutions.

I think that it is important to note that this legislation does not guarantee the NCB any assistance, nor does it authorize additional amounts for the CDFI program. All it does is allow NCB to better fulfill its mission by allowing them to compete for these funds. As such, the Congressional Budget Office has determined that this legislation will have no significant impact on the Federal budget.

I urge my colleagues to join me in supporting this technical amendment to the NCB statute so that the nonprofit, mission-driven NCB Capital Impact may continue to provide services to distressed and underserved communities throughout New York and throughout the entire country.

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

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

H.R. 1674 makes a small but significant fix to the National Consumer Cooperative Bank that will have the effect of expanding financial services options to low-income communities.

The bill would give NCB Capital Impact, the nonprofit subsidiary of NCB, the opportunity to compete with hundreds of other institutions for grants from the Community Development Financial Institutions Fund administered by the Treasury Department. Today, NCB Capital Impact is not eligible for the CDFI grants even though it provides housing, education, health care, cultural centers, small businesses, and social services in distressed areas. The mission of the CDFI Fund is to expand the capacity of financial institutions to provide credit, capital and financial services to underserved populations.

So long as the activities of the NCB Capital Impact meet the letter and the spirit of the CDFI's eligibility requirements, their organizational structure should not preclude them from receiving those dollars. This bill would allow NCB Capital Impact to compete for grants and continue providing economic development support to low- and moderate-income communities.

In closing, I would like to commend the sponsor of this legislation, Mrs. MALONEY, for her work on this bill. I am in support of her statement and would urge my colleagues also to support that.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 1674.

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

A motion to reconsider was laid on the table.

HOMES FOR HEROES ACT OF 2009

Mr. AL GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 403) to provide housing assistance for very low-income veterans.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 403

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homes for Heroes Act of 2009".

SEC. 2. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN OFFICE OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

"(g) SPECIAL ASSISTANT FOR VETERANS AFFAIRS.—

"(1) ESTABLISHMENT.—There shall be in the Department a Special Assistant for Veterans Affairs, who shall be in the Office of the Secretary.

"(2) APPOINTMENT.—The Special Assistant for Veterans Affairs shall be appointed based solely on merit and shall be covered under the provisions of title 5, United States Code, governing appointments in the competitive service.

"(3) RESPONSIBILITIES.—The Special Assistant for Veterans Affairs shall be responsible for—

"(A) ensuring veterans have access to housing and homeless assistance under each program of the Department providing either such assistance;

"(B) coordinating all programs and activities of the Department relating to veterans;

"(C) serving as a liaison for the Department with the Department of Veterans Affairs, including establishing and maintaining relationships with the Secretary of Veterans Affairs;

"(D) serving as a liaison for the Department, and establishing and maintaining relationships with officials of State, local, regional, and nongovernmental organizations concerned with veterans;

"(E) providing information and advice regarding—

"(i) sponsoring housing projects for veterans assisted under programs administered by the Department; or

"(ii) assisting veterans in obtaining housing or homeless assistance under programs administered by the Department;

"(F) preparing the annual report under section 8 of Homes for Heroes Act of 2009; and

"(G) carrying out such other duties as may be assigned to the Special Assistant by the Secretary or by law."

SEC. 3. SUPPORTIVE HOUSING FOR VERY LOW-INCOME VETERAN FAMILIES.

(a) PURPOSE.—The purposes of this section are—

(1) to expand the supply of permanent housing for very low-income veteran families; and

(2) to provide supportive services through such housing to support the needs of such veteran families.

(b) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, to the extent amounts are made available for assistance under this section and the Secretary receives approvable applications for such assistance, provide assistance to private nonprofit organizations and consumer cooperatives to expand the supply of supportive housing for very low-income veteran families.

(2) NATURE OF ASSISTANCE.—The assistance provided under paragraph (1)—

(A) shall be available for use to plan for and finance the acquisition, construction, reconstruction, or moderate or substantial rehabilitation of a structure or a portion of a structure to be used as supportive housing for very low-income veteran families in accordance with this section; and

(B) may also cover the cost of real property acquisition, site improvement, conversion, demolition, relocation, and other expenses that the Secretary determines are necessary to expand the supply of supportive housing for very low-income veteran families.

(3) CONSULTATION.—In meeting the requirement of paragraph (1), the Secretary shall consult with—

(A) the Secretary of Veterans Affairs; and

(B) the Special Assistant for Veterans Affairs, as such Special Assistant was established under section 4(g) of the Department of Housing and Urban Development Act.

(c) FORMS OF ASSISTANCE.—Assistance under this section shall be made available in the following forms:

(1) PLANNING GRANTS.—Assistance may be provided as a grant for costs of planning a project to be used as supportive housing for very low-income veteran families.

(2) CAPITAL ADVANCES.—Assistance may be provided as a capital advance under this paragraph for a project, such advance shall—

(A) bear no interest;

(B) not be required to be repaid so long as the housing remains available for occupancy by very low-income veteran families in accordance with this section; and

(C) be in an amount calculated in accordance with the development cost limitation established pursuant to subsection (i).

(3) PROJECT RENTAL ASSISTANCE.—Assistance may be provided as project rental assistance, under an annual contract that—

(A) obligates the Secretary to make monthly payments to cover any part of the costs attributed to units occupied (or, as approved by the Secretary, held for occupancy) by very low-income veteran families that is not met from project income;

(B) provides for the project not more than the sum of the initial annual project rentals for all units so occupied and any initial utility allowances for such units, as approved by the Secretary;

(C) provides that any contract amounts not used by a project in any year shall remain available to the project until the expiration of the contract;

(D) provides that upon the expiration of each contract term, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves, sup-

portive services, and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal; and

(E) provides that in the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.

(d) TENANT RENT CONTRIBUTION.—A very low-income veteran family shall pay as rent for a dwelling unit assisted under this section the highest of the following amounts, rounded to the nearest dollar:

(1) 30 percent of the veteran family's adjusted monthly income.

(2) 10 percent of the veteran family's monthly income.

(3) If the veteran family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the veteran family's actual housing costs, is specifically designated by such agency to meet the veteran family's housing costs, the portion of such payments which is so designated.

(e) TERM OF COMMITMENT.—

(1) USE LIMITATIONS.—All units in housing assisted under this section shall be made available for occupancy by very low-income veteran families for not less than 15 years.

(2) CONTRACT TERMS FOR PROJECT RENTAL ASSISTANCE.—

(A) INITIAL TERM.—The initial term of a contract entered into under subsection (c)(3) shall be 60 months.

(B) EXTENSION.—The Secretary shall, subject only to the availability of amounts provided in appropriation Acts, renew the contract entered into under subsection (c)(3) for 10 consecutive one-year terms, the first such term beginning upon the expiration of such 60-month period.

(C) AUTHORITY OF SECRETARY TO MAKE EARLY COMMITMENTS.—In order to facilitate the orderly extension of expiring contracts, the Secretary may make commitments to extend expiring contracts during the year prior to the date of expiration.

(f) APPLICATIONS.—

(1) IN GENERAL.—Amounts made available under this section shall be allocated by the Secretary among approvable applications submitted by private nonprofit organizations and consumer cooperatives.

(2) CONTENT OF APPLICATION.—

(A) IN GENERAL.—Applications for assistance under this section shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

(B) REQUIRED CONTENT.—Applications for assistance under this section shall contain—

(i) a description of the proposed housing;

(ii) a description of the assistance the applicant seeks under this section;

(iii) a description of—

(I) the supportive services to be provided to the persons occupying such housing;

(II) the manner in which such services will be provided to such persons, including, in the case of frail elderly persons (as such term is defined in section 202 of the Housing Act of 1959 (12 U.S.C. 1701q)), evidence of such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of such services; and

(III) the public or private sources of assistance that can reasonably be expected to fund or provide such services;

(iv) a certification from the public official responsible for submitting a housing strategy for the jurisdiction to be served in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) that the proposed project is consistent with the approved housing strategy; and

(v) such other information or certifications that the Secretary determines to be necessary or appropriate to achieve the purposes of this section.

(3) REJECTION.—The Secretary shall not reject any application for assistance under this section on technical grounds without giving notice of that rejection and the basis therefore to the applicant.

(g) INITIAL SELECTION CRITERIA AND PROCESSING.—

(1) SELECTION CRITERIA.—The Secretary shall establish selection criteria for assistance under this section, which shall include—

(A) criteria based upon—

(i) the ability of the applicant to develop and operate the proposed housing;

(ii) the need for supportive housing for very low-income veteran families in the area to be served;

(iii) the extent to which the proposed size and unit mix of the housing will enable the applicant to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion;

(iv) the extent to which the proposed design of the housing will meet the service-connected disability needs of very low-income veteran families;

(v) the extent to which the applicant has demonstrated that the supportive services identified pursuant to subsection (f)(2)(B)(iii) will be provided on a consistent, long-term basis;

(vi) the extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, either initially or over the useful life of the housing, by the very low-income veterans the housing is intended to serve;

(vii) the extent to which the applicant has ensured that a service coordinator will be employed or otherwise retained for the housing, who has the managerial capacity and responsibility for carrying out the actions described in clauses (i) and (ii) of subsection (h)(2)(A); and

(viii) such other factors as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively;

(B) a preference in such selection for applications proposing housing to be reserved for occupancy by very low-income veteran families who are homeless (as such term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)); and

(C) criteria appropriate to consider the need for supportive housing for very low-income veteran families in nonmetropolitan areas and by Indian tribes.

(2) DELEGATED PROCESSING.—

(A) DELEGATION TO STATE OR LOCAL HOUSING AUTHORITY.—In issuing a capital advance under this subsection for any project for which financing for the purposes described in subsection (b)(2) is provided by a combination of a capital advance under subsection (c)(2) and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

(i) is in geographic proximity to the property;

(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section; and

(iv) agrees to issue a firm commitment within 12 months of delegation.

(B) PROCESSING BY SECRETARY.—The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

(C) PROCESSING FEES.—An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

(D) AUTHORITY RETAINED BY SECRETARY.—Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.

(h) PROVISION OF SUPPORTIVE SERVICES TO VETERAN FAMILIES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall coordinate with the Secretary of Veterans Affairs to ensure that any housing assistance provided to veterans or veteran families includes a range of services tailored to the needs of the very low-income veteran families occupying such housing, which may include services for—

(A) outreach;

(B) health (including counseling, mental health, substance abuse, post-traumatic stress disorder, and traumatic brain injury) diagnosis and treatment;

(C) habilitation and rehabilitation;

(D) case management;

(E) daily living;

(F) personal financial planning;

(G) transportation;

(H) vocation;

(I) employment and training;

(J) education;

(K) assistance in obtaining veterans benefits and public benefits;

(L) assistance in obtaining income support;

(M) assistance in obtaining health insurance;

(N) fiduciary and representative payee;

(O) legal aid;

(P) child care;

(Q) housing counseling;

(R) service coordination; and

(S) other services necessary for maintaining independent living.

(2) LOCAL COORDINATION OF SERVICES.—

(A) IN GENERAL.—The Secretary of Housing and Urban Development shall coordinate with the Secretary of the Department of

Veterans Affairs to ensure that owners of housing assisted under this section have the managerial capacity to—

(i) assess on an ongoing basis the service needs of residents;

(ii) coordinate the provision of supportive services and tailor such services to the individual needs of residents; and

(iii) seek on a continuous basis new sources of assistance to ensure the long-term provision of supportive services.

(B) CLASSIFICATION OF COSTS.—Any cost associated with this subsection relating to the coordination of services shall be an eligible cost under subsections (c)(3).

(i) DEVELOPMENT COST LIMITATIONS.—

(1) IN GENERAL.—The Secretary shall periodically establish reasonable development cost limitations by market area for various types and sizes of supportive housing for very low-income veteran families by publishing a notice of the cost limitations in the Federal Register.

(2) CONSIDERATIONS.—The cost limitations established under paragraph (1) shall reflect—

(A) the cost of construction, reconstruction, or moderate or substantial rehabilitation of supportive housing for very low-income veteran families that meets applicable State and local housing and building codes;

(B) the cost of movables necessary to the basic operation of the housing, as determined by the Secretary;

(C) the cost of special design features necessary to make the housing accessible to very low-income veteran families;

(D) the cost of community space necessary to accommodate the provision of supportive services to veteran families;

(E) if the housing is newly constructed, the cost of meeting the energy efficiency standards promulgated by the Secretary in accordance with section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709); and

(F) the cost of land, including necessary site improvement.

(3) USE OF DATA.—In establishing development cost limitations for a given market area under this subsection, the Secretary shall use data that reflect currently prevailing costs of construction, reconstruction, or moderate or substantial rehabilitation, and land acquisition in the area.

(4) COMMUNITY SPACE.—For purposes of paragraph (2), a community space shall include space for cafeterias or dining halls, community rooms or buildings, workshops, child care, adult day health facilities or other outpatient health facilities, or other essential service facilities.

(5) COMMERCIAL FACILITIES.—Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.

(6) ACQUISITION.—In the case of existing housing and related facilities to be acquired, the cost limitations shall include—

(A) the cost of acquiring such housing;

(B) the cost of rehabilitation, alteration, conversion, or improvement, including the moderate or substantial rehabilitation thereof; and

(C) the cost of the land on which the housing and related facilities are located.

(7) ANNUAL ADJUSTMENTS.—The Secretary shall adjust the cost limitation not less than

annually to reflect changes in the general level of construction, reconstruction, and moderate and substantial rehabilitation costs.

(8) INCENTIVES FOR SAVINGS.—

(A) SPECIAL HOUSING ACCOUNT.—

(i) IN GENERAL.—The Secretary shall use the development cost limitations established under paragraph (1) or (6) to calculate the amount of financing to be made available to individual owners.

(ii) ACTUAL DEVELOPMENTAL COSTS LESS THAN FINANCING.—Owners which incur actual development costs that are less than the amount of financing shall be entitled to retain 50 percent of the savings in a special housing account.

(iii) BONUS FOR ENERGY EFFICIENCY.—The percentage established under clause (ii) shall be increased to 75 percent for owners which add energy efficiency features which—

(I) exceed the energy efficiency standards promulgated by the Secretary in accordance with section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709);

(II) substantially reduce the life-cycle cost of the housing; and

(III) reduce gross rent requirements.

(B) USES.—The special housing account established under subparagraph (A) may be used—

(i) to provide services to residents of the housing or funds set aside for replacement reserves; or

(ii) for such other purposes as determined by the Secretary.

(9) DESIGN FLEXIBILITY.—The Secretary shall, to the extent practicable, give owners the flexibility to design housing appropriate to their location and proposed resident population within broadly defined parameters.

(10) USE OF FUNDS FROM OTHER SOURCES.—An owner shall be permitted voluntarily to provide funds from sources other than this section for amenities and other features of appropriate design and construction suitable for supportive housing under this section if the cost of such amenities is—

(A) not financed with the advance; and

(B) is not taken into account in determining the amount of Federal assistance or of the rent contribution of tenants.

(j) TENANT SELECTION.—

(1) IN GENERAL.—An owner shall adopt written tenant selection procedures that are—

(A) satisfactory to the Secretary and which are—

(i) consistent with the purpose of improving housing opportunities for very low-income veteran families; and

(ii) reasonably related to program eligibility and an applicant's ability to perform the obligations of the lease; and

(B) compliant with subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) and any regulations issued under such subtitle.

(2) NOTIFICATION OF REJECTION.—Owners shall promptly notify in writing any rejected applicant of the grounds for any rejection.

(3) INFORMATION REGARDING HOUSING.—

(A) IN GENERAL.—The Secretary shall provide, to the Secretary of Veterans Affairs and the Secretary of Labor, information regarding the availability of the housing assisted under this section.

(B) SHARING OF INFORMATION WITH ADDITIONAL AGENCIES.—Within 30 days of receipt of the information, the Secretary of Veterans Affairs and Secretary of Labor shall provide such information to agencies in the area of the housing that receive assistance

from the Department of Veterans Affairs and the Department of Labor for providing medical care, housing, supportive services or employment and training services to homeless veterans.

(k) MISCELLANEOUS PROVISIONS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall make available appropriate technical assistance to ensure that prospective applicants are able to participate more fully in the program carried out under this section.

(2) CIVIL RIGHTS COMPLIANCE.—Each owner shall certify, to the satisfaction of the Secretary, that assistance made available under this section will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), the Fair Housing Act (42 U.S.C. 3601 et seq.), and other Federal, State, and local laws prohibiting discrimination and promoting equal opportunity.

(3) OWNER DEPOSIT.—

(A) IN GENERAL.—The Secretary shall require an owner of housing, assisted under this section, to deposit an amount not to exceed \$15,000 in a special escrow account to ensure the owner's commitment to the housing. Such amount shall be used only to cover operating deficits during the first three years of operations and shall not be used to cover construction shortfalls or inadequate initial project rental assistance amounts.

(B) REDUCTION OF REQUIREMENT.—

(i) IN GENERAL.—The Secretary may reduce or waive the owner deposit specified under subparagraph (A) for individual applicants if the Secretary finds that such waiver or reduction is necessary to achieve the purposes of this section and the applicant demonstrates to the satisfaction of the Secretary that it has the capacity to manage and maintain the housing in accordance with this section.

(ii) NONPROFITS.—The Secretary may reduce or waive the requirement of the owner deposit under subparagraph (A) in the case of a nonprofit applicant that is not affiliated with a national sponsor, as determined by the Secretary.

(4) NOTICE OF APPEAL.—

(A) IN GENERAL.—The Secretary shall notify an owner not less than 30 days prior to canceling any reservation of assistance provided under this section.

(B) APPEAL.—

(i) FILING DEADLINE.—During the 30-day period following the receipt of any notice required under subparagraph (A), an owner may appeal the proposed cancellation.

(ii) TIMING OF DECISION.—Any appeal undertaken under clause (i), including review by the Secretary, shall be completed not later than 45 days after the appeal is filed.

(5) LABOR.—

(A) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that all laborers and mechanics employed by contractors and subcontractors in the construction of housing with 12 or more units assisted under this section shall be paid wages at rates not less than the rates prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(B) EXEMPTION.—Subparagraph (A) shall not apply to any individual who—

(i) performs services for which the individual volunteered;

(ii) does not receive compensation for such services or is paid expenses, reasonable benefits, or a nominal fee for such services; and

(iii) is not otherwise employed at any time in the construction work.

(6) ACCESS TO RESIDUAL RECEIPTS.—

(A) IN GENERAL.—The Secretary shall authorize the owner of a housing project assisted under this section to use any residual receipts held for the project in excess of \$500 per unit (or in excess of such other amount prescribed by the Secretary based on the needs of the project) for activities to retrofit and renovate the project as described under section 802(d)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(3)) or to provide supportive services to residents of the project.

(B) REPORT.—Any owner that uses residual receipts under this paragraph shall submit to the Secretary a report, not less than annually, describing the uses of the residual receipts.

(C) DETERMINATION OF AMOUNT.—In determining the amount of project rental assistance to be provided to a project under subsection (c)(3) of this section, the Secretary may take into consideration the residual receipts held for the project only if, and to the extent that, excess residual receipts are not used under this paragraph.

(7) OCCUPANCY STANDARDS AND OBLIGATIONS.—Each owner shall operate housing assisted under this section in compliance with subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) and any regulations issued under such subtitle.

(8) USE OF PROJECT RESERVES.—

(A) IN GENERAL.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project.

(B) APPROVAL OF SECRETARY REQUIRED.—Any use described in subparagraph (A) of amounts for project reserves for a project assisted under this section shall be subject to the approval of the Secretary to ensure that such use is designed to retrofit units that are currently obsolete or unmarketable.

(9) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

(A) REPAYMENT.—If a recipient, or a project sponsor receiving funds from the recipient, receives assistance under subsection (b) for use pursuant to paragraph (2) of such subsection for the construction, acquisition, or rehabilitation of supportive housing for very low-income veteran families and the project ceases to provide permanent housing, the Secretary shall require the recipient, or such project sponsor, to repay the following percentage of such assistance:

(i) In the case of a project that ceases to be used for such supportive housing before the expiration of the 10-year period beginning upon commencement of the operation of the project, 100 percent.

(ii) In the case of a project that ceases to be used for such supportive housing on or after the expiration of the 10-year period beginning upon commencement of the operation of the project, but before the expiration of the 15-year period beginning upon such commencement, 20 percent of the assistance for each of the years during such 15-year period for which the project fails to provide permanent housing.

(B) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (C), if any property is used for a project that receives assistance under subsection (b) for use pursuant to paragraph (2) of such subsection for the construction, acquisition or rehabilitation of supportive housing for very low-income veteran families, and the sale or other

disposition of the property occurs before the expiration of the 15-year period beginning upon commencement of the operation of the project, the recipient (or the project sponsor receiving funds from the recipient) shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient (or such project sponsor) from unduly benefitting from such sale or disposition.

(C) EXCEPTION.—A recipient, or a project sponsor receiving funds from the recipient, shall not be required to make repayments, and comply with the terms and conditions, required under subparagraph (A) or (B) if—

(i) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very-low income persons;

(ii) all of the proceeds of the sale or disposition are used to provide permanent housing for very-low income veteran families meeting the requirements of this section;

(iii) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

(iv) there are no low-income veteran families in the geographic area of the property who meet the program criteria, in which case the project may serve non-veteran individuals and families having incomes described in subsection (1)(2) of this section.

(10) CONTINUED ELIGIBILITY OF VERY LOW-INCOME VETERAN FAMILIES.—A veteran family residing in supportive housing assisted under this section may not be considered to lose its status as such a family for purposes of eligibility for continued occupancy in such housing due to the death of any veteran member of the family, including the sole veteran member of the family.

(1) DEFINITIONS.—In this section, the following definitions shall apply:

(1) CONSUMER COOPERATIVE.—The term “consumer cooperative” has the same meaning given such term for purposes of the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(2) VERY LOW-INCOME VETERAN FAMILY.—The term “very low-income veteran family” means a veteran family whose income does not exceed 50 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish an income ceiling higher or lower than 50 percent of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of prevailing levels of construction costs or fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)), or unusually high or low family incomes.

(3) OWNER.—The term “owner” means a private nonprofit organization or consumer cooperative that receives assistance under this section to develop and operate supportive housing for very low-income veteran families.

(4) PRIVATE NONPROFIT ORGANIZATION.—The term “private nonprofit organization” means—

(A) any incorporated private institution or foundation—

(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(ii) which has a governing board that is responsible for the operation of the housing assisted under this section; and

(iii) which is approved by the Secretary as to financial responsibility;

(B) a for-profit limited partnership the sole or managing general partner of which is an organization meeting the requirements under clauses (i), (ii), and (iii) of subparagraph (A) or a corporation meeting the requirements of subparagraph (C);

(C) a corporation wholly owned and controlled by an organization meeting the requirements under clauses (i), (ii), and (iii) of subparagraph (A); and

(D) a tribally designated housing entity, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(5) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development, except where specifically provided otherwise.

(6) STATE.—The term “State” includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(7) SUPPORTIVE HOUSING FOR VERY LOW-INCOME VETERAN FAMILIES.—The term “supportive housing for very low-income veteran families” means housing that is designed to accommodate the provision of supportive services that are expected to be needed, either initially or over the useful life of the housing, by the veteran families that the housing is intended to serve.

(8) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(9) VETERAN FAMILY.—The term “veteran family” includes a veteran who is a single person, a family (including families with children) whose head of household (or whose spouse) is a veteran, and one or more veterans living together with 1 or more persons.

(m) ALLOCATION OF FUNDS.—Of any amounts made available for assistance under this section:

(1) PLANNING GRANTS.—Not more than 2.5 percent shall be available for planning grants in accordance with subsection (c)(1).

(2) CAPITAL ADVANCES.—Such sums as may be necessary shall be available for capital advances in accordance with subsection (c)(2).

(3) PROJECT RENTAL ASSISTANCE.—Such sums as may be necessary shall be available for project rental assistance in accordance with subsection (c)(3).

(4) TECHNICAL ASSISTANCE.—Not more than 1 percent shall be available for technical assistance in accordance with subsection (k)(1).

(n) AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.—There is authorized to be appropriated for assistance under this section \$200,000,000 for fiscal year 2009 and such sums as may be necessary for each fiscal year thereafter.

SEC. 4. HOUSING CHOICE VOUCHERS FOR HOMELESS VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended to read as follows:

“(19) RENTAL VOUCHERS FOR HOMELESS VETERANS.—

“(A) ADDITIONAL VOUCHERS.—In addition to any amount made available for rental assistance under this subsection, the Secretary shall make available the amount specified in subparagraph (B), for use only for providing

rental assistance for homeless veterans in conjunction with the Secretary of Veterans Affairs.

“(B) AMOUNT.—The amount specified in this subparagraph is, for each fiscal year, the amount necessary to provide not fewer than 20,000 vouchers for rental assistance under this subsection.

“(C) CONTINUED ELIGIBILITY OF HOMELESS VETERAN FAMILIES.—If any veteran member of a household for which rental assistance is being provided under this paragraph, including the sole veteran member of the household, dies, such household may not be considered, due to such death, to lose its status as the household of a homeless veteran for purposes of—

“(i) eligibility for continued assistance under this paragraph; or

“(ii) continued occupancy in the dwelling unit in which such family is residing using such assistance at the time of such death.

“(D) FUNDING.—The budget authority made available under any other provisions of law for rental assistance under this subsection for fiscal year 2009 and each fiscal year thereafter is authorized to be increased in each such fiscal year by such sums as may be necessary to provide the number of vouchers specified in subparagraph (B) for such fiscal year.”.

SEC. 5. INCLUSION OF VETERANS IN HOUSING PLANNING.

(a) PUBLIC HOUSING AGENCY PLANS.—Section 5A(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437c-1(d)(1)) is amended by striking “and disabled families” and inserting “, disabled families, and veterans (as such term is defined in section 101 of title 38, United States Code)”.

(b) COMPREHENSIVE HOUSING AFFORDABILITY STRATEGIES.—

(1) IN GENERAL.—Section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) is amended—

(A) in subsection (b)(1), by inserting “veterans (as such term is defined in section 101 of title 38, United States Code),” after “acquired immunodeficiency syndrome;”

(B) in subsection (b)(20), by striking “and service” and inserting “veterans service, and other service;” and

(C) in subsection (e)(1), by inserting “veterans (as such term is defined in section 101 of title 38, United States Code),” after “homeless persons.”.

(2) CONSOLIDATED PLANS.—The Secretary of Housing and Urban Development shall revise the regulations relating to submission of consolidated plans (part 91 of title 24, Code of Federal Regulations) in accordance with the amendments made by paragraph (1) of this subsection to require inclusion of appropriate information relating to veterans and veterans service agencies in all such plans.

SEC. 6. EXCLUSION OF VETERANS BENEFITS FROM ASSISTED HOUSING RENT CONSIDERATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the amount of rent paid by a family for occupancy of a dwelling unit assisted under a federally assisted housing program under subsection (b) or in housing assisted under any other federally assisted housing program, the income and the adjusted income of the family shall not be considered to include any amounts received by any member of the family from the Secretary of Veterans Affairs as—

(1) compensation, as such term is defined in section 101(13) of title 38, United States Code; and

(2) dependency and indemnity compensation, as such term is defined in section 101(14) of such title.

(b) **FEDERALLY ASSISTED HOUSING PROGRAM.**—The federally assisted housing programs under this subsection are—

(1) the public housing program under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(2) the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), including the program under subsection (o)(19) of such section for housing rental vouchers for low-income veteran families;

(3) the project-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(4) the program for housing opportunities for persons with AIDS under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(5) the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(6) the supportive housing for persons with disabilities program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(7) the supportive housing for the homeless program under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.);

(8) the program for moderate rehabilitation of single room occupancy dwellings for occupancy by the homeless under section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401);

(9) the shelter plus care for the homeless program under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.);

(10) the supportive housing for very low-income veteran families program under section 3 of this Act;

(11) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)(A));

(12) the rental assistance program under section 236 of the National Housing Act (12 U.S.C. 1715z-1);

(13) the rural housing programs under section 515 and 538 of the Housing Act of 1949 (42 U.S.C. 1485, 1490p-2);

(14) the HOME investment partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.);

(15) the block grant programs for affordable housing for Native Americans and Native Hawaiians under titles I through IV and VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq., 4221 et seq.);

(16) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture under which eligibility for occupancy in the housing assisted or for housing assistance is based upon income;

(17) low-income housing credits allocated pursuant to section 42 of the Internal Revenue Code of 1986; and

(18) tax-exempt bonds issued for qualified residential rental projects pursuant to section 142(d) of the Internal Revenue Code of 1986.

SEC. 7. TECHNICAL ASSISTANCE GRANTS FOR HOUSING ASSISTANCE FOR VETERANS.

(a) **IN GENERAL.**—The Secretary of Housing and Urban Development shall, to the extent amounts are made available in appropriation

Acts for grants under this section, make grants to eligible entities under subsection (b) to provide to nonprofit organizations technical assistance appropriate to assist such organizations in—

(1) sponsoring housing projects for veterans assisted under programs administered by the Department of Housing and Urban Development;

(2) fulfilling the planning and application processes and requirements necessary under such programs administered by the Department; and

(3) assisting veterans in obtaining housing or homeless assistance under programs administered by the Department.

(b) **ELIGIBLE ENTITIES.**—An eligible entity under this subsection is a nonprofit entity or organization having such expertise as the Secretary shall require in providing technical assistance to providers of services for veterans.

(c) **SELECTION OF GRANT RECIPIENTS.**—The Secretary of Housing and Urban Development shall establish criteria for selecting applicants for grants under this section to receive such grants and shall select applicants based upon such criteria.

(d) **FUNDING.**—Of any amounts made available in fiscal year 2009 or any fiscal year thereafter to the Department of Housing and Urban Development for salaries and expenses, \$1,000,000 shall be available, and shall remain available until expended, for grants under this section.

SEC. 8. ANNUAL REPORT ON HOUSING ASSISTANCE TO VETERANS.

(a) **IN GENERAL.**—Not later than December 31 each year, the Secretary of Housing and Urban Development shall submit a report on the activities of the Department of Housing and Urban Development relating to veterans during such year to the following:

(1) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) The Committee on Veterans' Affairs of the Senate.

(3) The Committee on Appropriations of the Senate.

(4) The Committee on Financial Services of the House of Representatives.

(5) The Committee on Veterans' Affairs of the House of Representatives.

(6) The Committee on Appropriations of the House of Representatives.

(7) The Secretary of Veterans Affairs.

(b) **CONTENTS.**—Each report required under subsection (a) shall include the following information with respect to the year for which the report is submitted:

(1) The number of very low-income veteran families provided assistance under the program of supportive housing for very low-income veteran families under section 3, the socioeconomic characteristics of such families, the types of assistance provided such families, and the number, types, and locations of owners of housing assisted under such section.

(2) The number of homeless veterans provided assistance under the program of housing choice vouchers for homeless veterans under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (as amended by section 4), the socioeconomic characteristics of such homeless veterans, and the number, types, and locations of entities contracted under such section to administer the vouchers.

(3) A summary description of the special considerations made for veterans under public housing agency plans submitted pursuant to section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1) and under com-

prehensive housing affordability strategies submitted pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705).

(4) A description of the technical assistance provided to organizations pursuant to grants under section 7.

(5) A description of the activities of the Special Assistant for Veterans Affairs.

(6) A description of the efforts of the Department of Housing and Urban Development to coordinate the delivery of housing and services to veterans with other Federal departments and agencies, including the Department of Defense, Department of Justice, Department of Labor, Department of Health and Human Services, Department of Veterans Affairs, Interagency Council on Homelessness, and the Social Security Administration.

(7) The cost to the Department of Housing and Urban Development of administering the programs and activities relating to veterans.

(8) Any other information that the Secretary considers relevant in assessing the programs and activities of the Department of Housing and Urban Development relating to veterans.

(c) ASSESSMENT OF HOUSING NEEDS OF VERY LOW-INCOME VETERAN FAMILIES.—

(1) **IN GENERAL.**—For the first report submitted pursuant to subsection (a) and every fifth report thereafter, the Secretary of Housing and Urban Development shall—

(A) conduct an assessment of the housing needs of very low-income veteran families (as such term is defined in section 3); and

(B) shall include in each such report findings regarding such assessment.

(2) **CONTENT.**—Each assessment under this subsection shall include—

(A) conducting a survey of, and direct interviews with, a representative sample of very low-income veteran families (as such term is defined in section 3) to determine past and current—

(i) socioeconomic characteristics of such veteran families;

(ii) barriers to such veteran families obtaining safe, quality, and affordable housing;

(iii) levels of homelessness among such veteran families; and

(iv) levels and circumstances of, and barriers to, receipt by such veteran families of rental housing and homeownership assistance; and

(B) such other information that the Secretary determines, in consultation with the Secretary of Veterans Affairs and national nongovernmental organizations concerned with veterans, homelessness, and very low-income housing, may be useful to the assessment.

(3) **CONDUCT.**—If the Secretary contracts with an entity other than the Department of Housing and Urban Development to conduct the assessment under this subsection, such entity shall be a nongovernmental organization determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.

(4) **FUNDING.**—Of any amounts made available pursuant to section 501 of the Housing and Urban Development Act of 1970 (42 U.S.C. 1701z-1) for programs of research, studies, testing, or demonstration relating to the mission or programs of the Department of Housing and Urban Development for any fiscal year in which an assessment under this subsection is required pursuant to paragraph (1) of this subsection, \$1,000,000 shall be available until expended for costs of the assessment under this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. AL GREEN) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 403.

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

There was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Representative CAPITO. She is an active member of the Financial Services Committee, and I thank her for managing today.

Mr. Speaker, I would also like to thank Representative MICHAUD—also known as MICHAUD, depending on where you're from—for his outstanding work in helping with this bill. He is a cosponsor. I thank the ranking member, SPENCER BACHUS. Of course I thank the chairman of the Financial Services Committee, Mr. BARNEY FRANK. I also would like to thank the Housing Subcommittee Chair who has worked closely with me on this project, Representative MAXINE WATERS.

Mr. Speaker, the question may be posed in the mind of someone as to why we should pass the Homes for Heroes Act. I would like to answer this question. We need to pass this bill because, while many of us are sleeping in the sweets of life, too many of our veterans are sleeping in the streets of life. We need to pass it because, while many of us have homes and good jobs, too many of our veterans are homeless, with no jobs at all. We must pass this piece of legislation because America can't continue to be the home of the free and the land of the brave if too many of our brave veterans continue to be homeless.

Mr. Speaker, the statistics are shocking; they literally shock the conscience. Veterans are 9 percent of the population and more than 25 percent of the homeless. On any given night, 131,000 veterans are homeless, and 300,000 veterans will experience homelessness at some point in the course of 1 year. One-half of the veterans who are homeless suffer from mental illness, two-thirds suffer from alcohol or substance abuse. About 47 percent of homeless veterans are Vietnam veterans.

In Texas, there are about 16,000 homeless veterans. In my city of Houston, Texas, we have about 2,500 homeless veterans. Per the National Alliance to End Homelessness, 467,000 vet-

erans spend more than 50 percent of their income on rent; 1.5 million veterans have incomes below the poverty line; and 643,000 veterans have incomes below 50 percent of the poverty line. Mr. Speaker, America needs to pass Homes for the Heroes because our veterans need homes.

Mr. Speaker, H.R. 403 would establish a Special Assistant for Veteran Affairs within HUD. It would give this person the authority to coordinate services for homeless veterans. And this would be with the States, with local authorities, and with nonprofit organizations as well.

This bill establishes a \$200 million assistance program in HUD for veterans for supportive housing and services for low-income veterans. It expands the very popular and very successful HUD Veterans Affairs Supportive Housing Program, authorizing 20,000 vouchers annually when funded. It authorizes \$1 million in HUD grants to assist housing providers to help them provide the supportive services and the planning necessary to fulfill the needs of our veterans.

This bill would require HUD to submit an annual comprehensive report to Congress on homelessness among the veteran population. And this bill will do what is necessary as a great first step to ending homelessness among our veterans population. This bill is supported by 12 anti-homelessness and veterans organizations.

Mr. Speaker, if America is to continue to be the land of the free, America must provide homes for the brave.

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

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

Mr. Speaker, I would like to thank my colleague, Mr. GREEN, for his passion and his devotion to this bill, Homes for Heroes Act, as he has been shepherding this now for several Congresses. I appreciate his support, and I want to lend my support as well.

As we know, the Iraq and Afghanistan wars have placed new pressures on veterans services and housing. The Department of Veterans Affairs estimates that it has served approximately 916 returning veterans in its homeless programs and has identified over 2,900 more as being at risk of homelessness. The Congressional Research Service, in its report entitled "Veterans and Homelessness," explains why both male and female veterans are overrepresented in the homeless population.

This country simply must do a better job of providing for our veterans. For this reason, I rise in strong support of H.R. 403, the Homes for Heroes Act of 2009.

As my colleague explained, this legislation will help to expand the supply of housing for very low-income veterans and increase the number of vouchers

for homeless veterans. It establishes a Special Assistant for Veteran Affairs at the Department of Housing and Urban Development to ensure veterans receive proper access to HUD's housing assistance programs, coordinate all HUD programs and activities pertaining to veterans, and would act as a liaison between HUD and the Department of Veterans Affairs.

In an effort to expand the supply of veterans housing, the bill authorizes appropriations for housing assistance for very low-income and homeless veterans. A very low-income veteran family has an income not exceeding 50 percent of an area's median income. A \$200 million authorization would provide capital advances and planning grants to private nonprofits and consumer cooperatives for the construction and rehabilitation of permanent supportive housing for very low-income veterans. The \$200 million authorization may also be used for project rental assistance.

□ 1245

The bill also authorizes appropriations necessary to provide 20,000 additional housing choice vouchers for homeless veterans for fiscal year 2009 and each year thereafter.

Other provisions in the bill include the exclusion of veterans benefits amounts from rental subsidy calculations for all federally funded housing programs and an authorization of \$1 million in technical assistance grants to nonprofits who provide veterans housing or provide assistance to veterans seeking housing.

All in all this bill, I believe, will help to address an area or an issue of homelessness in our veterans population, one that we must not allow to continue. H.R. 403 is similar to H.R. 3329, which passed the House in the 110th Congress by a vote of 412-9.

I urge my colleagues' support.

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

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlelady for her generous comments and her appeal to colleagues to support this important piece of legislation.

Mr. Speaker, I would like to submit for the RECORD a letter that has been signed by 16 organizations that are supporting this piece of legislation.

JUNE 12, 2009.

Hon. AL GREEN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GREEN: We are writing to express our overwhelming support for H.R. 403, the Homes for Heroes Act of 2009, legislation that would provide housing assistance for very low-income veterans. We urge the House of Representatives to pass this bill on Tuesday, June 16, 2009.

The Department of Veterans Affairs (VA) officials recently reported on any given

night, 131,000 veterans are homeless. Veterans are at a greater risk of becoming homeless due to health problems (post traumatic stress disorder, substance abuse issues, mental health disorders), economic issues (extremely low or no livable income), and a shortage of affordable housing.

While most currently homeless veterans served during prior conflicts or in peacetime, the newest generation of combat veterans of Operation Enduring Freedom and Iraqi Freedom (OEF–OIF), both men and women, are returning home and suffering from war related conditions that may put them at risk for homelessness. A growing trend in homelessness among these new veterans points to a need to develop a coordinated approach to reduce and ultimately eliminate homelessness among all veterans.

Your bill, H.R. 403, the “Homes for Heroes Act of 2009,” will provide shelter for homeless veteran families and help prevent low-income families from falling into homelessness. The undersigned organizations are pleased the following legislative actions are contained in this bill:

1. Establish the position of Special Assistant for Veterans Affairs within the Department of Housing and Urban Development (HUD).

2. Establish permanent supportive housing and services for very low-income veterans and their families through a \$200 million assistance program.

3. Authorize HUD to provide housing assistance to private nonprofit organizations and consumer cooperatives to expand the supply of permanent affordable housing.

4. Require HUD to coordinate with the VA to provide supportive services tailored to the needs of the very low-income veteran families occupying supportive housing.

5. Expand the highly successful HUD–VA Supportive Housing (HUD–VASH) Program, authorizing 20,000 vouchers annually and making the program permanent.

6. Place additional priority on veterans and require all local public housing agencies to develop plans to address the needs of homeless veterans.

7. Authorize \$1 million in HUD grants to assist housing and service providers to execute their housing projects for very low-income veteran families.

8. Require HUD to submit a comprehensive annual report to Congress on the housing needs of homeless veterans.

To meet the current and future needs of our Nation’s most vulnerable veterans, we ask the House of Representatives to pass H.R. 403, the Homes for Heroes Act of 2009. Supporting this historic veteran homelessness prevention initiative will be a giant step forward towards ending veteran homelessness in America.

Corporation for Supportive Housing
 Goodwill Industries International
 Local Initiatives Support Corporation
 Military Officers Association of America
 National Alliance to End Homelessness
 National Association for Black Veterans
 National Coalition for Homeless Veterans
 National Coalition for the Homeless
 National Law Center on Homelessness & Poverty
 National Leased Housing Association
 National Low Income Housing Coalition
 National Policy and Advocacy Council on Homelessness
 Vietnam Veterans of America
 American Association of Homes and Services for the Aging
 Services For the Aging
 National Association of Affordable Housing Lenders

National Equity Fund

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

Mrs. CAPITO. Mr. Speaker, I would like to now yield 2 minutes to Ms. BROWN-Waite from Florida, an advocate for veterans all across the board and certainly housing for our veterans.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise in support of H.R. 403, the Homes For Heroes Act of 2009.

For our Nation’s veterans, the fight does not end when they return from battle. Readjusting to civilian life and coping with the physical and psychological effects of war can be a daunting task. Current reports estimate that about 154,000 veterans are homeless on any given night. This statistic is a tragedy. However, Congress is now taking a step in the right direction.

The Homes For Heroes Act creates a Special Assistant for Veterans Affairs within HUD, provides at least 20,000 low-income veterans with rental vouchers, and aids veterans in applying for and obtaining assistance. Additionally, I’m proud that this bill includes help for veterans with mental health disorders and assists low-income veterans and their families with personal and financial planning, obtaining veterans benefits, and vocational training.

As a former member of the Committee on Veterans Affairs, I am aware of the many unique issues that our veterans face. The Homes For Heroes Act will supply our veterans with the tools that they need to reintegrate into society, and I thank Representative Green for introducing this bill.

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

Mr. AL GREEN of Texas. Mr. Speaker, I close by urging my colleagues to support this piece of legislation and to please consider the fact that our veterans have been there for us; this is an opportunity for us to be there for them.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in strong support of H.R. 403, which will increase support for our veterans by providing them with housing benefits. I thank my colleague Representative AL GREEN for introducing this important legislation, as well as the many cosponsors for their support. I thank Arthur D. Sidney for his assistance on this matter.

I stand in support of this legislation because it assists those men and women who have sacrificed so much for this country. This bill will establish a Special Assistant for Veterans Affairs within the Department of Housing and Urban Development. In doing so, the office will ensure that veterans and their families that are most in need will receive housing benefits and get them off the streets. The office will build upon the existing infrastructure already in place among public and private institutions by granting housing vouchers, providing public housing, and coordinating efforts across HUD programs and activities.

Nearly a quarter of the homeless population in the United States is comprised of veterans

and their families. The National Survey of Homeless Assistance Providers and clients found that 18% of homeless male veterans participating in homeless assistance programs reported that their latest episode of homelessness lasted 3 months or less, compared to 28% of their male nonveteran counterparts. This disproportionate burden on the men and women that have served in the Armed Forces is a grave injustice. We must continue working to increase support for our veterans in recognition of their ultimate sacrifice—risking their lives to serve this great country. Please join me in supporting our veterans by voting for this legislation.

Ms. WATERS. Mr. Speaker, I rise today in strong support of H.R. 403, the Homes for Heroes Act of 2009. I am proud to be a cosponsor and would like to recognize the leadership of Representative AL GREEN who introduced this very important bill last Congress, which passed the House Floor. This bill upholds the principle that those who served our Nation honorably should not have to live on the streets or in shelters.

According to the U.S. Department of Veterans Affairs, approximately 150,000 to 200,000 American veterans are living on the streets or in shelters. And nearly 300,000 veterans may experience homelessness at some point during the course of a year.

The Housing and Community Opportunity Subcommittee, which I chair, held a hearing on this bill during the 110th Congress and heard from witnesses how the return of veterans from Iraq and Afghanistan would greatly increase demand for affordable housing and social services in communities across the country.

Since then, the economy has only worsened and the number of veterans returning home from Iraq and Afghanistan continues to increase. Furthermore, many veterans are at greater risk of becoming homeless because they struggle with health and economic issues, while facing a shortage of affordable housing.

That is why H.R. 403 is so important. This bill would create a new program where none existed before to develop permanent supportive housing for the homeless veterans who need it. I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. AL GREEN) that the House suspend the rules and pass the bill, H.R. 403.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

AWARDING A CONGRESSIONAL GOLD MEDAL TO THE WOMEN AIRFORCE SERVICE PILOTS

Mr. AL GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 614) to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 614

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the Women Airforce Service Pilots of WWII, known as the "WASP", were the first women in history to fly American military aircraft;

(2) more than 60 years ago, they flew fighter, bomber, transport, and training aircraft in defense of America's freedom;

(3) they faced overwhelming cultural and gender bias against women in nontraditional roles and overcame multiple injustices and inequities in order to serve their country;

(4) through their actions, the WASP eventually were the catalyst for revolutionary reform in the integration of women pilots into the Armed Services;

(5) during the early months of World War II, there was a severe shortage of combat pilots;

(6) Jacqueline Cochran, America's leading woman pilot of the time, convinced General Hap Arnold, Chief of the Army Air Forces, that women, if given the same training as men, would be equally capable of flying military aircraft and could then take over some of the stateside military flying jobs, thereby releasing hundreds of male pilots for combat duty;

(7) the severe loss of male combat pilots made the necessity of utilizing women pilots to help in the war effort clear to General Arnold, and a women's pilot training program was soon approved;

(8) it was not until August 1943, that the women aviators would receive their official name;

(9) General Arnold ordered that all women pilots flying military aircraft, including 28 civilian women ferry pilots, would be named "WASP", Women Airforce Service Pilots;

(10) more than 25,000 American women applied for training, but only 1,830 were accepted and took the oath;

(11) exactly 1,074 of those trainees successfully completed the 21 to 27 weeks of Army Air Forces flight training, graduated, and received their Army Air Forces orders to report to their assigned air base;

(12) on November 16, 1942, the first class of 29 women pilots reported to the Houston, Texas Municipal Airport and began the same military flight training as the male Army Air Forces cadets were taking;

(13) due to a lack of adequate facilities at the airport, 3 months later the training program was moved to Avenger Field in Sweetwater, Texas;

(14) WASP were eventually stationed at 120 Army air bases all across America;

(15) they flew more than 60,000,000 miles for their country in every type of aircraft and on every type of assignment flown by the male Army Air Forces pilots, except combat;

(16) WASP assignments included test piloting, instructor piloting, towing targets for

air-to-air gunnery practice, ground-to-air anti-aircraft practice, ferrying, transporting personnel and cargo (including parts for the atomic bomb), simulated strafing, smoke laying, night tracking, and flying drones;

(17) in October 1943, male pilots were refusing to fly the B-26 Martin Marauder (known as the "Widowmaker") because of its fatality records, and General Arnold ordered WASP Director, Jacqueline Cochran, to select 25 WASP to be trained to fly the B-26 to prove to the male pilots that it was safe to fly;

(18) during the existence of the WASP—

(A) 38 women lost their lives while serving their country;

(B) their bodies were sent home in poorly crafted pine boxes;

(C) their burial was at the expense of their families or classmates;

(D) there were no gold stars allowed in their parents' windows; and

(E) because they were not considered military, no American flags were allowed on their coffins;

(19) in 1944, General Arnold made a personal request to Congress to militarize the WASP, and it was denied;

(20) on December 7, 1944, in a speech to the last graduating class of WASP, General Arnold said, "You and more than 900 of your sisters have shown you can fly wingtip to wingtip with your brothers. I salute you . . . We of the Army Air Force are proud of you. We will never forget our debt to you."

(21) with victory in WWII almost certain, on December 20, 1944, the WASP were quietly and unceremoniously disbanded;

(22) there were no honors, no benefits, and very few "thank you's";

(23) just as they had paid their own way to enter training, they had to pay their own way back home after their honorable service to the military;

(24) the WASP military records were immediately sealed, stamped "classified" or "secret", and filed away in Government archives, unavailable to the historians who wrote the history of WWII or the scholars who compiled the history text books used today, with many of the records not declassified until the 1980s;

(25) consequently, the WASP story is a missing chapter in the history of the Air Force, the history of aviation, and the history of the United States of America;

(26) in 1977, 33 years after the WASP were disbanded, the Congress finally voted to give the WASP the veteran status they had earned, but these heroic pilots were not invited to the signing ceremony at the White House, and it was not until 7 years later that their medals were delivered in the mail in plain brown envelopes;

(27) in the late 1970s, more than 30 years after the WASP flew in World War II, women were finally permitted to attend military pilot training in the United States Armed Forces;

(28) thousands of women aviators flying support aircraft have benefitted from the service of the WASP and followed in their footsteps;

(29) in 1993, the WASP were once again referenced during congressional hearings regarding the contributions that women could make to the military, which eventually led to women being able to fly military fighter, bomber, and attack aircraft in combat;

(30) hundreds of United States service-women combat pilots have seized the opportunity to fly fighter aircraft in recent conflicts, all thanks to the pioneering steps taken by the WASP;

(31) the WASP have maintained a tight-knit community, forged by the common ex-

periences of serving their country during war;

(32) as part of their desire to educate America on the WASP history, WASP have assisted "Wings Across America", an organization dedicated to educating the American public, with much effort aimed at children, about the remarkable accomplishments of these WWII veterans; and

(33) the WASP have been honored with exhibits at numerous museums, to include—

(A) the Smithsonian Institution, Washington, DC;

(B) the Women in Military Service to America Memorial at Arlington National Cemetery, Arlington, Virginia;

(C) the National Museum of the United States Air Force, Wright Patterson Air Force Base, Ohio;

(D) the National WASP WWII Museum, Sweetwater, Texas;

(E) the 8th Air Force Museum, Savannah, Georgia;

(F) the Lone Star Flight Museum, Galveston, Texas;

(G) the American Airpower Museum, Farmingdale, New York;

(H) the Pima Air Museum, Tucson, Arizona;

(I) the Seattle Museum of Flight, Seattle, Washington;

(J) the March Air Museum, March Reserve Air Base, California; and

(K) the Texas State History Museum, Austin, Texas.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design in honor of the Women Airforce Service Pilots (WASP) collectively, in recognition of their pioneering military service and exemplary record, which forged revolutionary reform in the Armed Forces of the United States of America.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the Women Airforce Service Pilots, the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Smithsonian Institution shall make the gold medal received under this Act available for display elsewhere, particularly at other locations associated with the WASP.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dyes, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed \$30,000 to pay for

the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. AL GREEN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to acknowledge and compliment the Member from Florida, Ms. ROS-LEHTINEN, and commend her on what she has done to get this piece of legislation to the floor. She has worked with Senator KAY BAILEY HUTCHISON, who has had this piece of legislation pass the Senate. She had 75 cosponsors; hence, the legislation is now before us in the House.

Mr. Speaker, there should be a compendium of knowledge, if you will, styled "The Greatest Stories Never Told." Perhaps therein would be the story of the Buffalo Soldiers, a story rarely told of how they had to fight their way into the military so they could fight for their country. Perhaps contained therein there would be the story of the Filipino soldiers who died in the struggle at the Bataan March.

Such a collection would not be complete, however, without the story of the WASP. These are the first women to fly military aircraft. They are the women in the Air Force, the Women Airforce Service Pilots known as the WASP. It's a story of gender bias, Mr. Speaker, the notion that flying is a man's work. It's a story of culture bias, the belief that a woman's place is in the home. It's a story of injustice, the notion that women could apply but never qualify. It's a story of inequalities and inequities, the notion that women could have rank but not always have their rank respected. Mr. Speaker, it's a story of never say never, a story of persistence pays off, a story of success because of some, and a story of success in spite of others.

It's a story of how a famous pilot, Jacqueline "Jackie" Cochran, became the first commander of the WFO in 1942. That's the Women's Flying Training Detachment. It's a story of how a test pilot, Nancy Love, became the

commander of the WAF, the Women's Auxiliary Flying Ferrying Squadron in 1942. It's a story of how the WFO and the WAF merged in 1943 to become the WASP.

The WASP would go on and fly 60 million miles. They would fly every type of aircraft. They would be stationed at 120 bases across the country. And on December 20, 1944, when victory was at hand, the WASP were quietly and unceremoniously disbanded. Thirty-eight lost their lives in the course of serving their country; however, families and friends had to pay for their burial expenses. Survivors had to pay their way back home because they were not considered a part of the military in an official capacity. Many of their records were sealed and unavailable to historians until the 1980s. They didn't get veteran status until 1977, and this was done without a White House ceremony, and it was done without the kind of fanfare that we would expect them to receive in this day and time.

The story, Mr. Speaker, is one of few being honored, and their honors being accorded them too late, and not enough thank yous having been accorded them at all. The story of the WASP is one that is, in my opinion, the greatest story never told and one which we should acknowledge with this bill when it is passed today.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

Mr. Speaker, as the House sponsor of this legislation, I rise in strong support of Senate bill 614, a bill to award the Congressional Gold Medal to the Women Airforce Service Pilots of World War II, WASP. And here is a picture, Mr. Speaker, of the WASP, one of the many pictures, but as the previous speaker pointed out, not enough recognition was paid to them.

Special thanks for this bill go to Financial Service Chairman BARNEY FRANK and Ranking Member SPENCER BACHUS and their staff as well for their assistance in bringing this legislation to the floor today.

I would also like to thank my staff, Mr. Speaker, particularly Captain Deanna Nieves, right behind me, United States Marine Corps, who's serving as a defense fellow in my office for the remainder of the year. Her efforts were instrumental in achieving the required number of cosponsors for this bill in record time. And Sarah Gamino, sitting next to her, worked so hard on all of our office projects. Thanks to all of the great staff work on this bill.

Mr. Speaker, as has been pointed out, the bill before us today honors a special sisterhood of women, most of them in their 80s, who share a unique place in American history. These women have been mothers and grandmothers,

teachers and office workers, nurses, business owners, photographers, and dancers. One was even a nun. But before that they were pilots for the United States Army Corps during World War II. They are heroines.

Women Airforce Service Pilots, or WASP, were the first women in history to fly America's military aircraft. Between the years of 1942 and 1944, these courageous women volunteered to fly noncombat missions so that every available male pilot could be deployed into combat. More than 25,000 women applied for the program, but only 1,830 qualified women pilots were accepted. Unlike their male counterparts, women applicants were required to be qualified pilots before they could even apply for the Army Air Force military flight training program. Altogether, 1,102 women earned their wings and went on to fly over 60 million miles for the Army Air Forces, equal to some 2,500 times around the globe. Their performance was equal in every way to that of male pilots. With the exception of direct combat missions, the WASP flew the same aircraft and the same missions as male pilots.

Women pilots were used to tow targets for male pilots who were using live ammunition, for searchlight missions, chemical missions, engineering test flying, and countless other exercises.

In 1944 the WASP were disbanded, their service records sealed and classified. By the time the war ended, Mr. Speaker, 38 women pilots had lost their lives while flying for our country. Their families were not allowed to have an American flag placed on their coffins. And although they took the military oath and were promised military status, the WASP never were recognized as military personnel nor were they ever recognized as veterans at the war's end.

In 1977, more than 30 years after the WASP had served, another woman pioneer, Congresswoman Lindy Boggs, introduced legislation to grant the WASP veterans status. Speaking of the day when women would be fully integrated into the military, WASP Byrd Howell Granger noted: "If the Nation ever again needs them, American women will respond. Never again will they have to prove they can do any flying job the military has. Not as an experiment. Not to fill in for men. They will fly as commissioned officers in the future Air Force of the United States with equal pay, hospitalization, insurance, veterans' benefits. The WASP have earned it for these women of the future."

And the WASP were indeed and continue to be true pioneers whose example paved the way for the Armed Forces to lift the ban on women attending military flight training in the 1970s. Today women in the military fly every type of aircraft, from the F-15 to the space shuttle.

My daughter-in-law, Lindsay Nelson, a Marine Corps pilot, is part of the lasting legacy of WASP. Lindsay, a graduate of the United States Naval Academy, served two combat tours in Iraq and Afghanistan, where she flew the F/A-18 fighter jet. I'm so proud of Lindsay and of all our servicewomen, past and present, who continue to inspire young women to achieve the unfathomable.

By definition, the Congressional Gold Medal is the highest expression of Congress of national appreciation for the most heroic, courageous, and outstanding individuals.

□ 1300

Given the overwhelming support for this legislation, as evidenced by the bipartisan support of 334 cosponsors in the House companion legislation, I am confident that Members of this Chamber deem the WASP as deserving of this honor. Of the 1,102 WASP, more than 300 are still alive today and are residing in almost every State of our country. Join me in paying homage to these trailblazers and these patriots who served our country without question and with no expectation of recognition or praise.

Mr. Speaker, I urge my colleagues to join me in voting yes on this bill, to award the WASP the Congressional Gold Medal, and request its prompt signing into law.

For history's sake, I will submit for printing in the CONGRESSIONAL RECORD the names of the 1,102 WASP.

I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentlelady for the outstanding work that she has done on this piece of legislation. She has worked tirelessly to bring it to the floor; and I compliment the gentlelady, along with Senator KAY BAILEY HUTCHISON, for the outstanding job that she has done as well. I encourage my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 5 minutes to the gentleman from Texas (Mr. CONAWAY) whose district covers Sweetwater, Texas, which is home to the WASP. This is where they trained, and that is where their museum is.

Mr. CONAWAY. It is my great pleasure today to recognize the invaluable service rendered to our country by the Women's Air Force Service Pilots during World War II. Their history is one of many surprising and impressive stories that helped define a generation.

In the early 1940s, as it became apparent that the United States could not avoid the war that was plaguing Europe and the Far East, many accomplished pilots volunteered their services to our country. They were thanked

for their offer, but were refused because they were women. Their argument, that female pilots could free up male pilots to serve in combat roles, was initially dismissed by the Army Air Force's leadership. Yet two of our Nation's most famous female pilots, Jacqueline Cochran and Nancy Harken Love, persevered and continued to lobby for the ability to use their exceptional skills in service of our country.

As the Nation mobilized, it became clear there were simply not enough male pilots in the country to fight the war and man the home front. As the iconic Rosie the Riveter began to build her tanks and her planes, the Army set up two squadrons of women pilots to assist in the war effort. In 1942 Ms. Love became the commanding officer of Women's Auxiliary Ferry Squadron in New Castle, Delaware, which ferried planes around the country from factories to air bases. Not long after that, Ms. Cochran became commanding officer of 319th Women's Flying Training Detachment in Houston, Texas, which provided basic flight instruction for the Army Air Forces. On August 5, 1943, these squadrons were combined to form the Women's Air Force Service Pilots. Over 25,000 women applied to become pilots, and only some 1,900 were selected for training. Of these, almost 1,100 eventually earned their wings, many at Avenger Field in the town of Sweetwater, Texas. That is in the district that I get to represent.

The women who volunteered to fly planes faced a world that we can scarcely imagine. While complaints of sexism in the workplace still exist today, in the 1940s, sexism was not the exception but the standard operating practice. The women of the WASP were paid less, were trained with inferior equipment, refused the status of officers, and faced an openly hostile work environment. They also had to buy their own uniforms and pay for their room and board each month at their training facilities. Yet through all of that, the WASP pilots were stationed at over 120 air bases across the United States, flying every type of aircraft and performing almost every duty of pilots in the Army Air Forces. They logged 60 million miles, ferrying planes, transporting cargo and personnel, towing targets, instructing new cadets, and acting as test pilots.

Of the almost 1,100 women who flew as the WASP, 38 gave their lives. In what remains a blot on our country, these women were returned home not with military honors but at the expense of their families because, although they flew military planes at the direction of military commanders, they were not considered to be members of the Army.

In October 1944, the program ended abruptly, and many of the records surrounding the program were filed away and classified in government archives.

It was not until the Air Force announced that it would train the military's "first" female pilots in the 1970s that a renewed interest in the WASP allowed them to be granted veteran status and the campaign ribbons which they earned through their service.

While it might be tempting to see today's Congressional Gold Medal as a way to right the injuries done to the women of WASP, to do so would be to neglect the true significance of their contributions to winning a war and advancing women's equality. The legacy of the WASP is unmistakable. At a time when women were routinely assumed to be less capable than men, these individuals stood up and asked for the right to prove themselves. These women did not just answer the call of their country, they called themselves to service. And in doing so, forever upended the notion of what women could and should do in our Armed Forces.

I would like to commend the leadership and the board of the National WASP World War II Museum in Sweetwater, Texas, for preserving the unique history of these women and preparing educational materials to share their story with countless students throughout the country.

I would recommend to the leadership, the Speaker and to my colleagues to swing by Sweetwater, Texas—it's on I-20, an easy drive from Fort Worth or El Paso, 300 miles in either direction—to see this museum and get a flavor for what these women endured during training. It was a very austere training base in a pretty rough part of Texas, and you would be impressed with what they did and what they accomplished.

Additionally, I would like to thank Air Force Major Nicole Malachowski who worked tirelessly to secure this tribute for the service of these women. Major Malachowski was a Thunderbird pilot.

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

Ms. ROS-LEHTINEN. I would like to grant an additional 2 minutes to the gentleman from Texas.

Mr. CONAWAY. The Thunderbirds, of course, are the elite performance team for the Air Force; and Nicole was a member of that team in the early nineties. As a female test pilot, no one understands WASP's legacy better than her. As she explained in her letter to me, "I am convinced that every opportunity I've been afforded, from flying combat patrols over Iraq to representing the military as a fellow, is because of these pioneering WASP. Countless servicemen during World War II, and every airman since, have reaped the benefits of their courage, determination, and sacrifice."

It is with great enthusiasm that I ask my colleagues for their support on Senate bill 614 and that we recognize the contribution of these women for their

service with our highest congressional award.

I thank you for the time.

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

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself as much time as I may consume for a very brief closing.

Mr. Speaker, the story of the WASP is, without question, among the stories that are rarely, if ever, told. In fact, I have contended and continue to contend it's among the greatest stories never told. But for this reason, we should accord this Congressional Gold Medal. I beg all of my friends to support it if a vote is called for. I shall not call for one.

Ms. HIRONO. Mr. Speaker, I rise in support of S. 614.

This legislation awards a Congressional Gold Medal to the Women Airforce Service Pilots (WASP) in honor of their dedicated service during World War II.

I am a cosponsor of the House version of this bill (H.R. 2014), which recognizes the first women in the history of our country to fly American military aircraft. The Women Airforce Service Pilots volunteered to fly over 60 million miles in every type of aircraft available to them, participating in all missions other than direct combat missions. They towed targets for air-to-air and ground-to-air gunnery practice, ferried planes, transported cargo and personnel, instructed, flew weather missions, and test flew repaired aircraft. They even flew aircraft that male pilots refused to fly.

In spite of their service, the Women Airforce Service Pilots were not given active duty military status and never received any kind of commissioning, rank, or military benefits. In November 1977, Congress narrowly approved legislation to give the WASP the veteran status that they had earned, but they were not invited to the bill signing and received their medals in the mail.

Today we recognize the 1,102 women who trained to serve as Women Airforce Service Pilots, 300 of whom are still living today, including three from my home State of Hawaii: Betty Joiner, Elaine Jones, and Mildred Marshall.

As a result of the heroism exemplified by the Women Airforce Service Pilots, the U.S. Armed Forces lifted the ban on women attending military flight training in the 1970s, and women now fly on every type of aircraft imaginable, from combat fighter aircraft to space shuttles. This legislation at long last commemorates their service to our country.

I urge my colleagues to support this measure.

Mr. MCCARTHY of California. Mr. Speaker, I rise today to support S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots, and to honor all the Women Airforce Service Pilots, or WASP, especially three who live in Lancaster, California in my district. Flora Belle Reece, Irma "Babe" Story, and Marguerite "Ty" Killen are perfect examples of why this intrepid group of women deserve the honor they are receiving today.

I was privileged to join the Mojave Chamber of Commerce in honoring these three women

at a special May 11th luncheon. It was a pleasure to recognize these three amazing pilots who dedicated themselves to a dangerous mission when their country needed them.

Flora Belle Reece learned to fly before she could drive so she could join the WASP. Reece primarily flew the AT-6, but also the PT-19, PT-17, BT-13, and B-26, and she often tested aircraft that had been repaired. She was assigned to Foster Field, Texas, and there she discovered an affinity for the P-38 Lightning, often visiting with the aircraft's crew chief; she was able to fly in one in 2004 during a commemorative flight.

Irma "Babe" Story grew up in the Antelope Valley with her brother, Tom, hanging out at the local airport running errands, and eventually learning to fly at Antelope Valley College. Story received her pilot's license at the age of 19 in June 1941, and worked at Lockheed's Vega aircraft factory in Burbank until joining the WASP program in 1943. She flew the AT-6 and Cessna UC-78, and later the B-26.

Marguerite "Ty" Killen learned to fly as a 15-year-old in high school and received her commercial and flight instructor ratings when she was 19. Killen was a student at the University of Arizona when she found out that the WASP age requirement was dropped to 19, and so she signed up for WASP training and graduated in August 1944. She flew a variety of aircraft, including the Stearman PT-17, AT-6 advanced trainer, Beechcraft AT-11, the Vultee BT-13, and was a copilot in a B-24.

These women, and all those who stepped up to serve when their country needed them, are deserving of our thanks and admiration. I am pleased to support this legislation to recognize their efforts with a Congressional Gold Medal.

Mrs. LUMMIS. Mr. Speaker, I rise today in support of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots of World War II.

As an original cosponsor of a similar measure in the House, I would like to give special recognition to Betty Cozzens, one of my constituents from Cody—and one of the 300 remaining Women Airforce Service Pilots.

We all owe these heroic women a debt of gratitude. In the 16 months that the Women Airforce Service Pilots existed, over 1,000 of them served their country with pride.

The Congressional Gold Medal is one of the most distinguished forms of recognition that Congress can bestow. It is an expression of public gratitude on behalf of the nation—to these women, for their service in a time of need.

The Women Airforce Service Pilots forged reform in the U.S. Armed Forces in regard to women in service, flying on every type of assignment flown by the male Army Air Forces pilots, except combat. I would like to express my gratitude to Betty and her fellow pilots for their trailblazing service, being the first women in history to fly American military aircraft.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to express my support for S. 614, which passed the House yesterday by voice vote. This resolution recognizes Women Air Force Service Pilots or WASP. These remarkable individuals were the first women in history to fly America's military aircraft. Between 1942 and 1944, these courageous women volun-

teered to fly noncombat missions so that every available male pilot could be deployed in combat.

These women set a fine example of bravery and helped lead the way for the women of today's armed forces. For too long their deeds have gone unnoticed. This legislation grants these extraordinary patriots the recognition they so deserve by awarding them a Congressional Gold Medal.

There are 300 women pioneers still living today and I am proud to serve as the representative for one of these women. Emily Kline, who resides in Blairstown, New Jersey, served our nation valiantly in World War II. It is because of individuals such as Emily Kline that the current generation of Americans is able to live and work in a nation as free as ours.

The companion bill to S. 614 is H.R. 2014 and I was proud to be one of the 335 cosponsors of this bill. The generation of men and women who served in World War II have come to be known as the "greatest generation." Women such as Emily Kline were part of that generation and for her service she deserves our gratitude.

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a group of truly exceptional women who live in my Congressional District and whose service to our country was honored today by the passage of a bill awarding the Congressional Gold Medal to the Women Air Service Pilots of World War II.

Inspired by the attacks on Pearl Harbor, Margot DeMoss (Riverside, CA), Mary Ann Roberta Dreher (San Clemente, CA) and Jane Fohl (San Clemente, CA) answered our Nation's call to duty by joining the Women Air Service Pilots of World War II, also known as the WASP.

Created on August 5, 1943, the WASP was charged with the critical task of delivering battle-ready planes from the factory line to military bases around the world. After just 16 months, the WASP had established itself as a premier ferrying squadron. Of the more than 25,000 women that applied for training, only 1,879 were accepted to participate in the rigorous program that would eventually produce 1,074 outstanding female pilots.

The WASP founder, world famous aviator Jacqueline Cochran, challenged the status quo by asking for permission to commission WASP directly as Service Pilots, a procedure used routinely with male pilots but prohibited for women. She lobbied passionately, but eventually lost her battle both with the Comptroller General of the Army Air Force and in the halls of Congress, leading to the WASPs disbanding in 1944.

I believe that these women pioneers deserve to be acknowledged not just for their remarkable bravery and sacrifice, but for reminding us all that an uncompromising commitment to America—to its values, ideals and traditions—is a unifying force. I am a proud cosponsor of H.R. 2014, Representative ILEANA ROS-LEHTINEN's bill, awarding the Congressional Gold Medal to the Women Air Service Pilots of World War II, and I am pleased that the women of WASP will finally receive the recognition they so rightfully deserve.

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

the gentleman from Texas (Mr. AL GREEN) that the House suspend the rules and pass the bill, S. 614.

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

A motion to reconsider was laid on the table.

RECOGNIZING 40TH ANNIVERSARY OF NATIONAL EYE INSTITUTE

Ms. BALDWIN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 366) recognizing the 40th anniversary of the National Eye Institute (NEI) and expressing support for designation of 2010 through 2020 as the "Decade of Vision".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 366

Whereas vision impairment and eye disease is a major public health problem, especially due to the aging of the population, a disproportionate incidence of eye disease in minority populations, and vision loss as a result of diabetes and other chronic diseases, which costs the Nation \$68,000,000,000 annually in health care costs, lost productivity, reduced independence, diminished quality of life, increased depression, and accelerated mortality;

Whereas 38,000,000 people in the United States age 40-plus currently experience blindness, low-vision, or an age-related eye disease, and this number is expected to grow to 50,000,000 by 2020, a year mid-way in the tidal wave of 78,000,000 baby boomers who will begin turning age 65 in 2010, and many of whom will continue working well beyond age 65;

Whereas, in public opinion polls over the past 40 years, people in the United States have consistently identified fear of vision loss as second only to fear of cancer and, as recently as a 2008 NEI study, 71 percent of respondents indicated that a loss of their eyesight would have the greatest impact on their life;

Whereas, with wisdom and foresight, Congress passed the National Eye Institute (NEI) Act (Public Law 90-489), which was signed into law by President Johnson on August 16, 1968, with the NEI holding the first meeting of its National Advisory Eye Council (NAEC) on April 3, 1969;

Whereas the NEI leads the Nation's Federal commitment to basic and clinical research, research training, and other programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight and the special health problems and needs of individuals who are visually-impaired or blind, and to disseminate information aimed at the prevention of blindness, specifically with public and professional education facilitated through its National Eye Health Education Program (NEHEP);

Whereas the NEI maximizes Federal funding by devoting 85 percent of its budget to extramural research that addresses the breadth of eye and vision disorders, including "back of the eye" retinal and optic nerve disease, such as age-related macular degeneration (AMD), glaucoma, and diabetic retinopathy, and concomitant low vision, and

"front of the eye" disease, including corneal, lens, cataract, and refractive errors;

Whereas the NEI research benefits children, including premature infants born with retinopathy and school children with amblyopia ("lazy eye");

Whereas the NEI benefits older citizens in the United States by predicting, preventing, and preempting aging eye disease, thereby enabling more productive lives and reducing Medicare costs;

Whereas the NEI has been a leader in basic research, working with the NIH's Human Genome Project to translate discoveries of genes related to eye disease and vision impairment, which comprises one quarter of genes discovered to date, into diagnostic and treatment modalities;

Whereas the NEI has been a leader in clinical research, funding more than 60 clinical trials, including a series of Diabetic Retinopathy Clinical Trials Networks, in association with the National Institute for Diabetes and Digestive and Kidney Disorders (NIDDK), which have developed treatment strategies that have been determined by the NEI to be 90 percent effective and save an estimated \$1,600,000,000 per year in blindness and vision impairment disability costs;

Whereas the NEI has been a leader in prevention research, having reported from the first phase of its Age-Related Eye Disease Study (AREDS) that high levels of dietary zinc and anti-oxidant vitamins reduced vision loss in individuals at high risk for developing advanced AMD by a magnitude of 25 percent, and in its second phase, is now studying the impact of other nutritional supplements;

Whereas the NEI has been a leader in epidemiologic research, identifying the basis and progression of eye disease and its disproportionate incidence in minority populations such that informed public health policy decisions can be made regarding prevention, early diagnosis, and treatment;

Whereas the NEI has been a leader in collaborative, trans-NIH Institute research, working with the National Cancer Institute (NCI) and the National Heart, Lung, and Blood Institute (NHLBI) on factors that promote or inhibit new blood vessel growth that has resulted in the first generation of Food and Drug Administration (FDA)-approved ophthalmic drugs to inhibit abnormal blood vessel growth in the "wet" form of AMD, thereby stabilizing and often restoring vision;

Whereas the NEI has been a leader in collaborative research with other Federal entities, such that its bioengineering research partnership with the National Science Foundation and the Department of Energy has resulted in a retinal chip implant, referred to as the "Bionic Eye", that has enabled individuals who have been blind for decades to perceive visual images;

Whereas the NEI has been a leader in collaborative research with private funding entities, such that its human gene therapy trial with the Foundation Fighting Blindness for individuals with Leber Congenital Amaurosis (LCA), a rapid retinal degeneration that blinds infants in their first year of life, has demonstrated measurable vision improvement even within the initial safety trials;

Whereas in the decade 2010 through 2020, the Nation will face unprecedented public health challenges associated with aging, health disparities, and chronic disease; and

Whereas Federal support at the NEI and related Department of Health and Human Services agencies is essential for the preven-

tion and early detection, access to treatment and rehabilitation, and research associated with vision impairment and eye disease: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 40th anniversary of the National Eye Institute (NEI), commends it for its leadership, and supports its mission to prevent blindness and to save and restore vision;

(2) supports the designation of the "Decade of Vision" to maintain a sustained awareness in the next decade of the unprecedented public health challenges associated with vision impairment and eye disease and to emphasize the need for Federal support for prevention and early detection, access to treatment and rehabilitation, and research; and

(3) commends the National Alliance for Eye and Vision Research (NAEVR), which serves as the "Friends of the National Eye Institute", for its efforts to expand awareness of the incidence and economic burden of eye disease through its Decade of Vision 2010-2020 Initiative.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Texas (Mr. SESSIONS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

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

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

There was no objection.

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

This resolution recognizes the 40th anniversary of the National Eye Institute within the National Institutes of Health and designates the years 2010 through 2020 as the Decade of Vision.

Eye disease is a significant public health problem. Those disproportionately affected by eye disease are our aging population, the African American and Hispanic communities, and those who suffer from chronic diseases, especially diabetes. The National Eye Institute estimates that eye disease and vision impairment currently cost the Nation \$68 billion in health care costs, lost productivity, reduced independence, diminished quality of life, and accelerated mortality.

The NEI leads our Nation's efforts to prevent blindness and to save and restore vision. The NEI has been a leader in both basic and translational research. Its researchers have been able to associate one-quarter of all genes discovered to date with eye disease and vision impairment. The NEI has conducted more than 60 clinical trials that have resulted in treatments and therapies to save sight and, in some cases, actually reverse vision loss.

The National Eye Institute estimates that over the decade of 2010 to 2020, the number of individuals over age 40 who

experience blindness, low vision or age-related eye disease, such as age-related macular degeneration, glaucoma, diabetic retinopathy and cataracts, will grow from today's level of 38 million cases to 50 million cases. As a result, the National Eye Institute's leadership, in directing vital vision research over the next decade, will be more important than ever.

I have been pleased to work on this resolution with my coauthor Mr. SESSIONS of Texas. He has been a terrific coauthor and has worked very hard with me to bring this matter to the floor and to the attention of this Congress. I commend this resolution to my colleagues.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise in support of the gentlewoman's amendment. I want to thank TAMMY BALDWIN from Wisconsin for not only working with me but also other members of my conference, the Republican Conference, on important issues related to eye and retinal health. I appreciate her recognizing today as the 40th anniversary of the National Eye Institute, H. Res. 366. Also I appreciate her dedication to people that are suffering with retinal and eye diseases; and these visions issues that we speak about today, as a result of our support and the support of the National Eye Institute, make a difference to thousands of people who have these eye diseases in their families.

I am very proud of this resolution. Last Congress we, meaning Ms. BALDWIN and I, joined together in support of National Glaucoma Day, and today we're here to recognize the 40th anniversary of the National Eye Institute and to express support for the designation of 2010 through 2020 as the Decade of Vision.

The National Eye Institute, also known as NEI, was established by Congress in 1968 to protect and prolong the vision of the American people. NEI research leads to sight-saving treatments, reduces visual impairment and blindness, and improves the quality of life of people of all ages.

□ 1315

Vision research has been supported through the NEI by over 600 research grants and training awards made to scientists at more than 250 medical centers, hospitals, universities, and other institutions across the country and around the world. With congressional and public support, the national investment in vision research has yielded substantial dividends to treat many potentially blinding eye diseases and visual disorders.

Vision impairment and eye disease is a major public health problem for the world to face. As you have heard, vision-related costs here in the United States approach \$68 billion annually. There are some 38 million people in the

United States over the age of 40 currently experiencing blindness, low vision, or age-related eye disease. This number is estimated to increase to 50 million people by 2020.

NEI benefits children born with eye diseases and vision loss, as well as older citizens and everyone else that fits in between. NEI actively works to predict, prevent, and preempt aging eye disease and visual impairment thereby enabling more productive lives and reducing vision costs.

The National Eye Institute is the world leader in basic research with the National Institutes of Health's Human Genome Project to translate discoveries of genes related to eye disease and vision impairment which compromises one-quarter of genes, discovered to date, into diagnostic and treatment modalities.

The NEI has been a leader in collaborative research with so many private funding entities such as the human gene therapy trial with the Foundation Fighting Blindness, or this lead organization known as FFB, for individuals with Leber congenital amaurosis, a rapid retinal degeneration that blinds infants in their first year of life. This trial has demonstrated measurable visual improvement even with initial safety trials.

I am a big supporter of the Foundation Fighting Blindness, and the work that they have done in the past continues to carry out in our daily lives. This resolution recognizes the 40 years of service from the National Eye Institute and commends them for their leadership while supporting their mission to prevent blindness and save and restore vision.

Additionally, this resolution designates 2010 through 2020 as the "Decade of Vision" to maintain awareness in the next decade of public health challenges associated with vision impairment and eye disease, as well as to emphasize the need for prevention and early detection, access to treatment, and rehabilitation.

Lastly, we commend the National Alliance for Eye and Vision Research for its efforts to expand awareness of the incidence and economic burden of eye diseases through this Decade of Vision initiative.

Mr. Speaker, I am very proud of supporting not only this 40th anniversary but also to say that the United States Congress has what I believe is a realistic opportunity to work with the National Institutes of Health to make sure that we continue to push the envelope for people who are in this country and around the world who are counting on research and development to cure blindness during this Decade of Vision. I encourage all of my colleagues to vote in favor of this resolution.

I thank the gentlewoman from Wisconsin for her concentrated and special support of blindness issues. I look forward to working with her.

I yield back the balance of my time.

Ms. BALDWIN. Mr. Speaker, I would now like to yield 3 minutes to a fellow member of the Energy and Commerce Committee and a champion of vision issues, Mr. GREEN of Texas.

Mr. GENE GREEN of Texas. I would like to thank my colleague, who is a diligent and hardworking member of our Energy and Commerce Committee, for sponsoring H.R. 366, celebrating the Decade of Vision and the National Eye Alliance's 40th anniversary.

As co-Chair of the Congressional Vision Caucus with a particular interest in vision health, I strongly support the National Eye Institute, which serves as the lead NIH institute that manages our Nation's commitment to save and restore vision.

NEI research has contributed to the development of several critical therapies and interventions that are helping to slow the progression of vision impairment. In some cases, these therapies are helping to restore sight for individuals who may otherwise have lost their vision. Treatments for diabetic retinopathy that were developed by NEI researchers save our health care system more than \$1.6 billion annually. Other NEI-funded research is resulting in treatments and therapies that are slowing the progression of vision impairment; in some cases, vision loss is even restored.

Starting next year, the first wave of the 78 million baby boomers will begin turning 65 years old, an age of elevated risk for aging eye disease. Coupled with the disproportionate incidences of eye disease in the African American and Hispanic populations and the increased incidence of diabetic eye disease, the NEI will be challenged more than ever to fund basic and clinical research that results in treatment and therapies.

As demonstrated by its past history, I am confident that the NEI will rise to this challenge, and, of course, we in Congress must work to ensure that it is adequately funded so that it can continue its research that benefits the health—and vision health—of all Americans.

Ms. BALDWIN. Mr. Speaker, I want to close by recognizing just a few of the champions of eye health and the warriors against eye disease from the district that I have the privilege of representing. And I know, like my coauthor, Congressman SESSIONS, we were drawn to this issue because of pioneering things that are happening in each of our respective districts.

Dr. Paul Kaufman is a leading eye researcher at the University of Wisconsin, Madison, and a major partner of the National Eye Institute. And I want to commend and recognize his groundbreaking research.

Also, a technology called BrainPort is being developed in my district by a company called Wicab with the support of National Eye Institute funding, and

this technology is helping the blind to find new ways to process visual information. These sort-of breakthroughs are so exciting and really go back to the importance of celebrating the accomplishments to date and the future potential through the National Eye Institute with our support.

Again, I commend my colleagues' support of this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the resolution, H. Res. 366.

The question was taken.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

- H.R. 2470, by the yeas and nays;
- H.R. 780, by the yeas and nays;
- H.R. 2247, by the yeas and nays;
- H.R. 403, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

LIEUTENANT COMMANDER ROY H. BOEHM POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2470, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2470.

This will be a 15-minute vote.

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

[Roll No. 340]

YEAS—417

Abercrombie	Austria	Bartlett
Ackerman	Baca	Barton (TX)
Aderholt	Bachmann	Bean
Adler (NJ)	Bachus	Becerra
Akin	Baird	Berman
Altmire	Baldwin	Berry
Andrews	Barrett (SC)	Biggert
Arcuri	Barrow	Bilbray

Bilirakis	Eshoo	LaTourette
Bishop (GA)	Etheridge	Latta
Bishop (NY)	Fallin	Lee (CA)
Bishop (UT)	Farr	Lee (NY)
Blackburn	Fattah	Levin
Blumenauer	Filner	Lewis (CA)
Blunt	Flake	Linder
Bocchieri	Fleming	Lipinski
Boehner	Forbes	LoBiondo
Bono Mack	Portenberry	Loeb
Boozman	Foster	Lofgren, Zoe
Boren	Fox	Lowey
Boswell	Frank (MA)	Lucas
Boucher	Franks (AZ)	Luetkemeyer
Boustany	Frelinghuysen	Lujan
Boyd	Fudge	Lungren, Daniel E.
Brady (PA)	Gallegly	Lynch
Brady (TX)	Garrett (NJ)	Mack
Braley (IA)	Gerlach	Maffei
Bright	Giffords	Maloney
Broun (GA)	Gingrey (GA)	Manzullo
Brown (SC)	Gohmert	Marchant
Brown, Corrine	Gonzalez	Markey (CO)
Brown-Waite,	Goodlatte	Markey (MA)
Ginny	Gordon (TN)	Marshall
Buchanan	Granger	Massa
Burgess	Graves	Matheson
Burton (IN)	Grayson	Matsui
Butterfield	Green, Al	McCarthy (CA)
Buyer	Green, Gene	McCarthy (NY)
Calvert	Griffith	McCaul
Camp	Grijalva	McClintock
Campbell	Guthrie	McCollum
Cantor	Gutiérrez	McCotter
Cao	Hall (NY)	McDermott
Capito	Hall (TX)	McGovern
Capps	Halvorson	McHenry
Capuano	Hare	McHugh
Cardoza	Harman	McIntyre
Carnahan	Harper	McKeon
Carney	Hastings (FL)	McMahon
Carson (IN)	Hastings (WA)	McMorris
Carter	Heinrich	Rodgers
Cassidy	Heller	McNerney
Castle	Hensarling	Meek (FL)
Castor (FL)	Hergert	Meeke (NY)
Chaffetz	Herseth Sandlin	Melancon
Chandler	Higgins	Mica
Childers	Hill	Michaud
Clarke	Himes	Miller (FL)
Clay	Hinche	Miller (MI)
Cleaver	Hinojosa	Miller (NC)
Clyburn	Hirono	Miller, Gary
Coble	Hodes	Miller, George
Coffman (CO)	Hoekstra	Minnick
Cohen	Holden	Mitchell
Cole	Holt	Mollohan
Conaway	Honda	Moore (KS)
Conyers	Hunter	Moore (WI)
Cooper	Inglis	Moran (KS)
Costa	Inslee	Moran (VA)
Courtney	Israel	Murphy (CT)
Crenshaw	Issa	Murphy (NY)
Crowley	Jackson (IL)	Murphy, Patrick
Cuellar	Jackson-Lee	Murphy, Tim
Culberson	(TX)	Murtha
Cummings	Jenkins	Myrick
Dahlkemper	Johnson (GA)	Nadler (NY)
Davis (AL)	Johnson (IL)	Napolitano
Davis (CA)	Johnson, E. B.	Neal (MA)
Davis (IL)	Johnson, Sam	Neugebauer
Davis (KY)	Jones	Nunes
Davis (TN)	Jordan (OH)	Nye
Deal (GA)	Kagen	Oberstar
DeFazio	Kanjorski	Obey
DeGette	Kaptur	Olson
DeLauro	Kildee	Olver
Dent	Kilpatrick (MI)	Ortiz
Diaz-Balart, L.	Kilroy	Pallone
Diaz-Balart, M.	Kind	Pascarella
Dicks	King (IA)	Pastor (AZ)
Dingell	King (NY)	Paul
Doggett	Kingston	Paulsen
Donnelly (IN)	Kirk	Payne
Doyle	Kirkpatrick (AZ)	Pence
Dreier	Kissell	Perlmutter
Driehaus	Klein (FL)	Petriello
Duncan	Kline (MN)	Peters
Edwards (MD)	Kosmas	Peterson
Edwards (TX)	Kratovil	Petri
Ehlers	Kucinich	Pingree (ME)
Ellison	Lamborn	Pitts
Ellsworth	Lance	Platts
Emerson	Langevin	Poe (TX)
Engel	Larsen (WA)	Polis (CO)
	Latham	

Pomeroy	Schock	Thompson (CA)
Posey	Schrader	Thompson (MS)
Price (GA)	Schwartz	Thompson (PA)
Price (NC)	Scott (GA)	Thornberry
Quigley	Scott (VA)	Tiahrt
Radanovich	Sensenbrenner	Tiberi
Rahall	Serrano	Tierney
Rangel	Sessions	Titus
Rehberg	Sestak	Tonko
Reichert	Shadegg	Towns
Reyes	Shea-Porter	Tsongas
Richardson	Sherman	Turner
Rodriguez	Shimkus	Upton
Roe (TN)	Shuler	Van Hollen
Rogers (AL)	Shuster	Velázquez
Rogers (KY)	Simpson	Vislousky
Rogers (MI)	Sires	Walden
Rohrabacher	Skelton	Walz
Rooney	Slaughter	Wamp
Ros-Lehtinen	Smith (NE)	Wasserman
Roskam	Smith (NJ)	Schultz
Ross	Smith (TX)	Watson
Rothman (NJ)	Smith (WA)	Watt
Roybal-Allard	Snyder	Waxman
Royce	Souder	Weiner
Ruppersberger	Space	Welch
Rush	Speier	Westmoreland
Ryan (OH)	Spratt	Wexler
Ryan (WI)	Stark	Whitfield
Salazar	Stearns	Wilson (SC)
Sanchez, Loretta	Stupak	Wittman
Sarbanes	Sutton	Wolf
Scalise	Tanner	Woolsey
Schakowsky	Tauscher	Wu
Schauer	Taylor	Yarmuth
Schiff	Teague	Young (AK)
Schmidt	Terry	

NOT VOTING—16

Alexander	Kennedy	Sánchez, Linda
Berkley	Larson (CT)	T.
Bonner	Lewis (GA)	Sullivan
Connolly (VA)	Lummis	Waters
Costello	Putnam	Wilson (OH)
Hoyer		Young (FL)

□ 1347

Mr. FOSTER changed his vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STUDENT INTERNET SAFETY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 780, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and pass the bill, H.R. 780, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 341]

YEAS—416

Abercrombie	Arcuri	Barrow
Ackerman	Austria	Bartlett
Aderholt	Baca	Barton (TX)
Adler (NJ)	Bachmann	Bean
Akin	Bachus	Becerra
Altmire	Baird	Berman
Andrews	Barrett (SC)	Berry

Biggert Emerson
 Bilbray Engel
 Billirakis Eshoo
 Bishop (GA) Etheridge
 Bishop (NY) Fallin
 Bishop (UT) Farr
 Blackburn Fattah
 Blumenauer Filner
 Blunt Flake
 Boccieri Fleming
 Boehner Forbes
 Bono Mack Fortenberry
 Boozman Foster
 Boren Fox
 Boswell Frank (MA)
 Boucher Franks (AZ)
 Boustany Frelinghuysen
 Boyd Fudge
 Brady (PA) Gallegly
 Brady (TX) Garrett (NJ)
 Braley (IA) Gerlach
 Bright Giffords
 Broun (GA) Gingrey (GA)
 Brown (SC) Gohmert
 Brown, Corrine Gonzalez
 Brown-Waite, Goodlatte
 Ginny Gordon (TN)
 Buchanan Granger
 Burgess Graves
 Burton (IN) Grayson
 Butterfield Green, Al
 Buyer Green, Gene
 Calvert Griffith
 Camp Grijalva
 Campbell Guthrie
 Cantor Gutierrez
 Cao Hall (NY)
 Capito Hall (TX)
 Capps Halvorson
 Capuano Hare
 Cardoza Harman
 Carnahan Harper
 Carney Hastings (FL)
 Carson (IN) Hastings (WA)
 Carter Heinrich
 Cassidy Heller
 Castle Hensarling
 Castor (FL) Herger
 Chaffetz Herseth Sandlin
 Chandler Higgins
 Childers Hill
 Clarke Himes
 Clay Hinchey
 Cleaver Hinojosa
 Clyburn Hirono
 Coble Hodes
 Coffman (CO) Hoekstra
 Cohen Holden
 Cole Holt
 Conaway Honda
 Conyers Hunter
 Cooper Inglis
 Costa Inslee
 Courtney Israel
 Crenshaw Issa
 Crowley Jackson (IL)
 Cuellar Jackson-Lee
 Culberson (TX)
 Cummings Jenkins
 Dahlkemper Johnson (GA)
 Davis (AL) Johnson (IL)
 Davis (CA) Johnson, E. B.
 Davis (IL) Johnson, Sam
 Davis (KY) Jones
 Davis (TN) Jordan (OH)
 Deal (GA) Kagen
 DeFazio Kanjorski
 DeGette Kaptur
 Delahunt Kildee
 DeLauro Kilpatrick (MI)
 Dent Kilroy
 Diaz-Balart, L. Kind
 Diaz-Balart, M. King (IA)
 Dicks King (NY)
 Dingell Kingston
 Doggett Kirk
 Donnelly (IN) Kirkpatrick (AZ)
 Doyle Kissell
 Dreier Klein (FL)
 Driehaus Kline (MN)
 Duncan Kosmas
 Edwards (MD) Kratovil
 Edwards (TX) Kucinich
 Ehlers Lamborn
 Ellison Lance
 Ellsworth Langevin

Larsen (WA) Poe (TX)
 Latham Polis (CO)
 LaTourette Pomeroy
 Latta Posey
 Lee (CA) Price (GA)
 Lee (NY) Price (NC)
 Levin Putnam
 Lewis (CA) Quigley
 Linder Radanovich
 Lipinski Rahall
 LoBiondo Rangel
 Loeb sack Rehberg
 Lofgren, Zoe Reichert
 Lowey Reyes
 Lucas Richardson
 Luetkemeyer Rodriguez
 Lujan Rogers (AL)
 Lummis Rogers (KY)
 Lungren, Daniel Rogers (MI)
 E. Rohrabacher
 Lynch Rooney
 Mack Ros-Lehtinen
 Maffei Roskam
 Maloney Ross
 Manullo Rothman (NJ)
 Marchant Roybal-Allard
 Markey (CO) Royce
 Markey (MA) Ruppersberger
 Marshall Ruff
 Massa Ryan (OH)
 Matheson Ryan (WI)
 Matsui Salazar
 McCarthy (CA) Sanchez, Loretta
 McCarthy (NY) Sarbanes
 McCaul Scalise
 McClintock Schakowsky
 McCollum Schauer
 McCotter Schiff
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Nunes
 Nye
 Oberstar
 Olson
 Olver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts

Schmidt Thompson (CA)
 Schock Thompson (MS)
 Schrader Thompson (PA)
 Schwartz Thornberry
 Scott (GA) Tiahrt
 Scott (VA) Tiberi
 Sensenbrenner Tierney
 Serrano Titus
 Sessions Tonko
 Sestak Towns
 Shadegg Tsongas
 Shea-Porter Turner
 Sherman Upton
 Shimkus Van Hollen
 Shuler Velázquez
 Shuster Visclosky
 Simpson Walden
 Sires Walz
 Skelton Wamp
 Slaughter Wasserman
 Smith (NE) Schultz
 Smith (NJ) Watson
 Smith (TX) Watt
 Smith (WA) Waxman
 Snyder Weiner
 Souder Welch
 Space Westmoreland
 Speier Wexler
 Spratt Whitfield
 Stark Wilson (SC)
 Stearns Wittman
 Stupak Wolf
 Sutton Tauscher
 Tanner Taylor
 Tauscher Teague
 Taylor Terry
 Teague Young (AK)

NOT VOTING—17

Alexander Hoyer
 Baldwin Kennedy
 Berkley Larson (CT)
 Bonner Lewis (GA)
 Connolly (VA) Obey
 Costello Roe (TN)

Sánchez, Linda
 T.
 Sullivan
 Waters
 Wilson (OH)
 Young (FL)

□ 1355

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to promote the safe use of the Internet by students, and for other purposes."

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BISHOP of Utah. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House. The form of the resolution is as follows:

H. RES. —

Whereas the Honorable Nancy Pelosi, a Representative from California, served from 1997 to 2002 as Ranking Democratic Member of the House Permanent Select Committee on Intelligence;

Whereas Representative Pelosi currently serves as Speaker of the House, a position of considerable power and influence within the Congress;

Whereas title 3 of the United States Code designates the Speaker of the House as third in line of succession to the Presidency;

Whereas Speaker Pelosi has publicly challenged the truthfulness of what she and other congressional leaders were told by Central Intelligence Agency officials about the agency's use of enhanced interrogation techniques on suspected terrorists;

Whereas in an MSNBC interview on February 25, 2009, Speaker Pelosi stated, "I can say flat-out, they never told us that these enhanced interrogation techniques were being used";

Whereas, Speaker Pelosi's public statements allege a sustained pattern of deception by government intelligence officers charged by law with informing Congress about the agency's activities;

Whereas when asked at a press conference on May 15, 2009 widely reported by the news media, "Madam Speaker, just to be clear, you're accusing the CIA of lying to you in September?" Speaker Pelosi stated, "Yes";

Whereas during the same press conference the Speaker subsequently stated, "So yes, I'm saying they are misleading, the CIA was misleading the Congress" and further, "they misled us all the time" and "they misrepresented every step of the way";

Whereas in a memorandum to CIA employees released publicly on May 15, 2009, Leon Panetta, the CIA Director, stated, "It is not our policy or practice to mislead Congress. That is against our laws and our values. As the Agency indicated previously in response to Congressional inquiries, our contemporaneous records from September 2002 indicate that CIA officers briefed truthfully on the interrogation of Abu Zubaydah, describing the enhanced interrogation techniques that had been employed";

Whereas when asked in a press conference held June 4, 2009, "Madam Speaker, are you still receiving intelligence briefings?" Speaker Pelosi responded by saying, "Yes, I am; yes, I am."

Whereas a June 5, 2009 article on Human Events.com entitled, "Pelosi Still Receives CIA Briefings, But Won't Say If They're Truthful" stated, "She refused to answer when asked whether or not she believes intelligence professionals are still lying to her."

Whereas national and international media reports on this controversy have damaged the reputation of the House by raising questions about whether the effectiveness of congressional oversight may have been undermined through false or misleading statements by intelligence officials; and

Whereas in order to safeguard the reputation of the House it is imperative to reconcile as soon as possible the aforementioned contradictory statements by Speaker Pelosi and CIA Director Panetta: Now, therefore, be it

Resolved, That—

(1) a Select Subcommittee of the Permanent Select Committee on Intelligence shall be established to review and verify the accuracy of the Speaker's aforementioned public statements;

(2) the Select Subcommittee shall be comprised of four members of the full committee, two appointed by the chairman of the committee and two by its ranking minority member;

(3) The subcommittee shall have the same powers to obtain testimony and documents pursuant to subpoena authorized under clause 2(m) of Rule XI of the Rules of the House; and,

(4) the Select Subcommittee report its findings and recommendations to the House not later than sixty calendar days after adoption of this resolution.

□ 1400

Mr. Speaker, that is the resolution.

The SPEAKER pro tempore. The Chair designates now as the time that the gentleman may offer his resolution.

Mr. BISHOP of Utah. Mr. Speaker, I therefore offer the resolution. I assume it has to be read, Mr. Speaker.

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

The Clerk read as follows:

H. RES. —

Whereas the Honorable Nancy Pelosi, a Representative from California, served from 1997 to 2002 as Ranking Democratic Member of the House Permanent Select Committee on Intelligence;

Whereas Representative Pelosi currently serves as Speaker of the House, a position of considerable power and influence within the Congress;

Whereas title 3 of the United States Code designates the Speaker of the House as third in line of succession to the Presidency;

Whereas Speaker Pelosi has publicly challenged the truthfulness of what she and other congressional leaders were told by Central Intelligence Agency officials about the agency's use of enhanced interrogation techniques on suspected terrorists;

Whereas in an MSNBC interview on February 25, 2009, Speaker Pelosi stated, "I can say flat-out, they never told us that these enhanced interrogation techniques were being used";

Whereas, Speaker Pelosi's public statements allege a sustained pattern of deception by government intelligence officers charged by law with informing Congress about the agency's activities;

Whereas when asked at a press conference on May 15, 2009 widely reported by the news media, "Madame Speaker, just to be clear, you're accusing the CIA of lying to you in September?" Speaker Pelosi stated, "Yes";

Whereas during the same press conference the Speaker subsequently stated, "So yes, I'm saying they are misleading, the CIA was misleading the Congress" and further, "they mislead us all the time" and "they misrepresented every step of the way";

Whereas in a memorandum to CIA employees released publicly on May 15, 2009, Leon Panetta, the CIA Director, stated, "It is not our policy or practice to mislead Congress. That is against our laws and our values. As the Agency indicated previously in response to Congressional inquiries, our contemporaneous records from September 2002 indicate that CIA officers briefed truthfully on the interrogation of Abu Zubaydah, describing the enhanced interrogation techniques that had been employed";

Whereas when asked in a press conference held June 4, 2009, "Madame Speaker, are you still receiving intelligence briefings?" Speaker Pelosi responded by saying, "Yes, I am; yes, I am."; Whereas a June 5, 2009 article on Human Events.com entitled, "Pelosi Still Receives CIA Briefings, But Won't Say If They're Truthful" stated, "She refused to answer when asked whether or not she believes intelligence professionals are still lying to her.";

Whereas national and international media reports on this controversy have damaged the reputation of the House by raising questions about whether the effectiveness of congressional oversight may have been undermined through false or misleading statements by intelligence officials; and

Whereas in order to safeguard the reputation of the House it is imperative to reconcile as soon as possible the aforementioned contradictory statements by Speaker Pelosi and CIA Director Panetta: Now, therefore, be it

Resolved, That—

(1) a Select Subcommittee of the Permanent Select Committee on Intelligence shall be established to review and verify the accuracy of the Speaker's aforementioned public statements;

(2) the Select Subcommittee shall be comprised of four members of the full committee, two appointed by the chairman of the committee and two by its ranking minority member;

(3) The subcommittee shall have the same powers to obtain testimony and documents pursuant to subpoena authorized under clause 2(m) of Rule XI of the Rules of the House; and,

(4) the Select Subcommittee report its findings and recommendations to the House not later than sixty calendar days after adoption of this resolution.

The SPEAKER pro tempore. Does the gentleman from Utah wish to present argument on why the resolution is privileged for immediate consideration?

Mr. BISHOP of Utah. Yes, I do. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. BISHOP of Utah. This is very similar—it is not exactly the same, but it is similar to a resolution we presented a few weeks ago. It is presented again for one simple reason. The reason that this is before here is still that there is no cloture on this particular issue.

In "A Man for All Seasons," Sir Thomas More may have used silence as his legal argument that silence denotes consent; but in a political setting as we are here, silence is not a solution. In an era in which perception is the same thing as reality, silence does not solve the problem, and indeed, harms are still there.

If an agency of government intentionally misleads Congress—and the CIA has denied they did that. If they intentionally mislead Congress or a Member, an important or a significant Member of Congress, it creates a problem for the integrity of the House as a whole.

If the data we are to receive is in question, then the solutions and the arguments we derive are equally in question, and that becomes an untenable decision. All of our decisions, therefore, become suspect. There is only one solution to this, and it is the same solution that we have said before:

If we don't want this issue to simply be subject to political maneuverings, establish a bipartisan committee—two Republicans, two Democrats. Make that committee a subset of the Permanent Select Committee on Intelligence, so they understand the verbiage, so they understand the questions, so they don't have to have a lot of time to be brought up to speed.

If you have that kind of committee, their report will, by the very nature of the makeup of that committee, not be subject to political spin, and we may be able to move on. That's the important part. It is the integrity of the House that is in question here, and that needs to be answered so decisions of this House will be considered without any other kind of question or implication.

Now, as we are starting the appropriations process, it becomes an ideal time in which any kind of solution we may wish to impose on this particular situation should be before the House and should be done.

Mr. Speaker, I do this as a former speaker in Utah where several times you had to stand up to defend the integrity of the institution. This is about the integrity of the institution, to make sure we were not intentionally misled by an agency of government.

I yield back.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution proposes to direct a select subcommittee of the Permanent Select Committee on Intelligence "to review and verify the accuracy of" certain public statements of the Speaker concerning communications to the Congress from an element of the executive branch.

Such a review necessarily would include an evaluation not only of the statements of the Speaker but also of the executive communications to which those statements related. Thus, the review necessarily would involve an evaluation of the oversight regime that formed the context for those communications as well. In reviewing and verifying the accuracy of "the aforementioned public statements," the select subcommittee would be assessing not only the probity of the Speaker's actions but also the probity of the actions of executive branch officials.

On these premises, the Chair finds that the instant resolution is not materially different from House Resolution 470, which was held on May 21, 2009, not to present a question of privilege. The Chair therefore holds that the resolution is not privileged under rule IX. Instead, as was the case with House Resolution 470, the instant resolution may be submitted through the hopper.

The gentleman from Utah is recognized.

Mr. BISHOP of Utah. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. HASTINGS of Florida. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on motions to suspend with respect to H.R. 2247 and H.R. 403.

The vote was taken by electronic device, and there were—yeas 247, nays 171, not voting 15, as follows:

[Roll No. 342]

YEAS—247

- Abercrombie Gonzalez Minnick
Ackerman Gordon (TN) Mitchell
Adler (NJ) Grayson Mollohan
Altmore Green, Al Moore (KS)
Andrews Green, Gene Moran (VA)
Arcuri Griffith Murphy (CT)
Baca Grijalva Murphy (NY)
Baird Hall (NY) Murphy, Patrick
Baldwin Halvorson Murtha
Barrow Hare Nadler (NY)
Bean Harman Napolitano
Becerra Hastings (FL) Neal (MA)
Berman Heinrich Nye
Berry Herseht Sandlin Oberstar
Bishop (GA) Higgins Obey
Bishop (NY) Hill Oliver
Blumenaucr Himes Ortiz
Boccheri Hinchey Pallone
Boren Hinojosa Pascrell
Boswell Hirono Pastor (AZ)
Boucher Hodes Paul
Boyd Holden Payne
Brady (PA) Holt Perlmutter
Braley (IA) Honda Perriello
Bright Hoyer Peters
Brown, Corrine Inslee Peterson
Butterfield Israel Pingree (ME)
Capps Jackson (IL) Polis (CO)
Capuano Jackson-Lee Pomeroy
Cardoza (TX) Price (NC)
Carnahan Johnson (GA) Quigley
Carney Johnson, E. B. Rahall
Carson (IN) Jones Rangel
Castor (FL) Kagen Reyes
Chandler Kanjorski Richardson
Childers Kaptur Rodriguez
Clarke Kildee Ross
Clay Kilpatrick (MI) Rothman (NJ)
Cleaver Kilroy Roybal-Allard
Clyburn Kind Ruppertsberger
Cohen Kirkpatrick (AZ) Rush
Conyers Kissell Ryan (OH)
Cooper Klein (FL) Salazar
Costa Kosmas Sanchez, Loretta
Courtney Kratochvil Sarbanes
Crowley Kucinich Schakowsky
Cuellar Langevin Schauer
Cummings Larsen (WA) Schiff
Dahlkemper Lee (CA) Schrader
Davis (AL) Levin Schwartz
Davis (CA) Lipinski Scott (GA)
Davis (IL) Loeb sack Scott (VA)
Davis (TN) Lofgren, Zoe Serrano
DeFazio Lowey Sestak
DeGette Lujan Shea-Porter
Delahunt Lynch Sherman
DeLauro Maffei Shuler
Dicks Maloney Sires
Dingell Markey (CO) Skelton
Doggett Markey (MA) Slaughter
Donnelly (IN) Marshall Smith (WA)
Doyle Massa Snyder
Driehaus Matheson Space
Edwards (MD) Matsui Speier
Edwards (TX) McCarthy (NY) Spratt
Ellison McCollum Stark
Ellsworth McDermott Stupak
Engel McGovern Sutton
Eshoo McIntyre Tanner
Etheridge McMahan Tauscher
Farr Mc Nerney Taylor
Fattah Meek (FL) Teague
Filner Meeks (NY) Thompson (CA)
Foster Melancon Thompson (MS)
Frank (MA) Michaud Tierney
Fudge Miller (NC) Titus
Giffords Miller, George Tonko

- Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz

- Wasserman
Schultz
Waters
Watson
Watt
Waxman

- Weiner
Welch
Wexler
Wooley
Wu
Yarmuth

NAYS—171

- Aderholt
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggett
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuiberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)

- Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)

- Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—15

- Alexander
Berkley
Blunt
Bonner
Connolly (VA)
Costello
Gutierrez
Kennedy
Larson (CT)
Lewis (GA)
Moore (WI)
Sánchez, Linda
T.
Sullivan
Wilson (OH)
Young (FL)

□ 1427

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRESSIONAL REVIEW ACT IMPROVEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2247, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 2247, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 343]

YEAS—414

- Abercrombie Conaway Hastings (WA)
Ackerman Conyers Heinrich
Adler (NJ) Cooper Heller
Akin Costa Hensarling
Altmore Courtney Herger
Andrews Crenshaw Herseth Sandlin
Arcuri Andrews Higgin
Cuellar Cuellar Hill
Culberson Culberson Himes
Cummings Cummings Hinchey
Dahlkemper Dahlkemper Hinojosa
Davis (AL) Davis (AL) Hirono
Davis (CA) Davis (CA) Hodes
Davis (IL) Davis (IL) Hoekstra
Davis (KY) Davis (KY) Holden
Davis (TN) Davis (TN) Holt
Deal (GA) Deal (GA) Honda
DeFazio DeFazio Hoyer
DeGette DeGette Hunter
Delahunt Delahunt Inglis
DeLauro DeLauro Inslee
Dent Dent Israel
Diaz-Balart, L. Diaz-Balart, L. Issa
Dicks Dicks Jackson (IL)
Dingell Dingell Jackson-Lee
Doggett Doggett (TX)
Donnelly (IN) Donnelly (IN) Jenkins
Doyle Doyle Johnson (GA)
Dreier Dreier Johnson (IL)
Driehaus Driehaus Johnson, E. B.
Duncan Duncan Johnson, Sam
Edwards (MD) Edwards (MD) Jones
Edwards (TX) Edwards (TX) Jordan (OH)
Ehlers Ehlers Kagen
Ellison Ellison Kanjorski
Ellsworth Ellsworth Kaptur
Emerson Emerson Kildee
Engel Engel Kilpatrick (MI)
Eshoo Eshoo Kilroy
Etheridge Etheridge Kind
Fallin Fallin King (NY)
Farr Farr Kingston
Fattah Fattah Kirk
Filner Filner Kirkpatrick (AZ)
Flake Flake Kissell
Fleming Fleming Klein (FL)
Forbes Forbes Kline (MN)
Fortenberry Fortenberry Kosmas
Foster Foster Kratochvil
Foxy Foxy Kucinich
Frank (MA) Frank (MA) Lamborn
Frank (AZ) Frank (AZ) Lance
Frelinghuysen Frelinghuysen Langevin
Fudge Fudge Larsen (WA)
Gallegly Gallegly Latham
Garrett (NJ) Garrett (NJ) LaTourette
Gerlach Gerlach Latta
Giffords Giffords Lee (CA)
Gingrey (GA) Gingrey (GA) Lee (NY)
Gohmert Gohmert Levin
Gonzalez Gonzalez Lewis (CA)
Goodlatte Goodlatte Linder
Gordon (TN) Gordon (TN) Lipinski
Granger Granger LoBiondo
Graves Graves Loeb sack
Grayson Grayson Lofgren, Zoe
Green, Al Green, Al Lowey
Green, Gene Green, Gene Lucas
Griffith Griffith Luetkemeyer
Grijalva Grijalva Lujan
Guthrie Guthrie Lummis
Gutierrez Gutierrez Lungren, Daniel
Hall (NY) Hall (NY) E.
Hall (TX) Hall (TX) Lynch
Halvorson Halvorson Mack
Hare Hare Maffei
Harman Harman Maloney
Harper Harper Manzullo
Hastings (FL) Hastings (FL) Marchant

Markey (CO) Pence
 Markey (MA) Perlmutter
 Marshall Perriello
 Massa Peters
 Matheson Peterson
 Matsui Petri
 McCarthy (CA) Pingree (ME)
 McCaul Pitts
 McClintock Platts
 McCollum Poe (TX)
 McCotter Polis (CO)
 McDermott Pomeroy
 McGovern Posey
 McHenry Price (GA)
 McHugh Price (NC)
 McIntyre Putnam
 McKeon Quigley
 McMahon Radanovich
 McMorris Rahall
 Rodgers Rehberg
 McNerney Reichert
 Meek (FL) Reyes
 Meeks (NY) Richardson
 Melancon Rodriguez
 Mica Roe (TN)
 Michaud Rogers (AL)
 Miller (FL) Rogers (KY)
 Miller (MI) Rogers (MI)
 Miller (NC) Rohrabacher
 Miller, Gary Rooney
 Miller, George Ros-Lehtinen
 Minnick Roskam
 Mitchell Ross
 Mollohan Rothman (NJ)
 Moore (KS) Roybal-Allard
 Moore (WI) Royce
 Moran (KS) Ruppertsberger
 Moran (VA) Rush
 Murphy (CT) Ryan (OH)
 Murphy (NY) Ryan (WI)
 Murphy, Patrick Salazar
 Murphy, Tim Sanchez, Loretta
 Murtha Scalise
 Myrick Schakowsky
 Nadler (NY) Schauer
 Napolitano Schiff
 Neal (MA) Schmidt
 Neugebauer Schock
 Nunes Schrader
 Nye Schwartz
 Oberstar Scott (GA)
 Obey Scott (VA)
 Olson Sensenbrenner
 Olver Serrano
 Ortiz Sessions
 Pallone Sestak
 Pascrell Shadegg
 Pastor (AZ) Shea-Porter
 Paul Sherman
 Paulsen Shimkus
 Payne Shuler

NOT VOTING—19

Alexander Diaz-Balart, M.
 Barton (TX) Kennedy
 Berkley King (IA)
 Bonner Larson (CT)
 Broun (GA) Lewis (GA)
 Connolly (VA) McCarthy (NY)
 Costello Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1433

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOMES FOR HEROES ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 403.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. AL GREEN) that the House suspend the rules and pass the bill, H.R. 403.

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

RECORDED VOTE

Mr. WEINER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 2, not voting 14, as follows:

[Roll No. 344]

AYES—417

Abercrombie Castle
 Ackerman Castor (FL)
 Aderholt Chaffetz
 Adler (NJ) Chandler
 Akin Childers
 Altmire Clarke
 Andrews Clay
 Arcuri Cleaver
 Austria Clyburn
 Baca Coble
 Bachmann Coffman (CO)
 Bachus Cohen
 Baird Cole
 Baldwin Conaway
 Wamp Conyers
 Barrow Cooper
 Bartlett Costa
 Barton (TX) Courtney
 Bean Crenshaw
 Becerra Crowley
 Berman Cuellar
 Berry Culberson
 Biggert Cummings
 Bilbray Dahlkemper
 Bilirakis Davis (AL)
 Bishop (GA) Davis (CA)
 Bishop (NY) Davis (IL)
 Bishop (UT) Davis (KY)
 Blackburn Davis (TN)
 Blumenauer Deal (GA)
 Blunt DeFazio
 Boccieri DeGette
 Boehner Delahunt
 Bono Mack DeLauro
 Boozman Dent
 Boren Diaz-Balart, L.
 Boswell Diaz-Balart, M.
 Boucher Dicks
 Boustany Dingell
 Boyd Doggett
 Brady (PA) Donnelly (IN)
 Brady (TX) Doyle
 Braley (IA) Dreier
 Bright Eriehaus
 Broun (GA) Duncan
 Brown (SC) Edwards (MD)
 Brown (SC) Edwards (TX)
 Brown, Corrine Ehlers
 Brown-Waite, Ginny Ellison
 Buchanan Ellsworth
 Burgess Emerson
 Burton (IN) Engel
 Butterfield Eshoo
 Buyer Etheridge
 Calvert Fallin
 Camp Farr
 Campbell Fattah
 Cantor Filner
 Cao Fleming
 Capito Forbes
 Capps Fortenberry
 Capuano Foster
 Cardoza Foxx
 Carnahan Frank (MA)
 Carney Franks (AZ)
 Carson (IN) Frelinghuysen
 Carter Fudge
 Cassidy Gallegly

Kissell Moran (VA)
 Klein (FL) Murphy (CT)
 Kline (MN) Murphy (NY)
 Kosmas Murphy, Patrick
 Kratovil Murphy, Tim
 Kucinich Murtha
 Lamborn Myrick
 Lance Nadler (NY)
 Langevin Napolitano
 Larsen (WA) Neal (MA)
 Latham Neugebauer
 LaTourette Nunes
 Latta Nye
 Lee (CA) Oberstar
 Lee (NY) Obey
 Levin Olson
 Lewis (CA) Olver
 Linder Ortiz
 Lipinski Pallone
 LoBiondo Pascrell
 Loeback Pastor (AZ)
 Lofgren, Zoe Paulsen
 Lowey Payne
 Lucas Pence
 Luetkemeyer Perlmutter
 Lujan Perriello
 Lummis Peters
 Lungren, Daniel Petri
 E. Pingree (ME)
 Lynch Pitts
 Mack Platts
 Maffei Poe (TX)
 Maloney Polis (CO)
 Manzullo Pomeroy
 Marchant Posey
 Markey (CO) Price (GA)
 Markey (MA) Price (NC)
 Marshall Putnam
 Massa Quigley
 Matheson Radanovich
 Matsui Rahall
 McCarthy (CA) Rangel
 McCarthy (NY) Rehberg
 McCaul Reichert
 McClintock Reyes
 McCollum Richardson
 McCotter Rodriguez
 McDermott Roe (TN)
 McGovern Rogers (AL)
 McHenry Rogers (KY)
 McHugh Rogers (MI)
 McIntyre Rohrabacher
 McKeon Rooney
 McMahon Ros-Lehtinen
 McMorris Roskam
 Rodgers Ross
 McNerney Rothman (NJ)
 Meek (FL) Roybal-Allard
 Meeks (NY) Royce
 Melancon Ruppertsberger
 Mica Rush
 Michaud Ryan (OH)
 Miller (FL) Ryan (WI)
 Miller (MI) Salazar
 Miller (NC) Sanchez, Loretta
 Miller, Gary Sarbanes
 Miller, George Scalise
 Minnick Schakowsky
 Mitchell Schauer
 Mollohan Schiff
 Moore (KS) Schmidt
 Moore (WI) Schock
 Moran (KS) Schrader

NOES—2

Flake
 Paul

NOT VOTING—14

Alexander Green, Gene
 Berkley Kennedy
 Bonner Larson (CT)
 Connolly (VA) Lewis (GA)
 Costello Peterson

□ 1440

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

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

Sánchez, Linda
 T.
 Sullivan
 Wilson (OH)
 Young (FL)

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 344, had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 545 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 545

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. The Chair may postpone further consideration of the conference report to such time as may be designated by the Speaker.

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

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 545.

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

There was no objection.

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

H. Res. 545 provides for consideration of the supplemental conference report, legislation that supports our military in the field in both Iraq and Afghanistan. This spending plan provides our troops with everything they will need during the remainder of this fiscal year, and the President has said this will be the last supplemental spending request he will send to Congress. I hope this will be the case.

I, along with a majority of my colleagues, share the President's goal of winding down the war in Iraq and leaving behind an Iraq run by Iraqis. This conference report takes a step towards that goal by providing for the training of security forces, economic development, and diplomatic operations.

We are also looking to secure Afghanistan, and this conference report

provides for training of Afghan security forces and counterinsurgency measures in bordering Pakistan.

Although there are no deadlines or timelines in this conference report, I think we share in the desire to have troops wrap up their missions abroad and return home to their families. It's my hope that we will see the beginning of that troop drawdown this year.

This report also provides for a few key domestic economic priorities like the Cash For Clunkers program, which will allow Americans to trade in old vehicles for new ones with higher fuel efficiency.

This conference report also includes \$1.5 billion for response to the swine flu pandemic to help State and local governments but also to fund global efforts to track, contain, and slow down the spread of this flu.

Although it is not perfect legislation, it provides some essential funding, and I will support it and urge my colleagues to do the same.

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

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

Let me begin by thanking my friend from Utica for yielding me the customary 30 minutes.

I have to say that it's with extreme disappointment and sadness that I rise in opposition to this rule, having been very supportive of it when we had it just, it seemed, a few weeks ago.

The underlying measure of the supplemental appropriations bill that's supposed to fund our troops began auspiciously as a wonderfully bipartisan effort. In fact, when the House first considered the funding measure last month, Republicans were very proud to have what was our first opportunity, Mr. Speaker, our first opportunity of this 111th Congress to consider a major bill that had been developed in a bipartisan way.

□ 1445

I noted on that occasion that the President's call for bipartisan action had previously been completely thwarted by the Democratic majority; and, frankly, the record proves that to be the case. But finally when it came to the issue of funding our troops, even the Democratic leadership that had thwarted efforts to follow the Obama directive for bipartisanship, we had concluded that they weren't about to politicize the process of funding our troops. While the bill that we considered last month was not perfect, it did accomplish the key issue at hand, adequately providing for the protection and welfare of our troops. And as I said, we were very proud to do it in a bipartisan way, something the President wants, something that the American people want, and frankly, it's something that I believe a majority of Democrats and Republicans in this

House want. But unfortunately the Democratic leadership does not seem to have that same goal.

Now the Democratic leadership is, unfortunately, back to what has very unfortunately been determined to be business as usual, which is concerning a measure which should have been as depoliticized as possible, considering it in an extraordinarily partisan way.

The conference report before us actually cuts troop funding in order to pay for billions of dollars of additional non-troop non-emergency spending. This includes \$5 billion for the International Monetary Fund in order to provide additional global bailouts. Now any country, Mr. Speaker, can apply for this money. So there's nothing to ensure that United States taxpayer dollars don't go to countries like Iran or Venezuela. The question of whether to provide this new IMF funding is a controversial one; and it may end up being a right decision; but it's one that should be fully debated, not air-dropped into a conference report. Again, whatever the outcome of that debate on IMF funding, it is clearly something that should not be considered as emergency funding. It should be part of the regular appropriations process, which we're in the midst of right now, where tough decisions are made, priorities are set, and a proposal to send \$5 billion to the International Monetary Fund can be weighed against other priorities that Members of this House may have, like transportation funding or some other issue that it may be determined through the deliberative process is a higher priority.

Mr. Speaker, our military is on the verge of running out of money. We all know that. That, frankly, is why we're here. The resources needed for our troops to conduct their mission and return home safely are nearly depleted. This, the issue of troop funding, is a true emergency. This is what this supplemental appropriations bill is all about—to protect and support the men and women in harm's way defending our country. The Democratic leadership, instead, chose to cut troop funding and load this bill up with other very controversial funding that does not support our troops. Republicans made it clear that we could not support a troop funding bill that does not, in fact, fully fund our troops. So the leadership on the other side of the aisle found itself in a dilemma. They had lost Republican support with their partisanship, their controversial programs and their cuts for troop funding. So what could they do? How could they win the votes necessary to pass this conference report?

The obvious solution would have been to return to bipartisanship. It's what the President of the United States has called for; it's what the American people want; and it's what I believe a majority of Democrats and

Republicans in this House would like. But instead, the Democratic leadership chose to push the contents of this bill as far to the left as they possibly could in the hopes of picking up support from the fringes of their own party. Having left the middle ground, the fringe was the only place left to go.

So how did they appeal to the very, very extreme left? First they watered down language related to moving terrorists to U.S. soil from Guantanamo Bay. Well, Republicans have supported much stronger language to ensure that no terrorists are ever moved to or set free on American soil. The original language would have at least required consultation with Congress and slowed down the process until we could act definitively to ensure the protection of our communities. But inexplicably, as Democrats, Republicans and Independents across the country have voiced their outrage over the prospect of having terrorists potentially released on American soil, today's conference report further weakens the already weakened language. It leaves our neighborhoods even more vulnerable to the movement of Gitmo terrorists. Furthermore, the Democratic leadership removed protections to ensure that information that could put our troops in danger would not be released. Many on the far left opposed these protections, so the Democratic leadership bartered for their support of this bill by stripping them out completely. Without those protections in place, our troops in the field will be subject to even greater harm. This was the price the Democratic leadership paid in order to negotiate with the far left rather than return to the bipartisanship and common sense that had guided earlier debates on this funding bill.

To see just how far out of the mainstream this approach is, Mr. Speaker, look no further than the vote on the motion to instruct conferees that we had just this past Friday. It was a Republican motion which handily passed the House by a vote of 267-152. Mr. Speaker, by a vote of 267-152, this House called for a clean bill that restores full funding for the troops and keeps in place the protections to prevent the release of information that could potentially endanger our troops. That strong bipartisan vote just this past Friday in favor of this motion indicates how much support there is in this House for a clean, bipartisan full troop funding bill. For those of us who naively thought that the funding of our troops was the one issue that could not be politicized, this is a very, very sobering moment. Clearly the Democratic leadership cannot help themselves. Even when bipartisanship would be the easy choice, they were compelled to move in the exact opposite direction.

So, Mr. Speaker, I urge my colleagues to reject this rule, demand a

clean troop funding bill, one that fully provides the resources they need, one that is stripped of all extraneous controversial non-emergency funding and one that includes full protections for American communities as well as our troops in the field.

With that, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would just like to point out that this bill does provide for the troops; and it provides very well for our troops because that is the most important thing that we, as Members of Congress, can do. It provides \$1.9 billion more than requested for MRAPs and \$2.5 billion above the President's request for U.S. troops. Those are the kinds of things that we need to do as a Congress to make sure that our troops are provided for.

Mr. Speaker, with that, I would like to yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I have a question to my friends, and that is: How do we support the troops by keeping them in a war that's based on lies? How do we support the troops by keeping them in another war which keeps expanding and they're getting shot at from all sides? How do we support the troops by festering a war on the Afghan border with Pakistan and putting them in even more peril because they don't have the support?

How do we support the troops? We support them by bringing them home. That's what we should be appropriating money for, not to keep them there. Beyond that, isn't it interesting—we've got another \$80 billion here for war, but we don't have money to keep people in their homes because there are still 13 million Americans who are losing their homes; we don't have money for the 50 million Americans who don't have any health care; we don't have money to save jobs; we don't have money to save our steel mills and our auto plants. What we have is, we have money for war.

Support the troops indeed. America has to start taking care of things here at home, and we can't do it by continuing to support wars that are based on lies. The Democrats took control of the Congress based on an opposition to the war. We should be opposing this war instead of deferring to the President. We have the constitutional obligation under article I, section 8 of the Constitution to decide whether a war should continue or not. We should end it here. We shouldn't be continuing it.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to respond to my friend from Utica who made it very clear that he believes that troop funding is their priority; but yet this measure reduces by \$4.7 billion the level of troop funding that we had in the bipartisan bill passed just last month and transfers it to the IMF. So, in fact, this measure does cut troop funding.

With that, Mr. Speaker, I'm happy to yield 3 minutes to the new ranking member of the Committee on Armed Services, the very distinguished gentleman from Santa Clarita, California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I want to thank my good friend from California (Mr. DREIER) for yielding the time.

As the ranking member on Armed Services, I rise in opposition to this rule and to the war supplemental conference report for one simple reason. It will endanger our troops in harm's way. Compared with the clean troop funding bill that passed the House with bipartisan support in May, this package cuts \$4.7 billion from defense that we passed at that time to create room for a \$105 billion global bailout loan program.

What should be a clean military funding bill has become a means for the President's promise to provide more foreign aid to the International Monetary Fund. Those funds will eventually make their way to countries that are less than friendly to the United States at the expense of programs to support our troops. And even more disturbing is the decision by conferees to reject the motion offered by Republicans to prohibit the release of detainee photos that could exacerbate tensions in the very regions our troops are fighting.

Mr. Speaker, let me read to you a statement about those photos by General Petraeus, commander of U.S. Armed Forces throughout the Middle East:

"The release of images depicting U.S. servicemen mistreating detainees in Iraq and Afghanistan, or that could be construed as depicting mistreatment, would likely deal a particularly hard blow to U.S. CENTCOM and U.S. inter-agency counterinsurgency efforts in these key nations, as well as further endanger the lives of U.S. soldiers, marines, airmen, sailors, civilians and contractors presently serving there."

General Petraeus is correct, and we should stand with our troops in the field and prohibit the release of these photos. We should not leave it in the hands of ACLU lawyers or at the mercy of activist judges.

I urge my colleagues to reject this package and insist that it be brought back immediately with Senator LIEBERMAN and Senator GRAHAM's language to prohibit release of these photos.

Finally, the Senate-passed troop bill included language prohibiting release or transfer of Guantanamo Bay detainees to U.S. soil. Unfortunately this conference report does not prohibit the transfer or release of detainees after October 1 of this year. This is a huge mistake. I fear we're already beginning to open Pandora's box. We've already begun importing terrorists. These Guantanamo detainees are trained to

foment dissent among Americans, and we should do everything possible to keep them away from our local military bases and our prisons.

Again, I urge my colleagues to vote "no" on this rule and the conference report so we can quickly make these necessary changes to protect our troops in the field and bring back a clean troop funding bill.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I want to talk about a clearly necessary provision in this bill, the fleet modernization provision; but I do want to say just two things briefly to comment on what has been said here by the minority.

I really think they are looking for reasons to vote "no" no matter how illegitimate they are.

□ 1500

Regarding this issue of the release of photos, the President has said, "I will continue to take every legal and administrative remedy available to me to ensure the DOD detainee photographs are not released."

Secondly, on the IMF, a commitment was made at the G-20, and this carries out the U.S. commitment. It is not a believable position to vote "no" on this bill for that reason.

But I want to say a few words about the fleet modernization proposal that Representative SUTTON, who is here, has worked so hard on with a large number of people.

There is clearly a crisis in the automotive industry. The administration has stepped up to the plate with a plan. That plan is being implemented. It's very difficult. There is a lot of pain involved. It's being carried out.

What hasn't happened effectively is work on the demand side. That's what's lagging here. Sales were down very substantially these last several years. There was an uptick in May, but still the annualized level is far below even a few years ago. And the sales are down not only for the domestic industry but also for the transplants: for Toyota, down 41 percent from last May; Honda, 42 percent; Nissan, 33 percent. So there is an effort to make sure there is effective restructuring for the domestic industry.

We have to work on the demand side, and this today answers that need: a voucher for consumers worth \$3,500 to \$4,500 to help them pay for more fuel-efficient cars and trucks. It will incentivize approximately 1 million new car and truck purchases. So anybody who votes "no" on this supplemental is voting "no" on this provision, and that would be a serious mistake.

It is critical that this Nation retain a strong domestic auto industry, and this effort on the demand side is a critical piece of that effort.

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

Mr. ARCURI. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. LEVIN. This has not been an easy effort. There have been disagreements in different ways to go about it. And I simply want to say to those who have been in the lead, and especially to Representative SUTTON, this would not have happened without the dedication of herself and others who have been determined that there be continued, in this country, a strong domestic auto industry. It's that clear. Other countries have stepped up to the plate. They have provided support. This is now a necessary implementation of this effort.

So I plead with people on the minority side to listen, to step up to the plate, to not look for arguments or excuses to duck. There is no ducking the need for a strong domestic automotive industry, not only for Ohio, not only for Michigan, not only for Illinois, not only for Indiana, but for the entire United States of America.

Mr. DREIER. Mr. Speaker, at this juncture, I don't have any further requests for time. I would inquire of my friend whether he has any further speakers?

Mr. ARCURI. Yes, I have an additional speaker.

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

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

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman for his leadership and really thoughtful conversation on what is a challenging time for America.

I rise to support the rule and want to express both my support and concerns for aspects of this legislation. But I will speak to the seeming overall opposition of our friends on the other side of the aisle, and I would hope that in their deliberation they have given a thoughtful assessment of the analysis of opposition.

We are dealing with some very difficult times. I opposed the war in Iraq and remain opposed. I do, however, want the opportunity to be able to stand down in order to safely have our soldiers redeploy. I want to see the standing up of the Iraqis and resources to allow them to proceed in their own defense and to bring our soldiers home as heroes.

I also want us to make good on the promise we made to Afghanistan. America is good at keeping her promise. Her soldiers have never stepped away from promoting the ideals of democracy and liberty and freedom, and the Afghan people are in need. They need the collaboration of the NATO forces and the United States. They also need to have reconstruction and the empowerment of women and the protection of their children.

And so the part of this legislation addresses that question. It is a recognition that many of us opposed the Iraq war and are asking, as we have been asking for so long since the horrific tragedy of 9/11 when we found that those terrorists, horrific terrorists came from the inner parts of Afghanistan, and we abandoned Afghanistan. We did not pay attention to them. And so it is important now to ensure that we do it in the right way, that we don't maintain an extended force in Afghanistan but we help in a collaborative way for the Afghan people to stand up and to fight the terrorists and to reestablish institutions that will help them build their society, both with respect to education and social services. And so part of this legislation does include that funding.

Our eyes have been on Pakistan. There is a regional effort. Secretary of State Clinton and the President have worked to appoint Ambassador Holbrooke to be an envoy, and he has been in those camps where you have seen 2½ million people be displaced. We cannot abandon them now. We must provide the opportunity for them to return to a rebuilt region. These are individuals who have fought for their freedom, who left the Swat area because they did not want to be overtaken by insurgents, the Taliban, who want to undermine a system of democracy and, yes, terrorists.

One man fled with 13 of his children, living in a tent. He said now his home is occupied by Pakistan soldiers. He's willing to sacrifice and live homeless because he wants freedom. The resources that we now have will allow that to happen, and that is vital.

We also realize that there are areas like Chad, the Congo, and places that are near collapse that we are providing for peace-keeping dollars that are so very important in helping the U.N. Chad is near collapse because it is near Sudan, and many of those who have fled the persecution are there.

From the gulf coast region we have fought consistently to provide reimbursement for Galveston and Houston and the regions that have still been struck and still sacrificing and still living under the shadow of Hurricane Ike. We have the resources to put people in housing and to be able to correct the wrong of that terrible storm but yet the inability to move as fast as we like pursuant to the work that was not done in the last administration.

I think it is important that we are supporting the International Monetary Fund because we cannot stand by while we speak the language of reconstruction and rebuilding and not provide that for particular support. So there is a value in the hard work of our colleagues.

But I do believe it is important to revisit an issue that impacts many States: the sidestepping of the President's mission on stimulus dollars. And

the State of Texas is a poster child for that. \$3.2 billion was taken from the moneys that should have been utilized for the education of our children. One of my school districts alone has lost \$155 million because it has been replaced or reordered or snuck under or left somewhere in what we call a "rainy day fund." We need to fix this. We have an opportunity going forward to be able to fix it, but I would like to fix it now.

So I hope that we will be in the midst of discussion, the congressional delegation of Texans who believe that our children must come first. And we must follow the vision of President Obama, who said, Save a job and create a job. And so we are saving teachers' jobs and helping them if we fight to get that \$3.2 billion from Texas where it needs to be.

The underlying bill is an important bill, but the Texas children are important as well.

Mr. DREIER. Mr. Speaker, I just plan to close debate if the gentleman has concluded debate.

Mr. ARCURI. I have one more speaker.

Mr. DREIER. I reserve.

Mr. ARCURI. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the gentleman from New York for his leadership on the Rules Committee and for the time.

I rise today in support of the rule and the underlying bill. But as we prepare to send the war supplemental to President Obama, I would be remiss not to express the deep concerns I have about the bill not including an exit strategy for military operations in Afghanistan.

And while I support the supplemental, I am also strongly supporting Representative MCGOVERN's bill to require an exit strategy from Afghanistan. Fairness requires it. Our brave soldiers need to know that we have a plan and that we're looking out for them. And out of fairness to the 185,000 soldiers who have been subject to the stop-loss policy since September 11, 2001, the supplemental that we're about to pass today will provide \$500 per month in monthly payments.

And the use of stop-loss has prevented mothers and fathers from returning home to their children, from families and friends from gathering for the momentous occasions that mark their lives. They have gone above and beyond the expectations of their country. So I'm proud to have worked with my colleagues to create the Stop Loss Compensation program and to ensure its funding in this bill.

And I am pleased that we are also funding the bipartisan CARS Act program which Representative LEVIN spoke of a moment ago. That bill was passed overwhelmingly by this House just last week. And while it's called the CARS Act, it's about far more than

just cars. It's about the environment and it's about people. It's about consumers, and it's about the millions of families in this great Nation who depend on the strength of our auto and related industries for their livelihood, to put food on the table, to get health care for their children. It's about our friends and our neighbors, and it's about our communities that depend on auto jobs for their tax base, to support schools and police, firefighters and other city services.

And I'm also proud to say that we have worked on language in the bill to allow that SAFER grants that are used to hire firefighters can be used now to rehire and retain much-needed firefighters.

This bill provides stop-loss payments for those who protect us bravely overseas. It funds the consumer-environmental beneficial CARS Act to help shore up the 3 to 5 million jobs in our auto industry that Americans depend upon for a living, and it provides for more adequate staffing for firefighters who bravely protect us at home.

Mr. Speaker, this is a bill that deserves support. And with that, I urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this has been a fascinating debate that has taken place. It began with some very thoughtful comments from my friend from Utica talking about the need for funding for our troops, and I laude him for referring to the fact that that is the priority of this measure.

We then listened to, on our side, the distinguished new ranking member of the Committee on Armed Services, my friend from Santa Clarita (Mr. MCKEON), talk about the priority of funding for our troops.

And then we listened to speeches made by our colleagues, and there was barely a mention of the issue of troop funding.

We just heard our colleague talk about firefighters. Hey, I'm from southern California where we have fires, and we have horrible fires. Loss of life and property is something that regularly takes place there. It's a very, very important issue. It's an issue that should be considered under the regular appropriations process under the leadership of my California colleagues, Mr. LEWIS and Mr. OBEY, not in a troop funding bill.

Then we listened to our very good friend from Detroit talk about the automobile industry, a serious challenge that we, as a Nation, are trying to address. I personally believe that the notion of continuing to see the government more and more involved in this area is not the right thing to do, but it's a debate that will go on. And yet our friend, Mr. LEVIN, was talking about the issue of the automobile industry in this troop funding bill.

□ 1515

Then I listened to our friend from Houston, Texas, talk about Darfur, one of the most troubled spots on the face of the Earth, an issue that does need to be addressed, and the challenges of meeting the needs of children in Texas, a very, very important issue, but not as part of a troop funding measure.

Now, Mr. Speaker, as I said, through the very thoughtful work of the Appropriations Committee last month, we came to this floor with what President Obama and I believe a majority of Republicans and Democrats in this House would like to see us achieve, and I know the American people would like to see us achieve, and that is bipartisanship.

Bipartisanship is a word that is used all the time around here, all the time. Everyone talks about the need for bipartisanship, how important it is. The Speaker in her opening address here to the Congress as we began the 111th Congress talked about how she wanted to work in a bipartisan way. We Republicans say we want to work in a bipartisan way.

But this bill that emerged from the House Appropriations Committee was the first time, the very first time in this 111th Congress that we were able to see a bipartisan work product emerge from the Democratic leadership, and I congratulated them on that, and I have done that when we considered the bill, and I would like to be able to do it today.

But, unfortunately, this bill has crumbled from what it was intended to be, a bill to support funding for our troops. It in fact included a reduction by transferring money that was intended in the House-passed bill to be funding for our troops to the International Monetary Fund.

Now, I will say that that may be a worthwhile cause as we deal with the economic challenges that exist here in the United States and around the world. But, again, Mr. Speaker, that is something that should not be considered as an emergency funding measure. It is something that should be considered under the normal appropriations process, so that we can make a determination whether increasing by \$5 billion the funding for the International Monetary Fund is more important than transportation priorities here in the United States or other priorities that we have.

So, some might like to say that this bill is just a continuation of what we considered last month. But, Mr. Speaker, it unfortunately has gone a long way down from where we were, creating the potential, the potential for us to not be able to prevent with absolute certainty the terrorists from Gitmo ending up in the United States. There is no guarantee that that will happen.

On the IMF, on the IMF, there is no guarantee, no guarantee in this measure that funding requests could not be

made for countries like Iran or Venezuela.

So, Mr. Speaker, these are the kinds of things that this troop funding bill has ended up addressing, and it was made very clear by an overwhelming majority of the remarks that came from our colleagues on the other side of the aisle. That is why I urge my colleagues to vote “no” on this rule, so that we can come back and pass in this House what 267 Members last Friday said that they wanted to have passed, and that is a clean bill that funds our troops and ensures that we won’t have terrorists in the United States, that ensures that we will not be dramatically expanding a wide range of other programs.

So vote “no” on this rule, and, if by chance it passes, I urge a “no” vote on the conference report itself, because we can do better.

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

Mr. ARCURI. Mr. Speaker, I thank my friend and colleague from the Rules Committee for his management of this rule and also for talking about what I think is ultimately the most important thing with respect to this bill, and that is, of course, our troops.

There are many of us who opposed the war in Iraq. I was one of them. I continue to oppose it. There are many of us who believe that the funding that this bill contains should be greater. I think on both sides of the aisle there is agreement that we should do as much as we possibly can. And there are things about this bill that clearly are not perfect. But we can’t allow the perfect to get in the way of the good.

This bill is a good bill. Let’s not deprive our brave sons and our daughters, their husbands and their wives, of what they need to return to their families safely. This is not about what is right or what is wrong. This is about what we as a country, what we as a Congress, need to do, and that is to make sure that our troops, our sons and our daughters, the people who put their lives on the line each and every day, have all and each and every thing they need.

Some people may argue it is not enough, but we need to give them everything that we possibly can. Voting “no” simply because you think it is not enough is not a solution. That absolutely is not a solution. We need to do everything we can to ensure that our soldiers have what they need.

With that, I urge a “yes” vote on the previous question and on the rule.

Mr. MCGOVERN. Mr. Speaker, there is much good in this conference report on the FY09 supplemental. I support the IMF monies and I certainly support the funding to respond to the H1N1 flu virus.

But I will vote “no” today on the final bill for the same reason I voted “no” on the original supplemental. This supplemental is primarily a war funding bill. It includes a huge escalation

of our military involvement in Afghanistan: an escalation without benchmarks, conditions, or most importantly, without an exit strategy.

I hope all my concerns about Afghanistan are wrong. There is a different team in the White House now—who I believe are trying very hard not to repeat the mistakes of the previous Administration.

President Obama and others have said there is no military solution in Afghanistan, only a political solution. I believe this, too. So I am very concerned when we put billions of dollars building up the U.S. military presence in Afghanistan without a clear mission and without an exit strategy.

Just as I insisted that the Bush Administration provide Congress with clear benchmarks and an exit strategy for Iraq, then we should the same with this Administration for Afghanistan.

I am not advocating an immediate withdrawal of our military forces in Afghanistan. I understand that our humanitarian mission may have to be protected in the near term. All I am asking for is a plan. If there’s no military solution for Afghanistan, then please, tell me how we will know when our military contribution to the political solution has concluded.

I suspect that the votes are in place to pass this supplemental conference report. But I am deeply concerned. I’m concerned that we are moving ahead with a significant military escalation in Afghanistan without any real debate or any sense for how we will eventually bring our troops home.

Some have suggested that we have that debate at some point in the future. I respectfully disagree. I am not and never will be an advocate for “cutting and running” from Afghanistan. But we need to provide the American people and the people of Afghanistan a clearly defined mission, which includes a clearly defined plan for departure.

Mr. TIAHRT. Mr. Speaker, in response to the devastating attacks of September 11th 2001 our nation was forced to take strong and decisive action in Afghanistan and throughout the world with the Global War on Terror to protect and defend the values and national interests of the American people. For eight years, Congress has dutifully provided the resources our troops need to carry out the will of this nation.

Today we are considering H.R. 2346, the FY2009 War Supplemental Appropriations bill, to once again provide these resources our troops require. Sadly Congressional Democrats have chosen to use this vitally important funding bill to advance the Obama administration’s reckless national security and economic policies. I cannot support a bill that places our citizens and military servicemembers at risk, as well as advances irresponsible economic policies that put our economy at risk.

The detainees currently housed at Guantanamo Bay, Cuba are among the world’s most dangerous, hardened terrorists. These detainees masterminded the September 11th terrorist attacks, plotted numerous terrorist attacks around the world, and killed American troops and civilians. In developing a policy to deal with such dangerous people, though, the Obama administration has focused on one single goal: close the detention facility at Guantanamo Bay. Although the facility at Guanta-

namo Bay is the world’s most secure prison, the administration has instead developed a two-pronged plan to abandon these facilities and bring detainees to the United States either for release into our streets or release into our prisons.

I do not want terrorists to come to Fort Leavenworth, Kansas, or any American town. Bringing detainees to Fort Leavenworth would conflict with its primary mission of being the educational center of the Army and is impractical from a facilities and logistical perspective. Most importantly, it would place the citizens of Leavenworth, Johnson County, and the greater Kansas City metro area at unnecessary risk.

Unfortunately, this policy, which is designed to placate anti-war activists, fails to address the serious national security concerns that are clearly seen by the American people. In multiple opinion polls, the American people overwhelmingly reject the notion of bringing terrorists-detainees to the U.S. They know that bringing terrorists to our street or prisons places our nation at risk.

Democrat leadership has rejected the views of the American people and included a provision to create a process for the administration to bring terrorist-detainees to the United States. This provision provides little of the protections and guarantees the American people expect. Let me be clear, this provision will do nothing to prevent the Obama administration from moving terrorists from a secure military facility to our hometowns.

In addition to placing American citizens at risk, this legislation also places American military servicemembers in harm’s way by the removal of the bi-partisan Lieberman-Graham amendment. This critical amendment would have blocked the release of photographs of individuals captured or detained by the U.S. military during overseas operations. Senators JOE LIEBERMAN (ID-CT) and LINDSAY GRAHAM (R-SC) who sponsored the original amendment, clearly stated, “the release of the photos will serve as propaganda and recruiting tool for terrorists who seek to attack American citizens at home and abroad.” Even President Obama has said that the release of these photographs would “put our troops and civilians serving our nation abroad in greater danger.” Instead of acting in the best interests of our troops, however, Congressional Democrats have sided with the extremist left and lawyers from the American Civil Liberties Union (ACLU) by removing this important provision.

Although Congressional Democrats left out language to prevent terrorists from being brought to our shores and to protect our troops, they found room to add two unrelated provisions that continue this administration’s favorite cure-all for our economic woes: bailouts.

Perhaps most concerning, the War Supplemental Appropriations bill contains a \$108 billion loan authority for the International Monetary Fund (IMF)—a Global Bailout. Unrelated to the war effort, this Global Bailout represents a ten-fold increase in the U.S.’s current IMF contribution to fund an expansion of IMF lending. In addition, through the IMF Special Drawing Rights (SDRs), countries that oppose U.S. values and national interests would receive access to additional hard currency. Iran will receive a benefit up to \$1.8 billion, Syria \$305

million, Venezuela \$3.2 billion, and Sudan \$202 million. I find it very disturbing that Democrats would use a war spending bill to prop-up state sponsors of terrorism.

Finally, I object to the "Cash for Clunkers" provision included in H.R. 2346. The automobile manufacturers have already received \$110 billion in bailouts from the federal government. Yet, Congressional Democrats have decided to funnel another \$1 billion in bailout dollars to the very same industry. I have opposed the bailouts from the beginning. Instead of enacting real solutions to address this economic crisis, Democrats are again pushing their tired, old ideas of more and more government spending. Bailouts and more government spending have proven ineffective in jump-starting the economy. These are the wrong solutions for our economy, and however well-intentioned, will only prolong our economic woes.

Mr. Speaker, I urge my colleagues to join me in opposing this bill. As currently written, this bill offers the wrong solutions to real problems. It places our citizens, troops and economy at risk. H.R. 2346 should instead return to the Conference Committee and focus on funding our troops and keeping the American people safe.

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 544

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and con-

trolled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except: (1) those received for printing in the portion of the Congressional Record of June 15, 2009 (or earlier) designated for that purpose in clause 8 of rule XVIII; and (2) pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who submitted it for printing or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. Clause 9(b)(2) of rule XXI is amended by inserting "such" after "no".

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

Mr. ARCURI. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 544.

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

There was no objection.

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

Mr. Speaker, House Resolution 544 provides for the consideration of H.R. 2847, the Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010. I want to thank the distinguished chairman of the committee and ranking member for reporting out this bill that does not pay mere lip service to making communities safer, but makes critical investments in our Nation's communities.

The bill provides \$802 million for Community Oriented Policing Services, which we know as the COPS program, 45 percent above the current funding level. As a former prosecutor, I know how vitally important these programs are in assisting local law enforcement to hire and train new officers, to participate in community policing, purchase and deploy new crimefighting techniques and technologies, and develop and test new and innovative policing strategies.

So often State and local governments are critical of the Federal Government's programs because they pass

down mandates without funding them. But this bill appropriates money to put more police on the street, funds successful drug court programs, and increases Byrne funding to help develop new and innovative law enforcement techniques which put violent criminals in jail and keep our streets safe for our children.

This funding includes \$298 million for the COPS hiring grants program, which help our local law enforcement agencies put more police on the street. When combined with the \$1 billion provided in the Recovery Act for the COPS hiring grants, the funding in H.R. 2847 will enable the hiring of more than 7,000 police officers. Those are officers in each and every State in this country.

Increasing the number of police on the street will help local law enforcement agencies to reduce violence and get illegal guns off the street. As a former prosecutor, I know that the vast majority of the violent crimes committed with guns in this country are committed with illegal guns, not legal guns. By putting more police officers on the street, it will give officers the ability to better enforce the laws on the books, not by creating new laws, but by reducing the number of illegal guns, which is the cause of the majority of gun violence in this country.

This bill provides \$15 million for the Weed and Seed program. Weed and Seed helps localities develop programs to weed out and deter crime and then take the all-important step often left out, that is, seeding the formerly high crime areas with programs to promote neighborhood revitalization. The funds will be used to carry out this mission in sites and communities such as my home in Utica and Rome, New York, cities which I represent.

H.R. 2847 also includes \$384 million for Juvenile Justice programs, \$11 million above the 2009 level. This underscores the strong Federal commitment to supporting States and communities in their efforts to develop and implement prevention and intervention programs and to improve the juvenile justice system so that it protects public safety and holds offenders accountable while also providing rehabilitative services that are tailored to meet the needs of juveniles and their families.

Additionally, the underlying bill includes \$45 million for grants, technical assistance, and training to State and local governments to develop dedicated drug courts that subject nonviolent offenders to an integrated mix of treatment, drug testing, incentives and sanctions.

As a district attorney, I quickly learned that no matter what initiatives law enforcement took to reduce the supply of drugs, it never really affected the demand for drugs, which never seemed to go down and therefore created a market for drug dealers. One

thing I saw is that reducing the supply can work, but reducing the demand for drugs always works.

When my office established a drug court program, I realized the powerful effect that the program had on helping enrolled participants get control of their addiction, thereby freeing them and their families from their awful addiction and reducing the demand for drugs. The appropriation of \$45 million for drug courts provided by H.R. 2847 is 12.5 percent more than the current level, and I congratulate the committee on that increase.

The bill also includes funding for upgrades to emergency communications systems around the country.

Mr. Speaker, I have addressed only a handful of the important programs for which H.R. 2847 would appropriate funds. My remarks are focused on the criminal justice aspects of this bill, but there are many other important areas addressed in this legislation.

It provides funding for critical scientific research, including programs to keep America on the cutting edge of technology, innovation and those that study climate change as well as funding the Department of Commerce and Economic Development Administration. The Appropriations Committee has approved a bill which would provide funding for these critical programs, and I once again thank them for their work and welcome the chance to vote in favor of this legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time and yield myself such time as I may consume.

I rise today in opposition to this unorthodox rule brought forth by the majority. It continues the precedent the majority set last year when they decided to no longer allow the House to consider appropriations rules with open rules and instead use a restrictive rule that requires Members to preprint any proposed amendments in the CONGRESSIONAL RECORD.

□ 1530

So this is a restrictive rule, even though the majority calls it an open rule with a preprinting requirement. It was not long ago when the majority felt quite differently. At the end of 2004, the current distinguished chairwoman of the Rules Committee, then a member of the minority and ranking member of the Rules Committee, released a report called, "Broken Promises: The Death of Deliberative Democracy." On Page 26 of the report the chairwoman said that she considers rules with preprinting requirements, like today's rule, restrictive and not open. Why exactly is this a restrictive rule? Let, me, again, quote the chair-

woman's 2004 report. "A preprinting requirement blocks any amendment proposal that might emerge during the course of debate."

For example, Mr. Speaker, Members will be blocked from offering germane changes to their own amendments if an issue surfaces during debate, or if there is a minor drafting error. That is why, during yesterday's rules hearing, I made a motion to modify the rule to allow Members who have preprinted their amendments, as specified in this rule, to make germane modifications to such amendments. My commonsense amendment was defeated by a straight party-line vote.

I will provide you an example, Mr. Speaker, why I believe my amendment was important. During last year's consideration of the Military Construction and Veterans Affairs appropriations bill, Representative BUYER submitted an amendment for consideration. However, the amendment had a drafting error and did not comply with one of the rules of the House.

Once Congressman BUYER realized the problem, he asked unanimous consent to change his amendment to achieve its original purpose, and also to comply with the rules of the House. However, the majority blocked his unanimous consent request.

If the bill had been considered under an open rule, Representative BUYER could simply have introduced a new amendment. But, just like the bill being brought to the floor today, that bill was not considered under an open rule, and Members were blocked from making germane changes to their amendments, unless they received concurrence of every Member through a unanimous consent agreement.

Yesterday, during the hearing on the supplemental appropriations bill, the Rules Committee ranking member, Mr. DREIER, attempted to ask the chairman of the Appropriations Committee, Mr. OBEY, how the majority would handle another occurrence like occurred last year with the Buyer amendment.

But when Mr. DREIER began asking his question, the Rules Committee chairwoman did not allow Mr. DREIER from going forward with the question. The Rules Committee chairwoman explained her ruling by saying, the hearing on the underlying legislation was complete, and the committee was now considering the supplemental funding bill; a bill that is an appropriations bill just like the underlying legislation. And yet, the chairwoman found that asking the Appropriations chairman about the upcoming appropriations process during a hearing on an appropriations bill was inappropriate. I think that was unfortunate.

Please let me quote Chairwoman SLAUGHTER's report from 2004. Restrictive rules block "duly elected Members of Congress the opportunity to shape legislation in a manner that they be-

lieve is in the best interest of their constituents and the Nation as a whole." They also block, and I continue quoting, "the full and free airing of conflicting opinions."

Mr. Speaker, I will insert the relevant parts of the chairwoman's report into the RECORD.

If the rule was restrictive under the majority's definition in 2004, why is it not the same today?

What makes this restrictive rule more unfortunate is that the House has a long tradition of allowing open rules on appropriations bills in order to allow each Member the ability to offer germane amendments without having to preprint their amendment or receive approval from the Rules Committee.

Other than the recent use by the majority to restrict debate on appropriations bills, we have to look back nearly 15 years to the last time a restrictive rule was used. So this is not a one-time aberration but, in fact, the way the majority plans to continue to consider all of the appropriations bills this year.

So I believe that the majority is really not only subverting the rights of every Member, and also bipartisan and open debate on appropriations bills, but I think they're setting a dangerous precedent that is unfortunate. Excessive partisanship is unnecessary and unfortunate.

BROKEN PROMISES: THE DEATH OF DELIBERATIVE DEMOCRACY

A CONGRESSIONAL REPORT ON THE UNPRECEDENTED EROSION OF THE DEMOCRATIC PROCESS IN THE 108TH CONGRESS.

Compiled by the House Rules Committee
Minority Office

The Honorable Louise M. Slaughter,
Ranking Member

4. Rules with Pre-Printing Requirements are not "Open Rules"

During the 108th Congress, the Rules Committee reported out four rules with a so-called "pre-printing" requirement. This provision requires Members to submit their amendments for publication in the Congressional Record, in accordance with clause 8 of Rule XVIII, on the day preceding floor debate of the legislation. While the majority optimistically calls such rules "modified open rules," we consider them "restrictive" rules and have scored them as such in the appendices attached to this report.

While we concede that considering a bill with a pre-printing requirement is less restrictive than the more common tactic of limiting amendments to those printed in the Rules Committee report;³¹ there is a significant difference between an open rule and a

³¹ According to our records, 50% (64) of the non-conference report/non-procedural rules reported by the Committee in the 108th Congress were rules restricting debate to amendments printed in the Committee report. In the "Additional Views" they filed in the 102nd Congress Survey of Activities Republican Rules Committee members, including Chairman Dreier, complained this type of restrictive rule had become "a favored method of the majority." Under this procedure, the Rules Committee "selectively determines which [amendment] to make in order and which may not be offered on the floor. Usually, the amendments made in order are subject to strict time limits, as opposed to open debate under the five-minute rule, and are not subject to amendment.

rule with a pre-printing requirement. A pre-printing requirement forces Members to reveal their amendments in advance of floor consideration, something that may assist the floor managers, but can disadvantage the Member offering it. In addition, a pre-printing requirement blocks any amendment proposal that might emerge during the course of the debate. When Chairman Dreier was in the minority, he made the following statement about the preprinting requirement during debate on a rule on national, service legislation:

"This rule also requires amendments to be printed in the Congressional Record. That might not sound like much, but it is another bad policy that belittles the traditions of House debate. If amendments must be preprinted, then it is impossible to listen to the debate on the floor, come up with a new idea to improve the bill, and then offer an amendment to incorporate that idea. Why do we need this burdensome preprinting process? Shouldn't the committees that report these bills have a grasp of the issues affecting the legislation under their jurisdiction? Again, Mr. Speaker, I think we can do better.³²

We agree with Chairman Dreier's statement that the purpose of the amendment process on the floor is to give duly elected Members of Congress the opportunity to shape legislation in a manner that they believe is in the best interest of their constituents and the nation as a whole. It is not to help the floor manager with his or her job. A majority interested in allowing "the full and free airing of conflicting opinions" would allow at least some House business to occur in an open format—in a procedural framework that allows Members to bring their amendments directly to the floor for discussion and debate under the five-minute rule.³³

II. REPUBLICANS EXPANDED THE CONSIDERATION OF SUSPENSION BILLS TO CROWD OUT REAL DELIBERATION IN THE HOUSE

Another aspect of the disturbing trend towards curtailing real deliberation on controversial issues in the House has been the Republican leadership's tendency to devote more and more floor time to debating bills under the suspension of the rules. In the 108th Congress, standing House Rule XV permitted the House to consider bills under suspension of the rules on Mondays and Tuesdays, and during the last six days of a session of Congress. The suspension procedure allows for 40 minutes of debate, requires a two-thirds vote for a bill to pass, and allows no amendments except by the floor manager.

The ostensible purpose of the suspension day procedure is, as the Republican majority describes it in one of its Parliamentary Outreach newsletters, "to dispose of non-

I reserve.

Mr. ARCURI. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin, the distinguished chairman of the Appropriations Committee, Mr. OBEY.

Mr. OBEY. Mr. Speaker, I want to rise to express my concern about the

ability of this House to get its crucial work done under the circumstances in which we're operating.

As I think every Member of the House understands, President Obama inherited an economic crisis and a foreign policy mess, and so the Congress first had to turn our attention to dealing with that economic crisis, and we finally got that out of the way in the form of the Recovery Act. We then had to finish all of last year's domestic appropriation bills, which took a considerable amount of time, and then we had to turn to the supplemental appropriation bill which we will be debating later today to finish funding the Middle Eastern war efforts for the remainder of the fiscal year, because the previous administration had a practice of only asking for funding for that endeavor 6 months at a time.

And now we are trying to bring up the first of 12 appropriation bills. And in order to stay on schedule so we can do the people's business by the end of the fiscal year, we need to deal with all 12 of those bills in the next 6 weeks. I think that means that we have a problem.

In fiscal '03 there were no amendments offered to this bill. In fiscal '04 there were 10 amendments offered by Republicans and 6 by Democrats. In fiscal '05 there were 19 amendments offered by Republicans and 11 by Democrats. In fiscal '06 the number increased to 19 and 27, and in '07 we had 38 amendments offered by Republicans and 37 offered by Democrats. Today, we have had filed on this bill 127 amendments.

Now, in the schedule that I announced last week for appropriation bills, we announced a schedule that would allow us to finish all of these appropriation bills by the August recess, provided that we were able to stick to that schedule. That schedule allocates about 7 to 8 hours of debate on all amendments on average for each bill.

The problem that I see here with this bill is that we already have amendments filed that will take at least 23 hours, and even if amendments are considered out of order, it still takes 10 minutes or so to dispose of each of those amendments.

So last week the majority leader and I met with my friend, the ranking member of the committee, and the minority leader, asking whether or not it would be possible to reach agreement on time and on the number of amendments offered so that we could finish this bill along the schedule that we had outlined; and at that time, the prospect did not seem too promising, if I can be polite about it.

And I would simply like to ask my friend from California at this point, before we get into this bill, whether, in light of the time squeeze that we have, whether the gentleman would be in a position to agree to a proposition that

would, in fact, limit the number and the time of amendments to that amount of, or to that number and to that amount of time, that would enable us to cut that 23 hours down to about 7 or 8 hours?

And I would be happy to yield to the gentleman.

Mr. LEWIS of California. In exchange with my colleague, I was interested in his commentary regarding the number of amendments in the past on this bill and other bills like it. I too am very concerned about the time difficulty that we are having. I'd much prefer to have us get back to regular order where we'd have open rules on these bills.

But at this point in time, because of the requirements of the majority, the preprinting requirements, et cetera, there are a lot of Members who are very frustrated by this bill, and they'd like to make some serious changes, but they find themselves in a position where they can't provide amendments.

The SPEAKER pro tempore. The gentleman's 5 minutes has expired.

Mr. ARCURI. I yield the gentleman from Wisconsin an additional 2 minutes.

Mr. LEWIS of California. We can continue this exchange. There is, as a result of the change in the rules and the way we can provide amendments, there had been as many as 127 amendments preprinted on this bill, 104 of them by the minority who feel they've essentially been cut out of the process. And because of that, and because of the importance of the issues that are a part of this bill, I cannot agree to a time limitation.

I think the time limitation you were discussing was like for 8 hours or something. I'm afraid my conference might very well have a revolution on its hands, and you might have a new ranking member.

Mr. OBEY. Well, I thank the gentleman for his frankness. I regret the content of his response, but I do appreciate the fact that he is forthright and honest in laying out what the prospects would be.

And Mr. Speaker, I think that that presents a dilemma to the House, because we want to finish our business, and I would point out that the schedule that we've set out can be adhered to only if we can work out reasonable time limits with each of these bills.

And I would point out that what we're trying to do with that schedule is to allow ample time for discussion of these appropriation bills and also still leave time on the calendar to deal with the crucial issues of health care, of climate change and the military authorization bill, among others.

So I think at this point the House has a problem. And I hope that we will face up to it forthrightly, because I think we do have an obligation to try to get the people's business done on time.

On rare occasions the Rules Committee has allowed all amendments submitted to be offered, but this is the exception, not the rule." *H. Rept. 102-1101, 102nd Survey*, p. 109.

³² *Congressional Record* July 20, 1993, p. H4820.

³³ As we have noted above, most appropriations bills are debated under technically open rules, but amendments are subject not just to the normal restrictions of germaneness, but also a number of other restrictions set out in rule XXI and in the Congressional Budget Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. POSEY).

Mr. POSEY. Mr. Speaker, I rise to express my serious concerns about the bill before us today and about the lack of sufficient funding for NASA's next-generation human space flight.

Mr. Speaker, the bill before us has a \$6.7 billion increase in spending over last year. That's a 12 percent increase over last year's spending.

And while the overall NASA budget gets a slight increase from last year, the budget for our Nation's next generation-human space flight vehicle constellation is cut by \$566 million.

While lawmakers can talk about supporting space exploration, the bottom line is that the United States will soon yield its preeminence in space to Russia after the last shuttle flight, currently scheduled for 2010. This legislation does nothing to avert America's human space flight gap.

Those who follow our Nation's space budget realize what's at risk. Soaring rhetoric and good intentions of playing financial catch-up later with space funding can easily surrender to other competing initiatives. Delays and studies are the road to the graveyard for many legislative proposals.

□ 1545

The bill's \$566 million cut for our next generation human spaceflight vehicle sends the wrong message to the hardworking men and women who are developing Constellation now. It sends the wrong message to college students who are seeking advanced engineering and science degrees. It tells them that human spaceflight is not really a priority in this country. This message will not go unnoticed in Beijing or in Moscow.

This Congress passed the stimulus bill in February, including an additional \$400 million for the Constellation program. Yet, today, the bill before us essentially takes all of that funding back and then some—poof—like a shell game. If the inadequate funding level for NASA that is contained in this bill is allowed to stand as it is, then our Nation's human spaceflight program will be dealt a very, very serious blow.

For a comparison, let's look at several of the spending items in the bill. The bill would increase funds for the COPS program by \$252 million over 2009, and this is on top of over \$1 billion in the stimulus bill. The bill spends \$7.4 billion on the census, an increase of \$4.2 billion over last year. The bill increases funding for the National Science Foundation by \$446 million over 2009 to promote scientific research by students. Yet it cuts funding for human spaceflight, a fountainhead of patents and scientific discovery.

I would say to the chairman of the subcommittee, I appreciate the work

that you do and the challenges before you. Without a robust manned space program, the United States cannot maintain our leadership in space nor can we carry crews beyond low Earth orbit. It is for this reason that we must work to restore the funding that was cut from this program.

I look forward to working with you and with my colleagues over the next several months to restore the funding so that we can get our Nation's next human spaceflight vehicle back on track. A cut of this magnitude at this critical stage cannot and absolutely must not be allowed to stand.

Mr. ARCURI. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio, a former colleague from the Rules Committee (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the gentleman, my good friend from New York, for the time and for his leadership.

I also want to thank Chairman OBEY for all of the hard work he has put into developing this bill that will fund some of our Nation's most critical needs, including the funding for prisons, for law enforcement and for initiatives related to the southwest border, along with promoting important scientific research and development.

This bill provides \$30.6 billion for investments in science, technology and innovation, including \$6.9 billion for the National Science Foundation, whose grants in the past have allowed researchers in our colleges and universities to discover fundamental particles of matter, to develop carbon-14 dating of ancient artifacts and to decode the genetics of viruses, to name just a few.

It provides \$1 billion to science, technology and math education for our students, from graduate students all the way down through kindergarten. So we're going to educate our students for the future and will continue to be leaders in innovation in this global world.

It also invests \$781 million in the National Institute of Standards and Technology, which is very important for the area that I represent. It provides for scientific and technical research services. Along with \$125 million for the manufacturing extension partnerships, we will be investing \$125 million to help small- and mid-sized manufacturers compete globally by providing them with technical advice and access to technology. As well, we will be leveraging private funds to save and create jobs. This program has been vital to the 13th District of Ohio, resulting in jobs that can be directly linked to it. We are also investing \$70 million to fund high-risk, high-reward research into areas of critical national need done by U.S. businesses, colleges and universities, and labs. That is through the Technology Innovation Program.

In addition, this bill provides much-needed funding for the Bureau of Prisons to protect American citizens. According to the Bureau of Justice Statistics, in a 15-State study, over two-thirds of the released prisoners were re-arrested within 3 years. Now, with this in mind, the Bureau of Prisons is provided with \$6.2 billion to address long-standing critical shortages in corrections staffing, education and drug treatment, as well as an investment for Second Chance Act offender reentry programs.

The bill also provides the much-needed \$298 million for the COPS hiring program, which, when combined with the \$1 billion provided in the Recovery Act for the program, will put 7,000 new police officers on the streets of American communities, improving the safety for our constituents.

The ongoing drug violence on our southwest border is also addressed in this bill by providing funds for the DEA to combat the flow of illegal drugs across the border, for the ATF to reduce violent crime and to enforce Federal firearm and explosive laws, and for the department-wide Southwest Border Initiative to secure our border against violence and drug trafficking.

With all of that in mind, I rise in support of the rule and of the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, like all of my colleagues—and I know I speak for all of my colleagues when I say that I revere this institution.

220 years ago this summer, James Madison, following the urging of his constituents, came back to the House of Representatives, doing something that he actually opposed when he penned the U.S. Constitution: that being the implementation of the very important Bill of Rights, which is something that we as Americans spend a lot of time thinking about and which is something that the rest of the world looks to. There are people in Iran today who are looking at our Bill of Rights as they think about the need to pursue democracy and as they choose their leaders in their country. Peoples all over the world continue to look to our Bill of Rights. It was 220 years ago this summer that James Madison moved the Bill of Rights through this institution. I'm going to, next month, spend some time talking about that historic summer 220 years ago.

I say that simply to underscore the fact that I have such great regard for the precedents and for the rules of the House of Representatives, and I consider it a great privilege to serve with Mr. DIAZ-BALART, with Mr. ARCURI and with the other members who serve on the House Rules Committee. I take the work there very, very seriously.

I believe that we're at a troubling moment when it comes to the deliberative nature of this institution. We had the exchange that took place between the chairman of the Committee on Appropriations and the ranking member of the Committee on Appropriations on this process of filing amendments. We had a rigorous debate that took place in the Rules Committee yesterday about the fact that appropriations bills are considered as privileged.

As you know, Mr. Speaker, what that means is there is no need for a special rule for the consideration of appropriations bills. Constitutionally, it is a very important part of the process. Article I, section 9 of the Constitution makes it very clear that spending doesn't emanate from the White House; it emanates from the United States Congress. By tradition, it begins here in the House of Representatives.

As I stand here, I'm thinking about conversations that I had with one of the greatest Members to ever serve here, the gentleman from Kentucky (Mr. Natcher), who was chairman of the Appropriations Committee and who was the long-time chairman of the Health Subcommittee. I remember his saying to me that he believed appropriations bills should come to the floor without being considered with a special rule because they are considered as privileged; but the tradition over the past several decades has been that the need for a special rule would allow for the protection of the bill, meaning that points of order could not be raised against the work product of the Appropriations Committee and that we would then allow for an open amendment process, meaning that any Member could stand up here in the House and offer a germane amendment to the appropriations bill.

It is true that the appropriations process can be prolonged, and it has been in the past; but when we were in the majority, having presided regularly over the Treasury-Postal Appropriations bill, I remember witnessing the chairman and the ranking member of the full committee or of the subcommittee come together and have an agreement that amendments would be addressed and that they would put an outside time limit for the consideration of those amendments.

Over my nearly three decades here, Mr. Speaker, I've seen that happen on a regular basis. Guess what? It has worked out pretty doggone well. Now, there are people who are disturbed over the fact that 127 amendments were filed yesterday at the Rules Committee to the Commerce, Justice, Science Appropriations bill. That was not necessary. That was not necessary, and it would not have happened had we had the standard open amendment process for the consideration of measures.

Yes, there are a number of very important issues that I and my colleagues

believe should be addressed in this appropriations bill. I will say that it could be done under an open amendment process, but unfortunately, the majority has decided to not only have a preprinting requirement but to set an arbitrary deadline so that, if appropriations bills may be considered more than a day or so later, one could not file additional amendments for the consideration of the measure. In our attempt to get a commitment that we would simply be able to allow Members to make germane modifications to their amendments, we have been denied that.

In fact, we had a vote in the Rules Committee last night. I know, Mr. Speaker. I apologize. This is very inside baseball. I know I may not be quite on message, but I think the message is a very clear one: It's fairness in dealing with the challenges that the American people are facing. So we had a party-line vote, Mr. Speaker. We had this vote, and we were denied the opportunity to allow Members to even make germane modifications to amendments that had been submitted to the Rules Committee.

Now, Mr. DIAZ-BALART is going to make an attempt to defeat the previous question. This vote on the previous question is one that will simply say that we, as an institution, want the American people, through their elected Representatives, to have the chance to think about, to deliberate and to vote on the measures included in this appropriations bill and we hope in the other I guess it is 11 now appropriations bills, in addition to the one that we're considering here today.

It is a troubling pattern which undermines deliberative democracy. Now, it's not unusual, but it is very troubling. I don't know how many amendments would have been offered if we'd had an open amendment process; but guess what? I don't believe, Mr. Speaker, for a second that 127 amendments would have been offered. I think there would have been many, many fewer than that. When the Members of this House, Democrats and Republicans alike, are told that they can't even make germane modifications to their amendments, there is little choice other than to have Members file many, many, many different amendments so that we will at least be able to allow this process to proceed.

Chairman OBEY referred to the fact that the issue of global climate change and the issue of health care are both issues that the Democratic majority wants to bring to the forefront in the next couple of months. We understand that elections have consequences, and those are issues that they clearly have a right to bring up. I want to address those issues. On our side, we want to address those issues in a slightly different way, but we don't believe that we should be addressing those issues at

the expense of the very important process enshrined in article I, section 9 of the U.S. Constitution, and that is the power of the purse: the appropriations process.

□ 1600

So, Mr. Speaker, I am going to urge my colleagues to join Mr. DIAZ-BALART, the gentleman from Miami, in attempting to defeat the previous question in the name of deliberative democracy so that we can allow elected representatives to in fact represent their constituents. And if by chance the previous question is passed, I am going to urge my colleagues to join in opposition to the rule because we can do a better job.

Mr. ARCURI. Mr. Speaker, I thank my friend from California for sharing with us his thoughts. Clearly, his institutional knowledge of this grand institution is second to none. But there is one point that I think is important to clear up, and that is the fact that this bill has a preprinting requirement that in no way, shape, fashion, or form means that anyone is precluded or prevented from filing an amendment. What it does, however, mean is that any amendment that an individual Representative files has to be filed by a certain period of time, and that was yesterday. That does one thing. And I would submit that that enables our constituents to have the very, very best legislation that they can because it does one thing, it gives the Representatives an opportunity to read that amendment to see what that amendment means and to have an opportunity to interpret it and determine whether or not it is the best thing for the bill or, in fact, whether it should be pulled.

Mr. DREIER. Would the gentleman yield?

Mr. ARCURI. If I could finish my thought.

So I would submit that, in fact, it is a good thing to have a preprinting requirement in this particular bill, and I would yield to my friend.

Mr. DREIER. I thank my friend for yielding, and I appreciate his kind remarks. And I will say that the gentleman is relatively new to the institution. And I would say that, frankly, since the gentleman has been here, we have not really had as many open rules as we should. I know that there has been an attempt made to define a modified open rule as an open rule—

Mr. ARCURI. If I may reclaim my time—

Mr. DREIER. I thank my friend for yielding. I look forward to getting some time from my friend from Miami.

Mr. ARCURI. The point of it is that this allows individuals to file. In fact, the fact that we have 127 amendments filed, much more than we've had in the past, certainly indicates that in fact Representatives have had an opportunity to file.

With that, Mr. Speaker, I yield 2 minutes to the gentleman from California, a member of the Commerce, Justice and Science Subcommittee, Mr. SCHIFF.

Mr. SCHIFF. I thank the gentleman for yielding.

I want to express my strong support for the Commerce, Justice and Science Appropriation bill and at the outset want to congratulate Chairman MOLLOHAN for the extraordinary job that he has done in putting this bill together.

In particular, I want to highlight a couple of key investments in the bill in the areas of law enforcement and science.

In particular, we invest over \$800 million in the COPS program that has been very successful in putting additional cops on the beat and deterring criminal activity and keeping our communities safe. That is a vital investment. The legislation also makes a very important investment to those of us that live in the border States in a program called SCAP, which provides assistance to States that have to incarcerate illegal immigrants and bear the costs of flaws in our Federal immigration policy.

Furthermore, the bill makes a very key investment, very substantial investments in DNA technology and backlog reduction. To the degree we can eliminate backlogs of DNA evidence, we can take murderers and rapists off the streets. Of this there is no question: you can tell from a statistical certainty that when you reduce backlogs, you take murderers and rapists off the streets and prevent them from committing further offenses. This is another key investment.

And, finally, let me speak to a science investment in the bill which I think is also very important and that is this legislation keeps some of our most important space science efforts, like the Mars program, on track, which has brought us new, unprecedented information about the world we live in that has led to scientific improvements and innovation here on the ground and is a vital investment in our Nation's future.

So I want to thank you, Chairman MOLLOHAN, for your extraordinary work on this bill, for the key investments in law enforcement and science, and I urge my colleagues to support it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield again to the distinguished gentleman from California (Mr. DREIER) such time as he may consume.

Mr. DREIER. Mr. Speaker, I want to congratulate my California colleague, the gentleman from Glendale, Mr. SCHIFF, for his thoughtful remarks. And I want to say that he and I share our commitment to NASA and the very important programs that take place at the Jet Propulsion Laboratory. And that's the point. I mean, there are

many important items in this bill which continue to be priorities.

I would like to say to my friend from Utica, who, again, is working very hard, he is very fortunate, Mr. Speaker, he has never had to serve in the United States House of Representatives as a member of the minority. My dream is that one day he might be able to serve as a member of the minority, and who knows how that will come out. I mean, it's always up to the voters to make that determination.

But I would say that those 127 amendments about which my friend referred and then I referred when I was in the well are amendments that I had to encourage our colleagues to file. Why? First, there were only 2 days, 2 legislative days, that this bill was out there. And if we had had an open amendment process, as I said, I can say with absolute certainty there would not be 127 amendments filed to this measure; again, maybe half that, maybe many fewer than that. And many of those amendments are duplicative. And the reason is that Members might find themselves in the same position as Mr. BUYER did. And that's why I say my friend has served exclusively as a member of the majority; but if one day he is serving here as a member of the minority and were to receive the word that he could not make a minor, germane modification to his amendment, I think that he would understand the concern that we have.

Members on this side of the aisle represent just a little less than half of the American people. And they all have just as much right to be heard as Members of the majority. I recognize that the majority does rule in this place, but that does not mean that we should prevent Members from being able to participate in this process.

Mr. DIAZ-BALART has entered into the RECORD a document that was put forward in the 108th Congress by the now-chairwoman of the Committee on Rules, the then-ranking minority member. She, at that time, held the position that I have. And the document describes what we are using as our procedure for consideration of this measure as a "restrictive process."

Now, traditionally, Democrats and Republicans alike have called it a modified open rule. But the preprinting requirement, according to this document, blocks any amendment proposal that might emerge during the course of the debate. Now, those are not my words; those are the words of Ms. SLAUGHTER when she was ranking minority member on the Committee on Rules.

And so all I'm arguing, Mr. Speaker, is that in the name of deliberative democracy, this notion of saying that every Member has had an opportunity to look at this—2 legislative days—and the fact that 127 amendments were filed meant that there was this exhaus-

tive analysis of the bill, I think, is not an accurate way to characterize it.

The 127 amendments were filed—I believe that many of those 127 amendments were filed because we are not having what has been the longstanding tradition allowed to Members of this House, and that is an open amendment process for consideration of the measure. And that's why, again, I urge my colleagues to vote with Mr. DIAZ-BALART in opposition to the previous question. And when that is defeated, make in order his amendment that would simply allow Members to have the right to make germane modifications to their amendments.

I also submit for the RECORD a copy of the announcement I posted on the Committee on Rules Republican web site, instructing Members of the restrictions created by a restrictive pre-printing rule and giving them guidance about how best to preserve their right to have amendments considered.

MAJORITY RESTRICTS AMENDMENT PROCESS FOR COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS BILL

Earlier today, the Majority announced that next week the House will consider H.R. _____, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

However, unlike consideration of virtually all of appropriations bills during the years of the Republican Majority, the Democratic Majority has announced its intention to restrict the amendment process by requiring all amendments to be pre-printed in the Congressional Record by the end of the legislative day on June 15, 2009. Members should be aware that this deadline allows barely 2 legislative days to draft and submit amendments for printing.

This is a subtle—yet extremely significant—departure from the long-standing, bipartisan tradition of considering most of the regular appropriations bills under completely open rules. This change means—

Members must file their amendments by the deadline announced by the Majority, or they will not be able to offer their amendments;

If the amendment is not printed in the Congressional Record by the deadline (perhaps due to space limitations imposed by the Government Printing Office or other printing problems), Members will not be able to offer their amendments;

If the Office of Legislative Counsel is unable to keep up with the demand for drafting amendments by the deadline, those Members will be unable to offer their amendments;

If Members need to change their amendments during the process (for instance, if an offset is stricken by an earlier amendment), they will not be permitted to do so;

If a bill is considered over multiple days, Members will not be able to offer amendments if they are printed after the deadline announced by the Majority, even if the bill is still being debated;

In many cases, Members will have to file amendments without the benefit of a review by the Office of the Parliamentarian or the Congressional Budget Office, and may not receive early notice on possible points of order; and,

If Members need to change their own amendments to correct technical errors or reflect a negotiated change, they will not be permitted to do so, except through unanimous consent. The Majority has demonstrated that it is openly hostile to allowing Members to make technical corrections

on the floor after an amendment has been printed.

Members and staff are encouraged to watch the video on our website entitled "The Problem with Pre-Printing" which demonstrates some of the problems that can arise from a pre-printing rule. You may also wish to review the materials dealing with appropriations bills which are part of our Parliamentary Boot Camp educational series and our fact sheet on pre-printing amendments in the Congressional Record.

In order to assist Members in bringing their ideas to the floor even with this restrictive amendment process, the Rules Committee Republicans suggest the following:

1. Make sure the amendments are printed by the deadline. This is the most important element of a pre-printing rule. Unlike years past, where the rule simply required that the amendment be printed in the Congressional Record at any point during consideration of the bill, the Democratic Majority has set hard deadlines for pre-printing, meaning that you may be deprived of the opportunity to offer your amendment if you miss the deadline, even when the bill is considered on multiple days.

2. Coordinate with the Republican staff of the Appropriations Committee. They will do their best to advise you on possible procedural problems (including compliance with the Budget Act), even if they disagree with the substance of your amendment.

3. File multiple versions of amendments. If you are concerned about possible points of order that may lie against your amendment, such as budget act violations, violations of "legislating on appropriations bills," or other similar points of order, you should file multiple versions of the amendment to give yourself options if you want to offer it. If it is not printed, it cannot be offered.

4. In a pinch, don't be afraid to draft your own amendment. While the Office of Legislative Counsel provides excellent, nonpartisan advice and drafting services, they are not always able to provide drafted amendments by the printing deadline. If they are unable to provide assistance by the deadline, prepare the amendment in your own office and submit it. While it is advisable, there is no requirement that amendments be drafted by the Office of Legislative Counsel.

5. Amendments should be drafted with relative references instead of page and line numbers. The Majority has posted the text of the bill on the Rules Committee's website, but this is not the final version of the bill. When printed by GPO, the page and line numbers will likely change. By drafting references relative to the rest of the bill (i.e., "In the second sentence of the paragraph captioned . . .") you will protect yourself against changes resulting from the printing process.

6. Consult with the Parliamentarians, CBO, and the Budget Committee. Even if an amendment is printed in the Record by the deadline, it is still subject to potential points of order or Budget Act violations. However, if you cannot get an answer from these offices by the deadline, you should still file the amendment for pre-printing and continue to pursue your inquiries.

The Republican staff of the Committee on Rules stands ready to assist your offices in dealing with this restrictive amendment process. Should you have any questions, please contact the Republican staff of the Committee on Rules at x5-9191.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from West

Virginia, the distinguished chairman of the Commerce, Justice and Science Subcommittee, Mr. MOLLOHAN.

Mr. MOLLOHAN. I thank the gentleman for the time.

Mr. Speaker, I rise in support of the rule. I think it is a fair rule and comprehensive. And, Mr. Speaker, I want to point out the effort that went into fashioning this bill, which was very exhaustive and very inclusive of all parties.

During the review process, Mr. Speaker, for this bill, the fiscal year 2010 budget request for the Commerce, Justice and Science and Related Agencies Appropriation bill, the subcommittee had a total of 24 budget hearings. I understand that we didn't get the budget request until late this year, but we had budget hearings even before we got the request and budget hearings even after we got the request.

The subcommittee received testimony from Members of Congress—many Members of Congress inputted this process early on before we marked up—and some 68 outside witnesses. This testimony was crucial to our fashioning the bill, and the thoughts and the concerns of those who contributed are incorporated in this bill. In addition, officials of the administration representing all of the Departments in the bill one way or another inputted the legislation by testimony or otherwise.

And this year in particular, Mr. Speaker, the subcommittee focused on a series of hearings on investments for all facets of the scientific enterprise—climate science and mitigation—as well as prisoner reentry programs, recidivism reduction, and criminal justice reform.

Mr. Speaker, we focused on some of those areas because we felt that in the past there had been neglect, and that we needed, for our economy and also for just appropriate operation of these agencies, that additional funding was needed.

In brief, the bill totals \$64.4 billion, which is an increase of \$6.7 billion over last year, and it's \$200 million below the President's request. The bill provides \$30.6 billion for investments in science, technology, and innovation, an increase of \$1 billion over comparable levels from last year.

I think there is a consensus that investments in science technology and investments in innovation are comparable to economic development necessary for us as we prepare for the new economy, as we work our way out of the recession that we find ourselves in. Investments in the new economy are crucial, and this committee that funds science is at the center in the critical path of that effort.

Within this level, the bill provides \$6.9 billion for the National Science Foundation and \$18.2 billion for NASA. For NIST, the bill provides \$781 mil-

lion, and NOAA is recommended at \$4.6 billion. The committee's recommendation continues to provide the resources consistent with the doubling path identified.

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

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

Mr. MOLLOHAN. It also considers the science and research conducted at NOAA and NASA as critical to the Nation's science enterprise.

Mr. Speaker, I commend the Rules Committee for fashioning a rule that recognizes, first, the welcoming input that this committee has had from our colleagues throughout the process. The minority has been fully a part of the process. We very much appreciate Mr. WOLF's contribution to the bill. Many of his thoughts—I can't think of one that's not incorporated in the legislation one way or another. He was a former chairman of this subcommittee, and therefore his contribution and his insight is particularly beneficial, and we appreciate that contribution.

I support the rule, Mr. Speaker, and hope that our colleagues will as well.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we reserve the balance of our time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Again, I would like to thank the distinguished gentleman from New York for his ongoing leadership, and that of the Rules Committee.

I join with the chairman of the Subcommittee on CJS, Mr. MOLLOHAN, in congratulating the Rules Committee for constructing this rule, but I also congratulate Chairman MOLLOHAN and Ranking Member WOLF for a constructive overview of important issues that, as a member of the House Judiciary Committee, I have great concern about.

And so I rise to support the rule, but I also want to offer my underlying support for the Community Oriented Policing bill. I was an original cosponsor on the COPS bill out of Judiciary, led by Mr. WEINER. This is an important stopgap for crime across America helping our law enforcement.

As an original long-standing supporter of the Office on Violence Against Women and the VAWA Act, starting with Chairman Hyde, who served so ably in this body, I am delighted to see that we have \$11 million more than 2009, with \$400 million.

□ 1615

In addition, it is important to note the Second Chance Act. Wherever I go, Mr. Speaker, I'm having ex-offenders who want to straighten their life out, who want to get back with their families, who need mental health services, and they truly need to have the second

chance. I hope that we can ensure that this makes it through the Senate, comes into conference, and we get this money out so that we can redeem Americans who want to get back on the right track. This is an important issue to be involved in.

I also want to speak about an issue that is very near and dear. I am a member of the NASA Action Team. And we note that the space exploration, human spaceflight, has gotten a mark out of this committee of \$400 million less than the President's mark. First, I'm delighted that the President has nominated General Bolden, who is in line to be the next NASA Director. But to my colleagues, it is important to note that we're not just talking about money going into space; we're talking about the International Space Station, which I have watched being built in my 12 years as a member of the Health Science Committee.

We have an opportunity now to be at the cutting edge of climate research, the cutting edge of health care research and heart disease, HIV, and cancer on the International Space Station. The only way we can communicate visibly and reasonably to provide that kind of human component, human resources, is to have human spaceflight.

So I ask my colleagues, as we consider this bill, to consider the fact that it is not, in essence, money that flies into space but real investment in America's genius and America's science, America's innovation, America's job creation, the very message of this President.

I'm disappointed that this mark is less than the President's mark and would hope to be able to present my side of the story, if you will, to this august body. But I want to work with my colleagues to ensure that we know that this is out of sincerity and recognition of the vitality of science. I'm very pleased with the money that has been put into climate measures, money put into NOAA because I come from the gulf region.

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

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. I thank the gentleman from New York.

Mr. Speaker, I realize how important it is to have these other elements of science. As I indicated, the \$1.3 billion, including \$150 million to deal with space-based climate measurements, is important. For those of us who are in the gulf region, the issues dealing with hurricanes and climate control and NOAA are very important, and the National Science Foundation.

But let us work together as we look at science in its totality to view the International Space Station as something we created, something we built. This massive football field that is in space is a miracle, in essence. Let's uti-

lize it in a vital way by supporting our human spaceflight.

I thank my colleagues and I ask my colleagues to support the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank my friend Mr. ARCURI for his courtesy and all who have participated in the debate on the rule for bringing this appropriations bill to the floor.

Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow Members who have preprinted their amendments, as specified in the rule, to make germane modifications to their amendments.

As I mentioned in my opening remarks, this restrictive rule we are considering today will not allow Members from amending their own amendments, even if they are simply trying to correct a minor drafting error or make changes to the amendment to comply with the rules of the House. One of the reasons we have so many amendments filed is because Members have filed duplicative amendments to avoid the possibility of errors such as this.

In order to make sure an amendment complies with the rules of the House, Members must consult with four different offices: the Office of the Legislative Counsel, the Parliamentarian, the Congressional Budget Office, and the Budget Committee. If any of those offices find an issue with an amendment, then the Member has to make changes to the amendment. This becomes particularly difficult when Members are only given an average of 2 legislative days to draft their amendments and consult all the relevant offices and make changes and then consult with the offices again. Given this scenario, it is quite plausible that a Member didn't have enough time and included a minor drafting error and that, for example, is not caught until it is too late. We saw it last year with an amendment by Mr. BUYER on the Military Construction and Veterans Affairs appropriations bill. So as to not have a repeat of that unfortunate incident, I propose to change the rule to allow Members to make germane changes to their amendments.

I remind Members that by voting "no" on the previous question, Members will not be voting to kill or to delay the underlying Commerce, Justice, Science Appropriations bill. I encourage all of my colleagues on both sides of the aisle to vote "no" on the previous question so that Members will be given the opportunity to make changes to their amendments if necessary.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for his courtesies in this debate and for his very able management of this rule.

Mr. Speaker, on my opening remarks, I chose to focus on the criminal justice programs that are funded under H.R. 2847, but there are many other important areas addressed in this legislation, and we have heard about many of those during the debate. In closing, I would like to take the opportunity to discuss another of these that is of utmost importance to America.

The bill includes \$293 million for the Economic Development Administration, which is \$20 million above the amount enacted in 2009. The EDA administers several economic programs, including public works grants for upgrading infrastructure, planning, and trade adjustment assistance for communities that bear the burden of jobs outsourced to other countries.

H.R. 2847 includes more than \$158 million for the Economic Development Administration's Public Works Program, \$25 million more than last year. H.R. 2847 also makes critical investments in scientific research and NASA's space program. The bill includes \$6.9 billion for the National Science Foundation. This level of funding will support the doubling of NSF's budget over the next 10 years and represents a true commitment to investment in basic research and development which will provide for innovation and future technologies to help the United States be competitive.

H.R. 2847 includes over \$18.2 billion for the National Aeronautics and Space Administration. NASA's unique mission is to pioneer the future in space exploration, scientific discovery in aeronautics research, and this appropriation enables them to accomplish this mission. This recommendation also provides for the continued efforts of NASA's Mars exploration and provides funds for the completion of the Mars science laboratory to launch in 2011. Exploration has always been critical to mankind. We live in America today because of exploration. We must continue to explore the new frontier for future generations.

In closing, Mr. Speaker, I would remind my colleagues that so far we have discussed only a handful of the important programs that are funded by the fiscal year 2010 Commerce, Justice, Science Appropriations bill. I urge my colleagues to vote in favor of the rule and the underlying bill, H.R. 2847. I urge a "yes" vote on the previous question and on the bill.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 544 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

On page 2, line 21, after "if printed." insert the following new sentence, "The proponent of each such amendment may make germane modifications to such amendment."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy impli-

cations. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of House Resolution 545, by the yeas and nays;

ordering the previous question on House Resolution 544, by the yeas and nays;

adoption of House Resolution 544, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 545, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 238, nays 183, not voting 12, as follows:

[Roll No. 345]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berman
Berry
Bishop (GA)

Bishop (NY)
Blumenauer
Bocchieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano

Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers

Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinchev
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)

Johnson, E. B.
Kagen
Kanjorski
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Lee (CA)
Levin
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McColum
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)

Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Vislosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)

Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin

Filner
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hoekstra
Hunter
Ingilis
Issa

Jenkins	McHugh	Ros-Lehtinen	Bishop (NY)	Higgins	Ortiz	Deal (GA)	Lamborn	Price (GA)
Johnson (IL)	McKeon	Roskam	Blumenauer	Hill	Pallone	Dent	Lance	Putnam
Johnson, Sam	McMorris	Royce	Bocchieri	Himes	Pascarell	Diaz-Balart, L.	Latham	Radanovich
Jones	Rodgers	Rush	Boren	Hinchey	Pastor (AZ)	Diaz-Balart, M.	LaTourette	Rehberg
Jordan (OH)	Mica	Ryan (WI)	Boswell	Dreier	Payne	Dreier	Latta	Reichert
Kaptur	Michaud	Scalise	Boucher	Duncan	Perlmutter	Duncan	Lee (NY)	Roe (TN)
King (IA)	Miller (FL)	Schmidt	Boyd	Ehlers	Perriello	Ehlers	Lewis (CA)	Rogers (AL)
King (NY)	Miller (MI)	Schock	Brady (PA)	Peters	Peterson	Emerson	Linder	Rogers (KY)
Kingston	Miller, Gary	Sensenbrenner	Braley (IA)	Pingree (ME)	Fallon	Fallon	LoBiondo	Rogers (MI)
Kirk	Minnick	Sessions	Bright	Polis (CO)	Flake	Flake	Lucas	Rohrabacher
Kline (MN)	Mitchell	Shadegg	Hoyer	Pomeroy	Fleming	Fleming	Luetkemeyer	Rooney
Kratovil	Moran (KS)	Shimkus	Insee	Price (NC)	Forbes	Forbes	Lummis	Ros-Lehtinen
Kucinich	Murphy, Tim	Shuster	Israel	Quigley	Fortenberry	Fortenberry	Lungren, Daniel	Roskam
Lamborn	Myrick	Simpson	Capuano	Rahall	Fox	Fox	E.	Royce
Lance	Neugebauer	Smith (NE)	Cardoza	Rangel	Franks (AZ)	Franks (AZ)	Mack	Ryan (WI)
Latham	Nunes	Smith (NJ)	Carnahan	Richardson	Frelinghuysen	Frelinghuysen	Manzullo	Scalise
LaTourette	Olson	Smith (TX)	Carney	Rodriguez	Gallely	Gallely	Marchant	Schmidt
Latta	Paul	Souder	Carson (IN)	Ross	Garrett (NJ)	Garrett (NJ)	McCarthy (CA)	Schock
Lee (NY)	Paulsen	Stearns	Castor (FL)	Rothman (NJ)	McCauley	McCauley	McClintock	Sensenbrenner
Lewis (CA)	Petri	Terry	Chandler	Roybal-Allard	Gingrey (GA)	Gingrey (GA)	McCotter	Sessions
Linder	Pitts	Thompson (PA)	Childers	Ruppersberger	Gohmert	Gohmert	McHenry	Shadegg
LoBiondo	Platts	Thornberry	Clarke	Rush	Goodlatte	Goodlatte	McHugh	Shimkus
Lucas	Poe (TX)	Tiahrt	Clay	Ryan (OH)	Granger	Granger	McKeon	Shuster
Luetkemeyer	Posey	Tiberti	Cleaver	Salazar	Graves	Graves	McMorris	Simpson
Lummis	Price (GA)	Turner	Clyburn	Sanchez, Loretta	Guthrie	Guthrie	McMorris	Smith (NE)
Lungren, Daniel	Putnam	Upton	Cohen	Sarbanes	Hall (TX)	Hall (TX)	Rodgers	Smith (NJ)
E.	Radanovich	Walden	Connolly (VA)	Schakowsky	Harper	Harper	Mica	Smith (TX)
Mack	Rehberg	Wamp	Conyers	Schauer	Hastings (WA)	Hastings (WA)	Miller (FL)	Souder
Manzullo	Reichert	Waters	Cooper	Schiff	Heller	Heller	Miller (MI)	Stearns
Marchant	Roe (TN)	Westmoreland	Costa	Schrader	Hensarling	Hensarling	Miller, Gary	Terry
McCarthy (CA)	Rogers (AL)	Whitfield	Costello	Schwartz	Herger	Herger	Minnick	Thompson (PA)
McCaul	Rogers (KY)	Wilson (SC)	Courtney	Scott (GA)	Hoekstra	Hoekstra	Moran (KS)	Thornberry
McClintock	Rogers (MI)	Wittman	Crowley	Scott (VA)	Hunter	Hunter	Murphy, Tim	Tiahrt
McCotter	Rohrabacher	Wolf	Cummings	Serrano	Inglis	Inglis	Myrick	Tiberti
McHenry	Rooney	Young (AK)	Dahlkemper	Sestak	Issa	Issa	Neugebauer	Turner
			Davis (AL)	Shea-Porter	Jenkins	Jenkins	Nunes	Upton
			Davis (CA)	Sherman	Johnson (IL)	Johnson (IL)	Olson	Walden
Alexander	Larson (CT)	Sánchez, Linda	Davis (IL)	Shuler	Johnson, Sam	Johnson, Sam	Paul	Wamp
Bean	Lewis (GA)	T.	Davis (TN)	Sires	Jones	Jones	Paulsen	Westmoreland
Berkley	McDermott	Sullivan	DeFazio	Skelton	Jordan (OH)	Jordan (OH)	Pence	Whitfield
Hall (TX)	Pence	Young (FL)	DeGette	Slaughter	King (IA)	King (IA)	Petri	Wilson (SC)
Kennedy			Delahunt	Smith (WA)	King (NY)	King (NY)	Pitts	Wittman
			DeLauro	Snyder	Kingston	Kingston	Platts	Wolf
			Dicks	Space	Kirk	Kirk	Poe (TX)	Young (AK)
			Dingell	Speier	Kline (MN)	Kline (MN)	Posey	
			Doggett	Spratt				
			Donnelly (IN)	Stark				
			Doyle	Stupak				
			Driehaus	Sutton				
			Edwards (MD)	Tanner				
			Edwards (TX)	Tauscher				
			Ellison	Taylor				
			Ellsworth	Teague				
			Engel	Thompson (CA)				
			Eshoo	Thompson (MS)				
			Etheridge	Tierney				
			Farr	Titus				
			Fattah	Tonko				
			Filner	Towns				
			Foster	Tsongas				
			Frank (MA)	Van Hollen				
			Fudge	Velázquez				
			Giffords	Visclosky				
			Gonzalez	Walz				
			Gordon (TN)	Wasserman				
			Grayson	Schultz				
			Green, Al	Waters				
			Green, Gene	Watson				
			Griffith	Watt				
			Grijalva	Waxman				
			Gutierrez	Weiner				
			Hall (NY)	Welch				
			Halvorson	Wexler				
			Hare	Wilson (OH)				
			Harman	Woolsey				
			Hastings (FL)	Wu				
			Heinrich	Yarmuth				
			Herseth Sandlin					

NOT VOTING—12

Alexander	Larson (CT)	Sánchez, Linda
Bean	Lewis (GA)	T.
Berkley	McDermott	Sullivan
Hall (TX)	Pence	Young (FL)
Kennedy		

□ 1648

Messrs. MCHUGH, MCKEON, KINGSTON, SESSIONS, and RUSH changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. BEAN. Mr. Speaker, on rollcall No. 345, H. Res. 545, had I been present, I would have voted “yea.”

PROVIDING FOR CONSIDERATION OF H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 544, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 247, nays 176, not voting 10, as follows:

[Roll No. 346]

YEAS—247

Abercrombie	Arcuri	Bean
Ackerman	Baca	Becerra
Adler (NJ)	Baird	Berman
Altire	Baldwin	Berry
Andrews	Barrow	Bishop (GA)

NAYS—176

Aderholt	Bonner	Campbell
Akin	Bono Mack	Cantor
Austria	Boozman	Cao
Bachmann	Boustany	Capito
Bachus	Brady (TX)	Carter
Barrett (SC)	Brown (GA)	Cassidy
Bartlett	Brown (SC)	Castle
Barton (TX)	Brown-Waite,	Chaffetz
Biggart	Ginny	Coble
Bilbray	Buchanan	Coffman (CO)
Bilirakis	Burgess	Cole
Bishop (UT)	Burton (IN)	Conaway
Blackburn	Buyer	Crenshaw
Blunt	Calvert	Culberson
Boehner	Camp	Davis (KY)

NOT VOTING—10

Alexander	Larson (CT)	Sánchez, Linda
Berkley	Lewis (GA)	T.
Cuellar	Reyes	Sullivan
Kennedy		Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1656

So the previous question was ordered. The result of the vote was announced as above recorded.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 247, nays 174, not voting 12, as follows:

[Roll No. 347]

YEAS—247

Abercrombie	Becerra	Brady (PA)
Ackerman	Berman	Braley (IA)
Adler (NJ)	Berry	Bright
Altire	Bishop (GA)	Brown, Corrine
Andrews	Bishop (NY)	Butterfield
Arcuri	Blumenauer	Capps
Baca	Bocchieri	Capuano
Baird	Boren	Cardoza
Baldwin	Boswell	Carney
Barrow	Boucher	Carson (IN)
Bean	Boyd	Castor (FL)

Chandler Jackson (IL)
 Childers Jackson-Lee
 Clarke (TX)
 Clay Johnson (GA)
 Cleaver Johnson (IL)
 Clyburn Johnson, E. B.
 Cohen Kagen
 Connolly (VA) Kanjorski
 Conyers Kaptur
 Cooper Kildee
 Costa Kilpatrick (MI)
 Costello Kilroy
 Courtney Kind
 Crowley Kirkpatrick (AZ)
 Cuellar Kissell
 Cummings Klein (FL)
 Dahlkemper Kosmas
 Davis (AL) Kratovil
 Davis (CA) Kucinich
 Davis (IL) Langevin
 Davis (TN) Larsen (WA)
 DeFazio Lee (CA)
 DeGette Levin
 Delahunt Lipinski
 DeLauro Loeb sack
 Dicks Lofgren, Zoe
 Dingell Lowey
 Doggett Luján
 Donnelly (IN) Lynch
 Doyle Maffei
 Driehaus Maloney
 Edwards (MD) Markey (CO)
 Edwards (TX) Markey (MA)
 Ellison Marshall
 Ellsworth Massa
 Engel Matheson
 Eshoo Matsui
 Etheridge McCarthy (NY)
 Farr McCollum
 Fattah McDermott
 Filner McGovern
 Foster McIntyre
 Frank (MA) McMahon
 Fudge McNerney
 Giffords Meek (FL)
 Gonzalez Meeks (NY)
 Gordon (TN) Melancon
 Grayson Michaud
 Green, Al Miller (NC)
 Griffith Miller, George
 Grijalva Mitchell
 Gutierrez Mollohan
 Hall (NY) Moore (KS)
 Halvorson Moore (WI)
 Hare Moran (VA)
 Harman Murphy (CT)
 Hastings (FL) Murphy (NY)
 Heinrich Murphy, Patrick
 Herse th Sandlin Murtha
 Higgins Nadler (NY)
 Hill Napolitano
 Himes Neal (MA)
 Hinchey Nye
 Hinojosa Oberstar
 Hirono Obey
 Hodes Oliver
 Holden Ortiz
 Holt Pallone
 Honda Pascrell
 Hoyer Pastor (AZ)
 Inslee Payne
 Israel Perlmutter

Petriello Gingrey (GA)
 Peters Gohmert
 Peterson Goodlatte
 Pingree (ME) Granger
 Polis (CO) Graves
 Pomeroy Guthrie
 Price (NC) Hall (TX)
 Quigley Harper
 Rahall Hastings (WA)
 Rangel Heller
 Reyes Hensarling
 Richardson Herger
 Rodriguez Hoekstra
 Ross Hunter
 Rothman (NJ) Inglis
 Roybal-Allard Issa
 Ruppertsberger Jenkins
 Rush Johnson, Sam
 Ryan (OH) Jones
 Salazar Jordan (OH)
 Sanchez, Loretta King (IA)
 Lee (CA) King (NY)
 Schakowsky Kingston
 Schauer Kirk
 Schuff Kline (MN)
 Schrader Lamborn
 Schwartz Lance
 Scott (GA) Latham
 Scott (VA) LaTourette
 Serrano Latta
 Sestak Lee (NY)
 Shea-Porter Lewis (CA)
 Sherman Linder
 Shuler LoBiondo
 Sires Lucas
 Skelton Luetkemeyer
 Slaughter Lummis
 Smith (WA) Lungren, Daniel
 Snyder E.

CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 545, I call up the conference report on the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill. The SPEAKER pro tempore. Pursuant to House Resolution 545, the conference report is considered read.

(For conference report and statement, see proceedings of the House of June 12, 2009, at page 14965.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is the last of last year's business. We have a huge amount of work that we have to do before the August recess. We have to pass all 12 appropriation bills, we have to make time on the schedule for health care reform, for the military authorization bill, and for historic climate change legislation. I just think we ought to get on with it.

I think everybody understands what is in this bill, and the sooner we can get on with it, the sooner we can get on with this year's business.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased that we at least for now appear to be returning to regular order on appropriations bills as we deal with this emergency supplemental that is before us. However, I must confess to being disappointed at the turn this final product has taken in recent days as compared to where we began with our original House-passed bill. The majority has chosen to go to the high-dollar level for every account in this conference report, except as it relates to the primary purpose of the legislation, the critical troop funding in the Department of Defense and Military Construction accounts.

My understanding of the final conference agreement is that it cuts the House level for DOD and MilCon by \$4.6 billion. More disconcerting is that the final package includes \$5 billion for IMF funding that was not a part of the original House package. This \$5 billion for foreign aid will secure a whopping \$108 billion in loans.

Mr. Speaker, I must say, this is such an important message and important piece of legislation, I think it is important that our constituents, as well as our colleagues, pay careful attention to this debate.

NOT VOTING—12

Alexander Kennedy
 Berkley Larson (CT)
 Boozman Lewis (GA)
 Carnahan Sánchez, Linda
 Green, Gene T.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1702

Ms. WATERS changed her vote from "yea" to "nay."

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
 Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 347, had I been present, I would have voted "yea."

REPORT ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. PRICE of North Carolina, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-157) on the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved.

NAYS—174

Aderholt Brown-Waite,
 Akin Ginny
 Austria Buchanan
 Bachmann Burgess
 Bachus Burton (IN)
 Barrett (SC) Buyer
 Bartlett Calvert
 Barton (TX) Camp
 Biggert Campbell
 Bilbray Cantor
 Bilirakis Cao
 Bishop (UT) Capito
 Blackburn Carter
 Blunt Cassidy
 Boehner Castle
 Bonner Chaffetz
 Bono Mack Coble
 Boustany Coffman (CO)
 Brady (TX) Cole
 Broun (GA) Conaway
 Brown (SC) Crenshaw

Culberson
 Davis (KY)
 Deal (GA)
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dreier
 Duncan
 Ehlers
 Emerson
 Fallon
 Flake
 Fleming
 Forbes
 Fortenberry
 Fox
 Franks (AZ)
 Frelinghuysen
 Cole
 Gallegly
 Garrett (NJ)
 Gerlach

In essence, in this package the IMF is funded at a level almost \$30 billion more than what is provided for our troops, which supposedly was what this bill was all about. What began as a troop funding bill has become a means of fulfilling the President's promise to provide more IMF funding, or foreign aid, for international bailouts.

If that isn't bad enough, the conference agreement also includes \$1 billion in emergency spending for the Cash for Clunkers program that was not a part of either the House or the Senate package, nor was it requested by the President.

I understand the conferees have dropped the Graham-Lieberman-McCain language relating to the release of detainee photos. The conferees have also significantly watered down language relating to the release or transfer of detainees at Guantanamo Bay. This is an issue that is and will continue to be of great concern to many of us, as well as the American people.

Just last week, the President approved having a Guantanamo detainee transferred to New York City and ordered the release and transfer of four Uyghers to Bermuda. The President appears to be racing to move these detainees to their new homes before Congress can act substantively on the issue of closing Guantanamo.

During last week's conference meeting, Mr. YOUNG, Ms. GRANGER and I offered several amendments. The first, offered by Ms. GRANGER, sought approval of the Senate provision prohibiting the release of detainee photos. The second motion, offered by Mr. YOUNG, insisted upon the higher House funding level for DOD and MilCon spending in this conference agreement. And the third motion, which I offered, insisted upon agreeing to section 202(a) and section 315 of the Senate bill prohibiting the transfer or release of Guantanamo detainees. All three amendments were defeated in a party-line vote by the House conferees.

As I prepare to close, let me make one additional point. Much has been made about the total cost of this emergency supplemental. I note for the record that the final conference agreement is \$106 billion, which is \$14 billion more than the President's request, \$9 billion more than the House-passed bill, and \$15 billion more than the Senate-passed level.

Again, we have increased funding for everything in this bill except for the troops. Arguments about maintaining some level of fiscal responsibility certainly ring hollow when we lard up a troop funding bill with taxpayer dollars to support foreign aid for hostile governments and cash for cars past their prime. This is a troubling pattern that is being repeated in many of our funding bills this year.

In closing, Mr. Speaker, it is a shame that a process that began in a spirit of

bipartisanship has concluded in such a partisan manner. We began as a united, bipartisan House seeking to support our troops, but have ended this process by appeasing the very Members who opposed this emergency funding in the first place.

I strongly support our troops, but cannot and will not support an international bailout for hostile regimes disguised as a troop funding bill.

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

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2346.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I would simply note in light of the gentleman's comments on the IMF that in 1999, the last time we voted on it, the IMF funding was attached to the Transportation bill and 162 Republicans voted for it. They didn't seem to have any problem at that time. I find it interesting that today, with a different President, they do.

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

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the ranking member.

The distinguished chairman of the committee said we know what is in this bill. That may or may not be accurate, but we certainly know what is not in this bill. The conferees ignored the specific instructions of a bipartisan vote to include instructions to protect the detainee photos of alleged abuses that went on in our custody.

Mr. Speaker, the protection of these photos, to prevent their release, requires a legislative fix, in my view. I don't believe the President has full authority to stand against the judicial branch, so we need to protect these photos from release.

Even the court has recognized the validity of the claims of harm that would come from release of these photos, whether it is recruitment of additional jihadists or inflaming the current jihadists into doing things they might not otherwise have done, but also perhaps squelch the growing protests in Iran if we were to release the photos showing this abuse. Think back to the cartoon that was released in the Danish paper that insulted Mohammad and the overreaction to that cartoon. Think what the release of these photos would do to our relationships.

The military leadership, Generals Odierno and Petraeus, both oppose the

release of these photos. They have persuaded Secretary Gates and President Obama to change their original position, and they too now oppose the release of these photos.

The release of these photos will serve no good purpose. They will get young Americans hurt that don't need to get hurt. I am disappointed that the conferees did not include the instructions that we specifically gave them to protect these photos from disclosure.

I urge my colleagues to oppose this supplemental.

Mr. OBEY. Mr. Speaker, I reserve my time.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. CANTOR), the finest whip Virginia has ever produced.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I rise in opposition to this bill. America has the best military in the world. I think all of us who have traveled and who have seen the commitment of our Armed Forces are overwhelmed by their patriotism. The success of our military has much to do with the character and the courage of the men and women in uniform who fight every single day for our freedom.

□ 1715

And what we can do, as Members of this Congress, to speak to that courage and that commitment on the part of those men and women is to stand up and to remove politics from bills affecting their ability to execute on their mission to protect us.

Mr. Speaker, we can pass a bipartisan bill. This House has shown several weeks ago, we passed a bill with a 368-60 vote, clearly, a bipartisan bill sending the message that this Congress stood for our troops and nothing got in the way.

Unfortunately, Mr. Speaker, we now find a conference report that will make its way to this House that is vastly different from the bill approved in a bipartisan way.

Number one, Mr. Speaker, the provisions in the conference report that will make its way to this floor seem to put the rights of terrorists before the security of Americans. When we see that this body somehow wants to remove language prohibiting the transfer of detainees at Guantanamo Bay to U.S. soil, when this House allows for that transfer, what that says is we are willing to take on untold risk at the expense of the security of the people that our troops are trying to protect.

Next, Mr. Speaker, we have seen the conferees take out language that would prohibit the release of photographs that we know will endanger the lives of our troops. Our commander on the ground in Iraq, General Odierno, was very clear in his admonition several weeks ago when he said our troops will

be put in greater harm's way, and specific units will have enhanced danger immediately, if these photographs are allowed to be released.

And I know that the majority says that we've got protections, that the White House will stand up and not allow for their release. But at the end of the day, we have the ability to stop it and to act now.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman another 1 minute.

Mr. CANTOR. And I ask that this House stand up, act now, and make sure that these photos don't make their ways to brochures for recruitment of al Qaeda or make their way on to Internet sites to help attract more terrorists in the fight against our troops.

And lastly, Mr. Speaker, to burden our troops with \$108 billion of a loan guarantee to a global bailout is not putting our troops first. That's putting politics before our troops, and that's unacceptable to the American people.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN) a member of the Defense Subcommittee of Appropriations.

Mr. FRELINGHUYSEN. Mr. Speaker, if the defense portion of the supplemental were considered as a stand-alone legislation it would receive my support and the majority of those on this side of the aisle. We recognize that we need to provide our deployed men and women, all volunteers, with the funding and resources they need to accomplish their important ongoing missions in Iraq and Afghanistan. But unfortunately, the majority has added items to this measure totally unrelated to these wars.

First, the much-debated IMF provision, which interestingly enough, allows our country drawing rights for the first time in the history of the IMF.

Secondly, the majority stripped language from this bill that would have prevented release of photographs of detainees, thus endangering U.S. citizens and members of our own Armed Forces overseas.

Thirdly, the majority inserted watered-down language on the closing of Guantanamo Bay, allowing for these dangerous prisoners to be brought to the U.S. for trial 45 days after the Obama administration submits certain paperwork to Congress. These all represent reasons to vote "no," to send this legislation back to the drawing board, and to come back with a straightforward bill that supports our troops.

But I want to use this time to talk about the direction of our national security funding, our defense spending. If you believe the administration, this will be the last supplemental appropriations bill to fund our operations in

Afghanistan and Iraq, even though our forces will remain in Iraq for a significant number of years and our efforts in Afghanistan are just now ramping up.

The administration says it's putting such costs for future soldier needs into the base appropriations bill. However, it doesn't take a green eyeshade to determine that the administration's request, combined with the rate of inflation, essentially adds up to no growth. We're standing still. We're treading water.

And in a world where the North Koreans threaten conventional nuclear war, Russia is becoming more resurgent and aggressive, and China is rapidly increasing its aggressiveness.

For these reasons, I rise to oppose this conference report.

Mr. LEWIS of California. Mr. Speaker, could I please check and see how much time there is on each side?

The SPEAKER pro tempore. The gentleman from California has 17½ minutes remaining. And the gentleman from Wisconsin has 29 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to TOM COLE, one of the fabulous new members on our side of the Appropriations Committee.

Mr. COLE. Mr. Speaker, I rise today in opposition to this conference report, and I do that with a heavy heart, quite frankly. When this measure was initially before us I supported it enthusiastically. And in my remarks I praised the President. I thought he'd made a tough decision and deserved bipartisan support. I praised the majority because they had brought us, I think, a very good and finely crafted bill. And frankly, I was proud of the minority because we stepped up unconditionally, supported the President, provided the votes that he needed to win and make a difference to have not just a bipartisan majority, but Republican votes that put us in the majority.

I felt like we dealt with the President and the administration in good faith. And frankly, I don't think, since that point, that faith has been reciprocated. Over the course of the process as this legislation's moved through, IMF funding has been added. It scores at \$5 billion but it's a considerably greater amount of money that will be deployed.

We've had this issue with the photos. We've had the issue of detainees. And frankly, throughout that, there's been no effort to negotiate with our side of the aisle, which did provide the funding again, the votes needed to pass the original bill, you know, without condition. And frankly, it's almost as if there was assumption on the other side that we would either roll over or be blackmailed or be bullied into supporting the bill simply because of the military funding in it.

And I wonder whether or not, in retrospect, it was worth losing literally

dozens and dozens of Republicans that were prepared to support this bill in a bipartisan fashion in order to add these other measures which could have, frankly, been brought to the floor on their own.

So I'm forced to urge the rejection of this conference report. I would hope that we could restore the military funding that was taken out. I would hope that we could strip the unrelated IMF funding, and I would hope that we could practice once again the bipartisanship that led us to such an overwhelming success in the original bill. And if we go back to that method, I think that the President and the administration will be able to rely on continued bipartisan support in the tough decisions they have to make going forward.

Mr. OBEY. I yield 1 minute to the distinguished majority leader.

Mr. HOYER. I rise in strong support of this legislation. Eighty percent or more of this bill is to support the young men and women, and some not so young, whom we have sent in harm's way in Iraq and Afghanistan to confront terrorism. We passed that bill. We passed it with 368 votes.

It then went to the Senate, and the Senate amended the bill and added additional funding for the IMF, the International Monetary Fund. That did not squeak by on some partisan vote. In fact, more than two-thirds of the Senators voting on that issue, including approximately 25 percent of the Republicans voting on that issue, voted to include the IMF. Why? Because, like Ronald Reagan, President George Bush in the 1990s, President George Bush in 2008, because they believed that the IMF itself was an important asset in the seeking of security by the United States of America.

Now, we didn't put it in that bill. But it's supported by two-thirds of the United States Senate, supported by the President of the United States, who, when he met with the G-20, pledged to play our part in trying to bring the security that this country has paid so dearly to achieve. Our share is approximately 20 percent. The other members of the G-20, 19 nations, will be putting up 80 percent. Why? Because they too believe this is enhancing the security of their countries and also what they think it does to lift up the poorest nations of the world. Not Iran, who hasn't gotten any money since 1984 when Ronald Reagan was President, the last time Iran got money from the IMF. Not Hezbollah, no discussions with them. The United States would clearly weigh in to stop such funding; properly so.

So we have a bill that seeks security and peace, and it's two-pronged now, not one. And I suggest to you that it is my belief that if it were a Republican President asking for this that this bill would pass with some 368 votes again.

Why? Because Democrats would join in the Republican President's request, as we have in the past, and say this is for America's security, for international security, and we'll support it.

Now, this bill does some other things. We have a pandemic flu, swine flu, H1N1 flu, that is now at a level that the World Health Organization says is 41 years historically in the context. And the administration has said, because of that, we need additional funds for new vaccines.

We didn't have that in our bill. Clearly, there's not a Member in this House that doesn't want to take care of the health of our people. I might say, although he doesn't carry a lot of weight on your side of the aisle, that Jim Leach has strongly endorsed this effort; for the same reason, Ronald Reagan, who we honored just the other day. Just the other day we heard so many people say what a great leader Ronald Reagan was.

I'm going to quote Ronald Reagan for you, if I can find it real quickly. Ronald Reagan said this: The IMF is the linchpin of the international financial system. That's Ronald Reagan. He went on to say, I have an unbreakable commitment to increased funding for IMF. That's not a Democrat. That is a conservative leader that you revere, who led this country, and was strongly supported by this country.

And I want you to know that I supported Ronald Reagan on most of his security initiatives, as my good friend JERRY LEWIS knows, because I believed that we needed to make America stronger and to tell our Soviet adversaries that we were prepared to invest in the security of our country.

□ 1730

I think, in doing so, they ultimately decided that they couldn't compete, and glasnost and perestroika came about.

The first President Bush said this: "The IMF and the World Bank are at the crossroads of our cooperative efforts."

Remember the responsibility of Speaker Gingrich when he said in 1998: "We have an obligation to work with the International Monetary Fund."

This is not a partisan issue, but I suggest to you it has been made a partisan reason to oppose this bill and to try to embarrass Democrats, very frankly, that we can't pass funding. We can and we will. I urge you to join us. I urge you to forget the partisan rhetoric. I urge you to think of Ronald Reagan, of George Bush, of the second George Bush, of Newt Gingrich, and of so many other Republican leaders who I won't take the time to quote, who have said that this is a critical component of our security apparatus.

We did not have it in our bill, but we all know how the legislative process works. The other body, particularly

when it does so by a two-thirds vote, adds legislation. The President of the United States believes that's good legislation, and very frankly, I believe it's good legislation, and many in this House do as well. Would we have added it? We didn't, but it's here.

Do not use this addition by the United States Senate as a reason to say, "I can't vote," for 80 percent of this bill supports those young men and women and, as I said, some not so young who are deployed abroad in the defense of freedom and in the furtherance of our security.

I will tell you, my friends, on numerous occasions, as most of you know who have served with me, I have put my card in the slot or have come to this well or have raised my voice on behalf of Republican Presidents who sought to further the security of this country. I am proud of those votes. I am proud of that voice. I ask you to join me today to support our troops, to support our national security, to support propping up countries that will be the repositories of economies that will further the ability of terrorists to recruit in countries that find themselves without jobs, without economic opportunity for their young people and that will have them turn and be recruited by those who would undermine their lives and would recruit them as terrorists.

So I urge each one of my colleagues: This is a vote for America, for its interests and for its troops. Do not delude yourselves that this is not a vote to support the troops. Eighty percent plus of this bill is about American servicemen and women in harm's way. Stand up for them.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I have great respect for the majority leader, and he is very eloquent at the microphone, but he forgot to mention a couple of things that, I think, the American people would like to know.

For instance, 80 percent of this bill is helping the troops, but this is a war supplemental; 100 percent should be helping our troops. In addition to that, he did not mention that this is a 22 percent reduction from what was in the supplemental last year, so we're actually cutting funding to the troops by 22 percent over what we did last year, and we're just expanding our operation into Afghanistan. So I think that the people ought to really get the whole picture. The whole picture is that this is a war supplemental, and it's being cut over what we spent last year for the same type of legislation.

Now, he mentioned the International Monetary Fund, the \$5 billion for that. This is a war supplemental. This is not an IMF bill. It's going to create \$108

billion in additional loaning capability by the IMF. A few of the countries that will benefit from this with Special Drawing Rights are people who are not our friends—like Venezuela, Mr. Chavez down there; like Iran, a terrorist state; Yemen; Syria; Zimbabwe; and Burma.

So I would just like to say—and I would never admonish the majority leader, because he is a great man, and I really like him—let's get all of the facts out there and not just part of them.

Mr. OBEY. Mr. Speaker, I continue to reserve the balance of our time.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the distinguished ranking member of the Appropriations Committee for yielding.

Mr. Speaker, I rise in reluctant opposition to the military supplemental bill that is before Congress today. I was pleased to join many of my Democratic colleagues in supporting the bipartisan military supplemental bill that passed this House earlier in this Congress.

It seems to me, when it comes to providing our soldiers with the resources they need to get the job done and to come home safe, it's the right time to set aside politics as usual—the partisan divide—and go forward to the best of our abilities in a united front. We did that, but I cannot support this military supplemental bill today. I see it as a disservice to the taxpayers of this country and as a disservice to those brave men and women who defend us every day.

You know, in the midst of difficult economic times, it's easy for some people to forget that we are a Nation at war, and it's easy to go back to politics as usual and to spending as usual; but with American soldiers in harm's way, we must never falter in our effort to make sure those soldiers have everything they need to get the job done and to come home to us and to their families safely.

Emergency war funding bills should be about emergency war funding. This legislation, which includes \$108 billion in loan authorizations for a global bailout for the International Monetary Fund at a time when this government has run up a \$2 trillion annual deficit I believe does a disservice to taxpayers and to those who defend us. Passing a \$108 billion global bailout on the backs of our soldiers is just not right.

I urge my colleagues to oppose this conference report. Stand with our troops. Stand with the American taxpayer. Stand against one more bailout. Let's reject this bill tonight, and let's come right back to this floor here tomorrow and bring a clean emergency war funding bill, in a bipartisan fashion, back into the legislative process.

It is time for us to reject this legislation, to reject the changes that were

made in the United States Senate, to get our soldiers the resources they need, and to do it in a way that serves the broadest possible interests of the American taxpayer.

Mr. OBEY. Mr. Speaker, I continue to reserve the balance of our time.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. MCCOTTER), a member of our leadership.

Mr. MCCOTTER. I thank the gentleman.

Mr. Speaker, I rise in opposition to the conference report precisely because it is about our troops. The bill that left this Chamber with broad bipartisan support was 100 percent about our troops, and it is precisely now why it is only 80 percent about our troops. We should not allow for that 20 percent reduction to delude us that somehow this is a better bill.

I had the opportunity today to read in the *detroitfreepress.com* that the Treasury Department had said that \$10 billion in loan guaranties to auto manufacturing suppliers was a nonstarter. They didn't have it. I come here tonight. I hear that we have \$108 billion for the IMF.

This is not only about our troops. It is about the hardworking men and women who put money into the Federal Government not only to defend our troops but to defend their own way of life and their own prosperity and to make sure that it's here when they get back.

Of the \$108 billion going off to the IMF, I did not hear of anyone at the IMF losing their jobs in a painful restructuring. I did not hear of anyone at the IMF being asked to take reductions in their lifetimes of hard-earned health care benefits. I did not see anyone lose anything from the IMF for the \$108 billion underwriting by the U.S. taxpayers; but for \$85 billion, I did see back home in Detroit people losing their jobs under a painful restructuring. I saw retirees losing health care benefits. I saw dealerships closing. I was told this was necessary. I was told by this administration that we've got to be careful not to put money into a sinkhole. Well, this is also about equity.

When those troops come home, when they come home to the Midwest, when they come home to my Michigan, I will look them in the eye and say, "As long as I have been here, I have defended and supported our troops, but I have also made sure that, when you came home, you came back to the American opportunities that you left behind to defend us."

As for the future that the majority leader has talked about, I don't have to speculate. Let me read you a statement:

If people tell you that we cannot afford to invest in education or in health care or in fighting poverty, you just re-

mind them that we are spending \$10 billion a month in Iraq.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield the gentleman 1 additional minute.

Mr. MCCOTTER. If we can spend that much money in Iraq, we can spend some of that money right here in Cincinnati, Ohio, and in big cities and in small towns in every corner of this country.

That was candidate Barack Obama.

I would never take money from funds appropriated for our troops and use it for domestic spending. I have said that before; but if you're going to add \$108 billion to fund a conference report for our troops, then spend it here in the United States. Spend it on the men and women who support our troops every day. Spend it on their families so they stay employed. Do not send it to the IMF. I oppose this bill.

Mr. OBEY. Mr. Speaker, I continue to reserve the balance of our time.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 2 minutes to my colleague, the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, it was a proud moment for us to be able to come together in a bipartisan fashion here in the House, as put together in the House, and support the supplemental for the troops; but to add this mess that's coming down here from the conference that the Senate stuck in—over \$100 billion for the IMF? I mean they're loaning money that they get from us and that we're going to have to borrow from China in order to give it to countries that hate us and that would love to see us go away. That makes no sense.

If we are going to add this additional burden onto the American taxpayer, which is going to work counter to the troops who are out there, who are putting their lives at risk, why not just bring them home and not pay our enemies all that extra money and just call it a wash? If we're going to give money that we're going to have to borrow from the Chinese, let's just call it a wash and bring our troops home instead of funding our enemies. That's ridiculous. We should not go there. Let's stop this, and let's get back to the good bill we had in the House before.

Mr. OBEY. Mr. Speaker, I continue to reserve the balance of our time.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I must mention I have only got one speaker remaining, so I would like to inquire of my colleague from Wisconsin just the status of his circumstances: You would be the person to close?

I will have to reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I understand that we have the right to close, and we have only one remaining speaker.

I continue to reserve the balance of our time.

Mr. LEWIS of California. Mr. Speaker, as I indicated, I have one additional speaker.

As long as you're giving me all of this flexibility, just let me mention that, as we began this process on this bill, both my chairman and I were very pleased by the fact that there was broadly based bipartisan support for giving the kind of assistance to our troops that is fundamental to our success in the Middle East. To have that package now come back from conference in the shape of being a bill that has reduced the President's request for troop funding by approximately \$4.7 billion and, in turn, has a cost factor of some \$5 billion for the IMF is most disconcerting to this Member.

I may have two additional speakers since my colleague here is standing.

□ 1745

Mr. NUNES. If the gentleman will yield.

Mr. LEWIS of California. I would be happy to yield.

Mr. NUNES. I have a question for the gentleman because I know he has spent a lot of time on approps. I know you're from California, and we've talked a lot about the water issue in California.

Because this bill is going to go to the President and become law, this is one of our last opportunities to actually make law and get pumping levels back up to historic levels so we can provide water not only to San Joaquin Valley, but also to Los Angeles and San Diego. Do you think there's any possibility we could amend this bill and get something changed here so it will go to Obama's desk?

Mr. LEWIS of California. The gentleman is asking a very, very important question, and I will try to be straightforward in my response. This is a conference report in which both the House and the Senate have come together. The gentleman has raised his concerns about water in central California at a level that has gotten almost the entire country's attention. Indeed, if there were any way I could amend this package to help you solve this problem, the desperate need to get those pumps going to get water to our crops and the farmlands in Central Valley, I would do so. But, unfortunately, in this case, I am unable to help, but stand ready to try.

Mr. NUNES. Well, I would hope the gentleman would yield again.

Mr. LEWIS of California. Sure.

Mr. NUNES. As we go through the approps process, I know you will be helpful in trying to get the point across that we have 40,000 people right now without jobs in the San Joaquin Valley, long food lines, 20 percent unemployment. These are very serious issues, and I would hope that your committee will be helpful.

Mr. LEWIS of California. As we go through with our hearings, I might mention in just a few days ahead we will be discussing agriculture problems and challenges to funding for programs for the 2010 year. Indeed, one way or another, we are going to do everything we can to help the gentleman. So I very much appreciate his inquiry.

Mr. NUNES. Thank you.

Mr. LEWIS of California. Mr. Speaker, I do have one additional speaker, and I am very proud to yield 1 minute to the Republican leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker and my colleagues, I said earlier this year that when the President does what we think is the right thing for the American people, that he will have no stronger allies than House Republicans. We believe that the President has a responsible strategy in Iraq and in Afghanistan, and we have in fact supported him.

When this troop funding bill left the House, it left with a broad bipartisan majority. And as this bill is now considered, after a conference with the Senate, there are a couple of very troubling parts of this bill.

First and foremost, the addition of a \$108 billion line of credit for the International Monetary Fund I think is unnecessary in this bill. And it's unnecessary because to ask our troops to carry money for a global bailout, frankly, I think is unfair. There is only about \$80 billion in this bill for our troops, and here we're asking them to spend nearly \$30 billion more to carry this global bailout.

Now, I've got to tell you, we may have enough money in the United States to solve our economic problems, but I'll guarantee you we don't have enough money to solve the world's economic problems. And when you think about the fact that we don't have \$108 billion to loan to the IMF, so what's going to happen here? The United States is going to go to China, we're going to borrow \$108 billion, we're going to give it to the IMF, and they're going to give it to countries, most of whom don't like us very much.

Now, I would suspect that most of my constituents would say, This is a bad deal, and, BOEHNER, we expect you to vote "no." And trust me, I am going to vote "no." But the fact is, it doesn't belong in this bill. That issue should be debated on its own and should be voted up or down on its own.

The second issue is that the Senate included language in their bill that would have protected these photos of detainees from being released. General Petraeus, General Odierno, and others, have made it clear that the release of these photos will endanger our troops. I believe it will also cripple the ability of our intelligence officials to do their job. And yet while it was supported in this House last week with another broad bipartisan vote, the language

isn't in the bill; it's been taken out at the demands of the fringe left. And so I would suggest to my colleagues that this is not a bill that I can support.

I'm going to do everything I can to help our troops. They're doing a marvelous job on our behalf in helping to keep Americans safe. But to load this bill up with this kind of political gamesmanship is not what the American people expect of their Congress.

So I would ask my colleagues to stand up and say "no" to this bill. Let's bring back the broad bipartisan majority that passed the first bill and take care of our troops the right way. This is not the answer, though.

The SPEAKER pro tempore. The gentleman from California has 4 minutes remaining; the gentleman from Wisconsin has 28 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as I noted at the beginning of the debate, this item represents last year's left-over business. It is the last item of last year's left-over business.

We have been mired in a war for over 7 years. The President previous to this one has continually minimized the cost of that war by financing it on the installment plan. Instead of providing a full estimate of a yearly cost for the war, he would ask to fund that war in 6-month increments. And when he left office, there was still one 6-month increment left to go that was not yet paid for left over from his watch. And so this bill today, in the process of supporting the President's policies of trying to wind down that war, is providing the remaining funding for this fiscal year to help accomplish that.

In addition, this new President is trying to change the way that that war has been breaking in Afghanistan, and by necessity, Pakistan, which is integrally tied to the Afghanistan situation. And what he is trying to do is, through a combination of military action, political action, and diplomacy, he is trying to change the mix and gradually extricate ourselves from that conflict and stabilize that region politically in the process. I doubt that that will succeed. But this President, having inherited a God awful mess both at home and abroad, has a right to try to fix this situation. That's what the American people, in part, elected him to do. And so this bill provides the financing to do that.

And, yes, it added some other items that were not in the bill when it left the House. It did add funding for the IMF, about which our friends on the other side of the aisle roundly complain. But I would point out, in 1999, the last time I believe that we voted on this, the majority party then, our friends on the other side of the aisle, added IMF funding to the Transpor-

tation bill and 162 Republicans voted for it. I find it interesting that today, with a new President, they decline to provide that support.

We also added something else. The GI bill education proposal that the Congress passed last year, had one remaining gap which needed to be filled. That legislation said that if you served your country in the military a sufficient length of time, you could then obtain education benefits; and if you did not use them yourself, you could convert them to the use of your spouse or your children. This bill closes a gap because the one thing that that bill did not do last year was to enable a combat veteran who was killed in combat to make that same transfer of education benefits to a spouse or children. This bill provides that expanded benefit for our fighting men and women. It was not in the bill when it left the House. It is now. If you vote against this bill, that's one of the provisions you will be voting against.

We also have additional money for military hospitals that the administration did not request. We have additional help for the auto industry. I didn't think that was a Federal offense to try to provide some assistance to that industry. And, yes, we have a significant amount of additional funding for pandemic flu. Now, we tried to put that money initially in the original economic recovery package. We did put it in when the bill left the House. It went to the Senate and we were laughed at. People said, "Oh, what does the flu have to do with the economy and with jobs?" Well, Mexico found out when they had to shut down their entire economy for 2 weeks because of the turmoil in that country with the flu. It is now estimated that as many as one-third of Americans will be hit by that flu. This bill has billions of additional dollars to try and meet that challenge. And I would submit to you that the average American family has a greater chance of being hit by that flu than it does to be hit by any terrorist presently ensconced in Guantanamo.

Now, we are also told that the IMF funding is bad because it borrows money in order to give to other countries. You know, this is a tough reality; we have to participate in the world. And when the world economy becomes shaky, we have a responsibility to ourselves to try to stabilize that world economic situation. That is one of the roles that the IMF tries to play. It certainly does it imperfectly—and I've had many arguments with them in the past—but to say that our contribution to the IMF does not benefit us is to be ignorant of history and to be ignorant of how the world economy works.

The fact is that we created the IMF after World War II. Why? Because we saw what led up to World War II. We saw the world's financial system collapse in the thirties. As a result, in

Germany, Hitler came to power and 50 million people died. We would kind of like to avoid that this time. And so what we're trying to do is to provide the President with all the tools he needs internationally to defend our economic stability and to stabilize the economy of our trading partners because our economy does not function and we do not create sufficient jobs in this economy unless we help create economic conditions in other countries so they can buy our goods. That's why we do it. It's called enlightened self-interest.

In addition, it has been suggested that somehow money that we appropriate to the IMF is going to go to Iran. Well, let me tell you something, Mr. Speaker. Iran has not had a loan from the IMF since 1962. And under this legislation, the United States representative at the IMF is required to oppose any loan or assistance to coun-

tries such as Iran that have been designated by the Secretary of State as a state sponsor of terrorism.

The United States can effectively block loans that it opposes. We've got by far the largest block of votes of any single member. And I doubt very seriously that the IMF is going to approve any loan that we don't approve of.

One other thing. We've been told that somehow the President is endangering national security because he has not allowed the Congress to pass the Lieberman amendment with respect to the release of those pictures. The fact is the President sent to the conferees a letter and made quite clear that he will do everything in his power to prevent the use of those pictures. I want to quote one paragraph from his letter:

□ 1800

"I deeply appreciate all you have done to help with the efforts to secure

funding for the troops and assure you I will continue to take every legal and administrative remedy available to me to ensure that DOD detainee photographs are not released. Should a legislative solution prove necessary, I am committed to work with the Congress to enact legislation that achieves the objectives we all share."

Now, each of us can nitpick or object to certain specifics in this bill, but the great thing about democracy is that after we've had a chance to state our first preferences and fight for what we believe in, in the end we also have an obligation to reach consensus and move on. That's what this bill tries to do. It must be finished before we can move on to finish the rest of our appropriation bills and to get to the other huge items on the agenda, including health care and climate change.

I urge an "aye" vote for the bill.

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H. REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
SUPPLEMENTAL APPROPRIATIONS ACT, 2009						
TITLE I						
DEPARTMENT OF AGRICULTURE						
Foreign Agricultural Service						
Public Law 480 Title II Grants.....	300,000	---	---	---	---	---
(overseas deployments and activities).....	---	500,000	700,000	---	-500,000	-700,000
(emergency).....	---	---	---	700,000	+700,000	+700,000
TITLE I GENERAL PROVISION						
Agricultural Credit Insurance Fund Program Account:						
Additional Loan authorizations:						
Farm ownership loans:						
Direct.....	---	(360,000)	(360,000)	(360,000)	---	---
Farm operating loans:						
Direct.....	---	(400,000)	(225,000)	(400,000)	---	(+175,000)
Unsubsidized guaranteed.....	---	(50,201)	---	(50,201)	---	(+50,201)
Subtotal.....	---	(450,201)	(225,000)	(450,201)	---	(+225,201)
Additional Loan subsidies:						
Farm ownership loans:						
Direct (overseas deployments and activities).....	---	22,860	---	---	-22,860	---
Direct (emergency).....	---	---	22,860	22,860	+22,860	---
Farm operating loans:						
Direct (overseas deployments and activities).....	---	47,160	---	---	-47,160	---
Direct (emergency).....	---	---	26,530	47,160	+47,160	+20,630
Unsubsidized guaranteed:						
(overseas deployments and activities).....	---	1,250	---	---	-1,250	---
(emergency).....	---	---	---	1,250	+1,250	+1,250
Subtotal.....	---	48,410	26,530	48,410	---	+21,880
Rural Development mission (rescission)(emergency).....	---	-71,270	-49,390	---	+71,270	+49,390
Total, Agricultural Credit Insurance Fund.....	---	---	---	71,270	+71,270	+71,270
(Loan authorization).....	---	(810,201)	(585,000)	(810,201)	---	(+225,201)
Total, Title I.....	300,000	500,000	700,000	771,270	+271,270	+71,270
Appropriations.....	(300,000)	---	---	---	---	---
Emergency appropriations.....	---	---	(49,390)	(771,270)	(+771,270)	(+721,880)
Overseas deployments and activities.....	---	(571,270)	(700,000)	---	(-571,270)	(-700,000)
Rescissions (emergency).....	---	(-71,270)	(-49,390)	---	(+71,270)	(+49,390)
TITLE II						
DEPARTMENT OF COMMERCE						
Economic Development Administration						
Economic development assistance programs (emergency).....	---	---	40,000	40,000	+40,000	---
DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses.....	30,000	---	---	---	---	---
Detention trustee:						
(overseas deployments and activities).....	---	---	60,000	---	---	-60,000
(emergency).....	---	---	---	60,000	+60,000	+60,000
Total, General Administration.....	30,000	---	60,000	60,000	+60,000	---
Legal Activities						
Salaries and expenses, general legal activities.....	1,648	---	---	---	---	---
(overseas deployments and activities).....	---	1,648	1,648	---	-1,648	-1,648
(emergency).....	---	---	---	1,648	+1,648	+1,648
United States Attorneys, Salaries and expenses.....	5,000	---	---	---	---	---
(overseas deployments and activities).....	---	5,000	5,000	---	-5,000	-5,000
(emergency).....	---	---	10,000	15,000	+15,000	+5,000
Total, Legal Activities.....	6,648	6,648	16,648	16,648	+10,000	---

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
United States Marshals Service						
Salaries and expenses:						
(overseas deployments and activities).....	---	---	10,000	---	---	-10,000
(emergency).....	---	---	---	10,000	+10,000	+10,000
National Security Division						
Salaries and expenses.....	1,389	---	---	---	---	---
(overseas deployments and activities).....	---	1,389	1,389	---	-1,389	-1,389
(emergency).....	---	---	---	1,389	+1,389	+1,389
Federal Bureau of Investigation						
Salaries and expenses (emergency).....	---	---	35,000	35,000	+35,000	---
Drug Enforcement Administration						
Salaries and expenses:						
(overseas deployments and activities).....	---	---	20,000	---	---	-20,000
(emergency).....	---	---	---	20,000	+20,000	+20,000
Bureau of Alcohol Tobacco, Firearms and Explosives						
Salaries and expenses.....	4,000	---	---	---	---	---
(overseas deployments and activities).....	---	4,000	14,000	---	-4,000	-14,000
(emergency).....	---	---	---	14,000	+14,000	+14,000
Federal Prison System						
Salaries and expenses.....	5,038	---	---	---	---	---
(overseas deployments and activities).....	---	5,038	5,038	---	-5,038	-5,038
(emergency).....	---	---	---	5,038	+5,038	+5,038
Total, Department of Justice.....	47,075	17,075	162,075	162,075	+145,000	---
GENERAL PROVISIONS						
Office of Inspector General:						
(overseas deployments and activities).....	---	3,000	---	---	-3,000	---
(emergency).....	---	---	---	3,000	+3,000	+3,000
(rescission) (emergency).....	---	-3,000	---	-3,000	---	-3,000
Total, Legal Activities.....	---	---	---	---	---	---
Total, Title II.....	47,075	17,075	202,075	202,075	+185,000	---
Appropriations.....	(47,075)	---	---	---	---	---
Emergency appropriations.....	---	---	(85,000)	(205,075)	(+205,075)	(+120,075)
Overseas deployments and activities.....	---	(20,075)	(117,075)	---	(-20,075)	(-117,075)
Rescissions (emergency).....	---	(-3,000)	---	(-3,000)	---	(-3,000)
TITLE III						
DEPARTMENT OF DEFENSE						
Military Personnel						
Military Personnel, Army.....	10,195,106	---	---	---	---	---
(overseas deployments and activities).....	---	10,924,641	11,455,777	11,750,687	+826,046	+294,910
Military Personnel, Navy.....	1,354,782	---	---	---	---	---
(overseas deployments and activities).....	---	1,716,827	1,565,227	1,627,288	-89,539	+62,061
Military Personnel, Marine Corps.....	1,419,979	---	---	---	---	---
(overseas deployments and activities).....	---	1,577,850	1,484,353	1,524,947	-52,903	+60,594
Military Personnel, Air Force.....	1,390,554	---	---	---	---	---
(overseas deployments and activities).....	---	1,783,208	1,469,173	1,500,740	-282,468	+31,567
Reserve Personnel, Army.....	284,155	---	---	---	---	---
(overseas deployments and activities).....	---	381,155	387,155	418,155	+37,000	+31,000
Reserve Personnel, Navy.....	39,478	---	---	---	---	---
(overseas deployments and activities).....	---	39,478	39,478	39,478	---	---
Reserve Personnel, Marine Corps.....	29,179	---	---	---	---	---
(overseas deployments and activities).....	---	29,179	29,179	29,179	---	---
Reserve Personnel, Air Force.....	16,943	---	---	---	---	---
(overseas deployments and activities).....	---	16,943	14,943	14,943	-2,000	---
National Guard Personnel, Army.....	1,439,333	---	---	---	---	---
(overseas deployments and activities).....	---	1,373,273	1,542,333	1,775,733	+402,460	+233,400
National Guard Personnel, Air Force.....	17,860	---	---	---	---	---
(overseas deployments and activities).....	---	101,360	46,860	45,000	-56,360	-1,860
Total, Military Personnel.....	16,167,369	17,943,814	18,014,478	18,726,150	+782,236	+711,672

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
 (Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
Operation and Maintenance						
Operation & Maintenance, Army.....	14,119,401	---	---	---	---	---
(overseas deployments and activities).....	---	14,024,703	13,933,801	13,769,418	-255,285	-164,383
Operation & Maintenance, Navy.....	2,390,116	---	---	---	---	---
(overseas deployments and activities).....	---	2,367,959	2,337,360	2,274,903	-93,056	-62,457
(Transfer out).....	(-129,503)	(-129,503)	---	---	(+129,503)	---
Operation & Maintenance, Marine Corps.....	1,090,842	---	---	---	---	---
(overseas deployments and activities).....	---	1,084,081	1,037,842	1,034,366	-49,715	-3,476
Operation & Maintenance, Air Force.....	6,294,031	---	---	---	---	---
(overseas deployments and activities).....	---	6,216,729	5,992,125	5,980,386	-236,343	-11,739
Operation & Maintenance, Defense-Wide.....	5,667,483	---	---	---	---	---
(overseas deployments and activities).....	---	5,353,701	5,065,783	5,101,696	-252,005	+35,913
(Transfer out).....	(-30,000)	(-30,000)	---	---	(+30,000)	---
Operation & Maintenance, Army Reserve.....	115,017	---	---	---	---	---
(overseas deployments and activities).....	---	101,317	110,017	110,017	+8,700	---
Operation & Maintenance, Navy Reserve.....	25,569	---	---	---	---	---
(overseas deployments and activities).....	---	24,318	25,569	25,569	+1,251	---
Operation & Maintenance, Marine Corps Reserve.....	30,775	---	---	---	---	---
(overseas deployments and activities).....	---	30,775	30,775	30,775	---	---
Operation & Maintenance, Air Force Reserve.....	34,599	---	---	---	---	---
(overseas deployments and activities).....	---	34,599	34,599	34,599	---	---
Operation & Maintenance, Army National Guard.....	203,399	---	---	---	---	---
(overseas deployments and activities).....	---	178,446	203,399	178,446	---	-24,953
Subtotal, Operation and Maintenance.....	29,971,232	29,416,628	28,771,270	28,540,175	-876,453	-231,095
Iraq Freedom Fund.....	415,000	---	---	---	---	---
(overseas deployments and activities).....	---	365,000	---	---	-365,000	---
Afghanistan Security Forces Fund.....	3,606,939	---	---	---	---	---
(overseas deployments and activities).....	---	3,606,939	3,606,939	3,606,939	---	---
Iraq Security Forces Fund (overseas deployments and activities).....	---	---	1,000,000	---	---	-1,000,000
Pakistan Counterinsurgency Capability Fund 1/.....	400,000	---	---	---	---	---
Pakistan Counterinsurgency Fund (overseas deployments and activities).....	---	400,000	400,000	400,000	---	---
Total, Operation and Maintenance.....	34,393,171	33,788,567	33,778,209	32,547,114	-1,241,453	-1,231,095
Procurement						
Aircraft Procurement, Army.....	762,604	---	---	---	---	---
(overseas deployments and activities).....	---	1,286,304	315,684	1,192,744	-92,560	+877,060
Missile Procurement, Army.....	767,141	---	---	---	---	---
(overseas deployments and activities).....	---	677,141	737,041	704,041	+26,900	-33,000
Procurement of Weapons and Tracked Combat Vehicles, Army.....	1,683,371	---	---	---	---	---
(overseas deployments and activities).....	---	2,233,871	1,434,071	1,983,971	-249,900	+549,900
Procurement of Ammunition, Army.....	230,075	---	---	---	---	---
(overseas deployments and activities).....	---	230,075	230,075	230,075	---	---
Other Procurement, Army.....	8,121,572	---	---	---	---	---
(overseas deployments and activities).....	---	8,039,349	7,029,145	7,113,742	-925,607	+84,597
Aircraft Procurement, Navy.....	600,999	---	---	---	---	---
(overseas deployments and activities).....	---	691,924	754,299	636,669	-55,255	-117,630
Weapons Procurement, Navy.....	99,540	---	---	---	---	---
(overseas deployments and activities).....	---	31,698	31,403	29,498	-2,200	-1,905
Procurement of Ammunition, Navy and Marine Corps.....	348,919	---	---	---	---	---
(overseas deployments and activities).....	---	348,919	348,919	348,919	---	---
Other Procurement, Navy.....	264,826	---	---	---	---	---
(overseas deployments and activities).....	---	172,095	207,181	197,193	+25,098	-9,988
Procurement, Marine Corps.....	1,638,386	---	---	---	---	---
(overseas deployments and activities).....	---	1,509,986	1,658,347	1,526,447	+16,461	-131,900
Aircraft Procurement, Air Force.....	2,378,818	---	---	---	---	---
(overseas deployments and activities).....	---	5,138,268	2,064,118	4,592,068	-546,200	+2,527,950
Missile Procurement, Air Force.....	57,416	---	---	---	---	---
(overseas deployments and activities).....	---	57,416	49,716	49,716	-7,700	---
Procurement of Ammunition, Air Force.....	183,684	---	---	---	---	---
(overseas deployments and activities).....	---	183,684	138,284	158,684	-25,000	+20,400
Other Procurement, Air Force.....	1,834,953	---	---	---	---	---
(overseas deployments and activities).....	---	1,745,761	1,910,343	1,802,083	+56,322	-108,260
Procurement, Defense-Wide.....	197,068	---	---	---	---	---
(overseas deployments and activities).....	---	200,068	237,868	237,868	+37,800	---
Mine Resistant Ambush Protection Vehicle Fund.....	2,693,000	---	---	---	---	---
(overseas deployments and activities).....	---	4,843,000	4,243,000	4,543,000	-300,000	+300,000
National Guard and Reserve Equipment (overseas deployments and activities).....	---	500,000	500,000	500,000	---	---
Total, Procurement.....	21,862,372	27,888,559	21,889,494	25,846,718	-2,041,841	+3,957,224

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
Research, Development, Test and Evaluation						
Research, Development, Test & Evaluation, Army.....	73,734	---	---	---	---	---
(overseas deployments and activities).....	---	73,734	71,935	52,935	-20,799	-19,000
Research, Development, Test & Evaluation, Navy.....	144,536	---	---	---	---	---
(overseas deployments and activities).....	---	96,231	141,681	136,786	+40,555	-4,895
Research, Development, Test & Evaluation, Air Force...	108,259	---	---	---	---	---
(overseas deployments and activities).....	---	92,574	174,159	160,474	+67,900	-13,685
Research, Development, Test and Evaluation, Defense-Wide.....	483,368	---	---	---	---	---
(overseas deployments and activities).....	---	459,391	498,168	483,304	+23,913	-14,864
Total, Research, Development, Test and Evaluation.....	809,897	721,930	885,943	833,499	+111,569	-52,444
Revolving and Management Funds						
Defense Working Capital Fund, Army.....	443,200	---	---	---	---	---
(overseas deployments and activities).....	---	443,200	443,200	443,200	---	---
Defense Working Capital Fund, Air Force (overseas deployments and activities).....	---	---	15,000	15,000	+15,000	---
Defense Working Capital Fund, Defense-Wide.....	403,526	---	---	---	---	---
(overseas deployments and activities).....	---	403,526	403,526	403,526	---	---
Total, Revolving and Management Funds.....	846,726	846,726	861,726	861,726	+15,000	---
Other Department of Defense Programs						
Defense Health Program:						
Operation and maintenance.....	845,508	---	---	---	---	---
(overseas deployments and activities).....	---	845,508	845,508	845,508	---	---
Procurement.....	30,185	---	---	---	---	---
(overseas deployments and activities).....	---	50,185	30,185	50,185	---	+20,000
Research and development.....	33,604	---	---	---	---	---
(overseas deployments and activities).....	---	201,604	33,604	159,604	-42,000	+126,000
Total, Defense Health Program.....	909,297	1,097,297	909,297	1,055,297	-42,000	+146,000
Drug Interdiction and Counter-Drug Activities, Defense (overseas deployments and activities).....	141,198	---	---	---	---	---
Joint Improvised Explosive Device Defeat Fund:	---	137,198	123,398	120,398	-16,800	-3,000
Attack the Network.....	499,830	---	---	---	---	---
(overseas deployments and activities).....	---	499,830	349,830	349,830	-150,000	---
Defeat the Device.....	607,389	---	---	---	---	---
(overseas deployments and activities).....	---	457,389	457,389	457,389	---	---
Train the Force.....	333,527	---	---	---	---	---
(overseas deployments and activities).....	---	333,527	283,527	283,527	-50,000	---
Staff and infrastructure.....	26,000	---	---	---	---	---
(overseas deployments and activities).....	---	26,000	26,000	26,000	---	---
Total, Joint IED Defeat Fund.....	1,466,746	1,316,746	1,116,746	1,116,746	-200,000	---
Office of the Inspector General.....	9,551	---	---	---	---	---
(overseas deployments and activities).....	---	9,551	9,551	9,551	---	---
Total, Other Department of Defense Programs.....	2,526,792	2,560,792	2,158,992	2,301,992	-258,800	+143,000
Department of Defense General Provisions						
Special DE transfer authority (this title only).....	(4,000,000)	---	---	---	---	---
(overseas deployments and activities).....	---	(2,000,000)	(2,500,000)	(2,500,000)	(+500,000)	---
Additional transfer authority.....	(1,500,000)	---	---	---	---	---
Defense Cooperation Account.....	6,500	---	---	---	---	---
(overseas deployments and activities).....	---	6,500	6,500	6,500	---	---
Iraq Security Forces Fund.....	1,000,000	---	---	---	---	---
(overseas deployments and activities).....	---	1,000,000	---	---	-1,000,000	---
(emergency).....	---	---	---	1,000,000	+1,000,000	+1,000,000
(rescission) (emergency).....	-1,000,000	-1,000,000	---	-1,000,000	---	-1,000,000
Afghanistan Security Forces Fund.....	125,000	---	---	---	---	---
(overseas deployments and activities).....	---	125,000	---	---	-125,000	---
(rescission) (emergency).....	-125,000	-125,000	---	---	+125,000	---
Fuel (rescission).....	-2,900,000	-3,010,000	---	-1,003,007	+2,006,993	-1,003,007
(overseas deployments and activities) (rescission).....	---	---	---	-1,906,993	-1,906,993	-1,906,993
Classified (rescission).....	-10,000	---	---	---	---	---
Classified and other (overseas deployments and activities) (rescission).....	---	---	---	-1,051,160	-1,051,160	-1,051,160
Fuel, Classified, and Other (Rescissions).....	---	---	-925,203	---	---	+925,203
(overseas deployments and activities) (rescission).....	---	---	-3,646,633	---	---	+3,646,633
Personnel: Army, Army Reserve, & Army National Guard..	470,900	---	---	---	---	---
Procurement, Army (rescission).....	-470,900	---	---	---	---	---
(overseas deployments and activities) (rescission).....	---	---	---	-354,000	-354,000	-354,000

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
Personnel: Army, Army Reserve, and Army National						
Guard (by transfer) (overseas deployments).....	---	(150,600)	---	---	(-150,600)	---
Procurement, Army (transfer out).....	---	(-150,600)	---	---	(+150,600)	---
Operation and maintenance, Defense-wide (rescission)2/ (overseas deployments and activities) (rescission)...	-181,500	-181,500	---	---	+181,500	---
Stop Loss Transfer Fund (overseas deployments and activities).....	---	734,400	---	534,400	-200,000	+534,400
Total, DOD General Provisions.....	-3,085,000	-2,450,600	-4,565,336	-3,955,760	-1,505,160	+609,576
Total, Title III.....	73,541,327	81,299,888	73,023,506	77,161,439	-4,138,449	+4,137,933
Appropriations.....	(78,228,727)	---	---	---	---	---
Emergency appropriations.....	---	---	---	(1,000,000)	(+1,000,000)	(+1,000,000)
Overseas deployments and activities.....	---	(85,766,888)	(77,595,342)	(81,658,099)	(-4,108,889)	(+4,062,757)
Rescissions.....	(-3,562,400)	(-3,342,100)	(-925,203)	(-1,003,007)	(+2,339,093)	(-77,804)
Rescissions (emergency).....	(-1,125,000)	(-1,125,000)	---	(-1,000,000)	(+125,000)	(-1,000,000)
Rescissions (overseas deployments and activities).....	---	---	(-3,646,633)	(-3,493,653)	(-3,493,653)	(+152,980)
(Transfer out).....	(-159,503)	(-310,103)	---	---	(+310,103)	---
(Transfer authority).....	(5,500,000)	---	---	---	---	---
Overseas deployments and activities: (Transfer out).....	---	(150,600)	---	---	(-150,600)	---
(Transfer authority).....	---	(2,000,000)	(2,500,000)	(2,500,000)	(+500,000)	---

Title III:
1/ House recommends an additional \$400M under International Security Assistance, Pakistan Counterinsurgency Capability Fund (Title XI)
2/ Budget request includes rescission to fund Military Construction, Defense-Wide

TITLE IV

DEPARTMENT OF DEFENSE - CIVIL
DEPARTMENT OF THE ARMY

Corps of Engineers - Civil

Operation and maintenance (emergency).....	---	---	38,375	42,875	+42,875	+4,500
Flood Control and Coastal Emergencies (emergency).....	---	---	804,290	754,290	+754,290	-50,000
Total, Corps of Engineers - Civil.....	---	---	842,665	797,165	+797,165	-45,500

DEPARTMENT OF ENERGY

Energy Programs

Strategic Petroleum Reserve

Strategic Petroleum Reserve (by transfer).....	(21,586)	(21,586)	---	---	(-21,586)	---
(By transfer) (emergency).....	---	---	(21,586)	(21,586)	(+21,586)	---

National Nuclear Security Administration

Weapons activities:						
(overseas deployments and activities).....	---	---	34,500	---	---	-34,500
(emergency).....	---	---	---	30,000	+30,000	+30,000
Defense Nuclear Nonproliferation.....						
(overseas deployments and activities).....	89,500	---	---	---	---	---
(emergency).....	---	55,000	55,000	---	-55,000	-55,000
(emergency).....	---	---	---	55,000	+55,000	+55,000

Total, National Nuclear Security Administration.....	89,500	55,000	89,500	85,000	+30,000	-4,500
Total, Title IV.....	89,500	55,000	932,165	882,165	+827,165	-50,000
Emergency appropriations.....	---	---	(842,665)	(882,165)	(+882,165)	(+39,500)
Overseas deployments and activities.....	---	(55,000)	(89,500)	---	(-55,000)	(-89,500)
(By transfer).....	(21,586)	(21,586)	---	---	(-21,586)	---
(By transfer) (emergency).....	---	---	(21,586)	(21,586)	(+21,586)	---

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate

TITLE V						
DEPARTMENT OF THE TREASURY						
Departmental Offices						
Salaries and expenses (emergency).....	---	---	4,000	---	---	-4,000
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Unanticipated Needs						
Unanticipated needs for influenza 1/.....	(3,500,000)	---	---	---	---	---
Pandemic preparedness and response (emergency).....	---	---	1,500,000	---	---	-1,500,000
National Security Council						
Salaries and expenses.....	2,936	---	---	---	---	---
(overseas deployments and activities).....	---	2,936	2,936	---	-2,936	-2,936
(emergency).....	---	---	---	2,936	+2,936	+2,936
Total, Executive Office of the President.....	2,936	2,936	1,502,936	2,936	---	-1,500,000

THE JUDICIARY						
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
(overseas deployments and activities).....	---	---	10,000	---	---	-10,000
(emergency).....	---	---	---	10,000	+10,000	+10,000
INDEPENDENT AGENCIES						
Securities and Exchange Commission						
Salaries and expenses (emergency).....	---	---	10,000	10,000	+10,000	---
Financial Crisis Inquiry Commission						
Salaries and expenses (emergency).....	---	---	---	8,000	+8,000	+8,000

TITLE V GENERAL PROVISIONS						
Federal Deposit Insurance Act amendment.....	---	---	4,000	---	---	-4,000
(emergency).....	---	---	---	4,000	+4,000	+4,000

Total, Title V.....	2,936	2,936	1,530,936	34,936	+32,000	-1,496,000
Appropriations.....	(2,936)	---	(4,000)	---	---	(-4,000)
Emergency appropriations.....	---	---	(1,514,000)	(34,936)	(+34,936)	(-1,479,064)
Overseas deployments and activities.....	---	(2,936)	(12,936)	---	(-2,936)	(-12,936)
=====						
Title V:						
1/ Amount of new budget authority request that the House and Conference considered and funded under Health and Human Services, Title VIII						

TITLE VI						
DEPARTMENT OF HOMELAND SECURITY						
U.S. Customs and Border Protection						
Salaries and expenses:						
(overseas deployments and activities).....	---	---	46,200	---	---	-46,200
(emergency).....	---	---	---	46,200	+46,200	+46,200
Air and marine interdiction, operations, maintenance and procurement:						
(overseas deployments and activities).....	---	---	5,000	---	---	-5,000
(emergency).....	---	---	---	5,000	+5,000	+5,000
Total, Customs and Border Protection.....	---	---	51,200	51,200	+51,200	---
U.S. Immigration and Customs Enforcement						
Salaries and expenses:						
(overseas deployments and activities).....	---	---	66,800	---	---	-66,800
(emergency).....	---	---	---	66,800	+66,800	+66,800

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
Coast Guard						
Operating expenses (overseas deployments and activities).....	---	---	139,503	139,503	+139,503	---
Federal Emergency Management Agency						
State and local programs:						
(overseas deployments and activities).....	---	---	30,000	---	---	-30,000
(emergency).....	---	---	---	30,000	+30,000	+30,000
TITLE VI GENERAL PROVISIONS						
FEMA Disaster Relief (rescission of emergency).....	---	---	-100,000	-100,000	-100,000	---
FEMA State and local programs (emergency).....	---	---	100,000	100,000	+100,000	---
Federal Share of Disaster Assistance (emergency).....	---	---	---	---	---	---
Total, Title VI.....						
Emergency appropriations.....	---	---	287,503	287,503	+287,503	---
Overseas deployments and activities.....	---	---	(100,000)	(248,000)	(+248,000)	(+148,000)
Rescissions (emergency).....	---	---	(287,503)	(139,503)	(+139,503)	(-148,000)
Rescissions (emergency).....	---	---	(-100,000)	(-100,000)	(-100,000)	---
TITLE VII						
DEPARTMENT OF THE INTERIOR						
Department-wide Programs						
Wildland fire management:						
Wildfire suppression and emergency rehabilitation (emergency).....	50,000	---	---	---	---	---
(emergency).....	---	50,000	50,000	50,000	---	---
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland fire management:						
Wildfire suppression and emergency rehabilitation (emergency).....	200,000	---	---	---	---	---
(emergency).....	---	200,000	200,000	200,000	---	---
Total, Title VII.....						
Appropriations.....	250,000	250,000	250,000	250,000	---	---
Emergency appropriations.....	(250,000)	---	---	---	---	---
Emergency appropriations.....	---	(250,000)	(250,000)	(250,000)	---	---
TITLE VIII						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Administration for Children and Families						
Refugee and entrant assistance:						
(overseas deployments and activities).....	---	---	82,000	---	---	-82,000
(emergency).....	---	---	---	82,000	+82,000	+82,000
Office of the Secretary						
Public Health and Social Services Emergency Fund 1/...	1,500,000	---	---	---	---	---
(contingent funds).....	2,000,000	---	---	---	---	---
(emergency).....	---	1,850,000	---	1,850,000	---	+1,850,000
(contingent emergency).....	---	---	---	5,800,000	+5,800,000	+5,800,000
Total, PHSSEF.....						
Appropriations.....	3,500,000	1,850,000	---	7,650,000	+5,800,000	+7,650,000
TITLE VIII GENERAL PROVISIONS						
Department of Education: Career, Technical, and Adult Education (by transfer).....	---	---	(17,678)	(10,260)	(+10,260)	(-7,418)
Total, Title VIII.....						
Emergency appropriations.....	3,500,000	1,850,000	82,000	7,732,000	+5,882,000	+7,650,000
Contingent emergency appropriations.....	---	(1,850,000)	---	(1,932,000)	(+82,000)	(+1,932,000)
Overseas deployments and activities.....	---	---	---	(5,800,000)	(+5,800,000)	(+5,800,000)
Overseas deployments and activities.....	---	---	(82,000)	---	---	(-82,000)
(By transfer).....	---	---	(17,678)	(10,260)	(+10,260)	(-7,418)

Title VIII:
1/ Budget request and Senate proposes funds under the Executive Office of the President

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
TITLE IX						
JOINT ITEMS						
Capitol Police						
General expenses.....	71,606	---	71,606	---	---	-71,606
(emergency).....	---	71,606	---	71,606	---	+71,606
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses.....	---	---	2,000	---	---	-2,000
(emergency).....	---	---	---	2,000	+2,000	+2,000
Total, Title IX.....	71,606	71,606	73,606	73,606	+2,000	---
Appropriations.....	(71,606)	---	(73,606)	---	---	(-73,606)
Emergency appropriations.....	---	(71,606)	---	(73,606)	(+2,000)	(+73,606)

TITLE X						
DEPARTMENT OF DEFENSE						
Military construction, Army.....	1,229,731	---	---	---	---	---
(overseas deployments and activities).....	---	1,407,231	1,229,731	1,182,989	-224,242	-46,742
(emergency).....	---	---	49,000	143,242	+143,242	+94,242
(Rescission) (emergency).....	---	-142,500	-49,000	-143,242	-742	-94,242
Military construction, Navy and Marine Corps.....	239,031	---	---	---	---	---
(overseas deployments and activities).....	---	235,881	243,083	235,881	---	-7,202
Military construction, Air Force.....	280,970	---	---	---	---	---
(overseas deployments and activities).....	---	279,120	265,470	281,620	+2,500	+16,150
(rescission) (emergency).....	---	-30,000	---	---	+30,000	---
Military construction, Defense-Wide 1/.....	181,500	---	181,500	---	---	-181,500
(overseas deployments and activities).....	---	1,086,968	---	661,552	-425,416	+661,552
Subtotal, Military construction.....	1,931,232	2,836,700	1,919,784	2,362,042	-474,658	+442,258
North Atlantic Treaty Organization Security Investment program.....	100,000	---	---	---	---	---
(overseas deployments and activities).....	---	100,000	100,000	100,000	---	---
Department of Defense Base Closure Account 2005.....	263,300	---	---	---	---	---
(overseas deployments and activities).....	---	263,300	230,900	263,300	---	+32,400
Total, Title X.....	2,294,532	3,200,000	2,250,684	2,725,342	-474,658	+474,658
Appropriations.....	(2,294,532)	---	(181,500)	---	---	(-181,500)
Emergency appropriations.....	---	---	(49,000)	(143,242)	(+143,242)	(+94,242)
Overseas deployments and activities.....	---	(3,372,500)	(2,069,184)	(2,725,342)	(-647,158)	(+656,158)
Rescissions (emergency).....	---	(-172,500)	(-49,000)	(-143,242)	(+29,258)	(-94,242)

Title X:
1/ Budget request includes rescission of \$181.5M from O&M, Defense-Wide under Title III

TITLE XI						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs.....	594,315	---	---	---	---	---
(overseas deployments and activities).....	---	1,016,215	645,444	997,890	-18,325	+352,446
Worldwide security protection.....	(117,983)	(403,983)	(117,983)	(146,358)	(-257,625)	(+28,375)
(transfer authority).....	(137,600)	---	---	---	---	---
(overseas deployments and activities).....	---	(157,600)	(135,629)	(137,600)	(-20,000)	(+1,971)
International Broadcasting Operations, Pakistan-Afghanistan Border Region (by transfer).....	---	(10,900)	(10,000)	(10,000)	(-900)	---
(transfer out).....	---	---	(-40,000)	---	---	(+40,000)
Office of Inspector General.....	7,201	---	---	---	---	---
(overseas deployments and activities).....	---	17,123	22,200	24,122	+6,999	+1,922
Special Inspector General for Iraq Reconstruction (by transfer).....	---	---	(7,000)	(7,000)	(+7,000)	---
Special Inspector General for Afghanistan Reconstruction (by transfer).....	(7,201)	---	---	---	---	---
(overseas deployments and activities).....	---	(7,201)	(7,200)	(7,200)	(-1)	---
Embassy security, construction, and maintenance.....	898,728	---	---	---	---	---
(overseas deployments and activities).....	---	989,628	620,500	921,500	-68,128	+101,000
Total, Administration of Foreign Affairs.....	1,500,244	2,022,966	1,488,144	1,943,512	-79,454	+455,368

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
International Organizations						
Contributions for international peacekeeping activities, current year.....	836,900	---	---	---	---	---
(overseas deployments and activities).....	---	836,900	721,000	721,000	-115,900	---
(by transfer).....	---	---	(155,900)	---	---	(-155,900)
Total, International Organizations.....	836,900	836,900	721,000	721,000	-115,900	---
Total, Department of State.....	2,337,144	2,859,866	2,209,144	2,664,512	-195,354	+455,368
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT						
Funds Appropriated to the President						
Operating expenses.....	152,600	---	---	---	---	---
(overseas deployments and activities).....	---	152,600	112,600	157,600	+5,000	+45,000
(by transfer).....	---	---	(40,000)	---	---	(-40,000)
Capital investment fund.....	48,500	---	---	---	---	---
(overseas deployments and activities).....	---	48,500	48,500	48,500	---	---
Office of Inspector General (overseas deployments and activities).....	---	3,500	3,500	3,500	---	---
(by transfer).....	---	(2,000)	---	(2,000)	---	(+2,000)
BILATERAL ECONOMIC ASSISTANCE						
Funds Appropriated to the President						
Global Health and Child Survival (overseas deployments and activities).....	---	300,000	50,000	150,000	-150,000	+100,000
Development assistance.....	38,000	---	---	---	---	---
(overseas deployments and activities).....	---	---	38,000	---	---	-38,000
International disaster assistance.....	230,000	---	---	---	---	---
(overseas deployments and activities).....	---	200,000	245,000	270,000	+70,000	+25,000
Economic Support Fund.....	3,004,500	---	---	---	---	---
(overseas deployments and activities).....	---	2,907,500	2,828,000	2,973,801	+66,101	+145,801
(transfer out).....	---	(-2,000)	---	(-2,000)	---	(-2,000)
Assistance for Europe, Eurasia and Central Asia.....	242,500	---	---	---	---	---
(overseas deployments and activities).....	---	242,500	230,000	272,000	+29,500	+42,000
Assistance for Georgia (overseas deployments and activities).....	---	---	42,500	---	---	-42,500
Subtotal, Europe, Eurasia, and Central Asia.....	242,500	242,500	272,500	272,000	+29,500	-500
Department of State						
International narcotics control and law enforcement.....	389,500	---	---	---	---	---
(overseas deployments and activities).....	---	483,500	393,500	487,500	+4,000	+94,000
Migration and refugee assistance.....	333,000	---	---	---	---	---
(overseas deployments and activities).....	---	343,000	345,000	390,000	+47,000	+45,000
Nonproliferation, anti-terrorism, demining and related programs.....	122,000	---	---	---	---	---
(overseas deployments and activities).....	---	98,500	102,000	102,000	+3,500	---
Total, Bilateral Economic Assistance.....	4,359,500	4,575,000	4,274,000	4,645,101	+70,101	+371,101
INTERNATIONAL SECURITY ASSISTANCE						
Peacekeeping operations.....	50,000	---	---	---	---	---
(overseas deployments and activities).....	---	80,000	172,900	185,000	+105,000	+12,100
(transfer out).....	---	---	(-155,900)	---	---	(+155,900)
International Military Education and Training.....	2,000	---	---	---	---	---
(overseas deployments and activities).....	---	2,000	2,000	2,000	---	---
Foreign Military Financing Program.....	98,400	---	---	---	---	---
(overseas deployments and activities).....	---	1,349,000	98,000	1,294,000	-55,000	+1,196,000
Pakistan Counterinsurgency Capability Fund 1/.....	---	400,000	---	700,000	+300,000	+700,000
Total, International Security Assistance.....	150,400	1,831,000	272,900	2,181,000	+350,000	+1,908,100
Total, Title XI.....	7,048,144	9,470,466	6,920,644	9,700,213	+229,747	+2,779,569
Appropriations.....	(7,048,144)	---	---	---	---	---
Overseas deployments and activities.....	---	(9,470,466)	(6,920,644)	(9,700,213)	(+229,747)	(+2,779,569)
(By transfer).....	(137,600)	---	---	---	---	---
(By transfer)(overseas deployments & activities).....	---	(175,701)	(159,829)	(181,800)	(-13,901)	(+1,971)

Title XI:

1/ Budget request includes \$400M under Title III

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
TITLE XII						
DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Payments to air carriers (Airport & Airway Trust Fund) (emergency).....	---	---	13,200	---	---	-13,200
	---	---	---	13,200	+13,200	+13,200
Federal Aviation Administration						
Grants-in-aid for airports (Airport and Airway Trust Fund (rescission of contract authority).....	---	---	-13,200	-13,200	-13,200	---
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Tenant-based rental assistance (emergency).....	---	---	30,000	30,000	+30,000	---
TITLE XII GENERAL PROVISIONS						
Federal Highway Administration.						
Emergency Relief (North Dakota) (outlays only).....	---	---	---	---	---	---
(emergency) (outlays only).....	---	---	---	---	---	---
Federal Transit Administration, Transit Capital Assistance (emergency) (outlays only).....						
	---	---	---	---	---	---
Total, Title XII.....	---	---	30,000	30,000	+30,000	---
Appropriations.....	---	---	(13,200)	---	---	(-13,200)
Emergency appropriations.....	---	---	(30,000)	(43,200)	(+43,200)	(+13,200)
Rescission of contract authority.....	---	---	(-13,200)	(-13,200)	(-13,200)	---
TITLE XIII						
CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT						
Consumer Assistance to Recycle and Save (emergency)...	---	---	---	1,000,000	+1,000,000	+1,000,000
Total, Title XIII.....	---	---	---	1,000,000	+1,000,000	+1,000,000
Appropriations.....	---	---	---	---	---	---
Emergency appropriations.....	---	---	---	(1,000,000)	(+1,000,000)	(+1,000,000)
TITLE XIV						
OTHER MATTERS						
INTERNATIONAL ASSISTANCE PROGRAMS						
International Monetary Programs						
United States Quota, International Monetary fund and Loans to International Monetary fund.....						
	5,000,000	---	---	---	---	---
(overseas deployments and activities).....	---	---	5,000,000	---	---	-5,000,000
(emergency).....	---	---	---	5,000,000	+5,000,000	+5,000,000
Total, Title XIV.....	5,000,000	---	5,000,000	5,000,000	+5,000,000	---
Appropriations.....	(5,000,000)	---	---	---	---	---
Emergency appropriations.....	---	---	---	(5,000,000)	(+5,000,000)	(+5,000,000)
Grand total.....	92,145,120	96,716,971	91,283,119	105,850,549	+9,133,578	+14,567,430
Appropriations.....	(96,832,520)	---	(272,306)	---	---	(-272,306)
Emergency appropriations.....	---	(2,171,606)	(2,920,055)	(11,583,494)	(+9,411,888)	(+8,663,439)
Contingent emergency appropriations.....	---	---	---	(5,800,000)	(+5,800,000)	(+5,800,000)
Overseas deployments and activities.....	---	(99,436,936)	(93,229,913)	(94,386,957)	(-5,049,979)	(+1,157,044)
Rescissions.....	(-3,562,400)	(-3,191,500)	(-925,203)	(-1,003,007)	(+2,188,493)	(-77,804)
Rescissions (emergency).....	(-1,125,000)	(-1,371,770)	(-198,390)	(-1,246,242)	(+125,528)	(-1,047,852)
Rescissions (overseas deployments and other activities).....	---	---	(-3,646,633)	(-3,493,653)	(-3,493,653)	(+152,980)
Rescission of contract authority.....	---	---	(-13,200)	(-13,200)	(-13,200)	---
(By transfer).....	(28,787)	(349,887)	(373,407)	(174,060)	(-175,827)	(-199,347)
(Transfer out).....	(-159,503)	(-310,103)	---	---	(+310,103)	---
(Transfer authority).....	(5,637,600)	---	---	---	---	---
(By transfer) (emergency).....	---	---	(21,586)	(21,586)	(+21,586)	---
Overseas deployments and activities:						
(By transfer).....	---	(328,301)	(355,729)	(163,800)	(-164,501)	(-191,929)
(Transfer out).....	---	(-2,000)	(-195,900)	(-2,000)	---	(+193,900)
(Transfer authority).....	---	(2,000,000)	(2,500,000)	(2,500,000)	(+500,000)	---

SUPPLEMENTAL APPROPRIATIONS ACT 2009 (H.R. 2346) CONFERENCE AGREEMENT (H.REPT. 111-151)
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
CONGRESSIONAL BUDGET RECAP BY TITLE						
TITLE I DEPARTMENT OF AGRICULTURE.....	300,000	500,000	700,000	771,270	+271,270	+71,270
Appropriations.....	(300,000)	---	---	---	---	---
Emergency appropriations.....	---	(-71,270)	---	(771,270)	(+842,540)	(+771,270)
Overseas deployments and activities.....	---	(571,270)	(700,000)	---	(-571,270)	(-700,000)
TITLE II DEPARTMENTS OF COMMERCE, AND JUSTICE.....	47,075	17,075	202,075	202,075	+185,000	---
Appropriations.....	(47,075)	---	---	---	---	---
Emergency appropriations.....	---	(-3,000)	(85,000)	(202,075)	(+205,075)	(+117,075)
Overseas deployments and activities.....	---	(20,075)	(117,075)	---	(-20,075)	(-117,075)
TITLE III DEPARTMENT OF DEFENSE.....	73,541,327	81,299,888	73,023,506	77,161,439	-4,138,449	+4,137,933
Appropriations.....	(74,666,327)	(-3,342,100)	(-925,203)	(-1,003,007)	(+2,339,093)	(-77,804)
Emergency appropriations.....	(-1,125,000)	(-1,125,000)	---	---	(+1,125,000)	---
Overseas deployments and activities.....	---	(85,766,988)	(73,948,709)	(78,164,446)	(-7,602,542)	(+4,215,737)
TITLE IV DEPARTMENTS OF DEFENSE (CIVIL), AND ENERGY ..	89,500	55,000	932,165	882,165	+827,165	-50,000
Appropriations.....	(89,500)	(-21,586)	---	(-21,586)	---	---
Emergency appropriations.....	---	---	(864,251)	(903,751)	(+903,751)	(+39,500)
Overseas deployments and activities.....	---	(76,586)	(89,500)	---	(-76,586)	(-89,500)
TITLE V EXECUTIVE OFFICE OF THE PRESIDENT, JUDICIARY, AND INDEPENDENT AGENCIES.....	2,936	2,936	1,530,936	34,936	+32,000	-1,496,000
Appropriations.....	(2,936)	---	(4,000)	---	---	(-4,000)
Emergency appropriations.....	---	---	(1,514,000)	(34,936)	(+34,936)	(-1,479,064)
Overseas deployments and activities.....	---	2,936	12,936	---	-2,936	-12,936
TITLE VI DEPARTMENT OF HOMELAND SECURITY.....	---	---	287,503	287,503	+287,503	---
Appropriations.....	---	---	---	---	---	---
Emergency appropriations.....	---	---	---	(148,000)	(+148,000)	(+148,000)
Overseas deployments and activities.....	---	---	(287,503)	(139,503)	(+139,503)	(-148,000)
TITLE VII DEPARTMENTS OF THE INTERIOR, AND AGRICULTURE	250,000	250,000	250,000	250,000	---	---
Appropriations.....	(250,000)	---	---	---	---	---
Emergency appropriations.....	---	(250,000)	(250,000)	(250,000)	---	---
Overseas deployments and activities.....	---	---	---	---	---	---
TITLE VIII DEPARTMENTS OF HEALTH AND HUMAN SERVICES, AND EDUCATION.....	3,500,000	1,850,000	82,000	7,732,000	+5,882,000	+7,650,000
Appropriations.....	(3,500,000)	---	---	(-10,260)	(-10,260)	(-10,260)
Emergency appropriations.....	---	(1,850,000)	---	(7,742,260)	(+5,882,260)	(+7,742,260)
Overseas deployments and activities.....	---	---	(82,000)	---	---	(-82,000)
TITLE IX LEGISLATIVE BRANCH.....	71,606	71,606	73,606	73,606	+2,000	---
Appropriations.....	71,606	---	73,606	---	---	-73,606
Emergency appropriations.....	---	71,606	---	73,606	+2,000	+73,606
Overseas deployments and activities.....	---	---	---	---	---	---
TITLE X DEPARTMENTS OF DEFENSE, AND VETERANS AFFAIRS	2,294,532	3,200,000	2,250,684	2,725,342	-474,658	+474,658
Appropriations.....	(2,294,532)	---	(181,500)	---	---	(-181,500)
Emergency appropriations.....	---	(-172,500)	---	---	(+172,500)	---
Overseas deployments and activities.....	---	(3,372,500)	(2,069,184)	(2,725,342)	(-647,158)	(+656,158)
TITLE XI DEPARTMENT OF STATE.....	7,048,144	9,470,466	6,920,644	9,700,213	+229,747	+2,779,569
Appropriations.....	(7,048,144)	---	---	---	---	---
Emergency appropriations.....	---	---	---	---	---	---
Overseas deployments and activities.....	---	(9,470,466)	(6,920,644)	(9,700,213)	(+229,747)	(+2,779,569)
TITLE XII DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT.....	---	---	30,000	30,000	+30,000	---
Appropriations.....	---	---	---	(-13,200)	(-13,200)	(-13,200)
Emergency appropriations.....	---	---	30,000	43,200	+43,200	+13,200
Overseas deployments and activities.....	---	---	---	---	---	---
TITLE XIII CONSUMER ASSISTANCE TO RECYCLE AND SAVE....	---	---	---	1,000,000	+1,000,000	+1,000,000
Appropriations.....	---	---	---	---	---	---
Emergency appropriations.....	---	---	---	1,000,000	+1,000,000	+1,000,000
Overseas deployments and activities.....	---	---	---	---	---	---
TITLE XIV INTERNATIONAL ASSISTANCE PROGRAMS.....	5,000,000	---	5,000,000	5,000,000	+5,000,000	---
Appropriations.....	5,000,000	---	---	---	---	---
Emergency appropriations.....	---	---	---	5,000,000	+5,000,000	+5,000,000
Overseas deployments and activities.....	---	---	(5,000,000)	---	---	(-5,000,000)
GRAND TOTAL, SUPPLEMENTAL APPROPRIATIONS, 2009.....	92,145,120	96,716,971	91,283,119	105,850,549	+9,133,578	+14,567,430
Appropriations.....	(93,270,120)	(-3,363,686)	(-687,683)	(-1,048,053)	(+2,315,833)	(-360,370)
Emergency appropriations.....	(-1,125,000)	(799,836)	(2,743,251)	(16,169,098)	(+15,369,262)	(+13,425,847)
Overseas deployments and activities.....	---	(99,280,821)	(89,227,551)	(90,729,504)	(-8,551,317)	(+1,501,953)

Mr. HOLT. Mr. Speaker, there are a number of reasons to vote for this bill. The bill funds our withdrawal from Iraq, stop-loss compensation for our troops, a more robust pandemic flu response, extends the 21st Century GI Bill of Rights education benefits to children of members of the armed forces who die while on active duty, additional international food and refugee assistance during the current global economic crisis, and other worthy programs as well. But candidly, those issues are ancillary to the real issue before us: this vote is essentially about whether or not we support current Administration policy in Afghanistan and Pakistan. I hope the President does not let the country down on this.

Does the Congress want to support and fund the President's new military plan? Looking back at this vote from the future, it will be seen as a vote on the war in Afghanistan and Pakistan. Will a vote for this bill move us closer to a peaceful resolution of the conflict in southwest Asia?

In this dangerous, complicated world it is never clear how to advance peace, prosperity, and justice for ourselves and the rest of the world. We Members of Congress are called on to exercise our best judgment, and in my best judgment what the President has done so far in Afghanistan is not the way forward, and the President will have to change the policy. The President is doing much good at home and abroad, and I want to support him wherever I can. However, he so far has not changed the policy in Afghanistan in a way that shows he has learned the lessons of Iraq. Nevertheless, I am willing to give him the opportunity to operate from a position of strength in forming that new policy.

The chairman of the full committee has suggested that he is willing to give the President a year to turn things around in Afghanistan and Pakistan, but no more than that—an argument that has considerable merit. The problem, though, is that the President's new policy may not be new enough—not enough of a clean break with the past policy that placed excessive reliance on the use of force to solve what are by definition political problems. We should take a lesson from Iraq where it was not an American troop surge that reduced violence, but rather empowering local provincial forces. And as in Iraq, it will be a reduced American combat presence that will ultimately allow the country to find some peace. So-called surgical strikes—with inevitable civilian casualties—and remote assassinations will not remove the threat of militant extremists.

Our understanding of Afghanistan is inadequate and our poor intelligence in Afghanistan and Pakistan limits our ability to carry out any strategy. We are moving forward in Afghanistan with too much military bravado and too little genuine understanding. Other countries are opting out of combat, not because they are cowards, but because they do not see the situation the same way. Some of us have asked for a plan of success or a plan of withdrawal before sending another wave of soldiers. We have received no such plan.

As with other tragic wars without a clear plan of how to get out, I fear we may be taking a first step that will be followed by sending soldier after soldier to redeem our sunk costs. Alexander the Great, the Mongols, the

Mughals, the British, the Soviets—all their military interventions in this region ended badly because they misread the people and the history of this region. I am giving the President the benefit of the doubt on this request by supporting it, with this caveat: my patience has limits.

I will not support an endless military commitment in this region. Reading between the lines, I suspect I see the letter Q in Afghanistan—as in quagmire. If a year from now I do not see unambiguous indicators of success—fewer civilian casualties, Afghan and Pakistani security forces in the lead on the security mission, genuine progress in rebuilding Afghanistan's shattered infrastructure and civil institutions—I will not support further funding for operations and will support only measures that will bring our forces home, and quickly.

Mr. DEFAZIO. Mr. Speaker, the fiscal year 2009 Iraq/Afghanistan Defense Supplemental Appropriations bill provides \$105.9 billion, 77 percent of which would be to cover costs relating to the wars in Afghanistan and Iraq for the rest of this fiscal year. I voted for these funds because I chose to give President Obama time to implement his Afghanistan strategy and withdraw troops from Iraq. But it was not an easy decision.

The war in Afghanistan has entered its eighth year without clearly defined objectives and an exit strategy. With a deteriorating security situation and no comprehensive political outcome yet in sight, some experts view the war in Afghanistan as open-ended. Had the Bush Administration not shifted its focus to the unnecessary war in Iraq, we may have already brought Al Qaeda and the Taliban to justice. I believe President Obama made an error by ordering an additional 17,000 troops to Afghanistan before first completing a detailed review of U.S. Afghanistan policies. Continuing the vaguely defined strategies of the Bush Administration is not acceptable.

The President did finally lay out a strategy for Afghanistan in late March of this year. It made some significant improvements to the Afghanistan strategy, but fell short in other areas. For example, I was pleased to see a regional approach, "treating Afghanistan and Pakistan as two countries but one challenge," and a commitment to "devote significantly more resources to the civilian efforts in both Afghanistan and Pakistan." These are significant improvements over the Bush Administration's approach.

Unfortunately, the President's new Afghan strategy fails to set clear benchmarks for the Afghanistan and Pakistan governments and fails to lay out the consequences of not meeting the benchmarks. It is not surprising that the President has also failed to set benchmarks for the Pentagon and State Department too.

Thankfully, the supplemental bill lays out detailed benchmarks for Afghanistan and Pakistan and the President must report back to Congress on the:

- (1) Level of political consensus and unity of purpose across ethnic, tribal, religious and party affiliations to confront the political and security challenges facing the region.
- (2) Level of government corruption and actions taken to eliminate it.
- (3) Performance of the respective security forces in developing a counterinsurgency ca-

pability, conducting counterinsurgency operations and establishing population security.

(4) Performance of the respective intelligence agencies in cooperating with the United States on counterinsurgency and counterterrorism operations and in purging themselves of policies, programs and personnel that provide material support to extremist networks that target U.S. troops or undermine U.S. objectives in the region.

(5) Ability of the Afghan and Pakistani governments to effectively control the territory within their respective borders.

In addition, I am an original cosponsor of the McGovern bill that simply states, "Not later than December 31, 2009, the Secretary of Defense shall submit to Congress a report outlining the United States exit strategy for United States military forces in Afghanistan participating in Operation Enduring Freedom." I firmly believe that the United States is best served by outlining a clear exit strategy that the American public can support and that the Afghan public can be reassured that we have no long-term desire to occupy their nation.

Unfortunately, President Bush's disregard for the complexities of Afghanistan and the damage that came from his disregard may make this war unwinnable. We also must not forget that the Soviet military, with over a hundred thousand troops on the ground, lost decisively in Afghanistan. Today, our troops are fighting some of the very same warlords who defeated the Soviets with our covert support.

As you may know, Secretary of Defense Bill Gates, removed the commanding general of Afghanistan in a bid to change the on-the-ground strategy in Afghanistan. With a new White House strategy, a new commanding general, and 21,000 additional troops, I believe this is now President Obama's war.

The bill also funds the continued presence of our troops in Iraq. Despite the continued bursts of violence in Iraq, I am thankful the President has committed to a responsible redeployment of troops out of Iraq. This bill recognizes and supports President Obama's plan to withdraw all U.S. combat brigades from Iraq by August 31, 2010 and all U.S. military forces by December 31, 2011. The bill continues to prohibit the construction of any base for the permanent stationing of U.S. forces in Iraq and U.S. control over any oil resource of Iraq. To ensure accountability, the bill directs the Secretary of Defense to submit a report to Congress every 90 days that includes:

1. How the Government of Iraq is assuming responsibility for reconciliation initiatives;
2. How the drawdown of military forces complies with the President's timeline; and
3. The roles and responsibilities of remaining contractors in Iraq as the U.S. mission evolves.

The bill does some very good things besides funding wars for Afghanistan and Iraq. I am very supportive of the \$534 million for additional pay for more than 170,000 troops who have had their enlistments involuntarily extended since Sept. 11, 2001. These funds allow for payments of \$500 per month for every month a soldier was held on active duty under "stop-loss" orders. The average payment should be above \$4,000. Stop loss orders were used by the Bush Administration to avoid tough decisions on deployment and

troop increases, creating a de facto draft for current soldiers. These payments are a good step to honor the sacrifice unfairly asked of these brave men and women.

I also support some of the foreign aid in the bill. The \$660 million for bilateral economic, humanitarian, and security assistance for the West Bank and Gaza represents an important commitment to the Middle East peace process. In addition, the bill includes \$889 million for United Nations peacekeeping operations, including an expanded mission in the Democratic Republic of the Congo and a new mission in Chad and the Central African Republic. Finally, the bill includes \$700 million for international food assistance to alleviate suffering during the global economic crisis.

Finally, I was pleased that the conference agreement provides \$7.7 billion for efforts to address a potential pandemic flu. The total includes \$1.5 billion for the Health and Human Services Department and the Center for Disease Control to supplement federal stockpiles, develop and purchase vaccines, and to expand detection efforts, and \$5.8 billion in contingent emergency funds. Of the \$1.5 billion, \$350 million was set aside to assist state and local governments in preparing for and responding to a pandemic.

Unfortunately, the conference agreement included a \$108 billion loan to the International Monetary Fund (IMF). I objected to this loan because Congress should not be in the business of bailing out Central and Eastern European nations that lost money speculating in highly deregulated financial markets and now are indebted to European banks.

The \$108 billion loan to the IMF is an unreasonable and irresponsible burden to place on the backs of American taxpayers. They're already paying through the nose for the \$700 billion blank check passed by Congress for "too big to fail" banks. For the record, I voted against the bank bailout. And, now, Congress is returning to the American taxpayers hat in hand for a rescue package to bailout European banks.

The fact that we continue to run annual deficits means the Federal Reserve will print the \$108 billion or borrow it from China. In other words, the U.S. will borrow funds from China to, lend to the International Monetary Fund, which will lend to a Central or Eastern European country to help rescue a foreign bank caught in the credit bubble.

We should be focusing on economic recovery at home rather than loaning billions of dollars to the IMF to rescue troubled European banks. I vehemently oppose the inclusion of the \$108 billion for the IMF in the War Supplemental bill. Had this provision been voted on separately—as it should have—I would have voted against this provision.

Reluctantly, I voted in favor of this bill because it reversed the Bush Administration's irresponsible approach to the wars in Iraq and Afghanistan. I will continue to watchdog the IMF and look for opportunities to rein in their misguided attempt at restructuring poorer nation's economies.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2346, the FY09 Emergency Supplemental Conference Report. This legislation provides the resources our military, diplomatic, and development personnel need to make our nation more secure.

The Obama administration's policy to defeat the Taliban and al Qaeda in Afghanistan and Pakistan is critical to prevent the region from being a base for terrorist plots against the United States and our allies. H.R. 2346 provides \$3.8 billion for economic security initiatives in the region and funds our diplomatic and development personnel and their security.

I welcome the administration's efforts to forge a lasting peace between Israel and the Palestinian Authority. This legislation provides economic, humanitarian, and security assistance to the West Bank and Gaza to encourage stability and political moderation. It ensures that Hamas and other terrorist organizations do not receive taxpayer funds and conditions funds for a potential Palestinian unity government on all its ministers publicly recognizing Israel's right to exist, renouncing violence, and adhering to past agreements.

The conference agreement provides \$420 million to help Mexico fight violent narco-traffickers with surveillance aircraft, helicopters, and law enforcement equipment, and to support rule of law programs, bringing to \$1.12 billion the total appropriated in 2008 and 2009 for these purposes.

The bill exceeds the President's request for assistance programs and diplomatic operations in Iraq to ensure a smooth transition from the military mission to a civilian-led effort.

The bill includes \$5 billion to provide the IMF with the resources necessary to respond to the global economic crisis. This funding is a central component of a comprehensive economic strategy to protect American families and jobs.

In addition, the bill addresses significant humanitarian and development priorities by providing \$225 million to address the growing displacement of civilians in Pakistan and to help refugees in other countries; \$836.9 million for peacekeeping; \$256 million for countries impacted by the global financial crisis, including Haiti and Liberia; and the House-passed level of \$100 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria.

I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of the Conference Report to H.R. 2346, the Supplemental Appropriations Act of 2009.

The agreement reached by the House and Senate negotiators provides our troops needed equipment on the battlefield and adequate pay for their service through the remainder of the 2009 fiscal year, compensation of \$500 for every month they were forced to remain on active-duty for longer than planned since 2001, funding to fulfill President Obama's promise to end the Iraq War, support for refocusing our military and civilian operations in Afghanistan, and assistance for new counterterrorism, economic, and diplomatic initiatives in Pakistan.

In addition, this legislation contains much-needed funding to respond to urgent humanitarian crises involving refugees and internally displaced persons (IDPs). While I thank the Committee for including this assistance, I am hopeful such funding is just a sign on more to come. I am especially hopeful the U.S. will continue to respond to the dire needs to Iraqi refugees and IDPs, the largest refugee crisis since Palestinian Diaspora of 1948.

I would also like to thank Chairman OBEY for providing \$1 billion for the program authorized by the Consumer Assistance to Recycle and Save Act (also known as "cash-for-clunkers.") I was pleased to cosponsor and help craft the cash-for-clunkers legislation which will result in meaningful reductions in vehicle fleet carbon emissions and fuel consumption, while providing much-needed stimulus for our ailing automakers and economy.

Finally, as a long-time supporter of the Department of Health and Human Services and front-line public health agencies such as the Centers for Disease Control and Prevention, I am pleased that the Supplemental Appropriations Act includes \$1.5 billion for these Federal programs, along with an additional \$5.8 billion in contingent emergency appropriations for priority efforts to respond to the pandemic flu. Further, it provides \$350 million to assist State and local governments, who play an important role in protecting the public, in preparing for and responding to a pandemic.

After the recent outbreak of H1N1, which has been confirmed in 75 countries, it became apparent that the United States must work swiftly to ensure our readiness. The funding provided in the bill will allow the United States to take important steps forward in protecting Americans from a dangerous outbreak, including the expansion of detection efforts, shoring up Federal stockpiles, and securing sufficient vaccinations.

I thank Chairman OBEY, the Appropriations Committee, and the conference negotiators for including these provisions, and I urge my colleagues to join me in supporting the Conference Report to H.R. 2346.

Ms. HARMAN. Mr. Speaker, we live in difficult times. Families continue to struggle to make ends meet. Two major American auto companies have crumbled before our eyes. And the US faces threats from groups and individuals across the globe who endeavor to do us harm.

Today, the bill before us—hopefully the last war supplemental funding measure of its kind—attempts to tackle at least one of these looming problems.

It finances the targeted strategy President Obama has crafted to minimize security threats to the United States and stabilize one of the most volatile regions of the world. The Supplemental's provisions on Afghanistan and Pakistan focus on preventing them from becoming failed states and safe havens for terrorists.

It is also a needed course-correction from the Bush Administration's policies in Iraq, Afghanistan and Pakistan—one that makes ending corruption and improving governance, not projection of military force, the top priority.

The President has asked me—personally—to support this measure.

And I will support it for three reasons. First, this bill funds a very clear strategy in Afghanistan and limits the military mission there. Second, it provides the means to end the combat mission in Iraq and requires the Secretary of Defense to report on troop drawdown status there.

Third, there is no funding for US troops to Pakistan—only non-military aid and counter-insurgency training to enable Pakistani forces to defeat the ominous Taliban threat inside their

borders. It rightly focuses on programs that can and should succeed, rather than open-ended engagements that lack achievable goals.

Governance is the key—providing the Afghan and Pakistani people an alternative to the false promise of safety and security offered by insurgent groups who are in fact terrorizing local populations. Earning the trust of the people of those countries is crucial—reforming the police, cleaning up the court systems and targeting corruption are necessary to restore confidence.

One of the most important provisions contained in this bill is the requirement that the President submit a report to Congress within the next year assessing the success of the Af/Pak policy—the extent to which the Afghan and Pakistan governments have supported counterinsurgency operations and governance reforms, and the ways in which they effectively governing the shared border region.

The oversight measures contained in this bill will ensure that the mission is focused and that our goals are met. Investments are specific and intended to fund a finite objective.

But this measure funds more than our engagements abroad. It provides \$7.7 billion for H1N1 pandemic flu preparedness and response efforts—most of which will be used to expand our ability to detect the virus and supplement vaccine stockpiles. While this pandemic has not been as extreme as initially expected, many scientists fear that H1N1 could recur—in a stronger form—next year. This is a strategic investment in the federal government's contingency planning efforts.

Finally, the legislation honors America's wounded warriors, providing funds for health and rehabilitation programs.

I have long opposed conducting US military operations “off the books.” President Obama is committed to ending this practice, which I believe is necessary to making sure our missions are effective and Americans can understand the real trade-offs involved.

Statement on Conference Report of HR 2346, FY 2009 War Supplemental Appropriations 15 June 2009

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this conference report on the War Supplemental Appropriations. I wonder what happened to all of my colleagues who said they were opposed to the ongoing wars in Iraq and Afghanistan. I wonder what happened to my colleagues who voted with me as I opposed every war supplemental request under the previous administration. It seems, with very few exceptions, they have changed their position on the war now that the White House has changed hands. I find this troubling. As I have said while opposing previous war funding requests, a vote to fund the war is a vote in favor of the war. Congress exercises its constitutional prerogatives through the power of the purse.

This conference report, being a Washington-style compromise, reflects one thing Congress agrees on: spending money we do not have. So this “compromise” bill spends 15 percent more than the president requested, which is \$9 billion more than in the original House bill and \$14.6 billion more than the original Senate version. Included in this final version—in addition to the \$106 billion to continue the

wars in Afghanistan and Iraq—is a \$108 billion loan guarantee to the International Monetary Fund, allowing that destructive organization to continue spending taxpayer money to prop up corrupt elites and promote harmful economic policies overseas.

As Americans struggle through the worst economic downturn since the Great Depression, this emergency supplemental appropriations bill sends billions of dollars overseas as foreign aid. Included in this appropriation is \$660 million for Gaza, \$555 million for Israel, \$310 million for Egypt, \$300 million for Jordan, and \$420 million for Mexico. Some \$889 million will be sent to the United Nations for “peacekeeping” missions. Almost one billion dollars will be sent overseas to address the global financial crisis outside our borders and nearly \$8 billion will be spent to address a “potential pandemic flu.”

Mr. Speaker, I continue to believe that the best way to support our troops is to bring them home from Iraq and Afghanistan. If one looks at the original authorization for the use of force in Afghanistan, it is clear that the ongoing and expanding nation-building mission there has nothing to do with our goal of capturing and bringing to justice those who attacked the United States on September 11, 2001. Our continued presence in Iraq and Afghanistan does not make us more safe at home, but in fact it undermines our national security. I urge my colleagues to defeat this reckless conference report.

Ms. LEE of California. Mr. Speaker, I opposed the 2001 resolution authorizing the use of force because I believed it gave President Bush and any future President a blank check to wage war anywhere on the globe, starting in Afghanistan.

Unfortunately, we will be unable to avoid such ill-fated actions in the future until we repeal the 2001 authorization.

Today, nearly eight years later, I oppose the supplemental appropriations bill for the wars in Afghanistan and Iraq because it continues us down the path of open-ended military escalation that can lead to war without end.

I oppose this \$94 billion supplemental because:

It favors military activities over diplomatic, development, and reconstruction efforts by a ratio of 8 to 1;

It does not include an exit plan for Afghanistan;

It does not require the fully funded redeployment of troops and military contractors out of Iraq within 12 months; and

It does not include the strong regional approach the situation demands including a strong nuclear non-proliferation effort in Pakistan.

Madam Speaker, it is time we maximize our nation's “smart power” by increasing our use of diplomatic, development, and reconstruction activities.

Unfortunately, the supplemental appropriations bill does not reflect a fundamental shift in direction.

Therefore, I cannot support it.

Mr. PIERLUISI. Mr. Speaker, I rise on behalf of myself and my four colleagues from the U.S. territories to express our concern with Section 14103 of the Conference Report on H.R. 2346, the Supplemental Appropriations

Act, 2009, relative to a funding prohibition on the release or transfer of individuals currently detained at U.S. Naval Station, Guantanamo Bay, Cuba.

Today, my colleagues and I have written a letter to President Barack H. Obama to convey this concern. I submit the text of our letter for print and inclusion in the official RECORD.

Washington, DC., June 16, 2009.

President BARACK H. OBAMA,
The White House,
Washington DC.

DEAR MR. PRESIDENT: We write to respectfully request that your Administration not release or transfer any individual who is currently detained at U.S. Naval Station, Guantanamo Bay, Cuba to any territory of the United States.

The Supplemental Appropriations Act (H.R. 2346), which is expected to be approved by Congress later this week, prohibits the use of funds made available in the Act to release or transfer any individual detained at Guantanamo Bay to the 50 states or the District of Columbia. However, the Act technically does not prohibit the use of funds to release or transfer such individuals to any of the U.S. territories.

Although we have no reason to believe that your Administration intends to release or transfer any detainees to the U.S. territories, we write to express our concern about any decision in this context that may treat the territories differently than the 50 states or the District of Columbia. The safety of the U.S. citizens and nationals residing in the territories is no less important than the safety of their fellow Americans residing in the 50 states. We are certain that your Administration fully subscribes to this view and, therefore, that you will treat the territories the same as the 50 states and the District of Columbia with respect to the release or transfer of individuals detained at U.S. Naval Station, Guantanamo Bay, Cuba.

We thank you for your attention to this important matter.

Sincerely,
Pedro R. Pierluisi.
Madeleine Z. Bordallo.
Donna M. Christensen.
Eni F.H. Faleomavaega.
Gregorio Kilili Camacho Sablan.

Mr. ROE of Tennessee. Mr. Speaker, I rise in opposition to this bill.

I wanted to come down to the House floor to let the troops know I support them and how much I appreciate the work they're doing around the world. I have been to Afghanistan and to Guantanamo Bay this year to see the work they're doing, and it is tremendous. We should all be proud of their effort.

Unfortunately, today's vote misuses critical funding for our troops to push through billions in foreign spending. People in east Tennessee question why we're giving \$5 billion and over \$100 billion in loan guarantees to the International Monetary Fund to bail out other countries when we have so many needs right here at home.

Additionally, because this legislation designates everything as “emergency” spending, this spending is not offset and breaks the already-inflated spending caps. The way I see it, the only emergency I see is that a month has passed and the Democrats haven't added a few billion to our already record deficit in new spending.

I urge members to defeat this bill and force the Democratic Leadership to bring us back a clean supplemental that supports the troops.

Mr. STARK. Mr. Speaker, I rise today in opposition to the War Supplemental Appropriations Bill, H.R. 2346.

The illegitimate war in Iraq undermines our credibility on the world stage as we continue to occupy the country. Over 4,300 Americans and estimated hundreds of thousands of Iraqi civilians have been killed in a war fought over lies. The conflict in Afghanistan was ignored while the previous administration led the American people into war with Iraq. We need to withdraw our troops and direct our support to humanitarian aid and a stable civilian government.

These wars have cost us the ability to properly address the biggest problems facing our country. Healthcare reform, our economy, and reforming energy policy are top priorities of Congress. We cannot justify hundreds of billions of dollars for these wars at the expense of the American taxpayer.

I urge my colleagues to vote against the war.

Mrs. MALONEY. Mr. Speaker, I rise today in support of the men and women in our armed forces and H.R. 2346, the Supplemental Appropriations Act of 2009.

I support this bill because it is the first step toward ending the war in Iraq and bringing home the troops, as President Obama has pledged to do by August 2010. This bill is consistent with the President's plan and provides the troops with increased pay and better protection over the next few months as we begin to withdraw.

H.R. 2346 will provide \$1.9 billion more than requested for Mine Resistant Ambush Protected, MRAP, vehicles. Since most of our casualties in Iraq result from roadside bombs, it is critical that we fully fund vehicles capable of keeping our troops safe. In addition, this bill recognizes the hardships of "stop-loss"—remaining on active duty beyond one's contract—on military servicemembers and their families by providing a retroactive pay increase for those serving under stop-loss orders.

This bill does what Bush-era war funding bills did not. By mandating performance reports, it illustrates the understanding that Congress needs to be fully informed about the progress of the military actions undertaken by the United States. By refocusing our efforts on success in Afghanistan, it demonstrates a shift from an open-ended two front war to a focused mission in Afghanistan centered on establishing a strong Afghan military and political infrastructure. Lastly, by extending a line of credit to the International Monetary Fund, which will be significantly leveraged, this bill reflects the Administration's strong belief that diplomacy and economic empowerment are critical to winning the war on terror.

Finally, I also support the funding for preparedness against pandemic flu. New York City has been hit the hardest by the recent outbreak of the H1N1 strand of influenza with 567 hospitalizations to date. Pandemic flu preparedness funding will prepare New York and the nation for the worst case scenario by increasing the national stockpile of antiviral drugs and medical supplies and improving our capacity to develop and produce vaccines to prevent infection.

Mr. VAN HOLLEN. Mr. Speaker, today, I rise in support of the FY 2009 Supplemental

Conference Report. The funding provided in this Report is part of the President and Congress' comprehensive effort to keep our nation safe. The brave men and women in our armed forces are central to our national security. From ensuring our troops have appropriate equipment to fully funding military pay and providing compensation for stop-loss, President Obama and Congress are committed to providing for our troops and their families. The Conference Report also allows the extension of the new GI-Bill benefits to children of members of the armed forces who die while on active duty.

Another central piece of our national security is implementing the comprehensive plans that President Obama has laid out for Iraq and Afghanistan, and this Conference Report is consistent with those plans. It also funds new initiatives in Pakistan as part of our continued effort to improve their ability to confront the threat posed by the Taliban and al Qaeda. Working to improve our health security, the Supplemental Conference Report provides billions for pandemic flu response to expand detection efforts, supplement federal stockpiles, and develop, purchase and administer vaccines.

Congress is working with President Obama every day to keep our nation safe—this legislation is a key piece of that effort. I urge my colleagues to support it.

Mr. CARNEY. Mr. Speaker, I rise today in support of the Defense Supplemental both as a member of the House and as a Commander (select) in the U.S. Navy Reserve.

My fellow soldiers need the resources this bill will provide, and they need them as soon as possible.

I know there is much consternation on the other side of the aisle regarding funds contained in this bill for the International Monetary Fund. I, too, share those concerns, but, I cannot in good conscience vote against the many provisions in this bill that will assist our soldiers, sailors, Marines, and airmen deployed around the world. These provisions include: \$500 million for National Guard and Reserve Equipment, \$4.5 billion for MRAPs, over \$331 million for high priority intelligence and surveillance, and over \$1 billion to help defeat the threat caused by Improvised Explosive Devices.

Finally, this legislation will compensate 185,000 service members who have been involuntarily extended since September 11th, 2001.

Mr. Speaker, I intend to support our soldiers who are bravely defending this nation. I urge my colleagues to support this bill.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 366.

The vote was taken by electronic device, and there were—yeas 226, nays 202, not voting 6, as follows:

[Roll No. 348]

YEAS—226

Abercrombie	Gutierrez	Nadler (NY)
Ackerman	Hall (NY)	Napolitano
Adler (NJ)	Halvorson	Neal (MA)
Altmire	Hare	Nye
Andrews	Harman	Oberstar
Arcuri	Hastings (FL)	Obey
Baca	Heinrich	Olver
Baird	Herseht Sandlin	Ortiz
Barrow	Higgins	Pallone
Bean	Hill	Pascarell
Becerra	Himes	Pastor (AZ)
Berman	Hinchev	Pelosi
Berry	Hinojosa	Perlmutter
Bishop (GA)	Hirono	Perriello
Bishop (NY)	Hodes	Peters
Blumenauer	Holden	Peterson
Bocchieri	Holt	Pomeroy
Boren	Hoyer	Price (NC)
Boswell	Insee	Quigley
Boucher	Israel	Rahall
Boyd	Jackson (IL)	Rangel
Brady (PA)	Jackson-Lee	Reyes
Braley (IA)	(TX)	Richardson
Bright	Johnson (GA)	Rodriguez
Brown, Corrine	Johnson, E. B.	Ross
Butterfield	Kagen	Rothman (NJ)
Cao	Kanjorski	Roybal-Allard
Capps	Kildee	Ruppersberger
Cardoza	Kilpatrick (MI)	Rush
Carnahan	Kilroy	Ryan (OH)
Carney	Kind	Salazar
Carson (IN)	King (NY)	Sánchez, Linda
Castor (FL)	Kirk	T.
Chandler	Kirkpatrick (AZ)	Sanchez, Loretta
Childers	Kissell	Sarbames
Clarke	Klein (FL)	Schakowsky
Clay	Kosmas	Schauer
Cleaver	Kratovil	Schiff
Clyburn	Langevin	Schrader
Cohen	Larsen (WA)	Schwartz
Connolly (VA)	Larson (CT)	Scott (GA)
Cooper	Levin	Scott (VA)
Costa	Lipinski	Sestak
Costello	Loeback	Shuler
Courtney	Lowe	Sires
Crowley	Lujan	Skellton
Cuellar	Lynch	Slaughter
Cummings	Maffei	Smith (WA)
Dahlkemper	Maloney	Snyder
Davis (AL)	Markey (CO)	Space
Davis (CA)	Markey (MA)	Spratt
Davis (IL)	Marshall	Stupak
Davis (TN)	Matheson	Sutton
DeFazio	Matsui	Tanner
DeGette	McCarthy (NY)	Tauscher
Delahunt	McCollum	Taylor
DeLauro	McDermott	Teague
Dicks	McHugh	Thompson (CA)
Dingell	McIntyre	Thompson (MS)
Donnelly (IN)	McMahon	Titus
Doyle	McNerney	Tonko
Driehaus	Meek (FL)	Towns
Edwards (TX)	Meeks (NY)	Van Hollen
Ellsworth	Melancon	Velázquez
Engel	Miller (MI)	Vislosky
Eshoo	Miller (NC)	Walz
Etheridge	Miller, George	Wasserman
Fattah	Minnick	Schultz
Foster	Mitchell	Watt
Frank (MA)	Mollohan	Waxman
Fudge	Moore (KS)	Weiner
Giffords	Moore (WI)	Wexler
Gonzalez	Moran (VA)	Wilson (OH)
Gordon (TN)	Murphy (CT)	Wu
Green, Al	Murphy (NY)	Yarmuth
Green, Gene	Murphy, Patrick	
Griffith	Murtha	

NAYS—202

Aderholt	Biggert	Boozman
Akin	Bilbray	Boustany
Austria	Bilirakis	Brady (TX)
Bachmann	Bishop (UT)	Brown (GA)
Bachus	Blackburn	Brown (SC)
Baldwin	Bunt	Brown-Waite,
Barrett (SC)	Boehner	Ginny
Bartlett	Bonner	Buchanan
Barton (TX)	Bono Mack	Burgess

Burton (IN) Hunter
 Buyer Ingliis
 Calvert Issa
 Camp Jenkins
 Campbell Johnson (IL)
 Cantor Johnson, Sam
 Capito Jones
 Capuano Jordan (OH)
 Carter Kaptur
 Cassidy King (IA)
 Castle Kingston
 Chaffetz Kline (MN)
 Coble Kucinich
 Coffman (CO) Lamborn
 Cole Lance
 Conaway Latham
 Conyers LaTourette
 Crenshaw Latta
 Culberson Lee (CA)
 Davis (KY) Lee (NY)
 Deal (GA) Lewis (CA)
 Dent Linder
 Diaz-Balart, L. LoBiondo
 Diaz-Balart, M. Lofgren, Zoe
 Doggett Lucas
 Dreier Luetkemeyer
 Duncan Lummis
 Edwards (MD) Lungren, Daniel
 Ehlers E.
 Ellison Mack
 Emerson Manzullo
 Fallin Marchant
 Farr Massa
 Filner McCarthy (CA)
 Flake McCaul
 Fleming McClintock
 Forbes McCotter
 Fortenberry McGovern
 Fox McHenry
 Franks (AZ) McKeon
 Frelinghuysen McMorris
 Gallegly Rodgers
 Garrett (NJ) Mica
 Gerlach Michaud
 Gingrey (GA) Miller (FL)
 Gohmert Miller, Gary
 Goodlatte Moran (KS)
 Granger Murphy, Tim
 Graves Myrick
 Grayson Neugebauer
 Grijalva Nunes
 Guthrie Olson
 Hall (TX) Paul
 Harper Paulsen
 Hastings (WA) Payne
 Heller Pence
 Hensarling Petri
 Herger Pingree (ME)
 Hoekstra Pitts
 Honda Platts

NOT VOTING—6

Alexander Kennedy
 Berkley Lewis (GA) Sullivan
 Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1827

Mr. ROGERS of Michigan changed his vote from “yea” to “nay.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 40TH ANNIVERSARY OF NATIONAL EYE INSTITUTE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 366, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the resolution, H. Res. 366.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 349]

YEAS—411

Abercrombie Conaway
 Ackerman Connolly (VA)
 Aderholt Conyers
 Adler (NJ) Cooper
 Akin Costa
 Altmire Costello
 Andrews Courtney
 Arcuri Crenshaw
 Austria Crowley
 Baca Cuellar
 Bachmann Culberson
 Bachus Cummings
 Baird Dahlkemper
 Baldwin Davis (AL)
 Barrett (SC) Davis (CA)
 Barrow Davis (IL)
 Bartlett Davis (KY)
 Bean Davis (TN)
 Becerra Deal (GA)
 Berry DeFazio
 Biggert DeGette
 Bilbray Delahunt
 Bilirakis DeLauro
 Bishop (GA) Dent
 Bishop (NY) Diaz-Balart, L.
 Bishop (UT) Diaz-Balart, M.
 Blackburn Dicks
 Blumenauer Dingell
 Blunt Doggett
 Boccheri Donnelly (IN)
 Boehner Doyle
 Bonner Dreier
 Bono Mack Driehaus
 Boozman Duncan
 Boren Edwards (MD)
 Boswell Ehlers
 Boucher Ellison
 Boustany Ellsworth
 Boyd Emerson
 Brady (PA) Engel
 Brady (TX) Eshoo
 Braley (IA) Etheridge
 Bright Fallin
 Brown (GA) Farr
 Brown (SC) Fattah
 Brown, Corrine Filner
 Brown-Waite, Ginny
 Buchanan Forbes
 Burgess Fortenberry
 Burton (IN) Foster
 Butterfield Foxx
 Buyer Franks (AZ)
 Calvert Frelinghuysen
 Camp Fudge
 Campbell Gallegly
 Cantor Garrett (NJ)
 Cao Gerlach
 Capito Giffords
 Capps Gingrey (GA)
 Capuano Gohmert
 Cardoza Gonzalez
 Carnahan Goodlatte
 Carney Gordon (TN)
 Carson (IN) Granger
 Cassidy Graves
 Castle Grayson
 Castor (FL) Green, Al
 Chaffetz Green, Gene
 Chandler Griffith
 Childers Guthrie
 Clarke Gutierrez
 Clay Hall (NY)
 Cleaver Hall (TX)
 Clyburn Halvorson
 Coble Hare
 Coffman (CO) Harper
 Cohen Hastings (FL)
 Cole Hastings (WA)

Massa Peters
 Matheson Peterson
 Matsui Petri
 McCarthy (CA) Pingree (ME)
 McCarthy (NY) Pitts
 McCaul Platts
 McClintock Polis (CO)
 McCollum Pomeroy
 McCotter Posey
 McDermott Price (GA)
 McGovern Price (NC)
 McHugh Putnam
 McIntyre Quigley
 McKeon Radanovich
 McMahan Rahall
 McMorris Rangel
 Rodgers Rehberg
 McNerney Reichert
 Meek (FL) Reyes
 Meeks (NY) Richardson
 Melancon Rodriguez
 Mica Roe (TN)
 Michaud Rogers (AL)
 Miller (FL) Rogers (KY)
 Miller (MI) Rogers (MI)
 Miller (NC) Rohrabacher
 Miller, Gary Rooney
 Miller, George Ros-Lehtinen
 Minnick Roskam
 Mitchell Ross
 Mollohan Rothman (NJ)
 Moore (KS) Roybal-Allard
 Moore (WI) Royce
 Moran (KS) Ruppertsberger
 Moran (VA) Rush
 Murphy (CT) Ryan (OH)
 Murphy (NY) Ryan (WI)
 Murphy, Patrick Salazar
 Murphy, Tim Sánchez, Linda
 Murtha T.
 Myrick Sanchez, Loretta
 Nadler (NY) Sarbanes
 Napolitano Scalise
 Neugebauer Schakowsky
 Nunes Schauer
 Nye Schiff
 Oberstar Schmidt
 Obey Schock
 Olson Schrader
 Olver Schwartz
 Ortiz Scott (GA)
 Pallone Scott (VA)
 Pascrell Sensenbrenner
 Pastor (AZ) Serrano
 Paul Sessions
 Paulsen Sestak
 Payne Shadegg
 Perlmutter Shea-Porter
 Perriello Sherman
 Shimkus

NOT VOTING—22

Alexander Harman
 Barton (TX) Honda
 Berkley Kagen
 Berman Kennedy
 Carter Larson (CT)
 Edwards (TX) Lewis (GA)
 Frank (MA) Maloney
 Grijalva McHenry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1835

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on June 16, 2009, I missed rollcall votes 340, 341, 342, 343, 344, 345, 346, 347 and 349,

due to illness. Had I been present, I would have voted "yea" on all.

COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 544 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2847.

□ 1835

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. ALTMIRE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Virginia (Mr. WOLF) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I rise in regard to H.R. 2847, the legislation appropriating funds for Commerce, Justice, Science, and Related Agencies for 2010.

Mr. Chairman, I yield myself such time as I may consume in general debate.

Mr. Chairman, if this is June, it must be appropriations season, and today I'm pleased to present to the House the first of the appropriations bills for fiscal year 2010, H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriation bill.

While the summer may be hot and humid, as is typical in the Nation's Capital, with the assistance of this body, our days and nights need not be long for the House to fully consider this and the other 11 appropriations bills in regular order, or so we hope.

I want to thank the ranking member of this subcommittee with most sincerity for his assistance, help, counsel, and guidance in the development of this bill. Mr. FRANK WOLF of Virginia was chairman of this committee for a number of years, served on it for a great number of years. We served on it together. He brings to this bill a lot of experience and knowledge and that is really helpful as you work up an appropriation bill, and I appreciate, FRANK, very much your assistance on the bill and the credibility and knowledge you bring to it.

I also want to thank publicly and personally the chairman of the full committee, Mr. OBEY, for his assist-

ance in developing this bill. Mr. OBEY's courtesy and the assistance of the front office has been very much appreciated, and we also appreciate, Mr. Chairman, the allocation that you've given us for this bill that's allowed us to do what we are allowed to do, however short the allocation may be.

I would also like to sincerely recognize the staff: the excellent work of the clerk, John Blazey, and the leadership he's provided to the rest of the staff, and all of them have done excellent work, which I appreciate: Adrienne Simonson, Dixon Butler, Diana Simpson, Darek Newby, Tracey LaTurner, Scott Sammis, all with the subcommittee; Mike Ringler and John Martens on the minority staff. And then on my personal staff, Sally Moorhead and Julie Aaronson.

It's a lot of work putting together one of these appropriation bills, as anybody who's been involved with it or close to it understands, and they have worked long hours diligently with great competence to move this bill forward, and I most sincerely thank them for the efforts. We couldn't do this without them.

Mr. Chairman, in brief summary, this bill totals \$64.4 billion, an increase of \$6.7 billion over last year, but it is \$200 million below the President's budget request. The bill provides \$30.6 billion for investments in science, technology, and innovation, an increase of \$1 billion over comparable levels from last year.

Within this level, the bill provides \$6.9 billion for the National Science Foundation and \$18.2 billion for NASA. For NIST, the bill provides \$781.1 million. For NOAA, it's recommended at \$4.6 billion. The committee's recommendation continues to provide resources consistent with the doubling path identified for NSF and NIST in the COMPETES Act. It also considers the science and research conducted at NOAA and at NASA as critical to the Nation's science enterprise just as that performed by NSF and NIST.

For law enforcement and other agencies of the Department of Justice, the bill provides a total of \$27.7 billion. Full funding of \$7.9 billion for the FBI, \$2 billion for the DEA, and \$1.1 billion for ATF.

For the Bureau of Prisons, the bill provides \$6.2 billion to address longstanding critical shortages in corrections' staffing and education, in addition to drug treatment. For State and local law enforcement activities, the bill provides a total of more than \$3.4 billion, restoring, in large part, reductions proposed by the administration.

For programs funded through the Office of Violence Against Women, the bill provides an increase of \$11 million, including a \$10 million increase for STOP Formula Grants, and a \$1 million increase for Sexual Assault Victims Services.

I want to be clear that while the funding table in the report for the Office of Violence Against Women may appear in the report to show a funding decrease, that is only because the bill moves a number of programs to the Office of Justice programs which actually administers those programs.

So, let me repeat, the bill increases funding for the Office of Violence Against Women by \$11 million.

The bill provides a full funding of \$298 million for the COPS hiring program. In other areas within the Justice Department, the bill provides \$325 million—an increase of \$41 million over the fiscal year 2009 level—for the Adam Walsh Act.

With respect to border security, the bill provides \$1.5 billion, a 30 percent increase over fiscal year 2009. These funds will be used to address firearms and narcotics trafficking between the United States and Mexico, an issue on which every Member of this body has concerns, and we're pleased to provide these increases.

□ 1845

For the Second Chance Act, the bill includes a total of \$114 million to develop and implement evidence-based strategies and programs at the Federal and State levels to reduce recidivism and the future costs of incarceration. I want to particularly compliment the authorizing committee for the good job that they have done with the Second Chance Act and other legislation they are considering. We are looking forward and appreciate the opportunity to cooperate with them on the funding side.

A significant initiative across the Department of Justice is increased investments in law enforcement and prosecution efforts in Indian Country, for which the bill provides approximately \$155 million, and that is an increase of \$65 million over fiscal 2009.

For SCAAP, which the President proposed to eliminate, Mr. Chairman, the bill includes \$300 million.

With respect to the Department of Commerce, \$4.6 billion is slated for the National Oceanic and Atmospheric Administration, an increase of \$129 million above the request.

The bill provides \$7.4 million for Census, the same level as the budget request.

For NASA, the bill provides a total of \$18.2 billion, an increase of \$420 million over last year's level. Investments have been made in Earth science to further the decadal surveys. The recommendation, however, acknowledges, and this is important for Members to consider and take note of, that the administration has established a blue ribbon panel, Mr. Chairman, led by Dr. Norm Augustine, to review the current vision for human spaceflight.

Funds are provided in this bill to continue investments in human

spaceflight at the level of last year. Reductions from the budget request should not be viewed by this body as any diminution of certainly my support or the committee's support in NASA's human spaceflight activities. Rather, it is a deferral. It is a deferral taken without prejudice. It is a pause. It is a timeout.

Call it what you will, it is an opportunity for the President to establish his vision for human space exploration, looking at the Augustine report when it becomes available in August, and then for his administration to consider what their vision will be, and then, most importantly, certainly for our committee, Mr. Chairman, to come forward with a realistic future funding scheme for the human space exploration program.

We hope it is a vision worthy of the program, and we look forward to realistic funding levels, which we have never had, or haven't had for many, many years, for human spaceflight.

It is also important to note that the total funding contained in this bill for NASA is an increase of \$421 million over the fiscal year 2009 level, and, moreover, some \$1 billion was provided in the Recovery Act for NASA activities.

Lastly, the bill provides \$440 million for the Legal Services Administration. Appropriations for Legal Services increased by almost \$90 million over the last couple of years, with which we are very pleased. It is still underfunded compared to base years in the nineties. This is indicative of the rising need for legal support for the poor, particularly because of mortgage fraud and the home crisis.

The bill continues the existing limitations, Mr. Chairman, on the use of these funds, except that it lifts the current restrictions on attorney's fees.

Mr. Chairman, that is a brief summary of the bill.

I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to join our chairman, the gentleman from West Virginia, in beginning consideration of H.R. 2847, making appropriations for fiscal year 2010 for the Departments of Commerce, Justice, Science and related agencies. The bill provides funding for programs whose impact ranges from the safety of people in their homes and communities to the study and exploration of space.

The bill before the House today addresses a number of national needs and requirements, and I think it is important for the RECORD to show that I believe, and I think any fair-minded person would, to say that the chairman has done a commendable job in balancing the many competing interests and has put together a solid bill in a fair and evenhanded way.

At times I have felt the minority has not been treated very, very fair, and I

will say with the gentleman, we have been treated very, very fair, and I think it is important to make sure everyone knows that. We have not been foreclosed from anything.

I also want to thank the members of the subcommittee for their help and assistance, including the ranking member of the full committee, Mr. LEWIS, and the Republican members of the subcommittee, Mr. CULBERSON, Mr. ADERHOLT and Mr. BONNER.

I also want to thank the staff on both sides of the aisle who spent long hours in putting this bill and report together. The majority staff: John Blazey, Tracey LaTurner, Dixon Butler, Adrienne Simonson, Diana Simpson, Darek Newby and Scott Sammis. And the minority staff: Mike Ringler and John Martens. And on my staff, Tom Culligan, and on the chairman's staff, Sally Moorhead and Julie Aaronson.

Overall, the bill, as I said, includes important increases to priority programs, including the need to address violent crime, particularly crime related to drug trafficking and gangs; and the need to boost our Nation's competitiveness through more investments in scientific research and improving science, math in education.

However, I believe we could have met the most pressing needs by prioritizing within the lower allocation. This allocation given to the subcommittee is \$64.8 billion, which is \$6.8 billion or 11.7 percent above 2009. This allocation allows virtually every agency, account and program to grow, and I believe it is more than a sufficient amount to address the highest priority needs.

The rate of increased spending in the bill corresponds with the majority's overall budget blueprint, which increases discretionary spending by \$77 billion over the current fiscal year. Since the other party took control of Congress, nondefense, nonveterans affairs discretionary spending has increased by 85 percent.

This rate of spending does not represent a step toward restoring fiscal balance. There was an article today I think in Reuters mentioning that our Nation, if we continue the current course, will lose our triple A bond rating, it is the earliest date I have ever seen, by 2010. It is 2009 now. That means next year. So how we deal with that is really a tough, but an important, issue.

Some highlights: for the Department of Commerce, the bill includes \$13.85 billion, including an increase of \$4 billion to conduct the 2010 Census.

The chairman has included strong funding for trade enforcement, which I appreciate, particularly with regard to China and the full request for Commerce Department programs to enforce dual-use export controls and respond to cyber-espionage threats.

For the Justice Department, the bill includes \$27.5 billion, \$672 million

above the request. The FBI's operating level is funded at the President's request, which is necessary in order to continue current staffing operation levels, which also fund the urgent increases in counterterrorism programs.

Too often we fail to recognize the critical and often dangerous work that the FBI is doing at home and abroad in order to detect and prevent terrorist attacks. This is incredibly important work, and the bill strongly supports those efforts while also providing necessary funding for the FBI to fulfill its traditional roles and address emerging problems such as mortgage and financial fraud, child exploitation, and the spread of violent gangs.

On the gang issue, this bill includes a new \$35 million initiative to fund the FBI's Safe Streets Task Force and ATF Violent Crime Impact Teams. This will fund new task forces and new positions on existing task forces in the areas, which is pretty much the entire country, plagued by gang violence.

The bill increases State and local law enforcement accounts by \$197 million. Despite this increased funding for SCAAP, the State Criminal Alien Assistance Program, the program is reduced to \$300 million from the current level of \$400 million, and the chairman, appropriately so I think, has drafted an amendment to increase SCAAP that I hope will pass with bipartisan support.

In the area of science, the bill includes important initiatives in science competitiveness. Our country is falling behind. We have about 95,000 engineers working for the space program, and China has about 200,000.

The previous administration launched the American Competitiveness Initiative, which included a commitment to double the funding for basic scientific research over 10 years and also to strengthen education and encourage entrepreneurship. I am pleased that the chairman has done this and also that the new administration embraced this goal.

For the National Science Foundation, the bill provides \$6.9 billion, a 6.9 percent increase above the current year for research that will set the groundwork for the development of new technologies and science education that will ensure we have a well-educated and skilled workforce to improve competitiveness.

For NASA, the bill includes \$18.2 billion. This includes the full request for aeronautics, the shuttle program and the International Space Station, as well as funding above the request for NASA science and education. However, the bill freezes funding at the current level for exploration activities pending the outcome of a blue ribbon panel review of future options.

The result of this cut is a funding level that will not be sufficient to sustain the current development scheduled for the next generation of space

exploration vehicles and would result in severe disruption to the Nation's human spaceflight program.

I look forward to the recommendations, as the chairman does, of the review panel being led by Norm Augustine, and to working with the chairman and other Members to ensure that the final bill will include sufficient funds to continue the U.S. leadership role in human spaceflight.

Finally, I want to acknowledge the important language that is included in the bill regarding the release and transfer of Guantanamo detainees. This bill does not prevent the closure of Guantanamo. It seeks only to ensure in the process of carrying out the executive order that national security, the security of our communities and the security of our men and women in uniform overseas are the highest priority.

The bill prohibits the release of any detainees into the United States. It also prohibits transfer to the U.S. for prosecution as well as transfers or release to other countries unless and until the administration presents a comprehensive report to the Congress on the proposed disposition of each individual. This report will detail security risks and measures to mitigate those risks and will include a certification that affected State governments have been notified in advance.

Regarding transfers to other countries, the report must address the risk of recidivism. Some are going to Saudi Arabia and Yemen. Saudi Arabia has funded many of these radical madrasas up on the Pakistan-Afghan border, and Yemen has been the center of a lot of terrorist activities. The report must address the risks of recidivism and detail the terms of any financial agreements related to the acceptance of the individuals transferred.

The language will ensure that detainees are not released into our communities, and it places important restrictions and conditions on future transfers and releases.

It has become clear in the last few days that the administration is rushing to release and transfer as many of these detainees as possible before the will of Congress to place restrictions can be enacted.

In closing, despite concerns about the overall levels of spending, the bill represents the chairman's best efforts to distribute the allocation he was given to the various competing requirements under the subcommittee's jurisdiction. I commend the chairman and I thank the chairman for his openness and his thoroughness to the minority.

I would say that the chairman held a week of hearings on prison reform. We, unfortunately, have the largest per capita prison population in the world. They were the best hearings that I have seen held in this Congress.

Based on that, and I want to commend Mr. MOLLOHAN, based on that,

the Council of Governments and the Pew Foundation will be putting on a major conference this fall that I am sure the chairman will be very much involved in to establish the best practices, because you cannot just put a man or woman in prison and lock them up and throw away the key without any job training and things like that.

There was not a lot of coverage. I don't think The New York Times ever covered the story. I don't think many of the major papers did. But it was the best hearings in the time that I have been here, and I want to thank the chairman for his efforts and concerns. I think a lot of positive things will come out of that.

Lastly, I am pleased to operate under an open rule today, and look forward to the consideration of the many amendments that have been filed and will be urging my Members on this side at final passage to support the bill.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for those kind comments about our Bureau of Prisons hearings. I would like to comment he was the leader with regard to prison reform and has been for a great number of years. Based upon those hearings, he is the one that contacted the State Council of Governments to encourage them to follow up with their proceedings in the fall. Thank you, Mr. WOLF.

Mr. Chairman, I yield 2 minutes to the distinguished chairman of the full committee, Mr. OBEY.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from Ohio for the purpose of colloquy.

Ms. KAPTUR. Mr. Chairman, thank you for discussing with me a matter of great importance to the citizens of the United States.

At the heart of our financial crisis is the housing crisis and at the heart of the housing crisis is mortgage fraud. The FBI redeployed financial special agents in the last decade and have yet to allow the White Collar Crime Division to replace those agents even when it warned the public and the administration in 2004 of the potential for mortgage fraud to become an epidemic. The vast majority of mortgage fraud in fact goes unreported, and thus the depth of mortgage fraud is vastly underestimated.

In the savings and loan investigations of the late eighties and early nineties, approximately 500 FBI agents worked on cases. In February 2009, however, Deputy Director of the FBI John Pistole testified before the Senate stating: "However, today's financial crisis dwarfs the S&L crisis as financial institutions have reduced their assets by more than \$1 trillion related to the current global financial crisis, compared to the estimated \$160 million lost during the S&L crisis."

□ 1900

According to the Department of Justice budget documents, there are currently 175 FBI agents working mortgage fraud and corporate mortgage fraud. That is laughable, given the vast amount of taxpayer dollars still at risk. We know that the FBI Mortgage Fraud Division needs to have an increase in special agents and an increase in the necessary support personnel such as forensic accountants.

I look forward to working with the chairman as the bill moves forward to address this national need.

Mr. OBEY. Let me thank the gentle lady for her comments on this issue and her steadfast advocacy on behalf of those who are suffering during this economic downturn.

The bill we're considering today continues the process of rebuilding the FBI's mortgage fraud capability by adding 50 new agents and \$25 million to the white-collar crime program. We look forward to working with the gentle lady to monitor the FBI's progress on mortgage fraud investigations and to ensure as we move through the conference that the Bureau is appropriately resourced and staffed to address a problem of this magnitude.

Ms. KAPTUR. Thank you, Mr. Chairman, for your leadership on this issue and for your leadership on our full committee. I look forward to working with you to bolster the FBI's critical investigative capabilities and deliver justice to the American people through prosecution of those who have perpetrated systemic financial fraud and control fraud, which have brought our Republic to this dangerous juncture.

Mr. WOLF. I yield 5 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I want to sincerely thank Chairman MOLLOHAN, Ranking Member WOLF for the bipartisan manner in which this bill was put together. Mr. MOLLOHAN truly has, and Mr. WOLF, opened up this process to all members of the committee to participate. Majority and minority views are included, and it is, truly, the bill was put together in an open, bipartisan way, which I'm very grateful for.

And I especially also want to thank Chairman OBEY, Mr. LEWIS, Chairman MOLLOHAN and Mr. WOLF for the strong commitment that they have made to invest in the sciences, the National Science Foundation, the scientific work that's being done at NASA and NOAA. The scientific advancement that this Nation makes, and throughout our history, has been one of the most important factors in the advance of America throughout our history. And I'm very, very pleased at the investment the committee is making in scientific research.

However, I do have some serious concerns about the bill's reduction in

funding from the budget request for NASA's human spaceflight frame.

Mr. Chairman, if I could engage in a colloquy with you, sir, to ask about the manned spaceflight funding and what the committee, what the country and NASA can expect as this bill moves through the legislative process.

Mr. Chairman, I want to ask if you'd agree that the United States must maintain its world leadership in space exploration, and that, in order to lead the world, America must have a robust human spaceflight program; and also, that NASA's human spaceflight program must have a clearly defined mission, and that Congress and the Obama administration should fully fund that mission. And also, Mr. Chairman, that Congress and NASA should do everything possible to mitigate the 5-year gap between the retirement of the shuttle and the initial operating capability of the next generation of human spaceflight.

And then finally, Mr. Chairman, that the Appropriations Committee, we will all work together in an absolutely bipartisan and open way to fully fund the mission of NASA's manned space program as defined by the Augustine Commission, the Obama administration and this Congress.

Mr. MOLLOHAN. Mr. Chairman, let me thank my colleague, Congressman CULBERSON, who is a fine member of our subcommittee, and who brings particular expertise. As I often say, I aspire to know as much about the sciences as he does and he makes significant contributions to our committee. I thank him for his passion to our committee, and also to our Nation's space programs.

I share the sentiments the gentleman just expressed. I should note that the bill before the House today does not cut human spaceflight programs in fiscal year 2010; rather, the bill level funds ongoing activities until such time as the Augustine Commission completes its review, and the Obama administration commits to the next generation of human spaceflight.

Mr. CULBERSON. Mr. Chairman, I'm very confident that under the leadership of Chairman MOLLOHAN and Ranking Member WOLF that these proposed reductions from the President's budget request will be reviewed once again after the Augustine report is completed in an announcement from the Obama administration on how to proceed in human spaceflight. We genuinely appreciate the chairman's commitment to fund that recommendation with, of course, the input of the authorizing committee and the Appropriations Committee, because for America to surrender the high ground of space exploration, Mr. Chairman, would be as dangerous today as it would have been for General Meade to surrender the high ground of Little Round Top and Cemetery Hill at the Battle of Gettys-

burg. If General Meade had surrendered the high ground, I don't think there's any doubt that the United States would have lost the Battle of Gettysburg. And just as certainly as America would be at the mercy of our enemies, in position to lose any future war, if America surrenders the high ground of outer space to other nations.

Mr. OLSON. Will the gentleman yield to me for the purposes of continuing this colloquy?

Mr. CULBERSON. I yield to the gentleman from Texas.

Mr. OLSON. Thank you, Mr. Chairman, for this opportunity to participate in this colloquy with you here today.

This Nation has been the leader in human spaceflight for 50 years, and the decisions we make today will determine whether we will continue to lead in the next 50. And I'm worried that as other nations look at the stars, we're staring at our feet.

The proposed cut in the exploration budget threatens our economic, military and technological standing, and would lead to a loss of up to 4,000 jobs, extend up to 2 years the time needed to fully design and develop the Constellation system, and result in additional cost of up to \$8 billion. Therefore, I have prepared an amendment to restore that funding.

Mr. Chairman, I appreciate your pledge to revisit the funding issues based on the outcome of the Augustine panel, and that if the panel agrees, we will work as a Congress to reassess appropriate funding levels. In light of that commitment, I will not offer my amendment, and look forward to working with you to meet the pressing needs of human spaceflight.

Mr. MOLLOHAN. I appreciate the work of both my colleagues from Texas. I appreciate and agree with the sentiments that they've expressed here today. I just wish I could have expressed them as eloquently as my colleague and committee member, Mr. CULBERSON, particularly as he alludes to the Civil War. I can think of no comparison to match it. But the sentiment I agree with.

Mr. WOLF. Reclaiming my time, Mr. CULBERSON is definitely the science man. I mean, he is the science guy. It's not debatable, and if we have an amendment, and he also is a Civil War guy too, but he is the science guy.

I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. I would point out, Mr. Chairman, those were Texans that were coming up on Little Round Top against Colonel Chamberlain that day, but I did want to point that out.

But I want to appreciate the subcommittee chairman, my good friend, ALAN MOLLOHAN, for the hard work him and his staff have done while drafting this bill. It's not an easy job being the committee chairman, but I know

you've done a great job to balance these many priorities.

That being said, I just want to echo my comments, my colleague from Texas, JOHN CULBERSON, in regards to the current level of funding for NASA. And hopefully we can, as you said, we'll work with you to make sure that the \$700 million, which obviously would be devastating to NASA if that cut stayed in, to make sure that we get that money back in the 2010 Commerce, Justice spending as enacted.

As you know, as has been pointed out, the challenges that we have with other countries that are making major investments in space—China, India, Japan, Pakistan, Russia. And certainly we don't live in a world today where we're the only ones involved in outer space.

So I support the chairman and what he's trying to do with the Augustine panel to wait to find out what the report is. But I'm optimistic we'll work this out with our fellow NASA supporters in Congress to provide necessary funding and the rules and tools it needs to realize the agency's human space exploration under President Obama.

And so I would again thank the chairman for your hard work on that.

Mr. MOLLOHAN. I thank the gentleman for his comments, and look forward to working with him on this issue.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I rise today to enter into a colloquy with the distinguished chairman of the Subcommittee of Justice-Science, Mr. MOLLOHAN. And I want to thank the chairman for the increased funding in the bill to hire more corrections officers in our Federal prison system, which will allow the Bureau of Prisons to hire an additional 1,000 corrections officers nationwide.

And while I fully support such an increase, I believe we must do more, given that the director of the Federal prison system has asked for an additional 3,000 correctional officers to effectively run our Nation's prison system.

And by bringing this issue to the floor, I hope to raise the awareness of our colleagues in the House regarding staffing levels at the Federal correction facilities located not just in our districts but in our communities all across the country.

The district that I represent, Pennsylvania's 10th, contains three of the 15 high-security penitentiaries operated by the BOP, in addition to one minimum- and one medium-security facility. Also I represent correction officers from communities working at two minimum- and two medium-security Federal penitentiaries in neighboring districts.

Additionally, we have one of the federal penitentiaries in my district, USP Lewisburg, that is in the process of being converted to a "special management unit," the only one of its kind in the entire system. Lewisburg will house inmates from other penitentiaries who prove too troublesome to manage, but who do not qualify for the ADMAX facility at USP Florence in Colorado.

For various reasons, funding for our Nation's corrections officers has failed to keep pace with increased prison populations and increasingly dangerous prisoners over the last several years.

Mr. Chairman, I understand that you are making every effort to reverse the trend of underfunding the BOP and to assure that communities hosting Federal corrections sites, that they are safe, and the corrections staff working within the walls will be able to work together as this bill moves forward to ensure that the Bureau has the funding it needs to catch up with the staffing needs.

Mr. MOLLOHAN. I thank the gentleman. I appreciate his rising on this important issue, and I appreciate his leadership in supporting increased funding for the Bureau of Prisons.

BOP funding has simply not kept pace, Mr. Chairman, with the rising prison population and the aging BOP infrastructure. The Bureau of Prisons prisoner population is currently 37 percent above the rated capacity for BOP facilities, and the prisoner-to-staff ratio is an appalling 4.9-1. We must begin to turn that around, and this bill takes a big step in that direction. This committee has had this concern for a number of years and has been working diligently to increase this funding.

The bill provides an increase of \$481.5 million above the fiscal year 2009 level for the Bureau of Prisons salaries and expenses, which is \$97.4 million above the administration's request. We added that \$97.4 million to help restore the BOP's base budget, which has been progressively hollowed out in recent years by inadequate budget requests. These additional funds will enable the Bureau of Prisons to hire additional correctional officers and activate two newly constructed prisons.

The CHAIR. The time of the gentleman has expired.

Mr. MOLLOHAN. I yield another 30 seconds to the gentleman.

Mr. CARNEY. Mr. Chairman, I understand that you are making every effort to reverse the trend of BOP funding to ensure that communities hosting correction sites are safe, as are the corrections staff working within the facility walls. I hope that we will be able to work together as the bill moves forward, to ensure that the Bureau has the funding it needs to catch up with staffing needs.

□ 1915

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, I guess the biggest problem I have with this bill is that we've been talking about cutting spending and about controlling the budget. So far this year, in the Emergency Economic Stabilization Act, the TARP bill, we've spent \$700 billion. In the Children's Health Reauthorization Act, the State Children's Health Insurance, we've spent \$73.3 billion. In the America Recovery and Reinvestment Act, the stimulus, we've spent \$1.16 trillion. In the February '09 consolidated appropriation, the omnibus bill, we've spent \$625 billion. Now, I understand the necessity of this bill, but it's 11.6 percent higher than, I think, the same bill last year.

The thing that really bothers me is that, I think, you have 80-some pages of earmarks, of pork bill projects, whatever you want to call them, at a time when we're suffering severely economically and at a time when we're spending way, way more money than the American people can afford. We're spending so much money that they're actually, I think, running the printing presses over at Treasury day and night. I can't understand why we're allowing all of these earmarks, many of which have nothing to do with Commerce, Justice and Science.

So I would just like to say that I think this is something that we ought to take a hard look at when we get into the amendments. I wish that we didn't have this kind of a tremendous amount of additional expenses, and I sure wish we didn't have all of these earmarks.

If there is one thing the American people are very concerned about right now it is all of these additional projects, especially at a time when they're suffering at home. People can't afford their houses. They can't afford to take care of their kids' educational needs. There are so many problems the American people have. The unemployment rate is at—what?—9 percent nationally. Here we are with all of these earmarks, and we're spending all of this money that they don't have and that, certainly, the government doesn't have.

Mr. Chairman, I would like to submit for the RECORD a June 16, 2009, document on general funding levels.

To: Congressman Dan Burton
From: Legislative Staff
Date: June 16, 2009
Subject: Talking points

GENERAL FUNDING LEVELS:

The bill provides \$6.7 billion (11.6 percent more than FY 2009 for programs funded under the CJS Appropriations bill.

Agencies funded through the bill received approximately \$16 billion in supplemental appropriations outside the normal FY 2009

appropriations process, the vast majority of which came from the "stimulus" bill.

H.R. 2847 would provide \$13.85 billion for the Department of Commerce, which is an increase of \$4.57 billion, or 49 percent, over FY 2009. The majority of the increase for Commerce is due to a \$4.2 billion increase in spending for the Census Bureau.

The bill provides \$27.74 billion for the Department of Justice, DOJ, which is an increase of \$1.65 billion, or 6.3 percent, above FY 2009.

Funding for science agencies is \$25.1 billion, an increase of \$868 million, or 3.5 percent, above FY 2009.

Spending for other related agencies is \$956 million, which is \$83 million, or 9.5 percent, above FY 2009.

CONSERVATIVE CONCERNS ABOUT THE BILL:

Earmarks: The Report accompanying H.R. 2847 contains \$386 million in funding for approximately 1,100 earmarks, listed on 80, non-searchable pages.

Earmarks in the bill range from: \$180,000 for "Training the Next Generation Weather Forecasters" at San Jose State University; \$1 million for a forensics laboratory in South Carolina; \$100,000 for Tennis, Sports, Literacy and Education Program in New York City

Competitive Bidding Ban: The bill prohibits the Bureau of Prisons from using any funds to enter into a public/private contract under the OMB Circular A-76, which requires private contractors to compete for Federal money to ensure that the U.S. receives maximum value for tax dollars.

Matching Funds Waived: The appropriation grants the Attorney General, AG, authority to waive a legislatively mandated requirement that Federal grants for prisoner re-entry programs under the Second Chance Act be matched by State or local funds.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. KOSMAS).

Ms. KOSMAS. Mr. Chairman, I would now like to enter into a colloquy with Mr. MOLLOHAN.

Mr. MOLLOHAN. Mr. Chairman, I would be glad to enter into a colloquy with the gentlewoman from Florida.

Ms. KOSMAS. Mr. Chairman, I would like to clarify a point in the committee report related to the space shuttle program.

It is my understanding that the committee's position relative to the retirement of the space shuttle is consistent with NASA's testimony and the administration's position that there is no hard date on shuttle retirement. This position that the space shuttle will fly until it completes its current manifest, even if it runs beyond 2010, has also been supported by this Congress, as demonstrated by the inclusion in this year's congressional budget resolution of shuttle funding in fiscal year 2011. We also expect the administration to fund the fly-out of the shuttle when it submits its fiscal year 2011 budget request.

I hope you can clarify whether this is the committee's position as well.

Mr. MOLLOHAN. The gentlewoman is correct. That is the committee's position.

Ms. KOSMAS. I thank you, Mr. Chairman, for this consideration.

Mr. Chairman, I also rise to express my concern with the level of funding for NASA contained in the bill.

The CHAIR. The time of the gentleman has expired.

Mr. MOLLOHAN. Mr. Chairman, I yield another 30 seconds to the gentleman from Florida.

Ms. KOSMAS. According to preliminary estimates, the funding included in the bill for exploration could cause additional delays of up to 2 years and could increase the cost up to \$8 billion. These levels will also mean a greater reliance on Russia, a loss of our highly skilled workforce, and it could create a situation that could be detrimental to over 1,500 businesses that supply NASA and commercialized spinoff technologies. This level would result in thousands of layoffs in 2010. This will only exacerbate the challenges related to retaining our uniquely skilled workforce, many of whom are already working on both shuttle and exploration.

So we must recognize that the investments in NASA have large multiplier effects, contributing \$100 billion to our economy last year and employing nearly 300,000 people in 41 States.

Thank you, Mr. Chairman, for your consideration.

Mr. MOLLOHAN. I thank the gentleman.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HALL), the ranking member on the Science and Technology Committee.

Mr. HALL of Texas. Mr. Chairman, at this time of economic turmoil and of growing international technological competitiveness, it seems to me that America should be funding those things that advance our capabilities and that increase our standing in the world.

As ranking member of the House Science and Technology Committee, I've always felt that NASA has done more to advance America's technological leadership than any other Federal agency, and this bill presently reduces NASA's funding in human spaceflight at a very critical time.

The House Appropriations' reduction of \$670 million in exploration systems represents a reduction of 17 percent from the President's FY 2010 budget request. With NASA on a path to retire the space shuttle after only eight more flights, America needs to rapidly develop the next generation of spacecraft. The \$670 million reduction would have prevented NASA from completing the Constellation system before March 2015. In fact, because this reduction would occur in the peak design year when staffing is at its highest, NASA estimates that the work stoppages, inefficiencies and loss of key skills and capabilities would delay the Constellation program by as much as 2 years from that time.

Moreover, the cut in exploration funding would increase costs by as much as \$8 billion to the program, and

it would reduce the Constellation workforce by more than 20 percent in 2010, or by approximately 4,000 contractors, mostly from the existing workforce.

During this gap in human spaceflight capability, America must buy seats from the Russians to get to the International Space Station and fulfill our obligations to our international partners.

I am really encouraged that Chairman MOLLOHAN, though, and Ranking Member FRANK WOLF are working to mitigate this loss. I am grateful to them, and I thank them both for the colloquy.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. GRIFFITH).

Mr. GRIFFITH. Mr. Chairman, I rise to enter into a 2-minute colloquy with the chairman.

Thank you, Mr. Chairman, for allowing me.

I rise from Alabama's 5th District, the birthplace of NASA and of the space program. I, too, am concerned, but I appreciate very much the hard work the chairman and Ranking Member WOLF have entered into in trying to preserve the NASA budget. However, the decrease in funding is of some concern to us.

The Aries 1 and the Aries 5 will represent what the Saturn was to us 50 years ago with spaceflight and in putting a man on the Moon. This is not just a matter of jobs; it's a matter of international security and of national pride. I believe, after the Augustine Commission is done, we'll find that the NASA program is underfunded and that the funding will return to a level that will put us on the Moon in 2020 and that will return us to manned spaceflight in 2015.

Mr. MOLLOHAN. Let me just say that I appreciate my colleague's comments this afternoon.

Mr. Chairman, let me first note that the bill before the House today does not actually cut human spaceflight programs in fiscal year 2010. Rather, the bill level funds ongoing activities until such time as the Augustine Commission completes its review and the Obama administration commits to the next generation of human spaceflight. In fact, the total in the bill before the House today provides an increase of over \$420 million over the fiscal year 2009-enacted level across all NASA activities and programs.

We're talking only about the human spaceflight program here. I believe that the Augustine panel is well-positioned to make an informed review of planned U.S. human spaceflight activities and alternatives to ensure that the Nation is undertaking efforts that are safe, innovative, affordable, and sustainable in the years following the completion of space shuttle manifests and its retirement.

When that panel provides its information, its informed judgment, to us and to our new President and when we have had an opportunity to embrace the Nation's next human spaceflight program and to budget accordingly, we look forward to moving forward.

The CHAIR. The gentleman's time has expired.

Mr. GRIFFITH. I appreciate those comments.

Mr. Chairman, we will certainly work hand in hand with the committee.

I will say one final thing, which is that the human spaceflight community—the scientists who are involved in that—is a culture, and that culture cannot be interrupted and put back together again as though it were a puzzle.

So I appreciate so much your efforts, and I appreciate the wording in this bill. Thank you for allowing me to enter into a colloquy with you.

Mr. MOLLOHAN. I thank the gentleman with those assurances, too.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. POSEY), who represents Cape Canaveral, who worked on the Apollo, who helped put the first man on the Moon, and who is a strong advocate for NASA and for the space program. He has advocated and has talked to me over and over about this.

Mr. POSEY. Thank you, Congressman WOLF, for that kind introduction.

Mr. Chairman, I just want to take a brief moment and thank Chairman MOLLOHAN and Ranking Member WOLF for their bipartisan commitment to fully fund America's manned space program.

Of course, I want to thank Chairman OBEY and Ranking Member LEWIS for bringing this bill to the floor and for allowing this process to work like it is supposed to.

The security of our great Nation and of the world will be enhanced because of their efforts to provide our country and the world with vehicles for our future Christopher Columbuses, Magellans and Marco Polos.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Arizona, Chairwoman GIFFORDS.

Ms. GIFFORDS. I rise for the purpose of a colloquy with the subcommittee chairman.

Mr. Chairman, I am deeply concerned about the reductions from the request recommended for the NASA Constellation program in this appropriations bill. As you know, this bill provides the same level of funding as in the year 2009, and it's almost \$600 million less than what the President requested for 2010.

As the Chair of the Space and Aeronautics Subcommittee, I strongly believe that NASA should be given the funding needed to carry out one of the most important missions, which is exploration. I am very concerned that the

levels obtained in this bill will be viewed by the Augustine Human Spaceflight Review Panel as a lack of support for Constellation and for NASA's other human spaceflight programs, programs that have been strongly endorsed, as we've heard by the colloquies here on the floor, on a bipartisan basis in last year's NASA Authorization Act of 2008.

So Chairman MOLLOHAN, is it your view that the Augustine panel should not interpret the House's action today as any weakening of congressional support for the Nation's human spaceflight and exploration programs?

Mr. MOLLOHAN. That is absolutely correct.

The funding deferral does not signify any weakening of the committee's support for human spaceflight and exploration. I would also direct the attention of my colleague to the bill's accompanying report that states this very fact.

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And if I could find it here quickly, I would read it for her.

Ms. GIFFORDS. Mr. Chairman, let me continue, and when you find that—

Mr. MOLLOHAN. And I did find it. At page 146 of that report, I would refer the gentlelady to read a pertinent part. "Accordingly, after the work of the panel is complete"—that's the Augustine Panel—"the committee expects the administration will amend its fiscal year 2010 budget request to fund fully the plan advocated by the panel, and that the administration's subsequent budget request shall similarly include resources that fund fully the Nation's Human Space Flight Program." That's in our report. And I am pleased to reaffirm that here tonight with the gentlelady with this colloquy and with the others that we've had colloquy.

Ms. GIFFORDS. Thank you, Mr. Chairman.

In addition, do you agree that it's imperative that the President—

The CHAIR. The time of the gentlewoman has expired.

Mr. MOLLOHAN. I yield the gentlelady 1 additional minute.

Ms. GIFFORDS.—and Congress provide the appropriate resources that we can avoid cost increases and further delays in the initial operating capabilities of our Nation's next generation of human space flight architecture?

Mr. MOLLOHAN. Yes, I do. And I stated as much at the subcommittee markup of this legislation. Again, I would turn my colleague's attention to the accompanying report where these sentiments are also expressed.

Ms. GIFFORDS. And finally, do you agree with me that the Augustine Panel should not be bound by arbitrary OMB budgetary projections as it develops its best advice to the President and Congress on the future conduct of the

Nation's Human Space Flight Program?

Mr. MOLLOHAN. I believe that the Augustine Panel is well positioned to make an informed review of planned U.S. human space flight activities and alternatives to ensure that the Nation is undertaking efforts that are safe, innovative, affordable and sustainable in the years following the completion of the space station manifest and retirement. And when that panel provides its informed judgment to us and the President and we are able to evaluate it, our new President and our authorizers will have a chance to look at it and act on it, our new President—and we—will have an opportunity to move forward together on our Nation's future human space flight program and budget accordingly.

Ms. GIFFORDS. Thank you, Mr. Chairman. As we've heard tonight, not only is manned spaceflight strongly bipartisan, but it truly represents the best that our civilization has ever achieved.

Mr. MOLLOHAN. The gentlelady, among these other colleagues, is a champion of the program. Thank you.

The CHAIR. Both sides have 8½ minutes remaining.

Mr. MOLLOHAN. I yield 2 minutes to the gentlelady from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. I rise to engage in a colloquy with you, Mr. Chairman, regarding the Commerce, Justice, Science and related agencies programs.

Mr. Chairman, as a long-time advocate for prevention of violence against women, I know that Federal funding is really essential to ensuring that victims of violence, especially in rural or underserved areas, have access to life-saving programs and resources. There are several programs that assist victims of domestic violence in need of funding, including programs aimed at curtailing abuse in public and assisted housing, establishing privacy for victims, and providing outreach to underserved populations.

According to the National Network to End Domestic Violence, poverty and lack of education contribute to the economic dependency that keeps many women dependent on their abusers for financial support. Especially in these challenging economic times, though, as you recognize, domestic violence doesn't discriminate on the basis of race, ethnicity, economic status, or party identification.

In 2005, Mr. Chairman, there were 34 domestic violence-related homicides in your home State of West Virginia. And in my State of Maryland, in my congressional district, in fact, in just 1 year, from July 1, 2007 until June 30, 2008, there were 11 domestic violence-related homicides just outside of the District of Columbia in Prince George's and Montgomery County, totaling 16

domestic violence homicides in my congressional district in that short time.

Our communities need this increased funding in order to save lives, and financial support for the programs really is a matter of life and death. And so, Chairman MOLLOHAN, I appreciate the funding increase already provided in the bill, and I urge you to maintain this funding and to possibly increase it because of the need.

Ending domestic violence really requires, as you know, a collective commitment for law enforcement, prosecution, training, outreach, education, and of course shelters and programs as you have provided for in this legislation. And so I would appreciate increased funding for these programs as we work together in the future.

Mr. MOLLOHAN. Let me first commend the gentlelady for her good work in this area in the short time she has been in the United States Congress and for her input into our subcommittee, which has certainly influenced our markup of the bill in this important area.

I thank the gentlelady for her comments. And I appreciate her support and commitment to programs funded through the Office of Violence Against Women.

Ms. EDWARDS of Maryland. Thank you, Mr. Chairman.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I want to thank my friend from Virginia for his leadership on this issue and his attempts to promote fiscal responsibility and raise some significant concerns just in general about this piece of legislation.

The fact of the matter is that the rule that was adopted by this House to consider this bill in fact waives rules that are supposed to keep us fiscally responsible. So it waives rules that say that you have to have appropriate information about earmarks, and it waives rules to say that the PAYGO rule, that things have to be paid for, that we're not going to drive the Nation further into debt and deficit with the adoption of this.

Now, waiving a rule means that you don't follow it. And we don't follow it to such a huge degree in the area of earmarks that I have here the list of earmarks. And they go on, Mr. Chairman, for page after page after page after page in what I think is probably about six font. So it's pretty small. And there are thousands of them, literally thousands.

The question becomes whether or not anybody in Washington is listening to the concerns of the American people. And their concern that I hear every weekend when I go home and every day when I talk to my constituents and folks from around this land is that

they don't believe that Washington is being fiscally responsible. They see bailout after bailout, they see expenditure after expenditure, they see bill after bill of more money going out the door and not money coming in, more things being done to depress the economy than to improve the economy.

And so, Mr. Chairman, it is with great concern that I believe we are launching into this appropriation season, having started the process by setting the precedent that thousands and thousands of earmarks are appropriate and that we are not going to worry about whether or not we pay for the bill itself.

So I think that we all ought to listen to our constituents and take pause and think about the issues with which we're dealing here and attempt to be more responsible with the hard-earned taxpayer money.

I thank my good friend from Virginia.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlelady from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, before coming to Congress, I was a prosecutor in Coconino County, home to five Native American tribes. Many people do not realize that for many classes of serious crimes committed on tribal land, prosecution can only be initiated by the Federal Government.

Today, I represent 11 federally recognized tribes in my congressional district. I hear frequently from these communities who have seen major crimes going unprosecuted because the Federal Government is not providing enough help. This is why I have advocated for more Federal support for tribal law enforcement. These areas have always been vastly underserved by the government, and it is time we begin closing the gap.

Therefore, I am very happy to see that this bill directs \$6 million to hire new assistant U.S. Attorneys who will be devoted to handling cases coming from tribal areas. This should provide dozens more prosecutors and will result in a huge increase in prosecuting major crimes in Native American communities all across the country.

Increasing the number of prosecutions will also reduce the level of narcotics flowing through many Southwestern tribal lands, providing an important step in closing a jurisdictional loophole that cartels have been using to their advantage.

Mr. WOLF. Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Thank you very much, Mr. Chairman.

I rise in support of the bill, but to encourage the committee and this Congress moving forward to better address

the issue of gaps in our missing persons database system. On August 24, a 31-year-old resident of my district, Billy Smolinsky, went missing. Sadly, foul play is suspected. And to this day, his parents, Janice and Bill, still don't know what happened to their son. What they found out, when they tried to go online to find databases that helped identify remains that had been found and missing adults, was that there is no central repository of information, and the databases that do exist don't communicate with each other. In fact, up until 2 years ago, there wasn't even a database that was open to the public, there were only databases that were available to private law enforcement.

Today, we have the Name Us database, which is available to individuals and families who are looking to try and find this kind of information, and yet it doesn't have enough information. The private databases that are run by the FBI don't communicate with these public databases.

And so I come to the floor this evening simply to encourage my colleagues in appropriations bills going forward to make sure that we look to appropriating funds to allow for this kind of transfer of information to make sure that families like the Smolinskys all across this country have access to the best and most accurate information possible to try to press their cases going forward.

I understand that there are legitimate privacy concerns regarding what kind of information the FBI might share with this public database, but I think that we can solve those problems and create a much more comprehensive public database for families going forward. I look forward to that conversation in coming appropriations bills.

Mr. MOLLOHAN. Mr. Chairman, would the Chair be kind enough to let both sides know how much time they have remaining, respectively?

The CHAIR. The gentleman from West Virginia has 3 minutes remaining. The gentleman from Virginia has 6 minutes remaining.

Mr. MOLLOHAN. Mr. Chairman, at this time, I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I would like to congratulate Chairman MOLLOHAN and his staff for their hard work on H.R. 2847.

I feel it is necessary, however, to highlight what I feel is an egregious error on the part of the U.S. Census Bureau, the misrepresentation of data collected in the lesbian, gay, bisexual and transgender community.

Last month, I, along with 51 of my colleagues, sent a letter to the Director of Office of Management and Budget, Peter Orszag, expressing concern over the U.S. Census Bureau's intention to continue altering data of same-sex married couples in the reporting of the 2010 census.

With same-sex marriage now legal in Connecticut, Massachusetts, Iowa, Vermont, New Hampshire, and Maine, it is crucial to accurately represent the collection of data for same-sex married couples. Currently, if same-sex married couples in these States list themselves as married, the U.S. Census Bureau will go back and manually alter the data.

The U.S. Census Bureau was created to collect data and provide the American public with accurate reporting on the population, not to collect data and then alter it based on political decisions. I hope the Obama administration will reconsider this policy and direct the Department of Commerce to provide the American public with an accurate representation of LGBT families in the U.S. census.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentlelady from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman and I thank the ranking member for their collaboration on this appropriation. This is a very difficult challenge dealing with issues of commerce, science and justice.

Mr. Chairman, I have listened to the debate going forward dealing with the President's mark in the NASA space exploration, which was \$400 million more than the House mark, and would only offer my support for the continuing statements that have been made on the floor of the House, hoping that we will have an opportunity to reimburse those dollars to be able to provide for space exploration, particularly as relates to the Constellation, the CEV vehicle, and to be able to achieve the goals that we need to achieve with respect to the international space station.

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I would hope that the Augustine report would not be impacted by this particular mark. And I know that there has been a lot of hard work. I obviously intended to offer an amendment. I will look forward to discussing this further with the chairman as we move forward into this section so that we'll have an opportunity to discuss possibly my amendment and the idea of working to lay a mark, if you will, for the idea that space exploration, the international space station, all are linked together, and it is valuable for this Nation that we continue to be on the cutting edge of science and provide the support we need for human space flight.

Mr. MOLLOHAN. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, in closing, as we look at this bill, I know there is going to be a series of amendments at different times, and I think a lot of the amendments that will be offered will be from Members who are very sincerely concerned about the economic

crisis that our country faces. There was an article today in Reuters. Let me read it to the Members here. It says:

“New York Reuters: Technical analyst Robert Prechter on Monday said he sees the United States losing its top AAA credit rating by the end of 2010, as he stuck by a deeply bearish outlook on the U.S. economy and stock market.

“Prechter, known for predicting the 1987 stock market crash, joins a growing group of market heavyweights in forecasting the United States will lose its top credit rating as the government issues trillions of dollars in debt to fund efforts to bail out the economy.

“Fears about the long-term vulnerability of the prized U.S. credit rating came to the fore after Standard & Poor’s in May lowered its outlook on Britain, threatening the U.K.’s top AAA rating. That move raised fears that the United States could face a similar risk, with the hefty amounts of government debt issued in both countries to pay for financial rescues causing budget deficits to swell.”

So as Members offer these, I would just say there are some things there that are important in the country. We have got to get control of spending. But in other areas, our country is facing a crisis—in the area of science. Last year China and India graduated 700,000 engineers, and we only graduated 70,000, and 40 percent of our engineers are foreign students who are returning to their country.

And, lastly, in the space program, we have 95,000 engineers working on the space program. But China has 200,000. And unless we do some fairly dramatic things, our factories will close and we will lose the edge in science and engineering. So we need to gain control of the entitlement spending, and I hope to be able to offer an amendment to the Financial Services bill. I’m going to offer an amendment that sets up a bipartisan commission to put every spending program on the table, every spending program in the government on the table, and give that bipartisan commission an opportunity to then go around the country holding public hearings, but to send a proposal up to Congress and require the Congress to vote on it.

So I understand the frustration of many of the Members when they see this Congress failing to address the fundamental issues of spending in the Congress. And we also have the trustee’s report showing that the Social Security system is beginning to go bankrupt faster, the Medicare system is going to go bankrupt faster, and young people have no confidence and believe that the Social Security system is not sound.

We have a moral obligation to deal with that, and I hope that Congress will.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I have no further requests for time in general debate. Let me again reiterate my appreciation to the committee, subcommittee, and ranking member in marking up this bill. And we look to proceeding through amendments at this time.

Mr. EHLERS. Mr. Chair, thank you, Chairman MOLLOHAN and Ranking Member WOLF, for the opportunity to offer remarks on the fiscal year 2010 Commerce, Justice and Science Appropriations bill. I appreciate your hard work and dedication bringing this important funding legislation to the floor.

As Ranking Member of the Subcommittee on Research and Science Education and as a member of the House Committee on Science and Technology, I work with my colleagues to support and strengthen several agencies of great importance to our nation’s technological innovation capacity. The core of that capacity depends on basic scientific research, and a vigorous research base is crucial to our national economic security. Coupled with that research base is research in education supported by the National Science Foundation (NSF).

I am pleased that this legislation has essentially supported the President’s overall requested budget for the National Science Foundation, an agency which has great significance to our federal research endeavors. However, I do have some concerns about the science, technology, engineering and math (collectively, STEM) education funding provided for the NSF within this year’s spending bill.

In late April, the President announced “. . . a renewed commitment to education in mathematics and science, since we know that the progress and prosperity of future generations will depend on what we do now to educate the next generation.” I support this commitment, but am troubled that somehow the education directorate budget at the NSF is not keeping pace with the budgets of the research directorates. While the overall research budget of the NSF will receive a 9 percent increase in this year’s funding bill, the education budget will only increase by 2 percent.

Congress, economists, and scientists have consistently maintained that the NSF’s research and educational missions must be treated as co-equal and core missions of the Foundation. Enhancing our research competitiveness in scientific fields while neglecting the educational component of such research will cripple our ability to succeed as an innovative nation.

I want to recognize that both the budgets for research and education at the National Science Foundation are increasing in this budget, and I greatly appreciate the work of the Committee in supporting both activities. I simply want to emphasize that both of these endeavors are equally critical to the competitiveness of our nation, and research and education should be treated as parallel—and equally worthy entities—at the National Science Foundation.

I look forward to working with you on the NSF research and education funding, and, again, thank you for your dedication to improving our nation’s research enterprise.

Mr. ADERHOLT. Mr. Chair, I would like to associate myself with the comments by Mr.

CULBERSON and many others about NASA’s Exploration budget and the Constellation programs. I believe it is very important to National Security and to many science related efforts for us to aggressively move forward with our own launch capability and exploration efforts.

While I value international cooperation, it is very important that we not have to depend on other nations for access to space. The Ares and Orion programs have made progress, and we should accelerate them.

I look forward to hearing the results of the Augustine Panel. It is important that Congress take decisive action with regard to funding Exploration in this Fiscal Year 2010 budget. I look forward to working with my friends and colleagues, Chairman MOLLOHAN and Ranking Member WOLF, in the coming weeks.

Mr. TOWNS. Mr. Chair, I thank the chair, and I’d like to thank the gentleman/gentlelady for yielding.

The Committee on Oversight and Government Reform has been conducting extensive oversight of the Census Bureau and its preparations for the 2010 census. We have identified many things that are working, along with many areas that need remedial action. However, it is critical that if these problems are to be fixed in time for the start of the census less than one year away, the census needs sufficient funding.

This bill includes a cut of \$206 million dollars to the Census Bureau at the worst possible time. I strongly oppose these cuts, and any amendments that would divert money from the census. The Census Bureau needs these funds in order to improve response rates in areas that have been undercounted for many years. To cut money now on preparation and outreach would do nothing but increase the costs to count nonrespondents next year.

And let me just say, I’ve heard a lot from my colleagues and my constituents on this issue. My district in Brooklyn and other urban areas in general have suffered from undercounts over the last few decades, and we do not want to see this happen again next year. The Bureau has promised to address the problems with undercounting in urban communities and other areas, but we cannot expect them to fix their problems in 2010 if we cut their funding here today.

This cut would be devastating to outreach and education efforts and very costly in the long run. The Bureau estimates that a one-percent decrease in the mail response rate will add between \$80 and \$90 million to the cost of the follow up operations.

I urge my colleagues to support full funding for the Census Bureau and oppose all amendments that would take funds from this effort to accurately count all Americans.

Mr. CROWLEY. Mr. Chair, I rise in support of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

The Commerce, Justice, Science appropriations bill makes investments that are important to hard-working families and vital to the well-being of local communities. It keeps cops on the beat, helps small and mid-size companies remain competitive in the global economy, and provides legal assistance to those unable to afford it. It also funds the census, and this

year's bill includes \$7.4 billion in funding for the U.S. Census Bureau, matching the President's request.

Every decade, we recount our nation's population. The Commerce Department oversees this massive effort, and it is gearing up for the 2010 recount. The importance of the census cannot be overstated.

The census is not just a head count of our population, but a snapshot of how Americans are living, including their family relationships, economic status and much more. The data collected is incredibly important because it is used to help dictate how federal and state money is appropriated for health, education and transportation initiatives; to guide local planning decisions, such as where to build schools and roads; and to determine private business investments, such as where to locate a company or expand business.

There are, however, many challenges in conducting the census and 2010 will be even more difficult than in years past. Population growth means there are more people to count and more homes to visit. Furthermore, among immigrant and non-English speaking populations, there are fears of deportation, language barriers, and mistrust of government, which have left many areas of our country undercounted in the past.

We cannot let the past repeat itself. We have an obligation to our constituents to ensure they are counted in 2010. And, the \$7.4 billion in this bill for the U.S. Census Bureau will be used, in part, to raise awareness of the upcoming census, educate individuals on the importance of their participation, and teach people about the benefits that will come to their community as a result of their participation.

We must inform them that census workers are legally prohibited from reporting a resident's legal status. We must inform them that for the first time a bilingual form will be sent to neighborhoods with large Spanish speaking populations and, as before, the form will be available in other major languages. We must inform them that their participation will only serve to help them and their community.

In the 2000 census, many members of immigrant and minority groups did not fill out the form—skewing the results and costing their communities federal funds. Many of these communities are the ones in greatest need of housing, education and legal services. We need to let our constituents know what is at stake so they will take the time to engage and participate.

Standing up and being counted is not only a constitutional requirement, but an American tradition. It illustrates the size and diversity of the United States of America in the 21st century. That is why I hope all of my colleagues will work in their districts to ensure that we have the highest participation than any other census before. And, it is why I hope my colleagues will support the money in this bill for the 2010 census.

Mr. VAN HOLLEN. Mr. Chair, at its core, the Commerce-Justice-Science bill is designed to keep our economy strong, our people safe, and our research and development efforts thriving. This legislation accomplishes all of three of these objectives—and it does so in a fiscally responsible manner by scrutinizing

each of the bill's existing programs, eliminating eleven of them and trimming thirteen others.

In particular, I am pleased that science, technology and innovation receive \$30.6 billion under this legislation, an increase of \$1 billion over last year. Of that amount, \$6.9 billion will go to the National Science Foundation (NSF) to support promising scientific research at America's universities. \$781 million will go to the National Institute of Standards and Technology (NIST), including \$125 million for Manufacturing Extension Partnerships to help small and mid-size companies compete overseas and \$70 million for the Technology Innovation Program to fund high-risk, high-reward research in areas of critical national need. \$18.2 billion will go to National Aeronautics and Space Administration (NASA) for its groundbreaking research into space and aeronautics. And \$4.6 billion will go to the National Oceanic and Atmospheric Administration (NOAA) for its indispensable analysis on climate and weather. Importantly, the bill also provides \$1.08 billion for science, technology, engineering and math (STEM) education to properly train America's future workforce.

To keep our communities safe, this legislation also invests \$3.4 billion in state and local law enforcement—including \$802 million for the COPS program to hire more than 7000 police officers, \$385 million for juvenile justice programs that support our nation's youth, and \$400 million to prevent violence against women.

Mr. Chair, I commend Chairman MOLLOHAN, Ranking Member WOLF and the rest of the subcommittee for its work on this legislation and urge my colleagues' support.

Mr. SMITH of Texas. Mr. Chair, as a Member of the House Science and Technology Committee, I strongly support full funding for the National Aeronautics and Space Administration (NASA).

NASA's research, innovation and exploration have had a positive impact on education, national security, health care, and the environment.

The aerospace industry alone employs approximately 500,000 people across the nation and accounts for nearly 2 percent of the U.S. gross domestic product.

Furthermore, NASA attracts students interested in science, technology, engineering and mathematics—fields vital to our country's long-term strength and prosperity.

With proper funding, NASA will be able to continue a robust research program and develop new technologies to ensure that the United States remains the global leader in space exploration and innovation.

Mr. SMITH of Washington. Mr. Chair, I rise today in support of H.R. 2847, and in appreciation of the work done by the Chairman and Ranking Member on this appropriations bill. I want to take a moment to speak to a provision included in the bill's accompanying report regarding methamphetamines.

I have heard from members of the law enforcement community in my district about the range of difficulties that they have encountered with the efficiency and effectiveness of the logbook requirement of the Combat Methamphetamine Epidemic Act (CMEA). As you know Mr. Chairman, pharmacies are required to keep a record of the sale of various over-

the-counter pharmaceuticals, due to their use in the production of illicit drugs such as meth. This record is meant to ensure that individuals do not purchase excessive amounts of specific pharmaceuticals in a set period of time.

Unfortunately, there is a wide assortment of methods used to meet this requirement. Some pharmacies utilize an electronic record system while others have a paper logbook to record purchase information. Further, there is no way for pharmacies in a geographic area to share information from their logbooks, which allows individuals purchasing meth ingredients, known as "smurfers," to easily go from one pharmacy to another, purchasing the maximum amount of product from each store.

The inconsistencies of the logbook requirement make it very difficult for law enforcement agents to investigate drug-related activities in a timely and effective manner.

This legislation contains a reporting requirement for the Department of Justice to explain its strategy for dealing with illicit methamphetamine production and to make recommendations on how the CMEA can be strengthened or expanded to improve the Department's ability to identify and apprehend those engaged in the illegal production and distribution of meth, and other illicit drugs, in our communities. I am grateful that Committee has agreed to include this report provision and look forward to working with the Chairman to ensure this report specifically takes into consideration the logbook requirement and ways on which that requirement can be improved to assist the law enforcement community with their difficult task.

Again, I thank the Chairman and Ranking Member for their work on this bill and look forward to supporting its passage.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chair, the Legal Services Corporation exists to promote equal access to justice and to provide high-quality civil legal assistance to low-income Americans. Since its establishment by Congress in 1974, the Legal Services Corporation (LSC) has been the single largest provider of civil legal aid for the poor in the nation. LSC-funded programs serve the most basic civil legal needs of the poor in every state in the nation. The LSC helps people resolve landlord-tenant disputes, assists victims of domestic violence, and protects the elderly and other vulnerable groups from being victimized by unscrupulous lenders. Although the Legal Services Corporation has long garnered bipartisan support, some Members of this body are supporting efforts to decimate this already underfunded program. I am curious—do these Members think that poor people do not deserve access to legal help?

At least seven Members of the House submitted amendments that would take valuable dollars away from this invaluable program. One has even offered an amendment to eliminate all funding for the LSC. The message of these amendments is that if you are poor, you should take your lumps. Put your family in uninhabitable housing. Try to escape from domestic violence on your own. Let businesses defraud you with impunity. I say no. I am here as a proud supporter of the Legal Services Corporation. Over 95% of the LSC funding goes directly out to the programs. The Corporation consumes less than 5% in overhead.

I commend the Legal Services Corporation for addressing the justice gap that exists between rich and poor. Currently, for every eligible person assisted by LSC, one is turned away. Fifty percent of eligible citizens who seek help are turned away for one primary reason: lack of resources.

That is why I am grateful for Chairman MOLLOHAN's leadership in lifting some of the cumbersome restrictions and increasing our investment in the LSC and the people it serves. The truth is that Congress should be moving towards a future where no American will have to surrender her rights because she lacks the funds to pay for a high priced attorney. Instead, these amendments would take us in the wrong direction.

I urge my colleagues to support the Legal Services Corporation and oppose efforts to limit the assistance it can provide.

Mrs. MALONEY. Mr. Chair, I would like to take this opportunity to thank the members of the Appropriations Committee for their inclusion of language that I requested in the Commerce, Justice, Science and Related Agencies Appropriations Act for fiscal year 2010. This language, which emphasizes the importance of federal support for crisis hotlines for rape victims, states as follows:

"Services for Victims of Rape.—The Committee is aware that an estimated one in six women in the United States will experience a sexual assault in her lifetime, and that the Federal Bureau of Investigation ranks rape as the second most violent crime, second only to murder. The Department of Justice is encouraged to continue supporting programs, including hotline programs, that facilitate the delivery of confidential recovery services to rape victims."

The above language is specifically intended to express the House's support for the continuation of funding for the National Sexual Assault Hotline programs. These programs include the National Sexual Assault Hotline, accessible at 800-656-HOPE, the National Sexual Assault Online Hotline, a Web-based hotline at www.rainn.org, as well as the other education and outreach programs created and carried out by RAINN (the Rape, Abuse & Incest National Network). RAINN, a 501(c)(3) not-for-profit organization headquartered in Washington, DC, currently receives funding from the Office for Victims of Crime to carry out its programs. In the past, RAINN also has received funding from the Office on Violence Against Women and the Office for Juvenile Justice and Delinquency Prevention for this purpose.

While rape crisis centers in every state and the District of Columbia play a very important role in partnering with RAINN to support the operation of these national hotlines, it is important to note that they are truly national in scope. RAINN launched, and continues to operate, both hotlines from its headquarters in Washington, DC. As a result, every American, regardless of where they are located, who becomes a victim can seek immediate, confidential support services at any time of the day or night by calling 800-656-HOPE or by going to rainn.org for Web-based information, referrals and support.

We specifically authorized RAINN to operate these programs for rape victims through fiscal

year 2010, when Congress passed, and then President Bush signed into law, Section 628 of the Adam Walsh Child Protection and Safety Act of 2006. It is critical that Congress continue to provide the funding necessary to ensure RAINN's operation of these programs in fiscal year 2010. Absent such funding, victims of crime will not receive the resources they so desperately need in the aftermath of an attack. The House did not specifically include a dollar amount in the fiscal year 2010 Commerce, Justice, Science Appropriations Act for RAINN to continue to operate such programs, and it is vital that the Department of Justice find a way to ensure that the organization can continue to carry out the important work it does to support rape victims in the aftermath of attack.

Vice President BIDEN, who sponsored a resolution honoring the National Sexual Assault Hotline in 2006, during his tenure in the United States Senate, described it as follows: "[a] critical partner in our fight to end sexual assault has been the National Sexual Assault Hotline operated by RAINN, the Rape, Abuse and Incest National Network. RAINN created this toll-free telephone hotline 1-800-656-HOPE—in 1994 and manages it with 1,100 local affiliates in 50 States and the District of Columbia. Victims from across the country can telephone the Hotline and receive confidential, trained expertise from experienced professionals with the assistance of over 10,000 volunteers. In June 2006, the Hotline received its millionth call since it answered its first call in 1994.

"The National Sexual Assault Hotline is truly a national treasure. It helps individuals and families recover from a horrendous violation. It provides a safe haven for victims to talk about the crime, and offers referrals on local psychological and physical help. A call to the National Sexual Assault Hotline is often the first step towards justice for a victim. . . . The hotline's volunteers are doing God's work and deserve our gratitude." I would agree, Madam Speaker.

In closing, I thank the gentleman from West Virginia for his inclusion of the above-mentioned language in this year's appropriations bill. I look forward to continuing to work closely with him during conference negotiations to ensure that the bill recommends a specified dollar amount of funding for the Department of Justice to support RAINN in its efforts to operate national hotline programs for victims of sexual assault.

Mr. HOLT. Mr. Chair, I rise in support of this bill.

This legislation makes significant investments in two of our nation's top priorities—protecting Americans at home and in their communities, and encouraging scientific research and innovation.

One of the fundamental responsibilities of our government is ensuring the safety and security of our citizens by keeping our streets and neighborhoods safe. One of the most successful crime fighting programs in recent history is the Community Oriented Policing Services (COPS) program. This bill provides \$802 million overall for the program and \$282 million for COPS hiring grants. When combined with the \$1 billion provided in the Recovery Act, more than 7,000 police offices will be hired nationwide, 287 of those in New Jersey.

Through this bill, the Office of Justice Programs will receive \$2.2 billion, \$155 million over the Fiscal Year 2009 level. Programs such as the Edward Byrne Memorial Justice Assistance Grants Program will receive \$529 million to assist state and local law enforcement agencies in their efforts to control domestic crime as well as combat violent crimes, particular gang and drug-related criminal activity.

The bill also provides \$400 million (\$11 million over the 2009 level) to the Office on Violence Against Women to aid in the prevention and prosecution of violent crime against women. Funds allocated by this bill will be used to strengthen the services available to victims of domestic violence, sexual assault and stalking.

In the area of science funding, the bill provides over \$30 billion to support research at the National Science Foundation, the National Institute of Standards and Technology, the National Aeronautics and Space Administration, and the National Oceanic and Atmospheric Administration. The appropriations in this bill support the plan to double funding for basic research, as expressed by Congress in the American COMPETES Act. History shows that our country and our economy benefit when the federal government invests in our national innovation and intellectual infrastructure.

This bill helps our students succeed in a global job market by investing \$1 billion to support all aspects of science, technology, engineering and math (STEM) education from kindergarten through graduate school. It is imperative that we ensure our future generations are equipped with the skills they need to be capable participants in a scientific and technological workforce. Our economic growth is intertwined with our ability to remain competitive in the areas of Science and Technology. I want to thank the subcommittee chair, Mr. MOLLOHAN, and the chairman of the full committee, Mr. OBEY, for demonstrating a commitment to make meaningful investments in science education to guarantee the success of our children in this global market place.

I also am pleased that the bill includes over \$2 billion to study global climate change, undoubtedly one of the greatest challenges facing our Nation. Over \$700 million will be used by the National Science Foundation and National Oceanic and Atmospheric Administration for climate change research and educational programs. The Geophysical Fluid Dynamics Laboratory in my district is leading the national effort in climate change research by employing sophisticated mathematical models and computer simulations to improve our knowledge and ability to predict climatic behavior and trends. An additional investment of over \$1.3 billion will be used to develop measurement techniques and for green building initiatives nationwide. It is vital to both our economic and our national security that we take whatever measures are necessary to gain a comprehensive understanding of the mechanisms that drive global warming in order to implement the full range of measures necessary to combat it.

Finally, this bill also ensures that we will be able to conduct an accurate decennial Census in 2010. On top of the \$1 billion that was provided for the Census in the American Recovery and Reinvestment Act, this bill matches

the President's request for \$7.4 billion to conduct the largest and most advanced Census in our nation's history.

Mr. Chair, I commend the committee for bringing us a bill that reflects the priorities of the American people, and I urge my colleagues to vote for it.

Mr. ETHERIDGE. Mr. Chair, I rise today in support of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

This legislation will fund the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and several other independent agencies. These collective agencies and departments allow our nation to continue to invest in critical science research, like climate change, education, and state and local law enforcement.

At a time when our nation is in need of rebuilding, and our communities to be made safer for our children, this bill will provide \$3.4 billion for state and local law enforcement and crime prevention grants, including more than \$800 million for Community Oriented Police Services (COPS), to help keep our streets and neighborhoods safer, \$400 million for the Office on Violence Against Women, and \$2 billion for the Drug Enforcement Administration.

To help these children grow up in a safe environment, and move into adulthood with the opportunity that a better education will present, the bill offers \$1 billion for Science Education, and over \$18 billion for NASA. Overall, it provides nearly \$31 billion for science as part of a commitment to America's innovation and competitiveness.

A vote in support of this bill is a vote in favor of our security, our liberty, and the hope of our future through education.

I urge my colleagues to join me in support of H.R. 2847.

Mr. KUCINICH. Mr. Chair, I rise in support of H.R. 2847, the Commerce-Justice-Science Appropriations bill. The bill provides \$18.2 billion, \$421 million above FY 2009 levels, for NASA, an agency which is critical to our nation's economy, competitiveness, and environment. It provides protection for the most important reason for NASA's historic and ongoing success: its workers. This bill extends a ban on involuntary layoffs until at least September, 2010, a provision for which I organized support among several Members of the Ohio delegation.

In Ohio, NASA Glenn is an economic anchor and a source of well paying jobs. In FY 07, the year for which we have the most recent data, the economic output of NASA Glenn alone in Ohio was \$1.2 billion per year. It was responsible for over 8,000 jobs, and household earnings amounted to \$402 million. NASA Glenn's expertise in renewable energy and energy efficiency technologies will be critical to Ohio's new green economy.

While the bill provided significantly less than the needed funding for space exploration, the administration is expected to submit a supplemental request for NASA exploration funds when president Obama's blue ribbon panel designed to review U.S. human space flight activities is complete.

The bill also contains a 13 percent increase in funding for the Legal Services Corporation.

The American legal system is increasingly inaccessible for low and moderate income citizens. The costs and specialized knowledge associated with pursuing justice have left thousands on the outside looking in, unable to obtain even an opportunity to tell their side of the story. LSC provides funding to organizations that provide free and low-cost legal assistance to individuals and families who otherwise would not have the resources to pursue justice. I also commend the Committee for including language that begins to undo some of the restrictions that have been placed on LSC grantees in previous appropriations bills. This will allow LSC grantees to serve more clients and maximize their resources.

I am proud, therefore, to support this bill.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill may be offered except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated June 15, 2009, or earlier, and pro forma amendments for the purpose of debate. Each amendment may be offered only by the Member who submitted it to be printed, or his or her designee, and shall be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official

motor vehicles; and rental of tie lines, \$444,504,000, to remain available until September 30, 2011, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That not less than \$7,000,000 shall be for the Office of China Compliance, and not less than \$4,400,000 shall be for the China Countervailing Duty Group: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210: *Provided further*, That within the amounts appropriated, \$3,715,000 shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designate items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

AMENDMENT NO. 11 OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. MOLLOHAN:

Page 3, line 4, after the dollar amount, insert "(reduced by \$100,000)".

Page 23, lines 18 and 19, after each dollar amount, insert "(reduced by \$21,132,000)".

Page 45, lines 1, 4, and 13, after each dollar amount, insert "(reduced by \$78,768,000)".

Page 47, line 22, after the dollar amount, insert "(increased by \$100,000,000)".

Page 48, line 17, after the dollar amount, insert "(increased by \$100,000,000)".

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise to offer an amendment. I'm offering this amendment on behalf of Mr. HONDA, Mr. CALVERT, Mr. SCHIFF, Mr. LEWIS of California, Mr. EDWARDS, Mr. CULBERSON, Ms. LINDA T. SANCHEZ of California, Mr. DREIER, Mr. MITCHELL, Mr. GARY G. MILLER of California, Ms. GIFFORDS, Mr. MCCAUL, Mrs. KIRKPATRICK of Arizona, Mr. CONNOLLY of Virginia, and Mr. MARSHALL.

This amendment would provide an additional \$100 million, Mr. Chairman, for the State Criminal Alien Assistance Program, restoring it to the fiscal year 2009 funding level of \$400 million.

Mr. Chairman, the current administration and the predecessor administrations have in turn each year proposed elimination of the SCAAP program. And since our allocation is \$200

million below the administration's request, it is difficult to restore moneys such as to the SCAAP program to \$300 million in the subcommittee mark. When the administration requests zero and then you have to fill that hole, that makes a tremendous strain on the other accounts in the bill.

I opposed the SCAAP amendment during committee consideration of this bill largely because it would have unadvisedly used the Bureau of Census as an offset. We are in the final year, final months of preparing for a census that's just a year away, and this is not any time to take money away from the Census. We have overcome hurdles in the Census and challenges as a result of some mismanagement with regard to census preparation. We are on track now. And this is not the time, given this short period before we have to conduct the census, to take money away from the Census, so we opposed it.

However, I am aware that there is considerable support, as reflected by the number of our colleagues who want to be cosponsors on this amendment here today. There is tremendous broad-based support in the body for the SCAAP program. It is supported by many Members; so I offer this amendment in recognition of that support.

Mr. HONDA is a member of the subcommittee and a cosponsor of this amendment, and he has been particularly persuasive about the need to restore SCAAP funding to the level that this amendment would bring it to.

Mr. Chairman, I yield back the balance of my time.

Mr. HONDA. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. Mr. Chairman, I rise to support strongly the issue of SCAAP.

I come from the State of California, where the financial situation is very grave, and help in this manner would be tremendous for the State of California and I suspect for the other States that have these kinds of problems too.

Mr. DREIER. Mr. Chair, I rise in strong support of Mr. MOLLOHAN's amendment, of which I am a co-sponsor, to increase funds for the State Criminal Alien Assistance Program (SCAAP). I'm pleased that we were able to work in a bipartisan manner to increase SCAAP by \$100 million, from \$300 million to \$400 million. Representatives LEWIS, HONDA, CALVERT, SCHIFF, EDWARDS, CULBERSON, LINDA SANCHEZ, MITCHELL, GARY MILLER, GIFFORDS, MCCAUL and KIRKPATRICK all provided valuable input and support to make this happen.

Securing our nation's borders is the responsibility of the federal government. Congress has consistently legislated that the federal government must either take criminal aliens into federal custody or reach an agreement to compensate state and local jurisdictions for their incarceration.

The cost of jailing criminal illegal immigrants has placed an enormous cost on all of our

states and local governments. My state of California, in particular, shoulders the greatest burden of illegal immigration, and has received over \$2.5 billion in SCAAP funds since the inception of the program, representing 42 percent of nationwide SCAAP awards.

Los Angeles County and San Bernardino County, which I represent, receive only a fraction of what they spend to jail criminal illegal immigrants. According to Los Angeles County Sheriff Lee Baca, incarcerating illegal aliens costs the County \$100 million per year. And according to San Bernardino County Sheriff Rod Hoops, jailing illegal immigrants costs the County \$24 million per year. Yet last year, Los Angeles and San Bernardino Counties only received \$14 million and \$2.3 million, respectively. In fact, since 2000, Los Angeles County has received \$159 million in SCAAP funds and San Bernardino County has been awarded \$6.7 million. In nine years, Los Angeles County was reimbursed an amount equal to what it spends on jailing criminal illegal immigrants in just a year and a half, while San Bernardino County received SCAAP funds equal to what it spends in less than half a year.

While the underlying bill provides \$300 million for SCAAP, this is still \$100 million less than we provided last year. At a time when our state and local governments are feeling the financial crunch, they should not be forced to continue to shoulder what is a federal responsibility. This amendment will add \$100 million to SCAAP, restoring the program to its 2009 level of \$400 million.

Mr. Chair, I urge my colleagues to vote in favor of this amendment.

Mr. MITCHELL. Mr. Chair, I rise today in support of our amendment to block the proposed 25 percent cut to the State Criminal Alien Assistance Program, otherwise known as "SCAAP".

SCAAP was created in 1994 to reimburse states and localities for the arrest, incarceration and transportation of undocumented immigrants who commit crimes in our communities.

Immigration enforcement is supposed to be a federal responsibility, but as any Arizonan can tell you, the federal government has yet to meet them.

When State and local governments are forced to step-in and do the federal government's job, it is only fair that they be reimbursed.

Last year, the Arizona Department of Corrections received \$12.8 million from the federal government to house 5,600 criminal illegal immigrants in our state prisons. That was only 10 percent of the \$124 million Arizona spent to house illegal inmates that year.

Currently, Arizona's state prisons hold 6,100 illegal immigrants, nearly 15 percent of the total inmate population.

The Arizona Department of Corrections estimates that it will spend \$128 million in 2009 to clothe, feed and provide medical care to illegal immigrant inmates.

Instead of boosting funding to help pay the actual expense imposed on states like Arizona, however, the Fiscal Year 2010 Commerce Justice Science Appropriations bill cut SCAAP funding by 25 percent.

This is just plain wrong.

That is why I am proud today to join with my colleagues, from both sides of the aisle, to offer this amendment to restore full funding for SCAAP.

If we are serious about immigration enforcement, we need to reimburse Arizona—and other states that bear brunt of our nation's broken immigration policy—for keeping criminal illegal immigrants behind bars.

I want to thank Chairman MOLLOHAN for his leadership on this issue, and his willingness to listen to so many of us from the southwest who know how critical this program is to our nation's immigration enforcement efforts. Mr. Chair.

I urge all my colleagues to vote for this amendment.

Ms. LINDA T. SANCHEZ of California. Mr. Chair, I rise today to urge my colleagues to support this amendment to increase funding for the State Criminal Alien Assistance Program (SCAAP). When the Federal government passed SCAAP in 1994, it recognized its responsibility to reimburse states and localities for the arrest, incarceration, and transportation costs associated with criminal aliens.

Unfortunately, this program has been consistently under-funded. This year was not the first time a President proposed no funding for the SCAAP program. Fortunately, the Appropriations Committee allocated \$300 million to the program. While this level is significantly better than zero, it remains \$100 million below the 2009 funding level. Our amendment will provide that additional \$100 million for SCAAP.

Even with \$400 million, states and localities would still only receive reimbursement for a small fraction of what they are spending. This inadequate funding has had a devastating effect on public safety, especially in California and other border states. At a time when many states and counties face budget shortfalls, every dollar reduction in SCAAP reimbursement means one less dollar to spend on essential public safety services. Following SCAAP funding cuts in 2003, the LA County Sheriff's Department was forced to implement a new "early release" policy for inmates convicted of misdemeanors.

From a public safety perspective, it is far better for criminals to serve their full sentences. Without adequate resources, other programs will have to be scaled back or terminated to accomplish this goal. Basic police protection, anti-gang activities, homicide investigations, anti-terrorism activities; and rehabilitation programs to reduce recidivism are programs that could face cuts in California and across the nation if this amendment does not pass.

We introduced this bipartisan amendment to ensure that police chiefs and sheriffs do not have to choose between keeping our youth out of gangs and incarcerating criminal aliens.

I urge my colleagues to support this amendment.

Mr. CALVERT. Mr. Chair, I wholeheartedly support Commerce-Justice-Science Subcommittee Chairman MOLLOHAN's bipartisan amendment to restore \$100 million to the State Criminal Alien Assistance Program (SCAAP), to meet the Fiscal Year 2009 level of \$400 million.

I greatly appreciate my good friend, ALAN MOLLOHAN, and his staff's recognition of the

importance of this program by rejecting the President's proposal to eliminate SCAAP.

Counties across the country depend on SCAAP for reimbursement of the costs associated with the detention and incarceration of criminal aliens.

Keep in mind, local law enforcement only receive a partial reimbursement through SCAAP. For example, in my district, Riverside County received reimbursement for only 17% of the cost of incarcerating criminal aliens in Fiscal Years 08–09. And out of Orange County's 65,000 inmates booked each year at the county jails, approximately 19% are criminal aliens.

Although illegal immigration is clearly the federal government's responsibility, counties incur millions of dollars in unreimbursed expenses each year as a result of housing criminal aliens.

During difficult economic times, local governments are struggling to pay for budgeted programs and additional demands for services are straining the system to the breaking point—unreimbursed expenses simply cannot go unmet.

This amendment will help the many communities across the nation burdened with the costs of our federal government's failed responsibility to secure our nation's borders.

I urge my colleagues to accept the amendment.

Mr. GARY G. MILLER of California. Mr. Chair, I rise in support of the Mollohan Amendment, which increases funding for the State Criminal Alien Assistance Program (SCAAP) by \$100 million.

Each year, American taxpayers spend over \$36 billion to provide health care, education, and incarceration to illegal immigrants. In 2005, the Government Accountability Office found that states spend more than \$1.7 billion each year alone to incarcerate criminal aliens. Unfortunately, Congress has only reimbursed about 20 percent of these local expenditures over the years through the State Criminal Alien Assistance Program. The difference between actual expenditures and the SCAAP reimbursement level is particularly dramatic for my home state of California, which has the largest number of incarcerated illegal criminal aliens of any state in the nation. This year, the cost to California alone is estimated to be \$1 billion.

This year, the Administration proposed to terminate SCAAP by requesting no funding for this important program for Fiscal Year 2010. At a time when states, especially California, are experiencing unprecedented budget challenges, it is irresponsible for the Administration to terminate this program and place the costly burden of our nation's failed immigration policies on state governments. We cannot afford to eliminate or reduce this vital program, which already falls far short of what states and local governments actually spend to incarcerate illegal criminal aliens.

Although I am pleased that House appropriators went against the will of the Administration by including \$300 million for SCAAP in H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, this is still a far cry from acceptable. My colleagues and I have offered an amendment to increase SCAAP funding by \$100 million,

which will fund the program at a grand total of \$400 million for Fiscal Year 2010, which is equal to last year's funding.

If Congress fails to increase funding for SCAAP, states will be forced to cut many of our local law enforcement agencies including sheriffs, police officers, anti-gang violence units, and district attorney offices. Taxpayers should not be burdened with funding the incarceration of criminal aliens who, by law, are the responsibility of the federal government. Therefore, I urge my colleagues to support this important amendment and provide the resources necessary to our state and local governments.

The CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. SCHOCK

Mr. SCHOCK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SCHOCK:

Page 3, line 4, after the dollar amount, insert "(increased by \$500,000)".

Page 7, line 5, after the dollar amount, insert "(reduced by \$500,000)".

The CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SCHOCK. Mr. Chairman, I rise today in support of amendment No. 8, which seeks to transfer \$500,000 from the Census salary and expenses to the International Trade Administration.

The intent of this amendment is to dedicate funding for the International Trade Administration to conduct a study on the economic impact, including the loss of U.S. jobs, due to the failure of this body to pass the Colombian Free Trade Agreement. My intent is to have the ITA submit this study to Congress no later than 60 days after the date of this enactment.

For more than a year now, Congress has left an agreement sitting in our collective "in box" which will result in more good-paying manufacturing jobs for all Americans. And I, for one, want to know the price of this neglect.

Now, I understand that not everybody in this body or this Chamber shares my view. I know there are those who believe that the Colombian Free Trade Agreement will, in essence, result in the loss of American jobs. And to these Members, I would say vote for my amendment. If you are right, my amendment will prove that and the study subsequently will prove that. Please have the confidence in your convictions that I have in mine and vote for this amendment, and we'll see which of the two sides is correct.

I recently had the opportunity to travel to Colombia and Panama with a number of both Republican and Democrat colleagues. During this trip, we met with President Uribe of Colombia. And the President detailed with great specificity the human rights and labor

strides that his country has made over the last decade. Every question that my colleagues raised to President Uribe, he had an excellent answer. Every charge these Members made, Mr. Uribe described how his reforms had addressed the issues. Colombia has done her part, and now we in our country need to do our part to ensure our top democratic ally in the region remains a good one.

And while I found the President's answers remarkable, I was most impressed with the view of the Colombian people. The vast majority of the people in Colombia we met with support the free trade agreement, even though they already enjoy virtually duty-free access to the U.S. markets as a result of the Andean Trade Preferences Act. They support the trade agreement because it will mean not only a new relationship status with the United States, but they will also be able to buy even more American products, putting more dollars back in American pockets.

After our experience in Colombia, it was the overwhelming belief of the Members on that trip, both Republicans and Democrats, that they could see firsthand the benefits of a free trade agreement, truly highlighting the bipartisan support in this body for the pending free trade agreement.

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The facts for a trade agreement speak for themselves. This free trade agreement will help make American companies more competitive globally, increase their profitability, allow them to hire new American workers and help stimulate the economy. Currently we enjoy a \$2.7 billion trade surplus, including a manufacturing surplus with nations with which we have a signed free trade agreement. But for more than a year, the majority has disallowed this body to add Colombia to this list. America's two-way trade with Colombia reached \$18 billion in 2007, making Colombia our fourth largest trading partner in Latin America. Since America's market is already open duty free for imports from Colombia, the U.S.-Colombia Free Trade Agreement will give American businesses, farmers, ranchers and workers similar access to this important market. The independent nonpartisan International Trade Commission has estimated that the Colombia Free Trade Agreement would increase U.S. exports by at least \$1 billion. Since Colombia signed the trade agreement in 2006, U.S. products have been charged more than \$2 billion in needless duties, money that could have been spent by companies near our country making the products and expanding infrastructure here in our country to hire more domestic workers.

In 2008 the United States had a trade surplus of \$35 billion with countries with FTAs that were signed under the

Trade Promotion Authority, the same authority that the Colombia Free Trade Agreement was signed under. This surplus was up over 61 percent just in 2007. Finally, Colombia is a model country for what we need to do by providing an open hand from America to emerging democracies around the world. This country's bipartisan approach with Colombia, taken 10 years ago when they were on the verge of becoming a terrorist state, was a comprehensive diplomatic approach, one of open trade market policy and has brought them back toward a democracy. And the strongest way to promote democracy is with that same kind hand and the benefits it brings, not through an isolationist policy.

Finally, I would be remiss if I did not mention that on January 1, 2010, Colombia will formally enter into free trade agreements with Europe and Canada. For these reasons and more, I urge passage of this amendment.

I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the amendment and would be willing to accept the amendment.

Mr. WOLF. I move to strike the requisite number of words.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I rise in support of the amendment.

As the gentleman says, Colombia is a strong ally and a partner in this hemisphere; and I support the Congress acting to implement U.S.-Colombia Free Trade Agreement. The trade agreement that has been negotiated would bring important economic benefits to the U.S. and level the playing field between our countries. It would create jobs. The unemployment rate that just came out is 9.2 percent. Not to do this would border on being crazy. The gentleman's amendment would serve the ongoing debate by generating information about the economic impacts here in the U.S. of our failure to adopt the agreement. So I urge support of the amendment.

I yield back the balance of my time.

Mr. PRICE of Georgia. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I rise to commend my friend from Illinois for offering this amendment and just to point out a couple items as it relates to these issues. The Census is slated in this bill to receive \$7.1 billion. So I think that the gentleman from Illinois has picked an appropriate, responsible amount out of that \$7.1 billion to be used for a study that ought to be performed to demonstrate the importance of what ought not really be called the Colombia Free Trade Agreement. It ought to be called the Colombia Fair Trade Agreement.

As the gentleman stated with great eloquence, the lack of enacting the Co-

lombia FTA by this majority is actually harming American companies. That's right, Mr. Chairman. We're harming American jobs and American companies by not acting on something that both executive branches have already agreed to.

So this is a wise amendment, an appropriate amendment, an appropriate area of study that ought to be done. I wonder if the chairman of the subcommittee would be willing to respond to a question.

To my friend from West Virginia, I wonder, if this amendment passes, is my friend from West Virginia able to commit to doing all that he can to make certain that this amendment remains in the final work product as it comes through the conference process?

I will yield to my friend from West Virginia.

Mr. MOLLOHAN. We're willing to accept the amendment. What happens in conference is in the future, and I wouldn't be able to make any commitments with regard to that in any way.

Mr. PRICE of Georgia. Reclaiming my time, Mr. Chairman, that really is where the rub is, is that there appears to be no significant resolve on the part of the majority party to actually determine what the level of harm is to the American economy and American businesses without adoption of the Colombia Fair Trade Agreement.

I appreciate my friend from West Virginia for agreeing to accept the amendment. But it is with little comfort because, as you heard, Mr. Chairman, there is little or no commitment to making certain that this stays in this bill as it moves through the process. As you know, Mr. Chairman, this is the first step in this appropriations process, and we're early in the amendment process. But it seems to me that this amendment is of significant import, and also significant knowledge would be gained from this study to give Members of this body appropriate information with which to be able to make decisions as they move forward and decide for themselves whether or not to push their leadership, the Speaker and the leadership on the Democrat side, to, in fact, adopt the Colombia Fair Trade Agreement.

So I want to commend my friend from Illinois for the work that he's done and for the important amendment that he brings to the floor. I urge support of the amendment.

I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BURTON of Indiana. I have great respect for my colleague, Mr. MOLLOHAN, and undoubtedly he is going to be one of the conferees. I would like to ask him a question.

What I would like to know is, when you go to conference, you and I both

know that there's a lot of give-and-take. And if you really feel strongly about an amendment, you fight for it. So I'd just like to ask you this question: Because the Colombia Free Trade Agreement is so important, will you use every bit of your fiber and being to fight for this in conference?

Mr. MOLLOHAN. Will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. As the gentleman understands—the gentleman has been to conference before on bills.

Mr. BURTON of Indiana. Sure.

Mr. MOLLOHAN. And the gentleman understands that conferees come to the conference from many different directions and have many different attitudes. There are many different issues in the bill during conference. I will tell the gentleman that we take seriously our bill as it is fashioned, as we bring it to the floor, and as it is amended on the floor as we proceed to conference.

Beyond that, the gentleman clearly understands that conferences are about process and that there's give-and-take in the Congress. All of the attitudes expressed in conference must be taken into consideration, and there is nothing about this amendment that precludes our not seriously supporting it in conference. But the gentleman is asking for something that the gentleman knows in the process cannot be guaranteed, and that is, I guarantee that we're going to do something in conference. I hope that's satisfactory. If it's not, it's the best I can do for the gentleman.

Mr. BURTON of Indiana. Let me just say that we've been fighting this issue for a long, long time. One of the biggest problems that we've had is drugs coming into the United States from Central and South America. And President Uribe of Colombia has been one of our best friends and allies down there. He has stabilized that country, and one of the things that he really needs is a Free Trade Agreement to help further stabilize his country. I think it's extremely important that Mr. MOLLOHAN, or whoever else is on the conference committee, realize the gravity of this situation. And Mr. MOLLOHAN well knows that when you go to conference, and you're sitting across the table from your Democrat counterparts, if you are willing to really hang tough on an amendment, many times you can get that accepted, especially when you start compromising on other issues that may be in the bill. So I asked the question of Mr. MOLLOHAN, will you fight for this in conference, and he reluctantly skirted the issue just a little bit.

So since this amendment has been accepted by Mr. MOLLOHAN, it seems to me that it should be pretty well guaranteed that he is going to do everything he can to keep it in the bill when

it goes to conference committee. And if that is not the case, then, you know, this might appear to be—I would never accuse my colleague of being insincere—but it might appear to be a facade. So if you accept this, Mr. MOLLOHAN, I would just like to ask you one more time: Will you do everything you can to keep this in the bill?

Mr. MOLLOHAN. I thank the gentleman for his comments.

Mr. BURTON of Indiana. Will you answer the question? Will you do everything you can to keep it in the bill?

Mr. MOLLOHAN. We will approach the conference, my colleague from Indiana, exactly the way I described to you. We will consider every issue that is in the bill as it comes out of the House of Representatives seriously as we approach conference. If it's accepted, it will be in the conference report. You have the ranking minority member. He is going to be a part of the conference. The other members of the committee are going to be a part of the conference, and we will treat this issue just as seriously as we treat all issues. We will support it in conference, and it will be a part of the process of the conference as it moves forward. I hope that is satisfactory to the gentleman.

Mr. BURTON of Indiana. I thank the gentleman for his answer. I will just end by saying, I really hope this stays in the bill. I can't think of anything that's more important as far as stabilizing Central and South America than free trade agreements. We've been fighting for a free trade agreement with Panama and Colombia for a long, long time; and if we're going to make sure that we slow down the illegal immigration that's coming from Central and South America, we've got to do things to stabilize that entire region, not only from a drug standpoint, but also from the illegal immigration standpoint. So I really hope that my colleague—and I'm sure Mr. WOLF will—I really hope my colleagues will do everything they can to make sure that this stays in the piece of legislation.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

MOTION TO RISE

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The CHAIR. The question is on the motion to rise.

Mr. PRICE of Georgia. Point of order.

Mr. Chairman, I believe the gentleman from Illinois was on his feet prior to the gentleman asking that the Committee do rise.

The CHAIR. The gentleman from West Virginia was the Member who sought recognition, and he had a motion preferential to an amendment.

Mr. PRICE of Georgia. I thank the Chair.

The CHAIR. The question is on the motion to rise.

The question was taken; and the Chair announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SCHOCK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 124, not voting 136, as follows:

[Roll No. 350]

AYES—179

Abercrombie	Grayson	Murphy (NY)
Ackerman	Green, Al	Murphy, Patrick
Adler (NJ)	Griffith	Nye
Altmire	Gutierrez	Obey
Andrews	Hall (NY)	Ortiz
Arcuri	Halvorson	Pascrell
Baca	Hastings (FL)	Pastor (AZ)
Baldwin	Heinrich	Payne
Barrow	Herseht Sandlin	Perlmutter
Berry	Himes	Perriello
Bishop (GA)	Hinchev	Peters
Bishop (NY)	Hirono	Pingree (ME)
Blumenauer	Hodes	Polis (CO)
Boccheri	Holt	Pomeroy
Bordallo	Honda	Price (NC)
Boren	Hoyer	Quigley
Boswell	Inslee	Rahall
Brady (PA)	Israel	Reyes
Bright	Jackson (IL)	Richardson
Brown, Corrine	Jackson-Lee	Rodriguez
Butterfield	(TX)	Ross
Capps	Johnson (GA)	Roybal-Allard
Capuano	Kagen	Rush
Cardoza	Kanjorski	Ryan (OH)
Carnahan	Kildee	Sablan
Carson (IN)	Kilroy	Salazar
Castor (FL)	Kirkpatrick (AZ)	Sanchez, Loretta
Chandler	Kissell	Schakowsky
Childers	Klein (FL)	Schauer
Clarke	Kosmas	Schwartz
Cleaver	Kratovil	Scott (GA)
Clyburn	Kucinich	Sestak
Cohen	Langevin	Shea-Porter
Connolly (VA)	Larsen (WA)	Shuler
Cooper	Lee (CA)	Skelton
Costa	Levin	Slaughter
Courtney	Lipinski	Smith (WA)
Cuellar	Loebback	Snyder
Dahlkemper	Lofgren, Zoe	Spratt
Davis (AL)	Lowe	Tauscher
Davis (CA)	Lujan	Taylor
Davis (TN)	Lynch	Teague
DeFazio	Maloney	Thompson (CA)
Delahunt	Markey (CO)	Thompson (MS)
DeLauro	Marshall	Titus
Doggett	Massa	Tonko
Donnelly (IN)	McCarthy (NY)	Towns
Driehaus	McGovern	Tsongas
Ellison	McIntyre	Van Hollen
Ellsworth	McMahon	Visclosky
Engel	McNerney	Walz
Etheridge	Meek (FL)	Wasserman
Faleomavaega	Melancon	Schultz
Farr	Michaud	Waters
Fattah	Miller (NC)	Watson
Filner	Minnick	Watt
Foster	Mitchell	Welch
Frank (MA)	Mollohan	Wilson (OH)
Fudge	Moore (KS)	Yarmuth
Giffords	Moore (WI)	
Gonzalez	Murphy (CT)	

NOES—124

Akin	Brown-Waite,	Coffman (CO)
Austria	Ginny	Cole
Bachmann	Buchanan	Conaway
Bachus	Burgess	Davis (KY)
Barrett (SC)	Burton (IN)	Deal (GA)
Bartlett	Buyer	Dent
Barton (TX)	Calvert	Diaz-Balart, M.
Biggert	Camp	Dreier
Bilbray	Campbell	Ehlers
Bishop (UT)	Cantor	Fallin
Blackburn	Capito	Flake
Boehner	Carter	Fleming
Boozman	Cassidy	Forbes
Boustany	Fortenberry	Fox
Broun (GA)	Chaffetz	Foxs
Brown (SC)	Coble	Franks (AZ)

Garrett (NJ)	Latta	Rogers (MI)
Gerlach	Lee (NY)	Rooney
Gingrey (GA)	Lewis (CA)	Ros-Lehtinen
Gohmert	LoBiondo	Ryan (WI)
Goodlatte	Lummis	Scalise
Graves	McCarthy (CA)	Schmidt
Guthrie	McCotter	Schock
Hall (TX)	McHenry	Sensenbrenner
Harper	McKeon	Sessions
Hastings (WA)	McMorris	Shimkus
Heller	Rodgers	Shuster
Heger	Mica	Smith (NE)
Hoekstra	Miller (FL)	Smith (TX)
Hunter	Miller (MI)	Stearns
Inglis	Murphy, Tim	Terry
Issa	Neugebauer	Thompson (PA)
Jenkins	Nunes	Thornberry
Johnson (IL)	Paulsen	Tiahrt
Jones	Pence	Tiberi
Jordan (OH)	Platts	Turner
King (IA)	Posey	Upton
Kirk	Price (GA)	Walden
Kline (MN)	Putnam	Wilson (SC)
Lamborn	Rehberg	Wittman
Lance	Roe (TN)	Wolf
Latham	Rogers (AL)	Wu

NOT VOTING—136

Aderholt	Hill	Paul
Alexander	Hinojosa	Peterson
Holt	Holden	Petri
Bean	Johnson, E. B.	Pierluisi
Becerra	Johnson, Sam	Pitts
Berkley	Kaptur	Poe (TX)
Berman	Kennedy	Radanovich
Bilirakis	Kilpatrick (MI)	Rangel
Blunt	Kind	Reichert
Bonner	King (NY)	Rogers (KY)
Bono Mack	Kingston	Rohrabacher
Boucher	Larson (CT)	Roskam
Boyd	LaTourette	Rothman (NJ)
Brady (TX)	Lewis (GA)	Royce
Braley (IA)	Linder	Ruppersberger
Cao	Lucas	Sánchez, Linda
Carney	Luetkemeyer	T.
Christensen	Lungren, Daniel	Sarbanes
Clay	E.	Schiff
Conyers	Mack	Schrader
Costello	Maffei	Scott (VA)
Crenshaw	Manzulio	Serrano
Crowley	Marchant	Shadegg
Culberson	Markey (MA)	Sherman
Cummings	Matheson	Simpson
Davis (IL)	Matsui	Sires
DeGette	McCaul	Smith (NJ)
Diaz-Balart, L.	McClintock	Souder
Dicks	McCollum	Space
Dingell	McDermott	Speier
Doyle	McHugh	Stark
Duncan	Meeks (NY)	Stupak
Edwards (MD)	Miller, Gary	Sullivan
Edwards (TX)	Miller, George	Sutton
Emerson	Moran (KS)	Tanner
Eshoo	Moran (VA)	Tierney
Frelinghuysen	Murtha	Velázquez
Gallagher	Myrick	Wamp
Gordon (TN)	Nadler (NY)	Waxman
Granger	Napolitano	Weiner
Green, Gene	Neal (MA)	Westmoreland
Grijalva	Norton	Wexler
Hare	Oberstar	Whitfield
Harman	Olson	Woolsey
Hensarling	Olver	Young (AK)
Higgins	Pallone	Young (FL)

□ 2101

Messrs. AKIN and PLATTS, Ms. GINNY BROWN-WAITE of Florida, and Messrs. MCKEON and TERRY changed their vote from "aye" to "no."

Mr. JACKSON of Illinois, Ms. BALDWIN, Ms. WASSERMAN SCHULTZ, Ms. CASTOR of Florida, and Messrs. LIPINSKI, DOGGETT and MINNICK changed their vote from "no" to "aye."

So the motion to rise was agreed to. The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. ALTMIRE, Chair of the Committee

of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of inquiring about the schedule for the rest of the evening.

Mr. HOYER. I thank the gentleman for yielding.

First, I want the Members to understand the context in which we find ourselves. I have indicated—and I have had discussions with Mr. BOEHNER, with Mr. CANTOR and with Mr. LEWIS with reference to the appropriations bills—that none of us likes the omnibus appropriations bills.

In order to pass appropriations bills individually, you have to take appropriately significant time, but if you take so much time that you can't possibly get them done, then you are left at the end of the day with an omnibus appropriations bill which nobody likes.

In discussions with Mr. BOEHNER, with Mr. CANTOR and with Mr. LEWIS, Mr. OBEY and I have tried to come to an agreement on time constraints. There was a discussion on the floor during the course of the rule between Mr. OBEY and Mr. LEWIS with respect to time constraints, and at that point in time, that was not possible.

Subsequent to that, there were further discussions between Mr. OBEY and Mr. LEWIS in which there seemed to be some progress, perhaps, that was possible. As a result, we proceeded with the preprinting requirement that, I know, some people felt was an unnecessary constraint, but it is, after all, the opportunity to give notice to Members of what amendments can be anticipated; but I know that I've discussed it on your side of the aisle, and you felt that was an imposition. We felt it was an open rule because the amendments were not specified.

Notwithstanding that disagreement, there were 127 total amendments. One amendment just now was offered by Mr. SCHOCK, my good friend. He and I have a good relationship. We've traveled together, and I think he is a good Member. We accepted. Notwithstanding that, it took 20 minutes of debate and was going to be subject to a vote.

Now, if you multiply, say, 25 minutes—and we had a 15-minute vote. If you multiply that by 127, you come to a pretty high number, making it im-

possible for us to complete, in my view, the appropriations process by the end of July. If we don't complete it by the end of July, frankly, we won't have the opportunity to conference with the Senate and, therefore, will not be able to complete the process in a timely fashion. I don't know whether that's the objective of some, but it is certainly not my objective.

As a result—I was not here—Mr. OBEY felt it necessary for us to go to the Rules Committee for the purposes of constraining time. In a body of 435 people in which everybody has an opportunity to do 5 minutes and to then, perhaps, even get yielded some additional time from somebody else who takes 5 minutes, it would be impossible to complete 10 amendments, much less 127 amendments, in a time frame that we agreed to in a unanimous consent request in 2006 and in 2005.

In fact, on this bill, the average number of amendments that were offered when you were in the majority was 30, the average number. There was a high of 46. In 2004, 16 amendments were offered—10 Republicans and 6 Democrats. In other words, for your bill, you offered more amendments to your bill than we offered to your bill. We would like to proceed in a fashion that is reasonable and that provides for opportunities for amendments to be offered, but we also believe that it is our responsibility to ensure that the appropriations process is completed.

So, when Mr. OBEY asked that the Committee rise, it was, at that point in time, the intention to go to the Rules Committee to provide for amendments in order, not all 127 amendments—I can't predict how many amendments. There are a lot of duplications in that—and to provide for, however, time constraints within which we can do our business. We do not think that's unreasonable, and we certainly don't think it's unfair.

I will tell you that, in 2007, we proceeded for 10 bills without time constraints. From our perspective, we thought we had an agreement that we would use the same time that we gave to you in 2006 when you were in the majority and were controlling. We gave this to Mr. LEWIS. Notwithstanding that, we believe we went at least 53 hours overtime. That is 53 hours longer than the unanimous consent constraints that we gave to you when you were in the majority and we were in the minority. As you know, the last two bills were very contentious because we did, in fact, pursue them under a rule.

I want to say to the Members, particularly who are new, that, while appropriations bills have historically been open, they have historically not taken—as a matter of fact, some of the biggest bills have taken some of the shortest times—the Labor-Health bill and the Defense bill. I've served on the

Appropriations Committee from 1983 until I became majority leader 2½ years ago, so I'm fairly familiar with the procedures under which we operate.

So I tell my friend, the Republican whip, that the reason for rising was to give us the opportunity to go to the Rules Committee and to provide for, as I said, time constraints in which we can effectively complete this bill.

I want to say to the Members that we did not expect to have votes. We had votes. Your side believed that we ought to have votes, so we had a vote to rise, but we have made efforts to try to reach agreement to provide a process in which we can complete the appropriations bills.

Very frankly, we think that, in years past, there have been a lot of amendments that have been offered, not for the purpose of the substance of the amendment but for the purpose of simply delaying the ability to get our work done. We've been in the minority ourselves. We understand the frustration that exists; but my responsibility as the majority leader and as the manager of this floor is to provide for the completion of our appropriations process one at a time so that we can consider them on their merits and then, hopefully, pass them individually and have them signed. It would be my hope to have them signed before the beginning of the fiscal year. That's our thought and plan.

Mr. CANTOR. I thank the gentleman. Madam Speaker, I would, first of all, respond to speak to the issue of the 127 amendments having been filed. I think that it's certainly a result of and, perhaps, due to the unintended consequences of imposing a preprinting requirement.

As the gentleman and I have discussed, many of our Members felt it necessary to prefile their amendments to preserve their right to proffer an amendment without necessarily having the intention of following through with offering that amendment. There are several amendments that are duplicative. There are many amendments that our Members have already said that they would not offer.

So I would say to the gentleman that it is hard for us on this side of the aisle to stand here and to accept the notion that somehow, 30 minutes into the debate and on page 2 of line 7 of the bill and while in discussion of the first Republican amendment, that was where you drew the line and decided that the tactics by us were going to be dilatory. It certainly seems to me, I would say to the gentleman, with all due respect, that there was some preconceived notion that this was the direction in which the majority was going to head regardless.

Furthermore, Madam Speaker, I will say to the gentleman—and the gentleman and I have spoken about this—it is our intention to practice some

good faith and to ask the majority to engage with us, to allow our Members to come to the floor, to deliberate in the context of the only constitutional duty of this body, which is the expenditure of taxpayer dollars, and to allow our voice to be heard.

I hardly think, Madam Speaker, that the decision to close this process after 30 minutes, to close this process after just the first Republican amendment, is at all being made in good faith.

So I ask the gentleman again: What is the thinking of the majority here? The first appropriations bill. The first Republican amendment. How is it that we can expect a good-faith debate?

Our Members complied with your rule—unprecedented. The gentleman speaks to prior years and to the number of amendments that came up on this bill and on others. He knows as well as I that the preprinting requirement was not in place. This is the unintended consequence of a preprinting requirement, the 127 amendments. We have had that discussion. There will not be discussion and debate and votes asked for 127 amendments. So we stand here in good faith and want to engage with the Members on your side of the aisle.

So I ask the gentleman: What is it? What is the intention tonight—to go back to Rules? Our Members have already been told their amendments will be accepted. Now how should they proceed?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Let me reiterate what the gentleman knows to be the case. He and I have discussed this matter on at least three different occasions. They were, I think, friendly discussions. The gentleman indicated that he did not believe an agreement was possible on the time constraints. Mr. BOEHNER indicated that to me as well, so it's not as if we haven't had significant discussions about this. You also, in fairness, did indicate to me that the preprinting requirement would be something that your side would take umbrage at.

Mr. OBEY, I think correctly, said both sides like notice of actions that are to be taken on the floor. In fact, when we take notice, when we do less than 24 hours, you rightfully believe that's inappropriate. I agree with you on that, and we try to do that. Sometimes we don't make it.

□ 2115

But the fact is that this is not as if we haven't had some discussions over at least the last 2 months about this issue. And from my perspective—I don't want to speak for Mr. OBEY, who has spoken with Mr. LEWIS as well—but over the last 2 months I have seen nothing that indicated to me that time constraints would be agreeable to your side of the aisle, not from you, not

from Mr. BOEHNER, not from anybody else, not from Mr. LEWIS, who on this floor just hours ago indicated that there would not be any time agreements possible.

So in that context, I am in a position where, if that's the case—and you may well be correct that 127 wouldn't be offered, but very frankly, our experience in 2007—now, in 2008, the appropriation process was attenuated, as you know. It upset you and disappointed me that we didn't have bills. The reasons for that, obviously, dealt with mainly the Appropriations Committee fighting about energy, as you know. One can blame one another for that, but in any event, it didn't go forward. Nobody was pleased that we didn't consider the bills individually, and we ended up, as you well know, earlier this year doing an omnibus appropriation bill. We did omnibus appropriation bills frequently when you were in charge of the House, as well. Neither side liked that then or when we did it.

So I tell my friend, the intention is going to be to try to construct time frames—and we would be glad to have further discussions with you on those—which will allow for these 12 bills to be done in the time available to us between now and July 30. Because if we don't get them done, I guarantee you that when we get back in September, with 21 days left to go, we will not be able to conference these bills and get them done. That is a practical matter. For those of you who are new, I will tell you that. For those of who have been here, you understand that that's the case.

Mr. CANTOR. I thank the gentleman. Madam Speaker, I would respond, first of all, to the suggestion that the discussions that we've had, and others, over the last 2 months as to whether an agreement was possible, frankly, is unprecedented. Because in years past in the appropriations process, time agreements were arrived at once the number of amendments were known, and we worked out the agreements and debate ensued thereunder.

We did not know prior to the deadline and the cutoff of preprinting requirements as to how many amendments there would be. So we do know now how many amendments there would be. But again, Madam Speaker, I say what sticks with us, and not very well, is your decision to cut debate off on page 2, line 7 of the bill after the first Republican amendment. Madam Speaker, again, with all due respect, that does not speak in good faith about the majority's intention to allow us the opportunity to speak to the issues surrounding the expenditure of taxpayer dollars. That is not good faith.

We stand here in good faith, as the gentleman and I have discussed prior, and we want the opportunity to show you that we can conduct debate in good faith, deliberate on the people's busi-

ness, and not be shut out summarily. And it is very hard, again, Madam Speaker, for us to accept that the majority had any intention of allowing debate if we shut it off after 30 minutes and the first Republican amendment.

So I say to the gentleman, we stand here and we ask you to allow us to proceed this evening, allow us to demonstrate good faith so that then the majority can then match that good faith and we can proceed in this House in normal course in the appropriations process.

I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0250

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCGOVERN) at 2 o'clock and 50 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-158) on the resolution (H. Res. 552) providing for further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. PERLMUTTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2847.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONNOLLY of Virginia (at the request of Mr. HOYER) for today (up until 4 p.m.) on account of his daughters' graduation.

ADJOURNMENT

Mr. PERLMUTTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 52 minutes a.m.), the House adjourned until today, Wednesday, June 17, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2195. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Air Race, Detroit River, Detroit, MI [Docket No.: USCG-2009-0089] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2196. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; F/V PATRIOT, Massachusetts Bay, MA [Docket No.: USCG-2009-0424] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2197. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.4 to Mile Marker 0.6, Pittsburgh, PA [Docket No.: USCG-2009-0016] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2198. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World June Fireworks; Mission Bay, San Diego, California [Docket No.: USCG-2009-0267] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2199. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World Fireworks Season Kickoff; Mission Bay, San Diego, California [Docket No.: USCG-2009-0279] (RIN: 1625-AA00) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2200. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean Beach Fourth of July Fireworks; Pacific Ocean, San Diego, CA [Docket No.: USCG-2009-0122] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2201. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Big Bay Fourth of July Fireworks; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0123] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2202. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay Yacht Club Fourth of July Fireworks; Mission Bay, San Diego, CA [Docket No.: USCG-2009-0124] (RIN: 1625-

AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2203. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World Memorial Day Fireworks; Mission Bay, San Diego, California [Docket No.: USCG-2009-0265] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2204. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World 4th of July Fireworks Display; Mission Bay, San Diego, California [Docket No.: USCG-2009-0103] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2205. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG-2009-0106] (RIN: 1625-AA08) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2206. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Special local Regulations for Marine Events; Patuxent River, Patuxent River, MD [Docket No.: USCG-2009-0107] (RIN: 1625-AA08) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2207. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coronado Fourth of July Fireworks; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0120] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2208. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean City Air Show, Atlantic Ocean, Ocean City, MD [Docket No.: USCG-2009-0064] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2209. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Marine Events Regattas; Annual Marine Events in the Eighth Coast Guard District [Docket No.: USCG-2008-0386] (RIN: 1625-AA08) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2210. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Sturgeon Bay Ship Canal, Sturgeon Bay, WI [Docket No.: USCG-2009-0385] (RIN: 1625-AA09) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2211. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — International Air Pollution Prevention (IAPP) Certificates [Docket No.: USCG-2008-1014] (RIN: 1625-AB31) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2212. A letter from the Attorney — Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Underwater Object, Massachusetts Bay, MA [Docket No.: USCG-2008-1272] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2213. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ESL Air and Water Show, Lake Ontario, Ontario Beach Park, Rochester, NY [Docket No.: USCG-2009-0343] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2214. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; June and July Northwest Harbor Safety Zone; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0330] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2215. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise Point Fourth of July Fireworks; Mission Bay, San Diego, CA [Docket No.: USCG-2009-0125] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2216. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World May Fireworks; Mission Bay, San Diego, California [Docket No.: USCG-2009-0266] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2217. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Copper Canyon Clean up; Lake Havasu, Arizona [Docket No.: USCG-2009-0242] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2218. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Use of Force Training Flights, San Pablo Bay, CA [Docket No.: USCG-2009-0300] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2219. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes [Docket No.: FAA-2009-0433; Directorate Identifier 2009-NM-003-AD; Amendment 39-15902; AD 2009-10-07] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2220. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Security Related Consideration in the Design and Operation of Transport Category Airplanes [Docket No.: FAA-2006-26722; Amendment Nos. 25-127] (RIN: 2120-A166) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2221. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No.: FAA-2009-0135; Directorate Identifier 2008-NM-170-AD;

Amendment 39-15901; AD 2009-10-06] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2222. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Drug Enforcement Assistance; OMB Approval of Information Collection [Docket No.: FAA-2006-26714; Amdt. Nos. 47-28, 61-118, 63-36, and 65-51] (RIN: 2120-AI43) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2223. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Drug and Alcohol Testing Program [Docket No.: FAA-2008-0937; Amendment Nos. 61-122, 63-37, 65-53, 91-307, 120-0, 121-343, 135-117] (RIN: 2120-AJ37) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2224. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Amendments Updating the Address for the Federal Railroad Administration and Reflecting the Migration to the Federal Docket Management System [Docket No.: FRA-2008-0128] (RIN: 2130-AB99) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2225. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Hours of Service of Railroad Employees; Amended Record-keeping and Reporting Regulations [Docket No.: 2006-26176, Notice No. 1] (RIN: 2130-AB85) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2226. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rushville, NE [Docket No.: FAA-2009-0120; Airspace Docket No. 09-ACE-2] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2227. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Fulton, MO [Docket No.: FAA-2008-1230; Airspace Docket No. 08-ACE-1] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2228. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and DA 40 F Airplanes [Docket No.: FAA-2009-0240; Directorate Identifier 2009-CE-015-AD; Amendment 39-15899; AD 2009-10-04] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2229. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30665 Amdt. No 3320] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2230. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket

No.: 30666; Amdt. No. 3321] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2231. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes [Docket No.: FAA-2009-0428; Directorate Identifier 2009-NM-053-AD; Amendment 39-15900; AD 2009-10-05] (RIN: 2120-AA64) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2232. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Refugio, TX [Docket No.: FAA-2009-0241; Airspace Docket No. 09-ASW-6] received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2233. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Miscellaneous Revisions to the Procedures for Handling Petitions for Emergency Waiver of Safety Regulations and the Procedures for Disqualifying Individuals from Performing Safety-Sensitive Functions [Docket No.: FRA-2009-0006; Notice No. 1] (RIN: 2130-AC02) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2234. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 and -300 Airplanes [Docket No.: FAA-2009-0419; Directorate Identifier 2009-NM-050-AD; Amendment 39-15898; AD 2009-10-03] (RIN: 2120-AA64) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2235. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No.: FAA-2008-1214; Directorate Identifier 2007-NM-259-AD; Amendment 39-15897; AD 2009-10-02] (RIN: 2120-AA64) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2236. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) JT9D-7R4 Series Turbofan Engines [Docket No.: FAA-2006-23742; Directorate Identifier 2005-NE-53-AD; Amendment 39-15896; AD 2009-10-06] (RIN: 2120-AA64) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2237. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30662; Amdt. No. 480] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2238. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Robinson R-22/R-44 Special Training and Experience Requirements [Docket No.: FAA-2002-13744; Amendment No. SFAR 73-2] (RIN: 2120-AJ27) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2239. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Communication and Area Navigation Equipment (RNAV) Operations in Remote Locations and Mountainous Terrain [Docket No.: FAA-2002-14002; Amendment Nos. 91-306 and 135-110] (RIN: 2120-AJ46) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2240. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30668; Amdt. No. 3323] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2241. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30667 Amdt. No 3322] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2242. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1832-DR, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

2243. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1829-DR, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

2244. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1830-DR, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE of North Carolina: Committee on Appropriations. H.R. 2892. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-157). Referred to the Committee of the Whole House on the State of the Union.

[Filed on June 17 (legislative day of June 16), 2009]

Ms. SLAUGHTER: Committee on Rules. House Resolution 552. Resolution providing for further consideration of the bill (H.R. 2847) making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-158). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SLAUGHTER (for herself, Mrs. CAPITO, Mr. CONYERS, Mr. FILNER, Mr. OBERSTAR, Mr. RANGEL, Mr. ARCURI, Ms. BERKLEY, Mrs. BIGGERT, Mr. BISHOP of New York, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. DELAURA, Mr. ELLISON, Ms. FUDGE, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Mr. LANGEVIN, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINTYRE, Mrs. MALONEY, Mr. MASSA, Mr. PAYNE, Mr. PLATTS, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Mr. WEXLER, and Ms. HERSETH SANDLIN):

H.R. 2882. A bill to amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. OBERSTAR, Mr. FILNER, and Mrs. NAPOLITANO):

H.R. 2883. A bill to amend the Federal Water Pollution Control Act to provide for security at wastewater treatment works, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FALEOMAVAEGA (for himself, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 2884. A bill to amend the Internal Revenue Code of 1986 to clarify that electricity produced in certain possessions of the United States and other areas is eligible for the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA (for himself, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 2885. A bill to amend the Internal Revenue Code of 1986 to expand the credit for electricity produced from certain renewable resources and the investment energy credit to include ocean thermal energy conversion projects; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA (for himself, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 2886. A bill to amend the Internal Revenue Code of 1986 to provide the nonbusiness energy property and residential energy efficient property tax incentives to residents of certain possessions of the United States and other areas; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama (for himself and Mr. DAVIS of Kentucky):

H.R. 2887. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Mr. WU, and Mr. SCHRAEDER):

H.R. 2888. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers,

and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Mr. WU, and Mr. SCHRAEDER):

H.R. 2889. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, and Mr. WU):

H.R. 2890. A bill to amend the Wild and Scenic Rivers Act to designate certain river segments in Oregon as wild or scenic rivers, and for other purposes; to the Committee on Natural Resources.

By Mr. BRALEY of Iowa (for himself and Mr. SPACE):

H.R. 2891. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish a Frontline Providers Loan Repayment Program; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. BACHUS, Mr. GUTIERREZ, Mr. HENSARLING, and Mrs. BIGGERT):

H.R. 2893. A bill to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mr. LARSON of Connecticut, Mr. WEXLER, Mr. CAPUANO, Mr. OBEY, Mr. SERRANO, Ms. WASSERMAN SCHULTZ, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. NADLER of New York, Mr. HINCHAY, Ms. KAPTUR, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Ms. PINGREE of Maine, Mr. FATTAH, Mr. MORAN of Virginia, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Mr. ISRAEL, Mrs. MALONEY, Mrs. CAPPS, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, Mr. ANDREWS, Mr. COHEN, Mr. PAYNE, Mr. TIERNEY, Mr. ROTHMAN of New Jersey, Mr. CARNEY, Mr. STARK, Mr. DOYLE, Mr. OBERSTAR, Mr. WALZ, Mr. ABERCROMBIE, Mr. MCINTYRE, Mr. JACKSON of Illinois, Mr. CLAY, Mr. SESTAK, Mr. MEEKS of New York, Mr. KLEIN of Florida, Ms. EDWARDS of Maryland, Mr. FARR, Mr. OLVER, Ms. LINDA T. SANCHEZ of California, Mr. PERRIELLO, Mr. LOEBSACK, Mr. FILNER, Mr. SIREN, Mr. HONDA, Mr. WU, Mr. SCHIFF, Mr. PALLONE, Mr. ORTIZ, Mr. DEFAZIO, Mr. BARROW, Mr. HIMES, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. MASSA, Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. BISHOP of New York, Mr. ALTMIRE, Mr. POLIS of Colorado, Mr. LANCE, Mr. LOBIONDO, Ms. CASTOR of Florida, Mr. LARSEN of Washington, and Mrs. LOWEY):

H.R. 2894. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall with-

in the jurisdiction of the committee concerned.

By Mr. CARDOZA (for himself and Mr. LUJAN):

H.R. 2895. A bill to amend the Public Utility Regulatory Policies Act of 1978 to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself, Mr. KANJORSKI, and Mr. BACHUS):

H.R. 2896. A bill to amend the Federal Deposit Insurance Act to provide the same treatment for covered bonds as for other qualified financial contracts to which a depository institution is a party when such institution is in receivership or conservatorship, and for other purposes; to the Committee on Financial Services.

By Mr. GUTIERREZ (for himself, Mr. KANJORSKI, Mr. CAPUANO, Ms. MOORE of Wisconsin, and Ms. LEE of California):

H.R. 2897. A bill to amend the Federal Deposit Insurance Act to return a sense of fairness and accountability to the deposit insurance premium assessment process, and for other purposes; to the Committee on Financial Services.

By Mrs. HALVORSON:

H.R. 2898. A bill to amend title 38, United States Code, to provide support services for family caregivers of disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, Mr. DANIEL E. LUNGREN of California, and Mr. RADANOVICH):

H.R. 2899. A bill to address the public health and safety threat presented by the risk of catastrophic wildfire on Federal forestlands of the State of California by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest restoration, and forest health; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself and Mr. MACK):

H.R. 2900. A bill to repeal the wage rate requirements commonly known as the Davis-Bacon Act; to the Committee on Education and Labor.

By Mr. LOBIONDO (for himself, Mr. COBLE, Mr. TAYLOR, Mr. DELAHUNT, and Mr. MICA):

H.R. 2901. A bill to amend title 14, United States Code, to improve benefits for members of the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MASSA (for himself, Mr. PERRIELLO, and Mr. HINCHAY):

H.R. 2902. A bill to authorize the Federal Trade Commission, in consultation with the Federal Communications Commission, to review volume usage service plans of major broadband Internet service providers to ensure that such plans are fairly based on cost; to the Committee on Energy and Commerce.

By Mr. MICHAUD:

H.R. 2903. A bill to establish an assistance program for the construction of digital TV translators to fill coverage gaps that are created from the transition from analog to digital signals; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas:

H.R. 2904. A bill to prohibit the Federal Government from holding ownership interests, and for other purposes; to the Committee on Financial Services.

By Mr. MORAN of Kansas:

H.R. 2905. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit and to modify the credit by repealing the first-time homebuyer requirement and waiving recapture; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. TERRY, Mr. WOLF, and Mr. BERMAN):

H.R. 2906. A bill to amend the Public Health Service Act to specifically include problem and pathological gambling in programs of the Substance Abuse and Mental Health Services Administration and to establish a national program to address the harmful consequences of problem gambling; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H.R. 2907. A bill to amend the Emergency Economic Stabilization Act of 2008 to ensure that recipients of assistance under the Troubled Asset Relief Program repay such assistance only if they would remain well capitalized after such repayment; to the Committee on Financial Services.

By Mr. PENCE:

H. Res. 548. A resolution providing for the election of certain minority members to a standing committee; considered and agreed to.

By Mr. PENCE:

H. Res. 549. A resolution expressing support for all Iranian citizens who struggle for freedom, human rights, civil liberties, and the protection of the rule of law; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Mr. SMITH of New Jersey, Ms. WOOLSEY, Ms. LEE of California, Mr. BERMAN, Ms. JACKSON-LEE of Texas, and Mr. BOOZMAN):

H. Res. 550. A resolution recognizing the "Day of the African Child" on June 16, 2009, devoted to the theme of child survival and to emphasize the importance of reducing maternal, newborn, and child deaths in Africa; to the Committee on Foreign Affairs.

By Mr. STUPAK:

H. Res. 551. A resolution expressing the sense of the House of Representatives that the interstate compact regarding water resources in the Great Lakes-St. Lawrence River Basin approved by the Congress in Public Law 110-342 expressly prohibited the sale, diversion, or export of water from States in the Great Lakes Basin; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

95. The SPEAKER presented a memorial of the State Senate of Louisiana, relative to

SENATE CONCURRENT RESOLUTION NO. 51 memorializing the United States Congress to take such actions as are necessary to appropriate funds to be used for storm-proofing interior pump stations in St. Bernard and Plaquemines parishes; to the Committee on Appropriations.

96. Also, a memorial of the State Senate of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 15 memorializing the Congress of the United States to take such actions as are necessary to maintain the current incentives for the exploration and production of domestic oil and natural gas; jointly to the Committees on Natural Resources and Appropriations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. MCCAUL.
 H.R. 147: Mr. MCMAHON, Mr. ROHRABACHER, Mr. MCCOTTER, and Mr. SHULER.
 H.R. 187: Mr. MORAN of Virginia.
 H.R. 213: Ms. JENKINS.
 H.R. 240: Ms. JENKINS.
 H.R. 270: Mr. BERRY and Ms. KILROY.
 H.R. 293: Mr. MCCOTTER.
 H.R. 294: Mr. POE of Texas.
 H.R. 297: Mr. POE of Texas.
 H.R. 329: Mr. CARSON of Indiana.
 H.R. 333: Mr. MCCLINTOCK, Mr. ELLSWORTH, and Mr. GUTHRIE.
 H.R. 362: Mr. CARNAHAN.
 H.R. 406: Mr. ELLSWORTH and Mr. AL GREEN of Texas.
 H.R. 430: Mr. KING of New York.
 H.R. 450: Mr. TERRY.
 H.R. 483: Mr. PLATTS.
 H.R. 503: Mr. MCNERNEY, Mr. CONNOLLY of Virginia, and Ms. CORRINE BROWN of Florida.
 H.R. 513: Mr. SMITH of Texas.
 H.R. 537: Mr. PITTS.
 H.R. 574: Mr. KINGSTON and Mr. REICHERT.
 H.R. 690: Mr. BRADY of Texas.
 H.R. 816: Mr. CARNAHAN.
 H.R. 886: Mr. DAVIS of Illinois.
 H.R. 904: Mr. PETERS.
 H.R. 958: Mr. NADLER of New York and Ms. MOORE of Wisconsin.
 H.R. 982: Mr. CALVERT and Mr. LUETKEMEYER.
 H.R. 997: Mr. UPTON.
 H.R. 1016: Mr. ETHERIDGE and Mr. ISRAEL.
 H.R. 1021: Mr. CARNAHAN.
 H.R. 1054: Mr. MARCHANT.
 H.R. 1063: Mr. BROWN of South Carolina, Mr. PRICE of Georgia, and Mr. UPTON.
 H.R. 1064: Mr. HOLDEN, Mr. HODES, Mr. MCINTYRE, Mr. KLEIN of Florida, Mr. ACKERMAN, Mr. POMEROY, and Mr. SNYDER.
 H.R. 1066: Mr. CUMMINGS and Mr. HINOJOSA.
 H.R. 1084: Mr. SPRATT, Mr. SMITH of Washington, and Mr. WEINER.
 H.R. 1093: Mr. MILLER of North Carolina, Mr. GORDON of Tennessee, Mr. CARNAHAN, and Mr. DAVIS of Illinois.
 H.R. 1147: Mr. ROTHMAN of New Jersey.
 H.R. 1169: Mr. POE of Texas.
 H.R. 1172: Mr. POE of Texas.
 H.R. 1177: Mr. WAMP.
 H.R. 1179: Mr. KENNEDY.
 H.R. 1188: Mr. ENGEL, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. MYRICK, Mr. MARSHALL, and Mr. BROUN of Georgia.
 H.R. 1190: Mr. BISHOP of Utah.
 H.R. 1191: Mrs. CAPPS.
 H.R. 1207: Mr. EDWARDS of Texas, Mr. SOUDER, Mr. COFFMAN of Colorado, Ms. GIFFORDS, Mr. ISSA, and Mr. GRIFFITH.
 H.R. 1210: Mr. DENT.

H.R. 1211: Mr. POE of Texas.
 H.R. 1242: Ms. FALLIN, Mr. LEE of New York, and Mr. RADANOVICH.
 H.R. 1255: Ms. JACKSON-LEE of Texas, Mr. FARR, and Mr. SARBANES.
 H.R. 1283: Mr. BECERRA.
 H.R. 1313: Mr. PASTOR of Arizona, Mr. DELAHUNT, and Mr. DANIEL E. LUNGREN of California.
 H.R. 1330: Mr. YARMUTH.
 H.R. 1347: Mr. MCGOVERN.
 H.R. 1392: Mr. LEWIS of Georgia and Mr. NUNES.
 H.R. 1396: Ms. SCHAKOWSKY.
 H.R. 1407: Mr. PLATTS, Mr. BRALEY of Iowa, and Mr. MICHAUD.
 H.R. 1410: Ms. KAPTUR and Mr. BRADY of Pennsylvania.
 H.R. 1415: Mr. WESTMORELAND and Ms. MATSUI.
 H.R. 1428: Mr. MICHAUD, Mr. OBERSTAR, Mr. PETRI, Mr. WITTMAN, Mr. TEAGUE, Mr. TIBERI, Mr. MCCOTTER, and Mr. CLEAVER.
 H.R. 1454: Mr. LIPINSKI and Ms. CLARKE.
 H.R. 1507: Mr. RUPPERSBERGER.
 H.R. 1526: Ms. DEGETTE and Ms. HIRONO.
 H.R. 1528: Mr. NADLER of New York, Mr. GRIJALVA, and Mr. BISHOP of Georgia.
 H.R. 1530: Mr. NADLER of New York, Mr. GRIJALVA, and Mr. BISHOP of Georgia.
 H.R. 1531: Mr. GRIJALVA and Mr. BISHOP of Georgia.
 H.R. 1548: Mr. DAVIS of Illinois and Mr. MORAN of Kansas.
 H.R. 1551: Mr. SIRES.
 H.R. 1585: Mr. CARNAHAN and Ms. HERSETH SANDLIN.
 H.R. 1614: Mr. LUJÁN.
 H.R. 1616: Ms. HIRONO.
 H.R. 1643: Mr. CAPUANO, Mr. DELAHUNT, and Mr. BISHOP of Georgia.
 H.R. 1670: Mr. WEXLER.
 H.R. 1678: Mr. CARNAHAN.
 H.R. 1685: Ms. SCHWARTZ.
 H.R. 1708: Ms. WATERS, Mr. PRICE of North Carolina, Mrs. MCMORRIS RODGERS, and Mr. JOHNSON of Georgia.
 H.R. 1826: Mr. WU.
 H.R. 1835: Mr. BARTON of Texas and Mr. MELANCON.
 H.R. 1846: Mr. GRAYSON.
 H.R. 1849: Mr. CALVERT.
 H.R. 1868: Mr. FLEMING and Mr. MCCLINTOCK.
 H.R. 1873: Mr. WEXLER.
 H.R. 1884: Mr. KIRK, Mrs. BACHMANN, Mr. AUSTRIA, Mr. MILLER of North Carolina, Mr. DOYLE, Mr. COURTNEY, Mr. MAFFEI, Mr. DRIEHAUS, Mr. KISSELL, Mr. MITCHELL, Ms. GIFFORDS, Mr. PETERS, Mr. CARNEY, and Ms. KOSMAS.
 H.R. 1894: Mr. PITTS and Mr. YARMUTH.
 H.R. 1898: Mr. LEWIS of Georgia and Mr. PASCRELL.
 H.R. 1956: Mr. PLATTS.
 H.R. 1977: Mr. ROHRABACHER.
 H.R. 1992: Mr. STARK.
 H.R. 2014: Mr. DAVIS of Tennessee.
 H.R. 2017: Mr. CAMPBELL, Mr. PETERSON, and Mrs. LOWEY.
 H.R. 2024: Mr. CARNAHAN.
 H.R. 2047: Mr. GORDON of Tennessee.
 H.R. 2061: Mr. COLE.
 H.R. 2068: Mr. MARSHALL.
 H.R. 2083: Mr. ADERHOLT.
 H.R. 2085: Mr. JOHNSON of Georgia.
 H.R. 2097: Mr. CRENSHAW and Mr. BISHOP of Georgia.
 H.R. 2102: Ms. WATERS and Mr. SCOTT of Virginia.
 H.R. 2125: Mr. PETRI.
 H.R. 2129: Mr. LIPINSKI and Mr. WELCH.
 H.R. 2140: Mr. CARDOZA.
 H.R. 2196: Mr. SCHIFF.

H.R. 2213: Mr. FRANK of Massachusetts.
 H.R. 2243: Mr. BOCCIERI and Mr. WOLF.
 H.R. 2245: Mr. SKELTON, Mr. KLEIN of Florida, Mrs. MYRICK, Ms. CORRINE BROWN of Florida, and Mr. RODRIGUEZ.
 H.R. 2254: Mr. CARTER, Mr. MURPHY of Connecticut, Mr. DAVIS of Alabama, Mr. CONNOLLY of Virginia, Mr. BRADY of Pennsylvania, Mr. ARCURI, and Mr. CLEAVER.
 H.R. 2270: Mr. POE of Texas.
 H.R. 2275: Mr. DELAHUNT, Mrs. LOWEY, Mr. KING of New York, Mr. WOLF, Mr. HONDA, Mr. ELLSWORTH, and Mr. WEXLER.
 H.R. 2296: Mr. THORNBERRY, Mr. CALVERT, Mr. MCCLINTOCK, and Mr. ADERHOLT.
 H.R. 2303: Mrs. MALONEY and Mr. KIND.
 H.R. 2329: Mr. HARE, Ms. KILPATRICK of Michigan, Mr. CAO, and Mr. ALEXANDER.
 H.R. 2360: Ms. TITUS.
 H.R. 2373: Mr. MORAN of Kansas, Mr. ARCURI, and Mr. TIM MURPHY of Pennsylvania.
 H.R. 2377: Mr. GRIJALVA, Ms. FUDGE, Mr. LARSEN of Washington, Mr. GRAYSON, and Mr. BACA.
 H.R. 2413: Mr. FRANK of Massachusetts, Mr. TIM MURPHY of Pennsylvania, and Mr. THOMPSON of Mississippi.
 H.R. 2443: Mr. NUNES.
 H.R. 2452: Ms. GINNY BROWN-WAITE of Florida, Mrs. BONO Mack, Mr. HIGGINS, and Mr. BOUSTANY.
 H.R. 2462: Mr. MCCOTTER.
 H.R. 2480: Mr. DEFazio and Mr. CALVERT.
 H.R. 2492: Mr. DOGGETT, Mr. BISHOP of New York, and Mr. SABLON.
 H.R. 2493: Mr. TOWNS.
 H.R. 2499: Mr. MARKEY of Massachusetts, Mr. WITTMAN, and Mr. SCOTT of Virginia.
 H.R. 2520: Mr. CALVERT.
 H.R. 2537: Mr. MACK.
 H.R. 2547: Mr. BROWN of South Carolina.
 H.R. 2554: Mr. TERRY and Mr. HODES.
 H.R. 2558: Ms. SCHWARTZ.
 H.R. 2561: Mr. GRIJALVA and Ms. SCHAKOWSKY.
 H.R. 2562: Mr. WHITFIELD.
 H.R. 2596: Mr. ENGEL.
 H.R. 2607: Mr. ADERHOLT.
 H.R. 2616: Mr. GRAYSON.
 H.R. 2632: Mr. YOUNG of Alaska.
 H.R. 2648: Mr. CLAY, Ms. EDWARDS of Maryland, Mr. PERLMUTTER, Mr. ADLER of New Jersey, Mr. CARNEY, and Mr. KUCINICH.
 H.R. 2695: Mr. NADLER of New York and Mr. CARNEY.
 H.R. 2700: Mr. RUPPERSBERGER and Mr. ACKERMAN.
 H.R. 2709: Mr. CARSON of Indiana.
 H.R. 2729: Mr. LIPINSKI and Mrs. BIGGERT.
 H.R. 2743: Mr. LANGEVIN, Ms. LORETTA SANCHEZ of California, Mr. BOCCIERI, Mr. TIAHRT, Ms. DELAURO, Mr. SMITH of Washington, Mr.

WU, Mr. WESTMORELAND, Mr. KINGSTON, Mr. HOEKSTRA, Mr. KAGEN, Mr. FORTENBERRY, Mr. MECK of Florida, Mr. ADLER of New Jersey, and Mr. COURTNEY.
 H.R. 2746: Ms. MARKEY of Colorado, Mr. HALL of New York, Mr. FRANK of Massachusetts, Mr. WEINER, Ms. WATERS, Mrs. NAPOLITANO, Ms. LEE of California, Mr. FILNER, and Mr. JOHNSON of Georgia.
 H.R. 2766: Mr. RUSH, Mr. ARCURI, Mr. KUCINICH, Mr. MASSA, Mr. HOLT, and Mr. PATRICK J. MURPHY of Pennsylvania.
 H.R. 2777: Mr. PAYNE.
 H.R. 2829: Mr. KUCINICH, Mr. WEXLER, and Mr. CUMMINGS.
 H.R. 2831: Mr. WEXLER.
 H.R. 2835: Mr. MCGOVERN.
 H.R. 2842: Mr. CHAFFETZ, Mr. DUNCAN, and Mr. COLE.
 H.R. 2846: Mr. WESTMORELAND, Mr. LINDER, and Mr. WITTMAN.
 H.R. 2861: Mr. MILLER of North Carolina, Mr. CARSON of Indiana, and Ms. SCHAKOWSKY.
 H.R. 2866: Mr. BURGESS.
 H.J. Res. 47: Mr. GARY G. MILLER of California, Mr. CHILDERS, Mr. ROE of Tennessee, and Mr. LIPINSKI.
 H. Con. Res. 117: Mr. GENE GREEN of Texas, Mr. GRIFFITH, Ms. BORDALLO, Mr. ROHR-ABACHER, and Ms. KOSMAS.
 H. Res. 57: Mrs. HALVORSON, Mr. AL GREEN of Texas, Mr. ANDREWS, Mr. CAPUANO, Mr. ALTMIRE, and Mr. MCDERMOTT.
 H. Res. 69: Mr. HEINRICH, Mr. PASCRELL, Mr. WU, Mr. AL GREEN of Texas, and Ms. LORETTA SANCHEZ of California.
 H. Res. 111: Mr. HOEKSTRA.
 H. Res. 349: Ms. JENKINS.
 H. Res. 366: Mr. EHLERS, Mr. TOWNS, Mr. PALLONE, and Ms. BERKLEY.
 H. Res. 376: Mr. HARPER, Mrs. BLACKBURN, Mrs. BONO Mack, Mr. DINGELL, Mr. BOUSTANY, Mr. RADANOVICH, Mr. BUCHANAN, and Mr. PETERS.
 H. Res. 397: Mr. GARRETT of New Jersey.
 H. Res. 416: Mr. FATTAH.
 H. Res. 441: Mr. HIGGINS, Mr. CAO, Ms. BORDALLO, Mr. SESTAK, Mr. DRIEHAUS, Mr. VISCIOSKY, Ms. MOORE of Wisconsin, Ms. MCCOLLUM, Mr. BOREN, Mrs. MCCARTHY of New York, Ms. ROYBAL-ALLARD, and Ms. DELAURO.
 H. Res. 443: Mr. CALVERT and Mr. STARK.
 H. Res. 445: Mr. LAMBORN, Mr. WOLF, Mr. JOHNSON of Illinois, Mr. MCKEON, Mr. LEE of New York, Mrs. McMORRIS RODGERS, Mr. TAYLOR, Mr. BRADY of Texas, Mr. GOHMERT, Mr. WITTMAN, Mr. TIAHRT, Mr. MCCLINTOCK, Mr. BARTON of Texas, and Mrs. MILLER of Michigan.
 H. Res. 476: Ms. NORTON, Mr. SCOTT of Virginia, and Mrs. CHRISTENSEN.
 H. Res. 480: Ms. JACKSON-LEE of Texas.

H. Res. 482: Mr. WATT and Mrs. MYRICK.
 H. Res. 496: Ms. ROS-LEHTINEN.
 H. Res. 507: Mr. KISSELL, Mr. HIGGINS, and Mr. PUTNAM.
 H. Res. 519: Mr. ENGEL, Mr. DINGELL, Mrs. McMORRIS RODGERS, Mr. MICHAUD, Mr. SMITH of New Jersey, and Mr. ACKERMAN.
 H. Res. 535: Mr. BACA and Ms. LEE of California.
 H. Res. 536: Mr. GERLACH, Mrs. CAPPS, Mr. GALLEGLEY, Ms. GINNY BROWN-WAITE of Florida, and Mr. GORDON of Tennessee.
 H. Res. 538: Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Mr. DICKS, Mr. CLAY, Mr. PUTNAM, Mr. CHAFFETZ, Mr. HALL of New York, and Ms. BERKLEY.
 H. Res. 543: Mr. BRALEY of Iowa, Mr. SIRES, Mrs. MCCARTHY of New York, Mr. ABERCROMBIE, Mr. LARSON of Connecticut, Mr. WALZ, Mr. DRIEHAUS, Mr. CARSON of Indiana, Ms. KOSMAS, Ms. TSONGAS, Ms. CLARKE, Mr. PRICE of North Carolina, Ms. MOORE of Wisconsin, Mr. WEINER, Mr. CROWLEY, Mr. BOYD, Mr. PETERS, Ms. MARKEY of Colorado, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. PIERLUISI, Mr. RODRIGUEZ, Mr. BERRY, Ms. WASSERMAN SCHULTZ, Mr. TONKO, Ms. WATSON, Ms. SUTTON, Mrs. TAUSCHER, Ms. SPEIER, Mr. QUIGLEY, Mr. ANDREWS, Mr. FILNER, Mr. PERLMUTTER, Mr. DEFazio, Mr. KISSELL, Mr. CHANDLER, Mr. MICHAUD, Mr. RUSH, Ms. SCHWARTZ, Mr. VAN HOLLEN, Ms. DELAURO, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. HOLT, Mr. VELÁZQUEZ, and Mr. MURPHY of Connecticut.

PETITIONS, ETC.

Under clause 1 of rule XXII,

54. The SPEAKER presented a petition of the Commission of the City of Miami, Florida, relative to Resolution: R-09-0091 URGING PRESIDENT BARACK OBAMA TO RESCIND THE EXECUTIVE ORDER OF FORMER PRESIDENT GEORGE W. BUSH THAT TOOK AWAY THE OVERSIGHT OF THE ISSUANCE OF H-2B SEASONAL VISAS FROM THE STATE OF FLORIDA'S AGENCY FOR WORKFORCE INNOVATION; REQUESTING THAT AN INVESTIGATION BE INITIATED REGARDING THE MISUSE OF THE SEASONAL VISA PROGRAM; REQUESTING A REDUCTION IN THE AMOUNT OF SEASONAL VISAS ISSUED; FURTHER DIRECTING THE CITY OF MIAMI'S LOBBYING TEAM TO WORK WITH BOTH THE FEDERAL AND STATE ELECTED OFFICIALS REGARDING THE REDUCTION OF THE H-2B SEASONAL VISA PROGRAM; which was referred to the Committee on the Judiciary.

SENATE—Wednesday, June 17, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, eternal and unchangeable, we pray for this Nation, its people, and its institutions in these challenging times. If we have forsaken You, do not abandon us. If we have sinned, forgive us. If we have been mistaken, correct us. Lord, let Your grace be sufficient for all our needs. Lift the efforts of this body into the higher reaches of Your kingdom, guiding and strengthening our Senators in the discharge of their duties. Bless their work as You strengthen them by Your spirit to honor You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 17, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, we will be in a period

for the transaction of morning business for an hour. Senators will be allowed to speak for up to 10 minutes each. Republicans will control the first half and the majority will control the second 30 minutes. Following morning business, the Senate will resume consideration of the motion to proceed to the Travel Promotion Act postcloture. Following adoption of the motion to proceed to the travel bill later this afternoon, we will turn to the emergency supplemental appropriations conference report.

I am disappointed that we are again wasting time on a heavily bipartisan bill, the Travel Promotion Act, which has wide support by both the Democrats and Republicans. But the Republicans forced us to have a vote on cloture to allow us to get on the bill. All the Republicans voted for it. They are filibustering things they even agree with just to stall for time. This is 30 hours we could use to do a lot of good. I don't know what would be the rationale for wasting this time. Maybe they don't want President Obama to complete more legislation through us. It is beyond my ability to comprehend why we would waste this time.

It has been written and talked about that this is the most accomplished Congress since the first year of the Roosevelt administration. I don't have before me all the legislation we have done, but I am going to try to recall some of the things we have done.

We passed the lands bill, the most significant environmental legislation in more than a quarter of a century, creating more than 2 million acres of wilderness, 1,000 miles of scenic rivers, hundreds of miles of trails, and many other good things in this very important legislation.

We passed the Lilly Ledbetter legislation equalizing pay between men and women.

We passed the Children's Health Insurance Program which had been vetoed by President Bush on several occasions. Now more than 14 million children can go to the doctor when they are sick or hurt.

We passed the economic recovery package. Twenty-five percent of that money is out. The rest is coming.

We passed the omnibus spending bill—very important legislation which had been held up by the Bush administration. We spent \$1.2 trillion of the people's money within a period of 3 weeks. Why did we do that? We did it because Mark Zandi, among others, Senator MCCAIN's chief economic adviser, Republican economists, and Democratic economists told us we had

to do this to stop a worldwide depression, and we have done that. As Chairman Bernanke said, the crops have been planted and the shoots are now appearing out of the ground.

We went on to pass a procurement bill—extremely important—to rein in the excessive expenses of what has taken place in years past with the Pentagon, overspending money we give them; that is, something is supposed to cost this much and winds up costing twice as much.

We were able to pass national service legislation, allowing 750,000 people in America to be involved in public service, dealing with the environment, health care, the poor. During the 7,000 hours they volunteer, they get a small stipend. When they finish, they get an amount of money to help with their college education.

Credit card legislation—so important—we finally were able to do it. After years of talking about doing it, we did it to stop the ripoffs of these credit card companies and what they were doing to hurt Americans—all Americans.

We passed tobacco legislation. I can remember, when I was working in the Capitol of the United States going to law school, the Surgeon General came out with the first report that smoking was bad for you. Some people thought that was the case, but the Surgeon General of the United States said it will kill you. We have been trying ever since then to get control of tobacco. After all these years, we did it.

We have been able to work on other important pieces of legislation—financial fraud, reported out of the Judiciary Committee, which stops scams taking place on people who are about to begin foreclosure, taking advantage of people who are in a time of distress. We passed a lot of housing legislation that is important to allow people to stay in their homes. Have we stopped it all? Of course not. But we have done a pretty good job at that.

We are now arriving at a point where we are going to pass the supplemental appropriations bill, which is very important, to fund our troops. This is the last time we will have to do this because President Obama is honest with his budgeting. The cost of the war is in his budget. It was never in President Bush's budget. For the 8 years he was President, he never put it in his budget. We had to come back and do supplemental emergency appropriations bills to fund our troops.

It is interesting to note, all but five Republicans in the House of Representatives voted against funding the troops

yesterday. It will be interesting to see what happens here. Are my Republican colleagues going to join with us to fund the troops? I think so. I certainly hope so.

We have accomplished a lot more than what I have just outlined, but we have done it by reaching out to the Republicans. We have not gotten a lot of help from the Republicans, but we have gotten enough to pass bills. For example, on the economic recovery package, we needed 2, and neither one of the 2 would be the 60th vote, so we had to get 3, and we got 3. I appreciate very much the courage of Senators SPECTER, SNOWE, and COLLINS in doing that. It was good for their States and good for our country. We have reached out to the Republicans time and time again.

HEALTH CARE DEBATE

Mr. REID. Mr. President, we began this year dedicated to delivering the change the American people demanded in November. We began this Congress committed to making life better for the middle class, for hard-working families who play by the rules. But the American people also demanded something more. They said that we, their leaders, should not be unwilling to work together. The challenges we face have left no one unscathed. We are all in this hole together, and the only way we climb out of this hole is by doing so together.

When the American people spoke last year, they gave us, above all, a mandate for bipartisanship. It was in that spirit that I wrote my Republican colleagues this spring. In that letter, I said one of the best ways to lift our economy is to keep down health care costs. Almost 50 million Americans have no health care, and the problem grows worse every day.

Every day, more Americans go bankrupt or lose their homes just trying to stay healthy. Even those fortunate enough to have insurance pay a hidden tax for those who do not. What does that mean? It means 50 million people, when they get sick or hurt, go to the nearest emergency room. That emergency room may be across the street or 50 miles from where they are, but that is where they go. That increases the cost of every one of our health insurance policies, it increases the cost of the doctor bills we get, the hospital bills we get, and indigent taxes. If your family has health care, you pay at least \$1,000 more than you would if all other families had health care.

In that letter, I expressed my sincere hope that Republicans would work with us to respond to this emergency. I extended my hand. I asked for their help. Although I knew we would disagree at times, I told them I looked forward to an open and honest dialog about how to help struggling Americans.

In this letter, I especially asked Republican colleagues to focus on the concrete and critical crisis that affects children, families, and small businesses every day—a parent cannot take a child to a doctor because insurance does not exist or is prohibitively expensive; a family lives one accident or illness away from financial ruin; small businesses lay off employees because they cannot afford skyrocketing health care premiums. We hear those stories every time we go home.

I asked in that letter that we use the short and valuable time we have to work together in our common interest rather than against each other and against the interests of the American people. I wish I could say Republicans answered those words with deeds of equal good faith. But how have they responded regarding health care? Have they taken the hand we have extended across the aisle? No. Have they taken the seat we offered at the negotiating table? No. Have they engaged in a productive debate about real people and real problems that relate to health care? No. Have they shown they are just as interested as we are in working with each other rather than against each other? No. Have they told us a single thing they are for rather than what they are against? No; it is always what they are against. In fact, “no” is all we hear from the Republicans these days. Instead of debating facts, Republicans have committed themselves to a strategy of misinformation and misrepresentation.

We have different priorities. We are committed to lowering the high cost of health care, ensuring every American has access to that quality, affordable care and letting people choose their own doctors, hospitals, and health plans. We are committed to protecting existing coverage when it is good and improving it when it is not and guaranteeing health care for millions, including 9 million children who have none.

I don't believe doing nothing is an option because the costs of doing nothing are too great. We must pass health care reform this year. As we said at the start of this year, at the start of this work period, at the start of this debate, we will continue doing our best to work with Republicans and pass a bipartisan bill.

In spite of the past, I remain optimistic that both Republicans and Democrats recognize how urgent this health care debate is. The health of our citizens and our economy is at stake, and neither will be able to recover if we wait. But as important as bipartisanship is—and it is important—it is not as critical as helping the nearly 50 million Americans who have nowhere to turn, the other 20 million who have had insurance, and the rest of America, which is paying at least \$1,000 more for their insurance policy as a result of people having no insurance.

As I said in my letter this April, in order for this bipartisan process to take root, Republicans must demonstrate a sincere interest in legislating. I hope they do so because one way or another, we are going to get health care reform done.

Thank you, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. McCONNELL. Mr. President, earlier this year, the new administration proposed and Democrats in Congress approved an economic stimulus bill that was meant to lift the economy at a time of massive job losses and widespread economic hardship. Not only was the bill enormously complex, it was also one of the costliest pieces of legislation ever proposed. Yet those who put it together insisted it be rushed to a vote.

Their reason, of course, was the economic downturn was too dire to wait. Trust us, they said; it is responsible, it is needed, and it will work. So this incredibly complex, enormously expensive bill, introduced on January 26, was passed less than 3 weeks later, just 24 hours—24 hours—after all its details had been disclosed to the public for review.

At the time, I argued that spending this much borrowed money in the middle of a recession on a bill that had been rushed to the floor was extremely irresponsible. At a time when millions were struggling to make ends meet, Washington had no business borrowing hundreds of billions of dollars to pay for government golf carts and ATV trails in the name of economic stimulus. This week, Senator COBURN has catalogued some of the other outrages that are contained in this bill. Here are just a few:

The town of Union, NY, received a \$578,000 grant that it didn't request for a homeless problem it claims it does not have. Florida is planning to spend \$3.4 million in stimulus money to build a 13-foot turtle tunnel at Lake Jackson. That is more than a quarter of a million dollars per foot. This one takes the cake. In North Carolina, \$40,234 in Federal stimulus money will pay for the salary—the salary—of someone whose job is to lobby for more stimulus money. That is \$40,234 to pay someone to lobby for more stimulus money.

This would be comical if it weren't so maddening and if these projects hadn't been sold to the American people as the answer to our economic problems and if the administration hadn't assured us it would make sure every cent of this money was spent efficiently and without waste. But that was then.

The administration had promised since January it would keep an eye on how precious tax dollars were spent. But just months after the stimulus was signed into law, it was already admitting funds would be wasted and people were being scammed.

In January and February, administration economists took to the talk shows promising that the stimulus would create 3 to 4 million jobs. They said that if we passed the stimulus, the unemployment rate would now be about 8 percent. But just a few months later, with job losses continuing to mount, the administration admits their early predictions were simply a guess and that they guessed wrong. Today, the unemployment rate stands at 9.4 percent. Just yesterday, the administration said it expects unemployment to climb even higher.

The \$1 trillion they said was absolutely necessary to jump-start the economy, and which was put on a fast track by an eager-to-please, Democratically led Congress, is now being called a very bad guess by the very people who proposed it.

Now they are asking us to do it again, only this time it is even more than \$1 trillion, and the consequences could be far worse.

The early estimates we are getting for the health care proposal we have seen are that a portion of it—just a portion of it—will be \$1.3 trillion. This figure, staggering in itself, doesn't even account for the money that would be needed to pay for expanding Medicaid and creating a new government-run plan. No one can tell us where any of this money will come from.

Yet similar to the stimulus, we are being told, in the most urgent tones, that this government takeover of health care is absolutely necessary, and we have to approve it as soon as possible, without review, without knowing the full cost, and without knowing how it will affect people's lives. Once again, it is rush and spend and rush and spend and a tidal wave of debt.

Everyone in America knows health care reform is needed in this country, but they want us to do it right. They do not want a blind rush to spend trillions—trillions—of dollars in the hope that the administration gets it right. During the debate over the stimulus, we were told we had to pass it right away, with just 24 hours to review—or \$42 billion an hour—for the sake of the economy. Now we are being told we need to approve a particular set of health care reforms for the sake of the economy, but we have no bill. We have no idea of its total cost. Yet it is rush, rush, rush.

We have heard all this before. We have made this mistake already. Americans will not be rushed into another one. Americans do want health care reform, but they want the right reform,

not a government takeover disguised as a reform that takes away the care they have, replaces it with something worse, and costs untold trillions that they and their grandchildren will have to pay through higher taxes and even more debt.

The administration admits it made a mistake on its predictions about the stimulus. We shouldn't make the same mistake again when it comes to health care.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Arizona.

HEALTH CARE REFORM

Mr. McCAIN. Mr. President, as we all know, health care dominates the agenda and the thoughts and efforts of the Congress of the United States, and it has to be addressed. It is a historic opportunity to achieve the health reforms Americans need today more than ever. We need fundamental reforms—reforms that not only help people get affordable health care coverage but reforms that bring down the cost of health care.

Given the enormous cost associated with the bill that has been proposed, I have called on the other side to scrap the bill and start from scratch. We have to get it right. It shouldn't be a partisan process that forces a bad bill through committee. In starting over, we must address the fundamental components of health care reform, including the major drivers of increasing health care costs.

One of the main factors keeping health care cost trends too high is defensive medicine. Many medical practitioners order additional procedures for fear of litigation, which drives up the medical malpractice insurance costs faced by so many in the medical profession. Medical liability insurance is a direct result of out-of-control lawsuits that force physicians to practice defensive medicine to avoid these often costly and baseless liability lawsuits. Any legislation reforming our health care system is incomplete if it doesn't address this important issue.

A 2003 HHS report estimated the cost of defensive medicine to be between \$70 billion and \$126 billion a year. Put that in the light of the report that is in the Washington Post this morning, which states that CBO says Obama's health plan needs spending controls. It goes on to say of President Obama's plan to expand health coverage to the uninsured:

It is likely to dig the Nation deeper into debt unless policymakers adopt politically painful controls on spending, such as sharp reductions in payments to doctors, hospitals and other providers.

There is a way to save about \$100 billion a year—\$100 billion a year. Because if it were updated, the cost estimate would likely increase to \$100 billion to \$180 billion a year. Where is it in this bill? It is nowhere. It is nowhere. That is a testament to trial lawyers of America.

On Monday, before a receptive crowd at the American Medical Association, the President stuck his toe in the medical liability reform waters by acknowledging that medical liability reform is real. But the President also took caps on noneconomic damages off the table by saying:

Don't get too excited yet, just hold onto your horses here, guys . . . I want to be honest with you, I'm not advocating caps on malpractice awards.

This all but ensures that meaningful reform won't happen. Today, the Wall Street Journal stated in an opinion piece:

President Obama mentioned the medical liability problem and . . . we suppose this is progress [but] Mr. Obama's [call] might have had more credibility had he not specifically ruled out the one policy to deter frivolous suits.

Without caps on medical malpractice awards, "the tort lottery will continue."

Interestingly, my neighboring State of California addressed this precise problem in 1975 by passing legislation that capped jury awards for "noneconomic damages," such as pain and suffering, from medical malpractice lawsuits. Not only does this cap reduce the amount of damages, but it has had the effect of deterring lawsuits. Malpractice filings have fallen in almost every county in California. According to a 2004 RAND study, this has led to awards in medical malpractice lawsuits being 30 percent less than other States. Such a cap is sure to also lead to lower medical malpractice insurance rates.

Not only do you have a reduction in the number of suits themselves, a reduction in awards, but you can imagine the costs that have been saved because doctors no longer feel compelled to practice defensive medicine, thereby prescribing unnecessary and unneeded tests and procedures simply to protect themselves in court from medical malpractice

There are plenty of ideas that should be considered. Caps on noneconomic

damages, health courts, and national standards of care are just a few thoughtful concepts. In State malpractice reform over the years, we have demonstrable success stories that capping noneconomic damages brings down the cost of malpractice insurance. California and Texas both have reformed malpractice to stem the tide of doctors leaving their States.

There is also intriguing ideas involving health courts—courts focused only on health disputes, with specially trained judges having expertise in health court adjudication to make injury compensation decisions.

Some have also pushed for a concept establishing a national standard of care. The concept envisions establishing specific clinical practice guidelines that doctors would be required to follow and enforced by the Department of Health and Human Services. Supporters believe this approach might reduce liability concerns.

These are but three examples that can be considered on both sides of the aisle. There are other ideas we would be well served to consider.

When health care costs are said to be driven up by over \$100 billion and up to 40 percent of medical liability lawsuits being entirely groundless, don't you think the other side would have some provision in their bill to address this fundamental problem; maybe even a modest provision? Well, I am here to tell you that the other side has yet to suggest any provision to address medical malpractice reforms. Shocking. It should be addressed, and it must be addressed as part of real health reform.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, today in the Health, Education, Labor and Pensions—HELP—Committee of the Senate, after several days of discussions, we are beginning to work on the health reform legislation that was proposed by our chairman, Senator KENNEDY. As we begin our work today, I want to suggest that we put aside the legislation we were working on and that we start over because the Kennedy bill we are dealing with is so flawed and expensive that it cannot be fixed. There are better proposals available for us to work on, proposals advanced by Senator BURR, by Senator COBURN, there is a bipartisan proposal that Senator WYDEN and Senator BENNETT have offered, and Senator HATCH, a former chairman of the committee, is working with a number of Senators on a proposal that seems, to me, to be a much better base for a beginning.

As we go to work on health care reform, these are the things we should keep in mind. We would want to be able to say to the American people that we are interested in all 300 million of you, not just the 47 million uninsured; that our goal is to provide for each one of you a health care plan that you can afford, a plan in which you and your doctor—not Washington, DC—make the decisions, a plan that emphasizes prevention and wellness. We want to give low-income Americans the same kind of health plan that most Americans already have. We do not want to make it harder for American businesses to compete in the world marketplace by adding to their costs. And we do want a plan that your children and your grandchildren can afford so they are not saddled with a massive debt that devalues the dollars they earn and the quality of their lives.

As the President has repeatedly said, the best way for us to realize all those objectives is to fashion this health care reform in a truly bipartisan way. The bill we are marking up today in the HELP committee is not ready to be considered. We do not have the details of the bill. We do not know the costs of the bill—even though the President, within the last few days, has said that pay-as-you-go rule is important. If we are going to spend a dollar, he said, we ought to save a dollar. Or he might have said raise taxes a dollar. That is what the President said. So surely we are not going to mark up a bill or finish marking it up until we know exactly whether we are going to have to save a dollar or tax a dollar or how many dollars we will need to save or tax in order to pass the bill.

This we do know about the legislation our committee is considering. There are 47 million Americans uninsured today; it leaves 30 million of them still uninsured. We know that it expands one failing government program, Medicaid, and creates another, putting Washington in between you and your doctor. It reduces the ability of employers to give incentives for wellness and prevention—it doesn't increase it, it reduces it. It freezes 58 million low-income Americans into a Medicaid Program that offers sporadic, substandard care; is so expensive it will literally bankrupt States; and our Government Accountability Office has told us it wastes \$1 for every \$10 it spends—that is \$32 billion a year, three-fourths as much as we spend on all the prescription drugs for senior Americans.

According to unbiased government officials, its additions to the national debt are astronomical. The Congressional Budget Office told us yesterday that the Kennedy bill, so far as it is written, will add \$1 trillion to the debt over the next 10 years. That does not include the Medicaid expansion or the expansion of reimbursements for doctors seeing Medicaid patients. It does

not include the government health insurance option. It doesn't include the employer mandate.

The Baucus bill, we are told, according to press reports, in the Finance Committee, may cost \$1.5 trillion over the next 10 years and an independent study released yesterday says the Kennedy bill may mean \$4 trillion. The National Governors Association says Medicaid itself will add a half trillion dollars to the State costs over the next 10 years if reimbursement rates are increased as they are proposed to be increased. This is on top of what the Washington Post said earlier this week is a set of proposals by the Obama administration that would add nearly three times as much to the national debt over the next 10 years as we spent in all of World War II.

This bill, I am sorry to say, is absolutely not a bipartisan bill. We are having a bipartisan discussion. We are all very friendly and civil to one another. CHRIS DODD is doing a tremendous job of sitting in for Senator KENNEDY. We all like him, but we know what a bipartisan bill is, it is when 15 or 20 of us from different sides of the aisle sit around a table and start from scratch and take our best ideas and put it together and get 60 or 70 or 75 votes for something. We have done it many times on energy, on intelligence, but we are not doing it on this. We were presented with a bill last Thursday, or some of a bill, and told: This is it. This is the way we are going to do it. We are going to have a lot of discussion about it but this is the way we should do it.

We should start over. If we start over based on the discussions we have already had, we should be able to agree that every American should be covered. We should be able to agree that it should be at a cost each American could afford. We should be able to agree that preexisting conditions do not disqualify you, and that prevention and wellness is encouraged. We should be able to agree that low-income individuals have the same choices, same opportunities for health insurance that the rest of us do. And we should be able to agree that Americans should have choices.

On all of those things we ought to be able to agree, if we were starting from scratch. If we do all those things, why do we need to create a so-called government-run insurance plan? That is the big difference of opinion we have in the committee and I believe on the Senate floor. A government-run insurance plan inevitably leads to a Washington takeover, of which we are having far too many these days: Washington takeovers of banks, Washington takeovers of insurance companies, Washington takeovers of student loans, Washington takeover of car companies. Why do we need a Washington takeover of our health system? And why would a government-run insurance plan lead to a Washington takeover?

Think of it this way. It is like putting an elephant in a room with some mice and saying: All right, fellows, compete. I think you know what would happen. After a little while only the elephant would be left. The elephant would be your only choice.

We have a very good example of what that elephant would look like. We call it Medicare, a program that every State has, that the Federal Government pays 62 percent of and the State pays 38 percent, on the average, and it provides health care to low-income Americans, those who are not on Medicaid.

I would like to find a way to require every Senator who votes for expanding Medicaid coverage to be required to go home and serve as Governor of his or her home State for 8 years and try to manage and pay for a Medicaid Program that is expanded to meet the needs of what we are trying to do. The only way you could like the Medicaid Program is if you have been in Washington a long time and you don't have to manage it, you don't have to pay for it, and you don't have to get your health care from it.

Let me be very specific. The Medicaid Program—and I dealt with this for years as Governor myself—is filled with lawsuits. It is riddled with Federal court consent decrees from 25 years ago that restrict the ability of government and legislators to make improvements. It is filled with inefficiencies and delays that take a Governor a year to get permission from Washington to do something 38 other States are doing and, I mentioned, it has intolerable waste of taxpayer dollars. The General Accounting Office says \$32 billion, every year, is wasted in the Medicaid Programs. That is 10 percent of all the money that is appropriated to it.

The second thing wrong with Medicaid, what a Senator who goes home to serve as Governor would find out, it would require higher State taxes at a time when States are making massive cuts in services and are very nearly bankrupt. The State of Tennessee, by my own calculations—I believe it would require a 10-percent new State income tax by the year 2015, if the Senate were to take the Kennedy bill and the Baucus draft and enact them today.

Why would it do that? The State director of Medicaid in our State says if we increase Medicaid coverage to 150 percent of the Federal poverty level, that costs the State of Tennessee \$572 million. If the Federal Government pays for that, the bill for the Federal Government for that increase is \$1.6 billion, just for the Tennesseans covered.

It would also increase the pay for Medicaid providers to 110 percent of what Medicare pays physicians. That would add another \$600 million in Ten-

nessee, because Tennessee's Medicaid pays physicians 70 percent of what Medicare pays physicians. And Medicare pays physicians 80 percent of what private companies pay physicians.

So the increased costs, just for Tennessee of the Medicaid expansion in the Kennedy bill, is \$1.2 billion, according to our State Medicaid directors. If the Federal Government has to pay the whole thing, it is \$3.5 billion.

But then they are talking in the Finance Committee about shifting those costs back after 5 years to the States. So here comes a \$1.2 billion bill to whoever is Governor of Tennessee in 2015.

Last thing, to put this into perspective, they tried to pass an income tax in Tennessee. Today, a 4-percent income tax would produce \$400 million a year. We are talking about finding \$1.2 billion a year.

The National Governors Association said increasing the Federal poverty level to 150 percent would increase the cost to \$360 billion over 10 years in all the States, and increases in Medicare reimbursement would bring that total to half a trillion in all of the States. That is on top of the trillion dollars that the Congressional Budget Office has said Senator KENNEDY's bill already costs.

One of the effects of this is it would absolutely destroy our public colleges and universities across the country. It is already damaging them, because Governors and legislators are finding they barely have enough money to keep up with increasing Medicaid costs. They have nothing left for colleges and universities. So the quality of the universities goes down and the tuition at the universities goes up.

Finally, Senators serving as a Governor of their home State trying to manage an expanded Medicaid Program would find that most of the people, maybe a majority, would find a hard time getting service. Today, 40 percent of doctors nationally do not provide full service to Medicaid patients because of the low reimbursement rates.

So any version of the bill we are now considering in the Senate HELP Committee will explode into complexity and astronomical spending and will never succeed.

There is a better way. There are several better ways. Instead of stuffing low-income Americans into one failing government health care program, Medicaid, that now provides standard care and creating a new government-run program, why do we not give low-income Americans government grants or subsidies so they can purchase private insurance as is provided by the Wyden-Bennett bill, for example, which has a cost of zero to the taxpayers, according to the Congressional Budget Office; or the Coburn-Burr bill, or Senator GREGG's bill, or the bill that Senator HATCH is working on with Senator CORNYN and others.

Those are the ways to meet our objectives. So here are our objectives once more: We want to provide health coverage to 300 million Americans, not just to the 47 million uninsured. We want for you a health care plan that you can afford. We want for you a plan in which you and your doctor make the decisions, not Washington, DC. We want a plan that emphasizes prevention and wellness. We want a plan that gives low-income Americans more of the same opportunities and choices for health care that most Americans already have. And we want a plan that does not make it harder for American businesses to compete in the world marketplace by adding to their cost.

We want, in the end, a program, a health care program your grandchildren and your children can afford and does not heap trillions of dollars of new debt up on them, that devalues the dollar they will eventually earn, and the quality of their lives.

As the President has repeatedly said, the best way to do that is in a bipartisan way. But in order to do that, we need to put aside the bill we are working on today in the HELP Committee and start over again in a truly bipartisan way to meet those objectives.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL CONFIRMATIONS

Mr. SPECTER. Mr. President, I sought recognition to comment on the forthcoming proceedings on the confirmation of Judge Sotomayor for the Supreme Court of the United States.

Judge Sotomayor comes to this position with an extraordinary record. Her academic standing at Princeton was *summa cum laude*, a graduate of the Yale Law School where she was a member of the Yale Law Journal Board of Editors.

Then in her practice, she was an assistant district attorney in Manhattan, a position which gives very extensive experience in many facets of the law, something I know in my own experience years ago as an assistant district attorney.

She was in private practice with a very prestigious New York law firm, then served on the U.S. District Court, and more recently on the Court of Appeals for the Second Circuit.

The hearings will give Judge Sotomayor an opportunity to respond to a number of issues which have been raised about her background. I think

Chairman LEAHY was correct in moving the hearing dates so that the confirmation process could be concluded in time for Judge Sotomayor, if confirmed, to sit with the Court during September when the Court will decide what cases it will hear.

A great deal of the important work of the Supreme Court of the United States is decided on what cases they decide not to hear. And perhaps that in some ways is as important as the cases they do hear, the cases they do decide. It is during that period of time when the decision is made of a grant of certiorari with four Justices deciding which cases to hear where the presence of a new Justice could be very important.

Confirmation hearings at an early stage will give Judge Sotomayor an opportunity to respond to many questions which are highly publicized. It is a very noteworthy matter when a nominee is being considered for the Supreme Court. There is a lot of publicity, and some of it is controversial.

As a matter of fairness, the earlier a nominee can have an opportunity to respond to those issues—a question has been raised about her decision on the New Haven firefighters case. Well, the nuances of disparate impact do not lend themselves too well to brief newspaper articles nor sound bites on the talk shows. They are made for Supreme Court hearings.

Her decision on property rights following the Kelo decision has been subjected to certain comment. There again, the nuances require a hearing. Or her statement about “a wise Latina woman” has been widely commented upon. And there again, she ought to have an opportunity to speak to those issues.

There have been some questions raised about her decisions under the Second Amendment, membership in the Belizean Grove, and a lot of speculation. So let’s bring on the hearings where there will be an opportunity for Judge Sotomayor to present her views.

Based on what I have studied in her opinions, an extensive meeting which I had with her, she is a powerful intellect and prospectively she is likely to be able to have good comments. But that is what the confirmation process is all about. So let’s move forward on it to the July hearing dates so we can consider her nomination and she can have an opportunity to respond to those issues.

There have been contrary views about the value of confirmation hearings. There are some who say they have outlived their usefulness, pointing historically to the fact that prior to 1955 or thereabouts there were very few confirmation hearings, only when there was some extraordinary question.

In recent decades the confirmation hearings have been extensive. Having participated in some 11 of those con-

firmation hearings, it is my judgment that they are very worthwhile, from many points of view.

It presents an opportunity to have a public focus on the appropriate role of the Supreme Court, a lot of very major questions about the respective roles on the separation of powers between the courts and Congress, on fact finding, and on the record.

There are important questions on the relative authority of the executive versus the Court on the issues of detention, of habeas; important issues on the relative power of the Congress versus the executive, as exemplified by the conflict between the Foreign Intelligence Surveillance Act, and the powers of the President under article II of the Constitution as Commander in Chief.

There are also hearings where it is a public focus on a civics lesson as to what the Court does, and public attention is focused on the Court. My preference would be, as I have noted on legislation I have introduced, which has been passed out of the Judiciary Committee in prior congresses, to have the proceedings of the Supreme Court televised under certain circumstances. That has not yet been approved. But I think the day will come when the Supreme Court hearings will be televised. I think they could be televised without having showboating, and real insight by the public as to what happens at the Supreme Court of the United States, just as hearings of the House of Representatives and the Senate are televised.

There are a lot of quorum calls, but there are debates that go on here for the public to see, where very major matters of public policy are decided.

At least the confirmation hearings do bring the role of the Court into focused hearings, I think, to a very beneficial effect.

We had the hearings on Judge Bork widely commented upon, very extensive hearings on his writings, his view of original intent. There was an opportunity for the American people and the scholars to see what was involved.

There has grown a myth that in that proceeding, the nominee was “Borked,” turning his name into a verb. My own view is that is not so; that the decision made in rejecting the confirmation of Judge Bork turned on the record, turned on what happened in the Judiciary Committee proceedings. When we took a look at original intent, it was way outside the mainstream of constitutional law, way outside the constitutional continuum. If we look to what Congress intended in 1868, when the equal protection clause was passed in the 14th amendment in this Chamber, the galleries were segregated. African Americans were on one side and Caucasians were on another. So the intent of Senators certainly could not have been that equal protection meant

integration. But after *Brown v. Board of Education* in 1954, there was no doubt equal protection did mean integration.

The confirmation proceedings of Chief Justice Rehnquist were very informative. Chief Justice Rehnquist had more than 30 votes cast against his nomination in 1986. The issue arose as to the adequacy of his answering questions as to the role of the Supreme Court contrasted with the role of Congress. Chief Justice Rehnquist had written an interesting article for the *Harvard Law Record*, back in 1959, when he was a young practicing attorney, criticizing the Senate for the confirmation hearings of Justice Whitaker, not asking probing questions about due process of law but only extolling Justice Whittaker’s virtues because he represented both the State of Kansas and the State of Missouri, living in one State and practicing law in the other. When Chief Justice Rehnquist was asked questions about the authority of Congress to take away the jurisdiction of the Supreme Court, he answered, finally, that the Congress did not have the authority on first amendment issues but declined to answer about the fourth amendment, fifth, sixth or eighth or to answer a question as to why he would respond on the first amendment but not on others.

There are some issues which are so firmly established that they are outside the respected rule that we don’t ask nominees to say how they will decide upon cases that might come before them. But where we deal with issues such as *Marbury v. Madison* or *Brown v. Board of Education* or the authority of the Congress to take away jurisdiction of the Supreme Court in derogation of *Marbury v. Madison*, there are questions which ought to be answered.

The confirmation hearings provide an opportunity to go into detail about the functioning of the Court. A few years ago, when the issue of judicial pay was before the Congress, a number of Senators were invited to confer with the Justices. It provided an opportunity for me to see the conference room. I had been a member of the bar of the Supreme Court, argued a few cases there but had never seen their conference room. Frankly, it was quite an eye-opener—a small room, plain table, modest chairs, very intimate, very austere, quite some insight as to how close the Justices are together. When we talk about diversity, how long it took to get an African American on the Court, Thurgood Marshall did not go to the Court until 1967. Justice Lewis Powell made a comment reportedly that just having Thurgood Marshall in the room made a difference in perspective. Surprising, perhaps scandalous, that it took until 1981 to have a woman on the Supreme Court. Now there have only been two. When I was asked for recommendations for the current vacancy, I recommended four women. To

say that a woman's point of view is different and valuable is trite. When I was elected to the Senate in 1980, Senator Kastenbaum was the only woman in the Chamber. Senator Hawkins was elected that year. Now we have 16 and growing. It has been a very great addition and improvement to the deliberations here to have more women. Another woman on the Supreme Court would be a plus there, if Judge Sotomayor is confirmed.

Also, the diversity on being a Hispanic is important. We live in a very diverse society. When one sees that small Supreme Court Chamber, they can see the intimacy and can almost visualize the intellectual discussions and the powerhouses in that room and how the big cases are decided, with the Court having the last word on life and death, a woman's right to choose, medicinal issues of attempted suicide, the death penalty in capital cases, all the cutting edge issues of our society.

The confirmation proceeding of Judge Sotomayor will give us an opportunity to inquire into some very important issues on executive versus judicial authority, on the authority of the Court versus the Congress. Toward that end, I wrote a letter to Judge Sotomayor, dated June 15. I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. As I note in the opening paragraph, our so-called courtesy call lasted more than an hour. At that time, I commented to her that I would be writing on other subjects on which I intended to comment at her hearing. She responded she would be glad to have that advance notice. The issue I focus on in this letter involves the respective authority of the Congress contrasted with the Court on the establishment of a record to warrant legislation which Congress enacts. I noted I had written to Chief Justice Roberts in a similar vein back on August 8, 2005, in advance of his confirmation hearings. I take up in my letter to Judge Sotomayor the same issue I took up with Chief Justice Roberts; that is, decisions of the Supreme Court in invalidating congressional enactments, declaring them unconstitutional, because of what the Court says is an insufficient record.

I note the case of *United States v. Morrison*, which involved legislation to protect women against violence, where the Court was denigrating, disrespectful to Congress, where the Court said the congressional findings were rejected because of our "method of reasoning," as if there is some unique quality which comes to the nominee at the time of confirmation in walking across the green between the hearing

room and the Supreme Court chambers.

A dissent by Justice Souter noted that the Court's judgment was "dependent upon a uniquely judicial conference," as if the competence of the Congress was to a lesser extent. Justice Souter commented, in disagreeing with Chief Justice Rehnquist, who said there was an insufficient record, that "the mountain of data assembled by Congress included a record on gender bias from a task force of 21 States, eight separate reports by the Congress."

There was a similar finding by the Supreme Court of the United States in the case of *Alabama v. Garrett*, where the Supreme Court decided there was an insufficient record to support the enactment of title I of the Americans with Disabilities Act, even though there had been task force hearings in every State attended by more than 30,000 people, including thousands who had experienced discrimination, with more than 300 examples of discrimination by State Governments. Notwithstanding that, the Supreme Court in *Garrett* said there was an insufficient record.

In dissent, Justice Scalia called the test of congruence and proportionality a flabby test, a test that was "an invitation to judicial arbitrariness and policy-driven decisionmaking."

When we look to a standard of congruence and proportionality, it is very vague. Sharp divergence from the standard that Justice Harlan articulated in *Maryland v. Wirtz* in 1968, whether there was a rational basis for the congressional decision. So that as Justice Scalia noted in his dissent in *Tennessee v. Lane*, the standard of congruence and proportionality was flabby. Justice Scalia went on to say:

Worse still, it casts this Court in the role of Congress's task master. Under it the courts—and ultimately, this Court—must regularly check Congress's homework to make sure that it has identified sufficient constitutional violations to make its remedy constitutional and proportional.

In the confirmation hearings of Chief Justice Roberts, he responded in a way very supportive of the role of Congress, where the Court should be deferential to the Congress. In response to a question by Senator DeWine, he said the Supreme Court ought to defer to congressional findings, and the answer will be in the RECORD with this letter.

In response to my questioning, Chief Justice Roberts said:

And I appreciate very much the difference in institutional competence between the judiciary and the Congress, when it comes to basic questions of fact finding, development of a record and also the authority to make the policy decisions about how to act on the basis of a particular record. It is not just disagreement over a record. It is a question of whose job it is to make a determination based on the record. As a judge, that you are beginning to transgress into the area of

making a law is when you are in a position of reevaluating legislative findings, because that doesn't look like a judicial function.

There, the Chief Justice comes to grips with the dominant role of the Congress that ought to be deferred to and says, when the court takes over, it is judicial lawmaking, which is something which is generally recognized to be in an area which ought not to be transgressed. "Transgression" is Chief Justice Roberts' word, that it is up to Congress to make the laws and up to the Court to interpret them.

In a hearing on the Voting Rights Act on April 29, 2009, *Northwest Austin Municipal Utility District v. Holder*, on the issue of the sufficiency of the record, here we have 16,000 pages of testimony, 21 different hearings, 10 months of action. Congress, in 2006, reauthorized the Voting Rights Act. In listening to the Supreme Court argument and reading the record—you cannot draw any conclusions totally—but it looks very much as if the Court may be on the verge of finding the record insufficient.

Chief Justice Roberts had this to say in the course of the argument on the Voting Rights Act:

. . . one-twentieth of one percent of the submissions are not precleared. That, to me, suggests that they are sweeping far more broadly than they need to address the intentional discrimination under the Fifteenth Amendment.

That's like the old elephant whistle. You know, I have this whistle to keep away the elephants. You know, well, that's silly. Well, there are no elephants, so it must work. I mean, if you have 99.98 percent of those being precleared, why isn't that reaching too broadly?

We will all be watching very closely to see what the Supreme Court of the United States does in the voting rights case and especially the opinion of Chief Justice Roberts, who has testified so emphatically at his confirmation hearing as to the role of the Congress being dominant, and it was, as he put it: ". . . as a judge that you may be beginning to transgress into the area of making a law . . ."

So those are issues which I am going to be addressing to Judge Sotomayor in the course of the confirmation hearings. I am not going to ask her how she is going to decide a case. That is outside the bounds. But I think it is fair to inquire as to what is the standard. Is it the Justice Harlan standard of rational basis or is it a standard of congruent and proportional—a standard which is of recent vintage in the *City of Boerne v. Flores* case, and having been applied in cases where it is very difficult to understand the conclusions of the Court, if you take *Tennessee v. Lane*, where one article of the Americans with Disabilities Act was upheld and contrast it with the *Alabama v. Garrett* case, where it was stricken.

Justice Scalia, in the argument of the voting rights case, took issue with

the Congress on a 98-to-0 decision, suggesting if it is 98 to 0, it must not have been too carefully thought through.

It reminds me of the 98-to-0 vote Justice Scalia got on his confirmation and the many unanimous decisions of the Supreme Court. I will ask to have printed in the RECORD a group of recent cases—10 or more—where Justice Scalia decided cases 9 to 0.

So if this legislative body—the Senate—votes 98 to 0 in favor of renewing the Voting Rights Act, relying upon the extensive record, which I have cited, that is not a sign of weakness. That is not a sign that the Senate does not know what it is doing with a 98-to-0 vote.

So the questions which I have posed for Judge Sotomayor are these:

First: Would you apply the Justice Harlan rational base standard or the congruent and proportionality standard?

Second: What are your views on Justice Scalia's characterization that the "congruence and proportionality standard" is a flabby test and an "invitation to judicial arbitrariness and policy-driven decisionmaking," where Justice Scalia says that is the way for the courts to make law on a standard which is so vague?

Third: Do you agree with Chief Justice Rehnquist's conclusion that the Violence Against Women legislation was unconstitutional because of Congress's "method of reasoning"?

And fourth: Do you agree with the division of constitutional authority between Congress and the Supreme Court as articulated by Chief Justice Roberts in his responses, cited in this letter, to questions posed at his hearing by Senator DeWine and myself?

I do believe there will be an opportunity for very important issues to be presented to the nominee. Based on what I have seen of her, in reviewing her record, and the meeting I had with her—I have noted her excellent resume—I am looking forward to giving her an opportunity to answer the many questions that have been raised in the press, where she will have more of an opportunity than to have a sound bite but to give commentary on her record in support of her nomination.

I ask unanimous consent to have printed in the RECORD the material to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECENT UNANIMOUS DECISIONS WITH OPINIONS
AUTHORED BY JUSTICE SCALIA

Republic of Iraq v. *Beatty*,—S.Ct.—, 2009 WL 1576569 (2009).

Virginia v. *Moore*, 128 S.Ct. 1598 (2008).

Beck v. *Pace Intern. Union*, 551 U.S. 96 (2007).

U.S. ex rel *Goodman v. Georgia*, 546 U.S. 151 (2006).

U.S. v. *Grubbs*, 547 U.S. 90 (2006).

Domino's Pizza, Inc. v. McDonald, 546 U.S. 470 (2006).

Merck KGAA v. Integra Lifesciences I, Ltd., 545 U.S. 193 (2005).

Devenpeck v. Alford, 543 U.S. 146 (2004).

Norton v. Southern Utah Wilderness Alliance, 542 U.S. 55 (2004).

Barnhart v. Thomas, 540 U.S. 20 (2003).

Pacificare Health Systems, Inc. v. Book, 538 U.S. 401 (2003).

Mr. SPECTER. I thank the Chair and yield the floor.

EXHIBIT 1

U.S. SENATE,

Washington, DC, June 15, 2009.

Hon. SONIA SOTOMAYOR,
The Department of Justice,
Washington, DC.

DEAR JUDGE SOTOMAYOR: When we concluded our meeting which lasted more than an Hour, I commented that I would be writing to you on other subjects which I intended to cover at your hearing, and I appreciated your response that you would welcome such advance notice.

In the confirmation hearing for Chief Justice Roberts, there was considerable discussion about the adequacy of congressional fact finding to support legislation. This issue is again before the Supreme Court on the reauthorization of the Voting Rights Act where the legislation is challenged on the ground that there is an insufficient factual record. At our hearing, I would uphold like your views on what legal standards you would apply in evaluating the adequacy of a Congressional record. In the 1968 case *Maryland v. Wirtz*, Justice Harlan's rationale would uphold an act of Congress where the legislature had a rational basis for reaching a regulatory scheme. In later cases, the Court has moved to a "congruence and proportionality standard."

In advance of the hearing for Chief Justice Roberts by letter dated August 8, 2005. I wrote him in part:

"members of Congress are irate about the Court's denigrating and, really, disrespectful statements about Congress's competence. In *U.S. v. Morrison*, Chief Justice Rehnquist, speaking for five members of the Court, rejected Congressional findings because of "our method of reasoning". As the dissent noted, the Court's judgment is "dependent upon a uniquely judicial competence" which implicitly criticizes a lesser quality of Congressional competence.

In *Morrison*, there was an extensive record on evidence establishing the factual basis for enactment of the Violence Against Women legislation. In dissent, Justice Souter noted . . . the mountain of data assembled by Congress here showing the effects of violence against women on interstate commerce," and added:

"The record includes reports on gender bias from task forces in 21 states and we have the benefit of specific factual finding in eight separate reports issued by Congress and its committees over the long course leading to its enactment."

In a subsequent letter to Chief Justice Roberts dated August 23, 2005, I wrote concerning *Alabama v. Garrett* where Title I of the Americans with Disabilities Act was based on task force field hearings in every state attended by more than 30,000 people including thousands who had experienced discrimination with roughly 300 examples of discrimination by state governments.

Notwithstanding those findings, the *Garrett* Court concluded in a five to four decision:

"The legislative record of the Americans with Disabilities Act, however, simply fails

to show that Congress did in fact identify a pattern of irrational state discrimination in employment against the disabled."

In another five to four decision, the Court in *Lane v. Tennessee* concluded Title II of the Americans with Disabilities Act met the "congruence and proportionality standard". There, Justice Scalia dissented attacking the "congruence and proportionality standard" calling it a "flabby test" and "invitation to judicial arbitrariness and policy driven decision making":

"Worse still, it casts this Court in the role of Congress's taskmaster. Under it, the courts (and ultimately this Court) must regularly check Congress's homework to make sure that it has identified sufficient constitutional violations to make its remedy constitutional and proportional. As a general matter, we are ill-advised to adopt or adhere to constitutional rules that bring us into conflict with a coequal branch of Government."

During the confirmation hearing of Chief Justice Roberts, he testified extensively in favor of the Court's deferring to Congress on fact finding. In response to questions from Senator DeWine, he testified:

". . . The reason that congressional fact finding and determination is important in these cases is because the courts recognize that they can't do that, Courts can't have, as you said, whatever it was, the 13 separate hearings before passing particular legislation. Courts—the Supreme Court can't sit and hear witness after witness after witness in a particular area and develop that kind of a record. Courts can't make the policy judgments about what type of legislation is necessary in light of the findings that are made". . . "We simply don't have the institutional expertise or the resources or the authority to engage in that type of a process. So that is sort of the basis for the deference to the fact finding that is made. It's institutional competence. The courts don't have it. Congress does. It's constitutional authority. It's not our job. It is your job. So the defense to congressional findings in this area has a solid basis."

In response to my questioning, Chief Justice Roberts said:

"And I appreciate very much the differences in institutional competence between the judiciary and the Congress when it comes to basic questions of fact finding development of a record, and also the authority to make the policy decisions about how to act on the basic of a particular record. It's not just disagreement over a record. It's a question of whose job it is to make a determination based on the record" . . . as a judge that you may be beginning to transgress into the area of making a law is when you are in a position of re-evaluating legislative findings, because that doesn't look like a judicial function."

The Supreme Court heard oral argument in *Northwest Austin Municipal Utility District v. Holder* on April 29, 2009 involving the sufficiency of the Congressional record on reauthorizing the Voting Rights Act. While too much cannot be read into comments by justices at oral argument, Chief Justice Roberts' statements suggested a very different attitude on deference to Congressional fact finding than he expressed at his confirmation hearing. Referring to the argument that ". . . action under Section 5 has to be congruent and proportional to what it's trying to remedy," Justice Roberts said that:

". . . one-twentieth of 1 percent of the submissions are not precleared. That, to me, suggests that they are sweeping far more

broadly than they need to, to address the intentional discrimination under the Fifteenth Amendment."

Chief Justice Roberts went to say:

"Well, that's like the old—you know, it's the elephant whistle. You know, I have this whistle to keep away the elephants. You know, well, that's silly. Well, there are no elephants, so it must work. I mean if you have 99.98 percent of these being precleared, why isn't that reaching far too broadly?"

As a factual basis for the 2007 Voting Rights Act, Congress heard from dozens of witnesses over ten months in 21 different hearings. Applying the approach from Chief Justice Roberts' confirmation hearing, that would appear to satisfy the "congruence and proportionality standard".

My questions are:

1. Would you apply the Justice Harlan "rational basis" standard or the "congruence and proportionality standard"?

2. What are your views on Justice Scalia's characterization that the "congruence and proportionality standard" is a "flabby test" and "an invitation to judicial arbitrariness and policy driven decision making"?

3. Do you agree with Chief Justice Rehnquist's conclusion that the Violence Against Women legislation was unconstitutional because of Congress's "method of reasoning"?

4. Do you agree with the division of constitutional authority between Congress and the Supreme Court articulated by Chief Justice Roberts in his responses cited in this letter to questions posed at his hearing by Senator DeWine and me?

Sincerely,

ARLEN SPECTER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. CORKER pertaining to the introduction of S. 1280 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

APPROPRIATIONS

Mr. CORKER. Mr. President, I would like to mention one other issue in closing. A large number of Senators signed a letter to the leader asking that we do our business in a very thoughtful way as it relates to appropriations. Each year we find ourselves in a position where we end up with an omnibus bill that most of us feel very uncomfortable signing into law.

We ask that the appropriations bills be passed in such a manner that we have eight of them passed individually by the August recess.

I know, today, we are stuck on a bill, and I realize there is some stalling that is taking place. I have to question why we are focused on a tourism bill today when we still have not begun our appropriations process.

So I will say to the leader, I hope he will move on with doing the appropriations in an appropriate order so, as I

have mentioned, we will have at least eight of those passed by the recess so we can do our citizens' work in the most appropriate manner.

Mr. President, I yield the floor and thank you for the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

ARMY SPECIALIST CHRISTOPHER KURTH

Mr. UDALL of New Mexico. Mr. President, I rise to honor a proud son of Alamogordo, NM. Army SPC Chris Kurth died on Thursday, June 4, after his vehicle was struck by an antitank grenade. He was 23 years old.

In Iraq, Chris was responsible for escorting convoys. But this job description conveys none of the risk or the courage involved in the job. The military can secure a town or a base, but somebody must still travel the roads that cannot be secured. Christopher Kurth was responsible for undertaking this act of courage.

Chris knew how dangerous his job could be when he began his last mission. He was on his second tour of duty, and he had just recovered from a neck wound that won him a Purple Heart. But for Chris, success was defined by keeping his fellow soldiers safe. And that is what he died fighting to do.

The values reflected in this duty are as important in peace as they are in war. His job was to protect his fellow soldiers—to be a good friend in the most difficult of times. By serving them, he served his country.

The characteristics that made Chris Kurth a good soldier also made him a good friend when he was back in Alamogordo. They made him a good teacher when he volunteered to tell students at his former high school about his life as a soldier. They made him a loving—and loved—son, brother, and husband.

Chris Kurth lost his life keeping American soldiers safe. He was a proud soldier and a good man.

My thoughts are with Chris's parents, with his wife, and with all those who knew and loved him. I ask you to join me today in remembering his service.

NAVAJO CODE TALKERS

Mr. UDALL of New Mexico. Mr. President, I rise to mark a solemn moment for the Navajo Nation and for our country.

In the past month, three of America's veterans passed away: Willie Begay, Thomas Claw, and John Brown, Jr. These men were members of the small group of marines known as the Navajo

Code Talkers. Their story is one of the most compelling in American military history.

In May of 1942, 29 Navajo Indians arrived at Camp Pendleton in California. They were there to develop a code that could be deployed easily and would not be cracked by Japanese cryptographers.

Over the course of the war, the original 29 became a team of roughly 400 Navajos responsible for building and using their code. Their success in that mission helped the Marines capture Iwo Jima. It contributed to the American victory, and it saved untold numbers of allied soldiers.

As most World War II veterans were returning home with stories of courage and victory, the Navajo Code Talkers were ordered to keep their story secret. Their mission was classified. Only in 1968 was it revealed to the world. And only in 2001 did these men finally receive the recognition they deserved when they were presented with Congressional Medals.

It is often said that America's diversity makes her strong. During World War II, this country's cultural diversity contributed to America's military strength in a very real and concrete way. Because the Navajo language had survived and it had been passed down, Americans had a code that the Japanese were never able to crack—a weapon they could not counter.

America is unique among the countries of the world. Almost every other country on Earth finds its sense of solidarity in a common race and a common culture. Even countries as diverse as our own trace their heritage to some imagined community older than their political institutions. Our Nation has always defined itself by its ideals, not by race or culture. Although we have not always lived up to this vision of a truly multicultural democracy, it has guided our development and spurred our progress.

When the Navajo Code Talkers first arrived at Camp Pendleton, there were those who considered them less than fully equal. U.S. law had only acknowledged Native Americans as citizens for 17 years when our country entered World War II. Many of the code talkers were born as noncitizens in a land that had belonged to their people before the Europeans knew it existed. Yet 45,000 of 350,000 Native Americans in this country served in the Armed Forces during that conflict, including 400 Navajo Code Talkers.

The Native Americans who signed up to serve this country in the Armed Forces were sending a message that they, just as much as anyone else, were citizens of the United States of America, their people were just as much a part of this country's cultural tapestry as any other.

In the Navajo code, the word for America was "our mother." As one code talker has explained:

“Our Mother” stood for freedom—our religion—our ways of life. And that’s why we went in.

The Navajo marines identified their culture with their country. When they fought, they fought for both. In fact, values integral to the Navajo experience spurred them to fight in America’s war against tyranny. As Americans who faced bigotry and injustice, they eagerly signed on to free others from oppression. As individuals who had lived with the legacy of aggression against their people, they felt keenly the need to prevent other acts of aggression, even if these acts were being perpetrated on the other side of the world.

The passing of the three code talkers—thousands of miles and dozens of years from the events that made them heroes—should make us all remember the great patriotism and honor all the code talkers displayed. It should make us appreciate their work and honor their memory, and it should make us proud to live in a country where such things are possible.

As time does the work Japanese guns could never do, the code talkers are slowly leaving us. Only 80 of the original 400 remain with us. Too soon, these men will live only in our memories. Let’s keep those memories strong, lest we lose the inspiration they can offer.

To Willie Begay, Thomas Claw, and John Brown, Jr., we honor your lives and mourn your passing. To all of the code talkers, alive and beyond, we celebrate your service. Whenever stories of courage and patriotism are told, we will think of you.

Thank you, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I wish to speak on two different issues in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNITY REHABILITATION

Mr. BURRIS. Mr. President, I rise today to applaud Senator LINCOLN and Senator SNOWE for their leadership and commitment in introducing S. 1222. This legislation would revise and extend existing empowerment zone, renewal community, and enterprise community rules. It seeks to make these programs more effective and ensure that the incentives work as intended. I am proud to be a cosponsor of this important measure.

Congress created empowerment zones, renewal communities, and enterprise communities to spur economic growth and create job opportunities. Cities such as East St. Louis and Chicago, IL, have received tax incentives worth \$5.3 billion. These incentives encourage businesses to open or expand and to hire local residents. They include employment credits, low-interest loans, reduced taxation on capital gains, and other incentives.

Unfortunately, some of the programs have not operated as intended. A few major hurdles have prevented full utilization of the tax benefits available. These incentives desperately need to be refined and extended. That is exactly what this legislation would do, and that is why it is so important for the Senate to act without delay.

Empowerment zones such as the one in East St. Louis, IL, focus on grassroots, sustainable progress. They create a bond between businesses, employees, and surrounding communities. Despite receiving only one-fourth of anticipated Federal funding, they have found aspiring entrepreneurs to expand and develop local businesses, using a creative array of tax incentives and loans.

This legislation is an important step toward reversing the blight faced by our inner cities without gentrifying these areas or shutting out the community members who need our help the most. Senator LINCOLN and Senator SNOWE deserve our utmost support in their fight to rehabilitate these communities. I am proud to cosponsor this legislation, and I urge my colleagues to join with me in this effort.

ECONOMIC RECOVERY

Mr. BURRIS. Mr. President, as I address this Chamber today, our country remains in the grips of the worst economic disaster since the Great Depression. We have all felt its devastating effects. In the last half century, it has never been harder for working Americans to make ends meet. But finally we are beginning to see indications that the worst may be behind us. The economy is still shedding jobs but at a slower rate. Business is starting to pick up again for some—not all but for some. The American Recovery and Reinvestment Act has started to take hold, and at long last some people are beginning to feel more hopeful.

But as the tide rises for some communities, others continue to slip further and further behind. In a troubling new report, the unemployment rate among African Americans has risen to 14.9 percent—up 6 points since 2007. Everyone is hurting, but this is an alarming sign that some groups are still hurting more than others. While one in five White teens is without a job, two in five African-American teens are unemployed, along with one in three His-

panic teens. The overall share of African Americans with jobs has reached its lowest point since 1986.

As we begin to emerge from the worst of this economic crisis, we must not forget that there is still a long way to go for many Americans. In our rush to get this economy back on track, we need to make sure we don’t leave certain communities behind. This means increasing the amount of capital available to employers, helping put Americans back to work, and protecting small businesses.

As a former banker who worked hard to secure loans for small businesses, I have a deep understanding of the role these companies play in creating jobs and helping the economy to grow.

I know how crucial it is to provide immediate relief, as well as lasting support. That is why I applaud President Obama’s recent call to speed up the disbursement of stimulus funds. This would save or create roughly 600,000 jobs in the next 3 months alone.

This will not be an easy task, but it is necessary to strengthen America’s small business, put people back to work, and restore economic security. But as we rush to provide aid to the American people, we need to make sure the stimulus funds are targeted effectively. That is why oversight is critical.

As billions of dollars flow from the Federal Government to the State treasuries, transparency will help keep State and Federal officials accountable for every dollar spent in the name of economic recovery.

If done right, this will ensure that everyone can share in the promise and prosperity of a revitalized economy. That is why I introduced S. 1064, a bill that will set aside small amounts of stimulus money to pay for regulation and oversight.

These costs are currently unfunded, leaving the American people with only vague assurances that their money will be used effectively.

Mr. President, this is simply not good enough. We need to protect the interests of the American taxpayers and ensure that every dollar can be tracked.

I ask my colleagues to join with me in the fight for accountability. I thank my good friends, Chairman LIEBERMAN, Ranking Member COLLINS, and Senator MCCASKILL for signing on to cosponsor this bill.

As the economy begins to improve for some Americans, let’s make sure millions of others are not left behind.

We need to lift the least fortunate among us and ensure every American has an equal chance to benefit from our continued economic recovery.

As one of our former distinguished Vice Presidents, Hubert Humphrey, famously said:

The moral test of government is how that government treats those who are in the dawn

of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

It is time to renew our commitment to the communities that are hurting the most, and as we work to increase transparency and speed up the responsible use of the stimulus funds, we need to make sure no one is left behind.

Mr. President, again, we need to make sure no one is left behind.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. JOHANNIS. Mr. President, as the rhetoric over health care reform starts to heat up—and, of course, it has—I find myself trying to determine exactly what we are trying to accomplish with this debate. Are we attempting to put together what I think is the right approach—a bipartisan solution to a problem that is affecting every American family and business—or are we caught up in pushing something through this body with little deliberation and little regard for the consequences of our hurried action? And the consequences are great.

I fear we are leaning toward the latter statement, based upon the time limits and the rush in the committees charged with producing very complex health care legislation. I do not envy them their task. I would argue that it is more important to craft a very good, very solid bill that actually will solve the problem instead of forcing a not-well-thought-out, half-analyzed bill onto the backs of the American people. What we do in this arena will affect every American. I believe our constituents deserve so much more from us, and we should think twice before we proceed down a path that is wrong.

The American people deserve to know the truth about what is included in the bills that are being considered. They have a right to know how this will affect the long-term health not only of their families but of the Nation. Of course, in that arena, they need to know the long-term health of this Nation, both physically and financially.

We can find many points of agreement on how to reform our health care system. I have heard countless speeches about the need to eliminate waste and fraud and abuse—and it does exist in this system. Many agree we should use technology to eliminate administrative costs and to eliminate errors.

There is much talk about the need to enhance transparency within the system, as well as the need to increase health and wellness efforts to lead to a healthier society. I have heard the valid points made about needing to stem the rising cost of health care and bending the health care cost curve. These are easy areas to agree. I think there is a middle ground, and I think we should all be standing upon it when we are viewing health care reform.

However, I am disappointed by the recent health care proposal emanating from the HELP Committee—the Affordable Health Choices Act. The legislation does not seem to capture the spirit of the bipartisan effort the President indicated he wanted to have in order to accomplish this important task. Instead, the Affordable Health Choices Act is just another government takeover of the health care system. This is not the health care reform that Americans have asked for, in my opinion.

Americans have been promised some things already. They have been promised that everyone will receive health care; that they would get to keep their insurance, if they like it; and the government will be responsible and act responsibly in using taxpayer dollars. Unfortunately, the current legislation simply doesn't live up to the promises.

In fact, the legislation has a number of proposals that not only don't live up to the promises, they directly contradict those promises. For example, the report by the Congressional Budget Office states that 15 million Americans who currently have employer-sponsored insurance will lose that coverage under this proposal. I can rise today and very safely say this isn't a talking point that came off of somebody's sheet. This is actually an analysis done by a body that we all rely upon—the Congressional Budget Office.

These numbers are likely to increase as soon as the figures for the government-run public plan are included. After all, the Lewin Group—which does research in this area—has issued a forecast that a public plan would probably cause 119 million people who have employer-provided health insurance to shift over to the public plan.

So let's take a moment to recap. The administration's promise: Citizens will get to keep their employer-provided health insurance, if they choose. Reality: CBO says 15 million people will be displaced from that coverage. Reality: The Lewin Group, in its estimate, says that could climb to 119 million Americans dumped from their private insurance onto a government system.

Furthermore, CBO indicated that about 39 million individuals would receive coverage through the government insurance exchange. That is the concept in this complex legislation. However, after you factor in those who

would lose their employer-based coverage and those who would switch from other government programs, we are actually only bringing 16 million currently uninsured people into the fold. In other words, our country would still have an uninsured rate—after spending over \$1 trillion—of 13 percent when the bill is fully implemented.

The administration promised coverage for all. Reality: CBO estimates 13 percent uninsured Americans. That is millions of Americans still not having access to health care in any meaningful way.

Some do claim the analysis doesn't reflect the full proposal. They will make the case that the final report will show that more of the uninsured will, in fact, be covered. However, this proposal is already estimated to cost \$1 trillion over 10 years—a huge pricetag. Not surprisingly, this pricetag is expected to increase. Spending this kind of money to only insure 16 million people should be disappointing to everybody—disappointing to every American. Just when our economy is trying to achieve some equilibrium, slamming it with these kinds of costs for these few results I don't believe is even a good-faith effort on our part.

I believe everyone wants to solve these complex health care challenges, but I think it is so important to be thoughtful, careful, and to take a moment to step back and take a deep breath. It makes no sense from a policy standpoint to rush these enormously complex decisions with unbelievable results just to finish by the August recess. It doesn't make any sense. We are talking, Mr. President, about people's health care. We are talking about the health and safety of their families. As the adage goes: It is better to invest the time to get it right the first time instead of getting it wrong expeditiously.

We need to get back to a middle ground and follow through on the promises that have already been made to provide real health care reform—sustainable health care reform. The American people deserve a thorough, bipartisan debate on health care, not a rushed, ill-advised piecemeal approach to an enormously serious problem. I hope we have that opportunity because this is too important to get wrong.

Mr. President, I appreciate the opportunity to offer my thoughts. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. DURBIN. Mr. President, as we meet on the floor of the Senate, we are deliberating a bill about promoting tourism in America, which turns out to be a way to increase economic activity, create some business activity, keep people in their jobs, and maybe attract folks from overseas to see this beautiful land of ours. We are now in a procedural holding pattern. The minority party has asked us to wait 30 hours before we talk about it. It is unfortunate because we are prepared to go and are ready and we have a lot of things to do, but the rules of the Senate are available for them as for us, and they are utilizing them now to delay and stop action on this bill which is very routine, bipartisan, and enjoyed the support of over 90 Senators when it was called yesterday on a procedural vote.

In the meantime, as we are waiting on the floor for the Republicans to give us permission to go forward, the committees are at work. I left the Judiciary Committee where the Presiding Officer is also a member, with the Attorney General, where we spoke about some critical issues.

Right across the hall from us is the Finance Committee, and they are debating the future of health care in America, and that is a debate which we are all following very closely.

It is clearly time for us to acknowledge the obvious. Although we have some of the best hospitals and doctors in the world, the fact is the cost of health care in America is spinning out of control and if we do not have the political will and courage to step up at this moment in time and address that, it is going to get much worse. People will find that there will be more uninsured people, people with health insurance that is not worth much, and that the cost of what you can buy will be so expensive that average people cannot afford it. You will find, if we do not do something, that health insurance companies will continue to exclude people because of preexisting conditions, continue to argue incessantly with doctors over what the right procedure will be. We will find unfortunately that there will be a situation where we do not have the chance to utilize the very best health care in this country for needed procedures.

Many Senators say: I have listened to that but count me out. I have a great health insurance plan. I don't need to be part of your debate.

What President Obama has said and what we have said in Congress is: OK, we accept that. If you have health insurance that you like, that you want to keep, you can keep it. There will not be any change. But if you happen to be one of those Americans who think they can do better for something more affordable or, sadly, if you are one of the

48 million Americans with no health insurance, for you, we think we have to change some of the ways we do business in this country.

One of the key elements here, as I mentioned already, is what to do with 48 million uninsured. If these uninsured people had their own health insurance, it would be a benefit to all the rest of us who happen to have health insurance.

Some of these political commentators like to write that Members of the Senate have some special health insurance plans. We are fortunate to have one of the best in the world, but it is the same plan Federal employees have across America. Eight million Federal employees and their families, and Members of Congress who opt to buy into it, have a wonderful plan. I am lucky; my wife and I are very fortunate to have that kind of coverage. But for a lot of people, they don't have that kind of luxury. Once each year, I can choose from nine different health insurance plans that sell to Federal employees who live in the State of Illinois. That is quite a good deal. If I don't like the way I was treated last year by my health insurance company, I can change. It is like buying a car; I have a lot of places to shop and look. But most Americans don't have that. Most Americans do not have the option of looking for health insurance, and if they do, they cannot afford it. If you have to pay for it out of pocket, you may find yourself unable, and small businesses which want to provide health insurance, not only for the owners but the workers, say: It is just too darned expensive, we cannot afford to do it.

That is why 48 million Americans—not the poorest because we cover them with Medicaid, and not those lucky enough to have health insurance, but those smack-dab in the middle who get up and work every day at businesses, maybe businesses they own, and do not have health insurance. One out of four realtors in America has no health insurance. You don't think of that, but it is a fact. So we work with them to try to come up with an approach—that is now being debated by the Finance Committee—to have small businesses and self-employed people have a chance to buy health insurance just like Federal employees can buy health insurance.

But we really have to get to the bottom line of this issue. It is not enough to just say we are going to cover 48 million Americans currently not covered. That is important because uninsured people who show up at the hospital in America today are not turned away, they are treated. Who pays for them if they cannot pay for themselves? The rest of us—taxpayers and people with health insurance. It is estimated that the average family pays an additional \$1,000 a year—almost \$100 a

month—for coverage for uninsured people. We are picking up their health expenses because they do not have health insurance. That is a hidden tax. So when we talk about the cost of health care reform, there is a real cost of doing nothing—about \$1,000 a year out-of-pocket for most American families.

We need to move on to the tougher issue, and this is the one debated at length here on the floor. The bottom line here is the cost of medical care. We spend twice as much as any other nation on Earth for medical care for our citizens. Sadly, we do not have the results to show for it. If you look at the basic health indicators, many countries that spend far less per person than the United States have much better outcomes. You wonder, why is that the case? We have the best hospitals, we have the best doctors, we have all the technology, all the drug companies. Why are we not the healthiest people in the world?

Some of it is our own fault. When you look at the chronic conditions that cost so much in our health care system, it is the choice of the person who decides, I am going to keep smoking cigarettes. That is a terrible choice. It can lead to sickness and disease and even death, and that is a lifestyle choice people should not make, and they do and we pay dearly for it.

Other people do not watch their diets closely. I am certainly no one to preach on that. But when we suffer from obesity in this country, people end up in the hospital and end up in doctors' offices 10 times more frequently than people who are not obese. Diabetes comes from that, high cholesterol, high blood pressure, heart problems—all these can be managed with lifestyle choices and preventive medicine, which we do not focus on in America today, so we need to do more of that.

But the other element is we need to have buy-in from doctors and hospitals and medical professionals to bring down the cost of health care.

There is a widely read article which has been referred to over and over, worth repeating, published by a doctor who is a surgeon in Boston. His name is Atul Gawande. The article was published in the *New Yorker* on June 1. I commend it to everyone following this debate because most Members of Congress are reading it closely. Dr. Gawande went to McAllen, TX, and wanted to know why the average cost for a Medicare patient treatment in that town was \$15,000 a year while the average cost in El Paso—and Chicago, I might add—was right at \$10,000 a year. Why did it cost 50 percent more to treat a Medicare patient in McAllen, TX? He took a look and sat down with doctors, and being a surgeon he knew what questions to ask.

The first response was: Defensive medicine. We have to order extra tests because those lawyers will sue us.

Another Doctor said: You know that is not true, Texas has the toughest medical malpractice law in America, limiting pain and suffering awards to \$250,000.

This doctor went on to say: Nobody is suing us around here. It is not about defensive medicine. If it is, it is a tiny part of it.

What it turns out is many of the doctors in that community, and hospitals, are ordering more procedures than are needed. If you are a patient or the parent of a patient, you are not going to question it when a doctor says: I think we need an MRI. Are you going to say: Doctor, are you sure we need an MRI? You trust his judgment, and that judgment, unfortunately, can be very expensive because the doctors in that town are motivated by more procedures, more billing, more money, more profit. That is the wrong motivation. The motivation should be a healthy patient, a good medical outcome.

Dr. Gawande contrasted McAllen, TX, with the Mayo Clinic, a fantastic medical resource in Rochester, MN. It treated members of my family, and it is one of the best in the Nation. The Mayo Clinic hires the best doctors they can find and pays them by salary. They are not paid by patient or how much they bill. So these salaried doctors are looking for good outcomes. They don't want to order anything more than a patient needs. They want to get a good outcome. Think of the difference in motivation between the doctors in McAllen, TX, and the doctors in Rochester, MN.

The Congressional Budget Office sent a report to us yesterday, and it says if you really want to reduce the costs of health care in America, you have to get to the question of reimbursement. When you talk about that, you will get everybody at the American Medical Association on their feet, shaking their fists, saying if you cut back on compensation and reimbursement for doctors, fewer people will go into the profession, you will not be able to get the best procedures—you understand what they are going to say. I have heard it. Many of us have heard it. But we have to find a good way to approach this. We have to bring down the rising cost of health care in this country.

One of the suggestions is that in addition to private health insurance companies offering health insurance, we have a public option, that we have a plan that really is not motivated by profit, whether it is a government-sponsored plan like Medicare or whether it is some other plan, a cooperative, which Senator CONRAD has proposed, that really says: Let's take the profit out of it and see if we can move toward the best health care outcomes and reduce the costs of health insurance so we get a good medical outcome at a reasonable cost.

Some have come to the floor and criticized that idea. I think they are

wrong. I think if you look at the Medicare system, 45 years after we enacted it, it has been an unqualified success. Just look at how long seniors are living because they have good medical care after they reach the age of 65. It is not a question of whether you are rich or poor.

I run into people in my State of Illinois—a woman, a Realtor who said to me in Harrisburg, IL: Senator, I want you to meet me. She said: I am 64 years old. I have never had health insurance 1 day in my life.

I could not believe that. But she said: Next year I am 65. I am going to have Medicare. And finally I can breathe a little easier knowing that the savings I have put together are not going to be wiped out with one trip to the doctor.

So we understand that Medicare has worked. And it has created quality care and good outcomes. We also know the Veterans' Administration, another government health insurance approach for the men and women who served our country, whom we honor with a medical system that is there for them, provides some of the best care in our country.

We need to find a way to work out these differences. Believe me, at the end of the day there will always be a reason to do nothing. There will be political risk in doing something. But the American people have to stick with us in this debate and understand that if we do not address the fundamental issue, it is not just a question of whether we will have deficits as far as the eye can see from medical costs or a program going through the roof, it is a question of whether we will all have peace of mind of health insurance protection for ourselves and our families that makes sure we have something we can afford, based on quality that will provide the kind of health care we need. It all comes around. Every family faces it. And when that day comes, we want to make sure we have done our part. This year, President Obama has challenged us, though we are sitting idly on the floor today doing virtually nothing except giving speeches. He has told us: Do not go home this year without health care reform.

He is right. It is time to roll up our sleeves and get that done.

I ask unanimous consent that an article from the New York Times on June 17, this morning, by David Leonhardt entitled "Health Care Rationing Rhetoric Overlooks Reality" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 17, 2009]

HEALTH CARE RATIONING RHETORIC
OVERLOOKS REALITY

(By David Leonhardt)

Rationing.

More to the point: Rationing!

As in: Wait, are you talking about rationing medical care? Access to medical care is a

fundamental right. And rationing sounds like something out of the Soviet Union. Or at least Canada.

The r-word has become a rejoinder to anyone who says that this country must reduce its runaway health spending, especially anyone who favors cutting back on treatments that don't have scientific evidence behind them. You can expect to hear a lot more about rationing as health care becomes the dominant issue in Washington this summer.

Today, I want to try to explain why the case against rationing isn't really a substantive argument. It's a clever set of buzzwords that tries to hide the fact that societies must make choices.

In truth, rationing is an inescapable part of economic life. It is the process of allocating scarce resources. Even in the United States, the richest society in human history, we are constantly rationing. We ration spots in good public high schools. We ration lake-front homes. We ration the best cuts of steak and wild-caught salmon.

Health care, I realize, seems as if it should be different. But it isn't. Already, we cannot afford every form of medical care that we might like. So we ration.

We spend billions of dollars on operations, tests and drugs that haven't been proved to make people healthier. Yet we have not spent the money to install computerized medical records—and we suffer more medical errors than many other countries.

We underpay primary care doctors, relative to specialists, and they keep us stewing in waiting rooms while they try to see as many patients as possible. We don't reimburse different specialists for time spent collaborating with one another, and many hard-to-diagnose conditions go untreated. We don't pay nurses to counsel people on how to improve their diets or remember to take their pills, and manageable cases of diabetes and heart disease become fatal.

"Just because there isn't some government agency specifically telling you which treatments you can have based on cost-effectiveness," as Dr. Mark McClellan, head of Medicare in the Bush administration, says, "that doesn't mean you aren't getting some treatments."

Milton Friedman's beloved line is a good way to frame the issue: There is no such thing as a free lunch. The choice isn't between rationing and not rationing. It's between rationing well and rationing badly. Given that the United States devotes far more of its economy to health care than other rich countries, and gets worse results by many measures, it's hard to argue that we are now rationing very rationally.

On Wednesday, a bipartisan panel led by four former Senate majority leaders—Howard Baker, Tom Daschle, Bob Dole and George Mitchell—will release a solid proposal for health care reform. Among other things, it would call on the federal government to do more research on which treatments actually work. An "independent health care council" would also be established, charged with helping the government avoid unnecessary health costs. The Obama administration supports a similar approach.

And connecting the dots is easy enough. Armed with better information, Medicare could pay more for effective treatments—and no longer pay quite so much for health care that doesn't make people healthier.

Mr. Baker, Mr. Daschle, Mr. Dole and Mr. Mitchell: I accuse you of rationing.

There are three main ways that the health care system already imposes rationing on us. The first is the most counterintuitive, because it doesn't involve denying medical

care. It involves denying just about everything else.

The rapid rise in medical costs has put many employers in a tough spot. They have had to pay much higher insurance premiums, which have increased their labor costs. To make up for these increases, many have given meager pay raises.

This tradeoff is often explicit during contract negotiations between a company and a labor union. For nonunionized workers, the tradeoff tends to be invisible. It happens behind closed doors in the human resources department. But it still happens.

Research by Katherine Baicker and Amitabh Chandra of Harvard has found that, on average, a 10 percent increase in health premiums leads to a 2.3 percent decline in inflation-adjusted pay. Victor Fuchs, a Stanford economist, and Ezekiel Emanuel, an oncologist now in the Obama administration, published an article in *The Journal of the American Medical Association* last year that nicely captured the tradeoff. When health costs have grown fastest over the last two decades, they wrote, wages have grown slowest, and vice versa.

So when middle-class families complain about being stretched thin, they're really complaining about rationing. Our expensive, inefficient health care system is eating up money that could otherwise pay for a mortgage, a car, a vacation or college tuition.

The second kind of rationing involves the uninsured. The high cost of care means that some employers can't afford to offer health insurance and still pay a competitive wage. Those high costs mean that individuals can't buy insurance on their own.

The uninsured still receive some health care, obviously. But they get less care, and worse care, than they need. The Institute of Medicine has estimated that 18,000 people died in 2000 because they lacked insurance. By 2006, the number had risen to 22,000, according to the Urban Institute.

The final form of rationing is the one I described near the beginning of this column: the failure to provide certain types of care, even to people with health insurance. Doctors are generally not paid to do the blocking and tackling of medicine: collaboration, probing conversations with patients, small steps that avoid medical errors. Many doctors still do such things, out of professional pride. But the full medical system doesn't do nearly enough.

That's rationing—and it has real consequences.

In Australia, 81 percent of primary care doctors have set up a way for their patients to get after-hours care, according to the Commonwealth Fund. In the United States, only 40 percent have. Overall, the survival rates for many diseases in this country are no better than they are in countries that spend far less on health care. People here are less likely to have long-term survival after colorectal cancer, childhood leukemia or a kidney transplant than they are in Canada—that bastion of rationing.

None of this means that reducing health costs will be easy. The comparative-effectiveness research favored by the former Senate majority leaders and the White House has inspired opposition from some doctors, members of Congress and patient groups. Certainly, the critics are right to demand that the research be done carefully. It should examine different forms of a disease and, ideally, various subpopulations who have the disease. Just as important, scientists—not political appointees or Congress—should be in charge of the research.

But flat-out opposition to comparative effectiveness is, in the end, opposition to making good choices. And all the noise about rationing is not really a courageous stand against less medical care. It's a utopian stand against better medical care.

Mr. DURBIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Ms. COLLINS. Madam President, moments from now, President Obama will unveil his administration's long-awaited proposal to restructure and reform our Nation's financial regulatory system. I wish to take a few minutes to share my initial reactions to some of the most important features in the President's plan.

At the outset, let me say the President and his financial team deserve considerable credit for tackling this critical issue. It is important that all of us recognize how critical Federal financial regulatory reform is and that we not put this issue off until some distant future. When the present crisis is behind us—something we all hope will be sooner rather than later—other issues will demand our attention and calls for reform, I fear, will begin to fade. If that happens, our financial system would remain flawed, and these flaws must be corrected or they will emerge, once again, in the future to threaten our prosperity and to imperil financial markets.

In several aspects, the President's financial reform proposal parallels legislation I introduced in March to fundamentally transform our Nation's financial regulatory system. The bill I introduced would create a council of financial regulators to act as a systemic risk monitor. The bill would also require stronger safety and soundness standards and would close the loophole on the regulation of credit default swaps. It would eliminate the Office of Thrift Supervision, among other provisions.

There is widespread consensus that we do need a system, a measure for reviewing systemic risk. We need to have one entity that is responsible for looking across the financial markets and financial institutions and identifying

regulatory black holes and high-risk practices or products that could put our financial markets at risk. For this reason, I am pleased the administration is proposing the creation of a council of regulators to ensure that many perspectives and areas of expertise are brought to the table.

As we know now from bitter experience, we do not have, currently, any entity charged with evaluating risk across the financial spectrum. As a result, we saw institutions take on far more leverage than was appropriate. We saw exotic new derivatives that were poorly disclosed, not well understood, and lightly regulated, if at all, develop over the last few years and imperil our financial markets. So it is critical that we have an entity—and I believe a council of regulators is the best entity—to look across the financial markets rather than having each regulator view its regulatory responsibilities and regulated entities through a narrow prism.

To my mind, the President's decision to rely on a council model makes his proposal far more practical and effective than alternatives which would have required the restructuring of most or all of the financial agencies that currently oversee the financial system. The effort to achieve that kind of massive change and consolidation would take many years to implement. As the experience in the United Kingdom demonstrates, it would be no guarantee that our Nation's economy would be shielded from systemic risk, even after such a consolidation were implemented.

Under the legislation I have introduced, a financial stability council would be the primary entity responsible for detecting systemic risk and taking action to protect against that risk. While I am pleased the President has chosen the council of regulators model as well, I differ with his proposal to have the Secretary of the Treasury serve as the head of the council. Instead, I believe the council's chairman should be independent of any of the regulatory agencies serving on the council and that it is important that that chairman devote his or her full energies to that role and not have other important responsibilities.

It is also important that individual be subject to congressional oversight, be presidentially appointed, and Senate confirmed.

I do believe, however, that the President made the right choice in not assigning this role to the Federal Reserve. That is a model that has been discussed, that perhaps the Federal Reserve should take on the responsibility of the systemic risk monitor. The Chairman of the Fed would be a member of the council, I have advocated, and, of course, the Nation's top banker would play a critical role in how the council discharges its responsibilities.

But, in my view, the Federal Reserve already has plenty on its plate—including, after all, the conduct of monetary policy—and should not be distracted from those primary responsibilities by being asked to lead the new council.

There are several other important provisions in the President's plan on which I would like to comment. First, with respect to the too-big-to-fail problem, my bill would give the council the authority to make sure large financial institutions do not imperil the system by imposing higher capital requirements on them as they grow in size or raising their risk premiums or requiring them to hold a larger percentage of their debt as long-term debt. The President also proposes that the council play a role in setting these requirements. We have to get away from the problem we have now where we create a moral hazard. A firm knows if it becomes big enough and engages in sufficiently risky processes or practices, Uncle Sam is going to step in and bail that institution out. That is exactly the wrong message for us to be sending.

It is astonishing to me that our regulatory system was so lax and had so many gaps in it that we could have this huge market in credit default swaps arise where they were regulated neither as a security or as insurance; that we can have a situation where a large firm such as Bear Sterns has a leverage ratio that exceeds 30 to 1 and no regulator is stepping in; that we can have all of those kinds of problems. That is what we have to act to prevent.

The approach to too big to fail is one we have to undertake carefully, however. I don't think it makes sense to put some arbitrary limit on how big a firm can get, but I do believe that with increased size should come increased scrutiny by the regulators and higher capital requirements.

The TARP congressional oversight panel has adopted a similar position. As the panel has explained:

We should not identify specific institutions in advance as too big to fail, but rather have a regulatory framework in which institutions have higher capital requirements and pay more on insurance funds on a percentage basis than smaller institutions which are less likely to be rescued as being too systemic to fail.

Second, I support the idea of requiring that lenders keep some "skin in the game" when dealing in asset-backed securities. One of the big problems with the current system is risk has become divorced from responsibility. The mortgage broker gets paid for finding the client, placing the loan with a financial institution, and then has no further obligation. The financial institution that is underwriting the loan ends up selling it on the secondary market so, again, it has no further obligation. This system goes on and on and on. So I think the President is right about requiring everyone along the chain to have a financial interest in the ultimate health of the mortgage.

Since last spring, the Homeland Security and Governmental Affairs Committee, of which I am the ranking member and Senator LIEBERMAN is the chairman, has held a series of hearings on the roots of the present financial crisis. One problem consistently raised by the experts is the fact that asset-backed securities allowed lenders to sell their loans to investors and thereby avoid the risk that borrowers might default on these loans. That encouraged looser lending standards, and led to the boom and ultimately the bust in the housing market.

I understand the ability to sell those loans gives more liquidity and allows for additional mortgages to be made. But I think if you required the lenders to retain an interest in the loan, they are going to have more at stake when it comes to the financial security of the loan and, indeed, whether the loan should have been made in the first place.

Third, I am intrigued by the President's proposal to reform the role played by credit rating agencies. I am deeply concerned by the failure of these agencies to provide meaningful warning of the riskiness of investments backed by subprime loans, even after the market's downturn. I am very troubled by the way the system works now, where essentially there is an auction, there is "ratings shopping," and there are conflicts of interest inherent in the system.

Fourth, I support the President's proposal to regulate and bring transparency to the derivatives market, including the over-the-counter market. This is a large, complex market where some companies are trying to enter into legitimate hedging contracts, but other financial institutions have been engaged in a tangled web of interlocking contracts that are extremely difficult to properly evaluate.

The lack of regulation and transparency in this area led to the near failure of AIG, which had engaged in hundreds of these contracts in the form of credit default swaps. As the financial crisis deepened, the American taxpayer was forced to bail out AIG with at least \$70 billion due to the uncertainty of the impact of these credit default swaps on the economy as a whole. But AIG's experience should not be used as an excuse to alter the traditional authority of States to regulate insurance.

It was a noninsurance financial subsidiary of AIG that led to the debacle. AIG's insurance business remained pretty healthy. The problems were in the financial services unit, and I do not think it is a coincidence that unit was regulated by the Office of Thrift Supervision, primarily, which has been long recognized as the weak sister when it comes to bank regulators. That is why both my bill and the effect of the President's proposal is to do away with that

regulator and to have a consolidated regulator.

Fifth, I need to learn more about the President's proposal to consolidate consumer protection for financial products into one agency. The current financial regulatory agencies—whether the bank regulators or the Securities and Exchange Commission or the CFTC—all have an important role to play in consumer protection, a role that has not always been played adequately in the last few years. Is the answer, however, to the problems we have seen simply to remove consumer protection from the bank regulators' responsibilities? I am not sure that is the right response. I think we need to look very closely at this issue.

Finally, I welcome the President's proposal to provide Federal regulators with resolution authority over holding companies and other nonbank financial institutions similar to the kind the FDIC has over banks. This lack of authority presented Federal regulators with a Hobson's choice with respect to nonbank financial institutions such as AIG: bail them out or allow them to fail, notwithstanding the damage to the economy as a whole.

Madam President, let me conclude my comments.

As a former Maine financial regulator, I am convinced that financial regulatory reform is absolutely essential to restoring confidence in our financial markets and to preventing a recurrence of a crisis such as the one we now face.

I applaud the administration for making this reform a priority.

America's Main Street small businesses, homeowners, employees, savers, and investors deserve the protection of an effective, new regulatory system that modernizes regulatory agencies, sets safety and soundness requirements for financial institutions to prevent excessive leverage, and improves oversight, accountability, and transparency. I look forward to working closely with the administration to achieve these goals.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRAVEL PROMOTION ACT OF 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1023, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 1023) to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARIS AIR SHOW

Mrs. MURRAY. Madam President, I rise today to draw attention to an event that is going on across the Atlantic Ocean and how it impacts thousands of good-paying family-wage jobs right here in the United States.

As some of my colleagues know, the Paris Air Show kicked off this week. The air show showcases many impressive displays of aviation, technology, and innovation.

But there is something else that is going to be on display at this year's air show: the fruits of some 30-plus years of direct cash advances and illegal subsidies to the European aerospace company Airbus.

For more than three decades now, the European governments that created Airbus to specifically compete with the United States have aggressively funded, protected, and promoted their venture.

Since 1969, the European governments of France, Germany, Spain, and the UK have supported—the governments have supported—Airbus's commercial aircraft development with over \$15 billion in launch aid. Those are high-risk loans at no- or low-interest, with repayment contingent on the commercial success of the aircraft.

According to the USTR, the amount of launch aid Airbus has received during the lifetime of that company—if it was repaid on commercial terms—is well over \$100 billion.

Such massive, market-distorting subsidies to a private company are today allowing Airbus to offer incentives for airlines to buy their planes. Airbus is a mature company, with more than half of the market for large commercial aircraft. But Europe is still treating it as a company with kid gloves.

In fact, last week, Bloomberg News reported that Airbus is seeking approximately \$5 billion in launch aid from the governments of France, Germany, Spain, and the UK to now fund the development of the Airbus A350. Reports indicate that the deal could be completed within the month.

If we want to keep a strong aerospace industry in America, we cannot let that happen. Every time European governments underwrite Airbus with subsidies, our American workers get pink slips.

If we want to lead the world in commercial aerospace, our message to Europe has to be strong and clear: No more illegal subsidies to prop up Airbus. And Airbus has to compete in the marketplace just like everybody else.

I am deeply troubled that Airbus is considering pursuing now additional il-

legal, trade-distorting subsidies that, in effect, have caused adverse effects on the American aerospace industry at the same time the European Union is being sued in the World Trade Organization for those such practices.

That is why I am writing to Ambassador John Bruton urging the EU to show it is serious about pursuing fair trade practices with the United States by ending any discussion or movement forward on those subsidies.

The message sent by the U.S. Government is very clear.

On April 11, 2005, this Senate unanimously adopted Senate Concurrent Resolution 25. That resolution called for European governments to reject launch aid for the A350.

Launch aid for the A350 or any other form of preferential financing for Airbus is unacceptable. We will not tolerate another round of subsidies that kill our American jobs.

In addition to the trade-distorting subsidies now being talked about in Paris, there are other distortions showing up in the news accounts as well.

Several weeks ago, I had the opportunity here in the Senate to question Air Force Secretary Michael Donley at our Defense Appropriations Subcommittee. I told him about my concerns for the future of our domestic industrial base and how I believe the future capabilities of both our domestic workforce and our military must be taken into account as we work to reform our procurement process.

Secretary Donley agreed that the Pentagon has an interest in ensuring that our industrial base issues are taken into account.

That response now has some of Airbus's top executives upset and once again distorting the facts. In newspaper reports over the weekend, the chief executive of EADS—which is Airbus's parent company—Louis Gallois, claims that if Airbus is selected to build the next generation of military refueling tankers, they would create more jobs than competition for the U.S. aerospace industry.

That is pretty hard to swallow. In fact, a year ago, in June 2008, an independent, nonpartisan Economic Policy Institute study concluded that the now-overturned decision to award the tanker contract to Airbus would have actually cost the United States 14,000 jobs.

The truth is, Airbus does not even have a plant here in the United States and their well-documented plan is to build their tanker airplane in Europe and then ship sections over here to the United States to be assembled.

The Boeing tanker, however, would be built in Everett, WA, and military capabilities would be added at the company's defense plant in Wichita, KS.

Suppliers in States across America would be supported by that contract. A Boeing-made tanker is estimated to

support and create twice as many American jobs as an Airbus plane.

But it is not just about jobs. This is about the future of America's domestic industrial strength. Our government depends on our highly skilled industries—our manufacturers, our engineers, our researchers—and our development and science base to keep the U.S. military stocked with the best and most advanced tools and equipment available.

So whether it is our scientists who are designing the next generation of military satellites or our engineers who are improving our radar systems or our machinists who are assembling our planes, these industries and their workers are one of America's greatest strategic assets.

We ought to ask the question: What if they were not available anymore? What if we here made budgetary and policy decisions without taking into account the future needs of our domestic workforce?

That is not impossible. It is not unthinkable. It is actually happening. And it is time to have a real dialog here about the ramifications of these decisions before we lose our capability to provide our military with the tools and equipment they need. Because once our plants shut down and our skilled workers move to other fields, and once all the infrastructure we have here is gone, it cannot be rebuilt overnight.

As a Senator from Washington State, I represent five military bases and many of our military contractors and suppliers, and, believe me, I am keenly aware of the important relationship between our military and the producers who keep them protected with their latest technological advances.

I have also seen the ramifications of the Pentagon's decisions on communities and workers and families. As many of my colleagues know, I have been sounding the alarm about a declining domestic aerospace industry for years. The American aerospace industry has taken hits from the economic climate, but it is also being undermined by unfair trade practices and these illegal subsidies of the type that are now being talked about this week in France.

This isn't just about one company or one State or one industry; this is about our Nation's economic stability, it is about our skill base, and it is about our future military capability. We have watched as our domestic base has shrunk, as competition has disappeared, and as our military has looked overseas for the products we have the capability to produce from scratch—not just assemble but produce from scratch—here at home.

Last month, I worked with some of our colleagues in the Senate to include a provision in the Defense Acquisitions Reform Act that has now been signed by the President. My provision draws

the attention of the Pentagon leadership to consider the effects of their decisions on our industrial base and its ability to meet our future national security objectives. These decisions should not be made in a vacuum without regard to the long-term capabilities of our industrial base and the workers who are its backbone.

Last weekend, EADS head Louis Gallois said:

We will see at the end of the day who is creating more jobs. We are starting from scratch in Alabama. We have to create an industrial base.

Well, America has a highly skilled aerospace industrial base. It has taken a very long time to build it. We have machinists today who have past experience and know-how down the ranks for over 50 years. We have engineers who know our mission and know the needs of our soldiers and sailors and airmen and marines and they have a reputation for delivering for our U.S. military.

I believe we need to move forward with a fair and transparent rebid of the tanker contract. The comments and the actions coming out of France this week have been anything but. But, again, this isn't just about one contract; this is about our Nation's economic stability, it is about our military capability, and it is about ensuring that our workers are a consideration in the decisions we are making on major defense contracts.

It took us a long time to build our industrial base, and it is built on the best America has to offer: Our innovative spirit, our dedication to this country and, most importantly, our Nation's workers. We have to work to preserve it, and we need to stand against unfair and illegal trade practices such as the ones that are being talked about at the Paris Air Show this week.

The Presiding Officer and I both know we are in the middle of a recession. We are engaged in wars abroad. These are two separate but not unrelated challenges. We have the ability in America to provide our military with the equipment they need to defend our Nation and project our might worldwide. But I fear, unless we stand for our industrial base today, we stand to lose the backbone of our military might, some of our best-paying American jobs, and our economic strength in the future.

Now is the time to take this stand and stand for our military and for our workers. It is critical to preserving America's future strength.

I thank the Chair. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTO MANUFACTURERS BANKRUPTCY

Mrs. HUTCHISON. Madam President, I rise today to speak about the update on the Chrysler and GM bankruptcy and their impact on the auto dealer community.

Almost 4 weeks ago, when we were considering the supplemental appropriations bill, I offered an amendment to provide at least 60 days for any dealer being terminated by an auto manufacturer receiving TARP funding to wind down its operations and sell its inventory. My amendment was in response to the letter sent to 789 Chrysler dealers May 13, 2009, informing them they were being terminated on June 9—3 weeks later—with no assistance for auto inventory, parts, or special tools. I found that unacceptable. And you know, a number of the people who heard my amendment on the floor stepped up and said: I want to cosponsor that amendment. By the end of the day, we had 38 bipartisan cosponsors on the amendment to give these valued members of our communities at least 60 days to wind down their businesses. As a result of that amendment and thorough discussions with Chrysler president Jim Press and the Auto Task Force, Chrysler responded with a commitment to facilitate the transfer of inventory and parts for the terminated dealers.

As soon as we returned from Memorial Day recess, Chairman ROCKEFELLER and I called a Commerce Committee hearing specifically on the impact of the Chrysler and GM bankruptcy on the auto dealer community. This hearing provided the first outlet for dealers to express their opinions on how they were being treated in this process, and it gave Chrysler and GM CEOs the opportunity to explain their reasoning for the termination of literally thousands of dealerships across the country. We pressed the auto manufacturer executives to reconsider how they were treating these independent business men and women, and we sought progress reports on their commitments to me, our committee, and this body to provide a softer landing for terminated dealerships.

In response to the concerns we raised in that hearing, Chrysler did take another step forward on behalf of its terminated dealers by formally guaranteeing that every piece of inventory at these dealerships would be purchased at cost, minus inspection and transportation fees. So they made the promise after the Memorial Day recess that they would buy every car.

This reassuring news, of course, was welcome to the dealer body, but we still had concerns. I continued to push Chrysler for assurances regarding parts and equipment. The Commerce Committee sought additional answers on transparency, dealer reentry, rural ac-

cess, and continuation agreements in both Chrysler and General Motors. On Monday, I received a letter that I thought was very positive from Chrysler, acknowledging the need for assurances on parts. They have now guaranteed 100 percent of the parts inventory for terminated dealers.

So we have a situation here where they did listen. They eventually said they would buy all of the cars that were still left in inventory, and now, of course, they are going to buy the parts. Of course, the dealers that were being terminated had no use for the parts which they had already purchased, and so I think that was a fair ending to that dilemma.

I also wish to point out another part of the answer to the Commerce Committee letter, which is on dealer terminations and market reentry. One of the things that came out in our hearing is that in some places all of the dealerships in the area were being closed, yet we had word that there were new people coming in seeking financing or a new dealership in the same place. That didn't quite ring right with us, and so we did ask for assurances that any dealer that was terminated would have some ability to come back in if another dealership was going to be put in that area. And here is what Mr. Press said in the letter of June 12, 2009:

Chrysler Group LLC will commit to provide nonretained dealers with an opportunity for first consideration of new dealerships that the company may contemplate.

We sent the same request for information to the General Motors CEO, and his answer was:

You have asked about situations where GM will authorize the establishment of a new dealership near the location where a current, profitable dealer has been asked to wind down operations. It is not our plan for current dealerships to be wound down only to open up new dealerships. Rather, our plan is to reduce overall dealer count. However, in those rare instances where we do open a new dealership, in an area previously served by a winding down dealer, we commit to provide advance notice to former dealers and allow them an advanced opportunity to apply to run the new dealership.

I think that is a step in the right direction, and I hope that will be followed through on in a legitimate and positive way because it would be the most cruel cut for a dealer that has been closed—a dealer that is profitable—to all of a sudden have a new dealer come in and open on the same ground or in the same area as the dealer that was closed at great loss.

Remember, we have a dealer now with a huge piece of real estate. These auto dealerships are big lots because they have all these cars on them. So they are big pieces of real estate, and they are big buildings that are generally suited just for the purpose of an automobile showroom, and they have been left or sort of stuck with this real estate and stuck with all of the other

equipment and things you have to have to run a business. So I think it is untenable for us to just close that person down and then 3 months later suddenly have a new person come in without all of those expenses and have the opportunity to open a new dealership.

So I thought that was a very important part of the letter and commitment that is being made. But, of course, the commitment has to be followed through with—a responsible advance notice and a fair hearing for the dealer that has gone out of business to be able to come back in.

I commend Chrysler for heeding the calls of Members of Congress and the dealer community and responding in a way that does give additional support to the dealers.

General Motors, meanwhile, did sit down with the National Auto Dealers Association after our Commerce Committee hearing to work out concerns with the supplemental agreements continuing dealers were asked to sign. I commend GM for making concessions during those discussions, and I hope they will continue that positive dialog and interaction as the GM dealer network seeks additional information, support, and assistance.

I will continue to work with the auto manufacturers to provide our dealer communities with the support and assistance they need in this very challenging time.

I am worried about what is happening to many communities in my State and all over America because so often auto dealers are such a pillar of the community. They are very community oriented. They advertise, they support the Little League, they support the United Way, and they support the high school football programs. They are community citizens, and they are always the first one to step up when the community needs something.

It has been stated that closing these dealerships is necessary, even where it is the only dealership in town and even when it is profitable. But the dealer takes all of the risk. They buy the cars, they buy the parts, they buy the special equipment, they have the real estate costs. They take the risks, not the manufacturer.

I am not convinced that cutting down on the number of dealerships is the most productive thing for this economy today. We are trying to keep jobs. We are trying to keep communities going. We are trying to keep our economy steady and growing. Why we are closing down dealers and putting people out of jobs when they are profitable and contributing to the community is, frankly, lost on me. In fact, I asked Mr. Ron Bloom, who is a member of the Auto Task Force, at a Banking Committee hearing after the Commerce Committee hearing. I said: Why did the task force ask both GM and Chrysler to go back to the drawing

board and eliminate more dealerships than their original plan?

He acknowledged they did this. Again, he gave us the argument that fewer dealerships will be better for sales of these cars and trucks.

I still, I am honest to admit, do not understand why he believes that; why Mr. Bloom or the Auto Task Force or GM or Chrysler believe when the dealers take the risk, and they are profitable, that it will increase sales to eliminate those dealerships. I certainly do not understand how the task force, which is part of the White House, would not see that this is going to hurt the economy in the long run—putting people out of jobs, thousands of people out of jobs. It is counterintuitive to me.

However, it is being done. All we are trying to do is help the people who are being shut down to have the first rights to new dealerships that would open, and to make sure they are treated as fairly as possible. You cannot say it is fair because getting 3 weeks' notice to shut down an auto dealership is not fair. GM has given a longer time period, but although the GM company is saying: You will have until next year, 2010, to shut down your dealerships, yet the ones that have gotten the notice that they are going to be closed under GM are being told they cannot buy any new cars to sell. They can wind down the inventory they have, but they cannot stay in business until 2010 if they cannot get access to new automobiles and parts.

It does not seem as though that is going to work very well either. I am hoping GM is going to also be a little more responsible in trying to help those that are being closed, with some ability to wind down in a more constructive way.

As we continue these discussions between the dealer community and the auto manufacturers, I certainly hope we will be able to keep track of the progress. I would like to continue to get the progress reports, to see how these automobile companies are doing, and to get input from the dealers. It has been a very tough blow to them, especially those that did not see it coming because they were profitable, or like one of my constituents who had a profitable dealership in a location in Galveston County for years and years and years and then was told that he was going to be closed, even though he has dealerships in other parts of the Houston area, he was being closed in Galveston County and, of course, Galveston was struck by a terrible hurricane—Ike—last year and his business was down in the Galveston location. That is not surprising.

Many people have not been able to move back to Galveston County because their homes were destroyed and they have no ability to live in Galveston County anymore. At least until

very recently there was no opportunity for my constituent to appeal to General Motors because they were going to lose all their rights, if they appealed, to any of the concessions that were being made to closing dealers. It is a very troubling situation.

I think we are making progress. I think GM and Chrysler are doing better with regard to the dealers, and I hope they will continue to understand these are important parts of communities all over America, these franchises that they have put out. They have been encouraged to buy inventory to try to help the companies not to go into bankruptcy, and then when they did go into bankruptcy they were sort of left high and dry. I think it is our responsibility—particularly in the case of GM and Chrysler, because they are getting taxpayer dollars—that they should have a little more concern about the overall economy because it is tax dollars that are propping them up.

I ask unanimous consent the letters that Senator ROCKEFELLER and I received from Mr. Henderson and Mr. Press, of GM and Chrysler respectively, be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL MOTORS CORPORATION,
Detroit, MI, June 12, 2009.

Hon. JOHN D. ROCKEFELLER, IV,
Chairman, Committee on Commerce, Science and Transportation, Hart Senate Office Building, Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member, Committee on Commerce, Science and Transportation, Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR HUTCHISON: Thank you for your letter regarding rationalizing of the General Motors dealer network. I appreciate the time that you have devoted to understand the issues facing GM and the efforts we are undertaking to restructure the company for future viability. I appreciate the thoughtful questions and comments concerning how we decided which dealers should remain with the new company and the impact of those decisions on the dealers and the communities in which they operate.

Dealers are critical to the future of GM. Strengthening our dealer network will make that future possible, and preserve over 200,000 jobs at GM's remaining dealers, along with hundreds of thousands of jobs with GM's direct manufacturing and supplier network. As I stated in my testimony, restructuring our dealer network is quite painful—for us, and especially for our dealers. Many of our dealers operate businesses that have been in their families for generations. Our actions affect them personally as well as financially. They also affect the communities and states where our dealers live and work.

That is why we are conducting our GM dealer restructuring thoughtfully and objectively and in consultation with our dealers. We decided not to outright terminate dealers, and instead developed a unique wind-down process that we believe is considerably more equitable.

The issues that you raise generally result from our bankruptcy. I have stated on many

occasions that bankruptcy was not the preferred option for GM to restructuring itself for future viability. Many in and outside of Congress called for a GM bankruptcy, and urged the company to use a court administered bankruptcy process. As economic conditions worsened, and we face the equivalent of an economic depression in the auto market, bankruptcy became the only option for GM to restructure and survive.

WIND DOWN AND PARTICIPATION AGREEMENTS

During the hearing, many issues were raised about the agreements GM asked its dealers to sign, either to wind down operations or continue with the New GM. GM crafted these agreements to provide dealers with more options than they would otherwise have.

With respect to the wind down agreements, we carefully drafted them to provide the dealers financial assistance, flexibility and choice regarding the time they take to orderly wind down their business. We did not terminate any dealers, rather providing them with options to sell and service vehicles for up to 16 months. This approach is in stark contrast to what happens to most contracts in bankruptcy, where contracts are typically simply rejected with no assistance.

With regard to the participation agreements, we continue to respect and follow state franchise law and provide a new operating approach that will benefit both the dealer and GM. We respectfully disagree that the participation agreements are onerous or otherwise improper. At the hearing, the National Automobile Dealers Association witness and some Senators raised questions about the participation agreements. I committed to you that we would quickly meet with NADA to better understand their concerns. We are pleased to report that GM and NADA, as well as representatives of the GM National Dealer Council, reached an understanding of the key issues and as a result, on June 9, GM sent a letter to each dealer we had asked to sign a participation agreement which clarified the important issues, including that the dealers retained certain rights afforded by state law. I have attached for you a copy of the dealer letter as well as the GM and NADA press releases on these clarifications. I can assure you that GM respects the rights of dealers and consider them key and critical to the success of the New GM.

DEALER MARKET RE-ENTRY

You have also asked about situations where GM will authorize the establishment of a new dealership near the location where a current, profitable dealer has been asked to wind down operations. It is not our plan for current dealerships to be wound down only to open up new dealerships. Rather, our plan is to reduce overall dealer count. However, in those rare instances where we do open a new dealership, in an area previously served by a winding down dealer, we commit to provide advance notice to former dealers and allow them an advanced opportunity to apply to run the new dealership.

When rationalizing our dealer network we looked at several factors, including profitability. Over two thirds of the dealerships that received wind down agreements were not profitable. Profitability is only one measure of a dealer's suitability for a future dealership opportunity. Equally important are the dealer's prior sales performance, customer satisfaction performance, needed funding and ability to provide acceptable dealership facilities. While a profitable dealer may provide high levels of customer service, it is not always true, and unfortunately

a profitable dealer may rank among our poor performers. Even after the dealer rationalization General Motors will continue to have the largest and most extensive dealer network in the U.S.

LITIGATION PENDING BEFORE BANKRUPTCY FILING

The treatment of lawsuits and other claims is an important issue. All claimants will have the opportunity to submit their claims and have them resolved as provided by the Bankruptcy Code and other applicable law, both as to amount and priority. We understand that the Bankruptcy Court routinely addresses these issues, taking into account the concerns of the claimants and the bankrupt company. An unfortunate consequence of bankruptcy is that many claims do not receive the priority that the plaintiff would prefer.

SERVICE IN RURAL AREAS

We also carefully considered our dealer network coverage in rural areas and small towns versus urban/suburban markets. We know that our strong presence in rural areas, small towns and "hub" towns gives us a strong competitive advantage on average of more than 10 points in market share, and we would like to maintain that advantage. When our rural and small town dealers perform to our standards, they are a huge asset, and so we intend to retain an extensive rural network of 1,500 dealers nationally. With this comprehensive network in place we are confident we can continue to provide all of our customers with reasonable access to dealers and service, obviating the need for "service only" outlets. However, we will conduct market analyses to ensure that there is sufficient representation of GM dealers so that we meet the needs of customers, especially in rural areas.

GM TECHNICIAN PLACEMENT

GM is proud of the dealer technicians who service GM vehicles. Many of these technicians are highly trained and possess multiple technical certifications. Factory trained individuals with these skills and credentials are highly sought after in the industry. GM shares your concern that these technicians may lose their current positions. In response to your letter, we commit to taking actions, such as by making training records and certifications available, with technician consent, to employment services and resume sites. In addition, we have already begun a review with our National Dealer Council to develop ideas on how GM can help the dealers' technicians transition to other dealers.

General Motors appreciates the support of Congress and President Obama and takes very seriously our responsibility to create a healthy GM for generations to come. Thank you for the opportunity to respond to your concerns.

Sincerely,

FREDERICK A. HENDERSON,
President and Chief Executive Officer.

CHRYSLER LLC,
Auburn Mills, MI, June 12, 2009.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN ROCKEFELLER AND RANKING MEMBER HUTCHISON: Thank you for the opportunity to respond to the concerns raised in your June 9 letter. As I highlighted last week at the Senate Commerce Committee hearing, it is critically important that the

new Chrysler Group have a viable, realigned dealer network on day one. Despite a painful restructuring, Chrysler Group LLC will retain 86% of Chrysler dealers by volume and 75% by location. I can empathize with the dealers who were not brought forward into the new company, and can understand their disappointment. This has been the most difficult business action I have personally ever had to take.

The concerns you have raised are addressed in order below:

VEHICLE INVENTORY, PARTS AND SPECIAL TOOLS

Regarding the concerns you have outlined relative to inventories, parts and special tools, Chrysler has made a commitment to its discontinued dealers that 100% of the inventory on their lots will be purchased at cost minus a \$350 inspection, cleaning and transport fee. Through a letter dated June 5, 2009 Chrysler informed all discontinued dealers that we will guarantee the re-distribution of 100% of eligible vehicle inventory. We have successfully found buyers for 100% of the outstanding vehicle inventory, and dealers requesting our assistance have received commitments for 80% of their parts inventory.

We will continue to work with the discontinued dealers to redistribute their parts inventory for the next 90 days. After that time we will commit to repurchase remaining qualified parts inventory from those dealers at the average transaction price for all parts already redistributed. We will also continue to work to redistribute all remaining special tools.

DEALER TERMINATIONS AND MARKET RE-ENTRY

While some profitable dealers were not retained by Chrysler, it is important to note that profitability alone is not an adequate measure and is one of several elements that determine a dealer's viability and value to Chrysler. The factors we considered in making these decisions included:

Total sales potential for each individual market

Each dealer's record of meeting minimum sales responsibility

A scorecard that each dealer receives monthly, and includes metrics for sales, market share, new vehicle shipments, sales satisfaction index, service satisfaction index, warranty repair expense, and other comparative measures

Facility that meets corporate standards

Location in regard to optimum retail growth area

Exclusive representation within larger markets (Dualed with competitive franchise)

Opportunity to complete consolidation of the three brands (Project Genesis)

Dealers may be profitable while not meeting their Chrysler new vehicle "minimum sales responsibility" level. For example, a dealer may focus on maintaining a low cost structure through a lack of modernization, a heavy emphasis on used vehicles, lack of investment in training and capacity. Therefore, a dealer could be profitable while not meeting their new vehicle sales and customer satisfaction obligations.

Also, we understand and value the loyalty and experience represented in many of the discontinued dealers. As we consider market re-entry or expansion in the future.

Chrysler Group LLC will commit to provide non-retained dealers with an opportunity for first consideration of new dealerships that the company may contemplate.

PROVIDING TRANSPARENCY IN THE DECISION-MAKING PROCESS

To achieve the necessary realignment, we used a thoughtful, rigorous and objective

process designed to have the least negative impact while still creating a new dealer footprint scaled to be viable and profitable for the long-term. Factors in the decision-making are outlined in the second question above.

Upon request, we will share with any dealer the rationale and specific data used in making the decision on the dealer separation.

CONSUMER PROTECTION

Bankruptcy is a very difficult process requiring hard choices and painful decisions. The bankruptcy process has impacted all existing stakeholders. With a failed enterprise, there are many who suffer significant losses. Traditionally in a bankruptcy, liabilities

such as product liability claims are not carried forward into the new enterprise. The judge found this decision to be within the debtor's sound business judgment, and it is a customary bankruptcy outcome. Any product-related claims arising from vehicles sold by the New Chrysler will be addressed by the new company. This is consistent with the goal of a Chapter 11 bankruptcy, which is to create a framework enabling a vibrant, sustainable new company to emerge.

CONSUMER ACCESS TO SERVICE IN RURAL AREAS

There will be over 2,300 remaining Chrysler, Jeep and Dodge dealerships conveniently located with the parts and trained technicians to service consumers' vehicles. Based on registration data, our customers reside an

average of 6.28 miles from the nearest Chrysler, Jeep or Dodge dealer now; this distance will increase to 6.80 miles after the consolidation. With regard to rural dealers, the distance increases from 9.72 to 10.70 miles. Even with the consolidation, our dealers on average are more conveniently located to customers than Toyota or Honda dealers are to their customers.

Additionally, we will consider companion facilities to address potential sales and service issues in areas of concern. Chrysler will send a letter to all customers notifying them of the four nearest dealers who can provide service. It is not in Chrysler's interest to abandon existing customers to the detriment of future parts and new vehicle sales.

CUSTOMER CONVENIENCE COMPARISON

[Average distance in miles a customer must drive to reach a dealership]

	Old Chrysler	New Chrysler	Change Chrysler	Toyota	Honda	Chevy	Ford
Metro	4.45	4.82	0.37	5.01	5.11	4.10	4.23
Secondary	6.08	6.44	0.36	7.38	7.58	5.69	5.76
Rural	9.72	10.70	0.98	19.27	24.27	8.04	8.69
Total	6.28	6.80	0.52	9.11	10.31	5.58	5.81

PLACEMENT ASSISTANCE FOR CHRYSLER TECHNICIANS

Chrysler is sensitive to the job loss associated with the non-retained dealers. In an effort to assist employees, a job posting website is currently being developed in partnership with Careerbuilder.com. This website will list jobs that are available at Chrysler dealerships nationwide to the extent such information is provided to us. Additionally, there will be a resource section to provide "how to" tips on items like resume building and job interview techniques.

Again, I appreciate your concerns and want to assure you that we are doing everything we can to support the dealers that are not going forward and to ensure that the new company going forward is successful.

Sincerely,

JAMES E. PRESS,
Vice Chairman & President.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BINGAMAN. Mr. President, twice in the last 2 weeks I have asked a unanimous consent to proceed to consider Calendar No. 97. I would like to do that again at this time. We have advised the Republican side of the aisle I will be doing that, so I will proceed with that at this point.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hilary Chandler Tompkins to be the Solicitor of the Department of the Interior, that the nomination be confirmed, that the motion to reconsider be laid on the table, that no further motions be in order, that any statements relating to the nomination be printed in the RECORD, that upon confirmation the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mrs. HUTCHISON. Mr. President, I do object.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. I object on behalf of the minority because they have not yet had time to clear this on our side, but certainly we will work with you going forward to be able to expedite this nomination.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, let me comment briefly. I regret objection has been raised again. This nomination was reported out of our Energy and Natural Resources Committee on April 30. Of course, we are now at June 17. There was no testimony at our committee hearing or no suggestion made by anybody that Ms. Tompkins was not qualified for this position. Clearly, she is qualified and well qualified for this position. She has served in important positions in our State government in New Mexico. She is, by education and experience, eminently qualified to be the Solicitor.

I also point out to my colleagues, she is the first Native American to be nominated by the President to be the Solicitor for the Department of the Interior, and she is the second woman in the history of this country to be nominated to be the Solicitor of the Department of the Interior.

This is an extremely important position. Secretary Salazar is trying very hard to put together a team of people who can help him to do the job of Secretary of Interior, and he needs a person in this Solicitor's office he can depend upon. He has chosen her to be that person.

To my mind, it is unacceptable for us to continue denying him the choice he has made, and the choice President Obama has made, for the Solicitor's office. It is very unfair to Ms. Tompkins to be denying her this position. Frank-

ly, I have great difficulty understanding why she was singled out.

There have been a great many nominees who have come before the Senate in the last couple of months in connection with the Department of the Interior responsibilities. Why we would be singling her out and holding her up while others have been approved I have great difficulty understanding.

My colleagues say they need additional time. Frankly, I cannot understand what the additional time relates to. I know of no questions that need to be looked at. I know of no objections that have been raised to her nomination.

I hope that if there is anything, any additional investigation or question that continues to exist on the Republican side, they would resolve that here in the next day or two so we can complete this nomination and get on with other business. But this is a very unfair situation with regard to this nominee. In my view, there is no justification for it. I know the Presiding Officer, Senator UDALL, and I will continue to pursue this repeatedly over the coming days until this matter is resolved and she can be confirmed. I believe that once permission is given for her nomination to be voted on, she will be overwhelmingly confirmed. That is as it should be. But due to the arcane rules that we operate under in the Senate, the Republican Members have chosen to hold up this nomination very unfairly, in my view, and I think we will have to revisit it again in the next few days.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. KYL. Mr. President, I have been talking about, over the last several days, health care reform which is urgently needed. No one is satisfied with the status quo. We have all heard unfortunate stories about Americans who cope with health insurance. All Americans deserve access to high-quality health care. In a country as innovative and prosperous as ours, we can achieve that goal. Republicans believe we can do so by putting patients first. We believe Americans should be trusted with their own money to make wise decisions about the health care plan that best fits their family's needs. We do not believe forcing everyone into a one-size-fits-all, Washington-run system, as the President wants, is the solution to our health care problems. Indeed, we believe a Washington takeover would create a whole new set of problems, the likes of which are experienced every day in countries such as Canada and Great Britain.

President Obama often says if you are insured and you like your current health care, you can keep it. But as I pointed out several times, the President's plan would, in fact, force millions of Americans into the government system by providing incentives for their employers to eliminate their coverage. Government-run health care systems in Canada and Great Britain have, over and over, failed the very patients they were created to serve. Access to doctors, tests, treatments, and medications is limited. Patients wait through painful months and years to get the treatment they need. The longer they wait, the more their conditions worsen. Medications are sometimes unavailable or the government may refuse to pay for them, despite the guarantee of universal coverage to all. Innovation and new medical technologies are not encouraged because they would lead to higher costs. Patients deal with bureaucratic hassles as they try to navigate their way through an overly complicated maze of rules. Americans want health care reform, but they don't want to experience the rationing and the ordeals that a government system would create.

As opposition to this public option idea or Washington takeover grows, some Democrats have been trying to disguise this takeover with a new name. They have come up with the idea of calling it a health insurance co-op. This started with a very good idea from the Senator from North Dakota but has evolved into simply another name for a government-run insurance company. As we all know, a co-op in its purest form is a business controlled by its own members. Co-ops form when communities unite to solve a common problem or exchange goods and services. In

Arizona, we have more than 100 co-ops all across the State. Some communities use them to get fresh food, electricity, hardware, heating fuel or create credit unions. A bloated, Washington-run health care bureaucracy forced upon the public is not a co-op.

As former Secretary of Health and Human Services Michael Leavitt has written in a soon-to-be-published Fox News article he shared with me:

A co-op that would be federally controlled, federally funded, and federally staffed sounds like the public option meets the new General Motors.

In the era of the GM takeover, Washington controls the purse strings, pays the bills, dictates the rules. The same would be true of a Washington health care co-op.

As Leavitt put it in this article:

Washington healthcare would result in Americans being "co-opted," rather than being given a "co-op."

Americans are also concerned about the cost of the bills being proposed on the Democratic side. The nonpartisan Congressional Budget Office's preliminary estimate shows that the bill in the HELP Committee or the draft bill created by the senior Senators from Massachusetts and Connecticut—the piece of legislation I am talking about—would cost a trillion dollars over the course of 10 years but only would reduce the number of uninsured by 16 million. So a trillion dollars to bring 16 million people into insurance status. For those who would be newly covered, the cost would be \$65,185 per person for 10 years of coverage. That is only a preliminary estimate for part of the plan. Of course, the preliminary estimate does not tell the whole story. What would it cost to cover the remaining 31 million who are thought not to have insurance or the millions who would be displaced from current private coverage with their employer into the public plan? Remember, I indicated that private employers would have no incentive to keep those people on their own rolls when it would be much cheaper to have them go to the government option.

The bill also provides subsidies for families whose incomes reach 500 percent of the poverty line which gets you close to \$100,000.

The first question one has to ask in these circumstances is, How do we pay for all of this, and who will pay. We are all familiar with the huge expenditures of this government since the beginning of the year on the so-called stimulus package, the so-called omnibus bill, the budget that has been provided, and now the supplemental that we will probably be taking up tomorrow, all of which adds trillions of dollars in more debt, more debt than all the other Presidents and Congresses of the United States put together. In fact, double that, and that is how much debt is created in just one budget of President Obama.

We add on top of all of that a trillion, 2 trillion, who knows how much to try to find coverage for about 45 million people. We have not had the answers to the questions yet of how we would pay for it and who would pay, but we have seen proposals that range from taxes on beer and soda to juice, salty foods, eliminating charitable tax deductions. We even heard about a value-added tax that would tax everyone regardless of income. Would there be anything left that the Federal Government does not tax at the end of this?

The HELP Committee would also establish a new prevention and public health investment fund. We don't know all the details, but what we have heard is that, it would direct billions of dollars to the government to do healthy things. Like what? Like building sidewalks and establishing new government-subsidized farmers markets. The idea is to encourage healthier lifestyles. I suppose that creating sidewalks so people can jog on sidewalks creates healthy lifestyles. I was at a farmers market this weekend. I didn't notice any Federal subsidies. I am sure the vegetables there are good for everybody, and it would be nice to have more farmers markets. But should the government be spending a lot of money on things such as that in the guise of trying to provide healthier Americans so we have less costly insurance? Encouraging healthier life styles is fine, but I don't think this is the kind of reform the American people have in mind. It is also indicative of a very wasteful and inefficient system, whenever it is run by the Federal Government in Washington.

We all believe that families who can afford insurance should be helped. There are ways to do that. The poorest Americans are already eligible for Medicaid, and we should see to it that Medicaid and Medicare are strong and that everyone who is eligible signs up for them. One of the reasons there are so many uninsured is that many of the people who are eligible for private insurance or Medicaid have not signed up. We could get them signed up for that.

That leads to another question about Washington-run health care. Will increased demands for government health care diminish the quality of care that is now received by America's seniors in Medicare? That is an important question for seniors to contemplate. They want Congress to find ways to ensure Medicare is solvent. They don't want us to divert the program's resources into a massive new entitlement for everyone. Yet we all know, as the President himself has said, that Medicare is not solvent. It is not sustainable. Now we are going to add additional burdens and expect that there would not be any negative impacts on America's seniors. I find that hard to believe.

I haven't read anything in the Congressional Budget Office's preliminary report that makes me more optimistic about this. The preliminary numbers should make us even more weary of adding a new government program.

Finally, we are told we must hurry up and pass the health care reform President Obama wants for the sake of the economy. The President pitched this same argument to Congress as he rushed us to pass the stimulus, which was packed with debt and waste, the details of which are now coming to light thanks to a new report by Senator COBURN. The reality is, the bulk of the money we passed for the stimulus should simply not be spent. That will not be efficiently spending taxpayer dollars. I argued at the time that rushing to borrow money to pass such an expensive and complex bill was irresponsible and a disservice to taxpayers. Administration economists insisted that if Congress hurried to pass the stimulus, unemployment would peak at 8 percent. Four months later, unemployment has now reached 9.4 percent, and here we are again being pressured to hurry up and spend another trillion taxpayer dollars.

Republicans will not be rushed into passing the Democrats' health care bill. We are going to ask the tough questions. I think our constituents deserve answers to those questions. Based upon the track record so far, I wouldn't say the experts who have told us don't worry about the cost, everything will be fine, have not guessed right, as the Vice President said last Sunday. I don't think our constituents want us to hurry it. They want us to do it right. We want real reform, not more deficits, government waste, and unsustainable programs.

As we reform health care, we need an approach that makes sure the patients come first and that no government bureaucrat stands in the way of the doctors prescribing treatments and medications their patients need. The success of America is largely due to the individual freedom we all enjoy. Individual freedom triumphs when the doctor-patient relationship remains free of government intervention. We must continue our great tradition as we pursue the health care reforms we all want.

Let me comment on a piece of legislation Senator MCCONNELL and I introduced. I would love to have everyone cosponsor this legislation. I am hoping we can get it adopted soon before we take up health care reform because it will inform us as to how we should deal with health care reform on what could be the most important issue Americans find involved with this. Americans want their fellow citizens to be insured. They wanted costs to be kept in check so they can afford insurance. They want both those things. But they don't want their care, the care they be-

lieve in and they like, interfered with in order to achieve these other two goals.

One of the things they are most fearful of is that their care will be rationed. When we talk about saving money in Medicare in order to pay for insuring more Americans, seniors rightly question whether some of the care they have been getting is going to be denied them or that they will be delayed in getting that care.

One of the ways that could be accomplished is by using something the Congress has already passed called comparative effectiveness research. That stimulus bill I talked of earlier appropriated \$1.1 billion to conduct comparative effectiveness research. It wasn't necessary because it is done in the private sector all the time. Hospitals, medical schools, associations, groups of people who want to find out which treatment is best for the most people conduct this kind of research all the time. Is drug X or drug Y better to treat people when they have a certain condition? They run tests to see how the different medications perform. They then give those results to physicians who use that information in prescribing to their patients. It is a way we have found that we can provide better quality care for more people. Sometimes, by the way, we can save money as well.

The point is not to try to figure out how to cut costs so we can deny certain care to people and, therefore, not have the cost of providing it. Unfortunately, that is one of the purposes to which this research could be put. It has been acknowledged by people both within the administration and without. The acting head of the National Institutes of Health, for example, talked about using this research for allocation of treatments.

Allocation of treatments is another way of saying rationing. You decide which treatments to allocate and which ones not to. This is the way it is done in Great Britain and Canada. They do not have enough money to pay for all the health care that physicians prescribe, so they simply delay some of the care until it is not needed anymore or the person dies or they deny it. For example, one of the policies was not to prescribe a drug—well, the doctor prescribes the drug, but not to fill the prescription for an eye condition until the patient was blind in one eye. Then you could get the drug.

Americans do not want that. They do not want to have to suffer in that way when the medicines are available to treat them. What the government agency in Great Britain has said is: Look, we don't have enough money to give you all of the care your doctor says you need. We are going to have to make tough choices. We understand that will not please everyone. But there is no other way to use the lim-

ited dollars we have to provide this free care to everybody within the country.

What we are saying is, we do not want America to get to that point where you have to ration the health care. In Great Britain they have a term called "QALY." It stands for Quality Adjusted Life Years: QALY. What they have literally done is to say that a person's life is worth between 20,000 and 30,000 pounds—I gather that is probably about \$35,000 or \$40,000—and that in a year of your life, I think it comes out to about \$125 a day. If the health care the doctor has prescribed costs more than that, then in most cases you do not get it, even though the doctor says you need it, and he is willing to prescribe it and help you with the procedure or treatment or taking the drug.

I would hate to get to that point in the United States where we have an agency that says how much we think your life is worth every day—\$125—and says: Well, if the prescription of the doctor costs more than that, you are out of luck, we are not going to pay for it.

Incidentally, the national health care system in Great Britain has an acronym for that agency; it is NICE. It is the National Institute for Health and Clinical Excellence, N-I-C-E: NICE—not so nice when you do not get the care your doctor says you need.

What Senator MCCONNELL and I have said is that the government cannot use this research, this comparative effectiveness research, for the purpose of denying your care. Obviously, it can be used for the purpose for which it was originally intended; namely, to figure out which treatments and prescriptions are best. But it cannot be used to deny treatment or service.

We obviously make an exception for the FDA, the Federal Food and Drug Administration, which can say a certain drug is dangerous to your health. Obviously, that would be exempted from this prohibition. But otherwise we say you cannot ration health care with comparative effectiveness research.

The bill pending before the HELP Committee actually creates an agency to use this research for that purpose. So there is a blatant attempt in the HELP Committee to use this research to ration care. Our legislation would stop that. We think we ought to pass it now to instruct the HELP Committee that we do not want that to happen.

In the Finance Committee, it is more indirect. A private entity would conduct the research. But there is nothing to prevent the Federal Government from using the results of the research to delay or deny your care, to ration care.

So for the bills that are being written in both committees, our legislation would provide direction that—whatever other reform we have—Americans are not going to have to worry about somebody getting in between their doctor

and themselves, when the doctor says: I think you need this particular treatment, if their insurance provides for that. If not, there are other ways you can get the treatment; if it is a government program such as Medicare, you would be able to get the treatment. The government is not going to inject itself between you and your physician and say: You can't have that because it is too expensive.

That is all our legislation does. I would hope my colleagues would be willing to support that legislation to give direction to the two committees to ensure that they do not, in their zeal to cut costs, write legislation that would have the effect of rationing health care.

There are a lot of other concerns we have in putting this legislation together: concerns about a government-run insurance company to compete with the private insurance companies; a requirement that all employers provide health care, which, of course, would substantially add to their costs and might result in their hiring fewer people or paying the people who they do hire less money.

There are a lot of different concerns we have. But, in my mind, the most serious one is this concern about rationing. Everybody wishes to lower costs. But the one way we cannot lower costs is by having the U.S. Government tell you that you cannot get medical care your doctor says you need.

Let me conclude with this point: If you will think back, think back 100 years ago to the year 1908. How much health care could you buy at the turn of the last century, say the year 1900, 1908? The answer is, not very much. Think back about 40 years before that, when President Lincoln was assassinated and the kind of treatment he got. It almost seems barbaric in our modern way of looking at things that there was not anything available to save his life.

Now think of the incredible inventions and breakthroughs in medical science in the last 100 years, in the last 50 years, in the last 10 years. Things have been invented. New medications, new pharmaceutical drugs, medical devices, new kinds of surgery, ways of treating all kinds of conditions have evolved so rapidly that we are extraordinarily fortunate to be able to buy all of this health care.

So when people say we are spending too much on health care, I am not sure that is totally correct. To the extent there are more efficiencies in the system that can be brought to bear, of course we want to do things to incent those incentives. That is what some of the Republican proposals would do. But what we do not want to do is to put a government bureaucrat in between you and this incredible new medicine that is being invented every day.

We should be glad we can spend more on health care if it is much better

health care. As one of the experts in this area said: In 1980, if you had a heart attack, after 5 years, your chances of survival are about 60 percent. If you have that same heart attack today, your chance of survival is about 90 percent—so from 60 percent to 90 percent survival in a few years, based upon new medical breakthroughs. It costs a little more money. The question is, would you rather have 1980s health care at 1980s prices, or health care that is available today at today's prices? I submit almost all of us, when we are thinking about a loved one in our family, would say: I want the very best there is, the very best we can get.

That is why Republicans say we want insurance to be affordable for everyone so that at least, if nothing else, for that catastrophic event in your life—such as a heart attack, for example—you will have all of the latest health care that America has available, and it will be paid for so you will have high-quality care.

In some of these other countries, they say: We are sorry. We can't afford that. We can't afford to spend money on all these new breakthroughs. We are basically stuck with what we could afford back in 1980, for example. And good luck. We know that is not going to help you all that much with your illness, but that is all we can afford to pay.

That is what we are trying to avoid. We are trying to take a very small step first and say that, at a minimum, nothing in this legislation would allow the government to use comparative effectiveness research to ration our care. I do not think that is too much to ask. I would ask all of my colleagues to join Senator MCCONNELL and me in sponsoring that legislation and seeing to it we can get it passed for the benefit of our families and our constituents.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I see Senator BENNETT from Utah. How would the Senator like to do this I have about 5 minutes.

Mr. BENNETT. Mr. President, I wish to speak for 10 minutes in morning business following Senator GRAHAM, and I ask unanimous consent to proceed on that basis. I will be speaking as in morning business, as I assume the Senator will be.

Mr. GRAHAM. That is correct.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DETAINEE ABUSE PHOTOS

Mr. GRAHAM. Mr. President, I come to the floor to acknowledge an agreement I have reached with the majority leader and the administration regarding the issue of detainee abuse photos. I think, as my colleagues are well aware, there are some photos of alleged detainee abuse that have existed for several years; more of the same, nothing new. The President has decided to oppose their release.

The ACLU filed a lawsuit asking for these photos to be released. General Petraeus and General Odierno are the two combat commanders, and I ask unanimous consent that their statements be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the lawsuit said if these photos are released, our enemies will use them against our troops. These photos will incite additional violence against men and women serving overseas and Americans who are in theater. There is nothing new to be learned, according to the President. I agree with that. These are more of the same. The people involved at Abu Ghraib and other detainee abuse allegations have been dealt with. The effect of releasing these photos would be empowering our enemies. Every photo would become a bullet or an IED. I wish to applaud the President for saying he opposes their release.

The status of the lawsuit is that there is a stay on the second circuit order that would allow the photos to be released until the Supreme Court hears the petition of certiorari filed by the Supreme Court.

I have been promised two things that were important to me to remove my holds and to let the supplemental go without objection. No. 1, there would be a freestanding vote on the Lieberman-Graham amendment, the legislative solution to this lawsuit. The Senate has previously allowed this legislation to become a part of the supplemental war funding bill. It would prevent the disclosure of these photos for a 3-year period. If the Secretary of Defense said they were harmful to our national security interests, it could be renewed for 3 years. Senator REID has indicated to me that before July 8 we will have a chance to vote on that provision as a freestanding bill, which I think will get the Senate back on record in a timely fashion before the next court hearing.

Secondly, I wanted to be assured by the administration that if the Congress fails to do its part to protect these photos from being released, the President would sign an Executive order which would change their classification to be classified national security documents that would be outcome determinative of the lawsuit. Rahm

Emanuel has indicated to me that the President is committed to not ever letting these photos see the light of day, but they agree with me that the best way to do it is for Congress to act.

So in light of that, I am going to remove my hold on the bills I have a hold on, and I will support the supplemental. Because I think it is very important for our soldiers, airmen, sailors, marines—anybody deployed—civilian contractors and their families to know there is a game plan. We are going to support General Petraeus and General Odierno and all our combat commanders to make sure these photos never see the light of day. I think we have a game plan that will work. It starts with a vote in the Senate. I am urging the House to take this up as a freestanding bill. There were 267 House Members who voted to keep our language included in the supplemental. It was taken out. I am very disappointed that it was taken out, but we now have a chance to start over and get this right sooner rather than later.

With that understanding, that we are going to get a freestanding vote on the Lieberman-Graham amendment and that the administration will do whatever is required to make sure these photos never see the light of day if Congress fails to act, I am going to lift my hold on all the legislation and support the supplemental. I look forward to taking this matter up as soon as possible.

I thank the Chair, and I yield the floor.

EXHIBIT 1

AMERICA'S TOP GENERALS WARN AGAINST PHOTO RELEASE

DECLARATION OF GENERAL DAVID H. PETRAEUS, COMMANDER OF THE UNITED STATES CENTRAL COMMAND

Endangering the Lives of U.S. Servicemen and Servicewomen

"The release of images depicting U.S. servicemen mistreating detainees in Iraq and Afghanistan, or that could be construed as depicting mistreatment, would likely deal a particularly hard blow to USCENTCOM and U.S. interagency counterinsurgency efforts in these three key nations, as well as further endanger the lives of U.S. Soldiers, Marines, Airmen, Sailors, civilians and contractors presently serving there." (Declaration of General David H. Petraeus, ¶2, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

Threaten Troops in Afghanistan

"Newly released photos depicting, or that could be construed as depicting, abuse of detainees in U.S. military custody in Iraq and Afghanistan would place U.S. servicemen in Afghanistan at heightened risk and corrosively affect U.S. relations with President Karzai's government, as well as further erode control of the Afghanistan government in general." (Declaration of General David H. Petraeus, ¶12, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

"An influx of foreign fighters from outside Afghanistan and new recruits from within Afghan could materialize, as the new photos serve as potent recruiting material to at-

tract new members to join the insurgency. . . . Attacks against newly-arriving U.S. Marines and soon-to-arrive U.S. Army units in the south, and transitioning U.S. Army units in the east, could increase, thus further endangering the life and physical safety of military personnel in these regions." (Declaration of General David H. Petraeus, ¶12, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

"In addition to fueling civil unrest, causing increased targeting of U.S. and Coalition forces, and providing an additional recruiting tool to insurgents and violent extremist groups, the destabilizing effect on our partner nations cannot be underestimated." (Declaration of General David H. Petraeus, ¶12, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

Turn Back Progress in Iraq and Incite Violence

"Newly released photos depicting abuse, or that could be construed as depicting abuse, of Iraqis in U.S. military custody would inflame emotions across Iraq and trigger the same motivations that prompted many young men to respond to calls for jihad following the Abu Ghraib photo release. After the Abu Ghraib photos were publicized in 2004, there was a significant response to the call for jihad, with new extremists committing themselves to violence against U.S. forces. Al-Qaeda in Iraq (AQI) and Sunni insurgents groups in Iraq will likely use any release of detainee abuse images for propaganda purposes, and possibly as an opportunity to widen the call for jihad against U.S. forces, which could result in a near-term increase in recruiting and attacks." (Declaration of General David H. Petraeus, ¶7, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

Help Destabilize Pakistan

"Newly released photos depicting abuse of detainees in U.S. military custody in Afghanistan and Iraq would negatively affect the on-going efforts by Pakistan to counter its internal extremist threat." (Declaration of General David H. Petraeus, ¶8, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

DECLARATION OF GENERAL RAYMOND T. ODIERNO, COMMANDER OF MULTI-NATIONAL FORCE—IRAQ (MNF-I)

Release of Photos will Result in Harm to U.S. Soldiers

"The 2004 publication of detainee photos resulted in a number of posting on internet websites. Perhaps the most gruesome of internet reactions to the photo publication was a video posted in May 2004 showing the decapitation murder of U.S. contractor Nicholas Berg. A man believed to be Zarqawi specifically made the linkage between the abuses at Abu Ghraib and Berg's murder saying, 'And how does a free Muslim sleep comfortably watching Islam being slaughtered and [its] dignity being drained. The shameful photos are evil humiliation for Muslim men and women in the Abu Ghraib prison. . . . We tell you that the dignity of the Muslims at the Abu Ghraib prison is worth the sacrifice of blood and souls. We will send you coffin after coffin and box after box slaughtered this way.'" (Declaration of General Raymond T. Odierno, ¶8, 9, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

"I strongly believe the release of these photos will endanger the lives of U.S. Soldiers, Airmen, Marines, Sailors and civilians as well as the lives of our Iraqi partners. Certain operating units are at particular risk of harm from release of the photos. One exam-

ple is our training teams throughout Iraq. These are small elements of between 15 and 30 individuals who live on Iraqi-controlled installations and thus do not have the same protections afforded to many of our service members. In addition, as they assist our Iraqi partners, members of such teams are regularly engaged in small-unit patrols, making them more vulnerable to insurgent attacks or other violence directed at U.S. forces. Accordingly, there is good reason to conclude that the soldiers in those teams and in similarly situated units would face a particularly serious risk to their lives and physical safety." (Declaration of General Raymond T. Odierno, ¶4, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

"MNF-I will likely experience an increase in security incidents particularly aimed at U.S. personnel and facilities following the release of the photos. Incidents of spontaneous violence against U.S. forces, possibly including attacks from outraged Iraqi police or army members are likely. Such increased attacks will put U.S. forces, civilians, and Iraqi partners at risk of being killed, injured, or kidnapped. The photos will likely be used as a justification for adversaries conducting retribution attacks against the U.S. for bringing shame on Iraq." (Declaration of General Raymond T. Odierno, ¶11, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

Release of 2004 Photos Resulted in Successful Attacks Against U.S. Forces

"The public dissemination of detainee abuse photos in 2004 likely contributed to a spike in violence in Iraq during the third quarter of 2004 as foreign fighters and domestic insurgents were drawn to Iraq to train and fight. Attacks on C[coalition] F[orces] increased from around 700 in March 2004 to 1800 in May (after the photographs were broadcast and published) and 2800 in August 2004. Attacks on C[coalition] F[orces] did not subside to March 2004 levels until June 2008. These increased attacks resulted in the death of Coalition Forces, Iraqi forces, and civilians." (Declaration of General Raymond T. Odierno, Motion to Recall Mandate, ¶7, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

Increase Recruitment for Extremist Organizations and Incite Attacks

"I believe these images will be used to inflame outrage against the U.S. and be used by terrorist organizations to recruit new members. The release of the photos will likely incite Muslim idealists to join the cause to seek retribution for the dishonor they may perceive to have been brought against all Muslims by the U.S. inside Iraq, the publicity over the images could incite additional attacks on U.S. personnel by members of the Iraq Security Forces." (Declaration of General Raymond T. Odierno, Motion to Recall Mandate, ¶16, 2nd Circuit Court of Appeals, Docket No. 06-3140-cv)

The ACTING PRESIDENT pro tempore. The Senator from Utah.

GOVERNMENTAL POWER

Mr. BENNETT. Mr. President, when the Founding Fathers wrote the Constitution and gave us our government, they did so out of a deep distrust of the power of government coming out of their experience with King George, and

they created a government that limits the use of power, deliberately setting up a system of checks and balances, a doctrine of separation of powers and so on, with which we are all familiar.

Out of that, Americans have become used to the idea that there are limits on governmental power, and one of the concerns I hear when I visit with my constituents in Utah is that they are afraid there are now no limits on governmental power, or at least there is certainly not enough limits on governmental power. I am asked: Where does it stop? The government can take over insurance companies. The government can take over financial institutions. The government can take over an automobile company. The government can dictate who gets to be chief executive and how much he or she will be paid. Aren't there supposed to be limits on governmental power?

Today, we have a proposal brought forward by the administration with respect to how the regulatory pattern for our financial institutions should be changed. As I look at that proposal, I ask the same questions my constituents are asking: Shouldn't there be some limits on governmental power? Isn't this going a bit far? Indeed, I think it is a legitimate question, and I wanted to address it for a moment.

First, let's understand a fundamental truth about the economy. That is that all wealth comes from taking risks. Farmers take risks when they plant seeds, not knowing what the weather is going to do. Businessmen and women take risks when they open businesses, not knowing what the market is going to do. New wealth comes out when we have a bumper crop. New wealth comes out when a business started in a garage turns into Hewlett Packard, but in every instance you take risks.

The second element that has to be added to risk-taking is the access to accumulated wealth. Sometimes it comes by a wealth you have accumulated yourself. Sometimes it comes from loans from your brother-in-law. Sometimes it comes from running up your credit card. Sometimes it comes from venture capitalists. In many instances, it comes from banks. But you take a risk, and you have to have access to some kind of accumulated capital or you cannot create new wealth.

All right. Why do people take risks? Because they expect there will be a reward in the form of a return on the capital they have taken. Whether it comes from a bank loan that they can pay back or from investor capital that will then receive dividends, there will be a reward. The risk/reward relationship is at the base of the growth and power of the American economy.

In the present crisis, we have had people saying: Yes, but there are some entities that are simply too big to fail, we must not allow them to fail, and particularly in the financial services

industry. So that is why we have this proposal today from the Obama administration. They want to deal with systemic risk, as they call it, or those tier 1 entities which they describe as what I have just said: They are too big to fail and we are not going to allow them to fail, and this is the regulatory regime we will set up.

If there are companies or entities that are too big to fail, this regime is too big to function. It is so focused on preventing failure that it is stacked in such a way that it will penalize the risk taker and prevent the risk taker from taking a risk and therefore not reap any kind of a reward.

There is a heavy emphasis on consumer protection. I am all for that. I think we should have all of the kinds of regulations that say you need labels on things that might not be safe. That protects the consumer. You need nutritional information on things that might make you too fat, which protects the consumer. But let's not protect the consumer to the point where they cannot buy anything or, in this case, protect the system from any possible failure to the point that there is no risk and therefore ultimately no reward. By giving the Federal Reserve the kinds of powers this proposal does, we are moving down that road, and once again we are raising the question: Are there no limits on the amount of power that government can have and accumulate?

I am convinced that if this massive, new expansion of power in the hands of the government goes forward unimpeded, we will see the shutting off of sources of credit and therefore the contraction of the economy and ultimately the need for more bailouts, more expenditures of Federal funds to try to keep entities alive. They can stay alive if they can attract capital from the private markets, but that is risky. So if we say: No, we are not going to allow the risks, we shut off the incentive of the private market to invest in some of these entities or to loan money to some of these entities. And then we say: But the entity is so important to our economy that we cannot allow it to fail. So we turn to the taxpayer and say: Let's put more taxpayer money into the entity because it is too big to fail.

That is what I see down the road for this proposal. I may be wrong. But I point out that we in the Congress have, by law, created a commission to study what caused the present mess we are in and report back to the Congress. We wrote into that law a specific date—December 15, 2010—to make sure the commission had enough time to examine all of the possibilities, to delve deeply enough into the issue to fully understand it, and then report back to us with their findings. Now we are being told: Forget the commission. Forget the analysis of what happened. We

think we know. Let's put this regulatory regime in place—one that is too big to function—now. Let's do it quickly. Let's have it done by the August recess. All right, we can't get it done by the August recess. We are going to have health care done by the August recess, so we will do it before Halloween, or whatever artificial date some may choose to put on it.

The reality is, the issue is huge, the issue needs to be examined carefully, and we need to do it within the parameters of the basic suspicion the Founding Fathers had about the government. We should do it with an understanding that there are limits to government power and that government power has the capacity to damage the economy every bit as much as it has the power to help it move forward.

Mr. President, I say let's not move with the speed and haste we are hearing about this proposal. Let's subject it to the most careful examination we possibly can throughout the processes of Congress, and let's make sure that when we do make regulatory changes with respect to the financial institutions, we do them in a way that will not fail and that can properly function.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. DORGAN. Mr. President, I wish to visit about two issues, the first of which is a bill we passed out of the Senate Energy Committee earlier this morning. I wish to give some context to what we have done. It will perhaps not get as much notice as it should. Yet, it will be headed to the floor of the Senate to deal with energy policy, and it affects everybody virtually all of the time.

All of us get up in the morning and in most cases, flick a switch and turn something on. We plug something in or turn a key for an engine or a lightbulb or a toaster or an electric razor. In every way, energy affects our lives in a very profound manner, and what we did has a significant impact on our daily lives.

First, I will describe part of the challenge.

Every single day we stick little straws in the earth and suck out oil. Every single day, there are about 84 million barrels of oil taken out of the earth. It is a big old planet with a lot of people living on this planet, and of the 84 million barrels of oil we take out every day from the earth, one-fourth of it is destined to be used in the United States. We use one-fourth of the oil

every day. Why? We have a standard of living in a big old country that is far above most other places in the world, and we want to drive vehicles. We use oil in a very substantial way. We have an enormous appetite for oil.

So here is the deal. One-fourth of all oil produced comes here because we need it and nearly 70 percent of the oil we use comes from outside of our country. Much of the oil produced comes from very troubled parts of the world, such as Saudi Arabia, Iraq, Venezuela, and other countries. So 70 percent of the oil we need comes from outside of our country and nearly 70 percent of the oil we use is used for our transportation system. So you see the dilemma here is that we are unbelievably dependent and vulnerable on something over which we have very little control. By that I mean that if, God forbid, tonight terrorists interrupted the supply of oil coming to this country from other countries, this economy of ours would be flat on its back. We are unbelievably dependent on oil from other countries, and we have to begin reducing our dependence. How do we do that?

By the way, as dependent as we are, we need to visit the events of last year once again and remember what happened: Speculators took control of the oil market and drove the price of oil to \$147 a barrel in day trading. The price of gasoline went up to \$4 to \$4.50 a gallon. There was no excuse or justification for it. There was nothing in supply and demand that justified the price of oil and therefore the price of gasoline going up like a Roman candle and then in July last year starting to come right back down. The speculators, who made all the money on the way up, made the same money on the way down. The consumers who drove cars and pulled up to fill up with unbelievably expensive gasoline were the victims. Still nobody has done the investigation to ask the questions who did this and how did it happen. How is it that when the supply of oil is up and demand is down even while price rose?

I was prepared to offer an amendment this morning to the Energy Committee. I didn't have the votes to offer it, so I simply described it. I will offer it on the floor when the bill gets here. It requires the investigation and gives the Energy Information Administration the requirement to investigate and authority to subpoena information to find out what happened. We need to do that to make sure it doesn't happen again. The price of oil is on the rise now, and it has gone from \$38 to \$70 a barrel even as supply is up and demand is down. Describe that to me, in terms of a market, how that works. It doesn't make any sense.

That is a little background of where we find ourselves. We are unbelievably dependent upon oil, much of which comes from troubled parts of the world,

over which we have little control. We need to be less dependent on oil. How do we do that? We wrote an energy bill in the Senate Energy Committee that does a lot of everything. I believe in doing a lot of everything. I believe we ought to produce more oil and natural gas here onshore and in the Outer Continental Shelf. We should conserve more because we are prodigious wasters of energy. We should make all the things we use more efficient. Efficiency is an unbelievable component of what we can do to save energy. Further, we should maximize the capability of producing renewable energy.

The fact is, energy from the Sun shines on this Earth every day far in excess of the energy we need. If we are just smart enough and capable enough of doing all the research and science that allows us to use all that energy, then we can make progress.

The wind blows every day. At least where I come from, it blows every day. The Energy Department calls my State the Saudi Arabia of wind. So we take the energy from the wind and produce electricity. The fact is, once we put the turbine up, we can gather electricity from that wind for 30 years at very low cost.

I believe we ought to do everything, and that is what we have tried to do in this legislation. Key to that is not just collecting energy from the wind and turning it into electricity; it is also about being able to move it where it is needed.

I come from a sparsely populated State. My State is 10 times the size of the State of Massachusetts in terms of landmass and has only 640,000 people living in it. We don't need the additional energy produced from wind farms. We don't need that additional energy in my State. But we need it in the larger load centers in this country. In order to get it there, what we need to do is build an interstate highway of transmission capability which is capable of producing renewable energy where it is produced and then move it to where it is used. This is not rocket science.

We did this with highways in the 1950s. President Eisenhower and the Congress said: Let's build an interstate highway system, and they moved forward. In parts of rural areas, one might say: How can you justify building four lanes between towns where very few people live? Because we are connecting New York with Seattle, that is why. That is what the interstate was about—connecting America.

The same is true with respect to the need for transmission. What we have put in this legislation addresses the issues that have so far prevented us from building the transmission capability we need in this country. What are the key issues? Planning, siting, and pricing. If you cannot plan for, site or price them, then nobody is going to

build them. All of those issues are critical to building an interstate transmission system.

In the last 9 years, we have built almost 11,000 miles of natural gas pipeline in this country. During the same period, we have only been able to build 668 miles of high voltage transmission lines interstate. Isn't that unbelievable? Why can't we do it? Because we have all these bifurcated jurisdictions that can stop it, saying: Not here; not across my State lines.

We have passed legislation this morning that carries out some important things. This includes my amendment to open the eastern Gulf of Mexico for additional oil and gas production. That makes sense to me. I have a chart that shows what I did with this amendment.

I know one of my colleagues was on the floor having an apoplectic seizure about this suggestion of opening the eastern Gulf of Mexico for oil and gas exploration. He suggested that it was going to impede and cause all kinds of difficulties with the routes over which we have sophisticated, important military training.

I have been working with a group of retired military and business leaders on an energy plan. They are members of the Energy Security Leadership Council. In April, Senator VOINOVICH and I introduced the plan which we called the National Energy Security Act. Let me describe a little about the membership of that group. By the way, that group understood that the western and central Gulf are open for production. They believe that the eastern gulf should be open as well because there are substantial reserves of oil and natural gas in this eastern area. It can be done in a way that does not compromise our military readiness.

Among the membership of this group is former GEN P.X. Kelley; GEN John Abizaid; ADM Dennis Blair; ADM Vern Clark; GEN Michael Ryan; and GEN Charles Wald; and others. These are some of the highest military officials who have served this country, all of whom have retired, but all of whom also believe this area should be open for development.

Would they suggest that if this somehow would impede a military training area? Of course not. We have military training areas in the central and western gulf, and there is no issue there. There is no conflict.

This legislation is landmark in many ways. I was one of four Senators who opened this little area. Four of us—Senator Domenici, Senator BINGAMAN, Senator Talent and myself—offered legislation to open lease 181 in the gulf. That was about 3 years ago. That was opened, but it changed substantially before it was opened. This is another attempt to open that area, which should be open in the eastern gulf.

I understand there are people upset with it. They say: You can't open it for

drilling. Let me show what my proposition is in terms of doing it responsibly: The states control the first 3 miles. After that, there would be no visible infrastructure allowed in the line of sight so you cannot see anything. Beyond, 25 miles there would not be restrictions. The fact is, I think what we ought to do this in a way in order to be sensitive to the coastal States. I am not interested in putting oil wells right off their beaches. That is not the point. My point is, if we are going to have an energy bill that solves America's energy problem by making us less dependent on foreign energy and especially foreign oil, then we ought to do something of everything to make that happen.

Does it include drilling and additional production? The answer is yes. Does it include substantial conservation? Absolutely. Efficiency? Yes. Maximizing renewables? Certainly. What else? We need to move toward a future in which we will have an electric drive system of transportation, by and large, and we will also then, in the longer term, transition to hydrogen fuel cell vehicles.

All of that is accomplished if we can make us less dependent on oil from outside our country by producing more here and conserving more here and then producing substantial amounts of additional energy from renewable energy such as wind and solar. We can produce electricity to put on a grid, a modern interstate highway grid, to move what we produce to where we produce it to where the loads are and where the load center is needed.

This is not some mysterious illness for which we do not know the cure. This is an energy policy that we know will work if we just will decide to do a lot of everything that represents our own self-interest: produce more, increase energy efficiency, and maximize renewables.

I have not mentioned one final point, and that is this: Our most abundant resource is coal. Yesterday I was reading, once again, a prognosis that we cannot use coal in the future. Of course, we can use coal, but we have to decarbonize it and use it much more efficiently. There are a lot of inventive scientific folks out there who are doing cutting edge research that will allow us to continue to use our most abundant resource—coal.

I talked about opening up fields of oil and gas production. I am making substantial investments through the appropriations subcommittee that I chair with respect to decarbonizing coal.

I am convinced we can build near zero emission coal-fired electric generation plants. I am convinced of that.

I know one of America's most prominent scientists who is working right now on something that is fascinating. He is working on developing synthetic microbes to consume coal from which

would then produce methane gas. Wouldn't that be interesting? If you create a synthetic microbe to simply consume the coal and after consumption, the microbe turns coal into methane gas.

For example, there is another scientist in California who testified at a hearing I chaired recently about capturing carbon from a coal plant by capturing the flue gas and using the CO₂ by turning it into a value-added product that for making concrete which has value in the marketplace. This would help bring down the cost of decarbonizing coal.

I don't know. We have solved a lot of difficult problems in our past. We can surely solve these problems in our future if we are just smart and do a lot of things that work well for our country.

Mr. President, I compliment my colleagues—Senator BINGAMAN, Senator MURKOWSKI, and other Democratic and Republican colleagues on this committee. We have worked on this energy bill for some months. It has taken us a while to get to this point. But today, at long last, we passed this legislation by a bipartisan vote of 15–8. We will have it on the Senate floor at some point. We will have further debate about points of it. It is exactly what we ought to be discussing: How do we make America more secure? How do we make America less dependent on foreign oil and things over which we have no control or very little control? We must develop an energy program at home that makes a lot of sense, that does a lot of everything, and does it very well. I am happy say that we have made a positive step in that direction this morning in the Energy Committee.

FINANCIAL REFORM

Mr. President, I wish to talk about one other issue today, and that issue is something that has been announced by the President this afternoon. It deals with the President's plan for financial regulation. I know my colleague from Utah just described it from his perspective. I have great respect for him. Let me describe from my perspective why it is necessary for us to have a financial regulation package that requires some reform in those areas as well.

I don't think there is anything we can do in the Congress or that President Obama can do that is more important for the future of this country and lifting this economy and trying to put it back on track in a way that expands opportunity and creates jobs than to try to instill some confidence in the American people.

As I have said a dozen times on the floor of the Senate, this is all about confidence. We have all kinds of sophisticated things we work on and tax policy and M-1 B and all these other issues. None of it matters as much as confidence. When the American people are confident about the future, they do the things that expand the economy.

They buy a suit of clothes, they take a trip, buy a car, buy a house. They do the things that represent their feeling that the future is going to be better. They feel secure in their job and in their lives, so they do things that expand the economy.

If they are worried about their job, if they are wondering whether the economy will allow them and their family to continue to pay all their bills, when they are not confident about the future, they do exactly the opposite. They contract the economy. They defer those purchases. They make different judgments. We are not going to buy the suit of clothes, not take that trip, won't buy the car or the house. They contract the economy. That is why everything rests on confidence by the American people going forward.

Just answer the question: How on Earth can people be confident about this economy unless we fix that which caused this wreck, that which steered this economy into the ditch and is now causing 550,000, 600,000 people every month to have to come home and tell their loved one: I have lost my job. No, not because I was doing bad work; I was told they are cutting back at the office or the plant.

This economy has in recent years been an economy with an unbelievable bubble of speculation about a lot of things, and at the same time there was unbelievable negligence in oversight by those the public has hired in Federal agencies to do the oversight of what was going on. We wake up one morning and we discover there are hundreds of trillions of dollars of exotic financial products called CDOs and credit default swaps and all kinds of strange names that are very complicated with unbelievable embedded risk. We don't know who has them, we don't know how much risk is out there. All of a sudden things start collapsing, the economy goes into a ditch, and we are in huge trouble.

How did it all happen? Was someone not watching?

Yes, that is the point; someone was not watching for a long period of time.

The President has talked about the need for financial reform, and today he has described at least an initial portion of what he would like to do. I think many of us share his feelings about the need for effective regulation. That is not rocket science given what we have been through.

Let me say this. Effective regulation is something that I think, from my personal observation, is probably not going to come from the Federal Reserve Board. Let me talk just about where the location of this regulation is or should be.

The Federal Reserve Board, in my judgment, essentially became a spectator for a long period of time under then Fed Chairman Alan Greenspan who believed that self-regulation was

by far the best. Let everybody do what they will and they will do in their self-interest what they believe is right and self-regulation will be just fine.

It turns out it was an unbelievably bad decision. But the problem is, to set up the Federal Reserve Board as the systemic risk regulator is to set up a systemic risk regulator that is unaccountable. The Federal Reserve Board is unaccountable. It is not accountable to the Congress, not accountable to the President.

So in addition to establishing an unaccountable entity, it is also an entity that operates in great secrecy. I give the President great marks for suggesting we have to have more effective regulatory capability. I am sure we will have discussions about exactly where should that regulation exist, who should be responsible, how do you get it right. I do hope we can have a discussion about whether the systemic risk regulator should or could be an entity that is not accountable and one that operates in substantial secrecy. My feeling is there is a much better way to do that, No. 1. No. 2, while there are a lot of details I will not describe today, I still am interested in this question of whether we will confront—and I don't know that from the President's description today whether we will—the issue of too big to fail.

It seems to me this issue of too big to fail is no-fault capitalism. That is, if we don't address this question of too big to fail—which has caused us enormous angst, in recent months especially—we will ultimately have to confront the issue once again down the road when it is very expensive again to do so.

I do think there is a requirement here for us to support the President in deciding that there needs to be regulation that gives people confidence that someone is minding the store. When I said that all of this rests on a foundation of confidence, I mean if we do not restore the regulatory functions in a manner that the American people see as just and fair, and most especially effective, I don't think we will restore the kind of confidence that is necessary to begin building and expanding this economy once again.

Again, I give the President substantial credit today for saying this is an important issue. Let us get about the business of doing it. He has offered us a description that now gives us a chance to discuss how we begin to put the pieces back together of what is the most significant financial wreck since the Great Depression. This was not some natural disaster, such as some huge hurricane or some big storm that came running through. This disaster was manmade, and we need to make sure we put in place the things that will prevent it from ever happening again.

There will be, I am sure, much more discussion about this in the coming

days. Again I thank the President for beginning this discussion because it is essential, as we begin to try to build opportunity in this economy once again, to restore the confidence of the American people by saying we are going to have effective regulatory capabilities to make certain we don't have this unbelievable bubble of speculation that helped cause the collapse of our economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1282 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODERN DAY SLAVERY

Mr. CARDIN. Mr. President, I take this time to share with my colleagues a problem—a worldwide problem—that we thought was left behind in the 20th Century—slavery. I am talking about modern slavery, the human trafficking that takes place around the world.

Yesterday, as Chairman of the U.S. Commission on Security and Cooperation in Europe, the Helsinki Commission, I was privileged to join Secretary of State Clinton at the State Department for the official release of the Ninth Annual Trafficking in Persons Report. This is a vital diplomatic tool. It is put out every year by the United States. We have been doing this now for almost 10 years. It lists every country and the current status of trafficking in their country. Some countries are origin countries, others allow trafficking through their countries, and other countries are receiving countries.

This report is an objective yardstick so that we know exactly what is happening in each one of these countries. It is a valuable tool for us to put an end to the trafficking in human beings used for slavery or sex or for other illegal type purposes.

It was interesting that the Secretary of State, Secretary Clinton, also released the Attorney General's Report to Congress: An Assessment of U.S. Government Activities to Combat Trafficking in Persons. This is the first time we have had this report. This report talks about what is happening in our own country, in the United States. Because we think it is important, if we are going to lead internationally, that we lead by example of what we do in our own country in order to stop trafficking in human beings.

The Department of State's Office to Monitor and Combat Trafficking uti-

lizes our vast network of embassies and consulates throughout the world to compile the most comprehensive report of its kind. It is an objective yardstick we should be using more and more to press every country in the world to do more to stop modern slavery. The United States has shown great leadership on this issue, and I commend Secretary Clinton for the incredible leadership she has demonstrated, making it a priority topic for the United States nationally and internationally.

When Secretary Clinton was Senator Clinton, she served on the Helsinki Commission and was one of our leaders in forming a policy within the United States-Helsinki Commission to raise the issue of trafficking in persons. As a result of the work of the U.S. commission and the leadership of our country, we were able to get the Organization for Security and Cooperation in Europe, OSCE, to make this a priority; To adopt policies within OSCE so every member state, all 56, would adopt a strategy to first understand what is happening in their own country, to take an assessment as to where they are in trafficking; then to develop a strategy to improve their record, adopt the best practices as we know, what has worked and what has not worked; and then to make progress to root out trafficking in their own country. Again, whether they happen to be an origin country or whether they happen to be the host country or whether they just happen to be a transit country in which persons are trafficked through their country, they need to adopt a strategy that will help rid us of this modern-day slavery.

I am very proud of the role the United States has played, our government has played, and the Helsinki Commission has played. I wish to call this matter to the attention of our colleagues. I found the ongoing work of the Office to Monitor and Combat Trafficking and the Trafficking in Persons Report extremely useful in engaging the 55 participating states of the OSCE. We use this document frequently when we meet with our colleagues or when they travel to the United States to meet with us, to say: What are you doing about this? This tells us you could do a better job in law enforcement. You need to recognize that those who are trafficked are victims. They are not criminals, they are victims, and you need to have a way to take care of their needs.

The report continues to function as a working document, frequently cited and invoked to promote adherence to numerous human rights commitments and the principles of the Helsinki Act.

Some of the most striking parts of this year's report—besides the staggering estimates by the International Labor Organization that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given

time—are the wrenching victims' stories themselves.

We know trafficking is connected to organized crime. We know that. This is not just isolated trafficking of people, it is also part of an organized effort, criminal efforts that we need to root out. But we sometimes forget that the women, children, and men who are trafficked are victims and we must treat them as victims, with respect and dignity. That is a success story. We have made progress. Tougher law are being adopted.

Take Xiao Ping of China. Now 20 years old, her testimony in the State Department report says that:

She spent most of her life in her small village in Sichuan Province. She was thrilled when her new boyfriend offered to take her on a weekend trip to his hometown. But her boyfriend and his friends instead took her to a desert village in the Inner Mongolia Autonomous Region and sold her to a farmer to be his wife. The farmer imprisoned Xiao Ping, beat her, and raped her for 32 months. . . . Xiao Ping's family borrowed a substantial sum to pay for her rescue, but the farmer's family forced her to leave behind her 6-month-old baby. To cancel the debts, Xiao Ping married the man who provided the loan. But her husband regarded her as 'stained goods,' and the marriage did not last.

Tragic scenarios like this will continue unless all countries—whether a point of origin for the sex trade, a transit point for slaves whose criminal traffickers are undetected by law enforcement, or a destination for a forced child laborer, work together to increase prosecution of these crimes. In concert with the immense awareness raising efforts of the Trafficking in Persons Report, the exchange of U.S. policies and countertrafficking mechanisms throughout the OSCE region has resulted in a steady increase in the number of countries with enacted antitrafficking legislation. That is a success story. We have made progress. Tougher laws are being adopted.

Probably even more important, we are developing attitudes in countries that this cannot continue, it is not something you can just overlook. I must tell you, these reports that were issued, now for almost 10 years, have played a critical role. The United States should be proud of what we have been able to do to call world attention to this issue.

According to the State Department's report, a young woman from Azerbaijan, Dilara, had a sister who:

. . . had been tricked into an unregistered marriage to a trafficker who later abandoned her when she got pregnant. When Dilara confronted her sister's traffickers, she herself became a victim. She ended up in Turkey, where she and other abducted girls were tortured and forced to engage in prostitution. Dilara escaped with the help of Turkish police, who promptly arrested the nine men who trafficked Dilara and her sister.

They were some of the lucky ones. Dilara and her sister found help from a

local NGO, including job training, and now she works and lives her life as a free woman in Baku.

From some of these tragedies we have seen heroic actions taking place, some encouragement that we are making progress.

Prostitution is not the only form of involuntary servitude outlined in this latest report. It contains true stories like: a family in India that were bonded laborers at a rice mill for three generations until freed with the help of NGOs; young boys in the Democratic Republic of Congo abducted from their school by a militia group and tortured until they submitted to serving as soldiers; and an 8-year-old girl from Guinea given away as an unpaid domestic servant after her mother and brother died.

These are real people. These are real stories.

The U.S. is not immune from the problems of modern day slavery. The 2009 Trafficking in Persons Report highlights a young girl brought to California from Egypt by a wealthy couple who forced her to work up to 20 hours a day for just \$45 a month. And earlier in June, more than a dozen Filipinos were rescued from hotels in Douglas and Casper, WY, where they were working with minimal pay and forced to live in horrendous conditions. Their "employment agency" purposefully allowed their work visas to expire so they would be trapped into servitude as illegal aliens. A Federal grand jury brought forward a 45-count indictment on racketeering, forced labor trafficking, immigration violations, identity theft, extortion, money laundering, and other related violations in Wyoming and 13 other States.

These are criminal elements. Fortunately we are starting to see prosecutions of people involved in these activities.

We want to end this modern day slavery—as human beings we need to end this slavery—in the United States and around the world. Involuntary domestic servitude, sex trafficking and forced labor should not be acceptable in any 21st century civilization.

The OSCE has a unique role in generating instruments that empower governments to end human trafficking. Each year, the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings also prepares a report that outlines the trends and developments of countertrafficking efforts in the OSCE region. This report has been instrumental in promoting the establishment of national rapporteurs, consistent data collection practices, and standardized law enforcement policies to ensure more robust cooperation to end modern slavery. It is used around the world so people can see how to better prepare their own country to identify trafficking and help its prosecution.

The OSCE efforts closely complement the Trafficking in Persons Report and demonstrate a close partnership with the efforts of the Office to Monitor and Combat Trafficking. I truly hope this close partnership continues to flourish.

We were instrumental in getting OSCE to have the capacity to do this, and Congress was instrumental in getting the State Department to make these annual reports. Now we have the documents. Now we have the evidence. We know progress can be made. We have seen progress made. But until we rid our civilization of modern-day slavery, we have not accomplished our goal.

Let's take these reports, use these reports so we can bring this to an end and help those who have been victimized through traffickers.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, the nomination of a new Justice to the Supreme Court of the United States brings to our minds a core question, both for the Senate and the American people, and that is: What is the proper role of a Federal judge in our Republic?

Answering this question is not simply an academic task, it is fundamental to what we will be doing here. How the American people and their representatives and their Senators, the ones who have been delegated that responsibility, answer that question impacts not only the future of our judiciary but I think the future of our legal system and the American experience.

In traveling the world as part of the Armed Services Committee, I am more convinced than ever before that the glory of our American experience, our liberty, and our prosperity is based on the fact that we have a legal system you can count on. When you go to places such as Afghanistan or Iraq or Pakistan or the West Bank or Bosnia and you see people—and they cannot get a legal system working. It does not work, and people are not protected, in their persons, from attack, and their property is not protected, contracts often are not enforced properly. That just demoralizes the country. It makes it very difficult for them to progress.

I am so proud of the American legal system. It is something we inherited, we built upon. It is the bulwark for our liberty and our prosperity.

So we ask this question: What do judges do? Do they faithfully interpret

our Constitution and laws as written or do they have the power to reinterpret those documents through the lens of their personal views, backgrounds, and opinions?

Is the Judiciary to be a modest one, applying the policies others have enacted, or can it, the Judiciary, create new policies that a judge may desire or think are good?

When the correct answer to a legal case is difficult to ascertain, is a judge then empowered to remove his or her blindfold, that Lady of Justice with the blindfold on holding the scales? Can they remove the blindfold and allow their personal feeling or other outside factors to sway the ultimate decision in the case?

I am going to be talking about that and addressing those questions in the weeks to come. But I do think we need to first begin at the source. We must return to the words and ideas of those who founded our Nation, whose foresight resulted in the greatest Republic this world has ever known and the greatest legal system anywhere in the world.

It is clear from reviewing these words and ideas and ideals, particularly as expressed in the Constitution itself, that our Founders desired and created a court system that was independent, impartial, restrained, and that, through a faithful rendering of the Constitution, serves as a check against the intrusion of government on the rights of humankind.

The Founders established a government that was modest in scope and limited in its authority. In order to limit the expansion of Federal Government power, they bounded the government by a written Constitution. Its powers were only those expressly granted to the government. As Chief Justice John Marshall famously wrote:

This government is acknowledged by all to be one of enumerated powers.

Enumerated means the government has the power it was given and only those powers it was given. If you will recall the Constitution starts out:

We the people of the United States of America, in order to establish a more perfect Union . . .

So the people established it, and they granted certain powers to the branches of government. But those powers were not unlimited, they were indeed limited. They were enumerated and set forth.

But our Founders knew these limitations, history being what it is, standing alone were not enough. So they created three distinct branches of the government, creating a system of checks and balances to prevent any one branch from consolidating too much power. The Constitution gives each branch its own responsibility.

Article I of the Constitution declares:

All legislative powers, herein granted shall be vested in a Congress of the United States.

Article II two declares:

The executive power shall be vested in a President of the United States.

And Article III declares:

The judicial power of the United States shall be vested in one Supreme Court.

And such other Courts as the Congress creates.

These words are unambiguous. The Judiciary possesses no power to make law or even enforce law. In *Federalist No. 47*, one of our Founding Fathers, James Madison, cites the Constitution of Massachusetts which states:

The judicial shall never exercise the legislative and executive powers, or either of them, to the end that it may be a government of laws and not of men.

So Madison, in arguing for the Constitution, trying to convince the Americans to vote for it, quoted the Massachusetts Constitution—this provision in it, with approval stating that is essentially what we have in our Federal Government.

Madison was a remarkable man.

He went on to describe the separation of powers as the “essential precaution in favor of liberty.” Alexander Hamilton, in *Federalist No. 78*—written to encourage Americans to support the Constitution—quotes the French philosopher, Montesquieu, who said:

There is no liberty if the power of judging not be separated from the legislative and executive powers.

The judicial branch, then, is limited to the interpretation and application of law—law that exists, not law they create. At no point may its judges substitute their political or personal views for that of elected representatives or to the people themselves—the people’s will having been permanently expressed in the Constitution that created the judiciary.

To gain a deeper understanding of this role, it is instructive to look further in Hamilton’s *Federalist No. 78*, widely regarded as one of the definitive documents on the American court system. In it Hamilton explains that “the interpretation of the law is the proper and peculiar province of the courts. The constitution . . . must be regarded by the judges as a fundamental law. It therefore belongs to them to ascertain its meaning.”

Judges do not grant rights or remove them. They defend the rights that the Constitution enumerates. So it is thus no surprise that Hamilton says a judge must have an “inflexible and uniform adherence to the rights of the Constitution.”

In order to ensure that judges would consistently display such adherence to the Constitution in the face of outside pressures, our Framers took steps to ensure that the judiciary was independent from the other branches and insulated from political interference. As was often the case, the Framers were guided by the wisdom of their own experience. They had a lot of common

sense in the way they dealt with things.

In England, colonial judges were not protected from the whims of the King. Included in the Declaration of Independence’s litany of grievances is the assertion, when Jefferson was setting forth the complaints against the King, he asserted that the King had “made Judges dependent on his Will alone, for the tenure of their offices . . .”

That was a complaint. That was one of the things we objected to in the way the King was handling the people in the Colonies. That was part of the Declaration. When the Constitution was drafted, that matter was fixed.

In order to shield the courts from the threat of political pressure or retribution, article III effectively grants judges a lifetime appointment, the only Federal office in America that has a lifetime appointment. We have to answer to the public. So does the President. It also specifically prohibits Congress from diminishing judicial pay or removing judges during times of good behavior. So Congress can’t remove a judge or even cut their pay. Hamilton referred to this arrangement as “one of the most valuable of modern improvements in the practice of government.” He went on to say that he saw it as the best step available to “secure a steady, upright, and impartial administration of the laws.”

So Madison hoped the courts, set apart from the shifting tides of public opinion, would be better suited to act as “faithful guardians of the constitution” to stand against “dangerous innovations in government.” In other words, courts are removed from the political process not so they are free to reinterpret the Constitution and set policy, but so they are free from the pressures of those who would encourage them to do just that.

The Framers also understood that the courts, as an unelected branch of government with a narrow mandate, would also necessarily be the weakest branch. Hamilton wrote that whoever looks at the “different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. . . . It may truly be said to have neither force nor will, but merely judgment. . . .”

So in light of this narrow mandate that judges have been given, judges have understood from time to time that they ought not to be drawn into the political thicket; that they ought to decline to answer questions that they felt were more appropriately to be addressed by the political branches of

government. Typically, this distant approach has been invoked when the Constitution has delegated decision-making on a particular issue to a particular branch, when the court finds a lack of “judicially discoverable and manageable standards” to guide its decision-making, or when the court feels it best not to insert itself in a conflict between branches. That is what is happening. They are showing restraint and discipline. This is an example of judicial restraint because it respects the powers of the other branches and the role of elected representatives rather than the appointed judges in establishing policy.

This is not an academic exercise or an abstract hypothetical. Judicial activism has enormous consequences for every American because if judges who are given a lifetime appointment and guaranteed salaries are given the power to set policy, then that is an anti-democratic outcome because we have created someone outside the political process and allowed them to set policy for the country and they cease to be accountable to the American people.

The men and women of the Supreme Court hold extraordinary power over our lives. It takes only five Justices to determine what the words of the Constitution mean. You may think it is nine; it is really just five. If five of the nine agree that the Constitution means this or that, it is as good—hold your hats—as if three-fourths of the States passed a constitutional amendment along with the supermajority votes of the Congress. So this is a powerful thing a Supreme Court Justice possesses, the ability to interpret words of the Constitution.

When Justices break from the ideal of modest and restrained practices, as described by Hamilton, they begin creating rights and destroying rights based on their personal views, which they were never empowered to do. The temptation to reinterpret the Constitution leads judges, sometimes, to succumb to the siren call of using that opportunity they might possess to enact something they would like to see occur.

Maybe somebody will write in a law review that they were bold and courageous and did something great. We have seen some of these actions occur. Under the power to regulate business and commerce the government is given, our Supreme Court recently ruled that carbon dioxide, which is a naturally occurring substance in our environment—when plants decay, they emit carbon dioxide; when they live, they draw in from the air carbon dioxide; it is plant food—they ruled that it was a pollutant. As a result, regardless of how you see that matter, I think when the statute was passed they gave EPA regulation to control pollution in the 1970s long before global warming

was ever a consideration; that Congress had no contemplation that it would be used to limit carbon dioxide some years later. But that is what the Court ruled.

I only say that because that was a huge economic decision of monumental proportions. It called on an agency of the U.S. Government to regulate every business in America that uses fossil fuels. It is a far-reaching decision. Right or wrong, I just point out what five members of the Court can do with a ruling, and that was five members. Four members dissented on that case.

At least two members of the Supreme Court concluded that the death penalty is unconstitutional because they believe that it is cruel and unusual as prohibited by the eighth amendment to the Constitution. They dissented on every single death penalty case and sought to get others to agree with them. Some thought others might agree with them. But as time went by, they have now left the bench and no other Judges have adhered to that philosophy. But I would say that it is an absolutely untenable position because the Constitution itself makes at least eight references to the death penalty. It is implicit in the Constitution itself. It says the government can't take life without due process. So that contemplates that there was a death penalty, and you could take life with due process.

The Constitution also refers to capital crimes and makes other references to the death penalty. Every single Colony, every single State at the founding of our government had a death penalty. It is an abuse of power for two Judges to assert that the eighth amendment, which prohibited drawing and quartering and other inhumane-type activities, actually should be construed to prohibit the death penalty. That is judicial activism. They didn't like the death penalty. They read through the Constitution, found these words, and tried to make it say what it does not.

So the question is not whether these policies are good or bad, whether you like the death penalty or not. That is a matter of opinion. And how one believes that global warming should be confronted is not the question. The question is whether a court comprised of nine unelected Judges should set policy on huge matters before the country that we are debating in the political arena.

Should that not be the President and the Congress who are accountable to the voters to openly debate these issues and vote yes or no and stand before the people and be accountable to them for the actions they took? I think the Constitution clearly dictates the latter is the appropriate way.

A number of groups and activists believe the Court is sort of their place and that social goals and agendas they believe in that are not likely to be won

at the ballot box, they have an opportunity to get a judge to declare it so. We have the Ninth Circuit Court of Appeals en banc ruling that the Pledge of Allegiance to the Constitution is unconstitutional because it has the words under God in it. Actually, that has never been reversed. It has been vacated in a sense because the Supreme Court rejected it on, I think, standing grounds. But at any rate, those are the things that are out there. It is not in the Constitution. This is a bad course for America.

If the judiciary heads further down that path, then I think we do have dangers because we are actually weakening the Constitution. How can we uphold the rule of law if those who weigh the scales have the power to tip them one way or the other based on empathy, their feelings or their personal views? How can we curb the excess of Federal power if we allow our courts to step so far beyond the limits of their legitimate authority? How can the least among us depend on the law to deliver justice, to protect them, to steadfastly protect their liberties, if rulings are no longer objective and if a single judge has the power to place his or her empathy above the law and the evidence?

So with these fundamental questions in mind, I hope the comments I make in the weeks to come will be of some value as we talk about the future of the judiciary, what the role of a judge ought to be on our highest court, and to uphold our sacred charter of inalienable rights.

So let me repeat, I love the American legal system. I am so much an admirer of the Federal legal system I practiced in for 15 years before fabulous judges. They were accused sometimes of thinking they were anointed rather than appointed. But I found most of the time—the prosecutor that you are—they did follow the law and they tried to be fair. I think the independence we give them is a factor in their fairness and something I will defend. But there is a responsibility that comes with the independence judges get. And that responsibility is that when they get that bench and they assume that power, they not abuse it, they use integrity, they are objective, and they show restraint.

Mr. President, I yield the floor.
The PRESIDING OFFICER. The Senator from Illinois.

NOMINATION SONIA SOTOMAYOR

Mr. DURBIN. Mr. President, I listened carefully to the statement of my colleague, Senator SESSIONS, from Alabama, who is the ranking Republican in the Senate Judiciary Committee, who is charged with a special responsibility at this moment in history. Because with the retirement of Supreme Court Justice David Souter and the vacancy that has been created, the Senate Judiciary Committee has the responsibility to work with the President to fill that vacancy.

I am honored to be a member of that committee and to be facing the third vacancy since I have been elected to the Senate. It is rare in one's public political life to have a chance to have a voice or a partial role in the selection of one Supreme Court Justice. But to have a chance to be involved in the selection of three, for a lawyer, is quite an amazing responsibility.

Senator SESSIONS and I are friends, and we see the world somewhat differently. But I would say to him that I would quarrel with the notion that our laws are so clear that a judge, given a set of facts, could only draw one conclusion. What we find often is the opposite. Well-trained attorneys who become judges can look at the same law and the same facts and reach different conclusions. That is why, when it comes to appellate courts, it is not unusual to have a split decision. Different judges see the facts in a different context.

So to argue that we want judges who will always reach the same conclusion from the same laws and facts defies human experience. It is not going to happen. People see things differently. People read words differently. People view facts differently. Occasionally judges, faced with cases they may never have envisioned, see a need for change in our country.

There are times when I might agree with that change and times when I might disagree. In 1954, right across the street, in the Supreme Court, a decision was reached in *Brown v. Board of Education*. Fifty-five years ago, they took a look at the schools of America, the public schools of America, that were segregated, Black and White, and said: No, you cannot have separate and equal schools. That brought about a dramatic change in America: the integration of America's public education.

The critics said that Supreme Court had gone too far, they had no right to reach that conclusion. Well, I disagree with those critics. But some of them said they should have been strict constructionists, they should have left schools as they were; it was not their right to change the public school system of America. I think they did the right thing for this Nation.

Having said that, there are times when a Supreme Court has reached a decision which I disagree with. Most recently, this current Court—which is dominated by more conservative members, those who fall into the so-called strict construction school—had a case that came before them involving a woman. She was a woman who worked at a tire manufacturing plant in Alabama, if I am not mistaken. She spent a lifetime working there. Her name was Lilly Ledbetter. Lilly rose through the management ranks and was very happy with the assignment she was given at this plant.

She worked side by side, shoulder to shoulder, with many male employees.

It was not until Lilly announced her retirement that one of the employees came to her and said: Lilly, for many years now, you have been paid less than the man you were working next to, even though you had the same job title and the same job assignment. This company was paying less to women doing the same job as men. She thought that was unfair—after a lifetime of work—that she would not receive equal pay for equal work.

So she filed a lawsuit under a Federal law asking that she be compensated for this discrimination against her—the reduction in pay she had faced and the retirement reduction which she faced as a result of it. It was a well-known law she filed her case under, giving each American the right to allege discrimination in the workplace, and she set out to prove it.

Her case made it all the way to the Supreme Court of the United States, across the street—the highest court in the land. This conservative, strict construction Court departed from all the earlier cases. The earlier cases had said something that was, I think, reasonable on its face. They looked at the statute, the law the case was brought under, and said Lilly Ledbetter had a specific period of time after she discovered the discrimination to file a lawsuit. I believe the period was 6 months. I may be mistaken, but I think that is a fact—that she had 6 months after she discovered she was discriminated against to file a lawsuit. And Lilly Ledbetter said: That is exactly what I did. When I learned I was discriminated against, I filed within that statutory requirement.

But the Supreme Court, across the street—the strict constructionists that they are—reached a different conclusion. Their conclusion was that the law did not mean that. The law meant she had to file the lawsuit within 6 months after the first act of discrimination. In other words, the first time she was paid less than the man working next to her, she had a clock starting to run, and she had 6 months to file the lawsuit.

Well, those of us who have worked outside government—and even those working in government, for that matter, to some extent, but those working in the private sector know it is a rare company that publishes the paychecks of every employee. You may be working next to someone for years and never know exactly what they are being paid.

That was the case with Lilly Ledbetter. She did not know the man standing next to her, doing the same job, was being paid more. She did not discover that until many years later.

So the Supreme Court said: Mrs. Ledbetter, unfortunately, you did not file your case in time. We are throwing it out of court. And they did. Strict constructionists, conservatives that they were, they departed from the pre-

vious court's decisions, which had given her and people like her the right to recover and limited that right to recover.

Well, in the name of Lilly Ledbetter, we changed the law to make it abundantly clear, so that neither this Supreme Court nor any Supreme Court in the future will have any doubt that it is 6 months after the discovery of discrimination, not after the first act of discrimination.

It was one of the first bills, if not the first bill, President Barack Obama signed. I happened to be there at the signing, and standing next to him, receiving the pen for that signature, was Lilly Ledbetter. She may not have won in the Supreme Court, she may not have come back with the compensation she was entitled to, but she at least had the satisfaction to know this Congress and this President would not allow the injustice created by that Supreme Court decision to continue.

So the Senator from Alabama came here and said: We do not need judges with empathy. That word has been stretched in many different directions. But if empathy means we do not need judges who understand the reality of the workplace, if empathy means we would say to Lilly Ledbetter: Sorry, you missed it, girl, you had 6 months to file that lawsuit from the first act of discrimination, the first paycheck—you missed it, and you are out of luck—if empathy would say that is not a fair or just result, I want judges with empathy. I want them to know the real world. I want them to know the practical impact of the decisions they make. I want them to follow the law. I want them to be fair in its administration. But I do not want them to sit high and mighty in their black robes so far above the real world that they could not see justice if it bit them. I think that is what empathy brings—someone who is at least in touch with this real world.

For the last several—2 weeks, I guess—the nominee of President Barack Obama for the Supreme Court, Sonia Sotomayor, has been meeting with the Members of the Senate. She had an unfortunate mishap and broke her ankle at La Guardia Airport, so I allowed her to use my conference room upstairs on the third floor, and there was a steady parade of Senators coming in to meet her.

I asked her this morning. She said: I have seen 61 Senators, and I have 6 more today. She may break a record for actually meeting face to face with more Senators than most Supreme Court nominees. But regardless, she is doing her level best to introduce herself and to answer any questions Senators have. I think—and I told the President when I saw him at an event today—he has made an extraordinary choice.

Sonia Sotomayor was first selected to serve on the Federal court—the district court—by President George Herbert Walker Bush. She was then promoted by President Bill Clinton to a higher level court—the circuit court—and now is being nominated for Supreme Court service. She has more experience on the Federal bench than any nominee in 100 years, so she is going to be no neophyte if she is fortunate enough to serve on the Court.

She is a woman with an extraordinary life story, having grown up in the Bronx in public housing. Her father died when she was 9 years old. Her mother raised her and her younger brother, who ended up becoming a doctor, incidentally.

She was encouraged to apply to Princeton, which was a world she knew nothing about as a young Latino growing up in the Bronx, but she applied and was accepted. At the end of the 4-year period, she graduated second in her class at Princeton. I do not believe Princeton University is an easy assignment. I think it is a challenging assignment. Clearly, she was up to it.

She went on to graduate from Yale Law School. She was involved in prosecution. She was involved in working in private law practice. She has an amazing background in law, and I think she would be an extraordinary member of the Supreme Court.

So Senator SESSIONS came earlier and talked about his philosophy and certainly expressed it very capably. I did not have any prepared remarks on the subject. Although I disagree with him, I respect him very much, and I hope at the end of the day we can do the Senate proud and serve our Nation by giving her a fair and timely hearing.

Let's not use a double standard on this nominee. As chairman of the Senate Judiciary Committee, PATRICK LEAHY has suggested a timely hearing on her nomination. It is a hearing within the same schedule of those who went before her, such as Chief Justice Roberts or Justice Alito. So if she is given the same standard of fairness, that hearing will go forward. I certainly hope it does and think she will do well.

TOURISM

Mr. President, this bill we are considering on the floor at this time could not come at a better time. On October 2, the International Olympic Committee is going to select a site for the 2016 Olympic games.

I am proud to say that Chicago is one of the final global candidates—one of the final four in the world. Winning that bid would bring 6 million tourists from all over the world into the United States and generate as much as \$7 billion in tourist revenue.

This bill, by encouraging international tourism—the one before us—will welcome international visitors to our country, and it will demonstrate to

the world that the United States is open for visitors. That can only help improve the chances that the 2016 Olympic games actually come to the Windy City.

Tourism and travel generate approximately \$1.3 trillion in economic activity in the United States every year, including 8.3 million travel-related jobs.

Overseas visits to the United States, unfortunately, are still being hampered by the specter and memory of 9/11. That has cost the United States an estimated \$182 billion in lost spending by tourists in our country and \$27 billion in lost tax receipts in the last 8 years. The current economic downturn is expected to cost another 250,000 travel-related jobs just this year alone.

So this bill addresses some of the problems underlying this downturn in overseas visitors.

Through a public-private, nonprofit Corporation for Travel Promotion, the United States will coordinate its efforts to encourage international tourism.

The new Office of Travel Promotion within the Department of Commerce will work to streamline entry procedures, making travel to the United States more welcoming and efficient.

The bill does all this while reducing budget deficits by \$425 million. In other words, this is one of the few bills we will consider that actually is going to make money. Bringing more tourists to the United States, generating more tax revenue, is going to be to our economic benefit and the benefit of our government.

By setting up stronger entities to promote internationally the benefits of visiting America, this bill certainly advances Chicago's chances to be awarded the 2016 Olympic games.

But the bill also offers an opportunity to showcase internationally all the other reasons to visit America, and they are many.

Even in my home State of Illinois, a lot of foreign travelers come to walk the streets that Abraham Lincoln walked in Springfield, IL. Looking for Lincoln highlights sites all across our State, with a series of stories about the President's life in 42 different counties of Illinois where his journeys took him.

The Abraham Lincoln Presidential Museum in Springfield, IL, was a pet project of mine I thought of about 18 years ago and today is a reality. This Abraham Lincoln Presidential Library and Museum draws almost half a million tourists a year to Springfield, many of them families with children who leave with a better understanding and a very enjoyable visit after seeing Lincoln's life portrayed in very positive terms.

Saline County, IL, down in southern Illinois, draws visitors to its Garden of the Gods—the gateway to the Shawnee National Forest, one of the prettier areas in our State.

Quincy, IL, features historic architecture and fun along the mighty Mississippi River.

We have our unusual tourist attractions in Illinois as well. Near my old hometown of East St. Louis, you can visit Collinsville and see the world's largest catsup bottle or the two-story outhouse in Gays, IL, or the home of Superman, including a 15-foot Superman statue in Metropolis, IL, and a 6-foot Popeye statue in Chester, IL. A lot of photographs have been taken in front of the statue.

Every State has these historic, amazing places to visit and those curiosities that bring people from all over the United States and all over the world.

Illinois offers the international visitor a truly American experience. In fact, Illinois tourism adds \$2.1 billion to State and local tax coffers and supports more than 300,000 jobs annually. In 2008, there were about 1.4 million international visitors to my State. These travelers spent \$2 billion in all sectors of the economy, from transportation, to lodging, to food service, to entertainment. These international visitors generated an additional \$521 million in wages and salaries for Illinois residents.

I encourage my colleagues to support this bipartisan bill. I am sorry it was delayed today. There was no reason for that. We sat here idly today making wonderful speeches when we should have been passing this bill. I hope we get to it soon, and I hope, with passing it, we will help this economy get back on its feet.

Mr. President, I see the Senator from Ohio is in the Chamber. I have one last short statement I have to make.

CONSUMER FINANCIAL PROTECTION AGENCY

Mr. President, today I went to the White House to hear President Obama announce a significant, sweeping change in the regulation of financial services. It is the most important change since the Great Depression. At the heart of President Obama's proposal is the creation of an independent new agency. It is called the Consumer Financial Protection Agency. It is going to put the interests of American families and consumers above the interests of a lot of businesses and banks.

I introduced a bill last year, and then again this year, that would create that same agency. It is an honor for me that the President would pick up on this idea and make it a major part of what he is doing. But before I take too much credit for it, the idea really originated with Elizabeth Warner. She is a professor at Harvard Law School who is one of the more creative, innovative people who advise us here on Capitol Hill. She realizes, as most of us do, that most consumers and customers and businesses are at the mercy of a lot of regulations and a lot of fine print that is almost impossible to follow, so

she suggested the creation of this agency, and the President followed through today.

It is simple: an agency staffed by people who wake up in the morning thinking about how to make consumer financial transactions safer in America and more understandable. It will mean we are going to protect consumers from making mistakes and making decisions that could be very damaging to them economically.

Today, there are no fewer than 10 Federal agencies with the responsibility for consumer protections from predatory or deceptive financial products to a variety of other areas, but none of them—not one of them—has oversight as its primary objective. That is going to change with President Obama's bill. This agency will encourage innovation that benefits consumers rather than innovation that benefits those who are going to make a profit off of those same consumers. There is a large coalition of consumer advocacy groups supporting this concept. I look forward to working with Chairman DODD and the Banking Committee to see that this agency becomes a reality. It won't be an easy task, but it is a perfect followup to our Credit Card Reform Act.

We need to be more sensitive to consumers in America struggling in this economy to make sure they have protection. One illustration tells it all.

There was a prepayment penalty that was folded into a lot of these subprime mortgages. If you have been to a real estate closing on your home, you know they stack up papers on a table in front of you and they turn the corners and they say: Keep signing, and eventually you will get out of here.

You may slow them down and say: What am I signing?

They will say: It is standard. It is boilerplate. It is a government requirement. Keep signing.

Sign and sign and sign, 20, 30, 40 times, and then you get the check, hand it back to the bank, and you go home with the keys in hand. That has happened to me a few times with my wife. I am a lawyer. Did I read every page? No.

Well, it turned out that the mortgages that were sold for a long period of time in America had a prepayment penalty. So if you got into a bad mortgage and decided, man, that interest rate is too high; I can't keep making payments, so I am going to the bank next door where I can get a lower interest rate, they would say: Sorry to tell you this, but to pay off your old mortgage, there is a penalty that is pretty steep. And you say: Well, I didn't know that. Well, you missed it. You missed it in that stack of papers. That prepayment penalty sentenced thousands of American homeowners to be stuck with subprime mortgages that were unfair and eventually led to foreclosure. Why

wasn't there someone to warn that customer, that person borrowing for their home? This agency can do that. This agency can make that sort of thing clear to customers and consumers across America so that they have a fighting chance. They can avoid bad decisions that can be disastrous for their personal finances.

As Congress embarks on financial regulatory reform, our improved regulatory system must focus not just on safety and soundness of the providers of financial products but also on the safety of the consumers of financial products. The Consumer Financial Protection Agency will do just that.

I yield the floor.

Mr. SESSIONS. Mr. President, I see my colleague from Ohio is here. I am wondering if we are in an alternating situation. I wish to speak for about 5 minutes. Would that be all right?

Mr. BROWN. That is fine.

The PRESIDING OFFICER. The Senator from Alabama.

SUPREME COURT RULINGS

Mr. SESSIONS. Mr. President, my colleague from Illinois, Senator DURBIN, is such a fine lawyer and an excellent Senator. I would respectfully talk about some of the ideas he suggested.

One, he raised the question about the case of *Brown v. Board of Education* where the Court held that separate was not equal, and that somehow this is a justification for a judge setting policy. He thought it wasn't good policy. I would see it differently. I would say *Brown v. Board of Education* was the Supreme Court saying that the Constitution of the United States guarantees every American equal protection of the laws. They found that in segregated schools, some people were told they must go to this school solely because of their race, some people must go to this school solely because of their race, and that, in fact, it wasn't equal. So there are several constitutional issues plainly there, and I don't think that was an activist policymaking decision. I think the Supreme Court correctly concluded that these separate schools in which a person was mandated to go to one or the other based on their race violated the equal protection clause of the United States, and, in effect, they also found it wasn't equal, which they were correct in doing.

With regard to the Lilly Ledbetter case, Senator DURBIN and my Democratic colleagues during the last campaign and during the last several years have talked about this case a lot. I would just say that everybody knows it is a universal rule that whenever a wrong is inflicted upon an individual, they have a certain time within which to file their claim. It is called the statute of limitations. If you don't file it within the time allowed by law, then you are barred from filing that lawsuit. It happens all over America in cases throughout the country.

The U.S. Supreme Court heard the evidence, and it was argued in the U.S. Supreme Court. This one lady, Lilly Ledbetter, took her case all the way to the Supreme Court. They heard it, and they concluded that she was aware of the unfair wage practices that she alleged long before the statute of limitations—long before—and that by the time she filed her complaint, it was way too late. In fact, one of the key witnesses had already died. So it was years after. So they concluded that.

The Congress, fulfilling its proper role, was unhappy about it and has passed a law that I think unwisely muddles the statute of limitations on these kinds of cases dramatically, but it would give her a chance to be successful or another person in that circumstance to be successful.

So this wasn't a conservative activist decision; it was a fact-based analysis by the Supreme Court by which they concluded that she waited too long to bring the lawsuit, and it was barred. Congress, thinking that was not good, passed a law that changed the statute of limitations so more people would be able to prevail. It is not wrong for the Court to strike down bad laws.

We just had a little to-do with Attorney General Holder today in the Judiciary Committee in which the Office of Legal Counsel of the Department of Justice had written an opinion that he kept down and has still kept it hidden that declared that the legislation we passed to give the District of Columbia—not a State but a district—a U.S. Congressman was unconstitutional. He didn't want that out since he and the President supported giving a Congressman to the District of Columbia. But I think that case is going up to the Supreme Court, and I would expect it will come back like a rubber ball off that wall because I don't think that was constitutional. And I don't believe that is activism or an abuse of power; it is simply a plain reading of the Constitution.

If the Congress passes laws in violation of the Constitution, they should be struck down. There is nothing wrong with that if the Court is doing it in an objective, fair way, not allowing their personal, emotional, political, cultural, or other biases to enter into the matter.

So I think we are going to have a great discussion about the Supreme Court and our Federal courts. I look forward to it.

I really appreciate Senator DURBIN. He is a superb lawyer. If I were in trouble, I would like to have him defending me.

I thank the Chair, and I yield the floor.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, across the street today, in the so-called Senate Caucus Room—a room which, next to this Chamber, is perhaps the most

famous room in the Senate; a room where the McCarthy hearings, the MacArthur hearings, the Watergate hearings, and the hearings for the Supreme Court nominees during the confirmation process have been held. It is the room where Senator John F. Kennedy announced his campaign for the Presidency in 1960. It is the room where Senator Robert F. Kennedy, whose desk at which I sit, announced his candidacy for President in March of 1968. It is the room where today we are beginning to mark up the health care legislation that is the most important thing I have worked on in my, I guess, 17 years in Washington. It is probably the most important bill, with the exception of war and peace issues, this Congress has worked on in a long time.

This Congress has been trying for many years, as have been Presidents, to pass legislation to reform our health care system.

In 1945, Harry Truman spoke before a joint session of Congress down the hall in the House of Representatives and said:

Millions of our citizens do not now have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection.

That was 1945. That was President Harry Truman.

A dozen years before, President Roosevelt made a momentous decision. President Roosevelt decided, in large part because of his fear of the power of the American Medical Association, to not include health care in the Social Security legislation, in the bill to create Social Security, because President Roosevelt actually believed Social Security meant a pension and health care.

But he thought the power of the doctors' lobby would keep him from being successful, so he moved forward in the creation of Social Security. Who knows if that was the right decision then, but it certainly brought us a program that has mattered in the lives of our parents, grandparents, and great-grandparents. Harry Truman was not able to accomplish Medicare or any other significant health care reform in his 7 years or so as President.

Fast forward to July 1965. President Johnson passed legislation creating Medicare. But leading up to that legislation, again, it was the American Medical Association—the most conservative members, because I know a lot of doctors who wanted to see us move forward, including my father, who was a general practitioner for almost 50 years. He died at 89 in 2000. Some in the AMA, in 1965, regarding the creation of Medicare, called it socialized medicine, and said it was too expensive and it would lead to run-away, rampant socialism—the same ar-

guments they used in the 1930s, and the same arguments some are now using about the public plan option in this health care legislation today.

People obviously know that Medicare, since 1965—coming up on 44 years—has worked for the American public. Here is the best illustration of why Medicare works. There have been many studies over the years comparing the outcomes in the United States—health outcomes—to the outcomes in other countries in the world. We rank, in terms of infant mortality, maternal mortality, diabetes, child obesity, and immunization rates—amazingly enough, even though we spend twice as much as everybody, we rank almost at the bottom among the rich countries in the world on all of those things. There is one statistic where we rank near the top, and that is life expectancy at 65. So these pages sitting in front of me, five decades from now when they turn 65—we are going to change the system before then, but people who are 65 in this country have a longer, healthier life in front of them than almost all other countries in the world. That is because we have Medicare, and Medicare works, pure and simple.

Today, some 65 years after Harry Truman made the speech to the joint session I mentioned, we are still waiting for a health care system that delivers on the promise of affordability and quality health coverage for all.

We are waiting for reforms that lower costs for businesses and families buckling under the weight of ever climbing premiums.

We are waiting for reforms that foster competition in the insurance market and give Americans better choices, including a public health insurance option.

We are still waiting for reforms that bring accountability to the system, ensuring that our patients in this country get the highest quality care in the world.

We are waiting, in other words, for reforms that fix what is broken and keep what is working. That wait is nearly over. Today is a historic time. That wait, since 1932 when FDR decided not to include it in the Social Security law, to 1945 when President Truman spoke to a joint session, to 1965 when President Johnson was able to push through Congress with a heavily Democratic House and Senate, as the overwhelming number of Republicans opposed it, the creation of Medicare, to today, we are finally at the historic moment. The wait is nearly over when we are going to have real health insurance reform. It is not a moment too soon for many Ohioans, who are one illness away from financial catastrophe.

For example, take Ann from Dayton, a community in southwest Ohio. She wrote to me last year. In the past 5½ years, she has paid almost \$130,000 in health care bills. How can this be? Was

she uninsured? No. When her illness struck, she was a partner in a law firm and had good insurance. But once she became too sick to work, she lost her coverage and was forced to fend for herself.

She and her family of four went on COBRA for as long as they could, and then they paid \$27,000 a year for insurance on the individual market, where medical underwriting runs rampant. That is where the administrative costs run 30, 35, even 40 percent.

She recently traded that plan—the \$27,000 a year plan, at \$2,500 a month, almost—for a bare-bones policy that costs only \$15,000 a year, but doesn't cover prescription drugs and has a \$5,000 deductible. Before she gets \$1 of care paid for by insurance companies, she is paying \$15,000 for premiums and a \$5,000 deductible. So she already has paid \$20,000 before the insurance company comes in and helps her. She writes, "This is not what insurance is supposed to be about."

The bill before us today will take a number of steps to ensure that Americans do not meet the same fate as Ann and her family.

For one, it provides for better regulation of the health insurance industry. This insurance industry, in some ways, is one step ahead of the sheriff. It is an industry that always tries to figure out how to beat the system and how to insure you because you are healthy; they can make money on you, but they may exclude you because you are not so healthy and they might lose money.

No longer will we allow insurance companies to play that game. We will ban preexisting condition exclusions and prevent insurance companies from denying coverage based on medical history. We will eliminate annual and lifetime benefit caps. No longer will insurance companies be able to selectively cover only those who pose little or no risk of needing health care, leaving everybody else in a lurch. Health insurers are not supposed to avoid health care costs; they are supposed to cover them.

Second, this reform will extend the reach of our health care system to protect those with no health insurance today.

Let me tell you about Jaelyn. She used to work at a child care center, but her employer didn't offer health care benefits, which is not surprising. When she discovered a lump in her left breast, she had nowhere to turn. She tried the State Medicaid Program, but despite having an income in 2006 of only \$4,500, she did not qualify. She had no dependents at that point. Her daughter was grown. She started chemotherapy last year, but doesn't know how she will pay her bills.

This bill would expand Medicaid and offer premium subsidies to those who need help. This bill would increase competition in the health insurance market by establishing a federally

backed health coverage option for those who want it.

There is nothing like good old-fashioned competition to reduce premiums, improve customer service, and keep the health insurance on its toes.

Not surprisingly, the health insurance lobby has launched a massive campaign to prevent inclusion of a public health insurance option with which they would have to compete.

I guess competition is a good thing, unless they are the ones who have to compete. If you have a public option, insurance companies—the President says repeatedly that the whole point of an option is that the public plan will compete with a private plan, which will keep the private plans more honest. We have done that with student loans. Fifteen years ago, the only game in town for students, by and large, if they wanted to borrow money for college, was to go to a local bank, or another service, which were all private and unregulated. President Clinton, in the mid-1990s, decided maybe we should have a direct government program so students could borrow directly from the Federal Government. Do you know what happened? The banks brought their interest rates down. The banks started to provide better service. The banks behaved better. That is analogous to what we will see with the public plan.

The conservatives in this body, who are major recipients of insurance company money for their campaigns, whose philosophies are always that business can do it better, the people who have aligned their political careers with the insurance industry all oppose the public option, the public plan. Why? It is simple. It is because insurance companies will have to cut down their administrative costs, maybe even pay lower salaries to their top executives. Maybe they will have to change their marketing practices, be less wasteful, and maybe they will behave a little better. In that case, the public option was competing with private banks, and everybody got better. A public health insurance option competing with the private insurance companies will make everybody get better. That is the whole point.

With private insurance competition, when it is just the insurance companies competing with each other, funny things tend to happen. We see huge salaries and, second, a huge bureaucracy in the insurance companies and, third, we see all kinds of marketing campaigns, and we see huge overhead and administrative costs—sometimes up to 35, 40 percent.

We also see that the term “private insurance competition” is often simply an oxymoron. In Ohio, the two largest insurance companies account for 58 percent of the market. I am not a lawyer, so I didn’t take the antitrust course. I didn’t go to law school. When

you have two companies that have 58 percent of the market, that is not competition. In some Ohio cities—as I assume it is in the Presiding Officer’s State of Illinois—the two largest insurance companies account for 89 percent of the market. That is not exactly healthy competition. If we bring in a public option and compete with these two companies, their rates would come down and salaries for top executives would come down. There would be no more multimillion-dollar salaries, and administrative costs would be cut. They would be leaner and meaner, a better insurance company as a result.

Finally, this bill gives providers new tools to improve the way health care is delivered in this country, with improvements that help Americans with chronic conditions manage those conditions, that can dramatically reduce medical errors and overcome unjustifiable disparities in health care outcomes.

These reforms draw insight and inspiration from the work already being done by dedicated individuals within our health care system—individuals such as Dr. Derek Raghavan, who heads the Taussig Cancer Center at the Cleveland Clinic. He has devoted himself to reducing health disparities. In Cleveland, he has been instrumental in combating significant differences in cancer death rates between African Americans and Caucasian Americans.

Dr. Peter Pronovost from Johns Hopkins has a simple checklist for preventing hospital infections, which saved 1,500 lives and \$100 million over an 18-month period in the Detroit area hospitals in Michigan.

In Mansfield, my hometown, the community health workers—just high school graduates, and some with only GED, high school equivalency studies, young women in their early twenties mostly, making only \$11 or \$12 an hour—working with local health care authorities and doctors and nurses, reduced the prevalence of low birth weight babies from 22 percent to 8 percent over 3 years. These young women are only 5 or 6 years older than the pages in front of me. They don’t have the opportunities that most of the pages have. These are young women who don’t have parents who went to college, who probably weren’t planning on going to college, and are only making \$11 or \$12 an hour—young women who grow up in some of the poorest parts of Mansfield. They have already saved lives because they have made a difference in helping pregnant women get the nutrition they should have, to learn about taking care of babies, learn about pregnancy, and they can come in to see an OB/GYN doctor. They have already had an impact on many lives. I bet that in 5 or 10 years some of these young women who didn’t have much of a future because of their upbringing will become doctors and nurses because

they have had this experience of making a difference.

Those are some of what is going on in this country. If we do it right, we can take this program in Mansfield and replicate it and see it all over the Nation.

This bill will also address serious workforce shortages that exist across the spectrum—from nurses, to pediatric specialists, to dental care providers, to primary care physicians.

We have a lot of work to do. I am optimistic that we can pass good health care reform in this country. We know that the first rule of thumb is to make sure that if people are happy with the insurance plan they are in, they can keep it. Second, we have to do a better job of reining in the costs to many people in the health care system—employers and individual businesses—the employers, individuals, and government. Third, we need to make sure that everybody in this country has access to health care.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. GREGG. Mr. President, we are, as a nation, facing an incredibly severe fiscal situation, not only in the short term but in the long term. The debt of this country is piling up at astronomical rates. We will, this year, have a deficit that comes close to \$2 trillion—\$2 trillion—or 28 percent of our gross national product. We are talking about a deficit next year of well over \$1 trillion. Under the budget sent to us by the President and approved by this Congress—not with my support or many Republicans—I don’t think any Republicans supported it—the deficit will run at \$1 trillion a year for as far as the eye can see.

The debt of this country will double in 5 years. It will triple in 10 years. Deficits are running at 4 to 5 percent of GDP—not only immediately after we get past this recessionary period—for, again, the next 10 years. And the debt-to-GDP ratio, which is a test of how viable a nation is, will jump to 80 percent.

Those are numbers which are not sustainable. Everybody admits they are not sustainable. In fact, they are numbers that are so devastatingly large and so unmanageable for our Nation that were we trying to get into the European Union, we wouldn’t be allowed in.

That is how irresponsible our deficit and our debt is. They are numbers which will lead us as a nation to lose the value of our dollar—the value of our currency—and our ability to finance our debt. In fact, we are already seeing signs to that effect. The leadership of the Chinese financial systems have made a number of statements which basically have said they would not necessarily forever rely on American Treasury notes and purchase our notes. And they are financing us right now.

The country of Great Britain, which is considered to be the second most stable country in the world, has received a notice from Standard & Poor's that its debt will not necessarily be downgraded, but it is being taken to negative status.

A leading economist and reviewer of the bond issues of the United States, as recently as today, has announced that our triple A rating—triple-A-plus rating, which is the best in the world—is at risk because of this massive explosion in debt.

To quote Senator CONRAD, the chairman of the Budget Committee—a person I greatly admire on issues of fiscal policy—the debt is the threat, and it is. It is a threat to our Nation, it is a threat to our young people because they will inherit this massive obligation to pay for costs which are being expended today.

There are a lot of reasons why the debt is going up radically. Primarily, though, it is spending. It is quite simply spending. The spending of the Federal Government will jump from the traditional level of about 20 percent of GDP, which it has been at now for 40 years, to 25 to 26 percent of GDP under President Obama's proposal.

In the short run, obviously, revenues are a factor because we are in a recessionary period. But in the long run, what is driving the deficit, what is driving this massive increase of debt, which will be unsustainable, is spending.

Well, the Congress has a chance, in the next couple days, to do a small but significant part in the way of a public statement and in the way of a statement of policy that we are concerned about the debt. We have a chance to do something. This administration has a chance to do something. As of today, five banks have repaid large amounts of their TARP funds. It is estimated we are going to get about \$65 billion of TARP payments back.

In other words, the way the TARP worked during the crisis, which almost led to a fiscal meltdown—the government stepped forward and purchased preferred stock from a variety of major banks in this country. That preferred stock paid dividends to the taxpayers. It was an asset, and it was a good decision. It stabilized the financial industry. The TARP funds kept us from

going over the precipice, kept us from an economic meltdown of catastrophic proportions, and saved Main Street. People on Main Street probably don't appreciate it that much, but essentially that decision saved folks' homes, their ability to borrow, to go to school, their ability to borrow to start their business, to meet their payroll, and basically operate as a typical economy.

The idea always was that the TARP money would come back to the Federal Treasury, the \$700 billion worth of TARP money that was authorized would come back after the financial situation stabilized. Well, now we are starting to see it come back in the first tranche—\$65 billion plus about \$4.5 billion of interest. That is pretty good. We made \$4.5 billion in interest—in less than 4 months, by the way. The taxpayers did pretty well on this.

So what are we going to do with that money? Well, I suggest—and the law actually states—what should be done with that money. We should pay down the debt. That is a good way to use this money. The other option is the Treasury can simply hold on to it in anticipation of, potentially, another crisis. But that is not necessary. The Treasury still has a line of credit under TARP which reaches \$50 billion to \$75 billion, depending on how you account for it.

We know the risks out in the marketplace right now are nowhere near that number, and they are certainly not systemic. Therefore, these TARP dollars are not needed. They are not needed right now or in the foreseeable future for the purposes of maintaining financial stability and avoiding a systemic meltdown. So it is totally appropriate that all that money be used to pay down the debt, or at least a significant portion.

It would be an extraordinarily positive statement by this administration if they said to the markets and to the American people: The responsible thing to do is to take this money and pay down the debt. I think the market would react positively immediately. They would say we are serious. I think the American people would react positively immediately too. It would be a huge win for this President—the policy worked. This President and the prior President, President Bush and President Obama, had the courage to step up in the face of fairly significant headwinds and make the decision to use the TARP money in this way. Now it has worked, they should use it to pay down the debt and get the double win of having been able to say what we did was good policy, it was not popular policy but it was good policy, it worked to stabilize the financial institutions, and what we are doing now to pay down the debt is also good policy and it is what the law calls for in the end.

That is the first thing that could happen right now, and it should hap-

pen. This money that was paid in today to the Treasury should be used immediately to pay down the debt, and that should be announced by the Treasury—or if I were President, I would announce it myself; it is pretty good news. So that is a step in the right direction. Granted, on a \$2 trillion deficit, it is not massive, but it is a statement, and a statement is important at this time. And you know, \$68 billion is a lot of money anyway, so it would be a good decision.

The second thing we should do, and we can do, is not allow the war supplemental—which is an important piece of legislation needed to fund our troops—to be used as a passenger train for unfunded baggage which will pass debt on to our children on extraneous issues. That is what it is being used for.

Last week, the President held a press conference at the White House surrounded by the Democratic leadership of the Congress, and he said we are going to return to pay-go, we are going to require that new programs be paid for. I applaud that as an attitude and approach. It has not been followed around here, but I applaud the fact that he stated that and he had standing behind him the Democratic leadership of this Congress when he said that.

Ironically, on the same day, I believe, the House of Representatives passed a bill which increased spending by \$1 billion which had nothing to do with the war, which was not paid for. Therefore, it did not meet pay-go but instead created a debt our children will have to pay. They stuck that legislation in the war fighting bill so it could not be amended and paid for or amended and improved. It is called the Cash for Clunkers, and it is a clunker of a bill because it passes on to our children a \$1 billion price. It is \$1 billion of new debt.

Why would we do that? Cash for Clunkers may be a program that is good. Maybe it is a reasonable idea to pay for old cars to get them off the road, to put new cars on the road, hopefully to increase mileage of the auto fleet and also to stimulate the economy. That may be a good idea, but it is not a good idea to not pay for that. We have already spent \$740 billion on the stimulus package, unpaid for. We have spent \$83 billion on the automobile buyouts, on the automobile bailout—unpaid for. Now to put this extra \$1 billion on top of all that just adds insult to injury to the next generation and our children's children who will have to pay the price for this. Why should our children and our grandchildren have to pay the bill for us paying \$3,500 to somebody to buy their car today? How fiscally irresponsible is that? It is especially fiscally irresponsible when you realize it is done in the context and on the same day, I believe, as the President announcing that we are going to go back to pay-go principles

around here where we actually pay for new programs we put on the books. But in order to avoid that, in order to avoid what they had just signed onto, the congressional Democratic leadership down at the White House, standing behind the President and cheering when he said we are going back to pay-go, stuck this language in the war supplemental.

That is an insult to our troops. In order to fund our troops, they have to take along with them \$1 billion of new debt, passed on to their children. Many of these extraordinary people who are fighting for us have children. Is it right that in order to get them the adequate resources they need to fight this war, we should send their children a bill for \$1 billion so we get a public policy that we can go back to our automobile dealers with and say: Hurray, we got you this \$1 billion of spending. Of course not. That is not right, it is not fair, it is not appropriate.

Okay, Cash for Clunkers may make sense if it is paid for. The way it was structured, it cannot be paid for. You cannot amend this bill in its present form, and therefore, if it passes with the Cash for Clunkers in it, a \$1 billion price tag in it, we basically pass that debt on to our children.

I will at the appropriate time offer an amendment which will essentially be a pay-go amendment. It will be a point of order that says essentially—it will not be under pay-go because if I did that it might bring the whole bill down and I have no interest in bringing the whole bill down—it will be a targeted point of order which will essentially be a pay-go point of order. Anybody voting against this point of order will be voting against pay-go, which will say this language, which is unpaid for, this \$1 billion, should not stay in this bill in this form. Does that mean this bill goes down? No. You will hear a lot of moaning going around saying this will destroy the bill. No, it will not. This bill can be sent back to the House and passed without the Cash for Clunkers language in it, unpaid for, or it could be sent back to the House and they can put back in the Cash for Clunkers language, paid for. It can all happen within about a 6-hour day, 6-hour legislative day, maybe even less. Maybe even a half hour, knowing the rapidity of the Rules Committee in the House.

It seems this will be one of the first tests of whether we as a Congress mean what we say. Do we mean that when we say we are not going to create a new program that we are not going to pay for, we actually will stand behind those words? This should be an easy one for us because this plan can be paid for rather easily by moving money around in the original stimulus package. It is fairly obvious this plan should not be in the war supplemental to begin with, but if it is going to be in the war supplemental, it should not be in the form

that passes massive debt on to our children. It is a chance to make a \$1 billion statement that we are going to start getting serious about the debt around here.

I hope I will be joined in this point of order by my colleagues who are interested in the integrity of the pay-go process and in not passing on to our kids a \$1 billion bill they do not deserve.

I make a point of order that a quorum is not present and yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Ms. STABENOW. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CASH FOR CLUNKERS

Ms. STABENOW. Mr. President, I come to the floor to respond to my friend, the distinguished ranking member on the Budget Committee, who just spoke a moment ago about the supplemental and one provision, a very small provision, in this very large bill. I hope that when there is an effort to waive all the budget points of order, colleagues will support doing that while remembering thousands of small businesspeople across this country who are asking that we support them at this time of real crisis as it relates to automobile sales, not just in the United States but all across the world.

We have a global crisis right now. We know in our credit markets it has resulted in people not being able to come in and buy an automobile. It is compounded by the huge losses in jobs that we have seen where people cannot afford to come in and buy a new automobile.

My colleague spoke about small but symbolic measures. I would hope that our colleagues, who I know care deeply about dealers—we have heard this from Republican and Democratic colleagues; we have had bills held up on the floor to work on efforts that I was proud to join in helping our auto dealers.

I would certainly hope that colleagues would not decide for symbolism to focus on what is less than 1 percent of this supplemental—less than 1 percent of the supplemental—focused on helping America's auto dealers at this critical time. In terms of this supplemental, it is a very small amount of money. It has received a lot of focus from a lot of concerns, which I appreciate, on how things are written or how colleagues would do things differently. I appreciate that.

But the reality is we are in a crisis, not just in my State but all across the country and, frankly, around the world when we look at what has been happening to small businesses and communities across America. I know what this feels like. My father and grandfather had the Oldsmobile dealership in the small town where I grew up in northern Michigan. When I grew up, the first job I had was washing cars on the car lot. I know what has happened to small businesses across America right now that have played by the rules and, through no fault of their own, find themselves in a very difficult circumstance.

We have a small provision that has been given a lot of different names. One version of it has been called cash for clunkers. It is based on a bill on which I was proud to join with House Members that is called Drive America Forward. But it would incentivize people to go into these small dealerships across America and give them an opportunity, an incentive, or support to be able to buy a new car.

Why is this important? Well, we have seen from January to May of this year, compared to January to May of last year, across-the-board reductions in auto sales: 41.8 percent for GM; 39 percent for Toyota; 36.8 for Ford; Chrysler, 46.3 percent; Honda, 34.4 percent. It is pretty rough if you are an auto dealer and you see your sales going down month after month—30 percent, 40 percent—to be able to make the payroll every week for your employees. It is pretty tough to do that.

Around the world, we have seen efforts to help automakers, to help auto dealers, to help communities, to help middle-class consumers and those who want to be able to purchase a vehicle to be able to do that.

Our dealers, on average, employ 53 people each, over 116,000 people directly. That is the entire combined workforce of GM and Chrysler together. We are talking about a large number of people who have come in a number of ways to ask us to help them. This is one opportunity. This is it. This is what is in front of us.

We know how hard it is to move legislation through the House and the Senate. We are the last place, the last vote standing between helping the dealers of America and turning our backs on them. This is the last vote. This is the one vote as to whether we are going to be able to step forward and be able to help them.

Every other industrialized country, small and large, understands what has been happening, and they are fighting for their middle class. They are fighting for their jobs. They are looking for every class they can to help.

The question is, Will we? Germany began a program similar to the one that we are talking about that is funded through this bill in January. By the

end of the first month, sales were up 21 percent, 21 percent. That is money in the pockets of small businesses and large dealerships. Across Germany it was so successful they extended it and had sales continue to go up as a result. When our auto sales were going down 41 percent, Germany's—during the same period—went up 21 percent because they said: You know what. We have to stop the bottom from falling out of this. It is too important for our economy. We want to do something about it. And they did. Now similar programs exist in a number of countries: China, Japan, Korea, Brazil, Great Britain, Spain, France, Italy, Australia, Portugal, Romania, and Slovakia—Slovakia. If Slovakia can help their auto industry and their car dealers, I think the United States of America ought to be able to step up and help.

This is a small effort, a few months, to give a boost, a stimulus, to a group of small businesses, an industry that has been talked about on the floor many times and that we need to care about. This particular program is not only supported by Ford and domestic auto companies, but it is also, of course, supported by the National Auto Dealers very strongly, the United Auto Workers, the National Association of Manufacturers, the Steel Workers, the Automotive Recyclers Association, the Specialty Equipment Market Association, the Motor and Equipment Manufacturers Association, the AFL-CIO, the Business Roundtable, and the U.S. Chamber of Commerce.

All have come together to ask us to do something and to support this effort. We are now at a point where we have to decide if we want to help. It is not just about the automakers. You know, we know that help—and a lot of it—is going to GM and Chrysler, and those of us who represent them appreciate that very much. But this is much broader than that. This is all kinds of dealers, all kinds of automakers. Not only those who work in the plants, whom I care about deeply, but it is people who work in offices, the engineers, the designers. This is an economic tsunami that has hit every part of the economy when we look at this entire industry: the clerks, the office managers, the sales people, the mechanics, the car washers, up and down.

The global credit crunch has had a devastating effect on everyone in our economy who relies on the sale of automobiles: Printers, advertisers, local newspapers, television stations, radio stations. They are all asking us to act.

This is a reasonable, focused, short-term effort to help those who have been having an extremely difficult time just holding their heads above water. We know this effort can make a difference.

I thank our House colleagues who have done a tremendous amount of

work on this matter. I want to thank Congressmen MARKEY and WAXMAN and STUPAK and DINGELL and BOUCHER and others who were involved in putting this together and putting it into the energy and climate change legislation reported out of the Energy Committee in the House of Representatives.

I thank every one of the 298 Members of the House on a bipartisan basis. Over two-thirds of the House of Representatives voted for this legislation, and it was put into the supplemental in an emergency document, an emergency piece of legislation. It was put in there because of what has happened with the bottom falling out of the economy for dealers, dealers that have found themselves in very difficult circumstances because of bankruptcies, and dealers that are trying to move forward and trying to be able to survive during this economy.

I know there are colleagues who would like to see this have more energy efficiency provisions. I believe in the context of what we do going forward in the energy bill and climate change we can work together to fashion something that has a focus, an input, from everyone who cares deeply about these issues.

At this time and place, this legislation is a balance between those of us who are concerned about an immediate stimulus while meeting the needs and concerns about increased fuel efficiency. We are making amazing strides on fuel efficiency. The President of the United States, not long ago, announced increased fuel efficiency standards. No one in the industry objected. I did not hear objections. I certainly did not object. This is not about whether we need to increase fuel efficiency. We do and we are. We will continue to do that.

This bill, while being a short-term stimulus, also helps in that regard because it will give a voucher of either \$3,500 or \$4,500 toward the purchase of a new, more fuel-efficient vehicle.

When you look at your own home situation, anyone who is going to want to be a part of this is going to make sure their car, that automobile, is worth \$3,500 or less or \$4,500 or less. Someone is not going to turn in a \$15,000 used vehicle to get a \$4,500 voucher.

So, by definition, we are talking about older cars. Some people have said "clunkers," and people have kind of thrown that around, and "what does all of this mean"?

But we are not talking about a \$50,000 vehicle with a resale value of \$20,000 or \$15,000. We are talking about older vehicles that are worth \$4,500 or less.

The legislation requires, as has been done in other countries, when you turn it in, that the engine is scrapped, the parts of it that we do not want to continue to use—because of the lack of fuel efficiency—are scrapped. We can recycle some of the other parts, but the basic transmission system is scrapped.

So we are talking about older vehicles worth \$4,500 or less, the polluting pieces of the automobile are scrapped, and then we are talking about the ability to purchase a vehicle that is more fuel efficient. In the case of automobiles, you need a minimum fuel economy of 22 miles per gallon or more, you get a \$3,500 voucher for a 4-mile-per-gallon improvement, and a \$4,500 voucher if the new vehicle you purchase is 10 miles per gallon or more fuel efficient.

So there is a benefit from a fuel efficiency standpoint. There is benefit. I appreciate that for some it is not enough. I do appreciate that. There are those who would like to see something different, and certainly we will have opportunities to continue to work together in that regard.

But I go back to my original premise. At this time, in our economy, at this time with what has been happening on unemployment, what has been happening to businesses, large and small, because they cannot get capital, because of the ripple effect in the auto industry, of what is happening to suppliers, to dealers, to anyone involved in this industry—and 1 out of every 10 persons in America is in some way related to the auto industry—at this time we need to be prudent and balance what we are doing in a way that makes sure that all parts of the auto industry, domestic and foreign, can participate and that we are doing this as quickly as possible. It will not help as a stimulus if this is done 6 months or a year from now.

I don't know how much longer the car dealers in Clare, MI, where I grew up, can hold on, if they are losing 40 percent a month in sales. I don't know how much longer they can hold on. I don't know what happens to the Chrysler dealer and the GM dealer trying to turn over inventory now as they wind down. I don't know what happens. But I do know we will see more dealerships close. We will see more people lose their jobs. We are going to see more mainstays of local communities finding they cannot make it.

This is the moment. We won't get another chance. We will not get another chance. This is the moment to help. We have other opportunities to work together on other policies. I say to my colleagues on both sides of the aisle, for all of the dealers who have been calling and asking for help, this is the moment. This is the vote. There won't be a second vote. So when you go home, think about what you want to say to the small business people, the auto dealers, office managers, mechanics, people who are involved in that business in your community, when you had a chance to help. I hope we will take it. I hope we will take it as the House did. I hope we will see overwhelming bipartisan support, as we saw in the House of Representatives for this particular policy.

I strongly urge colleagues to vote to override the budget points of order. All of them will be asked to be overridden. I encourage colleagues to do that. I hope we will show that we get it. Do we get what is going on in communities across America? This vote will say whether we get what is happening and have a sense of urgency about stepping up to help.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

TRAVEL PROMOTION ACT OF 2009

Mr. REID. Mr. President, it is my understanding there is a bill to be reported, Mr. President.

The PRESIDING OFFICER. That is correct.

All postcloture time on the motion to proceed having expired, the question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1023) to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States. Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Travel Promotion Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. The Corporation for Travel Promotion.
- Sec. 3. Accountability measures.
- Sec. 4. Matching public and private funding.
- Sec. 5. Travel promotion fund fees.
- Sec. 6. Assessment authority.
- Sec. 7. Office of Travel Promotion.
- Sec. 8. Research program.

SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.

(a) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a non-profit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this

section, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(A) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(B) 1 shall have appropriate expertise and experience in the restaurant sector;

(C) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(D) 1 shall have appropriate expertise and experience in the [advertising] *travel distribution services* sector;

(E) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(F) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(G) 1 shall have appropriate expertise and experience as officials of a State tourism office;

(H) 1 shall have appropriate expertise and experience in the passenger air sector;

(I) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(J) 1 shall have appropriate expertise in the intercity passenger railroad business.

(2) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section [29-1001] 29-301.01 et seq.).

(3) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 4 shall be appointed for terms of 2 years; and

(C) 4 shall be appointed for terms of 3 years.

(4) REMOVAL FOR CAUSE.—The Secretary of Commerce may remove any member of the board for good cause.

(5) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this section. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(6) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(7) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the

contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(8) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(c) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have [a President], *an executive director* and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(2) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(1) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

(e) DUTIES AND POWERS.—

(1) IN GENERAL.—The Corporation shall develop and execute a plan—

(A) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in travelling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(B) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(C) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(D) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(E) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(2) **SPECIFIC POWERS.**—In order to carry out the purposes of this section, the Corporation may—

(A) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(B) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(C) take such other actions as may be necessary to accomplish the purposes set forth in this section.

(3) **PUBLIC OUTREACH AND INFORMATION.**—The Corporation shall develop and maintain a publicly accessible website.

(f) **OPEN MEETINGS.**—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) **MAJOR CAMPAIGNS.**—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least 3/5 of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) **FISCAL ACCOUNTABILITY.**—

(1) **FISCAL YEAR.**—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) **BUDGET.**—The Corporation shall adopt a budget for each fiscal year.

(3) **ANNUAL AUDITS.**—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) **PROGRAM AUDITS.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) **OBJECTIVES.**—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) **BUDGET.**—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) **ANNUAL REPORT TO CONGRESS.**—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) **LIMITATION ON USE OF FUNDS.**—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) **ESTABLISHMENT OF TRAVEL PROMOTION FUND.**—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) **FUNDING.**—

(1) **START-UP EXPENSES.**—For the period beginning on October 1, 2009, and ending on December 31, 2009, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury

from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act.

(2) **FISCAL YEAR 2010 AND SUBSEQUENT YEARS.**—For the period beginning on January 1, 2010, and ending on September 30, 2010, and for each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsections (c) and (d) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary of the Treasury of the amounts required to be transferred in accordance with subsection (c), and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall make available to the Corporation at least quarterly from amounts available in the Fund for the period beginning on January 1, 2010, and ending on September 30, 2010, and for each of fiscal years 2011, 2012, 2013, and 2014, an amount equal to the amount received from non-Federal sources by the Corporation. The amount made available to the Corporation under this paragraph for the period ending on September 30, 2010, and for each of those fiscal years, may not exceed \$100,000,000.]

(1) **START-UP EXPENSES.**—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) **SUBSEQUENT YEARS.**—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts

from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) **GOODS AND SERVICES.**—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) **RIGHT OF REFUSAL.**—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) **LIMITATION.**—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) **CARRYFORWARD.**—

(1) **FEDERAL FUNDS.**—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) **MATCHING FUNDS.**—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. TRAVEL PROMOTION FUND FEES.

Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) FEES.—

“(i) **IN GENERAL.**—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) **DISPOSITION OF AMOUNTS COLLECTED.**—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) **SUNSET OF TRAVEL PROMOTION FUND FEE.**—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”

SEC. 6. ASSESSMENT AUTHORITY.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of the

Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) **REFERENDA.**—

(1) **IN GENERAL.**—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(3) **PROCEDURAL REQUIREMENTS.**—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) **COLLECTION.**—

(1) **IN GENERAL.**—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) **ENFORCEMENT.**—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) **INVESTMENT OF FUNDS.**—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

“SEC. 202. OFFICE OF TRAVEL PROMOTION.

“(a) **OFFICE ESTABLISHED.**—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) **DIRECTOR.**—

“(1) **APPOINTMENT.**—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) **QUALIFICATIONS.**—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) **DUTIES.**—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

“(c) **FUNCTIONS.**—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) **REPORTS TO CONGRESS.**—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Government Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).”

SEC. 8. RESEARCH PROGRAM.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by section 7, is further amended by inserting after section 202 the following:

“SEC. 203. RESEARCH PROGRAM.

“(a) **IN GENERAL.**—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

“(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

“(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

“(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

“(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

“(5) research to support the annual reports required by section 202(d) of this Act.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.”

Ms. SNOWE. Mr. President, my amendment, No. 1336, would provide improved and expanded opportunities for small businesses and attract foreign

tourists. Tourism is a vital service export, generating \$142 billion in international receipts last year, which accounts for 27 percent of all services exports and 8 percent of exports overall.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, and as a senior member of both the Senate Finance and Commerce Committees, one of my top priorities is to ensure that small businesses get the promised benefits of our international trade relationships, including the benefits of increased business from tourists that visit the United States. Tourism is particularly essential for small businesses, which comprise more than 90 percent of employers in the tourism industry. In fact, 95 percent of travel agencies, 84 percent of tour operating companies, 93 percent of sightseeing bus companies, and 99 percent of souvenir shops are small businesses.

Small businesses are a vital source of economic growth and job creation, generating approximately 75 percent of net new jobs each year. Small firms are essential to our economic recovery, and we must help them take advantage of all potential opportunities, including those created by international travel and tourism.

My amendment will increase support for small businesses seeking to attract more foreign tourists. First, the amendment creates an innovative new export development grant program that provides small businesses with matching grants, of up to \$5,000, for expenses relating to activities that help them start or expand export activity. These grants can be used to create foreign-language marketing material, translate websites in order to reach foreign tourists, and develop other marketing materials in order to attract more international visitors.

In addition to enabling small businesses to attract international tourists, my amendment also benefits small businesses who seek to sell their products and services in international markets. Although globalization has created new opportunities, less than 1 percent of U.S. small businesses currently sell to international buyers.

Small businesses face particular challenges in exporting. It can be difficult for small exporting firms to secure the working capital needed to fulfill foreign purchase orders, for instance, because many lenders won't lend against export orders or export receivables. Additionally, small business owners may not have the time or resources necessary to understand other countries' rules and regulations.

Currently, Federal programs are grossly inadequate at helping small businesses overcome these challenges of exporting. This amendment gives small businesses the resources and assistance they require to explore potential export opportunities and to expand their current export business.

The amendment would also bolster the SBA's technical assistance programs, and will improve export financing programs so that small businesses have access to capital needed to support export sales.

Small businesses can survive, diversify, and compete effectively in the international marketplace by developing an export business. But, as I mentioned, too few small businesses are expanding into international markets. This amendment will help small business owners take the crucial steps of attracting foreign tourists and finding international buyers for their goods and services.

This investment could yield tremendous returns for our economy. The United States spends just one-sixth of the international average among developed countries in promoting small businesses exports. Every additional dollar spent on export promotion results in a fortyfold increase in exports, according to a World Bank study.

As we work to promote tourism in the United States, we cannot overlook small businesses. An investment in small business exporting assistance is an investment in our economy. This amendment will ensure that this legislation helps small businesses stay competitive, helps them grow, and speeds the recovery of our economy as a whole. I respectfully ask all of my Senate colleagues to support this vital amendment.

Mr. President, my amendment No. 1337 to the "Tourism Promotion Act of 2009 is a commonsense amendment that would ensure that small businesses are properly represented on the new "Corporation for Travel Promotion Board" and would clarify that small businesses, as defined by the Small Business Administration, are exempt from the annual assessment created by this act.

As ranking member of the Committee on Small Business and Entrepreneurship, I am keenly aware of the critical role that small businesses play as our Nation's primary job creators. Robust tourism is vital to the success of countless small businesses, and I see no better way to improve this bill than by ensuring that our Nation's small businesses have a seat at the table as our tourism policy is revamped. One of the more vital components of this act is the creation of the travel promotion board, which includes 11 key representatives from different industries involved in tourism, and will be tasked with promoting travel to America. Unfortunately, the underlying bill does not require a member of that board specifically represent small businesses. My amendment will correct this oversight.

Travel and tourism generates approximately \$1.3 trillion in economic activity each year in the United States and it also supports 8.3 million travel-

related jobs. According to the Department of Commerce, receipts from international trade and tourism were more than \$142 billion last year, and there is no doubt that small businesses were a vital part of this statistic. In fact, they represent nearly the entire tourism industry. More than 90 percent of employers in the tourism industry are small businesses; and more specifically, 95 percent of travel agencies, 84 percent of tour operating companies, 93 percent of sightseeing bus companies, and 99 percent of souvenir shops are owned by small entrepreneurs. It is therefore imperative that this act guarantee that small businesses are provided with a representative on the Corporation for Travel Promotion Board.

Tourism is a vital source of growth for these small businesses and this act will provide critical assistance to entrepreneurs struggling during these difficult economic times. This amendment will improve the underlying bill by ensuring that small businesses continue to play a key role in bolstering and strengthening our nation's essential tourism industry. For this reason I urge my colleagues to support my amendment.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009—CONFERENCE REPORT

Mr. REID. Mr. President, I ask the Chair to lay before the Senate the conference report to accompany H.R. 2346, the supplemental appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of Friday June 12, 2009.)

CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 2346, the Supplemental Appropriations Act of 2009.

Daniel K. Inouye, Patrick J. Leahy, Patty Murray, Jack Reed, Edward E. Kaufman, Christopher J. Dodd, Tom Carper, Mark L. Pryor, Tim Johnson, Jon Tester, Mary L. Landrieu, Byron L. Dorgan, Herb Kohl, Tom Harkin, Mark Begich, Ben Nelson, Dianne Feinstein.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

40TH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF MINORITY CONTRACTORS

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 40th anniversary of the National Association of Minority Contractors, NAMC. NAMC is a national organization that has gone to great lengths over the last 40 years in helping minority contractors realize the American dream. Additionally, NAMC has aided contractors across the United States by fostering relationships and building bridges in the construction industry that have helped minorities to remain competitive. Currently, NAMC has over 5,000 memberships in all 50 States and the District of Columbia.

NAMC was established as a nonprofit organization in 1969, in order to provide education to African Americans, Asian Americans, Hispanic Americans, and Native Americans employed as construction contractors. This magnificent organization has helped to ensure equal opportunity employment and procurement opportunities in all areas of this industry. NAMC has led the way in the integration of various ethnic groups, creeds, and colors in the construction industry. We recognize this organization's hard work to initiate and operate training programs for people desiring employment and procurement in the building trades.

Thanks to the fine leadership of the local board of the Silver State's NAMC's Chapter, NAMC is making a successful transition to green building. NAMC has been ensuring that its members certify in green building by involving them with Green Advantage and the U.S. Green Building Council. It is specifically this type of program

that will help America become more environmentally friendly and responsible and lead us to an improved quality of life.

The Nevada Chapter is one of 22 chapters across the United States. I commend the National Association of Minority Contractors for their 40 years of support to the minority community and to the affiliates in Nevada and around the United States. It is through the relentless work of this organization that minority construction contractors have been able to achieve equality, opportunity, and prosperity.

(At the request of Mr. REID, the following statements were ordered to be printed in the RECORD.)

IN PRAISE OF FATHERS

• Mr. BYRD. Mr. President, Sunday is Father's Day. The third Sunday in June is a lovely time of year, and a perfect time for any celebration. This year, it is also the first day of summer—the best day of summer, before the weather is too hot, before bugs mar the beauty of fresh green leaves and weeds threaten to smother the garden, before we are tired of marveling at the smooth green of a freshly mown lawn. On this Sunday, we thank both our heavenly Father and our earthly father for all that is good and strong and vibrantly beautiful in our lives.

Although scientists say that some smells can trigger strong memories, I think that there are certain sounds that many people instantly associate with fathers. The keening whine of a power tool, the droning buzz of a lawn mower on a Saturday morning, the grunt and clank of tools in tight places, the quiet scrape of a razor over a stubbled chin, the slow tread of a tired man coming home in the evening, or even the nighttime chorus of snores—these are the everyday sounds of fathers that provide the quiet sounds during a peaceful childhood. Other father sounds may have occurred less frequently, but still trigger their own quick smiles of recall—the slap of a baseball into a worn glove, perhaps, or the gentle splash of a fishing lure hitting the water, that remind us of pastimes enjoyed together.

On Sunday, fathers will be feted with brunches or barbecues. They may open a few gifts and some funny cards. Mother's Day might warrant more sentimentality, but Father's Day seems to call for a more humorous approach—perhaps so that fathers will not be embarrassed by any teary-eyed show of emotion. It is enough, for many fathers, to get a card at all, and to have all the attention focused on him. Most fathers are not much given to displays of emotion or sentimental speeches.

A father's love is expressed through his presence and the endless labor that he expends to care for his family. His love is expressed through his actions,

and all the sounds that accompany them. My own Dad was a quiet man, but he saved his cake from lunch to give to me. He listened attentively to my recitations and my fiddle playing, and he made sure that I had paper and pencils to draw with as a child. Without words, he showed me how much he cared.

An untitled poem by an unknown poet captures the unspoken love that fathers find easier to express:

Fathers seldom say, "I love you"
Though the feeling's always there,
But somehow those three little words
Are the hardest ones to share.
And fathers say, "I love you"
In ways that words can't match—
With tender bedtime stories—
Or a friendly game of catch!
You can see the words "I love you"
In a father's boyish eyes
When he runs home, all excited,
With a poorly wrapped surprise.
A father says, "I love you"
With his strong helping hands—
With a smile when you're in trouble
With the way he understands.
He says, "I love you" haltingly,
With awkward tenderness—
(It's hard to help a four-year-old into a party dress!)

He speaks his love unselfishly
By giving all he can
To make some secret dream come true,
Or follow through a plan.
A father's seldom-spoken love
Sounds clearly through the years—
Sometimes in peals of laughter,
Sometimes through happy tears.
Perhaps they have to speak their love
In a fashion all their own.
Because the love that fathers feel
Is too big for words alone!

Mr. President, we can all remember times in our own lives when our fathers let us know that they were proud of us. We remember the words of praise, the thumbs up, the smile or simply his quiet presence at some long ago event. An occasion was important, if our father made the time to be there. This Sunday is our chance to return the favor and make the occasion important for him, by our presence at brunch, or by the grill, or on the phone. He will appreciate the effort, even if he may find it difficult to show just how much it means to him. ●

WEST VIRGINIA DAY

• Mr. BYRD. Mr. President, on June 20, 1863, West Virginia became the 35th State in our great Union. This coming Saturday, West Virginia will celebrate those 146 years of statehood, so I say, "Happy Birthday, West Virginia!" I might also add, "and many more!" It is a happy day.

West Virginians will celebrate the State's birthday in many different ways. In the myriad State parks and forests, special programs may be enjoyed amid the majestic scenery, views of endless, rolling hills, and rushing, tumbling white water with which the Creator has blessed us. At the Haddad

Riverfront Park in Charleston, an outdoor concert will entertain the crowds with music and fun. Blenko Glass, in Milton, has produced another stunning artwork in molten, hand blown glass in honor of West Virginia Day. Across the State, local arts festivals and historic reenactments will celebrate the history and talents of West Virginia.

West Virginia Day is a wonderful day to celebrate all that is unique about our great State. Of her 55 counties, 47 were named after notable individuals. Some counties derive their names from Revolutionary War heroes like Francis Marion and the Marquis de Lafayette. Others are named after U.S. Presidents and Vice Presidents, including Jefferson, Jackson, Lincoln, and Grant; or notable politicians such as Senator Henry Clay of Kentucky. Just three county names reference the State's English heritage—Hampshire County, named after the county in England; Berkeley County, named after the Royal Governor of Virginia, Norborne Berkeley; and Raleigh County, named after the English explorer Sir Walter Raleigh.

Several counties are named after prominent Virginians, reflective of West Virginia's origins as a part of the Commonwealth of Virginia. Still other county names commemorating frontiersmen like Daniel Boone and Lewis Wetzel remind us of West Virginia's time at the fringes of the American union, when the Nation was still young and growing. Counties named after Native Americans like the Mingo Chief Logan, Powhatan princess Pocahontas, and the Mingo tribe, however, speak to West Virginia's even earlier history. Five county names celebrate natural features like rivers or the minerals that are West Virginia's great natural treasure.

The stories of all these people, places, and things help to tell the history of West Virginia. It is a rich, complex and fascinating tale full of hope and hardship, triumph and tragedy. From the Native Americans who lived and hunted these rich woodlands, to the hearty settlers who built new lives in the hollows and along the rivers, West Virginia is full of unwritten history marked only by trails, mounds, campsites, and old homesteads. Modern history is built of soft red brick and bright limestone, iron rail lines and asphalt highways painstakingly carved through the hills. Every county is full of scenic drives, history, natural wonders, beautiful handcrafted goods and foods, and—most of all—welcoming people.

Throughout her history, the State's motto has shone through: "Mountaineers are always free." West Virginians value grit and hard work put forth by individuals. Populated by hardworking families and individuals, West Virginians also value their close-knit communities. You can see that spirit

whenever natural disasters bring neighbors together to work together in the aftermath of storm or flood. The same friendly atmosphere fills the many festivals and celebrations held throughout the State virtually every weekend.

I urge those listening to come and explore West Virginia. We are closer than you think, but thanks to the mountains that have shaped our history, still quiet and unspoiled. I know that I may be a little bit biased, but West Virginia is my favorite State, full of never ending variety and great beauty in every season. From the colonial and Civil War history in the eastern panhandle's Harper's Ferry and Berkeley Springs, to the whitewater adventures offered on the Gauley and other rivers, West Virginia offers something for every taste. You can sample true luxury at the Greenbrier resort or ski and snowboard in the Canaan Valley. You can hunt game or the works of great artisans; listen to bluegrass music or to the wind blowing through the trees. West Virginia has been waiting for you for 146 years—come and celebrate with her.●

CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 311(a) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, the aggregates, and other appropriate levels in the resolution for legislation that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the regulatory activities. Additionally, section 307 of S. Con. Res. 13 permits the chairman to adjust the allocations of a committee or committees, aggregates, and other appropriate levels in the resolution for legislation that, among other things, reduces or eliminates the offset between the Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation. The adjustments under both reserve funds are contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

On June 3, I made revisions to S. Con. Res. 13 pursuant to sections 311(a) and 307 for an amendment in the nature of a complete substitute to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. The complete substitute to the House-passed bill was passed by the Senate on June 11 and by the House on June 12, clearing it for the signature of the President.

The adjustment on June 3 was based on information provided by the Congressional Budget Office. Since that time, CBO has revised its estimate of

the cost of H.R. 1256 to reflect an earlier date of enactment. Even with the changed date of enactment and revised estimate, H.R. 1256 still qualifies for reserve fund adjustments pursuant to sections 311(a) and 307. As a consequence, I am revising the adjustments I made on June 3 to reflect CBO's updated estimate. These revisions affect the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Health, Education, Labor, and Pensions Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 13 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311 DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION AND SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS

[In billions of dollars]

<i>Section 101</i>	
(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,653.728
FY 2011	1,929.681
FY 2012	2,129.668
FY 2013	2,291.197
FY 2014	2,495.875
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	-12.258
FY 2011	-158.950
FY 2012	-230.725
FY 2013	-224.140
FY 2014	-137.783
(2) New Budget Authority:	
FY 2009	3,674.408
FY 2010	2,892.472
FY 2011	2,844.908
FY 2012	2,848.113
FY 2013	3,012.187
FY 2014	3,188.874
(3) Budget Outlays:	
FY 2009	3,358.512
FY 2010	3,005.683
FY 2011	2,969.119
FY 2012	2,883.129
FY 2013	3,019.577
FY 2014	3,174.976

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311 DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION AND SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS

[In millions of dollars]

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	-22,436
FY 2009 Outlays	-19,058
FY 2010 Budget Authority	4,487
FY 2010 Outlays	1,526

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311 DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION AND SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS—Continued

FY 2010-2014 Budget Authority	50,366
FY 2010-2014 Outlays	44,491
Adjustments:	
FY 2009 Budget Authority	11
FY 2009 Outlays	2
FY 2010 Budget Authority	10
FY 2010 Outlays	13
FY 2010-2014 Budget Authority	8
FY 2010-2014 Outlays	16
Revised Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	-22,425
FY 2009 Outlays	-19,056
FY 2010 Budget Authority	4,497
FY 2010 Outlays	1,539
FY 2010-2014 Budget Authority	50,374
FY 2010-2014 Outlays	44,507

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is \$90.745 billion, and for 2010, it is \$130 billion.

On May 19, I made two adjustments pursuant to section 401(c)(4) for H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. H.R. 2346 passed the Senate on May 21.

I find that the conference report for H.R. 2346, which was filed on June 12, 2009, also fulfills the conditions of section 401(c)(4). As a result, for fiscal years 2009 and 2010, I am further revising the adjustments made on May 19 to the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays. When combined with those previous revisions, the total amount of the adjustment pursuant to section 401(c)(4) for 2009 is \$90.73 billion in discretionary budget authority and \$27.029 billion in

outlays, and the total amount of the adjustment for 2010 is \$11 billion in discretionary budget authority and \$34.239 billion in outlays. In addition, I am also further revising the aggregates consistent with section 401(c)(4).

I ask unanimous consent to have the following revisions to S. Con. Res. 13 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

[In billions of dollars]

<i>Section 101</i>	
(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,653.728
FY 2011	1,929.681
FY 2012	2,129.668
FY 2013	2,291.197
FY 2014	2,495.875
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	-12.258
FY 2011	-158.950
FY 2012	-230.725
FY 2013	-224.140
FY 2014	-137.783
(2) New Budget Authority:	
FY 2009	3,675.923
FY 2010	2,892.478
FY 2011	2,844.908
FY 2012	2,848.113
FY 2013	3,012.187
FY 2014	3,188.874
(3) Budget Outlays:	
FY 2009	3,359.154
FY 2010	3,004.508
FY 2011	2,970.563
FY 2012	2,883.051
FY 2013	3,019.923
FY 2014	3,175.114

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Initial allocation/limit	Adjustment	Revised allocation/limit
FY 2009 Discretionary Budget Authority	1,480,686	1,515	1,482,201
FY 2009 Discretionary Outlays ..	1,247,230	642	1,247,872
FY 2010 Discretionary Budget Authority	1,086,021	6	1,086,027
FY 2010 Discretionary Outlays ..	1,307,240	-1,175	1,306,065

PRESIDENTIAL MEMORANDUM

Mr. LEAHY. Mr. President, I am pleased that today President Obama issued a Presidential Memorandum on Federal Benefits and Non-Discrimination that will extend a number of benefits to same-sex partners that are afforded to spouses of Federal employees.

I applaud the President for this effort to promote fairness in the workplace. It is a step in the right direction towards equalizing benefit coverage for all Federal employees.

The memorandum will enable domestic partners of civil service Federal employees to be added to their long-term care insurance program, and enable employees to use their sick leave to take care of domestic partners and nonbiological, nonadopted children. The memorandum also extends a number of benefits to same-sex partners of Foreign Service employees, including the use of medical facilities at posts abroad, medical evacuation from posts abroad, and inclusion in family size for housing allocations.

Equal pay for equal work is a cornerstone of our country's bedrock principles, and equal access to important benefits should share that importance. Insurance benefits, work incentives, and retirement options comprise a significant portion of all employee compensation. By not offering domestic partnership benefits to its employees, the Federal Government is unfairly withholding these valuable options from dedicated employees across the country. President Obama's Memorandum is a step forward towards having a fair and consistent policy.

This step by the President brings the Federal Government in line with many of America's largest and most successful companies, as well as State and local governments and educational institutions, which already extend benefits to same-sex couples. Over half of all Fortune 500 companies provide domestic partner benefits to their employees, up from just 25 percent in 2000. Offering domestic partnership benefits to Federal employees improves the quality of its workforce and demonstrates the Federal Government's commitment to fairness and equality for all Americans.

I am a proud cosponsor of the Domestic Partnership Benefits and Obligations Act of 2009, introduced by Senators LIEBERMAN and COLLINS, which would provide domestic partners of Federal employees all of the same protections and benefits afforded to spouses of Federal employees, including participation in applicable retirement programs, compensation for work injuries, and health insurance benefits. I am also a cosponsor of the Tax Equity for Health Plan Beneficiaries Act of 2009, which would end the taxation of health benefits provided to domestic partners in workplaces that provide domestic partner health benefits to their employees.

Providing benefits to domestic partners of Federal employees is long overdue. I look forward to working with the Obama administration and Members on both sides of the aisle to continue to make progress towards equality in the workplace.

175TH ANNIVERSARY OF THE
FOUNDING OF FORT LARAMIE

Mr. BARRASSO. Mr. President, I rise today to recognize the 175th anniversary of the founding of Fort Laramie, the first permanent settlement in what would become the State of Wyoming.

In the spring of 1834, William Sublette led a supply caravan to the annual fur trappers' rendezvous held on the Ham's Fork of the Green River. On May 30, 1834, Sublette and his men paused to camp at the confluence of the Laramie and North Platte Rivers. It was here that Sublette and his partner, Robert Campbell, agreed to build a new trading post. Their intent was to dominate the central Rocky Mountain fur trade. William Marshall Anderson wrote in his diary, "This day we laid the foundation log of a fort." That log would be the cornerstone of the first permanent settlement in the future State of Wyoming. Sublette's trading post was officially named Fort William, although it was commonly referred to as the fort on Laramie's Fork or Fort Laramie.

Fort William was humble in size, measuring only 100 feet by 80 feet. The palisade was formed by 15-foot hewn cottonwood logs. There were log blockhouses located at diagonal corners. A third blockhouse, with mounted cannon, was over the main gate. Inside the fort was a series of cabins and storehouses with flat tops that nearly reached the top of the fort's walls. The fort's small size was in contrast to the large role it would play in American history.

The fort eventually became one of the principal trading centers with the Indian tribes of the Northern Plains, especially the Oglala and Sicangu Lakota. The beaver trade was already in decline at the time of Fort William's construction. Campbell and Sublette recognized that the future of the fur trade lay not in trapping, but in trading with the native peoples of the plains for buffalo robes. Each spring, caravans arrived at the fort with trade goods. In the fall, tons of buffalo hides and other furs were shipped east.

By 1841, the cottonwood log walls of Fort William had already begun to deteriorate and were in need of replacement. The owners of the fort erected a new adobe walled trading post nearby, naming it Fort John. Like its predecessor, however, it was popularly referred to as Fort Laramie. As the buffalo robe trade declined, the number of emigrants passing on their way to California, Oregon, and Utah grew from a trickle to a torrent. The fort rapidly became a major weigh station along the emigrant trails. As a result, the U.S. Government purchased the fort in 1849 and officially named it Fort Laramie.

Over the years, Fort Laramie filled a variety of roles as one of the largest and most important military post on

the Northern Plains. The Northern Plains tribes fiercely defended their homeland against settlement by an ever-expanding Nation. Numerous military campaigns were launched from the fort. Important treaty negotiations with Indian tribes were also conducted at the fort. The most famous of these were the Horse Creek Treaty of 1851 and the still contested Treaty of 1868.

Eventually, Fort Laramie became a center of commerce for local homesteaders and ranchers. Fort Laramie saw rapid advances in communication and transportation technology. The Pony Express, the Transcontinental Telegraph, and stage lines passed through the fort. Fort Laramie truly became the "Crossroads of a Nation Moving West."

With the end of the Indian wars, Fort Laramie's usefulness to the government rapidly faded. The fort was abandoned in 1890 and sold at public auction. Fort Laramie slowly deteriorated over the next 48 years and nearly succumbed to the ravages of time. On July 16, 1938, President Franklin D. Roosevelt signed a proclamation creating the Fort Laramie National Monument. With the determined efforts of local citizens and Wyoming State legislators, the preservation of the site is secure. The fort was redesignated a National Historic Site by an act of Congress on April 29, 1960. It was listed on the National Register of Historic Places in 1966. In 1978, it was expanded to its present size of 835 acres by an act of Congress.

The Fort Laramie National Historic Site is administered by the National Park Service and is open to the public throughout the year. Interpretive programs are offered with living history talks and demonstrations available in the summer months. These programs offer visitors a chance to experience life on the frontier.

The site has an intensive preservation program to ensure the integrity of the historic structures for generations to come. Ten historic buildings have been completely restored and refurnished. These allow visitors a rare glimpse into the daily workings of a 19th century Indian Wars military post. The ruins and foundations of numerous other buildings are also preserved at this nationally significant historic treasure.

In celebration of the 175th anniversary of the founding of Fort Laramie, I invite my colleagues to visit the Fort Laramie National Historic Site. I congratulate the staff and volunteers whose dedication makes this piece of our history available to visitors from all over the world.

PRAGUE CONFERENCE ON
HOLOCAUST ASSETS

Mr. CARDIN. Mr. President, I am delighted the Senate is poised to consider

and pass S. Con. Res. 23 in support of the goals and objectives of the Prague Conference on Holocaust Era Assets.

The Prague Conference, which will be held June 26 through June 30, will serve as a forum to review the achievements of the 1998 Washington Conference on Holocaust Era Assets. That meeting brought together 44 nations, 13 non-governmental organizations, scholars, and Holocaust survivors, and helped channel the political will necessary to address looted art, insurance claims, communal property, and archival issues. The conference also examined the role of historical commissions and Holocaust education, remembrance, and research. While the Washington Conference was enormously useful, more can and should be done in all of these areas. Accordingly, the Prague Conference provides an important opportunity to identify specific additional steps that countries can still take.

The Holocaust left a scar that will not be removed by the Prague Conference. But this upcoming gathering provides an opportunity for governments to make tangible and meaningful progress in addressing this painful chapter of history. I commend the Czech Republic for taking on the leadership of organizing this meeting and welcome the appointment of Ambassador Stuart E. Eizenstat, former Treasury Deputy Secretary and former Department of State Under Secretary for Economic Affairs, to head the U.S. delegation to the Prague Conference. Ambassador Eizenstat is uniquely qualified to represent the United States at this historic gathering.

I would like to express my gratitude to Senators KERRY and LUGAR, the chair and ranking member, respectively, of the Foreign Relations Committee, for cosponsoring and reporting this resolution expeditiously.

REMEMBERING ABRAHAM
LINCOLN

Mr. BURRIS. Mr. President, born in a log cabin west of the Appalachians, Abraham Lincoln grew up in an average family with modest means. Yet despite only 18 months of education and family hardships, Lincoln's strength of character, persistence, and drive are among the many reasons he remains relevant to Americans today. Lincoln's legacy continues to impact the young and old alike even as our country changes and grows.

In an attempt to celebrate the life of the great Abraham Lincoln, an essay contest was held in Illinois, "The Land of Lincoln." Students across the State answered the question: Why is Abraham Lincoln still important today? The following essays celebrate the life and legacy of Lincoln and at the same time showcase the talent of young people across the great State of Illinois. I

congratulate Megan Hendrickson, Ahsan Jiva, and Hannah Binnion for their extraordinary essays, and I encourage all students to continue to explore the history and lessons of our remarkable 16th President.

I ask unanimous consent to have the following three essays printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY IS ABRAHAM LINCOLN STILL IMPORTANT TODAY?

(By Megan Hendrickson, Sixth Grade, Miss Jaskowiak)

At the beginning of creation God created mankind in his own image with the intent that all would be treated equally. On January 1, 1863 President Abraham Lincoln established a document called the Emancipation Proclamation freeing the African American slaves from their slave owner's farms. But still, why is Abraham Lincoln still important today? First, Abe Lincoln abolished slavery. Next he kept the nation as one so we would act as one nation not two, and remain strong. Last but not least, Abe led the nation through the Civil War as Commander in Chief.

President Abraham Lincoln put slavery to a halt when he signed the Emancipation Proclamation to abolish slavery. Today, this has had a huge impact on us. The slavery halt is one of the reasons we have our 44th President Barack Obama. If we still had slavery, we might be two separate nations, the North and the South, and many of the opportunities for African Americans that we have today, simply would not have been possible. When Abe stopped slavery it still didn't stop people from doing horrible things to people. Slavery had ended, but segregation and racial discrimination started. That was the worst part. Many of these things have taken more than a century to bring about change. We went through a time when African American people couldn't even go to school or ride on the bus with others, or they had to sit in the back. I believe if it weren't for Abraham Lincoln, some of these changes might not have even come about and we might still have segregation in schools and public transportation. I believe that Lincoln's feelings regarding race and equality were summed up when he said, "but there is only one race, the human race."

President Lincoln kept the country together at a time when the southern half of the nation was trying to separate from the Union over the issue of slavery. Lincoln said, "This nation cannot exist half slave and half free" and that "A house divided against itself cannot stand." The quote is relative to Abraham Lincoln holding the nation in one or in other words us being one with each other as a nation. Had Lincoln not taken such a strong stand against slavery, and had the strength and courage to hold this country together, our country might not be what it is today. Lincoln held strong to his faith and beliefs even though he knew it would bring about the Civil War.

Abe led the country through war as Commander in Chief, leading with pride and hope for our country. He had entered his Presidency with a task before him greater than he felt he himself could handle, but felt that with God's help and for the sake of our nation, he could not fail. Had Lincoln not had the courage to lead us into and through the Civil War, for the cause that he believed was right, where would our country be today?

Our nation and the world only have one race, the human race. I believe that President Lincoln believed this, and took a stand on his beliefs that have had more than a hundred years of changes in our nation. We all can see why Abraham Lincoln is important today by looking at history and seeing the changes that have taken place over time regarding race and equality. We should all work together as one nation to continue President Abraham Lincoln's legacy and belief that all men are created equal.

WHY IS ABRAHAM LINCOLN STILL IMPORTANT TODAY?

(By Ahsan Jiva, Grade 5, Mrs. L. Anderson)

Abraham Lincoln lived a great life. I don't think there will ever be a person as special and important as him. He helped stop slavery, he had famous speeches, and served as president. The list goes on and on. And that is why he still means so much to us today.

Abraham Lincoln grew up in Hardin County, Kentucky in 1809. As a child, Abraham Lincoln didn't go to school much, which to me is really hard to believe. When Lincoln grew older, the chopped rails and fences for a living. Even though he didn't go to college, he was still able to be a lawyer. After that he tried for the senate. But he didn't make it. Those are just some of the reasons why Lincoln is honored and respected today.

After working a lot, Abraham Lincoln finally became the sixteenth president of the United States. He married Mary Todd Lincoln and had four children. He went against slavery and tried to prove that to people who didn't believe slavery should be stopped. He has once said, "Whenever I hear anyone arguing for slavery, I feel a strong impulse to see it tried on him personally." He fought for the slaves' freedom in the Civil War and won. He signed the Emancipation Proclamation and set all the slaves free. But during the Civil War, Lincoln gave one of the most brilliant speeches of all time. It wasn't very long but it had tons of meaning. It was called the Gettysburg Address. He gave it after the brutal battle of Gettysburg, Pennsylvania. That speech made him famous back then and what makes him important today.

Even though he is not with us today, he is very hard to forget. He is on the penny and five dollar bill. He also has famous monuments made for him, such as the Lincoln Memorial and Mount Rushmore. He will especially be remembered in Illinois, because he spent a lot of his time here. He's known for his tall hat and the first president with a beard. He was also fond of pets. He is known for his many quotes, such as "I leave you, hoping that the lamp of liberty will burn in your bosom, until there shall no longer be doubt, that all men are created equal". There are many more credentials of Abraham Lincoln, but I think I'll stop right there because I don't think there are enough pieces of paper to list all of Lincoln's accomplishments.

Abraham Lincoln was living a great life but sadly it had to end because while he was enjoying a play at Fords Theater, he was assassinated by John Wilkes Booth in 1865. He lived to be fifty-six years old. Lincoln's death broke the heart of many people. He was buried in Springfield, Illinois.

Abraham Lincoln will be missed a lot. His death was very unfortunate, especially since he was in his second term as president. He was important in so many ways. Although he is not with us today he will be remembered forever.

WHY IS ABRAHAM LINCOLN STILL IMPORTANT TODAY?

(By Hannah Binnion, Grade 3, Miss Alday)

Abraham Lincoln is still important today because he was honest. He had a customer that paid too much so he ran miles to give her extra change back. Abe didn't like slavery so he made a law when he was the president stating "There was to be no more slaves." This law helped free slaves. It seemed that he cared not only for himself but for others as well. He wanted to avoid war at any cost it was difficult.

President Lincoln liked to be funny and kind. He loved books for fun and to learn. Lincoln set an example that if we helped others even if their from different cultures we'll get along better.

I feel this is why Abraham Lincoln is still important today. I feel that it is important for us to be honest and not think of people from different cultures as bad and different then we are because of who they are, we should be treated equal.

Lincoln set an example that if we follow his example, it would make us and our community better. He helped us regain our freedom for our countries rights.

ADDITIONAL STATEMENTS

REMEMBERING

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Luke Cole, a leading environmental attorney and founder and executive director of the Center on Race, Poverty and the Environment. Mr. Cole passed away on June 6th as the result of a car accident in Uganda. He was 46 years old.

Luke Cole was born in North Adams, MA, on July 15, 1962. He spent parts of his childhood in New York and Santa Barbara, where his father was an art historian at the University of California at Santa Barbara. During this period, Mr. Cole often accompanied his father on research trips to Nigeria. He graduated from Stanford University and Harvard Law School.

Mr. Cole decided against potentially more lucrative career paths in favor of one that allowed him to follow his heart and enable him to make an impact on issues that he cared about most deeply: social justice and the environment. As a result of Mr. Cole's determination and vision, what began with a desk and a phone at a friend's office became the San Francisco-based nonprofit law center, the Center on Race, Poverty and the Environment. Today, the center has a staff of 20 and offices throughout central California.

Mr. Cole's accomplishments as the executive director of the Center on Race, Poverty and the Environment were numerous and significant. From the rural communities of California's San Joaquin Valley to a 4,000-year-old Inupiat Eskimo village in Kivalina, AK, his legacy can be seen in the traditionally underserved communities that he worked so hard to save from the effects of harmful pollutants. His

unyielding commitment to environmental justice inspired and empowered many people from minority communities to take a more active role in combating environmental racism.

In addition to his leadership of the Center on Race, Poverty and the Environment, Mr. Cole also served on the United States Environmental Protection Agency's National Justice Advisory Council and taught environmental justice seminars at Stanford Law School and UC Berkeley's Boalt Hall School of Law. A man of many interests, he was also a dedicated bird watcher and root beer connoisseur, and possessed an extensive collection of miniature spy cameras and bobblehead dolls. He will be missed.

Mr. Cole is survived by his wife Nancy Shelby; father Herbert; mother Alexandra Cole, and stepmother Shelley Cole; two brothers Peter and Thomas; sister, Sarah; stepbrother Daryn; and son Zane.●

COMMENDING TOM MASTERSON

● Mr. BUNNING. Mr. President, today I pay tribute to Tom Masterson for being selected by the U.S. Small Business Administration as the Kentucky Small Business Person of the Year.

Tom Masterson is president of T.E.M. Electric Company, a minority-owned firm with offices in both Louisville and Lexington. He was nominated by Bechtel Parsons and subsequently selected as the recipient of the Kentucky Small Business Person of the Year award. Not only was Tom Masterson honored at the Governor's Mansion in Frankfort, but the award was also presented during National Small Business Week in Washington, DC. As stated by President Obama at a White House ceremony, Masterson started the business with his own funds and worked from his own home until he landed his first contract. Today, he now employs 75 people and has more than \$12 million of annual revenue.

I now ask my fellow colleagues to join me in congratulating Tom Masterson, the recipient of the Small Business Person of the Year for Kentucky award. His work ethic and dedication are to be admired and he is an inspiration to us all.●

RECOGNIZING SHAWN P. MOORE

● Mr. BUNNING. Mr. President, today I would like to recognize Mr. Shawn P. Moore as a recipient of the 2009 James Madison Memorial Fellowship. Mr. Moore is a teacher at Russell High School in Russell, KY, and was given this award as a result of his success at the 18th annual fellowship competition.

Mr. Moore was selected for a James Madison Fellowship in competition with applicants from each of the 50 States and U.S. territories. This award requires its recipient to teach Amer-

ican history or social studies in a secondary school for at least 1 year for each year of fellowship support. This fellowship is directed toward current and prospective teachers of American history and social studies and supports graduate study of the history and principles of the Constitution of the United States.

Again, I congratulate Mr. Moore for his hard work and thank him for his dedication to shaping the minds of young Kentuckians. It is teachers like Mr. Moore who will ensure that there will always be a bright future for the Commonwealth.●

CONGRATULATING BEECHWOOD HIGH SCHOOL IN KENTUCKY

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Beechwood High School in Fort Mitchell, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Beechwood High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Beechwood High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING CAMPBELLVILLE UNIVERSITY

● Mr. BUNNING. Mr. President, today I congratulate Campbellville University for competing in the National Association of Intercollegiate Athletics, NAIA, World Series in Lewiston, ID. This is the first time the Campbellville University Tigers have in the school's history made it to the first round of the NAIA World Series.

Head coach Beauford Sanders has led the Campbellville University Tigers to the NAIA Region XI Qualifier six times in the past 11 years. In addition to their achievements on the field, the CU Tigers also have achieved in the classroom a graduation rate of 90 percent of players reaching senior status and a cumulative grade point average of 3.0.

Again, I congratulate Campbellville University for making it into the NAIA World Series. The CU Tigers have given Kentuckians a team that we can hang our hat on and be proud to call our own. I commend the CU Tigers baseball team for their achievements not only on the field but also for their academic accomplishments.●

CONGRATULATING EASTERN HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Eastern High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Eastern High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Eastern High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING HIGHLANDS HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Highlands High School in Fort Thomas, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Highlands High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Highlands High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING MALE TRADITIONAL HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Male Traditional High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Male Traditional High School has

earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Male Traditional High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

COMMENDING DELEGATE
CAROLYN J. KRYSIAK

● Mr. CARDIN. Mr. President, I congratulate Delegate Carolyn J. Krysiak on the occasion of her 70th birthday. Carolyn is a mother of five children whose husband Charles served with me in the Maryland House of Delegates and then as chairman of the Maryland Workers' Compensation Commission. Carolyn became interested in public service to serve her community. She served on boards that worked to create jobs and to support and attract neighborhood businesses. She was a founding member of the Southeast Senior Housing Initiative and an active member of the Polish Women's Alliance and the Polish Home Club.

Carolyn was elected to the Maryland House of Delegates in 1990. She has served her constituents in Baltimore City and the State of Maryland with distinction. As a member of the House Economic Matters Committee, she has provided leadership on subcommittees dealing with such diverse issues as health insurance, real property, unemployment insurance, property and casualty insurance, and business regulation. She has chaired the House Facilities Committee and the Worker's Compensation Benefit and Insurance Oversight Committee, as well as the Democratic Party Caucus.

I ask my colleagues to join me, Delegate Krysiak's colleagues, family, and friends in thanking Carolyn for her dedication and commitment to public service and wishing her a happy birthday.●

125TH ANNIVERSARY OF
BOTTINEAU, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On June 18 to 21, the residents of Bottineau will gather to celebrate their community's history and founding.

Originally founded in 1883 as Oak Creek, the town was designated the county seat in 1884. It changed its name to Bottineau, taking its new name from Pierre Bottineau, a pioneer, hunter, and frontiersman. 3 years later, the town relocated 1½ miles so that it would be along the newly installed railroad tracks. The town lies in north-central North Dakota and is now home to over 2,000 residents.

Today, Bottineau has many things to be proud of. The Bottineau County Fair

is North Dakota's oldest county fair. The county also houses Bottineau Winter Park, often called the Jewel Above the Prairie, which remains a perennial attraction. And the town of Bottineau is known for "Tommy Turtle," the world's largest turtle, which stands 30 feet tall and is said to have been built as a symbol of the Turtle Mountains.

The citizens of Bottineau clearly value education, as their town is home to Minot State University's Bottineau Campus. Apart from its academic success, the campus has also seen athletic success in recent years, with the Lumberjacks hockey team claiming three consecutive national championships in the last 3 years. Both the Lumberjacks and the Ladyjacks have had accomplished seasons in the past several years. Additionally, the campus has added new sports teams in recent years—something that bodes well for the future of the school.

In honor of the city and county's 125th anniversary, officials have organized a vibrant celebration that includes basketball and golf tournaments, art and quilt shows, class and city gatherings, games for the young and old, a dance, and a centennial parade.

Mr. President, I ask the Senate to join me in congratulating Bottineau, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Bottineau and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Bottineau that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Bottineau has a proud past and a bright future.●

125TH ANNIVERSARY OF
BRADDOCK, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On June 25 to 28, the residents of Braddock will gather to celebrate their community's history and founding.

Settlers first came to the area in 1883 and founded Braddock shortly thereafter, making it the oldest existing town in Emmons County. Located in south-central North Dakota, Braddock was established as the first railroad town in the county. Frederick Underwood, president of the Soo Railroad, named the town in honor of his good friend, County Auditor Edward Braddock.

Today, Braddock remains a close-knit community. Though small, Braddock is known across the State for the popular Johnny Holm concerts it hosts every year, as well as for the excellent hunting grounds in the area. The citi-

zens of Braddock are very involved in their community and have many active organizations, including Saint Katherine's Altar Society, the Lions Club, the Senior Citizens Organization, and the South Central Threshers Association.

The people of Braddock have planned a lively celebration in honor of the town's 125th anniversary. Activities include a beard-judging contest, duck race, tractor trek, fashion show, outdoor concerts, and a parade.

Mr. President, I ask the Senate to join me in congratulating Braddock, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Braddock and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Braddock that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Braddock has a proud past and a bright future.●

125TH ANNIVERSARY OF
NAPOLEON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I wish to recognize a community in North Dakota that is celebrating its 125th anniversary. On June 11 to 14, the residents of Napoleon gathered to celebrate their community's history and founding.

Founded in 1884, Geo H. Cook from Steele, ND, first surveyed and platted the Napoleon town site. The city was named after the president of the Napoleon Townsite Company, Napoleon Goodsill. This company constructed the first building in Napoleon. It soon became the county seat, a title the city still holds today despite numerous challenges over the years. In 1914, Napoleon became incorporated as a village and later was recognized as a city in 1947.

Located in south central North Dakota, Napoleon's beautiful parks and recreation provide its residents with great enjoyment. Napoleon Country Club is a picturesque nine-hole golf course located just 1 mile outside of the city. The Napoleon City Park has 12 campsites along with basketball, tennis, and volleyball courts. Beaver Lake State Park is also nearby which provides fantastic hunting, fishing, and boating.

Today, Napoleon is a rural agricultural community that is excited to celebrate its quasiquicentennial. Currently, Napoleon is building an elevator which will provide improved service to a unit train for grain hauling, and wind farm projects are beginning in the city.

To celebrate its 125th anniversary, Napoleon held a number of exciting events. The Opening Ceremony included music, city hall dignitaries, and

a fly over. The festivities continued all weekend with entertainment such as a softball tournament, 4-H and Future Farmers of America livestock show, craft vendor show, 3 on 3 basketball tournament and a magician, followed by street dances at night. The events concluded on Sunday with a demolition derby.

Mr. President, I ask the Senate to join me in congratulating Napoleon, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Napoleon and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Napoleon that have helped to shape this country into what it is today, which is why the community of Napoleon is deserving of our recognition.

Napoleon has a proud past and a bright future.●

COMMENDING ERMA MARY PALIANI

● Mr. LIEBERMAN. Mr. President, Washington is a city of big names and big personalities, many of whom are used to the recognition and praise that comes with a high-profile career in public service. But, as we all know, hundreds of thousands of unsung public servants work behind the scenes every day to secure the future of America and improve the lives of its citizens. Today, I want to pay tribute to one of those public servants, who is as deserving of the public's gratitude and recognition as any officeholder with a household name: Erma Mary Paliani.

On July 3, Ms. Paliani, who currently works for Immigration and Customs Enforcement, ICE, Office of Investigations, will retire after serving her country for over 67 years. Ms. Paliani, or "Ms. Erma" as she is affectionately referred to by her coworkers at ICE, is the longest serving employee in the Department of Homeland Security and the eighth longest serving employee in the Federal Government. Her dedication to public service is truly an inspiration and should serve as an example to us all.

Born in Ambridge, PA, in 1917, Ms. Paliani entered public service as a student at Ambridge Senior High School, serving as a youth worker for the National Youth Administration of the War Department in 1936. In 1940, she officially began her Federal career working for the War Department's Museum Project. In March 1947, Ms. Paliani joined the Immigration and Naturalization Service, INS, Philadelphia office. And 2 years later, she was transferred to the INS headquarters in Washington DC, where she has spent the last 60 years working to make our Nation's immigration system work more efficiently.

At the INS, Ms. Paliani quickly gained a reputation for her friendly de-

meanor, gentle smile, and steadfast commitment to government service. She is now retiring from her job as secretary to the deputy assistant director for the Critical Infrastructure and Fraud Division. Her long and productive tenure has been honored by many top government officials, including Attorney General Janet Reno, INS Commissioner Doris Meissner, Secretary of Homeland Security Michael Chertoff, and President Bill Clinton, who, in a note written to Ms. Paliani on the occasion of her 80th birthday, wrote that her devotion to her work "... serves as an example of caring and leadership to which we can all aspire." I couldn't agree more.

I extend to Ms. Paliani my sincerest thanks for her years of service and her dedication to this country that we love, and I wish her all the best on a well deserved retirement. I know that her friends and coworkers at ICE will miss her greatly, but I am confident that she will continue to serve as a model of hard work and commitment for all public servants to emulate.

Thank you, Ms. Erma Mary Paliani. The country is a better place because of you. We are all grateful for your selfless dedication to your government and your Nation.●

COMMENDING ALLAGASH BREWING COMPANY

● Ms. SNOWE. Mr. President, in today's uncertain and difficult economic climate, countless small businesses are seeking new tools and resources to stay afloat. That is why we passed the American Recovery and Reinvestment Act—to get our economy on the right track, and to help those business owners in need of a lifeline to outlast this recession. I rise today to recognize a small brewer from my home State of Maine that is making use of a critical provision that was included in the bill.

Allagash Brewing Company is a small brewery based in Maine's largest city, Portland. Founded in 1995 by owner Rob Tod, Allagash's mission was to fill a missing niche in American craft brewing movement—Belgian style beers. Mr. Tod noticed the prevalence of British and German style beers, but felt that consumers were missing out on a quality product. And so, he began producing Allagash White, his version of the traditional Belgian white beer. It was an immediate hit in the Portland area, and Mr. Tod soon began shipping the beer across Maine. He also hired two additional brewers and embarked on the production of a new Allagash Double Ale, modeled after another Belgian style established by Trappist monks centuries ago, and still popular to this day. Over time, Allagash's line of beers has grown to include roughly 20 exquisite styles available in over 20 States nationwide, including a "Reserve" line of distinc-

tive beers that have been fermented twice, through a time-honored process known as the *méthode champenoise*.

As a unique way to give back to the greater Portland community, the brewery has established an Allagash Tribute Series, whereby the company donates \$1 from the sale of every bottle of specific beers to local nonprofits, charities, and other civic organizations. For example, sale of the Fluxus variety helps the Allagash Pediatric Scholarship, established to support the training of nurses at the Maine Medical Center. Additionally, the sale of Hugh Malone Ale assists the Maine Organic Farmers and Gardeners Association, America's oldest and largest coalition of State organic farmers with over 5,500 members. And Victoria Ale benefits the restoration of downtown Portland's Victoria Mansion, a national historic landmark.

In addition to caring for its neighbors, Allagash takes care of its own employees. Mr. Tod offers health care to all 20 of his employees. Furthermore, to invest in his company's—and, therefore, his employees'—future, Mr. Tod has already taken advantage of a small business expensing provision that was part of the Recovery Act signed into law earlier this year. The measure provides an extension for 2009 of enhanced section 179 small business expensing at a level of \$250,000, allowing small businesses in Maine and throughout the Nation to make investments in plant and equipment that they can deduct immediately instead of depreciating over a period of 5, 7, or more years. This offers entrepreneurs like Rob Tod the ability to grow and bolster their businesses despite the troubling economic picture.

A small brewery with a big heart, Allagash Brewing Company's commitment to community and employees is impressive, and a model for other small businesses. Additionally, Allagash is working in smart and effective ways to emerge from this recession stronger than before. I commend Rob Tod and everyone at Allagash for their stellar work ethic and their fine products, and wish them much success in crafting a solid future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

At 11:14 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 614. An act to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 403. An act to provide housing assistance for very low-income veterans.

H.R. 780. An act to promote the safe use of the Internet by students, and for other purposes.

H.R. 1674. An act to amend the National Consumer Cooperative Bank Act to allow for the treatment of the nonprofit corporation affiliate of the Bank as a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994.

H.R. 2247. An act to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act.

H.R. 2470. An act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 403. An act to provide housing assistance for very low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 780. An act to promote the safe use of the Internet by students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1674. An act to amend the National Consumer Cooperative Bank Act to allow for the treatment of the nonprofit corporation affiliate of the Bank as a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2247. An act to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2470. An act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building";

to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2011. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Significant Price Discovery Contracts on Exempt Commercial Markets; Final Rule" (RIN3038-AC76) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2012. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Conflicts of Interest in Self-Regulation and Self-Regulatory Organizations" (RIN3038-AC28) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2013. A communication from the General Counsel of the Department of Defense, transmitting, the report of proposed legislation relative to the Defense Cyber Crime Center: Authority to Admit Private Sector Civilians to Cyber Security Courses and the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

EC-2014. A communication from the General Counsel of the Department of Defense, transmitting, the report of proposed legislation relative to the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

EC-2015. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Richard S. Kramlich, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-2016. A communication from the Under Secretary of Defense for Acquisition, Technology and Logistics, transmitting, pursuant to law, a report relative to the E-2D Advanced Hawkeye (AHE) Program; to the Committee on Armed Services.

EC-2017. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2018. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-2019. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket ID FEMA-2008-0020)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2020. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; Interim Rule" ((44 CFR Part 65)(Docket ID FEMA-2008-0020)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2021. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; Final Rule" ((44 CFR Part 64)(Docket ID FEMA-2008-0020)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2022. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a report of a confirmation in the position of Assistant Secretary for Public and Indian Housing in the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC-2023. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Bismarck, North Dakota" ((DA 09-1236)(MB Docket No. 08-134)) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2024. A communication from the Acting Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, the report of proposed legislation relative to authorizing the Transportation Security Administration to adjust the fee imposed on passengers of air carriers and foreign air carriers to pay the costs of aviation security and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2025. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Canton, Ohio" ((DA 09-1209)(MB Docket No. 08-126)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2026. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Spokane, Washington" ((DA 09-1225)(MB Docket No. 08-129)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2027. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; 2009 Atlantic Bluefin Tuna Quota Specifications and Effort Controls" (RIN0648-AX12) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2028. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rulemaking to Reaffirm the Promulgation of Revisions of the Acid Rain Program

Rules" (RIN2060-AP35) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC-2029. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inclusion of CERCLA Section 128(a) State Response Programs and Tribal Response Programs" (RIN2050-AG53) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC-2030. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Northern Virginia Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard" (FRL No. 898-2) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC-2031. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl Amine Polyalkoxylates; Exemption from the Requirement of a Tolerance" (FRL No. 8418-6) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC-2032. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard" (FRL No. 8918-1) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC-2033. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, a report relative to the Louisiana Coastal Wetlands Conservation and Restoration Task Force; to the Committee on Environment and Public Works.

EC-2034. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Port Limits of Dayton, Ohio, and Termination of the User-fee Status of Airborne Airpark in Wilmington, Ohio" (CPB Dec. 09-19) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Finance.

EC-2035. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election of Investment of Tax Credit in Lieu of Production Tax Credit; Coordination with Department of Treasury Grants for Specified Energy Property in Lieu of Tax Credits" (Notice No. 2009-52) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Finance.

EC-2036. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Sec-

tion 7874 Regarding Surrogate Foreign Corporations" (RIN1545-B181) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Finance.

EC-2037. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Separate Limitations to Dividends from Noncontrolled Section 902 Corporations" (RIN1545-BB28) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Finance.

EC-2038. A communication from the Broadcasting Board of Governors, transmitting, pursuant to law, the report of proposed legislation relative to Radio Free Asia and Radio Free Europe/Radio Liberty; to the Committee on Foreign Relations.

EC-2039. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2040. A communication from the District of Columbia Auditor, transmitting a report entitled "Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2009 Revenue Estimate in Support of the Issuance of \$300,000,000 in Public Utility Senior Lien Revenue Bonds (Series 2009A)"; to the Committee on Homeland Security and Governmental Affairs.

EC-2041. A communication from the Acting Administrator, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, a report relative to the Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC-2042. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2009" (Rept. No. 111-28).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN:

S. 1277. A bill to extend the temporary suspension of duty on bitolylene diisocyanate (TODI); to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. BROWN):

S. 1278. A bill to establish the Consumers Choice Health Plan, a public health insurance plan that provides an affordable and accountable health insurance option for consumers; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. HATCH, Mr. BEGICH, Mr. THUNE, Mr. TESTER, Mr. JOHANNNS, Mr. DORGAN, and Ms. MURKOWSKI):

S. 1279. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program; to the Committee on Finance.

By Mr. CORKER (for himself, Mr. WARNER, and Mr. BENNETT):

S. 1280. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself and Mr. BEGICH):

S. 1281. A bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWBACK (for himself, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNNS, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. RISCH, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 1282. A bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 1283. A bill to require persons that operate Internet websites that sell airline tickets to disclose to the purchaser of each ticket the air carrier that operates each segment of the flight, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mrs. BOXER):

S. 1284. A bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. GRAHAM):

S. 1285. A bill to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing exemptions, to ensure and open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself, Ms. KLOBUCHAR, Mrs. BOXER, Mrs. MURRAY, Mr. DURBIN, Mr. DODD, Mr. SCHUMER, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. HARKIN, Mr. CARPER, Mr. SANDERS, Mr. KAUFMAN, Mr. WYDEN, Mr. KERRY, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mr. LEVIN, Mr. BROWN, Mr. WHITEHOUSE, Mr. BURRIS, Mr. UDALL of Colorado, Ms. STABENOW, Mr. BAUCUS, Ms. CANTWELL, Mr. BINGAMAN, Mr. INOUE, Mr. CARDIN, Mr. SPECTER, Mr. JOHNSON, Mr. FEINGOLD, Mr. LEAHY, Mr. TESTER, Ms. SNOWE, Mr. BEGICH, Mr. AKAKA, Mr. BENNET, Mrs. FEINSTEIN, Mr. WARNER, Mrs. MCCASKILL, Mr. REED, Mr. KENNEDY, Mr. MERKLEY, and Mrs. LINCOLN):

S. Res. 187. A resolution condemning the use of violence against providers of health care services to women; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 188. A resolution congratulating the Los Angeles Lakers for winning the 2009 National Basketball Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 151

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 151, a bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

S. 210

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 210, a bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care-related degrees and to work in child care facilities, and to increase the exclusion for employer-provided dependent care assistance.

S. 337

At the request of Mr. JOHNSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 337, a bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of

ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination.

S. 384

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 627

At the request of Mr. KOHL, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 627, a bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 866

At the request of Mr. REED, the name of the Senator from Colorado (Mr. BEN-

NET) was added as a cosponsor of S. 866, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 878

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 883

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. BURRIS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 937

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 937, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1004

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1004, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care

management and coordination services, and for other purposes.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1099

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1099, a bill to provide comprehensive solutions for the health care system of the United States, and for other purposes.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1135

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1135, a bill to establish a voluntary program in the National Highway Traffic Safety Administration to encourage consumers to trade-in older vehicles for more fuel efficient vehicles, and for other purposes.

S. 1136

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1136, a bill to establish a chronic care improvement demonstration program for Medicaid beneficiaries with severe mental illnesses.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1184

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1184, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 1207

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1207, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System.

S. 1230

At the request of Mr. ISAKSON, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 1249

At the request of Ms. KLOBUCHAR, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1249, a bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule.

S. 1265

At the request of Mr. CORNYN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Arizona (Mr. KYL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. BOND) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the

support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 26

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Mr. CARDIN), the Senator from Indiana (Mr. BAYH) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 26, a concurrent resolution apologizing for the enslavement and racial segregation of African Americans.

S. RES. 153

At the request of Mr. KAUFMAN, his name was added as a cosponsor of S. Res. 153, a resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and Communist eras.

AMENDMENT NO. 1303

At the request of Ms. LANDRIEU, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 1303 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

AMENDMENT NO. 1311

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 1311 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

AMENDMENT NO. 1312

At the request of Mr. SANDERS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 1312 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself and Mr. BROWN):

S. 1278. A bill to establish the Consumers Choice Health Plan, a public health insurance plan that provides an affordable and accountable health insurance option for consumers; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, there is a stark choice looming before Congress. It is the choice between enacting a comprehensive reform bill that truly improves our health care system for the American people or enacting a mediocre reform bill that largely maintains the status quo—which is an ineffective and costly health care system run by the insurance industry. I know that most of my colleagues want the former—a 21st Century health care system that provides meaningful and affordable coverage for all, improves health outcomes, and brings accountability and responsibility back into health care.

I am absolutely convinced that the inclusion of a strong public health insurance plan option is the only way to guarantee that all consumers have affordable, adequate, and accountable options available in the insurance marketplace. It is for this reason that I rise today with my good friend, Senator SHERROD BROWN of Ohio, to introduce the Consumers Health Care Act of 2009—legislation to provide a strong public plan option in the National Health Insurance Exchange.

One of the most contentious, yet critical, pieces of the national health care reform effort is whether or not Americans should have the option to buy their health insurance from a publicly run organization. In other words, in addition to choosing among numerous health plans run by private insurers, should consumers also have the option of choosing an affordable, stable, and transparent public plan when they are deciding what is best for them and their families? I believe consumers should have the option of choosing a public plan.

Opponents of giving Americans a public option regularly use alarmist rhetoric such as “big government” and “socialized medicine.” And, somehow, protecting the rights of private health insurers to make profits has become more important to some than offering Americans the choice of a plan that seeks to insure everyone, no matter how sick, that is less expensive, and that is responsible to the American people—not to private profit-seeking stockholders.

I’m not sure when the word “public” became such a bad word in the eyes of some of my colleagues. Public means acting in the interest of the general

Public—which is exactly what we should aspire to in comprehensive health reform.

The private health insurance market has significantly contributed to the broken nature of our health care system, with a long history of cutting coverage off or charging too much for too little. A public plan option—repeat, option—is an effective way to bring competition to the insurance market, hold down costs, and encourage innovation and quality improvements. To deny this option is not only shortsighted, but downright harmful.

Everyone knows the sobering statistics that have highlighted the need for comprehensive health reform. More than 45 million Americans are uninsured and another 25 million are underinsured. Since 1909, the average health insurance premium for a family has increased by 119 percent, from \$5,791 in 1999 to \$12,680 in 2008. Yet, Americans have seen their benefits decrease and have faced substantially larger out-of-pocket expenses. An estimated 62 percent of all personal bankruptcies involve medical expenses and 78 percent of the individuals who cited medical expenses in their bankruptcy claims had health insurance. Health care costs already consume 17 percent of the United State’s gross domestic product, which everyone can agree is unsustainable.

However, representing the great state of West Virginia has shown me that the need for health reform is far more essential and personal than frightening statistics could ever show. I have listened at roundtable discussions where West Virginians described how the current health care system has failed them. One woman was really struggling to care for both herself and her son. She was uninsured because her son, who had a serious brain disorder, needed 24 hour a day, seven day a week, assistance. Another family wrote to me because their son, who was born with serious congenital heart defects, had reached the \$1 million limit on his mother’s insurance policy within the first nine months of his life. They were unsure of how to obtain lifesaving treatment for their son, now that the insurance company would no longer pay for his care. I have heard from countless other West Virginians who have been unable to find affordable health care, or have figured out too late that the health insurance they had was inadequate for what they needed.

As Congress works to achieve the transformative reform necessary to create a sustainable health care system, a vital component of this reform is the inclusion of a strong public plan option like the Consumer Choice Health Plan included in the Consumers Health Care Act. A public plan will help establish a new insurance framework, one that compels insurers to provide Americans with the best value for their health care at the best price, rather than the current insurance framework, which is focused on avoid-

ing risk and increasing profits. The Consumer Choice Health Plan will be available for all individuals and small businesses, regardless of health status, and will not be concerned with paying a CEO salary or broker commissions.

The Consumers Health Care Act will increase transparency and accountability throughout the health insurance market, as well as give individuals guaranteed access to health care coverage should they be denied or priced out of affordable private insurance coverage. Currently, insurers are allowed to operate in a black box, with little oversight of their coverage and payment decisions. Individuals with pre-existing conditions are routinely denied access to affordable care. For years, United Health was able to underpay providers and overcharge patients for out-of-network services. The Consumers Health Care Act will address this and other issues by bringing greater transparency to the private health insurance market.

Consumer Choice Health Plans will serve as a vital safety-net of coverage for individuals and families that have been unable to obtain affordable and comprehensive health care coverage through the private market. A private insurance company’s desire to earn greater profits will always trump over the need to make health care coverage affordable and accessible to all Americans, and greater insurance regulation is not enough. The Consumers Health Care Act is necessary in order to achieve the sustainable change that the health care system in this country needs.

I trust the good sense of the American public to choose the health coverage they want, and they deserve the choice of a public plan with lower costs and the guarantee of always being there when they need it. The American people trust us to get this right and deliver the best coverage options that will keep their families healthy and safe. The days of packaging half-baked legislation into a bill and calling it transformative reform when it is not have to end now, or the shame is on all of us:

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consumers Health Care Act of 2009”.

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Americans need health care coverage that is always affordable.
- (2) Americans need health care coverage that is always adequate.
- (3) Americans need health care coverage that is always accountable.

(4) A public health insurance plan option that can compete with private insurance plans is the only way to guarantee that all consumers have affordable, adequate, and accountable options available in the insurance marketplace.

SEC. 3. OFFICE OF HEALTH PLAN MANAGEMENT.

(a) **ESTABLISHMENT.**—Not later than July 1, 2010, there shall be established within the Department of Health and Human Services an Office of Health Plan Management (referred to in this Act as the “Office”). The Office shall be headed by a Director (referred to in this Act as the “Director”) who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) **COMPENSATION.**—The Director shall be paid at the annual rate of pay for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(c) **LIMITATION.**—Neither the Director nor the Office shall participate in the administration of the National Health Insurance Exchange (as defined in section 7) or the promulgation or administration of any regulation regarding the health insurance industry.

(d) **PERSONNEL AND OPERATIONS AUTHORITY.**—The Director shall have the same general authorities with respect to personnel and operations of the Office as the heads of other agencies and departments of the Federal Government have with respect to such agencies and departments.

SEC. 4. CONSUMER CHOICE HEALTH PLAN.

(a) **IN GENERAL.**—The Office shall establish and administer the Consumer Choice Health Plan (referred to in this Act as the “Plan”) to provide for health insurance coverage that is made available to all eligible individuals (as described in subsection (d)(1)) in the United States and its territories.

(b) **REGULATORY COMPLIANCE.**—The Plan shall comply with—

(1) all regulations and requirements that are applicable with respect to other health insurance plans that are offered through the National Health Insurance Exchange; and

(2) any additional regulations and requirements, as determined by the Director.

(c) **BENEFITS.**—

(1) **IN GENERAL.**—The Plan shall offer health insurance coverage at different benefit levels, provided that such benefits are commensurate with the required benefit levels to be provided by a health insurance plan under the National Health Insurance Exchange.

(2) **MINIMUM BENEFITS FOR CHILDREN.**—

(A) **IN GENERAL.**—The minimum benefit level available under the Plan for children shall include at least the services described in the most recently published version of the “Maternal and Child Health Plan Benefit Model” developed by the National Business Group on Health.

(B) **AMENDMENT OF BENEFIT LEVEL.**—The Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, may amend the benefits described in subparagraph (A) based on the most recent peer-reviewed and evidence-based data.

(d) **ELIGIBILITY AND ENROLLMENT.**—

(1) **ELIGIBILITY.**—An individual who is eligible to purchase coverage from a health insurance plan through the National Health Insurance Exchange shall be eligible to enroll in the Plan.

(2) **ENROLLMENT PROCESS.**—An individual may enroll in the Plan only in such manner and form as may be prescribed by applicable regulations, and only during an enrollment period as prescribed by the Director.

(3) **EMPLOYER ENROLLMENT.**—An employer shall be eligible to purchase health insurance coverage for their employees and the employees’ dependents to the extent provided for all health benefits plans under the National Health Insurance Exchange.

(4) **SATISFACTION OF INDIVIDUAL MANDATE REQUIREMENT.**—An individual’s enrollment with the Plan shall be treated as satisfying any requirement under Federal law for such individual to demonstrate enrollment in health insurance or benefits coverage.

(e) **PROVIDERS.**—

(1) **NETWORK REQUIREMENT.**—

(A) **MEDICARE.**—A participating provider who is voluntarily providing health care services under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall be required to provide services to any individual enrolled in the Plan.

(B) **MEDICAID AND CHIP.**—A provider of health care services under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or the CHIP program established under title XXI of such Act (42 U.S.C. 1397aa et seq.), shall be required to provide services to any individual enrolled in the Plan.

(2) **EXCEPTION.**—Paragraph (1) shall not be construed as requiring a provider to accept new patients due to bona fide capacity limitations of the provider.

(3) **OPT-OUT PROVISION.**—

(A) **MEDICARE.**—A participating provider as described under paragraph (1)(A) shall be required to provide services to any individual enrolled in the Plan for the 3-year period following the establishment of the Plan. Upon the expiration of the 3-year period, a participating provider in the Plan may elect to become a non-participating provider without affecting their status as a participating provider under the Medicare program.

(B) **MEDICAID AND CHIP.**—A provider as described under paragraph (1)(B) shall be required to provide services to any individual enrolled in the Plan for the 3-year period following the establishment of the Plan. Upon the expiration of the 3-year period, a provider in the Plan may elect to cease provision of services under the Plan without affecting their status as a provider under the Medicaid program or the CHIP program.

(4) **PAYMENT RATES.**—

(A) **INITIAL PAYMENT RATES.**—

(i) **IN GENERAL.**—During the 2-year period following the establishment of the Plan, providers shall be reimbursed at such payment rates as are applicable under the Medicare program.

(ii) **ADJUSTMENT.**—The Director may reimburse providers at rates lower or higher than applicable under the Medicare program if the Director determines that the adjusted rates are appropriate and ensure that enrollees in the Plan are provided with adequate access to health care services.

(B) **SUBSEQUENT PAYMENT RATES.**—Subject to subparagraph (C), upon the expiration of the 2-year period following the establishment of the Plan, the Director shall develop payment rates for reimbursement of providers in order to maintain an adequate provider network necessary to assure that enrollees in the Plan have adequate access to health care. In determining such payment rates, the Director shall consider—

(i) competitive provider payment rates in both the public and private sectors;

(ii) best practices among providers;

(iii) integrated models of care delivery (including medical home and chronic care coordination models);

(iv) geographic variation in health care costs;

(v) evidence-based practices;

(vi) quality improvement;

(vii) use of health information technology; and

(viii) any additional measures, as determined by the Director.

(C) **PAYMENT RATE CONSULTATION.**—The Director shall determine payment rates under subparagraph (B) in consultation with providers participating under the Plan, the Director of the Office of Personnel Management, the Medicare Payment Advisory Commission, and the Medicaid and CHIP Payment and Access Commission.

(5) **ADOPTION OF MEDICARE REFORMS.**—The Plan may adopt Medicare system delivery reforms that provide patients with a coordinated system of care and make changes to the provider payment structure.

(f) **SUBSIDIES.**—The Plan shall be eligible to accept subsidies, including subsidies for the enrollment of individuals under the Plan, in the same manner and to the same extent as other health insurance plans offered through the National Health Insurance Exchange.

(g) **FINANCING.**—

(1) **TRANSITIONAL FUNDING.**—

(A) **IN GENERAL.**—In order to provide for adequate funding of the Plan in advance of receipt of payments as described in paragraph (2), beginning July 1, 2010, there are transferred to the Plan from the general fund of the Treasury such amounts as may be necessary for operation of the Plan until the end of the 3-year period following the establishment of the Plan.

(B) **RETURN OF FUNDS.**—Upon the expiration of the 3-year period following the establishment of the Plan, the Director shall enter into a repayment schedule with the Secretary of the Treasury to provide for repayment of funds provided under subparagraph (A). Any expenditures made by the Plan pursuant to a repayment schedule established under this subparagraph shall not constitute administrative expenses as described in paragraph (2)(B).

(2) **SELF-FINANCING.**—

(A) **IN GENERAL.**—The Plan shall be financially self-sustaining insofar as funds used for operation of the Plan (including benefits, administration, and marketing) shall be derived from—

(i) insurance premium payments and subsidies for individuals enrolled in the Plan; and

(ii) payments made to the Plan by employers that do not offer health insurance coverage to their employees.

(B) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—Not more than 5 percent of the amounts provided under subparagraph (A) may be used for the annual administrative costs of the Plan.

(3) **CONTINGENCY RESERVE.**—

(A) **IN GENERAL.**—The Director shall establish and fund a contingency reserve for the Plan in a form similar to the contingency reserve provided for health benefits plans under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

(B) **REVENUE.**—Any revenue generated through the contingency reserve established in subparagraph (A) shall be transferred to the Plan for the purpose of reducing enrollee premiums, reducing enrollee cost-sharing, increasing enrollee benefits, or any combination thereof.

(4) **GAO FINANCIAL AUDIT AND REPORT.**—Beginning not later than October 1, 2011, the Comptroller General shall conduct an annual

audit of the financial statements and records of the Plan, in accordance with generally accepted government auditing standards, and submit an annual report on such audit to the Congress.

(5) **SUPERMAJORITY REQUIREMENT FOR SUPPLEMENTAL FUNDING.**—Upon certification by the Comptroller General that the financial audit described in paragraph (4) indicates that the Plan is insolvent, supplemental funding may be appropriated for the Plan if such measure receives not less than a three-fifths vote of approval of the total number of Members of the House of Representatives and the Senate.

(h) **TRANSPARENCY.**—

(1) **IN GENERAL.**—Beginning with the first year of operation of the Plan through the National Health Insurance Exchange, the Director shall provide standards and undertake activities for promoting transparency in costs, benefits, and other factors for health insurance coverage provided under the Plan.

(2) **STANDARD DEFINITIONS OF INSURANCE AND MEDICAL TERMS.**—

(A) **IN GENERAL.**—The Director shall provide for the development of standards for the definitions of terms used in health insurance coverage under the Plan, including insurance-related terms (including the insurance-related terms described in subparagraph (B)) and medical terms (including the medical terms described in subparagraph (C)).

(B) **INSURANCE-RELATED TERMS.**—The insurance-related terms described in this subparagraph are premium, deductible, co-insurance, co-payment, out-of-pocket limit, preferred provider, non-preferred provider, out-of-network co-payments, UCR (usual, customary and reasonable) fees, excluded services, grievance and appeals, and such other terms as the Director determines are important to define so that consumers may compare health insurance coverage and understand the terms of their coverage.

(C) **MEDICAL TERMS.**—The medical terms described in this subparagraph are hospitalization, hospital outpatient care, emergency room care, physician services, prescription drug coverage, durable medical equipment, home health care, skilled nursing care, rehabilitation services, hospice services, emergency medical transportation, and such other terms as the Director determines are important to define so that consumers may compare the medical benefits offered by health insurance plans and understand the extent of those medical benefits (or exceptions to those benefits).

(3) **DISCLOSURE.**—

(A) **IN GENERAL.**—In carrying out this subsection, the Director shall disclose to Plan enrollees, potential enrollees, in-network health care providers, and others (through a publicly available Internet website and other appropriate means) relevant information regarding each policy of health insurance coverage marketed or in force (in such standardized manner as determined by the Director), including—

(i) full policy contract language; and
(ii) a summary of the information described in paragraph (4).

(B) **PERSONALIZED STATEMENT.**—The Director shall disclose to enrollees (in such standardized manner as determined by the Director) an annual personalized statement that summarizes use of health care services and payment of claims with respect to an enrollee (and covered dependents) under health insurance coverage provided through the Plan in the preceding year.

(4) **REQUIRED INFORMATION.**—The information described in this paragraph includes, but is not limited to, the following:

(A) Data on the price of each new policy of health insurance coverage and renewal rating practices.

(B) Claims payment policies and practices, including how many and how quickly claims were paid.

(C) Provider fee schedules and usual, customary, and reasonable fees (for both in-network and out-of-network providers).

(D) Provider participation and provider directories.

(E) Loss ratios, including detailed information about amount and type of non-claims expenses.

(F) Covered benefits, cost-sharing, and amount of payment provided toward each type of service identified as a covered benefit, including preventive care services recommended by the United States Preventive Services Task Force.

(G) Civil or criminal actions successfully concluded against the Plan by any governmental entity.

(H) Benefit exclusions and limits.

(5) **DEVELOPMENT OF PATIENT CLAIMS SCENARIOS.**—

(A) **IN GENERAL.**—In order to improve the ability of individuals and employers to compare the coverage and relative value provided under the Plan, the Director shall develop and make publically available a series of patient claims scenarios under which benefits (including out-of-pocket costs) under the Plan are simulated for certain common or expensive conditions or courses of treatment (including maternity care, breast cancer, heart disease, diabetes management, and well-child visits).

(B) **CONSULTATION.**—The Director shall develop the patient claims scenarios described in subparagraph (A)—

(i) in consultation with the Secretary of Health and Human Services, the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, health professional societies, patient advocates, and other entities as deemed necessary by the Director; and

(ii) based upon recognized clinical practice guidelines.

(6) **MANNER OF DISCLOSURE.**—The Director shall disclose the information under this subsection—

(A) with all marketing materials;
(B) on the website for the Plan; and
(C) at other times upon request.

SEC. 5. ESTABLISHMENT OF AMERICA'S HEALTH INSURANCE TRUST.

(a) **ESTABLISHMENT.**—As of the date of enactment of this Act, there is authorized to be established a non-profit corporation that shall be known as the "America's Health Insurance Trust" (referred to in this Act as the "Trust"), which is neither an agency nor establishment of the United States Government.

(b) **LOCATION; SERVICE OF PROCESS.**—The Trust shall maintain its principal office within the District of Columbia and have a designated agent in the District of Columbia to receive service of process for the Trust. Notice to or service on the agent shall be deemed as notice to or service on the corporation.

(c) **APPLICATION OF PROVISIONS.**—The Trust shall be subject to the provisions of this section and, to the extent consistent with this section, to the District of Columbia Non-profit Corporation Act.

(d) **TAX EXEMPT STATUS.**—The Trust shall be treated as a nonprofit organization described under section 170(c)(2)(B) and section 501(c)(3) of the Internal Revenue Code of 1986

that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(e) **BOARD OF DIRECTORS.**—

(1) **IN GENERAL.**—The Board of Directors of the Trust (referred to in this Act as the "Board") shall consist of 19 voting members appointed by the Comptroller General.

(2) **TERMS.**—

(A) **IN GENERAL.**—Subject to subparagraph (C), each member of the Board shall serve for a term of 6 years.

(B) **LIMITATION.**—No individual shall be appointed to the Board for more than 2 consecutive terms.

(C) **INITIAL MEMBERS.**—The initial members of the Board shall be appointed by the Comptroller General not later than October 1, 2010, and shall serve terms as follows:

(i) 8 members shall be appointed for a term of 5 years.

(ii) 8 members shall be appointed for a term of 3 years.

(iii) 3 members shall be appointed for a term of 1 year.

(D) **EXPIRATION OF TERM.**—Any member of the Board whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(E) **VACANCIES.**—

(i) **IN GENERAL.**—Any member appointed to fill a vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

(ii) **VACANCIES NOT TO AFFECT POWER OF BOARD.**—A vacancy on the Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(3) **CHAIRPERSON AND VICE-CHAIRPERSON.**—

(A) **IN GENERAL.**—The Comptroller General shall designate a Chairperson and Vice-Chairperson of the Board from among the members of the Board.

(B) **TERM.**—The members designated as Chairperson and Vice-Chairperson shall serve for a period of 3 years.

(4) **CONFLICTS OF INTEREST.**—An individual may not serve on the Board if such individual (or an immediate family member of such individual) is employed by or has a financial interest in—

(A) an organization that provides a health insurance plan;

(B) a pharmaceutical manufacturer; or

(C) any subsidiary entities of an organization described in subparagraphs (A) or (B).

(5) **COMPOSITION OF THE BOARD.**—

(A) **POLITICAL PARTIES.**—Not more than 10 members of the Board may be affiliated with the same political party.

(B) **DIVERSITY.**—In appointing members under this paragraph, the Comptroller General shall ensure that such members provide appropriately diverse representation with respect to race, ethnicity, age, gender, and geography.

(C) **CONSUMER REPRESENTATION.**—10 members of the Board shall be independent and non-conflicted individuals representing the interests of health care consumers. Each member selected under this subparagraph shall represent 1 of the 10 Department of Health and Human Services regions in the United States.

(D) **REMAINING REPRESENTATION.**—

(i) **IN GENERAL.**—9 members of the Board shall be selected based on relevant experience, including expertise in—

(I) community affairs;
(II) Federal, State, and local government;
(III) health professions and administration;

(IV) business, finance, and accounting;
 (V) legal affairs;
 (VI) insurance;
 (VII) trade unions;
 (VIII) social services; and
 (IX) any additional areas as determined by the Comptroller General.

(ii) **INCOME FROM HEALTH CARE INDUSTRY.**—Not more than 4 of the members selected under this subparagraph shall earn more than 10 percent of their income from the health care industry.

(6) **MEETINGS AND HEARINGS.**—The Board shall meet and hold hearings at the call of the Chairperson or a majority of its members. Meetings of the Board on matters not related to personnel shall be open to the public and advertised through public notice at least 7 days prior to the meeting.

(7) **QUORUM.**—A majority of the members of the Board shall constitute a quorum for purposes of conducting the duties of the Trust, but a lesser number of members may meet and hold hearings.

(8) **EXECUTIVE DIRECTOR AND STAFF; PERFORMANCE OF DUTIES.**—The Board may—

(A) employ and fix the compensation of an Executive Director and such other personnel as may be necessary to carry out the duties of the Trust;

(B) seek such assistance and support as may be required in the performance of the duties of the Trust from appropriate departments and agencies of the Federal Government;

(C) enter into contracts or other arrangements and make such payments as may be necessary for performance of the duties of the Trust;

(D) provide travel, subsistence, and per diem compensation for individuals performing the duties of the Trust, including members of the Advisory Council (as described in subsection (f)); and

(E) prescribe such rules, regulations, and bylaws as the Board determines necessary with respect to the internal organization and operation of the Trust.

(9) **LOBBYING COOLING-OFF PERIOD FOR MEMBERS OF THE BOARD.**—Section 207(c) of title 18, United States Code, is amended by inserting at the end the following:

“(3) **MEMBERS OF THE BOARD OF DIRECTORS OF THE AMERICA’S HEALTH INSURANCE TRUST.**—Paragraph (1) shall apply to a member of the Board of Directors of the America’s Health Insurance Trust who was appointed to the Board as of the day before the date of enactment of the Consumers Health Care Act of 2009.”

(f) **ADVISORY COUNCIL.**—

(1) **ESTABLISHMENT.**—The Board shall establish an advisory council that shall be comprised of the insurance commissioners of each State (including the District of Columbia) to advise the Board on the development and impact of measures to improve the transparency and accountability of health insurance plans provided through the National Health Insurance Exchange.

(2) **MEETINGS.**—The advisory council shall meet not less than twice a year and at the request of the Board.

(g) **FINANCIAL OVERSIGHT.**—

(1) **CONTRACT FOR AUDITS.**—The Trust shall provide for financial audits of the Trust on an annual basis by a private entity with expertise in conducting financial audits.

(2) **REVIEW AND REPORT ON AUDITS.**—The Comptroller General shall—

(A) review and evaluate the results of the audits conducted pursuant to paragraph (1); and

(B) submit a report to Congress containing the results and review of such audits, includ-

ing an analysis of the adequacy and use of the funding for the Trust and its activities.

(h) **RULES ON GIFTS AND OUTSIDE CONTRIBUTIONS.**—

(1) **GIFTS.**—The Trust (including the Board and any staff acting on behalf of the Trust) shall not accept gifts, bequeaths, or donations of services or property.

(2) **PROHIBITION ON OUTSIDE FUNDING OR CONTRIBUTIONS.**—The Trust shall not—

(A) establish a corporation other than as provided under this section; or

(B) accept any funds or contributions other than as provided under this section.

(i) **AMERICA’S HEALTH INSURANCE TRUST FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury a trust fund to be known as the “America’s Health Insurance Trust Fund” (referred to in this section as the “Trust Fund”), consisting of such amounts as may be credited to the Trust Fund as provided under this subsection.

(2) **TRANSFER.**—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury amounts determined by the Secretary to be equivalent to the amounts received into such general fund that are attributable to the fees collected under sections 4375 and 4376 of the Internal Revenue Code of 1986 (relating to fees on health insurance policies and self-insured health plans).

(3) **FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.**—

(A) **GENERAL RULE.**—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

“Subchapter B—Insured and Self-Insured Health Plans

“Sec. 4375. Health insurance.

“Sec. 4376. Self-insured health plans.

“Sec. 4377. Definitions and special rules.

“SEC. 4375. HEALTH INSURANCE.

“(a) **IMPOSITION OF FEE.**—In the case of any specified health insurance policy issued after October 1, 2009, there is hereby imposed a fee equal to—

“(1) for policies issued during fiscal years 2010 through 2013, 50 cents multiplied by the average number of lives covered under the policy; and

“(2) for policies issued after September 30, 2013, \$1 multiplied by the average number of lives covered under the policy.

“(b) **LIABILITY FOR FEE.**—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

“(c) **SPECIFIED HEALTH INSURANCE POLICY.**—For purposes of this section:

“(1) **IN GENERAL.**—Except as otherwise provided in this section, the term ‘specified health insurance policy’ means any accident or health insurance policy (including a policy under a group health plan) issued with respect to individuals residing in the United States.

“(2) **EXEMPTION FOR CERTAIN POLICIES.**—The term ‘specified health insurance policy’ does not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

“(3) **TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.**—

“(A) **IN GENERAL.**—In the case of any arrangement described in subparagraph (B)—

“(i) such arrangement shall be treated as a specified health insurance policy, and

“(ii) the person referred to in such subparagraph shall be treated as the issuer.

“(B) **DESCRIPTION OF ARRANGEMENTS.**—An arrangement is described in this subparagraph if under such arrangement fixed pay-

ments or premiums are received as consideration for any person’s agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

“(d) **ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.**—In the case of any policy issued in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such policy shall be equal to the sum of such dollar amount for policies issued in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

“(1) such dollar amount for policies issued in the previous fiscal year, multiplied by

“(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

“(e) **TERMINATION.**—This section shall not apply to policy years ending after September 30, 2019.

“SEC. 4376. SELF-INSURED HEALTH PLANS.

“(a) **IMPOSITION OF FEE.**—In the case of any applicable self-insured health plan issued after October 1, 2009, there is hereby imposed a fee equal to—

“(1) for plans issued during fiscal years 2010 through 2013, 50 cents multiplied by the average number of lives covered under the plan; and

“(2) for plans issued after September 30, 2013, \$1 multiplied by the average number of lives covered under the plans.

“(b) **LIABILITY FOR FEE.**—

“(1) **IN GENERAL.**—The fee imposed by subsection (a) shall be paid by the plan sponsor.

“(2) **PLAN SPONSOR.**—For purposes of paragraph (1) the term ‘plan sponsor’ means—

“(A) the employer in the case of a plan established or maintained by a single employer.

“(B) the employee organization in the case of a plan established or maintained by an employee organization.

“(C) in the case of—

“(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

“(ii) a multiple employer welfare arrangement, or

“(iii) a voluntary employees’ beneficiary association described in section 501(c)(9),

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

“(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

“(c) **APPLICABLE SELF-INSURED HEALTH PLAN.**—For purposes of this section, the term ‘applicable self-insured health plan’ means any plan for providing accident or health coverage if—

“(1) any portion of such coverage is provided other than through an insurance policy, and

“(2) such plan is established or maintained—

“(A) by one or more employers for the benefit of their employees or former employees,

“(B) by one or more employee organizations for the benefit of their members or former members,

“(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

“(D) by a voluntary employees’ beneficiary association described in section 501(c)(9),

“(E) by any organization described in section 501(c)(6), or

“(F) in the case of a plan not described in the preceding subparagraphs, by a multiple employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

“(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any plan issued in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such plan shall be equal to the sum of such dollar amount for plans issued in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

“(1) such dollar amount for plans issued in the previous fiscal year, multiplied by

“(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

“(e) TERMINATION.—This section shall not apply to plans issued after September 30, 2019.

“SEC. 4377. DEFINITIONS AND SPECIAL RULES.

“(a) DEFINITIONS.—For purposes of this subchapter—

“(1) ACCIDENT AND HEALTH COVERAGE.—The term ‘accident and health coverage’ means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4375(c)).

“(2) INSURANCE POLICY.—The term ‘insurance policy’ means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

“(3) UNITED STATES.—The term ‘United States’ includes any possession of the United States.

“(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

“(1) IN GENERAL.—For purposes of this subchapter—

“(A) the term ‘person’ includes any governmental entity, and

“(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

“(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4375 or section 4376 on any covered policy or plan under such program.

“(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term ‘exempt governmental program’ means—

“(A) any insurance program established under title XVIII of the Social Security Act,

“(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

“(C) the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code,

“(D) the Consumer Choice Health Plan established under the Consumers Health Care Act of 2009,

“(E) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

“(i) members of the Armed Forces of the United States, or

“(ii) veterans, and

“(F) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

“(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

“(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States.”.

(B) CLERICAL AMENDMENTS.—

(i) Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

“CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES

“SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

“SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

“Subchapter A—Policies Issued By Foreign Insurers”.

(ii) The table of chapters for subtitle D of such Code is amended by striking the item relating to chapter 34 and inserting the following new item:

“CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES”.

SEC. 6. DUTIES OF AMERICA’S HEALTH INSURANCE TRUST.

(a) INSURANCE PLAN RANKINGS AND WEBSITE.—

(1) WEB-BASED MATERIALS.—The Trust shall establish and maintain a website that provides informational materials regarding the health insurance plans provided through the National Health Insurance Exchange, including appropriate links for all available State insurance commissioner websites.

(2) PLAN RANKINGS.—The Trust shall develop and publish annual rankings of the health insurance plans provided through the National Health Insurance Exchange, based on the assignment of a letter grade between “grade A” (highest) and “grade F” (lowest). The Trust shall provide for a comparative evaluation of each plan based upon—

- (A) administrative expenditures;
- (B) affordability of coverage;
- (C) adequacy of coverage;
- (D) timeliness and adequacy of consumer claims processing;
- (E) available consumer complaint systems;
- (F) grievance and appeals processes;
- (G) transparency;
- (H) consumer satisfaction; and
- (I) any additional measures as determined by the Board.

(3) INFORMATION AVAILABLE ON WEBSITE BY ZIP CODE.—The annual rankings of the health insurance plans (as described in paragraph (2)) shall be available on the website for the Trust (as described in paragraph (1)), and the website for the National Health Insurance Exchange, in a manner that is searchable and sortable by zip code.

(4) CONSUMER FEEDBACK.—

(A) CONSUMER COMPLAINTS.—The Trust shall develop written and web-based methods for individuals to provide recommendations and complaints regarding the health insur-

ance plans provided through the National Health Insurance Exchange.

(B) CONSUMER SURVEYS.—The Trust shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual’s health insurance plan and the individual’s satisfaction with such services and supports.

(b) DATA SHARING.—

(1) IN GENERAL.—An organization that provides a health insurance plan through the National Health Insurance Exchange shall provide the Trust with all information and data that is necessary for improving transparency, monitoring, and oversight of such plans.

(2) ANNUAL DISCLOSURE.—Beginning with the first full year of operation of the National Health Insurance Exchange, an organization that provides a health insurance plan through the National Health Insurance Exchange shall annually provide the Trust with appropriate information regarding the following:

- (A) Name of the plan.
- (B) Levels of available plan benefits.
- (C) Description of plan benefits.
- (D) Number of enrollees under the plan.
- (E) Demographic profile of enrollees under the plan.
- (F) Number of claims paid to enrollees.
- (G) Number of enrollees that terminated their coverage under the plan.
- (H) Total operating cost for the plan (including administrative costs).
- (I) Patterns of utilization of the plan’s services.
- (J) Availability, accessibility, and acceptability of the plan’s services.

(K) Such information as the Trust may require demonstrating that the organization has a fiscally sound operation.

(L) Any additional information as determined by the Trust.

(3) FORM AND MANNER OF INFORMATION.—Information to be provided to the Trust under paragraphs (1) and (2) shall be provided—

(A) in such form and manner as specified by the Trust; and

(B) within 30 days of the date of receipt of the request for such information, or within such extended period as the Trust deems appropriate.

(4) INFORMATION FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(A) IN GENERAL.—Any information regarding the health insurance plans that are offered through the National Health Insurance Exchange that has been provided to the Secretary of Health and Human Services shall also be made available (as deemed appropriate by the Secretary) to the Trust for the purpose of improving transparency, monitoring, and oversight of such plans. Such information may include, but is not limited to, the following:

- (i) Underwriting guidelines to ensure compliance with applicable Federal health insurance requirements.
- (ii) Rating practices to ensure compliance with applicable Federal health insurance requirements.
- (iii) Enrollment and disenrollment data, including information the Secretary may need to detect patterns of discrimination against individuals based on health status or other characteristics, to ensure compliance with applicable Federal health insurance requirements (including non-discrimination in group coverage, guaranteed issue, and guaranteed renewability requirements applicable in all markets).

(iv) Post-claims underwriting and rescission practices to ensure compliance with applicable Federal health insurance requirements relating to guaranteed renewability.

(v) Marketing materials and agent guidelines to ensure compliance with applicable Federal health insurance requirements.

(vi) Data on the imposition of pre-existing condition exclusion periods and claims subjected to such exclusion periods.

(vii) Information on issuance of certificates of creditable coverage.

(viii) Information on cost-sharing and payments with respect to any out-of-network coverage.

(ix) The application to issuers of penalties for violation of applicable Federal health insurance requirements (including failure to produce requested information).

(x) Such other information as the Trust may determine to be necessary to verify compliance with the requirements of this Act.

(B) REQUIRED DISCLOSURE.—The Secretary of Health and Human Services shall provide the Trust with all consumer claims data or information that has been provided to the Secretary by any health insurance plan that is offered through the National Health Insurance Exchange.

(C) PERIOD FOR PROVIDING INFORMATION.—Information to be provided to the Trust under this paragraph shall be provided by the Secretary within 30 days of the date of receipt of the request for such information, or within such extended period as the Secretary and the Trust mutually deem appropriate.

(5) NON-DISCLOSURE OF HEALTH INSURANCE DATA.—The Trust shall prevent disclosure of any data or information provided under this paragraph that the Trust determines is proprietary or qualifies as a trade secret subject to withholding from public dissemination. Any data or information provided under this paragraph shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

SEC. 7. DEFINITION OF NATIONAL HEALTH INSURANCE EXCHANGE.

In this Act, the term “National Health Insurance Exchange” means a mechanism established or recognized under Federal law for coordinating the offering of health insurance coverage to individuals in the United States through the establishment of standards for benefits, cost-sharing, and premiums for such health insurance coverage.

By Mr. CORKER (for himself, Mr. WARNER, and Mr. BENNETT):

S. 1280. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORKER. Mr. President, I rise to speak, briefly, about a bill Senator WARNER from Virginia and I are introducing today. The title of the bill is the TARP Recipient Ownership Trust Act of 2009.

This bill intends to deal with the issue that our government finds itself in a position of large ownership in companies—something I think none of us

ever imagined would be the case some time ago.

This piece of legislation only deals with TARP recipients. But what it does is solve the unease in the problem that many of us have in the Senate and in the Congress with the fact that we have such large government ownerships in companies.

What this bill would do would be to set up a trust for all TARP company ownership to be put in when stakes are larger than 20 percent of the company. What it would do is give the administration the ability to appoint three trustees to have a fiduciary obligation to the taxpayers of this country. It would be my hope that these trustees would be people such as Warren Buffett or Jack Welch or people similar to them, whom we—all of us in our country—respect and consider to certainly be knowledgeable market participants.

These trustees will be paid no money. They would do this as a duty to our country. While their objective would be to look at these companies with a fiduciary responsibility to the taxpayers, they also would be given the direction to unload these ownerships by December 24, 2011. I think this would go a long way toward giving all of us more comfort that there was not a political agenda with any of these companies, that these companies were being dealt with in a way that is fair and appropriate to the taxpayers. I think this is something that, while it is not perfect, would do what is necessary to make us all feel a lot more comfortable about where we are.

No. 1, we would have three neutral, well-respected businesspeople looking after our taxpayers' interests. Hopefully, that would shield as much as possible any kind of political involvement in those companies. Secondly, obviously, they would be given the directive to unload this ownership by December 24, 2011, as I have mentioned. They can come back at that time. If they feel, for some reason, this is not in the taxpayers' interest, they can come back to us at that time and seek additional time, should they think it is in our interest as taxpayers to extend that period of time.

This is a bipartisan piece of legislation. This is not done with any kind of ax to grind. This legislation is being offered, truly, just to solve this rub we all find ourselves in, that the American citizens find themselves in, where we have large ownership stakes.

Specifically, today, because of the ownership stakes that exist, the three companies that would be affected would be AIG, Citigroup, and, of course, the automobile company, General Motors. There could be additional companies that, through conversions to common equity, might be affected by this.

I think this is a very commonsense piece of legislation that I hope will have broad bipartisan support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “TARP Recipient Ownership Trust Act of 2009”.

SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: “, and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act”.

SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.

(a) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(c) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(d) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term “designated TARP recipient” means any entity that has received, or will receive, financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Federal Government holds or controls, or will hold or control at a future date, not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

By Mr. BROWNBACK (for himself, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. RISCH, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 1282. A bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies; to the Committee on Homeland Security and Governmental Affairs.

Mr. BROWNBACK. Mr. President, I want to follow up on what my colleague from North Dakota said regarding the financial regulatory issue. This is a huge problem.

In my office, I have a debt clock running. I put it there purposely so people can see what it is, and it is running at \$11.5 trillion. At this point in time, it has a dizzying amount of numbers that are running on it. Usually my constituents come in and say: Good, I wanted to get out of the waiting room. That clock is driving me crazy, the numbers are going so fast. It is so huge, the numbers and the rate we are going.

What troubles me as well, as a member of the baby boomer generation, is that I look at this and I feel as though we are following on the heels of the “greatest generation”—the World War II generation, with all the sacrifices and the things they did to make this country what it is. My predecessor in the seat I am in, Bob Dole, I think epitomizes the “greatest generation”—the World War II generation—that sacrificed so much so the rest of us could live and do so well, and I am deeply appreciative of that. But I look at my generation, sometimes called the “me generation.” I don’t know that that is particularly an applauding sort of title, saying it is more focused that way, but I think we need to, ourselves, step up a lot more for the country, for the people in this Nation, and deal with the problems we have.

One of the biggest ones, as far as the legacy we leave, is the mortgage that

is growing on this country, this \$11.5 trillion I started off talking about. When I first started in Congress in 1994, it was roughly 50 percent mandatory spending and 50 percent discretionary spending. This year, we are looking at 70 percent mandatory spending—between 60 and 70 percent mandatory spending, depending on what ends up in the final package—and 30 to 40 percent discretionary spending. And of that discretionary, half of that is military. So we have this huge growth in entitlement programs and spending programs that are on autopilot and that are setting that clock to going faster and faster, at \$11.5 trillion and up.

We are looking at a \$1.8 trillion deficit this year alone. This is unsustainable and it is irresponsible. And it is irresponsible of the baby boomer generation, which has inherited and been given so much, not to step up and to start to deal with this. I feel very strongly about this, that it is something we need to start dealing with as a generation. I am not talking about from a party perspective, or even from a legislative perspective, but I am talking about it from a generational perspective. This is the sort of thing we need to start dealing with for our children’s future and our grandchildren’s future, so that when future generations come up and they look back and see the “greatest generation” of World War II, they don’t then look at the baby boomer generation and say: Well, that is the generation that used a lot of it up. Rather, they say: No, that was the generation that used a lot, but then got it together and started to address the problems of fiscal irresponsibility—the fiscal irresponsibility that is taking place in this country and in this government today.

We have program spending that is out of control. Everybody is against waste, fraud, and abuse, but I have not found that line in the budget yet which allows us to X it out. What I am talking about here—and I will introduce at the end of my speech—is a bill that actually does start to get at that, and it does it via a mechanism that is a proven mechanism we have used before in this body which actually reduced government spending. It is called the Commission on Accountability and Review of Federal Agencies, CARFA. We have 20 original cosponsors, and it is a very simple concept that we have used before.

It is based on the BRAC Commission—the Base Realignment and Closure Commission—only it applies to the rest of government, not just military bases. You create a commission, and the commission says 300 bases should be closed. They send that to the administration to check off on that, and then it sends it to the Congress, requiring an up-or-down vote within a limited timeframe, no amendments and a set amount of time to debate. Yes or

no, deal or no deal: Are we going to keep the bases or close the bases, which way is it?

That is the only mechanism I have ever seen us come up with in this body to actually cut Federal spending and to do the things we talk about all the time but in the trading nature of the legislative body never gets done. This one has actually done it, the BRAC Commission, on military bases, which is a substantial but certainly not all of our budget. So I am saying, let’s take that mechanism and apply it to the rest of the budget, mandatory and discretionary spending, both pockets of this.

I am fully open to suggestions and ideas for amendment on this bill, but I would break the Federal Government into four different categories, to where every fourth year there is a CARFA commission which reviews one-fourth of the budget, and then that recommendation is sent to the Congress to either eliminate these pieces or to keep them.

I have a scorecard up here. It turns out that the OMB does a regular scoring of the effectiveness of Federal Government programs and then they assign a percentage out of 100 to each. I put the grade equivalent on it, and you can see the programs that were reviewed here: State Department has the highest score that I have up here, of C+ for effectiveness, at which the OMB scored it. The Education Department—and I don’t know what that says here—has scored below 50 percent and gets an F—the Education Department—on its scorecard. You can look through and these are the programs that are reviewed: 51 for the State Department; 93 for the Education Department.

So I am saying you would have this CARFA commission go through to do a similar type of review for effectiveness. Those programs that would fail would be put in an overall bill which would say: Okay, Congress, keep this entire package or eliminate this entire package.

If you eliminate them, the same year you can come back and reauthorize that bill and reappropriate the program if you believe it is effective. But this gives you an automatic culling process. It is a culling process that takes place on programs that have been put in the budget year after year and have somehow been sustained or have gotten supporters around them. Most programs have a number of different supporters around them, so they keep going on and on. Even though they are not particularly effective, the supporters like them, so they keep getting in the budget, even when we do an objective review of them and find out these are failed programs by our own standards.

This is something we need to do. It is something I would hope that the baby boomer generation could stand up and

start to say it is time for us to take fiscal responsibility for the situation that is being created and that is unsustainable in this country. We are already starting to see interest rates move up. That is likely to continue. We are seeing people beside themselves when looking at the level of Federal spending, and the waste in it, and saying: What is going on? Can't you guys get ahold of it?

Here is a way to actually get ahold of it and deal with it and be able to say to generations in future years that, yes, we stood up and took ownership and we dealt with the problem.

There was an article in the Wall Street Journal a week ago where a gentleman was saying that the unfunded obligations of the Federal Government today—these are things such as the entitlement programs, whether it is Medicare, Social Security, veterans' benefits, and pension guarantees that we have—are getting close to \$100 trillion. Those are unfunded obligations existing on the part of the Federal Government today. That number seems high to me, but I know if you look at Medicare and a couple of other ones, we are looking at nearly \$60 trillion in that category. To give some perspective, the total economy is \$14 trillion, or thereabouts.

This is irresponsible to the highest degree, and it is irresponsible to future generations, and it is time to put a mechanism in place for us to deal with it. I urge my colleagues to join us in cosponsoring this bill. I am submitting it now to the desk, with 20 cosponsors. This is an idea whose time has come.

By Ms. SNOWE (for herself and Mrs. BOXER):

S. 1284. A bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to join with my colleague, Senator BOXER, to introduce the One Level of Safety Act. We have all become familiar with the events surrounding the terrible tragedy near Buffalo, New York—an accident that the National Transportation Safety Board categorized as the worst such incident since late 2001—that cost fifty lives, and shattered countless others. In the wake of the crash of Flight 3407, we have identified failures on a multiplicity of levels. For an agency that has consistently cited its commitment to “one level of safety” for all carriers as far back as 1995, this accident showcases that when it comes to regional carriers, the Federal Aviation Administration has done a poor job of enforcing that philosophy.

During its preliminary investigation of Flight 3407, the National Transportation Safety Board pointed out a number of issues specific to this accident that could be directly attributable to fatigue, with many pilots traveling all night over great distances just to reach their base of operations. For example, almost a quarter of Colgan Air pilots who operate out of Newark, New Jersey travel over one thousand miles simply to reach their designated duty station. At the same time, as we've witnessed with a number of regional carriers, pilots are often paid meager salaries—the first officer in Flight 3407 made barely twenty thousand dollars annually.

With such low pay, it is difficult for these pilots to provide for themselves and their families, much less afford a restful place to spend an evening; at a hotel, or an apartment in close proximity to their base of operations—as a result, they doze in airport lounges—technically against most airline regulations—and subsequently are getting into the cockpit fatigued, with insufficient rest and, potentially, reduced situational awareness. With little oversight concerning the amount of rest these pilots receive, we face the terrible potential for another incident in the near future.

I was greatly encouraged by the efforts that the new Federal Aviation Administrator Babbitt undertook on Monday; his announcement to initiate rulemakings on fatigue management, the relationship between major and regional carriers, and training discrepancies, were all positive, proactive steps to help remedy a situation that for too long has gone ignored, and I commend his willingness to take the reins so early in his tenure. Unfortunately, as a recent series of hearings at the Senate Commerce Committee has shown us, rulemakings are typically long, drawn-out processes that in some cases are never completed. Simply put, this is insufficient.

In fact, a National Transportation Safety Board recommendation concerning pilot fatigue—clearly an underlying cause of the Flight 3407 crash—has been outstanding for nearly 2 decades! This recommendation was no small suggestion; it has been on the NTSB's highest profile publication, their Most Wanted List, for nineteen years! Given that four of the last six fatal accidents involving commercial carriers included fatigue as a contributing cause, I am stunned that this issue has not been addressed. But only one effort to tackle this issue has been made in the past 2 decades, and after encountering some resistance, that proposed rulemaking was shelved in 1995, and no second attempt was forthcoming. So, while the Federal Aviation Administration's comments yesterday were laudable, there are no guarantees when it comes to rulemakings. I believe it is incumbent on Congress to act and act now.

That is why Senator BOXER and I joined together to develop legislation that we believe will close many of the loopholes that jeopardize safety, those same loopholes spotlighted by the findings of the National Transportation Safety Board, the Department of Transportation Inspector General's office, and the victims' families of Flight 3407. Requiring the Federal Aviation Administration to complete a number of long-overdue rulemakings on issues as wide-ranging as fatigue management, minimum training standards for all carriers, and remedial training for deficient pilots is the first step. Ensuring the Federal Aviation Administration will perform adequate, unannounced inspections to guarantee these new rules are enforced, and requiring more rigorous inspections of flight schools like the Gulfstream Academy—whose parent company was recently assessed a civil penalty of \$1.3 million for safety violations, and where many regional pilots receive their training—will go a long way towards closing the loopholes that still exist in our aviation safety network. In my view, these are all positive steps that will prevent another incident like the crash of Flight 3407.

Before I close, I would like to say a word to the families of the crash victims. I deeply empathize with your loss, and in large part, your efforts have been essential in the drafting of this legislation. Thank you for all your perseverance and invaluable contributions during what I know must be difficult times for all of you.

Mrs. BOXER. Mr. President, like many of my colleagues, I was shocked and saddened by the commuter plane crash last February outside of Buffalo, NY. Sadly, Clay Yarber, a resident of Riverside, CA, was one of the 50 victims of this tragic crash.

I would like to offer my deepest condolences to the family and friends of Mr. Yarber and to all of the families dealing with such horrific loss.

The crash of Continental flight 3407 has had a significant impact on how Americans across the country view air travel and has raised serious questions about the safety and oversight of our Nation's aviation system.

Initial hearings held this past May by the National Transportation Safety Board, NTSB, brought to light many unsettling revelations about pilot training, hours of experience, fatigue, and the FAA's oversight role of regional airlines.

I was greatly disturbed by what appeared to be a lack of proper training for the pilots on how to recover from a stall, how to proceed in icing conditions, and reports of the crew commuting cross country without proper rest prior to the flight.

Although regional airlines account for one-half of all of the scheduled flights in the U.S., five of the last

seven fatal commercial plane crashes involved these airlines.

As more Americans rely on commuter airlines for air service, the FAA must take aggressive action to ensure that there is no difference in the level of safety provided by these air carriers.

The National Transportation Safety Board, NTSB, hearings also made clear that the FAA must be more proactive when it comes to safety. We must not wait until the next disaster to make long overdue changes in safety regulation at the FAA.

It is unacceptable that the NTSB recommendations designed to address some of the most serious aviation safety deficiencies continue to go unaddressed by the FAA today.

Last May, I joined Senator SNOWE in sending a letter to the Department of Transportation urging the agency to take immediate action to address NTSB recommendations that languished on its Most Wanted list for years and other pressing safety concerns.

In some instances, recommendations such as those meant to address pilot fatigue, have been on the NTSB Most Wanted list since its inception 19 years ago. We must take immediate action to ensure that no other family must endure a similar tragedy because of unmet safety recommendations and a lack of agency oversight.

I was encouraged by recent announcements from the FAA about the agency's initiative to revise work hour rules to address pilot fatigue and to conduct emergency inspections at pilot training facilities. I believe this is a step in the right direction, but we must do more.

That is why I am proud to join Senator SNOWE in introducing the Ensuring One Level of Aviation Safety Act of 2009, to address some of the more egregious aviation safety deficiencies. Our bill requires the FAA to implement unfulfilled NTSB recommendations and to do more oversight of regional airlines and pilot training academies. The bill also requires the FAA to update minimum training standards and hours of experience requirements for pilots.

Finally, this legislation mandates continuing education training for pilots, requires the development of airline fatigue management plans, and allows carriers immediate access to pilot performance records.

I look forward to working with my colleagues and the FAA to implement this legislation and to take additional steps to ensure that there truly is no difference in safety between major carriers and regional airlines.

We cannot wait for the next airline tragedy to take action. The flying public must be assured that the FAA and the airlines are doing their part to make safety the No. 1 priority.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 187—CONDEMNING THE USE OF VIOLENCE AGAINST PROVIDERS OF HEALTH CARE SERVICES TO WOMEN

Mrs. SHAHEEN (for herself, Ms. KLOBUCHAR, Mrs. BOXER, Mrs. MURRAY, Mr. DURBIN, Mr. DODD, Mr. SCHUMER, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. HARKIN, Mr. CARPER, Mr. SANDERS, Mr. KAUFMAN, Mr. WYDEN, Mr. KERRY, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mr. LEVIN, Mr. BROWN, Mr. WHITEHOUSE, Mr. BURRIS, Mr. UDALL of Colorado, Ms. STABENOW, Mr. BAUCUS, Ms. CANTWELL, Mr. BINGAMAN, Mr. INOUE, Mr. CARDIN, Mr. SPECTER, Mr. JOHNSON, Mr. FEINGOLD, Mr. LEAHY, Mr. TESTER, Ms. SNOWE, Mr. BEGICH, Mr. AKAKA, Mr. BENNETT, Mrs. FEINSTEIN, Mr. WARNER, Mrs. MCCASKILL, Mr. REED, Mr. KENNEDY, Mr. MERKLEY, and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 187

Whereas Dr. George Tiller of Wichita, Kansas, was shot to death while attending church on Sunday, May 31, 2009;

Whereas there is a history of violence against providers of reproductive health care, as health care employees have suffered threats, hostility, and attacks in order to provide crucial services to patients;

Whereas the threat or use of force or physical obstruction has been used to injure, intimidate, or interfere with individuals seeking to obtain or provide health care services; and

Whereas acts of violence are never an acceptable means of expression and shall always be condemned: Now, therefore, be it

Resolved, That the Senate—

(1) expresses great sympathy for the family, friends, and patients of Dr. George Tiller;

(2) recognizes that acts of violence should never be used to prevent women from receiving reproductive health care; and

(3) condemns the use of violence as a means of resolving differences of opinion.

SENATE RESOLUTION 188—CONGRATULATING THE LOS ANGELES LAKERS FOR WINNING THE 2009 NATIONAL BASKETBALL CHAMPIONSHIP

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 188

Whereas, on June 14, 2009, the Los Angeles Lakers defeated the Orlando Magic in game 5 of the 2009 National Basketball Association Championship Finals;

Whereas that triumph marks the 15th National Basketball Association Championship for the Lakers franchise and 10th for the Los Angeles Lakers;

Whereas that triumph also marks the fourth National Basketball Association Championship victory for the Los Angeles

Lakers since 1999, earning the Los Angeles Lakers more championship victories in this decade than any other team in the league;

Whereas Los Angeles Lakers head coach Phil Jackson, who throughout his career has epitomized discipline, teaching, and excellence, has won 10 National Basketball Association Championships as a head coach, the most championships for a head coach in National Basketball Association history, surpassing the number won by the legendary Arnold "Red" Auerbach;

Whereas the 2009 National Basketball Association Championship marks the ninth championship for Los Angeles Lakers owner Gerald Hatten Buss;

Whereas general manager Mitch Kupchak has built a basketball team that possesses a great balance among all-stars, veterans, and young players;

Whereas the Los Angeles Lakers won 65 games in the 2009 regular season and defeated the Utah Jazz, the Houston Rockets, the Denver Nuggets, and the Orlando Magic in the 2009 National Basketball Association playoffs; and

Whereas each player for the Los Angeles Lakers, including Trevor Ariza, Shannon Brown, Kobe Bryant, Andrew Bynum, Jordan Farmar, Derek Fisher, Pau Gasol, Didier Ilunga-Mbenga, Adam Morrison, Lamar Odom, Josh Powell, Sasha Vujacic, Luke Walton, and Sue Yue, contributed to what was truly a team effort during the regular season and the playoffs to bring the 2009 National Basketball Association Championship to the city of Los Angeles: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Los Angeles Lakers for winning the 2009 National Basketball Association Championship;

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication made winning the championship possible; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to—

(A) the 2009 Los Angeles Lakers team and their head coach Phil Jackson;

(B) the Los Angeles Lakers owner Gerald Hatten Buss; and

(C) the Los Angeles Lakers general manager Mitch Kupchack.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1321. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table.

SA 1322. Mr. INHOFE (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1323. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1324. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1325. Mr. BROWNBACK (for himself, Mr. KYL, Mr. CRAPO, Mr. ROBERTS, Mr. RISCH, Mr. COBURN, Mr. CORNYN, Mr. BOND, Mr. INHOFE, Mr. DEMINT, Mr. BUNNING, Mr. BENNETT, Mr. CHAMBLISS, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1326. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1327. Mr. REID (for Mr. KENNEDY (for himself and Mr. KERRY)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1328. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1329. Mr. CORKER (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1330. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1331. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1332. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1333. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1334. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1335. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1336. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1337. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1321. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. . RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) IN GENERAL.—Subsection (m) of section 274 of the Internal Revenue Code of 1986 (relating to additional limitations on travel expenses) is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SA 1322. Mr. INHOFE (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and other-

wise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. EXEMPTION OF FISHING GUIDES AND OTHER OPERATORS OF UNINSPECTED VESSELS ON LAKE TEXOMA FROM COAST GUARD AND OTHER REGULATIONS.

(a) EXEMPTION.—

(1) EXEMPTION OF STATE LICENSEES FROM COAST GUARD REGULATION.—Residents or non-residents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are licensed by the State in which they are operating shall not be subject to any requirement established or administered by the Coast Guard with respect to that operation.

(2) EXEMPTION OF COAST GUARD LICENSEES FROM STATE REGULATION.—Residents or non-residents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are currently licensed by the Coast Guard to conduct such activities shall not be subject to State regulation for as long as the Coast Guard license for such activities remains valid.

(b) STATE REQUIREMENTS NOT AFFECTED.—Except as provided in subsection (a)(2), this section does not affect any requirement under State law or under any license issued under State law.

SEC. 10. WAIVER OF BIOMETRIC TRANSPORTATION SECURITY CARD REQUIREMENT FOR CERTAIN SMALL BUSINESS MERCHANT MARINERS.

Section 70105(b)(2)(B) of title 46, United States Code, is amended by inserting “and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title” before the semicolon.

SA 1323. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 19, strike line 13 and all that follows through page 25, line 10, and insert the following:

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) FEES.—

“(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) DISPOSITION OF AMOUNTS COLLECTED.—From the amounts collected under clause (i)(I), \$100,000,000 shall be credited to the Travel Promotion Fund established under section 4 of the Travel Promotion Act of

2009, and any additional amounts shall be used by the Secretary for travel security programs authorized under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including the Electronic System for Travel Authorization (ESTA) and the United States Visitor and Immigrant Status Indicator Technology (US-VISIT). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)) is amended by adding at the end the following:

“(E) STRATEGIC PLAN.—

“(i) SUBMISSION.—Not later than 180 days after the date of the enactment of the Travel Promotion Act of 2009, the Secretary of Homeland Security shall prepare and submit a strategic plan to the recipients listed under clause (ii) that describes how the full implementation of the System will ensure that all individuals traveling by airplane to the United States from a program country have their travel authorization verified before boarding the airplane.

“(ii) RECIPIENTS.—The strategic plan prepared under clause (i) shall be submitted to—

“(I) the Committee on Appropriations of the Senate;

“(II) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(III) the Committee on the Judiciary of the Senate;

“(IV) the Committee on Appropriations of the House of Representatives;

“(V) the Committee on Homeland Security of the House of Representatives;

“(VI) the Committee on the Judiciary of the House of Representatives; and

“(VII) the Comptroller General of the United States.

“(iii) MILESTONES.—The strategic plan prepared under clause (i) shall include a detailed timeline that describes the specific actions that will be taken to achieve the following milestones:

“(I) Enrollment of all travelers from program countries into the System.

“(II) Incorporation of the airlines into the System.

“(III) Deployment of the technology of the System in all airports located in program countries, either through the use of stand-alone kiosks or through the participation of the airlines.

“(IV) Verification of travel authorizations of all aliens described in subsection (a) before they board an airplane bound for the United States.

“(V) Administration of the System solely with fees collected under subparagraph (B)(i)(II).

“(iv) COMMUNICATIONS STRATEGY.—The strategic plan prepared under clause (i) shall include—

“(I) an analysis of the System’s communications strategy; and

“(II) recommendation for improving the communications strategy to ensure that all travelers to the United States from program countries are informed of the requirements under this section.”

(2) GAO REVIEW.—Not later than 90 days after receiving a copy of the strategic plan under section 217(h)(3)(E) of the Immigration and Nationality Act, as added by paragraph

(1), the Comptroller General shall complete a review of the plan to determine whether the plan addresses the main security risks associated with the Electronic System for Travel Authorization in an efficient, cost effective, and timely manner.

(c) **FUNDING LIMITATION.**—None of the amounts made available to the Secretary of Homeland Security under section 217(h)(3)(B)(i)(II) of the Immigration and Nationality Act, as added by subsection (a), to carry out the Electronic System for Travel Authorization authorized under section 217(h)(3) of such Act may be expended until the Secretary submits the strategic plan required by section 217(h)(3)(E) of such Act.

SEC. 6. ASSESSMENT AUTHORITY.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) **REFERENDA.**—

(1) **IN GENERAL.**—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) **PROCEDURAL REQUIREMENTS.**—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) **COLLECTION.**—

(1) **IN GENERAL.**—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) **ENFORCEMENT.**—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) **INVESTMENT OF FUNDS.**—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

“SEC. 202. OFFICE OF TRAVEL PROMOTION.

“(a) **OFFICE ESTABLISHED.**—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) **DIRECTOR.**—

“(1) **APPOINTMENT.**—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) **QUALIFICATIONS.**—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) **DUTIES.**—The Director shall—

“(A) report to the Secretary;

“(B) ensure that the Office is effectively carrying out its functions; and

“(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the processes through which individuals are admitted into the United States.

“(c) **FUNCTIONS.**—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) **REPORTS TO CONGRESS.**—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Sec-

retary of Homeland Security to carry out subsection (c)(2).”.

SA 1324. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE I—COMMISSIONS ON WARTIME TREATMENT

SEC. 101. SHORT TITLE.

This title may be cited as the “Wartime Treatment Study Act”.

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as “enemy aliens” more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families, requiring them to carry Certificates of Identification and limiting their travel and personal property rights. At that time, these groups were the two largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, thousands of European Latin Americans, including German and Austrian Jews, were arrested, relocated to the United States, and interned. Many were later repatriated or deported to European Axis nations during World War II and exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the Armed Forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the German American and Italian American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930s and 1940s, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 103. DEFINITIONS.

In this title:

(1) **DURING WORLD WAR II.**—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) **EUROPEAN AMERICANS.**—

(A) **IN GENERAL.**—The term "European Americans" refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) **GERMAN AMERICANS.**—The term "German Americans" refers to United States citizens and resident aliens of German ancestry.

(C) **ITALIAN AMERICANS.**—The term "Italian Americans" refers to United States citizens and resident aliens of Italian ancestry.

(3) **EUROPEAN LATIN AMERICANS.**—The term "European Latin Americans" refers to persons of European ancestry, including German or Italian ancestry, residing in a Latin American nation during World War II.

(4) **LATIN AMERICAN NATION.**—The term "Latin American nation" refers to any nation in Central America, South America, or the Caribbean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. 111. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) **IN GENERAL.**—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the "European American Commission").

(b) **MEMBERSHIP.**—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) **TERMS.**—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) **REPRESENTATION.**—The European American Commission shall include 2 members representing the interests of Italian Americans and two members representing the interests of German Americans.

(e) **MEETINGS.**—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) **QUORUM.**—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) **CHAIRMAN.**—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) **COMPENSATION.**—

(1) **IN GENERAL.**—Members of the European American Commission shall serve without pay.

(2) **REIMBURSEMENT OF EXPENSES.**—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 112. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) **IN GENERAL.**—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) **SCOPE OF REVIEW.**—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to United States laws and directives, including the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to these and other pertinent laws, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludes and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall also include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as "World War II detention facilities");

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(2) An assessment of the underlying rationale of the decision of the United States Government to develop the programs and policies described in paragraph (1), the information the United States Government received or acquired suggesting these programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(3) A brief review of the participation by European Americans in the United States Armed Forces, including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including public education programs and the creation of a comprehensive online database by the National Archives and Records Administration of documents related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) **FIELD HEARINGS.**—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) **REPORT.**—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 111(e).

SEC. 113. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) **IN GENERAL.**—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) **GOVERNMENT INFORMATION AND COOPERATION.**—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106-451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 114. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$600,000 to carry out this subtitle.

SEC. 116. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. 121. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the “Jewish Refugee Commission”).

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include two members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission

shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 122. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government’s refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission’s review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government’s decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government’s decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 121(e).

SEC. 123. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law. For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the “Privacy Act of 1974”), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 124. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$600,000 to carry out this subtitle.

SEC. 126. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

Subtitle C—Funding Source

SEC. 131. FUNDING SOURCE.

Of the funds made available for the Department of Justice by the Department of Justice Appropriations Act, 2009 (title II of division B of Public Law 111–8), \$1,200,000 is hereby rescinded.

SA 1325. Mr. BROWNBACK (for himself, Mr. KYL, Mr. CRAPO, Mr. ROBERTS, Mr. RISCH, Mr. COBURN, Mr. CORNYN, Mr. BOND, Mr. INHOFE, Mr. DEMINT, Mr. BUNNING, Mr. BENNETT, Mr. CHAMBLISS, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 9. DESIGNATION AS A COUNTRY THAT HAS REPEATEDLY PROVIDED SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.

(a) DESIGNATION.—Until the President makes the certification required under subsection (b), the Secretary of State shall designate the Democratic People’s Republic of

North Korea as a country that has repeatedly provided support for acts of international terrorism for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(b) CERTIFICATION REGARDING ACTIONS BY GOVERNMENT OF NORTH KOREA.—The certification referred to in subsection (a) is a certification to Congress that the Government of North Korea has—

(1) verifiably dismantled its nuclear weapons programs;

(2) ceased all nuclear and missile proliferation activities;

(3) released United States citizens Euna Lee and Laura Ling;

(4) returned the last remains of United States permanent resident, Reverend Kim Dong-shik;

(5) released, or accounted for, all foreign abductees and prisoners of war; and

(6) released all North Korean prisoners of conscience.

SA 1326. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

Beginning on page 19, strike line 17 and all that follows through page 20, line 10, and insert the following:

“(B) FEES.—

“(i) IN GENERAL.—Not later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. Such fee shall be not less than \$20 per travel authorization and distributed as follows:

“(I) \$10 of each fee shall be transferred to the Travel Promotion Fund established by section 4(a) of the Travel Promotion Act of 2009.

“(II) The amount of each fee not transferred under subclause (I) shall be available to the Secretary of Homeland Security—

“(aa) to carry out the exit system required by section 217(i) and similar programs at sea and land ports of entry; and

“(bb) to ensure recovery of the full costs of providing and administering the System.

“(ii) EXCEPTION.—Any amount collected for distribution under clause (i)(I) for a fiscal year that exceeds the maximum amount that may be transferred to the Travel Promotion Fund under subsections (b), (c), and (d) of section 4 of the Travel Promotion Act of 2009 for such fiscal year shall be made available to the Secretary of Homeland Security under clause (i)(II).

“(iii) ANNUAL REPORT.—The Secretary of Homeland Security shall submit to Congress an annual report on the use of the fees described in clause (i).

SA 1327. Mr. REID (for Mr. KENNEDY (for himself and Mr. KERRY)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United

States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REDESIGNATION OF LONGFELLOW NATIONAL HISTORIC SITE, MASSACHUSETTS.

(a) IN GENERAL.—The Longfellow National Historic Site in Cambridge, Massachusetts, shall be known and designated as “Longfellow House-Washington’s Headquarters National Historic Site”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Longfellow National Historic Site shall be considered to be a reference to the “Longfellow House-Washington’s Headquarters National Historic Site”.

SA 1328. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 21, strike lines 11 and 12, and insert:

(B) the assessment is approved unani- mously by those voting in the referendum.

SA 1329. Mr. CORKER (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. TROUBLED ASSET RELIEF PROGRAM AMENDMENTS.

(a) AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: “, and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act”.

(b) CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.—

(1) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(2) APPOINTMENT OF TRUSTEES.—

(A) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(B) CRITERIA.—Trustees appointed under this subsection—

(i) may not be elected or appointed Government officials;

(ii) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(iii) shall serve without compensation for their services under this section.

(3) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(A) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(B) select the representation on the boards of directors of any designated TARP recipient; and

(C) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(4) LIQUIDATION.—The trustees shall liquidate the trust established under this subsection, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

(c) DEFINITIONS.—As used in this section—

(1) the term “designated TARP recipient” means any entity that has received, or will receive, financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Federal Government holds or controls, or will hold or control at a future date, not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1330. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ENERGY MARKET MANIPULATION PREVENTION.

(a) FINDING.—The Congress finds as follows:

(1) The Commodity Futures Trading Commission was created as an independent agency, in 1974, with the mandate to enforce and administer the Commodity Exchange Act, to ensure market integrity, to protect market users from fraud and abusive trading practices, and to prevent and prosecute manipulation of the price of any commodity in interstate commerce.

(2) Congress has given the Commodity Futures Trading Commission authority under the Commodity Exchange Act to take necessary actions to address market emergencies.

(3) The Commodity Futures Trading Commission may use its emergency authority with respect to any major market disturbance which prevents the market from accurately reflecting the forces of supply and demand for a commodity.

(4) Congress has declared, in section 4a of the Commodity Exchange Act, that excessive speculation imposes an undue and unnecessary burden on interstate commerce.

(5) In May of 2009, crude oil inventories in the United States were at their highest level in 20 years.

(6) In May of 2009, demand for oil in the United States dropped to its lowest level in more than a decade.

(7) As of June 17, 2009, average retail gasoline prices have risen for 50 consecutive days, the longest streak on record.

(8) The national average price of a gallon of gasoline has jumped from \$1.61 a gallon in late December of 2008 to over \$2.67 as of June 17, 2009.

(9) The Energy Information Administration reported on June 17, 2009 that U.S. gasoline stocks rose by 3.4 million barrels last week.

(10) As of June 17, 2009, crude oil prices have more than doubled since February of 2009.

(11) The International Energy Agency predicted in June of 2009 that global oil demand will go down in 2009 by 2.47 million barrels per day, including a one million barrel per day reduction in oil demand in the United States.

(b) **DIRECTION FROM CONGRESS.**—The Commodity Futures Trading Commission shall utilize all its authority, including its emergency powers, to—

(1) curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded; and (2) eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

SA 1331. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 20, between lines 10 and 11, insert the following:

“(iii) **LIMITATION ON COLLECTION OF FEES.**—Notwithstanding clause (i), the Secretary of Homeland Security may not assess or collect the fee described in that clause after the date on which—

“(I) the Secretary of Homeland Security makes a determination that a program country designated under subsection (c) has imposed, in response to the fee assesses and collected under clause (i), a fee on nationals of the United States traveling to that program country; or

“(II) the Secretary of State makes and submits to Congress and the Secretary of Homeland Security the determination described in subclause (I).

SA 1332. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

_____. **REVIEW TO PREVENT DUPLICATION.**—Notwithstanding any other provision of law or of this Act, not later than 60 days after the date of the enactment of this Act, as part of the Administration’s effort to go line by line through the Federal budget to eliminate duplicative government programs, the Secretary of Commerce, in consultation with the Secretary of Homeland Security, the Secretary of State, and the Director of the Office of Management and Budget, shall—

(1) evaluate the Office of Travel Promotion established in section 7 of this Act and the existing Office of Travel and Tourism at the Department of Commerce;

(2) determine which duties and activities of the Office of Travel Promotion are duplicative of existing activities at the Departments of Commerce, the Department of Homeland Security, the Department of State, or any other Federal agency or department;

(3) consolidate any essential and non-duplicative activities; and

(4) eliminate the Office of Travel Promotion.

SA 1333. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 22, strike lines 12 through 15.

SA 1334. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 20, between lines 10 and 11, insert the following:

“(iii) **LIMITATION ON COLLECTION OF FEES.**—Notwithstanding clause (i), the Secretary of Homeland Security may not assess or collect the fee described in that clause after the date on which—

“(I) the Secretary of Homeland Security makes a determination that a program country designated under subsection (c) has imposed, in response to the fee assesses and collected under clause (i), a fee on students who are nationals of the United States traveling to that program country to participate in a study abroad program; or

“(II) the Secretary of State makes and submits to Congress and the Secretary of Homeland Security the determination described in subclause (I).

SA 1335. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to commu-

nicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, strike lines 16 through 19 and insert the following:

by international travelers;

(E) to give priority to the Corporation’s efforts with respect to countries and populations most likely to travel to the United States; and

(F) after seeking the advice of federally recognized Indian tribes, to identify opportunities and strategies to promote international tourism and bring the benefits of international travel to Indian and Alaska Native communities.

SA 1336. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE _____—SMALL BUSINESS EXPORT OPPORTUNITY DEVELOPMENT

SEC. 01. SHORT TITLE.

This title may be cited as the “Small Business Export Opportunity Development Act of 2009”.

SEC. 02. DEFINITIONS.

In this title—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “Export Assistance Center” means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

(3) the term “export loan programs” means the programs of the Administration under paragraphs (14) and (16) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and section 22 of that Act (15 U.S.C. 649), as amended by this title; and

(4) the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 03. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

(a) **OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.**—Section 22 of the Small Business Act (15 U.S.C. 649) is amended to read as follows:

“SEC. 22. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘accredited export assistance program’ means a program—

“(A) that provides counseling and assistance relating to exporting to small business concerns; and

“(B) in which not less than 20 percent of the technical assistance staff members are certified in providing export assistance under subsection (g)(2);

“(2) the term ‘Associate Administrator’ means the Associate Administrator for Export Development and Promotion;

“(3) the term ‘Export Assistance Center’ means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

“(4) the term ‘export development officer’ means an individual described in subsection (d)(8);

“(5) the term ‘Office’ means the Office of Export Promotion and Development established under subsection (b)(1); and

“(6) the term ‘Service Corps of Retired Executives’ means the Service Corps of Retired Executives authorized by section 8(b)(1).

“(b) OFFICE ESTABLISHED.—

“(1) ESTABLISHMENT.—There is established within the Administration an Office of Export Promotion and Development, which shall carry out the programs under this section.

“(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for Export Development and Promotion, who shall report directly to the Administrator.

“(c) DUTIES OF OFFICE.—The Associate Administrator, working in close cooperation with the Department of Commerce, the United States Trade Representative, the Export-Import Bank, other relevant Federal agencies, small business development centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

“(1) maintain a distribution network for export promotion, export finance, trade adjustment, trade remedy assistance, and export data collection programs through use of the regional and district offices of the Administration, the small business development center network, the network of women’s business centers, chapters of the Service Corps of Retired Executives, and Export Assistance Centers;

“(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to the small business community on exporting trends, market-specific growth, industry trends, and international prospects for exports;

“(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partnerships with people in the private sector; and

“(4) give preference in hiring or approving the transfer of any employee into the Office or to an export development officer position to otherwise qualified applicants who are fluent in a language in addition to English, who shall—

“(A) accompany foreign trade missions, if designated by the Associate Administrator; and

“(B) be available as needed to translate documents, interpret conversations, and facilitate multilingual transactions, including providing referral lists for translation services, if required.

“(d) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator shall promote sales opportunities for small business goods and services abroad by—

“(1) in cooperation with the Department of Commerce, other relevant agencies, regional and district offices of the Administration, the small business development center network, and State programs, developing a mechanism for—

“(A) identifying sub-sectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting in increasing international marketing by disseminating relevant information regarding market leads, linking potential sellers and buyers, and catalyzing the formation of joint ventures, where appropriate;

“(2) in cooperation with the Department of Commerce, actively assisting small business concerns in forming and using export trading companies, export management companies and research and development pools authorized under section 9 of this Act;

“(3) working in conjunction with other Federal agencies, regional and district offices of the Administration, the small business development center network, and the private sector to identify and publicize translation services, including those available through colleges and universities participating in the small business development center program;

“(4) working closely with the Department of Commerce and other relevant Federal agencies to—

“(A) collect, analyze, and periodically update relevant data regarding the small business share of United States exports and the nature of State exports (including the production of Gross State Product figures) and disseminate that data to the public and to Congress;

“(B) make recommendations to the Secretary of Commerce and to Congress regarding revision of the North American Industry Classification System codes to encompass industries currently overlooked and to create North American Industry Classification System codes for export trading companies and export management companies;

“(C) improve the utility and accessibility of export promotion programs for small business concerns; and

“(D) increase the accessibility of the Export Trading Company contact facilitation service;

“(5) making available to the small business community information regarding conferences on exporting and international trade sponsored by the public and private sector;

“(6) providing small business concerns with access to up-to-date and complete export information by—

“(A) making available at the district offices of the Administration, through cooperation with the Department of Commerce, export information, including the worldwide information and trade system and world trade data reports;

“(B) maintaining a list of financial institutions that finance export operations;

“(C) maintaining a directory of all Federal, regional, State and private sector programs that provide export information and assistance to small business concerns; and

“(D) preparing and publishing such reports as it determines to be necessary concerning market conditions, sources of financing, export promotion programs, and other information pertaining to the needs of small business export firms so as to insure that the maximum information is made available to small business concerns in a readily usable form;

“(7) encouraging, in cooperation with the Department of Commerce, greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities of the Department of Commerce;

“(8) facilitating decentralized delivery of export information and assistance to small businesses by assigning primary responsibility for export development to one individual in each district office, who shall—

“(A) assist small business concerns in obtaining export information and assistance from other Federal departments and agencies;

“(B) maintain a directory of all programs which provide export information and assistance to small business concerns in the region;

“(C) encourage financial institutions to develop and expand programs for export financing;

“(D) provide advice to personnel of the Administration involved in making loans, loan guarantees, and extensions and revolving lines of credit, and providing other forms of assistance to small business concerns engaged in exports; and

“(E) not later than 120 days after the date on which the person is appointed as an export development officer, and not less frequently than once each year thereafter, participate in training programs designed by the Administrator, in conjunction with the Department of Commerce and other Federal departments and agencies, to study export programs and to examine the needs of small business concerns for export information and assistance;

“(9) carrying out a nationwide marketing effort to promote exporting as a business development opportunity for small business concerns that uses technology, online resources, training, and other strategies;

“(10) disseminating information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

“(11) establishing and carrying out training programs for the staff of the district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.

“(e) EXPORT FINANCE SPECIALIST PROGRAM.—

“(1) EXPORT FINANCE SPECIALIST PROGRAM.—The Associate Administrator shall work in cooperation with the Export-Import Bank of the United States, the Department of Commerce, other relevant Federal agencies, and the States to develop a program through which export finance specialists in the district offices of the Administration, regional and local loan officers, and small business development center personnel can facilitate the access of small business concerns to relevant export financing programs of the Export-Import Bank of the United States and to export and pre-export financing programs available from the Administration and the private sector.

“(2) PROGRAM ACTIVITIES.—To carry out paragraph (1), the Associate Administrator shall work in cooperation with the Export-Import Bank of the United States and the small business community, including small business trade associations, to—

“(A) aggressively market Administration export financing and pre-export financing programs;

“(B) identify financing available under various programs of the Export-Import Bank of the United States, and aggressively market those programs to small business concerns;

“(C) assist in the development of financial intermediaries and facilitate the access of those intermediaries to financing programs;

“(D) promote greater participation by private financial institutions, particularly those institutions already participating in loan programs under this Act, in export finance; and

“(E) provide for the participation of appropriate Administration personnel in training programs conducted by the Export-Import Bank of the United States.

“(f) COUNSELING FOR SMALL BUSINESS CONCERNS.—The Associate Administrator shall—

“(1) work in cooperation with other Federal agencies and the private sector to counsel small business concerns with respect to initiating and participating in any proceedings relating to the administration of the United States trade laws; and

“(2) work with the Department of Commerce, the Office of the United States Trade Representative, and the International Trade Commission to increase access to trade remedy proceedings for small business concerns.

“(g) EXPORT ASSISTANCE PROGRAMS.—

“(1) IN GENERAL.—The Associate Administrator shall require, as part of the agreement under section 21, that each small business development center has an accredited export assistance program.

“(2) CERTIFICATION.—The Associate Administrator shall certify technical assistance staff members of small business development centers in providing export assistance, in accordance with such criteria as the Associate Administrator may establish.

“(3) TRAINING.—The Associate Administrator shall provide training relating to export assistance programs at the annual conference of small business development centers.

“(4) REPORT.—The Associate Administrator shall submit an annual report to Congress that includes—

“(A) the number of small business concerns assisted by accredited export assistance programs;

“(B) the export revenue generated by small business concerns assisted by accredited export assistance programs; and

“(C) an estimate of the number of jobs created or retained because of assistance provided by accredited export assistance programs.

“(h) EXPORT ASSISTANCE OFFICER.—The Associate Administrator shall—

“(1) assign an export assistance officer with training in export assistance and marketing to each district office of the Administration, who shall—

“(A) conduct training and information sessions for small business concerns interested in exporting; and

“(B) conduct outreach to small business concerns with the potential to export; and

“(2) provide annual training for export assistance officers.

“(i) EXPORT DEVELOPMENT GRANT PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible small-business concern’ means a small-business concern—

“(i) that—

“(I) has been in business for not less than 1 year;

“(II) has profitable domestic sales;

“(III) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Administrator; and

“(IV) has in place a strategic plan for exporting;

“(ii) an employee of which has completed an accredited export assistance program; and

“(iii) that agrees to provide to the Associate Administrator such information and documentation as is necessary for the Associate Administrator to determine that the small-business concern is in compliance with the internal revenue laws of the United States;

“(B) the term ‘export initiative’ includes—

“(i) participation in a trade mission;

“(ii) a foreign market sales trip;

“(iii) a subscription to services provided by the Department of Commerce;

“(iv) the payment of website translation fees;

“(v) the design of international marketing media;

“(vi) a trade show exhibition; and

“(vii) participation in training workshops; and

“(C) the term ‘small-business concern’ has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

“(2) GRANT PROGRAM.—The Associate Administrator shall establish an export development grant program, under which the Associate Administrator may make grants to eligible small-business concerns to enhance the capability of the eligible small-business concerns to be globally competitive, increase business internationally, and increase export sales.

“(3) APPLICATION.—An eligible small-business concern that desires a grant under this subsection shall submit to the Associate Administrator at such time and in such manner as the Associate Administrator shall prescribe an application that identifies not less than 1 specific, achievable export initiative that the eligible small-business concern will carry out using a grant under this subsection.

“(4) AMOUNT.—A grant under this subsection may not exceed \$5,000.

“(5) MATCHING FUNDS.—The Federal share of the cost of an export initiative carried out with a grant under this subsection shall be not more than 50 percent. The non-Federal share of the cost of an activity carried out with a grant under this subsection may be in kind or in cash.

“(6) INFORMATION AND DOCUMENTATION.—An eligible small-business concern that receives a grant under this subsection shall provide to the Associate Administrator—

“(A) receipts for all expenditures made with the grant; and

“(B) information relating to any export sales resulting from the grant.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2010 and each fiscal year thereafter.

“(j) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

“(A) the number of small business concerns that—

“(i) receive assistance from the Administration;

“(ii) had not exported goods or services before receiving the assistance described in clause (i); and

“(iii) export goods or services;

“(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

“(C) export revenues by small business concerns assisted by programs of the Administration;

“(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office; and

“(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center.

“(2) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures described in paragraph (1), that is consistent with systems used by the departments and agencies and the network.

“(3) REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that includes—

“(A) a detailed account of the information relating to the performance measures described in paragraph (1); and

“(B) a description of the export assistance and services provided to small business concerns by the Administration.

“(k) REPORT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administration in implementing the requirements under this section.

“(l) DISCHARGE OF ADMINISTRATION EXPORT PROMOTION RESPONSIBILITIES.—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade and exporting are carried out through the Associate Administrator;

“(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator has direct supervision and control over the staff of the Office, and over any employee of the Administration whose principal duty station is an Export Assistance Center or any successor entity.”.

(b) EXPORT DEVELOPMENT OFFICERS.—

(1) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall ensure that export development officers are assigned to each district office of the Administration, in accordance with section 22(d)(8) of the Small Business Act, as amended by this section.

(2) DEFINITION.—In this subsection, the term “export development officer” has the meaning given that term in section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

(c) EXPORT ASSISTANCE CENTERS.—

(1) VACANT POSITIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall ensure that the number of full-time equivalent employees of the Office of Export Development and Promotion assigned to the Export Assistance Centers is not less than the number of such employees so assigned on January 1, 2003.

(2) EXPORT DEVELOPMENT OFFICERS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in coordination with the Secretary of Commerce, shall ensure that export finance specialists are assigned to not fewer than 40 Export Assistance Centers.

(3) STUDY.—Not later than 6 months after the date of enactment of this Act, the Associate Administrator for Export Development and Promotion shall carry out a nationwide study to evaluate where additional export finance specialists are needed.

(4) DEFINITION.—In this subsection, the term “export finance specialist” means an export finance specialist described in section 22(e)(1) of the Small Business Act (15 U.S.C. 649(e)(1)), as amended by this section.

(d) APPOINTMENT OF ASSOCIATE ADMINISTRATOR.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint an Associate Administrator for Export Development and Promotion under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NUMBER OF ASSOCIATE ADMINISTRATORS.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(A) in the fifth sentence, by striking “five”; and

(B) by adding at the end the following: “One of the Associate Administrators shall be the Associate Administrator for Export Development and Promotion, who shall be the head of the Office of Export Development and Promotion established under section 22.”

(2) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE AND EXPORT POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A) by inserting “through the Associate Administrator for Export Development and Promotion of” before “the Small Business Administration”.

SEC. 04. EXPORT FINANCE PROGRAMS.

(a) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking “not exceed” and inserting “be”; and

(2) in paragraph (14)—

(A) by striking “(A) The Administration” and inserting the following: “EXPORT WORKING CAPITAL PROGRAM.—

“(A) IN GENERAL.—The Administrator”;

(B) by striking “(B) When considering” and inserting the following:

“(C) CONSIDERATIONS.—When considering”;

(C) by striking “(C) The Administration” and inserting the following:

“(D) MARKETING.—The Administrator”;

and

(D) by inserting after subparagraph (A) the following:

“(B) TERMS.—

“(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than \$5,000,000.

“(ii) FEES.—

“(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

“(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.”.

(b) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small

Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

“(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.”.

(c) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking “(32) INCREASED VETERAN” and inserting “(33) INCREASED VETERAN”; and

(2) by adding at the end the following:

“(34) EXPORT EXPRESS PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘export development activity’ includes—

“(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

“(II) participation in a trade show that takes place outside the United States;

“(III) translation of product brochures or catalogues for use in markets outside the United States;

“(IV) obtaining a general line of credit for export purposes;

“(V) performing a service contract from buyers located outside the United States;

“(VI) obtaining transaction-specific financing associated with completing export orders;

“(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

“(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

“(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

“(ii) the term ‘express loan’ means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

“(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

“(C) LEVEL OF PARTICIPATION.—

“(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be \$500,000.

“(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

“(I) 90 percent of a loan that is not more than \$350,000; and

“(II) 75 percent of a loan that is more than \$350,000 and not more than \$500,000.”.

(d) INTERNATIONAL TRADE LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (3)(B), by striking “\$1,750,000, of which not more than \$1,250,000” and inserting “\$5,000,000, of which not more than \$4,000,000”; and

(2) in paragraph (16)—

(A) in subparagraph (B), by striking “a first lien position” and all that follows and inserting “such collateral as is determined adequate by the Administrator.”;

(B) in subparagraph (D), by striking clauses (i) and (ii) and inserting the following:

“(i) is confronting—

“(I) increased competition with foreign firms in the relevant market; or

“(II) an unfair trade practice by a foreign firm, particularly intellectual property violations; and

“(ii) is injured by the competition or unfair trade practice.”; and

(C) by adding at the end the following:

“(F) GUARANTEE.—For a loan guaranteed under this paragraph, the Administrator shall guarantee 90 percent of the loan.

“(G) DEFINITION.—In this paragraph, the term ‘small business concern’ has the meaning given the term ‘small-business concern’ in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).”.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), in the matter preceding clause (i), by inserting “or (D) of this paragraph or in paragraph (16) or (34)” after “in subparagraph (B)”; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by striking “No” and inserting “Except as provided in paragraph (14)(B), no”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking “Lender” and inserting “Lenders”;

(ii) in subparagraph (E)—

(I) by striking “Lender” and inserting “Lenders”; and

(II) by striking “subsection (a)(2)(C)(ii)” and inserting “subsection (a)(2)(C)(iii)”; and

(B) in paragraph (7)(B)(ii), by striking “Lender” and inserting “Lenders”.

SEC. 05. MARKETING OF EXPORT LOANS.

The Administrator shall make efforts to expand the network of lenders participating in the export loan programs, including by—

(1) conducting outreach to regional and community lenders through the staff of the Administration assigned to Export Assistance Centers or to district offices of the Administration;

(2) developing a lender training program regarding the export loan programs for employees of lenders;

(3) simplifying and streamlining the application, processing, and reporting processes for the export loan programs; and

(4) establishing online, paperless processing and application submission for the export loan programs.

SEC. 06. SMALL BUSINESS TRADE POLICY.

(a) ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SMALL BUSINESS.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

(1) by adding at the end the following:

“(6)(A) There is established within the Office the position of Assistant United States Trade Representative for Small Business, who shall be appointed by the United States Trade Representative.

“(B) The Assistant United States Trade Representative for Small Business shall—

“(i) promote the trade interests of small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662));

“(ii) advocate for the reduction of foreign trade barriers with regard to the trade issues of small-business concerns that are exporters;

“(iii) collaborate with the Administrator of the Small Business Administration with

regard to the trade issues of small-business concern trade issues;

“(iv) assist the United States Trade Representative in developing trade policies that increase opportunities for small-business concerns in foreign and domestic markets, including policies that reduce trade barriers for small-business concerns; and

“(v) perform such other duties as the United States Trade Representative may direct.”; and

(2) by moving paragraph (5) 2 ems to the left.

(b) TRADE PROMOTION COORDINATING COMMITTEE.—

(1) DETAILEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended by adding at the end the following:

“(g) SMALL BUSINESS ADMINISTRATION.—The Administrator of the Small Business Administration shall detail an employee of the Small Business Administration having expertise in export promotion to the TPCC to encourage the TPCC to—

“(1) collaborate with the Small Business Administration with regard to trade promotion efforts; and

“(2) consider the interests of small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)) in the development of trade promotion policies and programs.”.

(2) NATIONAL EXPORT STRATEGY.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(A) in subsection (c)—

(i) in paragraph (5), by striking “and” at the end;

(ii) in paragraph (6), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(7) include an export strategy for small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)), which shall—

“(A) be developed by the Administrator of the Small Business Administration; and

“(B) include strategies to—

“(i) increase export opportunities for small-business concerns;

“(ii) protect small-business concerns from unfair trade practices, including intellectual property violations;

“(iii) assist small-business concerns with international regulatory compliance requirements; and

“(iv) coordinate policy and program efforts throughout the United States with the TPCC, the Department of Commerce, and the Export Import Bank of the United States.”; and

(B) in subsection (f), in paragraph (1), by inserting “(including implementation of the export strategy for small business concerns described in paragraph (7) of that subsection)” after “the implementation of such plan”.

(c) RECOMMENDATIONS ON TRADE AGREEMENTS.—

(1) NOTIFICATION BY USTR.—Not later than 90 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the United States Trade Representative shall notify the Administrator of the date the negotiation will begin.

(2) RECOMMENDATIONS.—Not later than 30 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the Administrator shall present to the United States Trade Representative recommendations relating to the needs and concerns of small business concerns that are exporters.

(d) TRADE DISPUTES.—The Administrator shall carry out a comprehensive program to provide technical assistance, counseling, and reference materials to small business concerns relating to resources, procedures, and requirements for mechanisms to resolve international trade disputes or address unfair international trade practices under international trade agreements or Federal law, including—

(1) directing the district offices of the Administration to provide referrals, information, and other services to small business concerns relating to the mechanisms;

(2) entering agreements and partnerships with providers of legal services relating to the mechanisms, to ensure small business concerns may affordably use the mechanisms; and

(3) in consultation with the Director of the United States Patent and Trademark Office and the Register of Copyrights, designing counseling services and materials for small business concerns regarding intellectual property protection in other countries.

SA 1337. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 20 and all that follows through page 3, line 14, and insert the following:

(1) IN GENERAL.—The Corporation shall have a board of directors of 12 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(A) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(B) 1 shall have appropriate expertise and experience in the restaurant sector;

(C) 1 shall have appropriate expertise and experience with small business concerns (as that term is used in section 3 of the Small Business Act (15 U.S.C. 632)) or associations that represent small business concerns;

(D) 1 shall have appropriate expertise and experience in the retail sector or in associations representing that sector;

On page 20, strike lines 19 and 20 and insert the following:

travel and tourism industry (other than those that are small business concerns (as that term is used in section 3 of the Small Business Act (15 U.S.C. 632)), in the retail sector, or in the passenger air sector) represented on the Board

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 2:30 p.m. in room

253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, from 9–10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 10 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 2:30 p.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 17, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the U.S. Department of Justice.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests, be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 1:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on readiness and management support be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 17, 2009 from 2 p.m.–4 p.m. in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Robert Burnham and Terri Chen of my office be granted the privilege of the floor for the pendency of S. 1023, the travel promotion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEBCASTER SETTLEMENT ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 2344.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2344) to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, the Webcaster Settlement Act of 2009 will provide the recording industry and webcasters the additional time they need to reach a mutually beneficial agreement on webcasting rates. I am pleased that Congress has acted swiftly on this legislation.

I have long championed the development of new business models for transmitting music to the public. Webcasters are able to offer a range of music to consumers in a form that can compete with traditional broadcast radio and satellite radio. As webcasting and webcasters flourish, the performers whose music is attracting listeners deserve compensation.

In March 2007, the Copyright Royalty Board determined the rates applicable to webcasters through 2010. Webcasters large and small expressed serious concerns that the new rates would threat-

en their viability. I encouraged all parties at that time to negotiate and reach an agreement on rates that would compensate recording artists while allowing webcasters to prosper. The Copyright Royalty Board process is intended as a backstop when parties cannot reach agreements. All parties, and the listening public, benefit when private sector agreements are reached.

Last year, Congress passed an extension similar to the one we pass today. It paved the way for agreements between SoundExchange, on behalf of the recording industry, and the National Association of Broadcasters, the Corporation for Public Broadcasting, and a group of small webcasters.

I am pleased that both webcasters and the recording industry are promoting this legislation. I have said before that I would not sanction a legislative readjustment of rates because one party is dissatisfied with the results. By passing this extension today, Congress is returning the authority to set rates to the creators and distributors of the music we all enjoy.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2344) was ordered to a third reading, was read the third time, and passed.

ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004 EXTENSION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 2675.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2675) to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act, ACPERA. I have long supported vigorous enforcement of the antitrust laws. Passage of this legislation ensures that the Department of Justice will retain the tools it needs to prosecute criminal antitrust violations effectively and efficiently.

Since its inception 5 years ago, ACPERA has bolstered the Department of Justice's ability to uncover and prosecute criminal antitrust violations through its leniency program. The act

provides incentives for corporations to self-report antitrust violations by limiting criminal liability and the civil damages recoverable to actual damages against a party that comes forward and cooperates with the Department of Justice.

The incentives in this program are critical to the success of the Antitrust Division's criminal antitrust enforcement. The 1-year extension will allow the Department of Justice to continue this successful program while Congress assesses the long-term direction of the Department of Justice's leniency program.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2675) was ordered to a third reading, was read the third time, and passed.

J. HERBERT W. SMALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 75, H.R. 813.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 813) to designate the Federal building and United States courthouse located 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 813) was ordered to a third reading, was read the third time, and passed.

RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 76, H.R. 837.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 837) to designate the Federal building located at 799 United Nations Plaza

in New York, New York, as the “Ronald H. Brown United States Mission to the United Nations Building.”

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 837) was read the third and passed.

DESIGNATING 2009 AS YEAR OF THE NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate then proceed to S. Res. 66.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 66) designating 2009 as the “Year of the Noncommissioned Officer Corps of the United States Army.”

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 66

Whereas the Secretary of the Army has designated 2009 as the Year of the United States Army Noncommissioned Officer (NCO) to honor more than 200 years of service by the noncommissioned officers of the Army to the Army and the American people;

Whereas the modern noncommissioned officer of the Army operates autonomously, and always with confidence and competence;

Whereas the Noncommissioned Officer Corps of the Army has distinguished itself as the most accomplished group of military professionals in the world, with noncommissioned officers of the Army leading the way in education, training, and discipline, empowered and trusted like no other noncommissioned officers, and serving as role models to the most advanced armies in the world; and

Whereas the noncommissioned officers of the Army share their strength of character and values with every soldier, officer, and civilian they support across the regular and reserve components of the Army, and take the lead and are the keepers of Army standards: Now, therefore, be it

Resolved, That the Senate—

(1) designates 2009 as the “Year of the Noncommissioned Officer Corps of the United States Army”; and

(2) encourages the people of the United States to recognize the “Year of the Noncommissioned Officer Corps of the United States Army” with appropriate ceremonies and activities.

CONGRATULATING THE LOS ANGELES LAKERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 188.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 188) congratulating the Los Angeles Lakers for winning the 2009 National Basketball Association Championship.

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas, on June 14, 2009, the Los Angeles Lakers defeated the Orlando Magic in game 5 of the 2009 National Basketball Association Championship Finals;

Whereas that triumph marks the 15th National Basketball Association Championship for the Lakers franchise and 10th for the Los Angeles Lakers;

Whereas that triumph also marks the fourth National Basketball Association Championship victory for the Los Angeles Lakers since 1999, earning the Los Angeles Lakers more championship victories in this decade than any other team in the league;

Whereas Los Angeles Lakers head coach Phil Jackson, who throughout his career has epitomized discipline, teaching, and excellence, has won 10 National Basketball Association Championships as a head coach, the most championships for a head coach in National Basketball Association history, surpassing the number won by the legendary Arnold “Red” Auerbach;

Whereas the 2009 National Basketball Association Championship marks the ninth championship for Los Angeles Lakers owner Gerald Hatten Buss;

Whereas general manager Mitch Kupchak has built a basketball team that possesses a great balance among all-stars, veterans, and young players;

Whereas the Los Angeles Lakers won 65 games in the 2009 regular season and defeated the Utah Jazz, the Houston Rockets, the Denver Nuggets, and the Orlando Magic

in the 2009 National Basketball Association playoffs; and

Whereas each player for the Los Angeles Lakers, including Trevor Ariza, Shannon Brown, Kobe Bryant, Andrew Bynum, Jordan Farmar, Derek Fisher, Pau Gasol, Didier Ilunga-Mbenga, Adam Morrison, Lamar Odom, Josh Powell, Sasha Vujacic, Luke Walton, and Sue Yue, contributed to what was truly a team effort during the regular season and the playoffs to bring the 2009 National Basketball Association Championship to the city of Los Angeles: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Los Angeles Lakers for winning the 2009 National Basketball Association Championship;

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication made winning the championship possible; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to—

(A) the 2009 Los Angeles Lakers team and their head coach Phil Jackson;

(B) the Los Angeles Lakers owner Gerald Hatten Buss; and

(C) the Los Angeles Lakers general manager Mitch Kupchak.

DETAINEE PHOTOGRAPHIC RECORDS PROTECTION ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1285.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 1285) to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act), to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1285) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) SHORT TITLE.—This section may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(b) DEFINITIONS.—In this section:

(1) COVERED RECORD.—The term “covered record” means any record—

(A) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) PHOTOGRAPH.—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) NOTICE TO CONGRESS.—A timely notice of the Secretary’s certification shall be submitted to Congress.

(d) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

SEC. 2. OPEN FREEDOM OF INFORMATION ACT.

(a) SHORT TITLE.—This section may be cited as the “OPEN FOIA Act of 2009”.

(b) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

“(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

“(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.”.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hilary Tompkins, to be Solicitor of the Department of the Interior; that the nomination be confirmed and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed at the appropriate place in the RECORD as if read, the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF THE INTERIOR

Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, JUNE 18, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Thursday, June 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business for 1 hour with the time equally divided or controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Under a previous order, following morning business, the Senate will return to consideration of S. Con. Res. 26, a concurrent resolution relating to slavery. It is an apology relating to slavery. There will be an hour for debate equally divided and controlled between the two leaders or their designees prior to a vote on adoption of the concurrent resolution. We expect that vote to be a voice vote.

Upon disposition of the concurrent resolution, the Senate will resume consideration of the conference report to accompany H.R. 2346, the emergency appropriations bill.

We hope we can work out an agreement on this tomorrow to finalize the supplemental. If not, we will have a cloture vote Friday morning early.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Thursday, June 18, 2009, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

VILMA S. MARTINEZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIAN G. DONAHUE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

ROBERT L. DORAN
MICHAEL J. HUTH
RYAN S. JONES
MARK E. PATTON
JAMES J. RISGAARD
SIDNEY M. SMITH
CHAD R. WALKER
RICKY R. WALLACE

To be major

STEVEN R. CALDER
ANDREW W. COLLINS
NATHAN C. CURRY
WILLIE J. HARRIS
JAY J. HEBBERT
ANNA R. JOHNSON
TIMOTHY J. MACDONALD
MICHAEL I. MAHARAJ
MICHAEL J. MATTHEWS
DETRICE D. MOSBY
ANTHONY W. PARKER
CAROLYN M. PORTEE
ENRIQUE O. RIVERA
BENJAMIN R. SALVADOR
JASON A. SCHUYLER
SHEBA L. WATERFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN A. AARDAPPEL
RICHARD R. AARON
JUSTIN P. AARONSON
MANUEL M. ACOSTA
RIAKOS L. ADAMS
TERRENCE A. ADAMS
BRIAN L. ADAMSON
MARK G. ADKINS
RICHARD W. AHWEEMARRAH
JASON E. ALBRIGHT
DANIEL C. ALDER
MICHAEL F. ALEXANDER
ANDREW S. ALLEN IV
CHRISTOPHER M. ALMAGUER
BENJAMIN ALVAREZ
LEE E. AMBROSE
TYLER K. ANDERSEN
SAMFORD D. ANDERSON
BRIAN C. ANGELL
TROY ANGELL
DANTE A. ANTONELLI
CURTIS M. ARMSTRONG
MATTHEW R. ARROL
SHANNON P. ASERON
MICHAEL C. ATHANASAKIS
JACOB A. ATKINS
JASON W. ATKINSON
MARC J. AUSTIN

DARBY L. AVILES
 MATTHEW P. BACHMANN
 JOHN R. BACON
 TERENCE W. BACON
 HOSSEIN D. BAHAGHIGHAT
 DEREK R. BAIRD
 JEFFREY R. BAIRD
 CHRISTINE M. BAKER
 DONALD L. BAKER, JR.
 JAMI L. BALL
 WILLIAM F. BALL III
 ALHAJI S. BANGURA
 KEITH A. BARANOW
 JAMES A. BARLOW
 CHRISTOPHER Q. BARNETT
 RYAN D. BARNETT
 CHARCILLEA A. BARRETT
 STEVEN B. BARRIER, JR.
 KRISTOFFER R. BARRITEAU
 STEVEN S. BARTLEY
 ADRIAN C. BAUER
 SEAN W. BAXTER
 CHRIS B. BEAL
 JAMES A. BEAULIEU
 RALPH L. BECKI
 BROOK W. BEDELL
 LISA A. BELCASTRO
 JOEL S. BENEFIEL
 TOBIAS A. BENNETT
 RYAN M. BERDINER
 RICHARD E. BERRY II
 ALI J. BESIK
 JAY A. BESSEY
 BRIAN E. BETTIS
 NATHAN T. BIDDLE
 PAUL T. BIGA
 ACHIM M. BILLER
 MATHEW J. BILLINGS
 JASON D. BILLINGTON
 DAMON J. BIRD
 CRAIG W. BLACKWOOD
 PRESTON B. BLAIR
 BRIAN D. BLAKE
 JUDE M. BLAKE
 JONATHAN G. BLEAKLEY
 JOHN T. BLEIGH
 RONALD G. BLEVINS
 PENNY M. BLOEDEL
 SETH A. BODNAR
 BRYAN M. BOGARDUS
 KELLY O. BOLAN
 PAUL D. BOLDUAN
 DAVID M. BOLENDER
 LANE A. BOMAR
 VINCENT J. BONCICH
 LORETO V. BORCE, JR.
 JON D. BORMAN
 ISSAM A. BORNALES
 RYAN P. BORTNYK
 JUSTIN A. BOSANKO
 SHANNON M. BOSTICK
 BRIAN J. BOSTON
 STEPHEN E. BOURDON
 WILLIAM H. BOWERS
 WILLIAM G. BOYD, JR.
 JONATHAN M. BRADFORD
 JASON M. BRADLEY
 DONALD T. BRAMAN
 JOHN M. BRAUNEIS
 VINCENT J. BRAY
 PAUL D. BRECK
 JOHN W. BRENGLE
 THOMAS K. BRENTON
 JESSIE J. BREWSTER
 MATTHEW A. BRODERICK
 ERIC A. BROOKS
 FRANKLIN C. BROOKS
 JASON L. BROTHERS
 CHRISTOPHER J. BROWN
 JASON C. BROWN
 RODGERS BROWN, JR.
 JAMES L. BROWNING
 BOYCE R. BUCKNER
 DIOSABELLE B. BUCKNER
 KEVIN W. BUKOWSKI
 JASON N. BULLOCK
 MICHAEL R. BUNDT
 THEDIUS L. BURDEN
 ANDREW E. BURGESS
 ANITA L. BURKE
 JASON P. BURKE
 RYAN T. BURKERT
 MICHAEL M. BURNS
 JOHN J. BURRESKIA, JR.
 PHILIP A. BUSWELL
 CODY P. BUTTON
 JASON L. BUURSA
 VAUGHAN M. BYRUM
 POHAN A. BYSTROM
 RONALDO B. CABALES
 ROGER M. CABINESS II
 RYAN C. CAGLE
 ELIZABETHANNE M. CAIN
 HARTLEIGH A. CAINE
 STEPHEN A. CALDERON
 JAIME CALICA
 ADAM S. CAMARANO
 BRIAN C. CAMPBELL
 WILLIAM R. CANDA III
 ADAM M. CANNON
 DON L. CANTERNA, JR.
 MATTHEW P. CAPOBIANCO

MICHAEL H. CAPPS
 SARA E. CARDENAS
 EDWARD W. CARDINALE
 ERIC D. CARLSON
 KENT R. CARLSON, JR.
 ROBERT J. CARPENA
 BARRY S. CARTER
 DARYL A. CARTER
 JASON C. CARTER
 JEANETTE A. CARTER
 JOHN F. CARTER
 NATALIE K. CASEY
 JAY I. CASH
 DANIEL L. CASTORO
 TIMOTHY J. CATALANO
 JACOB L. CECKA
 CARLOS E. CHAPARROLOPEZ
 THOMAS D. CHAPEAU
 STEPHEN A. CHAVEZ
 GEORGE A. CHIGI
 MATTHEW W. CHILDERS
 CHRIS C. CHOI
 KRIS Y. CHOW
 WILLIE L. CHRISTIAN, JR.
 JEFFREY S. CHRISTY
 JEREMY D. CLARDY
 JAMES S. CLARK
 MATTHEW B. CLARK
 PAUL A. CLARK, JR.
 EDWIN L. CLARKE
 RICHARD J. CLAYTON
 RAYMOND E. CLOUD
 MICHAEL P. COCHRAN
 ANTHONY L. COLE
 JAMES F. COLLIER, JR.
 AXEL E. COLONPADIN
 NATHANIEL F. CONKEY
 MAURICE C. CONNELLY
 DAVID M. CONNER
 SAMUEL J. CONNER
 CASEY D. CONNORS
 CHRISTOPHER J. COOK
 SAMUEL P. COOK
 WALTER R. COOPER III
 JOHN W. COPELAND
 KELLY J. COPPAGE
 JASON Y. CORNETT
 CHAD P. CORRIGAN
 KENNETH J. COSGRIFF
 AARON K. COWAN
 JONATHAN A. COWEN
 AARON L. COX
 YANSON T. COX
 THOMAS B. CRAIG
 NATHANIEL T. CRAIN
 KIMBERLY J. CRICHLAW
 ADAM B. CRONKHITE
 BENJAMIN C. CROOM
 CLARA W. CROWECHAZE
 CASEY R. CROWLEY
 JOHN R. CRUISE
 LUIS M. CRUZ, JR.
 PATRICK J. CULPEPPER
 KEVIN F. CUMMISKEY
 LARRY W. CUNNINGHAM, JR.
 SEAN W. CUNNINGHAM
 GREGORY E. CURRY II
 DANIEL P. CURTIN, JR.
 CLAYTON D. CURTIS
 DOUGLAS J. CURTIS
 CHRISTOPHER A. CZERNIA
 NICHOLAS K. DALL
 SHAWN D. DALTON
 CHRISTOPHER J. DAMATO
 ANDREW D. DAMICO
 CLAYTON C. DANIELS
 ANTOINETTE H. DAOU
 PATRICK W. DARDIS
 BRYAN J. DARILEK
 MICHAEL S. DAVERSA
 DONALD C. DAVIDSON
 CHAD A. DAVIS
 JOSHUA M. DAVIS
 MARK A. DAVIS
 CHRISTOPHER J. DAWSON
 JASON W. DAY
 JASON R. DEEL
 ERIC D. DEFOREST
 ROGER T. DELAHUNT
 EMERY N. DELONG
 BRANDEN J. DELPILAR
 KIRBY R. DENNIS
 TRAVIS P. DETTMER
 STEVEN M. DEVITT
 THURMAN S. DICKERSON III
 CHRISTIAN N. DIETZ
 ADAM B. DIGAUDIO
 PETER DIGIORGIO
 DANIEL C. DINICOLA
 ERIC S. DOBER
 BRYAN J. DODD
 THOMAS C. DOUKAKOS
 AMANDA E. DOYLE
 ELLJAH A. DREHER
 TIMOTHY J. DUGAN
 CHRISTOPHER T. DULING
 CEDRICK A. DUNHAM
 RICHARD E. DUNNING
 CRAIG J. DUPUY
 ERIC N. DURRANT
 JOHN N. DVORAK
 MICHAEL G. DVORAK

JASON R. DYE
 WILLIAM W. EARL
 JEFFREY A. EDGINGTON
 CHAD R. EDLUND
 VICTOR C. EGBON
 DANIEL J. EICKSTEDT
 KACEY C. ELLERBROCK
 MATHEW D. ELLIOTT
 MELVIN F. EMORY, JR.
 MICHAEL J. ENGLIS
 DANIEL R. ERSKINE
 DAVID E. ESCOBAR
 SAMUEL A. ESCOBARPEREZ
 ROBERT J. ESPINOZA
 JOHN W. EVANGELISTA
 ANCLE R. EVANS
 DAVID H. EVANS
 SCOTT D. EVELYN
 DAVID FAGERGREN
 DAVID M. FAJARDO
 BRENDON M. FALSONI
 ANDREW G. FARINA
 MICHAEL S. FARMER
 NATHANIEL J. FARRIS
 BRYAN R. FEESER
 HECTOR FERNANDEZ
 JOHN M. FERNANDEZ
 ROSS D. FEUERSTEIN
 MELISSA L. FIELD
 BENJAMIN A. FIELDING
 ANTHONY T. FINDLAY
 RYAN M. FINLEY
 SEAN P. FINNERTY
 BRADFORD A. FISHER
 THOMAS C. FISHER
 JOSHUA M. FISHMAN
 DAVID E. FITZPATRICK
 JESSE L. FLEMING
 KATHRYN P. FLEMING
 PATRICK M. FLOOD
 FRANKIE L. FLOWERS
 MICHAEL C. FLYNN
 JASON C. FOOTE
 DARREN B. FOWLER
 JORDAN M. FRANCIS
 KENNETH W. FRANK
 JOHN T. FRANZ
 THOMAS D. FREILING
 THOMAS D. FROHNHOEFER
 DAVID A. FULTON
 MICHAEL R. FUNCHES
 MICHAEL M. GACHERU
 ADRIAN M. GAILEY
 BRENDAN R. GALLAGHER
 CASEY J. GALLIGAN
 ANDREW A. GALLO
 MICHAEL R. GARRY
 JOSHUA M. GASPARD
 LISA M. GASQUE
 MICHAEL E. GATES
 RICHARD B. GEBHARDT
 MARK E. GETTING
 SHAWN H. GEIB
 COREY J. GENEVICZ
 JONATHAN M. GENGE
 THYRANE R. GEORGE
 JOHN GERVAIS
 TIMOTHY J. GHORMLEY
 BRYAN N. GIBB
 STEPHEN R. GIBBS
 BRIAN D. GILBERT
 RYAN A. GILDEA
 CHRISTOPHER D. GILDON
 KIMBERLY N. GILES
 JARROD J. GILLAM
 NANCY A. GINES
 KEVIN M. GITKOS
 ROBERT D. GIULIANO
 MICHAEL B. GLADNEY
 DEMETRIA L. GLOVER
 DANIEL GOBBEY
 EDWARD GOMEZ
 GARY H. GONZALEZ, JR.
 JEFFREY D. GOOD
 REED R. GOODELL
 MICHAEL J. GOODENOUGH
 SCOTT A. GOODRICH
 ROBERT D. GORDON
 DONALD A. GOURLEY
 MICHAEL F. GOVIGNON
 ROBERT B. GRAETZ
 MATTHEW W. GRAHAM
 SHAWN M. GRALINSKI
 MICHELLE M. GRAMLING
 LAWRENCE L. GRANT
 ROBERT L. GREEN
 MICHAEL C. GREENE
 KARL E. GREGORY
 DANIEL D. GRIEVE
 STEVEN D. GRIFFIN
 WILLIAM J. GRIFFITH IV
 GARRETT J. GUITREAU
 ROBERT C. GULLY
 JOHN R. GUNTER
 DAVID W. GUNTHER
 MARK A. GUNTHER
 NATHAN A. GUTHRIE
 CHRISTOPHER W. HAGGARD
 MICHAEL B. HALE
 CHRISTIAN W. HALL
 MARK D. HALL
 SHAUN C. HALL

WILLIAM A. HAMMAC
 KARI C. HAMMOND
 TIMOTHY J. HANLEY
 DIONNE L. HANNAH
 NOAH C. HANNERS
 EVANS A. HANSON
 GLENDEN J. HANUN
 ADAM W. HARLESS
 JOSEPH G. HAROSKY
 FREDRICK C. HARRELL
 TERRENCE G. HARRINGTON
 WILLIAM B. HARRINGTON
 CHARLA N. HARRIS
 MICHAEL K. HARRIS
 WALTER F. HARRIS
 JOHN P. HARRISON
 PAUL D. HARRISON
 JAMES J. HART
 RICHARD E. HARTNEY III
 MONICA L. HARTY
 KEITH A. HASKIN
 VALERIE L. HAUER
 DERON R. HAUGHT
 DERIC J. HAWKINS
 DANIEL A. HAYDEN
 ROLLIN R. HEASSLER
 SEAN M. HEENAN
 WILLIAM S. HEEPS
 JOEL M. HELGERSON
 THOMAS L. HENDRIX III
 ANDREW M. HENNING
 DAVID F. HENNING, JR.
 KYLE D. HENSON
 GREGORY P. HENZ
 MICHAEL S. HEQUEMBOURG
 JORDAN E. HERRMANN
 JOHNATHAN W. HESTER
 TERRY N. HILDEBRAND, JR.
 JAMES K. HILLABRANDT
 TERRY L. HILT
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 WILLIAM F. JENNINGS
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 GREGORY W. MCLEAN
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 LOUISITO J. OCAMPO
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SEAN M. REILLY
JERRY B. REITAN
GLEN D. RENFREE
JOSE R. REYESIRIZARRY
JEFFREY P. RHODES
CHRISTOPHER J. RICCI
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WILLIAM D. RICHARDSON
WILLIAM P. RICHARDSON
JASON B. RIDDLE
WALTER O. RITTEGER
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SANTOS RIVERA, JR.
JOHN T. ROBERSON
CHRISTOPHER O. ROBERTS
STEVEN G. ROBINS
GUYTON L. ROBINSON
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MICHAEL W. TILTON
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LAZANDER C. TOMLINSON
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RICHARD A. TOWNER
JAMEY L. TRIGG
BRIAN J. TRITTEN
VICTOR E. TRUJILLO II
TIMOTHY A. TRYON
GERALD D. TUCK
COLEY D. TYLER
KYLE L. UPSHAW
HOPE A. USE
JEREMY J. USSERY
DAVID A. UTHLAUT
BRIAN C. VANVALKENBURG
DARRELL F. VAUGHAN
HUMBERTO O. VENTURA
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SETH W. VIEUX
ALBERT A. VIGILANTE, JR.
SEAN C. VINSON
CHRISTOPHER J. VITALE
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MARK J. WADE
CHRISTOPHER K. WAGAR
ANDREW J. WAGNER
RUSSELL O. WAGNER
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JONATHAN D. WALKER
KEITH P. WALKER
MATTHEW A. WALKER
LEE S. WALLACE
STEVEN S. WALLACE
DANIEL J. WALLESTAD
CHADRICK K. WALLEY
SHAWN A. WANGERIN
KEVIN J. WARDROBE
JOSEPH L. WARNER
SEAN M. WARNER
CARL E. WARREN
JERON J. WASHINGTON
SHERMAN C. WATSON
SHANNON T. WAY
JASON R. WAYNE
DENNIS J. WEAVER
MARTIN E. WEAVER
WADE M. WEAVER
JEREMY M. WEDLAKE
ALBERT J. WEINNIK II
ADENA J. WEISER
YINON WEISS
CHRISTOPHER P. WELLMAN
DANIEL E. WELSH
CHAD M. WENDOLEK
ERIC N. WEYENBERG
AMY M. WHEELER
GRAHAM R. WHITE
REGINALD D. WHITE
JOSEPH L. WHITENER, JR.

NATHAN S. WHITFIELD
ANDREW J. WHITFORD
NATHAN A. WHITLOCK
ANDREW J. WILBRAHAM
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JARED P. WILSON
JEANNETTE M. WILSON
MAURICE WILSON
NATHANIEL B. WILSON
TAMMI Y. WILSON
BARRY WINNEGAN
PAUL W. WITKOWSKI
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JOHN A. WOMACK
RICHARD S. WOOLSHLAGER
JEFFREY R. WOOTEN
MATTHEW T. WORK
LARRY G. WORKMAN
RYAN K. WORKMAN
GLEN A. WRIGHT
TIMOTHY F. WRIGHT
PAUL M. WUENSCH
TAYLOR R. YAMAKI
ALISSA A. YIKE
LUCAS J. YOHO
ALEXANDER YOUNG
DENNIE YOUNG
GENE YU
MICHAEL ZENDEJAS
CURTIS J. ZERVIC
SALVADOR M. ZUNIGA
KURT W. ZWOBODA
D070732
D070505
D070795
D071037
D071039

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To be major

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MICHAEL A. ADAMS
BENJAMIN K. AFEKU
RACHEL J. ALESSANDRO
THOMAS M. AMODEO
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ELIZABETH M. ANDERSON
MICHELLE D. ANDERSON
VALERIE R. ANDREWS
JAY H. ANSON
CHARLES M. AZOTEA
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MICHAEL A. BARKER
KURT M. BARNEY
ANTHONY L. BARRERAS
BRIAN M. BAUER
JAYNA T. BELL
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THOMAS R. BENARD
JENNIFER D. BERGER
JASON R. BIERKORTTE
CHRISTIAN C. BJORNSSON
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TRAVIS T. BLOCK
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RICHARD B. BUCKNER
STEPHEN A. BULTMANN
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JOSHUA M. BUNDT
JOSHUA T. BURDETT
RYAN H. BURKE
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RETT B. BURROUGHS
MICHAEL R. BUSH
JAMES D. BUSKIRK
BRIAN H. BYRD
JEFFREY A. BYRD
MARTIN CABANHERNANDEZ
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JAYSON R. CAMPBELL
DEREK J. CARLSON
VERONICA A. CARROLL
MICHAEL W. CERCHIO
ROY J. CHANDLER
HEATHER M. CHRISTENSEN
LATRICE K. CLARK

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 JOSE G. COLLADO
 ENARDO R. COLLAZOALICEA
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 STEVEN L. DOEHLING
 BERESFORD P. DOHERTY
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 JEFFREY D. FRANZ
 TIMOTHY C. FRIEDRICH
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 MARTRELL G. FUNCHES
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 TERESA M. GARDNER
 LEE W. GERBER
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 TIMOTHY M. GIBBONS
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 ROBERT HUDSON
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 RICHARD A. HUNTER
 JENNIFER A. HURRELE
 BRIAN R. HUSKEY
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 TIMOTHY J. IRELAND
 BRADLEY J. ISLER
 JASON E. ISON
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 JAMES R. KRETZSCHMAR
 JOSEPH R. KRUPA
 THOMAS LAF LASH
 RODNEY D. LAMBERSON II
 JOSEPH T. LATENDRESSE
 WILLIAM H. LAVENDER II
 JOHN C. LEE
 MICHAEL P. LENART
 EDWARD B. LERZ II
 AMUTRA D. LEVINE
 DOUGLAS L. LEWIS
 LOLETA L. LEWIS
 HUNG N. LIEU
 SCOTT D. LINKER
 RODNEY H. LIPSCOMB
 CHRISTOPHER L. LISTON
 CHRISTOPHER I. LOFTIS
 LUCIA L. LOMBARDI
 CHYLON E. LONGMOSES
 HECTOR J. LOPEZ
 JEFFREY B. LOVELACE
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 JASON S. MEISEL
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 APRIL D. MILLER
 CHRISTIAN R. MILLER
 LAUREN J. MILLER
 PATRICK J. MILLER
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 ANDRE S. MONGE
 ROSANA MONTANEZRODRIGUEZ
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 JOEL L. MOORE
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 CHRISTOPHER F. MORRELL
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 JASON D. MOULTON
 AIMEE J. MOWRY
 BRIAN G. MULHERN
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 ISABEL K. NAZARETH
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 AARON M. NEWCOMER
 RUBIN R. NEYPES
 KENNETH C. NICKERSON
 SAMUEL NIEVES
 RUSSELL F. NUNLEY
 KEVIN P. O'CONNELL
 SHERRY K. OEHLE
 AMMILEE A. OLIVA
 DUSTIN R. ORNATOWSKI
 CYNTHIA A. ORR
 JAMES F. OSBORNE
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 LEIF H. PURCELL
 SUKHDEV S. PUREWAL
 PHILLIP RADZIKOWSKI
 SIEGFRIED T. RAMIL
 MATTHEW B. RAPP
 ALEXANDER P. RASMUSSEN
 DAVID C. REDMAN
 NATHAN T. REED
 THOMAS R. RENNER
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 VICTOR H. RUIZ
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 STEPHEN SAMS
 LIZETTE SANABRIAGRAJALES
 JESSE L. SANDEFER
 ARPINEE SARKISIAN
 NATHAN C. SAUL
 CLIFTON D. SCHMITT
 AARON P. SCHWAIGER
 KEVIN A. SCOTT
 IAN P. SEIN
 BENJAMIN K. SELZER
 ROBERT J. SHADOWENS
 BENJAMIN J. SHAHA
 STEPHEN J. SHANKLE
 RICHARD N. SHEFFIELD
 ELIZABETH M. SHERR

CHRISTOPHER D. SIEVERS
 CHARLIE SILVA
 CRAYTON E. SIMMONS
 RICHARD B. SIMPSON
 PETER T. SINCLAIR II
 ELDRIDGE R. SINGLETON
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 JASON A. SLUTSKY
 BENJAMIN M. SMITH
 DIONNE M. SMITH
 JOHN A. SMITH
 NIKKI N. SMITH
 JARED W. SNAWDER
 JOHN M. SNYDER
 RICHARD J. SONNENFELD
 DAVID SOTOMAYOR
 PATRICK L. SOULE
 JOHN M. SOVA
 JOEL C. SPINNEY
 CHRISTOPHER M. STAUDER
 CAROL M. STAUFFER
 KEVIN L. STEELE
 CHRISTOPHER N. STELLE
 JOSHUA N. STEPHENSON
 MICHAEL K. STINCHFIELD
 ANDREW S. STLAURENT
 POVILAS J. STRAZDAS
 OLIVER D. STREET
 SHAWN STROOP
 TISSA L. STROUSE
 SCOTT E. STURTEVANT
 DANIEL P. SUKMAN
 PATRICK K. SULLIVAN
 JERMAINE L. SUTTON
 KATINA S. SUTTON
 ANDREW D. SWEDBERG
 ANDREW D. SWEDLOW
 ROBERT L. TABER
 BRENDAN S. TAYLOR
 JOSHUA A. TAYLOR
 KOLLIN L. TAYLOR
 SEAN R. TAYLOR
 BILL M. TERRY, JR.
 BENJAMIN R. THOMAS
 THAD M. THOME
 BRANDON S. THOMPSON
 SCOTT D. THOMPSON
 MANDIE A. TIJERINA
 JOHN D. TINCHER
 AKEMI A. TORBERT
 EDWIND TORRESROSADO
 MARK E. TOWNSEND
 ROBERT L. TRENT
 JAMES E. TRIMBLE, JR.
 JASON G. TULLIUS
 JOHN E. TURNER, JR.
 NALONIE J. TYRRELL
 JAMES R. ULL
 NICOLE E. USSERY
 NATALIE E. VANATTA
 ELLIE M. VANCE
 GABRIEL V. VARGAS
 TREVOR E. VOECKS
 JANEL D. VOTH
 KAIWAN T. WALKER
 NEIL R. WALKER
 TIMOTHY J. WALKER
 DANIEL S. WALL
 JONATHAN B. WARR
 JEFFREY L. WASHINGTON
 LEE L. WASHINGTON
 TERRI N. WEBB
 DAVID B. WEBER
 HANS J. WEBER
 SEAN D. WEEKS
 DAVID I. WEST
 ADAM H. WHITE
 PAUL R. WHITE, JR.
 CARLA K. WHITLOCK
 TODD D. WICKARD
 JASON E. WILLIAMS
 LINCOLN F. WILLIAMS
 MICHAEL M. WINN
 ALVIN WORD IV
 STEPHEN F. WRIGHT
 STEVEN P. WRIGHT
 D060503
 D070118
 D070674
 D070170
 D070215
 D060680
 D060808
 D070424
 D070788
 D060301
 X1312
 X1242
 X1381

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ALLEN D. ACOSTA
 MICHELLE M. AGPALZA
 CHRISTOPHER R. AKER
 MATTHEW H. ALEXANDER
 JAMES J. ALLISON
 ANGEL A. ALVARADO
 DOMINIC L. AMANTIAD

CHRISTOPHER J. ANDERSON
 ERIC W. ANDERSON
 JOEL B. ANDERSON
 REGINALD J. ANDERSON
 SEVERT A. ANDERSON IV
 PATRICK I. ANDING
 JAMES M. ANTHONY
 JOSEPH A. ANTHONY
 SCOTT C. APLING
 CORY D. ARMSTEAD
 THERESA L. ARMSTRONG
 CHARLES L. ARNOLD
 CLARENCE L. ARRINGTON
 BRYAN A. ASH
 BRANDON J. BAER
 CHRISTOPHER R. BAILEY
 KATRESHA M. BAILEY
 MICHAEL L. BAILEY
 SCOTT A. BAILEY
 CHRISTOPHER W. BAKER
 ROBERT J. BAKER
 JASON A. BALLARD
 CARL E. BALLINGER
 THOMAS BANTAN, JR.
 MICHELE A. BARKSDALE
 ROBERT J. BARTRUFF, JR.
 MARIWIN O. BASCO
 DANIEL B. BATEMAN
 JOSHUA J. BAXTER
 TARA D. BECK
 ELIZABETH S. BELLINGER
 JONATHAN S. BENDER
 FRANK A. BENITES
 DAVID J. BENJAMIN III
 MICHAEL W. BERK
 ADAM C. BERLEW
 EDWIN BERRIOS
 DENNIS R. BERRY
 ROBERTO A. BETTER
 JASON H. BIEL
 BOYD R. BINGHAM
 DUSTIN G. BISHOP
 MATTHEW J. BISSWURM
 CHAD J. BLACKETER
 MATTHEW M. BLACKWELDER
 PAUL V. BLEVINS
 JONATHAN A. BODENHAMER
 MARCO A. BONGIOANNI
 ALFRED S. BOONE
 TIMOTHY J. BOTSET
 JULIUS L. BOYD II
 ANDREW S. BRANDON
 JAMES V. BRANNAM
 TODD BRAUCKMILLER
 TIGE M. BRAUN
 MICHELLE L. BRIDEGROOM
 ANTWAN D. BROWN
 DAVID W. BROWN
 KIRK O. BROWN
 JARED L. BUCHANAN
 FRANKLIN J. BUKOSKI
 JAMES R. BURKES
 DEVIN D. BURNS
 TARA A. BURNS
 RONALD S. BURNSIDE
 GREGORY A. BUTLER
 SAMUETTA L. BUTLER
 CHRISTOPHER C. BYNES
 FAY C. CAMERON
 FRANK M. CAMPANA
 MARK S. CAMPBELL
 ZAKEIBA CAMPBELL
 CHRISTOPHER L. CAMPHOR
 ERIC M. CANADAY
 WILLIAM H. CARROLL
 STEPHANIE A. CARTER
 SHEILA Y. CASIANO
 CHRISTOPHER L. CENTER
 ANTHONY F. CERELLA
 MARCOS A. CERVANTES
 THOMAS W. CHANDLER III
 CHRISTOPHER G. CHAPMAN
 DOMINIQUE R. CHATTERS
 FREDDY D. CHICAIZA
 GEORGE W. CHILDS III
 TRENT L. CHRISTIAN
 BATINA B. CHURCH
 VICTOR J. CINTRONVELEZ
 NATASHA S. CLARKE
 JOHN D. CLEMONS
 TORRANCE G. CLEVELAND
 CATRINA J. COLE
 JASON A. COLE
 JAMES I. COLLAZO
 BRANTLEY J. COMBS
 LINDSEY F. CONDRY
 BRENT E. CONNER
 NICHOLE L. CONSIGLIO
 LAKICIA R. COOKE
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 TRESA A. CRADDOLPH
 THOMAS U. CRARY III
 JEFF CRAWFORD
 JAMES E. CREWS II
 BOBBY W. CROCKER
 JAMES L. CROCKER
 RONNIE C. CROSBY
 MALENM CRUZSEGARRA

JOHN M. CULLEN, JR.
 CLIVE A. CUMMINGS
 JENNIFER L. CUMMINGS
 DAMIAN R. CUNNINGHAM
 WADE R. CUNNINGHAM
 MICHAEL J. CUPP
 JAMES S. CUSTIS, JR.
 SHERMOAN L. DAIYAAN
 CRAIG A. DANIEL
 GREGORY S. DARLING
 KYLE D. DAVIDSON
 JILL S. DAVIS
 MICHAEL A. DAVIS
 REGINALD L. DAVIS
 LARRY R. DEAN
 JUSTIN L. DEARMOND
 MICHAEL A. DELAUGHTER
 ERICH O. DELAVEGA
 MICHAEL S. DELBORRELL
 EDWARD T. DELNERO
 JONATHAN L. DELOACH
 FABIENNE DENNERY
 JAMAL C. DESAUSSURE
 JAMIE L. DEVUYST
 JOHN D. DIGGS
 HOWARD R. DONALDSON
 AMY E. DOWNING
 RODLIN D. DOYLE
 STEVEN M. DUBUC
 NELSON E. DUCKSON
 WALTER H. DUNN III
 TIMOTHY P. DUNNIGAN
 BONNY C. DYLEWSKI
 CHARLES D. ECKSTROM
 JASON A. ELBERG
 ROBERT W. ELLIS
 JACQUELINE S. ESCOBAR
 GILBERTO ESCOBEDO
 JESUS M. ESTRADA
 RAY L. FAILS, JR.
 BRIAN M. FALCASANTOS
 CLAXTON T. FALLEN
 PATRICK D. FARRELL
 DALE A. FATER
 SCOTT W. FAWCETT
 MARIAN W. FEIST
 ANGEL S. FIGUEROA
 WILFREDO FIGUEROA, JR.
 DANIEL A. FISHBACK
 RONALD H. FITCH
 DENNIS A. FITZGERALD
 CARLITO O. FLORES
 KAREN E. FLUCK
 TRAVIS S. FOLEY
 JOHN A. FORSYTH
 COLETTE N. FOSTER
 PENNIE M. FOY
 SCOTT A. FRANCIS
 TAMMY L. FRANCISCO
 CRAIG E. FRANK
 JASON T. FUOCO
 ERIC M. GADDIS
 CLARK M. GALLETTA
 RYAN B. GALLION
 DEANDRE L. GARNER
 TREVOR L. GARRETT
 CHRISTOPHER J. GARVIN
 NORMAN K. GARVIN
 JAMES E. GEE
 JOSHUA S. GINN
 JOEL P. GLEASON
 ABIGAIL R. GLOVER
 DAVID L. GODFREY, JR.
 JOHN R. GOLDSWORTHY
 ROBERTO GOMEZ
 MELISSA N. GONTZ
 ALEXANDER J. GONZALES
 JEFF E. GORNOWICZ
 JEREMY C. GOTTSALL
 THOMAS E. GOYETTE
 JACOB GRABIA
 ANGEL M. GRAULAU
 ROCHESTER GREEN II
 WILLIAM J. GREGORY
 ADAM W. GREIN
 WILLIAM J. GRIFFIN
 JEREMY A. GROOVER
 ROSE A. GUERRERO
 DAVID G. GUIDA
 CHRISTOPHER M. GUILLORY
 DION HALL
 CHRISTOPHER P. HAMMAN
 THOR K. HANSON
 MEREDITH R. HARRIS
 MICHAEL J. HARRIS
 TRAVIS HARRIS
 HEATH R. HAWKES
 THOMAS J. HEILMAN
 CYNTHIA P. HENDERSON
 JEFF L. HENDRICKS
 DANIEL P. HENZIE
 JON A. HERMESCH
 JOSE HERNANDEZ
 UCHE T. HEYWARD
 TIMOTHY R. HICKMAN
 TONI M. HILL
 MATTHEW R. HINTZ
 RACHAEL M. HOAGLAND
 NORMAN B. HODGES IV
 DEREK W. HOFFMAN
 KENNETH A. HOISINGTON
 CASEY J. HOLLER

ROY K. HORIKAWA
CHRISTOPHER M. HORTON
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PAUL C. HUBBARD
DAVID J. HUDAK
LAGLENDRA R. HUDSON
JOEL A. HUFT
EVETTE C. HUNTER
PHILLIP H. HUNTER
SCOTT R. HUSTON
MICAHA R. HUTCHINS
DOUGLAS A. INGOLD
FENICIA L. JACKSON
IRVIN W. JACKSON
THOMAS D. JAGIELSKI
DAVID L. JAMES
JOSEPH C. JAMES
ANGELINA H. JEFFERSON
ANDRE J. JOHNSON
NATHAN P. JOHNSON
SCOTT R. JOHNSON
APRIL M. JONES
BARBARA M. JONES
BRIAN K. JONES
CHRISTOPHER S. JONES
CRAIG JONES
DAVID A. JONES
LEANGELA D. JONES
MATTHEW S. JONES
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TYNISA L. JONES
SAMUEL J. JUNGMAN
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KEVIN K. KELLER
BRATCHA J. KELLUM
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ALI A. KHANHERNANDEZ
MATTHEW J. KIGER
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GRACE H. KIM
PATRICK L. KNIGHT
JULIA M. KOBISKA
MATTHEW E. KOPP
JASON W. KULAKOWSKI
JOSEPH D. KURTZWELL
EVERETT LACROIX
INDERA Z. LALBACHAN
CHAN D. LAM
DANIEL A. LANCASTER
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LARRY A. LARA
ANALISA M. LARKIN
RENANTE L. LASALA
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RONALD D. LAWSON
ANTHONY L. LEACH
MICHAEL J. LEE
MOSES J. LEE
TOR A. LENOIR
WAYNE L. LEONE
JEFFERY T. LEWIS
JOHN J. LIANG
MICHAEL P. LILES
JAMES A. LINDH II
STACY T. LIVELY
JOHN F. LOPES
CAROL E. LOWE
SHANE F. LUCKER
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RANDALL A. LUMMER
BRIAN D. LUNDELL
REBEKAH S. LUST
ANDREW J. LYNCH
TOBY R. MACKALL
LUWANA L. MADISON
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ODALIS A. MARTE
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MARLO S. MCGINNIS
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MICHAEL D. MORRISON
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SANTOSHIA S. OGGIS
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AMITABH PARSHAD
TERRELL D. PASLEY
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BRIAN M. PATNODE
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ROLANDO PEREZCRUZ
MILTON PEREZMATOS
NERINE M. PETE
THEODORE J. PETERS
BRIAN P. PHILLIPS
TERRY A. PHILLIPS
ADAM J. POINTS
JAMES A. POLAK
CORNELIUS J. POPE
JEREMIAH D. POPE
JOHN C. POWE
ANTONIO V. PRESSLEY
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ROSA RAMIREZ
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MICHAEL S. RASCO
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JOHN V. RIOS
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MCKEAL L. RODGERS
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SCOTT A. SCHMIDT
JASON W. SCHULTZ
SHAWN C. SCHULZE
CLARISSE SCOTT
JEFFREY J. SCOTT
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TRAVIS L. SEPT
DERRICK N. SHAW
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MARNY SKINDRUD
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QUINTINA V. SMILEY
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SONYA B. SMITH
WILLIAM T. SMITH
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RYAN B. TINCH
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KEITH D. TOLER
PAUL A. TOMCICK
MARK S. TOMLINSON
CHRISTY L. TORIBIO
EDMUND A. TORRACA
ISAAC M. TORRES
GLIDDEN J. TORRESESTELA
JACQUELINE J. TORRESHARVEY
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NATHAN A. TRUSSONI
DELORIS A. TURNER
NOBLE TURNER, JR.
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GERALD D. VAUGHN
THOMAS A. VELAZQUEZ II
ELKE VELEZ
BRADLEY S. WAITE
COMANECI WALKER
JEFFREY I. WALKER
BRANDON K. WALLACE
LUELLA WALLACE
KEVIN J. WARD
AMANDA A. WARREN
DOUGLAS R. WARREN, JR.
JESSICA R. WASHINGTON
ANDRE D. WATSONCONNELL
THERESA G. WATT
KYLE B. WEAVER
MOLLY J. WEAVER
BRADLEY J. WEIGANDT
MARK R. WEINSCHREIDER
CHRISTOPHER E. WELD
JONATHAN G. WESTFIELD
BRETT C. WHEELER
THOMAS J. WHIPPLE
BRIAN A. WHITE
DANIEL L. WHITE
ORAL E. WHITE
OSHEA J. WHITE
MATTHEW P. WHITEMAN
KELLY B. WHITLOW
ALANA R. WHITNEY
GARY D. WHITTACRE
BARRY L. WILLIAMS
JAMAL T. WILLIAMS
LATORRIS E. WILLIAMS
TERRENCE D. WILLIAMS
THEODORE V. WILLIAMS
JERRY D. WILLIS
GORDON P. WOODINGTON

COREY D. WOODS
 DELIAH M. WOODS
 JAMES D. WOODS
 JOHNNY A. WOODS
 FRANK E. WORLEY
 SCOTT F. WYATT
 ANDRE M. YEE
 ALICE P. YOUNG
 ANDREW P. YOUNG
 CHRISTINE R. YOUNGQUIST
 ANDRES R. ZAMBRANA
 BROCK A. ZIMMERMAN
 TERRY E. ZOCH

To be captain

STEPHEN W. PAULETTE

To be lieutenant commander

MICHAEL J. BARRETT
 KONAH B. DENNY
 JOEL D. DULAIGH
 TALAT M. NAZIR
 ALAN E. SIEGEL

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

CONFIRMATION

Executive nomination confirmed by the Senate, Wednesday, June 17, 2009:

DEPARTMENT OF THE INTERIOR

HILARY CHANDLER TOMPKINS, OF NEW MEXICO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 17, 2009 withdrawing from further Senate consideration the following nomination:

DONALD MICHAEL REMY, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE BENEDICT S. COHEN, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 20, 2009.

HOUSE OF REPRESENTATIVES—Wednesday, June 17, 2009

The House met at 10 a.m.

Rev. Dr. Bruce Hargrave, Russia-U.S. Methodist Theological Seminary, Dallas, Texas, offered the following prayer:

O God, Who knows all things, knows all hearts, is in control of all things and Who allows each of us to have a measure of power and position, we acknowledge Your gifts to us and give You thanks. We thank You for the bountiful blessings You have poured out upon our country, its people, and each of us in this House.

O God, in these times of great challenge, we confess that in a rush to get things done we sometimes forget to seek Your guidance and wisdom. Forgive us, we pray.

We need Your wisdom, guidance and direction today, and ask You to grant it to each of us bountifully.

O God, lead each of us to a common goal of doing our best, doing the best for our fellow Americans, and doing the best we can to promote love for all mankind, peace for all mankind, and justice for all mankind.

We humbly ask all of this in the name of Jesus Christ. Amen.

RECESS

The SPEAKER pro tempore (Mr. CAPUANO). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1325

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. DEGETTE) at 1 o'clock and 25 minutes p.m.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. VISCLOSKEY) come forward and lead the House in the Pledge of Allegiance.

Mr. VISCLOSKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the 1-minute speech of the gentleman from Texas (Mr. HALL) will appear in the RECORD at this point.

There was no objection.

HONORING DR. BRUCE HARGRAVE

Mr. HALL of Texas. Madam Speaker, I am honored to introduce Dr. Bruce Hargrave, a pastor and friend from my hometown—Rockwall, TX—who offered the Opening Prayer today.

Dr. Hargrave currently serves as Vice President of Development for the United Methodist Theological Seminary in Moscow, Russia.

From 2003 to 2008, he was the Associate Pastor at First United Methodist Church of Rockwall. During his time there and with his help, the church increased its mission initiatives, including developing in conjunction with the General Board of Higher Education & Ministry, the construction of the only United Methodist Seminary on the continent of Africa. His effective pastoral work over the past 38 years is evident in the success of the churches he has led, all showing growth in membership and attendance, as well as an increase in giving to missions.

Along with his pastoral work, Dr. Hargrave worked for the Garland, TX, Community Hospital Psychiatric and Addiction Medicine Unit from 1993 to 1997. While there he served as Director of the Behavioral Medicine Clinic for Tenet Health Corporation and Hunt County Family Services in Greenville, TX, as well as Provider Relations Director and Associate Clinical Supervisor.

Dr. Hargrave received a Bachelor of Science in Philosophy from Dallas Baptist University. He earned his Master of Divinity in Pastoral Ministry from Southwestern Baptist Theological Seminary in Ft. Worth, TX, before completing his education at Luther-Rice University in Lithonia, Georgia with a Doctorate of Ministry in Administration.

Dr. Hargrave's faith in God is reflected in his career, one which has been spent in service to the betterment of others. I am honored to welcome Dr. Bruce Hargrave today as our guest Chaplain in the U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further re-

quests for 1-minute speeches on each side of the aisle.

HEALTH CARE REFORM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to commend my fellow Democratic colleagues for their commitment to reforming the health care system with the goal of reducing costs and improving access to quality health care for all Americans.

Health care premiums are increasing at an alarming rate; in fact, in the last 10 years, they have doubled. Currently, over \$1,000 of the average American family's annual health care premium goes to support uninsured Americans, and still we have over 46 million Americans who don't have access to health care, and 20 percent of them are children.

I believe that we must work creatively to build on the best of what works in the current system while fostering competition among private plans and providing patients with quality choices.

We can and we must ensure that all Americans have affordable and quality health care. And I urge all of my colleagues to work together towards this goal.

CONGRATULATING THE LADY EAGLES

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to congratulate the Lady Eagles from the Bald Eagle Area School District in Pennsylvania for winning the state championship softball title on Friday, June 12. It was the Pennsylvania Interscholastic Athletic Association's Class AA title game against the Brandywine Heights Area School District, and both are outstanding teams.

Led by pitcher Megan Shaw, the Lady Eagles won by a score of 2-0 against the Lady Bullets in a match where the Bullets had a better record with 27 wins and no losses. The Eagles' record was 23 wins and 3 losses.

This is a story about heart and determination after the Lady Eagles lost last year in the state finals. They have

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

won 2 years out of 4 and are fierce competitors. Scoring runs were by Brooke Klinefelter and Taylor Parsons, with help from two other hitters, Lily Glunt and Jasa Mitchell; one bunted, and the second gave a base hit to bring in Parsons.

Coach Dave Breon can be justifiably proud of these high school girls and the hard work that got them to the finals and made them state champions. Great job, Lady Eagles.

YET ANOTHER TAX ON THE PEOPLE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, with the banner cry, "they never found a tax they didn't like," the taxocrats want to tax energy consumption.

Here's the plan: Tax American energy and use the tax to pay for the national health care program. In fact, Duke Energy has already asked for a 13.5 percent rate increase on its customers to pay for this new oppressive tax. You see, taxes on American energy companies will be passed on to the rest of us. And so it begins.

Families and businesses are already struggling during these new times of change. The stimulus bill has only made things worse. So the government is going to automatically raise the cost of everything that comes from energy, which is almost everything. And the consumer pays, while our small manufacturing companies go out of business because of these new energy taxes. And now we learn the new energy tax plan, which was supposed to save planet Earth, will have little or no effect on the climate. Bummer.

So why punish American energy companies that pass the pain on to citizens? Here's the reason: The government economic philosophy of 2009 is: if something moves, regulate it; if it keeps moving, tax it; and if it stops moving, nationalize it.

And that's just the way it is.

□ 1330

BRINGING ATTENTION TO NORTH KOREAN PRISONERS EUNA LEE AND LAURA LING

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to continue to bring attention to Ms. Ling and Ms. Lee, who are being held today by North Korea. I realize that we have had over the years Six-Party Talks and that engagement is important.

I am not advocating war. I am advocating a resolution to the holding of two innocent Americans, one a mother,

both renowned journalists, both loved by their family members. I believe it is important for North Korea to be part of the world community and imagine the concerns that would be expressed by anyone holding a North Korean.

I look forward to working as a member of the Foreign Affairs Committee with the administration for the best approach and ongoing continuing discussions, discussing nuclear non-proliferation, along with the release of these two hostages. But we must make a statement and act to have the release of Ms. Ling and Ms. Lee, and we must do it now.

A RESPONSIBLE CENTRIST HEALTH BILL

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, centrists in the House have put forward a health care reform bill that defends your relationship with your doctor, lowers the cost of insurance, and extends coverage to Americans who don't have it. It is a better bill than the Senate bill, which has \$1 trillion in cost.

CBO says that bill will cover 31 million Americans, but another 15 million will lose coverage under the legislation, giving a net of just 16 million Americans getting coverage. At a cost of \$1 trillion, that means it costs \$62,500 per patient over 10 years.

Our centrist plan covers more people at much less cost while finally guaranteeing the rights of your medical treatment against any government restriction.

This House is suffering trillion-dollar sticker shock from the Senate bill. Our centrist health care reform bill is more responsible and will not break the Treasury.

YOUNG ADULT HEALTHCARE COVERAGE ACT OF 2009

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today to announce the introduction of my first piece of legislation, the Young Adult Healthcare Coverage Act of 2009, or, as I like to call it, the young invincibles bill. I am the mother of five young invincibles, and this legislation will cover adults ages 19–29.

This bipartisan, no-cost bill provides these young adults with the option to access their parents' health insurance. This is important, because young adults have the highest uninsured rate of any group in the country at 31 percent.

The result is extreme measures, such as borrowing leftover prescription drugs from a friend, setting their own broken bones, or trips to the emer-

gency room that cost the American taxpayer millions. Thirty States have already enacted similar legislation. This bill will create a nationwide uniform standard.

I thank Congressman LEONARD LANCE and others who are cosponsoring this bill, and I ask our colleagues to join us.

A BETTER SOLUTION ON CLIMATE CHANGE LEGISLATION

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Madam Speaker, by 2035, the Heritage Foundation estimates that Chairman WAXMAN's legislation will cause a 90 percent increase in electricity rates and a 55 percent rise in residential natural gas prices. Experts predict that this will result in substantial numbers of United States jobs going to countries like China and India that have not adopted a national energy tax.

At a time when the national unemployment rate is soaring, approaching 10 percent in the next several months, and the Kentucky unemployment rate is getting dangerously high, we can't afford to enact this legislation that will create additional hardships.

Energy prices are a major factor in determining the cost of living and the cost of doing business in a particular location. The fact is that Kentucky is one of the lowest energy cost States in the Nation and depends on electricity produced from coal.

I recently met with plant managers and business leaders in Carroll County, Kentucky, who reiterated that the low cost of energy in the Commonwealth was a major reason they chose to base their businesses in the county, creating many jobs.

This energy tax will drive those businesses away or out of business, losing American jobs, because it is not considering the long-term economic impact, let alone the lack of environmental veracity. A familiar positive story that we hear throughout our Commonwealth is low energy creates jobs.

ABC NEWS IS BECOMING OBAMA NEWS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Madam Speaker, the national health care program that is advertised by the administration, they estimate it will cost \$1 trillion just to insure one-third of the uninsured in this country. So it is going to cost \$3 trillion if you add all of those people to the health care rolls, money that we just don't have.

The thing that bothers me is ABC News over the next week is going to be

advertising a 2-hour infomercial that is going to take place by the President at the White House in the next week. They are doing this at the White House. ABC is actually moving into the White House to advertise this for the President.

You know, the President is on television every single day, and it is pretty obvious that CBS, NBC and CNN are all very supportive of the President. They are advocating everything he is talking about. But ABC is going overboard. They are absolutely flipping by going to the White House and supporting and advertising for the President's program.

I think this is just dead wrong. It is okay to be supportive of the President, but I don't think ABC should become Obama news.

CONGRATULATIONS TO GEORGETOWN MILL

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Madam Speaker, I rise today to congratulate the International Paper Mill in Georgetown, South Carolina, for recently reaching a safety milestone of logging 4 million safe work hours without any employees missing work due to injuries sustained on the job.

This is not an easy task with nearly 700 employees working at the paper mill daily, and it is obvious that the team in Georgetown has been working hard to develop new ways to proactively prevent accidents.

"Our goal is to leave work every day in the same or better condition than we arrived, for ourselves and for our families," said Debbie Feck, mill manager.

Recently, employees at the mill implemented a new personalized safety process focusing on people acting, caring and thinking safely, or PACTS for short. They see this as a great way to focus on safety, but also realize that there is no single action that can create the ultimate safe environment, and everyone must work together to achieve this goal.

Congratulations to the Georgetown Mill team. I speak for myself and everyone in the First District when I say we are proud of you and encourage the team to keep working toward those safety milestones.

SUPPORTING DISSIDENT IRANIANS IN THEIR QUEST FOR FREEDOM AND DEMOCRACY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, for the fifth day in a row, hundreds of thou-

sands of Iranian citizens have taken to the streets on behalf of free elections and democracy. Sadly, the response by the Iranian government has been more oppression and violence against its own people, deaths confirmed, hundreds of citizens beaten, and foreign journalists intimidated and banned from the streets. We are witnessing a Tiananmen in Tehran.

While I respect the fact the President of the United States has denounced the violence, that he has said the protestors had a right to be "heard and respected," this administration has not yet expressed the unqualified support of the American people for those who are courageously taking to the streets on behalf of self-government and free elections in Iran.

Yesterday, I introduced House Resolution 549, a resolution that would give voice to countless Americans who want our Nation to support the dissidents in Iran who are struggling for their own freedom.

The American cause is freedom. In this cause, America must never be silent. I urge my colleagues to cosponsor this important resolution and bring it to the floor this week.

UNACCEPTABLE ATTACK ON GOVERNOR PALIN'S DAUGHTER

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, the late Senator Daniel Moynihan published a paper on defining deviancy down in which society lowers its standards whereby unacceptable conduct becomes acceptable.

I recently heard from a number of my constituents about the abusive attack on Governor Sarah Palin's 14-year-old daughter. I also read about this and was just as upset as they were. Governor Palin and her 14-year-old daughter had attended a Yankees game and David Letterman told a totally inappropriate joke about them.

I recall that last year, David Shuster made an inappropriate comment about Chelsea Clinton, the daughter of Bill and Hillary Clinton. The president of NBC apologized and suspended Shuster from the network. The Palin family received a belated apology a week later.

I hope the host, David Letterman, realizes that children should not be the targets of sexually charged jokes. We must not allow the unacceptable to become the acceptable.

DOCTOR-PATIENT RELATIONSHIP AND RESEARCH ACT

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, I rise today to protect the doctor-patient re-

lationship. President Obama and many congressional Democrats have been pushing for government-run health care. Looking at the results of government-run plans across the world, it is a mistake we simply cannot afford. Government-run health care will be bad for doctors, bad for patients, and bad for the taxpayers.

That is why I introduced legislation to ensure that Washington bureaucrats do not use comparative effectiveness research to make health care decisions for you based on cost. The Doctor-Patient Relationship and Research Act focuses on the two most important people in the health care system, the patient and their doctor.

I urge my colleagues to join me in protecting Americans from government-run health care.

PUTTING PATIENTS AND DOCTORS IN CONTROL

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Last week, congressional Democrats unveiled several sweeping overhauls of American health care. Each of their plans includes a government-run bureaucracy that would put red tape between patients and their doctors.

I saw this firsthand as a doctor when patients with government-run Medicaid coverage often after heart surgery had difficulties finding doctors for follow-up care. A failure to get follow-up care after heart surgery is a great way to guarantee a poor quality result for patients and higher cost for taxpayers. Far too often, patients in our current government-run programs lack real access to a doctor, leaving them out of the system.

Today, House Republicans put forward a commonsense plan to revitalize the American health care system and improve quality. Our plan puts patients and their doctors back in control of their health care destiny. Our plan makes health care more affordable and more accessible, with patients able to see a doctor of their choice.

We all agree improving our system will make America more competitive and give families peace of mind. Let's work together to put the doctor and patient back in control.

RETURNED TARP FUNDS MUST BE USED TO PAY DOWN DEFICIT

(Mr. LANCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCE. Madam Speaker, last week, the U.S. Department of the Treasury announced the repayment of TARP funds from 10 banks totaling \$68.3 billion returned to the TARP program. The TARP repayment news is a

promising sign that our beleaguered financial system is beginning to stabilize and taxpayer funds are being returned.

While many of my colleagues and I have called for these repayments to be applied to help pay down the national debt, Treasury Secretary Timothy Geithner has indicated that the returned funds would “free up resources” for future bailout loans.

I respectfully disagree with the Secretary’s position that these moneys should be reused in the future. The repaid taxpayer funds should only be used to pay down the ever-growing national debt.

I call on Congress to pass H.R. 2119, legislation I am cosponsoring that would require the Treasury to apply returned TARP funds to debt reduction.

CONGRATULATING ROLANDO M. OCHOA ON RECEIVING HIS DOCTOR OF BUSINESS ADMINISTRATION

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. I rise today to congratulate my friend Rolando Ochoa, vice president and branch manager of the Sunny Isles branch of BankUnited, upon earning a Doctor of Business Administration from Nova Southeastern University in South Florida.

As part of the program, Dr. Ochoa completed a grueling program of at least 68 credit hours in difficult disciplines. Although already greatly respected for his career in the banking industry, Rolando Ochoa has continued to deepen his knowledge of business and the banking industry. His admirable pursuit of excellence in his field will be of great assistance to our South Florida community.

On Saturday, Dr. Ochoa will graduate from Nova Southeastern, having been granted his doctorate. It is my privilege and honor to congratulate you, Dr. Rolando Ochoa, on this great achievement. I know that your dedication to excellence will continue to serve our community well.

□ 1345

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution H. Res. 552 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 552

Resolved, That during further consideration of the bill (H.R. 2847) making appropriations

for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, no further general debate shall be in order. Notwithstanding clause 11 of rule XVIII and House Resolution 544, and except as provided in section 2, no further amendment shall be in order except: (1) amendments numbered 3, 6, 19, 22, 25, 31, 35, 41, 59, 60, 62, 63, 69, 71, 93, 96, 97, 98, 100, 102, 111, 114, and 118 printed in the Congressional Record of June 15, 2009, pursuant to clause 8 of rule XVIII, which may be offered only by the Member who submitted it for printing or a designee, and (2) not to exceed 10 of the following amendments if offered by the ranking minority member of the Committee on Appropriations or his designee: amendments numbered 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 104, 105, 106, 107, and 108 printed in the Congressional Record of June 15, 2009, pursuant to clause 8 of rule XVIII. Each amendment listed in this section shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except that an amendment may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate. Such amendment may be repeated, but only after consideration of an amendment listed in the first section of this resolution.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Florida, Mr. LINCOLN DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 552.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Madam Speaker, H. Res. 552 provides for further consideration of H.R. 2847, the Commerce, Justice and Science Ap-

propriations bill for fiscal year 2010, under a structured rule.

Madam Speaker, I know it’s safe to say that this has been a memorable appropriations process for both sides, and we’re only getting started on this bumpy ride.

Appropriation bills often generate very emotional responses on all sides, and this year is no different. The process is time-consuming and stressful, and my colleagues on Rules know that we were not meeting well after 1 a.m. this morning simply because we like each other’s company.

The rule we rise to consider today came about as a result of concern from the Appropriations Committee that we were unlikely to get an agreement from the minority for a set and reasonable schedule to consider these spending bills.

Without such an agreement, there was a very real fear on our side that the process could have degenerated into a drawn-out battle, jeopardizing our party’s commitment to getting each of the 12 appropriations bills completed on time this year.

At all costs, our party wanted to avoid a repeat of a disastrous 2-month stalemate that shut down the government in 1995 and 1996. And while it’s sometimes tempting for the party in the minority to blow up the process, as leaders in the House, we’re determined to legislate in a way that seeks common ground and makes everybody proud.

Moreover, we have in recent years detected a trend where more and more amendments are given to us each year on appropriations bills, often for no other reason than political gamesmanship or stunts.

There was not a single amendment to this bill in fiscal year 2003, but this year we had 127 amendments filed on the bill as of the Tuesday deadline. That suggested to us that we were in for what potentially could have been a repetitive chain of deleterious and ill-considered amendments, none of which would have allowed us to get any closer to our goal of getting these bills completed and signed into law by the President.

When it became clear this week that the minority was not ready to agree to a clear and firm schedule for finishing the work on the appropriations bills, we decided we had no alternative but to go ahead with a clear and concise plan.

Our proposal sets out a best balancing act between doing the people’s business and still giving both parties ample opportunity to shape the bills with amendments and discussion.

Under the schedule, we will set aside a structured rule that provides for no additional amendments, other than the ones previously agreed to by the Rules Committee. Each of those amendments shall be debatable for 10 minutes.

I firmly believe that, given the refusal of the minority to agree to a schedule for getting the work done, this represents a workable compromise that will allow us to vote on the appropriations bills in a timely and efficient way.

More importantly, it allows us to move each of these appropriations bills in the next 6 weeks while, at the same time, making progress on other crucial legislation facing Congress, such as health care, climate change and supporting our troops.

I hope my colleagues on both sides will join me this morning in supporting this rule.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I'd like to thank my friend, the distinguished gentlewoman from New York (Ms. SLAUGHTER) for the time.

And I yield myself such time as I may consume.

Madam Speaker, I sincerely believe the majority will come to regret this decision to close down the deliberative process of the House on appropriations bills.

Yesterday, the House passed an already unorthodox rule that broke the precedent. It was restrictive. And pursuant to that rule, 127 amendments were filed by Members of this House.

After debate on the first Republican amendment, the first one, the majority decided to halt consideration of the legislation, and called an emergency meeting of the Rules Committee, which began at 10:45 p.m. last night.

In response to that first Republican amendment, the majority is now bringing forth this rule that will block consideration of most of the amendments that were made in order under the previous rule proposed by the majority and passed by this House. So all those Members who followed the rule previously passed and filed their amendments by the deadline will be left without the chance to represent the interests of their constituents.

I think this rule is unjust. I think it's unnecessary. I think the majority's making a big mistake.

During yesterday's late-night meeting, the distinguished chairman of the Appropriations Committee cited the large number of amendments that were preprinted pursuant to the previous rule as a reason for shutting down the appropriations process. He went on to cite what he considers to be his obligation to move the appropriations bills on schedule. As a matter of fact, he was kind enough to hand out to the members of the Rules Committee this copy of a proposed schedule.

I understand his concern. But the reason, precisely, for the high number of amendments that were filed yesterday was because the majority had abandoned the use of the traditional open appropriations rule, and they had

required Members to pre-print their amendments, and that forced Members to submit all of the amendments that they conceivably thought they might wish to introduce, to consider, rather, even if they eventually did not plan to offer them.

Under the previous rule, Members were also barred from making germane amendments to their amendments, changes to their amendments, so Members submitted duplicative amendments to cover all possible angles.

Members have an obligation to their constituents to represent them on appropriations bills and to represent the interests of their communities.

Now, yes, even though over 120 amendments were set for debate, the reality, Madam Speaker, is that we never would have considered all of those amendments. Members were hedging their bets. They were submitting duplicative amendments that, in most instances, they didn't plan to actually offer for debate.

Mr. BURTON, for example, came before the Rules Committee last night. We were there till almost 2 in the morning, and he testified that he had submitted a number of amendments, but he only was going to ask for one of the amendments to be actually debated.

So I ask, Madam Speaker, if the majority really believed that the minority was using dilatory tactics, why did they stop debate after the first minority amendment and call for an emergency Rules meeting?

They should have followed the advice of my colleague on the Rules Committee, Mr. PERLMUTTER, and allowed debate to continue last night and proceeded to work through the amendments. Instead, after one minority amendment, they halted the floor process so that the Rules Committee could meet late last night.

Now, by the time the meeting was over at almost 2 a.m., the House could have actually considered already a number of the amendments, and most likely could have agreed by unanimous consent, which is the tradition on appropriations bills, to limit time on remaining amendments and the debate time.

If, after debating for a reasonable amount of time, the majority sincerely came, then, to the conclusion that the minority was using dilatory tactics, the majority then could have called the Rules Committee to seek a structured rule.

□ 1400

Instead, the majority gave up after just one minority amendment and immediately decided to use the heavy hand of the Rules Committee to close down the deliberative process. So I wonder if they really had any intention at all to follow through on their initial call for Members to be allowed to offer

amendments that were preprinted in the CONGRESSIONAL RECORD.

Now, under the rule that we're considering at this time, only 22 specific amendments chosen by the majority are made in order. The rule also calls for the Appropriations ranking minority member to decide which 10 additional earmark-related amendments will be considered. So the majority is bucking the decision to the minority on which of their amendments they will block.

The minority must now have to silence our own Members even though it was not our decision to limit amendments. I think that really is unfortunate by the majority. If the majority wants to block amendments, they should have the courage to say whose amendments they wish to block.

So, Madam Speaker, I think, today, we're witnessing a sad page in the history of this body. I think we're witnessing a day that, without doubt, will come to be regretted by the majority.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. I want to express my appreciation to Chairwoman SLAUGHTER for yielding me this time.

Madam Speaker, I would like to commend Chairman MOLLOHAN for doing an outstanding job with this year's Commerce, Justice, and Science bill, and I intend to vote for it and to support it enthusiastically. I know that he had to make some hard choices, and I am pleased that he was able to fund nearly all of the administration's requests, in particular, for the National Science Foundation.

However, a provision in the report concerning materials research has just been brought to my attention, and I am hopeful that, as this bill moves to conference, we might be able to address this language.

The basic research and fundamental science funded by the National Science Foundation are vitally important to the future of our Nation. However, there is language in the report eliminating the President's proposed increase in the NSF's Materials Research budget "in light of similar investments in basic energy sciences," allegedly, at the Department of Energy.

It is my understanding that this may not be the case. The National Science Foundation's Division of Materials Research funds research on the fundamental behavior of matter and materials that lead to the creation of new materials and new technologies. In addition, Materials Research supports instruments and facilities, including the Cornell Electron Storage Ring and the Cornell High Energy Synchrotron Source, located in New York. They are crucial, both of them, for advancing this scientific field.

Until this year, the Cornell facilities had been funded by the NSF's Division

of Physics. They are currently transitioning to the Division of Materials Research, which may have caused some confusion. The President asked for an increase to support research and development at these Cornell facilities. The Department of Energy does not have a facility comparable to Cornell's, and as far as we know, the work done at Cornell is the most advanced in the world.

I would be happy to discuss this further, and I hope that we can work together to clarify the report language on the NSF Materials Research budget so that it will not affect the work of these important facilities.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, Federal spending is out of control, and I rise in strong opposition to this rule.

Here are the facts: We are running a \$2 trillion Federal deficit. The second tranche of the TARP funding allowed to be spent another \$350 billion. The stimulus bill passed earlier this year is over \$1 trillion, including the cost of the debt. An omnibus bill of \$400 billion and a budget passed by this administration and this Congress will double the national debt in 5 years and will triple it in 10.

Now comes the first spending bill to the floor for Commerce-Justice-Science with an 11.7 percent increase in Federal spending. Republicans offered about 100 amendments which were designed to cut Federal spending and to restore fiscal discipline to this very first bill.

After 30 minutes of debate on the first amendment that was offered, the majority cut off debate. The Democrats in this Congress apparently believe the Republican amendments to cut runaway Federal spending would take too much time. Apparently, the majority can't spend our money fast enough. The truth is this was an outrageous abuse of the legislative process, but this debate is not about process. This debate is about runaway Federal spending, and the American people have had enough of it.

Republicans in Congress believe that Congress has time to get it right. We believe this Congress should take the time necessary to debate and to restore fiscal discipline to our Federal budget. Today, beginning at this very hour, we will stand up for the American people, for their right to have a budget that reflects the same discipline and sacrifice that every American family and that every small business are making during these difficult times.

I urge my colleagues to oppose this rule and to take a stand against runaway Federal spending—beginning here, beginning now.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairwoman of the Rules Committee.

Madam Speaker, I rise to support the underlying rule and to indicate that we are in some very challenging times.

It is important that the National Science Foundation has been funded. In particular, the Second Chance bill, which I worked on with a number of my colleagues, has been added to provide for the rehabilitation and for the opportunity for work for numbers of those who are ex offenders. I raised some challenges.

I had intended to offer and to respond to the shortage of the NASA funding in this bill short of the President's mark; but as we have had deliberations, we have realized that the Augustine report is coming forward.

I wanted to include \$400 million that, I think, would have been appropriately deducted to provide for human space exploration, because we built the international space station—that was our genius—and we did it with our collaborators and with our allies. That entity will provide the next generation of research. The only way to engage the international space station is to be able to have the CEV vehicle and to continue human space exploration; but the resolve in the report language specifically notes that this does not disallow the addition of those dollars as we make our way through this legislation and to the conference committee.

The Augustine report will come forward, and I hope that will not be a challenge, for it will be, in essence, an abandonment of a future that helps to employ people and to create jobs. We know that 11 million visitors have gone through Johnson Space Center alone, in Houston, Texas. As a 12-year former member of the Science Committee, having worked on safety issues dealing with the international space station, I know the value of human spaceflight and of that space station.

I also would have added language to restore the President's authority to close Guantanamo Bay. I know that we are looking at that in a way that some agree with and that some don't. I believe the language that prohibits that is language that, hopefully, we will consider as we make it through and that the President provides all of the information that Congress wants them to have.

Then I want to at least place in the RECORD the interests of continuing to work with our juveniles who are engaged in violent juvenile crimes. We have seen the loss of life in many of our major cities, and I had an amendment that would have provided for \$20 million from the Federal Bureau of Prisons' construction programs, re-directing those funds to youth mentoring and to delinquency programs, recognizing that violent crimes by juveniles largely take place right after

the end of the school day between the hours of 3 p.m. and 4 p.m. Further, it costs an average of \$7,136 to educate a pupil in public schools while the cost of incarcerating a juvenile, in Texas alone, is a whopping \$56,000.

In Texas, we are reaching a point where we have more use for the criminal justice system than we have for our education system. As we move forward, I ask my colleagues to think of these issues.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, last evening, I was patiently waiting here on the House floor to offer an amendment to the Commerce-Justice-Science spending bill. The Democratic leadership suddenly moved to shut down debate and to cut off our ability to represent our constituents and to offer ideas to improve this legislation.

At 8 p.m. last night, the rules of the House allowed me to offer my amendment, but this morning, under the re-writing of the rules, I am blocked from doing so. I deeply regret this unfairness and this hostility in letting Representatives—Members of Congress—come to the House floor for just 5 minutes and offer amendments to a bill that spends \$64 billion.

The amendment that I am blocked from offering, frankly, is very simple. It would restore the Pacific Coastal Salmon Recovery Fund that has received strong bipartisan support for years and is an existing program but which this bill has explicitly eliminated. The Pacific Coastal Salmon Recovery Fund is a successful grants-to-States program used to help recover and to conserve endangered, threatened, at-risk, and important tribal salmon runs on the Pacific coast.

In April, President Obama proposed in his budget to eliminate this fund and to transfer the funds to another fund. From the Northwest, the reaction was bipartisan and very swift. The success of this long-standing program was so compelling that the Obama administration reversed its course, to their credit, and sent a letter to Congress, seeking to restore the funds to this recovery plan. My amendment, which I am now blocked from offering on this floor, would simply adopt the Obama administration's position.

So, Mr. Speaker, I regret this unprecedented rule restricting House debate, and this successful endangered salmon recovery program will suffer for it. The House action to eliminate this plan, frankly, will make it much more difficult for the Senate to deal with in the other body.

This amendment is very simple. It would restore the Pacific Coastal Salmon Recovery Fund that is eliminated in the bill and Committee report.

The Recovery Fund is a long-standing, successful grants-to-states program used to help recover and conserve endangered, threatened, at-risk and important tribal salmon runs on the Pacific Coast, or for the conservation of Pacific coastal salmon and steelhead habitat.

The Fund delivers grants directly to states to be administered.

For years, it has received strong bipartisan support.

However, in April, President Obama submitted in his budget request to Congress, a proposal that eliminated the Pacific Coastal Salmon Recovery Fund, and transferred a reduced amount of funding to a much broader nationwide species recovery grant program.

From the Pacific Northwest, the reaction and opposition to this proposed elimination was swift, bipartisan, loud and clear.

The success of this decade-long grant program was so compelling, and the efforts of the Northwest congressional delegation were so persuasive, that the Obama Administration actually reversed course.

On May 21st, President Obama sent a letter to Speaker PELOSI amending his April submission to specifically request that "\$50 million shall be transferred to 'Pacific Coastal Salmon Recovery'."

Credit is due to the Obama Administration for abandoning their elimination proposal and clearly expressing their support for this program. I thank them and the people of the Pacific Northwest thank them.

Yet, the annual appropriations bill currently before the House proposes to actually follow through with eliminating the Pacific Coastal Salmon Recovery Fund.

As this bill and Committee report are written, the Fund is specifically and explicitly eliminated and money is moved to a vague, broad, nationwide recovery program. Monies in this vague, new program will go to "salmon projects".

Gone is the Fund, its direct grants to states, its requirement of matching funds, its emphasis on endangered salmon and runs important to Northwest tribes.

In its place, this bill provides less money, dilutes it to any project of any sort for salmon anywhere in the country, and lets NOAA rather than states decide how it is spent.

My amendment would restore the Pacific Coastal Salmon Recovery Fund as it has long existed and direct funds to the traditionally funded states.

The text of my amendment copies the language of the 2009 Omnibus Appropriations bill that passed in March of this year. Just three months ago, this House and this Congress approved this same text.

My amendment would keep funding at the same level singled out for "salmon projects" in the bill, \$50 million, but it makes certain the funds are administered through the Pacific Coastal Salmon Recovery Fund, which is the official position and request of the Obama Administration.

To object to this amendment would be to insist on the first Obama budget's vague, diluted salmon funding proposal that has been so loudly, soundly, and rightly rejected.

AMENDMENT TO H.R. 2847, AS REPORTED OFFERED BY MR. HASTINGS OF WASHINGTON

Page 14, line 3, after the colon insert the following: "Provided further, For necessary

expenses associated with the restoration of Pacific salmon populations, \$50,000,000 to remain available until September 30, 2010: *Provided further*, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, California, and Alaska and Federally-recognized tribes of the Columbia River and Pacific Coast for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds:".

THE WHITE HOUSE,
Washington, DC, May 21, 2009.

HON. NANCY PELOSI
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I ask the Congress to consider the enclosed Fiscal Year 2010 Budget amendments for the Departments of Commerce, Defense, Education, Health and Human Services, Homeland Security, Justice, and State and Other International Programs, as well as the District of Columbia. Also included are amendments to general provisions included in Title VI of the Financial Services and General Government Appropriations Act, 2009. These amendments would not affect the totals in my FY 2010 Budget.

In addition, this transmittal contains an FY 2010 amendment for the Legislative Branch. As a matter of comity and per tradition, this appropriations request for the Legislative Branch is transmitted without change.

The details of these requests are set forth in the enclosed letter from the Director of the Office of Management and Budget.

Sincerely,

BARACK OBAMA.

Enclosure.

Agency: Department of Commerce
Bureau: National Oceanic and Atmospheric Administration

Heading: Operations, Research, and Facilities

FY 2010 Budget Appendix Page: 214-215

FY 2010 Pending Request: \$3,087,537,000

Proposed Amendment: Language

Revised Request: \$3,087,537,000

(In the appropriations language under the above heading, add the following to the first paragraph directly before the ending period:)

: *Provided further*, That of the amounts provided herein, \$61,000,000 shall be available for Species Recovery Grants for the conservation and recovery of threatened or endangered marine species, of which \$50,000,000 shall be transferred to "Pacific Coastal Salmon Recovery"

This amendment would clarify that funding for Pacific salmon recovery is included in the sums made available for the new Species Recovery Grant program. The proposed Budget totals would not be affected by this amendment transferring funds to the "Pacific Coastal Salmon Recovery" account.

Ms. SLAUGHTER. Mr. Speaker, I don't have anymore speakers present on the floor, so I will reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Appropriations subcommittee (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I have a chart showing that this country is pretty much facing bankruptcy. We have \$11 trillion of debt. Traditionally, it has been the practice around here, whether Republican or Democrat, to have open rules whereby Members can offer amendments regarding whatever they see fit.

The American people realize that we're living in trying economic times, and rightfully, they expect their elected officials to evaluate different spending programs to see whether they should be for them or against them. If we cannot even come up with a fair process to debate annual spending bills, there is very little hope. There is very little hope, there is very little hope for this country to deal with this.

There is \$56 trillion of debt. There is \$11 trillion owed to the Chinese and to the Saudis. The bankruptcy system is coming.

We should go back to the Rules Committee and report out the original bill to allow any Member to offer any amendment. Otherwise, what you're going to do to this process—and I've been here for a few years—is radicalize it whereby nobody will feel they have any investment in this bill.

So I urge the defeat of this bill. Send it back. Have an open bill whereby any Member, Republican or Democrat, can offer any amendments they want to. Otherwise, we will never resolve this issue of \$11 trillion, and the next time we come here, it will be \$12 trillion.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Speaker, last night, I offered a simple amendment to study the economic impact of this body's delaying the enactment of the Colombia Free Trade Agreement. While the majority accepted my amendment, it was clear that my amendment would not be included in the final version of the bill. As such, I requested a recorded vote as is my right as a Member of the House of Representatives.

□ 1415

This right was then denied to me by the majority.

This goes directly against what the Speaker said in her "New Direction for America", and I quote: "Every person in America has a right to have his or her voice heard. No Member of Congress should be silenced on the floor."

I had an issue that I thought should be included in the bill, and I have a right to try to amend the bill to include this provision. I followed the majority's requirements, jumped through

all of their new hoops to offer this amendment. I followed all of the rules, yet was denied not because of procedure, not because of decorum, and not even because my amendment lost the vote. Rather, I was denied by the majority because they didn't want their Members to have to take a stand.

Now, I come from the great State of Illinois. I love my State, the Land of Lincoln, the home of Obama. My State is also home to George Ryan, a Governor who is now in prison; Governor Blagojevich, a man who is on his way; and a State that's home to machine-style politics. I see this body headed in the same direction.

What happened here last night was a clear step in the wrong direction. The majority has shut us out of one of the last rights of the minority, the ability to offer amendments to appropriations bills. The majority now has even continued this trend in the rule by disallowing several noncontroversial amendments, a second of which I offered that would have added more funding to the Minority Business Development Agency, an agency which under the current bill will see a funding decrease over what the House Appropriations Committee approved last year.

Mr. Speaker, I ask the majority this: With a 40-seat majority, what do they fear in an open arena in the competition of ideas? What do they fear with letting a good idea stand the test of time, allow a hearing, allow debate, and allow their Members to vote them up or down? With a 40-seat majority, partisan amendments, amendments that really have no substance, would clearly die on a partisan vote. But those amendments that carry value, those amendments that will stand the test of time, and those amendments that are right for the American people, Independents, Republicans, and Democrats alike, will pass this body and should be allowed a vote.

Now, the majority last night argued that we were dilatory. I would argue it was democracy. Twenty minutes on an amendment is hardly dilatory. With 120 amendments the worst-case scenario, Mr. Speaker, would be four 10-hour days.

The SPEAKER pro tempore (Mr. ROSS). The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 30 seconds.

Mr. SCHOCK. Is four 10-hour days too much to debate \$64 billion of American taxpayer dollars?

We've seen the waste created by the haste of this body, of the happy spending majority that this body has, with the stimulus bill, the overbloated omnibus bill, and now this bill, which seeks to increase spending by over 12 percent.

I urge a "no" vote on this rule to allow democracy to continue in this body.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. LEE).

Mr. LEE of New York. I thank the gentleman from Florida for yielding.

Mr. Speaker, I rise to strongly oppose this rule. I was here on the floor last night and waiting to offer an amendment to the pending appropriations bill that would give Congress the opportunity to take a step towards restoring fiscal reality in Washington. Unfortunately, the moments before my amendment was to be considered, the House was shut down and, with it, the ability to have sorely needed debate about the need for belt tightening.

Ironically, not long before that, I was holding a telephone town hall meeting with residents throughout western New York, and one of the questions I received was about whether I was disheartened with the process in Washington. And my response was that after 5 months in Congress, I was frustrated mostly with the way in which Washington continues to spend taxpayer dollars freely without any understanding of how the middle class lives in these difficult economic times and how we will ever pay back this exorbitant amount of debt.

My amendment and those offered by my colleagues presented a valuable opportunity to turn back the page on the excessive spending and work on a bipartisan basis to identify ways to make Washington do more with less. These spending bills call for across-the-board increases in already bloated Federal programs while workers and businesses in my district struggle to figure out how they are going to get by on less and, in too many cases, far less than they are used to having. Our constituents who are struggling to make ends meet deserve better.

I urge my colleagues to vote down this rule so we can have a truly open discussion of the shared sacrifices required to put our Nation's fiscal house in order.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

Mr. Speaker, you know, watching the attitude and really this spending adventure that the majority has taken on really reminds me of somebody that's paving a highway, and what they have done is they want to completely flatten out any opposition to really runaway Federal spending, just absolutely no restraining influence whatsoever, Mr. Speaker.

So here you have a group of House Republicans who are trying to articu-

late a sense of restraint. We are hearing from our constituents who are incredibly concerned about the pace of spending. And yet the speed bumps that we offered have been completely flattened out.

I offered an amendment which would have said, look, the Speaker of the House recently accused people of committing a Federal crime, a crime that is punishable, if true, by 5 years in prison. The amendment that I offered that met the previously articulated preprinting requirement would have said we're going to allocate money to the Department of Justice to investigate this accusation of a Federal crime. And yet what does the majority do late at night in the wee hours when nobody's watching? Being completely intimidated by an open and robust debate.

This rule is really an incredible disappointment. I think it's an incredible insult, frankly, to the American public that wants to talk about spending and is weary of the attitude that has come through from the majority.

We know what we need to do. We need to stand up for the American taxpayer, stand up for our children, stand up for our grandchildren, who are being saddled with a legacy of debt, and vote against this rule.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I yield 1 minute to the distinguished Republican leader, Mr. BOEHNER.

Mr. BOEHNER. Let me thank my colleague for yielding and remind my colleagues that the Constitution provides that the Congress of the United States shall determine spending. The Constitution of the United States also empowers our citizens to send their elected representative to Washington to represent them, and collectively we represent the American people.

If you think about where we've been this year, we had the nearly trillion dollar stimulus plan, when you look at the interest that's going to be paid on it. We had the over \$400 billion omnibus appropriation bill that had 9,000 earmarks in it. We had a budget that came through here that has trillion dollar deficits for as far as the eye can see. We bailed out Wall Street. We've bailed out the auto companies. And we're spending money and racking up debt at record levels.

So here we are. We are starting the annual appropriations process, 12 appropriation bills that will spend nearly \$1.5 trillion that we do not have, \$1.5 trillion that we're going to have to go borrow from the American people and further imprison our kids and grandkids.

And you would think that as we are debating the spending of this \$1.5 trillion that the majority would do as it

has done for most of our history and allow for an open debate, allow for a process that protects the franchise of each Member of this body. But, no, we couldn't do that.

There were conversations over the last couple of weeks about how to limit this process, and I made it clear to the majority leader and to the chairman of the Appropriations Committee that I wasn't going to agree to limit the ability of Members to participate in this process as we try to control spending in this body. I made it very clear to Mr. OBEY and to Mr. HOYER that we would work with them in an open process to facilitate it, to try to maximize the number of bills that could be finished before the August recess. But apparently that wasn't good enough. So we came up with this convoluted process where we were going to require Members to preprint their amendments. And all that did was to drive up the number of amendments, most of which probably were never going to be offered.

But the real point here is that there is a serious issue about how much spending and how much debt is piling up on the backs of the American people. Members on both sides of the aisle want to have a real debate about how much spending is enough and, if we are going to spend, what is the appropriate way to spend.

You know, the American people sent us here and they gave us the world's most expensive credit card. I would also describe it as the most dangerous credit card in the history of the world. It's a voting card for a Member of Congress. And our constituents expect us to use this responsibly on their behalf. And I can tell you that most of my colleagues on this side of the aisle believe that the majority is using this card recklessly to build up deficits and to build up debt to record levels. The amount of debt and the amount of spending is going to imprison our kids and our grandkids, and all we want to do is to have an opportunity to debate just how much spending is enough. That's what we're asking for. But to deny us our rights protected under the Constitution denies the American people their chance to say how much spending is enough.

I would ask my colleagues on both sides of the aisle, let's do the right thing. Let's defeat this resolution that's in front of us that will restrict the rights of all Members, and if we can defeat this resolution, we can go to a process that can work in a bipartisan way to address the needs of Members on both sides of the aisle, and we can do it in a bipartisan way. Vote "no."

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, it's not surprising to me that the chairman of the Rules Committee continues to reserve her time and that there are few Democrats who have come down to the floor to defend this terrible rule or this embarrassing bill that the rule brings to the floor.

It's a disgrace what happened last night. After only a few minutes of debate, legitimate debate on legitimate amendments, the majority moves to rise, goes back to the Rules Committee, and writes a rule that slams down more than 80 Republican amendments, a number of Democratic amendments too, but far more Republican amendments, without any consideration whatsoever. We have heard from some of those speakers here just in the last few minutes, people who had good, sound amendments to offer.

But I would like to talk about the overall bill. That's my concern. This bill spends \$64.31 billion, an 11.7 percent increase. Now, where is that money coming from? Every penny of that increase is going to be borrowed. In fact, the budget that the Democrats adopted for this coming year that this appropriations bill is a part of spends \$1.2 trillion more than is coming in in revenues; \$3.6 trillion in expenditures, \$2.4 trillion in revenues coming in—a \$1.2 trillion deficit in 1 year.

Until this year we have never had a single year in our Nation's history where we have had more than a \$500 billion deficit, and \$500 billion is a staggering amount of money. And yet the budget they just adopted for the next 10 years, every single year it exceeds \$550 billion, rising until at the end of the 10 years about \$700 billion. Year after year after year, doubling our national debt and putting our country in great jeopardy.

□ 1430

People don't even know what \$1 trillion is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I urge my colleagues to reject this rule and bring back the bill so that we can adjust and cut spending.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I can't tell you how disappointed I am with the majority for not allowing a fair and free debate on some very important issues. Obviously this bill spends too much money. It has earmarks that have never been vetted. But we brought other issues of equal importance, things that the American people deserve to hear. I had an amendment. It says we need to stop Mirandizing terrorists in foreign coun-

tries, Afghanistan, for attacking our troops and being detained. Miranda rights—You have the right to remain silent. You have a right to a lawyer. It's happening now. And the worst part of this is that even the majority wasn't briefed or, if they were, they're not talking about it. We have one opportunity to stand up today and say, Enough. You can't criminalize the battlefield.

We have FBI agents who, after our soldiers picked them up and after trying to kill members of the 82d Airborne or the 101st or our Marines, take them to the detention facility, and they read them their rights. They're non-United States citizens. They're foreigners. We just wanted the opportunity to tell America, We think that's crazy. You're going to tell a terrorist who just came off the battlefield that you have the right to remain silent. How much information will they not give that might save the life of one of our soldiers in Afghanistan today? And the biggest travesty today is, you never gave us the opportunity to talk about it, to move the issue forward.

We've had about three different opinions from this administration on if they are or are not doing it. Well, I can tell you—I've been there, and I've seen it. Our soldiers are going to get frustrated. I know our FBI agents are frustrated. Our law enforcement community is frustrated. And the best you can do is say, Debate is inconvenient for us today, and some things are just better left unsaid, like the billions of dollars in this bill that spends too much money, money that we don't have, that we're going to have to borrow from the Chinese or the Russians or the Saudis. Or the fact that we look those soldiers in the eye and say, We can't even have the opportunity to talk about it on the floor of the House.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I can't say how much I've been amused by the statements that we have heard from our dear friends across the aisle. They know very well what kind of economic circumstances this country is in. They know very well that this administration and this Congress inherited one of the largest national debts in the history of our country from the previous administration and from their 12 years in Congress. And they are, amusingly, fighting to prevent us from trying to overcome the circumstances that they have brought about and that we have to deal with.

Yes, we have to deal with this huge economic problem, and we are dealing with it. We're dealing with it by investing money in the internal needs of this

country, by bringing about better systems of education and health care, creating new technologies and new industries and huge numbers of jobs as a result of those investments, all of which they are opposed to.

You have to ask yourself, why would they be opposed to someone else trying to correct the problems that they initiated? Well, I think the answer to that is very clear. They would like to see the efforts to correct these problems stopped over the course of the next couple of years, and they would be then able to say that what we have tried to do was not successful. They wouldn't admit that they stopped it if they were able to do it, but that's exactly what they were trying to do.

They're trying to prevent intelligent economic investment in the internal needs of the American people. They're trying to stop intelligent internal investments in the economy of our country. They're trying to stop the creation of new jobs. They're trying to stop the upgrading of the quality of the infrastructure of our Nation. They're trying to stop improvements in education. They're trying to stop improvements in health care, all of which they had the responsibility for bringing about over the course of the last 8 years.

So that's the situation that we're dealing with. This particular bill is a very strong investment in the internal needs of America. They want to halt it as much as they can, drag it out as long as possible; and if they were successful with this appropriations bill, then they would try to do the same thing with every single other appropriations bill, the appropriations that the people of America need and need badly as a result of the huge debt that they brought about and what we are trying to overcome. And we will overcome it. We will overcome it in large measure with some of the things that have been done: the economic stimulation bill, which they were opposed to, which is having a very positive effect on the economy in this country; and furthermore, the economic stimulation that will occur in each one of these appropriations bills.

So that is basically the situation that we're dealing with here, and that is why we have to have this rule and this bill, because of the needs of our country and because of the intelligent, reasonable and effective way in which we are addressing those needs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 2 minutes to the distinguished gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank the gentleman.

I rise today to oppose H.R. 2847, a bill that could use taxpayer dollars for a purpose the American people are adamantly against, housing Guantanamo detainees in Federal prisons in the United States.

In a May Gallup poll, 65 percent of Americans were opposed to closing Guantanamo. Further, 74 percent of Americans opposed moving them to their own State. This bill leaves open the possibility for the Bureau of Prisons to use taxpayer dollars to house Guantanamo detainees in our communities in direct contradiction to the will of the American people.

The amendment that I wanted to submit, before the Democrats in the Rules Committee issued their gag order, specified that none of the funds appropriated by this act may be used by the Bureau of Prisons to incarcerate individuals currently held in Guantanamo Bay. Mr. Speaker, these detainees are not convicted criminals repaying their debt to society but rather the most dangerous people on the face of the planet, terrorists who will stop at nothing to kill any and all Americans that they can. We cannot allow taxpayer dollars to be spent bringing these terrorists to live among the civilians they have sworn to destroy. Also, our prisons are already at capacity. In my Colorado district, Supermax Federal prison is at 99.7 percent capacity, leaving room for only one additional inmate, yet there are 226 prisoners now at Guantanamo. Other maximum security facilities in the U.S. are, likewise, operating at 55 percent above capacity.

The fact is, we do not have the capability to house terrorists on our own soil without endangering prison employees and posing a risk to the communities in which they are sent. The President simply does not have a plan. It is unfortunate that my Democratic colleagues do not want to debate this vital issue. I urge my colleagues to defeat this bill.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. I thank the gentleman. "Every person in America has a right to have his or her voice heard. No Member of Congress should be silenced on the floor." "Bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the right offer its alternatives." Speaker PELOSI, A New Direction for America.

This right has been denied. This is not a new direction. It is a wrong direction. My amendment would block taxpayer dollars from being used for monuments to be named after sitting Members of Congress.

I would like to yield the balance of my time to the Chairwoman of the Rules Committee as to whether she agrees that taxpayers dollars can be used to fund Monuments to Me after sitting Members of Congress; and if she does not agree with that, why my amendment was blocked when it has been ruled in order twice before.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in closing, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow an open rule consistent with tradition and with fairness.

I urge my colleagues to consider what we are about to do and to vote "no" on the previous question so that we can uphold our tradition of allowing free and open debate on appropriations bills.

Mr. Speaker, I believe if not, the majority will come to regret this decision and close down the deliberative process of the House on appropriations bills.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I ask for a "no" vote on the previous question so that we can uphold the tradition of openness on appropriations bills and fairness.

I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I urge a "yes" vote on the previous question and the rule.

Mr. DREIER. Mr. Speaker, whether Members realize it or not, we are at an inflection point in history, maybe not the history that school kids will learn about, but the important history of this institution that supports every aspect of our democracy.

Future Members of the House will look back on this day, and realize that today is when the last bastion of unbridled participation fell to the demands of a cynical and tyrannical majority.

There are certain points in the House's history that Member's know by name or reference. Events such as Cannon's revolt where 100 years ago a group of progressive, bull-moose Republicans, joined with Democrats to say enough is enough, to Speaker Joe Cannon. The famous Civil Rights revolt during the Johnson Administration, where obstructionist Southern Democrats on the Rules Committee were supplanted in order to advance civil rights.

The question is, will this be one of those days where where historians will say, "This is where democracy prevailed against tyranny," or will we take the easy road of limiting participation to a privileged few?

Mr. Speaker, I have a message for my colleagues: each of us must think very carefully

about this vote, because once we go down this road, we aren't coming back.

That means if you're DENNIS KUCINICH, and you believe that your country is fighting an unjust war, you're going to be silenced in the months and years to come.

If you're JEFF FLAKE, and you are fighting every day against what you see as corruption and wanton spending, you are going to be gagged going forward.

If you're DEVIN NUNES, and you're fighting to make sure your farmers have water to grow crops, you are out of luck.

If you're MARCY KAPTUR, and you're promoting the interests of labor unions, get ready for a long winter.

I don't agree with most of those Members, but for this institution to work, they need to have a voice. This rule deprives them—and their constituents—of that voice.

This rule concentrates power in the hands of DAVID OBEY and NANCY PELOSI. They get to decide who offers what and when. And my colleagues better hope that they never disagree with the majority leadership, or they will find themselves relegated to the sidelines, just as we do with this rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 552 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the Resolving clause and insert the following:

“That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes. No further general debate shall be in order, and remaining proceedings under House Resolution 544 shall be considered as supplanted by this resolution. The bill shall continue to be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XM are waived. During consideration of the bill for amendment, the Chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for

the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Democratic majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.”

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 238, nays 180, not voting 15, as follows:

[Roll No. 351]

YEAS—238

Abercrombie	Griffith	Ortiz
Ackerman	Grijalva	Pallone
Altmire	Gutierrez	Pascarell
Andrews	Hall (NY)	Pastor (AZ)
Baca	Halvorson	Payne
Baird	Hare	Perlmutter
Baldwin	Hastings (FL)	Peters
Barrow	Heinrich	Peterson
Bean	Herseth Sandlin	Pingree (ME)
Becerra	Higgins	Polis (CO)
Berkley	Himes	Pomeroy
Berman	Hinchev	Price (NC)
Berry	Hinojosa	Quigley
Bishop (GA)	Hirono	Rahall
Bishop (NY)	Hodes	Rangel
Blumenauer	Holden	Reyes
Bocchieri	Holt	Richardson
Boren	Honda	Rodriguez
Boswell	Hoyer	Ross
Boucher	Inslee	Rothman (NJ)
Boyd	Israel	Roybal-Allard
Brady (PA)	Jackson (IL)	Ruppersberger
Braley (IA)	Jackson-Lee	Rush
Brown, Corrine	(TX)	Ryan (OH)
Butterfield	Johnson (GA)	Salazar
Capps	Johnson, E. B.	Sanchez, Linda
Capuano	Kagen	T.
Cardoza	Kanjorski	Sanchez, Loretta
Carnahan	Kaptur	Sarbanes
Carney	Kildee	Schakowsky
Carson (IN)	Kilpatrick (MI)	Schauer
Castor (FL)	Kilroy	Schiff
Chandler	Kind	Schrader
Clarke	Kirkpatrick (AZ)	Schwartz
Clay	Kissell	Scott (GA)
Cleaver	Klein (FL)	Scott (VA)
Clyburn	Kucinich	Serrano
Cohen	Larsen (WA)	Sestak
Connolly (VA)	Lee (CA)	Levin
Conyers	Leahy	Sherman
Cooper	Lipinski	Sires
Costa	Loeb	Skelton
Costello	Loeb	Slaughter
Courtney	Lofgren, Zoe	Smith (WA)
Crowley	Lowey	Snyder
Cuellar	Lujan	Space
Cummings	Lynch	Speier
Dahlkemper	Maffei	Spratt
Davis (AL)	Maloney	Stark
Davis (CA)	Markey (CO)	Stupak
Davis (IL)	Markey (MA)	Sutton
Davis (TN)	Marshall	Tanner
DeFazio	Massa	Tauscher
DeGette	Matsui	Taylor
DeLahunt	McCarthy (NY)	Teague
DeLauro	McColum	Thompson (CA)
Dicks	McDermott	Thompson (MS)
Dingell	McGovern	Tierney
Doggett	McIntyre	Titus
Donnelly (IN)	McMahon	Tonko
Doyle	McNerney	Towns
Driehaus	Meek (FL)	Tsongas
Edwards (MD)	Meeks (NY)	Van Hollen
Edwards (TX)	Melancon	Velázquez
Ellison	Michaud	Visclosky
Ellsworth	Miller (NC)	Walz
Engel	Miller, George	Wasserman
Eshoo	Mollohan	Schultz
Etheridge	Moore (KS)	Waters
Farr	Moore (WI)	Watson
Fattah	Moran (VA)	Watt
Filner	Murphy (CT)	Waxman
Foster	Murphy (NY)	Weiner
Frank (MA)	Murphy, Patrick	Welch
Fudge	Murtha	Wexler
Giffords	Nadler (NY)	Wilson (OH)
Gonzalez	Napolitano	Woolsey
Gordon (TN)	Neal (MA)	Wu
Grayson	Neal (MA)	Yarmuth
Green, Al	Nye	
Green, Gene	Oberstar	
	Obey	
	Oliver	

NAYS—180

Aderholt Garrett (NJ) Mitchell
 Akin Gerlach Moran (KS)
 Arcuri Gingrey (GA) Murphy, Tim
 Austria Gohmert Myrick
 Bachus Goodlatte Neugebauer
 Barrett (SC) Granger Nunes
 Bartlett Graves Olson
 Barton (TX) Guthrie Paul
 Biggert Hall (TX) Paulsen
 Bilbray Harper Pence
 Bilirakis Hastings (WA) Perriello
 Blackburn Heller Petri
 Blunt Hensarling Pitts
 Boehner Hill Platts
 Bonner Hoekstra Poe (TX)
 Bono Mack Hunter Posey
 Boozman Inglis Price (GA)
 Boustany Issa Putnam
 Brady (TX) Jenkins Radanovich
 Broun (GA) Johnson (IL) Rehberg
 Brown (SC) Johnson, Sam Reichert
 Brown-Waite, Jones Roe (TN)
 Ginny Jordan (OH) Rogers (AL)
 Buchanan King (IA) Rogers (KY)
 Burgess King (NY) Rogers (MI)
 Burton (IN) Kingston Rohrabacher
 Buyer Kirk Rooney
 Calvert Klime (MN) Ros-Lehtinen
 Camp Kosmas
 Campbell Kratovil Royce
 Cao Lamborn Ryan (WI)
 Capito Lance Scalise
 Carter Latham Schmidt
 Cassidy LaTourette Schock
 Castle Latta Sensenbrenner
 Chaffetz Lee (NY) Sessions
 Childers Lewis (CA) Shadegg
 Coble Linder Shimkus
 Coffman (CO) LoBiondo Shuler
 Cole Lucas Shuster
 Conaway Luetkemeyer Simpson
 Crenshaw Lummis Smith (NE)
 Culberson Lungren, Daniel Smith (NJ)
 Davis (KY) E. Smith (TX)
 Deal (GA) Mack Souder
 Dent Manzullo Stearns
 Diaz-Balart, L. Marchant Terry
 Diaz-Balart, M. McCarthy (CA) Thompson (PA)
 Dreier McCaul Thornberry
 Duncan McClintock Tiahrt
 Ehlers McCotter Tiberi
 Emerson McHenry Turner
 Fallin McHugh Upton
 Flake McKeon Walden
 Fleming McMorris Wamp
 Forbes Rodgers Westmoreland
 Fortenberry Mica Whitfield
 Foyx Miller (FL) Wilson (SC)
 Franks (AZ) Miller (MI) Wittman
 Frelinghuysen Miller, Gary Wolf
 Gallegly Minnick Young (AK)

NOT VOTING—15

Adler (NJ) Cantor Larson (CT)
 Alexander Harman Lewis (GA)
 Bachmann Herger Matheson
 Bishop (UT) Kennedy Sullivan
 Bright Langevin Young (FL)

□ 1507

Ms. KOSMAS changed her vote from “yea” to “nay.”

Mr. GEORGE MILLER of California and Ms. WOOLSEY changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:
 Mr. LANGEVIN. Mr. Speaker, on June 17, 2009, I was unavoidably detained and unable to be in the Chamber for a rollcall vote. Had I been present, I would have voted “yea” on rollcall No. 351, the motion ordering the previous question on the rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act for FY 2010.

Stated against:

Mr. HERGER. Mr. Speaker, on rollcall No. 351, I was unavoidably detained. Had I been present, I would have voted “nay.”

(By unanimous consent, Ms. LINDA T. SÁNCHEZ of California was allowed to speak out of order.)

INTRODUCING JOAQUIN SANCHEZ SULLIVAN

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today for the purpose of introducing the most important and undoubtedly the greatest piece of work I have ever brought to the floor of this House.

Mr. Speaker, before I take all of the credit, I want to thank especially the health care workers from coast to coast who helped me deliver a very healthy baby. And I want to especially recognize the distinguished doctors and nurses at Washington Hospital Medical Center and the talented doctors in Los Angeles, especially Dr. Aliabadi, Dr. Rotmench, and Dr. Iqbal.

Mr. Speaker, it is with great joy that my husband, James Sullivan and I, introduce to you and to all of my colleagues the proudest achievement and newest member of the California delegation, Joaquin Sanchez Sullivan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 201, not voting 11, as follows:

[Roll No. 352]

YEAS—221

Abercrombie Childers Engel
 Ackerman Clarke Etheridge
 Altmire Clay Fattah
 Andrews Filner Filmer
 Baca Clyburn Foster
 Baird Cohen Frank (MA)
 Baldwin Connolly (VA) Fudge
 Barrow Cooper Giffords
 Bean Costa Gonzalez
 Becerra Costello Gordon (TN)
 Berkeley Grayson Grayson
 Berman Crowley Green, Al
 Berry Cuellar Green, Gene
 Bishop (GA) Cummings Griffith
 Bishop (NY) Dahlkemper Grijalva
 Boccieri Davis (CA) Gutierrez
 Boren Davis (IL) Hall (NY)
 Boswell Davis (TN) Halvorson
 Boucher DeGette Hare
 Boyd Delahunt Hastings (FL)
 Brady (PA) DeLauro Heinrich
 Braley (IA) Dicks Hersheth Sandlin
 Brown, Corrine Dingell Higgins
 Butterfield Doggett Himes
 Capuano Doyle Hinchey
 Cardoza Driehaus Hinojosa
 Carnahan Edwards (MD) Hirono
 Carson (IN) Edwards (TX) Hodes
 Castor (FL) Ellison Holden
 Chandler Ellsworth Holt

Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee (TX)
 Johnson (GA)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kirkpatrick (AZ)
 Kissell
 Kucinich
 Langevin
 Larsen (WA)
 Lee (CA)
 Levin
 Lipinski
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McIntyre
 McMahon
 Mc Nerney
 Meeks (NY)
 Melancon
 Michaud
 Miller (NC)
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Nye
 Oberstar
 Obey
 Olver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Payne
 Perlmutter
 Peters
 Pingree (ME)
 Polis (CO)
 Pomeroy
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Rodriguez
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppelberger
 Rush
 Ryan (OH)
 Salazar
 Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Sires
 Skelton
 Slaughter
 Smith (WA)
 Snyder
 Space
 Spratt
 Stark
 Stupak
 Sutton
 Tanner
 Tauscher
 Taylor
 Teague
 Thompson (MS)
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Vislosky
 Walz
 Wasserman
 Schultz
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Wilson (OH)
 Yarmuth

NAYS—201

Aderholt
 Akin
 Arcuri
 Austria
 Bachus
 Barrett (SC)
 Bartlett
 Barton (TX)
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boustany
 Brady (TX)
 Bright
 Broun (GA)
 Brown (SC)
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Buyer
 Calvert
 Camp
 Campbell
 Cantor
 Cao
 Capito
 Capps
 Carney
 Carter
 Cassidy
 Hunter
 Chaffetz
 Coble
 Coffman (CO)
 Cole
 Conaway
 Conyers
 Crenshaw
 Culberson
 Davis (KY)
 Deal (GA)
 DeFazio
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Donnelly (IN)
 Dreier
 Duncan
 Ehlers
 Emerson
 Eshoo
 Fallin
 Farr
 Flake
 Fleming
 Forbes
 Fortenberry
 Foyx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Gingrey (GA)
 Gohmert
 Goodlatte
 Granger
 Graves
 Guthrie
 Hall (TX)
 Harper
 Hastings (WA)
 Heller
 Hensarling
 Herger
 Hill
 Hoekstra
 Honda
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 King (IA)
 King (NY)
 Kingston
 Kirk
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Lamborn
 Lance
 Latham
 LaTourette
 Latta
 Lee (NY)
 Lewis (CA)
 Linder
 LoBiondo
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McHugh
 McKeon
 McMorris
 McMorris
 Rodgers
 Meek (FL)
 Miller (FL)
 Miller, Gary
 Minnick
 Mitchell
 Moran (KS)
 Murphy (NY)
 Murphy, Tim
 Myrick
 Neugebauer
 Nunes

Olson	Rooney	Stearns
Paul	Ros-Lehtinen	Terry
Paulsen	Roskam	Thompson (CA)
Pence	Royce	Thompson (PA)
Perriello	Ryan (WI)	Thornberry
Petri	Scalise	Tiahrt
Pitts	Schmidt	Tiberi
Platts	Schock	Turner
Poe (TX)	Sensenbrenner	Upton
Posey	Sessions	Walden
Price (GA)	Shadegg	Wamp
Putnam	Shimkus	Waters
Radanovich	Shuler	Westmoreland
Rehberg	Shuster	Whitfield
Reichert	Simpson	Wilson (SC)
Roe (TN)	Smith (NE)	Wittman
Rogers (AL)	Smith (NJ)	Wolf
Rogers (KY)	Smith (TX)	Woolsey
Rogers (MI)	Souder	Wu
Rohrabacher	Speier	Young (AK)

NOT VOTING—11

Adler (NJ)	Harman	Peterson
Alexander	Kennedy	Sullivan
Bachmann	Larson (CT)	Young (FL)
Davis (AL)	Lewis (GA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1520

Ms. SPEIER and Messrs. BLUMENAUER and HONDA changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION IMPEACHING SAMUEL B. KENT, JUDGE OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

Mr. SCHIFF, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 111-159) on the resolution (H. Res. 520) impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2847, and that I may include tabular material in the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 552 and rule XVIII, the Chair declares the House in the Committee of the Whole House on

the state of the Union for the further consideration of the bill, H.R. 2847.

□ 1523

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2010, with Mr. BLUMENAUER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, June 16, 2009, amendment No. 8 offered by the gentleman from Illinois (Mr. SCHOCK) had been disposed of and the bill had been read through page 4, line 7.

Pursuant to House Resolution 552, no further general debate shall be in order.

No further amendment shall be in order except: (1) amendments numbered 3, 6, 19, 22, 25, 31, 35, 41, 59, 60, 62, 63, 69, 71, 93, 96, 97, 98, 100, 102, 111, 114, and 118 printed in the CONGRESSIONAL RECORD of June 15, 2009, which may be offered only by the Member who submitted it for printing or a designee, and (2) not to exceed 10 of the following amendments if offered by the ranking minority member of the Committee on Appropriations or his designee: amendments numbered 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 104, 105, 106, 107, and 108 printed in the CONGRESSIONAL RECORD of June 15, 2009. Each amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and opponent, and shall not be subject to a demand for division of the question. An amendment may be offered only at the appropriate point in the reading.

The Chair and ranking minority member of the Committee on Appropriations or their designees each may offer a pro forma amendment for the purpose of debate following consideration of any amendment previously described.

The Clerk will read.

The Clerk read as follows:

BUREAU OF INDUSTRY AND SECURITY OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers

under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$100,342,000, to remain available until expended, of which \$14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, \$255,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$38,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$31,000,000: *Provided*, That within the amounts appropriated, \$900,000 shall be used for the projects, and in the amounts, specified in the table titled “Congressionally-designated items” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

ECONOMIC AND STATISTICAL ANALYSIS SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$97,255,000, to remain available until September 30, 2011.

BUREAU OF THE CENSUS SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$259,024,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$7,115,707,000, of which \$206,000,000 shall be derived from available unobligated balances previously appropriated under this heading, to remain available until September 30, 2011: *Provided*, That none of the funds provided in this or any other Act for any fiscal year may be used for

the collection of census data on race identification that does not include "some other race" as a category: *Provided further*, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities.

NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses, as provided by law, of the National Telecommunications and Information Administration (NTIA), \$19,999,000, to remain available until September 30, 2011: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES,
PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, \$20,000,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed \$2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK
OFFICE
SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$1,930,361,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2010, should the total amount of offsetting fee collections be less than \$1,930,361,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of \$1,930,361,000 in fiscal year 2010, in an amount up to \$100,000,000 shall remain available until expended: *Provided further*, That from amounts provided herein, not to exceed \$1,000 shall be made available in fiscal year 2010 for official reception and representation expenses: *Provided further*, That in fiscal year 2010 and hereafter, from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of

basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108-447 shall remain in effect during fiscal year 2010: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further*, That from the amounts provided herein, no less than \$4,000,000 shall be available only for the USPTO contribution in a cooperative or joint agreement or agreements with a non-profit organization or organizations, successfully audited within the previous year, and with previous experience in such programs, to conduct policy studies, including studies relating to activities of United Nations Specialized agencies and other international organizations, as well as conferences and other development programs, in support of fair international protection of intellectual property rights.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$510,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed \$10,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$124,700,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, \$69,900,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$76,500,000, to remain available until expended, of which \$20,000,000 is for a competitive construction grant program for research science buildings: *Provided further*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000 and simultaneously the budget justification mate-

rials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,198,793,000, to remain available until September 30, 2011, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2012: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition \$104,600,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the \$3,317,393,000 provided for in direct obligations under this heading \$3,198,793,000 is appropriated from the general fund, \$107,600,000 is provided by transfer, and \$11,000,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$228,549,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$41,944,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year: *Provided further*, That within the amounts appropriated, \$37,500,000 shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

AMENDMENT NO. 19 OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I have an amendment at the desk, amendment No. 19, printed in the CONGRESSIONAL RECORD on June 15, 2009.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. BORDALLO:

Page 13, line 11, after the dollar amount insert "(increased by \$500,000)".

Page 13, line 24, after the dollar amount insert "(increased by \$500,000)".

Page 13, line 25, after the dollar amount insert "(increased by \$500,000)".

Page 17, line 12, after the dollar amount insert "(reduced by \$500,000)".

The Acting CHAIR. Pursuant to House Resolution 552, the gentlewoman from Guam (Ms. BORDALLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Guam.

Ms. BORDALLO. Mr. Chairman, I offer this amendment for the purposes of ensuring that not less than \$500,000 is appropriated to the National Oceanic and Atmospheric Administration for grants to be awarded in 2010 by the Secretary of Commerce for Western Pacific Fishery Demonstration Projects.

The amendment ensures funding is provided for this authorized, competitive-based grants program in fiscal year 2010. The Western Pacific Demonstration Projects program is authorized by Public Law 104-297, the Sustainable Fisheries Act. The program was funded at the maximum authorized level, \$500,000, each year from 1999 through 2005. My amendment would re-start the program at this same level of funding.

Valuable and economically innovative projects in Western Pacific fisheries have been demonstrated and explored through this program in previous rounds of competition. The program is important to the communities represented on the Western Pacific Regional Fishery Management Council, which includes my own district, the Territory of Guam.

Mr. Chairman, the program's chief purpose, as authorized, is to establish not less than three and not more than five fishery demonstration projects to foster and promote traditional indigenous fishing practices. In the last rounds of competition in 2004 and 2005, five grants were awarded to applicants in the State of Hawaii, three each to American Samoa and the Commonwealth of the Northern Mariana Islands, and one for Guam.

I am grateful for the opportunity to offer this amendment, and I want to thank the distinguished gentleman from West Virginia (Mr. MOLLOHAN) and our colleague from Virginia, Mr. WOLF, and their staffs for their attention to this amendment.

□ 1530

I hope to secure their support today for the adoption of this amendment, and I look forward to working with them to ensure that this issue is addressed appropriately in conference.

And, finally, I want to state that the issue of protecting indigenous culture, as this amendment does, with respect to traditional fishing practices is important, not only to myself, but to our colleagues from CNMI, American Samoa and Hawaii.

I reserve the balance of my time.

Mr. WOLF. I ask unanimous consent to claim the time, but I am not in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WOLF. I have no objection, and I just yield back the balance of the time.

Mr. MOLLOHAN. Will the gentlelady yield for purposes of accepting the amendment?

Ms. BORDALLO. Yes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the amendment, and we accept the amendment.

Ms. BORDALLO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WOLF. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Guam will be postponed.

Mr. WOLF. Mr. Chairman, I strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, as the ranking member on the committee, I feel an obligation just to make a comment to kind of put things in perspective, particularly as the American people are watching, because I think what we're doing today is setting a very bad and a dangerous precedent.

I've been around the House for a while, and I've been involved in debates on scores of appropriations bills. Traditionally, whether it's been Democrats or Republicans in the majority, we've had open rules on spending bills, and a respectful working relationship across the aisle; and that's the way it should be, and that's what the American people expect, a cooperative attitude and the opportunity for full scrutiny of how their tax dollars are being spent.

I didn't like the preprinting requirement for amendments that the majority instituted to start the appropriations process on the floor this session with the Commerce-Justice-Science bill. I supported an open rule so that every Member could have the opportunity to review the entire bill, and if there were programs that Members believed could be cut, then we could debate that amendment and the House could work its will.

So we started the process late last night to debate the preprinted amendments. And 21 minutes into the amendment debate, the chairman of the committee pulled the plug on that process and on the Members who, really, in good faith, followed the instructions of the preprinting. They went up; they did everything that was asked of them. The rules, Mr. Chairman, were then changed in the middle of the night, and

now we have even a more controlled process.

Members on my side, and I think if you kind of do unto others as you would have them do unto you can think, if you were in that situation and had gone through the same thing the guys on our side, Members on our side, how you would feel. Members on my side have the right to have their voice heard and offer amendments to control spending. Members on both sides had substantive, thoughtful amendments.

Members on my side have the right to have their voice heard and offer amendments, whatever they may be, to control spending or whatever. Members on both sides also have substantive and thoughtful amendments that were germane and in order, and now those Members have lost the opportunity to offer them.

For example, Mr. ROGERS from Michigan, who was an FBI agent, who went to Afghanistan, God bless him for taking the time for the oversight, who serves on the Intelligence Committee, had a very important amendment regarding an apparent policy initiative by this administration, to expand the practice of reading Miranda rights to detainees in the custody of the U.S. Armed Forces in Afghanistan. It's called global justice.

Mr. ROGERS wanted to talk about that and offer an amendment. And whether we would pass it or not, he had every right to do so. And now Mr. ROGERS and other Members have legitimate concerns about such policies. He simply wanted the opportunity to offer his amendment and let the House vote. He complied with the printing requirement. He testified late last night, sat up here late into the night, till 12:30 or 1 in the morning. He testified at the Rules Committee; and yet, now, Mr. ROGERS finds he is unable to even offer this amendment that deals with the whole fundamental issue of the war on terror, what's taking place in Afghanistan, and all these issues.

Closing, this is a departure from the traditional open rules and the comity that has characterized the appropriation process over the years.

If we can't even come up with a fair process to debate annual spending bills on this floor, how can we ever hope to ever, ever, ever find solutions to the big problems that this country has?

I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I did not want to get into this subject yet again, but I guess we have to.

I would like to put in perspective why we are here under these circumstances. As everyone in this Chamber understands, we have, for the last 4 months, been dealing with a national

economic emergency, and an absolute crisis in terms of the war in the Middle East, especially in Pakistan and Afghanistan. So this Chamber has been hugely occupied for 4 months.

And now, finally, after finishing our major economic leftovers from the previous year, we're now turning to the appropriations bill. The hard fact is that everyone says they want appropriation bills to be finished individually, not collectively, in an omnibus. And yet, we only have 6 weeks to accomplish that. We have to pass 12 major appropriation bills in 6 weeks and still leave enough time on the calendar to deal with health care, to deal with climate change, to deal with the military authorization bill, and several other crucial issues.

So Mr. HOYER, the majority leader, and I, went to our friends on the Republican side of the aisle, went to both the minority leader and the ranking member of the committee, and asked whether or not we could reach agreement that would enable us to meet that schedule. And we pointed out that the schedule that we have set requires that we set aside no more than about 8 or 9 hours to debate each of the bills with all of the amendments thereto.

We were told that they did not believe that they could participate in that kind of a tight schedule. So then we tried to proceed anyway.

We asked Members to prefile amendments so that every Member of this House would know what they were expected to vote on. We confronted the fact that 127 amendments were filed. That will take at least 23 or 24 hours, just to debate those amendments. And that blows the entire schedule for the entire 6 weeks.

One Member today said, "Well, what's wrong if it takes 40 hours to pass this bill?" The fact is that that would be one-third of the time remaining on the schedule for all 12 appropriation bills.

We've got an obligation to get our work done. And so what Mr. HOYER and I did was even offer the minority leader the opportunity, in a compressed number of amendments, to select their own amendments, any amendments they wanted. But they did not want to be limited in number or time. I don't fault them for it. I'm simply stating facts.

Now, we have one misunderstanding around here. We have the impression that somehow appropriation bills have always been considered in open rules. The fact is, I have a sheet here which shows 25 previous occasions where appropriations have been continued under structured or modified, or even closed rules. And this is only when Republicans were in control. This does not count the more than a dozen times under Democratic control, when we had significantly limited rules for appropriation bills, including the Foreign Operations bill, D.C., the Defense Bill,

Interior and the Legislative Appropriations bill.

So I simply state this, not to get into a perennial argument, but to make clear we have tried every way we can to involve the minority. We've asked them several times if they could participate in a compressed schedule.

I don't think that it's necessary to debate all of these bills for 40 hours. But we are giving—there are going to be 33 amendments offered to this bill under the rule, and only nine of them are Democratic amendments. The rest are Republican amendments. I think that's treating the minority especially fairly.

Mr. LEWIS of California. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. LEWIS of California. I appreciate my colleague yielding. We had a discussion on the floor yesterday where you were essentially asking me this question: How can we get a handle on reasonably controlling the time, et cetera? And you and I have had back and forth regarding that whole discussion.

I appreciate your concern about the schedule here. But my goodness, when you have the number of amendments that we had filed on this bill, and we knew many of them would fall off, you and I discussed that between each other. But then the first amendment, to have that taking us back to the Rules Committee is incredible, and I can't quite believe you'd do that.

Mr. OBEY. Let me take back my time. Let me simply say that this is the third year that we've been in this situation where we've been filibustered by amendment, and we recognize a filibuster by amendment when we see it.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,409,148,000, to remain available until September 30, 2012, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the \$1,411,148,000 provided for in direct obligations under this heading \$1,409,148,000 is appropriated from the general fund and \$2,000,000 is provided from recoveries of prior year obligations: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in

the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration Procurement, Acquisition, or Construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2009, obligations of direct loans may not exceed \$8,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000,000 for official entertainment, \$60,000,000: *Provided*, That the Secretary, within 30 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That of the amounts provided to the Secretary within this account, \$5,000,000 shall not become available for obligation until the Secretary certifies to the House and Senate Committees on Appropriations that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

AMENDMENT NO. 3 OFFERED BY MS. MOORE OF WISCONSIN

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. MOORE of Wisconsin:

In title I, in the paragraph entitled "Salaries and Expenses" immediately following the heading "Departmental Management" insert "(reduced by \$4,000,000)" after "\$60,000,000".

Page 42, line 7, after "\$400,000,000" insert "(increased by \$4,000,000)".

In title II, in the paragraph entitled "Violence Against Women Prevention and Prosecution Programs" under the heading "State

and Local Law Enforcement Activities Office on Violence Against Women" in the numbered item in the second proviso relating to legal assistance for victims as authorized by section 1201 of the 2000 Act, insert "(increased by \$4,000,000)" after "\$37,000,000".

The Acting CHAIR. Pursuant to House Resolution 552, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Mr. Chairman, my amendment increases funding for a critical program, the Violence Against Women Act Legal Assistance Program by \$4 million.

I would like to thank Representative POE for his diligent work on this amendment. And I also want to thank Representative MOLLOHAN for his commitment on this issue as well.

You know, we all make lawyer jokes, but to the women who face domestic violence and need legal representation to successfully flee their abusers, obtain orders of protection, and retain custody of their children, the lack of legal representation is definitely not a laughing matter.

Nearly 70 percent of the women who bravely take their abusers to court do so without legal representation. And too often, having an attorney present is the deciding factor in obtaining that lifesaving personal protection order or getting custody of your kids or receiving transitional housing.

It's a sad day when a family is forced to stay with their abuser because they don't know how to navigate through the court system.

Earlier this week, Mr. Chairman, I heard from Chris in Wisconsin, whose husband sent her to the emergency room a dozen times, broke her foot, held a gun to her head, and threatened to poison her four children before she was able to escape with the help of legal assistance after 5 long years of torture.

I also heard from Danielle of Madison, Wisconsin, who obtained a divorce from her wealthy attorney husband who repeatedly beat and stabbed her, but was left battling her husband's expensive attorney for custody 2 years after the divorce. Her effort to study the Wisconsin statutes and defend herself in court drew ridicule and rebuke from the judge. These are just a couple of examples.

I would like to yield to Mr. MOLLOHAN.

Mr. MOLLOHAN. I thank the gentlewoman, and thank her for her amendment.

Mr. Chairman, we are prepared to accept the amendment.

Mr. WOLF. Mr. Chairman, I claim the time in opposition, although I am not in opposition.

The Acting CHAIR. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. WOLF. I yield to the gentleman from Texas, Judge POE, for 5 minutes.

□ 1545

Mr. POE of Texas. I thank the gentleman for yielding, and I appreciate the gentlewoman from Wisconsin for her representation and hard work on this amendment.

Mr. Chairman, this amendment is a strong amendment, and it puts forth the proposition that victims' issues aren't partisan issues; they're people issues.

I strongly support this amendment to increase Legal Assistance for Victims by \$4 million. That doesn't sound like much, but it's a lot of money for victims of crime. It will bring the total Legal Assistance for Victims grants to \$41 million. This funding is offset by a \$4 million reduction from the Department of Commerce—Departmental Management, Salaries and Expenses account. I think that money would be better served in being given to the Legal Assistance for Victims rather than giving raises and salaries to this department.

These legal assistance grants provide much needed funding for domestic violence victims to seek protective orders, child custody, child support, and housing and public benefits assistance.

As I found during my 30 years as a prosecutor and as a judge, too often, domestic violence and sexual assault victims have to appear in court by themselves, alone. They don't have high-dollar lawyers pleading their cases or guiding them through the complex and often burdensome legal system that we have in all of our States and Federal courts. Instead, even though those who supposedly loved them chose to beat them up, they have to pay the price to fight their way through the legal system to request civil protection. This shouldn't be. We need to match civil justice with our criminal justice system.

The Civil Legal Assistance for Victims program provides funding to meet the legal needs of domestic violence and sexual assault victims. It is the only federally funded program designed to meet all of the legal assistance needs of victims. It is one of the most crucial and lifesaving programs in the Violence Against Women Act; yet it remains critically underfunded. The demand for legal services is so high that the Office on Violence Against Women receives almost 300 applications per year, but that office is only able to fund one-third of the total request.

We have a duty to protect the innocent and to make sure their voices are heard in our court system. We must ensure that victims are not further victimized by their abusers through the legal system in this country.

As founder and co-Chair of the bipartisan Victims' Rights Caucus, I support

this amendment. I strongly urge its passage.

Ms. MOORE of Wisconsin. Well, thank you so much. I just want to mention again what an amazing partner Mr. POE has been with this initiative. Indeed, this is not a partisan issue.

Mr. POE mentioned that these funds will be drawn from the Department of Commerce's salaries and expenses, of which they're provided \$60 million. That's \$7 million over last year's funding. Of course, legal assistance programs have steadily declined since 2003, and only about a third of women who appear in court, the applicants who actually apply for this legal funding, actually receive funding. So this is really critical funding and support to help these women leave their abusers.

For every Danielle and Chris who are able to free themselves of their abusers, there are four other women out there who are still being silenced because they don't have access to adequate legal representation. This \$4 million is very appreciated. It's not enough, but it's a great start. The legal assistance program is one of the most effective tools to ensure that battered women and children have a voice in our justice system. I urge support for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

The Clerk will read.

The Clerk read as follows:

HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, \$5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$27,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries

and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. The Administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the lim-

its of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any state, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

This title may be cited as the “Department of Commerce Appropriations Act, 2010”.

TITLE II
DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$118,488,000 of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That \$14,693,000 is for Department Leadership; \$8,101,000 is for Intergovernmental Relations/External Affairs; \$12,715,000 is for Executive Support/Professional Responsibility; and \$82,979,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

AMENDMENT NO. 41 OFFERED BY MR. BOSWELL

Mr. BOSWELL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. BOSWELL: In the item relating to “Department of Justice—General Administration—Salaries and Expenses”, after the first dollar amount, insert “(reduced by \$2,500,000)”.

In the item relating to the “National Criminal History Improvement program” in paragraph (25) under the heading “State and Local Law Enforcement Assistance”, after the dollar amount, insert “(increased by \$2,500,000)”.

The Acting CHAIR. Pursuant to House Resolution 552, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa for 5 minutes.

Mr. BOSWELL. I would like to thank Chairman MOLLOHAN and Ranking Member WOLF for their hard work on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Mr. Chairman, this amendment would provide an increase of \$2.5 million for the National Criminal History Improvement Program. I have brought this issue to the floor for several years now, and it consistently receives bipartisan support.

I thank my colleagues for their continued support and for their commitment to law enforcement officers and public safety. I believe that this increase is incredibly important for law enforcement. We must ensure that the intelligence our officers are working off of is up to date and accurate.

The National Criminal History Improvement Program ensures that States improve their infrastructure to connect to the national records system. It helps protect our most vulnerable populations by improving law enforcement’s ability to identify persons ineligible to hold positions involving children, the elderly or the disabled. The program also helps law enforcement officers protect our communities from individuals with histories of stalking and of committing acts of domestic violence. I think my colleagues will agree this is an important investment.

I would like to yield to the distinguished chairman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, let me simply say that I think, on this side of the aisle, the committee certainly agrees with the gentleman’s assertions, and we would be happy to accept the amendment.

Mr. BOSWELL. We thank you.

With that, I would urge the adoption of this amendment.

I will reserve my time for any comments that might be made from the other side.

Mr. WOLF. Mr. Chairman, we have no objection to the amendment. We support the amendment.

Mr. BOSWELL. With that, I urge the adoption of the amendment, and I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

The Clerk will read.

The Clerk read as follows:

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, \$44,023,000, of which \$2,000,000 shall be for reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense’s counter-drug intelligence responsibilities: *Provided*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and

local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$109,417,000, to remain available until expended, of which not less than \$21,132,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$205,143,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$300,685,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,438,663,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed \$5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$84,368,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,859,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$875,097,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed \$10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activi-

ties of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the election monitoring program \$3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$163,170,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$102,000,000 in fiscal year 2010), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at \$61,170,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, \$1,934,003,000: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than \$36,980,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) concerning the prosecution of offenses relating to the sexual exploitation of children: *Provided further*, That of the amount provided under this heading, \$6,000,000 is for salaries and expenses for new assistant U.S. Attorneys to carry out additional prosecutions of serious crimes in Indian Country.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$224,488,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That,

notwithstanding any other provision of law, \$210,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the Fund estimated at \$9,488,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,117,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$168,300,000, to remain available until expended, of which not to exceed \$10,000,000 is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$11,479,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,138,388,000; of which not to exceed \$30,000 shall be available for official reception and representation expenses; of which not to exceed \$4,000,000 shall remain available until expended for information technology systems; and of which not less than \$12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$14,000,000, to remain available until expended.

NATIONAL SECURITY DIVISION
SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, \$87,938,000; of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$528,569,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$7,718,741,000, of which \$101,066,000 is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed \$150,000,000 shall remain available until expended: *Provided*, That not to exceed \$205,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally owned buildings; and preliminary planning and design of projects; \$132,796,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,019,682,000; of which not to exceed \$75,000,000 shall remain available until expended; and of which not to exceed \$100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
EXPLOSIVES
SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,105,772,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed \$10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2010: *Provided further*, That, beginning in fiscal year 2010 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the

District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$31, of which 743 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,077,231,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2011: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for

grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

AMENDMENT NO. 25 OFFERED BY MR. ROE OF TENNESSEE

Mr. ROE of Tennessee. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. ROE of Tennessee:

Page 38, line 13, after the dollar amount, insert "(reduced by \$97,400,000)".

The Acting CHAIR. Pursuant to House Resolution 552, the gentleman from Tennessee (Mr. ROE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. I yield myself 2½ minutes.

Mr. Chairman, I believe the level of spending in this bill is irresponsible in light of our deficits, but I also know my view is in the minority. This is about priorities and it is about morals.

This year, we are going to pass \$1.8 trillion in new debt on to our children's generation. I would argue that passing this level of debt on to our next generation is immoral. So far, there has been not one iota of interest in setting priorities from the majority. Instead, they've chosen to fund everything generously and call that priority setting. That's their prerogative. They won the election, and they are entitled to run our Nation's credit card well past its limit to never-before-seen levels.

When it comes to spending in budgets, it is clear from debates that there is no interest in adopting Republican ideas by my friends on the other side of the aisle, so I went to a source you might not think a Republican would look at: President Obama's budget.

The President has requested nearly \$6 billion for the Federal prison system. The Democratic Congress has increased that by \$97.4 million.

We are trying to support the President and show a little bit of fiscal restraint by adopting the President's budgeted level. In percentage terms, this means we are growing at 6.8 percent instead of 8.6 percent. If it passes, the amendment's impact will not be huge, but it sends a message, however small, that this Congress is not completely tone deaf to the concerns about the deficit of runaway spending.

It is important to note this is not a vote on whether to cut the program. It is a vote on whether to provide the program the President's proposed increase or to provide it the Democratic leadership's proposed increase.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in strong opposition to this amendment.

Indeed, this would be a huge impact on the Bureau of Prisons. There is not an agency in this bill that is in greater need of additional salaries and expenses money. This amendment would eliminate \$97.4 million, the increase for the Bureau of Prisons' salaries and expenses account that the committee provided above the budget request.

The amount of the increase was not pulled out of thin air. It was precisely calculated based on an in-depth analysis by the Appropriation Committee's surveys and investigations staff to be the minimum amount necessary to restore BOP's base budget, which has been progressively hollowed out in recent years by inadequate budget requests.

□ 1600

Without this \$97.4 million, the Bureau of Prisons will be unable to hire additional correctional officers, which it desperately needs, and will likely be unable to activate two newly constructed prisons. The BOP simply cannot sustain another year without additional prison capacity and staffing. The Bureau of Prisons prisoner population is currently 37 percent above the rated capacity for BOP facilities, and the prisoner-to-staff ratio is an appalling 4.9 to 1. A ratio of 3.2 to 1 is the average for the States, which is far better than the average that the Bureau of Prisons used to approach.

Not only does inadequate investment in Federal prisons result in unsafe working conditions for prison staff, as we have seen from attacks and even fatalities in our prison system, it also makes it impossible to do the kind of reentry programming necessary to reduce recidivism. The result is more crime in our communities and a higher long-term cost to the taxpayer of future incarceration.

I am really not exaggerating, Mr. Chairman, when I say that there is no other agency in the bill for which I am more confident about the need for additional resources. I urge our Members in as strong as possible terms to reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I yield myself 1 minute.

I certainly understand the budget constraints. I've been a mayor, had a jail system under my supervision, and I also know that around this Nation there are cities and States that are dealing with budget deficits never before seen, and here is the only place in the world I have ever seen where we raise it almost 9 percent and then give the President exactly what he wanted and call that a draconian cut. It is not.

We should show some fiscal restraint here in the House as an example to the people around this country, families and cities and municipalities and States, that are working hard to balance their budget. In my own hometown they're doing that by making real cuts, not making huge increases and reducing it somewhat. This is a very minimal cut, and not a cut actually but a reduction, and exactly what the President of the United States asked for.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I urge opposition to the amendment, and I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. ROE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. ROE of Tennessee. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Virginia for yielding time to me in this debate. And, Mr. Chairman, there's a lot more time that should be yielded for this debate, and it should have been yielded within the original agreement that came from the Rules Committee.

This appropriations bill didn't come to this floor under an open rule, which has been the deep and long-standing tradition of the House of Representatives. It came to the floor under a structured open rule and under the request that said print your amendments into the RECORD and then there will be 5 minutes debate on each side, and we'll go down through all of those.

Now, anybody would have known that all the amendments that were printed in the RECORD would not have been offered. But I will also submit this, and it hasn't been said here, I don't believe, Mr. Chairman, that these amendments that were printed into the RECORD laid out the entire amendment

strategy of the minority party. And the majority party then took their leisure to thumb down through the amendments and decided that they didn't want to have debate on a good number of them, which brings us to this point.

When the chairman of the Appropriations Committee earlier mentioned some 20 times that this Congress has deviated from an open rule on appropriations, it was unclear to me whether the chairman actually included unanimous consent agreements, which have been a fairly consistent component of the open rule process. Not a structured rule, not something that was rigid and devised in the beginning, at least not something that was unnegotiated, as this was, but a unanimous consent agreement that allows any Member to object. That isn't the case that we are dealing with here.

So I am trying to track the logic of what amendments were approved and which ones weren't approved. And I will tell you there is no logic in this minority party except in the idea that we have to go up in that little room up there in the Rules Committee and sit down for 3 hours and wait for an opportunity to ask that stacked Rules Committee for an opportunity just to offer an amendment here on the floor of the House of Representatives. There's no way you can go home and say to your constituents, I'd have liked to have done a good job representing you, but I didn't have an opportunity even to offer an amendment, let alone perfect something and get a legitimate debate or a vote.

So I analyzed these 124 remaining amendments after this fiasco last night that lasted into this morning and came up with some of these statistical data, which is interesting, I think, to this Congress: Out of these 124 amendments, 20 of 23 were about money approved by the Rules Committee. So that would tell me that Democrats don't mind voting for more spending. That's a clear conclusion that one can draw because of the 94 amendments that were rejected by the Rules Committee, none of them can be characterized as spending amendments exclusively; they're policy amendments.

And in that includes amendments that would have blocked Federal funding for ACORN, an organization that has all the appearances of a criminal enterprise, that has admitted to producing over 400,000 fraudulent voter registrations, that has been involved in intimidating lenders, and now seem to be under the employment of the White House for the United States Census. And we can't get a debate on this and can't get a vote on an amendment like that? And we can't have a discussion in this Congress about the intelligence impasse that has been created because of the allegations against the CIA made by the Speaker of the House? And

we are supposed to operate a government with these huge policy issues that hang in front of us and do a specious debate on spending in which everything that's offered by the minority party that reduces the spending is going to be voted down by the majority party. Because why? They said let's have a debate on that. They're eager to vote for more spending. And this bill, which increases funding under these titles from last year by \$12 billion, an expansive growth of government, and now shutting down the debate here in the House of Representatives.

If we move on from this appropriations process without a rule that allows for debate, and we're going to accept the argument that comes from the chairman of the Appropriations Committee that this has happened before, I can guarantee you, Mr. Chairman, this is going to happen again and again and again and no Member can ask again. If they don't stand up and defend themselves now, it will be less reason the next time and less reason the next time, and we're settled into a mode where the committee that would rule will be the one, I think, which is directed from above, with no cameras in the room, seldom even a reporter in the room, but Members of Congress sitting there in little chairs waiting for their chance to say, Oh, please, could I just offer my amendment here on the floor of the House of Representatives?

You can't run a government that way. It's not consistent with our constitutional Republic. It would cause indigestion with all of our Founding Fathers to see what's going on here in this Congress today. It's got to stop, and we have got to get back to a regular order that allows for open rules and legitimate debate. And we can face this debate, win or lose. Let's do it the right way, Mr. Chairman.

I again thank the gentleman from Virginia for yielding.

The CHAIR. The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$96,744,000, to remain available until expended, of which not less than \$71,358,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and

borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$400,000,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided

(1) \$200,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) \$18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) \$3,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(2) \$60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(3) \$13,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(4) \$41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(5) \$9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(6) \$37,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(7) \$4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(8) \$14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(9) \$6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(10) \$3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(11) \$1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act;

(12) \$3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(13) \$3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(14) \$3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(15) \$1,000,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act.

OFFICE OF JUSTICE PROGRAMS
SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, \$192,388,000, of which not to exceed \$15,708,000 shall be available for transfer to the Office on Violence Against Women; of which not to exceed \$139,218,000 shall be available for the Office of Justice Programs; and of which not to exceed \$37,462,000 shall be available for transfer to the Community Oriented Policing Services Office: *Provided*, That, notwithstanding section 109 of title I of Public Law 90-351, an additional amount, not to exceed \$21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: *Provided further*, That the total amount available for management and administration of such programs shall not exceed \$213,388,000.

AMENDMENT NO. 31 OFFERED BY MR. NADLER OF NEW YORK

Mr. NADLER of New York. Mr. Chairman, I have an amendment at the desk made in order under the rule and preprinted in the CONGRESSIONAL RECORD on June 15.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. NADLER of New York:

Page 45, line 1, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 45, line 4, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 45, line 13, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 56, line 23, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 58, line 19, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 58, line 21, after the dollar amount, insert “(increased by \$5,000,000)”.

The CHAIR. Pursuant to House Resolution 552, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of my amendment, which I offer with Representatives MIKE MICHAUD and CAROLYN MALONEY. The amendment increases by \$5 million the funding for the Debbie Smith DNA Backlog Grant Program and offsets that by a corresponding decrease in general operating expenses in the Office of Justice.

Unlike eyewitness testimony and other circumstantial evidence, DNA evidence provides scientific accuracy and assurance. It has resulted in the conviction of countless perpetrators of violent crimes and has freed hundreds of innocent people.

It is incredible that we can identify the guilty and exclude the innocent with certainty with just a little biological evidence and a scientific test. The problem, of course, is that you actually have to collect that biological evidence, do that test, and record that information. If you do not, the power of DNA evidence is unrealized.

Unfortunately, there is a backlog in the hundreds of thousands in the analysis of DNA evidence. This backlog includes untested samples from convicted offenders and from crime scenes, including rape kits.

When such a powerful tool as DNA evidence is unused, we must act. For years I have worked to reduce the DNA backlog and helped pass legislation to do just that. The Debbie Smith DNA Backlog Grant Program provides grants to States to collect DNA samples from offenders and crime scenes, including rape kits, to analyze those samples and to expand DNA laboratory capacity. That money is making a difference, and we must ensure that it continues to be available.

Congress provided \$151 million to the Debbie Smith DNA Backlog Grant Program for fiscal year 2009 and reauthorized the program at this level through fiscal year 2014. Unfortunately, this bill cuts this by \$5 million for the coming fiscal year to \$146 million, and my amendment would restore it to 151.

While I understand the budgetary constraints faced by the Appropriations Committee, this program must not be reduced when these grants mean protecting the lives of millions of innocent Americans and reducing the number of sexual assaults and rapes.

I want to thank my amendment co-sponsors, Representatives MICHAUD and MALONEY, for their help. I urge all Members to support the amendment.

Mr. MOLLOHAN. Will the gentleman yield?

Mr. NADLER of New York. I yield to the gentleman.

Mr. MOLLOHAN. The gentleman is correct. This is an important program, and we are inclined to accept his amendment.

Mr. NADLER of New York. I thank the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. I rise to claim the time in opposition to the amendment though I'm not opposed.

The CHAIR. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. WOLF. Mr. Chair, I reserve the balance of my time.

Mr. NADLER of New York. Mr. Chairman, I now yield 1 minute to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the gentleman for yielding 1 minute.

The Debbie Smith Act provides State and local agencies funding to combat serious crimes such as rape, sexual assault, and murder. I would like to thank Congressman NADLER and Congresswoman MALONEY for their leadership on this very important issue. Our amendment will fully fund this valuable program.

Each untested DNA sample represents a missed chance to keep these violent offenders off our streets. In one case in California, a repeat sex offender raped a woman. Before the test could be processed by the State crime lab, the perpetrator attacked two additional women and a child as well. In Maine we have a backlog of over 4,000 samples that need to be analyzed. Without additional funding many of our cold cases will go unsolved and this backlog will continue.

I urge my colleagues to support this very important amendment.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. NADLER of New York. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from New York (Mrs. MALONEY).

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Mrs. MALONEY. I rise in strong support of the Nadler-Michaud-Maloney amendment that would fully fund the Debbie Smith DNA backlog grant program. And I applaud all like-minded men who are standing up in leadership roles to fund what many have called the most important anti-rape violence against women prevention bill ever to pass this Congress, the Debbie Smith Act. I particularly applaud my colleague from New York who has been a gladiator in support of women's issues, a strong defender and has worked hard to help us in many ways.

I applaud Congressman MOLLOHAN for providing \$146 million earlier this year

for the Debbie Smith grant program. I must say that this bill, which I authored with Mark Green on the other side of the aisle, was truly a bipartisan mission, and it has saved lives. Every single unprocessed rape kit represents a victim who has been denied justice and a predator who remains at large, free to attack other women. The program's funding has been increased by \$5 million for fiscal year 2010.

It has been an honor working with my good friends to deliver full funding for this vital anti-crime, protection-of-women, anti-rape legislation. I urge my colleagues to stand with us and support this important amendment. I applaud my like-minded male leaders who have stood so strong to protect and defend women from violence and one of the worst crimes of all—rape.

Mr. WOLF. I yield back the balance of my time.

Mr. NADLER of New York. I yield myself the balance of my time.

Mr. Chairman, in closing I want to thank Chairman MOLLOHAN for accepting the amendment, I want to thank the gentleman from Virginia for not opposing it, and I want to encourage all Members to support this important increase in funding so we can reduce the DNA testing backlog, we can put guilty people behind bars, we can free innocent people, we can prevent future rapes and sexual assaults, and make our country safer.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 "the 1968 Act"; the Juvenile Justice and Delinquency Prevention Act of 1974 "the 1974 Act"; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and other programs

(including the Statewide Automated Victim Notification Program); \$226,000,000, to remain available until expended, of which:

(1) \$60,000,000 is for criminal justice statistics programs, and other activities, as authorized by title I of part C of the 1968 Act, of which \$41,000,000 is for the National Crime Victimization Survey; and

(2) \$48,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act;

(3) 12,000,000 is for the Statewide Victim Notification System of the Bureau of Justice Assistance;

(4) \$45,000,000 is for the Regional Information Sharing System, as authorized by part M of title I of the 1968 Act; and

(5) \$61,000,000 is for the Missing Children's Program, as authorized by sections 404(b) and 405(a) of the 1974 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); and other programs; \$1,312,500,000, to remain available until expended as follows:

(1) \$529,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, as amended, shall not apply for purposes of this Act), of which \$5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, \$2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, and \$10,000,000 is for activities related to comprehensive criminal justice reform and recidivism reduction efforts by States:

(2) \$300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5));

(3) \$30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) \$124,000,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation) which shall be used for the projects, and in the amounts specified in the table titled "Congressional-

ally-designated Items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act ;

(5) \$40,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(6) \$2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(7) \$10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164;

(8) \$45,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(9) \$7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(10) \$15,000,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79);

(11) \$30,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(12) \$5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for wrongful conviction review;

(13) \$12,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(14) \$47,000,000 for assistance to Indian tribes, of which—

(A) \$10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) \$25,000,000 shall be available for the Tribal Courts Initiative; and

(C) \$12,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants;

(15) \$20,000,000 for economic, high technology and Internet crime prevention grants, as authorized by Section 401 of Public Law 110-403;

(16) \$15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(17) \$2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(18) \$3,000,000 for grants to improve the stalking and domestic violence database, as authorized by section 40602 of the 1994 Act;

(19) \$1,000,000 for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act;

(20) \$3,500,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(21) \$1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act;

(22) \$15,000,000 for programs to reduce gun crime and gang violence;

(23) \$25,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is for related research, testing, and evaluation programs;

(24) \$20,000,000 for grants to assist State and tribal governments as authorized by the

NICS improvement Amendment Act of 2007 (Public Law 110-180); and

(25) \$10,000,000 for the National Criminal History Improvement program for grants to upgrade criminal records:

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, \$15,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401), and other juvenile justice programs, \$385,000,000, to remain available until expended as follows:

(1) \$75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) \$68,000,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act which shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act;

(3) \$80,000,000 for youth mentoring grants;

(4) \$62,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$25,000,000 shall be for the Tribal Youth Program;

(B) \$10,000,000 shall be for a gang education initiative; and

(C) \$25,000,000 shall be for grants of \$360,000 to each State and \$4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) \$20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(6) \$55,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(7) \$18,000,000 for Community-based violence prevention initiatives; and—

(8) \$7,000,000 for the Safe Start Program, as authorized by the 1974 Act: *Provided*, That not more than 10 percent of each amount may be used for research, eval-

uation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and \$5,000,000 for payments authorized by section 1201(b) of such Act to remain available until expended; and \$4,100,000 for educational assistance, as authorized by section 1218 of such Act to remain available until expended.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177); the Second Chance Act of 2007 (Public Law 110-199); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (the "Adam Walsh Act"); and the Justice for All Act of 2004 (Public Law 108-405), \$802,000,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) \$32,000,000 for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots, and for other anti-methamphetamine-related activities: *Provided*, That within the amounts appropriated, \$17,900,000 shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated Items" in the report of Committee on Appropriations of the House of Representatives to accompany this Act: *Provided further* That within the amounts appropriated, \$10,000,000 shall be transferred to the Drug Enforcement Administration upon enactment of this Act: *Provided further*, That within the amounts appropriated, \$5,000,000 is for anti-methamphetamine-related activities in Indian Country;

(2) \$123,000,000 is for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment which shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act;

(3) \$100,000,000 for offender re-entry programs, as authorized by the Second Chance Act of 2007 (Public Law 110-199), of which \$37,000,000 is for grants for adult and juvenile offender state and local re-entry demonstration projects, \$15,000,000 is for grants for

mentoring and transitional services, \$10,000,000 is for re-entry courts, \$7,500,000 is for family-based substance abuse treatment, \$2,500,000 is for evaluation and improvement of education at prisons, jails, and juvenile facilities, \$5,000,000 is for technology careers training demonstration grants, \$13,000,000 is for offender reentry substance abuse and criminal justice collaboration, and \$10,000,000 is for prisoner reentry research;

(4) \$151,000,000 for DNA related and forensic programs and activities as follows:

(A) \$146,000,000 for a DNA analysis and capacity enhancement program and for other local, state, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program); and

(B) \$5,000,000 for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412);

(5) \$40,000,000 for improving tribal law enforcement, including equipment and training;

(6) \$14,000,000 for Community Policing Development activities;

(7) \$28,000,000 for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which:

(A) \$15,000,000 is for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322); and

(B) \$1,000,000 is for the National Sex Offender Public Registry;

(8) \$16,000,000 for expenses authorized by part AA of the 1968 Act (Secure our Schools); and

(9) \$298,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (g) and (i) of such section and notwithstanding 42 U.S.C. 3796dd-3(c).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$75,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current

fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2011, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for

the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: *Provided*, That this restriction does not apply to planning and design activities for future phases: *Provided further*, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 215. In addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings for "Justice Assistance", "State and Local Law Enforcement Assistance", "Weed and Seed", "Juvenile Justice Programs", and "Community Oriented Policing Services"—

(a) Up to three percent of funds made available to the office of Justice Programs for grants or reimbursement may be used to provide training and technical assistance; and

(b) Up to one percent of funds made available to such Office for formula grants under such headings may be used for research or statistical purposes by the National Institute of Justice or the Bureau of Justice Statistics, pursuant to, respectively, sections 201 and 202, and sections 301 and 302 of title I of Public Law 90-351.

SEC. 216. The Attorney General may, upon request by a grantee, waive the requirements of paragraph (1) of section 2976(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)) with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2009 and 2010 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects authorized under part FF of such Act of 1968.

SEC. 217. Section 5759 of title 5, United States Code, is amended by striking subsection (e).

SEC. 218. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"§ 5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation

"The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties."

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"§ 5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation."

This title may be cited as the "Department of Justice Appropriations Act, 2010".

TITLE III SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,800 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$7,154,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$4,496,100,000, of which not to exceed \$450,000,000 shall remain available until September 30, 2011.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$501,000,000, of which not to exceed \$50,000,000 shall remain available until September 30, 2011.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,293,200,000, of which not to exceed \$330,000,000 shall remain available until September 30, 2011.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$6,097,300,000, of which not

to exceed \$610,000,000 shall remain available until September 30, 2011: *Provided*, That of the amounts provided under this heading, \$3,157,100,000 shall be for Space Shuttle operations, production, research, development, and support, \$2,267,000,000 shall be for International Space Station operations, production, research, development, and support, and \$496,500,000 shall be for Space and Flight Support.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$175,000,000, to remain available until September 30, 2011.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,164,000,000: *Provided*, That \$2,182,900,000 shall be available for center management and operations: *Provided further*, That notwithstanding 42 U.S.C. 2459j, proceeds from enhanced use leases that may be made available for obligation for fiscal year 2010 shall not exceed \$0: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to 42 U.S.C. 2459j: *Provided further*, That not less than \$50,000,000 shall be available for independent verification and validation activities: *Provided further*, That within the amounts appropriated \$15,700,000 shall be used for the projects, and in the amounts, specified in the table titled "Congressional-designated Items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND REMEDIATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$441,700,000, to remain available until September 30, 2015: *Provided*, That within the funds provided, \$12,600,000 shall be available to support science research and development activities; \$69,900,000 shall be available to support exploration research and development activities; \$26,800,000 shall be available to support space operations research and development activities; and \$332,400,000 shall be available for cross agency support activities.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$35,000,000.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement by Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2010.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,642,110,000, to remain available until September 30, 2011, of which not to exceed \$570,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from funds specified in the fiscal year 2010 budget request for icebreaking services, up to \$54,000,000 shall be available for the procurement of polar icebreaking services: *Provided further*, That the National Science Foundation shall only reimburse the Coast Guard for such sums as are agreed to according to the existing memorandum of agreement: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That not less than \$147,120,000 shall be available for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110-69.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including au-

thorized travel, \$114,290,000, to remain available until expended: *Provided*, That none of the funds may be used to reimburse the Judgment fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$862,900,000, to remain available until September 30, 2011: *Provided further*, That not less than \$65,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110-69.

AMENDMENT NO. 35 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 75, line 7, insert "*Provided further*, That not less than \$32,000,000 shall be available until expended for the Historically Black Colleges and Universities Undergraduate Program" before the period.

The CHAIR. Pursuant to House Resolution 552, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, the amendment is to the section of the bill pertaining to the National Science Foundation. Education activities at the National Science Foundation are appropriated at more than \$862 million. My amendment simply states that of the amounts appropriated for National Science Foundation education activities, \$32 million shall be used for the Historically Black Colleges and Universities undergraduate program. The Congressional Budget Office has advised that the amendment will not affect the overall spending in this bill. The funding amount is equal to a modest 1.6 percent increase from last year's funding. It has been recommended by the administration and by the National Science Foundation.

I, along with my colleagues on the Congressional Black Caucus Education Task Force, believe that educational opportunities are a key for our national prosperity. "Give a man a fish, you feed him for today. Teach a man to fish, and you have fed him for a lifetime."

Support for the Historically Black Colleges and Universities undergraduate program is an investment in our human capital. This competitive grant program awards funds for curriculum enhancement, faculty development, undergraduate research, and institutional collaborations. Funds are

used to encourage undergraduate students to pursue careers in science, technology, engineering and math—also called STEM fields.

Grants may also be used for initiatives to provide educational opportunities to develop well-educated math and science teachers. The funding level specified in my amendment will provide for an estimated two to four new teacher development projects. Highly qualified teachers have a firm grasp on the subject matter. They are able to capture their students' imaginations and get them excited about science. They demonstrate to the student that creative inquiry and rigorous investigation are the true heart of science. They stimulate, invigorate and inform their students of the value and accessibility of a career in STEM.

There is a shortage of math and science teacher-experts, especially in high-need school districts. Data by Dr. Michael Marder at the University of Texas has shown that African American students fall behind in math test performance, beginning in the fifth grade. Experts have testified before the Commerce-Science-Justice Subcommittee on this issue, and I am pleased to see report language in support of the greater outreach to students at the primary and middle school levels. I'm also pleased to see experienced-based science funding get more attention and support. Young, smart minority students represent a huge untapped resource for our domestic STEM workforce. In the United States, 39 percent of the people under age 18 are persons of color, and this percentage will continue to increase. There are great disparities that exist. Our top-tier scientific workforce suffers from a great lack of diversity.

For example, of all the employed Ph.D. engineers in this country, nearly 63 percent of them are Anglo, almost 3 percent are Hispanic, a pitiful 2 percent are African American, and less than 1 percent are Native American. These alarming statistics indicate that the current efforts are not enough. African American students drop off at every juncture in the STEM career pipeline, and we must do more to mitigate this loss.

The National Academy of Sciences is working to produce a report this fall which will provide policy recommendations on how to promote greater diversity in the STEM workforce. This report will discuss the barriers that minorities face in the STEM career pipeline, and it will provide suggestions on how to repair the leaks in that pipeline. The report is of great interest to me and to my 65 colleagues on the bipartisan House Diversity and Innovation Caucus.

We have sent letters to the Budget Committee, the Appropriations Committee and to the Office of Science and Technology Policy this year to try to

get more attention on the issue on diversity. We are gaining momentum. We cannot ignore the fact that great disparities in STEM education and career achievement still persist.

The good news is that Historically Black Colleges and Universities are powerhouses when it comes to producing talented, well-educated science and math Ph.D. graduates. In 2006, 866 doctoral degrees in science and engineering were awarded to black students. One-third of those Ph.D.s were awarded at a Historically Black College or University.

□ 1630

As you can see, these institutions provide a relatively large portion of our terminal-degreed, minority STEM workforce. This educational model shall be rewarded with strong and sustained support.

About a year ago, I started the House Historically Black Colleges and Universities Caucus because I believe that these institutions deserve more attention for the good work that they do, and I'm not a graduate of any of them. That is why I am proud to offer this amendment.

I offer my voice on behalf of the 12.6 million black children in the United States. May each and every one of them experience educational excellence and the real promise of a bright future. An investment in STEM education is an investment in our future competitors. I thank the gentleman.

Mr. MOLLOHAN. Will the gentle lady yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield.

Mr. MOLLOHAN. I thank the gentle lady for her leadership in this area with this amendment, and Mr. Chairman, we are inclined to accept the amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CULBERSON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 19 by Ms. BORDALLO of Guam.

Amendment No. 3 by Ms. MOORE of Wisconsin.

Amendment No. 41 by Mr. BOSWELL of Iowa.

The first electronic vote will be conducted as a 15-minute vote. Remaining

electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 19 OFFERED BY MS. BORDALLO

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 14, not voting 14, as follows:

[Roll No. 353]

AYES—411

Abercrombie	Castor (FL)	Gallegly
Ackerman	Chaffetz	Garrett (NJ)
Aderholt	Chandler	Gerlach
Akin	Childers	Gingrey (GA)
Altmire	Christensen	Gohmert
Andrews	Clarke	Gonzalez
Austria	Clay	Goodlatte
Baca	Cleaver	Gordon (TN)
Bachus	Clyburn	Granger
Baird	Coble	Graves
Baldwin	Coffman (CO)	Grayson
Barrett (SC)	Cohen	Green, Al
Barrow	Cole	Green, Gene
Bartlett	Conaway	Griffith
Barton (TX)	Conyers	Grijalva
Becerra	Cooper	Guthrie
Berkley	Costa	Gutierrez
Berman	Costello	Hall (NY)
Berry	Courtney	Hall (TX)
Biggart	Crenshaw	Halvorson
Bilbray	Crowley	Hare
Bilirakis	Cuellar	Harper
Bishop (GA)	Culberson	Hastings (FL)
Bishop (UT)	Dahlkemper	Hastings (WA)
Blackburn	Davis (AL)	Heinrich
Blumenauer	Davis (CA)	Heller
Blunt	Davis (IL)	Hensarling
Bocchieri	Davis (KY)	Herger
Boehner	Deal (GA)	Herseth Sandlin
Bonner	DeFazio	Higgins
Bono Mack	DeGette	Hill
Boozman	DeLauro	Himes
Bordallo	Dent	Hinchee
Boren	Diaz-Balart, L.	Hinojosa
Boswell	Diaz-Balart, M.	Hirono
Boucher	Dicks	Hoekstra
Boustany	Dingell	Holden
Boyd	Doggett	Holt
Brady (PA)	Donnelly (IN)	Honda
Brady (TX)	Doyle	Hoyer
Bralley (IA)	Dreier	Hunter
Bright	Driehaus	Inglis
Broun (GA)	Duncan	Inslee
Brown (SC)	Edwards (MD)	Israel
Brown, Corrine	Ehlers	Issa
Brown-Waite,	Ellison	Jackson (IL)
Ginny	Ellsworth	Jackson-Lee
Buchanan	Emerson	(TX)
Burgess	Engel	Johnson (GA)
Burton (IN)	Eshoo	Johnson (IL)
Butterfield	Etheridge	Johnson, E. B.
Buyer	Faleomavaega	Johnson, Sam
Calvert	Fallin	Jones
Camp	Farr	Jordan (OH)
Campbell	Fattah	Kagen
Cantor	Filner	Kanjorski
Cao	Flake	Kaptur
Capito	Fleming	Kildee
Capps	Forbes	Kilpatrick (MI)
Cardoza	Fortenberry	Kilroy
Carnahan	Foxx	Kind
Carson (IN)	Franks (AZ)	King (IA)
Carter	Frelinghuysen	King (NY)
Cassidy	Fudge	Kingston
Castle		Kirk

Kirkpatrick (AZ) Murphy (CT) Schwartz
 Kissell Murphy (NY) Scott (GA)
 Klein (FL) Murphy, Patrick Scott (VA)
 Kline (MN) Murphy, Tim Sensenbrenner
 Kosmas Murtha Serrano
 Kratovil Myrick Sessions
 Kucinich Nadler (NY) Sestak
 Lamborn Napolitano Shadegg
 Lance Neal (MA) Shea-Porter
 Langevin Neugebauer Sherman
 Larsen (WA) Norton Shimkus
 Latham Nunes Shuler
 LaTourette Nye Shuster
 Latta Oberstar Simpson
 Lee (CA) Obey Sires
 Lee (NY) Olson Skelton
 Levin Olver Slaughter
 Lewis (CA) Ortiz Smith (NE)
 Linder Pallone Smith (NJ)
 Lipinski Pascrell Smith (TX)
 LoBiondo Pastor (AZ) Smith (WA)
 Loeb sack Paul Snyder
 Lofgren, Zoe Paulsen Souder
 Lowey Payne Space
 Lucas Pence Speier
 Luetkemeyer Perriello Spratt
 Luján Peters Stark
 Lummis Peterson Stearns
 Lungren, Daniel Petri Stupak
 E. Pierluisi Sutton
 Lynch Pingree (ME) Tanner
 Mack Pitts Tauscher
 Maffei Platts Taylor
 Maloney Poe (TX) Teague
 Manzullo Polis (CO) Terry
 Marchant Pomeroy Thompson (CA)
 Markey (MA) Posey Thompson (MS)
 Marshall Price (NC) Thompson (PA)
 Massa Putnam Thornberry
 Matheson Quigley Tiahrt
 Matsui Radanovich Tiberi
 McCarthy (CA) Rahall Tierney
 McCarthy (NY) Rangel Titus
 McCaul Rehberg Tonko
 McClintock Reichert Towns
 McCollum Reyes Tsongas
 McCotter Richardson Turner
 McDermott Rodriguez Upton
 McGovern Roe (TN) Van Hollen
 McHenry Rogers (AL) Velázquez
 McHugh Rogers (KY) Visclosky
 McIntyre Rogers (MI) Walden
 McKeon Rohrabacher Wamp
 McMahon Rooney Wasserman
 McMorris Ros-Lehtinen Schultz
 Rodgers Roskam Waters
 McNerney Ross Watson
 Meek (FL) Rothman (NJ) Watt
 Meeks (NY) Roybal-Allard Waxman
 Melancon Royce Weiner
 Mica Ruppertsberger Welch
 Michaud Rush Westmoreland
 Miller (FL) Ryan (OH) Wexler
 Miller (MI) Ryan (WI) Whitfield
 Miller (NC) Sablan Wilson (OH)
 Miller, Gary Salazar Wilson (SC)
 Miller, George Sanchez, Loretta Wittman
 Minnick Sarbanes Wolf
 Mitchell Scalise Schakowsky Woolsey
 Mollohan Schaff Moore (WI)
 Moore (KS) Schock Moran (KS)
 Moore (VA) Schrader Young (FL)

NOES—14

Arcuri Foster Perlmutter
 Bean Frank (MA) Price (GA)
 Bishop (NY) Hodes Schauer
 Carney Jenkins Walz
 Connolly (VA) Markey (CO)

NOT VOTING—14

Adler (NJ) Davis (TN) Larson (CT)
 Alexander Edwards (TX) Lewis (GA)
 Bachmann Giffords Sánchez, Linda
 Capuano Harman T.
 Cummings Kennedy Sullivan

□ 1657

Messrs. FRANK of Massachusetts, WALZ, and Ms. MARKEY of Colorado changed their vote from “aye” to “no.”

Messrs. KING of Iowa, ISRAEL, BARTON of Texas, TIM MURPHY of Pennsylvania, BROUN of Georgia, GARY G. MILLER of California and Ms. GRANGER changed their vote from “no” to “aye.”

So the amendment was agreed to.
 The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. MOORE OF WISCONSIN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 4, not voting 10, as follows:

[Roll No. 354]

AYES—425

Abercrombie Calvert Dicks
 Ackerman Camp Dingell
 Aderholt Campbell Doggett
 Akin Cantor Donnelly (IN)
 Altmire Cao Doyle
 Andrews Caputo Dreier
 Arcuri Capps Driehaus
 Austria Capuano Duncan
 Baca Cardoza Edwards (MD)
 Bachus Carnahan Edwards (TX)
 Baldwin Carney Ehlers
 Barrett (SC) Carson (IN) Ellison
 Barrow Carter Ellsworth
 Bartlett Cassidy Emerson
 Bean Castle Engel
 Becerra Castor (FL) Eshoo
 Berkley Chaffetz Etheridge
 Berman Chandler Faleomavaega
 Berry Childers Fallin
 Biggart Christensen Farr
 Bilbray Clarke Fattah
 Bilirakis Clay Filner
 Bishop (GA) Cleaver Flake
 Bishop (NY) Clyburn Fleming
 Bishop (UT) Coble Forbes
 Blackburn Coffman (CO) Fortenberry
 Blumenauer Cohen Foster
 Blunt Conaway Foxx
 Boccieri Connolly (VA) Frank (MA)
 Boehner Conyers Franks (AZ)
 Bonner Cooper Frelinghuysen
 Bono Mack Costa Fudge
 Boozman Costello Gallegly
 Bordallo Courtney Garrett (NJ)
 Boren Crenshaw Gerlach
 Boswell Crowley Giffords
 Boucher Cuellar Gingrey (GA)
 Boustany Culberson Gohmert
 Boyd Cummings Gonzales
 Brady (PA) Dahlkemper Goodlatte
 Brady (TX) Davis (AL) Gordon (TN)
 Braley (IA) Davis (CA) Granger
 Bright Davis (IL) Graves
 Broun (GA) Davis (KY) Grayson
 Brown (SC) Davis (TN) Green, Al
 Brown, Corrine Deal (GA) Green, Gene
 Brown-Waite, DeFazio Griffith
 Ginny DeGette Grijalva
 Buchanan Delahunt Guthrie
 Burgess DeLauro Gutierrez
 Burton (IN) Dent Hall (NY)
 Butterfield Diaz-Balart, L. Hall (TX)
 Buyer Diaz-Balart, M. Halvorson

Hare
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Heller
 Hensarling
 Herger
 Herseth Sandlin
 Higgins
 Hill
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 Holden
 Holt
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 Hunter
 Inglis
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jackson-Lee (TX)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Jordan (OH)
 Kagen
 Kanjorski
 Kaptur
 Kildee
 Kilpatrick (MI)
 Kilroy
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 Klein (FL)
 Kline (MN)
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 Langevin
 Larsen (WA)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
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 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
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 Luetkemeyer
 Luján
 Lummis
 Lungren, Daniel
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 Lynch
 Mack
 Maffei
 Maloney
 Manzullo
 Marchant
 Markey (MA)
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 Sablan
 Salazar
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schiff
 Schmidt
 Schock
 Schrader
 Ruppertsberger
 Rush
 Ryan (OH)
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 Schakowsky
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 Schock
 Schrader
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Sablan
 Salazar
 Sanchez

NOT VOTING—10

Adler (NJ) Honda Sánchez, Linda
 Alexander Kennedy T.
 Bachmann Larson (CT) Sullivan
 Harman Lewis (GA)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain in this vote.

□ 1705

Mr. COLE changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 41 OFFERED BY MR. BOSWELL

The CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 41 offered by the gentleman from Iowa (Mr. BOSWELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 2, not voting 15, as follows:

[Roll No. 355]

AYES—422

Abercrombie Brown, Corrine Culberson
 Ackerman Brown-Waite, Cummings
 Aderholt Ginny Dahlkemper
 Akin Buchanan Davis (AL)
 Altmire Burgess Davis (CA)
 Andrews Burton (IN) Davis (IL)
 Arcuri Butterfield Davis (KY)
 Austria Buyer Davis (TN)
 Baca Calvert Deal (GA)
 Bachus Camp DeFazio
 Baird Campbell DeGette
 Baldwin Cantor Delahunt
 Barrett (SC) Cao DeLauro
 Barrow Capito Dent
 Bartlett Capps Diaz-Balart, L.
 Bean Capuano Diaz-Balart, M.
 Becerra Cardoza Dicks
 Berkley Carnahan Dingell
 Berman Carney Doggett
 Berry Carson (IN) Donnelly (IN)
 Biggert Carter Doyle
 Bilbray Cassidy Dreier
 Bilirakis Castle Driehaus
 Bishop (GA) Castor (FL) Duncan
 Bishop (NY) Chaffetz Edwards (MD)
 Bishop (UT) Chandler Edwards (TX)
 Blackburn Childers Ehlers
 Blumenuauer Christensen Ellison
 Blunt Clarke Ellsworth
 Boccheri Clay Emerson
 Boehner Cleaver Engel
 Bonner Clyburn Eshoo
 Bono Mack Coble Etheridge
 Boozman Coffman (CO) Faleomavaega
 Bordallo Cohen Fallin
 Boren Cole Farr
 Boswell Conaway Fattah
 Boucher Connolly (VA) Filner
 Boustany Conyers Flake
 Boyd Cooper Fleming
 Brady (PA) Costa Forbes
 Brady (TX) Costello Fortenberry
 Braley (IA) Courtney Foster
 Bright Crenshaw Poxx
 Broun (GA) Crowley Frank (MA)
 Brown (SC) Cuellar Franks (AZ)

Frelinghuysen Luján
 Fudge Lummis
 Gallegly Lungren, Daniel
 Garrett (NJ) E.
 Gerlach Lynch
 Giffords Mack
 Gingrey (GA) Maffei
 Gohmert Maloney
 Gonzalez Manzullo
 Goodlatte Marchant
 Gordon (TN) Markey (CO)
 Granger Markey (MA)
 Graves Marshall
 Grayson Massa
 Green, Al Matheson
 Green, Gene Matsui
 Griffith McCarthy (CA)
 Grijalva McCarthy (NY)
 Guthrie McCaul
 Gutierrez McClintock
 Hall (NY) McCollum
 Hall (TX) McCotter
 Halvorson McDermott
 Hare McGovern
 Harper McHenry
 Hastings (FL) McHugh
 Hastings (WA) McIntyre
 Heinrich McKeon
 Heller McMahon
 Hensarling McMorris
 Herger Rodgers
 Herseth Sandlin McNeerney
 Higgins Meeke (FL)
 Hill Meeks (NY)
 Himes Melancon
 Hinchey Mica
 Hinojosa Michaud
 Hirono Miller (FL)
 Hodes Miller (MI)
 Hoekstra Miller (NC)
 Holden Miller, Gary
 Holt Miller, George
 Minnick
 Hoyer Mitchell
 Hunter Mollohan
 Inglis Moore (KS)
 Insee Moore (WI)
 Israel Moran (KS)
 Issa Moran (VA)
 Jackson (IL) Murphy (NY)
 Jackson-Lee (TX) Murphy, Patrick
 Johnson (GA) Murphy, Tim
 Johnson (IL) Murtha
 Johnson, E. B. Myrick
 Johnson, Sam Nadler (NY)
 Jones Napolitano
 Jordan (OH) Neal (MA)
 Kagan Norton
 Kanjorski Nunes
 Kaptur Nye
 Kildee Oberstar
 Kilpatrick (MI) Obey
 Kilroy Olson
 Kind Olver
 King (IA) Ortiz
 King (NY) Pallone
 Kingston Pascrell
 Kirk Pastor (AZ)
 Kirkpatrick (AZ) Paulsen
 Kissell Payne
 Klein (FL) Pence
 Kline (MN) Perlmutter
 Kosmas Perriello
 Kratovil Peters
 Kucinich Peterson
 Lamborn Petri
 Lance Pingree (ME)
 Langevin Pitts
 Larsen (WA) Platts
 Latham Poe (TX)
 LaTourette Polis (CO)
 Latta Pomeroy
 Lee (CA) Posey
 Lee (NY) Price (GA)
 Levin Price (NC)
 Lewis (CA) Putnam
 Linder Quigley
 Lipinski Radanovich
 LoBiondo Rahall
 Loeb sack Rangel
 Lofgren, Zoe Rehberg
 Lowey Reichert
 Lucas Reyes
 Luetkemeyer Richardson

Rodriguez Wittman
 Roe (TN) Wolf
 Rogers (AL) Woolsey
 Rogers (KY) Wu
 Rogers (MI) NOES—2
 Rohrabacher Barton (TX) Jenkins
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Sablan
 Salazar
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Sherman
 Shimkus
 Shuler
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stark
 Stearns
 Stupak
 Sutton
 Tanner
 Tauscher
 Taylor
 Teague
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Westmoreland
 Wexler
 Whitfield
 Wilson (OH)
 Wilson (SC)

Wittman
 Wolf
 Barton (TX)
 Adler (NJ)
 Alexander
 Bachmann
 Harman
 Kennedy
 Larson (CT)

Woolsey
 Wu
 NOES—2
 Jenkins
 NOT VOTING—15
 Lewis (GA)
 Murphy (CT)
 Neugebauer
 Paul
 Sánchez, Linda
 T.

ANNOUNCEMENT BY THE ACTING CHAIR
 The Acting CHAIR (Mr. CROWLEY) (during the vote).

Two minutes remain in this vote.

□ 1712

Mr. BURGESS changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Chair, on June 17, 2009, I missed rollcall votes 351, 352, 353, 354 and 355 due to illness. Had I been present, I would have voted “aye” on all.

The CHAIR. The Clerk will read.

The Clerk read as follows:

AGENCY OPERATIONS AND AWARD MANAGEMENT
 For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,200 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$299,870,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2010 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,340,000: *Provided*, That not to exceed \$2,800 shall be available for official receipt and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$13,000,000.

This title may be cited as the “Science Appropriations Act, 2010”.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,400,000: *Provided*, That

none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (P.L. 110-233), the ADA Amendments Act of 2008 (P.L. 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (P.L. 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed \$26,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$367,303,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$82,700,000, to remain available until expended.

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES
CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$440,000,000, of which \$414,400,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

AMENDMENT NO. 6 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HENSARLING:

In title IV, strike the heading "Legal Services Corporation" and both paragraphs under that heading including their subheadings.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 1715

Mr. HENSARLING. Mr. Chairman, never in the history of Congress have so few voted so fast to spend so much and indebt so many. The Democrats are in a program to spend more money than we have seen in the history of this institution, and apparently they want very few speed bumps along the road to bankrupting America.

Thus, last night, almost three-quarters of the Republican amendments that would reform, improve government programs, make them more efficient, save the American taxpayer money were ruled out of order. But I suppose, in a modicum of respect for the democratic process, a handful of amendments were made in order. I suppose I'm happy that mine was one of them.

Mr. Chairman, recently, our President has said, Without significant change to steer away from an ever-expanding deficit and debt, we are on an unsustainable course. We have to take the painstaking work of examining every program, every entitlement, every dollar of government spending and ask ourselves, is this program really essential? Are taxpayers getting their money's worth? Can we accomplish our goals more efficiently or effectively some other way?

Why is this important? It's important because already we have seen spending out of control. We are seeing spending at levels that we have never seen before. The national debt will be tripled in 10 years. In just 10 years the national debt will be tripled. The Federal deficit has increased 10-fold, 10-fold in 2 years.

We've seen the taxpayer being forced to shoulder \$6,000 per household to fund \$700 billion of bailout money, \$9,810 per household to fund a \$1.13 trillion government stimulus plan, \$3,534 per household to fund a \$410 billion omnibus plan, and the list goes on and on and on.

Mr. Chairman, you cannot bail out, borrow and spend your way into prosperity. So, in the spirit of what the President said, when we're looking at a Federal Government that consists of roughly 10,000 Federal programs spread across 600 agencies, at a time when American families are suffering in this

economy, maybe, maybe we ought to take a look at a few and see if we can't sunset them so we can provide sunshine and morning to the budgets of the American family.

I believe the Legal Services Corporation is one such program. It hasn't been reauthorized in almost 30 years. The program has a history of waste, of fraud, abuse. Listen to a recent GAO report of last year: expenditures were insufficient in supporting documentation. Out of seven of the 14 grantees we visited, we identified systemic issues involving payments that lack sufficient supporting documentation that made it impossible to determine whether the expenditures were accurate, allowable, or appropriate.

Employee interest-free loans, one grantee we visited was using grant funds to provide interest-free loans to employees. Three grantees used legal services money to purchase alcoholic beverages. Lobbying fees, taxpayer money used for lobbying fees. This isn't me saying this, Mr. Chairman. It's the General Accountability Office. Again, a program of history of waste, fraud and abuse.

Now, I believe the line item in this budget, Mr. Chairman, is \$440 million. Now, we've got a choice. One, it's a program that's been unauthorized since 1980, reported instances of waste, fraud and abuse. And should we actually be taxing taxpayers to force them to subsidize their neighbors to turn around and sue them? I don't think so. I don't think so, Mr. Chairman.

Dollars have alternative uses. We can use \$440 million to save our children from this explosion of national debt, something, something that the majority leader once called fiscal child abuse. We could save small businesses at a time where we desperately need job creation, or the money could be put on automatic pilot, once again, and we could subsidize people so they could turn around and sue their neighbors.

Let's save the American Dream.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. As part of his argument in support of the amendment to strike all funds and language for the Legal Services Corporation, the gentleman appeals to our concern about the national debt.

Well, we all have a concern about the national debt, and it's all about priorities. This amendment would attempt to effect a balancing of the national debt or a reduction of it on the backs of those who are the absolutely least able to afford it and making an extremely small contribution in the process.

Now, more than ever, the Legal Services Corporation really needs a healthy

Federal appropriation. Difficult economic circumstances across the country are driving record numbers of Americans under the income thresholds that establish eligibility for Legal Services Corporation. Fifty-one million Americans are now eligible for legal aid, including, Mr. Chairman, 18 million children.

At the same time, non-Federal funding sources for legal aid are declining as State budget deficits and pressures on private charitable organizations have reduced legal aid contributions by outside entities. Now is the very time that legal aid needs Federal support. LSC providers already turn away one out of every two eligible clients who seek assistance. So already, in a difficult economy, when those seeking legal aid are becoming increasingly eligible, we're turning away 50 percent of those who need the service.

With no Federal funding, as the gentleman has proposed in his amendment, Legal Services Corporation grantees would be forced to turn away even more clients who are in desperate need of help.

I urge Members to consider the true human impact of that proposal and oppose the amendment. And I go back to where I started. This is the wrong place to try to balance the budget, on the backs of those who are least able to make a contribution.

I oppose the amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIR. The gentleman has 30 seconds remaining.

Mr. HENSARLING. I yield myself the balance of my time.

Mr. Chairman, I heard the gentleman say that we all have concerns over the national debt. I must admit I haven't seen a lot of that concern on the other side of the aisle since they proposed a budget that will triple it in 10 years.

I didn't hear any answer to the charges of the Government Accountability Office about the waste, the fraud and abuse endemic in this program.

I would also point out to the gentleman, there are pro bono law firms, lawyers that work on contingent fees. There are other options besides taking money away from the Dublin family of Palestine, the Mock family of Athens, the Lilly family of Coffman that I represent in this institution. Their budget, their budget needs to be improved, not the legal services.

And I urge adoption of the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$3,300,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$48,326,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,131,000, of which \$250,000 shall remain available until September 30, 2011: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person

or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that:

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be

used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than \$700,000,000 during fiscal year 2010 from the fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (42 U.S.C. 10601).

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR)), part 121, as it existed on April 1, 2005 with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate

to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2010, from the following accounts in the specified amounts:

(1) "Legal Activities, Assets Forfeiture Fund", \$285,000,000;

(2) "Federal Bureau of Investigation, Salaries and Expenses", \$50,000,000;

(3) "Federal Bureau of Investigation, Construction", \$80,822,000;

(4) "Office of Justice Programs", \$42,000,000; and

(5) "Community Oriented Policing Services", \$40,000,000.

(b) Within 30 days of enactment of this Act, the Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(c) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301-10.122 through 301-10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. 532. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia.

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at the Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, for the purposes of detaining or prosecuting such individual until 2 months after the plan detailed in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed

Services or the United States, that is posed by such transfer or released and the actions taken to mitigate such risk

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

SEC. 533. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended by striking paragraph (13).

SEC. 534. Notwithstanding any other provision of law, to the extent that the Attorney General (or a designee) authorizes or approves, if a law enforcement or corrections officer employed by the Department of Justice dies while performing official duties or as a result of the performance of official duties, the Department of Justice may pay from Government funds the qualified relocation expenses of the immediate dependent family of the employee, and the expenses of preparing and transporting the remains of the deceased.

Mr. MOLLOHAN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 101, line 20, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIR. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I rise to attempt to be of some service to the Obama administration and others in the House that may be concerned about a decision he made not too long ago. And I'd ask unanimous consent that we put Executive Order 13492 in the RECORD at this point.

The CHAIR. Does the gentleman seek to offer an amendment?

Mr. LEWIS of California. Yes, I do.

The CHAIR. Will the gentleman specify the number of the amendment he wishes to offer?

Mr. LEWIS of California. It is amendment No. 118.

AMENDMENT NO. 118 OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 118 offered by Mr. LEWIS of California:

At the end of the bill (before the short title), insert the following:

"SEC. . None of the funds made available in this Act may be used to implement Executive Order 13492, issued January 22, 2009, titled "Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities"."

The CHAIR. Pursuant to House Resolution 552, the gentleman from California (Mr. LEWIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would like to have this executive order put in the RECORD at this point.

PRESIDENTIAL DOCUMENTS—EXECUTIVE ORDER 13492 OF JANUARY 22, 2009—REVIEW AND DISPOSITION OF INDIVIDUALS DETAINED AT THE GUANTÁNAMO BAY NAVAL BASE AND CLOSURE OF DETENTION FACILITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to effect the appropriate disposition of individuals currently detained by the Department of Defense at the Guantánamo Bay Naval Base (Guantánamo) and promptly to close detention facilities at Guantánamo, consistent with the national security and foreign policy interests of the United States and the interests of justice, I hereby order as follows:

Section 1. Definitions. As used in this order:

(a) "Common Article 3" means Article 3 of each of the Geneva Conventions.

(b) "Geneva Conventions" means:

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, August 12, 1949 (6 UST 3114);

(ii) the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, August 12, 1949 (6 UST 3516).

(c) "Individuals currently detained at Guantánamo" and "individuals covered by this order" mean individuals currently detained by the Department of Defense in facilities at the Guantánamo Bay Naval Base whom the Department of Defense has ever determined to be, or treated as, enemy combatants.

Sec. 2. Findings.

(a) Over the past 7 years, approximately 800 individuals whom the Department of Defense has ever determined to be, or treated as, enemy combatants have been detained at Guantánamo. The Federal Government has moved more than 500 such detainees from Guantánamo, either by returning them to their home country or by releasing or transferring them to a third country. The Department of Defense has determined that a number of the individuals currently detained at Guantánamo are eligible for such transfer or release.

(b) Some individuals currently detained at Guantánamo have been there for more than 6 years, and most have been detained for at least 4 years. In view of the significant concerns raised by these detentions, both within the United States and internationally, prompt and appropriate disposition of the individuals currently detained at Guantánamo and closure of the facilities in which they are detained would further the national security and foreign policy interests of the United States and the interests of justice. Merely closing the facilities without promptly determining the appropriate disposition of the individuals detained would not adequately serve those interests. To the extent practicable, the prompt and appropriate disposition of the individuals detained at Guantánamo should precede the closure of the detention facilities at Guantánamo.

(c) The individuals currently detained at Guantánamo have the constitutional privilege of the writ of habeas corpus. Most of those individuals have filed petitions for a writ of habeas corpus in Federal court challenging the lawfulness of their detention.

(d) It is in the interests of the United States that the executive branch undertake

a prompt and thorough review of the factual and legal bases for the continued detention of all individuals currently held at Guantánamo, and of whether their continued detention is in the national security and foreign policy interests of the United States and in the interests of justice. The unusual circumstances associated with detentions at Guantánamo require a comprehensive inter-agency review.

(e) New diplomatic efforts may result in an appropriate disposition of a substantial number of individuals currently detained at Guantánamo.

(f) Some individuals currently detained at Guantánamo may have committed offenses for which they should be prosecuted. It is in the interests of the United States to review whether and how any such individuals can and should be prosecuted.

(g) It is in the interests of the United States that the executive branch conduct a prompt and thorough review of the circumstances of the individuals currently detained at Guantánamo who have been charged with offenses before military commissions pursuant to the Military Commissions Act of 2006, Public Law 109-366, as well as of the military commission process more generally.

Sec. 3. Closure of Detention Facilities at Guantánamo. The detention facilities at Guantánamo for individuals covered by this order shall be closed as soon as practicable, and no later than 1 year from the date of this order. If any individuals covered by this order remain in detention at Guantánamo at the time of closure of those detention facilities, they shall be returned to their home country, released, transferred to a third country, or transferred to another United States detention facility in a manner consistent with law and the national security and foreign policy interests of the United States.

Sec. 4. Immediate Review of All Guantánamo Detentions.

(a) Scope and Timing of Review. A review of the status of each individual currently detained at Guantánamo (Review) shall commence immediately.

(b) Review Participants. The Review shall be conducted with the full cooperation and participation of the following officials:

- (1) the Attorney General, who shall coordinate the Review;
- (2) the Secretary of Defense;
- (3) the Secretary of State;
- (4) the Secretary of Homeland Security;
- (5) the Director of National Intelligence;
- (6) the Chairman of the Joint Chiefs of Staff; and

(7) other officers or full-time or permanent part-time employees of the United States, including employees with intelligence, counterterrorism, military, and legal expertise, as determined by the Attorney General, with the concurrence of the head of the department or agency concerned.

(c) Operation of Review. The duties of the Review participants shall include the following:

(1) Consolidation of Detainee Information. The Attorney General shall, to the extent reasonably practicable, and in coordination with the other Review participants, assemble all information in the possession of the Federal Government that pertains to any individual currently detained at Guantánamo and that is relevant to determining the proper disposition of any such individual. All executive branch departments and agencies shall promptly comply with any request of the Attorney General to provide information

in their possession or control pertaining to any such individual. The Attorney General may seek further information relevant to the Review from any source.

(2) Determination of Transfer. The Review shall determine, on a rolling basis and as promptly as possible with respect to the individuals currently detained at Guantánamo, whether it is possible to transfer or release the individuals consistent with the national security and foreign policy interests of the United States and, if so, whether and how the Secretary of Defense may effect their transfer or release. The Secretary of Defense, the Secretary of State, and, as appropriate, other Review participants shall work to effect promptly the release or transfer of all individuals for whom release or transfer is possible.

(3) Determination of Prosecution. In accordance with United States law, the cases of individuals detained at Guantánamo not approved for release or transfer shall be evaluated to determine whether the Federal Government should seek to prosecute the detained individuals for any offenses they may have committed, including whether it is feasible to prosecute such individuals before a court established pursuant to Article III of the United States Constitution, and the Review participants shall in turn take the necessary and appropriate steps based on such determinations.

(4) Determination of Other Disposition. With respect to any individuals currently detained at Guantánamo whose disposition is not achieved under paragraphs (2) or (3) of this subsection, the Review shall select lawful means, consistent with the national security and foreign policy interests of the United States and the interests of justice, for the disposition of such individuals. The appropriate authorities shall promptly implement such dispositions.

(5) Consideration of Issues Relating to Transfer to the United States. The Review shall identify and consider legal, logistical, and security issues relating to the potential transfer of individuals currently detained at Guantánamo to facilities within the United States, and the Review participants shall work with the Congress on any legislation that may be appropriate.

Sec. 5. Diplomatic Efforts. The Secretary of State shall expeditiously pursue and direct such negotiations and diplomatic efforts with foreign governments as are necessary and appropriate to implement this order.

Sec. 6. Humane Standards of Confinement. No individual currently detained at Guantánamo shall be held in the custody or under the effective control of any officer, employee, or other agent of the United States Government, or at a facility owned, operated, or controlled by a department or agency of the United States, except in conformity with all applicable laws governing the conditions of such confinement, including Common Article 3 of the Geneva Conventions. The Secretary of Defense shall immediately undertake a review of the conditions of detention at Guantánamo to ensure full compliance with this directive. Such review shall be completed within 30 days and any necessary corrections shall be implemented immediately thereafter.

Sec. 7. Military Commissions. The Secretary of Defense shall immediately take steps sufficient to ensure that during the pendency of the Review described in section 4 of this order, no charges are sworn, or referred to a military commission under the Military Commissions Act of 2006 and the Rules for Military Commissions, and that all

proceedings of such military commissions to which charges have been referred but in which no judgment has been rendered, and all proceedings pending in the United States Court of Military Commission Review, are halted.

Sec. 8. General Provisions.

(a) Nothing in this order shall prejudice the authority of the Secretary of Defense to determine the disposition of any detainees not covered by this order.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA,
THE WHITE HOUSE,
January 22, 2009.

As we all know, Mr. Chairman, the President signed Executive Order 13492 to close Guantanamo Bay detention facility in January. More than 4 months later, there is still no evidence of a plan to carry out this order and no consultation with the Congress. Yet the administration is raising to move detainees, all the while withholding information from the Congress and the public.

First, let me say that last week a suspected plotter of the 1998 embassy bombings in Africa arrived in New York for a high-threat trial.

Second, last week, the government of Palau announced that it would accept some of the Uyghur detainees. Press accounts linked this announcement to some significant level of assistance on the part of the American government to Palau.

The Uyghur detainees are affiliated with a listed terrorist group and received weapons training in camps in Afghanistan run by leaders affiliated with al Qaeda. To say the least, we ought to be concerned about any group that's been trained under those circumstances.

Finally, last week, the Department of Justice announced that four of the Uyghur detainees have been resettled in Bermuda, a visa waiver country.

The Congress and the American people found out about these actions and efforts after the fact.

And there is more. Three detainees have already been transferred to Saudi Arabia, one to Chad and one to Iraq. And we are hearing rumors about possible deals with Yemen, Italy and Albania.

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All of this has been done without an assessment of the risks to the American people at home and abroad or without an assessment of the risk to our U.S. forces by such releases. The Guantanamo detainees include the perpetrators of some of the most horrific terrorist acts against Americans, including 9/11, the USS *Cole* bombing, and the Embassy bombings in Africa.

Director Mueller of the FBI attested to Congress 3 weeks ago that bringing detainees to U.S. soil poses risks to national security, including providing financing, radicalizing others and undertaking attacks in the United States. Additionally, the Department of Defense has reported that at least 14 percent of former Guantanamo detainees have returned to terrorist activity in the region. To say the least, we ought to be concerned about the release of people of that kind who threaten our interests anywhere in the world.

This administration is ignoring or is disregarding those risks, and it is stonewalling the Congress. We need to stop this administration from rushing to transfer or to resettle anymore detainees at the expense of an increased risk to Americans. We need to help the President simply fulfill his campaign promise.

The President has been very busy since his inaugural. There is little question he has been down many a pathway, and he has even found that some of those pathways might very well have been mistakes. Well, this is a case where I believe a decision was made without its being carefully thought through, let alone knowing the serious implications of the actions to be taken. We are attempting by this amendment to help the administration rethink that decision that they have made.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment which would essentially prohibit any funds to be spent with regard to the implementation of the Executive order requiring the closure of the detention facilities at Guantanamo Bay.

I believe that the closing of Guantanamo is the right policy decision. The President believes that, and the President has acted on that. It's an embarrassment to the country. It's a symbol that has really fomented a lot of opposition to the United States around the world. The continued existence of Gitmo is a basic assault on our values, and it undermines the success in our counterterrorism programs.

President Obama and I aren't the only ones who believe this. Secretary Gates, Admiral Mullen and the Nation's top civilian and military defense officials agree that it should be closed. Also, both President Bush's Secretaries of State and a variety of other bipartisan political officials agree that it should be closed. So this is a bipartisan position.

We have already clearly communicated to the White House that they must submit a plan showing how they

intend to proceed. The White House has agreed, and I am confident that their plan will show a reasonable path forward.

The bill before you today, Mr. Chairman, includes provisions to ensure that the Congress will have sufficient opportunity to weigh in on that plan, when it is submitted, and to preclude most activities prior to that. This legislation before us tonight does not permit the release of Gitmo detainees into the United States during fiscal year 2010. It does not permit the transfer of detainees to the U.S. for detention or prosecution purposes until 2 months after we've received the plan. It does not permit the transfer of detainees to foreign countries without notification and certifications to the Congress, and it does not provide any funds for activities relating to the Gitmo closure. This will ensure that we have additional opportunities to debate this issue when the administration requests a budget amendment or a supplemental to fund this plan.

We have established a good process for the consideration of this issue, and it should be allowed to play out before we start prejudicing a plan that we don't even have before us. This bill postures this issue in a good way. I oppose the amendment, Mr. Chairman.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield the balance of my time to my colleague from Kansas (Mr. TIAHRT).

The CHAIR. The gentleman from Kansas is recognized for 1½ minutes.

Mr. TIAHRT. I thank the gentleman from California.

Mr. Chairman, this is a very important amendment. I think it's very important that we understand what is at play here.

The current plan by the President through executive order is to close Guantanamo Bay down. Now, this facility is a state-of-the-art, modern facility. It includes the right strategy as far as the layout of the facility. It also has a modern, new courtroom—a state-of-the-art courtroom—well-suited to handle the challenges that we have in trying to deal with these detainees, these self-proclaimed terrorists.

Now, I've been to Guantanamo Bay twice. I've been to other facilities, like Fort Leavenworth. The idea of moving these self-professed terrorists to American soil is a bad idea. It is a worse idea to put them in our prisons. We've had two incidences within the last month where American citizens have been recruited by radical Islamists in our own prisons. When they were released, they committed acts of terror in our country. It is a bad idea to send these detainees to our prisons. It is a terrible idea to send them to our American streets.

Now, this prison cost less than \$100 million to build. Yet the President's

plan, as reported, is to send some of these Uyghurs, some of these Chinese terrorists, to Palau, and we are going to give the Nation of Palau \$200 million to take care of the Uyghurs—only 17 of them. This does not make financial sense. It does not make sense for our culture or for the safety of our people here in America.

One of the excuses that I've heard is that, Well, we've got to close Guantanamo Bay because it's used as a recruiting tool. Well, let me tell you: On September 11, 2001, Guantanamo Bay did not exist. It was not used as a recruiting tool. What have been used as recruiting tools are the pictures of these detainees, themselves. Yesterday's bill, the supplemental, which was passed by this House against my vote, did not prevent the release of detainee photos. Those will be used. Those will be used to recruit other terrorists, so don't give us that as an excuse as why you've got to close Guantanamo Bay.

Financially, it makes sense to keep it open. As far as the safety of our country, it makes sense to keep it open. So pass this amendment. Do the right thing for our country. Vote for the Lewis amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 69 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 69 offered by Mr. TIAHRT: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to obligate, or pay the salary or expenses of personnel who obligate, funds made available under the following headings in title II of division A of Public Law 111-5:

(1) "Economic Development Administration—Economic Development Assistance Programs".

(2) "National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program".

(3) "National Institute of Standards and Technology—Construction of Research Facilities".

The CHAIR. Pursuant to House Resolution 552, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, earlier this year, the Obama administration

told us the stimulus bill was going to be the salvation of our economic woes. They predicted unemployment would top out at 8 percent, and they claimed that jobs would be created or saved immediately. Well, there has been a significant amount of time since it was passed, and our economic woes haven't changed. In fact, the numbers are in stark contrast to what we see today.

Unemployment now is at 9.4 percent, and it is headed toward double digits. Just this week, CNN reported that Americans saw \$1.3 trillion of wealth vaporize in the first quarter of 2009. Despite the massive government spending, foreclosures continue. Car dealerships are closing and layoffs continue. Home values have continued to decline, and the stock market is down 40 percent from last year.

Our government is borrowing money it does not have. It is inflating programs and projects we do not need. Recently, it was reported that over 100 wasteful projects were funded through this stimulus bill.

There is a project that includes thousands of signs, at \$300 each, to brag about the projects paid for under this bill. There are projects here that could have been funded under regular order. There is \$2.2 million for a State-run liquor warehouse to put skylights in the installation. There is \$3.4 million for road tunnels for turtles. Tunnels for turtles. Now, it seems like maybe the turtles will need the signs to find the tunnels. There is over \$40 billion in a State slush fund, and there is money for education. Secretary of Education Duncan has admitted he doesn't know how to spend it.

This is your stimulus money at work here in America. Taxpayers don't understand why so much money is being wasted so quickly with nothing to show for it. My amendment on the floor today would keep a quarter of \$1 billion from our deficit by taking the stimulus dollars to pay for this legislation and for other legislation. Now, at a time when Americans are pulling back on their spending and are saving more, our government should do the same.

In the first quarter of this year, household debt fell by an annual rate of 1.1 percent, which is \$13.8 trillion. Instead of following our constituents' actions, though, our government continues to spend money that we do not have. When our government spends money that we do not have, one of two things happens: either we borrow it from countries like China—and since China isn't buying our debt now, the other solution is that our Federal Government prints money. We have had the Fed pump over \$1 trillion of new money into our economy. The problem with the infusion of new money into our economy like this is that it causes inflation. When you have more money available for, roughly, the same

amount of goods, you get inflation. The equation is very simple. The more money we print, the less our money is worth.

Inflation hits our retired Americans the worst. They're on fixed incomes. It hits the working poor the hardest—people who are just getting by. When you take purchasing value away from them, they're worse off. These Americans have worked too hard for their money to see the actions of the Federal Reserve drastically reduce its value.

Our economic instability and uncertainty is making America's bonds toxic. Even countries like China and Brazil are turning up their noses at U.S.-held securities in favor of International Monetary Fund bonds.

Let's follow our constituents' lead. Let's slow the Treasury's printing press. Let's cut up our Chinese credit card and act responsibly by repealing the portion of unobligated funds in the stimulus and pay for the portion of this bill today before us.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I oppose this amendment.

I scratch my head as I did in full committee. Why would the gentleman be offering an amendment to jerk the rug out from under the Recovery Act at a time when the Recovery Act is beginning to stimulate and to help the recovery of our economy in the Nation? It is just the wrong time to do this, and I still question the gentleman's logic in this.

Mr. TIAHRT's amendment attempts to prevent the obligation of Recovery Act funds for the Economic Development Administration. If there is one agency in the Federal Government that is focused on fomenting economic development, it is the Economic Development Administration. This agency is charged with stimulating economic development in areas that are most needy head on and the amendment is trying to undermine its ability to do its mission.

NTIA's digital-to-analog converter box program is attacked, as is the NIST research construction account. There is criticism in a lot of areas, and certainly in some quarters on the other side of the aisle, by those who oppose the Recovery Act, that funds are not getting out quickly enough for construction. Those are the areas that demonstratively provide real jobs in real time.

So it's unclear why Mr. TIAHRT is singling out these agencies when so many other agencies in this bill also receive funds under the Recovery Act. It is the wrong time to reach back and to try to undo the stimulus package at a time

when the economy is recovering. Recovery is measured by a lot of things—by the recovery in the credit markets, by improvements in the capital markets.

Mr. Chairman, I rise in opposition to the amendment. It is an unwise time to do this, and I would hope that the body would oppose the amendment.

I reserve the balance of my time.

Mr. TIAHRT. How much time is remaining, Mr. Chairman?

The CHAIR. The gentleman from Kansas has 2½ minutes remaining.

Mr. TIAHRT. Mr. Chairman, the reason that we would repeal the Recovery Act, or the stimulus bill, is that it simply doesn't work.

In the 1930s, we tried a similar philosophy. We borrowed money from other countries and we started programs that had never before been tried, and throughout the 1930s, we had double-digit unemployment. In May of 1939, Secretary of the Treasury Morgenthau said that we have borrowed all of this money; we have spent all of this money, and we have nothing to show for it. The Recovery Act does not work.

In the 1990s, Japan tried the same thing. They had a recession. They borrowed money. They started government programs, and it didn't work there either. They call that their "lost decade" where the average per capita income in Japan went from 2nd in the world to 10th in the world.

□ 1745

If you want something that works, it's not borrowing money and spending money. Instead, we need to provide opportunity for our economy. Four out of five jobs in America are small business jobs. We need to provide small business jobs. Remember, General Motors started out in a garage, Boeing started in a barn, Pizza Hut started in a building that's smaller than your office, because they had opportunity. And we can provide opportunity without borrowing money from China or printing new money at the Treasury. We can do it by reforming our regulations, put them on cost-based analysis. We can do it by reforming our health care, making it market based. We can do it by reforming our litigation policy, using loser pays. We can do it by lowering our taxes and making capital welcome in America.

Capital is a coward, and we are scaring it off. And you can't create an economy that is strong and recoverable if you don't create small business jobs. So if you really want to do it, you can do it on the cheap and do it successfully.

If you want to borrow this money and force this debt on our kids, this \$250 billion, then you can go ahead with this plan. But there is something better. There is an alternative that actually works, and historically it's proven.

So what we want to do is repeal the Recovery Act, the stimulus bill, and

provide the opportunity to allow America to grow because when America grows and our economy grows, the Federal revenue grows.

That's how we balanced the budget in 1990s. It wasn't Bill Clinton's budget. It was the House of Representatives coming up with opportunity for small businesses. We limited the growth in government, and we saw our economy expand at over 7 percent per year. And that's how we balanced the budget. We can do that again if we just start by getting some common sense and repeal the unobligated funds in the Recovery Act.

The CHAIR. The time of the gentleman has expired.

Mr. MOLLOHAN. Mr. Chairman, I would close by repeating again that this is the wrong time. The markets are improving. Credit is being reestablished. Confidence in the economy is increasing. This is the wrong time to jerk the rug out from under the stimulus package, which has gone a long way in achieving this progress. I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. TIAHRT. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

AMENDMENT NO. 102 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:
Amendment No. 102 offered by Mr. CUELLAR:

At the end of the bill, before the short title, insert the following new section:

SEC. 535. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "Energy Star" or "Federal Energy Management Program" designation.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to thank Chairman MOLLOHAN for the leadership that he has provided on this particular bill, along with the ranking member on this particular bill.

I rise today in support of my amendment to ensure long-term taxpayer savings. This amendment will make certain that no lightbulbs will be purchased using funds appropriated under this bill that do not meet the ENERGY

STAR or the Federal Energy Management Standards.

As you know, Mr. Chairman, this amendment would ensure that the Federal Government makes a long-term investment in lowering costs to taxpayers on inefficient technology. ENERGY STAR lightbulbs have been proven to use less electricity and last longer, saving taxpayers dollars on both counts.

Americans know that regular lightbulbs waste almost 90 percent of the energy on generating heat instead of light. ENERGY STAR lightbulbs, which use compact fluorescent light, provide the same light as a standard bulb but use 75 percent less energy and last 8 to 12 times longer.

I know this amendment was approved in past appropriations, and this House accepted this amendment included in the fiscal year 2008 Legislative Branch Appropriations.

I want to thank Mr. UPTON, Ms. HARMAN, and Mr. INGLIS. Both Democrats and Republicans have supported this particular amendment.

Mr. Chairman, at this time I yield to the chairman.

Mr. MOLLOHAN. I thank the gentleman.

I commend him for his efforts in this area, environmentally conscious, and I appreciate his contribution to our bill.

Mr. Chairman, we accept the amendment.

Mr. CUELLAR. If there is no opposition, I will stand with the chairman's recommendation.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 96 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment made in order by the rule at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 96 offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. ____ . Appropriations made in Title II of this Act are hereby reduced in the amount of \$100,000,00.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, this is a simple amendment that says that we ought to take \$100 million, we ought to adopt the President's challenge to the departments, and we ought to save, remove, \$100 million from the Department of Justice in this bill.

On April 20 the President held his first Cabinet meeting, and he charged the members of his Cabinet with finding \$100 million out of their departments in savings. This was to try to live up to his promise of going through the budget line by line.

It's important, Mr. Chairman, to put \$100 million in context: A \$100 million reduction in the President's budget would be 1/40,000th of the Federal budget, 1/7,830th of the size of the "nonstimulus" bill adopted earlier this year, 1/1,845th of this year's budget deficit reduced. It would be the amount that the Federal Government spends every 13 minutes. Mr. Chairman, \$100 million is what the government spends every 13 minutes.

Don't you think we could find \$100 million, what we spend every 13 minutes, as savings? It's the equivalent of a family that earns \$40,000 cutting a dollar out of their budget.

Mr. Chairman, in the context of this bill, it's even more striking. From fiscal year 2008 numbers to this proposal here on the table, a 24.2 percent increase, that's a \$13 billion increase, and \$100 million is less than 1 percent.

Mr. Chairman, it just makes sense, while the American people are struggling, while the American people are tightening their belts, while they're clamoring for us to be fiscally responsible and not spend any more of their money, to save \$100 million, find \$100 million. Can't we do just that?

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I oppose this amendment.

At this funding level, the bill supports more than \$585 million in increases for counterterrorism and intelligence programs. At the same time, the bill makes long overdue reinvestments in traditional Department of Justice missions like drug and firearms enforcement, regulation of the marketplace, protection of civil rights and liberties, support of the judicial process and State and local assistance. Specific initiatives include: \$63 million for new funding to address white collar crime; \$24 million in new funds to reinvigorate and expand civil rights enforcement; \$71 million to improve the safety and security of inmates and guards in Federal prisons; \$345 million in new funds

to safeguard the Southwest border, address the Mexican cartel violence, and support activities of the Department of Homeland Security; and \$3.4 billion in grant funding for State and local enforcement assistance, including \$298 million to put additional police on the beat, \$100 million for prisoner reentry initiatives, and \$94 million for tribal law enforcement.

These investments are absolutely necessary, unlike what the gentleman has suggested that somehow they're unnecessary, that somehow this is change that can be found, and these programs can be cut. In fact, what we are doing is reinvesting in the law enforcement infrastructure of this country on the border, in our cities, and in the issues of white-collar crime.

I would hope that he would understand that this is an essential part of this legislation and that this was carefully crafted as we consulted with people across the various jurisdictions within these institutions to make sure that we could, in fact, provide them to be secure and to serve the needs of this Nation. I think this has been a good-faith effort to do that, and I would hope that we would reject this amendment.

I ask for a "no" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, carefully crafted? Carefully crafted? A 24.2 percent increase, \$13 billion increase, carefully crafted?

I never suggested that these programs weren't important. What I suggested, Mr. Chairman, was that out of the entire budget of the Department of Justice, can we not save a penny on a dollar? Can we not save a penny on a dollar when the American people are struggling across this land to find pennies that the Federal Government is stealing from them? Can we not just save a penny on a dollar? It's a simple thing to do, Mr. Chairman.

I urge my colleagues to support this amendment.

Mr. Chairman, I am pleased to yield to my friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, as someone who served as a judge and a chief justice and had it constantly drubbed into my head during hours and hours and hours of ethics classes about the appearance and potential conflicts of interest, we know that our chairman was deservedly getting accolades from crew and others for recusing himself in 2007 because of the reported investigation by the Department of Justice.

This is an elephant in the room. The Department of Justice budget is being dealt with here, and there has been no indications that there has not been an investigation. So I'm hoping that the record can be clear because it does look funny, it smells bad, if someone's under investigation and they're managing the

budget for those who are doing the investigation.

I thought it was a wonderful thing that Chairman MOLLOHAN did in 2007. He deserved the accolades he got for recusing himself. And I was wondering, and I would be glad to yield for the chairman to indicate, if there is no further investigation. Obviously, there is no requirement to respond.

But it is an elephant in the room. It clearly is a conflict of interest. And I hope that we can help eradicate the so-called "culture of corruption" that appeared to the public by dealing with this issue.

Mr. PRICE of Georgia. Mr. Chairman, again, I think it's important to appreciate that in the context of this overall bill, in the context of this portion of the appropriations process that's gone from \$51 billion in 2008 to \$64 billion this year, that's a 24.2 percent increase, a \$13 billion increase. Can we not find \$100 million? In fact, that's what the President asked, to find \$100 million in savings. It wasn't too much for the President to ask.

Let's help out this administration in their minimal attempts to provide fiscal responsibility, minimal attempts. I urge my colleagues to support an amendment that all it's asking for is saving less than one penny out of every dollar.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 98 OFFERED BY MR. HODES

Mr. HODES. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 98 offered by Mr. HODES:

At the end of the bill (before the short title), insert the following:

SEC. _____. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

The CHAIR. Pursuant to House Resolution 552, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Mr. Chairman, I rise in support of the amendment I have offered, amendment No. 98.

I begin by congratulating Chairman MOLLOHAN and the ranking member on all of their important work on this legislation, and I thank the Rules Committee for making this amendment in order.

Mr. Chairman, currently once taxpayer dollars have been appropriated by Congress to grant accounts, there is no accountability required of those funds.

□ 1800

My amendment would fix this problem and make sure taxpayer dollars are accounted for after we have appropriated those moneys.

In an August 2008 report on grants management, the GAO recommended that the Office of Management and Budget report annually on expired undisbursed grant accounts, but unfortunately no action has been taken on this recommendation, and taxpayer dollars are sitting unused in these accounts.

My amendment is similar to what was required in the American Recovery and Reinvestment Act. My amendment ensures that there is clear oversight of taxpayer dollars. The amendment requires oversight and accountability of expired undisbursed grant accounts. The amendment would instruct all executive departments and independent agencies to track undisbursed balances in expired grant accounts and report the results to the Office of Management and Budget. This will help lower the national deficit because my amendment also requires the reports to identify which accounts could be returned to the United States Treasury.

Now the group Citizens Against Government Waste has advocated similar policies. Most recently they advocated rescinding funds earmarked by Congress for the Federal Transit Administration that remain unobligated after 3 years. With so many families struggling in this tough economy, we must invest wisely to help our constituents and to be vigilant with taxpayer dollars. We need to ensure there is strong oversight and accountability once taxpayer dollars are appropriated. This

amendment is a critical step in keeping track of our dollars once they've gone out the door. I urge my colleagues on both sides of the aisle to support this fiscally responsible amendment.

Mr. MOLLOHAN. Will the gentleman yield?

Mr. HODES. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I thank the gentleman for his contribution to the bill. It is a real one, and we are pleased to accept the amendment, Mr. Chairman.

Mr. HODES. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CULBERSON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire will be postponed.

AMENDMENT NO. 63 OFFERED BY MR. NUNES

Mr. NUNES. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 63 offered by Mr. NUNES:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to implement the biological opinion entitled "Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project", issued by the National Marine Fisheries Service and dated June 4, 2009.

The CHAIR. Pursuant to House Resolution 552, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. NUNES. Mr. Chair, today it's been 628 days since many of my colleagues and I requested this Congress to take action to avoid a collapse of civil society in the San Joaquin Valley. Only 3 months ago I again warned Congress that an economic catastrophe was looming. Despite this warning, the leadership of this Congress sat back and did absolutely nothing. The result, 40,000 workers laid off, unemployment nearing 20 percent with some Valley communities nearing 50 percent. This man-made drought in California is the direct result of this government's action to protect the 3-inch minnow. The situation has now been compounded by a recent Obama administration action that now blames cities and farms in California for the plight of the killer whale. This is absolutely absurd. What is wrong with this government? We are starving people to save the killer whale now. This highly controversial opinion was rushed into print by the Obama administration without public comment

or debate. This is a clear violation of the Endangered Species Act and has since been challenged in court. Nevertheless, the Obama administration, just like the captain of the Titanic, declared full steam ahead and mandated further reductions on California's water supply. This has caused water shortages to spread not only in the San Joaquin Valley but now to Los Angeles and even to San Diego. The Democrat Congress is directly responsible. You were warned, you failed to act, and now this Congress must accept the responsibility for their actions.

A government that cannot provide water is a government that has failed. Throughout history, dictators like Zimbabwe's Robert Mugabe have used water as a weapon to starve their enemies of water. But what we've never seen in history is a democracy starving its own people of water.

Mr. Chair, my constituents are not enemies of the state. Quite honestly, offering this amendment today is the worst of all options. But because of the actions of this Democrat majority, I had no other choice. They have refused to allow debate on this issue or even a vote on a bill that would end this crisis for good. This amendment is a small step in a long process that must be made to build a case that this Congress has failed its constitutional duties to provide for the general welfare of its citizens.

Mr. Chair, this is a bipartisan amendment. I would urge support of this amendment. My colleagues Mr. CARDOZA and Mr. COSTA have been very helpful in drafting this amendment. I hope that the Congress would adopt it.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise to claim the time in opposition, while I may not be in opposition.

The CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Thank you very much, Mr. Chairman.

I rise to speak in favor of Congressman NUNES' amendment. My district is ground zero, where the drought is having its most severe effect in California. The biological opinion in question asked for modifications to the Central Valley and State water projects that would divert even more water from agricultural communities in the San Joaquin Valley. We believe, with the modeling, that this adds another 330,000 acre-feet of water that has already been reallocated over the last 20 years.

There are substantial biological assessments that have been performed on the delta. These opinions have been cited, the assessments have been made, but they were not taken into account

in this biological opinion. Therefore, we believe it's flawed.

There are other factors that contribute to the decline of the fisheries in the delta which we must change, which we must correct—treatment from sewage facilities; unscreened private pump diversions that take up as much water in the delta as we export south; nonpoint source pollution that has quadrupled as a result of urban areas in the area; and invasive species.

Bottom line, this biological opinion is flawed, and we ask that we finally stop this nonsense and come together. When will this stop? When our valley has no more water left for its farmers and its farm workers? I strongly support Congressman NUNES' amendment. I ask that we come together in a bipartisan sense. This is not a Republican or a Democratic issue. It's an issue that we must solve, and we must do it now.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the chairman for yielding.

I would hope that Members would oppose this amendment. This amendment makes nothing better. I appreciate the frustration of my friends who live in the Valley and are undergoing very serious economic times. But the fact of the matter is, to suggest now to throw out this biological opinion makes nothing better.

Now you have a situation where the Bureau of Reclamation is trying to deal with these problems. We would lose this consultive agency and the Marine Fisheries Agency; and as a result of that, they could not go forward with another biological opinion, which you may or may not want. But what we would be is we would be stymied, as was suggested in this opinion and by the court, in the ability to look for other mechanisms that we could use instead of just turning to the idea that you're going to reduce the pumping. But that goes out the door now because you will not have the scientific credibility enabling the bureau to go forward. So the bureau will fumble around now for a number of months, trying to figure out how to handle this problem. And eventually, for legal reasons, they're going to have to go back to the Marine Fisheries, and the Marine Fisheries are going to tell them that Congress barred them from consultations. The consultations will not take place; and as a result of that, we have lost a year, 18 months, 2 years, whatever time it takes instead of going forward on this biological opinion which allow for some additional alternatives, some additional investigations within the delta and elsewhere in this system.

This builds on a whole series of reports that have come out by the past administration's Office of Management and Budget, saying that the failure here is not to look at the water sys-

tem, the CVP, on a system-wide basis. We keep chopping it up in little increments. We chop it up based upon the Valley, based upon the south, based upon the north, based upon the delta. We thought that with good science, we would have the opportunity to start to overcome that and to broaden this discussion. But this amendment will collapse it all back again, we'll start all over again, and we'll just waste a lot of time. And the problems in the Central Valley will get worse for agriculture; they will get worse for the economy; they'll get worse in Southern California; they'll get worse in the delta; we'll have more endangered species lawsuits; and we'll have more complications. And we'll accomplish nothing.

It's bold in its approach. It's destructive in its results.

The CHAIR. The gentleman from West Virginia has 1 minute remaining. The gentleman from California has 2 minutes remaining.

Mr. NUNES. Mr. Chair, excuses, excuses, excuses. What we've had throughout my entire career in Congress is more and more excuses. I appreciate the gentleman spent three decades in this body systematically destroying the Valley's economy. And so to hide behind the courts, to hide behind the bureaucracy, to hide behind the Obama administration, it may sound good to the gentleman from California. But the reality of it is, there are people living in their cars. People don't have food. Food banks are out of food. Workers are trying to have work. Farmers are going bankrupt because of the actions that Mr. MILLER has taken throughout his entire career. It's okay. It's okay to value fish. That's okay. But understand that you're starving families while you value the fish. It's unfortunate.

Mr. Chair, I appreciate my colleagues' support of this amendment.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chair and Members, I understand the frustration of my friends from the Valley on this issue. I've been living it in my district. The last administration devastated the fishing families of the north coast. We haven't had a fishing season up there in years. Again this year it's closed. And it's all because science was put aside in favor of politics. Finally we have science coming in. Science should be allowed to be considered. And as one of the previous speakers, Mr. MILLER, has mentioned, this amendment does absolutely the wrong thing. Not only does it take science off the table again, which led us, in part, to this problem and put the courts in control of these rivers, but it also limits our opportunities to address the overall problem. Without the Federal agencies at the table being able to

bring different options to solve this problem not only for the Valley families but for the coastal families as well, we're limited, and it's not going to bring any answers forward.

It is a mistake to pass this amendment. It won't solve the problem. It will just exacerbate the situation.

Mr. NUNES. Mr. Chair, how much time do I have remaining?

The CHAIR. The gentleman from California has 1 minute remaining. The time has expired for the other side.

Mr. NUNES. Mr. Chair, I appreciate my other friend from California. But the facts are, it's absurd to think that pumping some water out of a delta is killing killer whales, and that's what is in this biological opinion. When the government gets to the point of blaming killer whales for problems, the government has much bigger problems than just this little amendment.

So when you look at the fisheries in California that have been destroyed, the fishing industry was run out of San Diego a long time ago. There used to be Portuguese American fishermen that controlled the tuna industry in San Diego. The Democrats ran them out back in the seventies and eighties. So to now blame little minnows and pumping water to allow people to work are now destroying all the fish and killer whales in the ocean is absurd. We have starving people in the Valley. When is this Congress going to act? When? How many more days? It's been going on for 2 years. How much longer? Is 40,000 people enough people out of work? Do we need 80,000 people out of work? How many more people must starve because of the inaction by this body? That's what I want to know.

□ 1815

The CHAIR. The gentleman's time has expired.

The gentleman from West Virginia does have 15 seconds remaining.

Without objection, each side is allowed an extra 15 seconds of time to control.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I just think that it's time for common sense to prevail. I've lost 30,000 jobs in my district as a result of this drought. We may lose generations of farmers. We need to come together with a California solution that is aside from the partisan differences and bring back water for all regions of California.

We're fighting for farmers and farm workers. I would ask common sense to prevail.

Mr. NUNES. I would just say, Mr. Chairman, that I wish that my friend, Mr. COSTA, was the Speaker and not our current Democrat leadership because it's the current leadership that's destroying the economy of the San

Joaquin Valley—not Mr. COSTA and Mr. CARDOZA, who are trying their best to deal with their leadership to try to bring some attention to this problem.

Mr. CARDOZA. Mr. Chair, I rise in support of Mr. NUNES' amendment.

The National Marine Fisheries Service's Biological Opinion on the Central Valley Water Project and State Water Project is flawed because it attributes the pumps as a single factor in the decline of fisheries in the Bay Delta. Numerous regulatory measures under the Endangered Species Act, the Central Valley Project Improvement Act and the Clean Water Act have already resulted in over 50 percent cuts to water deliveries, yet haven't resulted in any improvement to the fisheries. The interim court orders under which this BO is based and a previous Biological Opinion on the delta smelt have slashed deliveries to just 10 percent, and we still are not seeing any improvement to the fisheries.

Implementing the Biological Opinion truly is the definition of insanity—doing the same thing over and over again and expecting different results.

We cannot solve the challenges of the Delta ecosystem by continuing to curtail pumping. We are long overdue for a study that examines all of the factors affecting the Delta, such as non-native fish that are predators of endangered species, climate change, and pollution such as discharged wastewater. It is imperative we undertake a complete study that identifies all of these factors and then set policy according to a complete set of data. To continue to curtail pumping prevents a true solution.

The cumulative effect of this Biological Opinion and other regulatory decisions is crippling small farm communities in the San Joaquin Valley. The San Joaquin Valley has an average unemployment rate hovering near 20 percent, with some communities at 45 percent. This is one more strike in what is an economic disaster for my constituents.

Mr. WU. Mr. Chair, I rise to express my opposition to the Nunes amendment. This amendment puts the salmon runs of the Sacramento River, which is the major run of Pacific salmon, in jeopardy of extinction and risks shutting down the Central Valley Project and State Water Project, affecting water supplies for farms and millions of Californians.

This amendment could halt all activity in California's major water infrastructure and would only serve to delay development of a long-term management plan for water resources. Mr. NUNES' proposal would send government agencies and partners back to the drawing board, inviting further litigation and greater intervention by federal courts. Moreover, the amendment would prevent us from finding consensus solutions for another year or more.

California water disputes have worsened over the last eight years as politically motivated water policies killed tens of thousands of salmon. Some of the water decisions made during that time were not based in science and have since been ruled illegal by federal courts and illegitimate by the Commerce Department's inspector general.

As a result of these short-sighted policies, California and Oregon have gone without commercial and recreational salmon fishing sea-

sons for three of the past four years. These closures and limitations on fishing are completely unprecedented and have devastated both states' hunting and fishing industries, which together employ over 250,000 workers and contribute more than \$13.6 billion to state economies.

Our fisheries and coastal communities cannot afford to be subjected to politics. I reject the Nunes amendment wholeheartedly and ask my colleagues to do the same.

Mr. NUNES. I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. NUNES).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. The issue which my colleagues from California have brought up is extraordinarily important, and I would like at this time, if I could, to yield to the gentleman from California (Mr. NUNES).

Mr. NUNES. I thank the gentleman from Texas for giving more time to this amendment.

As you know, we had to go to the Rules Committee last night to try to get this amendment made in order. We had many of our colleagues who weren't even allowed to offer amendments. The Republicans have completely been shut out of the process, and I don't know how we're supposed to come to commonsense resolutions to the problems in this country if we don't even have time to debate issues.

My friend, Mr. CARDOZA, wanted to have time to come out and debate these issues; my friend, Mr. COSTA, had to fight with his leadership to have time to come down and debate these issues. What's wrong with the leadership over there? How long are you going to let these people starve? How long? Two years. It's 2 years now since we've asked.

The pumps in California have to run, and sooner or later, your colleagues in Los Angeles—whether they like it or not—the Democrats in Los Angeles who have refused to do anything, their water rates are going up. They're running out of water. San Diego's water rates are up 40 percent this year. So you can run, but you can't hide. This isn't going away.

I would encourage the leadership of this body to get some people with common sense to get control of this body.

Mr. CULBERSON. I yield to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, we have looked at what's happened in Detroit and other parts of this country where we've had high unemployment rates, and we have been directed to offer a solution in a short period of time. The gentleman from the Central Valley has a situation that is every bit as dire; in fact, it is worse in terms of the unemployment rates in the communities that he services.

We are destroying those communities at the present time and the lifeblood of agriculture in those communities that have stood for well over a hundred years is being irreparably harmed. And the gentleman's amendment—although it may not be the best solution, as he suggested—is the only thing that he has been given an opportunity to present in this body. And he has waited every year that he has been here to try and solve this problem, and yet there has been a failure for us to solve this problem.

And I don't know how we can stand here and say to the gentleman, just wait. Just wait—as he has percentages of unemployment that would shake the rest of this country. When he has people whose livelihoods and whose families' livelihoods are being destroyed on a daily basis, he has heard nothing but silence, silence in this House and from this administration.

I would hope that we could support his amendment. It may not be the perfect amendment, I agree. But it's the only thing he has been given an opportunity to bring to this floor, and maybe it will be given an awareness of this House and this administration that you can't throw away a part of the Central Valley of California and say, These are disposable people; these are disposable families; these are disposable farms.

Mr. CULBERSON. How much time do I have remaining, Mr. Chairman?

The CHAIR. The gentleman has 2 minutes and 15 seconds.

Mr. CULBERSON. I yield to the gentleman from California (Mr. NUNES).

Mr. NUNES. My friend from California, Mr. Lungren, is exactly correct. This is all we can do. The Democrat majority, they're correct. This isn't a solution to the problem, but it's all we can do. Maybe we can have a unanimous consent agreement tonight. I have a bill ready to go. We can vote on it tonight so we can get the pumps back on so we can get water to these people so they can go back to work and provide for their families.

Mr. Chairman, a guy in a food line in Mendota not long ago told the national media he didn't want to be in the food line. He only wanted a job to provide for his family. The Democrats control Congress. The Democrats control the White House. How much longer does the guy have to wait to feed his family? How many more jobs must we lose?

How many? I want to know. How many jobs should we lose? Is 40,000 jobs in the San Joaquin Valley not enough? Should we go to 80,000 jobs? 150,000 jobs? Should we put a million acres out of production?

You guys are in control. Why don't you tell us how many acres you want out of production tonight so we can end the misery. Tell the people, Look, you've got to move out of the valley. Maybe they can move to the bay area. Maybe there would be work there for them. Maybe they'll get green jobs. I don't know.

But right now, a half a million acres are out of production. So how many more acres are we going to put out of production? How many more people are going to starve because of the inaction by the Democrats in this body? How many more? That's all I want to know.

I will yield if anyone wants to answer me how many jobs we're going to lose.

The CHAIR. The gentleman from Texas controls the time.

Mr. NUNES. Looks like we won't get an answer once again, Mr. Chairman, but I want to thank my Democrat colleagues, Mr. CARDOZA and Mr. COSTA, for supporting this amendment. I know it's been hard for them, and I appreciate their friendship and their work on this issue. I also want to thank the Republican leadership in this body for supporting this amendment.

The CHAIR. The time of the gentleman from Texas has expired.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Members are reminded to please address their remarks to the Chair.

Mr. MOLLOHAN. I move to strike the last word.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, Members of the House, you know we're here in this situation because a court ruled after the last administration trampled through the Fish and Wildlife Service, the National Marine Ocean Service, and altered scientific findings, studies, and opinions that we could no longer conduct the business of the Central Valley Project. I didn't see my friends on the other side of the aisle raise one objection at the time that those actions were taking place, at the time that criminal behavior was taking place.

I didn't see them raise one objection when the northern rivers were destroyed and fishery seasons have been closed for years and families have lost their businesses, lost their livelihood—whether they were going to seed the fish or they were small businesses on the north coast or small businesses on the Oregon border—and those political decisions were made, and they dev-

astated the salmon runs. I didn't see that happen.

We have seen now, as the environment has deteriorated in the San Francisco Delta and bay area, small businesses have closed up, many people have lost their livelihoods; and, yes, it's very intense in the Central Valley.

But I don't see some of my colleagues on the other side who represent areas that have a hundred percent of the water. In fact, some of the valley farmers have 70 percent of their allocation in this drought year.

Somehow to blame this on this moment, this administration that's been in office for 5 or 6 months, when in fact for 8 years there was a design to exploit this system by opening up the pumps, devastate the system, and now those chickens have come home to roost and those illegalities have been found out.

The court has asked for direction. This administration put together a biological opinion. It was peer reviewed, and they've offered that up to begin the discussions of how we settle some of these problems in the delta, south of the delta, and north of the delta. That now is going to be thrown into chaos if this amendment succeeds to become law because then we will not have those tools available to us.

So we'll go into another year that may be a drought and we will not have the system-wide approach to dealing with that to help the families in the Central Valley, in southern California, in northern California. These are all of the same families. These are all the same people who are looking for work, looking for jobs. But the fact of the matter is, if you devastate this water system, they all pay the price.

So now we're trying to recover from 8 years of mismanagement, from 8 years of illegal activity, from 8 years of throwing science out the door, and now we're left with that wreckage. There's a lot of cleanup to do after this Bush administration, and this is one of those projects. And this project now has to be rehabilitated, this project has to be brought together so that the Central Valley Project can serve its clients, can serve the needs of the whole State of California. And if it doesn't happen that way, it's not going to work politically, it's not going to work environmentally, it's not going to work scientifically, and it's not going to work economically.

We've just been through 8 years where people tried to segment this state-wide project into little bits of pieces for their advantages, and if they had enough politics on their side, they took that advantage whether it was supported by the law or not. And this is the carnage that has been left behind because we missed 8 years of opportunity to rebuild this system so that it could serve the needs for which it was designed.

That's the tragedy of what has taken place here. That's the tragedy that we're trying to overcome. That's the tragedy that will be compounded by the Nunes amendment if it's adopted because it will set all of this back many, many months—if not years—in this effort to rebuild the Central Valley Project of California so it can meet the demands of which are put upon it.

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

I want to add that this should not be about choosing one job or one person's job over the job of another person. As I mentioned earlier, many, many fishing families on the north coast of California and the coast of Oregon have been displaced. We have lost boats, lost businesses, lost fortunes, lost opportunities, and all because the science was scrapped. The last administration pushed forward a water policy that was illegal, that didn't pay any attention to anything other than politics.

□ 1830

In the Klamath River in my district, that water policy brought us 80,000 dead spawning salmon. It absolutely closed the fishing season on the north coast. It's closed again this year. It's closed on the Oregon coast. And it's all because politics was put ahead of science. You can't do business that way.

The only way to fix this is to bring all of the agencies together, working on the science, to come up with the mitigation that will work to save jobs not only in the valley, but on the coast and everywhere else.

I ask that we vote against this terrible amendment and work together.

AMENDMENT NO. 111 OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 111 offered by Mrs. BLACKBURN:

At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 552, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, I do have a great amendment at the desk, and I think it speaks to the path we need to travel in this body.

As we know, spending is out of control here in Washington, D.C. The American people know that this government doesn't have a revenue problem, it has a spending problem. And we are hearing it from constituents all across this Nation as they begin to look at how this should be addressed and talk to us about how we think it ought to be addressed.

Well, Mr. Chairman, one of the things that we do know is that in our States—which are great labs for bringing forward entrepreneurial ideas and innovating ways to address problems in the public sector—many times they will move to across-the-board spending cuts. Certainly, in my State of Tennessee, our Democrat Governor went in and made a 9 percent across-the-board spending reduction because he had to get in there and address the out-of-control growth of TennCare, our public option health care delivery system that many want to replicate nationwide.

Now, throughout our Nation's history, we have had times when this body and our Commanders in Chief have sought to also do across-the-board spending cuts. At the onset of World War II, President Roosevelt came in and made a 20 percent across-the-board cut in nondefense spending. President Truman, with the Korean War, made a 28 percent across-the-board spending cut. And he did that, Mr. Chairman, because budgets and appropriations should be about priorities.

At this time in our history, when we see so many families and so many businesses struggling, when we see appropriations and spending out of control here—certainly appropriations over the past 3 years for our CJS appropriations has increased by over 45 percent, this year alone nearly 12 percent—the spending binge is unacceptable. And on behalf of my constituents who are sitting at the kitchen table and many times cutting 50 percent, we need to move forward with spending reductions.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, an across-the-board cut to this bill of 5 percent is really disastrous. As a general proposition, cuts that are indiscriminate affect every account in a bill—whether it's this appropriation bill or any other appropriation bill—and one of the best reasons to oppose them is for that reason, they're indiscriminate. They affect every account in the bill, and that, of course, means that someone has not done a thoughtful exercise in going through and trying to find out where there might be a few extra dollars with regard to this account or that account.

I would also suggest that that's exactly what this subcommittee has done, both the majority and the minority, and we have done it in close cooperation with the minority as we have worked this bill this year and brought it to the floor of the House. We have looked at every single one of these accounts. We have done exactly what this amendment does not do. We have done the hard work of thinking about where dollars should be applied, where the need exists, and where that need exists, we've increased funding in accounts, not indiscriminately, but very consciously through a thoughtful process.

Now, just a couple of examples of what a 5 percent cut would do. In the Department of Commerce, a 5 percent reduction would result in the complete elimination of \$370 million of Census contingency funding, significantly increasing the risk of unforeseen events impacting field operations with regard to the census.

Mr. Chairman, we are on the brink of conducting the 2010 census. The census has had a lot of starts and stops along the way. Those matters have been corrected, and we are in a position to have a good, accurate census conducted in this country. This is the wrong time to take any cut with regard to Census.

A reduction of \$230 million to NOAA would eliminate the entire National Environmental Satellite Data and Information Service, or alternatively, literally wipe out all salmon and endangered species funding.

Mr. Chairman, a reduction of \$92.4 million to the rest of the title 1 would eliminate the Minority Business Development Agency and the National Telecommunications and Information Administration salaries and expenses, as well as Public Telecommunications Facilities' planning and construction account. Those are accounts that directly impact people sitting around tables in kitchens across the country.

For NASA, this cut would significantly reduce needed contingency in the development of all new NASA missions, missions for which we just heard Democrats and Republicans speak about with great concern.

The National Science Foundation is another example. This drop in government support for research and development, on top of the falloff in corporate research investment and private foundation support, would stress the Nation's research universities at the time that this country needs to invest in research, needs to invest in development so that we're at the cutting edge of the new economy as we go forward, which is at the very heart of President Obama's new economic recovery plan and strategy.

An across-the-board cut, an indiscriminate cut of any kind—5 percent, 1 percent, 2 percent—I consider it to be mindless. It's not a careful consideration of fashioning fiscal policy.

I hope that this amendment will be opposed by the body.

Mr. Chairman, I reserve the balance of my time.

Mrs. BLACKBURN. May I inquire as to how much time is remaining?

The CHAIR. The gentlewoman has 2 $\frac{3}{4}$ minutes remaining.

Mrs. BLACKBURN. I appreciate so much the comments of my colleague, and I am so thrilled that he went through a litany of programs.

You know, it is so indicative of how those who feel like they have unfettered access to the taxpayers' money, that they have first right of refusal on that paycheck that people go to work and work hard to earn so that they can do it for all of these grandiose-sounding programs.

Well, isn't it amazing, with a 12 percent increase in spending, a 5 percent reduction is still an increase. I mean, I just love this new math that Washington, D.C., spits out across this Nation. You would still have an increase. I mean, it is just amazing to me. You just don't get it. You just don't get it.

We have people in my district, we have people across this country, Mr. Chairman, they are losing their jobs. They are sitting at the kitchen table right now watching the TV and going, These people, these elites in Washington, they do not understand it. We're cutting our budget 50 percent.

I have small business owners that are telling me, We're trying to figure out how long we can keep the doors open and how much we can afford to lose every month, and you want to tell me about endangered species and reducing funding 5 percent for endangered species, or doing away or holding back or maybe not moving forward?

You know something, there are men and women in this Nation every day that delay hopes and dreams and aspirations because the liberals never lose their appetite for the taxpayer money. And they meet their obligation to the tax man. And they instruct us, Mr. Chairman, to come here and make good use of those dollars. That is what we are elected to do. And you want to tell me you can't find \$100 million? You can't find a 5 percent reduction? You can't make this reduction out of a \$64 billion allotment of money? You can't find 5 cents out of a dollar?

The American people are sick and tired, they are sick and tired of reckless runaway spending. They are demanding that it come to a halt. A 5 percent sensible reduction is the way to go about it.

I would encourage all of my colleagues to join me. Let's make a 1 percent, a 2 percent, a 5 percent, and then allow a way to move forward in a more fiscally responsible manner.

Mr. Chairman, I yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are again reminded to direct their remarks to the Chair.

Mr. MOLLOHAN. I yield back the balance of my time, Mr. Chairman.

The CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT NO. 71 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I have an amendment made in order under the rule preprinted in the CONGRESSIONAL RECORD at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 71 offered by Mr. BURTON of Indiana:

At the end of the bill, before the short title, insert the following:

SEC. . . None of the funds made available in this Act may be used to relocate the Office of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, this amendment is very straightforward. It simply says that "none of the funds made available in this act may be used to relocate the Office of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President."

In February of this year, after Senator JUDD GREGG, a Republican, was nominated by President Obama to be the Secretary of Commerce, the White House announced that control of the Census Bureau and the 2010 census would be removed from the Commerce Department and placed in the hands of the White House staff. Senator GREGG eventually withdrew his name from consideration, in part because of his concerns about taking control of the next census out of the hands of the Commerce Department and putting it into the hands of political operatives at the White House. Contrary to Democratic claims, there was no historical precedent for placing the census under the control of political operatives on the White House staff.

According to former Census Bureau Director Bruce Chapman, who directed the Census Bureau from 1981 to 1983 under President Reagan, he said, "The White House and its congressional allies are wrong in asserting that the

Census in the past has reported directly to the President through his staff. Directors of the Bureau often brief Presidents and their staffs, but as a former director under President Reagan, I don't know of any cases where the conduct of the Bureau was directly under the White House supervision; that includes President Clinton in 2000, Bush 41 in 1990, and Carter in 1980."

The Obama administration has since backtracked and attempted to downplay its role regarding the census. And to his credit, the current Secretary of Commerce, Gary Locke, has expressed his intention to not cede control of the 2010 census to the White House during his confirmation hearings.

The U.S. Constitution, article I, section 2, clause 3, as modified by section 2 of the 14th Amendment, requires a population census every 10 years to serve as the basis for reapportioning seats in the House of Representatives. The Constitution stipulates that the enumeration is to be conducted "in such manner as they [Congress] shall by law direct."

Congress, through title 13 of the U.S. Code, has delegated this responsibility to the Secretary of Commerce and, within the Department of Commerce, to the Bureau of the Census.

□ 1845

Let me be very clear on this point: The Constitution stipulates that Congress shall direct how the census is to be conducted and Congress delegated this responsibility to the Bureau of the Census, not the Office of the White House Chief of Staff.

The United States census should remain independent of politics. It should not be directed by political operatives working out of the White House. Such a move is especially troubling considering the census at the time was considering entering into a national partnership with ACORN, an organization ripe with internal corruption and that was responsible for multiple instances of vote fraud in the 2008 presidential election.

Asking an organization like ACORN to help recruit the 1.4 million temporary workers that will go door-to-door is akin to inviting the fox into the henhouse. An estimated \$300 billion in Federal funds are distributed annually on the basis of the census data, according to the Census officials. This is very important, because all the people in this country are affected by this money.

The Census Bureau is staffed by experienced and talented professionals who are leaders in the field of statistics. In order to produce a fair, accurate and trustworthy count during the 2010 census, the Census Bureau needs to remain an agency free from political or partisan interference.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to my friend from Indiana's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I am sympathetic to the gentleman's interest. But I don't share his concern. There was some talk earlier this year about the White House taking the census or taking a leadership role in the census. We have had public assurances and private assurances that indeed the White House has no such intention.

The fact is that the census was admittedly mishandled during much of the Bush administration, so that toward the latter part of the administration everybody was scrambling to try to repair the damage that had been done. To its credit, the Department of Commerce, the Bureau of Census, conceived of a census in 2010 that would involve as much technology, as much automation, as possible. The vision was to be accurate and to be less expensive.

Unfortunately, the contractor and the Secretary of Commerce actually took a lot of responsibility for the agency, for the contractor not having correct instructions. But in fact the job was not well-performed, whether it was the fault of the Commerce Department and the bureau or whether it was the contractor.

The point is that we have spent a lot of time during the last years of the Bush administration and certainly this year ensuring that we corrected those problems, that we got ahead of those problems, so that we could rely on a credible, accurate census. Those adjustments have been made.

I would just assure the gentleman that there is no inappropriate involvement by the White House. I absolutely embrace his notion that the Congress should be fashioning it, and I think we are doing that with quite a bit of oversight. I know this appropriations subcommittee has been conducting a lot of oversight.

So my remarks in opposition to his amendment I hope are more in the way of assuring him that we are on top of this, and we are looking at it. I know there is a lot of concern. I hear it on radio, I see it on television, certain talk radios are obsessing with regard to ACORN, and I think, personally, in many ways demonizing a whole organization for the conduct of a few.

Yes, ACORN could be a part of the 30,000 partnerships that the Census Bureau will embrace to reach out to communities, many of them hard-to-identify communities. I know the gentleman shares the goal of having as accurate a census count as possible, and I know the gentleman understands that there are hard-to-access communities, and I am sure that the gentleman embraces the idea of partnerships to reach out and give assurances to those communities so we can count as many folks as possible.

There is no money associated with ACORN through those partnerships.

So, again, I oppose the gentleman's amendment, and my comments are such that I oppose it more to reassure him that we are all about an accurate, just census, and we intend to do our part to ensure that.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, how much time do I have remaining?

The CHAIR. One minute.

Mr. BURTON of Indiana. Mr. Chairman, I believe Mr. MOLLOHAN is well-intentioned. I believe he is an honorable man. But my concern is that there could be a change of attitude by some in the White House.

I appreciate that the White House has reconsidered and reversed their decision on taking control of the census, but unless we pass this amendment, there is nothing to prevent the White House from reversing itself once more, and that concerns me.

I am encouraged because the Secretary of Commerce, Mr. Locke, has expressed his intention to not cede control of the 2010 census to the White House during his confirmation hearings. But, nevertheless, to make sure that Congress retains its right to control the census and the \$300 billion that will be disseminated as a result of the census, I think we need to make it very clear by passing this amendment that it is up to the Congress and not the White House to make this determination.

With that, I will yield back the balance of my time.

The CHAIR. The gentleman from West Virginia has 1 minute remaining.

Mr. MOLLOHAN. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 97 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 97 offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. . Appropriations made in this Act are hereby reduced in the amount of \$644,150,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Georgia

(Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, this amendment is again another very simple amendment. It would reduce the total appropriations in this bill by \$644,150,000.

Now, you might ask Mr. Chairman, how did I come up with that number? Well, that is 1 percent of the bill. That is right, \$644,150,000 is 1 percent of the bill.

So what this amendment asks is, is this Congress responsible enough to be able to decrease the amount of spending in this bill by 1 percent, a penny out of every dollar?

Now, that is not 1 percent of last year, Mr. Chairman. That is 1 percent off the proposed, and the proposed is an 11.6 percent increase over last year. That means we would go from an 11.6 percent increase to a 10.6 percent increase.

Mr. Chairman, do you think we can handle that? Do you think we can handle that?

There are a lot of numbers out there across this land. I don't know if you have been paying attention. Outstanding public debt as of today, \$11.4 trillion. Outstanding public debt per American citizen, \$37,231.22. Average increase in our national debt every single day because of the money spent by this Congress and this administration, \$3.82 billion a day—a day, Mr. Chairman.

The country's gross domestic product fell by 6.1 percent in the first quarter. The President's budget proposes the 11th-highest annual deficits in United States history. The unemployment rate out there is 9.4 percent, Mr. Chairman. That is higher than the administration assured the Nation it would be if we did nothing—if we did nothing when the non-stimulus bill was passed, 9.4 percent.

Mr. Chairman, the Federal tax revenues in this Nation dropped 34 percent in April 2009 compared to 1 year ago—34 percent. Mr. Chairman, one might be able to just extrapolate that the American people are tightening their belts by 34 percent. Do you think this Congress can tighten its belt by 1 percent?

A penny out of every dollar, that is all we are asking. And it is not going across-the-board. It is not that meat ax that my friend from West Virginia talks about. It is allowing the department itself to figure out how to save a penny out of every dollar that it spends. We ought to be able to do that, Mr. Chairman.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the gentleman's amendment is a 1 percent

cut. The amendment we argued a few minutes ago was a 5 percent cut. The gentleman's amendment is arguably just five times less destructive to programs that this subcommittee on both sides of the aisle have carefully balanced as we have worked months and months in drafting this legislation.

The gentleman is correct; it is a 1 percent cut to the bill, as written. The agencies could look at it and they could apply the cuts as they saw fit. But understand that they are cuts.

Imagine a couple of places where these cuts would be felt. For example, safety and security of inmates and corrections officers in Federal prisons. It is an area that we have been working on for several years to understand exactly what the needs are. The bill is carefully drafted to provide adequate funding to the Bureau of Prisons to ensure safety and security for inmates and corrections officers in Federal prisons. A 1 percent cut would be \$71 million if applied to BOP.

A 1 percent cut would eliminate \$345 million in new funds to safeguard the Southwest border. It would undermine the Southwest Border Initiative perhaps, Mr. Chairman, if that is where the cuts were taken.

There is \$3.4 billion in grant funding for State and local law enforcement assistance, including \$298 million to put additional cops on the beat. \$100 million for prisoner reentry initiatives. \$94 million for tribal law enforcement assistance. All of this represents funding that again has been carefully fashioned, carefully considered and carefully appropriated by the appropriations subcommittee and by the full committee as we moved this bill to the floor. A 1 percent cut would undermine any or all of those programs by that amount.

Mr. Chairman, for all of those reasons, I oppose this amendment.

I reserve the balance of my time.

The CHAIR. The gentleman from Georgia has 2½ minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the gentleman from West Virginia's comments, but let's be honest. A cut? A cut? The amount of money spent last year in this area of the budget, \$57.7 billion—\$57.7 billion. The amount in this bill to spend, an 11.6 percent increase, remember, Mr. Chairman, \$64.4 billion. My amendment, what would we spend? \$63.8 billion.

Remember, Mr. Chairman, last year we spent \$57.7. This year it is 63.8 under this amendment. 57.7, 63.8—that's a cut? Mr. Chairman, a penny out of every dollar.

This definition of a cut is like when our teenage son had an allowance each week of \$1, and he came and said, Dad, you think I could have \$2 a week? I said, No, but we could probably make it \$1.50 a week. He said thank you very much. But under this definition, that

would be a 50-cent cut. That would be a 50 percent cut.

Mr. Chairman, let's be serious. \$57 billion last year, \$64 billion this year. Do you think we can find a penny on the dollar and move it to \$63.8 billion? Are we that irresponsible that we can't do that?

There is 9.4 percent unemployment across this land. People are having a difficult time putting food on the table, wondering whether they are going to be able to cover their health care costs, wondering whether or not they are going to be able to send their kids to school. The United States is in danger of losing its Triple A credit rating due to the accumulation of over \$1 trillion in debt.

Mr. Chairman, when are we going to start? When is this fiscal responsibility out of this crowd going to start?

A penny out of every dollar. I would suggest, Mr. Chairman, that that is a minimal amount, a reasonable amount, an amount that the American people look at their folks here in Washington, their representatives here in Washington, and say, Why on Earth can't you find that? Why can't you find it?

We ought to be able to do this. In fact, not doing this is morally reprehensible. Not doing this is irresponsible.

□ 1900

Not doing this is an abrogation of our duty. Not doing this is a woeful lack of leadership.

I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, the use of the word "irresponsible" gives me pause because if the Appropriations Subcommittee for Commerce, Justice, Science has done anything during the last 6 months, it has responsibly considered the administration's requests with regard to funding of these accounts. Indeed, our Appropriations Committee has cut \$200 million from the administration's request. At the same time we have filled a lot of holes that the administration left such as \$300 million for SCAAP. We filled that hole because the administration requested zero for SCAAP. On the floor yesterday we added \$100 million more to SCAAP because it has such broad bipartisan support in this House.

We restored \$400 million for State and local law enforcement, money to help our local police, our local sheriffs, our State police, as they do their job in very tough times protecting our citizens back home.

This legislation has been very responsibly considered, and while our appropriation is less than the President requested, it still goes a long way to adequately fund all the accounts in the bill.

Now, the gentleman makes light of a 1 percent cut. But understand, a 1 percent cut in a \$64 billion bill is \$644 million. \$644 million is \$200 million above

the SCAAP hole that we had to fill. It's just \$200 million above the \$400 million in the State and local law enforcement assistance grants that we filled.

So the gentleman, 1 percent, when it's said like that, sounds like just a little bit. But understand, this bill that we bring to you to the floor today is below the President's request and, at the same time, we have provided funding for SCAAP to the tune of \$400 million above the President's request, which was zero.

I can tell you, State and local enforcement across the country, and I would just imagine in the gentleman's district, are very much appreciative of that support as they deal with crime in tough economic times when local government and State government are having trouble meeting those budgets in order to fund that safety.

A lot of this is ideological, and the gentleman looks to these domestic accounts to achieve these reductions. I would point out that these accounts are not flush with funding. Indeed, our funding in this bill is below the President's request.

I yield back the balance of my time, Mr. Chairman.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 100 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. I have an amendment at the desk, Mr. Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 100 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. ____ Appropriations made in this Act are hereby reduced in the amount of \$12,511,000,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. I thank the chairman, thank our ranking member and the chairman of the subcommittee.

The chairman of the subcommittee was just boasting about the fact that the committee reduced the amount of dollars appropriated in this bill from what the administration had requested.

I think it's important to point out that request came after we have had the stimulus, the omnibus, the second

tranche of TARP. I mean, all the spending that's taken place in the first 6 months of this Congress. I don't know that there's anything to really brag about.

So this amendment actually goes back to what this Congress was allocated and what was being spent in the various agencies that fall under the bill, just 1 year ago. It would reduce the spending in this bill by \$12.511 billion, again, exactly what we were spending prior to the stimulus, prior to the omnibus.

I think it's really all about preserving opportunity and the greatness of this country for our children and our grandchildren.

And, Mr. Chairman, I would say this: the American people get it. They're tightening their belts, as many speakers have already indicated here on the floor this evening. They're tired of this blank check, this bailout mentality that has got a hold of Washington. They're sick of the bailouts. They're sick of the deficits. They're sick of the debt that we keep piling up.

Think about the number of different bailouts: we had the financial industry. We had the auto industry bailout. We have a deficit that's approaching \$2 trillion this fiscal year. We have a national debt over \$11 trillion slated to move to \$23 trillion over the next decade.

I always think it's important just to figure this out. At some point, I was an economics major. One of the first things you learn in economics is there's no free lunch; it has to be paid back. \$23 trillion we're slated to get to over the next 10 years.

To pay that back, think about what has to happen. We first have to balance the budget. We first have to get to zero, actually balance a budget, not spend more than we take in. And then we have to run a surplus of \$1 trillion for 23 straight years, and that doesn't even count the interest. That's what we're saddling our kids and our grandkids with.

One of the things that makes this country great, one of the reasons we're the greatest Nation in history, is because parents make sacrifices for their kids so that when they grow up they can have life a little better than we did. And then they, in turn, when they become parents, do the same thing for the next generation. And that cycles continues, and that's why we're the greatest Nation, economic power in human history.

When you begin to turn that around and go the other direction, that's where we're having problems. And, frankly, that's where we're at right now. And that's why it is so important we get a little discipline in how we budget and spend the taxpayer money.

I had a coach and teacher in high school. He taught chemistry. Toughest teacher in the school. Taught chem-

istry and physics. Toughest coach in the State, I felt like. And talked about discipline every stinking day. I got tired of hearing about it. He said, you've got to have discipline if you want to get anything done. You've got to have discipline if you want to succeed in athletics. And he had a great definition. He said, discipline's doing what you don't want to do when you don't want to do it. And basically that meant doing it his way when you'd rather do it your way. It meant doing things the right way. It meant doing things the tough way when you'd rather do it the easy way, the convenient way.

The easy thing to do is to spend taxpayer money. The disciplined thing, the tough thing to do is say, You know what? We're going to limit overall spending, and we're going to have some priorities and make some tough decisions because, if we don't, our kids and our grandkids are going to inherit a debt that they cannot repay. And that's where we are today in America. That's why it's important we adopt this amendment and begin to get a handle on the out-of-control spending.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I'd just point out that this is a 19.4 percent reduction in the funding of the bill. And that equates, by my math, to \$12.5 billion below this bill's recommendation. This committee's recommendation to the full House would be \$5 billion below the 2009 funding level.

Understand that, just right off the top, this subcommittee has a \$4 billion additional obligation to fund the census as we move into 2010. That immediately and graphically demonstrates the effect this kind of a cut would have on the bill.

For all the reasons that I have particularized in debating other percentage cuts to the funding in this bill, I oppose this amendment, Mr. Chairman.

I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, just let me say this: the gentleman makes it sound so dramatic. It takes us right back to what we were spending 1 year, less than a year ago, less than a year ago to what these Departments were operating, the programs were operating on.

I mean, think about this. A year ago Tiger Woods was getting ready to win the U.S. Open, just like he is this week.

Brett Favre was thinking about coming out of retirement, just like he is this week. One year ago.

One year ago Yankees fans and Red Sox fans didn't like each other, just like today. I mean, this is not a big deal. This is going back to where we were less than 1 year ago.

A lot of families out there, a lot of families across this country are having to do that. A lot of businesses are having to do that.

Why is it during tough economic times the only people who have to suck it up are the American people and small business owners?

Why can't government ever have to suck it up?

That's what this is about. This goes back to where we were less than 1 year ago.

I yield back the balance of my time and urge a "yes" vote on the amendment.

Mr. MOLLOHAN. Mr. Chairman, it's just a small point, but I don't know what numbers the gentleman is looking at from 1 year ago, and it doesn't affect his overall point, which I totally understand. He wants to reduce the bill by a significant amount of money.

But 1 year ago the accounts funded in this bill totaled \$57.651 billion. As I understand the gentleman's cut, and as we have done the math on it, his cut would take us down to \$52 billion, which would be \$4 billion or \$5 billion below.

Mr. JORDAN of Ohio. Would the gentleman yield?

Mr. MOLLOHAN. I yield.

Mr. JORDAN of Ohio. I appreciate the gentleman yielding. That's kind of you.

A year ago, in my recollection, we were functioning under a continuing resolution, which would be the 2008 fiscal year spending level. That's why I'm saying 1 year ago we were functioning under exactly what this amendment would take us to, not the 2009, which was done in the omnibus just a few months ago. We were functioning on the 2008 continuing resolution.

Mr. MOLLOHAN. I will reclaim my time. I'm looking at the actual number here, but the gentleman's point is well taken.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 114 OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 114 offered by Mr. REICHERT:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. ____ For "Office on Violence Against Women—Violence Against Women Prevention and Prosecution Programs" for the Supporting Teens through Education and Protection program, as authorized by section 41204 of the Violence Against Women Act of 1994 (42 U.S.C. 14043c), and the amount otherwise provided by this Act for "Departmental management—Salaries and expenses" is hereby reduced by, \$2,500,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, after listening to the discussion back and forth here for the last hour or two, I would hope that my amendment would not be quite so contentious. And it is my great hope that we can come together in agreement on the amendment that I'm about to offer.

I am suggesting that we take \$2.5 million from the Department of Commerce salaries and expenses account, which is totaling now \$60 million and is receiving a \$7 million increase. So to remove \$2.5 million from a \$7 million increase from a \$60 million budget, to Support Teens through Education and Protection program, STEP, which helps high schools collaborate with domestic violence and sexual assault service providers, law enforcement, the courts and other organizations to improve school safety. This vital program was authorized by Congress under the VAWA Act, Violence Against Women Act, but was never funded.

Our schools should be safe havens for our children to learn and grow. Unfortunately, violence in schools has left many kids afraid of the very places we send them to learn and grow. They increasingly find themselves becoming victims of dating violence, bullying, harassment, gang-related violence in the classrooms, in the hallways and in the restrooms. On the buses, in school yards, anywhere in the area of the school, this law would apply. When violence occurs in our schools, our children find themselves in difficult situations. They go to school, where they spend 6 to 8 hours a day with the very people that have perpetrated the crime against them, placing them in very dangerous situations.

For example, a 16-year-old girl breaks up with her 16-year-old boyfriend in Texas at a high school, and during the day she goes to her teacher and she says, I'm afraid. This boyfriend of mine is becoming more and more violent and I'm afraid for my safety. Can you help me? Two hours later, this young lady is found dead in the hallways of her own school.

□ 1915

In 2007, at a high school in Seattle, a young girl was assaulted, was dragged

into the boys' restroom and was assaulted even further. The girl pushed herself away from the suspect and ran away and told the teachers. She reported the incident to the teachers. She told the principal of the school. The school did nothing. For 3 weeks, this young lady had to go back to school and had to face these three individuals, these three individuals who assaulted her. They did nothing. They didn't report it to the police. They didn't tell anybody.

Our schools need more effective procedures to address these problems when they occur amongst students. Teachers, coaches and counselors have important roles to play in the lives of our children, as we all know, and they can be key to curbing violence among our youth. Studies show that 25 percent of the teens say they would confide in teachers or in school counselors if they became involved in abusive relationships or were assaulted. Unfortunately, school personnel are not currently trained or equipped with the knowledge or with the resources needed to address these issues effectively in school.

By supporting my amendment, we can help schools address bullying, harassment and sexual violence involving teen victims. The STEP program can train school personnel; it can provide support services for students who are experiencing abuse; it can help schools foster appropriate and safe responses to the affected students.

The National Education Association, the National Network to End Domestic Violence, Break the Cycle, the National Center for Victims of Crime, and the Family Violence Prevention Fund have endorsed this amendment. I urge my colleagues to support this common-sense amendment to help create a safe learning environment for our children across this country.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise to claim the time in opposition, although I am not in opposition.

The CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I am thrilled to support an amendment from the minority, and I want to compliment the gentleman from Washington for his concern.

He is absolutely correct. This program is authorized under the Violence Against Women legislation. It was not funded in this bill. There are a number of programs in VAWA and we found it difficult to fund all of them. Every year, we want to add to them. The gentleman's contribution to the bill and to fighting violence against women is real, and we appreciate it. We accept the amendment.

Domestic and dating violence is very serious and can be dealt with through

the program that the gentleman is advocating, so we thank him for his contribution, and we look forward to working with him as we move this legislation through conference to ensure that his efforts here are retained.

I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, I want to take a moment just to thank the gentleman for his kind words of support. The majority's support of a minority amendment is a pleasant change in the atmosphere over the last day or so, so we appreciate that.

I yield back.

Mr. MOLLOHAN. I thank the gentleman.

I yield back, Mr. Chairman.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. REICHERT. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 59 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 59 offered by Mr. BROUN of Georgia:

At the end of the bill, before the short title, insert the following new section:

SEC. 535. None of the funds made available by this Act shall be used to establish or implement a National Climate Service.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. I yield myself as much time as I may consume.

Mr. Chairman, I rise today with an amendment which will strip funding from the bill that is aimed at implementing a new National Climate Service. At best, this new Federal agency is duplicative. At worst, this is an egregious waste of taxpayer dollars for an endeavor which is not even based on sound science.

Mr. Chairman, there is no consensus among policymakers, academics, researchers or bureaucrats about how a National Climate Service should even be structured, and yet here we are funding it. This lack of agreement was not more evident than during a Science and Technology subcommittee hearing just last month regarding the development of this exact agency.

At that hearing, four alternate structured proposals were presented by different witnesses. They ranged from

merging existing agencies to the creation of a nonprofit entity to provide this research, but each and every one of them was shot down.

In order to implement any entity of this nature, we must first be sure that the infrastructure for monitoring our weather and climate patterns is already in place, but that infrastructure is currently not there. In fact, according to the National Academy of Sciences, the U.S. climate observing system is in rapid decline. This includes both our ground-based and our satellite-based measuring systems. Updating these systems and making sure of the information they provide should be the foremost priority when it comes to monitoring our climate.

In fact, just today, in the Committee of Science and Technology, we just heard how the polar orbiting satellite system has tremendous cost overruns, how they're not flying the satellites and how NOAA and the Defense Department, particularly NOAA, desperately need these satellites to help them give us proper weather predictions. Yet we're not funding that. We're funding this National Climate Service, and we're putting off these pressing needs. We're focusing on establishing yet another bureaucratic web to navigate through. We're doing nothing more than decreasing efficiency and increasing Federal red tape.

What we know for sure is that this new, unnecessary agency will grant broad-sweeping authority to the executive branch with little congressional input. That's it. The details are being left up to some Federal bureaucrat. As we all know by now, the devil is in the details.

Additionally, there is an absolute dearth of information regarding the costs and benefits of setting up such an entity. Without such basic knowledge, how in the world can we, in good conscience, fund this rudderless endeavor? We have no assurances that this National Climate Service will turn out to be anything more than a new regulatory agency for the proposed tax-and-cap scheme, but maybe that's really the goal here.

I do not like to think ill of the intentions of my colleagues on the other side of the aisle; but with such an ambiguous mandate with, obviously, little congressional oversight, what else are we to assume?

Time and time again, this Congress has jumped headfirst into the deep end of issues which we still know little about. The Wall Street bailout, the auto bailout, the stimulus, and now the National Climate Service are all prime examples of how Congress' eyes are bigger than its grasp.

So I ask my colleagues to please support my amendment. Let's reevaluate this attempt at funding an impudent new agency. Let's stop the funding for the new National Climate Service. Thank you, Mr. Chairman.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I would first point out to the gentleman that I am not sure this is the bill on which the gentleman should make his arguments against a National Climate Service.

It is true that there is considerable discussion within the administration and outside of government in consideration of a National Climate Service and also in the authorizing committees here in the Congress.

It is also true that we have some money in this bill—for research and satellites—that is in anticipation of an authorization of a National Climate Service. That money is also needed by the Weather Service. Of course, the gentleman understands we fund the National Weather Service through the Commerce Department accounts.

To really try to impact or prevent the creation of the National Climate Service, I would suggest to the gentleman that this is the wrong place to go. We ought to respect the authorizing process. The gentleman, I would assume, will direct his efforts with regard to frustrating the creation of a National Climate Service to the authorizing process—and the gentleman may serve on that committee, I don't know. That's the place where, respectfully, where you could better direct your efforts. An appropriations bill, particularly in one in which the organization is not even stood up, is, I think, the wrong place for the gentleman to direct his energies.

So, for that reason and others that deal with the necessity for this Nation and for the world to better understand what is happening to the world's climate and how global climate change is going to adversely impact our lives, I would oppose the gentleman's amendment.

Most importantly, I would just like to suggest to the gentleman that this isn't the place to deal with this issue particularly at this time.

I reserve the balance of my time.

Mr. BROUN of Georgia. Well, I respectfully disagree with my friend that this is not the place. We are throwing money at something that has not been established, and you're funding something that's not needed—a whole new agency. NOAA has no clue of how to deal with this new National Climate Service. In the Science Committee, we've gone through the authorization process, and we've had multiple proposals given to us. Over and over again, the majority has shot down every proposal besides just establishing this new agency that's not needed.

Nobody knows how to operate this thing. Nobody knows what it's going to

do. If, indeed, this is funded, it is going to totally remove from Congress any oversight or anything else, and it is going to put it in the executive branch. We've got to save the taxpayers' dollars. We've got to stop this egregious spending of money that we don't have. It just has to stop.

Mr. MOLLOHAN. Mr. Chairman, I would close my opposition with the observation that there are no funds in the bill to establish a National Climate Service. There is money in the bill to fund weather observations, which relate to climate observations, and which is collected in the normal course of the National Weather Service's operations.

We anticipate the authorizing committee will come forward with such a suggestion. We'll see how it fares on the floor of the House and in Congress and if the President signs it into law as time goes forward; but there is, in fact, no money going to establish the National Climate Service in this bill.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. MOLLOHAN. I will yield.

Mr. BROUN of Georgia. Will you assure me that, in conference, if the authorizers do not put into place an authorization of new climate service that no funds will be expended on establishing a new National Climate Service?

Mr. MOLLOHAN. No, for the same reason I wouldn't assure the gentleman from Indiana before.

What happens in conference is in the context of all of the issues that are being considered in conference. So I can't predict that future, and I won't commit to any specific attitude in conference.

I will point out that the authorizing committee is considering this. We respect the authorizing committee process. If they were not to authorize a National Climate Service, then that would be something that we would take seriously into account as we engage in conference with the Senate.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. MOLLOHAN. I will yield to the gentleman.

Mr. BROUN of Georgia. Well, there are funds appropriated, and they are in this bill to establish this unneeded, totally unauthorized Climate Service, and I am adamantly against establishing that.

The CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1930

AMENDMENT NO. 60 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 60 offered by Mr. BROUN of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may, for purposes of carrying out the 2010 decennial census, be used to apply the statistical method known as "sampling".

The CHAIR. Pursuant to House Resolution 552, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard it a thousand times that every vote counts, but, Mr. Chairman, if we allow for the use of the practice known as "statistical sampling," as this bill clearly allows, it is my fear that every voter will not be counted and maybe some voters might be counted more often than others.

Since the new administration has come into office, they have made it known that they plan on politicizing this basic constitutional function of the Federal Government. At a time when the Federal Government is endlessly enacting unconstitutional laws and executive orders, it is incumbent upon this body to safeguard at least one obligation that is required of us by the Constitution of the United States.

The Constitution requires the government to take an actual head count. Not a guess, not an estimate, but a physical head count. Statistical sampling, however, simply creates profiles and assumes how many people live in various parts of our country, and it does not actually do any counting.

In other words, sampling makes people up. It even guesses their age, their sex, their race, and even their background. Implementing this process would undoubtedly leave the census open to massive amounts of fraud and political tinkering. With groups out there like ACORN, who are potentially in line to be entrusted by our government anyway, allowing sampling to be used in addition to their already known shady practices, we might as well just say we don't care in the least about getting accurate results. Mr. Chairman, enough is enough. We must take legitimate steps to ensure the integrity of next year's census.

I believe there was another amendment made by my friend Mr. MCHENRY from North Carolina that would have done even more to ensure the integrity

of this process. Mr. MCHENRY and my friend and colleague from Georgia (Mr. WESTMORELAND) have worked tirelessly on this very issue. They know more than any other Members in this Chamber the pitfalls and the constitutional concerns that come with the use of statistical sampling, both as it relates to the census and to the apportionment process of this very body. But because of this gag rule that the majority has imposed upon us, Mr. MCHENRY's amendment will not be eligible to be debated, which is shameful. This is just one example of how the Democrats' decision to completely close off the amendment process for this bill is ending up shutting out meaningful debate.

The tactics employed yesterday in the dead of the night are completely against the promise of openness and honesty that this body is supposed to stand for.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, first of all, I want to assure the gentleman that the Census Bureau will not use sampling for purposes of apportionment. To the extent that's a concern, I want to extend that assurance. The Supreme Court has already ruled against the use of sampling for the purposes of apportionment, and it will play no role in the apportionment next year. Existing law prohibits the use of sampling for apportionment.

This amendment would prevent the Census Bureau from completing important aspects of the census that are unrelated to apportionment, such as coverage measurement. Coverage measurement is used to measure the undercount and thus assure the quality, and provides a performance measure, if you will, Mr. Chairman, for the decennial activities. The Bureau needs this data to identify gaps in coverage and to improve its process so that Americans can be assured of the best possible census in the future.

Now, I've heard this debate for the last several censuses. Sitting on this committee, we deal with this issue every 10 years. Sampling is a statistically sound methodology. Again, it's not going to be used for apportionment, assuring the gentleman. But it is a statistically significant and accurate way to have a better count. It's sound, and it achieves accuracy, and that's the whole point, through a scientific method.

Now, I didn't take statistics, so I have to rely upon the scientists to tell you this, but I've listened to enough of them assure us that that's the way they get a better count, a more accurate count, and isn't that tremendous that we have these sophisticated methods to achieve that?

So to oppose sampling in and of itself, I think, is to disagree that sampling does achieve greater accuracy, and I think that is disagreed with by the scientific community.

Mr. Chairman, at this point I yield 2 minutes to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I would like to thank the gentleman from West Virginia (Mr. MOLLOHAN) for yielding.

Mr. Chairman, I believe that this is an amendment that tries to solve a problem but, instead, it creates a problem that does not exist but is written so broadly that it creates all kinds of other problems.

I understand that the gentleman from Georgia opposes the use of statistical sampling for the apportionment of seats in the House of Representatives. The Supreme Court has already ruled that this is not allowed, so you can forget about that. There is a Federal statute that already prohibits it, and the administration has repeatedly stated that it will not be used. Sampling will not be used to adjust the 2010 census.

So this amendment is not necessary. This is a blocking amendment. This is an in-the-way amendment. The problem is that this amendment is written so broadly that it would also prohibit commonly accepted techniques that the Census Bureau uses for quality control and other surveys.

Next year the Census Bureau will use sampling as a part of its coverage measurement program after the main count in order to estimate how well it counted the entire country. This amendment interferes with that. The Census Bureau uses sampling for other statistical work, including the American Community Survey. The American Community Survey provides Congress and the public with specific and valuable data about our Nation's population that State and local governments need in order to make the best decisions they can make. It is an important tool for policy-making at the Federal level. We want to make sure that the Bureau can still provide this necessary information. Please do not tie their hands.

As Chair of the committee that has oversight of this, I urge my colleagues to oppose this amendment. This is an awful amendment. It does not do anything to help get to where we need to go.

Mr. BROUN of Georgia. Mr. Chairman, I yield myself 30 seconds.

I respectfully disagree with my friends on the other side. This doesn't have anything to do with the American Community Survey. It has to do with the census, and that's the reason that the amendment is written the way that it is written. It says the census and the census only. It has to do with the census. It has to do with the apportionment that's based on the census. And

the Constitution requires actual counting, not statistical surveys or statistical sampling. It is to ensure integrity that we know who's here and what they're all about. And that's what my amendment is all about.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, this whole amendment process is flawed. We had other amendments that were maybe considered better. And because of these flaws, the American people surely will not receive the accurate census that the Constitution requires that they receive next year.

We have made many efforts to try to cut spending, but those were all counted out of order too by the new rule. This is a flawed process that is deplorable, and we should have let the process go on. And I find it detestable, frankly.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 79 OFFERED BY MR.
HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk, No. 79.

The CHAIR. Is the gentleman the designee of the gentleman from California (Mr. LEWIS)?

Mr. HENSARLING. Yes, I am.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 79 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available by this Act may be used by the Art Center of the Grand Prairie, Stuttgart, AR, for the Grand Prairie Arts Initiative.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike an earmark in the bill for the Arts Center of the Grand Prairie in Stuttgart, Arkansas.

I'm not a big fan of earmarks, be they congressional earmarks or administration earmarks. That's not to say that all earmarks are bad. In fact, the gentleman from Texas to my left here, Mr. Chairman, has proposed several very worthwhile earmarks.

But, Mr. Chairman, we are not living in normal times. We are in severe economic stress in our Nation today. And as I look at what has happened in the United States Congress, what I have observed is that in the history of Con-

gress never have so few voted so fast to indebt so many.

Already on top of a staggering, staggering national debt, we have seen a \$700 billion bailout program that continues today, a \$1.13 trillion government stimulus bill that does nothing to help our economy, a \$400 billion omnibus bill chock full of even more earmarks. All of this is costing hundreds of thousands of dollars to hardworking American families.

Mr. Chairman, the President himself has said that he is losing sleep at night over the national debt. Well, I would love for the President to sleep better at night, and maybe he could quit proposing the bailouts. Maybe Members of Congress could quit proposing all of the earmark spending.

Now, this is relatively small as far as the dollars are concerned, \$155,000 apparently to fund an afterschool and summer arts program.

□ 1945

But, Mr. Chairman, under this Democratic Congress, the national debt will triple in 10 years. The Federal deficit has gone up tenfold in just 2 years. We're borrowing 46 cents to spend \$1 here. We're borrowing money from the Chinese, and we're sending the bill to our children and our grandchildren, which causes me to question, is this the best expenditure for \$155,000 of the taxpayer money?

Mr. Chairman, I'm a veteran of many of these earmark battles. They have been going on for years. I know from history what we will hear. Number one, we will hear, Nobody knows my district like I do. Mr. Chairman, I concede the point. I do not know the gentleman from Arkansas' district like he does. I suspect I will hear that good things can be done with the money. Mr. Chairman, I concede the point. I'm not familiar with the Art Center of the Grand Prairie. My guess is they do wonderful, wonderful work, although I am unfamiliar with how it's necessarily related to Juvenile Justice. I will hear that Congress has the authority to spend this money. I concede the point. Congress has the authority to spend the money. It doesn't mean it's smart. It doesn't mean it's wise. It doesn't mean it's helpful. But yes, Congress has that power.

My complaints are twofold. Number one, again, when we're borrowing 46 cents on the dollar, borrowing money from the Chinese, sending the bill to our children and our grandchildren, encountering more debt in the next 10 years than in the previous 220 combined, we've never seen levels of debt since World War II. Is there any time that we decide, maybe something isn't a national priority? And as good as the work that they do at the Art Center of the Grand Prairie in Stuttgart, Arkansas, I would suggest to you that there are alternative uses for this money

that would help families in America, and it is not a priority, and we must start this spending discipline somewhere.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas, a member of the Appropriations Committee, Mr. BERRY.

Mr. BERRY. Mr. Chair, I thank the chairman, the gentleman from West Virginia, and congratulate him on putting together a good bill and bringing it to this House floor and moving it forward.

My colleagues across the aisle, as they have suffered in the minority, talk more trash than a \$3 radio. It's amazing. Actually, it would almost be funny if it were not so serious. But they took over this country in January of 2001 with a balanced budget, a \$5 trillion surplus and the votes to pass anything they wanted to pass, and they did. And they imposed their will on the American people. Their idea of how to grow an economy is, give as much money as you can to the rich people. Don't regulate them at all. Let them do anything they want to, and hope Wall Street takes care of you. Well, we all see what happened.

This year we find ourselves in the worst economic circumstance that anyone can imagine. It's happened one other time in this country. As I've listened to the debate, it sounds like a ghost from the Hoover Republicans trying to stop Franklin D. Roosevelt from rebuilding this country, making it a great Nation again, and putting it in a position where it could fight and win World War II. What he did was invest in the people and invest in the country, and we did it, and it worked.

I make no apologies for our attempt to invest in the children of the Grand Prairie in Stuttgart, Arkansas. So I rise today in support of funding for the Art Center of the Grand Prairie. The Art Center is a nonprofit organization that provides after-school and summer programs for troubled youth.

While the Art Center provides valuable artistic instruction and activities, we don't need to turn this into an argument over whether the Federal Government should be a patron of the arts. We need to look at the real point of the program, engaging at-risk youth and preventing crime. That is the benefit the Federal Government and society as a whole will derive from this project. It is a worthwhile investment in our children. The funds for this project come from the Department of Justice, specifically the Juvenile Justice and Delinquency Prevention Program. According to DOJ's own description of the

program, Juvenile Justice grants support “prevention and early intervention programs that are making a difference for young people and their communities.” The Art Center of the Grand Prairie is a perfect example of this type of program.

During the school year, the Art Center’s after-school programs can serve as a valuable supplement to each child’s education by emphasizing task-oriented instruction, learning to create a project from start to finish and supplementing critical reading and writing skills in the process.

Most importantly, these programs engage children off the streets during afternoon hours between 3 p.m. and 6 p.m. They’re primarily staffed with many good, hardworking people that volunteer their time. It’s well known by law enforcement that this is the prime time for juvenile crime, vandalism and violence.

Outside of the school year, the Art Center’s summer art program provides week-long programs for youth, engaging them with positive educational activities that stimulate creative thinking, get children reading and writing, and stem the summer brain drain. These summer camps are open to youths who would not ordinarily get the opportunity to attend this type of program or any other program, as evidenced by the fact that approximately 65 percent of the attendees are on full scholarship. Federal funding for the Art Center of the Grand Prairie will ensure that these programs can continue to grow and make a positive impact on the lives of even more young people.

The amendment offered by the gentleman from Texas would not save the taxpayers a dime. I ask that this amendment be defeated.

I thank the gentleman from West Virginia for his time.

Mr. HENSARLING. Mr. Chair, may I inquire as to how much time is remaining on each side?

The CHAIR. The time has expired on the majority side. The gentleman from Texas has 30 seconds remaining.

Mr. HENSARLING. Thank you, Mr. Chairman.

I am certainly not equipped to speak to the \$3 radio generation, but I think I can speak somewhat to the \$50 iPod generation because the \$155,000 to be used for the gentleman’s earmark will be borrowed from the Chinese and sent to that generation.

Now when the Republicans were in control and we had a \$300 billion deficit, the now Majority Leader STENY HOYER called that fiscal child abuse. Now we have a \$1.8 trillion deficit. This earmark makes it \$155,000 worse. Fiscal child abuse for the iPod generation. It should not be accepted.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 76 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I rise as the designee of Mr. LEWIS of California to offer amendment No. 76 as printed in the CONGRESSIONAL RECORD.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 76 offered by Mr. HENSARLING:

SEC. ____ . None of the funds made available by this Act may be used by the Maine Department of Marine Resources, Augusta, ME, for Maine Lobster Research and Inshore Trawl Survey.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Thank you, Mr. Chairman. This amendment would strike a \$200,000 expenditure, another earmark, for the Maine Lobster Research and Inshore Trawl Survey.

I believe, if we’ve counted properly, there’s roughly 1,100 different earmarks contained within this appropriation. Again, I want to make it very clear that all earmarks are not bad. But I’m not a fan of earmarks, be they congressional or administration. Too often in the earmark process, what we observe, what the American people observe is a triumph of special interest or local interest over the national interest or the public interest. Too often we see a triumph of seniority in political considerations over merit. Too often we see the triumph of secrecy over transparency, and all too often for this body, Mr. Chairman, the American people believe they see money coming in on one end of Capitol Hill and earmarks coming out of the other. The system is broken. The system must be reformed.

Again, Mr. Chairman, relative to the Federal budget, it may be a small portion of the total spending. It is a huge portion of the culture of spending. We need a culture of saving. You cannot earmark, bail out, borrow and spend your way into prosperity, no matter what my colleagues on the other side of the aisle believe. It cannot be done. We have seen no example in history whatsoever.

Now, Mr. Chairman, I have no doubt that this Maine Lobster Research and Inshore Trawl Survey is very important to the State of Maine. I have no doubt about that. I wonder, though,

how much Federal money is already going into lobster research. I wonder if it is truly a Federal priority. How about catfish? How about pecans? How about research for yams and sweet potatoes? Are those, indeed, national priorities? And if it’s not a national priority, if it’s important for the State of Maine, why didn’t the State of Maine pay for it? If it’s important to these local communities, why don’t the local communities pay for it? Why didn’t the Chamber of Commerce pay for it? Why don’t commercial companies pay for it? Why don’t co-ops pay for it?

Somebody needs to explain to me why the Dublin family in Palestine, Texas, that needs money to pay their mortgage, why do they have to pay for it? Why does the Mauk family in Athens, Texas, when they need this money to put gas in their car, why do they have to pay for it? Why does the Lilly family in Kaufman, Texas, that need money to pay for their health care premiums on their insurance, why do they have to pay for it? I don’t understand that, Mr. Chairman, and I don’t think it’s right. I don’t think it is right at a time of economic crisis.

You know, we’re losing small businesses by the thousands. The average small business is capitalized by \$25,000. This \$200,000 expenditure right here, that could mean the difference of saving eight small businesses and the jobs they represent in this great Nation of ours. But instead, it’s going to be spent on the Maine Lobster Research and Inshore Trawl Survey. No doubt it’s important to Maine. No doubt they’re doing good work. But Mr. Chairman, again, is it worth borrowing money from the Chinese, sending the bill to our children and grandchildren, and maybe being the first generation in America’s history to leave the next generation with a lower standard of living? It’s not fair. It’s not smart. It’s not right. It needs to be rejected.

I reserve the balance of my time.

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Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman’s amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentlelady from Maine (Ms. PINGREE) who is a member of the Rules Committee.

Ms. PINGREE of Maine. Thank you to the Chair of the committee for yielding me this time.

Now, you can imagine when I first saw this amendment I was quite angry, and I don’t want to be discouraged about the motives of the good Representative from Texas, so I thought, well, perhaps the good Representative from Texas doesn’t understand the importance of this to Maine. And as he said, in many ways he doesn’t. I know,

because he has a farming district. I'm sure in his district, it's important to him to have dairy program subsidies, cotton subsidies, wheat subsidies—millions of dollars of which come into his State every year.

This is \$200,000, Mr. Speaker, to a very important industry in our State, the lobster fishing industry.

Now, if you're from Texas, fishing may seem like a distant thing, and I understand that may be complicated. But let me just say that fishing is a common resource. This \$200,000 helps us to monitor these fisheries, a very tightly controlled and restricted fisheries, but very successful fisheries in our State because of it. And this is the subsidy that the Federal Government—as well as our State government—gives to help make sure that this stays a healthy resource.

Now, just to give you a sense of the size of this industry, there are 7,000 licensed fishermen in the lobster industry. They brought in 69 million pounds of lobster in the last year. Now, I know in Texas, \$242 million may not sound like a substantial contribution to the economy, but that's big money in the State of Maine. And fishing is big business in our State and very important to our State. Eighty-five percent of all of the lobsters in this country come from the State of Maine.

Now, it may be that you think about lobsters as some sort of glamorous food, but the fact is we're talking about hardworking fishermen. And let me tell you a little bit about how this industry works. By law in the State of Maine, these are basically individual entrepreneurs. Each one of these fishermen is a small business, and it's a family business for most people who go lobster fishing in the State of Maine.

Unlike other States where you may have big corporate farms that get big corporate subsidies, these are individual fishermen. This is not a subsidy to them. This is making sure that there is a resource for them out there, and by law, they operate as individuals. They buy the gas, they pay for their boats, often their own children go to work with them on the boat every day. They get up early morning, work long, hard hours, and struggle with a resource that isn't always abundant and plentiful. That's why we need to monitor this resource.

It's been a tough year for the fishermen in our State, partly because of the economic downturn. These fish are often processed in Canada and the Canadian banks had a problem because they were affiliated with Iceland last year. So these fishermen have been struggling. These hardworking fisherman just want to make sure that there is a resource available to them in the future.

Mr. Chairman, it is possible that the good Representative from Texas did not understand how vital this was to

the State of Maine. It is possible that he thought this would be a way to use our subsidy of the fishing industry as an example. But I just want him and everyone else here in this body to know that this is one of the most regulated fisheries in the world. These are some of the most hardworking fishermen in our country.

This is an important resource to our State, and \$200,000 isn't very much to ask to a lot of hardworking people who contribute to our economy in the State of Maine every day and are counting on our support.

I hope that the good Representative from Texas will withdraw his amendment. But if not, I urge everyone in this body to vote against this and to vote for the economy and the State of Maine.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the gentleman for yielding.

The Lobster Institute CORE initiative is a tremendous, worthwhile project that helps sustain a vital industry in the State of Maine. This resource is vital to maintaining the jobs and livelihoods of thousands of people. In order to maintain an important part of our economy, we must continue to monitor the resource, in part so that we do not overfish.

In Maine alone, more than 40,000 jobs depend on the health of this industry. In all, the industry contributes an indispensable \$1 billion a year to the Maine economy—\$1 billion a year. As other fisheries have declined, fishermen have increased their dependence on lobster.

Mid-coast and down-east Maine have the most fisheries-dependent communities in New England. Effective lobster management is a key element to the economic stability of this industry. These programs monitor the health and sustainability of the lobster resources and are the foundation of the industry management program. Their continuation is not only essential to the successful preservation of the lobster population, but the preservation of tens of thousands of jobs in the State of Maine.

So I urge my colleagues to oppose this amendment.

The CHAIR. The time of the gentleman from West Virginia has expired.

Mr. HENSARLING. Mr. Chairman, contrary to the gentelady from Maine, I did not come here quite angry, but I do come here disappointed.

I'm sure that her motives are good and pure, but she has brought to us an earmark that takes \$200,000 away from taxpayers in my congressional district in order to benefit people in her congressional district. Maybe she doesn't understand what \$200,000 means to the working families of the Fifth Congressional District of Texas; and, ulti-

mately, maybe she doesn't understand borrowing 46 cents on the dollar, borrowing it from the Chinese in order to send the bill to our children and grandchildren, something that Majority Leader STENY HOYER once described in increasing the Federal deficit, fiscal child abuse. We must have priorities. We must reject this earmark.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 105 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I rise as the designee of the gentleman from California (Mr. LEWIS) to offer amendment No. 105.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 105 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Training the Next Generation of Weather Forecasters project of San Jose State University, San Jose, California, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$180,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, as the gentleman from Texas before me pointed out, this Nation right now is awash in debt. The Federal deficit is around \$11 trillion, I think, at last count, but I think it's going up so fast, about \$2 trillion a year, that it's probably larger than that now. And I don't know exactly what it is

But 46 cents of every dollar spent by the Federal Government, spent by this Congress on the budget this year will be borrowed—46 cents of every dollar spent is going to be borrowed. The deficit will double in 5 years and triple in 10 years. Interest payments on the debt, interest payments alone are projected to be \$1 out of every \$6 of Federal spending by 2019; \$1 out of every \$6 we would spend just to pay interest on the debt.

Our level of debt is projected by 2011 to reach 70 percent of our gross domestic product. Seventy percent of gross

domestic product now for most people listening, Mr. Chairman, that may not mean anything much, but it's roughly the level where the United Kingdom, Britain, is at today, which resulted in a warning that they may get their credit rating downgraded. If that were to happen to the United States Treasury, then our interest rates would go up even more.

These deficits, interest payments on the debts, will reach almost a trillion dollars coming forward. Chairman Bernanke has said we can't expect to continue to borrow even 4-5 percent of GDP in the future, but the President's budget proposal has deficits ranging from 4-6 percent of GDP.

Mr. Chairman, the debt we have is absolutely unbelievable and unsustainable. We have to stop spending and borrowing so much money.

So this amendment is dealing with a proposed \$180,000 to be spent on "training the next generation of weather forecasters for San Jose State University, San Jose, California."

Now, Mr. Chairman, weather forecasting is a fine profession, and I'm sure San Jose State does a fine job teaching weather forecasters, as I'm sure weather forecasters around the country do. The question is, do we want to borrow another—because it will all be borrowed—borrow another \$180,000 for this purpose? Do we want to subsidize the training at this university and not subsidize it anywhere else it is done? Is this \$180,000 so critical—because we really shouldn't be spending anything right now and borrowing more money unless it's really critical to our needs in the future—is this \$180,000 that critical that we should borrow it again going forward?

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the gentleman from California, a member of our subcommittee, doing an excellent job on that subcommittee, Mr. HONDA.

Mr. HONDA. I would like to thank my chairman for this opportunity.

I rise in opposition to the gentleman from California and his amendment. I'm pleased to have this opportunity to talk about what may well be the most important problem facing our world today, global warming, and about this important project to help us deal with it.

The gentleman and many of his colleagues on that side of the aisle may wish to keep their heads in the sand about global warming, but I believe we need to prepare to deal with the problem today. And I'm not alone in this view.

The United States Global Change Research Program, which coordinates and

integrates Federal research on changes in the global environment and their implications for society, released a new report yesterday that provides authoritative assessment of national and regional aspect of global climate change in the United States.

This new report provides a valuable, objective scientific consensus on how climate change is affecting and may further affect the United States. It reveals that climate change will alter precipitation patterns on the timing of mountain snow melt, and predicts that climate change could bring parching droughts to the southwest, home of the gentleman offering this amendment.

One of the keys to dealing with these changes is going to be adaptation, developing ways to protect people and places by reducing their vulnerability to climate changes.

To properly adapt to more extreme climate events, we need to have more data, accurate weather forecasting, weather forecasters trained to predict the extreme events expected with climate change, can give the American people the advanced warning needed to deal with—or even escape from, if necessary—these dangers and avoid tragedies such as Hurricane Katrina.

The funding for this amendment would be used by San Jose State University to complete the development of a field experience curriculum to supplement the existing bachelor of science in meteorology program. This will allow San Jose State University to better train the next generation weather forecasters helping to ensure that government can plan and respond properly.

By the way, this is a one-time shot that will be used over and over again as instruction goes on.

The field experience will improve the quality of the graduates by exposing them to a wider array of weather phenomenon that is typically experienced where the school is located. This will enhance their ability to recognize and forecast the wide array of weather that is likely to be experienced in California and across the Nation in the next 30 years as we experience climate change.

□ 2015

I know the gentleman often asks why this project and others are not worthy projects. Well, the Department of Meteorology at San Jose State University is the only meteorology department in the public university system in the State of California, the Nation's most populous, with a strong focus on the undergraduate program. There are very few bachelor of science in meteorology programs in the western States, so the benefits of this program will extend to other States in the region whose students will attend San Jose State. There are not a lot of options for developing this important curriculum, and San Jose State University has the faculty

base capable of developing and offering this new course.

The gentleman also often asks, why should the Federal Government be funding this? I think NOAA makes that point for me. The headline from a NOAA News online story from the agency's Web site reads, "NOAA leads climate impact and adaptation activities." This is what NOAA does.

In its own words, NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events. The curriculum that the funding in this bill will complete will help NOAA achieve this mission.

The university will seek other funding sources in order to offer the class after it has been geared up. But to get the program started, I think it is perfectly appropriate for NOAA to make a small investment in the development of a field experience course that will help to better train the next generation of weather forecasters to predict the extreme weather events that are expected to accompany climate change.

Just a side word on this. When I was going to San Jose State back in the sixties, several new words like "ecology," "food web," "smog" and other terminologies which are common among youngsters today started then at universities, and today, these are concepts that are necessary for understanding the kinds of things we are faced with.

Mr. CAMPBELL. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIR. The gentleman from California has 1¼ minutes remaining.

Mr. CAMPBELL. I appreciate the arguments from my colleague from California and his eloquence in presenting them. However, one of the things I would like to point out to the gentleman is that, unless we missed it somehow, I believe that all earmark requests are supposed to be shown on your Web site, and we were unable to find this on your Web site. But we were able to find that there was some of this funded last year, I believe, so that this is not simply a one-time funding request but, in fact, a multiple-year funding request.

And as noble as the quest and so forth is that the gentleman described, San Jose State is a publicly supported university. It's part of the Cal State University system. And I guess part of the question is, can we continue to do this, Mr. Chairman? Can we take and borrow another \$180,000 to put into this program to subsidize this program further? And is that such a critical need that this program gets another \$180,000 from the Federal taxpayer, borrowed by the Federal taxpayer, that we can't take, starting now, just take \$180,000 and save it and start to reduce the deficit and start to save a little money

and start to reduce that debt so that hopefully we can begin to get this thing under control? Until we start to do that—I understand the gentleman's concern, Mr. Chairman, but until we start to do that, we are not just condemning our children and grandchildren to a mountain of debt, it is piling up so fast that we are condemning ourselves to a mountain of debt.

Mr. Chairman, I yield back the balance of my time and ask for an "aye" vote.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 104 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I rise as the designee of Mr. LEWIS of California to offer amendment No. 104.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 104 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "Minority Business Development Agency—Minority Business Development" shall be available for the Jamaica Chamber of Commerce, Jamaica, NY, for the Jamaica Export Center, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$100,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, you know, you don't get a mountain of debt without spending the money first. I would like to talk a little bit about the spending that this Congress and this President are doing.

Nondefense discretionary spending—so that is basically nondefense and nonentitlement spending—for 2010 is rising in these appropriations bills we're dealing with now from the current year by 12.8 percent. That's \$57 billion more that we're going to spend in the next fiscal year than we're spending in the current fiscal year only on nondefense discretionary spending.

Now, Mr. Chairman, if you look at what's happening in the economy right now, growth is not—there is no growth. We are down. GDP is falling by somewhere from 4 to 6 percent on an annualized basis. And what that means

is that the incomes of Americans are falling by 4 to 6 percent. They're not going up by 4 to 6 percent or 1 percent or 2 percent. They are, on balance, falling by 4 to 6 percent—obviously, some more than that, some less than that. But in this period when the incomes of Americans are falling 4 to 6 percent, should the government be increasing its bureaucratic spending by almost 13 percent? And if it does, where is that going to come from? If Americans are making 4 to 6 percent less, how is the government going to continue to spend 13 percent more?

If you include defense spending, total discretionary spending is rising by 8 percent this year. And these numbers that I have just thrown out are in addition to the \$787 billion stimulus bill that was passed earlier this year. When you put that into effect, Mr. Chairman, many of the agencies of government saw their budgets double over the previous year at a time when regular Americans at home are cutting back. And what are they going to have to do? This money doesn't drop out of the sky. I know people say, Oh, well, this spending is good for the economy. It doesn't drop out of the sky. It has to be borrowed or it has to be taxed, and right now we are borrowing it, and someday the people on the majority side will probably want to tax it. And that, Mr. Chairman, is an unsustainable process.

The President's budget increases spending to more than \$4 trillion, which is now 29 percent of the gross domestic product. That basically means almost \$1 out of \$3 of output in the country is now done by the Federal Government, not including State and local governments. After 10 years, the national debt will be a quarter of GDP. For every dollar the U.S. produces, 25 cents is eaten up in debt.

Mr. Chairman, this particular earmark funds the Minority Business Development Agency for the Jamaica Chamber of Commerce in Jamaica, New York, for the Jamaica Export Center. Now, Mr. Chairman, it's \$100,000 that is proposed to be spent—another \$100,000 to be spent, another \$100,000 to be borrowed, another \$100,000 we don't have, Americans don't have—that is going to have to be borrowed or taxed to be spent for the Chamber of Commerce in Jamaica, New York, to set up an export center. Mr. Chairman, that just doesn't seem to me as a critical need at this time that we should be spending \$100,000 more on to do.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. I thank the gentleman from West Virginia.

You know, I have been listening for a while, and if ever there was a bill or position I think that we should agree upon, it's this piece.

I heard Mr. HENSARLING say on the floor that we are losing small businesses by the thousands, and I agree with that. People are losing jobs, small businesses, which is the backbone of America. And I've heard my colleagues on the other side of the aisle talk often and defend the backbone of America, our small businesses; without them, the average everyday American is in trouble.

And so it is that as you look at the Jamaica Chamber of Commerce Export Center, which supports the needs of small and midsized freight-forwarding businesses—small business—that surround John F. Kennedy Airport and that aims to provide economic and industrial relief to New York City communities that are grappling with an exodus of export and freight-forwarding jobs and businesses, we're losing the jobs, small businesses are closing. The average everyday American is asking those of us in Congress to help them.

John F. Kennedy Airport, once the premiere airport for shipping cargo, has fallen, causing the loss of thousands of jobs. As a primary employer, the freight-forwarding firms in Queens County employ approximately 41,000 people directly. Studies project that for every 1,000 air transport jobs that are lost means there are an additional 470 jobs in associated industries that are also lost. So it seems to me that the perfect remedy to save jobs in various areas is to help keep small businesses running and thriving.

It's estimated that the industry has already lost 4,000 jobs in the areas surrounding John F. Kennedy Airport. This issue became even more pronounced after the tragic events of 9/11, which had a devastatingly negative impact on the airlines and related industries in New York City. In an effort to help sustain the 1,300 small and midsized firms located off the airport site, the Jamaica Chamber of Commerce opened the Export Center.

The center's incubator, one of its main features, happens to encourage minority and female entrepreneurs to operate freight-forwarding businesses by offering technical assistance from a major university business center, keeping them in business and lowering their costs through the collective use of facilities.

If this project is earmarked, the funds would be administered by the Minority Business Development Agency under the Department of Commerce, whose goal is specifically—this is what they're there for—to foster the establishment and growth of minority-owned businesses in America. It aims to address the historical disparity in

the number of minority businesses and the large gap that still remains so that small businesses and minorities can get involved in the great American Dream of owning a business and creating jobs in a community in which they reside. It specifically encourages the development of entrepreneurship programs that increase the success of minority- and women-owned businesses.

The Jamaica Chamber of Commerce Export Center does exactly and supports the goals specifically that the program within the Department of Commerce is charged to do. So there is a perfect match here to create jobs, to get people to become small business owners, to maintain low overhead. I think that that's what the American people want. And by doing this, we are saving jobs not only in one area, but in many areas. To me, that is something that should be applauded, not something that should be taken away.

We match the very definition of what the Department of Commerce has talked about, a perfect match. And we give, in this process, daylight so that the American people can understand we're trying to help them.

Mr. CAMPBELL. May I inquire of the Chair how much time I have remaining?

The CHAIR. The gentleman from California has 1¼ minutes remaining.

Mr. CAMPBELL. Mr. Chairman, I would like to point out to the gentleman from New York as well that we could not find this earmark request on your Web site, which I believe is something that the committee rules require, we could not find that. So that is one thing we would like to point out to you.

But also, Mr. Chairman, what this \$100,000 that we are going to borrow does is subsidizes—

Mr. MEEKS of New York. Would the gentleman yield?

Mr. CAMPBELL. Very quickly, yes, I will yield.

Mr. MEEKS of New York. I would just say it is on the Web site. Later I can show you that it's on my Web site.

Mr. CAMPBELL. We would be happy to see it. We were not able to find this project.

But reclaiming my time, Mr. Chairman, it subsidizes \$100,000 it would borrow for the Chamber of Commerce in Jamaica, New York. The Chamber of Commerce in Jamaica, New York, is a private entity funded by private businesses. So we are using \$100,000 of taxpayer money to subsidize private businesses here at a time when we don't have the money. And if we're going to do it for the Chamber of Commerce in Jamaica, why not do it for the Chamber of Commerce in Irvine, where I live, or the thousands of Chambers of Commerce that exist all over the country.

□ 2030

Mr. Chairman, I would ask for a "yes" vote on this amendment to re-

move this \$100,000 and save a little bit, and start now by not doing this sort of thing anymore that is just not of a critical nature, given the debt and deficits we have.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

The CHAIR. In striking the last word, the gentleman may not yield specific blocks of time.

Mr. MOLLOHAN. Thank you for reminding me of that, Mr. Chairman.

I yield to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I just wanted to make sure that I made clear on the record that the Jamaica Chamber of Commerce in Queens, New York, is not a private entity. It is a not-for-profit organization that is a public organization that depends upon public funds, and the City of New York, the State of New York, and the Federal Government all try to support it because it is a not-for-profit organization in the City of New York to help people create jobs in the Queens area.

Mr. MOLLOHAN. I yield for a response to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I understand that chambers of commerce are nonprofit organizations, but they are funded by profit-making organizations and their purpose is to try to help those organizations network and make more profit. There is obviously nothing wrong with chambers of commerce. They are great things and they are all over and all that.

But my objection to these things, it wouldn't matter if it was Jamaica, New York, or if it was down the road from me. I don't know how many chambers of commerce there are in the United States, thousands of them, tens of thousands, but should we be sending money to one and not another? And aren't these entities that should learn to live and learn to do their work without subsidies from the taxpayer, particularly given the deficits and debts and the situation that we are in now?

In my home State of California, we have an unemployment rate in excess of 11 percent. So I get it, what is going

on and so forth with the economy out there. But if we go down this road of starting to subsidize these chambers of commerce, it will never stop, is my fear. We have got to stop spending what we are spending, not to mention not spend more.

I thank the gentleman for the time. Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HONDA).

Mr. HONDA. I thank the gentleman for yielding.

Just to respond to my friend on the other side who indicated that on my Web site the item of San Jose State University for training the next generation of weather forecasters was not on my Web site. Mr. CAMPBELL, I have a copy of my Web site here. So I am going to tell you right now that it is on the Web site and has been there. So when you make those kinds of accusations, I think that you need to double check what it is that you are going to be saying.

To the idea of \$180,000, although it may be small, what about this: by 2025, it is estimated that the four global warming weather kinds of damages in terms of energy costs, estate costs, hurricane damage, those four kinds of global warming impact damages will cost approximately—I want you to hear this number, Mr. CAMPBELL—\$271 billion. That is estimated damages in the future. So \$180,000 doesn't seem like a lot of money, but it is a great investment.

I come from an area called Silicon Valley where we understand ROI, immediate return on investment, and I think if we can reduce the damages of \$271 billion with a \$180,000 investment, that is a good investment by any means. And these are not only damages to property, but how about lives? Being able to predict properly the weather and do it in a way where people can avoid a holocaust because of the weather, I think \$180,000 is a good investment.

Coupled with \$271 billion in anticipated costs by the losses due to global warming and climate changes, and the saving of lives, \$180,000 is a minuscule amount, but it is a good investment by any standard.

So, I just want to reiterate, it is good to be able to say that it is not on the Web site, and when you are not there in front of your computer, it is hard to say that he is wrong. But I just had to take this opportunity to let you know that going back to my Web site, I can show you, if you would like to see it, the iteration that we have on our Web site.

I suspect that any other comments regarding other Members' Web sites, that these things are not apparent on the Web sites, could be questioned.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, I think we have engaged in a very healthy and productive debate tonight that illustrates the very profound and important philosophical differences of the fiscal conservatives in the House and those in the majority who are, with good intentions, doing everything they can to take care of the Nation's needs, but at a far higher price tag.

I as a fiscal conservative and member of this committee appreciate very much the work that Chairman MOLLOHAN has done to include both Members of the minority and the majority in putting together this final bill, but I as a conservative have profound concerns about the level of spending in this bill and other bills.

I, for example, looking at the amendments before us tonight that we have discussed, I see Mr. PRICE of Georgia's amendment. Representative PRICE was asking that we cut this bill by 1 percent, one penny out of every dollar, and allow the individual agencies to decide where to reduce that penny out of every dollar. To me, that is an absolutely sensible and in fact frankly a modest approach to dealing with the size of the Federal deficit and the debt.

We, today, Mr. Chairman, in this Congress and every one of us as guardians of the Treasury, as stewards of the trust given us by our constituents, have a responsibility first and foremost to think about the next generation; to think about the amount of money that we are spending and the fact that the money we spend today is, as Mr. CAMPBELL said, being borrowed from the Chinese; that that debt will have to be paid; that we as a Congress have to remember on every vote on every issue and every opportunity that we get that we should find ways to save money.

It is entirely appropriate and reasonable for this Congress to trim expenses wherever we can at a time when the national debt is at record levels, when the deficit is at a record level, when we have already, as we stand here tonight as a nation, accumulated over sixty-thousand-billion dollars worth of unfunded liabilities that must be paid by future generations.

Medicare runs out of money in 96 months. We have saddled our children and grandchildren with a level of debt never before seen in our Nation's history since World War II. And for what end? We in this new fiscally liberal majority in Congress passed this massive bill, what they call a stimulus bill, that all by itself spent more money in one stroke than the entire annual budget of the United States.

The bailout bills, which I also voted against, I voted against \$2.6 trillion of spending under President Bush. I have already had to vote against about \$1.3 trillion of spending under President Obama. Those of us in the minority,

the fiscal conservatives in the minority, are doing everything we know how to do to bring to the attention of the American people the urgency and immediacy of the problem, that we as Congress have got to stop spending money. No new debt, no new taxes, no new spending has got to be the watchword for this Congress.

My colleagues on the conservative side of the aisle here have done our best to lay out a series of amendments to give the Congress choices between cuts, as in Mr. PRICE's amendment, which would give the agencies the discretion to go in and find how to save that penny out of every dollar, versus Congresswoman BLACKBURN's amendment, which is an across-the-board cut of 5 percent from each program. We have had other amendments tonight, such as Mr. JORDAN's amendment to cut \$12.5 billion out of the bill.

We are facing a national debt of over \$11.6 trillion today that is accumulating at the rate of, as Mr. CAMPBELL pointed out quite correctly, over \$2 trillion a year. These TEA parties that we saw spring up all across the country spontaneously represent a deep-seated and well-founded fear among the American people that this Congress is completely out of control with the new leadership and the new President spending money at a rate never before seen in American history. It is true, as Mr. HENSARLING said, that never before have so few spent so much in so little time. We in the minority, the fiscal conservatives in the minority today, have laid out tonight, Mr. Chairman, a number of thoughtful alternatives.

My friend Mr. CAMPBELL, I would like to yield my remaining time to him so he can talk about some of the ideas he laid out and some other members of the Republican Study Committee.

The CHAIR. The time of the gentleman from Texas has expired.

AMENDMENT NO. 107 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I rise as the designee of Mr. LEWIS of California to offer amendment No. 107.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 107 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Summer Flounder and Black Sea Initiative project of the Partnership for Mid-Atlantic Fisheries, Point Pleasant Beach, New Jersey, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$600,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, we have talked here this evening about the debt and we have talked about the spending. And, you know, when you spend more money than you are taking in in government, you have a deficit.

Now, most people, Mr. Chairman, that may be watching this at home say, well, I can't do that, because if I spend more money than I am taking in, I will eventually go broke, if they have a business or their personal spending or whatever.

Mr. Chairman, we are spending more money than we are taking in here in the Federal Government by about nearly 2 trillion, that is with a T, dollars this year. I remember when \$1 billion seemed like it was a big deal, and now we are talking about trillions, we are spending so much.

Part of that includes a \$407.6 billion appropriation bill already passed just this year in this Congress which contained close to 9,000 earmarks. These earmarks totaled almost \$11 billion and included such things as \$200,000 for tattoo removal and \$2.2 million for grape genetics, amongst other things. This \$2 trillion deficit is the largest deficit as a percent of our economy of any year since World War II.

The President's stimulus bill included spending of \$43.6 billion for 15 programs that the Office of Management and Budget called ineffective or having results not demonstrated. We could have decreased that program by 6 percent, that whole stimulus bill, just by eliminating that \$43.6 billion of programs that this government says are ineffective or have results that are not demonstrated.

□ 2045

Mr. Chairman, we are spending way too much money. We're spending too much money on waste. We're spending too much money on duplicative and ineffective programs, and we're spending too much money on earmarks, on earmarks like the one that is before us here in amendment No. 107.

This earmark, Mr. Chairman, is for \$600,000 to fund the Summer Flounder and Black Sea Initiative project of the Partnership for Mid-Atlantic Fisheries in Point Pleasant Beach, New Jersey.

Now, Mr. Chairman, \$600,000 more spending, on top of the \$4 trillion we're already spending, on top of creating \$600,000 more deficit, and this is just one of what I'm sure will be thousands of earmarks in all of these appropriations bills for summer flounder and other fish?

Can the flounders get along without this \$600,000? I think they can, Mr. Chairman.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MEEKS of New York) having assumed the chair, Mr. ALTMIRE, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. MOLLOHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-160) on the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2303

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OBEY) at 11 o'clock and 3 minutes p.m.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 552 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2847.

□ 2304

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. ALTMIRE in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, the bill had been read through page 101, line 20.

Pending is amendment No. 107 offered by the gentleman from California (Mr. CAMPBELL). The gentleman from California has 1¾ minutes remaining.

Mr. PALLONE. Mr. Chair, I rise in opposition to this amendment. The Partnership for Mid-Atlantic Fisheries Science is incredibly important to the commercial and recreational fishing industry on the east coast. It ensures fisheries managers have the best possible science when making decisions regarding a multi-billion dollar industry. This amendment would also arbitrarily cut much needed funding from the National Oceanic and Atmospheric Administration.

The Partnership for Mid-Atlantic Fisheries Science addresses the most urgent scientific issues limiting successful management of the summer flounder and black sea bass fisheries in the Mid-Atlantic region. It is a multi-state multi-institutional partnership that will utilize academic and recreational/commercial fisheries resources to develop targeted science initiatives.

Summer flounder and black sea Bass are among the most valuable recreational fish in the Mid-Atlantic. Both are also important commercial species. This project will benefit the participating recreational and commercial fishermen of the Mid-Atlantic, their shore-based supporting industries, and tee many consumers of seafood that count these species among their preferred seafood items.

This program helps us incorporate critical information into the fisheries management process. By using the best possible science fisheries managers will be able to create healthy sustainable fisheries and protect the fishing industry.

Mr. BISHOP of New York. Mr. Chairman, I rise in strong opposition to the amendment.

On behalf of eastern Long Island, I commend Chairman OBEY and Chairman MOLLOHAN for their leadership on the underlying bill, and I thank them on behalf of the taxpayers' best interests.

As many of my colleagues know, the Partnership for Mid-Atlantic Fisheries Science conducts urgent research to revive and manage fisheries, including summer flounder and black sea bass fisheries in the Mid-Atlantic region.

I requested this, project along with my colleagues, both Republicans and Democrats from New Jersey and New York, because the research to be conducted will help stimulate an industry that is critically important to my region—precisely what our economy is calling for and precisely the opposite of what has been suggested by the gentleman from California, whose district could not be further away or more detached from the jobs and families this research benefits. In fact, on Long Island, the fishing industry is a source of \$2 billion to the local economy and sustains more than 10,000 full and part-time jobs.

I do not presume to know what is of critical importance to the people and economies of Newport Beach or Laguna Beach and I doubt the gentleman from California has spoken to fishermen in my district who are struggling with outdated catch limits and quotas, and thus as a result, struggling to make a living.

This request is not a typical earmark. It does not serve only a single district. It was not requested by one member or one party. It is not a crutch for a fading industry. Rather, the Partnership for Mid-Atlantic Fisheries Science is a reputable organization—with well-established federal and regional partnerships, such as the National Marine Fisheries Service, Mid-Atlantic Fishery Management Council, and Atlantic States Marine Fisheries Commission committees and assessment programs.

Additionally, the Partnership will serve critical needs in the region known as the Mid-Atlantic Bight, where the recreational and commercial fishing industries—and the jobs and families that support them—depend on summer flounder and black sea bass for their livelihood.

Providing data based on the best possible science—as this research funding provides—is vital to the health of our fisheries and the economic well-being of our fishermen.

If you support a down-payment on job creation and a prudent investment of taxpayer dollars in the future of this economy, vote against this misguided amendment and support the underlying bill.

Mr. LOBIONDO. Mr. Chair, I rise today in opposition to the Campbell Amendment. This amendment would bar funds in the bill from being used to fund a \$600,000 project for the Partnership for Mid-Atlantic Fisheries which I requested along with Reps. Bishop, King and Pallone. In addition, it reduces by \$600,000 funding for the National Oceanic and Atmospheric Administration, NOAA.

The Partnership for Mid-Atlantic Fisheries is a multi-state partnership comprised of commercial and recreational fishing organizations and academic institutions in New Jersey and New York. It is dedicated to the design and implementation of scientific projects addressing critical needs to improve the assessment and attainment of sustainability for the most important fisheries of the Mid-Atlantic region.

The project the Commerce, Justice, Science Appropriations Subcommittee has chosen to fund and which this amendment bars funding for is titled "Summer Flounder and Black Sea Bass Initiative." The goal of this initiative is to gain data to address the most urgent scientific issues limiting successful management of the summer flounder and black sea bass fisheries in the Mid-Atlantic region. This data will then be provided to the National Marine Fisheries Service, regional councils, and state regulatory bodies to be used in the assessment process carried out by these groups. This assessment process is used to estimate maximum sustainable yield, and from this, yearly fishing quotas.

Summer flounder and black sea bass are among the most valuable commercial and recreational fish species in the Mid-Atlantic region. A reduction in total allowable catch for summer flounder since 2004 decreased the commercial and recreational fisheries by over 37.7 percent with an economic impact in excess of \$47.3 million per year. In 2008, the Partnership for Mid-Atlantic Fisheries provided necessary data leading to a relaxation of quota reductions in 2009. This was an important first step in improved management of this species which can continue with funding for this project.

In 2009, the black sea bass quota was cut 44 percent, costing the economies of the Mid-

Atlantic an estimated \$92 million. Without additional research on critical data inadequacies the continued viability of this vital fishery is endangered.

Cape May, New Jersey in my Congressional District is the second busiest commercial fishing port on the East Coast. The data this initiative could produce and the yearly fishing quotas it could impact have direct effects on the economy of my district. This would impact not only the commercial fishermen and their families, but recreational anglers and the shore-based infrastructure both groups rely on—docks, packing houses, bait and tackle shops, marinas, etc., as well as the restaurant owners and seafood markets.

The \$600,000 set aside by the Commerce, Justice, Science Appropriations Subcommittee for the “Summer Flounder and Black Sea Bass Initiative” for the Partnership for Mid-Atlantic Fisheries will provide essential data which has the ability to directly impact the economy of my Congressional District. For this reason, I join Reps. BISHOP, KING and PALONE in strongly opposing the Campbell Amendment to the Commerce, Justice, Science FY 2010 Appropriations bill and urge my colleagues to do the same.

The CHAIR. Does any Member seek recognition on the Campbell amendment?

If not, the question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 87 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 87 in the CONGRESSIONAL RECORD.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 87 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading “Department of Justice—General Administration—National Drug Intelligence Center” shall be available for operations of the National Drug Intelligence Center, and the amount otherwise provided under such heading is hereby reduced by \$44,023,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, my amendment would strike funding for the National Drug Intelligence Center and reduce the cost of the bill by a commensurate amount. This is not the first time I have come to the floor to try to strike funding for the NDIC, but this is the first time I have tried to

come and strike this earmark when it was requested by the President. In times past, the earmark was requested by another Member of Congress, but this time the President has taken it up.

After years of trying to close down this entity, the administration has decided that they want to keep it. It has been described by the previous administration as duplicative and ineffective. I think that just about every report we have seen on this center has said that. It is a considerable amount of money, I believe \$44 million. We should be saving that.

According to the administration officials, by including funding for the NDIC in his budget request, the President helped to establish the Department of Justice as the NDIC’s permanent funding source. In this case, I think “permanent” is a troubling word, particularly when it regards the NDIC.

Reportedly, this shift will also change the NDIC’s name to the Center For Strategic Excellence. As Shakespeare once wrote, A rose by any other name would smell as sweet. I submit that the metaphor remains true, only it is not the perfume of roses that we smell here with the NDIC.

The NDIC was established in 1993 and has been the recipient of more than 350 million taxpayer dollars in the 15 years it has been in existence. Despite all the money and time, the NDIC, according to the previous administration, “has proven ineffective in achieving its assigned mission.”

Now, we all expect the Obama administration to disagree with many determinations by the Bush administration, but the criticism of the NDIC extends beyond the previous administration. A report by the GAO issued shortly after the NDIC’s opening way back in 1993 cited 19 other drug intelligence centers that already existed whose functions the NDIC duplicates. So it is not just the previous administration. Long before that, we have recognized that this is money that should and could be saved if we would close down this center.

As reported in The Hill on May 14, a review by OMB agreed. They concluded that NDIC’s efforts were duplicative of those of the other intelligence agencies.

In 2006 a spokesman for DOJ asserted that the resources for the NDIC should be “realigned to support priority counterterrorism and national security initiatives.”

Mr. Chairman, this is a center begging to be shut down. I don’t need to remind anybody here of the problems we are having fiscally. We are running the biggest deficit we have ever run, we have public debt that is just astounding, we have unfunded liabilities that should make us all shudder, and we simply can’t keep a center like this

open for tens of millions of dollars a year that has been called duplicative and ineffective. So I think that this is an amendment that should pass.

We are not targeting, as I mentioned, any Member earmark this time. This is the President’s earmark. And part of the role of Congress, one that we have not done well, is to police the administration and to look at what they are allocating and earmarking for.

With that, I reserve the balance of my time.

□ 2310

Mr. MOLLOHAN. I rise in opposition to the gentleman’s amendment, Mr. Chairman.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the National Drug Intelligence Center was requested by the administration. The President’s request was for \$44.023 million. The request in that amount was approved by the committee. The National Drug Intelligence Center provides strategic drug-related intelligence, document and computer exploitation support, and training assistance to the drug control, public health and law enforcement and intelligence communities in order to reduce the adverse effects of drug trafficking, drug abuse and other drug related criminal activities.

In this bill, Mr. Chairman, the organization is funded at our recommendation of \$44.023 million, which, I repeat, is at the budget request.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I’m often told we shouldn’t be challenging Member earmarks. We shouldn’t be challenging them because we ought to be going after those faceless bureaucrats and the things that the administration proposes that we don’t look at enough. And I agree, certainly.

So here’s a case where the administration, not just the previous administration, but administrations before that have said this is duplicative. It’s a center in search of a mission, and it ought to be shut down. You could save \$44 million a year. And yet we won’t do it. If we’re not going to shut down a center like this, where are we going to cut?

Let me just quote, according to the Department of Justice Budget and Performance Summary for Fiscal Year 2010: “The most significant challenge for NDIC currently is its lack of a permanent funding source.”

Now, think of that for a minute. If that’s the biggest challenge they’ve got, not, you know, finding a strategic mission or way to aid in our drug control effort, but is finding a permanent funding source. That seems to be their mission. And from what we know, that may be mission accomplished now, because the President is seeking to put it

under DOJ where it will remain permanently.

But we in Congress, it's our role, part of our oversight function is to ensure that money is not wasted by those, I'm always told, faceless bureaucrats. Here's a perfect example of where we can make a difference, where we can save money, and we ought to do it.

I reserve the balance of my time.

The CHAIR. The time of the gentleman has expired.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 86 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 86 in the CONGRESSIONAL RECORD.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 86 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Aeronautics and Space Administration—Cross Agency Support" shall be available for the Innovative Science Learning Center of ScienceSouth, Florence, South Carolina, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$500,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would remove \$500,000 funding for the Innovative Science Learning Center at ScienceSouth in Florence, South Carolina, and reduce the overall cost of the bill by a commensurate amount.

According to its Web site, ScienceSouth is a nonprofit institution established in 2000 by educators and business leaders and seeks to advance scientific understanding and increase the competitiveness of future generations.

ScienceSouth offers programming for schools and families, as well as summer camp sessions, and currently offers hands-on science workshops at its newly opened ScienceSouth pavilion.

Additionally, ScienceSouth is planning to open a new permanent facility. It's unclear whether the Innovative Science Learning Center is connected

to this. There's no mention of it in the ScienceSouth Web site, and my staff was unable to find any information on the center online. This project is likely connected to the growth of this institution. Perhaps we'll have clarification here.

Mr. Chairman, I agree with the sponsor of the project that ScienceSouth appears to offer a valuable service to the community. I appreciate efforts to make learning fun for families. I applaud ScienceSouth's decision to expand.

However, I have to question how essential it is that ScienceSouth receive Federal funding. According to the Web site, ScienceSouth counts DeLoitte and Touche, I guess, Honda, Wachovia, AT&T, Bank of America and many other as its sponsors. It's also received funding from the State legislature, and holds an annual gala to raise funds from private donors. Yet year after year, we see earmarks such as these approved by the House; and year after year, some of us try to come to the floor of this House and ask why. Why do we continue to fund these projects? We're often told that we're trying to wean them off Federal funding. Yet, that weaning never seems to be accomplished.

This year I'd also like to draw attention to the fact that earmarks like this exist because we have a pretty powerful spoils system. It favors powerful Members of Congress over just about everyone else.

With more than 1,000 earmarks in this bill, a full review and breakdown of earmarks was in tall order. However, you look at just a glance at one earmarked account in this bill, the COPS Law Enforcement and Technology account reveals that Members of the House leadership, appropriators, committee chairmen and ranking members are taking home more than 45 percent of the earmarked dollars in that account.

I wish I could say this was the exception to the rule. Unfortunately, it's not.

When you look at last year's Defense spending bill, for example, the same powerful Members took home 54 percent of the total earmarks contained in the bill. I'd remind my colleagues that this subset of Members comprises only 25 percent of this body.

Mr. Chairman, I often hear that Members know their districts better than those faceless bureaucrats. I would think it would be a tough case to make that only Members of the Appropriations Committee, or only Members who are in leadership positions on both sides of the aisle, they just happen to know their districts a lot better than anybody else, than the rank-and-file Members. Else, why should they get nearly half of the earmarks when they comprise less than a quarter of the body?

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from South Carolina, our majority whip, Mr. CLYBURN.

Mr. CLYBURN. Mr. Chairman, I thank Chairman MOLLOHAN for yielding me the time.

Ranking Member WOLF, Mr. FLAKE, Members of the committee, subcommittee and staff, I very seldom come to this floor to make statements. But I do tonight because I consider it to be very, very critical to the education of our young people for us to continue and to expand the partnerships that all of us are trying to develop with the business community in trying to educate our children, most especially, those children who live in disadvantaged or what we call at-risk conditions.

ScienceSouth is a hands-on, minds-on program that many of us have worked a long time to develop.

And I want the gentleman to know that we aren't talking about my district here. We are talking about the I-95 corridor that has been dubbed "The Corridor of Shame," that runs for 200 miles through South Carolina.

One of the partners, as he may have mentioned in his statement, is the city of Dillon. Dillon is not in my district. It is a city made famous by its School District No. 2, on the evening that the President of the United States addressed a joint session here in this room, and he identified a young lady sitting next to his wife, Ty'Sheoma Bethea, and talked about the letter she wrote to him. Ty'Sheoma Bethea is one of the students benefiting from this program, and Dillon is not in my district.

This is not about seeking largesse for the district I represent. This is about educating the children of this great Nation and of my home State.

□ 2320

This program is very, very important, and it has been around for 9 years, and I would like the gentleman to know that this is not anything that we are trying to wean off of. This is something that I wish we had more money to spend on. We cannot put this kind of condition on the education of our children.

Now, I don't understand why it is that we can understand the necessity for repeat expenditures to educate people and not understand why partnerships ought to exist, because students are being born every day. This program is not being maintained for the same students. It is being maintained for students who are being born every day

and who are reaching a level every day of benefiting from this program.

So Ty'Sheoma Bethea will go on to college or will go on to university, and I am going to help ensure that she does. There will be others behind her to benefit from this program. So this is not repetition on the same students. This is the repetition of a program that has proven to be very, very beneficial.

In closing, might I say that this program is so important to the business community in South Carolina until Richard Powell recently ended his career at ESAB, which is a global welding and cutting firm, where he held positions of senior vice president of strategic planning, of senior vice president of information technology, vice president of manufacturing, and controller, and he took over the directorship of this program.

This is one of the reasons we exist—to make the quality of life better for those young people, especially those who live along the I-95 corridor that so many of us like to talk of as the “corridor of shame.” What we’re trying to do with this program is to turn that corridor into an oasis of opportunity for those children.

Mr. FLAKE. Mr. Chairman, there are a lot of commendable education programs, and this is certainly one that is fulfilling its objective.

We are facing a \$2 trillion deficit this year alone, and I think it behooves us as Members of Congress to make some choices at some time. I think all of us would love to have money for every worthy project that’s out there, but here is a project that is receiving a lot of money from the private sector. I listed off some of the sponsors. They’ve been able to get large grants from corporations, and that speaks well for this program. Yet it has been around for 9 years, and since 2002, it has received \$1.6 million in earmarks from this body.

At what point do we say, “Enough is enough”? At what point do we say, “Yes, it is time to wean this program off of Federal dollars”? If not now, when? When we hit a \$3 trillion deficit? At what point do we say, “We’re spending too much”? We all know that we have to borrow any money that we spend on any of these programs because we’re running a \$2 trillion deficit. I would simply submit that we have got to make some cuts somewhere, and we don’t seem to be willing to do it anywhere. So, with that, I would urge support of the amendment.

I yield back the balance of my time.

The CHAIR. The gentleman from West Virginia has 15 seconds.

Mr. MOLLOHAN. I yield the gentleman from South Carolina 15 seconds.

Mr. CLYBURN. Mr. Chairman, let me just say to the gentleman that I agree that we must find places to cut, and I have worked very hard on this side of the aisle to do that, but I think it is

foolhardy to cut from the education of our children. They are, in fact, our future. This is an investment in the future of our children and of this great country.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 85 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 85 in the CONGRESSIONAL RECORD.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 85 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading “National Aeronautics and Space Administration—Cross Agency Support” shall be available for the Drew University Environmental Science Initiative of Drew University, Madison, New Jersey, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$1,000,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would remove \$1 million for the Environmental Science Initiative at Drew University, and it would lower the cost of the bill by a commensurate amount.

I have nothing against environmental science. I think very highly of the gentleman who has sponsored this earmark, but I do have a problem with handing out these kinds of earmarks to private universities. Drew University is not only a private institution; it also has a reported endowment of more than \$268 million. In addition, the university was recently awarded a grant of \$950,000 by the Andrew W. Mellon Foundation, a grant that was for the establishment of the new Environmental Studies and Sustainability major at the school. This is according to the university’s Web site.

I applaud Drew University. It speaks highly of the university that it was able to secure a grant from a foundation like the Mellon Foundation. Yet it’s curious, in light of this grant, that Drew University should receive a \$1 million earmark for what the sponsor said is the development of new environmental studies courses for the con-

struction and improvement of science laboratories.

It sounds to me like this new course of study at Drew University not only got a \$1 million grant from the foundation for the new major but that it is also getting a \$1 million grant from the taxpayers as well. I’m sure the curriculum Drew offers is competitive and noteworthy, but so are the curricula of many universities across the country.

Mr. Chairman, there has been increasing attention paid to earmarks for private companies. What do we do about earmarks to private universities that have demonstrated their ability to secure generous grants from prestigious foundations? Why do the Federal taxpayers have to provide funding as well?

Drew University has the benefit of relationships with influential Members of Congress, obviously; but does that justify this kind of earmark?

As I mentioned, there is a bit of a spoil system here. I mentioned the CJS spending bill overall. When you look at simply one program, again, like the COPS grant, it contains nearly \$123 million in earmarked funds. Powerful Members of Congress, appropriators, leadership, and committee chairs and ranking members are taking home more than \$55 million of that. That represents 45 percent of the total dollars earmarked. Yet I would remind my colleagues again that this subset of Members comprises only 25 percent of this legislative body.

I would submit that the taxpayers have already had an education. We’ve received an education in Congress’ wasteful earmarking ways. We don’t need to subsidize a private university in this manner. I urge support of the amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, personally, I believe that we do need to rein in excessive government spending and promote fiscal discipline, and I’ve been heavily involved in that.

With that said, I want to thank you, Representative FLAKE, for bringing this very important project to everyone’s attention. I know we can all agree on the importance of math and science education. Throughout my career in county, in State and now in Washington, I’ve been a strong proponent of instilling an interest in STEM education in our young people so that they may tackle our country’s and our planet’s most pressing issues.

The Drew University Environmental Science Initiative—and Drew is located in Madison, New Jersey—fits perfectly in line with this goal of advancing science education. This program benefits Drew’s undergraduate students,

and it assists Drew in expanding its partnership with local elementary, middle and high schools. Many speakers had come to the floor earlier, saying, you know, How are we going to meet the challenges of China and India?

One of the ways you meet the challenges of China and India with regard to their educational systems is to make sure that there are colleges and universities that are doing what they can to graduate students who are heavily involved in math and science studies.

I strongly share Drew's belief that, in order to confront tomorrow's environmental challenges, we must capture the interest and imagination of our Nation's youth early in education, and Drew does this.

□ 2330

I'd also add that this project, this science initiative, like all others proposed for funding, has been thoroughly vetted and completely transparent.

And may I add, unlike the gentleman's home State of Arizona, which ranks 21st in the Nation in tax dollars returned from Washington, my home State of New Jersey ranks 50 out of 50, dead last. So, quite honestly, I don't apologize for looking after my State, my public and private universities, because we want the best of America to be well educated, and I think the investments we're making in science, math, technology, and engineering in New Jersey and colleges and universities across the country is money well spent.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, again I would say if we're not going to cut spending here, where are we going to do it? If we can't say that we are not going to give a million dollar grant to a private university that just received a million dollar grant, or close to, from the Mellon Foundation for an almost identical purpose, a private university that has an endowment of \$268 million while we have a public debt of about \$11 trillion and a deficit this year of \$2 trillion, if we can't decide that we are not going to give a million dollar earmark in this manner, where are we going to cut? When are we going to say enough is enough? We're spending too much.

So I commend those who are looking for ways to save, but I have to remain a little skeptical if we can't do away with programs like this, with earmarks like this.

With that, I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 91 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 91 in the CONGRESSIONAL RECORD.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 91 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Science Education Through Exploration project of the JASON Project, Ashburn, Virginia, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$4,000,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would strike a \$4 million earmark for the JASON Project and lower the overall cost of the bill by a commensurate amount.

The JASON Project was founded in 1989. It's been around for 18 years. According to their Web site, the purpose of the organization is to design science curriculum for fifth- to eighth-grade classrooms.

We all know that science is important for any child's education, and if local schools wish to supplement their science curriculum with the services provided by the JASON Project, I believe they certainly should have that choice.

However, this earmark is going to the JASON Project organization, not to the schools who wish to purchase its products. This \$4 million earmark is one of the largest in this year's CJS bill, and I remain unconvinced that JASON is so desperately in need of Federal funding.

In 1995 JASON became a subsidiary of National Geographic, one of the world's largest nonprofit science and educational organizations. In addition to the funding it receives from National Geographic, JASON is also partners with NASA and the National Oceanic and Atmospheric Administration. The Motorola Foundation, Shell Oil Company, and Microsoft also provide funding for JASON.

Why, with so many resources, does the JASON Project still receive ear-

marks year after year after year? This is just the latest year that we have challenged this earmark on the floor, and we're always told it's vital, we've got to have it. Next year, it's vital, we've got to have it. When does the \$4 million a year stop?

According to the JASON Project, support from all of these groups enables the organization to offer its educational resources online for free. However, all of JASON's curriculum materials must be purchased, costing schools \$788 for a classroom pack and about \$2,500 for a school pack. In 2007 the JASON Project was the recipient of a \$2.2 million earmark. Last year JASON received \$5.6 million from the Federal Government.

The JASON Project has been so effective in securing money that its Web site offers tips for teachers in securing funds from local entities in order to buy JASON products. So here's what they offer: They offer tips to teachers to go out and secure funds from local entities in order to buy JASON products.

If the JASON Project can't continue its operations without Federal funds after 18 years, I think you have to question its effectiveness. We have to stop funding projects like this year after year after year.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise to claim the time in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding, and I want to thank Chairman MOLLOHAN for his outstanding leadership as chairman of the Subcommittee on Commerce, Justice, Science.

Mr. Chairman, I rise in opposition to the Flake amendment to strike funding from the Commerce, Justice, Science Appropriations bill for the JASON Project. And I, again, do want to thank Chairman MOLLOHAN in particular for his unwavering support of this important program, which ultimately results in its being a public-private partnership, which, I think, is a great example of how to invest in education.

The JASON Project was first created by Dr. Bob Ballard. Many of you may remember Dr. Ballard was the famed underwater explorer who found the Titanic. And Dr. Ballard has a real passion for children in educating the next generation.

I've had the opportunity to work with Dr. Ballard at the University of Rhode Island on science education initiatives, and I am grateful for his work to establish the JASON Project and for his dedication to training and inspiring future scientists.

As Congress addresses today's economic challenges, we must be vigilant in giving our future generation the tools that they need to succeed. The gentleman from Arizona noted the deficit that our country faces. Well, how are we going to get out of our deficit and ensure that we are creating wealth for the future, that we are creating prosperity for our country if we don't invest in our young people, if we don't invest in our future? That's what the science, technology, engineering, and mathematics programs in particular do. They make sure that we are educating our young people who are going to be the job creators, the problem solvers, the innovators of tomorrow. We're investing in our young people.

STEM education has become a common theme during this debate tonight, and the JASON Project focuses on just that. Since 1989 the JASON curriculum, which is a free curriculum, has been distributed to over 7 million students and teachers. JASON fosters critical thinking and problem-solving while engaging students in real hands-on science, helping them understand complex scientific concepts.

I urge Members to vote "no" on this amendment and support funding to encourage and inspire our next generation of critical thinkers by supporting the JASON Project.

Again I want to thank Chairman MOLLOHAN for his unwavering support of this vitally important program.

Mr. MOLLOHAN. I thank the gentleman from Rhode Island.

Mr. Chairman, I thank the gentleman from Arizona for the opportunity to stand up and speak about and in favor of the JASON Project.

For those who might not know, the JASON Project is a powerful education program, as Mr. LANGEVIN just described, promoting hands-on learning, science learning, that connects primarily fifth-grade and eighth-grade students and their teachers with great explorers, scientists, role models, cutting-edge research.

This subcommittee, Mr. Chairman, held a number of hearings on science education. It's a topic of great concern for the subcommittee as we fund the National Science Foundation and NASA and NOAA, all agencies that have wonderful science programs, and they also have an education mission.

□ 2340

So we sponsored these hearings to try to determine what is the best educational experience, how do we effectively promote science education among our youth, a challenge that is difficult to me.

The subcommittee heard from Dr. Harold Pratt, former president of the National Science Teachers Association, and Bill Nye the Science Guy—if Members on the floor don't know who he is, their children certainly do—under-

scores the critical need for science education programs, such as the JASON Project, to attract America's youth to science disciplines and to better equip our teachers through professional development.

Both of our witnesses agree that the struggle to attract and to retain students to science begins early, begins in elementary school, and that the preparation and education of science teachers is one of the most important elements in that recruitment. The JASON Program, which was founded in 1989 by Dr. Robert Ballard, who discovered the Titanic, has helped inspire and motivate more than 7 million students and teachers to become more proficient in science. And I can't think of a program that has a better return on investment than one that has reached so many and that has such a profound impact on America's innovation and competitiveness in the long run.

It does one other thing, Mr. Chairman: It promotes the private-public partnerships that the gentleman, who is the author of the amendment, frequently alludes to. It's a wonderful program. It serves the Nation. And I urge a "no" vote on the amendment.

I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, we talk a lot about investment here. And it seems that when we want to spend money that we don't have, we call it an investment and assume everybody is going to be okay with it. We've invested so much that we have a \$2 trillion deficit now. We've got to stop investing, spending, whatever you want to call it, if we want to get out of this deficit; and this seems a perfect place to start.

The Member mentioned that this is money well spent, that it's a great return on investment. I'll tell you what was a great return on investment. Over the past decade, the JASON Project has spent about \$1 million lobbying the Federal Government, in most cases, I think, lobbying for earmarks like this. For that \$1 million, they've invested in lobbying this body. They've received tens of millions of dollars in earmarks. That's a pretty good investment, if you ask me; but it's nothing that we ought to just be proud of taking part in. At some point we've got to say, hey, there are a lot of private organizations that are helping this organization. At some point they need to be weaned off of Federal dollars. I would submit that \$4 million in an earmark this year, when we have a deficit of \$2 trillion, is simply too much. If we're not going to stand up here on this, again, I have to ask, when are we going to stand up and start paring down this deficit? It's amazing that we just don't see a real commitment here in this body at this time to actually take control of Federal spending. It's unfortunate we're not seeing it on this earmark, from the sounds of it; but I'd like to urge sup-

port of it. Maybe now is the time that we'll stand up and say, Enough is enough. I urge support of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 84 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as amendment No. 84 in the CONGRESSIONAL RECORD.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 84 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Institute for Seafood Studies project of the Nicholls State University Department of Biological Sciences, Thibodaux, Louisiana, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$325,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Thank you, Mr. Chairman.

This amendment would remove \$325,000 in funding for the Institute for Seafood Studies at the Nicholls State University Department of Biological Sciences in Thibodaux, Louisiana, and reduce the overall cost of the bill by a commensurate amount. It's my understanding that this money would be used to fund the creation of an Institute for Seafood Studies with the purpose of increasing and coordinating research related to sustainable fisheries and the seafood industry.

Mr. Chairman, it would seem that we're developing a trend in the House, funding seafood earmarks. It seems a little fishy to me. We keep coming up with—there are lobster things, there are shrimp things, there are a lot of seafood things here in the bill, and then we never seem to be offsetting this spending anywhere else. It's just another earmark for this or for that or for this or for that.

Every year we approve earmarks for projects associated with lobsters, like I mentioned, crabs, mussels, oysters,

whales, salmon, horseshoe crabs, trout, shrimp. The list goes on and on and on. And now we are going to approve an earmark that creates an institute, literally, to study seafood. It's not enough to fund all of these other things. Now we have to create an institute to study seafood. And I would venture a guess that we'll be back here next year with another earmark for that same program because now that we have an institute created by the Federal Government through an earmark, then who is going to sustain it but the Federal Government with another earmark and earmarks in perpetuity?

This earmark is only one of a thousand earmarks in this bill. As I mentioned, this is another example of where we always hear that Members know their districts best, but when you look at the earmarks funded in this legislation, you see the same spoils system that we see elsewhere.

Again, I have to ask, does an appropriator or does a member of the leadership or a ranking member or a chairman of the committee just happen to know his district that much better than a rank-and-file Member, that they should receive almost double in dollar amount and in number of the earmarks that are proffered by this institution? That sounds fishy to me as well.

We often get high-minded about, you know, we have to stand up for the prerogatives of the House and that we keep our ability to earmark because we know better than those faceless bureaucrats. But why do only some of the Members here know better? And it always seems to me that it is the same Members again and again.

With that, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the distinguished Member from Louisiana (Mr. MELANCON).

Mr. MELANCON. I thank my friend. I thank Mr. FLAKE for his leadership on the issues of fiscal responsibility. As a Blue Dog Democrat, I appreciate the importance of fiscal responsibility; and getting our fiscal house in order is the best way to come out of this recession quickly, a recession caused by 8 years of irresponsible spending. And I am aware that my friend was one of the few people that continued to hawk his side of the aisle.

Part of fiscal responsibility is the need for legislators to prioritize spending, spending on projects that improve our constituents' safety, health and their livelihood. This institute will be working toward developing standards and guidelines for seafood safety as

well as methods to advance sustainable fishing practices. In fact, this project dovetails nicely with the work being done in Energy and Commerce as we speak regarding the food safety bill and the issues that confront us. The rash of food-related illnesses and the deaths in the past few years highlight the vulnerability of our country and what we face from unsafe food sources and imports.

Louisiana is the number one producer in the continental United States of the most valuable commercial shellfish and finfish species, providing about one-third of the Nation's commercial seafood species. Our working coast sends fresh seafood around the country, including States in the West like Arizona. I remember spending one Mardi Gras week in meetings in Phoenix and enjoyed fresh crawfish from Louisiana in Arizona restaurants. And that was because of the fact that our people in Louisiana try to bring the freshest and the best to the rest of the country.

So it's imperative that we have the ability to ensure that this valuable resource be kept safe and sustainable.

□ 2350

Why should we be using taxpayer funds? The seafood industry in Louisiana—and in many parts of the country, not just Louisiana—is a conglomerate of many small, single-owner businesses. Sometimes a member of the industry owns a single boat, and that is part of the industry that we know in south Louisiana along the entire gulf coast. And if you go throughout the fishing industry in the United States, you will find that does not differ a lot.

Many beneficial domestic policies have strong, positive impacts on all of our constituents. In the case of food safety and sustainability, all of our constituents—regardless of whether they're from the north, the west, the south, the east, middle-America—share in the peace of mind that they can feed their families with clean, healthy, safe food. While those benefits are shared by all, it makes sense that the costs be shared as well.

This project that we're discussing today focuses funding on food safety and sustainability in the location that produces a large portion of the Nation's seafood. By prioritizing the funding of the Institute for Seafood Studies at Nicholls State University, we are responsibly investing in a food supply that we can all enjoy. This is not just a Nicholls State University, a Third Louisiana District, a south Louisiana thing. This is about safe seafood, whether it's shrimp, whether it's fin fish, regardless. It's about the study and the making sure that the products that are delivered to America are safe for the people to consume.

With that, I urge a "no" vote on this amendment and hope that the Congress of the United States will recognize the

importance of the working coast. We're not the Sun Coast, we are not the Sand Coast, we are not the Condominium Coast. We are the coast of the United States that produces over 30 percent of the seafood, and good quality, safe seafood that we hope to preserve.

Mr. FLAKE. Mr. Chairman, may I ask for the time remaining.

The CHAIR. The gentleman has 2 minutes remaining.

Mr. FLAKE. First, this is the last amendment tonight. I want to thank the Members for staying around this long. I know their time is more valuable than mine, and I appreciate your indulgence here on this important process, and I apologize for keeping people this long, particularly those who came to defend their projects.

The Member mentioned that it's important that we think of the little guys here. The last time I checked, we have an \$11 trillion debt. That amounts to about \$36,000 per American, per person; for a family of four, obviously it's much bigger than that. It's time we start looking out for them.

If we look at this bill itself, CJS, it's 12 percent bigger than it was last year. In the year that we're running record deficits every year, we're expanding this bill by 12 percent.

I appreciate what the Member said about the last 8 years. We missed a historic opportunity as Republicans to actually rein in spending. We didn't do it, to our eternal shame, and that's part of the reason we're smack dab in the minority today. We put ourselves on a course toward a fiscal cliff.

But now we're still headed toward that fiscal cliff. And with bills like this that cost 12 percent more than last year, we've stepped on the accelerator. Why are we doing that? And if we can't stop creating new institutes to study seafood or anything else, then where are we going to cut? Where is the fiscal responsibility that we keep hearing about that's being employed? I just can't see it here.

And like I said, we're creating a new institute here, a new institute that will now be reliant, I'm sure—I will bet just about anything that we will be back next year with another earmark for that same seafood institute that we just created because we've just got to keep it going now. And that will just add more to the deficit. Remember, we have to spend more every year.

I urge support of the amendment.

With that, I yield back the balance of my time.

The CHAIR. The gentleman from West Virginia has 1 minute remaining.

Mr. MOLLOHAN. I just wanted to mention to the gentleman from Arizona that I don't know if it's making him feel any better about the 12-percent increase in the bill, which he accurately notes, but approximately 7 percent of that—maybe a little more than 7 percent of that is the increase in

Census, about \$4 billion to prepare for the 2010 census. It's an unusual increase, and it is directly related to the census and would be a short-term funding increase for that.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. I just want to take this occasion to express my sympathy to the gentleman on his loss this evening. I'm not talking about anything that happened here on the floor, but I understand he was a victim in a 15-10 drubbing of the Republicans in the congressional baseball game by the Democrats. And I understand that despite the fact that the gentleman hit a triple, alas it was in a losing cause. We know how you feel. We've felt it many times in the last decade.

Mr. FLAKE. Will the gentleman yield?

Mr. OBEY. Yes.

Mr. FLAKE. I thank the gentleman not at all for bringing that up. I had hoped to improve my batting average by coming to the floor tonight, and it doesn't seem that I have. So I will have to settle for the one triple.

Mr. MOLLOHAN. Will the gentleman yield?

Mr. OBEY. Surely.

Mr. MOLLOHAN. I just wanted to tell the gentleman from Arizona that learning that makes us all feel, on this side of the aisle, better about waiting for him tonight.

Mr. OBEY. I yield back.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. ALTMIRE, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

ADJUSTMENT TO THE BUDGET ALLOCATIONS FOR THE HOUSE COMMITTEE ON APPROPRIATIONS FOR EACH OF THE FISCAL YEARS 2009 AND 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, under section 423(a)(1) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit for printing in the CONGRESSIONAL RECORD an adjustment to the budget allocations for the Committee on Appropriations for each of the fiscal years 2009 and 2010. Section 423(a)(1) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for overseas deployments and other activities when these activities are so designated. Such a designation is included in the bill H.R. 2892, Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes. Corresponding tables are attached.

This adjustment is filed for the purposes of section 302 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(a) ALLOCATION

[In millions of dollars]

	BA	OT
Current allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,086,418	1,306,420
Changes for overseas deployment and other activities designations: H.R. 2892 (Appropriations for Homeland Security):		
Fiscal Year 2009	0	0
Fiscal Year 2010	242	194
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,086,660	1,306,614

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BACHMANN (at the request of Mr. BOEHNER) for today and the balance of the week on account of the serious illness of her stepmother.

Mr. BONNER (at the request of Mr. BOEHNER) for June 16 until 4 p.m. on account of attending events with Alabama's Governor and other elected leaders to recruit significant economic development projects for the First District of Alabama.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today until 4 p.m. on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALTMIRE) to revise and ex-

tend their remarks and include extraneous material:)

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, June 23 and 24.

Mr. JONES, for 5 minutes, June 23 and 24.

Mr. MORAN of Kansas, for 5 minutes, June 23 and 24.

ADJOURNMENT

Mr. ALTMIRE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, June 18, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2245. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — South American Cactus Moth; Quarantine and Regulations [Docket No.: APHIS-2006-0153] (RIN: 0579-AC25) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2246. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Aspergillus flavus* AF36 on Pistachio; Extension of Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0158; FRL-8416-7] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2247. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifluzazole; Pesticide Tolerances [EPA-HQ-OPP-2007-0312; FRL-8414-6] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2248. A letter from the Principal Deputy Director of Defense Research and Engineering, Department of Defense, transmitting the Department's annual report describing the activities of the DPA Title III Fund, pursuant to 50 U.S.C. 2094(f)(3), section 304(f)(3); to the Committee on Financial Services.

2249. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2250. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report entitled, "Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2008", pursuant to 21 U.S.C. 355, section 505(q)(3); to the Committee on Energy and Commerce.

2251. A letter from the Deputy Assistant Administrator/Office of Diversion Control,

Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Lacosamide into Schedule V [Docket No.: DEA-325F] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2252. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Roof Crush Resistance; Phase-In Reporting Requirements [Docket No.: NHTSA-2009-0093] (RIN: 2127-AG51) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2253. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego Air Pollution Control District [EPA-R09-OAR-2009-0314; FRL-8906-1] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2254. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Carbon Monoxide Limited Maintenance Plan for Providence, Rhode Island [EPA-R01-OAR-2008-0796; A-1-FRL-8785-6] received June 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2255. A letter from the Chief of Staff, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Nevada City and Mineral, California) [MB Docket No.: 09-9 RM-1151] received May 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2256. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Williston, South Carolina) [MB Docket No.: 08-201 RM-11478] received May 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2257. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Beatty and Goldfield, Nevada) [MB Docket No.: 08-68 RM-11421] received May 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2258. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Fort Wayne, Indiana) [MB Docket No.: 08-208 RM-11495] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2259. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Williston, North Dakota) [MB Docket No.: 08-140 RM-11470] received June 9, 2009, pursu-

ant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2260. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Yuma, Arizona) [MB Docket No.: 08-163 RM-11482] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2261. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (South Bend, Indiana) [MB Docket No.: 08-102 RM-11439] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2262. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Buffalo, New York) [MB Docket No.: 09-46 RM-11524] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2263. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Electric Reliability Organization Interpretations of Specific Requirements of Frequency Response and Bias and Voltage and Reactive Control Reliability Standards [Docket No.: RM08-16-000] received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2264. A letter from the General Counsel, FERC, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Western Electricity Coordinating Council Regional Reliability Standard Regarding Automatic Time Error Correction [Docket No.: RM08-12-000; Order No.723] received May 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2265. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 6 [NRC-2009-0132] (RIN: 3150-AI60) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2266. A letter from the Assistant Director for Policy, OFAC, Department of Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations — received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2267. A letter from the Chair, United States Commission on International Freedom, transmitting the Commission's 2009 Annual Report documenting serious abuses of freedom of thought, conscience, religion, and belief around the world, pursuant to Public Law 107-228, section 202(a); to the Committee on Foreign Affairs.

2268. A letter from the Shareholder, Congressional Medal of Honor Society, transmitting the Society's annual financial report for 2007, pursuant to 36 U.S.C. 1101; to the Committee on the Judiciary.

2269. A letter from the National Chairman Naval Sea Cadet Corps, U.S. Naval Sea Cadet Corps, transmitting the Corp's 2008 Annual Audit along with the 2008 Annual Report, pursuant to Public Law 87-655; to the Committee on the Judiciary.

2270. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Dutch Shoe Regatta; San Diego Harbor, San Diego, CA [Docket No.: USCG-2008-1253] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2271. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds [[Docket No.: BPD GRSR 09-01] [Department of the Treasury Circular, Public Debt Series No. 1-93]] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2272. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Employer-Owned Life Insurance Contracts [Notice 2009-48] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2273. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 51 — Work Opportunity Tax Credit [Notice 2009-28] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2274. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting for Lump-Sum Timber Sales [TD 9450] (RIN: 1545-BE73) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2275. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Substantiating Business Use of Employer-Provided Cell Phones [Notice 2009-46] received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2276. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue — International Hybrid Instrument Transactions [LMSB Control No: LMSB-4-0509-122 Impacted IRM 4.51.5] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2277. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Non-business Energy Property [Notice 2009-53] received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2278. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue: I.R.C. Section 118 Abuse Directive #7 — received June 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2279. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 409A(a)(2)(A)(v) on certain transactions pursuant to the Emergency Economic Stabilization Act of 2008 [Notice 2009-49] received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2280. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue: Section 118 Abuse Directive

#8 [LMSB Control No.: LMSB-PQ-0509-130 Impacted IRM 4.51.5] received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2281. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — *Cox v. Commissioner*, 514 F.3d 1119 (10th Cir. 2008), rev'g 126 T.C. 237 (2006). [IRB No.: 2009-22] received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2282. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's eighth annual report concerning fraud by businesses or individuals that market advice or assistance to students and parents who may be seeking financial aid for higher education; jointly to the Committees on Education and Labor and the Judiciary.

2283. A letter from the Inspector General, Special Inspector General For Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) April 2009 Quarterly Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

2284. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to FY 2009 Medicare Severity-Long-term Care Diagnosis-Related Group (MS-LTC-DRG) Weights [CMS-1337-IFC] (RIN: 0938-AP76) received June 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. House Resolution 520. Resolution impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors (Rept. 111-159). Referred to the House Calendar.

Ms. WASSERMAN SCHULTZ: Committee on Appropriations. H.R. 2918. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-160). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself, Mr. VAN HOLLEN, and Mr. WELCH):

H.R. 2908. A bill to provide for the sale of light grade petroleum from the Strategic Petroleum Reserve and its replacement with heavy grade petroleum; to the Committee on Energy and Commerce.

By Mr. McDERMOTT:

H.R. 2909. A bill to amend title XI of the Social Security Act to provide for an improved method to measure poverty so as to enable a better assessment of the effects of programs under the Social Security Act, and for other purposes; to the Committee on

Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Ms. SCHWARTZ, Mr. REICHERT, and Mr. HERGER):

H.R. 2910. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Ms. BALDWIN, Mr. LEVIN, and Mr. PASCRELL):

H.R. 2911. A bill to improve end-of-life care; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, and Ms. WASSERMAN SCHULTZ):

H.R. 2912. A bill to authorize and request the President to award the Congressional Medal of Honor posthumously to Captain Felix Sosa-Camejo for his gallant and heroic actions during the Vietnam War, ending with his death in combat on February 13, 1968; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Ms. WASSERMAN SCHULTZ, Mr. MACK, Mr. ROONEY, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 2913. A bill to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CHAFFETZ:

H.R. 2914. A bill to amend the Food, Conservation, and Energy Act of 2008 to terminate marketing assistance loans and loan deficiency payments for mohair producers; to the Committee on Agriculture.

By Mr. CHAFFETZ:

H.R. 2915. A bill to prohibit United States contributions to the International Fund for Ireland; to the Committee on Foreign Affairs.

By Mr. CHAFFETZ:

H.R. 2916. A bill to provide that no recreation grants made using funds from the Land and Water Conservation Fund may be used to acquire land or make improvements in State or local parks; to the Committee on Natural Resources.

By Mr. LIPINSKI:

H.R. 2917. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for advertising prescription drugs; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 2919. A bill to amend part B of title XVIII of the Social Security Act to provide Medicare physician incentive payments for efficient areas; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself, Mr. GEORGE MILLER of California, Mr.

HILL, Mr. WELCH, Mr. SPRATT, Mr. ALTMIRE, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Mr. BARROW, Ms. BEAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOCCIERI, Mr. BOREN, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. BRIGHT, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Ms. CASTOR of Florida, Mr. CHANDLER, Mr. CHILDERS, Mr. CLYBURN, Mr. CONNOLLY of Virginia, Mr. COOPER, Mr. COSTA, Mr. COURTNEY, Mr. CROWLEY, Mr. CUELLAR, Mrs. DAHLKEMPER, Mr. DAVIS of Alabama, Mr. DAVIS of Tennessee, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. DONNELLY of Indiana, Mr. DRIEHAUS, Mr. EDWARDS of Texas, Mr. ELLSWORTH, Ms. ESHOO, Mr. ETHERIDGE, Mr. FATTAH, Mr. FOSTER, Ms. FUDGE, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. GREEN of Texas, Mr. GRIFFITH, Mr. GUTIERREZ, Mrs. HALVORSON, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEINRICH, Ms. HERSETH SANDLIN, Mr. HIGGINS, Mr. HIMES, Mr. HODES, Mr. HOLDEN, Mr. INSLIE, Mr. JOHNSON of Georgia, Mr. KAGEN, Mr. KANJORSKI, Ms. KILROY, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Mr. KLEIN of Florida, Ms. KOSMAS, Mr. KRATOVIL, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LIPINSKI, Mr. LOEBSACK, Mr. LUJÁN, Mr. LYNCH, Mr. MAFFEI, Mrs. MALONEY, Ms. MARKEY of Colorado, Mr. MARSHALL, Mr. MASSA, Mr. MATHESON, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCMAHON, Mr. MCNERNEY, Mr. MELANCON, Mr. MINNICK, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. NYE, Mr. PASCRELL, Ms. PELOSI, Mr. PERLMUTTER, Mr. PERRIELLO, Mr. PETERS, Mr. PETERSON, Mr. PIERLUISI, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SABLAN, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Mr. SCHAUER, Mr. SCHIFF, Mr. SCHRADER, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SHULER, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SPACE, Ms. SPEIER, Mr. STUPAK, Mr. TANNER, Mrs. TAUSCHER, Mr. TEAGUE, Mr. THOMPSON of California, Ms. TITUS, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. WEXLER, Mr. WILSON of Ohio, Mr. WU, Mr. TONKO, and Mr. VISCLOSKEY):

H.R. 2920. A bill to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration; to the Committee on the Budget.

By Mr. BLUMENAUER:

H.R. 2921. A bill to amend title XVIII of the Social Security Act to provide for an annual review by the Medicare Payment Advisory Commission on geographic access to services; to the Committee on Ways and Means,

and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 2922. A bill to establish a downpayment requirement for Rural Housing Service direct and guaranteed single-family home loan programs, to repeal the downpayment assistance initiative under subtitle E of title II of the Cranston-Gonzalez National Affordable Housing Act, and to prohibit use of amounts provided under certain other programs for downpayment assistance; to the Committee on Financial Services.

By Mr. GORDON of Tennessee (for himself, Mr. SENSENBRENNER, Ms. BORDALLO, Mr. CARNAHAN, Mr. CARNEY, Mr. WAMP, Mr. MATHESON, Mr. CHANDLER, Mr. DAVIS of Tennessee, and Mr. DONNELLY of Indiana):

H.R. 2923. A bill to enhance the ability to combat methamphetamine; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. PAYNE, and Mr. KUCINICH):

H.R. 2924. A bill to establish a commission to study the culture and glorification of violence in America; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. EHLERS, Mr. HELLER, and Mr. BARRETT of South Carolina):

H.R. 2925. A bill to amend the Public Health Service Act to provide for community projects that will reduce the number of individuals who are uninsured with respect to health care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NYE (for himself and Ms. ROSLEHTINEN):

H.R. 2926. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide, without expiration, hospital care, medical services, and nursing home care for certain Vietnam-era veterans exposed to herbicide and veterans of the Persian Gulf War; to the Committee on Veterans' Affairs.

By Mr. PASCRELL (for himself, Mr. JONES, Mr. MICHAUD, Ms. KAPTUR, Mr. ROTHMAN of New Jersey, Mr. BARRETT of South Carolina, Mr. WESTMORELAND, and Ms. SUTTON):

H.R. 2927. A bill to authorize the imposition of a tax on imports from any country that employs indirect taxes and grants rebates of the same upon export and to authorize compensatory payments to eligible United States exporters to neutralize the discriminatory effect of such taxes paid by such exporters if United States trade negotiating objectives regarding border tax treatment in World Trade Organization negotiations are not met; to the Committee on Ways and Means.

By Mr. PERRIELLO:

H.R. 2928. A bill to amend title 38, United States Code, to provide for an apprenticeship and on-job training program under the Post-9/11 Veterans Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. SARBANES (for himself and Mr. BRALEY of Iowa):

H.R. 2929. A bill to enhance the primary care workforce through the establishment of

a National Health Workforce Advisory Board and the provision of workforce data and analysis; to the Committee on Energy and Commerce.

By Mr. SARBANES (for himself and Mr. BRALEY of Iowa):

H.R. 2930. A bill to enhance the primary care workforce through modifications to the medical residency training programs and use of qualified teaching health centers and through State primary care scholarship and loan repayment programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE (for himself and Mr. MURPHY of New York):

H.R. 2931. A bill to direct the Secretary of Defense to adopt a program of professional and confidential screenings for members of the armed forces on active duty to detect mental health conditions for the purpose of reducing the incidence of suicide among such members and veterans, and to detect traumatic brain injuries, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER (for himself, Mr. CLAY, and Mr. GRAVES):

H. Con. Res. 155. Concurrent resolution supporting the goals and ideals of "Complaint Free Wednesday"; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. SHERMAN, Mr. BURTON of Indiana, Mr. INGLIS, Mr. MCCAUL, Mr. POE of Texas, Mr. MANZULLO, Mr. MACK, Mr. BLIRAKIS, Mr. WILSON of South Carolina, Mr. KLEIN of Florida, Ms. BERKLEY, Ms. HARMAN, Mrs. MALONEY, Mr. ROTHMAN of New Jersey, Mr. WEXLER, Mr. MCGOVERN, and Mr. ENGEL):

H. Con. Res. 156. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LATTA (for himself, Mr. KLEIN of Florida, Mr. KENNEDY, Ms. FUDGE, Mr. ROONEY, Mr. MCINTYRE, Mr. SESTAK, Ms. KAPTUR, Mr. YOUNG of Alaska, Mr. MEEK of Florida, Mr. ARCURI, and Mr. LIPINSKI):

H. Con. Res. 157. Concurrent resolution expressing the support of the Congress for a National Senior Citizens Day; to the Committee on Oversight and Government Reform.

By Ms. WATERS (for herself, Mr. GUTIERREZ, Mr. CLAY, Mr. AL GREEN of Texas, Mr. ELLISON, and Mr. GRAYSON):

H. Res. 553. A resolution expressing the sense of the House of Representatives that the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System should protect and enhance consumer and business access to credit by utilizing the provisions of the Federal Reserve Act and the Emergency Economic Stabilization Act of 2008, and reserving access to liquidity programs for those financial institutions that have maintained or increased lending activities since the height of our economic crisis in October 2008; to the Committee on Financial Services.

By Mr. BAIRD (for himself and Mr. CULBERSON):

H. Res. 554. A resolution amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes; to the Committee on Rules.

By Mr. SCHIFF:

H. Res. 555. A resolution expressing concern for the well-being of journalists Laura Ling and Euna Lee and urging the Government of the Democratic People's Republic of Korea to release them on humanitarian grounds; to the Committee on Foreign Affairs.

By Mr. HIMES (for himself, Mr. LARSON of Connecticut, and Mr. KANJORSKI):

H. Res. 556. A resolution recognizing the 75th anniversary of the passage of the Federal Credit Union Act and the vibrant Federal credit union community that was created as a result of this important piece of legislation; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 22: Mr. LEVIN.
 H.R. 213: Mr. MORAN of Kansas.
 H.R. 327: Mrs. CHRISTENSEN.
 H.R. 450: Mr. HUNTER, Mr. THOMPSON of Pennsylvania, and Mr. POSEY.
 H.R. 460: Mr. PRICE of North Carolina.
 H.R. 468: Ms. CLARKE.
 H.R. 571: Mr. YARMUTH and Mr. FRANK of Massachusetts.
 H.R. 621: Mr. GOODLATTE, Mr. HONDA, Mr. CAMPBELL, Mr. LATHAM, Mr. HOLDEN, Mr. WALZ, Mr. COSTA, Mr. KENNEDY, Mr. HALL of Texas, and Mr. JOHNSON of Illinois.
 H.R. 634: Mr. POSEY.
 H.R. 636: Mr. MORAN of Kansas.
 H.R. 667: Mr. RODRIGUEZ and Mrs. KIRKPATRICK of Arizona.
 H.R. 690: Mr. CONNOLLY of Virginia, Mr. LAMBORN, Mr. GOHMERT, Mr. CONAWAY, Mr. BONNER, Mr. FRANKS of Arizona, Mr. OLSON, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. FLEMING, Mr. PAULSEN, Mr. BROUN of Georgia, Ms. FALLIN, Mr. JORDAN of Ohio, Mr. SHADEGG, Mr. HENSARLING, Mr. BARTLETT, Mr. PITTS, Mr. TURNER, Mr. TIAHRT, and Mr. DANIEL E. LUNGREN of California.
 H.R. 877: Mr. MORAN of Kansas.
 H.R. 1020: Mr. SPACE, Mr. DICKS, Mr. WAXMAN, Mr. SARBANES, Mr. LANGEVIN, Mr. DOYLE, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mr. BACA, Mr. DAVIS of Illinois, and Mr. PAYNE.
 H.R. 1064: Mr. PERLMUTTER, Ms. KILROY, Ms. ESHOO, Mr. KAGEN, Mr. HILL, and Mr. DOGGETT.
 H.R. 1080: Ms. PINGREE of Maine.
 H.R. 1128: Mr. MASSA.
 H.R. 1129: Mr. SHULER.
 H.R. 1177: Mr. CLAY.
 H.R. 1191: Mr. STARK.
 H.R. 1203: Mr. MITCHELL.
 H.R. 1207: Ms. KOSMAS and Ms. SLAUGHTER.
 H.R. 1249: Mr. ELLISON.
 H.R. 1255: Mr. CASSIDY, Mr. GARY G. MILLER of California, and Mr. GUTHRIE.
 H.R. 1327: Mr. FRANKS of Arizona, Mr. SCHAUER, and Mr. CULBERSON.
 H.R. 1330: Ms. KILPATRICK of Michigan.
 H.R. 1339: Mr. KING of New York, Mr. HOLDEN, Mr. DOYLE, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. LIPINSKI, and Mr. JACKSON of Illinois.

- H.R. 1361: Mr. STARK.
H.R. 1402: Mr. ELLSWORTH, Mr. PIERLUISI, Mr. ROSS, Mr. SARBANES, and Ms. KILPATRICK of Michigan.
H.R. 1457: Mr. KENNEDY.
H.R. 1458: Mr. PETERS, Mr. GARRETT of New Jersey, Mr. PAYNE, and Mr. VAN HOLLEN.
H.R. 1466: Mr. JACKSON of Illinois.
H.R. 1470: Mr. TERRY.
H.R. 1476: Mr. NADLER of New York and Mrs. MALONEY.
H.R. 1479: Mr. BLUMENAUER.
H.R. 1499: Mr. WATT.
H.R. 1503: Mr. CAMPBELL.
H.R. 1505: Mr. WILSON of Ohio and Mr. TIBERI.
H.R. 1552: Mr. HONDA and Mr. BOUCHER.
H.R. 1569: Mr. CUMMINGS and Mr. KUCINICH.
H.R. 1584: Mr. STEARNS.
H.R. 1585: Mr. DAVIS of Illinois.
H.R. 1612: Mr. BISHOP of Georgia, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. KUCINICH, and Mr. BACA.
H.R. 1646: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1670: Ms. WATERS.
H.R. 1685: Ms. WOOLSEY.
H.R. 1700: Ms. DEGETTE, Ms. LEE of California, Ms. TITUS, and Mr. CAO.
H.R. 1705: Mr. PETERS, Mr. PASTOR of Arizona, and Mr. LYNCH.
H.R. 1708: Mr. YOUNG of Alaska.
H.R. 1710: Mr. EHLERS.
H.R. 1718: Mr. LEWIS of Georgia.
H.R. 1744: Mr. LINCOLN DIAZ-BALART of Florida, Mr. HINOJOSA, Mr. LINDER, and Mr. DEAL of Georgia.
H.R. 1799: Mr. TONKO and Mr. CARTER.
H.R. 1869: Mr. SMITH of Washington.
H.R. 1880: Mr. COOPER and Mrs. HALVORSON.
H.R. 1881: Mr. BOSWELL and Mr. LIPINSKI.
H.R. 1894: Mr. CONNOLLY of Virginia and Mr. KLEIN of Florida.
H.R. 1934: Mr. BISHOP of New York.
H.R. 1970: Mr. LOBIONDO, Mr. KLEIN of Florida, and Mr. MCMAHON.
H.R. 1990: Ms. GIFFORDS.
H.R. 1993: Mr. KAGEN.
H.R. 2057: Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mr. LEWIS of Georgia.
H.R. 2062: Mr. BERMAN.
H.R. 2076: Mrs. NAPOLITANO.
H.R. 2089: Mr. KLEIN of Florida, Mr. FILNER, and Mr. HONDA.
H.R. 2119: Mr. PENCE.
H.R. 2132: Ms. MATSUI.
H.R. 2144: Mr. NEUGEBAUER.
H.R. 2148: Mr. ISRAEL.
H.R. 2194: Mr. FRANKS of Arizona, Mr. SCHAUER, Mr. BONNER, Mr. DRIEHAUS, Mr. SESSIONS, Mr. STEARNS, and Mrs. BIGGERT.
H.R. 2203: Mr. ROHRBACHER, Mrs. BLACKBURN, Mr. RADANOVICH, Mr. CARNEY, Mr. GORDON of Tennessee, and Ms. CLARKE.
H.R. 2287: Mr. POSEY.
H.R. 2296: Mr. ALTMIRE and Mr. BILBRAY.
H.R. 2304: Mr. LUCAS, Mr. BARTON of Texas, and Ms. GIFFORDS.
H.R. 2329: Mr. PRICE of North Carolina and Mr. SCOTT of Virginia.
H.R. 2338: Mr. LAMBORN.
H.R. 2339: Mr. HINCHEY, Mr. ANDREWS, Mr. HOLT, Ms. WATSON, Mr. ELLISON, Mr. SCOTT of Virginia, Ms. HIRONO, and Mr. HINOJOSA.
H.R. 2360: Mrs. DAHLKEMPER.
H.R. 2365: Mr. ISRAEL and Mr. BERMAN.
H.R. 2377: Ms. KILPATRICK of Michigan.
H.R. 2425: Mr. YOUNG of Alaska, Mr. TERRY, and Mr. MOORE of Kansas.
H.R. 2427: Mr. HALL of New York.
H.R. 2443: Mr. TONKO.
H.R. 2452: Mr. PUTNAM, Mr. REICHERT, and Mr. MCCARTHY of California.
H.R. 2456: Mr. COURTNEY.
H.R. 2459: Mr. SMITH of New Jersey.
H.R. 2474: Ms. HARMAN.
H.R. 2497: Mrs. MALONEY, Mr. CARNAHAN, Mr. HIGGINS, and Mr. LIPINSKI.
H.R. 2499: Mr. MCCARTHY of California, Mr. NUNES, Mr. DRIEHAUS, and Ms. CASTOR of Florida.
H.R. 2516: Ms. JENKINS.
H.R. 2517: Mr. HARE, Ms. SCHWARTZ, and Mr. BLUMENAUER.
H.R. 2525: Mr. KING of Iowa and Mr. LATHAM.
H.R. 2553: Ms. JENKINS.
H.R. 2554: Mr. MCMAHON.
H.R. 2560: Mrs. MALONEY and Mr. WELCH.
H.R. 2562: Mr. SIREN.
H.R. 2578: Mr. LEWIS of Georgia.
H.R. 2606: Mr. BISHOP of New York.
H.R. 2617: Mr. PRICE of North Carolina.
H.R. 2648: Mr. RUSH and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2655: Mr. ROONEY.
H.R. 2679: Mr. LEE of New York.
H.R. 2681: Ms. NORTON.
H.R. 2691: Mr. CARSON of Indiana, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mrs. MALONEY, Ms. BALDWIN, and Mr. MCMAHON.
H.R. 2693: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. LUJÁN.
H.R. 2724: Mrs. CHRISTENSEN.
H.R. 2730: Mr. COHEN and Mr. SESTAK.
H.R. 2752: Mr. CAMPBELL and Mr. KLINE of Minnesota.
H.R. 2756: Mr. YOUNG of Alaska.
H.R. 2766: Mr. MCHUGH.
H.R. 2817: Mr. BISHOP of Georgia, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KILDEE.
H.R. 2828: Mr. ROE of Tennessee, Mr. COLE, and Mr. KINGSTON.
H.R. 2833: Ms. EDWARDS of Maryland.
H.R. 2846: Mr. MCCOTTER and Mr. SIMPSON.
H.R. 2881: Mr. YOUNG of Alaska.
H.J. Res. 1: Mr. GRIFFITH.
H.J. Res. 42: Mr. POSEY.
H. Con. Res. 2: Mr. MASSA.
H. Con. Res. 20: Mr. POE of Texas and Mr. FALEOMAVAEGA.
H. Con. Res. 144: Ms. BALDWIN, Mr. LOBIONDO, Mr. BOUCHER, Mr. RODRIGUEZ, Mr. CARSON of Indiana, Ms. MARKEY of Colorado, Mr. FRANK of Massachusetts, Mr. BISHOP of Georgia, Mr. MATHESON, Mr. WELCH, Mr. LANGEVIN, Mr. YOUNG of Alaska, Mr. FILNER, Mr. GRIJALVA, and Mr. BRADY of Pennsylvania.
H. Con. Res. 154: Mr. MORAN of Virginia, Mr. GUTIERREZ, Mr. KLEIN of Florida, Ms. BERKLEY, Mr. BISHOP of Georgia, Ms. CLARKE, Mrs. CHRISTENSEN, Mr. FATTAH, Ms. CORRINE BROWN of Florida, Ms. LEE of California, Mr. RANGEL, and Mrs. MCCARTHY of New York.
H. Res. 69: Ms. KILPATRICK of Michigan, Ms. BALDWIN, Mr. KIRK, and Ms. VELÁZQUEZ.
H. Res. 209: Mr. SCALISE, Ms. MATSUI, and Ms. LINDA T. SÁNCHEZ of California.
H. Res. 266: Mr. QUIGLEY.
H. Res. 334: Mr. CAO.
H. Res. 350: Mr. LIPINSKI.
H. Res. 395: Mr. WEXLER.
H. Res. 461: Mr. HALL of New York.
H. Res. 507: Mr. ALTMIRE, Mr. COSTA, Mr. MINNICK, and Mr. SIMPSON.
H. Res. 518: Mr. THOMPSON of California.
H. Res. 519: Mr. SIREN, Mr. ELLISON, Mr. WILSON of South Carolina, Mr. MACK, Mr. KILDEE, and Mr. LATTA.
H. Res. 524: Mr. MCCOTTER.
H. Res. 534: Ms. BORDALLO, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, and Mr. SMITH of Washington.
H. Res. 538: Mr. COHEN, Mr. VAN HOLLEN, Mr. BAIRD, Ms. WOOLSEY, Ms. WATERS, Mrs. LOWEY, Mr. ABERCROMBIE, Mr. SHERMAN, Mr. PRICE of North Carolina, Mr. FARR, Ms. GIFFORDS, Ms. SLAUGHTER, Ms. DELAURO, Mr. LATOURETTE, Mr. ELLISON, Mr. MEEKS of New York, Mr. CARNEY, Mr. HONDA, Mr. BLUMENAUER, Mr. SNYDER, Ms. WATSON, Mr. COSTA, Mr. SCOTT of Georgia, Mr. HINOJOSA, Mr. DELAHUNT, Ms. KAPTUR, Mr. CLYBURN, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. PALLONE, Mr. DAVIS of Tennessee, Ms. SHEA-PORTER, Ms. SUTTON, Mr. MICHAUD, Mr. LARSEN of Washington, Mr. BISHOP of New York, Ms. KILROY, Mrs. CAPPS, and Ms. WASSERMAN SCHULTZ.
H. Res. 543: Ms. EDWARDS of Maryland, Ms. PINGREE of Maine, Mr. COURTNEY, Ms. LORETTA SANCHEZ of California, Mr. SNYDER, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. COSTELLO, Mr. SHERMAN, Mrs. LOWEY, Mrs. NAPOLITANO, Mr. CARNEY, Ms. LEE of California, Mr. SALAZAR, Mr. HONDA, Mr. SHULER, Mr. INSLEE, Ms. DEGETTE, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. WATT, Mr. WELCH, Mr. PASCRELL, Mr. SHIMKUS, Mr. STUPAK, and Mr. DOYLE.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of FY 2009 Omnibus Appropriations Act, H.R. 2847:

Name of Project: Delaware River Enhanced Flood Warning System

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 2847

Account: NOAA—National Weather Service Operations, Research and Facilities

Legal Name of Requesting Entity: "Delaware River Basin Commission"

Address of Requesting Entity: 125 State Police Drive, Trenton, NJ 08628

Description of Request: \$200,000 for enhancements to the Delaware River Basin's flood warning system, including: (1) upgrades to the existing precipitation and stream gage network, (2) improvement of flash flood forecasting capabilities, (3) flood warning education and outreach, and (4) support of flood coordination. Following three Delaware River main stem floods, the continued development of an enhanced basin-wide flood warning system is critical for ensuring that the existing flood warning system is adequately maintained and that technological advancements are continued.

Name of Project: Chesapeake Bay Interpretive Buoy System

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 2847

Account: NOAA—National Weather Service Operations, Research and Facilities

Legal Name of Requesting Entity: "National Oceanic and Atmospheric Administration (NOAA) Chesapeake Bay Office"

Address of Requesting Entity: 410 Severn Avenue, Annapolis, MD 21403

Description of Request: \$350,000 to be used by NOAA to purchase, deploy, and operate a buoy and sensors on the Nanticoke River in Delaware, which is the largest Chesapeake Bay tributary on the Delmarva Peninsula, and is identified by NOAA as a priority location for the Chesapeake Bay Interpretive Buoy System (CBIBS). The purpose of this project is to provide real-time data and interpretation to further protect, restore, and manage the Chesapeake Bay.

Name of Project: New Castle County Courthouse Capitol Police Command Center and Lobby Surveillance Project

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 2847

Account: COPS—Law Enforcement Technology

Legal Name of Requesting Entity: "State of Delaware—Delaware Capitol Police"

Address of Requesting Entity: 150 William Penn Street, Dover, DE 19901

Description of Request: \$130,000 to be used to upgrade surveillance and purchase a system to coordinate dispatch operations within the Capitol Police Command Center of the New Castle County Courthouse to protect the 1 million people per year that pass through the courthouse.

Name of Project: Functional Family Therapy for At-Risk Youth

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 2847

Account: OJP—Juvenile Justice
Legal Name of Requesting Entity: "Children and Families First"

Address of Requesting Entity: 2005 Baynard Blvd., Wilmington, DE 19802

Description of Request: \$120,000 for supplies and salaries needed to provide intensive community-based counseling and case management to youth ages 10–18 and their families in all three counties in Delaware. The purpose of the project is to improve family relationships, increase parent engagement, improve school attendance, and reduce involvement in the juvenile justice system and recidivism so that youth succeed.

Name of Project: Mentoring Initiatives for At-Risk Children and Youth

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 2847

Account: OJP—Juvenile Justice
Legal Name of Requesting Entity: "Delaware Mentoring Council"

Address of Requesting Entity: Delaware Mentoring Council, University of Delaware Newark, DE 19716

Description of Request: \$750,000 to create stable mentoring programs in at least four school districts and ten schools throughout Delaware, with at least five schools in the city of Wilmington. The purpose of the project is to provide stability in the lives of at-risk youth, those living in poverty, and those facing substance abuse in their family, incarcerated parents, or even homelessness.

TRIBUTE TO COLONEL JAMES B. SEATON III

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. ISSA. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the United States Marine Corps are exceptional. Our

country has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent to keep this country free and safe. United States Marine Colonel James B. Seaton III is one of these individuals. On June 25, 2009, a ceremony will be held on the occasion of his relinquishing command of Marine Corps Base Camp Pendleton as he leaves to assume the prestigious posting as Director of Commander's Initiative Group under General David Petraeus.

Col. Seaton received his master's degree in political science from Duke University and later earned a Master of Strategic Science from the U.S. Army War College. Serving in many capacities over the years, Col. Seaton provided support for our country in places such as Grenada, Beirut, Japan, Southeast Asia, the Western Pacific and the Indian Ocean. In 2001, he reported to the 1st Marine Division at Camp Pendleton, California for duty as Division Inspector and Deputy G-7 before assuming command of 1st Battalion, 11th Marines in June 2002 and led the battalion during Operation Iraqi Freedom. In June 2004, he transferred to Twentynine Palms, California for assignment as the Marine Air Ground Task Force Training Command G-3 and was promoted to Colonel in September 2004.

Apart from his active duty service, Col. Seaton served as a political science instructor at the U.S. Naval Academy where he received the "William P. Clements Award for Excellence in Education" as the top military instructor. He has also been a member of the Council on Foreign Relations, Pacific Council on International Policy, Inter-University Seminar on Armed Forces & Society and other various military associations.

Col. Seaton's tireless passion for service has contributed to the betterment of this country. His decorations include the Defense Superior Service Medal, Bronze Star with Combat V, Defense Meritorious Service Medal, Meritorious Service Medal with three Gold Stars, Navy & Marine Corps Achievement Medal, Combat Action Ribbon with two Gold Stars, and the Presidential Service Badge. I am proud to call James a fellow community member, American and friend. On behalf of the people of the United States whom he has served with courage and honor, we commemorate the service of Colonel James B. Seaton III and congratulate him on his new post.

A TRIBUTE IN RECOGNITION OF REV. LARRY WILLIAM CAMP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Rev. Larry William Camp, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Pastor of Bethlehem Baptist Church in Brooklyn, New York.

Rev. Larry William Camp, born in Brooklyn, New York, was brought up by his mother to cherish the educational and spiritual opportunities of his childhood, reading library books with his mother and attending the Holy Trinity Baptist Church under the late Dr. Thomas S. Harden and later under the Mount Sinai Baptist Church under the late Dr. Lymon Lowe

Rev. Larry William Camp received the call to preach at the tender age of seventeen, began preaching in 1975, and gained valuable professional guidance under Dr. Curtis L. Whitney, who had succeeded Dr. Lowe.

Rev. Larry William Camp assumed the pastorship of the Bethlehem Baptist Church in 1989, ushering in an age of expansion and development at the church, helping to purchase a new church van, to renovate the sanctuary and bathrooms, and to establish many new ministries, always with the theme of "Building Great Minds for a Greater Witness".

Brooklyn owes a tremendous debt of gratitude to Rev. Larry William Camp, a leader in denominational work on every level of government and an inspiration for many young pastors in the community.

Madam Speaker, I would like to recognize Rev. Larry William Camp, a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Rev. Larry William Camp.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 2487

Account: Department of Justice, COPS-Meth

Recipient: Daviess County Sheriff's Department, 212 St. Ann Street, Owensboro, KY 42301

Description of Request: Provide \$300,000 to the Daviess County Sheriff's Department to assist local law enforcement agencies to fight methamphetamine production and use. These funds will enable regional and local anti-drug agencies across the Second District to work together in their efforts to combat methamphetamine production. Methamphetamine use is on the rise for the first time in half a decade and local law enforcement must have the tools they need to combat this problem.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

Congressman SAM GRAVES (MO-6) Department of Justice, COPS—\$660,000 to the Clay County Sheriff for Clay and Platte Counties Communications Interoperability Project (Clay County: 1 Courthouse Square, Liberty, MO 64068, Platte County: 415 Third Street, Platte City, MO 64079)

One of the lessons learned from the tragedy of September 11th was the inability of first responders and public safety agencies to communicate. To meet the requirements of the National Telecommunications & Information Administration mandated that Tactical Interoperable Communications be operational by 2012, as designated by APCO.

As such, Clay and Platte counties in my congressional district have developed a Communications Interoperability Project (CIP). CIP will maximize resources by engineering and building extensive communication infrastructure capabilities, connecting more than 40 regional front line stakeholders together through a comprehensive integrated communications network. CIP's strategic plan encompasses all areas of public service, including but not limited to local law enforcement, fire and ambulance agencies, emergency management task force responders, hospitals, highway and road agencies, parks and water districts, as well as other public agencies engaged in delivering services to citizens.

In recent years, Clay and Platte counties have experienced a number of natural disasters, including flooding and tornadoes. These events impair first responder communication among municipal police, fire agencies and other public safety agencies, ultimate hampering rescue efforts.

As regional responders continue to tackle these problems head-on, funds have fallen short to ensure they are able to comply with the 2012 deadline. Based upon a 2005-2006 cross-county survey, a total of 3,373 units of varietal communication equipment are needed, plus 5 communication towers for Clay County and a minimum of 5 towers in Platte County. Due to Platte County's topography, up to 3 additional towers may be necessary for thorough, unimpaired interoperability communication coverage. The federal funds I have obtained will enable Clay and Platte counties to begin implementing plans to establish the only comprehensive communication infrastructure north of the Missouri River in the Kansas City regional area.

Congressman SAM GRAVES (MO-6) Department of Justice, Byrne Grants—\$200,000 to the Northwest Missouri Interagency Team Response Operation for the Multi-Jurisdictional Drug and Violent Offender Task Force (101 North Main, Cameron, MO 64429)

The Northwest Missouri Interagency Team Response Operation (NITRO) is a multi-jurisdictional drug and violent offender task force that began operating in 2002. NITRO, which includes a 16-county area of Northwest Missouri and MO-6th, is staffed by full-time law enforcement officers from the Bureau of Alcohol, Tobacco and Firearms, the Missouri State Highway Patrol, the Maryville Public Safety Department and the Cameron Police Department. Additional law enforcement agencies participate on a case-by-case basis in their jurisdictions.

The federal funding obtained will be used to add four officers to the task force. Most local law enforcement agencies do not have the resources to provide for a narcotic investigative unit, therefore NITRO provides a trained unit to the jurisdictions concentrating on drug traffickers and violent offenders.

The number one problem in Missouri is fighting the methamphetamine epidemic. Due to this problem, a few years ago I worked to get a DEA agent stationed in Northwest Missouri. These critical funds will assist my previous efforts and allow the task force to respond to regional emergencies, particularly when responding to methamphetamine lab busts. This team has been enormously effective in coordinating with local law enforcement in Northwest Missouri and helps makes our neighborhoods and schools safer for our children.

Congressman SAM GRAVES (MO-6) Department of Justice, Byrne Grants—\$140,000 to Synergy Services for Community Response to Domestic Violence (400 East 6th Street, Parkville, MO 64152)

Synergy Services began in 1970 as Synergy House, the only shelter for runaway and homeless youth in western Missouri. Through the years the organization has expanded to provide a full continuum of care to assist individuals and families with immediate respite from violence, and services which provide these individuals with the tools they need to ensure future safety and success.

In 2008, Missouri law enforcement agencies confirmed over 32,000 incidents of domestic violence in the state, and this does not include the thousands of unreported incidents. In 2009, the total number of domestic violence incidents that were reported in Synergy's primary service area of Clay, Platte, Ray, and Jackson counties was approximately 2,700. This important federal funding will allow Synergy to expand its advocacy efforts and assist an additional 500 to 700 domestic violence victims in Missouri's 6th Congressional District.

The Community Response to Domestic Violence project, initiated by Synergy Services, consists of the agency's Court Services and Bridge/Safe Patient Advocacy Network (SPAN) programs to provide safety and security for women victims of domestic violence and prevent future incidences of family violence through improving coordinated community responses to victims in the civil/municipal courts and healthcare systems. First, the project will provide advocacy on a two-front approach, aimed at reaching and supporting more victims of domestic violence who are steering their way through the judicial. Secondly, since research has found most victims

disclose domestic violence incidents to their healthcare providers, the Bridge/SPAN program provides comprehensive training and advocacy in area hospitals and clinics so that trained healthcare providers are able to respond effectively.

This coordinated community response will result in a more cost-effective means for providing critical advocacy services to victims of domestic violence, facilitate victims through the judicial process in a timely and less costly manner, and arrive at a conviction with stiffer penalties more quickly. The ultimate desired outcome is a decrease in recidivism once prosecution is successful.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Project Name/Amount: An Achievable Dream, \$600,000

Requested by: Robert J. Wittman (VA-01)

Intended Recipient/Grantee: An Achievable Dream, 10858 Warwick Blvd., Newport News, VA 23601.

Project description and explanation of the request: Support programs at An Achievable Dream Middle and High School. The 1,250 students in grades kindergarten through 12th in 2009 (an increase of 250 over 2008) benefit from An Achievable Dream's support of social, academic and moral curricula proven effective over 16 years of operating the public/private partnership with Newport News Public Schools. This multi-faceted approach has continued to provide the tools needed for underprivileged youth to close the achievement gap. \$375,000 would be used for personnel expenses and \$225,000 would be used for supplies such as uniforms, reading materials, extended day materials, and Saturday school supplies. I certify that neither I nor my spouse has any financial interest in this project.

Project Name/Amount: Virginia Center for Policing Innovation, \$300,000

Requested by: Robert J. Wittman (VA-01)

Intended Recipient/Grantee: Virginia Center for Policing Innovation, 413 Stuart Circle, Suite 200, Richmond, VA 23220.

Project description and explanation of the request: VCPI has provided over one quarter of a million training hours to more than 27,000 law enforcement officers in the state of Virginia since 1997 in over 1,000 courses. In recent years, VCPI has specialized in filling training needs that no one else is addressing including leadership, homeland security, crime scene investigation, gangs, human trafficking, drug interdiction, ethics, Spanish language acquisition, advanced court security, advanced search and seizure, cultural diversity, domestic violence, code enforcement, interview and interrogation, anti-terrorism etc. Additionally,

VCPI is often turned to for the implementation and coordination of many public safety programs, including automated victim notification systems in Virginia's local and regional jails and court security assessments. VCPI supports training of law enforcement officers that cannot be met by local and state law enforcement agencies. Funding will be used for personnel and internal training (\$165,000), facilitation of external training across the Commonwealth (\$33,000), course supplies (\$30,000), instructor cadre and subject matter experts (\$45,000), operational and administrative expenses (\$27,000). I certify that neither I nor my spouse has any financial interest in this project.

Project Name/Amount: Stafford County Law Enforcement Technology, \$300,000

Requested by: Robert J. Wittman (VA-01)

Intended Recipient/Grantee: Stafford County, 1300 Courthouse Road, Stafford, VA 22555

Project description and explanation of the request: Upgrade the Computer Aided Dispatch system for Stafford County, VA. The CAD is part of the County's state of the art, interoperable communications system. Improve access to the communications system for interdepartmental users and federal and state law enforcement (including Marine Corps Base Quantico) along the I-95 corridor. 100% of the funding will be used to purchase a combination of hardware and software to move from a "text" environment to a "GUI" environment for the CAD. I certify that neither I nor my spouse has any financial interest in this project.

Project Name/Amount: Newport News Law Enforcement Technology, \$200,000

Requested by: Robert J. Wittman (VA-01)

Intended Recipient/Grantee: Newport News Police Department, 9710 Jefferson Avenue, Newport News, VA 23607

Project description and explanation of the request: 100% of the funds would be used to procure a Gunshot Location System. Networked sensors would be placed at specific coordinates on buildings and telephone poles to accurately detect and locate the origin of gunshots and weapons events. Data is sent to a central server accessible by law enforcement agencies. In the past year, Newport News dispatched officers to 2007 calls for gunshots. Federal, state and local law enforcement agencies using this technology have seen gunfire-related violent crimes decrease and gunfire-related arrests increase. I certify that neither I nor my spouse has any financial interest in this project.

Project Name/Amount: City of Hampton Law Enforcement Technology, \$200,000

Requested by: Robert J. Wittman (VA-01)

Intended Recipient/Grantee: City of Hampton, 22 Lincoln Street, 8th Floor, Hampton, VA 23669

Project description and explanation of the request: The current 911 phone system in the City of Hampton's Emergency Communications Center is technologically out-of-date and due to age and its 24 hour a day duty cycle, it is suffering progressively more frequent failures and support issues. An upgrade will improve capability and delivery of emergency services with the minimum system failure rate. 100% of the funds will be used to procure equipment. During times of crisis, at the local,

state and federal levels, the Emergency Communications Phone System will also serve as a key component of local physical infrastructure to maximize the City's ability to receive, process and deliver a coordinated response to a potential disaster scenario. An upgraded Emergency Communications Phone System will help the City of Hampton respond to and coordinate emergency services in the event of a disaster or crisis scenario. The Hampton Roads area is home to many critical national defense assets and military installations. I certify that neither I nor my spouse has any financial interest in this project.

Project Name/Amount: Virginia Fisheries Trawl Survey, \$300,000

Requested by: Robert J. Wittman (VA-01)

Intended Recipient/Grantee: Virginia Institute of Marine Science, Route 1208 Grete Road, Gloucester Point, VA 23062

Project description and explanation of the request: Information collected by the Virginia Institute of Marine Science (VIMS) Trawl Survey is used by various agencies, including NOAA, the National Marine Fisheries Commission and the Commonwealth of VA to effectively manage key fisheries. Proper management of these finfish resources ensures ecological stability of the Bay and supports the economic livelihood of fishery participants. The Virginia Trawl Survey collects and reports critical data on the recruitment, current and future abundance, and general ecological health of the finfish populations in the Chesapeake Bay. Funds will be used for: personnel (\$59,415), vessel (\$46,800), equipment (\$143,500), supplies (\$17,300), and facilities costs (\$32,985). I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Commerce, Justice, Science and Department of Homeland Security Appropriations bills.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 2487

Account: OJP—Byrne Discretionary Grants
Legal Name of Requesting Entity: Pennyriple Narcotic Task Force

Address of Requesting Entity: 511 South Main Street, Hopkinsville, KY 42240

Description of Request: The Pennyriple Narcotics Task Force (PNTF) covers a 20-county area. Based in Hopkinsville, Kentucky, it is a law enforcement organization dedicated to fighting the spread of drugs and, in particular, methamphetamine production, trafficking, and abuse. According to the El Paso Intelligence Center (EPIC), Kentucky currently ranks sixth nationally in the number of law enforcement responses to meth-related incidents. These funds (\$500,000) will allow the task force to purchase materials and pay for manpower to

educate people in the school systems, health departments, law enforcement agencies, and civic organizations on the dangers of methamphetamine. These funds are vital to eliminating the threat of illegal drugs in Kentucky's First Congressional District. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: Homeland Security Appropriations Act, 2010

Account: Predisaster Mitigation

Legal Name of Requesting Entity: Russell County Fiscal Court

Address of Requesting Entity: 410 Monument Square 110, Jamestown, KY 42629

Description of Request: The project will consist of installing outdoor warning sirens to warn the public in the event of a disaster, particularly in the case of a failure of Wolf Creek Dam, which is currently undergoing a major rehabilitation. This funding will help the rural communities be better prepared should a catastrophe happen.

A CONGRESSIONAL TRIBUTE TO SANDY SCOTT, FORMER DIRECTOR OF THE ABBEVILLE GRENADE BAND, ABBEVILLE, SOUTH CAROLINA

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BARRETT of South Carolina. Madam Speaker, it is not often that I have the honor to rise and give tribute to a living legend. Today, I have that honor. Mr. Leland S. "Sandy" Scott, who resides in my district is indeed a living legend in our community. Mr. Scott was born in Greenville County, South Carolina. He graduated from Parker High School in 1960. He served as drum major for the marching bands at both Parker High School and Furman University. He later earned his Bachelor of Arts Degree in Music Education from Lander University.

Mr. Scott served as Band Director at Ellen Woodside High School from 1962–1963 and at Belton High School from 1963–1965.

In 1965, Mr. Scott, came to Abbeville High School to take over as Director of Bands. It is a position he would retain until 1982. Throughout these years he touched many lives and helped mold a generation of students. While at Abbeville he established the Southeastern Marching Contest which drew some of the top bands in the country to Abbeville.

His Grenadier Band at Abbeville was the only high school band in the state and one of a few nationwide to feature a bagpipe regiment.

The Abbeville High School band under his direction became one of the most successful competitive bands in high school marching band history. Under Mr. Scott's leadership, the Abbeville High School band won the South Carolina Band Director's Association State Class Marching Band Championships for eight consecutive years in Classes A, AA and AAA. His Abbeville band won the National Cherry

Blossom Championships in Field Show and Parade Competition, and it won in the National De Soto Festival in Bradenton, Florida, including the Grand Championship. His band also won the Governor's Cup in St. Petersburg, Florida at the Festival of States and the Heart of St. Petersburg plaque twice.

Under Mr. Scott's leadership, the Abbeville band received many other awards including: Grand Champion of the Furman University marching contest; First Place Class AAA Carolinas' Carousel in Charlotte, N.C.; Double Superior rating at the South Carolina State Music Festival; Third Place Overall at the Greatest Bands in Dixie Contest as part of the Mardi Gras in New Orleans, Louisiana.

In 1977, under his leadership the Abbeville Band represented South Carolina at the Presidential Inaugural Parade of President Jimmy Carter, an event that the students worked hard to raise the money to be able to attend.

Sandy's professional affiliations include the National Association for Music Education, South Carolina Music Educators Association, the South Carolina Band Directors Association, Phi Mu Alpha, Gamma Eta Chapter; and Phi Beta Mu, Theta Chapter. He served on the Marching Band Committee and the All-State Audition Committee. He has actively participated in civic affairs, was President of the Abbeville Rotary Club, and was President of the Abbeville Chamber of Commerce. He has served on the City Council as Mayor Pro Tem. In 1971, he was named Abbeville's "Young Educator of the Year" and the South Carolina "Young Educator of the Year" in 1972. In 1975 he received Abbeville's "Young Man of the Year Award".

Mr. Scott served as a band clinician and adjudicator throughout the United States. He also served as Minister of Music for three churches; Forestville Baptists of Greenville, South Side Baptist of Abbeville and Callie Self Memorial Baptist of Greenwood. Having retired from teaching, Mr. Scott now serves as Senior Pastor of Callie Self Memorial Baptist Church of Greenwood.

Mr. Scott and his wife, Verlene O'Kelley Scott have two children, Keith and Lisa and four grandchildren. He is also a member of the South Carolina Baptist Singing Churchmen.

On April 5, 2009, more than 150 band alumni and their families gathered together in Abbeville to honor Mr. Scott. They presented a bronze plaque that will be permanently displayed in Abbeville as a tribute to Mr. Scott. Present to give tribute to Mr. Scott were his former Band Director from Parker High School, Mr. James Senn and Mrs. Virginia Ferguson, who served as instructor to the Color Guard and Bagpipe regiment. Former band members traveled from as far away as California, Virginia and Maryland to honor Mr. Scott and to see old friends.

Mr. Scott brought much more than music to Abbeville High School and his students. For many students, it was their first chance to travel outside the county, their first chance to belong to a "winning team." In addition to learning to play a musical instrument, his students learned the importance of hard work, dedication, commitment to a group activity, the benefits of setting goals, school spirit, the power of positive thinking, and patriotism. A favorite saying that his students recall even 30

years later is "If you can dream it you can achieve it."

Mr. Scott did not just bring his students together, but brought an entire community together. He brought parents as well as members of the community together to support and enrich the band program. Abbeville is a better community because of Sandy Scott. Music Education in South Carolina is better because of Sandy Scott.

The lessons these students learned have served them well as adults who have gone on to serve in their communities. His students have gone on to be doctors, nurses, paralegals, business owners, teachers, federal employees, congressional staff, first responders, ministers, members of the armed services, and even music directors.

I am honored to pay tribute to my constituent, Mr. Leland Sanders "Sandy" Scott.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: COPS, Law Enforcement Technology

Legal Name of Requesting Entity: City of West Columbia

Address of Requesting Entity: 200 North 12th Street, West Columbia, SC 29171

Description of Request: I have secured \$350,000 for the West Columbia Police Department in West Columbia, South Carolina. A relatively new technology, Automatic License Plate Recognition (ALPR), would assist the West Columbia Police Department in identifying offenders in real time, without waiting for information from the dispatcher. The ALPR technology allows vehicle license plates to be automatically scanned (up to 1,500 per minute) as officers patrol the city. The technology uses infrared scanning devices mounted on each patrol car, which recognize license plate numbers and compares them against multiple databases including wanted files, missing person files, AMBER alerts, terrorist watch lists, and gang databases. The technology then transmits data about the vehicle and the owner to the officers in the patrol vehicles, alerting them when a stop needs to be made. Using the ALPR technology, law enforcement officers can patrol with the benefit of getting data in real time, so they can interdict immediately. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: COPS, Law Enforcement Technology

Legal Name of Requesting Entity: County of Orangeburg

Address of Requesting Entity: 1520 Ellis Avenue Ext, Orangeburg, SC 29115

Description of Request: I have secured \$500,000 for the County of Orangeburg, South Carolina to expand and improve the Law Enforcement Automated Data Repository system (LEADR). LEADR creates a bottoms-up approach using open source software. Today, during routine police activities, an officer can search on partial license tags, names and addresses to rapidly correlate past contacts. The system shows probable matches with red and yellow alerts indicating additional caution is needed. All of the data in the system is derived from local and state law enforcement as well as local, state and occasionally federal government records. This funding will expand the capacity of the system and allow for mapping and location awareness so law enforcement can coordinate activities and have a graphical and pictorial representation of patterns and activities. It will also allow for the continued expansion of the system to additional states, making LEADR an even more powerful tool for law enforcement. I certify that neither I nor my spouse has any financial interest in this project.

RECOGNIZING TRAVIS SHRUM, RECIPIENT OF THE TEMPE MAYOR'S DISABILITY AWARD, AS OUTSTANDING EMPLOYEE OF THE YEAR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Travis Shrum, a veteran of Operation Enduring Freedom in Afghanistan from my hometown of Tempe, who was recently presented with the Mayor's Disability Award as Outstanding Employee of the Year. The Mayor's Disability Award honors Tempe residents who have overcome significant barriers to succeed in the workplace.

In 2007 and 2008, Travis served with the Army National Guard as an infantry soldier and gunner in Afghanistan, where he escorted security forces protecting civilians. Like many veterans, after returning home to the United States, Travis brought home the physical and emotional scars of war. He struggled with Post-Traumatic Stress Disorder and, subsequently, took a leave of absence from his job at a Walgreen's store in Tempe to concentrate on transitioning to civilian life. With the patience and support of the Phoenix Veterans Health Administration, Travis has bounced back and is once again thriving. He has returned to work as an assistant manager at Walgreen's, where he works full-time and manages a staff of 42.

Travis is a wonderful example of the Phoenix VA's commitment to returning veterans,

and I'm proud to note that he is now outspoken about the need to reach out to other veterans who are eligible for VA's medical services and mental-health support. Travis plans to enroll at Arizona State University with the ultimate goal of becoming a physical therapist and working with veterans.

Madam Speaker, please join me in honoring Travis Shrum for his courageous service to our country and perseverance in overcoming personal challenges.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Birmingham

Address of Requesting Entity: 710 North 20th Street, Birmingham, AL 35203

Description of Request: Provide \$250,000 for the City of Birmingham's Community Oriented Policing Services (COPS) program to add additional police officers to the existing force and for crime prevention technology like Shot Spotter and GPS technology. The City plans to use the funds to increase the number of personnel and to invest in technology such as shot spotter GPS technology which will result in an improvement in public safety. The project's total budget is \$2,051,250. Specifically within the budget, \$320,000 is for 300 mobile data computer licensing, \$671,250 for 75 Coban VMDT, \$180,000 for 150 DataRadio Ciph Modems, and \$880,000 for shotspotter expansion and mobile software. This request is consistent with the intended and authorized purpose of the Department of Justice, COPS Law Enforcement Technology Account. The City of Birmingham will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Shelby County Sheriff

Address of Requesting Entity: P.O. Box 1095, Columbiana, AL 35051

Description of Request: Provide \$500,000 to upgrade the Shelby County Sheriff's office public safety communications network. The primary objective of the Wide Area Radio Net-

work (WARN) project is to provide Shelby County with a county-wide, mission-critical radio voice communication system. The funding will help to improve the public safety communications network and thus result in an improved public safety system in Shelby County. The project's total budget is \$500,000. Specifically within the budget, \$250,000 is for mobile car radios and \$250,000 is for hand held portable radios. This request is consistent with the intended and authorized purpose of the Department of Justice, COPS Law Enforcement Technology Account. The Shelby County Sheriff's Office will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: City of Irondale

Address of Requesting Entity: P.O. Box 100188, Irondale, AL 35210

Description of Request: Provide \$350,000 for equipment and technology upgrades for the Irondale Police Department, which will allow for better communication and increased emergency response capability. The project will invest in crime prevention and protection. The project's total budget is \$350,000. Specifically within the budget, \$40,000 is for the Computer Aided Dispatch (CAD) System, \$14,000 for a dispatch recorder, \$85,000 for a 911 System Enhancement, \$50,000 for communication room renovation, \$79,200 for laptop computers, \$4,500 for computers, \$7,500 for a computer server with fiber optic cable, \$1,800 for a printer/copier and \$68,000 for a telephone system replacement. This request is consistent with the intended and authorized purpose of the Department of Justice, OJP—Byrne Discretionary Grants Account. The City of Irondale will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, OJP—Juvenile Justice

Legal Name of Requesting Entity: Team Focus, Inc.

Address of Requesting Entity: 6110 Grelot Road, Mobile, AL 36609

Description of Request: Provide \$500,000 for mentoring and education programs for Team Focus, Inc. The funding will help provide young men who lack a father figure in their lives with leadership skills, guidance, moral values, and a continuing relationship with a carefully selected adult mentor. The mentoring program will aid the participants in becoming productive members of society. The project's total budget is \$500,000. Specifically within the budget, \$120,000 is for equipment, \$150,000 for travel, and \$230,000 for supplies. This request is consistent with the intended and authorized purpose of the Department of Justice, OJP—Juvenile Justice Account. Team Focus, Inc. will meet or exceed

all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, OJP—Juvenile Justice

Legal Name of Requesting Entity: United Methodist Children's Home

Address of Requesting Entity: P.O. Box 830 Selma, AL 36702

Description of Request: Provide \$150,000 to provide security and IT improvements for the United Methodist Children's Home. By improving the efficiency and effectiveness of its information technology infrastructure, the United Methodist Children's Home will better serve the at-risk youth in its care. The creation of a seamless system will ease each children's movement through the continuum of care in the Children's Home system, which will improve the outcomes for each child, namely, becoming responsible and productive members of their communities. The project's total budget is \$425,000. Specifically within the budget, \$89,000 is for personnel, \$13,000 for fringe benefits, \$188,000 for equipment, \$96,000 for contractual services, and \$39,000 for miscellaneous items. This request is consistent with the intended and authorized purpose of the Department of Justice, OJP—Juvenile Justice Account. The United Methodist Children's Home will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: National Aeronautics and Space Administration

Legal Name of Requesting Entity: University of Alabama

Address of Requesting Entity: Office of Research, Box 870117, Tuscaloosa, AL 35487

Description of Request: Provide \$350,000 for the University of Alabama to develop novel and efficient miniature antennas that are capable of supporting systems that control the flight of UAVs (Unmanned Aerial Vehicles). Novel ferrites (magnetic material) and broadband ferrite antennas of unique design will be investigated and developed, respectively, to address the unstable imaging problem existing in UAV cameras. Unmanned aerial vehicles (UAVs) can provide vastly improved acquisition and rapid dissemination of intelligence, surveillance, and reconnaissance data. The benefits and promise offered by UAVs have drawn attention because of the significant impact they have on our national security. The project's total budget is \$1,000,000. Specifically within the budget, \$500,000 will go toward salaries, \$100,000 will go toward laboratory supplies and materials, \$60,000 will go toward rental equipment, \$40,000 will go toward travel expenses, and \$300,000 will go toward equipment. This request is consistent with the intended and authorized purpose of the National Aeronautics and Space Administration Account. The University of Alabama will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

DOJ—COPS Technology Account. Woodbridge, New Jersey Interoperable Law Enforcement Trunked Digital Radio System—\$500,000. The entity to receive funding for this project is: Township of Woodbridge, One Main Street, Woodbridge, NJ 07095.

The funding would be used to replace the antiquated patchwork of over 40 year old radio systems with a UHF Trunked Digital Simulcast Radio Communications System that will allow for interoperable communications between Woodbridge police, firefighters, first response and municipal employees and add emergency response capabilities at the Township's 24 public school facilities.

DOJ—COPS Technology Account. Summit, NJ Regional Police and Emergency Management Interoperable Communication Network and Facility—\$1,000,000. The entity to receive funding for this project is: City of Summit, 512 Springfield Avenue, Summit, NJ 07901.

The funding would be used to design and build a state-of-the-art dispatch and emergency management operations center utilizing the most current radio, computer, internet and supplementary communications equipment, capable of providing a completely interoperable communications network capable of providing emergency services to a full-time population of at least 46,000 residents.

A TRIBUTE TO THE UNITED STATES NAVY SEALS

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. HOEKSTRA. Madam Speaker, Capitol Guide Albert Carey Caswell has composed a poem for the RECORD in honor of the U.S. Navy SEALS.—

Seal it!
Crush it!
Run, right up to it!
As You Flush it! Terminate It!
As You Break it! Bust It! As You God For-
sake It! And Make Mush of it!
Destroy It!
Walk, right by it!
Without, even touching it . . .
Boy It, it was like . . . you were not even
there!
Climbing mountains . . .
Overtaking it! While, disappearing through
thin air!
Capturing it, as over the coals you so rake
it! As against all odds you make it!
Go around it, run right through it!
Or go right over it!
As only, You can do it!

Michael Monsoor It, Bob Kerrey It, Michael Murphy It . . . as only you can carry it!

For there's nothing, you can not do . . . it!
To The Tenth Power, The Men of The Hour
. . . all in what your golden heart's so
shower!

Climbing walls . . .
Jumping off buildings, falls!
As to what these fine hearts, are called . . .
Swimming the high seas, as they will not
pause!

As Freedom Fighters, one and all . . .
Answering that, most noble cause!
As you turn around, they disappear . . .
From The Land, Air and Sea . . .

A Force of Nature, So Complete!
A Band of Brothers, so very sweet!
As we hear, God's Voices in all these!
Men of Honor, Men of Faith!
Whose, fine hearts will not wait!
Nor will not so waft!

Who will not give up, or in!
As into that face of death and hell, they so
wade!

Get In, Get Out . . .
Get the job done, that's what it's all about!
All for God and Country, Tis of Thee . . .
All At The Very Top, as no one else can so
compete!

The very Origin, of Stealth Technology!
Stealing from time, all across the seven seas!
What Superman, so wishes he could be!
As they can shoot the wings off of a nat, at
1,000 feet!

So Incredible, as so are all of these!
All so boldly marching forth, all out on lib-
erty's course!

For no one knows no more . . . That Free-
dom, Is Not Free!

What ever boy, wishes he could grow up to
be!

YOU GO! I GO!
AS, FOR MY BROTHER . . . I WILL SO DIE
FOR THEE!

ALL IN THEIR SEAL OF HONOR!
AS THEY ALL SO SHINE, OH SO BRIL-
LIANTLY!

THE LAST EASY DAY, WAS THE ONE PRO-
CEEDED!

Magnificent Men, who so live by a code . . .
as they so heed it!

A Code of Honor, of Faith . . . that which so
brings tears to Angel's eyes!

A Seal Of Honor!
Where Faith, In Hearts of Courage Grows!
All In Hearts of Steel, From Where Freedom
Flows!

A saw some Seals, one time . . .
And as, I turned around . . . and they were
gone!

Climbing up the walls, moving on!
As They Disappeared, Into Thin Air!
As if, almost like they were not ever there!
Them Running On The Wind, was all that I
could hear!

As they grow beards, and make people
scared!

As they vanquish evil, anytime . . . every-
where!

All in their Most Splendid Splendor, so
there!

Seal It! Crush It! Run Right Up To It! Make
Mush Of It! Destroy It! Flush It!

Boy It, it was like . . . you were not even
there!

All In Your Seal Of Honor, All In Freedom's
Glare! Terminate It!

Seal It!

In honor of our Navy Seals, Magnificents
. . . Freedom Fighters . . . You and Your
Families have so blessed Our Nation!

—Albert Carey Caswell.

HONORING WWII WOMEN
AVIATORS**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Gayle Bevis Ewing Reed and her remarkable service to our country during World War II. Ms. Reed was one of the courageous women who served her country as a part of the Women Airforce Service Pilots (WASP) program which began in August 1943 to facilitate the war effort. She was dedicated to her dream of becoming a pilot and, despite the barriers confronting women in the aviation field, she succeeded and went on to fly PT-19s, BT-13s, and UC-78s during the war.

Upon hearing of the WASP program she became determined to aid the war effort and was among the earliest women to join. Of the 25,000 who applied, she was one of those selected to undergo a rigorous training program. She earned her wings in 1943, becoming one of 1,074 women to do so. In the 17 months that the WASPs were operational, she and her fellow pilots flew more than 60 million miles in over 60,000 hours of duty providing an invaluable service for our country.

Ms. Reed and her fellow WASPs were responsible for testing both new airplanes and those that had undergone repairs. They delivered planes from one destination to another and assisted with the training of other pilots by towing targets, simulating bombings and even participating in the direct instruction of male cadets.

She and her fellow pilots displayed tremendous courage and bravery as their duties were strenuous, exhausting and, at times, even life threatening. Thirty-eight women lost their lives while serving our country. Women pilots faced constant gender discrimination and antagonism from male pilots who adamantly believed that women did not belong in the aviation field.

On Dec. 20, 1944, Congress voted to disband the WASP program, determining that it was no longer necessary as male pilots were becoming available to fill the jobs the women were performing. Despite the end of the program, she and many other women did not abandon their love of flying. They continued to fight alongside one another to gain recognition for their remarkable contribution. In the 1970s, they became deeply involved in a campaign nicknamed the "Battle of Congress" to gain veteran status for their service during the war. They finally succeeded in 1977 despite continued gender discrimination.

Madam Speaker, I ask that my colleagues join me in honoring Gayle Bevis Ewing Reed and other flyers from the WASP program who remain an inspiration for young women and men alike. She is not only a hero but a symbol of what can be achieved when goals are pursued and barriers overcome. She continues the legacy set down by generations of ambitious women by honoring her talent and maintaining a steadfast commitment to her dreams.

PERSONAL EXPLANATION

HON. ALBIO SIREs

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. SIREs. Madam Speaker, I missed the following votes on June 15, 2009. Had I been present, I would have voted yes on rollcall 336 on H. Res. 430, yes on rollcall 337 on H.R. 2325; and yes on rollcall 338 on H.R. 729.

THE HIGH SCHOOL ATHLETICS
ACCOUNTABILITY ACT**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Ms. SLAUGHTER. Madam Speaker, I am proud to rise today to introduce the High School Athletics Accountability Act. As opportunities for girls and women to participate in sports and athletics have been made increasingly available, women's participation has grown exponentially. Over three million high school girls now participate in organized sports, as opposed to 294,015 in 1971 before Title IX was enacted. Athletic participation has brought with it confidence and camaraderie among young women, giving them memories and friends that will last a lifetime.

Despite our progress, persistent attacks against equality for women's sports require that we continue to protect the rights our nation's young women deserve. Currently high schools are not required to disclose any data on equity in sports, making it difficult for high schools and parents to ensure fairness in their athletics programs. The High School Athletics Accountability Act requires that high schools report basic data on the number of female and male students in their athletic programs and the expenditures made for their sports teams. The data will help high schools improve opportunities for girls in sports, and thereby help high schools and parents of schoolchildren foster fairness in athletic opportunities for girls and boys. Ultimately better information will encourage greater participation of all students in athletics.

Without information about how athletic opportunities and benefits are being allocated at the high school level, female students may be deprived of their chance to play sports. For many young women, sports are often their ticket to higher education. A survey conducted by the National Federation of State High School Associations indicates that female students receive 1.3 million fewer opportunities to play high school sports than do male students, which translate into many lost opportunities for athletic scholarships. Other studies show that student athletes tend to graduate at higher rates, perform better in school and are less likely to use drugs and alcohol. Women athletes also tend to have more confidence, better body image, and higher self-esteem than female non-athletes—critical attributes that help them succeed throughout their lives. We must give our schools the tools they need to identify inequities in their programs so that

current and future generations of women can enjoy the benefits of sports.

Madam Speaker, I urge my colleagues to join me in this effort to help girls move toward equality in athletics at every level and in every community across the nation.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487, the Commerce, Justice, Science, and Related Agencies Appropriations Act for Fiscal Year 2010.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 2487

Account: COPS Law Enforcement Technology

Name of requesting entity: Florida Department of Law Enforcement

Address of requesting entity: 2331 Phillips Road, Tallahassee, Florida 32308

Description: The \$100,000 will be used for the operation of the Florida Silver Alert Program, which helps locate missing seniors and others with dementia-related illnesses.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 2487

Account: COPS Meth

Name of requesting entity: Hillsborough County, Florida

Address of requesting entity: 601 East Kennedy Boulevard, 26th Floor, Tampa, Florida 33602

Description: The \$250,000 will be used to strengthen the County's methamphetamine enforcement and cleanup efforts.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mrs. MILLER of Michigan. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congresswoman CANDICE S. MILLER

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Sterling Heights Police Department

Address of Requesting Entity: 40333 Dodge Park Road, Sterling Heights, MI 48313

Description of Request: The amount of \$300,000 would be used by Sterling Heights Police Department to purchase and install updated law enforcement technologies, to improve law enforcement response time and the administration of justice programs.

Requesting Member: Congresswoman
CANDICE S. MILLER

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Shelby Township Police Department

Address of Requesting Entity: 52700 Van Dyke, Shelby Township, MI 48316

Description of Request: The amount of \$200,000 would be used by Shelby Township Police Department to purchase and install updated law enforcement technologies, to improve law enforcement response time and the administration of justice programs.

Requesting Member: Congresswoman
CANDICE S. MILLER

Bill Number: H.R. 2847

Account: Byrne Justice Grant Program

Legal Name of Requesting Entity: Sterling Heights Police Department

Address of Requesting Entity: 40333 Dodge Park Road, Sterling Heights, MI 48313

Description of Request: The amount of \$300,000 would be used by the Sterling Heights Police Department for law enforcement programs, prosecution, drug treatment and enforcement programs.

Requesting Member: Congresswoman
CANDICE S. MILLER

Bill Number: H.R. 2847

Account: Byrne Justice Grant Program

Legal Name of Requesting Entity: Shelby Township Police Department

Address of Requesting Entity: 52700 Van Dyke, Shelby Township, MI 48316

Description of Request: The amount of \$200,000 would be used by the Sterling Heights Police Department for law enforcement programs, prosecution, drug treatment and enforcement programs.

EARMARK DECLARATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the FY 2010 Commerce, Justice, and Science Appropriations Bill.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 2847

Account: Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: Hope Through Housing Foundation

Address of Requesting Entity: 9065 Haven Avenue, Suite 100, Rancho Cucamonga, California 91730

Funding Secured: \$850,000

Description of Request: In previous fiscal years, Congress has shown strong support to the Hope Through Housing Foundation by providing dollars to fund a pilot program to fully incorporate a violence prevention curriculum, particularly gang prevention, into the existing programming at affordable housing commu-

nities. Funding will be used to administer an after-school program on site at affordable housing facilities that is designed to help prevent violence and keep at-risk youths off the streets. This program includes an array of services essential to assisting at-risk youth gain the resources they will need to succeed in life and school. An afternoon at Hope's After School and Beyond—Violence Prevention includes: team building exercises, self-esteem building activities, homework assistance, family literacy and Peace Builders, the nationally acclaimed violence prevention curriculum. These elements will further develop positive and community networks that will support youth in their journey into adulthood, and will support their families in helping them on this journey.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 2847

Account: Office of Justice Programs, Juvenile Justice Account

Legal Name of Requesting Entity: City of Chino

Address of Requesting Entity: 13001 Central Avenue, Chino, California 91708

Funding Secured: \$150,000.

Description of Request: The City of Chino runs the Chino Experience as an after-school program for teens in grades 7 through 9. The Chino Experience addresses the needs of this growing population group and specifically focuses on at-risk youth. It is the only facility in the community offering non-sport programs and services to teens in grades 7 through 9 for extended evening hours and weekend programming. The three critical components of the program are individual case management, school-based enrichment, and the Chino Experience Teen Center facility. These components address the socioeconomic, academic, and social needs of the teens and also serve as diversions from dangerous influences of gangs and drugs. The Chino Experience provides year-round, five days per week programming for teens plus two special excursions per month. On-site after-school tutoring is available and shuttle bus service takes the students directly from three schools to the Chino Experience Teen Center after school for alternative programs. The requested funds will support teen programs with a special emphasis on teens living within the low-income and moderate-income areas of the community.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 2847

Account: Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: Rio Hondo Community College

Address of Requesting Entity: 11400 Greenstone Avenue, Santa Fe Springs, California 90670

Funding Secured: \$300,000

Description of Request: Rio Hondo College operates its Public Safety Center with Police and Fire Academies to train cadets and Federal, State, and local first responders from over 115 agencies. The Public Safety Center was recently recognized by the Department of Homeland Security as a "Regional Homeland Security Training Center." In tandem with this recognition, Rio Hondo College recently

pledged \$520,000 toward the acquisition of additional land adjacent to the Fire Academy to train Federal, State, and local first responders in tactics to best manage the possibility of a Chemical, Biological, Radiological, Nuclear, or Explosive event (CBRNE) in Southern California. Los Angeles County has pledged \$150,000 toward the Center, and the City of Santa Fe Springs is prepared to contribute up to \$300,000 toward the Center. Training is already under way at the expanded Center. In order to meet the rising demands for training from L.A. County first responders and Rio Hondo students at the Center in order to prepare for natural and Chemical, Biological, Radiological, Nuclear, or Explosive (CBRNE) disasters, the training center needs the appropriate equipment to train for underground and tunnel scenarios, lighting to train 24/7 and to simulate nighttime operations, and a classroom trailer now that the center is designated as a Department of Homeland Security approved training center.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. PUTNAM. Madam Speaker, on Monday, June 15, 2009, I was not present for 4 recorded votes. Please let the RECORD show that had I been present, I would have voted the following way: Roll No. 336—"yea," Roll No. 337—"yea," Roll No. 338—"yea," Roll No. 339—"yea."

HONORING WWII WOMEN AVIATORS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Lorraine Zilner Rodgers and her remarkable service to our country during World War II. Ms. Rodgers dreamed of becoming a pilot at a time when the field of aviation was dominated by men. Undeterred, she overcame gender barriers to pursue her goal. After graduating from the University of Illinois, she worked building military aircraft, using her salary and limited spare time to learn to fly. She eventually attained a private pilots' license.

While pursuing her dream to fly, she learned of the Women Airforce Service Pilots (WASP) program and became inspired to join the war effort. More than 25,000 women applied and after completing a rigorous training program, Ms. Rodgers was among the 1,074 women who earned their wings. In the 17 months that the WASP's were operational, she and her fellow pilots flew more than 60 million miles.

Among her many duties Ms. Rodgers tested and ferried planes making necessary repairs to military aircraft. She displayed tremendous courage and bravery as her duties were strenuous, exhausting and at times even life threatening. Thirty-eight women lost their lives while

serving and Ms. Rodgers was nearly one of them. While she was completing a routine testing flight in Waco, Texas, the plane she was flying abruptly went into an inverted spin. She made every attempt to right the aircraft to prevent destroying the plane, but as she neared the ground she was forced to abandon the aircraft. She was barely able to deploy her parachute before hitting the ground as she had delayed ejecting in an effort to save the plane. After recovering from her injuries, she was informed that her plane's rudder had been cut in an act of sabotage. Although such acts were rare, they were examples of the hardships women pilots had to overcome as they faced antagonism from male pilots who adamantly believed that women did not belong in the aviation field.

On Dec. 20, 1944, the same day Ms. Rodgers risked her life, Congress voted to disband the WASP program determining that it was no longer necessary as male pilots were becoming available to fill the jobs the women were performing. Despite the end of the program, Ms. Rodgers did not abandon her passion. She went on to work at the Glenview Naval Air Station and flew as much as possible.

In the 1970s she became deeply involved in a campaign to gain veteran status for WASPs. Despite resistance based on gender prejudices, they finally succeeded in 1977.

Madam Speaker, I ask that my colleagues join me in honoring Lorraine Zilner Rodgers and other pilots from the WASP program who remain an inspiration for young women and men alike. She is not only a hero but a symbol of what can be achieved when goals are pursued and barriers overcome. She continues the legacy set down by generations of ambitious women by honoring her talent and maintaining a steadfast commitment to her dreams.

EARMARK DECLARATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. LATTA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman ROBERT E. LATTA.

Bill Number: H.R. 2847, Commerce, Justice, Science and Related Agencies Appropriations Act, 2010.

Account: Commerce; NOAA—Operations, Research and Facilities.

Legal Name of Requesting Entity: Bowling Green State University.

Address of Requesting Entity: 106 University Hall, Bowling Green, OH 43403.

Description of Request: \$500,000 for monitoring of Lake Erie water quality with remote sensing for Bowling Green State University and Heidelberg College, in partnership with the consortium partners of OhioView and the Great Lakes Environmental Research Laboratory (GLERL). The funding will be used to con-

tinue the project of monitoring algal blooms in Lake Erie with LANDSAT TM satellite data. This will allow for real-time, continuous monitoring and assessment of harmful algal blooms and coliform in Lake Erie and its Southern-shore tributaries. This research is authorized by the Harmful Algal Bloom and Hypoxia Act of 2003. The funds will be used to develop the systems for determining cyanobacteria in Lake Erie and in local water supplies and to continue to collect data for analyzing and further study. This project began in 2006 and provides continuous monitoring from the satellite data of the potentially harmful algal blooms. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA.

Bill Number: H.R. 2847, Commerce, Justice, Science and Related Agencies Appropriations Act, 2010.

Account: Justice; OJP—Juvenile Justice.
Legal Name of Requesting Entity: Starr Commonwealth—Van Wert.

Address of Requesting Entity: 15145 Lincoln Highway, Van Wert, Ohio 45891.

Description of Request: \$500,000 for expansion of the Adolescent Delinquency Program (ADP) in Van Wert in order to address specific needs of troubled and at-risk youth. Services include educational/GED programs, life skills, job placement assistance, housing assistance, case management and mentoring. At risk, identified male delinquent youth between the ages of twelve and eighteen are eligible for placement into the Adolescent Delinquent Program. This expansion will assist with the program so it can serve more Ohioans and help them become productive citizens. Starr takes at-risk youth from being costly tax recipients and dependent on the social welfare to future taxpayers and productive, independent members of society. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. ROSKAM. Madam Speaker, pursuant to Republican standards on disclosure for Member project requests, I am submitting the following information regarding projects I support for inclusion in H.R. 2487, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Congressman PETER J. ROSKAM: H.R. 2487, Department of Justice, Office of Justice Programs, Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Programs account for the Hanover Park Police Department Rapid Response to School Violence Program. The entity to receive the \$48,000 in funding for this project is the Hanover Park Police Department, 2121 W. Lake Street, Hanover Park, IL 60133. It is my understanding that the funding would be used for the Department to enhance its response to school violence capabilities through purchase of equipment, training, and realistic exercises.

This funding is desperately needed to equip the Hanover Park Police Department to better be able to respond to threats of school violence, particularly in light of the recent and sudden increase in teen and gang shootings. The Hanover Park Police Department plans to enhance its response to school violence capabilities through purchase of equipment, training, and realistic exercises. This training would be used for all sworn department members in a series of simulated situations of police response to active shooters in schools. Included in the request is funding for purchase of training weapons, and tactical equipment, and armored security gear for use in both drills and actual incident response. The Hanover Park Police Department has demonstrated a willingness to be a regional resource, and has positioned itself to provide mutual aid to surrounding municipalities and even other states. The Department's School Familiarization Program was featured in a June 2008 Law and Order article, and has served as a model for other departments across the country.

Congressman PETER J. ROSKAM: H.R. 2487, Department of Justice, COPS Law Enforcement Technology Program account for the Northern Illinois Police Alarm System Atmospheric Detection Equipment. The entity to receive the \$675,000 in funding for this project is the Glencoe Department of Public Safety, 675 Village Court, Glencoe, IL 60022. It is my understanding that the funding from this joint request with Congresswoman BEAN would be used to acquire atmospheric Detection Equipment for the NIPAS regional mutual aid response trained officers. The Northern Illinois Police Alarm System (NIPAS) Emergency Services Team (EST) is a mutual aid organization that is responsible for law enforcement coverage of 68 member towns with a total population of approximately 1.8 million residents. In Illinois' 6th Congressional District, the acquisition of this equipment will directly benefit the municipalities of Bartlett, Elk Grove Village, Elmhurst, Hanover Park, Mount Prospect, Roselle, Streamwood, and Villa Park. This funding will be used to acquire atmospheric Detection Equipment for the NIPAS EST mutual aid response trained officers. Member Police Departments and the NIPAS EST have identified a lacking atmospheric detection capability. Atmospheric detection equipment is needed to allow NIPAS law enforcement officers the ability to respond to crimes or other incidents involving hazardous environments, explosive devices, arson materials, and narcotics. NIPAS will administer this program which will provide coverage for 68 member communities in the counties of Lake, Cook, DuPage, McHenry and Will Counties. Ensuring that NIPAS officers have the Atmospheric detection technology they need will: protect police officers who are the first to respond to Hazmat related accidents/crime scenes and methamphetamine related crime scenes; decrease the response time of officers to hazmat accidents/crime scenes; increase public safety, and provide valuable atmospheric samples that can later be used for criminal prosecutions. This shared resource will leverage taxpayer dollars toward a more efficient procurement of this atmospheric detection equipment.

Congressman PETER J. ROSKAM: H.R. 2487, Department of Justice, Office of Justice Programs, Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Programs account for the Advocate Good Samaritan Hospital Domestic Violence Program. The entity to receive the \$75,000 in funding for this project is Advocate Health Care, 2025 Windsor Drive, Oakbrook, IL 60523. It is my understanding that the funding would be used to strengthen and expand the Hospital's domestic violence program through greater outreach and enhanced collaboration with more area police departments. With the growing numbers of reported domestic violence in DuPage County and throughout Illinois' 6th Congressional district, Advocate Good Samaritan Hospital (AGSH) seeks to further strengthen and expand its domestic violence program to ensure that current and expected needs are met. In addition, with this funding AGSH will be able to expand its collaborative efforts with local police departments to include Lombard and Wheaton, complementing its current interaction with Downers Grove. Additionally, AGSH will enhance training both internally and for local agencies that serve as strategic points of entry: emergency departments, local police departments, and faith-based organizations. The federal government has recognized the serious public health threat that domestic violence poses to society through its Healthy People 2010 objectives, and the federal government has sought and is seeking a reduction in the rate of physical assault by current or former intimate partners. AGSH seeks to help achieve this important federal objective. This project meets the objectives of the Bureau of Justice Assistance by encouraging the development and implementation of strategies to reduce and prevent crime and violence, drawing in community participation, and providing technical assistance.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Fiscal Year 2010 Commerce, Justice, Science Appropriation Act:

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2847
Account: OJP-JJ

Name and Address: Watson Children's Shelter, 2901 Fort Missoula Road, Missoula, Montana 59804

Description: The Watson Children's Shelter (WCS) is Western Montana's only emergency children shelter, serving nearly 100 children per year who escape from abuse, neglect, abandonment, family crisis, and other traumatic situations. The substantial population growth in Western Montana coupled with the subsequent increase in methamphetamine abuse, poverty, and related issues has significantly increased the need for children-oriented emergency shelter services. This request will

facilitate the continued fulfillment of its mission of providing a safe haven for all children in crisis in Western Montana and meet increased demand.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2847

Account: OJP-JJ

Name and Address: University of Montana, University Hall 116; Missoula, MT 59812

Description: The Montana Safe Schools Center (MSSC) will work with schools, state agencies and Tribes on the interrelated issues of childhood trauma and victimization, suicide prevention, threat assessment, behavioral health and bullying.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2847

Account: OJP-JJ

Name and Address: Youth and District Court Services Bureau, 301 South Park Avenue, Suite 328

Description: This project will integrate the MONTS Program into the Montana Youth Justice System by training staff in the appropriate application and use of MONTS & OTTER Notifications to divert Montana youth from custody and into appropriate alternative solutions.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2847

Account: OJP Byrne

Name and Address: East Helena Police Department, 316 East Main East Helena, Montana 59635

Description: This funding will allow the East Helena Police Department to hire Certified Police Officers.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2847

Account: COPS Tech

Name and Address: Yellowstone County Sheriff's Office, P.O. Box 35017, Billings, Montana 59107

Description: The mobile digital video camera project will fund the purchase of new mobile video digital cameras to augment current systems and replace VHS formatted video systems. The information that is recorded can be used as evidence in court proceedings, assist the prosecution of D.U.I. arrests, gang activity, traffic and criminal offenses.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2847

Account: OJP Byrne

Name and Address: Gallatin County, 311 West Main Street, Bozeman, MT, 59715

Description: This funding will allow the Gallatin County Treatment Court to expand the capacity of our program by adding case management, mental health access, treatment access, and housing and education assistance for program participants willing to seriously address their chemical dependency issues.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2847

Account: COPS Meth

Name and Address: Montana Meth Project, PO Box 8944, Missoula, MT 59807

Description: Funding will support the Montana Meth Project campaign's commitment to solve the meth usage problem using prevention as the first line of defense.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2847

Account: OJP Byrne

Name and Address: Billings Clinic, PO Box 31031, Billings, MT 59107

Description: Funding will support the operation of the Billings Clinic Sexual Assault Nurse Examiner (SANE) program specializes in collecting evidence and caring for victims of sexual assault. Billings Clinic's SANE unit was recently in March of 2007 and is the only unit in the service area. The SANE unit is equipped with all necessary equipment for forensic evidence collection and provides a safe and private room specifically designed for victims of sexual assault.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science Appropriations Act, 2010:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 2847

Account: NOAA—Operations, Research, and Facilities

Legal Name of Requesting Entity: Mote Marine Laboratory

Address of Requesting Entity: 1600 Ken Thompson Parkway, Sarasota, FL 34236

Description of Request: I secured \$1,500,000 for Science Consortium for Ocean Replenishment (SCORE) at Mote Marine Laboratory.

SCORE is a multi-state initiative for the recovery of the nation's ocean fisheries. Its approach is to replenish diminishing marine fisheries stocks based on scientific protocols developed through a highly coordinated national effort focused on demonstration of successful stock enhancement. This fast-track strategy has the potential to be more cost-effective and timely than policy measures traditionally used to conserve and sustain ocean resources.

IN MEMORY OF VIRGINIA APGAR OF WESTFIELD, NJ

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. LANCE. Madam Speaker, I rise today in honor of Dr. Virginia Apgar of Westfield, New Jersey to celebrate her life and achievements with her family and friends, and with my colleagues here in the United States Congress and with the American people.

Were she still alive today Dr. Apgar would have observed her 100th birthday this month.

Born on June 7, 1909, Dr. Apgar enjoyed a long distinguished career in medicine, education, public health and devoted a significant amount of efforts to preventing birth defects of infants around the world.

Educated at Mount Holyoke College and Columbia University, she became the director of anesthesiology at Columbia University's

College of Physicians and Surgeons in 1938. In 1949, Dr. Apgar became the first full-time professor of her gender at Columbia University, overcoming the challenges for exceptionally talented women in higher education.

While millions of parents around the world in the last half of this century may not have known Dr. Apgar, they do know her last name well. The Apgar Score—which she created in 1952—is a straightforward and efficient system designed to evaluate the vital signs of newborns at birth. It is still in use today around the world.

The method she developed was the first time in public health that addressed the needs of newborns in the very early minutes of their life after birth. The Apgar Score measures a newborn's appearance, pulse, grimace, activity and respiration. It has helped predict newborn survival and reduce infant mortality. Her efforts have changed the lives of millions.

Dr. Apgar was a dedicated advocate of the March of Dimes. She initiated programs to promote rubella immunization for infants and helped convene the first Committee on Prenatal Health, which produced a milestone study on the regionalization of pre-natal care in the United States in 1976.

While Dr. Virginia Apgar is not with us today, I would like to commend her for her lifetime of achievements. Not only do parents around the world appreciate her Apgar Scores, she has made numerous contributions to infant health.

It is my pleasure to remember Virginia Apgar on the anniversary of her 100th birthday and share her wonderful life story with my colleagues in the United States Congress and with the American people.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010:

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2847

Account: Department of Justice-Community Oriented Policing Services (COPS) Meth

Project Funding Amount: \$250,000

Legal Name of Requesting Entity: Hillsborough County

Address of Requesting Entity: 3110 Clay Mangum Lane, Tampa, Florida 33618

Description of Request: On behalf of Hillsborough County, I respectfully requested \$250,000 in funding for the County's Methamphetamine Enforcement and Cleanup project. Methamphetamine use and distribution is a major problem in the Tampa Bay/Hillsborough County area. Realizing that methamphetamine has clear and tragic consequences, whether it's the obvious striking physical and mental affects or the cleanup of

the toxic production laboratories, Hillsborough County will use this funding to combat this problem through meth prevention, treatment and the cleanup of drug sites.

PERSONAL EXPLANATION

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BROUN. Madam Speaker, yesterday, I was unable to vote on the following bills: H. Res. 430, H.R. 2325, H.R. 729, and H. Res. 540. If I had been able to make these votes, I would have voted "yea" on H. Res. 430, "yea" on H.R. 2325, "nay" on H.R. 729, and "yea" on H. Res. 540.

TRIBUTE TO COACH JACK DOSS AND THE S.R. BUTLER HIGH SCHOOL BASKETBALL TEAM

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to recognize Coach Jack Doss and the S.R. Butler High School basketball team from Huntsville, Alabama. Along with assistant coaches Charlie Steele, Terry Mitchell, Arthur Wesley and Michael Freeman, Coach Doss led the Rebels to a second straight 5A State Basketball Championship and Butler's fourth of the past six years.

Though one of the smallest high schools in Division 5A, S.R. Butler High School has always upheld the highest standards of excellence in all its endeavors, and this team of outstanding athletes is no exception.

I commend the leadership of Principal Jacqueline Wyse and Coach Doss on their successful careers with Butler High and look forward to the continuation of a tradition of solid and consistent performance in academics and athletics.

Madam Speaker, I congratulate Coach Doss and the entire S.R. Butler High School administration and staff for their commitment to achieving this championship.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. MANZULLO. Madam Speaker, on Monday, June 15, 2009, I was unable to return to Washington in time to vote because of airplane mechanical problems. If I was here, I would have voted "yea" on Rollcall No. 336, "yea" on Rollcall No. 337, "no" on Rollcall No. 338, because while the bill has a noble goal, the legislation imposes yet another federal mandate on local schools, and "yea" on Rollcall No. 339.

EARMARK DECLARATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. PAUL. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding an earmark I obtained as part of H.R. 2487.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 2487

Account: NASA

Legal Name of Requesting Entity: Bay Area Houston Economic Partnership

Address of Requesting Entity: 2525 Bay Area Blvd., Suite 640, Houston, TX 77058

Description of Request: An earmark of \$1,000,000 to fund the Bay Area SATOP program to transfer the knowledge and technology of the U.S. Space Program to small businesses. SATOP provides technical assistance to small businesses.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed one vote. Had I been present, I would have voted on the following: Rollcall No. 337, on the motion to suspend the rules and pass H.R. 2325, to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office," I would have voted "yea."

IN HONOR OF REV. JOSEPH ROBERSON FOR HIS SERVICE TO SOUTH COLUMBUS UNITED METHODIST CHURCH

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the Reverend Joseph Roberson of Columbus, Georgia, who has for the past 15 years served with unwavering love and devotion as the Senior Pastor of South Columbus United Methodist. On June 17, 2009, Reverend Roberson will resign his pastoral duties to serve as the Statesboro District Superintendent, where he will minister to 82 churches and 53 pastors.

Under Reverend Joseph Roberson's leadership these past 15 years, South Columbus United Methodist has grown from 45 members to now more than 800 members. It established a Hispanic Ministry and added an Associate Pastor to the church leadership team. Reverend Roberson has touched many lives through his ministry at South Columbus United Methodist. To his parishioners, he is a pastor,

an evangelist, a prophet, a teacher, a counselor, and a friend.

A native of Waynesboro, Georgia, Reverend Roberson first joined the ministry in 1978 with the Statesboro District of the South Georgia Conference of the United Methodist Church (UMC). Over the next 16 years, his career took him from there to the West Point Parish (1980–1983), Speedwell UMC in Savannah, Georgia (1983–1985), Council on Ministries (1985–1991), the National Black Methodists for Church Renewal in Dayton, Ohio (1991–1994), and finally to the South Columbus UMC in 1994.

I appreciate the impact that Reverend Joseph Roberson and the South Columbus United Methodist Church have made on the city of Columbus. The church has become a spiritual pillar of the Columbus community reaching out to those in need and comforting those who are suffering.

I am truly honored to be able to call Reverend Roberson a fellow Georgian. His faithfulness and dedication are rare traits. I thank him for his years of service at South Columbus United Methodist and I wish him Godspeed in the next phase of his life.

EARMARK DECLARATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. FRANKS of Arizona. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847: Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

(1) Recipient: City of Glendale, Arizona, 5850 W. Glendale Avenue, Glendale, AZ 85301

Budget designation: \$1,000,000

The purpose of this budget designation is to upgrade and enhance the computer aided dispatch and records management system that is used by law enforcement to respond to emergencies in the Glendale community. These upgrades will include modules for booking, records management, dispatch, homeland security, court/prosecutors and wireless ticketing, as well as automatic vehicle location, a system that is currently used by the fire department which results in a much quicker response to calls and includes mapping so that officers can be directed to the call location. Over the past several years, the City of Glendale has become an entertainment and sports destination. The City is home to the University of Phoenix Stadium, a 73,000-seat multi-purpose facility which hosts the NFL Cardinals football games, the Fiesta Bowl, an annual BCS Game and just hosted the 2008 Super Bowl. The adjoining Jobing.com arena is home to the NHL Phoenix Coyotes and hosts numerous events and concerts. The national and regional events held at these facilities have significantly increased the public safety needs and demands on the City of Glendale. In order to protect the public that attends these events, the City of Glendale is pursuing

the acquisition of infrastructure equipment that will enhance emergency response time. The Glendale Police Department currently uses a Computer Aided Dispatch (CAD) and Records Management System (RMS) which was built in-house in the mid-1980s. The system is difficult to work with and sometimes it is not possible to make changes that reflect the current needs of the Police Department. This project will make the technology improvements necessary to meet the Glendale area's increasing public safety needs.

(2) Recipient: City of Surprise, Arizona, 12435 W. Bell Rd, Surprise, AZ 86442

Budget designation: \$200,000

The purpose of this budget designation is to aid the Police Department of the City of Surprise in keeping the City of Surprise safe from criminals. The Police Department of the City of Surprise has grown significantly over the past few years in its service provided to the community. In 2008, the department reported an increase of over 12 percent in total incidents, increasing from 81,332 in 2007 to 92,596 in 2008. Citizen calls for service made up a total of 41,372 of the 2008 total incidents. Total incidents include the public calls for service, but also include the activities of officers such as viewed crimes and arrests, traffic enforcement, and other community contacts. The funds will be used to upgrade 75 mobile data computers and purchase in-car cameras to help keep the West Valley safe from criminal predators.

TRIBUTE TO WILLIAM D. MCNAMEE

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. WU. Madam Speaker, I rise today to pay tribute to U.S. Citizenship and Immigration Service Field Office Director William D. McNamee. Director McNamee will be retiring in July 2009 after thirty years of service to our country.

Former Oregon Governor Tom McCall once said, "Heroes are not giant statues framed against a red sky. They are people who say, 'This is my community, and it is my responsibility to make it better.'" Bill McNamee truly is an American hero, for he has devoted much of his life to making his country and community better.

Bill McNamee began his career with legacy Immigration and Naturalization Service (INS) as an inspector in Calais, Maine, in July 1978. During the next thirty years, Bill worked not only in the United States, but also in Canada and Germany. As the INS officer in charge in Frankfurt, Germany, from June 1998 to July 2001, one of Bill's many successes was helping approximately 60,000 Bosnian refugees obtain permanent resettlement in the United States. His commitment and empathy for this vulnerable population was extraordinary and deserves to be recognized.

In my home state of Oregon, we were fortunate to have Bill McNamee assigned to our INS Office in 2001. He became district director in 2004 and has led this office with compassion, integrity, and a sense of dedication to

the immigrants he serves. His colleagues, his employees, and the public all respect Bill for his efforts to provide excellent service: a rare distinction.

Bill McNamee's commitment to public service is also evident in his work with the Federal Executive Board. The Board coordinates all federal, state, and local government organizations to ensure that every agency is better prepared for emergencies. Due to Bill's dedication to this mission, he was instrumental in obtaining permanent congressional funding for the Board.

It is an honor for me to recognize Director McNamee for his service and for providing a heroic example to us all.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Friday, June 12, 2009.

Had I been present, I would have voted "nay" on rollcall vote No. 335 (On Motion to Concur in the Senate Amendment to H.R. 1256).

RECOGNIZING THE FIFTH ANNIVERSARY OF "BEAT THE ODDS" IN LOUDOUN COUNTY, VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. WOLF. Madam Speaker, I rise today to recognize the fifth anniversary of the "Beat the Odds" program in Loudoun County, Virginia. I am honored to recognize this important program in the 10th District of Virginia.

"Beat the Odds" is a national scholarship program that was initiated by the Children's Defense Fund in 1990 to celebrate the positive potential of young people and further their dreams of higher education. In 2004, several organizations in Loudoun County came together to organize the Loudoun chapter of "Beat the Odds." These organizations include: the Bar Association, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Family Services, the Sheriff's Office, Juvenile Court Services, the Public Defender's Office, and the Commonwealth Attorney's Office.

Since the first awards were given in 2005, the Loudoun Chapter has presented over \$40,000 in scholarships and merit awards to 18 deserving high school seniors from across Loudoun County. These young people have overcome tremendous challenges and obstacles in their daily lives to become role models in their communities. Their drive to succeed and inner strength make them truly remarkable individuals.

Each May, awardees are honored and recognized in a ceremony at the Old Courthouse

in Leesburg. I had the privilege of attending this year's ceremony, which was held on May 28. This year's honorees were: Breon Earle, Broad Run High School; Ahsanul Haque, Dominion High School; Joseph Williams, Dominion High School; Marlen Santos, Loudoun Valley High School, and Jessica Murray, Loudoun Valley High School.

I ask that my colleagues join me in congratulating these outstanding students and recognize their achievements, as well as the continuing legacy of "Beat the Odds" in Loudoun County.

IN HONOR OF MONTGOMERY'S
JOHN V. WARMS

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. LANCE. Madam Speaker, I rise in honor of Montgomery Township's John V. Warms who passed away June 13 at the age of 71. Born and raised in Newark, NJ, John Warms was a resident of the Skillman section of Montgomery for more than 36 years.

A graduate of Carteret Academy, Montclair State College and Seton Hall University, John spent 32 years with the New Jersey Education Association as a field representative, negotiator and teacher rights case manager.

He was also an active member of state and national education professional associations. Mr. Warms is known for developing special national projects such as "Read Across America" and Drug-Free School Zones. And he helped to establish the Paul Demetrious Fund, and with the help of his friends and neighbors established the National Staff Organization and served as its president for 25 years.

Throughout this lifetime, John received many awards, most importantly the ACLU Roger Baldwin Civil Liberties Award. Following retirement, John was a vice-president of Teachscape, a professional development company for teachers.

He also represented New Jersey Probation Officers and served as a legal consultant for the Klausner Hunter law firm. Most recently, John served as special assistant to the president of Raritan Valley Community College for developmental projects.

John Warms' passion for education and advocacy for teachers and students came from his personal experiences—he was himself a teacher at Winfield Park and Piscataway school systems.

John Warms was a bedrock in the community in which he lived. He served three terms on the Montgomery Township Committee with his most recent term ending in 2007. John Warms proudly served as mayor of Montgomery during 1992.

John's civic involvement also included liaisons with the Montgomery Police Department and Recreation Committee; Skillman Village negotiations with New Jersey; Route 206 modifications, and served on the Planning Board. He was a member of the Princeton B.P.O. Elks, and was a leader in the "Operation Friends" campaign to provide relief for Hurricane Katrina victims in Alabama.

John Warms also coached several middle and high school soccer and baseball teams, traveling soccer and baseball teams, and was the president of the Montgomery High School Booster Club.

John is survived by his beloved wife of 44 years, Peg, and children Christopher of Hamilton, Peter and Joanne of Lambertville and Annie of Lawrenceville. Also surviving are three delightful grandsons, Tanner Kell, Cole and Thomas Warms.

Thank you John Warms for your contributions to the Montgomery community and New Jersey as a whole. You will be greatly missed.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010:

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2847

Account: Department of Justice—Office of Justice Programs (OJP)—Juvenile Justice Project Funding Amount: \$250,000

Legal Name of Requesting Entity: Polk County Sheriff

Address of Requesting Entity: 455 North Broadway Avenue, Bartow, Florida 33830

Description of Request: The Polk County Sheriff's Office has placed an earmark request of \$250,000 in order to supplement funding for the Polk County Gang Prevention Initiative. This critical program will continue work to thwart gang activity in Central Florida. According to the Polk County Sheriffs Office (PCSO) Gang Unit, there are currently 16 known national gangs and 24 known local "hybrid" gangs operating in the Polk County area. Funding for this project will expand the PCSO current anti-gang programs in Polk County to investigate, document, coordinate, and suppress gang related activity. Currently, the Polk County Sheriff's Office has a specialized Gang Unit which will utilize the federal dollars to develop strategies to combat gangs through community patrols. Funding will also be used toward the creation of presentations directed at children, adults, parents, teachers, school administrators, and other law enforcement officials to educate individuals on the threats posed by gang activity and to promote overall awareness in an effort to reduce gang activity and violence.

STATEMENT BY THE HONORABLE
CATHY McMORRIS RODGERS

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize the 95th

Anniversary of the Inland Northwest Chapter of the American Red Cross. The Red Cross gained national recognition in 1881 through the efforts of its founder, Clara Barton. The Inland Northwest Chapter of the Red Cross, established in 1914, has continued to carry out its founder's mission to provide disaster relief and to prevent, prepare for, and respond to emergencies on local, national, and international levels.

Responding to its 1905 Congressional Charter to "serve as a medium between the citizens of the United States and the Army and the Navy," the Inland Northwest Chapter has been active in providing relief in all major international conflicts of the past century. The organization demonstrated its dedication in WWI by raising funds and providing hospitality services and during the Second World War by providing clothing, supplies, medical aid, and a portion of much needed blood donations to members of our armed forces. Following the end of the Vietnam War, the Inland Northwest Chapter participated in a massive resettlement program for Vietnamese refugees.

In addition to providing aid during international conflicts, volunteers from the Inland Northwest Chapter have assisted victims of national disasters since the Great Depression, when the Red Cross transferred wheat surpluses throughout the country. Recently, the organization has alleviated suffering after national emergencies such as the bombing of the Federal Building in Oklahoma City, the terrorist attacks of 9/11, and Hurricane Katrina.

This year, the chapter is working to strengthen ties with local members of the military, by establishing an office at Fairchild Air Force Base and by making weekly visits to the Spokane VA Medical Center. Historically, the Red Cross has played a key role in helping deployed soldiers communicate with their families. This July, the Inland Northwest Chapter plans to expand their services by moving these communications in-house. Other ongoing chapter activities include education and preparation for emergencies and 24-hour support for disaster victims, especially those affected by house fires.

Madam Speaker, I believe the dedication shown by the Inland Northwest Chapter of the American Red Cross and their ongoing efforts to prevent, prepare for, and assist in the most critical disaster situations are worthy of recognition before this body. I invite my colleagues to join me in honoring the Inland Northwest Chapter of the American Red Cross by observing and celebrating 95 years of selfless dedication to service.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BILBRAY. Madam Speaker, I submit the following:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, Byrne Justice Assistance Grants

Legal Name of Requesting Entity: City of Carlsbad

Address of Requesting Entity: 1200 Carlsbad Village Drive, Carlsbad, CA 92008

Description of Request: I received an earmark of \$300,000 for the City of Carlsbad to construct the first Joint Fire and Police training center in North San Diego County, providing an unparalleled opportunity for first responders to train together and deliver enhanced and coordinated safety for the citizens of our region. Regional public safety collaboration will result in better training, yielding stronger and more coordinated responses by fire, police, public works, FBI, DEA and other North County law enforcement agencies. This project will also better prepare a coordinated, unified response to large-scale disasters and fires in the region.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, Office of Justice Programs, Byrne Justice Assistance

Legal Name of Requesting Entity: City of Escondido

Address of Requesting Entity: 201 North Broadway, Escondido, CA 92025

Description of Request: I received an earmark of \$200,000 for the Escondido Police Department to fund new Mobile Data Computers. Mobile Data Computers (MDCs) enhance emergency communications and support electronic messaging between police vehicles. Officers are dependent on this technology to be responsive to emergencies and have the necessary information to operate safely. Vehicles with new MDCs will increase officer communications and enable them to interface with Escondido's new CAD system with its GPS feature. During a large, regional emergency (e.g. a wildfire scenario) the Emergency Operations Center and 911 dispatch center will be able to visually determine where every Police and Fire unit is located and position them more effectively.

The Police Department currently maintains approximately 160 Mobile Data Computers. About 40 percent of these are three to four years old and are used beyond the manufacturers warranty period. Although these MDCs are still in the field and functioning, they are very costly to maintain. Not surprisingly, the successful deployment of the mobile laptop computers also has created a demand for increased access to new applications (e.g. Automated Field Reporting) and regional law enforcement databases (e.g. ARJIS, CLETS), which puts a strain on these older mobile computers. Pushing these older mobile computers to the edge of their limits makes it difficult to maintain the reliability necessary for public safety operations. More importantly, some of the desired applications (ARJISNet, SDLaw, CalPhoto, new CAD system) simply cannot be accommodated on the older existing MDCs.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Byrne Discretionary Grant Program

Legal Name of Requesting Entity: San Diego County, District Attorney

Address of Requesting Entity: 330 West Broadway, San Diego, CA 92101

Description of Request: I secured \$200,000 for the San Diego County District Attorney's Gang and Drug Crime Investigation and Prosecution unit. This proposal for \$200,000 is consistent with the statutory purpose and goals of the Byrne Discretionary Grant Program. Investigation and prosecution of drug and gang-related crime in the District Attorney's Office is manpower-intensive. A substantial number of cases brought to the office come from Federal law enforcement, often due to the inability or unwillingness of the U.S. Attorney's Office to take certain cases. Deputy District Attorneys work hand in hand with Special Agents of the Drug Enforcement Administration to investigate narcotics trafficking activity, much of which originates in Mexico. These investigations, many of which involve technically and legally complex wiretaps of extraordinary scope and duration, require an ever-increasing number of Deputy District Attorneys, as narcotics traffickers, and the attorneys they retain for their defense, become more sophisticated.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: COPS Technology Grant Program

Legal Name of Requesting Entity: County of San Diego, Sheriff's Department

Address of Requesting Entity: 9621 Ridgehaven Court, San Diego, CA 92123

Description of Request: I secured \$1,200,000 for the San Diego County Sheriff Department's Regional Communications System Upgrade. This proposal for \$1,200,000 is consistent with the statutory purpose and goals of the COPS Technology Discretionary Program. The Sheriff's continued vision is to increase and improve data sharing, automate officer alerts and notifications, improve disaster preparedness, and deliver more intelligence to officers and first-responders. The Sheriff's Department, with assistance from Federal and local agencies has, over several years, undertaken technology projects targeting this vision. These enhancements provide law enforcement with rapid access to critical information and knowledge with less human intervention producing quicker results with greater accuracy. This phase of the SDLaw Infrastructure Program will expand the search and aggregation of intelligence from even more data repositories, add additional business logic, further automate data mapping and workflow, further improving visualization of the information resulting from this convergence of data from State, Local, and Federal systems and now with the inclusion of County justice case management systems.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2847

Account: Commerce, Justice, Science

Legal Name of Requesting Entity: Chesterfield County Police Department

Address of Requesting Entity: 10001 Iron Bridge Road, Chesterfield, VA, 23832, USA

Description of Request: Provides \$930,000 to improve officer communications through the acquisition of floor mounted car radios. These floor mounted radios will increase the safety of police officers as well as citizens.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2847

Account: Commerce, Justice, Science

Legal Name of Requesting Entity: City of Suffolk Police Department

Address of Requesting Entity: 120 Henley Place, Suffolk, VA, 23434, USA

Description of Request: Provides \$70,000 to fund the purchase of Emergency Medical Dispatching Software. Giving emergency medical information to a caller with a medical situation by a dispatcher is considered an industry standard.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. COBLE. Madam Speaker, yesterday my flight was delayed and I missed the four suspension votes.

On rollcall No. 336—H. Res. 430—Expressing condolences to the citizens of Italy and support for the Government of Italy in the aftermath of the devastating earthquake that struck the Abruzzo region of central Italy, I would have voted "Aye."

On rollcall No. 337—H.R. 2325—To designate the "Laredo Veterans" Post Office in Laredo, Texas, I would have voted "Aye."

On rollcall No. 338—H.R. 729—Phylcia's Law, I would have voted "No."

On rollcall No. 339—H. Res. 540—Expressing condolences to families affected by ConAgra Foods Plant Explosion in Gamer, North Carolina, I would have voted "Aye."

RECOGNIZING THE HOWARD COLLEGE HAWKS 2009 JUNIOR COLLEGE NATIONAL BASEBALL CHAMPIONSHIP

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. NEUGEBAUER. Madam Speaker, I proudly congratulate the Howard College Hawks baseball team of Howard County Junior College in Big Spring, Texas for winning the 2009 Junior College National Baseball Championship.

The Hawks finished the season with a 63-1 record; the best record ever by a World Series championship team at any level of collegiate baseball. The championship squad includes sophomores Andrew Collazo, Jonathon Castillo, Tommy Vukovich, Nick Popescu, Caleb Nine, Bryan Johns, Runey Davis, Kane Kimrey, Hunter Hill, B.J. Armstrong, Dylan Cacciola, Monk Kreder, Chase Adams, Miles Hamblin, Marvin Prestridge, David de la Chapelle, Zach Neal, Jared Butler, William Calhoun, Corey Sartor, Anthony Collazo, Cody Henry, Juan Villarreal, and freshmen Kyle Padden, Tanner Ross, Zak Anderson, Blake Barnes, Brandon Parrent, Landon Steinhagen, Stephen Niedwiecki, Joe Leftridge, MacKenzie Harrison, Duncan McGee, Burch Smith, Josh Brewer. Led by head coach Britt Smith, the coaching staff includes assistant coaches J. Bob Thomas and Jack Geise.

Several players received individual recognition for their outstanding performance. Runey Davis and Miles Hamblin had the top fielding average as the Hawks led the nation in team fielding percentage. The NJCAA/Easton Division I Baseball Defensive Player of the Year award went to Hawk centerfielder Runey Davis. Andrew Collazo was honored as the tournament's Most Valuable Player and Best Defensive Player. William Calhoun was awarded the Rawlings Big Stick Award with a regular season batting average of .527—the highest in the nation.

Three of the Hawks were named to the All American team: designated hitter William Calhoun, Pitcher Zach Neal, and Catcher Miles Hamblin.

With great support from the community, the Hawks have brought home the national championship to Big Spring. I applaud the Howard College Hawks for their hard work and success.

INTRODUCTION OF THE COMPREHENSIVE PROBLEM GAMBLING ACT OF 2009

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce, along with Representatives LEE TERRY and FRANK WOLF, the Comprehensive Problem Gambling Act of 2009, which would for the first time devote federal resources toward the prevention and treatment of problem and pathological gambling.

According to the National Council on Problem Gambling, approximately 6–9 million American adults meet the criteria for a gambling problem, which includes gambling behavior patterns that compromise, disrupt or damage personal, family or vocational pursuits. Over the past decade, gaming and gambling has grown in the United States and many states have expanded legalized gaming, including regulated casino-style games and lotteries. The recent economic downturn only compounds this situation as many states consider relaxing gaming laws in an effort to raise state revenues.

At the same time, the federal government and most states have devoted very little, if any, resources to the prevention and treatment of compulsive gambling. Problem gambling can destroy a person's career and financial standing, disrupt marriages and personal relationships, and encourage participation in criminal activity. Currently, no federal agency has responsibility for coordinating efforts to treat problem gambling.

The Comprehensive Problem Gambling Act of 2009 would begin to address this deficiency by designating the Substance Abuse and Mental Health Services Administration (SAMSHA) as the lead agency on problem gambling, allowing them to coordinate Federal action. The legislation would allow SAMSHA to conduct research, develop guidelines for effective prevention and treatment programs, and provide assistance for community-based services. In addition, this legislation would authorize annual appropriations of \$200,000 for a coordinated public awareness campaign, \$4 million for an advisory commission to research problem gambling, and \$10 million for grants to state, local, and tribal governments and non-profit organizations to provide treatment and prevention programs.

Legal gambling revenue, excluding most sports betting, poker and Internet gambling, has grown into an approximately \$100 billion a year industry. In 2006, the IRS reported that individuals claimed \$27.902 billion in gambling winnings on their income tax returns, resulting in \$5.3 billion in federal tax revenue. I feel the responsible action is to invest a modest amount (the five-year cost of this bill is less than one-fourth of 1 percent of the yearly federal tax revenues from gambling) in prevention and treatment efforts.

While there may be disagreement over the degree to which gambling should be regulated, we should all be able to support efforts to minimize the negative effects of problem gambling. I look forward to working with my colleagues to enact this important legislation.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the two earmarks I secured as part of H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

My first request, totaling \$250,000, will come from the Community Oriented Policing Services technology account at the Department of Justice for the City of Rockford, Illinois to acquire a new Records Management System and new crime fighting software for their police department to assist them in identifying, deploying, and effectively apprehending criminals. A major component of Rockford's crime reduction strategy has been to utilize technology to improve productivity and deploy resources in the most strategic and efficient manner possible. This leveraging of technology will be a force multiplier for the City and will help to reduce the crime rate in local neighborhoods. Rockford, and the surrounding areas of Winnebago County, has long struggled with high per capita crime rates. While crime has recently fallen in Rockford, too many people still do not feel safe in their own neighborhoods and dare not cross into someone else's part of town. Plus, with the decline in the national economy and the local unemployment rate in Rockford reaching 14.5 percent, higher crime rates may soon reemerge. This funding is needed to help the Rockford police use modern technology to help them confront the next challenges in law enforcement. The entity to receive this funding is the City of Rockford located at 425 East State Street in Rockford, Illinois 61104.

My second request, totaling \$250,000, will also come from the Community Oriented Policing Services technology account at the Department of Justice for the Office of the Sheriff of Winnebago County, Illinois to purchase new modern, interoperable mobile radios to improve communications among multiple law enforcement agencies in several counties along Illinois-Wisconsin border. The radios currently in use by the Sheriff's Department operate on older technology that the manufacturer no longer supports replacement parts. Having new communications equipment will allow their field operations units to have direct communications within their agency, as well as other law enforcement agencies within Winnebago County and adjoining counties in northern Illinois and southern Wisconsin. This request will help fulfill the Congressional mandate to have communications interoperability among first responders. The entity to receive this funding is the Office of the Sheriff of Winnebago County located at 650 West State Street in Rockford, Illinois, 61102.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the Chairman of the CJS Appropriations Subcommittee, Representative ALAN MOLLOHAN, and the Ranking Minority Member, Representative FRANK WOLF, for working with me in a bipartisan manner to include these two critical law enforcement requests in this spending bill.

FIRST RxIMPACT DAY ON CAPITOL HILL

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to acknowledge the first RxIMPACT Day on Capitol Hill. Advocates from nearly 30 states travelled to the Washington, DC area on June 16–17 to talk about the contribution they make in providing quality healthcare in over 50,000 community pharmacies operating nationwide. These advocates are participating in this event to urge members of Congress to recognize the value of pharmacies and make these “most accessible” experts full participants in any innovative health care delivery system and coordinated care model that is included in health care reform legislation.

Pharmacists are on the frontline of delivering quality, affordable health care. Today, there are more than 254,000 licensed pharmacists in the United States who work to improve health care throughout delivery systems across the country, including community pharmacies, hospitals, nursing homes, hospice centers and in a patient's own home. Ninety-five percent of all Americans live within five miles of a retail or community pharmacy. It becomes a place where community members can ask questions, receive medications from pharmacists they know and trust, purchase prescription drugs at lower prices, and receive personal and knowledgeable service.

As the face of neighborhood health care, pharmacists across the nation are uniquely qualified to help patients manage their conditions through medication, including monitoring their prescription use. Appropriate medication use is critical to treating the most common chronic conditions that cost the nation \$1.3 trillion in lost productivity, decreased quality of life and morbidity. Unfortunately, only 50 percent of Americans living with chronic diseases adhere to their prescribed drug regimen. Patient non-adherence not only costs the nation's economy \$177 billion dollars each year, it is associated with a \$47 billion dollar a year price tag for related hospitalizations.

I applaud the work of pharmacies and their pharmacists who play a special role in the lives and health of folks in Eastern Washington as well as all Americans. I urge my colleagues on both sides of the aisle to join me in recognizing the First Annual RxIMPACT Day on Capitol Hill and congratulating the more than 150 pharmacy leaders, pharmacists, students, and executives and the pharmacy community for their contributions to the good health of the American people.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member

requests, I am submitting the following information regarding congressionally directed appropriation projects I sponsored as part of H.R. 2847, FY 2010 Commerce, Justice and Science Appropriations Act.

Agency/Account: NASA

Amount: \$1,000,000

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409

This funding will be used towards providing engineering support for extended human and robotic space flight missions, which will directly contribute to NASA's initiative of returning to the moon and going to Mars. For human and robotic missions, the Center for Space Sciences is addressing the need for a decreased reliance on mission control due to the communication delays that occur in long distance missions.

MONEY SERVICE BUSINESS ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mrs. MALONEY. Madam Speaker, today I am introducing the “Money Service Business Act of 2009”. This is bipartisan legislation that has been cosponsored by the Ranking Member of the Financial Services Committee, Spencer BACHUS of Alabama as well as the Chair and Ranking Member of the Financial Institutions and Consumer Credit Subcommittee, Congressmen LUIS GUTIERREZ of Illinois and JEB HENSARLING of Texas and the Ranking Member of the Oversight and Investigations Subcommittee, JUDY BIGGERT of Illinois.

Last Congress, this bill passed the House on a unanimous voice vote.

The “Money Service Business Act” addresses the critical problem of money services businesses (MSBs) being denied access to the banking system.

MSBs have experienced blanket terminations of their commercial accounts over the past several years due, in part, to banks responding to unclear guidance from regulators.

This bill establishes a mechanism that would allow MSBs to self-certify their compliance with Bank Secrecy Act and Anti-Money Laundering requirements, while allowing banks to make risk-based decisions about banking particular MSBs.

MSBs, which include check cashers, money transmitters and money order issuers, have served our nation's communities for years.

If this issue is left unaddressed, the viability of MSBs will be compromised, potentially pushing many of these transactions underground and potentially untraceable to law enforcement.

Banks, reacting to regulatory fears, have terminated MSB accounts in a blanket fashion, in an attempt to minimize exposure to “high risk” businesses.

Without a banking relationship, MSBs are unable to provide financial services to communities, making it difficult for millions of Americans to pay bills, send money, or cash checks.

Federal regulatory agencies, recognizing the problem facing MSBs, have sought to address this issue through agency guidance and regulatory changes, with little effect.

This legislation addresses this problem by enabling MSBs to self-certify their compliance with Bank Secrecy Act and Anti-Money Laundering requirements.

This approach is not novel.

It is similar in principle to that used for international correspondent banking.

It would not relieve banks of their due diligence responsibilities with regard to their MSB customers, rather, it would permit appropriate reliance on self-certification to relieve banks of being the de facto regulators only of MSBs' Bank Secrecy Act and Anti-Money Laundering compliance.

The mechanics of this self-certification will be handled by regulations set forth by the Secretary of the Treasury and the certification will be filed with the financial institution where the MSB has a commercial account.

I do want to mention that even with the implementation of the self-certification; MSBs would continue to be responsible for complying with all other existing provisions of the Bank Secrecy Act and will continue to be the subject of rigorous on-site examinations by IRS examiners. MSBs are also State-regulated in many jurisdictions.

Currently, 28 States and the District of Columbia require MSB's to be licensed and/or regulated by State banking agencies.

Both MSBs and the Financial Institutions banking them will still be required to fully comply with all other aspects of the Bank Secrecy Act, including the filing of Suspicious Activity Reports and Currency Transaction Reports.

Any violation of their certification would render the same civil and criminal penalties provided for by the Bank Secrecy Act and other Anti-Money Laundering Provisions.

This is a well crafted bill that allows law enforcement to continue to track the transactions of Money Service Businesses, while allowing the MSBs to have access to the banking accounts they need to conduct business.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010:

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2847

Account: Department of Justice—Community Oriented Policing Services (COPS) Meth Project Funding Amount: \$250,000

Legal Name of Requesting Entity: Polk County Sheriff

Address of Requesting Entity: 455 North Broadway Avenue, Bartow, Florida 33830

Description of Request: The Polk County Sheriff's Office has placed an earmark request

of \$250,000 in continued funding for the Polk County Methamphetamine Project. This critical program has received previous federal funding to carry out methamphetamine prevention and mitigation programs that have shown positive results in cracking down on the growth of methamphetamine production and distribution in Central Florida. This funding will cover equipment, and training, thus enabling the Polk County Sheriffs Office (PCSO) to make a dedicated effort to combat the distribution and use of methamphetamine in Polk County, Florida. From 2003 through 2007, the PCSO made 3,481 methamphetamine related arrests, seized over 150,000 grams of methamphetamine, and eliminated 27 methamphetamine labs.

EARMARK DECLARATIONS

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 16, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, Commerce, Justice, Science and Related Agencies Appropriations Bill, 2010:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 2847

Account: Office of Justice Programs—Juvenile Justice

Legal Name and Address of Requesting Entity: Brick Township Police Athletic League (PAL), 60 Drum Point Road, Brick, NJ 08723

Description of Request: Brick PAL offers after-school and summer camp programs to keep students engaged in educational, social and cultural programs in the critical hours while parents are at work. The amount of \$250,000 listed in H.R. 2847 will be used for hiring counselors, equipment, educational trips, scholarships and general operations of the programs.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 2847

Account: Office of Justice Programs—Juvenile Justice

Legal Name and Address of Requesting Entity: D.A.R.E. New Jersey, Inc., 292 Prospect Street, Cranbury, NJ 08512

Description of Request: D.A.R.E. New Jersey will use the \$350,000 listed in H.R. 2847 to implement the Middle School Drug and Safety Prevention Program, "Keepin' It Real" which focuses on teaching middle school students how to resist peer pressure, avoid involvement in drugs, gangs and violence and live productive, meaningful lives. The funding will be used for officer training, workbooks, teachers books and materials, evaluation of the program, personnel, and general expenses such as printing, postage and travel associated with the training.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 2847

Account: National Oceanic and Atmospheric Administration—Operations, Research, and Facilities

Legal Name and Address of Requesting Entity: Monmouth University, 400 Cedar Avenue, West Long Branch, NJ 07764

Description of Request: The University's Resilient Coastal Urban Community and Ecosystem (RESCUE) Initiative will use the amount of \$250,000 listed in H.R. 2847 to maintain and expand the water quality monitoring system, work directly with communities to implement cost-effective strategies for reducing pollution, restoring and protecting critical habitats that support resilient coastal ecosystems and communities and support the development of community strategies to adapt to coastal threats.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 2847

Account: Office of Justice Programs—Juvenile Justice

Legal Name and Address of Requesting Entity: KidsBridge, 4556 S Broad Street, 2nd Floor, Trenton, NJ 08620

Description of Request: The KidsBridge program allows students the opportunity to participate in leadership training, violence prevention and gang resistance programs during and after school. Through mentors and academic programs, students will learn improved behaviors thereby reducing violent encounters and victimization. The amount of \$90,000 listed in H.R. 2847 will be used to facilitate weekly youth meetings, materials and workbooks, evaluation, cultural and educational trips, healthy snacks for the students and staff salary.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 2847

Account: Office of Justice Programs—Byrne Discretionary Grants

Legal Name and Address of Requesting Entity: City of Trenton, 319 E State Street, Trenton, NJ 08608

Description of Request: The YouthStat program is a key component of the City of Trenton's ongoing efforts to develop and implement aggressive new strategies to effectively respond to the problems of gang violence in Trenton, New Jersey. The amount of \$310,000 listed in H.R. 2847 will provide participants with customized community based programming including mentoring, work experience, life skills development, and recreation for juveniles who are at the highest risk for gang and criminal involvement.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 16, 2009

Mr. BONNER. Madam Speaker, I submit the following:

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2847

Account: OJP-Byrne

Legal Name of Requesting Entity: Alabama District Attorneys Association

Address of Requesting Entity: 515 South Perry Street, Montgomery, AL 36104

Description of Request: Provide an earmark of \$900,000 for the Alabama Computer Forensics Laboratories (Personnel \$575,000; Benefits \$150,000; Travel \$20,000; Equipment \$50,000; Supplies \$35,000; Other \$70,000). Matching funds of \$150,000 will be provided by the state and local sources. This appropriation request is for a continuation of the computer forensic lab program which created 3 regional computer labs to cover the entire state of Alabama. These labs were created to address all forms of computer crime such as; child pornography, fraud, and identity theft. The computer labs utilize working relationships with federal, state and local agencies across the nation and are the only law enforcement agency exclusively handling computer crime cases from investigation to prosecution. Monetary losses from computer-related crime exceed that of the illegal drug trade worldwide and it is estimated that computer crimes will double in the US in the next 2 years. In 3 years, the program has assisted more than 75 outside law enforcement agencies and analyzed more than 2000 pieces of electronic evidence in approximately 851 criminal cases resulting in a multitude of convictions. Funding will create at least 2 jobs in the First District and will prevent victimization statewide.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2847

Account: COPS LE tech

Legal Name of Requesting Entity: Baldwin County Commission

Address of Requesting Entity: 312 Courthouse Square, Suite 12, Bay Minette, AL 36507

Description of Request: Provide an earmark of \$500,000 to improve security at three courthouses in Baldwin County, AL. The funding will be used to install integrated digital cameras on the premises and access controls on the doors within the current judicial areas. The funding will be utilized in 4 technology segments as follows: [1] Acquisition of Central Infrastructure (the control center for the security network), [2] Bay Minette Courthouse Technology, [3] Fairhope Satellite Courthouse Technology and [4] Foley Satellite Courthouse Technology. For the acquisition of central infrastructure, approximately \$134,000 will be used (\$45,000 for servers, \$78,000 for network and storage, and \$11,000 for camera archiving software). Bay Minette Courthouse Technology will use \$210,000 (\$42,400 for network, \$6,300 for viewing stations, \$5,200 for viewing monitors, \$6,100 for wiring, \$150,000 for cameras). Fairhope and Foley Courthouses will both use \$78,000 (\$12,000 for network, \$6,300 for viewing stations, \$1,000 for viewing monitors, \$2,600 for wiring, \$37,500 for cameras, and \$18,600 for doors). Baldwin County is the 65th fastest growing county in the country (US Census Bureau). As such, the county has recently seen a significant increase in population and demand for public services. This is a one-year funding request, yielding long-term public safety benefits.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2847

Account: NOAA—ORF

Legal Name of Requesting Entity: Dauphin Island Sea Lab

Address of Requesting Entity: 101 Bienville Blvd. Dauphin Island AL 36528

Description of Request: Provide an earmark of \$750,000 to fund a joint initiative between the Dauphin Island Sea Lab, a state-funded research and educational entity, and the University of South Alabama, a public institution, to research commercial fisheries critical to the state's economy and tourism. Recreational and commercial fisheries and tourism, as well as the businesses they support, are dependent on healthy stocks of fish which require effective science-based management. Management decisions which impact the region's economy need to be made on current research data—this study will provide data to the National Marine Fisheries Service, NOAA and the Gulf of Mexico Fishery Management Council. This ecosystem-based fisheries management study on three species with a large economic importance in the Northern Central Gulf of Mexico—Spanish mackerel, adult red drum, and pompano—will look at the species' coastal migratory patterns in shallow coastal waters. This study will include the biological aspects of these coastal pelagic fishes as well as the historical and current socioeconomic impacts these fisheries have on the local fishing communities. With the results of this study, fishery management decisions can be made from effective and science based data. The funds will support students, research technicians, and senior scientists at the Dauphin Island Sea Lab. Approximately \$525,000 (70%) will go towards research personnel and day to day operations of the various vessels, equipment and supplies; and \$225,000 (30%) will be for project management, overhead and administration.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2847

Account: COPS LE Tech

Legal Name of Requesting Entity: City of Foley, Alabama

Address of Requesting Entity: City of Foley 407 East Laurel Avenue, Foley, Alabama 36535

Description of Request: Provide an earmark of \$400,000 for the purchase and installation of monitored security cameras at public parks and areas in the 65th fastest growing county in the country (US Census Bureau). Funds will be used at approximately the following levels: Purchase of Cameras and monitors—\$225,000; Installation of Cameras—\$100,000; Wiring and Hardware—\$50,000; Monitoring of cameras—\$25,000. The transient worker population of Baldwin County has doubled recently. The City of Foley has expanded public services to accommodate its changing population, but public spaces have seen an increase in underage drinking, sexual encounters, vandalism and violence. Installation of some security cameras has successfully diminished illegal activities in public spaces in this high tourist-traffic city adjacent to Alabama's beaches. While no match is required, Foley will provide for maintenance and monitoring in the out years of the project.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2847

Account: NOAA—ORF

Legal Name of Requesting Entity: Mobile County Commission

Address of Requesting Entity: 205 Government Street, Mobile, AL 36644

Description of Request: Provide an earmark of \$600,000 to replace and enhance existing tidal gauges with new gauges capable of collecting data for a 30 foot storm surge. Mobile County, AL, is a gulf-front county, prone to natural disasters. During Hurricane Katrina, all of the existing tidal gauges were rendered inoperable as they were not equipped to handle such a strong storm surge. Tidal gauges measure changes in sea level and help predict and document the severity of storms. Residents, businesses, and emergency management personnel rely on properly functioning tidal gauges so they can adequately respond to natural disasters and prepare warnings and evacuations accordingly. Six new gauges are required (costing \$100,000 each). This is a one-year funding request that will have long-term coastal emergency management benefits for this coastal county and popular tourist destination.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2847

Account: OJP—JJ

Legal Name of Requesting Entity: Team Focus, Inc.

Address of Requesting Entity: 6110 Grelot Road, Mobile, Alabama 36609

Description of Request: Provide an earmark of \$500,000 for mentoring, education and leadership development programs of Team Focus, Inc. Team Focus is a faith-based non-profit organization that mentors fatherless young men year round in 7 camps across the country (AL, OH, TX, MI, CA, DC, TN). Funds would provide curriculum development, equipment, and supplies for year-round mentoring programs and summer camps at no cost to the young men. While boys without fathers are twice as likely to go to jail, Team Focus offers—for most of the young men—the only leadership training and male mentorship they have. Former First Lady Laura Bush has praised Team Focus for teaching fatherless boys what it means to acquire skills, find a job, support a family and be loyal to one. Approximately \$120,000 (or 24%) for equipment to transport youth to program activities throughout the year; \$150,000 (or 30%) for program related mileage and travel to/from camps; and \$230,000 (or 46%) for supplies. Team Focus will match federal funds dollar for dollar.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2847

Account: NOAA—ORF

Legal Name of Requesting Entity: Town of Dauphin Island, AL

Address of Requesting Entity: 1011 Bienville Boulevard, Dauphin Island, AL 36528

Description of Request: Provide an earmark of \$1,500,000 to conduct a comprehensive engineering feasibility/design study to determine if construction of an engineered beach will stabilize this critical barrier island and maintain its purpose as a hurricane buffer for the Alabama coastline. The comprehensive study will include a review of the most probable technical approach, design engineering, sand source identification, dredging and habitat restoration (\$1,100,000), and planning costs for permitting

and environmental compliance (\$400,000). As a barrier island, Dauphin Island protects Alabama's coastline from severe storm damage thereby saving more inland populated communities from more severe hurricane destruction. The island also fosters tourism and a significant commercial and recreational fishing industry supporting county and state revenue as well as thousands of jobs. This funding will complete the study. The Town of Dauphin Island will provide a matching cost share if necessary, but a match requirement is not anticipated, subject to program identification.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2847

Account: OJP—JJ

Legal Name of Requesting Entity: University of Mobile

Address of Requesting Entity: 5735 College Parkway, Mobile, Alabama 36613—2842

Description of Request: Provide an earmark of \$850,000 for funding of the University of Mobile's RamKids program. RamKids is a faith-based, mentor-oriented intervention program designed for at-risk youth, grades 8 through college level, in the city of Prichard, Alabama. Funds will support college entrance preparation programs, career exploration trips, and an extended summer program on-campus at this faith-based non-profit institution. The city of Prichard suffers from economic decline, low-education levels and high crime rates. RamKids works to break that cycle. After the first year and a half of the program, RamKids participants exhibited considerable improvement in a variety of areas, including grade point average, social competence, and family functioning. Approximately \$725,000 will be used to support educational opportunities, programs and activities for participants, support for mentors and curriculum development; approximately \$78,000 will be used for expenses associated with student field trips and other necessary events; approximately \$17,000 will be used for equipment and supplies; and approximately \$30,000 will be used for insurance and other expenses.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, and Science Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 2847

Account: NASA, CAS

Legal Name of Requesting Entity: The University of Alabama

Address of Requesting Entity: The University of Alabama, P.O. Box 870117, Tuscaloosa, AL 35487

Description of Request: "Miniaturized Antennas for Unmanned Aerial Vehicles, \$350,000." The funding will be used to investigate the unstable imaging problems existing in UAVs

camera with novel ferrites & broadband ferrite antennas of unique design. The goal is to develop miniature antennas that are capable of supporting systems that control the flight of UAVs. Taxpayer Justification: Lessons from recent combat experiences show that UAVs can improve acquisition & rapid dissemination of intelligence, surveillance & reconnaissance data. There is a need to increase the amounts of communication bandwidth to utilize the full potential of UAVs. The request as submitted to Congressman ADERHOLT was for \$1,000,000 with a spending plan of \$500,000 for salaries, \$100,000 for laboratory supplies and materials, \$60,000 for equipment rental, \$40,000 for travel, and \$300,000 for equipment.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: International Trade Administration
 Legal Name of Requesting Entity: Textile/Clothing Technology Corporation
 Address of Requesting Entity: 5651 Dillard Drive, Cary, NC 27518

Description of Request: "Textile Research Programs, \$965,000." This project is for advanced technology R&D, benefiting the sewn products and hosiery industry sectors through improved knowledge of body shape and the dissemination of said knowledge to improve apparel and hosiery fit and comfort for the consumer. Taxpayer Justification: Stemming the outflow of jobs and strengthening the apparel and hosiery supply chain will provide jobs for workers who may otherwise be displaced, requiring public assistance. Two research projects are budgeted, Sustainable Strategies for Product Development with a supplies cost of \$13,918 and Virtual Humans Research with a supplies cost of \$28,764, personnel costs are \$383,619, benefits cost of \$101,009, travel cost of \$24,589, occupancy cost of \$162,915, with indirect cost of \$250,186.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: DOJ, COPS Meth
 Legal Name of Requesting Entity: Etowah County Drug Enforcement Unit, Gadsden, AL
 Address of Requesting Entity: Etowah County Drug Enforcement Unit, 27 Forrest Avenue, Gadsden, AL 35901

Description of Request: "Blount, DeKalb, Etowah, Marshall, Marion, Morgan, Pickens, Walker, Winston Counties, AL Drug Task Forces Anti-Methamphetamine Project, \$1,500,000." The funding would be used to help Drug Task Forces across the 4th District of Alabama fight illegal drug trafficking and production through training and the purchase of equipment. Taxpayer Justification: Drug use and crimes committed in association with the use or acquisition of drugs continue to plague the United States. This funding will help combat this growing trend.

These funds will approximately be used for the following: equipment: \$1,350,000; and personnel: \$150,000.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: DOJ, COPS Tech
 Legal Name of Requesting Entity: Alabama Department of Corrections (ADOC), Montgomery, AL

Address of Requesting Entity: Alabama Department of Corrections (ADOC), 301 South

Ripley Street, P.O. Box 301501, Montgomery, AL 36130-1501

Description of Request: "Electronic Training and Security Tools (ETAST) Phase III, \$250,000." The funding would be used to fully develop ADOC's 3D virtual environment Situational, Training & Awareness Tool for high-risk maximum security correctional facilities statewide and optimize planning, training, exercise and real-world response operations. Taxpayer Justification: ETAST Phase III is an integral part of our Nation's efforts to enhance public safety despite critical shortfalls within State budgets and problems retaining personnel at correctional facilities.

These funds will approximately be used for the following: Labor: \$245,000; Travel: \$4,000; Equipment/Supplies/Materials: \$500.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: DOJ, COPS Tech
 Legal Name of Requesting Entity: City of Albertville, Albertville, AL

Address of Requesting Entity: City of Albertville, 116 West Main St., P.O. Box 1248, Albertville, AL 35950

Description of Request: "Public Safety Mobile Data System, \$1,400,000." The full amount of this funding will be used to purchase equipment, specifically a mobile data system to enhance public safety operations. This system will increase efficiency in daily operations by allowing data to be transmitted from the field. Taxpayer Justification: This project will further the goals of information sharing and collaboration between local public safety agencies.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: DOJ, COPS Tech
 Legal Name of Requesting Entity: City of Gadsden, Gadsden, AL

Address of Requesting Entity: City of Gadsden, 90 Broad Street, P.O. Box 267, Gadsden, AL 35902-0267

Description of Request: "Law Enforcement and Forensic Science Technology and Equipment, \$150,000." The full amount of this funding will be used to purchase needed equipment for an in-house forensic lab. Taxpayer Justification: This funding would expedite case resolution, trial, and sentencing.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: DOJ, COPS Tech
 Legal Name of Requesting Entity: Etowah County Commission, Gadsden, AL
 Address of Requesting Entity: Etowah County Commission, 800 Forrest Avenue, Suite 113, Gadsden, AL 35901

Description of Request: "Interoperable Communications & Centralized Dispatch System, \$1,000,000." The full amount of this funding will be used to purchase a new interoperable communications system for the county. Taxpayer Justification: This allows for the county to become fully compliant with interoperability standards.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: DOJ, COPS Tech
 Legal Name of Requesting Entity: Morgan County, AL Commission, Decatur, AL

Address of Requesting Entity: Morgan County, Alabama Commission, 302 Lee St. N.E., P.O. Box 668, Decatur, Alabama 35602

Description of Request: "Mobile Data Terminal Update, \$160,000." The full amount of this funding will be used to replace Mobile Data Terminals. Taxpayer Justification: RMS & MDT's keep data for our use and make it readily available to be transferred to agencies nationwide when needed. Officers have a need for instant access to information, including photos. It is important for officer safety both here and across the nation and the funding promotes this end.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: DOJ, COPS Tech
 Legal Name of Requesting Entity: Town of Hackleburg, Hackleburg, AL
 Address of Requesting Entity: Town of Hackleburg, P.O. Box 279, 314 1st Avenue, Hackleburg, AL 35564

Description of Request: "Police Technology Upgrades, \$75,000" The full amount of this funding will be used to upgrade the technology for the police department with the latest equipment necessary to serve and protect the public and help control the fast growing drug problem in the region. Taxpayer Justification: This funding will better equip police departments so they can combat crime and drugs.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: DOJ, COPS Tech
 Legal Name of Requesting Entity: Alabama District Attorneys Association, Montgomery, AL

Address of Requesting Entity: Alabama District Attorneys Association, 515 South Perry Street, Montgomery, Alabama 36104

Description of Request: "Alabama Computer Forensics Labs, \$900,000." The funding would be used to expand the computer forensic lab program and to provide cybersafety training. Taxpayer Justification: Since 2006, this program has assisted 75+ outside LEO and analyzed over 2000 pieces of electronic evidence in approximately 851 criminal cases and conducted many cybersafety trainings at schools. This funding will build on this program.

These funds will approximately be used for the following: salaries: \$575,000.00; benefits: \$150,000.00; travel: \$20,000.00; equipment: \$50,000.00; supplies: \$35,000.00; additional operating expenses: \$70,000.00.

Requesting Member: ADERHOLT
 Bill Number: H.R. 2847
 Account: DOJ, OJP-Byrne
 Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: Auburn University, 102 Samford Hall Auburn, AL 36849

Description of Request: "Auburn University Canine Program, \$900,000." It is my understanding that the funding would be used for continuing support of a program to provide Alabama (AL) Law Enforcement Organizations (LEO) with state-of-the-art detector-dog team (dog and handler) training for enhancing public and, especially, school safety. The detector-dog and handler team remain the most capable tool for the interdiction of explosive materials and illicit drugs. The capability of such teams is entirely dependent upon the quality of the dog, the dog's training, and instruction of its handler. This program would make available to AL LEO the highest state-of-the-art detector dogs, training, and handler instruction.

AU proposes continuation and expansion of the FY09 program to provide AL LEO access to the services of CDTC in order to enhance public and, in particular, school safety in AL communities.

The funds will approximately be used for the following: personnel: \$405,000; equipment costs (including the costs of acquiring canines): \$112,000; in-state travel: \$81,000; administrative costs: \$243,000; and sub-contractual support: \$59,000.

Requesting Member: ADERHOLT

Bill Number: H.R. 2847

Account: DOJ, OJP—Byrne

Legal Name of Requesting Entity: National District Attorneys Association, Alexandria, VA

Address of Requesting Entity: National District Attorneys Association, 44 Canal Center Plaza, Suite 110, Alexandria, VA 22314

Description of Request: "National Advocacy Center State and Local Prosecutors Training Program, \$150,000." The full amount of this funding would be used to develop the curriculum and training materials used by the National Advocacy Center to effectively train America's prosecutors. This program supports the National District Attorneys Association's participation in legal education training at the National Advocacy Center. Taxpayer Justification: The NDAA's mission at the NAC is to equip the nation's prosecutors with advocacy skills to effectively represent their communities and constituents in the courtroom in order to ensure community safety.

Requesting Member: ADERHOLT

Bill Number: H.R. 2847

Account: DOJ, OJP—Byrne

Legal Name of Requesting Entity: The University of Alabama at Birmingham, Birmingham, AL

Address of Requesting Entity: The University of Alabama at Birmingham, 1530 3rd Avenue South, AB 720E, Birmingham, AL 35294

Description of Request: "Model State Partnership for Cybercrime and Security, \$500,000." The funding will be used to increase technology infrastructure to provide technical assistance to government agencies, develop enhancements to existing tools & create new tools to assist law enforcement in the fight against cybercrime and cyberterrorism. Taxpayer Justification: This initiative will raise the value of the Alabama Fusion Center, as a Fusion Center capable of receiving cybercrime cases and working them successfully for the benefit of its citizens, offloading such work from the Federal government.

The funds will approximately be used for the following: personnel: \$250,000; and technology infrastructure: \$250,000.

Requesting Member: ADERHOLT

Bill Number: H.R. 2847

Account: DOJ, OJP—JJ

Legal Name of Requesting Entity: City of Gadsden, Gadsden, AL

Address of Requesting Entity: City of Gadsden, 90 Broad Street, P.O. Box 267, Gadsden, AL 25902

Description of Request: "Helping Families Program, \$250,000." The funding would be used by the Family Success Center of Etowah County to work with low income families through continual case management, after-school programs and family counseling. Taxpayer Justification: The Family Success Cen-

ter in Etowah County strives to reduce the percentage of drug and alcohol abuse, promote smoking cessation, increase after-school tutoring, and improve family well-being through family counseling.

These funds will be used for the following: Case management salary and benefits: \$52,360; Supplies: \$15,000; After school program for middle school students: \$89,040; Family Counselor salary: \$80,000; Travel for family counselor (trainings and to meet with client groups): \$4,000; Co-located rental cost for on-site family counselor office in Family Success Center: \$9,600.

Requesting Member: ADERHOLT

Bill Number: H.R. 2847

Account: DOJ, OJP—JJ

Legal Name of Requesting Entity: United Methodist Children, Selma, AL

Address of Requesting Entity: United Methodist Children's Home, 1712 Broad Street, Selma, AL 36702-0830

Description of Request: "Security and IT Improvements, \$150,000." The funding would be used to replace patchwork security and information technology infrastructure with a state-of-the-art, organization-wide network. A modern system allows for seamless care for children as they move through the continuum of services we offer. Taxpayer Justification: Improves UMCH's ability to support treatment and rehabilitative services tailored to the needs of juveniles and their families and to prevent and respond to juvenile delinquency and victimization.

These funds will be approximately used for the following: equipment: \$120,000; and salaries: \$30,000.

Requesting Member: ADERHOLT

Bill Number: H.R. 2847

Account: Reprogramming of DOJ, COPS—Meth

Legal Name of Requesting Entity: Etowah County Drug Enforcement Unit, Gadsden, AL

Address of Requesting Entity: Etowah County Drug Enforcement Unit, 27 Forrest Avenue, Gadsden, AL 35901

Description of Request: "Anti-Methamphetamine Project, \$1,000,000." The funding would be used to help the DeKalb, Etowah, Marshall, Marion, Morgan, Picken, Walker Counties, AL Drug Task Forces and the Blount County Sheriff's Department fight illegal drug trafficking and production through training and the purchase of equipment. Taxpayer Justification: Drug use and crimes committed in association with the use or acquisition of drugs continue to plague the United States. This funding will help combat this growing trend.

These funds will be approximately used for the following: equipment: \$900,000; and salaries: \$100,000.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the fol-

lowing information regarding earmarks I received as part of H.R. 2487—the Commerce, Justice, Science, & Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 2487

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Glen Cove, NY

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$615,000 will be used by the Glen Cove Police Department for updating technologies, which include equipment for the Emergency Command Center, technology for conversion to digital frequencies, and equipment to allow interoperability with regional responder facilities.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 2487

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Nassau County Police Department

Address of Requesting Entity: 1490 Franklin Avenue, Mineola, NY 11501

Description of Request: \$385,000 will go to the Nassau County Police Department's Heroin Abatement Program to help mitigate the recent proliferation of heroin in Long Island communities through saturated law enforcement and investigations.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 2487

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Parents for Megan's Law, Inc.

Address of Requesting Entity: 1320 Stony Brook Road, Suite 201, Stony Brook, NY 11790

Description of Request: \$300,000 will be used to support the Sex Offender Registration Tips (SORT) and Support Programs giving the public two interactive resources for confidentially reporting sex offenders that fail to comply with registration, supervision requirements, and other criminal activity.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 2487

Account: OJP—Byrne Discretionary Grant

Legal Name of Requesting Entity: Suffolk County Police Department

Address of Requesting Entity: 30 Yaphank Avenue, Yaphank, NY 11980

Description of Request: \$250,000 will be used by the Suffolk County Police Department to combat computer and internet crime with upgraded computer forensics technology and training coupled with on-line sting operations and educational programs on internet safety for the public.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 2487

Account: NOAA—Operations, Research, and Facilities

Legal Name of Requesting Entity: Partnership for Mid-Atlantic Fisheries Science

Address of Requesting Entity: 526 Bay Avenue, Point Pleasant, NJ 08742

Description of Request: \$600,000 will go to the Partnership for Mid-Atlantic Fisheries

Science (PMAFS), a multi-state partnership, that will use the funds to address the most urgent scientific issues limiting successful management summer flounder and black sea bass fisheries in the Mid-Atlantic region. Better management of the fisheries is essential to the success of Long Island's recreational and commercial fishing industries.

IN RECOGNITION OF THE PASSING
OF CAPTAIN JOHN J. COONAN,
JUNIOR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor retired Navy Captain John J. Coonan, Jr., who passed away on June 12, 2009. Captain Coonan served our nation, our Navy and the people of Northwest Florida with honor and distinction, and I am humbled to recognize him.

Known to his friends as Captain JJ Coonan, John was an American patriot who served over 30 years as a career Naval Officer. He worked as a single-seat jet pilot in carrier aviation and accumulated over 5,000 flight hours and 1,000 carrier landings. JJ's command assignments varied among squadron, Carrier Air Wing, and deep draft ship command. His most notable assignment came in 1988 when he served as Commanding Officer of the USS America, a Kitty Hawk class supercarrier of the U.S. Navy. Captain Coonan's distinguished naval career is a testament to his profound dedication to his country.

Upon his retirement from active duty in 1996, Captain Coonan joined the staff at the Naval Aviation Museum Foundation in Pensacola, Florida. He began as Director of Development and later transitioned to a position as Vice President of Education and Chief Operating Officer. Captain Coonan's leadership at the Foundation had a tremendous impact on all those who visited the museum; however, his most lasting contribution is his stewardship of the National Flight Academy. The academy will be the leading aviation-inspired education program in the country. In a tribute to the life of Captain Coonan, today the National Flight Academy broke ground on the new facility, paving the way for construction and completion of the academy in May of 2011. His dedication to the service of others will live on through the academy long after his passing.

The people of Pensacola and our entire area have many reasons to be proud of Captain Coonan. My wife Vicki and I will keep his entire family, especially his wife, Kathryn, children Michael and Kelly, and grandchildren in our prayers. Northwest Florida will truly miss Captain JJ Coonan.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy

on earmarks, to the best of my knowledge the requests I have detailed below are: (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and was included in H.R. 2847—the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Account: Department of Commerce, NOAA—ORF.

Project Name: Disease Reduction in Klamath River Salmon.

Legal Name and Address of Requesting Entity: Oregon State University, 16 Memorial Union, Corvallis, OR 97331.

Project Location: Corvallis, Oregon and in the Klamath River Basin.

Description of Project: H.R. 2847 appropriates \$600,000 for the Disease Reduction in Klamath River Salmon project. According to the requesting entity, this is a collaborative research plan involving Oregon State University, Humboldt State University, University of California—Davis, the U.S. Fish and Wildlife Service and Klamath River tribal agencies that will research management actions to reduce disease in natural juvenile salmon in the Klamath River of Oregon and California.

Account: Department of Justice, COPS Tech.

Project Name: Mobile Video Equipment.

Legal Name and Address of Requesting Entity: Umatilla County Sheriff, 4700 NW Pioneer Place, Pendleton, OR 97801.

Project Location: Pendleton, Oregon and Umatilla County.

Description of Project: H.R. 2847 appropriates \$130,000 for the Umatilla County Sheriffs Office Mobile Video Equipment project. According to the requesting entity, this funding will be used to outfit up to 9 vehicles with video/audio recording systems; one archive server located in Pendleton, Oregon and a server at each satellite office in Hermiston and Milton-Freewater, Oregon.

Account: Department of Justice, Office of Justice Programs—Byrne.

Project Name: Rx for Saving Oregon Teens.

Legal Name and Address of Requesting Entity: Oregon Partnership, 6443 SW Beaverton Hillsdale Hwy., Suite 200, Portland, OR 97221.

Project Location: Portland, Oregon.

Description of Project: H.R. 2847 appropriates \$470,000 for the Rx for Saving Oregon Teens project. According to the requesting entity, this funding will be used to implement a statewide public education campaign addressing prescription drug abuse in Oregon.

MR. RONALD E. CHRONISTER, DEPUTY TO THE COMMANDER, U.S. ARMY AVIATION AND MISSILE COMMAND

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the service and dedication of Mr. Ronald E. Chronister, deputy to the Commander, of the U.S. Army Aviation and Missile Command in Redstone Arsenal, Alabama.

Mr. Chronister's life-time service to the U.S. Army has been an outstanding one. He has served this country with loyalty, dignity and respect, always engaging his active mind to better develop materials needed by our brave service men and women. We are forever in debt to him for all he has done in the name of freedom and our pursuit of happiness. Today, I stand proud as we commemorate his honor and hard work for the more than 25 years he has served this country through the U.S. Army.

Mr. Chronister earned his bachelor's of science degree in civil engineering from The University of Alabama in 1982, and shortly after enrolled at the Army Material Command Intern School of Engineering and Logistics in Texarkana, Texas. In 1983, he went on to be a general engineer in the production engineering division of the U.S. Army's Research Development in Redstone Arsenal, Alabama, where he climbed the ranks from chief to deputy director to acting director.

In 2002, he earned a master's of science in program management from the Naval Post Graduate School and has received throughout his career numerous awards, certifications and has been an active member of professional associations.

His career in the U.S. Army's Research team has grown by leaps and bounds. Since October 2005, Mr. Chronister has been appointed to the Senior Executive Service and served as Executive Director of the Integrated Material Management Center from October 2005 until February 2008. During that time, he established the Prototype Integration Facility, a unique government-owned and government-operated enterprise that provides a rapid response, cost effective approach to meeting weapon systems program manager's material requirements.

Mr. Chronister continues to serve our country diligently and with great honor. Today, I ask that my colleagues join me in recognizing the work Mr. Chronister has done for the U.S. Army and our country.

TRIBUTE TO THE ARCHBISHOP
MOELLER HIGH SCHOOL BASE-
BALL TEAM

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate the Archbishop Moeller

High School baseball team on winning the Division I Ohio High School Athletic Association State Championship. This is Moeller's fifth state championship in baseball. Moeller also won state titles in 1972, 1989, 1993, and 2004.

This year's team was led by Manager Tim Held, who recently took the reins from legendary Coach Mike Cameron. Following the example that Cameron set, Coach Held guided the Crusaders to a state championship in just his second season, finishing with a final record of 25 wins and 5 losses. Moeller beat Pickerington North 5-2 in the title game in Columbus, avenging a previous loss to them in the regular season. Pitcher Robby Sunderman tossed a resilient five innings giving up only two runs, one earned, to get the victory for the Crusaders. Five different Moeller players scored runs in the title game making, this victory truly a team effort.

I look forward to following the players on this year's team in the future. They will certainly be headed toward a bright future. Past prep stars from Moeller have included Major League Baseball players Ken Griffey, Jr., Barry Larkin, the Bell Family—Buddy, David, Mike, and Rick—and many others. I must not fail to mention that our own House Minority Leader JOHN BOEHNER is a 1968 graduate of this esteemed Cincinnati high school.

Madam Speaker, please join me in congratulating Moeller on yet another State Championship. Go Moee.

SENTENCING OF TWO AMERICANS IN NORTH KOREA

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Ms. MCCOLLUM. Madam Speaker, I rise today to call for the immediate release of two U.S. journalists, Laura Ling and Euna Lee, sentenced to twelve years hard labor in North Korea.

On March 17, 2009, Laura Ling and Euna Lee were arrested by North Korean officials while investigating the plight of North Korean refugees fleeing to China. The North Korean government accused the two women of committing hostile crimes against the Korean nation and illegally crossing the North Korean border. On June 8, after a four-day trial conducted largely in secret, Ms. Ling and Ms. Lee were sentenced to twelve years of hard labor in a North Korean prison camp.

North Korea's blatant disregard for due process and human rights in the treatment of these two women is unacceptable. International human rights organizations have unanimously declared their conviction the result of inflated accusations and a "sham trial". Despite being party to the International Covenant on Civil and Political Rights, North Korea's judicial system fails international fair trial standards for transparency, independence, and conviction based on recognized criminal offenses. Unfortunately, the arrest and conviction of these two American journalists is but one example of the oppression under which North Koreans have suffered for too long.

Ms. Ling and Ms. Lee's sentencing to prison labor camp is also a disturbing violation of human rights and humanitarian standards. The State Department reports that conditions in North Korean prison camps are harsh and life threatening, with beatings and torture a regular occurrence. Three months of detention have already exacerbated Ms. Ling's medical condition and caused significant trauma for Ms. Lee's young daughter and family. Sentencing these two women to twelve years hard labor is a severe breach of international humanitarian standards. Ms. Ling and Ms. Lee should be released immediately.

The draconian sentence handed down to the two American journalists raises serious concerns about United States-Korean relations. It is deeply disturbing that North Korea would consider using these women as a negotiating tactic to avoid punishment for its latest nuclear tests. If North Korea truly wishes to ensure its national security, it should begin by releasing Laura Ling and Euna Lee and participating in the global community as a fair player.

Madam Speaker, I call on my colleagues and the Obama Administration to work for the swift release of these two women back to their families.

HONORING MARY LASH

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise to honor Ms. Mary Elizabeth Lash, who is currently teaching in Paramount, California, in my Congressional District, and has been teaching for a remarkable 59 years. She is California's longest-serving credentialed teacher.

Nearly all of Mary's 59 years of teaching have been in the Paramount Unified School District. In 1950, the Compton Unified School District hired Mary as a Home Economics teacher at Paramount Junior High School. In 1953, when Paramount formed its own unified school district, she took a Home Economics position at Paramount Senior High School, where she continues to teach today.

In 1955, Mary began working with the high school youth organization known as the "Corsairs" as the assistant to its founder. This service organization remains under Mary's leadership 54 years later. She has influenced many young men and women into a life of service to others through this organization.

Mary was also a charter organizer of Future Homemakers of America/HERO, which is a national service organization whose goal is to develop citizenship, leadership, life skills, and career goals through competition, recognition events, and club-sponsored activities. Paramount High School's chapter of Future Homemakers of America/HERO has earned several Silver and Gold Medals in prepared speech, community involvement, and chapter exhibit events on both the National and State Levels.

Madam Speaker, I ask that you join with me today in tribute to Ms. Mary Elizabeth Lash as she is being honored in California for being its

longest serving teacher. Mary has shown an enduring commitment to educating the youth of Paramount and providing them with the tools and skills needed to contribute to their communities and prosper in their adult lives. She truly touched the future, reaching many generations of students. Students, both current and past, who had the privilege of being in her class or in an organization she advised, will continue to be influenced by her example of hard work, dedication, and public service.

PERSONAL EXPLANATION

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Ms. KILROY. Madam Speaker, on the legislative day of Monday, June 15, 2009, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted "yea" on rollcall votes 336, 337, 338, and 339.

PERSONAL EXPLANATION

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. MICHAUD. Madam Speaker, I rise today to inform you of the circumstances regarding my absence on June 15, 2009. Yesterday, I, along with members of the Maine and New Hampshire congressional delegations, met with the Honorable Ray Mabus, Secretary of the Navy, to discuss matters concerning the Portsmouth Naval Shipyard. Unfortunately, because of this meeting, I was unable to make it back to Washington in time to register my votes. If I were present, I would have voted in favor of H.R. 430, H.R. 2325, H.R. 729, and H.R. 540.

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2847

Agency/Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Dodge City Police Department

Address of Requesting Entity: 110 W. Bruce St., Dodge City, KS 67801

Description of Project: I have secured \$200,000 for the Dodge City Police Department Equipment and Technology Upgrade

Project. Funding will be used for a variety of equipment and technology upgrades that includes crime scene mapping and surveying upgrades, building security and safety cameras, and training room upgrades.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2847

Agency/Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Liberal Police Department

Address of Requesting Entity: P.O. Box 2199, Liberal, KS 67905

Description of Project: I have secured \$200,000 for the Liberal Police Department Equipment Upgrade Project. The department is in serious need of some upgrades to current equipment including portable and car radios, mobile vehicle recorders, firearms, and holsters. Their current radios are between 7 to 10 years old and are beginning to deteriorate. Patrol vehicles are equipped with mobile vehicle recorders which are 6 to 7 years old and have started to deteriorate as well. Funding will be used for the City of Liberal Equipment Upgrade Project to help remedy this situation.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2847

Agency/Account: DOJ, OJP—Byrne Jag Program

Legal Name of Requesting Entity: City of Hutchinson Police Department

Address of Requesting Entity: 210 W. 1st, Hutchinson, KS 67501

Description of Project: I have secured \$200,000 for the Hutchinson Police Department Emergency Response Team Equipment Upgrade Project. The Hutchinson Police Department is in great need of upgrading their tactical team equipment to include funding for new tactical body armor, helmets, weapon systems, cell disrupter, surveillance equipment and throw phone. Funding will be used to upgrade these much needed items.

BANK ACCOUNTABILITY AND RISK ASSESSMENT ACT OF 2009

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. GUTIERREZ. Madam Speaker, I rise in support of the “Bank Accountability and Risk Assessment Act of 2009.” This legislation, which I introduced today, will change the way that the FDIC charges premiums to federally insured banks in order to capitalize the Deposit Insurance Fund (DIF).

Specifically, my bill will do two things: First, it will create a risk-based assessment process for all insured banks. Second, it will establish a special annual risk premium for the “too-big-to fail” banks that represent a systemic threat to our financial system.

I am recommending these changes because I believe that our current system disproportionately advantages the largest institutions at the expense of small banks. For example, under the current system, the FDIC determines the regular quarterly premiums for each bank

based only on the domestic deposits held by the bank, rather than on the bank’s total assets. As a result, banks with assets of \$1 billion or fewer pay assessments on nearly 80 percent of their liabilities because domestic deposits are their primary source of funding. Meanwhile, banks with more than \$10 billion in assets pay premiums on only 47 percent of their liabilities.

So, under the current system, while small banks pay insurance premiums on nearly their entire balance sheets, large banks pay on only half. I think we have it backwards. I think the largest banks with the riskiest investments should be responsible for paying more into the Deposit Insurance Funds than our Main Street banks that generally stay away from subprime mortgages and don’t invest in mortgage backed securities or credit derivative swaps.

The absurd result of the current system is that banks with fewer than \$10 billion in assets pay approximately 30 percent of the total assessment base, although they hold only about 20 percent of total bank assets. This discrepancy is exacerbated by the fact that the largest institutions are “too-big-to-fail,” and it can be argued that their depositors and other creditors enjoy superior protection than do the depositors and creditors of “too-small-to save” banks.

I believe that each institution should pay an insurance fee based on risk. And where does risk come from? It does not come from deposits, but from the assets and investments of banks. We’ve seen how assets—like mortgage backed securities—can turn from assets to liabilities overnight. It’s just common sense that banks with risky investments should pay more in deposit insurance premiums.

In addition, small banks all across the nation, those under \$10 billion in total assets, will almost universally see their premiums go down under my proposal. For example, of the 655 federally insured banks in Illinois, 651 of them would see their premiums reduced. Only four banks would see an increase—the four largest banks.

I like to compare this bill to the risk-based pricing that the banks have forced on consumers. For years, the banks have argued that risk-based pricing for their products, such as credit cards and home mortgages, is not only logical but fair because they only raise rates on those customers they feel are the greatest risk to the overall health of their institution.

Well, many of the same banks that utilize “risk-based” pricing for consumers required hundreds of billions of taxpayer dollars to survive. Their irresponsible actions not only created a huge risk for our nation’s overall financial health, but also placed hundreds of billions of taxpayer dollars at risk. Through the “Bank Accountability and Risk Assessment Act of 2009,” I propose that the American people impose the same risk-based assessment on the banks that the banks have been imposing on our constituents for years.

The FDIC has already taken a step forward in recognizing the greater risk that large, money center banks represent to the DIF. Last month, the FDIC’s Board of Directors voted 4–1 to base their emergency premium assessment off a bank’s assets and not their deposits. By basing the assessment off the institu-

tions assets and not the deposits, the FDIC has recognized that any threat to the fund through a bank failure is dependent upon the liabilities that exist in a bank’s assets, not their deposits.

This was a good first step toward requiring systemically significant banks to pay their fair share into the DIF, but Congress must take action to codify this assessment base for all quarterly payments into the DIF and create system risk premiums for those banks deemed “too-big-to-fail.”

I am introducing this bill today, because I think this issue should be on the table as we consider legislation to overhaul our financial regulatory system. Deciding who will bear the financial burden for the systemically important institutions is, I believe, a fundamental aspect of the regulatory restructuring debate. Above all, the “Bank Accountability and Risk Assessment Act of 2009” will return fairness to the deposit insurance assessment process.

I urge my colleagues to support this important regulatory reform bill.

TRIBUTE TO MAJOR GENERAL
JAMES R. MYLES OF THE U.S.
ARMY AVIATION AND MISSILE
COMMAND

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the service and dedication of Major General James R. Myles of the U.S. Army Aviation and Missile Command.

Major General Myles assumed command of the United States Army Aviation and Missile Command on July 19, 2007. He first began his career with the U.S. Army in 1974 upon graduation from Middle Tennessee State University, where he received a bachelor’s of science degree in business management. He also earned a master’s degree in business administration from Webster University.

His military education includes the Infantry Officer Basic Course, Transportation Officer Advance Course, Command and General Staff College, and the Army War College. His aviation training includes the initial entry Rotary Wing Course, Aviation Maintenance Officer Course, the UH–60 Qualification Course, and the Fixed Wing Qualification Course.

Major General Myles’ first assignment was as an Infantry Platoon Leader in C–1/501st Infantry Regiment, 101st Airborne Division (Air Assault), in Fort Campbell, Kentucky. While serving in Panama, his positions included Production Control Officer and Scout Platoon Leader of the 210th Aviation Battalion, 193d Infantry Brigade at Fort Clayton. After moving to St. Louis, Missouri, he served as the Fixed Wing Readiness Project Officer and Assistant SGS at TSARCOM. His final company-grade assignment came as the Aviation Maintenance Officer for USREDCOM at MacDill Air Force Base in Florida.

He commanded C Company followed by the Aviation Intermediate Maintenance Company in 2d Aviation Battalion, 2d Infantry Division at Camp Casey, Korea. He then moved to Fort

Campbell where he served four years in the 160th Special Operations Aviation Group as the Systems Integration and Maintenance Officer and Regimental Executive Officer.

Major General Myles' battalion command came with the 4th Battalion, 227th Aviation, 1st Cavalry Division, Fort Hood, Texas; followed by a return assignment to the 160th SOAR(A) as the Regimental Deputy Commander. He was selected to command the 17th Aviation Brigade in Yongsan, Korea, and completed a follow-on assignment as the Eighth Army Chief of Staff. He left Korea for a position as the Chief of the Middle-East Division on the Joint Staff in Washington, DC.

Major General Myles would return to Fort Hood as the Assistant Division Commander of the First Cavalry Division, and the Commanding General of the United States Army Operational Test Command.

His most recent assignment was Commanding General of the United States Army Test and Evaluation Command in Alexandria, VA. Currently, Major General Myles is the Commanding General of the Army Aviation and Missile Command at Redstone Arsenal, Alabama.

Major General Myles continues to serve our country diligently and with great honor. Today, I ask that my colleagues join me in recognizing the work he has done for the U.S. Army and our country.

HONORING THE WOMEN AIRFORCE SERVICE PILOTS OF WORLD WAR II

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Ms. ROS-LEHTINEN. Madam Speaker, as the House author of legislation to award the Congressional Gold Medal to the Women Airforce Service Pilots of World War II, I request that the names of these brave patriots be inserted for history's sake:

WOMEN AIRFORCE SERVICE PILOTS OF WORLD WAR II

Class, First Name, Name Post-WASP, Name in Training:

43-1, Lovelle, Benesh, (Richards);
 43-1, Betty, Blake, (Tackaberry);
 43-1, Claire G, Callaghan, (Callaghan);
 43-1, Marjorie, Deacon, (Ketchum);
 43-1, Marion J, DeGregorio, (Mackey);
 43-1, Byrd Howell, Granger, (Granger);
 43-1, Marjorie M, Gray, (Gray);
 43-1, Ruth, Hellman, (Hellman);
 43-1, Evelyn, Howren, (Greenblatt);
 43-1, Ann R, Johnson, (Johnson);
 43-1, G.C. "Brownie", Kindig, (Brown);
 43-1, Edna C, Kingdon, (Collins);
 43-1, Marjorie, Kumler, (Kumler);
 43-1, Elizabeth A, Matray, (McKinley);
 43-1, Margaret E, McCormick, (McCormick);
 43-1, Sidney, Miller, (Miller);
 43-1, Eleanor, Morgan, (Boysen);
 43-1, Mary Lou, Neale, (Colbert);
 43-1, Marylene "Geri", Nyman, (Lamphere);
 43-1, Vega, Sogg, (Johnson);
 43-1, Jane S, Straughan, (Straughan);
 43-1, Magda T, Tacke, (Tacke);
 43-1, Dorothy L, Young, (Young);

43-2, D. Lewis, Adie, (Coleman);
 43-2, Ann R.K., Anderson, (Kary);
 43-2, Margaret K, Boylan, (Kerr);
 43-2, Catherine, Bridge, (Vail);
 43-2, Marion Brown, (Schorr);
 43-2, Betty J, Buehner, (Bachman);
 43-2, Jane, Carter, (Emerson);
 43-2, Lois K, Chaffey, (Gott);
 43-2, Iris C, Critcheli, (Cummings);
 43-2, Barbara, Darnell, (Russell);
 43-2, Katherine, deBarnard, (deBarnard);
 43-2, Patricia A, Dickerson, (Dickerson);
 43-2, Virginia A, Disney, (Alleman);
 43-2, Patricia C, Erickson, (Chadwick);
 43-2, Carol, Fillmore, (Fillmore);
 43-2, Marie, Genaro, (Muccie);
 43-2, Ellen H, Gery, (Gery);
 43-2, Frances, Gustayson, (Dias);
 43-2, Emily, Harden, (Hiester);
 43-2, Ruth R, Hawkins, (Thompson);
 43-2, Ruth, Helm, (Dailey);
 43-2, Geraldine B, Hill, (Masinter);
 43-2, Alma Marie, Hinds, (Jerman);
 43-2, Mary D, Huber, (Darling);
 43-2, Betty E, Joiner, (Eames);
 43-2, Zelda, Lamer, (Lamer);
 43-2, Paula, Loop, (Loop);
 43-2, Melvina K, Maier, (Maier);
 43-2, Rita, McArdle, (Moynahan);
 43-2, Jary J, McKay, (Johnson);
 43-2, Virginia, Moffatt, (Moffatt);
 43-2, Dorothy, Nichols, (Nichols);
 43-2, Mary Tufts, O'Brien, (Trotman);
 43-2, Avanel, Pinkley, (Pinkley);
 43-2, Ruth F, Reynolds, (Franckling);
 43-2, Florence L, Roberson, (Lawler);
 43-2, Helen, Rownd, (Ricketts);
 43-2, Martha D, Rupley, (Wagenseil);
 43-2, Elizabeth W, Smith, (Whitlow);
 43-2, Helen S, Stone, (Stone);
 43-2, Ruth Grimm, Trees, (Trees);
 43-2, Margaret A, Tunner, (Hamilton);
 43-2, Lila C, Vanderpoel, (Chapman);
 43-3, Marcia C, Bellasai, (Courtney);
 43-3, Mary N, Beritich, (Beritich);
 43-3, Esther D, Berner, (Pool);
 43-3, Clarice M, Bessent, (Bessent);
 43-3, Katherine A, Brick, (Menges);
 43-3, Betty June Budde, (Deuser);
 43-3, Mildred, Chapin, (Toner);
 43-3, Betty A, Fernandes, (Archibald);
 43-3, Gretchen, Graba, (Gorman);
 43-3, Frances F, Grimes, (Grimes);
 43-3, Lois B, Halley, (Brooks);
 43-3, Marion, Hanrahan, (Hanrahan);
 43-3, Anna F, Isbell, (Franckman);
 43-3, Elaine, Jones, (Jones);
 43-3, Louise, Kidd, (Kidd);
 43-3, Florence E, Knight, (Knight);
 43-3, Mary L, Leatherbee, (Leatherbee);
 43-3, Grace B, Mayfield, (Birge);
 43-3, Dora, McKeown, (Dougherty);
 43-3, Beatrice A.T., Medes, (Medes);
 43-3, Elsie D, Monaco, (Dyer);
 43-3, Laurine Y, Nielsen, (Nielsen);
 43-3, Jean Hanmer, Pearson, (Pearson);
 43-3, Virginia B, Pierce, (Crinklax);
 43-3, Elinore, Pyle, (Owen);
 43-3, Vilma, Qualls, (Lazar);
 43-3, Elin, Raimondi, (Harte);
 43-3, Mabel, Rawlinson, (Rawlinson);
 43-3, Frederica, Richardson, (McAfee);
 43-3, Lillian, Roberts-Risdon, (Conner);
 43-3, Joyce E, Secciani, (Sherwood);
 43-3, Marie, Shale, (Shale);
 43-3, Mary Belle, Smith, (Ahlstrom);
 43-3, Isabel, Stinson, (Fenton);
 43-3, Shirley, Thackara, (Ingalls);
 43-3, Bertha, Trasky, (Link);
 43-3, Emma, Ware, (Coulter);
 43-3, Lois H, Ziler, (Hollingsworth);
 43-4, Nancy Lee, Baker, (Baker);
 43-4, Elizabeth, Bane, (Mitchell);
 43-4, Eleanor E, Beith, (Moriarity);
 43-4, Betty, Berkstreser, (Heinrich);
 43-4, Edna Hines, Bishop, (Pedlar);
 43-4, Martha H, Born, (Bevins);
 43-4, Julia S, Bower, (Sapp);
 43-4, Ann C., Brennan, (Brennan);
 43-4, Jean T, Brown, (Trench);
 43-4, Mary Louise, Brown, (Bowden);
 43-4, Jennie E, Burbeck, (Brown);
 43-4, Hazel W, Caldwell, (Pracht);
 43-4, Helen B "Peg", Calhoun, (Calhoun);
 43-4, Virginia, Clair, (Clair);
 43-4, Mary Ann, Cleary, (Thielges);
 43-4, Dorothy R, Colburn, (Colburn);
 43-4, Bertha M, Collins, (Miller);
 43-4, Vera K, Cook, (Cook);
 43-4, Juanita, Cooke, (Bolish);
 43-4, Violet C, Cowden, (Thurn);
 43-4, Nancy Ruth, Crout, (Lowe);
 43-4, Rosa L, Meek, Dickerson, (Fullwood);
 43-4, Dwight B, Diel, (Hildinger);
 43-4, Janet J, Dirlam, (Zuchowski);
 43-4, Bert H, Dodd, (Dodd);
 43-4, Marian J, Edwards, (Bradley);
 43-4, Mary Edith, Engle, (Engle);
 43-4, Natalie L, Fahy, (Ellis);
 43-4, Grace C, Fender, (Clark);
 43-4, Ruth T, Florey, (Underwood);
 43-4, Maryalice, Ford, (L'Hommedieu);
 43-4, Lauretta, Foy, (Beaty);
 43-4, Ruth I, Gamber, (Gamber);
 43-4, Mary E, Grant, (Hines);
 43-4, Rosalie L, Grohman, (Grohman);
 43-4, Virginia, Hagerstrom, (Jowell);
 43-4, Janice R, Harris, (Tate);
 43-4, Barbara W, Heinrich, (Willis);
 43-4, Gwendolyn E, Hickerson, (Cowart);
 43-4, Margery, Holben, (Moore);
 43-4, Catherine M, Houser, (Houser);
 43-4, Constance L, Howerton, (Llewellyn);
 43-4, Joanne M, Jenks, (Trebtsoske);
 43-4, Rena D'Arcy, Jones, (Wilkes);
 43-4, Cornelia Y, Kafka, (Colby);
 43-4, Isabel M, Karkau, (Steiner);
 43-4, Lyda M, Keefe, (Dunham);
 43-4, Willie P, Kelly, (Peacock);
 43-4, Lydia N, Kenny, (Lindner);
 43-4, Eileen M, Kesti, (Roach);
 43-4, Kittie, King, (Leaming);
 43-4, Virginia, Krahn, (Luttrell);
 43-4, Jean, Landis, (Landis);
 43-4, Barbara J, Lazarsky, (Ward);
 43-4, Hazel Ying "Ah Ying", Lee, (Lee);
 43-4, Mary M, Lewis, (Rosso);
 43-4, Mary, Lyman, (Clifford);
 43-4, Margie, Maddox, (Heckle);
 43-4, Doris, Manuel, (Manuel);
 43-4, Betty L, Martin, (Naffz);
 43-4, Viola, Mason, (Thompson);
 43-4, Mary C, McConkey, (Wilson);
 43-4, Mary Jane, Meikle, (Stephens);
 43-4, Virginia, Meloney, (Malany);
 43-4, Ruby E, Menaching, (Mullins);
 43-4, Madge A, Minton, (Rutherford);
 43-4, Dorothea M, Moorman, (Johnson);
 43-4, Mary B, Nelson, (Bowles);
 43-4, Patricia L, Newlon, (Hanley);
 43-4, Eolyne Y, Nichols, (Nichols);
 43-4, Eunice S, Oates, (Oates);
 43-4, Dorothy, Olsen, (Kochoer);
 43-4, June L, Petto, (Ellington);
 43-4, Martha J, Phillips, (Potter);
 43-4, Jennie X, Reimann, (Hrestu);
 43-4, Faith B, Richards, (Buchner);
 43-4, Henrietta, Richmond, (Richmond);
 43-4, Margaret H, Riviere, (Reeves);
 43-4, Jeanne B, Robertson, (Robertson);
 43-4, Frances R, Sargent, (Rohrer);
 43-4, Helen M, Schaefer, (Schaefer);
 43-4, Gene S, Scharlau, (Slack);
 43-4, Ethel M, Sharon, (Sharon);
 43-4, Dorothea G, Shultz, (Shultz);
 43-4, Margaret, Sliker, (Bruns);
 43-4, Helen Wyatt, Snapp, (Snapp);
 43-4, Patti M, Stadler, (Canada);

- 43-4, Nancy E, Staples, (Nesbit);
 43-4, Alice-Jean, Starr, (May);
 43-4, Frances R, Steele, (Sanderson);
 43-4, Katherine S, Strehle, (Loft);
 43-4, Virginia L, Sweet, (Sweet);
 43-4, Alice Jane, Talcott, (Talcott);
 43-4, Alta C, Thomas, (Corbett);
 43-4, Mary Jo, Tilton, (Farley);
 43-4, Kathleen, Titland, (Kelly);
 43-4, Mary E, Trebing, (Trebing);
 43-4, Marcella J, Tucker, (Fatjo);
 43-4, Isabel, Van Lom, (Madison);
 43-4, Martha, Volkomenner, (Lawson);
 43-4, Esther N, Walters, (Reinholdt);
 43-4, Virginia F, Watry, (Harris);
 43-4, Ann H, Watson, (Howell);
 43-4, Violet S, Wierzbicki, (Wierzbicki);
 43-4, Mary L, Wiggins, (Wiggins);
 43-4, Betty L, Wood, (Taylor);
 43-4, Virginia, Wood, (Hill);
 43-4, Inez S, Woods, (Woodward);
 43-4, Eleanor, Wortz, (Thompson);
 43-4, Elizabeth (Sarah?), Lundy, (Pearce);
 43-4, Martha M, Lundy, (Lundy);
 43-4, Jane, Fllesbach, (Waite);
 43-5, Mary, Audrain, (Parker);
 43-5, Lorraine, Blaylock, (Sterkel);
 43-5, Betty, Boyd, (Shea);
 43-5, Ruth A, Boyea, (Anderson);
 43-5, Mary "Pat", Call, (Hiller);
 43-5, Jane, Campbell, (Thomas);
 43-5, Charlotte M, Carl, (Mitchell);
 43-5, Ann G, Carl, (Baumgartner);
 43-5, Janice, Christensen, (Christensen);
 43-5, Sylvia D, Clayton, (Dahmes);
 43-5, 43-5, Clements, (Clements);
 43-5, Ruthmary, Cole, (Buckley);
 43-5, Virginia, Cutler, (Streeter);
 43-5, Jeanne Perot, D'Ambly, (D'Ambly);
 43-5, Solange, D'Hooghe, (D'Hooghe);
 43-5, Edna, Davis, (Modisette);
 43-5, Helen Irene, DeGray, (Fremd);
 43-5, Helen, Dettweiler, (Dettweiler);
 43-5, Floella, Downs, (McIntyre);
 43-5, Jean L, Dunkle, (Livingston);
 43-5, Dorothy Ellen, Ebersbach, (Ebersbach);
 43-5, Vivian, Eddy, (Cadman);
 43-5, Josephine, Egan, (Pitz);
 43-5, Ellen, Endacott, (Endacott);
 43-5, Ellen C, Evans, (Croxton);
 43-5, Leotta C, Feyen, (Cook);
 43-5, Ethel M, Finley, (Meyer);
 43-5, Harriet N, Fisher, (MacLane);
 43-5, Ruth E, FitzSimons, (FitzSimons);
 43-5, Izydora, Focht, (Bochanek);
 43-5, Monica, Frassetto, (Flaherty);
 43-5, Lillian E, Goodman, (Epsberg);
 43-5, Sylvia, Granader, (Schwartz);
 43-5, Elizabeth E, Greene, (Greene);
 43-5, Kathryn S, Gunderson, (Stark);
 43-5, Virginia C, Hammond, (Wilson);
 43-5, Mary, Hartson, (Hartson);
 43-5, Geraldine P, Hill, (Hill);
 43-5, Marion S, Hodgson, (Stegeman);
 43-5, Helen, Holland, (Turner);
 43-5, Charlotte, Hughes, (Niles);
 43-5, Celia M, Hunter, (Hunter);
 43-5, Ruth C, Johnson, (Carter);
 43-5, Geraldine H, Jordan, (Hardman);
 43-5, Frances, Kari, (Green);
 43-5, Ann M, Kenney, (Karlson);
 43-5, Julie E, Ledbetter, (Ledbetter);
 43-5, Irene G, Lindner, (Gregory);
 43-5, Alice, Lovejoy, (Lovejoy);
 43-5, Allison B, McBride, (Burns);
 43-5, Jill S, McCormick, (McCormick);
 43-5, Lucille F, McVey, (McVey);
 43-5, Ruth, Muller, (Lindley);
 43-5, Pauline, Mulligan, (Markle);
 43-5, Roberta E, Mundt, (Mundt);
 43-5, Marianne I, Nutt, (Beard);
 43-5, Yvonne C "Pat", Pateman, (Pateman);
 43-5, Elizabeth H, Pfister, (Haas);
 43-5, Helen, Pozzobon, (Hague);
 43-5, Anne Armstrong, Proctor, (McClellan);
 43-5, Nadine, Ramsey, (Ramsey);
 43-5, Gayle, Reed, (Bevis);
 43-5, Helen, Richey, (Richey);
 43-5, Margaret, Ringenberg, (Ray);
 43-5, Annabelle, Rotbart, (Kekic);
 43-5, Barbara, Runton, (Hicks);
 43-5, Ellenor Bell, Schaffer, (Kurten);
 43-5, Jane S, Scott, (Scott);
 43-5, Dawn Y, Seymour, (Rochow-Balden);
 43-5, Helen B, Sheffer, (Porter);
 43-5, Marjorie T, Sizemore, (Popell);
 43-5, Jean M, Springer, (Mohrman);
 43-5, Eugenia St., Martin, (Garvin);
 43-5, Margaret C, Stegall, (Cox);
 43-5, Caryl W, Stortz, (Jones);
 43-5, Shirley, Teer, (Slade);
 43-5, Marjorie, Thompson, (Sanford);
 43-5, Doris V, Tracy, (Bristol);
 43-5, Marion, Trick, (Carlstrom);
 43-5, Irma, Weigel, (Cleveland);
 43-5, Ruth, Wheeler, (Hagemann);
 43-5, Macie Jo, Wheelis, (Myers);
 43-5, Harriet L, White, (Urban);
 43-5, F. Virginia, Williams, (Acher);
 43-5, Wilma B, Wine, (Morehead);
 43-6, Helen T, Abell, (Abell);
 43-6, Moya, Anonson, (Mitchell);
 43-6, Louesa F, Beard, (Thompson);
 43-6, Lana B, Boxberger, (Cusack);
 43-6, Mary T, Breitenstein, (McDonnell);
 43-6, Hazel M, Brooks, (Pierce);
 43-6, Blanche, Bross, (Osborn);
 43-6, Rebecca H, Brown, (Edwards);
 43-6, Martha L, Bullock, (Smith);
 43-6, Mildred C, Caldwell, (Caldwell);
 43-6, Mimi P, Carrere, (Platter);
 43-6, Mildred M, Christiansen, (McClelland);
 43-6, Carol E, Cook, (Webb);
 43-6, Ann, Currier, (Waidner);
 43-6, Lauretta A, Darcy, (Darcy);
 43-6, Shirley J, deGonzales, (Condit);
 43-6, Lorena B, Dorr, (Daly);
 43-6, Adeline, Ellison, (Wolak);
 43-6, Enid C, Fisher, (Fisher);
 43-6, Libby, Gardner, (Gardner);
 43-6, Joann, Garrett, (Garrett);
 43-6, Bethel G, Gibbons, (Gibbons);
 43-6, Patricia A, Gibson, (Bowser);
 43-6, Margaret, Grant, (Callahan);
 43-6, Margaret M, Hatfield, (Wendelin);
 43-6, Dorothy, Henesy, (Hopkins);
 43-6, Dorothy P, Hoover, (Hoover);
 43-6, Jean M, Howard, (Taylor);
 43-6, Margaret M, Hurlburt, (Hurlburt);
 43-6, Bernice, Hylton, (Hylton);
 43-6, Evelyn M, Jackson, (Stewart);
 43-6, Capitola, Johnson, (Whittaker);
 43-6, Nancy Ruth, Johnson, (Johnson);
 43-6, Grace R, Jones, (Putman);
 43-6, Catherine E, Jones, (Jones);
 43-6, Lorene M, Keyfauber, (Chambers);
 43-6, Nelle L, Klein, (Carmody);
 43-6, Margaret, Kocher, (Helburn);
 43-6, Katherine, Kornblum, (Kupferberg);
 43-6, Eleanor L, Lawry, (Feeley);
 43-6, Bernice, Lechow, (Moore);
 43-6, Elizabeth L, Loveless, (Carsey);
 43-6, Ann C, Madden, (Criswell);
 43-6, Florence J, Marston, (Niemic);
 43-6, Margaret L, McAnally, (Castle);
 43-6, Lucy B, Walker, McGinnis, (UNK);
 43-6, Alice L, Middleton, (Middleton);
 43-6, Anna L, Monkiewicz, (Flynn);
 43-6, Corinne W, Nienstedt, (Nienstedt);
 43-6, Jane Patch-Crowder, (Wilson);
 43-6, Frances B, Pullen, (Buford);
 43-6, Mary Ruth, Rance, (Rance);
 43-6, Lola C, Ricci, (Perkins);
 43-6, Margaret, Roberts, (Wissler);
 43-6, Ruth, Roberts, (Roberts);
 43-6, Rose, Ross, (Penn);
 43-6, Eleanor, Rust, (Alexander);
 43-6, Velma, Morrison, Saunders, (Saunders);
 43-6, Mary E, Scantland, (Scantland);
 43-6, Nancy L, Sendelbach, (Featherhoff);
 43-6, Maxine S, Smith, (Steward);
 43-6, Evelyn L, Stephens, (Fletcher);
 43-6, Margaret R, Stevenson, (Kirchner);
 43-6, Irma "Babe", Story, (Story);
 43-6, Rita G, Stump, (Cason);
 43-6, Elizabeth M, Sullivan, (McGeorge);
 43-6, Frances M, Tanassy, (Snyder);
 43-6, Marion R, Tibbetts, (Tibbetts);
 43-6, Evelyn L, Tomlinson, (Tomlinson);
 43-6, Ruth W, Tompkins, (Westheimer);
 43-6, Evelyn L, Trammel, (Trammel);
 43-6, Deborah, Truax, (Truax);
 43-6, Marjorie, Wakeham, (Wakeham);
 43-6, Margery, Ware, (Taylor);
 43-6, Virginia, Waterer, (Broome);
 43-6, Dorothy E, Webb, (Webb);
 43-6, Rita D, Webster, (Davoly);
 43-6, Bonnie Jean, Welz, (Weiz);
 43-6, A. Lee, Wheelwright, (Leonard);
 43-6, Orpha M, Wilson, (Brunsvold);
 43-6, Maxine A, Wright, (Nolt);
 43-6, Virginia H, Yates, (Yates);
 43-6, Margaret, Lowell-Wallace, (Lowell-Wallace);
 43-7, Leonora H, Anderson, (Horton);
 43-7, Dorothy A, Avery, (Avery);
 43-7, Mildred D, Axton, (Axton);
 43-7, Jean McCartney, Babb, (Babb);
 43-7, Sylvia B, Barter, (Barter);
 43-7, M. Allaire, Bennett, (Bennett);
 43-7, Thelma N, Bluhm, (Harris);
 43-7, Caro, Bosca, (Bayley);
 43-7, Neil S, Bright, (Stevenson);
 43-7, Mary Helen, Burke, (Burke);
 43-7, Elizabeth P, Carroll, (Hartz);
 43-7, Betty J, Clark, (Clark);
 43-7, Carolyn, Clayton, (Clayton);
 43-7, Emerald, Drummond, (Drummond);
 43-7, Lois, Durham, (Bolen);
 43-7, Babette, Edinger, (DeMoe);
 43-7, Eleanor C, Folk, (Bryant);
 43-7, Dorothy, Fowler, (Fowler);
 43-7, Doris L, Garrison, (LeFevre);
 43-7, Mary A, Gresham, (Gresham);
 43-7, Lela, Harding, (Loudder);
 43-7, L. Ann, Hazzard, (Morgan);
 43-7, Jane P, Hlavacek, (Page);
 43-7, Ann R, Holaday, (Holaday);
 43-7, Virginia M, Hope, (Hope);
 43-7, Neva, Hubbard, (Calderwood);
 43-7, Frances M, Hunt, (Thompson);
 43-7, Katherine R, Irons, (Clewis);
 43-7, Marian, Isbill, (Isbill);
 43-7, Phyllis M, Jarman, (Jarman);
 43-7, Aleta M, Johnson, (Grill);
 43-7, Mitchell I, Long, (Long);
 43-7, Marian G, Mann, (Mann);
 43-7, Marie E, Marsh, (Barrett);
 43-7, Isabel E, Martell, (Tynon);
 43-7, Dorothy I, McLean, (McLean);
 43-7, Tex, Meachem, (Brown);
 43-7, Carolyn C, Miller, (Culpepper);
 43-7, Katharine J, Moore, (Merritt);
 43-7, Anne C, Oliver, (Dessert);
 43-7, Helen T, Pittenger, (-Barrick);
 43-7, Constance Y, Reynolds, (Young);
 43-7, Robbie, Rinehart, (Grace);
 43-7, Jean C, Rose, (Parker);
 43-7, Gertrude, Silver, (Tompkins);
 43-7, Mozelle, Simpson, (Simpson);
 43-7, Katherine L, Steele, (Landry);
 43-7, Patricia J, Sullivan, (Seares);
 43-7, Jane, Tallman, (Tallman);
 43-7, Audrey, Tardy, (Tardy);
 43-7, Wilhelmina M, Teerling, (Teerling);
 43-7, Gene K, Wakeley, (Smith);
 43-7, Justice Mary C, Walters, (Coon);

43-7, Sara, Winston, (Chapin);
 43-7, Lucile D, Wise, (Doll);
 43-7, M. Winifred, Wood, (Wood);
 43-7, Yvonne C, Wood, (Ashcraft);
 43-7, Lillian, Yonally, (Lorraine);
 43-7, Doris H, Zaloudek, (Ellena);
 43-8, Adaline B, Adams, (Blank);
 43-8, Esther, Ammerman, (Mueller);
 43-8, Lois M, Auchteronie, (Dobbins);
 43-8, Rae E, Barnes, (Barnes);
 43-8, May Pietz, Behrend, (Ball);
 43-8, Frances A, Blakeslee, (Jensen);
 43-8, Ruth, Brown, (Humphreys);
 43-8, Marilyn L, Browning, (Seafield);
 43-8, Elvira G, Cardin, (Griggs);
 43-8, Jacqueline L, Carmine, (Lake);
 43-8, Ann L, Clay, (Lincoln);
 43-8, Janet A, Downer, (Hatch);
 43-8, Marjorie, Dresbach, (Selfridge);
 43-8, Elizabeth V, Dressler, (Chadwick);
 43-8, Elizabeth Jana, Eberly, (Crawford);
 43-8, Irene K, Englund, (Kinne);
 43-8, Jocelyn, Evernham, (Moore);
 43-8, Mary E, Fearey, (Estill);
 43-8, Maxine E, Flournoy, (Edmondson);
 43-8, Joalene, Foster, (Snodgress);
 43-8, Mary M, Furn, (Furn);
 43-8, Donna S, Glendinning, (Spellick);
 43-8, Jeannette, Goodrum, (Gagnon);
 43-8, Helen M, Hansen, (Skjersaa);
 43-8, Lois Gene, Holman, (French);
 43-8, Bobbye C, Jersig, (Crain);
 43-8, Effie M, Kempton, (Pratt);
 43-8, Dorothy M, Kielty, (Kielty);
 43-8, Doris M, Long, (Moffat);
 43-8, Helen Jane, Luts, (Trigg);
 43-8, Elizabeth S, Lux, (Stavrum);
 43-8, Loes M, MacKenzie, (Monk);
 43-8, Dori M, Martin, (Marland);
 43-8, Marcia W, Milner, (Wenzel);
 43-8, Elizabeth Munoz, (Keatts);
 43-8, Lois L, Nash, (Nash);
 43-8, Patricia M, Perry, (Jones);
 43-8, Margot F, Reck, (Reck);
 43-8, Jeanette Rhamsey, (Robbins);
 43-8, Marjorie Rolle, (Logan);
 43-8, Iris H, Schupp, (Heiliman);
 43-8, Andrea C, Shaw, (Shaw);
 43-8, Margaret Slaymaker, (McNamara);
 43-8, Kathryn Stamps, (Stamps);
 43-8, Marion Toevs, (Toevs);
 43-8, Betty E, Trout, (Wright);
 43-8, Dorothy I, Warfield, (Aspell);
 43-8, Frances B, Warms, (McInerney);
 43-8, Doris D, Williams, (Williams);
 44-1, Gwen O, Barthelness, (Crosby);
 44-1, Adele F, Beyer, (Beyer);
 44-1, Betty J, Brickford, (Bechtold);
 44-1, Harriett C, Call, (Kenyon);
 44-1, Ida F, Carter, (Carter);
 44-1, E. Marie, Clark, (Mountain);
 44-1, Mardo C, Crane, (Crane);
 44-1, Katherine Dussaig, (Dussaig);
 44-1, Dorothy A, Eby, (Krasovec);
 44-1, Bonnie Edmunds, (Edmunds);
 44-1, Madelyn M, Eggleston, (Taylor);
 44-1, Dorothy J, Eppstein, (Dodd);
 44-1, Gene T, FitzPatrick, (Shaffer);
 44-1, Anna M, Frenzel, (Logan);
 44-1, Doris C, Gee, (Gee);
 44-1, Rosemary, Hall, (Hall);
 44-1, Dorothy E, Henry, (Henry);
 44-1, Madelon, Hill, (Burcham);
 44-1, Jeanette Jean, Jenkins, (Jenkins);
 44-1, Ruth Craig, Jones, (Jones);
 44-1, Edith, Keene, (Keene);
 44-1, Emily I, Kline, (Porter);
 44-1, Mary, McCabe, (Koth);
 44-1, Ethel D, McDonald, (Hoskins);
 44-1, Martha A, Mitchell, (Wilkins);
 44-1, Catherine A, Murphy, (Murphy);
 44-1, Doris, Nathan, (Burmester);
 44-1, Alberta, Nicholson, (Hunt);
 44-1, Anne, Noggle, (Noggle);

44-1, Virginia D, O'Neill, (Stell);
 44-1, Mary A, O'Rourke, (Jershin);
 44-1, Anne B, Rawlings, (Bartholf);
 44-1, H. Lorraine, Raymond, (Fiedler);
 44-1, Dolores M, Reed, (Meurer);
 44-1, Marjorie E, Rees, (Ellfeldt);
 44-1, Alice L, Riss, (Riss);
 44-1, Jane O, Robbins, (Robbins);
 44-1, Phyllis, Ryder, (Ryder);
 44-1, Carolyn P, Saas, (Wood);
 44-1, Gwendolyn C, Scales, (Scales);
 44-1, Mary, Smith, (Beecham);
 44-1, Elizabeth B, Strohufus, (Wall);
 44-1, Josephine, Swift, (Keating);
 44-1, Rosina, Todd, (Lewis);
 44-1, Eleanor, Vaughn, (Hinkle);
 44-1, Margaret C, Watson, (Harper);
 44-1, Anna L, White, (Hopkins);
 44-1, Eileen A, Worden, (Kealy);
 44-1, Barbara M, Robinson, (Manchester);
 44-10, Suzanne L, Armstrong, (Bane);
 44-10, Ann, Atkeison, (Atkeison);
 44-10, Jerrie, Badger, (Phillips);
 44-10, Christine W, Browning, (Grayson);
 44-10, Pam L, Carr, (Carr);
 44-10, Ann, Carter, (Shaw);
 44-10, Helen B, Celler, (Celler);
 44-10, Emily, Chapin, (Chapin);
 44-10, Virginia A, Coakley, (McPike);
 44-10, Rosa Charlyne, Creger, (Creger);
 44-10, Helen P, Davis, (Paine);
 44-10, Dorothy H, Davis, (Davis);
 44-10, Patricia, Detchon, (Disston);
 44-10, Suzette, Douglas, (Van Daell);
 44-10, Eleanor C, Faust, (Collins);
 44-10, Martha B, Gaunce, (Blair);
 44-10, Mary, Jo Germaine, (Bardsley);
 44-10, Margaret W, Gilman, (Werber);
 44-10, Ellen A, Graft, (Howard);
 44-10, Ruth W, Guhsé, (Glaser);
 44-10, Betty S, Harlan, (Stabler);
 44-10, Virginia, Hash, (Hash);
 44-10, Sara P, Hayden, (Payne);
 44-10, Catherine M, Henzel, (McGrath);
 44-10, Kathleen A, Hilbrandt, (Hilbrandt);
 44-10, Levona L, Hove, (Hove);
 44-10, Juanita A, Hurlbutt, (Dreier);
 44-10, Dorothy K, Ireland, (Nagel);
 44-10, Suzanne, Jones, (Irvine);
 44-10, Ruth K, Jurnecka, (Kutner);
 44-10, Julia L, Kimport, (Loufek);
 44-10, Dolores M, Lamb, (Lamb);
 44-10, June S, Leckie, (Wolfe);
 44-10, Nancy L, Mayes, (Mayes);
 44-10, Frances, McAdams, (Gimble);
 44-10, Jean T, McCreery, (Terrell);
 44-10, Ethel L, Miller, (Lytech);
 44-10, Thelma K, Miller, (Hench);
 44-10, Muriel M, Moran, (Moran);
 44-10, Jane E, Morrison, (Morrison);
 44-10, Nina K, Morrison, (Morrison);
 44-10, Nancy J, Murray, (Burnside);
 44-10, Francie M, Park, (Meisner);
 44-10, Ruth, Phillips, (Rees);
 44-10, Patricia A, Rideout, (Houran);
 44-10, Josephine H, Robinson, (Kater);
 44-10, Ruby L, Rosenthal, (Hibbler);
 44-10, Mittie P, Schirmer, (Parsley);
 44-10, Carmel, Seidenberg, (LaTorra);
 44-10, Mary Jane, Sellers, (Lind);
 44-10, Gail G, Sigford, (Sigford);
 44-10, Mary L, Simmonds, (Van Scyoc);
 44-10, Ailsa M, Simonson, (Connolly);
 44-10, Henrietta P, Sproat, (Speckels);
 44-10, Barbara, Squire, (Searles);

HONORING THE WOMEN AIRFORCE
 SERVICE PILOTS OF WORLD WAR
 II

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mrs. DAVIS of California. Madam Speaker,
 as the House coauthor of legislation to award

the Congressional Gold Medal to the Women
 Airforce Service Pilots of World War II, I re-
 quest that the names of these brave patriots
 be inserted for history's sake:

WOMEN AIRFORCE SERVICE PILOTS OF WORLD
 WAR II

Class, First Name, Name, Post-WASP,
 Name in Training:
 44-10, Margaret E, Temme, (Eger);
 44-10, Louise, Thokey, (Magoon);
 44-10, Joan M, Uhalt, (Freter);
 44-10, Natalie, Vinson, (Jones);
 44-10, Mary J, Wagner, (Ceyanes);
 44-10, Janis M, Wheatley, (Gregg);
 44-10, Florence E, Wheeler, (Emig);
 44-10, Betty, White, (Fulbright);
 44-10, Elizabeth L, Whiting, (Phillips);
 44-10, Mary Anna, Wyall, (Martin);
 44-10, Frankie, Yearwood, (Yearwood);
 44-10, Millicent A, Young, (Peterson);
 44-10, Jacquelyn, Zerland, (Riley);
 44-2, Kate Lee, Adams, (Harris);
 44-2, Ruth, Adams, (Adams);
 44-2, Twila E, Andrews, (Edwards);
 44-2, Clarice I, Bergemann, (Siddall);
 44-2, Eleanor J, Brady, (Patterson);
 44-2, Maisie Kay, Browning, (Clevely);
 44-2, Annette H, Bulechek, (Henderson);
 44-2, Virginia D, Campbell, (Dulaney);
 44-2, Susan P, Clarke, (Clarke);
 44-2, Jean H, Cole, (Haskell);
 44-2, Phyllis Sally, Felker, (Tobias);
 44-2, Dorothy C, Goot, (Hawkins);
 44-2, Doris J, Hamaker, (Elkington);
 44-2, Mary L, Heckman, (Heckman);
 44-2, Kathryn F, Herman, (Herman);
 44-2, Verda-Mae, Jennings, (Lowe);
 44-2, Marjorie J, Johnson, (Johnson);
 44-2, Mary Ellen, Keil, (Kell);
 44-2, Ruth M, Kunkie, (Weller);
 44-2, Betty M, LeFevre, (LeFevre);
 44-2, Anne E, Lesnikowski, (Berry);
 44-2, Joan W, Lyle, (Whelan);
 44-2, Elizabeth, Magid, (MacKethan);
 44-2, Mary J, McCallum, (McCrae);
 44-2, Alice M, Montgomery, (Montgomery);
 44-2, Annabelle, Moss, (Craft);
 44-2, Esther E, Noffke, (Noffke);
 44-2, Madeline E, O'Donnell, (Sullivan);
 44-2, Joanne, Orr, (Wallace);
 44-2, Mildred W, Palmer, (Grossman);
 44-2, Anna Mae, Pattee, (Petseys);
 44-2, Mary V, Peter, (Strok);
 44-2, Ruth Mary, Petry, (Petry);
 44-2, Rose L, Potter, (Puett);
 44-2, Rose D, Reese, (Reese);
 44-2, Marie, Robinson, (Michell);
 44-2, Lorraine H, Rodgers, (Zillner);
 44-2, Muriel L, Segall, (Lindstrom);
 44-2, Frances L, Smith, (Laraway);
 44-2, Jean M, Soard, (Moore);
 44-2, Yvonne, Stafford, (Stafford);
 44-2, Marjorie, Stewart, (Gilbert);
 44-2, Frances M, Tuchband, (Smith);
 44-2, Margaret E, Twito, (Ehlers);
 44-2, J Margaret, Walker, (Needham);
 44-2, Mary M, Willson, (Saunders);
 44-2, Jane, Wisewell, (Rutherford);
 44-2, W. Ruth, Woods, (Woods);
 44-2, Leona H, Zimmer, (Golbinec);
 44-3, June E, Bent, (Braun);
 44-3, Marquerite T, Bernhardt, (Tuffin);
 44-3, Eunice E, Boardman, (Boardman);
 44-3, Vergie M, Buchele, (Bryant);
 44-3, Elizabeth M, Chambers, (Chambers);
 44-3, Margaret D, Christian, (DeBolt);
 44-3, Marjorie, Christiansen, (Redding);
 44-3, Mary C, Cox, (Cooper);
 44-3, Ann Russell, Darr, (Darr);
 44-3, M. Joy, DeCosta, (Jeh);
 44-3, Virginia Lee, Doerr, (Warren);
 44-3, Betty Jane, Erenberg, (Hanson);
 44-3, Mary H Crane, Foster, (Foster);

- 44-3, Ann M. Frink, (Brothers);
 44-3, Josephine F. Gale, (Martin);
 44-3, Virginia N. Grant, (Grant);
 44-3, Starley M. Grona, (Grona);
 44-3, Isabelle G. Hale, (McCrae);
 44-3, Maxine H. Harvey, (Manogue);
 44-3, Alma J. Jeschien, (Jacomini);
 44-3, Cecily E. Kayes, (Elmes);
 44-3, Kristin S. Lent, (Swan);
 44-3, Winfrey M. Leonard, (Robinson);
 44-3, Mary P. Loomis, (MacLoed);
 44-3, Elizabeth Ann, Lore, (Lore);
 44-3, Marcella M. Lucier, (Fried);
 44-3, Lea Ola, McDonald, (McDonald);
 44-3, Doris K. Muise, (Duren);
 44-3, Vivian G. Nemhauser, (Gilchrist);
 44-3, Jeanne L. Norbeck, (Norbeck);
 44-3, Beryl O. Paschick, (Owens);
 44-3, Mary Louise, Prine, (Prine);
 44-3, Mary Abbie, Quinlan, (Quinlan);
 44-3, Hazel J. Raines, (Raines);
 44-3, Jimmie P. Rees, (Parker);
 44-3, Kathryn "Kip", Requardt, (Humphreys);
 44-3, Hazel Sue, Richter, (Richter);
 44-3, Dorothy M. Rooney, (Moulton);
 44-3, Mary Eleanor, Sabota, (Martin);
 44-3, Gloria D. Schwager, (DeVore);
 44-3, Betty, Scott, (Scott);
 44-3, Delrose, Sieber, (Sieber);
 44-3, Jeanne A. Simpson, (Wagner);
 44-3, Juliette, Stege, (Jenner);
 44-3, Clara Jo, Stember, (Marsh);
 44-3, Margaret, Tamplin, (Chamberlain);
 44-3, Ruth A. Thatcher, (Choquette);
 44-3, Harriet M. Thyson, (Thyson);
 44-3, Evelyn R. Wahlburg, (Taylor);
 44-3, Mary T. Wallace, (Gilmore);
 44-3, Patricia A. Weaver, (Nethercutt);
 44-3, Norine P. Welch, (Patterson);
 44-3, Rita M. Wischmeyer, (Murphy);
 44-3, Eileen, Wright, (Evans);
 44-3, Shirley A. Wunsch, (Haugan);
 44-3, Lois A. Young, (Bristol);
 44-3, Mary W. Holden, (Waters);
 44-4, Frances E. Acker, (Standefer);
 44-4, Dorothy J. Allen, (Allen);
 44-4, Meriem L. Anderson, (Roby);
 44-4, Marybelle J. Arduengo, (Lyal);
 44-4, Eloise, Bailey, (Huffhines);
 44-4, Susie, Bain, (Winston);
 44-4, Mickie M. Carmichael, (Carmichael);
 44-4, Stella Jo, Claiborne, (Baker);
 44-4, Catherine, D'Arezzo, (D'Arezzo);
 44-4, Margaet K. Dallwig, (Diffin);
 44-4, Mildred T. Dalrymple, (Davidson);
 44-4, Mary L. DeBehnke, (Cavette);
 44-4, Mary M. Dourdeville, (Brown);
 44-4, Mildred J. Doyle, (Baessler);
 44-4, Ann Gift, Dula, (Tucker);
 44-4, Grey Allison, Dunlap, (Hoyt);
 44-4, Peggie, Eccles, (Parker);
 44-4, Grace E. Everrett, (Everett);
 44-4, Ruth S. Fleisher, (Shafer);
 44-4, Corinna H. Folkins, (MacDonald);
 44-4, Patricia, Gibson, (Gibson);
 44-4, Carol, Granger, (Kelly);
 44-4, Mary N. Guthrie, (Hagner);
 44-4, Hazel M. Hohn, (Stamper);
 44-4, Louise J. Hyde, (Brand);
 44-4, Frances, Johannessen, (Gilbert);
 44-4, Jeannette C. Kapus, (Kapus);
 44-4, Florine P. Maloney, (Phillips);
 44-4, Dorothy F. Mann, (Britt);
 44-4, Peggy, Martin, (Martin);
 44-4, Jean F. McCart, (McCart);
 44-4, Madge, Moore, (Leon);
 44-4, Doris K. Ohm, (Klein);
 44-4, Faye, Olney, (Wolfe);
 44-4, Maurine M. Orr, (Miller);
 44-4, M. Odean "Deanie", Parrish, (Bishop);
 44-4, JoAnn, Parry, (Parry);
 44-4, Ina C. Petsch, (Barkley);
 44-4, Flora Belle, Reece, (Smith);
 44-4, Frances R. Reeves, (Roulstone);
 44-4, Betty W. Roberts, (Hayes);
 44-4, Alyce S. Rohrer, (Stevens);
 44-4, Anabel L. Ruso, (Earp);
 44-4, Elizabeth H. Shipley, (Williamson);
 44-4, Dorothy L. Sweeney, (Herthneck);
 44-4, Shirley J. Tannehill, (Tannehill);
 44-4, Doris, Tanner, (Brinker);
 44-4, Jane C. Tedeschi, (Dunbar);
 44-4, Della, Tissaw, (Grembling);
 44-4, M. Ann, Ufer, (Ufer);
 44-4, Ethelyn M. Young, (Sowards);
 44-4, Alma E. Zell, (Velut);
 44-5, Norma A. Anderson, (Sisler);
 44-5, Bette N. Anderson, (Richards);
 44-5, Lorraine M. Bain, (Nelson);
 44-5, Harriet T. Blake, (Train);
 44-5, Martha M. Boshart, (Mace);
 44-5, Irene R. Brady, (Minter);
 44-5, Dorothy H. Burns, (Beard);
 44-5, Martha M. Carpenter, (McKenzie);
 44-5, Urcela, Coventry, (Wald);
 44-5, Betty J. Cozzens, (Stump);
 44-5, Lillian D. Eno, (Calkins);
 44-5, Alma L. Fornal, (Newsom);
 44-5, Margaret A. Goldhahn, (Roberts);
 44-5, Holly H. Grasso, (Hollinger);
 44-5, Harriet, Griggs, (Griggs);
 44-5, Janet, Hargrove, (Hargrove);
 44-5, Earlene, Hayes, (Flory);
 44-5, Virginia S. Healy, (Knapp);
 44-5, Mary H. Hearn, (Nesbit);
 44-5, Gloria W. Heath, (Heath);
 44-5, Virginia M. Hubbard, (Williams);
 44-5, Marion P. Jameson, (Jameson);
 44-5, Lucille R. Johnson, (Carey);
 44-5, Karla D. Jordan, (Mogensen);
 44-5, Mary Jane, Kenward, (Stimson);
 44-5, Jean, Koehler, (McFarland);
 44-5, Dorothy M. Lewis, (Swain);
 44-5, Codye Gwen, Linder, (Clinkscates);
 44-5, Mildred T. Marshall, (Taylor);
 44-5, Muriel V. Martin, (Kiester);
 44-5, Peggy M. McCaffrey, (Moynihan);
 44-5, Dorothy C. McCracken, (Ehrhardt);
 44-5, Margaret W. McGlinn, (Bergh);
 44-5, Jeanne L. McSheehy, (McSheehy);
 44-5, Joan C. McWaters, (Hutton);
 44-5, Kathryn L. Miles, (Boyd);
 44-5, Jane C. Miller, (Dyde);
 44-5, Jacqueline, Morgan, (Twitcheil);
 44-5, Beverly, Moses, (Moses);
 44-5, Jennie M. Mosley, (Hill);
 44-5, Marjory V. Munn, (Foster);
 44-5, Mary L. Nirmaier, (Burch);
 44-5, Margaret L. "Peggy", Nispel, (Nispel);
 44-5, Dorothea M. Norris, (Norris);
 44-5, Patricia, Nuckols, (Kenworthy);
 44-5, Phyllis M. Paradis, (Johnson);
 44-5, Marylyn E. Peyton, (Myers);
 44-5, Genevieve, Rausch, (Landman);
 44-5, Florence G. Reynolds, (Shutsky);
 44-5, Dorothy M. Ritscher, (Meyn);
 44-5, Irene M. Robertson, (Raven);
 44-5, Martha G. Roundtree, (Harmon);
 44-5, Merridee, Schneberger, (Newell);
 44-5, Carol E. Selfridge, (Brinton);
 44-5, Ethel L. Sheffer, (Jones);
 44-5, Leta, Shirley, (Brownfield);
 44-5, Caroline, Shunn, (Shunn);
 44-5, Beverly, Southwick, (Olson);
 44-5, Harriet I, Stockwell, (Stockwell);
 44-5, Margaret P. Taylor, (Phelan);
 44-5, Elizabeth E. Taylor, (Eyre);
 44-5, Wanda C. Townsley, (Robedee);
 44-5, Barbara E. Truitt, (Truitt);
 44-5, Margot, Veal, (Harvey);
 44-5, Elizabeth A. Watson, (Watson);
 44-5, Dortha E. Wethey, (Sexten);
 44-5, Pauline C. White, (Cutler);
 44-5, Ruth S. Wilson, (Steel);
 44-5, Anne, Wiltsee, (TePas);
 44-5, Elizabeth, Worrall, (Hubbard);
 44-5, Helen P "Patti", Wright, (Ordway);
 44-5, Jennie L. Wynne, (Gower);
 44-6, Kay, Alspach, (Alspach);
 44-6, Edna B. Atkins, (Harrison);
 44-6, Pauline C. Banken, (Canney);
 44-6, Beverley, Beesemyer, (Beesemyer);
 44-6, Juner, Bellew, (Bellew);
 44-6, Mary B. Boyce, (Hilberg);
 44-6, Frankie, Bretherick, (Lovvorn);
 44-6, Helen Louise, Brown, (Hall);
 44-6, Mary R. Burchard, (Reineberg);
 44-6, Mary H. Chappell, (Gosnell);
 44-6, Frances E. Coughlin, (Coughlin);
 44-6, Geraldine M. Crockett, (Tribble);
 44-6, Irene I. Crum, (Crum);
 44-6, Carolyn L. Cullen, (Cullen);
 44-6, Edith M. Daley, (Cragin);
 44-6, Audrey W. DuCote, (Maxwell);
 44-6, Elizabeth I. Dybbro, (Hamm);
 44-6, Nancy U. Foran, (Upper);
 44-6, Barbara L. Foss, (Fleming);
 44-6, Georgia, Gehring, (Gehring);
 44-6, Elizabeth G. Goette, (Peters);
 44-6, Lavina B. Green, (Lippincott);
 44-6, Ann G. Griffith, (Warren);
 44-6, Norma "Penny", Halberg, (Hall);
 44-6, Dorothea B. Hamilton, (Baumeister);
 44-6, Dorothy L. Hammett, (Bancroft);
 44-6, Nancy, Hanks, (Hanks);
 44-6, Mary B. Hansen, (Breidenbach);
 44-6, Nanette, Hazeltine;
 44-6, Hayden A. Head, (Head);
 44-6, Jean F. Hixson, (Hixson);
 44-6, Patricia A. Hughes, (Collins);
 44-6, Alice R. Jakle, (Jakle);
 44-6, Lucy D. Johnson, (Dubiel);
 44-6, Janice, Kaufman, (Norton);
 44-6, Barbara H. Kennedy, (Hart);
 44-6, Shirley C. Kruse, (Chase);
 44-6, Lorraine R. Lasswell, (Lasswell);
 44-6, Irene M. Leahy, (McConihay);
 44-6, Joan M. Lemley, (Michaels);
 44-6, Mildred P. MacRobble, (Coats);
 44-6, Marion A. Mayfield, (Hagen);
 44-6, Beverly F. McCarty, (Cangiamila);
 44-6, Verneda G. McLean, (Rodriguez);
 44-6, Patricia, Moran, (Hopkins);
 44-6, Dorothy B. Mosher, (Hines);
 44-6, Betty, Niehoff, (LeVeque);
 44-6, Eleanor R. O'Dell, (O'Dell);
 44-6, Rose A. Palmer, (Palmer);
 44-6, Suzanne U. Parish, (Delano);
 44-6, Anita F. Paul, Sr Terese, OCD, (Paul);
 44-6, E. Marie, Pedersen, (Pedersen);
 44-6, Evelyn B. Perrin, (McNulty);
 44-6, Barbara L. Posey, (Leonard);
 44-6, Margaret M. Powell, (Godfrey);
 44-6, Ava, Richardson, (Hamm);
 44-6, Marilyn, Saunders, (Miller);
 44-6, Doratheia B. Scatena, (Rexroad);
 44-6, Betty A. Sharr, (Thompson);
 44-6, Janet L. Simpson, (Hutchinson);
 44-6, Genevieve N. Sinkler, (Lee);
 44-6, Mabelle "Barry", Smith, (Vincent);
 44-6, Elinor, Stebbins, (Fairchild);
 44-6, Mary E. Szablowski, (Shoemaker);
 44-6, Christie E. Thuresson, (Carlton);
 44-6, Daisy M. Vaughan, (Vaughan);
 44-6, Sarabel D. Wardle, (Booth);
 44-6, Mary R. Wells, (Retick);
 44-6, Margaret, Wight, (Hicks);
 44-6, Betty Jane, Williams, (Williams);
 44-6, Lesley S. Williams, (Williams);
 44-6, Justine H. Woods, (Fletcher);
 44-7, Margarete M. Armstrong, (McGrath);
 44-7, Ruth, Bauer, (Reilly);
 44-7, Edith S. Beal, (Smith);
 44-7, Velta C. Benn, (Haney);
 44-7, Patricia J. Bonansinga, (Blackburn);
 44-7, Frances W. Brookings, (Winter);
 44-7, Betty June, Brown, (Overman);
 44-7, Sylvia M. Burrill, (Miller);
 44-7, M. Ellen, Campbell, (Wimberly);
 44-7, Mildred E. Carder, (Eckert);
 44-7, Beverly F. Carruth, (Frisbie);

44-7, Nancy Allison, Conklin, (Conklin);
 44-7, Ann Connelly, (Pedroncelli);
 44-7, Betty M. Cross, (Roth);
 44-7, L. Jane, Cunningham, (Harris);
 44-7, Mary Ann, Dreher, (Walker);
 44-7, Nancy A. Dunnam, (Nordhoff);
 44-7, Mary Catherine, Edwards, (Quist);
 44-7, Opal Vivian, Fagan, (Hicks);
 44-7, Eileen W. Ferguson, (Wright);
 44-7, Margaret, Garland, (Parish);
 44-7, V. "Scotty", Gough, (Bradley);
 44-7, Eleanor M. Gunderson, (Gunderson)
 44-7, Hulda M. Haag, (Chilcoat);
 44-7, Bernice F. Haydu, (Falk);
 44-7, Annie J. Henry, (Henry);
 44-7, Winnie Lee, Jones, (Jones);
 44-7, Julia E. Jordan, (Eagan);
 44-7, Alberta A. Kinney, (Paskvan);
 44-7, Virginia B. Krum, (Krum);
 44-7, Jean I. Landa, (Landa);
 44-7, Margaret S. Latta, (Shaffer);
 44-7, Carol A. Lewis, (Nicholson);
 44-7, Grace E. Lotowycz, (Ashwell);
 44-7, Dorothy A. Lucas, (Smith);
 44-7, Iola V. Magruder, (Clay);
 44-7, Lila M. Mann, (Moore);
 44-7, Margaret E. Martin, (Neyman);
 44-7, Joan A. McKesson, (Smythe);
 44-7, Naoma "Penny", Moore, (Halladay);
 44-7, Virginia H. Mullen, (Mullen);
 44-7, Elizabeth P. Nicholas, (Pettitt);
 44-7, Ann E. O'Connor, (Cawley);
 44-7, Geraldine F. Olinger, (Bowen);
 44-7, Nona H. Pickering, (Holt);
 44-7, Bernice M. Pickerton, (Dannefer);
 44-7, Betty Jo, Reed, (Streff);
 44-7, Ola M. Rexroat, (Rexroat);
 44-7, Muriel R. Reynolds, (Rath);
 44-7, Mary S. Ruprecht, (Storm);
 44-7, Adelaide, Schaefer, (Schaefer);
 44-7, Mary "Mimi", Sheean, (Caffrey);
 44-7, Edith U. Smith, (Upson);
 44-7, Mary B. Sturdevant, (Barnes);
 44-7, Dorothy, Van Valkenberg, (Sorensen);
 44-7, Mary Alice, Vandeverter, (Putnam);
 44-7, Margaret M. Weiss, (Weiss);
 44-7, Vyvian Mae, Williams, (Williams);
 44-7, Irene N. Wysocki, (Norris);
 44-8, Lucy G. Alston, (Gadson);
 44-8, Arline M. Baker, (Baker);
 44-8, Jamece, Brewton, (Paxson);
 44-8, Eula "Betty", Brown, (Morton);
 44-8, Dorothy L. Burri, (Johnson);
 44-8, Myrtle R. Carter, (Allen);
 44-8, Geraldine F. Crook, (Fulk);
 44-8, Doris J. Daniel, (Anderson);
 44-8, Gertrude E. Dietz, (Dietz);
 44-8, Cathleen B. Dooley, (Dooley);
 44-8, Mary Jane, Ehrman, (Isham);
 44-8, Muriel, Essertier, (Keir);
 44-8, Joan G. Frost, (Gough);
 44-8, Emily M. Giles, (Metz);
 44-8, Patricia T. Gladney, (Thomas);
 44-8, Mary Ann, Hays, (Palmer);
 44-8, Neil Douglas, Herrod, (McInnis);
 44-8, Carla H. Horowitz, (Howard);
 44-8, Ruth C. Hubert, (Clifford);
 44-8, Pearl B. Judd, (Brummett);
 44-8, Marguerite "Ty", Killen, (Hughes);
 44-8, Georgia P. Kingdon, (Sloan);
 44-8, Mary, Kinney, (Jackson);
 44-8, Mary W (DR), Lamy, (Lamy);
 44-8, Edna D. MacDougall, (Maginnis);
 44-8, Anne D. Marshall, (Dailey);
 44-8, Joanne B. Martin, (Blair);
 44-8, Mary L. McCann, (Stuart);
 44-8, Wilda W. McCurrach, (Winfield);
 44-8, Lois J. McMurdie, (McCurdie);
 44-8, Margaret M. Moore, (Moore);
 44-8, Ann W. Morse, (Kenyon);
 44-8, Jean, Neill, (Ward);
 44-8, Roberta E. Newcomb, (Sattler);
 44-8, Patricia, O'Bannon, (Braun);
 44-8, Shireen M. Phelps, (Phelps);

44-8, Marjorie C. Roberts, (Stevenson);
 44-8, Patricia, Sherwood, (Sherwood);
 44-8, Bonnie J. Shinski, (Dorsey);
 44-8, Margaet VC, Standish, (Standish);
 44-8, Kathleen N. Thomson, (Elliott);
 44-8, Bea St. Claire, Thurston, (Smith);
 44-8, Helen L. Venskus, (Venskus);
 44-8, Doris, Wanty, (Boothe);
 44-8, Mary L. Webster, (Webster);
 44-8, Beverly, Wilkinson, (Dietrich);
 44-8, Katherine, Willinger, (Willinger);
 44-8, Virginia F. Wise, (Fisher);
 44-8, Jan Marie, Wood, (Wood);
 44-9, Phyllis M. Bahl, (McCarty);
 44-9, Anna C. Baron, (Beiliveau);
 44-9, Julia L. Bartlett, (Lamm);
 44-9, Marjorie M. Beck, (Christiansen);
 44-9, Evelyn P. Brier, (Brier);
 44-9, Eleanor M. Brown, (McLernon);
 44-9, Helen C. Cannon, (Johnson);
 44-9, Catherine, Chatham, (Parker);
 44-9, Gloria L. Collins, (Nelson);
 44-9, Dorothy C. Duffield, (Picture);
 44-9, Dorothy, Estep, (Estep);
 44-9, Dorothy Deane, Ferguson, (Ferguson);
 44-9, Mildred H. Ferree, (House);
 44-9, Roberta Jane, Fohl, (Fohl);
 44-9, Penelope, Garrett, (Pierce);
 44-9, Margaret, Gee, (Gee);
 44-9, Sarah J. Gleeson, (Allishouse);
 44-9, Ann G. Gleszer, (Griffin);
 44-9, Mary Ann, Gordon, (Baldner);
 44-9, Jean D. Harman, (Downey);
 44-9, Elaine D. Harmon, (Harmon);
 44-9, Phyllis, Hitner, (Lee);
 44-9, Margaret J. Johnson, (Phillips);
 44-9, Rosalie T. Johnson, (Phillips);
 44-9, Marie J. Jones, (Jacobson);
 44-9, Ruth W. Kearney, (Groves);
 44-9, Lillian, Kelley, (Dixon);
 44-9, Kathryn J. Kleinecke, (Kleinecke);
 44-9, Anita B. Matthew, (Bronken);
 44-9, Wilma L. Miller, (Miller);
 44-9, Nadine V. Nagle, (Canfield);
 44-9, Marjorie, Nicol, (Osborne);
 44-9, Frances D. Ochoa, (Stroud);
 44-9, Joan, Olmsted, (Olmsted);
 44-9, Marilyn H "Jackie", Petty, (Hughes);
 44-9, Elizabeth W. Ransom, (Davis);
 44-9, Jean (Barbara?), Reimer, (Reimer);
 44-9, Martha S. Reuel, (Sarager);
 44-9, Mary Anne, Richey, (Showers);
 44-9, Betty F. Riddle, (Martin);
 44-9, Esther L. Rumler, (Stahr);
 44-9, Gayle M. Snell, (Snell);
 44-9, Virginia E. Spear, (Eatherton);
 44-9, Elizabeth M. Stone, (Briscoe);
 44-9, Sarah G. Symmes, (Rewey);
 44-9, Virginia M. Trumbull, (Potthoff);
 44-9, Janet W. Tuch, (Wayne);
 44-9, Barbara H. Tucker, (Hershey);
 44-9, Betty S. Turner, (Stagg);
 44-9, Norma, Van Brooker, (Boston);
 44-9, Vee M. Van Delden, (Nisley);
 44-9, Mary, Wilkinson, (Regalbuto);
 44-9, Sona, Wilson, (Kierstead);
 44-9, Mary F. Woodward, (Woodward);
 44-9, Lillian G. Wray, (Glezen);
 DWP, Jacqueline, Cochran, (Cochran);
 WAFS, Bernice I. Batten, (Batten);
 WAFS, Delphine, Bohn, (Bohn);
 WAFS, Aline, Brooks, (Rhonie);
 WAFS, Esther L. Carpenter, (Nelson);
 WAFS, Helen Mary, Clark, (Clark);
 WAFS, Nancy B. Crews, (Batson);
 WAFS, Barbara T. Fasken, (Towne);
 WAFS, Kathryn, Fine, (Bernheim);
 WAFS, Cornelia, Fort, (Fort);
 WAFS, Phyllis B. Fulton, (Burchfield);
 WAFS, Betty Huyler, Gillies, (Gillies);
 WAFS, Theresa D. James, (James);
 WAFS, Gertrude T. Levalley, (Meserve);
 WAFS, Barbara E. London, (Erickson);
 WAFS, Nancy L. Love, (Harknell);

WAFS, Lenora L. McElroy, (McElroy);
 WAFS, Helen, McGilvery, (McGilvery);
 WAFS, Helen, Prosser, (Richards);
 WAFS, Katherine, Rawls, (Thompson);
 WAFS, Barbara, Ross, (Donahue);
 WAFS, Adela R. Scharr, (Scharr);
 WAFS, Dorothy, Scott, (Scott);
 WAFS, Evelyn, Sharp, (Sharp);
 WAFS, Barbara, Shoemaker, (Poole);
 WAFS, Dorothy, Slinn, (Fulton);
 WAFS, Florene, Watson, (Miller);
 WAFS, Esther, Westervelt, (Manning);
 WAFS, Opal "Betsy", Woodward, (Ferguson);

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BARTON of Texas. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 2847—FY10 Commerce and Justice, Science, and Related Agencies Appropriations Act

Account: COPS Law Enforcement Technology

Legal Name of Receiving Entity: Deep East Texas Council of Governments

Address of Receiving Entity: 210 Premier Dr., Jasper, TX 75951-7495

Description of Request: I have secured \$1,000,000 in funding in H.R. 2847 in the COPS Law Enforcement Technology account for the Deep East Texas Council of Governments.

The funding will be used to purchase AFIX Tracker automated fingerprint and palm print identification systems, AFIX Verifier single-finger verification systems, and AFIX Identifier 2-finger live capture identification systems, including hardware, software, installation, training and support to Sheriff's Departments and Police Departments across the 12-county region.

W.T. WOODSON HIGH SCHOOL GRADUATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, after making three hundred thirty-nine straight recorded votes, I missed my first vote on the floor of the House of Representatives today as I attended the high school graduation of my daughter, Caitlin Rose Connolly.

While I take my responsibilities as a member of Congress seriously and make an effort to ensure my constituents are represented on every vote, nothing would have kept me from witnessing my daughter's graduation.

I would like to take this time to congratulate my daughter, Caitlin Rose Connolly, all of the graduating seniors at W.T. Woodson High School, and all other graduates in the class of 2009. Completing high school is a tremendous

achievement. I am certain that the parents, family, friends and teachers of all of the graduates are as proud of their students as I am of Caitlin.

I would also like to take this moment to indicate how I would have voted on those votes that I missed.

On H.R. 2470, to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building," I would have voted, "aye."

On H.R. 780, the Student Internet Safety Act of 2009, I would have voted, "aye."

On the Motion to Table the Appeal of the Ruling of the Chair, I would have voted, "aye."

On H.R. 2247, the Congressional Review Improvement Act, I would have voted, "aye."

On H.R. 403, the Homes for Heroes Act of 2009, I would have voted, "aye."

IN RECOGNITION OF 100 YEARS OF THE BLACKLAND RESEARCH AND EXTENSION CENTER IN TEMPLE, TX

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. CARTER. Madam Speaker, today I rise in recognition for the 100 years of work of scientists at the Blackland Research and Extension Center in Temple. They have worked on securing a safe and affordable food supply, protecting the environment, and strengthening the economy.

The Center was created by the Texas Legislature in 1909 and was charged to solve pressing problems with the soils and crops grown in central Texas. Today the Center occupies a 542 acre site in the south-central part of the Texas Blackland Prairie, a 12 million acre agricultural region stretching over 300 miles along I-35 from the Texas-Oklahoma border to San Antonio. The Center is the state's premier research agency in agriculture, natural resources, and the life sciences.

In 1931 the USDA-Soil Erosion Service, which was later renamed the Soil Conservation Service, joined scientists at Blackland to intensify research on soil and water associated with farming the region's highly erodible soils. This began a long history of cooperative and highly productive research between the Texas A&M System and USDA in Temple, which has led to the development of many modern soil conservation practices used by farmers around the world today.

Today, the Blackland Research and Extension Center shares research facilities with the Grassland, Soil, and Water Research Laboratory of the USDA—Agricultural Research Service. By combining innovative research, they continue to find solutions to problems and issues in the way we manage our land and water resources in Central Texas and beyond. They work regularly with scientists in the military helping to find innovative ways to restore and maintain Fort Hood's military lands in the best possible condition for training those who defend our country. The Center also works

closely with USDA-Natural Resource Conservation Service and other federal and State agencies to assist in applying sound scientific principles to manage our agricultural and urban lands in a way that maximizes production and profits with minimal impact on the environment. The Blackland Research and Extension Center frequently collaborates with scientists in developing countries to assist them in finding better ways for farmers to manage their water, livestock, and grow crops to feed their growing populations.

The value of research by the scientists stationed at the Temple Center is remarkable. The long-lasting partnerships between the State Land Grant Universities (Texas A&M AgriLife), and Federal Agencies (USDA Agricultural Research Service and Natural Resource Conservation Service), illustrate the superiority in effectiveness in partnerships when solving our agricultural and natural resource problems versus what individual agencies can do alone.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Alvernia University, Reading PA—\$470,000 to form a partnership with the Reading Police Academy, and create a high-tech laboratory, which will be used by the Academy to train police officers and criminal justice students in investigation techniques for white collar, internet and cyber crime.

Berks County Emergency Response Team, Exeter Township, PA—\$350,000 to buy armored vehicle and other equipment to provide safe approach to dangerous scenes.

Cabrini College, Radnor PA—\$100,000 for a project that will focus on the impact of domestic violence on children and ways that school personnel can help provide support to students affected by domestic abuse.

Police Athletic League of Norristown, Norristown PA—\$90,000 to support the continued delivery of programs to youth ages 5–18 through the Norristown PAL Center.

St. Joseph's University, Philadelphia, PA—\$200,000 requested to support and develop an interdisciplinary approach to dealing with crisis violence and create a state-of-the-art strategy for violence prevention in the communities of Pennsylvania.

Spring Township Police, Reading PA—\$90,000 for video cameras for each of the department's patrol vehicles.

IN HONOR OF THE AMAZING BICYCLE JOURNEY OF SHAWNE CAMP

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Ms. SPEIER. Madam Speaker, today, a heroic journey came to a successful end when Millbrae, California's Shawne Camp parked his bicycle at the foot of the Washington Monument. In fewer than 50 days, Shawne has ridden from San Francisco's Golden Gate Bridge to the nation's capital to raise funds and awareness for lung disease and the American Lung Association.

In 2000 and 2001, Shawne suffered two complete collapses to his right lung. The condition, known as spontaneous pneumothorax, is extremely painful and can be fatal if not treated quickly. After multiple surgeries, Shawne was told that he was unlikely to ever return to full strength and should resign himself to a more sedate lifestyle. But the lifelong athlete wasn't accustomed to taking it easy and set out to prove that he could come back to full strength—and then some.

With support from family, friends and his employer, Shawne turned his success at rehabilitation into a personal crusade to help others. On May 8, he headed north from the Golden Gate Bridge on a solo, self-funded bicycle ride across America to help others suffering from lung ailments.

Over the past five weeks, Shawne has endured mountains, deserts, storms, fierce headwinds, angry dogs and even bears. But he's been supported by legions of devoted followers who have tracked his 3000 mile journey online and countless strangers along the way who have helped with shelter from the rain, a warm shower, or occasional meal.

Madam Speaker, Shawne Camp is an inspiration to anyone who chooses to overcome adversity. His journey has advanced awareness for spontaneous pneumothorax and other lung afflictions and raised money for a very good cause. I am proud to call Shawne Camp my constituent and am delighted to introduce this inspiring young man to my colleagues in the United States Congress.

IN CELEBRATION OF MRS. KATHERINE Q. BUXTON ON HER 80TH BIRTHDAY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. HIGGINS. Madam Speaker, today I ask for the House of Representatives to recognize an important day in the life of a resident and friend of the 27th Congressional District, Mrs. Katherine Q. Buxton. On June 13, 2009, Mrs. Buxton reached a milestone birthday and on June 20, 2009, she will celebrate her 80th Birthday with her loving family and friends.

Mrs. Buxton, along with her husband William D. Buxton, began and ran one of Western New York's cherished family businesses, Buxton Quality Locksmiths. After the passing

of her husband in 2001, Mrs. Buxton helped her sons take over the family business.

Mrs. Buxton has always been and continues to be family oriented. She opens her home to her friends and family for "gala gatherings." Her five children, 14 grandchildren, 9 great-grandchildren and friends refer to her as "Wild Kate" because of her desire to learn and to try new adventures.

I would like to congratulate Mrs. Kate Q. Buxton for reaching this important milestone and recognize her for achievements. Along with her friends, family, and the residents of the 27th Congressional District, it is my pleasure to honor Kate Buxton and thank her for her many contributions to her family, community and country. I wish "Wild Kate" many more years of happiness, love and adventure.

IN HONOR OF BERNIE EPWORTH

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. ADLER of New Jersey. Madam Speaker, I would like to congratulate an important member of New Jersey's 3rd District, Mr. Bernie Epworth. Mr. Epworth will be installed as the Department Commander for the State of New Jersey Jewish War Veterans at the 78th Annual New Jersey Jewish War Veterans Convention on June 28, 2009. His lifelong activism and dedication has made him one of the most respected members of his community and deserving of this honor.

Mr. Epworth was born in Brooklyn, New York. He is a graduate of New York University and served as a First Lieutenant in the Armored Cavalry and in the New York National Guard. While serving as Vice President with Temple Beth Shalom in Fair Lawn, NJ, Mr. Epworth earned several awards, including the Centennial Award of Honor from the Jewish Theological Seminary and the Jewish Community Relations Council's 'Community Relations Award.'

As the Commander of the Jewish War Veterans Post 126, Mr. Epworth was named 'Commander of the Year,' while his post was declared "Post of the Year." His dedication to his community also earned him the 'Legion of Honor Award' by the Chapel of Four Chaplains Memorial Foundation in 2006.

Mr. Epworth's career and dedication to his community is a shining example of public service and I sincerely congratulate him on his much deserved installation as Department Commander of the New Jersey Jewish War Veterans.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I re-

ceived as part of H.R. 2847—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2847

Account: DOJ, COPS Tech account, \$100,000

Legal Name of Requesting Entity: City of Auburn, Alabama

Address of Requesting Entity: 144 Tichenor Avenue, Suite 1, Auburn, AL 36830

Description of Request: "City of Auburn Mobile Data System" Taxpayer justification—It is my understanding that the funding would be used for a mobile data system for Auburn's Police Division. This consists of in-car computers and associated equipment (routers, wireless networking, e.g.) to equip all of the police vehicles. This request is the continuation of a program for which the City of Auburn received \$400,000 in FY06 and 305,500 in FY08.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2847

Account: DOJ, OJP Byrne account, \$360,000

Legal Name of Requesting Entity: City of Montgomery

Address of Requesting Entity: P.O. Box 1111, Montgomery, AL 36101

Description of Request: "City of Montgomery and Montgomery County Interoperable Upgrades" Taxpayer justification—It is my understanding that the funding would be used to upgrade and implement an in-car digital video and server solution for City of Montgomery police vehicles and Montgomery County sheriff vehicles. This system will replace outdated VHS systems that are currently in police and sheriff vehicles and provide new installations in vehicles that are currently without a system. The ultimate goal is to have one upgradeable digital in-car system for the entire fleet and a central depository that will provide video evidence for courtroom presentation.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2847

Account: DOJ, OJP Byrne account, \$900,000

Legal Name of Requesting Entity: Alabama District Attorneys Association Address of Requesting Entity: 515 South Perry Street, Montgomery, AL

Description of Request: "Alabama Computer Forensics Labs" Taxpayer justification—It is my understanding that the funding would be used for a continuation of the computer forensic lab program which created 3 regional computer labs to cover the entire state of Alabama. These labs were created to address all forms of computer crime such as; child pornography, fraud, murder and identity theft. Currently, we are the only law enforcement agency handling, exclusively, computer crime cases from investigation to prosecution. The computer labs utilize working relationships with federal, state and local agencies across the nation. The labs have made a tremendous impact on computer crime and are enabling local and state law enforcement personnel to utilize yet another tool in the prosecution of criminal activity. Additionally, investigators and

prosecutors are also available for instruction and have been enlisted on numerous occasions to speak to the public about internet safety, as well as, train local/state law enforcement on the basics of information sharing, computer crime/digital evidence and multiple courses designed for first responders. Furthermore, since the programs inception in 2006, we have assisted more than 75 plus outside law enforcement agencies and analyzed over 2000 pieces of electronic evidence in approximately 851 criminal cases resulting in a multitude of convictions.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2847

Account: DOJ, OJP Byrne account, \$900,000

Legal Name of Requesting Entity: Auburn University, Auburn, Alabama

Address of Requesting Entity: 102 Samford Hall, Auburn, AL 36849

Description of Request: "Auburn University Canine Program" Taxpayer justification—It is my understanding that the funding would be used for continuing support of a program to provide Alabama (AL) Law Enforcement Organizations (LEO) with state-of-the-art detector-dog team (dog and handler) training for enhancing public and, especially, school safety. The detector-dog and handler team remain the most capable tool for the interdiction of explosive materials and illicit drugs. The capability of such teams is entirely dependent upon the quality of the dog, the dog's training, and instruction of its handler. This program would make available to AL LEO the highest state-of-the-art detector dogs, training, and handler instruction. AU proposes continuation and expansion of the FY09 program to provide AL LEO access to the services of CDTC in order to enhance public and, in particular, school safety in AL communities.

EARMARK DECLARATION

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I rise today to submit the following information regarding an earmark I received as part of the Homeland Security Appropriation.

The following earmark was requested by my office and is listed for funding in this bill:

CITY OF ELK GROVE—EMERGENCY OPERATIONS CENTER

Requesting Member: DANIEL E. LUNGREN
Bill Number: 2010 Homeland Security Appropriation

Account: Federal Emergency Management Agency

Requesting Agency: City of Elk Grove
Agency Address: 8401 Laguna Palms Way, Elk Grove, CA 95758

Amount: \$750,000

Description: The Emergency Operations Center will provide the necessary tools to receive, assess, and respond to a critical incident. The communications system must provide for a redundant path to ensure that both

situational awareness information and strategic orders can pass into and out of the facility without interruption

The proposed EOC will include an Intelligent Transportation System (ITS). The ITS will be an important component of the EOC as it will provide a mechanism for controlling local traffic patterns to ensure transportation safety and mobility during an emergency. The system can be used to relieve traffic congestion and through the use of advanced video communications technologies, provide the Elk Grove EOC with a bird's eye view of critical intersections and roadways leading in and out of the City. Wireless video technology will also be deployed at locations determined to be "sensitive" for the purposes of Homeland Security.

The Emergency Operations Center has a clear federal nexus. As a result of such national events as 9/11 and Hurricane Katrina, there has been a renewed demand for local entities around the country to focus on local preparedness and accountability during emergency situations. Elk Grove is home to 140,000 residents and a likely destination for evacuees from the Sacramento and San Francisco Bay areas. In addition, the Sacramento region is subject to potential flooding due to an intricate and aged levee system. Elk Grove has multiple freight and passenger rail lines, one of the largest above-ground propane storage facilities, an airport, and two heavily traveled freeways, Interstate 5 and State Route 99. It is essential that the City of Elk Grove has an Emergency Operations Center to coordinate emergency response efforts in the event of a disaster or terrorist attack.

Having the ability to work regionally and have interoperability between different agencies is critical in the event of an emergency. With the use of advanced communications technology, Elk Grove will be able to work in concert with the County and City of Sacramento, State of California Office of Homeland Security, and the U.S. Department of Homeland Security to share information and respond rapidly to any event.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mrs. MALONEY. Madam Speaker, on June 15, 2009, I was delayed in returning to Washington, and missed rollcall votes numbered 336, 337, 338 and 339.

Had I been present, I would have voted "yea" on rollcall votes: 336 expressing condolences to the citizens of Italy and support for the Government of Italy in the aftermath of the devastating earthquake that struck the Abruzzo region of central Italy; 337, a bill to name the Laredo Veterans Post Office; 338, Phylicia's Law; and, 339, a resolution expressing condolences to the families, friends, and loved ones of the victims of the catastrophic explosion at the ConAgra Foods plant in Garner, North Carolina.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately Monday night, June 15, 2009, I was unable to cast my votes on H. Res. 430, H.R. 2325, H.R. 729 and H. Res. 540.

Had I been present for rollcall No. 336, on suspending the rules and passing H. Res. 430, Expressing condolences to the citizens of Italy and support for the Government of Italy in the aftermath of the devastating earthquake that struck the Abruzzo region of central Italy, I would have voted "aye."

Had I been present for rollcall No. 337, on suspending the rules and passing H.R. 2325, the Laredo Veterans Post Office, I would have voted "aye."

Had I been present for rollcall No. 338, on suspending the rules and passing H.R. 729, Phylicia's Law, I would have voted "aye."

Had I been present for rollcall No. 339, on suspending the rules and passing H. Res. 540, Expressing condolences to the families, friends, and loved ones of the victims of the catastrophic explosion at the ConAgra Foods plant in Garner, North Carolina, I would have voted "aye."

THE ENHANCED SUPPLY AND PRICE REDUCTION ACT OF 2009

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, today I am introducing legislation with the gentleman from Maryland, Mr. VAN HOLLEN, and the gentleman from Vermont, Mr. WELCH, in order to provide relief for American consumers at the pump in the short term and save taxpayer dollars. Last summer, gas prices soared to record highs above \$4 per gallon. This year, American consumers are beginning to experience a bad case of *déjà vu*. Incredibly, today marks the 50th straight day that gas prices have risen. As a result, prices at the pump have already increased by more than one dollar a gallon since the beginning of the year. For American families who are already struggling through a down economy, these rising prices are hitting especially hard.

The Enhanced Supply and Price Reduction Act of 2009, or Enhanced SPR Act, directs the Secretary of Energy to sell 70 million barrels of light sweet crude—less than 10 percent of the total oil in the Strategic Petroleum Reserve (SPR)—and replace it with heavy crude oil over a period of five years. Swapping oil from the SPR has a proven record of lowering oil prices in the short term. In 1991, when President Bush's father deployed oil from the reserve, oil prices fell 33.4 percent in two days. In 2000, President Clinton conducted a time exchange of oil from the SPR and prices again immediately dropped by 18.7 percent. And in 2005, when President Bush himself re-

leased oil following Hurricane Katrina, prices fell 9.1 percent. That's an average drop in the price of oil of 19.2 percent.

In addition, this legislation would implement a number of recommendations made by the Government Accountability Office (GAO) to better use taxpayer funds. First, swapping a small percentage of light oil in the reserve for heavier crude has been recommended by the GAO to save taxpayers money. Replacing a small percentage of light oil currently in the reserve with heavy oil would also better match up with the needs of our nation's refineries and protect us against supply disruptions from unstable countries such as Venezuela.

The legislation would also implement GAO's recommendation to purchase a constant dollar value rather than constant volume of oil to fill the SPR in the future. In testimony before the Select Committee on Energy Independence and Global Warming last year, GAO testified that if the Department of Energy had taken this approach between 2001 and 2005, it would have saved American taxpayers nearly \$600 million or roughly 10 percent cost to fill the SPR during that period. Finally, the bill would authorize the Secretary to purchase and store refined petroleum product in the SPR in order to further enhance our national security.

The House has already voted in support of similar legislation in the last Congress in an overwhelming, bipartisan fashion. The SPR is currently filled to roughly 99.5 percent of its capacity—its highest level ever. As we work to enact comprehensive energy and climate change legislation, Congress should take action to provide relief at the gas pump in the short term. The Enhanced SPR Act represents a common sense approach to reducing pressure on consumers while saving taxpayers dollars.

HONORING ALLEN MCQUARRIE

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Allen McQuarrie, a man who has worked tirelessly to assist those recovering from substance addiction in Bucks County.

Mr. McQuarrie's path began in the classroom as a public school science teacher. Following his retirement after thirty years with the New Jersey Education Association, he worked for public employee unions and employers. In this field, Mr. McQuarrie pioneered human resources training and personnel services to aid staff and their families recovering from substance addiction, stress, and other barriers to healthy living.

Most recently, Allen McQuarrie has partnered with PROACT, the Pennsylvania Recovery Organization-Achieving Community Together, a grassroots recovery support initiative in Southeastern Pennsylvania. Over the past ten years, he has been a volunteer, a mentor for men incarcerated in the Bucks County Correctional Facility, and a co-chair of the organization.

Mr. McQuarrie has also served as a board member for the Bucks County Drug and Alcohol Commission, as well as on the Traffic Advisory Committee for Doylestown Township. He was the recipient of the 2008 Ambassador of the Year Award, presented to him by the Pennsylvania Recovery Organizations Alliance. In addition, Mr. McQuarrie will be receiving the prestigious Joel Hernandez Voice of the Recovery Community Award on behalf of PROACT. This award is granted based on the success of this organization in increasing the prevalence and quality of long term recovery in their community.

Allen McQuarrie has contributed enormously to his community in Bucks County. Madam Speaker, I am proud to recognize Mr. McQuarrie for his outstanding efforts, and am extremely honored to serve as his Congressman.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows:

Rollcall vote No. 350, on Motion that the Committee Rise—H.R. 2847, Making Appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes—I would have voted “no.”

IRANIAN POLITICAL OPPRESSION

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. CANTOR. Madam Speaker, I rise today in sympathy with the victims of Iranian political oppression who have been injured or killed protesting the outcome of their election.

Yet regardless of whether Ahmadinejad or Mousavi wins, we must not maintain any illusions about where true power in Iran rests.

That would be in the hands of the Islamic Republic's clerical regime, extremists determined to advance Iran's nuclear program and use terrorism to bully other states in the region.

Much of the regime's most egregious activities are done in the dark, hidden from the world's eyes and thus escaping media attention. The Iranian Revolutionary Guard Corps quietly funnels weapons and funding into terrorist groups from Iraq to Afghanistan to Lebanon to Gaza. Iranian centrifuges enrich uranium at nuclear plants often hidden from weapons inspectors. And terrorist groups make voyages to Iran to receive training at unspecified locations.

But this week the true colors of the Iranian regime are on broad display. With the whole world watching, the Iranian regime has been

embarrassed—called to account seemingly for the first time. This is an opportunity we cannot squander. Let us rally the world around the Iranian people. Let us use this opening to show the international community how dangerous the Iranian regime is—and why a nuclear Iran is flatly unacceptable.

Regrettably, the President and Democratic leadership in congress are failing to respond to the growing threat a nuclear Iran poses to the world.

Today we call on President Obama to immediately condemn the violence the Iranian regime is perpetrating against its citizens. We call on the Speaker to immediately bring to the floor and consider the Iran Petroleum Sanctions Act. The bipartisan bill, sponsored by Chairman BERMAN and Ranking Member ROSLEHTINEN, would impose sanctions on the radical Iranian regime while they continue to seek nuclear weapons and destabilize the Middle East.

TRIBUTE TO SISTER MARIE BERNARDE PROCKNAL OF THE BUFFALO SISTERS OF MERCY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. HIGGINS. Madam Speaker, I rise today to honor Sister Marie Bernarde Procknal of the Buffalo Sisters of Mercy. It is my privilege to recognize her for her service to our community through education.

Her commitment to education begins with her own. She graduated with Bachelor's Degree from Niagara University, received Master's Degree from Canisius College, and took part in a career and guidance fellowship at Boston University. She also is certified through New York State in kindergarten through sixth grade, junior high school social studies, and high school guidance.

Sister Marie chose to use her education to serve others through teaching at several elementary and junior high schools in the Western New York Community.

However, Sister Marie's dedication and hard work did not go unnoticed. She received a grant from the Diocese of Buffalo and the National Principals' Association in order for her to further education at SUNY Plattsburg, where she earned a certification in administration and supervision.

After earning a degree, she returned to the schools in the Buffalo area to continue her role in shaping the community through education and service. She worked as the principal of St. William Elementary School and St. Thomas Aquinas. She then was as Supervisor of Sisters of Mercy Elementary and Secondary Schools, and served as a guidance counselor at Mt. Mercy Academy.

Sister Marie's roles as educator and leader were conveyed in 2008, when Sister Marie was chosen to help celebrate the Sisters of Mercy's 150th Anniversary by throwing the first pitch at the June 22nd Bisons game.

Sister Marie continues to give back to the community that helped raise her. Today, she works at Trocaire College as a member of the

Students Affairs Teams and as a Career Counselor. She helps students through sharing her insights and advising them on their own education.

My community is blessed to have Sister Marie. Her unwavering dedication and selfless service allows us to be confident in our community's future as she is preparing a new generation of bright and giving Americans. Today, I ask my fellow Members of Congress to help me thank an extraordinary woman, whom I admire, for her service and commitment to the young people of New York's 27th Congressional District.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Fleming County Fiscal Court

Address of Requesting Entity: 201 Court Square, Flemingsburg, Kentucky 41041

Description of Request: Appropriate \$48,000 to acquire four (4) Mobile Data Terminals (MDT) for the Fleming County Sheriff's Office. MDTs will allow the department to connect to the Kentucky State Police LINK/NCIC system directly from the police vehicle. MDTs also increase both officer and public safety by empowering law enforcement with critical information prior to exiting their vehicle. MDTs will quickly let the officers know if a vehicle is stolen, the person driving is wanted, and if the person is licensed to carry a concealed weapon. This is a valuable use of taxpayer funds because it will improve the safety of sworn officers responsible for protecting the community.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Henry County Sheriff's Office

Address of Requesting Entity: 50 North Main St, New Castle, Kentucky 40050

Description of Request: Appropriate \$82,000 for the purchase of law enforcement equipment for the Henry County Sheriff's Office, as well as the City of Eminence Policy Department and the City of Campbellsburg Police Department. Equipment will include five (5) MDTs, 1 TASER, 3 ATN-NVM 14-3 Night Vision Minocular, 3 Aimpoint Comp M4, among other items. This is a valuable use of taxpayer funds because it will improve the safety of sworn officers responsible for protecting the community.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Oldham County Police Department

Address of Requesting Entity: 1855 North Highway 393, La Grange, KY 40031

Description of Request: Appropriate \$57,000 to purchase six (6) Mobile Data Terminals (MDTs). The County currently has some MDTs and the use of these systems has provided a rapid and reliable means of obtaining information in today's criminal justice arena. For example, use of MDTs allows the officers to immediately determine wants or warrants on individuals and reduces down time by allowing them to enter reports and stolen property information immediately while still on duty. This is a valuable use of taxpayer funds because it will improve the safety of sworn officers responsible for protecting the community.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 2847

Account: OJP—Byrne Discretionary Grants
Legal Name of Requesting Entity: Oldham County Sheriff's Office

Address of Requesting Entity: 1855 North Highway 393, La Grange, Kentucky 40031

Description of Request: Appropriate \$75,000 to acquire upgraded equipment appropriate to assist the Sheriff's Department in responding to a variety of law enforcement situations within the community. Equipment purchases will include dual antenna radar units, handheld radar units, mobile data terminals, portable breath testing units, Taser brand units, community service kid care identification machine, and Magna PD6500 brand security scanners, among other items. The Oldham County Sheriff's Office provides emergency response to the residents of Oldham County and surrounding Counties as requested. In addition, the Sheriff's office is responsible for courtroom security, prisoner transport throughout Kentucky, and protection of government employees, officials and government property. Federal funds will be used to purchase equipment that will increase the interoperability, improve the safety of sworn offices and the department's ability to respond to the needs of Oldham County. This is a valuable use of taxpayer funds because it will improve the safety of sworn officers responsible for protecting the community.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Pendleton County Sheriff

Address of Requesting Entity: 202 Chapel St, Falmouth, Kentucky 41040

Description of Request: Appropriate \$12,000 for the purchase of twelve (12) X26 TASERS (Electronic Control Devices) for county law enforcement officials and related training in equipment usage. Pendleton County does not have a detention center, so the Sheriff's Office and Jailer's office both transport prisoners fifty miles to and from Boone County Detention Center for court hearings and trials. TASERS

would give the officials an additional tool on a non-lethal scale to control an unruly person. This is a valuable use of taxpayer funds because it will improve the safety of sworn officers responsible for protecting the community.

vote 350 due to illness. Had I been present, I would have voted "yes."

PAUL HARRELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. GRAVES. Madam Speaker, it is with great honor that I rise today to recognize the North Kansas City School District's Chief Financial Officer, Paul Harrell, on the occasion of being named the 2009 School Business Official of the Year by the Missouri Association of School Business Officials.

Paul Harrell came to the North Kansas City School District in 2000 as the top accountant and budget manager. During that time, Harrell modernized the district's business operations by implementing the use of new technologies, sound fiscal management, and building community partnerships. He also moved the school district to a paperless time sheet system that saved the district countless accounting hours. Due to Paul's conservative financial management, the school district has earned top marks from auditors over the past several years.

In addition to revitalizing the school district, Paul has also helped the community. He assisted in building a partnership with the city of Gladstone that produced a new natatorium next to the Gladstone Community Center.

Last year, Paul was awarded the 2008 Outstanding Director by the North Kansas City Business Council, which he also won in 2002. Each year there is a \$1,000 scholarship given to a student in the school district under Harrell's name as part of this award.

Madam Speaker, I ask my colleagues to join with me in commending Paul Harrell for his dedicated service to the North Kansas City School District. Paul's dedication and commitment to his work are shining examples of the kind of work ethic we should all strive for. I know Paul's colleagues, family, and friends join me in thanking him for his commitment to others and wishing him congratulations on his award and wishing him the best of luck in his future endeavors.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act, 2010.

Project Name/Amount: City of Hampton Virginia Operational Integration Cyber Center of Excellence (VOICCE), \$500,000

Requested by: ROBERT J. WITTMAN (VA-01)
Intended Recipient of Funds/Grantee: City of Hampton, 22 Lincoln Street, 8th Floor, Hampton, VA 23669

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2009 Defense Appropriations bill that was included in H.R. 2638:

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2010 Commerce, Justice, Science Appropriations bill
Account: COPS—METH
Legal Name of Requesting Entity: Illinois State University

Address of Requesting Entity: Campus Box 4040, Hovey 310, Normal, IL 61790-4040

Description of Request: \$200,000 to expand an innovative new program addressing the epidemic of methamphetamine use through treatment of arrested juveniles from rural populations. It is my understanding that this funding will be used as follows: \$40,000 for psychiatric services; \$30,000 for post discharge treatment; \$35,000 for treatment Supplies; \$20,000 for evaluation research consultants; \$50,000 for salaries; and \$25,000 for travel.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2010 Commerce, Justice, Science Appropriations bill
Account: NOAA—ORF
Legal Name of Requesting Entity: Illinois State Geological Survey

Address of Requesting Entity: 615 E. Peabody Drive, Champaign, IL 61820

Description of Request: \$800,000 for the Illinois State Geological Survey to continue their Height Modernization project. The project would update the benchmarks in the state (approximately half can no longer be located), unify the database of benchmarks, and provide a digital elevation (LiDAR) model for the state. It is my understanding that the funding will be used as follows: \$68,000 for salaries; \$13,723 for travel; \$8,000 for computer hardware and services; \$210,000 for level lines and benchmarks in northern Illinois; \$50,000 for Continuously Operating Reference (CORS) station; \$180,000 for LiDAR data collection; \$2,000 for outreach forums; \$359 for commodities; \$400 for telecommunications; \$134,718 for facilities and administration at the University of Illinois; and \$132,800 for NOAA/NGS overhead.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. LARSON of Connecticut. Madam Speaker, on June 16, 2009, I missed roll call

Project description and explanation of the request: Funds would be used by the City of Hampton to develop Virginia's Operational Integration Cyber Center of Excellence (VOICCE). This laboratory would allow local governments and first responders to plug into state and federal entities and participate in simulated cyber attacks would help identify the processes, procedures, capabilities and gaps in protection. This program will incorporate cyber attack prevention into the mainstream of emergency operations at the local level and creating a virtual municipality of randomly generated internet protocol addresses. The concept would allow cyber security capabilities, processes and procedures to be developed.

The City of Hampton is located in the crossroads of Hampton Roads, home to major military installations such as Oceana Naval Air Station, Langley AFB, NASA Langley Research Center, Joint Forces Command, Naval Station Norfolk, etc. The localities play a large role in ensuring the safety and security of these assets as well as the many military and civilian personnel in the area. Through modeling and simulation at the City's emergency operations center, localities can gain experience in deterring and preventing cyber attack and other potential attacks on the area's installations, transportation infrastructure and information networks.

Funding will be used for: Initial cyberspace data collection/study phase: \$225,230; Initial definitions of cyberspace experimental processes, procedures and responses: \$97,256; Development of cyberspace municipal event scenarios: \$54,967; Architectural design, development and integration with IT department: \$34,246; Initial execution and assessment of VOICCE construct / scenarios: \$36,804, and; Initial staff review and input meetings: \$2,608; Final VOICCE Report Development & Associated materials for printing, CD-ROMS: \$48,889.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding a project that was included at my request in H.R. 2892, the Fiscal Year 2010 Department of Homeland Security appropriations bill:

MARITIME DOMAIN AWARENESS

Account: Homeland Security, Science and Technology, Borders and Maritime

Legal name and address of requesting entity: SRI International, 830 First Street South, St. Petersburg, FL 33701.

Description of request: \$4,000,000 is included in the bill for SRI International to continue its work to develop a replicable port security system that will be functional in diverse environments which include coastal maritime, seaport, island, extreme, and remote locations. This project will include the development of pilot test beds for use in a shallow and

deep water setting. The Department of Homeland Security's Science and Technology Directorate has identified a need to establish national maritime security technology test bed capability. Current test bed operations are conducted at a number of diverse facilities that are neither centrally coordinated nor operated under uniform standards. With over 95,000 miles of coastline to protect, ensuring our nation's maritime security is challenging and requires complex technology and knowledgeable oversight. The absence of both a recognized test bed capability and effective operations organization impacts DHS's ability to: (1) consistently validate security system performance; (2) accurately compare and evaluate the effectiveness of competing systems and related technologies; (3) minimize biases and variables in tests and evaluations, i.e. create and apply uniform standards; (4) provide recognized certifying authority; and (5) advance new technologies to better protect our homeland. Ultimately, our nation's security is compromised without this crucial capability. This initiative establishes an independent, objective, entity to test and certify technologies for application in deep water, port, and coastal environments. The proposed program additionally serves to focus agency resource management by: (1) synergizing and minimizing duplicative efforts; (2) aligning disparate testing operations; and (3) engaging all maritime security stakeholders—local through federal as well as commercial through military. SRI International and the University of Hawaii have teamed to address the nation's critical port security needs. This partnership will create trust-agent oversight and will leverage previous federal infrastructure investment to provide the most effective test bed capability at the lowest achievable cost. The partnership also provides institutional ties to both the Department of Defense and Department of Health and Human Services, thus bridging their efforts and providing for uniform, cost-effective maritime security solutions.

DR. TOM CUMMINGS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. GRAVES. Madam Speaker, it is with great honor that I rise today to recognize the outstanding service and leadership of Dr. Tom Cummings on the occasion of his retirement after 24 years of service to the North Kansas City School District, including 14 years as the superintendent.

Dr. Cummings has dedicated the majority of his life to assisting and educating children. After receiving his undergraduate degree from Franklin College in Indiana and his Master of Science and Doctor of Education degrees from Indiana University, Dr. Cummings has committed almost half a century to education. From coaching basketball to becoming the district superintendent in 1995, Dr. Cummings has continually worked to improve the lives of his students. During his 49 years as an educator, Dr. Cummings also always strived to serve his community. He was president of the Great-

er Kansas City School Administrators Association, served on the board of the directors for the Greater Kansas City Chamber of Commerce and served on the Education Commissioner's Advisory Committee.

During his time as superintendent of the North Kansas City School District, Dr. Cummings changed the way the school district approached both education and the surrounding community. Dr. Cummings built a core foundation of transparency, community partnerships, technology, and impressive physical facilities. Due to these efforts, the school district began to receive money again from the community to pay for bonds. This was revolutionary for the school district, as every single request for school bonds in the 17 years prior to Dr. Cummings was turned down. Dr. Cummings commissioned a panel of community, government and business leaders that shaped the district's new mission—to provide an elite educational experience that produced enlightened citizens adaptable to change and involved in their communities.

Dr. Cummings will leave many legacies at North Kansas City Schools. He created a professional and leadership development program, new career and technical education options for students, organizational efficiency, an award-winning money management team, standardized curriculum and differentiated instruction.

Dr. Cummings has also been awarded numerous times throughout his tenure as superintendent. He was honored by YouthFriends as their first recipient of the School-Based Mentoring Achievement and Advancement Award. In 2005, Dr. Cummings was named the Missouri Superintendent of the Year. The following year, he received the Look North award for being an Outstanding Northland Leader by the Clay County Economic Development Council. In 2008, he was recognized as an Outstanding Missourian by the Missouri House of Representatives, and most recently, the school district's administration building was renamed the Thomas P. Cummings Administrative Center.

Madam Speaker, I ask my colleagues to join with me in commending Tom Cummings for his many years of dedicated service to the North Kansas City School District. His commitment to the students, the school and our community provide a strong example of the kind of leader we should all strive to be. I know Tom's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him congratulations on his retirement and best wishes on many more years of happiness and success.

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2847

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: American Judges Association

Address of Requesting Entity: 300 Newport Avenue, Williamsburg, VA 32185, USA

Description of Request: Provide an earmark of \$350,000 for the development of a new, nationwide, distance-learning program for judges so they can update and expand web-based educational programs in their home districts without having to miss work or travel to seminars. The American Judges Association plans to use all of the funds to develop websites and on-line courses, collaborate with selected presenters on past and future projects, enhance presentations by the use of self-assessment quizzes, slides, video clips, glossary terms, and other visual materials to be incorporated into presentations, and videotaping and encoding presentations. This web-based training is a valuable use of taxpayer dollars as it will prevent courts from sending judges to expensive training seminars, and will be especially useful for smaller courts with tight budgets, including municipal courts throughout NE Ohio.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Chagrin Falls Police Department

Address of Requesting Entity: 21 W. Washington Street, Chagrin Falls, OH 44022, USA

Description of Request: Provide an earmark of \$250,000 for the purchase of new equipment for an interoperable dispatch and Operations Center within a planned new police station, the costs of which will be borne by residents through a ballot initiative. All of the funds requested will be used to purchase the equipment and technology for the operations and communications center. The Communications Center will help protect about 17,000 people served by the ten agencies that will utilize the center. The funding is a valuable use of taxpayer dollars as the interoperable center will improve communications between police and fire departments throughout the region.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2847

Account: NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Great Lakes Science Center

Address of Requesting Entity: 601 Erieside Avenue, Cleveland, OH 44114, USA

Description of Request: Provide an earmark of \$250,000 for education programs at the new Great Lakes Water Project exhibition. The Center is developing world class exhibitions on the science, technology and ecology of the Great Lakes and will be a focal point for educating and engaging 450,000 pre-K–16 students and visitors in issues central to the region's economy and vital to the ecological health of the world's largest freshwater resource. Great Lakes Science Center (GLSC), one of the country's leading science and technology centers. All of the funds for this project will be used for the development of the edu-

cation program on the science, technology and ecology of the Great Lakes. The Great Lakes Science Center has raised \$4,430,000. This funding is a valuable use of taxpayer dollars as it follows the recommendations of the National Academy of Sciences that Congress invest in improving Math and Science education programs for students.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Lake County Ohio

Address of Requesting Entity: 125 E. Erie Street, Painesville, Ohio 44077, USA

Description of Request: Provide an earmark of \$1,000,000 for upgrading and improving the county-wide interoperable Public Safety Radio System because the current 800 MHz radio system's technical support and parts will no longer be available in 2012. The entire budget will be used for the purchase of equipment. \$1,000,000 has been contributed to this project from the Lake County General Fund. This funding is a valuable use of taxpayer dollars because it will provide communications for all law enforcement in the county, and will replace a system that will soon be obsolete and unable to be repaired.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: South Russell Police Department

Address of Requesting Entity: 5205 Chillicothe Road, South Russell, OH 44022, USA

Description of Request: Provide an earmark of \$35,000 to allow this small department to upgrade from an analog, 800 radio-communication system to a digital, 800 radio-communication system. Approximately, \$13,618 will be used to purchase four mobile 800 radios, \$20,000 for eleven portable 800 radios, \$528 for four portable radio chargers, and \$854 for twelve portable radio shoulder microphones. The Village of South Russell is contributing \$12,359.60. This funding is a valuable use of taxpayer dollars as the upgrade is mandatory for the county and must take place by 2011. This modest funding will allow the South Russell Police Department to communicate seamlessly with 25 other public safety agencies in Geauga County and improve public safety throughout the region.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: University of Akron

Address of Requesting Entity: 302 Buchtel Mall, Akron, OH 44325, USA

Description of Request: Provide an earmark of \$500,000 to develop a fully equipped and staffed High Technology Forensics Laboratory and Resource Center in a partnership with the University of Akron and the Summit County Sheriff's Department. It will be utilized by at least 23 law enforcement agencies in the area. Approximately, \$24,000 will be used for

three forensic work stations, \$260,200 for lab equipment and technology, and \$215,800 for the operating budget including hardware and supplies. This funding is a valuable use of taxpayer dollars as the facility will train students to do forensic and other high-tech, crime-solving work and will create jobs for the region.

RECOGNITION OF THE SERVICE OF JAMES S.W. DREWRY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. YOUNG of Alaska. Madam Speaker, I rise today to pay tribute to and recognize the outstanding service of James S.W. Drewry upon his retirement from the practice of law.

Jim Drewry is retiring after decades of outstanding service as a lawyer to his country, to the Congress of the United States, and a leading practitioner in the Washington, DC, community. As outstanding as his National service and later career have been, I would be especially remiss if I did not go to Jim's early work experience prior to graduating from college and attending law school. Jim began his work experience serving as a clerk for Senator E.L. Bartlett (D—Alaska) in the United States Senate during the summers of 1961 to 1963. He then got some real world labor experience as a gandy dancer while working as part of the labor gang on the Alaska Railroad during the summer of 1964. These experiences prepared him well for a life-long career as a legislative attorney that often touched on the important maritime, fishery, natural resource, and transportation issues of importance to my State of Alaska. I for one always appreciated the professionalism and knowledge that Jim brought to the issues, but also his early practical and hands on experience that he brought to any situation.

Jim obtained his Bachelor of Arts degree from Randolph-Macon College in Ashland, VA, in 1966, with honors in political science. There he was a member of Phi Beta Kappa. He went on to earn not one but two law degrees. The first was from the University of Virginia School of Law (LL.B. 1969) and the second from the London School of Economics (LL.M. international law 1975). Contemporaneously, he held various positions during school breaks including working as a deckhand on a Great Lakes iron ore cargo ship (summer 1965), as a clerk for the Shipbuilders Council of America (summers 1966–67), and as an editorial assistant for the Stratton Commission on National Ocean Policy (summer 1968). Upon graduation from law school, he was admitted to the Virginia Bar and worked as a solicitor in the Corporate Law Department of the Southern Railway (July to October 1969) before joining the U.S. Navy (October 1969 to August 1974). In the Navy he served on active duty as a Navy Judge Advocate in Japan (2 years), Vietnam (1 year), and Florida (1 year). In the course of that he prosecuted, and defended, in over 200 courts-martial, and served as trial judge in others. For this service he was awarded Navy Achievement Medal twice, for performance in Japan and Vietnam.

After his Naval service, he continued in public service from November 1975 to June 1980, with the National Oceanic and Atmospheric Administration (NOAA). While at NOAA, he served as Special Assistant to the NOAA Administrator and as well as in progressively senior positions in the NOAA General Counsel's Office. As Senior Counsel for International Law, he was the Commerce Department's legal representative on U.S. international delegations for the negotiation of major treaties involving fisheries, wildlife, and maritime boundaries. As Deputy Assistant General Counsel for Fisheries, he was one of the two main legal advisers to the Director of the National Marine Fisheries Service and carried out the overall supervision and office management of the attorneys and staff. As Staff Attorney, he worked closely with the General Counsel and Deputy General Counsel on a wide range of legal issues and represented NOAA in Administrative Law Judge proceedings.

In 1980 he began his illustrious and distinguished career with the United States Congress. While Jim worked his entire congressional career in the Senate, I say United States Congress because his contributions to legislation and legislative process benefited the entire institution, not just one body. For over 18 years he served as Counsel to the Senate Committee on Commerce, Science, and Transportation in positions requiring senior-level policy and managerial experience in the fields of commerce, transportation, communications, science and technology, natural resources, and consumer affairs. Many of those years he worked for the distinguished Senator from South Carolina, Senator Fritz Hollings, who was always a gentleman to this Member and a great friend to my dear friend, Senator Ted Stevens. During this tenure at the Commerce Committee Jim was Senior Democratic Counsel for Oceans and Atmosphere (June 1980 to July 1987), nonpartisan Legislative Counsel (July 1987 to May 1994), and Democratic General Counsel/General Counsel (May 1994 to 1999). Throughout his service, and in addition to his considerable substantive contributions in the matters before Congress, Jim provided advice and guidance on parliamentary procedure, the Congressional Budget Act, ethics requirements, and other legal and policy matters. He had daily contact with Democratic floor staff regarding Senate floor action that affected Commerce Committee legislation, participated in the day-to-day management and supervision of the Democratic staff, ensured that documents relating to hearings, markups, and other meetings of Members and the Committee were comprehensive and legally and factually correct, and maintained regular and excellent relationships with Republican staff. Jim's hallmark was his dedicated, calm, and professional manner that provided all Members regardless of political party or philosophical establishment the best support and advice possible.

After this illustrious career in public service, he struck out and went into private law practice. There he took with him and used all of the legislative and ethics skills he developed over the years. He served clients in both the public and private sector, in maritime, fish-

eries, and natural resources. His approach to client advocacy was one of impeccable integrity, professional skill, and thoroughness in advice. Jim's advice was rightly sought because of this approach. Jim really cared about helping people—everyday people including many in my own State. He tried his best to find compromise and a way to get things done, and a way to get to “yes” on difficult problems so that his fellow citizens could benefit. There is much said today to malign those in the law and lobbying business and those who go from positions in government to the private sector. For those who want to know how our system should work, and does work, they need only look to the career of James S.W. Drewry. Jim's pursuit of truth, excellence, and integrity were unparalleled in the Washington community.

Now he moves on to a justly deserved retirement but one that we hope will keep him active in area of public policy development and implementation. He comes from a long line of public servants from Virginia having a grandfather, Patrick Henry Drewry, who served in the Congress as Member of this House and a father, John Metcalf Drewry, who served as a chief counsel for the Merchant Marine and Fisheries Committee in the House of Representatives. Jim was not content to rest on the laurels of his family legacy, however, and as you can see from this account, distinguished himself in his own right. I join with throngs of his friends and colleagues in saying that the likes of Jim Drewry do not come along everyday and his service to and with us all will be truly missed. With that I send him my very best wishes and also to his wife, Maria, and two sons, for many years of a healthy and prosperous “next chapter” in his life.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I submit a list of the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of HR 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Project Name: Boise Center Aerospace Laboratory (BCAL) Watershed Modeling Utilizing LiDAR at Idaho State University

Amount Requested: \$500,000

Account: Department of Commerce NOAA

Recipient: Idaho State University

Recipient's Street Address: 921 South 8th Avenue Stop 8007, Pocatello, Idaho 83209

Description: ISU's Department of Geosciences has developed free spatial analysis tools available to the public for remote sensing and geographic information sciences (GIS). The remote sensing tools include a downloadable toolbox for analyzing light detection and ranging (LiDAR) data LiDAR is an imaging method using a laser mounted on an

aircraft to determine precise vertical information (topography) of the earth's surface (15 cm precision). Commonly, this information is translated into high-resolution digital elevation models (DEMs) LiDAR can provide both a bare earth surface and the vegetated (or built) surface. LiDAR can also provide topographic data below water. Specifically to the concern of NOAA and the State of Idaho, LiDAR can provide up to date and precise flood plain maps for rivers with built environments (such as the Boise River) to guide decisions on flood insurance coverage and land use restrictions. These predictive maps can also aid in evacuation of people and livestock during an impending flood. This project will leverage existing infrastructure and expertise at ISU to develop state-of-the-art watershed modeling tools for NOAA and other federal agencies. These tools will enable better management of watersheds through improved topographic analyses for prediction of runoff, floods, and water storage capacity. Hyperspectral analysis (soils and vegetation) will be coupled with the LiDAR data for a full characterization, spectrally and spatially of the landscape. These analyses will allow for studies of vegetation structure, dependence of vegetation, soils, and earth processes (e.g. fire, erosion) on topology (slope and aspect, drainages, surface roughness). The goal of this research and its resulting algorithms and tools is to significantly benefit NOAA in its ability to convert LiDAR data into usable derivative datasets for environmental and safety applications in Idaho and elsewhere.

Project Name: Idaho Meth Project

Amount Requested: \$1,000,000

Account: Department of Justice COPS Meth

Recipient: Idaho Meth Project

Recipient's Street Address: 304 N. 8th Street, Room 446, Boise, Idaho 83702

Description: Methamphetamine trafficking and abuse in Idaho has been on the rise over the past few years and, as a result, meth is having a devastating impact in many communities throughout Idaho. Meth is the number one illegal drug of choice in Idaho and the State's leading drug problem. The financial and social consequences of meth abuse in Idaho are devastating. It is a contributing cause for much of the crime in Idaho, costs millions of dollars in productivity, contributes to the ever increasing prison populations and adversely impacts families. The Idaho Meth Project is a large-scale, statewide prevention and public awareness program designed to reduce the prevalence of first-time methamphetamine abuse in Idaho by influencing attitudes through high-impact advertising. The Idaho Meth Project is focused solely upon prevention and, to achieve this goal, is active in three areas: public service messaging, community action and public policy. This includes a pervasive media campaign reaching the target population through TV, radio, billboards, print, and the Internet.

Project Name: Idaho State Police to participate in the Criminal Information Sharing Alliance Network (CISAnet)

Amount Requested: \$500,000

Account: Department of Justice COPS Law Enforcement Technology

Recipient: Idaho State Police

Recipient's Street Address: 700 South Stratford, Meridian, Idaho 83642

Description: In 2006, the Idaho State Police (ISP) developed and deployed, on a limited basis, a web-based Case Investigative System (CIS). This tool allows investigators to collect, use and share critical law enforcement information across the state. CISAnet provides a bi-directional information-sharing network within and between state and local law enforcement agencies. CISAnet provides ISP and law enforcement across Idaho with real time access to criminal intelligence information shared by law enforcement partner agencies within the states of Alabama, Arizona, California, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma and Texas. This ten state area is regarded as one of the most vulnerable to our nation's security—a 'soft spot' through which illegal Mexican immigrants filter, illegal drug trafficking passes and terrorists move freely. It is believed that securing this porous border with Mexico is an effective way to protect American citizens. The CISAnet system provides an effective means for law enforcement agencies to share information across state lines on known or suspected criminal activity. Together, access to CISAnet, Idaho's Fusion Center and remote access to CIS will ensure that Idaho state and local law enforcement officers have the best information available in a timely manner. In today's environment, these systems are an effective way to monitor illegal drug and terrorist activity and identify, target and locate potential terrorists. These systems are important components of an overall prevention strategy and are crucial to protecting the citizens of Idaho and the United States' homeland security. The Criminal Information Sharing Alliance network (CISAnet) FY2010 federal funding will be used to continue the integration of CIS into the CISAnet infrastructure, to expand its capabilities by adding a Geo coding module and by integrating CIS, RMS and CISAnet into Idaho's Criminal Intelligence Center.

Project Name: NCOMS Medical and Mental Health Sharing Software Development

Amount Requested: \$500,000

Account: Department of Justice Byrne Discretionary Grants

Recipient: Idaho Department of Corrections

Recipient's Street Address: 1299 North Orchard, Suite 110, Boise, Idaho 83706.

Description: States are legally mandated to provide appropriate medical care to incarcerated individuals. These funds will be used to create, modularize and implement the medical/mental health module for the National Consortium of Offender Management Systems (NCOMS). This technology will allow public safety organizations that house offenders to track and record the medical information to ensure that offenders receive proper medical treatment.

I appreciate the opportunity to provide a list of Congressionally-directed projects in the FY2010 Commerce, Justice, Science and Related Agencies Appropriations bill on behalf of Idaho and provide an explanation of my support for them.

HONORING KENNETH WAYNE HUDSON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. POE of Texas. Madam Speaker, I would like to recognize and thank Kenneth Wayne Hudson for his service in the United States Navy. The hard work and devotion he has demonstrated through out his career serves as an example to us all. Kenny has served our country with courage and honor both at home and abroad.

See Madam Speaker, during the Vietnam War Kenny chose to leave high school before graduating to serve his country. After the war, he began his career and was never able to return to school to obtain his high school diploma. It is with great pleasure that I am today congratulating Kenny on his most deserved accomplishment of receiving his high school diploma from Humble High School. I know all his family and friends are very proud.

Kenny has recently retired from the workforce and I know he will enjoy the company of his wife Becky and three children, Michelle, Chad and Todd.

This great country will forever be in Kenny's debt. I wish him the best of luck in his future endeavors. He will continue to reach new levels of accomplishment.

We appreciate his service to America and his commitment to keeping our nation the "Land of the Free and the Home of the Brave."

And that's just the way it is.

TRIBUTE TO LIEUTENANT COLONEL KENNETH A. REIMAN

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to recognize the outstanding career and contributions of Lt. Col. Kenneth A. Reiman. Lieutenant Colonel Reiman is retiring from his most recent position as Deputy Director of the Test Support Group for the Missile Defense Agency at Redstone Arsenal in Huntsville, Alabama.

Prior to assuming his current position, Lt. Col. Reiman was Program Director of the Missile Defense Agency's Ground-based Mid-course Defense Program for Ground and Flight Test Execution. He has served 23 years as an Air Force officer and has spent a lifetime serving his country.

Lt. Col. Reiman has always played an important role in the development of North Alabama's missile defense community and our nation's defense. His dynamic leadership and exceptional technical skills directly resulted in the Missile Defense Agency's successful execution of its \$2 billion per year flight and ground test programs.

Reiman's distinguished career reflects great credit upon himself, the United States Air Force, the Department of Defense, and the Tennessee Valley.

Madam Speaker, on behalf of everyone in North Alabama, I rise to express my gratitude to Lt. Col. Kenneth A. Reiman for his many years of service to the United States of America.

TRIBUTE TO WILLIAM JOSEPH BURKE, SR., ESQ.

HON. BILL PASCHELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. PASCHELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, William "Bill" Joseph Burke, Sr., Esq. Mr. Burke will be recognized on June 16, 2009 with the Ram of the Year Award for his dedication to the Fordham University family.

It is only fitting that William "Bill" Joseph Burke, Sr., Esq. be honored, in this, the permanent record of the greatest freely elected body on Earth, for he is a true embodiment of the American dream and sets a great example in giving back to his community.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Mr. Burke. As a fellow alumnus of Fordham University, I am proud to bestow this honor onto William "Bill" Joseph Burke, Sr., Esq.

Madam Speaker, I ask that you join our colleagues, Bill's family and friends, all those whose lives have been influenced by Bill, the students, faculty and alumni of Fordham University and me in recognizing the outstanding and invaluable service of William "Bill" Joseph Burke, Sr., Esq.

HONORING THE LIFE OF JACK M. FARMER

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. SHULER. Madam Speaker, I rise today to honor the life of Mr. Jack M. Farmer, a distinguished member of our Western North Carolina community. Mr. Farmer dedicated his life to benefitting his community, and it was with great communal sadness that we mourned Mr. Farmer when passed away on September 26, 2008. He is survived by his wife, Nancy Leming Farmer, his sons, Bruce Alan Farmer and Phillip Marlowe Farmer, and 6 grandchildren.

Mr. Farmer was born on July 8, 1957 in Haywood County, North Carolina. A graduate of the Florida School of Forestry, he went on to serve as the District Ranger of North Carolina District 9 for 37 years. Because of his outstanding service, Mr. Farmer was awarded the Order of the Long Leaf Pine in 2000 by Governor Jim Hunt. The Order of the Long Leaf Pine is one of the most prominent awards presented by the Governor of North Carolina, only available to those who have dedicated over 30 years of service to the state.

In addition to his forestry service, Mr. Farmer was actively involved in his community. He was instrumental in the establishment of Pinnacle Park, an 1,100 acre public park filled with frequently used hiking trails. Mr. Farmer also served on the Jackson County Green Ways Committee, on the Board of Directors of Cullowhee Fire Department, and as the President of the Jackson County Habitat for Humanity. Additionally, Mr. Farmer worked with Jackson County Housing to construct elderly housing and with the Jackson County Department on Aging to build access ramps for the disabled elderly. He was also an active member of the First Baptist Church of Sylva since 1965, where he often served as a Deacon.

I am proud to have had Mr. Farmer as a constituent. I extend my condolences to his family and offer my most sincere appreciation for his service to North Carolina.

HONORING CHARLES M.
CHAMBERS

HON. SANDER M. LEVIN
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. LEVIN. Madam Speaker, I rise today to pay tribute to the life of an important community leader and a good friend, Charles M. Chambers, who passed away on Wednesday, May 20, 2009.

Mr. Chambers served from 1993 to 2006 as Lawrence Technological University's fifth president and as the University's first chancellor from February 1, 2006 to July 1, 2006, when he was named president emeritus. His dedication to higher education and technology reshaped the business acumen at Lawrence Tech and allowed the University to enjoy unprecedented fund acquisition to enhance curriculum and facilities throughout the campus.

During his tenure, Chambers led the institution in investing millions of dollars in upgrading older facilities on the University's 102-acre campus. In addition, the University constructed several new facilities, including the University Technology and Learning Center, the Student Housing Center-North, the A. Alfred Taubman Student Services Center, and the Center for Innovative Materials Research. Growth and expansion of applied research and academic offerings accelerated during his presidency, including the launch of Lawrence Tech's first doctoral programs and the establishment of learning centers and higher education partnerships elsewhere in Michigan, Canada, Germany, Mexico, and Asia.

Dr. Chambers' career accomplishments are testaments of his passion for revitalizing the scientific community and enhancing higher education. In the 1960s, he was an aerospace engineer with NASA, where he participated in the Apollo space program. He was president of the American Foundation for Biological Sciences, a consortium of over fifty scientific laboratories, museums, and societies. In addition, he served on the faculties of Harvard University, the University of Alabama, and George Washington University, where he was a dean for graduate evening programs.

Dr. Chambers was also involved in economic development initiatives for southeast

Michigan. A founding director of Oakland County's Automation Alley, he also served on the advisory board of the Detroit Regional Chamber of Commerce, the Detroit Renaissance Steering Committee, the Oakland County Workforce Development Board, the WIRED (Workforce Investment for Regional Economic Development) and the Education Foundation of the Society of Manufacturing Engineers. He was also a member of the Oakland County Business Roundtable.

I ask my colleagues to join me in recognizing Dr. Chambers, a genuine leader in the field of education, science and technology. I join with the Chambers family, and the extended family of Lawrence Technological University, in mourning his loss, celebrating his life, and paying tribute to him for all the good work he did for others.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. BECERRA. Madam Speaker, I was unavoidably detained last evening and missed rollcall vote 350. If present, I would have voted "aye."

HONORING WOMEN AIR SERVICE
PILOTS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. SCHIFF. Madam Speaker, I rise today to express my support for legislation recognizing the Women Air Service Pilots with a Congressional Gold Medal. These brave women served the nation at a pivotal moment in our history. I'm proud that we in Congress have finally commended them for their pioneering spirit and selfless dedication during World War II.

The Women Air Service Pilots, commonly known as WASP, were the first women in history authorized to fly American military aircraft. These courageous women volunteered to fly noncombat missions so that every available male pilot could be deployed into combat, contributing to the successful completion of U.S. Air force missions in the South Pacific and on the Western Front.

After the bombing of Pearl Harbor, WASPs used their well-honed skills to dutifully service military aircraft, providing the U.S. Army Air force with an invaluable assistance. Thanks to their rigorous training, by 1944 the WASP had flown every aircraft in the army's inventory—including P-59 jet fighters. The WASP flew searchlight tracking missions, ferried and tested planes, performed flight checks, towed targets for anti-aircraft gunnery practice, and instructed male pilot cadets, in addition to performing several other valuable tasks.

While more than 25,000 women applied for WASP training, only 1,879 candidates were accepted. Of these, only 1,074 successfully

completed the grueling program at Avenger Field, the nation's largest all-female air base. Though WASP participants underwent the same vigorous training as male cadets, these dedicated individuals were refused recognition as a women's service within the U.S. Army Air Force and were denied veterans' benefits for over 30 years, finally gaining full recognition in 1977.

I'm honored to represent five former Women Air Service Pilots who reside in my Congressional District: Eileen W. Ferguson, Geraldine F. Olinger, Alyce S. Rohrer, Margaret M. Weiss, and Lillian G. Wray. These pioneering women answered the call of duty with enthusiasm and vigor, offering their great skills in service of our nation. I thank you for your service and congratulate you on your long overdue honor.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. ELLISON. Madam Speaker, on June 10, 2009, I inadvertently failed to vote on rollcall No. 328, had I voted, I would have voted "aye."

Madam Speaker, on June 11, 2009, I inadvertently failed to vote on rollcall No. 329, had I voted, I would have voted "aye."

A SPECIAL TRIBUTE TO CHIEF
PETTY OFFICER ERIC STANLEY
HOWE

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding serviceman in the Fifth District of Ohio. Chief Petty Officer Eric Stanley Howe is retiring from the United States Navy after Twenty years of service.

Officer Howe has earned numerous decorations and promotions throughout his years of service to our nation. The dedication and commitment that he has shown throughout his military career has served America well.

During his time in the Navy, Officer Howe made deployments to the Mediterranean, Iceland, and Puerto Rico. Two of his deployments have been in direct support of Operation Enduring Freedom and Operation Iraqi Freedom.

Madam Speaker, I ask my colleagues to join me in paying special tribute to Chief Petty Officer Eric Stanley Howe. Servicemen like Officer Howe lay the foundation upon which freedom and prosperity can rest. On behalf of the people of the Fifth District of Ohio, I am proud to honor this sailor and his service to our great nation.

HONORING THE CITY OF
ARLINGTON, TENNESSEE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mrs. BLACKBURN. Madam Speaker, it is an honor and privilege to rise today on behalf of the City of Arlington, Tennessee for being recognized by the EPA with its Excellence in Site Re-Use Award for turning one of the nation's most dangerous Superfund sites into a safe community park.

When pesticide producer Arlington Blending and Packaging closed its doors for the final time in 1979 it left behind contaminants concentrated in the sites soil and ground water due to years of spills and leakage from facility operations. Years after the site closed the EPA conducted a thorough examination of the 2.3 acre site and listed it as one of the most dangerous Superfund sites in the country. This prompted the EPA to launch an extensive cleanup of the site to safely restore it to families residing in the adjoining Mary Alice neighborhood.

With the EPA's cleanup completed, Arlington Mayor Russell Wiseman and Town Superintendent Ed Haley spearheaded an ambitious effort to purchase the former Superfund site and build a community park through the EPA's Return to Use initiative in conjunction with securing a community development block grant for the park's construction. The successful completion of the Mary Alice Park stands as a shining example of how relentless determination, community support and a unified vision can take something that was once thought to be broken and renew it with new life.

Madam Speaker, I ask my colleagues to join me in honoring Arlington Mayor Russell Wiseman, Aldermen Glen Bascom II, Gerald McGee, Hugh Lamar, Oscar Brooks, Harry McKee, Brian Thompson, Town Superintendent Ed Haley, and residents of the Mary Alice Neighborhood for their proactive and conscientious approach to turning a once abandoned and contaminated industrial site into a community park that will be treasured by Arlington families for generations to come.

PERSONAL EXPLANATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. McHUGH. Madam Speaker, I was inadvertently recorded as having voted in the negative on H.R. 1256, House rollcall vote 335, on June 12, 2009. I would like the record to show that I fully intended to vote "yea." I strongly support this measure and, indeed, voted for the legislation when the measure first came before the House for a vote on April 2, 2009.

HONORING KATHY BANKS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. WESTMORELAND. Madam Speaker, I rise today in remembrance of Kathy Banks, a great Georgian who died in October 2008 at the age of 66. A kind and warm-hearted woman, talented realtor and active Republican, Kathy was a delight to be around. Her death was a great loss to those who knew and loved her.

Born in Scranton, Pennsylvania, Kathy was not a Georgia native; but after moving to Atlanta as a child, she adopted the state as home, staying in Georgia for the rest of her days.

In 1960, Kathy met the love of her life. She and Lee Banks married in July 1961 and stayed together till death did them part 47 years, three kids and five grandkids later. Early in their marriage, the couple moved to Fairburn in south Fulton County. An old family friend there, Mr. Ed M. Green, immediately noticed Kathy's warmth and bright personality and told her that real estate was "the business for her." Mr. Green went on to become Kathy's teacher, mentor, broker and dear friend in the business.

In real estate, Kathy achieved great success. She developed close relationships with her clients, taking personal joy in helping buyers find their first homes, and her clients loved working with her as well. In her 36-plus years in real estate, Kathy sold more than 1,200 homes. Even during the recession of 1975, she had more than a million dollars in sales. A talented businesswoman, Kathy acquired every accreditation in the real estate industry as well as hundreds of awards. She won the President's Award on numerous occasions and was a lifetime member of the Million Dollar Club. Kathy's business interests and mine intertwined at times. In fact, soon after I began my own construction company, Kathy sold the first home that I built.

Kathy was active in her community with dedicated political involvement. She was a life-long Republican and shared her beliefs as a member of the Troup County Republican Women's Organization.

Madam Speaker, I ask the House to join me in remembering and honoring the life of Kathy Loughney Banks, a loving wife and mother, a successful businesswoman, a great Georgian and a loyal friend.

HONORING THE MEMORY OF
CONDE HACKBARTH

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to honor the memory of Conde Hackbarth, who passed away on June 6 following a 28-year battle with cancer.

Conde Hackbarth was born on August 8, 1937, to Elizabeth and John Spaulding. She

grew up in Chicago and Winnetka and raised her family in Kenilworth and Lake Forest. An accomplished student, she graduated from New Trier High School in 1955 and Connecticut College in 1959. Conde spent her summers in Harbor Beach, Michigan, at her family cottage, and for the past 10 years she was a winter resident of the Ocean Reef community in Key Largo, Florida.

Conde Hackbarth is survived by a loving family including her husband Philip, an attorney in Chicago, daughter Elizabeth Sears Smith, son Christopher Sears, stepchildren Rory Hackbarth and Philip Hackbarth, five grandchildren (Jane, Phineas, Sydney, Neil and Kathryn), and Brother Charles Spaulding.

I ask that my colleagues join me in extending our deepest sympathies to the friends and family of Conde Hackbarth in this difficult time, as well as praise Conde for the grace, strength, and courage with which she waged her battle against cancer. Her life is an inspiration to us all.

EARMARK DECLARATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. ROYCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science and Related Agencies Appropriations Bill 2010.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 2847

Account: Office of Justice Programs—Byrne Discretionary Grants Account

Legal Name of Requesting Entity: The City of Westminster

Address of Requesting Entity: City of Westminster, 8200 Westminster Blvd., Westminster, CA 92683

Description of Request: Provide \$290,000 in FY 2010 to be used for the Criminal Enterprise Initiative, following the Year 2 federal funding provided in 2009. The detectives assigned to the Little Saigon Substation are in operation, specifically focusing on identifying, investigating and dismantling criminal enterprises, having both national and international implications, within the Little Saigon area. Under this project, the Westminster Police Department's Crimes Against Public Unit occupies office space within the Little Saigon district of Westminster, placing a powerful "investigative engine" into the heart of the area where Asian Criminal Enterprises operate. The total cost of project is \$1,061,181 (local match of \$748,981).

HONORING SAMUEL KAMPA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to recognize Mr. Samuel Kampa, who

was recently selected as one of the top 10 finalists in the 2009 Holocaust Remembrance Project national essay contest. Mr. Kampa, a recent graduate of Dassel-Cokato High School, was chosen out of 7,000 entries for his essay on preserving the memory of millions of victims of the Holocaust.

In his essay, Mr. Kampa wrote, "I discovered that the Holocaust was not a distant, abstract occurrence that merely comprised yet another chapter in world history. Rather, the Holocaust forever transformed the actual lives of men, women, and children—human beings who were subjected to inhuman sadism."

He continued, "When the last survivor passes on, who will be there to share the stories and thus make Holocaust history tangible, accessible, alive, and meaningful? The answer is clear: we must take the next step, for it is absolutely imperative that we educate future generations and perpetuate Holocaust remembrance by reiterating their stories . . . Forgotten history profits nothing, and the mistakes of the past will become the mistakes of the present if we neglect to remember. When we forget the stories, it is easy to lapse into old sins."

The recent anti-Semitic tragedy at the Holocaust Museum in Washington, D.C. reaffirms Mr. Kampa's timely essay. He reminds us of the need to continuously remember the tragedy and the events that led up to the disaster that ended the lives of millions of individuals and impacted so many more.

Madam Speaker, on behalf of the Sixth District of Minnesota, I want to commend Mr. Kampa not only for his impressive accomplishment, but for his insightful thoughts into how our world can avoid another monumental catastrophe, such as the Holocaust.

HONORING SISTER DORITA
WOTISKA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. KILDEE. Madam Speaker, I rise today to honor Sister Dorita Wotiska, O.P. as she retires from her position as Superintendent of Catholic Education for the Diocese of Lansing. A dinner will be held in her honor on June 22 in Lansing, Michigan.

Sister Dorita entered the Adrian Dominican Sisters in 1954 and embarked upon her career as an educator. After working at the elementary level first as a teacher then assistant principal and principal, Sister Dorita became the Assistant Superintendent of Schools in the Diocese of Gaylord. She moved to the position of Associate Superintendent with the Diocese of Lansing before assuming the duties of Superintendent for the Diocese in 1986. In 1994 she accepted the additional responsibilities of Chairperson of the Department of Education and Catachesis and became a member of the Bishop's Cabinet. In this capacity she supervised 47 Catholic schools with a combined enrollment of 15,000 students.

In addition to her Diocesan duties, Sister Dorita is the President of the Michigan Association of Non-Public Schools and she is a

member of the Education Committee of the Michigan Catholic Conference. The list of organizations Sister Dorita has served with over the years is extensive and includes: the United States Department of Education National Review Board for the Blue Ribbon Schools Program, Task Force on Restructuring the Diocese of Lansing Offices, Michigan Association of Middle School Educators, National Conference of Catholic Schools for the 21st Century, School Financial Management Services Inc., United States Department of Education Exemplary Schools Program, Michigan Non-Public School Accrediting Association, Board of Trustees for Adrian Dominican Independent Schools, Michigan State Board of Education Accrediting Association, Greater Lansing Food Bank, Excellence in Education Committee of the Greater Lansing Regional Chamber of Commerce, Office of Technical Assistance and Evaluation Advisory Council and the Advisory Committee on Budget and Planning with the Michigan State Board of Education, Mayor's Inter-Agency Committee on Youth, Association for Supervision, National Association of Secondary School Principals, National Association of Elementary School Principals, Michigan Association for the Individually Guided Education, Michigan State University Alumni Association and Chief Administrators of Catholic Education with the National Catholic Education Association.

Sister Dorita has worked with Gull Lake School District, Lansing Public Schools and Lansing Community College. She currently is Adjunct Professor at Michigan State University's College of Education. Sister Dorita received her Doctor of Philosophy degree from Michigan State University in 1980. In 1990 she was selected as the Distinguished Diocesan Leader by Today's Catholic Teacher and School Financial Management Systems. In 1993 she was elected as Educator of the Year by Phi Delta Kappa. She has published several articles on education.

Madam Speaker, Sister Dorita Wotiska has spent her life focused on enhancing the Catholic education system and experience. She has used the talents given to her by God to advance educational and spiritual ideals and through her ministry she has imprinted the message of Our Lord, Jesus Christ, into the hearts of countless students. I have valued her input, her dedication and her vision of a vibrant educational system, and I pray this new phase of her life contains only the best.

A SPECIAL TRIBUTE TO THE
PIONEER SCOUT RESERVATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to a facility in the Fifth Congressional District of Ohio. This year marks the 40th anniversary of the Pioneer Scout Reservation in Pioneer, Ohio.

The Pioneer Scout Reservation serves as a year-round camping site for the Boy Scouts of America. From the time I spent at the Pioneer

Scout Reservation as a boy, I can tell you that this camp is a very special place. Within the boundaries of the camp, scouts learn the basics of nature and gain a respect for, and appreciation of, the outdoors.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Pioneer Scout Reservation. The staff, who allow this camp to be such fertile ground where Boy Scouts can grow into young men, provide our communities in Northwest Ohio with an invaluable service. On behalf of the people of the Fifth District of Ohio, I am proud to honor this establishment.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. KING of Iowa. Madam Speaker, on roll-call No. 343 I was not able to reach the floor before the vote was closed. Had I been present, I would have voted "yes."

PRESIDENTIAL COMMISSION TO
STUDY THE CULTURE AND GLO-
RIFICATION OF VIOLENCE IN
AMERICA ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Presidential Commission to Study the Culture and Glorification of Violence in America Act. This bill will establish a commission tasked with not only studying the culture of violence in our country, but also the factors that contribute to this culture and the actions that can be taken to mitigate its effects.

Members of this Commission will determine what connections exist between violence and access to firearms, psychological stress, and economic despair. They will further examine what role schools can play in preventing violence and propose possible solutions to address the glorification of violence in the United States.

Madam Speaker, we have become a society that places violence and aggression above hard work and acts of kindness. Sadly, children today admire gangsters instead of teachers. They would rather be thugs and drug lords than doctors and philanthropists. They measure the strength of their character by the size of their gun and not by their generosity toward others.

The American Academy of Pediatrics has found that prolonged exposure to violence in the media can increase acceptance of violence as an appropriate means of solving problems. It can glamorize weapons as sources of personal power and can contribute to aggressive behavior. It is, therefore no surprise that in 2007 alone, there were over 1.4 million serious violent crimes in America. In 2006, the Federal Government spent \$36.2

billion on criminal justice and local governments spent over three times that amount. Worst of all however, teens and young adults experience the highest rates of violent crime.

It is clear that we must make an effort to raise our children to recognize that violence is nothing more than the physical manifestation of fear and desperation. However, our society's glorification of violence has become so ingrained in our culture that it has become seemingly impossible to reverse.

Madam Speaker, it is our collective responsibility to create a society that values respect toward our fellow citizens. This legislation is simply a small step toward addressing what has become a destructive parasite upon the future of our country. By learning how the media and society promote violence and examining ways in which we can address this most pressing dilemma, it is my hope that we can stem the tide of violence and crime in America so that subsequent generations can live in a more peaceful nation.

I ask for my colleagues' support and urge the swift consideration of this bill.

INTRODUCTION OF THE ADVANCE CARE PLANNING AND COMPASSIONATE CARE ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Advance Care Planning and Compassionate Care Act of 2009. This important legislation will provide the tools and resources necessary to dramatically improve care at the end of life.

As we approach health care reform, there is no other area more vital for honest discussion and careful analysis than what happens at the end of a patient's life. For most of us, the majority of our lifetime health care will be administered in that last year. Indeed for some, the last few months is when we will use the most doctor care, the most medical procedures, and spend the most days in a hospital.

Advances in health care have led to an aging population facing increasingly complex end of life health care decisions. These strains make complicated decision-making regarding medical care incredibly difficult. Too often, decisions are avoided until a crisis occurs, resulting in inadequate planning, unknown patient preferences, and families left struggling with the burden of determining their loved ones' wishes. For both families and patients, this is a time of incredible stress, confusion, and pain.

This legislation will provide valuable resources to patients, their families, and health care providers to ensure that care at the end of life is aligned with patient wishes and values.

The Advance Planning and Compassionate Care Act of 2009 would:

Improve consumer information about advance care planning and end-of-life care. This legislation would provide critically needed information and assistance to consumers and their families in order to guarantee that an individual's final wishes for care are carried out.

Improve provider education and training about advance care planning and end-of-life care. This legislation would establish a National Geriatric and Palliative Care Service Corps modeled after the National Health Service Corps.

Require portability of advance directives. The legislation would improve the portability of advance directives from one state to another, and require any existing advance directives to be prominently placed in a patient's medical record so they are easily visible.

Authorize funding for new and innovative approaches to advance care planning. Grants would be made available to states for development of electronic advance directive registries. Grants would also be made available to develop systems to identify that a person has an advance directive using driver's licenses, similar to how organ donor status is indicated.

Provide Medicare, Medicaid, and CHIP coverage for advance care planning consultations. This legislation provides Medicare, Medicaid, and CHIP coverage for advance care planning so that patients can routinely talk to their physicians about their wishes for end-of-life care.

Improve consumer access to hospice and palliative care. This legislation provides greater consumer information about hospice and palliative care, so the public is well informed of the care options available at the end of life.

Provide concurrent care for children. This legislation requires that concurrent care—the provision of both curative and hospice care at the same time—is available to children who qualify for hospice. This will make it possible for children to receive the palliative services they need from hospice while still pursuing potentially curative treatments.

Require the development of quality measures to assess end-of-life care. The Secretary of HHS, acting through the Director of the Agency for Healthcare Research and Quality, shall require specific end-of-life care quality measures for each relevant provider setting. The legislation would also develop and implement accreditation standards and processes for hospital-based palliative care teams.

Establish the National Center on Palliative and End-of-Life Care at the NIH. Biomedical and health services research is vital across all phases of life. A new National Center on Palliative and End-of-Life Care at the NIH will lead biomedical research on palliative and end-of-life care.

RECOGNIZING THE STATE UNIVERSITY OF NEW YORK (SUNY) CORTLAND MEN'S LACROSSE TEAM

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. ARCURI. Madam Speaker, I stand today in recognition of the State University of New York (SUNY) Cortland Men's Lacrosse Team, which won the NCAA Division III championship with a 9–6 victory over Gettysburg College on May 24, 2009. The SUNY Cortland Red Dragons finished 2009 at 19–2, setting a school record for wins in a season. The game

also marks the 200th career victory for three-year head coach Steve Beville and Cortland's second national championship in four years.

The Gettysburg Bullets held the lead at 4–2 after the first quarter, only to be shut out by the Cortland defense in the second and third quarters—a scoreless run that spanned about 38 minutes. The Red Dragons tied the game at the half before pulling ahead in the third quarter and closing the game with the title.

Junior Brandon Misiasek (New Hartford, NY) was named the Most Outstanding Player with a career-high five goals. Mike Tota (Webster, NY) had a goal and an assist, finishing the season just one goal away from becoming the seventh player in school history to score 50 in a season. Senior goalie Matt Hipenbecker (Mountain Lakes, NJ) recorded 10 saves—seven alone during the fourth quarter—finishing an impressive performance in the NCAA playoffs during which he registered 40 saves.

Madam Speaker, I am honored to represent such talented and dedicated athletes in my district. I ask that my colleagues join me in congratulating the SUNY Cortland Men's Lacrosse Team and wishing them the best of luck in their future athletic and scholarly endeavors.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, June 15, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 336 (Motion to Suspend the Rules and Agree to H. Res. 430), "aye" on rollcall vote No. 337 (Motion to Suspend the Rules and Agree to H.R. 2325), "nay" on rollcall vote No. 338 (Motion to Suspend the Rules and Agree to HR. 729).

IN REMEMBRANCE OF REV. DR. C. B. T. SMITH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in honor of Rev. Dr. C. B. T. Smith who passed away on Saturday, June 13, 2009. Rev. Smith served the congregation of Golden Gate Missionary Baptist Church in Dallas, Texas, for over 45 years and was regarded nationally as a leading theologian and skilled minister.

Rev. Smith was born as one of 14 children to a sharecropper and a maid, and at the age of 20, he felt a profound call of service to God. In 1952, he became a pastor at Golden Gate Missionary Baptist Church and began what would become a career spanning almost five decades. Rev. Smith married Rosie Lee Hartfield, on January 2, 1943, and they remained together for over fifty years until her

passing on April 15, 2008. He is survived by several god children and three sisters-in-law.

As a pastor, Rev. Smith was a powerhouse in the Dallas area. One of the central points of his ministry was to ensure that the church adapted to the changing social needs of the community. When Rev. Smith saw that many African American men were suffering from alcohol and drug addiction, he developed a program to focus on counseling and rehabilitation. Through his career, Golden Gate Missionary Baptist Church saw the creation of many ministries and fellowship programs including a Children's Ministry, a Marriage and Counseling Program, and a Senior's Fellowship Program, among others.

Today, Golden Gate Missionary Baptist Church is one of the most vibrant congregations in Dallas with thanks in large part to the lifelong work of Rev. Dr. C. B. T. Smith. I ask my fellow colleagues to join me in remembering and honoring the work and life of this great man who made a difference in the lives of so many individuals. He will be deeply missed.

COMMEMORATING THE LIFE OF
BARBARA RINGER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. CONYERS. Madam Speaker, I rise in memory of Barbara Alice Ringer, who served as Register of Copyrights from November 19, 1973 through May 30, 1980, and was the first woman to hold this position. Ms. Ringer was known for her enduring modesty, her dedication to authors and artists, and her unsurpassed expertise in the field of copyright law.

Ms. Ringer was born in Lafayette, Indiana on May 29, 1925. Ms. Ringer earned a Bachelor's and a Master's degree from George Washington University, and then went on to become one of a handful of women to receive a Juris Doctor degree from Columbia Law School in 1949.

Following her graduation from law school, Ms. Ringer joined the Copyright Office as an examiner, and worked her way up through the ranks of the Copyright Office, serving as Head of the Renewal and Assignment Section, Chief of the Examining Division, Assistant Register of Copyrights for Examining, and Assistant Register of Copyrights.

In 1971, after 22 years of service to the Copyright Office, five of which were as the second in command of the Office, Ms. Ringer was passed over for promotion to Register of Copyrights. Ms. Ringer challenged this decision and filed a discrimination suit. While the suit was pending, Ms. Ringer served as Director of the Copyright Division of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) in Paris.

A federal hearing revealed that there was a consistent pattern of discrimination within the Library of Congress, and that Ms. Ringer had been passed over because of her gender and because she had always vocally supported the promotion of African Americans in the Copyright Office. This ultimately led a federal judge

to order that she be named Register of Copyrights. She went on to serve as Register from November 19, 1973, until her retirement in 1980; she was later called back to serve as Acting Register again, from 1993–1994.

Ms. Ringer's most notable accomplishment was the Copyright Act of 1976. Ms. Ringer was one of its chief architects and was the principal author of the Act, which brought sweeping changes and needed updates to United States copyright law. Her efforts, which culminated in passage of the Act, spanned 20 years and involved countless hours forging compromises between parties with conflicting interests and educating Members of Congress on the complexities of copyright law. In 1977, Ms. Ringer received the President's Award for Distinguished Federal Civilian Service for her work related to the Act.

Barbara Ringer passed away at the age of 83 on April 9, 2009, in Lexington, Virginia. In keeping true to her passion for service, she donated upon her death her personal collection of 20,000 movies and 1,500 books on film to the Library of Congress. On behalf of the American people, thank you Ms. Ringer; you are missed.

REMEMBERING BARBARA RINGER

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. SMITH of Texas. Madam Speaker, a remarkable and pioneering lady, Ms. Barbara A. Ringer, the ninth Register of Copyrights, passed away earlier this year.

The first woman to serve as the head of the United States Copyright Office, which is part of the Library of Congress, Ms. Ringer served as an example of the profound, positive impact that a single individual can have in improving the lives and circumstances of others.

While her professional duties meant that she spent the overwhelming majority of her time and personal energy focused on promoting and protecting the rights of authors, composers, songwriters and performers, her passion for justice was not limited to these concerns.

My distinguished colleague, the Chairman of the House Judiciary Committee, described some of Ms. Ringer's broader efforts in this regard in his remarks that were offered a few moments ago.

When the Washington Post reported on Ms. Ringer's passing, the headline read "Force Behind New Copyright Law". That headline is telling in at least two respects.

First, Ms. Ringer was truly the indomitable catalyst and indispensable person who motivated Congress to enact The Copyright Act of 1976, the first and only major revision of the code since the enactment of the 1909 Copyright Act nearly seven decades before. Ms. Ringer was a visionary who foresaw the impact of technological progress on the rights of individual creators. As the principal author of the 1976 Act, she succeeded to a remarkable degree in promoting principles that both strengthened the rights of authors and provided affirmative protections, for the first time,

to users for the "fair use" of copyrighted works.

Second, in referring to the 1976 Act, the Post characterized a law that is now more than three decades old as the "New Copyright Law." This characterization indicates how difficult it is to balance all the competing interests and shepherd a bill that affects so many individuals and entities to enactment and yet this remarkable lady did precisely that through the sheer power of her intellect, commitment, perseverance and strategic abilities.

In closing, I ask that I be permitted to place into the RECORD two documents. The first is the Washington Post article, which I referred to earlier. The second is a Special Edition of Copyright Notices dated April 2009, which was authored by Judith Nieman and does an excellent job of chronicling the life and achievements of Ms. Ringer.

For both those who knew her and those who benefit unknowingly from her tremendous and dedicated efforts, Ms. Ringer has left an indelible legacy that is worthy of public recognition.

IN RECOGNITION OF MAJ. MICHAEL S. AVEY FOR EXEMPLARY AND DEDICATED SERVICE IN SUPPORT OF THE UNITED STATES HOUSE OF REPRESENTATIVES

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. LYNCH. Madam Speaker, I rise today in recognition of an outstanding soldier and my good friend, Maj. Michael S. Avey, whose exemplary and dedicated service as a Congressional Liaison Officer in support of the United States House of Representatives stands as a testament to the honor and excellence of the United States Army.

A native of Redford, Michigan, Maj. Avey joined the United States Army House Liaison Division in January of 2008, following the completion of his one-year post as a Staff Action Officer with the United States Army Joint Staff. Maj. Avey's prior military experience also includes distinguished service in Bosnia-Herzegovina as part of Stabilization Force 8 and deployment in support of Operation Iraqi Freedom, during which he commanded the A/2–327th Infantry Regiment with distinction. In recognition of his distinguished service, Maj. Avey has received several military awards and decorations, including the Bronze Star Medal, two Army Meritorious Service Medals, the Ranger Tab, and the Combat Infantryman Badge.

For the past year and a half, Maj. Avey has provided exemplary and indispensable service to Members of Congress and staff as a Congressional Liaison Officer for the United States Army. In addition to assisting our offices on all matters relating to United States Army practice and policy, Maj. Avey has played an instrumental role in the design, development, and execution of Congressional Delegations, through which Members of Congress are afforded the invaluable opportunity to conduct

firsthand oversight of areas of legislative concern.

Since joining the Army House Liaison Division, Maj. Avey has served as my primary military liaison and escort officer on several Congressional Delegations, including site visits to Iraq, Afghanistan, Syria, and the Gaza Strip. Accordingly, I have had ample opportunity to witness the excellence, professionalism, and pride with which Maj. Avey conducts his work and in particular, the extent of his admirable commitment to ensuring the safety and security of Members and staff. In addition, I have also had the great privilege to come to know Maj. Avey on a personal level and can genuinely say that his character never fails to reflect the loyalty, honor, and distinction that have come to define his service in the United States Army.

Madam Speaker, Maj. Michael S. Avey stands as the personification of the United States Army's motto, "Army Strong." On behalf of the entire United States House of Representatives, I would like to express my deepest and sincerest gratitude to Maj. Avey for his exemplary and dedicated service and wish him, his wife, Margaret, his son, Brendan, and his daughter, Kate, the best of luck on all of their future endeavors.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Ms. WOOLSEY. Madam Speaker, on June 16, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 350.

Had I been present I would have voted:

Rollcall No. 350—YES—On Motion that the Committee Rise. Making Appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mrs. NAPOLITANO. Madam Speaker, on Tuesday, June 16, 2009, I was absent during rollcall vote No. 350 because the leadership had informed me that there would be no additional votes that evening. Had I been informed of this procedural vote, I would have been present and voted "aye" on the Motion that the Committee Rise.

EARMARK DECLARATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. PAUL. Madam Speaker, "Pursuant to the House Republican standards on earmarks,

I am submitting the following information regarding an earmark I obtained as part of H.R. 2892."

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 2892

Account: FEMA, State and Local Programs/ Emergency Operations Center

Legal Name of Requesting Entity: Brazoria County Emergency Management

Description of Request: An earmark of \$100,000 to fund construction of an Emergency Operating Center in Brazoria County, Texas.

HONORING FR. FRANCIS THEODORE PFEIFER

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. GONZALEZ. Madam Speaker, I rise today to honor Fr. Francis Theodore "Ted" Pfeifer, a public servant who has dedicated his life to serving others as a spiritual advisor and as an American missionary in Southern Mexico. Fr. Pfeifer has been a passionate advocate against the drug cartel in Mexico, a dedicated priest and kind friend to the San Antonio community.

Born in the Rio Grande Valley of Texas, he moved to San Antonio, where he completed his theological and pastoral studies at the Oblate "De Mazenod Scholasticate," now the Oblate School of Theology. He served bravely for more than 23 years as an Oblate Missionary in the Mexican state of Oaxaca, tending to his pastoral duties as a missionary and assuming the additional duties of doctor, dentist, electrical journeyman, mechanic, construction foreman, expert in livestock, and most notably as a courageous leader against the drug cartel.

Fr. Pfeifer made history when he began preaching against the infiltration of the drug traders on the Southern Mexican villages in the early 1980's. His outspoken words from the pulpit against the drug cartel brought him face to face with death on numerous occasions. Once Fr. Pfeifer miraculously escaped with his life when bullets riddled the cab of his truck; rather than cowering at the death threats, he fearlessly persisted preaching against the cartel. He continued to fight the drug cartel with the Gospel and encouraged 15,000 locals in his vast parish to resist the threats, massacres and the alluring offers to use their farmland to grow the plants used for drugs.

The severity of the escalating drug cartel activity in the area prompted Fr. Pfeifer to reach out to my father, the late Congressman Henry B. Gonzalez. The Oblate's outreach to the U.S. government caught the attention of not just my father, but the then U.S. Speaker of the House Jim Wright and Congressman Albert Bustamante, who together played a pivotal role against the infiltration of the drug cartel in Mexico.

Madam Speaker, I ask my colleagues to join me in honoring Fr. Pfeifer as we celebrate the 50th Anniversary of his priestly ordination, a lifetime of bravery and the launch of his book

"When the Wolves Came," a detailed chronicle of the rise of the illegal drug trade. He fought hard his entire life for the causes he believed in and never retreated at the sight of danger. Fr. Pfeifer's dedication to justice and the ongoing battle against the drug cartel are remarkable and I wish him continued success in all his future endeavors.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. POE of Texas. Madam Speaker, on rollcall Nos. 349 and 350, I was inadvertently detained. I would have voted "aye" on rollcall No. 349 and "nay" on rollcall No. 350.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010. The entity to receive the funding is the Lycoming County Commissioners, 48 West Third Street, Williamsport, PA 17701, in the amount of \$250,000. This funding through the COPS account will purchase new equipment for use by the Emergency Operations Center (EOC) and 9-1-1 center. This will directly support the acquisition of an Emergency 9-1-1 console purchase and relocation into a new addition at the center.

The entity to receive funding is the Clarion County Commissioners, 421 Main Street, Clarion, PA 16214, in the amount of \$500,000. This funding through the COPS account will create a joint communication system that will promote seamless interoperability capabilities among counties, hospitals, schools, regional, state, and federal agencies. Radio communications, along with broadband/internet connectivity, are vital elements necessary to link all telecommunications needs together where the counties provide direct services and mutual aid.

The entity to receive funding is the Centre County Commissioners, Willow Bank Office Building, Bellefonte, PA 16823, in the amount of \$250,000. The funding will be used for purchase of an upgraded emergency communications system that will improve safety for citizens of the County and allow for interoperability among multiple agencies throughout Centre County.

HONORING JOSEPH F. THOMPSON

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Joseph F. Thompson, the 2008 recipient of the Pennsylvania State Police Trooper of the Year Award and a native of Bucks County.

Trooper Thompson has demonstrated incredible bravery and self-sacrifice during his career as a Pennsylvania State trooper, often putting his own personal safety aside for the sake of serving the public.

Following his graduation from Pennsbury High School, Trooper Thompson enlisted in the Marine Corps. He then attended the Pennsylvania State Police Academy and became a trooper in 1993. After 16 years of distinguished service, he retired this past May.

During his career as a trooper, Thompson worked undercover for the Bureau of Drug and Law Enforcement. He later became a member of Troop K, patrolling highways in search of drug dealers. Over the years, Trooper Thompson faced a number of life-or-death situations, even receiving the State Police Medal of Honor for saving the life of his partner during one such instance.

The Trooper of the Year Award is another highlight in a career marked by much well-deserved recognition. In 2008, Trooper Thompson received the department's highest honor, an award recognizing exceptional performance and courage in the line of duty. This honor was based on accomplishments such as the 108 arrests he made in 2007, as well as an incident where Thompson used his own patrol car to slow a large vehicle carrying \$5 million worth of cocaine on the highway.

The Pennsylvania State Police have clearly been privileged to employ such a committed officer. Over his years of service, Mr. Thompson has undoubtedly helped ensure the safety and well-being of countless citizens. Madam Speaker, I am proud to recognize Joseph F. Thompson for his extraordinary accomplishments, and extremely honored to serve as his Congressman.

STRATEGIC INVESTMENTS IN
MEDICARE

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. BLUMENAUER. Madam Speaker, for too long, the federal government has enabled the inefficiencies of our health care system. This is not only wasteful, but inequitable to taxpayers in efficient, low-spending regions such as Oregon, Washington, Wisconsin, North Dakota and Minnesota who are subsidizing high-spending regions of the country.

Medicare beneficiaries living in Miami, Las Vegas, New York and Houston receive approximately 60% more services than those living in low-spending regions. This higher spending has not produced higher quality of

care or superior outcomes. In fact, research shows that health care outcomes and patient satisfaction are often greater in regions that spend less.

We cannot afford to ignore this problem any longer. The June 2008 Medicare Payment Advisory Commission (MedPAC) report stated that ". . . our health care system is not delivering value for its stakeholders . . . if current spending and utilization trends continue, the Medicare program is fiscally unsustainable."

Today I am introducing two bills to address this looming problem. The first would change the financial incentives in our health care system to reward low-spending Medicare regions through a 5% bonus payment. Currently, there is no financial incentive for high-spending regions to reign in spending. This would create that incentive and reward regions that have made a concerted effort to efficiently use health resources.

The second would lay the foundation for better, more accurate research for Congress to use in analyzing Medicare policy recommendations. The legislation will change MedPAC's statutory mandate to include an annual report to examine each Medicare region, evaluating access to care, quality of care, increases or decreases in volume of services, and the potential effects of other policy recommendations under consideration. This new report will provide critical data and result in more accurate and targeted policy recommendations that take into effect geographic variations and recognize that distinctly different delivery systems should be treated differently.

These strategic investments in Medicare will lay the groundwork for future improvements and refinements to the program as we promote efficiency and quality in all regions of the country.

A SPECIAL TRIBUTE TO RAY
BURKHOLDER

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to a man who has dedicated 60 years to making weather observations for Northwest Ohio. Today, Ray Burkholder of Pandora, Ohio will celebrate this great milestone achieved by earlier weather recorders Benjamin Franklin, George Washington, and Thomas Jefferson.

The National Oceanic and Atmospheric Administration's National Weather Service was started in 1807, when the Nation's first scientific agency, the Survey of the Coast, was established. In the 1890s, NOAA established the Cooperative Weather Observation Program. Starting in 1949, when Mr. Burkholder was brought into the NOAA in Northwest Ohio, he became an integral part of the Administration. Up to this day, Mr. Burkholder has taken nearly 21,900 observations. The data collected by Mr. Burkholder benefited federal, state, and local agencies including the U.S. Geological Survey and the U.S. Army Corp of Engineers.

In addition to the Cooperative Weather Observation Program, Mr. Burkholder has served on the local area school board, and was the president of the Pandora Medical Center and the Mennonite Disaster Relief Service of Western Ohio.

Madam Speaker, I ask my colleagues to join me in paying special tribute to Ray Burkholder. Mr. Burkholder's selfless commitment and dedication to the National Weather Service and Northwest Ohio has served our communities well. On behalf of the people of the Fifth District of Ohio, I am proud to recognize the service of Ray Burkholder.

RECOGNIZING JEFFREY BROWN

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Jeffrey Brown, the President and CEO of Brown's Super Stores, Inc. The first Brown's Family Shoprite opened in Philadelphia in 1988 under the leadership of Jeffrey Brown. The Brown's Family Shoprite franchise is one of the last major family grocery businesses left in the county, and counts 2,500 residents as employees. Brown's Family Shoprite has earned a well-deserved reputation of strong community involvement, working alongside local organizations, businesses, and neighborhood groups for events and outreach in the eleven communities where stores are located.

Mr. Brown leads the franchise he founded by example, and he is a fourth-generation Philadelphia grocer. As CEO, he is actively engaged in working with local groups that fight hunger, prevent violence, and help give youth a better future through career preparation. Mr. Brown is an officer and member of the Board of Directors for the Philadelphia Youth Network. He has recently supported the "Goods for Guns" Program, an exchange that encourages community members to surrender firearms. He has been commended by the NAACP, and actively assists minority businesspeople in achieving their entrepreneurial goals. Mr. Brown has also been recognized by the City of Philadelphia and South Jersey for his work. Mr. Brown and his franchise have been strong supporters of the arts and other community events throughout the years.

Brown's Family Shoprite is a member of the Wakefern Food Corporation, the largest food cooperative in the United States. Mr. Brown's involvement in this cooperative allows him to share his knowledge and experience outside of the district. Mr. Brown is also a member of the Board of Directors for the Pennsylvania Food Merchants, New Jersey Food Council, and Philadelphia Urban League. He has aided grocers across the country in understanding marketing and business development in urban areas, as well as the serving of diverse communities.

Jeffrey Brown has been a community leader and business innovator. Madam Speaker, I am proud to recognize Mr. Brown for his extraordinary accomplishments, and am extremely honored to serve as his Congressman.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—the Department of Homeland Security Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 2892—the Department of Homeland Security Appropriations Act, 2010, provides for the City of New Orleans Emergency Medical Services ("EMS"), New Orleans, LA in support of an Emergency Operations Center. This is in the FEMA—State and Local Programs—Emergency Operations Center Account in the amount of \$750,000. This will benefit the City of New Orleans, 1300 Perdido Street, Suite 4W07, New Orleans, LA 70112 in the form of upgrades and retrofitting of a new permanent Emergency Operations Center for the city's sole 9–1–1 emergency medical service provider. This funding will help secure and store equipment and medication, and provide a training center and base of operations for the emergency medical services. Currently, Emergency Medical Services are operating from a pairing of FEMA trailers staged underneath the Crescent City Connection overpass. Moving to the new facility on City Park Avenue and making the proposed changes to the facility will provide for the critical operational needs. Having a secure medication and equipment storage area, training areas, and a protected emergency operations center will help the department serve the citizens of New Orleans and better secure the city.

TRIBUTE TO JOAN GLADDEN MACK

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 2009

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a trailblazing communicator and deaf friend, Joan Gladden Mack, upon her retirement after a 28-year career in television and radio. Ms. Gladden is a remarkable woman who I have known since our days as students together at South Carolina State College.

Joan Gladden was born in a close-knit Gullah community on James Island, South Carolina. She graduated as salutatorian of Gresham-Meggett High School in 1960, and received scholarships to attend South Carolina State. Joan was gifted in the sciences, and majored in biology with the intention of pursuing a career in medicine or physical therapy. But her brothers persuaded her to join them in New York, where she took a job as a program director for the New York City Youth Board.

After four years in the "Big Apple," Joan decided to return home where she continued her work with youth as the program director for the YMCA. She later served as a caseworker

for the Charleston County Department of Social Services and a teacher in the County's Manpower Program. It was during her time at the Manpower Program, that Joan's career path changed.

In 1972, many media outlets, including WCSC-TV in Charleston, started recruiting African Americans for on-air positions. While Joan had no formal training in broadcast journalism, many leaders in the black community encouraged Joan to apply. She went to apply during her lunch hour and was asked to stay for an interview. She returned the next day for an on-air audition and, as they say, the rest is history.

Ms. Mack was hired the same day as her audition and became the public service director and co-host of "Kaleidoscope," a morning talk show on WCSC-TV. Despite landing the job, Joan was unsure of the longevity of her new career and decided to continue teaching with Manpower in the evenings just in case things didn't work out.

Her talent and tenacity ensured Joan's success. She became a local celebrity and a role model for both blacks and whites. After spending five years at WCSC-TV, Joan moved to WCBF-TV where she became a news reporter and later anchored the news. Yet she yearned to do more reporting that would allow her to have an impact on the community. She became an investigative reporter and covered three stories of which she is especially proud: one involving teen pregnancy, another prison overcrowding and the third involved abuse in the state mental hospital.

After 14 years in the news business, Joan began looking for a greater challenge. She requested a position in the station's management, which had no African American representation. Her request was denied, and Joan felt it was time to move on.

In 1985, Joan was hired by the College of Charleston as its media resources coordinator. She rose to serve as the university's public relations director and director of administration. Ten years into her work at the College of Charleston, Joan was presented with an opportunity to keep her hands in broadcasting, and jumped at the chance.

In 1995, South Carolina ETV closed some of its broadcast sites around the state. One of those sites was on the USS Yorktown in Mt. Pleasant. The College of Charleston was asked if it would house the broadcast equipment from that studio and in return the college received 30 minutes of air time for a weekly show. "Conversations With Joan Mack" was born, and the show has aired for 14 years on Thursday evenings at 6:30 p.m. on public radio stations throughout South Carolina. The show focuses on politics, social issues and the arts, and I am honored to have been a guest on Joan's show on several occasions.

In addition to her life in broadcast journalism, Joan devotes time to her faith, which she credits with keeping her grounded. After attending Catholic masses with friends in college, Joan researched the religion and converted to Catholicism. She has served as president of the local and state levels of the National Council of Catholic Women, and as director of the Atlanta Province, which allowed her to represent the region on the national board. She also serves as a lector and Eucha-

ristic minister at St. Patrick Catholic Church in Charleston.

Joan is married to Charles Mack, who worked for Amtrak. They raised daughters, Dandria Williams-Clark and Kashauna Simmons, and son, Charles Austin Mack. Today the couple are the proud grandparents of eight grandchildren.

Madam Speaker, I ask that you and my colleagues join me in congratulating Joan Mack on her groundbreaking career and well-deserved retirement. I am sure Joan will continue her community involvements, and being a role model for many in the Charleston community. I wish her Godspeed and all the best in the next phase of her life.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 18, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

- 3 p.m.
Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine over-the-counter derivatives, focusing on modernizing oversight to increase transparency and reduce risks.

SD-538

JUNE 23

- 9:30 a.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010.

SR-232A

- 10 a.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine drug trafficking in West Africa.

SD-419

- Commission on Security and Cooperation in Europe
To hold hearings to examine religious liberty, media freedom, and the rule of law in Russia.

SVC-203/202

10:30 a.m. Judiciary Crime and Drugs Subcommittee To hold hearings to examine S. 845, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State. SD-226	JUNE 24 9 a.m. Homeland Security and Governmental Affairs To hold hearings to examine type 1 diabetes research progress. SD-106 9:30 a.m. Armed Services Emerging Threats and Capabilities Subcommittee Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-232A Veterans' Affairs To hold an oversight hearing to examine the Department of Veterans Affairs quality management activities. SR-418 10 a.m. Environment and Public Works To hold hearings to examine the nominations of Colin Scott Cole Fulton, of Maryland, and Paul T. Anastas, of Connecticut, both to be an Assistant Administrator of the Environmental Protection Agency. SD-406 Judiciary To hold hearings to examine the nominations of A. Thomas McLellan, of Pennsylvania, to be Deputy Director of National Drug Control Policy, Alejandro N. Mayorcas, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security, and Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General, Department of Justice. SD-226 10:30 a.m. Aging To hold hearings to examine emergency preparedness, aging and special needs. SD-562 11 a.m. Foreign Relations To hold hearings to examine certain issues concerning Iran. SD-419 2 p.m. Judiciary To hold hearings to examine the EB-5 Regional Center Program, focusing on job creation and foreign investment in the United States. SD-226	2:30 p.m. Armed Services Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010. SR-222 Foreign Relations To hold hearings to examine the nomination of Capricia Penavic Marshall, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service, Department of State. SD-419 JUNE 25 9:30 a.m. Armed Services Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010. SR-222 2:15 p.m. Indian Affairs To hold hearings to examine S. 797, to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country. SD-628 JUNE 26 9:30 a.m. Armed Services Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010. SR-222 JULY 14 10 a.m. Energy and Natural Resources To hold hearings to examine S. 796, to modify the requirements applicable to locatable minerals on public domain land. SD-366 JULY 15 9:30 a.m. Veterans' Affairs To hold hearings to examine bridging the gap in care of women veterans. SR-418 JULY 29 9:30 a.m. Veterans' Affairs To hold hearings to examine veteran's disability compensation. SR-418
11 a.m. Armed Services Airland Subcommittee Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222		
2 p.m. Armed Services Strategic Forces Subcommittee Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222		
2:30 p.m. Commerce, Science, and Transportation Surface Transportation and Merchant Marine Subcommittee To hold hearings to examine high-speed passenger rail. SR-253 Intelligence To hold closed hearings to examine certain intelligence matters. S-407, Capitol		
3:30 p.m. Armed Services Readiness and Management Support Subcommittee Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-232A		
5:30 p.m. Armed Services SeaPower Subcommittee Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010. SR-222		